

Shelter Island Heights Property Owners Corporation

P.O. Box 589, Shelter Island Heights, New York 11965

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October 13, 2023

As the draft chapters of the Comprehensive Plan were not available before our August meeting, we have subsequently reviewed the drafts and offer the following feedback. These comments complement the feedback we provided from our first meeting separately. The Heights CP working group would like to meet with the CPTF to discuss the points below.

Item #	
1	Chapter 4, page 42: Workforce housing should be regulated as it could create a boarding house scenario that requires restrictions/regulations regarding maximum number of residents per bedroom, ample off-street parking, noise, etc.
2	Chapter 4, page 45, Goal 4.1.C: Change “should” to “will”. “...infrastructure <u>WILL</u> not be a license for increased density...” The use of the word “should” is not definitive or acceptable.
3	Chapter 4, page 47, Goal 4.3.A: Land Trust investments should be restricted to B zones to eliminate NIMBYism from the discussion?
4	Chapter 4, page 48: There are not enough details on the small lot ordinance. What are the proposed recommendations?
5	Chapter 4, page 48, Goal 4.4.A: Please be more detailed in restrictive language regarding any development in the NSOP. The Heights believes that variances or special permits should NOT be granted in the NSOP (including the adjacent vegetative buffer) – period.
6	Chapter 4, page 48, Goal 4.4.A: Change “should be” to “will.” “...regulations and boundaries <u>WILL</u> be maintained and strengthened. When listing possible actions, include restricting the <u>NUMBER</u> of structures with water and septic requirements as well.
7	Chapter 4, page 49, Goal 4.5.A: If large homes are proposed in proportion to the large parcel, ensure that a larger amount of open space (e.g., 30%) is restricted by deed or other legal method.
8	Chapter 5, page 52: Please separate “The Heights/Bridge Street.” List as the Heights and Bridge Street as the areas may be geographically close and have some similar architectural features, but still different.
9	Chapter 5, page 58: Please separate “ Grand Avenue/Chase Avenue”
10	Chapter 5, page 60, Goal 5.1.A: The Heights believes that merging the B-1 zone into B will loosen the restrictions too much. In fact, we believe that the B zone should be more restrictive. Either amend the B-1 definition or eliminate B-1 and replace with B-3 --- something less restrictive than B-1, but not as open ended as B. In either case, the Heights does not support the proposed reduction in parking in the B zone. Parking is already insufficient on Grand Avenue.
11	Chapter 5, page 61, Goal 5.1.B: Please separate “Heights/Bridge Street”, and the Heights as a partner. Please also amend the wording that “... the guidelines <u>WILL</u> not be a substitute...” Finally, what about use restrictions (e.g., fast food, pot sales, high water use/ sewer demand even if the building meets the design standards)?
12	Chapter 5, page 62, Goal 5.2.A: Verizon (for FIOS) has already done a good deal of preliminary work recently. This should be mentioned, and the Heights should be listed as a Partner.

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Item #	
13	Chapter 5, page 62, Goal 5.2.C: Uses such as selling marijuana should be disallowed. In addition to establishing standards, we need REGULATIONS. Regulations should be codified and enforced by the Town.
14	Chapter 6, page 67: The “perception” regarding speeding is a REALITY. The flashing speed signs (e.g., New York Ave.) have the data to support the reality.
15	Chapter 6, page 68: Please add that the Heights owns 6 miles of roads if you’re listing Dering Harbor stats.
16	Chapter 6, page 72: Bridg Hunt will provide updated facts and figures regarding North Ferry under separate cover.
17	Chapter 6, page 76, Goal 6.1.A: There are limitations/unique situations related to a Historic District’s ability to widen roads to accommodate complete streets.
18	Chapter 6, page 76, Goal 6.1.B: Please clearly state that the Heights will remain at 25 mph.
19	Chapter 6, page 77, Goal 6.2.A: Please include the Heights in discussions pertaining to North Ferry traffic or the Heights commercial district. Limiting on street parking in choke areas must be weighed against already insufficient parking for merchants and residents during peak season. Safety is of the utmost importance.
20	Chapter 6, page 78, Goal 6.5.A: A launch is not to start. It requires a license and fare approval from Suffolk County, as well as landings on both sides. It is also very expensive to manage a launch service. Is there enough demand to support this request? Most important, an early morning or late-night launch could erode the Heights’ quality of life as cars will be traveling in traditionally “off” hours. Bridg Hunt to elaborate under separate cover.
21	Chapter 7, page 92: Existing and Potential Sewer Districts. Strike the last sentence in the first paragraph as the irrigation/reuse project on a golf course has been abandoned.
22	Chapter 7, page 94, Goal 7.2.C. Please reword first paragraph. The plant is upgraded regularly – therefore aging or not – it is working fine. Any major upgrade (e.g., tertiary treatment) would be a result of expanding the district to include Bridge Street and associated reuse/ recharge.
23	Chapter 7, page 95, Goal 7.3.A. The only integration that the Heights might consider supporting at the appropriate time is interoperability with another water district for contingency purposes assuming there is ample capacity at the other water district. The Heights has not contemplated a full integration that would eliminate the Heights’ Water District. Please also reiterate that the zoning density will NOT increase because infrastructure exists to be consistent with other areas of the draft plan.
24	Chapter 7, page 96, Goal 7.4.D: We believe that irrigation wells should added to the protection of wellheads. Irrigation wells should be eliminated or heavily restricted. Please also add restrictions on recharge/ reuse to this goal.
25	Chapter 7, page 98, Goal 7.6.B: Amend the code to require only drought resistant plantings and the allowable time of year to plant.
26	Chapter 8, page 112, Goal 8.1.A. LWRP sounds like spot zoning. How is this different from Greenport’s over developed waterfront? What role will the ferry operators have?
27	Chapter 8, page 115, Goal 8.2.F. “The (Marine) Zone SHOULD consider which businesses, USES and the scale of which would not appropriate in such a district.” The current “might consider” is not definitive or acceptable. Please also confirm that the SIYC will not be zoned as Marine.

Item #	
28	Chapter 11: Goal 4.1.C: Please add the Heights as a Partner.
29	Chapter 11: Goal 4.2.A: Please add the Heights as a Partner.
30	Chapter 11: Goal 6.1.A: Please add the Heights as a Partner.
31	Chapter 11: Goal 6.1.C: Please add the Heights as a Partner as much of the property between North Ferry and the 4-way stop are on private property.
32	Chapter 11: Goal 6.1.D: Please add the Heights as a Partner as the roads in the Heights are privately-owned.
33	Chapter 11: Goal 6.3.A&B: Please add the Heights as a Partner as the shoulders/ vegetation could be on Heights owned roads/property.
34	Chapter 11: Goal 6.4.B: Please include the two Ferry Operators as Partners
35	Chapter 11: Goal 6.5.B: Please add the Heights and the Chamber of Commerce as Partners.
36	Chapter 11: Goal 7.2.A: Please add the Heights as a Partner.
37	Chapter 11: Goal 7.7.C: Please add the Heights as a Partner as it is a contractual participant in the Shellfish Program with the DEC and Town.
38	Chapter 11: Goal 7.1.A: Please add Ferry Operators as Partners.
39	Chapter 11: Goal 9.1.B: Please add the Heights Historic District as a Partner.
40	Chapter 11: Goal 10.1.A: Please add the Heights as a Partner for anything that may impact the Heights water or waste water districts.

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October 13, 2023

Thank you for meeting with the Heights team in August to discuss our input regarding the Comprehensive Plan (CP). The discussion points below summarize the meeting highlights. We have broken the comments below into three categories: 1) Low hanging fruit that may be addressed outside of the CP, 2) Heights-specific requests for inclusion in the CP that were discussed at our August meeting, and 3) Items that the CPTF confirmed are out of the CP scope – therefore they’re no longer a Heights concern. A document will follow separately with additional general drafting considerations across chapters. We would like to meet again to discuss the second memo as the draft chapters were not available for our August meeting.

Background Recap:

The Heights is a quasi-municipality that manages a professional water district, waste water district, and maintains 2.5 miles of roads and in excess of 50 acres of property. According to the Town Assessor, the Heights ranks within the top 20 taxpayers on Shelter Island. Heights residents pay an annual assessment to cover the cost of public water, sewer services and property/road maintenance at approximately the same amount that they pay to the Town for real-estate taxes.

Despite having some autonomy linked to its own Public Works and Highway Departments, as well as Water and Waste Water Districts, the Heights falls under the Town’s code and relies on Town Police, Fire and other Emergency Services. The distinctive characteristics present the Town and the CPTF with some unique situations that are not found in other community on the Island. We want to work closely with the Town to ensure that we collectively continue to thrive and develop in the best possible way while preserving our unique character.

1. Low hanging fruit to be addressed outside of the CP:

Item #	
1	Town/Building Department to formally include the Heights in all permit applications for new construction, expansions of existing structures or changes of use within the Heights Water and Waste Water Districts (similar to SCDoh approval of a new well or septic/ IA system). Make a Heights water or sewer availability letter a requirement as part of the application process/package.
2	We believe that the Shelter Island Country Club is using Heights water to irrigate the 5 th and 9 th greens. When the Heights sold the golf course to the Town, the agreement was for the Heights to only provide water to the club house – hence the very low annual fee. The SICCC should either connect those greens to their own irrigation wells (assuming no negative impact to drinking water wells) or enter into a new contractual arrangement with the Heights.

