

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York will meet at the Town of Smithtown Town Hall, Patrick R. Vecchio Building, Victor T. Liss Board Room, 99 West Main Street, Smithtown, New York on the 13th day of December, 2016 at 2:00 PM, time then in effect, to consider proposed amendments to Chapter 322 of the Code of the Town of Smithtown entitled Zoning.as follows:

PROPOSED AMENDMENT TO THE ZONING ORDINANCE (CH 322 OF THE TOWN CODE)
 Re: Counter-service restaurants and drive-in windows

November 8, 2016

Additions indicated by underlines.
 Deletions indicated by ~~strikeouts~~.

322-8. Use regulations.

	SPECIAL		RESIDENTIAL									BUSINESS					INDUSTRIAL		
	CF	Flood	R43	R21	R15	R10/S	RM7	R6	PRD	RC	RMGA	PB	OB	SCB	NB	CB	WSI	LI	HI
BUSINESS USES																			
Counter service restaurant	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>BA P</u>	<u>BA P</u>	<u>BA P</u>	<u>BA P</u>	<u>P⁷</u>	-

7 Permitted only when located in a building used primarily for office and/or non-nuisance industry.

322-12. Placement of accessory buildings, structures and uses.

~~L. Drive-in windows. Adequate queuing shall be provided so that cars do not queue in required aisles or driveways or onto public streets.~~

(A) This is a prohibited use in the LI district except as an accessory use to a bank.

(B) Queuing lanes shall be provided of sufficient length to prevent queued cars from interfering with traffic on any highway or in the parking area.

(C) All queue lanes shall be at least 50ft from any residence district.

(D) Drive-in windows, order boards, and menus shall be at least 75ft from any residence district.

(E) The drive-in/order board speaker system shall not be audible at the property lines.

322-28. Counter-service restaurant. The following requirements shall be met.

A. This is a prohibited use in the LI district except when located in a building used primarily for office and/or non-nuisance industry and the use is less than 20% of the gross floor area.

B. Not more than two curb cuts shall be permitted. They shall be at least 75 feet apart and shall be at least 75 feet from any residence district.

C. Densely planted buffer areas at least 25 feet in depth shall be provided adjacent to residence districts.

322-82. Special exception uses.

C. Special standards for certain special exception uses.

(6) ~~Nightclub and counter-service restaurant.~~ The following requirements shall be met:

(a) No nightclub site shall be permitted within 200 feet of any residence district.

~~(B) Planting areas at least 25 feet in depth shall be provided adjacent to residence districts and along the front property lines and at least six feet in depth along the other property lines.~~

~~(C) Not more than two curb cuts shall be permitted. They shall be at least 75 feet apart and shall be at least 75 feet from a residence district.~~

~~(D) Drive-in windows shall not be located along any building elevation facing a residence district, and a queuing lane shall be provided of sufficient length to prevent queued cars from interfering with traffic on any highway or in the parking area.~~

~~(E) (b) No outdoor loudspeaker shall be permitted except for drive-in windows. The loudspeaker shall not be audible from any residential lot.~~

~~(F) (c) No outdoor dining, drinking, smoking, or waiting area or outdoor play area shall be permitted.~~

AT THE AFOREMENTIONED TIME AND PLACE, a public hearing will be held and all interested persons shall be given an opportunity to be heard.

Dated: November 17, 2016

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF SMITHTOWN
VINCENT PULEO
TOWN CLERK