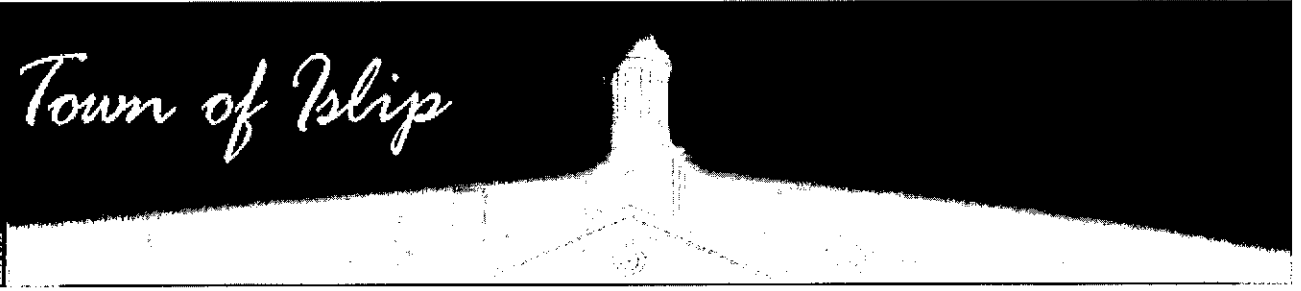




Town of Islip



TOWN CLERK

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

April 16, 2019
5:30 p.m.

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

Schedule G Stop and Yield Intersections Add

Cherokee Avenue at Third Street (WBS)

Liberty Street at North Equestrian Court and South Equestrian Court (HPG)

Michael Drive and Mina Road (OKD)

Orange Street at Prospect Avenue (CIS)

West Orange Street at Yankee Street (BWD)

Wiley Street at Yankee Street (BWD)

Yankee Street at Zane Court (BWD)

Schedule J Parking, Stopping and Standing Regulations Amend to Read

Freeman Avenue/ East (ISL)

Grand Blvd North/ North (BWD)

Grand Blvd. North/ South (BWD)

**Schedule J Parking, Stopping and Standing Regulations Add
Grand Boulevard/ East (BWD)
Grand Boulevard/ West (BWD)**

- 2. To transfer the property located at 30 Leahy Avenue Brentwood under the CDA's Direct Sale Program.**
- 3. Adopting Local Law to establish 1- year moratorium on recreational marijuana uses.**
- 4. To amend Chapter TC5, entitled " Commercial Vehicles; Weight Limits", subsection § TC5-1, entitled "Truck exclusions".**

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
April 4, 2019
Published
OHM/tb**

TOWN BOARD,

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

Public Notice

The Town Board of the Town of Islip held a meeting on Tuesday, April 16, 2019 at 5:30pm, at Islip Town Hall, 655 Main Street, Islip, NY 11751, to amend the Town of Islip Uniform Traffic Code.

Now therefore, on a motion made by Councilperson
Seconded by Councilperson,
Be it, resolved that the Town of Islip Uniform Traffic Code has been amended.

SCHEDULE G STOP AND YIELD INTERSECTIONS ADD

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Cherokee Avenue at Third Street (WBS)	Stop	East on Third Street
Liberty Street at North Equestrian Court and South Equestrian Court (HPG)	Stop	West on Liberty Street
Michael Drive and Mina Road (OKD)	Stop	South on Michael Drive
Orange Street at Prospect Avenue (CIS)	Stop	South on Prospect Avenue
West Orange Street at Yankee Street (BWD)	Stop	West on West Orange Street
Wiley Street at Yankee Street (BWD)	Stop	North on Wiley Street
Yankee Street at Zane Court (BWD)	Stop	East on Zane Court

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

LOCATION	REGULATION	HOURS/DAYS
Freeman Avenue/East From 820 <u>720</u> feet south of Spur Drive South to <u>south terminus</u> (ISL)	No parking	
Grand Boulevard North/North From <u>Grand Blvd.</u> 800 ft. to 1,050 ft. west of Grand Blvd. <u>at terminus</u> (BWD)	No parking	9:00 p.m. to 6:00 a.m.
Grand Boulevard North/South From <u>terminus at</u> 1,050 ft. to 800 ft. west of Grand Blvd. <u>to Grand Blvd.</u> (BWD)	No parking	9:00 p.m. to 6:00 a.m.

