

ARTICLE XXII  
**Industrial Districts**  
[Amended 2-10-2017 by L.L. No. 5-2017 , effective 2-23-2017 ]

**§ 85-553. Industrial District standards.**

Within the industrial districts, a building, structure, lot or lands shall only be utilized in conformance with the provisions of this chapter. In addition, such use shall also comply with all other applicable provisions of this chapter.

**§ 85-554. through § 85-557. (Reserved)**

**§ 85-558. L Industrial 1 District (Light Industry).**

**§ 85-559. Purpose.**

The related uses purpose of this district is to provide for a wide range of light industrial and which can meet a high level of performance standards.

**§ 85-560. Permitted uses. [Amended 11-18-2021 by L.L. No. 21-2021 , effective 11-30-2021; 2-22-2024 by L.L. No. 4-2024 , effective 2-27-2024 ]**

In an L Industrial 1 District, no building, structure or premises shall be used or occupied and no building or part thereof shall be so erected or altered, except for one or more of the following purposes:

- A. Agricultural or nursery use, including the retail sale of products raised on the premises.
- B. Assembly and social recreation hall.
- C. Bank, with or without drive-through.
- D. Commercial laundry establishment.
- E. Convent or monastery.
- F. Day-care facility.
- G. Health club.
- H. Lodge.
- I. Lumberyard.
- J. Manufacturing, only within a building.
- K. Motor vehicle rental.
- L. Nonmotorized recreational activities.
- M. Nursery/garden center.

- N. Office.
- O. Places of worship, parish house or rectory.
- P. Printing plants.
- Q. Research and development facility.
- R. Stone and mason supply.
- S. Veterinary hospital, provided that all activities take place within the building.
- T. Warehouse.
- U. All uses identified as incentive uses within the Transitional Area Overlay District established in connection with the Montauk Highway Corridor Study Land Use Plan for Mastic and Shirley Phase II.
- V. Automobile parking field.
- W. Bar, tavern or pub.
- X. Indoor recreation.
- Y. Kennels, provided that all activities are contained within the building.
- Z. Public, private school or parochial school, with or without dormitory facilities.
- AA. Retail sales, provided it is limited to only those goods that are generated by the principal use on the premises and does not occupy more than 5% of the total gross floor area of the building or more than 10,000 square feet, whichever is less.
- BB. University or college.

**§ 85-561. Town Board special permits.**

The following special permit uses, when authorized by the Town Board, shall be subject to the criteria as set forth in Article VI, § 85-67, in addition to the criteria contained herein:

- A. Adult uses, including adult entertainment establishments, adult bookstores, adult motels, adult theaters, massage establishments, and peep shows.
- B. Airport.
- C. Anaerobic digester facilities.
- D. Electric generating facilities.

**§ 85-562. Accessory uses. [Amended 1-17-2019 by L.L. No. 1-2019 , effective 1-28-2019 ; 2-22-2024 by L.L. No. 4-2024 , effective 2-27-2024 ]**

- A. Customary accessory uses, structures and buildings shall be permitted when located on the same lot as the principal authorized use, provided that such uses are clearly incidental to the

principal use and do not include any activity conducted as a business.

- B. Outside seating for restaurant, take-out restaurant and delicatessen.
- C. Solar energy production system as an accessory use shall be limited to one or more roof, wall, carport and/or ground-mounted solar collector devices and solar-related equipment. For the purposes of this article, solar carports shall not be considered a structure as defined by the Town Code.
- D. Repairs, servicing and vehicle wash as an accessory use to a commercial bus storage facility.
- E. Fuel cell facility for on-site consumption.
- F. Private parking garage as an accessory use to a permitted principal use.
- G. Tasting room as an accessory to a permitted principal farm brewery, cidery, distillery, or winery use.

**§ 85-563. (Reserved)<sup>1</sup>**

**§ 85-564. Board of Appeals special permits. [Amended 1-17-2019 by L.L. No. 1-2019 , effective 1-28-2019 ; 2-14-2019 by L.L. No. 4-2019 , effective 2-25-2019 ; 12-17-2020 by L.L. No. 15-2020, effective 12-28-2020; 8-5-2021 by L.L. No. 15-2021 , effective 8-17-2021 ; 2-22-2024 by L.L. No. 4-2024 , effective 2-27-2024 ]**

The following special permit uses, when authorized by the Board of Appeals, shall be subject to the criteria as set forth in Article V, § 85-57A, in addition to the criteria contained herein:

- A. Nightclub or dance hall.
- B. Commercial bus storage facility.
- C. Heavy construction vehicles and equipment dealership, subject to design standards contained herein.
- D. Mini-storage warehouse.
- E. Motorized recreation.
- F. Motor vehicle repair, with or without a depot as may be required by Chapter 66, Towing Businesses.
- G. Non-degree-granting instruction/programs.
- H. Outdoor recreation.
- I. Outdoor storage.
- J. Trucking terminal.

