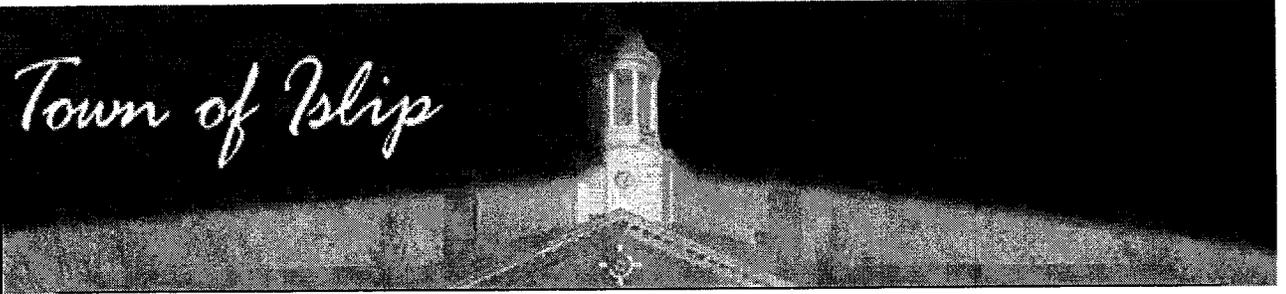




*Town of Islip*



## TOWN CLERK

**PUBLIC HEARING**  
655 Main Street  
Islip, NY 11751

**October 19, 2021**  
**2:00pm**

- 
- 1. To consider amending the Town of Islip, Uniform Traffic Code as follows:**
    - Schedule G Stop and Yield Intersections Amend to Read**  
Evelyn Road at Parkwood Road (WIS)
    - Schedule I**
      - School Speed Limits Add**  
Suffolk Lane (EIS)
    - Schedule J**
      - Parking, Stopping and Standing Regulations**  
**Amend to Read**  
Brentwood Road/ East (BWD)  
Brentwood Road /West (BWD)
      - Schedule J**
        - Parking, Stopping and Standing Regulations**  
**Amend to Read**  
Brentwood Road/ East (BWD)  
Edgewater Avenue/ West (BWD)
      - Schedule J**
        - Parking, Stopping and Standing Regulations**  
**Add**  
Brentwood Road/ East (BWD)
  - 2. To amend the section 68-341.1 of the Islip Town Code entitled "Adult Uses".**

**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**

## PUBLIC NOTICE

PLEASE TAKE NOTICE, that the Islip Town Board held a meeting on Tuesday, October 19, 2021 at 2:00pm, 655 Main Street, Islip, New York, to amend the Uniform Traffic Code of the Town of Islip.

Now, therefore on a motion made by Councilperson  
Seconded by Councilperson  
The Uniform Traffic Code has been amended.

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

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Evelyn Road at Parkwood Road (WIS)	Stop <u>Yield</u>	North on Evelyn Road

### SCHEDULE I SCHOOL SPEED LIMITS ADD

NAME OF STREET	SPEED LIMIT (mph)	LOCATION
Suffolk Lane (EIS)	20	From 200 ft. north of South Harrison Avenue to 240 ft. south of Montauk Highway

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

LOCATION	REGULATION	HOURS/DAYS
Brentwood Road/East From Second Ave. <del>north for 210 ft.</del> to <u>First Ave.</u> (BWD)	No stopping	
From First Ave. to the LIRR (BWD)	No <del>parking</del> <u>standing</u>	
Brentwood Road/West From Suffolk Ave. to <del>First Ave.</del> <u>the LIRR</u> (BWD)	No stopping	
From LIRR to First Avenue (BWD)	No <del>parking</del> <u>standing</u>	

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

<b>LOCATION</b>	<b>REGULATION</b>	<b>HOURS/DAYS</b>
Brentwood Road/East From <del>190 ft. south of</del> First Ave. to Second Ave. (BWD)	No stopping	
Edgewater Avenue/East From <u>100 ft. north of</u> Great South Bay for <u>250 ft.</u> to Harriet Road (BPT)	No parking	

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

<b>LOCATION</b>	<b>REGULATION</b>	<b>HOURS/DAYS</b>
Brentwood Road/East From 210 ft. north of Second Ave. to First Ave (BWD)	No parking	
Brentwood Road/West From 50 ft. north of First Ave. south for 138 ft. (BWD)	No standing	
From First Ave. south for 190 ft. (BWD)	No parking	

