BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, April 14, 2021

5:30 PM

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

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

TRUSTEE GOLDSMITH: Good evening and welcome to our Wednesday, April 14th, 2021 meeting. At this time I would like to call the meeting to order and ask that you please stand for the Pledge of Allegiance.

(PLEDGE OF ALLEGIANCE).

I'll start off by announcing the people on the dais. To my left we have Trustee Domino, Trustee Bredemeyer. To my far right we have Trustee Krupski, Trustee Williams. To my immediate right is Assistant Town Attorney Damon Hagan, Senior Clerk Typist Elizabeth Cantrell, Court Stenographer Wayne Galante.

On Zoom we have a representative from the Conservation Advisory Council, John Stein.

Agendas for tonight's meeting are posted on the Town's website.

We have a number of postponements tonight in the agenda.

On page eleven, we have numbers 4 and 5. On page 18, we have numbers 25 through 28. And on page 19, we have numbers 29 and 30. They read as follows:

Number 4, Docko, Inc. on behalf of ELIZABETH CALLANDER requests a Wetland Permit and a Coastal Erosion Permit to construct ±105 linear feet of 4' wide wood pile and timber pier of which ±65 linear feet is waterward of the apparent/spring high water line, including five associated ladders, rails, electric and water utilities; construct a ±9' x ±10' (90 sq. ft.) wide boulder mounded wood platform/dock with a 4' wide x ±7 linear foot long access walkway with rails and three new tie-off piles, waterward of the apparent high water line.

Located: 12244 East Main Road, Fishers Island. SCTM# 1000-3-2-6

Number 5, Costello Marine Contracting Corp. on behalf of STUART THORN requests a Wetland Permit and a Coastal Erosion Permit to construct a 4' wide walkway leading
from bluff stairs to new stairway leading to beach; construct new 3’x5’10” stairway from bulkhead to beach in-kind and in-place of previously existing stairway; allow ordinary maintenance and repairs to existing upper 6’x8’ platform, 3’x16’ staircase, middle 10’x16’ platform, 3’x5’ staircase, 3’x4’ middle platform, 3’x8’ staircase, 3’x4’ lower platform, and 3’x10’ staircase as needed to reconstruct retaining walls; remove and dispose of the existing retaining walls and construct eight (8) new retaining walls, in-kind/in-place consisting of retaining wall #1 is 24’ long; retaining wall #2 is 12’ long with 8’ east and 8’ west returns; retaining wall #3 is approximately ±30’ long; retaining wall #4 is approximately ±40’ long; retaining wall #5, #6 & #7 are all 40’ long with 5’ west returns; retaining wall #8 is 40’ long; and to install ±114 ton of 1-3 ton rock armoring along the seaward side of existing west bulkhead section.

Located: 19375 Soundview Avenue, Southold. SCTM# 1000-51-1-20.1

Number 25, Jeffrey Patanjo on behalf of JJS EDGEWATER LLC, c/o SCOTT EDGETT requests a Wetland Permit to remove and replace existing 89 linear foot long and 60 linear foot long jetties in same location with new vinyl jetties; and new jetties to be no higher than 18” above existing sand elevation.

Located: 610 Park Avenue Extension, Mattituck. SCTM# 1000-123-8-28.6

Number 26, 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 27, 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 “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

Number 28, 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

Number 29, 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 30, 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.

Under Town Code Chapter 275-8(c), files were officially closed seven days ago.

Submission of any paperwork after that date may result in a delay of the processing of the applications.

I. NEXT FIELD INSPECTION:
TRUSTEE GOLDSMITH: At this time I'll make a motion to hold our next field inspection, Wednesday, May 12th, 2021, at 8:00 AM.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

II. NEXT TRUSTEE MEETING:

TRUSTEE GOLDSMITH: I'll make a motion to hold our next Trustee meeting Wednesday, May 19th, 2021, at 5:30 PM via Zoom online platform.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

III. WORK SESSIONS:

TRUSTEE GOLDSMITH: I make a motion to hold our next work session on Monday, May 17th, 2021, at 5:00 PM via Zoom online platform; and on Wednesday, May 19th, 2021 at 5:00 PM via Zoom online platform.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

IV. MINUTES:

TRUSTEE GOLDSMITH: I'll make a motion to approve the Minutes of the March 18th, 2021 Trustee meeting.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

V. MONTHLY REPORT:

TRUSTEE GOLDSMITH: The Trustees monthly report for March 2021, a check for $13,902.39 was forwarded to the Supervisor's Office for the General Fund.

VI. PUBLIC NOTICES:

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

VII. RESOLUTIONS - OTHER:

TRUSTEE GOLDSMITH: Under Roman numeral VII, Resolutions - Other:
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 DEKKA, LLC, c/o CHRISTIAN BAIZ, ADMINISTRATIVE MANAGER;
Located: 120 Bay Home Road, Southold. SCTM# 1000-56-5-1.3
That's my motion.

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

TRUSTEE GOLDSMITH: 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 JAMES & PHYLLIS RUBIN;
Located: 745 Cases Lane Extension, Cutchogue. SCTM# 1000-109-5-14.45
That's my motion.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: 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 RONALD SPILLANE;
Located: 63403 County Road 48, Greenport. SCTM# 1000-40-1-17
That's my motion.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

VIII. STATE ENVIRONMENTAL QUALITY REVIEWS:

TRUSTEE GOLDSMITH: Under 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 XV Public Hearings Section of the Trustee agenda dated Wednesday, April 14th, 2021 are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA.
That's my motion. They are listed as follows:
Stuart & Beth MacKinnon  SCTM# 1000-66-3-11
Father Out East, LLC, c/o Thomas & Maureen Dowling SCTM# 1000-31-18-18
Paul & Susan Wachter  SCTM# 1000-53-4-15
Philip & Lia Chasen  SCTM# 1000-55-7-3
Robert D. Kelsey  SCTM# 1000-128-6-4
Sheena Acharya & Adrian Sapollnik  SCTM# 1000-83-1-7
Laurie M. Helgans  SCTM# 1000-137-4-29.1
Linda Dambassis  SCTM# 1000-83-2-7.2
Ioannis John Zoumas  SCTM# 1000-137-1-5.1
HC NOFO, LLC, c/o Todd Feuerstein, Managing Partner SCTM# 1000-104-5-3.3
Mary Dowd & Michael Meyers  SCTM# 1000-53-5-12.6
Charles & Helen Szarka  SCTM# 1000-53-5-12.6
Peter & Valerie Sakas  SCTM# 1000-53-5-12.6
Gary D. Doroski  SCTM# 1000-97-8-27.

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 XV Public Hearings Section of the Trustee agenda dated Wednesday, April 14, 2021, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations:
Dekka, LLC, c/o Christian Baiz, Administrative Manager SCTM# 1000-56-5-1.3
James & Phyllis Rubin SCTM# 1000-109-5-14.45
Richard Spillane SCTM# 1000-40-1-7

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

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

TRUSTEE GOLDSMITH: Under Roman Numeral IX, Environmental Declaration of Significance pursuant to New York State Environmental Quality Review Act NYCCCR Part 617.
Number 1, DESCRIPTION OF ACTION: Jeffrey Patanjo on behalf of JAMES & PHYLLIS RUBIN requests a Wetland Permit to construct a proposed 215 linear foot long natural stone boulder border along the landward side of existing wetlands to prevent salt water intrusion during storm tides; during construction a silt fence will be installed between the proposed stone and the existing wetlands and remain until area is stabilized; 40 cubic yards of clean sand fill will be placed landward of the proposed stone and the disruption area will be planted with non-fertilizer depended grass seed; and for the removal of existing catwalk and replacement in same location a proposed 4' wide x 32' long fixed catwalk; all decking to be thru-flow and all work to be performed from an upland location.
Located: 745 Cases Lane Extension, Cutchogue. SCTM# 1000-109-5-14.45.

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 April 7, 2021, and having considered the survey of property by John C. Ehlers Land Surveyor dated August 12, 2010, and having considered the plans for this proposed project submitted by Jeffrey Patanjo dated February 10, 2021 at the Trustee's April 12, 2021 work session; and,
WHEREAS, on April 14, 2021 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,
WHEREAS, on April 14, 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 Jeffrey Patanjo dated February 10, 2021 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:
- 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.
Scope in relation to view shed: The seaward end of the proposed dock will not extend appreciably beyond existing dock. As such the perspective will not be discernibly different from the existing view.

Environmental upkeep: The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.

The proposed natural stone boulder border is landward from the edge of tidal wetlands to minimize any disturbance.

**THEREFORE**, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

That's my motion.

TRUSTEE BREDEMeyer: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, **DESCRIPTION OF ACTION:** Suffolk Environmental Consulting, Inc., on behalf of **DEKKA, LLC, c/o CHRISTIAN BAIZ, ADMINISTRATIVE MANAGER** requests a Wetland Permit to repair the existing ±480.0 linear foot long concrete sea wall located along the shoreline where needed; install a proposed 30.0 linear foot long bulkhead return back to the secondary retaining wall within the southeastern corner of the property; install a proposed 20.0 linear foot long bulkhead return off the northern terminus of the existing sea wall within the northeastern corner of the property; install a ±439.0 linear foot long retaining wall located ±15' landward of existing concrete sea wall, and comprised of vinyl sheathing, two (2) tiers of timber whalers (6"x6"), two (2) tiers of timber backing clamps (6"x6"), timber top cap (2"x24"), timber pilings (8''-12'' on center), timber deadmen & lay-logs (8''-12'' on center) with tie-rods; deposit ±700 cubic yards of clean fill obtained from an upland source between the existing concrete seawall and proposed secondary retaining wall; grade and groom same, and plant with native plantings (i.e., Cape American beach grass @ 1.0' on center, etc.); and relocate the existing shed situated within the northeastern section of the property landward and to the southwest to a minimum distance of ±100.0' from the existing concrete sea wall.

Located: 120 Bay Home Road, Southold. SCTM# 1000-56-5-1.3

**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 April 7, 2021, and having considered the survey of property by John C. Ehlers Land Surveyor dated June 9, 2000, and having considered the plans for this proposed project submitted by Suffolk Environmental Consulting, Inc., dated March 1, 2021 at the Trustees' April 12, 2021 work session; and,

**WHEREAS**, on April 14, 2021 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,

**WHEREAS**, on April 14, 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 Suffolk Environmental Consulting, Inc. dated March 1, 2021 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Scope: The proposed vinyl retaining wall is comparable to structures on neighboring properties in an area where bulkheads and other hardened structures are used to protect against erosion.
The proposed retaining wall is landward from the edge of tidal wetlands to minimize any disturbance.

Environmental upkeep: The vinyl retaining wall projects a usual lifespan of 30 years with limited pille replacement so as to minimize disturbance of the wetlands.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 3, DESCRIPTION OF ACTION: Jeffrey Patanjo on behalf of RONALD SPILLANE requests a Wetland Permit and a Coastal Erosion Permit to install 80 linear feet of rock revetment at toe of existing bluff; install 25 cubic yards of clean sand fill and Cape American beach grass to protect property against additional storm erosion.

Located: 63403 County Road 48, Greenport. SCTM# 1000-40-1-17

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 April 7, 2021, and having considered the survey of property by Barrett, Bonacci & Van Weele, PC dated December 19, 2018, and having considered the plans for this proposed project submitted by Jeffrey Patanjo dated January 25, 2021 at the Trustee's April 12, 2021 work session; and,

WHEREAS, on April 14, 2021 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,

WHEREAS, on April 14, 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 Jeffrey Patanjo dated January 25, 2021 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.

That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).
X. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE GOLDSMITH: Under Roman numeral X, Resolutions - Administrative Permits.

In order to simplify the meeting, the Trustees regularly group together actions that are minor or similar in nature. Accordingly, I make a motion to approve as a group items 1 through 3, 5 and 7 through 9. That's my motion, and they are listed as follows:

Number 1, Eligio Lopez on behalf of CAROL CLANCY requests an Administrative Permit to replace wooden steps with 3'x6' masonry steps; install 12'x30' on-grade masonry patio.
Located: 280 Oak Avenue, Southold. SCTM# 1000-77-2-3

Number 2, En-Consultants on behalf of RICHARD & GINA BONATI requests an Administrative Permit for the as-built construction of a 20.5' x 32.3' grade-level wood deck located landward of existing 50' non-disturbance buffer.
Located: 1315 Watersedge Way, Southold. SCTM# 1000-88-5-68.

Number 3, DAVID HOFFMAN requests an Administrative Permit to install a 6' high approximately 60' long wooden fence between applicant's residence and neighbor to the north.
Located: 1230 Ruch Lane, Southold. SCTM# 1000-52-2-36

Number 5, GREAT CREEK LLC requests an Administrative Permit to construct a 31'x8' x 31'10" wooden IPE deck inclusive of staircase with railings at the rear side of the house with 2'x4' lumber on sono-tube footings.
Located: 1870 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-6

Number 7, Eric Martz on behalf of MARY ANN HOWKINS requests an Administrative Permit to install an 11'x11" blue stone patio with a 2'x3'6" path.
Located: 3245 Wells Road, Peconic. SCTM# 1000-86-2-7

Number 8, Gregory Young on behalf of SOUTHOLD YACHT CLUB INC. requests an Administrative Permit to install a seasonal 6.5'x75" 'Mobi-Mat' polyester boat ramp to be attached to the ground with stakes.
Located: 165 North Parish Drive, Southold. SCTM# 1000-71-1-3

Number 9, Michael A. Kimack on behalf of PETER & GILLIAN COWAN requests an Administrative Permit for as-built decks measuring 12'x8'11" (107.04 sq. ft.) and 12'x15'3.5" (183.46 sq. ft.) respectively, for a total of 290.5 sq. ft.
Located: 435 Mockingbird Lane, Southold. SCTM# 1000-55-6-15.57

TRUSTEE KRUPSKI: Second.

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

TRUSTEE GOLDSMITH: Number 4, STEVEN WICK requests an Administrative Permit to tear down existing deck and replace with 38'3"x10'6" deck; and to install a 70' long x approximately 3' high varying height stone wall in front of said deck; and plant Leyland Cypress.
Located: 1541 Stillwater Avenue, Cutchogue. SCTM# 1000-10-1-19.7

The LWRP found this to be inconsistent because the inconsistency states a conservation easement having a depth of 50 feet shall be established along tidal wetland. Upon field inspection in measurements it was found that the deck is outside of that 50 foot, therefore it will bring into consistency with the LWRP.

So therefore I make a motion to approve as submitted.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor? (ALL AYES).
TRUSTEE GOLDSMITH: Number six, Connor Jones on behalf of FISHERS ISLAND DEVELOPMENT CORP. requests an Administrative Permit to erect a 3’x4’ panel sign with a 6’x1’ sign above same on the beach located in the area known as the “8th Hole Beach”; both signs are supported by the same two (2) posts which will be dug into the sand and will be attached to the posts via brackets.
Located: Fishers Island Club, Eastern end of Fishers Island. SCTM# 1000-1-1-3.13
We spoke with the representative from the Fishers Island Development Corp. They are proposing to move the location of the proposed sign, so until we get a definitive location of that sign I’ll make a motion to table this application.

TRUSTEE BREDEMEYER: Second.
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’ll make a motion to approve as a group items 1 through 8. They are listed as follows:

Number 1, Michael A. Kimack on behalf of NEIL STRONSKI & PATTI PEREZ requests a One (1) Year Extension to Wetland Permit #9488, as issued on June 19, 2019.
Located: 7025 Nassau Point Road, Cutchogue. SCTM# 1000-111-15-10
Number 2, Patricia Moore on behalf of HARRY BASHIAN & HAYKUHI BASHIAN requests a One (1) Year Extension to Wetland Permit #9420, as issued on April 17, 2019. Located: 58425 North Road, Greenport. SCTM# 1000-44-2-15
Number 3, AWC DOCKSIDE LLC requests a Transfer of Wetland Permit #511 from Alfred W. Cooke to AWC Dockside LLC, as issued on August 19, 1968 and Amended on August 20, 2014.
Located: 5505 Mill Road, Mattituck. SCTM# 1000-106-6-1
Number 4, Suffern Environmental Consulting, Inc. on behalf of STEVEN & JACI OSDOBY requests an Administrative Amendment to Wetland Permit #9682 for the relocation of proposed generator, outdoor shower and pool equipment and to install an at-grade 1,040 sq. ft. paver stone patio along the south, east and westerly sides of the proposed swimming pool.
Located: 605 Bay Shore Road, Greenport. SCTM# 1000-53-3-8
Number 5, Patricia E. McIntyre, Vice-Chairperson on behalf of NEW SUFFOLK WATERFRONT FUND requests an Administrative Amendment to Wetland Permit #8378 to install one (1) additional 10’ wide by 20’ long floating upweller system (flupsys) for the purpose of growing juvenile oysters; to be located on the north/west end of the marina off a finger pier.
Located: 650 First Street, New Suffolk. SCTM# 1000-117-8-18
Number 6, NEIL & AMELIA MacDONALD request an Administrative Amendment to Wetland Permit #1728 for the as-built 4’x54’ fixed wooden pier with thru-flow decking, 3’x17’ ramp; fourteen (14) 10’ piles; three (3) 5’x12’ floats.
Located: 855 Lupton’s Point, Mattituck. SCTM# 1000-115-11-5
Number 7, CAROLL AUSTIN requests an Administrative Amendment to Wetland Permit #5513 for the as-built two-story addition.
Located: 3300 Great Peconic Bay Blvd., Laurel. SCTM# 1000-128-6-7
Number 8, Gary Fisher on behalf of JOHN ABBOTT requests an Administrative
Amendment to Administrative Permit #9748A to install a 5'x35' handicap ramp and 285' trellis above deck.
Located: 8830 Great Peconic Bay Blvd., Laurel. SCTM# 1000-126-5-1
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

XIV. MOORINGS/STAKE & PULLEY SYSTEMS:

TRUSTEE GOLDSMITH: Roman numeral XIV, Moorings/Stake & Pulley Systems. Again, in order to simplify our meeting, I'll make a motion to approve as group items one through four. They are listed as follows:
Number 1, RAYMOND CONKLIN requests a Mooring Permit for a mooring in Little Creek for a 23' outboard motor boat, replacing Mooring #110. Access: Public
Number 2, MATT AHEARN requests a Mooring Permit for a mooring in Gull Pond for a 13' outboard motor boat, replacing Mooring #11. Access: Public
Number 3, JAMES MICTHA requests a Stake and Pulley System Permit in Narrow River for an 8' outboard motorboat, replacing Stake #3. Access: Public
Number 4, CHARLOTTE JORDON GREEENE requests a Stake and Pulley System Permit in Narrow River for a 13' outboard motorboat, replacing Stake #12. Access: Public
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

XV. PUBLIC HEARINGS:

TRUSTEE GOLDSMITH: Under Roman numeral XV, Public Hearings. At this time I make a motion to go off our regular meeting agenda and enter into the public hearings.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
This is a public hearing in the matter of the following applications for permits under the Wetland Ordinance of the Town of the 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 and five minutes or less if possible.

AMENDMENTS:

TRUSTEE GOLDSMITH: Number 1, under Amendments, STUART & BETH MACKINNON requests an Amendment to Wetland Permit #9740 to remove and replace 16' return on north side in a location 2' on property line; install new 12' return on south property line; install a 10'x20 deck and 4' wide boardwalks on grade along edge of bulkheading using untreated hardwood decking.
Located: 1705 Arshamomaque Avenue, Southold. SCTM# 1000-66-3-11
The LWRP found this to be consistent.
The Conservation Advisory Council resolved to support this application.
The Trustees conducted a field inspection on April 7th, 2021, noting that it was straightforward. It was already a permit to do the bulkhead and this was just for the
returns.

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

MS. CANTRELL: I see Ms. MacKinnon’s hand. I’m not sure if she wants to speak.

Ms. MacKinnon, if you would like to un-mute yourself

MS. MACKINNON: Yes. Hi. I want to make sure that you are also counting the 10x20 deck as well as the returns.

TRUSTEE GOLDSMITH: Yes, ma’am. I didn’t read the whole project description, to save time, but it is to remove and replace 16-foot return on north side and location two feet on property line, install a new 12-foot return on south property line. Install a 10’x20’ deck and four-foot wide boardwalk on grade along edge of bulkhead using untreated hardwood decking.

MS. MACKINNON: Yes. Thank you. I appreciate that.

TRUSTEE GOLDSMITH: You’re welcome. Anyone else here wishing to speak to this application?

(Negative response).

