

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



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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, May 18, 2016

5:30 PM

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

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, June 15, 2016 at 8:00 AM

NEXT TRUSTEE MEETING: Wednesday, June 22, 2016 at 5:30 PM

WORKSESSIONS: Monday, June 20, 2016 at 4:30 PM at Downs Farm, and on
Wednesday, June 22, 2016 at 5:00 PM at the Main Meeting Hall

MINUTES: Approve Minutes of April 20, 2016.

TRUSTEE BREDEMEYER: Good evening, welcome to the May, 2016, regular monthly meeting of the Town Trustees. In order to effectuate a fairly concise meeting, we will group together some items under Administrative Permits or Permit Transfers or Moorings, which have been reviewed administratively or inspected by the Trustees and they are not subject to public hearing. So sometimes we'll group them together for the sake of efficiency.

So also to let you know, the Trustees have a limit on written material submitted to the Board. They have to be in with sufficient time so that the Board has an opportunity to review materials on field inspection and come in no later than the work session which precedes this meeting, last Monday.

At this time, I'll take a motion for the next field inspection for June 15th, 2016, at 8:00 AM. Motion?

TRUSTEE DOMINO: So moved.

TRUSTEE BREDEMEYER: Second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

Motion to hold the next Trustee meeting June 22nd at 5:30 PM. Is there a second?

TRUSTEE DOMINO: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

And to hold work sessions on Monday, June 20th, at 4:30 PM, at Downs Farms; and on Wednesday, June 22nd, at 5:00 PM at the main meeting hall.

TRUSTEE SANDERS: Second

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Motion to approve the Minutes of the April 20th, 2016 meeting?

TRUSTEE SANDERS: So moved.

TRUSTEE BREDEMEYER: Is there a second?

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: At this time we are going to take an off-agenda resolution. Goldsmith's Inlet in Peconic has been repeatedly closed off, the inlet there, too, and the Trustees have been monitoring over the last four months, and I started to contemplate a resolution this morning having, the Board having visited the site last Wednesday, and I received both the phone call and a text that with the high, very high winds we had the two days prior, that Goldsmith's Inlet has totally sealed off, and because it's a freshwater-dominated system but does have to interface with the waters of Long Island Sound, it's in a very precarious position to have the marine life in there damaged severely.

Accordingly I want to enter this resolution on the record for consideration of the Board and forwarding to both Town and County officials.

Whereas the uplands surrounding Goldsmith's Inlet in Peconic of Southold Town, includes public park lands of Suffolk County and Southold Town; and,

Whereas, the underwater lands of Goldsmith's Inlet are Public Trust Lands of the Southold Town Trustees managed for the benefit of the people of Southold Town; and,

Whereas, these lands and waters are accessible to all County and Town residents for their enjoyment and harvest of beneficial marine organisms in season; and,

Whereas, at Goldsmith's Inlet watershed contributes significant fresh waters to this estuarine system which have historically ebbed, flowed and mingled with the waters of the Long Island Sound; and,

Whereas, the inlet has become totally obstructed of late, causing the waters to cease their natural flow and to flood

valuable wetlands; and,

Whereas the waters flooding onto the adjacent lands of residences on Mill Lane, Peconic, are causing sub-surface sewage disposal systems to fail; and,

Whereas, bacteriological DNA sampling by Southold Town and the Cornell Cooperative Extension have found some evidence that human coliform bacteria are found in the waters of Goldsmith's Inlet; and,

Whereas the flooding of this creek with fresh waters in the absence of the salt waters of Long Island Sound may cause the extirpation of the beneficial marine flora and fauna found in this creek for hundreds of years; and,

Whereas, the potential loss of these beneficial organisms and the portent of continued malfunctioning sanitary systems imputes a pending public health and environmental crisis in the making; now, therefore be it

Resolved, that the Southold Town Trustees call upon the Town Board of Southold, Suffolk County, and all relevant departments thereof to perform such immediate assessments and emergency corrective action, and long-range planning and permanent solutions to protect the natural flow of waters to this inlet and creek.

I would move that as a resolution with distribution to go to the Suffolk County Legislature, Suffolk County Executive, Suffolk County Leg. Albert Krupski, and to the County Department of Public Works Waterways, Suffolk County Department of Health, Southold Town Board and the Suffolk Times. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: Motion made and second. All in favor? (ALL AYES).

At this time we'll return to the regular monthly agenda.

Before I get into that, I just wanted to inform you, a number of items that may have been not be properly completed for review at the public hearing or which were otherwise withdrawn by applicants can be found at the end of the evening agenda, mostly on page ten, numbers 18, 19 and 20, which read as follows:

Number 18, 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 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, 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 have been postponed.

But I would like to draw your attention to also two other items that were postponed late this afternoon. One is item number two on page six, Costello Marine Contracting Corp. on behalf of **NH SAG, LLC, c/o MICHAEL SCIARRINO** requests a Wetland Permit to construct a 4'x40' ramp to a 4'x100' fixed dock with a 4'x40' fixed "L" section at offshore end; construct a 4'x5' platform with a 4'x16' ramp onto a 4'x30' lower platform; install water and electric; and install three 2-pile mooring dolphins. Located: 2100 Paradise Point Road, Southold. SCTM# 1000-81-3-19.7, has been postponed.

Item nine on page eight, 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, Mattituck. SCTM# 1000-107-7-9, has been postponed.

As well as numbers 16 and 17 on page nine, Patricia C. Moore, Esq. on behalf of **JACK CIPRIANO** requests a Wetland Permit to construct an approximately 2,800sq.ft. two-story, single-family dwelling with covered porch on landward side; a 210sq.ft. deck with steps to grade attached to seaward side of dwelling; install 50sq.ft. of front and rear steps; install a sanitary system on the landward side of dwelling; install a public water line; and install gutters to leaders to drywells to contain storm-water runoff. Located: 8150 Main Bayview Road, Southold. SCTM# 1000-87-5-23.6

And number 17, 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 have been postponed.

So if you were here to participate in hearing those matters, they are being postponed.

(UNIDENTIFIED VOICE): If it says "postponed" on the sheet that means it's not being heard this evening?

TRUSTEE BREDEMEYER: That's correct, it will not be heard this evening.

(UNIDENTIFIED VOICE): Cipriano is postponed. When do we find out about this? We called several times. When is this noticed?

TRUSTEE BREDEMEYER: Just for a point of information, ordinarily, the Board has to be responsive to reasonable requests of all

individuals to postpone. We strongly discourage it and it's a little unusual to have them come of late. All I can tell you is we try to honor those requests. If you wish to send comment to the Board in writing about your concerns, I know it's very off-putting when you have no knowledge of this, and it's very difficult for us to try to give advance word to people that they would know that.

(UNIDENTIFIED VOICE): So when can we call the Board of Trustees; the day of, at a certain time? I mean a lot of people traveled to be here today so I was just wondering, you know, we tried calling and called about it but no one told us it was postponed.

TRUSTEE BREDEMEYER: That was rather late.

MS. CANTRELL: I don't know when you called but myself and my coworker, the clerks, were only notified yesterday morning that this was to be tabled. So that's when we knew, yesterday morning.

MR. KIELY: So to be safe you should probably call the day of.

(UNIDENTIFIED SPEAKER): So this was a last-minute postponement?

TRUSTEE BREDEMEYER: Yes.

(UNIDENTIFIED SPEAKER): Could you share with us what the reasons were for the postponement?

TRUSTEE BREDEMEYER: Sometimes it's not stated at all. I mean if there was a reason that the clerk -- sorry. Okay. Cipriano was not properly staked for the Board to perform an inspection, so that there was a causative reason for that. The Board has to see projects properly staked.

(UNIDENTIFIED SPEAKER): Okay, thank you, very much.

I. MONTHLY REPORT:

The Trustees monthly report for April 2016. A check for \$7,388.25 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, May 18, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Deborah Moss SCTM# 1000-13-2-7.10

GFH Homes LLC, c/o Glenn Heidtmann, Jr. SCTM# 1000-70-4-28

Jack Cipriano SCTM# 1000-87-5-23.6

Henry & Melissa Silverman SCTM# 1000-123-4-12

Farley Fine Arts, LLC SCTM# 1000-86-7-7.2
Lista M. Cannon SCTM# 1000-66-3-2
Elizabeth Dwyer SCTM# 1000-128-4-26
470 Lloyds Lane, LLC, c/o Andrew Drazic SCTM# 1000-99-3-4.3
David & Lindsay Levin SCTM# 1000-14-2-1.9
E.G. Stein Family Trust, c/o David Edelstein & Libby Goldstein SCTM# 86-2-12.6
Dwyer/Barth Revocable Family Trust, c/o Laurel Phelan SCTM# 1000-53-4-21
Slatfield Investments, LLC, c/o Leslie Butterfield SCTM# 1000-136-1-45
Joseph Schafer SCTM# 90-2-3

TRUSTEE BREDEMEYER: The above-listed items in Item III under the State Environmental Quality Review Act listed in your agenda for inclusion, I would move that all these are, that are more fully described in the section on public hearings, are Type II actions and are not further subject to the requirements of the State Environmental Quality Review Act. That's my motion.

TRUSTEE DOMINO: Second.

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

IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE BREDEMEYER: As I indicated before, to promote some efficiency in the meeting and allow for more time in the public hearing section, certain items can be grouped together because they have been reviewed administratively after a review of the files and field inspections. Accordingly under Item IV for resolutions for administrative permits, I would move to approve number one, number two, number four, number six and number seven as a group. They are listed as follows:

Number one, **TOM & SANDY PSARROS** request an Administrative Permit for the existing 18'x24' on-grade patio against the seaward side of dwelling; construct an 18'x24' flat roof over patio for a 2nd story and construct a ±10'x15.2' and a ±10'x20.6' open trellises running along both sides of the patio. Located: 575 Watersedge Way, Southold. SCTM# 1000-88-5-61.2

Number two, Nancy Dwyer Design Consulting, Inc. on behalf of **MICHAEL DILEO** requests an Administrative Permit for the existing irregularly shaped ±280sq.ft. on-grade brick patio, and to expand it an additional ±320sq.ft. for an overall ±600sq.ft. (22.5'x34.5' outside dimensions) irregularly shaped on-grade brick patio; and install a 14" high stone wall to act as planting bed edging. Located: 100 Knoll Circle, East Marion. SCTM# 1000-37-5-20

Number four, East End Construction Services, Inc. on behalf of **JOHN WEBER** requests an Administrative Permit to conduct construction activity within 100' from the landward edge of wetlands for the construction of a +/-41.3'x50' two-story, single family dwelling with attached 15'x50' seaward deck; install a sanitary system landward of dwelling; install a driveway; install a system of gutters, leaders and drywells to dwelling to contain storm-water runoff in accordance with Chapter 236 of the Town Code; and install silt fencing prior to and during construction. Located: 150 Budds Pond Road, Southold. SCTM# 1000-56-5-20

Number six, **JOSEPH MANNO & CATHERINE MANNO** request an Administrative Permit to conduct construction activity within 100' from the landward edge

of wetlands for the construction of a single-family, two-story dwelling with porch on landward side; install a sanitary system landward of trustee jurisdiction; construct a 24'x26' detached garage with a breezeway leading from garage to dwelling; construct an in-ground swimming pool; install gutters to leaders to drywells on the dwelling and garage to contain roof runoff; and install a gravel driveway. Located: 325 Wells Road, Peconic. SCTM# 1000-75-6-3.2

And number seven, East End Spa on behalf of **DAVID HERMER** requests an Administrative Permit to install a 7.5'x7.5' hot tub at ground level adjacent to existing deck. Located: 3675 Nassau Point Road, Cutchogue. SCTM# 1000-111-9-4.2
I will be discussing number five, there were comments in the record.

I move that. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Item three, **LORRAINE DUNHUBER** requests an Administrative Permit for the as-built 8'x8' shed and two (2) 6'x6' fencing panels installed between the shed and bulkhead. Located: 875 Fleetwood Road, Cutchogue SCTM# 1000-137-4-22

Based on the field inspection of Trustee Krupski, it was advisable that we would stipulate that there would be a ten-foot non-turf buffer for this project. Accordingly, I would move that, that we stipulate that the project be approved subject to the inclusion of a ten-foot non-turf buffer, with the acceptance of a permit we can include on the plans, simply on the plan. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Item number five, **PINO & IRENA LICUL** request an Administrative Permit to remove rotted platform boards; rake out sand and reposition existing blue stone stepping stones to be a walkway; remove the Rosa Rugosa and re-vegetate with Cape American beach grass leaving 5' surrounding the deck as sand which is to be raked and left clean. Located: 725 North Sea Drive, Southold. SCTM# 1000-54-4-9

This is a very straightforward application to improve and beautify a beachfront house, but since there are no large amounts of invasive vegetation such as phragmites, it's not subject to an allowance for a ten-year maintenance. It's simply an activity. Once it's maintained as yard it is acceptable to simply maintain it in perpetuity. They don't need a specific term to have ten-year maintenance. According, I would move to approve this application as submitted, noting that the ten-year maintenance is not necessary.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Item eight, **PETER & SHEILA IZZO** request an

Administrative Permit to take soil from the landward side of the vacant property, and place it and grade out a slope in two areas on the seaward side of the two properties in order to lessen the angle of existing slope. Located: 805 Meadow Beach Lane, Cutchogue. SCTM# 1000-111-10-18.1 & 18.2

This has, this particular project was determined by the LWRP coordinator, that it was inconsistent with respect to the Town's Local Waterfront Revitalization Program because of clearing, a proposed action to clear and fill a bluff or bank and eliminate existing natural vegetation. The Trustees in fact found upon inspection that it was not an attempt to fill or damage the natural resource feature but in fact they purport to remove invasive vegetation, which is black locust. And they are merely levelling off the area so they can have a planting of native vegetation.

Accordingly, I would think it's appropriate to move this application, to approve as submitted, with the stipulation, though, that the area being revegetated on the bluff and bank receive only native vegetation and no turf and thereby removing the invasive vegetation and putting a natural planting there, addressing the concerns of the Local Waterfront Revitalization Program coordinator. That's my motion to approve with stipulations.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE BREDEMEYER: At this time I absent myself from the meeting. Mike Domino will chair because I have a personal matter I cannot vote on. I'll leave the room for a minute. If you could just let the record read I left the room while you do a vote on a permit that I have involvement with.

(Trustee Bredemeyer exits the hearing hall).

TRUSTEE DOMINO: Under Item V, applications for extensions,

transfers and administrative amendments, number one, **JOHN M.**

BREDEMEYER, JR. & JEANNE R. BREDEMEYER FAMILY TRUST, c/o JOHN

BREDEMEYER requests a One-Year Extension to Administrative Permit #8438A, as issued on June 18, 2014, and Amended on September 17, 2014.

