



TOWN CLERK

PUBLIC HEARING
655 Main Street
Islip, NY 11751

December 13, 2022
2:00pm

.....
...

1. To consider amending the Town of Islip, Uniform Traffic Code as follows:
Schedule M
Truck Exclusions Add
Church Street (BPT)
2. To consider adopting Local Law No. 7 of 2022, Chapter 8, Article II entitled "Cannabis" and amending Chapter 68 of the Town Code of Islip.
3. To consider enacting Local Law No. 8 of 2022, amending Local Law No. 2 of 2019, entitled "Fire Prevention".
4. To consider enacting Local Law No. 9 of 2022, amending Local Law No. 13 of 2009, Chapter 23A, entitled "Graffiti".
5. To consider entering into a contract with the Fire Commissioners of the Bay Shore Fire District for fire protection for the year 2023.
6. Please read Change of Zone public notice provided.

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
Published
OHM/tb

Town Board of Town of Islip
By: **OLGA H. MURRAY**
TOWN CLERK

NOTICE IS HEREBY GIVEN, that the Town Board of Islip held a public hearing on Tuesday, December 13, 2022 at 2:00pm at Islip Town Hall, 655 Main Street, Islip, New York to amend the Islip Uniform Traffic Code.

On a motion made by Councilperson,
Seconded by Councilperson

Be it resolved that the Islip Uniform Traffic Code has been amended.

**SCHEDULE M
TRUCK EXCLUSIONS
ADD**

NAME OF STREET

LIMITS

Church Street (BPT)

From Sunrise Highway to Nicolls Road (CR 97)

December 13, 2022
Resolution #

WHEREAS, On March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation and Taxation Act (“MRTA”); and

WHEREAS, MRTA tasked The Office of Cannabis Management (“OCM”), governed by a five-person Cannabis Control Board (“CCB”), with implementing regulations for New York’s cannabis industry and overseeing the licensure, cultivation, production, distribution, sale, and taxation of medical, adult-use and cannabinoid hemp; and

WHEREAS, MRTA afforded municipalities the ability to opt-out of permitting the operation of adult-use marijuana dispensaries and/or on-site consumption lounges in their jurisdiction. This opt-out applies exclusively to licenses for retail cannabis businesses and does not apply to the licensing for delivery, nursery, microbusinesses, or cultivation of cannabis (collectively hereinafter the “cultivation of cannabis”); and

WHEREAS, by Local Law No. 1 of 2021, the Town of Islip (“Town”) opted out of allowing retail dispensaries and on-site consumption establishments of cannabis and related products from locating and operating within Town’s boundaries; and

WHEREAS, although Town exercised its option to prohibit dispensaries or public consumption facilities from locating within its borders, the Town cannot prohibit the licensed cultivation of cannabis from operating within Town’s boundaries; and

WHEREAS, while MRTA broadly outlines how the adult-use cannabis program will operate, many details and specific regulations concerning licensing, site selection and permitting for the cultivation of cannabis have yet to be published by either by the CCB or OCM; and

WHEREAS, a public hearing was held on December 13, 2022, to consider adopting a Local Law to enact regulations that govern state licensed cannabis cultivation establishments in order to preserve the public health, safety, and welfare of the Town and Town's residents.

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

RESOLVED, that the Town Board hereby adopts Local Law No. 7 of 2022 amending Chapter 8 of the Islip Town Code entitled "Cannabis" adding Article II entitled "Cannabis Manufacturing, Cultivation, Processing and Distribution" and amending Chapter 68 of Islip Town Zoning Code; as indicated on the attached, with additions noted by underlining and deletions indicated by strikeouts.

Upon a vote being taken, the result was:

Chapter 8 Cannabis

Article II Cannabis Manufacturing, Cultivation, Processing and Distribution.

§ 8-8 Purpose.

By Local Law No. 1-2021 of 2021, the Town opted out of allowing retail dispensaries and on-site consumption establishments of cannabis and related products as authorized by Chapter 92 of the Laws of 2021, known as the Marijuana Regulation and Taxation Act ("MRTA"), from locating and operating within the Town boundaries. Although the Town of Islip exercised its right to opt out of retail dispensary licenses and/or on-site consumption, such opt-out does not apply to the other licenses available to cannabis businesses, such as cultivation, processing, distribution and deliveries. Nothing in this Article/Chapter is intended to promote or condone the sale, consumption or possession in violation of applicable law. The provisions of this Article/Chapter are in addition to all other provisions of the Town Code, including zoning, land use, and development regulations applicable to the underlying zoning district, together with all permits, licenses, approval of which may be required pursuant to Town Code, state, local, and such other applicable laws.

The purpose of this Article is to establish standards to govern state-licensed facilities permitted to manufacture, cultivate, process, or distribute marijuana as well as medical marijuana cooperatives in accordance with the provisions of the laws of New York State, and all other applicable rules promulgated by the state of New York.

§ 8-9 Definitions

For purposes of this chapter, the following definitions shall apply.

- **Cannabis:** All parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the federal Food and Drug Administration.
- **Cannabis Consumer:** A person twenty-one years of age or older acting in accordance with the provisions of the MRTA.
- **Cannabis Control Board:** the New York State Cannabis Control Board ("CCB") created pursuant to article two of the MRTA.
- **Cannabis Cultivation:** the use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business,

research facility, craft marijuana cultivator cooperative, or other entity licensed by the Commission for cannabis cultivation.

- **Cultivator License:** license that authorizes the growing, planting, cloning, harvesting, drying, curing, grading and trimming of cannabis.
- **Delivery License:** license that authorizes the delivery of cannabis by licensees independent of another adult-use cannabis license.
- **Distributor License:** license that authorizes the acquisition, possession, distribution and sale of cannabis from the licensed premises of a licensed adult-use cultivator, processor, adult-use cooperative, microbusiness, or registered organization authorized pursuant to New York State Cannabis Law to sell adult-use cannabis, to duly licensed retail dispensaries and on-site consumption sites. Distribution is not allowed to deliver to any consumer.
- **License:** written authorization as provided under this chapter permitting persons to engage in a specified activity authorized pursuant to MRTA.
- **Licensee:** An individual or an entity who has been granted a license under MRTA.
- **Licensed Cannabis Premises:** premises to which a valid license has been issued by New York State Office of Cannabis Management.
- **Microbusiness License:** license that authorizes the limited cultivation, processing, distribution, delivery and dispensing of licensee's own adult-use marijuana and derived products. A microbusiness licensee cannot hold any interest in any other license. The size, scope and eligibility criteria shall comply with any regulation by the State.
- **Nursery License:** license that authorizes the production, sale and distribution of clones, immature plants, seeds and agricultural products used for cultivation.
- **Office of Cannabis Management:** The New York State Office of Cannabis Management ("OCM") created pursuant to the provisions of the MRTA. The OCM is governed by the CCB to oversee and implement the MRTA. The OCM is responsible for licensing and development of regulations outlining how and when businesses can participate in the cannabis industry.
- **Onsite Consumption License:** license that authorizes the consumption of cannabis within a licensed area.
- **Personal Home Cultivation:** the growing, cloning, harvesting, drying, curing, grading, and trimming of cannabis plants for medical use that is subject to Cannabis Law Article 3 and Penal Law Article 222.
- **Processor License:** license that authorizes the acquisition, possession, processing and sale of cannabis from a cultivator to another processor or to a distributor. Processing includes blending, extracting, infusing, packaging, labeling, branding and preparing cannabis products.
- **Retail Dispensary License:** license that authorizes the acquisition, possession, sale and delivery of cannabis from the licensed premises of the dispensary to cannabis consumer.
- **Retail Sale:** to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee, of any cannabis, cannabis product, cannabinoid hemp or hemp extract product to a cannabis consumer for any purpose other than resale.

- Retailer: Any person who sells at retail any cannabis product, to cannabis consumers.

§ 8-10 Cannabis Related Uses in the Town of Islip

- A. The Town may require such information as may be necessary to ensure full compliance with the provisions of state and local laws. Failure to provide required information may be the basis for the disapproval of the required Town permits, licenses, and/or approvals.
- B. The Town is authorized to perform routine inspections to ensure compliance with Cannabis Law, related regulations, building codes, fire, health, safety, and other applicable regulations.
- C. In the event that a court with jurisdiction declares some or all of the state or local laws or regulations governing cannabis related uses invalid, then the Town may, upon advice of the Town attorney, suspend the acceptance of applications or the renewal of permits pending the resolution of the legal issue in question.
- D. Any cannabis related use or activity operating within the Town of Islip without a valid state license is an illegal use and must be terminated.