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’ll make a motion to approve this application as submitted.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE KRUPSKI: Number 1 under Wetland & Coastal Erosion Permits,

Suffolk Environmental Consulting, Inc. on behalf of FARThER OUT EAST, LLC, c/o THOMAS & MAUREEN DOWLING requests a Wetland Permit and a Coastal Erosion Permit to perform the following modifications to the existing structures and property consisting of removing existing propane tank along western side of existing dwelling; remove existing hot tub; remove ±132.0 sq. ft. of existing seaward deck and reconstruct seaward deck with steps (minus balcony) for a total of 501 sq. ft. in-kind and in-place; reconstruct/expand existing seaward balcony (inclusive of existing balcony area) for a total of 104 sq. ft.; remove existing cellar entrance; abandon and remove existing sanitary system in accordance with S.C.D.H.S. standards; remove existing shed from landward side of existing dwelling; remove existing chimney from eastern side of existing dwelling; and remove ±358 sq. ft. of existing northeastern deck; on existing 1,092 sq. ft. dwelling construct a 58.0 sq. ft. addition onto northeastern corner; construct a 20 sq. ft. pergola with counter under against seaward side of dwelling; construct a 67.0 sq. ft. porch along the northerly portion of dwelling; construct a 381.25 screened porch along the easterly side of dwelling; install a new propane tank along westerly portion of property; construct new 50.0 sq. ft. basement entry along westerly side of dwelling; install a new IA/OWTS septic system landward of dwelling; construct a 2.5’ high (maximum height) by 97.5’ long retaining wall along the northeast corner of property.

Located: 860 Rabbit Lane, East Marion. SCTM# 1000-31-18-18

The Trustees most recently visited the property on the 7th of April, noted that it
needed gutters and leaders to drywells, and to -- there was a two-inch pipe coming out of the basement most likely to pump out standing water, but that would have to be removed in conformance with Chapter 236.

The Conservation Advisory Council resolved not to support the application due to insufficient setbacks. The project is within CEHA and exceeds 20% of the building lot.

Okay, and I do not, I have a note here that we did not receive the report from the LWIRP yet.

MR. HAGAN: Yes. And if I can just give a brief comment with regard to that. There was an issue of availability for the LWIRP coordinator, and while the Planning Department has attempted to resolve the issue and get out as many LWIRP reports as possible, just given the limited staffing power, certain ones did fall through the cracks, and this is one of the ones. And the LWIRP coordinator certainly does wish to comment on the application.

So I would ask that after the opening of the public hearing and comments, if any, that the Board consider tabling the application to give the LWIRP coordinator the opportunity to put in the LWIRP report.

TRUSTEE KRUPSKI: Thank you.

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

MS. CANTRELL: We have Suffolk Environmental present. I'm not sure if this is Matt.

MR. ANDERSON: No. Bruce Anderson. I'm disguising as Matt today. All right, so we'll have to table this, as I take it, because the LWIRP didn't respond to the application.

Are we clear? Is that what we are talking about?

TRUSTEE KRUPSKI: That's correct.

MR. ANDERSON: Okay, does the Board have any particular -- first of all, and I know the applicants are listening in, and I want the applicants to know how much we appreciate you meeting me out at the property. And the applicant knows that and is very appreciative of that.

Secondly, since it has to be tabled, there is no reason for me to, you know, get into any kind of presentation other than is there anything in particular that the Board is concerned about? I heard the gutters, leaders and drywells, and I had represented they were added to the plans. I don't see them, so I'll certainly add those to the plans anyway so that you have those.

Is there anything else other than that, that the Board has a concern with? Because I didn't hear, I think we all concluded it was fairly straightforward in the field.

TRUSTEE KRUPSKI: Yes. Did you hear my comment about, there is a two-inch PVC pipe probably tied into the sump pump in the basement. Obviously the new structure would not be permitted to have something like that.

MR. ANDERSON: That will go. That will be removed.

TRUSTEE KRUPSKI: Okay.

MR. ANDERSON: We are not pumping anything through that pipe.

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

(Negative response).

Any additional comments from the Board at this time?

(Negative response).

All right, hearing no further comments, I'll make a motion to table this application.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).
TRUSTEE BREDEMEYER: The next application, number 2, Jeffrey Patanjo on behalf of RONALD SPILLANE requests a Wetland Permit and a Coastal Erosion Permit to install 80 linear feet of rock revetment at toe of existing bluff; install 25 cubic yards of clean sand fill and Cape American beach grass to protect property against additional storm erosion. Located: 63403 County Road 48, Greenport. SCTM# 1000-40-1-17

The Trustees inspected this site on the 7th. The project appeared to be straightforward at that time and date, we saw it was properly staked.

The LWRP coordinator has deemed this project to be consistent with the Town’s LWRP.

The Conservation Advisory Council supports the project using best management practices, and they did raise the issue that the area should be accessed by barge as there is no room for a land-based crane.

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

MS. CANTRELL: Jeff Patanjo is present. Jeff, if you want to un-mute yourself.

MS. MOORE: Good evening. Jeff Patanjo, on behalf of the applicant. I would be happy to answer any questions you have for this project.

TRUSTEE BREDEMEYER: Access by barge or crane?

MR. PATANJO: Access will be by barge or if possible, we would like the option for a crane from above, based on what the contractor’s ability is. No damage to the bluff will be incurred during the project. As noted on the proposed plan it says existing vegetation on bluff to remain undisturbed, and that should be the condition of the drawings.

TRUSTEE BREDEMEYER: As noted. Okay, so you are saying access from above with no disturbance to vegetation and no bluff cut and no vegetation disturbance.

MR. PATANJO: Correct.

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

Hearing none. Any other questions? Is there anyone else who wishes to speak to this application? (Negative response).

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

TRUSTEE KRUPSKI: Second.

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

TRUSTEE BREDEMEYER: I make a motion to approve this application with the stipulation that access for the project be by barge or crane, and that if by crane from above, there will be no bluff cut and no disturbance of the bluff vegetation.

TRUSTEE DOMINO: Second.

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

TRUSTEE DOMINO: Number 3, Jeffrey Patanjo on behalf of ADF VENTURES, LLC, clo FREDERICK FRAGOLA requests a Wetland Permit
and a Coastal Erosion Permit for the installation of 109 lineal feet of rock revetment at toe of existing bluff; installation of terracing consisting of 2"x12" un-treated timber boards with un-treated timber 2"x4" stakes every 8' along the face of the disturbed bluff; planting of entire disturbed bluff with Cape American beach grass plugs 12" on center; install 10'x19' platform on-grade at top of bluff with 4'x12' walkway leading to 4'x6' steps to 4'x6' platform to 4'x22' steps to 4'x6' platform to 4'x41' steps to 4'x6' platform to 3'x10' aluminum retractable steps to beach; all decking to be un-treated; a temporary silt fence will be installed surrounding the at-grade 10'x19' platform during construction to prevent any sediment from leaving the immediate work area until stabilized; and landward of the top of bluff is selective tree clearing as required to remove deceased or dead trees as marked with orange tape.

Located: 17877 Soundview Avenue, Southold. SCTM# 1000-51-1-4

We revised the project description. The project includes installation of 109 lineal feet of rock revetment at the toe of the existing bluff. Installation of terracing consisting of 2x12 untreated timber boards. Untreated timber 2x4s staked every eight feet along the face of the disturbed bluff. Planting of an entire disturbed bluff with Cape American beach grass plugs, 12-inch on center. Install a 4'x12' walkway leading to a 4'x6' steps, to a 4'x6' platform, to a 4'x22' steps, to a 4'x6' platform, to a 4'x41' steps, to a 4'x6' platform, to a 3'x10' aluminum retractable steps to beach. All decking to be untreated.

The LWWRP coordinator found this to be consistent and inconsistent. The inconsistency arises from the fact that a 25'-wide non-disturbance buffer landward of the crest of bluff was created by covenant and restriction in 2009, and that the area is not to be disturbed. And it has been disturbed. Clearing of trees, construction within this area is not permissible.

The consistency is associated with the rock revetment stabilizing the bluff, is recommended as consistent.

The Conservation Advisory Council on December 9th resolved to support this application.

Is there anyone here to speak to this application?

Before that, the most recent field inspection by the Trustees on April 7th, all were present, in addition with Mr. Fragola to discuss the project.

Anyone wish to speak to this application?

MR. PANTANO: Jeff Pantano, on behalf of the applicant. I would like to see if the applicant is on as well. I just texted him. I believe there was some revisions made to the drawings and perhaps Fred could clarify that. But, as you know, based on what the project description you read was, you had received revised plans that included the, a proposed 25' wide non-disturbance buffer to be planted with native vegetation or additional vegetation for the 25' from the top of the bluff line landward. So those plans were created and modified per your recommendations.

We also added in a 4' wide path of crushed bluestone to get through the non-disturbance buffer. Non-disturbance buffer was added to the proposed plan as recommended.

TRUSTEE DOMINO: Yes, that's noted. However I have some concerns here because in looking at, reading the project description and
looking at the plans, which is stamped received April 14th, 2021, we see that there are elements on this plan that were not discussed nor agreed upon by the Trustees at any field inspection. That would be the proposed in the following order:

It shows temporary irrigation system on the bluff face itself. We had discussed a temporary drip system for the American beach grass, which we at that time felt was at the top of the bluff. Do you have a question on that?

TRUSTEE KRUPSKI: And along the stairs. The understanding is that it was going to follow the stairs down where the planting was.

TRUSTEE DOMINO: Thank you. The second point is that it shows that there is going to revegetate the bluff with American beach grass, 12" on center, across the entirety of the face of the bluff. And the third point is it shows proposed 2x12 untreated timber boards held in place by 2x4 stakes every eighth foot for bluff stabilization, and they are shown on this plan ten of them, that's going across the entirety of the bluff face from the top of bluff down to the revetment.

At no time did this Trustee understand that this was part of this project. So I have some serious concerns there. But my fellow Trustees would like to speak. Could you address those points?

MR. PATANJIO: Yes, absolutely. Actually I'm looking back at the original application that I have up on the computer here and the original application always had the 2x12 boards. Originally they were ACQ but we modified that, changed that to untreated timbers due to the DEC, and as you know, we have a DEC permit for the project as well, which includes all of the original work.

The proposed temporary drip irrigation system is for all of the bluff plantings, and it's to be cut off at the time all the plants are stabilized and they are showing good root life to protect bluff, in an effort so there is no more further erosion.

The modification of the -- I'll go through your list. The temporary irrigation system. Let's take this one by one. The temporary irrigation system was at the request of the Trustees, so we provided it throughout the entire planted area, not only around the step area, but we wanted to do it around the entire area, because the entire bluff is disturbed right now. So that will be temporary. The drip irrigation system. It will be removed and turned off at the time that the plants show good growth and good stabilization.

The plantings themselves, agreed, that has been on the original plan and it's still on the proposed and revised plan, that indicates we are going to plant Cape American beach grass 12" on center for the entire disturbed area. Again, that was on the original plan and on the revised plans and it's on the latest plans you have in front of you.

The 2x12s again were always on the original plan, still on the revised plan. They are shown on the typical cross section and they are also shown on the plan view. All untreated timber. And the purpose of that untreated timber is a recommendation of the DEC, so that if they do degrade over time, once the root
life takes over from the Cape American beach grass, which as we all know is a very good variety for stabilization of bluff because of the root life.

TRUSTEE BREDEMEYER: Mr. Patano, Trustee Domino will address your main concerns. My understanding of several instructions that I made with the Board, did not discuss at all stabilization of the terracing, and at least from the top down view, the bluff looks entirely establish with natural vegetation. And no discussion was had and clearly the understanding of the Board was that the temporary irrigation, which we discussed at length with Mr. Fragola, will be only in the area, in the non-disturbance area and along the track of the stairs.

MR. PATANO: If that's the case, then as you know I was not at any of the field meetings where this was discussed. So unfortunately it was transmitted to me that way by my client. Fred, I don't know if you have to be on, but maybe you can interject here.

TRUSTEE GOLDSMITH: I'm looking at the Google Earth image as we speak. It does look very well vegetated, and on our two field inspections, at least from everything we can see, it was very well vegetated, so I think the -- go ahead.

TRUSTEE DOMINO: And additionally, I'm looking at the plans we received stamped October 6th, 2020, the original plans, and there is no terracing, no drip line. There is no buffer on that. There is, it did appear on the April 9th, 2021 plans. And it is on this one. But it was never discussed. And that's it for me.

MR. PATANO: I'm sorry, you know what, I just looked at the photos, Trustees, looking at the photos for the application, and they were submitted with the application, you can clearly see that the entire bluff is eroded. Maybe looking from above it doesn't appear that way, but if you look, more than the bottom half of it is eroded. And I just pulled up the photos here on my computer, and the majority of this bluff is eroded. And I'm looking at it right now. From the bank, it's severe erosion. Perhaps you didn't get down to the base of this to see the actual, the amount of the erosion here. If you did see, Google Earth is definitely not updated. And as you know and I know from multiple applications is the erosion is getting worse. Once it becomes, you know, undermined as far as loss of vegetation. So I have to respectively disagree with the fact there is erosion there. There certainly is erosion there. And I have, I can't e-mail you photos, but you can actually see the erosion there, and it's for the majority of the bluff.

TRUSTEE DOMINO: Gentlemen?

TRUSTEE KRUPSKI: I guess my thought, and I think the rest of the Board is going to agree with me on this. Regardless of where the erosion line is, obviously it's a steep bluff on the Sound, there will be a significant amount of erosion. This Board is definitely not, it's not common practice of this Board to allow for clearing of what is not eroded. So I think in all fairness there was a misunderstanding with what this Board thought was
being applied for and what was actually applied for. I'm not
going to go back and forth into who made the misunderstanding.
It doesn't matter. I think the point is I would at least like to
see plans that showed, you know, this is an 80-foot bluff, my
guess is, I mean to me in the pictures and everything, it looks
like about half, has very healthy, stable vegetation. If your
client wanted to stabilize the bottom half and with, you know,
American Beach grass, that is certainly a discussion I would be
open to, if we saw plans depicting that, but this Board
certainly would not want to see the bluff cleared to the extent
that it's applied for now.

MR. PATANJO: Well, I understand completely what you are saying.
You know, would it be possible, a condition of approval is that
any disturbed areas will be, you know, re-stabilized. Obviously
we don't want any additional clearing of something that is
vegetated and stabilized. That is not the intent of this. The
intent of this is to create a rock revetment, to put in a set of
new stairs and to stabilize the existing bluff so we don't have
any additional loss of land.

You know, as you know, my client has been actually going
above and beyond to, you know, to make sure this property is a
showpiece as far as good for the environment, not going to lose
additional land, and in addition to that is going to be
maintained in perpetuity for the fact of plantings, and also the
terracing boards, rock revetment, and the 25-foot wide, non-turf
buffer, which is going to be fully planted, which will stop the
additional erosion down the top of the bluff, if that ever
becomes an issue. So we would request that you can just add a
note in the approval for it stating that no existing vegetation
will be disturbed during installation of timber, untreated
timber boards and plantings.

TRUSTEE GOLDSMITH: I think we are going to need a more detailed
plan showing that because what we have here in front of us,
plans stamped received April 14, 2021, shows those timber
retaining structures all the way up to the top of the bluff. So
as we noted in our field inspections and if, it's about halfway,
so those top sections of timber retaining walls are unnecessary,
and would cause more disturbance to the bluff than we would like
to see. So we would need a more detailed plan showing exactly
where the severe erosion is and then you can mark out how many
timber retaining walls and re-vegetation plans for the eroded
section as opposed to the entirety of the bluff. Which again on
our field inspections, the entirety of the bluff is not eroded,
at the very least the very top of the bluff is heavily
revegetated. So I think we need a more detailed plan before we
can move forward on something like that.

MR. PATANJO: Okay. One of the other points we want to get on the
record is the fact that every week, every day, every month
during storm tides, and storm wave action, I should add, the
neighbors get affected by this erosion and continued erosion
along this. The whole intent here is to protect this property
and also preserve the adjacent properties.

Second to that comment would be is there any specific plants, the plants that were listed on the drawings, the revised drawings received April 14th, are there any specifics that you want different than those or are those plants that were chosen, which are all native, indigenous plants, is that acceptable to the Board?

TRUSTEE DOMINO: Speaking for myself --

MR. PATANJO: What I'm trying to do here is not come back a fourth time for a similar application. I want to make sure we address everything at this point one.

TRUSTEE DOMINO: Speaking for myself, the four-foot wide crushed bluestone path, the 25-foot buffer and plantings is sufficient as shown on the plans.

MR. PATANJO: Great. Excellent. Thank you. Now regarding the irrigation system. Where do you want it to be irrigated? I know there was some confusion here where you wanted it irrigated. Do you not want us to irrigate the entire bluff, of all of the new plantings in the disrupted area, or do you just want to new plantings and 25-foot non-turf buffer?

TRUSTEE DOMINO: I believe it was clarified before that our understanding was the irrigation would be up on the top and alongside the four-foot wide path runway, so to speak, of the staircase.

MR. PATANJO: So it's just in the 25-foot wide non-turf buffer area. No irrigation from the top of the bluff down?

TRUSTEE DOMINO: No, we want to avoid approving it on the entire face of the bluff. But we are okay with alongside the area that was disturbed during the staircase construction.

MR. PATANJO: But not during the terraces construction? Only the staircase construction?

TRUSTEE DOMINO: We have not decided on the terracing yet.

TRUSTEE KRUPSKI: We really have not delved into that.

TRUSTEE BREDEMeyer: If you include it in that terracing plan we can always review it at that time. We do understand establishing plantings usually allow temporary, but without looking at a terracing plan at this point.

MR. PATANJO: So the determination is basically, from what I'm hearing now is you only want irrigation in the area of disruption of the existing natural vegetation of this new stairs going in, and in the 25-foot wide non-turf buffer.

TRUSTEE DOMINO: Correct.

MR. PATANJO: Understood. Thank you.

TRUSTEE GOLDSMITH: Again, just with the new plans with the terracing, the terracing should be limited to where there is the erosion and where you are planning on putting the terracing and re-vegetation on that eroded section. Again, not the entirety. So when we look at the new set of plans, those should be the final ones that we will make a decision on so we don't have to go back and forth again.

MR. PATANJO: Understood. Thank you.
TRUSTEE DOMINO: One final point we have here, is in initial
public hearings we had discussed access to be only by barge and
now our latest field inspection with Mr. Fragola we were
discussing using a crane to lower the boulders for the
revetment, and accordingly some of us expressed concern about
the trees. We want to make sure that it's understood that no
trees will be damaged or removed, and have that on the record
and have you understand that.
MR. PATANJO: Yes. What I'd do is add a note that either the
revetment will be constructed by either barge or landing craft
and/or by crane so as to not to have any damage to the existing
trees.
TRUSTEE DOMINO: And it's understood no bluff cut.
MR. PATANJO: No bluff cut. Correct. Absolutely. I can add a
note to the fact stating no bluff cutting is permitted.
MR. HAGAN: Also further note the no bluff cut is one of the
listed permit conditions that is listed on the back of every
permit, so.
MR. PATANJO: Thank you.
TRUSTEE DOMINO: Thank you, for that. I would imagine at this
point we should table this subject to new plans showing the
revisions?
MR. HAGAN: Is that your motion?
TRUSTEE DOMINO: No, I'm just asking the applicant.
MR. PATANJO: The applicant requests you to table this for the
revisions to the plans.
TRUSTEE DOMINO: Thank you, very much. Upon the applicant's
request, I make a motion to table this subject to new plans.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

WETLAND PERMITS:

TRUSTEE WILLIAMS: Under Wetland Permits, Number 1, Jeffrey
Patanjo on behalf of ROBERT D. KELSEY requests a Wetland Permit
to remove and replace existing stairs and covered platform down
existing bank consisting of 4'x14' steps, 6.5'x7.5' covered
platform, and 4'x4' steps leading to an on-grade 10'x20' deck
and 4'x4' cantilevered platform with seasonally removable 4'x9'
steps to beach; all decking to be un-treated timber or composite
and seasonal steps to beach to be aluminum or un-treated timber
or composite; and all work to be in same location as existing
and done by hand methods with no machinery.
Located: 3790 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-128-6-4
The Trustees most recently visit the site on April 7th,
with all Trustees present. Notes in the filed the project is
straightforward.
The LWRP coordinator found this action to be consistent.
And the Conservation Advisory Council did not have an
opportunity to review this permit.
Is there anybody here that wishes to speak to this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. If there are any questions I would be happy to answer them.

TRUSTEE WILLIAMS: Does anybody have any questions?

TRUSTEE KRUPSKI: Not at this time.

TRUSTEE WILLIAMS: Motion to close the public hearing.

TRUSTEE BREDEMeyer: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Make a motion to approve the application as submitted.

TRUSTEE BREDEMeyer: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Number 2, Jeffrey Patanjo on behalf of JAMES WILLSE & SHARON STACK WILLSE requests a Wetland Permit for the installation of 266 lineal feet of rip-rap shoreline stabilization along existing eroded bank; rip-rap to consist of 1-2 ton sizes placed in a single row with filter fabric behind them and to prevent erosion between joints. Located: 1665 Mill Creek Drive, Southold. SCTM# 1000-51-6-31.4

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application.

The Trustees conducted a field inspection on April 7th, noting that the project description does not include backfill behind the rocks. The Trustees feel coir logs would be a cheaper and more viable solution for this location. Should explore with project expediter.

