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**Local Law Filing**

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

1 of the year 20 25

Local Law Title: Amendment to Chapter 80, "Zoning," of the Code of the Village of Bayville.

Be it enacted by the Board of Trustees of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one)*

of Bayville as follows on the attached pages:  
*(Name of Local Government)*

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DEPARTMENT OF STATE

Department of State Local Law Index Number: 1 of the year 20 25

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

**VILLAGE OF BAYVILLE  
LOCAL LAW 1-2025  
AMENDMENT TO CHAPTER 80, "ZONING"**

**BE IT ENACTED** by the Board of Trustees of the Village of Bayville as follows:

**SECTION I. Amend Article I "General Provisions," §80-3 Definitions, in part, to read as follows:**

**KITCHEN**

That portion of a building designed for the storage and cooking or preparation of food, having at least but not limited to facilities for cooking, a sink and refrigerator.

**NONCONFORMING BUILDING**

Any building or structure which does not conform to the area, bulk, height, location or yard regulations prescribed for the district in which such building is situated.

**NONCONFORMING USE**

Any use of land or of a building or structure, which use does not conform to the use regulations prescribed for the district in which such land, building or structure is situated.

**PARENT-CHILD RESIDENCE**

A one-family residence located in a Residence District altered to include a second kitchen for the sole use by the children or parents of the fee resident owner (or owner's spouse/domestic partner) of said one-family residence and for which a temporary renewable special use permit, subject to the requirements of §80-7, shall have been duly approved by the Zoning Board of Appeals.

**SWIMMING POOL**

Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on ground, indoor pools, hot tubs, spas, and wading pools.

**SINGLE- OR ONE-FAMILY DWELLING**

A building designed for and occupied exclusively as a home or residence for not more than one family. Said dwelling shall contain one kitchen only.

**TRANSIENT RENTAL**

The rental or licensing of a dwelling occupied as a home or residence by persons other than the owner or a family member of the owner or a long-term tenant or a family member of the long-term tenant and for which rent or a fee or any other consideration is received by the owner or long-term tenant, directly or indirectly in exchange for such rental occupation for a period of not exceeding 14 days except:

- (1) A dwelling unit lawfully and validly permitted as a residential apartment located in the Business District, Amusement Business District and Planned Shopping Center District.
- (2) Properties used exclusively for nonresidential commercial purposes in the Business District, Amusement Business District and Planned Shopping Center District.

(3) Properties used for commercial filming for which a permit has been duly issued by the Village Clerk.

**SECTION II. Add new Article III. "Parent-Child Residence," to read as follows:**

**§80-7 Approval by Board of Appeals required; special conditions.**

A. Special Use Permit. The Board of Appeals may, after notice and public hearing, grant a special use permit for a parent-child residence subject to the following requirements:

1. The applicant shall demonstrate, and the Board must find that there is a reasonable need to establish a parent - child residence based upon the following criteria:
  - a. To promote "aging in place" by allowing seniors and persons with permanent disabilities to live at home for as long as possible.
  - b. To ease financial burdens for parent or child while permitting them to live in supportive surroundings in close proximity to care givers who provide their needed support and care.
2. A resident fee owner of the one-family detached dwelling shall occupy one of the dwelling units, and parent or child of the resident fee owner (or owner's spouse/domestic partner), shall occupy the other dwelling unit.
3. The unit containing the second kitchen shall not be larger than 700 square feet with no more than two (2) bedrooms.
4. The second kitchen shall not exceed 80 square feet.
5. No portion of a parent-child dwelling unit shall be located in a cellar or above the second habitable floor.
6. No boarders or roomers shall be permitted in a dwelling containing a parent-child residence.
7. No parent-child special use permit shall be issued for a period exceeding one year.
8. No more than one parent-child residence shall be permitted on any lot.
9. A lot of dwellings which contain a home office, home business or a pre-existing nonconforming two- family residence shall not be permitted to contain a parent-child residence.
10. The principal use for the lot shall be a one-family dwelling.
11.
  - a. The principal building on the lot must continue to maintain the outward appearance of a one-family dwelling.