§ 8-11 Prohibition of Retail Dispensaries and/or On-Site Consumption

Any establishment engaged in the retail sale and or on-site consumption of marijuana within the Town of Islip is prohibited.

- A. No building, structure or premises approved or used as a medical marijuana dispensary pursuant to Article 33 of the New York Public Health Law may be used as a marijuana retail store, dispensary, or on-site consumption site for recreational marijuana use.
- B. No building, structure or premises within any use district in the Town of Islip may be used as a marijuana retail store, dispensary, or on-site consumption site for the sale, distribution or consumption of marijuana or marijuana products for nonmedical use. The sale, distribution or offer for consumption of marijuana and/or marijuana products as prohibited in this section shall be prohibited regardless of whether products in addition to marijuana products are offered for sale, distribution or consumption at the building, structure or premises and regardless of the amount of marijuana or marijuana products available for sale, distribution or offer for consumption at the building, structure or premises in comparison to other products offered for sale, use or consumption at the building, structure or premises.

§ 8-12 Permitted Uses – Licensed Cultivation, Production, Processing & Distribution Facilities.

Facilities authorized and licensed by the state of New York for cultivation, processing and/or distribution of cannabis may be permitted by the Town in accordance with the provisions of this section; provided, that:

- A. Any business duly licensed by the State of New York to conduct legal adult use marijuana operations, as defined by State law, may operate within the Industrial One or Industrial Two Zoning Districts (see Chapter 68) so long as: (i) the entity maintains its State license in good standing; and (ii) the entity otherwise remains in full compliance with the laws and regulations established by the State of New York and the applicable Agency, Authority, and/or Department governing the licensed activity, as may be amended (iii) the use is not within ¼ mile of another cannabis cultivation, production, processing or distribution use.

- B. A licensed cannabis premises shall not be located within 1,000 feet of a public or private school, residential use or zone, or House of Worship. The 1,000 feet shall be measured as the closest distance between property lines without regard to intervening structures.
- C. The licensed cannabis premises must be licensed by the state of New York and must be in compliance, at all times, with New York State Fire and Building Code, and all other applicable laws and rules of the state.
- D. All fencing associated with a licensed cannabis premises must be in compliance with §68-406.
- E. All lighting associated with a licensed cannabis premises must be in compliance with Article III Exterior Lighting Standards of Chapter 68.
- F. The use of the licensed cannabis premises must be in full compliance with the ordinances and regulations of the Town of Islip at all times.
- G. Licensees must maintain documentation demonstrating that all required federal, state, and local taxes, fees, fines, and penalties have been paid and that there are no past due obligations.
- H. All licensees shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside licensed cannabis premises that is distinctive to its operation is not detected outside the licensed cannabis premises, anywhere on the adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by other commercial tenants or members of the public, or within any other unit located within the same building as the cannabis premises in a manner to constitute a nuisance.
- I. No activities associated with the production, processing, transport, or sales of marijuana may be permitted as a home business or accessory use.

§ 8-13 Personal Cultivation of Cannabis

- A. Individuals 21 or older may plant, cultivate, harvest, dry, process and possess up to three mature cannabis plants and three immature cannabis plants at their private residence at any one time.
- B. Home cultivated cannabis cannot be sold to anyone and is only intended for personal use. The use of compressed gas solvents, such as propane or butane, to process or extract home cultivated cannabis, is prohibited.
- C. Cannabis must be securely stored by reasonable steps designed so that the plants are not accessible to any person under 21.
- D. No more than six mature and six immature cannabis plants may be cultivated within any private residence, regardless of the number of individuals 21 or older who reside there. Individuals may lawfully possess up to five pounds of cannabis in their private residence or on the grounds of their private residence, so long as they take reasonable steps designed to ensure that the cannabis is in a secured place not accessible to any person under 21.
- E. Personal cultivation of cannabis pursuant to NYS Penal Law § 222.15 is prohibited until the NYS Office of Cannabis Management issues regulations for home cultivation and storage.

§ 8-14 Penalties for Offenses.

Any person found in violation of this article shall be deemed to have committed an offense against this chapter and shall be subject to civil penalties not exceeding \$2,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

§ 8-15 Severability.

If any provision of this article or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provisions of this article are declared severable.

§8-16 Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

Article XXV Use District Regulations: Industrial 1 District

§ 68-338 Permitted use.

In an Industrial 1 District, the following uses shall be permitted:

B. Manufacturing and warehouse uses, including, but not limited to:

(1) Printing plants.

(2) Mini storage warehouses.

(3) Supply house or wholesale establishment as defined in § 68-3.

(4) Taxidermy.

(5) Industrial/business service use involving office support services, including printing, document reproduction and similarly related functions.

(6) New York State licensed cannabis manufacturing, cultivation, processing, and distribution pursuant to the regulations set forth in Chapter 8, Article II.

Chapter 8 Cannabis

Article II Cannabis Manufacturing, Cultivation, Processing and Distribution.

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- B. The Town is authorized to perform routine inspections to ensure compliance with Cannabis Law, related regulations, building codes, fire, health, safety, and other applicable regulations.
- C. In the event that a court with jurisdiction declares some or all of the state or local laws or regulations governing cannabis related uses invalid, then the Town may, upon advice of the Town attorney, suspend the acceptance of applications or the renewal of permits pending the resolution of the legal issue in question.
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- B. A licensed cannabis premises shall not be located within 1,000 feet of a public or private school, residential use or zone, or House of Worship. The 1,000 feet shall be measured as the closest distance between property lines without regard to intervening structures.
- C. The licensed cannabis premises must be licensed by the state of New York and must be in compliance, at all times, with New York State Fire and Building Code, and all other applicable laws and rules of the state.
- D. All fencing associated with a licensed cannabis premises must be in compliance with §68-406.
- E. All lighting associated with a licensed cannabis premises must be in compliance with Article LII Exterior Lighting Standards of Chapter 68.
- F. The use of the licensed cannabis premises must be in full compliance with the ordinances and regulations of the Town of Islip at all times.
- G. Licensees must maintain documentation demonstrating that all required federal, state, and local taxes, fees, fines, and penalties have been paid and that there are no past due obligations.
- H. All licensees shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside licensed cannabis premises that is distinctive to its operation is not detected outside the licensed cannabis premises, anywhere on the adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by other commercial tenants or members of the public, or within any other unit located within the same building as the cannabis premises in a manner to constitute a nuisance.
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- D. No more than six mature and six immature cannabis plants may be cultivated within any private residence, regardless of the number of individuals 21 or older who reside there. Individuals may lawfully possess up to five pounds of cannabis in their private residence or on the grounds of their private residence, so long as they take reasonable steps designed to ensure that the cannabis is in a secured place not accessible to any person under 21.
- E. Personal cultivation of cannabis pursuant to NYS Penal Law § 222.15 is prohibited until the NYS Office of Cannabis Management issues regulations for home cultivation and storage.

§ 8-14 Penalties for Offenses.

Any person found in violation of this article shall be deemed to have committed an offense against this chapter and shall be subject to civil penalties not exceeding \$2,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

§ 8-15 Severability.

If any provision of this article or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provisions of this article are declared severable.

§8-16 Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

Article XXV Use District Regulations: Industrial 1 District

§ 68-338 Permitted use.

In an Industrial 1 District, the following uses shall be permitted:

B. Manufacturing and warehouse uses, including, but not limited to:

(1) Printing plants.

(2) Mini storage warehouses.

(3) Supply house or wholesale establishment as defined in § 68-3.

(4) Taxidermy.

(5) Industrial/business service use involving office support services, including printing, document reproduction and similarly related functions.

(6) New York State licensed cannabis manufacturing, cultivation, processing, and distribution pursuant to the regulations set forth in Chapter 8, Article II.

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(5) Industrial/business service use involving office support services, including printing, document reproduction and similarly related functions.

(6) New York State licensed cannabis manufacturing, cultivation, processing, and distribution pursuant to the regulations set forth in Chapter 8, Article II.

