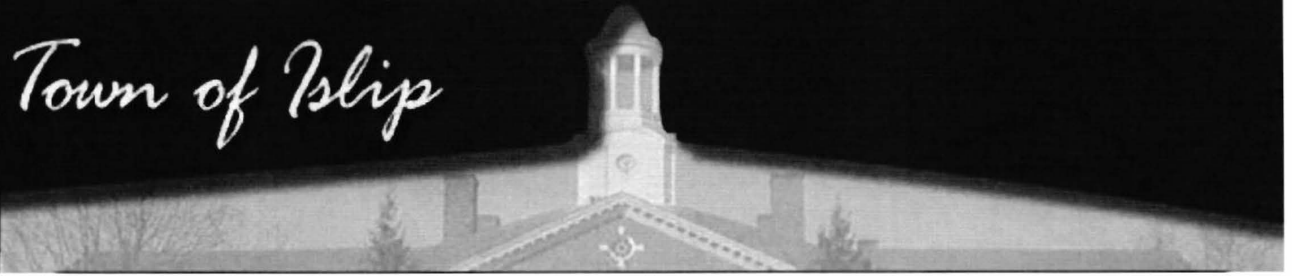




Town of Islip



TOWN CLERK

PUBLIC HEARING
655 Main Street
Islip, NY 11751

December 12, 2023
2:00 p.m.

-
- 1. To amend the Islip Uniform Traffic Code as follows:**
- Schedule A Traffic Signals Controls Add**
 - Corbin Avenue at South Fourth Street (EDG)
 - Third Avenue at Third Street (BWD)
 - Schedule G Stop and Yield Intersections Amend to Read**
 - Muncey Road at Wilson Place (WIS)
 - Schedule G Stop and Yield Intersections Delete**
 - Corbin Avenue at South Fourth Street (EDG)
 - Third Avenue at Third Street (BWD)
 - Schedule G Stop and Yield Intersections Add**
 - American Blvd. at Ealing Court (BWD)
 - American Blvd. at Pic Court (BWD)
 - Cedar Point Drive at Dolphin Lane (WIS)
 - Clearwater Lane at Duck Lane (WIS)
 - Douglass Street at Orient Avenue (BWD)
 - Ealing Court at Newham Avenue (BWD)
 - Helming Street at Pic Court (BWD)
 - Lorraine Street at Orient Avenue (BWD)
 - Oakland Avenue at Orient Avenue (BWD)
 - Orient Avenue at Rugby Street (BWD)
 - Orient Avenue at Warren Street (BWD)
 - Schedule J Parking, Stopping and Standing Regulations Amend to Read**
 - Fourth Avenue/ West of Union Blvd to Cortland Place Private (BSR)
 - Park Avenue/ East to Cortland Cortland Place Private (BSR)

Schedule J Parking, Stopping and Standing Regulations Add

David Court/ North of Pat Drive to Terminus (WIS)

David Court/ South of Pat Drive (WIS)

Fourth Avenue/ West from Cortland Place to Mechanicsville Road (BSR)

Park Avenue/ East from Mechanicsville Road to Cortland Place (BSR)

Seneca Drive/ North west of Asharoken Blvd. to Terminus (WBS)

Seneca Drive/ South from Terminus west of Asharoken Blvd. (WBS)

South Atlantic Avenue/ East of Baldwin Street to Terminus (EIS)

South Atlantic Avenue/ West from Terminus north of Baldwin Street (EIS)

Schedule L Town Parking Lots Add

Central Islip Highway Yard Animal Shelter Rear Access Road (CIS)

2. To amend Chapter 35 of the Islip Town Code, entitled "Noise".

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, December 12, 2023, 2:00pm at Islip Town Hall, 655 Main Street, Islip, New York to amend the Islip Uniform Traffic Code as follows.

