



TOWN CLERK

PUBLIC HEARING
655 Main Street
Islip, NY 11751

February 13, 2024
2:00 p.m.

.....

- 1. To consider amending the Town of Islip Uniform Traffic Code.**
Schedule G Stop and Yield Intersections Add
Amuxen Court at Nassau Avenue (ISL)
Connecticut Avenue at Ohio Avenue (BSR)
Schedule J Parking, Stopping and Standing Regulations
Amend to Read
Crooked Hill Road (BWD)
Saxon Avenue/ East (BSR)
Schedule J Parking, Stopping and Standing Regulations
Delete
Broadway Avenue/ West of Versa Place(SVL)
Broadway Avenue/ West Islip Grange
Crooked Hill Road (BWD)
Crooked Hill Road Wicks Road to Community College (BWD)
- 2. To consider amending the Official Map of the Town of Islip by deleting a portion of Sylvan Avenue in Bayport.**
- 3. To consider amending the Islip Town Code that provides up to a twelve(12) month moratorium on Battery Energy Storage Systems.**

GIVEN that any person who needs a sign language interpreter or has concerns regarding accessibility to the Town Board Meeting, please call Constituent Services at 631-224-5380.

Dated at Islip, NY

TOWN OF ISLIP

Published

LDV/tb

TOWN BOARD,

By: LINDA D. VAVRICKA

TOWN CLERK

The Town of Islip held a public hearing on Tuesday, February 13, 2024 at 2:00pm at Islip Town Hall to amend the Islip Uniform Traffic Code.

On a motion made by Councilperson

Seconded by Councilperson

Be it, resolved that the Islip Uniform Traffic code has been amended.

SCHEDULE G
STOP AND YIELD INTERSECTIONS
ADD

INTERSECTION TRAFFIC	SIGN	CONTROLLING
Amuxen Court at Nassau Avenue (ISL)	Stop	West on Amuxen Court
Connecticut Avenue at Ohio Avenue (BSR)	Stop	North/South on Ohio Avenue

SCHEDULE J
PARKING, STOPPING AND STANDING REGULATIONS
AMEND TO READ

LOCATION	REGULATION	HOURS/DAYS
Crooked Hill Road (CR 13)/West From Community College Dr. (CR 106) to Merrill St. (BWD)	No parking <u>stopping</u>	
Saxon Avenue/East From 210 <u>435</u> ft. south of Union Blvd. to Union Blvd. (ISL) (<u>BSR</u>)	No stopping	

SCHEDULE J
PARKING, STOPPING AND STANDING REGULATIONS
DELETE

LOCATION	REGULATION	HOURS/DAYS
Broadway Avenue/West From 75 ft. north of Versa Place to 75 ft. south of the entrance to Broadway Ave. Park (SVL)	No parking	

SCHEDULE J
PARKING, STOPPING AND STANDING REGULATIONS
DELETE

LOCATION	REGULATION	HOURS/DAYS
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Broadway Avenue/West From 75 ft. north of the Islip Grange entrance to 75 ft. south of the Islip Grange entrance (SVL)	No parking	
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Crooked Hill Road (CR 13)/East From Wicks Road (CR 7) north for 45 ft. (BWD)	No stopping	
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Crooked Hill Road (CR 13)/East From 45 ft. north of Wicks Road (CR 7) to Community College Dr. (CR 106), BWD	No parking	
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SCHEDULE J

**PARKING, STOPPING AND STANDING REGULATIONS
ADD**

LOCATION	REGULATION	HOURS/DAYS
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Broadway Avenue/West From Versa Place to Montauk Highway (SVL)	No stopping	
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Crooked Hill Road (CR 7)/East From Wicks Road (CR 7) to Community College Drive (CR 106) (BWD)	No stopping	
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Upon a vote being taken the result was

February 13, 2024

WHEREAS, on January 2, 2024 an order was filed by Thomas Owens, as Superintendent of Highways, with the Islip Town Clerk pursuant to Section 172 of the NYS Highway Law, discontinuing and abandoning a portion of a Town street appearing on the Official Map of the Town of Islip as Sylvan Avenue, in the Hamlet of Bayport, which portion of said street is adjacent to Suffolk County Tax Map Lot designated as District 0500 Section 239.00 Block 04.00 Lot 006.002 owned by One Thousand Sylvan LLC and Brook Avenue LLC; and

WHEREAS, in order for a portion of roadway to be added to the aforementioned adjoining Tax Lot, it is incumbent upon the Town Board to effectuate a change in the Official Map by deleting said abandoned portion of roadway from it; and

WHEREAS, the Town Board adopted a resolution on January 23, 2024 authorizing a public Hearing to consider the change to the Official Map; and

WHEREAS, the Town Board has held a Public Hearing on this day and considered all persons desiring to be heard on the matter, and after due deliberation has decided it to be in the public interest to concur with the Order of the Superintendent and authorize the deletion of the portion of Sylvan Avenue, in Bayport from the Official Map of the Town of Islip.

