



Town of Islip

TOWN CLERK

PUBLIC HEARING
655 Main Street
Islip, NY 11751

July 12, 2022
2:00pm

-
1. To consider amending the Town of Islip, Uniform Traffic Code as follows:
Schedule J
Parking, Stopping and Standing Regulations
DELETE
Cherry Avenue/ East (WSV)
Cherry Avenue/ West (WSV)
Jones Drive/ South (SVL)
Schedule J
Parking, Stopping and Standing Regulations
ADD
Jones Drive/ South (SVL)
 2. To amend Chapter 68 Zoning of the Town of Islip.
 3. To consider removing and or/ otherwise modifying the covenant dated July 8, 1920, restricting the sale of 102 E. Main St., Bay Shore to either the "Board of Education of the Village of Brightwaters or other body performing similar functions, and or to the Town of Islip and or to any other political subdivision of said town.

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
OHM/tb

TOWN BOARD,

By: OLGA H. MURRAY
TOWN CLERK

The Town of Islip held a meeting on Tuesday, July 12, 2022 at 2:00pm at Islip Town Hall, 655 Main Street, Islip, New York 11751, to amend the Uniform Traffic Code of the Town of Islip.

**NOW therefore, on a motion made by Councilperson
Seconded by Councilperson**

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

Upon a vote being taken, the result was

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

LOCATION	REGULATION	HOURS/DAYS
Cherry Avenue/East From 650 ft. north of Montauk Hwy north for 300 ft. (WSV)	No parking	
Cherry Avenue/West From 130 ft. south of Union St. south for 75 ft. (WSV)	No parking	
Jones Drive/South From Sunset Drive to Anita Drive a.m., (SVL) November 15 th	No parking	12:00 a.m. to 6:00 April 1st to

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

LOCATION	REGULATION	HOURS/DAYS
Jones Drive/South From Anita Drive to 100 ft. east a.m., of Anita Drive (SVL) 15 th	No parking	12:00 a.m. to 6:00 April 1 st to November
From 200 ft. east of Anita Drive to Sunset Drive (SVL)	No parking	

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:

Article I General Provisions

§ 68-3 Word usage and definitions.

B. Definitions.

ACCESSORY BUILDING, STRUCTURE, OR USE

A building, structure, or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. Accessory buildings may not be used for habitable purposes, including, but not limited to, living, sleeping, eating, or cooking. All accessory buildings shall be limited to one story in height, except if otherwise permitted in the zoning district. Accessory structures shall maintain the same dimensional requirements as those required for accessory buildings. Accessory buildings connected to a main structure with walkways, decking, or breezeways shall not be used for habitable purposes, including but not limited to living, sleeping, eating, or cooking.

APARTMENT HOUSE ~~OR GARDEN APARTMENT~~ (APARTMENTS)

A building or buildings arranged, intended or designed to be occupied by two or more individuals or families living independently of each other in apartments.

STREET, RIGHT-OF-WAY (ROW)

The total width of a street measured at right angles to its centerline, from property line to property line.

Article IV Administration; Permits and Fees; Standards and Requirements

§ 68-28 Fees.

B. In addition to application processing fees, the Commissioner of Planning or the Commissioner's designee shall collect a public improvement fee, as established by the Town Board, which shall be based on the linear feet of street frontage which shall apply to all building permits for the construction of new buildings on vacant properties, except where the applicant can show:

- (1) That the property is a full lot on a subdivision map approved by the Planning Board, fully bonded for public improvements, and recorded with the Suffolk County Clerk; or
- (2) That the ~~road~~ Right-of-Way on which the property fronts on has been improved or is bonded for improvements to meet minimum Town standards in accordance with Town Law.
- (3) That a single family dwelling previously existed on the lot with a Certificate of Occupancy.

Article IVA Amendments

§ 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 ~~15~~ 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.

F. 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, ~~but now under the jurisdiction of the Planning Board, may be heard by the Planning 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.

Article X Use District Regulations: Residence C District

§ 68-124 Height.

