BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, February 17, 2021
5:30 PM via a Zoom Based Online Webinar

Present Were:
Glenn Goldsmith, President
Michael J. Domino, Trustee
John M. Bredemeyer, Trustee
A. Nicholas Krupski, Trustee
Greg Williams, Trustee (Present Via Zoom Online Platform)
Elizabeth Cantrell, Senior Clerk Typist
Damon Hagan, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, March 10, 2021 at 8:00 AM
NEXT TRUSTEE MEETING: Thursday, March 18, 2021, at 5:30 PM via Zoom Online Platform

WORK SESSIONS: Monday, March 15, 2021, at 5:00 PM via Zoom Online Platform;
on Thursday, March 18, 2021, at 5:00 PM via Zoom Online Platform.

APPROVE MINUTES: Approve Minutes of January 20, 2021

TRUSTEE GOLDSMITH: Good evening and welcome to our Wednesday, February 17th, 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)

TRUSTEE GOLDSMITH: I'll start off by announcing the people on the dais. To my left we have Trustee Domino and Trustee Bredemeyer. To my right we have Trustee Krupski. Joining us via Zoom tonight is Trustee Williams. To my right we have Assistant Town attorney Damon Hagan. We have Senior Clerk Typist Elizabeth Cantrell and also with us tonight we have Court Stenographer...
Wayne Galante.

The agendas for tonight’s meeting are posted on the Town's website.

We have a number of postponements tonight.

In the agenda on page 14, we have numbers 17, and 18. On page 15 we have numbers 19 through 22. On page 16 we have numbers 23 through 25. Also item number three on page ten has been withdrawn. They are listed as follows:

Number 17, 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.

Number 18, 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 19, 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 20, Suffolk Environmental Consulting, Inc. on behalf of THEODORE STRATIGOS & CARISSA LAUGHLIN requests a Wetland Permit to improve the site by replacing ±101.0 linear feet of bulkhead on the southerly portion of the subject property with 15.0’ returns along the easterly and westerly property boundaries, as well as to install and perpetually maintain a 15.0’ wide non-turf buffer area with railroad ties at its landward boundary (approximately 16.0” high); install an electric powered retractable ramp/davit system consisting of (1) 4’x5’ wood platform, (1) 3’x15’ hinged aluminum ramp and (1) electric davit secured with a concrete footing, setback 15.0’ from westerly property line.
Located: 550 Blue Marlin Drive, Greenport. SCTM# 1000-57-1-27

Number 21, 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

Number 22, 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. SCTM# 1000-104-13-2.4

Number 23, 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

Number 24, 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 (Al/OVTS); 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 whalers, ±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 25, 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
Those have all been postponed.

And on page ten, number 3, EDWARD QUINTIERI III requests an Amendment to Wetland Permit #1732 for the as-built dock assembly consisting of a 22"x13'6" aluminum ramp to a 16'5" floating dock in an "I" configuration leading to four (4) 4'x14' floating docks situated in an "L" configuration and supported by two (2) sets of double poles in lieu of the originally permitted 3'x6' fixed dock with four (4) 4'x4' posts to a 26'x10' ramp to a 3'x12' floating dock and 3'x8' floating dock situated in a "T" configuration and secured by two (2) 2" diameter pipes.
Located: 480 Riley Avenue, Mattituck. SCTM# 1000-122-3-34.1 has been withdrawn.

Under Town Code 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:

Wednesday, March 10, 2021 at 8:00 AM.

TRUSTEE GOLDSMITH: At this time I'll make a motion to hold our next field inspection Wednesday, March 10th, 2021, at 8:00 AM.
TRUSTEE BREDEMeyer: Second.
TRUSTEE GOLDSMITH: All in favor? (ALL AYES).

II. NEXT TRUSTEE MEETING:

Thursday, March 18, 2021 at 5:30 PM via Zoom online platform.

TRUSTEE GOLDSMITH: I'll make a motion to hold our next Trustee meeting Thursday, March 18, 2021, at 5:30 PM via Zoom.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor? (ALL AYES).
III. WORK SESSIONS:

Monday, March 15, 2021 at 5:00PM via Zoom online platform; on
Thursday, March 18, 2021 at 5:00PM via Zoom online platform.

TRUSTEE GOLDSMITH: I make a motion to hold our next work
sessions Monday, March 15th, 2021, at 5:00 PM via Zoom, and on
Thursday, March 18th, 2021, at 5:00 PM via Zoom.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

IV. MINUTES:

Approve Minutes of January 20, 2021.

TRUSTEE GOLDSMITH: I make a motion to approve the Minutes of
January 20th, 2021.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

V. MONTHLY REPORT:

The Trustees monthly report for January 2021. A check for $17,990.06 was
forwarded to the Supervisor’s Office for the General Fund.

VI. PUBLIC NOTICES:

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

MR. HAGAN: Mr. President, we have an add on, just to go in here before the regular
lead agency application. It is my understanding you want to make a resolution, I’ll say
RESOLVED: The Board of Trustees of the Town of Southold, pursuant to the State
Environmental Quality Review Act hereby consent to the Zoning Board of Appeals of the
Town the Southold to take lead agency status with regard to the application of Suffolk
County Energy Storage 2 LLC, located at SCTM# 1000-45-5-1.
TRUSTEE GOLDSMITH: That is my motion.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

VII. RESOLUTIONS - OTHER:

TRUSTEE GOLDSMITH: Under Roman numeral VII, Resolutions - Other,
I’ll make a motion to approve as a group numbers 1 through 5.
They are listed as follows.
   Number 1, 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 GARY MANGUS & MIRIAM MEYERS;
Located: 1295 Island View Lane, Greenport; SCTM# 1000-57-2-16

Number 2, 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 NORTH FORK HAVEN, LLC;
Located: 8871 Oregon Road, Cutchogue; SCTM# 1000-83-1-34.1

Number 3, 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 W12600, LLC, c/o AMY WESSELL, MANAGER;
Located: 1650 West Creek Avenue, Cutchogue; SCTM# 1000-110-1-5

Number 4, 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 WILLIAM F. GRELLA & GARY OSBORNE;
Located: 1200 First Street, New Suffolk; SCTM# 1000-117-7-30

Number 5, 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 PATRICK & EVA FLANAGAN;
Located: 325 Wells Road, Peconic; SCTM# 1000-75-6-3.2

That is my motion.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

VIII. STATE ENVIRONMENTAL QUALITY REVIEWS:

TRUSTEE GOLDSMITH: Roman numeral VIII, State Environmental
Quality Reviews.
RESOLVED that the Board of Trustees of the Town of Southold
hereby finds that the following applications more fully
described in Section XIV Public Hearings Section of the Trustee
agenda dated Wednesday, February 17, 2021, are classified as
Type II Actions pursuant to SEQRA Rules and Regulations, and are
not subject to further review under SEQRA:

Phillip Lim  SCTM# 1000-50-1-1
David & Kerry Tarr  SCTM# 1000-100-3-10.13
William & Jeanette Ayers  SCTM# 1000-78-7-51
Oliver Henderson & Stephanie Leong  SCTM# 1000-86-6-9
Shawn & Dawn Williams  SCTM# 1000-106-11-20
John Elenterio & Juan Jaramillo SCTM# 1000-37-5-21
William F. Grella & Gary Osborne  SCTM# 1000-117-7-30
Candace Corlett  SCTM# 1000-90-4-8.3
Marybeth Sciscione  SCTM# 1000-80-3-16

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

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, February 17, 2021, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations:

North Fork Haven, LLC  SCTM# 1000-83-1-34.1
W12600, LLC, c/o Amy Wessell, Manager  SCTM# 1000-110-1-5
William F. Grella & Gary Osborne  SCTM# 1000-117-7-30
Gary Mangus & Miriam Meyers  SCTM# 1000-57-2-16
Patrick & Eva Flanagan  SCTM# 1000-75-6-3.2

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

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

TRUSTEE GOLDSMITH: Number 1,
DESCRIPTION OF ACTION: Jeffrey Patanjio on behalf of GARY MANGUS & MIRIAM MEYERS requests a Wetland Permit to install a 6'x20' floating dock accessed by a 3'x20' ramp with railing built directly off existing bulkhead; ramp and dock deck are to be "ThruFlow" or equal to allow light penetration; install electric to the dock; dredge 25-27 cubic yards of silt to provide 30" minimum to marine bottom for float and boat; angle of repose from proposed marine bottom to existing marine bottom to be 3:1 min.; and spoils to be deposited and contained inside bulkhead for dewatering.
Located: 1295 Island View Lane, Greenport. SCTM# 1000-57-2-16

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 February 9, 2021, and having considered the survey of property by Roderick Van Tuyl, P.C. dated September 20, 1996, and having considered the plans for this proposed project submitted by Gary Mangus R.A. dated July 26, 2020 at the Trustee's February 11, 2021 work session; and,
WHEREAS, on February 17, 2021, the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,
WHEREAS, on February 17, 2021 the Southold Town Board of Trustees classified the application as an unlisted action under S.E.Q.R.A.; and,
WHEREAS, in reviewing project plans submitted by Gary Mangus R.A. dated July 26, 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 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 is my motion.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: Number 2,
DESCRIPTION OF ACTION: En-Consultants on behalf of NORTH FORK
HAVEN, LLC requests a Wetland Permit and a Coastal Erosion
Permit to construct along eroding toe of bluff approximately 140
linear feet of stone revetment (including 4 linear feet on
easterly adjacent property to provide connection to existing
neighboring revetment), with a 10 linear foot angled westerly
return, consisting of approximately 3 to 5 ton stone placed over
50 to 100 pound core stone and filter cloth; restore bluff face
with terrace retaining walls, approximately 432 cubic yards of
sand re-nourishment (including approximately 334 cubic yards of
on-site material excavated from toe of bluff for revetment
installation and approximately 98 cubic yards of clean sandy
fill to be trucked in from an approved upland source), and
native plantings; and to establish and perpetually maintain a
10' wide non-turf buffer along top of bluff, to be planted with
native vegetation.
Located: 8871 Oregon Road, Cutchogue. SCTM# 1000-83-1-34.1

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 February 9, 2021, and having considered the survey of property by
Nathan Taft Corwin III Land Surveyor dated March 31, 2020, and having considered the
plans for this proposed project submitted by Jeffrey T. Butler, P.E. dated November 25,
2020 at the Trustee's February 11, 2021 work session; and,
WHEREAS, on February 17, 2021 the Southold Town Board of Trustees declared itself.
Lead Agency pursuant to S.E.Q.R.A.; and,
WHEREAS, on February 17, 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 Jeffrey T. Butler, P.E. dated
November 25, 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 rock revetment
  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.

TRUSTEE GOLDSMITH: That is my motion.

TRUSTEE KRUPSKI: Second.

(All in favor).

TRUSTEE GOLDSMITH: Number 3.

DESCRIPTION OF ACTION: En-Consultants on behalf of W12600, LLC c/o AMY WESSELL, MANAGER requests a Wetland Permit to remove remnants of previously existing dock structure and construct a fixed timber dock structure, consisting of a 4'x8' landward ramp leading to a 4'x122' fixed timber catwalk with a single handrail constructed with open-grate decking, elevated a minimum of 4 feet above tidal marsh, and 4'x8' stairs to grade at its seaward end; and to erect a 7'x14' storage shed.

