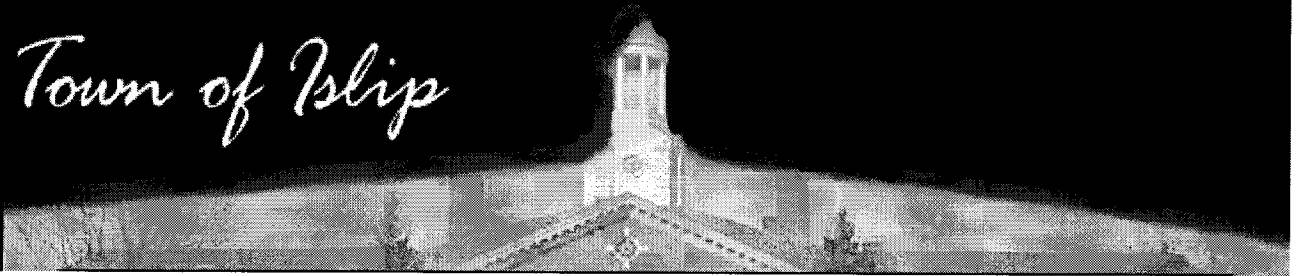


Town of Islip



TOWN CLERK

PUBLIC HEARING
Town Hall /Board Room
655 Main Street
Islip, NY 11751

December 17, 2019
2:00 p.m.

-
- 1. To consider amending the Uniform Traffic Code of the Town of Islip as follows:**

Schedule G Stop and Yield Intersections Amend to Read
Doolittle Street and Nimitz Avenue (BWD)

Schedule G Stop and Yield Intersections Add

Eaton Lane at Sequams Lane East (WIS)

Plunkett Drive at Stepney Lane (BWD)

Schedule I School Limits Speed Limits Add

Melody Lane BWD)

Schedule J Parking, Stopping and Standing Regulations Add

Colton Avenue/ West (SVL)

Greene Avenue/ East (SVL)

Suffolk Avenue/ North (BWD)

Schedule J Parking, Stopping and Standing Regulations Delete

Greene Avenue/ West (SVL)

- 2. To consider amending the Islip Town Code, Chapter 68, entitled "Zoning".**
- 3. To consider enacting Local Law 2 of 2019, amending the Islip Town Code Chapter 68, §68-324 and §68-334.**

Anyone wishing to address the Board at the conclusion of these hearings may do so. Please clearly print your full name and address by registering with the Aide in the lobby. Any disabled person who needs a sign language interpreter or special accommodations to attend this meeting, is asked to please contact Constituent Services at 631-224-5380 as early as possible in order for the Town to accommodate.

**Dated at Islip, NY
TOWN OF ISLIP
December 17, 2019
Published
OHM/tb**

TOWN BOARD,

**By: OLGA H. MURRAY
TOWN CLERK**

PUBLIC NOTICE

The Town Board of the Town of Islip will hold a Public Hearing on Tuesday, December 17, 2019 at 2:00pm in the Islip Town Board Room at Islip Town Hall, 655 Main Street, Islip, NY to amend the Uniform Traffic Code of the Town of Islip as follows.

SCHEDULE G STOP AND YIELD INTERSECTIONS AMEND TO READ

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Doolittle Street at Nimitz Avenue (BWD)	Stop	North/South on Nimitz Avenue; <u>East/West on Doolittle Street</u>

SCHEDULE G STOP AND YIELD INTERSECTIONS ADD

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Eaton Lane at Sequams Lane East (WIS)	Stop	East on Sequams Lane East
Plunkett Drive at Stepney Lane (BWD)	Stop	North on Stepney Lane

SCHEDULE I SCHOOL SPEED LIMITS ADD

NAME OF STREET	SPEED LIMIT (mph)	LOCATION
Melody Lane (BWD)	20	From Westwood Drive to Frank J. Cannon School driveway located 130 feet east of Timberline Drive

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

LOCATION	REGULATION	HOURS/DAYS
Colton Avenue/West From Edwards Street south for 250 ft. (SVL)	No parking	10:00 p.m. to 6:00 a.m. Nightly 4/1 to 10/1
Greene Avenue/East From Center Street to Swayze Street (SVL)	No parking	8:00 a.m. to 9:00 p.m. School Days
Suffolk Avenue/North From 400 ft. west of Bergen Street to 500 ft. west of Bergen Street (BWD)	No parking	

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

LOCATION	REGULATION	HOURS/DAYS
Greene Avenue/West From 740 ft. south of Depot Street south for 580 ft. (SVL)	No parking	8:00 a.m. to 6:00 p.m. School Days

TOWN BOARD RESOLUTION

Date: December 17, 2019

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 December 17, 2019, a public hearing was held;

NOW, THEREFORE, on motion of Councilperson
Councilperson

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:

Chapter 68 Zoning

Article I General Provisions

§ 68-3 Word usage and definitions.