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

LOCATION	REGULATION	HOURS/DAYS
Grand Boulevard/East From Alkier Street to Grand Blvd. North (BWD)	No parking	9:00 p.m. to 6:00 a.m.
Grand Boulevard/West From Grand Blvd. North to Alkier Street (BWD)	No parking	9:00 p.m. to 6:00 a.m.

Upon a vote being taken the result was carried

RESOLUTION

WHEREAS, the Town of Islip Community Development Agency has selected the following purchasers as qualified and eligible Sponsors for the purchase of the below listed property:

<u>Name/Property Address</u>	<u>Tax Map</u>	<u>Purchase Price</u>
Pablo E. Garcia, Jr. Marlene Garcia 30 Leahy Avenue, Brentwood	0500-114-02-053.004	\$363,000.00

WHEREAS, said sponsors intend to occupy said premise as the owner-occupants; and

WHEREAS, the Board deems it in the best interest of the residents of the Town of Islip for the Town of Islip Community Development Agency to convey said premise to said Sponsors; and

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

RESOLVED, that the Town Board hereby approves the sale of said properties described above from the Town of Islip Community Development Agency to convey said premise to said Sponsors, that the sale of said premise to the Sponsors is subject to permissive referendum.

UPON A VOTE being taken, the result was:

THIS RESOLUTION IS SUBJECT TO PERMISSIVE REFERENDUM

April 16, 2019
Resolution #

WHEREAS, the New York State Legislature is considering passing legislation that would legalize the use of recreational marijuana/cannabis in the State of New York; and

WHEREAS, it is anticipated that the legislation will regulate and/or authorize local municipalities to regulate the number and location of retail marijuana stores, social clubs, establishments, cultivation facilities, manufacturing facilities and testing facilities, as well as provide local municipalities with the option to prohibit the operation of such retail recreational (non-medical) uses within a local municipality's jurisdiction; and

WHEREAS, the Town of Islip's current local laws and ordinances do not include any regulations which are specifically related to retail recreational (non-medical) marijuana sale and use; and

WHEREAS, in the event that New York State enacts a law which legalizes the retail recreational (non-medical) sale and use of marijuana, the Town of Islip ("the Town") will require time to effectively review the potential adverse health and safety effects of same on the community if not properly regulated including zoning and siting issues associated therewith; and

WHEREAS, the Town Board has determined that it will need at least one (1) year from the effective date of this ordinance to effectively review the zoning and siting issues associated with the retail sale and use of recreational (non-medical) marijuana and to draft proposed local laws and/or ordinances tailored to same; and

WHEREAS, it is in the public interest to consider adopting Local Law No. __ of 2019 creating a new section of the Islip Town Code, 68-31, to establish a one-year moratorium on retail recreational (non-medical) marijuana sale and use; and

WHEREAS, a public hearing was held on April 16, 2019 at 5:30 p.m. to consider adopting Local Law No. ___ of 2019 creating a new section of the Islip Town Code, 68-31, to establish a one-year moratorium on retail recreational (non-medical) marijuana sale and use;

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

RESOLVED, that the Town Board hereby enacts Local Law No. __ of 2019 creating a new section of the Islip Town Code, 68-31, to establish a one-year moratorium on retail recreational (non-medical) marijuana sale and use, as follows:

SEE ATTACHED

Additions are indicated by UNDERLINING

DELETIONS are indicated by STRIKEOUTS

Upon a vote being taken, the result was:

CODE MODIFICATIONS FOR TOWN OF ISLIP

CHAPTER 68, ENTITLED, "ZONING", SECTION 68-31, ENTITLED, "TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA USES"

§ 68-31 Temporary Moratorium on Recreational Marijuana Uses.

A. Legislative Findings and Intent.

(1) The State of New York is considering legislation that would legalize the use of recreational marijuana. The Town's current local laws and ordinances do not include any regulations related specifically to the Retail Marijuana Uses contemplated under the State's proposal. The possible effect of the location and operation of Retail Marijuana Uses within the Town has potentially serious implications on the health, safety and welfare of the Town and its residents. The unregulated location and operation of Retail Marijuana Uses within the Town raises legitimate and substantial questions about the impact of such uses on the Town and its infrastructure, the compatibility of such uses with existing uses and development in the Town, and the potential adverse health and safety effects of Retail Marijuana Uses on the community if not properly regulated.

