John M. Bredemeyer III, President
Michael J. Domino, Vice-President
Glenn Goldsmith
A. Nicholas Krupski
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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, July 20, 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: Tuesday, August 9, 2016 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, August 17, 2016 at 5:30 PM
WORK SESSIONS: Monday, August 15, 2016 at 4:30 PM at Downs Farm, and on Wednesday, August 17, 2016 at 5:00 PM at the Main Meeting Hall

MINUTES: Approve Minutes of June 22, 2016.

TRUSTEE BREDEMEYER: Good evening, welcome to the July 20th, 2016, regular monthly meeting of the Southold Town Trustees. If you are here in matters before the Board, I just want to bring to your attention there are agendas at the two lecterns and there are items that are postponed either at the request of the applicant or because the Trustees found that information was lacking in applications.

Those postponements can be found on page five, item number two, Docko, Inc., on behalf of **BRIM FISHERS ISLAND TRUST, c/o JOHN BRIM** requests a Wetland Permit and a Coastal Erosion Permit to construct a 4' wide by +/-181 linear foot long fixed wood pile and timber pier; a 3.5'x20' ramp; an 8'x20' floating dock with four (4) restraint piles; install four (4) tie-off piles; relocate boulders within the vicinity of the proposed float and berthing areas under the new pier; and on top of existing concrete foundation pier located in beach area construct a

proposed +/-18'x28' wood platform. Located: 3206 Brooks Point Road, Fishers Island. SCTM# 1000-4-3-3, has been postponed.

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

Item eight, 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

Item nine, 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

Item ten, 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

Item eleven, 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

Those items have all been postponed.
At this time, I'll make a motion that we hold our next field inspection on Tuesday, August 9th, at 8:00 AM.
TRUSTEE DOMINO: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: I move that we have our next Trustees meeting Wednesday, August 17th, at 5:30 PM, and work sessions on Monday, August 15th, at 4:30 PM at Downs Farms, and Wednesday, August 17th, at 5:00 PM at this main meeting hall. Is there a second?
TRUSTEE DOMINO: I'll second that.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: I'll make a motion to approve the Minutes of June 22nd, meeting.
TRUSTEE GOLDSMITH: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for June 2016. A check for $7,679.37 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, July 20, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Neil Stronski & Patti Perez SCTM# 1000-111-15-11
Cathy & Anthony Iasello SCTM# 1000-123-5-24.1
Robert & Florence Taylor SCTM# 1000-116-5-11
Brim Fishers Island Trust, c/o John Brim SCTM# 1000-4-3-3

TRUSTEE BREDEMEYER: Those items being listed, that's my resolution. Is there a second?
TRUSTEE GOLDSMITH: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE BREDEMEYER: In order to provide for an orderly meeting where the Board has reviewed files and performed inspections for administrative actions or minor actions, we typically will group the approval for those together. Also because they are not subject to a public hearing.

Accordingly, under Item IV for resolutions for administrative permits, the Board has found that items one through eight are all consistent with the Town's Local Waterfront Revitalization Program, and the Board having inspected them as minor actions and their applications are in order, I'll move to approve those all as a group. They are listed as follows:

Number one, Nancy Dwyer Design Consulting, Inc., on behalf of **MARK & SUSAN MELILLO** request an Administrative Permit to add a roof over existing 5'x17' front entry porch; remove seaward deck attached to existing dwelling with attached garage and construct a new 17'x32' on-grade patio and new 17'x32' second story deck. Located: 685 Oakwood Court, Southold. SCTM# 1000-90-4-21

Number two, **MICHAEL R. WILSON & GILLIAN M. WILSON FAMILY ASSET MANAGEMENT TRUST** requests an Administrative Permit to install an approximately 21'x15' patio underneath existing deck; and replacing grass to various types of plants in nearby areas. Located: 590 Tarpon Drive, Southold. SCTM# 1000-57-1-6

Number three, **CASTELFORTE LLC** requests an Administrative Permit for the existing 144' of 3' high split-rail fencing along the side yard lot line; and to install an additional 56' of same fencing off of the seaward end of existing. Located: 2100 Glenn Road, Southold. SCTM# 1000-78-2-38

Number four, Suffolk Environmental Consulting on behalf of **JOSEPH TOWNSEND, JR.,** requests an Administrative Permit to construct an 8'x12' addition onto the side of dwelling for a handicapped bathroom. Located: 13135 Route 25, East Marion. SCTM# 1000-31-5-10.1

Number five, **THOMAS & BARBARA BALL** request an Administrative Permit to reinforce footings to existing deck attached to dwelling; and to install an 86"x86"x37" hot tub onto existing deck. Located: 1890 Arshamomaque Avenue, Southold. SCTM# 1000-66-2-46

Number six, **JEFF TYZIK** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (Phragmites australis) to 12" in height by hand, on an as needed basis within a 160sq.ft. area. Located: 545 Reeve Avenue, Mattituck. SCTM# 1000-114-9-9

Number seven, Joan Chambers on behalf of **SEA BREEZE VILLAGE CONDOMINIUMS, c/o EDMUND JOHN TIEDEMANN, PRESIDENT** requests an Administrative Permit to replace the existing seaside decks on all 16 condominium units; for Units 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B, 3C, 4A, 4B, and 4C construct a proposed 139sq.ft. upper deck

with a 13.7sq.ft. stair landing, and 41.69sq.ft. staircase to ground; Unit 1D construct a proposed 240sq.ft. upper deck, a 13.7sq.ft. stair landing and a 41.69sq.ft. staircase to ground; Units 2D, 3D and 4D construct a proposed 205.8sq.ft. upper deck, a 13.7sq.ft. stair landing, and a 41.69sq.ft. staircase to ground. Located: Sea Breeze Village Condominiums, 60125 Route 48, Greenport. SCTM# 1000-44.1-1 - Lots 1 through 16

Number eight, Chris Antonello on behalf of **JOINT INDUSTRY BOARD OF ELECTRIC INDUSTRIES EDUCATIONAL AND CULTURAL HOLDINGS** requests an Administrative Permit for a Ten (10) Year Maintenance Permit for periodic beach maintenance and clean up consisting of removing debris from the beach from approximately 10' above mean high water to the existing concrete wall using rubber tired machinery and/or hand raking. Located: 3800 Duck Pond Road, Cutchogue. SCTM# 1000-83-2-17.3

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

Number nine, Twin Fork Landscape Contracting, Inc., on behalf of **ROBERT G. BOMBARA** requests an Administrative Permit for the as-built landscaping surrounding the dwelling; to revegetate an area on the seaward side of dwelling using indigenous plant material, (30) 5 gallon Bayberry and (20) 5 gallon Beach Plum; and to install a 4' wide pea gravel path in order to provide beach access. Located: 1725 North Sea Drive, Southold. SCTM# 1000-54-4-19

The Trustees performed a field inspection here and Trustee Domino, myself and the attorney for the applicant Danowski, as well as Mr. Fabb from the firm that handles the landscaping, all performed a field conference and the plans submitted are in conformity with the request of the Board on field inspection, because at the time of inspection we could not find the file, the only addition we had was that as per the prior field conference with Mr. Danowski and Mr. Fabb present, there seems to have been an omission in that the agreement to remove the Kentucky bluegrass sod and to reseed with a low-fertilizing grass materials such as a fescue in the Fall, didn't appear in the project plans.