Located: 1650 West Creek Avenue, Cutchogue. SCTR# 1000-110-1-5

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 February 9, 2021, and having considered the survey of property by Kenneth M. Woychuk Land Surveying, PLLC last dated February 8, 2021, and having considered the plans for this proposed project submitted by En-Consultants dated December 8, 2020 at the Trustee's February 11, 2021 work session; and, WHEREAS, on February 17, 2021 the Southold Town Board of Trustees declared itself a Lead Agency pursuant to S.E.Q.R.A.; and, WHEREAS, on February 17, 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 En-Consultants dated December 8, 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 the riparian rights of shell fishers: The plan allows a standard fixed catwalk 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 is my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

X. RESOLUTIONS - ADMINISTRATIVE PERMITS:
TRUSTEE GOLDSMITH: Under Roman numeral X, Administrative Permits – Resolutions. In order to simplify our meetings, the Board of Trustees regularly groups together actions that are minor or similar in nature. Accordingly, I make a motion to approve:

Number 2, RENDELL FERNANDEZ & LISA GAWRONSKI request an Administrative Permit to restore the immediate woodland wetland edge using a variety of native trees and shrubs; restore natural land contours at driveway entrance and roadside sections; erect a split rail fence.
Located: 7230 Skunk Lane, Cutchogue. SCTM#: 1000-104-6-10.1
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: Number 1, Eileen Wingate on behalf of MAUREEN BENIC requests an Administrative Permit for the “as-built” 16.0’x9.5’ (152 sq. ft.) fiberglass Arbor with support columns; existing on-grade 27.2’x20.6’ bluestone patio with a 5.3’x32.9’ connector patio; total coverage of patio is 836.74 sq. ft.
Located: 375 North Parish Drive, Southold. SCTM#: 1000-71-1-4

The LWRP found this to be inconsistent. The inconsistency is a wetland permit was not found for the structures.

I make a motion to approve this application with the condition that no further activity occur without a permit and thereby granting a permit will bring it into consistency with the LWRP.
TRUSTEE BREDEMeyer: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number 3, JJS EDGEWATER LLC c/o SCOTT EDGETT requests an Administrative Permit to install a 100sq.ft. Storage shed on wood platform.
Located: 610 Park Avenue Ext., Mattituck. SCTM#: 1000-123-8-28.6

Again, the LWRP found this to be inconsistent. The inconsistency was the shed is located within a FEMA flood zone. We did get revised plans stamped received February 16, 2021, showing that the shed was relocated to the landward side of the dune closest to the road in the corner of the property on the southwest side of the property.

So I make a motion to approve this application noting the shed in the new location with the plans dated stamped received February 16th, 2021, and by granting a permit will bring it into consistency with the LWRP.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number 4, Connor Jones on behalf of the FISHERS ISLAND SEAGRASS MANAGEMENT COALITION requests an Administrative Permit to place two elongated pencil buoys 200 yards offshore of the beach area at the Fishers Island Golf Course 8th hole; each buoy to read: “Eelgrass Protection Area
No Anchor Zone”.

The LWRP found this to be consistent.

I’ll make a motion to approve this application with the condition that helical screws and straight piles are used for these buoys to reduce any scarring of the bottom as well as a condition that the permit be for a one-year period and then we can revisit it after one year. And also the buoys be placed well outside of the eelgrass area as designated on the map stamped received January 21th, 2021.

TRUSTEE DOMINO: I’ll second that.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES)

XI. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE GOLDSMITH: Under Roman numeral XI, again, in order to simplify the meeting I make a motion to approve as a group items 1 through 7. They are listed as follows:

Number 1, Samuels & Steelman Architects on behalf of JONATHAN BABKOW & MARIA RUBIN request a One (1) Year Extension to Wetland Permit #9388, as issued on February 13, 2019.
Located: 360 Private Road #8, East Marion. SCTM# 1000-23-1-18.1

Number 2, DARY GAZZA requests a Transfer of Wetland Permit #5 from Richard E. Reunis to Darcy Gazza, as issued on August 20, 1973.
Located: 1500 Beebe Drive, Cutchogue. SCTM# 1000-103-3-4

Number 3, WILLIAM & JOAN KING request a Transfer of Wetland Permit #9355 from Old Salt Road, LLC to William & Joan King, as issued on November 14, 2018 and Amended on February 13, 2019.
Located: 770 Old Salt Road, Mattituck. SCTM# 1000-144-5-14.

Number 4, Patricia C. Moore on behalf of MAUREEN MASSA & ALAN SCHWEITZER requests an Administrative Amendment to Wetland Permit #8648 for the as-built 8'x10' upper deck with 3' bench seat to 43"x46" landing (#1); down 5 steps, to 43"x45" landing (#2), down 8 steps, to 43"x45" landing (#3) to 9 steps down to 69"x48" landing (#4) with 14.5"x43" bench seat down 5 steps to beach; Two (2) 5"x4" (4"x4" posts) on staircase for kayak storage.
Located: 460 Ruch Lane, Southold. SCTM# 1000-52-2-23.

Number 5, Costello Marine Contracting Corp., on behalf of HANA SHAW REVOCABLE LIVING TRUST requests an Administrative Amendment to Wetland Permit #9677 to construct 104' of low sill bulkheading in lieu of originally proposed 104' of “traditional” style bulkheading; and to construct a 4'x6' platform with stairs leading to the water.
Located: 890 Koke Drive, Southold. SCTM# 1000-87-5-8

Number 6, OLD SALT ROAD LLC requests an Administrative Amendment to Wetland Permit #9355 for an “as-built” 879 sq. ft. raised bluestone patio on waterside of house with a 27” x 16’3” outdoor BBQ 36” high in lieu of permeable stone patio; and a 5’x6’ outdoor shower located on southern end of raised wooden deck.
Located: 770 Old Salt Road, Mattituck. SCTM# 1000-144-5-14

And Number 7, Costello Marine Contracting Corp. on behalf of FERNANDO & MARIA VILLA requests an Administrative Amendment to Wetland Permit #9763 to construct a new 4’x6’ fixed platform leading to a 4’x10’ fixed ramp down to a 4’x20’ fixed
dock; and to install water and electrical services to the dock in lieu of the originally approved dock configuration.
Located: 15 Sun Lane, Southold. SCTM# 1000-76-1-1
TRUSTEE BREDEMeyer: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

XIV. PUBLIC HEARINGS:

TRUSTEE GOLDSMITH: Under Roman numeral XIV, Public Hearings, 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).

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 comments organized and brief, five minutes or less, if possible.

AMENDMENTS:

TRUSTEE GOLDSMITH: Under Amendments, number 1, Michael Kimack on behalf of PHILLIP LIM requests an Amendment to Wetland Permit #9696 and Coastal Erosion Permit #9696C to construct a corner 52sq.ft. Long retaining wall consisting of 2'x12' (24 sq. ft.) along the westerly edge of existing deck and 3.5'x8' (28 sq. ft.) along the northerly edge of deck; backfill with approximately 3 cubic yards of clean fill; plant six (6) bayberry or blueberry vegetation; and to remove one (1) 4" caliper black cherry.
Located: 2070 Hyatt Road, Southold.
The LWRP found this to be consistent.
The Conservation Advisory Council does not support the application because the pool is too close to the top of the bluff.
The Trustees conducted a field inspection on February 9th, 2021, noting this is basically a fairly straightforward application.
Is there anyone here wishing to speak regarding this application?
MS. CANTRELL: We have Mike who would like to speak.
MR. KIMACK: Good evening, gentlemen. Any questions of me on the application, I think you indicated that it was fully addressed at the site visit.
TRUSTEE GOLDSMITH: We didn't have any questions. Is there anybody else here that has any questions or comments on this application?
MS. CANTRELL: Nobody else is raising their hand.
TRUSTEE GOLDSMITH: I'll make a motion to close the hearing.
TRUSTEE BREDEMeyer: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: I make a motion to approve this application
as submitted.
TRUSTEE BREDEMeyer: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
MR. KIMACK: Thank you, gentlemen.

TRUSTEE KRUPSKI: Number 2, 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
4x12' ramp and 4x17.5' shore-parallel float with 3x16'
aluminum ramp and 6x20' shore-perpendicular floating dock,
secured by two (2) relocated piles, at seaward end of existing
4x47' 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

The Trustees last visited this site on December 9th of 2020
and noted it was a straightforward application. We did an
inhouse review following that and then this was tabled at the
applicant's request during a meeting. I believe the meeting
prior to that, actually.
The LWRP found this to be consistent and I don't believe I
have a CAC on this.
Okay, is there anyone here that wishes to speak regarding
this application?
MS. CANTRELL: Rob Herrmann of En-Consultants is here. Rob, if
you want to un-mute.
MR. HERRMANN: Thank you. This is an application by Heath Gray
and Molly Rhodes to transfer into their names and modify an
existing Wetlands Permit #4084 which was originally issued in
1992 to the prior owner Robert Love for the purpose of
authorizing replacement of the existing floating dock and ramp,
and reconfiguring the ramp and float with new dimensions, which
is described in the application, which are attached to an
existing fixed catwalk which is to remain with ordinary
maintenance and repair as needed.
This is a continuation of a hearing that was opened on
November 18th, 2020. During the November hearing the Board
indicated that as a condition of the permit any decking to be
repaired, replaced on the catwalk would need to be replaced with
open-grate decking, which the applicants understand and are
agreeable to.
The reason the November hearing was adjourned, as Nick
alluded to, is the applicants had adjourned the hearing to give
them an opportunity to review and respond to an objection that
was raised during the hearing by a nearby property owner, based
on what we understand to be a long-disputed claim of ownership of the underwater land in the adjacent lagoon. The applicant Heath Gray is in attendance here and can give the Board a brief update on his progress on that, and then we can turn it back over to the Board.

So, Liz, if you could see if Heath Gray is here and send him --

MS. CANTRELL: He is. So, Rob, I'll mute you and, Mr. Gray, if you would unmute your mic.

MR. GRAY: Good evening. So, yes, as Rob said we adjourned a few months ago so I could discuss with Mr. Perry his objection and work with him to resolve that. I understand that this issue has come up in the past and I'm aware Mr. Perry and Ms. Borell have litigation over the ownership of the underwater land that is ongoing with the lagoon association. I'm not involved in that litigation, but if the Court finds in favor of the lagoon association then it would mean that I own the underwater land in question.

I've heard that this Board has consistently made a practice of not getting in the middle of that dispute and that you've granted permits for applications similar to mine, while making it clear in your decisions that you were not taking sides and that the issuance of those permits was in no way Trustees opinion on ownership. I can tell you that Mr. Perry and I are talking and we are trying to work things out and we'll continue to do so after your decision. He's concerned about liability and we are trying to work something out that will address his concerns. And I'm optimistic we are going to get there but I believe these are two separate issues and I would like to keep those tracks separate and both moving forward. And so I would like to ask the Board tonight to do as you've done in the past and grant the permit without taking any position on the underwater ownership issue and leave that to myself and Mr. Perry to work out.

TRUSTEE KRUPSKI: Thank you. Is there anyone else here who wishes to speak regarding this application? (No response).

TRUSTEE KRUPSKI: Does the Board have anything to add to this? (Negative response).

Hearing no further comments, I make a motion to close the hearing on this application.

TRUSTEE BREDEMeyer: Second.

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

TRUSTEE KRUPSKI: I make a motion to approve this application with the stipulation that any replacement decking be re-decked with through-flow planks.

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

WETLAND & COASTAL EROSION PERMITS:
TRUSTEE BREDEMEYER: The next application, number 1, under Wetland & Coastal Erosion Permits, En-Consultants on behalf of NORTH FORK HAVEN, LLC requests a Wetland Permit and a Coastal Erosion Permit to construct along eroding toe of bluff approximately 140 linear feet of stone revetment (including 4 linear feet on easterly adjacent property to provide connection to existing neighboring revetment), with a 10 linear foot angled westerly return, consisting of approximately 3 to 5 ton stone placed over 50 to 100 pound core stone and filter cloth; restore bluff face with terrace retaining walls, approximately 432 cubic yards of sand re-nourishment (including approximately 334 cubic yards of on-site material excavated from toe of bluff for revetment installation and approximately 98 cubic yards of clean sandy fill to be trucked in from an approved upland source), and native plantings; and to establish and perpetually maintain a 10' wide non-turf buffer along top of bluff, to be planted with native vegetation.

