



*Town of Islip*

## **TOWN CLERK**

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

**April 8, 2025**  
**5:30 p.m.**

- 
- 1. To consider amending Islip Town Code Chapter 68.**
  - 2. To consider repealing Local Law No. 1 of 2021, "Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4"**

**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**

TOWN BOARD RESOLUTION

Date: \_\_\_\_\_

WHEREAS, a review of the Islip Town Code has been conducted by the Department of Planning and Development and the Office of the Town Attorney; and

WHEREAS, on the basis of said review, certain modifications are deemed appropriate in order to clarify, modernize, and streamline portions of the Code that are either ambiguous, lacking clarity, or are insufficient in addressing current trends; and

WHEREAS, pursuant to New York State General Municipal Law, the proposed code changes have been referred to the Suffolk County Planning Commission, and

WHEREAS, a review of the environmental impacts of these proposed regulations indicates that no significant environmental impact will occur; and

WHEREAS, the Town Clerk has placed a Public Notice in the newspaper circulated locally which indicates the nature of the proposed Code changes; and

WHEREAS, on \_\_\_\_\_, a public hearing was held;

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

RESOLVED, that the Town Board hereby amends the Islip Town Code Chapter 68, as specified herein; and

SEE ATTACHED

Additions are indicated by UNDERLINING

Deletions are indicated by ~~STRIKEOUTS~~

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 \_\_\_\_\_ at \_\_\_\_\_ p.m. at \_\_\_\_\_, Islip, NY to consider amending the Islip Town Code Chapter 68, a copy of which is available at the offices of the Town Clerk of the Town of Islip at 655 Main Street, Islip, New York.

By: Linda Vavricka  
Town Clerk

## Chapter 68 Zoning

### § 68-3 Word usage and definitions.

#### B. Definitions.

##### **GROSS FLOOR AREA (GFA)**

The total floor area, including all levels or stories, of a structure as measured from the exterior faces of the walls.

(1) Gross floor area shall include but not be limited to:

(c) Basements that are 50% or more above average grade for residential uses.

### Article IV Administration; Permits and Fees; Standards and Requirements

#### § 68-23 Permit required; exceptions; application.

A. It shall be unlawful to construct, alter, remove or demolish or to allow, commence or maintain the alteration, removal or demolition of a building or structure, or any part thereof, without first filing with the Building Division an application in writing and obtaining a ~~formal~~ valid written permit.

#### § 68-25 Certificate of occupancy; certificate of compliance.

B. Change of occupancy - building.

(1) It shall be unlawful to change the occupancy or use of a building or to allow, commence or maintain the change of occupancy or use of a building if such occupancy or use is not consistent with the last issued certificate of occupancy for such building, and if such change involves the construction, alteration, removal or demolition of a building, or any part thereof, a valid building permit shall be obtained. No change of occupancy or use of a building shall be made unless a permit for such occupancy or use is secured and the Commissioner, or their designee, upon inspection, finds that such building conforms substantially to all the provisions of this ordinance with respect to the proposed new occupancy and use, and issues a certificate of occupancy therefor.

### ARTICLE IVA Amendments

#### § 68-32. Application and notice requirements.

A. Application. An application requesting a ~~change of zone~~, modification of deed covenants and restrictions, ~~or special permit~~ or special exception shall be addressed by the Town Board, ~~or Planning Board~~ or Zoning Board of Appeals as specified within the applicable use district. An application requesting a subdivision or a site plan modification shall be addressed by the Planning Board in conformance to the applicable laws and regulations of the State of New York and the Code of the Town of Islip. Any of the above applications shall contain all pertinent information deemed necessary by the Commissioner of Planning and Development. This form shall be signed by each applicant and property owner and shall be notarized.

C. Notification requirements.

a. A notice shall be sent, certified mail, return receipt requested, to every property owner within a distance of 200 feet from the perimeter of the subject

property, at least 10 days prior to the public hearing, and shall contain the following information:

- i. The current zoning and the proposed change.
- ii. The location of the subject property.
- iii. The date, time, and location of the public hearing.
  - iv. A statement that further information may be obtained by visiting the Department of Planning and Development, located at 655 Main Street, Islip, New York, or by calling (631)224-5450.
- b. Posters not less than ~~11~~ 18 inches by 22 inches in size must be conspicuously posted along the entire length of each street frontage of the subject property at least 10 days prior to the public hearing date. One poster shall be posted every 200 feet. At least three posters overall shall be posted. Such posters shall contain the following information:
  - i. The proposed zoning district change, special permit and/or site plan modification.
  - ii. The date, time, and location of the public hearing.
  - c. Affidavit. The applicant shall be required to file an affidavit of posting and mailing with the Planning Department that the above-mentioned requirements have been completed.
  - d. Advertisement. The notice of the Public Hearing before the Town Board or Planning Board shall be published by the Planning Department and shall contain the following information:
    - i. The name of the applicant.
    - ii. The proposed application.
    - iii. The location of the subject property.
      - iv. A statement that a public hearing on the proposed application will be held at a specified time, date, and place.
  - v. A statement that any interested person will be given the opportunity to be heard.

