BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, January 20, 2021

5:30 PM

Present Were:

- Glenn Goldsmith, President
- Michael J. Domino, Trustee
- John M. Bredemeyer, Trustee
- A. Nicholas Krupski, Trustee
- Greg Williams, Trustee
- Elizabeth Cantrell, Senior Clerk Typist
- Damon Hagan, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

TRUSTEE GOLDSMITH: Good evening, and welcome to our Wednesday, January 20th, 2021 meeting. At this time I would like to call the meeting to order and ask that you please stand for the pledge of allegiance.

(PLEDGE OF ALLEGIANCE)

I’ll start off by announcing the people on the dais to the screen.
To my left is Trustee Domino, Trustee Bredemeyer, Trustee Krupski, Trustee Williams. To my right is Assistant Town Attorney Damon Hagan. We also have Senior Clerk Typist Elizabeth Cantrell, and also with us tonight is Court Stenographer Wayne Galante.

Agendas for tonight’s meeting are posted on the Town’s website.
We have a number of postponements tonight.

In the agenda on page ten, we have number three,
En-Consultants on behalf of HEATH CHRISTOPHER GRAY & MOLLY MARIE RHODES requests an Amendment to Wetland Permit #4084 for the removal and replacement of existing 4’x12’ ramp and 4’x17.5’ shore-parallel float with 3’x16’ aluminum ramp and 6’x20’ shore-perpendicular floating dock, secured by two (2) relocated piles, at seaward end of existing 4’x47’ fixed timber catwalk to remain with ordinary and usual maintenance, as needed; and to connect dock to water and electricity.
Located: 8570 Nassau Point Road (aka 350 Aborn Lane), Cutchogue.
SCTM# 1000-118-5-5

On page 16 we have numbers 19 through 22:
Number 19, Michael Kimack on behalf of SCOTT R. McDAVID &
MAEGAN C. HINTON requests a Wetland Permit to extend the existing dock an additional 24' with three (3) sets of 8" diameter pilings; remove existing deck, reframe, and install Thru-Flow decking for existing and proposed fixed dock; relocate existing 3'x14' aluminum ramp; relocate and repair or replace 6'x20' floating dock with two (2) sets of 8" diameter dolphins.
Located: 1250 Lupton Point Road, Mattituck. SCTM# 1000-115-11-12

Number 20, Inter-Science Research Associates, Inc. on behalf of DOMELUCA II, LLC requests a Wetland Permit to demolish existing barn and sheds; construct new single-family residence with an overall footprint of 26'9"x63'0"; a 39'9½"x63'0" terrace including approximately 18'0"x30'0" interior space; a second 26'9½"x24'2" terrace running east; a 25'0"x19'0" terrace including approximately 16'0"x20'0" interior space running south from the main single family dwelling; proposed 18'2"x82'0" swimming pool; and the proposed driveway does extend into the 100-foot setback; the proposed driveway is, however, located within the footprint of the existing driveway.
Located: 14895 Route 25, East Marion. SCTM# 1000-23-1-2.10

Number 21, Suffolk Environmental Consulting, Inc. on behalf of KEVIN M. MURPHY requests a Wetland Permit to demolish/remove the existing dock structure and replace it with a new dock assembly comprising of the following components: At-grade wood walk consisting of a 4'x27.5' northeast to southwest portion and a 4'x24.5' southwest to northeast portion; a 4'x10' landward ramp; a 4'x68' fixed catwalk; 4'x18.5' floating dock ramp; and a 6'x20' floating dock configured in an "L" shape formation, angled to the north.
Located: 3265 Park Avenue, Mattituck. SCTM# 1000-123-8-22.4

Number 22, Suffolk Environmental Consulting on behalf of VINCENT MATASSA requests a Wetland Permit to construct a 30.5'x52' (1,546.0 sq. ft.) two-story dwelling (setback 102.0' landward of the tidal wetlands boundary); construct a 12.0'x32.0' deck attached to the seaward side of proposed dwelling, (setback 96.0' landward of tidal wetlands boundary); install 6.0' diameter circular stairs on the seaward side of the proposed dwelling, along the southeast corner of the proposed deck; install a ±900.0 sq. ft. driveway constructed of pervious material; install three (3) 8.0' diameter by 3.0' deep drywells fed by a series of gutters and leaders for the purposes of stormwater run-off containment from the proposed dwelling; install drainage to contain stormwater run-off from the driveway by installing a trench drain at the base of the proposed driveway which is to feed two (2) 8.0' diameter by 2.0' deep drywells to the east of the proposed driveway; and to install a septic tank and five (5) 8.0' diameter by 2.0' deep leaching pools with a 3.0' sand collar, 2.0' above groundwater, to service the proposed dwelling.
Located: 920 Sandy Beach Road, Greenport. SCTM# 1000-43-3-7.

On page 17 we have numbers 23 through 25,
Number 23, Suffolk Environmental Consulting on behalf of
106 MULBERRY CORP. requests a Wetland Permit to construct a two story, single family dwelling (25'x42'4", ±1,058.25 sq. ft.) with attached 7.3'x48.2' (351.86 sq. ft.) deck on south side of dwelling; install a 25'x6' (±150 sq. ft.) stone driveway, a 12'x20' parking area on west side of proposed dwelling, and an 11'x20' parking area on north side of proposed dwelling; install a new innovative alternative nitrogen reducing water treatment system (AI/OWTS); install sanitary retaining wall at an overall length of 99.5' and a width of 8.0" across the top of the wall; and to replace the failing bulkhead on west side and north side of the lot as well as to replace the wood jetty which extends into West lake, consisting of 198.0 linear feet of bulkhead to be replaced along the westerly and northerly portions of the subject property with the following measurements: Timber top cap: 2.25' wide extended along the entirety of the bulkhead to be replaced, 9" diameter timber piles, 6"x6" timber whalers, ±6.0' long tie-rods, ±6" diameter dead-men, and the use of vinyl sheathing (CLOC or similar); the bulkhead return located perpendicular to the northerly portion of the bulkhead to be replaced at an overall length of 11.0' with a 2.25' wide top-cap, 9.0" diameter piles, 6"x6" timber walers, ±6.0' long tie-rods, ±6" diameter dead-men, and vinyl sheathing (CLOC or similar); the existing wood jetty to be replaced with new 15.0' long jetty with 9.0" diameter piles placed 1.5' o/c alternating between the east and west sides of the jetty, the use of vinyl sheathing (CLOC or similar), 6"x6" timber walers on both sides of the jetty, and 2.75' tie-rods; existing wood dock assembly to be removed at the start of the bulkhead replacement and re-installed in-kind and in-place at the completion of the bulkhead replacement consisting of a landward 5'x5' wood platform to a 14.1'x3.5' wooden ramp with 3.5' tall railings; a 13.5'x7.0' wooden float secured by four (4) 9.0" diameter piles with two on the landward side of the float and two on the seaward side of the float.

Located: 750 West Lake Drive, Southold. SCTM# 1000-90-2-1

Number 24, Costello Marine Contracting Corp. on behalf of

JOSEPH & CAROLYN FERRARA requests a Wetland Permit to construct a 3'x36' fixed dock.

Located: 185 Osprey Nest Road, Greenport. SCTM# 1000-35-7-1

Number 25, Cole Environmental Consulting on behalf of MARIA ULMET requests a Wetland Permit to install ±119' of new vinyl low-sill bulkheading and 8" piles along mean high water as indicated, and two (2) 8' returns at each end; existing piles to remain; regrade bank to establish 1:2 slope and place riprap; use bank material as bulkhead backfill (approx. 5 cubic yards); excess material to be removed to an upland site as necessary; install and perpetually maintain a 10' wide non-turf pervious buffer composed of rock riprap along the landward edge of the low-sill bulkhead; install silt fencing behind bulkhead; all timber shall be pressure treated No. 2 southern pine and all hardware shall be hot-dip galvanized; and all disturbed areas
outside low-sill bulkhead and riprap areas are to be reseeded and mulched following completion of the construction activities.
Located: 4600 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-33
And on page 18 we have numbers 26 and 27.
Number 26, Cole Environmental Consulting on behalf of
ROBERT KRUDOP requests a Wetland Permit to install ±131' of new vinyl low-sill bulkheading and 8" piles along mean high water as indicated, and an 8' return at south end; existing piles, dock, ramp, and float to remain; regrade bank to establish 1:2 slope and place riprap; use bank material as backfill (approx. 50 cubic yards); excess material to be removed to an upland site as necessary; install and perpetually maintain a 10' wide non-turf pervious buffer composed of rock riprap along the landward edge of the low-sill bulkhead; install silt fencing behind bulkhead; all timber shall be pressure treated No. 2 southern pine; all hardware to be hot-dip galvanized; and all disturbed areas outside the low-sill bulkhead and riprap areas are to be reseeded and mulched following completion of the construction activities.
Located: 4650 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-34
Number 27, Cole Environmental Services on behalf of
MARY HOVEY requests a Wetland Permit to install ±120' of new low-sill vinyl bulkheading with new 8" piles; a 23' return at west end, and an 8' return at east end; existing piles, dock, ramp, and float to remain; regrade bank to establish 1:2 slope; place riprap on slope and plantings from behind bulkhead to proposed toe of slope; use bank material as bulkhead backfill (approx. 30 cubic yards); excess material to be removed to an upland site as needed; install and perpetually maintain a 10' wide non-turf pervious buffer comprised of rock riprap landward of the low-sill bulkhead; and all disturbed areas outside the low-sill bulkhead and riprap areas to be seeded and mulched following the completion of construction activities; place silt fence behind bulkhead; all timber shall be pressure treated No. 2 southern pine, and all hardware to be hot-dip galvanized.
Located: 4500 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-32
Under Town Code Chapter 275-8(c), files were officially closed seven days ago. Submission of any paperwork after that date may result in a delay of the processing of the application.

I. NEXT FIELD INSPECTION:

TRUSTEE GOLDSMITH: At this time I'll make a motion to have our next field inspection on Tuesday, February 9th, 2021, at 8:00 AM.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

II. NEXT TRUSTEE MEETING:

I make a motion to hold our next Trustee meeting Wednesday, February 17, 2021 at 5:30 PM via Zoom online platform.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

III. WORK SESSIONS:

TRUSTEE GOLDSMITH: I make a motion to hold our next work session on Thursday, February 11, 2021, at 5:00 PM via Zoom online platform; on Wednesday, February 17, 2021, at 5:00 PM via Zoom online platform.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

IV. MINUTES:

TRUSTEE GOLDSMITH: I make a motion to approve the Minutes of the December 16th, 2020 meeting.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

V. MONTHLY REPORT:

TRUSTEE GOLDSMITH: Monthly report: The Trustees monthly report for December, 2020, a check for $27,582.59 was forwarded to the Supervisor’s Office for the General Fund.

VI. PUBLIC NOTICES:

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

VII. RESOLUTIONS - OTHER:

TRUSTEE GOLDSMITH: Under Resolutions - Other: RESOLVED, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of NEW SUFFOLK PROPERTIES, LLC.
Located: 3350 West Creek Avenue, Cutchogue. SCTM# 1000-110-1-12
That's my motion.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: Number two, RESOLVED, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of LAURA SOLINGER;
Located: 13459 Oregon Road, Cutchogue. SCTM# 1000-83-2-10.12
That's my motion.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: Number three, RESOLVED, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of LAUREN PRAUS & MARK SCHWARTZ;
Located: 1360 Broadwaters Road, Cutchogue. SCTM# 1000-104-9-5
That's my motion.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: I'll abstain from Roman numeral VIII.

VIII. STATE ENVIRONMENTAL QUALITY REVIEWS:

TRUSTEE WILLIAMS: Number VIII, RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section XIV Public Hearings Section of the Trustee agenda dated Wednesday, January 20, 2021 are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Michael Kreger  SCTM# 1000-53-3-13.1
8100 Hortons Lane, LLC  SCTM# 1000-54-4-31
Daniella C. Ravn & Stephen E. Ravn  SCTM# 1000-75-6-3.3
Fabio Pasquale Granato  SCTM# 1000-104-13-2.4
Pat J. Iavarone  SCTM# 1000-110-7-3
Gloria Nixon  SCTM# 1000-138-2-13
Christine Howley  SCTM# 1000-144-5-29.3
Alison M. Byers, c/o Alison M. Byers, PsyD, VP  SCTM# 1000-119-1-13.1
Jane G. Weiland  SCTM# 1000-111-13-11
Michael & Ellen Carbone  SCTM# 1000-70-12-34
Lauren Praus & Mark Schwartz  SCTM# 104-9-5
Goldsmith's Boat Shop, Inc.  SCTM# 1000-56-7-1
Domelucha II, LLC  SCTM# 1000-23-1-2.10 State Environmental
That's my motion.
TRUSTEE KRUPSKI: Second. Motion has been made and seconded.
All in favor?
(Trustee Williams, aye. Trustee Domino, aye. Trustee Bredemeyer, aye. Trustee Krupski, aye). (Trustee Goldsmith, recused).

TRUSTEE GOLDSMITH: RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section XIV Public Hearings Section of the Trustee agenda dated Wednesday, January 20, 2021, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations:

New Suffolk Properties, LLC  SCTM# 1000-110-1-12
Laura Solinger  SCTM# 1000-83-2-10.12
Lauren Praus & Mark Schwartz  SCTM# 1000-104-9-5
That's my motion.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

IX. ENVIRONMENTAL DECLARATION OF SIGNIFICANCE PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT NYCCCR PART 617:

TRUSTEE GOLDSMITH: Under Roman numeral IX, number 1, DESCRIPTION OF ACTION: DEA Engineering on behalf of LAURA SOLINGER requests a Wetland Permit and a Coastal Erosion Permit to construct 87 linear feet of new bulkhead, with a 15' return, seaward armor protection, and new slope restoration; the bulkhead and return to be constructed of 14' long corrugated vinyl sheeting, 20' long 12" diameter piles, and 12' deep 8" diameter deadmen set 12' behind the bulkhead; approximately 273 cubic yards of clean fill to be placed behind the bulkhead and the bluff face; the rock armor to consist of 2'-3' cap rock (1 to 2 ton), 2' of core stone and filter fabric; the slope restoration area (4,968 sq. ft.) will be graded, backfilled and restored with a mix of Beach Grass, Rosa Rugosa, Bayberry, Virginia Rose and Pitch Pine; slope stabilization shall incorporate board and stake terracing with vegetation, planted in accordance with the recommended procedures of the NYSDEC Saratoga Tree Nursery.
Located: 13459 Oregon Road, Cutchogue. SCTM# 1000-83-2-10.12

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:
WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on January 12, 2021, and having considered the site plan submitted by DEA Engineering dated October 2, 2020 at the Trustee's January 14, 2021, work session; and,

WHEREAS, on January 20, 2021 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,

WHEREAS, on January 20, 2021 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and,

WHEREAS, in reviewing project plans submitted by DEA Engineering dated October 2, 2020 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bluff alone.
- Protection of the toe of bluff using hardened structures including bulkhead and stone armoring is necessary
- No existing rocks or boulders are to be utilized, moved, or relocated on the beach.
- As time progresses, continued soil loss at the toe of the bluff may lead to habitat degradation and bluff instability.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bluff stabilization/erosion control plan.
THEREFORE, according to the foregoing, the Southold Town Board of Trustees approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

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

TRUSTEE GOLDSMITH: Number two, DESCRIPTION OF ACTION: David Bergen on behalf of NEW SUFFOLK PROPERTIES, LLC requests a Wetland Permit for the existing Eastern 146' bulkhead with 12'X5' return adjoining 130' X 5' wood walkway; to 209' bulkhead with adjoining 192' X 5" wood walkway; to 21' bulkhead with adjoining 21' X 5' wood walkway; to 82' bulkhead with adjoining 82' X 5' wood walkway; to northeastern 104' bulkhead with adjoining 114' X 5" wood walkway; to 57' bulkhead with adjoining 52' X 5' wood walkway; to 45' bulkhead with adjoining 68' X 5" wood walkway; to 159' bulkhead with adjoining 158' X 5' wood walkway; to 25' bulkhead with adjoining 24' X 5" wood walkway; to 128' bulkhead with adjoining 128' X 5' wood walkway; to 40' bulkhead with adjoining 39' X 5' wood walkway; to 36' bulkhead with adjoining 35' wood walkway; to 81' bulkhead with adjoining 39.5' wood walkway; to 235' bulkhead with adjoining 230' X 5' wood walkway; to 63' bulkhead terminating at concrete launch ramp 13.9'X35.5'X21.3'X18.7'X27.2'. Existing Eastern 5'x5' wood platform to 20.3'X2.3' ramp to 81'X5' floating dock to 110'X4' floating dock to floating docks (5/6) 13.3'X6'X13.2' to dock (7) 13.3'X5.8'X13.4' to dock (8) 12.6'X6.0'X12.5' to dock (9) 12.5'X6'X12.6' to dock (10) 12.1'X6'X12' to dock (11) 10.9'X5.9'X11' to dock (12) 10.8'X6.1'X10.8' to dock (13) 11'X5.9'X11' to dock (14) 10.9'X6'X7.7'X12.1'. 17.4'X2' ramp associated with 30.1'X5' floating dock to 72'X5' floating dock with two floating finger docks 22'X3'. North 60'X4' floating dock with two floating finger docks 18'X3' to 37'X4' floating dock. Existing Ramp 17.4'X3' to 147'X4' floating dock with five floating fingers docks 20'X3' to 32'X8' floating dock with associated ramp 17.4'X3'; to 160'X4' floating dock with four 18'X3' floating finger docks terminating with dock (47) 30'X5'. Southern floating dock 48'X4' with floating finger dock (49/50) 18'X3' to floating dock 40'X8' terminating to south with 18'X3' floating finger dock (52) plus associated ramp 17.4'X3'; To 79'X4' floating dock with two finger docks 41'X4' plus floating finger dock (58) 20.6'X3'; To 90'X4' outer southern floating dock with four floating finger docks 18'X3' to floating dock 225'X4' with ten floating finger docks 18'X3'. Western walkway 19'X4' to ramp 10.5'X3.5' to floating dock 184'X4' with one floating finger dock 18X4' plus nine floating finger docks 18'X2'. Southwestern walkway 25.2'X2.5 long to associated ramp 13'X3' to 89'X4' floating dock with one finger floating dock.
(111) 20.5'X3' plus three 20.5'X2" floating finger docks terminating with one floating finger dock (120) 20.5'X4'.
Existing Eastern structures include 4'X12.5' concrete fuel tank platform with raised wood decking around fuel tank platform 34.5'X5'X21'; concrete fuel tank cover 24'X19' with associated gravel vehicle access; Two story office FR building 38.6'X26.7" with associated decks and walkways; Two story northern FR building 45.6'X30.6'X15.4'X40.1'X30.2'X70.7' with associated entrance stairs and gravel parking area. Northern bathroom building 18.4'X6'X3'X28.4'X28.4'X3'X6'. Adjacent concrete parking slab 24.4'X20'X23.9'X15'X2.5'X12'X2.5'. Northern storage building 50.2'X82.5'X35.2'X21.7'X15.1'X60.5' with associated concrete walkways and gravel driveway plus 38' retaining wall. Large gravel parking area with associated wood walkways adjacent to and south of Northern storage building. Concrete slab at southern end of gravel parking area 23'X19.4'X27.6'X13.9'X4'. Large gravel parking area along western side of property.
Located: 3350 West Creek Avenue, Cutchogue. SCTM# 1000-110-1-12

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:
WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on January 14, 2021, and having considered the survey of property by Peconic Surveyors, P.C. dated October 29, 2020, at the Trustee's January 14, 2021, work session; and,

WHEREAS, on January 20, 2021 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,

WHEREAS, on January 20, 2021 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and,

WHEREAS, in reviewing the as-built survey submitted by Peconic Surveyors, P.C. dated October 29, 2020 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Scope: The as-built bulkheads and docks are located in a Marine II District with water-dependent and water-related uses.
- Scope: The as-built bulkheads and docks are comparable to bulkheads on neighboring properties in an area where docks historically are used for commercial and recreational purposes.
- Scope in relation to view shed: The seaward end of the as-built docks will not extend appreciably beyond existing docks. As such the perspective will not be discernibly different from the existing view.
- Environmental upkeep: The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.
That's my motion
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number three, DESCRIPTION OF ACTION: Michael Kimack on behalf of LAUREN PRAUS & MARK SCHWARTZ requests a Wetland Permit to reface approximately 265 linear feet of existing bulkhead with 2"x10" composite boards with 2"x3' ledgers and 2"x12" Douglas fir cap; remove 28.5 linear feet and 67 linear feet of existing bulkhead in two (2) locations; construct 34 linear feet of new vinyl bulkhead in place of removed bulkheading along easterly side of property; remove approximately 15 cubic yards of fill, prepare sub grade slope from top of bulkhead to shoreline; place approximately 7 cubic yards of clean course sand on the sub base to create extension of beach line from neighboring property; install two (2) 8" diameter double set dolphin pilings for anchorage where 67 linear feet of bulkhead removed; construct a 4'x16' (64sq.ft.) Fixed dock; install a 3'x14' (42 sq. ft.) aluminum ramp; install a 6'x20' (120 sq. ft.) floating dock with six (6) 8" diameter piles and one 8" diameter double set dauphin piling.
Located: 1360 Broadwaters Road, Cutchogue. SCTM#: 1000-104-9-5

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:
WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on January 12, 2021, and having considered the survey of property by Peconic Surveyors, P.C. dated May 22, 2020, and having considered the plans for this proposed project submitted by Mark Schwartz & Associates dated November 6, 2020 at the Trustee's January 14, 2021 work session; and,

WHEREAS, on January 20, 2021 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,

WHEREAS, on January 20, 2021 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and,

WHEREAS, in reviewing project plans submitted by Mark Schwartz & Associates dated November 6, 2020 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- **Scope:** The proposed dock is comparable to docks on neighboring properties in an area where docks historically are used for commercial and recreational purposes.
- **Scope in relation to view shed:** The seaward end of the proposed dock will not extend appreciably beyond existing docks. As such the perspective will not be discernibly different from the existing view.
- **Scope in relation to the riparian rights of shell fishers:** The plan allows a standard fixed catwalk to float design that will not impede access for those seeking shellfish and crustacea in season.
- **Environmental upkeep:** The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.
THEREFORE, according to the foregoing, the Southold Town Board of Trustees
Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to
SEQRA for the aforementioned project.