December 13, 2022
Resolution #

WHEREAS, the Town Board wishes to amend Chapter 19 of the Islip Town Code entitled “Fire Prevention”; and

WHEREAS, this amendment shall become effective twenty (20) days after filing with the Office of the Secretary of State for the State of New York; and

WHEREAS, a public hearing was held therefor on December 13, 2022.

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

RESOLVED, that the Town Board of the Town of Islip hereby adopts Local Law No. 8 - 2022, amending Local Law No. 2 of 2019, entitled, “Fire Prevention.”

Upon a vote being taken the result was

CHAPTER 19 Fire Prevention

Article I General Regulations and Provisions

§§ 19-10 Permits.

G. The Chief Fire Marshal may revoke any permit or approval issued, and the Chief of the Fire Department may revoke a household or commercial burning permit issued by him, if any violation of this chapter is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

Article IV General Precautions Against Fire

§ 19-33 ~~Bonfires and outdoor rubbish fires.~~ Definitions.

A. ~~Permit required. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on or in any public street, alley or road. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any privately owned property or in any other public ground without written permission from the Board of Fire Commissioners in whose area the burning is to be conducted or from its duly authorized representative. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained written permission from the Board of Fire Commissioners in whose area the burning is to be conducted or from its duly authorized representative. This shall be in no way construed as being applicable to backyard barbecues. The requirements of this section shall be in addition to any other permits required by a higher governmental agency.~~

B. ~~Location restricted. No person to whom a permit is issued shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure or the fire is contained in an approved waste burner located safely not less than 15 feet from any structure. This shall in no way be construed as applicable to backyard barbecues.~~

C. ~~Chief may prohibit. The Chief of the Fire Department, or his designee, which protects the~~

~~area may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fire hazardous.~~

~~D. The Chief Fire Marshal may prohibit all bonfires and rubbish fires regardless of any permissions in all or any part of the Town of Islip when atmospheric conditions or local circumstances make such fires hazardous. Notice of such prohibition and its subsequent termination shall be made to each Fire District and Fire Department as soon as practicable.~~

~~E. All permits and permissions required within the scope of this section shall at all times be present at the location of such burning and shall be readily available for inspection by members of the Fire Department, Fire District, Police Department or Division of Fire Prevention.~~

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

BONFIRE

A large outdoor fire utilized for ceremonial purposes, typically taking place in a large open area.

OPEN BURNING

The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

RECREATIONAL FIRE

An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

PORTABLE OUTDOOR FIREPLACE

A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

OUTDOOR RUBBISH FIRE

The burning of any rubbish or waste on private or public grounds. Rubbish or waste consists of household garbage, excess building materials (including fencing and decking) and landscaping debris (leaves & grass clippings).

§19-34 ~~Use of torches for removing paint.~~ Bonfires.

~~The use of a torch or other flame-producing device for removing paint, varnish or any other interior or exterior finish from any building or structure is prohibited.~~

A. Permit required. No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on or in any public street, alley or road. No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any privately owned property or in any other public ground. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity. This shall be in no way construed as being applicable to backyard barbecues. The requirements of this section shall be in addition to any other permits required by a higher governmental agency.

B. Location restricted. No person to whom a permit is issued shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any private land unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure or the fire is contained in an approved waste burner located safely not less than 15 feet from any structure. This shall in no way be construed as applicable to backyard barbecues.

C. Before a Permit can be issued for a Bonfire, there shall be adequate fire protection on site from the Fire Department that protects the area. The Chief of the Fire Department shall determine the level of fire protection needed.

D. Chief may prohibit. The Chief of the Fire Department which protects the area, or his designee, may prohibit any or all bonfires when atmospheric conditions or local circumstances make such fire hazardous.

E. The Chief Fire Marshal may prohibit all bonfires regardless of any permissions in all or any part of the Town of Islip when atmospheric conditions or local circumstances make such fires hazardous. Notice of such prohibition and its subsequent termination shall be made to each Fire Department as soon as practicable.

F. All permits and permissions required within the scope of this section shall at all times be present at the location of such burning and shall be readily available for inspection by members of the Fire Department, Police Department or Division of Fire Prevention.

§ 19-34.1 Open Burning.

Open burning of grass, brush, leaves, rubbish, building materials and/or other combustible or flammable materials is prohibited within the Town of Islip, unless a permit for such open burning has first been obtained from the State or local air and water quality management authority. This Permit shall be displayed and be readily available for inspection by the Fire Department, Police Department or Division of Fire Prevention.

§ 19-34.2 Recreational Fires.

Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material. This shall be in no way construed as being applicable to portable outdoor fireplaces used at one and two-family dwellings.

§ 19-34.3 Attendance.

Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

§ 19-34.4 Fires Prohibited.

Open burning, bonfires, and recreational fires are prohibited on all Town properties. Town properties include, but are not limited to, all Town parks, beaches, marinas, ballfields, playgrounds and any other properties used by the public. This shall be in no way construed as being applicable to fires in the provided barbeque pits in Town facilities for the purpose of food preparation.

§ 19-35 ~~Handling readily combustible materials.~~ Use of torches for removing paint.

No person making, using, storing or having in charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and

~~stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal-lined, covered receptacles or bins. The Chief Fire Marshal shall require suitable baling presses to be installed in all stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.~~

The use of a torch or other flame-producing device for removing paint, varnish or any other interior or exterior finish from any building or structure is prohibited.

§19-36 ~~Receptacles for readily combustible materials.~~ Handling readily combustible materials.

~~All receptacles or bins hereinabove referred to in § 19-35 shall be kept closed at all times and shall be located not less than 15 feet from any building or structure unless otherwise specified by the Chief Fire Marshal. Any such receptacles or bins equipped with wheels shall be enclosed within a noncombustible sill or wall no less than four inches in height.~~

A. No person making, using, storing or having in charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal-lined, covered receptacles or bins. The Chief Fire Marshal shall require suitable baling presses to be installed in all stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

B. All receptacles or bins hereinabove referred to shall be kept closed at all times and shall be located not less than 15 feet from any building or structure unless otherwise specified by the Chief Fire Marshal. Any such receptacles or bins equipped with wheels shall be enclosed within a noncombustible sill or wall no less than four inches in height.

§ 19-42 (Reserved) Dangerous buildings or structures.

Whenever it is found that a building or structure or part thereof may be an imminent danger to life and safety of the public, the Fire Marshal may require the occupants of any such building or structure or any part thereof to vacate the premises forthwith. No person shall use or occupy such building or structure or part thereof until it is made safe. Except for the owner, or the owner's designee, no person shall enter a premises which has been ordered vacated unless authorized to perform inspections, repairs, remove contents of or to demolish and remove such building or structure or part thereof.

§ 19-43 (Reserved) Hazard Identification Signs.

- A. When required by the Fire Marshal, a sign shall be placed at each primary entrance to a building identifying hazards located in the building or on the premises.
- B. Hazard identification signs shall have letters not less than 2 inches in height, and of a color contrasting with the background color, so as to be readily discernible from the outside of the building.
- C. Commercial roof-mounted solar photovoltaic systems require signs to be mounted on the building at all places the responding Fire Department may access the roof containing the photovoltaic system(s). The signs shall be designed in accordance with subsection "B".

Article XVII Liquefied Petroleum Gases

§ 19-107 Certificates of fitness.

K. Contents of certificate of fitness. A certificate of fitness issued by the Chief Fire Marshal shall be in the form of an identification card. Said card shall contain the following information to be valid:

- (1) The purpose for which the certificate of fitness has been issued.
- (2) The date of certificate of fitness issuance and the date of expiration.
- (3) Other information as may be necessary to properly identify the person to whom the certificate of fitness is issued.
- (4) ~~The signature of the person to whom the certificate of fitness is issued.~~ The name and signature of the Chief Fire Marshal who issued the certificate of fitness or the Chief Fire Marshal's name and the countersignature of his designated representative.
- (5) ~~The name and signature of the Chief Fire Marshal who issued the certificate of fitness or the Chief Fire Marshal's name and the countersignature of his designated representative.~~ Printed thereon, in bold type, the following: "THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."
- (6) ~~Printed thereon, in bold type, the following: "THIS CERTIFICATE DOES NOT~~

~~EXCLUSIVELY RECOMMEND THE BEARER."~~

Article XX Places of Assembly

§ 19-119 Permit required.