**§ 68-33. Procedure on Town's own motion.**

Whenever the Town Board, on its own motion or upon recommendation of the Planning Board, may consider any change of use district classification, notice shall be given to the subject property owner(s) and surrounding property owners pursuant to § 68-32C(1). In the following enumerated cases, the notice required by this section shall not be required:

- A. In the event that the area of the proposed change of zone represents ~~50%~~ 10% or more of the property contained within the bounds of a school district within the Town of Islip.
- B. In the event that the area of the proposed change of zone exceeds 50 acres, street and

cross- street geographical location.

- ~~C. In all other cases where the Town Board of the Town of Islip shall determine that the notice required by this section shall be dispensed with.~~

**§ 68-36. Restrictive covenants.**

- A. An application to the Town Board, Planning Board or Board of Appeals may result in the imposition of conditions in the form of deed covenants or stipulations. The owner or tenant shall be obligated to maintain all improvements so required and to abide by all conditions so imposed. This shall be a continuing obligation unless modified by the governing board. The applicant shall also be obligated to comply with any and all rules and regulations of the Town of Islip, including, but not limited to, the Town Code and the Subdivision and Land Development Regulations, as well as all applicable federal, state and county rules and regulations. ~~The owner or tenant shall be obligated to maintain the subject parcel in a neat, clean, litter free condition. The owner or tenant shall be responsible for adequate refuse collection to ensure compliance with this condition. The Town or its designee reserves the right to enter onto the subject property after 30 days' written notice sent certified mail, return receipt requested, to the address of the current owner according to Town of Islip assessment rolls, to remove litter, debris or maintain or replace any fencing or plantings if found that the improvements are not being maintained and shall bill the owner for any expense incurred. All costs associated with the same shall be assessed to the owner's next tax bill.~~
- B. ~~The failure to comply with any and all conditions shall be deemed a violation of this article, subject to the penalties provided in § 68-421. In addition, the Town Board, Planning Board or Zoning Board of Appeals reserves the right to rescind or revoke, in whole or in part, any and all approvals after due public hearing in the event violation of the above referenced provisions occurs. Thereafter, the operation of the use previously authorized shall be terminated and there shall be no right to nonconformity. In the event the owner or applicant of an application before the Town Board, Planning Board or Zoning Board of Appeals fails to record the required declaration of deed covenants and restrictions within 180 days of the date of the grant, it will be presumed that the applicant objects to the conditions imposed and the governing board reserves the right to rescind any and all approvals and deny the application.~~
- C. The failure to comply with any and all conditions shall be deemed a violation of this article, subject to the penalties provided in § 68-421. All conditions and covenants and restrictions shall be enforceable through all the powers of the Town Attorney's Office and Division of Law Enforcement, and the The Town Board, Planning Board and Board of Appeals reserve the right after due public hearing, to revert the subject parcel to its former zoning classification or any intermediate zoning classification and/or rescind the special permit or special exception issued, if violation of the conditions persists. Thereafter, the operation of the use previously authorized shall be terminated and there shall be no right to nonconformity
- D. ~~The improvement of the premises, in accordance with the determination of the Town Board, Planning Board or Board of Appeals, must be completed within 36 months after the date of grant. If not so commenced and completed within this period, then, the~~

~~governing board reserves the right to revert the subject property to its former zoning classification or any intermediate zoning classification, or the governing body reserves the right to revoke any and all special permits or special exceptions associated with the subject property after due public hearing. Thereafter the operation of the use previously authorized shall be terminated and there shall be no right to nonconformity. The governing board may shorten this time frame in the event the application is made to legalize an unauthorized use of the property.~~

- E. Modification of covenants and restrictions/stipulations. All applications seeking a modification of a condition in the form of a covenant or stipulation shall require the review and approval of the Board that imposed the conditions and shall be subject to a public hearing. Notwithstanding the foregoing, requests for modification of a condition in the form of a covenant or a stipulation originally imposed by the Town Board may be heard by the Planning Board when such request now falls within the jurisdiction of the Planning Board or when the Planning Board is granted express authority by the Town Board.
- F. All change of zone, special permit, site plan modifications shall expire within two years of the date of grant by either the Town Board or Planning Board, unless a building permit (exclusive of demolition permits) has been secured or the property lawfully used for the purpose granted within 24 months and the improvement of the premises has been completed within 36 months, unless extended by the Commissioner of Planning and Development, or the Commissioner's designee, and a fee is paid equal to 50% of the current application fee, except as may otherwise be provided herein. The Board issuing the approval may shorten this time frame in the event the application is made to legalize a previously unauthorized use of the property. The Board further reserves the right to revoke said approvals associated with the subject property after due public hearing if a building permit is not secured or the improvements are not completed within the required time frame. Thereafter the operation of the use previously authorized shall be terminated and there shall be no right to nonconformity.
- G. Filing of covenants and restrictions. Whenever the Town Board, Planning Board or Board of Appeals, as a condition for the granting of an application for a change of use district classification or special permit, requires a restrictive covenant to be imposed upon the subject property, such restrictive covenant must be properly recorded in the office of the County Clerk and proof of said recording must be provided to the Office of the Town Clerk and Planning Board within 180 days of the date of approval, except that the Board that approved the application may extend the time for filing the restrictive covenant upon good cause and upon written application. The governing board reserves the right to rescind any and all approvals ~~Failure should the property owner fail to file said restrictive covenant in accordance with the above shall render the granting of the change ineffective, and null and void.~~
- H. Amendment of restrictive covenants.
  - (1) The Town Board may from time to time on its own motion or on application amend, supplement, change, modify or repeal any covenant imposed on property at the time of a change of use district classification with the consent of the property owner after due public hearing.

