

TOWN OF SOUTHOLD

Minutes

Wednesday, January 18, 2012

6:00 PM

Present Were: Jim King, President
Robert Ghosio, Vice-President
Dave Bergen, Trustee
John Bredemeyer, Trustee
Michael J. Domino, Trustee
Lauren Standish, Secretarial Assistant
Lori Hulse, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, February 15, 2012, at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, February 22, 2012, at 6:00 PM
WORKSESSION: 5:30

APPROVE MINUTES: Approve Minutes of October 19, 2011 and November 16, 2011
TRUSTEE KING: Good evening, everyone. Welcome to our January meeting. Just a little bit of housekeeping to go on. I would like to welcome our new Trustee Mike Domino. Mike was appointed by the Town Board to fill in the spot Jill Doherty vacated when she was elected to the Town Board. We have Wayne Galante here taking Minutes. If during the public comment periods, if anybody comes up to the microphone, please identify yourself so he can get it on the record. And try and limit your comments to five minutes or less. We appreciate it. We like to keep the meeting going.

We have Jack McGreevey sitting here from the Conservation Advisory Council. They go out and do inspections and give us their opinion on what should be done with the project.

We'll set the date for the next field inspection, February 15, at eight o'clock in the morning.

TRUSTEE GHOSIO: So moved.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Next meeting will be Wednesday, February 22, at

6:00 and we'll start our worksession at 5:30.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Motion to approve the Minutes of October and November. I'll make a motion to approve.

TRUSTEE BERGEN: I'll second that motion.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll vote yes on the October. I don't recall November. I think I read them quite early on.

I. MONTHLY REPORT:

The Trustees monthly report for December 2011. A check for \$10,547.95 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, January 18, 2012, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

TRUSTEE KING: They are listed as follows:

David Scott Ketner – SCTM#4-5-18

Fishers Island Development Corp.

Doug & Kathlene Folts – SCTM#136-1-54

Edward Jurzenia – SCTM#47-2-1

Daniel & Jackie Bingham – SCTM#116-6-24.1

Stephen G. Latham – SCTM#66-2-40

William & Janice Claudio – SCTM#35-3-12.10&12.11

Philip & Jennifer Stanton – SCTM#64-1-29

Dai W. Moy – SCTM#90-2-2

Sim H. Moy & 106 Mulberry Corp. – SCTM#90-2-1

Joseph & Alexandra Ciampa – SCTM#37-5-12

Nicholas Aliano – SCTM#83-1-11&12

Frederick DeLaVega & Lawrence Higgins – SCTM#23-1-6.1

Avelno, LLC, as Contract Vendee – SCTM#116-6-10.2

Leigh Allocca & Stacy Sheppard – SCTM#123-8-28.5

Ellen F. Emery – SCTM#111-13-6

Robert Horvath – SCTM#81-3-5

John O'Grady – SCTM#111-2-11

TRUSTEE KING: So moved.
TRUSTEE GHOSIO: Second.
TRUSTEE KING: All in favor?
(ALL AYES).

IV. RESOLUTIONS-ADMINISTRATIVE PERMITS:

TRUSTEE KING: Under resolutions and administrative permits, number one, **JULIA & JOSEPH VERGARI** request an Administrative Permit to replace the existing 20'X 24' front stoop and retaining wall against the house; add pillars on bottom of stoop; install pervious cobblestone driveway; define entrance with two (2) pillars on each side and add an apron; remove asphalt and re-grade dirt back onto property at same grade. Located: 5855 New Suffolk Ave., Mattituck.

This is an as-built application, which means some work was already done before a Trustee permit was requested. We are just reviewing the plans here.

I'll make a motion to approve this application and I would like to stipulate that there will be no further activity seaward of the line that is on this survey as elevation six. This is the survey that was surveyed June 15, 2011, and was revised on June 21, 2011. Like I said, there has been some activity without a permit. And I'm a little concerned there might be more activity possibly done seaward of this line. So we don't want to see any activity seaward of elevation six, as this line is shown on the survey. Any activity that takes place beyond that area they have to come back to us for a permit to do any work there. That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: And that was found consistent with LWRP.

We try and lump these together if we can, if they are simple with no problems. Number two and three are very straightforward with no outstanding issues. They read as follows:

Number two, Walter J. Krupski, Jr., on behalf of **PEQUASH RECREATION CLUB, INC.**, requests an Administrative Permit to install nine (9) concrete piers (12" dia.) Under existing 6"X 6" posts to stabilize the foundation of the existing building.

Located: 205 West Rd., Cutchogue.

And number three, Petracca Design and Engineering, PC on behalf of **PATRICIA COADY AND DEBRA COADY** requests an Administrative Permit to restore the fire damaged interior of the existing single-family dwelling and repair damaged roof shingles, sheathing, exterior wall siding, sheathing, doors and windows.

Located: 2625 Cedar Dr., Southold.

So I would like to make a motion to approve both of them,

Petracca was consistent with LWRP and the next one was exempt from LWRP. I would make a motion to approve those two.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ ADMINISTRATIVE AMENDMENTS:

TRUSTEE KING: Under applications for extensions, transfers and administrative amendments, number one, **ARTHUR CODY** requests a One-Year Extension to Wetland Permit #7252, as issued on February 24, 2010 and Amended on March 23, 2011. Located: 630 Dean Dr., Cutchogue. This is a one-year extension to a permit that was issued. There has been no changes to that. I would move to approve that one.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Number two, Suffolk Environmental Consulting, Inc., on behalf of **RENATO & CARLA STARCIC** requests an Amendment to Wetland Permit #3926 to extend underground water and electric to the existing dock, install a light at the end of the dock, and install trees between the shoreline and the northern edge of the existing right-of-way. Located: 205 Private Rd. #3, Southold.

This is another case, there was approval, there was a question on a right-of-way, whether they can put some lights through it, and we have a letter in the file that indicates there is no problem with that. So I make a motion to approve that.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Number three, Patricia Moore, Esq., on behalf of **MAIN ROAD, INC.**, requests a One-Year Extension to Administrative Permit #7232A, as issued on February 24, 2010. Located: 64755 Main Rd., Southold.

This is the old Hollister's Restaurant just east of Mill Creek. I would make a motion to approve the extension. It's for minor repairs to the building. I believe it's new shingles and some siding.

TRUSTEE BERGEN: Jim, I would like to suggest a condition to your motion, conditioned upon the review of the file by the Building Department to determine whether this is a demolition or in fact --

TRUSTEE KING: The building, we stopped there and looked at it.

The building is really getting deteriorated. I don't know -- I would make that motion with that stipulation that the file go to the Building Department, to make a determination as to whether it's a demo or not. That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE GHOSIO: That was conditioned on the first go around it could not be demolished. But it's still not a bad idea to send it over because the building really has gone down hill.

TRUSTEE KING: Number four and number five were simple transfers. They read as follows:

Number four, Ed Viola on behalf of **BAY AVENUE HOLDINGS, LLC** requests a Transfer of Wetland Permit #4526 from Broadwaters Cove Marina to Bay Avenue Holdings, LLC, as issued on September 28, 1995 and Amended on April 19, 2000. Located: 8000 Skunk Lane, Cutchogue.

Number five, Ed Viola on behalf of **BAY AVENUE HOLDINGS, LLC** requests a Transfer of Wetland Permit #5934 from Broadwaters Cove Marina to Bay Avenue Holdings, LLC, as issued on May 26, 2004. Located: 8000 Skunk Lane, Cutchogue.

We went out and looked at it. Everything is consistent with the permits that were issued. So I'll make a motion to approve those two.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: I'll make a motion to go off regular meeting and on to public hearing section.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

VI. PUBLIC HEARINGS: AMENDMENTS:

TRUSTEE GHOSIO: Number one, **DONNA WEXLER** requests an Amendment to Wetland Permit #5046 to add a 4'X 15' extension to the existing catwalk; add a 4'X 12' dock in an "L" configuration; relocate stairs to southwest side of dock; and add two swim ladders at northeast and southwest ends of "L" section. Located: 1775 Indian Neck Lane, Peconic.

This has been found to be inconsistent for the LWRP under policy 6.3, about protecting and restoring tidal and freshwater wetlands. They note that Richmond Creek is a significant coastal fish and wildlife habitat. The Conservation Advisory Council did not make inspection, therefore no recommendation was made.

The Trustees were out in the field and they took a look at it. It was staked when it was seen. It's a little blurry but you can see it nonetheless. And out in the field we did note one consideration would be to limit the extension of the "L," to 12-foot total length. And with that is there anybody here who would like to address this application?

MS. WEXLER: Good evening, Donna Wexler, I'm the owner of 1775 Indian Neck Lane, and I have a letter from the DEC and the rest of the mailings.

TRUSTEE GHOSIO: How do you feel about making it 12-feet total length, the "L" shape?

TRUSTEE KING: It's basically the way you have it staked is that size.

MS. WEXLER: It is?

TRUSTEE KING: Yes. And it's pretty consistent. There was a neighbor across the creek that did almost the identical thing. I believe his is ten feet. So it's pretty consistent with what he has.

MS. WEXLER: Okay. Instead of 14?

TRUSTEE KING: Yes.

MS. WEXLER: That's fine. Thank you, very much.

TRUSTEE GHOSIO: Any comments from the Board?

TRUSTEE KING: No. Like I said it's pretty consistent with what is across the creek.

TRUSTEE GHOSIO: All right. With that I'll make a motion to close the hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE GHOSIO: I'll make a motion to approve the application with the stipulation that the overall length of the "L" section is 12 feet.

TRUSTEE KING: Second.

TRUSTEE GHOSIO: And in doing so addresses the inconsistency and is now consistent with LWRP.

MS. HULSE: And by consent of the owner.

TRUSTEE GHOSIO: And by consent of the owner.

TRUSTEE KING: Second. All in favor?

(ALL AYES).

TRUSTEE KING: Before we go any further, I apologize, there were some postponements. I should have gone over them right from the get go. On the agenda, number 17, number 18, 16, 19, and 20, have been postponed and we won't be addressing those tonight: Those are listed as follows:

Costello Marine Contracting Corp. on behalf of **JOSEPH & ALEXANDRA CIAMPA** requests a Wetland Permit to remove 92' of existing bulkhead and construct 92' of new bulkhead in-place raising new bulkhead height 1'; existing 5' wide non-turf buffer area landward of new bulkhead to be replaced; dredge an area 25'X 60' to a depth of -3' below mean low water removing 15 cy. of spoil; dredge spoil to be placed landward of new bulkhead as backfill; regrade area; construct a 4'X 4' cantilevered platform off bulkhead; install a 3'X 12' seasonal aluminum ramp onto a 5'X 24' seasonal float secured by two 8" dia. anchor pilings. Located: 330 Knoll Circle, East Marion.

Proper-T Permit Services on behalf of **COVE CONDOMINIUMS OWNERS ASSOC.** requests a Wetland Permit to maintenance dredge to 3' below mean low water approx. 82 cy. from channel at entrance to Association docking area as needed, within the docking area itself; dredge as necessary in the same areas to maintain width, depth and full accessibility of entrance channel and docking area on a maximum of four additional occasions during the next ten (10) years. Spoil will be removed to an approved upland location for deposition. Located: Main Bayview Rd., Southold.

Mark K. Schwartz, Architect on behalf of **DOUG & KATHLENE FOLTS** requests a Wetland Permit to re-frame the existing first-floor with attached garage, wrap around porch and new second-floor; existing septic system to be removed and new one to be installed further from the water; and install drywells to control water run-off from dwelling. Located: 90 Oak St., Cutchogue.

Cramer Consulting Group on behalf of **NICHOLAS ALIANO** requests a Wetland Permit to construct a single-family dwelling 25'X 40' with associated sanitary system, driveway and retaining walls. Located: 3705 Duck Pond Rd., Cutchogue.

KPC Planning Service, Inc. on behalf of **FHV LLC** requests a Wetland Permit to construct a 4'X 39' dock with a 3'X 12' ramp, 6'X 20' floating dock, three (3) two-pile

(12" dia.) float securing dolphins and two (2) two-pile (12" dia.) boat securing dolphins. Located: 1500 Mason Dr., Cutchogue.

Those are postponed and won't be heard tonight.

Number two, Chuck Thomas on behalf of **ROBERT HORVATH** requests an Amendment to Wetland Permit #7487 to include first and second floor additions; replace rotted floor structure on first floor deck; construct new porch; and relocate the sanitary system. Located: 4550 Paradise Point Rd., Southold.

This was a case where an amendment was to be applied for, somehow it fell through the cracks and was not done correctly. The work was done, the work that has been done is consistent with the amendment. So it's kind of just a mix up. This is what is there. This was the amendment. To me it was a very minor mistake somebody made. So it's exactly what is there, it's exactly what the amendment was for. So I don't have a problem with it. It's found consistent with LWRP. I would make a motion to approve.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

WETLAND PERMITS:

TRUSTEE BERGEN: Under Wetland Permits, number one, **EDWARD JURZENIA** requests a Wetland Permit to install a stormwater run-off drainage area; excavate shaft until well-draining soils are encountered; fill excavated area with sand and gravel; remove trees as needed for site access; and removal of all dead trees. Located: 50 Shore Rd., Greenport.

This was reviewed by the Conservation Advisory Council. The CAC resolved to support the application. This was not reviewed under the LWRP, and given the timeframe between when this was submitted to the Town for review by the LWRP coordinator and this date, it's to move forward even though it was not reviewed under the LWRP. The Trustees have been out to review this site. Is there anybody here to speak on behalf of this application?

MR. SCHROEDER: I'm Robert Schroeder, 1100 Manhasset Avenue, Greenport. I'm here to represent the Jurzenia family, and I will also be doing the work. Basically that lot, five years ago, was dry. 23 years ago I did the four sewer mains from Silver Sands down to the railroad tracks and down to 9th Street. That lot was always dry. So the trees that are on there don't support wetland growth, and the test hole that would be done would basically be, I think it's marked on the survey that you guys have, would be, the materials would remain onsite and basically dig a hole maybe 14 to 16 feet in diameter, 20 feet deep, and then there would be the depth of the clamshell of the bucket until 53 feet. I did four or five jobs in that area, 53 feet, and in that area is actually where the sand is encountered. And basically the shaft and the hole would be

backfilled with sand and gravel, and that would eliminate the drainage on that property. That's pretty much straightforward. And would also relieve the water issues to the neighbors, you know, to the west and also to the south. And I believe they are both here tonight.

A lot of that water is runoff right now from the Town that runs off from both sides, from the east and from the north, on the roads, and also the private road also. The road is a little bit lower. It's always been a building lot. Over the last five years, it's holding the water right now, so.

TRUSTEE BERGEN: If I could just ask a procedural question. Do you have anything in writing that has been submitted to us for tonight where you can speak on behalf of the Jurzenia's?

MR. SCHROEDER: I believe so. Right, Lauren?

MS. STANDISH: It's in the file.

TRUSTEE BERGEN: Thank you, very much. I just wanted to make sure that's cleared up. Now, we do have a copy of a test hole data sheet stamped dated received January 13, 2012, from McDonald Geoscience.

MR. SCHROEDER: It should indicate 53 feet to suitable soil, right?

TRUSTEE BERGEN: Yes, it does.

MR. SCHROEDER: I told them that before they dug it. So it's kind of funny that it's 53.

TRUSTEE BERGEN: Now, we will take other comments from people.

MR. SCHROEDER: Sure. I spoke to John. Do I need to be present now? I kind of have an emergency.

TRUSTEE BREDEMEYER: It's your choice to stay present. But ordinarily all comments are directed to the Chair.