- A. No Place of Assembly or Public Assembly as defined in Subsection B of this section shall be maintained, operated or used as such without a permit, except that no permit shall be required for any Place of Assembly or Public Assembly used solely as a place of religious worship.
- B. Definitions. As used in this article, the following terms shall have the meanings indicated:

PLACE OF ASSEMBLY

Any room, space, building or portion thereof used for gathering together persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation or similar purposes when such room, space, building or portion thereof has a capacity of ~~50~~ 49 persons or ~~more~~ less, or has a net area available for use by the occupants for assembly purposes of 500 square feet ~~or more~~ and up to 750 square feet.

PUBLIC ASSEMBLY

Any room, space, building or portion thereof used for gathering together persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation or similar purposes when such room, space, building or portion thereof has a capacity of 50 persons or more, or has a net area available for use by the occupants for assembly purposes of 750 square feet or more.

§ 19-120 ~~Plan of exitways and aisles.~~ Floor Plan required of exitways and aisles.

~~A plan showing the location of exitways and of aisles leading thereto shall be submitted for approval to the Chief Fire Marshal, and an approved copy shall be kept on display in the premises.~~

A floor plan that indicates the conditions of the use of the Place of Assembly or Public Assembly space shall be submitted for approval. This includes, but is not limited to, the seating arrangements, seating capacity, means of egress locations and dimensions, the location of heating and electrical equipment and the location of portable fire extinguishers. The plan shall be approved by the Chief Fire Marshal and the approved copy shall be kept on display in the premises.

§ 19-121 **Maximum allowable occupancy.**

A. A maximum allowable occupancy for every Place of Assembly or Public Assembly or portion thereof shall be determined by the Chief Fire Marshal. A suitable placard or sign, as approved by the Chief Fire Marshal, shall be prominently displayed in each Place of Assembly or Public Assembly or portion thereof, indicating the maximum allowable occupancy. Said placard or sign shall be readily visible to the occupants.

B. The owner, operator, managing agent, manager or person in charge of any Place of Assembly or Public Assembly shall ensure that the maximum allowable occupancy for any Place of Assembly or Public Assembly or portion thereof is never exceeded.

C. No owner of a building or tenant in control of the property shall refuse to vacate any Place of Assembly or Public Assembly in which the occupancy limits have been exceeded when directed to do so by the Fire Marshal, Police Officer or any other official authorized to enforce the provisions of this article. Failure to vacate the premises when ordered shall constitute a violation of this article.

§ 19-122 **Construction, maintenance and operation.**

The construction, repair, maintenance and operation of every Place of Assembly or Public Assembly shall be in accordance with the appropriate standards of the Fire and Building Codes of New York.

§ 19-123 ~~(Reserved)~~ **Fire protection equipment.**

All fire protection systems, as defined in § 19-4, in every Place of Assembly or Public Assembly shall be maintained in full, proper, operative condition at all times when said Place of Assembly or Public Assembly or portion thereof is occupied.

§ 19-124 ~~(Reserved)~~

Article XXIII Fireworks

§ 19-133 Sale and discharge.

F. The Chief of the Fire Department that covers the area in which the display is scheduled to occur shall sign the Permit application, which will attest to the fact that the necessary fire protection will be provided for the entire duration of the event. The Chief of the Fire Department shall determine the level of fire protection needed, however, a minimum of one class "A" pumper shall be on site for all land based displays.

Article XXV Multiple-Unit Dwellings and Multiple-Residence Facilities

§ 19-137 Definitions.

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

MULTIPLE-RESIDENCE FACILITY

Any building, structure or portion thereof in which ~~more than four persons, unrelated to the owner, occupy~~ contains three (3) or more individual dwelling units of occupiable space, rooms or suites. This shall include but not be limited to hotels, motels, apartment houses, rooming houses, boardinghouses, garden apartments, nursing homes, convalescent homes, adult homes and residential board and care facilities. This shall not apply to accessory apartments nor to condominiums nor cooperatives wherein the living units are individually owned nor to hospitals.

MULTIPLE-UNIT DWELLING

Any building or structure which contains three or more individual dwelling units or spaces with a common roof or otherwise physically connected, and shall include structures commonly known as "townhouses," "garden apartments," "cooperatives," "~~motels,~~" "~~hotels,~~" "~~apartment houses~~" and "condominiums."

MIXED-USE COMMERCIAL RESIDENCE BUILDING

Any building that contains a property that is used for business, retail, professional or other income generating activities on the first floor, and contains less than three (3) units on the floor(s) above used as individual dwelling units.

§ 19-138 Fire, and smoke and carbon monoxide detection systems and alarms.

Every multiple-unit dwelling, ~~and every~~ multiple-residence facility, and mixed-use commercial residence building shall be equipped with ~~an~~-approved fire, ~~and~~ smoke and carbon monoxide detection equipment as required by the Fire Code and Property Maintenance Code of New York State. All detection, notification and other equipment and devices shall be located and installed in accordance with the standardized procedures as approved by the Chief Fire Marshal or his designee.

§ 19-139 Units under construction.

During the course of construction of any multiple-unit dwelling, ~~or~~ multiple-residence facility, or mixed-use commercial residence building, upon installation of water mains on the construction site, fire hydrants shall be immediately connected and maintained in an operative condition. Access to all hydrants by fire-fighting apparatus shall be provided.

§ 19-140 Permit required.

A. A permit for the construction of any multiple-unit dwelling shall be required as specified in § 19-10H herein.

B. No person, group, business, corporation or other entity shall own or operate any multiple-residence facility or mixed-use commercial residence building unless ~~an annual~~ a rental permit has been issued by the Division of Fire Prevention. All new and existing multiple-residence facilities and mixed-use commercial residence buildings must obtain a permit to operate ~~bi-~~ annually.

C. All multiple-residence facilities and mixed-use commercial residence buildings shall be in compliance with the appropriate standards of the Fire Code and Property Maintenance Code of New York State.

D. Any unit within a multiple-unit dwelling that is not owner occupied and is rented or leased shall obtain a rental permit from the Division of Fire Prevention.

Article XXVII Fire Protection Systems

§ 19-161 ~~(Reserved)~~ Emergency Response.

Every building/business owner that has an installed fire protection system which automatically notifies the local Fire Department upon activation shall provide a contact list. At least one of the representatives listed shall respond to the location upon notification of a system activation within 60 minutes of said notification.

Article XXXII Mobile Food Preparation Vehicles

§ 19-190 Scope.

This article shall apply to and provide regulations and standards regarding the operation of mobile food preparation vehicles as defined in §19-191.

§ 19-191 Definitions.

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

MOBILE FOOD PREPARATION VEHICLES

Vehicles that contain cooking equipment that produce smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

§ 19-192 Operating Permit Required.

A. An operating permit shall be obtained from the Chief Fire Marshal for the operation of a mobile food preparation vehicle as defined in this article. The Chief Fire Marshal may promulgate reasonable rules and regulations for the granting of permits, including but not limited to requiring:

- (1) A completed permit application and associated fee;
- (2) The installation and/or testing records for fire protection equipment or systems in use of said vehicle.

B. Upon receipt of such application, the Chief Fire Marshal shall cause the mobile food preparation vehicle to be inspected for compliance with the Uniform Fire Prevention Code of New York State and the Town of Islip Code.

C. No permit for a mobile food preparation vehicle shall be granted if, in the opinion of the Chief Fire Marshal, such vehicle does not comply with the Uniform Fire Prevention Code of New York State and/or the Town of Islip Code.

D. An operating permit for a mobile food preparation vehicle shall be effective for a period not to exceed one year. An application for renewal must be made prior to the expiration of the current permit.

E. An operating permit for a mobile food preparation vehicle may be suspended or revoked if, in the opinion of the Chief Fire Marshal, there is a violation of the Uniform Fire Prevention Code of New York State and/or the Town of Islip Code resulting in immediate danger to the life or health of occupants thereof.

F. Fees for an operating permit for a mobile food preparation vehicle or for renewal of such permit shall be established by the Chief Fire Marshal according to § 19-11 of this chapter.

G. Permits shall be issued to the business owner for the specific mobile food preparation vehicle listed on the permit. Permits are non-transferable to other owners or vehicles.

H. The requirement for an operating permit is in addition to any required license, permit, or permission from the Town of Islip Town Clerk, Suffolk County Health Department, or any other agency or authority having jurisdiction.

CHAPTER 19 Fire Prevention

Article I General Regulations and Provisions

§§ 19-10 Permits.