Located: 8871 Oregon Road, Cutchogue. SCTM# 1000-83-1-34.1.

This project has been deemed to be consistent with the Town’s LWRP.

The Town’s Conservation Advisory Council voted to not support this application indicating that due to discrepancies in the narrative this property should be designated as a sensitive area.

The Board reviewed the extensive project plan with the consultant Mr. Herrmann on February 9th, noting the great detail of the plans that we were seeing did not indicate any concerns at that time.

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

MS. CANTRELL: Rob, go ahead.

MR. HERRMANN: So I’m back again. This is an application, as Jay just described, for a revetment along the toe of a severely eroding bluff toe. The proposed revetment will be tied into the adjacent property to the east owned by Ertan Yenicay, located at 8869 Oregon Road, where there is currently a Trustee permitted revetment. In fact based on where that revetment ends, we have to extend the proposed revetment about four feet over the property line. And we have, the applicant has the cooperation of Mr. Yenicay and you should have an indication of that in your file as we want to actively tie those structures together to form a continuous face at the property line as opposed to stopping short and leaving a gap.

Otherwise, it is a fairly straightforward design, typical of this area, with the engineering plan prepared by Jeffrey Butler. I believe Jeff is also here and is ready and able to answer any questions the Board may have concerning the design. And of course I’m here to answer any additional questions you may have about the application.

TRUSTEE BREDEMEYER: Not a question per se, but just a reiteration of the understanding we had during the field survey, that access for the materials will be coming from Duck Pond Road and that there will be no bluff cut into the bluff for delivery of materials.

MR. HERRMANN: Jay, that’s correct, and there is a notation on the first sheet of Jeff’s plans that indicates access as you just described coming from Duck Pond Road and along the beach, and assume that you would condition the permit regarding prohibition of bluff cut as I think you typically do now.

TRUSTEE BREDEMEYER: Yes, thank you.
Any other questions or concerns from the Board members?
TRUSTEE KRUPSKI: I just think that the Conservation Advisory Council's point is well taken but I just, ultimately, after reviewing it and seeing what is actively going on at the Sound, I don't think the Trustees could take that point as a case-by-case basis. That is more of a grand plan-type thing. It would have been discussed at length.
TRUSTEE BREDEMEYER: It's a global problem. It can't be addressed with the individual applicant.
TRUSTEE KRUPSKI: Right.
TRUSTEE BREDEMEYER: Additional comments or concerns? (Negative response).
I make a motion to 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 noting there shall be no bluff cut and all material delivery for the project will be from Duck Pond Road.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor? (ALL AYES).

WETLAND PERMITS:

TRUSTEE DOMINO: Under wetland permits, number 1, En-Consultants on behalf of **W12600, LLC, c/o AMY WESSELL, MANAGER** requests a Wetland Permit to remove remnants of previously existing dock structure and construct a fixed timber dock structure, consisting of a 4’x8’ landward ramp leading to a 4’x122’ fixed timber catwalk with a single handrail constructed with open-grate decking, elevated a minimum of 4 feet above tidal marsh, and 4’x8’ stairs to grade at its seaward end; and to erect a 7’x14’ storage shed.
Located: 1650 West Creek Avenue, Cutchogue. SCTM# 1000-110-1-5

The Trustees conducted a field inspection on February 9th and all were present. The notes read as follows:

- Shed looks okay. Project seems appropriate. No float due to lack of water depth. And need to check docks in the area for length and pier line.
- The LWRP coordinator found this to be inconsistent. The inconsistency is as follows: That this is a very sensitive area, a New York State Critical Environmental Area. The proposed dock will cause habitation fragmentation. Alternative access should be required to a public point, and mentions that drag on vessels across the marsh should be prohibited. Additionally, should the Board consider a dock, should also consider a dock, if the dock will interfere with public use of the waterway, noticing that the water depth is 18 inches and that a dock may be inadequate due to the depth for vessels.
- The Conservation Advisory Council resolved to support this
application with the suggestion of a vegetated non-turf buffer and the suggestion that the stairs at the base of the dock run parallel to the shoreline.

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

MS. CANTRELL: Rob, go ahead, you are still un-muted.

MR. HERRMANN: Rob Herrmann of En-Consultants on behalf of the applicants.

We looked at, was able to meet the Board out there during field inspections so I know you saw the stake structure, and as you pointed out, there is not depth here for a floating dock, so we have the fairly typical design, in lieu of floating dock that still provides the owner with riparian access for smaller, shallower vessels. If they want to tie them up alongside the catwalk.

Just in response to a couple of the LWRP points, following best management practices, the catwalk has been proposed where it can achieve the shortest distance across the vegetated marsh between the tidal wetland boundary and the waterway. It will be an elevated structure with open-grate decking to allow sunlight to get in on the sides of and through the decking so that the marsh is not lost in that location, and in fact just to speak to the comment in the LWRP report, the dragging vessels should be prohibited. It's interesting because that's the exact reason why these types of fixed elevated points of access are constructed over vegetated marsh, because of course the agencies, whether that's your Board or the DEC, cannot stop human behavior of dragging kayaks and canoes and things through the marsh which do severely damage and cause the permanent loss of marsh, and so having an elevated fixed point of access like a catwalk over the marsh is designed specifically to avoid that kind of adverse impact that comes from being otherwise forced to drag vessels through.

If the Board has any other questions, I can certainly address them. The one thing I owed you was the survey. We had inadvertently submitted the survey without the hydrographic data on it, from which our plan data was derived, and so after we did drop off copies of the hydrographic survey to your office for your files. So you should have those now as part of the permit record.

TRUSTEE DOMINO: Yes, we do. Stamped received February 12th, and we did review that previous to this public hearing.

I would also note that the suggestion of the Conservation Advisory Council to run the stairs parallel to the shore is considered but I believe that this configuration is probably safer for people entering, because of the tidal flux, entering into a kayak or small boat.

Additionally, the placement of this, due to the tide, is probably the most environmentally responsible due to the tidal pond located to the north, as far as practicable, and probably achieves the best results for all concerned.

So are there any other questions or comments from the
Board?
TRUSTEE KRUPSKI: Yes. I mean this is just my opinion. This is a fairly underdeveloped creek, I would say, obviously only the one side has been developed at this point. There are some longer docks to the north, but ultimately I personally think this dock sticks out too far for this location. I think it violates the pier line. It's a 122-foot dock going over a pretty large amount of Spartina patens, which I certainly think this Board typically takes into account. Granted, they are trying to go over as little as possible based on the property configuration, but to that point they are still going over a pretty sizeable amount Spartina patens before they get to the Spartina alternna flora to which when they get to the end of this dock they are only in 18 inches of water. So it's not like we are achieving any excellent goal. It's not like we are getting into any deep water docking.

My personal opinion is if this Board does move forward with this that the dock be reduced to about 30 feet, for 30 feet inward, which would bring it to about 12 inches of water, which I see no change if you are using a kayak or paddle board or sunfish to that point. Not that you are going to get your center board down until you get down outside of this creek, because this entire creek is that shallow. And my other hope would be that if this Board were to move forward with this application, to stipulate that no further extension is ever granted on this dock because there is just not water.

TRUSTEE GOLDSMITH: Rob, are there any power boats, powered vessels proposed to utilize this dock or is it all kayaks and canoes?
MR. HERRMANN: I think the purpose of these types of structures, at least as we designed them before and as the Board has approved them before, is generally for kayaks, canoes and small dinghies. They are not designed for large power boats, not designed for any kind of, you know, boats with any kind of significant draft.

In terms of Nick's comments, I mean, to stipulate a permanent prohibition against any further extension would be an easy thing to agree to as part of the permit. I'm a little concerned though about what Nick is suggesting in terms of numbers. I mean, I can clarify a little bit. The distance of the catwalk from the toe of the bank out to the edge of the intertidal marsh is not much more than 65 feet. So, I mean that really is not a significant distance compared to many other catwalks that this Board has approved over high and intertidal marsh areas up in the 100 to 200 foot lengths. I'm not suggesting that is what you should do in every case. I'm just saying that here, you know, to have a run of approximately, you know, 65-plus feet is not unusually substantial, and if we were to cut the dock back 30 feet, you would be back in six inches of water, which at that point is really not useable for any purpose, and the reason that we extended it to the 18 inches was just based on its consistency with other similar designs,
particularly like in Richmond Creek, and there is not really an established pier line here. I mean, one of the issues that I think is worth mentioning, is if you look at a bunch of the docks that are around here, they are all highly nonconforming floating docks, based on what this Board would approve today. You know, the dock to the south, for example, has a float that would be, you know, basically sitting in the mud at low tide.

So I'm not sure what the permit history of some of those docks is, but I think you could see when we were out there, if you look due south, if you just run a line to the south, you run into the headland marsh of this property. So, you know, it's not even like it's -- if you are looking to the south, it doesn't even make it out to the pier line because it doesn't even make it out beyond the westerly extent of this property as you go to the south. Which I had tried to point out when we were in field inspections. And I think if you are standing out in the water looking due south, you can see that. You don't even get around the headland to know where the docks, you know, to the south are. And if you move to the north, after you get past those couple of structures immediately to the north, there's one, two, three, four, five, six docks up at the head of the creek that extend out from the west shoreline there.

So I'm just not sure I would agree with Nick's characterization of this being something unusual for that area.

TRUSTEE DOMINO: Any other questions or comments from the Board? (Negative response).
Hearing none, I make a motion to close this hearing.
TRUSTEE GOLDSMITH: Second. All in favor?
(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application as submitted, noting that the concerns raised by the Trustees address and the concerns of the LWRP coordinator.

TRUSTEE BREDEMeyer: Second.

TRUSTEE GOLDSMITH: All in favor?
(Trustee Goldsmith, aye. Trustee Domino, aye. Trustee Bredemeyer, aye. Trustee Williams, aye. Trustee Krupski, nay).

TRUSTEE GOLDSMITH: Number 2, 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 dauphin 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 dauphin piling.

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

The LWRP found this to be consistent and inconsistent. The inconsistency is the aerial photos show an existing dock against the bulkhead and jet ski dock already occurring on the parcel. The proposed dock is not permissible pursuant to Chapter 275.

The Conservation Advisory Council resolved to support the application to repair and replace existing bulkhead with a 10 to 15-foot vegetated buffer landward and removal of the boat slip.

The Trustees most recently conducted an inhouse review on February 9th, 2021, noting new plans stamped received February 3rd, 2021, that showed the buffer as well as removal of the old existing slip and dock.

Is there anyone here wishing to speak regarding this application?

MS. CANTRELL: Mike Kimack is here. Mike, if you would like to un-mute.

MR. KIMACK: Hi, Mike Kimack on behalf of the applicant.

We were left last meeting with coming back with a proposal for a non-turf buffer, if that would be acceptable to the Board. And I think that what has been presented, which pretty much follows the entire bulkhead around and then a big area within the front, pretty much would cover an acceptable area with which to have a non-turf buffer.

TRUSTEE GOLDSMITH: Mike, can you just confirm that the existing dock and jet ski dock will be removed?

MR. KIMACK: Yes. The existing dock and jet ski dock will be removed.

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

(No response).

TRUSTEE GOLDSMITH: Hearing none, are there any questions or comments from the Board?

(Negative response).