~~An apartment house or garden apartment shall not exceed 35 feet in height or two stories for living purposes; provided, however, that in a specific application and after a public hearing, the Town Board may permit additional height and grant additional stories for apartment houses or garden apartments. In such instances, that portion of the apartment house or garden apartment which is granted in excess of 35 feet shall be set back a minimum of one additional foot for each additional foot of height with relation to front yards, rear yards and side yards. In no instance shall any building exceed four stories.~~

A. An attached or detached single-family dwelling shall not exceed 35 feet or two stories in height.

B. An apartment house or assisted living facility shall not exceed 35 feet or two stories in height; provided, that in a specific application and after a public hearing, the Town Board may permit

additional height and grant additional stories. In such instances, that portion of the apartment house or garden apartment which is granted in excess of 35 feet shall be set back a minimum of one additional foot for each additional foot of height with relation to front yards, rear yards and side yards. In no instance shall any building exceed four stories.

C. An accessory building shall not exceed 35 feet in height. Accessory garages shall be limited to 18 feet in height.

§ 68-126 Lot area.

B. The minimum required plot area for each senior citizen detached single-family dwelling shall be ~~10,000~~ 7,000 square feet.

C. The minimum required plot area for assisted-living facilities shall be ~~80,000~~ 120,000 square feet.

§ 68-126.1 Maximum permitted density (dwelling units per acre).

C. A maximum of ~~four~~ six dwelling units per acre shall be permitted for senior citizen detached single-family dwellings. Lot area shall not include public facilities such as roads, including interior roads, drainage areas or open-space areas as determined by the Planning Board.

~~§ 68-126.3 Height.~~

~~{Added 4-8-1997}~~

~~A. An attached or detached single-family dwelling shall not exceed 35 feet in height or two stories~~

~~B. (Reserved)^{††}~~

~~{1} Editor's Note: Former Subsection B, regarding apartment houses or garden apartments, was repealed 12-17-2019.~~

~~C. An accessory building shall not exceed 35 feet in height. Accessory garages shall be limited to 18 feet in height.~~

~~{Amended 7-20-2021}~~

§ 68-129 Front yards.

C. The minimum required front yard setback for senior citizen attached or detached single-family dwellings shall be ~~50~~ 40 feet from all streets, unless arterial highway setback is greater.

E. The minimum required front yard setback for assisted-living facilities shall be 40 feet from all streets.

§ 68-130 Side yards and rear yards.

D. A minimum setback of 40 feet shall be provided for all assisted-living facilities from all adjoining properties.

Article XII Use District Regulations: Residence CAA District

§ 68-150 Permitted uses.

~~In a Residence CAA District, no building, structure or premises shall be used or occupied and no building or part thereof or other structure shall be so erected or altered, except for one or more of the following purposes:~~

~~A. One family dwelling.~~

~~B. Two family dwelling.~~

~~C. A single three or four family dwelling when adjacent to a property zoned Residence C, Residence CA, Business District, Business 1, Business 2 or General Service T District and having no other uses other than accessory uses on the subject parcel. The subject parcel shall meet the requirements of §§ 68-500 and 68-501. The building must have a lobby from which all rooms are accessible (via hallways, elevators). No entry doors to each unit are permitted.~~

Legislative intent.

The Town Board recognizes an existing and growing need for alternative housing choices from single-family dwellings and larger multi-family developments. The Residential CAA district is intended to provide for low-density residential buildings compatible in scale and form with detached single-family homes to be located in walkable neighborhoods. The provisions contained in this article are intended to maintain the residential character of the site and neighborhood through the regulation of architecture and streetscape design while limiting the location of such properties to those adjoining or within walking distance of commercial areas that provide necessary goods and services.

§ 68-150.1 General site criteria.

A. The site shall be located within walking distance to a downtown center or existing retail services.

B. The site shall be of sufficient size and shape so as to provide for the required buffer, landscaping, and setback requirements.

C. The site shall be of sufficient size to provide for adequate parking in accordance with Town standards while still maintaining a residential appearance to the site.

D. The site shall be of sufficient size to provide for ample yard space (see § 68-155 (B)) consistent with those of neighboring single-family dwellings.

E. The site shall not be located mid-block among other single-family dwellings unless adjacent to institutional uses or a mitigating circumstance exists whereas the goals of this article are better served.

§ 68-150.2 Permitted uses.

In a Residence CAA District, no building, structure, or premises shall be used or occupied and no building or part thereof or other structure shall be so erected or altered, except for one or more of the following purposes:

A. One-family dwelling.

B. Two-family dwelling.

C. A single three-or four-family dwelling when adjacent to a property zoned Residence C, Residence CA, Business District, Business 1, Business 2 or General Service T District and having no uses other than accessory uses on the subject parcel. The subject parcel shall meet the requirements of §§ 68-500 and 68-501. The building must have a lobby/foyer from which all units are accessible (via hallways, elevators). No visible entry doors to each individual unit are permitted. Only one visible front entrance shall be permitted, unless a determination is made by the Commissioner of Planning or his or her designee that the architectural character of a preexisting building will be preserved by allowing one additional visible front entrance.