A. Usage

(5) The term "Town Board" shall mean the Town Board of the Town of Islip; the term "Planning Board" shall mean the Planning Board of said Town; the term "Board of Appeals" shall mean the Board of Appeals of said Town; the term "~~Director~~" shall mean the ~~Director of Building and Housing of the Town of Islip~~ "Commissioner of Planning" shall mean the Commissioner of Planning and Development of the Town of Islip; the term "Town Clerk" shall mean the Town Clerk of the Town of Islip.

B. Definitions

Auction House

A building, site, or portion of a site used for auctioning of real, personal and intellectual property at scheduled auction events wherein bids for the items are solicited and accepted to effectuate the sale thereof. Auction Houses shall not include any business that engages in retail sale of items at set prices to the general public. An Auction House that, as an accessory use, engages in outdoor storage of vehicles, boats or heavy equipment shall not be considered a violation of section 68-338(R), which prohibits outdoor storage of vehicles, but shall require a Special Permit from the Planning Board, as set forth below in section 68-340.1.

BUILDING HEIGHT

Unless otherwise stated, the vertical distance from the average grade of the ground at the base of the structure, or the average grade at the street, whichever is less, to the highest point of the roof, provided that chimneys, spires and similar permitted projections shall not be included in the height. For detached structures in conforming locations accessory to single-family dwellings, the height shall be measured from the average of the four corners of the structure. For any single-family residential and any structure(s) accessory thereto, within an area of special flood hazard pursuant to Article **XL** of this chapter, building height shall be measured from the average grade of the ground at the base of the structure or the minimum elevation necessary to meet the prerequisites for federal flood insurance as determined by the National Flood Insurance Program/FEMA shown on any applicable Flood Insurance Rate Map. The Commissioner of Planning, or the Commissioner's designee, shall be responsible for any interpretations concerning average grade and/or base flood elevation.

[Amended 4-18-1978; 4-8-1997; 3-5-2013]

CAR WASH (MOTOR VEHICLE WASH)

A building or part of a building used for the washing of motor vehicles. A car wash shall provide queuing for at least 12 cars.

CRAFT TRADE SHOP

Establishments for custom work and for making articles to be sold at retail on the subject parcel intended for the general public and not for wholesale, including, but not limited to, artist, artisan, baker, confectioner, decorator, dressmaker, furrier, glassmaker, ironsmith, milliner, printer, or photographer. This definition shall not apply to those uses explicitly defined within this section.

industrial manufacturing, mass production or for the brewing and distilling of alcoholic beverages.

FAMILY

One or more persons, whether or not related to each other by blood, marriage or adoption, all occupying a single, whole, legal single or one-family dwelling unit as a traditional family or the functional equivalent of a traditional family, having access to and utilizing the whole of such dwelling unit, including but not limited to all rooms and housekeeping facilities, in common.

(2) It shall be presumed that a single or one-family dwelling unit is occupied by more than one family if it contains more than one kitchen or any of those items listed below, found to exist by the Commissioner of the Department of Planning and Development, his designee or any person authorized to enforce or investigate violations of Chapter 68 of the Code of the Town of Islip or any laws, codes, rules and regulations of the State of New York:

(c) More than one doorbell or doorway on the same side of the dwelling unit, unless shown on plans approved by the Building Division.

