TOWN BOARD RESOLUTION

Date: August 11, 2026

WHEREAS, a review of the Islip Town Code has been conducted by the Department of Planning and Development (the "Planning Department") and the Office of the Town Attorney; and

WHEREAS, on the basis of said review, amendments are proposed to Chapter 68 of the Islip Town Code (entitled, "Zoning"); 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 amendments; and

WHEREAS, on Tuesday, August 11, 2026, a public hearing was held;

NOW, THEREFORE, on motion of Councilperson John M. Lorenzo, seconded by Councilperson Jorge Guadron, 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 <u>UNDERLINING</u>
Deletions are indicated by ~~STRIKEOUTS~~

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

Article I **General Provisions**

§ 68-3 **Word usage and definitions.**

B. Definitions.

ACCESSORY STRUCTURES, RESIDENTIAL
A structure, including buildings, customarily incidental and subordinate to the principal building or use and located on the same lot. Accessory structures shall maintain the same dimensional requirements as those required for accessory buildings. Accessory structures shall be limited in the following ways:
(1) Accessory ~~buildings~~ structures, including those connected to a main structure with walkways, decking, or breezeways, shall not be used for habitable purposes as defined herein;
(2) If constructed on a foundation, only a slab foundation shall be permitted, except those regulated by flood zone construction standards;
~~(3) Shall not be used for habitable purposes;~~
(4) Shall be limited to one story in height;
(5) Shall not contain indoor showers, tubs, spas or the like. Bathrooms shall be limited to a sink and toilet ~~with a maximum size of 20 square feet~~;
~~(6) Shall not have interior walls, except for a bathroom;~~
~~(7) Shall not have heat or air conditioning;~~
(8) Shall be limited to a maximum of 400 square feet of enclosed area if plumbing fixtures are located within, except as otherwise prohibited or limited herein;
(9) Shall not contain cooking facilities, except if the structure is open on one or more sides.

CONSUMER DIRECTED DELIVERY STORE
A retail establishment in which the primary method of customer interaction occurs through online, mobile, or electronic ordering, and where goods are assembled for customer pickup or local delivery, allowing immediate access to goods without need for fulfilment distribution center. Such establishments may include a limited customer service counter or designated pickup area; do not provide traditional retail floor space for general public browsing; are designed to maintain an active, visually engaging storefront consistent with surrounding retail uses.
This use is distinct from warehouses, distribution centers, and fulfillment centers in that it is located within retail commercial environments and shall not include operations involving bulk storage, regional freight transfer, wholesale distribution, or large-scale logistics activities.

DISTRIBUTION/FULFILLMENT CENTER
A facility primarily used for the storage, inventory management, sorting, assembly, packaging, processing, transfer, distribution, or shipment of goods, merchandise, materials, or products. This includes operations associated with online, mobile, catalog, or electronic commerce transactions, where goods are prepared for redistribution to commercial users, retail establishments, third-party carriers, or direct delivery to consumers. Such facilities are principally oriented towards logistics rather than consumer-facing services, typically involving bulk merchandise handling, freight loading and unloading, courier dispatch operations, loading docks, automated sorting systems, inventory storage areas, or similar supply chain functions. These facilities are not intended for traditional retail activities or general public customer browsing.

GROSS FLOOR AREA (GFA)
The total floor area, including all levels or stories, of a structure as measured from the exterior faces of the walls.
(1) Gross floor area shall include but not be limited to:
(h) Top story floor ~~A~~area under a ~~gable, hip, gambrel or similar type~~ sloped roof where there exists a ~~floor-to-ceiling of~~ height from the top of the structural floor to the underside of the roof is at least ~~four feet~~ six ~~inches~~ feet.
(2) The following structures shall not contribute towards gross floor area:
(c) Covered, unenclosed residential porches ~~located in any portion of a front yard and~~ which do not extend more than six feet from the front walls of the dwelling.
(l) Commercial generators or Mechanical Equipment structures under 12' in height, and less than 499 square feet in size that shall not be located in front yard and shall maintain a minimum setback equal to or greater than the overall height of the structure. Any such structure can be located in enclosure of no more than 5% of the overall lot area or 1,000 square feet, whichever is less. Such equipment, structures, and enclosures shall be fully screened from view from adjoining properties and public rights-of-way through architectural features, opaque fencing, walls, landscaping, or other equivalent screening methods acceptable to the Commissioner of Planning or the Commissioner's designee.

