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, September 21, 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
Damon Hagan, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Tuesday, October 11, 2016 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, October 19, 2016 at 5:30 PM
WORK SESSIONS: Monday, October 17, 2016 at 4:30 PM at Downs Farm, and on Wednesday, October 19, 2016 at 5:00 PM at the Main Meeting Hall

MINUTES: Approve Minutes of August 17, 2016.

TRUSTEE BREDEMEYER: Good evening, and welcome to the Wednesday, September 21st, 2016, regular monthly meeting of the Trustees. Before I get into the active meeting agenda I would just like to bring your attention to the fact that there are a number of postponements in tonight's agenda, largely because we had insufficient information to move forward on applications or the applicants had withdrawn them for one reason or the other.

The postponements can be found on page four, item number two, Michael Kimack on behalf of **SOUNDFRONT HOLDINGS, LLC** request an Amendment to Wetland Permit #8047 and Coastal Erosion Permit #8047C for the existing collapsed steel bulkhead behind concrete seawall and existing damaged concrete seawall to remain; remove the collapsed bluff stairs and steel sheet piling retaining wall from face of bluff; the originally proposed

bulkhead with 10' and 20' returns, proposed 47' vinyl retaining wall with 9' and 10' returns, and proposed timber terracing walls on face of bluff were not constructed; for the as-built stabilizing of the concrete bulkhead by placing approximately 1,000 tons of large stones in between the steel bulkhead and concrete bulkhead and top off with 4-6+ stones; as-built gabion return wall along the westerly adjoining property line; cut collapsed steel bulkhead down below finish grade; as-built six tiered retaining wall system, completely integrated, to stabilize slope and protect westerly property line; redesigned bluff stairs to attach to retaining walls; bluff stairs were constructed 4' wide and 45.2' long in lieu of 50' with a 23sq.ft. top landing and a 24.5sq.ft. bottom landing; replaced collapsed brick patio with as-built 176sq.ft. natural irregular shaped bluestone patio between dwelling and top retaining wall; as-built 73sq.ft. lower tier bluestone patio; as-built wire fencing along top retaining wall; added fill to terraced areas; a ±450sq.ft. sandy beach area landward of stone bulkhead; re-vegetated void areas with American beach grass and rosa rugosa. Located: 20275 Soundview Avenue, Southold. SCTM# 1000-51-4-8, has been postponed.

On page eight, number 14, Land Use Ecological Services, Inc. on behalf of **DANA & MICHAEL SAVINO** request a Wetland Permit for the existing +/-104 linear foot long bulkhead to be removed and replaced or cut down in-place to become a low-sill bulkhead; install +/-96 linear feet of new vinyl bulkhead 5' landward of proposed low-sill bulkhead; remove +/-60 cubic yards of fill between the two bulkheads to create +/-475sq.ft. of tidal wetland area and vegetate with Spartina alterniflora; the 5' wide deck area between the proposed low-sill bulkhead and proposed vinyl bulkhead to be converted to open-grate decking with the existing seaward bulkhead pilings to be utilized to support the seaward edge of proposed open-grate decking area with the low-sill bulkhead under it. Located: 1945 Bayview Avenue, Mattituck. SCTM# 1000-106-6-37, has been postponed.

And on page nine, 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, has been postponed.

Patricia C. Moore, Esq. on behalf of **MICHAEL JOEL COLODNER**

& SARA WINSOR COLODNER requests a Wetland Permit for the existing two-story dwelling with attached garage, existing storage building and outdoor shower along rear of dwelling; demolish existing stone patio and construct a 25'x30' upper patio with outdoor grill and counter top; construct a lower 1,244sq.ft. patio around proposed 16'x36' in-ground swimming pool; install a pool drywell; install an 8'x8' hot tub; install pool enclosure fencing, and the installation of hay bales and/or silt fencing to be installed prior to and during construction. Located: 130 Willis Creek Drive, Mattituck. SCTM#1000-115-17-17.8, has been postponed.

And Patricia C. Moore, Esq. on behalf of **DOUGLAS A. GEROWSKI, MICHELLE GEROWSKI & DOUGLAS J. GEROWSKI** request a Wetland Permit to install a 16'x32' swimming pool with patio approximately 48" above grade for a combined 1,766sq.ft. total footprint. Located: 2570 Clearview Avenue, Southold. SCTM# 1000-70-10-29.2. So those have all been postponed.

At this time I'll make a motion to hold the next field inspection for Tuesday, October 11th, at 8:00 AM.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to hold the next Trustee meeting Wednesday, October 19th, 2016, at 5:30 PM, in the main meeting hall here, and with work sessions Monday, October 17th, 2016, at 4:30 PM at Downs Farms, and again on Wednesday night before the regular meeting on October 19th, at 5:00 PM in the main meeting hall. That is my motion. Is there a second?
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: Move to approve the Minutes of August 17th, 2016. Is there a second?
TRUSTEE GOLDSMITH: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for August 2016. A check for $7,250.24 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, September 21, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:
For The Love of Family LLC, c/o Anthony Lomangino SCTM# 1000-104-3-16.1
Victor & Mary Zupa SCTM# 1000-81-1-13.1
David Schwartz SCTM# 1000-90-4-5.1
Peter & Diana O'Neill SCTM# 1000-118-1-1.3
Frank & Mindy Martorana SCTM# 1000-115-17-10.1
Samuel Singer SCTM# 1000-75-6-6.1
The Susan T.H. Kwit Revocable Trust, c/o Susan Kwit, Trustee SCTM# 000-117-5-48.1
Constantine & Pamela Stamidis SCTM# 1000-52-5-13
Douglas A. Gerowski, Michelle Gerowski & Douglas J. Gerowski SCTM# 1000-70-10-29.2
Michael Joel Colodner & Sara Winsor Colodner SCTM# 1000-15-17-17.8
Neil McGoldrick SCTM# 1000-116-4-16.4
Gloria A. Schollard Inter Vivos Credit Shelter Trust SCTM# 1000-123-10-3
Soundfront Holdings, LLC SCTM# 1000-51-4-8
Salvatore Pennisi SCTM# 1000-70-5-40

TRUSTEE BREDEMEYER: Under Item III, the State Environmental Quality Reviews I'll move to vote these through as a block, excepting item, Samuel Singer, Suffolk County Tax Map 1000-75-6-6.1, since this is more properly called an unlisted action under the State Environment Quality Review Act, and we have not concluded our environmental quality review of this matter.

Accordingly, with that one item pulled from the agenda, I would move that we would approve as a block and resolve that all the items so listed under Item III, under the State Environmental Quality Review Act, that these actions more fully described in Section VII of the public hearings are classified as Type II actions pursuant to SEQRA and are not subject to further review under SEQRA. That is my motion.
TRUSTEE DOMINO: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE BREDEMEYER: In order to effectively run the meeting, we have a number of administrative actions for which the Board has received requests for minor actions or to transfer permits or to modify permits, and the Board usually will vote these as a group where we've performed an inspection as a group of the item requested. And these items are not subject to a public hearing.

Accordingly, under Item IV, on the agenda, Resolutions and Administrative Permits, I would move that we approve items two through five as a group. They are listed as follows:

Number two, Chris Mauceri on behalf of **RUSSELL BATES** requests an Administrative Permit to construct a 5'x16' (80sq.ft.) Storage shed. Located: 15 East Mill Road, Mattituck. SCTM# 1000-106-4-2

Number three, JMO Environmental Consulting on behalf of **FISHERS ISLAND DEVELOPMENT CORP., c/o FISHERS ISLAND CLUB**

requests an Administrative Permit to demolish a portion of the existing clubhouse, construct additions to the remaining portion of the club house, and make renovations to the remaining portion of the club house; install a new sanitary system; re-grade and install a new parking area. Located: 20449 East Main Road, Fishers Island. SCTM# 1000-4-6-9

Number four, Michael Kimack on behalf of **GIOIA TURITTO & NABIL EL-SHERIF** 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 along the entire seaside area of Lot 61.1, and along the south-westerly side of the dock on Lot 62.1. Located: 1800 Park Way and 40 Beachwood Lane, Southold. SCTM# 1000-70-10-61.1 & 62.1

And number five, Creative Environmental Design on behalf of **THOMAS FRENZ** requests an Administrative Permit to install an approximately 875sq.ft. pervious outdoor patio with a fire pit on-grade. Located: 1260 Broadwaters Road, Cutchogue. SCTM# 1000-104-9-4.2

That's my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Item one, Trustee Sanders will deal with some concerns that the Trustees had.

TRUSTEE SANDERS: Item one, En-Consultants on behalf of **DECLAN & LAURA MEAGHER** request an Administrative Permit to remove and replace in-place approximately 100 linear feet of timber bulkhead and ±12' timber return with vinyl bulkhead and return; and backfill with approximately 25 cubic yards of clean sand fill to be trucked in from an approved upland source. Located: 750 Blue Marlin Drive, Southold. SCTM# 1000-57-1-29

This particular application, we, on 9/13/16, went out and inspected it. All Trustees were present. And the primary notes state that we were looking for a 15-foot non-turf buffer.

TRUSTEE BREDEMEYER: So we had done the field inspection and felt that a 15-foot non-turf buffer was appropriate.

TRUSTEE SANDERS: So basically we want to approve it matching what we were talking about.

TRUSTEE BREDEMEYER: I don't think anyone has an objection with that. I think that was the findings from the field inspection. So that would be a modification. We felt that the neighbor has 15 feet, so.

TRUSTEE SANDERS: It has 15. The neighbor you said has 15. But this is actually proposed for ten.

TRUSTEE KRUPSKI: At the neighbor or this particular property?

TRUSTEE SANDERS: At this particular property. Are you okay with ten feet?

TRUSTEE KRUPSKI: I'm okay with ten.

TRUSTEE GOLDSMITH: I'm fine with ten.

