



## INCORPORATED VILLAGE OF OCEAN BEACH

POST OFFICE BOX 457  
OCEAN BEACH, NEW YORK 11770-0457  
TEL: (631) 583-5940 FAX: (631) 583-7597  
www.villageofoceanbeach.org

JAMES S. MALLOTT *Mayor*  
MATTHEW M. BLAKE, *Deputy Mayor*  
JASON BENDICKSEN, *Trustee*  
CHRISTOPHER F. NORRIS, *Trustee*  
BRIAN C. POWER *Trustee*

STEVEN W. BRAUTIGAM, *Clerk/Treasurer*  
KEVIN J. SCHELLING, *Superintendent of Public Works*

### APPLICATION FOR SPECIAL PERMIT

Application for Special Permit will not be accepted if the following items are not included with application:

- Map included with application must indicate location seeking special permit.
- Floor plan sketch of the layout of the premises (even if no alteration or construction is contemplated).
- The exact section of the Zoning Ordinance under which the permit is sought must be indicated on application (See attached sections of the Code of the Village of Ocean Beach).
- Special Permit Application Fee, \$500.00 and \$500 (Residential) or \$1,000 (Commercial) fee for associated costs. (Checks made payable to the Incorporated Village of Ocean Beach).
- Special Permit Application must be fully completed. Must include notarized signatures of both lessee and property owner, if different. (See back of Special Permit Application for further details.)
- Current **stamped** survey (not older than 5 years) of pertinent property. (If older survey, must provide written statement that property is as survey depicts, no changes to footprint of property).
- Current Certificate of Occupancy
- **EIGHTEEN (18) Complete Sets of Special Permit Application must be submitted**

**APPLICANT SIGNATURE**

**DATE**

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**APPLICATION FOR SPECIAL USE PERMIT**  
**FEE \$500.00 PLUS**  
**\$500.00 RESIDENTIAL/\$1000 COMMERCIAL**  
**\*\*\*ALL FEES ARE NON-REFUNDABLE\*\*\***

To the VILLAGE BOARD OF TRUSTEES:  
(Before completing this application see procedures on reverse side.)

**A. STATEMENT OF OWNERSHIP AND INTEREST**

The Applicant (s) \_\_\_\_\_  
Is (are) Owner of Record \_\_\_\_\_  
Lessee \_\_\_\_\_  
Prospective Purchaser \_\_\_\_\_

Of the property situated at \_\_\_\_\_

**B. REQUEST**

The applicant requests a SPECIAL PERMIT for the above property under provisions of Article \_\_\_\_\_ of the Zoning Law for the following specified uses:

This application is for CHANGE of USE ONLY \_\_\_\_\_ Section A  
CHANGE of USE WITH ALTERATION and/or CONSTRUCTION \_\_\_\_\_ Section B (see reverse side)

**C. REASONS FOR REQUEST**

The Applicant alleges that approval of said permit would be in harmony with the intent and purposes of the Zoning Law and would not be detrimental to property or persons in the neighborhood.

**D. SPECIAL FEATURES**

In addition to meeting the standards prescribed by the Zoning Law, the applicant will provide goods and services including \_\_\_\_\_ in order that the public convenience and welfare will be further served.

**E. REQUIRED FEE**

This application shall be accompanied by a fee of \$500.00 as Application Fee and \$500 for Residential Property or \$1,000 for Commercial Property to cover costs of all associated fees.

**F. EXPIRATION OF APPROVAL**

If use or construction does not begin within one year of date of approval by the Board of Trustees, such approval will expire.

I, (lessee) (prospective purchaser) of the property described above am familiar with the requirements of the Zoning Law and have prepared this application in accordance with the given procedures.

I (we) the Owner (s) of record of the property described above, certify that this application has been prepared with my (our) full knowledge and consent.