I do see now in the files that we did receive a revised plan and project description that did replace the rip rap with coir logs, however the Trustees have not had a chance to review that new information as of yet.

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

MR. PATANJO: Jeff Patanjo, on behalf of the applicant, and as you mentioned, there is a new proposal which is to, instead of utilizing rip rap, to utilize coir log stabilization for the entire shoreline.

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

(Negative response).

TRUSTEE BREDEMeyer: Do you envision any fill needed behind the coir logs and plantings to stabilize the bank or is that a premature question, not having a chance to look at the plan.

MR. PATANJO: No, I didn't envision any just for the mere fact that we are trying to bring in any fill or gain any additional land, and due to the terracing affect when we do install the coir logs, we have enough fill at the site to actually create this project, and as noted on the plans we do intend on planting them with presumably Bayberry, University of Massachusetts is a good variety that I like. And it's all in existing soil.
TRUSTEE BREDEMEYER: Thank you.
TRUSTEE GOLDSMITH: Any other questions or comments from the Board?
TRUSTEE BREDEMEYER: Just a comment on the planting. Bayberry maybe in the upper reaches but I think the salinity on the lower layers with storm tides, maybe a row of Baccharis samensis (sic) behind the coir logs.
MR. PATANJO: Absolutely, I'll recommend that to the contractor.
TRUSTEE BREDEMEYER: Thank you.
TRUSTEE GOLDSMITH: So hearing no further questions or comments, I'm going to make a motion to table this application so that we can review the new plans and project description April 12th, stamped received, as well as looking at planting Baccharis to the lower end behind the coir logs and to complete our SEQRA review as well.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor? (ALL AYES).

TRUSTEE KRUPSKI: Number 3, Jeffrey Patanjo on behalf of JAMES & PHYLLIS RUBIN requests a Wetland Permit to construct a proposed 215 linear foot long natural stone boulder border along the landward side of existing wetlands to prevent salt water intrusion during storm tides; during construction a silt fence will be installed between the proposed stone and the existing wetlands and remain until area is stabilized; 40 cubic yards of clean sand fill will be placed landward of the proposed stone and the disruption area will be planted with non-fertilizer depended grass seed; and for the removal of existing catwalk and replacement in same location a proposed 4' wide x 32' long fixed catwalk; all decking to be thru-flow and all work to be performed from an upland location.
Located: 745 Cases Lane Extension, Cutchogue. SCTM# 1000-109-5-14.45

The Trustees most recently visited this property on the 7th of April and noted questions the need for stone wall, why not a dirt berm. Need more detail on plans or to be discussed at work session. And the dock would need to be staked.

The Conservation Advisory Council resolved to support this application.

And I also have to note for this application that we do not have an LWRP report at this time.

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

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. I did stake the proposed project out in the field, as you probably saw, the stakes along the water line in the lower level where we proposed to put the rocks. And as far as the dock itself, the staking in the water side of it is the edge as you see on the proposed plans, is the edge of the existing. So there is nothing to stake there because it's in the same exact location as the existing dock that is falling apart, as you saw.
And on the landward side I believe I put a stake at the, what is it, the 32’ distance away from the end. So the proposed method for this natural stones, it’s going to be, the natural stone boulders with filter fabric, which does include some fill on the back side of it. The whole sole purpose here is for the aesthetics of the rock along the shoreline, which Dr. Rubin would like there. And that’s the predominant reason we went with the stone boulders, all natural stone boulders. That’s the look he liked. It serves the same purpose as a berm area, as mentioned. And as you did see there is an existing freshwater pond on the property, and one of the reasons for this project is to stop the intrusion for his coy fish in that pond, to not get salt water into it during storm tides. So he’s trying to protect the existing natural elements of his property by creating another, you know, a raised bent, I should say, around the lower levels. And as you see on the proposed plans, the pond is in flood zone elevation AE, which is a lower elevation from flood zone X. So we are really going from flood zone line to flood zone line to encapsulate and keep this natural pond area from any intrusion of salt water.

And additional to the proposed plan, that I just remembered I put on here and saw it is we are putting in silt fence around the entire construction area to prevent any sediment from exiting the site, although it is going to be exiting through a natural buffer, a very well vegetated buffer, which will be undisturbed during the entire process. It will be there until stabilization is complete for the proposed rock wall.

TRUSTEE KRUPSKI: So just one point I have. Obviously you heard we don’t have the LWRP report, so we’ll have to essentially table this and give him a chance to produce that. But the one issue that I do have with it is the stone wall, which I guess we are looking at a maximum height of two feet is that correct, over the --

MR. PATANJO: Yes. One to two-foot height maximum. It’s really more of a decorative wall with some fill on the back side that will be stabilized. And again, it’s the sole purpose is to prevent salt water intrusion as well as it’s the esthetic look that Dr. Rubin would like.

TRUSTEE KRUPSKI: So for me at least, we have actually, this is fairly common for the Board, we came across a similar situation, although that was for an as-built that we had to have removed about two years ago, but the wall would not be able to be right on the wetland line. You would have to pull it back off of that a significant distance. I’m open to discussing that distance with you, but a good section of this does run along basically from the start of the dock to almost the property line with Knoerschild it looks like. We would have to bump that back away from the wetland.

MR. PATANJO: That’s 100% agreeable.

TRUSTEE KRUPSKI: Do you want to do say a ten-foot distance?

TRUSTEE BREDEMeyer: We certainly want to have it backed up a bit
because the storm tides, the waters forcing up that creek now are also amplified because of the dikeing system that was installed under a USDA program at Wickham farms. So far southeast of this is pushing water right in there, so we want to have substantially back, so it looks like wave energy isn't scouring out in front of the wall.

MR. PATANJO: We can move it back ten feet. There is plenty of property there and will still serve the sole purpose of protecting the existing pond.

TRUSTEE KRUPSKI: Does that number work for everybody?

TRUSTEE BREDEMEYER: Sounds reasonable.

TRUSTEE KRUPSKI: Okay. And then there was a fair amount of vegetation here. I understand a lot of it was Cat Briers but I think we would like to see, with the new plans, a little bit more detail in terms of what is going to be put back in the area. You know, essentially a landscape plan of what the applicant plans to do. Certainly seaward of that wall is going to be non-turf. Landward, though, we would still want to know kind of what is going to go in that vicinity.

MR. PATANJO: Yes. That’s shown on the proposed plans that were provided. It’s on the upper side where it says “provide 40 cubic yards of clean sand fill with four inches of top soil and non fertilizer dependent grass seed mixture.” So he’s going to use a typical non fertilizer-dependent grass seed, such as the remainder of his property.

And again, the proposed methodology here for this, if you can envision it is, we are trying to prevent water from coming in, which is also at the same time preventing water from exiting the site. So we still are specifying a non fertilizer-dependant grass seed mixture, but by virtue of that wall it will stop it from coming in as well because we'll grade it properly so it doesn't go over the wall and out. It will remain on the site.

TRUSTEE BREDEMEYER: The concern I have is that in the construction phase the disturbance you are going to be pushing soils into fairly phragmites stand there so you want to incorporate the limit -- the very strict limit of -- in other words, we are moving it back ten feet but the construction itself will create disturbance, and you might, as part of your landscaping plan show the extent of the phragmites and consider the typical maintenance of the phragmites of 12 inches or less that would provide additional buffer for rain water falling, you know, wind-driven rain coming off the face or that stone wall.

MR. PATANJO: And I believe that is addressed by the installation of the silt fence around the entire subject area. If you look at the heavy dashed line where it points out 215 linear feet of natural stone boulders, you know, it's one to two feet high. You are not talking a monstrous wall. It's decorative landscape wall. It's not a major project, in my eyes, as far as what we are trying to do here. We are just trying to stop the migration of salt water in and stop any runoff from exiting the site. We are not going to touch any of the existing, we have no intention
of disturbing any of the existing vegetation that is on the property. And Dr. Rubin made it clear to me and the contractor that we don’t touch any of the existing. Everything happens landward of the existing. The original intent was to do it along the existing where you saw my stakes, but now, based on comments addressed at this Board hearing, we are moving it further. We are moving it ten feet away. Again, I believe for this parcel it will work. It still will serve the same purpose. And the sole purpose here, as I already mentioned a couple of times, so I’ll stop talking about it, but we have no problem bringing it back ten feet and providing you with a landscape plan.

TRUSTEE KRUPSKI: I think, at least for me, a lot of natural vegetation will be coming out in the disturbed area. I think we would like to see a few native species planted back. I mean, I’m assuming that your client wants to landscape anyway so your backdrop to a pond isn’t going to be nothing.

So I think just a few plantings, native plantings added in to replace what is being disturbed would be appreciated.

MR. PATANJO: I’m still very, very confused, and I apologize for not understanding, but when you say vegetation will be removed, the only vegetation that will be removed is some dying turf grass. That's the only vegetation being removed. Any vegetation, existing wetland vegetation, that was identified several years ago, but none the less it was identified by John Ehlers, the land surveyor, that’s not being disturbed. There is no disruption to the existing vegetation.

TRUSTEE KRUPSKI: So let me just interrupt you briefly. So seaward of your stake, which is actually going to be pulled back ten feet, none of that will be touched whatsoever.

MR. PATANJO: Absolutely not. And if you look on the proposed plans we show the line of where the wetlands are and I specifically labeled the silt fence imbedded six inches into the ground to be maintained until final stabilization is completed. That will be placed along the stake lines. All work is going to be landward of the existing vegetation. No clearing, no nothing. I’m really doing better for the environment by this job for the sole purpose of it’s going to actually create a barrier now. That it is going to create more of a no intrusion of runoff from the site on to here.

TRUSTEE KRUPSKI: All right, thank you. Is there anyone else here that wishes to speak regarding this application?

(No response).

Any additional comments from the Board?

(Negative response).

Hearing none, I make a motion to table this application.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number 4, Jeffrey Patanjoo on behalf of SHEENA ACHARYA & ADRIAN SAPOLLNIK requests a Wetland Permit for the removal of the existing bluff stairs
and replacement of steps and platforms in same general location consisting of: A 4’x4’ top platform to 4’x8’ steps to a 4’x4’ upper platform to 4’x18’ steps to a 4’x4’ upper middle platform to 4’x2’ steps to a 4’x4’ upper middle platform to 4’x18’ steps to a 4’x4’ lower middle platform to 4’x18’ steps to a 4’x10’ bottom platform with 4’x8’ steps to beach off bulkhead; and to construct a 10’x10’ on-grade platform directly landward of existing bulkhead; all decking to be un-treated and all work to be performed by hand methods. Located: 645 Glen Court, Cutchogue. SCTM# 1000-83-1-7

This application was inspected by the Board on April 7th and is considered to be straightforward.

The LWRP coordinator made a recommendation with respect to the 10’x10’ platform at the base.

And the Conservation Advisory Council resolved to support the application with the recommendation for retractable stairs at the base and parallel to the shoreline.

Is there anyone here who wishes to speak to this application?
MR. PATANJO: Jeff Patanjio, on behalf of the applicant. The retractable stairs is an option that I think we can -- I don't have the client on board, unless Sheena is here, but I can't speak for her as far as the installation of those. Maybe we can make it as a condition that if it's an idea that the client would like to do, that it would be at the time of construction.
TRUSTEE BREDEMEYER: Based on the high tide line at inspection, I know Trustee Goldsmith is much more familiar with that area. I'm not sure if it's necessary.
MR. PATANJO: High tide is way away. High tide, I can measure it for you. It's 100 feet away.
TRUSTEE KRUPSKI: I think that the general idea is that the steps should be removable in the event of a major storm event. In the past we approved with bolts, right --
TRUSTEE BREDEMEYER: Yes. In case there is a big ice scape on the Sound
TRUSTEE GOLDSMITH: Absolutely. It's something without too much trouble you can un-bolt and remove and get out of harm's way
MR. PATANJO: That is something, I just measured it. The high tide line as we know it's an average, but it's 52 feet away on my plan. Which is pretty far away. So we would have no problem making it a condition of the approval that the steps are, you know, removable steps for the approval.
TRUSTEE BREDEMEYER: Thank you. And also the platform where it's less than 200-square feet, and it's an at-grade platform of non-toxic material, it is permitted under Coastal Erosion, and that really is a recommendation and not actually -- it's not deemed inconsistent, but it's a recommendation in the verbiage of that by the LWRP coordinator. So that's something the Board on field inspection didn't have a problem with.

Are there any additional comments or questions from the Board?
(Negative response).
Anyone else wish to speak to this application?
(Negative response).
Seeing none, I'll make a motion to close the hearing in this matter.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(All ayes).
TRUSTEE BREDEMEYER: I'll make a motion to approve the application as submitted with an allowance for fixed stairs as applied for an/or retractable stairs.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE DOMINO: Number 5, Jeffrey Patanjio 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 stabalized with grass seed. Adjacent to the house there will be one additional 5’ wide x 5’ long staircase 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 “TimberTech” 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

The Trustees original field inspection on this site, I should say the first one, was on February 9th of 2021, at which time we were looking at plans dated December 3rd, 2020, showing the float configuration in an "I" configuration, and notes that all were present at the time. The notes indicated the need to review the pier line.

Subsequent to that, on March 10th, again, all Trustees present, and the field inspection at which time we met with Mr. Patanjio at which time the suggestion was to reorganize the dock into a "T" shape rather than "I" shape. Subsequent to that, we received new plans showing that change to a "T" configuration. And on April 7th, the Trustees did another inspection. Again, all were present.

There is a list concerns about a part of the plan that has been removed from the project description, and otherwise everything was all right.

The LWRP coordinator reviewed this on February 11th and most of his comments were relevant to the December 9th plans. At that time he found that the dock
was inconsistent, primarily due to the question the need to extend the dock into
ecologically sensitive water body to achieve a water depth of 3.4 feet. And it exceeded
the pier line.

The consistency addresses the five-foot wide by five-foot long staircase on the
existing deck to the south, on that side of the deck.

The Conservation Advisory Council resolved not to support this application.
Again, that was on February 10th. At that time they were looking at the older plans. The
Conservation Advisory Council did not support the application because the overall size
and the fact that it did not comport with neighboring docks and it's over the pier line.

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

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. As you
have in front of you the latest revised plans dated 3/21/21, I
believe all the comments that we had during the field meeting
and previous public hearings were, those sessions, were
addressed by, as mentioned, rotating the floating dock
orientation. I think we all had the same agreeance on the
proposed pier line. And the one thing that was removed from the
proposed plan was some issues that had arose from the proposed
upper retaining wall. The DEC also had concerns with that, so we
removed it from our application and we'll re-visit that at a
further time, and the yard will remain as is with no
modifications, other than mowing the lawn.

TRUSTEE DOMINO: Thank you, for that. Any other comments from the
Board?
(Negative response).

Any additional comments from the public?
(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
described by the revised project description, noting that
changing the dock to a "T" configuration addresses the
inconsistencies brought up by the LWRP, therefore this will
now be in compliance, and that everything will be in compliance
with plans stamped received March 30th, 2021.

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

TRUSTEE WILLIAMS: Next number 6, Michael Kimack on behalf of
LONG ISLAND ONE REAL ESTATE, INC. requests a Wetland Permit for
the as-built non-structural wood skirt (36' in length by 5' in
height: 18 sq. ft.) to cover cement pilings on seaward side.
Located: 58315 County Road 48, Greenport. SCTM# 1000-44-2-12

The Trustees most recently visited the site on April 7th,
with all Trustees present. Field notes indicating further review
of prior permitting.

The LWRP coordinator found this action to be inconsistent,
as noted in his file.

The Conservation Advisory Council reviewed the application
and resolved to support the proposed action.
There is a new project description received April 14, 2021, alleviating some of the concerns the Trustees had with drainage. I know there was some conversation in our work session regarding including the entire house into the permitting process.

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

(Negative response).

MS. CANTRELL: Nobody is raising their hand.

TRUSTEE WILLIAMS: Any questions or comments from the Trustees?

TRUSTEE KRUPSKI: I guess the only question is you are permitting a part of a house that is where the house does not have a permit.

MR. HAGAN: The applicant's expeditor did have a conversation with my office today. It's my understanding there was going to be some amendments that were going to be made to the application accordingly. I don't know if he got them in in time for the Board to really give it a proper review but as we did previously discuss with regard to this application in the work session, that this is, this application is kind of an extension of the seaward-facing walls of a pre-existing non-conforming structure that the applicant has made certain adjustments to the application in order to address the fact that we are extending it; we are not sort of extending the livable area but essentially extending the downward portions of said building so that the overall building envelope doesn't change but the nature of the wall itself will change so it should be some encompassing of the entire structure.

TRUSTEE WILLIAMS: Are there any other questions or comments?

(Negative response).

Based on the expeditor's conversation with legal, I would make a motion to table this application pending adjusted plans.

MR. HAGAN: Thank you. That would echo the representations they made in my office.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 7, Michael Kimack on behalf of ANTHONY & LISA CALUORI requests a Wetland Permit to demolish existing dwelling, decks, walkways, patios, staircases, wood retaining walls, abandon existing septic system, and remove eleven (11) existing trees ranging in size from 6" to 24" calipers; construct a proposed two-story, six-bedroom dwelling with partial full basement and two-car garage with a 2,977.30 sq. ft. footprint; construct a proposed 603.72 sq. ft. second-floor deck; a proposed 18'x38' with 1' stone surround (800 sq. ft.) in-ground gunite swimming pool; a proposed 64 sq. ft. spa; a proposed 100 sq. ft. gazebo; a proposed 992 sq. ft pervious patio; proposed pervious crushed blue stone O/E walkways (160 linear feet by 3.5' in width for a total of 560 sq. ft.); proposed ±405 linear feet of concrete block retaining walls of varying heights; construct new pervious 1,454 sq. ft. of driveway and parking area for garage; install new I/A septic system for new dwelling;
install gutters to leaders to drywells to contain roof runoff; remove existing on grade staircase and cover disturbed area with two (2) layers of burlap (fastened) over the disturbed area and plant with American beach grass 18" on-center and/or indigenous vegetation; install new staircase approximately 20' north of existing staircase consisting of 2.75'x4' (11 sq. ft.) top 3 tread staircase, a 4'x6' (24 sq. ft.) top landing, a main 4'x18.3' (73.2 sq. ft.) 20 tread staircase, and a removable 3'x8.3' (24.9 sq. ft.) wood or aluminum staircase to beach with the total of landings and staircases to be 157.1 sq. ft.; and to cover disturbed areas with two (2) layers of burlap (fastened), and plant American beach grass 18" on-center and/or indigenous vegetation.

Located: 4800 Paradise Point Road, Southold. SCTM# 1000-81-3-3

The LWRP found this to be inconsistent. The inconsistencies are: The parcel is expected to be adversely impacted during category one through four hurricanes. The new structure/pool will be susceptible to damage and loss from hurricanes and storms. Also has the protective natural feature on site is a bluff. Minimum setbacks for structures to a bluff is 100 feet, except for a pool, which is 50 feet. He also has consistent as far as the staircase. The staircase was approved under Wetland permit 6413 in 2006.

The Conservation Advisory Council resolved to not support the application. There is a serious concern with the construction of a pool so close to the top of the bluff and not maintaining proper setbacks. There is also a concern with the removal of eleven trees. The Conservation Advisory Council recommends aluminum retractable stairs parallel to the shoreline and an IA sanitary system.

The Trustees most recently conducted an inhouse field inspection on this one on April 7th, 2021, noting the new pool location and still having some questions regarding that.

We also have letters in the file from Frank C. Watson, Land Surveyor, that says please see attached amendment statement regarding "slope" definition I had sent you earlier. After additional scrutiny we have determined that both parameters have not been met to define as a bluff. The total height does not meet or exceed 20 feet by definition. Sorry about the revision. So at first he said it was a bluff, and now he’s saying it is a bank under new definitions.

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

MS. CANTRELL: Nobody is raising their hands.

TRUSTEE GOLDSMITH: Any questions or comments from the Board?

TRUSTEE KRUPSKI: I still feel the pool is inappropriately close to the bluff/bank which is almost a bluff.

TRUSTEE GOLDSMITH: This particular one I think is less than two feet, which changes the definition between a bluff and a bank. The current location, they did move it slightly landward. Currently the pool is proposed at 27'4" back from the top of the
bank. And it is 50 feet back from the bulkhead.

Are there any other questions or comments from the Board?
(Negative response).

He does also have here in the file a couple of other examples of pools that are similar in nature as far as location to the top of a bank/bluff.

Is there anyone else wishing to comment on this?
(Negative response).

Any other discussion amongst the Board?
(Negative response).

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

TRUSTEE KRUPSKI: Second.

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

TRUSTEE GOLDSMITH: Seeing how we have done similar structures closer, I will make a motion to approve this application while also changing that it is a bank by definition, barely, so therefore it would bring it into consistency with the LWRP who referred to it as a bluff as opposed to the bank, which according to the new land surveyor, verified it is a bank instead of a bluff.

