

## Minutes

Wednesday, April 20, 2016

5:30 PM

Present Were: John Bredemeyer, President  
Michael Domino, Vice-President  
Charles Sanders, 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, May 11, 2016 at 8:00 AM  
NEXT TRUSTEE MEETING: Wednesday, May 18, 2016 at 5:30 PM  
WORK SESSIONS: Monday, May 16, 2016 at 4:30 PM at Downs Farm, and on  
Wed., May 18, 2016 at 5:00 PM at the Main Meeting Hall

MINUTES: Approve Minutes of March 23, 2016.

TRUSTEE BREDEMEYER: Good evening. Welcome to the Trustees April, 2016, regular monthly meeting. To my left is Nick Krupski. To my immediate left is Charles Sanders. I'm John Bredemeyer, I chair the Board. This is Trustee Mike Domino to my right, Vice-President of the Board. To his right is our Assistant Town attorney Steve Kiely, and to my far right is Elizabeth Cantrell.

For the sake of information, that is not in the agendas, which are available at the lecterns, just to let you know, the information that is considered at the Board of Trustees meeting has to be on file with the Trustees office a week before our monthly meeting so that we can consider these matters at our work session that precedes the meeting.

Also there are a number of items in your agenda that have been postponed either at request of the applicant or because the Board, upon field inspection or work session, has found that items may be deficient, for which we need more information before we can make

a determination.

The items that are postponed are located on page six, items three and number four; on page seven, item five; on page ten, items 16 and 17; and going to page eleven, number 18 from the preceding page, number 19 and number 20. They are listed as follows:

Number three, Docko, Inc., on behalf of **FISHERS ISLAND DEV. CORP., c/o FISHERS ISLAND MARINA, LLC** requests a Wetland Permit and a Coastal Erosion Permit to dredge ±9,350 cubic yards sandy silt over ±70,500sq.ft. With a one (1) foot over-dredge allowance of ±2,400 cubic yards by clamshell bucket for open water disposal; construct ±36 linear feet of 7' wide main pier extension and seven (7) ±30 linear foot by 4' wide fixed finger piers with associated support tie-off and fender piles; install ±228 linear feet of 8' wide main float with eighteen (18) 20 linear foot by 3' wide finger floats; ±216 linear feet of 8' wide main floats with thirteen (13) 20 linear foot by 3' wide finger floats, two (2) 20 linear foot by 4' finger floats, two (2) 13'x42' and one (1) 19'x42' dry-sail floats; all with associated ramps, restraint piles and tie-off/fender piles; and reconstruct or replace existing 12'x20' dinghy float; add new ±475sq.ft. Float for the "Sea Stretcher" access; repair or rebuild an existing ±350sq.ft. Wood launch ramp and dredge an access way to the sailing dock for dredge access ±850 cubic yards over ±11,000sq.ft., waterward of the apparent high water line; and install a small boat crane landward of the apparent high water line. Located: Central Avenue, Fishers Island. SCTM# 1000-10-1-9

Number four, 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

Number five, Thomas Wolpert, P.E. on behalf of **RIVKA SCHOENFELD** requests a Wetland Permit and a Coastal Erosion Permit to relocate an existing 660sq.ft. one-story framed cottage approximately 37' landward of its present location; construct onto cottage a new two-story 1,320sq.ft. Framed addition; two-story 624sq.ft. attached framed garage; 624sq.ft. studio addition; one new 800sq.ft. seaward deck and one new 900sq.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

Number 16, 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

Number 17, 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 2,764sq.ft. single-family

dwelling with attached garage and 602sq.ft. covered porch; abandon existing and install a new associated sanitary system landward of dwelling; construct a 417sq.ft. open terrace with stone on grade; construct a 204sq.ft. plunge pool with retaining wall on seaward side; and install a rain garden. Located: The Gloaming, Fishers Island. SCTM# 1000-10-10-2

Number 18, **RICHARD GLUCKMAN** requests a Wetland Permit for a Ten (10) Year Maintenance Permit to remove non-native and invasive vegetation while preserving native vegetation; to establish and subsequently maintain a 100' wide Non-Disturbance, Non-Fertilization Buffer along the landward edge of the wetland vegetation along the westerly side of the property; and to establish and subsequently maintain a 50' wide non-turf naturally vegetated buffer landward of the southern property line along King Street continuing in a northerly direction towards Orchard Street while decreasing to a 25' non-turf buffer. Located: 4760 Orchard Street, Orient. SCTM# 1000-27-3-7.2

Number 19, Thomas Wolpert, P.E. on behalf of **MILDRED M. PASCUCCI** requests a Wetland Permit for the as-built 10' wide path through the existing vegetation along the easterly side of the property to install a test well; construct a proposed two-story, single family dwelling with the first floor area to include 518sq.ft. of living space, a 1,445sq.ft. deck, a 336sq.ft. pool, a 70sq.ft. ramp, and 148sq.ft. of stairway; second floor to include 1,741sq.ft. of living space, a 345sq.ft. deck, 112sq.ft. of stairway, and a 625sq.ft. landing; install a sanitary system in an approximately 625sq.ft. area; construct a 2.5' high by 88' long retaining wall; install a 1,030sq.ft. pervious driveway; add approximately 630 cubic yards of clean fill onto property; and clear vegetation within a 9,557sq.ft. area on the property. Located: 305 Narrow River Road, Orient. SCTM# 1000-26-3-11

Number 20, 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 575sq.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

Those have all been postponed.

For the next field inspection for Wednesday, May 11th, I make a motion that we have the regular field inspection on May 11th at 8:00 AM. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: And that we on hold the next regular Trustee meeting Wednesday, May 18th, at 5:30 PM in the main meeting room.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: And that the Board will hold work sessions on Monday, May 16th, at 4:30 PM at Downs Farms, and on Wednesday, May 18th, at 5:00 PM in the main meeting hall. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve the Board Minutes of March 23rd, 2016. Is there a second?

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: Motion made and second. Is there a vote?

(ALL AYES).

#### **I. MONTHLY REPORT:**

The Trustees monthly report for March 2016. A check for \$10,141.23 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 VII Public Hearings Section of the Trustee agenda dated Wednesday, April 20, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Michael DiLeone SCTM# 1000-57-1-10  
Kuhl Family Trust SCTM# 1000-70-12-38.1  
The Boatyard at Founders Landing, Inc. SCTM# 1000-64-3-10 & 1000-64-3-11  
David & Katrine Wolfgang 1000-64-1-12  
Yolanda Kanes-Esposito 1000-51-4-7  
Fishers Island Dev. Corp., c/o Fishers Island Marina, LLC SCTM# 1000-10-1-9  
Maureen M. Mooney SCTM# 1000-37-4-16  
Domeluca II, LLC SCTM# 1000-23-1-2.10  
Robert & Noreen Fisher SCTM# 1000-111-5-3  
Andrea Parks SCTM# 1000-111-9-5.1&5.2  
For The Love of Family, LLC, c/o Anthony Lomangino SCTM# 1000-104-3-16.1  
Jason Schmidt SCTM# 1000-53-5-12.6  
Richard & Lisa Israel SCTM# 1000-35-6-27  
Anthony Campo SCTM# 1000-111-1-24, 25 & 26  
Cameron Dowe SCTM# 1000-90-1-5  
George Katsamanis SCTM# 1000-35-4-28.40  
Michael J. Confusione SCTM# 1000-107-7-9  
Mildred M. Pascucci SCTM# 1000-26-3-11  
Richard Gluckman SCTM# 1000-27-3-7.2

The items listed under Item III, I'll move them as a group as Type II actions.

Is there a second?

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

#### **IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:**

TRUSTEE BREDEMEYER: In order to expedite minor administrative amendments or changes to pre-existing permits, or for applications for extensions and transfers, we'll often lump

together applications for these minor actions that have received field inspections and administrative review during the course of work sessions. And so for the administrative permits, the Board has reviewed all of them and they have been determined to be consistent with the town's environmental policy under the LWRP. All except for item number three, which we'll hold out and discuss separately. I would move to approve under Item IV, for resolutions, administrative permits, I would move to approve as a group item one, item two, item four and item number five.

They are listed as follows:

Number one, **JAMES F. HAAG, Jr.** requests an Administrative Permit to remove dead trees with stumps to remain to allow for new growth; and for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to 12" in height by hand, on an as needed basis. Located: 4725 Orchard Street, Orient. SCTM# 1000-27-2-2.6

Number two, En-Consultants on behalf of **LISTA M. CANNON & KATHRYN CAMPBELL** request an Administrative Permit to install a 4' high, approximately 270' long split rail fence along the northerly property line. Located: 475 Arshamomaque Avenue, Southold. SCTM# 1000-56-2-17

Number four, Peter Stoutenburgh on behalf of **JANE ROSENBLUM** requests an Administrative Permit to repair the existing 14.4'x17.2' one-story storage shed. Located: 1280 Bayberry Road, Cutchogue. SCTM# 1000-118-2-10

And number five, Peter Stoutenburgh on behalf of **JANE ROSENBLUM** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to not less than 12" in height by hand, on an as needed basis. Located: 1280 Bayberry Road, Cutchogue. SCTM# 1000-118-2-10

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Item three, the application of **KRISTEN FROHNHOEFER** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to remove dead, diseased, and overgrown or invasive vegetation and trees; maintain lawn and current planting beds; re-plant dead or destroyed trees, shrubs, and flowers; and the addition of new planting beds, plants, and trees. Located: 1505 Yennecott Drive, Southold. SCTM# 1000-55-4-25.3

The application has been deemed to be inconsistent with the Town's LWRP in that the site plan does not identify the location of the regulated features of the wetlands and fails to identify the setback to the wetlands.

The Board of Trustees conducted a field inspection of this site and flagged the extensive wetland vegetation that was along the stream corridor there so that the applicant is aware of the protected species that should not be disturbed.

The other activities that were described and detailed during field inspection indicated that they were going to be minor and of a housekeeping nature, where the applicant was removing invasives such as *Rosa multiflora*. So I would think to

address the inconsistency we would just, simply we could move this application with the request that she submit a supplementary plan just to show the location of the beds that she had indicated she was going to clean up and remove the invasives.

So I would move to approve this subject to a little plan showing those areas she was going to remove the invasives.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: And that thereby addresses the inconsistency.

## **V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS**

TRUSTEE BREDEMEYER: Under applications for extensions and transfers, administrative amendments, the Board reviewed all of these and has considered them at our work session as well as on field inspection, and as a group we have no issues with them, and they are all exempt from an LWRP determination.

Accordingly, under Item V, I would move to approve items one, two, three and four. They are listed as follows:

Number one, En-Consultants on behalf of **CUTCHOQUE 6213, LLC, c/o STEPHANIE GUILPIN** requests a One Year Extension to Wetland Permit #8410 and Coastal Erosion Permit #8410C, as issued on April 23, 2014. Located: 6213 Oregon Road, Cutchogue. SCTM# 1000-82-2-3.1

Number two, En-Consultants on behalf of **CUTCHOQUE 6291, LLC, c/o STEPHANIE GUILPIN** requests a One Year Extension to Wetland Permit #8411 and Coastal Erosion Permit #8411C, as issued on April 23, 2014. Located: 6291 Oregon Road, Cutchogue. SCTM# 1000-82-2-3.2

Number three, Patricia E. McIntyre on behalf of **NEW SUFFOLK WATERFRONT FUND** requests an Administrative Amendment to Wetland Permit #8510 for the reconfiguration of the handicapped ramp an additional 3,890sq.ft. for front door access; the addition of a 192sq.ft. concrete pad and stairs for access to walk-in box; reconfiguration of the concrete walkway along eastern edge of parking lot to be a total of 560sq.ft.; replacement of boulders and steel steps with 74sq.ft. wood steps and 86 linear feet of wood walls; deletion of wood steps at northeast corner; and installation of 6' high security fencing around accessory building. Located: 650 First Street, New Suffolk. SCTM# 1000-117-8-18.1

Number four, **DENIS & NANCY COLE** request an Administrative Amendment to Wetland Permit #8679 to install 4' high pool enclosure fencing along the two retaining walls, along the southerly side yard property line, and in towards the dwelling. Located: 655 Albacore Drive, Southold. SCTM# 1000-57-1-17

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

## **VI. RESOLUTIONS - MOORING PERMITS:**

TRUSTEE BREDEMEYER: Item VI reflects requests for mooring permits. By and large they are all replacing existing

pre-existing moorings that prior permittees have given up for the issuance so others can now enjoy access to our creeks.

The Board reviewed these applications at our work session. Accordingly I would move under Item VI, mooring permits, I would move to approve items one through nine inclusive. They are listed as follows:

Number one, **STEVEN SCHNEE** requests a Mooring Permit in Town Creek for a 30' motorboat, replacing Mooring #771. Access: Public.

Number two, **JOSEPH MELLY** requests a Mooring Permit in Little Creek for a 22' outboard motorboat, replacing Mooring #991. Access: Public.

Number three, **BENJAMIN SUGLIA** requests a Mooring Permit in East Creek for a 14' outboard motorboat, replacing Mooring #800. Access: Private.

Number four, **GEORGE ANDREADIS** requests a Mooring Permit in Gull Pond for a 24' outboard motorboat, replacing Mooring #23. Access: Public.

Number five, **SUMMER TURTURRO** requests a Mooring Permit in Narrow River for an 18' sailboat, replacing Mooring #HB-10. Access: Public.

Number six, **FRANCIS BEAURY** requests an On-Shore/Off-Shore Stake & Pulley System in Narrow River for a 14' outboard motorboat, replacing Stake #3. Access: Public.

Number seven, **RONALD APOSTLE** requests an On-Shore/Off-Shore Stake & Pulley System in Narrow River for a 12' outboard motorboat, replacing Stake #S12. Access: Public.

Number eight, **JOHN HOMANS** requests an On-Shore/Off-Shore Stake & Pulley System in Narrow River for a 14' outboard motorboat, replacing Stake #S1. Access: Public.

Number nine, **FRANK PASSANANTE** requests a Mooring Permit in Narrow River for a 20' outboard motorboat, replacing Mooring #HB-30; and Cancel Wetland Permit #6151 for Mooring #13 in Gull Pond, Greenport. Access: Public

TRUSTEE SANDERS: Second.

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

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

TRUSTEE SANDERS: Second.

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

## **VII. PUBLIC HEARINGS: AMENDMENTS:**

TRUSTEE BREDEMEYER: The first application, number one, is **MICHAEL DiLEONE** requests an Amendment to Wetland Permit #4771 to replace easterly 60' section of existing bulkhead and return in-place. Located: 940 Tarpon Drive, Southold. SCTM# 1000-57-1-10

Is there anyone here who wishes to speak on behalf of this application?  
(Negative response).

Okay, seeing no one has stood up to speak to this application for Michael DiLeone, the action is considered exempt under the LWRP.

The CAC was unable to make inspection therefore there is no recommendation from the CAC.

