

John M. Bredemeyer III, President
Michael J. Domino, Vice-President
Glenn Goldsmith
A. Nicholas Krupski
Charles J. Sanders



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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHDOLD

Minutes

Wednesday, March 23, 2016

5:30 PM

Present Were: John Bredemeyer, President
Michael Domino, Vice-President
Charles Sanders, Trustee
Glenn Goldsmith, Trustee
A. Nicholas Krupski, Trustee
Elizabeth Cantrell, Senior Clerk Typist
Stephen Kiely, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, April 13, 2016 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, April 20, 2016 at 5:30 PM
WORK SESSIONS: Monday, April 18, 2016 at 4:30 PM at Downs Farm, and on
Wednesday, April 20, 2016 at 5:00 PM at the Main Meeting Hall

MINUTES: Approve Minutes of February 17, 2016.

TRUSTEE BREDEMEYER: Good evening. Welcome to the Southold Trustees regular monthly meeting for March, 2016. To my far left is Nick Krupski. To his immediate right is Glenn Goldsmith. To my immediate left is Charles Sanders. I'm John Bredemeyer, Chair of the Trustees. To my right is Vice-President of the Trustees, Mike Domino. To his right is Assistant Town Attorney Steve Kiely who will help us should we need assistance, very ably. And our clerk, Elizabeth Cantrell.

Just by way of notification, there are a number of items that appear on the printed agenda that you'll see noted are postponed. And that is typically because it has been found after review of the application and/or the field inspection that items may be missing or an individual applicant has requested a postponement for any particular reason.

The postponements for this meeting, on page six, item three, Docko, Inc., on behalf of **ISLAND HOLDING LLC, c/o DAVID LONG** requests a Wetland Permit and a Coastal Erosion Permit to construct a 4' wide by ± 95 linear foot long post/pile supported fixed wood pier of which ± 63 linear feet is waterward of the apparent high tide line, with tie-off piles; railings on both sides; associated ladders; and a 3' wide pile supported ships ladder at seaward end. Located: 1982 Brooks Point Road, Fishers Island. SCTM# 1000-3-3-3.5, has been postponed.

And item four, Thomas Wolpert, P.E. on behalf of **RIVKA SCHOENFELD** requests a Wetland Permit and a Coastal Erosion Permit to relocate an existing 660 sq.ft. one-story framed cottage approximately 37' landward of its present location; construct onto cottage a new two-story 1,320 sq.ft. framed addition; two-story 624 sq.ft. attached framed garage; 624 sq.ft. studio addition; one new 800 sq.ft. seaward deck and one new 900 sq.ft. landward deck attached to dwelling; the installation of a 30" wide by 46' long path from seaward deck to top of bluff; construct 3'x65' timber bluff stairs to beach with an associated 3'x7.5' top landing, a 3'x3' upper middle landing, a 3'x3' lower middle landing, and a 3'x8' lower landing; approximately 30 cubic yards of fill to be added to regrade the original footprint of the existing cottage and to regrade the lip at the crest of the bluff to prevent storm water runoff and bluff erosion. Located: 4790 Blue Horizon Bluffs, Peconic. SCTM# 1000-74-1-35.56, has been postponed.

On page ten into page eleven, are items 17, 18 and 19. Costello Marine Contracting Corp. on behalf of **NH SAG, LLC, c/o MICHAEL SCIARRINO** requests a Wetland Permit to construct a 4'x40' ramp to a 4'x100' fixed dock with a 4'x40' fixed "L" section at offshore end; construct a 4'x5' platform with a 4'x16' ramp onto a 4'x30' lower platform; install water and electric; and install three 2-pile mooring dolphins. Located: 2100 Paradise Point Road, Southold. SCTM# 1000-81-3-19.7, has been postponed.

J.M.O. Environmental Consulting on behalf of **Z&S CONTRACTING INC., c/o THOMAS SHILLO** requests a Wetland Permit to demolish existing single-family dwelling and detached garage; construct new 2,764 sq.ft. single-family dwelling with attached garage and 602 sq.ft. covered porch; abandon existing and install a new associated sanitary system landward of dwelling; construct a 417 sq.ft. open terrace with stone on grade; construct a 204 sq.ft. plunge pool with retaining wall on seaward side; and install a rain garden. Located: The Gloaming, Fishers Island. SCTM# 1000-10-10-2, has been postponed.

And Creative Environmental Design on behalf of **LAZARUS ALEXANDROU** requests a Wetland Permit to construct a 16'x32' gunite swimming pool with cartridge system and a pool drywell; install a 575 sq.ft. permeable pool patio; install an 18" high by 65' long retaining wall against the seaward side of patio located 29'11" from top of bluff; and install pool enclosure

fencing. Located: 2700 Sound Drive, Greenport. SCTM# 1000-33-1-11, has been postponed.

If you are here this evening to speak to the matter of Oki-Do, I want to inform you that it is the last item on our agenda. If you wish to go get a cup of coffee or dinner or have some other activity, if you prefer, we'd encourage you to because the meeting will be at least an hour long before we would get into that.

Also for your information, after discussing that particular application with counsel, the Board acknowledges that this action could be considered a segmentation under SEQRA, and we'll be receiving guidance from the Town Attorney as we move forward to coordinate the activity with the lead agency, which is the Southold Town Planning Board. So I just want to let you know that because of that fact and because there are some discrepancies and items in the application that we'll be discussing during the public hearing, that will also preclude us from taking action. The matter will likely be tabled, but we welcome comment at this meeting. We are trying to keep it as brief as possible and specifically to the merits of the application, specifically as it relates to the proposal for marine coastal protection structures and bulkheading in a basin.

So again, just to recap, Oki-Do is late in the meeting, it will be a lengthy public hearing for which this Board has obligations to coordinate with the Planning Department, for which we will not be able to conclude any activity other than open the hearing and listen, and we'll obviously give our comments and review the results of the Trustees review of the project to date at our field inspection. So I just wanted to provide that as notification for you all.

Moving ahead, I'll make a motion for the next field inspection for Wednesday, April 13th, 2016, at 8:00 AM.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: For the next Trustee meeting, Wednesday, April 20th, at 5:30 PM, and work sessions, Monday April 18th at 4:30 PM at Downs Farms, and on Wednesday, April 20th, 5:00 PM in the main meeting hall.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll take a motion. Does someone wish to move approval of the Minutes for February 17th, 2016?

TRUSTEE KRUPSKI: I'll move it.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for February 2016. A check for

\$7,220.32 was forwarded to the Supervisor's Office for the General Fund.

II. PUBLIC NOTICES:

Public Notices are posted on the Town Clerk's Bulletin Board for review.

III. STATE ENVIRONMENTAL QUALITY REVIEWS:

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VI Public Hearings Section of the Trustee agenda dated Wednesday, March 23, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Joseph & Maureen Coogan SCTM# 1000-70-4-48
Joseph Gentile SCTM# 1000-71-2-8
John Fischetti & Deborah Deaver SCTM# 1000-86-2-1.2
Arda & Stephen Haratunian SCTM# 1000-50-2-13
Island Holding LLC, c/o David Long SCTM# 1000-3-3-3.5
Joan L. Cooke SCTM# 1000-31-17-6
Julie Anderson SCTM# 1000-111-14-29
Joseph & Alberta Schupler SCTM# 1000-86-2-9
David Schultz SCTM# 1000-139-2-3
NH SAG, LLC, c/o Michael Sciarrino SCTM# 1000-81-3-19.7
Glebe Associates, LLC, c/o Bia Lowe SCTM# 1000-106-6-3
Robert & Heidi Bailey SCTM# 1000-43-5-6&20
Lista M. Cannon SCTM# 1000-66-3-2
Susan & Ira Akselrad SCTM# 1000-111-13-5
Z&S Contracting, Inc., c/o Thomas Shillo SCTM# 1000-10-10-2

The SEQRA review in connection with the application for Oki-Do, Ltd. (SCTM# 1000-38-7-7.1), is currently being conducted by the Planning Board, as lead agency, via a coordinated review. Once the SEQRA review is completed by the Planning Board, the Board of Trustees as an involved agency shall examine same and incorporate it into our deliberation on this application. Therefore, the application will necessarily be adjourned after today's Public Hearing in order to receive the SEQRA determination.

TRUSTEE BREDEMEYER: And that list of particular items from the hearing schedule are so listed.

IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

The Trustees try to have a degree of efficiency in our monthly meetings and so the administrative actions which are not public hearing but have been reviewed by the Town's LWRP coordinator and have been subject by office review and field inspection will sometimes be grouped together for an approval vote if the application was minor in nature and there were no discrepancies or problems found with it.

For the first few items we have to go individually on but there are some subsequently where we may be able to approve as a group because they were

uncomplicated and requirements of the wetland code were all adhered to.

The first item, Twin Fork Landscape Contracting, Inc., on behalf of **NICK NOTIAS** requests an Administrative Permit to install a +/-960sq.ft. Permeable patio on the seaward side of dwelling. Located: 450 Paradise Point Road, Southold. SCTM# 1000-93-1-3

The application was deemed to be consistent with the Town's LWRP. The Local Waterfront Revitalization Program coordinator did further indicate that the project should have a vegetated buffer.

The Trustees during their field inspection noted that the area on the project plans which was depicted and called a natural vegetated area did not afford enough protection for the natural vegetation, and based on the field inspection, the Board believes we should consider a ten-foot additional non-turf buffer landward of the line depicting the natural vegetation on the plan.

I would move to approve this application with the stipulation that there be a ten-foot non-turf buffer immediately landward of the area depicted as natural vegetated area on the plan. That's my motion.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application is, number two, Kristen Frohnhoefer on behalf of **YENNECOTT PROPERTY OWNERS ASSOCIATION** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to remove dead trees and plants; remove and/or trim and cut back overgrown briars, trees, and other vegetation; remove non-aquatic growth from pond; remove or trim trees and bushes about to fall into pond or overhanging the water. Located: 1335 Yennecott Drive, Southold. SCTM# 1000-55-4-25.4

This project has been determined to be inconsistent with the Town's LWRP. This determination was made prior to the field inspection by the Trustees and it indicated the reason for clearing existing vegetation was unknown. It was disclosed to the Trustees during our field inspection on March 16th, the purposes of the proposed clearing was to remove invasive species, and because it was not entirely clear during the course of field inspection we requested supplemental materials be submitted by the applicant, and they provided us with a detailed map of the non-indigenous invasive vegetation and a detailed list of invasive plants for removal. Accordingly they had corrected the concerns of the LWRP coordinator based on the Trustees field inspection. The Trustees view this as a beneficial project. We aided the homeowners group in flagging the invasive vegetation and described and discussed with them the native vegetation which is to be protected. Accordingly I move to approve this application noting that the inconsistency that was noted on the determination of the LWRP coordinator was addressed by the Trustees in the field and subsequent submission by the applicant. My motion is to approve as submitted.

TRUSTEE SANDERS: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: The next application, En-Consultants on behalf of **JUSTIN & ALLISON SCHWARTZ** request an Administrative Permit to abandon existing sanitary system, and demolish and remove existing dwelling. Located: 2793 Cox Neck Road, Mattituck. SCTM# 1000-113-8-7.6

The demolishing of an existing dwelling for subsequent replacement, in this case proposing a new house in the future some distance away from the tidal wetlands is considered an administrative action and where there is a buffer of silt fence or hay bales around it. Accordingly, I would move to approve this application to administratively raze the house. That's my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number four, Joan Chambers on behalf of **MARK COHEN** requests an Administrative Permit to construct an enclosed breezeway in between the existing dwelling and garage. Located: 820 Old Salt Road, Mattituck. SCTM# 1000-144-5-15

This was an uncomplicated building proposal for a structure that already has appropriate roof and drywell drainage, and it's consistent with the LWRP. Accordingly I move to approve this application as submitted.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE BREDEMEYER: As mentioned before, where applications for and extensions, transfers are minor and reviewed by the Board during the course of worksession and field inspection, we can lump them as a group. And accordingly with respect to extensions, transfers and administrative amendments, starting on Item V on page three, item one, item two, item three, item four, item five, item six, item seven and item eight I move to approve as a group. They are listed as follows:

Number one, En-Consultants on behalf of **NITIN P. DESAI & BARSI**, LLC requests a One-Year Extension to Administrative Permit #8417A, as issued on May 21, 2014. Located: 18915 Soundview Avenue, Southold. SCTM# 1000-51-1-15

Number two, **WILLIAM & PATRICIA MOORE** request a One-Year Extension to Wetland Permit #8401, as issued on April 23, 2014, and Amended on September 17, 2014. Located: 850 Ruch Lane, Southold. SCTM# 1000-52-2-30

Number three, Patricia C. Moore, Esq. on behalf of **GRACE BURR HAWKINS** requests the Last One-Year Extension to Wetland Permit #8142, as issued on April 17, 2013. Located: Private Road, Fishers Island. SCTM# 1000-10-4-10

Number four, Patricia C. Moore, Esq. on behalf of **ARTHUR STANDWOOD PIER**

AND GWEN MARIE PIER request a Transfer of Wetland Permit #2195 as issued on July 31, 1986, and Wetland Permit #310 as issued on April 25, 1986 from Frank R. Reilly to Arthur Standwood Pier and Gwen Marie Pier. Located: 25 East Side Avenue, Mattituck. SCTM# 1000-99-3-18

Number five, **SV GREENPORT LLC** requests a Transfer of Wetland Permit #5233 and Coastal Erosion Permit #5233C from Levin Family Limited Partnership to SV Greenport LLC, as issued on October 30, 2000, and Amended on January 19, 2011. Located: 58855 Route 48, Greenport. SCTM# 1000-44-2-22 & 23

Number six, Suffolk Environmental Consulting on behalf of **FIRM FOUNDATIONS PARTNERS, LLC** requests an Administrative Amendment to Wetland Permit #8740 to increase the length of the hinged ramp from 15' to 20'; and to decrease the length of the fixed catwalk from 72' to 67', which will not result in an increase in the overall length of the proposed dock assembly. Located: 1060 Fox Hollow Road, Mattituck. SCTM# 1000-113-6-23

Number seven, Suffolk Environmental on behalf of **KARMEN DADOURIAN** requests an Administrative Amendment to Wetland Permit #8568 for a proposed dewatering plan for the proposed in-ground swimming pool with the out-flowing occurring beyond 100 from the wetland boundary; and to decrease the size of the pool to be 20'x40'. Located: 2670 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-10

Number eight, Patricia C. Moore, Esq. on behalf of **DENIS & NANCY COLE** request an Administrative Amendment to Wetland Permit #8679 to relocate the proposed 16'x36' in-ground swimming pool to be 6'8" away from dwelling with pool decking on the seaward side to be reduced to 1'8" in width. Located: 655 Albacore Drive, Southold. SCTM# 1000-57-1-17

TRUSTEE SANDERS: Second that.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

VI. PUBLIC HEARINGS: AMENDMENTS:

TRUSTEE BREDEMEYER: At this time I'll make a motion to go off the agenda to enter the public hearings agenda.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: The first matter is the application, under Amendments, of Eugene Burger on behalf of **JOSEPH & MAUREEN COOGAN** requests a Transfer of Wetland Permit #1758 from Russell & Joan Mann to Joseph & Maureen Coogan, as issued on October 31, 1983; and for an Amendment to Wetland Permit #1758 to add a 5'x12' ramp to a 6'x20' floating dock in a "T" configuration off the seaward end of existing fixed dock. Located: 1775 Calves Neck Road, Southold. SCTM# 1000-70-4-48

The LWRP coordinator indicated the application cannot be fully assessed to the LWRP. The purpose of the extension has not been identified and water depths at the end of the proposed dock have not been submitted.

The CAC did vote to approve this application.

The Board Town Trustees did perform the inspection. They did not have a primary concern with the dock and structure,

which is ordinary and usual construction with a 6x20 float. And they did indicate where there is a transfer of permit being considered at this time, that further investigation should be necessary, that there is an area of fill there next to the dock and we want to make sure that this area, if it's not otherwise in the ownership of the upland property owner, that it might be restored to native beach front. It appears it may have been -- it's not really bulkheaded, it looks like it may have been fill placed between a groin maybe to stabilize the dock.

Is there anyone here to speak to this application?

MR. BURGER: Eugene Burger. As far as I know, it was bulkheaded. It's on the survey --

TRUSTEE BREDEMEYER: I think, as a point of clarification, this is seaward of the pre-existing bulkhead. There is a small area that is in a largely dilapidated stage, holding sand, it almost looks a little like a kid's sandbox.

TRUSTEE SANDERS: The bump out, do we have pictures of that?

MR. BURGER: I believe that is bulkheaded.

TRUSTEE BREDEMEYER: In any case we have the LWRP coordinator needing more information. So we may need to consider getting that additional information. We need to research that. If it's part of the bulkhead that has been a prior approval, we'll have to look at the history on that.

MR. BURGER: Okay. Is it possible to just get the ramp and float? We'll be coming back in front of you to work on the rest of the house.

TRUSTEE BREDEMEYER: Sorry, can you repeat yourself? Sorry.

MR. BURGER: Fred Weber and myself will be going in front of you guys in the near future with plans to renovate the house. I think maybe at that time we could, we'll be submitting surveys and stuff for the property at that point.

TRUSTEE BREDEMEYER: Okay, there was a prior permit granted for that fill area and it is in the file. We have that clarification. Thank you.

TRUSTEE SANDERS: Good catch.

TRUSTEE BREDEMEYER: Good catch is right. Thanks. To meet the inconsistency, could we ask you for the depth soundings to confirm it will meet with the standards as far as depth?

MR. BURGER: Yes. I didn't realize you need them. I actually did them, have them done, and we submitted them to the DEC. I didn't realize you needed them. I can drop them off.

TRUSTEE BREDEMEYER: What's the pleasure of the Board? It was a pretty straight up ramp and float addition.

MR. BURGER: I believe at low tide it started out four feet and change.

TRUSTEE SANDERS: It's consistent.

TRUSTEE BREDEMEYER: I don't hear any objection to that. Any questions? Anyone else wish to speak to this application?

(Negative response).

Any questions from the Board?

(Negative response).

It's pretty straightforward. I would move to close this hearing at this time. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would move to approve this application with the stipulation that soundings be provided on the project plan in the Trustee file to confirm that it meets standard depths alongside a 6x20 float, thereby addressing the concerns of the LWRP coordinator; whereas the Trustees did do the field inspection and did not see it as a problem, we can confirm those soundings upon the issuance of the permit.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. BURGER: I'll drop them off tomorrow. Thank you.

TRUSTEE DOMINO: Number two, Jeffrey Patanjo on behalf of **JOSEPH GENTILE** requests an Amendment to Wetland Permit #8317 for the as-built location of the bulkhead alignment and length to be a total of 96 linear feet with a 20 linear foot return; a 3'x12' aluminum ramp to be installed in lieu of a 32'x14' ramp; and for the as-built 12 linear foot long low-sill bulkhead/groin extending seaward off of the bulkhead. Located: 530 Schooner Drive, Southold. SCTM# 1000-71-2-8

The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that the structure as built does not comply with the Wetland Permit 8317 which was issued October 16, 2013. I did a final inspection on March 1st and found that the structure as built does not match the permit for the plans stamped received October 16th, 2013. There were two floats, in fact, one approximately 4'x9' for a jet-ski which was attached to, it was indicated on the plans to be a low sill bulkhead, instead it was more correctly labeled a groin. Also, lighting associated with the bulkhead that was not on the permit.

Subsequent to that, on March 16th, Trustee Bredemeyer and I did a second inspection of the property and found the conditions to be unchanged.

The CAC voted to support this application.

Is there anyone here to speak to this application?

MR. PATANJO: Jeffrey Patanjo, on behalf of the applicant. My client tried to remove that floating dock, today, actually. It has a hole in it, it's full of water, couldn't get it out, planning on getting it out with a couple of guys on Saturday. So that will be removed.

The low sill bulkhead/groin, I was not there for construction and I didn't see and take any measurements in person. I just have one photo of it. From what I understand, at the far side where it meets the angle on the existing bulkhead there is about 18 inches at the sand-line there. This really won't function as a low sill bulkhead anyway, and according to the client, during high tide, the water does wash over it on a high, high tide. Seasonal high tide. It does go underwater at high tide.

