

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, June 22, 2016

5:30 PM

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

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, July 12, 2016 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, July 20, 2016 at 5:30 PM
WORKSESSIONS: Monday, July 18, 2016 at 4:30 PM at Downs Farm, and on
Wednesday, July 20, 2016 at 5:00 PM at the Main Meeting Hall

MINUTES: Approve Minutes of May 18, 2016.

TRUSTEE BREDEMEYER: Good evening. Welcome to the Trustees regular monthly meeting for June. Before I get into the agenda proper I would just like to let you know there are a number of items that have been postponed at tonight's meeting, variously, for reasons of the Trustees needing more information or the applicant has requested it for cause, and these items can be found, the first one can be found on page six, item number two, David Kennedy of VHB Engineering, Surveying & Landscape Architecture, PC on behalf of **OKI-DO, LTD** requests a Wetland Permit and a Coastal Erosion Permit for the restoration of the subject property shoreline through the replacement of 1,323 linear feet of existing, largely non-functional bulkheading; install a 505 linear foot (3,640sq.ft.) rock revetment along Gardiners Bay; dredge the existing channel between the boat basin and Gardiners

Bay to five feet below mean low water through the removal of $\pm 4,022$ cubic yards of sediment to be dewatered on-site or other approved upland locations; replace 186 linear feet of existing non-functional channel jetties consisting of a ± 106 linear foot southeasterly Bay jetty with remains of seaward portion below MLW to be abandoned, a ± 61 linear foot long southwesterly Bay jetty with remains of seaward portion below MLW to be abandoned, and a ± 19 linear foot long jetty within the basin with remains of seaward portion below MLW to be abandoned; replace existing dilapidated 8x70 linear foot dock located within the boat basin with a 5'x30' ramp leading to an 8'x60' floating dock in new location; and re-vegetate with *Spartina Alterniflora* within a 5,086sq.ft. portion of the boat basin intertidal zone. Located: 2835 Shipyard Lane, East Marion. SCTM# 1000-38-7-7.1, has been postponed.

And on page nine, item 18, 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 $\pm 16'$ section of vinyl bulkhead within 14" of existing concrete wall/boathouse foundation wall. Located: 2895 Wells Avenue, Southold. SCTM# 1000-70-4-13, has been postponed.

And the entirety of page ten and the entirety of page eleven, which are listed as follows:

Charles Mogul on behalf of **ROGER PRAETORIUS** requests a Wetland Permit to construct a 4'x15' landward fixed ramp leading to a 4'x75' fixed dock using open-grate decking supported by 6" diameter marine piles seaward of the ordinary high water line and 4"x4" timber posts landward of the ordinary high water line; a 3'x20' hinged ramp; and a 6'x20' floating dock secured by two (2) 8" diameter marine piles. Located: 975 Westview Drive, Mattituck. SCTM# 1000-139-1-4.2

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

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

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

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, have all been postponed.

At this time I'll make a motion to have the next field inspection for Wednesday, July 12th at 8:00 AM. Is there a second?
TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: Sorry. Okay. Excuse us. It is a Tuesday, the 12th. Our calendar is changed to accommodate a better inspection service and member availability. I stand corrected. I move to have our next field inspection be Tuesday, July 12th, at 8:00 AM. Is there a second?

TRUSTEE GOLDSMITH: Second.

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

TRUSTEE BREDEMEYER: Our next Trustees meeting, to hold it Wednesday, July 20th, 2016, at 5:30 PM at the main meeting hall.

TRUSTEE DOMINO: Second.

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

And a resolution to hold work sessions on Monday, July 18th, at 4:30 PM at Downs Farms, and Wednesday, July 20th, at 5:00 PM, in the main meeting hall.

TRUSTEE DOMINO: Second.

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

TRUSTEE BREDEMEYER: Motion to approve the Minutes of May 18th.
TRUSTEE KRUPSKI: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for May 2016. A check for \$7,082.20 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, June 22, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Southold Sunsets, LLC SCTM# 1000-54-4-3
Stephen Milgrim SCTM# 1000-78-8-9
100 Park Avenue Corp. SCTM# 1000-123-7-3
William & Jill Hansen SCTM# 1000-122-5-1 (Dominant) & 1000-122-4-3 (Servient)
Susan A. Ghetti SCTM# 1000-87-4-8
William & Donna Goggins SCTM# 1000-117-10-14.1
Michael & Argy Mantikas SCTM# 1000-37-6-3.5
Peter Sabat SCTM# 1000-103-3-16&17
Alan & Sharon Eidler SCTM# 1000-106-12-3.1
Jonathan Tibett SCTM# 1000-56-5-25
Donald Rynd & Susan Nahill SCTM# 1000-110-7-2
Andrew Carmellini & Gwen Hyman SCTM# 1000-111-9-8
Joseph & Maureen Coogan SCTM# 1000-70-4-48
Roger Praetorius SCTM# 1000-139-1-4.2

Under the State Environmental Quality Review Act, under Item III, I would move all those items listed. That's my motion. Is there a second?

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

IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE BREDEMEYER: Tonight portends to be a fairly lengthy meeting with concerns expressed ahead of the meeting for a number of the items that are a public hearing. To keep things moving along, administrative actions that the Board takes which are not subject to public hearings and where they are

uncontested and the Board has had a chance to review the applications and do field inspections, we'll often group them together to expedite the meeting and to allow for more time for public comment during the public hearings.

Accordingly, under agenda Item IV, Resolutions for Administrative Permits, I would move to approve as a group, item one and items three through six inclusive. They are listed as follows:

Number one, Victor Prusinowski on behalf of **DAVID SCHWARTZ** requests an Administrative Permit to install a 7'4"x6'8" hot tub onto existing deck. Located: 1015 Lake Side Drive North, Southold. SCTM# 1000-90-4-5.1

Number three, **SHLOMO WIENBERG** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to not less than 12" in height by hand, on an as needed basis. Located: 2245 Little Peconic Bay Lane, Southold. SCTM# 1000-90-1-16

Number four, **DONNA M. WEXLER REVOCABLE TRUST** requests an Administrative Permit to install 4' high enclosure fencing with access gates along landward edge of bulkhead, along the side yard lot lines, and inward towards dwelling. Located: 1175 Hill Road West, Southold. SCTM# 1000-70-4-22 & 23

Number five, C&L REALTY, INC. requests an Administrative Permit to relocate existing 10'x10' gazebo to be placed 25' landward of bulkhead. Located: 61600 Main Road, Southold. SCTM# 1000-56-6-3.4

Number six, **JACOB KUBETZ** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to not less than 12" in height by hand, on an as needed basis. Located: 1600 North Oakwood Road, Laurel. SCTM# 1000-127-6-10

And we'll discuss separately item number two, seven, eight and nine. Again, my motion is to approve items one and three through six.

TRUSTEE DOMINO: Second.

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

TRUSTEE BREDEMEYER: Item two, in the matter of Robert Barratt on behalf of **LESLIE & ROSEMARIE WINDISCH** requests an Administrative Permit for the as-built 8'x38' first-floor deck attached to seaward side of dwelling. Located: 1440 Kimberly Lane, Southold. SCTM# 1000-70-13-20.10

This project has been determined to be inconsistent under the Town's coastal policies under the LWRP because there was no prior permit for the structure under Town records. Trustee Krupski looked at the proposed project. It's a very small deck up against the house with no real environmental issues. Accordingly it has been considered that it is appropriate to

approve and provide a permit at this time whereby it would be brought into consistency with the Local Waterfront Revitalization Program.

Accordingly, I would move to approve and whereby the granting of a permit would bring this into consistency with the coastal program. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Item seven, **JOANNE KRAEBEL** requests an Administrative Permit to install snow fencing and plant beach grass up to 10' to 15' seaward of the concrete seawall.

Located: 1150 Peconic Bay Boulevard, Laurel. SCTM# 1000-145-2-11

This applicant seeks to put a snow fence and encourage American beach grass behind it adjacent to their bulkhead on their property in Laurel because of severe erosion along the bulkhead face. The applicant had applied to have beach grass between ten to 15 feet seaward of the concrete seawall. On two subsequent Trustee inspections, the Board inspected the site and measured the extent to which they felt it appropriate for putting snow fencing on the beach and in order to allow for the free passage of people along the foreshore so they can pass and repass out of the high water. The Board feels 15 feet is too far seaward and feels ten feet is more appropriate.

Accordingly I would move to approve the Administrative Permit for snow fencing for Joanne Kraebel subject to the limitation that no part of the snow fencing shall be more than ten feet seaward of their bulkhead. That's my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

The next administrative application, number eight, **IONNIS & STEPHANIE LAGOUDIS** request an Administrative Permit to install a sprinkler system and seed disturbed areas along top of bluff using fescue seed on two of the three properties; and install a split-rail fence along all three southerly property lines.

Located: 22455, 22615 & 22395 Soundview Avenue, Southold. SCTM# 1000-124-1-24.1, 25.1 & 23

This project has been reviewed by the Trustees. This was a return initially from unauthorized clearing and some rototilling. The Board feels that stabilization with a non-fertilizing requiring lawn seed, which in fact is what the fescue is, is appropriate to the site. However the Board also feels that a permanent in-ground sprinkler for this site is not necessary and that a temporary sprinkler to establish the lawn is acceptable, and periodic watering with a temporary sprinkler more appropriate, and that the fescue grass they are installing

is somewhat drought resistant, so an in-ground automatic sprinkler is not needed. And also the Board feels that because the fescue grass does not have a large nitrogen demand, that there should be no inorganic fertilizers used for this site.

Accordingly I would move to approve this application with the stipulation there be no inorganic fertilizer and that no permanent in-ground automatic sprinkler be allowed for this site. That is my motion.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: The next application, number nine, En-Consultants on behalf of **18975 SOUNDVIEW AVENUE LLC** requests an Administrative Permit to install 4' high enclosure fencing with gate. Located: 18975 Soundview Avenue, Southold. SCTM# 1000-51-1-16

Subsequent to field inspection of Trustee Domino and lengthy discussion at the work session, the Board feels that we need to do more research on this particular proposal since there may exist one or more structures on the property that don't have a permit, and the permit history of a swimming pool in question, for which this fence was requested, is still in question. And the history of a blowout of the bluff that was found on photographic examination of the property by Clerk Cantrell leads us to believe we have a number of items to research to the extent of our jurisdiction and possible mitigation that we might want to ask of the applicant.

Accordingly I would move to table this application subject to additional investigation and discussion.

TRUSTEE DOMINO: Second.

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

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE BREDEMEYER: Similarly, to move the meeting along in those areas that are administrative permits, in the area of Item V on the agenda, Extensions, Transfers and Administrative Amendments, I would move to approve items one through five and items eight through ten as a group. They are listed as follows:

Number one, **GEORGE & STAVROULA PROTONENTIS** request a One-Year Extension to Administrative Permit #8462A, as issued on July 23, 2014. Located: 215 Tarpon Drive, Southold. SCTM# 1000-53-5-3

Number two, En-Consultants on behalf of **NITIN P. DESAI & C. BARSİ, LLC** request a One-Year Extension to Wetland Permit #8468, as issued on July 23, 2014. Located: 18915 Soundview Avenue, Southold. SCTM# 1000-51-1-15

Number three, Patricia C. Moore, Esq. on behalf of **WCKBH, LLC** requests a One-Year Extension to Wetland Permit #8495 and

Coastal Erosion Management Permit #8495C, as issued on August 20, 2014. Located: 1460 Old Mallory Road, Fishers Island.
SCTM# 1000-7-6-11

Number four, **KATHLEEN FOLEY** requests a Transfer of Wetland Permit #2069 from Anthony & Giustina Ienna to Kathleen Foley, as issued on September 25, 1985, and Amended on June 18, 2008. Located: 500 Glenn Road, Southold. SCTM# 1000-78-2-23

Number five, **KATHLEEN FOLEY** requests a Transfer of Administrative Permit #8657A from Anthony Ienna to Kathleen Foley, as issued on August 19, 2015. Located: 500 Glenn Road, Southold. SCTM# 1000-78-2-23

Number eight, **RICHARD & CAROLINE YATES** request a Transfer of Wetland Permit #4972 from Daniel V. Jennings to Richard & Caroline Yates, as issued on March 24, 1999, and Amended on December 2, 1999, and Amended again on February 17, 2016. Located: 3340 Oaklawn Avenue, Southold. SCTM# 1000-70-5-54.1

Number nine, En-Consultants on behalf of **DAVID & KATRINE WOLFGANG** request an Administrative Amendment to Wetland Permit #7066 for the repositioning of the landward tie-off piling approximately 12 feet farther seaward so that it aligns with the landward side of the re-oriented floating dock. Located: 302 Town Creek Lane, Southold. SCTM# 1000-64-1-12

Number ten, Patricia C. Moore, Esq. on behalf of **MAUREEN MASSA & ALAN SCHWEITZER** requests an Administrative Amendment to Wetland Permit #8648 to modify the 10'x10' upper platform leading to the bluff stairs to be constructed as an 8'x10' wood upper platform with 4'3"x3'4" landing leading to stairs. Located: 460 Ruch Lane, Southold. SCTM# 1000-52-2-23

Is there a second?

TRUSTEE GOLDSMITH: Second.

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

TRUSTEE BREDEMEYER: Item six, **CASTELFORTE LLC, c/o MAGGIE SPARAGNA** requests a Transfer of Wetland Permit #1807 from Robert Wilson to Castelforte LLC, c/o Maggie Sparagna, as issued on April 30, 1984. Located: 2100 Glenn Road, Southold.
SCTM# 1000-78-2-38

The Board on field inspection determined that the application to transfer a wetland permit would be inappropriate at this time since over many years the nature of the beach or foreshore in front of the house and extent of the dock that was left would better be handled through submission of a new plan to address the shortcomings of the site.

Accordingly I move that we table this application.

TRUSTEE SANDERS: Second.

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

TRUSTEE BREDEMEYER: Item seven, En-Consultants on behalf of **ISABEL BOSWELL & SCOTT PHILLIPS** request a Transfer of Wetland Permit #4903 from Cynthia Warren Spurdle to Isabel Boswell and Scott Phillips, as issued on April 27, 1998, and Amended on November 20, 1998. Located: Private Road off East End Road, Fishers Island. SCTM# 1000-3-1-6

Inspection to confirm compliance with the original inspection was made and it was found that the structure that is there is slightly and minimally at variance with the original permit issued, but not meaningful with respect to needing an amendment. But we wish to table this and issue the transfer subject to the receipt in our office of an amended plan to scale of the very minor addition.

So I move to approve this subject to submission of a new scaled planned for the project.

TRUSTEE SANDERS: Second.

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

VI. RESOLUTIONS - MOORING PERMITS:

TRUSTEE BREDEMEYER: The Board has reviewed applications for mooring permits. Similarly, these items can be moved as a group. They are all replacing existing moorings in Town creeks. So Item VI, I move to approve as a group items one through four. They are listed as follows:

Number one, **PETER BENOTTI** requests a Mooring Permit in Cedar Beach Creek for a 23' outboard motorboat, replacing Mooring #897. Access: Private

Number two, **RONALD SHELTON** requests a Mooring Permit in Richmond Creek for a 14' sailboat, replacing Mooring #21. Access: Public

Number three, **FRANK CASHIN** requests a Mooring Permit in Richmond Creek for a 14' sailboat, replacing Mooring #903. Access: Public

Number four, **JOSEPH PAGANO** requests a Mooring Permit in Richmond Creek for a 20' motorboat, replacing Mooring #9. Access: Public

TRUSTEE SANDERS: Second.

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

VII. PUBLIC HEARINGS:

WETLAND & COASTAL EROSION PERMITS:

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

TRUSTEE KRUPSKI: Second.