The Board of Trustees representative Charles Sanders conducted the inspection, as an amendment, it's a straight-up application, has no problem, accordingly, hearing no other comment, I'll make -- Charles, do you want to add anything to it?

TRUSTEE SANDERS: Nope.

TRUSTEE BREDEMEYER: No comments, I'll make a motion to close the hearing in this matter.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve this application as submitted.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number two, Jeffrey Patanjo on behalf of **KUHL FAMILY TRUST** requests an Amendment to Wetland Permit #8644 to add a 4' wide by 6' long cantilevered platform adjacent to the bulkhead; and relocate existing aluminum ramp and floating dock 6' to the south off of seaward end of proposed platform. Located: 1790 North Bayview Road, Southold. SCTM# 1000-70-12-38.1

The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that the current dock configuration imposes upon the navigable channel as referenced in figure one of the LWRP report.

The CAC resolved not to support this application. I'll read from the CAC report. It does not support the application because the current structure is sited on public property and has destroyed the natural marshland that is apparent in the area. The CAC suggests an alternative way of protecting the shoreline.

The Trustees, I did an inspection on April 12th, and noted that the plans submitted March 24th, 2016, showed the reconfiguration of the dock into a t-shape, and it would remove it further from the channel.

Is there anyone here to speak to this application?

MR. PATANJO: Jeffrey Patanjo on behalf of the applicant. As far as the proposed plan that we have here, the way it's installed right now is in the "t" configuration, in the exact location as per the permitted plans that were approved by the Trustees and the DEC several months ago. If you recall, the original intent for this project was just remove and replace the bulkhead, and at that time it was determined there was an existing Trustees permit for the ramp and float in the configuration that it's been placed at right now. Through that time, looking at water depths and where the ramp has been placed, and as you can see from the photos I provided, and the water depths that I show on the proposed plans, there is not a lot of water there. As you know, DEC regulations, 30 inches of water required at low tide.

So we have to provide the chocks to keep it off the bottom. That being said, there is no regulations for the boat itself. So we can keep our float 30 inches above, however the boat is sitting on bottom, which will cause damage. So what we are trying to do is just extend it out another six feet, get us another six inches of water, seven inches of water, eight inches of water, which should be sufficient for Mr. Kuhl's boat. And in addition to that is, I show the existing channel here on the plan, the existing channel, and if you recall, the neighbor to the west, yes, to the west, um, had an issue with navigating his boat past the existing dock where it was. In the "i" configuration. The channel as identified has excellent water depth. By moving this proposed float out another six feet, we are still away from the channel, we are still about five to six feet landward of where the old "i" dock sat, thereby giving him sufficient room to get by with his boat. So really the ultimate goal is to maintain the channel, navigability, and also give the homeowner a couple of extra inches of water for his boat.

TRUSTEE BREDEMEYER: Thank you.

TRUSTEE DOMINO: I would point out that I did visit this at low tide and concur with your assessment.

TRUSTEE BREDEMEYER: I would just add that it appears that the LWRP has an artifact from an aerial, a Google Map or similar, that has not been updated. Therefore we are dealing with that. I was helping out with the Town shellfish Advisory Committee this spring already, doing water sampling by kayak in the creek, and I think the attribution that the CAC has as to damage here is really a function of the hard winter, and the shoreline there is extremely beaten down. And I had to take a sample right off that location via kayak. It's pretty shallow. I didn't get to the channel where I was going, but it was pretty obvious that the entire shoreline, all the Spartina and everything is down from just normal winter damage.

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

Questions more comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application as submitted, noting that the new configurations will keep the boat away from the channel and thereby addresses the inconsistency.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Number three, **THE BOATYARD AT FOUNDERS LANDING, INC.**, requests an Amendment to Wetland Permit #8666 to extend the overall length of the existing two (2) 3'x18' finger piers

and two (2) 3'x20' finger piers on the northwest side of the property in that they will be re-constructed as four (4) 3'x30' fixed finger piers with fixed ramps off of new raised bulkhead. Located: 2700 Hobart Road & 1000 Terry Lane, Southold. SCTM# 1000-64-3-10 & 1000-64-3-11

The LWRP has found this consistent and the CAC did not inspect, so no recommendation is forthcoming.

The Trustees conducted an in-house review on the 13th and found everything in compliance.

Is there anybody on behalf of the Founders who would like to speak?

MR. COSTELLO: Jack Costello on behalf of the applicant, just here to answer any questions there might be. It's a straightforward application.

TRUSTEE SANDERS: Is there anybody else here to speak on behalf of the applicant?

(Negative response).

Any thoughts from the Board?

TRUSTEE BREDEMEYER: No, there were no issues. It was basically a straight-up replacement pretty much, and slight improvements.

TRUSTEE SANDERS: I'll make a motion to close this hearing. Do I have a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Motion to approve this application. It is deemed consistent under the LWRP. Do I have a second?

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number four, En-Consultants on behalf of **DAVID AND KATRINE WOLFGANG** requests an Amendment to Wetland Permit #7066 to re-orient existing 6'x20' floating dock and two (2) 8" diameter float pilings so that float is positioned perpendicular to the shoreline rather than parallel; and install two (2) 8" diameter tie-off pilings 20' to the west of floating dock.

Located: 302 Town Creek Lane, Southold. SCTM# 1000-64-1-12

The LWRP found this consistent and the recommendation was made on the basis there is no navigation issue at the waterbody, and no issue with public access.

The CAC also resolved to support the application. That's all they had there.

Trustee Domino went out to inspect this on April 12th and the comment he had was he's unsure why there would be additional tie-offs, and it might be close to the one-third rule.

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

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the applicant. Basically the owner has purchased this property that was previously issued a Trustees permit for the dock and the shore parallel configuration that you see it in today. He's talking about or was talking both to Jack Costello and myself

about positioning a fishing boat with an eleven-foot beam on the outside of the float and then putting tie-off pilings on the outside of it. And we tried to work with him to come up with a solution that would actually create less of an imposition on the waterway than would either tying the boat up on the outside of the shore parallel float, either by itself or with additional piles, and obviously if he tied it up just off the existing permitted dock, he would not need any further approval from the Trustees to do that.

We are not really concerned about the one-third rule here. It's about 210 feet across to the other side of the creek, which was measured by the surveyor currently, and I think that was within a foot or two consistent with what was shown on the original permit a number of years ago. So you are really talking about a 70 foot protrusion across, and we are proposing 44 feet. It's 33 feet now.

So basically the reorientation of the float which is going to start about three feet farther landward than the existing float. Then you have the same six feet the existing float occupies with the balance of that 20 foot being the eleven foot additional encroachment, ends up equaling or being even a little bit less than the encroachment than if he just put the boat on the outside. This way he would put the tie-off poles on the side and you would have, as we have depicted it on the plan, and I think this is what we were successful in convincing the LWRP coordinator of, if you look at the plans you would now have sort of the permanent docking station for this dock on the sides of the float, the reoriented float. So you would have no variable projection farther out into Town Creek as you do now. Depending on whether somebody has an eight-foot beam or 14-foot beam or whatever, this kind of establishes a permanent footprint for where a boat that size can be docked. So we felt that it satisfied the owner's concern and actually came up with a potentially better satisfying the Trustees' concerns going through this modification process than just sticking the boat out on the other side of the float. So hopefully you see our logic in it. And it should have been staked for Mike's inspection, I hope.

TRUSTEE KRUPSKI: Okay, is there anyone else here to speak to this application?

(Negative response).

Are there any comments from the Board?

(No response).

That being said, I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you.

#### **WETLAND & COASTAL EROSION PERMITS:**

TRUSTEE DOMINO: Under Wetland and Coastal Erosion Permits, number one, 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  $\pm 31'$  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. That has been struck from the plans. Construct along eroding toe of bluff approximately 99 linear feet of stone revetment, including  $\pm 12'$  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

The LWRP coordinator found this to be consistent.

The CAC does not support the application based on the following: The Trustees have established a pattern of approvals for this area that the CAC cannot support because of the hardening of the bluff and the bottom has deleterious environmental impact. They reference Chapter 111, Coastal Erosion Hazard Area prohibits mining or excavation for the top of the bluff.

And Trustees have done field inspections on this site several times, the most recently on March 16th. There were several questions at the time about the concrete referenced to the east. They needed a detailed discussion on access construction methods, a lateral support, and protection of the land to the west.

Is there anyone here to speak to this application?

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the applicant. This is I think the third public hearing we have had on this application, and if the Board will recall, we had some pretty lengthy discussions at the first hearing about the design and the potential impacts, and there were some concerns that were brought to the floor by the adjacent property owners Feldis, to the east. And subsequent to that time, as the Board knows, the design engineer Jeff Butler has been back out to the site, not only with the Board but also with Mrs. Feldis. He and Neil Kearns, the applicant, have had continuing conversations

with Mrs. Feldis and both of her sons, and I think there is correspondence from prior meetings in your record from the Feldis family, and the concern basically focused, as Mike just mentioned, on the issue of lateral support on the east, along the east property line, where there is currently a, sort of an armored area of both natural field stone and also some concrete rubble from the historically existing 100-year old stairway, the bottom of which had previously collapsed.

I think the Board had expressed, Jay had some comments, I can't remember whether it was here or in the field, about having some conversations with the DEC about whether they would let that material remain and whether that could perhaps play a role in coming up with an alternative design that would mitigate the concerns of the Feldis' to the east. And in fact that did end up happening, we met at the site with the DEC. They felt that the material could remain, and ultimately the agreement that was reached between Mr. Kearns, Mr. Butler and Mrs. Feldis and her son was that what had been proposed to be an excavated revetment across the entire subject property would actually end, in other words the excavation would end where it meets, and you can see in the upper left-hand corner of the your photo there, where it meets the stairway and that existing armor material, so any additional stone that would be placed at that location would be placed supplementally on and behind that material, and through that design change we eliminated any toe of bluff excavation within -- I think I have, we submitted the revised plans, I just have to see what the number is. I think it's about 23 feet. Yes, I had submitted the revised plans along with a letter dated April 18th, and that's where I note that it's about 23 feet.

So within about 23 feet of the easterly property line there would be no excavated revetment at the toe of the bluff, and that seemed to mollify the Feldis concerns about the lateral support issue.

I received a copy of a letter directly from Mrs. Feldis and Liz confirmed for me this was also submitted to the Board. It was a letter from Mrs. Feldis to the Board stamped received by Trustees on April 18th, where Elaine Feldis basically describes in general terms what I'm describing, and it indicates that the revised plans which we sent her a copy of and have now submitted to you were in fact consistent with her conversations and understanding out if the field.

So with that, we hope and believe that we have resolved that issue of lateral support on the east side. And as noted in the last, in the hearing last month, we had an issue on the west side where we are proposing a tie in to the previously approved Gallagher revetment, and we have since received a letter from Kevin Gallagher also giving his specific consent for the two structures to tie in, which would allow the Board to permit, I think it's seven or eight feet of this stone structure that actually crosses the property line, where those two structures would then mesh.

And I -- oh, I and I think we also, we had received and I submitted to Liz, I think Liz, we submitted to you, Kevin Gallagher's maintenance agreement for that revetment, too. So that finished up the housekeeping on the west side.

That is all I have. If you have any questions, I'm happy to answer them. Jeff is not here tonight but hopefully I can answer any questions the Board might have.

TRUSTEE DOMINO: I would like to refer back to my opening reading of the agenda where it is stated that you are going to remove the concrete and reference the fact that the new plans showed that that concrete is staying.

MR. HERRMANN: Correct.

TRUSTEE DOMINO: Which if I just might paraphrase a letter from Elaine Feldis: Mr. Kearns' revised plans also state that the existing piece of the concrete running along the east side of the current beach access stairs will remain in place, and these pieces that are from historical Cosden Estate are so embedded in the beach and bluff they also provide protection to the bluff, and removing them would have a negative impact. She goes on to say that: Please note that I continue to be concerned about potential negative impact upon my property but I am withdrawing my objection to the permit and I'm not waiving any rights. So, and there is an also a letter from Mr. Gallagher stating he has no objection to this.

MR. HERRMANN: And the new plan consistent with that, Mike, does have some notations that shows the area of existing natural field stone and concrete material to remain, which is now modified from the originally submitted plan which showed the concrete to be removed.

TRUSTEE DOMINO: Correct.

Is there anyone else here to speak to this application?

(Negative response).

Any questions or comments from the Board?

TRUSTEE SANDERS: Are you sure you don't want us to table this again.

MR. HERRMANN: I'm positive. But I do thank you. I think the Board did make a decision to allow us some time to work with the neighbor and that proved to be productive, so, I think you made a good decision.

TRUSTEE DOMINO: Hearing no further comments from the Board, I make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application as presently submitted.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application is number two, Jeffrey

Patanjo on behalf of **YOLANDA KANES-ESPOSITO** requests a Wetland Permit and a Coastal Erosion Permit to remove the existing storm damaged timber bulkhead and replace it with a 65 linear foot vinyl bulkhead in new alignment landward of existing; install 16 linear foot vinyl bulkhead returns on both east and west sides of bulkhead; install a total of three (3) 6' tall vinyl retaining wall terraces landward of proposed bulkhead to stabilize bluff; install 750 cubic yards of clean sand fill to re-nourish bluff and re-vegetate area with native plantings such as Bayberry and beach grass; remove existing timber deck at top of bluff and install 4' wide bluff stairs consisting of a 4'x4' top platform, 4'x32' steps, 4'x4' upper landing, 4'x5' steps, 4'x4' middle landing, 4'x18' steps, 4'x8' lower landing with 4'x8' steps to beach. Located: 20205 Soundview Avenue, Southold. SCTM# 1000-51-4-7

This application has been deemed to be consistent with the LWRP, with a request from the LWRP coordinator that we discuss the density of the native vegetation due to be planted and to identify how the project will be accessed during construction.

The CAC, unaware that the deck was being removed according to the application, apparently was concerned about the pre-existing nonconforming deck overhanging the bluff. That is addressed in the application. They were concerned about the location of the existing well, which is not pertinent to this application. They did make a recommendation that consideration be given for retractable stairs or removable stairs at the bottom of the accessing the beach directly.

The Trustees went out and completed a field inspection on April 13th. The project plans seemed to address the severe erosion on the site and in the area.

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

MR. PATANJO: Jeffrey Patanjo, on behalf of the applicant. I'm okay with the suggestion of seasonal stairs and I recommend it at this location anyway. And if you have any other questions, I would be happy to answer them.

TRUSTEE BREDEMEYER: Given the exposure, any thoughts on plant spacing, if you are going to go with American beach grass on the lower tiers, standard.

MR. PATANJO: I would say 24 inches on center would be good.

TRUSTEE BREDEMEYER: That's fine. That's keeping with good practice and it will revegetate naturally. I don't think we have to specify bayberry or other shrubs. That will fill in pretty good.