HOME OCCUPATION

An office activity conducted within a single-family residence in a single-family residential district by the residents thereof as an accessory use within the main dwelling that does not change the character of the building as a residence or the character of the site as a residential plot. The activity may employ a maximum of one nonresident and shall not occupy more than ~~25%~~15% of the gross floor area of the residence, unless a variance is issued by the New York State Department of State in which case a maximum of 25% of the gross floor area may be permitted; or in no case more than 500 square feet. Parking for the home occupation use shall be installed, landbanked or screened from view pursuant to the direction of the Commissioner of Planning and Development or the Commissioner's designee. The following uses shall be considered home occupations: the office of a single physician, dentist, chiropractor, lawyer, architect, engineer, surveyor, accountant, financial planner, insurance agent or tutor, provided that instruction is limited to a single pupil at one time. Other similar uses, which do not alter the character of the house as a residence, may only be permitted after the review and approval of the Board of Appeals. In no case shall the following uses be deemed permitted home occupations: bars, taverns, nightclubs, restaurants, minor restaurants, fast-food restaurants, convenience markets, veterinarian, dance studio, real estate broker, musical instruction groups, art or photo galleries, funeral parlor/home, barbershops, beauty parlors, adult homes, nursing homes, tattoo parlor, any use involving outside storage including the outside storage of registered vehicles, outside display or any retail use.

LIVE WORK UNIT

An integrated housing unit and work space, occupied and utilized by a single-family household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity for the primary use. The maximum square footage for living space shall be limited to 2,000.

LOT, THROUGH

A lot extending from one street to another street or right of way, having frontage on two streets or right of ways where the lot frontages do not intersect.

MOTOR VEHICLE DEALERSHIP

A building or a part of a building or a lot or a part of a lot used for the sale, rental, lease, display or storage of new or used vehicles, including but not limited to automobiles, vans, trucks, trailers, buses, campers, recreational vehicles or boats or any vehicle required to be registered with the New York State Department of Motor Vehicles. This definition shall not be construed to include heavy construction vehicles, emergency vehicles and related equipment. Motor vehicle dealerships may also include vehicle repair and/or a car wash facility as accessory uses subject to the issuance of a special permit from the Planning Board after due public hearing. A car wash shall provide a queue for at least 12 cars, unless modified by the Planning Board. All car wash activities shall be restricted to the washing of dealer stock vehicles only and confined within a building on the subject property. Public car washing is prohibited.

NEW STRUCTURE

~~Any structure constructed from a foundation or any existing structure, the floor area of which is increased by 50% of the floor area of the existing structure or more, or altered by more than 50% of the existing structure prior to alteration.~~

~~{Added 4-5-2005; amended 12-12-2006; 5-15-2018}~~

Any structure that meets one or more of the following:

A) is constructed on a new foundation.

B) is a replacement of an existing structure on an existing foundation.

C) An alteration that removes 75% or more of the exterior walls of an existing structure.

D) An expansion of the footprint of an existing building by 60% or more.

RESTAURANT, MINOR

An establishment engaged in the sale of prepared food intended for immediate consumption either on premises or off premises or both on premises and off premises, ~~and~~ containing a maximum gross floor area of 2,000 square feet, ~~a maximum dining area of 450 square feet~~ and a maximum of ~~30~~ 16 seats available for customer use. The sale, service and consumption of beverages shall be accessory to the food service use, and any alcoholic beverages sold, served or consumed shall be limited to beer and wine and shall not include service from a bar or similar dispensing structure. A minor restaurant shall not include a drive-up or drive-through facility and shall not otherwise be defined as a bar, tavern or nightclub, fast food restaurant, restaurant, convenience market or delicatessen.

THRIFT SHOP

A store selling secondhand clothes and/or secondhand household goods to raise funds for a charitable institution.

YARD, FRONT

~~The open space between the street line and the nearest part of any building.~~

YARD, PRIMARY FRONT

The space between the property line adjacent to the street and the nearest part of any building exhibiting the front door.

YARD, THROUGH LOT FRONT

The space between the property line adjacent to the street or right of way which is not the primary front yard.

Article IV Administration; Permits and Fees; Standards and Requirements

~~§ 68-22~~ **Building Director; appointment.**

The ~~Building Director~~ shall serve at the pleasure of the Board and shall direct the Building Division and be responsible for the enforcement of this ordinance.

§ 68-23 Permit required; exceptions; application.

D. Form.

(1) An application for a permit shall be submitted in such form as the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may prescribe.

E. Plans. Applications for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including floor plans, elevations, structural details and plot diagrams, as the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may require. The Commissioner, or the Commissioner's designee, may establish the appropriate level of plan preparation and review for each application type in accordance with the New York State Building Code and § 68-24A of this article.