MR. HAGAN: You are approving subject to the plans that were submitted --

TRUSTEE GOLDSMITH: Subject to plans stamped received March 25th, 2021.

MR. HAGAN: Thank you, very much.

TRUSTEE GOLDSMITH: That's my motion.

TRUSTEE DOMINO: Second.

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

TRUSTEE KRUPSKI: Number eight, 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

The Trustees most recently performed an inhouse review on this site, having visited it many times before, on the 7th of April, and noted that the plans still needed to remove faded 15-foot non-turf buffer. That language is not actually appropriate for what was depicted on the plans, which is a non-disturbance area. And also that we would like to stipulate
that the lower fence would be removed within two years of the planting to allow the vegetation to establish.

The LWRP coordinator found this to be consistent, and noting installation of an IA system and a perpetual non-disturbance buffer.

The Conservation Advisory Council resolved to support this application, also noting an IA septic would be installed. Which is for this property.

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

(Negative response).

Also noting that this office is in receipt of new plans stamped received April 12, 2021, and those new plans do depict that verbiage removed.

MS. CANTRELL: Inter-Science did have their hand raised and perhaps lowered it since you resumed talking.

TRUSTEE KRUPSKI: Are there any additional comments from the Board?

(Negative response).

Is there a hand raised, Liz?

MS. CANTRELL: Yes. Inter-Science, can you hear us?

MR. WARREN: Yes. Elizabeth called me and asked for the plans to be changed to remove the 15-foot wide non-disturbance buffer, which we did, and we hand delivered the plans I believe on Monday afternoon by 3:30.

So I believe we have done everything that we needed to do to get the project completed.

We are still with the DEC for a non-jurisdiction letter.

We are still at the Health Department for the IA/OWTS system.

Other than that, I'm here to answer any questions that the Board might have.

TRUSTEE KRUPSKI: Thank you. Is there anyone else here that wishes to speak regarding this application?

(Negative response).

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

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve this application based off the plan stamped received in the office April 12th, 2021, with the stipulation that an IA system is installed and that the lower fence is removed two years after installation, and establish new vegetation.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Number 9, En-Consultants on behalf of LAURIE M. HELGANS requests a Wetland Permit to raise in-place existing (1,271.0 sq. ft. footprint) two-story, single family dwelling by approximately 18-inches over new foundation, with new egress,
three new window wells, two new sets of steps in place of existing, and a new chimney in place of existing; and for the installation of a drainage system of leaders, gutters, and drywells. Located: 1285 Fleetwood Road, Cutchogue. SCTM# 1000-137-4-29.1

The Board inspected this project on our field inspection on April 7th, also noting on the work session Monday night that preference for having a ten-foot non-turf buffer received in the Trustee office and stamped in on April 14th is a non-turf buffer which goes along the entirety of the top of the bluff on the waterward edge, as well as going up along the west side of the house essentially two thirds of the way on the west side of the house in conformity with the request of the Board.

The LWRP coordinator has deemed this to be exempt but did make note with the amount of work being done with raising the home that the applicant may wish to consider putting an IA/OWTS in at the time of the house being raised.

The Conservation Advisory Council supported the application with the recommendation of an IA system and drainage plan, which is already covered, and a non-disturbance along the top of the bluff, which we have in fact incorporated by virtue of the requested received plans.

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

MS. CANTRELL: We have Rob Herrmann of En-Consultants.

MR. HERRMANN: Good evening everyone. Rob Herrmann of En-Consultants on behalf of the applicant Laurie Helgans. This is actually a pretty simple and straightforward project for maintenance on an existing house here on East Creek.

The existing first and second floors will be raised in place, intact, without renovation, exterior or interior, so that the house can be put on a proper foundation. The existing foundation, as the Board probably saw when it was out there is in places it's in good shape and in other places not so good shape, and has had some patchwork repair done to it.

So the applicant is trying to get this maintenance and repair work done for the foundation of the house. The foundation will be raised about 18 inches. There is an existing seven, eight-foot-deep basement throughout part of the structure so when this, when the foundation is put in, that will be dug out to that maximum depth. In other words, the basement will not go any deeper than the existing poured concrete floor. It's just sections that are not quite as deep that will be dug out to meet the existing floor elevation. Otherwise the only changes to the housed would be the stairs and, different entry stairs would have to be put in to accommodate the new elevation as shown on the plan.

We did get word that the Trustees wanted to see ten-foot wide non-turf buffer along the top of the bluff in the south or southeast part of the property. Most of that area already is vegetated and non-turf, but this would establish a non-turf buffer. I think as Jay just pointed out, wrapping around, most critically around the north, east and west sides of existing
house adjacent to the bluff.

There are no proposed plans to change the sanitary system. The sanitary system is sufficient and functioning. There is no proposed expansion to the house, no proposed reconstruction of the house. So that would not be something that would be within the scope of work at this time.

If the Board has any other questions, I'm happy to answer them. It sounds like you did receive the updated plans that were dropped off at Town Hall.

TRUSTEE BREDEMEYER: We did. Thank you. Are there any additional comments or concerns from the Board?

(Negative response).

Anyone else wish to speak to this application?

(No response).

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

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve this application as submitted with revised plans dated in the Trustees office April 14th, 2021.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Before we get to the next application, I would request a five-minute recess.

(After a recess, these proceedings continue as follows).

TRUSTEE GOLDSMITH: All right, we are back on.

TRUSTEE DOMINO: Number 10, Nigel Williamson, Architect on behalf of LINDA DAMBASSIS requests a Wetland Permit for the existing 31'x40' in-ground swimming pool with 64'4"x78'10" wood deck around pool; maintain existing 8'6"x8'6" hot tub, 9'11-1/2"x9'6-1/2" gazebo, 25'6-5/8"x18'3/4" second story deck extension with wood steps, and a 8' 1-1/4"x8'2-3/4" wood shed; install an 8'x4' drywell; existing non-enclosed outdoor shower; part of deck 3'x21' (63 sq. ft.) to rear of wrap around deck on the northwest corner; existing 170.696 sq. ft. deck at midpoint to bulkhead, deck (94.489 sq. ft.) at bulkhead including the wood steps and 225 sq. ft. of brick walkways from above the top of bluff to the bulkhead.

Located: 2430 Dignans Road, Cutchogue. SCTM# 1000-83-2-7.2

The LWRP found this to be inconsistent. The inconsistency arises from the fact that the project is built without Trustee permits.

The Conservation Advisory Council resolved to support this application on April 7th.

The Trustees have been to this site a couple of times, the most recent inspection March 7th. All were present. And notes saying it's a straightforward application.

Is there anyone here to speak to this application?
MS. CANTRELL: We have the agent, Nigel, who would like to speak.

MR. WILLIAMSON: Good evening, Board members, Nigel Robert Williamson for the applicant.

The project, to say the least, is a little confusing. I'm glad that you have no objection to it. But things were done, the pool actually had a permit, a building permit, and the deck had a building permit. The pool did not, was not required to have Trustees back in the day. I got a letter of non-jurisdiction. There was a little confusion, I guess, when all of this got submitted, and there is that 3'x21' part of the deck that actually was built when the complete deck was built. And I don't know, things just fell through the cracks. The pergola was there. Mr. Finch had said it needed a permit at the time and attached to the deck. It just fell through the cracks and never got done. So, anyway, we are here and we are applying for as listed on your notes.

TRUSTEE DOMINO: Thank you, for that. Any questions or comments from the Board?

(Negative response).

Anyone else wish to speak to this application?

(No response).

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

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

I make a motion to approve this application as submitted noting that will bring it into compliance with the LWRP coordinator.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Number 11, Robert A. Steele, P.E. on behalf of IOANNIS JOHN ZOURAS requests a Wetland Permit to demolish and remove existing dwelling and detached garage; any excavation required for the removal/demolition will be backfilled and compacted with clean fill; existing water services and sanitary systems are to be disconnected and abandoned in place as per S.C.W.A. & S.C.D.H.S. standards; construct a proposed 2,600 sq. ft. two-story residence with basement; 576 sq. ft. detached garage; 2,800 sq. ft. stone driveway; 2,030 sq. ft. paver patio; 390 sq. ft. covered porch; and a 720 sq. ft. in-ground pool; connect proposed dwelling to public water and underground electrical services; install a S.C.D.H.S. approved I/A septic system; there is no expected fill to be needed for this project due to how much material will need to be excavated for construction; the total excavated material is estimated at 850 cubic yards; any unused material will be removed from the site to a suitable facility; the overall disturbance for the project will be 30,500 sq. ft. (0.70 acres).

Located: 3915 Stillwater Avenue, Cutchogue. SCTM# 1000-137-1-5.1

The Trustees visited the site on April 7th. All Trustees were present.

A couple of notes with questions about the amount of fill,
change of grade and what is being done with the retaining wall, and questions of a non-turf buffer.

At the work session, the applicant was present to answer address those questions further.

The LWRP coordinator found this action to be inconsistent and consistent, noting the possibility of removing trees to be inconsistent, and the IA system to be consistent.

The Conservation Advisory Council resolved to support the application.

As I was saying, the applicant was at the work session and we had new plans showing a detailed non-turf buffer and he answered the questions regarding the fill to satisfy our questions.

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

MS. CANTRELL: Chris Dwyer.

MR. DWYER: Good evening, Board of Trustees. Chris Dwyer representing the applicant. If you should have any questions, I'm here to answer them.

TRUSTEE WILLIAMS: Thank you, Chris. Is there anybody else here that wishes to speak to this application?

(No response)

Any questions or comments from the Board?

TRUSTEE GOLDSMITH: The only thing is we'll have to read in that 20-foot non-turf buffer into the project description.

TRUSTEE WILLIAMS: Okay. Hearing no other input, nobody else wishing to speak, I make a motion to close the public hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES)

TRUSTEE WILLIAMS: I make a motion to approve the application as submitted noting we have new plans dated received April 12th, 2021, and the new plans do show a non-turf buffer.

MR. HAGAN: Do you want to add to the project description in addition to the as written, the 20-foot non-turf, right?

TRUSTEE GOLDSMITH: Yes.

TRUSTEE WILLIAMS: In addition to the applied project description, we will add a 20-foot non-turf buffer.

TRUSTEE DOMINO: I'll second that.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES)

TRUSTEE GOLDSMITH: Number 12, AMP Architecture on behalf of WILLIAM F. GRELLA & GARY OSBORNE requests a Wetland Permit for the as-built shower (5'3"x7'6", 41 sq. ft.); pavers on sand (19'8"x47'4", 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 LWRP found this to be inconsistent. The inconsistency is the Zoning Board of Appeals denied the variance request for the outdoor shower. The construction of the structure is contrary to the decision, and after receiving substantial relief
in a series of decision, does not enhance community character and is inconsistent with this policy. The as-built shower was constructed without a wetland permit.

The Conservation Advisory Council supports the application with the installation of a drywell for the runoff.

The Trustees most recent field inspection was February 9th, 2021, noting the shower should be pulled back away from water or removed. Pavers should be spaced to allow for water and be permeable, and will review the staircase.

We did receive new plans stamped received April 9th, 2021, as well as a revised project description that reads: Proposed 7' sand buffer, 7'x47'2" for a total of 398 square feet; proposed pervious pavers in backyard and side walkway 12'9"x42' for a total of 611 square feet; proposed exterior right turn open riser staircase 4'2"x11'7", 83 square feet; remove existing outdoor shower and remove existing semi-pervious pavers and gravel.

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

MS. CANTRELL: Anthony Portillo, with AMP Architecture is here.

MR. PORTILLO: Good evening, Board, thank you for having me.

We have gone back to the drawing board and provided a revised site plan to remove the exterior shower structure, plumbing as well, and we would remove all but semi-pervious pavers that are in the rear yard and on the walkway to the north side of the home, and we are proposing pervious pavers to put back including a seven-foot sand buffer in front of the bulkhead. If you guys have any questions or comments.

TRUSTEE GOLDSMITH: Yes, can you give a little more detail on what is a pervious paver that you are proposing?

MR. PORTILLO: Sure. I can provide the specifications, but it will be the pavers that have the grooves between all the joints and, you know, I can provide the specifications for you guys before approval. But it would be 8x16, I believe they are, dimension wise, they have the grooves around the edges that allow the water to run through.

TRUSTEE GOLDSMITH: How big are those grooves?

MR. PORTILLO: Unfortunately, I don't have the specifics in front of me. I have to apologize. I can provide that for the Board before making a decision, if that's okay.

TRUSTEE GOLDSMITH: Just because, as you know, this project has been inconsistent for a while. Basically the entirety of the property has been non-pervious. So we need a little more detail on what the pervious pavers that you are proposing in the 611 square feet.

MR. PORTILLO: Not a problem.

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

MR. PORTILLO: Just one thing, I want to state we are, we do want to, that's what we are proposing here and I worked with the clients so they understand that this is what needs to be done
so, you know, we want to comply, so the pavers that are proposed, if they don't meet your requirements, we are willing to revise that as well.

TRUSTEE GOLDSMITH: Because that was our concern as a Board, we would like a seven-foot non-turf buffer, however if those proposed pervious pavers are not so pervious then the seven foot would be insufficient. So we just need some more detail on those pavers.

MR. PORTILLO: Of course, no problem.

TRUSTEE GOLDSMITH: And other questions or can comment from the Board?

(Negative response).

Okay, hearing no further comments, I'll make a motion to table this application so we can get more details on the proposed pervious pavers.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 13, Isaac Clay Coffey, R.A. on behalf of HC NOFO, LLC, c/o TODD FEUERSTEIN, MANAGING PARTNER requests a Wetland Permit to demolish existing dwelling and construct new 1,800 sq. ft. footprint dwelling with a 1,175 sq. ft. second story for a total square footage of new two-story dwelling to be 2,975 sq. ft.; construct a wrap-around ground floor terrace on the north, west and east sides of the dwelling totaling 1,008 sq. ft. as well as a new 250 sq. ft. second floor deck; install a 62 sq. ft. built-in planter to run adjacent to the north-side ground floor terrace; install a new innovative/alternative wastewater treatment system; construct a 440 sq. ft. two-car detached accessory garage and install a 1,435 sq. ft. gravel driveway using the existing driveway's entrance from Skunk Lane; install 8” diameter by 2’ deep dry wells with gutters, and leaders for roof runoff; and to establish and perpetually maintain a 10’ wide non-turf buffer along the landward edge of wetlands composed of native vegetation.

Located: 6370 Skunk Lane, Cutchogue. SCTM# 1000-104-5-3.3

The Conservation Advisory Council tabled the application due to insufficient information. The project is not staked and posted.

The Trustees visited the site on the 7th of April, noted that the house would need to be shifted away from the wetland at least 50 feet, and a landscape plan would need to be included to go over which trees are to be removed and which are to remain and what kind of native vegetation would be replaced in the disturbance area.

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

MS. CANTRELL: We have the agent Clay Coffey who wishes to speak.

Mr. Coffey, if you want to un-mute yourself.

MR. COFFEY: Good evening, Board, thank you for reviewing our project. I'm happy to answer any additional questions. We can
certainly provide the landscaping plan, and if you can give us a little bit more color on shifting the house further away from the wetlands, we would appreciate that.

TRUSTEE KRUPSKI: So I guess, you know, we reviewed the plans at length in the field. It is extremely close to the wetland. Basically what the Board is looking for is for you to move this project as far as possible with the orientation of the house, you know, I believe some of the brief discussion in the field, and this is just going back and forth, if you re-oriented the house and attached the garage to it, you would be significantly further away from the wetland. And this is, in the current configuration, I mean, the house that is existing is very close, but the Board would not be inclined to approve something new that was as close to that.

MR. COFFEY: I think what we tried to do with the design of the house was to essentially move it no closer to the wetlands than what was existing, but what I'm hearing is you prefer for us to move that further away from the wetland.

Is there a specific, I mean, one of the things we are trying to do is minimize our footprint on the site, which is why we also placed the detached garage where we did. But we are open to discussion here.

TRUSTEE KRUPSKI: I can appreciate that, and obviously we would like to see as many trees saved as possible. And certainly minimize the footprint. But for a dwelling of this nature, I mean we threw around the number 50, but we always try to keep things 50 away. Does the rest of the Board agree?

TRUSTEE GOLDSMITH: Yes. And if I'm not mistaken, I think the plans currently show right now 13 feet away.

TRUSTEE KRUPSKI: Exactly. It might be 13 from the --

TRUSTEE GOLDSMITH: From the porch or something. So, again, we would like to see that moved back 50 feet, at a minimum. And I know there was a distance between the detached garage and the proposed house, so if you close that distance between those two structures and potentially incorporate them into one I think we can move it back far enough to meet that 50-foot setback.

TRUSTEE KRUPSKI: Or as close to it as possible.

MR. COFFEY: Again, obviously, I'll need to discuss this with the client. It's a fairly significant change and proposal. We are currently at the DEC and also the Suffolk County Health Department, so all these things will be considered as we are looking at it but obviously we'll take your feedback into consideration and we'll review and resubmit.

TRUSTEE KRUPSKI: Very good. Thank you.

TRUSTEE GOLDSMITH: One other consideration would be a non-turf buffer of some description by the wetland boundary.

TRUSTEE KRUPSKI: I think they have ten.

MR. COFFEY: We are showing ten-foot non-turf buffer currently. Would that be adequate or is that something we would need to increase in size?

TRUSTEE KRUPSKI: I think if we can move the house, well, the
garage is obviously, very appropriately, for the size of the
lot, far way. If we can move the house as far way as humanly
possible, I think a ten-foot wide non-turf buffer would probably be fine.
MR. COFFEY: Okay. Thank you.
TRUSTEE KRUPSKI: And we would also want to see a planting plan
showing which trees would remain and what vegetation might be
put in place, et cetera.
MR. COFFEY: Okay, we understand. Thank you.
TRUSTEE KRUPSKI: Thank you. Is there anyone else here that
wishes to speak regarding this application?
(Negative response).
Any other comments from the Board?
(Negative response).
Hearing none, I make a motion to table this application.
TRUSTEE WILLIAMS: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE BREDEMeyer: Next application, number 14, Frank
Uellendahl, R.A. on behalf of MARY DOWD & MICHAEL MYERS requests
a Wetland Permit to raise the existing 1,474 sq. ft. brick house
to FEMA flood plain requirements; basement to be filled with
sand & gravel; at existing mudroom entry remove existing covered
landing with brick steps on the north and south side and replace
with a 7’x7’ mudroom, a 42”x58” landing and six 12”x58” steps to
grade; extend the mudroom roof to cover landing and steps with
one support column; existing porch to be repaired; and construct
dormer enlargements and window replacements.
Located: 65490 Route 25, Breezy Shores Cottage #30, Greenport.
SCTM# 1000-53-5-12.6.
The Board visited on the 7th, on ordinary field
inspections. It is now noted that there is a drywell on the
plans as was not appreciated at that time. The Board did discuss
the need for gutters to leaders to drywells. This project is
deemed to be exempt under the LWRP.
And the Conservation Advisory Council did vote to support
this application.
Is there anyone here wishing to speak to this application?
MS. CANTRELL: We have agent Frank Uellendahl. Frank, if you
would like to un-mute yourself and speak to the Board.
MR. UELLENDAHL: Good evening, everyone. Good to see you. My name
is Frank Uellendahl, on behalf of the applicants. Breezy Shores
is an interesting project. There are 26 seasonal cottages and
there are three year-round dwellings and one brick house which
was actually Mrs. Sage’s house.
In 2000 the community created a co-op and people started to
change, you know, upgrade the cottages and make them more
habitable, because they used to be workers’ cottages with
porches, but the brick house itself was always a year-round
house, and due to the climate change that is happening, the
existing basement has been flooding and the mechanical equipment
has been corroded, and they really needed to take everything out, and the entire structure is, has, shows a lot of rot. And so my clients actually have not been living there but they started to remove the plaster and got everything in order to get rid of the mold issues, and we are now in the process of, the decision was made to actually raise that heavy brick structure to FEMA flood plain requirements means we are in an AE-6 elevation which means we have to raise it 1'9", and so that's going to be a big job. But we are going to fill in the existing basement with clean sand and gravel, and with flood gates, obviously, so the water, in case of a flood, can run through. And other than that, we are going to eliminate, you know, there are a lot of interior adjustments and changes. The attic will be finished with new, with enlarged dormers, new window, in the basement and everything else. But that is basically the major scope of the job at this point.

So if there are any questions, I'm happy to respond.

TRUSTEE BREDEMeyer: Thank you. Any questions of the Board?
(Negative response).
I don’t see any questions, Mr. Uellendahl. Any other hands raised?
(Negative response).
Seeing no hands raised at this time, I'll make a motion to close this hearing in this matter.

TRUSTEE KRUPSKI: Second.

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

TRUSTEE BREDEMeyer: I'll make a motion to approve this application as submitted in accordance with the plans dated March 9th, 2021, with the stipulation that the gutters and leaders are routed to the drywell which is displayed on the plan.

TRUSTEE KRUPSKI: Second.

