



TOWN CLERK

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

June 7, 2015
2:00 p.m.

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

Schedule C

Prohibited Turns

Add

Grant Avenue at Pine Aire Drive (BWD)

Schedule G

Stop and Yield Intersections

Delete

Academy Street at Bayport Avenue (BPT)

Roslyn Street at Kunigunda Place (EIS)

Schedule G

Stop and Yield Intersections

Add

Academy Street at Bayport Avenue (BPT)

(north leg)

Academy Street at Bayport Avenue (BPT)

(south leg)

Cocoanut Street at Gervon Court (BWD)
Cocoanut Street at Mayflower Avenue (BWD)
Freeman Avenue at Gervon Court (BWD)

Schedule J
Parking, Stopping and Standing Regulations
Amend to Read

Maple Avenue/ East (BSR)
Maple West/ West (BSR)
Suffolk Avenue/ North (BWD)

Schedule J
Parking, Stopping and Standing Regulations
Add

Bridger Blvd./ Inner Circle (CIS)
Budenos Drive/ East (SVL)
Budenos Drive/ West (SVL)
Furrows Road/ West (HBK)
St. Johns Street/ North (CIS)

Schedule K
Parking for Shopping Centers, Apartment Complexes,
Fire Districts and Industrial Parks

Delete
2002 on Wheels Inc.
Broadway Avenue and Sunrise Highway (SVL)

2. **A public hearing to consider the adoption of amendments to Chapter 68, entitled “Zoning”.**
3. **A public hearing to consider the adoption of amendments to Chapter 40, entitled “Plumbers; Licensing”.**

The Town of Islip held a meeting on Tuesday, June 7, 2016 at 2:00pm at Islip Town Hall 655 Main Street, Islip, NY to amend the Uniform Traffic Code of the Town of Islip as follows:

**SCHEDULE C
PROHIBITED TURNS
ADD**

LOCATION	CONTROLLING TRAFFIC	PROHIBITED TURN	HOURS
Grant Avenue at Pine Aire Drive (BWD)	South on Grant Avenue	Right on Red	

**SCHEDULE G
STOP AND YIELD INTERSECTIONS
DELETE**

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Academy Street at Bayport Avenue (BPT)	Stop	East/West on Academy Street
Roslyn Street at Kunigunda Place (EIS)	Stop	East/West on Roslyn Street

**SCHEDULE G
STOP AND YIELD INTERSECTIONS
ADD**

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Academy Street at Bayport Avenue (north leg) (BPT)	Stop	West on Academy Street
Academy Street at Bayport Avenue (south leg) (BPT)	Stop	North/South on Bayport Avenue; East on Academy Street

**SCHEDULE G
STOP AND YIELD INTERSECTIONS
ADD**

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Cocoanut Street at Gervon Court (BWD)	Stop	South on Gervon Court
Cocoanut Street at Mayflower Avenue) (BWD)	Stop	North on Mayflower Avenue
Freeman Avenue at Gervon Court (BWD)	Stop	East on Freeman Avenue

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

LOCATION	REGULATION	HOURS/DAYS
Maple Avenue/East From 300 feet north of Maple Avenue Dock to Aldrich Court (BSR)	24-hour <u>No Parking</u>	
Maple Avenue/West From Aldrich Court south for 500 feet (BSR)	24-hour <u>No Parking</u>	
Suffolk Avenue/North From Monroe Avenue to Madison Avenue (BWD)	No Parking <u>Stopping</u>	

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

LOCATION	REGULATION	HOURS/DAYS
Bridger Blvd./Inner Circle Counterclockwise from Kelly Avenue to Kelly Avenue (CIS)	No Parking	
Budenos Drive/East From Versa Place to Belinda Court (SVL)	No Parking	
Budenos Drive/West From Belinda Court to Versa Place (SVL)	No Parking	
Furrows Road/West From Nicolls Road southbound entrance/ exit ramp and Nicolls Road northbound entrance/exit ramp (HBK)	No Parking or Standing	
St. Johns Street/North From 500 feet west of Audwin Drive To 300 feet east of Kenmore Street (CIS)	No Parking	

