Wary Spar Project Site Plan and Subdivision Review
Applicable Criteria, Performance Standards and Requirements
Rev 1/11/08

This document attempts to to list the applicable criteria, performance standards and requirements of the Town of Long Island Land Use Ordinance that the Planning Board must consider in conducting the site plan and subdivision review for this project. This list of criteria, standards and requirements is neither authoritative nor exhaustive and is merely an attempt by the Planning Board secretary to provide guidance to Board members for their consideration of this matter

Where page numbers are cited in the following they refer to the Town Land Use Ordinance unless otherwise noted.

Item 1. A site plan review is required for this project by Article 10 Section 2 Subsection E (p61) and therefore the site plan review criteria and standards apply.

Article 10 Site Plan Review

Section 4 Criteria and Standards
- A. Preservation of Landscape (p67)
- B. Relation of Proposed Buildings to the Environment (p67)
- C. Vehicular Access (p67)
- D. Parking and Circulation (p68)
- E. Surface Water Drainage (p68)
- F. Utilities (p68)
- G. Advertising Features (p68)
- H. Special Features (p68)
- I. Exterior Lighting (p68)
- J. Emergency Vehicle Access (p68)
- K. Landscaping/Buffering (p68)
- L. Environmental Considerations (p69)
- M. Adequacy of Subsurface Wastewater Disposal (SSWD) System (p69)
- N. Conservation, Erosion and Sediment Control (p69)
- O. Additional Performance Standards (p70)

Item 2. The lot in question, lot #202 on the town assessors map, lies in the IB zone and the proposed use of the structure is an allowed conditional use (3.9.C.12 p27) in this zone, therefore the IB zone district standards are applicable.

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Article 3 Zoning District Standards

Section 9 Island Business Zone
- C. Conditional Uses (p27)
- E. Dimensional Requirements (p27)
- F. Other Requirements - Off-street Parking (p28)

Item 3. The lot on which the proposed modified structure will exist, lot #202 of the town assessors map, is in the shoreland zoning district so the shoreland zoning district standards apply.

Article 4 Shoreland Zoning District Standards

Section 17 Shoreland Zone Performance Standards
- A. Principal and accessory structures
- B. Piers, docks, wharves and other structures
- C. Clearing of vegetation
- D. Erosion and sedimentation control
- E. Soils
- F. Water quality
- G. Archaeological sites
- H. Installation of public utility service
- I. Roads and driveways
- J. Parking Areas
- K. Stormwater runoff
- M. Lot Standards

Section 18 Administration

Item 4. The lot on which the existing structure that the applicant is proposing to modify is non-conforming as to dimensional requirements (3.9.E p27 and 4.17.M p37) and furthermore, the existing structure that the applicant is proposing to modify is non-conforming as to set-backs and lot coverage (3.9.E. 3,4 p27,28) requirements. Therefore Article 6, Non-conforming Structures, Uses and Lots (p41), is applicable.

Article 6 Non-conforming Structure, Uses and Lots

Section 1 Generally (p41)
- B. Increase in number of dwelling units in building is prohibited.
- C. Non-conformity as to off street parking.

Section 2 Non-conforming Structures
A. Alterations, modifications and additions allowed only as provided in following provisions B, C and D (p41)
B. Alterations to non-conforming building limited (p41)
C. Building extensions (p42)
D. Enclosure of porches (p42)

Section 3 Expansion in Shoreland Zone (p42)
A. Requirements for expansion in shoreland zone
(1) 30% Expansion Limitation (p42)
(2) Foundation construction (p43)

Section 5 Nonconforming lots of record.
C. Nonconforming solitary lots of record (p45)

Item 5. There is a question as to whether the use of the existing structure constitutes a non-conforming use. It is currently being used as a restaurant, post office and a single family dwelling, all three of which are singly permitted uses in the IB zone (see 3.9.B (1), (2) and (8)). Whether or not the combination of these three uses constitutes a non-conforming use is debatable since the language of the Land Use Ordinance for the IB zone is silent on the issue of combined use. In any event the requirements of Article 6 Section 4, Non-conforming Uses, should probably be addressed.

Article 6 Non-conforming Structure, Uses and Lots

Section 4 Nonconforming Uses (p44)
A. Premises expansion prohibited (p44)
B. Changing to a permitted use (p44)
C. Increasing size or degree of non-conformity of a wholly non-conforming building prohibited (p44)
D. Discontinuance in use (p44)
E. Change to a nonconforming use (p44)

Item 6. The following townwide performance standards are applicable to this project.

Article 7 Townwide Performance Standards

Section 2 Abbuttor Notification Required for SSWD Permit (p46)
Note: This may or may not be applicable since the applicant is not proposing the use of a subsurface wastewater disposal system.

Section 6 Bedroom Additions (p48)

Section 7 Fences (p48)

Section 15 Parking Requirements (p51)

Section 7.24 Multi-Family Dwellings (p56)

Item 7. Subdivision approval is required for this project since the division of a structure into three (3) or more dwelling units within a five-year period is considered a subdivision as defined in the definition of Subdivision in Article 11 Section C of the Town's Land Use Ordinance (p74).

The reader will note that many requirements and performance standards listed in Article 11 apply only to subdivisions of land, not structures. However, in these cases it might be prudent for the Board to make note that it finds particular requirements or standards not to be applicable to this project and state the reason for the finding.

Article 11 Subdivisions

Section F Plat Requirements (p77)

Subsection 1 Information on subdivision plat - items (a) through (x) (p77-79)

Subsection 2 Recording plat - items (a) through (j) (p79-80)

Subsection 3 Alterations to approved plat (p80)

Subsection 4 Verification of plats (p80)

Section G General Requirements

Subsection 1 Review Criteria - items (a) through (o) (p81-82)

Subsection 3 Conformity with Code (p82)

Section H Technical and design standards (p83)

Subsection 2 Street plan (p83)
Subsection 3 Street design (p84)
Subsection 4 Street and subdivision names (p84)
Subsection 5 Storm drains (p84)
Subsection 6 Lots (p85)
Subsection 7 Public open space (p85)
Subsection 8 Access to shoreline (p86)

Section I Required Improvements (p86)

Section J Performance and defect guarantees; amount and release (p87)

Section O Modifications (p89)

Subsection 1 Board may waive or vary requirements of Article 11 Sections H and I (p89)

Section P Conditions (p89)

Item 8. The lot on which the structure the applicant proposes to modify, lot # 202 of the town assessors map, lies in a V2 zone of the Special Flood Hazard Area shown on National Flood Insurance Program map ID 23000510009B. Therefore Article 12, Floodplain Standards, of the Land Use Ordinance is applicable.

Article 12 Flood Plain Standards

Section II - Permit Required (p91)

Section V - Review of Flood Hazard Development Permit Applications (p93)

Section VI - Development Standards (p94)
Subsections A (1-4), B through E and F (5) (p94)
Subsection K (1-6) (p97-98)

Section VIII - Review of Subdivision and Development Proposals (p99)
Subsections A through E (p99)