



## **TOWN CLERK**

**PUBLIC HEARING**  
**655 Main Street**  
**Islip, NY 11751**

**August 13, 2024**  
**2:00 p.m.**

- 
- 1. To transfer of property located at 75 Amityville Street, Islip Terrace from the Town of Islip Community Development Agency under the CDA's Rent With Option to Buy Affordable Housing Program.**
  - 2. To consider amending the Town of Islip Uniform Traffic Code.**
  - 3. To consider amending Islip Town Code Chapter 68, Section 68-457, entitled, "Moratorium on Development of Battery Energy Storage Systems."**
  - 4. To consider amending Chapter 68 of the Town of Islip's Zoning Code Sections 68-385, 68-649 and 68-650.**

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

**Dated at Islip, NY**  
**TOWN OF ISLIP**  
**Published**  
**LDV/tb**

**TOWN BOARD,**

**By: LINDA D. VAVRICKA**  
**TOWN CLERK**

## RESOLUTION

**WHEREAS**, the Town of Islip Community Development Agency has selected the following purchasers as qualified and eligible Sponsors for the purchase of the below listed property:

<u>Name/Property Address</u>	<u>Tax Map</u>	<u>Purchase Price</u>
Ricardo Bermudez Barbara Bermudez 75 Amityville Street, Islip Terrace	0500-230-01-030	\$486,000.00

**WHEREAS**, said sponsor intend to occupy said premise as the owner-occupant; and

**WHEREAS**, the Board deems it in the best interest of the residents of the Town of Islip for the Town of Islip Community Development Agency to convey said premise to said Sponsors; and

**NOW THEREFORE**, on a motion of  
seconded by

**RESOLVED**, that the Town Board hereby approves the sale of said property described above from the Town of Islip Community Development Agency to convey said premise to said Sponsors, that the sale of said premise to the Sponsors is subject to permissive referendum.

**UPON A VOTE** being taken, the result was:

**THIS RESOLUTION IS SUBJECT TO PERMISSIVE REFERENDUM**

**Take Notice that the Town of Islip held a Public Hearing on Tuesday, August 13, 2024 at 2:00pm at Islip Town Hall, 655 Main Street, Islip, NY to consider amending the Town of Islip Uniform Traffic Code as follows.**

**On a motion made by Councilperson**

**Seconded by Councilperson**

**Be it, Resolved the Town of Islip Uniform Traffic Code has been amended.**

**SCHEDULE G  
STOP AND YIELD INTERSECTIONS  
AMEND TO READ**

<b>INTERSECTION TRAFFIC</b>	<b>SIGN</b>	<b>CONTROLLING</b>
Huron Drive at Manatuck Boulevard (NBS)	Stop	East/West on Huron Drive; <u>North/South on Manatuck Boulevard</u>
Peters Boulevard at St. Johns Street (CIS) Boulevard;	Stop	North/South on Peters  <u>East/West on St. Johns Street</u>

**SCHEDULE G  
STOP AND YIELD INTERSECTIONS  
ADD**

<b>INTERSECTION TRAFFIC</b>	<b>SIGN</b>	<b>CONTROLLING</b>
Fulham Lane at Jay Lane (HBK)	Stop	East on Jay Lane

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

<b>LOCATION</b>	<b>REGULATION</b>	<b>HOURS/DAYS</b>
Smith Street/South From 120 ft. east of Cordello Avenue to Carleton Avenue (CIS)	No parking	

Upon a vote being taken the result was:

**WHEREAS**, on the 19<sup>th</sup> of March 2024, the Town Board duly adopted Ordinance No. 68-457 declaring a six-month moratorium on the issuance and further processing of permits and approvals for Battery Energy Storage Systems (“BESS”) pursuant to Section 68-456 of the Islip Town Code to ensure the health, safety and welfare of the public;

**WHEREAS**, the Town Board finds it necessary to amend Ordinance No. 68-457 in order to clarify the scope of the moratorium;

**WHEREAS**, the Town Attorney’s Office in conjunction with the Planning Department recommend the proposed amendment to Ordinance No. 68-457;

**WHEREAS**, the Town Clerk has placed a Public Notice in the newspaper circulated locally which indicates the nature of the proposed amendment to Ordinance No. 68-457; and

**WHEREAS**, on July 9, 2024, pursuant to N.Y. General Municipal Law Section 239-m, the Town of Islip referred the proposed amendment to Ordinance No. 68-457 to the Suffolk County Planning Commission for their review and recommendation;

**WHEREAS**, on August 13, 2024, a public hearing was held before the Town Board to consider amending Ordinance No. 68-457 of the Islip Town Code;

**NOW, THEREFORE**, on motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, be it

**RESOLVED**, the Town Board hereby amends Ordinance No. 68-457 of the Islip Town Code as follows:

SEE ATTACHED  
Additions are indicated by UNDERLINING  
Deletions are indicated by ~~STRIKEOUTS~~

Upon a vote being taken the result was:

## **§ 68-457 Moratorium for the Development of Battery Energy Storage Systems**

### **A. Authority.**

This moratorium is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10, Subdivisions 1 and 7, §§ 261 through 263 of the Town Law, and § 10 of the Municipal Home Rule Law of the State of New York. In particular, this chapter shall supersede those provisions of the Town Code and New York State Law which require the Town Board, Planning Board, and/or Zoning Board of Appeals to accept, process, and/or approve applications for the development of Battery Energy Storage Systems within specified statutory time periods.