J. Permit for moving building; bond. A bond may be required by the ~~Director~~ Commissioner of Planning or the Commissioner's designee to indemnify the Town for damage caused by the moving of a building or structure. If such a bond is requested, no permit to remove a building or structure shall be granted until the bond is filed with the Town of Islip.

§ 68-24 Permits.

C. Signature and conditions of permit. All work performed under a permit issued and signed by the ~~Building Director~~ Commissioner of Planning, signed by him or his the Commissioner's authorized designee, shall conform to the approved application and plans and approved amendments thereof.

E. Revocation.

(1) The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may revoke a permit or approval issued under the provisions of this ordinance for:

(e) Such revocation shall take place after notice to the applicant and an opportunity for the applicant to be heard by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

F. Posting of permit.

(2) The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may require a certified copy of the approved plans to be kept on the premises at all times until completion of the work.

§ 68-27 Inspections.

A. Work for which a permit has been issued under this article shall be inspected at various stages of the project as deemed appropriate by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee. Work shall be inspected prior to enclosing or covering any portion

thereof and upon completion of each stage of construction or demolition, including but not limited to building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, heating, ventilating and air conditioning. It shall be the responsibility of the owner, applicant, or his agent to inform the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee that the work is ready for inspection and to schedule such inspection. Failure to appropriately schedule an inspection may result in the removal of the work, in whole or in part, pursuant to the direction of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee, as may be deemed necessary in order to verify that the work was completed properly.

~~B. In addition to application processing fees, the Building Director or his authorized agent 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 and those classified as new structures as defined in § 68-3.~~

§ 68-28 Fees.

~~A. All fees, as established by the Commissioner, shall be collected by the Building Director or other authorized agents as designated by the Commissioner and remitted to the Supervisor monthly. Fees may be charged for processing all required permits and include but are not limited to new buildings, additions, interior alterations, plumbing, heating, fireplaces, swimming pools, sprinkler systems, identification signs, storage of combustibles, public assembly, nonresidential solar collectors which do not meet the criteria listed in § 68-24G, temporary trailers, parking lots, elevators, escalators, dumbwaiters, conveyors, lifts or any other structure which requires a permit.~~

~~B. In addition to application processing fees, the Building Director or his authorized agent Director 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 on which the property fronts has been improved or is bonded for improvements to meet minimum Town standards in accordance with Town Law.~~

§ 68-30 Minimum Standard Requirements.

~~Every All new construction structure shall comply in all respects with minimum standards as established and maintained by any and all applicable federal, state, county and local rules and regulations, including, but not limited to, the New York State Uniform Fire Prevention and Building Code (Uniform Code), the State Energy Conservation Construction Code (Energy Code), the National Electric Code (NEC), Suffolk County Department of Health Services (SCDHS) regulations, Energy Star for new homes and all homes with additions greater than 50% of gross floor area, as permitted by the 2007 Energy Conservation Code of New York State Section 103.1.1, and the Islip Town Code.~~

~~A. Building and structures: unsafe.~~

(2) Enforcement. This ordinance shall be enforced by the ~~Director of the Town of Islip Building Division, or his authorized agent, who hereafter shall be referred to as the "Building Director."~~ Commissioner of Planning or the Commissioner's designee. He/she is hereby authorized to make inspections of all types of structures throughout the Town, to declare such structures to be unsafe, hazardous or public nuisances and to make such structures safe in accordance with the procedures outlined in the ordinance. The Town Attorney, on advice of an Engineer, shall be designated an authorized agent of the ~~Building Director~~ Commissioner of Planning.

(3) Declaration of public nuisance. Any structure, as defined in Chapter 68 of the Code, which in the opinion of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee has become dangerous, unsound, unsafe or hazardous as a result of fire, neglect, disrepair, structural failure, collapse, vandalism or any other means shall be declared a public nuisance. Such nuisance shall include any unoccupied structure which is not secured from entry by having all windows, doors and openings secured in accordance with the ~~Building Director's~~ Commissioner of Planning or the Commissioner's designee's specifications.

(a) The occupants of any such building or structure shall vacate the premises forthwith. No person shall use or occupy such building or structure until it is deemed safe and secure by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

(4) Public nuisances prohibited. A public nuisance, as declared in this ordinance, is a prohibited condition and shall be removed in accordance with the ~~Building Director's~~ Commissioner of Planning or the Commissioner's designee's specifications.