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1. Editor's Note: Former § 85-563, Town Board special permits for accessory uses, was repealed 2-22-2024 by L.L. No. 4-2024 , effective 2-27-2024 .

- K. Fuel cell facility connected to the public electric grid in order to sell electricity to a public utility entity.
- L. Cannabis retail sales establishment.
- M. Cannabis indoor smoking establishment.

**§ 85-565. Board of Appeals special permits for accessory uses. [Amended 1-17-2019 by L.L. No. 1-2019 , effective 1-28-2019 ; 8-5-2021 by L.L. No. 15-2021 , effective 8-17-2021 ; 2-22-2024 by L.L. No. 4-2024 , effective 2-27-2024 ]**

The following special permit accessory uses, when authorized by the Board of Appeals, shall be subject to the criteria as set forth in Article V, § 85-57A, in addition to the criteria contained herein:

- A. Fueling station as an accessory use to a commercial bus storage, trucking terminal, or warehouse.
- B. Motor vehicle repair shop as an accessory use to a commercial bus storage, trucking terminal, or warehouse.
- C. Outdoor or overnight parking of registered vehicles as an accessory use to a permitted principal use.
- D. Outdoor storage as an accessory use to a permitted principal use.
- E. Restaurant, take-out restaurant and delicatessen as an accessory use to a permitted principal use.
- F. Cannabis indoor smoking establishment as an accessory use to a cannabis retail sales establishment.

**§ 85-566. Prohibited uses.**

All uses not expressly permitted are prohibited. Nothing herein contained shall be construed to permit the erection, addition, maintenance or use of any premises of either a business or industrial operation which shall provide outdoor storage, outside service, outside display, outside counter or window service or drive-in or drive-up counter or window service, except as authorized by this chapter.

**§ 85-567. Dimensional criteria.**

Except as otherwise provided in § 85-569, Special permit criteria, the following dimensional criteria are applicable:

- A. Minimum lot area.
  - (1) Except as otherwise provided herein, the minimum required lot area shall be 40,000 square feet.
  - (2) The minimum required lot area for a bank with a drive-through facility shall be 65,000

square feet.

- (3) The minimum required lot area for a parcel located within a designated hydrogeologic sensitive zone shall be 120,000 square feet.
- (4) The minimum required lot area for a permitted principal use with an accessory restaurant use shall be three acres.
- (5) The minimum required lot area for a commercial bus storage facility shall be three acres.
- (6) The minimum requirement for lot area for an electric generating facility shall be 20 acres.
- (7) The minimum requirement for lot area for a nonmotorized recreational activity shall be five acres.
- (8) The minimum requirement for lot area for an anaerobic digester facility shall be 60 acres.

B. Minimum road frontage.

- (1) Except as otherwise provided herein, the minimum required road frontage shall be 100 feet.
- (2) The minimum required road frontage for a bank with a drive-through facility or for a permitted principal use with an accessory restaurant use shall be 150 feet.
- (3) The minimum required road frontage for a parcel within a designated hydrogeologic sensitive zone, or for an electric generating facility shall be 200 feet. **[Amended 1-17-2019 by L.L. No. 1-2019 , effective 1-28-2019 ]**
- (4) The minimum required road frontage for an anaerobic digester facility shall be 400 feet.

C. Minimum front yard setback.

- (1) Except as otherwise provided herein, the minimum required front yard setback shall be 50 feet.
- (2) The minimum required front yard setback for parcels five acres or more in size shall be 100 feet.

D. Minimum side yard setback. **[Amended 1-17-2019 by L.L. No. 1-2019 , effective 1-28-2019 ]**

- (1) Except as otherwise provided herein, the minimum required side yard setback for a permitted use shall be 10 feet, with a total side yard setback of 30 feet.
- (2) The minimum required side yard setback for a bank with a drive-through facility or for a permitted principal use with an accessory restaurant use shall be 25 feet.
- (3) The minimum required side yard setback for parcels five acres or more in size shall be 50 feet.