2. Heights comments from our August 28th discussion:

Item #	
3	Chapter 3, page 27: Heights suggests more specificity about activities that cannot occur in the Near Shore and Peninsular Overlay District (NSPO) such as retaining the existing restriction against Accessory Apartments and highly regulating Accessory Sleeping Quarters (ASQ) (see item 7 below). Town should deny all encroachment into 100-foot vegetative buffer/adjacent regulated area.
4	Chapter 3, Zoning (NEW CONCEPT): Accessory dwelling units (ADUs - apartments or sleeping quarters) should be restricted to a maximum size (no max. size currently exists, although minimums do) Heights supports limiting the number of ADUs on a property based upon lot size, and if the structure requires conditioned air and/or water/sewer.
5	Chapter 4, page 44, Goal 4.1.A: Change 1 st paragraph after bullet points in column 1 to: "...SI should IMPLEMENT (not consider) regulations and design...". The Heights supports restricting the aggregate size of all structures on a property to less than 6k sfla to preserve open space and the quaint character ideally across the Island or at least in the Heights. Eliminate special permit for aggregate structures in excess of 6k sfla (other Towns have done this). Alternatively, subscribe to proportionality approach as long as future sub-divisions are restricted so more homes cannot be built on the remaining property -- formally strip remaining development rights or restrict by deed.
6	Chapter 4, page 44, Goal 4.1.B: When issuing permits for maximum allowed sfla, Heights supports restrictions on future conversion of garages/ basements, attics, etc. Ensure these other areas are incorporated into calculation and restricted by deed or resolution.
7	Chapter 4, page 46, Goal 4.2.B and C: (NEW CONCEPTS): Heights recommends amending the current code to ensure ASQ are used as originally intended: limit ASQ to overall sfla and to two rooms, one half bath and no kitchen/ dining facilities. Heights believes that existing Accessory Sleeping Quarters (ASQ) should not be allowed to convert to accessory apartments and should not have kitchen facilities (with or without stoves) or dining rooms. Town should tighten use of room labels: better define bedroom, kitchen, etc. to avoid more rooms in a structure than intended to accommodate family overflow. Continue to disallow the rental of ASQs, pool houses, and any building with living space. Allow no more than one structure per parcel with conditioned air, water, sewer/septic.
8	Chapter 5, page 62, Goal 5.2.C. (NEW CONCEPT): Heights suggests that in addition to design standards, the Town should introduce site plan review for RESIDENTIAL home-based businesses (and new residential projects in general) – on premise parking should be the priority and run off design plans must be approved by the Town. Large homes, rental homes and homes used for business introduce many more parking issues, particularly in the Heights.
9	Chapter 7, page 94, Goal 7.2.C: If the Heights waste water district is expanded to Bridge Street, we must ensure there are no negative impacts on the Heights through an extensive feasibility study at Town expense (or grants). The Heights would likely require new deed covenants and restrictions on new hookups or proposed changes of use, plus hook up and ongoing fees to be determined. In addition other alternatives to the Heights WWTP should be reviewed as part of the feasibility study. In other words, there should be a plan B.
10	Chapter 7, page 95. Goal 7.3.A: The Heights understands that an Island-wide water district will direct how and when SCWA serves SI; the Town will designate SI as a water district so SCWA grows by Town invitation and with Town input. That said, the Heights has already invested in developing its own Water District, which would continue to be independent. As the Heights would continue to be independent from any Town-wide water (or sewer) district, it should not be impacted financially or taxed for the creation of an Island-wide water (or sewer) district.
11	Chapter 7, page 98, Goal 7.6.B: The Heights supports the Town more heavily regulating non-essential water use. Improve and enforce irrigation laws.

2. Heights comments from our August 28th discussion (continued):

Item #	
12	Chapter 7, page 99, Goal 7.7.B: The Heights has one of the most varied topographies on the Island. Run off from private properties should be better managed by the homeowner. The Heights suggests more stringent run off regulations and enforcement.
13	Chapter 8, page 115-116, Goal 8.2.G and I. (NEW CONCEPT): The Heights suggests that the Town introduce new mandatory setbacks from a bluff (e.g., Southold requires 100'). Restrict building on bluffs, simplify beach stair structures, and ensure proper re-vegetation and debris cleanup to manage erosion after disturbing a bluff.
14	Chapter 9, page 141, Goal 9.1.A: The Heights supports the appointment of a Historical Advisory Commission (exists in Chapt. 77) to review projects before being sent for permits (issue Certificates of Appropriateness). Include historic landscapes in the Heights as original Historic District creation relied heavily on parks and open spaces.
15	Chapter 9, page 141, Goal 9.1.B: Heights strongly supports preservation guidelines and protections codified (which do not usurp the zoning or wetlands codes). However, we do NOT recommend Nantucket-like regulations. Preservation guidelines may be accomplished with a Historic District Overlay Zone, and the regulations must be enforced by the Town.
16	Chapter 9, page 141, Goal 9.1.B. (NEW CONCEPT): The Heights suggests that the Town incorporates review by the NYS Historic Preservation Office (SHPO) as part of permit reviews for projects on historic structures and/ or in Heights Historic District.
17	Chapter 9, page 141, Goal 9.1.B. (NEW CONCEPT): As lead agency, the Town should require Type 1 SEQRA review for significant construction projects in the Heights Historic District or historic structures across the Island as outlined in SEQRA regulations.
18	Chapter 9, page 144, Goal 9.2.B: Noise is the number one complaint in the Heights – particularly during the summer months. The Heights suggests decreasing the current dB level and including unamplified noise as well. We are unclear what is meant by an “equitable approach.”
19	Chapter 9, page 144, Goal 9.2.B. (NEW CONCEPT): The Heights suggests that the Town phase in the requirement for quieter electric mowers, blowers and other landscaping equipment for landscapers and residents over time.
20	Chapter 9, page 144, Goal 9.2.B. (NEW CONCEPT): Commercial entities in residential zones should be prohibited from having amplified outdoor sound (e.g., music, microphones).
21	Chapter 9, page 144, Goal 9.2.B. (NEW CONCEPT): The Heights suggests restricting noise from air conditioning units, generators, exhaust fans. The current dB level is easily exceeded by structures with multiple a/c units at or near the property line. Town code should be amended.

3. Items that the CPTF confirmed are out of scope for the CP:

Item #	
22	As the CP does not propose a Hotel spot zone to allow the expansion or change of use of non-conforming commercial entities in a residential zone, the Heights is satisfied that a commercial entity in a residential zone will continue to be held to requirements outlined in the current zoning code.
23	As the CP will not seek to turn the Heights into its own zone within the code, the Heights is satisfied that the existing residential code requirements in the Heights will remain in force. This will ensure density does not expand and that the Heights continues to have the opportunity to provide input on projects that require variances or special permits.
24	Accessory Sleeping Quarters (ASQ) and Accessory Dwelling units (ADUs) are a concern within the Heights as the parcels; especially in the Historic District, are quite small. The concerns relate to increased density, infrastructure, utilities, parking, and noise. The Heights understands that the CP will not allow new ASQ/ ADU on non-conforming lots or in the NSPO.
25	Thank you for confirming that the Town will continue to disallow Accessory Apartments NSPO.
26	(NEW CONCEPT): The proposed CP does not propose that the Town adopt its own Transfer of Development Rights (TDRs) program. Can the Town go so far as to introduce protections even from the County program? How can the Town protect against expansions created by the County's TDR program, which may negatively impact parking, septic/ sewer, water consumption?

10/14/2023 JAN SUDOL **Comments on drinking water and wastewaters treatment – Chapter 7 (Natural Resources and Water Quality) and chapter 10 (Utilities, Sustainability and Resilience)**

Public Hearing of CPTF on 9/23/2023

- Chapter 7 of draft CP refers extensively to Ground and Surface Water Management Plan (GSWMP) from February 2020 and which is an appendix to the draft CP. The first action item on page 93 mandates “continue to implement the GSWMP”.
- The four key outcomes of GSWMP are non-controversial:
 - All SI residents have ready access to drinking water
 - All wastewater effluent in SI discharged into aquifer will be at maximum 19 mg/L
 - ...the Upper Glacial aquifer’s quality and quantity will continue to support the drinking water needs of residents without the need for “off-island” water
 - Surface waters surrounding Shelter Island will not be negatively impacted by human activity on SI
- However, several specific recommendations in the GSWMP which were copied to draft CP are highly controversial. Examples:
 - **Consider establishing an Island-wide Wastewater Management district, or local community districts (cluster systems) (page 94).**
 - Why? The need has not been established. Why mandate centralized wastewater districts when I/A OWTS systems are far cheaper, faster and don’t have environmental side effects? How many tens of millions of \$ will this cost, where will the money come from?
 - **Continue the plan to develop a centralized wastewater treatment plant to serve effluents from municipal buildings in the Town Center. Design the treatment process (and purchase required land) based on a modular approach that will enable expansion to service residences and other structures in the Center in the future. *Note: this actually conflicts with draft CP (page 94) which says: Continue investigating methods to treat effluents from municipal buildings in Town Center.***
 - This train has left the station. The school in 3 months implemented I/A OWTS and a month ago stopped polluting aquifer. What did the TB do? Nothing. It continues to entertain grandiose vision of centralized wastewater plants which will take many millions of \$ and take years if it will ever be realized while the municipal buildings continue to pollute the aquifer. It seems the TB is more

interested in grandiose visions of infrastructure than quickly cleaning up the aquifer as soon as possible.

- **Create a time-phased Master Plan for public water utility service to the remainder of Shelter Island (years 6-10)... Complete the build-out of an Island-wide water supply utility system as required (11+ years)... Require owners to connect to public water supply where available.**
 - The need for Island-wide public water has not been established, only now the Town is conducting water tests in 164 water wells and only in the Center. Only challenged areas of the Island might benefit from public water. Other much cheaper and faster but equally-effective solutions exist – under-kitchen-sink RO or carbon filters, etc. The cost of Island-wide public water would be in tens of millions of \$. Homeowners where water is good (majority of SI) will not want to connect to public water.
- The GSWMP could be viewed at most as “Aspirational Statement” or “Vision Statement”. It is not a Management Plan or a Plan at all.
 - No feasibility, environmental, cost or funding analysis of any kind has been done.
 - It relied on outdated/obsolete by now concepts of centralized public water and wastewater infrastructure as if they were the only technologies available, completely disregarding technologies such as I/A OWTS and under-the-sink RO and carbon filters which are far less expensive and faster to implement and have no negative environmental side effect.
 - It has never been publicly discussed, there was no public hearing before GSWMP was adopted by TB in May 2020 (the height of COVID-19).
- The inclusion of GSWMP of 2020, mandating Island-wide public water and sewer systems, would require SEQRA Positive Declaration and a preparation of full Environmental Impact Statement (EIS) to assess environmental impact on SI, not Negative Declaration and no EIS that the TB and their consultants seem to be aiming for.
- For the above reason, the references to GSWMP should be removed from CP and the GSWMP needs to be completely redone, this time with the help of independent specialists and by a Planning department, not a volunteer committee with limited expertise.
- The Water Plan needs to be exhaustively consulted with the community via multiple public hearings and an overwhelming support, if not a consensus, should be secured for it.
- The CP should be suspended until a REALISTIC new MANAGEMENT PLAN is developed. It makes no sense to adopt a CP without a tangible, realistic plan for water, a #1 priority on Shelter Island.

Comments on chapters 3 (Build Environment, Land Use & Zoning)

Chapter 3, page 29 – in the interest of transparency, a list of all 73 sub dividable parcels (including owner, tax map, address, parcel size, total build-out with subdivided lots), broken by the categories used in table 6 (vacant lots with development potential, single-family sub dividable lots, other sub dividable lots must be included. Since the table 6 was completed, CPTF and consultants have this list already but it was never shared with the CPAC or the public.

Chapter 3, page 31 – after discussion of current land use, zoning and development potential, the zoning chapter ends abruptly on page 31, without any goals or action items as in other chapters... why is that? Is this chapter is not complete? If no changes to zoning (e.g., up-zoning to ½ or 1/4 acre density) or spot business zoning for non-conforming businesses operating in residential zones which the consultants alluded to at one of the recent CPAC meeting are envisaged, this should be explicitly stated

Chapter 3 – there is no mention of ADUs in NSOD which was floated recently by a community housing group and opposed by various civic organizations – this chapter should explicitly state that no changes to the NSO zones should be permitted, in particularly ADUs in NSO will not be permitted.

Comments on chapter 4 (Housing)

Page 43 – “A comprehensive review of the Town Code is needed to ensure it is consistent with the goal of increasing year-round community housing opportunities...”. This is unacceptably-broad statement, giving the Town a card-blanc for changing zoning as it sees fit, as long as the developments are labelled “community housing”. This document is purportedly “Comprehensive Plan” so any specific changes sought for the Community Hosing should be included in the draft Comprehensive Plan and then subject to the community’s scrutiny via a public review process. This statement should be removed from the draft CP.

Page 44 – “Establish a graduated limit on the size of a new house (both knock downs and new construction”. The example for limiting the size of the house is 3,200 sf on 1 acre lot, 5,200 sf on 2 acre lot. This has never been discussed at CPAC and/or subject to public hearings. The houses under the current zoning (A and C) can be somewhat larger but they are limited in size by coverage, setbacks and coverage restrictions. The houses on 2 acre or larger lots are limited by the current 6,000 sf limit in the Town Code. This change will reduce the value of buildable lots and limit property rights, and should be subject to multiple public hearings to see if the community supports it. Perhaps the CP should focus on making this 6,000 sf a hard limit for house size, instead of being easily circumvented by the Special Permit process.

Page 44 – “Address issue of illegal conversion”. This is a red herring... instead of addressing the issue of enforcement, this action item proposes further reduction of square footage of houses that can be built on the parcel. This idea would lower the value of the buildable parcels and should be vetted with the community via multiple public hearings.

Page 45 – Strengthen limits on density in residentially zoned areas. This is a particularly galling example of gaslighting as this action item proposes increasing density in residential and business areas.

- “It is important to affirmatively state that if public sewers and are built, the residential density of existing residentially zones areas should be maintained, and should never exceed 2 units per acre”. The current zoning allows only one unit per acre, excluding ADUs (zones A and C) so how is allowing 2 units per acre maintaining existing density in the residential zones?

- Further, “. it does not preclude the use of cluster subdivisions where houses or buildings are grouped together, leaving larger portions of the land undeveloped as open space. While cluster subdivisions maybe have smaller individual lots, the overall density of the development is not significantly increased”. This would not increase overall density only if for example the units are built on half-acre lots, half of the subdivided parcel is left undeveloped as an space which obviously is economically the same as building out the entire subdivided parcel with units on 1 acre lots. Building out subdivided parcel with units on ½ acre lots of leaving 10% of parcel undeveloped will result with almost doubling the overall density.

- Further, “if infrastructure is in place (i.e., cluster systems or wastewater treatment facilities), it may be reasonable to consider limited locations in business zones where additional housing types and densities might be allowed.

These offending statements must be removed and replaced with the statements that no up-zoning in the existing residential and business zoning will be permitted, with the possible exemption for Town-owned rental community housing rental units on Town’s land.

Page 45 – “Consider allowing second floor apartments above retail in business zones (B and B1)”. “In addition, if infrastructure allows, the Town may want to consider allowing up to 4 units per acre in the business zone if those units are for affordable housing”. Allowing residential units in the business zones is a radical idea that requires a detailed analysis of its consequences. Allowing 4 units per acre is quadrupling density relative to what is permitted in residential zones. This is not something that should be included in the CP without proper analysis and should be removed from the draft CP.

Page 47 – “Support creation of a Shelter Island Land Trust, to assist with the acquisition and management of land for community housing”. At most, this statement should be prefaced with “Consider” instead of “Support”. This SI Land Trust seems to be an analogy to the Community Preservation Fund to preserve vacant land from development, supported by a 2% tax on real estate transactions. However, SI Land Trust has no funding and therefore the Town should not be directed to support it until funding sources are identified.

Page 48 – “Ensure development is appropriately sized in sensitive shoreline areas (NSOD)”... this is another attempt to radically reduce the size of houses (same as on page 44, this time in the NSO). The parcels in the NSO are already more restricted by the 100’ waterfront setback in what size house can be built there relative to the inland parcels. Again, this radical change needs to be carefully evaluated for its consequences, particularly the unintended ones, and vetted through multiple public hearings.

Page 49 – “strengthen subdivision ordinance to require land for open space”... “the Town should also consider increasing the percentage of land set aside from 10% to 30% which is what Southold did”. Again, this is a red herring, the CP is again advocating high density housing, to be partially offset by increasing portion of subdivided lot set aside as open space. The economic and environmental consequences of such action should be first carefully evaluated. Setting aside a large portion of subdivided lot will increase the price of developed lots defeating an obvious attempt to reduce costs of developed units. The effect will be that we will get high density of developed units but not the lower price of the units.

Page 49 – “Consider a tailored zoning approach to support Sylvester Manor’s long term housing needs”. “One zoning approach would be to consider a Planned Development District (PDD)”. This has never been discussed at CPAC nor subject to a public hearings. What is this “tailored zoning approach” or “Planned Development District”? A special zoning for SM? This should be taken out of the CP.

Comments on chapters 5 (Economy)

Page 60 – “Consider merging the B and B-1 zones”... this, together with proposal allowance of up to 4 residential units on top on 2nd floor of business properties in B and B-1 zones on page 45, seems to be a “special legislation” for the benefit of owners of certain property / properties in the Center. Actually, the B-1 zone in the Center is the only part of the Center which has a reasonably consistent and stately appearance. The B-zone in the Center is a mess. We don’t want the B-1 zone to become a mess. This needs to be removed from CP, or at the very least, subject to a public hearings.

Page 62 – “Identify opportunities to improve and expand high-speed internet infrastructure while ensuring that services are reasonably priced”.. “The Town should... meet with ISPs annually, with the goal of encouraging competition which will help to lower prices and improve services”.. this is a naïve, pie in the sky wishful wooly thinking... will the Town be going into ISP business? How will the Town compel Verizon to bring their FiOS service to SI when they stopped well west of Riverhead? “Encouraging competition..” – this is a laughable wishful thinking, the competition should be left to the market and this should be taken out of the CP.

Comments on chapter 8 (Parks, Open Space and Waterways)

Page 112 – “Develop a Local Waterfront Revitalization Plan (LWRP)” – what is this, is this a zoning or use change, etc.? Should not be in CP unless it is understood what is it.

Comments on chapter 9 (Quality of Life)

Page 144 – “Develop an equitable approach to controlling noise disturbance”.. “The Town’s noise ordinance sets a sound level standard measured at or beyond the property line. According to a Town police report, enforcement of this is problematic and difficult to enforce””. There is nothing difficult about the enforcement of the Town’s noise ordinance policy (50 dB max level of amplified music at the border of the property. According to the chief of police, the officers have dB meters in their cars and “3 days of training (lol)” on how to use them. What is difficult is that the police does not aggressively enforce noise ordinance against local businesses as “don’t we want them to succeed”? The existing noise ordinance must be aggressively enforced. On top of this, the loophole when the businesses can name a loud party “a fundraiser” to escape noise ordinance must be eliminated. Finally, the noise ordinance could be further strengthened by banning construction noise outside 8-5 pm during the week, etc.

10/14/2023 KATHLEEN DEROSE To: The Town Board Comprehensive Plan Task Force, and the Comprehensive Plan Advisory Committee (CPAC), comments made at the CPAC meeting Friday October 13, 2023, copy to Coco Thurman via email October 14, 2023

The Proposed Marina Business Zone

I would like object to the eleventh hour surprise addition of several new zoning changes introduced into the draft comprehensive plan in September, and specifically to the proposed Marina Business Zone in Chapter 8, which states “Create a marina business zone” for the five areas with small marinas and boatyards: Coecles Harbor Marina, Congdon Creek and Clarks Marina, Bridge Street, and the Island Boatyard.

I have, alongside many others, previously expressed concern about the threat posed by the draft Comprehensive Plan to the Shelter Island environment, and specifically to the 45 miles of fragile shoreline currently protected by the town zoning code via the near shore overlay district in section 133-12.

Today, I would like to express deep concern about the proposed “marina business zone”, and ask you to revise the Comprehensive Plan draft to better protect our shorelines, bays and wetlands from development that could be launched due to this new section, which is effectively so loosely written than it is a mandate for zoning changes and an invitation to developers.

Please include language prohibiting the redrawing of the near-shore overlay perimeter, and any changes or expansion of use for these five areas. Please also consider protection for town landings used by our community, and a sunset provision for these spot zones.

Here are the three reasons why we should be worried:

First: The threat of development is real. Apparently as I am sure you know some or all of these marinas have been rumored to have been approached by Safe Harbor and/or its new multi-billion dollar parent company, Sun Communities, for acquisition and development. Additionally we have the Soliviev company acquiring parts of Bridge Street. Many of you may be familiar with Safe Harbor as the acquiror of neighboring marinas in Greenport and elsewhere.

The formula for marina consolidators is to add berths, add commercial activities like restaurants, and entertainment, and build condo housing, so as to raise prices, squeeze out local boaters, attract mega yachts, and improve their financial returns.¹

¹ Link to Sun Communities’ plan for Safe Harbor marina expansion from their most recent investor presentation: <https://suncommunities.gcs-web.com/static-files/f6553a93-8b26-436c-89bf-9e165f15f81a>

We currently have no zoning protections from the impact this could have, other than the near-shore overlay.

Second: All five locations sit in extremely vulnerable areas. All of them are in the near-shore overlay for good reason. All of them are in FEMA high flood zones. All of them flood today in a strong nor'easter. All of them, according to sea level rise maps prepared by the previous Comprehensive Plan consultant, will be partially inundated within 18 inches of sea level rise. Three of the five are on Coecles Harbor and are exposed to Reel Point destruction. Several of them are also town landings for this community. These five locations are the absolutely LAST place commercial development should happen.

Third: These marinas currently sit in grandfathered small business spot zones, amidst residential neighborhoods, where expansion will be problematic. Use needs to be restricted not expanded. While most our marina and boatyards have been good neighbors, (and to be clear, the concern stems from potential new multi-billion dollar corporate owners), nuisances from big marinas are well known and documented in the zoning codes of nearby towns. A quick survey of Southampton, East Hampton, and Southold marina zoning catalogues the problems: pollution from boat sewage, fuel, and boat repairs, noise disturbances, excessive water consumption, dredging and environmentally damaging earthworks, light pollution in dark skies, bothersome traffic, a need for screening, and destruction of wetlands and waterways.

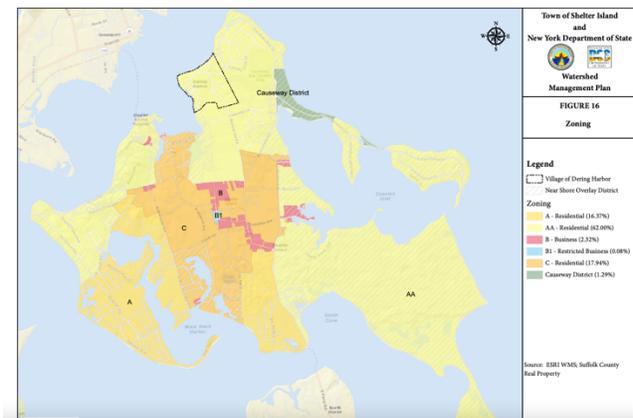
This is why Southampton, after many lawsuits, removed planned development district (PDD) zoning for Marina districts from its zoning code. East Hampton did not, and one only needs to look at the Sag Harbor waterfront to see the result.

In sum, the “marina business zone” as currently written is not in the public interest. If we don’t want a day tripper party zone on Bridge Street, mega-yachts in Coecles Harbor, and condos at the Island Boatyard, we need to immediately revise the language in Chapter 8 “Create a Marina Business Zone” to sustain the near-shore overlay, prohibit expansion and changes of use, and protect town landings for residents at these five marina locations.

Respectfully submitted,
Kathleen DeRose

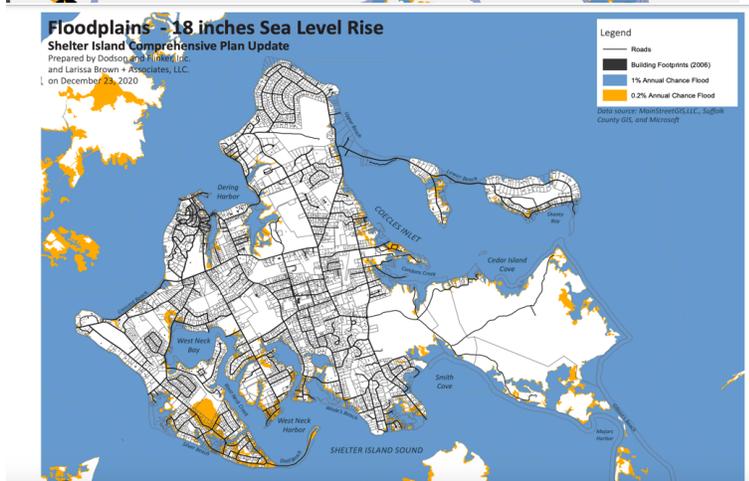
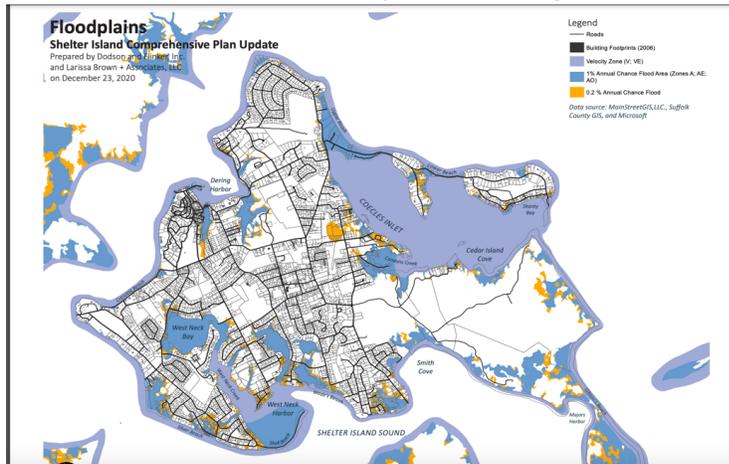
Pictures and links:

Shelter Island Town Zoning Map showing location of five marinas/boatyards



For the five properties:

Map of Shelter Island floodplains 2020 and with 18 inches of sea-level rise, indicating that Coecles Harbor Marina, the Island Boatyard, and Bridge Street will be underwater²



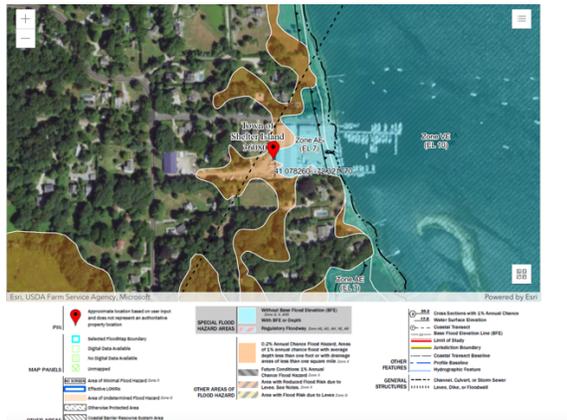
² Source: Dodson Finkler, original Comprehensive Plan consultant, 2021

Location of Shelter Island Marinas in FEMA flood map zones

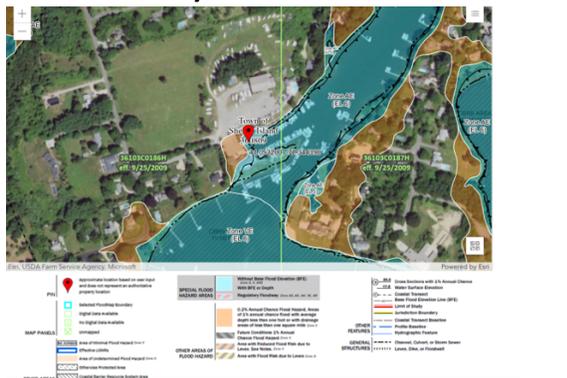
Coecles Harbor Marina, the Island Boatyard, and Bridge Street are in the VE, AE, and adjacent FEMA zones with the highest flood risk

<https://msc.fema.gov/portal/search?AddressQuery=72%20north%20cartwright%20road%20shelter%20island%20new%20york>

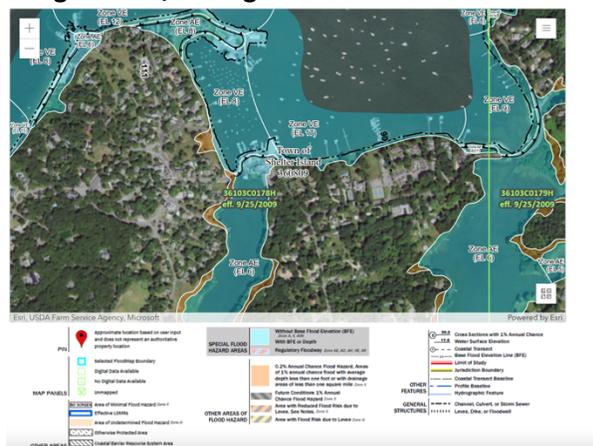
Coecles Harbor Marina:



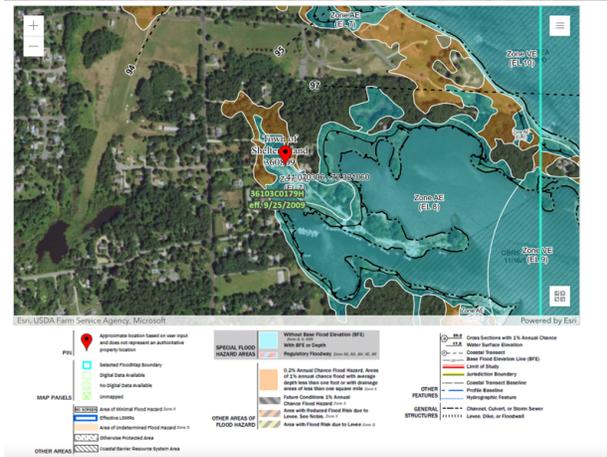
The Island Boatyard



Bridge Street, Dering Harbor



Congdon Creek and Clark's Marina



Marina zoning in Southampton Town, East Hampton Town and Southold

Town of East Hampton-Marinas

<https://ecode360.com/10415113?highlight=marina&searchId=5449811730871518#search-highlight-10414913-0>

Town of Southampton-Marinas

<https://ecode360.com/33374634?highlight=marina,marinas&searchId=5448363371824304#search-highlight-33374634-0>

Town of Southold-Marinas

280-51-Marina I District (Mi) and 280-55 Marina II District (MII)

<https://ecode360.com/5162695?highlight=marina,marinas&searchId=5452428019814441#5162695>

Spot zoning in the Comprehensive Plan

At the CPAC meeting on Friday October 13, 2023, BFJ Consulting misled the public about spot zoning risk in the Comprehensive Plan. BFJ's Noah Levine dismissed multiple written public comments against spot zoning collected at the September 23 public hearing, concerns that should clearly be incorporated in the final draft of the plan. BFJ also falsely stated that creating new zones to recognize existing hotels and marinas in residential zones is not spot zoning.

Keeping business zones separate from residential ones, and concentrating business in central places with suitable infrastructure are basic good zoning practices. Spot zoning does the opposite. Spot zoning grants a special zoning exception to a single property owner.

We have two types of spot zoning here. There are "non-conforming uses", or special exceptions for businesses sitting in residential zones at the time the zoning code was created, like the Ram's Head Inn, where the zoning remains residential. There are also scattered small business zones, outside the central business district, to accommodate certain types of businesses like boatyards and marinas. Both non-conforming uses and small business districts are exceptions carved out to address specific historical uses. They are not unlimited licenses to expand.

Land use planners disfavor spot zoning because it is not in the public interest. The New York State guidelines for Comprehensive Plans specifically identify spot zoning as a bad practice because exceptions that give special favors to one property owner over others are by definition unfair.

Unsurprisingly, spot zoning causes problems. It leads to disputes over nuisances created by spot zoned businesses in residential zones. Also, property owners often try to use their zoning exception to expand. The property owner gets a financial windfall from additional or changed uses like adding more bedrooms to a hotel, or building and renting a wedding hall, while the neighbors bear all the costs, like increased noise, traffic, and pollution. Expansion runs counter to the original intent of the exception. This is why many communities use sunset provisions in their zoning codes to phase out spot zones.

Why does BFJ Consulting think the Comprehensive Plan should expand spot-zoning on Shelter Island, when spot zones are undesirable and unfair, and our community is against them?

10/15/2023 KIM NOLAND

The discussion at the CPAC meeting on October 13 referred to spot zoning and potential hospitality/hotel zones basically for the first time. In three years of meetings and hundreds of pages of draft chapters (including a Zoning chapter with action items), there is no mention of new zoning hotel or hospitality districts. (Apparently there was a single anonymous reference on a display board at the public forum on September 24 that has resulted in the incorporation of a new suggestion for the Comprehensive Plan).

Both the Task Force and some CPAC members referenced numerous display board comments and Islander opinions opposing “spot zoning,” but BFJ consultant’s vague and unhelpful comment that Islanders “don’t understand” what spot zoning means was inappropriate and almost insulting. As recognized by the Task Force and CPAC, a majority of residents at the public forum and otherwise, don’t want **nonconforming businesses in residential neighborhoods** (on Shelter Island these are mainly hotels/restaurants with nightlife) to have their own “zones” ---that could promote expansion of footprint, structures, and uses without oversight. As discussed at the meeting, the concept of hotel or hospitality zones is extremely vague. Without carefully drawn restrictions, public discussion and full vetting of particular locations and activities, as well as likely increased enforcement requirements to control traffic and noise, new commercial zoning districts truly become an invitation for commercial development. Our existing Zoning regulations do provide regulation of some problems created by the nonconforming uses: these regulations to an extent preserve the quality of life for the residential neighbors. Our existing Zoning regulations therefore should not be replaced by fuzzy language in the Comprehensive Plan that could result in detriment to those neighborhoods that contain nonconforming businesses.

Disturbingly, BFJ advocates the ability of the Comp Plan to authorize spot zoning and thus legalize in advance the elimination of restrictions on expansion of nonconforming businesses—the BFJ result benefits the profits of usually just one business to the detriment and burden of many residents, under the guise of matching our zoning to our land use. BFJ should stop its advocacy that fails to comport with Islander views and indeed contravenes established New York zoning law that disfavors the expansion of nonconforming uses. We wonder why BFJ would take this position.

Some members of the CPAC and potentially the two Task Force members completely understood the difficulties raised by inclusion of the new “hotel zone” concept and our Town government will hopefully continue to exclude this idea – and leave our existing regulation intact.

I further refer this Task Force and CPAC to several letters previously submitted by the Shelter Island Association, an organization that represents ten neighborhoods, including the largest HOAs. These letters include the SIA letter dated September 2021 that discussed spot zoning and more recently, a letter dated October 6th pleading for restriction of commercial development in the environmentally fragile NSOD. SIA requests have not received a response from the CPTF or CPAC, nor has any draft of the Plan recognized the majority view expressed in these letters.

10/14/23 Lori Beard Raymond

Comp plan review comments/questions:

Chapter 1: (intro & vision)

-Stage 1- what community stakeholders were met with in 2020-2021 when the Town was mostly home due to the pandemic?

-2020 profile used for existing conditions was anomaly year due to the pandemic. Most homes were being used Spring-Summer-Fall-Winter that year by owners who usually only use seasonally and most homes had guests/family/friends as seen by unusual many cars in driveways.

-Information gathered by meeting with Town Staff? What Town Staff? Most of the staff were sent home, required to work from home or closed during some or part of 2020. It does not appear that input was gathered from employees thoroughly. I was the Building Permits Examiner with responsibilities that included but not limited to: Bldg applications, wetlands applications, ZBA applications, NYSDEC, FEMA, SCDH code review and septic system I/A upgrades coordination and no one ever spoke to me about the Comprehensive Plan. On my own time, I submitted many comments and data which a previous member of the CP Task Force said they never saw.

-A “building boom” took place in late 2020-2022 due to the after effects of the pandemic. This data should be provided and acknowledged as exceptional circumstances due to the pandemic. Many wanted to build extra space for work, family, friends or others.

How did this skew the data? How many more wetlands permits were granted? Special permit over 6000 SFLA? Area variances? ZBA special permits expansion of non conforming structures and/or on non conforming lots? How many more accessory sleeping structures? How many of those sleeping structures were oversized? How many accessory apartments (ADU's)? How many are rented short term vs long term? How many have multiple accessory structures with water/septic that the ZBA ruled could only have 1 per property in 2008 but the TB has been approving anyway since then?

-Stage 2-what meetings with community stake holders 2022? No meetings took place with the SIA or SIHPOC in 2022. Please explain what stakeholders. Is the data adequate?

-Stage 3- public workshop on 8/24/23 to present and talk about draft when the draft was incomplete and not all chapters were posted. Meeting was pre-mature. Recommend another public meeting before the draft goes to the Town Board.

-The workshop/meeting that took place on 9/23/23 was ineffective. There was not enough space and time to go make comments on every board/chapter. I was only

able to get around in the room in the time provided to approximately half the boards representing the draft chapters. Chapter 11 was not included in boards for public to post comments. Workshops are information gathering tools as was this one. If still gathering information, how could this draft be ready for final draft to send to the Town Board? One public open meeting for the draft for public comment to the Task Force is not enough. So many topics the public is not allowed ample time to comment in public meetings. As the draft evolves, the public should be allowed ample time to review and to comment before it goes to the Town Board. Asking for feedback before the public had a opportunity to comment on the latest draft is inappropriate. (Chapters were recently re-arranged, re-numbered and items added that were not discussed in CPTF work sessions).

Guiding Principles:

1. Responsible stewardship: "...SHALL be considered..." (not should).
2. Resiliency to climate change/seas level rise: new construction should NOT be permitted in flood zones/wetlands without a FULL environment assessment with review by a Environmental specialist consultant. The information being provided to the committees from applications is flawed, insufficient and often incomplete.
3. Vibrant year-round island community: incentives should be considered for hotels and restaurants that are affordable and stay open year round which promotes year round employment. Too many close for the winter and cater to the seasonal visitors with expensive prices the locals cannot afford.
4. Motivate and enable upcoming generations: more teaching/learning in schools. Encourage businesses to mentor to the students/internships etc. Continue zoom participation for all Town meetings for seniors, students and working adults. Schedule committee meetings 7pm or after so people have time to get home from work and eat and/or feed kids.

Chapter 2: (growth, change and demographics)

-Data 2020 census was used which was during the pandemic (thus appears population growth is larger than it may really be). Data is outdated in a anomaly year due to the pandemic. 2020 data and 2021 data should either not be used or used knowing the numbers will be higher for everything.

-household income grown-no mention of all the second homeowners who were buying property like crazy at asking prices or above to escape the pandemic/city. Numbers skewed due to anomaly.

-no mention of number of homes rented and how it changed to longer term rentals due to pandemic. Longer rental durations/used weekends only during later in the pandemic. Saw many more off season rentals.

-% of non-family households increased (due to housing costs)=due to pandemic buying from second homeowners during the pandemic.

-income average \$100k-number skewed again due to 2nd homeowners and no separation between 2nd homeowners and primary homeowners. Same with age. Second homeowners more likely to have the higher incomes and thus the ability to buy a second home as well as out pricing primary or first time home buyers.

-recommend a assessment of need or at least a discussion about on Island poverty. What else is needed or what can the community do to help support the needs of others?

- no mention of drugs, drug use, or crimes. Should an analysis be done and does something need to change?

Chapter 3: (built environment, land use and zoning)

-summary of findings suggests protecting space & limiting growth can drive up prices and restrict access to the wealthy BUT neglects to recognize the unprecedented “flood” of 2nd homeowners buying property during and immediately following the pandemic 2020-2021 at “any” price or prices well above assessed values which eventually drives up ALL assessments. Where is the data that supports this comment/opinion?

-Pg. 24 says local authorities have made efforts to preserve historical sites and historic preservation methods implemented to prevent development. Where? How? Chapter 77 of the Town Code has not even been implemented and whenever historic districts or structures are brought up in public hearings, they are often disregarded by authorities and/or committees such as the ZBA & PB.

-Land use-Figure 2 is inaccurate-why aren't both public and private golf courses/clubs listed as commercial? Ferry offices/ferry support facilities? White Oak nursery center? Sylvester Manor, Mashomack?

-Zoning regulations do not mention accessory sleeping quarters. Only main dwelling units listed. Add:

- a. accessory sleeping quarters
- b. accessory apartments?
- c. Pool houses

Consistent language with specifics needs to be updated in the Town Code so applications to the Town are not playing “name games”. Is it a cottage? Accessory apartment? Accessory sleeping quarters? Pool house? Something else?

-development potential too general. Does not address or mention existing developed lands with potential to develop/add accessory living structures. ZBA ruled that only 1 accessory sleeping quarter structure was allowed per property in 2008 with bedrooms. To get “around” that determination, applicants play the “name game”. Example: labeling one structure a pool house and another a accessory sleeping quarters. As well as playing “name games” with rooms.

Example: 2 bedrooms and a Study or a Art Studio. Need specifics with a specific regulations otherwise enforcement is impossible or comes down to use or furniture which is ridiculous.

-proposed zoning changes should be shown within the zoning chapter and called out explained what they are meant to achieve/goals.

-B-1 should not be eliminated. If apartments above commercial are wanted, add/change that in B-1. Or eliminate B-1 and write a new zone. B-1 restrictions of use are good so they TB can decide what is best for the Town center. We want stores, food places, professional businesses. We do NOT want fast food, marijuana stores, truck parking, industrial or landscaping businesses. Parking should not be reduced. We don't have enough parking in many places in B-1 AND B zones now. B zone/uses need updated with more limits. Clearly distinguish between affordable and others that are not affordable.

-The Comp plan should limit the size of accessory sleeping and accessory apartments. Suggest limits will solve many current problems such as:

- a. limit the numbers of rooms
- b. limit the number of bathrooms to 1
- c. limit the number of water features (no laundry in accessory sleeping for example...do the laundry in the main house).
- d. Include pool house limitations.
- e. Limit the number of sheds/storage structures.
- f. Time limit on metal storage containers...who wants to look at a metal shipping container on the neighbor's property forever?

- Restrict boat trailers from being stored on the side of the roads (IE must be stored on applicants property).

-consider lowering SFLA to 4000 SFLA or less(Example Martha's Vineyard 3500 SF limit) for all structures and include limits on all structures heat or AC. (from the current 6000). Eliminate special permits for over SLFA limits. Limit the number of structures that can have water and septic to 2 per property regardless of size.

-require permits for sheds, patios, decks, etc so these items don't get built in the wetlands and/or setbacks. Current code confuses people. Most people don't know where their setback/property lines are or the wetlands delineation. (Note: Town used to require permits for sheds but it was removed in 2019 for sheds 144 SF or less).

-senior housing is barely mentioned. A senior living community housing designed so seniors could interact/share common spaces within a walkable area in the center would be a benefit to those who can no longer afford or able to keep up with their larger homes or can no longer drive. Suggestion for a Town owned property?

-page 44 talks about housing sizes scaled for lot sizes. Current allowable lot coverage and building coverages are too generous. Need to make smaller in ALL zones so the lot is not over crowded or built to the max. Adjust based on lot size?

-page 44 enforcement: over and over again I heard contractors and property owners confused about what needs a permit and what does not based on the Town Code \$10k limit on repairs/renovations. This needs to be clearly spelled out. NYS building code requires permits for many items less than \$10k. People and/or their contractors are finishing basements, attics and other “illegal conversions thinking they can due to the language within the Town Code of \$10k or less. The Town cannot supercede NYS Building codes.

-density increases should not be considered in areas with infrastructure in place or not. Everyone one of those infrastructures have limited capacity. None are unlimited in sewer or water availability. Who pays for infrastructure upgrades to support increased density? (not to be confused with affordable housing goals).

The town’s contract for WNW with SCWA is insufficient with protecting the property owners and the Town. Residents are plagued with exorbitant water bills and customer services issues. The Town has not taken the time to ask the customers “how’s it going”?

-In order to preserve peace and tranquility as this Chapter suggest, need to STRENGTHEN the noise ordinance NOT the reverse as Chapter 11 suggests. Consider adding leaf blowers and other gas powered landscaping restrictions to landscaping companies.

-consider requirements for a fence permit. Many people installing fences do not know the Town Code and often install over the property line. Consider small setback for wild life to navigate fences and cross roads.

-require all property owners who rent to provide proof of well test/information be provided to renters/real estate agents. Often when I worked for the Town property owners did whatever they could to avoid upgrading their septic systems which were often just cesspools. Renters are unaware of any possible water issues. (Example a cesspool was not upgraded when the basement was finished even though the drinking water well was 50 ft or less from the cesspool. The Town didn’t require the property owner to upgrade the septic system because the applicant used the “name game” and called the extra finished spaces anything but a bedroom). Shouldn’t renters be entitled to know what is in the water so they can decide for themselves if they want to drink it or not?

-133-12 Near Shore Overlay of the Town Code is currently being ignored by both the PB (wetlands permit) and the ZBA in recent public hearings over the past few months. Both are saying it’s not in their purview. PB said the NSOD is a “typo” .

Very disturbing. So who's purview is it in then if the PB doesn't address it in Chapter 129 and the ZBA doesn't address it in Chapter 133? The Comp Plan needs to strengthen the NSOD goals and objectives.

Chapter 4: (housing)

-pg 33-averaging 7.5 new homes per year- Conflicts with data on page 39-last 15 years says 156 new SF homes constructed. Chart 15 only has 2 years with less than 7.5 two story homes. This suggests the number is much higher. Existing housing stock does not address accessory sleeping quarter structures. How many accessory sleeping structures are being used year round? It also doesn't address that many accessory living structures (pool houses, accessory sleep) are on properties of the wealthy who are unlikely to rent for affordable or used year round. Luxury tax should be considered for pool houses and other structures that do not promote affordable housing.

-STR's have had a negative impact on the Island's inventory of all size houses. Small homes here have always been hard to find and STR's made that worse as buyers/LLC's bought up multiple homes for STR's taking them off the market for first time home buyers and/or year round affordable housing. Stricter limitations should be considered for STR's or incentives to Owners who rent year round at affordable/reasonable rates. Residential homes should not become transient use/hotels. Is the data on page 37 correct? How many people are renting without a rental license?

-small lot ordinance mentioned with no specific details to suggest what about small lots? Less restrictions? More restrictions? What does small lot ordinance mean?

-parking is not addressed. Larger homes or use of homes by singles usually mean more cars and thus more parking is needed. Doesn't address extra parking for ADU's or home office/business use.

-page 42 businesses buying (no mention of renting which is also happening), single family homes for workers (seasonal mentioned). But it's also happening for year round workers. Not legal under zoning laws the draft says. BUT also not legal under NYS Building code (Boarding house in exchange for compensation/benefits or for payment). How will this issue be addressed?

-page 43-create AUD's. No mention of affordability or restrictions to keep them affordable. Why should relief be granted from Town code if not affordable, restrictions on rental terms and rates in perpetuity ?

-Illegal conversions mentioned but this also affects septic system sizes which ties back into ground water pollution. Suffolk County Health Dept requires approval for all conversions as some design professionals and/or contractors are promoting

these illegal conversions. Many are being rented without any renters knowing they are drinking well water in close proximity of cesspools or inadequate septic systems. (also happening with buyers not being told of these problems during property transfers).

-page 45- density comment "should not exceed 2 units per acre" who's opinion is this? SCHED only allows 1 house per acre plus associated accessory buildings depending on what the Town Code says. Suggest reword to match County regulations.

-page 48 talks about develop strict criteria for evaluating exceptions for established land use. (criteria also should be developed for what constitutes a "hardship". What is a hardship? Last public hearing we heard was a hardship because the person wanted it and couldn't build a basement due to water table. How is that a hardship?)

-page 48 adopt a Tree preservation law should also address tree topping which can damage trees and causes erosion when the tree canopy is suddenly removed. (see NYSDEC information tree topping). Coordinate with Green Committee.

Chapter 5: (economy)

-no mention of parking issues. Many parking issues throughout the Island in both residential and business zones.

-no mention of "affordable" businesses/restaurants. Often when new Owners take over the business model changes which are then nor affordable business for the year round residents. Businesses complain about lack of off season customers but services or goods are overpriced for year round residents.

-pg 59- support businesses but no mention of protecting the surrounding residential neighbors with noise, lighting, parking, smells etc. Non conforming use expansions should not be allowed in residential zones. Commercial businesses need to be good neighbors too.

-B and B-1 zone proposed merge-bad idea! Shelter Island Town/residents should have a say on what/how business allowed in B *and* B-1 zone. Revise to allow apartments in B-1 zone. Add more restrictions in B zone so the Island gets businesses the Island wants verses those we don't want. Expand B-1 so uses permitted are less than B zone OR require approvals from Town/residents for limited uses.

-Parking is already a problem on many B & B-1 zones in all areas of the Island. Parking should not be reduced. Many lots are too small to allow adequate parking. Consider reducing allowable building lot size allowance and increasing parking

allowance requirements. Need better enforcement for parking. ALL applications should be required to do full environmental assessments (stop current loop holes). It's time to get serious on our environment and the effects from use. Yes, need design guidelines for B & B-1 zones including along Route 114.

-Separate Bridge Street from Heights/Grand Ave. One is in a Historic District and the other is not. One is mostly in a FEMA floodplain and the other is not. Eventually, buildings on Bridge Street will have to be raised to accommodate rising flood waters which will effect the "look". Although they are similar in feel now, they may not be in the future. Separate for clarity and guidelines.

-pg 62: Home based businesses: limit to business uses that do not require high water demand.

When considering uses, consider noise from delivery supply trucks (beeping, fuel fumes and louder motors/idling).

-pg 62: proposed changes to zoning or use should be included within the zoning chapter and any special permit process should be reviewed by the Zoning Board, NOT the Planning Board. The ZBA in Shelter Island has more experience in these matters than the Planning Board. Shelter Island Planning Board does not function like other Town Planning Boards, nor does it have the expertise and some members have a conflict of interest.

Chapter 6: (transportation)

-The draft briefly mentions of increased "Island bridge" traffic adding congestion to ferry line. Consider no discounts for commercial vehicles during peak hours?

-bicycle traffic has increased with various types of electric bikes. Bikes not obeying traffic laws, riding side by side, and in groups.

-narrow roads with parking on both sides/traffic crossing double yellow lines (IE driving in the middle of the road)-consider removing parking on one side. Vehicle doors opening into traffic with cars/bikes passing. Visitor drivers driving down wrong way on one way streets. Need more seasonal traffic control/parking enforcement. Need more Town wide no parking on streets during snow storms so plows can do their work.

-Road flooding-storm water drains are not cleaned out adequately or frequently. Are they sized appropriately? Car damages, property damages due to driving through flooded waters and/or trying to drive around on private property. Areas prone to flooding should have cones/road closures during big storms immediately. Need proactive safety monitoring before it becomes a hazard not after the hazard which residents have to call in every time.

-West Neck Road between golf course and Behringer lane missing from roads prone to flooding during storm water. This area is a major safety area when flooded especially after dark with no road lighting. Cars stall out in the area of the flood waters which causes even a bigger hazard due to limited sight lines and/or darkness.

-4 way stop-West neck/Menantic-dangerous-cannot see traffic coming from Menantic due to hedges on property on the corner.

-what is being done about Bridge Street or other areas for coastal flooding?

-Page 72: Correction needed-North Ferry has raised and extended TWO ramps, one in Greenport and one in Shelter Island.

-Pg 76: many neighborhoods have lower speed limits than 30mph. Do not consider raising areas to 30 mph that already have a lower speed limit.

-Pg 78: What does a LWRP mean to achieve? Need more information and details. More protections need to be in place. Examples: the proposed gondola from Stearn's Point road down to Crescent Beach that came before the Town in 2019. Or development of new house on RI Causeway on piers 12-16 ft high to meet FEMA floodplain regulations that came before the Town in 2019. Bluff protections to prevent erosion. (Example: Swimming pool being drained with pipe over the bluff in 2018).

-Pg 78: Passenger ferry: what is the need and who is going to pay for it? Where will it land on both sides? Who says it is faster and cheaper? Where is the data for this? What is wrong with planning on staying off island closer to the airport to catch a flight? Or return late? Late night/middle of the night ferry services will cause light and noise Island wide. May cause unforeseen consequences. How many passengers are required with each trip to make this cost effective?

-Pg 78: where would the around the island jitney service stop and/or wait? Study needed for safe stopping areas with appropriate space. Approvals may be needed for road systems/stops/destinations that are not owned by the Town.

-Pg 79: Storm water basins need to be properly designed (and sized) by a Civil Engineer and maintained semi-annually to remove leaf and other debris.

Chapter 7 (natural resources):

-So many meetings and people stating the Island's water quality is threatened by nitrate contamination from septic systems, saltwater intrusion, and other pollutants Why hasn't the Town Boards (past and present), been more aggressive with limiting development? Limiting development in wetlands? Restricting de-watering for construction (not just pools), added more aggressive requirements for septic upgrades to eliminate cesspools including commercial use properties? (only 3

commercial use properties are known to have upgraded environmentally friendly septic systems: Pridwin, Mashomack, Sylvester manor.) Consider requirements for shallow drain field leaching for lots 1 acre or more. (IE lots where shallow drain fields are big enough to fit). Consider everyone must upgrade their septic system by a certain date or action stricter than what currently exists.

-when a property owner has contaminated their well or decreased their access to water quantity by de-watering, over development on their lot, irrigation, or other reasons, they need to take some responsibility for their actions which may include remedy's/expenses for negatively effecting their own property in addition to their neighbors. Protections are needed for the neighbors. It's the Town's responsibility to ensure construction and irrigation does not negatively impact the neighbors.

If the Town is issuing permits for building or irrigation, then it's the Town's responsibility to say "no" and eliminate all liability on behalf of the tax payers. The taxpayers should not have to bear the cost of infrastructure projects that increase taxes due to overbuilding, irrigation, de-watering or other actions that negatively effect the water quality or quantity. A one-size-fits-all mentality may not work for Shelter Island. Each area needs to be evaluated and considered to the best possible solutions are explored as a whole.

-Pg 88- why isn't use of SOD prohibited island wide (high use of water)? Sod trucks are often seen delivering to the Island. Why not more restrictions (not just suggestions) for drought tolerant plantings required?

- The SCDH does not allow outdoor showers and out doorkitchen sinks to be connect to septic systems. A dry well is required instead. Therefore personal care products that may contain forever contaminants are going into the ground. Investigate solutions going forward.

-Invasive species plants should not be allowed to be bought or sold on Shelter Island. Educate to the public and landscaping companies. Plants that require excessive watering should also be restricted or disallowed.

-water resources goals and recommendations are insufficient. Not thoroughly sourced all the issues that are taking place that threaten our drinking water. Excessive uncontrolled construction causes many water quality and quantity issues. More restrictions are required for construction that will benefit more environmentally friendly use of water...low flow fixtures, no irrigation, limits on size, etc. Look at Islands in other regions with conservation and water restrictions (Caribbean, New England, California, etc). A LOT more can be done.

-Add well head protection zone to include irrigation wells near public water drinking wells. All public and private water wells should have better protects from Irrigation or irrigation wells.

-Plan options for Bridge street's wastewater. What if cost or something else makes it cost prohibitive to Bridge street or something else that doesn't work for connection to Heights WWTP or the property owners on Bridge street?

The Town should address how it will enforce and address use changes and expansions of use for commercial buildings on Bridge Street that could change or effect effluent to WWTP when the Town has looked the other way in the past for changes of use? (Use changes require SCDH approval but not required by Bldg dept). SCDH approval is often by-passed. The Town's inaction is contributing to surface water contaminations of Chase Creek and Dering Habor.

-Pg 98 underground fuel oil tanks: the plan should require all inground tanks to be removed as of a given date. MTEB and other contaminates leaking from old tanks within our drinking water are dangerous. Liability should be the primary concern. The Town is allowed to be more restrictive then NYS Codes. See Chief Bldg inspector. (see requirements Suffolk County Sanitary Code Article 18 effective March 1, 2019)

-more needs to be done to eliminate irrigation-even systems with timers It is a problem when systems run when it's raining or when there is a drought. The plan should call for eliminate of irrigation wells entirely.