So, and the inconsistency, this would also address the inconsistency in the permit in that it would bring it into compliance with the requirements of the prior written Trustee permit.

It's a little bit wordy there, but in short, I would move to approve item nine addressing the inconsistency by the proposed planting plan of John Fabb dated March 30th, 2016, with the additional stipulation that the area over the sanitary system currently planted in a high fertilizing required sod lawn be removed this growing season in the Fall and seeded with a low fertilizing type of grass similar to or like a fescue. That's my motion.

TRUSTEE DOMINO: Second.

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

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE BREDEMEYER: Item V, similar to the administrative permits, applications for extensions, transfers or amendments to administrative permits may also be considered as a group where the Board has performed a review of the file and performed inspections and they are deemed as being exempt from the LWRP.

Accordingly, I would move to approve under Item V, numbers one through four as a group. They are listed as follows:

Number one, **CHERYL L. HANSEN REVOCABLE TRUST** requests a One-Year Extension to Wetland Permit #8489, as issued on August 20, 2014. Located: 405 Williamsberg Drive, Southold. SCTM# 1000-78-5-17

Number two, **ILSE TROMBONE** requests the Last One-Year Extension to Wetland Permit #8276, as issued on August 21, 2013. Located: 9180 Nassau Point Road, Cutchogue. SCTM# 1000-118-6-5.1

Number three, **ARTHUR TORELL** requests a One-Year Extension to Wetland Permit #8268, as issued on August 21, 2013. Located: 365 Westwood Lane, Greenport. SCTM# 1000-33-2-10 & 11

Number four, **STEVEN & ANDREA KOLYER** requests a Transfer of Wetland Permit #1793 from Albert Montoya & Ellen Violett to Steven & Andrea Kolyer and Ellen Violett, as issued on March 13, 1984, and Amended on July 22, 1988. Located: Off Pleasant Inlet, Cedar Point Drive, Southold. SCTM# 1000-90-2-17&18

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

VII. RESOLUTIONS OTHER:

TRUSTEE BREDEMEYER: Under Item VII, under resolutions other, this is a resolution in relation to amending a permit that was granted to bring into alignment a non-turf buffer on a property.

RESOLVED, that the Southold Town Board of Trustees hereby **AMENDS** a Resolution Adopted on July 22, 2015 regarding the property located at 565 Gull Pond Lane, Greenport, SCTM# 1000-35-4-28.27 to read as follows:

RESOLVED, that the Southold Town Board of Trustees hereby APPROVES the request of Jeffrey Patanjo on behalf of **JOHN & BARBARA SEVERINI** for a Wetland Permit to remove and replace existing 145 linear feet of deteriorated timber bulkhead with vinyl bulkhead in same location as existing and raised 2' higher; installation of a 10 linear foot bulkhead return; remove existing and construct new 4'x6' timber platform; remove and replace existing 3'x16' aluminum ramp; relocate existing 6'x80' floating dock 20' south of existing location; fill in existing area of boat launching ramp with 35 cubic yards of clean sand fill landward of proposed bulkhead; remove and replace 442sq.ft. deck in same location as existing; and to install and perpetually maintain a 5' wide non-turf buffer along the landward edge of the bulkhead. Located: 565 Gull Pond Lane,

Greenport. SCTM# 1000-35-4-28.27.
That's my resolution.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

VII. PUBLIC HEARINGS:

TRUSTEE BREDEMEYER: At this time, I'll take a motion to go off the regular meeting to go into our public hearings.
TRUSTEE DOMINO: So moved.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE BREDEMEYER: Number one, 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

This item was tabled from the public hearing we previously held in order to receive additional materials to provide clarification as to the extent of the house and elevations, which the Board received. And the Board in the meantime has received a letter from the property owner and, which we can enter into the record or have it discussed by the permit expediter Mr. Michael Kimack. And we have previously discussed the inconsistency of the LWRP at our last public hearing.

Is there anyone here who wishes to speak in this matter?
MR. KIMACK: Michael Kimack on behalf of the applicant, and the applicant is here this evening.

Yes, we have been here a few times before. It is by map and by what is in the Town, it's in the Coastal Erosion Hazard Line zone, which creates your responsibility under Article 111, Chapter 111, basically, which brings this into form. You are the administrators of that, basically. And you have to find within the purpose and you have to find within the merits of 11-4 which is the purpose, and 11-9 which is the issuance of the permit.

Let me go back a little bit. I'm not going to make an argument that we are not in the Coastal Erosion Hazard Line zone. I have looked at that line and I looked all the way down.

And the line on the survey is placed accurately based upon where the coastal erosion map that is in the file shows it to be, basically. But when you attribute it to the contour lines that are now on the surveys, basically, it's irregular at best. It turns out to be a very, very general line. Because if you look at the contour lines, it shows that this is running at about the seven foot elevation along the road. I went all the way down Leeton Drive, basically, and found out that it obviously goes on the other side of the parking lot, sweeps halfway down that lot and cuts back in again, and at that particular point is sitting at 7-8 elevation, then it runs along the bulkhead which is eight-and-a-half to nine elevation. But what this does behind the property, as you can see the Coastal Erosion Hazard Line goes straight behind the property. So it envelopes the whole thing. However, the property basically at that point goes up hill. Essentially, the property, if you look at it where the existing house is sitting, it's running about eight-and-a-half to nine. It was not flooded in Sandy. There was no water up there. So the reality of that.

Now, having said all that, and the only reason I'm saying it is that I want you to take the Coastal Erosion Hazard Line with a little bit of reality check. To the extent it is not perfect by any measure. It's simply a line that doesn't have any relationship to flooding based upon consistency with the contours that are in the area, and I suspect since 1988 that is probably true. Because the existing properties where the house is, is roughly eight-and-a-half to nine, and where the proposed septic is, is ten.

So when you have a line that is showing it to be around seven or eight running up hill, the line does cover the property but it could not conceivably do it in a manner consistent with the contour line.

So having said all that, what we are proposing to do and have done since last hearing is we redesigned the septic system to a galley system, pushed it right back to the backside of the property. And I think on the property, last time I was here I made a statement that said there were no changes in the number of bedrooms, therefore there were no changes in the capacity of the system. That was both true and false. There was an upstairs bedroom. The Health Department would look at this now as a three-bedroom house because the loft has a full bathroom to it. However, having said that, the system designed for the Health Department is for both one to four bedrooms. So the system is designed up to a four-bedroom system. You cannot put in less than that. You have to put in a thousand-gallon tank. You have to put in the equivalent of eight-foot diameter by four foot rings times three. And that's what the galleys represent in terms of volumes of disposal, and that's what the septic tank represents. So it's good for one to four, and it cannot be downsized any less than that. That's Health Department standard regulations.