TRUSTEE DOMINO: Can I interrupt you at that point. The reason I did an inspection on March 1st, the reason I asked Mr. Bredemeyer to come with me on this on the 16th, is because that low sill bulkhead was in fact not 18 inches as it was supposed to be, but it was in fact closer to five 5'1" higher than the 18 inches it was supposed to be. So I understand you had not seen it or you were not there when this was built, but it is nowhere near a low sill bulkhead.

TRUSTEE BREDEMEYER: As a point of clarification, you talked about a float. We are talking about the jet-ski float?

MR. PATANJO: Correct, the jet-ski float.

TRUSTEE BREDEMEYER: Because the provisions of Wetland Code allow for 120-square foot in total. We amended the code a couple of years ago. So there is a mix and match there. But it's very difficult to reconcile a final inspection on a job that didn't comply with the DEC permit and didn't comply with our permit as well. And so this puts us in a position where it actually has to go back to a multi-agency approval. And the float, the jet-ski float potentially has to stay out until such time as the other float would be reconstructed in conformity. And we'll need a set of plans approved by both agencies that conform to the as-built condition that we found on the failed inspection.

MR. PATANJO: Well, if the jet-ski float goes, the --

TRUSTEE BREDEMEYER: Then you are fine. But if he wishes to bring it back --

MR. PATANJO: He has to make a modification. But if he wants to remove the jet-ski float entirely, we are good with the floats.

TRUSTEE BREDEMEYER: Right. And as far as the functioning -- it's really not a low sill bulkhead. As Elizabeth properly pointed out, it's better properly termed a groin. I guess the functionality and construction of a groin still has to meet the terms of a standard construction of a groin. But the five feet above 18 inches, in other words a better part of six feet taller in the deeper section, unless there is a compelling reason with respect to marine construction standards that can be, you know, described in a reapplication, I think both the DEC may want a change, we want to, obviously we'll work with the agency, either trying to have it come into compliance with what is sound construction and sound wetland protection.

MR. PATANJO: Well, the purpose of this is kind of to rejuvenate and rebuild wetlands from sedimentation in front of it not going into the boat slip, where the floating dock is, to avoid any destruction of the wetland from there, under the boat slip.

TRUSTEE BREDEMEYER: It appeared from the field inspections, we both have been out several times on it, that the slight change in the configuration of the return going up into the wetland meadow looked like the operator was taking great care to protect the wetlands and had made that change possibly in the field to protect the wetland. It clearly didn't have the appearance of a land rail by any means. So I think there might be an understanding there, that's the kind of thing I think the Board may have preferred a call going through it. It may have

presented some real construction issues for the men, the guys constructing it. So although that was altered, we obviously want a set of plans now that conform to the as-built situation and with consideration of how to handle the groin.

MR. PATANJO: What are your opinions on the existing structure as called a groin?

TRUSTEE BREDEMEYER: I would say it's a groin, I think what we are talking is 18 to 24 inches is the maximum height above low tide, so it seems like probably for waterfall maybe it should be cut down. We might defer to DEC on that so we don't have too many masters trying to cook the soup here.

MR. PATANJO: What if I submit to the DEC as is, at approximately one foot above low tide, a foot-and-a-half above low tide elevation, and it's good?

TRUSTEE BREDEMEYER: You are talking about as built?

MR. PATANJO: As built, yes.

TRUSTEE BREDEMEYER: And it comes back, I think we would have to look at plans going out as a Board. I think you can expect we would probably want to cut back down a little bit only because we have code provisions in our code for groins.

MR. PATANJO: Okay. So resubmit to the DEC.

TRUSTEE BREDEMEYER: Yes, resubmit to both agencies for amendments. If you want to go with DEC first, see what comes out. If you want to cut it back, if you want to have a field conference.

TRUSTEE DOMINO: Just so he's clear, not submit to the DEC as built as it presently is. That what is termed low sill has to be reduced.

TRUSTEE BREDEMEYER: Right, the low sill has to be reduced to standards for a groin, since it's a groin.

MR. PATANJO: I have the DEC permit now. I think I submitted that to you.

TRUSTEE DOMINO: It doesn't conform to that permit either. We checked those numbers.

MR. PATANJO: Okay.

TRUSTEE DOMINO: Does anyone else wish to speak to this application?

(Negative response).

Questions or comments from the Board?

(Negative response).

TRUSTEE DOMINO: Hearing no further comments, I'll make a motion to table this application pending review of approved plans from DEC.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: Motion has been made and seconded. All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number three, Samuels & Steelman Architects on behalf of **JOHN FISCHETTI & DEBORAH DEEVER** request an Amendment to Wetland Permit #8640 to relocate the proposed 20'x40' gunite swimming pool from waterside of dwelling to the

side yard to the south; surrounded by 1,675 sq.ft. stone terrace on slab approximately 8" above grade; construct a non-habitable 200 sq.ft. pool house; and to relocate the previously approved sanitary system to the west further from the wetlands. Located: 2615 Wells Road, Peconic. SCTM# 1000-86-2-1.2

The LWRP coordinator found this consistent.

The CAC resolved to support this application.

The Trustees performed a field inspection on March 16th, we are okay with the pool relocation. We did notice on the plans that it was a six-foot wide access path to the dock, which is inconsistent with previously approved projects.

Is anyone here to behalf of this application?

MR. SAMUELS: Yes. Tom Samuels on behalf of Deborah Fischetti and John Fischetti. Basically I think it's hopefully somewhat self explanatory. The DEC has not agreed with the permit you guys had granted us, which was to put the swimming pool on the east side of the house in proximity to the wetlands, and is requiring us by their permit process to move it to the south, which coincidentally places it more than 75 feet from wetlands. So we were of the opinion that you would probably tend to favor that move because it does move things away from the wetlands. So we appreciate the permit you gave us originally and would have been happy to build it there. But it's not to be.

TRUSTEE BREDEMEYER: There was an open -- the plans showed a six-foot wide access path to the dock, which were never voted or approved by the Board of Trustees, that we don't allow six-foot wide --

MR. SAMUELS: And that was not part of my permit. That was Bruce Anderson's permit. And if it makes any difference, I would not consider that part of your amendment tonight. If that's a problem for you. It's not part of my action. It was --

TRUSTEE BREDEMEYER: It was a carryover from that plan. We never approved a six-foot wide, as a point of clarification. So we understand, four foot is allowed, basing the stipulation on this permit, just for clarification.

MR. SAMUELS: That's absolutely fine.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak on this application?

(Negative response).

Any comment from the Board?

(Negative response).

Okay, I'll make a motion to close the hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: I made a motion to close the hearing and second. All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this application with the stipulation there is only a four-foot wide access path to the dock.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. SAMUELS: Thank you.

TRUSTEE KRUPSKI: Number four, **CARRIE TINTLE** requests a Transfer of Wetland Permit #1680 from Robert Bleimiller to Carrie Tintle, as issued on September 27, 1983; and for an Amendment to Wetland Permit #1680 to repair and level the existing 4'x20' fixed catwalk; extend the fixed catwalk seaward an additional 32' for a total of a 4'x52' long fixed catwalk; existing 3'x16' ramp to remain; and relocate two (2) existing 4'x16' floats by butting them together and installing them in an "I" shape. Located: 1235 Luptons Point Road, Mattituck. SCTM# 1000-115-11-8

The LWRP coordinator found this to be inconsistent, and their reasoning for this, which was prior to our field inspections on February 9th, was they are looking for a determination on the length of the vessel at the dock and they are concerned with the pier line, and then also if it will impede public waters.

The CAC resolved to support this application.

On March 16th, the Trustees went out on field inspection. We did find that the pier line was where we wanted it to be. And it will stay consistent. And we looked at the current floats and we were considering your application for butting them together.

Is there anyone here who wishes to speak regarding this application?

MR. MCGREAVEY: With regard to the application, can we have a complete report read on this application from the CAC. We do support the application but we have addendums to that support.

TRUSTEE BREDEMEYER: You have you to go to the mic, Jack, we can't hear you.

MR. MCGREEVEY: On the application, if the complete report from the CAC could be read on each application, if there is a report, we would appreciate it.

TRUSTEE BREDEMEYER: For the sake of brevity and appropriateness to the meeting, Jack, I think that is something we should discuss in a worksession with the CAC. Because a vote of support essentially clears it much like the LWRP coordinator clears it. If this Board is going to read every subordinate report, it doesn't, it really -- I can understand if you want to have a worksession with the Board and discuss reading at length projects you don't support because you have particular environmental concerns, but a statement of support, but feel free if the chairman wants to contact our office we would be glad to meet with you during one of our work sessions.

MR. MCGREEVEY: I agree. It's only two sentences long, but we'll talk about it, all right.

TRUSTEE BREDEMEYER: Okay.

TRUSTEE KRUPSKI: Okay, are there any comments from the Board? (Negative response).

TRUSTEE SANDERS: Is there anybody here to speak on that? Because I've known -- do you want to speak?

TRUSTEE BREDEMEYER: What is your vessel length?

(UNIDENTIFIED VOICE): It's 24 feet.

TRUSTEE BREDEMEYER: You have to come up and identify yourself, sir.

MR. COHEN: Ronald Cohen. The boat is 24 feet.

TRUSTEE BREDEMEYER: Thank you. I think most of the questions were addressed. That's a fairly large boat creek as far as a 24-foot boat, and the depths were appropriate.

TRUSTEE KRUPSKI: Yes, I don't think the depths or pier line or extension or anything were a problem. Just possibly a stipulation that when the life of the dock is run, that they replace it with something that conforms.

TRUSTEE BREDEMEYER: If you could not hear that, the Board discussed the two floats together are brand new, they are just nominally larger than the current standard, and a consideration would be to stipulate that float replacement would come into the 6x20 or 120 square feet.

TRUSTEE KRUPSKI: At the end of this dock's life.

I'll make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve this application with the stipulation that at the end of this floating dock's life that it be replaced with an acceptable dock.

TRUSTEE BREDEMEYER: Including do you want address the inconsistency for reviewing the vessel length?

TRUSTEE KRUPSKI: Thank you. And we have addressed the inconsistencies with the LWRP and the CAC doing the field inspections, and that won't be a problem. And also to include the vessel length.

TRUSTEE BREDEMEYER: Motion made.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE SANDERS: Next one on the docket, is under Wetland and Coastal Erosion Permits, number one, En-Consultants on behalf of **ARDA & STEPHEN HARATUNIAN** requests a Wetland Permit and a Coastal Erosion Permit to substantially renovate existing single-family, two-story dwelling in-place (roof, second floor, and at least part of first floor walls/framing to be removed and replaced over existing foundation walls to remain), and construct a two-story addition and porch on landward side of dwelling (with new foundation walls and unfinished basement below); reconstruct in-place existing westerly and easterly first and second story attached decks and associated easterly wood steps to lawn (westerly steps to be permanently removed); construct 4'x10' outdoor shower over 150 sq.ft. first-story deck addition on westerly side of dwelling; construct 130 sq.ft. first and second-story deck additions (with screened second-story porch above) on easterly side of dwelling; construct 4'x4' first

and second-story deck addition in-place of existing stairs on easterly side of dwelling; construct 16'x22' one-story detached garage 100' from bluff crest; remove existing septic system located within 100'; bluff setback and install new sanitary system more than 100' from bluff; install stepping stone pathway in grass and six 6" high masonry lawn steps; relocate pool enclosure fencing; install a drainage system of gutters to leaders to drywells; and establish and subsequently maintain a 15' wide, approximately 3,090 sq.ft. non-turf buffer along the landward edge of the bluff crest. Located: 1205 Soundview Avenue Extension, Southold. SCTM# 1000-50-2-13

The LWRP coordinator has determined this to be consistent.

And the CAC has also resolved to support this application.

On 3/16/16 all the Trustees were present at this, when we did the inspection, and we found no pertinent issues.

Is there anyone on behalf of this application who would like to speak?

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the applicants Arda and Stephen Haratunian. Meryl Kramer, the project architect, is also here. We did have a chance to meet at the site and look at the project. If the Board has any questions beyond what we already discussed and what is contained in the application, we are certainly happy to answer them.

TRUSTEE SANDERS: Is there anyone else here to speak on behalf of this application?

(Negative response).

Any comment from the Board?

(Negative response).

Okay, I make a motion to close this hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: I make a motion to approve this application as written.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: Motion made and second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next application, En-Consultants on behalf of **NEIL & LORI KEARNS** request a Wetland Permit and a Coastal Erosion Permit to remove and replace existing wooden portion of bluff stairway below intact portion of historically existing concrete stairway (to remain) with a new 3' wide by ±31' long (top to bottom) elevated timber bluff stairway consisting of a 4'x4' platform, 3'x19' steps, 4'x8' platform, 5'x6' landing, and 3'x12' steps to beach; remove existing concrete debris from beach; construct along eroding toe of bluff approximately 99 linear feet of stone revetment, including ±12' easterly return, consisting of approximately 3 to 5 ton stone placed over 50 to 100 pound core stone and filter cloth; and restore bluff face by constructing terrace retaining walls and placing approximately

284 cubic yards of sand re-nourishment (including approximately 234 cubic yards of on-site material excavated from toe of bluff for revetment installation and approximately 50 cubic yards of clean sand to be trucked in from an approved upland source); and to be vegetated with native plantings. Located: 18075 Soundview Avenue, Southold. SCTM# 1000-51-1-8

This is a table from last month's meeting, a continuation. The Trustees met in the field on the 16th with the applicant again, and the Board is familiar with this application, having addressed it in open hearing last month.

Is there anyone here who wishes to speak to this application?

MR. HERRMANN: Yes, Rob Herrmann, of En-Consultants on behalf of the applicants. Also Jeff Butler, the design engineer for the project is here, as we both were for the hearing last month. We had adjourned, the Board asked for the hearing to be adjourned last month to address a few different items, one of which was we had in our proposal a plan to tie this proposed stone structure into the recently approved structure to the west of the Kevin Gallagher property, but at the time of the first hearing we did not have a letter of authorization from Mr. Gallagher, which we since obtained and submitted to Liz in the Trustees office.

So you should now have that letter signed and dated by Mr. Gallagher, March 1st, in your folder.

The other issue, the neighbor to the east, the Feldis' family, had appeared, and they had asked some questions and expressed some concerns about the design, and had indicated to the Board that they wanted to retain their own engineer to examine the application and the project. And so the Board asked for the hearing to be continued to give some opportunity for us to speak with Kevin Feldis, who had contacted us prior to the last hearing, but we were not able to reach before the hearing. Shortly after the last hearing, Mr. Kearns and Jeff Butler had a conference call with Kevin Feldis and at the time, and again, Jeff is here so I'm probably offering some of this testimony third hand, but it was my understanding that there was an agreement by Jeff to actually go out and take a look at the shoreline again, taking into consideration some of Mr. Feldis' concerns. Mr. Feldis was not hiring Jeff directly but essentially in effect asking Mr. Kearns to pay for Jeff to provide additional services to him, which he agreed to do, to a limited extent. To the fact that we did go out, as you know, we met with the Board during the field inspections, and the primary issue that we discussed was the fact that on the shared property line between Feldis and Kearns, which is the Kearns easterly property line, I don't know if you have another photo of it but you can see in the background of that picture to the east of the stairs, there is some significant naturally existing stone and also some concrete debris, which is from the old historically existing stairway that is piled up at that corner. And it's not too far west of a substantial stone groin that extends off the

Feldis' property. That stone certainly gives some protection to the Feldis' property at the shared property line, and with respect to the possible impacts of this structure on the Feldis' property, the original design is for the easterly end of our revetment to actually get constructed behind or on the landward side of that stone. And so we would not be introducing any new structure that is not already there on the seaward face of that stone.

One of the difficulties presented with using that condition to hopefully assuage some of the concerns of Mr. Feldis, was the fact that consistent with what is the typical DEC policy of requiring concrete, rubble and debris to be removed from the beach, we had actually proposed as part of our design to remove that concrete material rather than -- so in other words you would have just primarily the new revetment, and then that material that is out in front of it would be taken away.

So what we discussed with you all at the site was the idea of discussing with the DEC the possibility of whether they would be amenable, as you all seem to be, to actually leaving that material there, to keep that means of protection at the shared property line.

Jeff and I were able to actually meet at the site with staff from the DEC this afternoon, met with Alexa Fornier, she acknowledged that we were correct, that typically that is the DEC's policy to have the material removed, but she did certainly understand why all parties involved might want it to be left in place. So she felt, it seemed to us that she was going to be agreeable to one of the two alternatives we discussed with the Board, which was either to, (a), leave the material there and install the revetment just completely behind it, or (b), if the concrete was going to be removed to then put an equal tonnage of revetment stone in its place.

One of the things she wanted to look at was actually how long that material has been there. We know that the stairway was of course built something like 100 years ago. But I don't know when the bottom of it started to drop off or when that material was piled up along the bottom. Some of it actually extends in front of the Feldis' property, across that property line.

So she was going to get back to us about that, but we were left with the impression that she was amendable to what we had discussed with the Board.

The only other issue that we are dealing with now is that Mr. Kearns had additional conversations with Mr. Feldis who seems now to want us to again delay and continue the hearing into next month so that, I guess my understanding, and Jeff can clarify this, is that he may be back in town at some point between now and the next hearing. Although I'm not sure exactly when that is supposed to be. The next hearing is April 20th. We certainly don't want to find ourselves in a position, or put the Board in a position where a neighbor is asking for more time and then he's denied that time and feels that a permit was issued improperly. We certainly

don't want to be a part of that. But at this point we had adjourned the hearing so he could retain his own engineer. That didn't happen. I don't know if that is now supposed to happen this month. But we'll leave it to the Board. But certainly if we are going to adjourn this again, we would very much like to have some sense that by the next hearing that we'll be able to, you know, get this hearing closed.

So I don't know what the Board's feeling is, but I felt we had some shop keeping to do tonight in terms of getting this information on the public record.

TRUSTEE BREDEMEYER: Thank you. The discussion you had with the DEC this afternoon, do you interpret that that you'll need to amend plans to show leaving the material there?

MR. HERRMANN: I think if we end up being allowed to leave the material there, at a minimum we would have to revise the plans to show that material to remain. Right now the plan notes the naturally existing field stone to remain, and the concrete to be removed. So if we are going to vary from that proposal, we would have to amend the plan one way or the other, yes.

TRUSTEE BREDEMEYER: Before both agencies. It's pretty much a diminimus but I think productive amendment. I don't know how the Board feels, but it seems it invites less destabilization of the bluff. The aspect of this going on and on and on, I think the Board sort of agrees this can't keep going on and on, and I don't know, if the members of the Board don't have an objection, if we could hold for the possible amendment, if the DEC signals they'll let you keep the material there, you could do that diminimus amendment before both agencies and allow the time to run. Mr. Gallagher, he's got a permission letter here now. Feldis thought, is a little more obscure to me. We don't have a straight up permission from Feldis here.

MR. HERRMANN: No, the reason we needed the authorization from Gallagher is because we are actually proposing to extend the revetment on to his property. There is no such proposal on Feldis property.

TRUSTEE BREDEMEYER: But Feldis had merely requested to have additional engineering studies. I think the Board has very much concerns about tasking yourself and Mr. Butler to do the review for both parties. So unless there is some kind of an accord in writing, if we don't see anything further, I think the Board would be compelled to consider this with some finality in the next month. Because it's gone on long enough. And now we are advancing into storm season. We want to make sure the coastal erosion protections, particularly where both agencies are looking at a possible change that protects the shoreline a little more.

TRUSTEE SANDERS: I think one more time, one more month, and beyond that is inappropriate.

MR. HERRMANN: Okay. We would agree to it.

TRUSTEE BREDEMEYER: Are there any additional people who wish to speak to this application?

MRS. FELDERS: I'm Mrs. Feldis, the next door neighbor to the

east. One of the points that, the point we made specifically at the meeting last time that was our concern has not been addressed, and it was the fact that in the revetment there is plus or minus 12-foot return at the end -- at the easterly end of the Kearns' property that goes up our cliff, up the cliff to our property line, and our concern is that that will divert water, as the water comes in at a storm tide on to our cliff, which is very well vegetated and stable right now, okay.