- b. Both units shall share a common building entranceway, doorbell, mailbox and only one meter for each utility supplied.
  - c. There shall be no separate entrance for the exclusive use of the second kitchen unit; no exterior stairway to the second floor of the building; and only one set of stairs leading from any one floor to any other floor; no separate exterior entrances or interior keyed lock/deadbolts shall be permitted between the two dwelling units.
12. A minimum of three off-street parking spaces shall be provided on the site to serve both dwelling units.
  13. Submission of a building and plumbing permit applications with architectural plans for the additional dwelling unit and “reversal” building plans for the removal of the second kitchen facilities if the special use permit is terminated.
  14. Any conditions deemed appropriate by the Board of Appeals to ensure compliance with the above requirements.
  15. The special use permit for a parent-child residence shall terminate upon the happening of the following events:
    - a. Sale or lease of any part of the parent-child residence.
    - b. Any change of occupancy in the parent-child residence by persons other than those persons approved by the special use permit/decision.
    - c. Failure to renew the special use permit prior to its expiration.

B. Regulations for pre-existing mother-daughter residences.

1. Any special use permit granted for a “mother-daughter” residence prior to the effective date of this local law shall terminate upon the happening of the following events:
  - a. Sale or lease of any part of the “mother-daughter” residence.
  - b. Any change or occupancy in the “mother-daughter” residence from the occupancy by those persons approved by the special use permit.
  - c. Failure to comply with any other terms of the special use permit or the declaration of covenants and restrictions required thereunder.
  - d. Failure to renew the special use permit for a “mother-daughter” residence prior to its expiration.
2. A one (1) year special use permit granted for a “mother-daughter” residence may be renewed prior to the anniversary of the original date such special use permit was granted for a renewal period of one (1) year, provided there is compliance with all the conditions and requirements of the special use permit.

C. Application, Permit Renewal and Inspections.

1. Application.

a. The parent-child residence application shall be accompanied by documentary proof of fee ownership of the single-family detached dwelling and at least two forms of documentary proof establishing that the occupant(s) of the parent-child dwelling unit is a parent or child of the fee owner or the fee owner's spouse or domestic partner. Acceptable forms of documentary proof establishing proof of ownership of the single-family detached dwelling shall be deemed to include, but shall not be limited to, a deed or contract of sale to the dwelling. Acceptable forms of documentary proof establishing the parent child relationship shall be deemed to include, but shall not be limited to, birth certificate, marriage certificate, baptismal certificate, adoption certificate, driver's license, passport or green card. The names and ages of all occupants of the two dwelling units shall be required to be declared on each application, and photographs of each person, labeled for identification shall be required.

b. Any person whose necessary information as required above has not been submitted to, and approved by, the Board shall not be a person whose residence at the premises constitutes qualification for a parent-child residence status, regardless of familial relationship to the owner pending further application to and approval by, the Board, if any. If at any time no owner or approved qualifying immediate relative shall be a permanent resident of his or her respective dwelling unit the parent-child residence status shall immediately terminate, without need of further action by the Board of Appeals or any other board or official of the Village. In such a case, the occupancy of the dwelling by a second family and maintenance of a second kitchen shall both become immediate and continuous non-permitted uses in the district where they are situated, unless and until they are abated. The term "permanent resident" shall mean a person who actually resides at the premises in excess of 186 days per year: excepting active federal military duty.

2. Permit Renewal and Inspections. Every special use permit for parent-child residence shall expire one (1) year after the date when such permit was initially granted. Such permit shall be renewed annually subject to the following requirements:

a. The filing of a renewal application which shall not be issued until reviewed by the Building Inspector for completeness and accuracy and who shall make an on-site inspection of the parent-child residence or pre-existing mother-daughter residence and certifies that the residence, as well as the premises in which the same are located, are occupied by parent or child as defined in §80-3 and comply fully with the special use permit and all applicable state and local laws, ordinances, rules and regulations of the County and Village and that such dwelling would not create an unsafe or dangerous condition or create an unsafe or substandard structure or create a nuisance to adjoining nearby property.

b. The Building Inspector is authorized to make or cause to be made inspections to determine the condition of the parent-child residence. The Building Inspector or Code Enforcement Officer is authorized to enter, upon the consent of the owner or occupants of each dwelling unit in the parent-child residence and the premises in which the same is located, at a reasonable time or at such other time as may be necessary in an emergency for the purpose of performing the duties under this article.

c. The Building Inspector is authorized to make application to the Village Justice Court of the Village of Bayville or a court of competent jurisdiction for the issuance of a search warrant, to be executed by a police officer, in order to conduct an inspection of any premises covered by this article where the owner or occupant refuses or fails, after due notice by certified mail to allow an inspection of any parent-child residence dwelling unit or premises and where there is reasonable cause to believe that a violation of this article or a violation of the New York State Uniform Fire Prevention and Building Code, the Nassau County Fire Prevention Ordinance, Nassau County Public Health Ordinance or the Village of Bayville Code has occurred.

d. The payment of a renewal filing fee, which fee to be an amount as set from time to time by resolution of the Board of Trustees.