Name \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

State of New York \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss:  
\_\_\_\_\_ of \_\_\_\_\_ )

State of New York \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss:  
\_\_\_\_\_ of \_\_\_\_\_ )

\*\*\*\*\*

**FOR OFFICE USE ONLY**

Permit No. \_\_\_\_\_  
Date Rec'd. \_\_\_\_\_  
Plan Bd. Action \_\_\_\_\_  
FINS Action \_\_\_\_\_  
Date Hearing \_\_\_\_\_  
Date Action \_\_\_\_\_  
Action \_\_\_\_\_

Amount Paid: \_\_\_\_\_  
CR# \_\_\_\_\_



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### SPECIAL PERMIT PROCEDURES

#### A. APPLICATION FOR CHANGE OF USE ONLY

If this application is for change of use only, i.e., from a clothing store to a gift shop, and does not entail the alteration or removal or addition of doors, walls, partitions or windows, attach to this application a written description of the following:

- 1) Present and proposed use or uses.
- 2) The business to be conducted and the kinds of goods or services offered.
- 3) Number of employees and hours of operation.
- 4) Special equipment to be used.
- 5) Provisions and location for storage of stock.
- 6) Construction, size and locations of signs.

#### B. APPLICATION FOR CHANGE OF USE AND LATERATION AND/OR CONSTRUCTION

Prior to the issuance of a Special Permit by the Board of Trustees, under Section 4.3 and 5.2 of the Zoning Law, a Preliminary Site Plan shall be filed with the Planning Board for review in accordance with standards and procedures set forth in this Section.

The following information shall accompany the Plan:

- 1) All the information required in Section A above.
- 2) Drawings shall be plotted no smaller than 1/8" scale.
- 3) Existing property with interior layouts, boundaries identifying all adjacent properties. A current survey would be preferred.
- 4) Proposed construction, alteration, addition or change showing plan views and elevations and windows, doors, exits and interior details including the proposed use of all areas.
- 5) Design and construction materials of all buildings, accessory buildings and fences.
- 6) Location and description of exterior lighting.
- 7) Description of architectural features.

*No application will be considered complete without the above information.*

#### C. PROCEDURES

Completed applications shall be submitted not less than ten working days prior to the scheduled monthly meeting of the Planning Board. Within sixty days of receipt of complete Preliminary Site Plan, the Planning Board shall act. If no decision is reached within this period the Plan shall be considered approved.

Preliminary Site Plan conferences are available to the applicant by the Planning Board to review the basic design.

The application will receive its final review at a scheduled monthly meeting of the Planning Board. The applicant, if he is to be represented by counsel or expert witness, is required to notify the Board at least one week in advance. The Planning Board may require that testimony be given under oath and the proceedings recorded.

The Planning Board's final action will be in the form of written statement to the Board of Trustees after review of application at a scheduled monthly meeting of the Planning Board, indicating whether the Preliminary Site Plan is approved, disapproved or approved with special conditions. The Village Clerk will send a copy of the Plan and statement to the Superintendent of the Fire Island National Seashore.

Approval by the planning Board is conditional upon the Final Site Plan's compliance with all requirements of Federal, State and Local Laws, standards and regulations having jurisdiction.

Approval or disapproval by the Planning Board does not imply or guarantee like action by the Board of Trustees which Board will make final independent assessment of the application.

This application expires when final action is taken at a scheduled public hearing by the Board of Trustees to hear this application. If approved, the applicant may file a Final Site Plan with the Building Inspector and the Planning Board, together with an application for construction permit. If disapproved, the applicant may not submit the same or substantially similar plan for a period of one year without the permission of the Board of Trustees.



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### ARTICLE IV

#### Residence R-4 District

##### **164-16. Legislative intent.**

It is the intent of the Board of Trustees to provide for the health, safety and welfare of the residents of the Village of Ocean Beach by protecting the land within this district as part of the natural functioning of barrier beach from overuse and over-development which does not take into account the natural functioning of barrier beach and associated ecological systems.

##### **§ 164-17. Permitted uses.**

In the Residence R-4 District, no building, structure or premises shall be used or occupied and no building or part thereof or other structure shall be so erected or altered except for one or more of the following purposes:

- A. Single-family detached dwellings.
- B. Accessory buildings may be erected on the same lot, provided that all requirements of this chapter are met.