- (4) The minimum required side yard setback for an electric-generating facility shall be 50 feet.
  - (5) The minimum required side yard setback for an anaerobic digester facility shall be 75 feet.
  - (6) The minimum required side yard setback for a fuel cell facility connected to the public electric grid in order to sell electricity to a public utility entity shall be 50 feet.
- E. Minimum rear yard setback.
- (1) Except as otherwise provided herein, the minimum required rear yard setback shall be 50 feet.
  - (2) The minimum requirement for a rear yard setback for an electric generating facility shall be 100 feet.
- F. Maximum permitted floor area ratio (FAR).
- (1) Except as otherwise provided herein, the maximum permitted FAR shall be 35%.
  - (2) The maximum permitted FAR for a parcel within a designated hydrogeologic sensitive zone shall be 30%.
  - (3) The maximum permitted FAR for an electric generating facility shall be 25%.
- G. Maximum permitted height.
- (1) Except as otherwise provided herein, the maximum permitted height for all structures shall be 50 feet or three stories.
- H. Minimum buffer.
- (1) The minimum buffer for a nonmotorized recreational activity shall be 100 feet, consisting of natural and undisturbed vegetation, supplemented as needed to provide screening from adjacent parcels.
  - (2) A minimum seventy-five-foot buffer, consisting of natural and undisturbed vegetation, supplemented as needed, shall be provided between an anaerobic digester facility and all adjacent residential zones or use.

**§ 85-568. Minimum site improvements.**

Except as otherwise provided herein, all development shall meet or exceed the minimum standards contained within the Town Code of the Town of Brookhaven, including, but not limited to, the Subdivision and Land Development Regulations.

**§ 85-569. Special permit criteria.** [Amended 1-17-2019 by L.L. No. 1-2019 , effective 1-28-2019 ; 2-14-2019 by L.L. No. 4-2019 , effective 2-25-2019 ; 12-17-2020 by L.L. No. 15-2020, effective 12-28-2020; 8-5-2021 by L.L. No. 15-2021 , effective 8-17-2021 ; 2-22-2024

**by L.L. No. 4-2024 , effective 2-27-2024 ]**

In addition to the criteria set forth within Article V, § 85-57A, the following special permit criteria shall be required for the uses so indicated:

- A. Adult uses, including adult entertainment establishments, adult bookstores, adult motels, adult theaters, massage establishments, and peep shows.
  - (1) The above uses are prohibited within a 500-foot radius of any area zoned for residential use.
  - (2) The above uses are prohibited within a one-mile radius of another such use.
  - (3) The above uses are prohibited within 1,000 feet of the lot line of any premises used for a school, church or other place of religious worship, park, playground, or playing field, library, hospital or similar public or semipublic place of general congregation, or non-degree-granting instruction/programs, including self-defense, dance, swimming, gymnastics, and other sports.
  - (4) No more than one adult use shall be located on any lot.
- B. Anaerobic digester facility.
  - (1) There shall be no anaerobic digester facility within an historic district or historic district transition area.
  - (2) There shall be no anaerobic digester facility within 150 feet of freshwater or tidal wetlands.
- C. Bar, tavern, or pub.
  - (1) The maximum gross floor area shall not exceed 4,999 square feet.
  - (2) No outdoor storage of kegs, crates or empty bottles/cans shall be permitted. A dumpster enclosure for one dumpster for rubbish, as well as one dumpster for cardboard recycling. The dumpster enclosure shall consist of walls measuring eight feet in height, which complements the building facade.
  - (3) The above use shall be prohibited within 500 feet of the lot line of residentially zoned or used properties.
  - (4) A maintenance plan shall be provided for management of litter and general upkeep of the premises.
  - (5) Two designated loading stalls near the entrance.
- D. Commercial bus storage facility.
  - (1) Loading bay doors shall be screened from visibility from adjoining residentially zoned or residentially developed properties and from public streets to the satisfaction of the Commissioner of Planning, Environment and Land Management.
  - (2) The minimum required vegetated perimeter buffer shall be 50 feet adjacent to any

residential use or zone and along all street frontages.

- (3) In addition, storage of vehicles shall be screened from the street by means of a berm, fence, and/or landscaping as deemed appropriate by the Board of Appeals.
- (4) Idling of vehicles shall be limited to five minutes.

E. Electric generating facilities.

- (1) The maximum permitted stack height shall be 125 feet.
- (2) The minimum required stack setback shall be 150% of the height of the stack from any lot line.
- (3) The minimum required percentage of lot to remain natural and undisturbed shall be 30%.
- (4) The minimum required vegetated perimeter buffer shall be 500 feet along all lot boundaries that abut residentially zoned property.
- (5) Except as otherwise provided in Subsection D(1), the maximum permitted structure height shall be 50 feet.
- (6) Electric generating facilities shall demonstrate compliance with the exterior lighting standards in §§ 85-862 through 85-873.