(2) The Town needs time to review the proposed legislation, as well as any law that may be enacted by the State, and to review its own local laws and ordinances to determine the implications of future proposed Retail Marijuana Uses to develop reasonable local laws and ordinances governing the location and operations of such uses to address the concerns cited above. Given that the Town does not currently regulate the development of Retail Marijuana Uses and other uses which may be authorized under the proposed legislation, a moratorium is necessary to allow the Town to determine the land use and other regulatory implications of Retail Marijuana Uses and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses. It is anticipated that such a study, review, and development of recommended changes to existing local laws or ordinances, or adoption of new local laws or ordinances, will take at least one year from the date this moratorium is enacted.

(3) The Town Board of the Town of Islip finds that it is in the best interest of the Town to impose a one-year moratorium on the establishment, location, operation, permitting, approval, or licensing of any and all Retail Marijuana Uses within the Town.

B. Scope of Moratorium.

Effective immediately upon adoption of this local law and in accordance with law, a moratorium is hereby declared and imposed, whereby no officer, official, employee, office, administrative board or agency of the Town of Islip shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a Retail Marijuana Use concerning any parcel of real property situated within the unincorporated area of the Town of Islip. As used in § 302(S), the

term "Marijuana" shall have the same meaning as the definition ascribed to "marihuana" in NY Pub Health Law §3302.

C. Extension of moratorium.

This moratorium may be extended for up to two additional periods of up to six months each by resolution of the Town Board upon a finding of necessity for such extension.

D. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Town Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Town Law and such local ordinances, laws or regulations, pursuant to the Town's municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in (a) Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes.

E. Penalties.

Any person, firm, corporation, or other entity, which shall construct, erect or install any building, improvement, or structure, or subdivide, or use land in violation of the provisions of this local law, shall be guilty of a violation, punishable by a fine of not less than One Thousand Dollars (\$1,000.00) or by imprisonment no exceeding fifteen (15) days, or by both, for each day that such violation shall exist. Nothing herein shall be construed so as to limit the authority of the Town to seek and obtain injunctive relief for any such violation or violations.

F. Validity and Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this local law, or in its specific application.

G. Variances and Appeals.

Any appeal for a hardship variance related to a prohibition of this ordinance or a decision by the building inspector pursuant to this ordinance may be made to the Zoning Board of Appeals. In reviewing such variance application, the Zoning Board of Appeals shall apply the statutory standards for granting a use variance. Should a hardship variance be granted by the Zoning Board of Appeals, the exempted development project shall be subject to all applicable provisions of the Code of the Town of Islip.

H. Effective Date.

This local law shall take effect upon filing with Secretary of State and shall remain in full force and effect for a period of one year from the effective date.

April 16, 2019
Resolution No.

WHEREAS, the Town Islip currently restricts trucks, commercial vehicles, tractors and tractor-trailers in excess of 5,000 pounds' maximum gross weight on certain streets in the Town of Islip; and

WHEREAS, it has been brought to the Town Board of the Town of Islip's attention that such exclusions include school buses; and

WHEREAS, a public hearing was held on April 16, 2019 at 5:30 p.m.;

Now therefore be it, on a motion of _____, Seconded by _____, be it

RESOLVED, that the Town Board hereby enacts Local Law No. _____ of 2019 amending Chapter TC5 entitled "Commercial Vehicles; Weight Limits", subsection §TC5-1, entitled "Truck exclusions" as follows:

SEE ATTACHED

Additions are indicated by UNDERLINING

Upon a vote being taken, the result was:

CODE MODIFICATIONS FOR TOWN OF ISLIP:

CHAPTER TC5, ENTITLED "COMMERCIAL VEHICLES; WEIGHT LIMITS", SUBSECTION §TC5-1, ENTITLED "TRUCK EXCLUSIONS"

§TC5-3 Truck exclusions.

- A. All trucks, commercial vehicles, tractors and tractor-trailer combinations in excess of 5,000 pounds' maximum gross weight are hereby excluded from the streets and highways, or parts thereof, described in Schedule M.
 - (1) Notwithstanding the foregoing, the following vehicles shall be exempt from the restrictions imposed in § TC5-1A: pickup trucks, school buses and recreational vehicles.
- B. The regulations established in this section shall not be construed to prohibit municipally owned vehicles or authorized public utility vehicles nor to prevent the delivery or pickup of merchandise or other property along the streets or highways from which such vehicles and combinations are otherwise excluded.