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

The first matter this evening is in the matter of Michael Kimack on behalf of **SOUTHOLD SUNSETS, LLC** requests a Wetland Permit and a Coastal Erosion Permit to demolish the existing one-story dwelling, decks, enclosed porch, concrete walk, foundation and shed; construct a raised two-story 1,600sq.ft. dwelling on a piling system with a first floor 1,097sq.ft. covered porch/cantilevered open decking on north and east sides for a total first floor footprint of 2,697sq.ft.; first floor elevation to be 16'; second floor loft to be 322sq.ft. with a 224sq.ft. balcony walkway and a 158.6sq.ft. open deck; abandon existing sanitary and install new septic system; install storm water management systems to contain runoff, and in accordance to Ch. 236 of the Town Code; and install buried electrical services. Located: 4200 Kenney's Road, Southold.
SCTM# 1000-54-4-3

The Board of Trustees has been here on several occasions and this has been the subject of a prior hearing. The LWRP coordinator has determined that this project is inconsistent with the Town's coastal policy. The Town of Southold has assumed the responsibility and authority to implement and administer the Coastal Erosion Management Program within the jurisdiction pursuant to Article 34 of the New York State Environmental Conservation Law, locally known as Chapter 111, Coastal Erosion Hazard Act, and accordingly set policies within that law particularly and within the policies of the Coastal Erosion Protection Law, and this Board having to establish standards for procedures for minimizing and preventing damage to structures from coastal flooding and erosion; to regulate coastal areas subject to Flooding Land Use and Development Act; to minimize and prevent damage or destruction to manmade property, natural protective features and other natural resources; and to protect human life; to regulate construction and placement of new structures in order to place them a safe distance from areas of active erosion and impact of coastal storms; to ensure that these structures are not prematurely destroyed or damaged due to improper siting; as well as prevent damage to natural protective features and other natural resources.

Specifically, the action is inconsistent with the following policies: The policy to minimize potential loss to human life and damage to structures from flooding and erosion hazards; minimize potential loss and damage by locating the development of structures away from flooding and erosion hazards; and to avoid development other than water-dependent uses in coastal hazard areas; locate new development which is not water-dependent as far from coastal hazard areas as practicable.

The proposed action does not have a functional relationship to coastal waters and therefore is not a water-dependent use in accordance with the LWRP. Water dependent uses which are listed here are typically those that would be activities relating to commercial or recreational fishing and boating facilities, fin fish and shellfish processing, fish storage and retail/wholesale fish market facilities, waterfront docking facilities, shipyard and boat facilities, and additional items that are enumerated here that relate to activities on the water. And also waterborne transportation areas requiring large amounts of water for cooling process, and areas that are necessary to provide general public access to marine and tidal waters.

Further the action is located entirely within the coastal erosion hazard area on the primary dune system and natural protective feature. "Primary dune" is defined in Chapter 111 part six under definitions as: natural protective feature and the natural protective feature includes the near-shore area of beach bluff primary dune, secondary dune or marsh area vegetation. The primary dune is the most waterward major dune where there are two or more parallel dunes within a coastal area. Where there is only one dune present, it is the "primary" one. Occasionally one or more relatively small dune formations exist waterward of the primary dune. These smaller formations will be considered to be part of the "primary dune" for the purposes of this chapter. The waterward limit of a primary dune is the landward limit of its fronting beach. The landward limit of the primary dune is 25 feet landward of its landward toe.

The coastal policy to protect and restore natural protective features. The natural protective geological features provide a valuable protection and should be protected, restored and enhanced. Destruction/degradation of these features should be discouraged and prohibited. No development is permitted in natural protective feature areas except as specifically allowed under relevant portions of 6 NYCRR 505.8.

The natural protected areas, nearshore areas, beaches, dunes, bluffs and wetlands and associated natural vegetation, the natural protective feature which is defined in Chapter 111-6 Coastal Erosion Hazard Area definition is a land and/or water area containing natural protective features such as a primary dune. And the natural protective feature area which is land or water area containing natural protective features, the alteration of which might reduce and destroy the protection afforded other lands against erosion or high water or lower the reserve of sand or other natural materials available to replenish and restore loss through natural processes. New construction is prohibited in natural protective resource areas, in this case the primary dune.

Only non-major additions to principal buildings are allowed on primary dunes pursuant to the Coastal Erosion Act

Chapter 111-13.

And the definition of a dune is: a dune is to prevent overtopping and store sand for coastal processes. High vegetated dunes provide a greater degree of protection than low un-vegetated ones. Dunes are the greatest protective value during conditions of storm-induced high water because dunes often protect some of the most biologically productive areas as well as developed coastal areas.

Their protective value is especially great. The key to maintaining a stable dune system is to establish maintenance of beach grass or other vegetation on dunes and insurance of a supply of nourishment to the sand dunes.

The following restrictions apply to construction activities in dune areas. In primary dune areas, non-major additions to existing structures are allowed on primary dunes pursuant to coastal erosion management permit and subject to permit conditions concerning the location, design and potential impacts of the structure on the primary dune.

The distance from the proposed actions to the natural protective feature of the primary dune is zero feet. The applicant is not proposing a non-major addition.

These facts as outlined by the LWRP coordinator have been discussed by the Trustees at our Monday night work session and we are in accord with those based on a review of the facts.

The report of Southold Town Conservation Advisory Council, Wednesday, June 15th, the CAC resolved to support the application of Southold Sunsets Holding, LLC, for this project on a vote of the council ayes all.

As a point of information, before we open the hearing up to public comment, in the continuing review of this project, I had the opportunity to try to better understand this application, and in conferring with the principal building inspector, it was found that an error was made in the project plans and the proposal in that the dwelling is not located within the Zone AE base flood elevation which is an elevation of 13, but in fact the project is located within a VE Zone. I don't know if we have the electronic version of the map, but accordingly, that discrepancy will have to be addressed with a submission of new plans and will require amendments and updating for plans before this Board and the Town Zoning Board of Appeals.

You can see the 4200 Kenney's Road address, that is essentially the geometric center of the existing lot and not quite so visible, but just immediately to the south or to the right of the dwelling that is on that lot is the property line, so that the shaded red area is in fact the Velocity Zone. The VE Zone. So we'll have to get a correction on that.

Is there anything else that comes to mind for our discussion? I think we covered the LWRP. We reviewed it.

TRUSTEE KRUPSKI: It's a mouthful.

TRUSTEE BREDEMEYER: Yes, it is a mouthful. Okay, is there anyone here to speak on behalf of the application?

MR. KIMACK: Mike Kimack, on behalf of the applicant who is in attendance.

We are aware that it is close to the Coastal Erosion Hazard Zone. We are aware that it's a sensitive area. I would like to address it and I would come back to 111-4 and 111-19, and object to the way they have those findings there.

If you may recall, some time ago, I think perhaps only two Board members were there -- Charlie, I don't know if you made the original one, it was before Glenn and Nick -- basically, and we had staked out where we were trying to, at that particular time, be in conformance with zoning, and we had it pushed further east by about 22 feet, and further toward the water with a set of stairs. I think the comment then was don't disturb the dune and don't disturb the beach area going forward. On that, what we basically did is we designed it very carefully.

If I can refer you to the survey map, this is the best way to look at it. I'll break it into two components. The first is if you can see the square of the building, which is 40x40, it primarily overlays the disturbed area, which is about the eight-foot elevation at the present time. And the decks basically are cantilevered forward. The deck does not come any more forward. The one toward the beach, it's cantilevered. The one toward the dune is cantilevered. Nothing touches the dune or anything going forward. The piling system is pretty much within the disturbed area and not within an existing pristine primary dune at all. It will be at 16-foot elevation because as the job so indicated, the VE line is 13, which is on the survey. It was not deemed -- it could not be shown on the survey. So if I could address your attention to the lower left-hand corner, above the word "elevations." Showing the VE line of 13. Therefore the first floor was designed at 16 feet in order to be in conformance with FEMA, which requires a minimum two feet above the 13 foot line. We were aware when we looked at it, to the coastal erosion hazard line, the best I could figure, from 1988, runs about eight to nine foot in terms of its height of water running through there. So the VE line is the controlling line as far as being in conformance with FEMA, not the coastal hazard line. But the coastal hazard line is in control in terms of applying Chapter 111 to it. So what we basically did very carefully is the piling system would be all in the disturbed area and nothing would be disturbed forward, seaward, and nothing being disturbed, as far as the building is concerned, toward the dune. And it would be raised up on that pilings. To that extent, by raising it up, basically, we feel we are in conformance with 111-40(a)(c) because even though it says to protect natural areas and those areas, the only way in this case with the 13 VE line, to protect it, is to raise it to be in conformance. And if

we can raise it without having any impact to the primary dune, which is the way it was designed, we feel we won't impact it.

Now, that's the building. That's the primary building. If you look at, what we did basically is we include the staircase within the front deck so it doesn't go any further seaward. As you can see, it still touches disturbed area leading down to the beach.

The map there, if you see the lines going down, they don't necessarily get into the argument or get into the situation as why that no longer counts. But the applicant doesn't own down the yellow line. The yellow line, basically, is 0.57 acres, and somewhere along the line the property was cut back 0.32 acres. So it really runs just about into the Sound. The property line really is about here (indicating). That's in the description, deed description, and that's what they bought.

TRUSTEE BREDEMEYER: So you are saying they can't immediately access the foreshore through their property?

MR. KIMACK: The property runs to the shore but they don't own that.

TRUSTEE BREDEMEYER: Who owns between the borders of the State of New York mean high water and the line you just drew?

MR. KIMACK: I have not done the research, John.

TRUSTEE BREDEMEYER: The hands moving, we don't get it in the record.

MR. KIMACK: All I can say is it was brought to my attention when we went to Zoning first, as you are well aware, that they only approve it on the 0.57 because that is what is shown on the tax map. When we went back and looked at the deeds and went back to prior survey, the prior survey, the one we had done and the deed shows 0.32. So all I can say is they don't own 0.57. Who owns it, that could be research done on it. One of the things I was going to do basically was to correct this by simply asking for an adjustment to the tax map, which we'll have to do. We cannot get more land than we were already deeded, from a legal point of view. That's what they were deeded. I don't know what happened to the difference there. But anyway, it's a point I wanted to let you know.

So what we have there, what we plan to do here is not disturb into the primary dune at all but stay within roughly that eight-foot area. If you see the contour lines, where the primary dune is, it's running anywhere from ten to eleven foot higher. Now, what we have there, to the disturbance of the primary dune is for the septic system. And the reason that is -- let me bring it to a different way of looking at it. If nothing was done, and nothing was raised, basically, the existing system located in the back is not in conformance with the department regulations anyway. The only place they can put the septic system is in the primary dune in order to meet the Health Department regulations, because that's the only place they have

to put it. The disturbance would be minimal and it would have to be replaced, obviously, and after that there would be nothing else to it.

So yes, there is a disturbance from that perspective, but that would happen whether or not we raise the building or not. That disturbance would occur simply as a result of having to place the septic system within the primary dune.

Are there any questions of me?

I will say -- let me go a little further on that. I read the purposes of 111-4, basically, all the way through. And I believe we are in conformance with A,B and C, where we are trying basically to minimize the damages to manmade structure by raising it on pilings and creating less of an obstacle for waves to hit against and be deflected. We are not basically doing anything with the primary dune but allowing the water to wash under natural circumstances. We are in the disturbed area, we are not in the primary dune area. That has not been changed at all. And also as a result of that, we are in conformance with both components of 111-19, which is what is required for you to give us a permit.

TRUSTEE BREDEMEYER: The hearing also is under the Town's Wetland Ordinance, which mirrors the language of the natural resource protective feature of a primary dune. So that there are also concerns about the protection of the American beach grass community, which might include several other vegetation types that exist there, and coverage over that with associated decks and walkways, and also we understand obviously the FEMA flood plane requirements, to have a house quite a ways up there, but now we are talking about an additional second story and roof line. Do you care to address those issues?

MR. KIMACK: The second story is a small area where the bedrooms actually go, basically. Upstairs, for the most part, I think it's 322 square feet. It really just goes with the roof line, for the most part.

TRUSTEE BREDEMEYER: Do you wish to address the concerns of the LWRP coordinator where he specifically outlines section of Chapter 111 where the Board has discretionary authority to approve for non-major additions which can be up to 25% for existing structures?

MR. KIMACK: We recognize this is beyond the 25%. This is a major addition. However, basically, I think it comes down to the desire and necessity of the owner to have a structure which is functional and useful to them given the size of their family and what they wish to do. 1,600-square foot with a 300-square foot anywhere else in this particular area would not be considered an oversized dwelling that families would necessarily be uncomfortable with. 16, 17, 1,800 square foot is pretty much an undersized house in most areas. It comes down to living accommodations. It comes down to their requirements, their needs in order to be comfortable with that. I would suggest that, and it may not necessarily be something that would be determinative,

but if we are raising it up, basically, and we are taking it off the ground, basically, up there, the extra, it's not -- by raising it, the entire structure will be out of VE zone. And going up and having a major addition in and of itself is not necessarily going to cause any damage to either the beach grass going forward or the dunes going to the east. I would indicate on the beach grass there is extensive amount of beach grass which is seaward of the primary dune area, ten or eleven there. That won't be touched at all. Beach grass pretty much runs down the property line right now, as you can see, based upon the red area there. And that will be left undisturbed, for the most part.

TRUSTEE KRUPSKI: What about the buried fuel tank?

MR. KIMACK: No, it was a mistake on the drawing. I was told a long time ago, don't bury the tank. So that's not there. It would be buried electric, obviously, but not a buried tank. So I would suggest that, and argue, that the, under 111-4 and 111-19 we are in conformance. It is meant and intended to be both sensitive to the needs of the property owner and also the needs of the natural resources. And to that extent, the way this house has been constructed and laid out, we believe we have not at all from the house construction point of view altered or changed the primary dune, because we are in a disturbed area, which I would suggest is not the primary dune. Because it can't be. The house is there and the walkway and stuff like that. And the septic system is the only place they can put it on the property. If you didn't do anything, this is the primary dune, number one, because it goes up an extra two feet so that you can basically have enough underneath it in order not to be -- it will be a better functioning septic system, even though it's in a primary zone, than what we have now, which is a lot lower and an older system, which is not in conformance with Health Department regulations.

TRUSTEE DOMINO: Can you show me where on the plans the -- I see where the proposed new septic is going, but there is a tag that says "remove the existing septic system."

MR. KIMACK: It's behind the house, Mike. The property line is close and tight. The septic system is back here. Right up against the line (indicating).

TRUSTEE BREDEMEYER: There is a very real, practical difficulty for the Board of Trustees in reviewing a project such as this because back in 1996 the State Department of Environmental Conservation changed the rules surrounding enforcement of the State Environmental Quality Review Act such that on pre-existing lots the Board does not have the ability to declare a positive environmental declaration and propel the preparation of an Environmental Impact Statement, and a project of this scope in a sensitive area which on the face value reading of the Coastal Erosion Hazard Act, face value does not allow construction in this primary dune and natural resource area. This sort of

project, which the state has already mapped and legislated is inappropriate and for which the town has taken up the responsibilities of enforcing it, the Trustees are left with a process that does not give us a chance to compel an Environmental Impact Statement where we might be able to choose amongst a range of alternatives. And it's unfortunate in this case because both the applicant and the Trustees are at a loss here because a range of alternatives that might include a house of lesser scale that has less cantilevered structure overhanging sensitive wetlands and/or different, potentially different set of plans with a different roof line and other possibilities that would make it more, it would certainly facilitate the dialogue that is necessary between a Board and the community and an applicant to get to a better place. I'm just, this is what it is for us. So.