TRUSTEE SANDERS: What did the Health Department approve?
MR. KIMACK: They have not yet because we have been changing it so much. I filed originally way back, and they asked for variance because of the distance from the high water mark. I have yet to go back to them, because we went from the original system, Charlie, back to the galley system. I wanted to get through this aspect before I went back to them, to know that I had something either approved or moved or changed or have an alternative to it that I don't have now.
TRUSTEE BREDEMEYER: Just to provide a point of clarification, the Suffolk County Health Department does not grant approvals unless the Trustees that have jurisdiction have granted either a waiver, letter of permission or an approval. And we have, even on occasion that we have asked for them to consider applications first, they have been extremely reluctant. I can't remember a case where they went first. So processing it in that fashion --
MR. KIMACK: Once in a while they do slip up. I have gotten a few through without them doing a Trustees. But it's simply a matter of the reality of the administrative process. But you are right, though, they, on the checkoff list on the application they ask if any others permits are required. They generally ask for those to be submitted into the Health Department. So, that's absolutely true.

So what we have here is, what we have done is redesigned into a galley system, moved it to the back of the property as far off to the back side of the dune as possible. Then also to the western side, I should say the eastern side, we cut the decking back from eleven feet to just a walkway on that one side.

If you had an opportunity to look at where those stakes are and I know we missed each other on that one particular day, there were two sets. One was the one showing the front deck going out, which is that deck is cantilevered, it doesn't touch any of the beach grass, anything like that, and the other one which barely goes over the blueberries and bayberries on that side.
TRUSTEE BREDEMEYER: I did make it to the property --
MR. KIMACK: Which now for the most part don't have to be transplanted. So I think we can work without having to touch any of the blueberries or bayberries on that one side. So that whole undisturbed area from the blueberries heading northeast, with the exception of obviously putting in the galleys, would remain as it is.

The house is being sectioned or put into an area that has been and still is disturbed. Either by the house or by the decking or by the walkways. The whole piling system is set in that area, and the decks are all cantilevered so the decks do not touch the ground. So the piling is working within the disturbed area.

Having said all of that, we do want to raise it, and we want to raise it not because of the Coastal Erosion Hazard Line,

which is hard to say, but let's say it's seven or eight or nine foot elevation, it's hard to say in that area in terms of its height. We are raising it because of the VE line, which is 13 feet. And the VE line 13, whether it's 13 in this area, in any other part of town except for coastal hazard line you have allowed and you have allowed houses to be raised on pilings in order to meet FEMA requirements, which is two foot above that particular hazard line. The first floor on this one is 16 foot. And I gave you the map showing that we were at 13. Which generally is about, it runs about five feet above the actual grade that exists right now. That's the line. That's why it's raised and that's why it falls into the purpose on 111-4, we do feel we meet the purpose of A, B and C. I will not read it to you, you can do that. But in terms of the purpose of what 111 is supposed to do in protection of houses, and things like that, we do meet that. And we also, for you to issue a permit, feel we meet A, B and C under 111-9 in order to reasonable and necessary -- to consider reasonable alternative to proposed activity, and said proposed activity requires a shoreline location. It is a shoreline location. And it's not likely to cause a measurable increase in erosion, obviously it will not from the piling situation being raised up. And the last one, prevent and possible minimize adverse effects on natural protective features and their functions and protective values. Existing erosion protection and natural resources. By raising the house on the pilings, by pulling it back in the disturbed area, by not going any more seaward, by not going anymore northeastward, and staying in the area which already had existing human activity on it, we feel that we do meet all A, B and C, which you are required to judge in the affirmative in order to allow a permit to be issued.

And a small thing, we did cut back part of the deck on the other side, on the driveway side, to shore that up a little there to save a little bit, to get it away from the property line on that one side. Are there any questions of me?

TRUSTEE BREDEMEYER: No, not from myself. I just have one point of information, though, this Board or the Town of Southold in adopting the local rendition, if you will, of Chapter 111, we are, particularly this Board which perhaps to grant permits under, does not have the ability to grant permits for construction within the Coastal Erosion Hazard Area when new construction is going to be located within the what is defined as a beach or as a dune, in this case a primary dune. So the arguments surrounding the sufficiency of the line, and I'm not privy to nor was I educated in how they were developed, but the arguments surrounding that would probably best go before the Town Board, which is your first appellate place to put an appeal to because we have sort of a line in the sand and this particular instance where the entire house construction is seaward of that, it's not even a case that we are -- it's some questions have arisen concerning the thickness of the line and how it's mapped.

I don't know if the Board members have any questions.
MR. KIMACK: I appreciate that. Reading 111 was a little discovery process because it was in many respects generalizing, when you apply the language to what you are trying to do is difficult to see the aspect coming into play with it.

I only wanted to point out to you what I found to be irregularities in the coastal line and it's probably cemented in stone somewhere, that line. I'm not quite sure where they placed it then, but obviously we are in it. Except I just want to point out the fact what we are not doing is not relevant to the coastal line as well as the VE line 13, which is the FEMA requirement in order to protect property. And to the extent that we do, are in keeping with those particular provisions of 111, I thought it would be relevant to point it out to you at the time.

We had talked before about you would make your vote under 275, to the extent you can, but what you are saying is since it's primary you don't have the jurisdiction to be the administrator on that aspect of it in 111.
TRUSTEE BREDEMEYER: That we don't have the jurisdiction, I'm not saying that. We have jurisdiction and the Board will render a determination based on the facts, but that would be one additional fact that I believe is appropriate to the policy, otherwise anyone looking at this on appeal would not necessarily have known whether we had done our due diligence and know all the aspects of the application.
MR. KIMACK: I think the applicant has done all they can do, given what they would like to achieve there, to try to do in a responsible way, to pull it back as much as possible and to not put something there that will have any kind of long lasting or major impact to the dune or to the seaward aspect of it.

I would ask, Mike, would you like to say something? You would have to stand up here.

All right. Any questions of me?
TRUSTEE BREDEMEYER: Any Board members have any questions?
(Negative response).
TRUSTEE BREDEMEYER: The Board has extensively discussed this application at the work session both this month and last month and we appreciate the additional information. It didn't really provide anything new or change some of the discussions the Board has had. I think if anyone else wishes to speak to this application, but we could close the hearing. I believe the Board is ready to render a decision in the matter.

Anyone else wish to speak to this matter?
(Negative response).
Hearing no one, I'll make a motion to close the hearing in this matter.
TRUSTEE DOMINO: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: We prepared a fairly lengthy resolution. I would say the first resolution we would like to enter into the

record and we can provide a photocopy for your use either when we go on break or tomorrow. The first resolution would be separate resolution dealing with Chapter 275, I would like Trustee Sanders to read it.

TRUSTEE SANDERS: Resolution pursuant to Wetlands and Shorelines, Chapter 275.