Located: 2660 Village Lane, Orient. SCTM# 1000-26-1-18

And based upon the field inspection which was done on May 11th, and conducted by myself, Glenn Goldsmith and Nick Krupski, I make a motion to approve this as submitted.

TRUSTEE SANDERS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Why don't we take a five-minute break. I'll make a motion to take a five-minute break.

TRUSTEE SANDERS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

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

TRUSTEE BREDEMEYER: Okay, we'll go back on the record.

Under Item V, again, some items that the Board has already reviewed administratively, items number two, number three, and item number five, I would move to approve as a group. They are listed as follows:

Number two, Suffolk Environmental Consulting on behalf of **ESTATE OF FRED ADLER** requests a One-Year Extension to Wetland Permit #8436, as issued on May 21, 2014. Located: 415 Lakeside Drive, Southold. SCTM# 1000-90-3-13

Number three, Patricia C. Moore, Esq. on behalf of **MICHAEL & SUSAN CAVOUNIS** request a Transfer of Wetland Permit #8756 from Joseph & Alberta Schupler to Michael & Susan Cavounis, as issued on March 23, 2016. Located: 3475 Wells Road, Peconic. SCTM# 1000-86-2-9

Number five, Patricia C. Moore, Esq. on behalf of **TOM & PAULETTE GIESE** request an Administrative Amendment to Wetland Permit #8713 to relocate the pool fence to be installed 10' landward of the bulkhead and landward of the non-turf buffer, along north and south property lines, and landward of existing dwelling; and for the 850sq.ft. bluestone pool patio to be installed as an on-grade patio. Located: 2195 Nassau Point Road, Cutchogue. SCTM# 1000-104-13-4

Is there a second?

TRUSTEE SANDERS: Second.

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

TRUSTEE DOMINO: Number four, **VERONICA LUGRIS & MARIJO ADIMEY** request a Transfer of Wetland Permit #7508 and Coastal Erosion Permit #7508C from Mark McDonald & William McDonald III to Veronica Lugris & Marijo Adimey, as issued on March 23, 2011. Located: 21515 Soundview Avenue, Southold. SCTM# 1000-135-1-5

Based upon my field examination of the property, I make a motion to approve this transfer with the continued condition that as stated in permit #7508, and #7508C, that the two 12-foot by 16-foot wood decks with stairs down to the bluff cannot be reconstructed without further review from the Board of Trustees. With that stipulation. That's my motion.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE SANDERS: Second.

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

VI. RESOLUTIONS - MOORING PERMITS:

TRUSTEE BREDEMEYER: Item VI is for moorings. These moorings are transfers for existing moorings within town waters. They have been reviewed for completeness and to make sure the boats are properly registered. Accordingly, I move to approve these as a group, item 1 through five on Item VI. They are listed as follows:

Number one, **BETTY RUGG** requests a Mooring Permit in Gull Pond for a 22' sailboat, replacing Mooring #20. Access: Public

Number two, **JOSEPH BRANTUK** requests a Mooring Permit in Richmond Creek for a 28' motorboat, replacing Mooring #21. Access: Public

Number three, **DOUGLAS BIVIANO** requests a Mooring Permit in East Creek for a 17' outboard motorboat, replacing Mooring #61. Access: Public.

Number four, **KEVIN KEEGAN** requests a Mooring Permit in Mattituck Creek for a 25' sailboat, replacing Mooring #121. Access: Public.

Number five, **MATTHEW KAESSINGER** requests a Mooring Permit in Corey Creek for a 13' outboard motorboat, replacing Mooring #780. Access: Private
TRUSTEE SANDERS: Second.

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

TRUSTEE BREDEMEYER: At this time I'll make a motion to go off the regular meeting agenda and into public hearings. Is there a second?

TRUSTEE KRUPSKI: Second.

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

TRUSTEE BREDEMEYER: If you would kindly try to keep your comments at the public hearings to five minutes or less, and keep them brief and succinct and to the point, that would be appreciated.

VII. PUBLIC HEARINGS:

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE DOMINO: Number one, 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 $\pm 9,350$ cubic yards sandy silt over $\pm 70,500$ sq.ft. with a one (1) foot over-dredge allowance of $\pm 2,400$ 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 ± 475 sq.ft. float for the "Sea Stretcher" access; repair or rebuild an existing ± 350 sq.ft. wood launch ramp and dredge an access way to the sailing dock for dredge access ± 850 cubic yards over $\pm 11,000$ sq.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

The Trustees did a field inspection on May 5th. Present were John Bredemeyer, myself, and Charles Sanders. We noted that

-- we reference the Town's position on open water disposal of dredge spoil, and the Town has resolved not to have spoil dropped in New York State waters. And otherwise it's, it was a straightforward application and provided a needed community function in the form of the ambulance boat for Fishers Island.

The CAC did not make an inspection, therefore it did not make a recommendation.

Is there anyone here to speak to this application?

MR. NIELSON: Yes, my name is Keith Nielson, I'm with Docko, Inc. I prepared the application documents before you. This application, except for the new access way dredging and the modification to the sea stretcher dock and the reconstruction of the launch ramp for the sailing program, is the same project that was approved three years ago. And because of the complications with dredge disposal in the Long Island Sound and the disagreements between the New York State Department of State, the New York DEC and the Connecticut DEP, the project has become extremely expensive to conduct, and in order to get all the work done it has to be phased over several years. The Corps and DEC permits are still viable and so we are again applying to get the entire project approved. The Fishers Island Marina LLC will do as much of the project as they can and they understand the consequences of the dredging issue.

If I can just take one minute to review the project, this drawing shows the existing Fishers Island Marina complex, the same as the photograph on your screen.

The second drawing shows the Fishers Island Marina as the rather lengthy description proposes it to be, and notice there is dredging to various depths. On the sailing program dock, which is the innermost, is the area between the two middle docks and then the outside section. This dredging in the marina basin where the sea stretcher is located has already been accomplished earlier this year. And the reason for this access way is because the existing bottom sediments are so shallow, the dredge barge can't get in to dredge the sailing program area. And so while the access way will probably be the next section of dredging to be accomplished, followed by the sailing program, next year, probably 2017, in the Fall, we are not sure about how much of the remainder of the dredging will be able to be accomplished before this permit expires.

The docks are all shown in this new drawing. We made a special detail of the sea stretcher dock, which is one of the most critical issues on the project because the northerly dock along the bulkhead where the jib crane and where the mobile dock operations and the parking is, that dock is supposed to get finger piers. That will be reconstructed this next winter. The sea stretcher dock we hope to build this summer and to put into use, since it's the only method or means of egress off the island other than scheduled ferry.

It's a rather complicated little float and it's meant to stand alone or serve as an access way to the north float. If

there are any questions, I would be happy to answer them.

We do have a detailed, color-coded hydrographic survey if you need to see more detail on any of the issues. But the contours that are shown on the first sheet are taken from this hydrographic survey, and you can see where the shallowest water, the red is shaded, is right in the area where the access way has to be dredged.

TRUSTEE DOMINO: Thank you.

The LWRP coordinator found this to be consistent and inconsistent. The inconsistency arises from the fact that test results indicate that some of the sediments contain mercury and it is recommended that, again, it's inconsistent with the Southold Town policies regarding dredge spoil in Long Island Sound. It's my understanding that no spoil would be deposited in New York State waters.

MR. NIELSON: The approval of open-water dredge disposals in this case is all in central Long Island Sound, which is all in Connecticut waters. It is about three miles southeast of New Haven Harbor. So I think your concern about the New York State waters is taken care of in that regard.

The other thing I would like to point out is that the area around the sea stretcher and the innermost docks was one of the areas of most contaminated material. And I say that in relative terms. The testing on data showed that the most prevalent contaminant is cadmium. And cadmium -- I'm sorry, cadmium and the mercury, and the area of the mercury was already dredged and has already been capped. The area with the cadmium concentrations, I have to point out that cadmium, these days, is more than half of the cadmium solution in coastal waters is coming from automobiles. It's coming from the tires. And there is no way for us to stop it. It's not a marine-associated contaminant. It's coming from everywhere. It's coming from every street and every drainage culvert that flows into Long Island Sound and into the rivers and estuaries and so on. And we can't help it. It's a product of our civilization. It's not coming from the boats and it's not coming the marina operations. So.

TRUSTEE BREDEMEYER: Thank you. I have a question and a possible clarification. The Trustees prior permit, we had stipulated there would be no disposal within New York State waters, to honor the request from the Local Waterfront Revitalization Program coordinator and New York State Department of State. Question. What is the status before the Army Corps and DEC in terms of permitting?

MR. NIELSON: We have received a letter from the DEC which requested some information on the dock layout and the exact parameters of the reconstruction for the launch ramp. The dredging was not one of their issues. With the Corps of Engineers, I don't remember getting any adverse comments from the Corps of Engineers at this point. But their process is typically a little slower than the remainder. Whatever it is, when we do get comments, we would forward you copies of their

comments and our response to those comments.

TRUSTEE BREDEMEYER: Given the fact that there are these concerns and the stated town policy went under the hand of the Town supervisor, I would be concerned that we would move wholesale to a final approval without waiting for the other agencies to approve first, which is a provision in our Wetland code. I would think that caution is the better part of valor in environmental permitting here, and particularly since the US Army Corps of Engineers has pending final studies. I guess on a final programmatic EIS that is dealing with these locations even though they are not in New York State waters, speaking for myself, I don't know how the Board feels, I would be uncomfortable with approval without the contingency that those other approvals be granted first.

TRUSTEE SANDERS: Just on the specifics on the dredging, but all the other things can be acceptable?

TRUSTEE BREDEMEYER: If the other permits are pending and resolved quickly, I don't know if that's an issue. I don't know if it warrants segmenting out any other parts of the construction. I guess we are talking about the water ambulance, maybe that would be a reason to let them continue with that if the dredging is taking place there.

MR. NIELSON: If I can just offer one thing on that. The Corps of Engineers and DEC permits and everything else are still valid and they are valid through next year. I think it's January or April, 2017. And so we only have this next Fall as the available window to do this incremental dredging for the access area.

TRUSTEE BREDEMEYER: It was my understanding, correct me, that the DEC or Army Corps had indicated that they would accept these applications as an amendment to the existing permits?

MR. NIELSON: Yes. The DEC is processing this as a modification to their existing permit.

TRUSTEE BREDEMEYER: So what I'm suggesting is the Board could approve this subject to receipt of those other permits. In other words just administratively issue the permits upon receipt of copies of those permits, so it would not be an additional time delay.

TRUSTEE SANDERS: I would agree.

MR. NIELSON: Would that also allow reconstruction of the little sailing program launch ramp?

TRUSTEE BREDEMEYER: I don't think that's an issue.

TRUSTEE KRUPSKI: That's not an issue.

TRUSTEE DOMINO: We can condition it on receipt from DEC.

Does anyone else wish to speak to this application?

(No response).

Any other questions or comments from the Board?

MR. HANLON: I'm Robert Hanlon, I'm a resident of Orient. I have no special knowledge about this and I truly didn't intend to speak to it, but I guess I'm a little puzzled, that we have a policy that we don't allow dredge spoils to be dropped in New York State waters. And the representation from the applicant is

now that, okay, we'll drop the dredge spoils in Connecticut waters, so everything is okay. The Connecticut waters and the New York State waters gladly and freely intermix quite heavily and very quickly. And I guess I'm, I understand that we only have jurisdiction over New York State waters, but it seems as if there is permission is being asked to do the dredging where we know these dredge spoils will go somewhere else. And it would seem that there should be some comity between New York and Connecticut in trying to address what happens to these dredge spoils, and at very least we should understand Connecticut has no objection to these dredge spoils being put in its waters, and even if they don't, the states may have concerns about it. It may not be your concern. But just being told, okay, we'll dump them in somebody else's backyard seems like something that would give us pause.

TRUSTEE BREDEMEYER: It seems like a point very well taken. I believe the current EIS process, if this is sort of coming to, it would appear to be coming to a bit of conclusion. In fact to try to deal with those issues with New York State weighing in heavily they don't wish to have material going in the Sound at all. This project being, recognized by the agencies as being of a deeper scale. But, no, it's true. And it's disturbing. And we also don't have Connecticut communities that are dredging the basins at the end of large rivers, they're not needing their ambulance to get to the other side. So this has, this project predates the current EIS, in totality, it does predate. But certainly it gives pause for the Trustees, we could have added in like New Jersey and Maryland for the spoils to go. But, it's equally as crazy.

MR. NIELSON: If I can just say one other thing. We have a DEP permit from Connecticut to dispose of the dredge material at central Long Island Sound. And it is still valid.

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

Hearing none, I make a motion to approve this application subject to DEC and Army Corps of Engineering approval, and with the stipulation that no spoil be deposited in New York State waters.

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

TRUSTEE BREDEMEYER: I'll second that. All in favor?

(ALL AYES).

MR. NIELSON: Thank you.

TRUSTEE SANDERS: Under Wetland and Coastal Erosion Permits, number two, 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

The LWRP coordinator has found this project to be consistent. The CAC did not make an inspection, therefore no recommendation was made.

And on 5/5/16, Mike Domino, myself and Dave Bredemeyer inspected this property.

Would anyone on behalf of the applicant like to speak to the project?

MR. NIELSON: Yes, sir. My name is Keith Nielson, I'm with Docko Inc., and I prepared the application documents and the site plan for your review tonight.

From some information in our file, I was wondering do you all have the signed and sealed revised plans for this project?

TRUSTEE SANDERS: April 7th, 2016?

MR. NIELSON: I believe so.

TRUSTEE BREDEMEYER: I believe we reviewed the revised plans while we were on the island, yes.

MR. NIELSON: Okay. It's a very slight dog leg.

TRUSTEE BREDEMEYER: Yes.

MR. NIELSON: The application that I prepared included of all your standard application forms and a detailed narrative and also include copies of the application documents to the Corps of Engineers, New York DEC and the DOS. And in that narrative we addressed all the issues not only in your local regulations but also in the coastal management part of the DOS review and the state environmental review for tidal wetlands.

This project is, this is a bit of a tough site in view of all the boulders along the shoreline, and there are equally obstructed bottom sediments. In your photograph there, the site is toward the upper end of the point, right above where your cursor is right now. And it's an open and exposed site. It's not suitable for a floating dock in that area. And just to the right of your cursor there. There you go. And the, but the water reaches a fairly decent depth, fairly quickly, and so the structure is not of adverse length, and we stop short of the eel grass that is in a band right across the face of the property.