G. The Chief Fire Marshal may revoke any permit or approval issued if any violation of this chapter is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

Article IV General Precautions Against Fire

§ 19-33 Definitions.

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

BONFIRE

A large outdoor fire utilized for ceremonial purposes, typically taking place in a large open area.

OPEN BURNING

The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

RECREATIONAL FIRE

An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet

(610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

PORTABLE OUTDOOR FIREPLACE

A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

OUTDOOR RUBBISH FIRE

The burning of any rubbish or waste on private or public grounds. Rubbish or waste consists of household garbage, excess building materials (including fencing and decking) and landscaping debris (leaves & grass clippings).

§19-34 Bonfires.

- A. Permit required. No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on or in any public street, alley or road. No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any privately owned property or in any other public ground. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity. This shall be in no way construed as being applicable to backyard barbecues. The requirements of this section shall be in addition to any other permits required by a higher governmental agency.
- B. Location restricted. No person to whom a permit is issued shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any private land unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure or the fire is contained in an approved waste burner located safely not less than 15 feet from any structure. This shall in no way be construed as applicable to backyard barbecues.
- C. Before a Permit can be issued for a Bonfire, there shall be adequate fire protection on site from the Fire Department that protects the area. The Chief of the Fire Department shall determine the level of fire protection needed.
- D. Chief may prohibit. The Chief of the Fire Department which protects the area, or his designee, may prohibit any or all bonfires when atmospheric conditions or local circumstances make such fire hazardous.
- E. The Chief Fire Marshal may prohibit all bonfires regardless of any permissions in all or any

part of the Town of Islip when atmospheric conditions or local circumstances make such fires hazardous. Notice of such prohibition and its subsequent termination shall be made to each Fire Department as soon as practicable.

F. All permits and permissions required within the scope of this section shall at all times be present at the location of such burning and shall be readily available for inspection by members of the Fire Department, Police Department or Division of Fire Prevention.

§ 19-34.1 **Open Burning.**

Open burning of grass, brush, leaves, rubbish, building materials and/or other combustible or flammable materials is prohibited within the Town of Islip, unless a permit for such open burning has first been obtained from the State or local air and water quality management authority. This Permit shall be displayed and be readily available for inspection by the Fire Department, Police Department or Division of Fire Prevention.

§ 19-34.2 **Recreational Fires.**

Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material. This shall be in no way construed as being applicable to portable outdoor fireplaces used at one and two-family dwellings.

§ 19-34.3 **Attendance.**

Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

§ 19-34.4 **Fires Prohibited.**

Open burning, bonfires, and recreational fires are prohibited on all Town properties. Town properties include, but are not limited to, all Town parks, beaches, marinas, ballfields, playgrounds and any other properties used by the public. This shall be in no way construed as

being applicable to fires in the provided barbeque pits in Town facilities for the purpose of food preparation.

§ 19-35 Use of torches for removing paint.

The use of a torch or other flame-producing device for removing paint, varnish or any other interior or exterior finish from any building or structure is prohibited.

§19-36 Handling readily combustible materials.

A. No person making, using, storing or having in charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal-lined, covered receptacles or bins. The Chief Fire Marshal shall require suitable baling presses to be installed in all stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

B. All receptacles or bins hereinabove referred to shall be kept closed at all times and shall be located not less than 15 feet from any building or structure unless otherwise specified by the Chief Fire Marshal. Any such receptacles or bins equipped with wheels shall be enclosed within a noncombustible sill or wall no less than four inches in height.

§ 19-42 Dangerous buildings or structures.

Whenever it is found that a building or structure or part thereof may be an imminent danger to life and safety of the public, the Fire Marshal may require the occupants of any such building or structure or any part thereof to vacate the premises forthwith. No person shall use or occupy such building or structure or part thereof until it is made safe. Except for the owner, or the owner's designee, no person shall enter a premises which has been ordered vacated unless authorized to perform inspections, repairs, remove contents of or to demolish and remove such building or structure or part thereof.

§ 19-43 Hazard Identification Signs.

A. When required by the Fire Marshal, a sign shall be placed at each primary entrance to a building identifying hazards located in the building or on the premises.

B. Hazard identification signs shall have letters not less than 2 inches in height, and of a color contrasting with the background color, so as to be readily discernible from the outside of the building.

C. Commercial roof-mounted solar photovoltaic systems require signs to be mounted on the building at all places the responding Fire Department may access the roof containing the photovoltaic system(s). The signs shall be designed in accordance with subsection "B".

Article XVII Liquefied Petroleum Gases

§ 19-107 Certificates of fitness.

K. Contents of certificate of fitness. A certificate of fitness issued by the Chief Fire Marshal shall be in the form of an identification card. Said card shall contain the following information to be valid:

- (1) The purpose for which the certificate of fitness has been issued.
- (2) The date of certificate of fitness issuance and the date of expiration.
- (3) Other information as may be necessary to properly identify the person to whom the certificate of fitness is issued.
- (4) The name and signature of the Chief Fire Marshal who issued the certificate of fitness or the Chief Fire Marshal's name and the countersignature of his designated representative.
- (5) Printed thereon, in bold type, the following: "THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

Article XX Places of Assembly

§ 19-119 Permit required.

A. No Place of Assembly or Public Assembly as defined in Subsection B of this section shall be maintained, operated or used as such without a permit, except that no permit shall be required for

any Place of Assembly or Public Assembly used solely as a place of religious worship.

B. Definitions. As used in this article, the following terms shall have the meanings indicated:

PLACE OF ASSEMBLY

Any room, space, building or portion thereof used for gathering together persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation or similar purposes when such room, space, building or portion thereof has a capacity of 49 persons or less, or has a net area available for use by the occupants for assembly purposes of 500 square feet and up to 750 square feet.

PUBLIC ASSEMBLY

Any room, space, building or portion thereof used for gathering together persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation or similar purposes when such room, space, building or portion thereof has a capacity of 50 persons or more, or has a net area available for use by the occupants for assembly purposes of 750 square feet or more.

§ 19-120 Floor Plan required of exitways and aisles.

A floor plan that indicates the conditions of the use of the Place of Assembly or Public Assembly space shall be submitted for approval. This includes, but is not limited to, the seating arrangements, seating capacity, means of egress locations and dimensions, the location of heating and electrical equipment and the location of portable fire extinguishers. The plan shall be approved by the Chief Fire Marshal and the approved copy shall be kept on display in the premises.

§ 19-121 Maximum allowable occupancy.

A. A maximum allowable occupancy for every Place of Assembly or Public Assembly or portion thereof shall be determined by the Chief Fire Marshal. A suitable placard or sign, as approved by the Chief Fire Marshal, shall be prominently displayed in each Place of Assembly or Public Assembly or portion thereof, indicating the maximum allowable occupancy. Said placard or sign shall be readily visible to the occupants.

B. The owner, operator, managing agent, manager or person in charge of any Place of Assembly or Public Assembly shall ensure that the maximum allowable occupancy for any Place of Assembly or Public Assembly or portion thereof is never exceeded.

C. No owner of a building or tenant in control of the property shall refuse to vacate any Place of

Assembly or Public Assembly in which the occupancy limits have been exceeded when directed to do so by the Fire Marshal, Police Officer or any other official authorized to enforce the provisions of this article. Failure to vacate the premises when ordered shall constitute a violation of this article.

§ 19-122 Construction, maintenance and operation.

The construction, repair, maintenance and operation of every Place of Assembly or Public Assembly shall be in accordance with the appropriate standards of the Fire and Building Codes of New York.

§ 19-123 Fire protection equipment.

All fire protection systems, as defined in § 19-4, in every Place of Assembly or Public Assembly shall be maintained in full, proper, operative condition at all times when said Place of Assembly or Public Assembly or portion thereof is occupied.

§ 19-124 (Reserved)

Article XXIII Fireworks

§ 19-133 Sale and discharge.

F. The Chief of the Fire Department that covers the area in which the display is scheduled to occur shall sign the Permit application, which will attest to the fact that the necessary fire protection will be provided for the entire duration of the event. The Chief of the Fire Department shall determine the level of fire protection needed, however, a minimum of one class "A" pumper shall be on site for all land based displays.

Article XXV Multiple-Unit Dwellings and Multiple-Residence Facilities

§ 19-137 Definitions.