That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

X. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE GOLDSMITH: Roman numeral ten, Resolutions, Administrative Permits. In
order to simplify our meeting, the Board of Trustees regularly groups together actions
that are minor or similar in nature. Accordingly, I'll move to approve as a group items
one, two and four. They are listed as follows:

Number 1, Sean O'Neill on behalf of JAY QUARTARARO requests an
Administrative Permit to install a 40"x 54" automatic generator on a concrete pad.
Located: 4294 Wunneweta Road, Cutchogue. SCTM# 1000-111-14-27.1.

Number 2, Sean O'Neill on behalf of IRENE MARKOTSIS requests an
Administrative Permit to install a 40"x 54" automatic generator on a concrete pad.
Located: 6540 Main Bayview, Southold. SCTM# 1000-78-5-12.

Number 4, En-Consultants on behalf of RONI JACOBSON & DAVID FELDMAN
requests an Administrative Permit to remove and replace (in-place) 218 sf grade-level
masonry patio beneath existing second-floor porch to remain, construct 30'-ht x 11' lg
retaining wall adjacent to patio, and repair/cosmetically renovate porch (e.g.,
replace/reinforce ex. Support posts/deck frame, replace siding and screen panels);
remove existing retaining wall, excavate approx. 135 cy of soil material to lower existing
grade adjacent to dwelling by approx. 5 ft, install 380 sf sunken masonry patio with
approx. 37 If of 18''-high masonry curb and paver steps, and install drywell to collect
patio runoff; construct 200 sf grade-level masonry patio in place of ex. 280 sf patio;
construct +3' x 14' 2-story addition in place of existing bay window (adjacent to 100'
westlands setback); and establish 12'-26' wide, approx. 1,770 sf non-turf buffer in place
of existing lawn adjacent to bulkhead.
Located: 4680 Wunneweta Road, Cutchogue. SCTM# 1000-111-14-36.6.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 3, Suffolk Environmental Consulting,
Inc., on behalf of DOLORES KREITSEK requests an Administrative
Permit for the as-built 564 sq. ft. seaward side deck with steps
and 36 sq. ft. spa; and landward 386 sq. ft covered porch with generator.
Located: 2455 New Suffolk Avenue, Mattituck. SCTM# 1000-114-9-14.1

The LWRP found this to be inconsistent. The inconsistency
is the as-built structures were constructed without benefit of a
Board of Trustee review in issuance of a wetland permit.

Therefore, I make a motion to approve this application as
submitted, which will bring it into consistency with the LWRP.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).
XI. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE GOLDSMITH: Under Roman numeral XI, Applications for Extensions, Transfers, Administrative Amendments. Again, in order to simplify the meeting I'll make a motion to approve as a group items one through five. They are listed as follows:

Number 1, John Mealy on behalf of R. BRADFORD BURNHAM III requests an Administrative Amendment to Wetland Permit #9730 to relocate three feet to the south and construct a 445 sq. ft. one-story detached residential garage with an attached 3'x16' concrete apron in lieu of the originally proposed 455 sq. ft. garage with 3'x10' concrete apron.

Located: 2646 Peninsula Road, Fishers Island. SCTM# 1000-10-3-4.1

Number 2, Docko, Inc., on behalf of DONALD W. YOUNG REV. TRUST & KELLY C. YOUNG REV. TRUST requests an Administrative Amendment to Wetland Permit #9474 and Coastal Erosion Permit #9474C to extend pier an additional 12' landward toward house with one additional set of piles.

Located: Off East End Road, Fishers Island. SCTM# 1000-3-2-2

Number 3, En-Consultants on behalf of GEANIE ARCIGA & THOMAS JUUL-HANSEN requests an Administrative Amendment to Administrative Permit #9514A to conduct construction activity within 100' from crest of bluff, including clearing up to 50 feet from crest of bluff, to construct on vacant parcel an approximate 2,938 sf. two-story, single-family dwelling, with approximately 1,064 sq. ft. waterside deck with steps; 748 sq. ft., swimming pool; and 77 sq. ft. Front deck, all located at least 100 feet from crest of bluff.

Located: 500 Castle Hill Road, Cutchogue. SCTM# 1000-72-1-1.10

Number 4, Nancy Steelman on behalf of ELAINE DeMARTINO MAAS requests an Administrative Amendment to Wetland Permit #9568 to reconstruct existing 65 sq. ft. deck, in lieu of originally proposed removal; construct 143 sq. ft. deck in lieu of constructing 97 sq. ft. raised masonry terrace with steps onto new 664 sq. ft. at grade masonry terrace.

Located: 1500 Willow Terrace Lane, Orient. SCTM# 1000-26-2-26

Number 5, HOWARD & LISA KOFF request an Administrative Amendment to Wetland Permit #9440 to reposition the 18'x36' in-ground pool to be parallel to the dwelling with a 915 sq. ft. rectangular wood deck to be on the same level as existing 42'x15' deck in lieu of the originally proposed irregular shaped 1,053 sq. ft. brick paver patio; construct a 2' high retaining wall near the steps on the west side of the deck.

Located: 1380 Oakwood Drive, Southold. SCTM# 1000-70-12-32

TRUSTEE WILLIAMS: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
XII. MOORINGS/STAKE & PULLEY SYSTEMS:

TRUSTEE GOLDSMITH: Roman numeral XII, Moorings, Stake & Pulley Systems. I make a motion to approve number 1. It reads as follows:

Number 1, JAMES FINORA requests a Mooring Permit for a mooring in Little Creek for a 19’ outboard motor boat, replacing Mooring #39. Access: Public

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

XIII. RESOLUTIONS - OTHER:

TRUSTEE GOLDSMITH: Roman numeral XIII, Resolutions other. RESOLVED that the Board of Trustees of the Town of Southold hereby Cancels Wetland/Mooring Permit #9449 and authorizes a refund to Gerard Gordon in the amount of $200.00 for the 2021 Mooring Season fees paid on January 8, 2021.

That's my motion.

TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: At this time I'll make a motion to go off our regular meeting agenda and enter into Public Hearings.

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

XIV. PUBLIC HEARINGS:

TRUSTEE GOLDSMITH: This is a public hearing in the matter of the following applications for permits under the Wetlands Ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public.

Please keep your comment organized and brief, five minutes or less if possible.

AMENDMENTS:

TRUSTEE KRUPSKI: Number 1, under Amendments, Inter-Science Research Associates, Inc. on behalf of MICHAEL KREGER requests an Amendment to Wetland Permit #9433 to increase the footprint of proposed pool terrace and its stairs by 275 sq. ft. with a setback of 14.5'; the infinity edge trough of the swimming pool was removed from the plan; the pool area was decreased from 740 sq. ft. to 640 sq. ft. but there is also 130 sq. ft. of pool coping not previously proposed; the total pool area is 820 sq. ft. which is an increase of 80 sq. ft. with an increase of wetland setback from 21' to 23'; the pervious driveway was reconfigured, decreasing its area by 165 sq. ft.; the pool equipment has been moved to outside the Non-Turf Buffer Area; the HVAC equipment
area decreased from 43 sq. ft. to 15 sq. ft.; the total impervious upland lot coverage of the property, as defined by the NYSDEC increased by 272 sq. ft., from 4,311 sq. ft. to 4,583 sq. ft.; expand the Non-Disturbance Buffer Area by an additional 125 sq. ft., increasing it from 8,860 sq. ft. to 8,985 sq. ft.; when reviewing the approved permit, note that the expansion that was proposed as part of Permit No. 9433 had increased the area of revegetation to be made into Non-Disturbance Buffer Area by 980 sq. ft., that increase is not 1,105 sq. ft.; the area of the Non-Turf Buffer Area will be increased by 65 sq. ft. from 1,200 sq. ft. to 1,265 sq. ft.; between the Non-Disturbance Buffer Area and the Non-Turf Buffer Area, the site will have 10,250 sq. ft. of preserved area, which is more than double the area of impervious upland lot coverage.

Located: 1085 Bay Shore Road, Greenport. SCTM# 1000-53-3-13.1

The Trustees visited the site on the 12th of January and noted that it was an increase in buffers with a slight modification to the pool.

The LWRP coordinator found this to be inconsistent, specifically cited that the non-disturbance buffer would ultimately be reduced in width, which after Board review, it would be reduced in width in that tiny location but would ultimately result in a net gain in buffer.

The Conservation Advisory Council resolved to support the application, however the proposed location of the pool is less than the required setback as referenced in Chapter 275.

Okay, is there anyone here that wishes to speak regarding this application?

MS. CANTRELL: We have somebody on telephone number who had his hand raised for some time now. The number ends in 4763, so whoever that may be, if you want to speak, you are welcome to at this time, if you are listening.

MR. MCGAHAHAN: Hi, this is Doug McGahan. I'm the agent for Fabio Pasquale Granato.

MS. CANTRELL: That has not come up for a little while. So I would hang in until that application comes up.

MR. MCGAHAHAN: Okay, thank you Elizabeth.

MS. CANTRELL: We have Mike Schiano raising his hand. If you want to un-mute.

MR. SCHIANO: Hello, Mike Schiano from Inter-Science Research Associates in Southampton on behalf of Michael Kreger.

TRUSTEE KRUPSKI: Do you have any comments, sir?

MR. SCHIANO: I just wanted to, so we are expanding the pool terrace into all the expansions that are being done of structures are being done into what was the existing house footprint, since the house has since been demolished, but we are not increasing any setbacks from what had existed. And since this is an amendment I thought that was important to note.

We have increased the total area of buffers and preserved area on the site and we have decreased some of the pool setbacks by two feet, but there was still a decrease in the pool setback. And just wanted to highlight the fact that all together the site
will now have 10,250 square feet of preserved area, which is more than double of any of the upland lot coverage, any of the impervious coverage that is on the site.

So part of the previous application that we are here to modify includes a significant amount of mitigation, and we are just kind of modifying some of the things that were proposed previously and I hope that all serves as being enough for the Trustees to consider the modification.

TRUSTEE KRUPSKI: Thank you. Is there anyone else that wishes to speak to this application?
(Negative response).

I, myself, it was a very minor modification that we looked at in the field. Obviously after doing the math, the applicant does in fact increase of the buffer. So, I mean, I think it's a good modification.

Does anyone else have any comments?
(Negative response).
Okay, hearing no further comments, I make a motion to close the hearing on this.

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

TRUSTEE KRUPSKI: I make a motion to approve this application noting that it is a net increase in non-disturbance area thereby bringing it into consistency with the LWRP coordinator.

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

TRUSTEE BREDEMEYER: Number two, Michael Kimack on behalf of 8100 HORTONS LANE, LLC requests an Amendment to Wetland Permit #9346 to demolish existing one-story dwelling with garage, foundation, outdoor shower, porches, steps, cesspool, water well, shed and stepping stones; backfill disturbed areas; construct an elevated three-story, 1,713 sq. ft. dwelling and 730 sq. ft. of terraces with 18 sq. ft. of third floor outdoor shower and 60 sq. ft. on-grade landing for a total of 2,521 sq. ft.; install an IA Wastewater Treatment System and install gutters to leaders to drywells to contain roof runoff.

Located: 8100 Hortons Lane, Southold. SCTM# 1000-54-4-31

This project has been resolved to be supported by the Conservation Advisory Council, and has been deemed to be consistent with the Town's LWRP.

The Board conducted a field inspection on January 12th, noting that the proposed dwelling is an additional five feet further from the wetland of the Long Island Sound than the prior approval that was granted, with the same square footage, and that an IA system has been carried forward as in the prior approval of the Board. The project appears to be consistent with all our regulations, and the project also had prior approval from the Town Zoning Board of Appeals.
Is there anyone here that wishes to speak on behalf of this application?

MS. CANTRELL: We have Mike. I'm not sure if this is Mike Kimack.
Mike, if you wish to un-mute.

MR. KIMACK: Yes. Hi. Good evening. Are there any questions of me on this project?

TRUSTEE BREDEMEYER: Not seeing any questions. No, no questions.

MR. KIMACK: Thank you.

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

MS. CANTRELL: No one else is raising their hand at this time.

TRUSTEE BREDEMEYER: This project was a further improvement of an already approved, suitably sited and planned-for project. Accordingly, I make a motion to close the hearing in this matter.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I make a motion to approve this application according to the stamped licensed land survey of July 20th, 2020. That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE DOMINO: Number one under Wetland & Coastal Erosion Permits, DEA Engineering on behalf of LAURA SOLINGER requests a Wetland Permit and a Coastal Erosion Permit to construct 87 linear feet of new bulkhead, with a 15' return, seaward armor protection, and new slope restoration; the bulkhead and return to be constructed of 14' long corrugated vinyl sheeting, 20' long 12' diameter piles, and 12' deep 8' diameter deadmen set 12' behind the bulkhead; approximately 273 cubic yards of clean fill to be placed behind the bulkhead and the bluff face; the rock armor to consist of 2'-3' cap rock (1 to 2 ton), 2' of core stone and filter fabric; the slope restoration area (4,968 sq. ft.) will be graded, backfilled and restored with a mix of Beach Grass, Rosa Rugosa, Bayberry, Virginia Rose and Pitch Pine; slope stabilization shall incorporate board and stake terracing with vegetation, planted in accordance with the recommended procedures of the NYSDEC Saratoga Tree Nursery. Located: 13459 Oregon Road, Cutchogue. SCTM# 1000-83-2-10.12

The Trustees did a most recent field inspection at this site on January 12th, 2021. All were present. Field notes were completed by Trustee Krupski and read as follows: Need to clarify the height of the stone armor on the face of the vinyl sheathing. And the rest seems to be okay.

The LWRP coordinator found this to be consistent. That was on January 19th of this year.

Additionally, on January 13th of this year, the
Conservation Advisory Council, all members opposed this application. The opposition is based on the Conservation Advisory Council does not support the application because the bluff is healthy, pristine and functioning. There is no necessity for a perpendicular, large structure, and the area should remain in a natural state. There is no sign of erosion, and the staircase was not found to be undermined.

The Conservation Advisory Council requests this area be listed as a sensitive area.

Okay, is there anyone here to speak to this application?
MS. CANTRELL: We have Doug Adams who just raised his hand. Doug, if you would like to un-mute.
MR. ADAMS: Hi, everybody, I'm just here to answer any questions.
TRUSTEE DOMINO: Thank you. Can you address the question about the height of the stone armoring? I'm referring to the plans received and in the file stamped received on November 18th, 2020. It appears as if the stone will reach a height of approximately the second waler. That would be about two feet below the top vinyl cap. Is that correct?
MR. ADAMS: Yes, that's about -- that's correct.
TRUSTEE DOMINO: Okay, thank you, very much.
MR. ADAMS: If I could just say, the waler location sort of varies because it has to stagger as you go along, but generally speaking it would be, you know, the top of it is to actually help protect that bulkhead that is below the waler. So it should go to the waler, approximately. Yes. I mean, it's not an exact science laying the stone but that's the general idea, yes.
TRUSTEE DOMINO: Thank you, for that. Any other questions from the Board?
TRUSTEE GOLDSMITH: What is your method of access for this project?
MR. ADAMS: I think I often leave that to, and I shouldn't, because to get a permit here, but different contractors come up with different ideas. I think that probably the senior contractor who did the previous work will be involved here and I believe his access was on the beach from the west. And I could confirm that, and do basically the same thing we did when we did the 13-foot extension to the property line on Soldad (sic), if that's okay with you guys.
TRUSTEE GOLDSMITH: Yes. Because we are going to condition there is no bluff cut whatsoever for this project.
MR. ADAMS: Okay.
TRUSTEE DOMINO: Any other questions or comments from the Board?
(Negative response).
TRUSTEE DOMINO: Any other questions or comment from the public?
TRUSTEE KRUPSKI: I guess just to clarify, that I believe the Conservation Advisory Council were probably addressing a different application when they made their comment for this application. There was severe erosion as we all --
TRUSTEE DOMINO: Referencing the stairs to be included there.
TRUSTEE KRUPSKI: Yes.
MS. CANTRELL: We have nobody else raising their hand to speak in regard to this. Oh, we have Peter Meeker from the CAC. Peter, if you want to un-mute.

MR. MEEKER: Yes, hello. Yes, on top of the bluff erosion issue we were pointing to Doug Hardy’s paper and what he had to say in that. And John Stein who actually did the inspection, believed that that bluff area was working in a natural way and thought that it was unnecessary to harden that shore.

TRUSTEE DOMINO: Thank you, for that.

MR. MEEKER: Okay.

TRUSTEE GOLDSMITH: I would just like to state for the record, when we went out, we noticed severe erosion, and we actually didn’t go down the stairs because it was so undermined we were afraid to traverse them, so. And there is a bulkhead to the west. There is severe erosion in this section.

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

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES)

TRUSTEE DOMINO: I make a motion to approve this application with the condition that there be no bluff cut and that access be by the beach.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

WETLAND PERMITS:

TRUSTEE WILLIAMS: Number one, under Wetland Permits, AMP Architecture on behalf of ANTHONY TARTAGLIA & JAMES HOWELL requests a Wetland Permit for the existing one-story 10.4’x20.1’ (205.8 sq. ft.) Bungalow with existing one-story 8.0’x12.4’ (99.2 sq. ft.) covered porch attached to bungalow to be removed; existing two-story 24.3’x30.5’ (740 sq. ft.) garage/apartment with attached second story 10.1’x22.0’ as-built covered porch, and to remove the roof cover off of the second story decking, not to be reconstructed; existing two-story 34.9’x57.9’ (1,468 sq. ft.) dwelling and to remove and replace existing first-story attached 10.5’x26.8’ (280 sq. ft.) sunroom; remove existing traditional septic system at front of property and replace with new Innovative and Alternative Onsite Wastewater Treatment System with approximately 740 sq. ft. land are to be disturbed and filled after new system is installed; and that the existing approximately 1,000 sq. ft. wood deck at top of bluff has been removed, not to be reconstructed.

Located: 55255 County Road 48, Greenport. SCTM# 1000-44-1-9

The Trustees visited this site a number of times, most recently on January 12th, 2020. We did a review of the plans noting a ten-foot non-turf buffer.