So I'm just going to go on and read a little bit that I have prepared. But that's what we had specifically asked and that has not been addressed.

Since the last meeting we learned the Town of Southold has a Coastal Erosion Management Program. We obtained a copy of the Conservation Advisory Council's report of January, 2014, that documents instances where rock revetments have caused damage in the form of erosion to adjacent unprotected bluffs. This is particularly evident on the easterly side of the stone revetment done by the Town on the bluff at the easterly end of Soundview Avenue.

The council's report includes picture of that site showing serious erosion. I have also read reports from the Army Corps of Engineers that also address the problem of erosion adjacent to revetments. Now, Section 111-9 of the LWRP states: Few erosion protection structures are found in the areas of high bluffs, allowing the shoreline to erode naturally. If hard structures are built in these areas this dynamic will change. The hard structures would cause an overall increase in the rate of erosion as the shoreline tries to come into equilibrium with the loss of sand source. The law concludes, and this is important: Hard shoreline protection structures should only be allowed when a property is in danger and no alternative exists.

The property in question, the Kearns' property, is very well setback, probably 40, 50 feet from the bluff. So I don't see how this works with your law. We are not -- we don't want to be adamant about this, we don't want to be difficult, but we've educated ourselves. I've tried to get a couple of engineers and my, what has happened is that I don't think they are interested in -- they have a vested interest in being able to do these revetments. It's hundreds of thousands of dollars for them. Nobody was willing to let me pay them to come and look at the site. I could try that further, but that has been my experience to date.

Now, one of the things that we might consider, that whole area is where our cliff meets the Kearns, is well vegetated. And there is this ruffraff of stones and rocks there right now, which they are going to leave. This return, why can't this return be setback further into the Kearns property, since I'm assuming they believe it's not going to cause damage, why can't that be moved ten feet over so that the return ends on their property and whatever damage is done starts on their property, not mine. I don't think, if they assume that the rocks at the

bottom are enough to protect their cliff there – see, I couldn't tell by the way they had placed their flags and their markers exactly where the revetment was going to -- on their plans it comes right to my property line exactly.

TRUSTEE SANDERS: Can I make a comment real quick.

The one thing I struggle with is we granted you the ability to have an engineer come and answer that question. We are placing the onus on them to protect your land, but we gave you a chance to actually have an engineer to determine that.

MS. FELDIS: But your law put the onus back to the Board, essentially, right?

TRUSTEE BREDEMEYER: Thank you. I think your comments are very lucid and I think probably the Board will review your concerns, particularly your thoughts with respect to moving the structure, maybe altering the configuration on the return. We would have to look at this and take a very hard look at this because of the requirements of the Coastal Erosion Protection Act to protect the lateral support of lands.

I will say this, though, the Board is particularly experienced in the particular cove on which your property is situated, having dealt with some of the most difficult applications that we ever had, but preceding the construction of some of your neighbors coastal erosion protection structures, representatives of the CAC and two Trustees and subsequently two Trustees and a Town councilman had walked the entire cove. And we all know that severe northeast storms and Tropical Storm Sandy wreaked havoc on the shoreline. But interestingly enough, contrary to some of the stated reports out there, most of the coastal erosion we witnessed was at the toe of the bluff of naturally vegetated and naturally-shaped beach, and in fact one of -- the largest beach we found and most stable shoreline happened to be in front of a bulkhead. What I think it tells us is that the wave energy generated by the all too frequent storms and these severe storm events such as Tropical Storm Sandy and winter northeasters far and away overpower loss of beach and the immediate changes to the beach in front that some of the reports that you allude to. But it is obviously a concern when we are talking about returns because how they are constructed and angled is in fact a concern of ours because they immediately impact the lateral support of lands, lateral support of adjacent properties and lands. However, it was well stated by Trustee Sanders, we tried to afford additional time to properly review this.

That being said, and you didn't provide an engineer, it is good and helpful to recite knowledgeable aspects of the codes, we do it ourselves regularly, but now the Board is of the position we'll have to mull these things over without a licensed engineer which we, the time we had afforded you, so you are sort of, if you will, at the mercy of the Board at this point to review this further. And if the Board deems that it needs additional outside engineering review, we could compel that, but that remains to be seen. I think we maybe have to get a copy of the

Minutes and review your concerns in light of the lateral support of lands.

But I'm not sure, I don't know how the Board feels, but it's imprudent for us to also delay these matters at great length. We can't have individuals seeking out expert advice and not coming up with it exercising a veto over fragile shore lands that are going to be damaged and also putting properties at risk in subsequent storms. So that's --

TRUSTEE SANDERS: If I'm not mistaken, we actually somewhat agreed on tabling it again. That will give you another chance to have another engineer come out and --

MS. FELDIS: Where will I find an engineer who doesn't have a vested interest --

TRUSTEE SANDERS: That's the onus of the owner. That is the onus of you. We have nothing to do with that. That really falls on you.

MS. FELDIS: Because my experience is that, no, that they don't want to look at it. I can't even pay them to look at it. So I have to find somebody that comes from another area of the country.

TRUSTEE SANDERS: Again, that is not something we can speak to.

TRUSTEE BREDEMEYER: We can't tell you how to proceed.

TRUSTEE SANDERS: But we can give you ample time, like we can give you another set of time to accomplish that.

MS. FELDIS: But the fact that your law says if the property is in danger --

TRUSTEE BREDEMEYER: I'm sorry, I have to stop you at this point. We are not going to debate the points of law here tonight. This Board makes discretionary decisions based on information that comes in, and you have given us information, and we will review that in the context of the law that we are compelled to do on behalf of the Town Board. I can't tell you more than that.

MS. FELDIS: Okay.

TRUSTEE BREDEMEYER: Just one clarification, could you just clarify one more point for us. Is it true, because the applicant has agreed to an additional tabling for one month to address the Board's concerns and concerns of the DEC, is it fair to say that you are still interested in seeking a professional opinion to bring to the Board for our consideration in addition to your comments?

MS. FELDIS: I'll certainly try.

TRUSTEE BREDEMEYER: Okay, thank you.

MR. HERRMANN: Jay, one thing I think we could maybe offer if it would help, if we are going to have an adjournment for another month, and just so that it's clear, because I do understand that the focus of the Feldis' concern has to do, as you described, with the lateral support of the property line.

It's important to remember that the angled return, the purpose of the angled return is that is an accepted engineering design that is designed for the specific and explicit purpose of minimizing or avoiding any possible impact on the adjacent property by having an angled return. Because what many, many

studies have found over a period of decades, is the way bulkheads used to be built as straight walls that ended at right angles right on the property line is it was that sort of sudden termination of the structure in a linear line along the shoreline that would actually cause through wave refraction and reflection around the return, actively erode the neighbor's property. So here, the purpose of the angled return is not really for the Kearns' benefit. It is really for the Feldis' property benefit. It is the reason why the Gallagher design that was approved had a return that met up with the Kearns' property. That is now being modified because the two faces were joined together. So it is important to understand that that is the purpose of that angled return.

And just to reiterate for Mrs. Feldis, what we were saying in the beginning is the way the return here is designed, and you can see it by looking at the stakes on the shared property line, is that this angled return would be constructed behind the existing boulders and debris and rock fortification that already exists there. So with respect to the Feldis' property, we are not introducing any new wave reflective structure that does not already exist. So in other words, even if we didn't do this revetment, there is still that stone that exists at that property line.

With respect to hiring an engineer, I mean, I can give names to Mrs. Feldis of other people in this business who do this. None of them have a vested interest in this project except the people who are involved. I mean, as the Board knows, I don't want to speak for Jeff, but I can assure you he doesn't have hundreds of thousands of dollars of fees in this project.

Mr. Kearns and Mrs. Kearns are going to spend hundreds of thousands of dollars putting in the project, which they are only putting in because there is clear evidence of severe erosion on the bluff. So that's why we are here.

TRUSTEE BREDEMEYER: Thank you. We are getting a little far afield. Thank you. Is there anyone else here who wishes to speak to this?

MR. HERRMANN: I'm sorry, Jay, what I was going to say is, I could have Jeff put generally what I just explained verbally in some sort of written letter with his letterhead that addresses this return situation in particular so you have it on the record.

TRUSTEE BREDEMEYER: That's fine. That can be included. Given the fact that the applicant has agreed to table this for one more month to discuss aspects of the di-minimus change to leaving some of the material there to keep the bluff stabilized, and whereas Mrs. Feldis also indicated she will make a good faith effort to try to get that engineering review that she sought previously and apparently was not able to get, I'll make a motion we table this application for one month.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE SANDERS: Second. All in favor?
(ALL AYES).

WETLAND PERMITS:

TRUSTEE DOMINO: Under wetland permits, number one, Jeffrey Patanjo on behalf of **355 LAKE DRIVE LLC** requests a Wetland Permit to install a 32"x12' aluminum ramp off bulkhead to a 6'x20' floating dock secured by two (2) 10" diameter piles. Located: 355 Lake Drive, Southold. SCTM# 1000-80-3-15

This application is a holdover from a previous meeting which was adjourned so that the parties might get together to come to some accord. And it is in the record. We have a letter from February 24th from Mr. Patanjo, advising us of the revised plans and comments that followed that discussion.

There is also a letter February 23rd, from Jeffrey D. Forchelli, the neighbor to the east who has given his consent to this, to the new revised plans which were submitted on February 29th and reviewed by the Trustees on in-house inspection on March 16th.

The LWRP coordinator finds this to be consistent, and the CAC resolved to support this application.

Is there anyone here to speak to this application?

MR. PATANJO: Jeffrey Patanjo, on behalf of the applicant.

TRUSTEE BREDEMEYER: Excuse me, I just want to stop you one second.

Sir, please, we need to have a little more decorum here and sit down. Thank you.

(UNIDENTIFIED VOICE): Sorry.

TRUSTEE BREDEMEYER: Thank you.

MR. PATANJO: Jeff Patanjo on behalf of applicant and I'm here to answer any questions you may have.

TRUSTEE DOMINO: Any questions from the Board?

(Negative response).

Pretty straightforward. Anyone else wish to speak to this application?

(Negative response).

Hearing no further comments or questions, I'll make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make motion to approve this application noting that the revised plans received February 29th address the concerns of the Board.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Next we have number two, Chuck Thomas on behalf of **ROBERT SERLING** requests a Wetland permit to add a two-story addition onto the existing 886 sq.ft. one-story dwelling by removing the existing 323 sq.ft. deck; construct a 708 sq.ft. first floor footprint area; a 240 sq.ft. attached garage; a 282 sq.ft. seaward porch including screened porch; second story addition to include a 236 sq.ft. balcony; and the existing waterside 16.6'x12' on-grade masonry patio to remain. Located: 3575 Wells Road, Peconic. SCTM# 1000-86-2-10

The LWRP found this consistent.

The CAC resolved to support this application.

The Trustees performed a field inspection and did not note anything of significance.

Is there anybody here who wishes to speak on this application?

MR. THOMAS: Good evening. Chuck Thomas, architect for the project, for owner Robert Serling. I was here last month and we held it over. There was a question about the shed/boathouse that was on the property, to the legality of it and the exact use. I provided the Trustees office with a copy of the certificate of occupancy which does call out the use of that structure, and I believe the chairman went out and did a field inspection. I was told by the Trustees office that the shed was okay or appropriate.

So if there are any questions about the project, I would be happy to answer them.

TRUSTEE SANDERS: They were not bathrooms.

MR. THOMAS: They were not.

TRUSTEE BREDEMEYER: I think the only thing the Board may wish to consider is a stipulation that if the owner, since it does have a building C of O, if the owner wished to put a shower or other conveyance like a toilet, they would have to come back for a wetland permit.

TRUSTEE GOLDSMITH: That sounds great. Is there anyone else here who wishes to speak on this application?

(Negative response).

Any comments from the Board?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made, is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll move to approve this application with the stipulation if showers or toilets or everything included, that they have to come back for another permit.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Next on the docket is number three, North Fork Pool Care on behalf of **KATHY & RICH O'TOOLE** requests a Wetland Permit to construct a 20'x40' in-ground gunite swimming pool; a ±1,584 sq.ft. pool patio; pool enclosure fencing; pool equipment area; and install a drywell to contain pool backwash. Located: 700 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-145-2-6

The LWRP deems this consistent.

And the CAC resolved to support this application.

On the 16th, on 3/16/16, at four o'clock, we all were there for a field inspection, and the notes say it's a straightforward pool with patio and drywell. No current issues were discovered during field inspection.

Is there anyone here who would like to speak on behalf of this application?

MR. BIRKMIER: Bill Birkmier, North Fork Pool Care, representing the O'Toole's for the permit. I'm just here to answer any questions you might have.

TRUSTEE SANDERS: Anybody else? Please come to the mic. Thank you.

MS. WICKHAM: Good evening, my name is Abigail Wickham of Wickham, Bressler & Geisa in Mattituck, New York, on behalf of the neighbors to the immediate west, the Arturi's, and I'm here to address you briefly on what you probably thought was a straightforward application.

I was just recently retained and my first opportunity to discuss this pool location with the applicant's agent was this evening, and we did discuss it. I just want to give the Board some brief background here. This property you are looking at, and my client's property to the immediate west, are approximately the same size. My client's home is closer to the east, and this proposed pool is centrally located. And the residents on the property immediately to my client's west is also toward the eastern boundary of that property. So when the Arturi's, my clients, put their pool in, they decided to be good neighbors, and they placed their pool behind their house on the west side of the home where they had a view of the water but they were not right on top of the neighbor's home.

Unfortunately, the O'Toole's who are new to this neighborhood, are not seeking to do that, and the location of this pool right off the living room and bedroom of the Arturi's property is what is concerning them.

We do have some questions about the recent ZBA decision, but after discussing various alternatives this evening with the applicant's agent, I'm going to speak to the O'Toole's directly to see whether our concerns can be accommodated, as Bill was hired to build the pool and not to decide where it was going to be located.

They do have -- they being the O'Toole's -- have a large area further landward which would require a driveway relocation but it would not, it would take the pool out of your jurisdiction. So I just ask that you consider that and the proximity of the proposed pool to the waterfront in making your decision, because I do believe the applicant does have alternatives. Thank you.

TRUSTEE SANDERS: The only concern I have with what you just said is we have to be very careful when we use subjective opinion. You were quoted as saying good neighbors -- inferring they are not good neighbors. I think that's a little bit dangerous when we are dealing with an application that just simply follows the current rules and didn't violate anything that the Trustees currently saw. That is just my opinion.

MS. WICKHAM: Thank you.

TRUSTEE SANDERS: Anyone else wish to speak on behalf of this application?

MR. BIRKMIER: The conversations I've had with the O'Toole's, we originally had pool running parallel with the beach and turned

the pool sideways to run perpendicular. So a conversation was had between the O'Toole's and Manny Arturi, and he suggested turning the pool sideways, and that would help alleviate being so close to his house, and would appreciate that, as a minimum. I brought that the O'Toole's and we moved the pool. They want the pool where it is because they can use their kitchen, and they have an area just off that corner of the house where there is a shower already. It's just a lived-in area that will work with them for the pool. If they put it in the back, they have to put up a pool house, in their opinion, to be able to entertain and do whatever they are going to do back by the pool that they already have right there at the house. And that's why they want it to be located where we put it.

I did suggest to Gail that they do speak and, you know, it's up to the O'Toole's. But from what I have seen and what I have put forward, I think it meets everything that you just described.

And the O'Toole's are very nice people, and so are the Arturi's.
TRUSTEE BREDEMEYER: Would you have an objection for an opportunity that we table it and you have one last bite of the apple if you will for the neighbors to maybe talk on this?

MR. BIRKMIER: I would not. I personally don't. But the O'Toole's might, waiting another month, because they started this application a long time ago and I know they want to move forward.

TRUSTEE SANDERS: My opinion is vote on it.

TRUSTEE BREDEMEYER: There is nothing that I have heard -- the Wetlands code is predominantly interested in providing protection to shorelines, beaches, bluffs and natural resource features, protection of waters and water quality, and this argument seems to be one that should have been addressed through the discussion before the Zoning Board of Appeals which has a slightly different -- and I won't speak for them, but as far as the standards and the Town Wetland ordinance, the pool meets the setbacks and has a drywell, and it's in an existing maintained lawn area. As a matter of fact, the only environmental condition the Board might consider would be that it be a salt water pool that uses advanced disinfection so there is no chlorine. And actually a pool operated in that manner which doesn't, you know, properly takes care of the water, is actually reducing fertilized lawn area, it's setback from the natural resource feature of the bluff, and it actually is, in addition to the property, which is if nothing else neutral to damage to the environment, but the concerns I'm hearing here, I'm not hearing something that sounds like it's coming out of our standards we have to enforce in the Wetland Code.

MR. BIRKMIER: The pool already has a salt system included in it and it has a (inaudible) cover as well.

TRUSTEE SANDERS: Anyone else wish to speak on behalf of this application?

(Negative response).

Any further comments from the Board?

(Negative response).

I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made, is there a second?

TRUSTEE KRUPSKI: Second

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Motion to approve this application with the stipulation it be a salt-infused pool as indicated by the homeowner. Do I have a second?

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

MR. BIRKMIER: Thank you.

TRUSTEE BREDEMEYER: The next application, DKR Shores, Inc. on behalf of **SAMUEL SINGER** requests a Wetland Permit to install a pervious gravel driveway; construct a ±43.7'x83' two-story dwelling with attached 1,175 sq.ft. Seaward stone patio; install sanitary system landward of dwelling; install a 22'x62' in-ground swimming pool with surrounding 1,836 sq.ft. stone patio; install pool enclosure fencing; construct a 4'x197' fixed elevated catwalk using thru-flow decking; a 3.5'x20' ramp; and a 6'x20' floating dock installed in an "L" shape secured by two (2) piles. Located: 44030 Route 25, Peconic. SCTM# 1000-75-6-6.1

This application has in the file a number of letters detailing concerns about the project which we will incorporate into the written record of this meeting. These letters are available for review in the Town Trustee office during normal business hours.

This project has been determined to be inconsistent under the Town's Local Waterfront Revitalization Program. The extensive comments of the LWRP coordinator in providing the inconsistency determination I'll briefly run through.

Obviously that this project should comply with all the Trustee applicable rules and regulations. That in reviewing an approval of the dock application before issuing a dock permit, the Trustees have to consider whether or not this dock will potentially impair navigation or located in vessels of high traffic area. Whether the dock will unduly interfere with the public use of waterways. Whether the dock will cause a degradation of surface water and natural resources. It is also noted that the code requirements for significant habitat areas and fragile areas of creek where additional restrictions may be proposed because of poor flushing in the headwaters of a creek. Whether this dock will result in the destruction of or prevent the growth of vegetated tidal wetlands and sea grasses including *Zostera Marina*, which is eelgrass, or widgeon grass, *Ruppia Maritima* or shellfish. And there is a high probability that commercially valuable shellfish species occur in the proposed location of the dock structure. Bottom scarring is expected due to low water depths. Whether the cumulative impacts of residential and commercial dock construction will change the

waterway or environment. Whether an alternate design or construction location will minimize cumulative impacts, and that the Trustees consider preserving the Town's interest in underwater public trust lands in any grant we would give for a permit.

The Board of Town Trustees inspected the site on the 16th of this month. The Board has determined that there are some questions concerning the application concerning the area adjacent to the house. We are going to need some more details with respect to the proposed land use activities since the adjacent area is within the hundred foot jurisdiction of the Board of Trustees. And we are going to want to see that trees that are slated for removal during the construction process are ribboned and photographed.

The plans, as the dock extends a great -- the revised plans have a dock extending a great distance into the creek. The Board of Trustees believes this particular project should be reviewing an alternate dock construction among a range of alternatives of not only reducing the length but also that the construction be considering a strictly non-toxic dock structure, which would mean using fiberglass or composite non-toxic poles, and that they, the dock have all non-toxic decking and including non-toxic stringers because of the poor flushing in the area. And that amongst a range of alternatives that consideration be given that a dock in this location be of a monopole construction as opposed to conventional dock construction where two piles support the gangway. That also the dock width be no greater than three feet in width.