- (2) Application and notice requirements shall meet the requirements set forth in § 68-32C(1).

#### Article V Use District Regulations: Residence AAA District

##### § 68-48 Accessory uses.

###### A. Permitted accessory uses.

(1) The following accessory uses shall be permitted when located on the same lot with the authorized use:

(a) Private garages, provided that the gross floor area of the garage space does not exceed the ground floor living area of the main dwelling and ~~provided that the height does not exceed the accessory structure requirement. Buildings attached to a main residential structure by a breezeway extending beyond 10 feet must meet accessory structure setbacks and regulations. For breezeways of 10 feet or less, main building setbacks and regulations must be adhered to, other than building height which must meet accessory structure regulations.~~ The design of any private garage shall be compatible with the residential character of the area. Use of exposed concrete block exceeding 20% of the façade, or similar materials shall be prohibited.

- (1) Garages attached to a main structure with a shared wall may not exceed the height of the principal building utilized for the principal use. Buildings attached to the principal structure by a breezeway extending beyond 10 feet must meet accessory structure setbacks and regulations; for breezeways of 10 feet or less, main building setbacks and regulations must be adhered to, other than building height, which must meet accessory structure regulations.
- (2) Detached garages must adhere to accessory structure regulations.

#### Article XIII Use District Regulations: Residence CA District

##### § 68-172. Lot area.

- A. The minimum required plot area for an apartment house ~~or garden apartment or attached single-family dwelling~~ development shall be 80,000 square feet.
- B. ~~The minimum required plot area for each detached single-family dwelling shall be 10,000 square feet.~~ The minimum required plot area for semi-attached single-family dwelling shall be 4,000 square feet.

##### § 68-174. Width of lot.

###### A. Minimum requirements.

- (1) ~~The minimum width of lot for an attached single-family dwelling shall be 50 feet throughout.~~
- (2) ~~The minimum width of lot for a detached single-family residence shall be 75 feet throughout.~~ The minimum width of lot for a semi-attached single-family dwelling



shall be 35 feet throughout.

- (3) The minimum width of lot for an apartment house ~~or garden apartment~~ shall be 200 feet throughout.

**§ 68-175. Front yard.**

- C. The minimum required front yard setback for an attached ~~or detached~~ single-family dwelling shall be 50 feet from all streets, unless arterial highway setback is greater.
- D. The minimum required front yard setback for an attached or detached single-family dwelling shall be 50 feet from all streets, unless arterial highway setback is greater. The front yard setback may be modified by the Planning Board, taking into consideration the scale of the proposed buildings and the nature and character of the structures on the street on which the development will be fronting.
- E. The minimum required front yard setback for a semi-attached single-family dwelling (duplex) shall be 25 feet from all streets, unless arterial highway setback is greater.

**§ 68-176. Side yards and rear yards.**

- A. A minimum setback of 50 feet shall be provided for all apartment houses ~~or garden apartments~~ or attached single-family dwellings from all adjoining properties, except when density bonuses are granted in accordance with §§ 173.1, 173.2 and 173.3 of this article, in which case a minimum setback of 25 feet may be permitted by the Town Board after public hearing.
- ~~B. A minimum setback of 25 feet shall be provided for all detached single-family dwellings from all adjoining properties. A minimum setback of 10 feet shall be provided for all semi-attached single-family dwellings, unless adjacent to a more restrictive zoning district. In that instance, the side yard setback of the more restrictive zoning district shall be required.~~

**Article XIX Use District Regulations: Business District (BD)**

**§ 68-257.3 Additional conditions for special permits.**

- A. The subject property shall execute a cross-access agreement to allow for future cross access between adjoining parcels.

**§ 68-259 Accessory uses.**

- E. Within a Business District (BD) zone only, outside seating may be permitted as of right as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

(2) Outside seating shall be permitted for dining purposes the service of food and beverages only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.

(3) Outdoor music shall be subject to the prior written approval of the Planning Department and Division of Fire Prevention, which Departments may request additional information as they deem necessary to evaluate such request. A fee, according to the fee schedule is required for this review. Outdoor music shall be further regulated as follows: ~~Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~

- a. Outdoor music shall be permitted but shall be limited to acoustic live music or prerecorded music only; Outdoor music shall be limited between the hours of 12 p.m. and 10 p.m.; and music shall be limited to a maximum of four hours of live music per day.
- b. The Department of Planning and Development may require sound attenuation measures such as sound walls, fences, or additional landscaping to mitigate impacts to adjacent residential uses.
- c. All outdoor music uses are required to secure an outdoor music permit from the Division of Fire Prevention. Additionally, if outdoor entertainment is broadcasted in a location classified as a place of public assembly under Chapter 19 of this Code, a public assembly permit must also be obtained.
- d. Revocation of permit. The Chief Fire Marshal, or his or her designee, reserves the right to revoke any permit or license issued under the provisions of this chapter for a period to be determined by the Fire Marshal. Said revocation shall be after the licensee shall have an opportunity to be heard.
- e. Penalties for offenses. The violation of any provision of this ordinance shall be an offense which shall be punished by a fine of not less than \$250 nor greater than \$500.

