

BOARD OF TOWN TRUSTEES

TOWN OF SOUTHOLD

Minutes

Wednesday, April 18, 2012

6:00 PM

Present Were: Jim King, President
Bob Ghosio, Jr., 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, May 9, 2012, at 8:00 AM
NEXT TRUSTEE MEETING: May 16, 2012, at 6:00 PM
WORKSESSION: 5:30 PM

APPROVE MINUTES: Approve Minutes of January 18, 2012.
TRUSTEE KING: Thank you. Welcome to our April meeting. When we get into the public comment period, if anyone wants to come up, please identify yourself at the microphone. We have Wayne Galante taking Minutes of the meeting, so he needs to hear your name, how it is spelled and listen to you. We also have Peter Young from the Conservation Advisory Council here. I guess we can get going.

We'll set the next field inspection for Wednesday, May 9, at eight o'clock in the morning.

TRUSTEE GHOSIO: So moved.
TRUSTEE BREDEMEYER: Second.
TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: The next Trustee meeting will be May 16th, at six o'clock, with a worksession at 5:30.

TRUSTEE GHOSIO: So moved.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Do we have a motion to approve the Minutes of January 18, 2012.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for March 2012. A check for \$12,143.62 was forwarded to the Supervisor's Office for the General Fund.

II. PUBLIC NOTICES:

Public Notices are posted on the Town Clerk's Bulletin Board for review.

III. STATE ENVIRONMENTAL QUALITY REVIEWS:

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VII Public Hearings Section of the Trustee agenda dated Wed., April 18, 2012, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

T-Mobile Northeast, LLC - SCTM#45-1-14.1
Fishers Island Yacht Club - SCTM#10-1-9&9-2-13.1
Wee House Partners/Edgar J. Smith, Jr. - SCTM#24-2-10
Louis & Elizabeth Mastro - SCTM#52-5-9
Warren & Nina Bernstein - SCTM#59-5-3
Mill Creek Partners, LLC - SCTM#56-7-2
John & Marie Shack - SCTM#47-2-26.1
Skunk Lane, LLC - SCTM#104-3-18.1
Patricia Colaguri - SCTM#123-8-18
Holiday House, LLC - SCTM#6-1-2
Isle of Cedars, LLC - SCTM#32-1-8
Peter & Mary Kornman - SCTM#56-5-39
Nick Andreadis - SCTM#106-6-25
Andreas Karacostas c/o Theo Ermogenous - SCTM#135-1-2
Ruth Ann Bramson c/o Robert Bramson - SCTM#41-14-4.5
Richard McKinney & Cynthia Power - SCTM#31-14-6
Alison Byers - SCTM#119-1-14.1&14.2

John Pitman - SCTM#52-2-34

Robert Longo - SCTM#67-1-8

TRUSTEE KING: So moved. Is there a second?

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

(UNIDENTIFIED VOICE): Is there an opportunity for me to speak regarding one of those amendments?

TRUSTEE KING: When we get into the amendments. We are not there yet.

Before I forget, there are quite a few postponements tonight. I don't want anybody thinking we'll be going through them. We won't be addressing the following.

Page four, number four, Docko, Inc., on behalf of **LEONARD ORR** an Amendment to Wetland Permit #7315 and Coastal Erosion Permit #7315C to remove 255 linear feet of concrete seawall and construct 255 linear feet of new reinforced, cast-in-place concrete seawall with new reinforced, cast-in-place concrete footing, 275 cubic yards over 2,750 square feet and establish a 10' wide non-turf buffer landward of the new seawall all at and landward of the high tide line; place 35 cy., 80 tons of stone shoreline protection along the face of the new wall water of the apparent high tide line and landward of mean high water. Located: Private Rd. Off Equestrian Ave., Fishers Island, has been postponed.

Number five, Docko, Inc., on behalf of **PETER SCHWAB** requests an Amendment to Wetland Permit #7629 and Coastal Erosion Permit #7629C to place new scour protection stone, 25+/- cubic yards over 250+/- square feet along the waterward face of the concrete seawall. Located: Hedge St., Fishers Island, has been postponed. Most of these are on Fishers Island, that's the reason they are being postponed. We have not had a chance to get over there yet.

Number seven, Suffolk Environmental Consulting, Inc., on behalf of **MILL CREEK PARTNERS, LLC** requests a Wetland Permit to remove the existing concrete seawall along the northern section of the property and replace with a new stone veneer wall and pedestrian entry stairs 240 linear feet overall; install a new free-standing sign along the northern property boundary; install a new timber curb with guard rail along boat basin side bay side along the gravel driveway within the eastern section of the property 1,300 linear feet overall; install non-turf plantings along the northeastern corner of the boat basin 350 sf.; install new drainage systems within gravel driveway; install new lighting, underground utilities where required; construct new dock master/marina building 290 square feet atop existing decking along the eastern section of the property and install attendant sanitary system to the immediate northeast; install native grass plantings along the southern shoreline; remove all non-indigenous materials along shoreline of boat basin,

maintain existing vegetation and re-establish native plantings in disturbed areas. Reconstruct/reconfigure all dockage within boat basin; install new handicapped accessible dock access ramp and deck 285 square feet off the northeastern corner of the boat basin; install new dock access ramp, stairs and deck 185 square feet off the northwestern corner of the boat basin; and install new dock access 120 square feet within southeastern section of property. Install low-sill bulkheading around east and west sides of the boat basin, east side 615' overall and west side 330' overall; install native plantings landward of the proposed low-sill bulkhead and seaward of the AHW; install rip-rap 5'-10'W X 290'L along the southern shoreline of the property, inclusive of stone steps 8'W, and backfill with 200 cubic yards of clean fill obtained from an approved-for upland source; and remove dilapidated wood bulkhead 35' within the southwestern section of the property. Maintenance dredge the boat basin and southerly channel outwards into Peconic Bay to a navigable water depth of 6'. Amount of resultant spoil @ 4,890 cubic yards to be transferred to on-site de-watering area within southern section of the property 35'X 60' prior to being removed to an approved-for upland location. Located: 64300 Main Rd., Southold. Partners has been postponed.

And on page eight, number 15, 16, 17, 18, 19 and 20 have been all postponed. These are all on Fishers Island and are listed as follows:

Number 15, 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.

Number 16, Docko, Inc., on behalf of **HIRAM MOODY, JR.**, requests a Wetland Permit to construct a 4' wide pile and timber pier and install an 8'X 20' floating dock with hinged ramp and associated float restraint piles, boat berthing tie-off piles, utilities and ladder. The overall length of the pier from the shore waterward of the high tide line and tidal wetlands vegetation is 120'. Located: 33 Reservoir Rd., Fishers Island.

Number 17, J.M.O. Environmental Consulting on behalf of **WILLIAM L. HANLEY, JR.**, requests a Wetland Permit and Coastal Erosion Permit to restore a damaged shoreline in various on site locations; install 85' of boulder barrier along the eroded shoreline consisting of 1-2 ton stones placed on top of a 1' deep layer of stone chips on filter fabric, and with a slope of 1:2-1:3; extend the existing concrete seawall 38' and armor the extension with a boulder barrier consisting of 1-2 ton stones placed on top of a 1' deep layer of stone chips on filter fabric, and with a slope of 1:2-1:3. In the eastern portion of the site, install 50' of boulder barrier consisting of 1-2 ton stones placed on top of a 1' deep layer of stone chips on filter fabric, and with a slope of 1:2-1:3; and randomly place boulders and stones seaward of the proposed barrier. In the northwestern portion of the site install 35' of boulder barrier consisting of

1-2 ton stones placed on top of a 1' deep layer of stone chips on filter fabric, and with a slope of 1:2-1:3. Along the northern portion armor/rearmor the existing concrete seawall by randomly placing 1-2 boulders and stones in the voids of the existing armoring. Located: East End Rd., Fishers Island.

Number 18, J.M.O. Environmental Consulting on behalf of **FISHERS ISLAND YACHT CLUB** requests a Wetland Permit and Coastal Erosion Permit to install a sub-surface sewage disposal system; existing leaching pool to be pumped out and filled with sand; new 1,500 gallon septic tank and a 500 gallon pump station tank to be installed; and new tank and leaching field. Located: Central Ave., Fishers Island.

Number 19, J.M.O. Environmental Consulting on behalf of **HOLIDAY HOUSE, LLC** requests a Wetland Permit and Coastal Erosion Permit to reconstruct approx. 50' of a storm damaged boulder/concrete seawall and to repoint as necessary; remove and dispose of existing concrete cap and provide approx. 52' of new concrete cap; fill voids landward of the wall with stone as necessary; place stones along the base of the wall at its northern terminus; and provide four 2-3 ton boulders to armor the wall. Located: Fox Ave., Fishers Island.

And number 20, J.M.O. Environmental Consulting Services on behalf of **FISHERS ISLAND DEVELOPMENT CORP.**, requests a Wetland Permit to construct a paved recreational path approx. 4,250' long and 8' wide; approx. 1,533' of the proposed path would be located within 100' of a regulated freshwater wetlands; construct approx. 570' of 8' wide elevated boardwalk secured by helical anchors within 100' of wetlands, which is a portion of the 4,250' total length of the proposed path; construct approx. 617' of retaining 9 walls within 100' of wetlands; and to construct a 16'X 24' viewing deck that would be elevated approx. 9' above grade. Located: East End Rd., Fishers Island.

Those have all been postponed. Those are all on Fishers Island. We are scheduled to go over there Friday, so we'll play catch up.

IV. RESOLUTIONS-ADMINISTRATIVE PERMITS:

TRUSTEE KING: Number one under Resolutions and Administrative Permits, **STEPHEN D. WALSH** requests an Administrative/Ten-Year Maintenance Permit to trim the phragmites to 12" by hand as needed, and construct a storage shed elevated 2'-3' on posts. Located: 7065 New Suffolk Rd., New Suffolk.

It's a little, small piece of property on New Suffolk Avenue. He asked for a storage shed, that kind of thing. Dave went out and looked at it and I went out and looked at it. I don't have a huge problem with it. He wants to trim some of the phragmites. I showed him where he should trim.

I would make a motion to approve this, but we need to see a little better drawing indicating the area of phragmites being cut. It needs to be a little more made clear on the survey. So

I would make that motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE BERGEN: Just a comment on the motion. There is a proposed violation for this, so in the motion I would recommend the permit not be released until the violation is taken care of.

TRUSTEE KING: All right, so I'll make a motion to approve with the condition we need to see a better set of plans where the phragmites will be trimmed and the permit will not be released until this violation is cleared up. Do I have a second?

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

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

TRUSTEE BERGEN: For the record, I'm voting no on this. I had voted no on this house originally. I thought this house was too close to the wetlands and this is a non-disturbance area where this work will be, so I'm voting no on this.

TRUSTEE KING: As we move through these, the ones that are very simple and no problems with them, we'll lump them together so we can move along. So numbers two, three and four, I would make a motion to approve. They are listed as follows:

Number two, **PINDAR DAMIANOS** requests an Administrative/Ten-Year Maintenance Permit to handcut Common Reed (*Phragmites australis*) to 12" in height by hand, as needed and to maintain a 4' wide natural path. Located: 2030 Mill Lane, Peconic.

Number three, **ROBERT TAYLOR** requests an Administrative Permit to remove nine (9) deteriorating windows and one entrance doorway on the enclosed porch and replace with new picture and casement windows. Located: 2995 Sigsbee Rd., Mattituck.

Number four, Joseph M. Sorce, Esq., on behalf of **MARTIN EHRENREICH** requests an Administrative Permit for the existing flag pole in the rear yard. Located: 2950 Sound Dr., Greenport.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: And number five, Raymond W. Nemschick, RA on behalf of **STEPHEN MITCHELL** requests an Administrative/Ten-Year Maintenance Permit to replace and restore the sand level by method of hand shoveling/hand-raking and to prune the vegetation on the bluff. Located: 7132 Indian Neck Lane, Peconic.

This was found inconsistent with the LWRP, but it was to do with decks. This is from 2010. Once again, this was found inconsistent. This is a new folder. It's mostly because of the trimming on the vegetation on the bluff and bank has not been stated. It states the buffer should be maintained to achieve a high filtration efficiency, avoid permanent and unnecessary disturbance, maintaining existing indigenous vegetation in the buffer areas.

The CAC, I don't see anything from the CAC. It's administrative so they didn't go out and look at it. Quite frankly, I was a little uncomfortable with this one. It's a

ten-year maintenance for trimming on the bluff and they also want to do, looks like some beach nourishment of some sort. But we had old pictures in the file. See how heavily vegetated it was? There is the bluff. I would recommend we table this and we'll go back out. These pictures were taken in September of 2008.

TRUSTEE GHOSIO: It's funny because right along the side of the stairway it's the same.

TRUSTEE KING: This was in August of 2008. I think we should look at it when this vegetation, Dave, right now it's down to almost nothing. It's been trimmed right down to ground level. So I'm uncomfortable doing anything with this for a couple months. I would just like to table this until we go out and look at it in the future.

TRUSTEE BERGEN: If we could, I would like to, in the meantime, at least make a recommendation to the applicant that he address the water runoff off that deck.

TRUSTEE KING: He has a serious erosion problem under the walkway, coming mostly from that deck.

TRUSTEE BERGEN: What can't be seen here is the water that drains off the roof of the house, drains on to the deck and all the water from the deck drains to the bluff. And he has a serious erosion problem. He can do what he wants but I strongly recommend that he address that issue because it's just going to get worse and worse for him.

TRUSTEE KING: Maybe we'll table this and write him a note that we recommend he do something about this runoff, in the meantime, until we get back to it.

TRUSTEE BERGEN: It will only help him.

TRUSTEE KING: I would like to table this one. And we'll revisit it.

TRUSTEE BERGEN: I'll second that.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Once again under Resolutions and Administrative permits, numbers two, three and four were all very simple applications, no problems with them. Six and seven, these are both, like I said, very simple like the one we all know about, the park district one. I would recommend approval of six and seven. They are listed as follows:

En-Consultants on behalf of **JOSEPH & LAURA MAZZA** requests an Administrative Permit to install bluestone stepping stones within approx. 670 square foot area of existing driveway to be removed and install a bluestone walkway from proposed driveway to existing stoop; and a Letter of Non-Jurisdiction to construct a new section of driveway and a 22'X 26' garage entirely on the landward side of the existing house and more than 100' from the face of the bulkhead. Located: 280 Basin Rd., Southold.

Number seven, David B. Prokop, Esq., on behalf of **MATTITUCK PARK DISTRICT** requests an Administrative/Ten-Year Maintenance Permit to conduct periodic beach maintenance; removal of debris from park beaches from 10' above mean high water to bluff toe/bulkhead; manual or rubber-tired tractor only, no treads, as needed. Maintenance to be conducted four times a year, Spring,

Mid-Summer, Fall and one additional, as needed. Located: Bailie Beach, Breakwater Beach, Veterans Memorial Park.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ ADMINISTRATIVE AMENDMENTS:

TRUSTEE KING: And on page three, numbers one, two, three and four, same thing, there were no problems with any of those. I would recommend approval of those four. They are listed as follows:

Number one, **ROSE L. MILAZZO REVOCABLE TRUST** requests a One-Year Extension to Wetland Permit #7054, as issued on May 19, 2010 and Amended on November 17, 2010. Located: 1165 Island View Lane, Southold.

Number two, **MARY BURNHAM** requests the last One-Year Extension to Wetland Permit #7109 and Coastal Erosion Permit #7109C, as issued on June 24, 2009. Located: Peninsula Rd., Fishers Island.

Number three, Natural Images Landscaping on behalf of **PETER & JOAN FRITZ** requests an Administrative Amendment to Wetland Permit #7633 to re-vegetate the area landward of the bulkhead and install a stone patio. Located: 755 North Parish Drive, Southold.

