

## January 16, 2018 Work Session Agenda

### OPEN SESSION

- IV-1 9:00 Kristie Hansen-Hightower and Lloyd Reisenberg re: Change in Credit Card Charges and Procurement Policy Amendment
- IV-2 9:15 Jeff Standish and Lloyd Reisenberg re: Update on Building and Equipment Damage from Flood
- IV-3 9:30 Chief Flatley re: 2017 Police Department Crime Statistics Report
- IV-4 9:45 Michael Domino and John Bredemeyer re: Alternative Sanitary Systems and Emergency Wetland Permits
- IV-5 10:00 Mark Terry re: Request of Waiver from Chapter 161, Highway Specifications Article 111, Roadway Construction (for Proposed Standard Subdivision at SCTM# 1000-78-9-54)
- IV-6 10:15 Louise Harrison re: Update on Sale of Plum Island- Preserve Plum Island Coalition and Save the Sound Strategic Roles
- IV-7 10:30 Michael Collins and Jamie Richter re: Stormwater Projects
- IV-8 10:45 Councilman Dinizio re: Hashamomuck Cove ACOE Restoration Plan
- IV-9 Amendment to Chapter 275- Moving the Administration of Coastal Contractor's License from Town Clerk's Office to Trustee's Office
- IV-10 Amendments to Chapter 205- Special Events
- IV-11 Fishers Island Utility Company, Inc. – Request for Change of Zoning District Designation
- IV-12 Authorize Town Clerk to Advertise for P/T Clerk Typist in the Zoning Board of Appeal Office

### EXECUTIVE SESSION

- IV-13 Labor- Matters Involving the Employment of a Particular Person(s)
  - Water Conservation Committee
  - Town Attorney's Office
  - 12:00 Melissa Spiro
- IV-14 Acquisition of Property, Publicity of Which Could Substantially Affect the Value Thereof
- IV-15 Lease of Real Property, Publicity of Which Could Substantially Affect the Price Thereof
- IV-16 Litigation
  - Town of Southold v. EPA
  - Grimes v. Trustees (Federal) & Town of Southold v. Grimes (Justice Court)

IV-5  
1-16-18

**OFFICE LOCATION:**  
Town Hall Annex  
54375 State Route 25  
(cor. Main Rd. & Youngs Ave.)  
Southold, NY



**MAILING ADDRESS:**  
P.O. Box 1179  
Southold, NY 11971

**Telephone: 631 765-1938**  
**www.southoldtownny.gov**

**PLANNING BOARD OFFICE**  
**TOWN OF SOUTHOLD**

**MEMORANDUM**

To: Elizabeth Neville, Town Clerk

From: Mark Terry, Assistant Director of Planning *MT*

Date: January 5, 2018

Re: Request of Waiver from Chapter 161. Highway Specifications Article III. Roadway Construction, pursuant to §161-47 of the Southold Town Code, for Proposed Standard Subdivision for Alexander and Tracy Sutton Located at 1160 North Bayview Road, 111.56 feet northeast of Liberty Lane and Victoria Drive, Southold  
SCTM# 1000-78-9-54 Zoning District: R-40

At their December 5, 2017 Public Meeting the Southold Town Planning Board adopted a resolution approving a waiver of Chapter 161, Highway Specifications Article III, Roadway Construction pursuant to §161-47 of the Southold Town Code for an unimproved right of way included as part of the Standard Subdivision for Alexander and Tracy Sutton.

Pursuant to § 161-47 of the Southold Town Code; a waiver of highway specifications requires approval from the Town Board and the Superintendent of Highways. Approval from the Superintendent of Highways was obtained through the Office of the Engineer on October 17, 2014.

Please place this matter on the upcoming January 16, 2018 Town Board Meeting for consideration. The following supporting documents are attached:

1. The Planning Board Resolution dated December 5, 2017;
2. Office of the Engineer Memorandum dated September 25, 2014;
3. Office of the Engineer email referencing the Town of Southold Highway Superintendent decision dated October 17, 2014.

Please contact the Planning office with any questions.

Encls.