§ 68-270.1 Severability. The provisions of this chapter are declared to be severable, and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part.

#### Article XX Use District Regulations: Business 1 District

##### § 68-274 Accessory uses.

A. The following accessory uses shall be permitted when located on the same lot of the authorized use:

(8) Outside seating may be permitted as an accessory use to a restaurant or minor restaurant

use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

(a) Outside seating shall be subject to the approval of the Planning Board, which shall have the authority to require information which may be necessary to evaluate such a request.

(b) Outside seating shall be permitted for ~~dining purposes~~ the service of food and beverages only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.

(c) ~~Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~ Outdoor music shall be subject to the prior written approval of the Planning Department and Division of Fire Prevention, which Departments may request additional information as they deem necessary to evaluate such request. A fee, according to the fee schedule is required for this review. Outdoor music shall be further regulated as follows:

- i. Outdoor music shall be permitted but shall be limited to acoustic live music or prerecorded music only; Outdoor music shall be limited between the hours of 12 p.m. and 10 p.m.; and music shall be limited to a maximum of four hours of live music per day.
- ii. The Department of Planning and Development may require sound attenuation measures such as sound walls, fences, or additional landscaping to mitigate impacts to adjacent residential uses.
- iii. All outdoor music uses are required to secure an outdoor music permit from the Division of Fire Prevention. Additionally, if outdoor entertainment is broadcasted in a location classified as a place of public assembly under Chapter 19 of this Code, a public assembly permit must also be obtained.
- iv. Revocation of permit. The Chief Fire Marshal, or his or her designee, reserves the right to revoke any permit or license issued under the provisions of this chapter for a period to be determined by the Fire Marshal. Said revocation shall be after the licensee shall have an opportunity to be heard.
- v. Penalties for offenses. The violation of any provision of this ordinance shall be an offense which shall be punished by a fine of not less than \$250 nor greater than \$500.

(d) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.

(e) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required.

(f) Should substantiated complaints be received by the Department of Planning and Development, the Planning Board shall reserve the right to hold a public hearing to

rescind the outdoor seating approval.

**§ 68-285.1 Severability.** The provisions of this chapter are declared to be severable, and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part.

#### Article XXI Use District Regulations: Business 2 District

**§ 68-287.1 Uses permitted by special permit from Planning Board after public hearing.**

- D. Convenience market subject to providing the following:
- a. A landscaped buffer area of at least 35 feet in width in accordance with Town standards when adjacent to a residential use or zone
  - b. An 8' tall sound attenuation wall or fence subject to the review and approval of the Town Engineer.

**§ 68-289 Accessory uses.**

A. The following accessory uses shall be permitted when located on the same lot of the authorized use:

(8) Outside seating may be permitted as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

(a) Outside seating shall be subject to the approval of the Planning Board, which shall have the authority to require information which may be necessary to evaluate such a request.

(b) Outside seating shall be permitted for ~~dining purposes~~ the service of food and beverages only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.

~~(c) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~ Outdoor music shall be subject to the prior written approval of the Planning Department and Division of Fire Prevention, which Departments may request additional information as they deem necessary to evaluate such request. A fee, according to the fee schedule is required for this review. Outdoor music shall be further regulated as follows:

- i. Outdoor music shall be permitted but shall be limited to acoustic live music or prerecorded music only; Outdoor music shall be limited between the hours of 12 p.m. and 10 p.m.; and music shall be limited to a maximum of four hours of live music per day.
- ii. The Department of Planning and Development may require sound attenuation measures such as sound walls, fences, or additional landscaping to mitigate impacts to adjacent residential uses.

- iii. All outdoor music uses are required to secure an outdoor music permit from the Division of Fire Prevention. Additionally, if outdoor entertainment is broadcasted in a location classified as a place of public assembly under Chapter 19 of this Code, a public assembly permit must also be obtained.
- iv. Revocation of permit. The Chief Fire Marshal, or his or her designee, reserves the right to revoke any permit or license issued under the provisions of this chapter for a period to be determined by the Fire Marshal. Said revocation shall be after the licensee shall have an opportunity to be heard.
- v. Penalties for offenses. The violation of any provision of this ordinance shall be an offense which shall be punished by a fine of not less than \$250 nor greater than \$500.

(d) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.

(e) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required.

(f) Should substantiated complaints be received by the Department of Planning and Development, the Planning Board shall reserve the right to hold a public hearing to rescind the outdoor seating approval.

§ 68-300.1 Severability. The provisions of this chapter are declared to be severable, and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part.

#### Article XXII Use District Regulations: Business 3 District

##### § 68-305 Accessory uses.

A. The following accessory uses shall be permitted when located on the same lot with the authorized use:

(8) Outside seating may be permitted as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

(a) Outside seating shall be subject to the approval of the Planning Board, which shall have the authority to require information which may be necessary to evaluate such a request.

(b) Outside seating shall be permitted for ~~dining purposes~~ the service of food and beverages only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.