MR. KIMACK: May I ask what are some of the concerns the Board has?

TRUSTEE BREDEMEYER: The Board has not totally formulated them, and we also feel we want to hear the community because we understand there is some opposition to this proposal, and a project of this scope which has already received some opposition before the Zoning Board of Appeals, we feel it would be more proper to listen to everyone, and many of the concerns that we have seen from the LWRP coordinator were amplified in discussions we had at our work session. So I think the LWRP coordinator's report, which is in the file, gives you a key indication to what our concerns are. He articulated it very well. But we want to hear from the community and we also want to see where this goes.

But it's unfortunate because the process may have you before us a number of times if we can't meet this --

MR. KIMACK: As much as I would like to come and see you guys --

TRUSTEE BREDEMEYER: Just figured I'd let you know.

MR. KIMACK: Well, why don't I then, if there are other people that have speak, I'll address whatever concerns they may have.

TRUSTEE BREDEMEYER: Anyone wish to speak to this application? Please come up, sir, to the lectern and announce who you are for the recordkeeping.

MR. KATRAMADOS: My name is John Katramados. I'm his neighbor. My house is next to his, to the proposed building. And I sent you a letter before stating that the building and cesspools, also the stairs which they go to the porch, is about three feet from my property. And according to the lot size, it is supposed to be ten feet.

TRUSTEE BREDEMEYER: Thank you. That is actually a matter before the Zoning Board of Appeals.

MR. KATRAMADOS: And I sent another letter on the 15th. And also about the erosion which I talked before, I have a letter in the newspaper from 1997 describing the erosion on Kenney's Beach and

the houses around it. Would you like to see it?

I have copies.

TRUSTEE BREDEMEYER: You may submit copies to the record if you would like to give them to the Clerk. We'll collect any information here but the Board will have to have time to review it at another time. Yes, you may.

MR. KATRAMADOS: Okay, now the first hurricane which we are going to have, according to all the cesspool locations, the cesspools are to be all over the places. Because the erosion was so high there in 1997, they have water in the basement on the house, in the crawl space. I was there, and they called me to do something. And it's going to happen the same again. We don't know when, but some day it's going to happen. So I like to take all this in consideration and see what you are going to do about it.

TRUSTEE BREDEMEYER: Thank you.

MR. KATRAMADOS: Thank you.

TRUSTEE BREDEMEYER: Is there anyone else that wishes to speak to this application? And also, I didn't remind people coming to speak before us tonight, I appreciate you keeping your comments brief going forward, to give everyone an opportunity to speak, if you can keep your comments to five minutes or less. We are generally pretty liberal if you get talking and bring in a lot of good information, we don't shut you down. We like to hear you talk, but we try to keep everything moving along.

MR. GOGGINS: Good evening, William C. Goggins, 13235 Main Road, Mattituck, New York. I represent Dominic Mavallia. He owns the house to the east of this property. His concern is the height of the house. They are taking a 1,388 square foot house and they want to replace it with a 2,717 square foot house. It doubles the size. So his objection is that he would be okay with the same size house being put on stilts to comply with FEMA and so forth, but to make it as big as they want it, sprawling, it doesn't go along with the other houses. And if you zoom out of this picture here and look more down toward the east, you are going to see that this cottage is very close to the Sound, and every time there is a renovation, the Trustees have pulled the houses back away from the waterfront. And the old houses, the cottages that are still there, eventually they'll be renovated and they'll be pulled back as well, for consistency, for view-sheds and so forth. I know this application is difficult because it's such a small piece of property, but to make it as tall as it's going to be and as wide as it's going to be, and for the increased use regarding everything that the LWRP said and all the things you are thinking about, we oppose the application as it has been presented.

And I know this is just an initial stage, so. Is that brief enough?

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

MS. ANDERSON: Hi, Brett Anderson, 3010 Kenney's Road. I think their advocate has done a very nice job of trying to make it sound like everything has been done to really minimize the impact on the community, but living down the street and using this beach, they talk about the needs of the family in it, having met the person who said he owns it, it's a single man with his girlfriend who drives a yellow Corvette who blasts loud music with offensive words that is heard so loudly down beyond the --

TRUSTEE BREDEMEYER: Ma'am, that's really not relevant to the discussion concerning --

MS. ANDERSON: I'm just saying that I hear the point and I don't, when you start talking about that you are going to increase the footprint of the house and you are going to raise it up and increase the height of the house, you start having concerns. It's already sitting on the parking lot, on the primary entrance, and so all of these other things, it has an even bigger impact. So it just, for those of us in the community who like to keep this as a family community, and think about the effects of these sorts of things on all of us.

TRUSTEE BREDEMEYER: Thank you. Anyone else?

MR. CASTIGLIONE: John Castiglione, 3010 Kenny's Road. Mr. Bredemeyer, I submitted a letter to you, I hope you are in receipt of it. I would just say, as I read Section 275, which I believe is at issue in this application, it does allow the Trustees to consider and in fact require the Trustees to consider the esthetic value, if you will, of the project. And I think that's exactly what Mrs. Anderson was talking about, when you increase the size of the home the attendant concern is that it comes closer, gets higher, people are now literally living closer to the beach. Above and beyond the obvious problems with the application in terms of dunes and so forth, which I am not qualified to speak on. I think there is a place to consider the community's needs when it comes to the esthetics of the property and all the attendant risks of having people literally living closer to the beach, and sometimes on the beach, since the house is I think is, fair to say, feet from where people access the beach. Thank you.

TRUSTEE BREDEMEYER: Thank you, very much. I do have letters to the record here, some dating back to last year when we initiated review of this project. Just for the sake of clarity, they are part of the permanent record. There is a letter here from John Katramados, there a letter here from Dominic Mavallia, there is a letter here from William Goggins, and there is a letter here from John Castiglione. And that is a summary of the letters in the file here as well. I just wanted to let you know that.

Is there anyone else who wishes to speak on behalf of this application or against it?

MR. KIMACK: May I address some of the occurrence of the people

that came?

One more, sorry.

Mr. Poppe: Patricia Poppe, 282 North Sea Drive, Southold. I've lived here for 16 years and myself and many of my friends and neighbors are frequent users of Kenney's Beach. I will speak to the quality of life issue because I think it's extraordinarily important, the esthetics. I don't have a lot of geological facts, et cetera, but I will comment on the idea of the septic system and its replacement being a reason why you should allow this development to occur. I think the septic system that exists now is behind the home? Okay. So if we kept the home, which is a beach cottage, or perhaps slightly enhanced, as Mr. Bredemeyer suggested, that they alter their plan, maybe there would not have to be a primary septic system in a primary dune. Most areas that are coastal areas, this I happen to know just from doing a little bit of research, they don't allow anything within a hundred feet of a primary dune. This is a tiny cottage. You have seen it. I think it's, you know, we need a bigger box. He needs a bigger piece of property. The owner doesn't have it. The applicant doesn't have it. And the community in the area and the beachgoers are very concerned. They can't all come out tonight. I saw a couple of young mothers today with babies. They can't make a meeting this time of night. If you are still accepting letters -- are you?

TRUSTEE BREDEMEYER: While we are considering this matter we can keep the record open.

MS. POPPE: I will encourage them. Right. But don't use a septic system as a reason for accepting an application like this. Because even if the cottage were to remain the same size, and they needed to restore the septic system, which all of us are going to be doing at some point in the next decade or so, perhaps it will be in the spot it is now. It doesn't have to go into a primary dune. I respect the applicant, I respect what you have to do, and somewhere in the middle there is a third way, and I hope that is what you do consider. Thank you.

TRUSTEE BREDEMEYER: Thank you, very much. Anyone else wish to speak?

MR. KIMACK: I would address the concern of the individual, the gentleman who spoke to the fact that the house has been situated less than ten feet from the property line. Originally it was ten feet, which is the zoning setback. What we did basically is we had to pull it back, which put it into Zoning, in order not to be more seaward and not to be toward the sea grass, basically. That's the reason we did. We would have two variance requests for the Zoning, one for the side yard setback, at 7.4 and the other one essentially leaving them in the same spot as it did with the deck of 3.2. Originally it was all the way to the east, which we pulled it back in order to conform with not any disturbance to the primary dune.

As far as the esthetic issues are concerned, yes, we are raising it. I think for the most part it will be approximately 14 or 15 feet higher than it is now. For the most part. Which is essentially what we would be going up height-wise. 16 feet with the building on top.

TRUSTEE BREDEMEYER: Is it possible for the Trustees ongoing review you could provide a set of elevations with a view so that we could understand the current native grade and then the VE and your first floor elevation, and then, you know, right up to the ridge line of the roof so we have an understanding?

MR. KIMACK: I think that was submitted. It's been a while, but I think I submitted the floor plans and elevation plans.

TRUSTEE BREDEMEYER: I guess I'm trying to understand a view that would also show it from native grade up through pilings, up through, and I'm not sure that I appreciate that entirely. That would be an easier reference for the Board to look at, particularly with respect to attached cantilevered decks, potential shading of the wetland, which is a real concern under our Chapter 275 of the Wetland Code.

TRUSTEE SANDERS: What was the primary reason for you not to keep it in the exact same location, square footage, but raise it up to a two-story height?

MR. KIMACK: You mean raise it up to the 16 feet?

TRUSTEE SANDERS: If you kept the same exact location, same square footage on the bottom, increase the second square footage, and raise it, what was the primary reason you had to move it to the cantilevered position it is currently?

MR. KIMACK: The owner of the house, basically, it's his wife and himself and three children. I don't think he drives a yellow Corvette, if I'm not mistaken.

(UNIDENTIFIED VOICE): No, I don't.

MR. KIMACK: I'll point out it's an existing two-bedroom house. It's designed as a two-bedroom house. What you see in the septic system there, are all the two-foot blocks, that would have to be put in irrespective. It would never fit behind the house simply with the five-foot setback from the property line and the eight-foot diameters. The only place it can go is out there. Now, if you ask me whether we can pull it back to the building, yes, we can probably pull it back. And again, as close as possible to not have it all the way forward of that situation.

TRUSTEE SANDERS: If it were in its current location without the cantilevered design, what's the distance where the current house would be located and the new septic system?

MR. KIMACK: The corner of that, the existing house, is ten feet from the back property line, Charlie.

TRUSTEE SANDERS: My question is if the current location of the house was left as is, how far away would the septic system have to be if it was --

MR. KIMACK: The tank would have to be ten feet, and then each one of the rings, the rings would be eight feet from the tank. You can cluster the rings as we did there, but as you look at that, there are five existing LPs and three EPs. That's for a two-bedroom house. And you can take that, there is no way you'll be able to fit it behind the house no matter what you do, under that scenario. And yes, could there be further damage later on. Could there be another Sandy coming our way? It's possible. Could there be damage to the dune? It's possible. Could it damage the septic? It's possible. But obviously it would be the responsibility of the property owner to repair or replace. But if we keep the beach grass in the front, restored pretty well, and on the primary dune, actually, I'm not quite sure -- there is quite a bit of vegetation there now, so whatever we did, basically, we'd replace it all with beach grass, when we finish off. So that would lock it in as much as we can.

May I draw your attention to one other part of Article Four, which is the 1120, the variance from standards and restrictions. This is what you have to do for the variance, basically. We feel when you read through, there is no reasonable prudent alternative site that is available. We have a very small site to begin with and we are tucked back into one corner of it, which is a disturbed area. So I would suggest and recommend we don't have another alternative to where we can go with this.

TRUSTEE BREDEMEYER: We will consider those standards, but of course we are not the variance granting --

MR. KIMACK: I understand that. But I just want to make it clear for the record, when you go through A,B,C,D and E, basically, that we -- well, the last one E, doesn't apply, but A,B,C,D, when you read it we feel we are in conformance with that for the variance aspect.

TRUSTEE BREDEMEYER: To the extent we get advice of Trustee counsel, I don't know that we are in a position to delve into various per se. We have standards for issuing permits under the wetland code and coastal erosion in that, but understanding that, you said that, the discussion of siting is important to the discussion. And I think it was brought up also under the LWRP. So that would be something the Board would want to look into.

TRUSTEE DOMINO: Just a quick comment and question. The existing five LP pools and the three EP pools that are shown. Those are sized to this structure that you are requesting?

MR. KIMACK: It's also sized to the existing structure, too, Mike. That's for a two-bedroom house. And that's all that it is going to be is a two-bedroom house.

TRUSTEE DOMINO: So those would be for the, if the existing structure were renovated, that would be the septic that would be required?

MR. KIMACK: Yes, sir.

TRUSTEE BREDEMEYER: Any additional comments?

Anyone else wish to speak to this application?

(Negative response).

TRUSTEE BREDEMEYER: Not hear anything additional comments, but the Board needing the correction of the plans for the Velocity Zone and possibly a depiction of the elevation, I would move that we table this hearing, keeping open the public comment period. I would request that people wishing to address the Board in writing on this application do so no later than Friday, July 15th, so the Board can consider their comments at our Monday evening July 18th work session. Again, if you would bring comments before the Board well in advance of Friday, July 15th, allowing the clerk to put them in the file for the Board's review and our work session, on Monday, July 18th.

MR. KIMACK: With the Board's permission, would it be acceptable if I put the VE line on the elevation sheet, which is architectural, because I think that's the only thing I think it would show well on.

TRUSTEE BREDEMEYER: I have no objection as long as we are not doing anything contrary to what --

MR. KIMACK: It's the only way I can show the vertical on that. I can have the architect place it on there at the 13 foot elevation, so you can see it.

TRUSTEE BREDEMEYER: Okay, and I would say because this office does not regularly review the accuracy of the AE versus the VE line, if you want to just take it up with the principal building inspector. So what he wants on the plans for the correction.

MR. KIMACK: Also, at the same time I'll put on the best we can the vertical coastal erosion line also. You'll have both on there.

TRUSTEE BREDEMEYER: Okay, thank you. Accordingly, I would move to table this application for keeping the public comment period open and for review at our July 18th work session.

TRUSTEE DOMINO: I'll second that.

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

WETLAND PERMITS:

TRUSTEE BREDEMEYER: The next application is under Wetland Permits, Costello Marine Contracting Corp. on behalf of **NH SAG, LLC, c/o MICHAEL SCIARRINO** requests a Wetland Permit to construct a 4'x40' ramp to a 4'x100' fixed dock with a 4'x40' fixed "L" section at offshore end; construct a 4'x5' platform with a 4'x16' ramp onto a 4'x30' lower platform; install water and electric; and install three 2-pile mooring dolphins. Located: 2100 Paradise Point Road, Southold.
SCTM# 1000-81-3-19.7

This application was tabled last month to give the Trustees an opportunity to review the report of the LWRP coordinator. We opened the hearing last month, considered it, it was a lengthy

report. We also announced there were two letters to the file in opposition.

At this time, I would reopen the hearing to anyone else who wishes to speak additionally on this application, then we'll go into reviewing the Board's response to the LWRP coordinator's inconsistency. Anyone wish to speak to this application?

MR. COSTELLO: Jack Costello on behalf of the applicant to answer any questions you guys might have on it.

TRUSTEE BREDEMEYER: Any questions? The Board went out and has reviewed the application again, and I reviewed earlier with the Board some thoughts I had with respect to the LWRP.

Any questions?

(Negative response).

No questions. Do you want to add anything?

MR. COSTELLO: No.

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

(Negative response).

All right, not hearing anyone, I would then like to move into reading a prepared resolution that seeks to address the concerns and the inconsistency of the LWRP coordinator. I'll try to make it particularly slow. Please stop me if I'm not loud enough and I'm going too fast. It's a fairly lengthy resolution.