Those are some of the basic concerns we have. And that also the project plan and also exactly depicting which trees and vegetation will be disturbed within the adjacent zone, that it will also depict how the house disturbance area which is mapped on the project plans, will connect with a four-foot wide maximum path that would lead to the dock entry.

Is there anyone here from the Board who wishes to add my comments before I open it up to public comment with respect to our field inspection?

TRUSTEE SANDERS: Did you cover the path to the dock?

TRUSTEE BREDEMEYER: Yes.

MS. RIGDON: Good evening, Agena Rigdon, DKR Shores, representing Samuel Singer, the owner of the property. I have taken notes, and you have the revised plans that were -- yes.

As you can see the house was moved, all the proposed structures, I should say, were moved completely out of jurisdiction, minus potential construction clearing, et cetera. I believe we have no problem marking the trees that would come out and photographing them as well.

So at this point we are dealing with the dock, primarily. Understood on the length. We actually, as you can see, we moved it. It used to be proposed at 70 feet from the southern property line. We moved it further north, roughly about 140 feet

away from the southern property line. The seaward -- the length of the dock from low water qualifies for less than 25% of the width of the waterway, which is better than the DEC requirement. It's the Corps of Engineers requirement. So it's not a high traffic area either. So I don't feel it will impede navigation. It meets the width of the waterway. I understand the length, however the decking was proposed as through-flow, which is open-grate, 60%. It was also elevated four-and-a-half feet above any vegetation. I think Mr. Singer, who is actually here tonight, would be okay with the dock being constructed completely of untreated materials, instead of treated materials like CCA, ACQ piles. As you can see it was designed over the vegetation with 4x4 posts, which will minimize the disturbance to the wetlands, and 6x6 posts, which are slightly smaller than the usual eight-inch piles we usually use.

The four-foot wide path to the dock we could have that marked on the survey as well. Um, it is very woody, but we can have it marked. There is not a lot of vegetation that would actually come out to do the four-foot wide path, but we can have that marked on the survey. And if the Board has any other questions.

TRUSTEE BREDEMEYER: Yes, we understand you said you moved the dock as proposed more to the northerly over the original plan. Because the water depths appear that the creek gained water depth just slightly faster.

MS. RIGDON: Slightly deeper.

TRUSTEE BREDEMEYER: Yes. The datum you used, we see two figures on the datum. If you could just provide clarification.

MS. RIGDON: As you can see, Nathan Corwin did the hydro-graphics and technically what he did is provide you with two datums. The datum of the bottom, of the actual bottom, and then he did a water depth, which is required by the DEC, which is 30 inches, which is two-and-a-half feet of water at low tide. So he gave you actually both dimensions.

TRUSTEE BREDEMEYER: Just as an observation, the headwaters of most of the creeks, the Trustees have not been granting depths quite so deep and we have been tailoring the boat mooring facilities in keeping with the depths, and typically there is a limitation in both the size of the vessel and the depth, and sometimes even requiring no ramp or float. And I think the Board probably is going to want to have maybe a further discussion and even field inspection to see the flagged and mapped areas with respect to protections because of the very sensitive nature of this property.

We understand the house is out of jurisdiction, but the adjacent areas, I think we want to develop in cooperation with you to the extent possible a land use plan so that when we are completed with this project, if it is to be approved by the Board, it would have a fairly comprehensive view of saving as much of the adjacent wood lot.

Have you discussed with the owner by any chance how much

footage of non-disturbance native woodland and adjacent to the wetland might be possible? Have you had any discussion?

MS. RIGDON: I would have to check with Nathan on that. But we are under the one acre of disturbance activity in total for the project.

TRUSTEE BREDEMEYER: What I'm talking about is a non-disturbance zone that would literally be from the edge of your proposed clearing on the, in other words, and because your property is surrounded with wetland, we would look at the Town zoning code on that, but it might be upwards of 50 or more feet at least.

MS. RIGDON: I think he would be agreeable to that.

TRUSTEE BREDEMEYER: Okay. Now, the reason for consideration of the alternative on a monopole construction would be that you only have one pile penetration as opposed to two, as you proceed seaward, the potential is not only is it an environmental saving feature which is non-toxic but it also might result in less bottom disturbance. Also, shellfishers can approach a monopole dock from either side as opposed to a conventional dock construction in this location blocks out a shellfisher, unless he's out of a vessel. In other words people wishing to shellfish closer in. It provides more facility.

MS. RIGDON: I'll research that. My only concern is the ice in the area and potentially it would cause more damage. And these pieces of this dock will be someone's lawn ornament at some point.

TRUSTEE BREDEMEYER: Some of the new materials actually may be more ice friendly because of fiberglass pile construction and/or some of the plastics. There is only a couple of manufacturers, at least they suggest that they don't have ice stick as much to the pile. Now, I'm not here on behalf of anybody who makes anything as far as dock materials, and we have seen an awful lot of docks lifted in one season. But I would say when docks go up, they go up, and it doesn't matter how many piles you constructed them with.

MS. RIGDON: Right. I'll research that. I'll get some data for you. Sam?

MR. SINGER: Sam Singer. I just wanted to make a brief comment. I'm trying to save as many trees as possible.

TRUSTEE BREDEMEYER: Did you get the name for the record?

MR. SINGER: Sam Singer. I appreciate you hearing this application. I'm an avid boater and will certainly make every effort to look into those fiberglass alternatives for the pilings and so forth and be compliant. But in terms of the tree line, I want to preserve as much of in fact all the woods in front of the house. In fact, I was not even thinking of a path necessarily to the dock. Just keep it natural and just take out the underbrush, but leave the trees. So I wanted to minimize the amount of trees to keep it private, and I have no intention of taking down any of the trees in front of the house that approach the dock.

TRUSTEE BREDEMEYER: Thank you, while you are at podium, question, how large a vessel do you intent to keep at the dock?

MR. SINGER: It's a 20-foot small outboard ski boat.

TRUSTEE BREDEMEYER: Thank you. I think we'll want to open up comments to other individuals here, but the possibility it might be wise to have an additional field inspection. But I would like to open the hearing up to additional comment. Unless you have something quick.

MS. RIGDON: No, I'm good.

TRUSTEE BREDEMEYER: Anyone else wish to speak to this application?

(Negative response).

TRUSTEE BREDEMEYER: Okay, Board members, any additional comments?

TRUSTEE SANDERS: No, we covered everything.

TRUSTEE BREDEMEYER: Okay, the applicant, any additional comments?

MS. RIGDON: Additional field inspection, would you like to put it over?

TRUSTEE BREDEMEYER: Yes, I would request that the Board considers it appropriate to table the application to provide an additional field inspection and then also after that to request a submission of a range of alternatives for dock construction, and then the field inspection might be able to confirm proposed activities in the adjacent zone, and a path as we, things we just spoke of with respect to the land use, surrounding land use.

MS. RIGDON: I'll have the surveyor do a lot of marking and have it ready for the next inspection, which is which date, Liz?

MS. CANTRELL: The 13th.

TRUSTEE GOLDSMITH: April 13th.

TRUSTEE SANDERS: The next field inspection, Wednesday, April 13th, 8:00 AM. That's when we start.

TRUSTEE BREDEMEYER: And before we close the hearing, I do see a comment.

MR. MCGREEVEY: One comment, John. The CAC is recommending a grated catwalk if possible and applicable.

TRUSTEE BREDEMEYER: Yes. The CAC did come out in support of this application provided it does not extend more than one-third across the width of the creek. And yes, the construction whether conventional or monopole, we would be looking to have a through-flow type of grating throughout the vegetated wetland.

In this case, because the potential for eelgrass and widgeon grass, we want it the full length of the catwalk.

MS. RIGDON: The full length of the catwalk is through-flow, which is 60% open grate.

TRUSTEE BREDEMEYER: Yes. Is there anyone else to speak to this? If not I'll make a motion to table this application for subsequent review of site improvements and alternate dock construction.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE KRUPSKI: The next application, Samuels & Steelman Architects on behalf of **JULIE ANDERSON** requests a Wetland Permit to construct additions to existing two-story (1,280 sq.ft. first floor footprint) dwelling consisting of a 510 sq.ft. westerly addition with 41 sq.ft. seaside deck and steps to grade, a 131 sq.ft. landward addition, a 106 sq.ft. covered porch entry, and a second-story addition over existing first story, replace existing seaside entry deck with new 160 sq.ft. deck and steps to grade; abandon existing sanitary system and install new; existing two-story (436 sq.ft. first floor footprint) non-habitable garage to remain. Located: 4298 Wunneweta Road, Cutchogue. SCTM# 1000-111-14-29

The LWRP found this to be consistent, and the CAC also resolved to support this application for the additions to the two-story residence.

We went out on field inspections for this on the 16th of this month and we found we really didn't have any issues with it. The only thing was in the plans, I didn't see anything, or we observed that there was no gutters or leaders to drywells. And also on the current house.

Is there anyone here that wishes to speak regarding this application?

MR. SAMUELS: Tom Samuels of Samuels & Steelman Architects, to answer any questions.

TRUSTEE SANDERS: Yes, the gutters and leaders to drywells.

MR. SAMUELS: Yes, we can add gutters and drywells.

TRUSTEE KRUPSKI: That's really I think the only concern we had. Everything else looked pretty straightforward.

TRUSTEE BREDEMEYER: Architecturally, if it was a situation that that isn't indicated because of the gorgeous salt box shapes they are, you can always go with French drains and have drip lines.

MR. SAMUELS: Okay, thank you.

TRUSTEE KRUPSKI: Any other comments from the Board?
(Negative response).

I make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: And I make a motion to approve this application with the stipulation for the gutters and some sort of drainage to be installed.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number six, Suffolk Environmental on behalf of **JOAN L. COOKE** requests a Wetland Permit to elevate the existing one-story, single family dwelling and ±1,095 sq.ft. attendant decking to 11 feet above sea level; reconfigure front steps to

consist of a 4'x6' landing and 4'x8.5' steps to grade; install a new septic system with surrounding $\pm 4'$ above grade, 111 foot long retaining wall and deposit ± 200 cubic yards clean fill thereon. Located: 2205 Bay Avenue, East Marion. SCTM# 1000-31-17-6

The LWRP coordinator found this to be consistent.

The CAC resolved to support this application.

The Trustees did a field inspection on the 16th and noted that any activities should include no inorganic fertilizer, and a question about what "LG" stands for on a monument in the back of the property.

TRUSTEE SANDERS: Actually the "LG" is represented on the survey.

TRUSTEE BREDEMEYER: There are depictions on the survey with that term.

MR. IVANS: Matt Ivans, Suffolk Environmental, for the applicant.

That's a leaching galley. It's a system for sanitary systems when you don't have room, you don't have separation of groundwater, the Health Department is getting into this kind of system there.

TRUSTEE SANDERS: Thank you. That's what we thought.

TRUSTEE DOMINO: Thank you. Any other questions or comments from the Board?

(Negative response).

Anyone else wish to speak to this application?

MR. FURY: Good evening, my name is Frank Fury. Me and my family own the property at 35 Rabbit Lane which borders this property on the south and the east side. My concerns with this is, first off, I don't want to keep this woman and her family from not getting in her home. Everybody had damage, everybody fixed their damage, they moved on. This has been a long thing. We thought it was resolved last year but apparently it's not. My concern is everybody deals with this in the town and Mrs. Cooke as this is being rehabilitated due to Sandy, well, this house had existing problems long before Sandy was done. I was friendly with Mrs. Cooke and I'm aware of these problems that existed long before Sandy ever came. My concern is she is, with the cesspool in the back, we already have a tremendous flooding problem there. Ever since they did the bridge revitalization, the flooding problem has gotten a lot worse. On the south side of the property where any time it rains, I get about four inches of water that is on my property for days, sometimes, two, three days. And the front of the house, including our house, in the street, is filled with water. So at least I have contacted the town, they said it was due to the bridge. Basically the last time I spoke to them, they told me you have to understand where you live, this is something you'll have to deal with, right. Well, dealing with it now is pretty bad. Dealing with it after they put a retaining wall around it, I can't even, I can't even imagine how it's going to be. Because at least now you have a flow of the water that it can go down on her property, on my property, whatever it may be. But now you put a retaining wall, where is it going to go? Secondly, when she puts a retaining wall there and puts the cesspool back there, the cesspool is already in the water. It's

in water there. So now you put a four-foot retaining wall around it, when that leaches out, where does that leach out on to? The wall is right on my property line. Is it going to leach through the wall and come out onto my property? And also, any further storms, when the water comes in and it lays there, what is it going to do when it hits the wall? Is it just going to come back and destroy my property? And the property on the other side, which the owner will speak to you about it, is even closer. So to fix hers, does it mean to destroy ours? And also, there is trees on the property. These trees would have to be removed to do this project, right? And also in the front, how much does the town own of that property? That's public land. It belongs to the town. They are going to raise up all the property, and they are going to put the landing, 6x8 landing. It just seems there is additions made on this house years ago, I don't know who made them, but they were put on when we went through this last year, they said they were put on without permits. Which, you know what, I bought my house, that's the way it is, I don't really care. But now you are adding more on to it. You have the deck, you'll add the deck up, you have so many feet. And I agree that FEMA made, not suggestions, they are very, I've worked with them myself, and they don't just pull their numbers out of the air. There were studies done. So I agree nine foot is the zone there. Six feet is the elevation of the road, right? They want to build it eleven feet high. Does that come eleven feet high after the four foot going up that they are raising the land are they going to go eleven feet high? Because that's how it was last year. Or is it going to be eleven foot high? The example they gave, the explanation last year, was she wanted to build it higher so that she would get better, favorable rates with the insurance company. Well this whole thing started --

TRUSTEE BREDEMEYER: Okay, we are getting a little bit off base with respect to the requirements of this Board and what we have to do with the Town Wetland Code. So I would just ask you to keep your comments to specifically relate to the wetlands or water quality and then that will let us get to the heart of the matter. And obviously concerns about drainage in a shallow area close to a lake are a concern of the Board.

MR. FURY: Okay, on the east side of my property, if you go back there, that land is always soft. If you get in the morning, you get a little rain, it's soft. That is the way that it is, from the lake, so now if you stand there and you sink down into it, now you'll raise it up four feet higher and just dump more sewage in there. It's not going to work.

TRUSTEE SANDERS: Where is the location of that current cesspool?

TRUSTEE BREDEMEYER: We should ask the applicant. Matt, would you maybe get up so we can ask some additional questions --

MR. IVANS: Do you want me to come up and show you on the survey?

TRUSTEE BREDEMEYER: That doesn't go on the record. If you can just describe it for us.

MR. IVANS: The existing cesspool, if you are looking at the survey, to the east, just to the east of the wood deck.

TRUSTEE SANDERS: That's the current location of the CP is the actual one, not where it's going.

MR. IVANS: That's where the existing is.

TRUSTEE BREDEMEYER: Has this project been granted a Suffolk County Department of Health Service approval.

MR. IVANS: Yes. It had to go through Board of Review. I'm going to have to go through an extensive review. And, again, the property owner, honestly, originally when it came before you we were not proposing this, but because we had to go to ZBA which then triggered Health Department and then triggered Board of Review, you know, that's what we have before us. The owner would rather have gone without upgrading the septic. But my experience, this kind of new system, leaching galley system, is far superior than what is in there now. You know, and the galleys are made, again, for these tight areas, and they are designed so the retaining walls don't become that high. The retaining wall will probably sit, probably from when you are looking at the ground maybe four feet higher. But again, this is not a mechanism of the owner wanting this. This is a mechanism of the process.

TRUSTEE BREDEMEYER: We do have here a copy of the stamped approved certification on the Health approval.

Okay, I would like to keep this hearing moving along. Is there anyone else who wishes to speak to this hearing?

MR. FURY: Can I finish what I have to say?

TRUSTEE BREDEMEYER: Please, but make it quick. Generally we try to keep our comments to five minutes or less.

MR. FURY: Also, if you look at this house, this house has been in disrepair --

TRUSTEE BREDEMEYER: Now we have to stop this. This is not part of the wetland hearing, sir.

TRUSTEE SANDERS: Hold on. The one concern I have, when you were speaking, that really touched us is the cesspool issue. And the cesspool is currently located, the changes to the cesspool, it's really in the same place. You had actually said they are removing it or putting in some other place where it shouldn't be.

MR. FURY: No, no, the cesspool doesn't work here. How do you put another one there. Is it going to work there? It's in the water table.

TRUSTEE SANDERS: The design that he's speaking of, spoke to that issue.

MR. FURY: And where will it leach out if it's four feet high with basically no drainage area? Is it waterproof concrete? Where does the retaining wall go around the whole house? There is no information on this.

TRUSTEE BREDEMEYER: Thank you, very much. Is there anyone else who wishes to speak to this application?

MS. LAUDATO: Good evening, my name is Julie Laudato. I did want to speak about the wetlands and all the surrounding property. My house is the house adjacent to it, you can see the back of it

there. I'm to the north of this home. All the homes in this area did sustain damage, obviously from being surrounded by wetlands, it came into everyone's homes. We did follow the guidelines from the Town and from our insurance companies as to how to take care of all that damage. However, this homeowner did not because they didn't have any insurance. They let it lapse. My concern is after all of this work is done again, with that retaining wall and all the soil you put in there and these new changes to the cesspool, what guarantee do I have that she is actually going to have insurance this time and another storm is not going to cause damage and all of that leaches into my property and my home again.

TRUSTEE SANDERS: Ma'am, your concerns are 100% logical but they, unfortunately, don't apply to us. Because we are not soothsayers, so there is no way for us to know what the future will be like. All we can do is specifically deal with our own jurisdiction.

MS. LAUDATO: If this house is already, compared to the other homes in the area, stands almost five feet above grade. So now she is going to put four feet on top of that, so that takes it over nine feet.

TRUSTEE SANDERS: Again, that's out of Trustees purview.

MS. LAUDATO: So then who do we address this with? Because I'm very concerned about that whole cesspool issue, it's right behind --

TRUSTEE BREDEMEYER: Ma'am, the Suffolk County Department of Health Services had what is called a Review Board hearing and the plan, approved plan from the Health Department is heavily marked up with the engineering data from the Health Department. And the type of system that they are designing now is a newer system, it also allows it to be retrofitted for denitrification and additional advanced water treatment in the future. The altitude that they seek, is what we all seek now, is called coastal resilience. You have to go up in order to properly treat your sewage and your waste. If you don't build in the added, the height at this time, the technology has not been approved yet to keep it at a similar height and get the sufficient water treatment.

The Health Department is the regulatory agency concerned with the sanitary and they have gone through a regulatory process that included a special review board where those sorts of considerations were considered. Similarly they review the type of construction and regulate the retaining walls around the structure. The engineering specifics of that, if it was merely soil retention in or near a wetland that this Board would have control over, we would talk to the Town engineer. But the Health Department requirements supersedes the Town's jurisdiction in this matter.

MS. LAUDATO: Now, as far as the retaining wall, it's going to go the entire length of the property? Because the back of all of our yards are wetlands. Half of the back of our property is

wetlands.

TRUSTEE BREDEMEYER: It does show essentially around the perimeter. I would assume you may be familiar with that. I understand there was also extensive review of this, additionally, under the Zoning Board of Appeals, which is the Town agency which has also reviewed the plans.

MS. LAUDATO: This the first time we had heard anything about a retaining wall around the property. This is the first notification that we have.

TRUSTEE BREDEMEYER: All right. Thank you. Is there anyone else who wishes to speak to this application?

TRUSTEE DOMINO: I would point out that on March 1st, 2013, McDonald Geo Science did a test boring on this property and found it was a foot-and-a-half to water in fine ground sand, which is a point taken into consideration by the Health Department requiring the four-foot retaining wall around so that they can achieve at least a minimum of two feet below the septic and leaching pools into the groundwater. So those are all facts that are taken care of, they are in the file. They are in our purview. We consider them. But --

MS. LAUDATO: And you feel that will be safe for that type of property, the fact that we are all in basically a swamp area. It's all wetlands.

TRUSTEE DOMINO: This is stamped by the Suffolk County Health Department stating that it meets their requirements. And as Trustee Bredemeyer pointed out, this has future flexibility as improvements occur in septic systems, denitrification systems, it can be modified, so.