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

TRUSTEE DOMINO: Number 15, Frank Uellendahl, R.A. on behalf of CHARLES & HELEN SZARKA requests a Wetland Permit to construct a 5'4"x3' and 7'x4'7" addition to the existing 584 sq. ft. seasonal cottage; reinforce/repair existing sunroom/porch foundation; raise the roof on the existing sunroom/porch; sunroom/porch windows to be replaced; and the existing 17"x48" steps into the sunroom/porch will remain in the same location but will be reconstructed to accommodate the raised porch floor to align with existing cottage floor.

Located: 65490 Route 25, Breezy Shores Cottage #17, Greenport. SCTM# 1000-53-5-12.6

The LWRP coordinator found this to be exempt.
The Conservation Advisory Council resolved to support this application.
The Trustees field inspection on April 7th noted it should have gutters to leaders to drywells. And at that time, I failed
to note that on the plans stamped received March 9th, it shows C17 with a drywell and would be leaders to that drywell from the building.

Is there anyone here to speak to this application?
MR. UELLENDAHL: Frank Uellendahl, for the applicant.
TRUSTEE DOMINO: You are cutting in and out. Can you hear us?
MR. UELLENDAHL: Here we go. So this is one of those cottages that I was explaining earlier. All these cottages used to have open porches, screened-in porches, and the co-op owners, they are all now enclosed them and made them into living space. And in this case, this is one of the typical cottages, the porch actually slopes down. It still has that pitch, and the owners would like to level it off to make it also safer, and in this case it’s an older couple. And they would like to increase the height of the porch, replace the windows, which has been done on a lot of cottages at Breezy Shores, and due to the situation with moisture infiltration, the porch system shows a lot of rot and the foundation is insufficient. It’s not to code. So we have to replace or put in new footings, concrete footings as proposed and basically we are going to raise, because we are raising up the floor, levelling it, means that we have to create at least a seven-foot ceiling height. I’m proposing a 7’4”, I believe, the plans show, and then, you know, put in a new roof going all the way up to the existing ridge. So that’s basically the scope of this project. Any questions, I will be happy to answer.
TRUSTEE DOMINO: Thank you for that, sir. Just one question. On the plans received March 9th, you show drywells. Is it your intent to connect gutters and leaders to those drywells.
MR. UELLENDAHL: Absolutely, correct.
TRUSTEE DOMINO: Thank you, very much.
MR. UELLENDAHL: I’m showing, I think, on my computer I’m showing new drywells, proposed, on -- yes, on the landward side of the cottage. Everything will be connected to the new drywell.
TRUSTEE DOMINO: Are there any other questions or comment from the Board?
(Negative response).
Anyone else wish to speak to this application?
(Negative response).
Hearing no comment, I make motion to close this hearing.
TRUSTEE KRUPSKI: Second
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: Motion to approve as submitted.
TRUSTEE GOLDSMITH: Second. All in favor?
(ALL AYES).

TRUSTEE WILLIAMS: Number 16, Frank Uellendahl, R.A. on behalf of PETER & VALERIE SAKAS requests a Wetland Permit to construct a 5'0"x3'5" addition to the existing 577 sq. ft. seasonal cottage; replace windows; existing 17"x48" steps into the sunroom will be
removed and the new entry will be relocated to the north wall of the sunroom with a 36"x50" landing with 12"x50" entry steps; and raise the sunroom roof and extend 5'0" to create a dormer and to cover new landing and steps.

Located: Breezy Shores Cottage #16, Greenport. SCTM# 1000-53-5-12.6

The Trustees visited the site on April 7th. All Trustees were present. Notes from the field, gutters to leaders to drywells. Otherwise we found the project to be straightforward.

The LWRP coordinator found this action to be exempt.

And Conservation Advisory Council resolved to support the application.

Is there anyone here wishing to speak to this application?

MR. UELLENDahl: Okay, I'm here. Can you hear me?

(Affirmative response).

TRUSTEE WILLIAMS: Again we found the project to be straightforward, just noting that gutters to leaders to drywells.

MR. UELLENDahl: Yes, the drywells are actually existing. There was a previous application to your Board a few years ago and basically it's an identical cottage to #17. There is just a little bit more interior alteration work to be done.

TRUSTEE WILLIAMS: Okay, thank you. Are there any other questions from the Board?

(Negative response).

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

(Negative response).

I'll make a motion to close the public hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I'll make a motion to approve the application as submitted, with the stipulation of gutters to leaders to drywells.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 17, Patricia Moore, Esq. on behalf of GARY D. DOROSKI requests a Wetland Permit for the as-built retaining wall 13.7'x35.7'x13.3' with steps to grade to capture stormwater causing erosion; install 3 new drywells landward of retaining wall; install hay bales and silt fencing during construction; plant various vegetation/trees; and to establish and perpetually maintain a 10' wide non-turf, non-fertilization buffer along the landward edge of wetlands.

Located: 425 Monsell Lane, Cutchogue. SCTM# 1000-97-8-27

The LWRP found this to be inconsistent. The inconsistency, a wetland permit was not located in the Town records for the as-built retaining wall. In the event the action is approved, runoff from precipitation and irrigation should be controlled, and irrigation should be limited to landward of the new wall.

The Conservation Advisory Council resolved to support the application.
The Trustees conducted a field inspection April 7th, noting natural native plantings allow to naturalize and a non-turf buffer from the as-built wall seaward.

Is there anyone here who wishes to comment on this application?
MS. CANTRELL: We have Pat Moore present.
MS. MOORE: Thank you. Good evening. Yes, I actually had a chance to speak with Mr. Doroski. His intention was to not create a lawn seaward of the wall. So I mentioned to him that the Board wanted to keep it a non-turf buffer area and either keeping it natural as it's been -- presently it's pretty natural -- or with some much or wood chips to let it just keep it stable. So that was not a problem for Mr. Doroski. I don't know what else. I apologize, I don't recall what else you wanted.
TRUSTEE GOLDSMITH: That was pretty much it. However, the most recent plans that we have stamped received March 8th, 2021, just have that ten-foot non-turf buffer so we'll need new plans that a show non-turf buffer from the retaining wall seaward.
MS. MOORE: That's fine. Yes, I was not able to reach Mr. Doroski until today so I will resubmit with just a notation. He had, the landscape plan was prepared by Mr. Doroski, so we'll just modify it and make it non-turf. He shows the plantings, he does plant to plant in front of the wall, and that certainly is permissible, so.
TRUSTEE GOLDSMITH: Okay, thank you.

Is there anyone else here wishing to speak to this application?
(Negative response).
Any questions or comments from the Board?
(Negative response).
Hearing none, I make a motion to table this application to receive new plans to show the non-turf buffer from the retaining wall seaward.
TRUSTEE BREDEMeyer: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE KRUPSKI: Number 18, Patricia Moore, Esq. on behalf of
KONSTANTINOS ZOITAS requests a Wetland Permit to construct bluff stairs consisting of an 4'x8' landing/ramp to grade at top of bluff to 4'x18' stairs to a 4'x4' landing to 4'x3' stairs to a 4'x4' landing to 4'x18' stairs to a 4'x6' landing to 4'x7' stairs to a 4'x4' landing to 4'x8' stairs to a 4'x4' bottom landing to 4'x12' stairs to ground; establish and perpetually maintain a 10' wide non-turf buffer along the landward edge of the bluff; and to landscape and grade for rear yard lawn within the 100' area from top of bluff.
Located: 980 The Strand, East Marion. SCTM# 1000-30-2-78

The LWRP coordinator found this to be inconsistent. Similar action to build the stairs is recommended inconsistent with the LWRP in 2015, and the new proposed action is also recommended as inconsistent with the below-listed policies in
the LWRP. The applicant currently enjoys access to Long Island Sound beach. The Planning Board designed open space Area E in the Pebble Beach Farm subdivision located east of the property to provide access to Long Island Sound bathing beach, parking area and path to the beach. The area is maintained by the homeowners association as per the covenants and restrictions, dated May 14th, 1975. Therefore, the proposed action is not permissible pursuant to Chapter 275-11. Proposal of landscape and graded rear yard area within 100-foot area of the top of the bluff is inconsistent with policies 4 and 6 and needs to be clarified. What is the size of the area to be cleared and graded. Where and how will clearing take place. How close to the CEHA will clearing take place. What is the existing grade. What is the proposed grade. How will storm water be controlled. Aerial photos show severe erosion of the bluff on the property and an erosion control plan shall be required to be filled to further stabilize the bluff.

The Conservation Advisory Council resolved to support the application with the aluminum retractable stairs to the beach.

The Trustees most recently reviewed this application on the 7th of April and noted the proposed buffer seemed to be insufficient. Part of the that insufficiency is on the current set of plans that we have. One side of the plans is a ten foot wide buffer and on other side says 15, on either side of the property. I believe the Board is looking for something more in the realm of 25 feet, with the amount of clearing that took place on the property. And then also echoed some of the concerns from LWRP.

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

MS. MOORE: Thank you, so the Board actually reviewed this last month and I prior, or after the meeting, I provided you with Briarcliff landscape plan that was thereafter submitted with a 15-foot buffer, which is what I was told when we were in the field. That buffer also includes some vegetation to be added at the top of the bluff showing the vegetation, and then there is some prickly pear that is going to be added on the bluff, if you see the area where it might be disturbed. Briarcliff shows the location of the stairs. Do you see the plan? Because you received a revised plan with 15-foot wide, non-turf buffer. That came in after our last meeting. Our original buffer was ten feet. We increased it to 15. And any disturbed areas, Briarcliff is providing the details of the plants and the number of plants, that you can see there are a significant number of plants: 65 beach plum, 41 Chantilly prickly pear, 35 Dallas blue switch grass. And it goes on and on, 56 Northern Bayberry. There is a whole scale there. So we did provide a very extensive landscape plan. I would disagree strenuously with the LWRP, as LWRP beach stairs are an exempt action with LWRP. In addition, I sent you a letter on March 30th which was hand delivered and sent over which also included my clients' pre-purchase inspection, which
showed that the condition of the property when they purchased the property.

In addition, I also provide you with data with respect to the access to the beach. I'd remind the Board that the section of the code dealing with access to the beach is something that was added on in the more recent code revisions. It doesn't work for existing properties, and that's why the code allows for reasonable access, if you find that it is a far distance for homes to access their own waterfront property from the community beach. I gave you the details with the fact that they would have to travel 2,568 feet to get to the waterfront which is in front of their property. In addition, I gave you the, let's see, eight properties just in their section of the tax map, there were many more on the east side, Pebble Beach historically, the waterfront homes, do have beach access, stairs, and that has been consistently approved by this Board for 30 years. And the code does not, has not changed that policy. We do know that when new subdivisions are built nowadays, the LWRP coordinator encourages the Planning Board to limit access to one to two or so, depending on the distance of the lots to the beach access. And it's been working for the new subdivisions. But certainly it's not, it doesn't work for existing subdivisions like Pebble Beach.

I gave you a lot of information. I sent it over on March 30th and I'm not sure if anybody, based on your comments, I was not sure if anybody read them or saw them, so I'm just reminding the Board, you have it in your file.

TRUSTEE KRUPSKI: Your comments have been read and reviewed. That doesn't necessarily change everybody's, the Board's mind. So there are two things. And speaking just for myself, I might be inclined based on some of the information presented to work with you on the stairs.

The first thing is the plan dated received March 31st, if you look at them, Pat, as my comment stated, which I don't think, maybe you didn't hear, but on the looking at the plans straight on, on the left side it says ten-foot wide non-turf buffer. So I think the contractor missed --

MS. MOORE: Yes, I apologize. That is a typo on their plan. Because it is all a consistent width. It looks like when they reprinted it they left the ten-foot on the left-hand side. The 15 on the right-hand side. But if you see the design is actually a straight out 15-foot wide buffer. Sorry, I didn't catch that. So, good eyes. And, I apologize.

TRUSTEE KRUPSKI: So, I mean for me, and I believe this echoed by the rest of the Board. There was a substantial amount cleared there. I did see evidence in the file that that clearing took place most likely before your client purchased the property. Quite frankly, though, if that area had been allowed to revegetate during that timeline it would not appear as it does now either. It probably would have gone unnoticed that that had happened.
So I personally would ask for somewhere in the realm of a 25-foot non-turf buffer, with the same type of landscape plan depicting that. Which still leaves a large amount of room behind the pool at this application.

MS. MOORE: It's a very expensive plan, so, I mean, if you look at certainly to the east -- you can't compare the west because the gentleman has not finished his house yet, and we don't know what he's going to propose. But on the east we are actually landscaping a lot more than what the neighbor on the east has. And a lot of the Pebble Beach Farm homes are lawns all the way to the top of the bluff because they predate the Trustees review. You know, I would hate to -- 15 is a lot of vegetation, so.

TRUSTEE KRUPSKI: Not compared to what was removed there without a permit.

MS. MOORE: Well, I can't tell you what was there before, so I don't know.

TRUSTEE KRUPSKI: I can by looking at the satellite photos. It's very clear.

MS. MOORE: Okay. I mean, is the Board all inclined to push to 25? It just seems Pebble Beach is such an established community. You are punishing a few when their neighbors have lawns all the way to --

TRUSTEE KRUPSKI: I don't think we are punishing anyone. I think we are trying to protect the homeowner's property from eroding into the Sound. If anything, we are rewarding a few.

TRUSTEE GOLDSMITH: And as stated these houses potentially were built 30 years ago. There is a lot more erosion now than there was 30 years ago. So a buffer that may have worked then does not necessarily work now with the rate of erosion we are seeing on the Sound bluffs. I think the more protection we can offer the bluff, the better.

MS. MOORE: I don't disagree with you, but keep in mind a lot of the erosion occurs by the fact that these homes did not have drywells drainage. So I think that the Board has to keep in mind that a lot of erosion issues have been mitigated by the 236 code. We've now imposed drainage requirements that really are the key to maintaining bluffs and keeping, you know, erosion under control. So.

TRUSTEE KRUPSKI: I think something more than 15 feet would be appropriate. If you have a different number in mind, I'm willing to listen, but I think something more than 15 feet would be appropriate.

MS. MOORE: We could increase it by another five feet. I think that that is a compromise. Again, I'm giving away my client's money of land, but I think we are trying to move this process along. We are trying to be reasonable. And they listened to me and got a very good landscape plan, Briarcliff is talented and they know what they are doing and provide good plans, so, would the Board consider 20 as more reasonable to the 15?

TRUSTEE KRUPSKI: Does that work with everybody?

TRUSTEE GOLDSMITH: I think so.
TRUSTEE KRUPSKI: I'm seeing a lot of nodding heads over here.
MS. MOORE: Okay, I'll come back with another plan. Hopefully
we'll end the process next time.
TRUSTEE KRUPSKI: Sounds good. I look forward to it.
MS. MOORE: Thank you, very much.
TRUSTEE KRUPSKI: Is there anybody else here that wishes to speak
regarding this application, or any further comments from the
Board?
(Negative response).
Hearing none, I make to motion to table this application for
submission of new plans.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Next application, number 19, Patricia Moore,
Esq. on behalf of MARC TURKEL & NEENA BEBER requests a Wetland
Permit for the existing 16'x18' roofed shade frame
structure/building on locust posts; existing 12.2'x29' frame
boat house building on locust posts with 5' high x 17' concrete
retaining wall landward of boat house; existing 3'6" wood
deck/platform and 11 stair treads (10" each), and 12 risers 6"
each from grade to top of bank; to repair and maintain existing
structures/buildings in-kind/in-place; and to bury ±210' of
overhead wires and remove two utility poles in the front yard.
Located: 2221 Indian Neck Lane, Peconic. SCTM# 1000-86-5-11.2

This application was inspected again by the Trustees on
April 7th and we met the owners and Ms. Moore in the field.

This project has been deemed to be exempt by the LWRP.

And the Conservation Advisory Council does not support the
application. Questions the necessity of the structure and
legalizing structure should be done using best management
practices.

The Board did discuss the matter with you in the field, Ms.
Moore, and also again at work session. The general thought being
that for the now fading and sort of defunct pre-existing
nonconforming roof shade structure, the Board will remain silent
on that. It's living out its natural lifespan.

And I think that brings us up to speed with the Board
action and discussion on this.

Is there anyone here who wishes to speak to this application?
MS. MOORE: Yes, I can confirm. I actually submitted the letter,
sorry it was late, today, withdrawing our request for a Wetland
permit for the 16x18 roof shade structure as we agreed. It has a
pre-CO but it will let it live out its useful life.
TRUSTEE BREDEMEYER: My apologies. It is right here. Thank you.
MS. MOORE: Okay, so otherwise we are in agreement, I think, on
everything else.
TRUSTEE BREDEMEYER: Thank you. Is there anyone else who wishes
to speak to this application?
(Negative response).
Any Trustee comments?  
(Negative response).
I make a motion to close the hearing in this matter.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).
TRUSTEE BREDEMeyer: I make a motion to approve the 12.2'x29'  
frame boathouse building on locust posts with attached platform  
and stair risers and retaining wall behind the bank, and to bury  
the 210 feet of utility service and remove the two utility  
poles. And that is in conformity with the survey received, last  
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE DOMINO: Number 20, Suffolk Environmental Consulting,  
Inc. on behalf of PAUL & SUSAN WACHTER requests a Wetland Permit  
to demolish existing dwelling and replace with new two-story,  
single-family dwelling (1,557 sq. ft.) with attached 371.5 sq. ft.  
seaward side decking and 10'x22.5' swimming pool with ±286.0  
linear feet of pool enclosure fencing; construct a new pervious  
gravel driveway, install a new IA/OWTS septic system, and  
install a rock revetment setback 10' from the landward edge of  
tidal wetlands thereon (3' tall x 5' wide)(105.0 linear feet);  
and to vegetate the area seaward of the proposed rock revetment  
and landward of the edge of tidal wetlands thereon.  
Located: 2295 Bay Shore Road, Greenport. SCTM# 1000-53-4-15  
The LWRP found this to be consistent.  
The Conservation Advisory Council resolved to support the  
action.  
The Trustees most recent field inspection to this site was  
on April 7th, and all were present. And the notes read it is a  
straightforward application.  
Is there anyone here to speak to this application?  
MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting,  
I again appreciate and I know Paul Wachter who was at the site  
appreciates your coming to the site and discussing this a bit  
with us. And I have nothing more to add except I'll answer any  
questions you may have. And we have been through the ZBA and I  
think we have agreement with the DEC but we are waiting on that  
paperwork and I think also that the Health Department is on  
board with the IA/OWTS system as designed. But I'm here to  
answer any questions you may have.  
TRUSTEE DOMINO: Thank you. Are there any questions or comments  
from the Board?  
(Negative response).  
Anyone else wish to speak to this application?  
(No response).  
Hearing none, I make a motion to close this hearing.  
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE DOMINO: I make a motion to approve this application as submitted.
TRUSTEE BREDEMeyer: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE WILLIAMS: Number 21, Suffolk Environmental Consulting, Inc. on behalf of DEKKA, LLC, clo CHRISTIAN BAIZ, ADMINISTRATIVE MANAGER requests a Wetland Permit to repair the existing ±480.0 linear foot long concrete sea wall located along the shoreline where needed; install a proposed 30.0 linear foot long bulkhead return back to the secondary retaining wall within the southeastern corner of the property; install a proposed 20.0 linear foot long bulkhead return off the northern terminus of the existing sea wall within the northeastern corner of the property; install a ±439.0 linear foot long retaining wall located ±15’ landward of existing concrete sea wall, and comprised of vinyl sheathing, two (2) tiers of timber whalers (6”x6”), two (2) tiers of timber backing clamps (6”x6”), timber top cap (2”x24”), timber pilings (8”-12”± on center), timber deadmen & lay-logs (8”-12” on center) with tie-rods; deposit ±700 cubic yards of clean fill obtained from an upland source between the existing concrete seawall and proposed secondary retaining wall; grade and groom same, and plant with native plantings (i.e., Cape American beach grass @ 1.0’ on center, etc.); and relocate the existing shed situated within the northeastern section of the property landward and to the southwest to a minimum distance of ±100.0’ from the existing concrete sea wall.

Located: 120 Bay Home Road, Southold. SCTM# 1000-56-5-1.3

The Trustees visited this site on April 7th with notes to discuss with the expeditor at work session.

The LWRP coordinator found this action to be consistent.
And the Conservation Advisory Council resolved to support the application.

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

MS. CANTRELL: We have Suffolk Environmental again on behalf of the applicant.

MR. ANDERSON: Hello, Robert Anderson, Suffolk Environmental Consulting on behalf of the applicant.

I would just like to make mention that this is a previously-approved project with the exemption of the extended bulkhead return. The reason why it’s taking so long is our clients had a bit of difficulty in securing loans from the state in order to complete the project. We have now been able to resolve that and now have the resources to complete the project.

At this time I’m happy to answer any questions the Board may have.