The Trustees have reviewed the April 5th, 2016 LWRP memorandum and inconsistency findings. In order to properly address this memorandum, the Trustees find that the area under the proposed dock is the underwater land of New York State. The New York State Department of Environmental Conservation land use regulations for these underwater lands under their permitting authority in Article 25 of the Environmental Conservation Law state that docks are a presumptively compatible land use for underwater lands and adjacent lands.

The applicant has secured permits from the New York State Department of Environmental Conservation and the US Army Corps of Engineers. Concerns expressed in the LWRP inconsistency determination do not acknowledge the settled right to wharf out, a qualified right that must be considered by the Trustees in their discretionary capacity. The proposed dock location is in an area that has had docks for private use and where wave fetch and ice damage are consistently low, reducing the likelihood of vessels being distressed, leading to fuel spills or personal injury, or the repeated injury to underwater lands due to the need of frequent repairs.

The proposed dock is similar in nearly every aspect to docks allowed on Fishers Island where they are typically deemed consistent under the LWRP reviews of coastal policy.

The LWRP assessment seems to suggest that all forms of public access may be superior to private docks, however these LWRP policies favoring public facilities do not acknowledge the

shortage of docking sites within Southold Town and the added benefits, orderliness, safety and convenience private dock facilities afford an owner.

Additionally, private docking facilities under the Town Zoning Code are allowed to have two vessels other than the owners, whereby creating a net increase in the potential for public access to the water of the Town.

So in sum total, private docks where they have the ability to have more vessels properly tended at them does increase waterborne access to the town. I don't think that this can be totally considered an exclusive private access.

In many ways, a properly-constructed dock that has been constructed to modern construction standards in keeping with our codes is not much different than access to the common thoroughfares we call streets and highways. We obviously realize that some locations are not suitable for docks, just as we would not allow someone to drive out of their driveway into a high-speed highway.

A private dock structure in this location, constructed to current standards, minimally intrudes onto the public trust lands of New York State, which has already authorized a permit for it. The passage of paddle crafts around the dock, meaning a canoe, a kayak or a boat, on open bay waters, should be the personal safety concerns and considerations of the prudent mariner. The LWRP report suggestion that the placement of a dock in the proposed location is inconsistent with coastal policy flies in the face of this notion. By extension, this rationale could be used to deny a dock because a bather might not be able to swim around it.

Whereas the Trustees find no diminishment with reasonable rights of navigation associated with this dock, which has been, the aspects of navigation having been considered by the United States Army Corps of Engineers and was granted a permit, and whereas New York State as the dominant landowner, their agent, the New York State Department of Environmental Conservation, has granted approvals under Article 25 of the Conservation Law for Tidal Wetlands and Protection of Waters for the structure.

Whereas the structure complies with standard marine construction practices as outlined in the Town Wetlands Code familiar to the Trustees and is not expected to have any detrimental environmental impact.

Whereas the Trustees do believe there do exist legitimate concerns surrounding the riparian rights of the residents to access the foreshore and under the dock for all lawful uses in perpetuity, the Trustees hereby find:

A dock in this location would be consistent with the Town's coastal policy, and similarly situated provided in considering a permit for a wetland permit, that the Board addresses the following:

One, that access stairs up and over the structure to allow for riparian access along the foreshore be constructed and that the construction be confirmed by inspection by a representative of the Board.

Two, that no prohibited boat lift be installed in this location while said prohibition exist in Town Code.

Three, that no fueling or refueling of vessels take place on, at or from this dock except in an emergency.

And number four, that access under/around this dock below mean high water for all lawful fishing, shellfishing and riparian activities not be abridged in perpetuity.

That's my resolution with respect to the LWRP. Do we have a second?

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

With respect to permitting of this application, I would move to approve this application subject to an access stairs up and over the structure to allow for riparian access be constructed; that the plans indicates such; and that we perform an inspection to confirm the stairs have been added and constructed.

Two, that no prohibited boat lifts be installed while said prohibition exists in Town Code.

That no fueling or refueling of vessels takes place on, at or from this dock except in an emergency.

And number four, that access under and around this dock below mean high water for all lawful fishing, shellfishing and riparian activities not be abridged in perpetuity. That's my resolution.

TRUSTEE DOMINO: Second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. COSTELLO: Thank you.

TRUSTEE BREDEMEYER: The Town attorney has advised me in defect I did not properly close the public hearing. If somebody would like to get a quick word in before I do.

(No response).

I move to close the hearing in this matter, I think it was understood we had moved to deal with the inconsistencies. My apologies. Motion to close.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number two, **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 LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that the applicant fails to prove that the action meets the following requirements of Chapter 275-11.

It does not prove that the dock will not impair navigation or be located in areas of high-vessel traffic or vessel congestion. The proposed dock expansion in relation to opposite shoreline structures is not discussed or shown and therefore an assessment cannot be made.

Two, in addition, Chapter 275 requires that the determination of the length of the dock must include the dimensions of the vessel.

Three, assessments to whether the expansion is consistent, that the existing dock line cannot be made.

In addition, there is a note that an assessment to whether the expansion would interfere with the use of waterways can not be made; the end point to the dock is not provided in an aerial to see the projection.

The CAC resolved not to support this application. The CAC does not support the application because the project was not staked and the property was not properly posted with a notice of hearing.

There is a major concern with the structure exceeding one-third the width of the creek, as well as exceeding the square footage on floating docks.

The Trustees have been to the site a number of times. The most recent inspection was on June 10th, at about eleven o'clock, conducted by Trustee Bredemeyer and myself, along with the bay constable. And at that time we noted the staking on the shore and taped out according to the survey of Nate Corwin, staked to the end of the dock, and then using a vessel explored the depth and the distance to Suffolk County dredge corridor, and noted at that time that the proposed dock with a vessel of 12 to 15 foot beam would not interfere with navigation of the channel nor extend into or compromise the dredging corridor.

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

MR. SILVERMAN: Yes. Henry Silverman, the owner of the property. I'm not sure where we are at with it. I'm hoping to get this approved, and I'm not sure with what you have just addressed if there is still a problem or the problems have been addressed.

TRUSTEE DOMINO: Trustee Bredemeyer?

TRUSTEE BREDEMEYER: The field inspection we did seemed to

address all the problems. A vessel in the vicinity of a 14 to 17 foot beam would be able to be at the dock and would still allow approximately 25 feet to the county dredge corridor, and that in fact, in a personal communication with Scott Vilari who handles permitting there, he indicated that would allow the dredge to actually pass and actually turn around and conduct activities with your vessel at the dock.

How big is your vessel? That was a question.

MR. SILVERMAN: Right now we own a 37-foot sailboat, but we do have it currently for sale. So I can't state the future, but.

TRUSTEE BREDEMEYER: What's the beam of your current --

MR. SILVERMAN: Ten foot four inches.

TRUSTEE BREDEMEYER: Oh, my. Okay. It was clearly not an issue with anything in the 13 to 15 foot range. That was an allowance that with a vessel at the dock and a fender, you would still be about 25 feet from the stake. So that was addressed, and we felt it was better to ground truth the conditions as opposed to an aerial analysis or strictly the survey, because there was a question about the opposing dock slightly going into the dredge corridor. So this would, that distance would provide the county dredge, it's dealing with the slight vagaries of landform changes which has you amply away from the corridor and the neighbor across the way just a little closer. So the dredge should be able to accommodate the dredging needs and the dock with respect to the proposed dock, since we staked it, the dock with respect to the seaward extension would not impact the navigation in the creek and it's almost identical to the neighboring dock with respect to honoring the pier line.

So I think we addressed the principal concerns of the LWRP coordinator and we also addressed our own concerns and we also protected the operations of the county maintenance dredge program which exists not only for navigation but also the health of the creek to get clean waters in and out.

TRUSTEE DOMINO: Thank you, Trustee Bredemeyer, for clarifying what I thought was clear.

We did address the concerns of both the LWRP and the CAC. There is a little housekeeping here. The project description on, as submitted and as I read it, does not exactly match what is on the survey.

MR. SILVERMAN: There is a foot discrepancy, I believe.

TRUSTEE DOMINO: The first question would be the length of the dock, which is stated in the description as 95 feet in length.

But on the survey it's 94 feet. And in addition --

MR. SILVERMAN: On that I could go whichever way would please the Board.

TRUSTEE DOMINO: We also have, in the previous discussion, the handrails were specified to be ropes.

MR. SILVERMAN: Yes.

TRUSTEE DOMINO: And lastly, all piles would be eight-inch in

diameter.

MR. SILVERMAN: And we had discussed the piles out in the water would be preferred at ten inches. There is a huge difference as far as ice damage to an eight-inch pile and a ten-inch. And I would rather have them try to survive.

TRUSTEE BREDEMEYER: I think based on past practice the Board would recommend that you put the butt end, the large end down, with the eight-inch, and that the difference between ice-keeping abilities between the two is not that great unless you were going with something high tech, like one of the other newer pile materials.

MR. SILVERMAN: And I did get samples of those today in the mail. And they are very impressive, but you could never justify roughly four times the cost. So it would be a hard justification. But they are a beautiful product.

TRUSTEE BREDEMEYER: The Board has no objection to bubbler systems or other means to keep them, but I think the ten-inch is a problem. Other than two pile dolphins to secure your float, they can be ten-inch.

MR. SILVERMAN: So the piles can be ten-inch out there for the --

TRUSTEE BREDEMEYER: Just solely the two-pile dolphins that would hold your float. In other words the catwalk assembly should be no bigger than eight-inch. That's what the neighbor has as well. It seems like they are large. Maybe they are nominally bigger.

MR. SILVERMAN: I actually measured them. They are nominally bigger, which makes a huge difference if it's a skinny eight-inch --

TRUSTEE BREDEMEYER: Talk to your dock builder. If they are prescribing the eight-inch size, you might get larger on the outside.

TRUSTEE DOMINO: We have to address two other things here. The benches in the description are also not on the survey. And they, that has to be included.

MR. SILVERMAN: The benches would just be kind of cantilevered off the dock. I mean they would be -- and we also could use through-grating on those.

TRUSTEE DOMINO: Be that as it may, it has to be on the plans that we have.

MR. SILVERMAN: Okay.

TRUSTEE DOMINO: And the survey shows the ramp, the landward ramp, is described as 4'x10' is shown as only four foot by five or six feet on the survey. That needs to be corrected also.

MR. SILVERMAN: Okay, and we prefer that as 4'x10', so the rise is reasonable.

TRUSTEE DOMINO: And the last clarification, the handrails, we are talking handrails on both sides?

MR. SILVERMAN: Yes, with the rope.

TRUSTEE DOMINO: All right, is there anyone else here who wishes to speak to this application?

(Negative response).

Questions or comments from the Board?

TRUSTEE KRUPSKI: Is this something, we were talking about 94, 95, is this something we could take back to 90 feet total to sort of get you that extra couple of feet out of the dredge corridor when they are swinging the barge around? I really don't want to see any damage there.

MR. SILVERMAN: There is really quite a bit of room there. I won't be the closest dock to the edge by far. The footage is crucial. I've walked out there, I won't have any water under the boat, you know, any closer in.

TRUSTEE BREDEMEYER: From what we saw during the survey, I don't think it will be an issue. I went out with chest waders. I think he's good. And certainly he's 25 feet with even a slightly beamier vessel, with a ten-foot beam, something in that range, he's providing essentially five-foot above what my calculations were to make sure he was not going more than one third of the way across the creek. I mean in light of the fact the dock on the other side inadvertently invaded the actual dredge corridor, it would be almost unreasonable to dial him back under the circumstances without having something to do with the dock on the other side. At least I don't have a problem with it at this time, the way it has shaped up after field inspection, I think it's good.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application as described with the changes noted that all associated piles will be eight-inch in diameter except for those holding the float; that there will be, the handrails will be rope on both sides; and that changes in the description will be reflected in a new survey showing the benches and the corrected ramp size. That's my motion.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. SILVERMAN: Just to clarify. We had discussed on the field inspection out on the dock having, we discussed the term the dolphins that will help --

TRUSTEE BREDEMEYER: We actually closed the hearing. Sorry.

MR. SILVERMAN: Okay. I still, on that, if you can just make a clarification. We had discussed that, I don't know if it's included or not.

TRUSTEE BREDEMEYER: Two pile dolphins are included in your plan, we can address that.

MR. SILVERMAN: Thank you.

TRUSTEE SANDERS: Number three, Creative Environmental Design on behalf of **LAZARUS ALEXANDROU** requests a Wetland Permit to construct an 18'x30' gunite swimming pool in the side yard with a cartridge system and a pool drywell; and to install pool enclosure fencing. Located: 2700 Sound Drive, Greenport. SCTM# 1000-33-1-11

On 15 June 16, all the Trustees were present on the inspection. The one note that we have here is suggesting moving the drywell back away from the bluff.

The LWRP has found this consistent.

The CAC has resolved not to support. The CAC does not support the application based on the following: The project was not staked; the proposed 35-foot setback does not meet Chapter 275 code requirements; and the project lacks an entrapment protection plan in compliance with Section 18-106. Is there anybody here to speak on behalf of the applicant?

MR. CHICANOWICZ: Dave Chicanowicz, Creative Environmental Design, representing the owners.

I believe we addressed all the issues. We did go before the ZBA and relocated as per what you were saying about the 35 foot. That is no longer the case. We are back a full 50 feet from the top of the bluff. And we addressed at the site visit about moving, relocating the drywell landward of the pool, which we have room to do so. So that's all absolutely fine.

If you have any other concerns or questions, I would be happy to answer them.

TRUSTEE SANDERS: You are willing to reflect that on updated plans?

MR. CHICANOWICZ: I can give you another plan that will show exactly the location of the drywell. Once I submit that, then it's in your hands. But I would be happy to supply that for you.

TRUSTEE BREDEMEYER: As a point of clarification, the CAC report we read in was prior to the application being visited by the Zoning Board of Appeals. Just so anyone reading the record would understand that all the concerns of the Conservation Advisory Council were addressed through the visiting of the application by the Zoning Board.

MR. CHICANOWICZ: Okay, great.

TRUSTEE SANDERS: Anybody else here who wishes to speak on behalf of the applicant or otherwise?

(Negative response).

TRUSTEE SANDERS: Motion to close the hearing.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE SANDERS: Motion to approve this application as long as the survey is updated with the drywell.

TRUSTEE KRUPSKI: Second.

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

TRUSTEE GOLDSMITH: Number four, **STEPHEN MILGRIM** requests a Wetland Permit to construct a 27.6'x24' wood timber frame barn on full frost wall and slab. Located: 1255 Goose Creek Lane, Southold. SCTM# 1000-78-8-9

The LWRP found this to be consistent.

The CAC resolved to support this application.

The Trustees did a field inspection on June 15th, and we noted it was pretty straightforward.

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

MR. MILGRIM: Hi. Stephen Milgrim, the property owner. Just here to field any concerns or clarifications that you might need.

TRUSTEE BREDEMEYER: The Board appreciates that you brought in a plan and application that was consistent with our pre-submission conference. One nice thing about a pre-submission conference is we get the opportunity to work with people and this is sort of the fruits of that. Thank you.

MR. MILGRIM: Thank you.

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

(No response).

Any comments from the Board?

(No response).

I make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

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

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: DKR Shores, Inc. on behalf of **WILLIAM & JILL HANSEN** requests a Wetland Permit to construct a 4'x33' fixed catwalk with steps elevated 4-½' above grade using open-grate decking; and install an elevated 4'x6' lower platform with ladder to access watercraft. Located: 1455 Ole Jule Lane & 1570 Ole Jule Lane 10' Wide Right of Way, Mattituck. SCTM# 1000-122-5-1 (Dominant) & 1000-122-4-3 (Servient).

