Michael J. Domino, President
John M. Bredemeyer III, Vice-President
Glenn Goldsmith
A. Nicholas Krupski
Greg Williams

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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, April 18, 2018

5:30 PM

Present Were: Michael J. Domino, President
John M. Bredemeyer, Vice-President
Glenn Goldsmith, 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

NEXT FIELD INSPECTION: Wednesday, May 9, 2018 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, May 16, 2018 at 5:30 PM at the Main Meeting Hall

WORK SESSIONS: Monday, May 14, 2018 at 4:30 PM at the Town Hall Annex 2nd floor Board Room, and on Wednesday, May 16, 2018 at 5:00 PM at the Main Meeting Hall

TRUSTEE DOMINO: Good evening, and welcome to our April 18, 2018 monthly meeting. At this time I would like to call our meeting to order and ask you to stand for the pledge.
(Pledge of Allegiance).
I would like to recognize the people on the dais. To my left, Trustee John Bredemeyer, Trustee Glenn Goldsmith, Trustee Nick Krupski and Trustee Greg Williams. To my right is Assistant Town Attorney Damon Hagan, Senior Clerk Typist Liz Cantrell and also with us tonight we have Court Stenographer Wayne Galante and Conservation Advisory Council member Peter Meeker.
Agendas are located on the podium and also out in the hall. Postponements. We have a number of postponements. On page six in the agenda, number five, **SCOTT KAUFMAN** requests a Wetland Permit and a Coastal Erosion Permit to remove existing damaged stairway and terrace retaining walls; construct along eroding

toe of bluff approximately 210 linear feet of stone revetment, including angled westerly return, all consisting of approximately 3 to 5 ton stone placed over 50 to 100 pound core stone and filter cloth; restore bluff face using terrace retaining walls, approximately 600 cubic yards of sand re-nourishment (including approximately 350 cubic yards to cover proposed revetment), and native plantings; construct a ±3' wide berm with ±50 cubic yards of sand/loam within 15' wide vegetated non-turf buffer to be established adjacent to bluff crest to control storm-water runoff; and construct a new 4'x±50' elevated bluff stairway with landings and handrails consisting of 4' wide x ±3' long entry steps at top of bluff down to a 4'x8' upper platform with bench to 4' x ±8' steps to a 4'x8' middle landing with bench to 4' x ±10' steps to a 4'x4' middle landing to 4' x ±8'steps to a 4'x6.7' lower landing to 4' x ±14' stairs to beach. Located: 2050 Dignans Road, Cutchogue. SCTM# 1000-83-2-7.3 has been postponed.

On page eleven, number 18, Patricia C. Moore, Esq. on behalf of **BIM E. STRASBERG & ALEXANDRA M. LEWIS** request a Wetland Permit to construct a set of bluff stairs consisting of a 4'x8' top landing to 4'x9' steps to a 4'x4' middle landing to 4'x8' stairs to a 4'x6' middle landing to 4'x8' stairs to a 4'x4' lower landing to 4'x8' stairs to beach. Located: 21225 Soundview Avenue, Southold. SCTM# 1000-135-1-1, has been postponed.

Number 19, Stacey Bishop on behalf of **FORDHAM HOUSE LLC, c/o DENIS BOUBOULIS** requests a Wetland Permit to install a ±1,167sq.ft. on-grade paver patio along the seaward side of the dwelling; extend existing westerly 15' long by 10' high by 12" thick concrete and stone veneer retaining wall an additional 35' seaward for a total length of 50' beginning at the left rear corner of existing dwelling; at seaward end of westerly retaining wall, install a 28' long, varying height concrete and stone veneer retaining wall parallel with the dwelling; along easterly side of property, extend existing 3' high natural stone retaining wall an additional ±45' seaward; approximately 15' seaward of proposed 28' long parallel retaining wall, install a ±3' high by ±45' long retaining wall situated approximately 1' landward of established 50' wide non-disturbance buffer; and to install a generator pad, generator, and buried gas tank for the generator. Located: 5205 The Long Way, East Marion. SCTM# 1000-21-5-11, has been postponed.