Before I get too far afield, are there any other questions? It's straightforward. Anyone else here wish to speak to this application?

(No response).

Okay, how are we going to access this during construction?

MR. PATANJO: By land. He'll have to make a pathway down through, it's so far gone, he'll excavate down through the property. He'll have to fill it in all anyway.

TRUSTEE BREDEMEYER: Is he planning to construct a road to the beach? In other words, excavating through the bluff constitutes a separate operation under our Coastal Erosion Hazard Act. We may have to have some additional discussion.

I think the Board looked at the site and felt that construction, the marine construction access by barge might be more appropriate, with materials going over the top by crane or bucket, or shooting over -- fill over the top.

MR. PATANJO: That will be fine. I'll have them do it by barge.

TRUSTEE BREDEMEYER: The Board has particular experience with a site that the Sound front for the construction was accessed with a temporary road that existed for the better part of five months, and on every high tide and easterly wind, the Long Island Sound filled with silt and sediment through failure to recognize that you can only have so many hours of working time on the Sound-fronting beach.

MR. PATANJO: Right. If you want to make it a requirement of the permit, a condition, to access by barge only, that's fine.

TRUSTEE BREDEMEYER: I think that's at least advisable. We might expect this will be a recurrent theme on a number of our projects.

Any questions from the Board?

TRUSTEE KRUPSKI: No, I concur with that.

TRUSTEE BREDEMEYER: Any additional comments with respect to this application?

(No response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE SANDERS: Second.

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve this application as submitted with the stipulation that seasonal stairs be incorporated in the plan; that American beach grass be planted 24 inches on center; and that access for the bulkhead construction be from the water by crane and barge; and that other materials be positioned over the top of the bluff; and that there be no road construction or bluff cut as part of this permit activity. That's my motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. PATANJO: Do you need revised plans?

TRUSTEE BREDEMEYER: I believe that's a de minimis change, that 24 inches on center is self-explanatory. And the stairs, we can handle that.

MR. PATANJO: Thank you.

#### **WETLAND PERMITS:**

TRUSTEE SANDERS: We'll skip three, four and five. Now we'll go on to Wetland Permits, number one, Costello Marine Contracting Corp. on behalf of **MAUREEN M. MOONEY** requests a Wetland Permit to remove 120' of existing bulkhead, and 51' of existing

concrete block retaining wall; construct 171' of new bulkhead in-place; and install and subsequently maintain a 10' wide non-turf buffer along the landward edge of the bulkhead.

Located: 575 Pine Place, East Marion. SCTM# 1000-37-4-16

The LWRP has found this consistent with the note to further Policy Six and protect the water quality of Spring Pond and adjacent waters require that the proposed ten-foot non-turf buffer be vegetated with native plant species.

The CAC has resolved to support this.

And on 13 April, 2016, at 10:20 AM, all Board members were present, and the only note that we have here is existing five foot above grade request elevation data. That was requested.

Is there anybody here who like to speak behalf of the applicant?

MR. COSTELLO: Jack Costello behalf of the applicant. We want to maintain the existing grade of the bulkhead just due to drainage. I don't think there is really an issue there. It's a functioning, working height, that won't cause any other issues.

And as far as the buffer being vegetated, is that okay, rather than stone? Because generally, a lot of times we use three quarter natural stone as a buffer, and we have done it around Spring Pond, and pretty much every bulkhead done recently has had stone and rather than a vegetated buffer.

MS. MOONEY: My name is Maureen Mooney, and I'm the property owner. The original plan after discussion with Costello was to do the buffer around and then with pebbles or gravel there as the buffer, and then my plan was just to put large planter plants, you know, with some grass or whatever was relevant at that point.

I think if we planted plants, first of all, um, I think that would limit the access to, there is a little beach in front of the pond, not that people use it that often, but it would, the deer would find that offensive.

MR. COSTELLO: And it's contiguous with the area. Everything has stone down there. Myself and other contractors. I don't think there is any reason to dictate it should be vegetation.

TRUSTEE SANDERS: Would anybody else like to speak on behalf of this application?

(Negative response).

How about thoughts from the Board regarding the ten-foot buffer?

Fine with current plans?

TRUSTEE BREDEMEYER: Yes.

TRUSTEE SANDERS: With that being said, I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: I'll make a motion to approve this application, it is deemed consistent under the LWRP. Do I have a second?

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next application, 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

This application has been deemed to be inconsistent by the LWRP coordinator. The coordinator has submitted a six-page lengthy discussion concerning his take on public policy concerning the waters of the town. I would like to incorporate it by reference in its entirety into the public record here. We'll provide a copy for the Minutes.

Paraphrasing it, the LWRP coordinator is concerned about any loss of, physical loss of vegetation, structure placement, construction practices, chronic shading, wildlife, physical loss, functional loss, loss or impairment of habitat, destruction of habitats and migrating habits and migration patterns for the structure and activity, introduction of harmful contaminants. There is a lengthy discussion here concerning preserving the interest in the use of lands and waters held in public trust. Just touching on possible alternatives, it also indicates the limits on grants and easements and permits for structures can be controlled. The proposed structure would be susceptible to storm or ice damage. Consider the exposure and fetch of the waterbody. Disposable sanitary waste on board the vessel has not been identified. Questions about the natural resource management, public recreation, commerce, size, character, and the effect of the transfer in relation to the neighboring uses. The potential for interference with navigation or public uses of the waterway and riparian rights. The effective transfer of interest of the natural resources associated with the wetlands. The water dependent nature of the use, adverse economic impact on the existing commercial enterprises, consistency with public interest for the purpose of navigation, commerce and fishing, bathing and access to navigable waters and the need of owners of private property to safeguard development. Ensure public access to public trust lands and navigable waters. Provide access to and reasonable recreation of navigational waters, public trust lands and lands underwater. Provide free and unobstructed public use of all navigable waters below the line of mean high water. Obstruction of navigable waters underwater lands is limited. There is a lengthy additional discussion concerning that.

Going further, the extended use of dependence on access to navigable waters, use of private residence, we know that. The range of tidal water fluctuation, the size and nature of the waterbody, the nature of public use of adjacent waters, traditional means of access used by the surrounding similar

uses, whether or not alternative means to gain access are available. Piers, docking facilities and catwalks must not result in an unnecessary interference with use of public trust lands, alternatives to long piers or docks include the use of dinghies to reach more boats and mooring in nearby marinas, potential adverse effect of natural resources. Potential adverse effects on the public safety. Alternatives to private docks, structures in Peconic Bay include mooring of boats, safe areas and docking vessels in nearby marinas. Pursuant to Chapter 268, the Trustees shall consider the recommendation preparing its written determination regarding the consistency of the proposed action.

I'll just comment briefly on this, very briefly. The LWRP coordinator, for such a lengthy treatise concerning docks, is conclusory in some of his statements and references to impacts. I think with this, such a lengthy document and the import that it brings, the Trustees might better have a more lengthy discussion on the impact of docks, and since docks can be considered in an unlisted action under the State Environmental Quality Review Act, to seek appropriate information and to flesh out all these many issues, it might be advisable to set up a separate work session to possibly discuss environmental issues that might lead to a finding by the Board of environmental significance and a more detailed review. Because I'll be honest, quite frank with you, at the work session this last Monday, I didn't realize the depth and the breadth of the LWRP coordinator's comments. I would not want to -- I feel uncomfortable overlaying the many, many severe concerns that he has. I'm just getting out a little in front of this, but you can understand that is an awful lot for a Board to chew off in one evening work session when we had 50 items on the agenda.

The CAC supported the application with the following recommendations: Installation of beach access stairs, removal of non-functional groin. Lateral access should not be impeded along the beach. The site plan is marked to show the slope as a non-disturbance buffer, and the lights and dock comply with the Dark Skies code.

The Board of Trustees did perform the field inspection, had been out to the site two times, the second time this month, on the 13th, to see that the project had been staked. The Board did note that the proposed structure is in keeping with previous existing neighboring dock which does have a permit.

There is also a letter into the file here. There is a letter from James and Barbara Miller: To whom it may concern, we the adjacent property owners have no objection to the work proposed by Michael Sciarrino on his waterfront property. It's signed, Jim Miller.

Is there anyone here who wishes to speak to this application?  
MR. COSTELLO: Yes. Jack Costello on behalf of the applicant. I also have a letter from the other neighbor, Jack Petrocelli who is also completely in favor of it. I asked if he sent to you

guys but I have a copy I can produce now.

TRUSTEE BREDEMEYER: You can give that to Elizabeth.

MR. COSTELLO: It basically says something similar to what Mr. Miller said. In this area this dock is very consistent with neighboring docks and there was a concern there about docks being damaged. We did McCarrey, it was Scott, now it's Mark Miller, Jim's son and now Jim, where the heron is, there's three docks in the area that has not been significant damage to any of those docks. We went through the same, that whole list of things when we did Jim Miller's dock.

TRUSTEE BREDEMEYER: You did in fact, so we might find a similar file entry for the LWRP for that.

MR. COSTELLO: Pretty much. It was ten years ago, I know things have changed a little bit, but we went through that same rigmarole with Mr. Miller's dock back then. And it was found that there is no significant marine plants in this area. We produce that stuff but I'm sure you have it on file. I don't know if you looked at the Miller application. I don't know, Jay, if you were on the Board when Miller --

TRUSTEE BREDEMEYER: This Board, although we have a little bit of institutional knowledge, that was before my time getting back on the Board. It might be beneficial to look at that. I mean, some of us are familiar with those open waters because I worked on them for about 25 years, and that stretch doesn't have or is capable of having the vegetation, that would be just one issue, just based on our own information and our own observations during field inspections. It might be beneficial to review the prior findings that relate to a dock that is so close by that does have a permit. And maybe we, the Board of Trustees should review this, maybe a little further at a work session, and distill down pertinent issues that might remain after a review of the pertinent information.

MR. COSTELLO: Right. But all I'm pointing out is the statute is right there in front of you. We have gone through this with a neighboring dock. We made a dock that was consistent with the area. I understand it's a different Board now, but I want to point out, the statute is there. We have gone through this before. It's directly next door. And we tried to be consistent with something that would make Mr. Petrocelli happy and Mr. Miller happy, plus the client.

TRUSTEE BREDEMEYER: That is definitely understood. I think the Board finds it a difficult task to reconcile such a large document from the LWRP coordinator that seems to be somewhat contrary to long established policies and principles of this Board. But by the same token, we are required to issue a written report of findings, which typically is part of the approval process that we go through. And it's well now impossible to properly consider such a voluminous document in returning simply a verbal consistency. I would say if we go through these items through a work session process where we can outline them and compare them against similar documents, we might be in a better

position to honor the requisites of bringing this dock to consistency, if in fact the Board sees major inconsistencies. And another possibility is to answer some of these questions in the lengthy comment for future reference through an impact statement process that properly compares such suggestions that a mooring in another part of the bay may be more environmentally suitable than a dock in this place. Because we all know that moorings out on the open bay, when you put the sufficient rope chain on them, are chewing the bottom up and also are destroying scallops and other beneficial marine organisms, whereas a dock that is properly constructed or one that may even include non-toxic materials, there are materials now as far as tropical hardwoods or some of the artificial materials that go in, would eliminate concerns concerning toxics. And I don't think we have ever seen, you know, a very hard look at the relative impacts for docks. I mean, so I hope you understand that some of the feelings -- I don't, particularly as the Chairman of this Board, I don't particularly want to let go of such a substantial document like this coming from the LWRP coordinator with just a summary, you know, we'll make it consistent because XYZ.

MR. COSTELLO: Right. So that's the long way of saying we are not going to act on this tonight.

TRUSTEE BREDEMEYER: Yes, that's the very long way. Yes, I find in relation to the lengthy LWRP document, I think I had to draw it out a bit, just to --

MR. COSTELLO: Out of respect. I understand. When is the work session, because --

TRUSTEE BREDEMEYER: We can put this on for our next Downs Farms work session, we can develop a checklist I think ahead of that and the Board maybe ahead of time could preview the previous neighboring dock LWRP and how the Board may have considered bringing it into compliance with the LWRP.

We are on for, our date we just voted on, Monday, May 16th, at Downs Farms.

Any additional comments, Mr. Costello?

MR. COSTELLO: No.

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

(Negative response).

Questions? Board members?

MR. COSTELLO: So you'll just table it for now?

TRUSTEE BREDEMEYER: I'm going to move that presently, yes. I'll make a motion to table this application at this time for subsequent work session discussion. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, 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

For the purposes of clarity of the record, Southold Town Trustee member Glenn Goldsmith has recused himself from this matter and he is not present here tonight. An employment responsibility that changed on account of the flooding in Houston had him having to leave town unexpectedly.

This particular, it's pertinent to disclose at this time, that this particular item which is open for hearing, aspects of it were part of the work session discussion and a work session resolution by the Board on Monday the 18th. At that time the Trustees issued a resolution formalizing and clarifying the policy that every owner of a property must authorize the submission of a wetlands permit application. And in accordance with this policy the Trustees are not inclined to process applications that don't have the support of each and every owner, as the Trustees are not the proper arbiter of which co-owners desire control. This is in fact the policy of other Boards within this town and other communities, and in this town, it's a policy of our Planning Board, this is a matter that has just come to the fore.

Accordingly, based on the prerogatives of this Board and this new policy which fairly represents all owners of property, I make a motion to table this application.

But before moving that, is there anyone here who wishes to speak to this application?

MR. COSTELLO: Jack Costello, on behalf of the applicant. Is there any issues besides the ownership legality that the Trustees have a problem with? Outside of the ownership? Is there any problem with replacing the bulkhead?

TRUSTEE BREDEMEYER: No. For the sake of file review, I believe we covered that on the initial public hearing. And the Board has no problem with it. It's an exempt action under the LWRP. It's just a straight-up bulkhead replacement. So as far as the physical site and construction methods and plans, the Board does not have a problem.

MR. COSTELLO: What legal documentation does the Board need to move forward on this? What do you require to be resolved to move forward on this application?

TRUSTEE BREDEMEYER: It would be in fact what I just spoke to, which would be the basis of the table. We have to have the support of each owner in a form and manner that would be sufficient for my clerk and the Board and our Town attorney Steve Kiely. Basically just an acknowledgment of the person acknowledging that they are, the support of every owner in making the application is known to the Board through the application process.

MR. COSTELLO: There is no consideration about percentages, stuff

like that? It has to be a full 100% ownership agreement?

MR. KIELY: Well, tenants in common, is how this property is being held. Each tenant has 100% undivided interest in the property. So if there was a different agreement, if you have a written agreement whereby one might say a tenant in possession has the authority to make improvements, authority to do so, if you have that document, that's a different story. But in a vacuum, you would need the approval of each and every tenant in common to submit an application for a wetland permit.

MR. COSTELLO: Thank you. That's the answer I needed.

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

(Negative response).