Article XIII Use District Regulations: Residence CA District

§ 68-170 Height.

D. An accessory building shall not exceed 35 feet in height or 2 ½ stories. Accessory garages shall be limited to 18 feet in height.

Article XIV Use District Regulations: General Service C District

§ 68-181 ~~Permitted uses.~~

~~In a General Service C District, no building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be so erected or altered, except for one or more of the following purposes:~~

~~A. Nursing home or skilled nursing facility.~~

~~B. Hospital.~~

~~C. (Reserved)~~

~~D. Adult day care facility.~~

~~E. Child day care center.~~

~~F. Adult home or assisted living facility.~~

~~G. Life care community or continuum care facility.~~

Legislative Intent

These provisions are intended to provide for appropriate locations for inpatient care for emergency medicine and the Town's aging population. Sites in the General Service C district are optimally placed on or in very close proximity to non-industrial arterial highways, downtowns and/or recreational areas with the goals of minimizing response time for medical emergencies and offering recreational and social interaction for the patients, residents, and visitors of the listed permitted uses.

§ 68-181.1 Permitted uses.

In a General Service C District, no building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be so erected or altered, except for one or more of the following purposes:

- A. Hospital.
- B. Nursing home or skilled nursing facility.
- C. Adult home or assisted-living facility.
- D. Life-care community or continuum-care facility.
- E. Adult day-care facility.
- F. Child day-care center.

§ 68-187 Area density.

The minimum required lot area for a hospital, nursing home or skilled nursing facility, adult home or assisted-living facility, or life-care community or continuum-care facility shall be 120,000 square feet. The minimum required lot area for other permitted uses shall be 30,000 square feet.

Article XVI Use District Regulations: General Service E District

§ 68-209 Permitted uses.

- A. Hotel (motel).
- B. (Reserved)
- C. Boardinghouse or lodging house.

Legislative intent.

These provisions are intended to provide for temporary lodging near tourist areas, institutional uses, and Long Island MacArthur Airport. The location of such properties are optimally located within walking distance of downtowns, ferry terminals, colleges/universities, and close proximity to either Veterans Memorial Highway or the Long Island Expressway. Large-scale hotels are preferred to be located near larger institutions in commercialized areas and away from single-family dwellings. Small scale lodges, commonly referred to as, "Bed and Breakfasts," are preferred to be located in historic areas, downtowns, and/or ferry terminals to accommodate tourists in residential settings. Mid-block locations among single-family residences shall not be preferred.

§ 68-210 (Reserved) Permitted uses.

- A. Hotel (motel).
- B. Boardinghouse or lodging house.

Article XIX Use District Regulations: Business District (BD)

§ 68-256 Permitted uses.

D. Store, office, medical office, delicatessen, or bank.

Article XXII Use District Regulations: Business 3 District

~~§ 68-301 Permitted uses.~~

~~In a Business 3 District, no building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be so erected or altered, except for one or more of the following purposes:~~

~~A. Museum.~~

~~B. Accessory restaurant, as defined in § 68-3.~~

~~C. Store, office, medical office, delicatessen, bank, broadcasting studio, laundromat and community building.~~

~~D. The operation of any retail business will be permitted which is allowed in Business 1 and Business 2 Districts, except as otherwise provided herein.~~

~~E. Child day care center.~~

~~F. Personal service establishments, including, but not limited to, barbershop, beauty parlor, shoe repair shop.~~

~~G. Craft trade shop.~~

~~H. Nonprofit fraternity or lodge.~~

~~I. Historical or memorial monument.~~

~~J. Church or other similar place of worship or parish house, provided that a minimum buffer area of 25 feet in width in accordance with Town standards is provided and maintained adjacent to any residential use or zone and a site plan is submitted to and approved by the Planning Board or its designee indicating compliance with all applicable land development standards.~~

~~K. Automobile parking field, provided that a site plan is submitted to and approved by the Planning Board or its designee indicating compliance with all Town standards.~~