**SCHEDULE K
PARKING FOR SHOPPING CENTERS, APARTMENT COMPLEXES,
FIRE DISTRICTS AND INDUSTRIAL PARKS
DELETE**

PARKING AREA	REGULATIONS
2002 on Wheels, Inc. Broadway Avenue and Sunrise Highway (southeast corner) (SVL)	No Parking Fire Zone

Now therefore on a motion made by Councilperson
Seconded by Councilperson

Be it resolved the Uniform Traffic Code of the Town of Islip has been amended.

Upon a vote being taken the result was:

TOWN BOARD RESOLUTION

Date: _____

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 _____, a public hearing was held;

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

RESOLVED, that the Town Board hereby adopts changes to the Town of Islip Town Code Chapter 68 entitled "ZONING" 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.

CANOPY

An accessory structure, subject to zoning district and arterial highway setback requirements, without sidewalls or drops for at least 75% of its perimeter, and supported by columns or posts or attached to a building, used to provide shelter from the elements. Canopies may include shelters over gasoline pump island(s) or service depots. Permanent canopies accessory to retail fuel service stations shall be exempt from Article XXXIX Tents & Canopies, but must still observe all pertinent requirements of the Town of Islip Zoning Code, inclusive of but not limited to Articles XXVII and XXII and all New York State Building and Fire Code requirements.

BAR, TAVERN OR NIGHTCLUB

An establishment principally engaged in the sale and service of alcoholic beverages for on-premises consumption, subject to regulatory authority of the New York State Liquor Authority and consisting of one or more of the following characteristics: age restrictions or cover charges for admission; listening or dancing to music provided by live entertainment, disc jockeys, jukeboxes or the like; and hours of operation which extend beyond the normal dining times for dinner. The accessory or incidental sale of foods or snacks shall not entitle such a use to be considered restaurant or minor restaurant use under other provisions of this Code, but the permanent or temporary removal or relocation of tables and chairs from such an establishment to permit any of the aforesaid characteristics shall constitute the creation of a bar, tavern, or nightclub use. Production of a limited amount of beer on-premises, for both on-premise and off-premise consumption, shall be permitted as a use clearly accessory to a bar, tavern, or night club, not to exceed 25% of the gross floor area of the establishment, subject to the limitations of a "Restaurant-Brewer" license issued by the NYS Liquor Authority. Spent grain from the brewing process shall be stored in rodent proof containers until disposed of off site.

SEASONAL RESIDENTIAL COMMUNITY

A membership community or neighborhood of single-family dwellings, with ancillary common buildings or facilities that provide for the recreation of its members, located on property owned and or managed by an a-not-for-profit organization or corporation which shall have responsibility for all roads and common areas. Said community is intended for occupancy between the period of April 1 to ~~October 31~~November 30 only.

TENT

A structure, enclosure or shelter, subject to zoning district and arterial highway setback requirements for accessory structures, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

WALL, RETAINING

A wall, the primary function of which is the retention of soil, and needed as an engineered interface between changes in land elevation.

Article V. Use District Regulations: Residence AAA District

§ 68-47. Uses permitted as special exception by Board of Appeals after public hearing.

I. Child day-care center as an accessory use to a church or similar place of worship, community building or educational institution, subject to the following standards:

(1) A minimum lot area of 40,000 square feet shall be required.

(2) The use of cellars or basements shall be prohibited, permitted, provided that all applicable New York State and Town of Islip building and fire codes are met.

§ 68-48. Permitted accessory uses.

A. Permitted accessory uses.

(1) The following accessory uses shall be permitted when located on the same lot with the authorized use:

(n) Roof mounted or ground mounted solar panels, provided that they remain within the perimeter of the dwelling if roof mounted, or the setbacks, height, and rear yard coverage permitted for accessory buildings if ground mounted.

§ 68-54. Front yard.