TRUSTEE SANDERS: There is always a balance between, you obviously know, you've lived there quite a while, it's a really tough place to have a house, so --

MS. LAUDATO: In a regular rainstorm and it's a swamp.

TRUSTEE SANDERS: Exactly, but in our judgement --

MS. LAUDATO: That's what we are afraid of, somehow it will leach out.

TRUSTEE SANDERS: In our judgment there is nothing for us that would violate our ability to approve this application as stated.

MS. LAUDATO: And you think it would be safe with this type of ground to have a house that high and all the existing attached structures?

TRUSTEE SANDERS: Again, that is beyond us. The house, the structure, its height, that's a Zoning issue. That's way beyond our capacity.

TRUSTEE BREDEMEYER: It's also standard engineering practice. You have neighbors on Rabbit Lane that have homes that have already been built up to accommodate the regulatory structure of FEMA and the building codes.

MS. LAUDATO: They are in the sand, though.

TRUSTEE BREDEMEYER: All right, any anyone else wish to speak to this application?

MS. LAUDATO: All right. Thank you.

MS. KAMROWSKI: My name is Sue Kamrowski, I have the property that is across the street, and after the bridge construction, which was like a total mess, and still is, I'm still waiting for some help on my road, Huckleberry Hill Road, because when you come down the end of that hill now, you get so much water there that in the winter it's ice. And it's actually a really bad hazard.

TRUSTEE BREDEMEYER: Ma'am, that --

MS. KAMROWSKI: (Continuing) and that should be addressed. I don't know whether that water problem has any affect --

TRUSTEE BREDEMEYER: Ma'am, that is something that has to be addressed --

MS. KAMROWSKI: (Continuing) with that house. Because that water builds up in front of the house now, which never did before.

TRUSTEE SANDERS: Ma'am, it's definitely our goal to let people speak, and I apologize if it sounds like we are cutting everybody off at the knee. We are really not trying to do that --

MS. KAMROWSKI: See, I'm a homeowner --

TRUSTEE SANDERS: Yes, ma'am. Let me finish. I apologize. We can only deal with things that are within the boundaries of the Trustees. We would love to be able to have you talk on but it's beyond, it's the wrong venue, it's the wrong place for you to express your --

MS. KAMROWSKI: Because if the water is building up there, it's going to build up, it's building up there by that house, I don't know where they'll put the septic in, you know.

TRUSTEE BREDEMEYER: There way may be consequential issues as a result of the bridge construction. That's really a matter that should be taken up with the Town Highway Department and Town Engineering.

MS. KAMROWSKI: Oh, we have been trying. But that went unsuccessful.

TRUSTEE BREDEMEYER: Again, we are getting off --

MS. KAMROWSKI: I know, you're getting off the beaten track here. But what I'm saying is, also, you know, the way that was, the way the bridge was, you wanted it to look nice. Now it looks like, you know --

TRUSTEE BREDEMEYER: Ma'am, if you don't --

MS. KAMROWSKI: (Continuing) but you don't want the houses being --

TRUSTEE SANDERS: Ma'am, we are trying to be as reasonable as we possible can --

MS. KAMROWSKI: (Continuing) you know, that happens in Queens, where they boost the houses up, then there is nowhere to park.

TRUSTEE SANDERS: Ma'am, I'm going to ask you one more time --

MS. KAMROWSKI: (Continuing) I'm just saying, you can't park across the street either.

TRUSTEE BREDEMEYER: Okay, because of the large number of people here tonight, and I know we still have a very large agenda, I'm going to request that everybody kindly speak as succinctly as possible and keep their comments to a minimum of two to three minutes. I hate to reel people back or the Board as a Chair,

but we are going to probably be here until two or three in the morning if we don't make an attempt to work together to get our comments on the record.

Is there anyone else who wishes to speak further to this application?

(Negative response).

TRUSTEE DOMINO: Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Motion to approve in application as submitted.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

MR. IVANS: Thank you.

TRUSTEE GOLDSMITH: I'll recuse myself for this next application.

TRUSTEE BREDEMEYER: For the next application, I would like to note for the record that Trustee Goldsmith has left the room for point of discussion of this application.

This is number seven, Costello Marine Contracting Corp. on behalf of **BRUCE AND ALLAN GOLDSMITH** request a Wetland Permit to remove 75' of existing bulkhead and 32' long return; construct 75' of new bulkhead and 32' west return in-place, in-kind using vinyl sheathing; and to subsequently maintain the 10' wide non-turf buffer along the landward edge of the bulkhead. Located: 2550 Hobart Road, Southold. SCTM# 1000-64-3-8

With respect to this next application, before I open it up, it has come to my attention via the Town attorney that we lately received notice that a judicial proceeding is going place a judicial sale of the property, of this project, is imminent, and that we have been advised to table this matter. So I can only open it up for additional comments with respect to the type and manner of construction, but there apparently is an overriding legal matter for which we have been advised by counsel that we'll have to ultimately table.

This project has been determined to be exempt under the LWRP.

The project is indicated to be supported by the Town's Conservation Advisory Council by reference of incorporation there is a letter that has been addressed to the file that can be viewed in the Trustee office during normal business hours.

The Trustees did perform a field inspection and additional file review starting on January 14th of this year. The suggestions on the field inspection where a silt fence would be required for the construction of the failed bulkhead. The bulkhead replacement is determined to be necessary and is of the ordinary and usual construction.

Is there anyone here who wishes to speak to this application?

MR. COSTELLO: Yes. My name is John A. Costello. We are the

agents for this application. The application is in the property is owned by three individual brothers, as you well know, and whatever litigation, this is not a court, but this Board is addressing the environmental issues, hopefully, and the condition of the bulkhead and the safety in not allowing environmental problems to exist in the creek. And if they address those only, whether this permit is issued or not issued, has nothing to do with it. I have been there, done it before. I have had properties where other partners objected, mostly monetarily. One way you can object to this, don't pay. That certainly will solve a problem. If three people are going to contribute one-third each, and one doesn't --

TRUSTEE BREDEMEYER: Yes, Mr. Costello, we are getting a little bit out of the area of the wetland, one area we know you can speak is to the property construction --

MR. COSTELLO: I'll answer any questions the Board has about regard to the reconstruction. You been there, you have seen it. The bulkhead is old and needs replacement. Okay? Now, the Board can act on that.

TRUSTEE BREDEMEYER: Thank you. Is there anyone else who wishes to speak to this application?

MR. GOLDSMITH: Yes. My name is Bruce Goldsmith, and this has been postponed twice, and I submitted a letter requesting any information that the Board would like. I didn't get a reply. But the good weather is coming now, and we'll have a lot of children on the property. And I think it's in dire need to get this job done. And I would urge the Board to try to reconsider this. I don't want children to go in these pits behind the bulkhead, but I think it's your job to -- it's a permit only to replace the bulkhead. And I think it should be given. Thank you, very much.

TRUSTEE BREDEMEYER: Thank you.

Is there anyone else who wishes to speak to this application? (Negative response).

Hearing none, any comments from the Trustees? (Negative response).

Okay, accordingly, since this Board has been granted advice of counsel, I would make a motion that we table this hearing on advice of counsel for one month.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(Trustee Bredemeyer, aye. Trustee Domino, aye. Trustee Sanders, aye. Trustee Krupski, aye. Trustee Goldsmith, recused).

TRUSTEE SANDERS: Reading the next, number eight, Costello Marine Contracting Corp. on behalf of **GLEBE ASSOCIATES, LLC, c/o BIA LOWE** requests a Wetland Permit to replace support structures around and underneath the existing one and one and one-half story frame building with attached deck which will consist of the following: In Area A - remove 35' of existing bulkhead below building and construct 35' of new bulkhead, in-place; Area B remove 15' of existing bulkhead below deck area and construct

15' of new bulkhead, in-place; Area C remove 34' of existing north area bulkhead and construct 34' of new bulkhead, in-place; Area D install steel shims below existing "I" beam and pour structural concrete in void area on top of existing concrete support pier; Area E, Remove and re-drive three existing pilings, in-place; Area F reframe and pour concrete in void area beneath the wood framed existing concrete box; Area G Install three concrete filled sonotube support columns beneath existing steel "I" beam floor beams. Located: 5775 Mill Road, Mattituck. SCTM# 1000-106-6-3

The LWRP coordinator finds this to be consistent.

And the CAC has resolved to support this.

I'll go to field notes now. On 3/16/16, at 4:40 PM, all of the Trustees were at the property and were able to inspect it. No issues were discovered at that time.

Is there anybody who would like to speak on behalf of this applicant?

MR. COSTELLO: John A. Costello, Costello Marine Contracting, and I'm the agent for the application. And if the Board has any questions, ask me.

TRUSTEE SANDERS: Yes, sir. Anybody else like to speak on behalf of this application?

(No response).

Any comments from the Board? Any issues, anything to say?

MR. MCGREEVEY: In all due respects to the applicant, the CAC has strong reservations on, not on the construction itself but on the environmental issue which we reference in our report, which I would appreciate if it was read. It's two sentences long.

TRUSTEE SANDERS: If you'd like, I could read that. I could do that for you. No problem. The CAC has resolved to support the application, however, there is a concern with the storm water runoff, the location of the sanitary system and the propane tank. The CAC recommends the building is elevated and containment of the oil tank.

MR. MCGREEVEY: Thank you.

MR. COSTELLO: Can I address that?

TRUSTEE SANDERS: Yes.

MR. COSTELLO: I mean, I don't believe the person wants to spend the millions of dollars to elevate the building.

TRUSTEE SANDERS: Understood. Any thoughts from the Board at this time?

TRUSTEE BREDEMEYER: Well, just a brief comment. It is a historic structure. The Board has been contemplating structures of unique community value that have been around a long time might be afforded additional protections going forward in changes to the Wetland Code. And I'm not sure, but owners who have a, subsequent to saving the property through the proper reconstruction of the piles and the supports, will enable the business to prosper, and then they'll be able to bring in additional improvements as time goes on, and I'm not entirely sure that an historic structure always has to be bumped up, as it will undermine the esthetic aspects of it, and although I'm

generally one that doesn't comment on such things, that is one thing in Wetland Code and environmental review some existing structures on or near creeks probably should be left alone for their general enjoyment as how they impact positively the visual field and what we see and what we know as our creeks.

TRUSTEE SANDERS: I make a motion to close the hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Motion to approve this application as submitted.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would like to make a motion to take a brief five to eight-minute recess.

TRUSTEE SANDERS: Second.

(ALL AYES).

(After a short recess, these proceedings continue as follows).

TRUSTEE GOLDSMITH: Number nine, Michael Kimack on behalf of **JOHN & KORI ESTRADA** requests a Wetland Permit to demolish southeast section of existing one-story dwelling; renovate remaining 1,972 sq.ft. of existing dwelling by installing new window, doors, and roof; construct a 2,310 sq.ft. two-story addition to easterly side; existing 521 sq.ft. seaward side deck to remain; construct a 605 sq.ft. seaward deck with stairs to grade; construct a 451 sq.ft. in-ground swimming pool and hot tub; and install pool enclosure fencing. Located: 2350 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-7

The LWRP coordinator found this inconsistent. The inconsistencies are the depth of groundwater is shallow in this area and is not indicated on the plans. Portions of the proposed two-story addition, deck and pool are located within FEMA flood zone, and the proposed pool deck is located 23 feet from a wetland area.

The CAC resolved to support this application.

The Trustees did an inspection on March 16th, we noted the need to wait for the determination of any, whether it is a saltwater or freshwater wetland.

Is there anyone here who wishes to speak on this application?

MR. KIMACK: Yes. Michael Kimack for the applicant. And that particular determination has not yet been forthcoming. I have been in contact with the DEC and they advised me they were supposed to be getting out there the beginning of March. Alexa Fornier is the technical serviceperson on the site. She thought she might be able to make it. I was hopeful that I would have that information. But she has not get gotten back to me with what determination she has made. So I respectfully request this be tabled to next hearing to give me an opportunity to get that information and forward it to you for the record.

TRUSTEE GOLDSMITH: Any other comments from the Board?

TRUSTEE BREDEMEYER: That sounds good. Because the Board of Trustees initial determination is that it is tidal, including it was backed with the some of the salinity data that I had gotten. It might be also advisable in this case to secure a DEC permit first. And that way, because the DEC has been particularly stringent in their pool setbacks, and this would keep you from potentially having to be chasing permits and amendments between the two administrative agencies. And because obviously it is a pool, but it is very close, it's probably closer than any we have seen with respect to our setback, and the determination of the DEC might impinge on ours and maybe we can avoid dueling agencies.

MR. KIMACK: I don't necessarily disagree because it would be interesting to see what the DEC says about that little fragment of wetland, whether it is freshwater or whether it is salt water. I was hopeful I would have that information, but I don't. Because that would require a variance of a different sort. Right now we are required to be 75 feet back from the primary. And if that is part of the primary then that creates a different variance request of the DEC.

So when I get that information I'll get it off to you and I'll submit it for the record, and work with the DEC and then come back, we'll table it until I have that information of that permit.

TRUSTEE GOLDSMITH: Any other comments?

(Negative response).

I'll make a motion to table this hearing pending DEC determination.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number ten, Michael Kimack on behalf of **DAVID SCHULTZ** requests a Wetland Permit to raise existing one-story, single-family dwelling 16" to comply with FEMA required base flood elevation; construct a second story addition onto existing one-story dwelling; construct a two story addition in-place of existing attached deck and remove remainder of existing deck; construct a 6'x10' attached porch in-place of existing landing/steps to be removed; remove existing nonconforming sanitary system located less than 100' from wetlands and install new landward of dwelling; install drainage system of gutters, leaders and drywells; relocate existing public water service; and establish and subsequently maintain a 10' wide, approximately 450 sq.ft. non-turf buffer to be planted with native vegetation in-place of existing lawn adjacent to tidal wetlands boundary; and to remove the tree located along the northwest corner of dwelling. Located: 2745 Wickham Avenue, Mattituck. SCTM# 1000-139-2-3

MR. KIMACK: Michael Kimack, for the applicant.

TRUSTEE KRUPSKI: Just one minute here.

MR. KIMACK: I'm sorry, go ahead.

TRUSTEE KRUPSKI: No worries.

The LWRP found this to be consistent.

And the CAC supported this with the fact that it was within the construction with the ten-foot buffer and moving the septic.

The Trustees went out separately on this inspection and it was done on the 17th, the 20th and the 21st. This is actually a re-application. The prior one expired. It is very similar -- we found it to be very similar with the prior application. We like the fact that the septic is being moved away and there is a ten-foot non-turf buffer.

Is there anyone to speak to this application?

MR. KIMACK: Michael Kimack, for the applicant. You are correct, it's essentially a re-application. It was originally issued in 2012 and expired. So did the Health Department, which has been reactivated. And Trustees and New York State DEC permit is still in place and it's active. The only caveat I would add to this, which I had resubmitted with the drawing, is that FEMA requires it to be raised 16 inches, and the applicant requested the opportunity to be flexible and raise it as much as 32 or four courses, if it was possible, to get it up a little higher. He was not quite sure if he would do three course or four course, but he asked for that flexibility in your permit application. I had submitted the letter and I submitted the new survey to you as part of the record.

TRUSTEE KRUPSKI: Is there anyone else who wishes to speak regarding this application?

(Negative response).

Or any comments from the Board?

TRUSTEE SANDERS: (Inaudible).

TRUSTEE BREDEMEYER: Yes, it's a minor change. We can reflect to amend the project description.

TRUSTEE KRUPSKI: No one has a problem with that?

(Negative response).

TRUSTEE SANDERS: 32, right?

MR. KIMACK: It would be four course. He has to go up two course now. He has to go 16 as a minimum for FEMA but he thought as long as he's raising it, perhaps he would give himself an extra safety factor. And it may be another course or maybe two. So it was no less than 16 inch of two course and no more 32 inches of four course.

TRUSTEE KRUPSKI: I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion has been made. Is there a second?

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve this application with the amendment and the resubmitted drawing between 16 and 32.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. KIMACK: Thank you, very much.

TRUSTEE BREDEMEYER: The next application, En-Consultants on behalf of the **ESTATE OF HARRIET E. GAMPER** requests a Wetland Permit to construct approximately 184 linear feet of vinyl bulkhead in-place of existing timber bulkhead and backfill with approximately 25 cubic yards of clean sand fill to be trucked in from an approved upland source; remove existing 5'x22.5' wood ramp and install a 3'x26' aluminum ramp to existing 10'x30' fixed concrete dock with wood decking; and construct a new ±16' section of vinyl bulkhead within 14" of existing concrete wall/boathouse foundation wall. Located: 2895 Wells Avenue, Southold. SCTM# 1000-70-4-13

This was a holdover from a table last month. Understand that the applicant on behalf of the Gamper estate was going to try to see if we could get some environmental improvements approved by the estate. In question was a solid concrete dock that doesn't have the benefit of a Trustee permit, and the Trustees were hoping that the solid fill portion behind the bulkhead which juts out a bit beyond mean high water might be amended at this time of bulkhead reconstruction.

Is there anyone here, noting again this was inconsistent which was due to the concrete dock structure, and the CAC voted to approve the application, is there anyone here who wishes to speak to this application?

MR. HERRMANN: Yes. Rob Herrmann of En-Consultants on behalf of the applicant. The Trustees had asked, requested that the hearing be adjourned last month.

There were two issues, really. The issue of the fill dock, we understand that that is not a permitted structure, and again, would stipulate as part of a condition of the permit that that dock would be removed, and we would at this time withdraw the proposal to replace the existing timber ramp with a new ramp until we would come back to either amend this permit or come in with a new application as part of a condition of this permit, to separately address the dock. To the extent that that fill dock which is shown in the photograph there, would in fact be completely removed, that walk would be removed and we would propose a typical dock configuration that would be approvable by the Board.

The other issue, I don't really have anything more to report to you. Jay, you had mentioned at the last hearing the possibility that instead of replacing the bulkhead as it exists that it would, the 25 foot extensions toward the creek would be cut back to some undetermined lengths.

I did speak to the owners. They were caught a little off guard by the request. As I testified last month when they bought the property in 1977, the bulkhead configuration was as it is today. That bulkhead configuration was originally approved about the town in 1957 and has remained that way ever since. So they did not seem anxious to eliminate it. They did ask me a

couple of questions, which I was not sure how to answer because we didn't get into it in great detail in discussion last month but the idea of what would happen to any area on the outside of that. I discussed a little bit with Angelo Stepnoski of Greenport Dock, and so if for example you had a situation where the 25 foot bulkhead were cut back, just making up a number, say to 15 feet, you would have all that land mass out there that would then have to be excavated and removed. The bulkhead would be removed and you would now have this sort of virgin upland area that would also have to be excavated down to some depth to match whatever the bottom grade is, which would, you know, bring some bottom disturbance adjacent to that tidal wetland into question. So we were not really sure how to handle that. So again, I'm not sure how to resolve this. I think if this is an issue that the Board would really push, I think they would really have to think pretty long and hard about it. I know they did retain counsel to try to understand what their rights are. Again, this is property that they bought in the '70's. The configuration exists, it's legally permitted. I understand what you are looking to accomplish but I also understand their perspective that this is land that they have used and enjoyed since 1977. So I would really, again, without much more than that to report I would like to know if this is an issue, if you were just kind of looking for me to ask what their initial response was, or if this is an issue the Board feels it is going to push that you won't issue the permit until they agree to do this, in which case they'll have to take a harder look at it.

TRUSTEE BREDEMEYER: Speaking to the issue, this month's particular docket was extremely full, and I had hoped possibly to look into some of the land ownership history there in addition to the permit history. The Trustees are concerned with being consistent on reconstructive bulkheads and such structures that are out into our waterways during a time of apparent sea level rise, and are trying to if not create, you know, additional damage down the road, we understand that a properly-constructed non-toxic vinyl bulkhead will be around at least after a number of us won't even be here. And we are just setting the stage for more erosion along the coast line. And so I think the approach and request was to be cooperative. I understand how very quickly these things go to applicants seeking out counsel. For our part we simply didn't have a chance to research it further, and a title history of the property, the Trustees for a time were much more liberal on many things. Myself as a Trustee in the last century, we made docks a little too big. Everything is getting scaled down a little bit. So occasionally someone will point out, hey, that's a permit with your name on it, how come that dock is so big. So thematically, we know the DEC has not allowed solid-filled docks as part of the regular construction, and I think some time or other they stop bringing other fill materials on Fishers Island. So there seems to be an evolution in our coastal waters and I

think the approach of the Board is to try to be consistent with that realizing that a bulkhead of this construction may be around for another 20, 25, 30 years. But for my part I feel badly if we were to signal to you now that we are going to act negatively on this application without a little more research on our part or the part of the homeowner. Because we would not want to discourage. Obviously the other issue is the unpermitted concrete dock.

