



Town of Islip

TOWN CLERK

PUBLIC HEARING
655 Main Street
Islip, NY 11751

October 17, 2023
2:00 p.m.

-
- 1. To amend the Islip Uniform Traffic Code as follows:**
Schedule C Prohibited Turns Add
East View Drive at Lowell Avenue (CIS)
Marconi Avenue at Smithtown Avenue (RNK)
Schedule G Stop and Yield Intersections Add
Hiawatha Drive at Pine Drive (BRS)
Schedule J Parking, Stopping and Standing Regulations Ass
Janet Lane (HPG)
 - 2. To enact Local Law No. 6 of 2023, entitled, "Prohibition on Smoking and Vaping of Both Tobacco and Cannabis on Certain Town Properties".**
 - 3. The proposed addition of the Planned Landmark Preservation Overlay District, on the Town Board's own motion, to real property located in the Connetquot School District on the Southwest corner of Idle Hour Boulevard and Chateau Drive, and west side of Central Boulevard approximately 330 feet north of Connetquot Drive Oakdale.**

GIVEN that any person who needs a sign language interpreter or has concerns regarding accessibility to the Town Board Meeting, please call Constituent Services at 631-224-5380.

Dated at Islip, NY
TOWN OF ISLIP
Published
OHM/tb

TOWN BOARD,
By: OLGA H. MURRAY
TOWN CLERK

The Town of Islip will hold a Public Hearing on Tuesday, October 17, 2023 at 2:30pm at Islip Town Hall to amend the Uniform Traffic Code of the Town of Islip as follows.

**SCHEDULE C
PROHIBITED TURNS
ADD**

LOCATION	CONTROLLING TRAFFIC	PROHIBITED TURN	HOURS
Eastview Drive at Lowell Avenue (CIS)	South on Lowell Avenue	No Turn on Red	
Marconi Avenue at Smithtown Avenue (RNK)	North on Smithtown Avenue	No Left Turn	

**SCHEDULE G
STOP AND YIELD INTERSECTIONS
ADD**

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Hiawatha Drive at Pine Drive (BSR)	Stop	East on Hiawatha Drive; South on Pine Drive

**SCHEDULE J
PARKING, STOPPING AND STANDING REGULATIONS
ADD**

LOCATION	REGULATION	HOURS/DAYS
Janet Lane East Adjacent to inside perimeter of raised island at cul-de-sac (HPG)	No parking	

October 17, 2023
Resolution # _____

WHEREAS, the Marihuana Regulation & Taxation Act (MRTA) was signed into law on March 31, 2021 legalizing adult-use cannabis (also known as marijuana, or recreational marijuana) in New York State; and

WHEREAS, in order to promote protecting the health and safety of Town employees, residents and visitors by improving air quality of building entryways and outdoor areas frequented by the public, the Town Board wishes to amend Chapter 38 of the Town of Islip Code and impose local smoking restrictions on Town of Islip owned and managed property; and

WHEREAS, human health is seriously threatened by exposure to environmental tobacco smoke (ETC) and that recent findings by the Federal Environmental Protection Agency (EPA) make clear that ETC, or secondhand smoke, is a human carcinogen responsible for 3,000 lung cancer deaths each year in nonsmoking adults; and

WHEREAS, federal Centers for Disease Control (CDC) has found that smoked marijuana delivers tetrahydrocannabinol (THC) and other cannabinoids to the body, but it also delivers harmful substances, including many of the same toxins and carcinogens (cancer-causing chemicals) found in tobacco smoke, which are harmful to the lungs and cardiovascular system; and

WHEREAS, codes and administrative orders that ban smoking in outdoor public spaces have been implemented by jurisdictions in New York State to help protect youth from secondhand smoke and to provide a healthier model of adult behavior; and

WHEREAS, litter and second-hand smoke resulting from smoking in open public spaces is unsightly and detracts from the visual landscape for both residents and visitors, presents a potential hazard to young children, pets and wildlife, and is costly to clean up; and

WHEREAS, local regulation of tobacco and cannabis use is important because while federal government may regulate tobacco products, it is not authorized to impose local smoking restrictions; and

WHEREAS, the Town Board is desirous to adopt a smoke-free policy that bans smoking and vaping tobacco and cannabis on town property; and

WHEREAS, a public hearing was held on October 17, 2023, to consider adopting a Local Law to establish a smoke-free policy that bans smoking and vaping tobacco and cannabis on town property.