A. Main buildings. All buildings except accessory buildings hereafter erected shall have a minimum required front yard of 50 feet, unless arterial highway setback is greater,; provided, however, that 25% of the block frontage on either side of the street is improved with buildings having a greater depth of front yard than is required by the ordinance, these new buildings shall have a front yard whose depth shall be equal to the average depth of front yard of such existing buildings. In no case shall the front yard be required to be greater than 70 feet.

Article VI. Use District Regulations: Residence AA District

§ 68-62.1 Prohibited uses.

All uses not expressly permitted are prohibited, including but not limited to the following:

- A. It shall be unlawful to park or allow to be parked any vehicle registered as a bus, minibus or commercial vehicle, including a tractor-trailer combination (or either component thereof).
- B. It shall be unlawful to park or allow to be parked any vehicle bearing commercial advertising or identification except as provided in §§ 68-48A(1)(e) and 68-47J.
- C. It shall be unlawful to park or allow to be parked, overnight from 9:00 p.m. to 6:00 a.m., any unregistered vehicles, commercial equipment, or all-terrain vehicle in the right-of-way of any Town roadway.
- D. It shall be unlawful to place or allow to be placed portable storage units on occupied residential property, except for a period not to exceed three months, subject to obtaining a permit from the Building Division. No more than one renewal of said permit shall be permitted.
- E. It shall be unlawful to mechanically test any unregistered vehicles, commercial equipment or all-terrain vehicles in the right-of-way of any Town roadway.

§ 68-69 Front yard.

A. Main buildings. All buildings except accessory buildings hereafter erected shall have a minimum required front yard of 40 feet, unless arterial highway setback is greater. ~~Provided, however, that if 25% of the block frontage on either side of the street is improved with buildings having a greater depth of front yard than is required by the ordinance, these new buildings shall have a front yard whose depth shall be equal to the average depth of front yard of such existing buildings. In no case shall the front yard be required to be greater than 60 feet, unless arterial highway setback is greater (see Article XXXII).~~

C. Through ~~lots~~. A minimum front yard setback of 40 feet shall be required on both street frontages on a through lot, unless arterial highway setback is greater (see Article XXXII).

D. Accessory structures.

(2) Accessory structures on corner lots shall also have a minimum front yard setback from the side street of ~~45~~ 35 feet, or the arterial highway setback, whichever is greater.

Article VII. Use District Regulations: Residence A District

§ 68-78.1 Prohibited uses.

All uses not expressly permitted are prohibited, including but not limited to the following:

- A. It shall be unlawful to park or allow to be parked any vehicle registered as a bus, minibus or commercial vehicle, including a tractor-trailer combination (or either component thereof).
- B. It shall be unlawful to park or allow to be parked any vehicle bearing commercial advertising or identification except as provided in §§ 68-48A(1)(e) and 68-47J.

C. It shall be unlawful to park or allow to be parked, overnight from 9:00 p.m. to 6:00 a.m., any unregistered vehicles, commercial equipment, or all-terrain vehicle in the right-of-way of any Town roadway.

D. It shall be unlawful to place or allow to be placed portable storage units on occupied residential property, except for a period not to exceed three months, subject to obtaining a permit from the Building Division. No more than one renewal of said permit shall be permitted.

E. It shall be unlawful to mechanically test any unregistered vehicles, commercial equipment or all-terrain vehicles in the right-of-way of any Town roadway.

§ 68-84. Front yard.

A. Main buildings.

(1) All buildings except accessory buildings hereafter erected shall have a required front yard of 40 feet, unless arterial highway setback is greater. ~~Provided, however, that if 25% of the block frontage on either side of the street is improved with buildings having a greater depth of front yard than is required by the ordinance, these new buildings shall have a front yard whose depth shall be equal to the average depth of front yard of such existing buildings. In no case shall the front yard be required to be greater than 50 feet, unless arterial highway setback is greater (see Article XXXII).~~

B. Corner lots. All main buildings hereafter erected on a corner lot shall also have a front yard facing the side street. This front yard shall be at least ~~30~~22 feet, unless arterial highway setback is greater (see Article XXXII).