MR. HERRMANN: Yes. That we to don't have a problem addressing. We are not even debating that issue.

TRUSTEE BREDEMEYER: I guess the question there would be stipulating further action or something that you think can go on a permit that would be recognized by a subsequent board should the property change ownership. I think this is an area for discussion.

MR. HERRMANN: I think we would have to, for our part, we would agree that as a condition of this permit, we would have to come back not seven years from now but immediately, to deal with the dock. There is just a concern about getting the bulkhead replaced. In fact when we had to talk to the neighbor next door who had called because they are tying that section of wall in front of the boathouse into their return, he said, you know, we are really happy to hear somebody is finally dealing with this because we have been worrying about the integrity of our property because this bulkhead is not being replaced.

So knowing that dealing with a dock suddenly adds a huge chunk of time to my permitting process, we are trying to ask the Board if we can get the permit for the bulkhead with the understanding that we'll then immediately address the dock. But again that is, I'm just reiterating that we understand that and the same 1957 permit that I'm referencing that allowed that bulkhead to be constructed that way, specifically did not allow that dock. It allowed a very different looking dock. And no one is contesting that. I mean, the dock has been that way since the mid 70s, since prior to the Gamper's purchase. But whether it was prior to that their purchase or not, we know it's illegal.

TRUSTEE BREDEMEYER: Were the Board to table this and put it on the front burner for office research and then we have some additional questions we could send your way for the applicant, and see if we can try to mature this for further discussion and possibly action next month.

MR. HERRMANN: One question I would ask so I can go back to them for specific discussion, because they asked me, did you know, did the Board have a number of feet in mind, like in terms of the discussion of cutting it back, was it all the way back to the line of the bulkhead, was it was halfway back to the apparent -- was there a number you had in mind I could go back to them with?

TRUSTEE BREDEMEYER: I think looking at the plans there was a tendency to think apparent mean high water now for this rebuild, and then others in the future can consider what might be happening then.

MR. HERRMANN: Well, high water goes right up to the bulkhead that is in line.

TRUSTEE BREDEMEYER: Maybe I was looking at the diagram that led me to think maybe that was low water I was seeing.

MR. HERRMANN: There is a dash line on the survey that reflects a property line. And I think that was one of the questions was how was the original deed written. Was it written to high water, in which case it would actually say that they have deeded title ensured rights to the section of land that you are talking about, or does it actually go to a particular space, which means that that section of land you are talking about is in fact built beyond their property and onto Town bottom.

TRUSTEE BREDEMEYER: I don't think we had jumped at a figure for the fact we wanted to have more fact gathering. I think it was premature for us to think figures. And as far as it would be standard, if there was a determination that was agreed on as far as the build would involve standard construction with a silt fence and would probably simply regrading -- I'm assuming there is some native sand somewhere underneath it that would allow to revegetate or if it was a substantial removal, maybe some Alterna Flora, or something that would be consistent.

MR. HERRMANN: Okay, as I said, they had retained counsel to primarily understand, because I think you mentioned at the last hearing is this title insured, is this part of the deed. But we didn't get much further along with it than you had. So I agree, let's try to both over the next few weeks get to the point where we can understand what the situation here is and then maybe even meet out there during field inspections and see what we can come up with.

TRUSTEE BREDEMEYER: Thank you. Does anyone else want to address this issue at this time?

(Negative response).

Hearing no additional comments, I'll make a motion to table this application for one month to do additional research on the issues surrounding the application.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: En-Consultants on behalf of **ROBERT & HEIDI BAILEY** request a Wetland Permit to remove and replace in-place existing 4'x75' fixed timber catwalk. Located: 129 Inlet Lane, Greenport. SCTM# 1000-43-5-6&20

The LWRP coordinator found this to be exempt. The exemption stems from the fact that this is defined as a minor action, being the replacement of a structure in kind.

The CAC resolved on the 16th to support this application.

The Trustees did a field inspection on March 16th and noted everything seemed to be in line with proper standards and procedures and practices.

Is anyone here to speak to this application?

MR. HERRMANN: Rob Herrmann of En-Consultants on behalf of Robert and Heidi Bailey. This is a pretty straightforward application. It's the in-place removal and replacement of what really amounts to a bridge that goes across Gold Pond Inlet and attaches to the property they own on the bay side.

If you have any questions I would be happy to address them.

TRUSTEE DOMINO: Questions or comments from the Board?
(Negative response).

Anyone else wish to speak to this application?
(Negative response).

Hearing no comments, I'll make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as submitted, noting it is exempt from the LWRP.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE SANDERS: En-Consultants on behalf of **LISTA M. CANNON** requests a Wetland Permit to demolish and remove existing one-story dwelling with attached deck and related structures, including retaining walls at basement level; construct new two-story, 1,511sq.ft. single-family dwelling with attached 12'x45' first-story deck and associated steps, 12'x14' trellis, and 12'x16' second story porch; construct new 18" high retaining walls at walk-out basement level; install approximately 448 sq.ft. irregularly shaped on-grade masonry patio at basement level below first story deck; install 4'x4' outdoor shower and masonry stepping stones; and establish and subsequently maintain a 10' wide, 780 sq.ft. non-turf buffer adjacent to the tidal wetlands boundary. Located: 725 Arshamomaque Avenue, Southold. SCTM# 1000-66-3-2

The LWRP coordinator has determined this to be consistent. I will read the number one and number two points, which are: Requires 780 square foot non-turf buffer be shown on the plans. And to clarify where the outdoor shower will drain. That comes from the LWRP.

As for the CAC, the CAC resolves to support this.

And on the 16th of March, we all went to the property, and our notes indicate a desire for a ten-foot non-turf buffer on the plans.

Is there anybody here to speak to behalf of this applicant?

MR. HERRMANN: Yes. Rob Herrmann of En-Consultants on behalf of the applicant. Also Meryl Kramer is here, she is the project architect.

On one issue, the non-turf buffer, we do actually show that on the plan. It's labeled as a proposed ten-foot wide non-turf buffer adjacent to the wetland boundary associated with Petty's Pond. The plan for the outdoor shower is to connect it to the rest of the drainage system. Otherwise this is a fairly

straightforward house removal and replacement project. We had the surveyor present the adjacent dwellings, decks and swimming pools to the north and south on the site plan. So you could see that we are holding the existing setback. The house footprint itself will actually move a couple feet closer to the road, the 97' setback. Then there is a deck that has various features above and below it that will hold the 87' setback of the existing house. So we do remain consistent with the Trustees' code. We are actually landward, will remain landward of the developments both to the north and the south. There will be a drainage system installed and upgraded sanitary system installed. And as I mentioned, the non-turf buffer is proposed and included on the site plan.

Any other questions, Meryl or I can address them.

TRUSTEE DOMINO: Rob, can you help me understand one thing. In the description it says construct new 18-inch high retaining walls at walkout basement level.

MR. HERRMANN: Yes. If you look at, do you have, basically, I don't know if you can see it in the photo, but there is a retaining walls there now, Mike. So down through here and also there. So I don't know if Meryl wants to show you, she can show you the elevation. Basically they are going to maintain that design inside the slope, and there are these are the retaining walls here. They come out there and there. So it will maintain the same idea.

MS. KRAMER: My name is Meryl Kramer, I'm the architect. What we are trying to do is create a more gradual terraced ascent from the water side of the house to the front area of the house. So rather than just kind of trudge up the hill, we'll have a flat platform, then an 18-inch retaining wall that will hold the next level. So we are just trying to have a little bit more of a controlled area rather than just a slope. Which I think will also help, we know will also help control runoff toward the back.

MR. HERRMANN: Meryl, with respect to Mike's question, if that wall is at the 16-foot contour, for example, the top of the wall would be at 17-and-a-half.

MS. KRAMER: (Perusing). The top of the wall is actually 15.75 and the bottom is 14.

MR. HERRMANN: So those will both, Mike, I'm sorry. I didn't catch that. On the corners, seaward corners of each retaining wall it shows a top of wall and bottom of wall elevation. So on the north it shows a top wall elevation 15.75, and that runs generally between around 14 foot contour. So the bottom wall elevation of 14 and a quarter. And it's the same on the other side.

TRUSTEE SANDERS: So that means we are even. Because it is indicated that there is a ten-foot wide buffer on the plans. We just didn't --

MR. HERRMANN: That's okay. It kind of blends in. There is a lot of contour lines and blending lines.

TRUSTEE SANDERS: So even-stein on that one.

Any else wish to speak on behalf of this application?

(Negative response).

Anymore comments from the Board?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: I'll make a motion to approve this application as indicated.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 14, En-Consultants on behalf of **SUSAN & IRA AKSELRAD** requests a Wetland Permit to remove the existing stairway, 12'x10' deck, and beach access steps; and construct in their place a 4'x6.5' wood walk leading to a new 4'x±82' timber stairway consisting of a 4'x7' entry platform, 4'x16' stairs, 4'x8' landing with bench, 4'x22' stairs, 4'x4' landing, 4'x4' steps, 4'x4' landing, 4'x22' stairs 4.5'x4.5' landing, 4'x2' steps and 4'x6' landing; and beach access steps consisting of a 5'x5' platform off the bulkhead with 3'x±11' steps to beach; remove existing fences from bluff; construct a 2' high by +96' stacked stone garden wall at least 2 feet landward of the top of bluff; and restore approximately 863 sq.ft. area disturbed by stairway reconstruction (including area occupied by deck to be removed), and approximately 407 sq.ft. area of eroded bluff face on south side of property through installation of terrace retaining walls, placement of approximately 32 cubic yards of clean sand fill to be trucked in from an upland source, and plantings of native vegetation. Located: 5775 Nassau Point Road, Cutchogue. SCTM# 1000-111-13-5

The LWRP found this to be consistent. We have one note here, in the event that the action is approved, need to clarify how the site will be accessed.

The CAC resolved to support this application. They have a note in there, so I'll read it. The CAC supports the application, however there is concern with lateral access because the bulkhead encroaches on public property, as well as a concern with the aggregate square footage of the proposed landings. The CAC recommends use of best management practices. Erosion control devices should be installed.

The Trustees did an inspection on March 16th and everything seemed to be in order.

Is there anybody here who wishes to speak on this application?
MR. HERRMANN: Yes. Rob Herman of En-Consultants on behalf of applicants. The sheet one, upper right corner, Jeff Butler is the design engineer for the stairway and notes that the machinery access will come via barge from Little Peconic Bay. I suspect Mark is asking that question because the property does

not leave much room to come in from the side. So there will be some equipment that will have to come in by barge.

A little farther up in that photo there is a large wood deck that currently sits on the face of the bluff. Typically we know it is something that the Trustees would not really want to see constructed, so we have proposed that to be removed and not replaced. And the area where that sits now that is disturbed would be revegetated.

There is a second component of the project on the opposite side of the property, on the south side, just up where there is some erosion near the top of the bluff, where that area is also proposed to be restored using some terraced retaining walls, some sand re-nourishment and native vegetation. That is an area that is right next to a more significant retaining wall construction that was done on the property to the south. So they are just looking to sort of patch that area up at the top.

Otherwise I don't have much more to present on that one, so if the Board doesn't have any other questions, I don't have anything more for you.

TRUSTEE BREDEMEYER: Question of access?

MR. HERRMANN: Again, that will come by barge from the bay. I'm sure they'll bring some material in from the sides of the house, but any larger materials will have to come in by barge.

TRUSTEE GOLDSMITH: Anyone else here wish to speak on that application?

MR. MCGREEVEY: The CAC recommends stairs to the beach be removable on the seaward side of the bulkhead.

MR. HERRMANN: What we have done with the beach steps, they are not proposed to be removable, but we have reconfigured them relative to the existing orientation which goes perpendicularly out toward the bay. So that is less desirable for public access along the shoreline, so we have proposed a platform along the edge of the bulkhead and then orient the beach steps parallel with the wall to maintain open access along the beach. So we assumed you would view that as an improvement.

TRUSTEE BREDEMEYER: The construction could also just simply have stairs as bolt on and seasonally unbolt them.

MR. HERRMANN: Yes.

TRUSTEE GOLDSMITH: Any other comments?

(Negative response).

Comments from the Board?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you.

TRUSTEE GOLDSMITH: I'll make a motion to approve this application.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 15, Patricia C. Moore, Esq. on behalf of **JOSEPH & ALBERTA SCHUPLER** requests a Wetland Permit for the existing 6'8"x8'2" cantilevered platform off bulkhead; replace existing 6.5'x17' catwalk with a 4'x17' catwalk using thru-flow decking; existing 3'x17' ramp; replace existing floating dock with a 5'x24' floating dock with float stops; and to relocate existing float piles as needed. Located: 3475 Wells Road, Peconic. SCTM# 1000-86-2-9

The LWRP found this to be inconsistent. 6.3, protect and restore tidal freshwater wetlands. Comply with statutory and regulatory requirements of Southold Town Board of Trustee laws and regulations for the Andros Patent and other lands under their jurisdiction.

Number one, a permit for the dock was not found in Town records.

Number two, permit 7525A, conditions to establish a ten-foot wide non-turf buffer has not been met.

And number three, 1962 and 1978 aerials don't show the dock using Suffolk County GIS.

The CAC resolved not to support the application. The CAC does not support the application because the floating dock should not exceed 6x20. The CAC recommends a ten-foot non-turf buffer along the landward side of the bulkhead and no additional pilings on the floating dock.

The Trustees went out for inspection on the 16th, and just in terms of visually, found everything to look okay.

Is there anyone here who wishes to speak to this application?
MS. MOORE: Yes. Good evening, Patricia Moore on behalf of Mr. and Mrs. Schupler. I do want to correct LWRP, his research, we actually found an aerial photograph pre-1977 for the purposes of the DEC. To inquire the legality with respect to DEC, and we actually saw that this house is being one of the first houses that were developed on that block. The dock was in fact there for 1977. The reason he didn't find the Trustees permit for the dock is it predates Trustees permits. So there was, I believe, a permit from the Trustees for the bulkhead that is there. The bulkhead, the dock was shown on that, but at the time it was pre-the Trustees jurisdiction. So we are here actually just getting a permit for a pre-existing dock, and we are making the proposal is to make the existing dock conform to current regulations. So this property is in contract, it is scheduled to close tomorrow. And all waiting for this action. And everything appeared to be in order. So we would like to proceed with a permit.
TRUSTEE KRUPSKI: Is there anyone else here to speak to this application?

(Negative response).

Are there any other comments?

TRUSTEE BREDEMEYER: Just a question. The ten-foot non-turf buffer that the LWRP indicated, what I'm trying to remember, I don't recall it myself, it was a photographic analysis and I'm just wondering what --

MS. MOORE: I don't recall there being a non-turf buffer. There is like a vegetated area prior to the water. So there is a natural buffer, but, um, there is no non-turf buffer there.

My memory is that the grass --

TRUSTEE BREDEMEYER: I guess maybe I need clarification because you read the LWRP report, was there a prior permit requiring a non-turf behind the bulkhead? That's I guess my concern at this point.

MS. MOORE: Actually I read that it was not a condition of that permit. It was, I mean you can take a look. It had some hatch marks but didn't make it a condition of the permit. So if you can clarify that, that would be great.

TRUSTEE BREDEMEYER: (Perusing). Permit 7525A, conditions to establish a ten-foot wide non-turf buffer has not been met.

MS. MOORE: Are you reading the permit?

TRUSTEE BREDEMEYER: No, this is from the report of the LWRP.

MS. MOORE: Oh, yes. No, but I pulled up the bulkhead permit. It did not have a non-buffer. They had hatch marked it, as I recall, and it was showing an area of backfill. That was it. I don't recall seeing a non-turf buffer.

TRUSTEE BREDEMEYER: No, it is signed, stamped approved plan does say non-turf areas that is initialed by the president of the Trustees.

MS. MOORE: Okay, then it was not on the permit itself. But that's fine.

TRUSTEE BREDEMEYER: We might stipulate that which is, as a condition of issuance through the office.

MS. MOORE: That's fine. Okay.

TRUSTEE KRUPSKI: Any other comments?
(Negative response).

MR. MCGREEVEY: Any concern on the Trustee part about the 5x24' floating, is that grandfathered in, in that configuration.

MS. MOORE: That's actually less --

TRUSTEE KRUPSKI: It's the same area as 6x20.

MR. MCGREEVEY: If I understand correctly from conversation at the CAC meeting, the configuration of floating dock should be no more than six foot by --

TRUSTEE BREDEMEYER: No, there was an amendment to the Town ordinance that the Town Board passed that allows for equivalent, and also allowed for some relaxation where appropriate to have a jet-ski float. But the sum total can't exceed 120-square feet.

MR. MCGREEVEY: Thank you.

TRUSTEE KRUPSKI: I make a motion to close this hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the stipulation of that ten-foot wide non-turf buffer be installed prior to permit issuance.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: Motion made and seconded. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application is for David Kennedy of VHB Engineering, Surveying & Landscape Architecture, PC on behalf of **OKI-DO, LTD**, requests a Wetland Permit and a Coastal Erosion Permit for the restoration of the subject property shoreline through the replacement of 1,323 linear feet of existing, largely non-functional bulkheading; install a 505 linear foot (3,640sq.ft.) rock revetment along Gardiners Bay; dredge the existing channel between the boat basin and Gardiners Bay to five feet below mean low water through the removal of $\pm 4,022$ cubic yards of sediment to be dewatered on-site or other approved upland locations; replace 186 linear feet of existing non-functional channel jetties consisting of a ± 106 linear foot southeasterly Bay jetty with remains of seaward portion below MLW to be abandoned, a ± 61 linear foot long southwesterly Bay jetty with remains of seaward portion below MLW to be abandoned, and a ± 19 linear foot long jetty within the basin with remains of seaward portion below MLW to be abandoned; replace existing dilapidated 8x70 linear foot dock located within the boat basin with a 5'x30' ramp leading to an 8'x60' floating dock in new location; and re-vegetate with *Spartina alterniflora* within a 5,086sq.ft. Portion of the boat basin intertidal zone. Located: 2835 Shipyard Lane, East Marion. SCTM# 1000-38-7-7.1

As a reiteration of what I said earlier in the meeting, because I see some additional individuals have come in to speak to this application. The Trustees, after addressing this application on two work sessions as well as a field inspection, recognize that this project as submitted to the Trustees, which deals primarily with marine construction and stabilization of the property, is in fact a segmentation under the State Environmental Quality Review Act, because before the Town Planning Department is a request for completing a draft environmental impact state process under the State Environmental Quality Review Act. So I will be going through the record of the Trustees field inspections and the LWRP coordinator's report and the report of the Conservation Advisory Council, as is usual to all the applications that you have heard preceding tonight that we have addressed, and go at some length with respect to the Trustee concerns and application.

Accordingly, because this SEQRA-based coordination issue and the fact that there is pending before the Town Planning Department, the request to conclude the Environmental Impact Statement process, I would request that your comments be as succinct as possible and deal mostly with the marine aspects of it, the coastal zone, waterfront protection, waterfront access, the potential for growth inducement on sections of the application that you have concerns with. But in other words, the things that Trustees ordinarily do when we are reviewing the standards in both the Wetland Code and the Coastal Erosion Hazard Act.

And I'll try, you know, I'll ask for some help here amongst fellow members and we'll try to keep things pretty much clear cut. A couple, if everyone can make their comments within two, three minutes, that would be appreciated. The record will certainly be held open. We will not be able to conclude action tonight, both because of the SEQRA and because of some concerns over the aspects of the plans that we receive that are going to have to be addressed at a subsequent date. It's essentially automatically going to be have to be tabled. Thank you, for bearing with us.