(5) Removal of public nuisance, A public nuisance may be removed without the owner's consent in accordance with the following procedure:

(c) Hearing. The Town Board shall hold a hearing at the time and place specified in the notice to determine whether the repair or removal of the public nuisance shall be accomplished by the Town. At such hearing, the affected owner or his representative may present evidence in opposition to the determination of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

(6) Declaration of immediate hazard. A public nuisance may be declared an immediate hazard by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee when there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

(a) The occupants of any such building or structure shall vacate the premises forthwith. No person shall use or occupy such building or structure until it is deemed safe and secure by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

(7) Removal of immediate hazard. Whenever the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee declares that a premises contains an immediate hazard, he is hereby authorized to specify the work required to remove the hazard, to order the property owner

to remove the hazard and to remove the hazard if such hazard is not removed within a specified time period.

(a) Notice and order. The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall notify the property owner or his agent of the hazard by telephone, in person or by certified mail and shall specify the work required and specify the length of time during which the work must be commenced. He shall also advise the property owner or his agent of the consequences of the failure to comply.

(b) Failure to comply. In the event that the owner neglects or refuses to comply with the ~~Building Director's~~ Commissioner of Planning or the Commissioner's designee order, in the specified time, or in the event that the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee is not able to contact the owner or his agent, making a diligent effort to do so, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee is authorized to proceed with the required work to remove the hazard and to include all costs incurred by the Town of Islip in the next regularly scheduled tax bill in accordance with this ordinance. Such work may include, but is not limited to, emergency repair or demolition and removal of all or part of the building(s) or structure(s), including foundations, the installation of fencing, and boarding and securing.

(9) Statement of expenses. When the Town has effected the removal of the public nuisance or hazard pursuant to this ordinance, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall prepare a statement of all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including but not limited to clerical, mailing and administrative costs and the actual cost of removal of the nuisance or hazard, whether the work was performed by the Town or by the contractor paid by the Town. Such statement shall also contain a description of the property which caused the Town to incur such expenses and the name of the reputed owner of said property. The statement shall be prima facie evidence that all legal formalities have been complied with and that the ordered work has been completed properly and satisfactorily. Such statement, when filed, shall be full notice to every person concerned that the amount of the statement constitutes a charge against the property described in the statement and that the amount is due and collectible as provided in this ordinance.

(10) Retrieval of expenses.

(a) Filing. Signed copies of the ~~Building Director's~~ Commissioner of Planning or the Commissioner's designee sworn statement of expenses shall be filed with the Assessor of the Town of Islip, and such costs shall be assessed against the land on which said buildings are or were located.

B. Minimum housing standards.

(10) ~~Building Director~~ Commissioner of Planning or the Commissioner's designee designated official inspector. The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee of the Town of Islip is authorized to make or cause to be made inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises in order

to safeguard the health, safety, morals and welfare of the public. The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee or his designated representatives are authorized to enter any dwelling, dwelling unit, rooming house, rooming unit or premises at any reasonable time during daylight hours or at such other time as may be necessary in an emergency for the purpose of performing the Commissioner's duties under this Subsection B.

(13) Emergencies: power to act. Whenever the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee finds a violation of this Subsection B exists which, in the Commissioner's opinion, requires immediate action to abate a direct hazard or immediate danger to the health, safety or welfare of the occupants of the building or of the public, he may, by telephone notice to the owner, agent, operator or occupant, or without prior notice, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Such order may include an order to vacate. Notwithstanding any other provision of this Subsection B, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

(14) Extension of compliance time. The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may extend the compliance time specified in any notice or order issued under the provisions of this Subsection B where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

(15) Abatement of hazards in emergencies. Whenever any violation of this Subsection B, which, in the opinion of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee, causes a direct hazard or immediate danger to the health and safety of the occupants of a building or the public, has not been corrected in the time specified by the order issued, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may take such direct action as is necessary to abate the hazard or danger, including demolition. Expenses incurred in the execution of such orders shall be recovered as provided herein.