D. Accessory structures.

(2) Accessory buildings on corner lots shall also have a minimum front yard setback from the side street of ~~35~~27 feet, or the arterial highway setback, whichever is greater.

Article IX. Use District Regulations: Residence B District

§ 68-108.1 Prohibited uses.

All uses not expressly permitted are prohibited, including but not limited to the following:

- A. It shall be unlawful to park or allow to be parked any vehicle registered as a bus, minibus or commercial vehicle, including a tractor-trailer combination (or either component thereof).
- B. It shall be unlawful to park or allow to be parked any vehicle bearing commercial advertising or identification except as provided in §§ 68-48A(1)(e) and 68-47J.
- C. It shall be unlawful to park or allow to be parked, overnight from 9:00 p.m. to 6:00 a.m., any unregistered vehicles, commercial equipment, or all-terrain vehicle in the right-of-way of any Town roadway.
- D. It shall be unlawful to place or allow to be placed portable storage units on occupied residential property, except for a period not to exceed three months, subject to obtaining a permit from the Building Division. No more than one renewal of said permit shall be permitted.
- E. It shall be unlawful to mechanically test any unregistered vehicles, commercial equipment or all-terrain vehicles in the right-of-way of any Town roadway.

§ 68-114 Front yard.

A. Main buildings. All buildings except accessory buildings hereafter erected shall have a required front yard of 25 feet, unless arterial highway setback is greater. ~~Provided, however, that if 25% of the block frontage on either side of the street is improved with buildings having a greater depth of front yard than is required by the ordinance, these new buildings shall have a front yard whose depth shall be equal to the average depth of front yard of such existing buildings. In no case shall the front yard be required to be greater than 50 feet, unless arterial highway setback is greater. (See Article XXXII.)~~

D. Accessory structures.

(2) Accessory structures on corner lots shall also have a minimum front yard setback from the side street of ~~25~~ 20 feet, or the arterial highway setback, whichever is greater.

Article XI. Use District Regulations: Residence BAA District

§ 68-138 Accessory uses.

A. The following accessory uses shall be permitted when located on the same lot with and when clearly incidental to the principal use:

(5) Residential dock, subject to the same requirements found in §68-48 A. (1) (c).

§ 68-144 Front yard.

D. Accessory buildings; sanitary systems.

(1) An accessory building in a Residence BAA District shall have a minimum front yard setback of 60 feet.

(2) An accessory building on a corner lot shall be set back a minimum of 20 feet from the side street property line ~~75% of the total depth of the lot and shall in no case be nearer than 10 feet to the side or rear property line.~~

Article XII. Use District Regulations: Residence CAA District

§ 68-159 Front yard.

A. Main Buildings. All buildings except accessory buildings hereafter erected shall have a required front yard of 25 feet, unless arterial highway setback is greater. ~~Provided, however, that if 25% of the block frontage on either side of the street is improved with buildings having a greater depth of front yard than is required by the ordinance, these new buildings shall have a front yard whose depth shall be equal to the average depth of front yard of such existing buildings. In no case shall the front yard be required to be greater than 25 feet, unless arterial highway setback is greater (see Article XXXII).~~

D. Accessory buildings.

(1) ~~An accessory building in a Residence CAA District shall have a minimum front yard setback of 50 feet, unless arterial highway setback is greater (see Article XXXII).~~ Accessory structures shall observe the same setback behind the front line of the main dwelling as those in the Residence AAA District.

(2) Accessory buildings on corner lots shall also have a minimum front yard setback from the side street of ~~50~~ 30 feet.

Article XIII. Use District Regulations: Residence CA District

§ 68-166 General site criteria. [1]

A. The site shall be located within one quarter mile of a convenient distance to a downtown center, hamlet center or in the alternative existing retail services.