If you just move your cursor straight down, that's the dock site. Just to the left of that. There you go. In that little recess. And diagrammatically, we have shown the pier starting to the left, the west of the three cherry trees and going out in a northeasterly direction. The slight angle will give a little bit better riding capability to a boat at the end of the pier, so in view of the wave direction incoming from the northwest. We are clear of tidal wetlands resources. There was some seaside golden rod growing out of some patches of the boulders, and we kept the pier to the west of those patches. There is no other adverse impacts, and I believe we made the necessary certifications and case for this dock in the application.

If there are any questions, I would be happy to answer them.

TRUSTEE KRUPSKI: Where in this picture is the eel grass?

MR. NIELSON: I'll point it out (indicating).

TRUSTEE KRUPSKI: Thank you.

MR. NIELSON: The band runs like this. Right through here. There is about --

TRUSTEE BREDEMEYER: During the course of field inspection we can see the bottom shading, it's not really growing yet but it was evident the dock location as proposed that this is the eel grass bed.

MR. NIELSON: The pier stops about 30 to 40 feet short of the eel grass. If you see on the drawing here, this light green area is the eel grass. Here is the pier, and I just shaded the light blue around the pier, that's all the water seaward of the mean low water line. So there is enough room and surprising amount of water depth for boat to come in there and maneuver without impacting the eel grass.

TRUSTEE SANDERS: Would anyone else like to speak behalf of this applicant?

(No response).

Thoughts from the Board?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Is there a second?

TRUSTEE GOLDSMITH: 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.

TRUSTEE BREDEMEYER: Motion is made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next item, number three, Suffolk Environmental Consulting on behalf of **DEBORAH MOSS** requests a Wetland Permit and a Coastal Erosion Permit to construct bluff stairs consisting of 4'x5' entry steps to a 4'x8' top platform, 4'x11' steps, 4'x4' middle platform, 4'x9.5' steps, 4'x6' middle platform, 4'x11.5' steps, 4'x6' bottom platform, 4'x8.5' steps, and 4'x4' landing; construct a rock revetment along the toe of the bluff measuring ±12' wide by ±175' long and comprised of 3-5 ton armor stone and 50-100lb. Core stone (Key Way), all atop filter fabric; restore bluff face (±5,500sq.ft.) by cutting back the top of bluff +5' landward of the existing top of bluff; install jute matting where required; install Bio-Logs where required; and actively re-vegetate the bluff face using native plantings (i.e., Cape American beach grass or similar species). Located: 1585 Demarest Road, Orient. SCTM# 1000-13-2-7.10

This project has been determined to be consistent with the LWRP, with two cautionary statements attached to the assessment. One is to clarify where the access to the site will be established for the work; and the second, is that the Board should assess the impacts that might possibly occur to the

property to the west from shoreline armoring as there has been armoring for properties, several properties to the east.

The Trustees performed a field inspection on May 11th. The entire Board present. The Board has been cognizant of several revetment construction projects on the Sound that I would, we would best characterize as unmitigated disasters where after the Board had written permits and received hearing at public hearings, that projects would be accessed by crane and barge, bluff cuts were made the full depth of the Sound, in some cases over 75 feet, with roads dumping silt and materials into the Sound and the people constructing the revetments having to retreat weeks on end while northeast winds ravished and silted up the Sound for hundreds if not thousands of acres. Accordingly, based on our experience, the Board is disposed in the field inspection to note that no bluff cut be allowed, access will have to be by crane and barge only or from the top of the bluff or with some supplemental permitting information concerning the construction of an appropriate access road. That was the basis of our field inspection based on this area and the neighboring homes, which the bay constable was called on a complaint on a construction of a revetment on one of the neighboring homes, as I did receive a call as well, and we have in our file pictures of other jobs that were similar went forward without the approval of the Board, with potentially major damage to Long Island Sound took place over several weeks.

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

MR. ANDERSON: Bruce Anderson for the applicant Deborah Moss, from Suffolk Environmental Consulting. I want to thank you for meeting me at the site to review it a week ago.

As we discussed, and I did have a chance to discuss with the client, that it is our intention and understanding that we will be able to access the shoreline through the barge as there is no large boulders in the water that would preclude that access. So we think that is easily done.

As to the second point, to the property to the west, I think the photo that is up there on the screen addresses that. You'll see that the erosion and the compromised bluff is limited to really our property. And the reason is because of the shape of the shoreline there. So it is inconceivable to me that the revetment that we would be building would impact the point which is well off the site. And I think that's where that concern goes.

So the revetment itself and the stairs, et cetera, are substantially similar to the other revetments that have been constructed and the stairs that have been constructed in immediate area. And the concern being really the access to the bluff. So it was my understanding if for some reason a bluff cut would be required, it would have to be fully engineered, and that would then be referred to the town engineer, which I think is a fair process. But we are not asking for that at this time. And it's my understanding that the equipment can access the site

via barge.

I'm here to answer any further questions you may have.

TRUSTEE BREDEMEYER: I think with respect to the project, it is pretty straightforward and very much in keeping with the other projects to the east. I guess the concern would be during the course of construction if there was of a failure of the lateral land to the west, would the owners be willing to extend some of the jute matting, in other words as you approach the property line if you end up having bluff collapse during construction, that stabilization could occur by agreement with adjacent land owners, because we have seen beginning, with the severe weather we have been having and another one of the sites where we have gained experience, that sometimes things don't exactly go as planned during construction of these projects. Particularly where there is not a natural angle of repose, the tendency of the bluffs to collapse during construction is a very real concern.

MR. ANDERSON: I would say, absolutely, I think that would be the responsible way to go.

TRUSTEE BREDEMEYER: Thank you. Any other questions? Would anyone else wish to speak to this application?

MS. ERLICH: Julia Erlich. Do I submit this now?

TRUSTEE BREDEMEYER: You would like to enter a letter into the record?

MS. ERLICH: Yes.

TRUSTEE BREDEMEYER: Would you like to read it for us?

MS. ERLICH: Okay, I could read it. I just wanted to say, though, that I don't know if that photograph, if it's made clear in the photograph where their property line actually is. Whose stairs are those, by the way?

MR. ANDERSON: Those are the adjacent property owner Lalezari.

MS. ERLICH: Do you see there, a hedge?

MR. ANDERSON: Yes.

MS. ERLICH: Okay, so that hedge is pretty much the property line, and you can see that there is some erosion that is beginning to creep over to our property. You can also see our stairs -- you see the point there. And you see the stairs sort of, our stairs. And I also want to say that --

TRUSTEE SANDERS: I'm a little confused. Are you here? Are you talking this?

MS. ERLICH: Yes. That's our stairs and that's our property. And there was a big storm, Christmas day of 2010, which was followed by Hurricane Irene in the Summer of 2011, and after those two events, every single house east of us, up to Penny's Point, which you can't see in this photograph, had severe erosion. And after the hurricane, every one of them lost their stairs. Every single property to the east of us up to Penny's Point.

The first person to remediate was Joan Prager who was two houses down from the person who owns those stairs and she built a revetment, she built new stairs but none of the other neighbors wanted to go in with her. After she built her revetment, the erosion became worse for all the neighbors, which is something I

think typically happens to adjacent properties with a revetment or any other kind of hard structure, even if it's a parallel structure.

And so last summer, the person who owns those stairs, I'm trying to figure out, yes, because, okay, the person who owns those stairs and every other house up to Sinclair, the one long, it basically built one long revetment, which ends at the property below these stairs. So the house right next door to us, the Moss house, is now applying for an application to have their revetment done which means we'll be at the end of a long revetment wall, so we are actually concerned about what the effects would be for us. Since -- maybe I should read something from the letter here.

Let me just start with that. I think in the Southold Town water revitalization project report, which is a long report, but it talks about what the, one of the things it talks about is what kind of erosion measures are deemed to be useful. Particularly on the Sound and high bluffs. And they have come to the conclusion that, in their own report, bulkheads, seawalls and revetments deflect wave energy in a manner that accelerates the rate of adjacent shoreline erosion. And that's just one of the places where they basically say that revetments might work in the short time to protect the property directly behind the revetment but if you are unfortunate enough to live next to a revetment or a bulkhead or a seawall, you are going to suffer the consequences. So we are just worried about the erosion that may occur on our property.

Also, according to the plans that we got, there is proposed stairs are really just right up against our property line at the top of the bluff. Although it doesn't show where the property line is on your plans. And at the bottom of the stairs where the landing is, the markers that you had put on the beach itself, don't correspond to the drawing. And the drawing appears it would be directly below the landing at the top of the bluff. And then there is a revetment that sort of extends six feet beyond that. And we question whether this is actually on the Moss property or on our property.

TRUSTEE BREDEMEYER: The project plan is scaled to one inch equals 40 feet, and the distance from the proposed stairs at the closest to your plot line is somewhat less than half-inch, would be approximately 17 to 20 feet that the stairs begin.

MS. ERLICH: No.

TRUSTEE BREDEMEYER: I'm not here to argue points one way or the other. Typically the Trustees request where sufficient space is possible to gain, that docks, catwalks and stairways be at least 15 feet off side property lines, and that distance allows for stabilization with the plantings so that there is no erosion that would be created that would go offsite.

MS. ERLICH: It would be good if that were the fact but at least according to the markers that you put on the top of the bluff, which I assume indicate where the top of the stairs go, and the landing at the bottom of the bluff on the beach, are not consistent with those measurements. The 17 feet is definitely

not consistent.

MR. ANDERSON: If I may, the hedge is not actually your property line. The hedge is five feet. The western edge of that hedge is another five feet off of your property line. So the way this is supposed to work is that the upper platform for the stairs is 20 feet off your property line. What I could suggest is if there is a concern that inadvertently the revetment is placed on your lands, that we could have it marked, that is the corner, the juncture of the bottom of, the toe of the bluff and the property line be marked by a licensed surveyor prior to construction and that should be --

MS. ERLICH: That would be very comfortable.

MR. ANDERSON: I would be happy to do that.

TRUSTEE BREDEMEYER: Please direct your comments to the Chair.

MR. ANDERSON: So if the Trustees were to, as a condition of approval, request that, we would be happy to comply with that. I think that would address your concern.

MS. ERLICH: Okay, I just want to say, that there is a pipe marker at the edge of the bluff, it's just to the east of that hedge which has been there, which is the original property line marker. It was there when we bought the property and it is still there. So that is easy to see where the property line is. As far as, you know, measuring, that's good. I think possibly, um, it might be a good idea to have a third-party engineer, evaluate, who is neutral, evaluate the situation as to what kind of damage might accrue to our property as a result of this revetment and all the work that will be done, including the five foot plus cut back that you were, that you plan to do at the top of the bluff. If you are going to cut back five feet, you know, it's all one thing. It's like the waters of Connecticut and New York, it's arbitrary.

TRUSTEE SANDERS: Are you willing to hire your own engineer to give a design proposal?

MS. ERLICH: No, I'm not. Because we don't think we should be required to pay for that.

TRUSTEE BREDEMEYER: Another possibility is the Trustees, in our power, we can hold until the other agencies complete their review. In the case the Department of Environmental Conservation, which will have several different groups within the department review the project. Also, if they were to alter the plans to accommodate any additional changes that would be necessary, I mean obviously we all live in the real world and we witnessed what happened after Sandy. Also the Board has granted the permits for the other structures. You also did hear that the applicant is willing to extend the vegetation and coir logs over on to your property so it might be, and obviously I don't believe such things go on for ever and ever, if you have vacant land yourself you can then also apply to the Trustees for Administrative Permit to do terracing and coir logs on your own side at the same time this work is done and that way would have an interlocking system of vegetation on the upland side that

might actually proceed to link up with your existing vegetation.

There are certainly limits to what the Board can do but we do rely on the expertise of the Department of Environmental Conservation as well and we could hold final determination here for the DEC permits.

MS. ERLICH: Okay.

MR. ANDERSON: I would just say that at the end of the day both permits have to agree. So that's probably not necessary. That is to say, if the DEC were to change some aspect of this, we would be coming back here for an amendment anyway, consistent with those changes.

MS. ERLICH: I'm not following. Okay, so the DEC -- I don't understand what they mean by the these are title two or chapter two of SEQRA therefore they are not subject to environmental review. How is that? But they are. Or aren't they?

TRUSTEE BREDEMEYER: Coastal revetting structures have been typically taken as Type II Actions. And they have not been processed by any of the involved agencies as unlisted actions pursuant to SEQRA. It's just the way they have been processed.

MS. ERLICH: But this will be evaluated by the DEC.

TRUSTEE BREDEMEYER: That is correct

MS. ERLICH: Prior to any permit. And that has not been done yet, right?

TRUSTEE BREDEMEYER: They don't have a DEC permit, to my understanding.

TRUSTEE SANDERS: It's subject to a DEC --

TRUSTEE BREDEMEYER: Subject to a DEC permit.

MS. ERLICH: So you are making your permit subject to that as well?

TRUSTEE BREDEMEYER: This is all under consideration. That's the purpose of a public hearing is to allow you to voice your concerns and for us to get additional information and to talk to the applicant about feasibility of the project.

MS. ERLICH: What he suggested --

TRUSTEE BREDEMEYER: You have to address the Chair.

MS. ERLICH: That he would extend the jute matting, is that at the top of the bluff or is that at the bottom?

TRUSTEE BREDEMEYER: It would be a matter for us to clarify in further discussion. I would presume that where the jute matting is needed, adjacent to the property line is where you are constructing would carry over some reasonable distance onto their property; is that safe to say, top to bottom?

MR. ANDERSON: What's safe to say is that we don't have any intention of touching the property and to the extent we can be good neighbors and protect anything directly adjacent, I'm sure we would be willing to do that. I can't suppose there is an incursion onto her property. We are not here to install a revetment on someone else's property or anything on someone else's property. Having said that, you know, we are not here to damage adjacent property. I'm sure we'll take the responsible steps to avoid that sort of situation.

TRUSTEE BREDEMEYER: All right, are there any more comments from the Board?

TRUSTEE SANDERS: I just have one other comment. Are you willing to hire an engineer or somebody on your own behalf to determine whether or not that can be something that would be damaging to your property?

MS. ERLICH: We believe that the revetments in and of themselves cause further erosion and accelerated erosion to the adjacent properties. We don't need an engineer to tell us that. The Town of Southold has already determined that.

TRUSTEE BREDEMEYER: Thank you.

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

MS. ERLICH: Also, I just want to say one other thing, that he would get a surveyor with respect to survey the beach.

MR. ANDERSON: I think that's reasonable. That's completely acceptable.

TRUSTEE BREDEMEYER: Anyone else?

(Negative response).

Hearing no further comment.