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

MULTIPLE-RESIDENCE FACILITY

Any building, structure or portion thereof which contains three (3) or more individual dwelling units of occupiable space, rooms or suites. This shall include but not be limited to hotels, motels, apartment houses, rooming houses, boardinghouses, garden apartments, nursing homes, convalescent homes, adult homes and residential board and care facilities. This shall not apply to accessory apartments nor to condominiums nor cooperatives wherein the living units are individually owned nor to hospitals.

MULTIPLE-UNIT DWELLING

Any building or structure which contains three or more individual dwelling units or spaces with a common roof or otherwise physically connected, and shall include structures commonly known as "townhouses," "garden apartments," "cooperatives," and "condominiums."

MIXED-USE COMMERCIAL RESIDENCE BUILDING

Any building that contains a property that is used for business, retail, professional or other income generating activities on the first floor, and contains less than three (3) units on the floor(s) above used as individual dwelling units.

§ 19-138 Fire, smoke and carbon monoxide detection systems and alarms.

Every multiple-unit dwelling, multiple-residence facility, and mixed-use commercial residence building shall be equipped with approved fire, smoke and carbon monoxide detection equipment as required by the Fire Code and Property Maintenance Code of New York State. All detection, notification and other equipment and devices shall be located and installed in accordance with the standardized procedures as approved by the Chief Fire Marshal or his designee.

§ 19-139 Units under construction.

During the course of construction of any multiple-unit dwelling, multiple-residence facility, or mixed-use commercial residence building, upon installation of water mains on the construction

site, fire hydrants shall be immediately connected and maintained in an operative condition. Access to all hydrants by fire-fighting apparatus shall be provided.

§ 19-140 Permit required.

A. A permit for the construction of any multiple-unit dwelling shall be required as specified in § 19-10H herein.

B. No person, group, business, corporation or other entity shall own or operate any multiple-residence facility or mixed-use commercial residence building unless a rental permit has been issued by the Division of Fire Prevention. All new and existing multiple-residence facilities and mixed-use commercial residence buildings must obtain a permit to operate.

C. All multiple-residence facilities and mixed-use commercial residence buildings shall be in compliance with the appropriate standards of the Fire Code and Property Maintenance Code of New York State.

D. Any unit within a multiple-unit dwelling that is not owner occupied and is rented or leased shall obtain a rental permit from the Division of Fire Prevention.

Article XXVII Fire Protection Systems

§ 19-161 Emergency Response.

Every building/business owner that has an installed fire protection system which automatically notifies the local Fire Department upon activation shall provide a contact list. At least one of the representatives listed shall respond to the location upon notification of a system activation within 60 minutes of said notification.

Article XXXII Mobile Food Preparation Vehicles

§ 19-190 Scope.

This article shall apply to and provide regulations and standards regarding the operation of

mobile food preparation vehicles as defined in §19-191.

§ 19-191 Definitions.

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

MOBILE FOOD PREPARATION VEHICLES

Vehicles that contain cooking equipment that produce smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

§ 19-192 Operating Permit Required.

A. An operating permit shall be obtained from the Chief Fire Marshal for the operation of a mobile food preparation vehicle as defined in this article. The Chief Fire Marshal may promulgate reasonable rules and regulations for the granting of permits, including but not limited to requiring:

- (1) A completed permit application and associated fee;
- (2) The installation and/or testing records for fire protection equipment or systems in use of said vehicle.

B. Upon receipt of such application, the Chief Fire Marshal shall cause the mobile food preparation vehicle to be inspected for compliance with the Uniform Fire Prevention Code of New York State and the Town of Islip Code.

C. No permit for a mobile food preparation vehicle shall be granted if, in the opinion of the Chief Fire Marshal, such vehicle does not comply with the Uniform Fire Prevention Code of New York State and/or the Town of Islip Code.

D. An operating permit for a mobile food preparation vehicle shall be effective for a period not to exceed one year. An application for renewal must be made prior to the expiration of the current permit.

E. An operating permit for a mobile food preparation vehicle may be suspended or revoked if, in the opinion of the Chief Fire Marshal, there is a violation of the Uniform Fire Prevention Code of New York State and/or the Town of Islip Code resulting in immediate danger to the life or health of occupants thereof.

F. Fees for an operating permit for a mobile food preparation vehicle or for renewal of such permit shall be established by the Chief Fire Marshal according to § 19-11 of this chapter.

G. Permits shall be issued to the business owner for the specific mobile food preparation vehicle listed on the permit. Permits are non-transferable to other owners or vehicles.

H. The requirement for an operating permit is in addition to any required license, permit, or permission from the Town of Islip Town Clerk, Suffolk County Health Department, or any other agency or authority having jurisdiction.

December 13, 2022
Resolution #

WHEREAS, the Town Board wishes to amend Chapter 23A of the Islip Town Code entitled "Graffiti"; and

WHEREAS, this amendment shall become effective twenty (20) days after filing with the Office of the Secretary of State for the State of New York; and

WHEREAS, a public hearing was held therefor on December 13, 2022.

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

RESOLVED, that the Town Board of the Town of Islip hereby adopts Local Law No. 9 of 2022, amending Local Law No. 13-2009, Chapter 23A entitled "Graffiti."

Upon a vote being taken the result was

CHAPTER 23A Graffiti

§ 23A-4 Prohibited acts.

A. No person shall make graffiti of any type on ~~any public or private building~~ the exterior of any private building or on any public building, structure or any other real or personal property owned by any person, firm, corporation, partnership, association, or other legally recognized entity, including any public corporation or agency or entity without the consent and express permission of the owner or proprietor thereof or, in case of public property, of the person having charge, custody or control thereof.

§ 23A-7 Removal of defacement required.

A. ~~It is the responsibility of the owner, and/or his or her agent, and/or his or her person-in-charge of any building or structure which has been defaced with graffiti without the owner's, and/or his or her agent's, and/or his or her person-in-charge's prior written permission, to completely remove said graffiti from the building or structure within 20 15 days of receipt of written notice of the defacement by the Town of Islip, unless the owner, and/or his or her agent, and/or his or her person-in-charge has entered into an agreement and waiver with the Town under Subsections B and C below.~~

B. ~~Fees for Town removal. There shall be a fee for the Town removal of graffiti after the owner, and/or his or her agent, and/or his or her person-in-charge of said building or structure completes the filing of a waiver of liability as defined in Subsection C below with the Town. This waiver of liability is due prior to the Town's removal of the subject graffiti and/or defacement. The fee shall be \$100 for residential properties and \$500 for commercial properties. In the event a property owner claims the graffiti was the result of a crime and can produce a police report attesting to this, there shall be no fee for the graffiti removal. The Town of Islip shall provide a bill for the cost of the removal to the Suffolk County District Attorney's Office in an attempt to recover the cost of the service performed by the Town through restitution and/or shall initiate civil litigation to recoup the cost of the graffiti removal from the offender. [Amended 7-16-2013 by L.L. No. 9-2013]~~

C. ~~Waiver. In order to induce the Town to remove graffiti as set forth in § 23A-7B above, the owner, and/or his or her agent, and/or his or her person-in-charge of a commercial or private building or structure located within the Town of Islip shall be provided with a waiver of liability which holds the Town harmless in the removal of the graffiti/defacement. It shall fall within the responsibility of the owner, and/or his or her agent, and/or his or her person-in-charge of that structure to properly complete such waiver of liability as a condition precedent to the removal of~~

~~the subject graffiti or defacement by the Town in a form prepared by the Town and to return it to the designated representative of the Town as indicated on such waiver.~~

~~D. Failure to completely remove said graffiti from a building or structure as required 23A-7A, or failure to enter into an agreement as referred to in Subsection C above with the Town within the period set out in § 23A-7A above shall be a violation.~~

~~E. Should the owner, and/or his or her agent, and/or his or her person in charge of any building or structure fail to remove the graffiti or defacement that depicts a word, picture, phrase, design, figure, statement, symbol or mark of any kind that is recognized as hateful, derogatory or inflammatory towards a race, color, religion, disability, sexual orientation, national origin or ancestry within a seventy-two hour period, the Town shall take the necessary steps for the immediate removal of such graffiti or defacement, provided that:~~

~~(1) Notice. The Commissioner of the Department of Public Works or his or her designee shall notify the property owner in writing and/or his or her agent, and/or his or her person in charge of the building or structure by telephone, in person, by posting such notice on the offending structure, or by certified mail of the violation and shall specify the work required and specify the length of time during which the work must be commenced. The Commissioner shall advise the property owner and/or his or her agent, and/or his or her person in charge of the consequences of the failure to comply.~~

~~(2) Failure to comply. In the event that the owner, and/or his or her agent, and/or his or her person in charge neglects or refuses to comply with the Commissioner's notice in the specified time, the Commissioner is authorized to commence proceedings for a Special Town Board meeting or present at regular Town Board meeting where evidence shall be presented of the nature of the offensive markings so as to authorize the Town Board to determine whether such offensive markings are a danger to the community, and, therefore, a public nuisance and to be treated as such under the Islip Town Code with the required work to remove the graffiti and/or defacement and to include all cost incurred by the Town in the next regularly scheduled tax bill, and, in addition, the owner, and/or his or her agent, and/or his or her person in charge shall be guilty of a violation.~~

§ 23A-8 Penalties for offenses.