~~(c) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~ Outdoor music shall be subject to the prior written approval of the Planning Department and Division of Fire Prevention, which Departments may request additional information as they deem necessary to evaluate such request. A fee, according to the fee schedule is required for this review. Outdoor music shall be further regulated as follows:

- i. Outdoor music shall be permitted but shall be limited to acoustic live music or prerecorded music only; Outdoor music shall be limited between the hours of 12 p.m. and 10 p.m.; and music shall be limited to a maximum of four hours of live music per day.
- ii. The Department of Planning and Development may require sound attenuation measures such as sound walls, fences, or additional landscaping to mitigate impacts to adjacent residential uses.
- iii. All outdoor music uses are required to secure an outdoor music permit from the Division of Fire Prevention. Additionally, if outdoor entertainment is broadcasted in a location classified as a place of public assembly under Chapter 19 of this Code, a public assembly permit must also be obtained.
- iv. Revocation of permit. The Chief Fire Marshal, or his or her designee, reserves the right to revoke any permit or license issued under the provisions of this chapter for a period to be determined by the Fire Marshal. Said revocation shall be after the licensee shall have an opportunity to be heard.
- v. Penalties for offenses. The violation of any provision of this ordinance shall be an offense which shall be punished by a fine of not less than \$250 nor greater than \$500.

(d) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.

(e) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required.

(f) Should substantiated complaints be received by the Department of Planning and Development, the Planning Board shall reserve the right to hold a public hearing to rescind the outdoor seating approval.

#### **§ 68-315 Exterior site improvements and parking.**

C. A minimum buffer area of ~~25~~ 35 feet in width in accordance with Town standards and an 8' tall sound attenuation wall or fence shall be provided and maintained adjacent to any residential zone or use except as modified or waived by the Planning Board after a public hearing.

§ 68-316.1 Severability. The provisions of this chapter are declared to be severable, and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part.

#### ARTICLE XXV Use District Regulations: Industrial 1 District

**§ 68-351. Exterior site improvements.**

- A.** Exterior site and road improvements shall be installed pursuant to the requirements of Article XXIII.
- B.** The following shall be provided and maintained adjacent to any residential zone or use except as modified or waived by the Planning Board after a public hearing:
  - a.** A landscaped buffer area of at least 35 feet in width in accordance with Town standards
  - b.** An 8' tall sound attenuation wall or fence subject to the review and approval of the Town Engineer.

#### Article XXVI Use District Regulations: Industrial 2 District

**§ 68-367 Exterior site improvements.**

- A.** Exterior site and road improvements shall be installed pursuant to the requirements of Article XXIII.
- B.** The following shall be provided and maintained adjacent to any residential zone or use except as modified or waived by the Planning Board after a public hearing:
  - a.** A landscaped buffer area of at least 50 feet in width in accordance with Town standards.
  - b.** An 8' tall sound attenuation wall or fence subject to the review and approval of the Town Engineer.

#### ARTICLE XXVII Retail Fuel Service Stations

**§ 68-383 Exterior site improvements.**

**G. Buffer area.** A landscaped buffer area of at least 35 feet in width and an 8' tall sound attenuation wall or fence shall be provided and maintained in accordance with Town standards adjacent to any residential zone or use except as modified or waived by the Planning Board after a public hearing.

**§ 68-386 Installation requirements; permit.**

**E.** Said distances shall be measured from the outside edge of an in-ground pool and from the outside edge of the structure of an aboveground pool, exclusive of mechanical equipment, which shall maintain a setback of 6 feet from any side or rear property line.

## Article XXIX Signs

### § 68-395 Permitted signs.

A. Permitted signs may only identify the person, establishment, the principal product and/or service available on the premises which contains the sign. At least one of the signs identifying a business or industrial establishment must contain the street address number in the sign, using a minimum of four-inch numerals, or such number must be displayed elsewhere on the building and be visible from the street.

B. The following signs are permitted in the zoning districts as specified in the Schedule of Sign Regulations[1] and in conformance with all other provisions of this article:

(18) Feather sign: A temporary advertising sign made of lightweight cloth that is supported by a lightweight freestanding pole or frame, permitted accessory to a commercial establishment. Feather signs 1) shall be limited to (a) one feather sign per lot; or (b) where there are multiple tenants on one lot, one feather sign for every seventy-five (75) linear feet of road frontage; 2) shall be placed in a manner so as to ensure pedestrian safety; 3) shall not be more than twelve (12) feet in height, or greater than thirty-six (36) inches in width; 4) shall not block any windows or doors; 5) shall be secured in a manner that prevents displacement from the wind which shall be shown on a catalogue sheet setting forth how the feather sign is anchored; and 6) shall be placed no closer than twenty (20) feet from an adjacent property line nor within any sight triangle. No feather sign shall be permitted to become tattered or torn.