TRUSTEE KING: I have a couple of questions.

MR. SCHROEDER: No, I would entertain questions on behalf --

TRUSTEE KING: There probably will be a lot of questions.

MR. SCHROEDER: Right.

TRUSTEE KING: That hole you say is 15, 16 feet in diameter?

MR. SCHROEDER: Well, normal test hole, yes. It would be as if a precast ring would go in, just so the hole would be wide enough to support being able to dig that deep.

TRUSTEE KING: That's my question, why doesn't it cave in?

MR. SCHROEDER: Well, because of the quality of the soil in that area is so dense with clay, it would not cave in. And the first part would be to use an excavator the first day to get 20, 25 feet right away, and hope, hopefully the second or third day, hit sand. You know. Then it's just the width of the clamshell bucket that would go down and dig in the center of that shaft. So it's like drilling a hole until we hit sand.

TRUSTEE KING: That's pretty much all water in there now. How will you de-water that?

MR. SCHROEDER: We'll make a dike with the material onsite to stop the water from encroaching into the hole we would dig. You follow me? And the material that comes out would continue to also berm that diked area off. Which would stop the water from

running from north to south. And as a hole, once we reach sand, then it would be backfilled, and at a slower rate, all the water on the lot that is existing now would slowly drain naturally. Right now water can't drain through. It's like putting water out in the parking lot. It's just not going to go anywhere. But that's really the physics and mechanics of it.

TRUSTEE KING: All the material you remove from the hole remains onsite?

MR. SCHROEDER: Everything remains onsite. And the material that comes out of the hole stays onsite. It will be graded off to look natural, and then sand and gravel bank will be brought in as backfill material for the hole. So it's pretty much cut and dry, straightforward.

TRUSTEE KING: How much would that raise the grade of the lot?

MR. SCHROEDER: It wouldn't raise the grade. It would be the same grade as the private road on the side. To build a pad for the crane and, you know, I think it's probably a two foot difference between the private road and the elevation, the lowest elevation at the southern point. I'm not sure, I didn't shoot any grades myself, but just being familiar with the piece of property. So at that point you want that a little higher because you don't want the silt, the smaller material to collect over time and stop that from draining, you know.

TRUSTEE BREDEMEYER: I have a procedural question. Have you used cutting rings before or would you have a set onsite in case you encounter ground conditions?

MR. SCHROEDER: If cutting rings had to be used it would be something that would be determined in a few days, we would know the quality of the soil.

TRUSTEE BREDEMEYER: As you started excavating.

MR. SCHROEDER: Some of the holes in that area there, the water will stay in the hole to existing ground level for the entire time of the excavation.

TRUSTEE BREDEMEYER: Because test hole data did indicate some intermittent layers might be somewhat softer and inclined to cave. So I ask that question.

MR. SCHROEDER: Right. Normally, like I said, the first day, you hit 25 feet in four hours and get the crane in to set up, and the faster that's done --

TRUSTEE BREDEMEYER: In a related question. Do you envision using this particular shaft excavation as an ultimate location for a sanitary system?

MR. SCHROEDER: It would be for future use if that were to ever to go for permit to build or anything. Really, it's a test hole. I mean there was a test hole mechanically done by McDonald Geoscience, but that was really more on the private road. They couldn't do it onsite because it was flooded. You know. So it would be done on that lot. And basically that test hole would prove the depth of quality soil and also then relieve the pressure of the water. And also relieve the problems of the residential houses next door.

TRUSTEE BREDEMEYER: You indicated you did do other test holes in that area?

MR. SCHROEDER: I did four or five. I forget the name of the road. Shore Road. I also did Sunrise, you know --

TRUSTEE BREDEMEYER: I did a couple in my former job in another life when I was with the county Health Department. So I'm familiar with the ground conditions. The question is have you done excavations, of those prior excavations, were any on flooded properties?

MR. SCHROEDER: Yes, I did. I did one that was right near there on Port of Egypt that was -- and actually, like I said, the whole duration of the excavation, stayed full of water. And once I hit sand, the water slowly, like I said, dissipated as we backfilled it with sand.

TRUSTEE BREDEMEYER: I did, very close by in the same clay area, I did witness one that flowed, almost like an artesian well, for a little more than 24 hours until it subsided. Which is not uncommon in other places in Suffolk County.

Have you ever encountered any there that also flowed, so it would block the road or inhibited transportation?

MR. SCHROEDER: No, the hole wouldn't, it would not play or interfere with the private road or the town road. You know, I talked to Jamie Richter in the beginning, they were looking to do two drainage rings on the side of the road, which would be almost impossible because of the utilities on the side of the road where the rings would go. But they would not work, you know. So this solution is the only way to resolve the issue, you know.

TRUSTEE BERGEN: Well, I have a couple of questions also. What has happened now from the conditions presently is we've created a wetland in this area. I know there was a meeting held a few years ago out there onsite with different representatives of the town, including the Highway Department, the Town Board and Trustees and other elected officials, and what was looked at was to develop a project basin, drainage basin, something like what you described here. Across the street from this area and what is on this, I see here on the schematic site plan, upland wooded area, would not be in a wetland area. And so my question is, has the applicant considered what was proposed out there in the field, which was a drainage plan in this upland wooded area that would resolve the drainage issue, plus it would allow us to maintain a natural wetland that has developed here.

MR. SCHROEDER: Well, that lot is not a natural wetland and it never was. To be honest with you. It was never a wetland. Only until the last four or five years. Whatever the cause is, I'm sure everybody else can tell you the reason. But I can tell you it's not a wetland and never was.

TRUSTEE BERGEN: I'll accept that.

MR. SCHROEDER: And the reason to do it at the most southern point is that is the lowest point on the property. Water doesn't drain uphill. So all the water that does drain, whether it comes

from the town roads, from the northern road, along the railroad tracks and also the road heading south toward the hotel, all those waters that would end up collecting in that lot, as a result of this test hole, if it's done, that water would drain.

Where right now it's holding water in that lot.

TRUSTEE BERGEN: I know on the application it talks about the removal of dead trees. We were also concerned about what trees they are proposing to remove there, because right now, obviously it's in the wintertime, there is no foliage on the trees.

MR. SCHROEDER: That's something, that really would not have to take place until the spring time. And that's not the immediate thing right now. Right now we really need to do the test hole and de-water the lot. And I think that would be determined by you guys, or the application, you know, dead trees; deciduous that don't grow leaves would be considered dead, you know.

TRUSTEE BERGEN: Okay. All right, we might have further questions for you. But I want to give others an opportunity. Is there anybody who would like to speak for or against this application, feel free.

MR. SHEARIN: How are you doing. I'm Tom Shearin, an adjacent homeowner I'm here with the other adjacent homeowner Erma Lekis. We are both in agreement that we would love to have something done with the water, and we are in support of doing something. I'm not an engineer and I'm not a Trustee and I don't pretend to be. The only concerns I really have is the re-grading and will it adversely affect our property when it's done. You know, I mean, once again, I'm not an engineer so I can't really say that. We would love something to be done. And, you know, all I can tell you is maybe you can talk to the town engineer and get his input because, once again, I don't have the credentials to really say what is going to happen or not going to happen. And without knowing how much of the grade will be changed or raised, you know. And that's really it. We would love to have something done. I just don't know, we'll leave it up to you guys to decide what is the best route to take.

TRUSTEE BERGEN: Thank you.

MR. SHEARIN: And thanks for serving.

TRUSTEE BERGEN: Thank you. Is there anybody else who wishes to speak for or against this application?

(No response).

Any other comments from members of the Board regarding this application?

(No response).

TRUSTEE KING: We just got one letter in just recently, I would like time to review that and just look at everything, give it a good hard look.

TRUSTEE BERGEN: Okay. I don't, I'm not an engineer either. I just, myself, personally, I think we identified an area a couple years ago across the street -- when I say across the street, I mean across Silvermere Road, to be more specific -- that I think would be a better location. And I think a drainage system could

be engineered in that location to serve the purpose. In other words get that water over there. You are right, water doesn't run uphill, but I think a drainage system could be engineered to address that and bring it over to that area, that way this lot can be maintained as a viable wetland area. That's just my own feeling.

If there are no other comments from any Board members or anybody else in the audience --

TRUSTEE GHOSIO: I guess the only thing, I should comment on it, I guess, because having been involved with it from the beginning. I agree that it's a little different than what we had looked at. Not a little bit, actually a lot of bit different that what we looked at when we all got out in the field a couple of years ago. I think what the intent on the other side of the street was to be able to bring the water over there and then have, you know, sift through, as it approached the wetland, at least it would be filtered going through into the wetlands. At that time, this lot was not as filled as this is now. I see this as being a pretty good compromise based upon the problems, looking at the overall problems that are there. Not just the wetlands, not just the drainage, what has accumulated over the last few years. So I'm not necessarily against doing this as opposed to going across the street. But I would agree that, you know, at this point seeing as how we just got all this information in the last few days, really, and got the report from the town engineer, we ought to take some time to at least review it. And we don't have an LWRP either. Just to make sure all our ducks are in a row before we make a motion on it.

TRUSTEE BERGEN: Yes, sir?

MR. SCHROEDER: Just one more thing. Like I said, however you guys approach it, five years ago and today, that lot is really not a wetland. And even talks, I knew about talks to take a pipe. The reason that was caused is probably just from disturbed pipes. I have maps that go back, and I think the Trustees have them, there is pipes that were prior to the county Board of Health or any rules or any zoning or any codes, there were pipes running into 55 gallon drums that absolutely run under some of the residences that are here tonight. So to go across the street you are actually going into wetlands that the Jurzenia family did donate to the town, to the Land Trust. So that area, that's a buildable lot. I think he has the right to do the test hole. And not only that, it relieves an expense to the Town to go, if you are looking to go forth with a road, a pipe from his property, which is holding water to de-water it out into a wetland. So this is actually, by relieving the pressure and digging a hole and filling it with sand, it's the physics and the engineering part, will relieve the pressure of that water in the lot and any other future runoff that will be encountered, whether it's by Mother Nature dropping water there or water from the town roads. And that's really the easiest and most inexpensive way to resolve this problem, for the residents, for

the Jurzenia's and for the Town.

TRUSTEE GHOSIO: I also would just remind everybody, the initial reason we even had approached this and closed the pipe was to keep runoff from getting into the wetlands. So this happens to be, whether you consider it negative or positive, the result of having accomplished that. So if we need to do something to alleviate a problem that was created by fixing another problem, I don't necessarily have an issue with that at all.

MR. SCHROEDER: Right. And there is pipes that run all over that probably are not disturbed today that could be future potential problems. But that one hole in that area would certainly relieve the pressure for the surrounding neighbors and that lot. Without interfering with what you have in the natural area to the east, which is all the wetlands.

I mean, you know, the only other part where we put the pump station, I think that was a fill area near the, where you see the fenced area where you cross the tracks, that was an area we filled I think probably through a Trustee permit way back when that pump station was put in. You know. And again, you know, you guys wanted it there, that's why the pump station was there. But that lot was a vacant lot with no water. You know. So.

TRUSTEE KING: We see similar problems all through town. There's old subdivisions, drainage systems into the creek and now we are paying the consequences for what we did 50, 60 years ago, and we are trying to alleviate it and trying to fix some of it. It's very difficult.

MR. SCHROEDER: Right. I think for the dollar and what the town, the residents and the owners are looking to do is probably the most common sense way to go about it.

MR. SHEARIN: If I could add one other thing. The road runoff presently now is going out of that lot and running down the road and dumping into the wetlands, on a daily basis. So it is somewhat of a pressing issue right now, and has been for quite some time. So, and you probably know that. Thanks.

TRUSTEE BERGEN: Any other comments?

(No response).

If not, I'll make a motion to close this hearing and reserve decision.

MS. HULSE: Are you closing it or tabling it?

TRUSTEE BERGEN: Closing the hearing.

MS. HULSE: You don't have an LWRP, though.

TRUSTEE BERGEN: We don't.

MS. HULSE: Okay.

TRUSTEE BERGEN: So closing it and reserving decision.

TRUSTEE KING: Second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next hearing, number two, **STEPHEN G. LATHAM** requests a Wetland Permit to replace, in-place, storm damaged timber bulkhead with 150' of vinyl sheathing and approx. 2' higher than present bulkhead; replace storm damaged 4'X 4' platform and stairs; replenish beach with 400 cubic yards of

sand; and install rip-rap ½ to 1 ton stone armor seaward of bulkhead. Located: 845 Rogers Rd., Southold.

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

MR. LATHAM: Hi. Steve Latham, I'm the owner of the property. I think the application identified as the problem and the solution I'll be happy, rather than just babble on, to answer any questions you may have.

TRUSTEE BREDEMEYER: Thank you. Yes, this application, the Trustees have performed their field inspection on January 11, and the site was also visited by the Conservation Advisory Council and was reviewed by the town's LWRP. The town's Local Waterfront Revitalization Program has found the project consistent with the town's coastal policies. And the Conservation Advisory Council resolved to support the application with a recommendation that rip rap rather than the proposed structure be considered. In other words that a structure that, I guess whether they meant revetment or not is unclear, but it recommends rip rap rather than the proposed structure. I don't know if that, Jack, you are here, does that refer to replacing the whole structure with a revetment structure?

MR. MCGREEVEY: I think that was the intent. I personally didn't inspect this property but that was the recommendation that was made and we were kind of convinced it might be the way to go. It's just another recommendation.

TRUSTEE BREDEMEYER: Thank you. The Trustees visited the site and we did note that we didn't see a detailed set of plans in the file that so we, I think we were thinking we should have a better set of plans. And there was a suggestion that there might be the ability in the construction to consider the use of helical screws that might enable saving some of the trees on the site, that might otherwise have to be taken down during the course of an excavation, behind the bulkhead, to set the dead men and stringers. So those were some concerns that the Board had on the field inspection.

Are you in a position to address any of those at this point?

MR. LATHAM: We did discuss the screws, helical screws. My understanding is they go on horizontally and the problem is you have a house that is not very far with a basement. If you don't get enough pressure or the required pressure or torque on them, you are just going to keep go until you get the torque. Well, what happens if you keep going and go through the basement wall? So while -- my daughter said you are not going to cut down those trees. And I would prefer not to. But I'm not going to take out a basement for a tree. And that's, you know, if there is a way of getting around it, that's fine. We did discuss it. And we would look at it again, and it could happen that way if as they are doing the, whatever they have to do, and they find that the soil is compact enough, I guess, to create the torque that you need, then we would be happy to do that. But we won't know that until the time they start digging, I guess. We are not, we would

love to keep the trees.

TRUSTEE BREDEMEYER: Another concern the Trustees had was the proposed additional height of two feet, seemed to place the bulkhead higher than that of the proposed bulkhead to the east or existing bulkhead to the east and there was a concern whether we were matching bulkhead lines. Can you speak to that?

MR. LATHAM: The only reason I put that -- well, I thought for a long time it would be nice to be a little higher. That bulkhead is about, maybe, eight inches higher than the one east of it. All the others are approximately the same height. Each of those applications, which were approved, asked that they put up to two feet, in fact I think they were first issued, the applications would like to add a foot higher. Then the Board suggested would you consider doing two feet. And my recollection was that each of the applicants said, okay, we'll do two feet. I put in two feet because I would like to go up a little higher. Two feet would be at, you know, above their two feet. So we would put at whatever would be the same as theirs. Two feet was just a number that would be, it would be that or something less than that.

TRUSTEE BREDEMEYER: I don't have a clear recollection, myself. Maybe another Board member would.

TRUSTEE KING: A foot sticks in my mind.

TRUSTEE BREDEMEYER: In any case, you are saying you would be amenable to match --

MR. LATHAM: The intention is to match theirs exactly.

TRUSTEE BREDEMEYER: Okay, thank you. Any other additional questions, any concerns?

MR. LATHAM: The other question I have is whether or not you are concerned with putting in the vinyl sheathing. The sheathing has already started at the other end. Actually it started in the middle at Ilibasi's property and will be consistent all the way through. And mine intention was to use sheathing also. The problem is what you don't see in that picture. That bulkhead was installed approximately 1993 or 1994. I think it was 1994. At that time, the beach was above that waler all the way down. The sheathing from the stairs, which you barely see at the corner, the last 55 feet, the sheathing was 12 feet. Now, if you raise the beach above the waler, the 12 feet was fine. Well, now the beach is about a foot above the bottom of the sheathing. At that 55 feet. This side of that 55 feet, this side of the stairs, where the stairs were, and partially still are, the sheathing is only ten feet. Not 12 feet. So that we are about at the bottom of that. And all we need is maybe two more nor'easters and we are going to be at the bottom or below the bottom of the sheathing. Then I'm going to be back here for an emergency permit to do what I'm asking to do prior to having to do that. This, every year we have, in the spring, we have several nor'easters and every spring the beach gets lower and lower. And once it goes below the sheathing that's when the problems really start. So I'm trying to prevent that and do it consistent with all of our neighbors right down the line, so that we can

get it all done at one point. Trust me, I'm not looking forward to spending the money on this and I had not planned on doing it, but conditions are such and the opportunity is such that this seems to be the time to do it.

TRUSTEE BERGEN: I have one question. I noticed on the plans, there is a return to the west, I guess, and it goes along the street, and I didn't see in the description here that you intended on doing any work on the return. I just want to make sure it's clear.

MR. LATHAM: The return would also be done. We just forgot to put it in.

TRUSTEE BERGEN: So that needs to be added to the description, then.

MR. LATHAM: Yes. It doesn't make sense to sheath it in vinyl all the way down to the return and then have the wood. I could leave it that way, but it seems like it's better to take it around and have everything the same. I would be happy to add that to it, if you like.

TRUSTEE KING: I just think we need more detail on this plan. This side with the cross-section, because it doesn't show the deadmen. It doesn't show a lot. And if you scale that, scale the rip rap off on this survey, it's a lot more than two-and-a-half feet that is shown on the profile. So there is a little discrepancy there between what is shown on the survey and what is shown on this profile. It's far more than two-and-a-half feet shown on the survey.

TRUSTEE BREDEMEYER: I guess if we are going to request the applicant to provide us a better set of plans that shows us a detailed elevation and it shows the rip rap with, on the plan also comports with the elevations on that bulkhead, that it should also indicate details on the return and also the elevation where it meets up with the neighboring bulkhead so we can confirm we go are going to have equal heights of the structure.

MR. LATHAM: How am I going to do that until I put those in?

TRUSTEE BREDEMEYER: There is a proposed -- in other words, we just have to see your elevation to that we have a proposed elevation from yours that comports with the permits in the file for the other applicants.

TRUSTEE KING: For some reason, one foot sticks in my head, so we have to see.

TRUSTEE BREDEMEYER: It's just a simple fact of what we granted the neighbors and then it would be a matter of simply putting on here in your proposal the height, the elevation on the plan that would match up with the neighbor for their future construction so that we have a unit structure, ideally, that when theirs is finished and yours is completed, they'll match up.

TRUSTEE KING: Where do you stand with DEC on this application? Have you gone to them?

MR. LATHAM: The application is moving through at snail-like speed.

TRUSTEE BERGEN: So you submitted it to DEC?

MR. LATHAM: Yes, but the other three have received their permits. And I assume it's probably within the last week, but they are, as I say, working on Ilibasi, which was the most damaged. Most severely damaged. But honestly, I don't quite understand in terms of your concerns about the rip rap and everything because all of these plans, as far as I recall, when we were doing them, we had, you gave us a permit for rip rap and for, I forget, whatever the other was, and then they had to be redone on this application. And all four of us, I believe, have the same information in terms of the rip rap. Because it really deals with the DEC and what they were after in the past. That's why you see it again. But we had the permits for that so, I guess, you know, I don't quite understand what you are really looking for and why you are objecting to something you have approved in the past and have approved for the other three.

TRUSTEE BREDEMEYER: The Board, just to clarify, the Board has not objected to anything. We are just requesting more information so that a determination that we will undoubtedly make one way or the other has sufficient information to move on it. So I think it was a matter of just providing those additional details so that we have a project written description that includes the return and that would provide elevations showing the structure and indicate so that what you propose in rip rap in the width in front of a new detailed line drawing comports with the width of the rip rap on the survey that you submitted from Nate Corwin, which was dated May 14, 2010. So in other words the facts of the elevations --

MR. LATHAM: It was updated.

TRUSTEE BREDEMEYER: Okay, I have a May 14 date stamp.

TRUSTEE KING: It might have been revised.

TRUSTEE BERGEN: And the other item we were looking for also was your cross-section doesn't include the deadmen that you have verbally talked to us about, but it's not shown on your plans at all. The deadmen. And again, we are just doing this to try to make sure what we approve is what is actually going to appear out there and you don't run into problems afterwards with doing work that was never approved by us.

TRUSTEE BREDEMEYER: Any additional comments?

TRUSTEE KING: We would want to see a non-turf buffer behind the new bulkhead, too.

TRUSTEE BREDEMEYER: There is one proposed.

TRUSTEE KING: Okay.

TRUSTEE BREDEMEYER: Any additional comments?

(No response).

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

TRUSTEE GHOSIO: Second.

TRUSTEE BREDEMEYER: I'll make a motion that we reserve decision in this, table it and reserve decision, until we get a new set of plans detailing those items that we just discussed during the public hearing, that we show the deadmen, we show the elevation,

we show the rock rip rap matching between the survey and the scale drawing, that we show the return and that we show an elevation that matches with the proposed and approved bulkheads of the neighbors to the east.

MR. LATHAM: How do you do that if you don't have the plans? How can I -- I understand what you want. I just don't understand how you do it on paper. Because it ends at my property line.

TRUSTEE BREDEMEYER: I'm sure if you have your architect or engineer or the person that will help you with that rendition, if they call the Trustee office we can provide the information with the other permits in a format they'll be able to use. So I made a motion to table with that.

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

(ALL AYES).

TRUSTEE GHOSIO: Number three, Land Use Ecological Services, Inc., on behalf of **FRANK & MINDY MARTORANA** requests a Wetland Permit to construct a 6'X 16' walkway along the south side of the house connected to the previously approved deck and fixed pier; install a 4'X 44' fixed dock with a set of 4' stairs in the middle; proposed dock to be elevated 2.5' above the wetlands and constructed using an open grate decking; dock to terminate in a "T" shape and have a ladder at the seaward end. Install additional 524 sf. Of new buffer areas on the north and south sides of the approved new dwelling.

Located: 3450 Deep Hole Dr., Mattituck.

The LWRP report has found this to be inconsistent with LWRP noting that it's a critical environmental area. They could not determine the impacts to the bottomland because they didn't know the size of the boat.

TRUSTEE KING: Did he review that under this description?

TRUSTEE GHOSIO: Yes. This is dated January 18. So that would be it for, that was reviewed under this description.

The Conservation Advisory Council reviewed this. At the time that they reviewed it, which was back in November, it was not staked, so they did not have any comment. And the Trustees were out there last week and took a look at it.

Anybody here to address this application?

MS. ROSADO: Good evening, Kelly Rosado with Land Use Ecological Services. I did submit revised site plans, you probably received them today, outlining information that we discussed last week at the site visit, namely removing the walkway from the proposed plan. So the site plan shows a proposed deck that extends six feet seaward of the dwelling that is there, and then the dock that appears, that is proposed, will start 41 feet seaward of the proposed dwelling, be elevated above the wetlands, be constructed with open-grate decking, terminate in a "T" with the ladder. The buffer area is also proposed now to be planted with switchgrass, which is noted on the plans. I believe it's everything that we had discussed last week. If you have any questions, or anything, I would be happy to answer them.

TRUSTEE GHOSIO: I just need a minute so I know how to change

this to what is proposed.

TRUSTEE KING: Open-grate catwalk, starting 41 feet seaward of the house. 23-feet long. Open-grate. And this will increase 40 feet, to the width of the property. To be planted with switchgrass.

TRUSTEE GHOSIO: All right, are there any other comments or questions?

(No response).

I make a motion to close the hearing.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE GHOSIO: I'll make a motion to approve the application noting that we are making the following changes, the following stipulations: That this walkway and catwalk will be starting 41-feet seaward of the house, to the dock. The catwalk is going to be 23-feet with the ladder at the seaward end; open-grating is going to be used, which is already in the application to begin with; that the buffer is going to be increased to 40 feet, be planted with switchgrass, and by doing this and changing this in that fashion as depicted in the plans dated January 18, 2012, brings it into consistency with LWRP.

TRUSTEE KING: Also proposed deck six-feet wide on the seaward side of the house

TRUSTEE GHOSIO: Correct, with the proposed deck on the plan six-feet seaward of the house.

TRUSTEE BREDEMEYER: Was that your motion?

TRUSTEE GHOSIO: Yes.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: Any discussion on the motion?

(No response).

All in favor?

(ALL AYES).

MS. ROSADO: Thank you, very much.

TRUSTEE KING: Number four, Lark & Folts, Esqs, on behalf of **ELLEN F. EMERY** requests a Wetland Permit to construct a 32 square foot observation platform in conjunction with the existing stairway system. Located: 5925 Nassau Point Rd., Cutchogue.

This has been found to be consistent with LWRP. The Conservation Advisory Council resolved not to support the wetland permit due to insufficient information.

We have all been out there a number of times. Is there anyone here to speak on behalf of or against this application?

MR. LARK: Richard Lark, Main Road, Cutchogue, New York, for the applicant Ellen Emery. I would just like to be very short and brief but I want to do some housekeeping things first because the file, my file at least, is a little disheveled. Do you have all the mailing affidavits and the posting affidavits, Mr. King?

TRUSTEE KING: I would assume.

MR. LARK: I thought they were but there was a little confusion.

Second of all, I want to verify what plans you actually do have.

My file contains a straight view of the property, like a bird's

eye view dated December 7, which went with the application dated December 23, along with the side-view dated December 7. Do you have those?

TRUSTEE KING: I have later plans than that.

MR. LARK: I do, too. I have one dated January 26, which is a straight view, and then another one dated January 12, which is probably the final map, which is a straight view. I just wanted to make sure you have them all. That's all I was trying to verify.

TRUSTEE KING: I have the one from 1/12, and another set from 1/12. Yes.

MR. LARK: Do you have the ones originally submitted with the application, which I think were dated December 7?

TRUSTEE KING: There is numerous drawings here.

MR. LARK: Okay. It's a housekeeping thing, that's all. Okay?

TRUSTEE KING: Okay.

MR. LARK: And you have the application dated December 23? Which I think is fairly complete.

TRUSTEE KING: Yes.

MR. LARK: Okay. In that application there is a letter from the applicant Ellen Emery which explains the reasons for bringing this particular application for a second deck on her property. Succinctly stated, the second deck will restore the view of the bay and the shoreline and surrounding areas, which as she presently has, but will not have when she reduces the size of the existing deck on the property. Otherwise I believe the application of 12/23 is pretty well self-explanatory. If you have any questions, Ms. Emery is here today. But I want to remind the Board, she is not requesting anything more than her neighbors had. Submitted with the application are aerial photos of the land on this area from Nassau Point on the southerly tip all the way to the north, to the beach on Nassau Point Causeway. In there is about 71 properties and of these 54 have one deck or more. 76% of the land facing the bay. And 29 of the properties have two or more, 54% of the properties that have decks, and 19 of them have three or more decks or observation platforms, which is like 35% of those that have decks. So she is really not asking for anything more than what the neighbors have on it. And the reason is, even though the beach has a straight line to it, more or less, there is a lot of curvatures in the bluff. And that's why I believe a lot of the property owners have located their decks or observation platforms in various spots. Also, not only was this sited by the contractor so she could get her views restored, which is the primary thing, it was done where there is an existing cut in the stringers so we don't have to weaken them at all and they can be, the pitch of them can be adjusted. And that was an important consideration because they are pretty heavy stringers going up there. And I personally, when I looked at it, was concerned. But it will be okay structurally because the posts can be located right there where the existing break is and the adjustment of the angle can keep the steps from getting too steep. That's all I have. Mrs. Emery would just like to address

the Board briefly for just a second, and that's about it. Unless you have questions of me.

TRUSTEE KING: No, just keep it short if we can. What the neighbors have really doesn't have a lot to do with this.

MR. LARK: No, it's the applicant.

MS. EMERY: Good evening, my name is Ellen Emery and I'm the resident of 5925 Nassau Point Road. I seem to have created a mess here, quite unwillingly, but it's something for which I'm totally responsible as the owner of the house, and I accept that. I have spent, for the past 43 or more years, every summer out at the house in Cutchogue, and have enjoyed, quite frankly, spending many times with my friends and family on the deck, and it gives great views of the water and the shoreline. And the only thing I'm trying to do is just retain some portion of what is already there. That deck has existed since 1969. And there has never been a problem. So that's all I want to do is get my view restored, get the value of my property restored and, um, enjoy a deck again. Thank you.

TRUSTEE KING: Thank you. I think the issue here is we are bound by the code. And by code you cannot repair an unpermitted structure. That was the whole crux of it. The code says you can only have -- I don't have it in front of me -- but I'm quite sure it specifically says decks and platforms associated with stairs cannot be more than 32-square feet. So that's where this whole problem came from. So with this application, I've seen stairways on The Sound where there are more than one platform. And the code says platforms associated with stairs cannot be more than 32-square feet. So technically, this meets the code. So we've beat this thing to death, in my opinion. The fence has been moved a little landward where the old fence used to be. That area between the fence and the top of the bluff now will just remain in its natural state, won't be cut down or mowed or anything. We have indicated here some plantings with some little supports for it. I would like to move forward with this as it's been submitted.

TRUSTEE BREDEMEYER: Yes. I guess I would, too. As a point of clarification, I know this may be putting the cart before the horse but didn't we propose changes to the wetland code that would allow for larger deck structures?

TRUSTEE KING: We talked about it in the past.

TRUSTEE BREDEMEYER: Is it in the pending proposal?

TRUSTEE KING: It's not in the pending, no. Not that I know of.

MS. HULSE: I don't remember that, Jack.

TRUSTEE BREDEMEYER: I didn't know if it went in. It was just a question of having it conform with the coastal erosion. Okay.

TRUSTEE KING: Are there any other comments on this?

(No response).

Board?

(No response).

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

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: I'll make a motion to approve the application as submitted with this plan that is prepared on the 12th of January, on the site plan. It's found consistent with LWRP and there is nothing from the Conservation Advisory Council because there was not enough detail.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(Trustee King, aye. Trustee Ghosio, aye. Trustee Bredemeyer, aye. Trustee Domino, aye). (Trustee Bergen, abstains).

TRUSTEE BERGEN: I'm abstaining.

MR. LARK: I did have one comment I want to tell the Board, for the record. I did talk to the contractor and the work there will have to be, because of the erosion and you are well aware of on the southerly end, has to be addressed immediately. That work will probably begin some time over the winter, but by the time they get around to moving the fence and doing all the other things that are in the other permit, granted permit, it will probably be late spring or early summer before we actually get to taking down the other deck and put this up. It will be a, looking at it, construction-wise and getting the plantings in and terracing in, it will be a six to eight-month project. Do you want the contractor to keep notifying the Board what they are doing there? Or how do you want to handle that so we don't have a future problem. I'm just trying to avoid a problem, that's all.

MS. HULSE: This is not a public hearing. Any of this comment after, this is not part of the record for the hearing, just to let you know.

TRUSTEE KING: We closed the hearing. This is a two-year permit.

MR. LARK: Two year, all right.

TRUSTEE BERGEN: Number five, JMO Environmental Consulting on behalf of **JOHN O'GRADY** requests a Wetland Permit to resheath, on the landward side, 85' of timber bulkhead utilizing vinyl sheathing; replace wales as needed; and to construct approx. 83' of retaining wall landward of the bulkhead.

Located: 830 West Cove Rd., Cutchogue.

The Board did go out and looked at this. It was reviewed under the LWRP and found to be consistent. The CAC resolved not to support the application based on the lack of details on the plans. Is there anybody here to speak for or against this application?

MR. JUST: Good evening, Glenn Just, of JMO Consulting on behalf of the applicant.

TRUSTEE BERGEN: Did you have any additional comments, Glenn, or anything?

MR. JUST: I don't know what the Conservation Advisory Council said was lacking in the plans.

TRUSTEE BERGEN: Jack, do you have any clarification on that?

MR. MCGREEVEY: I did the inspection on it and in looking at the

property, being on the property, the diagram on the application did not match what I saw onsite. Onsite there was a swimming pool and then there were structures shown on the diagram that did not show up in actual reality. So I couldn't, it didn't match up at all.

TRUSTEE BERGEN: Okay. And Glenn, if you want to come up and look here, I agree with what Jack is saying, but what we were concentrating on in the field inspection with what has been applied for. See what he's saying.

MR. JUST: I agree. The pool was put in since the survey was done and the plans are based on the survey. What we were concentrating on were the structures down here and we thought that was almost out of the Trustees' jurisdiction.

MR. MCGREEVEY: The Conservation Advisory Council's concern, Dave, was that we were possibly looking at the wrong piece of property.

TRUSTEE BERGEN: Understandable. I understand the confusion. As I stated, we did go out and looked at this. And it appeared as though what the applicant was trying to do also with regard to the retaining wall was to match the property to the, I'll call it east, the MJ Paul property. So the retaining wall will be at the same elevation as that retaining wall, and the bulkhead, what is proposed, will be at the same elevation as the property owner next door, the Paul property.

MR. JUST: Exactly.

TRUSTEE BERGEN: Thank you. The only other concern that I had here, it's again, this drawing that you submitted does not show the stairs coming down to that retaining wall. It does show the stairs, proposed stairs from the bulkhead to the beach. But it doesn't show the stairs coming down the bluff. We are assuming that there is no work being done to those stairs.

MR. JUST: We'll be coming back in for a permit modification probably next month. I retained Nathan Corwin land surveyor to locate those stairs for me because there was a problem with the Martha Paul application where the stairs were constructed on the wrong property, they were removed and rebuilt. And we are just trying to make sure everything is perfect. So we'll be coming back in for modification of that stair system.

TRUSTEE BERGEN: Okay, those are the only questions I had. Were there any other questions from the Board?

TRUSTEE KING: This is almost an identical project to what was next door, correct.

TRUSTEE BERGEN: Yup. Is there anybody else in the audience wants to speak for or against this application?

(No response).

If not, I'll make a motion to close this public hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BERGEN: I'll make a motion to approve the application of JMO Environmental Consulting on behalf of John O'Grady as

applied at 8030 West Cove Road, and this has been deemed consistent under the LWRP.

TRUSTEE DOMINO: I'll second it.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next hearing, number six, J.M.O. Environmental Consulting Services on behalf of **DAVID SCOTT KETNER** requests a Wetland Permit to construct a pool, pool fencing, patio and landing.

Located: 4321 Brooks Point Rd., Fishers Island.

I had the pleasure of going to Fishers Island on January 9, and it was a great day to be out there. Is there anyone here who wishes to speak on behalf of this application?

MR. JUST: Once again, Glenn Just, JMO Consulting, for the applicant.

TRUSTEE BREDEMEYER: Okay, just to recap what we have in our file. The Conservation Advisory Council was not able to make a trip out on the island. We don't have a report from them. The LWRP has determined that the project is consistent with the Town's coastal policies. I did get out to the site and did review the plans and the construction at that time. I think we might even have a photo in the lineup. A quick question I have, is a bit of housekeeping. The application, Glenn, indicates that the plans are associated with a CME Associates plan dated 8/4/11, and the plan that I think I was looking at was dated 8/24. Is that just -- do you have --

MR. JUST: Jay, I have to verify that tomorrow at the office. I don't have those records here.

TRUSTEE BREDEMEYER: Okay. It appears it may just be a scrivener's error, that somebody forgot to put the "2" for "24." But the plan I did have did not depict a drywell for backwash. So that was the concern I had, that maybe I didn't have the latest plan for that when I reviewed the proposal. When I was there I did note two of the roof drains immediately discharged into the adjacent wetland, and that could be pretty shocking, not only depending on what kind of rain, the quality of rain or if they do a roof repair or replacement, the possibility of asphaltting materials would be leaching oils or compounds into the wetland. So those were two things that I noted on both the plan and on the site visit. What I also noted looking at the plan and comparing the plan to the site, that the site appears to be very heavily constrained, that one side of the house has a sanitary system, there is a driveway and the fairly limited lawn area, is what the proposal will have the deck and fencing and swimming pool, and there is no additional clearing being requested in this application. So that, the area there, that's in the photograph is in fact the area in which the pool would be. So it was very straightforward, other than the containing roof runoff and drywell and plans coming in that would show both types of drywells, separate roof runoff, separate swimming pool backwash.

MR. JUST: Different drywells, too?

TRUSTEE BREDEMEYER: Yes, I would think that's advisable.

MR. JUST: I was out there two weeks ago, Jay, to be honest with you, and right where the arrow is, I did see the pipe myself. I did do the original permits for the house I think 20 years ago.

TRUSTEE BREDEMEYER: Okay. I don't have any further questions, do any members of the Board have any questions? It's pretty straightforward.

(No response).

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

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve this application subject to the submission of revised plans that show a swimming pool backwash drywell and a separate roof runoff drywell from the gutters and leaders, and I would make a recommendation that the applicant consider a silver copper electrode type of treatment system that uses a very small amount of chlorides in the water, and that can reduce the amount of chlorine that would go through the drywell since the wetland associated with this property is so close. It's just a recommendation.

MR. JUST: What do you call that, silver chloride?

TRUSTEE BREDEMEYER: Yes, silver copper electrode. It's a means where it basically it's an ionic form of water treatment. It's just something to look into. They are fairly efficient. I know Bob Nuzzi, a former associate of mine when we did swimming pool work for the county, has one in his pool. And it can actually save you some money. It's just a recommendation but it would mean the chlorinated backwash is not going through a drywell and then leaching into that very close wetland. So I would move that.

TRUSTEE DOMINO: I'll second it.

TRUSTEE KING: All in favor?

(ALL AYES).

MR. JUST: Thank you, very much.

TRUSTEE GHOSIO: Number eight, Samuels & Steelman on behalf of **DANIEL & JACKIE BINGHAM** requests a Wetland Permit to reconstruct the existing dwelling with a new addition and new septic system.

Located: 50 Jackson St., New Suffolk.

The LWRP coordinator has found this application to be consistent with LWRP. But he does have a couple of concerns, just about making sure that there is enough room to accommodate the sanitary system. And the Conservation Advisory Council resolved to support the application as written.

The Trustees were out at the site for inspection, and the only question was about a drywell in front of the house.

Is there anybody here who would like to address this application?

MR. SAMUELS: Yes, my name is Tom Samuels, I'm here on behalf of the Bingham's. I'm the architect. The sanitary system is designed to obviously fulfill the requirements of the Suffolk

County Health Department and also the state DEC. And we are in application to both of those agencies. If there are issues regarding it, I would imagine it would come from them. But we believe it works. You are aware or familiar with I think Kimogenor Point and the unusual situation down their property-wise, that you have six owners on one piece of property, and so the property lines are not internal and sanitary systems are cheek by jowl with each other. There are no real setbacks between them. But a shallow system works. Obviously the grade is very important and the height of ground water is of most importance. It was taken at high tide on the full moon as per DEC requirements, and we have a section on this drawing that shows that it does work. As far as a drywell, maybe you are asking for in the front yard or in front of the house, under the paved or gravel area there, I'm not sure -- we are containing all our roof runoff inside the house, not in the road. I'm certainly aware of the elevation of that road and I'm sure also that at a certain point Jamie Richter will be very interested in seeing the SWIP requirements met, which are likely to involve some additional shallow systems in front of the house. I'm not sure of that because a SWIP has not been prepared for this yet.

TRUSTEE GHOSIO: I think what the question really boiled down to is to is on the plan it looks like it's showing an 8x5 drywell 86 feet from Peconic Bay and we were not quite sure what that was.

MR. SAMUELS: Okay, sorry. That is a drywell for the roof runoff on the bay side, yes. And you would like that to be moved back or at least around the side or eliminated all together?

TRUSTEE BERGEN: Is it possible for the roof drainage to be --

MR. SAMUELS: I would say that's the highest part of the upland right there. That is the top of this like little, I don't want to use the word "dune," I didn't say that word, but it's the highest point of, where the land comes up highest. It's the best place to drain.

TRUSTEE KING: You would probably get the best drainage right there.

MR. SAMUELS: I think so. And I understand your concern.

TRUSTEE BERGEN: The question was, is it possible to engineer it so the water would drain to the drywell that is designated to the western part?

MR. SAMUELS: Yes, we could definitely make that work to that extent. And we have enough, yes, we could put it inside the line of the front of the house, without any trouble.

TRUSTEE GHOSIO: I guess that would effectively eliminate that drywell.

MR. SAMUELS: Yes, or moving it to a more conforming location

TRUSTEE GHOSIO: Basically getting it out of our jurisdiction.

MR. SAMUELS: Right. You see how each jurisdiction is overlapping on both sides here. I know the bulkhead on the inward side has been there forever and maybe you guys have a different approach

to it. The DEC, of course, it's a pre-existing bulkhead but for the fact we are in their jurisdiction from the bay side, so we are seeing how they respond also to the setback on the bulkhead side. Which I think the Kimogenor Point Company has a new permit for replacing now, from you guys.

TRUSTEE KING: Yes, that was very recent.

MR. SAMUELS: And that's not to raise it any, I don't believe. So I don't think we'll be raising the ground there.

TRUSTEE BERGEN: I don't believe there was. But I don't recall.

TRUSTEE GHOSIO: Are there any other questions or comments?
(No response).

I'll make a motion to close the hearing.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE GHOSIO: I'll make a motion to approve the application as submitted with the one exception and that being that we are stipulating the drywell currently planned on the bay side of the house be moved to the side of the house that is outside of our, basically outside of our jurisdiction. With that, it's been noted to be consistent with LWRP.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

MR. SAMUELS: Thank you, very much.

TRUSTEE KING: Number nine, En-Consultants on behalf of **FREDERICK DELAVEGA & LAWRENCE HIGGINS** requests a Wetland Permit to construct an 18'X 36' in-ground swimming pool (including 8'X 8' spa); on-grade masonry pool patio, pool enclosure fence, 65 linear feet of 2' high retaining wall (with existing boulders added to each end to avoid need for additional retaining wall), and steps; construct masonry stoop and steps from house to pool patio; remove existing bluestone patio in back of house and construct new masonry on-grade patio; place stepping stones from proposed patio to proposed pool; enclose existing outdoor shower with wood panels; replace existing driveway with new pervious gravel driveway; plant native red maples, *Acer rubrum*, along property line; legalize previously completed relocation of sliding glass doors to outer wall of previously existing porch to completely enclose porch space; and establish permanent 10' wide non-turf buffer adjacent to wetland boundary.

Located: 15437 Route 25, East Marion.

Is there anyone here to speak on behalf of this application? It's consistent with the LWRP. The Conservation Advisory Council supports the application with the condition the existing non-native vegetation is removed from the bluff and replaced with native vegetation, and there is a non-disturbance buffer from the crest of the bluff to the wetland edge of Dam Pond. That's the recommendation of the Conservation Advisory Council. Is there anyone here to speak for or against this application?

MR. HERMAN: Yes. Good evening. Rob Herman of En-Consultants on behalf of the applicants. As Jim mentioned, there are a number of what are mostly minor landscape activities proposed on the property, but the main feature of the application being the proposed inground swimming pool, the patio and pergola. We are exceeding the minimum wetland setback requirement under 275 by about 24 feet to the swimming pool. This is an interesting parcel because the pool, although probably at first glance appears as though it might be in a side yard is actually based, on my conversations with Mike Verity of the Building Department, is able to be treated as a rear yard because of the way this property was originally developed, such that you have the access, the fronting access to the property coming from the southwest corner. So the yard that contains the existing driveway which is to be replaced with a pervious gravel driveway, is actually the front, and that makes this a rear yard for the swimming pool.

There is a walking right-of-way that goes over this property and because it is deeded as such and not a depicted right-of-way we also do not have to draw the setback to the pool from the interior. The right-of-way but rather from the property line.

There is a small retaining wall proposed on the Dam Pond side of the pool, which will eliminate the possibility of having a continuous downward slope from the pool toward the wetland in order to try to mitigate against runoff. And there is a dedicated pool drywell shown to collect pool backwash. There is going to be an alternative filtration system used here in order to reduce chlorine. This goes back a little bit to what John was discussing with a prior applicant. So that will be implemented here. There is a ten-foot buffer shown along the top of the bank; I mean term "bluff" here will be used awfully loosely. We are at around ten feet elevation.

The coastal erosion area is much farther north toward The Sound. The landscape architect Stacy Paetzel is here if there is some discussion that the Board would like to have with respect to the buffer, but I will take any comments from the Board in that regard or if the board has any other questions that I can answer.

TRUSTEE KING: I think you've answered most of the questions we had, Rob. One was a set-off for the right-of-way. That's not a problem now. We just wanted to see a larger buffer area on the top of the bank.

MR. HERMAN: I'll let Stacy speak to that. Because we have talked about the possibility that the Board would like for that. We didn't want to come in with anything overly complicated to start. I think the idea would be possibly to leave the ten-foot width over alone in front of the house where the property is narrower, but over on the side where the pool construction will go, that maybe we can do something that would swing back, like a variable width buffer because there is more lawn there. The yard widens up there to the east of the house and that's also where

the proposed construction is.

Stacy, I don't know if you have any thoughts of what you would want to do in that area or see if the Board has any suggestions. But we would, again, just be interested in seeing the allowance for some variable-width buffer we can keep ten feet in the front of the house and then widen it out over in the area between the pool itself and the wetlands area.

TRUSTEE KING: I think in the field we talked about -- there is a flagpole there. We were talking about maybe drawing the line somewhere from the flagpole roughly to the east there was a couple of stones that are right on the edge of the buffer area.

TRUSTEE BREDEMEYER: It shows in the plans two stones.

TRUSTEE KING: It shows two stones there.

MR. HERMAN: The flagpole is the west side and the stones are on the east side. That's almost to the opposite of what I'm describing. What I would be suggesting is, you see the way on the plot plan, the ten-foot contour swings back; doing something closer to the edge of the bank in the same sort of formula. Let me bring this up.

MR. HERMAN: This ten foot, then swing something out in this direction. Because this is where the pool is going. So we would sort of widen --

MS. PAETZEL: What you were saying maybe go from here, across here.