F. Fueling station as an accessory use to a trucking terminal, commercial bus storage facility or warehouse.

- (1) Fueling station shall be for private use only by vehicles owned and operated by the principal use.
- (2) Fueling station shall be located on the same lot as the principal use and prohibited within 500 feet from any lot line bounding a residential zone or use, or an area of public assembly.
- (3) All activities associated with the fueling, traffic circulation, queuing, and parking of vehicles shall take place on site.

G. Heavy construction vehicles and equipment dealership.

- (1) All storage and display shall be located within the rear yard and shall be set back a minimum distance of 100 feet from any roadway.
- (2) All outdoor storage shall be screened from view with fencing and/or landscaping in accordance with a site plan, which shall be subject to the review and approval of the Board of Appeals.

H. Mini-storage facility.

- (1) Storage shall be limited to dead storage only. The storage of explosives, flammable, toxic or otherwise hazardous chemicals and/or other materials shall be prohibited.

- (2) Architectural elevations shall be submitted for review and approval to the Commissioner of Planning, Environment and Land Management. Exterior signage and building siding material shall be of flat finishes only; bright, vivid and/or reflective colors shall be prohibited. Walls exceeding one story in height, which are visible from off site, shall be architecturally enhanced with pilasters, corbelled cornices, or similar ornamentation to the satisfaction of the Commissioner of Planning, Environment and Land Management.
- (3) Storage unit doors shall be screened from visibility from adjoining residentially zoned or residentially developed properties and from public streets to the satisfaction of the Commissioner of Planning, Environment and Land Management.
- (4) A minimum natural or landscaped area of 50 feet shall be maintained adjacent to all road frontages.
- (5) All paved areas, including parking and parking aisle areas, shall be screened from view with landscaping or natural areas and/or decorative fencing to the satisfaction of the Commissioner of Planning, Environment and Land Management.
- (6) Decorative walls or fencing shall be provided along all setback lines; decorative opaque walls and/or fencing shall be provided along all site property lines which are contiguous with residentially developed and/or zoned properties; other types of fencing may be permitted elsewhere on site subject to Board of Appeals review and approval.
- (7) Parking stalls and loading areas adjacent to storage buildings may encroach on interior roadway 30 feet or wider, exclusive of required parking stalls, for office(s) or living quarters.

I. Motor vehicle repair.

- (1) All repair work shall take place within the building. All repair work, excluding emergency service, shall be conducted only between the hours of 7:00 a.m. and 9:00 p.m.
- (2) An area of sufficient size, as determined by the Board, shall be required for the outdoor, overnight parking of registered vehicles with the issuance of a special permit, subject to criteria specified herein. Said area shall be in addition to any depot required by Chapter 66, Towing Businesses.
- (3) Overhead doors shall not face the street or any residentially zoned or used property.

J. Motorized recreation.

- (1) Minimum lot size shall be one acre for any outdoor motorized recreation facility.
- (2) All outdoor motorized recreation facilities shall be set back a minimum distance of 100 feet from all adjacent residentially zoned or used properties.
- (3) In addition to the buffer required by the underlying zoning district, all outdoor motorized recreation facilities shall be surrounded by minimum twenty-five-foot buffer consisting of natural and undisturbed vegetation, supplemented as needed with a density

and quality of plantings equal to five rows of evergreen plantings seven feet high and five feet on center.

- (4) Exterior lighting shall be designed to minimize light pollution impacts to surrounding residential properties to the maximum extent possible, and in accordance with Town Code exterior lighting standards.
  - (5) The applicant shall provide a noise mitigation plan for all outdoor motorized recreation facilities, demonstrating appropriate protections to all adjacent residentially zoned or used properties and demonstrating compliance with Chapter 50 of the Brookhaven Town Code.
  - (6) The applicant shall provide a plan to mitigate the generation of fugitive dust for all outdoor motorized recreation facilities demonstrating appropriate protections to all adjacent properties as deemed appropriate by the Planning Board.
- K. Non-degree-granting instruction/programs, indoor recreation and outdoor recreation.
- (1) The above uses are prohibited within 1,000 feet of the lot line of any adult use.
- L. Nightclub or dance hall.
- (1) The minimum gross floor area (GFA) for any facility or location used for a night club or dance hall shall be 5,000 square feet.
  - (2) No outdoor storage of kegs, crates or empty bottles/cans shall be permitted. A dumpster enclosure for one dumpster for rubbish, as well as one dumpster for cardboard recycling. The dumpster enclosure shall consist of walls measuring eight feet in height, which complements the building facade.
  - (3) The above use shall be prohibited within 500 feet of the lot line of residentially zoned or used properties.
  - (4) A maintenance plan shall be provided for management of litter and general upkeep of the premises.
  - (5) Two designated loading stalls located near the entrance.
- M. Outdoor or overnight parking as an accessory use to a permitted principal use.
- (1) Outdoor or overnight parking of registered vehicles shall be set back a minimum distance of 50 feet from any roadway.
  - (2) All outdoor or overnight parking of registered vehicles shall be screened from view with fencing and landscaping in accordance with a site plan, which shall be subject to the review and approval of the Board of Appeals.
  - (3) There shall be no outdoor or overnight parking of registered vehicles within the primary or secondary front yard.
- N. Outdoor recreation.