### **B. Legislative intent.**

This ordinance is adopted to impose a six-month moratorium on the issuance of permits and/or approvals for Battery Energy Storage Systems. The Town of Islip recognizes that Battery Energy Storage Systems (“BESS”) are a key component to the viability and promotion of renewable energy sources. However, since the technology of these systems is still in its infancy, there is a significant amount of recent public concern about the potentially volatile nature of lithium-ion batteries, which stems from fires at three different BESS facilities in the State of New York from May through July of 2023. In response to the recent BESS fires, New York State Governor Kathy Hochul found it necessary to form an Inter-Agency Fire Safety Working Group tasked with ensuring the safety of BESS across New York. There have been no notable findings or recommendations published by this group as of the adoption of this ordinance.

Therefore, the Town Board, Planning Board, and Zoning Board of Appeals need additional information and assurances about the safety of these types of facilities, including but not limited to best practices for fire suppression and emergency response, ensuring the technology and availability of equipment necessary for the Town’s Hazardous Materials Unit and local fire departments should a fire occur, precautions to take related to gas emissions and deterring any necessary fire suppression chemicals from impacting groundwater, and the adequacy of location and other standards for siting these facilities. Given these concerns and the current lack of relevant data and information on this issue, it is necessary for the Town Board to enact a six (6) month limited moratorium on the issuance of permits and/or approvals for BESS pursuant to Town Code § 68-456 while these issues are further considered and the Code is adequately revised to address any outstanding concerns.

### **C. Definitions.**

The applicable definitions for this section shall be the same as those set forth in § 68-456.

D. Moratorium.

No new permit, land use application, or request for the development of BESS shall be accepted pursuant to § 68-456, nor shall any pending applications continue to be processed or decided by the Town Board, the Planning Board, or the Zoning Board of Appeals, or any other agency, department, or office of the Town of Islip during the Moratorium Period.

No building permit, BESS permit, or Planning Board special permit for BESS shall be issued by the Town Board, the Planning Board, the Zoning Board of Appeals, or any other agency, department, or office of the Town of Islip during the Moratorium Period.

E. Moratorium Period.

The moratorium period shall be in effect for a period of six (6) months following the effective date of this ordinance. Following the moratorium period, this ordinance shall be without further force and effect unless the moratorium period is extended by a Town Board resolution. Notwithstanding the foregoing, the moratorium period shall not exceed eighteen (18) months.

F. Exclusions.

~~None.~~

This ordinance shall not apply to Tier 1 BESS, as defined by Section 68-456(c) of the Islip Town Code, that have an aggregate energy capacity less than or equal to 80 kWh.

G. Applications that may be exempted.

- 1) In reliance upon the initial findings issued by the New York State Inter-Agency Fire Safety Working Group, which were released on December 21, 2023 and determined that there has been no evidence of significant off-site migration of contaminants associated with the three (3) recent fires at BESS facilities in Jefferson County, Orange County, and Suffolk County, the Town of Islip has set forth below a pathway for certain qualified applications to be exempted from this moratorium.
- 2) Applications may be exempted from the provisions of this ordinance following a public hearing on due notice before the Town Planning Board and service of a written notice upon the local Fire Department for the proposed siting of the BESS. Upon such application, the Planning Board shall consider:
  - a. The emergency response plan including evacuation orders to be followed in the event of a fire or any other emergency at the facility and satisfactory evidence that precautions are in place to suppress a fire and mitigate the extent of damage to the surroundings and environment;

- b. The size of subject parcel and the wattage of the BESS facility;
  - c. The proximity of the applicant's proposed BESS facility to residential areas as well as sensitive and high-risk populations including but not limited to hospitals, nursing homes, assisted living facilities, schools;
  - d. The extent of the proposed development and/or disturbance of the applicant's premises;
  - e. The environmental significance, if any, of the applicant's parcel and the proposed development's impact upon the environment, including existing transportation resources;
  - f. Compatibility of the proposed development with the aesthetic resources of the community or with the existing community or neighborhood character;
  - g. Compatibility of the proposed development with the recommendations of the Master Plan, the Comprehensive Plan Update, and all adopted Comprehensive Plans and plan elements henceforth; and
  - h. Whether the application meets the minimum requirements of Section 68-456.
- 3) In making a determination under this subsection, the Planning Board may obtain and consider written reports from the Town of Islip Hazardous Materials Unit and such other sources as required in the judgment of the Planning Board and consistent with the purpose of this chapter. A grant of an exemption to an applicant's premises shall include a determination of hardship and unique circumstances which do not generally apply throughout the Town and a finding that the grant of an exemption will be in harmony with, and will not be unduly disruptive to, the goals and purposes of the assessment undertaken pursuant to this ordinance.
- 4) An application under this subsection must be accompanied by a \$1,000.00 fee and 8 copies of the application, together with the applicant's written undertaking to pay all out-of-pocket costs incurred by the Town in studies and/or by retainer of resource personnel relating to this hearing, review and determination of such application, in form and substance acceptable to the Planning Board.