NOW, THEREFORE, on motion of Councilperson

, seconded by Councilperson

BE IT RESOLVED that the Official Map of the Town of Islip shall be changed by deleting the following described portion of Sylvan Avenue, Bayport from said map:

ALL that certain plot, piece or parcel of land situate, lying and being in Bayport, Town of Islip, County of Suffolk and State of New York bounded and described as follows:

BEGINNING at a point on the northerly side of Rajon Road, at the westerly end of a curve connecting the northerly side of Rajon Road and the westerly side of Sylvan Avenue (Spence Avenue);

RUNNING THENCE along the arc of a curve, bearing to the left, having a Radius of 25.00 feet, a length of 39.43 feet to the westerly side of Sylvan Avenue (Spence Avenue);

THENCE along the westerly side of Sylvan Avenue (Spence Avenue), North 01 degrees 14 minutes 47 seconds West, 255.32 feet to the southerly side of Nicolls Road (C.R. 97);

THENCE along the southerly and westerly sides of Nicolls Road (C.R. 97), the following two (2) courses and distances:

1. North 88 degrees 45 minutes 11 seconds East, 66.00 feet;
2. South 01 degrees 14 minutes 47 seconds East, 280.86 feet;

THENCE South 89 degrees 05 minutes 03 seconds West, 91.15 feet POINT OR PLACE OF BEGINNING.

Said parcel containing 18,660 square feet more or less.

Upon a vote being taken, the result was:

February 13, 2024
Resolution #

WHEREAS, there has been presented to the Town Board on the 13th of February 2024, Ordinance No. 68-457 declaring a six-month moratorium on the issuance and further processing of permits and approvals for Battery Energy Storage Systems ("BESS") pursuant to Section 68-456 of the Islip Town Code;

WHEREAS, the Town of Islip recognizes that BESS are key components to the viability and promotion of renewable and "green" energy sources, and in recognition of those renewable energy sources, it adopted Islip Town Code Section 68-456 promoting the issuance of permits and/or approvals for BESS power systems within the Town of Islip; and

WHEREAS, since the adoption of the aforementioned code, concern has been raised regarding safety of BESS, specifically the potential for BESS systems to over-heat, ignite and catch fire, the lack of firemanic technology in extinguishing said fires, and the threat posed to the health, safety and welfare of the public-- including the impact upon the environment, ground water, air quality, public roadways and public transportation and infrastructure as well as the potential for mass evacuation in the event of a BESS fire or other BESS emergency; and

WHEREAS, additional data, studies, and review are needed with regard to the safety and risks posed by BESS to ensure that local fire departments, police departments, ambulance districts Hazardous Materials Response personnel, including the Office of Fire Prevention and the Town's Department of Public Safety Enforcement, have the requisite technology, equipment, training, and skills necessary to address any potential hazards created by BESS;

WHEREAS, the Town has been vested with substantial powers, rights and functions to

regulate the practice, conduct or use of property within the Town for the purposes of maintaining health, safety and welfare of the Town and its residents; and

WHEREAS, the Town Board has determined that it needs at least six-months from the effective date of this ordinance in order to effectively research, analyze and determine the efficacy of any Code revisions necessary to properly address the aforementioned concerns raised by the BESS power systems;

WHEREAS, the Office of the Town Attorney has recommended this ordinance declaring a six-month moratorium on the issuance and further processing of permits and approvals for BESS pursuant to Section 68-456 of the Islip Town Code to ensure the health, safety and welfare of the public;

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

WHEREAS, on February 13, 2024, a public hearing was held;

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

RESOLVED, the Town Board hereby adopts Ordinance No. 68-457 of 2024 declaring a six-month moratorium on the issuance and further processing of permits and approvals for Battery Energy Storage Systems pursuant to Section 68-456 of the Islip Town Code in the Town of Islip as follows:

SEE ATTACHED

Additions are indicated by UNDERLINING

Deletions are indicated by ~~STRIKEOUTS~~

Upon a vote being taken the result was:

§ 68-457 Moratorium for the Development of Battery Energy Storage Systems

A. Authority.

This moratorium is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10, Subdivisions 1 and 7, §§ 261 through 263 of the Town Law, and § 10 of the Municipal Home Rule Law of the State of New York. In particular, this chapter shall supersede those provisions of the Town Code and New York State Law which require the Town Board, Planning Board, and/or Zoning Board of Appeals to accept, process, and/or approve applications for the development of Battery Energy Storage Systems within specified statutory time periods.