B. The site shall be located within one quarter mile of an active bus stop or train station and maintain convenient pedestrian access to said stop or station ~~to public transportation services.~~

C. The site shall be of sufficient size and shape so as to provide for the required buffer, landscaping and setback requirements.

D. The site shall be of sufficient size so as to provide for adequate parking in accordance with Town standards while still maintaining a residential appearance to the site.

E. The site shall be of sufficient size so as to provide for ample open space and/or recreation areas consistent with the needs of the residents and the goals of the Town of Islip.

F. The site shall not be located within a 100 year floodplain or a 500 year floodplain.

§ 68-172 Lot area.

[Amended 6-3-1969; 6-15-1976; 9-1-1981; 11-1-1988; 12-21-1993; 4-8-1997]

A. The minimum required plot area for an apartment house, or garden apartment, or attached single-family dwellings, shall be ~~80,000~~ 40,000 square feet.

§ 68-175 Front yard.

A. The minimum required front yard setback for an apartment house or garden apartment shall be 50~~25~~ feet from all streets ~~for all parcels two acres and less in size,~~ unless arterial highway setback is greater.

~~B. The minimum required front yard setback for an apartment house or garden apartment shall be 75 feet from all streets for all parcels greater than two acres in size, unless arterial highway setback is greater.~~

C. The minimum required front yard setback for an attached or detached single-family dwelling shall be 50~~25~~ feet from all streets, unless arterial highway setback is greater.

D. The minimum required front yard setback for security booths and gatehouses shall be 25 feet. The minimum required front yard setback for all other accessory buildings shall be ~~75~~50 feet from all streets, unless arterial highway setback is greater.

Article XIX. Use District Regulations: Business District

§ 68-257.1. Uses permitted by special permit from Planning Board after a public hearing:

G. Mixed-use building, provided the commercial use occupies a minimum of 30% of the gross floor area of the building.

§ 68-262 Area density.

~~D. The minimum required lot area for a lodging house or boardinghouse shall be 40,000 square feet and not less than 1,250 square feet of lot area for each sleeping room.~~

Article XX. Use District Regulations: Business 1 District

§ 68-274. Accessory Uses

A. The following accessory uses shall be permitted when located on the same lot of the authorized use:

(6) Minor restaurant accessory to a retail use of no less than 25,000 sq.ft. in gross floor area, and

subject to the following conditions:

a. The minor restaurant shall share the same entrance as the retail use, and not have its own entrance

b. The minor restaurant shall not have its own exterior signage

Article XXI. Use District Regulations: Business 2 District

§ 68-289. Accessory Uses

A. The following accessory uses shall be permitted when located on the same lot with the authorized use:

(6) Minor restaurant accessory to a retail use of no less than 25,000 sq.ft. in gross floor area, subject to the conditions in § 68-274.

Article XXII. Use District Regulations: Business 3 District

§ 68-305. Accessory Uses

A. The following accessory uses shall be permitted when located on the same lot with the authorized use:

(5) Minor restaurant accessory to a retail use of no less than 25,000 sq.ft. in gross floor area, subject to the conditions in § 68-274.

§ 68-312. Side Yards

A. All main and accessory buildings hereafter erected shall have a side yard along each lot line other than a street or a rear line. Side yards shall be 10 feet, except where a greater side yard shall be required to accomplish side yard transition.

Article XXIV. Use District Regulations: Industrial 1 District

§ 68-338. Permitted Uses.

Q. ~~(Reserved)~~ Sales of Firearms

§ 68-340.1 Use permitted by Special Permit from the Planning Board after a Public Hearing

G. Convenience market, no more than 2,600 square feet in gross floor area, subject to the lot having a minimum of 20,000 square feet.

Article XXVIII. Swimming Pools

§ 68-384 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. The word "shall" is always mandatory and not merely directory.

ABOVEGROUND SWIMMING POOL

Any swimming pool which is entirely self-supporting and at no point is more ~~then~~ than 18 inches below existing or finished grade.