- (1) All outdoor recreation facilities shall be set back a minimum distance of 50 feet from all adjacent residentially zoned or used properties.
- (2) A minimum fifty-foot buffer consisting of natural and undisturbed vegetation, supplemented as needed with a density and quality of plantings equal to five rows of evergreen plantings seven feet high and five feet on center, shall be provided from all outdoor recreation facilities to all adjacent residentially zoned or used properties.
- (3) Exterior lighting shall be designed to minimize light pollution impacts to surrounding residential properties to the maximum extent possible, and in accordance with Town Code exterior lighting standards.
- (4) The applicant shall provide a noise mitigation plan demonstrating appropriate protections to all adjacent residentially zoned or used properties and demonstrating compliance with Chapter 50 of the Brookhaven Town Code.

O. Outdoor storage.

- (1) The minimum lot size shall be 80,000 square feet, except within a designated hydrogeologic sensitive zone, where it shall be 120,000 square feet.
- (2) Outdoor storage shall be limited to a specific list of materials, items or equipment to be stored, as determined by the Board of Appeals.
- (3) A minimum 100-foot buffer shall be provided to all adjacent residentially zoned or use properties.
- (4) A minimum twenty-five-foot buffer shall be provided to any adjoining industrially zoned or use properties.
- (5) The combined total area of the principal buildings or structures, impervious areas, and the outdoor storage areas shall not exceed 65% of the lot area.
- (6) Maximum permitted height of outdoor storage shall be 15 feet. Posts with permitted storage height marked thereon shall be installed within the outdoor storage areas.
- (7) Outdoor storage of compost, manure, sand, concrete, aggregate, junk cars, auto parts, tires, chemicals, fertilizer and uses permitted exclusively in an L Industrial 2 Zone shall not be permitted.
- (8) All outdoor storage shall comply with dimensional regulations of this article.
- (9) There shall be no outdoor storage permitted within 150 feet of freshwater or tidal wetlands.
- (10) There shall be no outdoor storage permitted within a designated historic or historic transition district.
- (11) All outdoor storage shall be screened from adjoining property lines and adjoining roadways with a double row of evergreen plantings seven feet high and five feet on center and a solid tongue-and-groove fence with no gaps between slats or higher quality barrier; specific species of plantings and fence materials shall be determined by the

## Board of Appeals.

- (12) The potential for generation of fugitive dust shall be mitigated as determined by the Board of Appeals.
- P. Outdoor storage as an accessory use to a permitted principal use.
- (1) A minimum lot area of two acres shall be required for outdoor storage.
  - (2) All outdoor storage shall be located within the rear yard only. Outdoor storage within the primary or secondary front yard shall be prohibited. No outdoor storage shall be visible from any street frontage.
  - (3) All outdoor storage shall be screened from visibility from adjoining roadways with landscaping and/or decorative fencing in accordance with Town standards and require a site plan, which shall be subject to the review and approval of the Board of Appeals.
  - (4) All outdoor storage shall be set back a minimum distance of 50 feet from any roadway and 25 feet from any side or rear property line.
  - (5) Outdoor storage shall be limited to only those goods that are generated or manufactured by the principal use on the premises, and shall be located on the same lot as the principal use, and prohibited within 500 feet from any lot line bounding a residential use or zone.
  - (6) Outdoor storage shall have all activities associated with the outdoor storage area, such as loading, delivery, pickup, traffic circulation, queuing, and parking, take place on site.
  - (7) No outdoor storage shall be permitted above legal fence height.
- Q. Restaurant, take-out restaurant and delicatessen as an accessory use to a permitted principal use.
- (1) The restaurant, take-out restaurant or delicatessen use may occupy a maximum of 5% of the total gross floor area of the building and shall not exceed a maximum of 3,000 square feet gross floor area.
  - (2) The restaurant, take-out restaurant or delicatessen use shall be located within the building of the permitted principal use.
  - (3) A maximum of one accessory restaurant, delicatessen or take-out restaurant use shall be permitted per site.
  - (4) Freestanding restaurants, or take-out restaurants or delicatessen uses shall be prohibited.
- R. Fuel cell facility connected to the public electric grid in order to sell electricity to a public utility entity.
- (1) The maximum permitted height for all structures and appurtenant equipment shall be 50 feet.
  - (2) A fuel cell facility shall provide a "proof of concept letter" from the local electric corporation acknowledging that the fuel cell facility will be interconnected to the utility

grid to sell electricity to the electric corporation.