Seeing no other, I would make a motion to table this application until the applicant can clarify the support of all the individual owners. That's my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: En-Consultants on behalf of **DOMELUCA II, LLC** requests a Wetland Permit to demolish and remove existing dwelling, swimming pool, and deck; construct new 2,130sq.ft. one-story, single-family dwelling with attached covered deck and pavilion; a 20'x84' swimming pool; a 25'x36' deck; 4' high pool enclosure fencing; a 53'x56' basketball court; replace existing sanitary system with new; and install a drinking water well. Located: 14895 Route 25, East Marion. SCTM# 1000-23-1-2.10

The LWRP found this to be consistent, and to protect the water quality of Dam Pond would require a 50-foot wide native vegetation non-turf buffer between the property and the wetland.

The CAC also supports this application with the condition that the pool drainage system is depicted on the site plan.

The Trustees visited this site on the 13th and overall we saw the application as being pretty straightforward.

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

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants, on behalf of the applicant. We had met during field inspections on this property. It should be viewed by the Trustees I think as a very good project. It basically removes a number of residential structures on the property that are currently located less than 100 feet from wetlands and constructs, places the construction, the new structure is not only more than 100 feet from wetlands but at least 100 feet from top of bluff on the property.

And if the Board has any questions or concerns, certainly I'm happy to answer them.

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

(Negative response).

Comments from the Board? Regarding the swimming pool, maybe?

TRUSTEE BREDEMEYER: The swimming pool, if we can't locate it on the plans, is something to be added in. Swimming pool backwash filter, is it a pre-existing --

MR. HERRMANN: There is a pool now being demolished and removed, then there is a proposed swimming pool. I'm trying to remember, I thought we had the surveyor show a proposed drywell for pool backwash, but I'm having trouble finding it.

TRUSTEE KRUPSKI: I could have missed it. But I didn't see it.

MR. HERRMANN: I'm just looking at it for a second.

We would certainly stipulate, we would agree to a condition to add a pool drywell. That's just an oversight. I'm sorry. That we would have that located at least 100 feet from the wetlands, if not 100 feet from the top of the bluff.

TRUSTEE KRUPSKI: Okay. And then the LWRP coordinator was also looking for a 50-foot buffer from Dam Pond.

MR. HERRMANN: I saw that. I thought that was pretty excessive for a developed lot, particularly given the landward relocation that we are proposing here. Typically a 15-foot buffer along the top of the bluff has been typical. It's a little bit of a different kind of bluff but I think the applicant has a landscape and some natural meadow plans they may want to come in with, they may want to go wider than that in places, but maybe we could stipulate a non-turf buffer along the top of bluff or wetlands boundary where bluff fades way at least 15 feet, and if they want to add more native vegetation beyond that, I'm sure you would not object.

TRUSTEE BREDEMEYER: It's, generally speaking, keeping with what the Board does. There are a lot of invasives in there.

TRUSTEE KRUPSKI: Okay, any other comments?

TRUSTEE BREDEMEYER: Just a comment. A 15-foot non-turf buffer, if possible, maybe 20 feet. The property on the bluff overlooking Dam Pond is heavily vegetated with undesirable invasive vegetation. It might be advisable to allow a portion of that to have the invasives removed and replant with natives and maybe broaden a non-disturbance zone of maybe ten or 15 feet on the downward slopes and join that.

For the purposes of, in other words for the purpose of, I would not want to see that whole area that is occupied by the wild privet hedge, I would prefer to see some of that be returned to native vegetation. I'm just thinking as far as the site specific --

MR. HERRMANN: Jay, I think the plan that would be consistent with what you are saying is the applicant would probably come back with a re-veg plan to address those specifics, that would include pulling those things out, establishing a permanent line. I'm just asking --

TRUSTEE BREDEMEYER: So if we were to consider the 15-foot non-tougher buffer for the purposes of completing permitting here, the applicant is not then constrained by creating a non-disturbance zone full of bad guys and then you can come back in --

MR. HERRMANN: And they would come back to you with a more sort of removal and re-veg plan.

TRUSTEE BREDEMEYER: That sounds reasonable.

TRUSTEE KRUPSKI: Okay.

MR. HERRMANN: That's fine for us.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application as amended with the a 15-foot non-turf buffer and drywell for the swimming pool, and submitted through landscape plans.

TRUSTEE BREDEMEYER: If we get an amended plan to cover the landscape.

MR. HERRMANN: We can submit an amended site plan in the meantime that adds the drywell and the buffer.

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

TRUSTEE SANDERS: Second.

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

(ALL AYES).

TRUSTEE DOMINO: Number five, En-Consultants on behalf of **ROBERT & NOREEN FISHER** requests a Wetland Permit to demolish and remove existing one-story dwelling and construct a new ±3,661sq.ft.

two-story, single-family dwelling with attached garage, ±314sq.ft and ±427sq.ft. covered porches with 7' wide stairs to grade, and ±343sq.ft. deck with 4' wide stairs to grade; remove and replace existing 1,212sq.ft. swimming pool deck with a 1,105sq.ft. on-grade masonry patio located 5' further landward from top of slope; remove existing septic system and install new sanitary system landward of dwelling; install a drainage system of gutters to leaders to drywells to contain roof runoff; install a backwash drywell for the existing 935sq.ft. swimming pool to be maintained; modify/extend existing pool enclosure fencing; install masonry walkway on south side of dwelling; relocate existing public water service line; and establish and subsequently maintain a 10' wide, approximately 2,160sq.ft. non-turf buffer along the landward edge of the top of slope.

Located: 2530 Vanston Road, Cutchogue. SCTM# 1000-111-5-3

The LWRP coordinator found this to be consistent.

The CAC did not make an inspection, therefore no recommendation was made.

The Trustees -- there is a letter in the file from the DEC, a letter of non-jurisdiction.

The Trustees did a field inspection on April 13th, and all were present, and note this is a straightforward application, there are no issues were discovered.

Is there anyone here to speak to this application?

MR. HERRMANN: Yes, Rob Herrmann, of En-Consultants, on behalf of the applicants accident. Robert and Noreen Fisher are also here.

This is another good project, we think. The tidal wetlands

letter of non-jurisdiction has been issued by the DEC, and due to a setback issue relating to the paper road to the south side, we had to go through the Zoning Board of Appeals, and we have their variance approval, just recently from March, which was K6924. Basically there is only a very little bit of work that is even going to occur within 100 feet of the tidal wetlands associated with Cutchogue Harbor, and a partial landward relocation of the house actually increases not only the wetland setbacks but the quote unquote top of bluff setbacks associated with the bay.

The existing deck around the swimming pool will be reduced in area any replaced with non-grade masonry patio, it's about 107 square feet smaller and about five feet back farther from the top of the bluff and wetlands. Minimal increase in lot coverage and over 2000-square foot non-turf buffer would be established within ten feet of the top of the bluff. And there is going to be also sanitary system upgrade and relocation. All the sanitary work will be well beyond the 100-foot bluff setback.

If you have any other questions we are certainly happy to address them, but I would agree with the characterization that is this is a straightforward reconstruction project that brings I think environmental improvements with respect to covered setbacks, etc., with respect to the property.

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

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

Hearing none, I make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion approve this application as submitted.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you, very much.

TRUSTEE KRUPSKI: Number six, Jeffrey Patanjo on behalf of **ANDREA PARKS** requests a Wetland Permit for the as-built bluff stairs consisting of a 4.7'x3.6' top platform, 15.6'x2.7' stairs, 3'x3' upper platform, 1.7'x2.7' stairs, 4.4'x3.0' upper middle platform, 2.8'x13.4' stairs, 4.0'x9.7' middle platform, 2.8'x15.4' stairs, 4.0'x18.9' lower platform with 3.0'x6.3' stairs to beach parallel to bulkhead. Located: 3925 & 3995 Nassau Point Road, Cutchogue. SCTM# 1000-111-9-5.1&5.2

The LWRP found this to be inconsistent. Comply with Trustee regulations and recommendations as set forth in Trustee permit conditions. The stairs are not constructed regulatory permits and to stabilize the bluff requires the area void of

vegetation to be replanted with native vegetation.

The CAC supports the application with the condition the stairs at the base are retractable or removable.

I actually inspected this, and just, this is an as-built structure. The work is already completed. And the bluff is certainly void of plantings.

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

MR. PATANJO: Jeffrey Patanjo, on behalf of the applicant. The project originated during Hurricane Sandy. It was permitted under, I do have the permit number for you, but I'm sure you have it as well. So it is a permitted installation. However, when the contractor went to put in the proposed replacement stairs after Hurricane Sandy, the area that they were was so steep and fallen apart that he decided let me put it over here because it's a better spot for it, there is more vegetation, easier grade, it's easier to build and it will be more stable in the long-term.

So we are here today to try to get this figured out. I have no objection to making sure those stairs retractable or seasonal. I could easily modify the stairs to do that. As far as the wetlands vegetation plantings, if we wanted to add something to this application, I would ask that we extend the permit timeframe, just for financial reasons, that is not feasible for the applicant right now. So that's one of the options that we have.

TRUSTEE KRUPSKI: Definitely one of the issues here is if that is not stabilized we'll be back here in like a year or two with the same exact application, except the pool might be in, you know.

MR. PATANJO: I hope we have a little more than a year for that. Hopefully.

TRUSTEE KRUPSKI: Hopefully.

MR. PATANJO: The stairs are well constructed. It's a good set of stairs, just the location shifted from the south over to the north.

TRUSTEE KRUPSKI: Is there anyone else here that wishes to speak to this application?

(Negative response).

Are there any comment from the Board about vegetation and timeline? Does anyone have any feelings about that?

TRUSTEE SANDERS: What about making the stairs seasonal, does that make the LWRP good to go?

TRUSTEE KRUPSKI: Basically, if they can be bolted on and unbolted, that would satisfy.

TRUSTEE SANDERS: Okay.

TRUSTEE BREDEMEYER: That's not a problem.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve in application with the modification that the platform at the bottom on the beach can be removable and bolted on, thereby bringing it into

consistency, with the strong suggestion it be revegetated as soon as possible.

MR. PATANJO: I'll make the recommendation.

TRUSTEE BREDEMEYER: So moved. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number seven, Jeffrey Patanjo on behalf of **FOR THE LOVE OF FAMILY, LLC, c/o ANTHONY LOMANGINO** requests a Wetland Permit to spread approximately 250 cubic yards of clean sand fill on existing beach adjacent to pile to a maximum depth of 12"; all work to be above the mean high water line and avoiding disruption of existing vegetated wetlands in area; and in accordance with NYSDEC Consent Order #15AF37. Located: 9205 Skunk Lane, Cutchogue. SCTM# 1000-104-3-16.1

The LWRP found this to be consistent. The CAC resolved to support the application with no conditions, reference the New York State consent order.

The Trustees did a field inspection on April 13th, approximately 2:15 in the afternoon, and all were present. And in the notes, question the need for more detailed plans showing where the spoil will ultimately reside. The target area was not staked.

Is there anyone here to speak to this application?

MR. PATANJO: Jeffrey Patanjo on behalf of the applicant. My proposed plans show an outline with some hatched area showing where the proposed spoil is going to go. There is no staking, just because I don't know exactly where the wetlands grasses are there. There are some along the fringe that we wanted to avoid. Again, this is, the whole purpose of this is to satisfy New York State DEC and their consent order, for the client, to actually spread the sand on the beach. That was part of the agreement we had. So staking could be done if you wanted to, but otherwise the whole intent is to avoid the above mean high tide line and avoid and wetlands or any grass or any vegetation of any kind, and spread along that whole area as indicated on the plan.

TRUSTEE DOMINO: Speaking for myself I'm in full accord with that. I'm sure the rest of the Board is, but I need to see it staked.

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

Any other questions or comments from the Board?

TRUSTEE BREDEMEYER: I think staking is appropriate. Short of having a Trustee onsite during the course of the operations, if one was available, if our schedules permitted. But I think that's pretty much a straight-up thing to quickly stake it, the area Trustee or Trustee that's available could confirm the staking as quickly as one or two days after it's staked. And now that the weather is warming there is opportunities for any of the emergent patens or other Spartina that should be easily discerned by those staking and Trustees looking at it, so I

think that's a good idea

MR. PATANJO: Am I allowed to talk?

How is that going to happen? Do you want me to stake it before we do the work or do we have to come back for another meeting?

TRUSTEE BREDEMEYER: No, well, Trustee Domino is carrying the application. Typically we could stipulate and then make it a condition that we would review it and allow the work to go forward.

MR. PATANJO: So stake it, give a call, it's staked, we are going to do the work Monday, something like that, or a couple of days notice?

TRUSTEE BREDEMEYER: Yes.

MR. PATANJO: Okay.

TRUSTEE DOMINO: All right, any other questions or comments? (Negative response).

Hearing none, I 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 with the condition that the staking, that the Board will be notified after the staking so that concurrence of the area Trustee or Trustee concurrence, written approval in a field report. Written approval of the Trustees.

MR. KIELY: Basically, until you get the written approval, you can't do anything.

MR. PATANJO: Perfect.

TRUSTEE DOMINO: That's my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

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

The Board of Trustees first attempted to make an inspection on this site on February 10th but it was impassible due to snow. We conducted a field inspection on March 16th, we discussed issues surrounding both the home construction and the proposed dock at that time. In the intervening time a revised plan was submitted to the Trustee office dated April 9th revision, which proposes a 100 foot -- 100 feet from the tidal wetlands as the zone of clearing, and it proposes a 75-foot non-turf buffer.

The follow-on to the application and the field inspection

that the Board performed this last Wednesday, April 13th, the Board requested on the field that some consideration and further discussion be given to, instead of having a 75-foot non-turf buffer adjacent to the wetlands, that the site, because of its environmental sensitivity, would be much better served with a 75-foot non-disturbance zone so that the entire perimeter of 75 feet contiguous to the town owned underwater lands and the wetlands of Richmond Creek would be protected. And that we felt it would be appropriate that any activities at all within that 75 feet would be protected then by having that as a non-disturbance zone. And the fact that it's a stable hardwood forest in that location and with no invasive vegetation that it should remain stable going forward for quite a great time.