DECORATIVE POND

~~Any body of water in an artificial, semiartificial~~ semi artificial or natural receptacle, or other container, capable of containing water and used or designed for purposes other than swimming. Decorative ponds shall be made subject to all provisions of this article, except that they will be required to maintain four-foot side and rear yards when less than 150 square feet in area, with design features no higher than five feet. Decorative ponds, on properties zoned or used for single-family residential purposes, shall only be permitted in the rear yard and shall be completely and continuously surrounded by a permanent durable wall, fence or barrier. A dwelling or accessory building may be used as part of such wall, fence or barrier, provided it conforms to New York State Code. Decorative ponds, on properties zoned or used for commercial, office, industrial or multifamily purposes, may exist within any yard. Said decorative ponds must be designed with any applicable safety devices and in accordance with all New York State codes.

SWIMMING POOL

~~Any body of water in an artificial or semiartificial receptacle or other container, whether located indoors or outdoors, used or designed, arranged or intended to be used for public, semipublic or private swimming by adults or children, or both adults and children,~~ Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading or which contains, is designed to contain, or is capable of containing water, whether temporary or permanent, whether or not any charge or fee is imposed upon such adults or children for its use, and shall include all buildings, structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming, wading or soaking pool, or hot tub.

§ 68-386. Installation requirements; permit.

C. Construction of walls, barriers or fences around swimming pools.

(2) Every outdoor swimming pool having a depth of more than 18 inches or an area of more than 100 square feet, now existing or hereafter constructed, installed, established or maintained, shall be completely and continuously surrounded by a permanent durable wall, fence or barrier which shall be located not less than four feet from the furthest outside projection of the swimming pool and which shall be no more than six feet nor less than four feet in height above grade and shall be so constructed as to have no opening, mesh, hole or gap other than that permitted under the New York State Building or Residential Code in any dimension; provided, however, that if a picket fence is erected or maintained, the horizontal dimension of any gap or opening shall comply with the New York State Building or Residential Code requirement.

(a) All walls, fences or barriers shall be constructed in accordance with requirements of the State Building ~~or Construction~~ Residential Code and in conformity with all sections of the Code of the Town of Islip.

G. Any private swimming pool with a water depth of more than 18 inches shall be used and maintained ~~in accordance with the provisions of the New York State Sanitary Code and the rules and regulations of the Suffolk County Health Department~~ in a clean and sanitary condition, and in good repair.

The bottom and sidewalls of swimming pools shall be kept free of sediment and visible soil and the pool water surface shall be maintained free of floating matter.

§ 68-388. Use of Front Yards.

~~C. In all other cases, no pool may be erected, maintained or used within the front yard. Exceptions: Swimming pools shall be permitted in the second front yard of multiattached lots in the Residential Redevelopment District, subject to a minimum setback of 20 feet from the second front yard property line. For single family dwellings, two family dwellings, and attached dwellings, in residence districts,~~ pools shall not be prohibited in front yards, but shall be located subject to the required front yard setbacks for accessory structures in each respective residence district.

D. In all other cases, no pool may be erected, maintained or used within the front yard.

~~§ 68-392. through § 68-393. (Reserved) Penalty for violations.~~

Any person found to have violated any provision under Article XXVIII shall be guilty of a violation, which shall be punishable by a fine not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or both; and each day's continued violation shall constitute a separate additional violation.

~~§ 68-393. (Reserved)~~

Article XXX. Sight Obstructions, Fences, and Walls

~~§ 68-406. Fences-~~ Fences and Walls

A. No fence or wall, except an existing retaining wall, shall be higher than six feet above the ground at any point unless such fence is an open chain-link-type or one which does not restrict light or visibility through more than 15% of its surface (evenly distributed), but shall not be higher than eight feet anywhere on the property. This provision pertaining to the restriction on height or visibility of fences, and walls shall not apply to junkyards or scrap metal processing facilities for which special permits have been granted by the Town Board.

