



Town of Brookhaven Long Island

Kevin J. LaValle, Town Clerk

June 1, 2026

General Code Publishing Corp.
781 Elmgrove Road
Rochester, New York 14624

Re: **LOCAL LAW #7 OF THE YEAR 2026**
To Consider Enacting an Introductory Local Law to Amend Chapter 85
Entitled "Zoning" of the Town Code of the Town of Brookhaven

To Whom It May Concern:

Attached please find a copy of the above-mentioned Local Law, which was adopted at the 04/16/2026 Brookhaven Town Board meeting. Having been filed with the Secretary of State, this Local Law became effective 04/29/2026.

Sincerely,

Kevin J. LaValle
Brookhaven Town Clerk

KJL/ma

Enc.

cc: Daniel Panico, Supervisor
Members of the Town Board
Town of Brookhaven Department Heads
Clerk of the Sixth District Court
Susan Alexander, Prin. Law Clerk, Dist. Ct. of SC

Office of the Town Clerk

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**Department
of State**

KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

June 1 2026

Town Clerk

RE: Town of Brookhaven

To Whom it May Concern:

Local Law 7 of the year 2026 was filed with this office on 04/29/2026. The Department of State Local Law Index Number 7 of the year of 2026. The Local Law number assigned by the Department of State for indexing purposes may be different from the Local Law number ascribed by the Legislative Body of the Local Government.

Department of State
Division of State Records
(518) 473-2492
www.dos.ny.gov

The Local Law filing form has been updated as of 03/05/2025 in compliance with Section 27 of the Municipal Home Rule Law

A: 04/16/2026
E: 04/29/2026

Local Law Number 7 of 2026

Amend Chapter 85 entitled “Zoning” of the Town Code of the Town of Brookhaven

Section 1. Legislative Intent. It is the intent of these amendments to Chapter 85 entitled “Zoning”, to clarify the scope and language of certain regulations.

Section 2. Text Amendment. Chapter 85 entitled “Zoning”; Section 85-1 entitled “Definitions; word usage” is hereby amended as follows:

§ 85-1 Definitions; word usage.

B. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

85-1B{46} COMMERCIAL CENTER

COMMERCIAL CENTER

Any building or buildings, structure or structures or premises used by one or more enterprises for a commercial purpose specifically permitted within the particular use district in which this term is applied where the proposed use exceeds a gross floor area of 100,000 square feet and/or occupies a site of five or more acres.

Section 3. Text Amendment. Chapter 85 entitled “Zoning”; Section 85-113 entitled “Site plan review and approval” Subsection P entitled “Extension of final conditional site plan approval” is hereby amended as follows:

P. Extension of final conditional site plan approval.

1. Upon application to the Commissioner of Planning, Environment and Land Management seeking an extension of the final conditional site plan approval, the Commissioner may grant the final conditional site plan approval a maximum of three extensions, not to exceed one year each, subject to the applicant sufficiently demonstrating that for each such application:

(a) The applicant is diligently trying to meet the conditions of the final conditional site plan approval; and

(b) The applicant is diligently pursuing all other required governmental permits and approvals.

(2) Upon application to the Commissioner of Planning, Environment and Land Management seeking an extension of the final conditional site plan approval granted

pursuant to Article XXVII, the Commissioner may grant the final conditional site plan approval a maximum of one extension, not to exceed one year, subject to the applicant sufficiently demonstrating that for each such application:

(a) The applicant is diligently trying to meet the conditions of the final conditional site plan approval; and

(b) The applicant is diligently pursuing all other required governmental permits and approvals.

(3) All approved extensions shall become effective retroactive to the date of expiration of the grant, determination or decision of the Board.

Section 4. Text Amendment. Chapter 85 entitled “Zoning”; Section 85-381 entitled “RD Residential District and OFD Oceanfront Dune District; dimensional requirements.” Subsection B entitled “Accessory uses” is hereby amended as follows:

§ 85-381 RD Residential District and OFD Oceanfront Dune District; dimensional requirements.

B. Accessory uses.

(1) In the RD Residential District, the following accessory uses shall be permitted when located on the same lot with the authorized use:

(a) Office of a physician, lawyer, architect, teacher or similar professional person residing on the premises when such use is incidental to such residence; provided, however, that such use shall be within the main building and occupying not more than 1/3 of the first-floor area.

(b) Signs as regulated by Subsection J.

(c) Other customary accessory uses, structures and buildings, including but not limited to aboveground swimming pools, sheds for storage, patios, decks and ramps, excluding primary walks, provided that such uses are clearly incidental to the principal use and are not equipped with facilities for cooking. An accessory use does not include any activity commonly conducted as a business.

(d) Accessory enclosures subject to the following:

[1] Dimensional requirements: Said structures shall be limited to a maximum height of 10 feet with a combined square footage of 100 square feet.

[2] Location: Such enclosures may be located on the property owner's access walkway or the Town's right-of-way adjacent to the subject lot.

[3] The property owner or homeowners' association secures and maintains liability insurance for the benefit of the Town, which policy or coverage is subject to the Town Attorney's approval and in such limits as the Town Attorney from time to time shall determine.

(e) Existing accessory enclosures shall be permitted, provided that the property owner thereof fully complies with all requirements, set forth in this section, except the dimensional criteria.

(f) Existing accessory enclosures erected before the date of this enactment which are destroyed or damaged by fire, explosion, acts of God or other causes to the extent of more than 75% of their full value may not be reconstructed or repaired; replacement

enclosures shall be permitted so long as in conformity with all applicable requirements set forth in this section.

(g) Existing gatehouses or accessory structures located on or near a property owner's access walkway shall be permitted from the effective date of this section, provided that where such structures encroach upon the Town's right-of-way, such structures may be permitted so long as the property owner or homeowners' association secures and maintains liability insurance naming the Town as an insured in such limits as the Town Attorney shall determine.

(2) Any accessory building, **structure or use** shall be located on the same lot with the principal building, and no accessory building, **structure or use** shall be constructed **established, and/or used** on a lot until the construction of the main building has actually been commenced, and no accessory building, **structure or use** shall be used **or occupied** unless the main building on the lot is completed and used.

(3) Whenever a use has been authorized by special permit pursuant to § 85-378D, no accessory use shall be permitted unless the same shall have been specifically authorized by the special permit issued.

Section 5. Authority. The Town Board is vested with the authority to make these amendments pursuant to Town Law Sections 130 and in conformance with Municipal Home Rule Law Sections 10 and 20.

Section 6. Effective date. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.