The LWRP coordinator found this to be both consistent and inconsistent. The inconsistency was that there were structures
built there without obtaining a wetland permit.
And the Conservation Advisory Council did not review this application.
We do have new plans dated January 7th, 2021, that do show a ten-foot non-turf buffer along the top of float that was requested by the Trustees at a previous meeting.
Is there anyone here that wishing to speak to this application? (Negative response).
Are there any questions or comment from the Trustees?
MS. CANTRELL: Anthony Portillo, the expeditor for this application, has raised his hand. Anthony, if you want to un-mute, if you can hear us.
MR. PORTILLO: Yes. Good evening, Board. Thank you, for your time tonight. I just want to let you know I'm here, if you have any questions. I'm the architect of record for the application.
TRUSTEE WILLIAMS: Thank you, Anthony. The project seems very straightforward. I don't have any questions. Do any Trustees have any questions?
TRUSTEE KRUPSKI: Not with the new plans. They look good.
MR. PORTILLO: Thank you.
TRUSTEE WILLIAMS: Thank you, Anthony. Anyone else here that wishes to speak to this application? (Negative response).
MS. CANTRELL: I don't see any hands raised.
TRUSTEE WILLIAMS: I'll make a motion to close the public hearing.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE WILLIAMS: I make a motion to approve the application as submitted referencing the plans stamped received January 7th, 2021 by the Trustees office. And by issuing this permit it will bring this project into compliance with the LWRP coordinator.
TRUSTEE GOLDSMITH: Second. All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number two, DKR Shores, Inc. on behalf of CAMERON DOWE & MEGAN STRECKER requests a Wetland Permit to construct an 18'x32' shed that includes an 8'3"x18' covered open porch; extend existing timber walk landward an additional 4'x8'6", to be 9" from grade using 6" round posts and cedar decking to match existing in order to attach walk to proposed shed/covered porch.
Located: 975 Cedar Point Drive West, Southold. SCTM# 1000-90-1-5
The LWRP found this to be consistent.
I do not see a CAC recommendation in the file for this one.
The Trustees conducted a field inspection on December 9th, 2020, as well as an inhouse review of new plans that were submitted January 7th, 2021, at our January 12th field inspection as well as our most recent work session.
Again, for the record, we did receive plans stamped received, dated January 7th, 2021.
Is there anyone here who wishes to speak regarding this application?
MS. CANTRELL: Agena is present and wishes to speak. Agena, if you want to un-mute.
MS. RIGDON: Thank you, Liz. Can everyone hear me?
   (Affirmative response).
MS. RIGDON: Good evening, everyone. Thank you, for your patience regarding this matter. As written in the project description, as was revised after a couple of months working with the Board, we are proposing an 18x23 shed and a 4x20 walkway extension matching the existing walkway, with cedar and ground posts on, as you are all well aware it is one story. We have reduced the size. We have relocated it landward from where it was previously. And I think we hopefully have come to a common consensus to bring this into consistency before the Board.
TRUSTEE GOLDSMITH: Thank you. Is there anyone else here who wishes to speak regarding this application?
MS. CANTRELL: Not seeing anybody else raising their hands.
TRUSTEE GOLDSMITH: Any questions or comments from the Board?
TRUSTEE DOMINO: I stated before and on the record my support for aquaculture and shellfish operations, especially those on commercial properties. I'm equally supportive of residential property owners' rights. However, without a truly scientific study, and by that I mean something on a doctoral level dissertation, showing that the net gains for the estuary follows increased commercial activities on our creeks, I'm compelled to support Chapter 275-3(b). Purpose: Which in part states that wetland shall be regulated in order to maintain and contribute to fisheries, shellfish, including spawner sanctuaries, and the minimization of and minimization of the impact of new development.
   Accordingly, I feel very strongly about that.
TRUSTEE GOLDSMITH: Thank you.
TRUSTEE KRUPSKI: I would have to respectfully disagree with that sentiment. Having worked in that industry doing restoration with Cornell Cooperative Extension and seeing some of the benefits that oysters and other shellfish, obviously, do bring to our local waters. I mean the fact that we don't see reefs developing is just because our waters have, in the creeks especially, have already been taxed by other means. So they are filtered in, so you can't really develop a strong reef unless you put down some sort of structure already. And I have seen done, actually, and maybe that is something to look at going forward, but that's the reason you are not seeing spawning in a natural set come into these different creeks.
   Having said that, I think it is, in general, a positive thing for our local waterfront. I think that this applicant has complied with the requests of the Board in making the structure smaller and moving it away and minimizing the environmental impacts by not removing any major trees, and consulting with the neighbor who is immediately adjacent to the structure. And I think ultimately, and this Town does have, the Town is going to have to figure out exactly how we are going to deal with
commercial use of residential properties going forward, but for me speaking as one Trustee, I do strongly believe that a structure such as this, if they can use it for storage and actually working in some ways it might make the use of their backyard a little bit more attractive for the neighbors, so I don't see the environmental impact, and I think esthetically this might clean up the yard and minimize the amount of equipment that is laying in the backyard. And ultimately, I believe it is 85 feet away from the wetland, which is a nice setback. That's what I have to say on the subject.

MS. RIGDON: Thank you, both.

TRUSTEE BREDEMEYER: I have concerns similar to Trustee Domino's and I understand fully where Trustee Krupski is coming from also. I have chaired the Town shellfish advisory committee for a number of years and have led a number of investigations into the water quality in the creeks, and I am concerned about the intensification of operations that are within creeks that are essentially commercial applications on small areas, noting that we have a number of commercial aquaculture grow-out operations centered on commercial properties where the intensification can grow to meet the scale of the individual operations.

It does concern me that the impacts to the wetland are cumulative and a death by a thousand cuts, as the intensification of operations goes forward with the amount of gear that has to be brought in with the fouling and wash operations, and immediate adjacent shoreline that come with that shellfishing. So I'm greatly concerned, and I know this is an area that the Town, I think the Town when they envisioned the initial protections for aquaculture were looking at it much more in line with those of us who many years ago were dealing in relatively small seasonal quantities of shellfishing being moved in that were already clean when they came to a dock or a structure. That's all I have to say.

TRUSTEE GOLDSMITH: Thank you. I appreciate where everybody is coming from, and as everybody has said, I think this is an issue that the Town is going to need to address going forward. My personal feelings on it is that I don't necessarily see the proposed shed changing the scope of the operation that is currently going on on this property. If we do grant it, I don't see much of a change. The only change with that is bringing the equipment that is currently on the lawn or currently closer to the wetlands further away inside. But it is an issue going forward that the Town will need to address on a bigger scale.

Is there anyone else here wishing to comment on this application?

(Negative response).

Hearing no further comment, I make a motion to close this hearing.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application
with the plans submitted stamped received January 7th, 2021, and revised project description, reads as follows: DKR Shores, Inc., on behalf of Cameron Dowe & Megan Strecker, requests a Wetland Permit to construct an 18'x23' shed extend existing timber walk landward an additional 4'x20' to be nine inches from grade using six-inch round posts and cedar decking to match existing in order to attach walk to proposed shed.
Located 975 Cedar Point Drive West, Southold.
That's my motion

TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor? Trustee Goldsmith, aye.
TRUSTEE DOMINO: Trustee Domino, no.
TRUSTEE BREDEMeyer: Trustee Bredemeyer, no.
TRUSTEE KRUPSKI: Trustee Krupski, aye.
TRUSTEE WILLIAMS: Trustee Williams, no.

TRUSTEE KRUPSKI: Number three, Carmelhill Architects on behalf of CAROLINE TOSCANO requests a Wetland Permit to construct a new 3,242 sq. ft. two-story, single-family dwelling with attached two car garage; a 74 sq. ft. front roof over entry; and 325 sq. ft. two rear decks.
Located: 610 Jacksons Landing, Mattituck. SCTM# 1000-113-4-8
The Trustees visited this property on the 12th of January.
I stand corrected. The Trustees most recently completed an in-house review and then discussed the property at work session and reviewed the new plans that were received in the office January 5th. A month prior the Trustees inspected this property and noted that we needed to add to the plans a non-disturbance, non-turf buffer, and that the property requires an IA system.
And the survey to show the adjacent houses for the purpose of the pier line.
The LWRP coordinator found this application to be consistent.
And the Conservation Advisory Council resolved to support the application with the stipulation of an IA wastewater treatment system. And new construction being setback from the hundred-foot wetland boundary.
Is there anyone here that wishes to speak regarding this application?
MS. CANTRELL: We have Edward Koenig has raised his hand. Edward, if you would like to un-mute yourself.
MR. KOENIG: Good evening, members of the Board. Can you hear me?
(Affirmative response).
We took the project from last month, made the necessary revisions that you requested, including the non-turf boundary and also the low nitrogen septic system. The drawings have been resubmitted to the Department of Health and also to the DEC and we are waiting imminent approval so we can move forward with this.
TRUSTEE KRUPSKI: Thank you. Is there anyone else that wishes to speak regarding this application, or any additional comments from the Board?
(Negative response).
MS. CANTRELL: No one else raised their hand.
TRUSTEE KRUPSKI: Thank you. Hearing no further questions, I'll make a motion to close the hearing in this application.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE KRUPSKI: I make a motion to approve this application based on the new plans dated received in the office January 5th, 2021, to include an IA septic system, the original non-disturbance buffer and the 25-foot non-turf buffer to be filed with the county clerk for the C&Rs. That's my motion.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Next application, number 4, Patricia Moore, Esq. on behalf of JACK CIPRIANO requests a Wetland Permit to construct a proposed two-story 40’x65.2’ dwelling with attached two-car garage; 6’x40’ covered porch, and 10’x16.5’ proposed deck; the installation of gutters to leaders to drywells to contain roof runoff; install a public water line; (sanitary system 158’ from wetland and out of jurisdiction); with a 60’ Non-Disturbance Buffer area along the landward edge of the wetlands. Located: 8150 Main Bayview Road, Southold. SCT# 1000-987-5-23.6

The project has been deemed consistent by the LWRP.

It is has been reviewed by the Conservation Advisory Council -- actually, let me back track here. The consistent approval is also conditioned on requiring an IA innovative alternative onsite wastewater treatment system by the LWRP coordinator.

The Conservation Advisory Council voted to support this application, recommending an innovative alternative waste water system.

The Board of Trustees made two field inspections. The initial inspection was made December 9th, at which time the Board indicated it should have an innovative alternative sanitary system, and the Board revisited the site on January 12th to review trees that were ribboned to be saved and discuss trees on the property.

Is there anyone here that wishes to speak on behalf of this application?
MS. CANTRELL: Patricia Moore. Pat, if you can un-mute yourself, if you can hear us.
MS. MOORE: Yes, hi. Thank you, Liz. Thank you, Mr. Bredeemeyer. I'm here. We had marked the trees. The Board wanted us to identify what trees we would retain or remove. It was easier to show the retained trees. As you can see from our application, also I'll remind the Board this had a previous Trustee permit issued in 2013, and then another reissued in 2016. We have a 60 foot non-disturbance buffer that is a C&R already on the
property. And when you look at the lot coverage that we are dealing with, it's only 7% development of, almost an acre of property that is upland property, the property is almost double the size when you are looking at the overall size of the property.

The property is, pretty much the entire front has to be occupied with either a driveway or an IA system. We do have all of our permits in place but by the time this construction takes place, July will be here and IA systems will be mandatory. So whether or not the Board makes it a condition, the project will need an IA system. I don't have the surveyor updating the survey showing an IA. He showed the location of the sanitary system that was 158 feet. The septic tank is 148 feet. And the rest of the system will be at 158 feet from the edge of wetlands. So outside the Board's jurisdiction. So it doesn't necessarily have to delay the application since the county will require an IA system. We are fine with having it as a condition of the approval. It is -- it's what is going to be submitted.

If you have any comments, as I said, the property is very substantially non-disturbance, so the trees that are there are a mixture of not very good quality trees. The four trees that were identified marked were the more worthy of retaining. It might make more sense here to just put a condition to plant four trees than it is to retain what are less than desirable quality trees. But, I'll listen.

TRUSTEE BREDEMEYER: Thank you. I believe the Board is in concurrence with your description of the trees when we went back to the site. I think I have been there for the two prior iterations, and the trees, which are mostly scrubby, are actually succumbing to their natural aging out and falling down.

With the respect to the IA, yes, the proposed deck comes within 89 feet of the top of bank, which is described as essentially the wetland line, which we did confirm on our December 9th inspection.

I guess it remains, the Board would obviously condition an IA, and we would need to be able to get assurances that that would be acceptable to our legal department, as far as IA, so that we didn't have this go through without it and construction started ahead of the July start that you purport.

Otherwise I think the Board was concerned that maybe additional planting or a planting plan to increase vegetation, it might include screening from the adjacent condominium complex would serve the purpose of improving the site, and native vegetation providing the screening that the owners may wish to have.

MS. MOORE: It might make more sense, we show on the plan the limit of clearing. It might make more sense that once the house is there to have the homeowner come in with a landscape plan because it's a little difficult to design a landscape plan when you are still trying to figure out where your house and all of the infrastructure including drywells -- I often find that doing
the landscape plan before construction ends up needing modifications after construction. So, I mean.

TRUSTEE BREDEMEYER: Understood. I believe that is understood. Unless any individual members have additional concerns on that. There is a well-detailed proposed limit of clearing and a very substantial already filed non-disturbance area, and the Board has by past practice and I believe with some applications that you've carried in fact done that to allow for a more rational approach to a planting plant after the initial clearing within those limits has taken place. So no one here is jumping on a mat. It's just the issue of the IA, it would seem a simple plan change could be effected with CAD CAM in a short time, and if the applicant, you as agent for the owners, are not looking to start until July, we could get a new set of plans with the IA on it and move it at the next available meeting, unless there are additional comments or concerns from the public that would take into consideration, that would preclude positive determination on this job.

TRUSTEE KRUPSKI: Is that something we can stipulate, an IA? Because we are not designing it.

TRUSTEE BREDEMEYER: We don't have an IA on the plans.

MR. HAGAN: You can stipulate an IA.

TRUSTEE BREDEMEYER: Stipulate it and notify the Building Department that it would be an IA approval.

MR. HAGAN: The current septic is already on the plans, correct?

TRUSTEE BREDEMEYER: The current septic is on the plans but there is not an IA on the plans.

MR. HAGAN: Correct. So you are talking you want the septic system in that location as set forth in the plans and that septic system is going to be an IA.

TRUSTEE BREDEMEYER: Right. I guess you heard that, Ms. Moore?

MS. MOORE: Yes, I understand. So our plans right now show the area of the sanitary system. The IA system will most likely, any modifications will all be in that general area. So there should not be any problem. I have already asked Ken Woychuk to start working on an IA. Actually we need an engineer to sign it. I don't know if Ken can put it on without an engineer. So that is usually the delay is we need the IA designed and given to the surveyor and then plotted. So, you don't worry about what is under the ground as long as it's in that general area and it's going to remain at -- in that over 100 feet from the edge of wetlands. That it will be in the front yard, since we are connecting to public water. There is no issue there.

TRUSTEE BREDEMEYER: Thank you. Okay, that's straightforward. Is there anyone else who wishes to speak to this application?

(Negative response).

MS. CANTRELL: No one raising their hand.

TRUSTEE BREDEMEYER: Okay, any further comment from the Board?

(Negative response).

Okay, seeing none, I make a motion on close the hearing in this matter.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: I make a motion to approve this application
as submitted with the stipulation that the plans for the IA to
be approved by the Suffolk County Health Department and reviewed
and confirmed by the Town Building Department for a building
permit for this approval in accordance with the stamped plan
received in the Trustee office on October 5th, 2021.
TRUSTEE WILLIAMS: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE DOMINO: Mr. Chairman, I request a five-minute recess
TRUSTEE GOLDSMITH: Yes, we'll take a quick five-minute recess.
(After a recess, these proceedings continue as follows).

TRUSTEE DOMINO: Number 5, DANIELLA C. RAVN & STEPHEN E. RAVN
requests a Wetland Permit to construct a 40'x20' in-ground
swimming pool with a pool drywell; proposed 63'x30' surrounding
pool patio; proposed 20'x14' cabana with outdoor shower; 73'x40'
pool enclosure fencing; a proposed 50'x40' garden area enclosed
by 8' high deer fencing; and proposed 3' high, 1-rail board
fence will be located along the property lines adjacent to
neighbor's property.
Located: 625 Wells Road, Peconic. SCTM# 1000-75-6-3.3
The Trustees most recent field inspection was on January
12th, 2021. All were present. Notes were filled out by Trustee
Greg Williams. Notes are as follows: Non-disturbance line and
non-turf line should be delineated with some sort of a structure
such as a metal edge or a split-rail fence. And also
soundproofing should be provided around the pool equipment. And
questioned whether the pool is saltwater or not.
The Conservation Advisory Council or December 9th, voted,
all voted to support the application.
The LWRP coordinator found this to be inconsistent. The
inconsistency arises from the code where it states that pool
structure, this pool structure is partially located outside the
building envelope approved on a filed subdivision plat known as
standard subdivision of John Scott, SCTM# 1000-75-6-3. Locating
structures outside the building envelope is not permissible.
Is there anyone here to speak to this application
MS. CANTRELL: Daniella Ravn is on. Daniella, if you can hear us,
if you want to un-mute.
MS. RAVN: Hi. Good evening. I'm here to address any questions
regarding the project. I did submit the plan with the building
envelope as requested this morning. And I see that the proposed
location of the pool is outside of the envelope, however the
reason we propose this location is because of the existing trees
that are located on the property, you know, in order to remove
the minimum amount of trees we decided to slide the pool south a
little bit from behind the house, and preserve some of the trees that were in the location of that envelope.

And the second reason would be to try to minimize some, you know, shadow from the house on the pool, since the west exposure is the front of the house and it would potentially cast a shadow on the pool in the afternoon.

TRUSTEE DOMINO: Daniella, this is one of the logical reasons for your choice. The conundrum for the Trustees is we have to abide by the building envelope as stated in that subdivision plat. And additionally, it appears that if this pool were moved somewhere north of 22 feet to the northwest, it would be within that building envelope and would be non-jurisdictional.

MS. RAVN: That should be fine. I mean I don't have, I was under the impression that just maintaining the setbacks, because I was still landward of the hundred feet, that I could locate the pool within that envelope since the envelope does not include the portion, you know, between the property line and the hundred foot setback. But I don't have a problem sliding it, you know, northwest, I suppose.

TRUSTEE DOMINO: One further point for me, during the work session, you agreed and the new plans received on the 20th show a 50-foot non-disturbance line and the 75-foot non-disturbance line. If you are going to produce new plans moving the pool as suggested, you might additionally put some verbiage on the plan that shows both of those lines will have some sort of structure to delineate them going forward.

MS. RAVN: So let me see if I understood. So a structure that will delineate the hundred foot and the 75-foot buffer?

TRUSTEE DOMINO: No, the 50-foot non-disturbance line and 75-foot non-turf buffer setback line.

MS. RAVN: Okay.

TRUSTEE BREDEMEYER: Typically the Board requests a low lying barrier such as steel edging or stone or a short split-rail type of fence so that inadvertently the areas set aside for non-disturbance or non-turf areas are not invaded accidentally by service people, people cutting the lawns and such.

MS. RAVN: I understand. Is there another project or property that I could see that have built such structures so I can have an idea what it looks like? I'm not opposed to having a low lying structure like the metal edge, but I believe that a fence, um, would be unsightly and kind of split the property in the middle, so to speak, between specifically the 50-foot disturbance line. But as far as stone or low metal edge, we are definitely not opposed to that.

TRUSTEE WILLIAMS: My recommendation would be to work with your landscape designer, and if you are working with someone local who is familiar with the Trustees, keep in mind that any landscaper or contractor working in the Trustee jurisdiction must have the Southold Town coastal contractor’s license, and by having that they would be familiar with Chapter 275 of the code, and they would be able to guide you with options. Again, we use
split-rail fence as an example. It does not need to be a split-rail fence. I have seen stone gardens, I have seen shrub rows. I have seen many, many things over the years. The idea just to stop any sort of equipment from being driven into those non-disturbance and non-turf areas.

MS. RAVN: Understood. So I'll try to find a landscaper and come up with some sort of a structure or, you know, landscape buffer to delineate those two lines. And just so I'm 100% understood, so I should move the pool within that envelope that was established on the subdivision; is that correct?

TRUSTEE DOMINO: That's correct.

TRUSTEE KRUPSKI: Could I just ask someone for clarification. It sounds to me, and without the plans directly in front of me, just going by memory, it sounds to me like the applicant is willing to move the pool out of our jurisdiction?

MR. HAGAN: Yes. The initial conversations that we had the LWRP coordinator brought to our attention the, this was prior to department approval of the subdivision, and it appears that there is a delineated building envelope that is already part and parcel of the subdivision, and the entirety of that building envelope exists outside the Trustee jurisdiction. It's over 100 feet from the wetland.

TRUSTEE KRUPSKI: Right, so wouldn't that change this application into an Administrative Permit for a delineating fence?

MR. HAGAN: Probably, yes. The initial application as it was submitted was a wetland application. You could be in a situation wherein the application does not have the fence anywhere in Trustee jurisdiction that you would be in a situation it would just be --

TRUSTEE KRUPSKI: It sounds like that is where we are headed, right? I feel like we should clarify that with the, for the applicant.

TRUSTEE GOLDSMITH: Ms. Ravn, I don't know if you were following along with that but if you were to move the entirety of the structure of the pool and everything within that building envelope then that would therefore reside outside of Trustee jurisdiction. If the fence extends into Trustee jurisdiction, within that 100 feet, you could apply for an Administrative Permit as opposed to a wetland permit. But if you move the entirety of that structure within that building envelope and it's outside of 100 feet for the entirety of the project, then you would not need a Trustee permit.

MS. RAVN: I understood. So in the event, so perhaps just the pool enclosure would be encroaching onto 100-foot setback line and then I would have to resubmit this application as an administrative application as opposed to wetlands permit; is that correct?

TRUSTEE DOMINO: Sorry, could you repeat that?

MS. RAVN: If I were to move the pool within the envelope but the fence, the outer fence, the pool fence would still encroach onto the hundred-foot setback line, I would have to resubmit this
application as an Administrative Permit application as opposed to a wetland permit application?
MR. HAGAN: No, the Board would be empowered to be able to convert the application to the administrative application without the need for a further applying on your part.
MS. RAVN: Okay, understood.
MR. HAGAN: It's more housekeeping on the part of the Board of Trustees and the clerks and the Department as far as how it was filed.
MS. RAVN: Okay, understood. Thank you. And if I were to keep the pool where it is, is there any recourse for it or there isn't and I cannot put the pool there?
MR. HAGAN: Based on the initial research with regard to the subdivision, it would require further research by the Town attorney's office in coordination with the Planning Department and the LWRP coordinator just to ascertain what specifically can occur outside of that envelope, if anything. The initial statements from the LWRP coordinator who also works in the Planning Department, certainly leans toward that delineated box in the subdivision plan is the entirety of where the construction can occur on the property.
MS. RAVN: Understood. And what about the vegetable garden; that is an area outside of the envelope.
MR. HAGAN: That would not be treated as a structure. The fencing would be addressed by Administrative Permit, but garden itself would not --
TRUSTEE DOMINO: So the Board would be willing to entertain a motion to table this at the applicant's request to make the modifications so suggested.
MS. RAVN: 'Yes, I'll agree with that. I'll make the modifications to put the pool within the proposed envelope that as establish as the subdivision.
TRUSTEE DOMINO: Okay. Thank you. All right, does anyone else wish to speak to this application?
(Negative response).
Any further questions or comments from the Board?
(Negative response).
Hearing none, I make a motion to table the application at the applicant's request.
TRUSTEE WILLIAMS: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE WILLIAMS: Number six, Douglas McGahan on behalf of FABIO PASQUALE GRANATO requests a Wetland Permit to demolish existing 1,337 sq. ft dwelling, decks and foundation; demolish existing 8'3"x6'3" storage shed; and demolish existing 24'2"x22'2" two-story garage; construct new one-story wood frame dwelling with a poured concrete crawl space foundation, with a total gross area of 2,859.90 sq. ft. (45.4'x68'); new wrap around deck with a total of 2,854.64 sq. ft, front stairs of 198.17 sq. ft.,
rear stairs of 136.13 sq. ft. and side stairs of 45 sq. ft.; new 8'x19' (152 sq. ft.) trellis style pergola on rear deck; new 6x6 wood timber planters, 3'8" in width outside of the decks to conceal the foundation height as the dwelling is to be raised up 2'; total dimensions of the house with wrap around deck and planters will be 68'4"x64'2.5" and located 49.4' from the rear yard setback.

Located: 1725 Nassau Point Road, Cutchogue. SCTMS 1000-104-13-2.4

The Trustees recently visited the site on the 12th of January with some notes that the measurements should be taken from the bulkhead and not from the water line as currently depicted. If the house is a full demo as noted, it should be pulled back to match similar to the average of the neighbor's house to be compliant with current code. All Trustees were present.

The LWMP coordinator found this to be consistent, noting that the August 15th, 2019, the ZBA granted alternative relief for this action requiring that the proposed structure be located outside the FEMA VE flood zone and the installation of an IA/OWTS. Two, there is no ability to relocate the proposed structure outside the FEMA AO flood zone in an area that may experience flood depths of one to three feet. Figure one.

The Conservation Advisory Council reviewed the application and resolved to support the proposed action.

Is there anybody here that wishes to speak to this application?

MS. CANTRELL: Doug McGahan is on the phone. If you are listening, Doug, if you want to un-mute yourself. Your application is up.

MR. MCGAHAN: Okay, I can hear you now.

TRUSTEE WILLIAMS: Hi, Doug.

MR. MCGAHAN: Hi. Good evening. Thank you, for your time.

TRUSTEE WILLIAMS: I guess we had a couple of concerns. Is this a complete demolition?

MR. MCGAHAN: Originally it was not planned to be a complete demolition but after the Zoning Board of Appeals decided to move it back at the VO zone, then it would be a complete demo to comply with their requirements.

TRUSTEE WILLIAMS: At the site visit and looking at the survey, the Trustees had some concerns with where the house is currently proposed to be situated. Is there a possibility move that house further landward to match the neighboring houses, to address the code?

MR. MCGAHAN: That's exactly what we have planned. We'll move it nine feet back from where it is now, which would comply with the neighboring and allow for a new IA septic system in the front yard.

TRUSTEE KRUPSKI: So --

MR. MCGAHAN: So we'll demolish and remove the existing two-story ugly garage that is way close to the property line, as well as the shed, and the Nassau Point Causeway Association I'm sure they'll be delighted about that. I got a phone call from the
neighbor from the other side, Mr. Giulla (sic), who said he's completely in favor of it. It will enhance the neighborhood. We are moving the house back and getting rid of all the structures with the property lines, that are inconsistent. Seems like a simple application to me. If there are any questions, I'm happy to answer them.

TRUSTEE KRUPSKI: So it seems like currently the livable structure is 36 feet from the bulkhead; and then the other thing that we are kind of stuck having to contend with is the pier line. You know, when you look down at the neighboring houses, this house is so much further forward that we are sort of bound by the code to (a), move it away from the bulkhead a little further and (b), be cognizant of where the neighboring houses are. So we have to kind of find a way to work with what we are, you know.

MR. MCGAHAN: Okay. I understand that completely. The neighboring houses don't have the new IA septic system which requires the land, and if you look at the septic system designed by the engineer, Condon, we are going to need the front yard for road-ward side of the property to accommodate this new septic design.

MS. CANTRELL: If you can just bear with us, Doug, the Trustees are looking at the plans. I don't know if you can hear us or not.

MR. MCGAHAN: Thank you. I looked it all over. I know the lot is, it is what it is, with the new IA system it requires a little bit of space, and the other houses don't have anything like that.

TRUSTEE KRUPSKI: I think we understand that it is an odd-shaped, narrow piece of property. But just, you know, I mean I at least would like to see it get back to 50 feet away from the bulkhead, and if I do just some quick scaling on the plans it looks like you have room with that septic system to go 14 feet back, or 13.9 feet back to get to 50. I mean, that's just my opinion.

TRUSTEE BREDEMEYER: I think that 50, a little over in the field inspection, looking for measurements. I think the number 50 did sort of come up during discussion that would maybe be attainable.

MR. MCGAHAN: All right. Well, the owner had this house where it is for many years and the Zoning Board of Appeals approved this nine-foot setback to get it out of that VE zone. And that's what we are hoping to achieve. But I'm at your mercy. Thank you.

We have done a lot of work creating these plans and all the site plans and enormous expense and we are hoping to move forward with this project as soon as possible without doing it anew. The neighbors, I got a call from the neighbor to the west and he is in complete agreement with it and it will just be a huge improvement to the community. That's the only call regarding this.

TRUSTEE WILLIAMS: Do we have any --

TRUSTEE BREDEMEYER: Speaking for myself as just one Trustee, I
think I would like to see an engineer workup to see the feasibility of the house being back 50 feet, to see if there is a real engineering difficulty with the elevation of the IA and creating proper grading for that, or locations that can't meet the county code. I would like to see an engineering report. I think the 50 foot is minimal given what we are seeing, and this Board does have a requirement that site new construction and new homes so they are generally in line with the neighboring houses, that being what we call the pier line. So, for myself, I would like to see engineering justification that the current location would be the only one that is workable. I would really like to see it worked up a little more.

TRUSTEE GOLDSMITH: I agree. I believe we do have some room to work with, looking at the current plans, nine feet, obviously is okay with the ZBA but anything more would also be okay with the ZBA. If I'm not mistaken, the current proposed septic system runs the length of the property. So even if you turned it sideways, that might be able to, I think you would be able to reconfigure that septic system and move the whole house landward some additional feet to bring it more into line with the neighboring structures and also increase the setback from the bulkhead.

MR. MCGAHAN: That seems very difficult to me.

TRUSTEE GOLDSMITH: So we have a couple of options here. We can, one, vote on the project as submitted; or two, we can table the application to come up with revised plans that potentially move that structure further landward. It's your call.

MR. MCGAHAN: What is the exact setback? How further back do you want to move it now?

TRUSTEE KRUPSKI: 14 additional feet.

MR. MCGAHAN: Then redesign the septic system, which has already been submitted to the Suffolk County Department of Health.

TRUSTEE GOLDSMITH: You don't necessarily have to re-engineer the septic system as long as the house is moved 14-feet further landward, which would bring it 50 feet back from the bulkhead. If the current proposed IA septic system can work in that configuration with the house in the new location, there is no other additional changes necessary.

MR. MCGAHAN: Okay, if I agree with the 14 feet, will you approve it tonight?

TRUSTEE GOLDSMITH: No, we need new plans showing the house and structure moved 14 feet. We can't approve it with the condition of moving -- and the IA system.

TRUSTEE WILLIAMS: The IA system is on the plans.

MR. MCGAHAN: It seems a little bit unreasonable considering what we have been through. We submitted this application a year ago and COVID and everything got dropped, and we've gone through every step we can do to make this project work. Now it's getting denied and it seems pretty reasonable we are demolishing an ugly two-story structure next to Nassau Point Causeway Association. Moving this house back out of the VO -- VE zone, it still would
have to deal with more obstruction. It seems a bit ridiculous to me. I'm looking for a little relief here. Give me some room.

TRUSTEE DOMINO: I'll remind you, we are constrained by the Code. The Trustees have numerous times dealt with total demolitions within our jurisdiction, generally moving back to conform with the pier line as stated by a Trustee that spoke before me.

MR. MCGAHAN: We could leave the existing house where it is, renovate it and leave it in the VO zone then, right?

TRUSTEE KRUPSKI: That would be your option, if you wanted to do that.

MR. MCGAHAN: All right, I'll consider that. But otherwise I'll defer to your decision.

TRUSTEE WILLIAMS: So would you like us to take a vote on this application or would you like us to table this for you to discuss it with the property owner for a possible modification?

MR. MCGAHAN: Yes, I would like you to table it, thank you.

TRUSTEE WILLIAMS: Okay, thank you. You’re welcome, sir. Is there anybody else here that wishes to speak to this application?

MS. CANTRELL: There is nobody that raised their hands.

TRUSTEE WILLIAMS: Motion to table this application at the applicant’s request.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number seven, David Bergen on behalf of NEW SUFFOLK PROPERTIES, LLC requests a Wetland Permit for the existing Eastern 146’ bulkhead with 12’X5’ return adjoining 130’ X 5’ wood walkway; to 209’ bulkhead with adjoining 192’ X 5’ wood walkway; to 21’ bulkhead with adjoining 21’ X 5’ wood walkway; to 82’ bulkhead with adjoining 82’ X 5’ wood walkway; to northeastern 104’ bulkhead with adjoining 114’ X 5’ wood walkway; to 57’ bulkhead with adjoining 52’ X 5’ wood walkway; to 45’ bulkhead with adjoining 68’ X 5’ wood walkway; to 159’ bulkhead with adjoining 158’ X 5’ wood walkway; to 25’ bulkhead with adjoining 24’ X 5’ wood walkway; to 128’ bulkhead with adjoining 128’ X 5’ wood walkway; to 20’ bulkhead with adjoining 39’ X 5’ wood walkway; to 36’ bulkhead with adjoining 35’ wood walkway; to 81’ bulkhead with adjoining 39.5’ wood walkway; to 235’ bulkhead with adjoining 230’ X 5’ wood walkway; to 63’ bulkhead terminating at concrete launch ramp 13.9’X35.5’X21.3’X18.7’X27.2’. Existing Eastern 5’X5’ wood platform to 20.3’X2.3’ ramp to 81’X5’ floating dock to 110’X4’ floating dock to floating docks (5/6) 13.3’X6’X13.2’ to dock (7) 13.3’X5.8’X13.4 to dock (8) 12.6’X6.0’X12.5’ to dock (9) 12.5’X6.0’X12.6’ to dock (10) 12.1’X6’X12’ to dock (11) 10.9’X5.9’X11’ to dock (12) 10.8’X6.1’X10.8’ to dock (13) 11’X5.9’X11’ to dock (14) 10.9’X6’X7.7’X12.1’. 17.4’X2’ ramp associated with 30.1’X5’ floating dock to 72’X5’ floating dock with two floating finger docks 22’X3’. North 60’X4’ floating dock with two floating finger docks 18’X3’ to 37’X4’ floating
dock. Existing Ramp 17.4'X3' to 147'X4' floating dock with five floating fingers docks 20'X3' to 32'X8' floating dock with associated ramp 17.4'X3'; to 160'X4' floating dock with four 18'X3' floating finger docks terminating with dock (47) 30'X5'. Southern floating dock 48'X4' with floating finger dock (49/50) 18'X3' to floating dock 40'X8' terminating to south with 18'X3' floating finger dock (52) plus associated ramp 17.4'X3'; To 79'X4' floating dock with two finger docks 41'X4' plus floating finger dock (58) 20.6'X3'; To 90'X4' outer southern floating dock with four floating finger docks 18'X3' to floating dock 225'X4' with ten floating finger docks 18'X3'. Western walkway 19'X4' to ramp 10.5'X3.5' to floating dock 184'X4' with one floating finger dock 18X4' plus nine floating finger docks 18'X2'. Southwestern walkway 25.2'X2.5' long to associated ramp 13'X3' to 89'X4' floating dock with one finger floating dock (111) 20.5'X3' plus three 20.5'X2' floating finger docks terminating with one floating finger dock (120) 20.5'X4'.

Existing Eastern structures include 4'X12.5' concrete fuel tank platform with raised wood decking around fuel tank platform 34.5'X5'X21'; concrete fuel tank cover 24'X19' with associated gravel vehicle access; Two story office FR building 38.6'X26.7' with associated decks and walkways; Two story northern FR building 45.6'X30.6'X15.4'X40.1'X30.2'X70.7' with associated entrance stairs and gravel parking area. Northern bathroom building 18.4'X6'X3'X28.4'X28.4'X3'X6'. Adjacent concrete parking slab 24.4'X20'X23.9'X15'X2.5'X12'X2.5'. Northern storage building 50.2'X82.5'X35.2'X21.7'X15.1'X60.5' with associated concrete walkways and gravel driveway plus 38' retaining wall. Large gravel parking area with associated wood walkways adjacent to and south of Northern storage building. Concrete slab at southern end of gravel parking area 23'X19.4'X27.6'X13.9'X4'. Large gravel parking area along western side of property.

Located: 3350 West Creek Avenue, Cutchogue. SCTM# 1000-110-1-12.

The LWRP found this to be inconsistent. The inconsistency is numerous permits were issued over the years but many structures remain unpermittted.

The Conservation Advisory Council was unable to render a decision based on the lack of information, and recommended utilization of best management practices and review under all applicable code requirements.

The Trustees conducted an inhouse inspection on January 12th, and on January 14th Trustees Bredemeyer and Williams went onsite to confirm measurements. Notes say seems okay. Survey conforms with the facility.

This is a pre-existing marina that has been around for a long time. This application is to just bring all the existing structures into permitted structures.

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

MS. CANTRELL: We have a few people. Peter Meeker with the
Conservation Advisory Council wishes to speak. Dave Bergen wishes to speak. And another person, Marianne Huntington just raised her hand.

TRUSTEE GOLDSMITH: Dave Bergen is the expeditor. Start off with him.

MS. CANTRELL: Dave, if you want to un-mute.

MR. BERGEN: Good evening. Dave Bergen, on behalf of New Suffolk properties LLC, better known as Cutchogue Harbor Marina. You'll recall that I appeared at your September work session. I explained that we had Planning Board approval back in March, 2009, for the entire marina, and we also had a DEC permit for the entire marina from 1996. The survey submitted to and approved by the Planning Board matches the survey of today.

While we have four Trustee permits previously, we are lacking the comprehensive permit for the entire facility. By granting this permit it will address the inconsistency with the LWRP.

You had requested comprehensive measurements for all the structures, which we have done for this application. There is no new or proposed structures associated with the application. We are simply legalizing what is there so that routine maintenance and repair can be done. So I'm here to answer any questions.

TRUSTEE GOLDSMITH: Thank you, very much. Anyone else here wishing to speak regarding this application?

MS. CANTRELL: Yes. Peter Meeker lowered his hand -- he's back.

All right, Peter, I'm guessing you want to talk. So hold on a second.

Peter, if you want to talk you can un-mute yourself.

MR. MEEKER: Okay, the Conservation Advisory Council has two concerns about this application. One is that we are concerned that all the EPA code issues have been met. Upon field inspection we did not see any provisions for fuel overflow at the gas pumps, and we believe a catch basin should be necessary for that purpose. And the other concern is that we would like to see runoff mitigation at the boat ramp to prevent road runoff going directly into the bay waters.

TRUSTEE GOLDSMITH: Thank you, very much. If I'm not mistaken, with a project this size being a marina, they do require a SPDES permit for any runoff, which is separate from this Board. I don't know if Dave wants to comment on that or not.

MR. MEEKER: If you could elaborate on that, that would be great.

TRUSTEE BREDEMEYER: I believe what Trustee Goldsmith said is in fact correct, that separate permitting for SPDES. State Pollutant Discharge Elimination System, would be covering those other systems. Typically when the Board has been permitting these structures, permitting in a marina such as this, is to give basic approval for the current existing structures for maintenance.

Now I was on a prior Board, possibly even with Trustee Bergen who is the expeditor in this case, where projects were
reviewed on an ongoing basis for smaller portions of what is a whole. And typically what has been applied for now, what is before the Board, has been granted to allow for maintenance of existing catwalks and floats so they can conduct routine operations, but separate from other improvements that can be made which would require a separate permitting, like SPDES and catch basins, that the Board might get involved with.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application.

TRUSTEE KRUPSKI: I have a thought. I mean when we are, and I guess this is for Dave to answer, but when we are bringing all this into consistency and sort of legalizing everything that is there, some of which has a permit, some of which doesn't, it is a little alarming to me that this facility did not have a pump-out. You know, I know there was a portable one. I have heard reports now for several years there has not been a functioning one. And mainly it's because a lot of angry people who utilize this facility and pay money to use this facility, can't get their boats pumped out without contacting the Town pump-out boat. Which is really not the job of the Town pump-out boat to help service a marina. So it's a little hard for me to deal with a wetland project of this size, you know, again, bringing into consistency when there is no pump-out facility proposed or included.

MS. CANTRELL: I'll un-mute Dave so he can respond.

MR. BERGEN: Okay, yes, regarding the temporary or, excuse me, the mobile pump out facility, that was there, that was functioning, until this year. With the Town pump-out boat there, when the program was fully operating, there was an opportunity for boats within the marina that needed pumping out to be serviced by the Town pump-out boat. So the Town pump-out boat has been in the past servicing all the vessels in that marina that have requested it. There is not a temporary pump-out facility there at this time. It became non-functional. It was there 'til this season, 'til this past season.

TRUSTEE GOLDSMITH: Thank you. As Trustee Krupski mentioned, I don't believe it is the mission of the Town pump-out boat to service a private marina. And new applications with the marina, as far as expansion and everything, there is a requirement by code, if I'm not mistaken, to require a pump-out station of some description. So I think with this, will bring it all into compliance, that would be part of it. If it had one in the past up until this year, I believe they could have one going forward, because just because the Town pump-out boat is there now doesn't necessarily mean it will always be there. And the Town pump-out boat is supposed to service boats out in the water, not moored in a marina.

TRUSTEE KRUPSKI: And just to add to that, Dave, I think we appreciate the fact where the pump-out boat is stored and we have gone out of our way to assist people everywhere that need a pump out, I would say out of our way, but as you are well aware
the Town pump-out boat only runs on weekends and holidays whereas a lot of our boaters, especially with people being out here in greater numbers full-time with COVID, are using this marina and every marina, you know, all the time. And on a more weekly basis. And I can't tell you the amount of angry calls we gotten of people demanding pump-out when we simply don't have an operator running. And in fact with one of our grants we legally cannot service a boat at a marina. So that is, you know, we are happy to help the people at the marina, we are happy to help the transient people coming and going, and work with you guys over there, but ultimately you would need a pump-out facility.

MR. BERGEN: And just for clarification, Glenn, I believe the code says if there is an expansion of a marine facility that does not have a pump-out facility, that the Board could request that. But we are not expanding this facility at all. We are just improving what is there and what has been there. So I don't think there is one required under code.

But certainly I agree with what Nick has stated, 100%. As somebody who you guys know, I fully support the pump-out boat program and I agree with what you are saying. So certainly I can go back to the management of the shipyard and talk to them about that.

TRUSTEE GOLDSMITH: Okay, thank you, that would be greatly appreciated. Is there anyone else here wishing to speak regarding this application?

MS. CANTRELL: Yes. There is a Marianne Huntington wanting speak. So, Dave, I'll mute you.

Marianne, if you will un-mute yourself.

MS. HUNTINGTON: Hi. Okay, live across the street from the marina for 33 years, when John Bredemeyer was just a kid, and a Trustee, right?

TRUSTEE BREDEMEYER: That was the last century.

TRUSTEE GOLDSMITH: Back farther than that.

MS. HUNTINGTON: And over the years we have seen numerous adjustments, we'll call them, or changes of uses and so forth of the buildings, installation of the cesspools that I don't see any mention of, and then the overall question, I wish my brother who has a steel trap memory for details was here, going back how many years, what brought about this need for the review of their permits?

And why weren't their permits issued over those years?

TRUSTEE GOLDSMITH: If I can comment on that, they were doing some, what they thought were permitted repairs to existing structures that turned out that those structures didn't necessarily have permits. When this facility was established, however many years ago, I think it predated Trustees or code, so a lot of these older marinas that have been around, have been around forever, and they have just not upgraded or updated their permits. So with this application, the whole idea is to permit what is there, not to change anything, but just to permit what is existing, therefore allowing them to make necessary repairs
as needed without being in violation.

MS. HUNTINGTON: What about things like the apartments? Is that all part of your review or is that some other department?

TRUSTEE GOLDSMITH: As far as what is in the actual buildings is not part of this application. It's just the buildings and the docks and their current configurations.

MS. HUNTINGTON: What about the cesspools that are so close to the bulkheads in the south basin? I didn't see, the map is so tiny in the letter.

TRUSTEE GOLDSMITH: If I'm not mistaken, I apologize, because one of the notes in the LWRP was a wetland permit for the sanitary system was issued in 2006. So those septic systems appear to have been permitted back in 2006.

MS. HUNTINGTON: Oh, we were under the understanding they were put in at night. So that was my concern. Since it didn't quite appear on there and I couldn't find them.

TRUSTEE GOLDSMITH: That's the problem. With this application some parts of the property have permits, and some parts don't. So, again, the gist of this application is to permit the entirety of the property; docks, buildings, everything; ones that are already permitted and ones that are not. So everything is current.

MS. HUNTINGTON: Okay. I just wanted to make sure.

TRUSTEE GOLDSMITH: Yes, ma'am.

TRUSTEE KRUPSKI: Thank you, we appreciate it.

MS. HUNTINGTON: We are around for many years, the property owners association as well as the neighbors. For instance, the travel lift that has been there parked in front for probably at least six, eight years, and, you know, they have not been very cooperative. I must admit though, when New Suffolk shipyard took over, it was a vast improvement with our relationship with them, and they were very cooperative with any of our complaints. And one of the big things, of course, is road runoff, not just at the boat ramp but at the two outflow pipes that go directly into the basins, and then the other one at the end of West Road that goes directly into them. But that's it. That's the extent of my interest. So, all right, I'll report back. Thank you.

TRUSTEE GOLDSMITH: Thank you, ma'am. Is there anyone else here wishing to speak regarding this application?

MS. CANTRELL: I'm not seeing anybody raise their hands again or new.

TRUSTEE GOLDSMITH: Any other questions or comments from the Board?

TRUSTEE BREDEMEYER: Just that we might check the prior permits to see if there ever was a pump-out requirement that the Board made in any of those prior permits. I'm not recalling the permit history. I know I have been to the site for prior permits but it was many years ago.

TRUSTEE GOLDSMITH: Okay, anything else?

(Negative response).

Hearing no further comment, I make a motion to close this
MS. CANTRELL: Dave raised his hand before you started that. So Dave, if you can un-mute.

Dave, do you want to speak again?

MR. BERGEN: Okay, you got me now? Just to help out, there were permits, the previous permits were permits 7310, 5363, 3900, and one that goes back to 1983 that has permit number 93. So I know I have those in front of me. They were in your packet that was submitted to you, so they should be available for you guys there tonight via microfiche so you can look at them and you can see on there. But I do not see anything on those permits that mentions pump-out facilities at all. But again, you have them there at your disposal tonight to look them up.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE GOLDSMITH: Hearing no further comments, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application as submitted thereby bringing it into consistency with the LWRP. Permitting brings it into consistency with the LWRP.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number eight, Creative Environmental Design on behalf of PAT J. IAVARONE requests a Wetland Permit to install a 20'x40' gunite pool with associated pool code fence and drywell 77' behind existing bulkhead.

Located: 995 West Road, Cutchogue. SCTM# 1000-110-7-3

The Trustees most recently visited this location on the 12th of January, and noting that it was not staked at the time. Following that inspection two Trustees, I believe Trustee Brede Meyer and Trustee Williams, returned on the 14th and noted it was staked and straightforward, but that sound insulation should be provided in some manner for the pool equipment.

The LWRP found this action to be consistent.

And the Conservation Advisory Council resolved to support the application.

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

MS. CANTRELL: No one is raising their hand.

TRUSTEE KRUPSKI: Okay, are there any comments from the Board?

I for one just want to, I personally would like to stipulate that they tie into the downspout drywell for the house and that they soundproof the pool equipment. Which is fairly simple.

TRUSTEE BREDEMEYER: Sounds good.

TRUSTEE KRUPSKI: Does anyone else have anything to add?

(Negative response).

Hearing no further commentary, I make a motion to close the
hearing.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE KRUPSKI: I make a motion to approve the application with
the stipulation that there is soundproofing in some manner
provided for the pool equipment and that pool backwash is tied
into the existing drywell for the current down spout of the
structure.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number nine, Cole
Environmental Services on behalf of GLORIA NIXON requests a
Wetland Permit for the in-place replacement of dilapidated ±57
linear feet of bulkhead; grading of area; installation of coir
log; planting of Spartina alterniflora and Spartina patens;
installation of an 8’ return on the southerly side of bulkhead;
in-place replacement of existing “L” shaped fixed timber dock
consisting of a 3’x10’ fixed dock off bulkhead to a 4’x16’ fixed
dock; dock decking to be Thru Flow.
Located: 5170 Skunk Lane, Cutchogue. SCTM# 1000-138-2-13
TRUSTEE BREDEMEYER: This project is deemed to be both
inconsistent and consistent by the LWRP coordinator.

The inconsistency draws from the fact that there are no
permits found for the dock, which I believe has been there
before permitting maybe occurred. No prior permit. The
consistency is for the installation of the coir log, planting of
the Spartina alterniflora patens with a request by the LWRP
coordinator for turbidity curtain.

The Conservation Advisory Council supports the application
with a ten-foot vegetated buffer landward of the bulkhead and
including through-flow decking on the ramp as an additional
clarification.

The Board conducted a field inspection on January 12th. It
was a little unclear to the Board at the time as to what was
happening with the returns on the southern and northern end, and
concerns about, that the return would be on the north side and
the bank there and the existing Baccharus, whether the plants
were there, the Board’s concern they didn’t want to see that
area that is not bulkhead turn into a boat ramp or have
vegetation removed.

Is there anyone here who wishes to speak on behalf of this
will application?
MS. CANTRELL: Cole Environmental is present and would like to
speak.
MR. COLE: This is Chris, with Cole Environmental, here to answer
any questions.
TRUSTEE BREDEMEYER: Chris, to start with, the Conservation
Advisory Council is requesting a ten-foot non-turf buffer.
Actually many of the properties in this area have been historically non-turf, always. So at a minimum I think the Board will be wanting to honor the Conservation Advisory Council's request for a ten-foot non-turf buffer. That pretty much would put it in line with where the return on the north comes back into the property. Do you see that as an issue for the owner?

MR. COLE: No, I think that should be fine with the client.

TRUSTEE BREDEMEYER: Okay, and then with respect to the bank, slope bank on the north end, what are the plans for that?

MR. COLE: Just one second here. On the north side, I know you mentioned a boat ramp. They are not intending to do anything like that. I think they are just intending to keep the bulkhead to maintain the property as is. And I know we have a return on the south end. I don't know if there is one planned on the north end or not.

TRUSTEE BREDEMEYER: That may be a question of if -- the plan does not clearly depict a return on the south. Unless -- so I guess it would be, we'll need a new set of plans that would depict a ten-foot non-turf buffer, and given the fact that there are no plans, you have enumerated no plan for the bank, if the ten-foot non-turf buffer were to go entirely across the property, including that area where the slope is in the bank, then it would provide protection there, and actually most of that is protected wetland as well. So if you are prepared to table this at your request to show the southern return and a ten-foot non-turf buffer and clarify that the dock ramp would also be in through-flow, that would bring it into conformity with the request of the Conservation Advisory Council and concerns of the Board on field inspection, and then we would not be opposed to giving consideration at the next meeting after the plans come in.

MR. COLE: So just to clarify, there is no ramp, it's just like a fixed "L" dock. And we do on the plans say that all top decking will be thru-flow. We'll do the ten-foot buffer. You see from the plot plan we have an eight-foot return proposed on the south, but it doesn't look like one being proposed, we are actually going to remove the return on the north. So we are only proposing an eight-foot return on the south. No real moving ramp, just an "L" shaped fixed dock with thru-flow. And we, yes, we'll put the ten-foot buffer.

MS. COLE: This is Kate here. Just to clarify, these plans were originally approved for a permit back in 2017. So these are just, the client let her, let the permit expire. So we are just trying to get approval for the exact same thing. That was approved for a permit 8942 back in 2017.

TRUSTEE BREDEMEYER: Okay, two points of clarification. I understand now, the southern bulkhead, the southern return you are eliminating is on the south side of that area that grades down. I see now. The bulkhead proposed on the north, I didn't see that. So you are keeping the north bulkhead. The return on the south then would be eliminated from the new plans.
MR. COLE: The return that we are going to put in is on the south side and the one that is being removed is on the north side.
TRUSTEE KRUPSKI: I believe the original question was why is there a return on the south side as you are abutting an adjacent bulkhead, correct?
TRUSTEE BREDEMEYER: That's correct. But there is no visible return on the south end of the adjoining property. In other words, the neighboring property, there is no return shown there. It shows a wood bulkhead. Go ahead.
MR. COLE: I think the neighbor's bulkhead is kind of in disrepair. So the return was just in case that neighboring bulkhead was to fail at some point.
TRUSTEE BREDEMEYER: All right. If you could, with the new plans submit maybe slightly larger scale and clarification in addition to the ten-foot buffer, and the project description does include the thru-flow decking through out. I just wanted a clarification of that on behalf of the Conservation Advisory Council so that was understood on the record.
MR. COLE: Okay.
TRUSTEE BREDEMEYER: Any further questions?
(Negative response).
Is it okay that we table this at the applicant's request?
MR. COLE: Yes.
TRUSTEE BREDEMEYER: Does anyone else wish to speak to this application? Any other hand?
MS. CANTRELL: Not at this time, no.
TRUSTEE BREDEMEYER: I'll make a motion to table the application at the applicant's request for submission of new plans showing a ten-foot non-turf buffer and clarification of the returns.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE DOMINO: Number 10, Richard Boyd, RA on behalf of CHRISTINE HOWLEY requests a Wetland Permit to demolish existing one-family dwelling (2,820.76 sq. ft.), and replace with new one-family (4,284 sq. ft.) dwelling (14.5% lot coverage and 120’ 8 ¾” width and 49’ 4 ¾” irregular depth).
Located: 320 Sailors Needle Road, Mattituck. SCTM# 1000-144-5-29.3
The Trustees did a field inspection on December 9th, 2020, and notes at that time -- all were present. The notes at that time read that suggest an IA system.
The LWRP found this to be consistent.
The Conservation Advisory Council, all members voted to support this application with the recommendation of an IA treatment system. Is there anyone here to speak to this application?
MS. CANTRELL: Eric Bressler is going to represent this application for the architect. I guess the architect couldn't make it tonight. But Eric is here. Eric, if you can un-mute.
MR. BRESSLER: Yes, thank you. I'm standing in for Mr. Boyd tonight. I take it that the Board is familiar with the history...
of this project and why we are coming before you this evening on a new permit application.

I think Mr. Boyd in his letter explained the difficulties that the applicant had in bringing this project to a conclusion. As noted in the letter, there were difficulties with the contractors, compounded by the COVID situation. The project is now approximately 75% complete, but because of the passage of time we need to come before you in this procedural context.

Given that situation, we think that the appropriate resolution would be to grant the permit on the same terms and conditions as previously existing, especially given the three-quarter completion of the project.

If the Board has any questions, I'll do my best to field them.

TRUSTEE DOMINO: Any additional comments from the Board?

TRUSTEE GOLDSMITH: Just one question Mr. Bressler. Is a septic system already installed on this property?

MR. BRESSLER: I believe that is the case, because there was an existing house and the demolition and in looking through the plans I don't see anything that indicates new installations. No, I don't. Based upon the plans I'm looking at, that would be my answer.

TRUSTEE DOMINO: On the December 9th field inspection I observed a cast iron cover that appeared to be newly installed. I believe, to my best recollection, is that I pointed it out to another Trustee that was assisting there.

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

MS. CANTRELL: Nobody else online is raising their hand.

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

TRUSTEE BREDEMeyer: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

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

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Number 11, Costello Marine Contracting Corp. on behalf of JOSEPH & PATRICIA BRANTUK requests a Wetland Permit to construct a 4'x20' open-grate landward fixed ramp onto a 4'x67' open-grate catwalk onto a 4'x82' open-grate fixed dock with a 32'x12' seasonal aluminum ramp onto a seasonal 6'x20' floating dock chocked off of the bottom situated in an "I" configuration and secured in-place by four 8" diameter pilings. Located: 44632 Route 25, Southold. SCTM# 1000-86-6-31.3

The Trustees visited the site several times. This has been discussed at public hearing before, and we have a new letter in the file addressing that there is a new agent, Peter Danowski. Seeing as we are revisiting this from a prior hearing, at this point I would like to open up to public comment.
Is there anybody here that wishes to speak to this application?

MS. CANTRELL: Peter Danowski is present. Peter, if you want to un-mute.

MR. DANOWSKI: Thank you, very much. I'm always interested to see how each town works with the Zoom. I'm not sure I was prepared to have you look at my face sitting in my office here, but apparently you are only catching audio from me.

TRUSTEE KRUPSKI: That's correct.

MR. DANOWSKI: Are you hearing me?

(Affirmative response).

MR. DANOWSKI: I think it's a preference, and I saw your suggestions of trying to keep it to five minutes. That's always very difficult for me, but I thought it was so important, and the reason I sent the letters in, to recite a little bit of the history here, especially since many of the Board members were never present when this application first started back in 2006, and I would like to just repeat a few of the comments I put in my letter. And they really deal with the original application at a time when my client had a deeded right to gain access to over 100 feet at the water's edge. All the land owned by Nancy Pearson. And that resulted in a lot of conversation which has ended successfully. I have to go immediately to that. But one of the major issues was the original subdivision granted the right of access to the water's edge with a common in deeds that said there should be one common dock to be shared by the four lot owners. And Dr. Pearson took a good legal position with counsel that basically said what prohibits me from having a separate dock on the property I own. That lot. And although the Planning Board's intent seemed clear that it would be only one dock to be shared by the four lot owners, there was no covenant that was recorded with the county clerk. And she was absolutely correct in saying that. So that resulted in my original position which is I have a right by deed to gain access to the water. I should be able to gain a permit without the fee owner's permission, because I have a deeded access to the water's edge. And if you believe as Trustees you have the right to jurisdiction and ownership of the water, well, or the land under the water, then you should have allowed me to gain a permit.

However, you know, we were not going to court over that issue. It's hindsight to talk about whether we could have brought a declaratory judgment action, instead we cooperated and we reached an agreement where we narrowed the path to the water, and even though we had a public hearing, the Board then made a determination that they were not going to issue a permit until we came out of the Planning Board. We came out of the Planning Board with an approval of an alteration of a boundary line. After discussions with counsel and Dr. Pearson, she eventually signed a covenant prohibiting a dock on her property, so you no longer have the argument about whether a separate dock could be placed near to us, and now you have one dock to be only
shared by three lot owners because Dr. Pearson neither wanted to join in the construction nor maintenance of the dock. And I supplied the Trustees and everyone with copies of all the documents that have been signed.

So we originally had a public hearing, we were not allowed to pull a permit, however we heard comments, and originally there were three steel poles proposed, there were a couple of mooring posts, and there were recommendations to eliminate those and to use whips on the end of a dock. There was also an original idea of crossing the floating dock in a T-shape, was the recommendation to line it up directly vertically with it. We made the suggested changes. We actually went to the New York State DEC and gained a permit. And the permit allowed for a length that is actually longer than what is proposed now. And the issue has always been obviously the depth of ground water and the width across. And so at the end of the day, the Robert Fox hydrographic survey shows that we are compliant with a proposed floating dock with chocks, meeting the one-third definition and allowing for the construction in an area where there is enough sufficient water.

There was in the latest plan, however, a desire by the other agencies to expand landward the dock, so you'll see the latest plan showed 42 plus 20, or 62 feet at the landward end. And so when you look at the detail over the water it's 137 feet, the same approximate distance, I think it's 136 for Dr. Singer who is the adjacent property owner in the other direction -- and we love Dr. Singer. We loved his gaining permission. And we looked to extend no further out than he does. It's obvious from the information that has been supplied to you. So I was upset at first after the inspection, because my client was present, and I was told, well, the Trustees last signed a piece of paper that says they are recommending a step down and then elimination of the chocked floating dock. To which I said it's not that if I began a process I would object to it. It's the fact we now have to start again with the other agencies should this suggested step down be approved. After speaking to my client, he said I'm willing to go with the step-down plan. That step-down plan was submitted back to you, and public hearings were opened and comments were made.

So, you know, it's my position now that I would ask a majority of the Board to adopt an approval of the amended step-down plan as located and as indicated, and will then have to go back and hope that the other agencies aren't still in favor of the chocked floating dock plan. That's it, in a nutshell.