Starting with the LWRP coordinator's report, the project is to comply with the statutory and regulatory requirements of the Trustees and regulations for all Andros Patents and other lands under their jurisdiction. In this case there are no patent lands, there are no underwater public trust lands for this site.

The intertidal construction and excavation requires installation of a silt boom to retain all suspended sediments in the project area, and the application does not include the dock configuration that is appropriately described. There is some confusion. And the permit applications do not match. In other words, the applicant has to comply with the statutory regulatory requirements of the state wetland laws. There is a mismatch that is purported by the LWRP coordinator in that the Department of Army Corps permit plans and specifications for an 8x70 floating dock and the New York State Department of Environmental Conservation permit and plans specifies an 8x132 foot dock. And the permits also don't include the dock configuration as proposed above.

It is recommended that the Board of Trustees determine if the jetty section should be abandoned or will become navigational hazards to vessels. That will be addressed further because the Trustees had discussion on this at length during our worksession. And pursuant to Chapter 268, the Board of Trustees shall consider the recommendation preparing its written determination regarding the consistency of the proposed action.

The CAC did not support the application because Chapter 275, which is the Wetlands Code, does not allow for the replacement of a largely non-functional bulkhead, and the CAC questions the degree of functionality.

Just as a side note, there are restrictions concerning replacement bulkheads, but their placement, if you will, supersedes the notion that it essentially compels a retaining section or bulkhead located further landward than mean high water. And the CAC questioned the degree of functionality. I don't believe anybody questions there is anything really functional on the site at all.

In addition, the proposed floating docks are over the size limit allowed by code. In fact, the code limit equivalent of 6x20 or 120 square feet, which can be equivalent size, is for the residential dock construction. The construction on appropriately zoned Marine-1 and Marine-2 zoned sites, have the

flexibility to have a dock construction in conformity with the plan and the needs.

In other words, a properly developed plan before the Planning Board, number of boats usually will impact on the number of parking slips, and the amount of parking area, in other words all the land use development surrounding a proper development of water site property, the boats and dock configuration back into that.

There are a large number of letters to the record expressing concerns for and against the project. These are all available for review in the Trustee office during normal business hours. Feel free to come and get copies of materials under the Freedom of Information.

And field notes and concerns of the Trustees, the Trustees are concerned and did discuss the possibilities that this is a segmentation under the State Environmental Quality Review Act. The Board has been doing a little bit of education and trying to get more versed in SEQRA in advance of this hearing.

The dredge material of some 4,000 cubic yards that the project proposes is being proposed to be stored on site in an upland containment area, which is an ordinary and usual way to handle dredge spoil, however the Board did note that the, typically for projects that dredge material below the mean high water mark in the creeks and bays, that material is considered the property of the public domain, and the sand and gravel material, in this case very coarse material, is suitable for bird beach nourishment, should stay in the public domain and go in front of any structures that might get approval.

With respect to the remains of the proposal, proposes to shorten the groin on either side of the proposed entrance to the basin. And the Trustees are concerned that this will create a nuisance for boat operators making approaches both to the inside of the basin and those moving along the shore there. Given the fact that the tide is quite strong there, it would certainly be reasonable if the Board gets to that point where we are discussing the coastal erosion protection aspects and construction of groins, that they would, it would be a recommendation or consideration that not only they be cut flush during the times of construction, but because of the change in the flow of waters from changing the distance out that these groins go and the velocity of waters they may have, the old groins remains may have to be trimmed annually for several years so there is not a recreation of a navigation hazard.

I did note myself and it didn't end up in the field notes for inspection, there appeared to be another inconsistency between the DEC permit and the project plans the Trustees have. The project plans for the DEC permits two toe stone armoring stones whereas the plans submitted to the Board of Trustees have three toe stones. That may not be material with respect to the engineering design of the project because the plans are often altered to account for the size of stones versus the number of

stones fronting on a project.

The Trustees are also concerned that because there is a history of a revetment to the property to the west, which seems stable, and the fronting beach seems broader, that consideration and the discussion concerning coastal erosion protection, that a revetment only construction possibly including inclusive steps to provide access to the beach from the property for future property users might be an alternative that can be considered with respect to coastal protection and the ongoing environmental review under SEQRA.

One of the reasons why this application will have to be tabled in addition to these other areas which we would like these concerns of the Trustees that we would like to have addressed, the project plans indicated the use of treated sheathing on the bulkhead members and inside the basin. At this time, Southold's code is more protective than the Department of Environmental Conservation or the Department of the Army and therefore we have to table the application at the minimum for the submission of plans that would include a non-toxic bulkhead, which could be steel sheathing, it could be fiberglass, it could be the vinyl sheathing, it could be approved tropical hardwoods from an approved source.

Is there anything additional from the Board to add?

TRUSTEE SANDERS: I'll just piggyback on what Jay said. There is probably a lot of people here that want to talk. And for those of you who are troopers and stayed this whole time, you'll notice that we didn't mean to shut people down, but we try to narrow it down to just the topic which we should be speaking about. So if you do take the opportunity to speak and you go off kilter or go off the road, just be prepared that we'll say something in order to keep everything on track. And it's not us trying to be the bad cops, it's just us trying to do our job properly.

TRUSTEE BREDEMEYER: Thank you. Is there anyone here who wishes to speak to this application?

MS. MOORE: Yes. Good evening, Patricia Moore on behalf of the Oki-Do owners. I also have with me David Kennedy who prepared the application to this Board as well as the DEC Army Corps, the additional permits. He is a project scientist and expert in this field. I also have Doug Adams here who is the surveyor who has been monitoring and surveying this property for at least the last 15 years, I would say. Or longer. And I have Gail Pesner who is the SEQRA expert with VHB there. She is here.

So just to begin with, we want to state for the record that we disagree with the Board's -- I hope it's not a conclusion with respect to SEQRA. There has been this project, as you pointed out, is strictly limited to the preservation, the protection of the property. That has been the focus here, and whether the project ever is pursued or not, this property must be protected. And since the number of storms, as I said, Mr. Adams, Doug Adams, has been surveying this property. The storm and the storm activity has been impacting the property, and my

client has to preserve it. So that has been the impetus here, and regardless, this project has to protect the property. So that is the primary reason that it is not segmentation, that it is a separate and distinct Type II action, that the DEC which wrote the regulations, they were the first agency, I believe, of the group of agencies that granted the permit. And they labeled this a Type II action, and it is, again, because it is a preservation and restoration of the property.

So I'm going to start with David Kennedy and he'll walk through and describe the project as well as some of the issues that were addressed at our field inspection, which for the most part there was certainly no issue with an agreement.

So I'll have David, you start.

MR. KENNEDY: Good evening. David Kennedy, on behalf of Oki-Do.

As you are aware, the project is a bulkhead, jetty and dock replacement as well as revetment construction and maintenance dredging at 2835 Shipyard Lane.

TRUSTEE BREDEMEYER: I'm sorry, I hate to break in on you. But for the sake of clarity, before you go forward, I have to ask a question, and I'm not sure if Ms. Moore can answer it.

Is there a site plan application pending for the holistic center before the Town Planning Board at this time?

MS. MOORE: There was an application submitted several years ago that a DEIS has to be prepared. However, the project is one aspect. This is a restoration and preservation of the existing property. So again, it is independent of the site plan process. It is independent of the DEIS process. And we will provide you with written comments, because these issues were thoroughly addressed by the DEC and Army Corps that received comments not only from the Planning Board from the other agencies, the Planning Board was included in the copy of the whole permitting process, and the Trustees as well. So they have been involved in, if you look back at your 2014 correspondence, you should find a thorough, 100-page response to comments that were submitted on the record. So you will see that. I don't want us to go and deviate from the actual issues that are important to you, which are the project itself, the marine structure.

So I have Gail here, but it seemed to me that you might want to address the specific marine issues that Mr. Kennedy will address. But we have Gail here if you wanted to address it. But I think that given the late night we can provide that to you in writing rather than spend the time here.

TRUSTEE BREDEMEYER: Okay, could I beg you to stay at the lectern just for one more second, Mrs. Moore. I actually do, I have three questions that relate to the marine construction. And that would be: In what capacity is a dock inside of the basin, which is fully closed off, necessary for the stabilization and coastal erosion protection.

And the second -- hold up, please.

MS. MOORE: I know you are not being facetious in that question. I will address it.

TRUSTEE BREDEMEYER: Let me finish. And relationally, the entrance has been blocked off for a goodly number of years, so that there is no water flow at this point, in other words, and at what part of opening it up, where it's obviously a disadvantage, the water quality is not good, and what part of the marsh rehabilitation would you say in fact is also, in other words, part of protecting the property.

MS. MOORE: Actually, all those issues Mr. Kennedy will speak of. So we can address it or let him speak and then we'll address every one of them or do you want to me to answer it right now.

Well, let me address one question at a time. The dock. The dock, when it was proposed, is just -- there is an existing dock there -- Mr. Bredemeyer, are you going to listen to the answer?

TRUSTEE BREDEMEYER: Yes. I'm sorry.

MS. MOORE: I'll wait until you are done. I feel like a school teacher where my student asks a question then doesn't -- pardon me.

(Audience comments)

MS. MOORE: No, that's not intended as an insult. I'm asking for his attention.

The dock is there now. It is presently, actually in very good condition. It could -- we could withdraw from this project the dock replacement because it was the fixed dock being replaced with a floating dock. It was just a matter of structural alternatives. But in fact the dock could remain just as it is. The bulkhead will be replaced. And the area between where the dock has some boards that are missing to the bulkhead, that area has to be, it would be in the way anyway, but we are not talking about a complete replacement of the dock. It could remain inkind/inplace just as it is now.

So the dock itself, if it is an issue with respect to the fact that a fixed dock is being replaced with a floating dock, that is certainly not a priority for my client. At the time, and you are right, at the time that the project is analyzed through the SEQRA process and the Planning Board site plan, at that time we would certainly focus in on what kind of dock would be necessary. So this was purely a stationary, you know, place setter while we were, while the more thorough project would be reviewed. So if it's an issue where the Board feels that the replacement of the dock with something not exactly inkind/inplace, it's -- what is it, inplace, not inkind -- we would just take it off the table. It's not crucial to the entire application. We just keep what is there.

TRUSTEE BREDEMEYER: While you are there, if I could draw on a couple, a reference to the record that the Town has. And that is that the Town Planning Board on July 10th, 2006, Town Planning Board, acting under the State Environmental Quality Review Act, performed the coordinated review of Type I action, and the Planning Board did establish itself as the lead agency at that time and will continue the review, as that application does reside before them. I just want to make a reiteration of what I

said informally, that we cannot act on this application until some of the SEQRA issues are addressed.

Having said that, I'm also going to speak to, I had a former life as a regulator, and I know things do come and go. What if an application before the Planning Board were to request or otherwise compel as part of site plan review that was existing now as a boat basin should become a swimming pool or a car garage? I guess that --

MS. MOORE: Well, I mean the fact is that the property is properly zoned, and it is a boat basin, and the fact that the boat basin itself has about 14 feet depth of water, so the reality is that even though it has become brackish or less than 100% environmentally pristine because of the filling in of the channel, the reality is that the water depth is actually very, quite deep, and when you see the plan with the dredging, it really doesn't involve any dredging within the boat basin itself.

TRUSTEE BREDEMEYER: That's understood. And we understand. All right, one last question for you, if you might.

MS. MOORE: Okay. Well, let me just point out that the boat basin basically is --

MR. KENNEDY: It's a regulated tidal wetland. It's a DEC regulated tidal wetland.

MS. MOORE: Right. So any activity inside that boat basin to convert it to a garage might be an issue with the DEC.

TRUSTEE BREDEMEYER: Well, that might be an issue also for further discovery with the DEC because if it's enclosed status it might have to be re-mapped as formally connected wetland. That may not be true. But what I wish to say is, as for the Board to consider the project, the internal aspect of the basin, it is not -- it may be protecting some marina attributes but it may be pre-empting the planning process before the Town Planning Department. At least it's a concern and it is one of those things that I think the Trustees will have to weigh as we are discussing SEQRA. It is acknowledged nobody wants live through another Tropical Storm Sandy, and there are probably benefits to the whole community concerning some form of approvable coastal erosion hazard protection.

MS. MOORE: Okay. Well let me just also point out, as part of the DEC plan, and they found this to be very compelling, was that the dredging will allow the flushing of the basin, and part of the project, if you see the northeast end, the northeast side is actually a wetland restoration project. So that area is actually being restored to a natural wetland. That is only possible if the dredging allows the flushing. Because, one, it's -- it's part of the process. As you know to the maintenance.

MR. KENNEDY: That that was also part of the mitigation that was part of the DEC permit, and the Army Corps of Engineers permit was the wetland mitigation for the marina basin. So when you referenced earlier how is the wetland planting plan preserving or protecting the shoreline, the answer is that it was part of mitigation for the rest of the project to be proposed. From the

DEC and the Army Corps, who both approved the plan.

MS. MOORE: I think I answered all your questions, didn't I?

TRUSTEE BREDEMEYER: You did. Thank you, very much.

MS. MOORE: Okay. May I have Mr. Kennedy proceed?

TRUSTEE BREDEMEYER: Yes

MR. KENNEDY: We already addressed a few of the issues just now that I was going to bring up. But just to reinforce what Pat said, the site has currently experienced severe erosion due to coastal storms. So the purpose of the project is to protect the property from further loss and damage and to restore previously existing conditions. As you know, the existing bulkhead is largely non-functional, and the area behind that remains of the bulkhead are severely eroded, and the erosion continues.

As part of the process we, as I mentioned, we did get a permit from the Department of Environmental Conservation, and that was an Article 25 Tidal Wetlands Permit, also Article 15 Excavation and Fill in Navigable Waters, and Section 404 Water Quality Certification.

As far as the Army Corps of Engineers is concerned, we obtained an individual permit from them for the project. As part of that review, the United States Fish and Wildlife Service reviewed the application and did an analysis of potential impacts to endangered and threatened species and habitat and the National Marine Fisheries Service was also consulted as part of the Army Corps process and they had us do an essential fish habitat analysis of the project. And based on their comments and suggestions, the Army Corps issued their permit. Also the New York State Department of State issued a general consistency concurrence with the New York State Coastal Management plan for the project. We referenced the planting plan earlier. That was again created as mitigation for the project and it was approved by both the DEC and the Army Corps, and again that is for the northeastern part of the marina basin you see there. The un-bulkheaded portion. And that would involve planting 5,086 square feet of *Spartina Alterniflora*, which is smooth cordgrass, within that area.

As mentioned, once the connection is re-established between Gardiners Bay and the basin, then that area would be subject to tidal flow and that's why we chose the smooth cordgrass, because that's an intertidal plant.

As part of the DEC permit, the DEC attached 46 special conditions to the permit, and they cover, consist of best management practices, restrictions, prohibitions, and they are all designed to avoid, minimize and mitigate potential adverse impacts.

One of the conditions on both the DEC permit and Army Corps permit is for silt curtains to be used around any dredge area. I know that was referenced earlier. So that is a condition of both permits.

Based on our meeting last week at the site, we realize that the Trustees have some other areas of potential concern that you also referenced earlier, and we believe we can address those.

Specifically, our client, the applicant, is amenable to use any kind of approved sheathing material, such as vinyl, untreated hardwoods rather than the lumber, the treated lumber as originally proposed. We are amendable to that. We are also amenable to removing and cutting the remains of the existing jetties at the mud line below mean low water, including following up for several years if more areas than those become exposed due to erosion.

You also reference the dredge spoils. We are also amenable to making those materials available for public use, anything below -- did you say mean high water or mean low water?

TRUSTEE BREDEMEYER: It would be above mean high water. That's standard for interface dredging. We would just simply comply with the standards of the county, typically uses when they dredge creeks and small --

MR. KENNEDY: Right. So the material above mean high water, specifically the northern part of the jetty, where the most sediment is, where it's above mean high water, those would be intended to be use as backfill behind bulkheading. Anything below mean low water we are amenable for any public use that the Town deemed necessary.

I think that addresses all of the concerns that, the marine concerns, construction concerns, that you raised at the site meeting and just now.

If there are any others, I would be happy to --

TRUSTEE BREDEMEYER: I guess the other concern which came of late, at our worksession last week, after the field inspection, was that the prior Trustee permit for the site might have included a revetment only, and the observation was that it appeared that the revetment for the condominium complex to the westerly seemed to be serviceable and was associated with a slightly wider beach. Albeit obviously we realize that there is a tendency for the beach to build up on the easterly side of the groins there. But it was both from a concern for some of the functional aspects and cause whether there was, you know, we were not really concerned with cost, but environmental, we want to keep as much beach in front as possible. That's one of the reasons we had indicated we wanted sandy materials in the public domain to remain there on the fronting beach. And we realize there are no guarantees that the extreme fetch for this property goes right past the bulkhead out to, I guess past Plumb Island or Fishers Island, and maybe even, you know, it's huge. And it's always going to be heavily impacted. That was a concern and possibly amongst a range of alternatives as we were discussing SEQRA, the Board may revisit its prior permits and maybe some of the discussions, and there would also possibly be the request that we would ask you for you to consider design changes, particularly as it might relate to saving beach at this location.

MR. KENNEDY: Understood. I just like to point out that placing any dredge materials or other fills seaward of the revetment and bulkhead would be a violation of our DEC permit and Army Corps

of Engineers permit because it would be viewed as filling wetlands or filling waters of the United States.

TRUSTEE BREDEMEYER: That's understood but that also might be indicative of the failings of not having a properly coordinated review of a project of this size.

I don't want to be argumentative but the fact is I'm surprised where the Southold Town Planning Board was lead agency getting involved with a AEIS, this could not have been handled a little differently on this aspect. Although this Board tries to work with its sister agencies we are an independent body and we'll proceed on this with an independent review, certainly we will, at this point forward, based on guidance, obviously try to work with you and the other involved agencies. But I have not had a chance to look at the prior record but if there was a revetment approved for this site and there is that consideration, we may bring that into discussion. I just want to --

MS. MOORE: My memory here is that there was discussions, at the time if you recall several years, ten years ago, the DEC was adverse to bulkheads, they would only approve revetment and that's why the condominium only has revetment. They have since because of storms and the tides and the sea level, they are now more amenable to the protection that a bulkhead provides. Particularly here where we have the upland that is, there has been erosion, significant erosion, that the bulkhead is protective of the proper property.

There is more exposure each year and the bulkhead was recommended here as the best protective measure. It could be down the line even the condominium might find that in time a bulkhead may be appropriate. But in our case, a bulkhead with the rock revetment in front was really, is becoming the recommended method of protection of upland. Given the storm damage that the DEC has witnessed with Sandy and other storms. So, it's becoming practical.

TRUSTEE BREDEMEYER: Storm damage is certainly something we know, because this Board, at least the two more senior members here, we inspected six miles of coastal protection after Sandy. But revetments will tend to absorb the energy better. Where it appears that the project plans already submitted by the DEC and Army Corps scaled back the number of stones fronting the project as far as the long-term durability, I'm not an engineer, but it might be a point of question or concern going forward that the right kind of storm will simply have all the toe armor falling away from the bulkhead as a fronting nor'easter -- another Sandy comes right in, whereas the interlocking construction of a properly constructed revetment not only absorbs more energy --

MS. MOORE: Bulkhead?

TRUSTEE BREDEMEYER: No, I'm talking about a revetment. A properly constructed revetment with its interlocking stone members and properly constructed may absorb more energy. We have not been impressed as a Board going to a number of sites and seeing how the DEC has regularly scaled back armoring and

watched the stone material basically rolling down a beach.

MR. ADAMS: Doug Adams, engineer for the applicant. I just want to correct the record. Pat mistakenly called me as a surveyor. I'm an engineer. Yes, I agree with you. I think typically I like to see, I mean we had a plan in there originally to the DEC and Army Corps that looked for a larger armament to protect the bulkhead and absorb more energy. It was scaled down, I believe related to less disturbance of tidal wetlands. Or something like that.

MR. KENNEDY: And the DEC's concerns had to do with, one of the concerns was visual aspects of the revetment.

MR. ADAMS: But I agree with you on the amount of armament. I wish we could have a little more.