Cc: Donald J. Wilcenski, Chairman  
William Duffy, Town Attorney  
Vincent Orlando, Highway Superintendent  
Jamie Richter, Office of the Engineer

**PLANNING BOARD MEMBERS**

DONALD J. WILCENSKI  
Chair

WILLIAM J. CREMERS  
PIERCE RAFFERTY  
JAMES H. RICH III  
MARTIN H. SIDOR



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**PLANNING BOARD OFFICE**  
TOWN OF SOUTHOLD

**MEMORANDUM**

**To:** Vincent Orlando, Superintendent of Highways

**cc:** James Richter, Engineering Inspector

**From:** Donald Wilcenski, Planning Board Chairman 

**Date:** September 25, 2014

**Re:** Up-grade the Existing Right-of-Way to Highway Specifications

**Application Name:** Standard Subdivision for Alexander and Tracy Sutton  
**Tax Map Number:** 1000-78-9-54  
**Location:** 1160 North Bayview Road 111.56 feet northeast of Liberty Lane and Victoria Drive, Southold

The Planning Board is currently reviewing the above referenced application, a two lot subdivision off of Victoria Drive in Southold. The existing right-of-way (SCTM#1000-78-9-78) will service two lots through subdivision approval, proposed Lot 2 and the neighboring property to the south (SCTM#1000-78-9-55). Through subdivision approval, the existing right-of-way will service two lots and must be up-graded to meet Highway Specification pursuant to §161-15 Highway Specifications.

The Planning Board is requesting that the right-of-way remain as it currently exists and not up-graded to meet Highway Specifications. This request is due to the fact that the ZBA and the Planning Board received input from the neighborhood and the owners that the road will remain in its existing rustic condition. The applicant has agreed to clear and maintain a 15' wide by 15' high canopy so it will remain open to emergency vehicles, as recommended by the Southold Fire Department.

The Town Code states that, pursuant to 161-47 Highway Specifications and 240-45 B Streets, both the Engineering Office and the Superintendent of Highways must agree to modify the requirements and allow the right-of-way to remain as it currently exists.

Please respond to this request by **October 2<sup>nd</sup>** and feel free to contact me if you have any questions.

**Sabatino, Alyxandra K.**

SUBD  
PB, HC, MT, AS

**From:** Richter, Jamie  
**Sent:** Friday, October 17, 2014 2:03 PM  
**To:** Sabatino, Alyxandra K.  
**Cc:** Orlando, Vincent  
**Subject:** Sutton Standard Subdivision

**Re:** Sutton Standard Subdivision  
SCTM #: 1000-78-09-(54 & 78)

Aly:

You have indicated that the Planning Board does not wish to require road improvements to the existing driveway at the Sutton Subdivision.  
I have reviewed this request with the Highway Superintendent.  
He has agreed to approve this request with the understanding that this existing dirt road be cleared of trees to meet the required specifications for emergency access to the site.  
This would mean that a clear corridor be established that is a minimum of 15' wide and 15' high for the entire length of the existing driveway.

If you have any questions regarding this agreement, please do not hesitate to contact my office.

Sincerely,  
Jamie

**James A. Richter**  
**Office of the Engineer**  
**Town of Southold, New York**

Stormwater Management Control Plan Website:  
<http://www.southoldtownny.gov/index.aspx?nid=195>

**Office: 631-765-1560**  
**Cell: 631-926-9430**

**CONFIDENTIALITY NOTICE:** This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.



WHEREAS, on April 3, 2014, the agent submitted a Preliminary Plat Application that included 12 prints of the Preliminary Plat, a copy of the Health Department approved map and a check in the amount of \$1,000.00; and

WHEREAS, on May 5, 2014, the Planning Board reviewed the application at their Work Session and found the application incomplete with items to be submitted; and

WHEREAS, on May 15, 2014, the agent submitted additional information that was required to find the application complete; and

WHEREAS, on June 2, 2014, the Planning Board reviewed the application at their Work Session and found the application complete and agreed to set the Preliminary Plat Public Hearing; and

WHEREAS, on June 5, 2014, referrals were sent out to applicable agencies for review; and

WHEREAS, on June 12, 2014, the Southold Fire District responded to the referral request; and

WHEREAS, on July 7, 2014, the Suffolk County Planning Commission responded to the referral request; and

WHEREAS, on July 8, 2014, the Planning Board held and closed the Preliminary Plat Public hearing; and

WHEREAS, on July 23, 2014, the Office of the Town Engineer responded with comments to the referral request; and

WHEREAS, on August 22, 2014, the Planning Board reviewed the application at their Work Session and requested that revisions be made to the map; and

WHEREAS, on September 8, 2014, the Planning Board reviewed the application at their Work Session and agreed to place a Covenant on the property that the right-of-way will remain open and accessible to emergency vehicles over its entire length; and