##### **§ 164-18. Uses permitted by special permit.**

The following uses shall be permitted by special permit from the Board of Trustees after public hearing and, except for property owned or leased by the Incorporated Village of Ocean Beach, following approval by the Fire Island National Seashore:

- A. Public utility.
- B. Community building; place of worship.
- C. Historical or memorial monument.
- D. Extension of a nonconforming use or building upon the lot occupied by such use or building at the effective date of this chapter by virtue of proven hardship.
- E. Any use or provision determined to require appeal from any order or decision made by any person designated by the Board of Trustees for such purpose, not expressly designated by the Board of Trustees to be determined by the Board of Appeals, including variance of area density requirements, by virtue of proven hardship.
- F. Temporary and conditional permits of limited duration for nonconforming uses and buildings by virtue of proven hardship.
- G. Office of a licensed physician or dentist residing on the premises and when such use is incidental to such residence; provided, however, that such use shall be within the main building and occupying not more than 1/3 of the first-floor area. **[Amended 3-14-1981 by L.L. No. 2-1981]**
- H. Municipal park, municipal playground, municipal recreation building or other municipal building or use.
- I. Apartments, provided that all of the requirements of § 164-6 and this article are complied with. **[Added 11-1-1980 by L.L. No. 12-1980]**
- J. Receiving or transmission tower. **[Added 6-25-1983 by L.L. No. 7-1983]**

### § 164-19. Accessory uses.

- A. The following accessory uses shall be permitted when located on the same lot with the authorized use:
- (1) Signs, as permitted and regulated in § 164-29.
  - (2) Other customary accessory uses, structures and buildings, including outside showers, sheds for storage and sun decks, provided that such uses are clearly incidental to the principal use. An accessory use does not include any activity commonly conducted as a business.
  - (3) Any accessory building shall be located in the same lot with the principal building, and no accessory building shall be constructed on a lot until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building on the lot is completed and used.
  - (4) Whenever a use has been authorized by special permit pursuant to § 164-18, no accessory use shall be permitted unless the same shall have been specifically authorized by the Board of Trustees.
- B. The following accessory uses shall be prohibited:
- (1) Swimming pools, wading pools, diving pools or other water-intensive uses or structures of any type, except if permitted pursuant to § 164-30.1. **[Amended 3-16-1985 by L.L. No. 3-1985]**
  - (2) Guesthouses, bathhouses or guest rooms not part of the principal structure.

### § 164-20. Height requirements.

- A. In the Residence R-4 District, no building or structure shall be erected or altered to a height in excess of 28 feet as measured from the elevation at the center of the established walkway. In no case shall a building or structure exceed two stories in height. **[Amended 6-13-1981 by L.L. No. 4-1981; 11-22-1999 by L.L. No. 6-1999; 11-13-2004 by L.L. No. 2-2004]**
- B. Accessory buildings shall not exceed 10 feet in height as measured from the main-floor level.
- C. Exceptions subject to approval by the Board of Trustees after a public hearing:
- (1) Place of worship.
  - (2) Flagpole.
  - (3) Stack, chimney or standpipe.
  - (4) Water tank.
  - (5) Receiving or transmission tower. **[Added 6-25-83 by L.L. No. 7-1983]**

### § 164-21. Plot area requirements.

The minimum required plot area for a single-family dwelling shall be 4,000 square feet.

### § 164-22. Living area requirements.

- A. For a single-family dwelling hereafter erected, the minimum required ground floor area, exclusive of accessory uses such as open porches, breezeways, sheds, decks and ramps and other such uses, shall be 600 square feet.
- B. For the purpose of this chapter, "ground floor area" shall mean the area within the exterior walls of the dwelling at grade level.
- C. The maximum ground floor area for a single-family dwelling hereafter erected or altered, exclusive of all accessory uses, shall be equal to 30% of the total lot area, and the maximum living area shall be equal to 45% of the total lot area. **[Amended 7-9-83 by L.L. No. 10-1983]**
- D. No building hereafter shall be constructed, enlarged, extended, reconstructed, altered or partitioned so as to provide more than one kitchen, three bathrooms or three water closets and four rooms for sleeping purposes, nor shall more

than four rooms in any one building be used for sleeping purposes. For the purposes of this section, all accessory buildings and accessory uses to the main building shall be included in determining compliance with the provisions of this subsection. **[Amended 10-12-1991 by L.L. No. 3-1991]**

**§ 164-23. Width of lot.**

- A. Single-family dwellings. Plots shall have a width of at least 50 feet, regardless of the depth thereof.
- B. In determining the walk upon which a plot faces, the plot shall be deemed to face upon the walk which bounds the shorter measure of any lot shown on the Amended Zoning Map of the Village of Ocean Beach.