HEIGHT, BUILDING
The vertical distance from grade plane to 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 of structures elevated to meet the minimum elevation required under NYS Building Code shall be measured from ~~the grade plane or the minimum elevation necessary to meet the prerequisites for federal flood insurance (base flood elevation) as determined by the National Flood Insurance Program/FEMA shown on an applicable Flood Insurance Rate Map~~ the minimum required flood elevation to the highest roof surface. The Commissioner of Planning or the Commissioner's designee, shall be responsible for any interpretations concerning grade plane and/or flood elevation.

MECHANICAL EQUIPMENT
Equipment installed for the operation, heating, cooling, ventilation, electrical service, plumbing service, utility service, emergency power generation, pool operation, or other building systems, including but not limited to generators, air-conditioning condensers, heat pumps, compressors, transformers, pool equipment, ventilation units, and similar appurtenant equipment. Battery Energy Systems are excluded from this definition and defined in Article XLII Alternative Energy Systems.

PERMITTED MECHANICAL EQUIPMENT ENCROACHMENT
Notwithstanding any other provisions of this chapter, mechanical equipment may encroach into any required yard setback across all zoning districts solely when all of the following standards are

satisfied. Permitted encroachments are limited to mechanical equipment that (1) encroaches a maximum of forty-two inches into any required yard setback; however, where a structure exists lawfully under a valid Certificate of Occupancy, the permitted encroachment shall be measured from the exterior wall of the structure, (2) maintains a minimum unobstructed setback area of five feet within the required yard, and (3) does not exceed forty-two inches in height above the grade plane; (3) such equipment does not obstruct required means of egress, pedestrian movement, sight lines, nor create tripping hazards or other unsafe conditions, (4) in commercial zoning districts, the equipment shall not face adjoining residential uses or encroach into residential buffer areas unless a relaxation has been granted, (5) equipment is screened from public view by landscaping, decorative fencing, walls, or similar treatments, subject to review by the Planning Division. Additionally, if the equipment produces noise, it shall incorporate sound attenuation measures sufficient to comply with all applicable provisions of Chapter 35 of the Town Code. The Planning Division may also require additional screening, buffering, relocation, or mitigation measures as necessary to ensure compatibility with surrounding uses and the overarching intent of this chapter.

SUPPLY HOUSE OR WHOLESALE ESTABLISHMENT

A business or establishment with a warehouse-style interior building finish wherein goods, wares, merchandise, produce, commodities or similar articles are offered for sale, redistribution, or sold only in bulk or large quantities to wholesalers, merchants and retailers, or to institutions, industrial or business uses. ~~A wholesale distribution business or establishment, or supply house, does not include any establishment or business wherein goods, wares, merchandise, produce, commodities or similar articles are offered for sale or sold to the general public or to the ultimate consumer. Any business wherein goods, wares, merchandise, produce, commodities or similar articles are offered for sale and that distributes advertisements to residential addresses shall create a rebuttable presumption that the business is a retail store or shop.~~ Incidental sales to the general public are permitted as an accessory use, provided that the customer showroom and retail sales area do not exceed ten percent (10%) of the building's gross floor area. Advertising individual items at standard consumer prices to residential addresses creates a rebuttable presumption of a retail use, unless marketing is strictly limited to trade professionals, wholesale accounts, or bulk quantities.

Article IVA **Amendments**

§ 68-38 **Application for change of zone or special permit after hearing.**

A. No parcel or part thereof may be the subject of an application for a change of zone or special permit within two years after the Town Board or Planning Board has held a public hearing or issued a final determination on such application unless the second application seeks a change to a more restrictive zoning category than was earlier sought or seeks a less intensive special permit use, or such petition sought has the unanimous consent of the governing board. This section shall not apply to an application in which a motion to approve, deny or amend fails to be carried by a majority of all the members of a governing board.

B. An application for a change of zone or special permit which is not approved by an affirmative vote of a majority of all Town Board and/or Planning Board members within 18 months of the initial public hearing shall be required to hold a subsequent public hearing before said Board

renders a decision. This requirement shall not apply to applications which receive a positive declaration under the State Environmental Quality Review Act.[1]

C. The Commissioner of Planning and Development shall have the authority to deem an application to the Town Board or Planning Board as inactive upon 30 days' notice to Applicant and property owner notifying of such decision.

Article V **Use District Regulations: Residence AAA District**

§ 68-49 **Height.**
B. Accessory structures shall not exceed 14 feet in height or shall be a maximum of one story, whichever is less, except as permitted herein. An accessory structure may exceed 14 feet in height, up to a maximum of 16 feet in height, provided it is set back 16' from any side or rear yard property line or maintains the required side and rear yard setbacks of the principal building, whichever is greater.