WHEREAS, on September 24, 2014, a referral was sent to the Highway Superintendent and the Office of the Town Engineer requesting that the right-of-way remain as it currently exists and not up-graded to meet Highway Specifications; and

WHEREAS, on September 25, 2014 and October 17, 2014 the Office of the Town Engineer sent responses to the Planning Board's request stating that, after review, the Highway Superintendent and the Office of the Town Engineer have agreed to waive the requirement to meet Highway Specifications; and

WHEREAS, on October 20, 2014, the Planning Board reviewed the application at their Work Session and agreed to waive the Highway Requirements for the right-of-way; and

WHEREAS, on February 6, 2015, the agent submitted 12 revised prints and a Letter of Water Availability from the Suffolk County Water Authority; and

WHEREAS, on February 26, 2015, the Planning Board reviewed the application at their Work Session and accepted the Draft Covenants and Restrictions. The Board also requested that an Access Easement be submitted for Lot 2 over the 50' right-of-way; and

WHEREAS, on May 27, 2015, the agent submitted revised Covenants and Restrictions; and

WHEREAS, on June 3, 2015, Staff sent an e-mail to the agent stating that the last item to submit, as per the letter dated February 26, 2015, was the Access Easement for Lot 2 over the 50' right-of-way; and

WHEREAS, on December 15, 2015, the agent submitted an Access Easement for Lot 2 over the 50' right-of-way; and

WHEREAS, on January 19, 2016, Staff sent a referral to the Office of the Town Engineer requesting review of the Access Easement; and

WHEREAS, on February 22, 2016, the Planning Board reviewed the application at their Work Session and accepted Planning Staff's revised Access Easement; and

WHEREAS, on March 21, 2016, the Planning Board reviewed the revised Covenants and Restrictions at their Work Session and agreed that the application meets all the requirements for Preliminary Plat Approval pursuant to Article VI Preliminary Plat Review; and

WHEREAS, on April 4, 2016, the Planning Board, pursuant to SEQRA, made a determination of non-significance for the proposed action and granted a Negative Declaration; and

WHEREAS, on April 4, 2016, the Planning Board determined that this proposed action is consistent with the policies of the Town of Southold Local Waterfront Revitalization Program; and

WHEREAS, on April 4, 2016, the Planning Board granted Conditional Preliminary Plat Approval; and

WHEREAS, on January 31, 2017, the Final Plat Application was submitted, and

WHEREAS, on August 8, 2017, the applicant filed with the Office of the Suffolk County Clerk a Declaration of Covenant and Restrictions for the Subdivision in Liber

D00012923 Page 987, a Declaration of Covenants and Restrictions for the Right of Way in Liber D00012922 Page 062, and an Access Agreement in Liber D00012922 page 061; and

WHEREAS, on October 6, 2017, the Applicants Agent submitted a letter requesting that the Final Plat Public Hearing be waived and the request was denied due to past public concern, and

WHEREAS, on October 16, 2017 Work Session the Planning Board found the Final Plat Application complete, and

WHEREAS, on November 6, 2017 a Final Plat Public Hearing was held and closed on the "Final Plat Standard Subdivision prepared for Alexander L. & Tracy M. Sutton", dated June 15, 2007 and last revised April 9, 2016, prepared by Nathan Taft Corwin III, Land Surveyor; and

WHEREAS, at their Work Session on December 4, 2017, the Planning Board found that all requirements of *Chapter 240 Subdivision of Land, Article VII: Final Plat Review* have been met; therefore be it

RESOLVED, that on recommendation of the Town of Southold Superintendent of Highways that the Southold Town Planning Board hereby waives Chapter 161. Highway Specifications Article III. Roadway Construction, pursuant to §161-47 of the Southold Town Code, and recommends same to the Town Board; and be it further

RESOLVED, that the Southold Town Planning Board hereby **grants Conditional Final Plat Approval** upon the map entitled "Final Plat Standard Subdivision prepared for Alexander L. & Tracy M. Sutton", dated June 15, 2007 and last revised April 9, 2016, prepared by Nathan Taft Corwin III, Land Surveyor, with the following conditions:

1. Submit the \$4,000.00 Administration Fee pursuant to § 240-37 Administration Fee.
2. Produce and file a Legibility Map with the Office of the Suffolk County Clerk with the following amendments:
  - Remove the key map with a scale of 1"=100'.
  - Revise the notation and marking of the 20' vegetated buffer on Lot 1 to accommodate the existing driveway. Clearly label the vegetated buffer.
  - Make any other changes required by the Office of the Suffolk County Clerk.
  - Confirm that the Final Plat and Legibility Map will be accepted for filing by the Office of the Suffolk County Clerk.
3. Approval from the Town Board to waive Chapter 161. Highway Specifications Article III. Roadway Construction, for the right-of-way is required prior to



consideration for Final Approval. The Planning Board will submit a waiver request to the Town Board.