(16) Recovery of costs and expenses. The expenses incurred pursuant to § 68-30B(15) of this ordinance shall be paid by the owner or occupant of the premises or by the person who caused such violation to exist, as follows:

(a) The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall file among his records an affidavit stating with fairness and accuracy the items of expenses and the date of the execution of actions authorized under this ordinance. A copy of such affidavit shall be served upon the owner or occupant of the premises as provided in this ordinance.

(b) Within 10 days thereafter, the owner or occupant upon whom such affidavit has been served may file with the ~~Building Division~~ Commissioner of Planning or the Commissioner's designee a written request for a hearing with the Building Inspector and the Town Attorney to contest any items of expenses set forth in the affidavit of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee. If such a request is not received within 10 days, the affidavit of the Building Director shall be final and binding upon the owner or occupant.

(c) At such hearing, the applicant or his representative shall be given an opportunity to show cause why the items of expenses listed in the affidavit of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee are not accurate.

(d) Upon the completion of all work under § 68-30B(15) of this ordinance, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall file among his records an affidavit fully stating all items of expenses incurred. A copy of the same shall be served upon the owner or occupant as provided in this chapter.

(e) The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may institute an action in the Supreme Court to recover such expenses against any person liable therefor or may cause a report setting forth all items of expenses incurred under § 68-30B(15) of this ordinance to be filed with the Town Board of the Town of Islip.

(18) Designation of unfit structures. Any dwelling or dwelling units, rooming house or rooming unit or premises having any of the defects found in Subsection (a), (b), (c) and (d) below may be designated by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee as unfit for human habitation or use and may be so placarded.

(19) Notice of intent to vacate. Whenever the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee determines that a dwelling unit, rooming house or rooming unit or premises is unfit for human habitation or use as provided in § 68-30B(18), he/she may include such finding within the notice of violation provided for in this ordinance. He/she may also include a notice of his intent to vacate and placard the dwelling, dwelling unit, rooming house or rooming unit or premises if compliance with the provisions of the notice of violation is not secured within the time specified.

(20) Order to vacate. Whenever a notice of violation, as provided in § 68-30B(19) of this ordinance, has not been complied with, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may order the dwelling, dwelling unit, rooming unit or rooming house to be vacated. A copy of such order to vacate shall be served on the occupant and owner, agent or operator, as provided in this chapter.

(21) Vacation of unfit structures and premises. Any dwelling, dwelling unit, rooming house or rooming unit or premises designated as unfit for human habitation or use pursuant to § 68-30B(18) and ordered to be vacated as provided in § 68-30B(20) shall be vacated within such reasonable time as the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may specify in the order. No such dwelling or dwelling unit shall again be used for human habitation, or placard removed, until written approval is secured from the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

(23) Unfit structures made secure. The owner, agent or operator of any dwelling, dwelling unit, rooming house or rooming unit or premises which has been designated as unfit for human habitation and vacated shall make such dwelling, dwelling unit, rooming house or rooming unit safe and secure in whatever manner the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall deem necessary. Any vacant building open at the doors and windows, if unguarded, shall be deemed a direct hazard or immediate danger to the health and safety of the general public.

(24) Demolition. Whenever the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee designates a building unfit for human habitation, the Building Inspector may institute proceeding pursuant to this ordinance to remove and demolish the said structure or building. The expenses thereof may be recovered pursuant to § 68-30B(16) herein.

Article IVA: Amendments

§ 68-34 Special permits from Town Board and Planning Board.

In reviewing special permit applications, the Town Board or Planning Board may consider various factors, including but not limited to the following: traffic impacts; adequacy of parking facilities; environmental impacts; effect on neighboring properties; compliance with the comprehensive plan; compatibility with the nature and character of the surrounding area; architectural impacts to the surrounding area; and the overall ability of the site to accommodate the proposed special permit use, and any other consideration involving the public health, safety, and welfare.

§ 68-36 Restrictive covenants.

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 ~~90~~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.

E. The improvement of the premises, in accordance with the determination of the Town Board, Planning Board or Board of Appeals, must be ~~commenced within 12 months after the date of the grant and completed within 24~~ 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.

G. All ~~Exchange~~ of zone, special permit, site plan modifications, minor subdivision, or major subdivision approvals shall expire within ~~one~~ 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 ~~12~~ 24 months, unless extended by the Commissioner and a fee is paid equal to 50% of the total original 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