



CHAPTER 3: BUILT ENVIRONMENT, LAND USE, AND ZONING

WORKING DRAFT (9/8/23)

This document is presented in its current form as a preliminary draft for informational purposes only. It is intended to provide an overview of the proposed content and the direction of the Comprehensive Plan. Please note that this draft is subject to further editing, revisions, and updates.

A public meeting is scheduled for September 23rd, during which community feedback will be solicited and considered. Following this meeting, the document will undergo additional refinement based on the input received. This refinement process may include the incorporation of photos, graphics, and other visual elements to enhance clarity and understanding.

As a result, the information contained in this draft may evolve, and new content may be added or modified to accurately reflect the goals, aspirations, and needs of the community. We encourage all stakeholders to provide comments, either in written form or at the Public Workshop, as your input will play a vital role in shaping the final version of the Comprehensive Plan.

We appreciate your understanding of the dynamic nature of this planning process and your active participation in creating a comprehensive plan that best serves the interests of our community.

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BUILT ENVIRONMENT, LAND USE, AND ZONING

Known for its natural beauty and small-town charm, Shelter Island has a unique land use development pattern that reflects its commitment to preserving its rural character and protecting its natural resources. Historical development on the Island spans several centuries and its history is intertwined with the broader history of Long Island and New York State.

This chapter provides an overview of development and conservation in Shelter Island and a summary of existing land uses and zoning districts. Zoning powers are the primary control for development of land, by regulating what types of land uses are permitted where, and the density, scale, and design of buildings. This chapter also identifies anticipated development trends, including a calculation of “buildout” of existing parcels based on current zoning and environmental constraints. This analysis helps to identify the implications of current zoning regulations on future development. It provides insights into the potential growth patterns, land use changes, and infrastructure needs that may arise as the community develops over time.



SUMMARY OF KEY FINDINGS

Zoning has controlled overall growth and promoted a rural land use pattern.

For much of its history, Shelter Island remained a quiet, rural town built around agriculture, fishing, and other natural resources. Faced with significant growth in the mid-20th century, the Town adopted a zoning ordinance in 1957, which put an upper limit on growth and established large residential lots (1- & 2-acre zoning).



Most developed areas are used for single-family residential homes.

The Island is primarily composed of residential areas, ranging from single-family homes to larger estates. The residential neighborhoods are characterized by a mix of architectural styles, including traditional New England-style cottages and contemporary designs. The Island's residents value privacy and enjoy the tranquil surroundings.



Commercial areas are limited.

Shelter Island has limited commercial development, and the town has been careful to maintain a small-scale, locally oriented business environment. The primary commercial areas are concentrated in the Town center, Bridge Street, and the Shelter Island Heights. Business (B) zoning is mainly along Route 114, where you can find a range of shops, restaurants, and services catering to residents and visitors, but there are 4 small pockets of B zone scattered around the Island.



Land conservation has been highly effective at protecting more than a third of the Island, but it comes with its own challenges.

Preservation of wetlands, woodlands, and other natural resources has always been an emphasis for the Town and other community partners. Conservation of Mashomack Preserve, Sylvester Manor, and dozens of smaller properties has protected a significant portion of the Island. However, rising land values may limit the impact of available conservation funding. At the same time, protecting open



SUMMARY OF KEY FINDINGS

space and limiting growth can further drive-up prices and restrict access to the Island to all but the wealthy. The Town should continue to be selective in its open space preservation efforts by focusing on locations of special importance because of their natural resource value, visual or historic significance.

Development pressure will continue.

About 15% of Shelter Island consists of vacant and unprotected parcels, with about 1,000 to 1,100 acres of developable land. Additional growth is possible, and likely to accelerate over the next decade, as oversized developed parcels are subdivided, and smaller homes are replaced by larger ones. The lack of public water supply and wastewater systems requires continued large-lot development, lessening more compact growth patterns, as are typical in other areas.



Land use regulations have traditionally balanced public interest while maintaining property rights.

Shelter Island is a unique community; the Island’s tranquil and isolated environment has historically attracted residents who have a general spirit of individualism. The concept of property rights is important as residents often express a strong interest in exercising personal autonomy and maintaining the integrity of their properties. However, it is important that zoning and other regulations are appropriately designed to protect the most valued qualities of the Island, such as its historic and rural characteristics, the environment and natural resources, and other aspects that affect quality of life.



