August 11, 2026
Public Hearing # 4

WHEREAS, the Town Board has determined certain modifications are deemed necessary to Islip Town Code, Chapter 68, entitled "Zoning"; and

WHEREAS, the Town Clerk has placed a Public Notice in the newspaper circulated locally which indicates the nature of the proposed local law; and

WHEREAS, there has been presented to the Town Board on the 11th of August 2026, Local Law No. 5 of 2026, Chapter 68-761 of the Islip Town Code, entitled "Moratorium for the Development of Data Centers" and a public hearing was held;

NOW, THEREFORE, on motion of Councilperson John M. Lorenzo, seconded by Councilperson DawnMarie D.Kuhn, be it

RESOLVED, the Town Board hereby adopts Local Law No. 5 of 2026, Islip Town Code Chapter 68-761, entitled "Moratorium for the Development of Data Centers" as follows:

SEE ATTACHED
Additions are indicated by UNDERLINING
Deletions are indicated by ~~STRIKEOUTS~~

Upon a vote being taken the result was: 5-0

Chapter 68 Article LVII – Data Centers

§ 68-761 – Moratorium for the Development of Data Centers

A. **Authority.** This moratorium is adopted pursuant to New York State Municipal Home Rule Law § 10(1)(i) and § 10(1)(ii)(a)(14) and the Statute of Local Governments § 10(6). It is the intent of the Town Board, pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3), to supersede the provisions of Town Law Chapter 16, §§ 264(1), 265(1), 267-a(5), (8), and (11), 274-a(8) and (10), 274-b(6) and (8), 276(5), (6), and (8) relating to time limits in connection with zoning and planning determinations.

B. **Legislative Intent.** The Town Board finds that the development of data centers presents significant land use, infrastructure, environmental, and other considerations, including but not limited to: electrical transmission capacity and grid reliability, water consumption and wastewater infrastructure, noise generated by mechanical equipment and emergency generators, air emissions associated with backup power systems, traffic impacts during construction and operation, compatibility with surrounding land uses, emergency services and public safety considerations, and long-term economic and community impacts. The Board further finds that the existing zoning regulations do not adequately address these issues and that additional study is necessary to develop comprehensive regulations governing the siting, design, operation, and mitigation of data center facilities. Accordingly, the Board determines that a temporary moratorium is necessary to preserve the status quo while appropriate land use regulations are developed.

C. **Definitions.** For purposes of this section, the following definitions shall apply:

(1) Data center. All principal and accessory buildings, structures, facilities, campus of facilities, or portions thereof, including all associated equipment, storage systems, utilities and infrastructure, that are primarily used to house, operate, and maintain computer systems, servers, data storage devices, AI processing, cloud computing, web hosting, streaming support, large-scale computation and similar digital services, and related networking and telecommunications equipment for the processing, storage, transmission, research, and management of digital information. Nothing herein shall be construed to include customary accessory server rooms or network closets, telecommunication rooms for on-site operations for commercial use.

D. **Moratorium.** No new applications shall be reviewed and no applications, permits, licenses or approvals shall be granted by any officer, department, board or agency of the Town of Islip with respect to the erection, establishment, siting, location, construction,

modification, or development of any data center within the Town of Islip from adoption of this section until the expiration of the term of this section.

E. **Moratorium Period.** The moratorium shall be in effect through February 28, 2028.

F. **Exclusions.** This section shall not apply to routine maintenance, repair, or replacement of existing equipment that does not increase gross floor area or to existing, lawfully approved data centers for which all required land use approvals and building permits were issued prior to the effective date of this section.

G. **Applications that may be exempted.**

(1) Any person seeking an exemption from this moratorium shall submit a written application to the Department of Planning and Development setting forth the specific grounds upon which the exemption is requested and all supporting documentation.

(2) The Town Planning Board may, after a public hearing upon due notice, grant an exemption from this moratorium only upon finding that:

(a) Failure to grant an exemption to the petitioner will cause the petitioner unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of an exemption; and

(b) The grant of an exemption will have no adverse effects upon any of the Town's goals or objectives in undertaking the development of comprehensive zoning legislation or in adopting this moratorium, including but not limited to: effects resulting from uses detrimental to the community's resources, from loss of potential open space including areas important as wildlife habitat, or from other adverse environmental impacts; and

(c) The project or activity for which the petitioner seeks an exemption is in harmony with the existing character of the community as a whole and the area of the community in which the property is located and is consistent with any interim data, recommendations, or conclusions which may be drawn from the planning effort then in progress.

(3) Any exemption granted pursuant to this section shall be limited to the minimum relief necessary to alleviate the demonstrated hardship and may be granted subject to such reasonable conditions as the Planning Board deems appropriate to further the purposes of this section.

(4) An application under this subsection must be accompanied by a $1,000.00 fee and eight (8) copies of the application, together with the applicant's written undertaking to pay

all out-of-pocket costs incurred by the Town in studies and/or by retainer of resource personnel relating to this hearing, review and determination of such application, in form and substance acceptable to the Planning Board.

H. **Compliance with SEQRA.** Pursuant to 6 NYCRR Section 617.5(c)(36), the imposition of this moratorium is a Type II action, and therefore, no further SEQRA review is required.

I. **Enforcement.** Any violation of the moratorium shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Islip.

J. **Severability.** The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this section, as declared by the judgment of any court of competent jurisdiction, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

K. **Effective Date.** This section shall take effect 10 days after the text of the ordinance, or a summary or abstract thereof, is published in either the official newspaper of the Town of Islip or, if there is none, in a newspaper designated by the Town Board having general circulation in the Town pursuant to New York State Town Law §§ 133 and 264.