- (3) All applications for a fuel cell facility shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility. Prior to issuance of a building permit, the owner or operator of the facility shall post a performance bond or other suitable guarantee in a face amount of not less than 150% of the estimated cost, as determined by the Town Engineer, to ensure removal of the facility. The form of the guarantee must be reviewed and approved by the Town Engineer and Town Attorney, and the guarantee must remain in effect until the system is removed. Review of the guarantee by the Town Engineer and Town Attorney shall be paid from an escrow established by the applicant. Prior to removal of a facility, a demolition permit for removal activities shall be obtained from the Town of Brookhaven.

S. Cannabis retail sales establishments and cannabis indoor smoking establishment.

- (1) The above uses are prohibited within a 500-foot radius of any residential use or zone.
- (2) The above uses are prohibited within a one-mile radius of another such use.
- (3) The above uses are prohibited within 1,000 feet of the lot line of any premises used for a school, church or other place of religious worship, park, playground, or playing field, library, hospital or similar public or semipublic place of general congregation, or non-degree-granting instruction/programs, including self-defense, dance, swimming, gymnastics, and other sports.
- (4) No more than one cannabis retail sales establishment and one cannabis indoor smoking establishment may be located on any lot.
- (5) For a cannabis indoor smoking establishment, proof of adequate ventilation and air filter system must be provided.

T. Trucking terminal.

- (1) Shall only be permitted within 1,000 feet from the following enumerated major roadways as determined by the Town Board:
  - (a) New York State Route 25A.
  - (b) New York State Route 347.
  - (c) County Road 16.
  - (d) County Road 46.
  - (e) County Road 51.
  - (f) County Road 97.
  - (g) County Road 101.
  - (h) Long Island Expressway/Interstate 495 Service Roads.

- (i) New York State Route 27 Service Roads.
- (2) All aisles within parking areas designated for passenger cars that are 90° to the aisle shall have a minimum width of 24 feet.
- (3) All aisles within parking areas designated for trucks that are 90° to the aisle shall have a minimum width of 40 feet.
- (4) No ingress or egress onto secondary or tertiary roads.
- (5) Buffers and plantings in accordance with the land development standards.
- (6) The minimum lot area shall be 200,000 square feet.
- (7) A minimum six-foot-high solid (opaque) fence shall be provided along the property line of all adjacent residentially zoned or used properties.
- (8) A minimum natural or landscaped buffer area as required by the land development standards.

**§ 85-570. Hydrogeologic sensitive zones.**

- A. Hydrogeologic sensitive zone. All property located within the following bounded and described area shall be considered located within a hydrogeologic sensitive zone: beginning at a point where the center line of Sunrise Highway, New York State Route 27, meets the town line of Southampton and Brookhaven; running thence in a westerly direction along the center line of Sunrise Highway to a point where the center line of Barnes Road and the center line of Sunrise Highway meet; running thence in a northerly direction along said center line of Barnes Road to the school district line between School District No. 21 and School District No. 32; running thence in a westerly direction along said line to a point where the projected center line of Cranford Boulevard meets; running thence in a northerly direction along the center line of Cranford Boulevard to a point where said line meets the center line of Moriches - Middle Island Road; running thence in a generally westerly direction along the center line of Moriches - Middle Island Road to a point where the projected center line of Moriches Road meets; running thence in a northerly direction along the center line of Moriches Road to a point where said line meets the center line of property of the Long Island Rail Road; running thence in a southwesterly and westerly direction along the center line of Long Island Rail Road property to a point where said line meets the center line of Sills Road (County Road 101); running thence in a generally southwesterly direction along the center line of Sills Road to a point where said line meets the center line of Southaven Avenue; running thence in a westerly direction along the center line of Southaven Avenue to a point where the projected line meets the center line of Old Medford Avenue; running thence in a northerly direction along the center line of Old Medford Avenue to a point where said line meets the projected center line of Cedar Avenue; running thence in a westerly direction along the center line of Cedar Avenue to a point where said line projected meets the center line of North Ocean Avenue (County Road 83); thence in a northerly direction along the center line of North Ocean Avenue to a point where said line meets the projected center line of Old Fish Road or Fisk Road; thence in a generally northwest direction along the center line of Old Fish Road to a point projected to the center line of Jamaica Avenue; thence in a westerly

