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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, November 16, 2016

5:30 PM

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

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Tuesday, December 6, 2016 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, December 14, 2016 at 5:00 PM
WORK SESSIONS: Monday, December 12, 2016 at 4:30 PM at Downs Farm,
and on Wednesday, December 14, 2016 at 5:00 PM at the
Main Meeting Hall

MINUTES: Approve Minutes of October 19, 2016.

TRUSTEE BREDEMEYER: Good evening, and welcome to the Trustees regular monthly meeting, November 16th, 2016. This evening we have a very goodly number of postponements, most all being postponed because the Board needed additional information to complete the files for review. I'll just run through -- if you don't have an agenda, they are on the lecterns, but I'll just run through the postponements, in case you are here and you don't sit through a majority of the meeting expecting to have a matter heard that we have to hold off.

On page four, at the bottom of the page, item 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; revegetated void areas with American beach grass and rosa rugosa. Located: 20275 Soundview Avenue, Southold. SCTM# 1000-51-4-8, has been postponed.

Page five, number two, L.K. Mclean Associates on behalf of **MATTITUCK PARK DISTRICT** requests a Wetland Permit and a Coastal Erosion Permit to install a 25' wide by 40' long steel shade shelter supported by six (6) foundation columns over a proposed 4" (25'x40') concrete slab; and to install an approximately 12'x24' timber deck fastened onto the existing concrete slab that is attached to the existing lifeguard building. Located: 5155 Breakwater Road, Breakwater Beach, Mattituck. SCTM# 1000-99-2-19.1, has been postponed.

Item number three, on page five, Docko, Inc., on behalf of **BRIM FISHERS ISLAND TRUST, c/o JOHN BRIM** requests a Wetland Permit and a Coastal Erosion Permit to construct a 4' wide by +/-181 linear foot long fixed wood pile and timber pier; a 3.5'x20' ramp; an 8'x20' floating dock with four (4) restraint piles; install four (4) tie-off piles; relocate boulders within the vicinity of the proposed float and berthing areas under the new pier; and on top of existing concrete foundation pier located in beach area construct a proposed +/-18'x28' wood platform. Located: 3206 Brooks Point Road, Fishers Island. SCTM# 1000-4-3-3 has been postponed.

On page nine, at the bottom of the page, item number 17, Richard Boyd, R.A. on behalf of **CHRISTINE HOWLEY** requests a Wetland Permit to demolish existing two-story dwelling; construct new two-story, single family 5,577.20sq.ft. total footprint dwelling which includes a 680.4sq.ft. attached garage, a 107sq.ft. front roofed-over porch, 1,299.9sq.ft. of seaward side first floor decks, and 1,123.3sq.ft. seaward side second-floor decks. Located: 320 Sailor's Needle Road, Mattituck. SCTM# 1000-144-5-29.3, has been postponed.

And on page ten and eleven, in the entirety have been postponed. They are listed as follows:

Number 18, Michael Kimack on behalf of **GIOIA TURITTO & NABIL EL-SHERIF** request a Wetland Permit to re-install in-kind a Bio-Log system with fill and native plantings within two (2) separate areas along the southern shoreline of subject property due to the storm damage of the existing systems.

Located: 40 Beachwood Lane, Southold. SCTM# 1000-70-10-62.1

Number 19, Michael Kimack on behalf of **MARC & DEIRDRE SOKOL** requests a Wetland Permit for the as-built 1,714 sq.ft. wood deck attached to seaward side of dwelling; as-built 61.9sq.ft. hot tub on a 345.8sq.ft. patio, and 3' wide stone walkway from deck to bulkhead; install a proposed 16'x32' in-ground swimming pool; install a proposed 1,454.5sq.ft. bluestone patio with 215sq.ft. pergola; install approximately 730 linear feet of 8' high deer fencing and 252 linear feet of 4' high wood picket fencing with gate; and for a proposed bluestone fire-pit area landward of top of bluff.

Located: 308 Park Avenue, Mattituck. SCTM# 1000-123-7-7.3

Number 20, **GAYLE B. WALLACE** requests a Wetland Permit to reconstruct the existing 3'x35' catwalk using Thru-Flow decking and raised 18" above grade; a 3'x1 9'8" aluminum ramp; and a 6'x20' floating dock situated in an "I" configuration with two piles to secure the float. Located: 150 Briarwood Lane (Dominant); 425 & 350 Briarwood Lane, at End of 20' Wide Right-of-Way, Cutchogue (Servient). SCTM# 1000-136-1-3 (Dominant); 1000-136-1-1 & 1000-136-1-5 (Servient)

Number 21, Patricia C. Moore, Esq. on behalf of **JOAN SHANNON** requests a Wetland Permit for the existing ±22'x25.5' cantilevered upper deck and to resurface the deck; extend existing 54' long retaining wall an additional 12' to easterly property line; extend existing 75' long retaining wall an additional ±35' to easterly property line and add a 10' long return; extend an existing 50' long retaining wall up to the existing deck; extend existing lower retaining wall an additional 75' to easterly property line; replace existing 75' long bottom retaining wall in-place; remove damaged 11 'x75' wood deck between lower retaining walls; replace only 19'x25' part of existing deck located under upper wood deck, and replace existing outdoor shower on lower deck; backfill area with 120 cubic yards of clean sand and top with beach stones; replace 4' wide stairs to beach off of bottom retaining wall; replace existing 4'x22' stairs that extend from top deck to lower deck; replace/repair existing 75' long bulkhead; install steps to beach off bulkhead; revegetate disturbed areas with mulch and native vegetation.

Located: 7080 Great Peconic Bay Boulevard, Laurel.

SCTM# 1000-126-1 1-7

Number 22, 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

Number 23, 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

At this time, I'll make a motion that the Board will hold its next field inspection on Tuesday, December 6th at 8:00 AM.

Do we have a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: And different than what you're meeting agenda says, we'll vote to change the meeting time for the next regular meeting. I would move to resolve that the Board will hold its next regular monthly meeting Wednesday, December 14th, 2016, at 5:00 PM.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: And work sessions, I move that we have our work session for Downs Farms, Monday, December 12th, 2016, at 4:30 PM at Downs Farms. And in the main meeting hall on Wednesday, December 14th, 2016, at 4:30 PM. That's immediately before the meeting on that night. That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I move to approve the Minutes of October 19th, 2016.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for October 2016. A check for \$5,050.21 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 VI Public Hearings Section of the Trustee agenda dated Wednesday, November 16, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

They are listed as follows:

Vishnudat Seodat - SCTM# 1000-99-3-4.2
Tangent, LLC, c/o Abigail Wickham - SCTM# 1000-117-5-16
Francine Luque - SCTM# 1000-35-4-28.30
Gioia Turitto & Nabil El-Sherif - SCTM# 1000-70-10-62.1
Marc & Deirdre Sokol - SCTM# 1000-123-7-7.3
Rahul & Yana Kakar - SCTM# 1000-112-1-14
Max & Jimena Faerber - SCTM# 1000-24-2-27
Christine Howley - SCTM# 1000-144-5-29.3
Joan Shannon - SCTM# 1000-126-11-7
Joseph & Dolores Magagnin - SCTM# 1000-56-5-23
Richard & Janet Downing - SCTM# 1000-123-10-2
Harold J. Baer - SCTM# 1000-116-7-6
Gloria Nixon - SCTM# 1000-138-2-13
Paul & Patricia Ahiers - SCTM# 1000-35-4-16
Susan & Ira Akselrad - SCTM# 1000-111-9-6.4
Robert J. Guarriello & Anna T. Guarriello Irrevocable Trusts - SCTM# 1000-56-5-19

TRUSTEE BREDEMEYER: These are all Type II actions.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: In order to keep the meeting moving a pace and being a little more efficient, for Administrative actions and for Applications for Extensions or Transfers or Administrative Amendments, the Board will group together projects that are of a minor administrative nature for which the Board has already conducted inspections and for which are not subject to a public hearing.

Accordingly, I would move that we approve under Resolutions for Administrative Permits, I move that we approve item one, number two and number four as a group. They are listed as follows:

Number one, **STEVEN & LAUREN BECK** request an Administrative Permit to construct a +/- 10'x12.4' addition onto the southerly side of the existing dwelling. Located: 250 Pine Tree Court, Cutchogue. SCTM# 1000-98-1-7.1 1

Number two, **PAUL & MARGARET KOBALKA** request an Administrative Permit to install an 8'x12' storage shed onto the property in the rear yard and 10' away from side yard lot line. Located: 695 Petty's Drive, Orient. SCTM# 1000-14-2-23

Number four, **LILLIAN BALL** requests an Administrative Permit for a Ten-year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to not less than 12" in height by hand, and to remove other invasive species of vegetation by hand on an as needed basis. Located: 2045 Lake Drive, Southold.

SCTM# 1000-59-5-4

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: For item number three, the application of Robert Brown Architect, P.C. on behalf of **LOUIS & BETTE WEISKOPF** request an Administrative Permit to replace the existing +/-516sq.ft deck with a +1-241 sq.ft. Deck with stairs on easterly side of dwelling. Located: 400 Long Creek Drive, Southold. SCTM# 1000-55-4-23.3

The project has been reviewed by the LWRP coordinator and it was found to be inconsistent with the goals of the LWRP in that the structure did not have -- was constructed without a Trustee permit. It is a reduction, actually, in the size of the deck for which the Board did perform an inspection, and by virtue of reducing the size and applying for a permit, it would bring this structure into compliance with the LWRP.

Accordingly, I would move to approve this application as being consistent by acquiring a permit and reducing the environmental impact.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next is the application of Frank Uellendahl, R.A. on behalf of **KUHL FAMILY TRUST, clo WILLIAM KUHL** requests an Administrative Permit to construct a proposed 15'x15' two-story addition onto the landward side of existing two-story dwelling; for the existing 3'x62' wood walk to be removed and replaced with pavers; and for the existing 13.3'x21.6' wood deck with pergola to remain. Located: 1729 North Bayview Road, Southold. SCTM# 1000-70-1238.1

This was deemed to be inconsistent. A portion of it was deemed to be inconsistent by the LWRP coordinator. It consists with an as-built deck section of 13-feet three-inches by 21-feet six-inches, and the deck with the pergola was inconsistent because it, too, did not have a wetland permit.

The Board reviewed the project. The project was fully staked, it was very straightforward, the Board viewed that there was little or no environmental impact from the project, and by virtue of seeking a permit it would bring this project into

compliance with the LWRP and in consistency, and accordingly I move to approve this application as being consistent by virtue of seeking a permit and having little or no environmental impact.

TRUSTEE DOMINO: Second.

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

TRUSTEE BREDEMEYER: The next application, item number six, Michael Kimack on behalf of **SOUTHOLD SUNSETS, LLC** requests an Administrative Permit to install a 64' long post-and-rail fence along the south-westerly side-yard property line beginning at a point adjacent to the concrete walk seaward to the southwesterly property corner. Located: 4200 Kenneys Road, Southold. SCTM# 1000-54-4-3

The owner is trying to control errant beachgoers at Kenneys Beach who apparently had a history of going on the property of the owner and actually going up on the deck. The Board feels this is reasonable, but we wanted to also include the stipulation that with this permit we would allow the placement of a code-compliant 12x12" sign on the fence that would allow for letting beachgoers know that it is private property of the owner. I move to approve this with the allowance for a 12x12" sign on the fence.

TRUSTEE DOMINO: Second.

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

TRUSTEE BREDEMEYER: The next item, number seven, **JENNIFER LEUBA & VICTOR HOU** request an Administrative Permit for the removal of existing lawn area and top-soil; and to add approximately 20 cubic yards of new top-soil in area of removed top-soil; install underground sprinkler system to be located no closer than 30' from top crest of the bluff; and to re-seed the new top soil to establish a lawn area. Located: 950 Red Fox Road, Mattituck. SCTM# 1000-106-1-23.1

The Board reviewed this application and appreciate the fact by keeping the sprinkler system from the crest of the bluff it reduces greatly the potential of having a bluff blowout due to failure of the sprinkler or the sprinkler heads. But the Board did want to maintain the area between the sprinklers and the bluff with no fertilizers, no chemical fertilizers.

Accordingly, to honor what the Board feels would be important to protect this site, I would move to approve this application as submitted with the stipulation that there shall be no fertilizer applications within the 30 feet that is not covered by the sprinkler system.

TRUSTEE SANDERS: Second.

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

TRUSTEE BREDEMEYER: Application number eight, **NEW SUFFOLK WATERFRONT FUND, INC.** requests an Administrative Permit for the existing +/-30.5'x48' marina accessory building; to repair the northeast corner of the building by replacing the existing support posts as well as one midway on the north side; and to remove some of the shingles in order to install plywood to cover any existing holes in the exterior walls. Located: 650 First Street, New Suffolk. SCTM# 1000-1 17-18-18.1

This is a very straightforward application for a minimalist repair of the existing structure. The Board reviewed the proposal and it fully feels this is appropriate for a minor action, but wants to stipulate that further work on this project should come in for a more formal wetland application.

Accordingly, I move to approve this application as submitted with the stipulation that further work on the building should require a full wetland permit.