HISTORICAL DEVELOPMENT

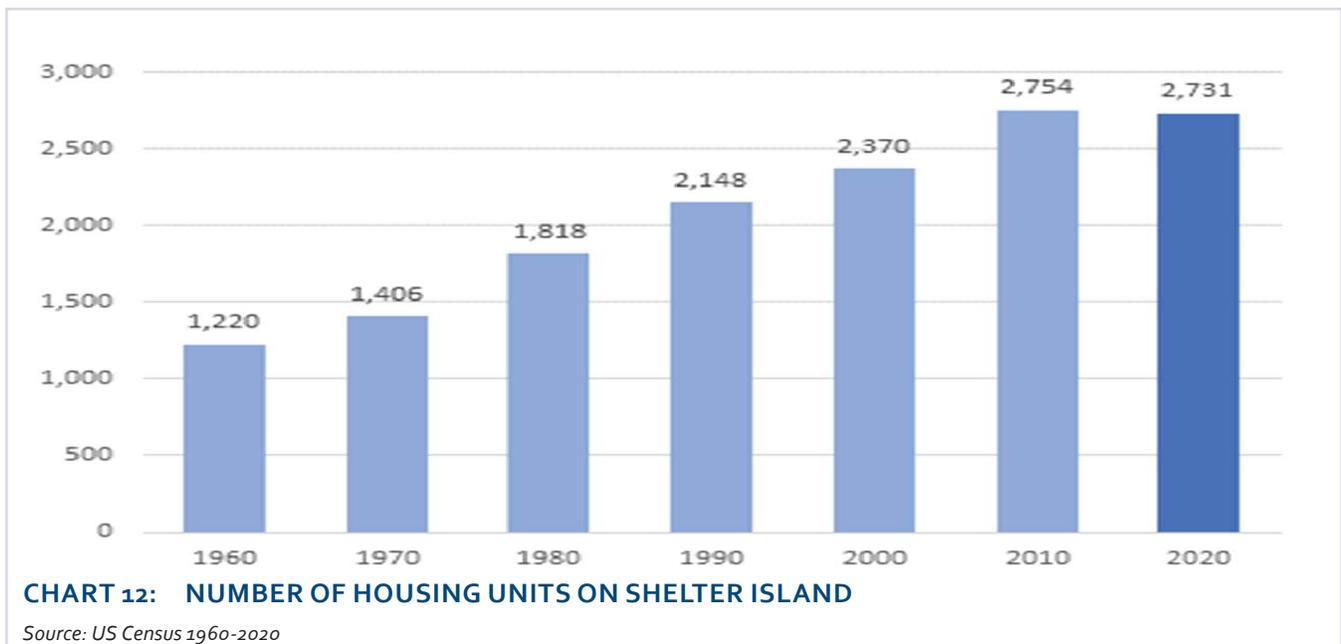
The historical development pattern of Shelter Island can be grouped generally into the main periods described below:

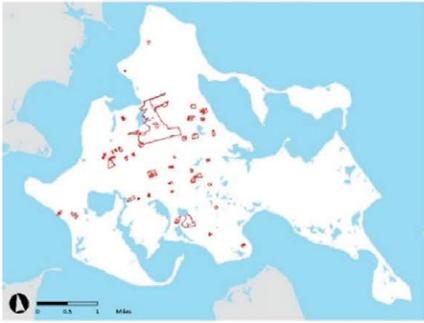
- **Early Settlement:** Shelter Island was originally inhabited by Native American tribes, including the Manhasset and Corchaug tribes. The first European settlers arrived in the 17th century. The Island was part of a land grant from the English crown to the Governor of the New Haven Colony, George Wyllys. The Native Americans called it “Island sheltered by islands and it became known by settlers as “Shelter Island”.
- **Agriculture and Whaling:** In the early years of settlement, agriculture, especially farming and fishing, were the primary economic activities on the Island. Additionally, Shelter Island, like many coastal communities in the region, was involved in the whaling industry during the 18th and 19th centuries. Structures were isolated on large farms and estates, or clustered within a few centers.
- **Tourism, Summer, and Religious Retreats:** In the late 19th and early 20th centuries, Shelter Island’s natural beauty and proximity to New York City led to the development of tourism and summer retreats. Wealthy families from

New York City built grand summer homes on the Island, taking advantage of its picturesque landscapes and waterfront views.