**SECTION III. Amend Article X, “Business District,” in part, to read as follows:**

**§80-46 Area, bulk and parking requirements.**

...

D. Off-street parking. Off-street parking facilities in a business district shall be provided as follows:

1) For any floor area designed and open to, or used by, the public, one (1) parking space for every 200 square feet of such floor area.

2) For permitted dwelling units, one (1) parking space per dwelling unit.

3) Parking areas shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Building Inspector to the extent necessary to avoid nuisance of dust, erosion or excessive water flow across public ways or adjacent lands. The Building Inspector may require the plan to provide for suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. The owner or lessee of the business property shall maintain the parking area in a clean and orderly condition, including the clearing or removal of snow when necessary.

...

**§80-49 B.** Residential apartments shall be permitted in the Business District, only in buildings containing businesses permitted either as of right or pursuant to special permits issued by the Board of Trustees, and only on the second story of any such buildings.

**SECTION IV. Amend Article XIII, “Regulations Applicable to All Districts,” in part, to read as follows:**

**§80-60 Supplementary area and height provisions.**

A. Determination of maximum height of buildings. (1) The maximum height of a building, shall be measured from the average finished grade or existing natural undisturbed grade, whichever is lower at the perimeter of the building to the highest point of the roof, excluding chimneys.

(2) In flood hazard areas, notwithstanding any provision of this chapter or any other applicable provision of the law to the contrary, no building permit shall be denied for violation of any height or story requirement set forth in this chapter, provided there shall be no greater than two (2) habitable stories and the Building Inspector determines that:

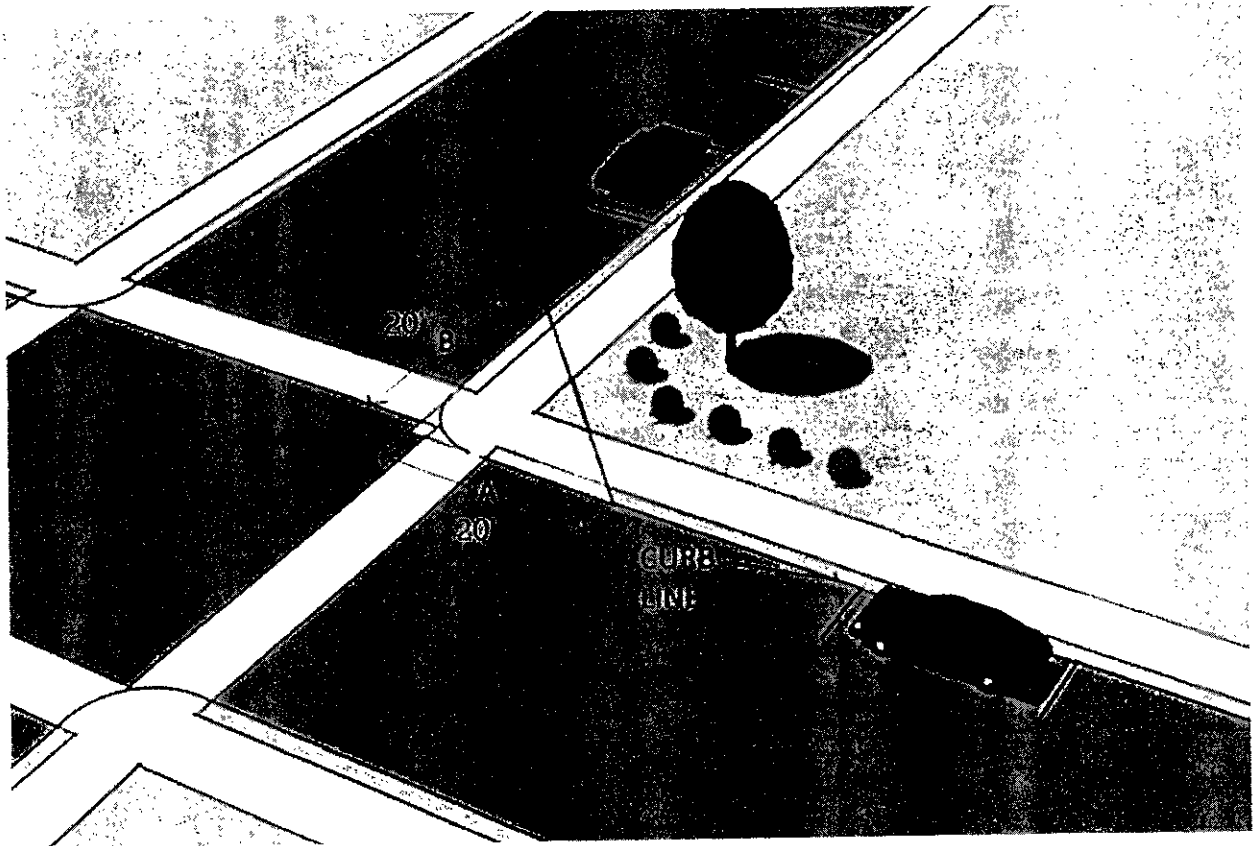
- a) The building permit application seeks permission for construction at an existing or new building located within a special flood hazard area;
- b) The waiver of the violation of the height or story restriction is necessary in order just to comply with the elevation standards and requirements of the Federal Emergency Management Agency (FEMA) in the administration of the National Flood Insurance Program (NFIP); and
- c) The proposed height is not greater than twenty-nine and one half (29 ½) feet above the applicable base flood elevation plus the required freeboard as such is stated in the New York State Uniform Fire Prevention and Building Code.