## ARTICLE XXXI Minimum Site Improvements; Minimum Development Standards for Property, Minimum Maintenance Standards

### § 68-409.1 Minimum maintenance standards for property.

- A. The owner or tenant shall be obligated to maintain the subject parcel in a neat, clean, litter-free condition. The owner or tenant shall be responsible for adequate refuse collection to ensure compliance with this condition. The Town or its designee reserves the right to enter onto the subject property after 30 days' written notice sent certified mail, return receipt requested, to the address of the current owner according to Town of Islip assessment rolls, to remove litter, debris or maintain or replace any fencing or plantings if found that the improvements are not being maintained and shall bill the owner for any expense incurred. All costs associated with the same shall be assessed to the owner's next tax bill.

## Article XXXVI Fast Food Restaurants

### § 68-423.3 Application requirements.

A. In addition to the requirements listed in § 68-32, applications for a special permit for a fast-food restaurant shall also include the following:



(2) A traffic management plan detailing measures the restaurant operator will implement in the event the drive-through queue cannot accommodate the number of cars attempting to use the drive-through and materially interfere with on-site vehicular and pedestrian circulation. Said management plan ~~may~~ shall include, but not limited to, the provision of an additional temporary lane for the drive-through, the hiring of private security to direct traffic away from the drive-through and the provision for a designated curbside pickup area.

#### ARTICLE XXXIX Tents

§ 68-434. Tents in all other use districts.

- E. No tent or canopy pursuant to this section shall be erected or maintained for a period of time in excess of 30 days for a retail use, or 180 days for a restaurant use. Only one such permit shall be granted on a site per calendar year. In the case of three-day events, a maximum of three events per calendar year may be permitted.
- G. Tents, when utilized as an accessory use to a restaurant, shall require the review and approval of the Planning Board. ~~Permanent tents shall count towards the gross floor area of the property.~~

#### ARTICLE XLIII Use District Regulations: Industrial Corridor District

§ 68-465. Permitted uses.

- (8) A single specialty sporting goods store consisting of one of the following:
- (a) Saddlery and equestrian riding equipment
  - (b) Skiing equipment
  - (c) Fishing equipment

#### Article LII Exterior Lighting Standards

§ 68-689 Procedures for review of nonresidential exterior lighting.

A. Any application ~~to the Planning or Town Board,~~ or for new construction or an expansion that exceeds 25% of the building or site area, shall include exterior lighting plans, luminaire and controls specifications and additional documentation if any exterior lighting is to be used, regardless of whether the exterior lighting is preexisting or proposed, showing the following, in order to verify that exterior lighting conforms to the provisions of this article:

TOWN BOARD RESOLUTION

Date: April 8, 2025

**WHEREAS**, on March 31, 2021, the former Governor Andrew Cuomo signed the Marijuana Regulation and Taxation Act (“MRTA”) into law; and

**WHEREAS**, while municipalities cannot prohibit the possession or use of marijuana by adults over the age of 21, towns were granted the authority under Section 24 of the Municipal Home Rule Law to decide whether to permit cannabis retail dispensaries and on-site consumption lounges within their jurisdiction; and

**WHEREAS**, on August 10, 2021, the Town Board of Islip adopted Local Law No. 1 of 2021, titled *“Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4,”* thereby prohibiting such establishments within the Town; and

**WHEREAS**, the adoption of this local law did not and does not preclude the Town from reconsidering its decision and opting to permit cannabis retail dispensaries and/or on-site consumption sites to operate within the Town of Islip; and

**WHEREAS**, a municipality may reverse its decision to opt out of permitting cannabis retail dispensaries and/or on-site consumption sites, as authorized under Cannabis Law Article 4, by repealing the local law that established the prohibition, thereby allowing one or both license types to operate; and

**WHEREAS**, the Town Board of Islip is now interested in permitting the operation of cannabis retail dispensaries within the Town, but not on-site consumption sites; and

**WHEREAS**, the Town Clerk has placed a Public Notice in the newspaper circulated locally which indicates the nature of the partial repeal and amendment of Local Law No. 1 of 2021; and

**WHEREAS**, on April 8, 2025, the Town Board of the Town of Islip held a public hearing to consider repealing, in part, Local Law No. 1 of 2021, *“Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4,”* as it relates to the operation of retail establishments in the Town of Islip;

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

**RESOLVED**, that the Town Board hereby amends Local Law No. 1 of 2021, *“Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4,”* as specified herein.

SEE ATTACHED

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

Upon a vote being taken, the result was:

Chapter 8 Cannabis

Article I Cannabis ~~Retail Dispensaries and~~ On-Site Consumption Sites

§ 8-1 Title.

This article shall be known as "Local law to opt out of allowing cannabis ~~retail dispensaries and~~ on-site consumption sites as authorized under Cannabis Law Article 4."

§ 8-2 Legislative intent and Purpose.

It is the intent of this article to opt out of allowing ~~cannabis retail dispensaries and~~ on-site cannabis consumption sites in the Town of Islip that would otherwise be allowed under Cannabis Law Article 4. It is the intent and purpose of this local law to provide a comprehensive zoning plan to govern, regulate, and control Cannabis Retail Dispensaries within the Town of Islip in accordance with the zoning ordinance amendments hereinafter set forth.

§ 8-3 Legislative authority.

This article is adopted pursuant to Cannabis Law § 131, which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of ~~cannabis retail dispensary licenses and/or~~ on-site consumption licenses within the jurisdiction of the Town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

§ 8-4 Local opt-out.