B. Legislative intent.

This ordinance is adopted to impose a six-month moratorium on the issuance of permits and/or approvals for Battery Energy Storage Systems. The Town of Islip recognizes that Battery Energy Storage Systems ("BESS") are a key component to the viability and promotion of renewable energy sources. However, since the technology of these systems is still in its infancy, there is a significant amount of recent public concern about the potentially volatile nature of lithium-ion batteries, which stems from fires at three different BESS facilities in the State of New York from May through July of 2023. In response to the recent BESS fires, New York State Governor Kathy Hochul found it necessary to form an Inter-Agency Fire Safety Working Group tasked with ensuring the safety of BESS across New York. There have been no notable findings or recommendations published by this group as of the adoption of this ordinance.

Therefore, the Town Board, Planning Board, and Zoning Board of Appeals need additional information and assurances about the safety of these types of facilities, including but not limited to best practices for fire suppression and emergency response, ensuring the technology and availability of equipment necessary for the Town's Hazardous Materials Unit and local fire departments should a fire occur, precautions to take related to gas emissions and deterring any necessary fire suppression chemicals from impacting groundwater, and the adequacy of location and other standards for siting these facilities. Given these concerns and the current lack of relevant data and information on this issue, it is necessary for the Town Board to enact a six (6) month limited moratorium on the issuance of permits and/or approvals for BESS pursuant to Town Code § 68-456 while these issues are further considered and the Code is adequately revised to address any outstanding concerns.

C. Definitions.

The applicable definitions for this section shall be the same as those set forth in § 68-456.

D. Moratorium.

No new permit, land use application, or request for the development of BESS shall be accepted pursuant to § 68-456, nor shall any pending applications continue to be processed or decided by the Town Board, the Planning Board, or the Zoning Board of Appeals, or any other agency, department, or office of the Town of Islip during the Moratorium Period.

No building permit, BESS permit, or Planning Board special permit for BESS shall be issued by the Town Board, the Planning Board, the Zoning Board of Appeals, or any other agency, department, or office of the Town of Islip during the Moratorium Period.

E. Moratorium Period.

The moratorium period shall be in effect for a period of six (6) months following the effective date of this ordinance. Following the moratorium period, this ordinance shall be without further force and effect unless the moratorium period is extended by a Town Board resolution. Notwithstanding the foregoing, the moratorium period shall not exceed eighteen (18) months.

F. Exclusions.

None.

G. Applications that may exempted.

- 1) In reliance upon the initial findings issued by the New York State Inter-Agency Fire Safety Working Group, which were released on December 21, 2023 and determined that there has been no evidence of significant off-site migration of contaminants associated with the three (3) recent fires at BESS facilities in Jefferson County, Orange County, and Suffolk County, the Town of Islip has set forth below a pathway for certain qualified applications to be exempted from this moratorium.
- 2) Applications may be exempted from the provisions of this ordinance following a public hearing on due notice before the Town Planning Board and service of a written notice upon the local Fire Department for the proposed siting of the BESS. Upon such application, the Planning Board shall consider:
 - a. The emergency response plan including evacuation orders to be followed in the event of a fire or any other emergency at the facility and satisfactory evidence

- that precautions are in place to suppress a fire and mitigate the extent of damage to the surroundings and environment;
- b. The size of subject parcel and the wattage of the BESS facility;
 - c. The proximity of the applicant's proposed BESS facility to residential areas as well as sensitive and high-risk populations including but not limited to hospitals, nursing homes, assisted living facilities, schools;
 - d. The extent of the proposed development and/or disturbance of the applicant's premises;
 - e. The environmental significance, if any, of the applicant's parcel and the proposed development's impact upon the environment, including existing transportation resources;
 - f. Compatibility of the proposed development with the aesthetic resources of the community or with the existing community or neighborhood character;
 - g. Compatibility of the proposed development with the recommendations of the Master Plan, the Comprehensive Plan Update, and all adopted Comprehensive Plans and plan elements henceforth; and
 - h. Whether the application meets the minimum requirements of Section 68-456.
- 3) In making a determination under this subsection, the Planning Board may obtain and consider written reports from the Town of Islip Hazardous Materials Unit and such other sources as required in the judgment of the Planning Board and consistent with the purpose of this chapter. A grant of an exemption to an applicant's premises shall include a determination of hardship and unique circumstances which do not generally apply throughout the Town and a finding that the grant of an exemption will be in harmony with, and will not be unduly disruptive to, the goals and purposes of the assessment undertaken pursuant to this ordinance.
- 4) An application under this subsection must be accompanied by a \$1,000.00 fee and 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 a six-month 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 ordinance, as declared by the valid 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 ordinance shall take effect ten (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.