TRUSTEE KING: Right, widen that out. Because this is basically the top. This was all being mowed to the top here, if I remember right. And that would give you a little buffer.

MS. PAETZEL: I know that because --

TRUSTEE KING: Because this drops off pretty steep.

MS. PAETZEL: I know where one of their concerns is to keep a little space here where the existing patio is, we are actually bringing it back in a little bit, but the yard gets kind of narrow there. We don't want to make it more narrow in that area. But we are willing to work with the Board if you have a certain amount of square footage you are looking for.

TRUSTEE KING: Even if just came in five feet, it would give you a little bit of that buffer before the edge. That's what we are trying to get at. If you want to increase it down here, that's great.

MR. HERMAN: I see what you mean, Jim. Because we have it offset to the wetlands, and that area is actually the slope.

TRUSTEE BREDEMEYER: The current cultivating practices in that buffer area where they had a few non-natives, or whatever, garden care, weeding, was already starting to break the edge on the bluff there. I'm not sure, if the Conservation Advisory Council comments, I was at the Conservation Advisory Council meeting, I don't know if it got transmitted, but they were hoping that we could request, there was a couple pieces of privet, in other words to naturalize it and get the non-natives out of there.

MS. PAETZEL: I think we can definitely do that.

TRUSTEE KING: That's what they want to see, the existing

non-native vegetation removed from the bluff and replaced with native shrubs.

MR. HERMAN: Okay. So do you want to come back five feet the whole way or some planned mark?

TRUSTEE KING: Well, you were going to increase it here, right?

MS. PAETZEL: Make it come out a little more there.

TRUSTEE KING: Just kind of blend it along and follow that.

MR. HERMAN: With a minimum five-feet here and blend it out.

TRUSTEE KING: Yes, make it narrow in front of the house and widen it out when you get on either side of the house.

MR. HERMAN: I could ask Stacy to come up with a revised buffer plan.

MS. PAETZEL: Since we are all here, something like that would work?

TRUSTEE KING: Yes, that's what we had in mind.

MS. PAETZEL: Okay, great. Thank you.

TRUSTEE KING: As far as the relocation of the sliding glass doors, I mean they are all in place. That's something we would not have problem with. But that's something, needs to be some shop keeping on that as far as the permits go.

MR. HERMAN: Right. So we would ask the Board to legalize that as part of this permit, then the applicants have to go to the Building Department and get basically the interior work permit. But they are going to ask for something from you first.

TRUSTEE KING: Because the Building Department will ask us for the permit, you know what I mean?

TRUSTEE BERGEN: Yes.

TRUSTEE KING: Any other issues?

(No response).

TRUSTEE KING: Okay. We didn't have any other questions that I could think of. Anybody on the Board?

(Negative response).

Any other comments from the audience?

MR. PIEKARSKI: My name is Ken Piekarski, I live to the east of the proposed application, along the evergreens, right on the other side. I'm definitely in support of the application as presented with just the exception of some of the proposed landscaping that would potentially block our view. We would just like to have them be somewhat sensitive to whatever they do put down.

TRUSTEE BERGEN: They have on that side proposed, five proposed trees, three to four inch caliper, correct?

MR. PIEKARSKI: Correct.

TRUSTEE BERGEN: Just to clarify, Rob, you understand exactly what he's talking about here?

MR. HERMAN: Yes. I'll let Stacy speak to that.

MS. PAETZEL: The trees we are proposing, our hope, was that as the trees grow up, they are canopy trees, so they would have trunks that come up, then the canopy would come over. So there would still be potential for him to have views that would be underneath those trees. But I'm not really sure what my

client's thoughts are about changing that. I know their concern is privacy. And, um, they don't want to block the walking right-of-way so the canopy trees give us the ability to have privacy in a smaller amount of space.

TRUSTEE KING: It's a tough call, because the view really is not part of what we should be regulating. Our issues are environmental. Just hopefully good neighbors work things out between themselves. It's not within our purview to say how high a tree can be.

MR. PIEKARSKI: I understand.

TRUSTEE KING: Thank you for your comments.

MR. PIEKARSKI: Thank you.

TRUSTEE KING: Anybody else?

(No response).

I'll make a motion to close the hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: I'll make a motion to approve this application with new plans showing that the buffer at the top of the bank that we all just discussed, and I believe it is a preliminary drawing on the existing survey that the applicant has. So we'll see that, the new drawing. And I think that's all we need. It's been consistent, and we addressed some of the concerns of the Conservation Advisory Council as far as the non-native vegetation. So with that being said I'll make a motion to approve with those conditions.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BERGEN: Number ten, En-Consultants on behalf of **AVELNO, LLC, AS CONTRACT VENDEE** requests a Wetland Permit to construct a 12'X 37' in-ground swimming pool; install pool enclosure fencing; and relocate drywells.

Located: 12120 New Suffolk Ave., Cutchogue.

The Board went out and looked at this. It has been reviewed under the LWRP and found to be consistent with the recommendation that the Board require the creation of a landscape buffer 30-foot in width landward from the concrete seawall. It was reviewed by the Conservation Advisory Council, the CAC supports the application with the condition the American beech tree is preserved and there is a ten-foot non-turf buffer landward of the seawall. I do have one letter.

MR. HERMAN: Sorry, Dave. Can you repeat the last two sentences?

TRUSTEE BERGEN: Sure. The Conservation Advisory Council supports the application with the condition the American beech tree is preserved and there is a ten-foot, non-turf buffer landward of the seawall.

We did receive a letter last week from an joining property owner, and I'll stipulate that we'll enter the letter in its entirety into the record. But in general it says, Dear Board of

Trustees, this letter is in reference to the swimming pool application of 12120 New Suffolk Avenue. We do have some concerns and hope the Board will listen to them, if not act upon them first. Can the pool be placed in the rear roadside of the lot? The pool equipment can then be placed next to the barn near the existing air-conditioning condenser so the noise and equipment is located in that area. If not in the above location, where are the pool pump and noise-emitting equipment going to be placed? We ask that they be located away from our property. Third, we have a concern that the pool and its chemically tainted contents are sited too close to the bay, and they go on about the environmental issue of chemicals leaching into the bay. We respectfully ask the Board weigh these important environmental issues and make appropriate changes to the applicant's request. We strongly oppose the entire application. Very sincerely much, Randy Plimpton of Plimpton Family, LLC. Is there anybody here to speak for this application?

MR. HERMAN: Yes. Rob Herman of En-Consultants, on behalf of the applicants, which, as you noted, is in contract to purchase the property. The swimming pool is laid out, first of all, as required by zoning code, to the rear of the house. And is on the waterside of the house. This also is an interesting parcel in that the swimming pool is actually located about a 120 feet from the high water line of the bay. And so based on this Board's original wetland jurisdiction, it is actually more than 100 feet from wetlands, where a 50-foot setback is required. But under 275, the Board claims jurisdiction within 100 feet of a defined beach, which in this case, the landward limit of the beach would be the seaward face of the concrete seawall. So the swimming pool is actually located partially within the Board's jurisdiction, being within a 100 feet of the concrete seawall. But again, it is important to note that with respect to its setback from wetlands, it is well over 100 feet from wetlands, as defined by code.

In response to the letter, interestingly enough, there was actually a point of which a location in the front yard was explored, but as shown on the survey, there are two sanitary systems on the property, both of which are legal; there is a water service line, there are other utility lines and a driveway, and there is just simply no practicable location for the pool on the roadside of the house; esthetics not being an issue, there is just no practical place to put it. So the pool has been located in concert with the applicant and her landscape architect in a desired location to the rear of the house. It has been situated a conforming distance from the easterly property boundary, and that's the property to the east that is owned by the writer of the letter that Dave had paraphrased. And I did review this map with Mike Verity before its submission to the Trustees to verify that we in fact had proposed it in a conforming location with respect to zoning. There is a dedicated pool drywell proposed to contain backwash. The pool equipment

will be located more than 100 feet from the concrete seawall and therefore out of the Board's jurisdiction. But for the record, the applicant plans to use a pump called Intelliflo, which is increasing in popularity due to its very, very low noise level and energy efficiency, and there will be an alternative filtration system used in order, again, as we discussed in the last application and the one prior to that, to reduce the amount of chlorination and other chemicals that are required for the pool. Both of those are plans the applicant even prior to receiving the Plimpton's letter. I think those are really the only issues. Again, they are not issues that are typically within your purview, but just out of courtesy to the letter writer, that would be our response.

And again, with respect to the environmental concerns, again, the swimming pool is located more than twice the required setback from wetlands under 275. And it is located more than 200-feet from the wetlands located to the west, which were associated with the Grattan site that I think this Board had looked at recently for reconstruction of a dwelling on that property. So this pool would be located remotely from that wetland relative to that approved construction.

It is located a minimum of 75-feet from the concrete seawall, as required by Zoning. And also that would be the New York State required wetland setback although the pre-77 seawall actually exempts the bay front wetlands from New York State DEC jurisdiction. We do need a permit from the DEC because as you see on the blue line on the Ehlers site plan, the pool is located within 300 feet of those offsite wetlands to the west. I think that addresses every part of the application, except there are some existing, according to a prior landscape design plan, there are a couple of roof runoff drywells located in the area that will be relocated.

We had actually, we had not included the buffer on here but I would ask the Board to consider something closer to the ten-foot buffer that is recommended by the Conservation Advisory Council. There is, the beech tree, I don't know where the beech tree is relative to the pool, except that I do know that the pool was staked out and there is no tree located within that.

TRUSTEE BERGEN: Maybe Jack could clarify.

MR. MCGREEVEY: That was a point the CAC wanted to bring up. On the day that we inspected, that was the Monday just prior to that Wednesday where we have our meeting, and the pool was not staked out. But based on the diagram, it seems that that beech tree right in that picture would be right in the northeast corner, within the boundary of the pool itself. But, there was no staking. So that was our concern. We were just going on possibilities.

MR. HERMAN: Yes, I mean, again, I can't make a promise that a tree would not have to be removed. I don't think the Board would typically have a concern if a tree has to be removed that distance from the wetlands. Again, I don't recall, I don't know

what the Board remembers, but I did go out to make sure the staking had been done prior to your inspection, and I don't recall seeing any conflict between the pool location and any tree.

TRUSTEE KING: There is no stakes shown in the picture.

TRUSTEE BERGEN: On the western side there is.

TRUSTEE BREDEMEYER: It was staked when we inspected it.

TRUSTEE DOMINO: And the tree was in the pool.

MR. HERMAN: Was it? Then that answers that. It has to be removed

TRUSTEE BREDEMEYER: And it's such a beautiful specimen. The owner may want to see if they can save it. I mean, we try save trees when we can, but --

MR. HERMAN: I'll certainly pass it along. Again, this applicant is also engaged with a landscape architect, so that may -- I mean engaged in a business way -- so I'm sure that would be something they would consider.

TRUSTEE BERGEN: Rob, I know it's non-jurisdictional for us, but the pool equipment, where was it proposed to be located?

MR. HERMAN: Well, there has not been a location that was determined other than that we had agreed in our conversations with the application to keep it out of your jurisdiction. So it was one less item. We had not given it any more thought than that until we got this letter. So again, I can hope that they would find a location that would not intrude upon the neighbor's peace. But the only thing I can report, again, in that regard is the intention to use this Intelliflo system, which apparently is a very low-noise system. I mean, I don't think the owner wants to listen to it either.

TRUSTEE BERGEN: And I can't speak on behalf of the neighbors, but speaking to the letter, I'm sure they would appreciate that. And as we talked about with the previous application, just playing good neighbors, if the neighbors can get together and maybe agree to the location of that, that would be great.

MR. HERMAN: The applicant has been made aware of the letter.

TRUSTEE BERGEN: Great. And I do notice you have a proposed hedge there on the property boundary between those two properties that would, I'm guessing, also help address some of that noise concern.

MR. HERMAN: That's the intent, yes.

TRUSTEE BERGEN: Okay. Is there anybody else who wanted to speak for or against this application?

(No response).

Any feeling from the Board with regard to this proposed non-turf buffer landward of the seawall? I know, Rob, I thought I heard him indicate they might be agreeable to a ten-foot, non-turf buffer along there.

MR. HERMAN: I think that was the CAC's recommendation, and there is no objection to that.

TRUSTEE BERGEN: And the LWRP was 30 foot. I don't know if there was any thoughts from the Board regarding this.

TRUSTEE KING: That's a pretty extensive area. I should think

ten feet is more than enough.

TRUSTEE BERGEN: And the construction is not really impacting.

It's not relating to --

TRUSTEE KING: Right. There is the distance there.

TRUSTEE BERGEN: Okay, any other comments from the Board?

(Negative response).

If not, I'll make a motion to close this hearing.

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BERGEN: I'll make a motion to approve the application of En-Consultants on behalf of Avelno, LLC, as described at 12120 New Suffolk Avenue, with the condition of the inclusion of a ten-foot, non-turf buffer to be located immediately landward of the concrete seawall. And it has been found consistent under the LWRP.

MR. HERMAN: And we'll get you a revised site plan to show you the buffer.

TRUSTEE BERGEN: Yes.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

MR. HERMAN: Thank you.

TRUSTEE BREDEMEYER: Number 11, En-Consultants on behalf of **LEIGH ALLOCCA & STACY SHEPPARD** requests a Wetland Permit to construct a fixed timber dock, consisting of a 4'X 12' ramp, 4'X 57' fixed catwalk, 3'X 14' ramp and 6'X 20' floating dock secured by (2) 8" diameter pilings.

Located: 710 Park Ave. Extension, Mattituck.

The Trustees visited the site last week on field inspection on the 11th. We have a report from LWRP of inconsistency, and the Conservation Advisory Council did not support the application because the project was not staked at the time they inspected it. They had raised concerns based on the application concerning the location of the navigational channel that is depicted on the plans and had requested that the dock be designed in an "L" configuration. The LWRP inconsistency had a number of elements, I'll move through it, I'll paraphrase in general because I think most of these are of the type that the Trustees are familiar with. First being that the project would comport with the Trustees' rules and regulations for Trustee lands. It's noted that the project is in a critical environmental area. That also the Trustees have to be cautious of the public's right to access town waters, riparian rights, and under -- that the Trustees obviously would look into to make sure we don't impair navigation. There was a specific comment concerning a buildup of a sand bar on the entrance to the channel that if removed during a future dredging, it might, it would mean this dock would be the last, excuse me, the first dock that would, someone navigating this creek would encounter coming into the channel, and consequently they thought a

consideration should be given to reconfigure it into an "L" configuration. And that the dock itself would degrade water quality if it was solid construction. That was something we are regularly attuned to with respect to issues surrounding critical environmental areas.

The Trustees in visiting the site also felt the flow-thru grating would be appropriate to protect the water quality in the creek, and that we might consider discussing with the applicant the lowering of the catwalk along with the flow-through grading so the visual impact might be somewhat reduced where the grading would allow for catwalk to go closer to the wetlands. And that we would also discuss specific conditions concerning that the piles would be hand dug or driven but not jetted in so we didn't damage the intertidal wetlands. That's the --

MR. MCGREEVEY: John, do you want to mention the fact that we thought, the Conservation Advisory Council thought, that by the diagram, the angle of the dock going out seemed to go east over the property line.

TRUSTEE BREDEMEYER: Yes, I had discussed, as a matter of fact, it didn't come through, we had discussed it and I actually, after we met, I had brought that to Jim King's attention, and Jim is very, quite familiar with dock siding and I'm sure the applicant can add to the discussion, but I think Jim had addressed some of my concerns and maybe can describe that better.