TRUSTEE WILLIAMS: One that we had in the field was the retaining
wall that is 15 feet landward of the existing concrete seawall. That location would seriously excavate all of the vegetation that is there, and that was a concern in the field.
MR. ANDERSON: Okay, would a re-vegetation of the area by putting in this return be acceptable to the Board?
TRUSTEE GOLDSMITH: We had talked about potentially moving, it's probably 25 foot of vegetation, somewhere in that neighborhood, 20 feet, so if you can potentially move the location of your proposed retaining wall further landward, make it to the right edge of the lawn area as it exists now, that way none of that vegetation that is currently there that seems to be flourishing would not be disturbed and it would not have to be disrupted during construction.
MR. ANDERSON: Okay. We find that acceptable and we would be happy to adjust the site plans accordingly.
TRUSTEE GOLDSMITH: Thank you.
TRUSTEE WILLIAMS: Is there anyone else here wishing to speak to this project?
(Negative response).
Any questions or concerns from the Board?
TRUSTEE BREDEMEYER: I guess there was a concern about repair to the existing seawall. Descriptively is that just to fill in the chinks and button up the cracks or is it to cap it or do any additional change to it?
MR. ANDERSON: No additional change, just to point it and take care of a few of the cracks here and there.
TRUSTEE BREDEMEYER: Thank you.
TRUSTEE WILLIAMS: Would you like to table this application for submission of new plans?
MR. ANDERSON: Can we have an approval on condition of submitting these revised site plans with revised location of the retaining wall?
TRUSTEE WILLIAMS: No, we are not able to honor that request.
MR. ANDERSON: Okay, then we'll be happy to resubmit plans and stay open to the next public hearing.
TRUSTEE WILLIAMS: Thank you. I make a motion to table this application at the applicant's request.
TRUSTEE DOMINO: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
MR. ANDERSON: Thank you, very much, for your time.

TRUSTEE GOLDSMITH: Number 22, Suffolk Environmental Consulting, Inc. on behalf of PHILIP & LIA CHASEN requests a Wetland Permit to install a 16'x36' swimming pool with an 864 sq. ft. pool patio; 128 linear feet of pool enclosure fencing; install an 8'x14' shed setback 88.2' from tidal wetlands and east of the swimming pool; and to install an 8' diameter x 4' deep pool drywell.
Located: 1585 Long Creek Drive, Southold. SCTM# 1000-55-7-3
The LWRP found this to be consistent.
The Conservation Advisory Council does not support the application due to insufficient setbacks. Any improvements to
the property should include a ten-foot non-turf vegetated buffer.

The Trustees conducted field inspection on April 7th, noting that the project was basically straightforward. We also noted a black PVC pipe that came out by the bank, that needs to be addressed. We also have a letter in the file dated April 6th, 2021, from a Susan P. Anderson, supporting the project.

Is there anyone here wishing to speak regarding this application?

MR. ANDERSON: Hello, again. Robert Anderson, Suffolk Environmental Consulting, on behalf of the applicant.

I would like to mention that as far as we have designed it, we comply with the setbacks, the 50-foot setback from the landward edge of the wetland thereon. As far as the PVC pipe, we'll take it out. We will remove that.

At this point, is there any other questions I could maybe help you with or answer and make this a little more clear?

TRUSTEE GOLDSMITH: I don't believe so. Any questions or comments from the Board?

(Negative response).

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

(Negative response).

TRUSTEE GOLDSMITH: Hearing no further comment, I make a motion to close the 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 condition that that PVC pipe that is currently sticking out by the bank be removed.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Before we go to the next application, we have a request for another five-minute recess, please.

(After a five minute recess, these proceedings continue as follows).

TRUSTEE KRUPSKI: Number 23, Suffolk Environmental Consulting on behalf of MILDRED PASCUCCI requests a Wetland Permit to construct a proposed two-story, single-family dwelling with the first floor area to include 518 sq. ft. of living space, a 1,445 sq. ft. deck, a 70 sq. ft. ramp, and 148 sq. ft. of stairway; second floor to include 1,741 sq. ft. of living space, a 345 sq. ft. deck, 112 sq. ft. of stairway, and 625 sq. ft. landing; install sanitary system along the easterly portion of the lot; install 151 linear feet of retaining wall; place an approximate 370 cubic yards of clean sand surrounding the proposed IA/OWTS septic system; install a well; install a 30'x15' French drain 2 feet deep and construct a 560 sq. ft. gravel driveway; landscape the property consisting of 2,600 sq. ft. surrounding the house to
be planted with red fescue, 6,600 sq. ft. planted with Cape American beach grass; install three groupings of Atlantic Red Cedar and supplement plantings adjacent to the septic system with Groundsel Bush installed 6 feet on center and within the bounds of the property.

Located: 305 Narrow River Road, Orient. SCTM# 1000-26-3-11

The LWRP found this to be inconsistent. According to Suffolk County hazard mitigation, total parcel and area including roads are susceptible to flooding. The parcel is within the 1% 100-year flood zone and 0.2% 500 year flood zone. Annual chance of flood in FEMA zone AE El-6, storm surge zone, extreme and high NYDOS coastal risk hazard area, extreme risk areas of frequent inundation, high risk areas are areas outside of extreme risk areas are currently at infrequent risk of inundation or future risk of sea level rise.

It is expected that the property will be inundated during storms and most hurricanes, SLOSH model. Sea level rise will also adversely impact parcel in the future. Hydrological logical conditions of properties change over time and the shallow depth to groundwater has been reported and is expected. Test hole conducted in 2015 should be updated. The location of the IA system is located in an area of high ground water expected to flood and closest to surface water. Meet Policy 6, it is recommended that the Board re-assess the soil vegetation and hydrology to the site for wetland systems especially in the area adjacent to King Street.

Do we have a CAC on this? Does anybody know? I don't see one.

The Trustees most recently reviewed this application on the 7th of April and noted that further review is necessary. At last month's meeting we noted that a long form EAF possibly from an outside consultant to map the wetland vegetation should be considered. After reviewing it this month, the Trustees also are in receipt of a letter from a neighbor at 515 Narrow River Road. She has sent two videos, which we are not able to display here, but I have two photos in the file showing extreme flooding.

We are also in receipt of a letter from attorney William Moore expressing their interest that we move forward with this application, stating that COVID, which has really only affected us for the last year, was of the sole reason for the delay of this project. Stating that we were totally aware of the wetlands in this project.

And lastly a point was made to which our Town attorneys have reviewed, the request for the long EAF violates SEQRA. Construction of single-family residence are expressly exempt Type II actions under SEQRA and not subject to environmental review process.

At this time this Board would accept that in terms of not filling out the long environmental form. However, the Board has reviewed this property a number of additional times and since the original granting of this permit, the Trustees have observed
showing us a new species of wetland, obligatory wetland species Spartina patens have shown up on the property, most likely due to the constant inundation of saltwater. Recent salinity samples have yielded eight parts per thousand, which is enough to grow oysters. And that the renewed need, which is supported by both the Board and the LWRP coordinator, for a new test hole, at the very least.

Is there anyone here that wishes to speak regarding this application?
MS. CANTRELL: We have Suffolk Environmental present. If you would like to un-mute yourself.
MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting. With me tonight is Joseph Fischetti who is our project engineer. Also Patricia Moore who represents the property owner.

We had a lengthy discussion on this last month if you recall, and the matter was tabled for an EAF, which is no longer required, a new test hole, the wetland inventory.

Now, what I explained to you back last month was that -- there was a couple of things.

Number one, that there is no change to the project since it's been approved. It was approved in 2016. It was extended in 2019. And it was amended and approved in 2019. And the plan before you is the same plan that you approved in 2019.

As I explained to you at the last meeting, we went back and looked at the Minutes and the forms and all the notes and everything else that was precedent to the granting of the underlying permit which was granted November 16, 2016. And in that, in those Minutes, the Board remarks that this is property, is all wetlands, that the predominant shrub is Baccharus, and that there are other herbaceous plants such as Spartina patens on the property.

So we went through your notes, they repeatedly say all of the property is wetlands, and I will tell you right now that I can't tell you what the condition of the property was in 2016 because I didn't represent Mildred Pascucci at that time. So I don't have any knowledge of the condition of the lot in 2016. However what I did do was to provide you with a series of aerial photographs and some maps, historical maps. And the first one that we provided you was one in 2003 which showed the entirety of the lot to be of a shrub and herbaceous growth condition. We fast forwarded 2016 and we see the identical situation existing except that there was a small road that was installed in order to install a test well. That test hole was a necessary part of Health Department application and of course that water was tested and substantially complied with the water test requirements.

So that you know, and I did mention this before, that the 2016 permit that you approved was denied by the Health Department, and it was denied because the engineer at that, who was working on the project at that time, had mistakenly placed the septic system directly up-gradient from the property owners
to the south. So that is what caused us to amend the permit application in 2019.

But moving on, I provided you with a 1972 Suffolk County topo maps which show the outline of the wetlands, which are denoted on the east side of King Street. But it shows the contour that continues across. And probably at a point way before King Street and Narrow River Road were constructed, these areas would have been high marsh. And that's true for not only our lot but it would have been true for 435 Narrow River Road, 275 Harbor Road, 155 Harbor, 200 Harbor Road and 170 Harbor Road, and possibly part of 300 Harbor Road, if you look at that map.

We finally give you a copy of the National Wetland inventory map which is prepared by US Fish and Wildlife Service, and that map shows that wetlands as far as they are concerned and at what would be King Street. And they do not cross the road.

Now, also part of your regulatory record you'll find two letters of non-jurisdiction, one dated in 2016, and another dated in 2018 from New York State DEC which provide you letters of non-jurisdiction, and the reason for this determination is that the wetlands that were regulated by the State of New York leading to the condemnation of that land across the street from King Street by the State of New York was considered the regulated wetlands. And even if you go back to the comments made by Trustee Bredemeyer at the time when the 2016 permit application was granted, you will see that what Trustee Bredemeyer says, which is consistent with US Fish and Wildlife, and DEC, is that these wetlands are disconnected. They are physically separated from what we call regulated wetlands on the other side of King Street. And that is why we presume that the application was approved.

So I'm not here to -- so that if in 2016, the Trustees, which they did, deemed the entirety of the site wetlands and gave a permit, I'm not here to argue that. I concede that the dominant shrubs are groundsel bush and there is an underlying herbaceous layer of quote wetland plants.

What I'm simply saying is nothing has changed that would warrant a different result in this regulatory process, based upon your own records.

Now, as I look at this a bit more closely, what I would suggest is if any change there is, it's the groundsel bush has further matured and it is taller, but it is certainly the dominant species in there, and so we don't see that there is anything to be gained by conducting an inventory. I will accept the inventory the Trustees already prepared for this and noted in their file back in 2015 would be the same vegetation that exists today, and point out it really doesn't matter because if the entirety of the site was considered wetlands by the Trustees in 2016 and we are saying the entirety of the site is considered wetlands in 2021, entirety equals entirety, equals no change.
Now, as to the LWRP coordinator's response, I pointed out last meeting that there in fact are inconsistent with the determination he made back in 2016, in which his only objection was that he wanted the wetlands across the street from King Street to be mapped. It was then as it is now in a flood plain. As it turns out, although it is in a flood zone and although the majority of the properties in the immediate area are in the same flood plain, this is a house that is located on piles which features a first floor elevation of 10.5 feet, which is well in excess of the FEMA requirements for lots in a flood plain.

And so to say there is something unique about this particular property being the same flood plain as all the other lots in the area is unsupported by FEMA mapping and designations.

One important difference would be that this lot in particular and this house as planned in particular, would comply with the FEMA regulations, whereas the surrounding lots may not.

As to groundwater, I would like Joe Fischetti to jump in for a second and discuss the groundwater conditions on the site and if helpful I can return and supplement where there may be questions or maybe things that I can add that are helpful in your review of this project.

TRUSTEE KRUPSKI: Thank you.

MS. CANTRELL: Joe Fischetti, wishes to speak. Joe, if you want to un-mute yourself.

MR. FISCHETTI: Okay, we just did.

Good evening, gentlemen of the Board. We are discussing now groundwater. And basically the groundwater lens never changes. The elevation doesn't change within the location of a site. It does change as we move away from the shoreline into the center of the island mass, so on the north fork when we move from the south shore to the center, or we move from the north shore to the center, you will find that the groundwater lens increases in elevation. But in general, it is consistent in areas along the shoreline. I have done probably 50 of these sanitary systems, and the Health Department has found generally in the test hole data we find test hole data that show groundwater in these areas from about 0.2 foot elevation to maybe 0.8 feet elevation.

So in this particular lot, it is consistent with the elevation of the groundwater that is in this area.

I'm the engineer for the house across the street that is shown on the site plan that says "Auerbach" and we have a sanitary system there that will be presented to this Board as soon as we get through the Board of Review. The test hole there was 0.4 feet elevation above mean high water. You also have Tannenbaum that you have approved. That was found at 1.2. So generally, the Health Department will use as a groundwater elevation, in the shoreline areas like this, as highest expected groundwater as elevation one. Which is pretty much consistent with what the Health Department approves.

The groundwater, what you find here, is actually surface
water from rainwater. If you look at the test hole you'll see dark brown loam, you'll find brown silt and brown silt pretty much down to three feet. So what you are finding is rainfall ponding in here and staying there. Those are the pictures you have. But eventually it drains. And when it drains, when we do our test holes, we don't do test holes during rainfalls or when there is ponding there. We do it in dry season. And that is the reason we get an elevation of groundwater, in this particular case, was one four and we used elevation 3.2 and we used elevation one which is what the Health Department wants us to use as highest expected groundwater. I'll take any questions.

TRUSTEE BREDEMEYER: Sure. I have a couple. A number of the conditions here have visually changed. We really want to get some new data on them. Here is just one anecdotal and a just personal observation. I know the other Trustees have seen this. At the Narrow River boat ramp since around 2010, I'm actively involved because I monitor all moorings there and discuss permits, the landward limit of the average high tide is between 10 and 15 feet higher and above the Town boat ramp, as it was only about ten years. In elevation that would be a couple of inches.

Now, I kind of get your whole discussion on groundwater. The situation with Hallocks Bay is the typical tides are up by several inches so that could, conceivably could be backing into groundwater curve, as most of the upland. And the rainwater certainly does pond, but the Narrow River is regularly overtopping salt water from Hallocks Bay, not just on seasonal tides and hurricanes, it's going over on relatively mild northeasters, so that it's not freshwater in that lot.

I just pulled a surface water sample this last week and it was eight parts per thousand salinity. And also the center of the lot, was mostly all, the initial application when we reviewed it in 2014, had an in-depth discussion with the Town engineers, they had installed a one-way clapper valve on the road drain immediately adjacent across the street. And so the addition of that clapper valve had the net effect of allowing rain water to spill out of the area and preventing tidal waters which prior to that had been coming through. Town Engineering and Department and Highway had also built up the berm opposing this house by the better part of a foot or two. That has since subsided.

So really a test hole in 2015 may not be the same as a test hole presently. The groundwater in depressions left from boots of surveyors or animals are regularly filled with water during most times except for extreme summer drought. So the water level on visual appearance, because we know we can't rely on that because there could be muck soils underneath it suspending it, so without true test hole data.

Now, as far as vegetative cover, certainly I was leading a lot of discussion during 2014, I'm an area Trustee, I lived in Orient since 1964 --
MR. FISCHETTI: Can I talk about groundwater, before you get to that. As I said, groundwater does not change. In the last 20 years we have only had a one-and-one-half -- 20 years -- we have a one-and-one-half increase in the surface waters of the oceans. So the groundwater itself does not change. The Health Department --

TRUSTEE BREDEMEYER: That's great. So then there will be no harm no foul in getting an additional test hole.

MR. FISCHETTI: You are not going to get any information. The information will be the same. I'm not understanding why you are asking for another test hole to find groundwater when I'm telling you that groundwater does not change.

TRUSTEE BREDEMEYER: The Board is reasonable, to my mind, and other members can speak, to ask for additional test hole data so --

TRUSTEE GOLDSMITH: Looking at the photos that you guys provided, if you look at 2016 versus 2020, the 2020 photo shows flooding from the seaward side. You know, you can see it right across the street from this proposed location. So it's covering more than half of Narrow River Road there.

TRUSTEE BREDEMEYER: I have one more question for Joe, and I think most of my vegetative discussion I'll defer to discuss with Mr. Anderson.

Mr. Fischetti, with respect to construction of that AI and retaining walls, I witnessed two AIs constructed in Orient village with the groundwater depths of approximately two to three feet. In both cases they required significant dewatering to put in the AI systems, and one in fact resulted in multiple complaints to the code enforcement, and I had to respond as a Town Trustee. Given the fact that there is extensive retaining walls proposed for this, it will be an engineering necessity that we have an in-depth dewatering plan for this site because we can't discharge water into the state and official wildlife regulated wetlands across the street. So that will be something we are going to need a supplemental description on. How you are going to handle dewatering operations for both the AI and the retaining walls.

MR. FISCHETTI: There are no dewatering operations required. The water is at an elevation less than one, and all the retaining walls are higher than that and the sanitary system is two feet higher than that. So no dewatering is required.

TRUSTEE BREDEMEYER: I don't know how the other Board members feel, but I would want to see an in-depth written description, an engineering report on that and with some side elevations and diagrams tied into new test hole data.

TRUSTEE KRUPSKI: Is there anyone else that wishes to speak regarding this application?

MR. HAGAN: Is Mr. Fischetti done?

TRUSTEE KRUPSKI: I think so.

MS. CANTRELL: We have Patricia Moore and Suffolk Environmental wish to speak.

MR. HAGAN: Give them both an opportunity.

TRUSTEE KRUPSKI: We might as well let Pat Moore go first. She
has not spoken yet.
MS. CANTRELL: Pat Moore, if you would like to go first. Un-mute yourself.
MS. MOORE: Thank you. I was listening to all of this. I do want to point out some information that seems to be being disregarded by Mr. Bredemeyer and the Board.

You had the Tannenbaum property, which is one foot away. The sanitary system is a few feet away, from ours, and there is a test hole on the Tannenbaum property, and you just approved it last month. An IA system for Tannenbaum.

In addition, if you go back to the history of this property, in 2000, the home -- a property owner, homeowner, excuse me, property owner was Karen Lawley (sic), she sought to get a permit for this property. And in 2000 you had in the records, you have a test hole that was done for that piece on this property. The test hole is on the northwest corner of this parcel. In addition, that application went through an extensive wetland inventory, that was done by Aram Terchunian because at that time the Board questioned whether or not there were wetlands on the property, which Mr. Terchunian did identify the wetland, however the code in 19, excuse me, section 9713 of the Wetland code, had different definition of wetlands. So in 2000, the end conclusion was there were no wetlands on the property, however, he did identify Baccharus on the property and other species that have not changed. They are there today. And, Mr. Bredemeyer, accurately found them in 2016.

It's very frustrating for the property owner and the Hansen's to continue to spend money, study after study, information after information, when you are being given expert testimony by Mr. Fischetti, specifically identifying what, addressing the concerns you have. And when the Board is asking for a test hole, sure, another $500 here, another $500 there, for information that is already part of your record. It is not going to give you any new information. As Mr. Fischetti pointed out, the test hole data is consistent. That is particularly in this area, you have done multiple applications, next door being one, that you approved last month.

It is unfathomable that the Board issued an approval, they were ready to construct, and this Town closed for six months, and these poor people could not get a building permit because of the fact that this town closed.

In fairness to everyone, you should be granting approvals for extensions outright. Anybody whose permit expires during COVID should had been entitled to finish a project out. The Building Department is authorizing it, they are extending their permits by six months, unilaterally because of the closure of the Town Hall.

So it is just so frustrating. Ms. Pasucci has been waiting now since 2000 for an applicant to be able to get a permit here. And every time the neighbors are being given another chance to interfere and object to this application. They
tried very hard at the Health Department. They did not succeed. The Health Department is obligated or they would have been buying the property. What the request and the, the request and the process that you are making these people go through, what is the end result? It's still, the property is a wetland. The house has been deemed constructed so that it will not flood. It probably will be one of the only houses on this block which will not be subject to flooding because it's being built today with the understanding of what floodwaters could be.

So the Board is creating a pathway that is just unfair for homeowners, it's unfair for applicants. You have the information, you are just trying to create, you are trying to ask for information that is already there. And we are talking about a permit that has now been the subject of multiple reviews. Multiple reviews. What is the end result? If the Board says no, you can't have a permit, then the Town better be ready to buy this property. Because the State of New York determined that this property was not suitable for condemnation, they did not pay for this property, and the condemnation occurred across the street. What the Board, the information and the direction the Board is going, is to try to justify a no. There is no justification for a no. And if there is such an answer, then the Town better be ready to pony up money to buy this property. And that is not beneficial to me as a taxpayer when six months ago this house would have been under construction.