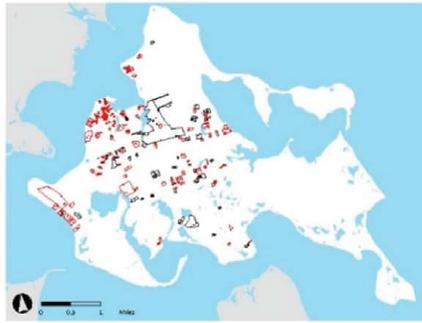
- **Residential Development:** Over time, Shelter Island saw residential development expand beyond the summer retreats. The Island’s popularity as a vacation destination, coupled with its rural charm, attracted year-round residents, leading to the establishment of more permanent homes and neighborhoods.
- **Conservation and Preservation:** Shelter Island residents and local authorities have made efforts to preserve the Island’s natural environment and historical sites. Conservation easements, zoning regulations, and historic preservation efforts have been implemented to protect the Island’s unique character and prevent over development.
- **Modern Development:** In more recent years, Shelter Island has experienced increased development pressure in the residential market. The issue of balancing market demands and preserving the unique charm that attracts people to the Island remains.

As shown below, the growth of Shelter Island increased significantly following the boom in home construction after World War II. In 1957, Shelter Island was among

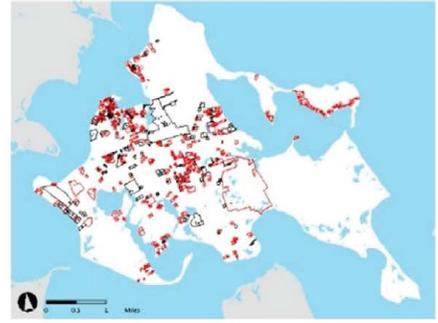




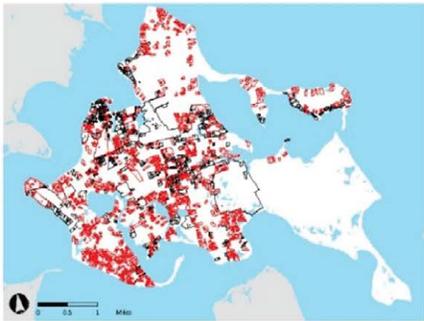
Early History (1700s to 1860)



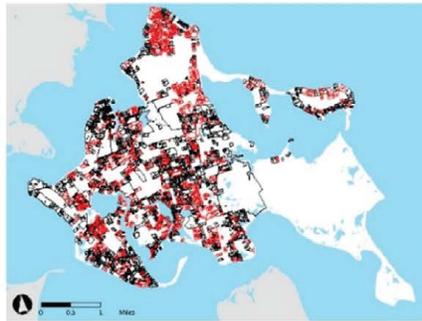
Post-Civil War Boom (1860 to 1899)



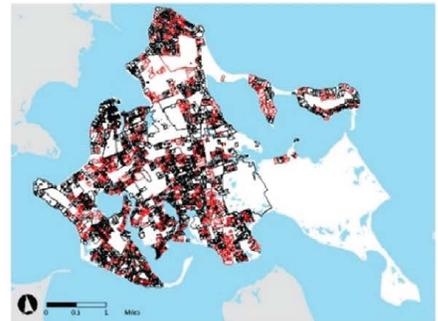
Hotel Heyday (1900 to 1939)



Postwar Suburban Growth (1940 to 1979)



Maturing Suburbs (1980 to 1999)



21st Century (2000 to 2020)

the first towns on the East End to adopt zoning, which established a new pattern of two-acre house lots across most of the Island. While this reduced the overall density of development, growth continued. Chart 12 shows the number of housing units on the Island according to the decennial census.

The map above shows the age of remaining structures in the Town based on Assessor’s data. The data doesn’t show historic develop patterns, it just shows homes present when the data was collected. However, the map does give some indication of general settlement patterns. Existing older pre-war homes tend to be clustered in the central portions of Town, along Bridge Street, Shelter Island Heights, and Nostrand Parkway in northwestern portions of the Island. Portions of the Island with high concentrations of post-war homes can be found in the northern portion of Hay Beach & Dering Harbor, Ram Island, and along the southern coastline and Silver Beach.