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, be it

RESOLVED, that the Town Board of the Town of Islip hereby enacts Local Law No. 6 of 2023 entitled, "Prohibition on Smoking and Vaping of Both Tobacco and Cannabis on Certain Town Properties," as indicated on the attached, with additions noted by underlining and deletions indicated by strikeouts; and be it

FURTHER RESOLVED, that the comptroller is hereby authorized to make any and all budgeting adjustments necessary to effectuate this resolution.

Upon a vote being taken, the result was:

TOWN OF ISLIP LOCAL LAW NO. 6 OF 2023
A LOCAL LAW PROHIBITING SMOKING AND VAPING OF BOTH
TOBACCO AND CANNABIS ON CERTAIN TOWN PROPERTIES

Be it enacted by the Town Board of the Town of Islip, County of Suffolk, State of NY as follows:

§ 38-1. Purpose and Intent.

The Town Board of the Town of Islip finds that smoking and the use of tobacco in the Town of Islip public buildings and parks have the potential for creating a serious health hazard for employees of the Town of Islip and the citizens of the Town of Islip who visit and utilize Town buildings, grounds, beaches, parks and recreation areas. The Town Board has determined that, in order to protect and promote the public health, safety, and welfare of the employees and citizens of the Town of Islip, it is necessary to restrict the acts of smoking and tobacco and cannabis use in and around Town-owned buildings, beaches, parks, recreation areas and playgrounds. In addition, to further protect the public health, safety, and welfare, the Town prohibits the act of smoking tobacco and cannabis at Town-sponsored and co-sponsored events and events requiring a permit except in areas designated and approved by the Town and conspicuously designated "Smoking Permitted." This provision does not address nor is it intended to prohibit certified medical marijuana consumption in an ingestible and nonsmoking form by a certified patient.

§38-2. Definitions.

As used in this chapter, the following terms shall have the meanings as indicated below:

- **CHILDREN** means persons under the age of 18 years.

- **E -CIGARETTE or VAPE** means any electronic device composed of a mouthpiece, heating element, battery and/or other electronic circuit that provides a vapor of liquid nicotine, cannabis product and/or other substance that is sometimes mixed with propylene glycol by the user as they simulate smoking. This term shall include all such devices whether they are manufactured as e -cigarettes, e -cigars, e -pipes, and vapes or under any other product name.

- **CANNABIS or CANNABIS-RELATED PRODUCT** means any product containing marijuana, THC or CBD in any form or as the term is defined by Chapter 7-A of the New York State Consolidated Laws or the New York State Cannabis Law.

- **MARINA** means any facility for the berthing of all types of recreational watercraft, providing secure moorings, or offering fishing stations, and designated as a Town of Islip marina.

- **PARK** means any outdoor recreation area, playground, playing field, pavilion or open-space that has been designated for recreational purposes or activities. All parking areas and lots within such parks shall be included for purposes of this local law.