**The applicant shall have 180 days to meet the conditions. The Planning Board may extend this time for no more than two additional periods of 90 days each. Upon a finding that all conditions have been met, the Planning Board will schedule the application for a Final Plat Determination at the next available Public Meeting.**

If you have any questions regarding the above, please contact this office.

Respectfully,  


Donald J. Wilcenski  
Chairman

IV-6  
1-16-18

From: Laura McMillan

Sent: Thursday, January 11, 2018 3:59 PM

Subject: A Plum Island victory: Federal judge denies motion to dismiss Save the Sound's lawsuit



Connecticut Fund  
for the Environment

Save the Sound®

FOR IMMEDIATE RELEASE

January 11, 2018

Contact: Laura McMillan, 540-292-8429  
Melissa Schlag, 860-398-0569

## A Plum Island victory: Federal judge denies motion to dismiss Save the Sound's lawsuit

*Feds sought dismissal of conservationists' suit; judge rules plaintiffs have standing*

New Haven, Conn. – Today a [federal district court judge ruled](#) that a lawsuit brought by environmentalists over the federal government's handling of the potential sale of Plum Island, New York could go forward. Connecticut Fund for the Environment/Save the Sound and six other organizations and individuals [filed suit](#) against the Department of Homeland Security and General Services Administration (GSA) in July 2016, arguing the agencies violated provisions of the National Environmental Protection Act, Endangered Species Act, Coastal Zone Management Act, and other federal laws in their pursuit of auctioning the federally-owned island to the highest bidder by failing to adequately consider the environmental impact of such a sale.

Homeland Security and GSA served a motion to dismiss in February 2017. Judge Denis Hurley of the Eastern District of New York found that the plaintiffs have standing and rejected each of the agencies' arguments.

"This is a very well-written decision that denies the government's motion to dismiss in its entirety," **said Roger Reynolds, chief legal officer for CFE/Save the Sound.** "We'll now have the opportunity to present our full case to the court and ask that the sale of the island be halted until the agencies complete a proper environmental review in accordance with federal law."

"We're incredibly pleased with the outcome and look forward to litigating the merits of this matter to ensure that this unique pristine natural environment is properly preserved," **said attorney Cameron Tepfer on behalf of Morrison & Foerster LLP,** which is representing the plaintiffs. In addition to CFE/Save the Sound, the suit was brought by Soundkeeper, Inc., Peconic Baykeeper, Group for the East End, Ruth Ann Bramson, John Potter, and John Turner.

The decision cited the allegations in the complaint that Plum Island, an 840-acre island in the eastern end of Long Island Sound, provides habitat for several federally endangered and

threatened flora and fauna including roseate Tern and Piping Plover. The waters surrounding it are home to federally listed marine species such as Atlantic hawksbill sea turtles, Kemps Ridley sea turtles, and Atlantic Sturgeon, and it's home to the largest seal haul-out area in southern new England. For over half a decade it has been the subject of a massive conservation effort by the Preserve Plum Island Coalition—now numbering over 90 Connecticut, New York, and Rhode Island organizations—, grassroots activists, and champions in Congress on both sides of the aisle. The decision also quoted from an Environmental Protection Agency letter stating that the FEIS failed to consider an ordinance to create a conservation area to limit development and preserve “much of the island,” and did not offer options that EPA had recommended to mitigate environmental damage.

The conservationists' suit argues that the federal agencies' final Environmental Impact Statement (FEIS) violates provisions of multiple federal environmental laws, and sought an injunction against selling the island until an adequate FEIS has been completed. In its motion to dismiss, Homeland Security and the GSA argued that (1) the claim was not ripe for review because the agency could do further studies; (2) plaintiffs were not injured; and (3) the court should not consider the claim because it could become moot.