The Southold Town LWRP coordinator indicates that this project is inconsistent with the Town's policies in that the concerns concerning the dock, largely, that before considering an approval for a dock, the Trustees should be considering whether it will impair navigation or be located in the areas of high vessel traffic that it maintains. That the dock has proposed is a 223-foot dock and that it does not appear that the one-third rule has been met. That a net loss in public use of waterways is expected as a result of the construction of such large structure in or around public waters. That the proposed vessel dimensions and draft have not been identified. All lumber is proposed to be treated with CCA in this ecologically sensitive area and does not comply with Chapter 275 regulations, which cites below. I won't go into them but, by reference, the wetland code not only prohibits all CCA in many cases but in more fragile or areas that have poor water exchange, the Board can also provide additional requirements for non-toxic material, whether they be tropical hardwoods from an approved source or fiberglass or other artificial laminates that don't leach toxic materials into the waterway. The area is shallow and increased turbidity and or bottom scarring may occur depending on the type and nature of vessel operations. The waterbody is a Department of State Significant Fish and Wildlife Habitat. It's also a critical environmental area previously designated by the Trustees. And it's a New York State critical environmental area. Diamondback terrapin are native to the creek and they are vulnerable to disturbance, as noted. The alteration and tidal patterns could have major impact on fish and wildlife. Any barriers to fish migration or physical or chemical impacts should be discussed. That is based on New York State Department of State concerns. The unrestricted use of motorized vessels including personal watercraft in protected bays and harbors can have a significant adverse effect on aquatic vegetation. Whether the dock will in fact disrupt or damage existing stands of beneficial submerged aquatic vegetation, such as eelgrass (*Zostera marina*) or widgeon grass (*Ruppia maritima*), and whether the cumulative impacts of a residential dock will change the waterway or the environment, and whether adequate facilities are

available for the boat owners or operators for fueling, discharge of waste, rubbish, electrical service or water service, which has not been -- apparently the LWRP coordinator believes has not been sufficiently addressed. And that in our position as officers protecting the public trust lands of the town, concern that, you know, that we carefully assess any project of this scope in terms of what grants or easements or permits we grant in relation to a structure which is 223 feet long. Now, due to the high ecological value of Richmond Creek, a seasonal mooring is a better option in this instance. I believe that's an opinion of the LWRP coordinator, which I believe with many of the other concerns might more appropriately be reviewed in the context of an environmental impact statement. As I said before, a non-toxic structure may have, depending on the use of the boat at it, may have less impact to the bottom, at least to my mind, than an anchor with chain rope chewing up the bottom.

I think I covered -- the CAC is in support of the application provided that it did not, the dock does not go more than one-third of the way across the creek.

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

MS. RIGDON: Good evening, Agena Rigdon, DKR Shores, here to represent Sam Singer in the application.

Since we last met, this is a holdover from the last meeting, if you recall, the Board generally didn't have a problem with the house. The sanitary system, the pool and most of the structures proposed are out of jurisdictional boundary except for a small part of the clearing which we did show depict to have trees flagged, which you met on site with Mr. Singer, and observed that at the last site inspection. Also, a couple of items which the Trustees asked to have proposed, the revised plans were delivered dated the 9th, as you saw. We have since modified those slightly and as per our conversation with you and Mr. Singer onsite, we modified the verbiage for the 75 foot buffer offered to the Board as a 75 foot wide naturally vegetated non-disturbance buffer area, and I do have additional copies of surveyor revised by Nathan Corwin dated April 14th for the Board's review.

TRUSTEE BREDEMEYER: That is just in summary, the change of the verbiage which we considered going from non-turf to non-disturbance

MS. RIGDON: Correct.

TRUSTEE BREDEMEYER: Ordinarily this would be materials we have to give further consideration and check according to our policy as far as new materials submitted lately. But it appears to be what you are saying is in conformity with what we asked you to consider.

MS. RIGDON: There were some other changes, if I can continue, that were actually made on the 9th, the plans that were prepared and delivered to you for April 9. These were forwarded electronically, by the way, but these are the hard copies that are scaled in front of you now.

We did change the CCA and treated lumber to all hardwoods. We did explore your question regarding fiberglass poles. I spoke with numerous contractors, not just Mr. Singer but, as you know, I work for Chesterfield Associates, South Shore Docks, Docko, et cetera, and basically, the gist was you wanted me to explore the concept of monopole. Monopole, basically, to do a "t" formation structure with one pole in the middle, would have to at least be a ten-inch round pile. This, just installing a ten-inch and even considering a monopole, would cause a thousand times more disturbance than just two men with two feet jetting in a 6x6. So we have no problem with entertaining not just a hardwood but a fiberglass six-inch round. Mr. Singer is amenable to that. That is fine. However the ten-inch monopole -- and funny, Sam was actually calculating the square inches of cover of a ten-inch versus two six-inches and there  
(UNIDENTIFIED VOICE): One is 78 inches square --  
TRUSTEE BREDEMEYER: Sorry, you'll have to get up and address the Board.

MS. RIGDON: The ten-inch calculated to 78 square inches.

MR. SINGER: Sam Singer. So the ten-inch wide is 78 inches square whereas the two six-inch diameter piles are 56 inches square, so.

MS. RIGDON: Actually, stay up here. I would like you to address what watercraft you have and then what the alternative would be of dragging this thing through the intertidal area, which would be a disaster.

MR. SINGER: So instead of the 4X4 hardwood, we would be willing to put in the hardwood posts, but we also looked into the fortress pilings that are six inches, and they fiberglass, they are hollow and have a quarter inch wall. I talked with Seascape Marine and he would be willing to use those type -- two pilings ten-feet apart, and that would have minimal impact on the bottom and would satisfy the fiberglass, you know, if you wanted those instead of hardwood, I would be happy to do that.

In terms of the reason for the dock, is I have a Hobie Sail Cat that normally I would have to drag over the wetland grass. It's four feet wide, it's a long -- I think I would disturb more wetlands. And I'm an avid boater and sailor. So in dragging that craft out across the wetlands would be, in the sand, would cause more damage than having a fixed structure with properly designed, with monopole, flow-through decking, and would have minimal disturbance.

I also have a small outboard that I would keep there as well. And I have a mooring permit for that outboard. It's an eight -- a 20 foot outboard and I think, again, I would cause more damage with the mooring because that's what I would be using going back and forth across and disturbing the sands and the wetlands. So I think the dock is actually the least destructive.  
TRUSTEE BREDEMEYER: So at this point you have the small vessel, the Hobie Cat and a 20 foot --

MR. SINGER: Exactly. It's a Hobie Cat Sail, also a kayak. But you can't put it in shallow water you have to have a 30-inch

depth just to get it going. If you use it frequently, it's hard to use through that degree of wetland.

TRUSTEE BREDEMEYER: I stand corrected. The new plan shows ten foot on center for the piles.

MS. RIGDON: Correct.

MR. SINGER: And if you want we'll use the monopole fiberglass. I would be willing to have the extra cost of doing that, if you so desire.

TRUSTEE BREDEMEYER: Not to belabor the issues because I think possibly some of these things, dock-specific issues still might be worthy of more detailed examination. One concern is that a traditional dock, even with piles that are, you know, 2x2 as you go out, or alternate, it tends to obstruct the bottom quite a bit, and the reason why there was some discussion on consideration on at least advancing that notion for further discussion of the monopole, is that would allow shellfishers and other riparian users to be able to more easily access sides under a dock without the encumbrance of the piles. So that there are obviously some trade-offs to any one of these issues. I'm sure the Board appreciates your offer to go non-toxics, so we are addressing --

MR. SINGER: And the concern with the bigger pile when I asked, they would have to get a bigger barge in Richmond Creek which is relatively shallow and would probably create more damage to get a barge big enough to put in those piles.

TRUSTEE BREDEMEYER: There again, I'm not sure possible additional dock issues, because you heard the Board, I don't believe has got the concerns, many of the concerns concerning the house have been addressed and the 75 foot non-disturbance zone is the largest I have ever seen offered in an application since I have been a Trustee. But the dock comes to other issues too because the trade-offs there maybe need additional discussion by the Board, which, obviously, you talk about bottom coverage and one time jetting in, whereas the smaller pile may be subject to ice lifting, whereas the ten-inch pile on some of the fiberglass has a pretty good history of not lifting. And for each square foot you might disturb during the install, the lifespan of the fiberglass pile now is typically estimated to be 50 or more years. So obviously placement, you want to make sure you are putting it in a secure area. But non-toxic pile then is also providing the surface area of the entire pile as a location for growing beneficial marine organisms that might be oysters or other things, and we have all seen what happens in the creek during ice out, you can take a dock of this length losing, having all the piles listed on a couple of sequential difficult winters, the power goes out on a bubbler, which even a bubbler on a dock of this length, a bubbling system on a dock to maintain at ice out, would be questionable environmentally because of circulating so much water in a creek to keep a dock from freezing would possibly change the thermodynamics in the creek. So you have a bunch of cumulative impacts from a dock of this size and scope that we might want to have a discussion at a

work session or the possibility that some of these things might have to be detailed through a more in-depth environmental review. Because I just think, I'd hate to see a dock go in with beautiful, smaller pile and then have it coming up repeatedly and requiring the dock builder to come in and jet it in year after year. That would probably defeat some of the purposes here.

TRUSTEE SANDERS: Perhaps the application can be divided into an approval for the house and pool, and wait on the dock.

TRUSTEE BREDEMEYER: I believe that would be, if the applicant was to request to move ahead with the house application, because of the nature of the protections that are afforded, we could justify segmenting it. Because the house construction in and of itself is a Type II action under the State Environmental Quality Review Act. So a clean house application does not portend, it really has to deal with the nuts and bolts of how houses are approved by all the administrative agencies, and there is not a lengthy environmental review that would lead to an impact statement. And I think we have addressed most of the concerns surrounding protecting the woodland. But it would be purely your decision, and we would have to get back to you if you wish to continue on with the dock and the house together, we'll have to get back to you with a very detailed statement concerning all the impacts and possibility, we have to give it a positive environmental declaration and, you know, that would tie the house and the dock together.

MS. RIGDON: That would be up to my client.

MR. SINGER: Would there be any additional fees or applications with this?

TRUSTEE BREDEMEYER: The Trustees, through our wetland code, can charge back the cost of the environmental review surrounding an environmental impact statement. It's also at your option, anyone who is dealing with an environmentally sensitive area can offer up an environmental impact statement of their own, of course subject to Board review, and then we can, to limit those costs, we can send out aspects of it or discuss aspects of it that would need further review. But there is a charge-back provision within the wetland code for outside review of applications.

MS. RIGDON: I can complete a full environmental assessment, if you would like me to do that, a long form.

TRUSTEE BREDEMEYER: If it's Mr. Singer's wish to split the house out then we would want to have a clean house application, and then you can do a long environmental assessment form. I would be glad to sit down with the Trustees at the next work session and give you a detailed list of environmental concerns. I think you heard a lot of them with the LWRP coordinator, I spoke rather briefly to concerns about the stability of the structure over time, and concerns that it wouldn't lift up every year or two and require additional damage. I think you addressed the vessel question well as far as the size of vessels. I don't think the Board has a problem with the size of vessels that you intend to

keep at your dock. Nobody has a problem with that.

MR. SINGER: So the concern is, I guess, ice damage and the need for a bubbler system. I was not even thinking of using a bubbler system.

TRUSTEE BREDEMEYER: The fact is probably, with a dock of that length, the first year that you come down in the spring or you are there year-round and you watch all, I don't know how many piles are involved now with that length, and they are all up in the air and you have to call a dock builder, and the next thing you'll be wondering the cost effectiveness of not having a bubbler system because you obviously not going to want to have the dock builder come back year on year, which sometimes is an issue.

MS. RIGDON: We have constructed many docks in full range ice situations on the south fork, and we use the 6x6 square, non-treated posts, 20 feet long. Every dock that I have done has not come up. However these fiberglass new piles, and I'm all for inventing new items that are environmentally friendly, I'm not so sure about those. They are supposed to be filled with concrete. They are hollow. I do agree with you that is a concern. I would revert back to the 6x6 hardwood that I know are a sure thing, and offer you 4x4's over the vegetated area.

TRUSTEE BREDEMEYER: Okay, I think this is worthy. Are you saying you might be willing to separate out the house from the docking going forward as far as --

MS. RIGDON: If it doesn't incur my client any additional cost or expense beside me filling out the long-form environmental assessment, then we agree.

TRUSTEE BREDEMEYER: Sorry, we can't warrant there would not be additional expenses involved with an application because the Board would have to review the long environment assessment form and provide an environmental declaration with respect to significance. And then if the Board still had questions or issues, in most cases we would try to work with you, for unanswered questions, but if it's necessary to take a more heightened review, there is the provision in the code. We can't pre-judge, I think the Board has a history of trying to work with applicants trying to address environmental concerns without going to extraordinary expenses beyond the scope of persons doing the expediting bringing us the information.

MS. RIGDON: I understand. As long as it's without prejudice and we can just follow through with the dock at later date with any incurred costs as determined by the Board.

TRUSTEE BREDEMEYER: Okay, we have other Trustees that may wish to speak or other individuals that may wish to speak. Do you have anything else with your presentation at this time?

MS. RIGDON: Not at this time. But I'll address any questions as they come up.

TRUSTEE BREDEMEYER: Very good. Is there anyone else that wishes to speak to this application?

(No response).

Hearing no further comments, seeing no further indication of

someone wishing to speak, at this time, with respect to this application, I would like to close the hearing in this matter with respect to the house construction.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: A motion has been made to close with respect to the house only, with the stipulation as expressed in the plans for a 75-foot of non-disturbance naturally vegetated area adjacent to the house. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: In order to provide some orderliness going forward, I think, just an aside before moving to approving a resolution, that the Board is keeping open discussions on the dock and we'll waive the filing of a separate application fee for the dock, if there is no objection to that.

TRUSTEE SANDERS: That's fine.

TRUSTEE BREDEMEYER: At this time I would move to approve the house construction as applied with that stipulation.

TRUSTEE SANDERS: Second.

MS. RIGDON: Thank you. One additional question, when is the next work session meeting that is available?

TRUSTEE BREDEMEYER: We have to have a vote. Motion is made and second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next meeting is on?

TRUSTEE KRUPSKI: May 16th.

MS. RIGDON: What time usually is that?

TRUSTEE KRUPSKI: We meet around 4:30.

MS. RIGDON: Okay, thank you, so much.

TRUSTEE BREDEMEYER: Before you leave, counsel just told me, I'm trying to keep this on simple terms here. We'll waive the fee on new, applying for basically a new application for the dock alone, but keeping open any, some of the hearing discussion here is to append to that, and that we'll have to get, probably get back to you after you give us an application with the long environmental assessment form. I'm just trying to make it clear. So we need a long environmental assessment form and an application for which we'll waive the fees.

MR. KIELY: You can waive the fees but they have to re-apply for a new application for the dock.

MS. RIGDON: Okay, got it. Thank you.

TRUSTEE SANDERS: The next one is page nine, and it is number nine, Frank Uellendahl on behalf of **JASON SCHMIDT** requests a Wetland Permit to add a 21sq.ft. addition onto the existing 706sq.ft. Cottage; raise the existing cottage up to FEMA flood plain requirements; install new concrete footings under cottage; reconstruct 3'x3' seaward landing with steps, and side entry steps to grade. Located: 65490 Route 25, Breezy Shores Cottage #8, Greenport. SCTM#1000-53-5-12.6

The LWRP has found this consistent.

And the CAC has resolved to support the application.

I actually inspected this on 14 of April, 2016, at 4:40 PM.