B. No fence, or wall, shall be higher than four feet above the ground at any point when set back less than 15 feet from a street property line. For corner lots, no fence, or wall, shall be higher than four feet above the ground at any point when set back less than 10 feet from the second front yard property line. This provision shall not apply to retaining walls, which shall be setback from street and second front yard property lines in accordance with §68-406 F.

E. The use of fences which deliver an electric shock, charge or current to any animal or human being, when touched, is prohibited. The installation or use of barbed wire, razor wire, concertina wire or any other similar wire or device designed to injure persons coming in contact with the same ~~lower than six feet to the ground~~ is also prohibited, unless required by Federal or State regulation.

F. All walls greater than 18 inches in height from average, undisturbed grade shall be set back from any property line a minimum of four feet or a distance equal to the height of the wall above average, undisturbed grade, whichever is greater. Walls that are 18 inches or higher, at any point above average, undisturbed grade, shall obtain a permit prior to construction. For marine bulkheads, a Town of Islip Wetlands and Watercourses Permit may constitute the required permit, subject to the review of the Divisions of Building and Engineering. All walls, as defined in § 68-3 shall receive a determination of the necessity of site plan review from the Divisions of Building and Engineering prior to construction.

Article XXXIX. Tents & Canopies

§ 68-433. Tents in residential use districts.

A. Tents shall be permitted in residential use districts only as an accessory use and only in conformity with the regulations set forth herein.

B. No tent or combination of tents totaling an excess of 120 square feet or canopies in excess of 200 square feet in area shall be erected or maintained in any residential use district without first obtaining a tent & canopy permit from the Building Division of Fire Prevention.

C. No tent(s) or tents, canopy(ies) for which a permit is required shall be erected or maintained in any residential use district for a period of time in excess of 72 hours.

§ 68-434. Tents in all other use districts.

A. No tent or combination of tents totaling an excess of 200 square feet or canopies in excess of 400 square feet in area shall be maintained in any use district (other than residential) without first obtaining a tent permit from the Building Division of Fire Prevention.

~~This subsection shall not apply to tents which are located in other than residential districts and which are accessory to and no larger in total area than the permanent main structure located on the same parcel as the tent.~~

B. Tents or canopies located in other than residential use districts shall be a minimum of 200 feet from the nearest residence.

C. There must be, within a reasonable distance from the tent or canopy, one off-street parking space for every 50 square feet of area occupied by the tent or tents.

D. No noise emanating from any activity occurring in or at the tents or canopies shall be audible more than 500 feet into the nearest residential area.

E. No tent or canopy requiring a permit pursuant to this section shall be erected or maintained for a period of time in excess of 14 days. Only one such permit shall be granted on a site per calendar year. In the case of three-day events, a maximum of three events per calendar year may be permitted.

§ 68-435. Compliance with codes; public assembly permit.

A. All tents in excess of 120 square feet must comply with all federal, state and Town building, fire and electrical codes.

B. If the tent is to be used as a place of public assembly, as defined in Chapter ~~1819~~ of this Code, then a public assembly permit ~~must~~ shall also be obtained.

§ 68-436. Fee.

The fee for a tent permit shall be ~~\$35~~ set by the Chief Fire Marshal with the approval of the Commissioner of Public Safety Enforcement

Article XL: Flood Damage Prevention

§ 68-442 Construction standards.

A. General standards. The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 68-440B:

(3) Encroachments.

(c) Whenever any portion of a ~~floodplain stream with a regulatory floodway~~ is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely into the watercourse. No area below the water line of a pond or other body of water can be credited as a compensating excavation.

C. Elevation of residential structures (except coastal high-hazard areas). The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 68-442A(2), Subdivision proposals, and § 68-442A(3), Encroachments, and § 68-442B, Standards for all structures.

(S) Within all areas of special flood hazard, the elevation of the lowest floor shall not exceed the minimum required elevation by more than two feet.

Article XLVI: Use District Regulations: Residential Redevelopment District

§ 68-510. Front yard.

B. An accessory building shall ~~be a minimum of 50 feet from all street lines.~~ observe the same setback behind the front line of the main building as required in the Residence AAA District, and if located on a corner lot shall be setback at least 25 feet from the side street property line.

Article XLVII. Accessory Apartments

§ 68-603 Owner occupancy required.

No accessory apartment permit shall be granted nor shall any said permit remain valid unless ~~the~~ an owner(s) of the lot upon which the accessory apartment is located resides within the principal dwelling unit. Tenants shall be limited in occupancy to the accessory apartment unit. For the purpose of this ordinance, an owner is defined as a title holder with no less than a ~~100%~~50% interest in the property.

§ 68-610 Expansion and alteration of main dwelling.

A. ~~The structure in which an accessory apartment is created shall not be expanded by more than 25% of the existing gross floor area of the principal dwelling to accommodate an accessory apartment. In no case shall expansion of the structure result in a floor ratio exceeding 0.25.~~

§ 68-621.2 Variances.

Any variance required in connection with the issuance of an accessory apartment permit shall be heard by the Board of Appeals in accordance with § 68-412 of the Islip Town Code. ~~This provision shall not apply to § 68-606, Minimum required lot area, or § 68-607, Minimum required lot width.~~

§ 68-621.3 ~~Minimum width of road.~~

~~Accessory apartments shall not be permitted on any public or private road which has a width of pavement of less than 28 feet within 200 feet of the subject parcel.~~

TOWN BOARD RESOLUTION

Date: _____

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 _____, a public hearing was held;

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

RESOLVED, that the Town Board hereby adopts changes to the Town of Islip Town Code Chapter 40 entitled "PLUMBERS: LICENSING" 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 40, Plumbers: Licensing, Code Amendments

§ 40-3 Procedure for licensing.

Applicants for a plumbing license shall:

A. Submit on a form provided for such purpose an application for a plumber's license to the Islip Town Plumbers' Examining Board. The application shall include such information which the Board believes reasonably necessary to the fair administration of this chapter.

[Amended 8-3-1976]

B. Pay a filing fee, as established by the ~~Town Board~~ Commissioner of Planning and Development or his/her designee, which amount is not refundable.

[Amended 8-3-1976; 1-2-1979[1]]

[1]Editor's Note: The effective date of this chapter is 4-21-1979.

C. Submit two recent photographs of the applicant, measuring approximately 1 1/2 square inches, taken within the past 30 days.

D. Submit satisfactory proof that he has been a journeyman plumber with at least five seven years' experience and that there is no uncorrected violation existing against his prior work.

E. Submit to examination by the Plumbers' Examining Board as hereinafter provided.

F. An applicant who has been found to be duly qualified by the Plumbers' Examining Board shall pay a licensing fee as established by the ~~Town Board~~ Commissioner of Planning and Development or his/her designee.

[Amended 10-24-1967; 8-3-1976; 1-2-1979[2]][2]

G. Submit proof of the required liability insurance pursuant to §40-8.

Editor's Note: The effective date of this chapter is 4-21-1979.

§ 40-8 Public liability and property damage insurance.

[Added 8-3-1976[1]; amended 11-18-2008]

Every ~~master plumber~~ plumbing license holder shall file with the Building Division of the Town of Islip (Plumbers' Examining Board) a certificate of liability insurance covering her or himself or the corporation or company operating under such ~~master plumbers'~~ plumbing license, in the amounts of public liability, \$1,000,000 for each person, \$1,000,000 for each accident, and property damage, \$1,000,000 for each accident, providing coverage for liability arising out of plumbing operations conducted in the Town of Islip. Said policy shall remain in full force and effect throughout the period for which said ~~master plumber~~ plumbing license holder shall be licensed. Said certificate of insurance shall contain a clause stating that, in the event the policy which it certifies shall be canceled, 10 days' notice thereof shall be given, by registered or certified mail, to the Plumbers' Examining Board of the Town of Islip.

[1]Editor's Note: This chapter provided that former § 40-8 be redesignated as § 40-10, as amended.