~~L. Health club.~~

~~M. Veterinarian, provided that a minimum setback of 50 feet is maintained for any outside activity and that buffers and fencing are maintained in accordance with Town standards.~~

~~N. Public school.~~

~~O. Private or parochial school, including preschool programs, elementary and secondary schools, vocational schools and other non-degree granting schools including self-defense, dance, swimming, gymnastics and similar instruction/programs, except those associated with manufacturing or truck driving.~~

~~P. Restaurant, minor.~~

~~Q. Municipal building or use.~~

Legislative Intent

These provisions are intended to provide for appropriate minimum requirements for large-scale retail and automobile-dependent uses including, but not limited to, retail fuel stations, motor vehicle dealerships, and fast-food restaurants. Said properties shall be large enough to accommodate any proposed outdoor storage, outside retail sales, and vehicle queuing as necessary along with other minimum site requirements. Sites are most appropriately located on

arterial highways, at signalized intersections, and reasonably located away from single-family dwellings and schools.

§ 68-301.1 Permitted uses.

In a Business 3 District, no building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be so erected or altered, except for one or more of the following purposes:

A. Museum.

B. Accessory restaurant, as defined in § 68-3.

C. Store, office, medical office, delicatessen, bank, broadcasting studio, laundromat and community building.

D. The operation of any retail business will be permitted which is allowed in Business 1 and Business 2 Districts, except as otherwise provided herein.

E. Child day-care center.

F. Personal service establishments, including, but not limited to, barbershop, beauty parlor, shoe repair shop.

G. Craft trade shop.

H. Nonprofit fraternity or lodge.

I. Historical or memorial monument.

J. Church or other similar place of worship or parish house, provided that a minimum buffer area of 25 feet in width in accordance with Town standards is provided and maintained adjacent to any residential use or zone and a site plan is submitted to and approved by the Planning Board or its designee indicating compliance with all applicable land development standards.

K. Automobile parking field, provided that a site plan is submitted to and approved by the Planning Board or its designee indicating compliance with all Town standards.

L. Health club.

M. Veterinarian, provided that a minimum setback of 50 feet is maintained for any outside activity and that buffers and fencing are maintained in accordance with Town standards.

N. Public school.

O. Private or parochial school, including preschool programs, elementary and secondary schools, vocational schools and other non-degree-granting schools including self-defense, dance, swimming, gymnastics and similar instruction/programs, except those associated with manufacturing or truck driving.

P. Restaurant, minor.

Q. Municipal building or use.

Article XXIV Use District Regulations: Planned Development District

§ 68-324 Subdistrict regulations.

C. Retail/service.

(2) Uses permitted by special permit from Planning Board after a public hearing:

(d) Restaurants, luncheonettes, cafes, ~~quick service restaurants~~ and other places for the serving of food, beverages, or both, whether served inside and/or outside a structure.

D. Office.

(4) Lot area. The lot area shall be a minimum of ~~two acres~~ 20,000 square feet.

E. Residential.

(3) Area density. The maximum area density shall not exceed 12 units per acre for all multiple-family dwelling or senior units. The maximum density for congregate care facility, assisted living facility, or nursing home shall be limited by the maximum Floor Area Ratio permitted.

(5) Percentage of lot occupancy and floor area ratio, excluding ~~cellars~~ basements, garages, decks, utility rooms and firewalls.

(6) Setbacks.

Article XXV Use District Regulations: Industrial 1 District

§ 68-343 Height.

A. In an Industrial 1 District, no building or structure shall be erected or altered to a height in excess of 60 feet or four stories. Any portion of the building which is erected in excess of 35 feet shall be set back one additional foot for each additional foot of height with relation to front yards, rear yards and side yards.

§ 68-348 Side yards.

All buildings, including accessory buildings, hereafter erected shall have a side yard along each lot line other than a street or a rear line. Each side yard shall be not less than 10 feet, except if the building exceeds 35 feet in height as detailed in § 68-343 A or where 50 feet is required adjoining residential uses or districts.

§ 68-349 Rear yard.

A. Main buildings. All main buildings hereafter erected shall have a rear yard of not less than 25 feet, except if the building exceeds 35 feet in height as detailed in § 68-343 A or where 50 feet is required adjoining residential uses or districts.