EXISTING LAND USE

Land use refers to the distribution of various activities across public and private lands, typically ranging from commercial, industrial, and residential uses to conservation, recreation, and “vacant” land (i.e. land that is not currently being put to any particular use). Land use is different than zoning. While land use describes the current use of the land, the town’s zoning ordinance regulates land use changes that can occur, both now and in the future. In each of Shelter Island’s zoning districts, the zoning ordinance sets specific standards for uses, densities, and dimensions that must be followed. Current uses may generally continue, but any change in use has to go through a permitting and approval process and be consistent with the ordinance or obtain a variance.

Current land use was obtained using data from CoreLogic, which is a leading provider of real estate data in the United States. The data was then reviewed by Town staff to ensure that the data reflected up-to-date use of land. As seen in the chart below, of the Island’s 7,188 acres of total land area, about 44% is in recreation and open space use and 42% is in residential. These uses, totaling about 86% of the Island’s landscape, are unlikely to change significantly. The next largest category is vacant at about 9%. “vacant” land uses refer to lands that are undeveloped, unprotected, in private ownership and zoned for residential or commercial development.

The Recreation and Open Space category includes properties that are both officially and unofficially used as open space. In some cases, these properties may not be permanently deeded as open space, but their current and future land use is not expected to change. Additional details about preserved lands can be found in Chapter 8.

Land Use	Acres	Percentage
Low Density Single Family	2,881	42%
Medium Density Residential	13	0%
Mixed Use	15	0%
Commercial	56	1%
Industrial	16	0%
Agriculture	153	2%
Recreation and Open Space	3,036	44%
Institutional	82	1%
Transportation and Utilities	58	1%
Vacant	611	9%
	6,920	100%

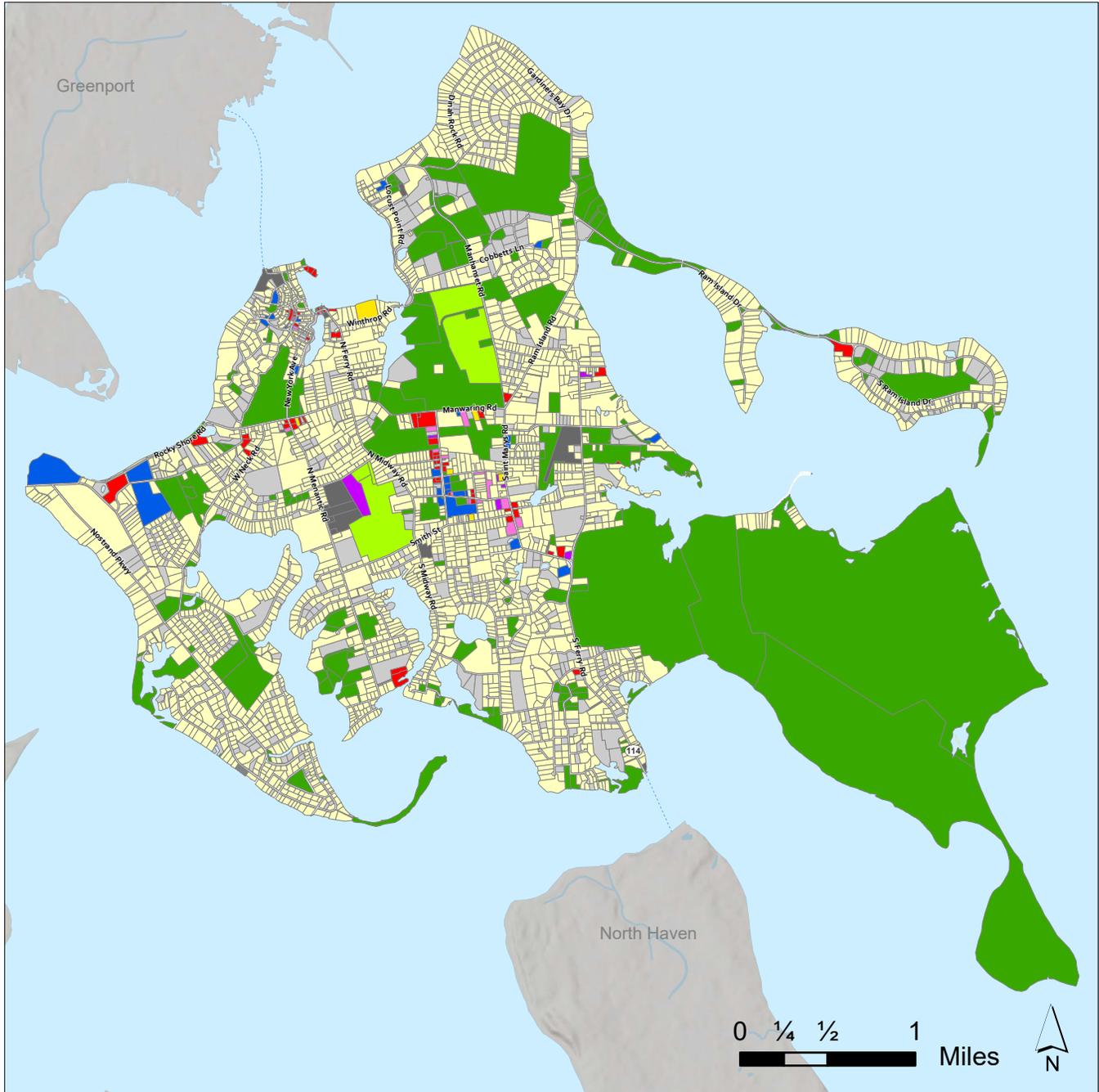
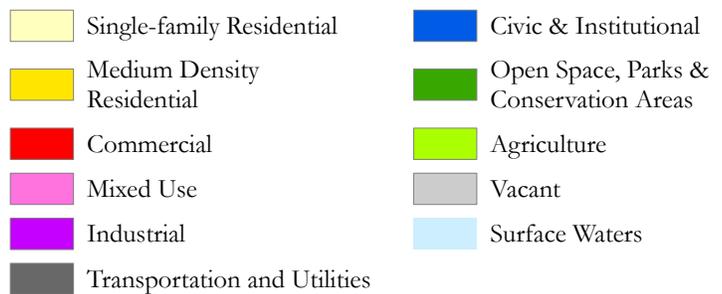