**§ 164-24. Front yard requirements.**

- A. Main buildings. All buildings, except accessory buildings, hereafter erected, modified or altered shall have a required front yard of 14 feet.
- B. Corner lots. All main buildings hereafter erected, modified or altered on a corner lot shall also have a front yard facing the sidewalk. This front yard shall be at least eight feet.
- C. Through lots. A minimum front yard setback of 14 feet shall be required on both walk frontages on a through lot.
- D. Accessory buildings.
  - (1) An accessory building in the Residence R-4 District shall have a minimum front yard setback of 25 feet.
  - (2) An accessory building on a corner lot shall in no case be nearer than eight feet to the side or rear property line.

**§ 164-25. Side yard requirements.**

- A. Dwellings. All main buildings hereafter erected, modified or altered shall have a side yard along each lot line other than a walk or rear line of eight feet on each side, totaling 16 feet and at least 12 feet from the main side of any adjacent building.
- B. Accessory buildings. No accessory buildings shall be closer to any side line than eight feet.

**§ 164-26. Rear yard requirements.**

- A. Dwellings and other permitted buildings. All main buildings hereafter erected, altered or modified shall have a minimum rear yard whose depth is not less than eight feet.
- B. Accessory buildings.
  - (1) Accessory buildings shall not be nearer to a rear line than eight feet.
  - (2) Accessory buildings shall not be built in excess of a maximum of 40 square feet.

**§ 164-27. Permitted encroachments.**

The following encroachments are hereby permitted:

- A. Cornices, eaves and gutters projecting not more than two feet, provided that such encroachment is at least eight feet from ground level.

**§ 164-28. Fences and walls, arbors, trellises, patios, ground-level decks and refuse can storage bins. [Amended 5-21-1994 by L.L. No. 1-1994; 3-8-1997 by L.L. No. 3-1997; 8-9-1997 by L.L. No. 9-1997; 9-13-1997 by L.L. No. 12-1997]**

- A. No fence shall be erected, altered or repaired within the Village of Ocean Beach, except upon the filing with the Building Inspector of a plan for the fence with a survey of the property showing the location of the fence.

- B. No fence shall be erected within the Village of Ocean Beach within eight feet of the front, rear or side lines of any lot, which fence exceeds four feet in height measured from the grade where the fence is erected or as otherwise provided in this herein. Fences can be erected within the Village of Ocean Beach within the rear and side yard setbacks, No fence can exceed four feet in height measured from grade on the front yard property line, except a fence that is set back five feet from the existing concrete walk can be constructed to a height of six feet measured from existing grade.
- C. (Reserved)
- D. Exceptions to setback requirements; conversions; power pole restrictions.
  - (1) A fence need not comply with the lot line setbacks provided in § 164-28B hereof, so long as:
    - (a) A front yard fence does not exceed six feet in height measured from the grade where the fence is erected, is erected entirely on the owner's property and is no closer than five feet to any part of the concrete walk in front of the property.
    - (b) A side yard fence does not exceed eight feet in height and is erected on the side lot line but no closer than four feet from the rear power lines and is totally constructed of wood or a combination of nonferrous materials.
    - (c) A rear yard fence does not exceed eight feet in height and is at least four feet from the rear power lines and is totally constructed of wood or a combination of nonferrous materials.
  - (2) An existing legal fence may be converted to the respective heights as set forth in this section by adding fence material as listed under § 164-3B and additionally said fence must meet all other requirements for fences as contained in § 164-28.
  - (3) No fence may be directly fastened to a power line pole, and no fence may be constructed within four feet of any power line pole or four feet from the vertical line of any power pole.
- E. Any fence which is designed or constructed so as to have a front or outside (a "good side") and a rear or inside (a "bad side") shall be installed so that the good side faces abutting streets or lots and so that the bad side faces in toward the premises on which the fence is erected.
- F. No fence shall be erected or maintained so as to interfere with natural surface drainage or in contravention of any fire, health or police regulations of the village. Fences shall include emergency access gates to the rear of property devoid of padlock or other locking devices. Gates shall open both in and out to allow access for emergency and nonemergency services. Gates shall be clearly defined and kept free of all vegetation.
- G. The provisions of this section regarding deer fences shall not be applicable and of no force and effect and a moratorium declared as to the provisions regarding the same from the effective date until such time as the moratorium shall be lifted by a duly adopted resolution of the Board of Trustees.
- H. The construction and maintenance of arbors, patios, trellises, ground-level decks and refuse can storage bins as defined in § 164-3 shall be permitted.
- I. All fences, arbors and trellises shall be constructed of fence materials as defined in § 164-3.