The Town Board of the Town of Islip hereby opts out of allowing ~~cannabis retail dispensaries and~~ on-site cannabis consumption sites from being established and operated within the Town's jurisdiction.

§ 8-9 Definitions

CANNABIS RETAIL DISPENSARY — A retail establishment that sells at retail any cannabis product, the sale of which a license is required for an adult-use cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act.

§ 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 3 of the Cannabis Law may be used as a marijuana retail store, dispensary, or on-site consumption site for recreational marijuana use.

[Amended 5-14-2024 by L.L. No. 3-2024]

~~B. No building, structure or premises within any use district in the Town of Islip may be used as an 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.~~

### Article III Cannabis Retail Dispensaries

#### § 8-17 Purpose.

A. The purpose of this Section is to provide zoning district locations and rules and regulations to govern cannabis retail dispensaries in accordance with New York State’s Cannabis Law, as amended or changed. It is the express purpose and intent of this section to minimize the adverse impacts that cannabis retail dispensaries may have on adjacent properties and to provide standards for the placement, design, siting, safety, security, monitoring, modification, and discontinuance of cannabis retail dispensaries. This section outlines reasonable conditions that will protect the public health, safety, and welfare of the Islip community. This section is intended to encourage appropriate land use and require reasonable safeguards to govern the time, place, and manner of cannabis retail dispensary operations.

#### § 8-18 Permitted uses; retail dispensaries.

Facilities authorized and licensed by the State of New York for retail sales may be permitted by the Town in accordance with the provisions of this section.

A. Location and number of permitted cannabis retail dispensaries.

The location and maximum number of each type of cannabis retail dispensaries permitted in the Town of Islip is governed by the subsections below.

i. Location requirements. Cannabis retail dispensaries shall be permitted only within the Industrial Corridor District (ICD), or those parcels partially zoned ICD, and subject to the following requirements:

- a. The subject parcel must have frontage directly on Veteran's Memorial Highway.
  - b. No cannabis retail dispensary shall be established or located within 500 feet of any residential use or zone, Connetquot State Park excepted.
  - c. No cannabis retail dispensary shall be established or located within 1,000 feet of any school, library or day-care facility, measured from the nearest property lines of each of the affected parcels.
  - d. No cannabis retail dispensary shall be established or located within 500 feet of any playground or community center, measured from the nearest property lines of each of the affected parcels.
  - e. No cannabis retail dispensary shall be established or located within 500 feet of any house of worship, measured from the nearest property lines of each of the affected parcels.
  - f. No cannabis retail dispensary shall be established or located within 1 mile of any other cannabis retail dispensary, measured from the nearest property lines of each of the affected parcels.
  - g. No cannabis retail dispensary shall be established or located within a mixed-use development project containing a residential use component.
  - h. Notwithstanding any other provision of this chapter to the contrary, the maximum number of cannabis retail dispensaries that may be established within the ICD is two (2).
- ii. Cannabis retail dispensaries shall be required to comply with all zoning, land use, and development regulations applicable to the underlying zoning district in which they are permitted to establish and operate as set forth in the Town Code for the Town of Islip.
  - iii. A revocation of the Cannabis Retail Dispensary license by New York State shall render the use as a cannabis retail dispensary null and result in the immediate closure of the dispensary. Retail dispensary licensee shall provide the Town of Islip Department of Planning with written notice of any revocation of retail dispensary license.

B. Operation requirements.

The following operating requirements shall apply to cannabis retail dispensaries in the Town of Islip:

- i. Hours of operation. Cannabis retail dispensaries may only be open for access to members of the public who are over the age of 21 between the hours of 9:00 a.m. and 8:00 p.m. on Monday through Thursday, 9:00 a.m. and 10:00 p.m. on Friday through Saturday, and 12:00p.m. and 9:00 p.m. on Sunday. It shall be unlawful and a violation of this article to employ someone at a cannabis retail dispensary who is not at least 21 years of age.
- ii. The entrance to a cannabis retail dispensary shall be clearly and legibly posted with a notice that no person under the age of 21 years of age is permitted to enter upon the premises. The owner and operator of a cannabis retail dispensary shall require all employees to verify the age of each customer to ensure that the customer is not under the age of 21 years.
- iii. Cannabis retail dispensaries shall meet all health protection operating criteria for the sale of cannabis and cannabis products as required by state law and regulations, and local laws.
- iv. Cannabis retail dispensaries shall operate in a permanently constructed structure and shall not operate from a vehicle or non-permanent structure.
- v. Cannabis retail dispensaries may conduct cannabis and cannabis product delivery services subject to such rules, regulations, permit, license or approval required and issued by MRTA, Cannabis Control Board and Office of Cannabis Management.
- vi. Cannabis retail dispensaries shall only store, hold, or sell cannabis and cannabis products approved and permitted by the MRTA, Cannabis Control Board and Office of Cannabis.
- vii. Cannabis retail dispensaries shall not receive, store, hold, or sell cannabis or cannabis products unless the cannabis and cannabis products are labeled and packaged as required by such applicable laws, rules and regulations promulgated by MRTA, Cannabis Control Board and Office of Cannabis.
- viii. Cannabis retail dispensaries shall not operate as permitted food facilities or share an entrance with a permitted food facility.