FIGURE 2: EXISTING LAND USE

Source: Assessors data, with parcel-by-parcel spot check updates BFI and Shelter Island Staff



ZONING REGULATIONS

Shelter Island was a pioneer on Eastern Long Island in adopting zoning (1957), and the first in the region to adopt two-acre zoning, to regulate irrigation, to control coastal barrier beaches, and to enter into a DEC “lead agency” agreement. Shelter Island has an unusually large share of its land in protected ownership, whether public, The Nature Conservancy, or other non-profit organizations.

Section 133 of the Town Code establishes six zoning districts, with three residential districts ranging from 40,000- to 80,000-square-foot minimum lot size, and two business districts with 40,000-square-foot minimum required lots. The sixth district is the Causeway District, established in 2011 to protect the causeways to the Ram Islands.

In addition to the base zoning districts, Section 133-12 of the Zoning Code establishes a Near Shore and Peninsular Overlay District, designed to “protect selected areas of unique importance to the water and other natural resources of the town.” The overlay covers Mashomack Preserve, all of Ram Island, Silver Beach and the Menantic peninsula and wraps around the periphery of the Island. This overlay provides a 75-foot shoreline vegetative buffer with restricted uses; requires dwellings and other

structures, including wastewater systems, to be at least 100 feet from tidal or freshwater wetlands; mandates permeable pavement for driveways; and establishes standards for on-site stormwater recharge.

Since the Town adopted zoning, the base density of one- and two-acre lots has limited the overall amount of growth, but the resulting pattern of that growth has more to do with the rest of suburban Long Island than it does with the traditional development context on Shelter Island. The Island was once marked by compact developed centers surrounded by open countryside, farms, and estates. These formerly open areas were later built out following the one- and two-acre residential lots required by zoning. This suburban pattern contributed to the fragmentation of important natural and cultural landscapes while spreading out populations that could best support walkable centers.

The Town of Shelter Island does not control the zoning for lands in the Village of Dering Harbor. Dering Harbor has two classes of single family districts. The A and B Districts have minimum lot sizes of 3 acres and 1.5 acres respectively.