And the only concern that I came up with is to request gutters and leaders to drywells. I didn't notice that on the plans anywhere.

Is there anybody here to speak on behalf of the applicant?

MR. UELLEND AHL: Yes, good evening my name is Frank Uellendahl, on behalf of the applicants. I do have a site plan that does show the roof runoff, including the line of hay bales and silt fence.

TRUSTEE SANDERS: Has that been submitted already?

MR. UELLEND AHL: Well, the original plan should show the roof runoff, but I added the protection of the hay bales.

TRUSTEE SANDERS: Do you have gutters and leaders coming off --

MR. UELLEND AHL: Yes, there are two drywells with gutters and leaders. Actually says here, roof runoff. It should say this on the original.

TRUSTEE SANDERS: (Perusing).

MR. UELLEND AHL: Everything will be connected on both sides. I have two drywells.

TRUSTEE SANDERS: There you go, I didn't see it. I must have looked at the other one.

MR. UELLEND AHL: No problem. We are also protecting the bulkhead.

TRUSTEE SANDERS: Okay, anybody else? Would you like to say anything else?

MR. UELLEND AHL: This probably looks very similar or familiar to you because there was a very similar project that you approved last year right next door. We are actually a foot-and-a-half higher, so we don't have to raise the cottage quite up that much, only maybe a foot. But the owners of Breezy Shores understand that they are only allowed to increase the footprint by a maximum of 3%. And we received a variance for that.

TRUSTEE SANDERS: Okay, great. Thank you. Anybody else like to speak on behalf of the applicant?

(Negative response).

Any thoughts from the Board?

TRUSTEE BREDEMEYER: No. It's very straightforward.

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

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: I would like to make a motion to approve the application.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

MR. UELLEND AHL: Thank you, very much.

TRUSTEE SANDERS: You're welcome.

TRUSTEE KRUPSKI: Number ten, Robert Brown Architect, PC on behalf of **RICHARD & LISA ISRAEL** request a Wetland Permit for the

demolition of existing single family residence and carport; construct new 2,793sq.ft. two-story dwelling with new foundation, and 1,154sq.ft. above grade patio on seaward side; abandon existing sanitary and install new sanitary system on landward side of dwelling; and install gutters to leaders to drywells to contain roof runoff. Located: 685 Osprey Nest Road, Greenport. SCTM# 1000-35-6-27

The LWRP coordinator found this to be consistent.

The CAC resolved to support this application using best management practices.

The Trustees went out on April 13th to inspect this and found no major issues. It looked pretty straightforward overall.

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

MS. SZCZOTKA: My name is Karen Szczotka, agent for Robert Brown Architect PC, on behalf of Richard and Lisa Israel, if you have any questions.

TRUSTEE KRUPSKI: Does anyone on the Board have any questions? (Negative response).

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

(No response).

Okay, I make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

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

TRUSTEE SANDERS: Second.

(ALL IN FAVOR).

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

TRUSTEE BREDEMEYER: Okay, we are ready to go back to the record, public hearings.

TRUSTEE DOMINO: Number eleven, Mark Schwartz, Architect on behalf of **ANTHONY CAMPO** requests a Wetland Permit to demolish existing dwelling and construct new 1,650sq.ft. two-story dwelling with a 1,572.8sq.ft. wrap-around deck; abandon existing sanitary and install new sanitary system with retaining walls varying in height from 2.5' to 4.2' above grade; abandon and remove sanitary system to existing shed which will not to be replaced; and install gutters to leaders to drywells on the dwelling to contain roof runoff. Located: 1165 Haywaters Road, Cutchogue. SCTM# 1000-111-1-24, 25 & 26

The LWRP coordinator found this to be consistent.

The CAC resolved to support the application with the condition of a line of staked hay bales and silt fencing

installed prior to demolition and construction activities.

The Trustees did a field inspection on April 13th and all were in attendance. Notes include, one, maintain a non-disturbance buffer seaward of the limit of clearing, as denoted on the plans. Limit the shed to no water or sewage, in other words it is not be habitable. And one other suggestion, if possible, to remove a drywell on the plans so as to save a large cedar tree which would have to be removed in order to put the drywell in.

Is there anyone here to speak to this application?

MR. SCHWARTZ: Yes, Mark Schwartz, Architect, for the project. You may have seen this before, some Board members may have seen this before. We had flood approvals for it, we had the Zoning Board approval, DEC, Department of Health. So this is a final go around. There are no changes from the original application.

I'm not sure which drywell you are talking about that would save a tree. I'm sure we could do it.

TRUSTEE DOMINO: If you want to approach.

TRUSTEE BREDEMEYER: The stack of four had like an 80-year old cedar. I don't know if you could --

MR. SCHWARTZ: I'm sure we can.

TRUSTEE BREDEMEYER: Because it looked like it would fit in with the future land use.

MR. SCHWARTZ: Okay, sure. Absolutely.

TRUSTEE BREDEMEYER: Okay, the discussion was surrounded, we looked at the plans where the proposed drywells were and the applicant has agreed they can save, it's about a 70-year old cedar tree that would fit in with the natural vegetation on the site. If it can be saved, it can be saved. Thank you.

MR. SCHWARTZ: Okay.

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

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

Hearing none, I make a motion to close this hearing.

TRUSTEE SANDERS: Second.

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

TRUSTEE DOMINO: I make a motion to approve this application with the condition that there be hay bales and a silt fence landward of the line of the limit of clearing as denoted on the plans, and to maintain a non-disturbance buffer seaward of the limit of clearing line.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: Just a brief discussion. I think the current standard, you wouldn't have to employ hay bales, I don't know for a site like that whether it's easy or not, provided the silt fence is constructed according to the current engineering specifications that the town engineer has should be all right.

TRUSTEE DOMINO: One other condition, I forgot to put in my

motion, to limit the shed to non-habitable condition.

TRUSTEE BREDEMEYER: Okay, and to include in the motion that the shed be not habitable, with no water or sewage.

MR. SCHWARTZ: Okay.

TRUSTEE BREDEMEYER: And the motion is made. Second, again?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: Motion made. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, Shawn M. Barron, M.S. on behalf of **CAMERON DOWE** requests a Wetland Permit to construct a ±625sq.ft. Shed which will not have electricity or sanitary; construct a 4'x15' fixed catwalk with six (6) 8" diameter piles; a 32"x12' hinged ramp; and 6'x20' floating dock with two (2) 8" diameter float piles. Located: 975 Cedar Point Drive West, Southold. SCTM# 1000-90-1-5

The application has been deemed consistent by the LWRP.

The CAC did move to support it.

The Trustees on field inspection met with a very nice neighbor who unfortunately had been forced to have his dock a bit closer to the property line here than he wished because of another neighbor's structure and thought if possible we could entertain a discussion in the public hearing concerning possibly shifting the dock about ten feet to the north, northwest, rather, to accommodate that neighbor who has been slightly pushed over. So the docks are rather tight in the area.

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

MR. BARRON: Shawn Barron, for the applicant Mr. and Mrs. Dowe.

Good evening. I would love to be able move to dock over. I'm afraid that would probably throw in the DEC's bad graces. I'm kind of hemmed in with the decks. They want 30 inches at low water.

TRUSTEE BREDEMEYER: Yes. Oh, yes. It's very clear here, he has barely two-and-a-half feet. If the current position goes to the northeast, he's in trouble with the DEC. Understandable. All right, the imposition, really, clearly the neighboring dock is over toward the property of your client, on account of others. So I think under the circumstances that, you state your case well. I don't think anybody here has an issue with that.

MR. BARRON: And the neighbor is here. And I think they are neighborly and they'll work things out between themselves.

With respect to the shed, I thought I had amended the application when I was actually submitting it. We do intend to have electricity in the shed, but not water.

TRUSTEE BREDEMEYER: We could handle that from the dais, if we get through the permitting stage. Is there anything else you have to add?

MR. BARRON: No, not if you don't have any other questions.

TRUSTEE BREDEMEYER: I think the Board felt it was fairly straightforward. Is there anyone else who wishes to speak to this application?

(No response).

Not hearing any further comments, do any Board members have any questions or concerns?

(No response).

Okay, not hearing any, I would make a motion to close the hearing in this matter.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

I'll move to approve this application as submitted, noting for the record that there will be electricity supplied to the shed but no sanitary waste or plumbing. That's my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Number 13, Michael Kimack on behalf of **JOHN & KORI ESTRADA** requests a Wetland Permit to demolish southeast section of existing one-story dwelling; renovate remaining 1,972sq.ft. of existing dwelling by installing new window, doors, and roof; construct a 2,310sq.ft. two-story addition to easterly side; existing 521sq.ft. seaward side deck to remain; construct a 605sq.ft. seaward deck with stairs to grade; construct a 451sq.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 has found this inconsistent. And they have three points to communicate. Number one, the depth to groundwater is shallow in this area is not indicated on the plans. Portions of the proposed two-story addition, deck and pool are located within FEMA flood zone AE. Elevation six feet not meeting policy number four. And the proposed pool deck is located 23 feet from a wetland area.

The CAC has resolved to support this application.

The Trustees have inspected this property several times. The last time we came upon the property was 4/13/2016. All were present, and the notes indicate wetland of local importance flagged on the east side, discuss protection and suggest a low profile split-rail fencing on the landward side of the 20-foot non-disturbance area.

Is there anyone who wishes to be heard on this application?

MR. KIMACK: Michael Kimack for the applicant. And the applicant is here this evening. This is a continuation of a table. And we have had several conversations. A little, going back a little bit, basically, New York State DEC had made the determination that that particular remnant wetland is not within their jurisdiction. So they primarily are working off the primary wetland. And we did discover that, from a prior permit they had indicated the 20-foot buffer from the primary wetland. And they basically took this away from their jurisdiction.

As an alternative to the split-rail fence, because I think what you are trying to accomplish, and my client has a push back

to the split-rail, except if you are looking to try to accomplish a physical demarcation somehow, in order to identify the edge of that 20-foot buffer, or as you go forward, any time that you are going to do a non-turf buffer, whether it's off a bulkhead at ten feet or any of the projects you talked about tonight, I think the Board is looking to move forward with some identifying demarcation, so that there is some way with which the future owners are able to know where that line is and basically uphold it, for the most part.

What we are recommending for this property, basically, is that from the pictures that I have shown you right now, if I can refer you to that site plan that has that 20-foot buffer on there, is that from the eastern boundary line, a little past the dock, there is a defined bank primarily, there is a row of tree lines along that, which is fairly close to the 20-foot setback from the high water mark, that we would like to be able to refer to that as the demarcation line for that portion along the 20-foot buffer, and for the remaining portion from that last tree line up to toward the house, toward the existing portion of the house, we would offer basically to put in the ground and ground level, about every five foot, a Belgian block lining a path, so that it becomes a physical demarcation but is not anything that will stop or something that would be permitting the Belgians won't rot out ten years from now. The fence will be gone.

TRUSTEE SANDERS: On that section or the section on the other side?

MR. KIMACK: If you look at picture, the other side, on that one, no. This is the primary wetland on the other side, Charlie, for the most part.

TRUSTEE SANDERS: Okay.

MR. KIMACK: We feel that that would really give you what you are looking for in terms of, because each property will be a little bit different. But I thought if we put in a ground level Belgian block, no concrete, just dry, into the ground, about every five feet along that 20-foot boundary line, up to the tree line and then use the natural trees as the demarcation zone, that that would accomplish what the Board is trying to achieve. As far as that side is concerned. Then I can see that that might be something more acceptable as you move forward with other clients because if you have a bulkhead where you are asking for ten or 15 non-turf buffer, it's, I would imagine you would probably have some serious conversation with people if you are going to look for something like a split-rail fence for demarcation.

TRUSTEE SANDERS: The Belgian block is not a consistent row. It's one little block, five feet, one little block, five feet.

MR. KIMACK: Yes. And it's easy enough to pick out, basically. The Belgian block, there is no concrete. It will be there forever. It won't deteriorate or wear away or anything like that.

TRUSTEE BREDEMEYER: We did start sort of a preliminary

discussion on this, one or two of us did. I don't know if I had an opportunity to speak to all the members. Some thoughts were maybe the Belgian block would be too easily disrupted or simply plucked out of the ground. We were thinking a little more substantial, like a natural stone material or something, in other words that might be esthetic that would be of a little more substantial in nature. We, I know I discussed it with the vice-president. We are concerned somebody just comes along and says wow, I could use Belgian block to replace --

MR. KIMACK: Well, they are going to be in the ground about eight to ten inches. I mean, that's the depth of Belgian blocks, they are four inches thick, generally about 12 inches long, depending on what size you get, and they are generally about eight to nine inches deep. So they would be eight to nine inches in the ground. Not something that will come up very easily at that particular point.

TRUSTEE DOMINO: It doesn't address one of the reasons why we were in favor of the split-rail fence, which was to delineate for landscapers or other people exactly which area was the limit of cutting. And I don't see a Belgian block flush with surface doing that.

TRUSTEE SANDERS: If you look at it, if we were to do an about face and look at that property you can see how it's all natural vegetation and then all of a sudden that property begins and it's all clear. So it's as if there is a natural wetlands and all of a sudden it's gone. So the goal is to delineate it very clearly so none of that gets cleared in the future and stays this way.

MR. KIMACK: Are you saying that, moving forward, you'll require a split-rail fence on every demarcation zone on all the non-turf buffers?

TRUSTEE SANDERS: No.

TRUSTEE DOMINO: I'm not married to the idea of a split-rail fence. I'm just saying --

MR. KIMACK: Neither are we.

TRUSTEE SANDERS: What about a natural, perhaps natural plantings higher up.

MR. KIMACK: About half of it we feel we have the natural tree line, basically, and along that top of the bank, from the pictures, you see you have that natural tree line that delineates pretty close to the 20-foot line. So we don't, as long as that is there, anything that is seaward of that tree line or down the bank, is going to be the protected zone. So we don't really, from that perspective, we don't need a split-rail fence in that area at all. Now, from the last free back to the house where it's open --

TRUSTEE SANDERS: That's where we are talking about.

MR. KIMACK: And there is not a bank per se, that's where we are talking about to put the stones in. If you want me to put them closer or something like that be to be more continuance.

TRUSTEE SANDERS: What about natural vegetation that would be at waist level, or some sort of vegetation that would be a clear

sign that this is delineating the property.

MR. KIMACK: I'm not quite sure what can survive in that zone. In a sense you'll kill the *rosa rugosa*, especially for the wetted areas, for the low area, if you've got the water, you'll kill the bayberries and the blueberries. I mean the only plant that can survive that, that is the one living in the remnant wetland is the *Baccharus*.

TRUSTEE BREDEMEYER: That site is constantly hammered with overflow.