The LWRP found this to be consistent. They have a couple of concerns about navigation in this waterway as it is narrow and limited. The applicant must show the width of a representative vessel at the end of the dock to adequately assess impacts to navigation. Whether the dock would interfere with public use of the waterway for swimming, boating, fishing, shellfishing, water skiing and other water dependent activities; whether the dock will cause degradation of surface water; whether the dock will

be used for commercial use.

The CAC resolved to not support the application. The CAC does not support the application based on questions and concerns with regard to the ownership of the right-of-way and the configuration of the property.

We have also received multiple letters to this application from the public. They are both from Roberta M. Callas, and she expressed a question about ownership of the right-of-way, location of the adjacent property's pool, who can access the dock, if they will be able to get around the dock, will this be used commercially, and street parking.

The Trustees went out on the 15th, and found that there had been Spartina cut and phragmites, and noted there can be no more cutting of the Spartina. They also observed the pool filtration may or may not be in the right-of-way.

Okay, is there anyone here that wishes to speak regarding this application?

MR. MEEKER: Peter Meeker with the CAC. Our council had some question as to the ownership of the right-of-way, and then the waterfront property ownership. I think those two were split.

Do the Trustees have any clarification on that?

TRUSTEE BREDEMEYER: It's our understanding from communications with the Trustees that there is a dominant owner and a servient owner, in other words, with rights. There is the person who owns the underlying land which to the best of our knowledge and the communications we have received, is owned by a single individual, and that the other individual has a right-of-way over the property. It's unclear, we don't understand of a specific right associated with the placement of a dock at the foot of that. And of course any dock at the foot of that would be largely on town underwater land of the Trustees that would be managed for all the residents.

There are some acknowledged concerns that the Board has concerning requirements in the code for setback off property lines. Sometimes they can be addressed during permitting, other times it's more difficult. This appears it may be the latter. So we have to continue our discussion on these, a number of these issues.

MR. MEEKER: Thank you.

TRUSTEE KRUPSKI: Are there any other comments from the Board?

TRUSTEE BREDEMEYER: I'll just add the fact that the agent for this application called and indicated that they had a personal health problem and was unable to attend today. So we might want to get all the testimony on the record and any additional information in the record, and that would probably be appropriate to get all that information, table the application and allow the agent to submit answers to the concerns, and address any questions the Trustees might have and whereby tabling it we can also come up with a detailed list of

additional questions we might have and return them to the applicant for possible future consideration of the information that comes back.

TRUSTEE KRUPSKI: That being said, I make a motion to table this hearing.

TRUSTEE BREDEMEYER: Before we get a second, is there anyone else that wanted to speak to this?

TRUSTEE KRUPSKI: I did.

TRUSTEE BREDEMEYER: Okay, thank you. Motion made. Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number six, Joan Chambers on behalf of **MICHAEL & ARGY MANTIKAS** requests a Wetland Permit to demolish the existing dwelling; construct new 56'8"x26'5" dwelling approximately 16' further landward than existing; abandon existing sanitary system and install new landward of new dwelling; and to install gutters to leaders to drywells to contain roof runoff in accordance to Chapter 236 of the Town Code. Located: 80 South Lane, East Marion. SCTM# 1000-37-6-3.5

The LWRP coordinator found this to be consistent and noted in his notes required a vegetated non-turf buffer be established landward of the land bank.

The CAC resolved, on June 15th, to support this application. The CAC supports with a condition of a five-foot non-turf buffer along the landward side of the top of the bluff.

The Trustees did a field inspection, most recently on June 15th, and noted that it was straightforward.

Is there anyone here to speak to this application?

MS. CHAMBERS: Good evening, I'm Joan Chambers, Southold, and I'm here representing the owners. I did the application, I'm just here to answer any questions. I made a note about the five-foot non-turf buffer.

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

TRUSTEE BREDEMEYER: No, this was straightforward, essentially the same as the prior.

MS. CHAMBERS: Exactly. Yes. They got the permit in 2013, let it expire. They were in the Building Department to get permits and this was brought to our attention. So it's basically a re-application with the exception that during that period of time they decided to move the house even further back away from the top of the bluff, which is only a plus.

TRUSTEE DOMINO: Trustees generally require a ten-foot non-turf buffer. The suggestion was five-foot. Would a ten-foot non-turf buffer be a hardship for you?

MS. CHAMBERS: I don't believe so. It's grass right up to the

bulkhead or retaining wall. So I think five or ten, I don't think it's a big impact one way or the other.

TRUSTEE DOMINO: Very good. Anyone else wish to speak to this application?

(Negative response).

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

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as submitted with the addition of a ten-foot non-turf buffer.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next application, number seven, Jeffrey Patanjo on behalf of **SUSAN A. GHETTI** requests a Wetland Permit to replace existing damaged bulkhead by removing and constructing in-place a new 58 linear foot bulkhead using vinyl sheathing with an 8 linear foot long return installed at each end; reconstruct 4'x4' steps to beach; install approximately 40 cubic yards of clean sand fill landward of proposed bulkhead; and with all work to be accessed by land with no disturbance to the wetlands. Located: 625 Windy Point Lane, Southold. SCTM# 1000-87-4-8

The project has been supported by the CAC with the condition of a five to seven foot non-turf buffer landward of the bulkhead, and hinged steps to the beach.

The LWRP coordinator indicated that a required vegetated non-turf buffer be established landward of the bulkhead.

The Trustees, however, at variance to what you just heard by the CAC and LWRP, on our field inspection on June 15th, the Board felt that the existing bulkhead, which is extremely antiquated, is not functional, and the current code prohibition of no new bulkheads on the bay takes precedence over the current bulkhead.

The Board feels that a non-structural method such as revegetation and replanting is appropriate for this site. Any number of alternatives are out there as far as jute fabric or underlayment fabric with stone material since this is a low wave energy area. Also the Board on field inspection felt that the steps to the beach were not advisable and that the property might more properly have a through-flow catwalk from the base elevation of the yard out over the wetlands. This would afford access to the creek that could be constructed so it would have steps going down from it at its outer end or along the side, but this way they would not have to have steps in a wetland and

might afford better and actually better and more usable access coming at the grade elevation of the yard.

Is there anyone here to speak to this application?

MR. PATANJO: Jeff Patanjo on, behalf of the applicant. I can agree with you on the catwalk idea. The steps as proposed do go directly into wetlands. So we can absolutely modify the application to do something like that.

The bulkhead, in general, I agree it has some age on it.

Ultimately --

TRUSTEE BREDEMEYER: I think I was there as a kid. I was about six-years old.

MS. MOORE: Ultimately the bulkhead was pretty much lost in Hurricane Sandy. Monetarily is was not able to be replaced, up to this point now, where the landowner is actually is able to do something.

It is consistent with the neighboring bulkheads. There are bulkheads there on both sides. So it's really a replacement of what was there and has always been there.

DEC has not yet reviewed it. They did receive the application. They would probably have similar concerns as you, as far as what is going to be allowable.

So this is nothing more than replacing what was once existing for many, many years.

TRUSTEE BREDEMEYER: The natural vegetation is actually in the process of restoring its own angle of repose and revegetating up the slopes. The problem this Board has then, if the owner is insistent on having hard structure there, is the Board has to then consider in the discussion of how far back we want it so we'll deem a retaining structure as opposed to a bulkhead. And that would be open to some discussion and probably a subsequent field inspection. I don't know if we want to do that ahead of the DEC determination, I'm just throwing that out there because we don't want to turn this into a ping pong of an application.

MR. PATANJO: Correct. I'm not going to make a recommendation, but can I suggest we wait until, we table this application, wait until we have some feedback from the DEC, and then we can revisit once the DEC permit comes in, and if in fact the DEC does approve where it is, if you still have objections to the placement of the bulkhead, then we can further discuss possibly moving it back one or two feet to the actual new line behind the bulkhead.

TRUSTEE BREDEMEYER: Your request sounds reasonable as far as processing, I would just let anyone else speak to this application, Board members, if they have concerns with respect to it also.

MR. DRUMMOND: Hi, my name is Robert Drummond, I'm one of the owners of the property next door to the north, 675 Windy Point Lane. I want to speak in favor of replacing the bulkhead. At this point in time my property is being adversely affected by

the diminution of the bulkhead we see here. I'm losing property, basically washed out every time we get a substantial high tide, and I was very happy to hear that the owner had taken the initiative. I just bought the property in September of 2015 and understood from conversations with prior owners that this owner next door to me was making a move to try to make correcting issue to the bulkhead.

My concern is that if they pull back the bulkhead, where the erosion line is right now, is that going to adversely affect my property and any loss it may sustain further to a relocation of the existing bulkhead. As it was prior to the damage it incurred during Hurricane Sandy.

TRUSTEE BREDEMEYER: Thank you. Actually your concerns are valid. And in reviewing this going forward with what might come back from the DEC, this Board is always concerned about the protection of lateral support for adjacent lands, and anything we do we would want to consider that, particularly as you pointed out your concern. We will definitely look at that in any project planning in future discussion.

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

(No response).

Board members, any questions?

(Negative response).

Not hearing any, I think at the request of the applicant it is advisable that we allow them the opportunity to meet with DEC and discuss their permit, whether issued or not, or combining their issuance or thoughts they may have with a return to the Trustees for some additional project planning. Accordingly, I would move to table this application.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: We'll just take about a five-minute break here.

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

TRUSTEE BREDEMEYER: Getting back on the public hearing agenda. The next item is item eight, 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 -- which has now been removed from the application, I understand, to eliminate the need to go to the ZBA -- 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.

This application has been deemed to be inconsistent with the LWRP. The site plan does not identify the location of regulated feature wetland and fails to identify the setback to the wetland. The DEC identifies the tidal wetland across King Street. In addition flood zone is not identified.

The CAC supports the application with the condition a detailed drainage plan is depicted on the site plan.

The Southold Trustees inspected the property on June 15th, 2016, it was also a violation reported to the Trustees for the clearing for the test well. I'm not sure of the status of that. The Trustees on field inspection on July 15th deemed the entire property is a tidal wetland under the provisions the Town Wetland Code. The soils on the site are hydric in nature and the entire property is populated with high tide bush and species of Junkus grass called black grass. The Trustees on the inspection voiced concerns that the extent and amount of fill proposed for the property are excessive and would result in the filling of statutory tidal wetlands under Chapter 275.

There was a suggestion, it was not seen on the project plans, but that a house on pilings and minimal disturbance to the wetlands may be more appropriate.

The Trustees, based on that field inspection also believe we need more detailed plans, specifically with the fill. The Board also felt that the clearing to put in the test well where there is a proposed driveway proposed, may not be the best location with respect to protecting the maximum amount of wetlands on the site, and accordingly would like to have a discussion with the applicant to possibly relocate it closer to the retaining wall for the sanitary system, possibly entering or possibly with the driveway fronting I guess it's on Harbor Road as opposed to Narrow River Road.

Any other comments from the Board on inspection?
Can any Board member think anything else?
Oh, also the Board on that inspection indicated because of the low lying berm across the street which regularly floods Hallocks Bay into the property that we would want to have coordination with the Town engineer with reference to Chapter 236 and storm water issues for the site so that we try to address those issues as well.

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

MR. WOLPERT: Yes. Thomas Wolpert, Engineer with Young & Young,

civil engineers and land surveyors from Riverhead, representing this application.

This project consists of constructing a single-family dwelling on piles, together with the private well as the method of water supply, and a septic system utilizing leaching galleys as the method of sewage disposal. That design necessitates the construction of a retaining wall and the 630 yards of fill is the minimum that is required to achieve the proper cover on that septic tank for approval by the Suffolk County Department of Health services Office of Waste Water Management.

We did in fact install a test well in the northeast corner of the property, and unbeknownst to us there was some clearing of vegetation that was required in order to access that northeast corner of the property with the well driller's rig. The test well was installed in December of last year, 2015, to a depth of 23 feet with 20 feet of water above a three foot screen. We sampled the water and found that it met all of the requirements for drinking water required by New York State, in accordance with New York State standards for drinking water, including chlorides, which measured approximately 53 milligrams per liter, well below the 250 that is the maximum, but probably somewhat common for well water in this area.

We did file an application to the Building Department for a building permit and also submitted supporting documentation including a title report and a vesting deed, which indicated that this lot has been single and separate since 1957. The Building Department responded with a determination that no variances would be required to construct a single-family residence as shown on the project plan.

We also applied to New York State Department of Environmental Conservation for a tidal wetlands permit and/or letter of no jurisdiction, and we did in fact receive a letter of no jurisdiction for the project based on the plans that are the subject of this application.

We have a pending application with the Suffolk County Health Department and hopefully with a favorable determination from this Board we'll be able to complete that process.

And that's all I have. I'm here to try to answer any questions that the Board may have. I appreciate the opening comments and we would be happy to work with the Town engineer, et cetera, on any drainage concerns.

One last point, we are in a, according to flood maps, we are in a zone that requires, has a base flood elevation of six and we are proposing to put our first floor at eight, or two feet above that, so the house will be up high also, and that would prevent damage due to flooding.

TRUSTEE BREDEMEYER: That's fairly straightforward. Thank you. Is there anyone else who wishes to speak to this application?

MS. MOORE: Patricia Moore. Actually, my client is Mrs.

Pascucci. She is in contract to sell to Ben and Christine Hansen. They are a young couple who are working through the process to build on this house. My clients actually purchased the property in 1981 and their original plan was an octagonal house, which they actually got variances from the Zoning Board to build an octagonal house at the time. That's not the style which the Hansen's wish to build. They are actually building in conformity with all the setbacks, so the variance is not necessary. However because of the fact it did get variances in 1981 reflects that at the time the Zoning Board did review it, inspect the property, and felt that the property could be developed. It also, they had gone to the Health Department where Roy Reynolds, there is correspondence by Roy Reynolds in the file, and that too was a pending application with water and so on. But I think the whole project, the Pascucci's decided not to build.

TRUSTEE BREDEMEYER: I see. So the Pascucci's are the owner of record since 1981 with all those applications to the different groups.

MS. MOORE: Correct.

TRUSTEE BREDEMEYER: And I know Mr. Reynolds for a number of years. I was associated with him at that time, as a matter of fact.

MS. MOORE: So we obviously support the application. I note the Hansen's are very anxious to close, and Mrs. Pascucci is very eager also. She is the surviving spouse of the couple, so.

TRUSTEE BREDEMEYER: Is there anyone else who wishes to speak to this application? I have a couple of questions, Mr. Wolpert.

Given the fact that we would like to try to save as much of the native vegetation on the site as possible and possibly end up with a plan that would entirely be vegetated, continuing with vegetation that a wetland plants and probably request a planting of native plants over the infiltrators or leaching galleys, as you called them. Is it possible that we might be able to coordinate a field inspection with yourself and maybe the Town Engineer if he's possibly present to discuss how we get from point A to point B --

MR. WOLPERT: Absolutely.

TRUSTEE BREDEMEYER: (Continuing). Particularly with respect to concerns, there has tended to be in the land use development further east on Narrow River Road corridors that are protecting scenic views and have existing native wetlands so that the possibility of keeping more of the wetland along the King Street side would be in keeping with the land use development that we have further to the east, and that possibly instead of having the fill extend out from the, that goes over the leaching galleys and goes to the south and maybe more containment to the extent the Health Department would allow in a retaining structure that would not have to fill so much of the wetlands.

In other words instead of a retaining wall just fronting Harbor Road that a retaining wall also might come on either side, have a return if you will back toward the house so that we could eliminate additional filled wetlands.