**§80-61 Fences, Visibility at street intersections and Mailboxes.**

...

**§80-61.1 Visibility at street intersections.** On a corner lot, no fence, wall, hedge, or other structure or planting, more than 2.5 feet in height, shall be erected, placed or maintained within the triangular area formed by measuring from the point of intersection of the lines that extend from either edge of the curb line or edge of asphalt whichever is closer to the street lines to distances of 20 feet connecting the points so established. The height of 2.5 feet shall be measured above the road surface nearest to either street line. This subsection shall not apply to existing trees, with no branches closer than six feet to the ground, utility poles and pre-existing street entrance piers. *(See diagram below)*

**Visibility at Intersections Diagram**



**§80-61.2 - Mailboxes.**

A. Mailboxes placed close enough to the edge of the street pavement to facilitate mail delivery according to postal regulations are permitted in the right of way of the street abutting the front yard of a lot.

B. Mailbox support structures and the mailbox shall not exceed 24 inches in any horizontal dimension and 66 inches in total height.

**§80-66 Accessory dwellings.**

No separate accessory dwelling/residence use shall be permitted in any accessory building, cellar or basement.

**§80-67 Motor vehicle parking and storage in residence districts.**

A. In residence districts, storage may be provided on any lot for not more than six (6) motor vehicles, housed or unhoused. Only one of these may be a commercial or recreational motor vehicle, except that space for one additional recreational motor vehicle may be provided for each 5,000 square feet of area by which the lot exceeds 3,200 square feet. All vehicles shall be stored on a paved surface.

...

**SECTION V. Amend Article XV "*Outdoor Swimming Pools,*" in part, to read as follows:**

**§80-72 Permit required.**

All swimming pools regardless of size, require a permit. Permits for the construction, erection and maintenance of such pools shall be issued by the Building Inspector and shall be subject to all applicable provisions of the Building Code of the Incorporated Village of Bayville and this chapter, as amended.

**SECTION VI. Amend Article XVI, "*Nonconforming Uses and Structures,*" in part, to read as follows:**

**§80-81 Restoration.**

...

B. Any building destroyed by fire, explosion, act of God, act of a public enemy, deterioration or neglect to an extent that does not exceed 50% of the current replacement valuation thereof, or adjusted market value, whichever is greater, of such building, excluding foundation value, may continue to be used for the nonconforming use lawfully able to be continued at the time of such destruction, provided that construction to restore such building is commenced within one year after such destruction; provided, however, that such building and such use may not be enlarged or altered except as provided below in this Article XVI.

