



TOWN CLERK

PUBLIC HEARING
655 Main Street
Islip, NY 11751

March 11, 2025
2:00 p.m.

-
- 1. To consider amending the Islip Uniform Traffic Code.**
 - 2. To consider a contract with the Bay Shore Fire Protection District for the year 2025.**
 - 3. To amend Islip Town Code Section 68-457, Moratorium for the Development of Battery Energy Storage Systems.**

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

PUBLIC NOTICE

PLEASE TAKE NOTICE, that the Islip Town Board held a meeting on Tuesday, March 11, 2025 at 2:00pm at Islip Town Hall, 655 Main Street, Islip, New York to amend the Town of Islip Uniform Traffic Code.

NOW THEREFORE, on a motion made by
Second by

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

**SCHEDULE G
STOP AND YIELD INTERSECTIONS
ADD**

| INTERSECTION | SIGN | CONTROLLING TRAFFIC |
|------------------------------------|-------------|----------------------------|
| Quinn Place at Second Street (BWD) | Stop | East on Quinn Place |

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

| LOCATION | REGULATION | HOURS/DAYS |
|--|---|-------------------|
| Nassau Avenue (inner circle) Counterclockwise from 542 ft. south and east and north of Pole L-4X to 582 ft. beyond same (ISL) | No parking except for vehicles with handicapped permit | |
| Nassau Avenue (inner circle) Counterclockwise from 360 ft. south and east of Pole L-4X to 484 ft. beyond same (ISL) | No parking | |
| Nassau Avenue (inner circle) Counterclockwise from 60 ft. south of Pole L-4X to 127 ft. south of same (ISL) | No parking | |
| Nassau Avenue (inner circle) Counterclockwise from 618 ft. to 643 ft. south and east and north and west of Pole L-4X (ISL) | No parking | |
| Nassau Avenue (Town Hall circle) Along traffic circle around Town Hall (ISL) | Limited parking 2 hours | |

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

| LOCATION | REGULATION | HOURS/DAYS |
|--|----------------------------|-------------------|
| Nassau Avenue/West From 450 ft. north of Main St. to Main St. (ISL) | Limited parking 2 hours | |
| Nassau Avenue/West From 310 ft. north of Montauk Hwy. to 270 ft. north of Montauk Hwy. (ISLP | No parking | |
| Nassau Avenue/West From 130 ft. north of Montauk Hwy. to Montauk Hwy. (ISL) | No stopping | |

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

| LOCATION | REGULATION | HOURS/DAYS |
|--|-----------------------------|-------------------|
| Nassau Avenue (inner circle) From Manitton Ct. to Montauk Hwy. (ISL) | No stopping | |
| Nassau Avenue/West From Manitton Ct. to Montauk Hwy. (ISL) | No stopping | |
| Tranquil Court/West From 25 ft. north of driveway to driveway (BPT) | No parking here to driveway | |

Upon a vote being taken the result was:

March 11, 2025
Public Hearing# 2

WHEREAS, the current contract in place between Ralph A. Leggio, et. al., as **FIRE COMMISSIONERS OF THE BAY SHORE FIRE DISTRICT**, and the **TOWN OF ISLIP** to provide fire protection for the Bay Shore Fire Protection District expired on the 31st day of December, 2024, and

WHEREAS, the Town Board of the Town of Islip is desirous of obtaining similar services for the year 2025; and

WHEREAS, the Town Board of the Town of Islip held a public hearing on Tuesday March 11, 2025 to consider contracting with the Fire Commissioners of the Bay Shore Fire District for fire protection services to be furnished by said Fire District upon the following general terms:

1. The Bay Shore Fire District shall answer and attend to all fire calls within the Bay Shore Fire Protection District.
2. The term of said contract shall be one year, to commence retroactively on the 1st day of January, 2025 and to terminate on the 31st day of December, 2025.
3. For such services the Bay Shore Fire Commissioners shall receive the sum of \$1,140,673.50 for a first semi-annual payment, and \$1,140,673.50 for a second semi-annual payment for a total of \$2,281,347.00 for the year, plus reimbursement for the costs required under the Volunteer Firemen's Benefit Law, allocable to the Bay Shore Fire Protection population, estimated at \$121,798.00.
4. The terms of the contract shall be substantially similar to those of the above-referred to existing contract.