The other issue being that the drainage plan consideration for maintaining wetland vegetation but without having ponding water on the site, we don't particularly want to have the Hansen's subject to mosquito-borne illness and may want to incorporate also proper management of the water so this doesn't become a receiving area every time the dyke overtops on King Street. So with these possibilities, at least with a discussion in the field, with engineering from our Town Engineer
MR. WOLPERT: Yes.

TRUSTEE BREDEMEYER: Accordingly, not hearing any additional Comments, but hearing the concerns of an owner of longstanding, that obviously good faith in making applications here previously, and your willingness to work with us, I would table this application, and we could hopefully meet at next month's field inspection which is scheduled for Tuesday, July 12th.

I would move to table this application and to revisit on field inspection.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Thank you, very much.

MR. WOLPERT: Thank you.

TRUSTEE BREDEMEYER: The next item, number nine, **100 PARK AVENUE CORP.**, requests a Wetland Permit to construct a single-family one and one-half story, 3,350 square foot dwelling with attached garage approximately 106' landward of top of bluff with the installation of gutters to leaders to drywells to contain roof runoff; 50' landward from top of bluff install a 16'x32' in-ground salt water swimming pool; install a 576 square foot bluestone pool patio; install a four-foot high pool fencing around the proposed pool patio; install a 4'x25' bluff staircase for beach access using natural cedar wood; revegetate approximately 2,500 square feet of bluff face using native beach grass; and plant 8' tall arborvitae trees along the east and west property lines. Located: 100 Park Avenue, Mattituck. SCTM# 1000-123-7-3

This application has been deemed inconsistent by the LWRP coordinator for the reason that the survey submitted for the permit application indicates that it was identified as being a bluff on Peconic Bay with the requirement for setbacks for bluffs under the Wetland ordinance recently changed to 100 feet.

The CAC supported the application with the condition the location of the pool and patio are at the required setbacks in accordance with Chapter 275 of the Wetlands code.

The Trustees did note the setback issue with respect to the code during the course of field inspection. We did note also that the principal building administrator had not sent it to the ZBA.

There have been some questions on the determination of bluffs. The landform here is bluff-like but also bank-like and has some stabilizing vegetation, so there are some concerns of interpretation on the bluff forms.

There is also a letter to file here from Melvin Morris and Mary Eisenstein writing to us, they are writing pursuant to the application of Mr. Pawlowski to build a single-family dwelling at this location. They indicated they reside at 272 Park Avenue, which is the property adjacent to the Pawlowski application for the past 25 years. During that time Mr. J. Wickham was the owner of said property and he was always very considerate of the view we had of Peconic Bay. He realized that the view was an integral part of our home and we were consulted concerning his landscaping the property to maintain the view. In the application of Mr. Pawlowski to site his home and proposed landscaping on his property effectively takes away the entire view of the bay. We do not deny his right to build his home, we are asking the Trustees consider the view that has existed for 25 years and to work with Mr. Pawlowski to maintain this view. We understand that there is precedent from Trustees to consider the view of neighboring property owners when approving applications and we urge you to consider this with Mr. Pawlowski's application.

Is there anyone here who wishes to speak to this application?
MR. PAWLOWSKI: Paul Pawlowski, 100 Park Avenue Corp., the applicant. I'm here to answer any questions and just some clarity on the setback from the bluff, because my knowledge is it's 100 foot from the high bluff mark; is that correct, as far as reasonable allowance?

TRUSTEE BREDEMEYER: Yes, that is a 100-foot setback. The setback from the swimming pool is what --

MR. PAWLOWSKI: So not the house.

TRUSTEE BREDEMEYER: No, the proposed house is 100 feet from the top of the bluff, it seems to not be an issue for going to the Zoning Board of Appeals. And the swimming pool is an in-ground structure, so that's probably why the building administrator didn't send it there. But the wetland code, when it was modified to be consistent with the zoning code, I believe we have to have 100 feet on the swimming pool.

MR. PAWLOWSKI: Also the swimming pool. So as far as the house, I'm not required to go to the Zoning Board, right?

TRUSTEE BREDEMEYER: The check off by the principal building administrator was that you do not have to go to the Zoning Board of Appeals.

MR. PAWLOWSKI: Just for the pool itself.

TRUSTEE BREDEMEYER: It exists just for the pool itself.

Understanding that there are sometimes opportunities to try to work with neighbors and protect views and sometimes there are real practical difficulties, similar to other discussions that came up tonight where it's a Type II action and approved lot, the Board of Trustees does not have the ability to compel Draft Environmental Impact Statements with a range of alternatives. But we certainly obviously try to ask people to work with each other.

MR. PAWLOWSKI: Absolutely. And so I'm building this house for myself and my family. And it's a 120-foot wide lot. The further you go to the north, the reason we are building a house here is mainly for the view. So if you look at the houses to the east and west, several properties east and west you'll see they are much closer than what I'm proposing. So any further north you drastically lose peripheral view of this amazing property. So for what I would love to see is the house at 50 feet. So I was hoping, I decided to go at the furthest point of the jurisdiction, and that's the best that we are able to compromise on helping our neighbor's view. The proposed pool is to the west versus the east side of the property. Obviously the pool should not come into any consideration with the view because it's an in-ground pool. So any further north it really, and if you stand on that property, it really diminishes the view.

TRUSTEE BREDEMEYER: I'm just going to make sure we research and make absolutely sure we are setback on the swimming pool and that we are approaching that property with respect to the code.

MR. PAWLOWSKI: Yes. So as far as being neighborly, I'm doing what I can. I feel without pushing the house too far back where it affects the value of the house and the main reason we purchased the house. I respect the view, it's amazing. That's why we purchased it. That's all we can do. When it comes to the view of the property, a letter was sent by the applicant that lives not even on the water. So their straightforward view is already compromised, and that's part of not living on the water. My past profession was landscaping, we are looking to revegetate the dune with normal beach grass, and we'll do what we can to keep it as protected as it can be. And it needs it. Sandy washed it away a little bit. So we are not looking for any bulkhead, we are not looking for anything of that nature. We are looking for simple re-vegetation, one simple little natural cedar staircase going down to the beach. And overall it's a one-and-one-half acre site, but it's very narrow. So we did what we can to position the house. We are looking to get an approval to move to the next step. If the pool is something that would hold that up on the house I'm willing to take the pool off the table for now and deal with that at a later time. Obviously what I wanted to, you know --

TRUSTEE BREDEMEYER: The determination of the principal building inspector who is the one that develops the rejection that

compels going to the Zoning Board of Appeals, he ground truths and field inspects these, and it was his determination, not so the Zoning Board of Appeals, because he felt it might more properly be characterized as a bank that is well vegetated than a bluff. Those were the initial sentiments of the Trustees, and it's my understanding that that determination would, it usually stands for the Trustees unless we felt compelled or the LWRP program coordinator felt compelled to bring it to the Zoning Board of Appeals.

Quite frankly it's pretty well vegetated. It's naturally revegetating. It seems the natural shoreline for your property seems to be doing quite well compared to many we have seen on the bay. So with respect to the wetlands sitting 100 feet back, it's probably a matter that the pool, which is in-ground, where it's -- it may not be appropriate for us to try to push the pool back, and of course the pool is of no consequence on views. And we have no control of views where the house is already 100 feet back. The only other suggestion that we might have is that additional revegetation of the bank with American beach grass or vegetation if we can additionally stabilize it. I don't know how the Board feels.

MR. PAWLOWSKI: That's part of the application that we put in there. So we are looking forward to doing that. We wanted to maintain proper vegetation with the house, the pool, every aspect of the drainage will be site contained. Nothing leading toward the water or north. So yes, we would be more than happy to revegetate, and are also asking permission for that as well.

In the long-term, my engineers are working on, I had purchased both properties, 100 Park Avenue, 70 Park Avenue and 50 Park Avenue. We are working on the jetties that leach into the bay, to rebuild them, because they are actually doing a pretty good job there. That's for a later discussion. But I want you to understand our goal is keep that as protected as possible.

TRUSTEE BREDEMEYER: The wetland boundary for a project such as this is actually the beach. There is no dune. There is no vegetated tidal wetlands. There is no primary dune. The bank itself is not a bluff by virtue of what the building inspector has seen. But that determination really should be made, the determination of the boundary, which essentially is the beach, which is the unconsolidated material, both our codes that we deal with deal with the definition of beaches that are unconsolidated soils, and we did not flag a boundary when we were out there, and the unconsolidated soils may, and that setback would be 100 feet, typically, from the wetland. And we have to review code provisions on wetland setback. And I think the Board would be advisedly be better to go back and revisit this specifically with the notion of the beach. Because this

gets a little confusing where the bluff is on the survey. But the principal administrator is now saying that it does not need to go to the ZBA, and that he doesn't, he believes this is not a bluff form because it's not precipitous drop to the beach and it's fairly stable. We probably, the Trustees, for our part, have to probably come up with a statutory line as far as the limit of the wetland code, and go to our setback from that swimming pool to that statutory line and that may impact the pool.

TRUSTEE SANDERS: Doesn't that make the pool even further away from our jurisdiction? If you are saying the beach --

TRUSTEE BREDEMEYER: No, the beach though, existed as unconsolidated material up to probably it's most landward point, which could be onto the, up on to a portion of that bank.

MR. PAWLOWSKI: To help mitigate that I'm willing to turn the pool east and west versus north and south, which would reduce it by 16 feet.

TRUSTEE BREDEMEYER: That would make the pool non-jurisdictional. Because if we are in a range --

MR. PAWLOWSKI: That's fine.

TRUSTEE BREDEMEYER: If the pool is turned, it's out of our jurisdiction.

MR. PAWLOWSKI: I'll go on the record and sign the survey, whatever you want.

TRUSTEE DOMINO: Can you clarify something for me, Mr. Pawlowski. I believe I understood you to say you were working on the jetties?

MR. PAWLOWSKI: Yes, my engineer is working on the plans to submit to both you and the DEC.

TRUSTEE BREDEMEYER: That is certainly advised, and it's a nice situation that the groins are working.

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

MRS. EISENSTEIN: Mary Eisenstein. My husband gave me permission to speak for him as well, and his name is Melvin Morris. Both of us, we have been in communication with Mr. Pawlowski, and when we received the notice from you of adjacent property owner, and we saw the reference to Code 275, and so we looked, and so what we are asking you, under 275-11.3 even though we are not directly on the water, we are in the middle, as you can see, from the bay, and Park Avenue, we have that view and we have had that view for 25 years. So I'm asking you the question, is -- and the Trustees have considered views, is that true, in the past?

TRUSTEE BREDEMEYER: I think we are dealing with, we are a little far afield here, with all due respect. The Board controls the placement of homes so that a new home is no closer to the wetland than the average setback on either side. So that we honor historic views of homes already fronting on the water. But I believe it's fair to say, in most cases, the Board has

encouraged people to work together to the extent that they can. And because the Board's code is designed to protect wetland vegetation and natural resource features and the associated fish and wildlife values, from a planning perspective when we are asked to comment for plans before the Town Planning Board where there is large plots of land and there are opportunities to mix and match these things from a planning perspective, which is not the prerogative of the Trustees, they may do such things with comments from us as we move things further away from the wetland. But quite honestly, it is not really in keeping with the standards we are asked to uphold which relate to protection of shorelines, coastal erosion and all the values that accrue to the wetland. And so it's something that is a little bit beyond our abilities, other than to try to encourage people to try to work together.

MS. EISENSTEIN: Okay. Thank you.

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

(No response).

Hearing none, any further questions of the Board members?

(Negative response).

I would make a motion to close the hearing in this matter.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

I would move to approve this application subject to rotating the proposed swimming pool and deck to an east and westerly orientation with the submission of a new project plan detailing that so the Board can confirm that the proposed structure is out of jurisdiction, as we suppose from the discussion and scaling out we did here on the dais. That's my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number ten, **WILLIAM & DONNA GOGGINS** request a Wetland Permit to repair the existing +/-61' long groin by replacing the capping with fir wood; replacing whalers with new CCA treated lumber; replace three (3) pilings with new CCA treated pilings; install approximately 6' of vinyl sheathing; and repair/strengthen approximately 10' of sheathing using vinyl sheathing. Located: 1780 Jackson Street, New Suffolk. SCTM# 1000-117-10-14.1

The LWRP found this to be inconsistent. The inconsistency is based because a wetlands permit for the groin was not located within the Town's record.

The CAC resolved not to support this application based on the following: No CCA treated lumber, no provision for public

lateral access, and the jetty groin should be reconstructed using best management practices and cut back 15 to 20 feet on the seaward end.

The Trustees did a field inspection on June 15th and noted that the existing groin exceeded 18 inches and that a new groin should originate at the mean low water.

Is there anyone here wish to speak to this application?

MR. GOGGINS: Yes, good evening. William Goggins on behalf of Donna Goggins. The mean low tide mark is at the end of the groin, and pretty much always has been. I did a historical background on this when I met with the DEC on, in -- I think it was 2012. And at the time the Trustees had agreed they would cut it back as long as the DEC would agree to it. So I met with the DEC and they agreed they would send a letter to the Trustees that they would agree they would leave the length as it is. But they never did it. I sent letter after letter after letter, they never responded. So now, four years later I'm making application to repair the jetty, which I can't do because it's not a permitted structure. So it's kind of a difficult situation. I do know that I looked at historical pictures, my neighbor to the east was directed to cut back their groin by I think 15 to 20 feet, and as a result the town beach at the end of Fourth Street doesn't exist anymore. It used to exist. People used to sit on the beach and enjoy it. But you can't anymore. Because when they cut back my neighbor's groin, it eliminated the beach. Now on my side, I have Fifth Street, I had to cut back my groin, you'll lose the Town beach next to me. So it doesn't seem to make sense. This groin is working, it has been working probably for 60 years. And I know cutting it back will eliminate my beach and will have a severe impact to the value of my house. And it will impact to the people of the Town that use that beach because there won't be a beach there for them either.

So I would be asking, I mean, I'll amend the permit to replace it. I kind of wanted to wait but I don't want to move it back. And if I have to get an engineer in to clarify that in fact that is what will happen, I will. I also have an application that I'm pushing toward the DEC right now.

But that's my position. It's not that I love seeing that jetty go out, but the reality is it maintains our beach and my neighbor's beach. That's really the extent of what I have to say tonight.

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

(Negative response).

Any comments from the Board?

TRUSTEE BREDEMEYER: We did note a number of groin fields that go out further and I think the general thoughts of the Board are if the DEC, which where this is state underwater land, if they are prepared to grant the rebuild or replacement that extends out

that far that we probably would in-kind approve what they would grant. We have seen what happened at Fourth Street and other locations. And, you know, I don't know, because we process these things independently, and in the scheme of environmental review where it's pre-existing, still has functionality, it's the case where we would allow a new one to come. So it's a case, I don't know if the Trustees were to approve this and its entire length, it doesn't necessarily help you with the DEC, and you are still in a position obviously you are aware of legal aspects of DEC permitting from your own profession, that if they don't want to give it, you'll be before an administrative procedure. So I think the feelings of the Board was that we would be willing to revisit this if you have a DEC permit and try to give you as much as allowed. Because we understand the standard construction requirements for height are built in for any structure you would get a permit for, and it's question of how far the DEC would allow you to go over state bottom.

My feeling and guidance for the Trustees is that if it ain't our bottom maybe let the state have a bit of a say over it, then we can revisit it.

MR. GOGGINS: That's fine with me. If you could Google down on the property, you can see the current Google map shows that at low tide, and it shows at the end of the jetty is at the edge of the low tide.

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

TRUSTEE KRUPSKI: Second.

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

TRUSTEE GOLDSMITH: I'll make a motion to approve subject to DEC permit.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: By reference we'll incorporate the DEC permit in our permit.