MR. KIELY: Would you still like to submit that letter for the record, for the file?

MS. ERLICH: Yes. Thank you.

TRUSTEE BREDEMEYER: Hearing no further comments, I'll make a motion to close this hearing with the inclusion of the letter in the file.

TRUSTEE SANDERS: Second.

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

(ALL AYES).

TRUSTEE BREDEMEYER: Given sensitivity of this project and acknowledged concerns of the neighbor, and the requirements of the coastal erosion hazard act to protect the lateral lands, I think it might be wise to approve the application noting that it is consistent with the stipulation that it receive the DEC approval as a stipulation, and that way we are on solid ground and can afford the neighbor if there was a need of product modification that they would seek to get before the DEC, understanding it's fairly straightforward. Anyhow, I'll move to approve subject to DEC approval and that prior to the project commencing, an additional inspection be made to confirm that the project will be taking place entirely on the property of Moss, noting that the applicant has offered to provide some additional coir logs and jute matting in the adjacent area, particularly if there is an issue with collapse of the bluff in the vicinity of the neighbor's property line during the construction of the revetment. That is my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. ANDERSON: Thank you, very much.

WETLAND PERMITS:

TRUSTEE GOLDSMITH: Under Wetland Permits, number one, **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

The LWRP found this to be consistent.

The CAC resolved to support this application.

The Trustees performed a field inspection on April 13th and only note was that we were checking on the non-native species that were indicated on the plans.

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

(No response).

Comments from the Board?

(Negative response).

TRUSTEE BREDEMEYER: I guess it was just noted on the field inspection when we were ground-truthing the proposal, as you said, there was an area in the proposed non-disturbance zone where they were going to put in vegetation that was not of the native vegetation.

I believe a gentleman is here to speak to this application.

MR. GLUCKMAN: Sir, can you repeat that question again, that last point?

TRUSTEE BREDEMEYER: It wasn't a question. It was the point that in the area adjacent to New York State Department of Environmental Conservation property where you had volunteered on your project plan to have a non-disturbance zone, you had held out to put some non-native trees in there, and that was, it's sort of contrary to the notion of the non-disturbance zones we would like to restrict those to native vegetation and not have non-native trees. Unless we misread the application, it looked like you were excluding an area where you want to have non-native trees.

MR. GLUCKMAN: So you want to revise the sketch plans I did so the two westerly areas are, take away that comment about non-native trees, but native trees can go in there?

TRUSTEE GOLDSMITH: Yes

MR. GLUCKMAN: Okay, that's fine. Do I need to revise this?

TRUSTEE BREDEMEYER: We would usually request, yes, a simple revision on that would be appreciated.

MR. GLUCKMAN: Fine.

TRUSTEE GOLDSMITH: Anyone else here who wishes to speak on this application?

(Negative response).

Any comments from the Board?

(Negative response).

I make a motion to close this hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the condition of no non-native trees to be planted in the area, in the western area.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Under Wetland Permits, number three, **GFH HOMES, LLC, c/o GLENN HEIDTMANN, JR.** requests a Wetland Permit to construct a $\pm 2,800$ sq.ft. dwelling with attached garage and 13'x26' seaward porch; install a new sanitary system; install a 16'x32' in-ground pool to be elevated up to $\pm 5'$ above grade with a $\pm 42'$ long retaining wall on seaward side; install a ± 300 sq.ft. pool patio; install a pool equipment area; and for the installation of gutters to leaders to drywells to contain storm-water runoff. Located: 675 Hill Road, Southold. SCTM# 1000-70-4-28

The LWRP found this to be consistent and required that a vegetated non-turf buffer be established landward of the wetlands.

The CAC resolved not to support the application because the house and the pool setbacks are not in compliance with Chapter 275 Wetlands.

The Trustees went out on May 11th, all were present, and basic notes we are talking about the possible buffer.

Is there anyone here who wishes to speak to this application, please step forward.

MS. ABOYOUN: Good evening, my name is Jane Aboyou, my wife Emma Van Royan and I live 575 Hill Road, which is directly east of this proposed property. We prepared an impact statement and if it's okay with the Board I would like to read it.

We have a number of concerns with what is being proposed. The reason we bought on the north fork was because it was the un-Hampton, and what is proposed sort of fights against that. There was an article in New York Times June, 2013, Supervisor of Southold Scott Russell made a statement that the north fork would not flirt with being overbuilt and overcrowded, yet our first concern with the property, what is being proposed, is we are, the, what is being proposed, the house is only 40 feet from the, Hill Road, setback, versus our house which is over 100 feet setback, and all the other homes are also further setback. So this home is pushed much further up to the road, which makes it very inconsistent.

TRUSTEE SANDERS: I just want to interrupt for one moment. One thing we can't do, we can only deal with things that are related just to the Trustees. Anything outside of building envelope, things of that nature, goes way out of our purview. So your comments need to be directed specifically to how this is affected under the Trustee rules. Does that make sense? The other comments you made, they were not in line with just talking

directly about the Trustee issues.

MS. ABOYOUN: So is the house setback a Trustee issue? The setback from the road and it being inconsistent with the rest of the neighborhood a Trustee issue?

TRUSTEE KRUPSKI: We are more concerned with setback from the creeks. That would be what we do.

MS. ABOYOUN: So that's another concern we have. So one is the setback from the road. The second concern is the location of the pool, which is very, very close to the wetland, the flood lines. At that property there is quite a bit of erosion at the end, and we are concerned there is the overflow, it's literally right at the end line. I have a drawing. This is hard to see, but right here, this is our property and this is the proposed property. You can see where the water line juts in and where the pool is being proposed is literally right at that line, right at the line. So any overflow of the pool or any issue is going to flow right into here and then we are concerned it will cause further erosion to our water line. It's very clear if you look at Google maps.

TRUSTEE KRUPSKI: Could I see that picture you have there?

MS. ABOYOUN: Sure. See, this property, this is our house on the east. This is the house on the west. The shoreline, the water line kind of juts in. It's already eroded. And the pool where it's set is very close to here (indicating). Any overflow, we are just concerned it will flow into our property, ruining our water line, et cetera.

TRUSTEE KRUPSKI: You have the bulkheaded property, correct?

MS. ABOYOUN: I'm on this side, right.

TRUSTEE KRUPSKI: You're on that side. Okay, thank you.

TRUSTEE BREDEMEYER: With respect to overflow of the swimming pool, the Board typically, in reviewing projects and granting approvals for shore-side locations, is establishing non-turf areas or non-disturbance areas which can dissipate typical flows from even a pool overflowing even at a full rate of the fill broken. And that would tend to ameliorate and reduce the water velocity. So the larger concern is the activities on the shoreline and shoreline hardening and adjacent structures that actually, tidal influences, storm tides, have more of an influence than what we would expect. And there are, unless the property has previously been bulkheaded and has turf on it, a project such as this is typically, all of them, receive some sort of restriction concerning land use, you know, between pools or other structures in the waterway. I'm not sure -- unless they are proposing --

MS. ABOYOUN: The pool is right at the flood line. It's literally right at the flood line.

TRUSTEE BREDEMEYER: You are talking about Zone "X."

MS. ABOYOUN: Zone "X," exactly. So any issue, you are right there. There is no room for error.

TRUSTEE BREDEMEYER: The issue might be when the waters come in, they'll have fish in their pool. I don't mean to make light of

it. But it's simply, the buffers we provide are pretty generous and it's something the Board can consider on this project. The Board, the code has a 50-foot setback for pools. The Board could conceivably, we could dial it back a few feet. That's always a consideration for the Board.

MS. ABOYOUN: I think it would be helpful rather than being right at the line for that zone.

The third concern is that the whole pool and entertainment area is literally 15 feet off our property line versus 40 feet off the other neighbor's property line.

TRUSTEE SANDERS: That's out of our hands. We totally understand where you are coming from, but again, we are limited to what we can deal with within the Trustees. So. The pool issue, that's very valid. It's 48.2 feet. We generally, like the Chairman said, grant 50. So there is a possibility to dial that back. I don't know what anyone anybody else's thoughts are. We can dial it back to 50.

TRUSTEE BREDEMEYER: Let other people speak. I don't know if the applicant is here.

TRUSTEE SANDERS: Right. Those are just thoughts.

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

(Negative response).

TRUSTEE BREDEMEYER: Any Trustees? Any additional comments?

The project plan offers the possibilities of moving the pool deck and pool back so it's a minimum of 50 feet, and it seems that it could be redrawn. It doesn't look like that would impose even a hardship. It would not even reduce the size of the pool.

TRUSTEE KRUPSKI: What about a saltwater pool?

TRUSTEE BREDEMEYER: We could make it contingent on a saltwater pool with no chlorination.

TRUSTEE SANDERS: That's a great idea.

TRUSTEE KRUPSKI: And 20-foot non-turf should do it for the pool there.

TRUSTEE BREDEMEYER: Yes.

TRUSTEE KRUPSKI: Any other comments?

(Negative response).

All right, I make a motion to close this hearing.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the stipulation that on the plans they put in a 20-foot non-turf buffer; that they also depict the retaining wall that is not shown on the plans next to the pool; and they dial the pool back at least 50 feet from the wetlands; and that the pool would be required to be a saltwater pool.

TRUSTEE BREDEMEYER: Subject to submission of new plans.

TRUSTEE KRUPSKI: Correct.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application is **HENRY & MELISSA SILVERMAN** request a Wetland Permit to construct a dock consisting of a 4'x10' landward ramp using open grate decking with 3' high handrails on each side; leading to a 4'x95' catwalk with open grate decking, 3' high handrails on each side, and two (2) 2'x8' benches at seaward end; a 3'x24' aluminum ramp with handrails; a 2'x5' bump-out float; a 6'x20' floating dock secured by two batter piles and one tie-off pile; all associated piles to be 10" in diameter; and equip the dock with water and electric.

Located: 2800 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-12

The project has been deemed to be inconsistent with the LWRP. In a report dated January 14th, the Local Waterfront Revitalization Program coordinator cautioned the Board to make sure that the proposed dock was consistent with all the regulatory and statutory requirements of the Trustees; and that whether the dock might impair navigation or areas of high vessel traffic; and meet the requirements of the Chapter 275; and do an assessment as to whether the expansion is consistent with the existing dock line; and to identify the vessel that would be held there; and specifically an assessment as to whether the expansion would interfere with the use of the waterways could not be made at that time.

In response to the LWRP coordinator's report, under my hand, I directed a letter to the Silverman's requesting additional information, including that they have their licensed land surveyor place upon their project plan the layout for the corridor that the Suffolk County Department of Public Works maintenance dredging uses so that we could ascertain the project would not be interfering with navigation or the needs of Suffolk County in maintaining the access channel.

The CAC report, the CAC did not support. It was not staked at the time. They performed their inspection and they did not see a notice of hearing. There was a major concern with the structure exceeding the one-third width of the creek as well as exceeding the limitation of square footage for floating docks. Those issues were addressed in the return that we received from the Silverman's, which could also be further discussed during the course of the hearing.

The Board of Trustees had performed two inspections on the property, and the latest being on May 11th. At that time, we discussed with the applicant his needs for more than one handrail where he had requested to mirror what the neighbor had and said he would be willing to incorporate a rope handrail to be less visually intrusive.

The Board indicated there were slight discrepancies concerning the length of the dock reported in one place at 94

feet and the other at 95 feet, and also the Board reported based on the prior permitting of neighboring structures and traditionally in this creek that ten-inch piles exceed what is necessary for this creek, will cause unnecessary disturbance of the bottom. So inform the applicant that typically the largest piles in this creek, which handle, accommodate, which do accommodate ice and other flows in the wintertime eight inches is more than adequate.

The Board also reviewed with the applicant that the prior Administrative Permit for a four-foot wide access path had been violated. It was a bit wider and that the applicant is to refrain from cutting any additional vegetation. And there was a reiteration of the use of through-flow permitting, and discussion that water and electric to this facility will require a building permit to accommodate proper electrical safety, and that there was a notion based on the discussion at the work session that because of the sensitivity of the wetlands on the site that due consideration should be given that the trenching, all the trenching for future electric and water either be done by hand or with such a trenching tool that would be limited so it could operate within a four-foot access path.

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

MR. SILVERMAN: Hi. Henry Silverman, the owner. Yes, we pretty content. The only comment I had was on the piles, would it be possible to have ten-inch piles, the ones that we discussed were dolphin or ice breakers at the end.

TRUSTEE BREDEMEYER: Meaning those that would hold the 6x20' float?

MR. SILVERMAN: Yes.

TRUSTEE BREDEMEYER: We can take that under consideration.

MR. SILVERMAN: Okay. And also those angled ones to hold those in place.

TRUSTEE BREDEMEYER: Right. You wish two have a two-pile dent to hold them in place because that's, I think the neighbor has that as well.

MR. SILVERMAN: The ice flow, yes.

TRUSTEE BREDEMEYER: Yes, that's a pretty open site.

MR. SILVERMAN: All right. And we did also meet all the requirements that DEC had requested also. And the rope rail would be totally fine with us.

TRUSTEE BREDEMEYER: Any questions from the Board?

(Negative response).

Anyone else wish to speak to this application?

MR. BERGEN: Good evening. Dave Bergen, from Cutchogue. Good to see you all. I think the Board has already addressed some of the construction standards here. I did note on here on the plan it has a 6x20 CCA treated floating dock. I just want to bring that to your attention, that's on the plans, and as you know that is not allowed under code.

My primary purpose in coming here tonight was not to object to this gentleman, to the Silverman's having a dock. It's the

concern I have regarding the location of the dock and boat, because the width of the boat has to be taken into consideration, in relation to the two channels that are there. One is an existing channel that has been there a long time, Deep Hole Creek. The other one is the new Deep Hole Creek extension channel that the Trustees worked for about three years on to get that channel put in place. And while on the plans it shows this dock does not appear to impede with either those channels, that is what is on paper, I think since this is a brand new channel that was just dredged this past, I believe, December, that there needs to be, I'm talking about the extension channel, it needs to be looked at a little more carefully. What I would recommend to the Board at this point is something that is highly unusual, but this is an unusual situation, and that be a field inspection be done from the water. Now, I went out yesterday to look at this, not from the Silverman's property but from another piece property, a neighbor, and the stake was gone. I'm sure it drifted away from when you folks went out there. So I could not see where the terminal end of the dock, proposed dock is in relation to the channels. What I would recommend is that the Trustees go out and do a field inspection from the water, taking soundings from the distance of the terminal end of the dock, adding to it the width of proposed vessel that is going to be there, making sure that this vessel and dock does not interfere with this new channel that was just dredged.