And number 20, AMP Architecture on behalf of **WILLIAM GRELLA & GARY OSBORNE** request a Wetland Permit for the as-built 232sq.ft. Belgium block parking area; as-built 121sq.ft. Belgium block walkway; as-built 517.3sq.ft. managed lawn areas; as-built 240sq.ft. gardens; as-built 160.5sq.ft. crushed shell areas; as-built 22.3sq.ft. metal planter box; as-built 14.3sq.ft. metal waterfall; as-built 15sq.ft. rear concrete stairs; as-built 713sq.ft. pavers on sand; as-built 95sq.ft. gravel on sand; as-built 11sq.ft. fire pit on sand; as-built 41sq.ft. open

shower with Belgium block on sand base; as-built two (2) 7.2sq.ft. concrete table bases; as-built 16sq.ft. front concrete stairs; and for the proposed installation of a 46.4sq.ft. set of second-story wood stairs consisting of a 4'x4.3' upper platform with 4'x7.4' stairs to seaward side patio area; proposed installation of 27sq.ft. of pavers on sand. Located: 1200 First Street, New Suffolk. SCTM# 1000-117-7-30, has been postponed.

If you are here for those, you are free to go.

I would like to announce under Town Code Chapter 275-8(c), the files were officially closed seven days ago and submission of paperwork after that date may result in a delay of the processing of the application.

At this time I'll entertain a motion to have our next field inspection Wednesday, May 9th, 2018, at 8:00 AM at the town annex. That's my motion.
TRUSTEE WILLIAMS: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE DOMINO: I'll entertain a motion to hold the next Trustee meeting, Wednesday, May 16th, 2018, at 5:30 PM here at the main meeting hall.
TRUSTEE BREDEMEYER: So moved.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE DOMINO: I would like a motion to hold the next work session at the Town Annex board room on the second floor on Monday, May 14th, 2018. That would be at 4:30 PM
TRUSTEE BREDEMEYER: So moved.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

I would like a motion to have a subsequent work session 5:00 PM, May 16th, 2018, here at the main meeting hall.
TRUSTEE BREDEMEYER: So moved.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for March 2018. A check for $11,803.52 was forwarded to the Supervisor's Office for the General Fund.

II. PUBLIC NOTICES:

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

III. STATE ENVIRONMENTAL QUALITY REVIEWS:

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VII Public Hearings Section of the Trustee agenda dated Wednesday, April 18, 2018, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:
John F. Betsch SCTM# 1000-54-4-24
Stephanie Neckles SCTM# 1000-38-2-32
Great Pond Restoration Committee, c/o Kenney's/McCabe's Beach Civic Association SCTM#'s 1000-59-5-2.1; 1000-59-5-2.4; 1000-59-5-3; 1000-59-5-4; 1000-59-5-5; 1000-59-5-6; 1000-59-5-8.1; 1000-59-5-9; 1000-59-5-10; 1000-59-5-11; 1000-59-5-12; 1000-59-5-14.1; 1000-59-5-15; 1000-59-5-16; 1000-59-5-17; 1000-59-5-18; 1000-59-5-19; 1000-59-5-20; 1000-59-5-21; 1000-59-5-22; 1000-59-5-23; 1000-59-5-26; 1000-59-5-31; 1000-59-6-22; 1000-59-6-23; 1000-59-6-21; 1000-59-6-27.3; 1000-59-6-27.2; 1000-59-6-19.3; 1000-59-6-19.4; 1000-59-6-17; 1000-59-6-16; 1000-59-6-15; 1000-59-6-9; 1000-59-6-8; 1000-59-6-6; 1000-59-6-7; 1000-59-6-5.1; 1000-59-6-5.2; 1000-59-6-3; 1000-59-6-2; 1000-59-6-1; 1000-59-5-1.1; 1000-59-6-24; 1000-59-6-26; 1000-59-6-25.1
Robert & Donna Drummond SCTM# 1000-87-4-7
Adam & Sandra Shebitz SCTM# 1000-52-2-26
Pipes Cove Management Association, c/o Robert Wallace, President SCTM# 1000-49-1-25.8
Peter Psyllos SCTM# 1000-105-2-1
Daniel & Barbara Christianson SCTM# 1000-115-12-17
Stephen Walsh SCTM# 1000-117-5-30

IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE DOMINO: Under Roman numeral IV, administrative permits. In order to simplify our meetings, the Board of Trustees regularly groups together items that are deemed minor or similar in nature. Accordingly, I make a motion we approve as a group items one and four. They are listed as follows:

Number one, Michael Kimack on behalf of **QUIET MAN HOLDINGS, LLC** requests an Administrative Permit to demolish existing 484.11sq.ft. one-story cottage; remove two existing 36sq.ft. steps; on existing one-story dwelling construct a 197sq.ft. deck onto the westerly side; construct new 45sq.ft. roof over entry portico; construct new roof; and install new siding, windows, and exterior doors. Located: 260 Huckleberry Hill Road, East Marion. SCTM# 1000-31-16-5.