Article XXX Sight Obstructions, Fences and Walls

§ 68-406 Fences and walls

A. No fence or wall, except an existing retaining wall, shall be higher than six feet above the ground at any point unless such fence is an open chain-link-type or one which does not restrict light or visibility through more than 15% of its surface (evenly distributed), but shall not be higher than eight feet anywhere on the property. This provision pertaining to the restriction on

height or visibility of fences, and walls shall not apply to Battery Energy Storage Systems, transfer stations, or junkyards or scrap metal processing facilities for which special permits have been granted by the Town Board.

Article XXXIII Board of Appeals

§ 68-419.1 Temporary special exception for two-family dwellings.

E. The following regulations and criteria must be followed by the Board when granting such applications:

- (1) Such certificates may be granted only for a maximum of three-year periods.
- (2) The application may be granted only to persons who are related in the first degree lineal consanguinity. However, the Board may grant, in cases of extreme hardship, applications involving relatives of the second degree of lineal consanguinity.
- (3) Upon the death of the person ~~who is the relationship to the applicant for whom the special exception has been granted (the "related person")~~, upon transfer of title to the property or upon the related person's moving ~~or marrying~~ or leaving the premises for more than four consecutive months, the use ceases automatically. ~~In all certificates or letters granting such use, there must be a statement to this effect in print not smaller than 3/16 of an inch on such certificates or letters.~~
- (4) The individual making the application must be the owner of the property or an authorized principal of the owner if the property is owned by a legal entity (e.g., trust, corporation, LLC) and not a person.
- (5) At the time of making such an application and upon each renewal application, there must be submitted a certified copy of the birth certificate or other satisfactory proof documenting the relationship between the applicant and the ~~relative~~ related person.

F. ~~(Reserved)~~ Renewal of Permits.

- (1) All two-family, family-use-only permits must be renewed every three years and shall expire upon transfer of title. The individual making the application must be the owner of the property or an authorized principal if the property is owned by a legal entity (e.g., trust, corporation, LLC) and not a person. The applicant/authorized principal is required to submit an affidavit of residency and to notify adjacent property owners and property owners directly across the street.
- (2) The Board reserves the right to require a public hearing prior to the renewal of the permit if, on the basis of responses from notified property owners, or, by an inspection of municipal officials, reason exists to believe that the conditions of the permit are not being met.

Article XLII ~~(Reserved)~~ Alternative Energy Systems

§68-456 Battery Energy Storage Systems

A. Authority. This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, § 2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); and §§ 261-263 and § 10 of the Municipal Home Rule Law of the State of New York, which authorize the Town of Islip to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

B. Legislative Intent. This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of the community by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

1. To provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of battery energy storage systems;
2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
3. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and
4. To support the transition to renewable energy sources.

C. Definitions

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

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1, Tier 2, or Tier 3 battery energy storage system as follows:

1. Tier 1 battery energy storage systems have an aggregate energy capacity less than or equal to 80 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. All Tier 1 battery energy storage systems located on residential properties shall comply with the Residential

Code of New York State.

2. Tier 2 battery energy storage systems have an aggregate energy capacity between 81 and 600kWh or are comprised of more than one energy storage system technology in a room or enclosed area.
3. Tier 3 battery energy storage systems have an aggregate energy capacity greater than 600kWh and, if in a room or enclosed area, consist of only one energy storage system technology.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as, "Group F-1 occupancy," as defined in the International Building Code, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the administrative and support use areas to the exterior of the building that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

D. Applicability

- 1.** The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Islip after the effective date of this Local Law, excluding general maintenance and repair.
- 2.** Battery energy storage systems legally constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- 3.** Modifications to, retrofits, or replacements of an existing battery energy storage system that increase the total designed discharge duration or power rating shall be subject to this Local Law.

E. General Requirements

- 1.** A building permit, battery energy storage system permit, and a certificate of electrical compliance shall be required for installation of all battery energy storage systems.
- 2.** All battery energy storage systems, all dedicated-use buildings, and all other buildings or structures that contain or are otherwise associated with a battery energy storage system shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code.