direction along the center line of Jamaica Avenue to a point projected to meet the center line of Blue Point Road; running thence in a northerly direction along the center line of Blue Point Road to a point where said line meets the center line of the Long Island Expressway (New York State Route 495); running thence in a westerly direction along the center line of the Long Island Expressway to a point where said line intersects the center line of Nicolls Road (County Road 97); running thence in a generally northerly direction along the center line of Nicolls Road to a point where said line meets the projected center line of Mark Tree Road; running thence in a northerly direction along the center line of Mark Tree Road to a point where said line meets the center line of Pond Path; running thence in a continued northerly direction along the center line of Pond Path to a point where said line meets the projected center line of Upper Sheep Pasture Road; running thence in an easterly direction along the center line of Upper Sheep Pasture Road to a point where said line meets the center line of lower Sheep Pasture Road; running thence in a continued easterly direction along the center line of Lower Sheep Pasture Road to a point where said line projected meets the center line of Old Town Road; running thence in a generally southeasterly direction along the center line of Old Town Road to a point where said line intersects the center line of Port Jefferson - Nesconset Highway (New York State Route 347); running thence in a northeasterly direction along the center line of Port Jefferson - Nesconset Highway to a point where said line meets the center line of North Country Road (New York State Route 25A); running thence in an easterly direction along the center line of North Country Road (New York State Route 25A) to a point where said line meets the Town line between the Town of Brookhaven and the Town of Riverhead, being the easterly boundary of the Town of Brookhaven; running thence along the easterly line of the Town of Brookhaven in a generally southerly then easterly then southerly direction to the point and place of beginning.

- B. Said bounds shall be delineated on the Zoning Map of the Town of Brookhaven and are intended to include the Zone III hydrogeologic area as described by the Nassau - Suffolk Areawide Waste Treatment Management 208 Plan and the hydrogeologic sensitive area known as the "South Setauket Woods."

**§ 85-571. through § 85-576. (Reserved)**

**§ 85-577. L Industrial 2 District (Heavy Industry).**

**§ 85-578. Permitted uses.**

Buildings, structures and premises may be used for any lawful purpose whatsoever, except for: gasoline filling stations, commercial centers, personal service shops, retail sales establishments, residential uses of any kind, hotels and motels and those uses which are only authorized by special permit in this zoning district.

**§ 85-579. Town Board special permits.**

The following special permit uses are permitted in the L Industrial 2 District only and in no other district, and shall be subject to the criteria as set forth within Article VI, § 85-67, in addition to the criteria contained herein:

- A. Vehicle dismantlers.

- B. Acetylene, natural or any type of gas manufacture and the storage thereof.
- C. Asphalt manufacture or refining.
- D. Cement, lime, gypsum or plaster of paris manufacture.
- E. Concrete batching or manufacture, precast manufacture or concrete products.
- F. Chemical works and manufacture.
- G. Explosives manufacture or storage.
- H. Fat rendering.
- I. Fertilizer manufacture.
- J. Garbage, offal or dead animals reduction, dumping or incineration.
- K. Gas manufacture of all types.
- L. Glue manufacture.
- M. Ink manufacture.
- N. Junkyards.
- O. Petroleum refining.
- P. Plastic compounds.
- Q. Scrap processors, as defined in Chapter 42 of the Code of the Town of Brookhaven.
- R. Shredding, crushing or grinding of concrete, concrete products, cement, cement products, asphalt, construction or demolition debris, automobiles, scrap metal or other metallic substances.
- S. Smelting of tin, copper, zinc or iron ores.
- T. Transfer stations.

**§ 85-580. Dimensional criteria.**

- A. Minimum lot area.
  - (1) Except as otherwise provided herein, the minimum required lot area shall be five acres.
- B. Minimum road frontage.
  - (1) Except as otherwise provided herein, the minimum required road frontage shall be 200 feet.
- C. Minimum front yard setback.
  - (1) Except as otherwise provided herein, the minimum required front yard setback shall be 100 feet.

## D. Minimum side yard setback.

- (1) Except as otherwise provided herein, the minimum required side yard setback shall be 50 feet.

## E. Minimum rear yard setback.

- (1) Except as otherwise provided herein, the minimum required rear yard setback shall be 50 feet.

## F. Maximum permitted floor area ratio (FAR).

- (1) Except as otherwise provided herein, the maximum permitted FAR shall be 50%.

## G. Maximum permitted height.

- (1) The maximum permitted height for all structures shall be 50 feet.