And number four, Dwyer Design Consulting, Inc. on behalf of **JAMES & KIMBERLY GAVIN** request an Administrative Permit to remove existing concrete patio and construct a seaward side 20'x39' wood deck. Located: 3655 Stillwater Avenue, Cutchogue. SCTM# 1000-136-2-11
TRUSTEE BREDEMEYER: So moved to approve one and four.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Item two, Karen A. Hoeg, Esq. on behalf of **500 SOUNDVIEW DRIVE, LLC, c/o HENRY MAZZONI** requests an

Administrative Permit to install 8' high deer fencing along the easterly property line beginning at the existing deer fence at the top of the bluff and heading landward.
Located: 500 Soundview Drive, Orient. SCTM# 1000-13-2-8.2

I have been site twice, once with Trustee Williams and then again this last week on the 13th. The plans show an extension of an agricultural deer fence within an area set off for agricultural purposes, however because there is pending approvals for construction activities with the Planning Board, I have been cautioned by Mark Terry on behalf of the Planning Board that our approval should be conditioned on a return of the Planning Board's, so that the Planning Board conditions are met.

Accordingly, I move to approve this application for a deer fence noting that it is consistent with the Town's LWRP, but to bring it into conformity with the Town Planning Department, that the applicant, before receiving the copy of the permit and conducting construction activity, must clear construction with the Town Planning Department.
TRUSTEE KRUPSKI: Second.
TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).

TRUSTEE DOMINO: Number three, Thomas Trifaro on behalf of **JOSEPH MITCHELL & HA SHUM C. KWOK** request an Administrative Permit to add a 35sq.ft. front portico; a 448sq.ft. second-story waterside deck; and 4'x20' (80sq.ft.) second story deck stairs off new deck to ground. Located: 1380 Corey Creek Lane, Southold. SCTM# 1000-78-4-18.3

The LWRP coordinator found this to be consistent.

The Trustees did a field inspection. The notes indicate that it is subject to new plans; a non-disturbance line zone seaward of the Trustee wetland line on the plans submitted received April 16th, 2018; a split-rail fence to be erected along that designated wetland line; and with a five-foot non-turf buffer landward of the fence.

Accordingly, I make a motion we approve this application with those conditions.
TRUSTEE WILLIAMS: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Number five, **WILLIAM MACOMBER** requests an Administrative Permit to abandon and fill in existing damaged sanitary system, and install new septic tank with three new cesspools in the rear yard. Located: 4040 Deep Hole Creek, Mattituck. STM# 1000-115-17-4

This item has been deemed to be inconsistent under the Town's LWRP out of concerns to protect and restore tidal and freshwater wetlands.

The Trustees reviewed the plan submission and discussed the inspection of Trustee Goldsmith at our work session on Monday

evening, and our finding was that the leaching pools are being moved further landward than the existing sanitary system which will be abandoned, and will be providing an increased treatment of the waste water on this property.

By virtue of moving this system landward of the existing system we have addressed the concerns of the LWRP and would bring it into consistency under the LWRP. Accordingly, I would move to approve this application for an Administrative Permit to properly abandon the sanitary system and to install a new septic tank and new cesspools landward of the existing system, bringing it into conformity with the LWRP.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: Motion made and second, all in favor?

(ALL AYES).

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE DOMINO: Under Roman numeral V, Extensions, Transfers and Administrative amendments. Again, in order to move things along, the Trustees tend to group things together that are minor in nature or similar in nature. Consequently, I'll make a motion to approve as a group items one, two, and four through six. They are listed as follows:

Number one, **NOREEN FISHER** requests a One-Year Extension to Wetland Permit #8766, as issued on April 20, 2016. Located: 2530 Vanston Road, Cutchogue. SCTM# 1000-111-5-3

Number two, En-Consultants on behalf of **RYAN STORK** requests a Transfer of Wetland Permit #6447 from Jack Farnsworth to Ryan Stork, as issued on September 20, 2006. Located: 1140 Park Avenue, Mattituck. SCTM# 1000-123-8-1