On a motion made by Councilperson,
Seconded by Councilperson,

Upon a vote being taken the result was

**SCHEDULE A
TRAFFIC SIGNAL CONTROLS
ADD**

LOCATION	DESCRIPTION OF SIGNAL
Corbin Avenue at South Fourth Street (EDG)	Semi-Vehicle Actuated
Third Avenue at Third Street (BWD)	Semi-Vehicle Actuated

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

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Muncey Road at Wilson Place (WIS)	Stop	North/South on Wilson Place; <u>East/West on Muncey Road</u>

**SCHEDULE G
STOP AND YIELD INTERSECTIONS
DELETE**

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Corbin Avenue at South Fourth Street (EDG)	Stop	East/West on South Fourth Street
Third Avenue at Third Street (BWD)	Stop	North/South on Third Street

**SCHEDULE G
STOP AND YIELD INTERSECTIONS
ADD**

INTERSECTION	SIGN	CONTROLLING TRAFFIC
American Blvd. at Ealing Court (BWD)	Stop	East on Ealing Court
American Blvd. at Pic Court (BWD)	Stop	West on Pic Court
Cedar Point Drive at Dolphin Lane (WIS)	Stop	West on Dolphin Lane
Clearwater Lane at Duck Lane (WIS)	Stop	South on Duck Lane
Douglass Street at Orient Avenue (BWD)	Stop	East on Douglass Street
Ealing Court at Newham Avenue (BWD)	Stop	West on Ealing Court
Helming Street at Pic Court (BWD)	Stop	East on Pic Court
Lorraine Street at Orient Avenue (BWD)	Stop	East on Lorraine Street
Oakland Avenue at Orient Avenue (BWD)	Stop	East on Oakland Avenue
Orient Avenue at Rugby Street (BWD)	Stop	East on Rugby Street
Orient Avenue at Warren Street (BWD)	Stop	East on Warren Street

**SCHEDULE J
PARKING, STOPPING AND STANDING REGULATIONS
AMEND TO READ**

LOCATION	REGULATION	HOURS/DAYS
Fourth Avenue/West From 191 feet south of Union Blvd. to Mechanicsville Road <u>Cortland Place</u> (Private) (BSR)	Limited parking 2 hours	9:00 a.m. to 6:00 p.m. except Sun.
Park Avenue/East From Mechanicsville Road to Cortland <u>Cortland Place (Private)</u> (BSR)	Limited parking 2 hours	9:00 a.m. to 6:00 p.m. except Sun.

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

LOCATION	REGULATION	HOURS/DAYS
David Court/North From 50 feet west of Pat Drive to Terminus (WIS)	No parking	9:00 a.m. to 5:00 p.m. Mon - Fri
David Court/South Terminus to 30 feet west of Pat Drive (WIS)	No parking	9:00 a.m. to 5:00 p.m. Mon – Fri
Fourth Avenue/West From Cortland Place (Private) to Mechanicsville Road (BSR)	No parking Except with valid Town of Islip permit	
Park Avenue/East From Mechanicsville Road to Cortland Place (Private) (BSR)	Limited parking 2 hours Except with valid Town of Islip permit	9:00 a.m. to 6:00 p.m., except Sun.
Seneca Drive/North From 50 west of Asharoken Blvd. to Terminus (WBS)	No parking	
Seneca Drive/South From Terminus to 50 feet west of Asharoken Blvd. (WBS)	No parking	
Seneca Drive/West At dead end (WBS)	No parking	
South Atlantic Avenue/East From 30 feet north of Baldwin Street to Terminus (EIS)	No parking	
South Atlantic Avenue/West From Terminus to 75 feet north of Baldwin Street (EIS)	No parking	

**SCHEDULE L
TOWN PARKING LOTS
ADD**

LOCATION	REGULATION	HOURS/DAYS
Central Islip Highway Yard Animal Shelter Rear Access Road (CIS)	No stopping	

December 12, 2023
Resolution # 2

WHEREAS, the Town Board wishes to amend Chapter 35 of the Islip Town Code entitled “Noise”; and

WHEREAS, a public hearing was held therefor on December 12, 2023.

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

RESOLVED, that the Town Board of the Town of Islip hereby amends, entitled “Noise”
as follows:

SEE ATTACHED

ADDITIONS are indicated by UNDERLINING

DELETIONS are indicated by ~~STRIKEOUTS~~

Upon a vote being taken, the result was:

Chapter 35 Noise

§ 35-1 Declaration of policy.