TRUSTEE SANDERS: Second.

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

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE BREDEMEYER: Under Item V on the agenda, on page three, again, we can group groups of applications together for which were found by the Board on field inspection and review of the files to be consistent with our policies, and I would accordingly move that we approve as a group numbers one, two, three and number five. They are listed as follows:

Number one, En-Consultants on behalf of **JANE & VINCENT MARTORANA** request a One-year Extension to Wetland Permit #8541 and Coastal Erosion Permit #8541 C, as issued on December 17, 2014. Located: 700 Sound Drive, Greenport. SCTM# 1000-33-4-32

Number two, William Goggins, Esq. on behalf of **ANALISSE TAFT** requests a Transfer of Wetland Permit #4851 from Joseph & Nicole Aretz to Analisse Taft, as issued on January 28, 1998. Located: 853 Knollwood Lane, Mattituck. SCTM# 1000-107-6-5

Number three, **MAUREEN & JAMES LEVELIS** request a Transfer of Wetland Permit #5378 from Jami Friedman to Maureen & Jim Levelis, as issued on July 25, 2001. Located: 830 Cleat-view Road, Southold. SCTM# 1000-89-3-11.5

And number five, **JACOB & JILL KUBETZ** requests an Administrative Amendment to Wetland Permit #8717 to no longer construct the proposed 328sq.ft. paved patio adjacent to the screened-in porch, or the proposed 2.10'x38.7' paved walkway from the rear patio to the barn. Located: 1600 North Oakwood Road, Laurel. SCTM# 1000-127-6-10

Do I have a second?

TRUSTEE SANDERS: Second.

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

TRUSTEE BREDEMEYER: Number four, David Jude Jannuzzi, Esq. on behalf of **PAUL KATZ & LOUISE CHASEN** request a Transfer of Wetland Permit #2083 from Rudolph H. Bruer on Behalf of B.D.B. Properties to Paul Katz & Louise Chasen, as issued on October 30, 1985. Located: 100 West Mill Road, Mattituck.
SCTM# 1000-113-4-2

The Board found that the current dock is nonconforming, the dock predating Trustee permits, but where the permit had been granted under the grandfather clause, the structure that exists in the field at this time is not the same size as was permitted by this Board on October 30th, 1985. It is such a great variance from the prior permit that the Board after reviewing the file and measuring it in the field believes that this structure should come in for a new permit and possibly a modification.

Accordingly, I would move that we deny this application without prejudice, in favor of submitting a new application.

TRUSTEE DOMINO: Second.

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

TRUSTEE BREDEMEYER: Item number six is the application of **DAVID SCHAB** requests an Administrative Amendment to Wetland Permit #8570 to install underground water and electric to the dock. Located: 250 Midway Road, Southold. SCTM# 1000-90-1-9

The Board has no problem whatsoever with the extension of water and electric to a dock as an administrative item, provided we do want to stipulate though, that the lighting must be code compliant Dark Skies lighting, and because the Board has determined now that extension of power to docks is potentially hazardous with extending electric to docks, that we'll require that the applicant seek the approval of the Building Department and submit an underwriters certificate to the Building Department for their approval before we actually issue the permit.

Accordingly I move we approve the request of David Schab for an Administrative Permit subject to stipulations I just stated: Dark Skies compliant and they secure Building Department approval and underwriters certificate.

TRUSTEE SANDERS: Second.

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

TRUSTEE BREDEMEYER: At this time, I would like to take an off-agenda item vote. The Board this evening at work session and at two previous work sessions is developing a new mooring policy which is designed to have greater boater participation in our creeks. We have some creeks in the town which are presently under-utilized, where we may have waiting lists of tens of people and in some cases lists of 20, 25 people, and the creek may have anywhere from ten to 15 permits for a mooring on it, but there is actually no moorings in place on these creeks. So

that we actually have a case where people are on a waiting list dying to get into a creek, and there is, the new policy essentially will be developing a fairly generous use-it-or-lose-it procedure for the boaters, will have to make sure their mooring gear is properly identified as we currently have our numbering and we have our stickers, and that they'll have to have their boats out for in excess of a two-year period, and there will be inspection by Town representatives.

Accordingly, I move the Board approves its new policy which is bound to the letter of, the mooring renewal letter that will go out to all the current mooring permit holders.

Anyone here who is interested in it, we can provide a copy of that letter if you happen to be here and happen to be a mooring permit holder.

That's my motion to approve the new mooring policy.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: At this time, we'll go off the regular meeting agenda. I move to go off the regular agenda to enter into our public hearings. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

VI. PUBLIC HEARINGS: AMENDMENTS:

TRUSTEE DOMINO: Number one, **HAROLD J. BAER** requests an Amendment to Wetland Permit #6170 to construct a 4'X40' seaward extension onto existing 4'x65' fixed dock for a total of a 4'x105' fixed dock; and to relocate existing steps to grade to seaward end of new extension. Located: 1425 Meadow Beach Lane, Mattituck. SCTM# 1000-1 16-7-6

The Trustees did a review of this application on 11/9 of this year. November 9th.

The CAC resolved to support this application.

And we have in our file a letter from the LWRP coordinator in response to a request from our able senior clerk typist Liz Cantrell, and the letter reads that we need more time with this application. The application affects a structure with a long history.

Hearing that, considering that, I make a motion to table this application until we receive LWRP coordinator response.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE BREDEMEYER: The next application, number one, under

Wetland & Coastal Erosion Permits, En-Consultants on behalf of **VISHNUDAT SEODAT** requests a Wetland Permit and a Coastal Erosion Permit to revegetate the existing 35' wide non-turf buffer adjacent to and along the landward edge of the top of the bluff. Located: 580 Lloyds Lane, Mattituck. SCTM# 1000-99-3-4.2

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

(Negative response).

Okay, seeing no one here, the Board is familiar with this application to the extent that we discovered there was a violation on the property where the -- there was a non-turf buffer specifically designed and designated for this property to protect the bluff. The bluff had had a prior history of a bluff blowout, and in this case there was both irrigation and a lawn put in on the bluff which would directly endanger the bluff again and the adjacent properties. A violation was issued and this is a return on the violation. And the applicant has, is restoring the property to the state it was before at the request of the Trustees, so that the Board is now considering the approval of a 35' wide non-turf buffer which it heretofore was not put in a restrictive covenant, should be. And we have a vegetated planting plan that the Board has reviewed which will be using native plants that we reviewed in the field.

Is there anyone here who has additional comments or questions?

(Negative response).

The return was pretty straightforward. It basically restores everything we asked for. Any questions?

(Negative response).

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

MR. BAER: Are we permitted to ask questions as we go along or do we have to wait until the end?

TRUSTEE BREDEMEYER: During the course of the hearing, if you heard me, I did indicate was there anyone here to speak on behalf of the application, that would ordinarily be the time if you wanted to speak specifically to an application, you could.

Are you here to speak with respect to --

MR. BAER: Yes, my application, Harold Baer. You people were out here a couple months ago, and now you are saying it's tabled. What does that mean?

THE SECRETARY: If you could come up to the podium first.

TRUSTEE BREDEMEYER: Yes, why don't you come up. We'll go off agenda just for a minute and we'll have to go back and deal with this.

As a point of information, Mr. Baer, we were not able to conclude, the Board was not able to move forward with your application because a required report from the LWRP coordinator is not in the file. And the program coordinator felt he needed more time and needed more information to render his opinion.

The Trustees in making approvals for wetland permits, we

have to incorporate the review of the LWRP coordinator as well as the recommendations of the CAC. So if we are minus those reports, we can't act on an application when it comes in.

In this case we are awaiting the report from Mr. Mark Terry who is the LWRP coordinator, so we had to table the application.

MR. BAER: Do I have to give this coordinator anymore information? Doesn't he have enough though make a determination?

TRUSTEE BREDEMEYER: I believe if the coordinator needed more information from you he would contact you. I believe he's doing a file research and research of prior Board minutes he believes he needs to review to make his report.

MR. BAER: What's the name of this person?

TRUSTEE BREDEMEYER: Mark Terry.

MR. BAER: Okay, so my case I just have to sit back and wait?

TRUSTEE BREDEMEYER: It would on December's meeting in any case because the LWRP coordinator has a timeframe that he has to return his report by.

MR. BAER: Okay, so it will show up again on December 16th?

TRUSTEE BREDEMEYER: Yes.

MR. BAER: I'm not going to be here. Is that a problem?

TRUSTEE BREDEMEYER: Sorry, December 14th.

TRUSTEE SANDERS: December 14th, will you be around that time, sir?

MR. BAER: No.

TRUSTEE BREDEMEYER: You don't necessarily have to be here to be present for the meeting. It's sometimes helpful. Or if you want to have a representative with signed authorization from you, someone to speak for you.

MR. BAER: I'll be in North Carolina, I don't think I can do it.

TRUSTEE BREDEMEYER: It's for you to determine.

MR. BAER: All right.

TRUSTEE BREDEMEYER: Going back on the agenda, before I move to close the hearing on the Vishnudat Seodat matter, I would just like to say also this application was approved by the CAC. Our two representatives here for the CAC, John and Greg, are in the back.

So I would move that Vishnudat Seodat being uncomplicated and a return as a request to satisfy the violation, I would move we close the hearing in this matter.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would move to approve the application of Vishnudat Seodat as submitted.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

WETLAND PERMITS:

TRUSTEE SANDERS: Number one under wetland permits, **TANGENT, LLC,**

c/o ABIGAIL WICKHAM requests a Wetland Permit to construct approximately 80 linear feet of vinyl bulkhead in place of and 12" higher than existing timber bulkhead; backfill bulkhead with approximately 30 cubic yards of clean sand/loam to be trucked in from an approved upland source; install a light pole at corner of bulkhead, to be in compliance with Town Code section 172-5; install buried electric and water lines from right-of-way.

Located: 908 Old Harbor Road, New Suffolk. SCTM# 1000-1 17-5-16

The Trustees on, actually Nick Krupski, the Trustee on 11/14, went out to the property, and his comments are straightforward. Building to match bulkhead next door.

The LWRP has found this to be consistent. They make one note, the proposed non-turf buffer is vegetated with native drought-tolerant beneficial plants to further Policy Six.

And then the CAC resolved to support this application as well.

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

MS. WICKHAM: Good evening, Abigail Wickham on behalf of the applicant, Mattituck, New York. I'm just here if you have any questions.

If I can't answer them, I'll ask Rob Herrmann because he's doing the two on either side.

TRUSTEE BREDEMEYER: We have a ten-foot --

MS. WICKHAM: Yes, and I'm proposing the same.

TRUSTEE SANDERS: Good. Okay. Is there anybody else who would like to speak on behalf of this application?

(No response).

Thoughts from the Board?

(Negative response).

I'll make a motion to close the hearing.

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

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: I'll make a motion to approve this application as long as it goes to the Building Department and gets an underwriters certificate for the electric as well as a ten-foot non-turf buffer.

TRUSTEE DOMINO: Second.

MS. CANTRELL: The buffer is not on the plans.

MS. WICKHAM: Yes, it is.

TRUSTEE BREDEMEYER: Okay. Thank you. All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number two, Jeffrey Patanjo on behalf of **FRANCINE LUQUE** requests a Wetland Permit to remove and replace 176 linear feet of existing timber bulkhead, a 30 linear foot return and an 8 linear foot return with new vinyl bulkhead and returns in-place and 18" higher than existing.

Located: 580 Wiggins Lane, Greenport. SCTM# 1000-35-4-28.30

The LWRP coordinator found this to be consistent, provided that a non-turf buffer is vegetated with native drought-tolerant beneficial plants to further Policy Six.

The CAC resolved to support this application as long as it is no higher than neighboring bulkheads, and a ten-foot non-turf buffer.

On November 9th the Trustees went out, we had some comments about the patio that went directly up to the bulkhead. And also would like a ten-foot non-turf buffer.

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

MR. PATANJO: Jeff Patanjo on behalf of the applicant. We have no objections to providing a ten-foot non-turf buffer.

TRUSTEE KRUPSKI: Would it be a possibility with that patio that goes the whole way, to either convert that to a permeable patio, within the ten-foot? Or gravel?

MR. PATANJO: Within the first ten feet, yes, that's no problem. It will be removed for the bulkhead anyway.

TRUSTEE KRUPSKI: Figured as much. Okay, is there anyone else here that wishes to speak regarding this application? Or any comments from the Board?

MR. PATANJO: Revised plans, or will you put that as a notation?

TRUSTEE BREDEMEYER: Sorry, with respect to --

TRUSTEE KRUPSKI: To the patio. Just adjust it the first ten feet from the bulkhead will be a permeable patio.

TRUSTEE BREDEMEYER: We should probably get a separate plan showing the structure, because there is a new standard for the permeable. So we should probably get a set of plans for the permeable structure.

TRUSTEE KRUPSKI: Okay.

TRUSTEE BREDEMEYER: We may have to send that over -- there is a new town standard for dealing with permeable driveways and structures with drainage. I mean if it's all sand it's probably a non-issue, but if it's a question of construction standards, we sometimes have to rely on the town engineer to take a look at it. So if you give us --

MR. PATANJO: Maybe the option will be if she does want that size of a patio, maybe move it closer landward from where it is now, the entire patio, and just move the one walkway up to the bulkhead.

TRUSTEE KRUPSKI: I'm fine with that.

TRUSTEE BREDEMEYER: Yes. You could do that with revised plans if you want.

TRUSTEE KRUPSKI: With the stipulation. Okay.

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

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve this application with the stipulation that new plans depicting the new patio

design that does not encroach the ten-foot non-turf buffer.

TRUSTEE BREDEMEYER: Okay. Motion has been made.

Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number three, Cole Environmental Services, Inc. on behalf of **GLORIA NIXON** request a Wetland Permit to replace existing timber bulkhead in-place consisting of a 57' long bulkhead and a 6' return using vinyl sheathing; and to replace existing "L" shaped fixed timber dock in-place consisting of a 3'x10' fixed dock off of bulkhead to a 4'x16' fixed dock.

Located: 5170 Skunk Lane, Cutchogue. SCTM# 1000-138-2-13

The LWRP coordinator found this to be inconsistent. The inconsistency rises from the fact that the structure was constructed without a Trustee permit.

The CAC resolved to support this application with the condition that no CCA treated wood is used in the new construction; that the decking is constructed with flow-through decking; and the thriving underwater vegetation is addressed.

The Trustees did, more correctly, the Trustees did an inspection on November 9th, and the notes included a suggestion of flow-through decking, again, that all the piles be 4x4s, and that the bulkhead be blended to match the property without a bulkhead to the north, that is to naturalize the way they flow together.

Is there anyone here to speak to this application?

MR. COLE: Good evening, members of the Board, I'm Chris Cole, Cole Environmental Services, and I'm here to answer any of your questions and take your comments.

TRUSTEE DOMINO: Are you amenable to the suggestions of --

MR. COLE: My client is not here tonight but I would imagine that they would be. I would have to present that to them and just get them to confirm.

TRUSTEE BREDEMEYER: I'm just wondering, did the plans include through-flow material? Before we, because there were concerns about that. (Perusing). It doesn't look like through-flow.

TRUSTEE DOMINO: There is no note on the plans regarding the through-flow.

TRUSTEE BREDEMEYER: Okay, so the project, just as a point of information, because I understand you are doing this sort of for the first time, the LWRP coordinator, when he deems that a project is inconsistent with the Town's waterfront policy, particularly where it deals with wetland vegetation, submerged aquatic vegetation. Ordinarily, to bring a project into compliance we stipulate you have to use open-grate through-flow decking to allow sunlight penetration. So that is typically what we would see in this application. Unfortunately, because of the monthly schedule, with two holidays last week, our surveys ran later in the week and we had hoped to communicate more

directly with I believe it's your father also that runs the business. And during the course of the field inspection, the Trustees felt that the return in the bulkhead on the northern side should be reduced and softened to possibly 45 degree angle or oblique angle, and then use some small coir stone or even coir logs. The reason being is there is the owner to the north, immediately to the north, has come in requesting a retaining structure for which the Board will not allow new, there is a prohibition against new bulkheads in the bays. And so your project would be terminating, basically it will be terminating where there will not be future structure there. So we'll want to have a soft return so it won't be reflecting wave energy and scouring out. So I think the feeling of the Board is we would probably want to have a project plan.

TRUSTEE DOMINO: Trustee Domino thanks you.

Any other comments or questions from the Board?

(Negative response).

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

TRUSTEE SANDERS: Should we table this so he can actually talk to his client?

TRUSTEE BREDEMEYER: I think so. Then come in with new plans.

TRUSTEE DOMINO: All right. With respect to Trustee Sanders' comment, I make a motion to table this pending new plans.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: Made and second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number four, Joan Chambers on behalf of **RAHUL & YANA KAKAR** request a Wetland Permit to construct bluff stairs consisting of a 3'7"x7'6" landing at the top of bluff leading to a 3'7"x10'9" set of stairs down to a 9'x11' upper landing to 3'7"x5'4" stairs to a 3'7"x9' platform; from that platform there will be five (5) sets of 3'7"x13'5" stairs and five (5) 3'7"x7'2" middle platforms descending to a 3'7"x9'9" set of stairs to a 9'x11' bottom landing leading to a removable set of approximately 3'7"x5'4" stairs to beach; and all stairs and platforms to have railings. Located: 4625 Aldrich Lane Extension, Mattituck. SCTM# 1000-112-1-14

This project was inspected by the Board of Trustees and also has been deemed to be consistent under the LWRP.

And the CAC has voted to support the application with properly engineered erosion control in place in a sensitive area. Is there anyone here who wishes to speak to this application?

MS. CHAMBERS: I'm Joan Chambers, I designed it and I'm here to answer any questions.

TRUSTEE BREDEMEYER: The Board visited, actually, we visited on field inspection on the 9th of November. The landings are code-compliant under the Coastal Erosion Hazard Area of the Wetlands Ordinance. The Board felt it was a straight-up beach

access stairs. I don't believe we had any concerns during the field inspection. Any additional questions or concerns of the Board?

(Negative response).

TRUSTEE SANDERS: Long set of stairs.

TRUSTEE BREDEMEYER: Yes. Very lucky to have it so well vegetated. A great effort was put in to keep it that way. The project does include using a silt fence.

MS. CHAMBERS: Yes, it does. And also, that's why the stairs zigzag so much, because we are really trying to avoid taking up anything that is any kind of large planting. And I'm sorry it was not better staked but quite frankly I couldn't stake it. And beach access is really limited there. You have so sort of go over the tip of the bluff there. So if there are no more questions.

TRUSTEE BREDEMEYER: It's very straightforward. I'll make a motion to close the hearing in this matter.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number five, Studio NB Architects on behalf of **MAX & JIMENA FAERBER** request a Wetland Permit and a Coastal Erosion Permit for the existing $\pm 1,447.4$ sq.ft. two-story dwelling with attached ± 435 sq.ft. deck on seaward side, and 88sq.ft. covered entry porch on landward side; construct an approximate 6'x8.7' first story addition under existing covered porch on seaward side; convert northerly section of first floor roof into a 2nd story deck; add drainage improvements for existing and proposed 2nd story decks; replace existing windows, deck railings, deck columns, and entry porch side lattice screening. Located: 2072 Village Lane, Orient.
SCTM# 1000-24-2-27

This application has been deemed to be consistent with the LWRP.

It has been supported by the CAC.

I performed the inspection as the area Trustee, and I must say this is about the minimalist application I have seen. Unfortunately, it comes under the jurisdiction of both the Coastal Erosion and the Wetland ordinance. Ordinarily a project of this scope or scale elsewhere in the town, if not in the coastal erosion area would be an Administrative Permit. But for the very restrictive coastal erosion zone, which cuts through a portion of the Town including the Orient Harbor area, it may come under greater scrutiny for what is a very minor project. I guess it's unfortunate you have to kill a couple trees, in this case, to seek approval from this Board.

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

(Negative response).

And I meant killing trees by virtue of the amount of paper.

I don't want you to think we are taking trees down.

MS. FAERBER: Good evening, My name is Jimena Faerber and my husband Max. So we are here to answer questions as well, and just I received another receipt.

TRUSTEE BREDEMEYER: You can bring it up to the dais and leave that with the clerk.

This is very straightforward, the Board had no problem on field inspection. Any additional questions?

(Negative response).

Accordingly, I move to close the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I move to approve the application as submitted.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Number six, En-Consultants on behalf of **JOSEPH & DOLORES MAGAGNIN** requests a Wetland Permit to install new vinyl sheathing on the landward side of approximately 73 linear feet of existing timber bulkhead and ±18' timber return. Located: 535 Bay Home Road, Southold. SCTM# 1000-56-5-23

This is deemed to be exempt under the LWRP.

And the CAC supports the application with the condition of a ten-foot non-turf buffer, and the drainage for the pool is depicted on the survey. At this time -- I'll wait one second. We have the permit expeditor speaking to the applicant.

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

The CAC voted to support it with a ten-foot non-turf buffer.

The Board is familiar with the project. There was also some additional discussion between Town Engineer and myself. I'm not sure if the Board got to you concerning the Need for the -- we'll go into that. Go ahead.

MR. HERRMANN: Rob Herrmann of En-Consultants here on behalf of the applicant. Mr. Magagnin is also here, Angelo Stepnoski of Greenport Dock Building is also here. He'll be the contractor.

It's a very straightforward application with respect to what is proposed in terms of the landward re-sheathing of an existing bulkhead, but as the Chairman just alluded to, there is a Town drain pipe that runs through a drainage easement on the property and has an opening toward the, I guess you want to call it the northwest side of the bulkhead. And I did get a call, I spoke to Michael Collins of the Engineering Department earlier today. And what he asked of us in connection with this permit is that when the contractor does the work for the re-sheathing, that the Town would supply the contractor with a 20-foot long piece of pipe,

because what they would like to see happen is in conjunction with the bulkhead re-sheathing being done that that pipe actually be replaced, because they are going to upgrade the pipe. I think it's an old, some sort of metal pipe now. This will be, from my understanding from Michael, is it will be a PVC pipe now. And basically the long and short of it is they would like Angelo to basically install the first section so it's tied into the bulkhead, finished off, so when they come to tie in, they don't have to go down through Mr. Magagnin's property and tear up the whole yard and all the work that would have just been completed by Greenport Dock. So I spoke to Mr. Magagnin earlier, he seems to be understanding and accepting of that. He is here and can correct me if I'm wrong. But that seems to be the only hiccup with the application. So what we could do is I could give you a revised plan that would notate the approximate location of the pipe and add some sort of note to the side of the plan view indicating that the pipe would be maintained and so forth and so on. However you want us to present it.

TRUSTEE BREDEMEYER: That sounds very reasonable. Thank you, very much. And with any luck, I think subject to final engineering design, another pipe replacement, I think it might have been Willow Point Road, they actually reduced it from the historic 18-inch diameter corrugated galvanized pipe down to a 12-inch PVC, so it's a little less intrusive, at least as far as eye view. And that was one of the reasons we tried to work with you, and we appreciate that, because we would not want to necessarily have a new penetration cut to the 18-inch size and come to find out they are trying to engineer with modern materials and we have gapping there. So it's pretty straightforward, the application. Did I mention, I think we have the LWRP, it's exempt. We had the approval of the CAC. Any questions from the Board?

(No response).

It's very straightforward. Accordingly, I make a motion to close the hearing in this matter.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would move to approve this application subject to a revised plan noting the 20-foot length of pipe to be supplied by the Town and the appropriate diameter material to be provided by the Town as the penetration for the road drainage. That's my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Number seven, En-consultants on behalf of **RICHARD & JANET DOWNING** request a Wetland Permit to remove existing 503sq.ft. attached raised waterside deck and construct in its place a 1,868sq.ft. attached raised deck addition with

steps to grade around a proposed 16'x32' raised swimming pool; remove approximately 100sq.ft. portion of existing stone driveway; and install pool enclosure fencing, pool equipment area, pool drywell, and a generator. Located: 995 Willis Creek Drive, Mattituck. SCTM# 1000-123-10-2

The LWRP has found this application to be consistent.

And the CAC has resolved to support the application.

All Trustees on the 9th of November examined this property and found the pool application was quite straightforward.

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

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the Downings. It is a very straightforward application. It is similar to the swimming pool that the Board approved on the property to the east, I think it was just last month. It is a raised deck around a proposed swimming pool that will go into that corner of the house, just past where Glenn is standing there, in-place, partially in-place of that existing deck that is there that will come out.

If the Board has any questions, I'm happy to answer them.

Otherwise I don't have anything else.

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

(Negative response).

Crickets.

Is there anybody from the Board?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made.

TRUSTEE KRUPSKI: Second.

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

(ALL AYES).

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

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number eight, En-Consultants on behalf of **PAUL & PATRICIA AHLERS** request a Wetland Permit to remove and replace in-place approximately 20 linear feet of existing timber bulkhead with vinyl bulkhead; remove "L" shaped section of existing timber bulkhead, consisting of a ±48' shore-parallel section and ±7' return, and construct new ±48' shore-parallel vinyl bulkhead up to 7 feet landward of ±48' section to be removed; remove most northerly 14 linear feet of existing bulkhead and construct new ±29' vinyl bulkhead landward of MHW between northerly end of new ±48' vinyl bulkhead and neighboring bulkhead to north; raise existing 3'x9' ramp to dock to meet top of proposed ±29' vinyl bulkhead; construct ±10' vinyl return along northerly property line; reuse approximately 10 cubic yards of upland soil material excavated from landward side of existing ±48' bulkhead to be removed as backfill together with

approximately 60 cubic yards of clean sand/loam to be trucked in from an approved upland source; remove concrete and other debris from unbulkheaded shoreline at southerly end of property and place approximately 28 linear feet of 12"18" diameter stone rip-rap along toe of eroding embankment. Located: 1905 Gull Pond Lane, Greenport. SCTM# 1000-35-4-16

The Trustees did a field inspection on November 9th, and we met with En-Consultants Rob Herrmann and noted it was straightforward application.

The LWRP coordinator found this to be consistent and inconsistent. The inconsistency arises from the fact the structure was constructed without a Board of Trustee permit.

The CAC did an inspection also on November 9th and resolved to support the application with the condition of a ten-foot non-turf buffer along the landward side.

Is there anyone here to speak to this application?

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the applicants, Mr. Ahlers. And Meade Construction, the contractors for the project, are also here. We have now met with the Board a couple of times both on a pre-application basis and then ultimately on the 9th after the application had been filed. As we originally discussed, the application proposes a few things in the northerly corner of the property, there is a proposed section of bulkhead that will tie the existing bulkhead into the neighbor's bulkhead. And that ramp you see in your photograph there on the screen would be raised in elevation to meet the top of the new section of bulkhead.

There is going to be a landward retreat of a section of bulkhead almost 50-feet long where approximately 167 feet of existing upland is going to be returned to the waterway of Gull Pond, which is I think something the Trustees had looked fondly upon when we discussed it.

There is going to be one section of wall that is going to be removed and replaced, and that is the section of bulkhead farthest to the south that is in the lowest part of your photograph on the screen there. I did see, I don't know if I'm missing a page from the LWRP recommendation, but the in-place replacement of the 20-linear feet of existing timber bulkhead, I couldn't figure out why that was -- I mean that should be an exempt action because the in-place replacement of the bulkhead is exempt under Chapter 268, but in any event that's the one section of bulkhead there that will be removed and replaced in-place, and the top elevation of that wall is what will be held across the new sections of bulkhead both on the landward side and then making the connection to the neighbor.

Finally, on the south side of the property, we looked at with the Board, is an area of eroding embankment that has some *Baccharis halimifolia* on it. The *Baccharis* is at immediate risk really of being undermined and so the proposal is to place some stone rip-rap, not in a real engineered, structured-type way, but just in a way to try to toe up the shore of that embankment

because if it continues to scour out at the toe, that entire row of Baccharis will kind of just dump into Gull Pond there. So hopefully the rip-rap will help preserve the existing wetland vegetation that is there and hopefully help stabilize the eroding portion of Mr. Ahlers' property.

If the Board has any questions, I'm happy to answer them.

Otherwise, that's all I have.

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

TRUSTEE BREDEMEYER: Looks like a good project. It has some good saving features for the wetland.

TRUSTEE DOMINO: Any problems with the ten foot?

MR. HERRMANN: Yes. I talked to Mr. Ahlers about that. If there is any way the Board can see to limit the buffer, perhaps a five-foot buffer, given the fact that there is, in that across the middle of the property is up to a seven-foot wide section of existing upland that we are removing and giving back to the waterway. It will further reduce the limited lawn area that is already between the house and bulkhead. So if the Board would look favorably upon it, we'll just ask for a narrower buffer there, if the Board would see fit for it.

TRUSTEE DOMINO: Any problems with that? (Negative response).

MR. HERRMANN: I can give you revised plans showing that.

TRUSTEE DOMINO: I note we didn't find the permit for the dock.

MR. HERRMANN: There is a permit for the dock, sure. I think I have it here.

(Mr. Herrmann consults).

TRUSTEE DOMINO: In reading the description, I left out the words "to the dock where the ramp meets the proposed bulkhead" because we have not found the permit for the dock. And we'll address that issue at a later time.

MR. HERRMANN: Yes. If I can, I could have sworn we had it. I'm finding the DEC permit, was in April, 2000, was to remove existing ramp and float, extend dock ten-foot seaward, install 32"x16" ramp, 6x30 float. And I think that was, that was one, when the ramp, the float orientation was changed, correct?

(UNIDENTIFIED VOICE): Yes.

MR. HERRMANN: We have it somewhere, Mike. I was not thinking about it, honestly, in connection with the presentation tonight, so I'm sorry about that. But I'll try to find it because I'm pretty sure we had something for it.

TRUSTEE DOMINO: Seeing the way we handle that now, we'll handle that later on. Anyone else here --

MR. HERRMANN: But the part, the raising of the ramp has to be included in the scope of work. I'm not sure I follow you on what you said when you said you eliminated the words "to the dock."

TRUSTEE DOMINO: No, we did include raising the ramp. Just remove the words "to the dock."

MR. HERRMANN: Okay.

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

Questions, 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 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 a five-foot non-turf buffer.

TRUSTEE BREDEMEYER: Motion made, is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number nine, En-Consultants on behalf of **SUSAN & IRA AKSELRAD** request a Wetland Permit to renovate and expand an existing single-family dwelling as follows: Construct a second story over existing first story; construct a 6.7'x15.4' two-story addition to west side of dwelling; construct a ±2.7'x27.6' two-story addition to north side of dwelling (partially in place of existing northerly deck) with 4.5'x6' steps to remaining ±198 sq.ft. portion of northerly deck; construct a ±10'x24' one-story garage addition to west side of dwelling with a ±3'x24' extension of the new second story above; remove and replace ±11.8'x17.3' portion of existing first-story deck on east side of dwelling with first story addition; maintain ±11.8'x16.5' portion of existing first-story deck on east side of dwelling over existing on-grade patio with new outdoor kitchen; replace ±22sq.ft. of steps with one-grade slate patio; maintain existing on-grade slate patio on north side of dwelling; and remove ±4'x9' portion of existing dwelling, 57.5sq.ft. of steps, 4'x10' arbor, and ±3.6'x20' portion of northerly deck; install drainage system consisting of leaders, gutters, and drywells to contain roof runoff located more than 100' from bluff except for 8'x9' deep drywell located off southeast corner of dwelling; remove primary septic system and install new beyond 100' from top of bluff; remove existing drywell located adjacent to top of bluff; install pool drywell for existing 25'x50' swimming pool; and install new water service line to existing 10'x28' pool house; remove pool house septic system located 13' from bluff and install new pool house sanitary system more than 100' from bluff; maintain as-built bluff stairway consisting of an ±8'x8' upper platform, ±4'x16' stairs, ±8'x8' middle platform, and ±4'x19' stairs leading to a ±4'x7.5' lower platform with ±3'x12' steps to beach; establish a 5' wide, approximately 1,033sq.ft. non-turf buffer adjacent to bluff crest; for the existing ±233 linear feet of vinyl bulkhead, including ±19' and ±14' angled end sections; 1,431 slate pool patio with associated 4.8' wide walks and steps; and existing stone walls are to remain. Located: 4125 Nassau Point

Road, Cutchogue. SCTM# 1000-111-9-6.4

The LWRP found this to be both consistent and inconsistent. The consistency consisted of what was built there already, with the inconsistency being it was done without a permit.

The CAC resolved to support this application.

This site was visited multiple times by myself and I just noted that a few things had to be changed in the description, the original description.

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

MR. HERRMANN: Rob Herrmann of En-Consultants. I wanted to find my original project description because there was some language in that description that was taken out for the public notice.

Okay, so --

TRUSTEE KRUPSKI: I do have the letter submitted with the modifications to the description.

MR. HERRMANN: Okay. So I'll try to make this as short and sweet as possible. Because I think this application does have the characteristic of the longest project description I have ever submitted.

TRUSTEE KRUPSKI: It is painful.

MR. HERRMANN: For this project, this property that exists today was actually previously two lots. And this Board recently or, not recently, but previously, had issued Wetland Permits 8146 and 8147 to Alan Cardinale, and that work covered a wide range of structures, some of which are still there, some of which were completely removed although they had been permitted to be replaced. And some were constructed but in slightly different locations. So we had originally asked for a transfer of those permits. But with the change in the tax map numbers, with some of the deviation between what is there is and what was permitted, and then what is now additionally proposed, we were nudged toward submitting a new Wetland Permit application that would cover everything, and so that is one reason why the description is so long, because I've tried to do a lot of housekeeping for these lots.

So the long and short of it is, instead of proposing a second dwelling in connection with the southerly lot, the lots were merged. So obviously as a starting point, that's a great thing from the Town's perspective, because you have one house, one sanitary system per dwelling, as opposed to having two dwellings.

The existing swimming pool and the patio and the walks and the stone walls and the pool house, those were all already permitted structures by the Trustees as as-built structures in connection, in the case of the pool and pool house, with Wetlands Permit 8147. So we locked that language into this application so we can continue to have a current permit for those structures running with this application.

Permit 8146, which was for the northerly lot, had an approved a bluff stairway. The bluff stairway that was --

actually, both permits approved a bluff stairway. There were two stairways but only one was constructed, which actually worked out very nicely when they merged the lots, otherwise we would have two stairways on one property. So the stairway that was constructed was constructed south of where it was originally approved and with a little bit different configuration. So we are lopping that structure in as an as-built.

With respect to the dwelling, there was also an as-built deck on the northerly corner of the house. So that would be one structure perhaps covered by these LWRP comments, but that structure is now, as you mentioned, a modification, is going to be removed in its entirety. So we are no longer seeking this Board's approval to maintain that deck on the northerly corners of the house, and the reason for that is because of the newly changed code that requires a 100-foot bluff setback now under zoning for the bay bluffs in addition to the Sound. The proposed second-story addition here requires a Zoning variance. It also requires side yard setback because the house does not conform to the minimum side yard setback, and the northerly deck encroached on that setback. So as part of the ZBA's approval, which granted authorization to everything else that is proposed and in front of you, except for the deck. So the deck is to be removed, and we submitted revised plans to you and also a revised project description showing removal of that deck.

So with respect to actually the LWRP comments about the structures not being permitted there, I don't think there is really anything that we are seeking your approval for, at this point, that was built without any kind of Trustee approval.

Some things are a little different but still within the spirit of the original approvals. In terms of the proposed work, the proposed work all really relates to the existing dwelling. There is a second-story addition proposed, there is some decks over patios, there is some things on the west side of the house that are really well more than 100 feet from the top of the bluff, but connected to the house that is within your jurisdiction, so we have included those in the application as well.

There is a lot of mitigation in the plan. It's all in my application. I don't know that I want to spend your time going through it. But it is in the application relocation of existing septic systems, et cetera.

So that is kind of the long and short of the application. If the Board has any questions on that, I'm certainly happy to try to respond. Nick, I know you looked at this site at least two or three times, so we appreciate you going out and out and out again.

TRUSTEE KRUPSKI: So I did look through everything and most of this is fairly straightforward, once you weed through start to finish. Just in terms of the letter we received from you with the description, it's just the first half of this description that changes, correct?

MR. HERRMANN: Yes. In the letter I submitted, I actually underlined the changes. The only thing that really changes toward the end is just the date of the site plan, because we have given you a different site plan. And again, the, just to be clear for the record, once this deck is being removed, we have to propose in its place a series of landings and stairs, in order to get down to grade. That causes the removal of a portion of slate patio and the addition of a little bit of patio. In other words, everything in that corner needs to be sorted out. So we have included all of that language now in the project description. And that is all stemming from the deck.

Now, there are a couple of things that are unrelated to the removal of the deck that are on the west side of the house. Again, these are items that are more than 100 feet from the bluff, and I don't know that you have any particular interest in them, but I wanted to include them just because the raised patio, for example, on the west side of the deck, becomes, under Zoning Code, part of the house. It's a piece of the inside of the house. Or inside the U-shape on the west side of the house. So I wanted to make sure all of that was disclosed on the project description. Although, again, it's anything that is up front by the garage is really outside 275 jurisdiction. Or at least beyond the setback.

TRUSTEE KRUPSKI: Okay, now, one request I did get from the LWRP coordinator was for a ten-foot buffer rather than a six-foot buffer. Is that something we could work on?

MR. HERRMANN: Yes. And I spoke to the owners, and also Stacy Paetzel who is the landscape architect who has designed the landscape design for the whole property. She is here tonight.

When we originally approached this, I noticed that there had not been a buffer required as part of the original application. But as per our usual attempt to mitigate, we wanted to include at least a five foot. The reason that we stuck with five feet is because in the center of the property there is this stone wall that runs along here, it's kind of slope down to the wall, and then there is flat area of lawn. And if you come out with ten feet, it pinches almost right up against the wall. So there is really no place to bring lawn mowers, maintenance equipment, et cetera, through there. So what we had in mind is a concept that we are hoping the Board will entertain, is the idea of having a variable-width buffer, that within that this tight area and where the ground is basically flat, so we'll have sort of the least concern for runoff that we could maintain five feet, but then as we go out from the side, particularly toward the end of the property past the wall where the steep slope is unretained, actually fan that out as wide as a 15-foot buffer so you have a little bit of a variable width, but end up with a pretty similar area. So I had a concept that I wanted to show you, which I rushed together after I saw the comments from the LWRP coordinator. So here the idea is we would run five through the center and the area of the wall, then as we fan out here,

expand this as we pass the wall, the 12 feet, we can hold this 12-foot width down here. Again, this is just something we were trying to come up with as concept.

TRUSTEE BREDEMEYER: And the down slope is actually vegetated anyway. It's a huge natural buffer.

MR. HERRMANN: Right. And particularly in this corner you can even fan this out more, whatever the Board's pleasure is, but with the idea being that this sort of maintains the use of really what is the only flat lawn here. But then provides more vegetative coverage in the form of a buffer where the slopes are steeper and unretained between the upland and the bluff.

TRUSTEE SANDERS: The smallest would be what, five feet?

MR. HERRMANN: The smallest width would be five feet, which is what we proposed, but the widest width would be 15, which would be five more than what the LWRP was asking for.

TRUSTEE BREDEMEYER: Are you planning on re-landscaping the entire parcel?

MR. HERRMANN: Stacy, do you want respond?

TRUSTEE BREDEMEYER: Are you planning on redoing the lawn area adjacent to creating buffers?

MS. PAETZEL: More so the planting to the revegetate. We really have not gotten that far on it yet honestly.

TRUSTEE BREDEMEYER: I was just think it would have that objection to also requiring maybe a low fertilization requirement grass species such as fescue, that requires a lot less fertilizer.

MR. HERRMANN: That, I don't know. I know that they were very set upon trying to maintain this one sort of flat lawn area between here because this all slopes down pretty steeply. So again, maybe we could expand the width of these somewhat if that would --

TRUSTEE BREDEMEYER: I'm not seeing anybody thinking that what is being presented is not reasonable. There is a vegetated buffer, natural, I guess American beach grass or whatever we have going down slope.

MR. HERRMANN: Yes, that whole bluff after Sandy was revegetated. It actually came out pretty nice. And there was a lot, some of the deck structures the Trustees had approved for reconstruction on the bluff, were simply abandoned.

TRUSTEE BREDEMEYER: The two boards or one board prior.

MR. HERRMANN: Yes, because there was conditions about deck spacing and all of that. But those structures just ended up being completely removed.

TRUSTEE KRUPSKI: Does anyone have a comment on that? (Negative response).

Do you have an approximate square footage for that non-turf buffer?

MR. HERRMANN: 1,624 square feet. Approximately.

TRUSTEE SANDERS: As depicted in the plans.

MR. HERRMANN: Do you want to call a date on this, make it today's date? If you want to say conditioned upon submission of the -- and I can hand this in tonight. It's a draft form but so

Stacy can finalize it, but it would be proposed buffer revegetation plan by Marshall Paetzel, Landscape Architect, dated November 16, 2016, and I can shoot an e-mail to Liz on that.

TRUSTEE KRUPSKI: So do you want to give us those plans or do you want to put that on --

MR. HERRMANN: I'll give that to you. If there is something about this you want us to tweak?

TRUSTEE BREDEMEYER: This is minor in relation to, and it's addressing the inconsistency directly, so.

MR. HERRMANN: That was our hope, yes.

MS. CANTRELL: Do you have a second one, Rob?

MR. HERRMANN: I don't but --

MS. PAETZEL: We can bring two copies tomorrow if you would like.

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

(Negative response).

Any other comments from the Board?

(Negative response).

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you.

TRUSTEE KRUPSKI: I'll make a motion to approve this application, and I have a couple of modifications here, so bear with me. A modification to the description that reads as follows: Starting from the beginning. Renovate and expand an existing single family one-story dwelling located partially within Chapter 275 jurisdiction as follows: Construct a second-story over existing first story; construct a plus or minus 6.7 by 15.4 two-story addition; and a plus six-foot by 27-foot raised patio with eleven-inch by nine-foot step on west side dwelling; remove an existing 294 square foot deck and construct a 2.7 feet by 27.6 foot two-story addition at northeasterly corner of dwelling, with stairs from proposed addition to grade consisting of a plus 7.9 foot by 3-foot landing three steps, and a plus 6.5 by 3-foot landing and 12 steps; remove plus 3.5 by 9.4 portion of slate patio and maintain portion of patio on north side of house with plus 25-square foot of additional on-grade patio within Chapter 275 jurisdiction.

Everything from there on in the description reads as written.

In order to bring this into consistency with the LWRP coordinator, we'll be issuing this permit which will then bring the partial inconsistency to consistency. And this is also subject to the submissions of the new plans with the non-turf buffer.

TRUSTEE BREDEMEYER: Motion has been made.

TRUSTEE KRUPSKI: I think that covers it.

TRUSTEE BREDEMEYER: Second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: Point of discussion, I would like to thank Rob Herrmann for his lengthy work on this as well as Nick parsing this together. It was really a lot of work and it is a lot of due diligence there, and it's really appreciated.

MR. HERRMANN: No problem. Thank you.

TRUSTEE BREDEMEYER: Motion made and seconded with comment.

All in favor?

(ALL AYES).

TRUSTEE SANDERS: En-consultants on behalf of **ROBERT J. GUARRIELLO & ANNA T. GUARRIELLO IRREVOCABLE TRUSTS** request a Wetland Permit to construct approximately 124 linear feet of vinyl bulkhead and ±9' vinyl return in place of and 6" higher than existing timber bulkhead and southerly return; remove existing northerly return; incidentally dredge 10' wide area adjacent to bulkhead to a maximum depth of -4' ALW and use approximately 25 cubic yards of sand/silt spoil as backfill; and remove and replace in-kind/in-place existing 5.5'x6' platform, 3'x12' ramp, 5'x7' wood platform, 3'x8' ramp, and two (2) 3'x4' steps to existing 6'x106' floating dock which shall be temporarily removed to allow for bulkhead reconstruction.

Located: 250 Budds Pond Road, Southold. SCTM# 1000-56-5-19

On November 9th, the Trustees were present, we were able to go to this property and take a look. So the notes depict that we desire that the buffer next to the next door neighbor is matched.

All right, on Sunday, November 13, there is an e-mail -- should I read the e-mail?

TRUSTEE BREDEMEYER: Go ahead.

TRUSTEE SANDERS: This is from Jay Bredemeyer, CC the attendants Elizabeth Cantrell and Dianne DiSalvo. The above applications are properly Type II actions, are therefore relatively minor amendments/alterations to existing permitted structures and represent those being altered/replaced essentially in-kind, in or being applied to meet new code for depth or to protect vegetation. There being no – I can't make this out.

TRUSTEE BREDEMEYER: Basically, there was a minor alteration to the dock in this case, so that it was a question, because we were taking a harder look under SEQRA on docks over public properties where we have been compelled to do more in depth reviews, the question came up on SEQRA processing, because it is a dock, but I made basically a determination because it fits clearly into the state guidelines for Type II. It's a minimal change to an existing permitted structure.

TRUSTEE SANDERS: Is the mooring dock permitted?

TRUSTEE BREDEMEYER: Yes, to my understanding, it's permitted.

There is a history in some of the private canals in Southold, just like Gull Pond and here that, back in the day when Trustees were still wet behind the ears in the last century, even my name might appear on a permit for a fairly long dock. It's the current standard obviously is 6'x20'.

TRUSTEE SANDERS: The LWRP found this to be consistent and inconsistent.

Under the inconsistent section, he references to 6.3, protect and restore tidal and fresh water wetlands. And he also mentions the structure comply with the Trustee regulations and recommendations set forth in Trustee permit conditions.

TRUSTEE BREDEMEYER: Some of the structure pre-dated Trustee permitting.

TRUSTEE SANDERS: So giving it a permit brings it into compliance.

All right, the CAC has also found to support this application.

Is there anyone here on behalf of this application?

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of applicants. I think they are also here someplace. This is an application to remove and replace the existing bulkhead, the return on the north side of the property which is adjacent to the recently reconstructed vinyl bulkhead that is in the far side of your photo there. That return is just proposed to remain. That would not be reconstructed because there would be a tie in now between two vinyl sheath bulkhead, and there is a proposal to removal and replace the southerly return, because the bulkhead is being removed, the existing five-and-a-half by six-foot platform and 3x12 ramp to the existing floating dock you were just discussing would have to be removed and replaced. The platforms will have to be removed and replaced but are proposed to be removed and replaced as they exist.

The dock, as we discussed, it's one of these sort of, I don't know, clerical anomaly or not, but when we were looking for permits for the original dock we found grandfathered permit 4253, that was issued in 1993 with a survey of the bulkhead and the floating dock. I think I showed this to you on field inspection, and I'm sure it's in your file someplace. But it shows the same floating dock there, same owner Mr. Guarriello, for some reason that grandfathered permit only doesn't mention the dock, it only mentions the bulkhead. Normally, today, if an application like that went through the Board, it would never happen. You would have to cover everything that was there. But that was the documentation at least that we had of the floating dock's presence with the bulkhead when the bulkhead was grandfathered in 1993.

We are not proposing to reconstruct the dock at this time, we just mention, we always try full disclosure in these plans, that that float will have to be detached and then hooked back up to the newly replaced platform.

Other than that, we talked I think in the field about the addition of ten-foot non-turf buffer. A ten-foot non-turf buffer had been required for one or both of the adjoining properties, so I would give you a revised plan showing that buffer. Otherwise that's all there was to it. There was incidental dredging adjacent to the face of the bulkhead to recover some of

the spoil that was lost from the bulkhead.

TRUSTEE SANDERS: Is there anybody here who would like to speak on behalf of the application?

(Negative response).

Thoughts from the Board?

(Negative response).

I'll make a motion to close the hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Motion to approve this application. By granting a permit for this structure, it will bring it into compliance with the LWRP. And also a ten-foot non-turf buffer with updated plans.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you.

TRUSTEE BREDEMEYER: The next application, Thomas Wolpert, P.E. on behalf of **MILDRED M. PASCUCCI** requests a Wetland Permit for the as-built 10' wide path through the existing vegetation along the easterly side of the property to install a test well; construct a proposed two-story, single-family dwelling with the first floor area to include 518sq.ft. of living space, a 1,445sq.ft. deck, a 336sq.ft. pool, which we will remove from the project description. Strike that pool because it was not in the revised project description. A 70sq.ft. ramp, and 148sq.ft. of stairway; second floor to include 1,741 sq.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. driveway; add approximately 630 cubic yards of clean fill onto property; and clear vegetation within a 9,557sq.ft. area on the property. Located: 305 Narrow River Road, Orient. SCTM# 1000-26-3-11

This application has been supported by the CAC with sufficient drainage being installed.

The LWRP coordinator had made a specific request concerning delineation of the wetlands and flood zone. And this application had no fewer than three site visits by the Trustees, including a pre-submission conference and field inspections on June 15th, a subsequent date, in the file with the report that was undated, and September 13th. And the project has now been through two successive plan revisions, the latest plan revision dated October 27, 2016, reflecting the comments of the Town Engineering Department. The Trustees had forwarded this application to the Town engineers for consideration before final review under the Wetland Ordinance because the lot is extremely low lying and heavily constrained for drainage attributes.

The request of the ten-foot wide as-built path was to acknowledge the fact that access for a test well cut through vegetated wetlands.

The LWRP coordinator has determined this is inconsistent for the lack of some facts. We can clarify that since the drainage review has considered the flood zone elevation, and the Trustees basically indicated that the lot was formally connected to wetland at Hallocks Bay but it's across the street from the mapped wetland, so it's non-jurisdictional with respect to the Hallocks Bay wetlands, but it does contain protective species which are high tide bush, therefore we require the local wetland permit. But the inconsistencies have been addressed through the permit process and a succession of, like I said, three inspections and a pre-submission inspection, and a second set of revised plans.

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

MR. WOLPERT: Yes. Thomas Wolpert, Engineer with Young & Young, representing applicant. I think the chairman pretty much covered everything associated with this application. I have nothing further to add at the time but I'm here to try to answer any questions that the Board may have.

TRUSTEE BREDEMEYER: Ordinarily -- this is an unusual property for having a disconnected, if you will, wetland, where the growth is fairly lush, and we do recognize there is some upland properties that can grow the Baccharis or the high tide bush which is considered a facultative wetland plant, meaning that it can grow in wetland areas and grow in others. But the combination of very low lying area and that and the fact there is several other wetland species it does become a regulatory wetland for the Trustees.

We did note, and we appreciate the fact, because of the prospective owners working with us, we did note that there has been other subdivisions of land and other properties along Narrow River where they protect natural vegetation along the road because it's one of the more scenic areas in the town. And we ordinarily have tried to have none disturbance areas where we have wetlands.

The area on the plans that is presently along King Street, which is preserved as much vegetation as possible, typically the Trustees would be looking at such an area to preserve it in perpetuity with a non-disturbance area. And so I'm just, we haven't discussed this during the submission process but since the property was so extensively covered with facultative wetlands, one of the possibilities is we could have a 15-foot non-turf buffer along King Street, that would allow for approximately seven to eight feet of construction access to put the footings in for the sanitary system retaining wall and allow for maintenance of that wall.

Do you think that would --

MR. WOLPERT: We have no objection to that.

TRUSTEE BREDEMEYER: Because that would be a saving feature. That would allow the Baccharis to continue to flourish in that area and also allow for maintenance of the sanitary system wall on occasion. Okay, just a question I had.

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

(Negative response).

Not hearing any, are there any questions from the members of the Board?

(Negative response).

This is about as good as you are going to see a set of plans dealing with a difficult situation. The retaining structure is making use of the new lower profile infiltrators for septic leaching, has six with two future, I'm sorry six with two future expansion leaching galleys. The applicant also at the request of the Trustees did cooperate and move their driveway to the westerly side of the property so that we could preserve what wetlands were possible here. So I would just like to note the cooperation of the applicant in working with us. And we appreciate Mr. Wolpert working with us. This was straight up the way we like to do a project. We had a pre-submission conference, we maintained dialogue with the applicant, and we are actually going to preserve some wetlands.

Okay, so I move approve this application as submitted, with a 15-foot -- wait, we did not close the hearing.

I move to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would move to approve this application as submitted with a 15-foot non-disturbance buffer along King Street and submission of a revised plan showing the non-disturbance buffer at 15 feet, please.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. WOLPERT: Thank you, very much.

TRUSTEE BREDEMEYER: I would like to take a five-minute break.

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

TRUSTEE BREDEMEYER: Back the record. Next is 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 +1-96 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 +1-475sq.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

This has two parts to it. The first part is the Board to consider a stipulation of settlement in a manner that was an Article 78 proceeding brought against the Board. And the Board working with Assistant Town Attorney Damon Hagan, has generated a stipulation of settlement. And I have been advised by Assistant Town Attorney Hagan that the Board is to consider approving this stipulation authorizing the Chairman to execute the agreement so that it is able to be entered in upon a court record according to the rules of Article 78.

Accordingly, I would move that the Board approve this stipulation of settlement authorizing me to sign on behalf of the Board.

TRUSTEE SANDERS: I would second that.

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

TRUSTEE BREDEMEYER: Then the second part is with respect to the permitting matters for this application. This application does have a long history and -- sorry, we are opening up the public hearing now with respect to this matter with respect to this application. And there is a long permit history with respect to this application.

The CAC did not support the application due to the lack of access to the property and continuing problem of encroachment on Town property. So we don't really have a report with respect to the CAC on that.

The Board of Trustees has had multiple opportunities to access the property.

The LWRP coordinator expressed some concerns with respect to the survivability of the proposed plants, wetland vegetation, under the open-grate decking. It's recommended a three-year survival condition be placed on the plants to ensure the restored area develops function and value.

And the project description as it appears in the handout for tonight's meeting in the agenda, has, will be changed and read into the record because it reflects this approved stipulation of settlement, and I'll go through that in some detail.

And before we get into that, is there anyone here who wishes to speak on behalf of this application? (Negative response).

Seeing no one here, I'll read into the record the description for the Dana and Michael Savino project located at Suffolk County tax map 1000-106-6-37. And this is the Trustee proposed project description answering and settling, and also a part of the stipulation of settlement of the dock.

The Savino's existing dock has two unauthorized additions that would likely prevent a transfer of the wetland permit to a new owner, particularly as the existing dock is much larger than

the Chapter 275 standard dock allowed for residential waterway access. At a minimum, the offending structures would need to be removed before the Board would transfer the permit.

The removal of the unauthorized additions would allow transfer of a permit to new owners and the replacement of the existing dock, for any owner, would require a new application for a wetland permit with the likely requirement of substantial downsizing as a condition of a new permit, the amount to be determined by the Board as part of the permit process.

With respect to the bulkhead and decking replacement, all timbers and sheathing of the existing bulkhead shall be cut flush to the native grade existing in front of the bulkhead.

The new bulkhead may be up to 18-inches higher (eight to 12-inches suggested) than the existing to provide more storm protection and use the fill generated as a result of the new bulkhead's more landward position.

All construction of the new bulkhead is to be positioned at or landward of 170' from the property's upland corners in conformity with prior Board of Trustee action. And that prior Board of Trustees action basically allowed for construction on the property of the owner.

The new bulkhead may have affixed directly to it cantilevered beams supporting a maximum of a six-foot wide non-toxic "thru-flow" style deck. There shall be no independent piles or supports extending into the creek bottom for supporting the maximum six-foot wide deck. Plans for the deck and cantilevered supports shall be provided by a New York State licensed design professional.

A catwalk extension to bridge the gap created by the more landward bulkhead meeting the existing dock may include the minimum number of pile supports necessary (maximum of four) and the deck must be surfaced with "thru-flow" decking.

Plans to harvest the portion of the living *Spartina alterniflora* plants within two to three feet of the existing bulkhead for subsequent replanting in the approximate nine-foot area of disturbance resulting from removing the old bulkhead and soils shall be considered in lieu of plants from an upland source.

This is making use of plants that will be otherwise killed and destroyed during the construction of the new bulkhead. Excuse me, during construction -- yes, removal of the existing bulkhead and construction of the new vegetated area.

The revegetation of the disturbed area is to be with *Spartina alterniflora* on approximately 12-inch centers.

The project will need to be bonded and/or securitized as provided in the Wetlands Code in the amount of between \$50,000 and \$60,000.

Construction will require the installation of a silt boom prior to and during construction.

And the plans depicting the above changes are to be submitted for review by the Trustees prior to permit issuance.

As part of a requirement in the permitting phase there will -- we'll discuss that during the permitting phase. This is the basic project description.

Are there any questions?

(Negative response).

Not hearing any questions, and hearing no one here wishing to speak further in the matter of this hearing, 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 approve this project subject to the submission as iterated just previously during the hearing, subject to the submission of a new set of a plans for review by the Board. The new bulkhead with cantilevered supports to be designed by a New York State licensed design professional as part of, within those plans, and that the specific requirement that the project be bonded or securitized as provided in the Wetlands Code, and all other items that were discussed in the public hearing, and specifically an additional stipulation there be at least five inspections required for the project.

One, a pre-construction meeting with the contractor to confirm staking and to review the plant harvest prior to construction.

Number two, for inspection of the silt boom installation for its verification.

Number three, construction inspection for an in-progress inspection.

And number four, final construction with the cantilevered deck.

And number five, plant survivability and over a three-year period, meaning the request of the LWRP coordinator. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application is Patricia C. Moore, Esq. on behalf of **JOSEPH SBARRA** requests a Wetland Permit to construct an in-ground swimming pool; install a 1,525sq.ft. on-grade patio all landward of existing retaining wall with a 4' wide planter. Located: 3200 Cox Neck Road, Mattituck. SCTM# 1000-113-8-5

This application has been viewed by the Trustees and inspected. There have been a number of communications that held back and forth between the Assistant Town Attorney Damon Hagan's office and Patricia Moore on behalf of the applicant.

The project has been deemed to be consistent under the LWRP, and I'm looking for a CAC report. And the CAC has voted to support the application.

It is my understanding that some issues surrounding the

property have been addressed through a revised dated survey that has been submitted?

MS. MOORE: Yes.

TRUSTEE BREDEMEYER: (Perusing). Or not. We still need it.

MS. MOORE: I have it here. I hand delivered it, November 14th

TRUSTEE KRUPSKI: We need a more official copy.

MS. MOORE: You know what, the pool -- I'll just put it on the record. The pool was accurately depicted and reduced in size to 20x33.5 in order to make the 21-foot setback to the, we'll call it the disputed property line, because we don't have a dispute, it's the neighbor's deed was screwed up. So his description is not correct, but we are going to go with the non-argued property line. The surveyor, I asked him to put the fence on along that same property line, along the undisputed property line, and when I delivered the survey, I realized, wait a second, he forgot to do that. There were so many lines there, I missed it. So I'll have the surveyor correct it, but I hand drew the proposed pool fence to be along the setback line, the same 21-foot setback line.

TRUSTEE BREDEMEYER: And not in the area of --

MS. MOORE: Not in the area, right, until this resolved with the neighbor. Correct.

TRUSTEE BREDEMEYER: So to clarify what I said, and I think you did, is we would expect then to have that line drawn in by the licensed surveyor.

MS. MOORE: That's not a problem. I'll have him correct that. I caught it when I delivered it, so.

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

(No response).

TRUSTEE BREDEMEYER: Okay, not seeing anyone. Any comments from the Board?

(Negative response).

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: And I would move to approve this application that as submitted in the revised plan with a stipulation that the revision be formalized by the licensed land surveyor as agreed to by Ms. Moore.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application is number 14, 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

The Trustees have been to this site several times. The applicant has started to honor the request of the Trustees by moving a shed out of a non-disturbance zone. There also, it is acknowledgment and as witnessed by the Trustees that the prior owners had invaded and conducted activities in the non-disturbance zone, so that became part of the discussion for this permit in this application.

The project has been deemed to be inconsistent, and because of complying with the Trustee, as the requirement to protect and restore wetlands and comply with Trustee regulations, which is obviously there has been a lapse in the protection of the wetland as previously permitted by the Board.

And the CAC voted to support the application with the conditions of the application have both a drywell for pool backwash, which I believe we did see on the plans.

MS. MOORE: Yes.

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

MS. MOORE: Yes, the owner Mr. Gerowski and I are both here to review the application with you. As you can see from the property that I have actually been involved in this property since the house was previously constructed three or four owners ago. The Board has approved the projects of building the house and so on, and we are trying to restore the non-disturbance area. My client has no issue with, in fact he would prefer to not landscape seaward of the area that he has as a proposed pool and patio. That will be his living area. The rest of it he prefers to keep natural anyway. So it's consistent with both your recommendation of non-disturbance and his preference not to do yard work and keep things natural, are both in agreement.

Now it's just a question of how to restore that area. It was, the prior owner had planted a lot of grasses and other things, and we put up a fence to delineate the non-disturbance area, just to make it nice and clear where that line was. And we are willing to take whatever grass, non-native species that are in the non-disturbance area, restore it, and plant, I think you were talking about, we have a landscaper, that is Pete Castillo, who is doing the pool, would help us in selecting some non-native restoration of the non-disturbance area once it's planted, then it can be left alone to grow naturally. So that's the goal here. If the Board agrees.

TRUSTEE BREDEMEYER: The question, I guess before we start questions, is there anyone else here who wish to speak to this application?

(Negative response).

A question from the Trustees had on field inspection was that it appeared that the 50-foot non-disturbance non-fertilization buffer line was actually going across the areas of the proposed deck. And it seems that on the mapping of the surveyor, that that 50-foot line was determined by the wetland line of En-Consultants of June, 2000.

MS. MOORE: It appears back in June of 2000, that's when the house was being constructed, or prior to construction. Or maybe it was the deck. There were a couple permits throughout the years. That wetland line was identified by Rob, or En-Consultants, on June, 2000. Then prior to making this application, as is customary, we have the wetland line flagged, Bruce Anderson from Suffolk Environmental identified the wetland line as of April 9th, 2016, when we began this process.

So there is a slight difference between, in the wetland line just because of the land topography and who knows what it could be, just deviations between the wetland flagging at the time. But over a year, 16 years, there has been some modification to that wetland line, but not significant.

So we would like to keep to the current wetland line of 4/9/16, because that enables us to be at 54.3 from the edge of wetlands. And as you know, a wetland line is not precise because it's predominant of the vegetation, so it's not, it's generally a visual kind of opinion line. So we think that that difference is so small a difference. This way it would enable my client to have his pool and deck and allow for his living area to be isolated in a sense from the rest of the property. The rest of the property, which is everything else here, would be left natural. So it seems like a good compromise since it's giving, he has a very relatively small living area, and the rest is, nature will take over.

TRUSTEE BREDEMEYER: It's certainly wetland lines are somewhat contextual, and individual reputable markers of them, whether it's members of the Board or consultants and the two individuals we work with --

MS. MOORE: Both of these are very reputable.

TRUSTEE BREDEMEYER: We work with these gentlemen on a regular basis. This is a question I'm directing to you and the owner. The Board has found that in the evolution of developing a wetland regulations in the Town and trying to protect buffering areas, that it has become necessary to file restrictive covenants for these now, and this is one of the older buffers that didn't have a filed restrictive covenant. And we also found that natural barriers that separate the non-disturbance buffers from the upland or non-turf areas, are desirable so that way not only the current owner who has filed a restrictive covenant is mindful of it and future owners hopefully on closing they have that information, a physical barrier exists.

Would the applicant, would you and the owner have an objection to at this, the 54, in other words, basically a continuation of the pool deck either side as part of a fence or barrier, and also the filing of the restrictive covenants.

MS. MOORE: If I could make a suggestion. The covenants, I have no objection. That would have made things easier when he was buying the property, and then it would have been obvious that there is a covenant there and it would have alerted someone to look for where that natural buffer was.

As far as a physical barrier, by the fact that this patio and pool is going to be the physical barrier, we can put in the covenant that landward of the, excuse me, seaward of the patio, other than just a natural, you know, natural path to be able to walk around it, but that it will remain non-disturbance. So that way we have created a physical barrier. The fence that is there, I think if you have seen it, looks awful. I mean, it's not a very attractive feature. The physical, the patio and pool, I think is going to be more of a natural, common sense barrier, because we can write it in the covenant, that there will be no disturbance other than, you know, you are allowed access to maintain your, you know, property.

TRUSTEE KRUPSKI: I think we are mostly talking about going off either side of the pool and patio. Because it --

MS. MOORE: Landward?

TRUSTEE KRUPSKI: No, going off the sides.

MS. MOORE: Oh, a fence.

TRUSTEE BREDEMEYER: Or not even necessarily a fence. It could be some small landscaping stone or very low profile split-rail fence. In other words, we are not looking for a massive barrier. We are looking for something, even railroad ties.

MS. MOORE: Okay. Why don't you draw what you are suggesting.

TRUSTEE KRUPSKI: Is there a pool fence going all the way across already?

TRUSTEE SANDERS: There is a pool fence going all the way across, isn't it?

MS. MOORE: No, the pool fence is part of the elevated -- so there is no pool fence other than on top. Why don't you show me what you are talking about.

TRUSTEE KRUPSKI: You have a pool and patio. You are talking about 16.9 and 18.5. So something to delineate, because then you really are --

MS. MOORE: Right. That's not a problem, but you need to be able to get around your house.

TRUSTEE KRUPSKI: You can do gates or something along those lines, like a small gate.

TRUSTEE BREDEMEYER: The other issue is --

MS. MOORE: I mean railroad ties is easy.

TRUSTEE BREDEMEYER: The patio is going to be a wood patio, right?

MS. MOORE: No, the patio is with stone. Elevated.

TRUSTEE BREDEMEYER: I'm thinking maintenance and security and safety. Am so, I think, we are on the same wavelength. I'm saying just that, something low profile on either side.

MS. MOORE: I mean vegetation --

TRUSTEE DOMINO: What is going to be non-disturbance.

TRUSTEE BREDEMEYER: We will need a revised plan. Okay.

MS. MOORE: I'll give you whatever, I just need to know what to put.

TRUSTEE KRUPSKI: They are asking if it could be vegetative or if it should be something a little more structural.

TRUSTEE BREDEMEYER: It should be a little more structural.

TRUSTEE KRUPSKI: Can you do like split-rail, is that possible, split-rail fence?

MR. GEROWSKI: Would have to have the ability to have a gap in it so you can --

MS. MOORE: You have to be able to get access around, even emergency access.

MR. GEROWSKI: And we also have access to the walkway.

TRUSTEE KRUPSKI: Right.

BREDEMEYER: Okay, we are --

MS. MOORE: It's good to discuss it. We want to make sure we include everything, so.

TRUSTEE KRUPSKI: They are questioning a gap so you can access the walkway to the water. You could do it. Four-foot gap in --

MS. MOORE: Do you want us to suggest maybe a landscape plan.

TRUSTEE BREDEMEYER: That's where, we have, because the existing, the existing plan in the file dated August 19th, is actually showing planting that is along the pool edge seaward. I think that, if the Board is amenable, and sounds like the Board, since you said you'll file the restrictive covenant, and you understand that the Board is looking for something a little more solid on either side, maybe a submission of a landscape plan that would allow for a connecting path, for obvious reasons to get to and around so you are not strictly obligated to go from the pool deck, in other words, an additional connecting path, and a landscape plan that would be specific to try to bring in the native vegetation in that non-disturbance area, so it would be more or less, a one off, but not the non-natives. So in other words you are pretty much limited to bayberries and high tide bush. So a landscaping plan that would delineate the natural plants that would be returned and that would show the connecting paths, and I think that would go a long way to solving the problems. And then also as disclosed there is a mirror image problem with the neighboring lot, which I think may have developed about the same time. So at a motion of fairness to all I think it's sort of the direction we are going in some of these, that way we are bringing the properties back into, with the clearance and of what the Board did previously. Do the Trustees have anything to add to that?

TRUSTEE KRUPSKI: That's fine. Is there anyone else here to speak to this application?

(No response).

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: I would move to approve this application with the submission of new plans depicted a landscape plan of natural plant, showing natural plantings, and access path to connect with the existing path leading to the dock, subject to filing of a restrictive covenant for the non-disturbance area which would be seaward of or waterward of a line seaward of the, waterward of the pool deck, and with an incorporating in the

plans a low profile indicator of the non-disturbance.

MS. MOORE: Do we have a have that if we have it landscaped? A low profile.

TRUSTEE KRUPSKI: You can be creative about it, but something.

TRUSTEE BREDEMEYER: We want something but not a planted, subject to expiring. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MS. MOORE: Thank you, very much.

TRUSTEE BREDEMEYER: The next application is Patricia C. Moore, Esq. on behalf of **WEST LAKE ASSOCIATION, INC.** requests a Wetland Permit for a Ten (10) Year Maintenance Permit to maintenance dredge the entrance channel and a portion of the adjoining West Lake to a depth of -3' mean low water; approximately 95 cubic yards of dredge spoil to be removed, and temporarily diked and placed within the upland portion of the property located at 250 Midway Road for de-watering prior to removal of the material to an approved upland source. Located: West Lake Channel, Southold. SCTM# 1000-90-1-11

This is a continuation of the hearing we had last month and the Trustees have been to the site several times. And at this point I'll open it up. Is there anyone here who wishes to speak to this application?

MR. SCHEIN: My name is Alvin Schein, President of West Lake Association.

MS. MOORE: This is really just a continuation. In the time since the prior meeting we provided as we discussed at the hearing proof of the roads, the original deed from the Throeder's heir which was the developer of Cedar Beach. We also provided the transcript of the hearing where the Mr. Moy, the Moy family, was seeking to develop that vacant parcel that is adjacent to the dredge area. And the discussions on the record including that the permit that they received, that is the Zoning Board granted to allow them to develop that property, had specifically, the requirement the covenants be recorded that would maintain the bulkhead. So they have not yet developed, however the viability of that property will depend on the condition of the bulkhead, the maintenance of that bulkhead.

We have submitted for the record environmental study that has been conducted and maintained for the viability of the health of the West Lake waterbody and the need to do maintenance dredging. Two or three years ago, I guess, at this point, the dredging was done. That was a significant dredging because there had been a long time prior to that. At this point there needs to be maintenance dredging done so that the amount of the materials can be kept to a reasonable amount, reasonable both in cost and in material removal.

So this particular dredging maintenance dredging is only 92 cubic yards, which is a very minimal amount when it comes to

dredging. So we are here to listen, and any comments that are on the record. Thank you.

TRUSTEE BREDEMEYER: My understanding is the Assistant Town Attorney Damon Hagan had reviewed the material submitted and there was a public hearing record that was the Zoning Board of Appeals you were referring to --

MS. MOORE: Yes.

TRUSTEE BREDEMEYER: (Continuing) where there was ample discussion on the record, and concerning the Moy's made essentially a statement on the record as to what they owned and they then restrictively covenanted to maintain that section of the bulkhead.

MS. MOORE: Right.

TRUSTEE BREDEMEYER: I just want to make sure I understood that. Is there anyone else who wishes to speak to this application?

MR. MCCORMICK: Good evening. Matthew C. McCormick, Office of Solomon & Herrera, I'm an attorney associated with that office. Our office is representing the Moy's with respect to this application. I don't want to be duplicative about what was on the record last time. I believe Mr. Solomon already stated some of the objections and concerns that the Moy's have. I believe we placed a letter in the record, along with a certified title search regarding the ownership of that property and as far as we can ascertain from the record of the Clerk of Suffolk County, there is certainly an issue regarding the ownership of West Lake Drive. Notwithstanding that, my clients have initiated litigation proceedings in order to resolve the dispute regarding that.

But leaving that issue aside, my clients are also extremely concerned about what the actual dredging will do to the bulkheading along their property. In that vein, Ms. Moore was correct, several years ago, there was an application to do substantial dredging before this Board, which was for ten years, and the Moy's also opposed that application, for the same reasons that were asserted at the last hearing, and which I'll echo again today, which is they are concerned the dredging will result in damage to their bulkhead. Which has somewhat been proved out. Mr. Moy is here today, one of the Moy family members are here today, you know, he can further extrapolate on the fact they had to make emergency repairs in the last year to their bulkhead. Their long-term plan is obviously to replace that bulkhead. And they know they need to maintain it not just as good stewards of their own property, but probably as a requirement generally under the Town's laws and ordinances anyway. Their concern is they go ahead and continue to make repairs, they continue to make replacements, then there is subsequent damage that results to that bulkhead repair or replacement by virtue of the dredging. I mean, in that regard if the Board is inclined to offer them a dredging permit, ten years certainly would be far, far too long of a duration.

My clients don't see any reason why, again, notwithstanding the other objections, why there is going to be a dredging permit

permissible, we couldn't work within the parameters that we did last time, two or three years. There is no harm in the applicant coming back if there is no damage to the bulkhead and come back, but if we allow ten years and something subsequently happens to my client during that time, there is nothing this Board can do.

So in that regard, a much smaller duration, if the Board is even inclined to do it, for a permit on the dredging is far more appropriate. Given, those circumstances. And I think that the Board recognizes that the last time that this application came before there.

And if the Board is so inclined, Mr. Moy would like to just express those concerns and he can tell you, in detail, the damage that has occurred to his bulkhead, which he has been advised may be a direct result of dredging that has occurred.
TRUSTEE BREDEMEYER: Before you might have Mr. Moy speak, the Board has a problem reconciling the fact there was an affirmation made on public record of not only ownership but also that that structure would be maintained. That affirmation was in 2011. So this is 2016. What has the applicant done then to repair or reconstruct the bulkhead?

This is an active, living waterway, that also has a permitted shellfish grow-out operation on it, as well as numerous boat owners with docks. So the applicant made an affirmation at a public meeting, and we are looking at, you are asking us now to dial back a proposal that is potentially going to harm a waterway which is essentially a living, breathing body of water, and this is a very difficult matter for this Board to reconcile. So what do you say to this fact there was that affirmation made on the record?

MR. MCCORMICK: It has two parts to it. The first is the bulkheading that comes along West Lake Drive that definitively not within the meets and bounds of my client's area. So if you are referring to that area, that only lends credence to the dispute about what portion of the bulkhead is not within the meets and bounds of their legal description.

But my client, he'll come up here and he'll give you the testimony. They are certainly very willing to and want to in fact make a replacement of their own bulkhead. It is not a question they don't want to do it. They made repairs and they actually want to undertake a replacement of their bulkhead.

TRUSTEE SANDERS: When do they want to do that?

MR. MCCORMICK: I suppose that part of the concern here with them is if I go ahead and replace it and then they come along and dredge and then it ends up resulting in damage. I mean, they have already undertaken the process of obtaining bids. I believe my client can speak to the fact I think they engaged Costello Marine to start examining what the replacement cost would be. They already made repairs. He can tell you the amount of repairs and cost of repairs that they have made just in the last several months. So it's not a question of whether or not they want to

replace that bulkhead. They certainly do. And I don't want to lose scope of the fact that it isn't my client's application that is before the Board. I mean if they have an affirmative duty to maintain that bulkhead, that is certainly their duty. They have to do that. I don't think that would be in dispute.

TRUSTEE SANDERS: Is your client suggesting that no dredging occur. Yes or no?

MR. MCCORMICK: They would like no dredging to occur but to the extent they understand this Board is inclined to permit dredging, I think their major concern would be the length or duration of the maintenance dredge.

TRUSTEE BREDEMEYER: I mean is it not true that the whole of that record and the restrictive covenants were specifically dealing with the notion of the maintenance of a bulkhead and the ability to dredge?

MR. MCCORMICK: Well, I can't speak to the dredge part. I can tell you, yes, my client has an affirmative and made an affirmative obligation to maintain that bulkhead, and that is what he has to do.

TRUSTEE SANDERS: I'm confused because it seems illogical. At one point you say my client would like the dredging not to occur, but I understand the dredging has to occur. And you also affirm the fact your client actually needs to have bulkhead put up and eventually at some point, it seems very illogical to say you want no dredging to occur. You basically just said dredging is justifiable to occur, I just don't know when my client is going up the money to actually fix his bulkhead

MR. MCCORMICK: To be fair, that's not accurate. I think what I said is they would not like dredging to occur. To the extent this Board says, okay, listen, that's not practicable. It has to occur. Then my client's position is, okay, then ten years is not a realistic duration permit. Let's dial it to two or three years, come back, and make sure there is no damage resulting or occurring as a result of that dredging. I think that --

TRUSTEE SANDERS: Even after two years, the dredgings will occur anyway. It's a matter of if your client's bulkhead is in such poor condition, it has not been replaced since "X" amount of years, it seems logical you would want to do that so the dredging could occur in the community.

MR. MCCORMICK: He wants to replace it because it's necessarily for their own, for the maintenance of their own property. But the concern about replacing it is whether or not the replacement of that is just going to be undermined by allowing dredging or or the type of dredging.

TRUSTEE SANDERS: Dredging has occurred at this property for years. So I don't understand --

MR. MCCORMICK: And that's my client's concern is to say the last time we did, last three years we did dredge, I seen some more damage occur to my bulkhead.

TRUSTEE SANDERS: Is that because it's not been fixed for years?

MR. MCCORMICK: I can't get into a chicken and egg argument.