Whereas the proposal of Southold Sunsets LLC seeks to construct a new home on a primary dune and beach as defined by Chapter 275 Wetlands and Shorelines; and whereas the proposal consists of a two-story house in excess of 3,3000 square feet of living space and seeks to replace a one-story residence of 916 square feet; and whereas, flood plain requirements compel any new house construction on this lot to have a first floor elevation at a minimum of 13 feet; and whereas the proposed house with its additional second floor may be higher than the existing home by nearly 18 feet blocking sunshine from the south, it will cause increased shading of the beneficial vegetation of the dune and beach adversely affecting these natural protective features recognized as part of the Long Island Sound Estuary and associated wetlands; and whereas the primary dune will receive insufficient sunlight during the growing season and subsequently may not be able to recover from the impacts associated with severe winter weather and storms frequenting the southern shore of Long Island Sound; and whereas the entire Board of Southold Trustees has inspected homes of similar height in relation to the primary dune wherein portions of the primary dune were shaded for as much as seven hours a day and appear to be distressed; and whereas the additional height associated with the addition of the second story is a self-imposed hardship as opposed to the additional height necessary associated with construction to FEMA standards; and whereas the design of the proposed roof atop the proposed house may unnecessarily increase the height of the proposed house compared to alternate designs; and whereas the proposed attached deck areas if associated with a house limited to a single floor and properly designed, would not measurably negatively impact the primary dune beyond that associated with a single-story home with an alternate lower profile roof; and whereas the applicant avers that the proposed house construction is compelled by a history of flood and storm damage sustained to the existing dwelling which the applicant maintains is not repairable; and whereas the adverse effects associated with a much larger house on the primary dune, a defined wetland, will likely exacerbate the affects from future storms causing damage from erosion, turbidity and siltation; and whereas the beach and dune contains valuable natural vegetation and habitats that may be occupied by rare, threatened and/or endangered plants and wildlife that may be permanently altered or lost; and whereas the primary dune is associated with a secondary dune and swale recognized as a globally rare dunal system; and whereas the proposed construction activities and potential damage to wetlands from

home placement upon and within natural resource features may increase the flood and storm tide damage to this and neighboring properties including a municipal bathing facility; and whereas any destruction of dune and dune vegetation associated with house construction or ongoing negative impacts may weaken the lateral support of lands in the vicinity including public facilities; and whereas the project seeks to develop a much larger house on a parcel that does not directly access the public road proper, but a beach parking lot, thereby raising issues of safety, health and welfare of residents and first-responders with a sworn obligation to protect lives and property even during storm events; and whereas the project will adversely affect the esthetic value of the wetlands and adjacent areas including a public bathing beach; and whereas this proposed greatly enlarged residence immediately contiguous to and looming over a public bathing facility imputes additional beach and foreshore user access conflicts; and whereas a modern sanitary system constructed to current Suffolk County standards does not represent a self-imposed hardship and may reduce the amount of nitrogen leaching into Long Island Sound and newer systems to remove nitrogen may soon be available; the siting of which can be mitigated through a dune restoration planting; Now therefore be it resolved that the Southold Town Trustees deny this application without prejudice and recommend a much smaller single-story design with all associated deck(s) designed to fall within the shadow of a low angle roof with the associated sanitary system affording the highest degree of nitrogen removal possible for a single-family residence.
TRUSTEE BREDEMEYER: Is there a second to that resolution?
TRUSTEE GOLDSMITH: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: Trustee Domino, would you please read the resolution for Chapter 111.
TRUSTEE DOMINO: Resolution pursuant to Coastal Erosion Areas, Chapter 111.

Whereas, pursuant to the provisions of Article 34 of the New York State Environmental Conservation Law, Southold Town enacted Chapter 111 Coastal Erosion Hazard Areas by Local Law 24-1991 acting on behalf of the Authority of New York State; and whereas the Southold Town Board of Trustees has been designated as the Administrator for this law with responsibilities of administering and enforcing this local law on behalf of the Town and State and is under New York State Audit for performance thereto; and whereas Chapter 111 Coastal Erosion Hazard Areas regulates activities within the mapped coastal erosion area based on the location of proposed activities in relation to defined natural resource features, principally; near shore, beach, primary dune, secondary dune and bluff, respectively; and whereas the Southold Town Trustees have reviewed the application of Southold Sunsets LLC for a permit pursuant to the provisions

of Chapter 111, and are personally familiar with the site having performed field inspections on August 12th, 2015, October 14th, 2015, June 15th, 2016; the President of the Trustees again visiting the site on July 13th, 2016, and the Board holding public hearings on August 19th, 2015, and on June 22nd, 2016, and July 20th, 2016; whereas the application of Southold Sunsets LLC has been found to be a Type II action pursuant to the State Environmental Quality Review Act; and whereas the proposed activity of Southold Sunsets LLC has been found to be wholly within the Coastal Erosion Hazard area, having been found to be seaward of the Coastal Erosion Hazard area line during the review of the application and field inspections; and whereas the proposed activity lies within a region best characterized as a low profile vegetated primary dune and beach; and, whereas the proposed activity lies within 100 feet of the unconsolidated earth and open sandy beach of Long Island Sound, therefore qualifying the site as "beach" under Chapter 111; and whereas non-major additions to existing structures are allowed on primary dunes pursuant to a coastal erosion management permit pursuant to 111-13A(5), which may allow expansion less than 25%; and whereas Southold Sunsets LLC has applied to remove and build a new house as opposed to applying for a non-major addition and repairs to the existing house; and whereas the proposed new house construction is not a non-major addition to an existing structure; and, whereas the existing structure is by definition also on a beach pursuant to Chapter 111; and whereas the existing and future home can only access the Southold Town public roads by traversing what is best described as a public beach parking lot of Kenny's Beach, confirming the "beach" location; and whereas all development activities are prohibited on beaches pursuant to 111-12D, unless specifically provided for in Chapter 111; house construction not enumerated as an allowed use, on a "beach" in Chapter 111; and whereas the applicant has requested to replace the existing one-story home in this location due to damage sustained by storm events with a two-story residence; and whereas the floor area of the proposed house is in excess of 3,300 square feet of living space, wherein the existing house is less than 925 square feet; and whereas the existing house has one floor, and the proposed home two; and, whereas the addition of a second story and construction to FEMA flood standards will likely result in home construction in excess of 18 feet higher than the existing house; and whereas the existing primary dune consists of a plant community of American Beach Grass Ammophila breviligulata, Seaside goldenrod Solidago sempervirens, Beach pea Lathyrus maritimus, all known to require full sun as characterized by the USDA plant lists; and whereas this primary dune is linked to a secondary dune and connecting swale which is a globally rare ecological unit; and whereas the siting of the proposed house within the primary dune will result in extensive shading of the primary dune's flora; and whereas the vegetated primary dune is a natural resource

feature protecting the adjacent private and public properties from erosion; and whereas the report of LWRP Coordinator independently corroborates these Board of Trustee findings; and whereas the existing home might result in a 1,145 square foot single story house if granted an approval for an application of a non-major addition; and whereas the proposed two-story home, exclusive of decks, seeks 3,300 square feet of living space; and whereas responsible means and measures to mitigate the potential impacts to the site and adjacent lands are not evidence by this application which seeks to expand livable floor space in excess of 350% of the existing home; this representing in excess of 285% of what might be considered for a non-major addition on a primary dune under the provisions of Chapter 111; and whereas the absence of mitigation may adversely affect public bathing facilities and adjacent private lands whereby the natural protective feature, the primary dune, with known erosion protection attributes, may be damaged during normal construction activities and greatly diminished or destroyed due to insufficient sunlight thereafter; and whereas the loss of any primary dune in this location may unnecessarily put at risk the lateral support of adjacent lands.