WHEREAS, it has been determined to be in the public interest to enter into such one-year Contract;

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

BE IT RESOLVED, that the Supervisor is authorized to execute, on behalf of the Town of Islip, a contract with the Fire Commissioners of the Bay Shore Fire District for fire protection services to be furnished by said Fire District upon the following general terms:

5. The Bay Shore Fire District shall answer and attend to all fire calls within the Bay Shore Fire Protection District.
6. The term of said contract shall be one year, to commence retroactively on the 1st day of January 2025 and to terminate on the 31st day of December 2025.
7. For such services the Bay Shore Fire Commissioners shall receive the sum of \$1,140,673.50 for a first semi-annual payment, and \$1,140,673.50 for a second semi-annual payment for a total of \$2,281,347.00 for the year, plus reimbursement for the costs required under the Volunteer Firemen's Benefit Law, allocable to the Bay Shore Fire Protection population, estimated at \$121,798.00.
8. The remaining terms of the contract shall be substantially similar to those of the above-referred to existing contract.

Upon a vote being taken, the result was:

March 11, 2025
Public Hearing #3

WHEREAS, on the 19th 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; and

WHEREAS, since the enactment of the moratorium, the Office of the Town Attorney and the Department of Planning and Development together with a third-party expert have been working diligently to draft Code amendments to Section 68-456 designed to safeguard the residents of the Town of Islip, first responders, and the environment from the health and safety concerns stemming from the operation of BESS units;

WHEREAS, on July 20, 2024, the New York State Inter-Agency Fire Safety Working Group (“Working Group”) issued their Fire Code Recommendations to the New York State Fire Prevention and Building Code Council for future code installments; thereafter on July 25, 2024, the New York State Fire Prevention and Building Code Council (“Code Council”) issued their Final Draft Proposed Changes to the 2020 Fire Code of New York State which have yet to be adopted;

WHEREAS, the Town requires an additional six (6) months to thoroughly vet, and consider incorporating, the recommendations and changes proposed by the Working Group and the Code Council in potential Code amendments and await any forthcoming Fire Code changes;

WHEREAS, this extension will allow the Town time to adequately draft Code amendments that will ensure the proper construction and operation of BESS units while simultaneously safeguarding the residents of the Town of Islip, the surrounding community and infrastructure, and

our first responders;

WHEREAS, the current moratorium period is set to expire on April 7, 2025 and the Town Board wishes to amend Ordinance No. 68-457 of the Islip Town Code to extend the moratorium period for an additional six (6) months;

WHEREAS, pursuant to New York State General Municipal Law Section 239-m, the proposed amendment was referred to the Suffolk County Planning Commission on February 3, 2025;

WHEREAS, the Town Clerk has placed a Public Notice in the newspaper circulated locally which indicates the purpose of the proposed ordinance;

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

RESOLVED, the Town Board hereby adopts the amendments to 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:

Article XLII Alternative Energy Systems

§ 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. On July 20, 2024, the New York State Inter-Agency Fire Safety Working Group (“Working Group”) issued their Fire Code Recommendations to the New York State Fire Prevention and Building Code Council for future code installments. Shortly thereafter on July 25, 2024, the New York State Fire Prevention and Building Code Council (“Code Council”) issued their Final Draft Proposed Changes to the 2020 Fire Code of New York State. At this point, it is unclear whether the Code Council will consider or adopt the recommendations set forth by the Working Group.

Since the enactment of the moratorium, the Town has worked diligently to research and analyze the safety issues related to Battery Energy Storage Systems (“BESS”) and identify potential solutions. The Town has consulted an expert in the field to assist in drafting Code amendments intended to address and mitigate the identified safety concerns. Given that the expiration date of the Town of Islip’s BESS moratorium is quickly approaching and the very recent publication of the respective State recommendations and changes, the Town Board finds it necessary to extend the moratorium period for an additional six (6) months.

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.

The Town requires an additional six (6) months to thoroughly vet and consider the recommendations and changes proposed by the Working Group, as well as the Code Council to aid in its preparation of amendments to the Town's current BESS Code Section 68-456. An extension of the moratorium is necessary to complete the legislative intent initially set forth by the Town Board on March 19, 2024. To allow the moratorium to expire at this point is premature.

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. Upon the expiration date of the ~~initial~~ first extension of the moratorium period on October April 7, 2025, this moratorium is hereby extended for an additional six (6) months. The moratorium extension shall be in effect from the effective date of this amendment and shall run for a period of six (6) months. When this extension

period has expired, this moratorium shall be without force and effect unless the moratorium is extended by a Town Board resolution. Notwithstanding the foregoing, the moratorium period shall not exceed eighteen (18) months.

F. Exclusions.

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.