F. Permitting Requirements for Battery Energy Storage Systems

- 1.** Tier 1 battery energy storage systems shall be permitted in all zoning districts, subject to the Uniform Code and the battery energy storage system permit, and exempt from site plan review. Tier 1 battery energy storage systems shall maintain minimum side and rear yards of 10 feet and shall meet the front-yard requirements of the zoning district in which they are located.
- 2.** Tier 2 battery energy storage systems shall be permitted in the following zoning districts subject to the Uniform Code and site plan review, which may be waived at the discretion of the Town Engineer:
 - a.** Business 1, Business 2, Business 3, Industrial 1, Industrial 2, Industrial Corridor, and Industrial Transition.
 - b.** Tier 2 battery energy storage systems shall meet the requirements of the principal building within the zoning district in which they are located.
 - c.** Where a Tier 2 Battery Energy Storage System will be located within 200 feet of a residential use or zone, a Planning Board special permit shall also be required.

3. Tier 3 battery energy storage systems shall be permitted in the following zoning districts subject to the Uniform Code, site plan review, and a Planning Board special permit:
 - a. Industrial 1, Industrial 2, and Industrial Transition.
 - b. Tier 3 battery energy storage systems shall meet the requirements of the principal building within the zoning district in which they are located.
 - c. Tier 3 Battery Energy Storage Systems that are accessory to a permitted principal use and are under 2,000 SF of total area dedicated to the use do not require a Planning Board special permit, unless they are located within 200 feet of a residential use or zone.

G. Special Permit Standards.

1. Fencing Requirements. Unless housed in a dedicated-use building, Tier 3 battery energy storage systems, including all mechanical equipment, shall be enclosed by a 6-foot fence with a self-locking gate to prevent unauthorized access. For systems that are over 6 feet in height, an 8-foot fence shall be required to properly screen the use.
2. Screening and Visibility. Tier 2 and Tier 3 battery energy storage systems shall be screened from view from adjacent properties using architectural features, earth berms, walls, fencing, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. A minimum of 25 feet of landscaping shall be required along all street frontages for all Tier 3 Battery Energy Storage Systems. Architectural review shall be required for all Tier 2 and 3 systems.

H. Site plan application requirements.

For a Tier 2 or 3 battery energy storage system requiring site plan approval, the applicant's submission shall include the items located in the appendices of the Subdivision and Land Development Regulations in addition to the typical site plan requirements.

I. Additional Requirements for Tier 2 and 3 Battery Energy Storage Systems

1. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground in appropriate conduits to the extent feasible and as permitted by the serving utility. An exception may be made for the main service connection at the utility company right-of-way and new interconnection equipment.
2. Signage.
 - a. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards

associated, the type of fire suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including a call-back phone number.

- b. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
3. Lighting. All lighting associated with battery energy storage systems shall be in compliance with Article LII Exterior Lighting Standards.
4. Vegetation and tree-cutting. Areas within 10 feet on each side of Tier 2 or 3 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible, and is only permitted in association with an approved site plan or land clearing permit.
5. Noise. All noise associated with battery energy storage systems shall be in compliance with Town Code Chapter 35.

J. Commissioning and Decommissioning Plans

1. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete, but prior to final inspection and approval. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Chief Fire Marshal or his/her designee, prior to final inspection and approval and maintained at an approved on-site location. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning.
2. Decommissioning Plan. The applicant shall submit a decommissioning plan for Tier 2 or Tier 3 battery energy storage systems, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal of the systems from the facility. The decommissioning plan shall include and address:

 - a. A narrative description of the activities to be accomplished, including who will perform the activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal

waste disposal regulations;

- c. The anticipated life of the battery energy storage system;
- d. The estimated decommissioning costs and how said estimate was determined;
- e. The method of ensuring that funds will be available for decommissioning and restoration;
- f. The method by which the decommissioning cost will be kept current;
- g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- h. A listing of any contingencies for removing an intact operational energy storage system from service and for removing an energy storage system from service that has been damaged by a fire or other event.

3. Decommissioning Fund or Cash Bond. The owner and/or operator of a Tier 2 or 3 battery energy storage system, shall continuously maintain a fund or submit a cash bond payable to the Town of Islip, in a form approved by the Town of Islip, for the removal of the battery energy storage system, in an amount to be determined by the Town of Islip, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

4. Tier 1 systems are not subject to the requirements of 1 or 2 above, but will require a statement from the system installer certifying compliance with decommissioning requirements.

K. Ownership Changes.

If the owner of the battery energy storage system changes or the owner of the underlying property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Chief Fire Marshal of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Chief Fire Marshal in writing. The special permit and all other local approvals for the battery energy storage system shall be void if a new owner or operator fails to provide written notification to the Chief Fire Marshal in the required timeframe. Reinstatement of a void special permit will be subject to the same review and approval processes for new applications under this Local Law.

