



TOWN CLERK

PUBLIC HEARING
Town Hall /Board Room
655 Main Street
Islip, NY 11751

June 28, 2016
2:00 p.m.

-
- 1. To consider adopting ordinances amending Chapter 3B “Nighttime Operation of Aircraft”, Chapter 3D “ Airport, Noise Allocation” and Chapter 3F “Noise Surcharge on Aircraft Operations” in accordance with FAA requirements.**
 - 2. To consider adopting an ordinance amending Chapter 49, section 19 “Application of Provisions”.**

Anyone wishing to address the Board at the conclusion of these hearings may do so. Please clearly print your full name and address by registering with the Aide in the lobby. Any disabled person who needs a sign language interpreter or special accommodations to attend this meeting, is asked to please contact Constituent Services at 631-224-5500 as early as possible in order for the Town to accommodate.

Dated at Islip, NY
TOWN OF ISLIP
June 16, 2016
Published
OHM/tb

TOWN BOARD,

By: OLGA H. MURRAY
TOWN CLERK

_____, 2016

An authorization to amend Chapter 3B the Islip Town Code

WHEREAS, the Town Board wishes to amend Chapter 3B of the Islip Town Code; and

WHEREAS, a public hearing was held on _____

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

RESOLVED, that the Town Board of the Town of Islip hereby amends Chapter 3B of the Islip
Town Code entitled "Nighttime Operation of Aircraft" as follows:

SEE ATTACHED

Additions are indicated by UNDERLINING

Deletions are indicated by STRIKEOUTS

Upon a vote being taken, the result was:

Chapter 3B: ~~(Reserved) Aircraft, Nighttime Operation of~~

~~§ 3B-1~~

~~Legislative intent.~~

~~The Town Board of the Town of Islip hereby declares its intent to promote an environment free from unreasonably loud, disturbing and unnecessary noises since they are deemed to be detrimental to the life, health, welfare, safety and good order of the people of the Township of Islip. By its enactment, the Town Board intends to promote the health, safety, morale and general welfare of the people of the Town of Islip by seeking to reduce noise levels for nighttime operations of aircraft to and from MacArthur Airport, and, in the exercise of its police powers in this regard, the Town Board of the Town of Islip does hereby enact the following ordinance.~~

~~§ 3B-2~~

~~Noise limitation; maneuvers to avoid measuring points.~~

~~No aircraft of any kind may operate at the Long Island MacArthur Airport between the hours of 11:00 p.m. and 6:30 a.m. if that aircraft's estimated noise level, as listed in FAA Advisory Circular 36-3C, exceeds seventy two (72) A-weighted sound level [dB(A)] on departure at the Federal Aviation Regulations (FAR) Part 36 takeoff noise measuring point or eighty five (85) dB(A) on landing at the FAR Part 36 approach measuring point as set forth by Federal Aviation Regulations (FAR) Part 36, Appendix C, Paragraph 36.3 and described herein under § 3B-3. In addition, for purposes of this ordinance, any form of departure turn, circling approval or other operational maneuver conducted to avoid the above mentioned measuring points will constitute a violation of this ordinance.~~

~~§ 3B-3~~

~~Definitions.~~

~~As used in this ordinance, the following terms shall have the meanings indicated:~~

~~APPROACH MEASURING POINT~~

~~As presently stated in Federal Aviation Regulations (FAR) Part 36, a distance measuring two thousand (2,000) meters from the end of the approach runway.~~

~~DB(A)~~

~~The A-weighted sound level unit adopted in Federal Aviation Regulations (FAR) Part 150 and Part 36 as the single system of measuring single event noise at airports.~~

~~TAKEOFF MEASURING POINT~~

~~As presently stated in Federal Aviation Regulations (FAR) Part 36, a distance measuring six thousand five hundred (6,500) meters from the start of the takeoff roll.~~

~~§ 3B-4~~

~~Waiver of restrictions.~~

~~At the discretion of the Airport Manager, during extreme weather or operational conditions, which may cause flight arrival delays beyond the control of the airlines operating at Long Island MacArthur Airport, these restrictions may be waived on a case-by-case basis in recognition of the fact that the airport is an integral part of the National Air Transportation System.~~

~~§ 3B-5~~

~~Penalties for offenses.~~

~~Any person, firm, corporation or air carrier who violates any portion of this ordinance shall be deemed guilty of a violation and, upon conviction thereof, shall be punished by a fine of one thousand dollars (\$1,000.) for each violation.~~

~~§ 3B-6~~

~~Severability.~~

~~If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the litigation in which such judgment shall have been rendered.~~

~~§ 3B-7~~

~~When effective.~~

~~This ordinance shall take effect ten (10) days after posting and publication as provided by law.~~

_____, 2016

An authorization to amend Chapter 3D the Islip Town Code

WHEREAS, the Town Board wishes to amend Chapter 3D of the Islip Town Code; and

WHEREAS, a public hearing was held on _____

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

RESOLVED, that the Town Board of the Town of Islip hereby amends Chapter 3D of the Islip
Town Code entitled "Airport, Noise Allocation" as follows:

SEE ATTACHED

Additions are indicated by UNDERLINING

Deletions are indicated by STRIKEOUTS

Upon a vote being taken, the result was:

Chapter 3D: (Reserved) Airport, Noise Allocation

§ 3D-1

Legislative intent.