Now, therefore be it resolved that the Southold Town Trustees deny without prejudice the application of Southold Sunsets LLC; and be it further resolved that the Southold Town Trustees encourage the applicant to mitigate impacts associated with this project to the maximum extent practicable by reducing house height and lot coverage from house and deck to manageable levels that might otherwise be considered under an application for a "non-major" addition to an existing dwelling, thereby reducing concerns relating to; environmental protection, public safety, protection of adjacent public and private lands from storm damage and coastal erosion, protection of the aesthetic values of the community and appropriateness of the project as a whole.

TRUSTEE BREDEMEYER: Is that your resolution?
TRUSTEE DOMINO: That's my resolution.
TRUSTEE BREDEMEYER: Vote of the Board.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: Thank you.

WETLAND PERMITS:

TRUSTEE SANDERS: Under wetland permits, number one, 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

The LWRP has resolved to find this consistent.

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

Trustees Bredemeyer, Sanders and Domino visited this property May 5th, 2016, and then we did an in-house inspection on July 12th, 2016, with all Trustees present.

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

Does anybody on the Board wish to speak on behalf of this application or this file?
(Negative response).

I make a motion to close this hearing.
TRUSTEE GOLDSMITH: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: I make a motion to approve this application with the addition of a retaining wall seaward of the proposed pool as described in revised plans dated June 21st, 2016, by CME Associates Engineering, and a cross-section plans dated June 21st, 2016, from AR&T Architects. That's my motion.
TRUSTEE GOLDSMITH: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

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

This is a continuation of a previous hearing and a result of, and opened with a result of we had a teleconference and meeting with the Assistant Town Attorney Steve Kiely and attorney for the applicant Martin Finnegan and Mr. Rob Herrmann in teleconference. The previous hearing and discussions that ensued were with a mind to provide the applicant with relief and improvement of the waterfront with a new bulkhead. At the same time the Board had measurable concerns concerning what we were calling a bump-out part of the bulkhead that was out and seemingly into town waters a short distance, and a rather large piece of, solid piece of concrete on town underwater land, and dock structures, some of which, not all of which had prior

Trustee permits.

I think the Board is generally familiar with the application. At a previous hearing there was no one speaking against it. The application per se, the Board had voiced its concerns and the applicant had willingly discussed matters with us at length. And at this point I'll open up the hearing for discussion.

MR. HERRMANN: Rob Herrmann of En-Consultants on behalf of the applicant. As Jay just described this was a hearing that actually was opened back in February and continued in March of this year. And we had been asked to confer with the applicant to see if there would be some way to remediate what was a previously permitted bulkhead protrusion into Jockey Creek, as well as what was an unpermitted construction of what is in effect a concrete filled dock that is ten feet wide and 30 feet long that has been in place since the mid 1970's and prior to the current owner's purchase, but nonetheless was installed without a permit after a permit for a wood dock had been previously issued in the '50's by the Town.

So after some discussions, as Jay just described, we had forwarded by E-mail, and I just handed up to Liz, three hardcopies of a plan that is dated 7/19/16, revised by En-Consultants, that addresses those two issues as follows:

We would propose to reduce the 25 foot lengths of the bulkheads that extend east into Jockey Creek by three feet, reducing them to 22 feet, and then covenanting that entire area as well as an area up to ten feet landward of the primary line of bulkheading as a permanent non-turf buffer. We would remove entirely the 10'x30' concrete filled dock and the associated ramp that leads out to it, and replace it with a typical wood dock assemblage consisting of a 4x25 fixed timber catwalk that would extend seaward off the landward relocated section of bulkhead that would lead to a 3x14 ramp and a 6x20 float such that the entire dock would extend no farther seaward than the existing fill dock that of course would cover much less square footage of the creek. So between the bulkhead retraction and the dock replacement, significant coverage of the Town bottom would be reduced or eliminated completely.

Jay had mentioned, I think it was at one of the prior meetings or perhaps in the teleconference with Steve, about just some concern, even though this is Jockey Creek, that there is a bit of a larger fetch here, a little bit more of a bay-like environment than a creek, and rather than try to build a larger or more substantial dock or a fixed dock, what we have proposed is simply to use two-pile dolphins to secure the float and to provide two two-pile dolphins as tie-offs to the south of the float that would be more than 25 feet, I think almost 30 feet from an extension of the property line, with the hope that that would resolve that concern with the dock.

Now, the inboard side of the float would not sit in a full two-and-a-half feet of water at mean low or low tide. It would

be closer to two feet. Our hope, though, is that given the historic and what is truly a pre-existing nature of this dock relative to the DEC's requirements, that the DEC would nonetheless look kindly upon the proposal to remove the fill dock and replace it with this traditional float, and really with the removal of that concrete fill dock you'll probably get two-and-a-half feet of water at mean low or low tide immediately adjacent to the dock anyway.

But I only mention this for the record, perhaps leaving the possibility open that as we now have to go and amend the permits that have already been issued by the DEC and Army Corps, if the DEC asked us, for example, to shift the dock out five feet farther or something like that, we might have to come back to the Trustees and ask to amend the permit accordingly.

But our goal to keep things as simple and as consistent with the historical conditions as possible, is to limit the extent of the new dock to the same seaward protrusion as the existing dock, as you can see on the plan.

With those changes, I had also provided to Liz a revised project description. Just some housekeeping, the amount, the linear footage of the existing timber bulkhead that would simply be removed and replaced in-place would be reduced to 150 linear feet, because now you've got two three-foot sections that will be permanently removed and you've got a 28-foot section that won't be replaced in-place but will be reconstructed landward.

All those details I have now painstakingly labeled on these revised plans so each one of these detailed components I'm describing are depicted on this plan. And again, I provided a narrative description that goes along with it to Liz. Because with the hope the Board will act on this tonight in our favor, I knew that would probably be the first thing Liz would ask me for. So hopefully I have given you everything you need and we are hoping that the Board will find that this was a win/win for both the Trustees and the applicant.

TRUSTEE SANDERS: Just one clarification. When you started off you said July 19th. Are you sure it was not July 20th? These are July 20th.

TRUSTEE BREDEMEYER: He just faxed them in.

TRUSTEE SANDERS: You said the new plans are July 19th.

MR. HERRMANN: I know why. Because what I'm referencing, Charlie, is the date of my plans is July 19th. This is just the received stamp. I think those are what Liz just stamped in.

TRUSTEE BREDEMEYER: Ordinarily the Board would not take plans this late, but this was the exact part and parcel of the prior teleconferenced discussion with the assistant town attorney, and this is exactly what the Board had requested, so this is a confirming document as opposed to new submission. And the Board did discuss this at our Monday work session. We had enough time to further digest the offer you made previously.

Any Board members have any questions?

(Negative response).

Anyone else wish to speak to this application?
MR. VASTOLA: I do. Ray Vastola, I live immediately next to the property. I was only familiar with the plans as they were originally submitted back in February and then I was not able to attend the meeting with the subsequent discussion, but I did write to the Board just to say at that time, based on those plans, but I have not seen these plans. It looked fine to me except that because at least then, I don't know, Rob, if it's still the case, is the bulkhead that is in front of that boat house going to be -- is that part of this?
MR. HERRMANN: To respond to the Board, to the speaker's comments, Mr. Vastola and I had spoken many months ago and he'll correct me if I'm wrong, but his concern related directly to where the bulkheading to the north would tie into his return and run across the seaward face of the boathouse. We've since gotten off that subject talking about the seaward protrusion of the bulkheaded section of the dock, but, yes, with respect to the rest of the plan there is no other changes that have been made. On the most northerly part of the property, we would still replace those most northerly sections closest to Mr. Vastola's property in place and then continue the new wall, the new section of wall, which is really in effect a really just sort of a low to mid sill wall that runs along the foundation wall of that boathouse, and then would line up with the landward return of Mr. Vastola's bulkhead. And I know he had some concerns originally on just to make sure no damage would occur to his bulkhead. I think he got a chance to speak to the contractor Angelo Stepnoski. But yes, for the record, that is all the same. The only changes that have been made relate to that sort of seaward extension of land that is farther to the south and the middle of the property and the replacement of that large concrete dock with a smaller floating dock.

But as it relates to Mr. Vastola's property, the plan remains unchanged from the plans that were originally submitted to the Board in the beginning of the year.
MR. VASTOLA: So at the time I had written to the Board to ask if it were possible with any permitting that you do, that you hold the owner of the property financially or otherwise responsible if any of the work they do winds up damaging or undermining my bulkheading or my property. Because the discussion I did have with the contractor Angelo, he did mention that this is going to be quite a project, and they use high pressure jets and things that possibly could affect the sand or otherwise. So I was requesting, and that's all fine with me, it's just that if something were to go wrong and affect my property, I would like to be made whole on it.
TRUSTEE BREDEMEYER: Typically -- we don't know who will be the contractor. We administer the permits. Typically, the contractors also hold insurance. Reputable marine contractors are usually quick to restore properties to the condition they found ahead of time while meeting with their permit terms.

The Board does have provisions they can require posting of surety to provision of wetland ordinance. But we can hold a separate discussion on that. But I would think if you approach a reputable marine contractor ahead of time or continue those discussions, you may find that they will to everything to restore the property as you find it. I guess we can have a further discussion with the assistant town attorney. But typically the Board doesn't enter into additional surety and unless we see there is something out of the ordinary our field inspection, and this was a fairly ordinary, even though it involves jetting and digging, this is a fairly ordinary and typical style of navy bulkhead construction that is being envisioned here that most reputable marine contractors would have no trouble in meeting, adequately meeting all of your needs.
MR. VASTOLA: Would that include if through the jetting that somehow undermines the sand underneath the land that I have there on the other side of my bulkhead?
TRUSTEE BREDEMEYER: I can't speak for all contractors but most reputable marine contractors will take the steps necessary to restore if there is movement of sand during the period of construction.
MR. VASTOLA: Okay.
MR. HERRMANN: Again, I believe, I mean, again, we have been through this many times that we anticipate will be the contractor, then it isn't. I'm fairly confident that Greenport Dock will be the contractor here. Again, Angelo is aware of Mr. Vastola's concerns and I would just suggest, again, both my client and Angelo I think would be very receptive to direct communications with Mr. Vastola, just to make sure -- obviously the last thing Angelo or any, as Jay said, reputable contractor would want to do is go out here and somehow damage your property and leave it in disrepair and then just walk off the site with you chasing after him.

So to the extent that I can give you assurances that is --
MR. VASTOLA: I would like to take you up on that. Because my bulkhead is in very good condition and we have done a lot of improvements to the property.
MR. HERRMANN: For whatever reason, Angelo has had a knack for being involved in a few of these other projects we've had with the Board where there has been great concern about adjacent bulkheads and the work ended up getting done really quite carefully and without incident, so --
MR. VASTOLA: Because the bulkhead is --
TRUSTEE SANDERS: You have to speak to us, sir.
TRUSTEE BREDEMEYER: You should address your comments directly to the Board.
MR. VASTOLA: Sorry.
TRUSTEE BREDEMEYER: Anyone who additionally want to speak to this application?
(No response).
A question, Mr. Herrmann, would you like us to permit in the boathouse

at this time, because it didn't show up previously under the permit, it would probably, the Board would restrict its use to no --
MR. HERRMANN: I think it was probably in the landward position pre-existing, if we could include it so that ordinary maintenance and repair could be done, that would be great.
TRUSTEE BREDEMEYER: And likely be limitations to no habitation.
MR. HERRMANN: Right, yes.
TRUSTEE BREDEMEYER: Hearing no further comments, I'll make a motion to close the hearing in this matter.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: I would make a motion to approve this application of En-Consultants on behalf of the Estate of Harriet Gamper, noting that revised plans that have been submitted to this office will address the inconsistency for prior structures without permits, and that the revised project description which we'll incorporate and which conforms to the set of drawings submitted by En-Consultants on July 19th, 2016, are no further seaward of an extent so that they are, if you will, to minor or lesser degree from the original application. And that the project is to include a 14.8 by 35.4 foot boathouse situated adjacent to the bulkhead, with a stipulation that there be no habitation in the boathouse. And that specifically a final compliance to make sure, to assure that the tie-in between the bulkhead and the neighbor to the north, Mr. Vastola, final compliance inspection will be made to ascertain that the lands and property of Mr. Vastola are fully restored to the condition beforehand, be put in a special condition for the compliance inspection. And that our permit would be subject, of course, to the concurrent approval of the Army Corps and the DEC amendments, that you'll have to seek with them. That's my motion.
TRUSTEE KRUPSKI: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: Thank you, very much.
MR. HERRMANN: Thank you.

TRUSTEE DOMINO: Number three, 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 coordinator found this to be consistent.

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

The Trustees most recently did a field inspection on June 15th, and noted that there is a dominant and servient properties

here, and questioned whether the right-of-way could convey a right to a dock.

Is there anyone here to speak to this application?
(Negative response).
TRUSTEE BREDEMEYER: I had communicated briefly with the expediter on this and for whatever reason we have not had an opportunity to talk again to explain that this is problematic with respect to our code requirements of 15-foot set off property lines and the abilities to navigate to this. It is our understanding, Liz took a look at this, Elizabeth Cantrell, our clerk, as well as Assistant Town Attorney Steve Kiely did review the right-of-way and it appears, and also with the communication from the attorney for the applicant, that there is a single property with rights to this access. But since we have a nonconformity with our code, my thoughts were, and I think we mentioned it during the course of our field inspection and our work sessions, that we should encourage an alternate structure. So maybe we should table this and reconnect with the permit expediter and meet in the field and possibly discuss an onshore/offshore stake/pulley system with a reduced-size catwalk that might simply go out to the level of a foot or so to provides safe access to a boat or a pulley system.
TRUSTEE DOMINO: Relevant to Trustee Bredemeyer's conversation, I make a motion to table this application.
TRUSTEE BREDEMEYER: Motion has been made.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number four, Michael Kimack on behalf of **NEIL STRONSKI & PATTI PEREZ** request a Wetland Permit for the as-built raised 15.2'x37' wood deck attached to dwelling; as-built 11'x18' wood deck at bulkhead; as-built 12.5'x13.5' storage area in retaining wall and under wood deck; remove existing wood steps and landing off northeast corner of deck at house; remove the highest level wood deck (located at bottom of staircase), and convert to a planting area; remove elevated square wood structure off bottom of main staircase, fill area with dirt and stabilize slope by terracing and plating with beach grass; remove an approximately 115' long wood retaining wall at top of bank and continuing around south side of house; remove approximately 55' of wood retaining wall down slope from top of bank; existing wood deck over storage area to be rebuilt and reduced in size to 14'x14'; construct two new 30sq.ft. platforms with stairs, and add two new steps to bottom of the existing main staircase; reduce existing landing size and add two new steps to wide staircase leading to existing 11'x18' lower deck at bulkhead; construct a new +/-185' long wood retaining wall down slope from two wood retaining walls which are to be removed, match top of wall to grade elevation at wood retaining wall at top of bank and backfill to grade with approximately 15'

of the new retaining wall near southerly property line to be a two-step wall due to height increase; construct a 4'x8' pergola; construct two (2) at-grade level blue stone patios, one at 110sq.ft. And one at 234sq.ft.; construct interconnecting bluestone walkways at 3' in width and 68' in length; repair or rebuild existing wood retaining walls that are to remain as needed. Located: 7125 Nassau Point Road, Cutchogue. SCTM# 1000-111-15-11