L. Safety.

1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory (standards for battery energy storage systems and equipment) or approved equivalent.

- 2. Site Access.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 or 3 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.
- 3. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.**
- 4. Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall be given to the system owner/operator, the local fire department, and Fire Marshal. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

 - a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.**
 - b. Procedures for inspection and testing of associated alarms, interlocks, and controls.**
 - c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.**
 - d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.**
 - e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.**
 - f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.**
 - g. Other procedures as determined necessary by the Town of Islip to provide for the safety of occupants, neighboring properties, and emergency responders.**
 - h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.**

M. Abandonment.

The battery energy storage system shall be considered abandoned when it ceases to operate for more than 1 year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of Islip may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 or 3 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

N. Enforcement.

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

O. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, 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.

Article XLIII Use District Regulations: Industrial Corridor District

§ 68-473 Side yards.

A. All buildings, ~~except those listed below~~, shall have a minimum side yard of 25 feet. Where the side yard abuts a residential district or use, a minimum side yard of 50 feet shall be required.

Article XLVII Accessory Apartments

§ 68-612 Off-street parking requirements.

There shall be located on-site not fewer than four off-street parking spaces. These spaces shall be provided to ensure that at least two spaces are able to freely exit the property at any time. Parking shall be provided pursuant to the direction of the Town Engineer in a manner that is consistent with the residential appearance of the property. The amount of front yard area consisting of asphalt, gravel, stone or dirt or other nonvegetative material, to be used primarily for the parking of vehicles, shall not exceed 35% of the area of the primary front yard. Required driveway improvements must be completed prior to the issuance of a certificate of occupancy or certificate of compliance for the accessory apartment unit.

Article LVI Use District Regulations: Bayport Overlay District (BOD)

§ 68-757 Landscape requirements.

In addition to the landscaping requirements set forth in the Town's Subdivision and Land Development Regulations, the following landscaping requirements shall be met:

C. Perimeter landscaping, in the form of ~~bushes-shrubs~~, hedges, or other similar plantings, shall be required for all driveways and parking areas, outside of site triangles.

July 12, 2022

WHEREAS, Bay Shore Post Number 365 of the American Legion (“American Legion”) is the owner of the real property located at 102 East Main Street, Bay Shore New York, 11706 (the “subject property”); and

WHEREAS, located on the subject property is the Soldiers and Sailors Memorial Building which is currently vacant; and

WHEREAS, by letter dated April 27, 2022, the American Legion has informed the Town of Islip that it can no longer financially carry the subject property and is currently in contract to sell the subject property; and

WHEREAS, funds from the sale will be utilized to promote the American Legion’s mission and commitment to mentoring youth and sponsoring wholesome programs in the community, advocating patriotism and honor, promoting strong national security, and continued devotion to fellow service members and veterans; and

WHEREAS, by covenant dated July 8, 1920, a previous property owner restricted the sale of the subject property to either the “Board of Education of the Village of Brightwaters or other body performing similar functions, and or to the Town of Islip and or to any other political subdivision of said town...”, and

WHEREAS, by Summons and Complaint dated, December 27, 2021, American Legion has commenced an action to modify and/or remove the aforementioned covenant; and

WHEREAS, a public hearing being duly held on July 12, 2022, to consider removing the aforementioned covenant.

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

RESOLVED, that the Town Board hereby authorizes the removal of the covenant, dated July 8, 1920, restricting the sale of 102 East Main Street, Bay Shore New York, 11706, to either

the “Board of Education of the Village of Brightwaters or other body performing similar functions, and or to the Town of Islip and or to any other political subdivision of said town...”, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to settle the above-referenced action upon the following terms and conditions:

1. Any deviation from the building’s current use as a “non-profit fraternity or lodge” will require any and all requisite approvals from the Town of Islip.
2. Although the subject property is zoned “Business District”, the property owner agrees to the filing of covenants and restrictions whereby the following uses are prohibited:
 - a. Broadcasting studio.
 - b. Laundromat.
 - c. Retail dry-cleaning establishment using New York Board of Fire Underwriters' Class I liquids.
 - d. Automobile parking field.
 - e. Funeral parlor/home.
 - f. Veterinarian, provided that all activities take place within the building
 - g. Billiard hall.
 - h. Public utility where no repair or storage facilities are maintained.

Upon a vote being taken, the result was: