

TOWN BOARD RESOLUTION

Date: December 16, 2025
Public Hearing #2

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 December 16, 2025, a public hearing was held.

NOW, THEREFORE, on motion of Councilperson James P. O'Connor, seconded by Councilperson Supervisor Angie M. Carpenter, be it

RESOLVED, that the Town Board hereby amends the Islip Town Code Chapter 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: 3-1 Opposed by John M. Lorenzo

Article I General Provisions

§ 68-3 Word usage and definitions.

B. Definitions.

AFFORDABLE HOUSING, RENTAL UNITS

The adjusted gross annual income for occupants of affordable one-bedroom units shall not exceed an initial level of 80% of the current median family income for the Nassau-Suffolk Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development ("HUD MFI") for a family size of two, and the cost of monthly rent plus utilities for each of the affordable units shall not exceed 30% of 80% of median income for a family size of two. Occupants shall be permitted to remain in the affordable unit until their gross annual income exceeds 100% of the aforementioned median family income. Rents must either include utilities (heat, electricity and water), or must be reduced in accordance with the most current utility schedule available from the Islip Housing Authority. Affordable studio units shall be subject to the same requirements based on the current HUD MFI for a family of one, affordable two-bedroom units shall be subject to the same requirements based on the current HUD MFI for a family of three, and affordable three-bedroom units shall be subject to the same requirements based on the current HUD MFI for a family of four. The property owner or management company shall enter into a contract with a not-for-profit HUD Certified Housing Counseling Agency or a New York State agency, to review and certify compliance with the above provisions. This contract must be provided prior to issuance of rental permit(s) and upon request to the Town of Islip Planning Department.

MICROBREWERY

An establishment where beer and malt beverages are made on the premises and offered for consumption on site, offered for sale directly to customers (including filling growlers), sold to licensed retailers or sold to licensed wholesalers to distribute the beer to retailers. A microbrewery includes any place or premises where beer is manufactured for sale, and all offices, granaries, mashrooms, cooling rooms, vaults, yards and storerooms connected therewith or where any part of the process of manufacture of beer is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be deemed to be included in and to form part of the brewery to which they are attached or are appurtenant.

YARD, PRIMARY FRONT

The space between the property line adjacent to the street and the nearest part of any building ~~exhibiting the front door.~~

Article V Use District Regulations: Residence AAA District

§ 68-48 Accessory uses.

A. Permitted accessory uses.

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

(c) Residential docks.

[1] It shall be the policy of the Town of Islip that all docks shall be designed, constructed and located so as to reduce a dock's potential adverse impacts to navigation, public safety, harbor area congestion, access to public trust lands and water, aesthetics, natural resources, habitats and the bottoms of harbor areas. Conformance to the following standards will serve as a basis for granting, denying, or limiting permits for the construction of docks.

[2] The standards for a residential dock shall be as follows:

[b] Only one residential dock may be constructed per residential lot, ~~provided that the underwater land is not owned by the County of Suffolk or another private property owner, such as a neighbor.~~

[c] A residential dock and any part thereof, or any vessel tied to a dock, may not be located within or impinge upon that area located within 10 feet of any adjacent property line. This shall not apply to those boat slips that are surrounded by the upland area of the subject property.

§ 68-54 **Front yard.**

D. Accessory structures.

(1) In addition to any other applicable requirements, accessory structures may be placed no closer behind the front line of the main building, as defined in § 68-3, Definitions, than the following distances:

(a) Structures no more than six feet high: four feet.

(b) ~~Structures over six feet high: 20 feet~~ Structures 144 square feet or less: 10 feet.

(c) Structures greater than 144 square feet: 20 feet.

§ 68-55 **Side yards.**

A. Dwellings. All main buildings hereafter erected shall have a side yard along each lot line other than a street or rear line. The sum of the width of the two side yards for a single-family dwelling shall be a minimum of ~~60~~ 50 feet with a minimum width of either of such side yards of 25 feet.

§ 68-57 **Permitted encroachments.**

The following encroachments are hereby permitted:

D. Unenclosed porches encroaching not more than eight feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to ~~nonconforming front yard setbacks and~~ nonconforming uses. In no case shall any unenclosed porch have a depth, at any point, greater than 10 feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the porch. Existing entrances where a roof overhang is added shall be exempt from the maximum height of three feet. In those instances, the existing height of the entranceway shall remain.

Article VI Use District Regulations: Residence AA District

§ 68-72 Permitted encroachments.

The following encroachments are hereby permitted:

E. Open and unroofed decks encroaching not more than six feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to ~~nonconforming front yard setbacks and~~ nonconforming uses. In no case shall any open or unroofed deck have a depth, at any point, greater than 10 feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the deck.

Article VII Use District Regulations: Residence A District

§ 68-87 Permitted encroachments.

The following encroachments are hereby permitted:

E. Open and unroofed decks encroaching not more than six feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to ~~nonconforming front yard setbacks and~~ nonconforming uses. In no case shall any open or unroofed deck have a depth, at any point, greater than 10 feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the deck.

Article IX Use District Regulations: Residence B District

§ 68-117 Permitted encroachments.

The following encroachments are hereby permitted:

E. Open and unroofed decks encroaching not more than five feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to secondary front yards, ~~nonconforming front yard setbacks~~ and nonconforming uses. In no case shall any open or unroofed deck have a depth, at any point, greater than 10 feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the deck.

Article X Use District Regulations: Residence C District

§ 68-127 Living area.

- A. The minimum living area requirements, exclusive of attached garages, carports, open porches, open balconies, breezeways or patios, shall be 500 square feet ~~for apartment units and 750 square feet for single family attached dwellings per dwelling unit.~~
- B. Each dwelling unit shall have a clothes washer and dryer machine, unless waived by the Planning Board.

Article XII Use District Regulations: Residence CAA District

§ 68-177 Living area.

- A. The minimum living area requirements for a single-family dwelling shall be the same as those in the Residence AAA District. A two-family dwelling must have twice the minimum living area of a single-family dwelling.
- B. Each dwelling unit shall have a clothes washer and dryer machine, unless waived by the Planning Board.

Article XIII Use District Regulations: Residence CA District

§ 68-177 Living area.

- C. The minimum living area requirements, exclusive of attached garages, carports, open porches, open balconies, breezeways or patios, shall be 500 square feet per dwelling unit.
- D. Each dwelling unit shall have a clothes washer and dryer machine, unless waived by the Planning Board.

Article XIX Use District Regulations: Business District (BD)

§ 68-256 Permitted uses.

A. Microbrewery.

~~K. Craft Trade Shop Place of business of the following and businesses of a similar and no more objectionable nature, provided that any manufacture or processing of goods on the premises is clearly incidental to retail business conducted on the premises. The parking requirements and necessary site improvements for these uses are to be determined by the Planning Board.~~

§ 68-263 Living area.

- D. Each dwelling unit shall have a clothes washer and dryer machine.

§ 68-269 Exterior site improvements and parking.

This district is specifically designed to encompass the so-called "downtown" areas of the Town of Islip. These areas do not have adequate parking, and in each "downtown" section the Town has endeavored to purchase land and provide parking itself. Therefore, the following guidelines are to be followed:

A. Parking. Any new building, expansion of a building so as to increase its total floor area, or change of use to a use requiring more parking shall be required to provide parking on site pursuant to the Table of Minimum Required Parking Spaces, which is located in Town of Islip Subdivision and Land Development Regulations (<https://www.islipny.gov/community-and-services/documents/planningdevelopment/engineering/303-town-of-islip-subdivision-and-land-developpmentregulations/file>), except as provided herein. Where there is more than one use, the minimum requirements shall be cumulative for all uses. If requesting a parking relaxation, applicant shall submit a parking management plan to demonstrate that the parking

arrangement will satisfy the purposes of the parking requirements, resulting in approvals if demonstrated to the satisfaction of the Planning Board. An applicant may demonstrate alternative methods of providing parking, including, but not limited to, off-street parking requirements on another site, within walking distance, upon review and approval of the Planning Board, pursuant to agreements in place. Should a parking management plan fail to adequately address a parking shortfall, the Planning Board may relax the minimum number of required parking spaces provided a mitigation fee as per the Town's fee schedule is paid.

B. Parking within the front yard area shall be prohibited. All parking shall be located to the rear or side of the building pursuant to the direction of the Planning Board.

~~C. If a new building is constructed, if an existing building is altered or expanded so as to increase its total floor area or if the use of a building is changed to one which generates a need for more parking spaces than required by the previous use, then parking facilities must comply with Article XXXI of Chapter 68 and the Subdivision and Land Development Regulations.~~

D. Curbs and curb cuts. Curbing shall be installed on all street frontages in accordance with Article XXXI. Curb cuts are to be located and maintained in accordance with Article XXXI.

E. Sidewalks. Sidewalks shall be installed along all street frontages in accordance with Article XXXI.

F. Screen planting. In the Business District only, and only when adjoining the "Main Street" thoroughfare, a buffer of at least 10 feet shall be provided and maintained adjacent to any residential use ~~of~~ or zone, subject to the following:

- (1) The buffer area shall consist of a mix of evergreens (minimum six feet in height at time of planting) and deciduous trees (minimum of 2 1/2 inch caliper at time of installation) installed at the direction of the Commissioner of Planning or ~~their~~ the Commissioner's designee;
- (2) An eight-foot decorative solid buffer fence, the design of which shall be approved by the Commissioner of Planning or ~~their~~ the Commissioner's designee;
- (3) An offer of additional plantings is required on the adjacent residential property impacted by the reduced buffer. These plantings shall consist of evergreen or deciduous trees, or combination of both, pursuant to the direction of the Planning Commissioner or ~~their~~ the Commissioner's designee. This requirement may be waived pursuant to an affidavit signed by the adjoining property owner declining such plantings.
- (4) A standard twenty-five-foot buffer shall be provided if the above reduced buffer is not proposed.

Article XX Use District Regulations: Business 1 District

§ 68-272.1 Uses permitted by special permit from Planning Board after public hearing.

~~1. A walk-up counter or service window as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:~~

~~{Added 9-11-2001}~~

- ~~(1) A walk-up counter or service window shall be permitted for food purposes only. Service of alcoholic beverages from a walk-up counter or service window shall not be permitted.~~

~~(2) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~

~~(3) A walk-up counter or service window shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.~~

~~(4) A minimum unobstructed sidewalk area of at least eight feet shall be maintained in front of any walk-up counter or service window.~~

§ 68-274 Accessory uses.

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

(9) A walk-up counter or service window as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

(a) A walk-up counter or service window shall be permitted for food purposes only. Service of alcoholic beverages from a walk-up counter or service window shall not be permitted.

(b) Outdoor loudspeakers shall not be permitted.

(c) A walk-up counter or service window shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.

(d) A minimum unobstructed sidewalk area of at least eight feet shall be maintained in front of any walk-up counter or service window.

Article XXII Use District Regulations: Business 3 District

§ 68-302. Uses permitted by special permit from Town Board after public hearing.

~~C. Gasoline service station. (See Article XXVII.)~~

~~F. Motor Vehicle Dealership~~

§ 68-302.1. Uses permitted by special permit from Planning Board after public hearing.

T. Gasoline service station

Z. Motor Vehicle Dealership

§ 68-308 Area density.

F. The minimum required plot area for a car wash (motor vehicle wash), ~~or fast-food restaurant~~ shall be 40,000 square feet.

~~§ 68-309 Living area.~~

~~{Amended 4-5-2005}~~

~~The minimum living area requirements shall be the same as those required in the Business District.~~

Article XXVIII Swimming Pools

DECORATIVE POND

Any artificial, 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, 15 foot front yard, 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.

Article XXX Sight Obstructions, Fences and Walls

§ 68-404 Obstructions to motorist's sight.

Visual obstructions to a motorist's view at the intersection of streets or driveways are not permitted at any time within any sight triangle, as specified herein. Such obstructions include but are not limited to any sign, hedge, fence, 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), shrubbery, foliage, automobile or other object as determined by the Town of Islip, whether movable or stationary, which is higher than three feet and lower than eight feet above the adjacent edge of pavement. Such obstructions shall not include existing buildings, public utility poles, traffic control devices, natural grades, sign posts or small trees which do not exceed 12 inches in diameter or 38 inches in circumference and which are trimmed to the trunk leaving a clear area between three feet and eight feet above the adjacent edge of pavement as illustrated in Figure 404.

§ 68-406 Fences and walls.

B. No portion of any 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 set back from street and second front yard property lines in accordance with § 68-406F. For through lots, a fence up to six feet in height may be located on a through lot front yard property line, however, it shall be set back at least five feet from a sidewalk or edge of road pavement. No fence shall be higher than six feet when set back less than 15 feet from a through lot front yard property line.

(1) Exception: For single-family and two-family dwellings on corner lots of ~~11,250~~ 13,000 square feet or less, a fence, no higher than six feet, may be located up to the second front yard property line, provided that no fence between the front yard property line and the front line of the dwelling exceeds four feet in height, and the fence complies with all other requirements of Article XXX, Sight Obstructions, Fences, and Walls.

ARTICLE XXVII Retail Fuel Service Stations

§ 68-369. Location restrictions; exceptions.

A. Location. ~~No gasoline service station premises shall be permitted to locate within 200 feet of a school, playground, recreation center, public library, or church, except as hereinafter provided.~~

1. No gasoline service station premises shall be permitted to locate within 200 feet of a school, playground, recreation center, public library, or church, except as hereinafter provided.

2. A gasoline service station shall be required to locate at a signalized intersection, on a one-way street, or along a limited access highway service road.

§ 68-370. Use permitted only by special permit from ~~Town Board~~ or Planning Board after public hearing.

A gasoline service station shall be permitted in a Business 3 District or Industrial Corridor District only when specifically authorized by special permit from the ~~Town Board~~ after a public hearing, ~~or in the Industrial Corridor District~~ only when specifically authorized by special permit from the Planning Board after public hearing. The Planning Board shall be authorized to waive any requirements for the approval of a special permit for a gasoline service station contained in this article subject to compliance with all applicable provisions of Town Law, including, but not limited to, § 274-b.

§ 68-371. Accessory uses.

- A. No accessory uses shall be permitted unless specifically authorized pursuant to this article.
- B. The following uses, supplying goods and services generally required in the maintenance and operation of motor vehicles, are deemed accessory to a gasoline service station and shall be permitted, provided that the requirements of this article are met:
- (1) Convenience market after the issuance of a special permit from the Planning Board.
- C. Exceptions. New and reconditioned tires, batteries and lubrication items may be displayed outside during the times when said gasoline service station shall be open for business, provided same are displayed in movable or enclosable cabinets or racks designed for the display of said merchandise. Said display shall not impede pedestrian or vehicular circulation at any time.

§ 68-383. Exterior site improvements. [Amended 8-12-2003; 4-8-2025]

H. An oil water separator shall be incorporated into the site design at the direction of the Town Engineer.

Article XLV Use District Regulations: General Service T District

§ 68-488. Permitted uses.

In a General Service T District, no building, structure or premises shall be used or occupied, and no building or part thereof or other structures shall be so erected or altered, except for one or more of the following purposes:

K. A single ~~two-, three- or four-family dwelling~~ four-unit apartment house and having no

uses other than accessory uses on the subject parcel. The building must have a lobby/foyer from which all units are accessible (via hallways, elevators). No visible entry doors to each individual unit are permitted. Only one visible front entrance shall be permitted, unless a determination is made by the Commissioner of Planning or his or her designee that the architectural character of a preexisting building will be preserved by allowing one additional visible front entrance.

Article LIII Use District Regulations: Industrial Transition District

§ 68-713 Exterior site improvements.

A. Exterior site and road improvements shall be installed pursuant to the requirements of Article XXIII.

B. The following shall be provided and maintained adjacent to any residential zone or use except as modified or waived by the Planning Board after a public hearing:




- a. A landscaped buffer area of at least 40 feet in width in accordance with Town standards
- b. An 8' tall sound attenuation wall or fence subject to the review and approval of the Town Engineer.

ZONING

68 Attachment 1

Schedule of Sign Regulations (§ 68-398)
[Amended 6-7-1983; 1-17-1984; 10-6-1992; 4-5-2005; 9-15-2020; 5-14-2024]

Permitted Signs	District(s) ^f in Which Permitted	Maximum Area for Each Type of Sign in Square Feet			Maximum Height in Feet		Illumination	Time Limit
		Ground ^{a,b}	Facial ^b	Window	Ground	Facial ^{b,c}		
Address	All	1	1	1	5	10	IND	N.R.
Public interest	All res.	2	2	2	5	10	IND	N.R.
	All other	3	3	4	5	10	D	N.R.
Home occupation	All	2	2	2	5	10	D	N.R.
Place	All	32			8		D	N.R.
Institutional	Res.	12	12		8	10	D	N.R.
	All other	32	32		10	12	D	N.R.
Real estate	Res.	6		4	5			To completed transaction
	All other	12	24	8	10	12		
Contractor	Res.	12		8	5			Permit to c/occupancy
	All other	24		8	10			
Office	Res.	4		4	5		D	Until content of sign is changed
	Gen. serv.	12	24	4	10	10	D	
	All other	24	32	4	10	18	D	
Business	Res.	12	12	4	8	10	D	
	GSE only	32 ^e	2/WS		8	P.D.	D	
	Gen. serv.	12	12		10	12	D	
	BD ^d & DDD ^d		2/WS ^e	50% of window		12	D	
B1 ^d & B2 & B3	48 ^e	2/WS ^e	15 ^g		18	D		
IND 1 & 2	20 ^e	1/WS ^e	15 ^g		18	D		
Industrial	RSG	20	1/WS		10	18	D	
	B1-B3	12 ^e	1/WS ^e		15 ^g	18	D	
	IND 1 & 2	32 ^e	1/WS ^e		15 ^g	18	D	
	ICD, IBD		1/WS			18	D	N.R.
Marquee (P.D.)	BD-B3	50	3/WS		15 ^g	18	D	As determined by the Planning Director (P.D.)
Directory (P.D.) if 5 or more establishments	Gen. serv.	24 ^e			10		D	
	B1-B3	64 ^e			12 ^g		D	
Directional (P.D.)	IND 1 & 2	32 ^e			12 ^g		D	
	B1-B3	12 ^e			5		IND	
Corporate lawn	ICD, IBD	32			8		D	N.R.

-  Permit required.
-  No permit required, but must comply with all requirements.
-  Not permitted.
- N.R. Not regulated.
- WS Width of storefront. (For quantity see § 68-397B.)
- IND Only indirect illumination is permitted. (See § 68-400A.)
- D Both indirect and direct illumination are permitted. (See § 68-400A.)
- P.D. Planning Director's approval required.

NOTES:

- ^a Only one ground sign is permitted per parcel, which may not exceed 10 square feet, plus one square foot in sign area for every 10 linear feet of lot frontage [on one street] or the area listed in the table, whichever is smaller. Setback of ground sign must equal height of sign from all property lines, up to the maximum permitted above. For one-foot setback, see § 68-397A(5).
- ^b Only one facial sign is permitted per building in all districts except business districts. [See § 68-397B(2) for requirements.]
- ^c Facial signs may not be higher than any part of actual roof except at gables.
- ^d Awning signs are also permitted. (See § 68-397D.)
- ^e The maximum area may be increased if a sign conforms to bonus criteria in § 68-399.
- ^f Signs on Fire Island are not included. (See § 68-400B.)
- ^g Signs along Sunrise Highway and along the Long Island Expressway Service Road may be 18 feet high.
- ^h Ground signs permitted only when the building(s) they are associated with have a setback of at least 25 feet from the street curb or edge of the street pavement.