{Amended 1-7-86}

~~The Town Board of the Town of Islip hereby declares its intent to promote and protect the health, safety and welfare of the public from excessive noise generated by commercial jet aircraft operating at Long Island MacArthur Airport. By its enactment, the Town Board recognizes the overdemand for and overutilization of existing airport facilities; the resulting detriment to the life, health, welfare, safety and good order of the people of the Township of Islip; the necessity of conforming the access demands of the commercial air carriers; and the necessity and desire to achieve such a balance between environmental protection and access demands on a fair, reasonable and nondiscriminatory basis to all commercial air carriers requesting use of the facilities.~~

§ 3D-2

Allocation plan.

{Amended 1-7-86}

~~All commercial air carriers desiring to use the airport facilities will be given fair, reasonable and nondiscriminatory consideration for access to the airport on the basis of criteria set forth in the Town of Islip MacArthur Airport Interim Environmental Management Plan. The allocation plan will be available during business hours at the office of the Town Clerk and at the office of the Airport Manager. Any commercial air carrier contemplating service from MacArthur Airport will be forwarded a copy of the allocation plan.~~

§ 3D-3

Procedure for access approval.

{Amended 1-7-86}

~~All commercial air carriers contemplating commencement of service from MacArthur Airport and all commercial air carriers presently serving but contemplating a change in service will forward, in writing, to the Airport Manager the anticipated new, or change in, flight schedule. Such written notification shall be made at least ninety (90) days prior to the anticipated date of the commencement of the new, or change in, service. The Airport Manager will apply the plan criteria to the proposed flight schedule submitted and advise the commercial air carrier at least sixty (60) days prior to the anticipated date of commencement of service whether the proposed flight qualifies for one (1) of the flight slots.~~

§ 3D-4

Vacation of flight slots.

{Amended 1-7-86}

~~Where a commercial air carrier qualifies for a flight slot already held by another carrier, written notification will be sent by the Airport Manager to the incumbent air carrier affected that it must vacate the flight slot within sixty (60) days.~~

~~§ 3D-5~~

~~Penalties for offenses.~~

~~Any commercial air carrier that fails to obtain access approval from the Airport Manager pursuant to § 3D-3 of this ordinance prior to commencement of its proposed flight and any commercial air carrier that fails to vacate an existing flight slot pursuant to § 3D-4 of this ordinance shall be deemed guilty of a violation and, upon conviction thereof, shall be punished by a fine of one thousand dollars (\$1,000.) for each violation. For purposes of this ordinance, each flight in violation constitutes a single and separate violation.~~

~~§ 3D-6~~

~~Severability.~~

~~If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the litigation in which such judgment shall have been rendered.~~

~~§ 3D-7~~

~~When effective.~~

~~This ordinance shall take effect ten (10) days after posting and publication as provided by law.~~

_____, 2016

An authorization to amend Chapter 3F the Islip Town Code

WHEREAS, the Town Board wishes to amend Chapter 3F of the Islip Town Code; and

WHEREAS, a public hearing was held on _____

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

RESOLVED, that the Town Board of the Town of Islip hereby amends Chapter 3F of the Islip
Town Code entitled "Noise Surcharge on Aircraft Operations" as follows:

SEE ATTACHED

Additions are indicated by UNDERLINING

Deletions are indicated by STRIKEOUTS

Upon a vote being taken, the result was:

Chapter 3F: ~~(Reserved)~~-Noise Surcharge on Aircraft Operations

§ 3F-1

Legislative intent.

~~The Town Board of the Town of Islip hereby declares its intent to promote an environment free from unreasonably loud, disturbing and unnecessary early morning and late evening noises since they are deemed to be detrimental to the life, health, welfare, safety and good order of the people of the Town of Islip. By its enactment, the Town Board intends to promote the health, safety, morale and general welfare of the people of the Town of Islip by seeking to reduce noise levels for nighttime operations of aircraft to and from Long Island MacArthur Airport, and, in the exercise of its police powers in this regard, the Town Board of the Town of Islip does hereby enact the following chapter.~~

§ 3F-2

Noise surcharge established; purpose.

~~No aircraft of any kind may operate at the Long Island MacArthur Airport between the hours of 11:00 p.m. and 6:30 a.m., regardless of that aircraft's estimated noise level, without paying to the Town of Islip a noise surcharge of \$50,000 per flight. This surcharge is for the purpose of compensating the Town of Islip and its citizens for the cost of dealing with serious community concerns over late night and early morning flights.~~

§ 3F-3

Waiver of surcharge.

~~At the discretion of the Airport Manager, during emergencies, extreme weather or operational conditions, which may cause flight arrival delays beyond the control of the airlines operating at Long Island MacArthur Airport, these restrictions may be waived on a case by case basis in recognition of the fact that the airport is an integral part of the National Air Transportation System.~~

§ 3F-4

Severability.

~~If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the litigation in which such judgment shall have been rendered.~~

§ 3F-5

When effective.

~~This chapter shall take effect 10 days after posting and publication provided by law.~~

An authorization to amend Chapter 49, Section 19, the Islip Town Code

WHEREAS, the Town Board wishes to amend Chapter 49, Section 19 of the Islip Town Code; and

WHEREAS, a public hearing was held on _____

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

RESOLVED, that the Town Board of the Town of Islip hereby amends Chapter 3B of the Islip
Town Code entitled "Taxicabs," Section 19 entitled "Application of Provisions" as follows:

SEE ATTACHED

Additions are indicated by UNDERLINING

Deletions are indicated by STRIKEOUTS

Upon a vote being taken, the result was:

§ 49-19

Application of provisions.

[Added 5-8-2012]

Nothing proposed by this chapter, except those provisions included in 49-15, shall apply to persons or taxicabs engaged in the business of transporting persons, for hire or pay, from a point outside the Town of Islip to a point within the Town nor from a point within the Town to a point outside the Town of Islip nor from a point outside the Town to another point outside the Town and passing through the Town of Islip.