Article XXII **Use District Regulations: Business 3 District**

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

K. ~~Taxi office.~~ Consumer Directed Delivery Store, subject to the following requirements:

1. A maximum area of 20,000 square feet shall be permitted;
2. The location of the use within a shopping center shall only be permitted at the end of the center, shall be limited to locations with frontage on Sunrise Highway (New York State Route 27) and shall not located within ¼ mile of another such use as measured from property line to property line;
3. The building façade must have windows or doors for at least 50% of the horizontal length of the building façade;
4. Thirty-five foot buffers shall be required adjacent to any loading area for the subject use.
5. No overhead doors shall be oriented toward a public street. If overhead doors are facing a residential use, said doors shall be properly screened from view and sound with sound-attenuating fencing or walls, wingwalls and/or superior landscaping, or a combination of these measures, pursuant to the satisfaction of the Planning Board.

Article XXV **Use District Regulations: Industrial 1 District**

§ 68-338Permitted uses.
In an Industrial 1 District, the following uses shall be permitted:
B. Manufacturing and warehouse uses, including, but not limited to:
(7)**Distribution/fulfillment center**

Article XXIX **Signs**

§ 68-395. **Permitted signs.**

B. The following signs are permitted in the zoning districts as specified in the Schedule of

Sign Regulations[1] and in conformance with all other provisions of this article:

(15) ~~(Reserved)~~ Pendant sign: a facial sign attached to the underside of a roof overhang located adjacent to a storefront. Pendant signs shall not extend more than 18 inches from the mounted surface and shall not be illuminated. A minimum height of eight feet of clearance above finished grade is required for any pendant sign under which pedestrians pass. Pendant signs may be permitted in addition to the primary facial sign. Pendant signs shall not be permitted in conjunction with a Blade sign.

(16) Blade sign: a facial sign that is located perpendicular to the building facade. Blade signs shall not extend more than 36 inches from the wall to which they are attached ~~and shall not exceed an area of 12 square feet~~. Blade signs ~~are only permitted in the Business District (BD) and the Downtown Development District (DDD), and~~ shall not be illuminated if the sign is located directly across the street or adjacent to a residential district. A minimum height of eight feet of clearance above finished grade is required for any blade sign under which pedestrians pass. Blade signs may be permitted in addition to the primary facial sign. Blade signs shall not be permitted in conjunction with a pendant sign.

Article XXXVIII **Special Regulations and Standards Dealing with Property in the Fire Island National Seashore**

§ 68-429 **Uses permitted by special permit from Planning Board after public hearing.**
The following uses shall be permitted in ~~a~~ Business ~~I~~ Districts on Fire Island and in no other districts:
A. Uses permitted in a BAA District, §§ 68-136 and 68-137, when in conformance with the regulations specified in Article XI of this chapter entitled "Use District Regulations: Residence BAA District."
B. Stores or offices in which goods or commodities or services are sold at retail without any outdoor sales, displays or storage and solely in support of community activities.

Article XLI **Planned Landmark Preservation Overlay District (PLP)**

§ 68-452 **Certificate of appropriateness.**
§ 68-452 **Certificate of appropriateness for demolition or substantial reconstruction.**

A. An applicant who seeks a certificate of appropriateness authorizing the demolition~~, alteration~~ or reconstruction of property on grounds of insufficient economic return in accordance with this article shall establish to the satisfaction of the Planning Board that the existing condition of his or her property prohibits a reasonable economic return as defined in this article.

B. Upon determination that the property in its existing condition or any alternate conforming development does not yield a reasonable economic return, the Planning Board shall proceed to investigate the minimum alternate solutions which might be authorized by a special permit which would modify the zoning regulations of the underlying district or the overlay district. In addition, the Planning Board may require special techniques or policies or economic aid or other incentives

which may assure a reasonable economic return. However, any such alternate solutions must remain consistent ~~be in keeping~~ with the spirit and intent of the findings contained in the definitive statement establishing the applicable ~~incorporated in the subject~~ Planned Landmark Preservation Overlay District. The Planning Board shall promptly transmit its findings ~~of such investigation and the resulting~~ and recommendations ~~shall be promptly transmitted~~ to the applicant and to the Town Board.