TRUSTEE BREDEMeyer: Just one comment, if I might. Then I'll let other members speak. It's inherently unfair that the waters are going over Narrow River Road, with increasing frequency. Something way beyond the control of the Trustees. And with respect to the vegetative cover, true, you've amplified the record, but in 2016 this lot was drying out. It was predominantly covered with Baccharis. The whole center of this lot has collapsed down. The organic soils are subsiding. It's now probably nearly half of it but we'll have to see on a vegetative survey, is now Spartina patens. You can't come up with a salinity of eight parts per thousand of salinity that is capable of growing oysters and call it a freshwater wetland or call it that it's converting back.

This is something that has been in the making, it will affect the depth to groundwater, and I have had my piece on this. It's an unfortunate situation and I want to talk to Mr. Anderson at length a little further on in the hearing when other members may have had a chance to speak.

TRUSTEE GOLDSMITH: Pat, I have a question. When was the date of the Health Department approval?

MS. MOORE: The Board of Review had their hearing, Joe knows this. Bruce knows this. The hearing occurred more than a year ago. A year-and-a-half ago. It took them forever to release the decision because of COVID. But we are at a point where covenants have been filed. Water quality covenants. And it's just administerial left
at this point.
TRUSTEE GODSMITH: Thank you.
MR. HAGAN: So the Trustees president should be inquiring of Bruce Anderson or Joe Fischetti with regard to those dates and the timeline?
(No response).
Pat? Did we lose her?
MS. MOORE: Sorry, I didn't know who you were asking.
MR. HAGAN: So the proper individual out of the team of consultants representing this property owner with regard to the timeline of when did the Department of Health do their hearing, when did you finally receive your approval, and when were the applications made or submitted to the Building Department. That is not a question for you, that's a question for some of the other expediers involved?
MS. MOORE: Well, we couldn't submit the application to the Building Department.
MR. HAGAN: Because you didn't have the Department of Health approval in hand yet?
MS. MOORE: We had to file covenants.
MR. HAGAN: Prior to your eligibility to apply to the Building Department, you needed to file a covenant associated with the Department of Health approvals?
MS. MOORE: Correct.
MR. HAGAN: Can you just have somebody in the group give us those dates so we can establish it for the record? Thank you.
TRUSTEE DOMINO: I want to go on record saying I respect Mr. Fischetti's professional opinion regarding water levels, groundwater. But that makes no difference to me at this -- the Trustees are within their rights according to Chapter 275 to ask for new data. That is all. You can't make a science-based decision without data and I want up-to-date data.
I'm also not contesting any of the test hole data from 2000 or 2010 or 2019 on this property or neighboring properties. That is irrelevant to the request for the new data on this property. And I feel for Ms. Pascucci, who has been trying to get a permit here since, in your words, since 2000. That's 21 years. There must be a reason. Thank you, very much.
TRUSTEE KRUPSKI: Do we want to hear from Bruce Anderson?
TRUSTEE GODSMITH: Maybe he can provide us with the dates for the Health Department for the rules and submissions.
MS. CANTRELL: Bruce, if you want to un-mute yourself.
MR. ANDERSON: The initial Health Department permit, which would have been filed by Young & Young, I don't have that date, but that would have been like 2015. As I said before, that application was denied because the engineer placed the septic system directly up-gradient from neighbors Reiger and Auerbach. That is what caused the amendment in 2019.
Now, our, we re-filed, okay, in 2018, we got a hearing date on October 17th, 2019, and we got a decision dated September 15th, 2020. Okay? We have then been back and forth with
covenants and re-applications for this Board since then. With no
ability to advance the ball against the Health Department. Had
the Health Department rendered its decision in a timely fashion,
this house would have been completed by now. Assuming that I can
get a building permit under normal conditions in three weeks,
which I can.

So those are the operable dates. And one thing I want to
mention to you, you certainly could ask for information, but you
just approved a septic system for Abby Tannenbaum, who is
directly adjacent and north of it. If you go back and look at
the site plan you approved, and you look at the test hole data
on that site plan, you will see groundwater elevation by another
engineer and another consultant to be 1.2 feet above sea level.
Which is exactly the same level that is reported here. Often I
find when I get involved in these situations is folks confuse,
they see a flooding event, and they think that that is a
groundwater component, and they often confuse the elevation of
the property against the elevation of groundwater. And what Joe
Fischetti has been telling you and the data is completely
consistent, is groundwater has remained constant. That does not
mean that during a nor’easter it might flood with tidal surges.
Certainly, it will, no question about that. It also doesn't mean
that water won't pond out for a heavy rain, because it's a low
spot in the neighborhood. But to stay that that in turn causes a
change in groundwater elevation is completely unsupported.
TRUSTEE BREDEMEYER: Bruce, we are talking about apples and
oranges. But since you brought up the neighbor, Abby, I think
you said is the name, I'm sure that you and Joe might agree with
this assumption on my part. The distance across Narrow River to
the meadows and the wetlands of Hallocks Bay are approximately
the same by those two neighbors, but when you are on the
neighboring property, which all Board members walked prior to
granting approvals and having work session, you visibly step, we
walked the perimeter, you come to the Pascucci lot and you step
down by around six to eight inches. So if it stands that the
water levels are relatively consistent due to the groundwater
level and the outflow to Hallocks Bay, we would expect the test
holes would have more depth there. But that's really not the
point. It's apples and oranges.
MR. ANDERSON: With all due respect --
TRUSTEE BREDEMEYER: Please, don't interrupt me. Please don't
interrupt me. We are asking for a test hole.

I have one more question for you, Bruce, because we
requested a long EAF in the context of getting a full
description of plant speciation. With the recurrent flooding
that is happening in the Sound, is a of lot flooding, and it doesn't
relieve this water and now it's growing a huge amount of patens.
But here is the question I have for you. The short environmental
assessment form that you submitted to the Board indicated a
description of the cover type you called it early mid-successional.
So my question is, we acknowledge that there was mostly Baccharus
halimifolia on the lot during prior approvals because the lot was drying out, there was a one-way valve in the street, and Narrow River was not regularly overtopping. But I'm having trouble understanding, you are referencing the Board's past work, my own comments and even a letter from Attorney Moore saying it's wetland, and then in your description of the cover type is not checked off "wetland" on the short environmental assessment form. Is that because you carried through the language from the first approval in 2014, when in fact it couldn't have been reasonably considered by the Board to be early mid-successional because it was drying out?

TRUSTEE GOLDSMITH: Just one quick point, Bruce, because we did determine it was a Type II action, so you don't need the long environmental assessment form, however our environmental concerns are still there. Both us and the LWRP. So no, the long environmental assessment form is not appropriate because it is a Type II, however the same environmental concerns are there regardless.

MR. ANDERSON: Okay. So the first thing I want --

TRUSTEE BREDEMeyer: You may wish to address --

MR. ANDERSON: The first thing -- I'm sorry. Say that again, Jay.

TRUSTEE BREDEMeyer: You may wish to address this at length in a return to the Board your justification in calling it an early mid-successional field type as opposed to a wetland.

MR. ANDERSON: That was for your benefit because that's the same assessment you accepted prior.

Now, just for accuracy, the approval that we are talking about didn't occur in 2014. It occurred in 2016. That is the date of the permit. Okay? And that permit with, goes for two years and provides for an additional two years extension. And that ran out November of last year. Just so you know. The reason why you will see ponding, flooding, et cetera, on this lot as opposed to the Tannenbaum lot is because it's lower. It was not filled. That doesn't mean, however, that groundwater elevation changed. Because you have, in fact the test holes show groundwater elevation at 1.2 feet. Identical on both lots. What you are looking at is a lot that is low, that receives runoff from adjacent lots, and when the water breaches by some storm event the berms that you so accurately noted, it is going to settle in the lowest lot in the neighborhood. Which is this lot. And that is what you are observing. Had the lot been filled in 2016, prior to or just subsequent, cleared and filled, subsequent to the 2016 approval, we would not even be having this discussion.

So it's not that we are arguing, you know, is a wetland, is it a wetland, is a wetland. I'm not disagreeing with you. All I'm saying is it floods, water collects there, whether it be storm water from adjacent property owners, whether it be a tidal that reaches a berm on King Street, it will settle in this location because it's the lowest lot.

Now having said all that, and Joe will back me up on that, as part of the Health Department review, we were required to
install a test well. And that test well is on the northwestern corner of the lot, and in that examination, amongst other things, chlorides were tested. And chlorides test in the freshwater portion of the aquifer, not on an overflow, at just slightly over 225 parts per million. Sea water, as you know, is going to run at something like 30 parts per thousand. Or if you prefer 30,000 parts per million.

If you went and you took a salinator and you found salt water ponding within this, the center of the lot, I have no reason to doubt you, John. What you would have been measuring is a mixture of some overflow, perhaps the berm was breached, plus some freshwater that collected here from the street and from adjacent property owners. That is how you get to eight parts per thousand. You are not at 30 parts per thousand, which is bay water. And you are not at groundwater in this area, which is running about 280 parts per million. You are really, what you are testing is a low spot that will collect any storm water in the neighborhood, any tidal overflow. That's what I'm trying to say.

TRUSTEE KRUPSKI: Right. But a low spot with brackish water and Spartina patens, much of which did not exist five years ago, we are right back where we first started.

The Trustees are authorized under Chapter 275-7(d) for a consultant fee if we want a test hole. We have been circling this wagon for 45 minutes. The Trustees would like to see a test hole. If you believe that is not an issue, I don't know why you would not just go forward and produce a test hole and I think we can move on.

You know, the attorney for this application insinuated we are trying to compile data for a denial. I mean, I resent that implication. If anything we are trying to compile data to make a well informed and educated decision on whether or not we can move forward with this application. This Board is no way trying to prevent people from building on any lot providing it's an appropriate location.

So we are faced with a whole new code and I mean even from your aerials you can see that the property across the street, you can actually see sea level rise. So I mean, this Board is insistent on a test hole. And we can circle back and forth over this all night, but I don't think it's productive at this point.

I see we have another hand raised.

All right, let's let Mr. Fischetti talk.

Mr. Fischetti, please stay to current topics and not just repeat everything that has been going on for the last 45 minutes. MR. FISCHETTI: Then I have nothing to say, if you don't want me to repeat that the test hole you want to do, what are you looking for in that test hole?

TRUSTEE KRUPSKI: Quantifiable data.

TRUSTEE BREDEMEYER: Standard engineering data.

MR. HAGAN: I think just to be more specific, I mean the Board is requesting a test hole because they are looking for certain data numbers and data points. I think that the applicant is just
trying to find out what are specific things to make sure whoever does the test hole is as thorough as possible and meets the Board’s needs, so.

TRUSTEE KRUPSKI: Right. I mean, the Board, and realistically, all of you on this Zoom call tonight have noticed this property is way, way closer to a wetland than it was five years ago. But we can argue that all night. But a test hole is quantifiable data. So get the test hole. If it shows the same, we'll move on from there. I think it's that simple.

TRUSTEE GOLDSMITH: Also to check or verify the salinity as well.

MR. FISCHETTI: I'm sorry, a test hole won't give you salinity.

TRUSTEE BREDEMeyer: That was just a double check on the surface salinity. We understand there is ponding there but it shows great irregularity. If it continues to be high, maybe that was an intermittent event I happened to get a sample before or after it was filled with rainwater. But the test hole data is a standard test hole that is provided on properties. It has base elevation numbers, depth to ground water, soil types, down through the groundwater. Same type of test hole --

TRUSTEE KRUPSKI: The Board wants a comparative test hole as requested by the LWRP to see if conditions have changed on the site or not. Again, we can circle the wagons all night, but the Board is looking for a direct comparison to five years ago to make sure that the specific site conditions have not changed.

MR. HAGAN: So you are looking for similar testing the data, same layout that it was in 2015 so you can have essentially the same type of report to compare 2015 numbers to 2021 numbers, if I'm clear as to what the Board is asking.

TRUSTEE KRUPSKI: Correct.

MR. HAGAN: Thank you.

MR. FISCHETTI: Okay, thank you.

TRUSTEE KRUPSKI: Thank you. Okay, hearing no further comment, I make a motion to table this application for the submission of new test hole data as per the LWRP coordinator.

TRUSTEE BREDEMeyer: Is it possible we can also get this information that I asked Bruce Anderson for in discussion concerning the early mid-successional stage and whether he's willing to amend his report to reflect wetlands. In other words I'm confused here. We have the attorney saying it's wetland, the Board previously acknowledging a wetland indicator and what may have been an alternate succession, but we have an application, the short form has a check off for either wetland or early mid-successional, and it's checked off without any description.

TRUSTEE KRUPSKI: And for clarification on wetland or mid-successional on the short form.

TRUSTEE GOLDSMITH: Second.

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

TRUSTEE BREDEMeyer: The next application, 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 (AI/OWTS); install sanitary retaining wall at an overall length of 99.5' and a width of 8.0" across the top of the wall; and to replace the failing bulkhead on west side and north side of the lot as well as to replace the wood jetty which extends into West lake, consisting of 198.0 linear feet of bulkhead to be replaced along the westerly and northerly portions of the subject property with the following measurements: Timber top cap: 2.25' wide extended along the entirety of the bulkhead to be replaced, 9" diameter timber piles, 6"x6" timber whalers, ±6.0' long tie-rods, ±6" diameter dead-men, and the use of vinyl sheathing (CLOC or similar); the bulkhead return located perpendicular to the northerly portion of the bulkhead to be replaced at an overall length of 11.0' with a 2.25' wide top-cap, 9.0" diameter piles, 6"x6" timber walers, ±6.0' long tie-rods, ±6" diameter dead-men, and vinyl sheathing (CLOC or similar); the existing wood jetty to be replaced with new 15.0' long jetty with 9.0" diameter piles placed 1.5' o/c alternating between the east and west sides of the jetty, the use of vinyl sheathing (CLOC or similar), 6"x6" timber walers on both sides of the jetty, and 2.75' tie-rods; existing wood dock assembly to be removed at the start of the bulkhead replacement and re-installed in-kind and in-place at the completion of the bulkhead replacement consisting of a landward 5'x5' wood platform to a 14.1'x3.5' wooden ramp with 3.5' tall railings; a 13.5'x7.0' wooden float secured by four (4) 9.0" diameter piles with two on the landward side of the float and two on the seaward side of the float.

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

This application was reviewed again by Trustees on field survey and inhouse. Reflects a new survey that was submitted which shows a retaining wall three feet off the property.

This project had previously been determined to be inconsistent from the LWRP. I believe it had been supported by -- I'll double check. (Perusing).

The Conservation Advisory Council report here monthly report, there was no recommendation made because of COVID. The Conservation Advisory Council was not in session.

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

MR. ANDERSON: Bruce Anderson, Suffolk Environmental, for the applicant 106 Mulberry Corp.

We don't need that re-read. The project description, it really has not changed other than that the Board had requested that we relocate the retaining wall surrounding the septic system three feet off the property line. Which we did. We
provided you with various materials on April 5th which was four surveys by Fox Land Surveying, the site plan, the sanitary designed for the proposed IA/OWTS system, dated January 21st, prepared by Joe Fischetti. And also the exterior elevations also prepared by Joseph Fischetti dated September 27th, 2020.

Now as a simple matter, this is a project that was previously approved in 2009 by the Trustees, and we had retained the identical house design. It's in the same spot. It also benefits from a zoning variance that remains in effect. We have re-applied to the Health Department because we have changed the septic system from the conventional system that was approved in 2009 to the IA/OWTS system that you see today. Just so you know, subsequent to the approval from the Trustees, we obtained a building permit, but the client never acted on the building permit.

The property is served by public water, and the surrounding retaining wall, which is relocated as per the Fischetti plan, varies in height. And when I say in height, that's height from elevation of the land on the outside of the wall from 0.2 feet to 1.9 feet.

The next thing I would like for you to understand is that we did change the application slightly in that --

MS. CANTRELL: Hang on.

TRUSTEE KRUPSKI: Bruce, if you're talking, just hang on a second.

MR. ANDERSON: Sure.

MS. CANTRELL: For some reason, my microphone changed itself. Okay.

MR. ANDERSON: So just to continue.

(The reporter reads back where the conversation left off.)

MR. ANDERSON: All right. We changed the application, as I already explained, by relocation of the retaining wall. The wall was slightly lowered. And we removed a section of, it's almost like an extension of the bulkhead that runs along the dug inlet into West Lake. So you'll see it's about a 12' or so, 15' extension into West Lake that will not be replaced.

We have an application here that consists of constructing this house and its septic system together with a landscape plan which leaves the entire site non-turf. We have replaced the bulkhead, including that section of bulkhead adjacent to what is shown as West Lake Road on your survey.

You will recall that the West Lake Association was participate nothing this hearing during the last hearing you had several months ago. We were held up due to survey limitations and timing issues.

Also, I would like to bring to your attention that the West Lake association had suggested that the dock was unpermitted and therefore couldn't remain possibly and we were able to find the initial, the dock probably that was granted by the Trustees, Permit #605 dated May 4th, 1970. I want to point out with these unpermitted docks, that if you go into your own GIS, you will see that between roughly 1948 and 1982 or '83, there's several thousand permits that are just labeled by number. They are not
cross referenced to a property owner, nor are they cross referenced to any kind of tax map. So there is a couple of thousand of these permits out there that authorize things that were built in that timeframe. And I say that to the benefit of others that will come along and confront this problem, as the Board I'm sure repeatedly confronts this problem; is that just because you can't find a permit doesn't mean it's unpermitted, and just because it's unpermitted or you can't find it doesn't make the dock illegal. So hopefully that resolves the dock issue.

As you may recall, there was some significant negotiation between the property owners and West Lake Association who objecting, who were objecting to our application. And we believe that both parties will benefit by the granting of this permit because the main concern of the West Lake Association as expressed in the prior hearing was that the need to have the bulkhead reconstructed, which is part of this application. And our clients will pay for the entirety of the bulkhead, including that portion that extends across West Lake Drive. So that is part of our application, and we expect that to be supported not only by this Board but also by West Lake.

Incidentally, we also provided you with a copy of the filed map for this, which showed that this lot known as lot #119 of Cedar Beach Park, which was approved in I believe 1928, lot 119 would have extended to the center part of the inlet, which is completely consistent with the survey used by West Lake in the dredging of it in which they show the adjacent property owner on the other side of the inlet to have ownership to the halfway point of that.

So I throw that out to the Board's consideration. The filed map for this property would show a lot that is 100 feet wide, and if you look at the survey you will see that the width of this lot adjacent to West Lake Road is 77.04 feet, and that is what brings this lot into that center of the inlet.

Now, having said all that, we represented then and continue to represent that we are more than happy to participate in a very significant way in the dredging of that inlet, and we hope that that is, that the West Lake Association, which has been very concerned about because they are opposing us, understand that we are really both working toward the same goals here.

Now, with me tonight is also Joe Fischetti who designed the septic system. And also Mike Solomon who is the attorney for 106 Mulberry Corp. And so I will certainly answer any questions you have. If you have questions pertaining to the septic system, you might direct those to Joe Fischetti. If you have questions regarding the legality of the lot or the road or the appropriateness of what we are asking to do, you might address those concerns to Mike Solomon. But I think this is a good project, I think it should be approved, it was approved in the past, and I think that I'll leave it to you for any questions you may have.

TRUSTEE BREDEMeyer: Thank you. Any members of the Board have any questions?
(No response).
I believe we discussed at work session possibly wall height limitations
no more than two-and-a-half feet for the project that allows for a little
variation in ground conditions that might be found.
TRUSTEE GOLDSMITH: Correct. And if I'm not mistaken, Mr.
Anderson said it was going to be two feet, at most.
TRUSTEE BREDEMeyer: At most.
TRUSTEE KRUPSKI: He said 1.9.
TRUSTEE BREDEMeyer: Okay. I think that was the primary concern
was that ultimately the limitation on wall height should be
necessary, altered just slightly. Is there anyone else who
wishes to speak to this application?
MS. CANTRELL: Dave Bergen would like to speak.
TRUSTEE KRUPSKI: I think we were going to stipulate a planting, too.
TRUSTEE BREDEMeyer: Yes, I think so, just to put something in
front of it.
MS. CANTRELL: Dave Bergen, if you want to speak, un-mute
yourself.
MR. BERGEN: Good evening, Dave Bergen, speaking on behalf of the
West Lake Association. We wish to continue to oppose this
wetland application, and I'll get to more of that in a minute.
First I want to stipulate all the testimony provided
against the application at the December 2020 hearing is a part
of tonight's record. I do this in an attempt to try and save us
all a little time tonight.
I wish to first address the property ownership issue. Now,
I had today submitted a packet of information to be handed out
to you folks tonight. I didn't know if that had been handed out
to you.
MS. CANTRELL: It's all in the file. There is one permit in the
file and then --
MR. HAGAN: It was distributed through e-mail, right? Didn't we
get the mail on it today or yesterday?
MR. BERGEN: That would have been today.
MS. CANTRELL: With highlights, Jay. It looks like the Minutes
highlighted.
TRUSTEE BREDEMeyer: (Perusing). I see -- no, I just see your
name on a document here.
MR. BERGEN: I'll give you a second to look. This was information
that had already been entered into the record, but since the
record was over 150 pages long I thought I would just cull out a
couple of pages that would be pertinent to you tonight.
MS. CANTRELL: This is an e-mail. This is what Mr. Bergen
submitted for the record and these are extra copies.
TRUSTEE BREDEMeyer: We have not had an opportunity to review
these materials.
MS. CANTRELL: I advised him, because we got it so late, it may not --
MR. BERGEN: Yes. What I had said was this is kind of like when
you held in-person hearings prior to COVID you could go up and
hand something, view something from the dais. That's what I was
doing here. Again, this not new information. This is in the 150
page laserfiche file that you have. I just thought I would cull this out so it would be easier for you to see.