Hearing none, 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 with the new plans stamped received February 3rd, 2021, that show the buffer and also show removal of the existing docks, which will therefore bring it into consistency with the LWRP.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Four number 3, Michael Kimack on behalf of

PATRICK & EVA FLANAGAN requests a Wetland Permit to construct a

4'x80' fixed catwalk with Thru-Flow decking and staircase
(320 sq. ft.); construct a 4'x20' fixed dock (80 sq. ft.) with Thru-Flow decking (400 sq. ft. total).
Located: 325 Wells Road, Peconic. SCTM# 1000-75-6-3.2

The Trustees most recently visited this property on the 9th of February and noted that the plans for the dock itself seemed straightforward, but would review the file at work session.

The LWRP coordinator found this to be inconsistent due to the environmental sensitivity of Richmond Creek and the Planning Board required certain protective clauses 8, 9 and 10 filed in covenants and restrictions, access to dock structures on a parcel can not be achieved with a 50-foot wide non-disturbance buffer. Additionally, the extreme shallow water in the upper reaches of the creek caused the Planning Board to locate a common access at lot 3.

Furthermore, locating a dock in this area is inconsistent due to means to protect and restore water quality and functionality of the Southold Town ecosystem, protect and restore freshwater and tidal wetlands. The proposed action is located within a New York State Critical Environmental Area. At the discretion of the Board of Trustees any operation located within critical environmental areas may be subject to more stringent requirements as detailed in this section. Such requirements may include but are not limited to a denial of certain operations and increase width of non-disturbance buffers. The need to construct a dock in an ecologically sensitive New York State Critical Environmental Area is not, with note to highly restricted navigability during tidal reach, is unsupported.

Richmond Creek water quality shows evidence of decline due to anthropogenic influences, algal blooms, that are harmful to shellfish and fish species are occurring in the upper reach of the water body more frequently. Docks alter tidal flow, marine habitat use, and introduce pollutants in low-flushing areas.

Okay, according to the LWRP it also does seem there has been some buffer infringement in the protected area. And I do not see -- and the Conservation Advisory Council resolved to support this application, if it is shortened, because it violates the one-third rule.

Based off the Trustees field inspection and subsequent work session discussion, as well as the ample concerns of the LWRP coordinator, the Trustees are going to require a long form environmental form prior to voting on this application.

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

MR. KIMACK: Mike Kimack on behalf of the applicants Patrick and Eva Flanagan.

As far as the design of the particular dock, it really is a walkway that pretty much follows the old pathway down on top raised about four feet above, going to a fixed "T" dock with the intention to be able to get the kayaks to that location so they can get it out to open water. Obviously it's too shallow for
anything but the floating dock itself. It was put in that position in order to allow the area to the north to continue to regrow itself. A lot of the debris had been collected in that area which has been removed. Essentially, like that. And we basically have taken the position that this dock is not out of compliance with the Sections 8 and 9 and 10 of the C&R simply because the C&R basically indicates there is a 50-foot non-disturbance area and that there be no structure occurring within that non-disturbance area. And the dock clearly, the proposed dock and walkway are clearly outside of that area. So there is not any intrusion into it, and it’s not in conflict with that language within Section 8 and 9.

I will add that basically Section 8 and 9 language that they talk specifically about the non-disturbance area, they are all mentioned that you cannot construct a dock. They simply talk about the non-disturbance area.

Now the question of whether or not we can access that, across that from that one particular small area, essentially the pathway I would imagine could be moved up to a point that would allow it to, there is one point over there that you can actually get to pretty easily. But we don't necessarily want to do any of that primarily. The pathway that is there, the natural pathway preceded the introduction of the C&R. It was there in use before this particular C&R was put into play, and it has been the natural pathway ever since. It has not been (inaudible) it has not been widened, it has just been left as it is, and it stays as a natural walkway pathway. If your position is a long-term environmental on this one, certainly I cannot argue that particular point. But I did want to let you know that all that is before you right now is the dock itself. And the decision as to whether or not we are interfering with the 50-foot non-disturbance really is not before you.

TRUSTEE KRUPSKI: Okay, is there anyone else here that wishes to speak to this application at this time?

(Negative response).

Okay, so just to briefly address your comments at this time, the C&Rs call for a pretty sizeable non-disturbance buffer which certainly has been intruded on from the landward side of this house at this time, including the pathway which the C&Rs called for a re-vegetation of that area, and would have included the pathway. That is all that I personally have to say on the subject at this time because before we can move forward with this we will need a long environmental form filled out for the file.

MR. KIMACK: Okay, understood.

TRUSTEE KRUPSKI: Any other comments from the Board?

(Negative response).

TRUSTEE GOLDSMITH: No, we'll wait for the form.

TRUSTEE KRUPSKI: Hearing no further comment, I make a motion to table the application for submission of long environmental form.

TRUSTEE BREDEMeyer: Second.

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

TRUSTEE BREDEMEYER: Number 4, 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

The Trustees inspected this project on December 9th, subject of a public hearing, and the request that an IA system and a 15-foot buffer be included on the plans. The project is consistent with the LWRP. The Trustees office is in receipt of a new stamped plan showing what had been requested by the Board stamped in February 17th.

It's a fairly straightforward request and the applicant submitted what the Board in fact had requested.

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

MS. CANTRELL: Rob Anderson, Suffolk Environmental Consulting.

MR. ANDERSON: Hi, there. Rob Anderson from Suffolk Environmental on behalf of the applicant.

In accordance with our discussions at the hearing of December 21st, 2020, we have amended the survey by Peconic Surveyors last dated February 10th, 2021. These new surveys show our new, the agreed-upon wetland boundary as well as the 15-foot beach grass buffer as requested by this Board as well as the new septic system.

At this point I'm more than happy to answer any questions the Board may have in regard to this project.

TRUSTEE BREDEMEYER: Any questions of the Board? (Negative response).

Seeing and hearing none, no, we have no questions. Thank you, Robert.

Is there anyone else who wishes to speak to this? (Negative response).

I don't see any other hands going up. I think we are all good. Okay, thank you, Robert. At this time I'll make a motion
to close the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: At this time I make a motion to approve this
application as submitted with the amended plans dated received
in the Trustee office February 17th. That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number 5, 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

The Trustees have been to this site multiple times. On
December 9th, all were present. The notes read at the time that
the project needs to be staked, needs water depth and needs to
show neighboring docks on the plans.

The February 9th field inspection at which time it was
staked, said that the project is straightforward.

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the
application.

Is there anyone here to speak to this application?

MS. CANTRELL: Robert Anderson is present. Robert, if you want to
un-mute.

MR. ANDERSON: Good evening, members of the Board, Rob Anderson,
Suffolk Environmental Consulting on behalf of the applicant.

Since we were last before your Board we had received
commentary from the DEC voicing concerns over adequate water
depths. In accordance with those comments we've amended our
application to include for a 135 feet fixed catwalk, at a height
of four feet or greater above existing grade, where original
application proposed a 68-foot fixed catwalk.

Although we have extended the overall length of the
proposed dock, we also maintained the less than one-third of the
overall expanse of the adjoining water body, that is Deephole
Creek. The addition also made an effort to maintain the pier
line established by neighboring docks within the same waterbody.

At this time I would like to answer any questions that the
Board may have with regard to this project.

TRUSTEE DOMINO: Thank you, Rob. I want to note that the plans
that we have before us stamped received February 8th, show that
the dock is shorter than the dock that is being demolished, yet
still achieves considerable water depth. And in conformance better to the property line.

So is there anyone else wish to speak to this application? (Negative response).

Seeing no hands, hearing no further comments, I make a motion to close the hearing.

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

TRUSTEE DOMINO: I make a motion to approve the application as submitted and shown on the plans stamped received February 8th, 2021.

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

TRUSTEE GOLDSMITH: Number 6, 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'x6' open-grate catwalk onto a 4'x8' 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 "l" configuration and secured in-place by four 8" diameter pilings.

Located: 44632 Route 25, Southold. SCTM# 1000-86-6-31.3

This application is a tabled application we have been dealing with.

The LWRP found this to be inconsistent. Some of the inconsistencies are the application has not demonstrated that the proposed 199-foot dock would not impair navigation of small watercraft and other vessels. The chocking the float to prevent resting on or near bottom also suggests the shallowness of the creek is problematic. The proposed action is located within the New York State Critical Environmental Area. At the direction of the Board of Trustees, any operations proposed in critical environmental areas may be subject to more stringent requirements than detailed in this section. Such requirements may include but are not limited to the denial of certain operations, shortening or reducing the size of structures and increasing the width of non-disturbance buffers.

Alternative use of seasonal mooring in areas of low levels of water activity and with adequate water depths is a better option. Placement of a private residential 199-foot dock structure in public trust lands and waters results in a net loss of public use is said lands and waters.

The CAC supported the application with the condition of reducing the overall dock length.

The Trustees most recently conducted an inhouse review of this project on February 9th, 2021, noting new plans stamped dated received February 5th, 2021.

Is there anyone here who wishes to speak regarding this application?
MR. DANOWSKI: Peter Danowski here on behalf of the owners. I'll rely on the record here. You've heard from me many times. Your last comments were to shorten the dock. We've shortened it. I would ask for an approval resolution tonight recognizing that we still have to go back to other agencies who had approved the prior submission that we came back to you with. So we followed your recommendations in the field and we followed your last comments by shortening the dock. I'll rely on the record and ask that you approve the amended plan as submitted.

TRUSTEE GOLDSMITH: Thank you. Is there anyone else here wishing to speak regarding this application?
(No response).

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

Hearing no further comments, I make a motion to close this hearing.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the following revised project description: Construct a new 4'x20' ramp up to a 4'x42' catwalk over the wetland area leading to a 4'x77' fixed dock, a 4'x10' fixed ramp to a 6'x20' lower fixed platform. The entire structure to be decked with open-grate style decking. Located 44632 Rt. 25, Southold.

And with the reduced length of the dock and no float or chocks, it would bring it into consistency with the LWRP. That is my motion.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE KRUPSKI: Number 7, East End Pool King on behalf of DAVID & KERRY TARR requesting a Wetland Permit to construct a 22'x40' swimming pool with 3'x34' overflow trough including a spa inside the pool to be located in waterside yard; construct a 725 sq. ft. pool patio; due to slope conditions on the property, initial construction of the patio and a portion of the pool will be raised construction but excavated material will be used to regrade the property around the project to create an at grade pool and pool patio; install a pool drywell; install pool enclosure fencing; and to remove two (2) trees.
Located: 160 Inlet View East, Mattituck. SCTM# 1000-100-3-10.13

The Trustees most recently visited this location on the 9th of February and noted that this seemed to be a very straightforward application, but also mentioned to the applicant in the field that a saltwater pool would most likely be a requirement.

The LWRP coordinator are found this application to be consistent.

And the Conservation Advisory Council resolved to support
this application, but noted that the agent’s last contractor
does not have a contractor’s license on file with the Town of
Southold.

Is there anyone here that wishes to speak regarding this
application?
MS. CANTRELL: Jennifer DelVaglio from East End Pool King is
present.
MS. DELVAGLIO: Good evening. This is Jennifer DelVaglio. I’m on
line and David and Kerry Tarr are also Zooming in to be a part
of the conversation. And we are just available to answer any
questions that you might have with the application.
TRUSTEE KRUPSKI: Thank you. Are there any comment from the Board
members?
(Negative response).
Okay, is there anyone else here that wishes to speak regarding
this application?
(Negative response).
I’ll just speak to the Conservation Advisory Council’s comments
at this time, which I have not had a chance to verify myself,
but whoever does install this pool would have to have the
Trustees coastal contractor license to do the work within our
jurisdiction. However that does not apply to the approval here
tonight. Just to note going forward that is something that the
contractor would have to have.

Okay, hearing no further comment, I make a motion to close
the hearing this application.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE KRUPSKI: I’ll make a motion to approve the application
as submitted with the stipulation the pool be a saltwater pool.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE BREDEMAYER: Next application, WILLIAM & JEANNETTE AYERS
requests a Wetland Permit to install a 16’x32’ in-ground swimming pool made
of steel and poured concrete with edge stonework trim approximately 18”-24”
around the pool; excavated soil to remain on the property; install a 9’x12’ shed;
install stonework from the existing walkway to the shed; and install
pool enclosure fencing.
Located: 122 Hickory Avenue, Southold. SCTM# 1000-78-7-51
This project has been deemed to be consistent with the LWRP
but specifically noting that it does require a pool dewatering drywell.
The Conservation Advisory Council at their January meeting
did not support this application, noting they found it to be
incomplete, and the applicant should be required to submit an
updated site plan with all proposed structures.
The Board of Trustees did form an inspection on February
9th noting that there was an omission of a pool fence from the
seaward side of the house which subsequently was received on a
project plan received in the Trustee office February 9th. And that being our primary concern that we did not want to see a pool fence in wetland vegetation.

Is there anyone here that wishes to speak on behalf of this application?
(Negative response).
I do not see any hands raised.
MS. CANTRELL: I'm not sure. There is a phone number. I just want to remind the person on the telephone if you wish to catch our attention and you do want to speak, you need to press *9 to wave so we know you do want to speak and you would need to un-mute your phone by pressing *6 once we acknowledge you.
TRUSTEE BREDEMeyer: For the Board's information, I do not see a required pool drywell on the plans so we'll have to request to table for submission of a pool drywell.
TRUSTEE KRUPSKI: With that location of the pool, could we require the drywell be tied into the downspout drywell?
TRUSTEE BREDEMeyer: I mean, it's a new house. We could.
TRUSTEE KRUPSKI: It's probably pretty close.
TRUSTEE BREDEMeyer: I would be open to that. We have seen that before.
TRUSTEE KRUPSKI: So that's just a leader then.
TRUSTEE BREDEMeyer: I just want to reiterate that is our concern.

Trustee Domino indicates his recollection there was gutters and leaders to a drywell. All right, any additional questions or concerns?
(Negative response).
I don't see any. Accordingly, I make a motion to close the hearing in this matter.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
I make a motion to approve this application with updated plans received in the Trustee office dated February 9th, 2021, noting, stipulating that the pool backwash operation shall be routed to the existing drywell for the roof, and leaders and gutters. That's my motion.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE DOMINO: Number 9, AMP Architecture on behalf of CANDACE CORLETT requests a Wetland Permit to construct additions to the existing 2,440 sq. ft. dwelling with covered porch and 905 sq. ft. of wood decks consisting of a 6'9"x22'0"; 9'0"x24'0" (303 sq. ft.) first floor addition; 5'10"x13'7" (130 sq. ft.) front covered porch addition; 77.5 linear feet of front covered porch railing addition; 9'0"x10'0" (90 sq. ft.) rear deck addition; 60.1 linear feet of rear deck railing addition; second story existing open balcony size reduction: Existing 185 sq. ft. reduction to 118 sq. ft. (10'0"x11'6").
Located 300 Clearview Road, Southold. SCTM# 1000-90-4-8.3
The Trustees conducted a field inspection at this site on
February 9th. All were present. The notes simply state that the
application is straightforward.
The LWRP coordinator found this to be consistent.
And the Conservation Advisory Council resolved to support
this application with no conditions.
Is there anyone here wishing to speak to this application?
MS. CANTRELL: We have Anthony Portillo on behalf of AMP
Architecture is present. Anthony, if you want to un-mute.
MR. PORTILLO: Good evening, Board. Pretty, I think
straightforward application. We are proposing an addition at the
first floor which includes a small portion of the existing deck
extending basically to align with the position of the house. We
are also wrapping the existing covered porch to align with the
addition of the home. None of the additions are extending past
the 100-foot Trustee setback. On top of that we do have a DEC
non-jurisdiction due to the elevation where the grade elevation
at the existing house and proposed addition. That's about it. I
just wanted to give you guys a little insight on that.
TRUSTEE DOMINO: Additionally, we noted that the addition is on
the side of the house and does go any further seaward than the
existing structure. And that no trees were being removed. So
again --
MR. PORTILLO: Thank you, for that.
TRUSTEE DOMINO: That is what led us to a straightforward
conclusion. Are there any other questions or comments from the
Board?
(Negative response).
Hearing none, 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 GOLDSMITH: Second. All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number 10, AMP Architecture on behalf of
MARYBETH SCISCENTO requests a Wetland Permit to reconstruct
existing 20'3.5"x9'3.5" (593 sq. ft.) seaward side wood deck
with new 10'x16' fiberglass pool; install a new 17'7"x28'0"
(358 sq. ft.) masonry patio seaward of deck; and to abandon the
existing sanitary system in rear yard and install new septic
system in front yard.
Located: 405 Lake Avenue, Southold. SCTM# 1000-80-3-16
The LWRP found this to be consistent and inconsistent. The
construction of the pool, the deck and replacement of the septic
system is consistent. Replacement of the deck is inconsistent
because a wetland permit was not located in Town records.
The Conservation Advisory Council resolved to support the
application with the drywell for the pool backwash.

The Trustees conducted a field inspection on February 9th, 2021. At that time the project was not staked. Trustee Bredemeyer performed a field inspection on February 10th, when the project was staked. Notes it was straight forward. Suggests a saltwater pool and sound deadening for the pool equipment.

Is there anyone here who wishes to speak -- and we also have a letter in the file from the neighbor Peter Cosolla supporting the project.

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

MS. CANTRELL: Anthony Portillo, on behalf of the application. Anthony, if you want to un-mute, go ahead and speak.

MR. PORTILLO: Thank you, Elizabeth. Board, hi, again. I just wanted to mention there is a certificate of occupancy for the deck addition in 1996. That was found in the Building Department records. So I just wanted to mention that there was that. And our proposed reconstruction, we are 75 feet back from the bulkhead. We are proposing a saltwater pool. And the pool is above grade, as it says on the plan.

Any other requirements in regard to the sound barriers for the pool equipment, we obviously are willing to do anything in regard to that.

TRUSTEE GOLDSMITH: I see on the plans there is one drywell located more or less to the front, would the pool be tied into that one drywell?

MR. PORTILLO: That's the plan. We do have some pretty low, sorry, pretty high water there, and that's part of the reason also that the pool is above grade. So we would pipe to the front. That would be our plan, yes.

TRUSTEE GOLDSMITH: Okay, is there anyone else here wishing to speak regarding this application?

MS. CANTRELL: We have a Jean Graham.

MS. GRAHAM: Hi, I'm the neighbor right next to this house on the other side. We are not in favor of this whatsoever. You know, I have concerns about the noise, the drywells, as we have drywells in similar areas. Our basement does flood as it is, even with the drywells. Also, you know, I suppose we were supposed to have received a certified notice about this meeting, which we did not. It was sent to our Florida address while the Sciscione's know we have been sheltering here in Long Island instead of going back to Florida. We have seen them and spoke with them on many occasions with regard to this.

With that said, with the side yard, I see there is a new patio going in, which comes into the 15-foot setback, so I have concerns with it being that much closer to our property. Also will there be fencing around the pool? Is there going to be any landscaping put up for privacy, as both our decks are similar in scope and, you know, we see each other all the time, so will there be some privacy landscaping put up? You know, those are just a lot of the concerns we have. This is within the marina
area there, already we can hear voices, clear voices, conversations people are having across the marina with each other while they are on their boats. Anybody who owns property around the marina, if they are outside on their decks, just speaking, we can hear voices on clear nights. And during the summertime when Founders Landing is having an event we hear the music, we hear all of that going on, so I do have concerns with just the difference, the changing of the neighborhood and, you know, it's a quiet place, everybody comes here to relax and not to have so much going on, so. I suppose that's all. We are certainly not in favor of this and we have let the neighbors Michael and Marybeth know. We are certainly not in favor of this at all.

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

TRUSTEE GOLDSMITH: Anthony would like to speak again.

MR. PORTILLO: I just wanted to mention in regard to, we would be meeting all building code requirements in regard to guards, gates that would have, that would close with locking mechanisms basically at the deck level. The patio is accurate, it's less than eight-inches off grade. So that's a permitted structure. And the pool is pretty modest, I think, in size. I don't think they are looking at doing anything that large.

But I just wanted to mention, just to respond to the neighbor's concerns with regard to guards and things like that, we have proposed to have those in place per code.

TRUSTEE GOLDSMITH: Are you also in favor to using some sort of sound deadening screening for the pool equipment to address any, the neighbor's concerns?

MR. PORTILLO: That is not a problem.

TRUSTEE GOLDSMITH: Anyone else here wishing to speak regarding this application?

MS. CANTRELL: We actually have one of the homeowners, Marybeth Scisciente who would like to talk. So, Ms. Scisciente, go ahead.

MS. SCISCIENTE: Marybeth Scisciente. Hi. Good evening. A couple of things I just wanted to address with Jean, our neighbor, that first I have to say I had no idea about the process of the certified mail. I only saw it was complete online when I looked at the file. So I had no idea that the letter went to Florida. It was clearly not done on purpose. And, yes, we did speak with the neighbors, we have told them all along that we were doing this above-ground pool and the deck, and I just want to clarify, the pool is only four feet deep. It's really a glorified jacuzzi. It also has a seat, a bench built in around the entire rim, so you can't really swim across. It's really like a dipping, cooling off thing. And as far as, yes, we do have plans to put in privacy hedging. As it is right now, we are basically in each other's faces the way our decks are currently. There is nothing in between. So it will be actually more private once the project is complete. I don't think it's going
to change any noise as it currently is in the community, for
sure, and, you know, it's not a pool that you can jump in or
make any additional noise than currently exists. So I think, you
know, if there is any other questions I can address, I just
wanted to make those few points.
TRUSTEE GOLDSMITH: Thank you. Anyone else here wishing to speak
regarding this application?
MS. CANTRELL: There is somebody on a Galaxy S20-5G. Whoever
that may be, we'll allow you to talk, but please un-mute,
And state and spell your name for the formal record.
MS. PIROLO: Hi, Diane Pirollo. I'm two doors down from the house
in question. And our big concern, just like Ms. Graham, is the
noise level concerning the pool. I think having, you know,
people in the pool, I think that's our big concern also, is the
noise level.
    The community is usually a very quiet community and, you
know, that would be our big concern is the noise.
TRUSTEE GOLDSMITH: Thank you. Is there anyone else here wishing
to speak regarding this application?
TRUSTEE KRUPSKI: I would just say if we were to move forward
with this, a saltwater pool in case the fiberglass pool
collapses, would probably be the most appropriate, obviously
sticking to the environmental issues of the application.
TRUSTEE GOLDSMITH: Any other questions or comments from the
Board?
(Negative response).
Hearing none, I make a motion to close this hearing.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: I make a motion to approve this application
with the condition that there is sound screening for the pool
equipment, that it is a saltwater pool, and that the backwash
is tied into the existing drywell. And by granting this permit
will bring it into consistency with the LWRP coordinator.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: At this time I would like to ask for a
five-minute recess, please.
(After a short recess, these proceedings continue as follows).

TRUSTEE KRUPSKI: Number 11, AMP Architecture on behalf of
WILLIAM F. GRELLA & GARY OSBORNE requests a Wetland Permit for
the as-buit shower (5'3"x7'6", 41 sq. ft.); pavers on sand
(1'9"x4'7"
, 713 sq. ft.), and other landscape structures; and
for a proposed exterior right turn staircase (4'2"x11'7", 83 sq. ft.)
Located: 1200 First Street, New Suffolk. SCTM# 1000-117-7-30

The Trustees most recently visited the property on the 9th
of February, and noted that the shower should be pulled back
from the water or removed. Questioned where the drainage for
said shower was going. The pavers should have been spaced to
allow for water to make them permeable, and that the staircase will be reviewed. A little hard to, with everything there, not having a permit, a little hard to tell if a staircase would be appropriate in that configuration.

The LWRP coordinator found this to be inconsistent.

And the Conservation Advisory Council was in support of the application with the installation of the drywell for the runoff.

Additionally, for this application, which the Board has a lengthy history with, as well as other entities within the Town. The Board was last there in 2018 for similar as-built structures which were applied for and no permit was issued at the time.

The Board noted they would check the status of said structures. It should also be noted at that time there was quite a bit more detailing as to what the other structures there were that were being applied for. And I believe before that some of the structures were applied for as-built without a permit in 2015.

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

MR. PORTILLO: Anthony Portillo, on behalf of the applicant. Thank you, Board. Thank you, Elizabeth. So I’ll just start by saying that I don’t think this is an easy application. I understand that there has been a lot with the Town in regard to this site, and not just with the Trustees but also the others, there is a zoning issue currently, with the shower, which we are applying to Zoning for. I just want to make that clear.

They also, you know, they have been basically dealing with code enforcement due to the non-complying issues. So I’m aware of these things, and I want you to know, Board, and just that I’m here to work with the client to resolve these problems.

They are at this point ready to resolve the problems. And I advised them that there are some things that we’ll need to adjust to make this correct, so, to meet your standards.

I just want to start a little bit with a history of this. I won’t take too much time. I just want to start, because I did apply to the Trustees in 2000 and -- sorry. I applied for a wood deck. It was approved in 2006. This was prior to Hurricane Sandy. Basically it was a wood deck with a level that a jacuzzi was in. There was also a shower, outdoor shower. Um, and you know, due to Sandy, that is really what caused us -- there was a fence involved. There was a concrete wall as well, um, and this was approved by the Board and then the work was completed, and then Sandy came along, Mr. Grella and Mr. Osborne hired another architect at that time to elevate the house. That elevation included the request to basically remove the deck that was there and install pavers. Also the jacuzzi was removed. The application for the pavers included other things like the dwelling, you know, the work to the dwelling, and the grass area to the west that, it has a retaining wall, has the septic system underneath. Also during that, for that application they have three drywells to the rear of the house, um, that are below the paved area. Um, and toward the end of the project there was a
few items that were still outstanding, one being that rear stair
and one being the condensing units had to be elevated above the
design flood elevation. Mr. Verity from the Building Department
was able to close the CO on the larger items like the house and
those other things, and he provided a permit to allow us to
still put in the staircase at the rear of the house and elevate
the condensing units. I believe that permit has expired at this
time. Those ones that he left open.

At the same time, which was something I was involved in,
was I believe Mr. Grella signed something with the Trustees
basically waiving, I guess, or closing the permit, which by all
accounts was either a misinterpretation by me or him, that
basically didn't allow our closing department -- before he put
the pavers down. Again, this was really a misunderstanding, and
I'm not, whatever happened, but they thought that the
pavers were still allowed due to the approval in 2015. That's
when the pavers were installed, you know, after the fact, and
then all of the code enforcement situations started happening.
They decided to go the legal route, and I have told them, hey,
let's try to work this out. Let's try to correct the actions.

So that's where we are at today. I just wanted to give you
guys a little bit of a past -- I mean, one other thing I really
wanted to mention about this property, is in the past, past,
past, prior to them buying the home, the person that owned it
had a carport on the east side of the lot, had a driveway --
sorry, on the west side -- had a driveway going down the west
and would come around the rear of the house and park cars. There
was an asphalt driveway. That is now removed. It is no longer
there. There is a sand base. Like I said, there is, there is the
grass area and there is the drywells at the rear of the house.
Three drywells that are currently taking the rainwater, which
were never existing prior to Sandy either.

So I guess what I'm getting at, the improvements that they
did to this house, you know, one being out of the flood zone,
which this house flooded on just like a nor'easter, you know, so
they had multiple floods throughout ownership of the home. And
the other is they had put in the rainwater collection, they
raised the septic so the septic is no longer basically in the
water like it was when they purchased the home.

You know, so, I guess my, going through all this, I just
want the Board to at least acknowledge, they did go through that
and that process and, you know, we want to make this compliant.

Obviously there was some money spent on the backyard, and
if there was a way that we could salvage some of what was done.
I have some ideas, one of those ideas is possibly putting in a
drainage system that could capture the runoff, possibly a trench
system at the, at the line of the bulkhead, or forward of the
bulkhead, maybe five feet, along those lines, that we could bring
the water down into the drywell. The three drywells that are
there. And possibly maybe create, if there is more ways to open
up some of the pavers and create some drainage that way.
One other thing I wanted to mention, you guys have seen the property is about 20 feet from the house to the bulkhead. Which is their rear yard. They have two kids, they have pets. I mean, that is really their only yard, and that type of property that is basically the value is that rear yard and the view and so on and so forth. I mean I just think there be some consideration on, you know, not having a lot of space to actually have a yard, unfortunately.

So, I think, again, I just want to mention, I think the improvements, obviously getting rid of the decks, the jacuzzi, the other items that were there. They ripped out the asphalt driving that was existing. They did the rainwater collection and had the septic's that are elevated, they have the home -- the home is elevated, you know, so I think that should be something we think about in regard to this application.

TRUSTEE KRUPSKI: All right, thank you. Just to speak to some of those comments. We do have a signed statement from your clients saying they knew they needed a permit for the pavers. So painting the picture that, oh, they didn't know when they put them in, it was a big mistake, that's false.

Furthermore, the pavers are impervious, which is a problem. And there's three drywells there but they have nothing to do with that patio. So that is problematic. And then ultimately, I could have missed it with that description, but I still don't believe we discussed where the drainage for the shower goes. Which, and I'll be frank, the shower is too close to the water for the property. I mean the whole property is too close to the water. But the shower certainly is too close to the water.

MR. PORTILLO: So the drainage for the shower was piped into the drywells. You know, we could expose that, show you guys that. We are fine with that. The shower has been there, it was, again, this is prior to Sandy that shower has been there. It was there, I believe when they bought the house. I know prior to me filing the application for the deck it was there.

TRUSTEE KRUPSKI: I do not believe that is correct. It's a brand new shower.

MR. PORTILLO: I mean, when I was there in '06, there was a shower there.

TRUSTEE KRUPSKI: There is a brand new shower there, without a permit. So we can go back and forth as to when and where, but --

MR. PORTILLO: Right. No, no, I'm saying there was a shower. Now there is a new shower. But there was a shower in that location in '06 that was on the property. So I mean I'm not going to, I probably could go find photos for you guys and show you the shower was there.

TRUSTEE KRUPSKI: That's unnecessary because if there was a shower there in '06 it was still not a permitted shower. So knocking it down and replacing it with a new shower unfortunately still does not make it, that doesn't make it, oh, okay --

MR. PORTILLO: Understood.

TRUSTEE KRUPSKI: Oh, you know, now we can permit it.

MR. PORTILLO: I agree.
TRUSTEE KRUPSKI: Um, there is also I guess the fire pit, too, which is not included in the description.

Does the Board have any other comments?
MR. PORTILLO: With regard to the shower, I spoke to my clients, we could remove the plumbing and I guess just leave it like a closet or something? Or do we need to remove the entire enclosure? It would be an open enclosure. I mean, what would the Board require, the whole thing being removed? Is that --
TRUSTEE DOMINO: Speaking for myself, when I approach as-built applications, the general rule of thumb I consider, if we had been given the opportunity, would we grant the permit for this. And that shower, to my knowledge, this Board has never approved a shower that is a freestanding structure away from a building. That is one point.

Additionally, the drainage -- the drywells that are there, I'm sure went through or they should have gone through calculations that are proposed to the Town engineer and received his approval. We just can't say I'm going to pipe something into pre-existing drywells. You have to demonstrate that you are not going to exceed the capacity for those drywells. That same comment goes for any drainage you might suggest in the future about the pavers, which Trustee Krupski has correctly noted are impervious. And so putting in a structure in front of the bulkhead then directing it to the drywells, has to go to the same review.

And lastly, for myself, the other rule of thumb is with this as-built, does it have any negative environmental impact. And I feel that the shower and pavers have a negative impact. So I'm inclined not to approve.
MR. PORTILLO: I appreciate that. And again, the shower situation, I have had some long conversations, obviously there is some heartache there, but I think we are at the point where, it's just something that is obviously not supposed to be there, regardless of it being there for 20 years or whatever the case may be. It's really their argument. And I understand the point of it not really being permitted.

The 2015 approval from Trustees, the signing of that document, I'm not saying that they were not aware. I guess what I'm saying, they just had a lot going on at the time and with the closing of the CO and all these other things, I think there is just maybe some, you know, loss in the translation. They were also dealing with the state in regard to some funding's that they received, they were doing paperwork for them. So regardless, it just, whatever happened, happened. But there was approval in '15 that indicates, that I'm reading directly from the approvals, that the condition that the patio be constructed of pavers with a sand base. Um, so I don't see anything that they had to be pervious or impervious. Is it just -- would they state "impervious" on your approval from 2015 if that was the case?
TRUSTEE KRUPSKI: At this point we are not talking about 2015 anymore. We are talking about 2021.
MR. PORTILLO: Right.
TRUSTEE KRUPSKI: And things that were, again, built unpermitted. We are sort of going back and forth. I mean, for myself at this point, I would want to see the shower and the pavers removed, to move forward with the application. Otherwise we can vote on the application as proposed.
MR. PORTILLO: I would actually request maybe the adjournment to allow me the time to provide a proposed plan to demo the shower, demo the pavers, and maybe proposing what the impervious paver, so on, so that we can, at least they can have some sort of backyard, if that is acceptable to the Board.
TRUSTEE KRUPSKI: The Board, I mean I shouldn't speak for the whole Board on this, but I'm probably personally looking for a pervious sand backyard. The most appropriate thing to do, and if we were looking at this with fresh eyes right now, a fresh application, would be a large buffer area in the backyard planted with American beach grass. That is where I'm coming from on this application.

So, I would say at a minimum, sand, but ideally there should be a planted buffer area.
TRUSTEE BREDEMeyer: I would echo the same sentiment. Typically, if this was new construction, with this type of fronting situation right on the water, we would be asking for a vegetated buffer and sand or aggregate gravel or such, so that there was total drainage.
MR. PORTILLO: If I was, going back to the comment about calculating the drywells, so on and so forth, if there was a way to propose drainage, not necessarily the drywells that are there are at capacity, if we were willing to find another location for a drywell that can handle some sort of patio that would be on the sand base or pervious patio that is on a sand base, and propose some sort of buffer.

You know, I mean, I guess the whole thing --
TRUSTEE DOMINO: I'm trying to comment on the application that is before us and don't want to comment on a hypothetical application.
TRUSTEE GOLDSMITH: Regardless, you are still going to have lot coverage issues with the ZBA, in addition to our concerns.
MR. PORTILLO: Well, the removal of the shower, that is really the only ZBA open item currently. The approval for -- ZBA already provided approval for the lot coverage to the house and things that are already done, to my understanding. I guess what I'm getting at, there is a lot of neighboring homes that are in the same kind of situation that this home is, and --
TRUSTEE GOLDSMITH: I don't believe that's an accurate statement. I think this is a one of a kind. When we went there, basically the whole lot is impervious. The entirety of the structure is right on the water. And if you tried to promote that now, I don't believe this Board would support that in any way, shape or form. And now to try to come build it and ask for forgiveness after the fact is just not going to work.
MR. PORTILLO: Understood. I'm not really asking for forgiveness
in the sense of more that I'm asking for maybe -- it sounds like what the Board is willing to approve is sand and grass, but that leaves them with really no rear yard, and I mean, the current, the existing situation of the home prior to, even the application prior to 2015, not even going back that far, it would be like this is something that was how they bought the house and there was this impervious surfaces there and then, you know, they had a deck at one point, and, you know, due to the catastrophic events that the deck was damaged, basically washed away, um, and now basically leaving them with just like a sand backyard is just, I just think that there is something we can, you know, if I can figure out ways to get drainage, possible drainage in there, with pervious pavers and things like that, um, removing what is there is obviously noted and I understand that. I guess I don't want to put together an application that is not going to, you know, be entertained. I guess what you are getting at is put the application together and then we go from there, is, I guess, my understanding.