And number four, Samuels & Steelman on behalf of **DAVID & LIBBY ROSS** requests an Administrative Amendment to Wetland Permit #7602 to add an additional 400 cubic yards of clean fill for the new sanitary system. Located: 170 Park Ave. Ext., Mattituck.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Number five, Costello Marine Contracting Corp., on behalf of **KENNETH & ELIZABETH LESTRANGE** requests an Administrative Amendment to Wetland Permit #7408 to allow construction of an additional 16' return section on west end of the retaining wall. Located: 960 Willis Creek Dr., Mattituck.

This was an amendment to put a return on an existing retaining wall, and when I went out and looked at it, it was instead a return, it was out of vinyl like they would normally put in with this adjoining retaining wall, somebody had built a stone retaining wall as a return. It looks nice and all but it was actually done before they had the permit in hand. So I'll recommend we table this and Costello will come in with a new set of plans indicating the stone wall that is there will remain.

So it's an amendment to change it to a stone wall.

TRUSTEE BREDEMEYER: I'll second that.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: And number six, John E. Jones on behalf of **OLD ORCHARD HOMEOWNERS ASSOC**, requests an Administrative Amendment to Wetland Permit #7464 and Coastal Erosion Permit #7464C to

include the beach seating on the deck, install barrier and terrace to stop erosion, and provide for small boat storage. Located: 550 South Lane, East Marion.

This is a request for some chairs and things along behind the bulkhead.

TRUSTEE BREDEMEYER: There was a letter in the file.

TRUSTEE KING: There is a letter in the file. There are some issues here. There has been some questions asked on this. The neighbor is questioning a few things about it. It was relocation of existing boat storage, seating. I think we need to go out and take a look at this so we can make a better determination. So I would make a motion to table this application and look at it next month.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

VI. MOORINGS:

TRUSTEE KING: We have two moorings. I don't think there were any issues with the two moorings either. We looked at them in the office. They are both replacing an existing mooring. I would make a motion to approve. They are listed as follows:

Number one, **ANDREW LUTKOWSKI** requests a Mooring Permit in Goose Creek for a 14' boat, replacing Mooring #115.

Number two, **ROBERT MOHR** requests a Mooring Permit in Corey Creek for a 28' boat, replacing Mooring #780.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: I'll make a motion to go off regular hearing and go into public hearings.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

VII. PUBLIC HEARINGS: AMENDMENTS:

TRUSTEE GHOSIO: Number one, **LOUIS & ELIZABETH MASTRO** request an Amendment to Wetland Permit #7512 to remove the entire roof, front porch, remove and reconstruct rear sunroom and move from the water by 1'-3/4"; construct 312 sf. addition in front of the northeast side of the dwelling with new basement; and install a fence along the north and south property lines and along the front of the property. Located: 1595 Bayview Ave., Southold.

This was found to be consistent with LWRP. The CAC resolved to support the application with the condition that the drainage for the roof is depicted on the site plan. We have been out to this one a couple of times out on Bayview Avenue, and this is actually a reduction in what they originally wanted, and there was no problem with this when we took a look at it again. And the roof runoff, the drainage was, it is being handled. In the original permit we stated that it had to conform with Chapter 236, so it's all on there anyway. This is just a reduction to make it consistent with what they are actually doing: Is there anybody here who would like to speak on this application?

MS. HULSE: Which application?

TRUSTEE GHOSIO: This is number one under Amendments. This is under Public Hearings. Mastro. Page four.

TRUSTEE KING: Top of page four.

TRUSTEE GHOSIO: Seeing nobody would like to make a comment, I'll make a motion to close the hearing.

TRUSTEE DOMINO: Second.

TRUSTEE GHOSIO: All in favor?

(ALL AYES).

TRUSTEE GHOSIO: I'll make a motion to approve as applied for.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Number two, Costello Marine Contracting Corp., on behalf of **ROBERT & LAUREN EICHER** requests a Transfer of Wetland Permit #5467 from Monique Morris to Robert & Lauren Eicher, as issued on December 21, 2001 and an Amendment to Wetland Permit #5467 to install five (5) new bulkhead face pilings adjacent to the existing face pilings. Located: 1555 Shore Rd., Greenport.

This was a holdover from last month because there was a buffer that was supposed to be in place and there was not. Since then it has been put on. Bob went out and checked on it. There is a picture of it in here. It was found consistent at the last meeting. I don't think there is any problems with it now. It was supported by the Conservation Advisory Council. Is there anybody here to speak on behalf of or against this application?

(No response).

Being none I'll make a motion to close the hearing.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

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

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BERGEN: Just bear with me for a second. It's a thick file. Karen A. Hoeg, Esq., on behalf of **WARREN & NINA BERNSTEIN** request an Amendment to Wetland Permit #7540 to demolish first and second-story and reconstruct dwelling. Located: 2095 Lake Dr., Southold.

This is a, it's come back to us, as it states here, there was a permit given, #7540 for this, previously, and this was for a renovation, and the renovation turned into a demolition. So they are back for an amendment to approve the demolition. Previously it was reviewed under the LWRP and found to be exempt. And the CAC resolved to support the application.

So is there anybody here to speak for or against this application?

MS. HOEG: Yes. Good evening. Karen Hoeg of Twomey, Latham, Shea. I'm here on behalf of Warren and Nina Bernstein. First I would like to thank the Trustees for taking the times to review matters associated with this application prior to this evening.

A few things I would like to state for the record. I spoke with James Manos, the neighbor to the west of the Bernstein property. I spoke with him last night and Mr. Manos personally stated he won't be appearing this evening and he has no opposition to the amendment to the permit and that he has no opposition to the work being done at the Bernstein property. For the record, the Manos address is 2147 Lake Drive, Southold.

I also have spoken with Perry at the Peconic Land Trust. They are the owners of the lot across the street from the Bernstein property. I informed Perry of tonight's meeting and he said they won't be appearing tonight and didn't believe they have any opposition, as they had no opposition with the initial application.

Last week I contacted the Lillian Ball, the neighbor to the east and at that time she couldn't speak with me and I see she is present here this evening and I'm sure she is anxious to address the Board. I have nothing further at this time. Thank you.
TRUSTEE BERGEN: Thank you. Would anybody else like to speak?
MS. BALL: Hi. Lillian Ball, 2045 Lake Drive in Southold. I was hoping to hear a little bit more in detail from both the Trustees and the attorney for the Bernstein's as to how this very different kind of an application is now before the Board of Trustees. The last time I was here, I was here in support of my neighbor's addition to the house, which they have been telling me about for the last three or four years would be just a small addition on the Manos' side of the house, not anything to do with me. I would not even see it. I spoke in support of them. I even was much more lenient on the idea of a dock, which was not consistent with the LWRP. And I believe it was as much of a surprise to the Trustees when they went to visit the site and saw that there was no building there any longer, as it was to me, as the neighbor. So, um, the trust that I had originally in my neighbors to do what they said and to do it correctly, as I stated before you the last time I was here, is obviously a trust that has been misplaced. And I'm told this happens all the time with the Trustees. I think there might be some fundamental difference in the way a permit procedure might work in order to avoid this happening, both for neighbors such as myself who really were never notified that all of a sudden an addition is a demo and what should take a month or two of construction is now looking like it will be over 12 months of construction, noise and interference.

When I started to look at this application more closely and I started to think about it more and I started to observe the construction crews there, I realized it was a very sloppy proposition.

I have a number of concerns that I hope you will address.

Number one is when the Trustees visited the site and saw that there were, number one, not hay bales but corn husks with full corn cobs on them in the husk as site control, and the silt fence was propping up these corn husks, which the deer had strewn all over the neighborhood, which, within two days, they

ate the corn, they brought the corn husks and the corn cobs to my yard and all over the neighborhood. So the silt fence and supposed supports are not protecting anything. I took some pictures today. I thought you might be amused. They continued working after -- hi, welcome Mike -- you were there at the site, I hear. There is the way it looks in the backyard on the lake side with the hay bales or corn bales, the corn bales all strewn all over everything. They did this last week after you visited. They actually excavated and dumped the excavated sand on top of those corn husks, that were not protecting anything, certainly not protecting the wetlands. They also dumped a giant pile of hay bales in the front yard but they didn't bother to put them around. And now the sand is on top of the corn cobs. You can see the lovely detail of the corn cobs. I don't know what hay bales substitutes, I have never seen that happen before. It's ridiculous.

TRUSTEE KING: I always assumed they used straw hay bales.

MS. BALL: No, they were corn and corn cobs.

TRUSTEE KING: This is the first time I have ever seen this. And also, this doesn't happen all the time. Occasionally we come across this type of thing. Not all the time.

MS. BALL: Occasionally there are things where they are promoted as a permit originally that would be for an addition. When I went to the Building Department after the house came down, I saw all over the building plans, demolition, demolition, demolition. In the permit paperwork that I was noticed with, there is nothing that says demolition. It says proposed addition. It does not say demolition. So that kind of thing does happen occasionally, and unfortunately it has happened here, again, in the situation where the contractor seems to be sloppy. And I don't know, that's why I'm interested in hearing what the attorney has to say about the process. They claim evidently that this was what they always intended to do. It's not what they told me and it's not what they told the Trustees. So that's one of my concerns.

The second one is that my well is not placed correctly on the permit plan. I didn't measure it so I'm not sure exactly but I don't think that my survey and their survey line up as to where my well is.

These kinds of details I didn't pay attention to the first time around because I basically trusted them. So I want to be perfectly clear, I don't want to slow down the process. I see the process is already well underway and I would prefer to have a finished house next to me and not a whole summer of hell and construction and torture. As you know I care very deeply about the wetlands and I'm very concerned when I see things like these corn bales, is what I want to call them. So it's really upsetting to me. Not to mention being awakened at six o'clock in the morning by somebody sawing down trees. That's sort of an environmentalist's worst nightmare. So you could imagine how distressed I was.

I'm concerned that there be native plantings. My neighbors have told me in the past they didn't like native pine trees that are on the property. I want to make sure those don't come down, and if they do any construction, serious planting, that it be native buffer zone.

And I also was not noticed. I mean I don't think a phone call is a notice. I also don't think a verbal violation is a violation. If something like this happens, you have to say no. I mean it's not the rules. And it's my understanding of how the rules work is that when there is a violation it should be a written violation, and the work should stop. Now, I understand how you may have agreed to let them go forward, but now you see how they went forward, even based on the permit, allowable permit uses with the permit that was in place. So it's sloppy. And it shows a total disregard for the wetlands and I'm frankly very disappointed in my neighbors.

So secondly, I think the process here could be, there may be some way that we could use this experience in a constructive manner and positive manner, and I talked to a number of people including the Trustees' attorney and Mark Terry and a number of people, and Al Krupski, a number of people in town about the issues here, and I think there might be some way of approaching this a little differently. I don't know how to read building plans very well. I know you have more experience with reading building plans. But obviously, am I wrong? You did not see this as a total demolition. You did not permit a total demolition.

TRUSTEE BERGEN: That's why they came before us with this amendment, yes.

MS. BALL: But that's an after-the-fact amendment, not a before-the-fact proper procedure for wetland preservation. And it seems to me a very sloppy method and shows on the part of the Bernstein's a total disregard for the Trustees' procedure. So I don't know whether it's possible to change the procedure. It certainly would not be an easy thing, but it seems to me if the proper plans are submitted to the Trustees, once they have been approved by the Building Department, you have a much better possibility of really knowing what it is you are approving, and not having to have these amendments come after the fact.

TRUSTEE GHOSIO: Lillian, sorry, but we have a long agenda tonight. I would suggest if we are going to discuss those kinds of issues, let's do it in a separate meeting. For now we are having a hearing on this particular application. Let's keep it to that.

MS. BALL: Okay, I just think there is something that needs to put the trust back in the Trustees.

TRUSTEE GHOSIO: The point is well taken.

MS. BALL: You've thought about it and probably considered it before but I think it's a really bad procedure that allows these things to happen on a continual basis.

And finally, I want to reiterate that I don't want to see the process slowed down. I do want to see things done correctly

and especially with regard to the site controls and the native plantings. And if there is anything you can do to speed up the process, tell my neighbors, please, I would appreciate that the process not take 12 months, which is what the contractor told me was going to happen. So, could we have some answers as to how the violation happened and how the stop work was allowed and what is going to happen now, how are you going to ensure that they do pay attention to the rules of the Trustees?

TRUSTEE KING: The only thing I can say, Lillian, when I was out there and I saw those corn bales, I have never seen those before and we will not permit them in the future at all. I do notice in your picture all --

MS. BALL: They should be removed before they throw the other bales on top of them.

TRUSTEE KING: I asked them to come out and put new straw hay bales down in place.

MS. BALL: They just dumped them there. They didn't put them down.

TRUSTEE KING: We'll make sure the new hay bales are put in place and are properly done.

MS. BALL: And that the corn is removed.

TRUSTEE KING: We'll do that.

MS. BALL: And all my other concerns, is there anything you can do?

TRUSTEE BERGEN: Well, I'll try and answer a couple of things. I'm sorry, you listed a lot of things there in your presentation so you'll have to excuse me if I don't address every one, because I don't know if I remember every one.

I think Trustee Ghosio has already said, with regard to a process that the Trustees follow when applications come in, that's being addressed by the Town Board. You need to address those concerns with the Town Board because they are currently reviewing the demolition versus non-demolition process. So feel free to go to the Town Board and address that with them.

MS. BALL: Glad to hear that.

TRUSTEE BERGEN: With regard to this application itself, this was an application that we reviewed and approved and gave a permit for, for a renovation with some additions. It turned into a demo and they have now come in for an amendment to that Wetland Permit. And the plans that are submitted, as far as the footprint of the building goes, matches what was originally approved, as far as the footprint of the building goes. So there is no increase in the scope of the job other than it changed from a renovation to a complete replacement, so to speak, within the same footprint that had been approved by us. They had to comply with Chapter 236 Storm Water Runoff with the original permit. They will have to comply with that, of course, with an amendment to the permit. I think you already heard Jim, as he has stated, will make sure that the materials that were used previously for the hay bales are not used again, and instead the traditional straw hay bale will be installed at the same

location as the previous hay bale line was installed.

With regard to your concerns regarding length of construction or time of day in which people start construction, that is not within the purview of this Board. You know, again, that's between the applicant and the Building Department. If you have questions regarding the construction process and how long that should take and when they can start and when they can finish, I refer you to the Building Department. That is nothing the Trustees get into at all. So I hope I have addressed most of your concerns.

MS. BALL: Native plantings is the other item.

TRUSTEE BERGEN: Let me just see, first, is there anybody here who would like to speak for or against this application?

MS. HOEG: Just to clarify in regard to the native plantings, the DEC had required a significant amount of native plantings be placed on the property throughout. It's approved on the site plan, you can see where they listed the type of planting they would like to see installed back on the property and mitigation of doing the construction work that was approved. So that will be taken care of.

MS. BALL: I just hope the contractors really follow the rules. So far they have not.

TRUSTEE BERGEN: Let's keep the dialogue between you and the Board.

MS. BALL: And you required native plantings as well as the DEC.

TRUSTEE BERGEN: It's being required by the DEC. Anybody else who would like to speak for or against this application?
(No response).

Are there any other comments from any Board members?

TRUSTEE GHOSIO: I'm a little disappointed in what occurred, too. And the Board knows my feelings on this. Yeah, I mean given the fact it's going to fall within the same footprint, okay, but it would have been nice to know up front before we got this process started. I'm also a little disappointed to see the type of hay bale line that was created. I mean, frankly, that's a little ridiculous, and I'm requesting the rest of the Board agree with me on this. It needs to be cleaned up and it needs to be constructed the proper way. If there is any issue on how to construct it, we have the instructions for that in our office. We'll be glad to provide it for you. There is a standard way it's done. Most contractors know it and they follow it. How that happened, I have no idea.

TRUSTEE KING: We'll make that part of the amendment.

TRUSTEE GHOSIO: We'll make that part of the amendment, that's all.

MS. BALL: I also want to find out if there is some way, I mean, as a neighbor, I do feel that it's necessary to be honest with your neighbors, if you want to have a good relationship with them. So why couldn't they have come before this Board and ask for a rebuild on their old footprint? which is perfectly legitimate. I have no problem with that. I don't know why they didn't feel they could do that under the circumstances.