TRUSTEE BREDEMEYER: Per chance did you see the return submission that showed the scope of the county DPW corridor?

MR. BERGEN: I don't know that I have seen that. What I have here is, again, the survey of this channel. But we know this is a brand new channel that was just dredged. Whether what was actually dredged comports with what is on this survey --

TRUSTEE BREDEMEYER: As a practical matter.

MR. BERGEN: Yes. As a practical matter. So that's what I'm saying, to try to protect this gentleman, the Silverman's from running into problems from other boats that are navigating the new Willis Creek channel, I'm suggesting to the Board that you table and go out and do a survey from the water, you know, to check the depths, and then can you see exactly where this new channel is in relation to a proposed dock and vessel.

TRUSTEE BREDEMEYER: They have gotten from the Suffolk County -- the surveyor Nate Corwin, in his survey that he gave us, there was a revision dated April 17th revision. He had gone to the Department of Public Works at our insistence, and they did put the plot on here. Actually, that was one of the reasons for the second field inspection was to see if the apparent dredged corridor did comport with that. Interestingly enough there is a dock on the other side of the creek that just slightly goes into that. But it's not an unreasonable notion because all are served well by having proper access to these creeks, as we know, and of course we know how hard, and in your former life as a Trustee, you worked with the Suffolk County Department of Public

Works to get these waterways open not only for navigation but for the health of the creeks. And it's not an unreasonable notion that we don't make a mistake here.

MR. BERGEN: Thank you.

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

MR. FINN: Good evening, my name is Herbert Finn, I live at 230 Willis Creek, Mattituck. I'm right in the area. I'm also a licensed US Coast Guard captain, very familiar with the area, very familiar with that creek. And following up on what Mr. Bergen stated, I think it will interfere. So I think with the new channel, I think you have to go back and take a look at it.

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

(Negative response).

Hearing none, any questions from the Board? Additional comments?

(Negative response).

Okay, at this time I would like to table this application to perform an on-water survey. I think we'll arrange it to be concluded as quickly as possible with a sounding board or means of checking depths. We'll get the constable and at least one or two members of the Board on the boat with the constable and so that we may make the proper assessment.

MR. SILVERMAN: Yes. Henry Silverman, the owner, again.

TRUSTEE BREDEMEYER: I'm sorry but we actually closed the comment and I'm now engaged in rendering a resolution to table the matter so we do this assessment

MR. SILVERMAN: There is no -- can I make a comment?

TRUSTEE BREDEMEYER: Not really, no.

MR. SILVERMAN: Thank you.

TRUSTEE BREDEMEYER: Thank you. It's my motion that we table this application for a check on the actual channel corridor in relation to the proposal and the meets and bounds on the survey of the Suffolk County Department of Public Works.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number five. Suffolk Environmental Consulting on behalf of **470 LLOYDS LANE, LLC, c/o ANDREW DRAZIC** requests a Wetland Permit to construct a 71.4'x99.6' (3,143sq.ft.) two-story dwelling with a 51'x42' (1,746sq.ft.) attached deck; a 12'x38' (456sq.ft.) swimming pool; install a sanitary system landward of proposed dwelling; install a 2,880sq.ft. driveway; connect to public water; install gutters to leaders to drywells to contain roof runoff; and to clear a 25,630sq.ft. area up to 50 feet from the top of bluff. Located: 470 Lloyds Lane, Mattituck. SCTM# 1000-99-3-4.3

The LWRP coordinator found this to be consistent.

The CAC resolved to support the application and questioned the existing

disturbed condition of the non-disturbance buffer. And recommended gutters and leaders to drywells to contain the storm water runoff.

The Trustees on their last and most recent inspection, on May 11th, included in the notes to require a 25-foot non-disturbance buffer from the top of the bluff, with an additional 25-foot non-turf buffer landward of that, and a split-rail fence to delineate the non-turf buffer.

Is there anyone here to speak to this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting for the applicant 470 Lloyd's Lane LLC. I appreciate meeting the Board out in the field, I appreciate the attendance at that meeting by Joseph Fischetti, also in attendance tonight, to answer any questions you may have.

It's my understanding we have reached a meeting of the minds on how to approach the situation. The erection of the fence at 50-feet from the bluff edge, is something that is acceptable to us, and I'm here to answer any questions you may have.

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

Questions or comments from the Board?

TRUSTEE BREDEMEYER: I think based on the numerous field inspection we made, the fence at 50 feet is very protective of the property. We might stipulate just for clarification in no case should there be -- it should be at least a minimum, with the 50 foot, that at least the area seaward of that should be maintained as non-turf or non-disturbance. We should probably get a clarification just for the sake of --

MR. ANDERSON: I think the discussion was that the first 25-feet from the top of the bluff would be non-disturbance. And the second, we don't have any plans with the second, but the second 25 feet be non-turf. Meaning that the if the applicant had landscaping plans of a non-turf nature desired in that area they could bring that to the Board in a subsequent amendment.

TRUSTEE BREDEMEYER: I think that's very acceptable. Also we have been noting on a number of inspections that we had previously granted approvals to individuals that the non-disturbance area to be maintained so that would be free of trees such as black locust which might lodge and cause the bluff failure. So a reasonable maintenance of the non-disturbance area to prevent excessively tall vegetation is sometimes a good idea. We know this area has been subject to problems. I don't know if the Board has an issue with it, but if the vegetation in the non-disturbance area, if it was pruned or maintained at a height to not exceed four to five feet and that way it would not be a case where we are promoting potential loss of the bluff in the future by large invasive trees like black locusts particularly are and fall off the edge and you start an erosion process.

MR. ANDERSON: I agree with that. And that will be reflected in the Minutes, as I see the stenographer is here.

TRUSTEE DOMINO: It will be reflected in the Minutes but not in a

subsequent motion.

MR. ANDERSON: I think what is being discussed is that it leaves the door open for a future amendment if it's needed. I think that's where we are going with this.

TRUSTEE DOMINO: Okay, hearing no further questions or comments, I make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: Motion made and seconded. All in favor? (ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application with the requirement that there be a 25-foot non-disturbance buffer from the top of the bluff, with an additional second 25-foot non-turf buffer landward of that, and a split-rail fence to delineate that border of the non-turf buffer.

TRUSTEE GOLDSMITH: Second.

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

(ALL AYES).

MR. ANDERSON: Thank you, very much.

TRUSTEE SANDERS: Number six, Suffolk Environmental Consulting on behalf of **DAVID & LINDSAY LEVIN** request a Wetland Permit to conduct construction activity within 100' from top of bluff for the construction of a 53'x20.4' (1,492sq.ft.) two-story dwelling with a 10'x20' (200sq.ft.) exterior storage space, a 20.4'x39.0' (648sq.ft.) attached porch, a 24'x24' (612sq.ft.) attached carport, and a 572sq.ft. attached wood deck; install a sanitary system landward of dwelling; and to re-vegetate a 50' wide area along the landward edge of the top of bluff using various types of native vegetation.

Located: 29821 Main Road, Orient. SCTM# 1000-14-2-1.9

The LWRP has found this to be consistent.

The CAC has resolved to support.

And on 5/11/16, all Trustees conducted an inspection. The planting plan was okay. Is there anybody here on behalf of the applicant?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting for the applicant, the Levin's. I don't think I have anything further to add, but I'm here to answer any questions you may have.

TRUSTEE SANDERS: Anybody else here to speak on behalf of applicant and/or -- nope. Okay, any thoughts from the Board? (Negative response).

I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Motion to approve the application that is deemed consistent under the LWRP.

TRUSTEE KRUPSKI: Second.

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

MR. ANDERSON: Thank you, very much.

TRUSTEE GOLDSMITH: Number seven, Suffolk Environmental Consulting on behalf of **E. G. STEIN FAMILY TRUST, c/o DAVID EDELSTEIN & LIBBY GOLDSTEIN** request a Wetland Permit to construct a 37'x50' (1,850sq.ft.) two-story dwelling with a 24'x24'(576sq.ft.) attached garage and a 12'x62'(895sq.ft.) attached deck; install a septic system on landward side of dwelling; connect to public water; install a 1,890sq.ft. gravel driveway; and install a system of drywells to contain storm-water runoff. Located: 4145 Wells Road, Peconic. SCTM# 1000-86-2-12.6

The LWRP found this consistent, with the stipulation that it require a 15-foot plus vegetated non-turf buffer which includes the existing trees be established landward of the wetlands. Maintenance activities and access to the waters should be outlined.

The CAC resolved to support this application.

The Trustees did a field inspection on May 11th, we noted there should be a 30 foot non-disturbance buffer, the plans needed to depict a silt fence, and there was some dead trees in a non-disturbance area, that would be okay to remove the dead trees.

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

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting. The first point of the 30-foot buffer, I think that's reasonable. I think there should be an opportunity to manage it. So it should be left open in case we have incursions of invasive species, which we are seeing already, poison ivy and the like, and we should have the ability to come back before this Board to sufficient, reasonable conservation supported activities within that buffer area. So the 30 feet is not objectionable. But we want the ability if the need arises to manage that, with the approval of the Board. Obviously removal, you see the dead, toppled tree in the background of the photo is something that would be removed from the site.

You should also know that there was a dock facility that was previously approved by this Board in this area in 2003. That permit has since expired. I have been asked to look into, looking into whether a dock could be constructed on this property. We ordered a hydrographic survey of the water to determine where best a dock might be located. And the reason why I mention this is because the access delineated to the shoreline will likely be an access to where the dock is, and I simply don't know where that would be, speaking with you today. So I would ask that not be a condition. But a limitation of a four-foot path is something that is typical for this Board and I would suggest we could leave that for what it is. Because that would be consistent with other requirements I have known this

Board to make in other projects. Other than that we intend to fully comply with the town's storm water drainage standards, and that will include the approval, we'll hire an engineer who will certify and construct a plan that will receive the approval from the engineer prior to any construction. That plan will incorporate any silt fence, hay bales, drainage structures, appropriately engineered for the site. Thank you.

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

(No response).

Any comments from the Board?

TRUSTEE BREDEMEYER: It seems like a pretty straightforward application and I think what is being offered sounds reasonable. An allowance for a four-foot wide path to access the water itself and/or potentially future dock is reasonable.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this application with the stipulation that a four-foot wide access path be allowed to the water or a future dock, and if there is any activity to remove invasive species in that 30-foot non-disturbance buffer, to come get a permit prior to any activity.

TRUSTEE BREDEMEYER: Motion has been made and seconded. And for clarification that there be the 30-foot non-turf buffer.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. ANDERSON: Thank you, very much.

TRUSTEE BREDEMEYER: Can we have a five-minute break.

TRUSTEE SANDERS: I'll second that.

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

TRUSTEE BREDEMEYER: We are back on the record.

TRUSTEE KRUPSKI: Number eight, 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 ± 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 this to be inconsistent. The

proposed action does not comply with policy 6.3 protect and restore tidal and freshwater wetlands. Specifically, new bulkheads in creeks and bays are prohibited unless the operation involves construction of a low sill bulkhead. The action is proposed in Fordham Canal, part of Gull Pond Inlet, which is a creek by definition. In the event the action is approved, clarify why the bank would be cleared of all vegetation.

The CAC resolved not to support the application. The CAC does not support hardening of the shoreline in this area and recommends stabilizing the bank, re-grading and planting native species. There is also concern about the dock, which we actually did look up and is permitted.

Okay, we went out on field inspection May 11th. All were present. We discussed the bank and the vegetation in the LWRP inconsistencies, basically.

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

MR. KIMACK: Michael Kimack, on behalf of the applicant.

We proposed to do an amendment to our application which I believe you should have received copies thereof. I submitted them.

TRUSTEE BREDEMEYER: We received them at our work session. We did receive them.

MR. KIMACK: Okay. Basically the amendment is to be in conformance 275-11(v)(h), which basically requires if you are going to do any work you have to have a low sill bulkhead as part of the operation thereof. It was recommended the last time that in place of the vinyl bulkhead at that particular time, which was violative of 275-11, that we put gabion, which is basically, which is a gabion retaining wall in its place. You can call it a bulkhead, you can call it a retaining wall, you can call it a gabion. But it was essentially in the same location and then backfilled behind it.

My client looked into it and he thought that the gabion in and of itself would be something that would attract live vegetation and marine life, that would cause some kind of border for the future. But in any event, the way that this proposal is, it has a low sill bulkhead, and has Spartina behind it, and then it has a retaining wall, which rather than the gabion, which you had recommended we propose to do it in vinyl. And I believe this is in conformance with 275-11(v)(h).

TRUSTEE BREDEMEYER: I don't really wish to debate you from the Chair. I'll let Nick continue.

TRUSTEE KRUPSKI: If have you something to say, go ahead. If there are other comments from the Board.

TRUSTEE BREDEMEYER: This really does not comport with what we have seen in practice. If you had a low sill bulkhead is one thing, if it's constructed to the standard, but the upper section that you are calling a retaining wall, for practical purposes would have the high tide and all storm tides with the water at its feet, typically the retaining section this usually, clearly, exhibits to be a retaining wall, is clearly landward of

that. And it would seem to be in question that there is a discretionary decision for the Board to make that we would probably need to see this both on the survey and be staked. So we need to see the seaward limit of the low sill bulkhead and seaward-most limit of what you are calling the retaining wall, and revisit it, because the slopes are pretty broad here and I believe the Board and the CAC were thinking pretty much along the same lines that, and I think at least as far as general practices, we usually see retaining walls eight to ten feet landward, eight to ten feet landward of ordinary high water mark. So we would be up more substantially.

MR. KIMACK: If it was eight to ten feet it would be at the existing eroded bank. Pretty close.

TRUSTEE BREDEMEYER: Yes. And that way certainly the construction of it in any case is not going to be wonderful for some of the existing Baccharus, but the large area that would be capable of being re-planted or would naturally vegetate would far surpass what would be lost during construction of a retaining wall at that level.

MR. KIMACK: Then can I ask for a clarification. At the last meeting you had asked in place of where I had placed the bulkhead, that we could do a gabion, and a gabion would be vertical and it would be backfill behind it. So I fail to see how that's any different --

TRUSTEE BREDEMEYER: We didn't indicate the placement of it. I think, there again, if we were going to Hesco baskets or gabion, it probably would at least based on the practice we have seen, it would have been tucked very close to the escarpment where it's fallen away.

MR. KIMACK: So what you are looking for is the low sill obviously is acceptable under that particular code, but in essence what you are looking for is the gabion or any retaining wall be essentially at the top of the bank?

TRUSTEE KRUPSKI: Well, just for clarification, by "gabion" you are talking about what on your diagram?