C. ~~When~~ Following the review of the Planning Board's findings and recommendations, the Town Board ~~has completed its review of the Planning Board's recommendations and made such modifications as it sees fit, it~~ shall, by resolution duly adopted at the public meeting, determine whether to approve, approve with conditions, or deny the requested certificate of appropriateness and shall transmit its determination to the applicant. ~~The applicant may either accept or reject these recommendations~~

D. ~~If the applicant shall reject the recommendations, the Town Board may deny permission to demolish, alter or reconstruct for a period of 90 days from the date of such notification. During such time the Town Board may seek further alternate solutions or act to condemn the subject property. If no resolution of the disagreement over the determination is reached and no action is taken to condemn the subject property after 90 days, the applicant may proceed pursuant to the regulations existing in the underlying zoning district.~~ Exclusive Authority. Notwithstanding any provision of this chapter or any other provision of the Town Code to the contrary, the demolition of any property located within a Planned Landmark Preservation Overlay District shall not be permitted except upon the express approval of the Town Board by resolution adopted at a duly noticed public meeting, upon a finding that the applicant has demonstrated that no reasonable economic return, as defined in this article, can be achieved. No approval shall be implied by the passage of time, the failure of any board to act, administrative action, or operation of law. In the absence of such express authorization, the applicant shall be deemed denied, and the property shall remain subject to the requirements of this article.

§ 68-454 **Violations and penalties.**

A. Notwithstanding any other provisions for penalties in this ordinance, any person who violates the provisions of § 68-452 of this article shall be guilty of an offense and shall be punished by a fine of not more than ~~$1,000~~ $6,500 or imprisonment for not more than 15 days, or by both such fine and imprisonment.

B. Any person who violates the provisions of § 68-453B and C shall be punished, for a first offense, by a fine of not more than ~~$250~~ $1,500 nor less than ~~$25~~ $150 or by imprisonment for not more than 10 days, or by both such fine and imprisonment. For a second or subsequent offense, such person shall be punished by a fine of not more than ~~$500~~ $3,000 nor less than ~~$100~~ $600 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

C. Each week during which any such violations of the above provisions exist shall constitute a separate violation of such provisions.

D. Civil Penalty for Unauthorized Demolition.

(1) In addition to any other remedy, penalty, or enforcement authority provided by law, any person who demolishes, causes the demolition of, or permits the demolition of any structure, improvement, landmark, memorial, landscape feature, or portion thereof located within a Planned Landmark Preservation Overlay District without first obtaining a Certificate of Appropriateness or other approval required by this Article shall be subject to a civil penalty not exceeding the greater of the fair market value of the property immediately before the violation or the fair market value of the property immediately after the violation, as determined by the Town. Each unauthorized demolition shall constitute a separate violation.

(2) Each structure, improvement, landmark, memorial, or landscape feature demolished in violation of this Article shall constitute a separate violation.

(3) The Town may commence a civil action or proceeding in any court of competent jurisdiction to recover such civil penalty, to compel compliance with this Article, to obtain injunctive relief, or to seek any other remedy authorized by law.

(4) The remedies and penalties set forth herein shall be cumulative and shall be in addition to any criminal penalties, injunctive relief, stop-work orders, or other enforcement measures available to the Town under this Code or applicable law.

Article XLIII **Use District Regulations: Industrial Corridor District**

§ 68-466.1 **Uses permitted by special permit from Planning Board after public hearing.**
B. Warehouse use, including **Distribution/fulfillment center**s, provided no overhead doors shall face any street, and further provided that any overhead doors are properly screened from view with fencing and/or landscaping pursuant to the satisfaction of the Planning Board.

§ 68-468 **Height** ~~restrictions~~.
D. Accessory Buildings shall be limited to a maximum of 18 feet.

Article XLV **Use District Regulations: General Service T District**

§ 68-500 **Architectural requirements.**

All buildings hereafter erected or altered shall contain the following architectural components:

A. For new structures, including additions to existing structure or those undergoing rehabilitation of greater than 50% of their assessed value, a roof or gable design ~~or an alternative acceptable to the Planning Department~~ with a minimum slope of five inches over 12 inches~~,~~ shall be required, or an alternative acceptable to the Commissioner of Planning and Development or his/her designee.

B. Building materials of a residential character, such as brick, wood frame, cedar or vinyl siding, ~~of less than six inches revealed,~~ shall be used on all exteriors.

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,h]	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	50% of window	10	12	D	
	BD[d] & DDD[d]		2/WS[e]			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	
	RSG	20	1/WS		10	18	D	
Industrial	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	
	IND 1 & 2	32[e]			12[g]		D	
Directional (P.D.)	IND 1 & 2 B1-B3	12[e]			5		IND	
Corporate lawn	ICD, IBD	32			8		D	N.R.
Blade	BD, DDD		12					N.R.
	B1-B3		6					N.R.
Pendant	All Bus.		3					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.