- **PAVILION** means a structure that is at least partially unenclosed and that is intended for public use.
- **PLAYGROUND** means an outdoor recreation area that is designed and intended for use by children and for the purposes of this chapter, a playground that is fenced or otherwise physically demarcated shall be deemed to include all of the area inside such fence or demarcation; a playground that is not fenced or otherwise demarcated shall be deemed to include all open space that is associated with or adjacent to it.
- **PLAYING FIELD** means that portion of an outdoor recreation area that is set up and marked in some way for the playing of one or more specific games and/or sports and for the purposes of this local law, a playing field that is fenced or the outside perimeter of which is otherwise physically demarcated shall be deemed to include all of the area inside such fence or demarcation, together with any bleachers or other designated viewing area; a playing field that is not fenced or otherwise demarcated (as to its outside perimeter) shall be deemed to include all of the area customarily required for playing the game or sport for which it is being used, together with any bleacher and other designated viewing area.
- **SMOKE** means the emission produced by the burning of a tobacco product or tobacco -related product, cannabis product or cannabis -related product or the heating of an e -cigarette which creates a vapor.
- **SMOKING** means the inhaling, exhaling, burning, vaping or carrying of any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco, nicotine, or plant product, including cannabis, intended for inhalation, in any manner or in any form.
- **TOBACCO or TOBACCO-RELATED PRODUCT** means any manufactured product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, shisha, powered and/or dissolvable tobacco products, liquid nicotine and electronic cigarette cartridges, whether packaged or not; any packaging that indicates it might contain any substance containing tobacco or nicotine; or any object utilized for the purpose of smoking or inhaling tobacco or nicotine products.
- **TOWN-OWNED BEACHES, PARKS AND PLAYGROUNDS** includes, but is not limited to, all beaches, parks, playgrounds and recreation areas owned, leased, used, operated and maintained by the Town of Islip. All parking areas and lots within such beaches, parks, playgrounds and recreation areas shall be included for purposes of this local law.
- **TOWN-OWNED BUILDING** means any building, structure or enclosed outdoor area owned, leased, used or operated by the Town of Islip or any of its departments and used for the conduct of public business, and any buildings, structures or enclosed areas located at any Town-owned park, recreation area or playground. All parking areas and lots adjacent to such buildings, structures, or

enclosed outdoor areas shall be included for purposes of this local law. This term also includes Town-owned vehicles.

§ 38-3. Smoking prohibited in certain indoor and outdoor public places.

- A. Indoor Areas. In accordance with the New York State Clean Indoor Air Act (Public Health Law, Article 13-E), smoking tobacco or cannabis, including the use of an e-cigarette or vape, and the use of tobacco or cannabis products are prohibited indoors throughout all Town-owned buildings and facilities (hereinafter "Town building").
- B. Outdoor Areas. It shall be a violation of this chapter for any person to smoke tobacco or cannabis, including the use of e-cigarettes or vapes, or otherwise use tobacco or cannabis products at the following outdoor locations and/or events:
1. Within all Town-owned beaches, parks, playgrounds and recreation areas.
 2. Within 25 feet of the property boundary of any Town-owned building not located in a park, beach, recreation area or playground.
 3. Within 25 feet of Entrances and Exits to other buildings within which smoking is prohibited by Article 13-E of the New York Public Health Law.
 4. Within 50 feet of any Town-sponsored, co-sponsored or approved event, including any associated highway, roadway, sidewalk and/or right of way that is included and made part of Town-sponsored-sponsored or approved event.
 5. The Town further determines and declares that all Town-owned beaches, parks, recreation areas and playgrounds shall be designated as tobacco and cannabis free zones.

§ 38-4. Penalties for offenses.

- A. It shall be a violation for any person to smoke or use tobacco in any area where smoking is prohibited by the provisions of this chapter.
- B. Any person who is convicted of violating any provision of this chapter shall be subject to a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) per violation.

§38-5. Severability.

The provisions of this local law are declared severable, and if any section or subsection of this local law is held to be invalid, such invalidity shall not affect the other provisions of this local law that can be given effect without the invalidated provision.

§ 38-6. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 38-7. Effective Date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with §27 of the Municipal Home Rule Law.

TAX MAP NUMBER(S): 0500-350.00-02.00-003.000 & p/o 324.00-05.00-017.003
DATE OF GRANT: OCTOBER 17, 2023

ON a motion of _____ and seconded by _____,

BE IT RESOLVED, that on **Tuesday, October 17, 2023**, and after determining that there would be no significant adverse environmental impact, the Town Board of the Town of Islip, on its on motion, hereby authorizes the addition of the Planned Landmark Preservation Overlay District (PLP) to real property located in the Connetquot School District and located on the Southwest corner of Idle Hour Boulevard and Chateau Drive (150 Idle Hour Boulevard); and west side of Central Boulevard, approximately 330 feet north of Connetquot Drive (120 Central Boulevard), Oakdale, Town of Islip, Suffolk County, New York also known as SCTM #0500-350.00-02.00-003.000 & p/o 324.00-05.00-017.003 (collectively referred to herein as the "Premises").