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

<b>LOCATION</b>	<b>REGULATION</b>	<b>HOURS/DAYS</b>
Brentwood Road/East From LIRR to Suffolk Ave. (CR 100) (BWD)	No stopping	

Upon a vote being taken the result was

October 19, 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, the Town Board wishes to amend section 68-341.1 of the Islip Town Code as it relates to the regulation of "vape lounges", "vape stores" and "cannabinoid hemp stores" in the Town of Islip; and

WHEREAS, "vape lounges", "vape stores" and "cannabinoid hemp stores" pose a serious risk to the health, safety and welfare of Town of Islip residents and will be henceforth subject to the regulations pertaining to the aforementioned "Adult Uses" within the Town of Islip; and

WHEREAS, a review of the environmental impacts of these proposed regulations indicates that no significant environmental impact will occur; and

WHEREAS, on October 19, 2021, a public hearing was held;

NOW, THEREFORE, on motion of Councilperson  
Councilperson

RESOLVED, that the Town Board hereby amends the section 68-341.1 of the Islip Town Code entitled "Adult Uses" as follows:

SEE ATTACHED

Additions are indicated by UNDERLINING

Deletions are indicated by ~~STRIKEOUTS~~

Upon a vote being taken the result was:

§ 68-341.1 Adult uses.

[Added 9-23-1980; 4-8-1997]

Adult uses shall be allowable in an Industrial 1 District pursuant to the following:

A. Purposes and considerations.

(1) In the execution of this chapter it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.

(2) It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town of Islip.

(3) These special regulations are itemized in this section to accomplish the primary purposes of preventing a concentration of these uses in any one area and restricting their accessibility to minors.

B. Definitions. As used in this ordinance, the following terms shall have the meanings indicated:

**ADULT BOOKSTORE**

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and video tapes and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

**ADULT DRIVE-IN THEATER**

A drive-in theater that customarily presents motion pictures that are not open to the public generally but excludes any minor by reason of age.

**ADULT ENTERTAINMENT CABARET**

A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers, or other similar entertainments, and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

**ADULT MOTEL**

A motel which is not open to the public generally but excludes minors by reason of age, or which makes available to its patrons in their rooms films, slide shows or videotapes, which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.

**ADULT THEATER**

A theater that customarily presents motion pictures, films, videotapes or slide shows, that are not open to the public generally but exclude any minor by reason of age.

## CANNABINOID HEMP

Any product processed or derived from hemp, that is used for human consumption including for topical application for its cannabinoid content, that does not contain more than 0.3% THC. Cannabidiol or "CBD" products are an example of cannabinoid hemp products and can come in a variety of different forms including but not limited to tinctures (CBD oil), pills, capsules, balms, lotions and food or beverage products. Other hemp-derived products such as hemp seeds or hemp seed oil, which do not contain cannabinoids, are regulated as foods and not under the scope of this program. Cannabinoid hemp product does not include cosmetics.

## CANNABINOID HEMP SHOP

An establishment that sells cannabinoid hemp products in their final form, to consumers to be used for human consumption or topical application, as a substantial or significant portion of its business, merchandise and/or stock-in-trade.

## SUBSTANTIAL OR SIGNIFICANT PORTION CANNABINOID HEMP SHOP

"Substantial or significant portion" shall be determined using the following considerations:

- a) Amount of floor area and basement space accessible to customers and allotted to the sale or consideration of cannabinoid hemp compared to the total floor area and basement space accessible to customers; and/or
- b) Amount of cannabinoid hemp accessible to customers, generally, or as compared to total stock accessible to customers; and/or
- c) Revenues derived from cannabinoid hemp compared to total revenues; and/or
- d) Advertising devoted to cannabinoid hemp or like substances of any type, general, or compared to total advertising; and/or
- e) Use of the establishment for cannabinoid hemp or like substances of any type, general, or compared to total use thereof; and/or

Notwithstanding the above considerations, the following shall be conclusive in determining substantial or significant portion:

- a) 10 percent or more of floor area and basement space accessible to customers allotted to cannabinoid hemp or like substances of any type; and/or
- b) 10 percent or more of its stock-in-trade in cannabinoid hemp or like substances of any type; and/or
- c) 10 percent or more of its gross income derived from cannabinoid hemp or like substances of any type; and/or
- d) 10 percent or more of its advertising devoted to cannabinoid hemp or like substances of any type.