The Town Board of the Town of Islip hereby declares its intent to prevent unreasonably loud and disturbing noises as they are deemed to be detrimental to the life, health, welfare and good order of the people of the Town of Islip. By this enactment the Town Board intends to promote the health, safety, morale and welfare of the people of the Town of Islip and, in the exercise of its police powers in this regard, the Town Board does hereby enact the following chapter. It is the intention of the Town Board that this chapter be liberally construed so as to effectuate the purposes described in this section.

§ 35-2 Definitions.

In this chapter, the following words or phrases shall have the meanings indicated:

A-WEIGHTED SOUND PRESSURE LEVEL

The sound pressure level measured in decibels with a sound level meter set for A-weighting, abbreviated "dBA."

dBA

The A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute Specifications for Sound Level Meters (ANSI S1.4 1971), properly calibrated and operated on the A-weighting network.

NOISE DISTURBANCE

- A.** That level of sound which, in each context described in § 35-3, either:
- (1) Annoys or disturbs a reasonable person of normal auditory sensitivities; or
 - (2) Is clearly audible outside the residential, real property boundary from which it originates; or
 - (3) Is loud, disturbing, unusual, unreasonable and unnecessary as well as audible outside the structure or the real property boundary from which it originates.
- B.** A noise disturbance may be substantiated by either of the following:
- (1) Sworn affidavits from two or more residents who are in general agreement as to the times and durations of the noise and who reside in separate residences, apartments, condominiums, or any other place of residence; or
 - (2) A noise in excess of the maximum permissible A-weighted sound levels, as measured by a sound level device, authorized by Noise Control Table 1; or⁽¹⁾
- [Amended 8-9-2022]

(3) The personal observation of a noise disturbance by a duly sworn police officer or a Town of Islip peace officer.

[Added 8-9-2022]

REAL PROPERTY BOUNDARY

A line along the ground surface, and its vertical extension, which separates the real property owned or controlled by one person from that owned or controlled by another person, including intrabuilding real property divisions.

WEEKDAY

Any day Monday through Saturday, which is not a state or federal legal holiday.

§ 35-3 Prohibited noises.

Each of the following is declared to constitute a violation of this section:

A. Electronic devices, including but not limited to radios, phonographs and television sets. The using, operating or permitting to be played, used or operated of any television or radio receiving set, musical instrument, phonograph or other machine or device for producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or, at any time, of louder volume than is necessary for convenient hearing of the person or persons who are in the room, vehicle, chamber or area in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, vehicle or area in which it is located so as to create a noise disturbance.

B. Horns and signaling devices. The sounding of any horn, signaling device or alarm (except as a danger warning, pursuant to § 375 of the Vehicle and Traffic Law of the State of New York) which results in a harsh or loud sound or repetitive sounds for any unreasonable or unnecessary period of time, so as to create a noise disturbance.

C. Shouting and yelling. Shouting, yelling, singing, calling, hooting or whistling so as to create a noise disturbance.

D. Animals and birds. The keeping of any one or more animals or birds whose howling, barking, squawking or any other sounds by virtue of loudness, duration, frequency or intensity, causes public inconvenience, annoyance or alarm; or creates a noise disturbance.

E. Engines. The operation, including the stationary idling, of any engine, including, but not limited to, an automobile, truck, motorcycle, motorbike, motorboat, minibike engine, or all-terrain vehicle so as to create a noise disturbance.

F. Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, or loaded in such a manner so as to create loud, grating, grinding, rattling or other sounds so as to create a noise disturbance.

G. Heavy equipment. The operation of any pile driver, pneumatic hammer, derrick, electric hoist, bulldozer, grinder or other appliance or heavy equipment, the use of which creates a noise disturbance, except between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and except in cases of urgent necessity or in the interest of public safety.

H. Loading and unloading. The loading or unloading of any vehicle, boat, barge or train or the opening and destruction of bales, boxes, crates and containers or the loading or unloading of any materials, equipment or garbage cans so as to create a noise disturbance.

I. Construction or repairing of buildings. Any construction, excavation, demolition, alteration or repair which creates a noise disturbance, except between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and except in cases of urgent necessity or in the interest of public safety.