MR. KIMACK: In essence what we have now is a natural low vegetation only because of the kind of environment you have in that place. I mean, if you want to, we'll set a continuous Belgian block line across there. Just to avoid having to put the split-rail up and having that in the way. It will be more expensive, but I think my client would probably be amenable with that than the split-rail. We can do continuous --

TRUSTEE BREDEMEYER: That is a pretty extensive event. We are talking about installed as typical in Belgian block curbing where you'll have a footing, so --

MR. KIMACK: No footing. Dry. Dry in.

TRUSTEE BREDEMEYER: I guess this is a matter for some discernment and slight difference of notions here, obviously. What about some erratic, small erratic boulders or whatever, dug in, in other words so basically you have something that's not prone to simply being altered, somebody going in and stealing Belgian block when you are not there, that kind of thing?

MR. KIMACK: If you are thinking along the lines of like something within the 50 pound range of a boulder, something like that, an erratic one, that would be placed every ten feet or 20 feet along the way, something like that.

TRUSTEE BREDEMEYER: Right, something in the soils --

MR. KIMACK: Something that would look a little more natural basically along the way. I mean in the sense if you set them 15 or 20 feet apart and they are irregularly shaped, they may not look out of place, they would look more in, but they would give you a distinct aboveground boundary. That would be acceptable to my client and I think that would work.

TRUSTEE DOMINO: That far apart doesn't accomplish what you are trying to do, which is to delineate and preventing people from going --

MR. KIMACK: How far apart were you thinking?

TRUSTEE DOMINO: What do you think, five feet?

TRUSTEE BREDEMEYER: Five feet.

MR. KIMACK: And how high above the ground would the rock have to come?

TRUSTEE DOMINO: I'm more concerned with the weight. 50 pounds is fine. How much --

MR. KIMACK: I mean, if you had a 50-pound rounded, for the most part, bolted in the ground and stuck it up four or five inches or so, something in that particular range. I mean, this would be the compromise. It would be visible, it would be there, basically, and I don't know, if you have a 50 pound boulder and

you set it every ten feet, guys, I mean five feet is a little close, but ten feet, you have the boundary pretty well spelled out. The boulder has to be at least 18 inches wide for a 50-pounder to begin with. So every ten feet you have an eight to eight-and-a-half spread on it.

TRUSTEE BREDEMEYER: I'm getting a sense from some of the Board members here maybe five feet. It also might work well in the future because the landward of that is a lawn area, it would probably work as well for what they call Xeriscape, where they put in plants that are salt tolerant, not strictly the Baccharus but some of the other materials would lend itself to a future, you would need a permit for it, going to a non-turf buffer stone material would be --

MR. KIMACK: I think in this case, given the fact that whole area is sandy and my client doesn't really do much with that whole hill anyway. What you see there is pretty much what will remain there. There won't be any vegetation --

TRUSTEE BREDEMEYER: I think what we are really concerned about is allowing the vegetation, it's something we don't have to revisit. I think five feet is something --

MR. KIMACK: If we can use the trees as the natural barrier and then go from the trees forward every five feet with roughly a 40 to 50 pounder, we can live with that, on that side.

TRUSTEE DOMINO: Are we clear that the boulders, 50-pound boulders will be where we delineated --

MR. KIMACK: It will follow the 20-foot buffer line the DEC set out, Mike.

TRUSTEE BREDEMEYER: The DEC has it on the map.

MR. KIMACK: Yes, I mean, and apparently it was on a prior permit that they had, basically, they reinstated it once we applied.

It's on your new survey. We can have, basically, I can have, Nathan Corwin laid the original line out. He can come out there and just give us some stake lines. Because he delineated the original tidal wetland line. That's not a problem.

TRUSTEE SANDERS: Can we go back to the other picture now on the other side?

MR. KIMACK: The remnant wetland, the leftover.

TRUSTEE SANDERS: The first one that has the drain.

MR. KIMACK: We don't know -- it cannot possibly go any place, it's below grade. It's below the high water mark. So if it ran out, I can't believe it runs out, it would be back watering all the time. And you can't put a drywell there because of the in-ground water. So I have no idea.

TRUSTEE BREDEMEYER: It seems to me it would be non-functional in any case

MR. KIMACK: We can pull that and fill it. Leave the pipe in the ground and not disturb it. You don't want to pull the pipe. I'm not quite sure, Jay, how far that pipe is --

TRUSTEE BREDEMEYER: No, I was talking about the structure itself. Fill it with sand, I think --

MR. KIMACK: Now, what you have around that, you said the 20 foot

demarcation, the 20 foot buffer around that, we are 23 feet from there to the pool, primarily, an obviously we need some of the area to be disturbance during construction of the pool. I went out there today basically and identified that primary is K31 fescue, which is the primary growth in that area, within that 20 foot. That's what is there. So what would propose basically is put a silt fence around the immediate wetland, basically, do the construction, have the disturbance then replant it with fescue. Then leave status quo. It will be what it's going to be over the years. There are two Baccharus plant bushes in there now and there may be some other emergence or so, but that's pretty much all that can grow there.

And the other what you see there in front of it which is not in the 20 foot, that white stuff, is Meyer Zoysia.

TRUSTEE BREDEMEYER: How are we going delineate that wetland I guess is the question.

TRUSTEE SANDERS: Once everything, the construction is done, how is that, via landscaping, how is that delineated?

MR. KIMACK: Well, there again, in the low area the only thing that will grow there is fescue or they Meyer Zoysia. Primarily through that low spot there, there is really not much that will grow there. Once you get above that up to the bluff or so coming around the corners, a little higher up, I guess if we are out of it for the most part we could probably, I would think that my client would probably, since it will be so close to the house, have some beautification in that particular area. But if we are out of the wetted area, then we could probably then put some rosa rugosa or blueberry bayberry there as a plant, as long as it won't be in the flood zone and can survive up on the top. Because we can identify how high it's coming up. And then down below, I'm not quite sure, it probably floods going around that corner up to the fence here.

I'm guessing here. I'm guessing this is probably flooding through here. Up to probably this point here (indicating).

TRUSTEE BREDEMEYER: Do you have any objection to using the same kind of boulders we are talking about in the other place? If not, the next suggestion would be --

MR. KIMACK: A split-rail fence?

TRUSTEE BREDEMEYER: No, no. I'm thinking in terms of the plastic or -- iron would rust. The low profile edging material that you typically would have. It will overflow with water periodically. Maybe that's not good because it won't allow free flow of water in and out. How about simply maybe on a smaller scale of the stone materials you are doing elsewhere with some stone material.

MR. KIMACK: You want something that comes a little bit above the ground, basically. You don't want it flush off ground. So we are looking at something that comes up about four inches? Is that a reasonable height for you? Let the water come and go about every five feet through there, for the most part?

TRUSTEE BREDEMEYER: Yes.

MR. KIMACK: Let my client address that.

MR. ESTRADA: John Estrada, the owner. The only I think issue I would have with that, is a stone that is four inches above the ground that is kind of in the middle of the lawn, I have cousins that come and play and if they are running and hit it and fall or if they fall, that will be an issue. That's the problem I had with a low split-rail fence as well, if you trip over a two -- foot fence.

MR. KIMACK: Or you could trip over a 50-pound boulder.

MR. ESTRADA: I could put boulders a part of the way or I'm amenable to something. Just right in the middle there where, they set up volleyball nets and things like that.

MR. KIMACK: We can use plantings where it's out of the flooded area, that's not a problem. We can define it with some nice landscape plantings. On the high side is no problem there.

TRUSTEE BREDEMEYER: Did you define with landscape planting heavily mulched and planted so it would just actually --

MR. KIMACK: Yes, and basically if you put fescue back in there, fescue will take pretty well, and then wherever it's out of the high water part, we'll put in the bayberry and the blueberry as a planting plant, keeping it out of the high ground water.

TRUSTEE SANDERS: The only thing that we have not addressed is a portion of the two-story addition and pool are located within FEMA flood zones, elevation six feet not meeting policy #4. But I think that's, Steve, I think that's out of our wheelhouse, the FEMA issues. I don't see how that can be something subject to us. We don't address FEMA, per se.

MR. KIELY: I know you don't address it, but you take it into account.

TRUSTEE BREDEMEYER: It had come up in one prior application where I recall that the Board, it was an acknowledgment of the FEMA zone and we ended up moving a structure. But we are not able to entirely move it out of the FEMA zone. But --

TRUSTEE SANDERS: The deck and the pool is what's in FEMA. It's not the structure of the house.

TRUSTEE BREDEMEYER: So I don't know how to do that.

MR. KIMACK: It's not a safety issue for life and limb unless you are in a pool during a storm.

TRUSTEE SANDERS: You never know.

TRUSTEE BREDEMEYER: I guess the FEMA issue is subject to regulation under Building Department rules and regulations.

MR. KIELY: Building permit in connection with the pool.

TRUSTEE SANDERS: How does this fall even under the LWRP's jurisdiction?

TRUSTEE BREDEMEYER: LWRP has specific flood plains and maintenance flood plains and movement of waters. We can stipulate it as subject to the Building Department approval. If they have to come back to us, they have to come back to us.

MR. KIMACK: If we go to the Building Department anyway they'll take a look at it anyway, they tend to look at high ground water, the flood lines and such like that. They are fairly

efficient. If in fact it's an issue, it will come up.

TRUSTEE SANDERS: Okay. Anybody else wish to speak behalf of the application?

(Negative response).

TRUSTEE DOMINO: I want to go to the record saying I'm not completely sure that plantings will adequately protect that, and I'm referencing the photograph, that wetlands.

TRUSTEE BREDEMEYER: Do you want to add one-year annual inspection on top of the plantings just to make sure it's well established?

TRUSTEE DOMINO: That would help, yes.

MR. KIMACK: You won't have a problem with that. They'll show up one year to make sure, basically, that particular wetland is status quo.

MR. ESTRADA: I don't have problem.

TRUSTEE SANDERS: I'll make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: I'll make a motion to approve the application as modified accordingly, number one, that boulders 50-pounds weight delineated every five feet on the section of DEC non-disturbance.

MR. KIMACK: To be about four inches above ground.

TRUSTEE SANDERS: For that stone to be 50 pounds and approximately four inches above ground. On the section of the property where there is a drainage, the drainage will be removed and filled in. Natural vegetation will delineate the boundaries to the extent possible for that area, and shall be maintained in perpetuity.

MR. KIELY: For the purposes of the record how do we know where this boundary is? Is this memorialized in the survey?

TRUSTEE SANDERS: It's delineated by us. We flagged it.

MR. KIMACK: It's flagged, yes.

MR. KIELY: But is the flagged portion, is it on a survey someplace? How do we know? Because in the future if we have to enforce this, we have to know where the line is.

TRUSTEE DOMINO: That was the purpose of the boulders.

MR. KIELY: They could always move the boulders.

TRUSTEE BREDEMEYER: We can request an amended plan showing the delineation of the pocket of wetland we flagged along with the placement of the boulders.

TRUSTEE SANDERS: So the only addition to what we said already is that we'll amend the plans to reflect the location of all wetlands that have been delineated by the Trustees and DEC so that it's clear and concise where the boulders go and where the natural vegetation goes for that section of the wetlands.

MR. KIELY: I would recommend it's approved subject to receipt of this.

TRUSTEE SANDERS: To approve subject to receiving the modified plans. Do I have a second?

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE SANDERS: Are we good?

MR. KIMACK: Thank you. Yes. Thank you. As an aside, basically, and it's not official, you already have half of it because the 20 foot is already on the new survey. And I just have to show the boulders along there and I'll show the 20 feet from the defined wetland right now and showing the length of planting we'll do and we are all set.

TRUSTEE SANDERS: Great.

MR. KIMACK: Thank you, very much.

TRUSTEE KRUPSKI: Number 14, Michael Kimack on behalf of **GEORGE KATSAMANIS** requests a Wetland Permit to remove vegetation and four (4) trees of varying calipers in area from top of bank to proposed bulkhead; remove existing wood walkway from end of existing concrete walkway to proposed bulkhead location; construct  $\pm 138'$  long bulkhead with two (2)  $\pm 15'$  returns, for a total of  $\pm 168'$  at 10.2' elevation; add fill landward of new bulkhead to grade with  $\pm 375$  cubic yards of clean sand; install and subsequently maintain a 10' wide non-turf buffer along the landward edge of the bulkhead; construct a 3'6" wide by  $\pm 10'$  long bluestone walkway from end of concrete walkway to bulkhead; construct ACQ wood staircase with composite railings from bulkhead to remaining walkway. Located: 1025 Gull Pond Lane, Greenport. SCTM# 1000-35-4-28.40

The LWRP coordinator found that the proposed action does not comply based off of new bulkheads in creeks and bays are prohibited unless operation involves construction of a low sill bulkhead.

TRUSTEE BREDEMEYER: The LWRP coordinator provided us a quote out of the wetlands code. There is a prohibition against new bulkheads on any of the bays or tributaries such that the Board is by past practice compelled to allow for stone work, stone revetments or a structure sufficiently moved upland to effectively be able to be called a retaining wall, so that the placement of, based on the definition of, if the bulkhead's feet are wet, if you will, if the structure has high tide lapping at the bottom, it's bulkhead by definition and it is a prohibited structure.

TRUSTEE KRUPSKI: Also, the CAC does not support this application. The CAC does not support hardening of the shoreline in this area and recommends stabilizing the bank by cutting back the slope and planting native species. In addition, the CAC has concerns with the size of the existing 6x65' floating dock.

The Trustees went out on the 13th of April. All were present. Basically just echoing the concerns already mentioned. Is there anybody here to speak to this application?

MR. KIMACK: Michael Kimack on behalf of the applicant. I would draw your attention to the site plan that we, that I submitted as part of the application. This particular bulkhead really is landward of the mean high water mark for the entire length, for

the most part, so it's pretty much out of it for the most part. We went as far seaward as we could without going into the mean high water line. So I'm not quite sure how that -- and it's fairly close, for the most part, to the bottom of the bank. If you -- I draw your attention to the photographs that I supplied you, basically, that you may have there; a 1984 shot showing a much greater seaward movement of the bank before the erosion occurred, and then the 2004 shot showing how much has actually been lost.

In this area, basically, this particular canal is pretty much 90% bulkheaded all the way around, and pretty much 100% across the way, and pretty much bulkhead all the way. And we have taken a series of photos on that. This is one of the few pieces of property that has not been bulkheaded on this one particular. To consider a stone revetment in this situation I think would be not only out of character but basically it's about an eight foot rise in this particular situation. What my client is trying to achieve is simply to reclaim the top of the bank as it had existed in 1984 by putting a bulkhead in that place. And the bulkhead then pretty much on, which would be on the northern side of that for the most part. On here if you are looking, down there, on this one side, we didn't come any further than the existing bank, if you can see the flag over there, on the corner there, we are really up against the existing top of the bank at that particular point, and we came pretty much cross there with this bulkhead. So we didn't move it any further seaward than the toe of the existing slope except where it might be cut out from the prior erosion. And it certainly lines up with the high water mark.