**§ 164-29. Signs.**

- A. No illuminated signs shall be permitted in the Residence R-4 District, and no advertising or business signs shall be permitted, nor signs of an obscene nature appealing to prurient interests or offensive to community standards.
- B. Size shall be limited to one square foot and shall be limited in number to one per premises, to be located on the premises.
- C. Nonconforming signs may continue such nonconformity until they are destroyed, structurally altered, reconstructed, changed or moved, but the period of such nonconformity may not exceed two years from the date of enactment of this chapter.
- D. Noncommercial signs to be used for public information, orientation or education purposes may be larger by special permit from the Board of Trustees, with time limitation to be delineated by the Board of Trustees.

**§ 164-30. Prohibited uses. [Added 11-1-1980 by L.L. No. 12-1980]**

In the Residence R-4 District, any use which is not expressly stated to be a permitted use shall be a prohibited use.

**§ 164-30.1. Swimming pools. [Added 3-16-1985 by L.L. No. 3-1985]**

- A. Definition: aboveground only, as defined in § 164-3.
- B. Permitted use. Swimming pools may be installed, used or maintained as an accessory to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests, provided that the premises is in the R-4 District and consists of a parcel of at least two lots which are contiguous and adjoining. **[Amended 5-11-1996 by L.L. No. 5-1996]**
- C. Installation requirements and permits. No swimming pool shall be installed, constructed or maintained unless a permit therefor has been issued by the Planning Board after public hearing.
- D. Location. Swimming pools shall be installed so that the outside dimensions of the pool shall be no less than 12 feet from the rear or side property line and no less than 14 feet from any public walk.
- E. Fencing. There shall be erected and maintained a restrictive-type fence not less than four feet in height and not accessible from any externally adjacent high ground, tree or structure. Fencing shall be constructed of wood, louvered or solid, shall completely surround the pool and shall be constructed in such way as to screen the pool from outside view. No opening in the fence construction larger than two inches in one dimension will be permitted. Pumps and filters shall be soundproof so as not to be disturbing to adjoining lots. **[Amended 5-11-1996 by L.L. No. 5-1996]**
- F. Gates or openings. Every gate or other opening in the fence enclosing such pool, except an opening through the dwelling, shall be kept closed and locked at all times when the owner or occupant of the premises is not present at such pool.
  - (1) Every gate shall be self-closing and equipped with a spring latch located at a height of not less than three feet six inches from the bottom of the gate.
  - (2) For any pool serviced by a deck which supports the required fencing and to which access is by way of a ladder, such ladder shall be spring loaded in such fashion so that when not in use it will rise to a level at least equal to the top of the fencing or be removed and secured away from the pool area.
- G. Water supply. The water inlet shall be above the overflow of the pool.
- H. Nuisance. There shall be no floodlighting of the pool after 10:00 p.m. Any lighting which creates a nuisance is prohibited. The pool-operating mechanism shall be housed and located so as not to cause annoyance to neighboring homes.
- I. Installation requirements. Swimming pools shall be installed and maintained in accordance with this section and shall also conform to the Islip Building Code and the New York State Building Code. Plans and drawings for construction, erection, installation or alteration shall accompany an application for a permit, shall show lot lines and shall include information pertinent to pool construction, fence construction, water supply, drainage systems and appurtenances as required by the Planning Board.