D. Any person who is convicted of a violation of § 23A-5 of this chapter shall be guilty of a misdemeanor violation and, upon conviction thereof, shall be punishable by a mandatory fine of not less than \$1,000 ~~\$500~~ nor more than \$2,500 ~~than \$5,000~~ and/or imprisonment for not more than one year fifteen days. If any person is convicted of a subsequent violation of the provisions of § 23A-5 of this chapter within five years of a prior conviction, that subsequent conviction shall be punishable by a fine of not less than \$2,500, and no more than \$5,000 \$10,000 and/or imprisonment for not more than one year fifteen days, or both.

E. Any person, corporation, partnership, association or other legally recognized entity who is convicted of a violation of § 23A-7A shall be punished by a fine not to exceed \$1,000. Each

seven-day period that the person, corporation, partnership, association or other legally recognized entity fails to act shall constitute an independent and continuing violation of § 23A-7A.

~~F. Any person, corporation, partnership, association or other legally recognized entity who is convicted of a violation of § 23A-7E, in addition to any other penalties that may be applicable for any other violations of § 23A-7A shall be punished by a fine not to exceed \$5,000 and/or imprisonment for not more than 15 days. Each day that the person, corporation, partnership, association or other legally recognized entity fails to act shall constitute an independent and continuing violation of § 23A-7E.~~

[Amended 7-16-2013 by L.L. No. 9-2013]

CHAPTER 23A Graffiti

§ 23A-4 Prohibited acts.

A. No person shall make graffiti of any type on the exterior of any private building or on any public building, structure or any other real or personal property owned by any person, firm, corporation, partnership, association, or other legally recognized entity, including any public corporation or agency.

§ 23A-7 Removal of defacement required.

It is the responsibility of the owner, and/or his or her agent, and/or his or her person-in-charge of any building or structure which has been defaced with graffiti to completely remove said graffiti from the building or structure within 15 days of receipt of written notice of the defacement by the Town of Islip.

§ 23A-8 Penalties for offenses.

D. Any person who is convicted of a violation of § 23A-5 of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a mandatory fine of not less than \$500 nor more than \$5,000 and/or imprisonment for not more than fifteen days. If any person is convicted of a subsequent violation of the provisions of § 23A-5 of this chapter within five years of a prior conviction, that subsequent conviction shall be punishable by a fine of not less than \$2,500, and no more than \$10,000 and/or imprisonment for not more than fifteen days, or both.

E. Any person, corporation, partnership, association or other legally recognized entity who is convicted of a violation of § 23A-7 shall be punished by a fine not to exceed \$1,000. Each seven-day period that the person, corporation, partnership, association or other legally recognized entity fails to act shall constitute an independent and continuing violation of § 23A-7.

RESOLUTION

**RE: PUBLIC HEARING ON FIRE PROTECTION CONTRACT
BETWEEN
FIRE COMMISSIONERS OF THE BAY SHORE FIRE DISTRICT
AND THE TOWN OF ISLIP
WITH RESPECT TO THE BAY SHORE FIRE PROTECTION DISTRICT**

WHEREAS, there is in existence a Contract dated the 26th day of January, 2022, between Gary M. Arnold, et. al, as FIRE COMMISSIONERS OF THE BAY SHORE FIRE DISTRICT and the TOWN OF ISLIP providing fire protection for the Bay Shore Fire Protection District, and

WHEREAS, said Contract by its terms terminates on the 31st day of December, 2022, and

WHEREAS, prior to the execution of any new Contract a Public Hearing is necessary,

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

BE IT RESOLVED that a Public Hearing was held by the Town Board of the Town of Islip, Suffolk County, New York, at Town Hall in said Town on the date of _____, 2022 at ___ o'clock in the afternoon for the purpose of considering contracting with the Fire Commissioners of the Bay Shore Fire District for fire protection to be furnished by said Fire Commissioners to the Bay Shore Fire Protection District upon the following general terms, to wit:

1. The Fire Commissioners of the Bay Shore Fire District shall answer and attend upon all calls in said Bay Shore Fire Protection District.
2. The term of said contract shall be less than five years, to wit: to commence on the 1st day of January, 2023, and to continue to and include the 31st day of December, 2023.
3. For such services the Bay Shore Fire Commissioners shall receive the sum of \$982,220.50 for a first semi-annual payment, and \$982,220.50 for a second semi-annual payment for a total of \$1,964,441.00 for the year, plus reimbursement for the costs of insurance required under the Volunteer Firemen's Benefit Law, allocable to the Bay Shore Fire Protection District population, estimated at \$212,598.00.
4. The terms of the Contract shall be substantially similar to those of the above-referred to existing contract.

BE IT FURTHER RESOLVED, that due and proper notice of said Public Hearing was given by publishing written notice thereof in accordance with law.
Upon a vote being taken, the result was

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Islip will hold a public hearing on **Tuesday, December 13, 2022** at 2:00 p.m. at Town Hall, 655 Main Street, Islip, NY 11751, on the proposed Modification of Covenants and Restrictions associated with TC #5287A to authorized the conversion of the existing mixed-used building into two (2) condominium units: one (1) unit consisting of the existing community center and one (1) residential unit consisting of the existing seventy-five affordable senior rental apartments (which shall fall within the "Non Homestead Class" and not the "Homestead Class" as defined by section 1901 of the Real Property Tax law). The environmental impacts will also be assessed on this property located in the Bay Shore School District and located on the Northwest side of Park Avenue and Mechanicsville Road, Bay Shore (34 Park Avenue), Town of Islip, Suffolk County, New York also known as SCTM #0500-393.00-02.00-073.004.

The meeting will also be streamed live over the Internet. Instructions on how to access the livestream are available on the Town's website, www.islipny.gov.

Anyone interested in providing comments to the Town Board on an agenda item are encouraged to do so in writing and prior to the date of the meeting by providing written comment to the Islip Planning Department at Publichearings@islipny.gov.

NOTICE IS FURTHER 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.

TOWN BOARD, TOWN OF ISLIP
Islip, New York

AGENDA VOTE

TOWN BOARD MEETING - TOWN OF ISLIP
TO BE HELD AT TOWN HALL, 655 MAIN STREET
ISLIP, NY
ON
TUESDAY, DECEMBER 13, 2022

2:00 P.M.