TRUSTEE BREDEMEYER: The question I have is how do we go from here, and it would seem maybe the bulkhead should not go -- this would be a position for a retaining wall, seaward, this area here is basically all mean high water. It would seem that this is really problematic because if you build to this corner to try to recapture here, you are putting it on bay bottom. That is why I think, although a filter fabric with smaller stone on it or possibly in this area here you might consider core logs, in a stack, filled behind with *Baccharus* or something, because this will get wet, I'm not sure about American beach grass is sufficient. You have *Alternanthera* flora growing here, this will, the bulkhead here will wipe the *Alternanthera* flora and will destroy and if we move it back to what would be a retaining wall, we'll destroy this headland.

MR. KIMACK: All I can say if you look at the plan, basically, we are not at the mean high water mark with the bulkhead. It's landward of the mean high water mark.

TRUSTEE BREDEMEYER: I don't think the vegetation line -- that's *Alternanthera* flora. That, at its upward limit that is average mean high water will be landward of that by about the same distance everywhere in every creek, every place you find it, means average high water is here, and if you are talking a retaining

wall it has to be substantially up in this area here. The plants don't lie. They have their special needs and they, the picture is painted.

Maybe this is something for additional plan thought, because we are up against a code prohibition that the Board has been trying to honor. That's why I think in the field inspection we were trying to see if we could dial it back a little closer. Maybe you want to talk to the applicant concerning our code enforcement.

MR. KIMACK: The applicant, the owner is here tonight, basically. I asked him to come.

MR. KATSAMANIS: Good evening. If there is a question about the dock, when I purchased the house two years ago, the dock was deeded. I know you mentioned earlier about the dock link, so, but what from what I was told it was actually longer and then when there was of a separation of the house in 1995, then the neighbor across the street took out part of the actual dock. But what is there is a deeded dock. I mean that's how I bought it, as a deeded dock.

And regarding the bulkhead, I mean even in the two years that I have been there, that brush right there, you could see the dirt just kind of eroding. Those roots were not even exposed two years ago. And I think that's the concern. However we can stop that. Ideally it would be great to follow the neighbor's line and just put everything back, and I think we would probably propose putting as much vegetation as you would want. And that's all we are trying to do is stop the eroding. And however you feel is best is how we'll do it.

TRUSTEE BREDEMEYER: Maybe we have an opportunity, Mr. Kimack, where core logs, and because this is somewhat of a protected location, the core logs might be able to be used to stabilize, and you can bring in suitable sandy fill that would match the sand graining size, and possibly with two or three -- I don't want to design for you because you are the design professional -- but a stack of two or three core logs with sand backfill up through, and possibly transitions into the native top soil, you can put high tide bush there, probably the core logs would reestablish some Spartina there, it would provide a tie in to the existing headland, and possibly stabilize it. And it's non-structural, it would cost less, it could be done on a trial basis to see if it works in this location. It would be substantially less in cost, and it would have the Board being able to meet our code requirement.

MR. KIMACK: Obviously the Board is, from what I'm listening, is not in a position to consider what I have proposed in front of them, and they would like me to come back or speak with my client and come back with some alternatives. The goal here is to preserve his property, which is being eroded and getting closer and closer to his house. You can see where the top of the bank is in terms of how much erosion has occurred on that one side.

We would have to take a look, it's much more prevalent on

the western side than it is on the eastern side of the dock there. And I'll take a look at it and see.

But what you are basically saying is that we are trying to stay with the prohibition against new bulkheads. Now is that town-wide all the way through?

TRUSTEE BREDEMEYER: It's a town-wide prohibition, the exception being in the Sound. In other words, its specific language is the bay. So that's why we can entertain a bulkheads and revetting structures on the Sound. And replacement of pre-existing is not prohibited under the code.

MR. KIMACK: All right, so we have the two choices we are looking at, the core logs or some kind of stone revetment, which you would not be opposed to.

TRUSTEE BREDEMEYER: This also, I don't know if we are, with our experience Hesco baskets also.

MR. KIMACK: Gabions?

TRUSTEE BREDEMEYER: Effectively, yes. That's a name product. A gabion-type structure.

MR. KIMACK: That would be something you would look at?

TRUSTEE BREDEMEYER: Yes, it's not a bulkhead and it allows for infiltration of water and possibly marine growth. Gabions could be designed to fit the coastline there for appropriate size fill and sand would fill in around and they would re-vegetate.

MR. KIMACK: I have used gabions extensively so I'm familiar with them. So your recommendation is in place of the bulkhead if we are working with gabions, we would be working with gabions landward of the high water mark and bringing it up, I can bring it up to the ten-foot level and then level it across.

TRUSTEE BREDEMEYER: Essentially that's it, although a gabion is imbedded and goes below grade and would start at or near the high water mark is not bad because it would allow infiltration of marine grasses. If you come in with, you are design professional, I think we would consider anything reasonable along those lines.

MR. KIMACK: I normally would work with the three foot six foot basket, about two-ton apiece and then I would stack them three high, basically, to come up to there. It's pretty close. A little bit of slope down on that one. They would not move. If we put them in the ground and bed them out, they would not move. In pretty much in place of what we have now, and back them up on both sides. That would work. In a sense replace the bulkhead kind of in-kind with the gabion system.

TRUSTEE BREDEMEYER: Landward of mean high water, and --

MR. KIMACK: Landward of mean high water, which the bulkhead is kind of landward of the mean high water mark. So somewhere in that range. I might pull them a foot or two further in more to make sure we are clear.

TRUSTEE BREDEMEYER: A revetting structure that you can customize it and go on an angle and allow for vegetation and also allow to stabilize your property above it as opposed to straight stack is essentially, in other words we are not trying to make a bulkhead

by another name, we are trying to -- in other words the environmental saving features of the gabion to control erosion but to encourage beneficial marine organisms, and possibly your Spartina growing up through. Because if it's done properly it will capture some of the sand coming over from the upland as well

MR. KIMACK: The other advantage to gabions is they will support vegetation growth, over a period of time, they do begin to do that as the soils fill in on the stones.

TRUSTEE BREDEMEYER: And they cost less than bulkheads and retaining walls, not that anybody cares about money anymore.

MR. KIMACK: Okay. Well, let's not go there.

Can I ask then for a table?

TRUSTEE BREDEMEYER: Understand, we are not recommending it per se --

MR. KIMACK: I know you are not recommending it. I just wanted to get a little feedback to see if it was not something you were adversely opposed to, so I wouldn't go there at all. But apparently that's something I can explore along with some other options, if it comes up.

TRUSTEE KRUPSKI: All right, I'll make a motion to table this application.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number 15, Michael Kimack on behalf of **MICHAEL J. CONFUSIONE** requests a Wetland Permit to construct a 4'x50' treated wood fixed dock using thru-flow composite decking and 6" diameter dock piles installed 5' on-center; install a 3'x20' metal hinged ramp; install a 6'x20' treated wood floating dock using thru-flow composite decking with two (2) 8"-12" diameter float piles; overall length of proposed dock, ramp and float to be 90 feet; and to remove existing wood pilings within side yard property line on existing dock structure. Located: 1605 Westview Drive,

The LWRP coordinator found this to be consistent, however, requests that the Trustees review some impacts. The discussion on, to have a discussion on the cumulative impacts of dock density in Mattituck Creek and consider whether or not a seasonal mooring might be a more suitable alternative.

The CAC resolved to support this application. Unanimously.

The Trustees did a field inspection on April 13th, and all were present. The notes are, again, that you should get rid of the structures that are there, that are presently there, that are not blessed with a permit. Noted that the dock is in line with the neighbors to the south, and suggests a non-turf buffer between the bulkhead and the retaining wall.

Is there anyone here to speak to this application?

MR. KIMACK: Michael Kimack, on behalf of the applicant. I think you've pretty much done it succinctly, Mike. It's a dock that is

replacing a nonconforming series of floating docks that are in place off of a permit that was issued in 1970.

Basically there is, if you look along the property line there are five piers over there, four of which are on my client's property. They would come out as part of this permit. And then there would be the new structure, 50-foot fixed dock with a 20-foot space and a 6x20 floating dock in its place. That with this permit and constructed to the permit would be in conformance and be legal. And it is not now. And we are, we agree to the non-turf buffer. It's a natural spot between the bulkhead and retaining wall anyway.

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

MR. TOMAO: Yes. Joseph Tomao. I'm here for the neighboring property owners, 1685, which I have been sharing that dock for the last 40 years under a permit, okay. We were never notified that the permit did not exist. But even more important, before we go further, the property owners were not given notice of this hearing. They gave notice to my mother-in-law who is the life tenant, but since 2007 there have been five property owners, deeded and been filed, the property owner next door knew about that, in fact I even told the attorney about that. So I request this be adjourned so proper notice can be given to deeded owners to the next door neighbors because they are losing, I mean, right now, if this application gets granted their dock they have been using since 1970 will now be removed. I do have a copy of the deed to show they are the property owners that were recorded in Suffolk County in 2007.

MR. KIELY: Can you hand that up, please.

MR. TOMAO: Sure.

MR. KIMACK: May I address that?

TRUSTEE BREDEMEYER: Yes. Let the gentleman submit the paperwork and get back to the lectern.

MR. KIELY: So who is Catherine?

MR. TOMAO: Catherine is a life tenant. She lives there now.

MR. KIELY: She pays the taxes?

MR. TOMAO: The tax bill may be sent to her. This is the first time this is on, and we should have a chance to review it. We only got notice of this less than two weeks ago.

MR. KIELY: We'll give the applicant's agent a chance to respond but, you know, absolutely for due process purposes we should allow them to have the opportunity to be heard on this matter. Do you want to address that?

MR. KIMACK: Yes, I do. The requirement basically is, my responsibility to my client, is to address each one of the tax map numbers and send certified mailings to each one with a map and with the covering information. I received this, I responded accordingly, I went to the assessor's office, that was the address I was given. I was contacted by the gentleman about two weeks ago, so he certainly did receive it because it was to him, basically, and he queried me about that. We did discuss it on

the phone. So that is where my responsibility lies is to follow the responsibility --

MR. KIELY: You may have met the actual letter of the law, but the spirit of the law is to make sure that the adjoining owners get an opportunity to be heard on it, and he's stating that they have not been given requisite notice to get here in time to be able to speak on this application. So do you have an objection to being tabled today so they have an opportunity to be here for a hearing?

MR. KIMACK: Well, the certified mailings went out with sufficient time. It met, it did meet not only the spirit but it met the sufficient time.

MR. KIELY: No, I'm not talking about the time. The time was fine. But he provided a deed of the actual owners. And the actual owners did not get notice via your mailing. So I don't think you would want to leave this open to potential challenge because they didn't --

MR. KIMACK: No, but I want to let you know that's what the assessor's office gave me.

MR. KIELY: No, no one is saying -- I'm saying you met the letter of the law, you met the requirements of Chapter 55, however it's now coming to the Board's attention that there are owners that have not received notice and would like to participate in this hearing.

MR. TOMAO: And the property owner has actual knowledge that the five children own the property. I don't know about this man here, but the property owner definitely has actual knowledge.

TRUSTEE BREDEMEYER: So, Steve, how do we do this? Do we ask Mr. Tomao to deliver all the addresses of these people?

MR. TOMAO: I have no problem with that.

MR. KIELY: No, what I'm saying is --

TRUSTEE BREDEMEYER: We are talking about the letter and the spirit. The spirit of the Trustees is to try to work these things out.

MR. TOMAO: I agree.

TRUSTEE BREDEMEYER: And hopefully, because historically the Trustees have allowed certain very friendly accommodations between owners of land so that everybody could get to the same swimming hole. So hopefully, that is the spirit we try to work on so maybe we can work on the spirit of the thing. Because we certainly want to move in that direction and keep everybody with a dock if we can.

MR. KIELY: So will you be able to effectuate notice to the others?

MR. TOMAO: However you want me to do it. If you want to adjourn it, I'll undertake to give the notice to my family. But they are out of state, they actually don't know about it because I didn't figure out what was going on with it.

MR. KIELY: The Board has to make a decision whether or not they want to proceed or allow -- won't even begin the substance until all the parties have been given notice and had an opportunity to come here and address it.

MR. TOMAO: Again, however you want me to handle it, I can send a copy of that notice, or I can give it to Mr. Kimack and he can send it. Whatever you want.

TRUSTEE DOMINO: Is Theodora the same person --

MR. TOMAO: Theodora is the daughter. There are five daughters Theodore is deceased. Catherine is alive.

TRUSTEE DOMINO: Perhaps if you come up here.

MR. TOMAO: This is husband and wife. He's deceased. But Catherine is alive.

MR. KIELY: Is that a copy for us?

MR. TOMAO: Yes, you can keep that copy.

MR. KIELY: He just put on the record, you'll notify --

MR. TOMAO: Absolutely. When is the adjourn date?

MR. KIMACK: I object.

MR. KIELY: Do you want to handle notification?

MR. KIMACK: Yes, I'll tell you why. From a legal point of view, if it's being challenged, it will be challenged again. If you allow him to go through that, if I have not done the certified mailings, we'll be in the same position again. He can challenge it one more time, if someone doesn't get it, if he doesn't give them a call. This is what I suggest. That he basically give to you or give to Liz, the clerk, the names and addresses of each one

MR. KIELY: You are still relying on him, and if it's wrong, you are still in the same spot.

MR. TOMAO: On the record, I'm attorney, and I'll tell you right now all these addresses are good, except for the first one, Theodora Marangas, whose address has changed. The other addresses are all in existence. If you want me to send you a letter to that effect I'll send you I letter. But those addresses are all valid addresses.

MR. KIMACK: If that's on the record, as far as that is concerned and verification, then if he submits it to Liz, I will do the certified mailings because I want a track record on this. I don't want to have him come back next month and say, oh, by the way, one of them didn't get it, I was not able to contact them, put it off another month. That won't happen.

MR. KIELY: That's fine. He's as officer of the court.

MR. KIMACK: So am I.

MR. KIELY: I know. He is as well. It doesn't matter, whichever way you want to do it.

MR. TOMAO: So I'm giving the addresses in writing to Liz and I'll copy Mr. Kimack on it. This way you'll have it, you'll have everything. Do you have an E-mail, I'll E-mail to both of you, or fax it. Whatever you want.

MR. KIMACK: And if you could when you do the verifications to Liz, if you can do an affirmation --

MR. TOMAO: I won't do an affirmation, I just stated it on the record. You have the last known address. Come on.

TRUSTEE DOMINO: Any other questions or comments from the Board? (Negative response).

Hearing none, I make a motion to table this.  
TRUSTEE BREDEMEYER: Second. All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: Thank you, gentlemen. Motion to adjourn.  
TRUSTEE SANDERS: Second.  
TRUSTEE BREDEMEYER: All in favor?  
(ALL AYES).

Respectfully submitted by,

John M. Bredemeyer III, President  
Board of Trustees