TRUSTEE KRUPSKI: Just to clarify my opinion, you know, if this were in front of me today, I would want to see a sand buffer planted with American beach grass. And to the point, you know, kids wanting a backyard, they don't want pavers, I can tell you that. Two kids and a dog don't want pavers. So your argument is not really --

MR. PORTILLO: Okay, so can I adjourn and then I'll put together basically a demolition of what is existing and then I'll come up with a proposed plan that would have this buffer and so on and so forth and resubmit?

TRUSTEE KRUPSKI: Yes, we can table at your request.

Is there anyone here that wishes to speak regarding this application?
(Negative response).
Any further comments from the Board?
(Negative response).
Hearing none, I'll make a motion to table at the applicant's request.

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

TRUSTEE BREDEMEYER: The next application, number 12, Jeffrey Patanjo on behalf of OLIVER HENDERSON & STEPHANIE LEONG requests a Wetland Permit for the removal of the existing storm damaged and deteriorated pier and replacement with new 4' wide x 118' long fixed pier, 3' wide x 16' long aluminum ramp and 6' wide x 20' long floating dock supported with two 10" dia. CCA piles in same approximate location as existing. All decking on proposed pier to be thru-flow and floating dock to be un-treated timber or composite. A 4' wide x 4' long platform will be installed on pier and 4' wide x 4' long steps to beach area will be installed on south side of pier to gain access to beach area and replace existing storm damaged steps. In addition, a proposed 75' long vinyl retaining wall will be installed to replace existing
upper timber retaining wall with a raised elevation of approximately 12” above existing grade and 35 CY of clean fill will be imported and spread to a maximum depth of 12” landward of the proposed retaining wall and stabilized with grass seed. Adjacent to the house there will be one additional 5’ wide x 5’ long stair case added to the existing deck on the south side of the residence and the existing timber decking on the existing deck will be removed and replaced with un-treated composite “Timber-Tech” decking. There will be no size increase on deck or modifications to sub-structure, just replacement of decking boards.

Located: 775 Wood Lane, Peconic. SCTM# 1000-86-6-9

This project has been deemed to be both inconsistent and consistent under the Town’s LWRP. The inconsistencies are lengthy, dealing with the fact that the project is, the action is located within a New York State Department of State Significant Fish and Wildlife Habitat Area and the New York State Critical Environmental area, and within the Peconic Estuary Critical and Natural Resource Area.

The applicant fails to prove the action meets certain minimum requirements, and there is potentially a net loss of public use of waterway expected. Specifically, need has not been demonstrated to extend the dock into an ecologically sensitive public waterbody to achieve a depth of 3.4 feet at the end of the dock. That is more than typically the minimum that the Board would seek for creating access. The length of this dock sets a precedent of long-term adverse impacts for the waterbody, and requires that the applicant supplant the dock on an area photo prior to assess the pier line to scale. And the Richmond Creek water quality shows evidence, due to the climate, anthropogenic evidence of algal blooms that are harmful to shellfishing, fish species that are occurring in the upper reach of the waterbody more frequently as was demonstrated in the prior application this evening, in that there is photographic evidence of dark, reddish brown algal bloom, and it's highly probable that commercial valuable shellfish species occurring in the proposed location of the dock, natural resources can be impacted through the dock construction.

Additional project scope is recommended that the high-maintenance turf area is to be minimized and that the grass that is proposed would be replaced with native salt-tolerant vegetation that does not require fertilization.

That is summary in part of the primary issues of the LWRP inconsistency.

The only portion of the project which was consistent was adjacent to the house, the one additional 5x5 long staircase, the existing deck on the south side of the residence and the existing timber deck on the existing deck that would be replaced with untreated composite timber decking with no size increase or replacement other than the decking boards.

The Conservation Advisory Council comments also mirrored
the LWRP coordinator. The Conservation Advisory Council did not support the application because the overall size of the dock should be reduced and kept in line with neighboring docks, and construct using through-flow decking. The proposed size is 50% longer than the other docks in the area. More details are required for the proposed retaining wall and bulkhead.

The Board of Trustees performed an inspection on February 9th, noting that there were concerns about, in reviewing the pier line, it did appear that the proposal did extend out beyond the neighboring docks. That also goes back to the concerns of the LWRP coordinator. That in this particular instance an aerial photograph analysis showing the neighboring pier line and proposed dock on an aerial photograph would be called for.

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

MS. CANTRELL: We have Jeff Patanjio on behalf of the applicant.

MR. PATANJIO: Jeff Patanjio, on behalf of the applicant.

Good evening. So, a couple of little clarification issues here on this application. Let's do simple first, then we'll work our way into the bigger issues, is the re-decking the existing deck. There will be no modification or expansion to the existing deck. It's simply taking off the existing decking and putting on new decking. This is really just for maintenance issues. As far as the steps, for easier access to the side yard. 5x5 steps to grade, with the same timber-type stepping.

As far as the retaining wall, the existing retaining wall, how do I say, terracing that is there now, that will remain in place as recommended by the DEC, leave it in place, don't make any modifications to it, let it do its course over time. Which the client is amenable to. Leave it there.

The upper retaining wall, the one we wanted to place and you saw the stakes in the ground that I set, I believe I set four stakes, which are at the highest, just landward of the existing uppermost terraced wall that you see in the plan, um, the whole intention here is to get some useable yard. As you saw, the yard, it's not very useable. It slopes off. It's outgrown itself. And with the two boys that they have, they want some sort of useable yard.

So the intention was to raise that grade there and actually stop some of, you know, stop the surface runoff from continually flowing down into the waterbody. So it would be back-pitched toward the property, to maintain all of the runoff. It will be planted with a non-fertilizer dependent grass seed which is, you know, the best option we have here for this situation while actually extending out the yard to useable surface. Useable area. Um, the option of planting beach grass or something like that, is really not useable yard for the boys or for the family's use in general.

Um, the proposed dock, the existing dock as it is right now is non-functional for the most part. It was destroyed in the storm. They lost the floating dock and the ramp. I don't know how far back that dates. However, in this situation, you know, I
believe it was, it was permitted at one point in this location. So they, instead of putting back in an existing permitted ramp and float that were lost during a storm, they wanted to get down to the new requirements, which is where it's placed right now, with the beginning of the floating dock at 2.5', which is 30 inches of water at low tide, meets all the requirements to the DEC as far as 30 inches of water at low tide, meets the one-third rule. And with comments regarding the pier line, this has come up on several other applications that I had before the Board, you know, not necessarily this exact Board but before the Board of Trustees in general, is this a unique situation where the pier line, this is the outermost house on the shoreline, if you follow it along. If you look at the aerial photo, I thought I included, maybe I did not include it in this application, but typically I would include an aerial photograph along the shoreline and you can see the projection of the shoreline, and even on my proposed plan it does curve out, because that's how the shoreline goes.

So again, we have had some conversations in the past about shorelines and how you have a house that is on the outermost point of that shoreline. It doesn't get the advantage of extending their dock out to a useable distance and actually meeting the criteria as required by the Trustees and the DEC and the Army Corps, which is 30 inches of water.

In this situation it's on the outermost point. The shoreline is following the mean low water line, like I drew here. I actually traced over the mean low water line and projected it out as the path of travel for boaters. And as I understand, the purpose of the pier line is to not obstruct navigable channels or navigable areas. This one has 430 feet to the opposite shoreline, more than enough room to facilitate movement of a boat. And on top of that it doesn't project out much further than the neighboring -- if you do a straight-line analysis, I believe it projects out another ten, 12 feet, if that. So it's not an excessive amount of projection beyond this, the straight-fashion pier line. If you look down, I was just looking down before, if you look down to the south a little further, there are one or two docks that project out quite far. Quite far, indeed. Obviously, we are not going to compare those because they are so far out. But again, it meets all the criteria for other agencies and it is also in conformance with the Trustees requirements including through-flow decking on the entire pier and replacement of existing stairs for access down.

TRUSTEE BREDEMEYER: Thank you. What you said in fact we've heard before. And depending on each situation, it's different project to project. But this is, we have stacked three local agencies -- the Board of Trustees, the Conservation Advisory Council and LWRP coordinator -- who are concerned about the pier line and with the simple request by the LWRP coordinator to address the inconsistency, to provide the additional information with the top-down aerial scale, a rendition showing the neighboring docks
and the proposed. There is a, you know, marine survey, hydrographic survey, understood, and there is your project plan, but I think the request coming from all three town agencies quite heavily in getting that information, speaking for myself, would be hard pressed to go forward with any kind of approval at this time. The Board didn't specifically note an issue with the area to be filled behind the raised retaining wall, but I think taking the comments and concerns of the LWRP coordinator specifically, we don't just want to have a grass seed, because that might be Kentucky bluegrass. I do appreciate your offer of putting in a low-maintenance type of non-fertilizer requiring grass.

I think the Board, absent anyone else saying differently, because of the small yard there, we would probably, I suspect the Board might agree with that, something like a fescue mix and no inground sprinkler.

But the dock is a real thorny issue for all the reviewers on the Town level. So I don't know, it's up to you whether you want to table this and provide the additional aerial, top down aerial to scale.

TRUSTEE KRUPSKI: I also have an additional question for you, while you are contemplating that. How much higher will that upper retaining wall be than the current grade?

MR. PATANJO: It will be approximately 18 inches. It's going to be like a very simple, basic vinyl bulkhead retaining wall. Not overly constructed, so to say. It will be a simple vinyl retaining wall with bulkhead sheathing material, probably a clay color or so, with a top rail on it. And the structure of it doesn't even require a tie-back system. It will support itself.

TRUSTEE GOLDSMITH: And you are proposing 35 cubic yards of fill for that?

MR. PATANJO: Yes, just for that area. That's it.

TRUSTEE KRUPSKI: I mean it's sort of the start of a bank going into the creek, which I find a little challenging to get over.

TRUSTEE BREDEMEYER: The application says 12 inches above existing grade, for clarification. To the question of --

MR. PATANJO: And the reason for that, if I can interject here, is it will be the depth is going to be 12 inches above. The retaining wall will be 18. And the purpose of that is so the retaining wall does capture any runoff.

TRUSTEE KRUPSKI: Understood.

MR. PATANJO: As you can see in the detail, it shows the retaining wall does extend above, and as I mentioned before, is to stop the runoff from entering the waterbody over land flow.

TRUSTEE KRUPSKI: To the question of the top down aerial that is requested by the LWRP coordinator, to allay the concerns of the Board and the Conservation Advisory Council, where are you with that?

MR. PATANJO: We can absolutely provide one for further discussion.

TRUSTEE BREDEMEYER: Okay, then I'm wondering if you would wish to table at your request, and the Board also could then
reconsider Trustee Krupski's concerns about the grade elevation behind the retaining wall with another field inspection to review that matter separately.

MR. PATANJO: Absolutely. Yes, I would like to, on behalf of the applicant, table this application until next month, and in the meantime we'll provide an aerial photograph representing the neighboring docks for your consideration.