## MASSAGE ESTABLISHMENT

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude uses such as massage therapists or spas. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

[Amended 9-15-2020]

## PEEP SHOWS

A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

## VAPE LOUNGE

~~An establishment intended for the gathering of people for the purpose of using of electronic cigarettes, vapor products or hookah.~~ [Added 5-24-2016]

Any facility or location whose business operation includes the on-site indoor smoking of electronic cigarettes, vape pens, vapors, and pipes, e-liquids, as defined herein, or other substances. "Smoking" includes the inhalation of the smoke/e-liquid nicotine/vapors water pipe tobacco and other substances encased in electronic cigarettes, vape pens, vapors, and pipes commonly known as "hookah," "waterpipe," "shisha" and "narghile" or any similar device.

## VAPE SHOP

~~A retail outlet specializing in the sale and/or distribution, with a minimum of 10% of the store's inventory and/or display, of any electronic cigarette or vapor products, including but not limited to electronic cigarettes; vape pens; dissolvable liquids; vaporizing liquids, oils or gels; mods; atomizers; vape tanks; coilheads; hookahs; hookah tobaccos.~~

Any establishment which offers for sale or consideration electronic cigarettes, electronic pipes, vape pens and products, vapors, e-liquid, or other substances, but not Tetrahydrocannabinol ("THC"), as a substantial or significant portion of its business, merchandise and/or stock-in trade.

## SUBSTANTIAL OR SIGNIFICANT PORTION VAPE SHOP

"Substantial or significant portion" shall be determined using the following considerations:

- a) Amount of floor area and basement space accessible to customers and allotted to the sale or consideration of electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type, generally, or as compared to the total floor area and basement space accessible to customers; and/or
- b) Amount of electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type accessible to customers, generally, or as compared to total stock accessible to customers; and/or
- c) Revenues derived from electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type, general, or compared to total revenues; and/or
- d) Advertising devoted to electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type, general, or compared to total advertising; and/or
- e) Use of the establishment for electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type, general, or compared to total use thereof; and/or

Notwithstanding the above considerations, the following shall be conclusive in determining substantial or significant portion:

- a) 10 percent or more of floor area and basement space accessible to customers allotted to electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type; and/or
- b) 10 percent or more of its stock-in-trade in electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type; and/or
- c) 10 percent or more of its gross income derived from electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type; and/or
- d) 10 percent or more of its advertising devoted to electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type.

C. The adult uses as defined in Subsection **B** above are to be restricted as to location in the following manner in addition to any other requirements of this Code.

- (1) Any of the above uses shall not be located within a five-hundred-foot radius of any area zoned for residential use.
- (2) Any of the above uses shall not be located within a one-half-mile radius of another such use.  
Exception: vape shops or lounges shall only be measured from other cannabinoid hemp shops, vape shops or lounges.
- (3) Any of the above uses shall not be located within a five-hundred-foot radius of any school, church or other place of religious worship, park, playground or playing field.

D. The restrictions enumerated in Subsection C above may be waived by the Town Zoning Board of Appeals if the applicant shows and the Board finds that the following conditions have been met in addition to the general conditions contained in Article XXXIII of this ordinance:

- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this ordinance will be observed;
- (2) That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and
- (3) That 51% or more of the property owners within the restricted area as defined in Subsection C(1) of this section have signed a petition stating that they have no objection to the establishment of one of the uses defined above.

E. No more than one of the adult uses as defined above shall be located on any lot.

F. By amortization, the right to maintain a legal nonconforming adult use shall terminate in accordance with the following schedule: **[Amended 12-17-2019]**

Amount of Capital Investment to Establish Use*	Use Shall Terminate Prior to:
0 to \$200,000	1 year from qualifying as adult use herein
\$200,001 to \$300,000	2 years from qualifying as adult use herein
\$300,001 to \$500,000	3 years from qualifying as adult use herein
\$500,001 to \$750,000	4 years from qualifying as adult use herein
\$750,001 or more	5 years from qualifying as adult use herein

\* NOTE: The term "capital investment," as used above, is defined to mean the initial outlay by the owner or operator of the use to establish the business, exclusive of the fair market value of the structure in which the use is located.

G. Notwithstanding anything set forth herein, any establishment which offers for sale or consideration Cannabinoid Hemp products must be duly licensed by New York State and comply with all applicable federal, state and local regulations.