MR. MCGREEVEY: The other point, John, to correct what is on here, on the day that I personally inspected on that Monday, on the 9th, those two stakes were in the water, but from a visual point of view looking out, it didn't align itself with what the diagram showed, that angle going out to the east. So I don't know if it's just an illusion but the stakes seemed to be out perpendicular to the shoreline, where the diagram shows the dock going out on an angle of approximately 70 degrees, I would say, and going over the property line to the east.

TRUSTEE KING: Not the way I see it.

TRUSTEE BREDEMEYER: You know, that's not the way I saw it either. And there is also the aerial photograph that the LWRP provided. And it's got the extension, it's got the plot lines extending out over the bay. Excuse me, over that creek. And the application as submitted and drawn on the John Ehlers' survey comports with actually what the aerial is. So I think we are probably in good stead with respect to that portion of the plan.

MR. MCGREEVEY: If you project the property line, the east property line going out into the water, if you project it going straight out, which is the normal way --

TRUSTEE KING: No, that's a misconception. That's the wrong way to do it. In other words you are extending the property line on the same angle. If you have a channel coming in, you draw the line throughout center of the channel and that property line is extended perpendicular to that channel. So this line actually goes to the shoreline then angles out that way to be

perpendicular with the channel.

MR. MCGREEVEY: So my visual is correct, but based on technicalities, we are incorrect. Okay, gotcha.

TRUSTEE BERGEN: There you go.

TRUSTEE KING: Actually it's 25 feet off the property line, if you extend that out to the proper position.

MR. MCGREEVEY: I saw a dotted line but it looks like it was drawn in subsequently

TRUSTEE KING: That's exactly what was done. That line was extended out to be perpendicular to the channel line. That's the correct way to do it.

MR. MCGREEVEY: I've never seen that before.

TRUSTEE KING: That's the correct way to do it.

MR. MCGREEVEY: I'm educated now.

TRUSTEE KING: And there are different formulas to different shapes of the shoreline.

MR. MCGREEVEY: Very good, thank you.

TRUSTEE BREDEMEYER: Okay, we had a lot of discussion back and forth. Is there anyone here to speak on behalf of the application?

MR. HERMAN: Yes. Rob Herman of En-Consultants on behalf of the applicant. There were a number of issues that were raised. I'll try to address each one of them quickly.

What Jim is describing is consistent with how we designed the plan. I would not characterize it as a technicality, as Jack did. That is the standard way, because you can't carve up the riparian rights, so to speak, of a creek, based on what may be a haphazardly-drawn real estate line. Basically those divisions have to be right at right angles to the shoreline in order to create the proper spacing. So the dotted line Jack sees is in fact an extension of the easterly property line drawn at a right angle to the shoreline. Which is the way the dock is laid out. Which does create the optical illusion that it's crisscrossing with the property line.

With respect to some of the issues in terms of the intrusion into the waterway, we actually, we situated the float where we situated it in order to get a two-and-a-half foot depth at lower low tide on the inside of the float, which is required by the DEC. But we did get a letter back from the DEC asking us to reduce the overall seaward intrusion of the dock by two feet. And that request is based on the fact that the low water to low water waterway width here is 188 feet, which I can personally attest to because I swam it with a tape. So I know that number is right.

TRUSTEE BERGEN: Last week?

MR. HERMAN: No. Last July, I think.

TRUSTEE KING: I thought maybe you walked across it.

MR. HERMAN: No. You can walk out a little ways and then you are in the water pretty quick. And that channel is deep and it stays deep until you get about the same distance off the opposite shoreline.

So the Trustees, as you know, your code allows one-third of

the width of the waterway with a dock and a boat. Whereas the DEC and Army Corps both use a policy of 25% or one-quarter of the waterway for the structure itself. They don't, because they can't legally regulate boat size, they don't make an attempt to do that, they just regulate the extent of the structure.

The reason that we went with the dock going straight out here, you can see on sheet one of our plan, there is four other docks within about a 350 to four-hundred foot radius of this dock, all of which are configured the same way, extending straight out, and all of which extend out about the same distance or farther into the creek. Here the property is owned by two couples, and each couple would like use of the float for a boat. Now, sometimes you know, we get into a situation when we put a dock out, we just don't have the luxury of being able to extend the dock out straight, so we are really compelled to put it in a "T" or "L" configuration. That really is not the situation here. We are well within the allotted distance across the waterway, and even if we moved it to an "L," you would still have a boat on the outside of the "L". So between the float and the boat on the other side you get about the same intrusion as if the dock goes straight out and you run the boats alongside the float. So again, we are doing that here really for use of having the two boats for each of the two owners of the property, coupled with the fact that we have the room to do it here, based on the Town's code, the Corps of Engineer's navigational restrictions or limitations, and the same with DEC, except we would pull this in by two feet. Because the DEC pointed out that that the 188-foot width would allow us 47-feet out as 25% of the width of the creek, and we are showing a distance out of 48-plus a pile. So they are basically asking us to come back so that the outside of the float would be 46-feet from the shoreline. And if they are going to give us a pass on the water depth on the inside, we are happy to take it. Again, these water depths I measured with John Ehlers Land Surveyor as at lower low tide. So these are pretty low data point here, which is what the DEC now requires.

With respect to the elevation of the catwalk, the DEC had the same request that the catwalk be lowered in elevation -- or I guess I'm saying this backwards. They require that we use the open-grate decking on the catwalk which then enables them to allow us to situate it lower, as the Board is requesting. So we would be able to modify the dock in response to your request there as well. I think those are the issues that you raised. I don't know that we want to go too low on the elevation of the catwalk here only because, I don't know if -- you can't really see it now, but that Alterna Flora is pretty tall in the summer. So we don't really necessarily want to be cutting, you know, through the top of the vegetation if we can help it. So I think we show a four-foot elevation now. We can move that down to three feet and switch to the open-grate. But I would not really go any lower than that, just to sort of minimize intrusion into

the Alterna Flora. I think that covers all the points you raised.

TRUSTEE BREDEMEYER: Yes, it was just a question I had. Others may be more familiar with this creek, and I know Dave is our dredge expert. The request to look at this in light of the accumulation of sand there, the sand bar, I was just wondering if anybody who is more familiar with this creek entrance, it seems what you discussed addresses most of the navigation concerns as approaches coming in from the bay. Dave?

MR. HERMAN: The bar to the east, Jay?

TRUSTEE BERGEN: Yes.

MR. HERMAN: It shows on sheet in one of our plans.

TRUSTEE KING: You have it on dotted line here.

MR. HERMAN: That's the edge of the shoreline which Ehlers runs around that bar. That's located about, just shy of 200-feet to the east.

TRUSTEE BERGEN: No, I don't feel that sandbar, the dredging of that sandbar where that channel is will affect navigational access to this dock or the dock will impede navigation into the creek at all.

TRUSTEE BREDEMEYER: Any additional comments?

(No response).

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

TRUSTEE KING: Just one other thing. I'd kind of like to see these piles hand dug or driven throughout wetland, rather than pumped in.

MR. HERMAN: Yes, that we didn't respond to. I mean, Jim --

TRUSTEE KING: It depends on who is doing it. I have seen jobs that are deplorable and other jobs are fine.

MR. HERMAN: You made that request before, I mean you know, it makes the installation of the catwalk a little more time consuming, but that's going through the heart of what your responsibility is to protect, so it's hard to object to it. That really is the most important part of your purview on this one, so I'm not going to argue with that. We are not going over a real big expanse of marsh here, so you are not really talking very many set of piles.

TRUSTEE KING: What size piles, Rob; six inch?

MR. HERMAN: Yes, I would like to do either six-inch piles or 4x6. I don't know if they can hand dig around piles. That's the thing. But if you want to make six-inch max and then to a certain degree it will be up to the contractor's ability to put in four by six as opposed to six -- inch rounds. But if you want to just say 4x6, I don't think it's an issue.

TRUSTEE KING: I don't think it's an issue. Even at my age I could dig for a six-inch piles.

MR. HERMAN: Okay, you're hired.

TRUSTEE KING: They use larger piles out in water.

MR. HERMAN: Right. So why don't we just say six inch. For the portion of the catwalk over the open water, use eight-inch rounds. And then do either six-inch rounds or 4x6 over the

marsh. That's pretty consistent with what you have usually done in these types of environments.

TRUSTEE KING: Better than the 4x4. That was very restrictive.

TRUSTEE BREDEMEYER: I think I made a motion to close the hearing.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve the application subject to revised plans that would show open-grate deck of the distance from the mean low water at 46-feet to comport with the DEC permit. And the requirement that the piles be hand dug or driven in as opposed to pumped, and that those piles that penetrate the *Spartina Alterniflora*, the patens, would be limited to not larger than six-inch piles. The piles that are below, seaward of that, would be no greater than eight-inch in diameter. And the height being limited to not more than three feet above, and in doing those changes to the construction, to limit the size of piles and to have them be driven or dug as well as the grading, and the grading height will alleviate concerns in the LWRP, would address the issue concerning riparian areas, we have addressed concerns concerning the protection of water and navigation. So I would move that.

MR. MCGREEVEY: John, is there any concern with CCA that is supportive of the grate?

TRUSTEE BREDEMEYER: CCA is normally used in the structural members but the benefit of going to open-grate is we have essentially no leaching from that. So that's, we pretty much what we are doing is pretty much what the standard is.

MR. MCGREEVEY: Okay.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

MR. HERMAN: Thank you. And we'll get you revised plans for that.

TRUSTEE GHOSIO: Number 12, Costello Marine Contracting Corp., on behalf of **WILLIAM & JANICE CLAUDIO** requests a Wetland Permit to construct 250' low-profile 1.5 to 2 ton rock revetment; recover 20-22 cubic yards of eroded sand from in shore end of floating dock assembly; place recovered sand as backfill landward of new rock revetment; and provide a 10' wide non-turf buffer landward and re-vegetate with Cape American beach grass.

Located: 2006 Gull Pond Lane, Greenport.

The LWRP coordinator has found this to be consistent with LWRP, with the following suggestions: That the low intertidal wetland vegetation be avoided and preserved during construction; require that the areas of low intertidal wetland vegetation that are unavoidable to impasse be removed prior to construction and replanted onsite following construction of rock revetment. The Conservation Advisory Council resolved to support the application as written. Field notes confirm the measurements, single row of stone, 15-foot non-turf buffer is suggested at

that time. Is there anybody here who would like to address the application?

MR. COSTELLO: Yes. My name is John A. Costello, I'm with Costello Marine Contracting, and we are the agents for Bill and Jan Claudio on this application. I would like to state one thing, that shoreline, even though it is in a small creek, and I made the recommendation to them, instead of building any type of retaining wall or anything else, that the costs would be elevated with a retaining wall, that the rock revetment would in all likelihood solve their problem indefinitely at that location. That beach is flattened off to major degree in of the last few storms and much of the sand is out in the water underneath the dock and some other locations. And right now if you went up there at low tide, a good portion of the dock is out of the water on the inshore end.

The bank has eroded significantly, and one of the reasons, and Claudio's went out there and they took an aluminum ramp and tried to make the transition in order to just get to the dock. There is a temporary aluminum ramp where the erosion has occurred. The small rock revetment, even though the drawing shows an indication of one single rock, the elevation varies from maybe three-and-a-half feet in elevation at the highest point, down to one foot. So there will be different, you may need two or three small rocks at some locations and a single rock at other locations.

I'll answer any questions that the Board may have. I can also add one other thing. Where the vegetation is on the south end, if you walk through that vegetation, you'll see a scarf in the bank, except the vegetation is absorbing much of the energy. And the phragmites will start to re-appear in that area quite significantly. But he's probably not going to intend to do that in the very near future. I mean possibly in the future. I said let's apply for everything, so you don't have to keep coming back should a storm or hurricane hit.

TRUSTEE BREDEMEYER: John, per chance did you have a chance to talk to Mr. Claudio after our field inspection?

MR. COSTELLO: I talked to him several times.

TRUSTEE BREDEMEYER: Because it seems he's thinking he wanted a single row of single stone height and didn't want to go so far to the south, based on what we heard in the field from him.

MR. COSTELLO: He just doesn't want to spend the money.

TRUSTEE BREDEMEYER: I wasn't going there on the public record. It has to do more with we were looking --

TRUSTEE KING: We measured it out in the field. Mr. Claudio said here is where I want the stone to stop. It was 60 feet from the dock. I measured that. And he also stated I want just a single row of stone.

MR. COSTELLO: The only trouble with single row, they are odd shaped, and let me tell you, you have to fit them together behind a piece of filter clothe. So the, there will be a variation of rocks that fit, to solve the erosion problem.

TRUSTEE GHOSIO: Aside from that change, when we met Mr. Claudio out there, he wants to change it to 63 feet. Aside from that, I don't think there is any problem. Nobody had a problem with it, so.

MR. COSTELLO: My representation to the Board and would be to Mr. Claudio had he been here, I believe he's out of town, 60 feet, it is going to be some additional storms and bad weather, and there will be, if he wants me to come back four times, I'm certain to be back.

TRUSTEE GHOSIO: That's what I was saying.

MR. COSTELLO: I mean the original application was for I believe 250 feet?

TRUSTEE GHOSIO: Yes, it is. How does the Board feel?

TRUSTEE BERGEN: Just to clarify, we are not talking the total length of 63. We are talking from the dock to the south, 63. So the total length is going to be -- I don't know how long the total length is.

MR. COSTELLO: You have to go past the dock.

TRUSTEE BERGEN: Yes. I just want to clarify that because we are not talking about reducing from 250 to 63.

MR. COSTELLO: My suggestion will be to Mr. Claudio and this Board, if you want holdup on the permit until I talk to him, but minimize it to 100 feet. Because I don't want to come back here three times for this.

TRUSTEE GHOSIO: If we don't have a problem with the 250, and that means if something should happen, he doesn't have to come back. I don't see that being a problem with the 250.

TRUSTEE BERGEN: Well, the issue we have is from, I don't know, I'll say approximately 70 feet to the south on, is all naturally vegetated, there didn't seem to be huge erosion problem, and so from, I would rather --

TRUSTEE GHOSIO: So if we brought it back 75-feet and we made it 175 feet from the -- what side? (Perusing).

TRUSTEE BERGEN: If the applicant is suggesting to table this to talk his client and come back to us in another month, there is no problem with that.

MR. COSTELLO: I would reduce it. I'll be here anyway.

TRUSTEE GHOSIO: We can table it.

MR. COSTELLO: To get the distance properly. I mean I know more about the erosion, and having tried to solve a degree of it. But I also would like to come back three times and represent him and charge him each time.

TRUSTEE BERGEN: As far as the single row of stone, I think we can agree the stone is no higher than the existing grade, it seems that's the goal here we are all agreeing to. So that's --

MR. COSTELLO: It's three-and-a-half foot, the highest part, and one foot, the lowest part. And much of that rock is in the ground.

TRUSTEE BERGEN: I see that on the cross section.

MR. COSTELLO: It's not a big structure.

TRUSTEE GHOSIO: With that I'll make a motion to table the application.

TRUSTEE KING: Second. All in favor?

(ALL AYES).

MR. COSTELLO: See you next month. Thanks.

TRUSTEE KING: 13, Costello Marine Contracting Corp., on behalf of **PHILIP & JENNIFER STANTON** requests a Wetland Permit to construct two 4'X 10' dock extensions at offshore end of existing fixed dock and install a 32"X 12' seasonal aluminum ramp onto a 6'X 20' floating dock secured by three 8" diameter anchor pilings. Located: 845 Maple Lane, Southold.

This has been found consistent with LWRP, which is surprising. The Conservation Advisory Council resolved to support the wetland permit with no other modifications. Just a straight support for it. Is anyone here to speak on behalf or against this application?

