



TOWN CLERK

PUBLIC HEARING
655 Main Street
Islip, NY 11751

March 9, 2021
2:00pm



To consider amending the Islip Town Code Chapter 68 Zoning.

Anyone interested in providing comments to the Town Board on an agenda item is encouraged to do so in writing and prior to the date of the meeting by providing written comment to the Islip Town Clerk at townclerk@islipny.gov
NOTICE IS FURTHER 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

TOWN BOARD RESOLUTION

Date: March 9, 2021

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 March 9, 2021, 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, §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

HEIGHT, BUILDING

The vertical distance from grade plane to the average height of the highest roof surface, not including chimneys, spires and similar permitted projections. 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 grade plane or the minimum elevation necessary to meet the prerequisites for federal flood insurance as determined by the National Flood Insurance Program/FEMA shown on an applicable Flood Insurance Rate Map. The Commissioner of Planning or the Commissioner's designee, shall be responsible for any interpretations concerning grade plane and/or flood elevation.

Article IV Administration; Permits and Fees; Standards and Requirements

§68-28 Fees.

F. Incentive Fees for redevelopment, remediation and reuse of contaminated properties known as brownfields, as designated by the United States Environmental Protection Agency or the New York State Department of Environmental Conservation.

(1) Waiver of Fees for sites fully remediated upon permit filing.

- a. Upon the filing of a building permit application, property owners who demonstrate that the subject site was contaminated and has been certified as remediated by the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or by any authorized agency having jurisdiction over the subject property, shall receive a waiver for the subject site's building permit fees. This waiver shall also apply to a public improvement fee, recreation fee, mitigation fee, or similar type impact fee(s) associated with redevelopment of the subject property.
- b. The waiver set forth above does not apply to any Town application fees including but not limited to those for Town Board, Planning Board, or Zoning Board of Appeals applications, nor does it apply to inspection fees, site plan review fees, site plan and building permit revision fees, or any other similar fees incurred after the filing of the initial building permit application.

Article VA Use District Regulations: Ocean Front Dune District AAAB

§ 68-59.6 Height.

A. In a Residence AAAB District, no building or structure shall be erected to a height in excess of 28 feet ~~as measured from the elevation at the center of an established walkway or from the average grade of the lot, whichever is less,~~ to the ridge or peak of the roof or structure. In no case shall a building or structure exceed two stories in height.

Article XI Use District Regulations: Residence BAA District

§ 68-136 Permitted uses.

A. In a Residence BAA 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 of the following purposes:

(4) Aquaculture.

§ 68-139 Height.

A. In a Residence BAA District, no building or structure shall be erected to a height in excess of 28 feet ~~as measured from the elevation at the center of an established walkway or from the average grade of the lot, whichever is less,~~ to the ridge or peak of the roof or structure. In no case shall a building or structure exceed two stories in height.

Article XX Use District Regulations: Business 1 District

§ 68-271 Permitted uses.

O. ~~(Reserved)~~ Public school, public library or municipal facility.

Article XXIX Signs

§ 68-400 Miscellaneous provisions.

D. For fast-food restaurants, a single preview board, a maximum of 25 square feet in sign area and seven feet in height; and a single menu board per order lane, a maximum of 50 square feet in sign area and 10 feet in height, shall be permitted. These shall be in addition to other

permitted signage and shall otherwise comply with all other provisions of the Sign Ordinance, including the requirement to obtain permits.

Article XXXIII Board of Appeals

§ 68-415 Matters of original jurisdiction; special exceptions.

Whenever a use or the location thereof is permitted only upon approval by the Board of Appeals as a special exception, the Board of Appeals may authorize such use in a specific case and after notice and public hearing. In addition, the Board of Appeals shall have authority to hear and decide applications filed for the following, as special exceptions:

~~K. Permit greater height of fences and any different proportion of open spaces and solid material of fences than permitted by this ordinance.~~

Article XLIII Use District Regulations: Industrial Corridor District

§ 68-465 Permitted uses.

A. In an Industrial Corridor 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:

~~(8) Nursing home.~~

Article XLVII Accessory Apartments

§68-602 Permit and certificate of occupancy required.

No person shall create, construct, alter or occupy an accessory apartment or allow or maintain an accessory apartment without obtaining an accessory apartment permit from the Zoning Board of Zoning Appeals and a certificate of occupancy for said use from the Department of Building. ~~Floor area located more than 50% below grade shall satisfy all applicable requirements of the New York State Uniform Fire Prevention and Building Code prior to being occupied by an accessory apartment.~~

§ 68-615 Permit applications.

D. A public hearing before the Town of Islip Zoning Board of Appeals shall be required for all applications for an accessory apartment permit, ~~including transfers of said permits~~, except for renewals by the same owner and transfers of said permit.