Zoning District	Minimum Lot Size	Maximum Impervious Lot Coverage	Lot Frontage	Front/Side/Rear Setbacks (in feet)	Maximum Building Height
A Residential	40,000 sf	25% buildings, 40% overall	140 feet	40/25/25	2 stories/ 35 feet
AA Residential	80,000 sf	25%/40%	160 feet	50/30/30	2 st./35'
C Residential	40,000 sf	30%/40%	100 feet	30/10/10	2 st./35'
B Business	40,000 sf	70%/75%	100 feet	30/10/10	2 st./35'
B1 Restricted Business	40,000 sf	50%/75%	100 feet	30/10/10	35 feet
Causeway District	80,000 sf- 200,000 sf	Varies	160'	50/30/30	25 feet

TABLE 5: ZONING DISTRICTS AND BASIC DIMENSIONAL REQUIREMENTS

Source: Shelter Island Town Zoning Code

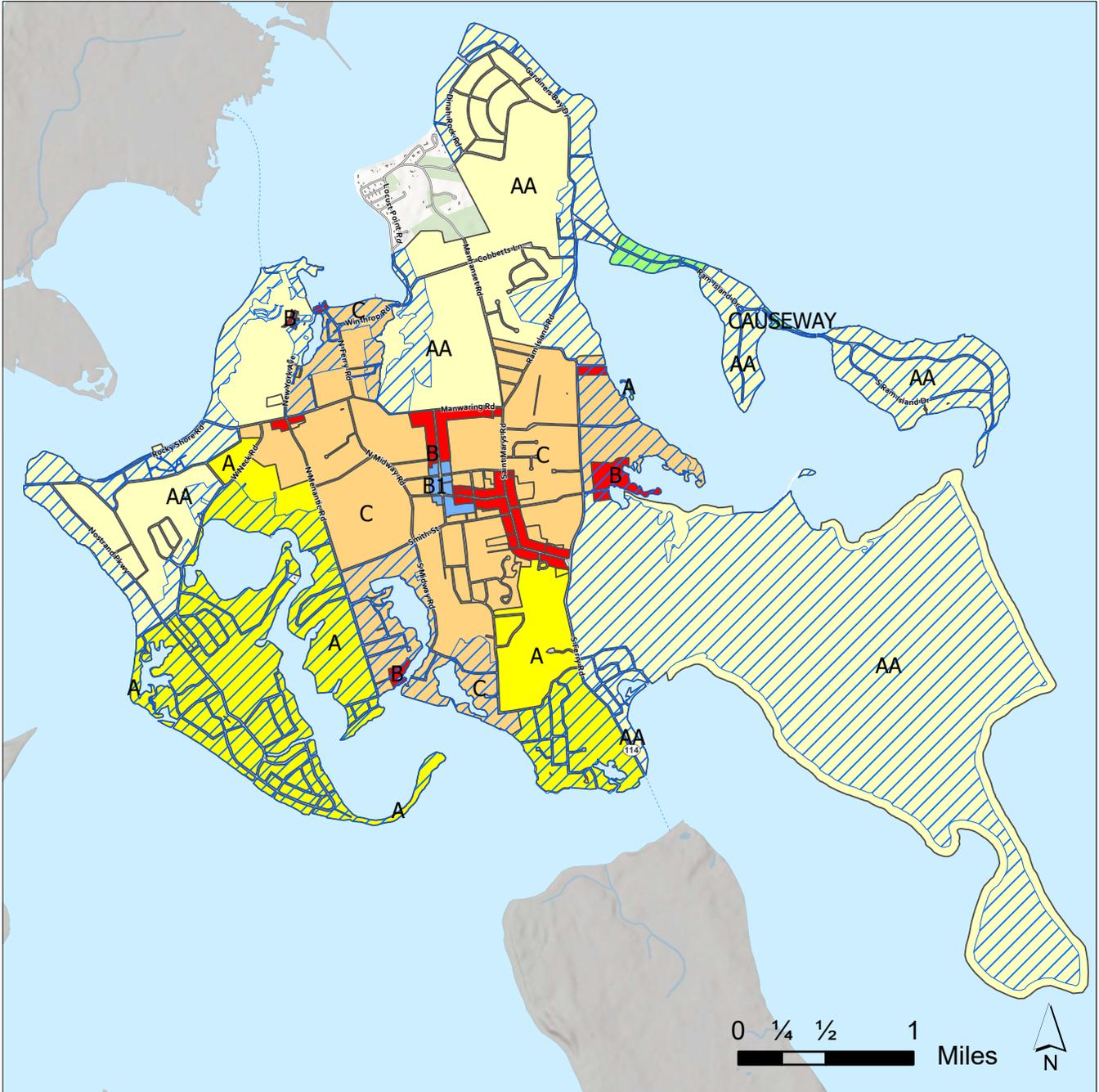


FIGURE 3: ZONING DISTRICTS

LEGEND

- | | | | |
|---------------------------------------------------------------------------------------|----|---------------------------------------------------------------------------------------|--------------------------------|
|  | A |  | C |
|  | AA |  | CAUSEWAY |
|  | B |  | Near Shore
Overlay District |
|  | B1 | | |

DEVELOPMENT TRENDS AND ISSUES

DEVELOPMENT POTENTIAL

The potential for future growth can be estimated by identifying all of the land available for additional development and calculating the potential “buildout” on those parcels based on current zoning. Assuming current trends continue, in theory, every developable parcel could eventually be developed according to the restrictions of zoning, building codes and environmental regulations. The buildout is simply the calculation of the resulting number of new homes and area of commercial buildings that could be built and can be expressed either as an end-state number or projected over various time periods.

The first step in calculating the buildout is creation of a “Buildout Status Map” that identifies privately owned, vacant land without significant constraints to development. This is a subtractive process, first eliminating parcels that are either fully developed or fully protected, then taking out roads, utility corridors, public facilities and other land unlikely to be developed because of use or ownership, and finally subtracting lands that are protected by environmental regulations or which are simply too steep or wet to be developable.