TRUSTEE BREDEMEYER: I would rather try to match neighbors where we can. Mike, what do you feel about that? It's open for discussion. This particular job, the neighbors have a 15-foot buffer. We are trying to match it.
TRUSTEE KRUPSKI: If you feel strongly about it, I won't argue that point.
TRUSTEE BREDEMEYER: Why don't you move it at 15.
TRUSTEE SANDERS: So I move we accept this application with a modification for a 15-foot non-turf buffer, thereby matching the neighbor.
TRUSTEE BREDEMEYER: Motion made. Is there a second?
TRUSTEE KRUPSKI: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE. AMENDMENTS:

TRUSTEE BREDEMEYER: With respect to Item V on the agenda, similarly, we have requests for permit extensions and transfers of permits. To expedite the meeting, these items were all reviewed at work session or on field inspection. I would move that we approve items one through four, item six and item eight. They are listed as follows:

Number one, **WILLIAM GIACONE & CINCY NANCE** requests the Last One-Year Extension to Wetland Permit # 8331, as issued on November 13, 2013. Located: 1130 Little Peconic Bay Road, Cutchogue. SCTM# 1000-111-14-17

Number two, **HIRSCH & CO., LLC, c/o VINCENT SEDDIO** requests a Transfer of Wetland Permit #8664 from Richard Trownsell, David Trownsell & Karen Feuerman to Hirsch & Co., LLC, c/o Vincent Seddio, as issued on August 19, 2015. Located: 980 Oak Avenue, Southold. SCTM# 1000-77-1-6

Number three, J.M.O. Environmental Consulting on behalf of **DAVID AIR** requests a Transfer of Wetland Permit #7015 from Donald Iadanza to David Air, as issued on December 10, 2008. Located: 855 Sound View Road, Orient. SCTM# 1000-15-3-11.1

Number four, J.M.O. Environmental Consulting on behalf of **DAVID AIR** requests a Transfer of Wetland Permit #4815 and Coastal Erosion Management Permit #15-3-11.1 from Donald & Harriet Iadanza to David Air, as issued on October 30, 1997. Located: 855 Sound View Road, Orient. SCTM# 1000-15-3-11.1

Number six, **ROBERT SERLING** requests an Administrative Amendment to Wetland Permit #8748 to demolish and remove the remains of the fire damaged dwelling and foundation; and to install and maintain security fencing around the fire damaged area. Located: 3575 Wells Road, Peconic. SCTM# 1000-86-2-10

And number eight, Katie Sepenoski on behalf of **C&L REALTY, INC.** requests an Administrative Amendment to Wetland Permit #8662 to construct decking in lieu of the concrete ramp and walkway; and that the ±5' deck will not be constructed. Located: 61600 Route 25, Southold. SCTM# 1000-56-6-3.4

That's my motion.
TRUSTEE DOMINO: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Item seven is **ROBERT J. MUSCO** requests an Administrative Amendment to Wetland Permit #8501 to construct a wood deck in lieu of the masonry patio. Located: 497 Ripple Water Lane, Southold. SCTM# 1000-76-1-15.3

Gentleman, if you recall, this was a job where the applicant had previously had a violation and now wished to convert to wood patio in lieu of masonry, which we thought was beneficial, and wanted to have a minor cantilevering which I think we felt on field inspection was not particularly problematic. But the applicant, we had heard that the applicant was reluctant to put the fence in, which was a delimiter, to protect the wetland that had been previously violated.

So I think the general sense for our discussions at the Work session were we would want to keep the fence, we want to reemphasize the requirement for planting the trees that were previously in the permit that had not gone in yet, and we wanted the planting restoration to take place between the fence and the tree line, leaving the understory and the area beneath the trees, which is naturally vegetated, in a natural state.

So I think that covered all the items, and I'll move it as a resolution. Any questions?
TRUSTEE SANDERS: The only thing that we were going to talk about was the fence could be at a lower level.
TRUSTEE BREDEMEYER: Good point. All right. Accordingly, based on our discussions, I think everyone is on the same page with this. I would move to approve this request of Robert J. Musco for administrative amendment with stipulations. The first stipulation is that the fence heretofore on the Trustee permit must be constructed, but it may be a low profile so that it would fit under the proposed cantilevered wooden deck.

That there be no, second stipulation, that there be no new re-vegetation or alteration of the vegetation waterward of the treeline in the understory of the vegetation which is naturally sprouting.

Number three, that the restoration planting is to consist of two-and-a-half to three-inch oak trees, three trees, that are to be planted, at a minimum, that are to be planted in the area that is between the fence and the line of trees where there is to be no further planting seaward of that. That's two-and-a-half inch to three-inch caliper trees. So that's understood. That's my motion.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

VI. RESOLUTIONS WATERFOWL/DUCK BLIND PERMITS:

TRUSTEE BREDEMEYER: The next item we have is Item VI is an application for a duck blind permit in Broadwaters Cove in a place where one previously had existed without any problems or complaints.

This is the application of **BRANDON LAKE** requests a Waterfowl/Duck Blind Permit to place a Waterfowl/Duck Blind in Broadwaters Cove using both private and public access. Located: Broadwaters Cove, Cutchogue.

I move to approve the application as submitted based on our inspection and history of harvesting waterfowl at this location.
TRUSTEE KRUPSKI: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: At this time make a motion to go off our regular meeting agenda on to our public hearings under the Wetlands code. That's my motion.
TRUSTEE KRUPSKI: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

VII. PUBLIC HEARINGS:
AMENDMENTS:

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

The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that the structure built does not comply with the Wetland Permit 8317 that was issued.

The CAC resolved to support this application.

The most recent Trustee inspection was done on September 2nd, where myself and President of the Board of Trustees John Bredemeyer met with the contractor and the expediter Jeff Patanjo, to discuss cutting the groin/low sill bulkhead to an appropriate height. And we used a waler on the existing 96' bulkhead as a reference point to determine the elevation above mean low water that we desire, in order to make the structure an actual low sill bulkhead.

Is there anyone here to speak to this application?
MR. PATANJO: Jeff Patanjo on behalf of the applicant. If you have any questions, I would be happy to answer them.
TRUSTEE DOMINO: Any questions from the Board?
(No response).
TRUSTEE DOMINO: Anyone else wish to speak to this application?
(No response).
TRUSTEE DOMINO: Hearing no comments, I'll make a motion to close this hearing.
TRUSTEE BREDEMEYER: Motion is made. Is there a second?
TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE DOMINO: I make a motion to approve this application with the condition that, noting that by lowering this groin/low sill bulkhead to 18 inches above mean low water it would bring the application into compliance. That's my motion.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: Motion made and second. Just a discussion on the second. It will also bring it into compliance with the prior Trustee permit and also bring it into consistency with the LWRP, for purposes of the LWRP. If you have no objection.
TRUSTEE DOMINO: No objection.
TRUSTEE BREDEMEYER: Motion has been made, seconded and amended. All in favor?
(ALL AYES).

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE BREDEMEYER: The next item under Wetland & Coastal Erosion Permits, number one, Docko, Inc. on behalf of **HARRINGTON FAMILY LIMITED PARTNERSHIP, c/o DAVID HARRINGTON** requests a Wetland Permit and a Coastal Erosion Permit to reconstruct remains of dock structure with a 5 foot wide by +/-138 linear foot long fixed wood pile and timber pier with open grate decking including four batter braced tie-off piles and ladders waterward of the apparent high water line; relocate 4' wide stairs to beach to be off of new 5'x4' fixed landing; and reconstruct an existing 3.5' wide by 34' linear foot long wood access ramp landward of the apparent high water line. Located: Private Road on Clay Point Road, Fishers Island.
SCTM# 1000-2-1-12.2

This application had previously had a public hearing and was considered with respect to the Wetland permit for which it met the requirements, but the proposed structure was determined to be inconsistent with the requirements of the Coastal Erosion Hazard Area Act because it exceeded the 200-square feet requirement for open constructed structures in the open erosion hazard area.

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

The project expediter Docko, Inc., Keith Neilson, had approached the Board last month during the public hearings. At that time it was uncertain with respect to how to conclude this matter, and it was deemed that it was appropriate that the Board would have to deny this because it not meeting the Coastal Erosion requirements for exceeding the 200-square feet. It will have to go on appeal to the Coastal Erosion Hazard Area Review Board, which is the Town Board.

Are there any additional questions or concerns from the Board?

(Negative response).
Accordingly, I'll make a motion to close this hearing.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: I would move to deny without prejudice the application of Docko on behalf of Harrington Family Limited Partnership, care of David Harrington, noting the Board had no objection to the construction with respect to the environmental review under Town Wetland permit, but the Board is precluded from approving the structure by virtue of the code limitation of 200-square feet in the Coastal Erosion Hazard Act. And the application -- otherwise the Board had no objection to, as to receive consideration by the Town Board as the Coastal Erosion Hazard Area Board of Review. That's my motion.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

WETLAND PERMITS:

TRUSTEE SANDERS: Number one, under Wetland Permits, Jeffrey Patanjo on behalf of **FOR THE LOVE OF FAMILY LLC, c/o ANTHONY LOMANGINO** requests a Wetland Permit for a Ten (10) Year Maintenance Permit to dredge 250 cubic yards of course sand from existing inlet; dredged material to be spread on a beach to a maximum depth of 12"; all work to be above the mean high water line and avoiding disruption of existing vegetated wetlands in the area; the maintenance permit would include five (5) additional dredging events consisting of 50 cubic yards of sand for each event. Located: 9205 Skunk Lane, Cutchogue. SCTM# 1000-104-3-16.1

On 9/13/16 we went back and we took a look at this project. I'll open it up for Board discussion. Any thoughts on it?
TRUSTEE BREDEMEYER: A couple of questions on this project. In the language you talked about to include five additional dredging events. What was the temporal timeframe? What are you talking about, five additional events over the entirety of the ten-year maintenance?
MR. PATANJO: Jeff Patanjo, on behalf of the applicant. Do you need to open it up, or --
TRUSTEE BREDEMEYER: He did open it up.
TRUSTEE SANDERS: I opened it up for discussion.
TRUSTEE BREDEMEYER: Oh, he opened it up to discussion. So that's a question for you. The hearing is open.
MR. PATANJO: Okay. As far as what I'm looking to do on this application is the initial dredge. And some background information on this, as you know, we had a situation that some material was dredged. We went through a DEC order, consent order, we actually, they piled up material on the beach. We actually had the approval from the Trustees as well as DEC to

spread the sand around. Subsequently, it filled back in. This has been a problem for Mr. Lomangino ever since that channel was dredged. I believe the Town dredged that by way of a county permit.
TRUSTEE BREDEMEYER: County Department of Public Works, correct.
MR. PATANJO: Correct. I provided some historical photographs on sheet number two of my plan submission showing that the channel fills in over time.

What we are looking to do is dredge the initial 250 cubic yards, spread it on the beach where we showed it on the plans, beyond the high tide line, to a depth of one foot. Which I believe, as I understand, the county spread their sand when they dredged this, right in front of his property, as well. Not right where I show it but more to the north. The additional dredge, what do I have, four or five additional 50 yard --
TRUSTEE BREDEMEYER: Five.
MR. PATANJO: Five additional 50 yards, that's over the timeframe as it fills in. It will probably be every year or every other year or so. It will be an additional dredge event. Just so we don't have to go through this whole process again. It's a small cubic yardage, just place it on the beach.
TRUSTEE BREDEMEYER: I think the Board, some of the thinking of the Board members during field inspection is we understand there is a problem there, and that deposition of the sandy spoil for beach nourishment to help either the public beach or in front of Lomangino's and maybe not having too much stockpiled very close to the entrance, because it's simply sweeping back around. So it's a question of maintaining that entrance at depth, and not necessarily specifying amounts, or if it was year-to-year, you might need 50 yards every year. So we thought actually the request you are making of us for the 50 yards over the term of the permit, might be unrealistic with respect to the needs of the project. By the same token, I don't know, I didn't see a cross-sectional diagram.
MR. PATANJO: No, actually the DEC responded with comments. They wanted to see three different things: One, is a cross-section view of the channel we are looking to dredge. One is a cross-sectional view of the beach area where we would like to place the dredged material. The other is ownership of the properties where the dredged material is going.
TRUSTEE BREDEMEYER: Is that still pending?
MR. PATANJO: Yes, I just received those copies.
TRUSTEE BREDEMEYER: These are the questions that we had, and we didn't want to overlay the DEC. But we were actually thinking that your request was not sufficiently user friendly to meet both channel protection for the county channel or the Lomangino's to provide beach nourishment.

So, I don't know what the Board thinks or where you are at with the DEC process, maybe we should not be bounces back and forth between agencies. I think we have some time before the next spring dredging, and presuming that the agencies would

think along similar lines.
MR. PATANJO: Right. What I would like to do is get their comments, I would like to hear your comments from the whole Board before I respond to them so we don't have to keep going back and forth. So you if you have any other additional comments other than typical cross-sections for the inlet, typical cross-sections for the beach area and land ownership, that is --
TRUSTEE KRUPSKI: One thing we discussed possibly was moving the sand further down the beach to the park district. You are helping the park district and you are getting it away from the channel. So hopefully you would have to dredge less. Is that something we can consider there?
MR. PATANJO: The park district would be in front of the beach past that -- you can't see it on here, you have to move to the south a little.
TRUSTEE KRUPSKI: Right, it would be further down from there.
MR. PATANJO: Who owns that land and do we need permission from them? And if I do need permission from them, I'm thinking about the DEC, they are going to say do you have a letter of permission from the town and/or the park district to place the dredge spoils on their property.

So if the Town Trustees can work with me to get an approval from the park district, that would be excellent. And I could absolutely place it there.

The material that you saw, I did sampling, Universal Testing did my samples, the gradation analysis. The material is beautiful, course sand. It's perfect. It's beautiful beach material. so that would be beautiful for the beach to put there. However, I would need some help if you can get me in touch with the park district.
TRUSTEE BREDEMEYER: Our office could approach, the area Trustee Nick Krupski -- and he wants to go swimming there next year -- so I'm sure we can approach the park district. It makes sense to try to keep the material further up the beach. Unless the DEC -- as the park district would grant permission, it would seem to be to everyone's benefit.
MR. PATANJO: Looking at the DEC, I didn't see anything telling me it was a no go. They look like it's an approvable project as long as I give them this couple of pieces of information.
TRUSTEE SANDERS: On our end, instead of five, it would basically be ten. You are saying you would like to do it basically once a year, or have the opportunity to do it once a year.
MR. PATANJO: As needed. As needed. You know, as you saw in the historical photographs it was not really required several years. This just happened after, this big dredging event happened due to the new increased flow through there, which pulls all --
TRUSTEE SANDERS: But if the language is such that it gives you that opportunity, you don't have to do it every. But if it's us, you know, it would continue to be an issue every year, you have the opportunity to do that.

TRUSTEE BREDEMEYER: Basically once we have the meets and bounds of the dredging and the depth, that is something that we can hopefully inspect or the constable can inspect and that way we would not want to be more restrictive of it, otherwise we would have to require you to call the office and we would be counting five times over that time period.

Our counsel Damon Hagan has advised also, a simple letter from the park district indicating that would like the material to be on their beach above the mean high water mark.

MR. PATANJO: That would suffice my need for the DEC, absolutely.

TRUSTEE BREDEMEYER: It would also complete our file with respect to that concern.

TRUSTEE SANDERS: Okay, I make a motion to table this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number two, **SALVATORE PENNISI** requests a Wetland Permit for the as-built in-place replacement of dilapidated 6.8'x14' seaward section of the existing 6.8'x38' fixed dock using 4"x4" piles; and to add plantings and place either mulch or stone along the berm between the grass land and bulkhead. Located: 1425 Pine Neck Road, Southold.
SCTM# 1000-70-5-40

The LWRP coordinator found this to be inconsistent. The inconsistencies are because a Wetland permit was not issued for replacement of the dock structure.

The CAC resolved to support this application.

The Trustees performed a field inspection on September 13th, noting that any future rebuilds should be limited to four-foot width and the non-turf buffer is to be maintained.

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

(Negative response).

Any comments from the Board?

TRUSTEE BREDEMEYER: No, it's pretty straightforward.

TRUSTEE GOLDSMITH: 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 with the condition that any future rebuilds are to be limited to four-foot width, and by issuing this permit it satisfies the LWRP inconsistencies.

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

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number three, **VICTOR & MARY ZUPA** request a Wetland Permit to install a 16'x32' in-ground swimming pool; a 10'x32' brick deck against landward side of pool; install a 32'

long by approximately 3' high retaining wall along the seaward side of the pool; and install pool enclosure fencing, pool equipment area and drywell for pool backwash. Located: 4565 Paradise Point Road, Southold. SCTM# 1000-81-1-13.1

The LWRP coordinator found this to be consistent.

And the CAC also resolved to support this application.

The Trustees went out on September 13th and found this to be a very straightforward application, noting we like where the drywell and backwash are for the pool.

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

MR. ZUPA: Good evening. I'm Vic Zupa. I'm one of the applicants. My wife Mary is here as well. I think it's pretty well explained on the survey and the application we submitted, so I'm here to answer any questions.

TRUSTEE KRUPSKI: Any questions, comments from the Board?

(Negative response).

TRUSTEE KRUPSKI: I think we thought it was pretty straightforward, based off the survey and visit as well.

MR. ZUPA: Thank you.

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

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

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number four, Victor Prusinowski on behalf of **DAVID SCHWARTZ** requests a Wetland Permit to extend the existing second-story deck seaward an additional 8' wide by 28' long; install a 45sq.ft. generator pad; install a 14'x24' in-ground swimming pool with 4' high pool enclosure fencing; install 516.5sq.ft of pool patio to be approximately 6" above grade; replace existing 166.8sq.ft. patio under deck with new material to match pool patio; and install a pool equipment area. Located: 1015 Lakeside Drive North, Southold. SCTM# 1000-90-4-5.1

The LWRP coordinator found this to be consistent.

The CAC voted unanimously to approve this application, with the condition that best management practices be in place to contain storm water runoff and pool backwash.

The Trustees did a field inspection on September 13th and noted that this is a straightforward application and that the proposed construction would have minimal impact on the environment.

Is there anyone here to speak to this application?

MR. PRUSINOWSKI: Yes. I'm Vic Prusinowski, 533 Elton Street, Riverhead, consultant for the project. I'm here to answer any of your questions.

I did a review of the file and the property is in full compliance with the previous permits, so there is no violations pending. It's a straightforward application. So I'm here to answer any of your questions, if you could find it within your hearts to approve it tonight. Which I see you are doing, so that's why I just threw that in there. I have to get on the record, so.
TRUSTEE DOMINO: I would note that the plans show drainage --
MR. PRUSINOWSKI: Whatever the condition that you want to put on that, that's fine. I'll make sure, we have to go through the other permits we have to get, so I'll definitely take that into account and make that part of whatever we have to do as a condition.
TRUSTEE DOMINO: We request all leaders and gutters to drywells.
MR. PRUSINOWSKI: You got it. And I probably have to amend the plan to show that, the plan we are giving to the Building Department, I'm assuming, right?
TRUSTEE DOMINO: Yes.
TRUSTEE BREDEMEYER: Any other comments?
(Negative response).
TRUSTEE DOMINO: Hearing no further comments, I'll make a motion to close this hearing.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: Second
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE DOMINO: I make a motion to approve this application with the stipulation we receive new plans showing leaders and gutters to drywells.
TRUSTEE BREDEMEYER: Motion made. Is there a second?
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Next hearing number five, DKR Shores, Inc. on behalf of **SAMUEL SINGER** requests a Wetland Permit to construct a 4'x156' dock elevated to 30", using Thru-Flow decking and supported by 4"x4" posts in vegetated areas; install a 3'x20' seasonal ramp; install a 6'x20' seasonal floating dock in an "I" configuration; dock to consist of untreated materials, and in water areas under dock to be supported with monopole/ice breaker pilings. Located: 44030 Route 25, Peconic. SCTM# 1000-75-6-6.1

Before we get into the hearing proper, I just want to indicate, because some confusion may have surrounded the fact that I pulled this from the Type II declarations in the beginning of the meeting, that this job accidently was listed there. We actually have not concluded an environmental review under the State Environmental Quality Review Act for this project. We are pending trying to get some new language worked up for our environmental reviews on major docks in new wetland areas in the

town, and unfortunately former Assistant Town attorney Steve Kiely left the employ of the Town before we got that into process.

So that we will, we acknowledge that at the request of the Trustees, Mr. Singer did split out the dock application so that it could get its individual review and allow him to continue with his home construction.

We'll be in a position to open this hearing tonight and take testimony, take it under consideration, and then use that in developing the appropriate environmental review under the State Environmental Quality Review Act, which we would entertain at a subsequent meeting. So I just wanted to clarify that before we got into I hearing process this evening.

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

MS. RIGDON: Agena Rigdon, DKR Shores, here to represent Samuel Singer, the homeowner, who is also here, as well as the contractor Ian Crowley, to answer any questions the Board has.

Just a quick question, Jay. Did the Board determine it was a Type II action or not?

TRUSTEE BREDEMEYER: No, that's what the confusion is. It was pulled from the Type II list tonight because it's properly a new dock, which has been considered inconsistent with the Town's Local Waterfront Revitalization Program, in an area that simply doesn't have a dock, based on its scope. Docks in general should be unlisted actions. The state may treat them otherwise, but a dock going in on Trustee land where there is not a history of docks, it compels a heightened review, and either a positive or negative declaration under SEQRA. We never concluded that. I simply, in running the application through our initial office review, it was determined to be an unlisted action. That's why it didn't come in as a Type II. I hope that answers your question

MS. RIGDON: Do we have a timeframe for this review?

TRUSTEE BREDEMEYER: I suspect that the Board already received concerns about the dock at the last public hearing that dealt with the house. We are aware of the comments relating to the inconsistency from the Local Waterfront Revitalization Program coordinator, and based on the hearing tonight I would hope we have sufficient information. Certainly -- I can't tell you that the Board, how it might act on the matter, but the Board will look at the body of information we collect in the public hearing and use that in consideration of concluding the environmental review before we would go on to an approval or denial of the project

MS. RIGDON: Okay, may we continue?

TRUSTEE BREDEMEYER: Sure, go ahead.

MS. RIGDON: If the Board will recall, back in March, we actually presented before the Board a number of times, the Board graciously let us separate the application from the house to the dock. We did resubmit a new application for the dock, for the proposed docking facility. We have redesigned the dock with the Board's recommendations in its entirety. The dock proposed was moved south, so it traverses a smaller area of intertidal

vegetation. The materials, as the Board had requested, are all now hardwood, tropical lumber, i.e. not treated material whatsoever. The decking is of course through-flow, which is standard nowadays, and environmentally friendly made of a polymer plastic. The Board also requested that we reduce the height of the pilings, I should say the posts, within the vegetated areas, which we have done, to 4x4s. Also untreated. The Board also requested at that time that we produce drawings for a monopile design for in-water as well as with the breakwater requested by the Board. We have done that as well. And I think that pretty much covers it. It meets all navigational issues, it's less than a third the width of the waterway. It was designed as per the Board's request. The application is pending before the DEC and is to be issued any day now. They have no problems with the dock. So the only problem now is whether or not it's a Type II action or not.

TRUSTEE BREDEMEYER: Some may view that as a problem. It's really just a matter of the Board doing its work. It's really not a problem. It's what we do. Thank you.

I would like to add, to correct my statement on the record, it does appear that it is a monopole construction using three piles. It's not a three-pile bent. Right? It would appear the diagram you are running to --

MR. CROWLEY: Ian Crowley, on behalf of Sam Singer. The diagram I drew had 4x4s in the wetlands and I think it was three piles. But what we did is we spread the centers way out to 12 feet. Which we could do with the Greenheart 6x6. And we changed it all to Greenheart, which we would not have done, because it's not to code. And it's a small consideration on paper but it's a huge consideration financially. And he was willing to do that. And I know this is kind of in the early stages, and I missed the first part of this. So I don't know how this all started, what transpired before. But we looked into the monopiles and the monopiles where the 4x4s would be are actually going to take up more wetland than 2x4s. I talked to Mark, I'm working with Mark on a project right now and I wanted to use eight inch, which would have fit the bill and got you down square footage wise, but he wanted to use ten inch. So ten inch is about 75, I think, square inches, or whatever it is. And two 4x4s is 32.

TRUSTEE BREDEMEYER: So which clearly makes sense in the vegetated intertidal wetland to go with the 4x4s.

MR. CROWLEY: I think so. I think so. I like the monopile idea. I would like to see it, I would like to do it. The problem with that is installation. You need to get a machine onto the wetlands.

TRUSTEE BREDEMEYER: And it's not likely to frost heave. With the Greenheart, you are proposing eight to nine inch, butt end in, do you think --

MR. CROWLEY: As drawn, it's not going to frost heave. It's not going to frost heave. As drawn is 35 years easy.

TRUSTEE BREDEMEYER: So it's a question for a very sensitive creek such as this may not be the kind of area where we want a

bubbler system for retracting --
MR. CROWLEY: No.
MS. RIGDON: We are not going to need a bubbler system because the float and the ramp are actually coming out and they'll be stored on a seasonal basis upland. So there is not a need for a bubbler system for at least the float and the ramp portion. But it's designed so it doesn't need a bubbler for the actual fixed portion as well.
MR. CROWLEY: And I had designed it so the poles don't come above deck height. So you'll see 30 inches above, no poles sticking up, a nice clean line above high water, you know, as a concession as well. There is really no need for fender piles on the dock because you'll never put a boat there.
TRUSTEE BREDEMEYER: Okay, any other questions?
(No response).
Is there anyone else here who wishes to speak to this matter?
MR. SKABEIKIS: Good evening, I'm Dan Skabeikis, a resident of Southold. I'm here to read some comments, if that's okay, from this is handed to me from Dr. Nancy Pierson, who is the resident of the adjoining property. And it's about three paragraphs, so it won't be very long. I'll go ahead, okay?

There is no precedent for an enormous dock of this length into this shallow upper reaches of Richmond Creek. We are not sure of the exact situation elsewhere, but it seems that other shallow upland creek areas do not have much if any of this construction. If you allow this to be built, you have then created an ever-worsening precedent for longer and more inappropriately placed docks. The Board knows as well as we that these estuarial creeks silt in as their natural life cycle, and the next thing someone in this setting will start demanding public money for dredging. Coming to Southold and buying land on a shallow creek front does not automatically entitle one to have the people and Town of Southold provide them with deep water boating.

The Planning Board has a professional environmentalist, not a hired permit procurer, who has done a thorough and professional evaluation of this proposal as the Local Wetland Revitalization Plan coordinator. As he states, this action is located within New York State Department of Significant Fish and Wildlife Habitat Area, the New York State Critical Environmental Area and the Peconic Estuary Critical Natural Resource Area. His findings are that this proposal is inconsistent with all the environmental guidelines, including causing quote, barriers to fish migration which would have a major impact on fisheries in Richmond Creek. Unquote. He also states that quote it appears that the applicant is designing a dock to a large vessel or vessels rather than proposing the minimum structure necessary, and that the applicant has not demonstrated that the dock would not impair navigation of small watercraft or other vessels. Unquote.

Numerous kayakers use this creek constantly and probably have no idea what is going on here when what looks like a marina

suddenly appears in this relatively pristine creek. He concludes that -- unquote -- He concludes that this placement of such a quote dock structure in public trust lands and waters results in a net loss of public use of such land and water. And then in his report he underlines the fact, this following, it says due to the high ecological value of Richmond Creek, a seasonal mooring is a better option in this instance. Unquote.

All of these regulations were crafted by the state and federal bodies with incredible effort, time and wide input, but you are the only body that can enforce them for those they were designed to benefit: The public of Southold Town and the wildlife of our waters.

As we are faced almost daily with ever new examples of the constant and seemingly inexorable degradation of our waters from repeated fish kills in the Peconic brown tides, poisonous rust and red tides, failures of scallop, lobster and other fisheries, we as individuals try to do what we can, but the real power to make a difference here lies with you as the legal guardians of these waters.

People want to come here for summer homes because it does not yet look like Howard Beach, but if we continue on like this, that is what we'll have.

TRUSTEE BREDEMEYER: Thank you.

TRUSTEE SANDERS: Thank you. I think the one thing that was brought up is there is not going to be a boat there. The intent is not to have a boat.

TRUSTEE BREDEMEYER: Well, it's not to have a large boat.

MS. RIGDON: Jay, I have a question. Has the LWRP report come out on this particular application?

TRUSTEE BREDEMEYER: Yes, it had. It was part of the prior application.

MS. RIGDON: It was part of the prior application?

TRUSTEE BREDEMEYER: Yes, the LWRP review, it was part --

MS. RIGDON: But this is a separate application.

TRUSTEE BREDEMEYER: The original -- okay. Mark Terry, who is the LWRP coordinator, wrote, has a memo over his initial determination. The original recommendation stands, the Board can require a redesign to make the action consistent. I will no longer -- I will not review the action again. So in other words the original determination is in fact the one that the gentleman just read sections of, for which the Board did go over at the initial public hearing when you agreed to separate out the dock, and was the reason why the Board had made specific requests of you in reformulating the dock structure to address the environmental concerns.

So basically what we have is we have an initial LWRP, we have the applicant trying to meet the concerns of the Trustees, to address the concerns in the LWRP; a Board of Trustees which has to conclude the environmental review to fulfill our requirement under the State Environmental Quality Review Act and put a permit under consideration that will seek to address the inconsistencies, if the Board can, leading to either an approval or denial. That's where we are at.

MS. RIGDON: Okay. Thank you.
TRUSTEE BREDEMEYER: Is there anyone else who wishes to speak to this application?
MR. SINGER: Sam Singer, I'm the owner of the property. I want to thank the Board for approving the house and so forth. I thought that, you know, I have been very patient in terms of, in trying to design a house and develop this property just for my personal use that preserves the property the best way I can. I put the house farthest away from the water as possible, on the highest ground, agreed to a 75-foot setback when I was only required to have a 50-foot setback. You know, I plan to keep the field all natural and open and undeveloped so my neighbors across the street have a nice view of everything. And my house is setback from the water so they won't even see that.

I am an avid boater. I won't use it as a marina. As stated. I basically want, I have a Hobie Cat sailboat, which is also a kayak as well. It's a sail kayak. It's been in the garage for two summers now because I don't want to bring it across the wetlands and destroy the wetland or dig a path in the woods. I have been patient, not developing the property. It's pristine, it's untouched. Before I touch anything, I want to get the Board's approval. And rather than drag this Hobie Cat, it's not a power boat, it's not, you know, I want to be able to put it across on wheels, on this catwalk, drag it, have a floating dock, so at three-foot low tide I don't have to launch the thing and pull it up. I love to boat, I'm not going to dredge, I'm not going to do any other things. I'm going to leave the creek as is. I'm only asking for a structure with a fixed dock that we now shortened quite a bit. It's quite a bit that goes over much less wetlands. And we have oriented the floating dock. So that will come out. It's 20 feet, but it's oriented long, longitudinally, so that comes out, and is only in for the summer months. And it will allow me to enjoy the creek as a boater. And I don't have any plans to put, you know, a marina, as stated, there, or anything else. I think there is a dock, two new docks right across the creek from me that have been recently put in. I don't understand, one side of the creek is under one rule and the other side of the creek is under another? And Dr. Pierson has her own dock there, with a fixed dock, and the float is on the wetland. So, you know, there is a dock on that side of the creek. Dr. Pierson owns it. I don't understand why I don't have a right to have a dock right next to her.
MR. CROWLEY: I just wanted to add something. With the seasonal float, I would take that right out of the creek in the fall. That would not be tied up next to the dock.
MR. SINGER: It would be away from the wetlands.
TRUSTEE BREDEMEYER: Okay. Thank you. Any additional comments or concerns?
(Negative response).

I have one letter to read into the record that was submitted to the file.

Please accept this message for inclusion in tonight's Minutes of the Southold Trustees meeting on the review of the

proposed plan of Samuel Singer for a new house, garage, driveway and pool complex be built on the eastern shore of the north fork of Richmond Creek.

We are the owners of Bayside Farm as well as the end of Indian Neck, the former Lappe Farm and Onabay Vineyards, almost 200 acres in total. Though we do not abut the parcel under review, we are interested in preserving the beauty and uniqueness of the area that encompasses the eastern shore of Richmond Creek. Over the past 20 years we have seen the continued degradation of the creek, acres of marshland eelgrass have disappeared. The eastern headwaters of the creek have served as a critical nursery for aquatic life including turtles. The eastern shore of Richmond Creek is the last of the undeveloped shoreline for this estuary. It is very unfortunate that the town did not pursue protecting this important watershed parcel.

While we understand Mr. Singer's desire to make full use of his purchased property, the plans for development on the parcel are over-scale and will overwhelm the fragile wetlands and uplands along the creek.

This is such an important site that a thorough environmental evaluation and your scrupulous oversight is warranted. Our old woods down shore along the creek bank and the wooded area on the proposed building site are important wildlife areas, and one of the few wooded areas left for miles. A bald eagle was sighted during a couple of weeks in the fall. The back fields of Bayside Farm and adjoining open space have been used for the prestigious Audubon Christmas Bird Count for decades. And very impressive species counts this area as one of the jewels are Southold. Our family and Nancy Conradi have done our best to be good stewards of it. Please keep us apprised of the development of this proposal. Thank you, for your kind attention, Bradley and Francesca Anderson of 3950 South Harbor Road.

Okay, we'll try to close up comments on this application. I think we are nearing getting sufficient information.

MS. RIGDON: I don't want to take up anyone else's time. But please be reminded that the application was submitted well in advance of any changes to the Local Waterfront Revitalization laws within the Board, and any changes coming up should not be applicable to this dock.

TRUSTEE BREDEMEYER: Thank you.

MR. SINGER: Just, I have a stressful job, I would love to enjoy this property. You know, it's been a year-and-a-half process and I hope, just wish, that you could do your best to expedite it as best as possible. This project is not out of scale, it's, for the size of the property, I think it's a reasonably-sized house, and I've tried to keep it, you know, environmentally as consistent with the creek as possible. So I would appreciate any support you can give us.

TRUSTEE SANDERS: I can actually respond to that. There is no way to make everybody happy when it comes to home ownership and the use of an actual dock. Through the entire process you have been

extremely flexible. So I just want to make sure that was read into the record
MS. RIGDON: Thank you.
TRUSTEE BREDEMEYER: Any other comments?
(Negative response).
Hearing none, I make a motion to table this hearing pending the conclusion of the environmental review and an up or down vote at the next monthly meeting. That's my motion.
TRUSTEE DOMINO: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Next application, number six, 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)

Is there anyone here who wishes to speak on behalf of this application?
MS. RIGDON: Hi. Agena Rigdon, DKR Shores, here to represent Mr. Hansen, and Mr. Hansen the homeowner is presently here.
TRUSTEE BREDEMEYER: Okay. The Board has been on this job several times. I know we had noted there was some cutting of the phragmites and Spartina in developing maybe access for the surveying and staking that the Board had felt should probably be discussed for inclusion by reference in a permit. We thought the cutting was maybe a little more than we would like to have seen for a surveying job.
MS. RIGDON: I have no problem doing that. They were trying to mark the right-of-way and the DEC requires we cut to the water for inspection purposes as well. Christian doesn't like to get ticks on his legs.
TRUSTEE BREDEMEYER: Do you have a DEC permit for this?
MS. RIGDON: I do. I have a DEC permit that was issued without question, without any changes, and I also have the Department of State concurrence, for the Board's copy. I'm a couple of days away from actually getting the Department of Army as well, Corps of Engineers. I was furnished with an LWRP report as well as a CAC report on the project. Under Chapter 275-11(c)(2)(d), a couple of questions were addressed regarding navigational issues, regarding possible shortening of the dock, possible mooring, with the waterway questions. I think we answered most of them.

The dock as designed is its most environmentally friendly way of designing it, which doesn't scale even bordering Mark Davis' new dock to the south that was recently permitted, about a year ago. The width of the waterway requirement has been sufficed. It's less than a third. There is no public access or

recreational facilities in the area for Mr. Hansen to launch his -- and just to give you a little bit of background. He doesn't have a 23-foot boat. He has a small dinghy with a motor that is 215 pounds. He has a kayak and he has -- he has pictures of it he'll bring up.

TRUSTEE BREDEMEYER: I'm sorry, what was the last one?

MS. RIGDON: He has a paddleboard, a kayak and an inflatable Zodiac that is 215 pounds with the gas in it. We can't use a mooring there at all. The waterway is just obviously too narrow. We can't shorten it anymore, and there really are no other alternatives, because the only other alternative would be him dragging these crafts through the actual wetland, which obviously would cause more disturbance than necessary.

The dock was designed so it doesn't require a float. It has a lower platform for Mr. Hansen to get in and out of his craft safely. It has through-flow for decking, it is elevated four-and-a-half feet above intertidal marsh, which is required by the Corps of Engineers now. It doesn't extend past the length of the adjacent dock to the north or the south. And also it was copied with a CAC report. They offered to not support the application, only because of the right-of-way issue. And as per Southold Town Code Chapter 275-11(c)(2)(a)(8) we have sufficed those requirements in getting adjacent authorization from the property owners to the north and the south, by notarized affidavit okaying the dock.

And we did have one letter in opposition from not an adjacent neighbor, who Mr. Hansen met with onsite. And then the Board should have another letter that is not dated from a Roberta Callas in their file actually okaying the dock, and her questions have been satisfied. So I think we covered all bases.

Does the Board have any other questions?

TRUSTEE BREDEMEYER: Yes, I'll read into the record, I have three communications here. Maybe the one of Roberta Callas where she overwrites in favor of the proposal, I'll just read that one. Before I do that, I just want to say, it's not the point to get involved with dueling with respect to provisions of code because we don't have the benefit of our attorney here to lead that discussion. But there is a requirement, there is a setoff requirement for 15 feet off side property lines, which the Trustees at least like to give a very hard look at, regardless of notification of neighbors. 275 also has setback off an extension of the side property lines to try to at least protect the navigation and access of adjacent boat owners, so the construction of a new dock does not diminish the rights of free navigation and accessing foreshore by the neighbors. That's a point for further discussion amongst the Board members and part of our discretionary decision here on this matter.

That said, let me go ahead and read the letters. One here from Roberta Callas is the first one. It's an undated letter. Dear Trustees, as a follow-up to my letter of June 13th regarding the reference property owners request for installing a

dock platform on a right-of-way on the Seaman property, please be advised that earlier today Mr. Hansen came to me and walked me over to the right-of-way. He showed me exactly where it is and how it was to be landscaped, that I could not see the cleared path as well as showing me that it is blocked by a gate. Thus answering my questions about its access and that it does not need to be cleared thereby affecting runoff. He stated that it is for his personal use to dock a dinghy and therefore waste will not be an issue. He further stated there would be no amenities on the dock, no transient use, no charter or commercial use, thus eliminating the street parking concern. I'm still not certain as to whether or not I'll be at -- this is the June 22nd hearing, it was postponed -- However based on my expectations you'll make sure all wetlands regulations are adhered to, and based on his present answers, I feel my questions and concerns have satisfactorily been answered.

Now, is Roberta M. Callas an adjacent owner either left or right or --

MS. RIGDON: To the north or south, no she is not. She was notified, I think she is within 300 feet or across the creek.

TRUSTEE BREDEMEYER: Okay.

MR. HANSEN: If you zoom out on the map, Old Jule Lane, she is behind us.

TRUSTEE BREDEMEYER: Actuality, sorry, there is two other letters of hers, June 13th and June 18th. So that caps two prior communications with her. The total of three that I have in the file.

Before we take any additional comments, are there any other questions from the Trustees while you are --

MS. RIGDON: No. Mr. Hansen would like to speak, though, if that's okay.

TRUSTEE BREDEMEYER: Initial inspection was done on June 15th, 2016, while we were awaiting additional legal interpretation of the dominant and servient, the requirements of the right-of-way, and to make sure they were not a group of owners with rights in the right-of-way to drill down into who or what would be potentially putting a vessel there and using the dock.

MS. RIGDON: Correct.

TRUSTEE BREDEMEYER: Okay, is there anyone else who wishes to speak to this application?

MR. HANSEN: My name is William Hansen, I'm the owner of 1455 Old Jule Lane. And the purpose of the dock is to put my dinghy There, because my big boat is down at Strong's Marina. I just felt it would be better to have a dock in there rather than trampling over the wetlands constantly. My kids will be using it with a paddleboard and a kayak. It will be very light use. I have a picture of my dinghy I was going to use. If you have any questions.

TRUSTEE DOMINO: The problem for us is how do we approve something that seems to violate a section of the code. I'm referring to the survey that you submitted on April 5th, and it appears if you extend your, the property line of Mr. Davis seaward, it would run through, pretty much through the middle of

the dock. Your dock. To me, if it were turned a few degrees to the north it would still function and you would avoid that problem.
TRUSTEE BREDEMEYER: Given the fact we don't have the 15-foot side yard set off on this case, years ago, the Board tried an incentive policy where we greatly reduced our dock fees for docks that were narrower. I think in all the years I was on the Board in the last century we only had one or two applicants take us up on it, but a four-foot wide catwalk also makes tying and use of vessels encroaching on the extension of the neighboring property lines. So in combining with what Trustee Domino says as far as orienting a dock that conforms exactly with the run of the right-of-way and reducing its width, may be more appropriate for this site. It looks like the neighboring, the navigation issue and issues with respect to other boaters and the neighbors accessing their docks, if the foreshore does not appear to be an issue because their docks are located relatively distant from the right-of-way, and this apparently is in an established -- the right-of-way has existed for some time. I just wanted to bring that up. It appears this application wants a bit of tweaking, recognizing the circumstances that the Board finds itself in and we really should not, it's one thing for the Board to consider and under its discretionary authority granting a waiver for side yard setback, but we can't have a structure that goes across an extension of the property lines. That's not good marine practice.
MS. RIGDON: I have no problem re-aligning the dock so it doesn't extend past the property line. And then as far as the Town code, that particular section that I cited was specifically for right-of-ways.
TRUSTEE BREDEMEYER: Oh, it's a Town Code right-of-way section.
MS. RIGDON: It's a Town Code section on the right-of-way itself. But if the Board would do so, approve with written submission, I can get you new copies of plans realigning the dock so it fits within the right-of-way.
TRUSTEE BREDEMEYER: It's a possibility. We have to see if there are additional concerns for the public hearing. There may be other individuals here need to speak to the application.
MS. RIGDON: Okay, thank you.
TRUSTEE BREDEMEYER: Is anyone else here to speak to this application?
MR. STEIN: John Stein, CAC. Just to follow-up with Trustee Domino's theory, not having inspected these two, but I just walked it briefly. Just for edification, just for the record, how close was the elevation of the catwalks abutting or on or near the ten-foot right-of-way for this construction in the application?
TRUSTEE BREDEMEYER: You are talking how close the neighboring ones are?
MR. STEIN: Yes.
TRUSTEE BREDEMEYER: Well, you can see them in the aerial.
MR. STEIN: The ten-foot right-of-way to whatever the structure is that is being built.

TRUSTEE BREDEMEYER: Well, it's a ten-foot right-of-way with a four-foot dock, which only leaves three feet either side. So that -- is my math right? Yes. If it were exactly centered. But there was a question about a pool filter.
MR. STEIN: But not having Damon here, there is a no actual physical structure going on the right-of-way. I'm just thinking of the property rights of the other homeowners.
TRUSTEE BREDEMEYER: No, this is an exclusive right-of-way for an upland owner who is the dominant owner and the servient owner for which he has a right-of-way over the property. And the Town Attorney's office compelled a thorough research on the matter so that we know these are the only, this is the only rights on a dock are associated with the upland owner -- the owner is immediately across the street. So it's just those two.
MR. STEIN: Okay, thank you.
TRUSTEE BREDEMEYER: All right, any further questions?
(Negative response).
TRUSTEE BREDEMEYER: I would move to close the hearing in this matter.
TRUSTEE DOMINO: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: I would move to approve this application with the stipulation that we get new plans that would show the catwalk no wider than three feet in dimension, with through-flow decking throughout, and that the associated platform in the plans in no way goes over the property lines, so that there will be a three-foot wide catwalk associated platform is wholly within the bounds of the right-of-way. And that since, once the catwalk is constructed, there is no real need to trim vegetation other than maybe trim it on the top of the through-flow so it's not a slip or trip hazard. I don't think we have to entertain a ten-year maintenance since it was purported it was cleared for the sole purpose of staking and inspection.

So that would be it. My approval is with the stipulation, of a new set of plans, three-foot wide platform and not going beyond the meets and bounds of the extension of the property lines.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: Motion made and second. All in favor?
(ALL AYES).
MS. RIGDON: Thank you.

TRUSTEE SANDERS: Number seven, En-Consultants on behalf of **GLORIA A. SCOLLARD INTER VIVOS CREDIT SHELTER TRUST** requests a Wetland Permit to construct a 16'x32' swimming pool surrounded on three sides by a 4' to 8' wide (448sq.ft.) on-grade masonry patio; and install pool enclosure fencing, a pool equipment area, and a pool drywell. Located: 905 Willis Creek Drive, Mattituck. SCTM# 1000-123-10-3

On September 13th, the Trustees went and examined this property. And the notes basically say a straightforward good elevation for the pool.

The LWRP has found this consistent.

And the CAC has resolved to support.

Is there anyone here who would like to speak on behalf of the applicant?

MR. HERRMANN: Rob Herrmann of En-Consultants on behalf of the applicant. This is a property, many of the Board members are probably familiar with over the years. It's a pretty straightforward proposal. We'll are situating the pool on what is the highest point of the property and really what is the only maintained lawn area on the whole property. We meet the required wetland setbacks under 275. We will have a pool drywell. We will not be interfering with the groundwater table. And interestingly, we were actually able to secure a letter of non-jurisdiction from the DEC because the pool is located landward of what was the pre-development ten-foot contour elevation.

Years and years ago the DEC and the Trustees had actually originally approved the development of this property with a house and pool, but the pool was never built.

So if the Board has any other questions, I'm certainly happy to answer them.

TRUSTEE SANDERS: Would anybody else like to speak on behalf of the applicant?

(Negative response).

Are all right, I make a motion to close the hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: I'll make a motion to approve the application.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number eight, En-Consultants on behalf of **THE SUSAN T.H. KWIT REVOCABLE TRUST, c/o SUSAN KWIT, TRUSTEE** requests a Wetland Permit to construct approximately 139 linear feet of vinyl bulkhead in-place of and 12" higher than existing timber bulkhead; construct ±8' of vinyl bulkhead to close off an existing 8'x14' boat slip and ramp to be filled/removed; construct ±8' northerly return; backfill bulkhead and boat slip with approximately 50 cubic yards of clean sand/loam to be trucked in from an approved upland source; remove existing 3'x21' fixed dock; construct a 4'x6' platform and 3'x14' ramp to existing 6'x80' floating dock; relocate two existing light poles and install a third light pole in compliance with the standards set forth by Section 172-5 of the Town Code; and to remove existing utility poles and overhead wires and install buried electric. Located: 906 Old Harbor Road, New Suffolk. SCTM# 1000-117-5-48.1

The LWRP found this application to be consistent.

The CAC resolved to support this application.

The Trustees did a field inspection on September 13th, noting that it was a pretty straightforward bulkhead replacement, and the need for a ten-foot wide non-turf buffer.

Is there anyone here who wishes to speak on this application?
MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the applicant. The applicant is also here, if the Board has any questions of him.

We do have a proposed ten-foot non-turf buffer shown adjacent to the bulkhead on the plan. And it is otherwise pretty straightforward as described. And understanding this is in the LWRP report, there is a condition of the turbidity control being required, so that certainly is acceptable if the Board wishes to require the use of a silt curtain. Otherwise I don't have anything to add, unless the Board has any questions.
TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak on this application?
(Negative response).
Any comments from the Board?
(Negative response).
Hearing none, I make a motion to close this hearing.
TRUSTEE BREDEMEYER: Motion made. Is there a second?
TRUSTEE KRUPSKI: Second.
TRUSTEE BREDEMEYER: Motion made and second. All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: I make a motion to approve this application, noting a ten-foot wide non-turf buffer and the use of a silt boom.
TRUSTEE BREDEMEYER: Motion has been made. Is there a second?
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE KRUPSKI: Number nine, En-Consultants on behalf of **CONSTANTINE & PAMELA STAMIDIS** request a Wetland Permit to construct a two-story, single-family dwelling with attached garage and 10'x25' first and second-story decks with 3.5' wide steps, a 4'x5.6' platform and steps, and a 4'x6' outdoor shower; install a drainage system of drywells; install a sanitary system and asphalt driveway more than 100' from landward edge of wetlands; establish and perpetually maintain a 10' wide, 500sq.ft. non-turf buffer adjacent to and along the top of the naturally vegetated embankment; and to construct a 4' x ±27' embankment stairway with a 4'x6' platform. Located: 1325 Bayview Avenue, Southold. SCTM# 1000-52-5-13

The LWRP coordinator found this to be consistent, provided that the following is required to further policy six: Preserve existing vegetation adjacent to the tidal wetland and include vegetated non-turf buffer.

And the CAC resolved to support this application.

The Trustees went out on September 13th, just had a couple of comments about the grade matching the neighbors. And as far as how far to cut the grade on the seaward side.

Is there anyone here that wishes to speak to this application?
MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the applicant.

This is an application to construct a new single-family residence with a deck on the water side. The dwelling and deck will be set actually just really behind the existing house line of the two adjacent properties. There is just enough room on the property to situate the house as it's been designed with a sanitary system on the road side of it.

We have an application pending with the Suffolk County Department of Health Services and also the State DEC from whom we have requested a permit for the small shoreline stairway and a tidal wetlands letter of non-jurisdiction for the construction of the house based on it being located landward of the ten-foot elevation contour referenced in 1929 datum.

Just one little piece of housekeeping, I assume the Board is aware of it, but we had submitted subsequent to the initial application a revised site plan that shifted the proposed shoreline stairway just nine feet to the north. When the surveyor went out to stake the structures for your inspection, we figured out that had we set the stairway where it was originally proposed they would have had to remove a tree from the embankment, which we would not want to do for erosion control purposes. So it was shifted nine feet to the north where it was staked. We then provided you with a site plan which shows the stairway in that location. So where you saw the stairway staked during your field inspection is where it's proposed.

Any other questions about the design? You mentioned something about grade?

TRUSTEE KRUPSKI: The proposed property has to be graded, we are assuming, for the house. There was a concern that the grade is matching the elevation of the neighbors.

MR. HERRMANN: In terms of any raising of the grade where the house is proposed, yes, there is actually not, if you go back to where our --

TRUSTEE BREDEMEYER: The grade where the vegetation starts by the bluff was significantly higher.

MR. HERRMANN: It's higher. And that will be left undisturbed.

TRUSTEE BREDEMEYER: The Board was thinking with respect to good neighborliness whether or not there would be any benefit to having that match the grade to the north. But we were thinking we would not object to some matching of grade there if it was desirable, and the material that would be captured, we would not want to touch the existing vegetated bluff or get too close to it.