MR. KIMACK: Wire baskets. Not on my basket. I'm not recommending gabions in this drawing

TRUSTEE BREDEMEYER: His question related to the type of construction where the stones are in the baskets called gabion baskets.

MR. KIMACK: No, that's what we talked about last time.

TRUSTEE BREDEMEYER: We talked about the possibility of either Hesco baskets or --

MR. KIMACK: And correct, we did not talk about placement of the gabions per se. Because the assumption that, because at the time we talked about it in place of what I was proposing gabions would be acceptable.

TRUSTEE DOMINO: That's a misunderstanding then because that's not what we intended.

MR. KIMACK: Is there any room for compromise where it's located at the top of the bank?

TRUSTEE KRUPSKI: I don't think we are looking to put in a bulkhead or retaining wall acting as a bulkhead, based off of our code.

TRUSTEE BREDEMEYER: If, in past practice, what we have done is typically in cases where the LWRP has come back with a similar report and the code prohibits new bulkheads on the bays, we typically actually march it back to that line of vegetation.

And many cases we have upland vegetation and other sites we've had, you have beach and then you have typical emergent vegetation of like Cape American beach grass, or any of the brushes, has typically been there. So I think that is in keeping with what we generally have been looking at. The low sill bulkhead, if it's in the construction standards of DEC, we accept that. It was unusual, though, the proposed low sill bulkhead you were placing stone material on it between there and what you had proposed as a retaining wall, I'm not sure we have seen that. Typically, we see the low sill bulkheads having native soils or soils that are developed through the construction of the bulkhead itself placed behind it but without any stone or other materials.

MR. KIMACK: I think the stone was meant really to prevent an erosive factor in order to allow Spartina to grow.

TRUSTEE BREDEMEYER: Okay, as opposed to have scouring out, boatwash, whatever.

MR. KIMACK: Essentially. So having been shot down on this one, I'll come back with an amended proposal. But I do suggest that 275-11(v)(h) then is somewhat non-clarified. It may be clarified by case law but not clarified by definitive language. Because it did say low sill as part of the operation. It didn't say you could put another gabion there behind it. But, and basically I didn't see in any of the language where it said that the retaining wall had to be at the top of the hill or had to be so far, because once it gets past becoming a retaining wall and if it's above the high water mark, it's not subject to that, it should be able to function as a retaining wall.

TRUSTEE BREDEMEYER: Okay, I think we are all listening. You know, because there is not clearly defined by code and it ends up being discretionary. At what point does a bulkhead become a retaining wall is the essential question. If it were you were to go back to the owners and you are reformulating plans, I mean it still can be revisited if you thought there was a point of compromise that is substantially retaining wall. But I can't tell you what that might be. The key to this --

MR. KIMACK: We've only got ten feet to play with here. It's not a lot.

TRUSTEE BREDEMEYER: But at low tide it looks to be more than that. At low low it looks to be more than that.

MR. KIMACK: At low low it is more than that, basically. There is no question about that.

TRUSTEE BREDEMEYER: As far as cost savings --

MR. KIMACK: But I was looking at the high tide line, basically.

TRUSTEE BREDEMEYER: The thing is the construction you propose, which we are certainly not keen on, which you acknowledge, is very expensive. But you are essentially putting two bulkheads, essentially creating two bulkheads on the property.

MR. KIMACK: Yes. The intent was try to reach a compromise between the code and also his requirement to try to get some additional distance between his existing home and the erosive top of the bank, which is slowly but surely over a period of time gotten closer and closer. I think from that one corner of the house you might have noticed on the north side there, it's probably 14 or 15 or 16 feet away. It's not very far. So the hope here was to be able gain some of that back and be also in conformance with 2711(v)(h).

MR. MCGREEVEY: What would the Trustees recommend to the applicant? I hear different terms, short sill, retaining wall. What would the Trustees recommend for this site?

TRUSTEE BREDEMEYER: We actually, it's up to the applicant to try to come up with a plan certain. We keyed this pretty much to the code definition of retaining wall or a low sill bulkhead or a re-vetting type structure that does not create a hard face that which is defined as bulkhead. In other words we are leaving it open to all options other than a bulkhead. And a bulkhead is anything that gets its feet wet on a regular basis.

MR. MCGREEVEY: Does the CAC recommendation have any significance here, stabilizing the bank by cutting back the slope, re-grading and planting native species, would that fit into the picture?

TRUSTEE BREDEMEYER: It does in many cases. It would be something the applicant could consider.

MR. MCGREEVEY: Specific to this site.

TRUSTEE BREDEMEYER: Given the site, it's something the applicant could consider. Thematically, the applicant has been trying to keep as much upland in play and usable yard space as they possibly can. It's sort of trying to keep what they can. So it's difficult to doing the cutbacks and meet, serve both masters. And that's where the art of the submission comes in.

MR. KIMACK: I mean, the only thing I could look at and suggest is I could talk to him about pulling the retaining wall back so it doesn't have wet feet. Right now it's right at the wet foot line. And it's probably, approximately eleven to 12 feet from the top of the bank. I mean I could conceivably pull it so it's two feet above the high water line.

TRUSTEE BREDEMEYER: Anyhow, we'll revisit it. If you need additional onsite discussion during monthly field surveys, we could possibly continue to have that discussion, if you want to do some tentative staking and --

MR. KIMACK: Well, as long as you can suggest that you are not totally opposed to the possibility of pulling it up so it actually functions more as a retaining wall and not as a direct bulkhead, basically.

TRUSTEE BREDEMEYER: We'd have to consider that. We would have to consider that the Board deem some alternative as a retaining wall.

MR. KIMACK: I've learned from long practice that boards won't tell you what they can do, they'll tell you that what they can't do. Believe me, it's been 35 years of that. So I'm respectful of your position on that. But as long as is there the possibility that we may be able to pull it up essentially and gain some property, not all, but basically keep the foot dry by maybe moving it up two feet, I may talk to my client about that. Half a loaf is better than none. In he still wants to go through that expense and if it acceptable to you and it meets the code requirement.

TRUSTEE KRUPSKI: I don't want to commit to a foot number by any means.

MR. KIMACK: No, no, I'm not asking you to do that. All I can do is look at your faces and to the best of my ability decide whether it's possibility. And that's after the recess. Thank you, gentleman.

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

TRUSTEE BREDEMEYER: Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: En-Consultants on behalf of **FARLEY FINE ARTS, LLC** requests a Wetland Permit to remove existing non-native, invasive species (e.g. Japanese knotweed), and establish additional native plantings (e.g. Cape American beach grass and groundsel bush), on naturally vegetated embankment landward of existing concrete seawall while maintaining existing native trees and shrubs for the purpose of enhancing the density and diversity of vegetation occurring on the embankment and increasing the soil stability and natural erosion control capacity of the embankment. Located: 7940 Indian Neck Road, Peconic. SCTM# 1000-86-7-7.2

This project has been deemed consistent by the LWRP.

The CAC voted to support this application.

Trustee Krupski performed the field inspection and it was noted during the course of our work session it seemed very straightforward. Is there anyone here to speak to this application?

MR. HERRMANN: Good evening. Rob Herrmann of En-Consultants on behalf of the applicant. This is pretty straightforward. This is one of these sort of small bay bluffs, next to a site that we worked on together about a year or so ago. There is some invasive vegetation on the slope and so the project that is in front of you is designed to maintain the existing natives on the slope such as bayberry or cedars, but then removing the invasives like the knotweed or any vines and replacing them with additional native vegetation.

TRUSTEE BREDEMEYER: Are there any questions? It's pretty straightforward. Anyone else wish to speak to this application? (Negative response).

Given the fact you have Japanese knotweed, it's pretty noxious, I'm thinking it may be advisable, much like phragmites, to provide a ten-year maintenance because it may want to re -- seed itself. Obviously they are doing the right thing here. Allow for ten-year maintenance for removal of invasives. Knotweed might be good for soil stabilization. Honeybee has a lot of benefits. But it's not considered a good customer.

MR. HERRMANN: That would be great.

TRUSTEE BREDEMEYER: Any additional comments?

(Negative response).

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Motion to approve this application as submitted with the allowance for a ten-year maintenance program to remove invasive vegetation.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number eleven, En-Consultants in behalf of **LISTA M. CANNON** requests a Wetland Permit to remove existing fixed dock and construct new docking facility with water and electric consisting of a 4'x22' fixed timber catwalk; 3'x14' hinged ramp; and a 6'x20' floating dock in an "L" configuration secured by two (2) 8" diameter float piles. Located: 725 Arshamomaque Avenue, Southold. SCTM# 1000-66-3-2

The LWRP coordinator found this to be consistent.

The CAC resolved to support the application requesting that it be, the dock be dark sky compliant; no pressure treated wood on the pilings, which means plankings. No pressure treated planking; and the size and description of the boat should be on the plan.

The Trustees did a field inspection on May 11th. All were present. And in the notes noted this was a straightforward application.

Is there anyone here to speak to this application?

MR. HERRMANN: Yes. Again, Rob Herrmann of En-Consultants on behalf of the applicant. The Board just treated this property about a month or so ago for reconstruction of a dwelling. As you can see in the photo there, there is a rather large fixed dock there now that is a dilapidated condition, and the proposal is install a dock very similar to the one to the north, which was permitted by the Trustees a number of years ago for that adjoining property. Otherwise it is pretty straightforward. It should be an improvement as far as the dockage for the site goes both for the homeowner and for the town.

TRUSTEE DOMINO: Could you speak to the issue of it being dark sky compliant.

MR. HERRMANN: Yes, honestly I'm not familiar with the idea of

how the dock would be affected by the dark sky rules other than I assume that they would not want any light on the dock shining out over the creek or up into the air. So all I would say is that the applicant would of course agree to comply with those regulations. I have not heard of them before in connection with docks but I don't know why they would have a problem complying with that.

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

TRUSTEE BREDEMEYER: So they are running electric to the dock, this would be done in connection with the house construction then?

MR. HERRMANN: Probably. What I have been doing with these docks, only because a couple of times a couple of years ago if we didn't include the water and electricity and then someone went ahead and did that, they were not in compliance with the permit. So honestly on some of these, all these people may not have the intention to connect water or electricity but we do it to try to make sure they are covered by the permit if they do that, unless the Board has a specific objection in a specific case.

TRUSTEE BREDEMEYER: There seems to be some consideration in talking with the Building administrator now because of extending electricity to marine waters to conduct electricity so easily that it would be wise that the Board require building permits which would then require electrical inspection as part of it. So I'm thinking in a case like this where we know the house is slated for construction, that we might consider requiring the electric be done as part of the building electrical. They could probably get their electrical code requirements by doing the electrical during house construction, you know, run the wires down. That is just a thought. We are concerned about creating hazardous environments going through dock approvals given what is going on in the world.

MR. HERRMANN: It makes sense, and I never have been sure how homeowners are supposed to deal with that, because of course the Building Department takes no regulatory authority over the docks and couldn't even if they wanted to, but yet if you are running electric or something connected to the building --

TRUSTEE BREDEMEYER: It's out there, we are starting to deal with it. Maybe we need some interdepartmental discussion on it. But in this case it probably would be no harm, no foul.

MR. HERRMANN: Okay. So if electric is installed, then it should be, they should obtain a building permit, basically.

TRUSTEE BREDEMEYER: At part of the building permit.

MR. HERRMANN: Okay.

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

MR. KIELY: I want to speak on that. Generally speaking, the Building Department asks for electrical certification. So, we don't do our own inspections.

TRUSTEE BREDEMEYER: No, I understand that. I think he understands that. But we also don't send our dock permits over there if we do electrical.

MR. KIELY: No, not -- that it would be part and parcel, I'm just saying what is done in practice.

TRUSTEE BREDEMEYER: Right, in practice, the electrical inspection is done by an underwriter inspector and they take the certificate on that.

MR. KIELY: So that would be part and parcel of the Building Department.

TRUSTEE DOMINO: To be clear, we don't have to include it in our permit, the requirement that it be up to Southold Town Code electrical?

MR. KIELY: Again, it will be part of the permit.

TRUSTEE BREDEMEYER: When I talked to Mike Verity he indicated, just requested that they get the building permit.

MR. KIELY: Yes. Listen, it's belts and suspenders. You can make it a condition just so you ensure it's not missed. That's fine.

TRUSTEE SANDERS: Can we legally make it subject to getting, I guess I want to make sure, clarify. Say for example, they don't want to run electric and the water right now, they get a building permit, they build a house, then they want to do water and electric. By us saying it's required for them to get the permit, they can get a permit, a second permit, separate from the house, see what I'm saying?

MR. HERRMANN: I have what I think is a pretty simple solution, that the Trustees could condition it that at the time that the Board would be looking to issue a certificate of compliance for the Wetlands permit, if electric is in fact present at the dock, the owner would have to produce evidence that they have approval from the Building Department. Whether that's connected to this building permit or that permit is sort of irrelevant. It's just saying if you connected electric to the dock then have you to produce a copy of your electrical approval before you get your C of C.

MR. KIELY: All right.

TRUSTEE SANDERS: See where I'm going with that?

MR. KIELY: Yes. It just makes sense for when you fill out a proper Building application. Is this new construction? I'm not familiar with it.

MR. HERRMANN: It is, but as to Charles' point, I don't have any idea whether they have --

MR. KIELY: The timing --

MR. HERRMANN: Exactly. In other words, they are not going to hold up getting a C of O on the house because of running a little light to a dock. They might want to deal with that separately. But from your perspective I don't know why you would care as long as they deal with it at some point before you can issue a C of C for the dock.

TRUSTEE SANDERS: Point of clarification. I don't want to beat this into the ground. Sorry. Say for example, they build a house, they get their permit, they are good to go. They don't hook up to water and/or electric. Now they built the dock and are good to go. We can't give them a permit now if, like five years from now, after we give them the permit --

MR. KIELY: They need the permit first before the construct the dock. Then they are subject to compliance. He's saying that you guys are not going to give a C of C until the electrical certification.

TRUSTEE SANDERS: Because you requested electric and water on this particular --

MR. HERRMANN: Correct.

TRUSTEE SANDERS: Now I'm tracking you.

MR. HERRMANN: It's like anything else, I mean, and Liz can correct me if I'm wrong. But in other instances, say we got permit for a house and a pool, if you go out and inspect and pool was never built but we are asking to CC out that permit, then the Board at least in the past, when Lori was counsel, would say, well now you have to come back to get a permit, you know, for the pool. Because you've closed out the permit. So in effect, if you go to close out the permit and there is no electrical, then you don't have to worry about it. But if there is electrical there, then you'd say it's the same, you won't issue C of C without the covenant that is supposed to be filed. It's just one other layer of something to be submitted before everything is done. So either they have to show they have gotten approval for the electric or they goofed and didn't do it, they have to go back to the Building Department now and you can hang them up on the C of C until that is done. Obviously if they don't put it in, who cares; close out the permit without the electric.