The LWRP found this to be inconsistent. The inconsistencies were the accessory structures do not functionally require a location on the coast and is not water dependent. The action is located in the VE flood zone. VE zones are defined as areas with special flood hazards associated with high velocity waters generated by tidal surges and hurricane wave wash. Accessory structures located within these areas have the potential to suffer high rate of loss and pose hazards to life and property during storm surge events. And a wetlands permit was not issued for the structures.

The CAC resolved to support this application.

The Trustees did a field inspection on July 12th and we noted that it was very complex deck and stair system, with multiple retaining walls.

Is there anyone here who wishes to comment on this application?
MR. KIMACK: Yes, Michael Kimack on behalf of the applicant. And the applicant is present in evening. I don't think we need to read down all of the things that are in the application. I would point out -- call me Ishmael, and we'll go from there.

I would want to point out one thing from the LWRP. You indicated that the property was in the VE line, and we presented a map to you to indicate the VE line does not touch the first retaining wall. It goes over that lower deck but doesn't come up to the first retaining wall. Everything else is landward of the VE line. So I think that was done primarily because when they looked at the map it was easy to define that as perhaps going more landward than it actually ended up to be. So as I pointed out when we were on the site visit, that the VE line stops short of that first retaining wall, and that during Sandy, although the stairs were lost, that lower deck was not lost, it was not damaged at all. And there was no damage sustained as far as Sandy was concerned.
TRUSTEE BREDEMEYER: How large was the lower deck?
MR. KIMACK: Okay. So the lower deck is the only thing within the VE zone, but the Board has a history of decks less than 200-square feet. You are well aware that. Really what we are dealing with, as a paraphrase, it will be a removal, restructure, rebuilding and addition to this whole thing.

Jay Tanski had visited the site, he had written a memo, which I know is in your file. His concern was the stabilization of the slope and that he was concerned about any removal actually of anything be done in a fashion by which stabilization was secured. I have the contractor onsite when we did it with

Jay and indicated the method by which the retaining walls, the two upper retaining walls, would be removed and new retaining wall put in, and how we were basically addressing taking away that turret-type structure, and Jay indicated, I know you'll see in his letter, once you take that turret-type structure away, there would be a requirement of some terracing. Charlie, you pointed it out, too. We were aware of that. And that retaining wall, once the turret is gone, part of that turret may well be supporting that lower deck structure area over there. Until we take it away we won't be able to see that. We may have to restructure that and terrace that whole slope down there.

But it is a complex series of retaining walls, most of which are in relatively good condition. The lower is and the one up from there as indicated is leaning in one area. Jay thought originally it was caused by the root structure of that one tree. He recommended it be removed. Of course your recommendation is don't touch it. So obviously, what we can do, obviously, the two trees will remain. It was not part of the application. And we would be able to, we know we would be able to re-strengthen that one that is slightly leaning around the root system of the trees and make sure the tree is re-fertilized and healthy going forward. And anything on the upper one and lower southern tree there, the retaining wall structure we built around it so the root system would not be damaged and both trees would be retained.

Beyond the top of the bank moving forward is a series of very small pergola, 4x8, and some in-ground patio, central like that, to re-connect everything going forward.

I'm not quite sure that I can add much more to that. I know I did an extensive encapsulation of what was being as built what is being removed, what is being added on to and the method by which in a general conclusion that wherever we feel a necessity with the retaining walls that are existing, we would get into them and repair them and re-strengthen them as necessary. That's it.

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

TRUSTEE BREDEMEYER: Just a question. Do you envision re-decking or refurbishing the lower neck?

MR. KIMACK: No, it's in good condition. It's fine. Somehow it was flat enough, and the VE line at that point, I think lost a lot of its velocity. It only came over the deck about eight or nine feet landward.

TRUSTEE BREDEMEYER: The only reason, I had heard it suggested when we were talking about coastal erosion projects along Rabbit Lane in East Marion, one of the persons that had to rebuild there was suggesting in high velocity zones there are now stainless steel ticos you could use with all stainless --

MR. KIMACK: Almost like a house.

TRUSTEE BREDEMEYER: Yes, in other words the problem is most of the decks that failed and ended up going through people's living rooms and houses on Rabbit Lane were because galvanized materials failed before the decking itself failed.

MR. KIMACK: That particular deck sustained a storm in the shape it was in.
TRUSTEE BREDEMEYER: It looked in good shape. So it's probably not an issue. I was just going to add as a suggestion if it were to be rebuilt, it looked in good shape from the surface
MR. KIMACK: If at any time in the future you could put a stipulation if at any time of the future we can do a tico-type construction. But it's in good shape, it has been in good shape for a while, it wasn't damaged by the storm, so it will probably go a long ways.
TRUSTEE DOMINO: Mr. Kimack, I would point out, it's my understanding the property to the north is owned by a relative.
MR. KIMACK: Correct.
TRUSTEE DOMINO: Where there appeared to be a blowout, you can see it on the screen.
MR. KIMACK: There is, as a matter of fact, yes, a little area for some reason in that one corner, which would be the southeast corner of that property, primarily, there is a little area that sand had been taken out behind the bulkhead.
MR. STRONSKI: The house to the north is owned by my father-in-law. In Sandy they lost their bulkhead and the bulkhead to the north of that. When those were rebuilt, those were rebuilt and the person who contracted to fill it in, didn't fill it all completely right there in that little corner. So there was nothing that caused sort of the undermining sand to come out, it was just never filled in. Our plan would be to fill that in as part of this project when we are down there.
TRUSTEE DOMINO: Thank you. Because we did not see a reason why it would be blown out.
MR. KIMACK: There was nothing evident that would indicate why the blowout would have occurred.
TRUSTEE GOLDSMITH: Hearing no further comments, I make a motion to close this hearing.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: Motion made and second. All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: I make a motion to approve this application, noting that the accessory structure, that bottom deck, is less than 200 feet, which will address the LWRP inconsistencies.
TRUSTEE BREDEMEYER: Motion has been made. Is there a second.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
MR. KIMACK: Thank you, very much.