MR. HERRMANN: Right. What is interesting about it is the way that property, I mean, that probably was filled up at some point. So where that hump, for lack of a better technical term, is basically about where this 1929 datum ten-foot contour sits. It's about the nine-foot contour and '88 datum. So we actually have the project limiting fence set on the landward side of that. To leave that undisturbed. And also we did not, we were thinking, from your perspective, actually, the way it sets, prevents some of the sheet flow runoff heading down toward the bluff, which is so nicely vegetated right now I would be

reluctant to suggest messing with that grade, fearing that would result in an erosion problem that currently doesn't exist. So that was our thought.
TRUSTEE BREDEMEYER: So the applicant can always return to this Board when they are in the house to talk about either retaining structure or changing grade to match the neighbors or whatever would seem, it just would seem sort of the logical thing. It would obviously have to be worked out.
MR. HERRMANN: Yes, but my sense is to leave well enough alone until the property is developed and resettled, then if something were to come up, we would have to come back. But it seemed to me to leave it.
TRUSTEE KRUPSKI: It does look good.
MR. HERRMANN: I mean, that bank is in great shape.
TRUSTEE BREDEMEYER: Yes, it is.
TRUSTEE KRUPSKI: Are there any other questions, comments from the Board?
(Negative response).
Anyone else here who wishes 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 KRUPSKI: I'll make a motion to approve this application.
TRUSTEE GOLDSMITH: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
MR. HERRMANN: Thank you.

TRUSTEE DOMINO: Number ten, Patricia C. Moore, Esq. on behalf of **PETER & DIANA O'NEILL** request a Wetland Permit to replace existing timber bulkhead in-place with a ±105 foot long vinyl-sheathed bulkhead consisting of a ±59' section, a ±25' section, an ±11' section, and a ±10' return; temporarily remove existing decking along bulkhead and reconstruct in-place/in-kind; and within an area measuring 10'x59' along the 59' northerly section of bulkheading, perform reclamation of underwater lands directly adjacent to and seaward of the bulkhead to meet an underwater elevation of -4.0' during Average Low Water with the resultant reclaimed lands to be used as backfill where needed along the landward side of the reconstructed bulkhead. Located: 5875 Vanston Road, Cutchogue. SCTM# 1000-118-1-1.3

The LWRP coordinator found this to be consistent.

The CAC resolved to support the application. Recommending removal of old bulkhead debris.

The Trustees did a field inspection on September 13th, and in the notes we have a straightforward application, a simple replacement.

Is there anyone here to speak to this application?

MS. MOORE: Yes, good evening, Patricia Moore on behalf of the O'Neill's. Mrs. O'Neill is with me. Mr. Ian Crowley will do the work, and Suffolk County Environmental is doing the DEC, and gave me this lovely description. So it was a huge team effort.
TRUSTEE BREDEMEYER: It's the entirety of the audience.
MS. MOORE: This is for an existing, it's everybody in the audience. No one left. And we are obviously all in favor of the application. It's straightforward, it's a replacement of the bulkhead.
TRUSTEE DOMINO: And of course you are going to remove the debris.
MS. MOORE: But of course. You can tell Mr. Crowley, remove the debris
MR. CROWLEY: What debris? Oh, the old bulkhead, I don't know -- I haven't been there in two years, what debris are we talking about?
TRUSTEE BREDEMEYER: Neither was the CAC, for the neighboring job, too, but that's a different story.
MS. MOORE: Okay, I don't want to prolong the evening, so.
TRUSTEE DOMINO: Any other questions or comments from the Board?
TRUSTEE BREDEMEYER: No, just probably a silt boom for this job. And the neighboring job is coming up next, presumably they'll go right in a row. So this will be an area where silt protection will be beneficial.
MS. MOORE: Correct.
TRUSTEE DOMINO: All right, hearing no further questions or 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 as submitted, with the addition of the silt barrier to protect the environment.
TRUSTEE BREDEMEYER: Motion made. Is there a second?
TRUSTEE KRUPSKI: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Next application number eleven, Patricia C. Moore, Esq. on behalf of **DAVID BOFILL** requests a Wetland Permit for the existing 9.1'x11.4' landward shed with wood ramp; existing ±4'x23' wood steps on south side of property and 4'x10' wood steps on north side of property, both seaward of top of bank; existing 4'x4' landing with 4'x24' steps to 4'x10' wood walk to irregularly shaped 12'x42' wood deck to a step; the existing 10'x15' wood deck to be relocated/reconstructed to a minimum setback of 3' away from side yard property line; existing 8.7'x11.8' seaward shed on deck to be relocated to a minimum setback of 3' away from side yard property line; existing 13' long wood tie wall; along seaward side of toe of bank the remains of 22' of wood bulkhead; and existing 48' of functional wood bulkhead. Located: 5785 Vanston Road,

Cutchogue. SCTM# 1000-118-1-1.4

This project has been determined to be inconsistent under the LWRP because of not having prior permits, Trustee permit. The construction of which the Board believes predates permitting in its entirety.

The report of the Principal Building Inspector Mike Verity indicates that any consideration of the approval essentially should, would indicate the use, the language in his report, that we maintain setbacks for structures as per Southold Town Code so that the walk or the shed can be appropriately located as the site is being reconstructed and being brought up to code.

The CAC had approved to support the project in an inspection they did in 2015, which I think was the time we went out maybe on a pre-submission we visited the site previously. And their concerns dealt also with runoff, so maybe the shed we could include the requirement for a French drain or drywell for the shed, if it has to be moved. It could probably, it's a very small shed, so a minimalist drywell could be popped in just on the corner of that.

The CAC also noted some vegetated clearing we never noted on the site. As a matter of fact, it's longstandingly well vegetated and wooded was noted leading down to the proposed rehabilitation and rebuild. So I think I covered the CAC, LWRP, the field inspection of the Trustees and the request of the principal building inspector.

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

MS. MOORE: Yes, Patricia Moore on behalf of David Bofill. That's fine. With respect to the language, we said a minimum of three feet because we are hoping that we can get the variance. But it's to whatever the code would require, which means if the Zoning Board grants the variance at whatever distance, that would then considered to be pursuant to the code, so.

TRUSTEE BREDEMEYER: Okay, any questions or concerns?

(Negative response).

Anyone else wish to speak to this application?

(Negative response).

TRUSTEE BREDEMEYER: Since you are in control of the audience, you can't make them speak?

MS. MOORE: No, we are actually, on this one, we'll be back next month because that will be the coordination of the bulkhead. We had to get through this phase, then the bulkhead, it's already been filed, so Mr. Crowley can begin, assuming when all the other permits are in place, get started. So.

TRUSTEE BREDEMEYER: Okay, we are permitting this in and then the new construction will come next month.

MS. MOORE: Right. Since everything predated the Trustees' jurisdiction, we had to get everything -- well, two years ago we wanted to get everything under permit, so.

TRUSTEE BREDEMEYER: Thank you. Any other comments?

(Negative response).

Hearing none, I'll make a motion to close the hearing in this matter.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: Motion to approve this application with the stipulation that the shed or walks or other appurtenances be setback, maintain setbacks for those appurtenances as per Southold Town Code and that --
MS. MOORE: If I could clarify one thing. Because the platform that holds the shed is the only one that is applicable. The other, the wood that is behind the bulkhead actually connects the two properties together. So I don't want to have the record reflect that the walkways are considered the platform that runs directly behind the bulkhead. I just want to make sure with your language.
TRUSTEE BREDEMEYER: Okay, all I have here is to maintain property setback as per Town Code. So if we leave our record with respect to that.
MS. MOORE: That's fine.
TRUSTEE BREDEMEYER: So I would move that we approve this application with the stipulation that the setback for the shed be as per the Southold Town Code. And that the structure, if and when moved, to comply with the requirements of the Town Code and the determination of the principal building inspector or the Zoning Board of Appeals, that an appropriately sized drywell or French drain be installed for that building. And I guess that would go to any refurbishing -- the boat house --
MS. MOORE: That's not being touched.
TRUSTEE BREDEMEYER: Okay, that's not part of this application. Okay, that's my motion.
TRUSTEE DOMINO: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE SANDERS: Number 12, Suffolk Environmental Consulting on behalf of **FRANK & MINDY MARTORANA** request a Wetland Permit to construct a 34'x29' two-story addition with a 6'x10' second story connected to the existing dwelling (1,046sq.ft. Footprint); and to remove the existing 8'x12' shed.
Located: 3450 Deep Hole Drive, Mattituck. SCTM# 1000-115-17-10.1
Okay, on September 13, 2016, the Trustees examined this property. The notes reflect (perusing) -- all right. So the LWRP coordinator has found this consistent.
And the CAC has resolved to support this application.
Is there anyone here who would like to speak on behalf of the applicant?
MR. ANDERSON: Good evening. Bruce Anderson, Suffolk Environmental Consulting, for the applicant Frank and Mindy Martorana. I have an overview of, it shows you how it lines up with the other houses along this creek. And, if you will --

TRUSTEE SANDERS: Is this already in our --
MR. ANDERSON: I don't think so. I like to give these out. It's easy to understand.
TRUSTEE BREDEMEYER: If it's not needed for the determination, it's publishing new material, we'll have to take it under advisement.
MR. ANDERSON: When I first saw this property, it's an example of probably the thickest buffer I have ever, ever seen. It's a solid stand of switch grass that would intercept anything that comes off the property. And you don't normally see success like that, to that extent. So I'm personally very comfortable with the application. We would of course comply with the Town storm water regulations.

The connection of the garage structure to the main structure is by second floors. So you should take note of that. And the septic system is sized for the design flow for this property, so there is no need to upgrade that. That has a permit from the Health Department. We are still awaiting a permit from the DEC.

I'm here to answer any questions you may have.
TRUSTEE SANDERS: Any thoughts, Mike?
TRUSTEE DOMINO: I have some concerns about the extent of the property that is being used. Can you address, intensification of use, has a potential to impact the quality of the creek. So I guess what I'm getting at, is this going to be used for the family?
MR. ANDERSON: Yes. That would be the master bedroom above the garage. It's a very small house, if you notice, and I can tell you this, as far as intensification, one of the rules that we, at least I always counsel the client is that they not overbuild the property. And, as you know, the limitation on building the property is 20% of the upland area. So what this town does is it will subtract any wetlands, any banks, any beaches, any waterways from the lot area. So this is designed to comply with all the zoning restrictions contained in your zoning law. So my conclusion is, based on that, we are not overbuilding the property.
TRUSTEE DOMINO: So, I'm repeating myself, I guess. This structure is going to be used for the family?
MR. ANDERSON: Yes.
TRUSTEE DOMINO: Instead of a mother-daughter situation.
MR. ANDERSON: Yes.
TRUSTEE DOMINO: And not as a rental.
MR. ANDERSON: No.
TRUSTEE DOMINO: Thank you, so much.
TRUSTEE BREDEMEYER: I've got a question. Because you bring the application to the other departments. When Mike Verity looks at this, does he look at the addition of bedrooms and then kick it to the County Health Department? I'm just curious.
MR. ANDERSON: No, because the septic is already rated for the number of bedrooms.

TRUSTEE BREDEMEYER: All right, it was rated for the full number of bedrooms that are going to appear?
MR. ANDERSON: Yes.
TRUSTEE BREDEMEYER: I'm trying to remember, did you carry the original application, was it the old house was refurbished?
MR. ANDERSON: I don't know. I didn't handle the application.
TRUSTEE BREDEMEYER: It's a gorgeous house.
MR. ANDERSON: I think Frank Martorana handled it himself, was my recollection.
TRUSTEE BREDEMEYER: I remember being to the site previously when we granted the original approval, I remember the place was just plowed up with all kinds of debris. I think it was an old house there. I'm trying to remember if they saved a piece of it or not. That's neither here nor there. Thank you.
TRUSTEE SANDERS: Motion to close this hearing.
TRUSTEE KRUPSKI: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE SANDERS: I'll make a motion to approve this application.
TRUSTEE DOMINO: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number 13, Suffolk Environmental Consulting on behalf of **NEIL McGOLDRICK** requests a Wetland Permit for an addition to the existing 22.4'x22.4' garage for a proposed ±770.6sq.ft. 3-car garage; reconstruct existing ±84' long groin to have a width of ±20" with a protective mesh overlay over the top most surfaces; replace the sheathing; replace existing pilings with 10' long and 8" diameter pilings; replace existing walers with new 6"x6" and 8' in length walers; and for a Ten (10) Year Maintenance Dredge Permit to dredge various underwater areas within the marina to a navigable depth of ±6.0' at low tide; approximately ±5,000 cubic yards of dredge spoil to be transferred to on-shore trucks and deposited as beach nourishment to the shoreline; soil deposit will be protected with hay bales and silt fencing to impede run-off into the Great Peconic Bay.
Located: 1671 Meadow Beach Lane, Mattituck. SCTM# 1000-116-4-16.4

Just as a note, we have a note from Suffolk Environmental where they would like to strike the portion about the three-car garage. So with the application we would like to strike "for an addition to the existing 22.4'x22.4' garage for a proposed ±770.6sq.ft. 3-car garage."

The LWRP found this to be consistent. They want to know the exact location and limits of dredged spoil placement, the dates of dredging operations to be clarified and turbidity controls are required.

The CAC resolved to support this application.

The Trustees performed a field inspection on September 13th, we noted as well we'd like to find out where they intend to

place the dredged materials, and noted that the dredging would be beneficial to the creek. And that the groin replacement was pretty straightforward.

Is anyone here who wishes to comment on this application?

MR. ANDERSON: Bruce Anderson for the applicant Neil McGoldrick, here to answer your questions. First, with regard to the garage, the reason why the garage is stricken from the application is because it requires a zoning variance due to its proximity to an adjacent bulkhead. So it's been the practice of the Town for the Trustees not to entertain those applications until the ZBA acts first.

As for the placement of the spoil, we indicated it would go on the beach. And I think what is being asked is can we specifically locate it on the plan. We are certainly happy to do that. As for the dredging, the area has been previously dredged. I told Neil that I'm very concerned with the DEC. It was so silted in last year that the basin was essentially unusable during low tied, which is a shame because a considerable amount of effort on the part of this Town, including the Trustees, and Suffolk County DPW, have expended a lot of time and effort to open up Halls Creek, not just for navigation reasons but for ecological reasons. And this is consistent with those efforts. So I'm hopeful that with your blessing and more expeditious processing on the part of the DEC this can be done during the usual dredging windows.

Last year those windows went from September 15th to April 15th. They do vary year-to-year and from creek-to-creek. So I don't have an exact number for that. You guys may know that more than I do. But certainly we are hopeful that we can get this work done within that dredging window so that the water-dependent facilities here can actually be used. They were not usable last year in low tide situations.

TRUSTEE GOLDSMITH: Any questions or comments from the Board?

TRUSTEE BREDEMEYER: Sounds straightforward. I guess it would be good to have the upland area designated, if the DEC will require it, just send us all the same set of plans that the DEC requires.

MR. ANDERSON: Be happy to do it. We are waiting for their response. We had a terrible time with them on dredging, not necessarily as a result but just the amount of time, like we were, we are in a rush to actually still get this creek in Orient dredged so we don't, because we have an oyster operation there, and we finally got our letter explaining what they wanted, which was some testing of sand. And it took almost 14 months to get that letter. So I'm hoping that --

TRUSTEE BREDEMEYER: I would like to talk to you about that, not in this context, but later on. When you brought the dredging issue up, I was thinking of that project.

MR. ANDERSON: And I think it's useful to send them your, to let them know that local Trustees that have extensive knowledge of the local waters have reviewed this and approved it. I think it's helpful.

TRUSTEE BREDEMEYER: This project going sooner rather than later is beneficial because this is one of the creeks actually where one fecund weakfish running up there in the spring could populate the entirety of the Peconic Estuary for years to come. If all the connections are right. Those creeks there are known to be inhabited by, no, seriously, in the spring run is where the weakfish end up. I heard anecdotal stories black back gulls actually picking the weakfish off as they are making the run. I'm sure ospreys do to. But -- our other resident biologist Mike, likes that term, fecund, refers to the propensity for having lots of babies.
TRUSTEE DOMINO: Bruce, you look at this Google photograph here, it's a 2016, so it's current. You can see the groins are at capacity. And putting this sand back on the beach is just, it's just coming back all the time. Is there any possibility of working something out with perhaps a park district, so that what is public material might be used by the public?
MR. ANDERSON: Where is the park district from here, though? I'm not sure, you know, if you look at the aerial, what appears is that the drift moves from west to east. The problem, as I understand it, we've always had with this creek is maintaining its opening to the bay. And we are going to come back at least once for discussion on how to open that up. I didn't want to get into that in this application because to extend a jetty these days or even build another one is an uphill climb from a regulatory standpoint. But for those who have studied this for longer than I have, by the way, there is some consensus that we should do something more permanent at the mouth of that creek to keep it open. But I didn't really want to get into that. So that might marry with what your concern is, maybe at a later date. Right now it's pretty easy to put it up on the upper reaches of the beach where there is plenty of room. And 5,000 cubic yards, I doubt we'll do 5,000 cubic yards at once. We'll probably limit it to the boat basin and that sort of near shore area. Just because of a cost problem. And indeed when you look at your soundings you'll see that's where the most shallow water is. It somewhat deepens as it meets up to the channel that the Trustees helped to establish. That the Trustees actually established it, I would say, is probably a fairer statement.
TRUSTEE DOMINO: I was not trying to change this particular application. I was thinking forward. And also not recommending that you extend the groins further out. It's just simply that you could see the drift is from the west to the east.
TRUSTEE BREDEMEYER: If you recall, the Board, I think this is the house we looked at that swimming pool. We were looking, the property lines were not married but there was a significant amount of cutting in the upland portion of the beach with a couple of foot drop right, we were overlooking that property. So the other thing would be the groins are already pre-filled and there is also room to place fill where the beach is eroded further to the westerly, a letter from adjacent landowners, in

other words if it's a matter of putting, moving fill, to help, because that also was washing out on McGoldrick's property on the left side.
MR. ANDERSON: That was the Martin property. And as I understand it, what happened was when the Trustees did their dredging entertained their dredging application, and I was told by it was actually Dave Bergen said it was a unique situation because it was being opened up for more of an ecological reason than a navigational reason. At least that's what he told me. And in connection with that, the spoil that was generated from that was pumped out in front of the Martin residence and not the McGoldrick residence. You should know that.
Here, we don't have a hydraulic dredge, so I'm a little concerned if there is a cost issue. But I would certainly be happy to look into it or even place it near the common boundary.
TRUSTEE BREDEMEYER: So this will all be by bucket.
MR. ANDERSON: I think so, because what you guys, you worked on this with the county and the county has the dredge. They have the real equipment you need to do a good job. And we don't have that advantage here.
TRUSTEE BREDEMEYER: Also the question of running out of space to put it. The Town graciously accepts material and --
MR. ANDERSON: Like I said, Neil is very interested in the mouth of it. And he's trying to consult -- but that's not part of this application.
TRUSTEE BREDEMEYER: Because this is in the public, I would think the Trustees could waive the fees provided the sand material stays on public beach. Because keeping these creeks open as opposed to dredging in historically dredged area where it's specifically for the benefit of the adjacent upland owner, this definitely has a public benefit component to it.
MR. ANDERSON: What I'm trying to figure out, otherwise, where would you put the spoil?
TRUSTEE BREDEMEYER: Proper disposal and use of the town at other beaches, if they ran out of room. Maybe it's appropriate to wait and see what the DEC brings back on the permit on that aspect.
MR. ANDERSON: Well, we'll amend it. I mean, I would like to have a permit so at least I can show them at least let's not do what we did to the poor fellow in Orient. Because that's not right. In my opinion.
TRUSTEE BREDEMEYER: Well, we granted the permit in the instance of the Orient case.
MR. ANDERSON: You did. It took almost a year for that individual just to come out and look at it. And that individual, I was not there, the owner was there, so that meeting could not have lasted more than two minutes.
TRUSTEE BREDEMEYER: I don't even know if the new members were on the Board. The Orient Creek that backs into John Holzapfel's, or was John Holzapfel's.
MR. ANDERSON: Yes, that's the one.
TRUSTEE GOLDSMITH: Any other comments from the Board?
(Negative response).

Hearing none, I make a motion to close this hearing.
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: I make a motion to approve this hearing with the condition that you get a letter or updated plans to show where the dredged spoil is to be deposited and to also require a silt boom during dredging.
TRUSTEE BREDEMEYER: Motion has been made. Is there a second?
TRUSTEE SANDERS: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).
MR. ANDERSON: Thank you, very much. I greatly appreciate it.
TRUSTEE BREDEMEYER: At this time I would like to make a motion to adjourn the meeting.
TRUSTEE GOLDSMITH: Second.
TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

Respectfully submitted by,

John M. Bredemeyer III

John M. Bredemeyer III, President
Board of Trustees