TRUSTEE BREDEMEYER: We'll need to confirm maybe some of this. And if we do get into additional discussions concerning types of materials of the strictly coastal erosion protection structure, under our Coastal Erosion Hazard Area Act, we'll definitely want to communicate with the other involved agencies that this Board's position under the Coastal Erosion Hazard Area ordinance it one of stated designation. We are writing permits under state authority. So we shall be -- we'll want to discuss that more fully, particularly in a high energy zone that we are looking at here. We could probably argue esthetics long and wide. That may be part of a subsequent discussion, maybe, but not tonight.

TRUSTEE BREDEMEYER: I have been speaking at length. Does any other Board member have any questions for the engineer or Patricia Moore before the audience speaks?
(Negative response).

Does anyone else here wish to speak to this application?

MR. MCGREEVEY: I'm not an engineer but maybe something should be (inaudible) if applicable. What's the movement, the lateral movement? Is it from east to west with sediment?

TRUSTEE BREDEMEYER: It's from east to west. It's pretty self evident. All the fronting groins on Orient Harbor in the vicinity of East Marion, it does switch off as you get further away, but the immediate vicinity east and west, most of the sand material fetches up on the easterly side.

MR. MCGREEVEY: Would it be applicable, let's say, to shorten that groin to mitigate the problem, shorten that groin there?

TRUSTEE BREDEMEYER: That was in fact what is in the application plans, is to shorten both the groins and that was a requirement of the Army Corps and DEC, but that's consistent with good marine construction practice at this date.

Sir?

MR. WEISLER: Good evening, my name is Howard Weisler, I am the President of the Cleaves Point Condominium Association. As such I represent the 62 homeowners in the community that is immediately adjacent to the west of the applicant's property. Cognizant of the president's remarks I'll try to give you some general concerns. Our attorney is here tonight and will speak

more specifically about some of the technicalities.

Our homeowners have several environmental concerns that include the impact on us and our neighbors concerning the proposed extensive work which includes, as we know, the replacement of a large bulkhead, installing a large rock revetment, removal and dredging of a very large amount of sediment, replacement of jetties and installing a huge new floating dock. Our homeowners are also very concerned about the impacts to the waters, beaches and neighboring properties that will be caused by the dredging, the use of treated lumber, which has been addressed, and the replacement of the bulkheads and jetties.

To the best of our knowledge, the applicant has not submitted any studies or information that reflect on those particular concerns. We also are concerned about potential flooding on Shipyard Lane should the reconstruction of the bulkheads take place and the rock revetment. We have concerns that during the project about the safety, because of the lack of fencing surrounding the property. The lack of securing the property has been constant source of neighbors' complaints for many years and would be exacerbated now but construction that might occur on the property.

The last thing I would address is that a project of this magnitude requires a lot of heavy duty machinery, which the applicant has identified in their application as cranes, excavation equipment and other heavy duty equipment, and we'll respectively point out Shipyard Lane and Gillette Drive are small hamlet roads that were not constructed for the kind of abuse that will occur by the moving of this type of equipment backs and forth to the site of construction. Thank you.

TRUSTEE BREDEMEYER: Thank you.

MR. SOLOMON: Marc Solomon, past president of Cleaves Point, board member, and resident in Cleaves Point and East Marion for 33 years. I have been involved in the waterfront activities from the very beginning, 33 years ago, starting with our revetment and erosion controls. And I compliment the Board on the rock revetment that we did install. It does work, and we are very pleased with it. And you were nice enough after Sandy to help extend that and further protect our property.

I'm extremely concerned over, again, I have been involved with the past presentations and submissions over the past ten or 15 years. And I remember that the property and the DEIS did admit that there is contaminated soil on this property. They are now involved with working on more than five acres of the 18 acre site, which is more than 30% of the total site. There has to be some concern from the Board and from the Planning and the resolution of what happens, how do they know what soil is contaminated, what are they going to do if they put good soil on top of contaminated soil to dry it out and the reuse of it, et cetera, et cetera. I think that's a major issue that needs concern from the Board and the experts.

The scope of the work and their plans as submitted is

explicitly for the protection of the property and the boat basin. They are going to have a boat basin built with a new dock and walkways around it that are exactly in line with the building and property alignment of their concrete plazas and whatnot so what happens, my concern is, what happens when they have this new boat basin opened and ready for use, and boats come in, there is no place to go to be serviced, to walk around or anything else. Because the property is in such deterioration, it has to be fenced off and safed off in some concern so nothing happens.

We also point out that every time there is a wind storm there is blowing material coming off that building. So it's a danger to the environment and the area, and certainly to the visitors that will be closely watching this development. And if they go in, walk the property, walk, you know, come in with a boat, dock at the new dock, and are there, we are concerned with their safety.

In essence, that's building an attractive nuisance, I think. And I believe it's going to be an accident waiting to happen. I also question if this is just the start of the permit process or if they are going to have a boat basin that is operating what services are necessary to service the boat basin and the boaters. Are there bathrooms, is there electric, is there waste?

TRUSTEE SANDERS: That's pushing us out of our world.

TRUSTEE BREDEMEYER: If we can keep it moving along. We'll have another hearing, we'll definitely have another hearing this, too.

MR. SOLOMON: I thank you, very much. I want to introduce David Dubin now, our attorney.

TRUSTEE BREDEMEYER: Thank you.

TRUSTEE KRUPSKI: Do you want to go back and forth here.

MS. GOLDSMITH: Hi, my name is Linda Goldsmith. I live in East Marion. I lived there, and I have been involved with -- well, maybe "involved" is not the correct word. But I have been cognizant of this project since the very beginning. Actually, many of my family members worked at the old oyster factory.

One question I want to make absolutely sure of. It says the application will be adjourned after the public hearing. Does that mean there will be another public hearing at which we can make comment?

TRUSTEE BREDEMEYER: Yes.

MS. GOLDSMITH: Okay. There are other people that can address the myriad of environmental concerns that I have, better than I. And I just have one thing to say. Probably about ten years ago I actually came to a Town Board meeting and I asked our supervisor Scott Russell, I think it was Scott Russell. Yes, it was, and I asked him, could the town possibly purchase this property. You know, it really is not a whole lot of public waterfront. And he said it's not the purchase price that is prohibitive, it's the cost of the environmental clean up. Thank you.

MR. DUBIN: Good evening, my name is David Dubin, I'm an attorney

with the Toomey Latham law firm and attorneys for Cleaves Point condominium. We have a letter that we would like to be filed within the record. And I won't repeat what is in the letter, and I know it's been a long evening, and I'll try to keep my comments very, very brief.

The president asked a little while ago to the applicant's counsel if there was a site plan application pending for the Planning Board. And the answer is, no, there is not. They had filed previous site plan applications and they were returned, and ultimately asked to return with a revised site plan application, and instead they came here to the Town Trustees.

I know you have already found that the application is an improper segmentation under SEQRA, and I would like for the record just to make a couple of points on that subject.

The permits that the applicant is seeking here before the Trustees this evening were part of the applications, the applicant site plan, that were submitted to the Planning Board back in 2006. If you go back to that application you'll see that that application not only included a holistic health center, a transient motel, personal service treatment suites, whatever that is, managers residence, and it also includes replacement of the bulkhead and dredging of the marine basin.

In July, 2006, pursuant to SEQRA, as the president recognized, the Planning Board declared that this commercial project was a Type I action and that the Planning Board was declared lead agency. Critical findings under SEQRA. And they also required a DEIS. Two years later, in September of '08, the applicant filed its DEIS, and the following month the Planning Board requested a number of things, including revisions to the site plan. Nothing happened with the application for the following five years.

April, 2013, a letter from the Planning Board to the applicant's attorney, the Planning Board required an updated site plan and updated applications to all involved agencies, including the Trustees and including the Zoning Board of Appeals. In that letter, the Planning Board warned the applicant's attorney these applications, and I quote, these applications will run concurrently to avoid segmentation of the SEQRA process.

June 5th, 2015, another letter from the Planning Board to the applicant's attorney. Planning Board found that because the applicant had failed to address the Planning Board's concern, and because nine years had elapsed since the revised site plan was asked and requested and because and since the original scoping, the Planning Board directed the applicant to start the SEQRA process anew. Okay, that's June of 2015.

Instead of following the Planning Board's directive, the applicant goes to the Army Corps of Engineers, goes to the DEC, and now comes to the Town Trustees with a broken down application. And they've broken it down into small parts because what will happen after they seek this application and permit,

the next step is to then go back to the Planning Board and say, hey, we have a Trustees permit, now it's time to move forward. Textbook case of improper segmentation.

TRUSTEE BREDEMEYER: We kind of know that. Can we move that along.

MR. DUBIN: Yes. And I'll just finish up with a couple of thoughts here. And the letter addresses how this is a segmentation under SEQRA.

Getting into the applicant's proposal and claim that this is to preserve the property. Well, anybody who would go to that property now and thought that this owner wanted to preserve it, where have they been for the last 16 years. What does a new floating dock and large scale dredge have to do with preserving the applicant's property. No answer appears in the 160 pages that we have as part of this application to the Trustees. If there was an urgent need to protect this property, where has the applicant been for the last 16 years.

Last point, remember the application itself says that the project is going to disturb 5.5 acres of property. That contains 64,909 square feet of wetlands. I don't know how many times you get an application that admits that it will disturb 64,909 feet of wetlands, but I'm sure it's not every day.

We find specifically that there was an inadequate study and information that was furnished to the Trustees on the following few point: Affects to the shoreline and neighboring properties, the effects of reconfiguring the jetties, impact to the beach and marine habitat to this large scale dredging. I think as you pointed out the code does not allow for replacement of non-functional bulkheading or a floating dock of this size.

For these reasons, and these others that we presented in the letter, we request that the Trustees deny this application, refer it to the Planning Board who is the lead agent under SEQRA, and let the Planning Board do its job and require a revised site plan and a DEIS to address all of the issues. Thank you.

TRUSTEE BREDEMEYER: Just a reminder, again. This has been tabled pending other issues. So we have a very comprehensive detailed list already, so please try and keep it succinct.

MR. WILLS: Hi, my name is Brian Wills, I reside on the northeast corner the property here, adjacent to the property. I have three primary concerns with the first phase of this project, being the bulkheads and the dock.

The first has already been covered a little bit by the Cleaves Point folks. The pollution in the area, the building itself and the marine basin. There has been years of runoff from that land which has runoff from the machines and use of the equipment over the years itself, the underground oil tanks that were on the property, and then the buildings themselves, which everybody has mentioned there, it's disintegrating every time there is a storm. There are parts of those buildings all over the beach, in the water and strewn across the property. Those materials are covered with lead paint. Other factors -- so they

are basically toxic. That's the first concern there.

MR. BREDEMEYER: I think we get it. We understand (inaudible)

MR. WILLS: (Continuing). A lot of that has collected in the basin.

The second concern that I have is this is a new construction. This is not a rehabilitation. Anybody familiar with the property along the waterfront there, there is no longer any boards that are part of that retaining wall. The only thing that is left are the posts sticking out of the water and the top rail along. The only thing that has any structure left to it is that eastern seawall there where the sand is built up. That is the only structure along the waterfront that has substantial amount left to it.

If you look at the sand along the channel there, that has not been pushed in from one, two, three or four storms. That has been decades of sand movement. This is not the repair of a channel. It is dredging a new channel. That channel has not been used for years. If you look at the, and I don't know, they may actually have the heights of the sand there. But the high tide mark there in the channel is several feet, there is several feet of sand and rock above the high tide mark. The low tide mark which you can see very well in the photo there, there is approximately 35 to 40 yards of beach from the high tide mark to the low tide mark in the channel there. That channel has also been sealed off for several years except exclusive of storm surge. Storm surge occasionally will go over.

TRUSTEE BREDEMEYER: Okay. Thank you. Could you wrap your comments up, because actually this is self-evident. The Board has been out there.

MR. WILLS: Okay. And the last thing is public access. Due to this being neglected, public access has been provided from Shipyard Lane all the way to Gillette Drive. Below the low tide mark time there is complete and total public access from one road to the other. Dredging that will cut off the public that is there and has been there for many, many years now, due to the lack of maintenance on the owner's part. And I have some more I can leave the letter. But I'll move on.

TRUSTEE BREDEMEYER: Thank you. You may leave the letter.

MS. HARPER: Hi, I'm Candy Harper and I represent the Marion Manor Property Owners Association, which is the entire development to the east of the proposed project. I already sent you a letter. I won't repeat those points, but I'm tremendously concerned about the toxic soup that is in that basin right now. I can very easily access the property and I often do go over and look at it, and it is, as the previous speaker said, you know, we don't know what is down there and we really don't know what we are going to be disturbing and distributing and putting on top of the land where it can blow into all of our houses and I really, really think we need some sort of environmental study into the toxicity of the site before we even think about permitting this. Thank you.

MR. KENT: My name is John Kent. I live on Shipyard Lane, East

Marion. I would like to be brief. I don't want to repeat what was said already. Basically the applicant did not provide any information that would answer our concerns. Namely, and I'll be quick. I'll put it in simple questions. We are worried about what we do not know. We do not know what environmental impact would result from permitting the proposed shoreline rocks, new bulkhead and dredging. We do not know what is in the bottom of the former boat basin. We don't know. We do not know at this point, what is maintenance and the repair, when the maintenance and repairs ends and proposed actions are considered new construction. What is maintenance and what is new construction? We don't know. For that simple, I drafted a simple petition based on these questions and collected signatures. I would like to ask you if I have to submit for the record this petition.

TRUSTEE BREDEMEYER: Yes.

MR. KENT: Thank you.

MS. MURRAY: Anne Murray, the vice president of the East Marion Community Association. We have a long history with this project. We actually had a team of volunteers who examined the first proposed draft environmental impact statement. We submitted comments to the Planning Board. And we are still looking out for the neighborhood in that respect. We have already submitted a letter to you with our objections to issuing this permit. We are glad that you are tabling it under the State Environmental Quality Review Act. And should you have another hearing we'll probably submit more comments, more specifically, and we do share a lot of the concerns about the toxins, which have been mentioned. We mentioned them in written comment to the Planning Board. And again we are glad to see that you are adhering to the State Environmental Quality Review Act, because if ever there was a property that needs to be environmentally reviewed, it is this one. Thank you.

MS. GOLDSMITH-AUGUSTA: Cynthia Goldsmith-Augusta, 1250 Shipyard Lane. I'm not going to repeat all the concerns that have been said tonight, but I do want to put it on record, we have a letter from my personal, my husband and I, obviously not agreeing and thinking this permit is for obvious reasons not a good thing. I'm also speaking for Summit Estates, the homeowners association and I would also like to put that letter on record. Can I submit them now?

TRUSTEE BREDEMEYER: Yes. Thank you. You guys are doing a good job. I appreciate the very succinct comments. Everybody is behaving nicely. Back before I had to do these things, I was advised SEQRA means to seek out the truth. And we are working on it.

Anyone else wish to speak to this?

MR. DELORME: Dennis Delorme, 1345 Shipyard Lane. You see the picture there. You see the building, the third of it, the roof is off. The tin sheet metal has gone into the bay and it's all over the beach. The bricks, cinder blocks, rubber hoses, flanges, metal flanges, all that is along that beach to the west, and these people have done nothing for the 25 years I have

been there, of maintaining any part of that property.

MS. ROSSETTI: My name is Susan Rossetti. I grew up on Shipyard Lane. My family has lived there, my parents bought their house 66 years ago there, so I have seen the oyster plant when it was in full action.

One thing that has been mentioned is how these storms have been eroding the beach. Well actually the storms have built up the beach. When I was little and prior to that, before the big bulkhead was built by the oyster plant, the beach at the end of Shipyard Lane was a beautiful, sandy beach that went out probably two, 300 more feet into the bay. Once that bulkhead was built by the oyster plant, over the years the beach eroded back to where basically it is now.

When the oyster plant was in use, the bulkhead along the bay, the water came up to it. There was no beach in front of it. So as the bulkhead has, old bulkheads have eroded away due to storms, all that beach has now built up, where there was never a beach before. Many years ago we didn't have much of a beach at the very end of Shipyard Lane after all this erosion, however now that the bulkheads are really just about gone, we have beach again. It's a small beach, but it's a beach. It comes and goes as the storms come and go, but we have a beach to walk on now. Thank you.

TRUSTEE BREDEMEYER: Thank you.

MR. SCHWARZ: Good evening. Benja Schwarz, from Cutchogue. I don't live in East Marion but I have been out there and I love this property and I am opposed to the current plans for development. However I believe that starting right here, right now, this discussion is very important to determine how the entire north fork, not just that little area, will develop.

TRUSTEE BREDEMEYER: Please keep the discussion to the subject at hand.

MR. SCHWARZ: I will. I am. I'm getting there, Jay.

TRUSTEE BREDEMEYER: This is not the entire north fork. And we understand --

MR. SCHWARZ: I thought I would introduce a little bit of how I have a little different perspective than some people, and I would like to talk about not just what should not be there but what should be there.

TRUSTEE BREDEMEYER: That's not germane to this discussion.

MR. SCHWARZ: It is.

TRUSTEE SANDERS: In this discussion, sir --

MR. SCHWARZ: This discussion began with this application. This application to the Southold Town Trustees is a two-page form. The first page is pretty good. The second page, the last question, has any permit approval ever been revoked or suspended by a government agency, was answered no. However, as we have been discussing tonight, the Planning Board required the site plan application to be restarted just last year. Six years ago, the Zoning Board special exception application did the same thing. And I know you are not that interested in the Zoning

Board application but I think it should at least be mentioned that the zoning on this particular property does not support a motel and it does not support a restaurant without special consideration and hearings before the Zoning Board.

So as the Board of Trustees, you are talking about adjourning tonight to comply with the New York State SEQRA law, which requires coordination of all agencies. And I don't know what happened with the Army Corps of Engineers and New York State DEC, why they don't understand the SEQRA law and how to work with it. I appreciate that you are going to work with that. But I would also ask you to see what you can do about coordinating what the Trustees application with the Planning Board application with the Zoning Board application, and the records of Southold Town.

What is going to happen to the public hearings, it appears that the Planning Board required the site plan application to go back to zero, but is continuing to some extent the SEQRA application, although they are going to require a new environmental assessment form, which is step one of the SEQRA. They also said they would allow the DEIS to be revised rather than recreated. So, just one --

TRUSTEE BREDEMEYER: Benja, the site plan application is pending and has not been withdrawn. So it's still there. And this agency will work with all the involved agencies.

MR. SCHWARZ: Not sure about that. We have letters from the Planning Board. They are not clear.

MR. KIELY: Let me just interject. I spoke to the Planning Department and via them they spoke to the Planning Board. And the site plan application is still pending. It was not formally withdrawn and it was not denied. They asked for a revision, so therefore it still exists.

MR. SCHWARZ: They asked to go back to step one.

MS. KIELY: Yes. But it still exists. There is an application pending. And that's what -- if there was no application pending then they would not be a lead agency. So there is an application pending and there is a lead agency.

MR. SCHWARZ: I'm not here to argue. But the earliest material that I could find in the records of Southold Town was the application to the Zoning Board of Appeals to conform zoning to these plans. And in the end of that application there are two surveys, one showing the existing conditions, and one showing the proposed changes. The existing conditions, the coverage of the buildings on the property, approximately looks like ten, 20%. The proposed final development here looks like 80, 90% coverage. There is no room left.

There is a lot of space in the old industrial building, the way the industrial building was. In conclusion --

TRUSTEE BREDEMEYER: Okay, Benja, you talked for five minutes, I think it's pretty clear this board does not have jurisdiction over the site plan and over the zoning. We will --

TRUSTEE SANDERS: With all due respect we are only going to

address, and I made that very clear in the beginning. So with all due with respect --

TRUSTEE BREDEMEYER: Is there anyone else who wishes to speak to this application? And we'll wrap it up.

(No response).

I think we have concluded our public discussion. Thank you all, very much for being very patient and working with the Board. At this time I would like to make a motion to table this application for additional SEQRA review and consideration of the material submitted to the Board.

TRUSTEE SANDERS: I second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Motion to adjourn.

(ALL AYES).

Respectfully submitted by,

A handwritten signature in cursive script that reads "John M. Bredemeyer III".

John M. Bredemeyer III, President
Board of Trustees