

**LONG ISLAND PLANNING BOARD**  
**FINDINGS OF FACT and CONCLUSION OF LAW**

Project: Site Plan review for Soft Serve Ice Cream Stand  
Tax Map Lot 313

Applicants: Ed & Jeanie McAleney

Date of Final Approval: February 25, 2019

Pursuant to the provisions of the Land Use ordinances of the Town of Long Island and its bylaws, the Long Island Planning Board has considered the application of Ed & Jeanie McAleney for a Site Plan Review regarding the proposed remodel of an existing structure to serve snacks and soft serve ice cream and finds the following facts:

- A. The property under consideration is located at # 3 Garfield St. and is located in the Island Business Zone (1-B). The property is identified on the Town of Long Island tax map as lot 313.
- B. The applicant has submitted sufficient evidence to demonstrate right, title or interest in the property under consideration.
- C. The proposal to operate a stand to serve snacks and soft serve ice cream is a permitted use in the 1-B zone.
- D. Since the proposal requires Site Plan review, the applicant submitted an application to the Long Island Planning Board. The original application – dated September 9, 2018, described the purpose to (1) improve an existing shed to house a soft serve ice cream shack and (2) reopen a restaurant and dining room. The Planning Board held a “pre-application conference” with the applicants on October 22, 2018, followed by an email and a letter from the Board’s secretary to the applicants on October 25, 2018, describing the information and documentation stipulated under Chapter 14, Article 10,

Section 10.4 to be provided by the applicants in order for the Board to consider the application as complete.

- E. A modified application was submitted to the Board on October 25, 2018, which calls for the remodeling of an existing on-site shack to serve snacks and soft serve ice cream. On December 10, 2018, the Planning Board, by a recorded vote of 5-0, accepted as complete the modified application for a Site Plan Review. At the same meeting the Planning Board set a date for a public hearing on the Site Plan Review application for February 11, 2018.
- F. The Board's Bylaws and the Town's ordinances require the Board to provide notice to the public, the persons making an application for a Subdivision and/or Site Plan Review, as well as the Town Selectmen, of a public hearing on the application. Email notifications to the applicant and the selectmen were sent January 28, 2019. The notice was published in the print and on-line editions of the Portland Press Herald and on the Town's web page on January 31, 2019.
- G. At the public hearing, no member of the public spoke. Written communication concerning street parking on Garfield Street was submitted for the record by the owner of an abutting property.
- H. The Long Island Planning Board reviewed the application against the applicable criteria outlined in the Long Island Land Use Ordinances.
- I. Water supply, utilities and septic waste disposal: The Board has determined that since all utilities including waste water disposal were installed and existed prior to the current application they were waived and not considered.
- J. Parking: Four (4) parking spaces will be provided on site.
- K. The applicant has demonstrated that the area under consideration is not located within a Flood Hazard area.

## CONCLUSION

The LONG ISLAND PLANNING BOARD has reviewed the complete application for the project under consideration and hereby finds that the applicant has met all of the applicable standards set forth by the Long Island Land Use Ordinances. Furthermore, by a recorded vote of 5-0, the Planning Board grants final approval of the project on this day February 25, 2019, provided that the following conditions are met and maintained:

## CONDITIONS

1. The Planning Board's approval of this application is dependent upon and limited to the proposals, plans and supporting documents submitted and affirmed by the applicant in connection with its application and the plans, documentation and other submissions and information that have been presented to the Planning Board in the related proceedings.
2. The approval is granted dependent on the applicant acquiring all applicable state and local licenses and approvals.

February 25, 2019

***A signed copy of this document is available  
at Town Hall.***

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Bradley Brown, Chair  
Planning Board  
Town of Long Island