TRUSTEE WILLIAMS: Thank you. Any Trustees have any questions?
TRUSTEE KRUPSKI: Yes. Mr. Danowski, I'm not clear on how much you have been brought up to date, or I should say up to speed with where we are at with the prior expediter for the application. You know, the Board has several years now not allowed chocked docks. So seeing as it's a new Board and a new year, and some 15 years later. I certainly was not around for
the '06 work on this project, and I can appreciate how much you put into this. But when you look at the coverage over water from the Singer dock to the Brantuk dock, we are about 60 feet longer with the Brantuk dock. And also the establishment of the pier line, which is a little difficult and hard to understand with this application. But a pier line is not a straight line as depicted on a set of plans we already received December 2nd. A pier line follows and mirrors the shoreline. So the Brantuk's happen to be within a cove. A slight cove. The dock would have to follow that pier line.

Me, personally, just speaking as one Trustee, would like to see at least a little bit of work with your applicant to bring the dock in to be a little more consistent to satisfy the best practice of the Board and what we have done to this date. And I should mention this current Board.

MR. DANOWSKI: I don't when you want me to make a remark back, if everybody else has a comment or should I individually comment.

TRUSTEE WILLIAMS: You are welcome to comment, sir.

MR. DANOWSKI: Okay. I mean, I've reviewed the Singer application and I see the records on the length of that dock over water. It speaks for themselves. I look at the latest detail on the plan and I see the distance over the marsh, and I see the distance out over the water, and I see a distance of 137 feet. And I see Singer as 136 feet. And, you know, I have read the detail on the other permit for Dr. Singer. And again, we love Dr. Singer. We applaud his efforts and he's a good guy, but the fact that we eliminated the possibility of another dock is really a good thing as well on the adjacent property.

So now you look at the depth to ground water -- I keep saying ground water -- depth to water. And I say you can't pull it back and effectively not be into the argument of chocking floating docks. So I have already swallowed hard because I don't like to go back to different agencies and having different responses and then you have inconsistent responses. As I understand it, the Army Corps is asking for tracking of docks and many are floating docks in many instances. So I'm reading the distance to this and I looked at that -- I was doing my math on the original application which had 176 feet with 20 of it being on a ramp at the land, and that was the time we are talking about the mooring poles and the steel pipes. And we eliminated those. And then I look at the DEC old permit, you know, which talked about, you know, 20 feet of landward extension, but 162 feet total of 142 feet over the water. So now we are at a point where I'm reading the plans and I'm looking at it and we have been forced to build more of a dock landward.

And if you look at the presentation that has been made to you about the end of our dock, and the end of the Singer dock, they are eerily close one another as far as the distance out into the water. And clearly you have Bob Fox's detailed information, it meets the one-third rule. So, you know, for me, I'm just saying okay, bite the bullet. We'll have to go back to the different
agencies who already approved the location, albeit with a chocked floating dock, and I say we may hear that comment again and again with different applicants. And I'm just saying, I think, I just have to call for a vote on the plan as submitted, recognizing that, you know, we have riparian rights that deal with vertical extension out from the shoreline. You tell me you have a mandated law. I would argue about it if you could apply it to an old applicant after he's been through all this. But you have a mandated law. If you are going to say to a new applicant you have a new policy you would like to adopt, you don't want floating docks chocked and you want some other rule apply by policy, you know, on a new applicant, when you do it under circumstances, I might agree, I might not agree. But on this particular applicant with this history, to suggest that we move closer to land, looking at depth to water here, I think, you know, belies all the mandated rules you do have. That we meet the one-third across. We are there doing the step-down. We agreed to do that, which forces us back. I would ask you approve the amended plan that has been presented to you and not change the location of it to pull it closer to land. We don't violate any laws by --

TRUSTEE BREDEMeyer: So Mr. Danowski, a question for you. You maintain that the proposal over the water from, whether taken from mean high or mean low water, your proposal is identical to the Singer dock, that being the case, would you be willing to hold this over for a representative of this Board to go with the bay constable and get the measurement exactly from mean high water, mean low water, as determined by the tidal stages and the charts, and the length of the Singer dock, and then incorporate that into your project plan?

MR. DANOWSKI: I mean, I'm relying on Bob Fox, I think he's a very credible guy, and I think he's licensed and does this for a living. So I'll rely on his information that he plotted. You already reviewed the Singer application. You granted the permit. You know what the length of that dock is because you went through a process and it resulted in the construction of a dock at a certain length. So that is already established. I mean you can go out there and see it.

TRUSTEE BREDEMeyer: I'll gladly stand corrected if I saw Mr. Fox's length on a set of his scaled plans. But all I see here is Costello Marine construction plan. So the marine survey that would include the length of the Singer dock whether determined by licensed land surveyor or a constable, I think I would be satisfied.

TRUSTEE GOLDSMITH: And if I'm not mistaken --

MR. DANOWSKI: My point is the delay here and the depth to water, which you recognize is an important issue for you folks, right? And so you say, obviously, I don't want a dock right close to land, and you want to have it out, and it's not going to interfere with navigation. And it's not a law, never mind a policy, all right, that says I'm mandated to do something that
you can interpret it any way you want, so for me I want to vote tonight, because the detail or the depth is there on Bob Fox's information, and you already have Dr. Singer's information, and it's right there in front of you. And, you know, the delays, I know you appreciate this, it's not a matter of months we have been dealing with this. It's a matter of years. To eliminate the dock on Dr. Pearson's property, forget the covenant, forget the termination. To delay the permit by the length of the Planning Board and now to say delay some more, I just think is not right.

TRUSTEE GOLDSMITH: If I may, we have been to this site and we have had a hearing on this particular application numerous times. I think that Trustees every time have stated our desire to see the dock pulled back. I believe, I don't know if you were at last month's hearing but I believe the representative from Costello Marine said this proposed dock was 60-feet-ish longer over water than the Singer dock, which is adjacent to it. And then looking at the plans, the hydrographics survey stamped received December 2nd, 2020, you know, even a pullback of 30 feet you are going from two-and-a-half to 2.1. So a four-inch reduction in water depth does not change the functionality of a dock, however it could potentially eliminate the pier line concern because it is bringing it back. Right now we are at the extension of the one-third. Bringing it back 30 feet would eliminate that. It would serve the same functionality that currently exists at two-and-a-half feet. And it will address a lot of my concerns, at least.

MR. DANOWSKI: I look at, and I don't want to, I always appreciate a good debate, and getting the facts right are important. But to get permission to build a dock and then not have enough water underneath the dock, as you suggest, we should step it down, would not be wise. I'm not looking at the plan that was submitted to you that talks about the ramp of 20 feet, and the catwalk of 42 feet over the marsh. And it begins from that point, at 0.2, and then you run the fixed dock, the 137 feet. And so clearly, I mean I look at this, and it's there. And I would think you'd agree with me. That's what it says. And to say, even the pictorial presentation that was made, shows the termination of the dock with a step down as, you know, lining up parallel and terminating at about the same spot as Singer. And so to apply a policy now, and to look at the depth, I mean, I'm looking at the depth. And so I don't want to build a dock or go to dock to be built, because I won't be doing it. That's not useful. And I would think you would look at the detail here. So I'm look for your support to carry a vote on this. I'm now the agent and I understand, but, you know, we bit the bullet. We came out of the Planning Board, I expected that the dock as submitted at that time with a DEC permit was going to be approved. And I didn't think there was a requirement even of an additional hearing, although I did send a letter in and I did say because we have had so many iterations and comments, that
I'd provide information on an application. The result of that is we had more public hearings. But I would ask for your support and I would ask for you to vote for an approval of the plan.

TRUSTEE GOLDSMITH: Mr. Danowski, do you happen to know what proposed vessel is going to be moored here, by any chance?

MR. DANOWSKI: Well, I think -- you read the comments I think at the very earliest of hearings, that we talked about, nobody is bringing a big boat down there, but we talked about, I think the nature of the boat was 20 feet, and they were talking about a Boston Whaler, but they, obviously, I think somebody else, Tim Coffey might have a big boat and they were saying, obviously on the record at that time, he's not bringing his big boat down, that's for sure. So that's where we sit. And we were convinced not to put the "T" shape to the floating dock, because the argument was you put it the other way, we recommend that, and then you can pull a boat up on either side. That's there. We got rid of the poles. We did the whips, we did whatever. We took those comment and we went to the state. So, you know, I think it's just, I just ask you to look at the information that is supplied and vote an approval the way it is.

TRUSTEE GOLDSMITH: Just as a point of reference, a 20-foot Boston Whaler probably has a draft in the neighborhood of 18 inches. So whether --

MR. DANOWSKI: I would be happy if I could float my kayak there, but --

TRUSTEE GOLDSMITH: So whether it terminates at 2.1 or 2.5, I think the functionality for a 20-foot boat still exists regardless. So that is kind of where I'm leaning. If you dial it back, bring it more in line with neighboring docks with a 20-foot boat you would still have the same exact functionality as you would with the proposed length, however dialing it back is a plus for us, a plus for environment and a plus for the Town, in my opinion.

MR. DANOWSKI: Well, I just heard those words, so I sort of agree with it. Dialing it back to be in line with the neighboring dock, which I thought what is portrayed now.

TRUSTEE DOMINO: That's your interpretation. I'm a bit confused about how you arrived at that. The Trustees evaluate maybe a couple hundred dock applications a year. We are pretty familiar with that. What I'm seeing when I look at this is 179 feet over water, that is the 137 feet that you are recording plus the 42 feet over what is, begins at the mean high water. The plans that I'm looking at received December 2nd show the first 20 feet is over what is clearly labeled on this as high marsh. So I think my fellow Trustees understand what I'm saying, and it's a little different value than what you are coming up with.

Additionally, the last time we spoke to this application, we suggested pulling it back a few feet. I'm not going to define a few feet. But it's your position it can't be pulled back one foot?

MR. DANOWSKI: I think it's my position that every time we amend
the plan again, and I'll make a comment about that because I think that was a very honest comment about Mr. Domino saying the 20-foot ramp then a 42-foot catwalk. One is identified as high marsh and the other is identified as intertidal marsh. That's accurate. That says it on the plan. Whether you want to describe that as land or water, you know, we can agree or agree to disagree, but I see the first bit of information on depth of water at 0.2 on that plan. And that's beyond the 42 feet where we begin the count at 137. So I think we are in agreement as to what it says and what it shows. And, you know, at some point when someone says move it feet, you can tell me, so many feet that it's impossible to use, or we could say, you know what are we really talking about here. But I look at the termination of the Singer dock and the termination of our proposed dock. And to my mind, looking at the documents that were submitted by way of aerial photographs, if I could call it that, or photographic representations, I look at the end of each dock and don't they get the end of each dock and don't they appear to be ending, you know, next to one another. Maybe "next to" is the wrong word, but.

TRUSTEE GOLDSMITH: For my clarification, when you are referencing the Singer dock, are you using the scale in the plans of 11/11/20?

MR. DANOWSKI: I'm looking at the Singer application which describes the length of the dock, and I'm looking at what I think is a good attempt to indicate where Dr. Pearson's dock is at the very end, and our proposed dock, and then the dock of Dr. Singer.

TRUSTEE GOLDSMITH: Because I'm not necessarily seeing anything from Robert Fox that I have. I do have a previous plan prepared by Costello Marine Contracting dated stamped received December 2nd, 2020, with the latest date of 11/11/20. That scale has about a one inch to 60. So utilizing that survey, the Singer dock extends past the edge of the marsh approximately 96 feet. The proposed dock that you are proposing extends approximately 147 feet.

MR. DANOWSKI: I look at, I don't -- I look at your permit and I look at the application for Dr. Singer in the length that is contained on the permit. And it's a descriptive term. And it's your term. I didn't try to make it up. And I didn't try to go out and measure that dock. It says whatever it says about 136 feet. And so, you know, someone says to me they want me to move it two feet or three feet or four feet, you know, but once we get into grander scales than that, I think we have a practical problem about, you know, depth. And I just, I think we are in agreement that we can rely on the hydrographic mapping of Bob Fox. It says what it says on the depth.

TRUSTEE GOLDSMITH: So the one that does have Robert Fox stamped received --

MR. DANOWSKI: It doesn't talk about the length. It just talks about the hydrographic information.
TRUSTEE BREDEMEYER: It's a scaled hydrographic survey that has a scale, mean high water, mean low water, and a dock on it.
TRUSTEE GOLDSMITH: Correct. Yes. But that particular one does not show the Singer dock, the adjacent dock. It just shows proposed.
MR. DANOWSKI: That's correct. And it's there for the purpose of identifying the depth of water.
TRUSTEE GOLDSMITH: Again, I would like to reiterate, I think we have been consistent here with every hearing we had with this, that the Trustees are not opposed to a dock in this location, however we feel it would be more appropriate to dial it back slightly.
MR. DANOWSKI: Then you have to tell me what "slightly" means. Because if you say ten feet --
TRUSTEE GOLDSMITH: Prior I said on one of the plans it shows 30 feet back is at 2.1 feet of water. Your proposed terminus now is 2.5. So for a 20-foot Boston Whaler whether it's 2.1 or 2.5 will not decrease the functionality of that said dock.
TRUSTEE BREDEMEYER: I fully concur with Pres. Goldsmith. 30 feet is not an unreasonable request. And of course you can consider that and come back with something different. We have a public trust function. We have to look at this from a perspective of the bottom coverage for the amount of utility you are looking for, and a 20-foot Whaler certainly could handle the dock moved back 30 feet.
TRUSTEE KRUPSKI: I want to just add to that. I want to make it very clear for the record, this Board is not against a dock at this location. This Board is really trying to work with the applicant to provide a dock that will be no different in functionality than what is proposed, however have many benefits by moving it back, and keep within the constraints of best practice of the Board, that historically in the last several years what this current Board has shown.
TRUSTEE DOMINO: I would just like to add to that. The comment I made earlier in the evening, we are constrained by Chapter 275 to mitigate or minimize the impact of any new development, and its impact on fisheries and the impact on the estuary itself. So I don't believe requesting to pull it back an unspecified number of feet and still stay within functionality is unrealistic.
MR. DANOWSKI: I guess the number of feet is the question.
TRUSTEE KRUPSKI: I mean, I think for me, realistically, when I scale it from roughly mean low to roughly mean low, it's about 60 feet. I heard the number 30 thrown around here a lot tonight, because that would not have a negative impact on the functionality of the dock. So I think that is what I would like to see. You are benefitting the public, you are benefitting the environment and you are having a zero change for the functionality of your client's dock.
TRUSTEE GOLDSMITH: I would concur with that statement.
TRUSTEE BREDEMEYER: Likewise. Full court with that.
MR. DANOWSKI: I would say close the hearing and allow for me to respond in writing so we don't have to have another session that delays matters, and I'll talk to my client.

MR. HAGAN: All right. So if there is a closing of the hearing right now then there is no further discussion.

MR. DANOWSKI: You can leave it open for the purpose of my responding and submitting, you know.

MR. HAGAN: So just as far as formality goes, if you wish to put in comment and/or discuss with your client and offer an alternative proposal, then you would need to keep the matter open. If you close it now then there is no making modifications or changes. If you need to talk to your client --

MR. DANOWSKI: Then leave it open. I would tend to suggest it can be closed except for the delivery of an amended plan should the client wish to either verbally or by way of submission submit a further plan. But keep it open.

MR. HAGAN: Okay

TRUSTEE WILLIAMS: Mr. Danowski, at this point would you like us to table this application as per your request?

MR. HAGAN: He just said that. You can make the motion to table.

TRUSTEE WILLIAMS: Just wanted to make the record. Sorry.

Is there anybody else here that wishes to speak to this application?

(Negative response).

I make a motion to table the application at the applicant's request.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. DANOWSKI: Have a good night.

TRUSTEE GOLDSMITH: Number 12, En-Consultants on behalf of ROBERT STRONG & JOAN VITALE STRONG requests a Wetland Permit to construct a 14'x34' swimming pool and surrounding 1,324 sq.ft. patio (with 6' wide steps and 4' wide steps), raised up to approximately 24 inches above existing grade with "geogrid" retaining wall; install pool enclosure fencing, pool equipment, and pool drywell; and remove up to five (5) oak trees from existing lawn area.

Located: 750 Lupton Point Road, Mattituck. SCTR# 1000-115-11-18.1

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support this application.

The Trustees most recently conducted a field inspection on January 12th. At that time we were waiting for new plans. We do have new plans stamped received January 14th, 2021, in the file. Is there anyone here who wishes to speak regarding this application?

MS. CANTRELL: Rob Herrmann is present. Rob, if you want to un-mute.

MR. HERRMANN: So this was a continuation of a hearing from last
month, at which time there was concern expressed in connection with the configuration of the proposed pool and patio. As of the time there was a proposal to remove five of the oak trees in the work area, and after the hearing as we discussed at field inspections, the applicant added a landscape architect to the team and worked with the pool contractor and me to come up with a plan that would address the Board's concerns, and that plan was submitted to you and mapped out for your review at field inspection.

In short, the plan pushes, it reorients the swimming pool and increases the wetland setback of the pool from 65 to 75 feet. It reconfigures the patio area that results in a need to remove only two of the trees rather than five, and actually also reduces the area of the patio by 274 square feet. So that is the plan that was mapped out for your field inspection, and so we are hoping at this point that the revised plans will have satisfied your concerns and allow you to move toward closing the hearing and issuing the permit.

TRUSTEE GOLDSMITH: Thank you. Is there anyone else here wishing to speak regarding this application?
(Negative response).

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

TRUSTEE GOLDSMITH: Rob, just as a question, did you submit the revised project description for this?
MR. HERRMANN: I don't think I gave Liz a formal, revised description, but if the Board determines tonight that the plan is approvable, I can get that to her tomorrow morning.

TRUSTEE GOLDSMITH: Or I can potentially take a stab at it, because the only change is the 1,324-square foot patio will be changed to a 1,050-square foot patio, and remove five oak trees will go to remove two oak trees. Are those the only changes from your previous project description?
MR. HERRMANN: I think you are right on the nose there, Glenn. Just give me two seconds to pull the original description, which I have on the agenda.

Yes, the pool dimensions are the same. The patio area changes from 1,324 to 1,050. The five oak trees changes to two. And the height of the patio increases. I want to check. So the maximum height of the retaining wall should be changed to 2.4 feet. And that should say raised up to a maximum height of 2.4 feet above existing grade. And that's just a consequence of the fact that the pool now is re-oriented, it kind of runs against the grade now. And there is actually, what the contractor will have to do with the outside height is either have a step down vertically within the patio or if there is a section that was going to exceed that height, they would have to include a safety barrier. Which is an issue really not for the Trustees concern, I would not think, but for the Building Department. But footprint of the patio either way would remain, and the design goal at this point is to have a maximum height at the top of the
pation of 2.4 feet above grade.  
TRUSTEE GOLDSMITH: Okay, thank you. Hearing no further comment,  
I make a motion to close this hearing.  
TRUSTEE KRUPSKI: Second.  
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).  
TRUSTEE GOLDSMITH: I make a motion to approve this application  
with the following revised project description. En-Consultants  
on behalf of Robert Strong & Joan Vitale Strong, requests a  
Wetland Permit to construct a 14’x34’ swimming pool and  
surrounding 1,050-square foot patio, with six-foot wide steps  
and four-foot wide steps, raised up to a maximum of 2.4 feet  
above existing grade, with geogrid retaining wall; install pool  
enclosure fencing, pool equipment and pool drywell; and remove  
two oak trees from existing lawn area.  
Located 750 Lupton Point Road, Mattituck. That’s my motion.  
TRUSTEE DOMINO: Second.  
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).  

TRUSTEE KRUPSKI: Number 13, En-Consultants on behalf of ALISON  
M. BYERS, c/o ALISON M. BYERS, PsyD, VP requests a Wetland  
Permit to demolish existing one-story, 2,254 dwelling structure  
located 28.6’ from top of bluff and patio located 15’ from top  
of bluff; construct one-story 4,929 sq. ft. single family dwelling  
structure consisting of 2,045 sq. ft. habitable dwelling with  
18.7’x22’ roof deck above, 562 sq. ft. carport, 1,663 sq. ft.  
covered decks, and 659 sq. ft. roof overhang with no structure  
beneath, located a minimum of 50’ from top of bluff; install  
pervious gravel driveway and parking area; 5’ wide landscape  
steps to dwelling; 3’ high landscape retaining walls; landscape  
beds; and 4’ wide earthen pathways, including path to existing  
bluff stairway; remove existing nonconforming septic system  
located 71’ from top of bluff and install new I/A OWTS sanitary  
system more than 100’ from top of bluff; relocated public water  
service and install underground electric service; install  
storm-water drainage system; clear approximately 5,390sq.ft. Of  
existing vegetation for new construction, and revegetate  
approximately 8,195 sq. ft. area (all more than 15’ from top of  
bluff); truck in approximately 187 cubic yards clean fill from  
an approved upland source to achieve proposed grades; and  
establish and perpetually maintain a 3,685 sq. ft. non-turf buffer  
within 15’ of top of bluff (remove existing invasive  
vegetation/add native vegetation).  
Located: 10075 Nassau Point Road, Cutchogue. SCTM# 1000-119-1-13.1  

The Trustees most recently visited this application and  
site on the 12th of January and noted that the house is actually  
moving landward.  
The application does include an IA system and as well as a  
15-foot non-turf buffer from the top of the bluff. And it is a  
fairly straightforward application.
The LWRP coordinator found this application to be consistent.
And the Conservation Advisory Council supports the application with the non-turf vegetated buffer landward of the bluff.

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

MR. HERRMANN: Rob Herrmann of En-Consultants on behalf of the applicant. As discussed in the application, the primary benefit here is the reconstruction of the dwelling that is currently 28 feet from the top of the bluff, which will be moved back to 50 foot bluff setback and the existing conventional septic system located 71 feet from the bluff will be removed and replaced with an IA system located more than 100 feet from the bluff. And if the Board has any questions about the design more specifically, I'm happy to try to answer them.

TRUSTEE KRUPSKI: I have no further questions. Does anyone else have any questions? (Negative response).

Anyone else here that wishes to speak regarding this application?

MS. CANTRELL: There are no raised hands.

TRUSTEE KRUPSKI: Hearing no further comments, I make a motion to close the hearing.

TRUSTEE GOLDSMITH: Second. All in favor? (ALL AYES).

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

TRUSTEE GOLDSMITH: Second. All in favor? (ALL AYES).

TRUSTEE KRUPSKI: Next application, number 14, En-Consultants on behalf of JANE G. WEILAND requests a Wetland Permit to demolish and remove existing cellar entrance and 60 sq. ft. section of existing 1.5-story dwelling; construct additions and alterations to existing 1.5-story dwelling, including 415 sq. ft. second-floor dormer addition, 170 sq. ft. second-story deck in place of portion of existing roofed-over porch, 60 sq. ft. first floor addition beneath existing roofed-over porch, and 1,044 sq. ft. one and two-story addition to south end of dwelling with attached 377 sq. ft. raised patio and steps, 207 sq. ft. deck, retaining wall, and 6'x9' roofed-over entry porch and steps with grade-level masonry path; maintain existing 5.6'x6.9' hot tub on roofed-over porch and 4'x6' outdoor shower on north side of house; install 500-gallon underground propane tank, underground utilities, and A/C unit on grade-level slab; remove existing septic system, install I/A sanitary system, and re-grade to accommodate new system using approximately 126 cubic yards of excavated on-site soil material and approximately 56 cubic yards of clean, "ratable" soil to be trucked in; install stormwater drainage system; install 6' high fencing along southerly
property line; and establish and perpetually maintain a 10' wide, approximately 1,407 sq. ft. non-turf buffer adjacent to top of bluff to be planted with native vegetation.
Located: 6485 Nassau Point Road, Cutchogue. SCTM# 1000-111-13-11
This application has been deemed to be consistent with the LWRP.
The Conservation Advisory Council does not support the application due to insufficient setbacks from the top of the bluff.
The Trustees reviewed this application on January 12th and noted that it is straightforward. There is an IA system that is incorporated in the project description and does show up on the plan of Jeff Butler stamped in the Trustee office November 30th.
Is there anyone here who wishes to speak to this application?
MR. HERRMANN: Yes, Rob Herrmann on En-Consultants on behalf of the applicant. This is a project that deals with a pre-existing nonconforming dwelling that has an existing setback of only 33 feet from the top of the bluff. The dwelling is going to be renovated without demolition of the existing structure. The applicants and owner feel that the house is in keeping with the character of Nassau Point and the design and renovations, in fact the primary footprint renovations will be 17-foot farther back to maintain a 50-foot setback from the top of the bluff.
There are some appendages that are set closer than that, a deck, for example, but none of the additions would encroach any closer on the top of the bluff than the existing structure.
As Jay mentioned, there is a proposed upgrade to the existing conventional sanitary system, as it is being replaced with an IA system. And a full storm water drainage system upgrade. Non-turf buffer. And it's a pretty good project. We think we obtained approval from the ZBA for the project as it's been submitted to the Board. And you have seen the stake out at the site. So unless the Board has any other questions, that is all I have.
TRUSTEE BREDEMEYER: Any additional questions from Board members? (Negative response).
Anyone else wishing to speak to this application?
MS. CANTRELL: There are no hands raised.
TRUSTEE BREDEMEYER: No hands raised. Okay, thank you. At this point I'll make a motion to close the hearing in this matter.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor? (ALL AYES).
TRUSTEE BREDEMEYER: At this time I make a motion to approve this application as submitted, according to the stamped plans in the Trustee office November 30th, of Jeff Butler. That's my motion.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor? (ALL AYES).

TRUSTEE DOMINO: Number 15, Michael Kimack on behalf of MICHAEL &
ELLEN CARBONE requests a Wetland Permit to construct an 18’x30’ in-ground swimming pool (540 sq. ft.) with proposed at-grade pool patio surround (648 sq. ft.), with proposed pool enclosure fencing, pool equipment area, and pool drywell.
Located: 1580 North Bayview Road, Southold. SCTM#: 1000-70-12-34
The Trustees did a field inspection at this site on January 12th, all were present, and noted that the question was to consider a saltwater pool and noise suppression around the pool equipment.
The LWRP coordinator found this to be consistent.
And the Conservation Advisory Council all voted to support this application with the recommendation of a 50-foot setback.
In a review of the plans, noting that the property does not have a uniform rectangular shape, one corner of the proposed pool is 45.8 feet from a bulkhead. The other corner is 58 feet. And the mean value is greater than 50 feet. Is anyone here to speak to this application?
(Negative response).
MR. KIMACK: Michael Kimack, on behalf of the applicants. If you have any questions of me, I think the site visit indicated the pool was kept as far back as possible, and I think the two things that you had asked me, that we concur with, that the pool be considered to be saltwater pool. I have that's correct, Jay, that we talked about.
TRUSTEE BREDEMeyer: Yes, we had.
MR. KIMACK: And we put some deadening sound around the utilities to make sure the ambient sound at the property line is certainly within the dba zones.
TRUSTEE DOMINO: Any other questions from the Board?
(Negative response).
Anyone else wish to speak to this application?
(Negative response).
TRUSTEE DOMINO: Hearing no further comments, and understanding that the applicant will, this will be a saltwater pool and there will be noise suppression around the pool equipment, I make a motion to close this hearing.
TRUSTEE BREDEMeyer: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE DOMINO: I’ll make a motion to approve this application as submitted.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE WILLIAMS: Number 16, Michael Kimack on behalf of LAUREN PRAUS & MARK SCHWARTZ requests a Wetland Permit to reface approximately 265 linear feet of existing bulkhead with 2"x10" composite boards with 2"x3' ledgers and 2"x12" Douglas fir cap; remove 28.5 linear feet and 67 linear feet of existing bulkhead in two (2) locations; construct 34 linear feet of new vinyl
bulkhead in place of removed bulkheading along easterly side of property; remove approximately 15 cubic yards of fill, prepare sub grade slope from top of bulkhead to shoreline; place approximately 7 cubic yards of clean course sand on the sub base to create extension of beach line from neighboring property; install two (2) 8" diameter double set dolphin pilings for anchorage where 67 linear feet of bulkhead removed; construct a 4'x16' (64 sq. ft.) fixed dock; install a 3'x14' (42 sq. ft.) aluminum ramp; install a 6'x20' (120 sq. ft.) floating dock with six (6) 8" diameter piles and one 8" diameter double set dolphin piling. 

Located: 1360 Broadwaters Road, Cutchogue. SCTM# 1000-104-9-5

Trustee Williams visited the site on January 13th, 2021, finding the proposed action to be straightforward.

The LWRP found this action to be consistent as far as the proposed bulkhead. And inconsistent. The inconsistency is as follows: Aerial photos show an existing dock against the bulkhead and a jet ski dock already occurring on the parcel. The proposed dock is not permissible pursuant to Chapter 275.

The applicant has not demonstrated that the following dock standards pursuant to 275-11 construction operation standards have been met. Specifically, construction of structures such as docks, bulkheads, piers or revetments in areas not previously disturbed by development may result in a loss of productive areas which support fish and wildlife resources of Cutchogue Harbor area.

The Conservation Advisory Council resolved to support the application to repair and replace existing bulkhead with a ten-foot to 15-foot vegetated non-turf buffer landward and removal of the boat slip.

Is there anybody here that wishes to speak to this application?

MR. KIMACK: Michael Kimack on behalf of the applicants. I was trying to, I think I understood that they indicated that there was an inconsistency as result of the bulkhead. We are not building new bulkheads. We are repairing the existing bulkhead, and, for the most part, the on that is on the, let's see, looking for the arrows here. The one that is on the easterly side there is being replaced. That is closest to the other dock that had just been recently approved about two years ago. And we are taking out that wooden bulkhead on the western side and just putting back two dolphins in its place. I think that's where the boat ramp, that's where the ski/boat ramp is, and that will be removed with just a couple of dolphins in there if they want to move the boat in case they have bad weather, and move it in that direction. I'm not quite sure in terms of, the property is rather irregularly shaped. It's difficult to project exactly how we would be able to put a non-turf buffer in there, because it's so narrowly placed in that little point right there.

TRUSTEE WILLIAMS: The property is pretty much landward. It's a peninsula. It sticks out. And that whole area is kind of sandy in a somewhat natural state.

MR. KIMACK: Yes. They don't do anything with it right now.
Obviously you know Lauren Praus and Mark Schwartz, and I asked them about that. They don't do anything with it at all. They don't put any fertilizer or anything like that. So that could be a prohibition by itself for the whole thing not to have any type of fertilizer and things like that, which is basically the reason for the non-turf to begin with.

TRUSTEE KRUPSKI: Why not just stipulate that whole area as a non-turf buffer. Because you can't put turf on there anyway. It would not grow.

MR. KIMACK: You really can't. It's all sandy. There is not much growth there. The only thing they do is just cut it, for the most part, maintain it, and that's pretty much it.

TRUSTEE WILLIAMS: Would they be open to the stipulation of that area being a non-turf buffer?

MR. KIMACK: I mean, it would not change what they have right now in the sense that the non-turf aspect would be, they've got, the grass is there now, they would not have to plant anything. It would just be no use of preservatives, correct, no use of preservatives or fertilizers in the area.

TRUSTEE WILLIAMS: Correct.

MR. KIMACK: I don't think that's an issue. They don't do it anyway right now.

TRUSTEE KRUPSKI: We are just looking over the plan right now.

MR. KIMACK: I did take some photographs, you may be able to take a look at those and see what the land looks like.

TRUSTEE WILLIAMS: Mike, we would need new plans showing a delineation line on the survey where the non-turf area would be.

Is that --

MR. KIMACK: What we could do basically, as something we did the adjoining property for the most part, on that one the Board basically said kind of like a 50-foot non-turf buffer back, basically, in essence from that front end of the bulkhead where the floating dock is proposed to be, we could come back 50 feet in there, primarily, which would not quite adjoin with the one next door, section like that, but that whole area through there could be non-turf, primarily.

TRUSTEE WILLIAMS: Sure. So at this point in time would you be open to tabling the application to put that on the survey.

MR. KIMACK: Yes. I think I would like to talk with Mark and Lauren about that. I understand basically they don't put anything in there. There is indigenous grasses in there right now, which I hope would meet the non-turf as long as we are not putting any fertilizer in that, basically, it should meet the overall, not only the spirit but also the legality of the non-turf buffer for the purpose of being there. But I'll discuss it with Mark and Lauren.

TRUSTEE WILLIAMS: Understood. Are there any other questions from the Trustees?

(Negative response).

Anyone else wish to speak to this application?

(Negative response).
TRUSTEE WILLIAMS: I'll make a motion to table this application at the applicant's request.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor? (ALL AYES).

TRUSTEE GOLDSMITH: Before we go to the next application, I'll recuse myself from the next application.

TRUSTEE KRUPSKI: Number 17, Michael Kimack on behalf of GOLDSMITH'S BOAT SHOP, INC. requests a Wetland Permit to construct a proposed Concrete Boat Ramp, 15' in width by 65' in length by 8" thick, consisting of 15'x20' poured in place and (45) pre-formed 3'x5'x8' concrete blocks, set on 12" of course stone base; the proposed Bank Re-Stabilization to consist of constructing 1,530 linear feet of Hybrid Low Sill Bulkhead with every 6th sheath lowered to approximately 3' below Mean High Water, backfill with approximately 1,300 cubic yards of dredged spoils, cover with approximately 23,600 sq. ft. of filter fabric, and planted with salt marsh and sea march cord grass @ 18" on-center; the proposed new Negative Lift Pad is to consist of removing existing ramp and support pilings (if necessary), pour new pad sized for a mobile negative lift forklift and supply new support pilings as necessary; and the proposed Dredging Plan consists of dredging approximately 81,500 sq. ft. of area to an average depth of 4' below Mean Low Water (-1.5' El. Average), remove approximately 5,450 cubic yards of dredge spoils, stockpile in designated area with continuous silt fence and hay bale surround, and dredged spoils to be used to backfill area landward of new Hybrid Low Sill Bulkhead, with the remainder spread over the property.
Located: 64150 Route 25, Greenport. SCTM# 1000-56-7-1

The Trustees most recently visited this site on the 12th of January and noted it was a straightforward net creation of about 20,000 feet of intertidal marsh.

The LWRP coordinator found this to be consistent, and just noted that during construction erosion control including a silt fence and I believe a silt boom should be used during construction.

The Conservation Advisory Council resolved to support this application. And also noted that containment areas for the runoff should be used on either side of the ramp.

Is there anyone here that wishes to speak regarding this application?
TRUSTEE GOLDSMITH: Go ahead, Mike. I never muted you.
MR. KIMACK: Okay. Thank you. Michael Kimack on behalf of the applicant. I don't want to spend a lot of time on it. We looked it over. We do basically, we are using that hybrid low sill concept that you had already looked at and approved with Cove Condominium, that basically sets off about 23,600 feet of new Spartina Euphorbia area which is not now basically in there. So
we would be creating new wetlands that would be protected. And the topograph that we are putting in is exactly the same topograph you had looked at and approved for Laughing Waters. So, other than that, if you have any questions of me I would be glad to answer them.

Oh, I'm sorry. The dredging operation, basically, is about 5,400 yards. You have that plan in front of you. We are stacking it onsite. About 1,300 of those yards would be backfilled against the landward side of the new hybrid low sill in order to provide for planting of the Spartina. And the additional four thousand yards that is there will be spread out on the property.

TRUSTEE KRUPSKI: Great. Based on the LWRP coordinator's comment we'll probably just stipulate a silt boom and erosion controls during construction?

MR. KIMACK: Yes.

TRUSTEE KRUPSKI: Okay, is there anyone else here that wishes to speak to this application or any additional comments from the Board members?

MS. CANTRELL: Not seeing any hands raised.

TRUSTEE BREDEMEYER: It's very straightforward. A good project. We've seen a couple a years now that measurably increasing wetlands at a time we are losing from sea level rise.

TRUSTEE KRUPSKI: Agreed. Hearing no further comments from the public, I make motion to close this hearing on this application.

TRUSTEE WILLIAMS: Second.

TRUSTEE KRUPSKI: Motion has been made and second. All in favor? (Trustee Krupski, aye. Trustee Williams, aye. Trustee Domino, aye. Trustee Bredemeyer, aye). (Trustee Goldsmith, recused).

TRUSTEE KRUPSKI: I'll make a motion to approve this application as submitted, with the stipulation of a silt boom and erosion control to be used during construction.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(Trustee Krupski, aye. Trustee Williams, aye. Trustee Domino, aye. Trustee Bredemeyer, aye). (Trustee Goldsmith, recused).

TRUSTEE GOLDSMITH: Number 18, Michael Kimack on behalf of MARIA H. PILE requests a Wetland Permit to construct a 36.0'x34.7' (1,249.2 sq. ft.) two-story dwelling on foundation in accordance with FEMA standards for a AE zone; and a pervious driveway. Located: 420 Lake Drive, Southold. SCTM# 1000-59-1-21.2

The LWRP found this project to be inconsistent. The inconsistency is the structure setback to the wetland is proposed at 25 feet. Furthermore the structure is proposed to be construct in FEMA flood zone AE, elevation 11. The property is in area identified as geologically and ecologically significant.

In the event the application is considered for approval, the following are recommended: Verify the wetland line, relocate the structure to achieve greater setback to the wetland, meet the purpose of the setback and preservation of the
function and values the wetland. This would require a reduced front yard setback more in context with the single-family home located to the southwest. The shift also would set the structure on a higher topographical elevation of ten feet. Establish a non-disturbance buffer equal to the distance of the setback, require that the applicant show locations of drywells and ability to comply with Chapter 236 Storm Water Management. Require that a limit of disturbance be shown on the survey. Limit the clearing on the need of vegetation, prohibit use of turf and fertilizer on the parcel to protect water quality. Require the installation of an IA/OWTS.

I don't see a recommendation in the file from the Conservation Advisory Council.

The Trustees most recently conducted a field inspection on this property on January 12th. We did review the new plans that are stamped received December 7th, 2020. The field inspection, verify the wetland line. We did note there was old growth blueberry bushes on the parcel. We did not see any cranberry bog as had been discussed from some people at last month's public hearing. We still have the concern about a proposed IA system on the new plans received December 7th, 2020. It still shows a traditional septic system. As such, this is going, the plans that we currently have will have to be modified to show an IA system before we are able to vote on this proposed project.

Well, we have some concerns with the proposed project plan that we currently have in our possession, and we have, at least I am not comfortable with the current configuration and may need to see an IA septic system and potential movement of the structure, which I believe we had discussed during last month's application. They did move the structure slightly landward toward the road. If I'm not mistaken we currently have an approximately 50-foot setback to Lake Drive, and only a 34-foot setback to the wetlands. And we have all expressed an interest to see that house moved further toward Lake Drive, and further away from the wetlands. Even if that would require going to the ZBA for a variance.

We do have numerous letters in the file here objecting to the project. A lot of them make reference to the Town attempting to purchase this particular piece of property. In speaking with the Land Preservation Committee, this particular piece of property is not for sale, to their knowledge has never been for sale nor has ever come before the Preservation Committee to be acquired.

So is there anyone here wishing to speak regarding this application?

MS. CANTRELL: Mike, go ahead, you're not muted.

MR. KIMACK: Thank you. This is a continuation of the last meeting, and we did take the time to take your comments into consideration. I would like to go through some of them, some of your concerns. I did have CES, Cole Environmental, prepare a little sheet in terms of exactly what we are talking about,
about the, what the property was, what it is, site information on it as being an inter-dunal area, primarily, and it is in that open space, and it's all voluntary, and it has never been for sale, for the most part, and for the most part the soil is sandy and well drained outside of the wetland area. I did this simply for your information and just to give you more information in terms of the questions that were raised the last time in terms of the fact that this property may be for sale and may be restricted for sale. But it is not and never has been. So that is simply information for you.

Let me then, the plan that I submitted, primarily, we did turn the house, get it as far away as we could. We went from 25 to 34 feet. But more importantly, basically, on that particular one, if you visited the site and you also have there is if I had, I looked at the types of trees that we would have to take out on the property, primarily, and with the picture of each one, and you'll see that the silt fence, which is critical right now, is setback about 16 feet, it's about 16 feet from the wetland itself. What is critical about that is the silt fence is right pretty much along the tree line, the heavy tree line as it now exists, primarily, because everything from there toward the road is pretty much open. Pretty much open and sandy.