J. Schools, courts, religious institutions, hospitals. The creation of any noise disturbance on any street adjacent to any school, institution of learning, religious institution or court while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street

K. Hawkers, peddlers, and vendors. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood so as to create a noise disturbance.

L. Transportation of metal rails, pillars and columns. The transportation of metal rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so as to create a noise disturbance.

M. Domestic equipment. The operation of or permitting to be operated any power saw, drill, sander, router, lawn or garden devise, leaf or snowblower, insect control device or domestic equipment so as to create a noise disturbance, except between the hours of 7:00 a.m. and 8:00

p.m. on weekdays, or between the hours of 10:00 a.m. and 5:00 p.m. on Sundays, and except in cases of urgent necessity or in the interest of public safety. Noise from the operation of lawn mowers, leaf blowers, and/or garden devices used for the maintenance of playing areas of a golf course shall not be deemed a violation of this Chapter.

N. Sound device or apparatus. Operating, playing or permitting the operation or playing of any sound device or apparatus, including but not limited to, loudspeakers or speaker systems, or any device for the production or reproduction of sound, in such a manner so as to create a noise disturbance.

O. Commercial music. Music originating from or in connection with the operation of any commercial facility, establishment or enterprise in such a manner so as to create a noise disturbance.

P. Explosives, firearms and similar devices. The use or firing of explosives, firearms or similar devices so as to create a noise disturbance, except as permitted by any other federal, state, county or local law.

Q. Ice cream trucks and vendors. The use of any device affixed to or contained within an ice cream truck or vendor, which device plays music of any kind, emits a ringing noise of any kind, or otherwise uses sound to attract customers while idling at a stop, or any sound which plays continuously for more than one minute while said ice cream truck or vendor is in motion.

§ 35-4 Maximum permissible A-weighted sound pressure levels.

A. In addition to the prohibited noises enumerated in § 35-3 of the within chapter, for which no measurement of sound is required, no person shall cause, suffer, allow or permit the operation of any source of sound on a particular category of property or any public lands or right-of-way in such a manner so as to create a sound level that exceeds the particular sound level limits set forth in Table 1⁽¹⁾, when measured at or within the real property boundary line of the receiving property.

B. The following acts are exempt from the A-weighted sound pressure level limits of Table 1:

- (1) Noise from the operation of heavy equipment, including the operation of any pile driver, pneumatic hammer, derrick, electric hoist, bulldozer, grinder or other appliance, between the hours of 7:00 a.m. and 8:00 p.m. on weekdays.
- (2) Noise from the construction, excavation, demolition, alteration or repair of any building between the hours of 7:00 a.m. and 8:00 p.m. on weekdays.

(3) Noise from the operation of domestic equipment, including any power saw, drill, sander, router, lawn or garden device, leaf or snowblower, insect control device, between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, or between the hours of 10:00 a.m. and 5:00 p.m. on Sundays.

(4) Noise from any religious building when part of a religious observance or service.

(5) Noise from stationary emergency signaling devices owned and operated by any public utility, municipal subdivision, fire department or ambulance corps when used in connection with an emergency or for testing purposes.

§ 35-5 Noise violation.

It shall be a violation of this section for any person or business entity to make, continue, allow, permit or cause to be made or cause to be continued to be made any noise disturbance by any means within the Town of Islip.

§ 35-6 Penalties for offenses.

[Amended 8-9-2022]

Any person or business entity who shall violate any of the provisions of this chapter shall be guilty of an offense, and such violation shall be punishable by a fine of not less than \$100 and not more than \$500 for a first offense, by a fine of not less than \$500 and not more than \$1,000 for a second offense, and for any offenses thereafter, a fine not less than \$1,000 and not more than \$1,500, and for any such offense whatsoever, in addition to a monetary fine as described herein, said violation could result in imprisonment for a period not in excess of 15 days.

§ 35-7 When effective.

This chapter shall take effect upon its adoption and its publication as prescribed by § 133 of the Town Law.

§ 35-8 Severability.

The invalidity of any word, clause, sentence, section, part or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.