TRUSTEE KING: They are doing it now, but it's late in the game.

MS. BALL: I think they seem to feel that's what they were presenting to us, and it wasn't; is that correct, Lori?

MS. HULSE: This is why they re-applied for an amendment to the existing permit. Just to clarify that. So I suppose you are correct, however I can't say whether it was done with intent to deceive or not. Certainly their position is it wasn't. So whatever it may be --

MS. BALL: They told me for years it was going to be an addition. Now it's a demo. It's a violation of trust. Whether it's a violation of Trustees, but it's a violation of certainly neighbors' trust.

TRUSTEE KING: To me it was disappointing the way everything was handled. But let's move forward with it. Let's move it along and hopefully at the end it will be exactly what we thought will be there. And it's all brand new rather than additions.

MS. BALL: It will probably be lovely. A big improvement, but the process here is what I'm objecting to.

TRUSTEE KING: But it was the method that was disappointing.

MS. BALL: Thank you, for understanding.

MS. HULSE: Jim, there is another person to be recognized.

MR. JONES: John Jones, I'm here representing the Old Orchard Homeowners Association, item number six on the agenda.

TRUSTEE KING: Sorry, we kind of skipped over you. You should have screamed.

MR. JONES: I was, but you didn't hear me.

TRUSTEE KING: We want to come out next month and take a look at that on our field inspections.

MR. JONES: We have two questions.

TRUSTEE KING: Let us finish this and we'll go back to you.

MR. JONES: Sorry.

TRUSTEE BERGEN: Any other comments regarding the Bernstein application?

(No response).

If there are no other comments, I'll make a motion to close this public hearing.

TRUSTEE DOMINO: Second

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BERGEN: I'll make a motion to approve the amendment to Wetland Permit #7540 with the condition that the material used for the current hay bale line will be removed offsite to a proper disposal area and a traditional straw hay bale line will be established in its place. And silt fence.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

MS. HULSE: Is there a motion to go off public hearing?

TRUSTEE KING: I'll make a motion to go off public hearing.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: I'll make a motion to go back to section five, Extensions, Transfers and Administrative Amendments. And this is number six, John E. Jones on behalf of **OLD ORCHARD HOMEOWNERS ASSOC.** Requests an Administrative Amendment to Wetland Permit #7464 and Coastal Erosion Permit #7464C to include the beach seating on the deck, install barrier and terrace to stop erosion, and provide for small boat storage. Located: 550 South Lane, East Marion.

Yes, sir?

MR. JONES: Thank you, I'm very sorry to interrupt. We didn't hear what the decision was, just to postpone it?

TRUSTEE KING: We are going to table it and we want to go out and look at it next month. There was a letter from one of the neighbors was concerned about the activities. We thought it was a very simple thing when we did it in the office without going out there but I feel now we should go out and take a look and check everything out.

MR. JONES: There were three amendments to the original permit. The one involves erosion problem. Must we wait until we have approval from you guys in order to proceed with repairing the erosion?

TRUSTEE KING: I think it would be a good idea to hold off until next month.

TRUSTEE GHOSIO: He's talking about his original permit. That's on the original permit, you mean?

MR. JONES: We had the original permit, it was granted for the bulkhead.

TRUSTEE GHOSIO: Oh, I'm sorry.

MR. JONES: There were three amendments, one for small boats and so on.

TRUSTEE KING: I just think we should look at it.

TRUSTEE GHOSIO: Yeah, I would hang tight.

MR. JONES: What happened was, we staked out the area because we thought you would come out and inspect it. Did you do that?

TRUSTEE KING: We did not.

MR. JONES: So we staked out the area and someone ripped out the stakes.

TRUSTEE KING: We'll be out there on May 9

MR. JONES: Should I re-stake it and hope it's not ripped out?

TRUSTEE KING: Is it still staked?

MR. JONES: No, probably the person who wrote the letter ripped out the stakes.

TRUSTEE KING: Probably do it just a couple of days before we get out there.

MS. MOORE: The staking, there was planting of the grasses -- they didn't take out the staking, by the way. But it's been planted, so maybe the staking is going to damage the plantings. so it might be pretty obvious where the boat racks, they want to move them to. Because it's just --

TRUSTEE KING: We need to go out and look. I wish we had gone out but we didn't.

MS. MOORE: Really what he staked is on the area where the grasses are on the one side already established, and the area in front of Lapse Minning (sic). So it seems to me like you really don't need to do that. It will be really obvious.

TRUSTEE KING: We'll take a look at it. But we want to move along here.

MR. JONES: Thank you, very much.

TRUSTEE BERGEN: You're welcome.

TRUSTEE KING: On Old Orchard I'll make a motion to table it as we did before and we'll look it at it next month on the 9th.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: I'll make a motion to go back on to our public hearing section.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

WETLAND AND COASTAL EROSION PERMITS:

TRUSTEE DOMINO: Wetland and Coastal Erosion permits number one, Costello Marine Contracting Corp., on behalf of **ANDREAS ARACOSTAS C/O THEOERMOGENOUS** requests a Wetland Permit and Coastal Erosion Permit to remove 55' of existing bulkhead and construct 55' of new bulkhead in-place; backfill and regrade void areas landward of entire bulkhead with clean trucked-in sand (approx. 60 cy.); revegetate area with Cape American beach grass; and realign existing rock armoring as required by construction. Located: 21275 Soundview Ave., Southold.

The LWRP found this to be consistent. The Conservation Advisory Council voted to support this application. Is there anyone here to speak to this application?

MR. COSTELLO: My name is John Costello, Costello Marine Contracting. We are the agents for the Karacostas' on this application for a bulkhead replacement in place of an existing deteriorated wooden bulkhead that has holes in it and is vulnerable to being taken over in the next storm. If the Board has any questions, it will be similar to the adjacent 45 feet that was replaced with vinyl, and the treated material is going to creosote and the pilings will all be taken out.

TRUSTEE DOMINO: The Trustees found this to be pretty straightforward but had a question about access to the bulkhead.

MR. COSTELLO: We can bring the material in by land. It's all fairly light stuff. We'll be shooting the sand over the top through a funnel. It's a minimal fill. And we'll be taking a small excavator and lowering it down there to remove the rock from the line, and upon completion, put the rock back in front of the bulkhead. That's all. It will only take a small piece of machinery.

TRUSTEE GHOSIO: You can get it in through there?

MR. COSTELLO: Sure.

TRUSTEE DOMINO: **Anyone** else here to speak to this application?

(No response).

Any other comments from the Board?

TRUSTEE KING: That was the only question I had in my notes was to get access.

TRUSTEE DOMINO: I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as stated before.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next hearing, Costello Marine Contracting Corp., on behalf of **RUTH ANN BRAMSON C/O ROBERT BRAMSON** requests a Wetland Permit and Coastal Erosion Permit to remove 44' of existing bulkhead eastern return and construct 50' of new return in-place and provide one level rock armoring at toe of new bulkhead return, approx. 1 ton per linear ft. Located: 12042 Rt. 25, East Marion.

The application is considered consistent under the Town's LWRP. The Trustees visited the site on field inspection and felt it was fairly straightforward. The Conservation Advisory Council however has requested that we consider -- they did not support it and they wish that we consider that the proposed 50-foot return be constructed as a revetment. And that would be consistent with that application which we'll be hearing at the next hearing. So that brings to the fall all the comments we have in the file. Is there anyone here who wishes to speak on behalf of this application?

MR. COSTELLO: Again, my name is John Costello, from Costello Marine, and we are the agents for the Bramson's on this application. When the Trustees visited the site, they can see this is a reasonably steep cliff behind the bulkhead. There is several trees, which you see in the photograph, and in order to try and maintain some of those trees and the growth underneath them and the elevation, we would only put the wall in and have helical screw anchors. If you did it with a total revetment, what you would do is you would be encroaching way out on to the beach because you need the angle on the revetment to sustain that and get that elevation. That's why I recommended that they consider putting a vinyl bulkhead in, in the place. Some of the rocks that are adjacent to there were placed by the neighbor under another permit and the last easterly storm overtook the rocks and you can see what the damage to the property, the Bramson's property occurred. And we are going to try and correct that on both occasions. Taking that all out, now I'm probably, that wall is rotating slightly, and we would try to, there is one piece of concrete that will have to be broken up and taken away and disposed of. That is behind the piling. That bulkhead for many years was maintained by Mr. Larry Tuttle, and the last

few years, after Mr. Tuttle passed away, they have not done much, and the whole bulkhead is tired.

TRUSTEE BREDEMEYER: The question is would that revetment sacrifice the trees, because you have to go back so far?

MR. COSTELLO: With the helical, you can straighten the wall.

There is a bend in the wall right now. It's rotated slightly.

What we do is try and straighten it out and keep it on the property line. That's what we'll try to do. It's rotating, the top of it is over the property line right now.

TRUSTEE BREDEMEYER: Any additional comments, Board members?

TRUSTEE GHOSIO: Just I could vouch for what happened in the last easterly, I was there, they lost a tree as well when they had that blowout. I was there and saw what happened, just a day after it happened. Just to corroborate what you were saying.

TRUSTEE BREDEMEYER: Okay, any further comments?

(No response).

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

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: In the application of Bramson, Costello Marine on behalf of Ruth Ann Bramson, I would make a motion to approve this application as submitted.

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application is Costello Marine contracting on behalf of **RICHARD MCKINNEY & CYNTHIA POWER** requests a Wetland Permit and Coastal Erosion Permit to remove existing 90' rock revetment and reconstruct in-place 90' of new configured rock revetment deeper and 3' higher reusing existing rocks supplemented with approx. 150 tons of additional new rocks as needed; scarf top edge of existing bank, regrade and revegetate with native plantings; remove existing 300' of existing concrete slab revetment and reconstruct in-place 300' of new configured rock revetment deeper and 3' higher approx. 1.4 tons of rock per linear ft.; regrade top edge of existing bank and revegetate with native plantings. The existing Cedar tree to remain and the removed existing concrete slabs to be broken up crushed and used as fill and foundation base. Any excess not used to be removed from site to an approved disposal site. Located: 12040 Rt. 25, East Marion.

This application has been viewed consistent under the town's LWRP plan. The Conservation Advisory Council supports the application with the condition that a 20-foot non-turf buffer from the top of the bluff landward and the proposed revetment is continued to the bank line with a three on one slope. And there was a question about the fence on the property.

The Trustees, I guess there was a question about the platform and consider requesting moving that landward and

checking its status and possibly having it moved landward, because the Trustees felt that might have been complicated in the construction of the revetment, it might be compromised. That said, that's the material I have in the file. Is there anyone here who wishes to speak on behalf of this application?

MR. COSTELLO: Again, my name is still John Costello. And we are the agents for the McKinney's on this project. And I'm surprised that, you know, the Conservation Advisory Council -- and some of the concrete, as you see, has migrated out on to the beach. My recommendation was to the McKinney's, is take that, instead of buying core for the base of the revetment, take the concrete and you break it up into 50-pound pieces and use that as the core base on filter clothe. Get it down to the elevation of low water. The existing revetment, portion of the revetment that was built did not get down to the low water mark and the rocks were starting to rotate and move. So there is plenty of concrete and I think by removing it from the public beach would certainly give access to the people there. There were, some of the concrete out on the beach, you can see it, there is a couple of beaches with reinforcing in it and we took and cut some of it out already because I recommended that just get it cut out of there. You don't need that through your foot. But that is an old road, that's probably your Main Road between Orient and George Mueller thought was free and would certainly be a nice revetment, and probably was for about a week. Concrete is light, and in a storm it moves, and the granite rock would certainly help alleviate that problem. So that's the purpose of it. And we are going to take the existing rock revetment abutting the Bramson's, remove it, dig it down slightly, break the concrete up, use it for a core base and change the angle and go higher with it so we try to eliminate the splash over in a storm. That area as you well know is extremely vulnerable to a hurricane or southeast storm.

Now, as far as the fence, I believe that they put the fence up for kids. I don't know when. And I don't know if it's permitted. But I certainly would not want to fall over the top of that bluff. So I don't know whether they wanted to keep it or whatnot. I don't even know if it was permitted. But that deck that is out there, we can build around it. But, it's still in good condition. But, that's the prerogative of the Trustees.

TRUSTEE KING: I think the Board would prefer to see the deck moved landward.

TRUSTEE BREDEMEYER: Yes, I think the Board felt it would be in everyone's best interest.

TRUSTEE KING: Put the seaward side in line with the fence. I think that's the proper thing to do there.

TRUSTEE BREDEMEYER: And the non-turf buffer --

MR. COSTELLO: Personally, I would try not to even mess with the vegetation, myself, because of the elevation and the steepness of the cliff. Unless you are going to take down the fence and tip it. You know, the angle there is a little bit steep to mess

around with too much.

TRUSTEE KING: I don't think there is an issue of a --

TRUSTEE BREDEMEYER: It's not a managed turf lawn, so the issue of fertilizer --

MR. COSTELLO: I don't think they fertilize it, but it sprays over with salt water in a storm, I can assure you.

TRUSTEE KING: Everything seaward of the fence, we just leave in its natural condition.

TRUSTEE BREDEMEYER: Any additional comments or questions? (No response).

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

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve this application as submitted with the requirement that the existing deck be moved landward of the landward most feature of the new revetment so it would be behind the fence, behind the existing run of fence. So moved.

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE GHOSIO: Number four, Patricia C. Moore, Esq., on behalf of **WEE HOUSE PARTNERS/EDGAR J. SMITH, JR.**, requests a Wetland Permit and Coastal Erosion Permit to re-stack fallen stone and recap concrete seawall and repair existing 10'X 111' timber dock and jetties. Located: 650 Bay Lane, Orient.

This has been found to be exempt from the LWRP. I'm a little surprised myself. The Conservation Advisory Council was out there and took a look, and they are resolving to support the application. However they note the plan did not include the actual length of the wall being repaired as well as the dimensions of the dock. The Conservation Advisory Council is recommending the dock to be repaired using non-treated lumber, and because the dock is oversized, the extent of the repair should conform to code.

The Board was out there and we did have some questions concerning the size of the dock. It is not a dock that would be permitted by today's code so one of the things I would recommend that we stipulate when we move on this, if we move on this, is that we talk about having some kind of amendment to this application so if it should come in in the future, that this dock is brought into code. With that I'll open it up to anybody who would like to speak to this application.

MS. MOORE: Yes, Patricia Moore on behalf Edgar Smith. Mr. Smith is here. Actually a neighbor, Mr. Kennedy is also here in support of the application. This actually, this dock, predates the Trustees, obviously. It predates the DEC. In 2004 it actually received permits for the proposed repairs, and Mr. Fitzgerald was Mr. Smith's representative, but there was some mis-communication between them. He had all his permits but he

apparently never told my client that he had his permits. So there was some confusion as to the permits that were in place. Since -- in the last storm or last couple of storms, have damaged the end of the dock, I have an aerial photograph that Google is probably late 2001 or so on aerial photographs. The dock in its entirety is showing there. The damage at the end has been a more recent consequence of some of the storms that have occurred. I think, Mr. Bredemeyer, you were in the area, so.

TRUSTEE BREDEMEYER: I was there during the storm.

MS. MOORE: During the storm, so it was my understanding that was a result of the more recent storms.

It is a permitted structure. I came in really because I wanted to be sure that he had all his protections when the work is there but, um, all of the agencies had approved it in 2004. The length of the seawall, the repairs to the seawall are pretty obvious.

There is some pitting of the cement. It's not a reconstruction of the seawall. It's really a filling in, as I -- the concrete apron has cracks in it, so it needs repairing. But, for the most part it's still a functional, stable seawall. So I guess the bottom line is that the code allows, at least as I understood it, it would allow the continued repair of a permitted structure, and that's what we have here. The concern I had was the reconstruction of the end that was recent storm damage. So I think that the Board has, for the most part, acknowledged and helped property owners that had storm damage to their existing permitted structures. I wanted to be sure that we had that protection here so, I'm happy to go over anything.

TRUSTEE KING: Pat, what was the original use of that dock?