**§80-82 Alterations.**

**A. Nonconforming Building.** Any alteration to a nonconforming building or structure that would decrease the building's or structure's front yard, side yard or rear yard, shall be permitted if the decrease conforms with the applicable yard setback and height regulations and the cost of all alterations proposed to be made to such building or structure, in the aggregate, will not exceed 50% of the adjusted market value of the affected structure, as reflected in the then-current assessment roll for the Village and the Nassau County Department of Assessment records. Nothing herein is intended or shall be deemed to preclude the maintenance and good repair of any nonconforming building.

**B. Nonconforming Use.** Any alteration or change to a nonconforming use shall not be permitted unless an application for a use variance is made to and granted by the Board of Appeals. In any such application, the applicant shall demonstrate that such alteration or change in the use will not be expanded, increased, enlarged exacerbated, or adversely affect neighboring properties.

**SECTION VII. Amend Article XVIII *Board of Appeals,*” as follows:**

**(a) amend §80-87 *Organization* as follows:**

There shall be a Board of Appeals consisting of five members appointed by the Village Board of Trustees. Said Board of Appeals shall, consistent with the Village Law of the State of New York, determine its own rules and procedure as to the manner in which appeals for a variance or for a special use permit shall be brought before it and what notice shall be given of proceedings.

**(b) repeal Subparagraph A, “*Variance Power,*” of §80-88 “*Powers and duties*” and add a new Subparagraph A to read as follows:**

**A. General.** The Zoning Board of Appeals shall have all the powers and duties prescribed by Village Law and by this chapter, which powers and duties are summarized and more particularly specified in the following, provided that none of the following sections shall be deemed to limit any of the powers of the Board of Appeals that are conferred by the Village Law. In passing upon any matter before it, the Board shall take into specific consideration the goals of this chapter, which constitutes the comprehensive plan of the Village of Bayville.

(1) Rules and regulations. The Zoning Board of Appeals may adopt such rules and regulations as are necessary or proper to the performance of its powers and duties hereunder and may amend or repeal the same.

(2) Special use permits. The Zoning Board of Appeals is authorized to hear and decide applications for certain special use permits in accordance with the procedures and standards set forth in subparagraph B of this section.

(3) Nonconforming uses. As more fully set out in Article XVI of this chapter, the Board of Appeals is authorized to extend the permitted period for cessation of a nonconforming use; to review and approve, approve with modifications or disapprove a plan for the reconstruction (but not expansion) of a nonconforming building; to permit the change of a nonconforming use to another nonconforming use; and to review and approve, approve with modifications or disapprove a plan for the improvement of a nonconforming use.

(4) Variances authority to grant. On appeal from an order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter, or on referral of an applicant to the Zoning Board of Appeals by an approving agency acting pursuant to requirements of this chapter, the Zoning Board of Appeals is authorized to vary or modify the strict letter of this chapter, where its literal interpretation would cause practicable difficulties or unnecessary hardships, in such manner as to observe the spirit of the chapter, secure public safety and welfare and do substantial justice.

(5) Use variances. Where an applicant demonstrates that applicable regulations and restrictions have caused unnecessary hardship and where the applicant desires to utilize land for a use not allowed in the district in which the land is located, the Zoning Board of Appeals may grant a variance in the application of the provisions of this chapter, in the specific case, provided that as a condition to the grant of any such variance, the Board shall make all of the following findings for each and every permitted use under this chapter for the particular district in which the property is located when:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
- (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood in which the property in question is located.
- (c) The use to be authorized by the variance will not alter the essential character of the neighborhood in which the property in question is located.
- (d) The alleged hardship has not been created by the applicant, owner or by a predecessor in title.
- (e) The use to be authorized by the variance, and any conditions imposed thereto, are consistent with the spirit and intent of this chapter.
- (f) Within the intent and purposes of this chapter the variance, if granted, is the minimum variance necessary to afford relief. To this end, the Board may permit a lesser variance than that for which an application was submitted.

(6) Area variances. Where an applicant requests a variance of the lot area or other dimensional requirements of this chapter, the Zoning Board of Appeals may grant a variance in the application of the provisions of this chapter in the specific case, provided that as a condition to the grant of any such variance, the Board shall consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making this determination, the Board of Appeals shall consider the following:

(a) How substantial the variance is in relation to the requirement.