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## **ARTICLE V Business C District**

### **§ 164-31. Legislative intent. [Amended 11-12-1983 by L.L. No. 12-1983]**

The Board of Trustees of the Village of Ocean Beach finds that commercial development in the village should provide necessary conveniences and services to the residents of the village. Consistent with the General Management Plan for the Fire Island National Seashore and the Village Comprehensive Plan and mindful of protecting the viability of existing business, preserving and protecting the residential character of the village and enhancing the character and appearance of the Business District, the Board of Trustees hereby enacts regulations designed to control the proliferation of business inconsistent with the objectives of the village and the National Seashore, to allow the proper development and redevelopment of businesses which provide necessary public services and are consistent with a predominantly residential community. The Board of Trustees believes that a comprehensive review by the Planning Board of the conversion of residential property in the Business District to commercial use is proper and necessary for the commercial development of the village. Accordingly, until such amendment has been voted upon by the Board of Trustees, or one year from the date hereof, whichever first occurs, the Board of Trustees shall not entertain any applications for conversion of residential property in the Business District to commercial use.

### **§ 164-32. Uses permitted by special permit.**

The following uses shall be permitted by special permit from the Board of Trustees after a public hearing and following approval by the Fire Island National Seashore.

- A. Uses permitted in the Residence District under §§ 164-17 and 164-18.

- B. Stores in which goods, services and commodities are sold at retail in support of community living.
- C. Professional offices.
- D. Accessory uses.
  - (1) The following accessory uses shall be permitted when located on the same lot with the authorized use:
    - (a) A building for storing products or merchandise incidental to the authorized use.
    - (b) Signs as regulated in § 164-38.
    - (c) Other customary accessory uses, structures and buildings, provided that such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.
  - (2) No accessory building shall be constructed on a lot until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building on the lot is completed and used.
  - (3) Whenever a use has been authorized by special permit pursuant to § 164-18 or 164-32, no accessory use shall be permitted unless the same shall have been specifically authorized by the Board of Trustees.
  - (4) Nothing herein contained shall be construed to permit the creation, alteration, addition, maintenance or use of any premises which shall provide open air, outside service, outside display, outside counter or window service, unless specifically authorized by the Board of Trustees.
- E. Solar energy systems and equipment. **[Added 6-13-1981 by L.L. No. 4-1981]**
- F. Receiving or transmission tower. **[Added 6-25-1983 by L.L. No. 7-1983]**
- G. Existing residential rental room or rooms. **[Added 1-25-1997 by L.L. No. 1-1997]**
  - (1) Findings. Notwithstanding anything heretofore or hereinafter contained, the Board of Trustees deems it necessary and desirable for the protection of the safety, health, comfort and general welfare of the inhabitants of the Village of Ocean Beach to permit the use of any existing residential rental room or rooms in the Business C District and establish a procedure for the issuance of a special permit for their use.
  - (2) Premises. The term "existing residential rental room" is defined as any premises or portion thereof used for residential purposes for hire or rental or otherwise regardless of the term or conditions of the rental or use located within the Business C District used as of June 1, 1997, as and for residential purposes;
  - (3) Determination of use. That the Board of Trustees shall have exclusive authority over the determination of the issuance of a special permit as and for existing residential room or rooms, however, the Board of Trustees hereby delegates its authority as aforesaid as follows:
    - (a) The Village Administrator and Building Inspector and Fire Inspector or Marshal shall have the initial authority to permit and/or approve the use of the existing residential room or rooms upon such terms and conditions as the Village Administrator and Building Inspector and Fire Inspector or Marshal shall deem proper and reasonable, including but not limited to additional construction and/or improvements, determination of existing use and the terms and conditions of future usage;
    - (b) All applications for a special use permit for an existing residential room or rooms shall be in writing and filed with the Village Clerk on or before June 1, 1997, on forms to be supplied by the Village Clerk and shall be kept on file by the Village Clerk;
    - (c) In the event that the use is approved the application form shall be signed by the Village Administrator and Building Inspector and Fire Marshal and the terms and conditions of usage shall be attached or endorsed thereon and a copy provided to the applicant;
    - (d) Any member of the Board of Trustees shall have the right to place the issuance of approval on the agenda at the next Board of Trustees meeting at which time the approval of use shall be subject to confirmation, rejection or modifications;
    - (e) Any applicant shall have the right in the event that the applicant's request is rejected or the conditions imposed are sought to be modified to request, in writing, filed with the Village Clerk at least 10 days prior to the Board of Trustees meeting at which review is sought, to make a request that the permit application be placed upon the agenda of the Board of Trustees at the next meeting thereof and that the Board of Trustees approve the application or modify the permit. The Board of Trustees shall have the right by majority vote of a quorum present and voting to entertain the application or approve the application or modify the permit or reject the application in whole or in part.
- (4) Permits.