TRUSTEE DOMINO: The issue there is they don't come back to the C of C. Well, we are overthinking this. All right, anyone else wish to speak to this application?

(Negative response).

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application with the stipulation that if electric is ever run to this dock that the C of C will not be issued unless it can be demonstrated that it was built according to -- that the electric was approved by the Building Department.

MR. KIELY: And provide electrical certification.

TRUSTEE DOMINO: Via electrical certification.

TRUSTEE GOLDSMITH: Second.

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

(ALL AYES).

TRUSTEE SANDERS: Number 12, En-Consultants on behalf of **ELIZABETH DWYER** requests a Wetland Permit to construct a 4'x33' timber stairway with one (1) 4'x6' platform and one (1) 4'x6' platform with bench, leading to a 4'x6' cantilevered platform

with 4'x8' steps to beach. Located: 4170 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-128-4-26

The LWRP has designated this as consistent.

The CAC has resolved to support.

On 5/11/16, all Trustees were present with the exception of Trustee Krupski. The notes in the file say straightforward, so similar to neighbors on either side.

Is there anybody here on behalf of the applicant?

MR. HERRMANN: Yes. One last time tonight, En-Consultants, Rob Herrmann of En-Consultants on behalf of applicant. This is hopefully the third time is the charm for the stairway. The Board originally issued permit #4935 for similar stairway and beach steps in 1998 to the prior owners Joseph and Joan Chisholm. That stairway and steps were destroyed during Hurricane Sandy, and the Trustees issued Hurricane Sandy emergency permit 4935(e) in June, 2013. However the Chisholm's did not actually reconstruct the stairway before selling the property. So the current owners are now seeking basically to construct a very similar stairway with platforms and beach steps in essentially the same location as both of the prior permits. There is no electric to the stairway, so this should be easier to approve.

TRUSTEE SANDERS: How about water?

MR. HERRMANN: No water either.

TRUSTEE SANDERS: Anybody else here on behalf of the applicant or otherwise?

(Negative response).

Any thoughts?

MS. WALLERIUS: I'm Charlotte Wallerius. The first thing I want to make clear is I'm not here to make any kind of a protest on Mrs. Dwyer. I would just like someone to clarify the blueprints. I'm a little bit nervous.

TRUSTEE SANDERS: That's okay.

MS. WALLERIUS: I have the property right next door to the east. Now, the plot line is at a one o'clock line. So we run this way. The concern that is being brought to my attention is the bottom platform because it's been my understanding that it's a six-foot clearance between my new bulkhead, because as he said, the previous owner did not put up a new bulkhead for Sandy. So does that mean there is only six feet between the bottom platform and my bulkhead? Which kind of protrudes out. You all know the language, lingo, I don't. So the point is will they be able to get machinery in there to put this platform in without doing damage to my new bulkhead? What are the ramifications for the sidings that are going to go down for the bulkhead? There is no wiggle room is what I'm saying. I'm not articulate, guys.

TRUSTEE SANDERS: You actually communicated pretty well.

TRUSTEE BREDEMEYER: What particularly -- ordinarily the construction of stairs, they are stick built and they are hand augured. The supports for the posts are hand augured in, and they use either sono tubes or other means of --

MS. WALLERIUS: There will be a platform there, so.

(INAUDIBLE).

TRUSTEE BREDEMEYER: Unless we want to take a recess and you can communicate, this isn't getting on the record.

MS. WALLERIUS: Sorry. What am I supposed to be doing?

TRUSTEE BREDEMEYER: Just a break in this while you are maybe collecting your thoughts. I have a question for Mr. Herrmann. There appears to be a square on the plans. Is this a lower flower bed or something?

MR. HERRMANN: There is a very, very small -- do you have any photos taken from the beach or do you have scanned in the photos I submitted? Or you may have them in front of you. There is a very, very low --

TRUSTEE KRUPSKI: We have them in front of us.

MR. HERRMANN: (Continuing) call it like a little landscaped retaining wall, which the best I could figure out was a vestige of the prior stairway. The current owners have no idea why it's there. What it does is holds a little bit of the toe of the bank back, which may have allowed some room for when the Chisholm's had the deck there. So that square that I think you are looking at that is sort of off to the east side of the stairs, that's nothing that is proposed. That is just a little wall that is there. The platform that is off the seaward side of the bulkhead, if this were the platform and this was Mr. Wallerius' property, you walk about 13 feet this way before you actually hit the property line. The platform that would go in down there would all be constructed by hand. There is no heavy machinery associated with the project.

TRUSTEE BREDEMEYER: I think she may be confusing bulkhead construction with stairs construction.

MR. HERRMANN: There is no bulkhead construction here. There is a platform which will have posts that go down into the sand. But that again, would be done by hand. There would be no physical impact on the adjacent bulkhead whatsoever. So there is no concern there.

And one of the reasons we stayed with the stairway in the same location is because that was the area that was previously disturbed, so we wanted to stay basically within the area that had already been disturbed by the prior stairwell.

So there should be no people or equipment or anything on your property for any reason at all.

TRUSTEE BREDEMEYER: Could we stipulate it be --

MS. WALLERIUS: I'm being advised, obviously, because I'm here by myself, that perhaps if the secondary, the last platform, you are almost giving the property line no wiggle room. I mean.

TRUSTEE BREDEMEYER: You have to go to the mic and really should address the Board.

TRUSTEE KRUPSKI: Just address us with your concerns.

MS. WALLERIUS: Okay. I'm obviously being advised, and it's the people that are advising me are in kind of the business, they said they are not really providing you any wiggle room, you are

right on, there is only like six feet between where my bulkhead comes out and there will be a platform.

MR. HERRMANN: That's not correct. The six-foot dimension that is on the plan is the six-foot seaward extension of the platform.

Again, if you scale it, and I may stupidly have left the scale off this. But the scale is one inch equals 40 feet. So if you are walking along the bulkhead from the point where the existing bulkhead, which is both the applicant's and the neighbors, where the bulkhead intersects with the property line. This a six-foot platform that will be almost 14 feet away. So there is no way that somebody hand-building a six-foot platform will impact the structural engineered integrity of a bulkhead that is almost 15 feet away.

TRUSTEE BREDEMEYER: The extension of the property line is actually over what is probably New York State bottom land. We are in Peconic Bay, almost, with the point --

MR. HERRMANN: Right. So just to be clear, Jay, if we were treating this like it was a dock, there would in fact be only six feet of separation between the corner of the platform and the property line. But if the concern is the impact on the bulkhead, we are not going to be out here, we are going to be in where the bulkhead is. And where the bulkhead is lined up with the platform is a separation.

So some other background to this is there a right-of-way on the west side of the property, you notice there is another staircase on this plan that is not available for use by the owners. That is a right-of-way and a stairway that is used by folks across the street. So the one thing that the Dwyer's are contending with here a little bit is the fact that their beach front is also used by others to the east of that groin. So one of the reasons the Chisolm's originally placed the stairway where they placed it is so that you come down the stairs, sort of on the far east side, and then everything sort of points away from Mrs. Wallerius' property and gets you toward the west side of the beach that is sort of keeping the activity away from her but also keeping it as far away as possible from what in effect becomes almost like a communal beach to the west. But the physical impact, there is no physical impact.

MS. WALLERIUS: No, that's not true. I've owned the house for 40 years. That's not true. I see six feet on this map.

MR. HERRMANN: That's the dimension of the platform.

TRUSTEE SANDERS: Do you have anything else you would like to say, ma'am?

MS. WALLERIUS: No. I don't know what questions really I should be asking.

TRUSTEE SANDERS: Would you like to speak on behalf of --

MR. SCHAFFER: Yes. My name is Joseph Schafer and I'm just here partaking in my own permit and to assist her in reading the map here. I think if she has something with a larger image that would be clearer for her to see and to depict her concern with the property line.

MS. WALLERIUS: Did you see this?

TRUSTEE KRUPSKI: We are looking at it in front of us right now.

MS. WALLERIUS: This is what nobody is understanding. I don't mean you. The people advising me, they are saying when you come down the stairs there will be only six feet between the staircase and my property.

TRUSTEE KRUPSKI: I think what is happening is there is a misunderstanding. On those plans, the platform is six feet wide, but if you actually measure from the edge of the platform to your property, along the bulkhead, it's actually about 14 feet.

TRUSTEE SANDERS: Is that correct?

MR. HERRMANN: That's correct.

MS. WALLERIUS: Then I apologize. It's small print, that's why.

MR. HERRMANN: Can I approach, for clarity.

TRUSTEE SANDERS: You can approach, ma'am, so we can get it all on the record, and you can actually see and he can explain.

MS. WALLERIUS: You are showing 14 feet up here but I'm talking about this is what has been brought to my attention. There is no 14 feet here.

MR. HERRMANN: So this six foot is the depth of this platform. May I write on this?

MS. WALLERIUS: Sure. You sent it to me.

MR. HERRMANN: So the distance, if we could white out that six feet, the distance between this point and this point is about 13 feet. Now, the distance between this point and this point is only six feet. But that has nothing to do with anything because that is not where your bulkhead is. In other words, you stated that your concern is whether the construction of this stairway would physically impact your bulkhead. So the relevant --

MS. WALLERIUS: But my advisors are also telling me that six feet is not much between the property lines. We are talking down here.

MR. HERRMANN: But of what consequence is the position of the angle of this property line to the use of the property?

TRUSTEE BREDEMEYER: At this point, it just, to be exacting, at the point next to your, that's an extension of your property line that is actually out into the bay, maybe is it possible we can move this structure over like two feet? A small amount?

MS. WALLERIUS: What I'm being advised, in quotes, to use what they're saying, they are giving you no wiggle room.

TRUSTEE SANDERS: The question I guess we have to pose to you is what does "no wiggle room" mean? In terms of what?

MS. WALLERIUS: If any work has to be done, if they have to bring --

TRUSTEE SANDERS: It's already been delineated that all work will be by hand and there is no threat -- all threats to your property have been mitigated.

MS. WALLERIUS: I hope you understand where I'm coming from.

TRUSTEE SANDERS: Absolutely. But there is really no concern. I think those who have advised you have advised you in a manner that is confusing. So in essence there is no damage or harm or danger to your property.

MS. WALLERIUS: Okay, that's all I really need to hear from all of you. And thank you for listening to me.

TRUSTEE KRUPSKI: Yes. Absolutely, we can rarely say that but I think we can with this.

TRUSTEE BREDEMEYER: You're welcome.

TRUSTEE SANDERS: Any other thoughts from anyone else?

(Negative response).

I make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I make a motion to approve this application as it is submitted, noting it is deemed consistent under the LWRP.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 13, Jeffrey Patanjo on behalf of **DWYER/BARTH REVOCABLE FAMILY TRUST, c/o LAUREL PHELAN** request a Wetland Permit to remove and replace in-place 63 linear feet of deteriorated bulkhead with new vinyl bulkhead, a 26 linear foot return, and a 33 linear foot return; and to raise the height an additional 18" from existing top cap elevation. Located: 2625 Bay Shore Road, Greenport. SCTM# 1000-53-4-21

The LWRP deemed this to be consistent.

The CAC resolved to support the application with the condition the non-turf buffer is increased to a minimum of ten feet. And the CAC questioned the need for raising the elevation of the bulkhead 18 inches.

The Trustees did a field inspection on May 11th and we noted that top cap elevation should be elevated 12 inches but not 18, so that in the future if the neighbor wants to elevate their bulkhead they can go up 18 inches to make it consistent.

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

MR. PATANJO: Jeffrey Patanjo on behalf of the applicant. I currently have a DEC permit, which I received last week. And DEC does allow and it is standard practice for them to approve raising the bulkhead top cap elevation 18 inches. I would like to stick with that if it's agreeable by the Board. But otherwise this is remove and replace existing bulkhead, same location, and a straightforward project.

TRUSTEE BREDEMEYER: The problem is if the neighbor tries to match it, they'll be having to ask for two feet, which won't be granted. So that is why we felt by granting a one-foot that allows the neighbor in kind to get an 18-inch, which is current practice. So everyone would be meeting the forces of Peconic Bay with the same amount of bulkhead face.

MR. PATANJO: I was advised by counsel to agree to 12 inches. Whatever you want, either way we are good.

TRUSTEE BREDEMEYER: We are, there is some issue with trying to --

TRUSTEE KRUPSKI: Just for the future, everything will tie in perfectly.

MR. PATANJO: That's fine.

TRUSTEE KRUPSKI: Anyone else here who wishes to speak regarding this application?

(Negative response).

If not, 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 with the condition of 12-inch additional elevation. Not the 18.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: Motion made and second. Just as a point of clarification, therefore it would be no higher than 18 inches above the current neighbor's bulkhead, the neighbor to the north. It will be no higher than 18 inches above the neighbor to the north.

TRUSTEE KRUPSKI: Correct. Yes.

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

(ALL AYES).

TRUSTEE KRUPSKI: Number 14, Jeffrey Patanjo on behalf of **SLATFIELD INVESTMENTS, LLC, c/o LESLIE BUTTERFIELD** requests a Wetland Permit to construct a 4'x53' fixed pier with thru-flow decking over entire surface; a 3'x12' aluminum ramp; and a 6'x20' floating dock using untreated decking supported by four (4) 10" diameter CCA piles, and cross-bracing holding the float a minimum of 30" above sand bottom at all times; reconstruct existing 9'x15' deck attached to seaward side of existing one-story dwelling in-place; remove platform and stairs on east side of deck and construct 9'x8' stairways (overall dimensions) on south side of reconstructed deck; and reconstruct existing 3.75'x5' front covered porch in-place. Located: 520 Oak Street, Cutchogue. SCTM# 1000-136-1-45

The LWRP deemed this inconsistent. And I have a couple of pages of things to read through here. I'll try to make it as brief as possible.

Whether or not the dock will cause degradation of surface water quality and natural resources; the mean low water at terminus is at zero feet and is inadequate to support most motorized vessels and keeled vessels due to draft; further, due to the inadequate water depths, operation of motorized vessel to and from the dock could result in bottom scarring and increased turbidity in the water column, impacting marine life in the water body; it is recommended that the Board clarify the size and type of the vessel and tidal range; whether the dock will cause habitat fragmentation and loss of significant coastal fish

and wildlife habitat; the proposed action is located within the DEC critical environmental area; the proposed construction practices of the dock have not been identified; it is recommended that the applicant identify the proposed construction practices; activities during dock construction can destroy vegetation either above or below the tide line by pulling them from the substrate or destroying their root system: the peat beds underlying salt marshes can be compacted due to improper use of heavy equipment. It is recommended that the Board clarify the methods of construction.