MR. GOGGINS: Great. Thank you.

TRUSTEE GOLDSMITH: Number eleven, Twin Fork Landscape Contracting, Inc. on behalf of **PETER SABAT** requests a Wetland Permit to remove existing timber walk, fixed dock, ramp and float; construct a 4'x125' elevated catwalk using thru-flow decking over the vegetated wetlands; a 3'x12' hinged aluminum ramp; and a 6'x20' floating dock secured by two double 10" dolphin pilings; with all construction to consist of non-treated building materials and galvanized hardware. Located: 3000 & 3090 Beebe Drive, Cutchogue. SCTM# 1000-103-3-16&17

The LWRP found this to be inconsistent. The inconsistencies are whether the dock will unduly interfere with the public use

of waterways for swimming, boating, fishing, shellfishing, water skiing and other water-dependent activities; whether the dock will unduly interfere with transit by the public along the public beaches or foreshore; whether the dock will cause habitat fragmentation and loss of significant coastal fish and wildlife habitats; whether the dock will result in the destruction of or prevent the growth of vegetated wetlands, sea grasses including eel grass or shellfish; whether the cumulative impact of a residential or commercial dock will change the waterway or the environment; and whether alternative design, construction and location of the dock will minimize cumulative impacts; and whether adequate facilities are available to boat owners and/or operators for fueling, discharge of waste, rubbish, electrical service and water service.

In the event the action is approved, it is recommended that a non-turf vegetated buffer be established and the dock be shortened to comply with the existing pier line.

The CAC resolved to support this application.

The Trustees did a field inspection on June 15th, 2016, and noted no more than eight-inch piles to be used in construction, no three-pile construction for the catwalk, it should be two-pile construction; and possibly dial back the length of the proposed dock to the 2'4" depth as shown on the survey.

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

MR. FABB: Yes. Jonathan Fabb, acting agent for Mr. Sabat. I'm just here to answer any questions that the Trustees have from their field visit.

TRUSTEE GOLDSMITH: Well, the one thing was the three-pile Construction.

MR. FABB: Okay, that was recommended by our contractor for icebreaker pilings, to minimize damage done along that shoreline, especially with the northwest wind and having ice pile up on that shoreline. That's what he recommended. That's the way I drew the plan.

TRUSTEE GOLDSMITH: The Trustees usually discourage three-pile, we prefer to see two-pile construction.

MR. FABB: Okay.

TRUSTEE BREDEMEYER: What we have done to try to protect the ramp to the float, we will allow the three-pile bents for the last set of piles, where the hinge ramp goes. But in the small creeks we don't like to have that much bottom disturbance associated with them along the --

MR. FABB: So is this on the catwalk.

TRUSTEE BREDEMEYER: This would be the last set on the catwalk.

MR. FABB: Okay.

TRUSTEE SANDERS: The way to address the other LWRP issues is to appeal to the very letter that you read into the record on --

TRUSTEE BREDEMEYER: On the other application. The LWRP concerns,

the dock appears to go out further than the established pier line for other docks in the area, and we did note that at the point where it's 2.4 feet of depth for the draft of a vessel, it gets shallow again further seaward, so there is actually a point there where the dock can be substantially shorter, that would address some of the concerns of the LWRP and addresses concerns for coverage over public lands where obviously there is a notion docks do have an impact for riparian rights to the extent that people have to move around them and can't get to clams, and of course it also means less stress to the bottom during the installation phase. So that would, shortening it would bring the dock in line with the pier line so it's not a navigation issue, and that's a specific code requirement we have, that docks have to be within the pier line, and it also addresses the LWRP coordinator's concerns.

TRUSTEE SANDERS: What about a walk over, the current rope configuration doesn't allow anyone to go over the top of the dock.

TRUSTEE BREDEMEYER: Yes, stairs up and over each side for beach access, yes, because it's hard bottom. Okay.

TRUSTEE KRUPSKI: We were just reading the plans here and I think that it's 2.3. ,I think that's, just dial that back to 2.3.

MR. FABB: Is approximately 15 feet on that survey?

TRUSTEE BREDEMEYER: We have the scale here.

TRUSTEE KRUPSKI: Well, on the catwalk itself.

MR. FABB: We'll pull the catwalk back and leave the float? Everything would be shortened?

TRUSTEE BREDEMEYER: Everything gets pulled back. It's a reduction of 20 feet landward, would give you essentially the same depth as you get out further and reduces some 80-square feet of coverage and probably six or eight piles.

MR. FABB: Okay.

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

MR. MEEKER: Peter Meeker with the CAC. We did approve the project as it was drawn up, however we had a concern about the existing dock which is now simply debris -- I'm sorry, the bulkhead to the left. If that could be removed.

MR. FABB: That can be. We can remove the old, dilapidated dock that has been there from the previous owners. I think there are some remnants, I think you can see it to the left there of an old structure that was once there. If you would like to have that removed, I don't see why the contractor couldn't do it.

MR. MEEKER: It's just our suggestion, that's all.

TRUSTEE BREDEMEYER: There was a question by the LWRP coordinator for a non-turf buffer.

MR. FABB: Okay, and that would be along the --

TRUSTEE BREDEMEYER: That would be along the edge of the lawn.

MR. FABB: The entire length of the waterfront is what they are looking for?

TRUSTEE BREDEMEYER: Typically the entire length of the waterfront.

MR. FABB: And they are going to ask for how many feet?

TRUSTEE BREDEMEYER: Usually that's open to Board discretion.

MR. FABB: I'm sure that won't be an issue anyway, so if the Board can come up --

TRUSTEE BREDEMEYER: Typically, for where it's not immediately associated with a bulkhead or replacement we usually ask for a minimum of ten foot.

MR. FABB: Okay. Would the Board be open to a five-foot buffer?

As far as that, I mean we'll remove the existing pile materials from all bulkheads from the previous owners, which probably should be revegetated with more Baccharus down there because we'll be doing ground disturbance to jet out those old sheathing and pilings out. I have no objection of --

TRUSTEE BREDEMEYER: Preferably it's, a five-foot buffer although is minimalist, that's fine, particularly if you revegetate with wetland Spartina where you take the old pile and old structure out. I don't think anybody here objects to that.

MR. FABB: My question to you, while we are discussing this also I know you want to have access stairwell on both sides. I don't know if you notice on that property, I mean it's basically all Baccharus and sea grass and I don't know if there is any access on either side. You would be up to your waist in muck. You would fall into --

TRUSTEE BREDEMEYER: Where it's hazardous or we'll damage wetlands, we sometimes won't require --

MR. FABB: Because I'll revegetate that whole area, which is minimal on each side of the existing structure that is there.

TRUSTEE KRUPSKI: This dock doesn't have much height anyway.

MR. FABB: I'm sure Mr. Sabat would not object to it, but if we are going to revegetate it, to waste the money on extra structure and ground disturbance on building materials then let's put the money into revegetating with indigenous material and get the place to --

TRUSTEE BREDEMEYER: It's a low-profile dock, individuals can step over it.

TRUSTEE SANDERS: Does he intend to do the rope like the other person, or is that removed?

MR. FABB: No, he'll just leave it clean. That's all he was asking for.

TRUSTEE GOLDSMITH: Anyone else which are to wish to comment on this application?

(Negative response).

Motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE DOMINO: Second.

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

TRUSTEE GOLDSMITH: I make a motion to approve this application contingent upon using eight-inch piles, dialing the dock back to 20 feet to the 2'3" depth on the survey, revegetate along the shore and a five-foot non-turf buffer.

MR. FABB: And removal of existing bulkhead material that is existing now and revegetation down in the flood plane.

TRUSTEE GOLDSMITH: Yes, removal of old dock and revegetate the area with native planting.

TRUSTEE BREDEMEYER: Motion has been made. If I might add also, that the three-pile dents are only allowed for the seaward-most pile set of the catwalk.

MR. FABB: So we'll remove all the icebreakers from there landward.

TRUSTEE BREDEMEYER: And we should get a set of plans.

TRUSTEE GOLDSMITH: Subject to a new set of plans.

TRUSTEE SANDERS: I'll second that.

MR. FABB: I can just modify those. I drew those myself anyway. I can just pass that on.

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

(ALL AYES).

TRUSTEE BREDEMEYER: Thank you.

MR. FABB: Thank you.

TRUSTEE KRUPSKI: Number 12, Frederick Weber, Architect on behalf of **JOSEPH & MAUREEN COOGAN** requests a Wetland Permit for the existing two-story dwelling with attached enclosed porch and attached garage; remove the existing second-floor; raise existing first-floor walls; construct new 1,418sq.ft. second-floor; construct 468sq.ft. additions to dwelling and first-floor renovations. Located: 1875 Calves Neck Road, Southold. SCTM# 1000-70-4-48

The LWRP coordinator found this to be consistent; require that a vegetated non-turf buffer that incorporates existing vegetation is established landward of the top of the bank.

The CAC resolved to support the application.

On the 15th, all Trustees went out on a field inspection. We found this to be a straightforward application with the house not going further seaward.

Is there anyone here wishes to speak to this application?

MR. WEBER: Yes. My name is Frederick Weber, Architect for Joseph and Maureen Coogan.

The property is about a third of an acre, fully bulkheaded waterfront on Jockey Creek, it has recent Trustee approval for an existing dock. The existing single-family dwelling has a cape style roof with a second-story rear dormer, attached garage, porch and full basement. The owners want to add living space to the existing structure. The second-floor cape style roof will be removed, and new partial second floor will be constructed. The basement, entire first floor structure and porch will remain.

Some of the first floor walls will be raised and renovated. A first floor addition of 468 square feet will be added to the landward side of the house consisting of both living space and garage space. The waterfront footprint will remain as is. All additions will be made on the landward side of the structure or over the existing structure.

The waterfront bank is stable and, again, fully bulkheaded. A hay bale silt fence will be installed separating the new construction from the waterfront and wetlands. All drainage and erosion control will be installed in conformance with Southold codes to prevent any runoff from entering Jockey Creek. A new conforming sanitary system will be installed, septic tank greater than 75 feet, leaching pools greater than 100 feet from wetland boundary, and there is an existing letter of non-jurisdiction from the New York State DEC.

That's basically, I would be open to questions.

TRUSTEE KRUPSKI: Does anyone have any questions at this time?
(Negative response).

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

(Negative response).

Okay, I make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

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

(ALL AYES).

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number 13, 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

The LWRP coordinator found this to be consistent and noted that it should require that the 60-foot wide non-disturbance buffer is recorded in the covenant and restrictions.

The CAC resolved not to support the application because the project was not staked or posted at the time. The proposed structure and wetland boundary line should be properly staked in order for a recommendation.

The Trustees did a field inspection on June 16th and in the notes wrote that this is straightforward, as is a previous

submission. And again noted that a 60-foot non-disturbance buffer should be added to the description.

Is there anyone here to speak to this application?

TRUSTEE SANDERS: Sorry, I just wanted to clarify that --

TRUSTEE BREDEMEYER: The field inspection was on the 15th.

TRUSTEE SANDERS: The 15th, right.

MS. MOORE: Just to give you a little background here, we did have, Mr. Cipriano had a permit in 2008, that permit expired and we got a new permit in February, 2013. We filed covenants, so covenants are already filed on this application, the same conditions, it's the same application. So those covenants were filed on April, 2013. This is a new application because of the expiration of the three years or four years, I guess, since the permit was first issued. We do have Health Department approval and that too was reissued this year. So it is the same application and already has, as I said, filed covenants. They should be in your file. That's it.

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

(Negative response).

Questions or comments from the Board?

TRUSTEE KRUPSKI: I think we had discussed a 60-foot non-disturbance area for this site?

TRUSTEE DOMINO: It's shown on the plans.

MS. MOORE: The plans already show it. It says 60-foot non-disturbance buffer.

TRUSTEE BREDEMEYER: That's correct.

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

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Motion to approve this application as submitted with the addition of a 60-foot non-turf buffer added to the description.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next application, number 14, Patricia C. Moore, Esq. on behalf of **ALAN & SHARON EIDLER** requests a Wetland Permit for the as-built 10'x14' wood platform, and to replace the decking with thru-flow decking and install a kayak rack; off of the platform construct a 4'x100' fixed catwalk with access steps using thru-flow decking; install a 3'x14' ramp; and install a 6'x20' floating dock. Located: 1052 Canoe Path, Mattituck. SCTM# 1000-106-12-3.1

In response to the Trustees concerns on the field

inspection that was a modification to go to a 3x20' foot ramp because the tidal range in Mattituck Creek makes ramps dangerous for persons trying to traverse them, and also the plans incorporated at the request of the Trustees for eight-inch piles throughout the wetland and twin ten-inch piles allowed for dolphins on the 6x20 float.

The CAC voted to support the project with the condition that the size of the platform is in conformance with Chapter 275.

The project has been deemed to be consistent with the LWRP standards, with the usual questions concerning interfering with navigation or other water-dependent uses, but was deemed inconsistent in that the 10x14 wood platform does not meet the policy 6.3 of the LWRP. And I think that covers the fact pattern on the permit submission. Is there anyone here to comment on this application?

MS. MOORE: Yes. Good evening. Patricia Moore, and I have Mr. Eidler here to help address any issues.

As you already put on the record we did already submit revised drawings, Bob Fox was able to give us revised drawings in time for this hearing, that was delivered on June 21st, and they the revisions have been noted.

My client did have some additional requests which I would like to raise with the Board, to add handrails if at all possible to both catwalk and the ramp. He hopes to be around a lot longer and handrails are a good idea these days, so. If that's acceptable.

Also, with respect to the 3x20 ramp, that was a great idea, thank you, and my opinion was that you are interchangeable as far as whether it's aluminum or wood or other material, as long as it's compliant to the size, excuse me, the material, is up to the applicant at the time, or do you want to know now?

TRUSTEE BREDEMEYER: As a point of clarification, it can't be treated wood because --

MS. MOORE: Right. Untreated.

TRUSTEE BREDEMEYER: The Board doesn't --

MS. MOORE: Good. He also requested if it could be a hinged ramp, just for ease of lifting it out and protecting it. Is that an issue?

TRUSTEE BREDEMEYER: The Board doesn't ordinarily regulate whether there is an override or a hinged. It's between the individual and their marine contractor based on the advice.

MS. MOORE: Thank you. Finally, the option of adding water and electric if desired.

TRUSTEE BREDEMEYER: We usually allow that. I think we can consider that during the permitting phase. As long as any lighting associated with it is Dark Skies compliant.

MS. MOORE: Yes. So those are the only issues. The decking, I think we have it already, Trex, yes. I think that was it. Everything else was already discussed.

TRUSTEE BREDEMEYER: To address the LWRP inconsistency, the deck, which we didn't seem to have any problem with environmentally, is it possible that that could be removed to address the inconsistency?

MS. MOORE: The reason we are incorporating the catwalk from there, it acts both as a landing and as a deck. So in fact the size of the landing is incorporated, so if you were to take the 10x14 and subtract out four, then you have a 10x10 landing.

TRUSTEE BREDEMEYER: So if we can consider the deck associated with stairs and platforms and since this is a terminus of a walk, if it were to be reduced to 10x10, it would be compliant with 100-square feet.

MS. MOORE: Well, I was already deeming it complied because 10x10 is less the four-foot width.

TRUSTEE BREDEMEYER: Sorry, did I misread it? It says you want to keep the existing --

MS. MOORE: The existing deck is 10x14 and if the catwalk is four feet and we are already using four feet of that as part of the landing, it seemed to be compliant.

TRUSTEE BREDEMEYER: That's very creative but I don't think we can do that.

MS. MOORE: I thought it was pretty good. Any issue with the size of that being reduced some? Why don't you come up.