-pg 98- The contemplated prohibition on trucked in water for irrigation or pools is problematic. When there is a drought where will the water come from? Will it cause increased illegal water use?

The prohibition of trucked in water requirement needs further evaluation as it was proposed by the Town Engineer and Town Attorney who are both residents of Southold where the water trucks fill up. Shelter Island needs should be a priority. Pools and Cisterns are luxury items.

The plan should consider:

- a. stricter penalties for wetlands violations and better code enforcement.
- b. establishment of mitigation requirements for wetlands permits. Pool covers and upgrading septic systems (which are required anyway) are not enough mitigation.
- c.Role of the CAC under the new Town wetlands permit process has been diminished to the point of being completely dismissed. The CAC plays an important role and this needs to be rectified.

Chapter 8 (parks, open space & waterways):

The plan should consider:

- a. a specific town owned land for dog park and dog beach/dog swim area.
- b. consider anchoring regulations that restrict transient boat owners from bringing their dogs to shore to poop.
- c. restrict seaplane landings and take-off similar to other nearby Towns so Shelter Island doesn't become inundated with seaplane traffic.

- d. mark shoreline access points (public) from the water better so boats coming in know where they are allowed and where they are not allowed to land or dock.
- e. need more discussions and scrutiny on potential benefits and risks or a proposed LWRP
- f. dredging spoils should not be allowed to be deposited in town regulated wetlands areas as several permits the town approved in 2023 allowed.
- g. recommend moratorium discussion by the Town Board with the WMAC on both new and changes to existing docks in a TB meeting for better public exposure. Applications are very complicated and more clarity and restrictions need to be implemented. Overall study and review should take place including how to coordinate wetlands issues with dock permits.

Chapter 9 (quality of life: historic, cultural & community resources):

-Quality of life on Shelter Island is currently under threat. More needs to be done to protect the historic, cultural and community resources. This current draft of the Comp plan does not go far enough. It's a travesty to watch what is going on today with permits, ZBA, Planning Board, Wetlands, etc. Too many people with self interests. More professionals are required and more community discussions are needed.

The comp plan has thus far limited community open public hearings forums which is not a good thing. In 2020-2021 the public was trying to navigate the pandemic. Many were sent home to work often with children in the house trying to remote learn which was stressful and difficult at best. We did not have time to focus on the Town's comp plan. Open public hearings allow people to learn from each other, share ideas and hear the pros and cons of all topics. We need MORE of this before this draft is completed and adopted.

We need professionals to evaluate and lead our committees. Volunteers work hard and are committed but some often lack the expertise for the roles they fill. Volunteers are not always treated well which makes it difficult to maintain the volunteer committees.

The draft lacks specifics and data. Many areas are vague and not specific enough to guide the reader on intent.

Governance recommendations:

- a. The Town needs to do more than the latest ethics code to eliminate conflicts of interest.
- b. Town staff needs civil service training on what it means to be a civil servant.
- c. Town Foils are often incomplete, ignored or difficult to get at best (employees not cooperating with Clerks trying to reply to FOILS), poor record keeping, documents being destroyed by clerks, and clerk/staff training. Desperately need policies and consistencies in all areas including OML and FOIL laws. All employees and elected officials need to comply.

-note: pg 126: Heights is both a National and NYS Historic District in addition to the historical structures.

-pg 133: says all committees have presence on Town website and highly visible.

Recommendations:

- a. Keep Minutes up to date (often posted many months late).
- b. Post Public hearing documents when legal notices are posted.
- c. Post Agendas, discussion documents and data at minimum 24hours before meetings and/or work sessions.
- d. Do not add items to the agenda at the last minute.
- e. Put the Town's capital grants/projects committee back on the Town website so the public can attend, hear and see Town updates on Capital projects, grant updates and discussions. (Take out of public view in January 2023). Tax payers have a right to know especially since it's the tax payers paying the balance of the bills for projects.

-pg 134- says WNW "managed and *leased* to SCWA". Incorrect. Contract says management only.

-pg 149- tick diseases omits alpha gal which is quite serious and can have lasting effects for many years.

-the term public health effects is used but missing for water and waste water. Nothing specific is listed or mentioned.

-many of the items in the adopted 1994 comprehensive plan are reiterated "rural character, preserve natural resources through land use, visual qualities & visual assets including scenic views". But when these items are brought up in public hearings for new construction, these items are "dismissed", so clearly it's not enough. The 2008 version of the updated comp plan is more strict than many areas of this proposed draft version with the exception of the noise ordinance which is less strict.

-professional oversight is needed in many of the Board's and Committees as well as the Building Dept...Specialty land use attorney, environmental professional, hydrologist, sanitarian etc. We should be supporting our Town Staff and/or volunteers with the professionals trained in these fields PAID FOR BY THE APPLICANTS not the taxpayers. The health, safety and welfare of the public is at stake in addition to our environment and culture. Professional who are trained in these areas and it would be better to fill committees with people professional training in the field they are assigned to. To the extent that Town money is pent, it would be more than made up by future benefits and savings.

-ADA law was implemented in July 1990. The Town is seriously deficient in compliance and has liability exposure.

-OSHA compliance. The Town is also not fully compliant with OSHA regulations in all departments. Training and updates need to be rectified to avoid liability exposure.

-pg-143-preservation measures should be incorporated into the zoning code for private properties to promote less clearing, smart planting, smaller buildings, less accessory buildings, less water use, less landscape lighting, and other greener options to maintain the “rural character” of the Island.

-pg-144- night sky lighting-lighting ordinance should be strengthened. Less landscape lighting should be allowed. Security lighting should be on motion sensors. No string lighting should be allowed for a determined period of time during the holiday seasons. It should not be allowed year round/summer.

Chapter 10 (utilities, sustainability, resilience):

-“reliable drinking water for all”- should be coordinated with development which is not mentioned. Larger development projects usually require more water for one reason or another. Clear required guidelines should be established. The Town is responsible for allowing development that has threatened quality and quantity of our water. The property owner also needs to take responsibility for over developing their property.

Recommendations:

- a. Restrictions on how many accessory structures are allowed to have water,.
- b. size of homes and accessory structures
- c. irrigation and landscaping requirements submitted with all applications for permits (define where appropriate).
- d. water saving equipment & fixtures limitations (water saving, gpm maximum)
- e. outdoor showers and kitchens restrictions or explore solutions to prevent personal care products containing forever chemicals from entering the ground water.
- f. Better and clear enforcement requirements.
- g. Effective, diligent monitoring.
- h. Cross connection contamination devices depending on the risks for contamination require for all residents on public water systems for pools, cisterns, irrigation wells, fire suppression systems and commercial businesses (Examples RPZ or double check valves) NOTE: NYS Department of Health requires annual inspections on some of these items already. The public water supply owner is required to keep records of these annual inspections performed by a certified inspector hired by property owner. (Note: Currently the Town says it has no records)

Both the Town and the property owner have responsibilities and potential liability for approvals or actions that affect the property owner and the neighbors. This chapter needs a lot more work!

-pg 151: Electrical and communication infrastructure: often internet service slow or disrupted. Disruption on services during storms, rain or wind. Summer disruptions and slow service even with no weather problems.

-pg 152: Need more green energy options, support and education.

-pg 153: consider offering wet trash and/or recycling pick-up free or low cost to seniors 70 or older. Often this is a difficult chore for the elderly who may not be able to drive. (also to persons with disabilities including short term disabilities).

Chapter 11:

-This chapter was not presented to the public in a timely fashion for adequate review before the 9/23/23 workshop/hearing. It was also not presented on boards for the public to comment on at the workshop.

Recommend have a public hearing for each Chapter or a group of Chapters. That would be a excellent way for everyone to voice their concerns, comments and opinions. AND the entire comp plan committee/task force and all consultants should be at those hearings to so that questions can be directed to them and they can respond and/or answer. This would solve many of the “communication” issues the public is complaining about. It would be a excellent way to show the public that you are listening and care what the public thinks before their comments are disregarded or integrated into the draft comp plan.

-Implementation Tools #2, 3, 4 & 5: The Town’s capital project list, grants and programming is incomplete and doesn’t project far enough into the future. This process should be open to the public for viewing and comments/questions as it was before January 2023.

-Partnership recommendations are incomplete and insufficient leaving out many of those should be included in discussions and implantation. More public participation/outreach should be conducted on people with expertise in the community who may not be on committees or boards. Many are reluctant to volunteer or even step forward with comments based on how the public is treated. The comp plan committee originally had a list of people to consult several years ago and even that was short sighted. Anyone and everyone who is a resident of the Island who has knowledge of planning, water, wastewater, environment, conservation, legal, civil engineering, transportation, budgeting, etc etc. should be sought out for comments. Suggest a survey asking for people with these professional skills and then engage them one topic at a time.

-what is “tailored zoning”? sounds like spot zoning. How will this work for other properties if allowed at Sylvester manor? (IE GBCC, QUINIPET, MASHOMACK, OTHERS?)

-Ensure development is appropriately sized in ALL zones (especially NSOD and non conforming lots).

-LWRP- concerned that program will allow more development and/or high rise development or other unwanted activities along shore lines. Further restrictions should be implemented to retain the rural character of the Island.

-Eliminate goal 6.5.A (Explore passenger only launch ferry service to/from Greenport when regular ferry service is shut down- where is the data that shows the want or need? This would change the character of the Island.

-The public should be partners in *every* goal. Especially those that may cost tax payer money including staffing to explore. (Example public water)

-7.2.C What if the Heights WWTP upgrade or expansion isn't possible for one reason or another? What are the alternatives to be explored? Any why aren't those property owners listed as partners?