TRUSTEE BREDEMEYER: This is essentially the same argument and discussion that has taken place five years ago on the record, in 2011. I think that the ten-year maintenance is a standard permitting procedure of the involved regulatory and rating agencies to allow for the protection of water quality, and these waters and the rights of navigation. You have not done anything for five years. There is nothing very, I don't see anything compelling here, to forestall a permit any longer in this case. This is just based on the facts. And the owner had said something differently on the record before another Board in this Town, which is actually a quasi-judicial, I understand we are slightly a different, you know, we are constituted slightly differently. But the Zoning Board of Appeals has much more power with respect to the testimony they take, is my understanding. I'm sure the Assistant Town Attorney Hagan can speak at great length to that. Some of us have been doing this sort of work for a number of years. I know you missed out of the description I had on the record previously, in my former life I was a marine researcher with the Suffolk County Department of Health, and these waterways, particularly this waterway, and the other waterways when they were blocked off, resulted in absolute total death of all the indigenous wild life, and it was so severe, you had fish dying and eels crawling out of the water on people's lawns.

To me this is a no-brainer for a Board of Trustees. And what we are hearing here is your applicant has already spoken to a public body here. I think now we are starting to, just developing a record that is going on and on and on, starting five years ago, and now it's revisited.

TRUSTEE SANDERS: It seems your client would have more credence if they had a brand new bulkhead and they dredged and it was damaged, that would make sense.

MR. MCCORMICK: And I understand that part. He wants to install a new bulkhead. And part of installing a new bulkhead is also related to the development of their property. So, and that property was, I understand, permitted to be developed. It's currently vacant now. So part of the installation of, if you are asking what is the cause of the time lapse between 2011 and now, well, the property has not been developed during that time period. So the construction of the new home that was permitted has on not occurred. So that is a contributing factor along, you know, as to why they have not ultimately replaced that bulkhead. I think that is part and parcel of what they would do when they began construction.

But they are certainly cognizant of the fact that needs to be replaced. I'm happy to have the client come up here and he'll explain to you, you know, what their plans are and what they have done.

TRUSTEE BREDEMEYER: Maybe he's heard from the Board personally now and maybe there would be ability for him to reconcile our concerns and try to meet and work with his community.

MR. MOY: Thank you. Hi. Douglas Moy. My father is Dai Moy. We have been opposed to the dredging for the fear of dredging willy-nilly. Like, I think we have damage, there was photographic damage, there is photographs to show the damage that occurred because of the depth of what was dredged out. And it's not an official testimony, but a representative came out for West Lake Associates. I showed him where we were losing a lot of land. And he's, oh, your bulkhead was undermined by the way it was dredged so deep there.

Our main concern is not that it not be dredged, as much as dredged every year or every two years so deeply that it will undermine an old bulkhead or a new bulkhead or replaced bulkhead.

Now, the reason why we have not developed that property. What it is now, it's different, but the development of it was there were a series of hurricanes and so our energies and our funds went to repair Irene, which was what, seven hours of 50 mile-per-hour winds directly from the south. So we had to have our bay bulkhead pounded down. That was that cost. Then to say that we also had to like fix other bulkheading, and the side bulkheading was holding then, at that time. Up to 2011, um, '12, '13. Then Sandy happened. So that was a series of why at that time we didn't immediately build that house on that property.

TRUSTEE SANDERS: Do you have any information -- that is reasonable, that makes sense. A lot more sense. That was -- but have you consulted with an engineer in terms of determining how deep the dredging should occur in order for it not to cause damage on your property?

MR. MOY: No, we have not.

TRUSTEE SANDERS: That would be logical step to bring to us.

MR. MOY: I think the presentation that was made was it would be like, it was reasonable that it was going to be shallow by the sides, very shallow, and then dug deep. But it was deep all the way through. Looking like --

(INAUDIBLE AUDIENCE MEMBERS).

MR. MOY: However it was, if it eroded that way, it got to that point.

TRUSTEE BREDEMEYER: I think the record is amply full with respect to your requirements to maintain the bulkhead. This just amplifies the fact these five years have gone by where you have not met your obligation, based on the affirmative action of you or your dad and testimony before another board. I have heard enough. I don't know, does anyone have anything else they wish to say?

MR. MOY: I just ask that we look at this every two, three years, come back, and if there is no damage, great. Actually, I would feel great, no damage. Great. Great. But how deep of vinyl sheets do we have a get? 25 feet, 30 feet. That's our main concern.

TRUSTEE BREDEMEYER: That's not a question for this Board.

MR. MOY: Understood. But that's our reluctance.

TRUSTEE BREDEMEYER: I see other people raising their hands who would like to speak.

MS. GREENFIELD: Ina Greenfield, 550 West Lake. We filed a paper, which you read.

TRUSTEE BREDEMEYER: Yes, we read it at the last meeting.

MS. GREENFIELD: Okay. Those were the covenants that we had to adhere to in order to put up the new bulkheading. That those, the Town protects waters, protects the marsh, protects the nature of the area. After all, that's why everybody buys here, because it's so beautiful. Um, so adversely affects the wetlands of the Town, cause damage from erosion, turbidity or siltation; cause saltwater intrusion into the fresh water resources of the town; adversely affects fish, shellfish or other beneficial marine organisms, aquatic wildlife and vegetation or the natural habitat thereof; increase the danger the flood and storm tide damage; adversely affect navigation on tidal waters or the tidal flow of the tidal waters of the town; change the course of any channel or the natural movement or flow of any waters; weaken or undermine the lateral support of other lands in the vicinity; otherwise adversely affect the health, safety and general welfare of the people of the Town.

That is what the Town requires of any work done. And as far as I know, everything adjacent in the lakes, the lake belongs to the Town, correct?

TRUSTEE BREDEMEYER: The Town underwater land, yes.

MS. GREENFIELD: Okay. So when the dredging was done, that was the winter after my mother died, Marcella Greenfield, they were supposed to come in hydraulically through the canal, however, because of problems, mechanical problems, they actually came through the lake along the wetlands. And the crane toppled in the lake. They caused a big scar on the side, which has not been filled in. Fresh water runoff comes from the road into the lake now. Right opposite our house. And the cement platform is still there and broken and has uplifted, and there are, it's dangerous right over there. That was supposed to be removed. It was illegal and supposed to be removed. It was submerged and was used probably as the footing for the crane that went in. So. And that has never been restored. And as far as I know, within 100 feet of the wetland is a special permit. So what is the methodology? And if this happens, it should be repaired and it should be revised. Not every ten years, because ten years was what was requested four years ago. And so that makes it 14 years. Was ten years given four years ago?

Was there a ten-year? I don't remember.

TRUSTEE KRUPSKI: If there were, we would not be here.

MS. GREENFIELD: So it was not given then, and we filed a letter. It doesn't make sense. Nature is always changing. We have big storms, we have small storms. We had a huge storm over the summer, and that's when all that flew in. This is dangerous to all of us. It threatens all of us. Not only that, but the deeper you dredge, now, what they are dredging, they dredge right next

to us. And we had a lot of damage. And it was very difficult for us. But they came right up, now maybe it's the way the channel goes, you can't control nature. Water finds its own way. You can try and do it that way, but it doesn't necessarily, everything moves. Nature flows in and flows out.

So in order to check how it's done, what happens, what was not done correctly, it should be revisited, to protect all of us and the wetlands. Which make our area so beautiful. People come to our area not because there are docks. They come because of the natural beauty. It's bucolic. I came from an area, I grew up in an area which is industrial docks.

TRUSTEE SANDERS: We can only speak to the --

TRUSTEE BREDEMEYER: We understand that and we appreciate your recitation of the code.

MS. GREENFIELD: Thank you.

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

MR. SCHEIN: Yes. I'm Alvin Schein, President of West Lake Association. I have some comments as to what was said by Ms. Greenfield and by Mr. Moy. First, her comments about a cement platform being installed is complete nonsense. We did not install any cement platform. That was a pre-existing condition. Whatever she is saying is completely unsubstantiated. We did not do any damage, and she has no basis of saying whatever she is saying. We did not damage her bulkhead. The current application is for a minimal amount of dredging. 92 cubic yards is a tiny, tiny amount. We are trying to get some maintenance dredging done so we don't have a huge dredging done every ten years. It's much more economical and much more efficient and easier to do if you do a little every couple of years. That's what we are trying to do.

The health of the lake is critically important. We have 16 families on the lake, many of whom have docks and boats. And if, as you said, if we don't do the dredging, the lake will die. We want to keep the lake healthy. We have 16 families who depend on the lake and we have Greenfield and Moy who are opposing that, because of their own self-interest.

Now, what I don't understand is why Mr. Moy is opposed to it, because he has two boats on the lake. If the lake is not navigable, you can forget about your two boats.

Ms. Greenfield does not have a boat on the lake, so she doesn't give a damn what happens to the lake.

Secondly, the Moy's argue whatever appears to be convenient for them based on the time.

TRUSTEE SANDERS: Let's narrow it to --

MR. SCHEIN: I want to point out five years ago they had engineer come up, Joe Fischetti, who testified that, at that time West Lake Association was concerned about their plans, that they were going to have a driveway right next to the bulkhead, and could the driveway, could you support cars and trucks parked on the driveway. They had an engineer testify that the bulkhead was solid, and you could park a truck next to the bulkhead and

nothing was going to happen. This is on the record. They also on the record they said they would take care of the bulkhead and they said they admitted they had no claim of ownership to the road. And now we hear they are claiming ownership to the road. Which is, by the way, if they, everybody claims ownership to the Road, then Mr. Moy could not drive out. He had no way out to get to a public road. We pay money. All of our members are assessed money to maintain the right-of-way. All the way out to public road. They don't contribute to that. We've asked them to be part of the association. They don't. The Greenfield's don't contribute to the right-of-way. We pay so they can get out to the public road. This is not a fair situation where everything is good for them and we pay money to maintain the roads.

TRUSTEE BREDEMEYER: I think we are now getting far afield, far afield.

MR. SCHEIN: I'm sorry, I'm upset by their objection to us doing a little bit of maintenance.

Just one other point. We are not digging out to the bulkheads. We have prescribed needs. We don't go to the bulkheads. We are just going down the middle so a boat can get out. That's all we'll be doing. Thank you.

TRUSTEE BREDEMEYER: All right, I think we have heard most everyone speak. I want to wrap comments up here, and if anyone else wants to be on topic, one or two more brief comments.

MS. MOORE: On topic. To try to address the concerns of the neighbors, what we could do is send notice to the Trustees prior to, during the ten years -- oh, was somebody thinking of that already? With the ten-year permit, give the Board notice that we are scheduled to dredge. That way you can take it upon yourselves, whether you want to inspect or not, and then notify us if you see a situation that we should be concerned with.

We have no objection to prior notice. Would everybody agree?

Yes. Okay, good. So it seems to be a way of keeping the communication with the Board but allowing West Lake to do the small amount of dredging over the period of time so it does not become a significant project. Thank you.

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

(Negative response).

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

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Noting again that this is a matter that we are visiting again, again, since 2011, and the application is for a minimalist amount of dredging in the center of the channel, which is largely fairly innocuous, fairly coarse, sandy material, which does involve protecting the health of this functional waterbody and preserves navigation, I would move to

approve the application as submitted for a ten-year maintenance dredging with the stipulation that the Trustee office be notified in advance of any dredging that would occur annually, and that if there are any known issues, like an errant piece of lumber or concrete pad or something that can be cooperatively dealt with because there is some hazard or something that is still there, that the parties get together and provide notice to the contractor or to the West Lake Association that there could be curative of anything there might be a piling or piece of concrete that somehow got there or was there. And all notices to the Trustees office would be in writing, and it would be advisable to carbon copy the bay constable as well so that way law enforcement would be advised of your notice so that way and that way everyone at the Town level, and typically what we would do in a situation like that, once we receive notice we would have a member of the Trustees meet with the contractor or representative of the group so we go over the work plan again, see that everyone is going to be abiding by the permit terms.

That's my motion

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Last one, number 16, Patricia C. Moore, Esq. on behalf of **DAVID SCHAB & ARIEL KAMINER** request a Wetland Permit to utilize the property as a de-watering site for dredge spoil taken from West Lake. Located: 250 Midway Road, Southold. SCTM# 1000-90-1-9

The Board is familiar with this. We are also familiar with the use of the site under a previous permit. We reviewed the paperwork, it's pretty straightforward. It's an exempt action.

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

MS. MOORE: No, this is really a backup dewatering site. We hope to not have to use it, so.

TRUSTEE BREDEMEYER: I would say if, I don't think you are going to encounter any silty fines or material that would present a problem.

Any other questions or concerns? Anyone else wish to speak to this dewatering site.

MS. GREENFIELD: No, I just wanted to see if the Trustees can come out and take a look at West Lake the way it looks now.

TRUSTEE KRUPSKI: We were just there.

MS. GREENFIELD: You were? And you walked the whole perimeter?

TRUSTEE BREDEMEYER: Yes. In the last year we approved two or three dock applications, we just approved a modification of a dock to grow oysters.

MS. GREENFIELD: That's very nice. In West Lake?

TRUSTEE BREDEMEYER: Yes, in West Lake.

Ms. Greenfield: So did you see the scar.

TRUSTEE BREDEMEYER: Sorry ma'am, that is closed.

TRUSTEE SANDERS: We can't speak to that at this time.

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

(No response).

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

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: Motion to approve the application as submitted.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Motion that we adjourn.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

Respectfully submitted by,

A handwritten signature in cursive script that reads "John M. Bredemeyer III".

John M. Bredemeyer III, President
Board of Trustees