- ix. Cannabis retail dispensaries shall not sell or provide alcohol or tobacco to any customer or the public.
- x. Cannabis retail dispensaries are prohibited from giving away any amount of cannabis or cannabis products and are prohibited from providing coupons as part of a business promotion.
- xi. Cannabis retail dispensaries shall not allow the on-site consumption of cannabis and cannabis products by any customer, person or employee.
- xii. Outside storage of marijuana, marijuana products, or related supplies is prohibited at cannabis retail dispensaries.

C. Security requirements and limitations.

- i. Security measures at all cannabis retail dispensaries shall comply with the requirements of this article and all rules and regulations promulgated by the MRTA, the Cannabis Control Board, and/or Office of Cannabis Management.
- ii. A security plan shall be submitted with the application for use of premises as a cannabis retail dispensary. The security system shall be maintained in good working order and provide coverage for 24 hours per day.
- iii. The security plan must include, at a minimum, the following security measures:
  - a. Cameras. The applicant, owner, and holder of a license to operate a cannabis retail dispensary as required by the MRTA/Office of Cannabis Management (hereinafter the “operator”) shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to marijuana or cash maintained by the marijuana business entity.
  - b. Cameras shall record operations of the cannabis retail dispensary to an off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing.
  - c. Recordings from security cameras shall be maintained for a minimum of thirty (30) days in a secure off-site location in the Town of Islip or through a service over a network that provides on-demand access, commonly referred



to as a "cloud." The off-site location shall be included in the security plan submitted to the Town and provided to the Police Department upon request. In the event that the offsite location is changed, the security plan on file with the Town must be updated within 72 hours of any such change.

- d. Use of safe for storage. Cannabis retail dispensaries shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto.
- e. For marijuana-infused products that must be kept refrigerated or frozen, cannabis retail dispensaries shall lock the refrigerated container or freezer, provided that the container is affixed to the building structure or securely attached thereto.
- f. Alarm system. Cannabis retail dispensaries shall install and use an alarm system that is monitored by a company that is staffed 24 hours a day, seven days a week. The security plan submitted to the Town shall identify the company monitoring the alarm, including contact information. In the event that the company monitoring the alarm is changed, the security plan on file with the Town must be updated within 72 hours of any such change.

D. Odor-management plan.

- i. Any person or entity applying for a permit or approval to use premises as a cannabis retail establishment shall submit an odor management plan to the Planning Department. The odor management plan shall describe sufficient processes which, if implemented, will prevent odors from the cannabis retail dispensary from being detected by a person outside of the establishment.
- ii. The odor-management plan shall include a detailed description of the ventilation system used by the cannabis retail dispensary, including but not limited to, how the ventilation systems prevent odor from escaping the interior of the building and how to mitigate the noxious fumes or gases.
- iii. The operator of a cannabis retail dispensary shall be responsible for the development, implementation, and maintenance of the odor-management plan. Odor mitigation practices shall be based on industry-specific best control technologies and best management practices. The plan shall include the range of odor mitigation practices to be deployed to control odor-emitting activities, sources,

and locations, how and when these practices will be deployed, and account for any identified odor-emitting activity.

- iv. The operator of a cannabis retail dispensary shall maintain, and provide to the Town upon request, all records relating to odor management, including but not limited to, system installation, maintenance, any equipment malfunctions and deviations from the odor management plan.
- v. The operator of a cannabis retail dispensary shall maintain records of odor complaints received and response actions thereto. Such records must be provided to the Town upon request.
- vi. If an inspection or complaint investigation of a cannabis retail dispensary by the Town reveals any deviation from the odor-management plan, such deviation shall be a violation of this article.
- vii. If an inspection reveals that the existing odor-management plan does not effectively mitigate odors emanating from the cannabis retail dispensary or its cultivation site, the Town shall provide the operator with a notice of deficiencies. The operator of the cannabis retail dispensary shall be required to submit a modified odor-management plan within thirty (30) days of service of the notice of deficiencies. Failure to submit a modified odor-management plan within the required time period shall be a violation of this article.
- viii. When a modification is made to a cannabis retail dispensary that has the potential to impact the nature or degree of odor or affects the control of odor, the operator of the cannabis retail dispensary must update its odor-management plan within thirty (30) days of the modification. Failure to submit an updated odor-management plan within thirty (30) days of modification shall be a violation of this article.

E. Waste management plan

- i. Any person of entity applying for a permit or approval to use a premises as a cannabis retail dispensary shall submit a waste management plan together with his or her permit application.
- ii. A waste management plan shall address the storing, handling, disposing, and reusing of all waste by-products and shall characterize the volume and types of waste generated for all commercial cannabis activities in compliance with best

management practices and all laws, rules, and regulations promulgated by the Cannabis Control Board and/or Office of Cannabis Management.

- iii. A cannabis retail dispensary shall not sell or otherwise transfer title of cannabis waste, except as permitted by laws, rules and regulations promulgated by the Cannabis Control Board and/or Office of Cannabis Management.
- iv. All waste generated from cannabis retail dispensaries must be properly stored and secured to prevent access by the public.

**§ 8-19 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.

**§ 8-20 Severability.**

If any provision of this article or application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision or application.

**§ 8-21 When effective.**

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