As indicated above, the proposed action is located within a New York State DEC Critical Environmental Area. The applicant enjoys access to public waters via waterfront property. The proposal would place a private dock short-term public waters and on public bottom lands. Placement of a dock structure into public waters does not meet this policy. To lessen the permanent reduction of use of public water lands, a temporary vessel mooring is recommended. The proposed action is for the construction of a private dock located within a DEC listed environmental area. Shallow depth of the creek limit the use of the creek by motorized vessels. The creek does and will support manual powered personal recreational vessels such as kayaks, row boats, et cetera with shallow draft. The proposed vessel has not been identified.

Okay, the CAC resolved to support this application. And with the condition that gutters leaders and drywells are installed to contain storm water runoff from the dwelling and the patio. And the piling out of the water is removed.

The Trustees inspected this on 5/11. All were present. Some of the comments made were the dock itself is straight forward build. Ten-inch pilings might be a little large given the area. And also there is a restriction along the shore, so the possibility of some sort of alternative to allow people clamming or crabbing to walk along the shore to get over the dock or under dock, something along those lines. Is there anyone here who wishes to speak to this application?

MR. PATANJO: Jeffrey Patanjo, on behalf of the applicant. There was a bunch of things, so I'll try to remember them. Pile size, it was indicated wrong in the project description. The project plans we have eight-inch diameter piles for the floating dock and six-inch diameter piles for the fixed pier. The whole project as far as the docks construction is going to be very, very similar to the one as you see all the way to the left of the photograph which was approved last year, which was a brand new dock, same exact dimensions, same alignment, same floating dock, same ramp. It was pretty much a twin of that one. I actually did one on Oak Street two years ago, which was a brand new dock right on the bend. So there is a standard here for allowing new docks, as you can see.

The projection of the dock, it is into water depth as I show here on the survey, at mean low tide. And I took those

water depths myself. So we have 12 inches approximately at the end of the pier, the fixed pier, and at the floater we have 19 to 20 inches. We are also providing chocks for the bottom, to keep it off the bottom for 30 inches at mean low water. The boat size, I do not know, the client is in England or something, so I don't know who they are, I never talked to them. As far as access on the beach, there is no access now per se. If you have been there, did you go down the bluff?

TRUSTEE BREDEMEYER: Yes. I guess the question was, it was not clear, was the catwalk emanating from the top, from the grade level and before the stairs, or is it --

MR. PATANJO: My plan was to tie it into the stairs to keep it 30 inches above the wetland.

TRUSTEE BREDEMEYER: The neighboring dock terminated a little bit above or at mean high water, but there was still walking space to traverse very close to the foreshore. We were concerned with this coming directly out from the steps would not allow someone looking to walk along the foreshore. They would have to be rather short to get under. In the past we would stipulate stairs up and over where it's particularly hard bottom.

MR. PATANJO: I'm perfectly agreeable with stairs up and over. It is wetlands there. That's all I'm letting you know. We can put in stairs, carefully, but you'll be walking through, but we'll put them in.

TRUSTEE BREDEMEYER: It was pretty sandy in that region. We don't want to trample delicate wetland. This is one of those balancing acts.

TRUSTEE KRUPSKI: I mean not being specific here, but there is a sandy strip you could if you are walking along picking up.

MR. PATANJO: Yes, we can absolutely tuck in close to the existing stairs. We can have my ramp going, the pier, tying into the stairs and then up close we can do the stairs up just tight to the stairway.

TRUSTEE GOLDSMITH: I just have one question on the description, it says CCA pilings

MR. PATANJO: Yes, just the pilings would be CCA.

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

MS. BROWN: I'm Susan Brown, from Cutchogue. I know we are only people left. We live a few doors down from this location. We currently have a catwalk which is in dire need of repair, so we came tonight to see what you said about this one. We never dreamed we would be the last people here. So we are just curious. There is a number of new docks has been mentioned, have been constructed in the last couple of years, which has given us a little bit of hope that we can do something with our existing one. Just to clarify, if you were wondering who we were.

TRUSTEE BREDEMEYER: We could address the inconsistency by maintaining public access to the foreshore. And I always like to note that private dock does not always diminish public access because net property owners in town having access to the waters

provides opportunities for the residents and their guests and people throughout the world would love to have the kind of access we have that is not a sharp shell bank or infested with critters that would hurt you. So you could fashion bringing this into consistency with notions of public access.

TRUSTEE KRUPSKI: And I also think in terms of destroying the bottom, that was addressed with the chocking, I would think.

TRUSTEE BREDEMEYER: Absolutely. And minimizing the process.

TRUSTEE KRUPSKI: Yes. And then does anyone have anything to say about boat length, boat size, bottom scouring? I know you were going to point to that. I don't blame you there at all. Just in terms of the LWRP.

TRUSTEE BREDEMEYER: Ground water pumps are a limiting factor. People learn how to push their boats out into deeper water. Water pump jobs are expensive. Careful seamanship doesn't have to totally chew the bottom.

TRUSTEE KRUPSKI: Right. I mean, we do seem to have a difference between, I mean your soundings are plenty of water to back out.

All right, any other comments from the Board?

(Negative response).

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 with the stipulations that the pile size in the original description be changed respectively to the eight-inch and six-inch piles; that along the sandy part of the shore there is stairs for public access to the traverse the shore; and to bring the LWRP into compliance, we address that with the chocking and with the amended water depth; and then also with the stairs, we are not limiting public use of the area.

TRUSTEE BREDEMEYER: And request amended plans to reflect the stairs up and over.

TRUSTEE KRUPSKI: Right. Thank you. And amended plans for the stairs.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The last one we have is Jeffrey Patanjo on behalf of **JOSEPH SCHAFER** requests a Wetland Permit to remove existing bulkhead and replace with 100 linear feet of new vinyl bulkhead in-place and raise the height an additional 18" above existing grade; install 16 linear foot vinyl bulkhead returns on both the east and west side of property; install a 200sq.ft. deck landward of new bulkhead using untreated decking; install a 4'x4' cantilevered platform with 4'x11' (overall dimensions) seasonal stairs to beach using untreated decking; and install and subsequently maintain a 10' wide non-turf buffer along the

landward edge of the bulkhead. Located: 1030 West Lake Drive, Southold. SCTM# 1000-90-2-3

And I wish to thank Mr. Schafer for his kindly act of helping an elderly lady understand the permit.

The LWRP has deemed this project to be consistent and that a non-turf should be planted with native vegetation.

And the CAC supports the application however reserves judgment on raising the height of the bulkhead because of no need has been shown.

And Trustees did a field inspection on May 11th, 2016. We did voice a concern based on field inspection to keep the same elevation since we are unaware of having raised neighboring bulkheads the 18 inches, and we were not, it was not evident that need was established since the house benefits from a rock revetting structure that surrounds that house on the seaward side.

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

MR. SCHAFER: Yes. I'm Joe Schafer, the homeowner. So over the past few months I have taken an interest in the process of replacing a bulkhead and attended a forum at the Cutchogue Library by Bennett Nadiah & Associates and I believe one or two of the gentlemen here on the Board of Trustees may have attended for a short period of time. In doing my research I have had six engineers come to my home and examine everything, and they all asked me why don't you raise it 18 inches. I said, well, why would I, because I thought everything was okay, and they all indicated that my neighbors groins that go out into the water are completely gone on the west side of my home facing the water. And they had pointed out your neighbor to your right, because you have a little gap between where your bulkhead wall goes and theirs starts. The groin, if you change that spot, will come up short and will cause erosion, number one. And, number two, it would add probably a little bit of a hardship on your neighbor who, because then they would have to have their bulkhead in alignment to that. So they all kind of said the same thing. So when I finally got to the point of attending this meeting and listening to who I thought were some of the best professionals and clear minded people who had an idea how to construct a bulkhead, and mind you I know that the town is in the process of putting together some kind of a permit process to really have a license, excuse me, as you will, for installing it. In other words your landscapers doing your landscaping in the summer, in the winter all of a sudden they are installing bulkheads. So I took it upon myself to put more science into it and I actually have been recording over a hundred hours of the water hitting, and I could see now the reason why they suggested raising it 18 inches.

Now, my home is on pilings, I bought it about three years ago and everything asked of me through positive suggestion with the Town consulting with FEMA and the state I have done. And I

invite all of you, if you ever want to send someone to my home to look as an example of everything that needs up to par, feel free to do so. But the only reason I ask for 18 inches is because all the engineers that came to look at job suggested the 18 inches and two, suggested the returns on the side of the home, which after I attended the meeting, I learned more about how walls that are compromised can eat away the land behind your wall, and since my one neighbor doesn't have any groins left at all, and their property is probably, when you are looking toward the water line, looking straight into it, you can see on the low tide there is one showing up, there are two or three more that are completely gone. They are ravaged. Just completely gone. So those are my concerns. So you know, if you don't understand why, the only argument I can make to you is why would all these engineers tell me to do the exact same thing, to raise it 18 inches. There we go.

MR. PATANJO: Jeff Patanjo on behalf of the applicant. One of the other things we had talked about in the field was mention of the rock revetment, the rock wall. I believe, correct me if I'm wrong, but I believe once we raise that we were going to get rid of those rocks there? Or were you going to keep those?

TRUSTEE SANDERS: Which rocks?

TRUSTEE BREDEMEYER: The rock retaining wall.

MR. SCHAFER: I have to ask my wife first. She fell in love with it.

MR. PATANJO: Then again, just like the last action, the DEC does approve and recommend raising all bulkhead 18 inches. I actually sent one without raising it and they questioned it.

TRUSTEE BREDEMEYER: The interesting feature here is that the house is on pilings. It's probably the most secure and best way to handle, and your house is absolutely gorgeous. And finishing with the rock revetment makes total sense. And the, it's, if all neighbors, without all neighbors going to 18 inches, and some of those bulkheads are already vinyl bulkheads, so their shelf life will be considerable, if the waters are still going to be flowing around the backs of your returns if it goes to 18 inches, and other than the possibility of some scouring, you know, over the top, which obviously all the houses did, you know, get, the benefit is just the sea keeping the soils behind the bulkhead here, since the house is already secure, establishing the need that relates to the neighbors maybe the engineering advice you have gotten from the professionals, maybe we need to see an engineering report that substantiates the need. Because we have the CAC, I know it's contrary to what we are hearing with the DEC, but going up is not always better for a neighborhood when we are trying to have some consistency. Maybe one of those engineers you sought out should be giving us a report for us to consider.

MR. PATANJO: One of the things I would like to add to that, I'm going through the same thing right now in Amityville, doing 23 end of roads bulkheads under a GOSR Grant funded by FEMA and

GOSR. They say, and everybody in the whole process, and everybody who did all leg work, you need to go to the ten-year flood. Out there it's elevation is 4.9. I'm raising bulkheads out there three feet, two-and-a-half feet. End of road bulkheads, either side of those, are three feet down. It doesn't matter because you have to start somewhere.

TRUSTEE BREDEMEYER: Okay.

MR. SCHAFER: May I add a point to that. In being consistent with this project, the home actually falls in three flood zones, the worst being VE-10. So when I took this into consideration and I presented it to the town for a building permit, I was told because I was doing more than 50% of the assessed value of the property, I had to raise the house. And my surveyor, John Ehlers from Riverhead, had made the same point. He goes when you went to replacing your bulkhead you'll probably have to raise it a foot. So I guess in his conversation a foot being consistent to the 18 inches.

TRUSTEE BREDEMEYER: Now at least personally, I don't know how the other Board members are starting to come into some degree of focus because even the discussions about rock revetments, where we have seen the DEC design them going up to the VE-10 zone we sort of question it because if you have a bulkhead or revetment and you have core stone going up, if you have not protected it to VE-10 zone, you run the risk of having a decent storm, all the core stone tumbles down and then the water coming over the revetment of the bulkhead scour out and then you have a bulkhead failure. So that was pretty compelling.

MR. SCHAFER: Actually, Mr. Higgins, the engineer, who is going to do the project, actually made that point in conversation.

TRUSTEE BREDEMEYER: And you would be planning to plant behind it with Cape American beach grass, like you have there presently?

MR. SCHAFER: Absolutely. I'm all for the environment.

TRUSTEE BREDEMEYER: Right. So you are going up a foot-and-a-half that still doesn't, are you near the VE-10 zone at that point?

MR. SCHAFER: Well, the VE-10 zone, I don't know if --

TRUSTEE BREDEMEYER: I have a survey here. It cuts right through the middle of the house.

MR. SCHAFER: Right. There's two more zones. And when I was positioning the home I took into consideration the view that my neighbor had. And there was a garage at one time I tore down to create a view for a neighbor that didn't have one. They were concerned. I also put in a new septic system that was above ground. It was quite a financial impact but in the end it was well worth it.

MR. PATANJO: This whole bulkhead as proposed is in VE-10 zone.

MR. SCHAFER: That's correct.

TRUSTEE BREDEMEYER: The whole bulkhead itself is. It's not above it.

MR. PATANJO: Yes. This is VE-10

TRUSTEE BREDEMEYER: All right.

MR. PATANJO: Everything from the middle of the house down.

MR. SCHAFER: I would also like to point out during Hurricane Sandy, the bulkhead to my left was compromised in the sense that it lost a lot of soil behind it. And I came back after a few months only to see that they had replaced it. I don't know what procedure they did to do so. And then the neighboring canal which leads to a lake, you know, they had that dredged recently, too, for similar reasons. So as I'm learning that process, the only thing I'm basing my decisions on or wants are the consistency of what everyone says would be a responsible act for both my home, my investment but more so the environmental impact for the community. And as well as my trips over there, I'm always asking questions and learning. So it kind of behooves me not to make the argument for 18 inches because I bought this with the intentions of keeping this long-term for my wife and I as I retire. I'm retired now, from the police department, but I guess want to call it a future investment for my children to enjoy one day. So everyone says do it one way. That's why I'm presenting it that way.

TRUSTEE BREDEMEYER: Point well taken. Any additional questions from the Board? Comments?

TRUSTEE DOMINO: I want to make sure nothing happens to the existing jetties or groins during construction.

MR. PATANJO: Okay, we can add that as a note.

TRUSTEE BREDEMEYER: Hearing no further comment, 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 contingent on no changes or damage to the existing groins during construction phase.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. SCHAFER: Thank you.

TRUSTEE BREDEMEYER: Motion to adjourn?

TRUSTEE SANDERS: I'll make a motion to adjourn.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

Respectfully submitted by,



John M. Bredemeyer III, President
Board of Trustees