TRUSTEE BREDEMEYER: I think that would be appreciated. Also Trustee Domino suggested maybe you can meet us on site for this visit.

MR. PATANJO: That would absolutely work out.

TRUSTEE KRUPSKI: And just for clarification tonight, as applied for in my one Trustee opinion, the dock is ultimately too long for that location, that creek. If that means it comes, you know, within an area that is too shallow for a float, I'm not sure exactly, I can't speak to that, but we know what would have to happen then. And then also I would definitely like to see the inclusion of a large non-turf area if we were to approve some sort of new revetment structure.

TRUSTEE GOLDSMITH: And to echo Trustee Krupski's comments, I think you have seen tonight on some previous applications we have been very consistent with dialing docks back, a minimization approach, to keep within that pier line, and, you know, water depth. If you don't have sufficient water depth with the fixed dock and lower platform, which we have executed on other applications quite successfully. So if you don't have water depth but you still need to be within the pier line, that is definitely an option.

MR. PATANJO: Understood.

TRUSTEE DOMINO: I was going to hold off on the conversation until the field. But since it's been brought up, I have to support Trustee Krupski's and Trustee Goldsmith's point of view regarding the extending the dock to get to water depth.

TRUSTEE BREDEMEYER: Any additional Trustee concerns? Any additional hands going up?

(No response).

Seeing none, any additional questions or comments, Mr. Patanjio? Mr. PATANJO: No, thank you.

TRUSTEE BREDEMEYER: Thank you, very much. At this time I'll make a motion to table this application for submission of the requested top down aerial view showing neighboring docks and the proposed, and to meet with the applicant in the field on next month's field inspection. Motion to table.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Trustee Williams, do you want to recuse yourself before we get to the next one?

TRUSTEE WILLIAMS: Yes, please.
TRUSTEE DOMINO: Number 13, Jeffrey Patanjo on behalf of SHAWN & DAWN WILLIAMS requests a Wetland Permit to remove and replace 101 linear feet of existing timber bulkhead with new vinyl bulkhead in same location as existing with raised height of 12" above existing.

Located: 405 South Drive, Mattituck. SCTM# 1000-106-11-20

The Trustees did a field inspection at this site on February 9th at 1:55 in the afternoon, and noted that the application was straightforward.

The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that no permit was found for the bulkhead.

The Conservation Advisory Council resolved to support this application, suggesting vegetated non-turf buffer landward of the bulkhead. Is there anyone here to speak to this application?

MS. CANTRELL: Jeff Patanjo is present.

MR. PATANJO: Jeff Patanjo, on behalf of the applicant, currently un-muted. Straightforward application. We'll remove and replace in the same location. A non-turf buffer is not possible for this location due to all the vegetation, it's pretty well non-turf as it stands existing.

TRUSTEE DOMINO: Thank you, for that. That's a good point. Would you be willing to commit to not disturbing that or leaving it as is? It functions right now quite well in that regard.

MR. PATANJO: Yes, I don't believe there is any intentions to ever disturb it. If you want to make it a condition to the application permit approval that it shall not be disturbed within a certain distance, I'm sure that's fine with the applicant.

TRUSTEE DOMINO: I'm not so sure that we want to move in the direction of non-disturbance, but it is functioning as a non-turf right now.

TRUSTEE GOLDSMITH: Just an acknowledgment there is no plans to disturb the existing.

TRUSTEE DOMINO: Did you hear that, Mr. Patanjo? A simple acknowledgment there is no plans to disturb.

MR. PATANJO: Absolutely. We acknowledge the fact they do not plan to disturb any of the existing vegetation along the shoreline.

TRUSTEE DOMINO: Very good. Thank you. Anyone else wish to speak to this application?

(Negative response).

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

TRUSTEE GOLDSMITH: Second. All in favor?

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

TRUSTEE DOMINO: I make a motion to approve this application as submitted, noting that the existing vegetated bluff serves as a non-turf buffer and the applicant acknowledged no intent to
disturb it.

MR. HAGAN: So we are clear, you are not mandating a non-turf buffer at the location, you are just acknowledging there is none planned there currently.

TRUSTEE DOMINO: That is correct.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

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

TRUSTEE GOLDSMITH: Number 14, Jeffrey Patanjo on behalf of John ELEFTERIO & JUAN JARAMILLO requests a Wetland Permit to remove and replace 67 linear feet of existing timber bulkhead with new vinyl bulkhead in same location as existing and raised height of 8" above existing; remove existing timber deck landward of bulkhead and install 6' wide stone/gravel walk along the landward side of bulkhead to act as a non-turf buffer; and to install a 90 linear foot long by 18" tall timber landscape retaining wall parallel to the property line landward of the proposed non-turf buffer.

Located: 50 Knoll Circle, East Marion. SCTR# 1000-37-5-21

The LWRP found this to be consistent, also noting required turbidity controls during construction.

The Conservation Advisory Council resolved to support the application with no increase in the height of the bulkhead.

There is also a letter in the file here from the Gardiner's Bay Homeowners Association supporting the application.

The Trustees conducted a field inspection on February 9th, 2021, noting that it was a straightforward application.

Is there anyone here wishing to speak regarding this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. Any questions, I'm here to answer them.

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

(Negative response).

Any questions or comments from the Board?

(Negative response).

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 condition that turbidity controls are used during construction.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).
TRUSTEE KRUPSKI: Number 15, Jeffrey Patanjo on behalf of GARY MANGUS & MIRIAM MEYERS requests a Wetland Permit to install a 6'x20' floating dock accessed by a 3'x20' ramp with railing built directly off existing bulkhead; ramp and dock deck are to be "Thru-Flow" or equal to allow light penetration; install electric to the dock; dredge 25-27 cubic yards of silt to provide 30" minimum to marine bottom for float and boat; angle of repose from proposed marine bottom to existing marine bottom to be 3:1 min.; and spoils to be deposited and contained inside bulkhead for dewatering.

Located: 1295 Island View Lane, Greenport. SCTM# 1000-57-2-16.

The Trustees most recently visited this site on the 9th of February, and noted that due to the nature of the application it might make sense to wait for the DEC to avoid the applicant going back and forth between two different permitting bodies, essentially.

The LWRP found this to be consistent.

And the Conservation Advisory Council resolved to support this application.

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

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. If you have any questions, I would be happy to answer them. I didn't hear any issues. I believe this was a submission that was carried over from the previous meetings with Mr. Mangus doing the representation on the project, made a bunch of modifications based on Trustee comments and at this point this is the latest version that I believe addresses all the comments from the Board of Trustees. So if you have any questions, I would be happy to answer them.

TRUSTEE KRUPSKI: While I believe that, or I can appreciate the fact that your client has made a pretty good effort to try to figure out how to put a dock in this location with that would fit within our code, this seems to be an application I would think would be most appropriate to be heard by the DEC first, and upon submission of a DEC permit, the Trustees would move from there. I mean at the face of it we don't see a tremendous issue, but it would make sense I think for it to go through DEC approval first.

TRUSTEE GOLDSMITH: Do they already have a DEC permit to do the dredging?

MR. PATANJO: No. The current status is the DEC has it and are currently reviewing it.

TRUSTEE GOLDSMITH: That's the issue for us. Originally this didn't have the water depth, so it's kind of contingent on the fact that the DEC does allow them to dredge this area. So I would concur with Trustee Krupski's recommendation that we wait for the DEC before we can move forward on this.

MR. PATANJO: Okay. So I believe then the Board is going to postpone this until a permit comes in from the DEC?

TRUSTEE KRUPSKI: That's correct.
Is there anyone else here that wishes to speak regarding this application?
(Negative response).
Or any further comment from the Board members?
(Negative response).
Hearing none, I make a motion to table this application for submission of a DEC permit.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number 16, Jeffrey Patanjo on behalf of WILLIAM F. GRELLA & GARY OSBORNE requests a Wetland Permit to construct a proposed 110’ long by 4’ wide fixed dock with un-treated decking and removal and replacement of existing timber jetties with new vinyl in same location as existing (one 36 linear feet, one 37 linear feet, and one 49 linear feet in length).
Located: 1200 First Street, New Suffolk. SCTM# 1000-117-7-30
This project does not have the LWRP report.
It has the comments of the CAC which indicate they do not support the application because the size of the dock, it being too long, would create environmental damage to the area.
The Trustees inspected it on February 9th. Based on the field inspection and conditions we found there, the Board feels it necessary to have you complete a long environmental assessment form to amply look into all issues surrounding the project, specifically the initial concerns that the Board found on field inspection that the dock seemed inappropriate in size and location. It’s also neighboring docks are commercial in use, it’s also a commercial shellfishing operation in close proximity. And concerns exist concerning that affect.
The Board also, during the course of field inspection, considers the timber jetties, the existing timber jetties as non-functional. Those are the initial concerns. And we would want great detailing in the long environmental assessment form dealing with those initial concerns.
Is there anyone who wishes to speak on behalf of this application?
MR. PATANJO: Jeff Patanjo, on behalf of the applicants.
All right, so the dock. There are adjacent docks, as you said, there are recently installed on both the north and the south sides. Agreed that they are for the commercial fishing operation, however in my opinion shows some semblance for actually having docks in the adjacent area. We don’t project beyond the pier line. But we will address that, obviously, with an LEAF.
The question concerning the existing jetties.
According to -- and my clients had told me a lot of information about it, the fact that these things are working currently to retain the sand, the migratory sand that I do have
some photos at low tide when I was out there, I was actually
staking it, it was really low tide. And they are still
functional. Maybe, I don’t know if you were there at low or high
tide, but when I was out there, I was actually walking along the
beach to set the stakes, which I sent you the photos of, and it
is, they definitely work.

And I can probably give you some more information on that
as far as looking at the elevations and can include some
contours for the water depths on the proposed plan.

So as far as this one goes, I’m at a little bit of a loss,
what we, I guess the next step would be you would want to table
for you to receive an LEAF representing the environmental
factors pertaining to not only the proposed dock but also for
the proposed replacement, in-kind replacement of the existing
jetties?

And I would like to add also that I do have a DEC permit
for this, for all of this work. This was all approved by the
DEC.

MR. HAGAN: Mr. President, if I may comment, voiced to me from
the LWRP coordinator, I’m certain the LWRP coordinator is going
to want an opportunity to look at the long form in the drafting
of the LWRP review. So anything you can do to get that in sooner
rather than later would be appreciated.

MR. PATANJO: Understood.

TRUSTEE BREDEMEYER: The, any additional information would be
appreciated, any additional documentation concerning the groins
might be appreciated by the Board. As we saw on field
inspection, (inaudible) there was no apparent catching on
littoral drift, either upstream, downstream, left or right of
the project, offshore or onshore. There appears to be no
relevant change of elevation indicating sand capture. So if
there is an engineering method or additional soundings or
additional information from marine hydrographic survey that
would illuminate that for the Board, certainly that would be
advisable.

MR. PATANJO: Absolutely.

TRUSTEE GOLDSMITH: As point of reference, Chapter 275, a
functional jetty, at least a jetty or groin that is at least 75%
intact and serving the purposes for which it is designed.

I don’t think you are close to 75% intact for those
existing jetties.

MR. PATANJO: Oh, they are like 72. We can negotiate that.

All right. No problem. So we can address those comments and see
if we can come to a decision.

TRUSTEE BREDEMEYER: Thank you. I see a bunch more names and
placards up there. Is there anyone else who wishes to speak to
this application?

(No response).

Seeing none, I make a motion to table this application at the
applicant’s request to provide additional information and
supporting information.
MR. PATANJO: Thank you.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(All ayes).
TRUSTEE GOLDSMITH: I'll make a motion for adjournment.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(All ayes).

Respectfully submitted by,

Glenn Goldsmith, President
Board of Trustees