Number four, **DAVID & STEPHANIE SACK** request an Administrative Amendment to Wetland Permit #9149 to relocate the proposed 4' high pool fence to be installed along the landward edge of the non-turf buffer. Located: 445 Glen Court, Cutchogue. SCTM# 1000-83-1-5

Number five, En-Consultants on behalf of **18975 SOUNDVIEW AVENUE, LLC** requests an Administrative Amendment to Administrative Permit #8888A to remove the existing 1,315sq.ft. Masonry patio in its entirety (leaving existing paver walls landward of the proposed 10' wide non-turf buffer in place); placement of approximately 80 cubic yards of clean sand/loam to fill the patio void; elimination of the proposed patio drainage system; and installation of 4' high pool enclosure fencing along the westerly and easterly property lines, extending south from the ends of the relocated plastic fencing. Located: 18975 Soundview Avenue, Southold. SCTM# 1000-51-1-16

And number six, North Fork Woodworks on behalf of **KEAN & BRIDGET DRISCOLL** requests an Administrative Amendment to Wetland Permit #8878 to expand the proposed 4' high pool fencing around the property, approximately 500 linear feet. Located: 905

Willis Creek Drive, Mattituck. SCTM# 1000-123-10-3
TRUSTEE DOMINO: That's my motion.
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE KRUPSKI: Number three, **STEPHANIE NECKLES** requests a Transfer of Wetland Permit #4825 from John Edler to Stephanie Neckles, as issued on November 21, 1997; and a Transfer of Coastal Erosion Management Permit #5065 from John Edler to Stephanie Neckles, as issued on September 22, 1999. Located: 130 Cleaves Point Road, East Marion. SCTM# 1000-38-2-32

The Trustees reviewed this transfer inhouse on the two wetland permits and found it to be a straightforward transfer, although noting that it needs work, as we'll come to shortly.

I make a motion to approve the transfer of both permits 4825 and 5065.
TRUSTEE WILLIAMS: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

VI. MOORINGS/STAKE & PULLEY SYSTEMS:

TRUSTEE DOMINO: Roman numeral VI, mooring, stake and pulley systems. Again, actions that are minor or very similar in nature, we group them together. Mooring applications are straightforward and similar, accordingly I would make a motion to approve numbers one through four as a group. They are listed as follows:

Number one, **JOSEPH COOGAN** requests a Mooring Permit in Town Creek for a 31' sailboat, replacing Mooring #970. Access: Public

Number two, **GINO MENCHINI** requests a Mooring Permit in Gull Pond for a 20' Boston Whaler, replacing Mooring #16. Access: Private

Number three, **GERALD O'NEILL** requests a Mooring Permit in Gull Pond for a 23' sailboat, replacing Mooring #7. Access: Public

Number four, **JOSEPH FINORA** requests a Mooring Permit in Little Creek for a 19' outboard motorboat, replacing Mooring #991. Access: Public
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

PUBLIC HEARINGS:

TRUSTEE DOMINO: At this time I'll take a motion to go off our regular meeting agenda and enter into the public hearings. Motion?
TRUSTEE BREDEMEYER: So moved.
TRUSTEE KRUPSKI: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE DOMINO: This is a public hearing in the matter of the following applications for permits under the Wetland ordinance of the Town of Southold. I have an affidavit of publication from

the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public. Please keep your comments relevant to the subject at hand and please keep them brief, five minutes or less would be appreciated.

AMENDMENTS:

TRUSTEE BREDEMEYER: The first application under Amendments, number one, En-Consultants on behalf of **MATTITUCK PROPERTY FAMILY TRUST** request an Amendment to Wetland Permit #8996 to construct a ±20 linear foot landward extension onto the recently constructed low-profile vinyl groin. Located: 520 Park Avenue Extension, Mattituck. SCTM# 1000-123-2-28.4

This application has been deemed to be inconsistent with the Town's LWRP largely with concerns with the potential it would interfere with natural coastal process.

The Board of Trustees visited the site on March 14th and also on February 7th of this year and we further discussed the item at our Monday evening work session on the 16th of April.