- (a) A permit shall be issued by the Village Administrator and Building Inspector and Fire Inspector and Marshal only based upon the foregoing procedure for the special use of existing residential room or rooms based upon the foregoing provisions which permit shall be in writing and shall constitute the signatures of the Village Administrator and Building Inspector and Fire Inspector and Marshal indicating approval upon the application together with the terms and conditions of approval annexed to the initial application.
- (b) Any rejection of an application shall be indicated upon the initial application by the signatures of the Village Administrator and Building Inspector and Fire Marshal and Inspector.
- (c) All such special use permits shall additionally be subject to the approval of the Fire Island National Seashore.

**§ 164-33. Prohibited uses.**

Consistent with the General Management Plan of the Fire Island National Seashore and the objectives of the Village of Ocean Beach, buildings or land hereafter may not be altered, changed, expanded, converted, constructed or used for any of the following purposes:

- A. Apartments, multiple dwellings and apartment hotels. **[Amended 11-1-1980 by L.L. No. 12-1980]**
- B. Showers, lockers and changing rooms.
- C. Guesthouses, boardinghouses, lodging houses, boatels and hotels.
- D. Swimming, diving and wading pools or other similar type water-intensive uses.
- E. Restaurants and eating and/or drinking establishments, whether counter service, carry-out or fast-food, or other businesses designed to serve food and/or drink inside of the structure, outside or both inside and outside the structure and whether or not serving alcoholic beverages for on-premises consumption.
- F. Discotheques, dance halls and cabarets.
- G. Uses which are designed for manufacturing or industry, or which are dangerous, unsafe or harmful to person, health or property.
- H. Stores in which goods, services and commodities are sold at retail above the ground floor.
- I. Those uses not expressly permitted uses.

**§ 164-34. Height requirements.**

- A. In the Business C District, no building or structure shall be erected to a height in excess of 28 feet as measured from the elevation at the center of the established walkway. In no case shall a building or structure exceed two stories in height. **[Amended 11-22-1999 by L.L. No. 6-1999; 11-13-2004 by L.L. No. 2-2004]**
- B. Accessory buildings shall not exceed 10 feet in height.
- C. Exceptions subject to approval by the Board of Trustees after public hearing shall include:
  - (1) Place of worship.
  - (2) Flagpole.
  - (3) Stack, chimney or standpipe.
  - (4) Water tank.
  - (5) Receiving or transmission tower. **[Added 6-25-1983 by L.L. No. 7-1983]**

**§ 164-35. Living area requirements.**

- A. For a single-family dwelling hereafter erected, the minimum required ground-floor area, exclusive of accessory uses such as open porches, breezeways, sheds, decks, ramps and other such uses, shall be 600 square feet.
- B. No building shall be constructed, enlarged, extended, reconstructed, altered or partitioned so as to provide more than one kitchen, two bathrooms or water closets and four rooms for sleeping purposes, nor shall more than four rooms in

any one building be used for sleeping purposes.