METES AND BOUNDS

120 Central Boulevard
(Suffolk County Tax Lot No. 0500-350.00-02.00-003.000)

BEGINNING at a point where the Westerly side of Central Boulevard intersects the Northerly side of Elsmere Avenue;

RUNNING THENCE North 37 degrees 36 minutes 00 seconds West along the Northerly side of Elsmere Avenue, 101.75 feet to a point;

THENCE North 33 degrees 06 minutes 00 seconds East, 105.96 feet to a point; THENCE North 37 degrees 36 minutes 00 seconds West, 70.00 feet to a point;

THENCE North 33 degrees 06 minutes 00 seconds East, 105.96 feet to a point on the Southerly side of a certain unopened Right of Way known as Johnson Avenue;

THENCE South 37 degrees 36 minutes 00 seconds East along the Southerly side of said Johnson Avenue, 159.39 feet actual (159.41 feet deed) to a point on the Westerly side of Central Boulevard;

THENCE South 30 degrees 00 minutes 30 seconds West along the Westerly side of Central Boulevard, 216.32 feet to the point or place of BEGINNING.

TAX MAP NUMBER(S): 0500-350.00-02.00-003.000 & p/o 324.00-05.00-017.003
DATE OF GRANT: OCTOBER 17, 2023

150 Idle Hour Boulevard
(Part of Suffolk County Tax Lot No. 0500-324.00-05.00-017.003)

ALL that certain plot, piece, or parcel of land, situate, lying and being in Oakdale, Town of Islip, County of Suffolk, State of New York, and being part of Parcel 4 on map entitled "Title Survey, Property of Dowling College" prepared by L.K. McLean Associates P.C., last dated July 13, 2017; said property being more particularly bounded and described as follows:

BEGINNING at a point formed by the intersection of the northwesterly boundary line of Idle Hour Boulevard with the southwesterly boundary line of Chateau Drive;

THENCE, along said northwesterly boundary line of Idle Hour Boulevard the following four (4) courses and distances:

South 45° 05' 00" West, a distance of 9.51 feet to a point; thence
South 78° 13' 00" West, a distance of 406.57 feet to a point; thence
South 33° 06' 00" West, a distance of 347.71 feet to a point; thence
South 46° 31' 00" West, a distance of 6.39 feet to a point of intersection with the
northeasterly boundary line of Elsmere Avenue;

THENCE, North 43° 29' 00" West, along said northeasterly boundary line of Elsmere Avenue, a distance of 675.59 feet (675.71 feet deed) to a point on the southeasterly boundary line of the Connetquot River as delineated by a wooden bulkhead, more or less;

THENCE, along said southeasterly boundary line of the Connetquot River the following fourteen (14) courses and distances:

North 51° 33' 20" East, a distance of 30.10 feet (29.96 feet deed) to a point; thence
North 49° 17' 50" East, a distance of 28.03 feet to a point; thence
North 48° 22' 40" East, a distance of 11.63 feet to a point; thence North 47° 31' 50" East, a distance of 28.55 feet to a point; thence North 46° 04' 30" East, a distance of 28.64 feet to a point; thence North 44° 43' 30" East, a distance of 28.01 feet to a point; thence
North 43° 44' 50" East, a distance of 28.11 feet to a point; thence North 41° 51' 40" East, a distance of 30.09 feet to a point; thence North 40° 33' 10" East, a distance of 25.18 feet to a point; thence North 39° 14' 45" East, a distance of 22.92 feet to a point; thence North 38° 54' 20" East, a distance of 30.76 feet to a point; thence
North 40° 00' 30" East, a distance of 29.65 feet to a point; thence
North 39° 29' 30" East, a distance of 29.69 feet to a point; thence
North 37° 58' 20" East, a distance of 21.91 feet to a point;

THENCE, through the property of Mercury International LLC the following two (2) courses and distances:

TAX MAP NUMBER(S): 0500-350.00-02.00-003.000 & p/o 324.00-05.00-017.003
DATE OF GRANT: OCTOBER 17, 2023

South 49° 00' 00" East, a distance of 331.72 feet to a point; thence
North 46° 31' 00" East, a distance of 296.43 feet to a point on the first mentioned
southwesterly boundary line of Chateau Drive;

THENCE, South 43° 29' 00" East, along said southwesterly boundary line of Chateau, a distance
of 497.98 feet to the point or place of beginning.