#### H. Compliance with SEQRA.

Pursuant to 6 NYCRR Section 617.5(c)(36), the imposition of a six-month moratorium is a Type II action, and therefore, no further SEQRA review is required.

#### I. Enforcement.

Any violation of the moratorium shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Islip.

#### J. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this ordinance, as declared by the valid judgment of any court of competent jurisdiction, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

K. Effective Date.

This ordinance shall take effect ten (10) days after the text of the ordinance, or a summary or abstract thereof, is published in either the official newspaper of the Town of Islip or, if there is none, in a newspaper designated by the Town Board having general circulation in the Town pursuant to New York State Town Law §§ 133 and 264.



**WHEREAS**, there has been presented to the Town Board on the 13<sup>th</sup> of August, 2024, the proposed amendments to Chapter 68 entitled “Zoning”, Sections 68-385, 68-649 and 68-650 of the Islip Town Code; and

**WHEREAS**, the Office of the Town Attorney and Department of Planning and Development recommend the proposed amendments to Zoning Code Sections 68-385, 68-649, and 68-650 in order to clarify portions that are either ambiguous or lack clarity;

**WHEREAS**, the Town Clerk has placed a Public Notice in the newspaper circulated locally which indicates the nature of the proposed amendments to Zoning Code Sections 68-385, 68-649, and 68-650; and

**WHEREAS**, on July 19, 2024, pursuant to N.Y. General Municipal Law Section 239-m, the Town of Islip referred the proposed amendments to Zoning Code Sections 68-385, 68-649, and 68-650 to the Suffolk County Planning Commission for their review and recommendation;

**WHEREAS**, on August 13, 2024, a public hearing was held before the Town Board to consider amending Zoning Code Sections 68-385, 68-649, and 68-650 of the Islip Town Code;

**NOW, THEREFORE**, on motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, be it

**RESOLVED**, the Town Board hereby amends Zoning Code Sections 68-385, 68-649, and 68-650 of the Islip Town Code as follows:

**SEE ATTACHED**

Additions are indicated by UNDERLINING

Deletions are indicated by ~~STRIKEOUTS~~

Upon a vote being taken the result was:

## Article XXVIII Swimming Pools

### § 68-385 Permitted uses.

Swimming pools may be installed, used or maintained only as accessory to an occupied dwelling for the private use of the owners or occupants of such dwelling or as accessory to a nursery school or day camp or as an accessory to a hotel, motel, boatel, cooperative, condominium, apartment house, garden apartment, boardinghouse or lodging house or uses permitted in a Recreation Service G District and only on the conditions provided in this article. It shall be unlawful and a violation of this article for any person or entity who or which owns a dwelling unit in the Town to use, establish, maintain, operate, let, lease, rent or suffer or permit or allow the occupancy and use of private swimming pool thereof as a transient rental property as defined in Article L § 68-649.

## Article L Rental Dwelling Units

### § 68-649 Definitions.

#### TRANSIENT RENTAL PROPERTY

[Added 12-15-2015]

- A. ~~A rental dwelling occupied as a home or residence by persons other than the owner or a family member of the owner and for which rent is received by the owner, directly or indirectly, in exchange for such rental occupation for a period of less than 14 nights. For the purposes of this chapter, the term "transient rental property" shall mean all non-owner-occupied dwelling units rented for a period of less than 14 nights and shall not include:~~

For the purposes of this chapter, the term "transient rental property" shall mean a rental dwelling unit and/or accessory use on the same property such as yard space, accessory structures, swimming pools, hot tubs, etc., occupied as a home or residence by persons others than the owner or a family member/guest of the owner and for which rent is received by the owner, directly or indirectly, in exchange for such rental occupation for a period of less than 14 nights and shall not include:

- B. Presumption of dwelling unit as transient rental property.
- (1) The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:
- (a) The dwelling unit and/or accessory use is offered for lease on a short-term rental website, including Airbnb, Home Away, VRBO, Swimply and the like for a period of less than 14 days; or

§ 68-650 **Rental occupancy permit required.**

- E.** No rental occupancy permit shall be granted to a transient rental property. It shall be unlawful and a violation of this article for any person or entity who or which owns a dwelling unit in the Town to use, establish, maintain, operate, let, lease, rent or suffer or permit or allow the occupancy and use thereof as a transient rental property.