(b) Whether an adverse effect or impact will be created on the physical or environmental conditions in the neighborhood or district.

(c) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created.

(d) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a variance.

(e) Whether the difficulty claimed as a ground for the variance has been created by the owner or by a predecessor in title, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the area variance.

(7) Minimum variance. The Zoning Board of Appeals shall grant the minimum variance it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(8) Interpretations. On appeal from an order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter, or on request from any official, agency or board of the Village, the Zoning Board of Appeals is authorized to decide any question involving the interpretation of any provision of this chapter. Interpretations shall be made in accordance with the intent of the particular provision being interpreted.

(9) Conditions and safeguards. In granting a use or area variance, the Zoning Board of Appeals may prescribe such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact the variance may have on the neighborhood or community and to protect the public health, safety and welfare. Such conditions or restrictions shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this chapter and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

(10) Expiration of a variance.

A variance granted under this chapter shall automatically expire if substantial construction in accordance with the plans for which such variance was granted has not been commenced within one year, or such other time limit as may be chosen by the Zoning Board of Appeals in connection with its decision, from the date of filing the resolution of approval of variance by the Board; or, if judicial proceedings to review the Board's decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.

**(c) amend §80-88 Subparagraph B. *Special permit power as follows:***

**B.**

Special use permit power.

**(1)**

No special use permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not, in the circumstances of the particular case and under any conditions that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.

**(2)**

Any special use permit granted must be renewed within one-year of the date of granting and for each one-year period thereafter, until the need for the special use permit has ended or the Board decides that the subject special use permit should end.

...

**(d) amend §80-88 Subparagraph C. as follows:**

**C.**

Failure to comply with a condition or requirement of a Board of Appeals variance or special use permit shall be a violation of this chapter.

...

**(e) amend §80-89 Filing fees, deposits and costs.**

A. Fees and deposits. The Village Board of Trustees shall, from time to time, by resolution, set the filing fee and deposits for all applications to the Zoning Board of Appeals and all other costs and disbursements for such matters, including stenographic and reproduction costs, and counsel fees and costs and disbursements incurred by counsel on such matters. The Board of Trustees may, from time to time, by resolution, require that all such filing fees, deposits and costs be paid upon application and prior to any public hearings to be held on such matters.

B. Assessment and lien for fees and costs. Any required fees and charges which remain unpaid shall be assessed against and immediately become a lien on the property which is the subject of

the application which assessment shall be included in the next succeeding bill for the Village taxes for said property.

**SECTION XIII. Amend Article XXI Special Permit Uses §80-95 and §80-96 C. to read as follows:**

**§80-95 Application for permit.**

An application for a special permit shall be made and processed in accordance with the provisions of Article XXII, Site Development Plan Approval, of this chapter.

**§ 80-96 Conditions and standards for approval.**

The Board of Trustees may authorize the issuance of a special permit, provided that it finds that all of the following conditions and standards have been met:

**SECTION IX. Amend Article XXII “*Site Development Plan Approval*” in part, to read as follows:**

**§80-100 Application procedure, filing fees, deposits and costs.**

...

C. Fees and deposits. The Village Board of Trustees shall, from time to time, by resolution, set the filing fee and deposits for all applications to the Planning Board and Board of Trustees and all other costs and disbursements for such matters, including stenographic and reproduction costs, and counsel fees and costs and disbursements incurred by counsel on such matters. The Board of Trustees may, from time to time, by resolution, require that all such filing fees, deposits and costs be paid upon application and prior to any public hearings to be held on such matters.

Assessment and lien for fees and costs. Any required fees and charges which remain unpaid shall be assessed against and immediately become a lien on the property which is the subject of the application which assessment shall be included in the next succeeding bill for the Village taxes for said property.

**SECTION X. Amend Article XXIII, “*Committee of Architectural Review*,” in part, to read as follows:**

**§80-108. Purpose; findings.**

- A. It is the purpose of this Article to preserve and promote the character, appearance and aesthetics of the Village and to conserve the property values of the Village by providing procedures for an architectural review of the exterior of new construction and of certain exterior alterations to existing structures.

...

**§80-109 Committee re-created**

A. There is hereby re-created a Committee of Architectural Review which shall have a total of five (5) members and no more than two (2) alternate members, each for a term of one year which shall expire at the end of the Village official year. The mayor shall appoint the members of the Committee of Architectural Review and the chairperson thereof, subject to the approval of the board of trustees.