The court rejected each one of these arguments and found (1) the case was properly ripe because the government had issued its FEIS and Record of Decision; (2) the plaintiffs and organizations would be harmed by the incomplete environmental review because of their interests in the island's environmental resources; and (3) the court would hear the matter because there was no guarantee that the government would resolve plaintiffs' complaints without the court's intervention.

“Judge Hurley's decision is an early and important victory for everyone who believes Plum Island is a critical part of our nation's natural heritage that should not be auctioned off like a piece of meat to the highest bidder,” **said Bob DeLuca, president of Group for the East End**, which protects the interests of residents of eastern Long Island. “This ruling is also a victory for due process in supporting the rights of individual citizens and conservation organizations to challenge the actions of government bureaucrats when those actions fail to follow the specific requirements of environmental law.”

**Plaintiff John Potter, a fisherman and conservationist from Rhode Island, added**, “This is a strong win on the first step. Now we need to keep the ball rolling till we get full protection.”

###

*The mission of Connecticut Fund for the Environment and its bi-state program Save the Sound is to protect and improve the land, air, and water of Connecticut and Long Island Sound. We use legal and scientific expertise and bring citizens together to achieve results that benefit our environment for current and future generations. [About CFE/Save the Sound](#)*

Laura McMillan  
Director of Communications  
Connecticut Fund for the Environment  
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900 Chapel St., Upper Mezzanine

New Haven, CT 06510  
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[lmcmillan@ctenvironment.org](mailto:lmcmillan@ctenvironment.org)



**Connecticut Fund  
for the Environment**

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**Save the Sound®**

IV-9  
1-16-18

**WHEREAS**, there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 16<sup>th</sup> day of January, 2018, a Local Law entitled **“A Local Law in relation to Amendments to Chapter 275, Wetlands and Shoreline, in connection with Coastal Contractor Licensing”** now, therefore, be it

**RESOLVED** that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at Southold Town Hall, 53095 Main Road, Southold, New York, on the **30th day of January, 2018 at 7:30 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled, **“A Local Law in relation to Amendments to Chapter 275, Wetlands and Shoreline, in connection with Coastal Contractor Licensing”** reads as follows:

**LOCAL LAW NO. 2018**

A Local Law entitled, **“A Local Law in relation to Amendments to Chapter 275, Wetlands and Shoreline, in connection with Coastal Contractor Licensing”**.

**BE IT ENACTED** by the Town Board of the Town of Southold as follows:

**I. Purpose.**

In order to continue to protect the natural state of the shorelines and wetlands within the Town of Southold, it is the purpose of these amendments to provide herein for a strengthened system of local licensing of marine contractors in order to more fully protect homeowners and responsible marine contractors alike.

**II.** Chapter 275 of the Code of the Town of Southold is hereby amended as follows:

**§ 275-3(a) Licensing of Coastal Contractors.**

A. Commencing January 1, 2018 it shall be unlawful for any person to engage in coastal construction in the Town of Southold without first obtaining a license from the Southold Town Clerk’s Board of Trustees Office in accordance with the provisions of this Chapter. Such license or a copy thereof shall be available at all of the contractor’s work sites and shall be produced to any official having jurisdiction upon demand. Licenses for coastal contractors are non-transferable.

F. Revocation of license.

(5) Such notice shall be sent by certified mailing to the address provided in the application for the license on file in the Town Clerk’s Trustees’ Office, or, in the alternative, to the license holder’s last known address. Such notice must be mailed at least five days prior to the date of the hearing.

## **II. SEVERABILITY**

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

## **IV. EFFECTIVE DATE**

This Local Law shall take effect immediately after filing with the Secretary of State as provided by law.

# Fishers Island Utility Company, Inc.

Fishers Island  
New York 06390

631/788-7251  
Fax 631/788-7798

TB  
TA  
IV-11  
1-16-18

J. Christopher Finan  
President

Town Supervisor & Town Board  
Town of Southold  
53095 Main Road  
P.O. Box 1179  
Southold, NY 11971

RECEIVED  
JAN - 9 2018

SUPERVISOR'S OFFICE  
TOWN OF SOUTHOLD

Re: Tax parcel 1000-6.-6-20.8  
Fishers Island, New York

Ladies & Gentlemen:

We hereby request that the Town Board change the zoning district designation on their own motion for the lot noted above to a Hamlet Density (HD) Residential District under Zoning Code §280-22 *et seq.* in order to permit construction of a two-family dwelling.

Please let us know if you require any further information in connection with this request.

Respectfully submitted,



J. Christopher Finan,  
President