**§ 164-36. Site plan review.**

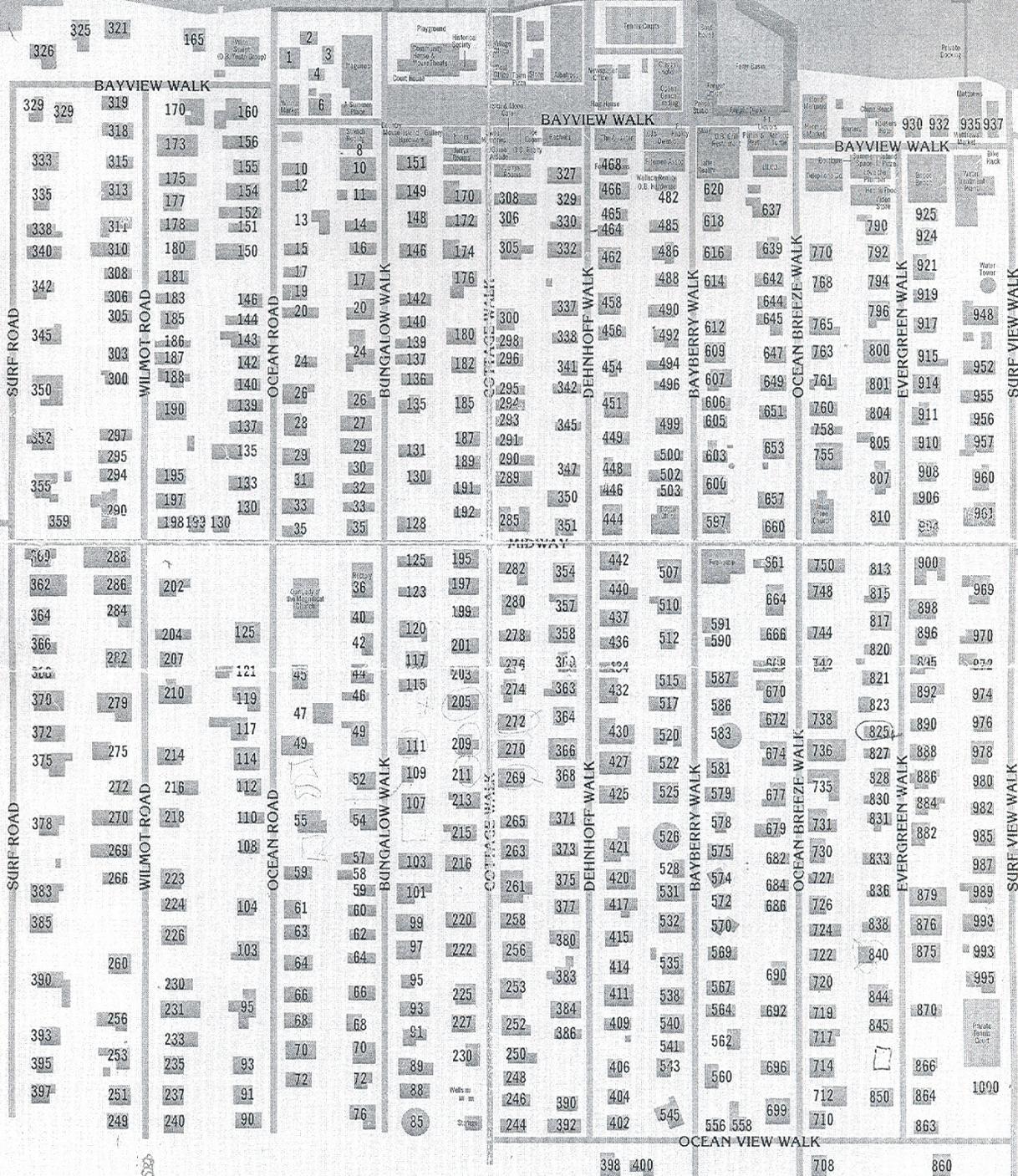
- A. All new structures and alterations submitted to the Board of Trustees for special permit in accordance with this Article shall be reviewed by the Village Planning Board in accordance with applicable provisions of § 7-725 *Editor's Note: Said section was repealed by the laws of 1992, c. 694, § 3, effective 7-1-1993.* of the Village Law of the State of New York.
- B. The Planning Board shall review the site plan and/or building plan for architectural features; consistency and harmony with the front, side and rear yard setbacks; and means of ingress and egress. A buffer strip shall be required wherever the Business District abuts the Residence District. **[Amended 6-10-2000 by L.L. No. 3-2000]**
- C. The Planning Board shall forward its comments, together with the reviewed site plan, to the Board of Trustees not later than the date of public hearing for the special permit application.

# OCEAN BEACH FIRE ISLAND

GREAT SOUTH BAY

GREAT SOUTH BAY

CORNEILLE ESTATES



0 100 200 feet

ATLANTIC OCEAN