MS. MOORE: There is actually a deed that Mr. Smith provided from 1947. So in my guess is that this was an area for a marine area in the, you know, in the '40s. You guys know the history of Orient better than I do. No, you don't? Well, I was under the impression it was actually in the '40s that it was kind of a homeland security and the Orient area was an area where the ships could come in. I mean I'm really speaking out of turn in the sense that that is folklore. I don't know, it's before my time and before all your time.

TRUSTEE BREDEMEYER: I don't know. There are a few docks there on the harbor.

TRUSTEE GHOSIO: Is there any particular reason this has to be in an "L" configuration? Why can't it just be straight?

MS. MOORE: What he's asking -- does it have to stay as an "L" versus straight? You could answer that better than I can.

If you are going to speak, you have to come up and put it on the record.

My concern is to have to go back to the DEC to make that kind of alteration. Right now it's a permitted structure. For me to straighten it out, I would have to go to the DEC and explain the Trustees want me to straighten it. You would end up having to go further out. I don't know, you know. I would think the

wisdom is keep it as it is because it's hugging the shore more.
TRUSTEE GHOSIO: Okay. Just to be a little clear about the permit from 2004. There was never a permit issued. It was approved. There was an approval involved. I was not there at the time, but there was an approval, there were conditions to the approval and whoever was in charge of getting those conditions met prior to receiving the permit, never followed up. So the permit was never issued. So this is not a permitted structure from the Trustees.

MS. MOORE: Well, I think the issue was, at the time, one of the Board members, I'm guessing maybe Polywater may have been on the Board at that time. I'm trying to remember. His issues was the, um, the dolphin. And my, it was the dolphin, and my client was very adamant that those were needed and wanted to maintain them. So that was the problem there. Also, I think there was some delay from the time the Trustees approved it, the DEC was questioning the history or the lineage of that dock, because the DEC ended upcoming back very late in 2000 -- I guess -- I want to say 2005, and then finally recognized that this was in fact a pre-existing dock.

TRUSTEE BREDEMEYER: As point of information how many dolphins are associated with the dock?

MS. MOORE: One? How many dolphins do you have?

MR. SMITH: Edgar Smith. If you look outward to Orient Harbor, from there, that's a dolphin. I think it's approximately 20 feet off the front of the dock. And then there is a line that you can see going from left to right. That line, if you follow the line, there is a dolphin. It's out of the picture.

And may I be permitted to address one of the previous questions? I don't think that it's unusual at all to have an "L" shape because it facilitates the berthing, the docking of a boat. For 45 years, I have had a boat that you put the bow up front. It's a 22 foot skiff. And the stern you can bring in and out toward the dock by the use of that line back there. So that in its original configuration, I think that dock actually had boards going down to protect it from storms. But it is, that is how you can use of the dock to berth a boat. If that makes sense.

TRUSTEE GHOSIO: Well, one of the suggestions that we had was, see what we are doing here is we are trying to work with you and also get it more into conforming with what we have as code today, which is nowhere near, this is a much larger structure than we would normally allow. You have some area to the left here which is really quite, Jim used the word derelict. And I guess I suppose it is. Can we remove that section? Remove that from this?

MR. SMITH: That actually is on my neighbor's property.

TRUSTEE GHOSIO: This part that is connected? Is that connected to the dock?

MR. SMITH: I don't know what you call it, the finger going off to the left.

MS. MOORE: Is that called a timber jetty?

TRUSTEE GHOSIO: It's connected to the dock.

MR. SMITH: That's used by a neighbor to berth their boat.

TRUSTEE BREDEMEYER: So you have an agreement among your neighbor to use your dock communally?

MR. SMITH: That's correct. My next door neighbor, who happens to be physically present tonight, permits another neighbor to put their boat there.

TRUSTEE GHOSIO: So now this is a community dock.

MS. MOORE: Well, informally. Is it in writing?

MR. SMITH: No.

TRUSTEE GHOSIO: The reason it becomes important at this point is now we have a dock that we'll be voting on that traverses two properties and only one person has applied.

MS. MOORE: Well, he's right here. But it's not a legal agreement, it's a mutually beneficial agreement that the neighbor uses.

TRUSTEE BREDEMEYER: Trustees like good neighbors but I think the issue here is we are trying to find ways to bring the dock somehow in conformity with the standards.

TRUSTEE GHOSIO: And the part we are talking about maybe removing, we just, is not even on your property. It's one structure.

MS. MOORE: But keeping in mind this is also pre-existing.

MR. SMITH: It's been there for 60 years. How could you conceivably, you want me to rebuild the dock to conform to current code?

TRUSTEE GHOSIO: No, then I would have stated that. I stated we are trying not to do that. We could but we don't want to go in that direction, of course. I'm just feeling out ways that maybe we can do something a little different because ultimately when the time comes for this to be replaced, and this will be a condition to this permit no doubt, that when it comes time to replace the dock, it will have to conform to code. So it may not be in your lifetime or mine, but there will come a time, so that's kind of, I'm just trying to see if we can start working in that direction.

MS. MOORE: This may not be the right time.

TRUSTEE BERGEN: Just for clarity, for myself. Wee House Partners and Edgar Smith is one and the same?

MS. MOORE: Yes.

TRUSTEE BERGEN: Okay. I wanted to make sure.

MS. MOORE: Sorry, no. Wee House Partners, he's the managing --

MR. SMITH: Wee House Partners is my wife and myself.

MS. MOORE: Legal entity. He's authorized to speak.

TRUSTEE GHOSIO: Well, I don't know what to do now. Any suggestions or ideas? How do we address this issue with the issue with the part that goes on someone else's property?

MS. HULSE: You need the authority of the adjacent owners.

MS. MOORE: To remove it.

MS. HULSE: Jim, that's not correct because you are permitting it and it now goes across two neighboring parcels.

MS. MOORE: But it's pre-existing since the '40's, so.

MS. HULSE: But they are permitting it tonight if they vote on it.

TRUSTEE BERGEN: I don't know how we can permit a structure that includes the property of another.

MS. HULSE: Not without them conjoining the application.

MS. MOORE: You have the gentleman right here. Maybe he would like to speak.

MR. KELLY: I'm Jack Kelly, the abutter of Wee House Partners. Just a way of background, they were originally one ownership. Dean Fox owned them. I think they were constructed by his family. That piece that goes out to the left, the jetty?

MS. MOORE: They call it a wood jetty.

MR. KELLY: I don't regard it as being on my property. It extends in front of my property. But it's out in the bay. So, I don't regard it as mine and it's never thought to be mine. There is a little dock, you know, much shorter dock to the left, with the dolphin sticking out. The thing that I was here to comment on was not so much the dock -- and I disclaim ownership to the piece that goes out to the left. The comment that I wanted to make was, as you well know, is the importance of the safety of these docks and the seawall as well, because there is a lot of traffic, tourists and others, people in the Village of Orient, who use that as access to the waterfront, the pathway along in front of our house, houses; and frequently have kids, for example, running by, and as they would go out on a dock or something like that. And my wife and I never, never, when we see kids out there unattended, stop looking at them. Because it can very easily you'll fall off that, and at high tide that's very deep. So the safety of those structures is important, as I'm sure you recognize. I think that's all I had to say. But Wee House Partners and the house that I live in, which is next door, were once in the same ownership, Dean Fox, basically. And I think you acquired it from the Fox family.

MR. SMITH: From the Fox estate.

MS. MOORE: Thank you.

TRUSTEE GHOSIO: Well, we really don't have any problem with the seawall issue. Repairing the seawall is not a problem. I think we should table this.

TRUSTEE BREDEMEYER: We can table it and have an opportunity to meet with the owner in the field, too.

TRUSTEE GHOSIO: I'll tell you what we are going to do. At this point I'm going to make a motion to table the application. The reason that we need to table it is because we need to deal with the section that is connected to it that is on a different property. Because right now I can tell you that I think that most folks on the Board will want to see that removed, so.

MS. MOORE: What is called the timber jetty?

TRUSTEE GHOSIO: Well, no, the section -- yes, it's labeled here as timber jetty.

TRUSTEE KING: At one time I would not be surprised if there were wave breaks there at one time.

MR. SMITH: There were. And it's currently in use. The contractor is here now.

MR. PRINDLE: Mike Prindle, MTP Custom Carpentry. The only thing we are repairing is the main dock, a couple of the main runners that run under the deck boards and a little bit on the end. I'm not touching the left or right at all. It's just the main dock itself.

TRUSTEE GHOSIO: What kind of lumber are you using?

MR. PRINDLE: I was going to use CCA but I found out you can't, so.

TRUSTEE GHOSIO: For quite a long time.

MR. PRINDLE: Just the joists, the 6x8's.

TRUSTEE GHOSIO: The decking has to be non-treated lumber now.

MR. PRINDLE: We were going to use regular Douglas fir on that. But what about the frame itself?

TRUSTEE KING: The structural members can be CCA. Like the cross members or stringers, those can be CCA. The decking has to be untreated.

MR. PRINDLE: It's very limited. There is only the four main going from piling to piling and two or three center ones and the ones out at the very end where the deck boards are missing. So that's it for repair. And a few decks boards that are split or cracked. So I'm not doing nothing to the left or right. It's just the main drag everyone walks on. Just so you know.

TRUSTEE GHOSIO: We understand that.

TRUSTEE BREDEMEYER: The issue for us --

MS. MOORE: Maybe I can assist. As far as the fact this has been in place since the '40s, establishes pre-existing rights here and also, I want to call it adverse possession, but, it's there. What we have here is actually the adjacent owner who would have, I guess, theoretically, a right to go out straight, which is what I think you are concerned with, if somebody wanted to build a dock that went straight out, and might hit the timber jetty. I'm just trying to figure out what, because once it's in the water, the fact it's been there for so long it may be just useful for you to have on the record, I mean, he's already put it on the record but I would be happy to get a letter from Mr. Kennedy that says I make no claim of right and I give consent to placement of this continued placement of this timber jetty.

TRUSTEE GHOSIO: This is why we are going to table it. So we can try and work through all this.

MS. MOORE: Yes, you tell me what you want. I mean, we could work on this.

MR. SMITH: I would like to just make one comment I think is obvious to you gentlemen. But the state and conditions of this dock is a matter of genuine concern to both the community and to me and my ex-wife, from a liability standpoint. The children, people have walked back and forth and gone out for a hundred years in that part of Orient, and it is truly dangerous. And I'm not there 24 hours a day. We have got to get it fixed so that people don't get hurt.

TRUSTEE GHOSIO: Well, we'll be out there to take another look at it in two weeks. I would like to make a motion to table this application and we'll do what we need to do to get these issues resolved so we can vote on this.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

MS. MOORE: So let me know if you want something from us, because, at this point, I think the application pretty much speaks for itself. There is really not very much -- sorry, have you voted yet?

TRUSTEE BERGEN: Yes, we voted to table.

MS. MOORE: Okay, thank you.

TRUSTEE KING: Okay, number five, Fairweather Design Associates on behalf of **DAVID MOORE** requests a Wetland Permit and Coastal Erosion Permit to cut back the non-permitted bluff side deck 16', lessen the amount of decking that approaches the bluff and redirect the roof and deck run-off to the landward drywell. Located: 21075 Soundview Ave., Southold.

This was found consistent with LWRP. And the Conservation Advisory Council voted to support the application. The CAC observed a four-inch pipe running through the bulkhead. And there is a lack of detail on the plan with what currently exists on the property. There is also a question about the legality of the existing boat lift on the bulkhead. Those are the comments from the Conservation Advisory Council. And we questioned that drain pipe, what it was, what it was doing.

TRUSTEE GHOSIO: Lots of drain pipe there.

MS. MARTIN: My name is Amy Martin, representative of David Moore from Fairweather & Brown in Greenport. We are here for the as-built deck, and there was drain pipe that was running through when Costello replaced the stairs to the bluff. We are in the process of trying to -- and what we ended up at the ZBA, and you had, I had met you at site and you had recommended cutting back the deck nine feet. We went through the Zoning Board of Appeals and due to the fact that there was a lot of lot coverage involved and they felt we needed to cut the deck back to only eleven feet from the house. So we are cutting the deck back 16 feet. It's not actually going to be cut back, it has to be replaced. It's already like ten years old and he wants to totally replace it, but to the eleven feet that has been allowed by the ZBA.

As far as I understood, the drainage had been redirected to drywells in the driveway. I don't know what is running down, all the extra pieces of irrigation pipe. Um, I will find out from the contractor what is going on there. Because I was told all of that was being redirected to drywells that are in the driveway, and we went through the whole process of the, all of the property's runoff with the ZBA and are drainage plan was approved by the town engineer as far as every bit of runoff will be directed to drainage facilities.

TRUSTEE GHOSIO: When we went out, the drain line goes all the way down, follows the stairs and it connected to the bottom of the stairs and runs down to the beach. We couldn't figure out what that was either. That's what all these pictures are of.

MS. MARTIN: That's new since I was there. Other than to check that the sign was still there. I don't understand that at all. I know that everything will be redirected to the proposed drywell.

TRUSTEE KING: It has to be to meet the code.

MS. MARTIN: Yes. And that drainage plan was calculated by Rob Brown and Jamie Richter has approved that. So I know once we go forward everything will be properly taken care of. And in the meantime I'll make sure everything is taken care of. But on the whole, you were much more lenient than the ZBA. So we are tracking it way back.

TRUSTEE KING: We noticed when we went out in the field, what happened here. I don't think there were any other issues other than the drainage. We felt that there has been an improvement. The boat lift, I don't know how to address that at all.

TRUSTEE BERGEN: If it's not permitted it would have to be removed. Or applied for to be permitted.

MS. MARTIN: I'm thoroughly confused because, you know, I know they know it's not allowable. And I was told it was being redirected landward.

TRUSTEE GHOSIO: It's right here, I don't know if you can see it in the picture.

MS. MARTIN: I don't know if they thought that was a temporary fix.

TRUSTEE BERGEN: Oh, no, we are talking about a boat lift.

MS. MARTIN: Oh, I don't know about that. I don't do boat lifts.

TRUSTEE KING: The CAC brought it up as a concern. It's landward of the bulkhead. It's just used to lower a skiff down to the beach. It should have been put in the bulkhead permit by rights. Maybe they should amend the bulkhead permit to include that. I think that's what I would recommend. Amend the bulkhead permit to have them apply for that boat lift that is on that bulkhead. That would be better than trying to tie it into the house on the application.

MS. MARTIN: I'll redirect that to the Costello's. If he remembers his name. Right now he's not remembering his name.

TRUSTEE KING: Any other comments on this application? Anybody else?

(No response).

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, and the drainage will have to meet 236. The drywells are indicated here. And all those pipes we observed in the field will have to be removed.

TRUSTEE GHOSIO: I'll second.

TRUSTEE KING: All in favor?

(ALL AYES).

MS. MARTIN: Thank you.

TRUSTEE BERGEN: Number six. Amy Martin on behalf of **ISLE OF CEDARS, LLC** requests a Wetland Permit and Coastal Erosion Permit to lift dwelling 24" (3 courses of cement block); add 14'X 6'9" addition to front bedroom; add 7'X 10'9" front entry and 12'6"X 19'4" screened in porch to west end of dwelling; cathedral the roof; interior renovations; new windows, siding and roof; and replace the seaward side deck in kind. Located: 2450 Peter's Neck Rd., Orient.

The Board did go out and looked at this. It was found consistent under the LWRP with a recommendation that a natural vegetative buffer be established between the beach and the lawn. And the Conservation Advisory Council resolved to support the application with the condition all leaders and gutters go into drywells. In other words to meet Chapter 236.

Is there anybody here to speak on behalf of this application?

MS. MARTIN: Amy Martin of Fairweather & Brown, Greenport, 205 Bay Ave. This is an application to renovate a house that basically the Isle of Cedars in the Latham family and they bought this house from other family members estates. And the purpose is basically to, hopefully, I guess, improve the house so that some of the kids will bring grandchildren home when they have them.

TRUSTEE BERGEN: That's won't be a condition of this permit.

MS. MARTIN: No. It's basically to keep the house in the family and to improve it. So it, the permit includes raising the house three blocks higher, about 24 inches up, to get it higher off, for future flood problems. And they're replacing the windows, they're adding three small additions, one including the porch on the west side, but everything else is on the road side. We have shown site plan with all of the Chapter 236, I believe, is all the drainage, I believe, for all the structures and the driveway and everything on the property. And since we applied, we had a meeting with the client and they have now decided to ask for a dormer. So I'll hand this out. There will be a dormer on the east wing, a proposed dormer on the east wing of the bedroom end of the house. And this is just to be able to put a second story, to increase it one bedroom and have a second story on the east wing. It doesn't change the footprint in any way, shape or form. It doesn't do anything more than, other than the fact that now instead of just replacing the shingles on the roof, basically the whole roof will be replaced because the peaks on each end will be a little higher, and they want some attic storage between them. So again we are not changing the footprint except for those that we already applied for and we just wanted you to be aware there is more demolition to the roof than we originally stated. We don't want to be one of those that comes back and says we are doing more.

TRUSTEE KING: You said demolition. That's a scary word.

MS. MARTIN: We are taking the roof off and basically raising the

whole roof a little bit.

TRUSTEE BERGEN: The concern that the Board did have out there in the field was, because we looked very closely at these plans and we saw how many walls are coming down and what is staying. And we are concerned that this not turn into a demolition. If you were here earlier this evening you saw the challenges that this Board faces when permittees who are granted a permit for renovation turn it into a demolition. So we are just asking, please, if it's going to turn into a demolition, that they stop the work and they come in to the Building Department and the Trustees to apply for the appropriate amendments.

MS. MARTIN: They are really, there really are only three places, with the exception of the roof, that there will be, where walls will change. That's the small addition on the roadside bedroom, the entry location is changing to the further west, and have a little vestibule so you are not walking right into the living room. And there will be a foundation under the screened in porch on the west end. And the deck will have to be replaced because it will now be higher. And that's in the application. Inplace, same size, with cedar. It's not, there is no, the house has very good integrity. It has a very good foundation. And they are just trying to make sure that there is no future flood problems. It will have flow-throughs, there will be no mechanicals in the basement. It's, you know, they just want to make the maximum out of the house while they are doing the work rather than later have one of the kids say, oh, we need another bedroom upstairs, so. But we'll, if we decide that it has to be a demolition, we'll come to you first. After we talk to the Building Department.

TRUSTEE BERGEN: Thank you. The LWRP recommended and established buffer and I know going out there and looking at the site, we looked at the pictures, there is already a wooded natural area in front of this house going to a bank. So myself, personally, I feel there is already a natural buffer there and I would ask, just ask that wooded natural area which is depicted as wooded natural area in the plan, remain as a non-turf buffer.

MS. MARTIN: The owners have lived in the house next door for several years and they know that every storm, the dunes and the beaches change there, and they are very, very careful of the environment. So I know they will, they are not people who fertilize. Everything is natural. And that they will do, you know, respect the environment, in the same way.

TRUSTEE BERGEN: With regard to the change of the scope of the project, with the addition of the dormer, it's my feeling and I'll look for the feeling of the rest of the Board here, that since the dormer is staying within the footprint of what has been applied for, that I don't think that will effect this permit here tonight.

TRUSTEE KING: No.

TRUSTEE BERGEN: I just wanted to check with the Board on that.

MS. MARTIN: I'm not sure if your plans show it, but with the DEC, the fact there was also the freshwater wetlands to the

east, we are hay baling both perimeters. And they had a lot of storm damage to trees there, in the last wind storm. Those were not trees they wanted to take down. Those were trees that were knocked down and they plan on reforesting that area. They don't want to see the houses, they want them to be separate. So we'll be doing a very natural planting.

TRUSTEE BERGEN: What I've done is marked this plan you have provide with us tonight, dated and initialed it here, so that we'll go with that plan because you also have, it shows the dormer on it, and it also shows the location of the staked hay bales, both to the east and to the south.

MS. MARTIN: Okay, and we will also submit, this plan actually was just drawn this week, it's not even on the computer yet. So I'll submit the new plans when it's on the computer so you have everything for your records. Thank you.

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

(No response).

Not seeing anybody, any other comments from the Board?

(No response).

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 Amy Martin on behalf of Isle of Cedars LLC, as per the plans submitted this date and conditioned upon receipt of new plans that will depict the dormer as well as the hay bale line and that with the condition that what is marked as wooded natural area be maintained as a non-turf buffer.

TRUSTEE BREDEMEYER: Second.

TRUSTEE BERGEN: And this was found consistent under the LWRP.

TRUSTEE KING: All in favor?

(ALL AYES).

WETLAND PERMITS

TRUSTEE DOMINO: Under Wetland Permits, **JOHN & MARIE SHACK** request a Wetland Permit to repair an existing 3'X 40' catwalk, replace 3'X 7' stairs from bulkhead to dock and replace damaged 3'X 3.5' stairs from dock to beach. Located: 1265 Shore Dr., Greenport.

The LWRP found this to be exempt, and the CAC voted to support this application. The Trustees' field inspection found it to be straightforward with one comment: A modification of the stairs up and over the, for access to the public, that there be stairs left and right of the dock. Is there anyone here to speak to this application?

MS. SHACK: Hi, Marie Shack, 1265 Shore Drive. And I think it's pretty straightforward. I'm just here in case up have any questions. I have absolutely no problem with putting stairs on either side. A lot of times the kids will come from Silver Sands and walk along the beach and go out on the dock, and, that's fine.

TRUSTEE DOMINO: Is there anyone else here to speak to this application?

(No response).

Any comments from the Board?

TRUSTEE KING: It's just untreated decking on the dock.

MS. SHACK: Right, we'll use through-flow untreated decking.

TRUSTEE DOMINO: There are no further comments, I'll make a motion to close this hearing.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

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

TRUSTEE GHOSIO: Wait a second, I'll put a stipulation in there it's to be non-treated, flow-through decking. Non-treated lumber, flow-through decking and stairs on either side.

TRUSTEE DOMINO: Thank you. I'll make a motion to approve this application with the use of non-treated lumber and stairs on either side.

TRUSTEE BREDEMEYER: I'll second that.

TRUSTEE KING: All in favor?

(ALL AYES).

MS. SHACK: Thank you. Good night.

TRUSTEE GHOSIO: In our number two, Re, Nielsen, Huber & Coughlin, LLP on behalf of **T-MOBILE NORTHEAST LLC** requests a Wetland Permit to maintain and upgrade public utility wireless telecommunications antennas on an existing electrical transmission pole and related equipment on the ground. Located: 69685 Route 25, Greenport.

The CAC did not make an inspection therefore no recommendation was made. LWRP finds it to be consistent with the LWRP, with no further comment. I did go out and take a look at this. It's very straightforward. This is a slight renovation being done to a T-Mobile transmission line and pole. It's in a small, fenced in area. They are going to be adding a piece of concrete. The only reason it's even in here is because it's within a hundred feet of a designated wetland. But there is really no wet areas. It's just because it has specie indicators. It has no impact on anything, and I'll just recommend approval on this. So unless there is anybody here who would like to speak against this, 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.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next, Costello Marine Contracting Corp., on behalf of **ALISON BYERS** requests a Wetland Permit to construct 630' of low-profile 1.5 to 3 ton rock revetment and backfill void area landward of revetment with clean trucked-in sand (approx. 500 to 600 cy.); revegetate areas with Cape American

beach grass; realign collapsed existing deck and reinstall existing stairway to beach; repair all as needed; and realign collapsed section of wood walkway and repair as needed. Located: 10335 Nassau Point Rd., Cutchogue.

This area was absolutely devastated by several of the last storms we had. The Trustees viewed the site and did see all this damage and undercutting and loss of a huge amount of natural sand barrier beach. The LWRP deems this project consistent with the town's LWRP. The CAC voted to support the application. The Trustees felt that this was very straightforward and necessary at this time given the conditions we encountered on the inspection.

Some questions the Trustees had about access for the construction activities. Anyone here who wishes to speak on this application?

MR. COSTELLO: Yes. My name is John Costello. And we are the agents for Alison Byers on this application. And the only questions that access, there was access through the property, actually you can almost see, there is one spot, they took the trees down and they had one little roadway to the beach, at one time. And they took it and revegetated it and put in the pine trees right back. So there was a path, you go to the upland portion of the site, there was a couple of spots that we had access. When we built the bulkhead on the east side, we did the same thing. We cut a road down and revegetated it on the way up and finishing the job. It will have to be done here only because there is so much footage that you want to try to use one area, and we would use the same area that was used previously. And they brought in fill previously. And the fill is gone. And that would be the access.

TRUSTEE BREDEMEYER: How does the DEC feel about the structure in this area?

MR. COSTELLO: I think we might even have the DEC permit already, on this. Because it's well above the Spring High Water Mark. And actually the adjacent neighbor to the north of them has a DEC permit for a revetment, and putting fill on the beach. The fill will not last very long, you know, but we will be covering some of the rock because when we excavate into the beach we'll have probably some of the fill, and we'll place it amongst the rocks and hopefully behind filter cloth. That's all. So you don't lose it again. I mean any other questions, I'll attempt to answer them.

TRUSTEE BREDEMEYER: I don't think so. I think the Board felt it was straightforward and met the needs of the site and it's consistent. Any additional questions?

(No response).

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

MR. COSTELLO: One of the things in the application, I don't believe we specified this but you can see on the photograph, there was a little deck area there that has fallen in and we are told don't even bother to replace it, save some of the solid blocks.

TRUSTEE BREDEMEYER: Stone.

MR. COSTELLO: And do it after the revetment, because it will

keep eroding. Just by naturally drying out and seeking its angle of repose, the time to repair is upon conclusion. We would level it where you see the concrete patio blocks and that deck will be re-leveled and the posts put in a little more sufficient than they were.

TRUSTEE BREDEMEYER: All right, hearing no further comment I'll make a motion to close the hearing in this matter.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

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

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Number four, Suffolk Environmental Consulting, Inc., on behalf of **PORT OF EGYPT** requests a Wetland Permit to install new pavement within the central portion of the property; repair/reconstruct sidewalks and decking within the southeastern section of the property; install native perennial grass plantings within an area on the southeastern section of the property; and add Eastern Red Cedars within a planted garden area along the southerly section of the property. Located: 62300 Main Rd., Southold.

This was a holdover from last month, if I remember right, because of neighbor notification. We all went out and looked at it last month. It was found consistent with the LWRP. The Conservation Advisory Council resolved not to support the project because the parking area should be a pervious surface. Is there anyone here to speak on behalf of or against this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting, for Port of Egypt Enterprises. You were out there, you saw how rutted the surface was a concern here as we have trucks coming in and out. We have been unable to maintain any kind of stable road base which is appropriate for a commercial site. When you were out there you'll notice that the circulation pattern as you enter what used to be the showroom adjacent to Albertson, and you come around in a counterclockwise direction, it's a one-way street that loops around the parking area. The easterly side of that loop is already asphalt. Also, when the parking lot was last improved, grading was already provided for the parking area. So that grade was already in place. The CAC's comments are not adverse to what we are doing because we are maintaining the parking area as gravel surface. It's simply to provide a loop surface through the site. So you would park either to the east or the west, like you currently do, if you are going to the fish store or what have you, that will remain parking, gravel paving. The width of the pavement is typical 24-foot wide aisle width, which is planting standard for this type of, or any type of operation. So this is really should be a pretty

straightforward application. So the parking areas will remain gravel, so we are not in variance with the wishes of the Conservation Advisory Council. There will also be some native plantings that were proposing on your plan. We want to reconstruct sidewalks and decking, we want to reconstruct the entryway into the fish store because it's not level and it's not safe. And we want to repair the handicap ramp to the back of the building, which I think is all straightforward items. Other than that, I'm here to answer any questions you may have.

TRUSTEE KING: I don't think we had any issues. We went out and looked at it. I think if anything it's an improvement to the site. Anybody else? Any other comments?

(No response).

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.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Suffolk Environmental Consulting, Inc., on behalf of **BARBARA KLEIN** requests a Wetland Permit to construct a 4'X 106' elevated catwalk secured with twenty-eight (28) posts @ 6", a 3'X 15' hinged ramp and a 6'X 20' floating dock secured by four (4) pilings @ 8". Located: 320 Broadwaters Rd., Cutchogue.

The LWRP found this to be inconsistent on March 14. The Conservation Advisory Council voted not to support this application. The concerns were the seaward end of the dock was not staked at that time, the dock extends beyond the pier line of the neighboring docks, and they question the legality of the chainlink fence.

The Trustees' inspection, this is a holdover. We had suggested moving it landward as much as possible.

Is there anyone here to speak to this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting. I'll hand out some revised plans. When we were here last month, what we discovered was the seaward edge of the dock was in fact staked. We also resolved to make it consistent, I thought, with everyone's concern, by turning the float 90 degrees. So the plans before you do that. And that brings it in line with the pier line. So that was what was discussed and that was the requested amendment. In addition to that, there is discussion about the fence. I don't have it with me but I have it back in the office. But the fence was existing at the time the property owner purchased the property back in 1987, and I have a survey to show that. Nevertheless, the fence was over the property line encroaching to the property to the east. And so we prepared a plan that would relocate the fence back 50 feet from the high

water mark from its present location, which we hope resolves that issue. So I think these plans address all the issues and concerns that were raised last month.

TRUSTEE DOMINO: Is there anyone else here to speak to this application?

(No response).

Any additional comments from the Board?

TRUSTEE KING: These are six-inch piles? Is that what they are?

TRUSTEE DOMINO: 28 six-inch posts.

MR. ANDERSON: The float is secured by eight-inch piles.

TRUSTEE KING: The rest is six-inch, I hope.

MR. ANDERSON: And the rest of the catwalk is six-inch piles.

TRUSTEE DOMINO: Hearing no other comments, I make a motion to close this hearing.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I would make a motion to approve this application as per the new plans.

TRUSTEE BERGEN: We need to address the inconsistencies in that motion. I would recommend including in the motion with the reconfiguration of the dock and the relocation of the fencing this would bring it into consistency under the LWRP.

TRUSTEE DOMINO: The motion is to approve the application as per the new plans that shows the reconfiguration of the dock and moving the fence landward to address the --

TRUSTEE KING: Mike, I hate to interrupt you. Any interest in open-grate decking on that rather than timber decking, over the wetland area, in particular?

MR. ANDERSON: I don't have an issue with it. The plans could be revised accordingly.

TRUSTEE BERGEN: From the most landward part of the dock through to at least past the low water mark; does that sound right?

TRUSTEE KING: Yes, we have been leaning in that direction with all the catwalks over wetland.

TRUSTEE BERGEN: From the most landward part of the dock seaward to the just beyond the low water mark.

MR. ANDERSON: Great. That's fine.

TRUSTEE BERGEN: Thank you. Here we go again. Try this a third time.

TRUSTEE KING: I'll keep my mouth shut this time.

TRUSTEE DOMINO: Okay, motion to approve the application as per the newly submitted plans which indicate a reconfiguration of the dock and moving the fence landward to address the previous concerns and to use open grating from the most landward portion of the dock seaward to just beyond the low water mark. And doing so will deem it consistent under the LWRP.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, Suffolk Environmental Consulting on behalf of **MARY DESETTA** requests a

Wetland Permit to construct a second-story addition and separate lantern addition atop the existing single-family dwelling; reconstruct the existing outdoor shower; abandon the existing septic system; install a new updated sanitary system; reconstruct and raise the existing bulkhead, stairway, hinged ramp and floating dock. Located: 1325 Gull Pond Lane, Greenport.

REVISED DESCRIPTION AS OF 4/9/12

Reconstruct existing timber-sheathed bulkhead into a vinyl-sheathed bulkhead; install two (2) separate returns; reconstruct/repair existing stairway; reconstruct existing hinged ramp and reconstruct existing floating dock. Proposed reconstructed bulkhead will consist of vinyl sheathing and increased in height by 2.3' in order to match existing bulkhead to the immediate north and 40 cy. of clean fill backfilled landward of reconstructed bulkhead. Existing stairway along face of bank will be reconstructed/relocated centrally, existing hinged ramp will be reconstructed into new hinged ramp measuring 3'X 15' and relocated centrally, and existing floating dock will be reconstructed into a new floating dock measuring 6'X 20' and relocated centrally.

The application has been deemed to be exempt under the LWRP. The Trustees on their revisiting the site on the 11th found that the new plans addressed most all the issues that we had previously encountered with the exception there was some discussion that needed on a non-turf buffer. That leads into the comments of the CAC, which go back to the March meeting so that this was, I think a holdover determination that they wanted the dock and bulkhead to conform to the existing Town Code with regard to the square footage, which the new plans address. They wish to have new ten-foot non-turf buffer, revegetation of the bluff with native vegetation, retain the permeable driveway, hay bales and silt fence throughout construction, and retain the storm water runoff on the property. So that would be under the drainage code.

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

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting. When we were here last we produced a grandfathered application for a 6x30' float, and the discussion came to that we would nevertheless have to reduce this to a 6x20' float. Now, part of that discussion had to do, and you know when you were down there you see some rather large boats in this area. And we discussed the possibility of putting in a tie-off pile. Unfortunately the pile was omitted from the plans but it was under discussion and my understanding is since we were reducing from 30 foot to 20 foot float, we would be able to put in an additional tie-off pile. So I have revised plans that reflect that pile, that give the same mooring capability that the 30 foot dock would have, consistent with our discussions of last month. So I would like you to consider that in this permit. If for some reason it can't be done, then I would ask you just to vote on the

improvements as applied for. It's just the addition of that tie-off pile, you'll see that page two of four.

TRUSTEE BREDEMEYER: It's pretty much inline with the dock.

MR. ANDERSON: I believe everything else is addressed in this application.

TRUSTEE BREDEMEYER: I believe everything else was addressed other than coming to terms with the extent of the non-turf buffer.

MR. ANDERSON: Well, we have, you know, there is a walkway directly behind the bulkhead. And there are steps that lead to that walkway. And what I would suggest is that simply all disturbed areas below the top of the bank be vegetated with native vegetation. I think that would probably do it. Because that will have to be done anyway.

TRUSTEE BERGEN: Bruce, we had a concern out there, given how sharp this bank is, and the distance from the proposed construction to the top of the bank, if maybe helical screws could be used instead of excavating that bank out for deadmen. Our concern also has to do with the trees that are immediately on top of that bank. We are just concerned that if you excavate the deadmen, those trees will come down and will have to be sacrificed. Then you are compromising the integrity of that bank. You can see in this picture just how steep that bank is. There has already been trimming down on this bank and we are just concerned that bank will just collapse.

MR. ANDERSON: Well, I think that's a legitimate concern. And in response, right now we are showing the lay logs back down, they show an excavation of the top of that bank, and you'll see on page two of four, you'll see that the lay log deadmen are at the top of that bluff, actually slightly above it. So the excavation is proposed. Now, this is something the contractor recommended and so I do understand what you are saying. It seems to me it could be done either way or the laymen could be set such that they are not landward of the top of that bluff and it would accomplish the same thing. So maybe the way to approach this is either/or. In other words either the lay logs be not landward of the top of the bank or helical screws be inserted in its place. Then what I would do is just consult with the contractor and bring back plans consistent with one of either alternative. I do know what you are saying, because you can see it right on plan 2-4.

TRUSTEE BERGEN: Thank you. For me I think it could work. I don't want to speak on behalf of the rest of the members of the Board.

MR. ANDERSON: You can see the way it's laid out, they are going ten feet back and just immediately adjacent to the stairs on either side, the bluff face is actually closer to that. So this plan envisions an excavation of the top of that bluff, which I think is what you are talking about.

TRUSTEE BERGEN: And the subsequent loss of the trees. You can see that one tree, I don't know how it would survive if you excavate to the top of the bluff. That tree would go, that is in that picture.

MR. ANDERSON: I agree.

TRUSTEE BREDEMEYER: Any other questions concerning this application? Any other comments?

TRUSTEE KING: I think if they go with the lay logs they should show us the contour of the new bluff they would be creating because you know that's going to change dramatically.

TRUSTEE BREDEMEYER: Have a new angle of repose.

TRUSTEE KING: That's ten, almost 12 feet back in from the bulkhead. So you know that will be a big change. They might even need a retaining wall or something, after they do the construction. I think there will be a big change there because of the lay logs.

MR. ANDERSON: I'm agreeable to that. I'm just at a loss because I would like to sort of resolve this this month. Um, and I want to be able to consult with the contractors that build this.

TRUSTEE KING: I don't have an issue moving forward with it as long as we can see if they decide to use lay logs to show us a profile of the finished job.

MR. ANDERSON: And limit it so it would be seaward of the top of the existing bluff I think is what I'm hearing.

TRUSTEE KING: If they can do that. If that's enough support.

MR. ANDERSON: The contractor might say the helicals are better because you get to go further in.

TRUSTEE KING: Okay. With a lot less disturbance.

MR. ANDERSON: Now helicals are also more expensive.

TRUSTEE BREDEMEYER: If we get a revised plan indicating --

MR. ANDERSON: I'll give you one or the other. I'm just going to carefully write it so I know what I'm doing.

TRUSTEE BREDEMEYER: And maybe the construction method showing the planting plan on the new slopes that are created.

MR. ANDERSON: So you want a vertical profile of the bluff with deadmen, lay logs seaward of the top of the bluff or helical screws.

TRUSTEE BREDEMEYER: Any further comments?

(No response).

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

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve this application subject to a plan depicting the lay log installation seaward of the existing bluff line or the use of helical screws profiled through the new slope showing the use of native vegetation. I think that covers it. So moved.

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BERGEN: Number eight, Suffolk Environmental Consulting, Inc. on behalf of **JOHN PITMAN** requests a Wetland Permit to demolish and remove the existing one-story dwelling 1,020 square feet and appurtenances 230 sf., and construct a new two-story dwelling 1,050 sf., front porch 70 sf., rear deck 130 sf.,

abandon use of existing cesspools and install a new sanitary system and install two (2) drywells. Located: 1100 Ruch Lane, Southold.

This was reviewed under the LWRP and found to be consistent with the recommendation of a landscape buffer or non-turf buffer to be included. The CAC resolved to support the application with the condition of a 15-foot non-turf buffer landward of the embankment and the PVC pipes coming out of the bank are removed. The Board did go out and looked at this. Is there anybody here to speak on behalf of this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting. I'll hand up revised surveys that show the buffer that actually extends ten feet landward of the existing deck, which I think exceeds what the CAC is requesting. The reason why it is there is because that is what covers the bluff up to where the flag pole is. So that overall distance is, I don't know where you measured it from, but from the wetland boundary, at least, would be as per plans approximately 30 feet.

So we have a house. We'll demolish the house. We are going to build a house of almost identical size on its existing footprint. It will be a modular home. This has an interesting little quirk to it because if you look at your survey you'll see there is an existing cesspool that is down on the common property line between this property and the property adjacent to it and west of it owned by Spotis (sic). These homes in this area were built many, many years ago, probably in the '30's and '40's, maybe '20's. And Dr. Pitman's father is out there, who is 103, and had been there his entire life and he had purchased that home. So what is going to have to happen is we'll disconnect from that existing septic system, but the adjacent neighbor still has rights to use it. And our septic system will then be placed landward out of your jurisdiction up by the road, and the house will be connected to public water. So you should take note of that. There is nothing I can do about that. Generally we remove cesspools so situated. But in this case, it's not an alternative for me.

TRUSTEE BERGEN: And I do notice on this new survey you submitted tonight, the inclusion of a hay bale and silt fence line. Because we had also discussed that out in the field, so thank you very much for the inclusion of that. And they put in a non-turf buffer and also, on the new survey, is the flagpole is depicted so we'll be sure to permit that in with this application. I think that was it from us.

Is there anybody in the audience who wanted to speak for or against this application?

(No response).

Any other comments from the Board?

(No response).

Not hearing any, 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 Suffolk Environmental on behalf of John Pitman as described, and as per the survey submitted this evening, with the inclusion of the hay bale line, silt fence line, non-turf buffer, the inclusion of the flagpole, and that the existing septic will be disconnected and located so the new septic system that will be outside of our jurisdiction. With that it is consistent under the LWRP. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE KING: Number nine, Patricia C. Moore, Esq., on behalf of **JOSEPH & HEIDI BATTAGLIA** request a Wetland Permit to construct a 4 X 68 fixed dock elevated a minimum of 4' above grade; install a 3'X 15' seasonal ramp; and a 6'X 20' seasonal floating dock. Located: 2100 Hobart Rd., Southold.

I believe this was tabled from last month because we wanted to see it restaked.

MS. MOORE: Right. It was staked, the width of the float was staked, exactly. Um, just for your own information, this particular lot, Mr. Battaglia, the town asked Mr. Battaglia to grant the town a 50x168 drainage easement. So he, I think, you know, when this comes to government, we have amnesia sometimes on the good things that are done by the property owner. He gave the town this easement. The town engineer requested it. And while the town had to buy it, it would have been a very expensive portion of property to buy. But Mr. Battaglia shook hand with Mr. Richter and said, okay, he would give him the land for future drainage. So there is, he's participated throughout this whole process in a way of, you know, environmentally appropriate way, and this particular piece of property has a drainage easement being given to the town. So I want the record to reflect his contribution to the town and the environment. So. Aside from that, this dock is a standard dock. It has all the permits already from the DEC, the Army Corps and Department of State. So you are the last permit.

TRUSTEE KING: It was found inconsistent with the LWRP.

MS. MOORE: I don't know why, since it meets the code's regulations.

TRUSTEE KING: He just asked questions on public use of the waterway. The opposite shoreline has not been provided correctly. I don't think that's an issue here.

MS. MOORE: No, not at all.

TRUSTEE KING: 2'9" feet of depth at the terminus of the dock. What's the expected draft of the vessel. Insufficient load depth could result in bottom scarring, turbidity and loss of marine species. Coastal vegetated sea grass; I don't believe there is any vegetated eel grass there. High probability of commercial valuable shellfish species occur at the proposed location. I don't think this Board has any knowledge of whether there is a

lot of shellfish there or not. I don't know myself, personally.

TRUSTEE BREDEMEYER: That's a real question if you can have, ever have permitted status shellfish anyway because of the residential nature of the neighborhood.

TRUSTEE KING: Those are the reasons, basically. I have highlighted them. I think there was a letter in the file from the neighbor who was not happy with it.

MS. MOORE: That neighbor is not actually even affected because it's on the opposite, it's on a separate piece of property, I guess south, south of the vacant lot.

TRUSTEE KING: That would be to the north.

MS. MOORE: Yes, their north. Yes

TRUSTEE KING: The Conservation Advisory Council moved to support it with the condition the application is within the bounds of all town codes.

We went back out and looked at it. It looks like the stakes were put a little closer together. I don't think we have any real issues with it. It's pretty straightforward. Was this proposed open-grate decking or?

MS. MOORE: Good question.

MR. BATTAGLIA: Unless we really need to use it. But there is no vegetation on it.

TRUSTEE KING: It's not going across a lot of wetland. It would just be untreated lumber.

MR. BATTAGLIA: Right.

TRUSTEE BERGEN: What I was thinking is if it was open-grating used from the landward start of the dock to the low tide mark, that could address the inconsistency and bring it into consistency under the LWRP. It would help to do that.

MS. MOORE: That's not a problem.

TRUSTEE BREDEMEYER: And that creek does have some sections that are in flux with the Spartina coming and going.

MS. MOORE: It's not a problem. I mean the DEC doesn't really care, so.

TRUSTEE KING: They have been proposing the open-grate. I'm surprised they didn't request it. There is really no vegetation there to worry about.

TRUSTEE GHOSIO: What's the height at the beach?

TRUSTEE KING: Four feet.

TRUSTEE GHOSIO: Do they need stairs on either side for public access?

TRUSTEE KING: I suppose we could do that. Maybe have steps up and over on either side of this for public access.

MS. MOORE: You don't have a problem with that?

MR. BATTAGLIA: My plan was to see where the dock ended up landward and then we'll see if there is enough room for public access. Because I think there is a sufficient amount of room. If there isn't then we'll provide two steps probably on each side, or whatever is necessary to follow the code.

MS. MOORE: If you want to put it in the permit we'll provide public access, either by land or by steps, then we'll just,

we'll do it, so.

TRUSTEE GHOSIO: That works.

MR. BATTAGLIA: Not many duck hunters left.

TRUSTEE BREDEMEYER: Maybe I should come down.

MR. BATTAGLIA: Any time. Let me know, I might join you.

TRUSTEE KING: Anybody else? Any questions from anybody?

Anybody in the audience? Any other comments?

MR. FRIESE: Good evening, ladies and gentlemen. My name is Paul Friese, I live at 1580 Hobart Road, Southold. This is my partner Andy Siems (sic) is the one that submitted the letter of objection to this dock. Actually are we are not in objection to the construction of this dock so Mr. Battaglia may have full enjoyment of his waterfront property, however we would request there be the proviso that the dock that is existing now on the vacant property between his built-upon property and our property be removed. Because at this time, because it's in the Town Code, accessory structure cannot exist on a vacant lot. And Mr. Battaglia's choice to subdivide that property he then created a vacant lot and now there is an accessory structure that is there that doesn't belong there. And I'm fully aware there is intense litigation going on regarding that structure.

The other thing that I would like to bring to the, remind the Board of, is that in previous meetings, particularly with the structure that is on the vacant north wooded property, when it came up that it was potentially Mr. Battaglia might repair or replace this dock, he was given clear edict that if he did so he would have to do this in order to bring it up to code. And it's obviously clear that he did. So what I'm concerned with, and in addition to which there is a stone revetment on his southern property, which as you know, was given permission for 75 feet then turned into 90 feet. I don't know what the upshot of that is either, but this brings to mind, um, what is said and what is done. And I would just request that the Board kindly keep in mind due diligence might be involved on their part to ensure that what is said and agreed to here is actually performed in the field. Thank you, very much, for your time.

TRUSTEE KING: Anybody else?

MR. BATTAGLIA: Can I say one thing, please. That rock wall was brought down to the appropriate size two days after the meeting. I did provide two letters with the Trustees and with the town. Weather it was on my favor that week, so the native planting was all re-addressed and the screening and everything was brought into specifications.

TRUSTEE GHOSIO: We did confirm that when we were in the field.

TRUSTEE KING: Any other Board comments?

(No response).

I make a motion to close the hearing.

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

I'll make a motion to approve this dock as applied for with the

condition of public access being addressed either by walking around it or up and over it with stairs. Open-grate decking out to the low water mark. I think that brings it more into consistency with the LWRP. There are other docks in the same area. And I would also, there is a lot of aggravation with this whole thing with the other empty lot. I would stipulate we won't release this permit until the other dock is brought into conformance with the Town Code as it is now, four feet wide. That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

MR. BATTAGLIA: Thank you.

TRUSTEE KING: Number ten, Patricia C. Moore, Esq., on behalf of **ROBERT LONGO** requests a Wetland Permit to demolish the existing dwelling and construct new dwelling within the existing footprint. Located: 220 Sound Ave., Peconic. **NON-JURISDICTION** We checked it out in the field and it is out of our jurisdiction, so we'll give them, submit a letter for them of non-jurisdiction.

TRUSTEE DOMINO: Number eleven, Amy Martin on behalf of **PETER & MARY KORNMAN** requests a Wetland Permit to remove the as-built platform with replace with a 4'X 14' walkway with handrail and 12'X 20' on-grade patio beginning 12' landward of existing platform/walkway. Located: 1077 Bay Home Rd., Southold.

The LWRP found this to be consistent. The Conservation Advisory Council resolved to support this application. The Trustees field inspection found this to be straightforward and all okay. Is there anyone here to speak on behalf of this application?

MS. MARTIN: Amy Martin of Fairweather & Brown, 205 Bay Ave, Greenport. As you know, this was rebuilt without permits. We are interested in taking away the platform that had the benches on it and we are asking for this just enough of a walkway to get across the revetment with a handrail as one of the owners has a serious back problem and needs the stability factor of being able to hold on and getting to the beach. And doing as little as possible in the walkway across that and having the brick or rock in sand area to have a table and chairs for summer enjoyment, further up from the beach, I believe 12 feet from the current end of the existing platform there.

TRUSTEE DOMINO: Is there anyone else here to speak to this application?

(No response).

Are there any comments from other members of the Board?

TRUSTEE BERGEN: I think when we went out in field where it's proposed to be moved looked fine.

MS. MARTIN: Okay, when he re-built, when the contractor rebuilt he obviously used the wrong lumber. And the stringers are allowed to be CCA? Or do they also --

TRUSTEE KING: The stringers can be CCA.

MS. MARTIN: And the decking has to be -- okay.

TRUSTEE KING: The structural parts can be the CCA.

TRUSTEE DOMINO: Hearing no other comments I'll make a motion to close this hearing.

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

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

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

MS. MARTIN: Thank you.

TRUSTEE GHOSIO: Number 12, Creative Environmental Design on behalf of **NICK ANDREADIS** requests a Wetland Permit to install a 1,570 sf. Permeable patio with drains leading to existing drywells; install a set of stairs on either side of existing pool at first floor level down to grade level; place silt fence and hay bales on south side of property during construction; remove all Poison Ivy and replant with native plants; remove selective trees to allow for further growth of healthy trees and plants; place permeable brick path on existing 72'X 3.5' wide dirt path; and add a 4'X 24' catwalk on the landward end of existing catwalk. Located: 700 North Dr., Mattituck.

TRUSTEE KING: For the record, I'm abstaining from this application. The property, the adjoining property to the north belongs to my sister and brother-in-law, so I'm staying out of it.

TRUSTEE GHOSIO: Essentially this is an application to put a set of stairs on either side of an existing pool on the first level and to remove some Poison Ivy and put in a path. The LWRP finds this to be inconsistent with the LWRP because the Board established a non-turf buffer along the 18-foot contour line, so the action is to remove all Poison Ivy and replant with native plants, remove selected trees, et cetera, would not be allowed. The Conservation Advisory Council resolved to support the application, with no further comment. I'm not sure if the Conservation Advisory Council realized there was a non-disturbance buffer established on the original permit. There is a rather lengthy letter that was submitted and received on April 18th, which of course was today, from the neighbor, the Grudman's (sic). That in no way, shape or form are they in support of this application. And they do have numerous reasons for that, which I won't read into the record, but we'll note that it's there and it's in the file.

As you know, we all met with you out there on site, so, if there is any, if you would like to make comment on the application, we would appreciate it.

MR. CHICANOWICZ: Dave Chicanowicz, Creative Environmental Design representing the Andreadis'. The deal with the situation that was prior to lists it as a non-disturbance area. I guess this was all about when the house was being constructed originally.

Um, probably without their knowledge, I don't know if they did or not, but there is a lot of Poison Ivy in the area. And it turns out that most of the family is highly contagious. Actually, as you guys were leaving the site visit that day, the son came out and his elbow was completely covered from shoulder right to the wrist with Poison Ivy. And that's definitely one of their major concerns is trying to eliminate the Poison Ivy. Putting down a choice of your plants or whatever you would like to have there, just as long as it's not Poison Ivy. I'm not looking to create any turf in the area. It's completely non-turf area, and would be willing to give a larger non-turf buffer back from the high sloped area, so eliminating any nitrogen leakage anywhere to perform in that particular spot. We did address the drainage issue of the proposed patio, you know, and as far as removal of selected trees, it's just to encourage better root growth of the existing large trees that are there. So we respectfully request you allow us to remove the Poison Ivy, which is really a big issue for this family.

TRUSTEE GHOSIO: Are there any comments or questions from the Board?

TRUSTEE BERGEN: I think down at the -- is this a new plan that was submitted? It's dated April 12. Yes. Okay, because we had asked for, if the path that leads to the dock could be angled slightly differently, and it looks like you have done that. We appreciate that. Thank you.

Myself, with regard to the non-turf buffer, excuse me, the non-disturbance buffer, I heard what you had to say about the Poison Ivy and the susceptibility to the Poison Ivy the children and parents have, and I do realize kids will be kids and will go down there into that area.

MR. CHICANOWICZ: I think there was a comment made by one of the Board, well, if we allow you to clear by the pathway, but, this is a 6th grader and I think a 9th grader, you know, the two kids that, kids are kids.

TRUSTEE BERGEN: For myself, I would be amenable to allow the clearing of Poison Ivy only in this non-disturbance buffer. The challenge we have is we have done this before and then gone out and find additional clearing done after the fact and we have been burned on it before. You know, I don't think ever by a project you were involved in, I'm just saying in general we have had it happen. So that's why I say that. But there is a side of me that, you know, that has been burned on this and really has an issue with it. So I would like to propose to the Board that we do allow the clearing of Poison Ivy only in this non-disturbance buffer, in addition to the scope of the project as described. And just ask, you know, please, tell the applicant, you know, don't burn us on this.

MR. CHICANOWICZ: As far as the removal of the Poison Ivy, would you be amenable to replanting of anything in its place?

TRUSTEE BERGEN: Yes. I think that would be great if there was native species used to replant in there that would help keep the

Poison Ivy from coming back, I think that's a great idea.

MR. CHICANOWICZ: Along with that notion, then removal of some of the smaller saplings. I had tagged specifically numerous trees. Pretty much it was the worst of the worst. Most of them were half dead or had no benefit to that area, and as a landscaper myself, I'm looking to encourage plant growth, keep the slope as healthy as possible, so I was only looking to remove selected trees as needed to allow enough sunlight on that bluff, which is facing east, and is hard to get enough sun in there as it is. So again, we are back into that dilemma where we don't touch anything other than the Poison Ivy and we try to get the native species to grow in a very shady area because of the small saplings that are hiding it from the sunshine, it's going to weaken. The Poison Ivy unfortunately grows very nicely in almost any condition. So again, I'll put that back to you as a possible, maybe there is some middle ground we can find so we allow some of the smaller saplings up to a certain caliper size, allow to be removed, leave the larger trees that were tagged in place, and that way at least we can get some of the new native vegetation to take hold.

MS. HULSE: I just want to talk to the Board. This is indicated in the LWRP. There was established a non-disturbance buffer along the 18-foot contour line. That is a C&R that is filed, so.

TRUSTEE GHOSIO: I have a copy of that here.

TRUSTEE BERGEN: Thank you, I didn't know. I appreciate you bringing that to our attention

TRUSTEE GHOSIO: We have it right here. The C&R was filed, the certificate of compliance with it outlined and highlighted, was given to the property owners. I have to be honest, you know, we have been down this path before. I'm not completely comfortable with it.

TRUSTEE BREDEMEYER: I'm not comfortable with it either. It seems like we locked in a preserve for non-indigenous, entirely undesirable native species.

MR. CHICANOWICZ: So how do we --

TRUSTEE GHOSIO: Well, you know, part of that is learning to live in the country. It's like, you know, ticks, Poison Ivy, Poison Oak. It's, you know.

MR. CHICANOWICZ: How about if we were to at least go back to Mr. Bergen's suggestion as to allow removal of the Poison Ivy, because it is a hazard to their health.

TRUSTEE GHOSIO: How are you going to remove it?

MR. CHICANOWICZ: I haven't a clue. How do we remove it? The Poison Ivy itself there, physically removed. You don't want to be chemically treating that bank. It's too close to the wetland.

TRUSTEE GHOSIO: That's why I was asking.

TRUSTEE DOMINO: My personal feeling is in clearing the Poison Ivy in the non-disturbance zone would not compromise the purpose of the non-disturbance zone, which is to prevent the silt flowing down. So I would not be against that.

TRUSTEE BERGEN: I made that recommendation before counsel had

advised us there is a C&R filed on this property. And given that information, you know, I'm amending my recommendation because that ties us, I believe the C&R ties us legally into what was established there. I mean.

MR. HERMAN: Can I offer a public comment? Rob Herman of En-Consultants. I don't have anything to do with this applicant, but it's one of those situations where I'm kind of sitting biting my tongue. The issue of the C&R's in this town is a more recent phenomenon. We have been dealing with Southampton Town Wetlands Code, C&R's non-disturbance buffers for a long time. And the C&R's that are issued in association with those buffers have all the same purposes and intent as you all do. But the language specifically allows for somebody to come in with a wetlands restoration plan or native vegetation plan where the removal of the species, specific removal of noxious or invasive plants like Poison Ivy is allowed. Because if you take it to never minding the health of the family and all, if you look at a different invasive species, whether that be bittersweet or knotweed or something, there are invasive species that grow up and kill the trees themselves and also contradict the whole purpose of the non-disturbance buffer. So just sort of looking beyond the application that is before you, if the Board feels that a C&R like this for a non-disturbance buffer would lock you in so tight that you couldn't even make a change to the buffer for the sake of the buffer, never mind the property owner, then there is something wrong with the C&R. And I would have to think the purpose of these non-disturbance buffers are not to encourage the propagation of invasive or noxious species that will cause damage either to human health or the ecological welfare of the buffer itself. So I could see from where I'm standing, I don't know if this helps, Dave, I can see why you immediately bristle at the idea of removing saplings because when you start doing that you are sort of countering the purpose of the buffer in the first place.

But as Mike just said, the removal of specific noxious vegetation like Poison Ivy, which is contributing nothing to the buffer, to disallow removal of that just seems to defy all common sense both for public health and safety and the ecology. So if you are locked in by that C&R then there should be some way the applicant can come back and ask the Board to revisit that C&R, because when we write these and we pass them through Lori all the time that these can't be changed except by a vote of the majority plus one, or something like that, of the Town Trustees. So I think, I'm sure Lori will correct me if I'm wrong, I think the applicant can come back in and ask for C&R even to be modified to allow for removal of this one specific plant and have it be replaced by native vegetation that would not harm the people that live there and also encourage the purpose of the buffer in the first place. And I think you would almost have to make that common practice. Because every covenant we file in Southampton has that specific language.

Because someone can come in and want to do a Wetlands enhancement plan and you would say we can't let do you that. Just a thought. Thank you.

TRUSTEE KING: Thank you.

TRUSTEE BERGEN: Lori, is there a legal way a C&R can be amended?

MS. HULSE: It really depends on the language of the C&R. If it's before you here, that's something we can look at. Typically, Rob is right, the ones that I review. But, I mean, I helped create that language. So I don't know if this one was done prior to the template that I have been using or not. I offered the template to the consultants so they have something that is user friendly. However I think the bigger concern is that this application far exceeds what you are describing, Rob, as something that is like, you know, minute or minor. And additionally, there has been, I know of, many situations where they are going to remove one invasive species and end up clearing a lot of what was, you know, thought to be something that you would want to have remain. So I think that as cavalier as Mr. Herman is being about it, I would caution you it should be only in very, very few select circumstances that you would want to do that because the whole point of a C&R is that it's a restriction on the property. So, I mean, it sounds all well and good, but I don't think every scenario will play out that way.

MR. HERMAN: I was not being cavalier at all. I'm not. It's a restriction on the property for a purpose. It's not just for the sake of having a restriction.

TRUSTEE KING: I think she meant it as a compliment, Rob.

MR. HERMAN: No. I'm just saying, I'm not standing up to discuss the C&R's lightly. I'm not dismissing them.

MS. HULSE: You are standing up during this hearing and are you looking at what he's requesting? What he's requesting is far in excess of what you described. And your citing of what the Board does in Southampton is completely irrelevant to this Board. I mean, I appreciate your comments but I feel I need to respond because there is a purpose to the C&R's. And if you start reviewing them and saying we don't need this, we don't need that --

MR. HERMAN: That's not what I was saying.

MS. HULSE: Let me tell you, I have seen a lot of circumstances where more than just one invasive species is removed.

TRUSTEE BREDEMEYER: I think the dialogue is important.

MR. HERMAN: That's why I raised it. I understand Lori has a more sort of tighter field of concern here, and I understand that.

And I'm not disrespecting that. I'm just saying I think sometimes with these restrictions, folks start to lose sight of the greater goal of why the restriction was put in place. The greater restriction was put in place to make sure that people were not clearcutting these areas and turning naturally existing areas that have wildlife values and sedimentation protection values and values for the wetlands in place. They are not put in place so you can grow Poison Ivy.

MS. HULSE: I disagree with you, Rob. It's not to -- this is the

last thing I'll say to this in response. This has nothing to do with clearcutting. You are stating it to the extreme and I'm just trying to reel you in a little bit.

TRUSTEE GHOSIO: There is, this does kind of begs the question when we went out there and we saw this to begin with, and I was involved in that process so I could speak to it. The concern never came up before. And you can't tell me that, you know, everybody who looked at this million dollar piece of property to put up a million dollar house and all the design and everybody who is involved with this, nobody said, oops, there is Poison Ivy.

MR. HERMAN: I don't think people think about that kind of thing.

TRUSTEE GHOSIO: When we tell you you'll have a non-disturbance buffer that can never be touched, as part of the agreement to be able to do the building.

MR. HERMAN: Bob, I think this is my point. If you suddenly had an outgrowth on this bank of Japanese knotweed that was killing every piece of native vegetation there, the Board would want to see that situation resolved. And you would be sitting there saying, well, we can't resolve it because somebody ten years ago passed this C&R that doesn't leave an exit strategy to accomplish our greater goal. That's why I'm speaking. Not about this application, but looking forward. You can't lock yourself in so much that the Town couldn't even help itself if it wanted to. Because we see that all over.

MS. HULSE: That's an extreme example. You can say it the opposite way. You can say you agreed to the C&R at one point. The applicant agreed and it was a give and take and there was a reason why the applicant agreed to that C&R and agreed to have it filed. Because they were conceding the restriction on the property because the Trustees were willing to give him something at the time. Now they want to come back and have another bite of the apple and say wait a minute I'm not really happy with that restriction, so let's consider this, this and this. It's just something for the Trustees to consider because you were pointing out the positives of it but there is huge downsides to it as well.

MR. CHICANOWICZ: You are bringing up an issue about assuming whoever does the work will clean cut once they get an approval, and there should be a way that we, the Board, and I'm the contractor representing the owner, can come to a some sort of bond or some sort of guarantee that the town can put on at the owner's expense so that you can be assured the only thing taken out is the Poison ivy and revegetated with the native species or not, as per what you would request. And again, it's for health reasons. Not looking to change or change anything else. Just eliminate the hazard that exists.

TRUSTEE GHOSIO: You know why we are gun shy on some of this now. Because you were involved with the one that was clear cut and then you were his rep, came up with a beautiful plan, we all agreed on the plan, then they decided to fire you, let you go, whatever it was, have somebody else come in and do the work and wiped it all out. Twice. You know. Not once. Twice. So this is

why this is a big deal now. Particularly on one where we have the C&R's. I'll say, for whatever it's worth, so we are all kind of familiar with it -- this is the C&R's, right?

(Affirmative response).

TRUSTEE GHOSIO: There is a section in the C&R, number three, covenants and restrictions can be modified only at the request of the then owner of the premises with the approval of the Town of Southold Board of the Trustees after duly notified notice of public meeting. The adjoining property owners shall be entitled to notice of the meeting or as deemed otherwise sufficient by the Board of the Trustees. But their consent to such a modification shall not be required. So there is that kind of addressing what Rob is saying. There is that.

MR. CHICANOWICZ: How do you propose we proceed?

TRUSTEE GHOSIO: As I see it, we have a neighbor who, again, I didn't read it into the record, but Jim and I reviewed the letter. There is nothing about this application that he doesn't bring up points against allowing. You know, in questioning why you need two new sets of stairs instead of just one, for example; bringing down of the trees. I don't know, how does the rest of the Board feel about this?

TRUSTEE KING: I'm glad I stayed out of it.

TRUSTEE BREDEMEYER: I don't have a plant problem with the application but for the fact this is a restricted area will have to be sacrosanct for them.

TRUSTEE GHOSIO: Say that again, Jay?

TRUSTEE GHOSIO: I don't really have, other than we have to leave the non-disturbance zone totally sacrosanct, with what information we have now, I don't have a problem with the project.

TRUSTEE DOMINO: I stated a similar position. I don't have a problem with the application. Removal of the Poison Ivy is not going to drastically change the purpose of the non-disturbance.

TRUSTEE GHOSIO: Do we want to have them place a bond?

TRUSTEE DOMINO: That would satisfy me.

TRUSTEE BERGEN: It sounds to me from what you read, Bob, that there is an opportunity within that language of the C&R for the applicant to apply for an amendment to the C&R. Am I wrong on that?

TRUSTEE GHOSIO: Well, these covenants and restrictions can be modified only at the request of the owner, and as deemed sufficient by us.

TRUSTEE BERGEN: So what I would suggest then is that the applicant go back to the owner and share with the owner this information that has been talked about tonight and that we table this application giving the owner the opportunity to consider their options here. With the option of coming back and applying for a change to the C&R. Then that, it's the chicken and egg theory. If that was to happen and if that was to be approved then we have a different scenario we are looking at.

MR. CHICANOWICZ: Okay. And just to --

TRUSTEE GHOSIO: And also, one other thing, Dave, on the

landscaping plan, it would be helpful if we can draw in where the 18-foot contour line is. You know, where the line is for the non-disturbance area. It would help us literally make it make more sense to us.

MR. CHICANOWICZ: The majority of it is lower than the 18 foot, unfortunately. There is very little up above that. But I'll be happy to get that.

TRUSTEE GHOSIO: Is the patio above or below it?

MR. CHICANOWICZ: It's above the line. Absolutely above the line.

TRUSTEE GHOSIO: I think that's probably a reasonable request. Does that sound all right?

MR. CHICANOWICZ: So we'll table the entire project or anything that has to do with the non-disturbance area or are there any options or just try again next month?

TRUSTEE GHOSIO: I would probably at this point bring the information back to, you know, that we discussed, see if we can't get a revised plan here that shows the line. I think if we do move on it, they would, they'll have to, you know, apply to get the C&R's changed also. I think that's pretty much it.

TRUSTEE BREDEMEYER: I think that's where we are at.

MS. HULSE: The C&R's would be changed by your decision to change them. Then they would have to file an amended C&R.

MR. YOUNG: Could I make a suggestion as a member of the public?

Peter Young. That the applicant in this matter, since you have the flexibility to allow the applicant to apply for some leeway from this C&R, why not have him submit a specific plan as to exactly what he wants to do in that non-disturbance area so that you have something you can measure your decision upon? But it has to be a very specific plan, that's Poison Ivy, it's saplings less than an inch, or whatever it is, so that you can then have a foundation for making your judgment on the relaxation of that C&R.

TRUSTEE GHOSIO: I might be able to make that a little simpler, because, and I'm not, I can't speak for the whole Board, but my gut feeling is it will be Poison Ivy only.

MR. YOUNG: But whatever it is, specific.

TRUSTEE BREDEMEYER: A specific, plan. Yes.

TRUSTEE GHOSIO: As far as the path is concerned, I mean I didn't really have a major issue with the path or anything like that.

What about the patio, any issues with the patio?

TRUSTEE BREDEMEYER: As long as it's not below 18.

TRUSTEE GHOSIO: That's above it, so. So even the path. Because we do, including through non-disturbance buffers, we allow the four-foot path. So that's not an issue.

MR. CHICANOWICZ: So at this point you'll table it until we address the other issues or address --

TRUSTEE BERGEN: Table it with the opportunity for you to go back to the homeowner and explain the options to them, then let them decide what they would like to do here. Do they want to just remove from the application any work in a non-disturbance area so we are concentrating solely on the things I think you heard positive comments about tonight, or do they want to go the other route.

MR. CHICANOWICZ: Very good. Thank you.

TRUSTEE GHOSIO: I'll make a motion to table.

TRUSTEE DOMINO: Second.

TRUSTEE GHOSIO: All in favor?

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

TRUSTEE KING: Number 13, En-Consultants on behalf of **PATRICIA COLAGUIRI** requests a Wetland Permit to construct approx. 80 linear feet of vinyl bulkhead in place of existing storm damaged timber bulkhead; backfill with approx. 25 cubic yards sandy fill from an upland source; remove and replace (in kind/in place) 3' X 10' wood steps to beach; and replant vegetated slope.

Located: 2950 Park Ave., Mattituck.

This was found to be consistent with the LWRP. The Conservation Advisory Council supports the application with the condition of the 20-foot non-turf buffer along the top of the bluff and questions of legality of the fence.

I went out and looked at it. I thought it was a very straightforward bulkhead replacement.

MR. HERMAN: Rob Herman of En-Consultants on behalf of the applicant. I agree with Jim's comments. I've got to make up some of the time I cost myself.

TRUSTEE KING: I really didn't have any problems or issues with this whole thing. I don't know if anyone would like to see the pictures. Here it is. This fence up there. I think this is a sufficient buffer area there.

TRUSTEE BREDEMEYER: I saw the file.

TRUSTEE KING: Does anybody else have any comment? Board? (No response).

This was a simple one. Hearing no other comments, I'll make a motion to close the hearing.

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

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

TRUSTEE GHOSIO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Number 14, En-Consultants on behalf of **SKUNK LANE, LLC** requests a Wetland Permit to construct a 4' X 68' fixed timber catwalk (equipped with water and electricity and constructed with open-grate decking) with a ladder at seaward end; and a 6' tie-off piling. Located: 9105 Skunk Lane, Cutchogue.

The LWRP has determined this is inconsistent with the Town's LWRP. The Conservation Advisory Council voted to support the application. There was a previously approved plan dated 9/22/04, by the Trustees for what appears to be a 40-foot long catwalk with a ladder on the end.

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

MR. HERMAN: Rob Herman of En-Consultants on behalf of the applicant.

John is right. This was a permit previously that was issued by the Trustees in 2004. I think there were a couple of iterations. There was a plan that the owner at that time had approved by the DEC, and then the Trustees had required that the plan be modified to what they ultimately approved in 2004. And this plan basically sought to emulate what the Trustees previously approved. Now that is, if my math is right, eight years ago. So we went out with the surveyor and shot new water depths and the width of the channel there from high water to low water and came up with a plan for a catwalk which ends up longer, really, for a few different reasons. One, the other walkway kind of went out more at a right angle to the shoreline. Maybe a little bit to the southeast of where this is. Then it just kind of came back and stopped in the middle of the wetland area, where we are now proposing a catwalk that would extend out landward of the wetlands area and end in the non-disturbance buffer where we were proposing a pathway to the catwalk. The prior walkway had a configuration where the walk was up higher and then there was a set of stairs at the end that went to a lower section of the catwalk. And I think at the time it was probably just a typical timber decking.

So what we proposed here was to make the whole structure lower using the open-grate fiberglass re-enforced decking so you could really just include a sloped section in the catwalk rather than having that set of stairs at the end. With the minimum elevation above grade of about two-and-a-half feet over the wetland area. I actually found the wetland vegetation did not go quite as far landward as had been previously shown by Chuck Bowman, but I have the old line is still on there because it marks the origination of the non-disturbance buffer. So I just used, I had the catwalk follow that old wetland line, although I think it probably goes farther landward than it really needs to. The idea was that the first stake you see would be the end of the catwalk then the tie-off pole, which again is just emulating the prior Trustee approval, keeping everything sort of to the side so you could still pass through the middle of the channel around the side of the dock, and based on the surveyed locations of the low water line we were staying, both with the catwalk and also the piling, no more than one-third of the width of that channel. And of course the boat would be intended to be just tied up between the catwalk and pile so, to make sure the boat is not docked to the side of the walk, which then would put the boat out more obtrusively into the channel. So that's really the idea. Again, it's just a slightly different spin on the prior permit. It extends out in that direction maybe five feet farther than the prior approval just to get a little bit, maybe six inches better water at low tide.

TRUSTEE BERGEN: John, what are the reasons for the LWRP inconsistencies?

TRUSTEE BREDEMEYER: We had several reasons. The one-third rule. And we had vegetation, construction standards, silt boom, probably not necessarily the scope of this.

MR. HERMAN: Was that a recommendation or a reason it was inconsistent?

TRUSTEE BREDEMEYER: It's the general category. To protect and restore tidal wetlands, comply with statutory requirements of construction and operation standards. Going to the heart of the dock locations and lengths, docks that would affect navigation fishery, shellfishery and length and width one-third; orientation and beam of represented vessel not shown on the plans.

MR. HERMAN: Well, just to respond, I mean, and again this is following the prior approval, but the idea of having the two stakes showing the pole is the orientation and size of the boat would be between the two. I didn't draw a little boat but I don't normally do that. It shouldn't violate the one-third rule. We have on the plan, we show what the distances are, I showed two distances across the channel from low to low water. I think on the old permit it shows the width of the waterway being straight out, in which case we would be far short of that. But, that seemed like it might be a little misleading because I think the concern would be the width of the channel this way. Of course the only property you can get to once you pass this is behind that. It's basically behind the same people. But they don't want their access blocked either in case they want to put a dock up on the end. But this is not a spot where you would have a thruway of navigation heading anywhere. You know, from that site, once you make that turn you are sort of on the backside the bay beach. So you are not going anywhere. The only people going in there would be -- other than the owners I don't know who they would be, other than for something small like a kayak or canoe anyway. Nobody will bring a big motorized boat into this area because there is nowhere to go once you get in there except one of the two houses.

TRUSTEE GHOSIO: Which kind of leads to my question; what is the purpose? I mean, like you said, you can't really bring anything in here but a kayak.

MR. HERMAN: No, what I said was if you were not one of the owners you would not be bringing in a motorized craft in here because there is nowhere to go once you get in here but to the houses. But if you lived in the two houses you would have a boat to get out and back. That's the purpose of it.

TRUSTEE BREDEMEYER: It doesn't seem to violate the one-third rule for a vessel for the size of the structure. One thing we noticed on the field inspection, we felt that the pathway could be finished approximately 15 feet to the southeast and avoid some of the cedars. Seemed to think it was a natural opening.

TRUSTEE GHOSIO: Right there.

MR. HERMAN: That's not a problem.

MR. HERMAN: See that opening there, Rob?

MR. HERMAN: Yes. Where we started the landward end of the

structure itself, Nathan Corwin and I had actually tried finding the angle that you come to, in order to not disturb any of the Baccharus, but then I didn't go farther landward from there, I just showed sort of a typical pathway from point to point. The pathway could be, you know, if the Board was inclined to approve the application, one way or the other, my suggestion would be to put in a condition that the owner would have to call for a meeting with the Trustees to stake out the actual path and have it, you know, before it was clear.

TRUSTEE KING: I think we measured this, it was 15 feet.

TRUSTEE BREDEMEYER: It was actually 15 feet from where it was staked now.

MR. HERMAN: If you take the entry point and move it. That's --

TRUSTEE BREDEMEYER: It's a straight point.

MR. HERMAN: That's easy enough to show, too. I'm just trying to err on the side of caution from the Board's perspective, just given the amount of clearing in general

TRUSTEE BERGEN: I'm trying to figure out a way to address the inconsistencies. Because you already proposed open-grating.

MR. HERMAN: Dave, it's getting to the point where we have virtually every dock they are deemed inconsistent for one reason or the other. And you know, it almost leads to like what can I willfully leave out of the application that you can correct to then call it consistent. We are trying to design the whole thing to be consistent and be in accordance with your rules and regulations, and I'm not hearing John say anything from that LWRP report that is inconsistent, that has not already been addressed.

TRUSTEE BREDEMEYER: We are moving the path, so.

MR. HERMAN: The objections seem to be associated with docks in general. Now, again --

TRUSTEE GHOSIO: Well, you know, and most of the folks up here know and you know, I'm not a person who is against having docks. I'm going to be honest with you though, in this particular case, I'm not supporting this particular dock. I think what he's done there with the estate and in turning these three properties into an estate, he's got his docking facility on the north side of the property.

TRUSTEE BERGEN: Northwest.

TRUSTEE GHOSIO: Northwest side of the property. He has his access. I think this is kind of borderline for me, again, with just because of where it's being put. Regardless of the what they did when the Board, on a different Board in 2004. It was a whole different thing up there. It wasn't all clear cut, there was lots of woods, you know. For me, it's just not sitting right for me, so I'm going to vote no on it.

MR. HERMAN: But none of that has anything to do with the dock. If he's, it's almost like saying if he didn't own the adjacent parcels you would have a different opinion. And to me that has nothing to do with the application that is before you.

TRUSTEE GHOSIO: Yes and no. I think I'm looking at it more

comprehensively. The damage that has been done there ecologically over the course of the whole project is playing in my mind on this. I remember walking up to that with those two huge trees that were sitting there that were beautiful, and they are gone. Walking up there and seeing the pond has been pretty much wiped out, contrary to what they told us they were going to do. I'm not being punitive here, it just doesn't sit right with me, and I'm saying it so the Board knows why I'm voting no.

MR. HERMAN: Okay.

TRUSTEE BERGEN: The challenge I'm having on this is being able to navigate this waterway with a dock and a vessel attached to the dock. I know I already heard it said, well he owns the adjacent property so anybody coming in there will either be a guest of his or him. But we also know there is public access to the waterways and so everybody has the right to go into that area.

MR. HERMAN: Sure, that's why we designed it like this as opposed to sticking out and putting a float in the middle and saying nobody else is going to use this. We designed it so we don't exceed the one-third width in even in an area where I think it's almost inapplicable.

TRUSTEE BERGEN: I understand that but where I was going with this was, what is to prevent somebody from tying his boat off in the other direction for whatever reason so it does exceed the one-third rule. So for me, if that was addressed, so there would be consistency with the one-third rule, that would then bring it into consistency under the LWRP.

MR. HERMAN: I don't think we have a problem addressing that. I think you could stipulate that the boat, no boats could be docked to the east of the structure, the dockage line. Between the end of the catwalk and the pile, location of the pile two, and if we did that then I would then propose we brought it into consistency under LWRP.

TRUSTEE BERGEN: I don't have an issue with that because that's the point of the design. I presume that's the point of the prior Board designing it that way. But I agree once the thing is out there you could come and park a boat the width of the channel if you wanted to. So I think you have to either show on the plan, you know, have a condition and/or show on the plan some sort of --

TRUSTEE KING: A vessel can only be moored between the end of the dock and the tie-off pile. That's the only permitted spot for a boat.

TRUSTEE BERGEN: Yes.

MR. HERMAN: I mean I'll speak to the owner but I don't know what choice they would have, otherwise they would be totally in violation. So I would say, yes, I would agree to that.

TRUSTEE BERGEN: Thank you.

TRUSTEE BREDEMEYER: Any additional comments?

(No response).

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

TRUSTEE DOMINO: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve this application subject to moving the four-foot pathway 15 feet to the southeast, and with the limitation that vessels moored or, excuse me, tied up to the dock and pile, the limitation of vessel docking be limited to ties to the pile and dock solely, thereby addressing the question of inconsistencies surrounding the one-third rule and protecting native vegetation on the site found during the course of the Trustee field inspection. So moved.

TRUSTEE GHOSIO: Say that again?

TRUSTEE BREDEMEYER: I would move to approve based on moving the pathway 15 feet to the southeast and limiting the docking of vessels solely between the mooring pile and the end of the dock thereby addressing the inconsistencies by making sure there is no vessel more than one-third of the way across the waterway, and protecting native vegetation that the Trustees encountered during the course of field inspections.

MR. HERMAN: And I'll review that with the applicant to make sure that is clearly understood, so if for some reason there was some issues or misunderstanding, we would be back.

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

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

TRUSTEE GHOSIO: I think that's it for this evening. Motion to adjourn.

TRUSTEE BERGEN: Second.

TRUSTEE KING: All in favor?

(ALL AYES).

Respectfully submitted by,

James F. King, President
Board of Trustees