Subject Parcel area being 373,799 square feet or 8.581 acres, more or less.

AND BE IT FURTHER RESOLVED, that the foregoing metes and bounds description of the
Premises is subject to final review and approval of the Commissioner of the Town of Islip
Department of Planning and Development, who is authorized to make any necessary modifications
to said description, if any, to accurately set forth the boundaries of the real property identified in
this resolution;

AND BE IT FURTHER RESOLVED, that this change of zone be authorized subject to the
compliance with the following conditions:

1. The subject parcels, Suffolk County Tax Map numbers 0500-350.00-02.00-003.000 (120
Central Avenue) and p/o 324.00-05.00-017.003 (150 Idle Hour Boulevard), shall be designated as
Planned Landmark Preservation Overlay District (PLP). The building known as the, "The Learning
Resource Center," and its immediate surroundings not included in the metes and bounds
description for 150 Idle Hour Boulevard, shall be excluded from the PLP designation.

2. The property owner may apply for the following Planning Board special permits within the
Residence AA district:

- a. Private club mooring wharf for pleasure craft only, provided that there is no repair
work or sale of any products on the Premises.
- b. Automobile parking field in conjunction with a use allowed in a Residence AA
district.

TAX MAP NUMBER(S): 0500-350.00-02.00-003.000 & p/o 324.00-05.00-017.003
DATE OF GRANT: OCTOBER 17, 2023

- c. Private membership club, fraternity or lodge;
 - d. Private or parochial school, including preschool programs, elementary and secondary schools, colleges, and universities; boarding school
3. The property owner may apply for the following Town Board special permits pursuant to §68-451(A), subject to the Planning Board granting a certificate of appropriateness:
- a. vocational & non-degree granting school
 - b. office (non-medical)
 - c. assembly & social recreation hall
 - d. dormitory
 - e. theater
 - f. library
 - g. dance studio
 - h. catering hall
 - i. cafeteria
 - j. farmer's market
4. Any land uses not listed in conditions 2 or 3 above are prohibited on the subject tax parcels.
5. The existing Vanderbilt decorative well, relocated from its original Montauk Highway location, may be sited on another publicly visible portion of tax parcel subject to a Planning Board certificate of appropriateness.
6. The existing "Love Tree," a mature weeping beech located east of the Idle Hour House, shall be preserved with best arbor management practices.

TAX MAP NUMBER(S): 0500-350.00-02.00-003.000 & p/o 324.00-05.00-017.003
DATE OF GRANT: OCTOBER 17, 2023

7. All exterior lighting shall be positioned or shielded so as to illuminate only the subject property. Motion sensitive lighting only shall be used in the rear yards of any of the subject parcels that adjoin residential uses or districts. Said motion sensitive lights shall be extinguished no more than 15 minutes after detection of movement ceases. If substantiated complaints are received that light is not being contained on the subject property, the Planning Board reserves the right to hold a public hearing, upon 15 days written notice to property owner and the property owner's failure to cure, to further limit or shield lighting fixtures. The Planning Board reserves the sole responsibility of determining if lighting is properly contained on the subject property.

8. Except as provided herein, property owner shall comply in all respects with the Subdivision and Land Development Regulations and the Islip Town Code.

9. The above-mentioned conditions shall be binding upon the property owner and any and all subsequent owners of the said real property or any part thereof, and upon their heirs, executors, and administrators (or their successors and assignees) subject, however, to the right of the Town of Islip after a public hearing to amend, alter, annul or repeal any or all of the foregoing conditions at any time and such right shall be effectual and may be exercised without the consent of any adjacent owners or other owners or lienors of any other property.

UPON a vote being taken, the result was: