

Town of Shelter Island

Local Law No. 8

Year 2024

A LOCAL LAW AMENDING CHAPTER 109 ENTITLED SITE PLAN REVIEW

BE IT ENACTED by the Town Board of the Town of Shelter Island as follows:

Section 1. Legislative Intent.

The Town Board finds that the current applicability of site plan review is too narrow, as it only applies to businesses, and does not capture other uses that may have parking, lighting, loading, and density impacts that are more intense than that of a dwelling or accessory thereto. In order to protect the health, safety, and welfare of the community the trigger for site plan must be expanded so these nonresidential uses can be properly vetted and situated.

Section 2. Amendment.

Shelter Island Code Chapter 109 (Site Plan Review), is hereby amended to read as follows:

§109-2. Applicability.

A. When required. This chapter shall apply to any land use that is permitted pursuant to Chapter 133 of the Town Code, except a single-family or two-family home use, on a single and separate lot, and customary accessory uses thereto when:

- (1) the use is commenced; or
- (2) The use is significantly changed, altered, or expanded, or the intensity increased in a manner that will significantly affect the characteristics of the site as outlined in § 109-3A; or
- (3) One applies for a building permit for any use, building or structure, except the single-family or two-family home use on a single and separate lot, customary accessory uses to single-family or two-family residential home use as stated in the Town Code.

Section 3. Authority.

The proposed local law is enacted pursuant to Town Law §274-a and Municipal Home Rule Law §10.

Section 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part, provisions so adjudged to be invalid or unconstitutional.

Section 5. Effective Date.

This local law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

SUMMARY OF PROPOSED LAW

The purpose of this local law is to ensure that all nonresidential uses are required to have site plan approval so as to ensure that such uses are conducted in a manner that is compatible with, and does not detrimentally impact, the surrounding community.

Adopted: June 24, 2024

Effective: July 12, 2024