If you had an opportunity to look at photo four, the one I basically did, and you look at that stake that, the basic stake on that particular one, is it shows exactly how far away the tree line is that is all clear. So we have to take down literally three trees and a whole bunch of smaller trees. Not a lot of clearing at all. It's all pretty much sandy. And the silt fence is along that line. And the reason it's there is because, yes, it is in the flood zone boundary. No matter where we move it, it will be in the flood zone boundary, which would indeed have to basically be an AE zone. We would have to be two foot above it, above the eleven line. And as a result of that, there has to be, no matter where it is, whether you move it ten feet forward or not, there has to be grading in there, and the grading, as you can see the lines, comes up against the silt fence, comes up against the tree line, which is still approximately 16 feet or 15 feet this side of where the freshwater wetland line is. So there is certainly no disturbance of the fresh water wetland line and basically the silt fence along that existing tree line, keeps all of those trees which are now there in place, in fact, and the proposed site plan basically only eliminates those three or four major trees, and then there is a bunch in the square where the proposed four-bedroom system, septic system is -- we would not be opposed to an IA system -- has to go.

I have to say that I did not know exactly what types of trees those were in the front, primarily. So I took photos of them. It looks like, and I tried to -- some were long needle pines, essentially, like that, and the ones in front look like sycamores, but I could be mistaken on that. But none of the
trees that we would have to take down I believe are freshwater
wetland trees. So I think I wanted you to take into
consideration the fact that we were trying to be very careful
with the placement of the silt fence line to protect the line of
trees which are representative of pretty much the heavy growth
on that property. And then forward of those trees back to the
road there is only a few trees of the way everything is lightly
treed with a lot of sand. But we would have to basically do the
grading in order to accommodate the meeting of the AE
requirements, no matter where it was, whether we move it ten
feet forward or not. And I would suggest to you also, it would
be nice to consider moving it ten foot forward, but the Zoning
Board basically would probably have the position that, you know,
don't move it forward, keep it in your building envelope,
primarily. I'm not quite sure, in essence, basically, the
Trustees would actually create a violation in order to move it
forward, but in essence I would suggest to them that there
really is not any, moving it ten feet forward is not really
going to solve any issue. It doesn't take it out of the AE
line. It doesn't change the type of grading we would have to do
in order to meet that requirement with FEMA.

Any further questions of me?

TRUSTEE GOLDSMITH: So, a couple of things. I think certain
things that we discussed during work session would be that
whatever the distance may be, to have a non-disturbance area for
the entirety of any proposed rear yard, insistence on an IA
system, potential of a non-turf zero-scape in the front yard,
and we also discussed the possibility of a minimum of a 50-foot
setback to the wetland line. So currently you are looking at 34.
You know, we would definitely like to see that extended as much
as possible. Even if that will require a variance from the ZBA.

MR. KIMACK: It will certainly require a variance from the ZBA.

TRUSTEE GOLDSMITH: Yes. But unfortunately, the environment is
more our concern, not a variance from the ZBA. So I think we are
all in agreement that if there is to be a structure on this
parcel, it is as far way from the wetlands as possible, and
close to the road as possible, regardless of needing a variance
from the ZBA.

MR. KIMACK: As I understand, Glenn, what you are asking is
basically the proposed septic system be an IA, which we agree
to, and the proposed house be moved another 16 feet closer to
the road?

TRUSTEE GOLDSMITH: Yes, at a minimum. At a minimum. That's one
of the things we discussed during our work session. And looking
at the comments we had in letters as well as the comments from
the LWRP coordinator, that was one of his recommendations if we
are to approve any project on this. That should be one of the
conditions. And I think that we all are in agreement with that.
And judging from the field inspection on that, moving further
toward the land, if I'm not mistaken, was just mostly sand. So
there really won't be much disturbance, any additional
disturbance, moving it further landward.

TRUSTEE KRUPSKI: I would echo those comments.

MR. KIMACK: Looking at it, basically, if I have to keep, we have to keep ten feet from the LPs primarily. So it looks like we would be able do just the, roughly I think I can get that in, but I probably would not be able to get much more, Glenn, or Jay or Nick, basically because we have to be five feet off the property line with the septic system, primarily. We would have to probably adjust it a little bit, we may have to pull it a little further over. But the distance from that inside LP toward the house has to be ten feet. And I don’t have a scale with me right now. I think it’s a 30 scale.

TRUSTEE GOLDSMITH: We definitely are willing to work with you in that respect.

MR. KIMACK: There is about 28 or 29 feet now between the front of that buildable lot where that is. So if I took off the ten, that would leave me about 16 to 18 feet, which would just make the 50, 50, 51, something like that, in that range.

TRUSTEE GOLDSMITH: The more the merrier. It’s definitely the concern for us. I know it was a concern from a lot of the neighbors. You can also potentially reconfigure the footprint of the house to achieve greater setback from that wetland line as well. So I believe we are open to different iterations of it, with the goal of protecting the wetlands as much as possible, and moving any proposed structure as far away from the wetland as possible.

MR. KIMACK: I think I understand what you are looking for. Based upon that, I would request we table it and give me an opportunity to go back to my client and to redesign it to meet your concerns.

TRUSTEE GOLDSMITH: I appreciate that, however I do believe we have some other people who would like to comment. I would just like to preface any future comments by saying that the applicant has already requested his willingness to table this application and knowing that the Trustees have concerns, and have expressed those concerns with the current plans that are before us. So as such, we probably will not be making a determination on these plans that we have in front of us now, and we’ll be waiting for new plans that show more of a setback, non-disturbance area, a non-turf zero-scape in the front.

And so I’ll open it up for further comment. Please note that we do have all of your letters and e-mails and everything in this record. They have been reviewed. They have been scanned. They are available on the Town’s website. So it is all part of the public record.

With that being said, is there anyone else here who wishes to speak regarding this application?

MS. CANTRELL: The next person who wishes to speak is Lynn Normandia.

MS. NORMANDIA: Thank you, Liz. That’s perfect pronunciation.
And thank you, gentleman for all of your hopeful suggestions for the property. I would like to take umbrage at the environmental consultant that evidently did not even read Mark Terry's report because their December report, in review, said this is not a significant habitat, critical environment or natural heritage area. Whereas that's in direct contradiction to Mark Terry's report. They did correctly say that there was no water on the property when they visited. However, the Christmas rain and the deluge this past weekend, both produced significant pools of water throughout this swale. Within ten feet of their wetlands flag. We sent photos to your website. We area residents know from experience that spring rains will generally flood most of the interior of the wetlands. In 2010, flooding damaged many of the homes on this margin. We are certainly concerned that the potential buyer know that the flooding will occur as Mark Terry mentioned. Potential for damage and loss over time due to flooding is high. And construction in this maritime dunes will likely reduce the quality and threaten its long-term viability. We as a community hope to preserve what still remains of this beloved land. Together with conservation agencies and enlightened officials, hopefully like yourselves, we can save these parcels for future generations to love as we do. And gentlemen, just please do the right thing for the environment. Thank you.

TRUSTEE GOLDSMITH: Thank you. Is there anyone else here wishing to speak regarding this application?

MS. CANTRELL: We have Louise Harrison next. Louise, if you want to un-mute yourself.

MS. HARRISON: Yes. Thank you. Louise Harrison. I live in Peconic. I'm a principal of Conservation and Natural Areas Planning. You have received my notes. I appreciate your consideration of my new mission which I submitted yesterday to correct some of the statements in my earlier submission.

I have looked at the most recent set of plans and I'm concerned about the professional consults that are attending this application, that are involved in wetland application but cannot identify vegetation.

As you all know, wetlands are defined by vegetation in the law. And whether or not something is a wetland plant one would be required to know what the species was. To take a picture of a plant covered with lichens and put it into a phone app and determine that because the bark was modeled it was a Sycamore, is wholly incompetent, and it calls into question the amount of professional biological expertise that is going into the rest of the application. There are no Sycamore trees on the property. One would never expect Sycamore trees on the property. The most commonly known pine on Long Island, the pitch pine, is on the property, and yet the applicant referred to it as a long needle the pine. Ignoring a couple of cherry trees that are on the property.

But the reason I'm bringing up trees is because I honestly
believe that if you, the Trustees, had taken a field trip, with old growth forest, with towering trees of great diameter, and felt awe-stricken by these old trees, you would think hard about their destruction. What you have at this site is old growth in the upland that does not look like old growth because it's short and the diameters are narrow. And the reason it's old growth is because these trees have been there for hundreds of years. In that environment it takes a very long time for the trees to grow.

TRUSTEE BREDEMEYER: Ms. Harrison, if I may say something. We are trying to keep this to five minutes or less. Can I just --

MS. HARRISON: Are you interrupting my public speaking? I heard other speakers go on for 35 minutes or more. May I just complete my statement. Please. Thank you.

TRUSTEE BREDEMEYER: I apologize, continue.

MS. HARRISON: Thank you, very much. The trees that you see on the property right next to the road are part of the maritime freshwater inter-dunal swale. They are part of the significant coastal fish and wildlife habitat that Mark Terry was remarking on and that you have information on in the file. Those trees are not insignificant. They are old growth trees. They are misidentified by the applicant, and many of them are going to be removed for the IA system that you are requiring.

You need to think also about the buffer zone, as I know you do for many wetland applications. The entire area that is going to be developed is in the buffer zone. I know you are asking for modifications in the plans. But what I would like you to think about is if so many people want this application to be denied. Then there is a real question of fairness, if you are going to deny it, which we think you should, putting the applicant through the process of coming up with new plans that are still going to be inadequate to protect this significant coastal fish and wildlife habitat might not even be fair to the applicant.

And the third thing I would like to discuss is the lack of Minutes from your field inspection available for public viewing. I honestly didn't know that you had taken your field visit, that you spoke about at the last public hearing on this application, because I couldn't find anything on the file. In the file on it. And maybe I didn't spend enough time turning every single page, but I don't believe it is in the file. And I also looked in another file that you have that is just Minutes, and didn't see them in there either. Only the field report from the very first field visit. So I would like those Minutes to be placed so that we can take a look at them. And there are cranberry plants in the back part of the property. I don't know if it's actually within that lot. But, um, north of the where the house would be back in the wetlands certainly are cranberries. Thank you, very much.

TRUSTEE KRUPSKI: Thank you.
TRUSTEE BREDEMEYER: Thank you.
TRUSTEE GOLDSMITH: As a point of clarification, I do believe I mentioned old growth, blueberry bushes, when I was talking about
our most recent field inspection. So I just want that on the record. We do have a list of field inspections for every month when we go out. They are in the public agenda. So that is available on the public record as well. So just a point of clarification on that as well.

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

MS. CANTRELL: The next person is John Castiglione. So, Mr. Castiglione, if you would like to speak, you can un-mute yourself.

MR. CASTIGLIONE: Thank you. My wife and I live at 3010 Kenneys Road, which is around the corner from the property. We are opposed to the application for the reasons set forth in our letter, and I would encourage you to review that. And I'll be brief because I know that tonight is growing long.

This application really reminded us of a similar application several years ago in 2016 at 4200 Kenneys Road, which is immediately to the right of the beach parking lot, and at that time I think you, Trustee Bredemeyer, made a good point. Which was that if that application a few years ago had been new, if they were talking about building a house on that property, the Trustees probably would have rejected it. Because it was simply not consistent with how the Trustees have done their job to protect the dunes at that time. But there was a house there and the owners were entitled to rebuild it consistent with the modern code.

I think the same reasoning should apply here. From what I heard tonight there simply is not enough room on the property to build a house responsibly. I would urge the Board to reconsider, what I think I heard, which is that a 50-foot separation between the house and the dunes is sufficient. I don't think that is sufficient. I don't think that 16-foot swing from what the applicant proposed does enough to protect the environment. And any more than that, as you said, you start pushing up against the road. The parcel is just too small. It's too small. It's too delicate. There are some trees that the applicant said should stay but some will go. I think when you are getting down to, you know, are we protecting the environment by only taking three or five or fewer trees out. The question has been answered. The project is not consistent with environmental protection. It's not consistent with the comprehensive plan.

Thank you.

TRUSTEE GOLDSMITH: Thank you, sir.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application.

MS. CANTRELL: Kenneth Richter has raised his hand. Go ahead, Kenneth.

MR. RICHTER: Thank you. Good evening. My house is at 625 Lake Drive, just across the road from where this proposal is. I'll try not to make duplicate comments from those that have already
been made, in the interest of brevity. If that's even possible. But I do have a comment, first of all, that I would like to make to the Board as a suggestion. I think the Board should make it mandatory that when permit application changes are made that the application must notify surrounding property owners and indicate what specific changes have been made. Now, I'm a retired engineer. I am a licensed professional engineer in the State of New York and I have practiced for over 40 years. It is considered good engineering practice that when drawing revisions are made that notations are made on the drawing indicating what changes were made. This was not done with this Pile application.

To continue, the latest survey shows a revision date of January 7th, 2020, which makes it earlier than the most recent revision. So there is an error in the revision date. Also, the photos that were submitted show standing water on this property. December 26th. To build a house here is going to have a wading pool in its backyard. The new house location is within 15 feet of the moderate wave action boundary. And the way things are going with global warming, most certainly future water levels can and will result in water beyond this boundary.

Now, moving the dwelling is just an example of robbing Peter to pay Paul. What you add at one end, you take away from the other. And this application is not asking for consideration for a few feet from these boundaries, but a substantial distance from these boundaries, which were 100 feet and now they are talking about 50 feet away? That's very, very substantial.

In conclusion, I would agree with previous comments that were made that it would not be fair to this applicant to continue this process. This application should be considered and denied at this very point and not carry on this laborious violation of our wetlands. And I thank you for this opportunity.

TRUSTEE GOLDSMITH: Thank you, sir.
TRUSTEE KRUPSKI: Thank you.
TRUSTEE BREDEMEYER: Thank you
TRUSTEE GOLDSMITH: Is there anyone else here that wishes to speak regarding this application?
MS. CANTRELL: At this time nobody is raising their hand. Please be advised I do not know if you wish to talk unless you raise your hand. I want to ensure everybody has the right to speak. So please be sure to raise your hand if you wish to speak.

We have Loretta Gallion, if I'm saying that correctly.
MS. GALLION: That's correct. Okay, I just want to say real quick, listening to what has been going on, I heard the applicant say that he has now moved the house 34 feet away. That's very nice of him, but the Wetland Protection Act, I'm sure you know, states it should be 100 feet from the wetlands. Most construction projects in or near wetlands will adversely affect wetlands. The regulations do not encourage such development. Generally, applicants are required to demonstrate overriding economic and social needs for your project that outweigh the environmental cost of impacts on the wetlands.
Despite all of the government legislation, polices and programs, wetlands will not be protected if the regulations are not enforced. If we go to 50 feet now, this opens up a whole new development project in that area and there simply is not enough room. That's all.

TRUSTEE GOLDSMITH: Thank you, ma'am.
TRUSTEE BREDEMEYER: Thank you.
TRUSTEE GOLDSMITH: Anyone else wish to speak regarding this Application?

MS. CANTRELL: Yes. We have somebody on the phone, with the phone digits ending 5479. When you un-mute yourself by pressing *6, please state your name for the record and spell your name for the record.

MS. HARTNAGEL: Hi, my name is Jen Hartnagel. I'm here representing Group for the East End. For those of you not familiar with the group, just real quickly, we are an environmental advocacy and non-profit organization and we are based in Southold. We previously submitted a letter expressing our concerns regarding the construction of this home on this lot due to the environmental sensitivity and the constraints on the lot itself. We understand that the parcel is not for sale but we continue to believe that preservation is the best option, and we urge you to deny the application.

We continue to urge you to deny the application for the many reasons that have been spoken about already tonight. We also would like to remind you that the reason we adopted the Town of Southold comp plan is unequivocal in its support for wetland preservation. We too agree that any tweaks that are being discussed tonight are minimal in nature and would not provide the environmental protection that this property requires. It is going to have impacts on the wetland.

Again, this lot is truly ecologically valuable. It's not suitable for building, and we request that you deny this permit.

We support the community and we support the LWRP recommendations as well as the Conservation Advisory Council recommendations. Thank you, for the opportunity to speak and we'll submit further comment on the amendments that the Trustees are discussing with the applicant. Thank you.

MS. CANTRELL: Mike Kimack wants to speak again. Mike, if you want to un-mute yourself.

MR. KIMACK: Very quickly. Two points. Just to clarify, 4200 Kenney's Road was brought up. The gentleman was correct if the house did not exist it would not be allowed to be constructed again in that location, but primarily the reason for that is it's in the CEHL zone, and the Town forbids any construction in the CEHL zone. This particular property is not in that CEHL zone, and so it's not the same. And I might not have figured out exactly what type of trees on the property but those trees that would be taken down are not in the wetland area. Other than that, I would recommend again that it be tabled so we can make the changes that were recommended.
TRUSTEE GOLDSMITH: Thank you. Anybody else here wish to comment?
MS. CANTRELL: Yes. It looks like John Castiglione would like to speak.
MR. CASTIGLIONE: Yes. I think Mr. Kimack referenced my first comment. I want to be clear, to the extent he obviously knows the difference between the two parcels 4200 and 420 Lake Drive, but I think the principle is the same. The code does not permit building a home closer than 100 feet to the wetland line. That's what we are talking about here. Just as the code would not have permitted the building of a house in that particular region. The point of which was it was basically on top of a dune. The house here is being proposed basically to be on top of a sensitive ecological site. Thank you.
TRUSTEE GOLDSMITH: Thank you. Just for point of clarification, you can build within 100 feet of the wetlands. There are numerous houses in Southold that are within 100 feet of wetlands, including neighboring properties to this particular lot. So that's just a little bit of an inaccurate statement.
TRUSTEE KRUPSKI: But the overall point is taken.
TRUSTEE GOLDSMITH: Yes. Obviously, yes. We as a Board, it's our duty to minimize any potential negative environmental impact from any of those activities within 100 feet. That's our jurisdiction. Does anyone else have any new comments regarding this application? Bearing in mind that the applicant has already requested this to be tabled. So this hearing will be ongoing.
TRUSTEE GOLDSMITH: Kenneth Richter would like to say something else.
TRUSTEE GOLDSMITH: Did he already speak?
(Affirmative response).
TRUSTEE GOLDSMITH: Does anybody have any new comments?
(Negative response).
TRUSTEE KRUPSKI: I think we already heard from everyone. This will be open next month.
TRUSTEE GOLDSMITH: This will still be open. The file is still open. All of the letters and comments are part of the public record. We do have numerous letters in this file from many of the people who have spoken tonight, and again, you will have another opportunity to comment at a future hearing with this project being tabled at the applicant's request, if you wish.
TRUSTEE DOMINO: Can I add a point. Stating that a parcel is too small is an opinion. And this application already has a Building Department defined building envelope on it. Therefore, at least in the opinion of the Building Department, it is buildable.
And secondly, on more than one occasion the Trustees visited this site and spent a good deal of time on it. And at no time did any of us see any cranberries on that lot. And we walked it post to post. Jump in any time you feel.
TRUSTEE BREDEMeyer: Absolutely and again, it's lengthy discussion concerning the biome and species there is all valuable, but we have any number of us here who took college level botany and Trustee Domino is former head of the town tree
committee. So it's not lost on us, we do appreciate a little
education on occasion. But as already been said, the Board's
primary mission is to try to protect wetlands to the maximum
extent possible. It is a discretionary decision, and there are
parcels in town, including that area, as already stated by the
President, that have been granted permits wherein the position
of the Board and its discretionary authority we felt that
mitigation was adequate. And that is a job that we do.
TRUSTEE DOMINO: I thank you for that. And I'll make my third and
last point. As I said twice before this evening, on different
applications, people don't seem to understand our role. And that
is stated in the code which constrains us that we have to
minimize the impact of development, restoration and/or expansion
in a resource area. So I would like to stay to that when we are
discussing an application and not meander into whether something
is fair or not. Fairness sometimes doesn't enter into the equation.
TRUSTEE GOLDSMITH: Other comments from the Board?
(Negative response).
TRUSTEE KRUPSKI: Not at this time
TRUSTEE GOLDSMITH: Hearing no further comments, I'll make a
motion to table this at the applicant's request.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
Motion to adjourn.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

Respectfully submitted by,

Glenn Goldsmith, President
Board of Trustees