**§ 85-581. Special permit criteria.**

In addition to the criteria set forth within Article VI, § 85-67, the following special permit criteria shall be required for the uses so indicated:

## A. Transfer station. In addition to such conditions and safeguards as may be imposed by other review agencies, the following minimum standards shall apply:

- (1) All material shall be stored, handled, unloaded, loaded and/or transferred indoors on an impervious floor surface, including the storage of containers containing recyclable or other materials.
- (2) All toxic and hazardous materials shall be prohibited.
- (3) Periodic inspections by the Commissioner of the Department of Recycling and Sustainable Materials Management of the Town of Brookhaven and its designated employees shall be permitted by the applicant and/or owner. **[Amended 6-29-2017 by L.L. No. 16-2017, effective 7-13-2017]**
- (4) The applicant must demonstrate that adequate on-site parking is provided so vehicles waiting to load or unload will not park on public highways.
- (5) Any structure located on the site shall be a minimum distance of 750 feet from property zoned for residential use.
- (6) The applicant shall submit a route plan to indicate that traffic generated by the facility will have a minimal impact on residential streets. Said plan shall state the number and frequency of trips to and from the facility.
- (7) Outdoor use of the property shall be limited to the parking and maneuvering of vehicles and the storage of empty containers. All storage areas shall be suitably screened and indicated on the site plan.
- (8) On-street parking of vehicles, containers or any other equipment or materials in any way

connected with the facility shall be prohibited.

- (9) The maximum height of the facility shall not exceed 40 feet.
- (10) Any application pursuant to this section shall be a Type I action in accordance with the New York State Environmental Quality Review Act.
- (11) Storage of construction or demolition debris within a transfer station shall not exceed three calendar days, including holidays, unless the Commissioner of the Department of Recycling and Sustainable Materials Management has issued an emergency extension at the request of the permittee. **[Amended 6-29-2017 by L.L. No. 16-2017 , effective 7-13-2017 ]**
- (12) The geographic sources of the construction and demolition debris as well as the manner in which it is to be disposed must be identified.
- (13) The owner or operator of a transfer station shall not accept construction and demolition debris from, nor transfer construction and demolition debris to, any open truck, trailer or other container, unless said truck, trailer or container has a cover, tarpaulin or other device of a type and specification approved by the New York State Commissioner of Transportation which completely encloses the opening on said truck, trailer or container, so as to prevent water from mixing with the construction and demolition debris and to prevent the falling of any construction and demolition debris therefrom.
- (14) Transfer stations shall be permitted only for the purpose of transferring and sorting construction and demolition debris from collection vehicles to other transportation units for movement to a solid waste management facility or for movement to a purchaser of recycled materials.
- (15) The permittee shall file quarterly reports and an annual report with the Commissioner of the Department of Recycling and Sustainable Materials Management detailing the nature and volume of construction and demolition debris handled at the transfer station. Reports shall be submitted within 30 days after each quarter and year of operation. **[Amended 6-29-2017 by L.L. No. 16-2017 , effective 7-13-2017 ]**
- (16) The Commissioner of the Department of Recycling and Sustainable Materials Management may designate additional items commonly found in construction and demolition debris as permissible to be processed at a particular site upon written request of the applicant. **[Amended 6-29-2017 by L.L. No. 16-2017 , effective 7-13-2017 ]**

**§ 85-582. through § 85-588. (Reserved)**

**§ 85-589. L Industrial 4 District.**

**§ 85-590. Permitted uses.**

- A. Buildings, structures and premises may be used only in connection with the generation, transmission and distribution of electrical energy by a corporation subject to the jurisdiction of the Public Service Commission of the State of New York. Renewable energy systems are hereby subject to Chapter 85, Article XXXI, and not permitted within this zoning district.

**§ 85-591. Dimensional criteria.**

A. Minimum lot area.

(1) Except as otherwise provided herein, the minimum required lot area shall be 50 acres.

B. Minimum front yard setback.

(1) Except as otherwise provided herein, the minimum required front yard setback shall be 125 feet.

C. Maximum permitted floor area ratio (FAR).

(1) Except as otherwise provided herein, the maximum permitted FAR shall be 50%.

D. Maximum permitted height.

(1) The maximum permitted height for all structures shall be 250 feet.

**§ 85-592. Setback requirements.**

In computing the required yard setbacks, the following shall be included:

A. All contiguous residential property owned by the applicant, provided that said applicant shall duly execute and record in the Suffolk County Clerk's office a restrictive covenant prohibiting the erection of all buildings and structures on such property, except as described in the preceding section.

B. Any property owned by the applicant and dedicated to the Town of Brookhaven or any other municipal corporation, body, agency, authority or special improvement district for recreational or similar public purposes.

C. Any property owned by the applicant and dedicated to the Town of Brookhaven for a scenic easement.

**§ 85-593. through § 85-597. (Reserved)**