T.C. #5412 – Town Board Own Motion. – On the proposed Modification of Covenants and Restrictions associated with TC #5287A to authorized the conversion of the existing mixed-used building into two (2) condominium units: one (1) unit consisting of the existing community center and one (1) residential unit consisting of the existing seventy-five affordable senior rental apartments (which shall fall within the “Non Homestead Class” and not the “Homestead Class” as defined by section 1901 of the Real Property Tax Law).The environmental impacts will also be assessed on this property. This Property is located in the Bay Shore School District

MOTION –

SECOND –

GRANTED –

DENY –

RESERVED –

TAX MAP NUMBER: 0500-393-02-073.004
DATE OF GRANT: DECEMBER 13, 2022

T.C. # _____
RESOLUTION # _____

WHEREAS, Bay Shore Senior Residence, LLC, a New York limited liability company with offices at c/o The D & F Development Group, LLC, 100 Schoolhouse Road, Levittown, New York 11756, is the successor-in-interest to Bay Park Holdings, LLC, with respect to the real property and related assets located at 34 Park Avenue, Bay Shore, New York 11706 (the "Premises");

WHEREAS, on September 28, 2017, following a public hearing, the Islip Town Board granted the application of Bay Park Holdings, LLC (TC #5287) for a change of zone of the Premises from Business District to Downtown Development District, subject to certain covenants and restrictions, to construct a mixed-used building with a Community Center and 75 senior apartments (the "Project"); and

WHEREAS, on April 16, 2019, following a public meeting, the Town of Islip Industrial Development Agency ("IDA") approved an application by Bay Shore Senior Residence, LLC (the "Owner"), for assistance with the acquisition of real property needed for the Project, the demolition of an existing building thereon, and the construction of a mixed-used building to include 75 rental units for affordable senior housing and an approximately 8,000 square foot community center (the "Community Center"); and

WHEREAS, within the preamble of the April 16, 2019 resolution by the IDA (the "Inducement Resolution"), it was contemplated that the Owner might form a condominium unit for the Community Center to transfer it to a not-for-profit corporation and release it from the Project; and

WHEREAS, the Inducement Resolution also authorized a 15-year payment-in-lieu-of-taxes ("PILOT") agreement for the Project, which required the Owner to pay \$75,000 per year for two construction years followed by annual payments of \$1,200 with 2% annual increases for each of the 75 senior housing rental units (e.g., \$90,000 for Year 1); and

WHEREAS, on June 25, 2019, the Office of the Attorney General of the State of New York issued a "No-Action Letter" for the Owner's proposed conversion of the Project into a two (2) unit condominium: one (1) unit consisting of 75 rental apartments for affordable senior housing and the appurtenant common interests, and one (1) commercial unit consisting of an approximately 8,000 square foot community center and the appurtenant common interests; and

WHEREAS, on December 30, 2019, the Owner, the IDA, and the New York State Division of Housing and Community Renewal ("DHCR") entered into a New York State and Federal Low-Income Housing Credit Regulatory Agreement, which sets forth the Owner's plan to convert the Project into two (2) condominium units: one (1) condominium unit comprised of seventy-five (75) affordable senior rental units and the appurtenant common interests, and one (1) condominium unit comprised of an approximately 8,000 square-foot community center and the appurtenant common interests; and

WHEREAS, the existing covenants and restrictions on the Premises limit the use of the property to 75 senior citizen apartments and an 8,000 square-foot community center, but do not expressly authorize the conversion of the Project to a two (2) unit condominium as set forth above; and

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T.C. # _____
RESOLUTION # _____

WHEREAS, the Islip Town Assessor has raised concerns regarding the tax treatment of the proposed two (2) unit condominium after the expiration of the PILOT agreement, specifically whether the condominium unit containing the 75 rental apartments would fall within the “non-homestead class” under Section 1901 of the Real Property Tax Law (as an apartment building typically would), or the “homestead class” (as a residential condominium typically would); and

WHEREAS, to assuage concerns that the proposed two (2) unit condominium might inappropriately be deemed part of the “homestead class” and valued on a sales-comparison approach instead of an income approach, the Owner has offered to include the following language in its condominium declaration to be recorded with the Suffolk County Clerk:

The Unit owners agree that the “Residential Unit,” as defined within, consists of 75 rental apartments, and as such, it shall fall within the, “non-homestead class,” and not the “homestead class,” as defined by Section 1901 of the Real Property Tax Law. The Unit owners further agree that the 75 rental apartments within the Residential Unit will not be converted into individual condominium units without prior authorization from the Town Board of the Town of Islip and any necessary approvals from the New York State Attorney General under the Condominium Act;

and

WHEREAS, the Owner is agreeable to recording a covenant and restriction against the Premises to mirror the foregoing language to be placed in the condominium declaration; and

WHEREAS, the Islip Town Board has assessed the environmental impact of forming a two (2) unit condominium for the Project and finds that it would not have a significant adverse environmental impact;

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

RESOLVED, that paragraph #2 of T.C. #5287 is hereby rescinded in its entirety and replaced with the following covenant and restriction:

The use of the subject property shall be limited to a two (2) unit condominium: one (1) condominium unit comprised of an approximately 8,000 square-foot community center and the appurtenant common interests (“Unit 1”), and one (1) condominium unit comprised of seventy-five (75) rental apartments and the appurtenant common interests (“Unit 2”). Another parcel/tax lot may be assigned for the common elements shared by Unit 1 and Unit 2 (e.g., parking).

Owner/Declarant agrees that Unit 2 shall consist of seventy-five (75) rental apartments, and as such, it shall fall within the “non-homestead class,” and not the “homestead class,” as defined by Section 1901 of the Real Property Tax Law. Owner/Declarant further agrees that the 75 rental apartments within Unit 2 will not be converted into individual condominium units without providing the minimum number of parking spaces required for

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T.C. # _____
RESOLUTION # _____

a single-family dwelling for each apartment that is converted into an individual condominium unit and prior authorization from the Town Board of the Town of Islip, as well as any necessary approvals from the New York State Attorney General under the Condominium Act.

and be it further

RESOLVED, that all other covenants and restrictions associated with T.C. #5287 shall remain valid and enforceable.

METES AND BOUNDS

DESCRIPTION
TAX LOT 73.4

ALL that certain plot, piece or parcel of land situate, lying and being at Bay Shore, Town of Islip, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Westerly side of Park Avenue and the northerly side of Mechanicsville Road;

RUNNING thence westerly along the northerly side of Mechanicsville Road, South 50 degrees 22' West 313.75 feet to the general line of the middle of Crums Brook;

RUNNING thence along said general line, the following five (5) courses and distances:

North 31 degrees 31' 10" West 20.96 feet,

North 6 degrees 30' 10" West 21.59 feet,

North 24 degrees 57' East 16.96 feet,

North 41 degrees 51' East 44.30 feet and

North 8 degrees 12' 30" West 20.72 feet (Deed), North 8 degrees 28' 24" West 20.60 (Actual) to a point;

RUNNING thence North 50 degrees 26' 30" East 79.19 Actual (79.14 Deed) to a point;

RUNNING thence North 39 degrees 33' 30" West 4.00 feet to a point;

RUNNING thence North 50 degrees 26' 30" East 150.00 feet to the westerly side of Park Avenue;

RUNNING thence southerly along the westerly side of Park Avenue, South 39 degrees 38' East 74 feet to a point or place of BEGINNING.

DEED COVENANTS AND RESTRICTIONS

1. Paragraph 2 of T.C. #5287 recorded in the Suffolk County Clerk's Office on April 12, 2018 in Liber D00012957 at Page 565 is hereby rescinded in its entirety and replaced with the following:

The use of the subject property shall be limited to a two (2) unit condominium: one (1) condominium unit comprised of an approximately 8,000 square-foot community center and the appurtenant common interests ("Unit 1"), and one (1) condominium unit comprised of seventy-five (75) rental apartments and the appurtenant common interests ("Unit 2").

Owner/Declarant agrees that Unit 2 shall consist of seventy-five (75) rental apartments, and as such, it shall fall within the "non-homestead class," and not the "homestead class," as defined by Section 1901 of the Real Property Tax Law. Owner/Declarant further agrees that the 75 rental apartments within Unit 2 will not be converted into individual condominium units without providing the minimum number of parking spaces required for a single-family dwelling for each apartment that is converted into an individual condominium unit and prior authorization from the Town Board of the Town of Islip, as well as any necessary approvals from the New York State Attorney General under the Condominium Act.

2. All other covenants and restrictions associated with T.C. #5287 shall remain valid and enforceable.

3. The above-mentioned covenants and restrictions shall be and constitute real covenants running with the land and shall be binding upon the Owner/Declarant 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 covenants and/or restrictions at any time with the consent of the owner or owners for the time being of the premises herein described, 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.

The foregoing covenants and restrictions shall be memorialized in a Declaration of Covenants and Restrictions, subject to the approval of the Islip Town Attorney, and such instrument shall be recorded in the Suffolk County Clerk's Office by the Owner/Declarant, at the Owner/Declarant's expense, within 180 days of the Town Board's authorization to modify the covenants and restrictions associated with T.C. #5287. It is understood that the modification of such covenants and restrictions will be ineffective, and no further Building Permits or Certificates of Occupancy will be issued for the Premises, until Owner/Declarant provides the Town of Islip Planning Department with acceptable proof that the Declaration of Covenants and Restrictions has been recorded in the Suffolk County Clerk's Office.

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DATE OF GRANT: DECEMBER 13, 2022

T.C. # _____
RESOLUTION # _____

UPON a vote being taken, the result was: _____