The Buildout Status map identifies:

- Developed land, shown in light grey, including parcels which are developed and are unlikely to be subdivided. It also includes land unsuitable for development such as cemeteries and utility properties.

- Vacant, developable land, shown in pink on this map, represents parcels that are subject to further development.
- Subdividable Land, shown in yellow indicates large properties with built single family homes, but have the theoretical potential for subdivision because they are large enough for more than one lot.
- Other Properties that could be developed: This analysis also identifies several unique and large properties that are privately owned. While they are technically subdividable, they are considered to be less likely candidates for development, given their existing use is expected to continue. This includes unprotected areas of Sylvester Manor, Gardiner’s Bay Country Club, and the Quinipet Camp and Retreat Center. Note that while the Mashomack Preserve could fall into this category, it is extremely unlikely for that to happen. Mashomack Preserve has been incorporated into the Shelter Island Nature Preserve System (April 9, 1999). The preserve is run by the Nature Conservancy who purchased the property in 1979 to preserve the land.

The Buildout Status map illustrates that there is development potential on 146 vacant lots scattered throughout the Town, amounting to more than 1,000 acres. It is estimated that 22 of those parcels are candidates for subdivision, leading to a maximum development of 153 single family homes on vacant properties. This assumes that all of the properties could accommodate a private water supply well and wastewater system. There

Zoning District	Total Parcels	Parcels that are Subdividable	Total Build-out with Subdivided Lots
Vacant Lots with Development Potential	146	22*	153
Single-Family Subdividable Lots	-	48*	244**
Other Subdividable Lots	-	3*	133
Total			530

TABLE 6: BUILDOUT SUMMARY

* - Subdividable parcels includes parcels greater than 120,000 SF in districts with 40,000 SF min lot size and parcels greater than 200,000 SF in districts with 80,000 SF min lot size (AA Districts)

