



## SI Comprehensive Plan Advisory Committee

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### Action Point 1 (Z19) – Storm Water Recharge.

Rating: 2 A

*Adopt both zoning and subdivision regulations to assure that the present practice of requiring storm water recharge (rather than direct discharge to waterbodies, either fresh or coastal) from streets, parking areas, and other private development will be universally enforced in new development, including both subdivisions and single lots and where law and practicality permit, in existing development. (3. Natural resources)*

### **Observations:**

1. After adoption of the Comprehensive Plan in 1994, there have been several changes to the Town code that provide restrictions or promote procedures that would decrease discharge of storm waters to our water bodies.
  - a. Chapter 129 (Wetlands Ordinance) requires a permit for regulated activities conducted within a regulated area (100 ft from wetlands). The criteria for the permit include storm water mitigation, runoff control, clearing limitations, planting native vegetation, recharge using dry wells, and runoff containment during construction.
  - b. Chapter 111 (Subdivision of Land) requires drainage plans for subdivisions that provide for recharge of all storm water (see 111-36 B).
  - c. Chapter 133-25 C prohibits the diversion of storm water runoff or natural drainage which overloads existing drainage systems or caused flooding on adjacent private or public lands
2. The Shelter Island Highway Department has applied for and received grants for the installation of storm water recharge drywells in areas where road runoff discharges into bays and creeks. Many drywells have been installed in recent years and the process is a continuing program, with some 144 systems now in places) The highway department acquired a vacuum truck for maintaining Town drywells and has started to set up a regular maintenance program.
3. A Federal regulation (Storm water Phase II) requires permits for storm water discharges from Municipal Separate Storm Sewer Systems (MS4s). This program is being implemented by the NY State DEC which already requires permits through SPDES (State Pollutant Discharge Elimination System. The Town is now required to implement MS4 programs which include Public Education and Outreach, Illicit Discharge Detection and Elimination, Construction Site and Post Construction Runoff Control, and Pollution Prevention

4. Town Code Chapter 60 (Environmental Quality Review) also touches on this subject in that “any operation which may degrade or despoil any fresh water or tidal wetlands” is considered a Type I action. See 60-B (10).

**Recommendations:**

1. Require continued consistent enforcement of the Wetlands Ordinance and runoff provisions of Chapter 133-25 C.
2. Continue to require adequate drainage plans for all new subdivisions, particularly in areas close to bays, creeks and fresh water bodies.
3. Complete the establishment of a catch basin maintenance program including utilization of the vacuum truck with quarterly reporting to the Town Board.
4. Continue programs that reduce runoff from Town roads and review reduction possibilities for old subdivisions and private roads that have runoff problems.
5. Proceed with implementation of the MS4 programs.

PEM/DMK

1/16/09

Chapter 133-25 C: Surface water drainage. No stormwater runoff or natural drainage water on any piece of property shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands.

[Amended 4-1-2005 by L.L. No. 2-2005]



# SI Comprehensive Plan Advisory Committee

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## Action Point 2 (F-1): Roadside catch basins

Rating: 2 B

*As existing roads are reconstructed, make settlement/detention areas a part of the effort where major improvement to coastal discharge water quality can result. The Town should continue its present practice of installing catch basins and dry wells where storm water otherwise runs into wetlands, creeks and bays.(3. Natural Resources)*

### Observations:

1. The Town now has some 74 catch basin systems installed around the Island, ranging from simple one basin one ring systems to complicated networks as on Hudson Avenue and Hiberry Lane, the latter of which utilizes a 'French drain' to protect the beach and virtually eliminate run off. A good number of new catch basin systems have been installed in the past 15 years.
2. The MS4 standards will impact run off and recharge for all properties and roads on Shelter Island.
3. A vacuum truck was purchased in 2008, which is expected to greatly facilitate the maintenance of catch basins and rings.
4. Less clearing of vegetation will increase recharge and reduce run off.
5. Problem locations in the Town must be indentified and prioritized for fixing

### Recommendations:

1. Develop a set of standards for Town properties as part of MS4 to include:
  - a. Improved landscape contours taking into account soil and topography.
  - b. Using native/other appropriate vegetation, which enhances recharge and filtration.
  - c. Use semi-permeable road and parking area materials.
2. Survey private roads to identify run off into creeks, bays and wetlands.
3. Restrict clearing on slopes greater than 15 degrees.
4. Determine priorities and schedule complete of current problem areas



## SI Comprehensive Plan Advisory Committee

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### **Action Point 3 (F-2): Recharge storm water from upgraded Town Properties**

**Rating: 2 B**

*As Town properties are redeveloped, landscaped or otherwise developed, ensure that storm water is recharged rather than discharged into water bodies.(3. Natural Resources)*

#### **Observations:**

1. The MS4 standards will impact all properties on Shelter Island including Town owned land.
2. Any land acquired by Town including CPF 2% funds, should include MS4 standards in the stewardship plans.
3. The Highway Department has been implementing a Town runoff mitigation program for some years, with a significant reduction in runoff and increase in recharge.
4. Problem locations in the Town must be indentified and prioritized for fixing

#### **Recommendations:**

1. Develop a set of standards for Town properties as part of MS4 to include:
  - a. Improved landscape contours taking into account soil and topography.
  - b. Using native/other appropriate vegetation, which enhances recharge and filtration
  - c. Using semi-permeable parking area materials.
  - d. Requiring drywells for roof run off.
2. Determine priorities and schedule to completion.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 4 (C-1): Continue participation on Peconic Estuary Program**

**Rating: 2 B**

*Continue active Town representation in such programs as the National Estuary Program for the Peconic/Gardeners Bay (3. Natural Resource)*

#### **Observations:**

1. Over the years the Town and its representatives from the CAC and WMAC have attended and participated in many conferences and meetings of the Peconic Estuary Program.
2. In recent years, however, there have been fewer meetings and reportedly only Ed Bausman has attended for Shelter Island.
3. A list of planned future meetings is attached.
4. In the past, SI representatives have at times expressed their personal views on issues which have not necessarily been those of the Town Board and community.

#### **Recommendations:**

1. Conduct a review of potential representatives on PEP and appoint two or three persons.
2. Establish a mechanism to convey the policy and thinking of the Town on issues to be discussed at PEP meetings.
3. Establish a formal reporting system of results from the meetings of PEP to the Town Board.

DMK

12/14/08



## SI Comprehensive Plan Advisory Committee

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### Action Point 5 (C-4): Protection of Shellfish

Rating: 2 C

*Reconcile protection of shellfish areas and boating through management of anchorage locations.*

#### Observations:

1. With the decline of shellfish stocks and the current spacing required between mooring sites, there would appear to be no immediate problem impacting shellfish.
2. Most boats are hauled during the scallop season
3. There is no long term plan for local waterways, including use, areas to be protected, areas of greater boating use, potential eel grass beds, and shellfish habitat

#### Recommendations:

1. Complete the scoping stage of the Local Water Front Revitalization Plan (LWRP)
2. Determine water areas to be protected as incubator areas for fin and shell fish
3. Determine water areas to be used for mooring and heavier boating traffic
4. Reconsider local testing and monitoring program for local waters.
5. Continue to maintain mooring grid and water area data on a GIS system using modern technology, which should be made available to the public on the Town's web site.
6. Ensure any shellfish/eelgrass restocking efforts and any general habitat improvement are coordinated with the LWRP and mooring grid plan.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 6 (C-2): Explore participation in NYS Local Waterfront Revitalization Program ("LWRP")**

**Rating: 3 A**

*Explore participation in the New York State Local Waterfront Revitalization Program, supported by the NYS Coastal Resources Program in the Department of State.*

#### **Observations:**

1. A grant was applied for and approved in 2008 for the first stage of the program – scoping the study. Notification was received in November 2008.
2. Prior to submitting the application, it was agreed on the telephone with the NYS Department of State that the Town's Comprehensive Plan would provide much of the research covering the issues which need to be addressed in the LWRP, so as to avoid duplicating the Comprehensive Plan work.
3. It was also agreed that the focus on the Shelter Island LWRP would be on our Town waters, particularly inland tidal waters and immediate waterfront areas. Note that Southold's LWRP covers the entire Town on the theory that all land was located in impacted waterfront. The same argument is stronger on SI; hence, we should emphasize that our Comprehensive Plan covers the interior of the Island.

#### **Recommendations:**

1. Wait for formal notice of approval of a grant.
2. Determine who shall lead the scoping study, a volunteer group or outside consultant and or both in some combination.
3. Determine if the Town should use the NYS LWRP program and process or create its own local waterfront/waters long term plan.
4. Maintain close liaison with Southold, East Hampton and Southampton, as well as other Towns who have already joined the program.
5. As a matter of policy, strengthen the Town's ability to make its own decisions on waterfront matters, provided such decisions are not in violation of federal or state law.
6. Be prepared to reject completion of the full LWRP process, but to implement the recommendations of the scoping study outside the LWRP process if full implementation appears to weaken 'home rule'.



# SI Comprehensive Plan Advisory Committee

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## Action Point 7 (S- 8): Inventory Town Landings

Rating: 2 D

*Prepare a comprehensive inventory of Town landings, whether used or fallow; formulate a program to assure that they remain open for that purpose; and upgrade them where necessary*

*Cross reference AP 37*

### Observations:

1. The Highway Department has inventoried Town landings, including location, type of structure, condition, estimated remaining life, and a ranking system for maintenance. However, this list is not regularly maintained on the control sheet, and priorities seem uncertain.
2. Most of the Town landings are shown on the Town map; the Highway Superintendent has advised that the missing landings will be added to next year's map. A copy of the latest list is attached
3. There is limited parking at almost all landings, excepting beaches. However, with the exception of Fresh Pond, usage does not seem to require expansion of parking areas.
4. Certain landings are difficult to use with steep slopes or rocky ground and not maintained. As such they represent a danger to the public, which needs to be addressed.
5. Maintenance of Town Landings is variable, with erosion and plant invasion at some sites.
6. Most of the Town shoreline is passable with certain exceptions, generally caused where bulkheads have been installed and caused subsequent erosion of the beach without a structure to pass under of over a dock or along the shore line. The areas of restriction are indentified on the attached map.
7. Those landings needing maintenance are shown on the attached map.
8. The availability of usable and readily assessable Town Landings reduces the need for docks for smaller boats, kayaks and canoes.

### Recommendations:

1. The Town Landings list be updated and maintained on at least a quarterly basis.
2. A schedule of future maintenance by landing and date reflecting priorities be maintained.
3. Discrete signs be placed at all Town Landings, indicating that the site is a 'Public Landing'.

4. Except for Fresh Pond, Crescent Beach, and Menhadden Lane, there are no serious parking problems at landings. Consideration should however be given to requiring beach stickers at Reel Point, and Shell Beach.
5. The owners of those docks which are not passable be required to install steps or space underneath the dock for transit within a notice period. (Map needs to be done.)

HS/PVV/DMK

12-10-08



## SI Comprehensive Plan Advisory Committee

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**Action Point: 8 (F-4) – Town Docks**

**Rating: 4 D**

*Enhance public access to Dering harbor with an improved boat ramp, dinghy dock and Town Dock. Improve and create other Town owned docks. (3 Natural Resources)*

### **Observations:**

1. As part of an effort to reduce runoff, new and larger catch basins were installed at the Town Dock in 2005 while installing a new bulkhead on the town and Picozzi's property.
2. Due to space limitations on the site and the availability of many other Town landings, no public boat ramp was created.
3. Currently there is 100+ person waiting list for dockage at Congdons Creek dock, which currently has 36 slips. The waiting list has an approximate duration of 25 years or more.

### **Recommendations:**

1. Determine feasibility of Town acquisition of property adjacent to Congdon Road, including a review the construction of dock and availability of parking, both for vehicles and temporary parking of trailers. Care should be taken to avoid negative impacts on Dobson dock located approximately 210' south of the existing municipal dock.
2. Possible dock locations at existing Town landings include Burns Road, Thompson Road, Shell Beach (inner shoreline) Wades Beach, and West Neck Road across from Cackle Hill.
3. The need for new dockage must be more completely investigated. Excess demand may be handled through the creation of more moorings or some other method.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 9 (Z-31): Better protect Town wetlands**

**Rating: 2 A**

*Develop means of better protecting wetland resources, beginning with a review of the Town Wetland Ordinance, exploration of imposing wetland setbacks, establishment of no net loss of wetland policy, Coordinating local review of development impacting wetlands, including those of the State (3 Natural Resources)*

#### **Observations:**

1. The original three page wetlands code was replaced in 2000 and then in a major overhaul again replaced in 2003. The newest code was generally consistent with the NYS tidal and freshwater wetland legislation, particularly in terms of wetland definition and set backs. These revised codes represent a major achievement for the Town.
2. A 'no net loss' of wetlands policy was established around the late 1990's and used in decision making since then, although usage of the term has recently diminished.
3. The Town's tidal and freshwater wetlands are indentified on certain GIS maps which are not readily available to the Town Board and Committees who make decisions and recommendations on wetland issues. The impact of tidal drift can be important to dock and bulkhead decisions in area not immediate to the structure.
4. Certain wetlands are subject to sand migration and coverage, which in time will likely result in the loss of wetlands (Dickerson Creek, Crab Creek, and Hay Beach Creek.
5. In the early 2000's there was a policy of no new bulkheads, and removal of unnecessary bulkheads on inland waters. Renewals were not to be automatic. It is unclear if this policy remains in place.
6. Continued pesticide spraying occurs in the NSOD despite the wetlands code banning the use of pesticides in the NSOD.
7. There are some 100 or more vacant lots or lots that could be sub-divided which could require variances for road and/or wetland setbacks, which poses a significant threat to the protection of our wetlands, particularly fresh water wetlands and aquifer. The Town's policy of granting such variances needs to be reviewed and consistently enforced.
8. The marking of wetlands for Town permits/variances is often performed by outside consulting firms, who also are representing the client applying for that permit/variance. The Town needs a structured and independent means of confirming such wetland boundaries.
9. The current wetlands code makes no provision for man-made ornamental ponds, which involves excavation, planting and aquifer related questions.

## **Recommendations:**

1. The LWRP process should include the identification of all SI wetlands and the 75 and 100 setback lines on GIS maps. A Town Wetland map should be produced as not all Town wetlands are included on the DEC wetlands maps.
2. MS4 should provide for run off protection of wetlands.
3. Consideration should be given to establishing a policy which encourages the removal of inland water bulkheads to allow for the reestablishment of beach and wetlands in circumstances where no structures are endangered.
4. The Town needs to address the use of pesticides in the NSOD and near wetlands, See Action Point 14.
5. The criteria for and process of granting variances on small lots where road and wetland setbacks are requested needs to be reviewed, as the continued granting will of such variances will erode the wetlands code as the Island approaches full build-out.
6. In cases where both a lot line set back and a wetland variance/permit is required the current sequence of application needs to be reviewed, as the decision on such cases should involve all setback issues and not be separated into two processes. As there are over 100 parcels where these issues could arise, the criteria for variance granting /permitting and cross relationships needs to be reviewed and determined. Ultimately, the impacts of any such development arising from a variance/permit on the immediate neighborhood and the entire community be it direct or by means of precedence should be considered against the goals of the Comprehensive Plan versus to rights of the individual property owner be granted variance due to hardship not of his own making. eg. If one purchases a property lot knowing it will require variances/special permits to build the house of one's choice with significant negative impacts, the assumption should be made that the hardship is self imposed.
7. Reconsider the sequence of application with the Town/NYS DEC and others, giving the Town the first review, which approval can be contingent on approvals from other required authorities. In our view, following this sequence encourage home rule, reduces the probability of applicants being confused about Town code versus the DEC/ACoE process and using DEC/ACoE approval as a wedge to overcome Town positions.
8. The Town adopt a policy of using an outside consultant to mark wetland boundaries or check if a question arises of the boundaries shown by the applicant, the cost being for the applicant.
9. Amend the Town Wetlands and other codes to allow for ornamental ponds of less than a specified sq footage and depth, probably requiring a liner if within 75 feet of the main house, well or septic system.
10. Consideration should be given to establishing a part time Environmental Code Officer, who would be responsible for enforcement of the Town codes concerning wetlands, run off, lot clearance, use of pesticides, etc.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 10 (F-5): Continue maintenance dredging)**

**Rating: 2 C**

*Continue maintenance dredging for navigation, flushing and water dependent uses, taking into consideration the preservation of natural resources and the Island quality of life.*

### **Observations:**

1. Historically, the Town has been dependent on Suffolk County for most dredging work. Due to budgetary constraints, however, the availability of dredging resources has been extremely limited.
2. The WMAC, CAC and local residents have recommended dredging of certain harbors entrances and creeks: Coecles Harbor, West Neck Harbor (Off Shell Beach), Dickerson Creek, Crab Creek and Gardiners Creek.
3. South Ferry have requested dredging of its Shelter Island slips.
4. The Highway department has obtained a ten year permit to dredge Hay Beach Creek, starting 2007.
5. Silver Beach Lagoon was dredged the autumn/winter 2008-9.
6. Southold and the other East End Towns face the same predicament regarding dredging.
7. The Town does not have sufficient dredging work to justify the purchase of a dredger and hiring and training of a crew.

### **Recommendations:**

1. Strongly lobby the County for dredging the entrances to Coecles and West Neck harbors and South Ferry as a top priorities and the entrances to Dickerson and Menantic creeks for navigational purposes.
2. Explore the purchase and shared use of a dredger with Southold Town and possible East Hampton or Southampton. The shared use of the dredger might be linked to the shared use of our vacuum truck.
3. Establish a program to monitor the flushing of Chase, Crab and Gardiners Creeks
4. Establish a program to monitor littoral drift of sand along Shelter Island's shorelines.
5. Use the Highway Department to remove and store excess sand from Wades and Shell Beach when it accumulates on the shoreline to be used where the beaches are eroding and to reduce the movement of the sand into the entrance of Dickerson and Menantic Creeks.



## SI Comprehensive Plan Advisory Committee

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#### **Recommendations:**

1. Strongly lobby the County for dredging the entrances to Coecles and West Neck harbors and South Ferry as a top priorities and the entrances to Dickerson and Menantic creeks for navigational purposes.
2. Explore the purchase and shared use of a dredger with Southold Town and possible East Hampton or Southampton. The shared use of the dredger might be linked to the shared use of our vacuum truck.
3. Establish a program to monitor the flushing of Chase, Crab and Gardiners Creeks
4. Establish a program to monitor littoral drift of sand along Shelter Island's shorelines.
5. Use the Highway Department to remove and store excess sand from Wades and Shell Beach when it accumulates on the shoreline to be used where the beaches are eroding and to reduce the movement of the sand into the entrance of Dickerson and Menantic Creeks.



## SI Comprehensive Plan Advisory Committee

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**Action Point 11 (Z-35) – Explore the use of Town and private beaches including access, off road vehicles, commercial fishermen, while protecting natural resources.**

**Rating: 3 A**

*Explore the use and protection of both Town and privately owned beach areas such as the Ram Island causeways, Reel Point, and Shell Beach. Exploration should include the management of beach access by vehicles so as to minimize erosion, habitat damage, and disturbance to other beach users, while protecting wildlife and legitimate need for vehicular access, such as commercial fisherman or the handicapped (# Natural Resources)*

### **Observations:**

1. Non –residents are using some beaches in the Town, which can crowd parking at certain sites during the summer. Reel Point is being used by non residents for fishing and picnicking.
2. The official Town beaches – Crescent, and Wades have been well maintained, while Shell Beach has been closed over a year due to the erosion repair project.
3. While not officially a ‘Town beach’, the Menhaden Lane beach in effect functions as a Town Beach, with parking but no clean up, or life guard protection.
4. Beach vehicles use Reel Point, the Section 9 area and Wades Beach, often driving on the dune areas
5. The responsibilities and duties of Life guards should be reconsidered to bring better service and safety to the Town public beaches – boating within or near areas in which people swim, dogs/horses on the beach during season,

### **Recommendations:**

1. Town Stickers should be required for parking at Town Landings.
2. The Chamber of Commerce map should state Town policy on beach use and the need for stickers.
3. No off road vehicles on Wades Beach, Shell Beach, or Hay Beach Point at any time, as these are all narrow sensitive beaches with little fishing.
4. Maintain areas where fisherman might drive on the beach at Reel Point, and along the beach from Menhaden Lane to Little Ram on the Gardiners Bay side, with the need to stay off the dunes.
5. Enforce fines for violations



## SI Comprehensive Plan Advisory Committee

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**Action Point: 12 (Z-32) – Adopt Water Management Ordinances**

**Rating: 2 C**

*Adopt water management ordinances assuring an active role for the Town in areas where authority has not been preempted by at Federal, State and County level and where the Town has the capacity for competent administration (3. Natural Resources).*

### **Observations:**

1. The Town updated and greatly strengthened its Wetland Code Chapter 129 in 2001 and 2003.
2. The Zoning Code added the Near Shore Overlay district in 2000 which has been since amended in sections and addresses many water management issues.
3. The current Dock ordinance, amended in 2000, 2001, 2004 and 2006 sets standards for dock and bulkhead installation and repair.
4. The NYS DEC freshwater wetland map is not the same as that of the Town, as certain vernal ponds and connected wetland areas the Town would consider wetlands are not on the State's map. Note that dotted lines identify clusters of freshwater wetlands, including vernal ponds, on the State map.
5. Current Town practice is to have an applicant apply to the NYS DEC and in necessary the Army Corps of Engineers prior to making application to the Town, a policy adopted in 2003-5 on the belief that the town could rely on the technical expertise of these federal and state agencies, which was limited in the Town.
6. The DEC is short of staff and processing of applications can take months and at times be superfluous.
7. As a result, the Town most often does not learn of the application until after the DEC has worked out a solution with the applicant, who then not surprisingly often expects the Town to follow the DEC. This process can cause undue confusion and subject the applicant to false expectations and unnecessary expense.
8. Also, the DEC requires a dock to reach 4 feet of water at MLW which contradicts the town policy of allowing only 100 ft of dock. As a matter of practice the Town's policy of 4 feet has usually prevailed.

### **Recommendations:**

1. Consideration should be given to altering the timing of wetlands applications policy so that applications are submitted to the town first so that the Enforcement officer(s) and WMAC/CAC can work with the applicant to find a solution which should more readily pass the DEC/ACOE review.
2. The criteria for location, size, materials and possibility of docks/bulkheads should be part of the review process of the LWRP.
3. An appointment of a part time Environmental enforcement officer should be considered.



## SI Comprehensive Plan Advisory Committee

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### Action Point: 12a (Z32) – Geothermal Heating Systems & the Aquifer

**Rating: 2 A**

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*Freshwater Resources: Adopt water management ordinances where Federal, State and County law permit and the Town is judged competent.*

#### Observations:

1. The use of groundwater via geothermal heating and air conditioning units is of concern to the Island. Unknown impacts of the systems on groundwater, both in quality and quantity, have caused the need for a study to determine the risk/benefit of these systems.
2. It is known that there are a number of geothermal systems currently in use on the Island, however the exact number is not known, nor are the types, locations and construction characteristics of the systems.
3. The current Town Board is taking steps to protect the Islands sole source aquifer. New legislation to ban the installation of new geothermal these systems has been adopted.

#### Recommendations:

1. Mechanisms need to be established for the collection of well construction data on existing systems, including but not limited to: total depth and estimated range of thickness, yield, drawdown, soil strata, salt water interface.
2. Depending of the analysis of data collected on existing systems, a sunset provision should be considered to phase out some or all of the systems over a period of time.

MBS/DMK

10/31/08



## SI Comprehensive Plan Advisory Committee

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### Action Point 13 (Z-3): Amend Code to protect Aquifer

Rating: 3 A

*Amend the Zoning Ordinance to include aquifer protection rules Island-wide, designed to avoid the introduction of contaminants into groundwater through either excessively dense development, inappropriate (High risk) categories of development or inappropriately designed development( such as involving underground storage tanks)  
(3. Natural Resources)*

#### Observations:

1. The zoning code added the Near Shore Overlay district in 1993 which was amended in parts from 2000 to 2004. The current code addresses septic systems and fuel tanks:
  - a. No wastewater disposal systems shall be within 100 ft of the landward boundary of a wetland and must be at least 2 ft above the seasonal high groundwater, or as SCDotH directs.
  - b. Septics systems must be replaced with one to current standards if it is to be replaced or requires repairs due to inadequacy or failure or is judged sub standard in that it will not meet Suffolk County DoH standards. Existing systems can continue 'as is' indefinitely.
  - c. However, there are no regular or standardized inspections of septics.
2. There are 294 houses over 100 years old, some 12.4%, of the 2367 houses on Shelter Island. There are an additional 579 (24.5%) houses built between 1909 and 1959. If only 25% of these homes have older septic systems, some no doubt with leakage, there are 218 septics which are likely to be below standard on Shelter Island, presenting a serious risk to the aquifer especially as many of these older systems are likely to be in the center and along Cartwright Rd, and others along the waterfront in the outlying areas.
3. Many of the same homes are apt to have aged underground fuel tanks, which should be replaced. The code only states the 'Fuel tanks for storage of petroleum products other than propane shall be placed above ground and in an area capable of containing the full contents of the fuel tank plus 10% in the event of leakage so that no fuel enters the ground.' There is, however, no system for post installation inspection of older systems, unless a leak is made known to the Town authorities.
4. The Code also provides that each lot shall contain and recharge rain waters to the aquifer, with roof rain waters being collected via downspouts to a dry well or cistern, or to a dry well directly beneath the roof (French Drain). The application of these rules applies to all new houses in the NSOD. But there is no provision for older homes to comply.
5. The Code requires that 'pipes, culverts, drains or similar structures which discharge storm water directly or indirectly into surface waters or into

wetlands are prohibited' and that 'such structures shall be removed or permanently blocked' by May 2005, five years after passage of the Code. While some such structures have been removed or blocked, there is no system for inventorying such structures and it is believed quite a few may still exist.

**5. Recommendations:**

Deleted: ¶

1. As the impacts caused by the incomplete implementation of these measures are very significant and have major impacts on the aquifer, wetlands and local tidal waters, the Town needs to initiate a program to mitigate these threats. Consideration should be given to :
  - a. A new educational program emphasizing the need to inspect and service septic systems, to replace underground fuel tanks and to install run off collection and recharge systems.
  - b. Providing a one time credit against of local property tax of from \$100-\$200 against certification that an underground tank has been replaced.
  - c. As part of the MS4 program, require the Highway Department to inventory all pipes/culverts running off SI roads into fields, wetlands, woodlands, lawns and to develop a program to correct these situations.
  - d. Require the Dept of Public work to inventory all Town Buildings to ensure rainwater and run off are collected on the property and recharge and to develop a program to correct these situations if needed.

Comment [DMK1]



## SI Comprehensive Plan Advisory Committee

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### 14a (Z20) – Manage water use and disposal

Rating: 2 C

*Amend both the Zoning Ordinance and the Subdivision Rules and Regulations to provide special controls in areas of shallow groundwater table elevation (1 ½ “ above sea level, more or less) designed to avoid over-use of limited resources, to enforce maximum feasible recharge of recyclable water and to avoid contamination, including:*

*a: managing water use and disposal in existing development, as well as in new development by requiring recharging of roof drains, use of low-flow toilets, , and strengthening controls over sprinklers, pool fillings (off-Island water for both filling and refilling) and use of hazardous materials such as insecticides. (3 Natural Resources):*

#### **Observations:**

1. The major changes relative to this Action Point have been:
  - a. Prohibitions and Limitations on the use of irrigation systems in Chapter 82. Systems have a sunset in 2013 when they can no longer be used. Until then, hours and days in season are regulated.
  - b. 113 – 5-C Swimming pools: Applications to fill or refill a swimming pool must identify the supplier of the pool water. Applicants shall provide the Building Inspector with a copy of the water receipt prior to issuance of a certificate of occupancy. Failure to do so shall be a violation of this Code.
  - c. 133-12-F (8): Each lot shall have provisions on site to contain and recharge rainwater to the aquifer. Roof rainwater shall be collected via downspouts to a dry well or cistern, or to a dry well directly beneath the roof (French Drain).

#### **Recommendations:**

1. Irrigation seems under control but enforcement of moveable non hand held sprinklers in summer outside of hours is difficult.
2. Determine the extent of swimming pool filling or discharge abuse?
3. Determine how do enforce the replacement of the old type sand filters by 2005?
4. Determine if we need to codify roof cisterns & French drains?

5. PEM/DMK  
10/30/08



## SI Comprehensive Plan Advisory Committee

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**Action Point: 14c (Z- 20c) – Minimize the disturbance of natural vegetation to inhibit run-off and encourage recharge.**

*Amend both the Zoning Ordinance and the Subdivision Rules and Regulations to provide special controls in areas of shallow groundwater table elevation (1 ½ “ above sea level, more or less) designed to avoid over-use of limited resources, to enforce maximum feasible recharge of recyclable water and to avoid contamination, including:*

- c. Discouraging replacement of natural vegetation with hard surfaces or sod, and encouraging use of landscape vegetation and grass varieties having low water demands (3. Natural Resources)*

### **Observations**

1. Two major changes in the Code (post Comprehensive Plan) have helped accomplish this goal:
  - a. Near Shore Overlay District - Chapter 155-12C & D. This change created a Shoreline vegetative buffer, with restrictions on activities, including clearing, tree removal, and erection of structures.
  - b. Wetlands Ordinance – Chapter 129. Requires a permit for certain operations in the 75 ft. vegetative buffer area and adjacent 25 ft. regulated area. Some operations in the buffer area that would disturb the vegetation are specifically prohibited. See 129-1-C and 129-2.
2. Other new changes that can apply:
  - a. Limitation of lot coverage to 25 % of lot area by all buildings and 40% by all impervious surfaces, including buildings. (Bulk regulations in A, AA, and C zones). In B and B1 Zones buildings are limited to 70% of lot area and impervious surfaces to 75%.
  - b. In 2006, new code was passed requiring a Special Permit for a house with a SFLA greater than 8500 sq ft, but without any criteria for judging the application.
  - c. The regulation on building height was modified to use the ‘average elevation of the natural ground before any fill has been or is proposed to be placed thereon to the highest point of the building or structure’
3. Chapter 133-Sec. 11 – Undeveloped Coastal Barrier District. See Section 133-11 which restricts development in the Coastal Barrier District.

4. Chapter 60 – Environmental Quality Review. See Sec. 60-8 (Requirements for EAF and EIS) and Sec. 60-12 B-(10) - Type I actions.

**Recommendations:**

1. Strict enforcement of existing law.
2. Review code and identify areas of ambiguity.
3. Link into threat arising from Knock-downs, oversized homes in NSOD, pre-existing nonconforming lots and variances.

PEM/DMK

10/30/08



## SI Comprehensive Plan Advisory Committee

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**Action Point: 14d (C-3) – Best management practices in fertilizer use.**

**Rating: 4 A**

*Encourage best management & practices in fertilizer use, especially in critical water resource areas and near the water. (3. Natural Resources)*

### **Observations:**

1. Over the past the years, certain new ordinances have been enacted:
  - a. Chapter 133-12 C.(5) (Near Shore & Peninsular Overlay District) restricts the use of pesticides and toxic fertilizer within the 75 ft. shoreline vegetative buffer.
  - b. Chapter 129 (Wetlands) prohibits the use of Pesticides, fungicides and other pollutants in the “regulated area” (100 ft from the wetlands, which includes the 75 ft vegetative buffer). See 129-3 (A).
  - c. Chapter 111 (Subdivision of Land), Section 38 (Preservation and protection of natural environment) Subsection (B) mentions protection of surface waters “from the influence of induced nitrification caused by the fertilization of perimeter properties”. It does not, however, specifically prohibit use of fertilizers.
2. The Planning Board has been including, as a matter of policy conditions that ban the use of fertilizers, pesticides and herbicides on all parkland and conservation easements in subdivisions.
3. It is clear that enforcement of the current codes as drafted and applied is difficult and largely ineffective.
  - a. Professional applicators, often spraying permithrin for tick control, are contracted it is reported by over 300 homes on Shelter Island, many of which show the yellow flags in the Near Shore Area.
  - b. It is impossible to control individual landowners applying fertilizer and spray on their own gardens.
  - c. The Town, however, now follows best management practices in applications to Town lands.

### **Recommendations:**

1. Require that all professional applicators be licensed by the Town, renewable on an annual basis. The license should require a statement that the applicator has read and understands the Town Code on pesticides/fertilizer applications and emphasize the prohibition for use within 100 feet of a wetland. If violations occur, the Town should be able to pull the license.

2. Education: The Town needs to put greater and a more effective effort into education regarding chemical use and the aquifer, wetlands and waterways. Targeted direct mailing might be used to all NSOD homes with property adjacent to tidal or freshwater wetlands, to other NSOD homes and the homeowner not in the NSOD. The use of native plants along the waterfront should also be encouraged in the mailings.
3. Encourage the use of lawn seed that is drought tolerant and works on SI and only slow release fertilizers, especially on lawns. Encourage all local suppliers to stock and promote these products.

PEM/DMK

12/16/08



## SI Comprehensive Plan Advisory Committee

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### Action Point 15 (C-5): Air Quality

Rating: 4 C

*Develop educational materials regarding air quality, to be distributed with burn barrel permits. (3. Natural Resources )*

#### Observations:

1. Limited educational materials are available in the Town regarding outdoor burning and these are mostly concerned with fire safety.
2. Town 'burn policy' and practice is in direct conflict with efforts to recycle e.g. Untreated and treated lumber, paper, cartons, garden or agricultural debris are mentioned in the Conditions of a Burn Permit

#### Recommendations:

1. The Town 'Burn Policy' needs review and revision to exclude the burning of most items except for special circumstances and conditions.
2. Materials from construction sites should be required to be recycled.
3. Educational materials need to be updated and cover 'air pollution' in the fullest sense.
4. The code should also address the air quality impacts of pesticide spraying and 'gunite' treatment of swimming pools.
5. To be consistent with recycling efforts, the use of burn barrels should be restricted to special exemptions and hardships.



## SI Comprehensive Plan Advisory Committee

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**Action Point: 16 (C6) – LILCO (LIPA) Cross Island transmission line Rating: 3 D**

*Monitor LILCO cross island transmission line electromagnetic impacts. .*

### **Observations:**

1. LIPA has been asked for standard operating procedures (SOP's) for routine maintenance, monitoring and testing of transmission lines.
2. LIPA's records showing level of compliance with SOP's have also been requested, however were not made available at this time.

### **Recommendations:**

1. Electromagnetic impacts have been shown to not be a point of concern with underground electric transmission lines.
2. LIPA monitors nitrogen gas periodically and inspects manholes every 2 years in compliance with their standard operating procedures.
3. The Town should ensure it receives the LIPA reports every two years and reviews the comments, using a third party expert if any questions arise on the report.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 17 (Z-34): Develop an equitable approach to controlling noise disturbances**

**Rating: 1 D**

*Develop and a simple, equitable approach to controlling disturbances resulting from excessive noise of sound amplification systems, boisterous late-night parties, use of noisy equipment and machinery, or similar activities, strengthening existing authority regarding alcoholic beverages and disturbing the peace.*

#### **Observations:**

1. After much discussion and debate, Chapter 92, the 'Noise Ordinance' was passed into law in 1998.
2. The Code specifies a limit to the sound of noise by means a sound level standard of 50 dB(A)'s for amplified music measured by a sound meter at or beyond the property line of the generating property.
3. Unreasonable noise, as defined in the code, is prohibited by the code.
4. The Town police report that the enforcement of the code as currently written is working and is enforceable.
5. However, there are no limits as to the time of day when noise can be generated, when for example, leaf blowing, using a chain saw or creating noise that is unacceptable in the very early morning or early evening/night.

#### **Recommendations:**

1. Consider whether the current Code might be strengthened by restricting the noise creating by machines used for outdoor garden activities in the very early morning, or evening. Consideration might also be given to limiting construction activities on Sunday.
2. Consider an updated pamphlet and communication in the *SI Reporter* and on *Channel 22* re 'noise' to educate the community.



## SI Comprehensive Plan Advisory Committee

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**Action Point 17 (NEW): Control excessive night sky lighting. Rating: 3 B**

*Develop an approach to controlling excessive night sky lighting to reduce energy consumption and night sky light pollution*

### **Observations:**

1. While Shelter Island currently has little excessive night sky lighting, excessively bright and wide spread lighting profiles exist at local banks, and at private residences and docks.
2. While security needs exist, there is sufficient flexibility in State law that night lights can be deflected, directed and turnoff at certain hours.

### **Recommendations:**

1. Base on an understanding of NY State law regarding security lighting, develop a new town 'dark skies' code to control excessive night lighting with goals of prohibiting unnecessary bright and intrusive lighting and to reduce Island-wide energy consumption and costs.
2. Note: Night sky legislation is currently under discussion by the Town Board

DMK

3/27/09

New York

- A 5352/S 3386 passed both houses of the Legislature in 2001, but was not signed by the Governor, effectively vetoing the measure. In his refusal, Governor Pataki stated concerns over safety and potential impacts on necessary lighting.
- In 2003, revised versions (A 6950/S 3003 – Healthy Safe Energy-Efficient Outdoor Lighting Acts) were introduced to address these concerns and passed the Assembly, but stalled in Senate committee.

### **East Hampton Lighting Code**

#### **§ 255-1-80 Lighting.**

Editor's Note: The text of former § 255-1-80, Light, was repealed 10-6-2006 by L.L. No. 27-2006. For current lighting provisions, see §§ 255-1-81 through 255-1-84.

#### **§ 255-1-81 Purpose. [Added 10-6-2006 by L.L. No. 27-2006]**

The following provisions are intended to control and regulate exterior lighting throughout the Town to promote public safety on the Town's roads and highways, protect residential land owners from the intrusive effects of glare and light trespass, preserve the rural character of the Town, and maintain and restore the beauty of the night sky. Excessive, unshielded, and poorly directed exterior lighting has many adverse effects. It detracts from the rural qualities of East

Hampton and makes the Town appear increasingly suburban and over-developed. Glare associated with such lighting is dangerous for drivers and pedestrians on the Town's roads at night. Furthermore, such lighting interferes with the privacy of residents, wastes energy resources, and creates skyglow, which makes the night sky less visible and diminishes the natural nocturnal environment for flora and fauna. The regulations set forth in this part take proper account of the legitimate uses of exterior lighting, while providing guidance and direction for landowners and businesses.

**§ 255-1-82 Applicability. [Added 10-6-2006 by L.L. No. 27-2006]**

All exterior lighting shall comply with the regulations set forth in this local law.

Editor's Note: "This local law" refers to L.L. No. 27-2006, adopted 10-6-2006.

**§ 255-1-83 General lighting standards.**

[Added 10-6-2006 by L.L. No. 27-2006]

The following shall apply to all exterior lighting within the Town:

**A.** Exterior lighting shall be designed, installed, and maintained to minimize glare.

**B.** Irrespective of any other provision herein, all lighting on new construction for which a building permit is issued after the adoption of this local law

Editor's Note: "This local law" refers to L.L. No. 27-2006, adopted 10-6-2006.  
must be fully shielded.

**C.** No light source as defined in § 255-1-20 shall be visible beyond the boundary of the property on which the light source is located, including from a body of water or roadway. House lights, as defined in § 255-1-20, temporary lighting, as defined in § 255-1-20, and landscape lighting, as defined in § 255-1-20 shall be exempt from this provision. All lighting not specifically exempted herein shall be fully shielded.

**D.** Prohibited lighting. The following types of lighting are prohibited:

- (1) Uplighting, except as specifically permitted herein;
- (2) Searchlights, including those that are transportable, except those used for governmental or emergency purposes;
- (3) Strobe lights, laser lights or revolving lighting, including those that are transportable;
- (4) Neon lights, except lawfully preexisting neon signs;
- (5) Blinking, pulsating, tracing, or flashing lights, unless otherwise permitted herein, including those that are transportable;
- (6) Utility-pole-mounted lights, as defined herein;
- (7) Lighting which is used to outline a building, structure or window; and
- (8) Any light fixture that may be construed as or confused with a traffic signal or traffic control device.

**E.** Prohibited light fixtures. The types of light fixtures depicted in Appendix L2 to this chapter

Editor's Note: Appendix L2 appears at the end of this chapter.  
are prohibited unless otherwise specifically exempted herein (e.g., house lights).

**F.** Exceptions. The following types of lighting are exempt from the foregoing provisions:

- (1) Temporary lighting, as defined in § 255-1-20;
- (2) Lighting which the Town Board has expressly allowed in connection with a special event for which a mass gathering permit has been issued;
- (3) Flag uplighting, provided any such flag is not used for advertising purposes, and has a fixture as close to the pole as possible and has a light source that emits a narrow beam of light. The light source must be recessed within a fixture with an opaque shield so that, as designed and installed, the light fixture projects all its light above the horizontal plane and is aimed directly at the flag. The light source must not be visible across the property line;
- (4) U. S. Coast Guard-approved maritime navigational lighting, and all temporary emergency lighting needed by Fire, Ambulance, or Police Departments, or other emergency services;
- (5) Municipal street lighting;
- (6) All essential lighting for emergency facilities;
- (7) Airport lighting that is specifically regulated by federal law;
- (8) Landscape lighting, as defined in § 255-1-20;
- (9) Tree uplighting, as defined in § 255-1-20; and
- (10) Marina power pedestal lighting, as defined in § 255-1-20.

**G.** Nonresidential lighting procedures. All other nonresidential uses shall comply with the following standards and regulations:

- (1) General requirements. All nonresidential exterior lighting shall be governed by the specific standards and requirements for lighting which are set forth in § 255-1-83A through F hereof.
- (2) Replacement of existing lighting fixtures in place does not require any Town approval if the replacement conforms to § 255-1-83A and C, and is not otherwise prohibited.

(3) Procedure; adding new lighting. An administrative approval from the Planning Department pursuant to § 255-1-84 shall be required for the installation of any additional light fixtures if those light fixtures are being installed in conjunction with alterations to an existing site which do not exceed the threshold set forth in § 255-6-30B. Additional lighting to be located on Town-owned sites is required to receive approval by this method. Public schools, county, state and federal buildings are encouraged to comply with this procedure for all lighting.

(4) Procedure; new construction and review of preexisting lighting. A comprehensive lighting plan for the site shall be reviewed and approved by the Planning Board for lighting which is associated with new nonresidential construction, alterations to an existing site which exceed 25% of the gross floor area of the existing buildings, any modification to on-site parking or change of use, pursuant to Article XI hereof.

(5) Noncompliant lighting that legally preexists the adoption of this local law must comply with § 255-6-61A through D herein four years after the adoption date of this local law

Editor's Note: "This local law" refers to L.L. No. 27-2006, adopted 10-6-2006.

to allow time for education and compliance.

(6) Exceptions. Notwithstanding any other provision of this section, the following types of lighting may continue to be used for nonresidential uses:

(a) Lawfully preexisting neon signs; and

(b) Lawfully preexisting movie marquees which are internally illuminated.

H. Methods for lighting compliance. Nonconforming lighting in all zones may be altered to comply with the requirements of this chapter by the following means as appropriate:

(1) Redirecting, repositioning, re-lamping, or re-aiming light fixtures; and

(2) Shielding light sources.

### **§ 255-1-84 Administrative lighting permit.**

[Added 10-6-2006 by L.L. No. 27-2006]

A. Administrative permit. The Planning Department of the Town of East Hampton shall have the power to process and review applications and to approve, conditionally approve, modify or deny such permits for new lighting on a nonresidential site that is proposed to be installed in which site plan approval is not required pursuant to § 255-6-30B.

B. Jurisdiction. Except as provided for herein, the Planning Department shall exercise sole jurisdiction over administrative lighting permits and the review of applications received by the Town for the same. Such authority shall be exercised by the Department for and on behalf of the Planning Board, and, except as otherwise specified herein, the determinations of the Planning Department with regard to administrative lighting permit applications, which it processes and decides under this section, shall have the same force and effect as if such applications had been reviewed and acted upon by the Planning Board. All applications must comply with the § 255-6-61 herein and the Town of East Hampton Planning Board Guidelines for Lighting. Grant of any such administrative permit shall constitute an action as defined in the Environmental Conservation Law and in the regulations promulgated by the State Department of Environmental Conservation under that law.

C. Informal procedures. Unless specifically provided otherwise herein, review of applications for administrative lighting permits conducted by the Planning Department shall not include Architectural Review Board approval, involve the holding of formal public hearings, the taking of sworn or unsworn testimony, the making of transcripts or the keeping of minutes or other formal records of proceedings. The issuance or conditional issuance of an administrative lighting permit authorized herein by the Planning Department shall not require the making of formal findings or determinations by the Planning Department or by any other Town department or agency, except as may be required by the Environmental Conservation Law or Chapter 75 of the Town Code.

D. Receipt of applications. All applications for administrative lighting permits shall be accepted for the Town by the Building Inspector, who shall accept only applications which he finds to be facially complete and for which the appropriate fee has been received. One copy of each application accepted shall be forwarded immediately to the Planning Department. An application pursuant to this section must include the following:

(1) Elevation drawings depicting proposed light fixture;

(2) Site plan or portion of site plan drawn to scale that depicts the location of the existing and proposed fixtures in relation to the property lines; and

(3) Lighting manufacturer-supplied product information sheets that include photographs of the fixture, "full cutoff" indication, and photometric data for the fixture, type of light source and initial lumen output.

E. Initial staff review. The Planning Department shall review every application forwarded to the Department by the Building Inspector for completeness. Within 10 days after receipt of the application by the Town, the Planning Department shall issue a notice of complete application as specified below or a request to the applicant for additional information.

F. Further staff review. The Department shall collect and compile all information necessary for an informed and thorough review of the application, shall conduct a site inspection and shall formulate its analysis and recommendations regarding proper disposition of the application. The Planning Department shall make a decision either to issue an administrative lighting permit or to refer the matter to the Planning Board for public hearing and decision because one or more of the conditions listed in § 255-6-30B are determined to exist. If, for any such reason, it is determined that a particular application

cannot be further processed administratively by the Planning Department, the Planning Board shall be so informed by the Department and the Board shall process the application in accordance with site plan procedures.

G. Final administrative processing. If all conditions listed in § 255-6-30B are found not to exist, an administrative lighting permit may be prepared by the Department. This permit shall be mailed by the Planning Department with a cover letter informing the applicant that, unless a written request for modification of the draft permit or an objection to one or more conditions of the draft permit is made to the Planning Department within 10 days, the final permit will issue as originally drafted. Any objection or modification request so submitted shall be considered by the Planning Department, which may elect to modify the final permit accordingly. If such a modification is made, the final permit issued by the Planning Department shall reflect the modification; otherwise, it shall be identical to the originally issued draft. Final approval by the Planning Department of the installation is required and is contingent upon an inspection verifying that the installation is in compliance with the permit.

H. Appeals; hearing de novo. An applicant may appeal the denial of an administrative permit application by the Planning Department or the imposition in any permit issued by the Department of one or more particular conditions. Any such appeal shall be deemed, procedurally and for all other purposes, an entirely new application to the Planning Board for a nonadministrative lighting permit, and the Planning Board shall hear and decide the matter on that basis. The Board may make use of documents and materials already submitted by the applicant or produced by the Planning Department. No new fee shall be charged an applicant for the further processing of the application.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 18 (Z-6): Amend Town Code to protect endangered, rare, or Island unique species**

**Rating: 3 E**

*Amend the Zoning Ordinance to make the protection of endangered, rare, or Island- unique species and their habitats an explicit consideration in decision making for special exception permits (3. Natural Resources)*

#### **Observations:**

1. No specific lists could be found that provided confirmed information of such species being on Shelter Island and nearby waters. However, information has been provided by the NYS DEC which might be developed into a Shelter Island list.
2. While the Town and other parties have various lists of environmental information, there is no one central data base or set of files where this information is readily available and crossed referenced.
3. To the best of our knowledge, there is no such provision in any of the Town codes

#### **Recommendations:**

1. Initiate a study to list endangered, rare or Island unique plant and animal species on one Town list.
2. Conduct basic environmental assessments of at least the more prominent habitats (e.g. Fresh Pond) to provide a scientific baseline for future reference; and monitor periodically.
3. Ensure the list and impacted properties is reflected the 2% CPR acquisition, criteria and available to the all Town committees, especially the Planning Board and ZBA.
4. Explore possibility of creating low profile 'nature preserve/education' trails on available Town open space land.
5. Consider involving nearby college students in environmental programs to provide technical support in various Town projects
6. Initiate an educational program on the town web site and perhaps in the *Reporter* to inform the general public regarding the presence and role/value of such resources.



# SI Comprehensive Plan Advisory Committee

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## **Action Point 19 (C-7): Control of invasives.**

**Rating: 5 B**

*Adopt provisions either within the Zoning Ordinance or as a separate ordinance,, discouraging or preventing the introduction of plant materials not already present on the Island, unless demonstrated to be both of special benefit and unlikely to prove invasive.*

### **Observations:**

1. Currently, the Town has no ordinance regarding invasives.
2. Some wetland permit approvals include 'native vegetation' to mitigate intrusion into the wetlands buffer zone.
3. The CAC has developed a list of native plants that should be considered for new plantings as well as a list of invasives which should not be planted
4. It would appear to be very difficult to determine which plant materials are or are not already on the Island and which may or may not prove to be invasive. Direct benefits or any plant of any one species would often be difficult to determine.
5. The Island is already overrun with invasives in many areas, which is killing many hardwood and evergreen trees, while providing a changed habitat for wildlife.
6. Excessive invasive growth threatens the Island's mature woodlands and open fields, both important to the character of Shelter Island.

### **Recommendations:**

1. Continue an invasives education program via the CAC using brochures and handouts.
2. The program should include a mailing to local nurseries, including those on the North and South Forks from whom Islanders purchase plants, to discourage invasives and to encourage native plants.
3. Include a 'Deal with Invasives' program on section Channel 22 with identification drawings or photos and instructions how to eradicate or control.
4. Develop an Island-wide community invasives control program, whereby:
  - a. Homeowners would be encouraged to remove invasives from trees and shrubs along the road side of their property and plant replacement native species where appropriate.
  - b. Community Associations develop community volunteer groups and/or hire contractors to remove invasives along well traveled community roadsides and properties.
  - c. The Department of Public Works develops of set of priorities to control invasives on Town properties, including CPF 2% lands.

- d. The Highway Department provides equipment support to neighborhoods, for larger clearing jobs.
- e. The Town hire local Shelter Island contractors to remove invasives in highly visible areas or in areas where mature native vegetation is at risk.

DMK

12/14/08



## SI Comprehensive Plan Advisory Committee

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### **Action Point 20 (C-7): Develop centralized inventory of environmental information.**

**Rating: 3 A**

*Develop a centralized inventory of environmental information, including such mapped information as that from the New York State Natural Heritage Program and develop a system for keeping it updated*

#### **Observations:**

1. While the Town and other parties have various lists of environmental information, there is no one central data base or set of files where this information is readily available and crossed referenced.
2. The Town has invested in a GIS system using consultants Fuss & O'Neil with start up in 2007. This GIS list includes: Aerial photograph map, topography map, contour map, wetlands, flood zones, the near shore overlay district, SI tax parcel map including assessed valuation and house photographs, streets, moorings and mooring fields, chart depths, docks and town landings.
3. Some of the maps and overlays are easy to read and appear accurate; others are more difficult to read and sometimes incomplete. It is likely that the quality of the maps depends on the source material. There are no data tables included on the site.
4. In developing the Group for the East End pamphlet 'Conservation Agenda' in 2007, various environmental lists in MS Excel and maps were developed including: an Aquifer map, showing aquifer thickness, divides and flows, a Resources map, showing mature woodland, open fields, undeveloped creeks, scenic vista and other resources, and a Threats map showing developable land, 'at risk areas' due to aged septic or pool systems or high nitrogen count levels. These overlays and maps are supported by excel data bases.
5. Suffolk County has maintained the tax map and zoning maps of the area, which provide a base for most GIS work.
6. There is no list of heritage structures or sites to our knowledge.
7. The CPF 2% committee has a list of open space and land with special value if protected.
8. Various boards and committees - Planning Board, ZBA, CAC, WMAC, WMC all have files on property and cases, sourcing much of the same data, but which are not readily available to one another. Hence, important data and precedence can be missed in decision making.
9. There is no integrated data base on environmental or lots/structures data base of mapping for information used by the Town Board, various committees and the ZBA. Instead we have a decentralized system of manual files with a committee only focus rather than an integrated data base. The creation of an

integrated data base with controlled access to all Town boards and committees will significantly reduce duplicating work, provide better information, save board committee time and expense and result in better informed decision making.

**Recommendations:**

1. An ad hoc committee be established to integrate Town files and information into a Town wide data base.
2. Committee members should represent the various Board and committees of the Town, and person with knowledge of and expertise in creating such systems. The charge of this Committee should be to make recommendations for a Town wide data base system
3. The resultant data base should have controlled access and segments of the data be made available on line to Town residents, thus improving the transparency of local government.
4. Such a program would be a major capital project and investment for the Town but is anticipated would create savings and better decision making in the future.

DMK

12/14/08



# SI Comprehensive Plan Advisory Committee

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## **Action Point 21 (C-8): Integrate environmental information into school curriculum**

**Rating: 4 E**

*Explore how to integrate local environmental information into the school curriculum (3. Natural Resources)*

### **Observations:**

1. Several limited school activities relate to the local environment. However, curricula requirements, limited time and funding discourage expansion of such programs.
2. Concerns about tick-related issues also reduce interest in developing additional programs.

### **Recommendations:**

1. Establish contact person at the school, probably the senior science teacher, to ensure he is aware of the opportunities for student involvement in Town projects and research.
2. Develop a list of possible projects that might be undertaken by students for the Town.
3. Field trips to nearby facilities (Atlantis aquarium, Cornell Lab in Southold, SUNY/Southampton, Montauk hatchery, Bridgehampton children's science center) could be integrated into existing activities.
4. Summer environmental programs, perhaps sponsored by the Town, local businesses, or other organizations, might be a consideration.
5. Educate the general public/parents regarding local projects, facilities and opportunities



## SI Comprehensive Plan Advisory Committee

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**Action Point 22 (C-9): Budget funds to CAC & WMAC for education programs.**

**Rating: 3 D**

*Provide adequate budgetary resources to both the conservation Advisory Council and the Waterways Management Council to carry out an aggressive program of community educational and communication both for those living here and visitors. (3. Natural Resources)*

**Observations:**

1. Over the past ten years the CAC has produced the following educational documents:
  - a. Invasive Species Plant List
  - b. This Special Place
  - c. Public Notices in Reporter
  - d. Home Owner's Pamphlet
  - e. Brochure On Florescent Light Bulbs & S.T.O.P. Program
2. Other environmental groups - The Nature Conservancy, Peconic Land Trust, Group for the East End, the Peconic Baykeeper and the Peconic Estuary Program have produced various educational documents, including: periodic newsletters, BayWatch Reports, Shelter Island Community Agenda
3. None of these documents are available on the Town's web site. Selective documents are currently available on the TNC, PLT, GfEE, PBK and PEP web sites.
4. Continuing education of aquifer and other resource issues is vital to Shelter Island as the Town has limited enforcement resources and the population is always changing.
5. The budgeted and actual expense for CAC pamphlets for the past seven years has been:

<u>Year</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Budget	2500	2500	0	1000	0	2000	500
Actual	0	0	744	1000	0	0	0

**Recommendations:**

1. The CAC and WMAC review the pamphlets used in past years, update them and seek reissuance by the Town, or a not-for-profit organization, perhaps with a direct sponsorship by one or more Shelter Islanders.
2. Develop additional sites to distribute pamphlets and materials aside from Town Hall – Bridge St Park in summer, hotels, inns, B&B's and restaurants.

3. Designate specific persons on each Committee to be responsible for the distribution of educational materials and flagging new issues that might be covered in new publications eg. The Town Green program, Geothermal systems and salt water conversion systems.

DMK

1-19-09



## SI Comprehensive Plan Advisory Committee

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### Action Point 23 (O-1): Creation of Historical Advisory Commission.

**Rating: 2 X**

*Explore the creation of an Historic Advisory Commission with Town Government to coordinate and advocate actions for managing cultural resources, both by the town and by cooperating private groups such as the Historical Society (4. Cultural Resources)*

#### **Observations:**

1. It would appear the Shelter Island Historical Society ("SIHS") fulfills this role perfectly adequately and is generously supported by the Town and community.

#### **Recommendations:**

1. Have Town board meet with the SIHS to annually review plans and objectives for the coming years. Consider providing Town support and funds to support specific projects.

DMK

1-19-09



## SI Comprehensive Plan Advisory Committee

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### Action Point 24 (S-1) – Survey Town’s historic assets

Rating: 2 C

*Undertake a program of surveying and documenting the town’s historic and visual assets, either funded for professional execution or stage for volunteer execution over a number of years, undertaking one neighborhood each year. (4. Cultural Resources)*

### **Observations:**

1. The Shelter Island Historical Society (‘SIHS’) has identified and listed ten Revolutionary War houses, which are all privately owned and not protected by zoning or registration. These homes are also not on any national or state register. The SIHS also has prepared a history of Havens House.
2. The CPAC has produced an initial list of the 50 oldest homes or structures on Shelter Island from the Town Assessors office. The attached analysis shows the following distribution of homes over 100 years old:

Year	Year	Starts
1600	1699	0
1700	1749	3
1750	1799	8
1800	1849	19
1850	1899	143
1900	1908	80
	Total	253

3. The NYS and National Registers list: Haven House, Union Chapel, Quinipet, SI Heights and Taylor’s Island
4. The SI Historical Society lists buildings and sights.
5. The web site ‘Shelter Island History Revisited’ developed by Pat and Ed Shillingburg provides many historical stories about the Island and its history.
6. Shelter Island Heights Association (‘SIHA’) has been designated a State and Federal Historical District. The SIHA reports every house in the District is documented including photographs. Restrictions are, however, limited.
7. There does not appear to be any summary of neighborhoods or maps showing the historic development of Shelter Island, whereas such information is available in certain histories of the Island and in historical maps.

### **Recommendations:**

1. Given the current economic climate, it is recommended that the completion of any surveys and documentation be on a volunteer basis, which has the added

benefit of involving local citizens in better understanding and supporting the historical resources of the Island.

2. The Comprehensive Plan lists so-called special Places on page 11, which has been reviewed and modified in attached draft list.
3. In addition to the list of Special Places, we have added a list of scenic vistas, which are important to the character of the Island and which should be maintained.
4. SIHA has surveyed the Heights and has detailed histories of many of the buildings in the area, which is public information but not published
5. The Shelter Island Association should be approached to develop interest in surveying and documenting other areas of the community.
6. The SIHS might undertake to develop copies of a series of historical maps and photographs of the Island and its development, which are scattered around and need to be consolidated.
7. Consider posting these special places and events on the Town's Channel 22 web site.

PVV/DMK

10/30/08

## **Amended List of Special Places from Comprehensive Plan. AP 24**

- Centers: Areas where a concentration of activities and structures create special qualities:
  - SI Center, SI Heights, Dering Harbor Village
- Paths: Key routes connecting places, or the route itself having special qualities:
  - Grand Ave, Bridge St, Ram Island Causeways, Serpentine Drive, Nostrand Parkway, New York Avenue, West Neck Road, South Midway Rd.
- Water's edge: Important places where Island land and water converge- water access and viewscales:
  - Ice Pond, Fresh Pond, Lily Pond, Matts Pond, Weck's Pond, Crescent Beach, Wades Beach, Shell Beach, Menhaden Lane Beach, Hay Point Beach, Reel Point, Coecles Harbor Marina, Island Boatyard, Picozzi's Marina, South Ferry Hills Marina, North and South Ferries, and Town landings and docks.
- Creeks: Critical to the visual character and resource functions of the Island:
  - Bass Creek, Chase Creek, Congdon's Creek, Crab Creek, Dickerson Creek, Gardiners Creek, Hay Beach Creek, Menantic Creek, Barnyard Creek, Maresneck Creek
- Mature Wooded Areas: Larger areas of mature trees and woodlands providing resource functions and viewscales, essential to the character of Shelter Island:
  - Mashomack Preserve, Sachem's Wood, Rasmussen- SI Nursery Woods, Sylvester Manor Woodlands, N Ryan's Farm Wood, Barnyard Woodland, Nostrand Parkway Woodlands, Manhasset Rd Woodland (Dering Harbor), Big Ram Woodland, Robb Woodlands
- Institutions: Important visual and cultural structures and viewscales:
  - Manhasset Chapel, Presbyterian, Episcopal and Roman Catholic churches, St Gabriels, Quinipet, Quaker, Presbyterian, Epicopal and Roman Catholic cemeteries, SI School, SI Library, Havens House, Center and SI Heights post offices, Mashomack Manor House, Pridwin Hotel, Perlman Music Center, Haven's House
- Businesses: Important because of their value as meeting places where social interaction takes place:
  - Fedi's, George's IGA, SI Heights pharmacy, Pat & Steve's, John's Grill, Chequit, Dory, Goat Hill Grill, Ram's Head Inn.
- Open Space and Natural Features:
  - Mashomack, Crescent Beach, Wades Beach, Shell Beach, Menhaden Lane Landing, Sachem's Woods, Dickerson Park, Fresh Pond, Ice Pond, Sylvester Manor, Beach, Goat Hill Golf Course, Gardiner's Bay Country Club, Pogatticut Rock, Tuthill Hill, Bridge Street Park, and other Town owned Open Space and park land.

- Recurrent Events: Event's that are an important part of the Community's cultural traditions:
  - Ten Kilometer Race, July Fireworks Show, Annual Fire Department Chicken Barbeque, Arts & Crafts Show, Mashomack - Annual Dinner Dance and Christmas and Summer parties, Country Fair, Annual Snapper Contest.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 25 (S-2) – Consider designating areas/structures for State and National Registers.**

**Rating: 3 D**

*Following the surveys, explore the designation of additional areas or structures for the State and national registers.*

### **Observations:**

1. Shelter Island Heights has been designated a State and Federal Historical District. The SIHA reports every house in the District is documented including photographs. Restrictions are, however, limited and there is no discretionary review by public agencies or SEQUA review.
2. No other areas of Registration exist.
3. No listing of the Sylvester Manor and the windmill on the Fiske property can be located
4. The Town is a “Preserved American Community” –with signs on Rte 114 up the hill from Piccozzi’s and just north of South Ferry, which seems to have little meaning or benefit, but to be placed on a federal list of communities.

### **Recommendations:**

1. Complete the surveys of AP 24 (S-1) first.
2. Update and document the different levels of protection of the various registries available and designate the Town historian to keep current of these details.



## SI Comprehensive Plan Advisory Committee

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### Action Point 26 (S 3) – Seek funding for Manual(s)

Rating 2 E

*Seek funding for the preparation of a manual describing the Town's history, and its cultural and visual resources, highlighting the distinctiveness of the Island's varied neighborhoods patterns, and suggesting guidelines for building and maintaining in harmony with that inheritance. (4 Cultural Resources)*

### **Observations:**

1. Except for reprinting the current pamphlets, more research must be completed before funding is requested.
2. We do not know what grants are currently available.
3. Given the current economic climate such grants are less likely to be available.

### **Recommendations:**

1. Determine what State and County grants are currently available.
2. Determine if some of the research could be undertaken as school projects.
3. Produce an outline of what the 'Manual' might include, using the SI Historical Society and/or the Shillingburg articles.
4. Consider adding to the Town's web site (s) instead of producing a pamphlet.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 27 (S-4): A program for Preservation Easements      Rating: 4 E**

*Develop and promote a program for use of preservation easements as a tool for protecting facades, gardens and scenic structures. Such easements are deeded agreements reached between a willing property owner and either a public agency, such as the town, or a private one such as SPLIA. Incentives and other encouragement from the Town could expand their use (4. Cultural Resources)*

#### **Observations:**

1. To date, it does not appear that this conservation tool has been used.
2. Lists of historical buildings and sites do exist with the SI Historical Society and SI Heights Association.
3. While there are certainly a multitude of potential sites for façade and scenic structures, there does not appear to be any significant community will to enter into such a program.

#### **Recommendations:**

1. Consider a request to the SI Historical Society to develop a program for preservation easements, which should include a list of potential sites which might qualify, a simple easement program available through the Town or a 'not-for-profit' organization, which might provide tax benefits on the easement and protect some valued resources.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 28 (Z21) – Amend Town codes to include protection of historical and archeological assets**

**Rating: 3 E**

*Amend relevant Town ordinances (Zoning, Subdivision, Site Plan Review, if adopted, Environmental Impact) to include protection of historic and archeological assets (especially within 500 ft of the shoreline) as explicit considerations in acting on permits, and devise an objective system for ensuring those resources are in fact respected in new development*

#### **Observations:**

1. After lengthy open hearings and discussion, the Town adopted a ‘Shelter Island Colonial and Native American Graves Protection Policy 4/1/05.
2. Shelter Island Heights has been designated a State and Federal Historical District. The SIHA reports every house in the District is documented including photographs. Restrictions are, however, limited.

#### **Recommendations:**

1. The ‘Graves Policy’ appears to be working satisfactory and does not seem to need further change.
2. Although the Historical District registration provides few restriction on changes to houses and lots, the designation in itself heightens community sensitivity to external changes to structures in consistent with the traditional architecture. Given the reluctance of many in the Heights to accept zoning/legal restrictions or an Architectural Review Board, we conclude the current system is working to achieve reasonable protection.



## SI Comprehensive Plan Advisory Committee

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### Action Point 29 - Accessing Cable TV for Community Assets and Events

**Rating: 2 A**

*Explore the use of cable TV for community education about historic and cultural assets, including broadcasting of local events. (4. Cultural Resources)*

#### **Observations:**

1. The use of Channel 22 has greatly expanded the availability of visual/oral information to Town residents.
2. There are many other applications that should be considered, subject to cost/.benefit analysis.

#### **Recommendations:**

1. Consideration should be given to televising the meetings of various Town Committees for important hearings and to provide the community with a better idea of what each committee does.
2. Additional topics and material, such as environmental subjects, the Comprehensive Plan, and historic and cultural subjects should be considered.
3. Other channels could be contacted for airing of public service type materials, currently Ch. 20 ([www.cablevision.com](http://www.cablevision.com)) and Ch 12 ([www.news12.com](http://www.news12.com)).
4. Apprentices (possibly interested students) could be considered for participation.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 30 (S-5): Open Space Inventory**

**Rating: 1 B**

*Complete an inventory of open space, noting for each parcel of protected open space its acreage, qualities, and type of protection, and for parcels of potential value as open space, information of area, ownership, qualities and degrees of threat of loss.*

#### **Observations:**

1. The Community Preservation Project Plan, created as required by the Peconic Bay Region Community Preservation Act of 1998 detailed and ranked in five groupings all vacant and sub-dividable lots on Shelter Island.
2. This inventory of potential lots for protection was updated in 2004 and in 2008 as required under the Preservation Act.
3. The 2% Committee maintains a data base and files on possible properties to be protected, which is updated as required. The CPAC also maintains a list of Open space properties and vacant lots.

#### **Recommendations:**

1. Consider utilizing the Open Space and vacant/sub-dividable land maps and data base developed in this Comprehensive Plan review project, possibly integrating same with the Town Web site/GIS program.
2. Provide the community with annual summary report of the activities and results of the 2% Committee and Open space protection.
3. Stewardship plans for each property should be a part of the proposal to acquire the property or easement thereon. Such a policy has been adopted as a part of the CPF/CAC process as of January 2009.



## SI Comprehensive Plan Advisory Committee

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### Action Point 31 (S-6): Capacity analysis

Rating: 3 A

*Complete an analysis of the sustainable capacity of the Island and of each of its major sub-areas, taking into consideration such things as impacts upon water resources and infrastructure capacity (5. Land Use)*

#### Observations:

1. To date, no study or analysis has been undertaken to determine sub-area capacities.
2. The studies that have been undertaken by the Suffolk County Department of Health and available data do indicate those areas where the aquifer is thin and would be at risk during periods of prolonged drought, primarily along the outlying flat areas of Silver Beach, South Menantic and Montclair, Shorewood, and the Rams. These areas include a good number of smaller lots and older smaller homes, which are potential knock-down candidates, which encourages denser development as we move closer to full build out
3. Greater development in these areas could reduce the 'greenery' of these localities increasing a 'suburban' look, counter to the goals of the Comprehensive Plan.

#### Recommendations:

1. Under the direction of the Water Management Committee, develop a program to expand the data base of our aquifer by:
  - a. Increasing the number of test wells and/or rotating readings to increase coverage in the sensitive areas.
  - b. Subject to the disclosure policy of the SCDoH, request the SCDoH to deliver well readings from its files for Shelter Island locations in a format that assists the Town in developing aquifer data over time.
  - c. If SCDoH cannot accede to this request, ask property owners to copy the WMC on any historical well core samples available from new drillings.
  - d. Maintain a data base on well samples by tax map number and area(s)
  - e. Check for research papers and/or surveys in the East End towns, ex Riverhead and especially Southold, for areas with the same characteristics as our outlying areas, which might be used to support findings on Shelter Island.
2. Develop a program to limit the development of pre-existing non conforming small lots in sensitive shoreline areas via a mix of initiatives:
  - a. Encouragement 'connected family' persons to merge lots using a conservation easement and income and property tax incentives
  - b. Encouragement unconnected neighbors to purchase the adjacent vacant small lot, perhaps establishing a lot line change and using a conservation easement and income and property tax incentives

- c. Establish a program where the CPF can use leveraged 2% funds to purchase development rights/conservation easements with connected families and/or neighbors in a. and b. above.
- d. Consider a Transfer of Development Rights system with the Housing Committee to transfer development rights from small lots in the shore line area to Hamlet areas in the center of the Island.

DMK

1/ 28/09



## SI Comprehensive Plan Advisory Committee

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### **Action Points 32 (S-7): Establish prioritization criteria for open space.**

**Rating: 1 C**

*Establish prioritization criteria for open space acquisition and preservation, reflecting such things as:*

- *the scale of area involved*
- *protection of aquifer and other water based resources*
- *endangered species and unique natural communities*
- *contiguity with existing open space, which is already protected (or deserving of protection)*

### **Observations:**

1. The Peconic Bay Region Community Preservation Act of 1998 provided a set of criteria and process for open space acquisition
2. The Act's criteria include all the criteria mentioned above.
3. The CPF Committee (2% Committee) has adopted and utilized these criteria as a matter of policy and practice since its inception.
4. The latest set of criteria, was revised as part of the Amended Community Preservation Project Plan, presented to the Town Board in December 2008 and followed by the 2% Committee.

### **Recommendation:**

1. This goal has been achieved and has provided effective standards for open space land acquisition.
2. We support the CPF's commitment to place greater emphasis on 'Stewardship, starting in 2008.



## SI Comprehensive Plan Advisory Committee

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### **Action Points 33 (Z-25): Open space protection tools**

**Rating: 2 C**

*Explore adoption of tools for open space protection, including, as appropriate:*

- *tax agreements related to commitments, such as conservation easements, intended to hold private lands open.*
- *Zoning to allow transfer development rights between parcels*
- *Stronger wetlands and coastal hazard regulations*
- *Town right of first refusal on key lands in public or semi public ownership, to permanently assure that the public interest is permanently protected.*

### **Observations:**

1. Transfer Development Rights have proven difficult to apply on Shelter Island, The Community Preservation Act of 1998, as well as the Revised Project Plan of December 2008, details various conservation tools, which are available to the 2% committee and Town.
2. The 2% Committee and Town have primarily used outright purchase, most often in partnership with Suffolk County, to protect open space. Conservation easements have also been employed with Town in concert with the county, The Nature Conservancy and Peconic Land Trust. The Planning Board has included in its sub division approval terms prohibition of further subdivision, which has protected many acres of land, which is a very effective open space tool.
3. Transfer Development Rights (TDR), due to the lack of a natural receiving area, the complicated nature of a TDR program and the limited scope of the program given the small size of Shelter Island, have not been used. However, TDR's may be useful in protecting smaller lots in the NSOD and may facilitate community housing in the hamlet areas of the town.
4. Obtaining a right of first refusal from an owner would almost always be achievable only at a certain real monetary cost, whereas the benefit and cost effectiveness of such a right is highly uncertain.

### **Recommendations:**

1. Undertake research on use of TDR's to protect smaller lots in NSOD and to facilitate the creation of community apartment housing.



## SI Comprehensive Plan Advisory Committee

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### Action Point: 34 (Z26) – Enhance Selectivity of Parkland in Subdivisions

**Rating: 1 X**

*Strengthen then Town’s authority to select open space land in subdivisions, or to refuse inappropriate land offered to satisfy open space requirements. Test proposed open space dedications within subdivisions against a priority system (described in para S- 9 below. Accept dedication of open space only when it meets criteria for higher priority lands. In other cases, insist on developers paying a fee-in-lieu of dedication (5. Land Use)*

#### Observations:

1. Town code Chapter 111 (Subdivision of land) Sec.34.1- (Park and recreation area requirements) sets forth provisions for the Planning Board to require that 10% of qualified land area of the subdivision be set aside as parkland or to require payment of a “park fee”, which when so collected is to be placed in a Special Town Trust Fund to be used only for the purchase of park land or open space elsewhere in the Town.
2. Chapter 111 -34.1 (3) Requires that subdivisions within the Near Shore and Peninsular Overlay district must set aside parkland and a fee cannot be taken in lieu thereof.
3. There are some circumstances where the Planning Board may waive the parkland requirement (with strict criteria). See 111 – (6).
4. Chapter 111, Sec 38 (Preservation and protection of natural environment) sets forth criteria to be used in subdivision planning so that the natural environment may be protected.
5. There is no provision in Chapter 111 that requires set asides for affordable housing except that 111-34.1-(6)-c allows for waiving of the park fee where the subdivision is an affordable housing project developed by the Town Board.
6. The Shelter Island Town Board recently adopted a local law that added a new chapter to the Town code (Chapter 51) The Community Housing Law, that provides for a “Community Housing Floating Zone” where the Town Board may waive some or all of the Zoning Code bulk regulations in order to provide affordable housing.
  - a. 111-34-2 The park fee shall be equal to 10% of the appraised fair market value of the entire lands covered by the subdivision plat at the time of subdivision application. All

*park fees paid pursuant to this subsection shall be deposited and held by the Town in a special trust fund, to be used exclusively either for the acquisition of sites that are properly located for neighborhood park, playground or recreation purposes or for the physical improvement of such sites At the discretion of the Planning Board, the subdivider may, in lieu of paying such park fee give the Town of Shelter Island lands with an appraised value equal to or higher than the amount of such park fee, irrespective of whether such lands are located within or without the subdivision.*

3.  
*Subdivisions lying within the Near Shore and Peninsular Overlay District must provide parkland and may not substitute a park fee in lieu of land dedication. However, subject to the discretion of the Planning Board and approval by the Town Board, a parcel outside the subdivision, but within the Near Shore and Peninsular Overlay District, may be substituted for a park dedication within the subdivision so long as it has an appraised value equal to or higher than 10% of the fair market value of the entire lands within the subdivision plat.*

**Recommendations:**

1. Consider amending Chapter 111 to require subdivisions to dedicate a certain percentage of the lot yield as “affordable” lots without increasing density. The existing “acreage averaging” provisions of the code may be used to accomplish this. (See Notes)
2. Amend Section 111-38-B by changing “50 feet” to “75 feet” for the “natural area buffers” to be consistent with the Wetlands Ordinance (Chapter 129) and The Near Shore an Peninsular Overlay District (Section 133-12)

Notes:

1. A New York State Law has been recently adopted (Workforce Housing Law) that will be effective on January 1, 2009. This law will require all Towns in New York State to provide for affordable workforce housing.
2. See recently adopted Shelter Island Community Housing Law.



## SI Comprehensive Plan Advisory Committee

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### **Action Point: 34a (Z28)–Extra subdivision parkland/open space and affordable housing**

**Rating: 2 X**

*Explore the possibility of requiring major subdivisions to commit more than 10% of their land area for open space and to donate one lot for affordable housing.*

#### **Observations:**

1. Town code Chapter 111 (Subdivision of land) Sec.34.1- (Park and recreation area requirements) sets forth provisions for the Planning Board to require that 10% of qualified land area of the subdivision be set aside as parkland or to require payment of a “park fee”, which when so collected is to be placed in a Special Town Trust Fund to be used only for the purchase of park land or open space elsewhere in the Town.
2. Chapter 111 -34.1 (3) Requires that subdivisions within the Near Shore and Peninsular Overlay district must set aside parkland and a fee cannot be taken in lieu thereof.
3. There are some circumstances where the Planning Board may waive the parkland requirement (with strict criteria). See 111 – (6).
4. Chapter 111, Sec 38 (Preservation and protection of natural environment) sets forth criteria to be used in subdivision planning so that the natural environment may be protected.
5. There is no provision in Chapter 111 that requires set asides for affordable housing except that 111-34.1-(6)-c allows for waiving of the park fee where the subdivision is an affordable housing project developed by the Town Board.
6. The Shelter Island Town Board recently adopted a local law that added a new chapter to the Town code (Chapter 51) The Community Housing Law, that provides for a “Community Housing Floating Zone” where the Town Board may waive some or all of the Zoning Code bulk regulations in order to provide affordable housing.
7. ( Paul
  - a. *Are there any inconsistencies among the codes that deal with park land?*
  - b. *111-34-2 The park fee shall be equal to 10% of the appraised fair market value of the entire lands covered by the subdivision plat at the time of subdivision application. All*

*park fees paid pursuant to this subsection shall be deposited and held by the Town in a special trust fund, to be used exclusively either for the acquisition of sites that are properly located for neighborhood park, playground or recreation purposes or for the physical improvement of such sites (Can this be changed to include passive open space?). At the discretion of the Planning Board, the subdivider may, in lieu of paying such park fee, give the Town of Shelter Island lands with an appraised value equal to or higher than the amount of such park fee, irrespective of whether such lands are located within or without the subdivision.*

3.

*Subdivisions lying within the Near Shore and Peninsular Overlay District must provide parkland and may not substitute a park fee in lieu of land dedication. However, subject to the discretion of the Planning Board and approval by the Town Board, a parcel outside the subdivision, but within the Near Shore and Peninsular Overlay District, may be substituted for a park dedication within the subdivision so long as it has an appraised value equal to or higher than 10% of the fair market value of the entire lands within the subdivision plat.*

**Recommendations:**

1. Consider amending Chapter 111 to require subdivisions to dedicate a certain percentage of the lot yield as “affordable” lots without increasing density. The existing “acreage averaging” provisions of the code may be used to accomplish this.
2. Consider amending Section 111 and 133 to redefine ‘park’ or ‘park fee’ to include ‘open space’ and uses as ‘passive’ as this has been our practice over the past 10-15 years.
3. *Paul – do we have say 3 recent examples of park land and the issues that arose?.....*
1. Note: A New York State Law has been recently adopted (Workforce Housing Law) that will be effective on January 1, 2009. This law will require all Towns in New York State to provide for affordable workforce housing.



## SI Comprehensive Plan Advisory Committee

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**Action Point 35 ( Z-25 d): Gain Right of First Refusal on key open space acquisition targets.**

**Rating : 4 X**

*Explore adoption of tools for open space protection, including as appropriate: Town's right of first refusal on key lands in public or semi-public ownership, to permanently assure that the public interest is protected in the event of a change in ownership*

### **Observations:**

1. Obtaining such a right from an owner would be achievable only at a certain real monetary cost, whereas the benefit and cost effectiveness of such a right is highly uncertain.

### **Recommendations:**

1. Do not attempt to implement if there is a material front end cost to obtain the right. If there is minimal cost, and/or if the right is simply an informal and unenforceable undertaking, but might provide an opportunity for better communication and linkage between owner and CPF over time, consider it as a valid conservation tool.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 36 (O-2a): Explore creation of local Land Trust Rating: 2 X**

- *Explore creation of a non-profit Shelter Island Land Trust, dedicated to the acquisition of land or rights in land and management of those properties to protect their resource value*

#### **Observations:**

1. The Comprehensive Plan was correct in identifying the need for not-for profit land trust organizations to assist in preserving open space on Shelter Island.
2. In 1998-9, Don Kornrumpf researched and explored the need for and potential viability of a Shelter Island Land Trust. The research included discussions with other land trust organizations and potential local contributors.
3. At that time, it was concluded that the needs of the Island could best be met by working with the Peconic Land Trust and the Nature Conservancy.
4. After the State and Town passed the Community Preservation law, the Town engaged the PLT and Don Kornrumpf to prepare the initial Community Preservation Plan, which was approved in 1999.
5. The Town continues to rely on outside consultants and advisory groups, such as The Nature Conservancy, Peconic Land Trust and Group for the East End, for additional environmental advice.

#### **Recommendations:**

1. Given the service and close relationships that have developed with The Nature Conservancy, the Peconic land Trust, Group for the East End, Suffolk County and other consultants, as well as the development of an effective Community Preservation Fund committee, there is no need for a separate Shelter Island Land Trust.

warning sign should be posted at locations which might be considered 'dangerous'.

5. The Town should update its data base of docks noting whether it is passable or not. If so, the means of passage should be noted on the data base. If not, the owners of those docks should be required to install steps or provide space underneath or around the dock for transit. All new dock permits should require transit passage structures.

HS/PVV/DMK

October 25, 2008



## SI Comprehensive Plan Advisory Committee

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### Action Point 38 (Z-2): Frame zoning changes within constraints Rating : 4 X

*Frame necessary zoning changes to coordinate development with agreed upon constraints: aquifer, transportation, and other infrastructure, quality of lie and protections of natural resources and the environment (5. Land Use)*

#### Observations:

1. To date, there has been no formal reconciliation of developmental pressures against the listed constraints: aquifer, transportation and other infrastructure.
2. The actions of the Town have 'defacto' settled on an informal reconciliation; namely that aquifer protection must be the top priority and that there must be no bridge(s) to Shelter Island.
3. Hence the Town has passed more comprehensive code protecting the aquifer (wetlands, NSOD, sub-division, open space, run off) and avoided any serious discussion or proposal to build a bridge
4. With the delivery of the newer larger ferries to both the South and North Ferry companies, timely service has been greatly improved and there is no public demand for a bridge. To the contrary, strong opinions continue that Shelter Island does not want a bridge connection to the mainland (Long Island)
5. With the passage of the one acre minimum lot size zoning, and implementation of the 2% Open Space program, developmental pressures have not placed excessive pressure on infrastructure, although government buildings have been expanded to include a new Town Hall, a conversion of the previous Town Hall to the Police Station, an upgraded center Fire House, and recent acquisition of the Legion Hall for various purposes, but primarily as a youth center.
6. The future challenge involves developmental pressure as we near full build out, when pressures to develop the remaining marginal lots - by size, features, and location - will build and variances will be sought.

#### Recommendations:

1. The Town must face the fact that developmental pressures will focus more and more on marginal lots and knock-downs.
2. Therefore, consideration should be given to establishing a special review, based on the information developed by the CPAC to examine the impacts of development of pre-existing non conforming smaller lots and knock-downs and alternatives to mitigate environmental and Town fiscal impacts.
3. The review should include many quantifiable fiscal impacts such as: added property tax revenue from development of these lots, added costs for Town

services required including road services, administration, school, fire and ambulance protection and increased ferry capacity. If the Town adds 1000 to 1500 new units/substantially increased knock-downs, the impact will certainly be material and need to be considered in framing policy.

4. The review should also take into account the impact of such development on the quality of life or sense of place of Shelter Island, which with extensive development, could well be lost.

DMK

1/ 28/09



## SI Comprehensive Plan Advisory Committee

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### **Action Points 39 (Z10): Growth pacing devices**

**Rating : 3 X**

*Explore a growth pacing device which assures that only a limited fractions of the Town's remaining resource or infrastructure capacity would be consumed in any limited time period, to include protection for individual applicants.*

### **Observations:**

1. The adoption of 'pacing' policies which essentially defers growth has only a small impact of eventual total growth or build-out.
2. With the success of the 2% CPF in preserving open space, SI has significantly deferred growth and reduced its full build out.
3. The mechanisms to implement pacing are complicated.

### **Recommendations:**

1. Do not consider any pacing policies at this time.

DMK

1/16/09



## SI Comprehensive Plan Advisory Committee

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**Action Points 40 (Z-8): Set minimum lot area to 40,000 square feet**

**Rating : 2 A**

*Provide that the minimum lots areas for newly created lots shall not be less than 40,000 square feet.*

**Observations:**

1. This change was adopted into Zoning Code and appears to set a reasonable size for a minimum lot, allowing for the variance that can be given for Community Housing, clustering and the large number of existing non conforming lots less than 1 acre.

**Recommendation:**

1. No change is recommended.

PCM/DMK

1-16-09



## SI Comprehensive Plan Advisory Committee

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### **Action Points 41 (Z-9): Set limits to ratio of square/cubic footage relative to lot area**

**Rating : 5 A**

*To protect against overcrowding, establish limits on the allowable ratio to cubic feet of building envelope in all buildings on the site to the site area*

#### **Observations:**

1. This action point seems to be concerned about larger houses and accessory buildings on smaller lots, which is a perceived threat on the many non-confirming pre-existing under sized lots around the Island, which number 331 lot of less than 1 acre on 168 acres. Some 214 of these lots on 95 acres are located in the NSOD, a significant level of concentration in the aquifer sensitive areas of the NSOD. Some 225 lots of the 331 are judged buildable.
2. Our analysis of new houses or knockdown permits, indicates a significant increase in house size from an average of 1936 sq ft for the five year period ending 1983 to 3234 sq ft for the period ending 2008. Over the same two periods the number of bathrooms increased from 2.47 to 3.79 and the number of houses in excess of 4500 sq ft increased from 0 to 19.
3. Note the square footage numbers used by the Building Department does not include attics or unfinished basements which are not supposed to be 'living space' and are excluded from the Town's data.
4. Subsequent to the original Comprehensive Plan, an additional threat to the objective of the goals of the Plan, is the develop of 'knock downs' – the knock down or demolition of an older smaller house and replacement with a large visually imposing structure which nonetheless still complies with existing code.
5. Often a larger house relative to lot size translate into greater lot clearance, reducing the greenery of Island, an important element of our 'sense of place', a key element in which we want to preserve and aquifer protection.
6. Many of the properties with higher knock down risks are in the NSOD, and most often in the most aquifer sensitive areas of the Island – Silver Beach, S Menantic/Montclair/S Midway-Wades Beach-Shorewood/ S Ferry Hills/ Big Ram Island.
7. The Zoning Task Force in December 2003 recommended limiting building footprints to 1500 sq ft plus 7% of the lot's square footage in excess of 10,500 sq ft., eg. Permitting on one acre 40,000 sq ft lot a house of 3565 sq ft. (See attached table)
8. This proposal was tabled by the Town Board at the time as being overly constraining and a clause was substituted requiring houses in excess of 8,500 sq ft to apply for a special permit from the Town Board. The Sq Ft calculation

excludes unfinished attics and basements. To date, no such application has been denied. The code (133-6 F (1), 133-7 F (1), 133-106 F (1)) do not provide any criteria for the Town board to use in considering such permit applications.

**Recommendations:**

1. Given the inexplicable trend to bigger and bigger homes and the increasing probability of knock downs, it is vital to limit the impact of these developments of Shelter Island and such excessive change will indeed change the character of the Island. Hence, some constraining action must be taken.
2. Adoption of the sliding scale proposed by the ZTFA schedule for new houses on vacant or newly sub-divided lots.
3. Consideration of the adoption of a new scale for knock downs limiting the size of the new house to say 150% (or some other reasonable percentage) of the sq ft of the old house or the formula on new houses whichever is less, probably linked to lot size.
4. Further, it is known that most (if not all) East End towns have addressed this issue with specific quantitative restrictions.
5. One very positive consequence of moving in this direction would be to free up the Town Board to focus on more strategic issues rather than to be so frequently mired in the controversy of real estate transactions. Such transactions arise largely due to the absence of precise guidelines which owners and builders can follow.

PCM/DMK



## SI Comprehensive Plan Advisory Committee

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**Action Point 42 (Z-5): Limit density in thin aquifer areas**

**Rating: 3 A**

### **Observations:**

1. The New Shore Overlay District made significant changes to the Zoning code by establishing extra protections in thin aquifer areas.
2. The strengthening of the Wetlands code also provided added protections.
3. The analysis of undersized lots of less than one acre indicates there are some 1749 lots on 4,473 acres in the NSOD of which some 60 (315 Acres) are developed and sub dividable and 159 (266 Acres) are vacant, including small beach lots. The range of estimated Hi-Low newly developed lots for vacant land and subdivisions is 540-388 added lots on 813-726 acres.
4. Full build-out represents a significant increase in density in the NSOD, especially when combined with 'knock-downs'.

### **Recommendations:**

1. To limit over development in the NSOD, consideration should be given to dividing part of the NSOD area into a Sensitive ('S'), as these are the areas where the aquifer is particularly thin and at risk. See attached map.
2. See the small lots protection CPF easement proposal to reduce development of small lots in the NSOD.

DMK

2/2/08



## SI Comprehensive Plan Advisory Committee

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**Action Point 43 (Z-27): Minor subdivisions**

**Rating: 2 D**

*Improve the system for "minor" sub-divisions to bring them some of the protection applied to "major" subdivision, without the need for case-by-case actions seeking exceptions from the rules (5. Land Use)*

### **Observations:**

1. Some of the revisions and amendments made to Town Code Chapter 111 (Subdivision of Land) between 2002 and 2007 were made as a result of implementation provisions of the Comprehensive Plan.
2. Major and minor subdivision applicants have to essentially go through the same vetting process with some minor differences.
  - a. Under SEQRA, major subdivisions are considered "Type I actions" and minor subdivisions as "unlisted actions". Criteria have to be reviewed for both types to determine significance. For Type I actions several other agencies have to be informed and lead agency status determined.
  - b. Major subdivision applicants must submit a preliminary application before submitting a final plat. Minor subdivision applicants can go directly from sketch plan to final application. For simple subdivisions, this saves both time and cost for both the Town and the applicant.
3. All of the usual planning criteria are applied to both major and minor subdivisions. See Sections 111-5 and 111-6. In some cases the Planning Board is allowed more waiver leeway for minor subdivisions but most of the other Chapter 111 Provisions apply to both Major and Minor subdivisions.
4. The Planning Board has made some recommendations for changes where there were problems and changes have been made. This is a continuing process and some other suggestions are now in the works.
5. Overall, Chapter 111 seems to be working well and the subdivision process moves along quite smoothly.

### **Recommendations:**

1. The Planning Board should continue to make recommendations to the Town Board to amend the code when problems arise or could be forecasted.
2. Input from subdivision applicants should be encouraged in order to address any concerns they may have about the process. Paul is there a post process response sheet to ask the applicant what might be done to improve the process?



## SI Comprehensive Plan Advisory Committee

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### **Action Point 44 (Z-29): Time limit on subdivision approvals. Rating: 3 E**

*Explore the legality and feasibility of a time limit on subdivision approval, allowing old subdivisions to be to be reconsidered in the light of environmental and regulatory changes subsequent to approval (5. Land Use)*

#### **Observations:**

1. Some of the revisions and amendments made to Town Code Chapter 111 (Subdivision of Land) between 2002 and 2007 were made as a result of implementation provisions of the Comprehensive Plan.
2. Chapter 111 establishes various time limits at different stages of the subdivision process:
  - a. 111-9 Approval of the sketch plan expires **6 months** after the date of approval unless a final plat (Minor subdivision) or a preliminary plat (Major subdivision) has been submitted to the Planning Board.
  - b. 111-12-B-(1) The Planning Board must hold a hearing on a preliminary plat within **62 days** after approval of the preliminary plat.
  - c. 111-14 In the case of a major subdivision, approval of a preliminary plat may be revoked unless a final plat has been submitted within **6 months**. A 6 month extension may be granted if a written request is submitted with acceptable reasons for the request.
  - d. 111-18 and 111-32 Final application approval for both Major and Minor subdivisions expires **60 days** after signing of the final approval unless the final plat is filed in the office of the Town Clerk and the County Clerk.
  - e. There is no provision for extension of this deadline.
3. For the most part, Chapter 111 provisions on time limits seem to work. Most of the delays in the subdivision process are the result of extended delays of required approvals from outside agencies or from applicants dropping the ball on their required actions.
4. Other than the timely scheduling of public hearings, there are no time limits placed on the Planning Board for their deliberations on subdivision applications.

#### **Recommendations:**

1. When problems arise concerning the various time limits set in Chapter 111 the Planning Board should study the issues and make recommendations to the Town Board if changes or amendments are found to be necessary.



## SI Comprehensive Plan Advisory Committee

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**Action Points 45 (Z-11):** Review current business zones, including B1 and B2, to determine if meeting realistic commercial and business needs

**Rating: 2 A**

*Review the current business zones to see if they are tailored appropriately to the realistic future commercial and business needs on Shelter Island, including such considerations as:*

- *Appropriateness of continuing the distinction between the two business zones, exploring whether compatibility standards could allow merging them, and*
- *Whether the pattern which would result from full development under current business zoning is really one which is wanted? (5. Land Use)*

### **Observations:**

1. Our analysis of the current B/B1 Zones indicates that of 263 lots, some 55 lots are in residential use and 23 lots are vacant land, together 30%. Many of the current business use structures are seasonal businesses and some 4 appear to be vacant at the time of our survey in September 2008. Thus it would appear there is current excess capacity in B zone.
2. The current layout of B/B1 zone encourages so called 'strip zoning', perhaps a Long Island invention, but which brings problems to small communities. Anyone familiar with Jericho Turnpike or Hempstead Turnpike will recall how strips of residential properties along the main road were converted to business, by first changing the ground floor, erecting many and large signs and often allowing uncontrolled parking. Such zoning also fosters the use of the car and discourages walking within a hamlet or nearby shops. In contrast, a busy hamlet, with adequate parking fosters good business.
3. Most SI businesses are highly seasonal; hence year round cash flow from second floor apartments would be very helpful to sustain local business. Current practice regarding such apartments can make it difficult to provide such accommodation.
4. The Town has only one 'business' zone and make little accommodation for those businesses that use heavy equipment, outdoor material storage and heavy traffic.
5. The assessed value for a house in a residential zone is likely to be higher than in B zone as both are based on comparable sales and an adjacent business can depreciate a neighboring lot.
6. B1 zone has a distinctive character in some of its buildings, but the new town owned buildings are not in the same architectural style as Justice Hall, the Police station and Firehouse. Hence, rather than seeking a consistency in architecture, alternative objectives might be considered to enhance the hamlet concept in the center.

7. Under current zoning four waterfront areas are spot zoned business: Hudson Ave (Coecles Harbor Marina), South Menantic Rd (Island Boat Yard), Congdons Rd (Town Dock), E Menantic Rd (Clarks Marina) Bridge St (Piccozzi's Dock?). Under this circumstance, these properties can be converted to any other business use listed on B zone without prior review. There are also established standards for boat yard/marinas which are not incorporated into our B zone code.

**Recommendations:**

1. Create a new Light Industrial zone around the Recycling center and possibly at the old Highway barn lot. The zone should allow for multiuse storage and warehousing buildings, in greater density than currently permitted in B zone, but with shared bathroom facilities and tight controls over spillage and disposals. See attached memo.
2. Convert sections of the current B zone to C zone : N Manwaring, S Manwaring, S Ferry Rd from Smith St southwards excluding existing business use. See map. The sections of Jaspa, Thomas and Bateman closest to N Ferry Rd should remain in B zone
3. Review and standardize apartment code and policy for second floor units in B zone.
4. Develop grid which shows permissible businesses relying on the SIC codes in B/B1/BLI zones rather than rely on straight text.
5. Consider financial incentives that might be made available to investment in BLI zone to create facilities to foster development of this area.
6. Reconsider B1 zone special requirements to allow development of the Hamlet concept, including above retail shop apartments, using shared septic and wells, but with careful consideration of traffic and parking, strong limitations on signs and lighting/illumination.



## SI Comprehensive Plan Advisory Committee

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### Business Zoning

January 4, 2009

I have updated the Business zone analysis as shown on the attached spread sheet. Note the summary is marked in blue on the sheet on which the file should open. In our later reports, we should reformat the tables to make them easier to follow our major points with less detail. As this is still a work in progress, I have left as worksheets, so it is easier for me to modify formulae etc.

**Observations:** This data is based on information provided by the Assessors Office as of December 2008. Also, lots which have business activity, but which are classified as being in AA, A or C zone such as the Larson sand pit, are now included in this list. The list has some classification errors regarding zone, which are not regarded as material to these observations.

1. The existing business zone has 142 lots covering 135 acres. Of these 142 lots, 142 on 135 acres were in the B zone and 7 on 3 acres in B1. There are 12 properties on 61 acres with business classifications in AA zone, 2 on 2 acres in A and 8 on 67 acres in C Zone. The distribution by the Assessor's Code, which is not fully consistent, shows 55 lots being in residential use on 62 acres, 23 as vacant land on 21 acres and 93 on 185 acres in various business uses.
2. Our visual survey indicates some 75 of the retail lots had the potential for apartments above, representing an opportunity for community housing and added revenue to support local business.
3. There are some 55 lots of 62 acres in the B zone which currently have residential usage, plus 23 added vacant lots on 21 acres which could be developed as residential. As of September 2008, there were also 75 buildings that might be suitable for second floor apartments. Given the full build out potential, of at most (750 ) new homes, it is difficult to imagine that all the land currently zoned 'Business' will ever be needed for business use.
4. The Assessor's classification of businesses shows the importance of tourism to the Island as hotel/inn/motels/cottages number 18 lots (11%) covering 26% of assessed value at \$33,094,640, while restaurants numbers 8 units (5%) with 3% of assessed value at \$4,463,700. Also supermarkets and food stores provide an added \$4,442,100 of value from 4 units and units labeled as Office/Professional buildings number 8 units assessed at \$5,146,000, which excludes offices above shops and home offices.
5. Current zoning does not separate industrial or heavy commercial use from retail and office use as the Town currently only has B and B1 zone. Hence, retail or approaches to governmental areas can have businesses which can have negative impacts on hamlets and residential areas. We have contractors, plumbers/electrician/oil & gas supplies/landscapers – many of whom overnight and operate heavy equipment and vehicles usually located in residential districts and some in the Business zone, some of which might be better located in an

dedicated industrial/ heavy commercial zone.

6. This excess of capacity and the current layout of the Business zone along Route 114 down to the intersection of Cartwright is in fact 'strip zoning', which often involves converted homes, street side parking, large signs and lights. It also runs counter to the hamlet concept which make it easier to walk to one's shopping, the Post Office and Bank. Such development is inconsistent with the goals of the Comprehensive Plan. The area along Ferry Rd south of the St Mary's Rd intersection contains the greatest number of structures (23) in B zone with residential use. The area along Manwaring Road on the north side contains one of the Island's finest woodland areas and the Windmill field, all of which is zoned Business to a depth of 300 ft. Only a few lots have been developed as business on the south side of Manwaring, once largely a wooded area, which also might rezoned to C zone.
7. The marine businesses are zoned as Business, in localized areas, combined with residential use and vacant land. These operations are obviously located on the water in environmentally sensitive areas. The current zoning would allow the development of larger hotel/marina/restaurant operations in these areas, surrounded by residential use.
8. Prior review to development of any business lot should be required to ensure the development is consistent with the Comprehensive Plan and protect the rights and values of neighboring property owners, business or residential.
9. The Assessors classification needs to be reviewed and adjusted to properly reflect the business activities on a given lot. This issue of classification also arises in judging home businesses, where many Towns use the standard SIC codes in a table to control permitting and allowable activities.

**Recommendations:**

1. Reduce the size of B zone to better reflect anticipated future needs and the Hamlet concept and greatly reduce the potential negative impacts of strip zoning. The areas to be changed to be considered would be Manwaring Road and the southern section of Rte 114.
2. Create a Light Industrial Zone around the current Recycling Center, with proper screening and noise abatement.
3. Create a Marine Business zone, to allow for marine related businesses, which require special considerations and which would preclude other large scale businesses from such areas.
4. Review current code to make it more attractive to business property owners to create above shop year round rental apartments.
5. Review and implement a priori review of all projects in the B, B1,LI, and MB zones whether by special permit or site plan review
6. Review and update the Assessors classification or supplement it with a SIC list for the purposes of planning and analysis
7. Consider clustered community housing in the center Hamlet for young families or the elderly.
8. See attached for similar zone code language for Southold/East Hampton and Southampton Towns.



## SI Comprehensive Plan Advisory Committee

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**Action Point 46 (Z-12): Review tax exempt lots greater than 8 acres for special localized zoning.**

**Rating: 3 D**

*Review parcels which are both in excess of 8 acres and not subject to property tax, to determine if they should be the subject of zoning tailored to that parcel (but avoiding 'spot zoning') assuring that the lot will not be haphazardly divided into lots. (5 Land Use)*

**Observations:**

1. The attached sheet was created from the Assessor's data base with comments added.
2. The review shows that there are 28 lots which fall into the non tax paying 8 acre category.
3. Of the 28 lots covering 2,746 acres, 22 (2,615 acres) appear to have adequate protection, 4 (93 acres) appear to have none and 2 (39 acres) are uncertain.

**Recommendations:**

1. A review of the documents providing the protection to the land should be conducted with copies of the relevant documents and paragraphs made to be placed in a distinct Protected Open Space File, maintained by the Town attorney or the CPF 2% Committee secretary.
2. Where the legal support for protection appears weak non existent, consideration should be given to seeking to strengthen the basis for protection, through first right of refusal agreements at no or very low costs, or if not possible, by informal means.
3. Properties, which do not have a CPF 2% participation, might be included in the SINP system for protection: Goat Hill, the School grounds and playing fields (7.9 Acres and not on this list), which would require a management plan approved by the Town Board.

Action  
Point 46  
Z-12

SBLI	Acres	Prot ecte d	St. #	S t.	Street Name	St.	Prop.	Owner Name	Comment	Protection
1.-3-19.2	13.70	y	13		Manhanset	Rd	300	City of Suffolk/Town of Shelter,	Hird/Hunt A	2% Mgt Agreeer
1.-3-20	17.70	y	8		Manhanset	Rd	300	Town of SI/County of Suffolk,	Hird/Hunt B	2% Mgt Agreeer
3.-1-1	16.72	u	79		Manhanset	Rd	695	Catholic Church Cemetery,	Cem	Agreement ?
3.-2-64.8	10.40	y	6		Gardiners Bay	Dr	313	County of Suffolk,	Section 9	Contract?
3.-2-65	9.12	y	13		Ram Island	Dr	313	County of Suffolk,	Section 9	Contract?
7.-6-2	25.00	y			Underwater Land		315	Town of Shelter Island,	Gardiners Creek	Wetlands Lav
8.-2-1.21	11.00	y	2		Locust Woods	Dr	590	Town of Shelter Island,	Sub Division Open Space	Sub Div agreer
13.-1-1	23.70		4		Rocky Point	Rd	581	Ny Annual Conference Of,	Quinipet	None
13.-2-32.1	18.30		65		Stearns Point	Rd	210	Perlman Music Program, Inc., The	Back Lot of Perlman Pgm	None
13.-2-36.2	17.10	y	47		Stearns Point	Rd	311	County of Suffolk/Town of SI,	Cackle Hill	2% Mgt Agreeer
14.-1-9.1	42.20				Sunnyside	Ave	552	Town of Shelter Island,	Goat Hill GC	None - Put in SII
14.-3-1	9.50	y			New York	Ave	590	Town of Shelter Island,	Ice Pond	SINP
14.-3-63	10.10	y	21		Bowditch	Rd	852	Town of Shelter Island,	Recycling Center	State Landfill la
14.-4-21.1	35.95	y	99	N	Ferry	Rd	590	Town of Shelter Island,	Sachem's Woods	SINP
15.-3-12.4	18.87	y	39		St. Mary's	Rd	300	Town of SI/County of Suffolk,	SI Nursery	2% Mgt Agreeer
15.-3-58.1	8.33		33	N	Ferry	Rd	612	Shelter Island School District,	School	None; but min i
15.-4-122	18.60	u	28	N	Cartwright	Rd	930	State of New York,	NYS lands	Unknown See cor
16.-1-5.1	12.08		64		Burns	Rd	620	Passionist Monastery of OLOI,	St Gabes	None
16.-1-6.1	20.00	u	34A	N	Cartwright	Rd	930	State of New York,	NYS lands	Unknown See cor
18.-3-1.2	9.10	y	26	N	Menantic	Rd	837	Town of Shelter Island,	Recycling Center	State Landfill la
18.-3-17.6	8.70	y	31	S	Menantic	Rd	590	Town of Shelter Island,	Dickerson Park	Donation dee
19.-1-106	14.70	y			Fresh Pond	Rd	315	Town of Shelter Island,	Fresh Pond	Wetlands Lav
20.-1-1	319.50	y	79	S	Ferry	Rd	970	Nature Conservancy, The	Mashomack	SINP
20.-1-2	170.00	y		S	Ferry	Rd	970	Nature Conservancy, The	Mashomack	SINP
20.-1-20	954.00	y		S	Ferry	Rd	970	Nature Conservancy, The	Mashomack	SINP
20.-1-21	600.00	y		S	Ferry	Rd	970	Nature Conservancy, The	Mashomack	SINP
20.-1-22	315.00	u			Underwater		315	Nature Conservancy, The	Mashomack shoreline	Wetlands Lav
25.-1-70	17.10	y	2		Oak Tree	Ln	963	Town of Shelter Island,	Shell Beach	SINP
				Protected	y	19	2272			83%
				Exposed	n	5	105			4%
				Uncertain	u	4	370			13%
				Total		28	2746			100%



## SI Comprehensive Plan Advisory Committee

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### **Action Point 47 (Z-13) – Explore Density Averaging.**

*Explore “density averaging”, allowing flexibility in lot area and frontage to, for example, better fit development to landscape features, such as stone walls, tree patterns, or other natural resources, so long as density rules are still met.  
(5. Land Use)*

### **Observations:**

1. The Shelter Island code refers to “density averaging” as “Acreage averaging”. Both terms have essentially the same meaning except that the Shelter Island code allows for reduction in road frontage as well as lot area.
2. Section 133-26 of the Zoning code authorizes the Planning Board to approve subdivision plats creating one or more lots not meeting the lot area and lot frontage requirements of the Zoning Code district regulations. Section 133-26 limits this determination by requiring the average lot area to be no less than that otherwise allowed in the district regulations and the total number of lots created must be no more than would be permitted under the otherwise applicable Zoning Provisions. In addition, no lot so created may be less than 25% of the lot area required by the applicable district regulations.

### **Recommendations:**

1. Acreage averaging provisions should be retained as a planning tool but increasing the minimum lot size to 50% of the lot area, unless there are lots larger than the minimum should be considered.
2. The Town board should consider adding Cluster zoning provisions to the code as an additional planning tool.
3. The Town Board should consider adding PUD (Planned Unit Development) as an additional planning tool.
4. Both Cluster zoning and PUD could be done as overlay districts in various parts of the island if it is preferred that these tools not be applied island-wide.
5. All of the above planning tools should be a part of Chapter 111 (Subdivision regulations) as well as Chapter 133.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 48 (Z-18): Home based businesses**

**Rating: 2 A**

*Review current zoning and amendments proposed for implementing this Plan to assure that the present potential for operating home based businesses in Residential C Zone is not diminished; and explore means of expanding home based businesses Island-wide consistent with the protection of environmental and quality of life concerns*

#### **Observations:**

1. We estimate there are about 120 businesses operated out of residential homes on Shelter Island. The greatest types of home businesses are in the trades (64) or home offices (35). There are also 7 businesses involving accommodation and 7 involving storage of boats or vehicles. See attached list.
2. These businesses are most located in C zone (66), including 37 Trade businesses and 16 home offices. The other zones have: A Zone (22), AA (18) and B/B1 (14) units.
3. The development of computers, the internet, mobile phone and other electronic devices greatly facilitates the development of business operated full or part time from a home office. As a home office will imply lower costs than a separately rented office, home offices can assist Shelter Islanders in running their business profitably.
4. Shelter Island's business zone requires one acre zoning and historically few multiple use/tenanted business buildings have been erected.
5. The actual external appearance and nature of these businesses varies considerably. Most businesses are in compliance with Section 133-18 Home Business Offices and Home Occupations and do not infringe on the rights of neighbors or community. In the few instances of non-compliance, abuse usually involves excessive vehicle overnight storage, warehousing activities and unscreened outdoor storage of stock/tools and equipment. Historically, enforcement of this Section of the code has been inconsistent.
6. Hence, the impact of such abuse to immediate neighbors can be considerable.
7. The zoning code is lengthy and incomplete in describing the multitude of varying businesses that can exist and is, as a result, somewhat confusing to read and understand. It thus promotes ambiguity and potential confusion.

#### **Recommendations:**

1. The code of what is and what is not permissible should be carefully reviewed with a focus on impacts and mitigation alternatives.
2. The Zoning code should be amended, possibly to include a simple but complete table of permitted business uses in all zones, in place of the current long and confusing text.

3. A light industrial business zone should be created to allow for warehousing and storage of vehicles, equipment and materials, at reasonable cost, with multi-use facilities.
4. The new code should be and can be consistently enforced with complaints and resolutions reported monthly to the Town Board.
5. The Town should continue to assess such home business operations as residential.
6. Consider whether some entirely residential areas of C zone might be converted to A zone.

PCM/DMK

2-25-09



## SI Comprehensive Plan Advisory Committee

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### **Action Point 49 (Z-17): Explore the Site Plan review process**

*Explore addition of a Site Plan review process, assuring coordinated review of critical development proposals, such as those in water resources-sensitive lands or those of an unusually large scale.*

#### **Observations:**

1. In the early 2000's, the Town Board considered a "Site Plan Review Code", which went to public hearing and then was withdrawn.
2. The current Zoning Code includes a 'Special Permitting process' for specified uses (133-6-D, 133-7-D, 133-8-D, 133-9-D, 133-10-D) with criteria listed for each zone.
3. The Wetlands Code does provide for Town Board review of wetland applications, which is now quite detailed using listed criteria.
4. The Planning Board has a review function in considering all sub-division and lot line changes.
5. Otherwise, the Town has no 'site plan review' or codified process, except for a building permit for a business or residential development.
6. There are no review requirements on lot clearance for a property. Hence, a lot may be cleared but the proposed use denied resulting in a destroyed woodland, or field.
7. It is in the self interest of existing businesses and the entire community to prevent development on lots adjacent to their business which is materially detrimental to their business
8. It is in the general interests of the entire community to allow for the development of the business hamlets of small retail and service businesses, in buildings of a similar size with screening and off street parking with more industrial uses being located in a separate area.
9. The Site Plan Review process is subject to many detailed requirements imposed by the State, which are not necessarily relevant to our small community and place too great a burden on our administration.

#### **Recommendations:**

1. The Town establish a 'Special Permitting Process for all new, expanded or change in use proposals in the Business zone and for any pre-existing non conforming businesses located in residential zone.
2. The process should be simplified and include the following minimum requirements which are fairly well spelled out in the zoning code, but need to be elaborated



## SI Comprehensive Plan Advisory Committee

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### **Action Point 50 (Z-1): Establish Zoning Task force to assist in amending Town codes to be consistent with Comprehensive Plan**

**Rating: 2 A**

*The Town Board should establish a Zoning Revision Task Force to assist it to amend the Zoning Ordinance for consistency with the Comprehensive Plan through:*

- *moving forward with the many zoning proposals suggested for exploration or adoption by this Plan, and*
- *seeking to improve the organization, consistency, clarity and ease of use of the Zoning Ordinance (5 Land Use)*

#### **Observations:**

1. A 'Planning and Zoning Task Force' was established in mid 2002 with the charge of:
2. This Task Force had initial organizational and personnel issues and problems and was reconstituted with a revised and much more narrowly focused charge on four major topics:
  - a. Affordable Housing
  - b. Bulk and proportionality
  - c. The Near Shore Overlay District
  - d. Non conforming uses and structures
3. The Task force submitted its reports in September 2003.
4. In response to the reports and other developments and pressure, the Town Board:
  - a. After rejecting a proposed Affordable Housing Plan in the Spring of 2007, The Board initiated a revised plan which was approved as the Community Housing Code in the Spring of 2008. A Community Housing Commission has been at work developing the Plan. It still to early to determine if this Plan will be successful or require additional adjustment.
  - b. The Bulk and Proportionality report noted that all but 64 houses of 2214 has a ground floor footprint exceeding 10% of the land. The committee recommended that footprint be limited to 7% of land in excess of 10,500 sq ft.
  - c. The only action on Bulk and Proportionality was to include a requirement for a Special Permit from the Town Board for any new house in excess of 8,500 SFLA (Square Feet Living Area, which excludes unfinished attics and basements. The revised code includes no criteria to be employed by the Town Board in determining whether or not to issue a permit.

- d. Near Shore Overlay: The PZTF recommended that consideration be given to up-zoning to 2 acres for all new subdivisions in the NSOD, whereby the objective was to protect the aquifer. Consultant Herr advised there may be alternative means to achieve this goal and the 2 acre zoning might have unintended consequences. We have recommended in AP \_\_\_ and CPF leveraged easement system to reduce the number of small lots being developed and to establish clear guidelines on very small lots (say less than 1/3 acre for ghtre granting of any variances.
  - e. Non-conforming uses and lots: There is a list in the PZTF package which lists non conforming uses, and it includes a recommendation that a new cut off date be established, which does not appear to have been further considered. Consideration should be given to reviewing the impact of doing same to put all Non-conforming uses on a proper basis going forward. Note also the comment re illegally expanded home businesses who might now claim there are non conforming legal operations.
5. The establishment of the new Comprehensive Plan Advisory Committee in April 2008 resumes the full review of progress in implementing the Comprehensive Plan and what adjustment might be made to its goals and action points. The CPAC's report addresses the four issues reported on by the PZTF.
  6. There are several areas of the current code that are not consistent with the Comprehensive Plan, are problematic to enforce and not consistent throughout all zoning districts. The attached list highlights these areas. (See MW list)

**Recommendations:**

1. The issues eventually addressed by the PZTF are in part address elsewhere in this report, with detail on house proportionality, non conforming uses and the Near Shore area. Affordable housing is a current program of the Town, where the results are too early for judgment.
2. Invite members of the Town Board and Committees/Boards to identify other areas of the code, which in their view, may not be consistent with the Comprehensive Plan and can create uncertainly, are contradictory or too vague, or are have enforcement difficulties. This review process should be segmented and might according to priorities set by those areas generating the most complaints.
3. Use tables to make code reading easier to understand



## SI Comprehensive Plan Advisory Committee

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### Action Point 51 (F-6): Develop Affordable Housing

Rating: 4 A

*Develop affordable housing opportunities for younger, working households to build or purchase their own homes or to rent an affordable apartment (6 Housing)*

#### Observations:

1. Clearly, to meet the important Comprehensive Plan objective of maintaining a balanced community of local working families, retirees, second home owners, young and old, and persons of high and modest incomes, affordable housing must be available.
2. Over the past 15 years the Town has initiated various efforts to create affordable or community housing only one of which has resulted in actual new housing.
3. The Bowditch Rd project created six affordable homes whereby the purchasers, selected by auction, acquired both land and building. These properties have been well maintained, and most have been substantially improved. However, the properties have appreciated substantially with the rise in real estate values on Shelter Island and are not longer affordable. Hence, this provided long term affordable housing for six local families, but did not provide a longer term sustainable solution to the community.
4. Shelter Island Housing Options ("SIHOP") was formed in 2000 as a 503 (c) not-for-profit corporation. SIHOP has supported efforts to create affordable community housing and raised some \$20,000 to support this effort. Results to date have largely been supportive as an advisory organization, with one project having been taken to public forum which did not secure the needed support to proceed. Nonetheless, SIHOP remains a useful vehicle for advice and funding.
5. In the spring of 2008, after lengthy discussion, the Town enacted a new Housing Code Chapter 51, which created a local Community Housing Commission', which has been developing the implementation of the program and has reported to the Town Board and community periodically.
6. While the response to the new housing opportunity has been limited, it was expected that the program would develop slowly

#### Recommendations:

1. It is too early in the development of the current Community Housing program to judge its effectiveness in meeting established goals.
2. The current code allows for increased density Island wide under certain conditions, without specific limitations as to concentration in areas of the Town, but relies on the monitoring and judgment of the Housing Committee and Town Board to prevent excessive density. We recommend that the a

formal register of potential locations of Chapter 51 apartments and housing be maintained, and placed on a map, once the number of houses exceeds 7.

3. We also recommend that excessive concentrations of Chapter 51 units be avoided.

DMK

12/14/08



## SI Comprehensive Plan Advisory Committee

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### **Action Point 52 (O-2B): Create affordable housing organization      Rating: 2 A**

*Explore creation of an ongoing on-island organization to foster the creation of affordable housing organizations for residents. Work with existing organizations which offer experience and expertise in housing to obtain technical assistance and access to funding opportunities.*

#### **Observations:**

1. Shelter Island Housing Options ('SIHOP') was formed in 2000 as a 503 (c) not-for-profit corporation. SIHOP has supported efforts to create affordable community housing and raised some \$20,000 to support its goals. To date SIHP has primarily functioned as a supportive and advisory organization, with one project having been taken to public forum which did not secure the needed public support to proceed. Nonetheless, SIHOP remains a useful vehicle for advice and funding
2. In the spring of 2008, after lengthy discussion, the Town enacted a new Housing Code Chapter 51, which created a Community Housing Board of five Shelter Island residents whose function is to:
  - a. Review all applications for Special Community Housing Licenses and issue same.
  - b. Participate in the review of the creation of a Community Housing Floating Zone ('CHFZ')
  - c. Make recommendations re community housing eligibility requirements
  - d. Establish and maintain a Town Housing Registry.
  - e. Act a liaison for community members re community housing.
  - f. Interface with other community housing organizations on Long Island

#### **Recommendations:**

1. It is too early in the development of the current Community Housing program to judge its effectiveness in meeting established goals.
2. The current code, particularly the CHFZ, allows for increased density under certain conditions, without specific limitations as to concentration in areas of the Town, but relies on the monitoring and judgment of the Housing Committee and Town Board to prevent excessive density. We recommend that the a formal register of potential locations of Chapter 51 apartments and housing be maintained, and placed on a map to ensure the locations of these properties is not overly concentrated in one small area.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 53 (Z-22): Mechanisms for first time buyers**

**Rating: 3 C**

*Identify and implement mechanisms which ensure affordability of housing opportunities over time for future first time home buyers, including amending the Zoning Ordinance to require that a share of all new housing developments be made permanently affordable*

### **Observations:**

1. The new Community Housing Code (Chapter 51) provides for a Community Housing Floating Zone and offers avenues to take advantage of zoning and financial incentives, subsidies, introductions and guidance.

### **Recommendations:**

1. It is too early in the development of the current Community Housing program to judge its effectiveness in meeting established goals.
2. Channel 22 or the Town Web site might be used to communicate the potential advantages of a viable housing program to the public on a periodic and regular basis so as to educate and help foster activity in seeking solutions to Community Housing.

DMK

2/2/08



## SI Comprehensive Plan Advisory Committee

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### **Action Point 54 (F-7): Housing options for elders**

**Rating: 3 C**

*Create on-island housing options for elders who wish to remain either living in their own homes or elsewhere on Shelter Island, but who find it increasingly hard to care for themselves and their properties.*

### **Observations:**

1. The Community Housing Code provides for elders as well as young working families, single parents and young persons.
2. Elders who no longer have children at home can provide apartment housing opportunities to the Community Housing Program and tenants reciprocally can provide services to the elder-owner.

### **Recommendations:**

1. It is too early in the development of the current Community Housing program to judge its effectiveness in meeting established goals.
2. Channel 22 or the Town Web site might be used to communicate the potential advantages of a viable housing program to the public on a periodic and regular basis so as to educate and help foster activity in seeking solutions to Community Housing.



## SI Comprehensive Plan Advisory Committee

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### Action Point 55 (Z-14): Amend zoning to allow second unit year round rentals

**Rating: 3 B**

*Explore amending the zoning ordinance to allow permits for year-round rentals of second units accessory to single family home in C zone and to allow (or legalize existing) second units in other zones, subject to careful restrictions including exclusion from sensitive water resource zones and mechanisms to assure that Island housing needs will be served by such units.*

#### **Observations:**

1. Historically, the Town has had considerable difficulty in reconciling the goals, code and enforcement of second housing units and apartments rented on a year round or seasonal basis.
2. Given the history of the Island, many of these units predate the start of the 1959 zoning code, with many structures originally being unheated, modest accommodation, often for family and friends. Many are believed to have been upgraded.
3. The current code Article 133-17 was adopted in 2000 with the hope of seeing many apartments legalized and providing a source of affordable apartments. It is believed such units do provide for affordable housing but most remain unlicensed and therefore illegal under the zoning code
4. It is believed there are from 250-300 such units, of which less than five are licensed. Many of these illegal units are located in the areas of the community with older housing – the Center, Cartwright, West Neck, South Big Ram, and Silver Beach, the last three of which are sensitive aquifer areas.
5. Over time, many of these older, smaller homes will be knock-down candidates, which could well include the accessory building(s).
6. If the current code were to be enforced and illegal units closed down, it is likely that from \_\_\_ to \_\_\_ persons would be without reasonably priced housing in summer and \_\_\_ in winter. (to be researched)
7. The current code, however, in part due the language of the code, is not consistently or regularly enforced.
8. A major concern for the Town must be the potential for unsafe electrical, gas and/or oil installations, which puts citizens at risk and creates potential liability for the Town due to non enforcement of the building code.

9. It is thought likely that a good number of these units generate cash 'off the books' rentals, which are not declared on income tax filings, thus providing an incentive for non disclosure.

**Recommendations:**

1. It is too early in the development of the current Community Housing program to judge its effectiveness in meeting established goals and the impact of the program on current apartments, assessorly or incorporated into the main house.
2. The goal of ensuring safe housing should remain a priority.
3. The goal of maintaining a 'balanced' community – second home owners, local full timers, local workers, summer only visitors, varying income levels – with reasonable cost housing should also remain a priority.
4. Property tax incentives should be considered for owners legalizing apartments in existence prior to the year 2000, whereby the recognition of the apartment does not add to assessed value for a 'grace period', say 5 years.
5. (What other incentives can we offer?) The carrot!
6. The expiration date of January 1, 2004 should be extended for a long enough period to determine how the Community Housing policy is developing.
7. Consider modification of the owner occupancy clause 133-17 A (2) and 133-C (3) (at) to one requiring the owner to be 'resident' on Shelter Island.
8. (Consider 'the stick'- Prepare and publicize a list of 'structures' which might be considered Assessorly Apartments and require owners to demonstrate the area, which might be an apartment is not one. How determined? Inspection?. If not demonstrated, then it shall be deemed an apartment with notice and will be inspected)

DMK

2/2/09



# SI Comprehensive Plan Advisory Committee

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**Action Point 56 (Z-15): Incentive smaller lot zoning                      Rating: 3 B**

*Investigate incentive zoning for affordable housing, allowing smaller lots for special permit for such housing provided that its continuing affordability is permanently assured.*

**Observations:**

1. The new Community Housing Code (Chapter 51) provides affordable rentals and a Community Housing Floating Zone, which could well involve increased density on existing lots and in certain circumstances smaller lots through cluster or density averaging.
2. There are, however, some 225 lots of less than one acre on Shelter Island that are estimated:

Lot size % acre:	<u>0- .49</u>	<u>.50-.99</u>	<u>Total</u>
No. Vacant Lots	33	192	225
Acreage	10	138	148

**Recommendations:**

1. It is too early in the development of the current Community Housing program to judge its effectiveness in meeting established goals.
2. As the Island already contains a good number of pre-existing, non-conforming 'small' lots, consideration should be given to these lots before additional 'small lots' are created.
3. A list of small lots should be made available to the Community Housing Commission to work with property owners to determine if and how such lots might provide community housing. Note that we recommend such development not occur in the Near Shore Overlay District, especially in the NOSD-S zone.



## SI Comprehensive Plan Advisory Committee

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**Action Point: 57 (S-9) – Identify desired business qualities**

**Rating 4 D**

*Identify the characteristics of businesses which the Town is most interested in encouraging: small scale, light demand on non renewable resources, compatible with SI life style, local ownership, development and management, provide high quality jobs matching skill set of young people and SI life style, and operated from existing structures.. .*

### **Observations:**

1. The continuance and financial health of local Shelter Island businesses is highly important to the Island and in maintaining a balanced community.
2. The Town has to decide if it wants to encourage a specific type or category of business or if doing so is better borne by other organizations such as the Chamber of Commerce.
3. The Comprehensive Plan sought to encourage the development small-scale business, including home based businesses and cottage industries, businesses in the communications and technology industries. The Plan also sought to encourage the development of work force skills for these business sectors through programs at the school. Businesses providing services to second home owners were also identified as a potential source of opportunity.
4. The development of communications via the internet and other electronic devices has certainly encouraged the development of home offices, and allows second home owners to spend more time on Shelter Island, increasing off season population, which is positive for local retail businesses and services.
5. Local business in the computer service sector have found the local market limited and been forced to seek revenue off Island.
6. Local business servicing the properties of second homeowners has expanded with the increase in second home owners on Shelter Island.
7. The current codes allow considerable latitude for the type and activities of local businesses in C zone, provided negative impacts, largely noise, odor and visual, are within the code.
8. The most successful of our local businesses would appear to be:
  - a. Related to tourism and summer rentals – retail, restaurants, Inns, B&B, Home services, boating, and transportation
  - b. Housing and real estate: Real Estate agents, builders and supporting trades, and advisors: legal, town code, environment. However, these businesses are subject to cyclicity of the property and mortgage markets.

- c. Home Services: Painting, plumbing, electricians, landscaping, general repairs, and house watching.

**Recommendations:**

1. In this difficult business environment, the Town can remove unnecessary obstacles, and create an environment where local business is supported. Some specifics:
  - a. Make second floor apartments obtainable via zoning code – providing year round income to local businesses. Consider offering favorable property tax incentives to make such apartments affordable.
  - b. Encourage hamlet concept show shops are concentrated and within walking distance, thereby creating a ‘welcoming’ shopping experience.
  - c. Explore with the Chamber of Commerce, a group health plan for local businesses and town.
  - d. Pass code limiting size of shops and banning drive through fast food operations, thereby making SI less attractive to chain stores, and protecting competitive local businesses
3. To ensure that internet, cell phone and other telecommunication service providers offer consistent, technically up to date and reasonably priced service, the Town should monitor such services on a regular systematic basis and meet with those service providers at least annually.
4. The Town should explore an apprenticeship program between the school and local business, including summer jobs, winter part time support and job training.
5. Action Point 45 (Z-11) contains recommendations to alter the B and B1 Zones and to create a new Light Industrial Zone.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 58 (Z-16): Remove obstacles for growth businesses. Rating 3 D**

*Remove obstacles which may be found in Land use regulations for businesses of the types identified for encouragement. (7. Economic Development)*

#### **Observations:**

1. The continuance and financial health of local Shelter Island businesses is highly important to the Island and in maintaining a balanced community.
2. The current zoning code can make it difficult for local businesses, and business property owners to establish residential apartments above shops.
3. The current zoning encourages strip development rather than concentrating retail businesses in hamlets, which in total is probably disadvantageous to local shops. There is also no distinction regarding location between a light industrial business and say a restaurant, or other retail business, which are most often incompatible uses
4. The Comprehensive Plan sought to encourage the development small-scale business, including home based businesses and cottage industries, businesses in the communications and technology industries. There would appear to no material obstacles to the development of these businesses.
5. Businesses providing services to second home owners were also identified as a potential source of opportunity. The current zoning allows for home offices and home businesses, provided impacts on the community do not exceed specified criteria. The codification of those criteria, however, can be confusing and sometimes contradictory and enforcement inconsistent.

#### **Recommendations:**

1. Action Point 57 (S-9) 'Economic Development) details those policies which should be considered to support local business.
2. Action Point 45 (Z-11) 'Review Current Business Zones' contains recommendations to alter the B and B1 Zones and to create a new Light Industrial Zone (BLI).
3. Action Point 48 (Z-18) 'Home Based Businesses' contains recommendations for home businesses.



## SI Comprehensive Plan Advisory Committee

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**Action Point 59 (S-10): Research market opportunities for off island leakage (where a local business could replace off Island purchases and replacement of larger business and service institutions with local business, 'back office' service facilities for larger businesses**

**Rating 4 E**

*Research market opportunities for Island enterprises, such as:*

- *Identify where off-island 'leakage' (purchase of goods and services) is occurring and consider new island business opportunities which could meet these consumer needs.*
- *Identify large business and service institutions on eastern Long Island with needs for products and services, and determine whether on-island businesses could be created to meet these needs.*
- *Investigate the possibility of a larger corporation locating 'back offices' on Shelter Island, provided their size does not overtax Island capacities, such as off-season ferry service (7 Economic Development)*

**Observations:**

1. The Town has no formal 'purchase local' policy. Departments purchase on their own with no central purchasing function and they purchase from varying suppliers.
2. The Highway Department/Department of Public Works policy is:
  - a. Amounts up to \$500: Three verbal quotes needed.
  - b. Amounts from \$501-\$2000: Three written quotes
  - c. Amounts over \$20,000 for Public Works or \$10,000 Highway Department: Public notice to solicit formal written bids
3. In practice, major contracts (heating oil, insurance, pension fund management, major facility or infrastructure contracting/repair) are subject to competitive bidding, where local business presumably has some transportation costs advantages in quoting bids.

**Recommendations:**

1. A full review of Town purchasing policies is needed with consideration being given to centralizing purchasing and creating a storage inventory system.
2. Consider a special effort and financial incentives to attract buyers for local businesses which are up for sale, where the type of business is consistent with the Comprehensive Plan.
3. Develop a program to work with the Shelter Island Chamber of Commerce and directly with local businesses to support publicizing local retail and services businesses and Shelter Island as a rental/second home owner location with special qualities.

4. We feel it is outside the scope of the Town's policy to engage in determining whether there are legitimate business needs for goods and services which might be provided by Shelter Island organization and assisting in organizing such firms.
5. Given the shortage of numbers of professional and skilled labor on the Island and the added costs of ferry travel, we believe it is unlikely that a larger firm would locate here unless in a marine related business, where Greenport is probably a more attractive location.
6. As noted elsewhere, perhaps the most important support that the Town can offer to local businesses are:
  - a. Encourage the establishment of year-round apartments above businesses, a good portion of which should be community housing, which provide year round cash flow.
  - b. Develop a special permitting review process which protects local business, and makes it unattractive for large chains stores or franchised fast food units with drive in facilities to open here.
  - c. Create an industrial/ commercial zone separate from the retail business zone.
7. Revise the business zone to encourage a concentration of local retail units in hamlet areas. See AP 45.

DMK

12/14/08



## SI Comprehensive Plan Advisory Committee

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### **Action Point 60 (S-11): Conduct an analysis of public services on Shelter Island compared to NYS and other island communities**

- *Conduct an analysis of public services on Shelter Island with comparison to cost of services in other municipalities, both in NYS and other island communities, recognizing Shelter Island's particular characteristics as an island community (7. Economic Development)*

### **Observations:**

1. The SEEDS program is currently reviewing the suitability of a East End transportation systems on Shelter Island. Limited and flexible bus services are under consideration
2. The Town and School also have seemingly high unit transportation costs.

### **Recommendations:**

1. Perform an analysis to provide Island wide transportation via a fleet of vans and busses, used by the school, public transportation and seniors, perhaps with routine maintenance being performed by the Highway Department mechanics.
2. Continue to work with SEEDS, seek grants for an Island-wide transportation system, noting that there are significant legal and financial issues to be resolved.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 61 (C-14): Support Local Fishing Resources**

**Rating: 3 B**

*Continue and consider expanding programs supporting restocking of shellfish, and possibly initiating aquaculture. (7. Economic Development )*

#### **Observations:**

1. Efforts introducing both bug hard clams and scallops have been conducted at The Nature Conservancy and several sites in Town waters.
2. An oyster program has been sponsored by the Cornell facility in Southold, and Island residents have participated as individuals.
3. The Peconic Estuary Program and Cornell have also attempted to reseed eelgrass beds in Island waters with marginal success.
4. Limited commercial production of oysters has begun on Town bottoms.

#### **Recommendations:**

1. The Local Waterfront Revitalization Program could be a source of additional funding for renewing shell fish beds. Other 'economic development funds should be explored as well.
2. The Town should consider assigning responsibility for monitoring shell fishing, off-bottom aquaculture and 'transplant' approaches to one committee or person to keep the Town abreast of 'opportunities'.
3. Consideration might be given to leasing underwater Town, County or State or private bottoms for such endeavors.
4. The Town might support continued efforts at habitat restoration, which may be an essential component for long-term success of reestablishing sustainable populations.
5. The Town might consider with local bay-men the viability of a specialized marketing program for developing select 'Shelter Island label' products.



## SI Comprehensive Plan Advisory Committee

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### **Action Point 62 (S-12): Seek funding for transportation studies      Rating: 2 E**

- *Seek funding for a study of transportation needs of various populations sub groups by season and in the role which jitney service might play in broadening accessibility for trips made without autos, including examples from other island, taxies as a fall back alternative. And consideration of potential funding sources (8. Transportation)*

#### **Observations:**

1. Formed in 2001, the Sustainable East End Development Strategies, 'SEEDS', is a collaborative regional planning effort involving the five east end towns, and the villages of Dering Harbor, East Hampton, Greenport, North Haven, Quoque, Sag Harbor, Southampton, Westhampton Beach and Westhampton Dunes. In 2005 the SEEDS concept Plan was presented for public discussion and input, which included a presentation to the public on Shelter Island.
2. After discussion, the Town Board in 2005-6 expressed concerns about a bus transiting Shelter Island, but voted to make the Town's 2% contribution to SEEDS.
3. Funded by grants totaling \$400,000, an initial plan involved an integrated East end Rail/Bus system, which was presented on Shelter Island in 2006-7.
4. An alternative plan for bus only is currently being developed and would involve a Shelter Island bus operating between the two ferries in a flexible routing with users able to arrange for pick up at a number of locations.
5. The North and South Ferry companies have both invested in new and larger ferries with faster turnaround time, and have been assisted by the county exempting the purchases from sales tax.
6. The Ferry companies also benefit from County funded dredging operations at the ferry docks.
7. The Town of East Hampton passed legislation prohibiting car ferries into their Promise land site, which is subject to a law suit by the Towns of Southold and Shelter Island.
8. The impact of a bus service on tourism on the island is uncertain.
9. Most importantly, given that the school having a high cost of providing transportation services, the community should conduct a study of combining transportation resources, including transportation needs of the school, seniors, public needs and the mechanical skills and equipment at the Highway Department.

**Recommendations:**

1. Continue to participate in the SEEDs program to determine if a limited and flexible bus service makes sense for Shelter Island, particularly for those without car transport including the elderly.
2. Conduct a review of a Community wide transportation service.

DMK

4-27-09



## SI Comprehensive Plan Advisory Committee

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**Action Point 62B (NEW): Replacement vehicles** \_\_\_\_\_ **Rating: 0 A**

*Research and consider replacement vehicle investment to be in smaller and more energy efficient vehicles, including hybrids and electric cars/carts.*

### **Observations:**

1. The current Town fleet of vehicles in the Police Department, Highway Department, Building Department, Assessors Office and the Senior citizen transport group currently use older, large engine vehicles including many SUV's.
2. Consideration should be given to combining transportation resources with the school and Fire Department.

### **Recommendations:**

1. Establish a centralized data base to track vehicle energy efficiency and a replacement schedule over a 7 year period.
2. Assign an individual to keep abreast of the trade offs between gas fueled vehicles and alternatives and consider alternatives when making the investment decision for a replacement vehicle.
3. Where practical, always consider a smaller more energy efficient vehicle for replacement.
4. Conduct a study of combining transportation resources with the Town, school, and fire department.



## SI Comprehensive Plan Advisory Committee

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**Action Point 63 (Z-23): Frame and adopt moped regulations**      **Rating: 4 E**

*Frame and adopt moped regulations, both in zoning and as a own Ordinance, with special attention to insurance, helmets, and unsafe route prohibitions.*

**Observations:**

1. The number of mopeds used on Shelter Island is very limited.
2. NYS moped law require licensing, insurance, wearing a helmet and headlights on for any moped which can exceed 20 mph.
3. Bicycles are in much greater use and create more potential traffic and safety issues.

**Recommendations:**

1. NYS law appears adequate to control the risks related to moped operation on Shelter Island
2. No further action is recommended.

DMK

3-26-09

## New York Moped Laws

### ***Mopeds (Limited Use Motorcycles)***

#### **Are there any special requirements to operate a limited use motorcycle (moped) in NYS?**

The Vehicle and Traffic Law defines a **limited use motorcycle** as "a low-speed vehicle with two or three wheels." Terms frequently used for limited use motorcycles are "mopeds" and "motor scooters."

The requirements to operate a moped are like those for motorcycles. You must have a driver license and you must register a moped to drive it on streets and highways. The exceptions to these requirements are listed in the table below. You can **never** operate a moped on a sidewalk.

The DMV certifies a moped as a Class A, Class B or Class C limited use motorcycle according to top speed. The manufacturer requests the certification through the DMV Technical Services Bureau. Only a DMV-certified model of limited-use motorcycle can get a registration in NYS. The phone number for the Technical Services Bureau is (518) 474-5282.

To register your moped, bring the following to a DMV office:

- A completed form MV-82 (Registration / Title Application).
- A completed form DTF-802 (Statement of Transaction for Sales Tax ) or proof of exemption or tax paid. (See the DMV Forms page for additional tax information and forms).
- Proof of ownership, normally the Manufacturer's Certificate of Origin (MCO), a bill of sale or a previous registration that was transferred to you.
- Proof of identity.
- Cash, check or credit card for the fee. Pay the fees and required sales tax.

#### Guide to Limited-use Motorcycle Requirements

Class	A	B	C
Determined by Range of Top Speed	Over 30 mph to 40 mph	Over 20 mph to 30 mph	20 mph or less
License/Permit Required	Class M/MJ <sup>1</sup>	Any Class <sup>1</sup>	Any Class <sup>1</sup>
Registration Required?	YES	YES	YES
Headlight on When Operating?	YES	YES	YES
Helmet and Eye Protection Required?	YES	YES	Recommended
May Operate On	Any Traffic Lane	Right-hand Lane or Shoulder Only <sup>2</sup>	Right-hand Lane or Shoulder Only <sup>2</sup>

<b>Insurance Required?</b>	YES	YES	Recommended <sup>3</sup>
<b>Inspection Required?</b>	YES	Recommended	Recommended
<b>Title Required?</b>	NO	NO	NO

1. Learner permit restrictions apply to all permit classes. Junior operator restrictions apply to class DJ and MJ permits and driver licenses. See Learner Permits and Junior Licenses.
2. Except when making a left turn.
3. Class C moped used in a rental business must be insured.

## ***Motorized Scooters, Mini-Bikes, Dirt Bikes, Go-Karts, Motor Assisted Bicycles***

You **cannot** register any of the motorized devices from the list below in NYS. You **cannot** operate these devices on sidewalks, public streets or highways in NYS. These devices are motor vehicles, but they do not have the correct equipment or design for operation on roadways.

- **Motorized Scooter** - a device with a motor attached and a handlebar for a standing rider. An example of a motorized scooter is the device called the Go-ped®.
- **Mini-bike** - a small, motorized device with two wheels and created for off-road use. A mini-bike does not qualify as a moped, a motorcycle or an ATV.
- **Dirt Bike** - a motorized device like a motorcycle, but created for and used for off-road use. Some "dirt bikes" qualify as an ATV. These vehicles can register and operate off-road as an ATV.
- **Go-Kart** - a small, motorized device with four wheels, created for off-road use. You cannot register a go-kart as a motor vehicle or ATV because a go-kart does not have the same equipment.
- **Motor-assisted Bicycle** - a bicycle to which a small motor is attached. A motor-assisted bicycle does not qualify for a registration as a motorcycle, moped or ATV and does not have the same equipment.

**These devices are not allowed on any street, highway, parking lot, sidewalk or other area that allows public motor vehicle traffic. You are subject to arrest if you operate one of these motorized vehicles and do not have a registration, driver license, inspection, insurance or correct equipment.** The DMV can not provide any information about operation of these devices on private property. Contact the local authorities and property owners.

[More New York info](#)

[Back to Moped Laws](#)



## SI Comprehensive Plan Advisory Committee

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**Action Point: 64 (S15) – Create aviation study committee.**

**Rating: 2\_D**

*Create aviation study committee to study control of landing fields, seaplane activity and helicopter landings.*

### **Observations:**

1. The formation of the Pilots Association in 2008 (a non-profit organization) is in effect equal to the suggested committee.
2. The Pilots Association has prepared an overall guidance plan for the future operations and maintenance of Klenawicus/Shelter Island Airfield.
3. The Town has enacted legislation addressing the activity of helicopter landing and take off from Island air fields.
4. Overhead helicopter flights to and from East Hampton Airfield continues to be a problem from May to October

### **Recommendations:**

1. The Town should approach the Pilots Association and request they expand their scope to include Westmoreland air field and the operations of seaplanes.
2. Continue to monitor helicopter flights and coordinate with Congressman Tim Bishop, Assemblyman Mark Alessi, and Legislator Ed Romaine in coordination with Southold Town, Northhaven and Noyak to redirect overhead flights and increase minimum altitude.



## SI Comprehensive Plan Advisory Committee

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**Action Point 65 (S-13): Seek bicycle path funding.**

**Rating: 4 E**

*Seek funding for bicycling path study and construction - seeking to connect ferry to ferry preferably by not simply following Rte 114 (\*Transportation)*

**Observations:**

1. Police policy encourages riders to use Midway/Menantic Roads and not 114
2. There is no continuous space for separate path on SI roads for a bike path and property owners along major roads are unlikely to be willing to give up land for a Bicycle path.

**Recommendations:**

1. Do not seek funding as there is little local demand for separate bike paths.

DMK

3-26-09



## SI Comprehensive Plan Advisory Committee

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**Action Point 66(S-14): Diagonal parking on Bridge St**

**Rating: 4 E**

*Fund and carry out traffic engineering studies of diagonal parking on Bridge St and the possibility of truck prohibitions on certain routes.  
(8. Transportation)*

### **Observations:**

1. The merchants on Bridge Street are not pressuring for a change to diagonal parking.
2. In the view of some merchants, diagonal parking would cause greater congestion and backed up traffic, which would be dangerous with the curve in front of Piccozzi's on Route 114.
3. There is a prohibition for large trucks on New York Ave only; no other roads are restricted, with minimal unnecessary disturbance or safety issues
4. The police seem in control of limiting parking time on Bridge St in summer

### **Recommendations**

1. There would appear to be no interest in this concept. Take no action.

DMK

2-9-09



## SI Comprehensive Plan Advisory Committee

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### **Action Point 67 (Z-24): Revise land use controls for road safety Rating: 3 D**

*Revise land use controls, such as zoning and sub-division regulations, and site plan review controls to assure the maintenance of safety and appearance of major roads despite demands for additional points of egress (8.Transportation)*

#### **Observations:**

1. Paul – what have we put into the Sub Div code or zoning code on this one?
2. The Marcello lot is a case where safety and appearance of egress is open to question. Linkage to NYS regs on State Rd?
3. Need for country roads See AP 69 (Z- 0)
4. Police seem in control of parking time on Bridge St in summer
5. Driveway curbs/and monuments, shrubbery in town portion of unpaved road

#### **Recommendations:**

DMK

2-9-09



## SI Comprehensive Plan Advisory Committee

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**Action Point 68 (S-16): Create bicycle safety task force.**

**Rating: 4 E**

*Create bicycle safety task force to develop a program for safety and traffic education for visiting cyclists, working together at both ferries and the Chamber of Commerce, as well as with bicycle organizations (8. Transportation)*

### **Observations:**

1. No task force has been formed
2. There appears no pressure from bicycling organizations for such paths.

### **Recommendations**

1. Consider whether the Chamber of Commerce map and police policy should be to advise on specific routes.

DMK

3-26-09



## SI Comprehensive Plan Advisory Committee

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**Action Point: 69 (Z-30) – Highway Specifications**

**Rating: 3 C**

*Review and where appropriate, revise the Subdivision ordinance and, more critically, the Highway specifications which they reference into effect, to allow roads consistent Shelter Island's light traffic and rural character, as opposed to the suburban style roads now called for.*

### **Observations:**

1. Review of current law and policy: Chapter 111, Sec 35 – (Streets and Highways) sets general requirements for streets and roads in proposed subdivisions, but does not detail road specifications.
2. Road specifications are set forth in the Town of Shelter Island Highway Specification policy statement last amended August 16, 1977, a copy of which is attached. This document requires a 49.5 ft as the bounds for a highway and 33 ft as the 'highway area' (the paved portion of the bounds)
3. It has been the policy of the Planning Board to allow for a minimum ("country road") road width where the sub-divider or Home Owners Association retains ownership of the roads in the subdivision. A 16 ft width is the minimum allowed because the S.I. Fire Department requires this width for proper ingress and egress of emergency vehicles.
4. When the road is to be dedicated to the Town, the Town will not accept the road unless it meets specifications set by the Town Highway Superintendent. Currently the Town's policy is to require a width of 27 ft.
5. No policy is established by the Town for curbs, catch basins or the use of sight triangles at intersections.
6. The above current law and policies are not consistent with one another and do not meet the objectives of the Comprehensive Plan of preserving the rural character of Shelter Island.
7. The Highway Road specifications document is out of date with current road building practice and standards.

### **Recommendations:**

1. Review Town road width requirements with the goal of reducing the allowable paved road area to a width of 16 ft with one or two intermediate widths between 16 ft and 27 ft, depending on anticipated road use, location and geology.
2. Consult with the Cornell University Country Road Study and other experts in designing new road standards.

3. Allow curbs to maintain paved road configuration, but only to a maximum 2” height above the road surface to achieve a rural appearance to local roads,
4. To maintain a rural appearance, catch basins should not have high curbs, unless required by the immediate topography.
5. The subdivision code, Chapter 111, should be amended to reflect these changes.
6. Ensure that the Planning board, as a matter of policy, includes a condition in all subdivision approvals that have private roads, a provision for maintenance of the road in perpetuity from a financially and legally secure party

PEM/DMK

10/31/08



## SI Comprehensive Plan Advisory Committee

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**Action Point 70 (C-11): Avoiding long summer ferry lines**

**Rating: 2 E**

*Continue to study means of avoiding long summer lines waiting for North Ferry (8. Transportation)*

**Observations:**

1. With the purchase of larger boats by both the North and south Ferry, long summer lines and wait times are greatly reduced.
2. The waiver by NYS/Suffolk County of sales tax on the purchase of new ferry boats by an intrastate ferry has allowed to ferry companies to reduce passenger fares.
3. The Ferry Committee performs a useful function in representing the public on Ferry issues.

**Recommendations:**

1. Monitor traffic and financial reports annually.

DMK

2-9-09



## SI Comprehensive Plan Advisory Committee

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### Action Point 71 (C12): Community Facilities

Rating: 2 E

*Follow through with compliance with DEC Consent Order regarding solid waste management.*

#### Observations:

1. The Town of Shelter Island is in compliance with the DEC consent order regarding solid waste.
2. The consent order allowed for the capping of the old landfill and requires provisions for recycling, and maintenance of the landfill cap and the entire recycling area.
3. Provisions require continued monthly monitoring of methane levels, water testing of the 15 wells ( 5 - Deep gas, 5 - Venting gas, 5 - Deep water) located on and near the site, which involve many readings. The readings not the minimum acceptable level are highlighted in bold.
4. Continued mowing of the cap area is required to prevent the growth of trees and shrubbery on the cap.
5. In general, compliance with DEC directives covering recycling and solid waste disposal is also required.

#### Recommendations:

1. A copy of the Exception report should be sent to the Town Supervisor for review. Either the Town Supervisor or the Highway Supervisor, needs to determine if any immediate or long term corrective action need be taken and to ensure that the required safety standards are maintained.
2. Research and consider:
  - a. The installation of solar panels at the Recycling Center to be used to supply energy to the Recycling Center Operations.
  - b. The installation of vertical axis wind turbines to supply energy to Recycling Center.
  - c. The use of new technologies such as those using compaction and controlled high temperature burning of vegetative (stumps, brush, wood chips) and animal waste.
3. Closely monitor the risk of methane gas build up from excessive plant and chips piles
4. Assign responsibility to a Committee or person(s) to monitor trends in new technologies and in coordination with the Highway Superintendent/ Commission of Public Works to make an annual report of 'opportunities' to the Town Board.

5. Encourage town participation in regional workshops covering material disposal.

PEM/HS/DMK

10/31/08



## SI Comprehensive Plan Advisory Committee

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### **Action Point: 72 (F08) – Highway Department Maintenance Yard Rating: 4 E**

*Explore the possibility of relocating the Highway Maintenance Yard and reusing that site for an alternative use, such as affordable housing.*

#### **Observations:**

1. The relocation of the Highway Department maintenance barn & yard to the Town Recycling center site on Bowditch Road has been completed.
2. Plans are underway to demolish the old building on Route 114. Work will probably start sometime after the first freezing weather this winter (2008-2009). According to the Highway Superintendent, the reason for the delay is to avoid subjecting highway personnel to the considerable amount of mold spores in the building and allowing the temperature to go below freezing in the building will kill the mold spores.
3. So far, the Town has not indicated any plans for future use of the old Highway Department site.

#### **Recommendations:**

1. The old building is to be knocked down as soon as the colder weather arrives.
2. Careful consideration be given to the previous reports of spills on the site and a determination made of location(s) of the spills, the direction of the underground flow of the contamination and determination of a plan for remediation and the costs of alternatives.
3. Alternative uses of the site be considered:
  - a. Part of a new Light Industrial Zone.
  - b. Community housing
  - c. Open Space and as part of Haven's house
  - d. Held in reserve for future uses, to be determined.
4. Until such time as a plan is determined and implementation is commenced, plant the area as a meadow, with low maintenance grasses, little water and fertilizer (eg. little blue stem grass) to be cut two or three times per year.



## SI Comprehensive Plan Advisory Committee

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**Action Point: 73 (F9) – Consider recharge of Shelter Island Heights WWTP effluent to groundwater**

**Rating: 3 B**

*Consider recharging SI Heights WWTP effluent to groundwater instead of to discharging to bay.*

### **Observations:**

1. Required plant upgrades to allow for groundwater discharge have been looked at several times since the plant's inception.
2. Upgrades to the plant will cost an estimated \$2 to \$3 million.
3. The plant is currently privately owned and run and therefore grant and public funds are not available to the Heights to help pay for some or all of the upgrades.

### **Recommendations:**

1. The Town should consider making one or more sewer districts that would pump wastewater effluent to the SI Heights WWTP.
2. Treatment Plant improvements required to allow the plant to absorb the additional flow would include the upgrades allowing for groundwater discharge.
3. Examine the ability of recharge to be incorporated into irrigation needs at Goat Hill GC.
4. Investigate the possibility of creating a new company, with sufficient Town ownership to qualify for grants (Majority or 100%?), with the SIHC retaining operating and financial responsibility under a non cancellable contract with the Town.



## SI Comprehensive Plan Advisory Committee

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### Action Point: 74 (O3) – Explore creation of Wastewater Management District

**Rating: 3 B**

*Explore the creation of a wastewater management district potentially having dual roles: assisting in undertaking extension of sewerage into now unserved areas, such as Bridge Street, and assisting homeowners and businesses in unsewered portions of the Island in managing their on-site disposal systems.*

#### **Observations:**

1. Connecting Bridge Street businesses to the Heights WWTP would eliminate several current non-conforming septic systems, many of which likely contribute to surface water contamination of Chase Creek and Dering Harbor.
2. Connection of Bridge Street properties may allow for the installation of several accessory apartments in current second and third stories.
3. Upgrades to the plant will cost an estimated \$2,000,000 to \$3,000,000, while the connections might cost from \$250,000 to \$350,000.
4. A municipal sewer district will be eligible for grants and other funds that are not accessible to the existing plant.

#### **Recommendations:**

1. The Town should consider making one or more sewer districts that would pump wastewater effluent to the SI Heights WWTP.
2. Sewage and septage conveyance and treatment plant improvements are required to allow the plant to absorb the additional flow. Upgrades and improvements would have to address the issue of groundwater recharge for the WWTP effluent..
3. Examine the ability of recharge to be incorporated into irrigation needs at Goat Hill GC.
4. Investigate the possibility of creating a new company, with sufficient Town ownership to qualify for grants (Majority or 100%?), with the SIHC retaining operating and financial responsibility under a non cancellable contract with the Town.



## SI Comprehensive Plan Advisory Committee

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**Action Point: 75 (Z- 4) – Develop Well Head Protection Zones      Rating: 2 E**

*Develop well head protection zoning for wells in public water systems.*

### **Observations:**

1. The SCDoh require public supply wells (for Dering Harbor, West Neck Water and SI Heights) to have a 200' sanitary radius of property owned by the water supplier.
2. Due to the high density of houses and development in those areas, it is increasingly more difficult to maintain that minimum sanitary radius.

### **Recommendations:**

1. Enter the location of existing supply wells into the Town's GIS data base.
2. Properties that have the ability to maintain the minimum sanitary radius should be cataloged and, if not owned by the water provider, given priority status for purchase.
3. An inventory of existing well sites and pumping capacity should be maintained (also on GIS) to determine the adequacy of current supply and forecast future needs.



## SI Comprehensive Plan Advisory Committee

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**Action Point: 76 (F10) – Public restrooms**

**Rating: 2 B**

*Explore provision of public restrooms to support the Islands tourist-based economy (9. community Facilities)*

### **Observations:**

1. Public restrooms are an important aspect of areas with high foot traffic or where the public tend to gather for extended periods of time such as beaches or parks
2. Public bathrooms currently exists at both Wades and Crescent beaches (seasonally), at North Ferry in the Heights, open 24/7, where there is a large amount of foot traffic but which reportedly operates without difficulty. The facilities at Picozzi's service station on Bridge Street, another high foot traffic location, creates difficulty for the business and is very busy in summer. Restrooms are also located at the Town Hall building in the center only during office hours: weekdays 8:30am -4 pm, and Saturday 9-12 noon, and thus not available Saturday afternoon, Sunday or holidays
3. The facilities at the Highway building can be made available but the location on Bowditch Road is far from the bulk of foot traffic and off the normal route for autos. The lack of such facilities creates an unfair burden on some local businesses, which end up providing facilities or creating ill will by refusing use.
4. Given the number of tourists visiting the Island in the summer season, there is no doubt a need for such facilities on Bridge Street and in the Town Center.

### **Recommendations:**

1. Public toilets should be established somewhere in the Bridge Street area, the parking area to the West, the edge of the new park, or near the town dock.
2. Given the hours at Town Hall, there is a need for public restrooms in the Center. Consideration should be given to making the new Legion Hall bathrooms accessible from the outside, or placing portable toilets on the Town property in the center.
3. There are many types of potable or public toilets available to rent or purchase; of which many are of attractive design and easy to maintain.

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