MR. COSTELLO: My name is still John A. Costello and we are the agents for Mr. Stanton on this application, him and his wife. And Mr. Stanton has a beautiful piece of sailboat that is like a piece of furniture, and it has incurred a degree of damage over the years, and he asked me for a suggestion on how to minimize anything happening to that sailboat when he works in the city. And that's why I recommended he put his small addition at the end of the dock. He also wanted to know if he could go out further and I said you won't get it out any further, so put the addition adjacent to the end of the existing dock and try to get the approval of that.

He also has a jet-ski boat that he keeps. He has been anchoring it out on one end and holding it at the stern on a ladder board it. That's why the floating dock was suggested. The ski boat would be on the offshore side of the floating dock and a kayak on the other side. There is only a couple feet of water at best.

TRUSTEE KING: There was a jet-ski float that we noticed with no permit or anything.

MR. COSTELLO: He had that tied up to the dock and it's in the wetlands.

TRUSTEE KING: It should be removed, by rights. There is some history here that I'm familiar with. This dock was rebuilt a few years ago.

MR. COSTELLO: Yes, sir.

TRUSTEE KING: And we, I know we spent a lot of time on this because it was six feet and we wanted to downsize it to meet the code. And after numerous discussions on it, we allowed the six-foot width to be re-built for that length.

MR. COSTELLO: At that time, I did not represent Mr. Stanton. Rob Herman is the one that got the permit.

TRUSTEE KING: I know, you're right. The problem I have with this is you already have a nonconforming dock that we allowed not too long ago and now you are going to make it more non-conforming by doing these additions. I'm very uncomfortable with that. That's my viewpoint. I think it's really an awful lot of structure you are adding on to a nonconforming use now.

MR. COSTELLO: It was not a nonconforming dock when it was

originally --

TRUSTEE KING: It was non-conforming when we allowed it to be re-built. The code was for a four-foot dock.

MR. COSTELLO: You allowed it.

TRUSTEE KING: I know. That's why I say I'm very leery of doing anymore on that. Because it's already nonconforming. That's my take.

TRUSTEE BREDEMEYER: I guess it's a practical consideration, if you view the nonconformity as providing excess coverage over the creek and wetlands, would the applicant want to consider downsizing in width to bring it into conformity, net no increase in square footage?

TRUSTEE KING: They were dead set against it when we had the hearings as far as reducing the size. We tried get him to bring it into conformity. We beat it around and beat it around and finally allowed the six-foot width. But there was a lot of discussion on this, I could remember, with the other Board.

Maybe a smaller "T" on the end. But to me it's unreasonable.

TRUSTEE BERGEN: For myself, yes, I recall that last, when the applicant came in with regard to this dock, I was on the Board at the time, and I agree with Jim, there was a tremendous amount of discussion on this one. And so, in summary, I agree. When I was out in the field, the only thing I looked at that I thought maybe we could agree to is maybe the "T" on the end. But for myself, not the "T" on the end and the ramp and float. Again, my concern is you add that much structure on to something that is already nonconforming, we are just adding a lot of structure on it.

TRUSTEE KING: I mean, he's pushing the envelope dramatically. So, he has a sailboat, John?

MR. COSTELLO: Yes, he does.

TRUSTEE KING: How large is the sailboat?

MR. COSTELLO: I think it's 32.

TRUSTEE KING: It's not that big.

TRUSTEE BERGEN: He has the mooring piles already there. Existing mooring piles. They'll still be there. So if the "T" was agreed to, that's 26-foot of dock.

TRUSTEE KING: 20-foot would be my preference.

TRUSTEE GHOSIO: We are being told he has a separate mooring with us that he keeps the sailboat on.

TRUSTEE KING: In a storm event?

TRUSTEE GHOSIO: I think he's using it now, right?

TRUSTEE BERGEN: Could be wrong, there is an Abbott 33 at that mooring. It could be an Abbott 33.

TRUSTEE KING: By code, you can't have two. You can't have a dock and a mooring, unless the dock is unusable for a boat, then you are allowed a mooring. But you cannot keep the boat at the dock. This may be a case where he has a mooring and in a storm event he takes it to the mooring. I don't know. But this dock is suitable for docking boats so he should not have a mooring, too. That's the way I see it.

TRUSTEE BERGEN: So what I hear you suggesting, Jim, is the "T"

was 20-foot total, which means two 7-foot extensions on either side, because it's a six-foot width already. That would be seven, seven and six, would equal 20.

TRUSTEE KING: That would be the maximum I would be interested in. Other than that, I don't have an interest in it.

TRUSTEE GHOSIO: There is an awful lot of structure out there between the docks and properties, right?

TRUSTEE KING: They are separate properties.

TRUSTEE GHOSIO: I know they are. I'm just saying in general.

TRUSTEE KING: He has adequate access now, given what he has. He has more than adequate access to the water. To me that's just -- anybody else?

MR. COSTELLO: Let's see if, is there any difficulty with the float? Is that a problem?

TRUSTEE KING: Yes.

TRUSTEE BERGEN: Yes.

MR. COSTELLO: I want to get a handle on all the difficulties.

TRUSTEE KING: I think if the float was removed and the "T" was 20-feet overall length, that I would consider that. Like I say, that's even adding more nonconforming to the whole structure. But it's not a huge issue. That will give him a little more bearing on the dock where the boat is.

MR. COSTELLO: Okay, let me ask you one question here on that. If the "T" was total of 20 feet, you are saying?

TRUSTEE BERGEN: Yes.

MR. COSTELLO: Okay, if you moved it off to one side, that he could easily board a speed boat, off-centered it, so you could put a ladder back into your boat instead of over the stern?

TRUSTEE BERGEN: You are talking an "L" configuration?

MR. COSTELLO: More of an "L". And move the sailboat backward.

The other thing is you could narrow the walkway up to three feet. All you want to do is be able to secure both boats.

TRUSTEE BERGEN: Myself, it doesn't matter to me if it's off-centered slightly.

TRUSTEE KING: No.

TRUSTEE BREDEMEYER: No, doesn't matter.

MR. COSTELLO: He owns plenty of property.

TRUSTEE KING: As long as it's not more than 20-feet long.

MR. COSTELLO: No. Then you can have the outboard, get aboard the outboard off the dock instead of over the stern. That's all.

TRUSTEE KING: Right. You don't have a lot of rise and fall there, right? What's the rise and fall, two, two-and-a-half feet?

MR. COSTELLO: Two-and-a-half feet.

TRUSTEE KING: It's not a lot.

MR. COSTELLO: But the outboard has an engine with the propeller up in the air. That's all.

TRUSTEE KING: The property is way over here, the configuration of that, whether it's an "L" or almost a "T" or whatever really doesn't have to do with property lines. What is your pleasure; do you want to table this and give us new drawings?

MR. COSTELLO: Yes, I don't have a drawing for you.

TRUSTEE BERGEN: And go back to your client?

MR. COSTELLO: Yes. He's the one that will ultimately make the decision.

TRUSTEE KING: I think we are looking at is a 20-foot "T" or partial "L" on the end of that. No ramp and float. That's what we are looking it at.

MR. COSTELLO: Okay.

TRUSTEE BERGEN: And if needed, a ladder on the "T" is fine.

MR. MCGREEVEY: Jim, the width of that float would be six foot?

TRUSTEE KING: We are doing away with the float. There will be no float. Just the "T" on the end. Or offset "L" type of thing.

That's what I would consider. Other than that, I'm not interested.

MR. COSTELLO: Certainly.

TRUSTEE KING: Anybody else have any feelings on this? Anybody in the audience?

MR. COSTELLO: All the other ones want to give me everything.

TRUSTEE KING: Do you want to table this?

MR. COSTELLO: No, I have to converse with the owner and I'm trying to redesign it in my head now, that will sell to the Trustees. I mean, why not.

TRUSTEE KING: That's the only thing we just described, that might sell.

TRUSTEE BREDEMEYER: The other consideration would he be willing to reduce the width down to four feet, as prior discussion, and come in with a new proposal based on a narrower catwalk.

TRUSTEE KING: After the discussions we had previously, I doubt very much he would be interested in downsizing the catwalk.

MR. COSTELLO: No, I didn't represent him on the original application. Rob Herman was here and I was in the crowd, and I did hear much of the discussion.

MR. MCGREEVEY: What would be the width of that additional 20-feet?

TRUSTEE KING: Four feet.

MR. MCGREEVEY: Okay.

TRUSTEE KING: You folks approved it as it was submitted.

MR. MCGREEVEY: Through ignorance.

MR. COSTELLO: Come on, you are the most intelligent person on the block.

MR. MCGREEVEY: He's my lawyer. Thank you. I wasn't there.

TRUSTEE KING: I'll make a motion to table this application and get some new plans submitted.

MR. COSTELLO: Thank you.

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BERGEN: What we would like to do, if it's okay with the applicant, is open the next two applications together, permit applications together, number 14 and 15, since they are adjoining properties and same owner.

MR. COSTELLO: Yes, that's fine.

TRUSTEE BERGEN: What we would like to do is open number 14,

Costello Marine Contracting Corp., on behalf of **DAI W. MOY** requests a Wetland Permit to repair the existing jetties numbered 1,2, 3, & 4 in-kind and in-place; replace any missing pilings, stringers and sheathing as needed; and re-bolt existing piling and stringers as needed. Located: 950 West Lake Dr., Southold.

And number 15, Costello Marine Contracting Corp., on behalf of **SIM H. MOY & 106 MULBERRY CORP.**, requests a Wetland Permit to repair the existing jetties numbered 5 and 6 in-kind and in-place; replace any missing sheathing as needed; and re-bolt existing piling and stringers as needed. Located: 750 West Lake Dr., Southold.

The Board did go out and looked at these properties. These were reviewed under LWRP and both LWRP reviews are identical in that they were exempt. They were reviewed under the Conservation Advisory Council and the CAC supports the application with the condition that the number of groins on the two properties is reduced to two or three and jetty number six to remain.

So that's the review, the combined review of the two properties by the CAC. As I stated, the Board did go out and looked at these two properties. Is there anybody here to speak on behalf of this application?

MR. COSTELLO: Yes. George Costello, Sr., representing the applicant. If I understand you correctly, you are saying to remove jetty number two and number three?

TRUSTEE BERGEN: No, the suggestion from the CAC is to reduce the number of groins down to two or three. But maintaining jetty number six. The difference being the jetty number six is the jetty that protects the entrance to the inlet there where the others are all actually groins that go down that beach. So, that was just a suggestion of the Conservation Advisory Council. We are open now to discussion.

MR. COSTELLO: Okay. Well, as you know, I have a DEC permit for all four jetties, 40-foot in length. Years and years ago I went around with this application, I think it was in '84, '85, with Chuck Hamilton. At the time we got a permit to repair and replace whatever jetties needed to be repaired and replaced. And the reason behind that is if we don't maintain those jetties, most of the time when this little community inlet was dredged, the material went on this beach. And the only reason it didn't go back into that inlet, closed it immediate on the first northeast storm was the fact that sand was trapped by these jetties. And, as you are aware, in that storm Irene, that inlet is pretty well clogged up now because of a lot of that sand that was on that beach trapped into those jetties and other places, are now in that channel.

So if you were to dredge, and at some point somebody will dredge that little inlet, I don't know what they'll do with the material, but they put it back on anybody's beach, you'll want all these jetties back in or you are just spinning your wheels with this dredging project. So that's the reason why Chuck

Hamilton back in the day gave me all those permits to replace all those jetties, and not to maintain them. So we are still staying with that theory, we need to maintain those jetties as that length to make sure whatever sand is on that beach won't go into that inlet on the first nor'east storm. And apparently the DEC in 2012 agreed with that theory. Actually back in '84 and '85, some of these jetties were at a length of 60 feet. At this point they cannot be any longer than 40. Which actually takes them out almost, some of these, to low tide.

TRUSTEE KING: I see one of the problems I see is CCA sheathing.

MR. COSTELLO: Yes.

TRUSTEE KING: That's a problem.

MR. COSTELLO: Sure. And, back in the day, it used to be ice. Some of the piles are still creosote. They take a beating.

Number three jetty used to be 60 feet long. The end has been removed back in '85. '85, '86

TRUSTEE BERGEN: For myself, a couple of things. I know this Board, when they have been looking at groins, we have been looking at low profile and not to extend them beyond the mean low tide mark. We also had sought some advice of an expert a couple of years ago, Mr. Jay Tanski -- from, sorry, Sea Grant. And we had asked him the question of how many groins or what's the distance between groins that he thought was appropriate. And what he had said was you take the length of the groin and at least twice that distance between the two. And in looking at this, I notice it's about one to one. It's about 60 feet between them. And as you alluded to, well, looks like you are approximately 40 feet in length.

From myself, personally, I'm not a fan of groins whatsoever. And I agree with the jetty to help protect the inlets. Where we have inlets I have not had a problem, and as a matter of fact Jay Tanski when he was here also commented, he said jetties to protect the mouths of inlets are appropriate. But groins and groin fields, for myself, all they do is rob one side from the other side. They build up sand on one side by robbing it from the another side. And I don't see myself, personally, the need for so many groins in such a short distance along this beach. That's just my own feeling.

MR. COSTELLO: If we can take the last 45 years of history, these six jetties have been there for 45 years. Have they been working and preventing most of that sand from going back into that little inlet? Have we been starving the downhill side?

TRUSTEE BERGEN: I don't have the history but I know some people in the audience here that might have the history that live in that area.

MR. COSTELLO: Just knowing the fact they have been in there for that many years, you could probably talk to your neighbors or just kind of put it together or talk to somebody that has some history, like some of the old codgers up on deck there, they have worked. I don't really know how many times this inlet has been dredged, but I can see, let's say we take two or three

jetties out of there. This, whatever sand you see in this little drawing right now, is going to fill this number six up. And it's right around the corner. How long do you think that jetty will last. It will be full in a first flow. Now somebody will be dredging that out a lot sooner than later. That's for sure.

TRUSTEE KING: So we'll take it littoral drift is from east to west there?

MR. COSTELLO: Correct. And most of the time if you get a little bit of northeast, a little east, a little southeast, that stuff is moving rapidly. You can get a storm out of the other direction, but it usually doesn't work that way. The reason you see it the way it is, that's Irene. It has it going the other direction. Because when Irene turned around and came out of the west, it --

TRUSTEE KING: It howled.

MR. COSTELLO: It moved a lot of sand. So it's the opposite on this drawing than what it usually is. And you can go down there on any kind of day and see that.

TRUSTEE BERGEN: I know there are some other people in the audience who would like to speak. So I invite them to the podium.

MR. KAMINER: I'm Henry Kaminer, 130 Midway Road on that West Lake. And I'm secretary of the West Lake Association and one of the people who is a neighbor of Mr. Moy, and Ms. Sawiski could not come and she is also a member of our organization. We, first of all, I defer to the expertise of Mr. Costello. I have no way near the knowledge and experience of Mr. Costello. And we are wholeheartedly in favor of preserving the jetties and the groins that would preserve the beach and we are happy that Mr. Moy's bulkhead has been restored. I'm amazed that his house didn't get blown down, because I was out here during Irene and the spray was higher than his house. I was watching from my house. There is one small thing that I, that we want to comment on. I'm sorry, I'm not too well prepared, but we learned about this at the last minute.

You probably have a large drawing, but the small drawing that was part of the notification, I made a sketch according to that drawing and I colored it in. One of the things that we are concerned about is number six. That jetty number six that goes along the inlet. Let me give you my version, okay. I have enough, fortunately, for everybody. I think I need one more. I used some color to make my point. This should be enough. So what we are concerned about is this channel silting up, and it's already silting up. And one of the problems is that there is, on the drawing, jetty number six as drawn on the application is not quite right. The actual jetty number six comes out at right angles to the bulkhead, just like number three, four and five. And if you look at it, you see it comes exactly out at a right angle. On the drawing it's dotted line on your drawings on the plans. But there is an underwater jetty, there is a jetty that was from a long time ago that has been underwater. It was never removed. It was just cut off at the water line. And now for

some reason, last few years, the pilings, we removed, at our own expense, the vertical boards. But we were able to remove the pilings. That's beyond our physical strength. But the pilings are now tipped over toward the west, toward the inlet, so it's like what the German's put under Normandy Beach so the landing craft couldn't get in. So when you go out with a boat, it's a hazard to navigation. So what we are hoping is that Mr. Costello will get permission to re-do number six and all the others, and while he has his equipment out there, might be a perfect time, if all his equipment is out there, I don't know the details, I don't know how one does it, to pluck up some of these pilings, not all of them, but the ones that are very close to the jetty but the ones that are curving around that are underwater and blocking the channel. That's our suggestion. And our hope.

TRUSTEE KING: Thank you.

MR. COSTELLO: If I may show you the survey to explain what he's shown you guys. He's right about the fact that that is on a little bit of a, not running completely inline. It's cocked over a little bit.

MR. MCGREEVEY: Jim, the structures that this gentleman was just describing, is that part of the numbered jetties? Is it one of the numbered jetties that we are talking about, or is it something --

TRUSTEE BERGEN: No, it's our understanding it's a remnant of an old jetty that was there.

TRUSTEE BREDEMEYER: We could see it when we were out there.

TRUSTEE KING: That's the stuff that is left. Bits of it.

MR. MCGREEVEY: Okay.

TRUSTEE BERGEN: Is there anybody else who wanted to speak for or against this application?

MR. COSTELLO: My name is John A. Costello and I would like to make a couple of comments on this application. That pond, it was probably a freshwater pond many, many years ago. And when the development and the people moved out there and the houses were built, it was opened up and they tried to maintain it. It's a tough spot to maintain because of the direction. And there was a slight discussion of littoral drift. It depends upon the weather conditions. Littoral drift, basically, on that whole shoreline, all the way up to Laurel, is onshore/offshore. Southwest winds, summertime, there is a slight build up because the drift is from west to east. The severity of the storms that cause the most erosion are from the northeast. And when they come out of the easterly storms, the littoral drift is certainly significantly going from east to west, thus filling in the entryway that probably should have never been there, except the development of waterfront properties. So by having that developed, they have a little problem on it building up. And the offshore/inshore drift of sand is going to build up the jetties. Build up the inlet. Those jetties stabilizing the beach, and I know Jay Tanski and I recommended this Board contact Jay Tanski, and we done a lot of work with Jay Tanski over the years. Jetties in some locations, if they are low profile, don't rob sand. That

comment you made robbing sand from one side to the other, if they are low enough, they fill and it goes over the top. When they are efficient. Their efficiency occurs on the length of the jetty. When they are out in the water, they trap, just like a fish trap, they will bring in sand and bring it up on the beach. But in recent years, again, everybody is looking for low profile jetties, they are much better. It gives public access along the foreshores and it only goes up the beach to protect the upland structures. So hopefully, don't become anti-jetty, there is a lot of spots up there in Laurel, Mattituck, my God, they are saving a lot of the structures. But, that happens to be trend, if you keep them, I'm doing several jetty repairs now. And of the customers are all voluntarily taking them down from a four to five foot elevation down to 18 inches above, in the hopes of just maintaining the beach and the access along the shore. Okay?

TRUSTEE BERGEN: Okay.

MS. HULSE: Public passage, has that been addressed?

TRUSTEE KING: No, because 18 inches, you are looking at that high (indicating). It's not --

TRUSTEE BERGEN: I have a question for the gentleman who was speaking before. You've lived on this property for a long time; this location for a long period of time?

MR. KAMINER: Eight years, seven years. Not long.

TRUSTEE BERGEN: Okay, because I'm interested in the dredging history, this location has been dredged every year, every other year.

MR. CASE: Jerry Case. No, not that frequently. And it was dredged, I'll say four years ago. Pretty sure it was four. And we have a permit that includes ten years. So we are looking at doing it again, which we were anyway. But now Irene sort of hastened our decision to do so.

TRUSTEE BERGEN: Prior to four years ago, because I remember it then, it was completely filled in.

MR. CASE: It never was filled in, Dave.

TRUSTEE BERGEN: Do you remember when before then?

MR. CASE: Approximately '85.

TRUSTEE BERGEN: So it was a long period of time.

MR. CASE: When we first moved 13 years ago, you could get out at high tide.

TRUSTEE BERGEN: Okay, thank you. I'm familiar with the dredging that is done at Richmond and Corey Creek, which are along the same shoreline, and in both of those locations it's the build up of sand is to the west. The material that goes to the east. They don't like to put the material to the west because they said any material to the west will go right into that water again. And that happens to be those two locations. Cedar Beach, again, the material seems to evolve on the, move to the eastern side also. But again, I'm not familiar with this specific location as far as where the sand seems to accumulate, in other words which way the littoral drift goes there.

MR. COSTELLO: Two more comments. One is, we would actually be in

better shape as far as the inlet is concerned if these jetties were repaired. Some of them are kind of bad repair.

The other issue, if you can imagine, if you took number six jetty and dropped it down to 18 inches. Disaster. So you got to keep in mind, if there is going to be a lot of sand put on that beach, or I don't know where you'll put the sand, but if you are going to put it back on that sand like they did four years ago, you'll want to have a bunch of jetties there to keep from going right back into the same spot again.

So, again, I don't know what the master plan is for dredging that, ten-year plan, sounds like they had a five-year DEC permit or ten-year DEC permit, but I think on that DEC permit, if you look, where is the spoil site, it's right on the beach at Dai Moy's. I don't think there is another spoil site, to my knowledge. Just from talking to these guys, I talked to the homeowners association, this, right after, in August, I talked to these fellows, because they came down to my job and talked to me. Some of your guys. And they wanted to know what I was going to do about the jetties and do about keeping the sand from going back into the inlet again. So that's my last comment. Thank you.

TRUSTEE DOMINO: George, can I ask a question. Presently, the distance between the jetties is about 60 feet?

MR. COSTELLO: I think the whole property from one end to the other, I think is 296 feet. So I guess if you do the math.

TRUSTEE DOMINO: It's approximately 60. My question is, is it possible to increase the distance between them to 80 feet, which is more in line with scientific, the practice; that would give you five instead of six. Would that be doable?

MR. COSTELLO: As long as it works. And you know how we'll tell it works? When are you guys going to dredge again. And after it doesn't work or these guys come back complaining to you guys, what do we do now? All I can go, with most of my teachings are, you go by what has been going on there for years and years. I worked with Ralph Preston back in the '60's, we would go there when I was a little kid, go there and repair these things. But you can pick up a lot of information in the last 45 years of dock building. And I know this area has been dredged several times, I know what's going on down that whole beach, because I worked the whole beach from here to Laurel, Riverhead, whatever. The last 45 years. So that's how I base my information on it. Scientist? No, I'm not a scientist. Has it been working for 45 years? Yes, it has been working for 45 years. So they were actually longer, it was working better. And they just told you it was a long time between dredgings. The jetties were in good shape. Now they are not in such good shape. They are short. So when you put all that stuff together, okay, something will be sacrificed, and I assume it will be the inlet dredging.

TRUSTEE BREDEMEYER: Is groin number five the same as one, two, three, four in height above the beach and it's only six at the entrance is the one that has the proposed height staying as it

is? Just curious.

TRUSTEE BERGEN: It's not on the plans.

MR. COSTELLO: As far as going down on the beach and measuring the height of each one, they are all a little slightly different. I think they were all built at the same height originally. But I couldn't tell you if number one is 20 inches above the beach and number five is, I couldn't tell you right today.

TRUSTEE BREDEMEYER: Do you have a DEC permit presently?

MR. COSTELLO: Yes.

TRUSTEE BREDEMEYER: Did they address height specifically on each one?

MR. COSTELLO: No. Special conditions, let me read that. Well, you know what, I don't think I have the special conditions here. No, I don't have the special conditions. I did read them, though. No, I would have to tell you or call you or give you a copy of the DEC permit and tell you what the special conditions are.

TRUSTEE KING: Give us a copy of them, too. Any plans in just cleaning them up? I mean they are really raggy.

MR. COSTELLO: Yes. We are actually going to make them look a little nicer. Normal Costello job.

TRUSTEE KING: The only problem I have with sheathing, by code we can't put CCA in there.

MR. COSTELLO: That's good. I don't want CCA. I'm putting C-Loc, probably C-Loc 9900 or 9,000. Stuff that will take a little more of a beating.

TRUSTEE BERGEN: The vinyl.

MR. COSTELLO: They'll only be 18 inches above the ground. I can't do wood anymore. We are done with that. Even if you allowed it, I'm not doing it. We are done with that.

TRUSTEE KING: So it's basically going to be low profile groins.

MR. COSTELLO: Yes, I think the last ones we did were up on the, up in Laurel, or up in Mattituck, and we did C-Loc 4500. And it was, yes, CCA piles, eight-inch diameter, something like that. By the time I was done, they were buried. They were just one right, it went right over the top of the other one. You didn't even have to step over them.

TRUSTEE KING: That's another point, public access along the beach, if you have a low profile groin, it's not an issue.

MR. COSTELLO: Keep on trucking, yes. That's pretty much a DEC issue.

TRUSTEE KING: If you can't step over 18 inches, you better stay off the beach, you know.

TRUSTEE BERGEN: Now --

MR. COSTELLO: There's been days.

TRUSTEE BERGEN: These groins as shown on the plans, every one of them extending beyond mean low water. And --

MR. COSTELLO: Existing length.

TRUSTEE BERGEN: Looking at number four, looks like it's about 15, 18-feet beyond mean low water. Same thing for number three, little, definitely less than number two. But I know, again, what

we have talked about or what we have approved here, since I have been on the Board, we have not approved any groins going beyond mean low water. Now, with number six, I'm in full agreement with what you are saying, George, as far as number six being able to, it's protecting that inlet more than the others. And I'm in full agreement with that being of a suitable height and length. And I would also ask if you could ask your clients if they would be willing as part of this project to remove the remnants of that old jetty that is in the inlet so it takes away the navigational hazard that is there.

MR. COSTELLO: That's done.

TRUSTEE BERGEN: So, I don't know how the rest the Board feels about allowing groins going beyond mean low water.

TRUSTEE KING: They are only 40-foot groins. That's the issue for me.

TRUSTEE BREDEMEYER: We have lost so much beach during Irene I would say we are looking at this in a different state post-Irene. When we went out there, it been scoured out.

MR. COSTELLO: A lot of that sand is in the channel now.

TRUSTEE BREDEMEYER: I think the comments of Trustee Domino, if you could reduce one, but, obviously, you are based on a good history and protecting this, but where length is so important and it's a case that the homeowners have the expense of maintaining their private inlet, and this has been working for everyone, I guess I don't really have a problem with it, after the testimony you gave. I think it explained the situation on the ground, the history. I don't really think it has to, I don't think they should be shortened, myself.

MR. COSTELLO: I was going to say if I had some photographs prior to Irene, I wonder exactly where the low tide was. You know, I'm sure it's offshore somewhere, but I couldn't tell you exactly where it is. But I'll look through the file and see, if I have pictures. Because it used to be a lot of beach there. We used to see some bulkhead damage because the beach dropped, and during Irene, it kind of jacked up the bulkhead because now the bulkhead is not four-feet tall, it's six-and-a-half feet tall. It makes a big difference to a structure. It's coming back, but I don't know what it is as of today. I have to go and measure it. But I would be interested in seeing if I had pictures showing where low tide used to be prior to the storm. Might make you feel better. I don't know.

TRUSTEE BERGEN: Bob, did you have any comments to add?

TRUSTEE GHOSIO: Basically, I agree with John, that I don't really have an issue with it.

TRUSTEE KING: Now, is it just five and six being worked on or all of them?

MR. COSTELLO: They are all kind of raggedy. The all need some sort of attention. I'm not sure, I can't tell you I'm going to go in there and rebuild all six. Mr. Moy will have to make that decision.

TRUSTEE KING: Is that number five or number six?

TRUSTEE BERGEN: We opened both applications.

TRUSTEE KING: Sorry. My mistake.

MR. COSTELLO: In the pictures that you see, obviously, whatever, if that's number two, number two will get a lot of work done on it.

TRUSTEE KING: I keep forgetting it's two properties.

TRUSTEE BERGEN: Any other comments? Jack?

MR. MCGREEVEY: Possibly solving the problem, I don't know if it fits in with your thinking, but I go along with what you said, Dave, keeping with number six, at the appropriate height and length, and protect that inlet, can we gradually shorten each groin as we go east from there? Would that serve any purpose, low sill, but shorten each one appropriately? Or keep them all the same length? Does it serve any purpose?

TRUSTEE KING: No, not in my mind. It seems to be a history here of working the way they are.

TRUSTEE BREDEMEYER: Actually, the drawing, in our experience, when we did field inspection, shows equal distribution in each cell, so it's already well-balanced with respect to sand distribution. So it would seem again, the conditions on the ground --

MR. MCGREEVEY: I'm just going by this rough sketch.

TRUSTEE BERGEN: One other question, I notice in application number 14 for Dai Moy, one, two, three and four, does not include stairs or that platform there, and was wondering if they want to include that in this application, so those stairs in that platform are permitted in also.

MR. COSTELLO: Well, the stairs are there. We take them out every winter. So in that picture, there is actually the stairs up on land.

TRUSTEE BERGEN: I guess my question is are those stairs and platform permitted?

MR. COSTELLO: Yes.

TRUSTEE BERGEN: Okay.

MR. COSTELLO: Yes, we just take them out every winter because they get whooped.

TRUSTEE BERGEN: Where I was going, if they were not permitted this is an opportunity to permit them.

MR. COSTELLO: That platform probably has been there right from day one. That's how we got down and got in the water all the time. That's probably more important than anything else, to him.

Yes, it is permitted.

TRUSTEE KING: So it would be plastic then.

TRUSTEE BERGEN: Correct. Any other comments from the Board? (No response).

I would ask if somebody else could move it because I'm not going to support it.

TRUSTEE KING: We opened them both up at the same time?

TRUSTEE BERGEN: Yes, we did.

TRUSTEE KING: Okay, if there are no other comments I'll make a motion to close the hearing on both of these properties.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: I would make a motion to approve them with the understanding necessarily not in kind, that would not be CCA lumber, it would be the plastic, vinyl.

TRUSTEE DOMINO: I'll second it.

TRUSTEE KING: All in favor?

(Trustee King, aye. Trustee Ghosio, aye. Trustee Bredemeyer, aye. Trustee Domino, aye). (Trustee Bergen, no).

TRUSTEE BERGEN: For the record I'm going to vote no, and I just want everybody to understand, I'm completely in favor of the jetty in protecting the -- and groin to protect the inlet. But based on the professional, and with all due respect to Mr. Costello and his experience, based on Mr. Tanski's recommendation I feel there could be a reduction to at least one of these groins. That's why I'm voting no.

TRUSTEE KING: So it's four ayes, one nay.

I think that's it. I'll make a motion to adjourn.

TRUSTEE GHOSIO: Second

TRUSTEE KING: All in favor?

(ALL AYES).

Respectfully submitted by,

James F. King, President
Board of Trustees