In that group that you have now in front of you, on the top page, I have included a copy of an e-mail from Liz Cantrell to Bruce Anderson, dated February 6th, 2020, where she writes the Moy’s do not own the property from the corner of the paper road and north. So the Moy’s would need permission from the property owners to build a structures not on their property.

Next are excerpts from the Minutes of the June 10th, 2010, ZBA hearing where Mr. Rosenberg, from what I can tell was representing the Moy’s at that hearing. His acknowledgment, Mr. Rosenberg’s acknowledgment from the Moy’s that the Moy’s did not own the right-of-way, the bulkhead along the right-of-way or the bulkhead return upon which the Moy’s dock is attached. Also important were the C&R conditions placed upon the ZBA decision were the Moy’s were to maintain the bulkhead along the inlet, which their representative had testified that they agreed to, but they had not done to date.

So what I’m going to do now is address the dock. Regarding the dock, the applicant had found and produced a permit from number 605 from 1970 for a dock consisting of a 12-foot ramp and a 6x10 float. Now, in those days, those permit applications were pretty raw. Not a lot of information on them. The dock presence today does not meet the approved dimensions but is in fact larger than what was approved. Without an approved amendment to the permit, the fact is it is illegal in its current form.

We submitted a letter dated April 12th, 2021, noting the challenges with this 1970 permit. And I would ask you refer to the letter, but to highlight the challenges with the approved dock, and when I say approved, 1970 approval, an incorrect address for the subject property was provided. They listed Cedar Drive West as the address when in fact it is West Lake Drive. Cedar Drive West is located fully across the lake from West Lake Drive.

The application appeared to indicate the Moy’s own the property to which the dock was to be attached when in fact they did not. The plan fails to show West Lake Drive located between the Moy property and the property to which the dock was attached. Plus the diagram did not show West Lake Association bulkhead to which the dock was attached.

So you can see there were all types of problems. There are all types of problems with this 1970 approval. The proposed dock is in fact not an in-kind replacement. The present dock has four metal poles securing it in place where the application shows the use of four nine-inch pilings. Plus requests a wood platform which would be attached to the bulkhead owned by the association. Any dock today must comply with today’s standards. The application also lacks a hydrographic survey, which is generally required with dock applications.

Now the applicant has stated that he has a prescriptive easement to this dock. The Trustees cannot grant him that
easement. Any right of claim to this property would have to be supported by court decision. He has no title right to build this dock. The Trustees are not obligated to grant him a new dock. As was stated at the December 2020 public hearing, Chapter 275-11(c)(a)(8) clearly states that the applicant must be obtain a written and notarized consent of all parties having an interest in the right-of-way as part of this application. The applicant has failed to do so. Plus the applicant wishes to attach the dock plus place a platform on association property, the bulkhead, without approval from the actual property owner. As the owner of the bulkhead we also wish to reserve our property owner's right to apply for a dock facility of our own in this exact location in the future.

Simply stated, no association member has given their consent as a party having an interest to the right-of-way for this dock to be built as required by Town Code. West Lake Association as owner of the bulkhead does not give permission for the dock and platform to be attached to or on our property.

Now, pictures have been submitted to the Trustees which show to the dock and ramp were removed from the water this past winter, were placed on right-of-way property without permission from the owners with interest in the right-of-way, and were recently placed back into the water, the dock and ramp and attached to the bulkhead, which the association owns, without permission from the association.

So for all these reasons, we are requesting this permit to be denied.

TRUSTEE BREDEMEYER: Thank you.

TRUSTEE GOLDSMITH: I'm just a little confused because in the beginning of that you said the Moy's are responsible for maintaining the bulkhead. Yet here they are looking to replace the bulkhead but you are objecting to that?

MR. BERGEN: No, no, what I was trying to clarify, Glenn, was there were C&Rs provided with the ZBA approval, and one of the conditions of ZBA approval is that they were to maintain that bulkhead. And it's as you saw with the pictures that were submitted back this winter, the bulkhead has not been maintained at all. They have not complied with the C&Rs. That's what I was referring to. No, we want the bulkhead replaced. You know, because the inlet needs to be dredged and you first have to replace that bulkhead before you can dredge.

TRUSTEE GOLDSMITH: So is the biggest concern the floating dock then? Because as part of this application is to replace that bulkhead that the Moy's are going to pay for. That would enable everybody to dredge.

MR. BERGEN: The largest concern right now is the floating dock and ramp, associated structures with the floating dock, yes.

TRUSTEE KRUPSKI: Okay, so that's the only part that your clients currently object to.

MR. BERGEN: Well, there might be other people who wish to speak this evening also.

TRUSTEE KRUPSKI: All right, thank you.
MS. CANTRELL: There is also Ken Quigley and Michael Solomon who just raised his hand. Ken has had his hand up. Mr. Solomon just raised his hand.

TRUSTEE BREDEMeyer: Does anyone else wish to speak to this application?

MR. QUIGLEy: Good evening, gentlemen, this is Ken Quigley, West Lake Association. I'm a board member. And I wanted to follow-up on what Mr. Bergen had said about a couple of key points.

First off, we are not necessarily in opposition to the application in its totality. We have not questioned or really given any challenges to the home and everything inside the property lines of the applicant. What we object to is his extension of what he believes is his, by taking control of land that is owned by the HOA. Of the 200 linear feet of bulkhead in question, only 100 liner feet, or 99 to be exact, are on his property line. The remaining 50 feet along the channel and 50 feet that turn the corner do not belong to him. And he's assuming that we want his money to take care of all this. We are not concerned with repairing the dock on our own, or the bulkhead on our own. We'll take care of that. We just object to the fact that he has never asked our permission, that he is seeking to continue what he has had for 50 years, and the current owners, members of the HOA, are in opposition to this. We have future plans for this area. I have come up with plans and I sent information to the Board about our future dredging that does not include the repair of Mr. Moy's bulkhead. We can't wait. We've waited over ten years from his last promise, and it has not materialized.

So when you consider the fact that the boundaries outside his property line are within this permit, I also agree with Mr. Bergen that I cannot understand how you can even consider this every session that it comes up. He doesn't have our permission. He doesn't have a deed. He has no rights to continue keeping his dock on this property. Enough is enough.

And that is my personal opinion as well as I believe the opinion of the Board. Thank you.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE BREDEMeyer: Thank you. I see another hand raised.

MS. CANTRELL: Yes. We have Michael Solomon, Esq. Mr. Solomon, if you want to un-mute yourself and speak with the Board.

MR. SOLOMON: Good evening, gentleman, this is Michael Solomon. I'm the attorney for the applicant. I want to say at the outset of my comments, I find the objections being raised by the association to be quite offensive in their nature. And I say that because this has been a repetitive point. When we came at the last hearing, there was an assertion made by the association that we didn't have a permit for the dock that has now become a major issue. And they were objecting to it because we didn't have a permit and we had no right to use it. As it turns out, and I did make that same statement that evening, I knew there was a permit. I had seen it. We had not been able to locate it,
but thank God through the efforts of Mr. Anderson and deep research, he was able to locate that dock. So that dock, whether the size is off by potentially, this is allegations being made for the first time, is off by a foot or two, I mean that's a separate matter as to whatever obligation the Trustees have with regard to that permit application. But what I find tremendously offensive, as we have heard about this question about the deed, there is no recorded deed, I will tell that to the Board as an officer of the court, and as of today's date the association has not recorded a deed to the property. They are trying to make a claim to a deed which we have not even seen that somehow they are in possession of a deed, incapable of recordation, however asserting their right to ownership. And there may be some legal issues concerning what the effect of an unrecorded deed is, but at the end of the day, they are walking around with an unrecorded deed. My clients are offering to pay the entire cost, the entire cost, including the roadway to which they allege they own, which I question if they own it, and at their own expense. They are willing to do it, despite what Mr. Quigley just said.

At the last meeting we had, he was objecting to the house, he was objecting to the drainage regarding the house. So to come in today and raise an issue we are not objecting but all of a sudden we are objecting to the dock, it's almost like we are being extorted, we are being hijacked in the sense my clients are willing to spend the money to improve this dock at a tremendous cost, probably close to $150,000 to $200,000, and listen to an association trying to rape it from its use of a dock that has been in the family since the 1970s.

So I really believe for the purposes of this application that we want to get this bulkheading completed. The cry is that it needs dredging. We want to do it. We are being fought. And if we are going to be fought and not get the application we are requesting, we are under no duty to complete anything.

We have an application making myriad requests for relief. If all the requests for relief are not granted, my client may very well not go ahead with the project. And then let the association go ahead and pay for whatever they need to pay to get the dock properly resolved.

This is just not a fair approach, to try to deny these people a dock in the family for 50 or 60 years for a reason I really don't know, and now trying to claim they have some master plan. But the big point is they don't have a deed. They have never shown a deed to the Board. So there is this claim that they own it and have some right superior to my client should be rejected, and I really respectfully request it. That the length of time this hearing has gone on, the need for this inlet to be taken care of, the fact that my client is willing to pay for it all bodes well to the granting of this application.

And, thank you, so much, for hearing me.

TRUSTEE KRUPSKI: Thank you.
MR. HAGAN: Counsel, just on a point that you had raised. You
were talking about an unrecorded deed. Is there any pending actions before the Supreme Court to quiet title or any other TROs that as an officer of the court you can inform us as to their existence regarding this area?
MR. SOLOMON: Yes, I can. There are no pending proceedings at this time.
MR. HAGAN: Thank you.
TRUSTEE BREDEMEYER: Okay, there is additional hands up. We can go through ones and hopefully not repeat too much of what has been said already.
MS. CANTRELL: The next person who raised their hand is Bob Singer.
MR. SINGER: I think the Board should table this permit application until the applicant shows good faith by complying with the existing covenants and restrictions on their existing permits. They should repair and maintain their bulkhead before you even consider their current application. That's what I think.
TRUSTEE BREDEMEYER: Thank you.
TRUSTEE KRUPSKI: Thank you.
MS. CANTRELL: The next person who has not had a chance to speak yet is Alvin Schein.
MR. SCHEIN: Thank you, for giving me the opportunity to speak tonight. My name is Alvin Schein, I am the President of West Lake Association. I did present at the last hearing.
I want to respond to some of the comments made by Mr. Solomon. I'm not going to get into going low by accusing anyone of bad faith, but I have to point out that, firstly, we had actually negotiated with Mr. Solomon to make a fair deal in order to obtain the consent of the association, and an agreement was drafted. And Mr. Solomon thought it was fine, but then he presented it to his clients and his clients said we are not interested. We are not doing any of this stuff. There is nothing in it for us. It's our dock, as I assume they said, it's no deal. So we wasted about two or three months of discussions with Mr. So Solomon, which went nowhere. We were ready to sign a deal. But they did not want to do that.
Since then we, Mr. Solomon was not interested in negotiating with the association, just want to go ahead and do things his way or his client's way. And to say that Mr. Quigley before objected to the plans and no longer objects to plans in bad faith is incorrect. At the last hearing Mr. Quigley pointed out defects in the plan which Mr. Anderson remediated. Once those were fixed, we didn't have anymore objections to the house plan. Very simple.
Mr. Solomon said repeatedly we do not have a deed of record. That is true. We have an unrecorded deed, which, it's a rather complicated story, I don't think we want to go into it tonight but it has to do with having a joint deed with Cedar Beach Association, and we are in close agreement with Cedar Beach Association in which we will record that deed and then deed out, Cedar Beach will deed our roads to us and we'll deed Cedar Beach's roads to them. That's probably going to be
resolved in the next month or so.

What Mr. Solomon is missing is we don't need a deed under Town Code. The Town Code said that Mr. Moy, I'm sorry, the applicant, would require written consent of all parties having an interest in the right-of-way. It does not say parties who have a deed to the right-of-way. And it goes on to say that if any persons or entity having the legal or beneficial interest in any existing or proposed docking facility.

That means that if we had a deed, that's fine, but we don't need a deed. We have a beneficial interest. We support the roads on which the applicant uses and gets out of the association. He cannot get to a public road without using the private roads that this association maintains and pays for.

The applicant has not over 50-odd years, never paid a dime toward the support of the public road, never paid a dime toward dredging, and feels he's entitled to use the association property as a private docking facility. It's not his. He didn't pay for it. He essentially stole it.

The 1970 permit is deceptive on its face. If you look at that 1970 permit, as Mr. Quigley pointed out, it's a hand drawing that does not show the road between his house and where he put his dock. Anyone looking at it would think he owned the whole thing, which he does not. So as a matter of law, the Town cannot grant a dock permit to the applicant. We don't care, if you want to grant him a permit to build a house, rebuild the bulkhead, which he needs to rebuild the bulkhead, that's fine. But he does not have the right to build a dock on association property. Thank you.

TRUSTEE BREDEMEYER: Thank you. I see one more hand up.

MS. CANTRELL: It's Mr. Solomon again. Mr. Solomon, if you want to speak, go ahead.

MR. SOLOMON: Sure. I'll try to make this brief. I take deference to the, my involvement in creating a deal or denying a deal and negotiating a deal. As everybody knows, a deal is not made until a deal is complete. Whatever negotiations took place, clients had input, clients are entitled to make decisions, the client made a decision. It was overreach on behalf of the association, the deal was not made.

With respect to the issue about the association maintaining the road, or the right-of-way in front of the Moy property, that right-of-way has never ever, ever been used, maintained, anything happen with it. There is no snow removal. There is no roadway there, it's been laying as foul land since the 1970s when Mr. Moy originally bought the property. Mr. Moy being the original owner. He's passed away but he was 106 Mulberry to point in time. So this claim that in some way the association was maintaining the property, in fact it was abandoned property, never used by the association, and the issue only came up as the bulkheading issue became ripe over the last couple of years.

But, as I said, my client has an application here which is tied into a myriad of items. The application, you know, gets
granted, the application gets denied. If this association wants
my client energetically to go forward and spend the kind of
money that they are being requested, forget the house, I'm
talking about just the bulkheading and assisting in dredging of
the canal, I think their choice in being strenuously opposed
with the maintaining of the dock that is already been there for
50 years is terribly misplaced. That's my position.
TRUSTEE BREDEMEYER: Thank you. You know, it seems without
over-generalizing there is broad-based agreement on the house.
So if the applicant can't show a deed for the area in question,
the road, right-of-way, north of their property, the Board
really can't grant a permit. It will be probably most wise if
we table the application and look at possibly requesting a new
set the plans for just the house and property itself.
          Okay, I have been advised by counsel. I was understanding that --
MR. SOLOMON: Well, that's going to be an issue that is going to
have to be considered by the applicant.
TRUSTEE BREDEMEYER: That was not an application. I was under
some notion that the chair wanted to try to move that.
MR. HAGAN: This Board does not determine land ownership. That's
a matter for New York State Supreme Court of which there is
currently not any actions to quiet title or any TROs that are
affecting this application.
TRUSTEE DOMINO: That's understood, but how can we grant a permit
to land the person can't demonstrate that they own? This is
what the survey shows. The survey shows this (indicating).
MR. HAGAN: I'm going to direct the Board to not discuss this
matter in open session. These are questions that would fall
under exec, and the position of legal counsel has been stated.
TRUSTEE GOLDSMITH: And just for the record, that dock does have
a permit in Mr. Moy's name that was issued in 1970.
MR. HAGAN: And all parties have repeatedly stated that this
Board had issued a permit back in 1970 with regard to the dock
and its current location although there is a dispute with regard
to the current configuration in comparison to the 1970s application.
TRUSTEE BREDEMEYER: Is legal suggesting --
MR. HAGAN: I'm suggesting stop asking questions of legal. That's
what I'm suggesting.
TRUSTEE BREDEMEYER: All right. There is one more hand up.
MS. CANTRELL: Dave Bergen would like to speak again. Dave, if
you want to un-mute yourself.
MR. BERGEN: Thank you, Mr. Domino, for pointing out the fact that
the survey itself shows the Moy property line and clearly
demonstrates that the area that we are talking about north of
that property line, meaning the right-of-way and the bulkhead,
does not belong to Mr. Moy. He's not the owner of that property.
TRUSTEE DOMINO: I didn't say that.
MR. BERGEN: No, no. What you were noting was the survey there on
the property line. So what I'm expanding upon that, is that
second, I have heard discussions, there were comments made about
the 1970 permit. Clearly you can see on the paperwork associated
with that application for the 1970 permit that the applicant left off West Lake Road. It's not even there on the paperwork for the application. It was there at the, West Lake Road was there, but it was left off. So the Trustees at the time, and I can't speak for them because obviously I was not there, were considering an application that demonstrated to them the property to which the dock was going to be attached belonged to was the property of the applicant. When in fact it was not. So we can't go back in time, but the point is here that, you know, to say they have a valid permit, yes, they have a permit. But when you look at the application it was clear that the application was not correct in that there was West Lake Road there dividing it, that there is a property line on the survey, that shows that that property to which that dock was attached does not belong to them. Thank you.

TRUSTEE BREDEMEYER: Do you want to wrap this up?

TRUSTEE GOLDSMITH: Yes. I'm ready.

TRUSTEE BREDEMEYER: Any additional comments from the Trustees? (Negative response).

Any additional comments? I see no more hands raised. One more hand. We'll make this quick.

MR. SCHEIN: Thank you. I'll make it quick. This is Alvin Schein again. I just have to respond to the comment made by Mr. Solomon that the road was abandoned by the HOA, it's completely ridiculous and false. There has been no abandonment. If you look at it, you see the right-of-way, it is not fallow, as Mr. Solomon said. It's part of a roadway. There is a roadway around West Lake. And this is part of the roadway that is maintained by the association. So I just want to, if anybody thinks that the road has been abandoned, it's a completely false statement by Mr. Solomon. Thank you.

TRUSTEE BREDEMEYER: Thank you.

MS. CANTRELL: Suffolk Environmental has now raised their hand. Suffolk Environmental, if you want to say something.

MR. ANDERSON: Yes. I have been involved with this property for 15 years, and it has been maintained as lawn area by the Moy's and now 106 Mulberry. At no point has the association spent a nickel maintaining any portion of this road. And to say, to claim otherwise, is completely false. Thank you.

TRUSTEE BREDEMEYER: Mr. Anderson, while you are on, one quick question. Mr. Anderson, the Board, in addition to limitation of height on retaining walls, they also discussed at work session a planting immediately in front of the two retaining walls to soften the visual effect.

MR. ANDERSON: I believe we provided for that, but I don't think we gave you a planting plan between, within the three feet. If that is something you are interested in. Another option to us is we can fill on the other side of the wall if you prefer that.

TRUSTEE GOLDSMITH: Just for the record, you will plant in front of that wall, correct?

MR. ANDERSON: Yes.

TRUSTEE GOLDSMITH: Thank you.
MS. CANTRELL: Mr. Schein would like to speak again.
TRUSTEE BREDEMEYER: We are going to wrap this up, Mr. Schein.
MR. SCHEIN: I understand. It's getting late, and appreciate your indulgence. However, Mr. Anderson has made a statement that is completely false. To say that the road is not maintained, that nothing has been done with the road. It's a ridiculous statement. It's a dirt road. It's not a paved road. It's a dirt road. It's not like you put hardtop on it. And it's part of a larger road. It's a road that the Moy's must use to get out to the public streets. When we talk about road, we don't talk about just a little section in front of their house. We talk about a road that goes all the way around the lake and out to a public road. You can't conflate it and say we are not taking care of the road.
TRUSTEE GOLDSMITH: Thank you, Mr. Schein. We get the point.
MR. SCHEIN: Thank you.
TRUSTEE BREDEMEYER: At this time I'll make a motion to close the hearing in this matter.
TRUSTEE WILLIAMS: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: Motion to approve this application as submitted in accordance with the plans for the IA/OWTS, a licensed survey stamped received in the Trustee each office dated April 6th, 2021, and with the stipulation planting in front of the retaining wall and the retaining wall shall not exceed 2.5 feet in face elevation. That's my motion.
TRUSTEE GOLDSMITH: Second. All in favor?
(Trustee Goldsmith, aye. Trustee Bredemeyer, aye. Trustee Krupski, aye. Trustee Williams, aye. Trustee Domino, nay).
TRUSTEE GOLDSMITH: Motion for adjournment.
TRUSTEE WILLIAMS: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

Respectfully submitted by,

Glenn Goldsmith, President
Board of Trustees