What does the Board want? Because he says not consistent but I don't know what is -- usually 10x20 is permitted that's why I don't understand why 10x14 would not be.

TRUSTEE BREDEMEYER: 10x10, when they are associated, platforms associated with stairs, and this is sort of the break between what might have the stairs leading down to it and out onto a dock, I don't think it is, I don't know if any of the Board members feel it's entirely critical, but I don't want to get into the position of saying four feet of this is dock and 10x10 is deck. For the purposes of how we look at things, we look at this as a platform.

MS. MOORE: All right, but we are allowed 10x20s, aren't we, aren't platforms 10x20?

TRUSTEE BREDEMEYER: Generally platforms associated with that type of construction are behind a bulkhead and not in an area that grows vegetation. I mean this is a little squishy, admittedly.

MS. MOORE: It's been there probably 30, 40 years.

MR. EIDLER: When I bought the house it was there.

TRUSTEE BREDEMEYER: It does predate permit. And you are asking for as-built, and it's not damaging the environment.

MS. MOORE: And we are making the materials actually more compliant.

TRUSTEE BREDEMEYER: Does the Board have a problem addressing the inconsistency noting it's been there and not damaging any vegetated wetlands, so at this time, then when it's rebuilt it will conform with the through-flow, something in that issue?

MS. MOORE: We actually were going to make it through-throw and then the thought was to make it the Trex.

MR. EIDLER: Something composite like Trex or Trex equivalent.

MS. MOORE: But we can certainly continue it as through-flow.

Both work fine. Both are equal.

TRUSTEE DOMINO: How about modifying this 10x10 platform with a 4x10' dock?

MS. MOORE: We would have to remove it in order to rebuild it.

This actually keeps it.

TRUSTEE BREDEMEYER: Trustee Domino has a very good idea. We will consider with the agreement of the Board that we could approve it with a 10x10' platform with attached 4x10' dock. In other words we'll increase the dock an additional ten feet, so it will be 110-foot dock with associated -- 110, 4x110' dock with associated 10x10 foot platform.

MS. MOORE: I think it's 14.

TRUSTEE BREDEMEYER: It becomes 14.

MS. MOORE: It's a 4x14 extension, right?

TRUSTEE BREDEMEYER: Your application you are asking for 4x100' fixed catwalk. We then approve it by 4x100' fixed catwalk with an attached 10x10 square-foot deck, so that you would have the same surface area of your 10x14. But it's worded that we are dedicating that 4x10' feet as part of the catwalk in the permit.

MS. MOORE: Got it. Now I understand. Okay. As long as the structure stays the same so we don't have to demolish it.

TRUSTEE BREDEMEYER: Yes, we are considering it 110, 4x110 catwalk with attached or associated 10x10' deck. I think for consistency of the application to have through-flow throughout would make sense.

MS. MOORE: So the drawing stays the same, it's just going to be flow-through.

TRUSTEE BREDEMEYER: Right. And instead of the having the platform will not be 10x14, it will be modified so that you are going to have the dock is essentially along the side of it.

MS. MOORE: I'll have Mr. Domino draw it. Because my drawing --

TRUSTEE SANDERS: Here you go.

MS. MOORE: Yes. Okay, that's what I had the first time. Okay, got it.

TRUSTEE BREDEMEYER: Are there any more questions or concerns from the Trustees?

(No response).

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

(Negative response).

Okay, not hearing anything further, before I close the hearing I would say also in this location we would allow a three-pile bent or three piles at the seaward most, because of ice in the creek, that anchors your ramp more where you might, where forces from the float and the ramp, a three-pile bent at the seaward most set of pilings. We can handle that through the permitting aspect.

MS. MOORE: Okay, you'll draw it on the drawing.

TRUSTEE BREDEMEYER: Yes.

MS. MOORE: That's fine. So three piles.

TRUSTEE BREDEMEYER: Yes. And actually, also, we can handle the change to the decking in the Trustees office. At this time I'll make a motion to close the hearing in this matter.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Okay, the attorney advised me we should get a revised plan, just for clarification.

MS. MOORE: Do you want to draw on your plan and I'll just have Bob Fox --

TRUSTEE BREDEMEYER: We can queue what we are interested in.

MS. MOORE: And I'll have Bob Fox put it on his.

TRUSTEE BREDEMEYER: Now for the approval. I'll move to approve this application with the following changes: That the application be approved with a 4x110' fixed catwalk and attached 10x10' wood platform, all constructed with through-flow decking; a 3x21' ramp, a 6x20' float with two-pile twin dolphin supporting it; electric and water access to the dock, with compliant Dark Sky lighting; handrails on either side of the ramp; and three-pile bent for the seaward most pile; and a kayak rack, which is in the existing description. That is my motion, subject to submission of plans to conform to the changes outlined. That's my motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Number 15, Patricia C. Moore, Esq. on behalf of **JONATHAN TIBETT** requests a Wetland Permit to construct a 15'5"x36' in-ground swimming pool with an approximate 52'x36' masonry patio on grade with outdoor kitchen landward of pool.

Located: 185 Willow Point Road, Southold. SCTM# 1000-56-5-25

TRUSTEE SANDERS: The LWRP has determined this to be consistent with the following requirements. Number one, require a pool dewatering well, and number two, require that a vegetated non-turf buffer be established landward of the top of bank.

MS. MOORE: Patricia Moore. Is this the house where the water, on Buds Pond? Okay.

TRUSTEE KRUPSKI: This is Willow Pond Road with the outdoor kitchen.

MS. MOORE: Yes, this is a beautiful. It has beautiful landscaping. It already has a buffer. And no bank, so. Okay.

TRUSTEE SANDERS: That's what they had in the notes from the LWRP. We go to the CAC, they move to support this. The CAC supports the application with a condition a drywell is installed to contain the pool backwash, and a storm water plan for the patio.

On June 15th, all Trustees were present during the inspection. It was noted that it's 50 feet away from the bulkhead, appeared to be straightforward. Is there anybody here to speak on behalf of the applicant?

MS. MOORE: Patricia Moore on behalf of Mr. and Mrs. Tibett. It's a late night, if you have any questions.

TRUSTEE BREDEMEYER: The LWRP coordinator asking for dewatering into a drywell. Did he ask for it into a drywell as opposed to into the creek?

TRUSTEE SANDERS: Just says require a pool dewatering well. And the CAC required the drywell to be installed.

TRUSTEE BREDEMEYER: I think he means dewatering during the course of construction. Which sometimes is needed. He may have seen that the pool bottom looked at or below the water table. Ordinarily that would be, best management practices for dewatering is that would be pumped into a drywell so you don't have raw groundwater going into the creek. It has shown up previously in LWRP reports, that's why we are trying to figure out and clarify it. We would not want to have, if dewatering is necessary we would not want to have discharge over a bulkhead into a creek. It's just very shocking for the marine system. I think that's where he was coming from.

MS. MOORE: Okay.

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

MS. MOORE: I'm here in support of the application. It was pretty straightforward, so.

TRUSTEE SANDERS: Any thoughts from the Board?

TRUSTEE BREDEMEYER: Did the plans show the drywell? I thought it did.

MS. MOORE: The entire house is renovated, there are drywells for all the gutters and leaders, so.

TRUSTEE BREDEMEYER: The swimming pool should have a dedicated drywell.

MS. MOORE: You can make that as a condition, and it will be done.

TRUSTEE BREDEMEYER: I believe it's a public water area so there should not be an issue with its location.

MS. MOORE: Yes, it's connected to public water.

TRUSTEE SANDERS: Any other thoughts?

(No 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: I'll make a motion to approve this application with the request of a drywell being indicated on the survey.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: Motion is made and second. I would add that drywell could also serve to assist in dewatering. Motion made and second. All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 16, Patricia C. Moore, Esq. on behalf of **DONALD RYND & SUSAN NAHILL** request a Wetland Permit for the existing 3' wide steps down the bank; existing 8'x8' pier/platform off bulkhead connected to a 32"x16' fixed pier with 3'x5.5' steps to a 3'x48.7' fixed pier to a 4'x38.5' fixed pier; and for the existing 3' wide stairs to beach off bulkhead. Located: 1165 West Road, Cutchogue. SCTM# 1000-110-7-2

The LWRP deemed this to be inconsistent because the wetland permits for the stairs and dock were not located within the Town's records.

The CAC resolved to support this application with the condition the steps at the base of the staircase are retractable.

The Trustees did a field inspection on June 16th and noted that the dock is pre-existing, has been there for a long time, even predates Trustee Bredemeyer, and the dock is similar to the pier line of the neighbor. And it already has more than a ten-foot wide non-turf buffer.

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

MS. MOORE: No, you stated it clearly. The dock predates Mr. Bredemeyer. Actually Mr. Bredemeyer's father, too. So with respect to hinging the stairs, those have also been there a very long time, so it doesn't make sense to cause that kind of disturbance, so.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to comment?

MR. KELLY: Good evening, my name is Patrick Kelly and I'm currently in contract to buy the home, and it was my understanding from several meetings you all had out there, the dock was going to be shortened by 15 feet. Is that not the case, based on what I just heard?

TRUSTEE BREDEMEYER: We have not made a final determination. The Board has been to the site now two times, and shortening the dock is probably -- the dock in its present length does not appear, based on field inspection, to impede navigation, and is within, well landward of an existing sandbar and the entrance to the creek so that it has the appearances that it is not an unreasonable length to afford sufficient depth to vessels in that location. Did you have a concern specifically with the feeling it should be reduced in size?

MR. KELLY: No, I was just under the impression it had to be reduced in size and I was trying to get a clear understanding. I thought you all went and said no, then no again.

TRUSTEE BREDEMEYER: Our initial site visit was with Mr. Kevin McLoughlin, and at the time when you have two docks, it is a matter of trying to discern where the pier line will be. So these are, they are both ancient, relatively ancient to pre-existing -- sorry, one we did give approval to. And so there is a question of establishing a reasonable pier line that takes into account the needs of boaters without impinging on

navigation but also looking, in some cases it's also sort of in the context how the landforms and sandbars and other navigation --
MR. KELLY: I understand all that, sir. It was communicated to me that Mr. McLoughlin was there with you. I was told you couldn't do it at that length. The next day he went to see you, you said it has to be reduced. I'm just trying to get clarification based on this discussion.

TRUSTEE BREDEMEYER: Actually, the Board in revisiting it and seeing there was a sand bar and the lay of the land realized it would be an unreasonable restriction, and that this also sets the course of action for future docks in the area would have to meet that average.

MR. KELLY: Thank you.

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

(Negative response).

Comments from the Board?

(Negative response).

I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Motion to approve this application.

TRUSTEE BREDEMEYER: Second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MS. MOORE: Thank you.

TRUSTEE KRUPSKI: Number 17, Patricia C. Moore, Esq. on behalf of **ANDREW CARMELLINI & GWEN HYMAN** requests a Wetland Permit to replace in-kind all existing wooden steps, landings and walkways from beach up to top of bluff which consisting of 3'x8.8' steps to beach from existing bulkhead; 20'x8.3' deck landward of bulkhead to 3'x8' steps up to irregular shaped 3'x5.8' landing; existing 2.5'x15.4' steps up to 2.6'x14.2' steps up to 2.5'x2.5' landing are to be replaced with 3'x15.4' steps to 3'x14.2' steps to 3'x3' landing; existing 3'x8.5' steps up to 8.5'x3.2' landing up to 3'x15' steps up to 3'x4' landing up to 3'x9' steps up to an on-grade 4'x54' handicap wood walkway and 4'x6.2' walkway connection to access steps to beach; for the existing 4'x7.7' wood steps with 8' long retaining wall in lawn; and that all existing steps or landings that are less than 3' wide to be reconstructed 3' in width. Located: 4565 Nassau Point Road, Cutchogue. SCTM# 1000-111-9-8

The LWRP found this to be consistent.

The CAC supports the application with the following conditions: The steps at the base of the staircase are

retractable and parallel to the shoreline; preservation of the stable, well-vegetated bluff; designation of the eight-foot extension to the retaining wall and a limitation to the size of the deck, plus or minus 160 square foot landward of the bulkhead.

Field inspections on the 15th, we found this to be a straightforward, in-kind replacement.

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

MS. MOORE: Patricia Moore. I'll answer any questions you might have.

TRUSTEE KRUPSKI: In terms of the CAC had talked about the steps to the beach being retractable. We have removable put in.

MS. MOORE: I don't think that's a problem. Not retractable but actually removable.

TRUSTEE KRUPSKI: I believe they mean removable with the retractable.

MR. MEEKER: We noted the current steps were just about at the mean high water mark, so we were concerned with the lateral access. So the steps were situated where they were parallel to the water and the beach, that would give more access than perpendicular.

MS. MOORE: I think these steps may be the only things that are actually usable on this property. I don't think it's a problem if that's something the Board wants to suggest, rotate it parallel to the bulkhead. Yes, I don't think so that's a problem. Just for the access, ease of access.

TRUSTEE BREDEMEYER: We might require a slight modification for a 3x3' foot platform and either hinge them on it or

MS. MOORE: You probably end up with a platform and steps down.

TRUSTEE BREDEMEYER: You'll need a landing. They can be used, can be hinged, can be bolted. That's a nasty place for using steps with ice, probably, too. The idea of hinging them or bolting them just saves the steps in a long run.

MS. MOORE: So either hinging or bolting. Either is fine.

TRUSTEE KRUPSKI: Either is fine.

TRUSTEE DOMINO: I would like to comment that the bluff was very nicely vegetated, and hope that nothing is ever done to harm that.

MS. MOORE: I hope not.

TRUSTEE KRUPSKI: With respect to the platform size is there any, it is about 170 now. Does anyone have an issue concerning the platform size?

TRUSTEE BREDEMEYER: It's a question of whether we consider it a platform associated with stairs, which really it's separate.

Those platforms we allowed to go up to the allowed size limit to match the coastal erosion hazard area, so we kind of don't get upset as long as it is smaller than 200-square feet. We generally sort of have, try to have consistency there. If it's behind the bulkhead and essentially serving like a non-turf area, it's not harming things, so generally when they start getting bigger than 200-square feet and with large boathouses

and things, we get involved with consideration, trying to dial it back a little. I don't think we view this as a problem based on how we have done things in the past.

TRUSTEE KRUPSKI: Okay, could we get a modified set of plans just depicting the platform? Is that a possibility.

MS. MOORE: This came from the surveyor. Would you accept a handwritten, hand-modified one? Otherwise I have to go back -- this is an existing condition so.

TRUSTEE BREDEMEYER: As long as it's to scale, it's just rotating the stairs.

MS. MOORE: Right. I'll speak to the surveyor.

TRUSTEE BREDEMEYER: The other thing, too, I don't think, if you have seen them, but the aluminum retractable stairs are given the relative cost of their construction of all the decks and walks, they are incredible because they are just, then all you have to do it pull it up and chain it off to the bulkhead and you are good for the winter.

TRUSTEE KRUPSKI: A lot of people in Orient have those. They are pretty neat.

MS. MOORE: You do you still need a platform for those.

TRUSTEE BREDEMEYER: Depending on how they are constructed. Some have come with an aluminum platform, so the platform is aluminum. It probably depends on who manufactures them for you. I've also seen some of those ramps with retractable stairs.

MS. MOORE: They don't have a contractor yet selected so I'll talk to them about this option. That's not a problem.

TRUSTEE KRUPSKI: I'll make a motion to close the hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve this application with the stipulation that we receive new plans depicting the bottom stairs being turned parallel with the bulkhead.

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

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

Motion to adjourn.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

Respectfully submitted by,



John M. Bredemeyer III, President
Board of Trustees