TRUSTEE KRUPSKI: Number five, Michael Kimack on behalf of **CATHY & ANTHONY IASELLO** requests a Wetland Permit to demolish rear deck attached to existing one-story 1,076.42 dwelling; add 3' of concrete block to existing foundation in order to raise the dwelling to a first floor elevation of 9'; construct 376.55sq.ft. of new foundation for an addition along easterly

side of dwelling, and 57.40sq.ft. of new front foundation for an addition on the front northeasterly side for a total one-story dwelling footprint of 1,510.37; construct a new 68.70 entry deck on north side; construct new 544.69 waterside deck attached to dwelling; and construct three (3) new rain gardens for storm-water runoff.
Located: 4295 Camp Mineola Road, Mattituck. SCTM# 1000-123-5-24.1

The LWRP coordinator found this to be consistent, also providing that the construction meets flood plain regulations.

And the CAC supports this, however they questioned the rain gardens, that they be adequate to handled roof runoff.

The Trustees went out on July 12th, and one thing we had noted was we had discussed a non-turf buffer in the field.

Is there anyone here that wishes to speak to this application?
MR. KIMACK: Michael Kimack on behalf of the applicant. Yes, we did, as far as the rain gardens are concerned, that calculation was done by the architect, which would have to be submitted to the storm water management engineer who would make the calculation whether they are sufficient there, given the volume that may be coming off. So that still has to go through that process. So the size and capacity may or may not be altered based upon what the findings are of those.
And as far as the, I think you looked at the property to the west, primarily, and you had judged that to be roughly a 15 foot non-turf buffer, and you would like this particular applicant to maintain equal amount, an equal distance from the bulkhead of 15 foot, of which we observed ten to 12 feet was already sand. So this is not a big inconvenience, as we may suggest.
TRUSTEE KRUPSKI: Is there anyone else here who wishes to speak regarding this application?
(No response).
Any Board member, any questions, comments, concerns?
(Negative response).
Okay, that being said, I 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 KRUPSKI: I make a motion to approve this application.
TRUSTEE GOLDSMITH: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
MR. MCGREEVEY: Just a question for information purposes. How is that resolved? This is something new with the rain gardens, and does it have any effect on the final approval plans of the Trustees?
TRUSTEE BREDEMEYER: Currently, the process we have is a wetland permit is granted, then an applicant is entitled to get a building permit. And final approval under building permit they have to secure a 236 approval. The way we are currently processing it, it's working well in about 95% of the cases. If the Board envisions that there will be a problem, we will take some out of sequence and compel the 236 runoff, the storm water

plan ahead of time, because some heavily constrained lots, as evidenced by the amount of beach sand here, probably almost any size rain garden would work because it will be contiguous to a huge amount of beach sand. Unless the landform has solid clay immediately below it. So that's not an issue. But we have reason to believe based on the physical geography of the site, we had one, in particular this lot in Orient at the corner of Harbor Road and King Street will require extensive excavation and construction of storm water retention facilities above and beyond what is ordinary. So in that case we sent that over to the town engineering department so Jamie Richter and Michael Collins can look at it ahead of time. So if there are concerns we'll try to pick them up in the field for that three to 5% that looks like we are going to have issues with, we don't want a permit we don't have, first of all we don't want an applicant to misidentify they don't have storm water, they do have storm water, and have to get a building permit in error. So it's working well. And we don't, we found only in maybe a very minor one or two cases where we felt we should have processed it differently. But we are starting to get a sense of that. Otherwise, most of these projects on lots where lot coverage is not an issue or they are not entirely wetlands, in almost all instances an applicant can meet 236 keeping the drywell structures or rain gardens or French drains a sufficient distance from the sanitary and swimming pool wash drywells. It's usually not a problem of location or, you know, constraints on property. It's simply a matter of designing it in. If that makes sense.

MR. MCGREEVEY: One of my concerns was outside of information while you are approving the application will that set a precedent for these.

TRUSTEE BREDEMEYER: Rain gardens are considered, roof top gardens and other similar gardens, are actually considered a new and better way to handle runoff because it allows for more pre-treatment, the natural amount of nitrogen and rainfall can actually be assimilated. It will also remove air pollutants and other particulates, and typically the rain garden instead of simply straight shooting rain water, which can contain a couple parts per million nitrogen and phosphates straight into a drywell going into the ground water, it actually is providing a little bit of a benefit. And the Town Engineer, Michael Collins, already designed a rain garden which has got beach plums in the small pocket park across from the Mattituck ball field down on Legion Avenue, he already designed one that I think we even got Suffolk County grant funding help build. The design is not difficult. I have one at my mom's place that I put in. Suffolk County, the Peconic Estuary Program will give you $500 reimbursement for plants to make a rain garden. So if the CAC members or people are interested, you can get reimbursement to make a rain garden.

MR. MCGREEVEY: So the town engineer is involved.

TRUSTEE BREDEMEYER: He is intimately familiar with the proper

construction of rain gardens.
MR. MCGREEVEY: It's not arbitrary.
TRUSTEE BREDEMEYER: No.
TRUSTEE KRUPSKI: And the plans submitted for the application were pretty descriptive for the rain gardens.

TRUSTEE DOMINO: Number six, Suffolk Environmental Consulting on behalf of **ROBERT & FLORENCE TAYLOR** requests a Wetland Permit to demolish the existing cottage with attached deck; construct a 1,178sq.ft. footprint two-story dwelling with an 8'x18' attached deck and a variable 12'x30' attached porch; abandon existing sanitary system and install a new compliant sanitary system with surrounding 208 linear foot low-profile retaining wall; connect to public water; and install gutters to leaders to drywells in accordance to Chapter 236 of the Town Code-Storm Water Management. Location: 1010 Dean Drive, Cutchogue. SCTM# 1000-116-5-11

The LWRP coordinator found this to be consistent.

The CAC voted unanimously to support this application.

The Trustees did a field inspection on the 12th and found this application to be straightforward. Is there anyone here to speak to this application?
MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting, Inc. So that you know, the project before you has been approved by New York State DEC. We have that permit. We have secured every requirement of the Suffolk County Department of Health Services. We are simply awaiting your permit to close out that file. You should also know that the proposed project before you was subject of a zoning proceeding. You should know that all the neighbors, adjacent neighbors were contacted in that proceeding as well as in yours. I can provide you with letters of support from each and every adjacent property owner in the neighborhood. I'm really here to answer and questions. I don't think there is any need to go into it in greater detail. We tried to give a very explicit project description.

But it's important to note this is a major upgrade to the site. So you are talking about eliminating an old block cesspool installed into ground water. We are talking about now providing for a compliant septic system. We are talking about runoff controls don't exist today. There are no coverage issues, there are no longer any setback issues to zoning issues that are related to construction in proximity to side lot lines. It has been designed to lineup with the other houses on the property in the neighborhood, so all these houses kind of line up.

It is similar to an application we brought before this board a couple years ago named McKalian (sic) which featured some of the similar type of improvements and was approved by this board. Having said all that I'm here to answer any questions you may have. The owner is also here.
TRUSTEE DOMINO: Any questions or comments from the Board? (Negative response).

Anyone else wish to speak to this application?
(Negative response).
Hearing no further comments, I make a motion to close this hearing.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE DOMINO: I'll make a motion to approve this application.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: Thank you.
TRUSTEE BREDEMEYER: Motion to adjourn.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

Respectfully submitted by,

John M. Bredemeyer III, President
Board of Trustees