B. Chairperson duties. All meetings of the committee shall be held at the call of the chairperson and at such other times as such committee may determine. The chairperson of the committee may designate an alternate member to substitute for a member when any member is unavailable due to disqualification, absence, conflict of interest or other reason deemed appropriate by the chairperson, and such unavailability prevents a quorum of members of the committee to be present to conduct the business. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the committee meeting at which the substitution is made.

**§80-110 Meetings; procedures.**

A. The chairperson shall preside all meetings of the committee and in his/her absence or recusal, the other members of the committee shall appoint and acting chairperson to preside at the meeting. The Village Clerk, or designee, shall act as Secretary for said Committee.

B. Approval of any plan or plans shall be confirmed by the Chairperson signing the plans on which the applicant's architect's signed seal appears, and the notation shall be made on the plan as an approved plan

...

**§ 80-111 Permit requirements.**

A. Prior to the issuance of a building permit for construction of any new building or for the exterior alteration or construction of an existing building or enclosed structure the applicant shall file with the Committee a complete copy of elevations and floor plans for the proposed building or structure. No building permit shall be issued for any of the following work without the prior approval of the Committee:

(1) *Construction of a new building.*

(2) The alteration of, addition to, or reconstruction of an existing building or landscaping which would effect a significant change in the exterior appearance of a building or property. A change is deemed significant if:

(a) The change involves an area equal to or in excess of 15 % of the surface area of the wall or walls forming part of all elevations of the building as it exists prior to the commencement of any work and/or as it existed within the past 12 months; or

(b) As otherwise determined to be significant in the discretion of the Building Inspector and the Chairman of the Committee.

(3) The term "building," as used herein, shall include all the exterior elements and other exterior attachments to such buildings. The replacement of windows and doors of the same size and style and painted wood, clapboard, or shingle siding or trim and material composed of fiber composite board of the same design pattern shall not be deemed a significant change.

...

C. In addition to any other requirements established by the Committee for final approval of such plans, the following items shall be submitted to the Committee at least seven days prior to its next regular scheduled meeting:

...

(3) An overall plan for proposed landscaping regarding the site location of the subject structure or building will be required if the landscaping causes any alteration of the existing topography of the land or other environmental features which would have an adverse impact on neighboring structures or the overall preexisting appearance of the neighborhood.

...

**§ 80-113 Appeals.**

Any applicant aggrieved by the action of the Committee of Architectural Review in disapproving an application, and of the denial of a building permit because of such disapproval, may request, within 30 days of the filing of the disapproval by the Committee of Architectural Review, that the Committee make formal findings of fact. In the event of such a request, the Committee shall make such findings of fact within 30 days after the request is filed in the Village Clerk's office, shall thereafter provide the applicant with an opportunity to answer the findings by a submission of formal proof and shall reconsider the application based on such answer. If the application is disapproved after such reconsideration, the applicant may appeal to the Board of Appeals of the Village of Bayville in accordance with its rules within 30 days after the filing in the office of the Village Clerk of the decision of the Committee after reconsideration.

**§80-114 Fees.**

Prior to any final action being taken by the Committee, in connection with new construction of a residence building only, the applicant shall pay a fee in an amount as set from time to time by resolution of the Board of Trustees to the Village Clerk.

**§ 80-115**

**Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding five hundred dollars (\$500.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment.

**SECTION XI. Severability** - If one or more of the provisions of this local law or Chapter shall be deemed unenforceable, the remaining provisions of this local law or Chapter shall remain in full force and effect

**SECTION XII.** This local law shall take effect upon the filing with the Department of State.

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**Local Law Filing**

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto ascribed as local law number 1 of 2025 of the (County)(City)(Town)(Village) of Bayville was duly passed by the Board of Trustees on April 28, 2025 in accordance with the applicable provisions of law.

~~**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, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.~~

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted 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 \_\_\_\_\_ 20\_\_\_\_ 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, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_ 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.

**Local Law Filing**

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having 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 \_\_\_\_\_ 20 \_\_\_\_\_ became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed thereto, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_ 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

**(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 the paragraph 1 above.

(Seal)

*Maria Alfano-Hardy*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

*4/29/2025*

(Date)