** - this is the net potential for new units compared to existing development.

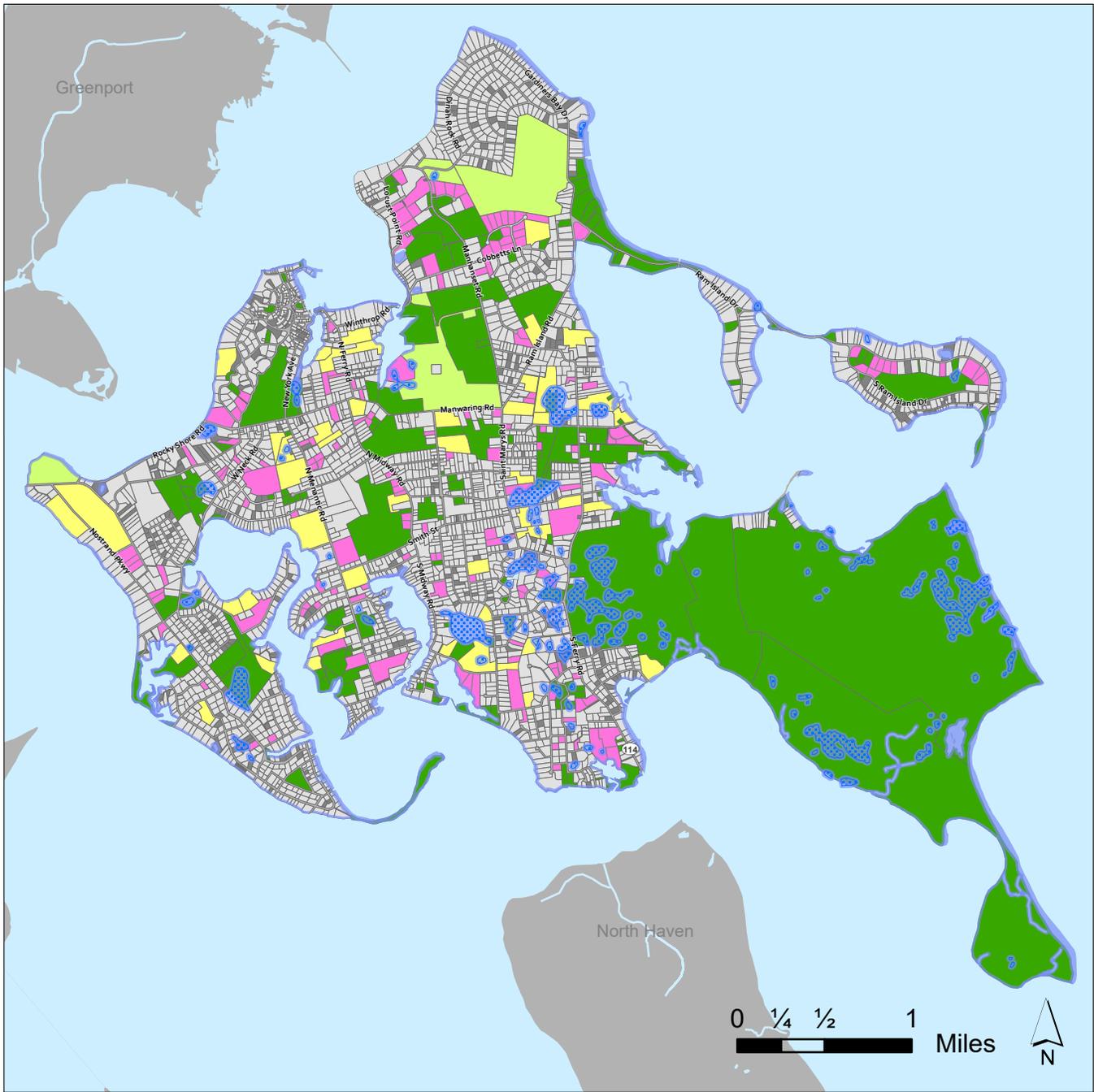


FIGURE 4: DEVELOPMENT POTENTIAL ANALYSIS

Source: Assessors data, with parcel-by-parcel spot check updates BFI and Shelter Island Staff

Legend

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
|  Vacant with Development Potential |  Wetlands |
|  Single-Family with Subdivision Potential |  Surface Waters |
|  Other with Subdivision Potential |  Open Space, Parks & Conservation Areas |
|  Developed or Otherwise Unsuitable for Development | |
|  Vacant, Undersized Lot | |

are also 19 vacant properties located within the Village of Dering Harbor, however, some of them are too small to be development opportunities.

As shown in the table below, large residential parcels also have the latent potential to be subdivided. It is estimated that 48 single family lots could be subdivided into 2 parcels or more, with a maximum of additional lots if all of the candidates were developed. However, these properties are less likely to be subdivided compared to vacant properties. Also, many parcels in Shelter Island have deed restrictions or conservation easements limiting future development. This information is not always recorded in the Assessor's database and is sometimes only available on the property deed itself.

Upon a preliminary analysis of the "Other Subdividable Land" category, it is estimated that a total of 133 parcels could be achieved if all of the properties were subdivided. This is a gross estimate and does not take into consideration site-specific constraints (i.e. wetlands and steep slopes), which would reduce the total development yield.

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