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

MR. HERRMANN: Yes. Good evening, Rob Herrmann of En-Consultants on behalf of the applicant. It was two months ago that the hearing was open and we had significant discussion about the application, and after much discussion I think where we left off, there was a suggestion, and I think it was Mike Domino who was leading the discussion about the possibility that at the landward end of the proposed extension, that we consider doing a bit of beach nourishment to try to tie the beach area back into what you can see is the small, eroded dune area on the landward side of the seaward deck. So I had indicated I would go back to the site and meet with the contractor and evaluate Mike's recommendation. We did do that and just took a couple of rough measurements and found that the area that we had been discussing at the last hearing is probably about 28 feet wide between the edge of the house and the property line. So if you can imagine that in that photo coming from the house toward you, it's about 28 feet toward you to get to the property line. And the distance between the proposed groin extension and the toe of the escarpment that you can see there is about 18 feet. Roughly, we calculate, it's probably about a five-hundred square foot area that would require about 15-cubic yards of beach-compatible sand. If there is, and we have not done an extensive topo on it, but I met with Steve Pollack and he and I estimate it would probably be about an 18-inch difference, or at least it was when we there were. If the Board still wishes us to pursue that, the applicant was amenable to it. The only concern he had was whether this was just kind of putting sand in a bucket and throwing it out the window, because it was right after we had this discussion in February that we had that episode of nor'easters, and you could see how much sand was being moved

around there.

The beach elevation around the groin is actually much higher now, so the exposure of the groin is much less. I don't know if you saw that when you were there in March or remembered what it had looked like in February, but it did strike me that the overall elevation of the groin above the beach was now lower due to some of the sand that had built up against the groin during the storms. So the long story short is, ideally, the applicant would like to avoid the investment in the sand there just for fear that it won't last, but if the Board feels strongly about it and wants that to be an additional component of the project work, he's willing to undertake that, if that is what is necessary to get the permit.

TRUSTEE BREDEMEYER: Thank you. Also, I want to point out for the record, the Conservation Advisory Council did not support the application to amend the permit. Seemingly they felt it contradicted the original permit. The existing groin is underwater at both tidal cycles and a landward aggression to connect is environmentally detrimental to the subject properties and surrounding properties and will impact the littoral drift of sand. This item was also discussed by the Board at our work session in the context of the possibility of adding sand and revegetation to try to stabilize the property. I just wanted to point that out.

MR. HERRMANN: And I think we discussed that at the last hearing, and I had pointed out that the landward extension is actually, it really extends landward of the intertidal zone, so it would not impact the littoral drift within the intertidal area.

TRUSTEE BREDEMEYER: And the seaward extension had been discussed as well. Seemingly, if we are going to be marching further landward, because we are involved in coastal retreat, the Board discussed it briefly, but the seaward extension is no further seaward than the adjoining bulkheads. And a lot of the damage was deemed to be coming largely from the easterly where the groins had not been maintained on other properties.

MR. HERRMANN: Right. I forget what the distance was now but in the original permit, I don't remember if it was eight feet or something like that, but we actually did permanently remove that section that was out that was determined to be non-functional. So the overall seaward encroachment of the groin will remain shorter and consistent with the original permit.

TRUSTEE BREDEMEYER: Exactly. Is there anyone else who wishes to speak to this application?

(Negative response).

Seeing no one else, hearing no one else coming forward to speak, I make a motion to close the hearing in this matter.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

TRUSTEE BREDEMEYER: I would make a motion to approve this application subject to the stipulation that additional small amount of sand fill be brought in so that the groin is

pre-filled, and that material would reach the same beach grade as the Board had visited on February 7th, that that would be inline with the height of the bottom set of steps, which is not quite so visible here, but that would, the Board determined that was essentially at a level that would pre-fill and would allow for beach access along the foreshore.
MR. HERRMANN: Is that similar to the elevation of the dune escarpment that is there now?
TRUSTEE BREDEMEYER: Maybe fractionally less.
MR. HERRMANN: It's a little lower, so it slopes back.
TRUSTEE BREDEMEYER: Yes. And with the placement of fill I think the Board would like to see some revegetation on the fringe of the dune where it has been lost through these successive nor-easters. But we are just going to request to revegetate without specification. We felt that would be up to the contractor or construction crew to determine.
MR. HERRMANN: It would make sense to revegetate it landward of the spring high water line so it's beach grass, it's out of the typical tidal area.
TRUSTEE BREDEMEYER: So with those two stipulations, the sand Fill to the lower steps and revegetation. That's my motion.
TRUSTEE WILLIAMS: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Number two, Michael Kimack on behalf of **JOHN AND KORI ESTRADA** request a Transfer of Wetland Permit #4096 from David B. Tuthill to John and Kori Estrada as issued on December 10, 1992, and Amended on June 1, 1993; and for an Amendment to Wetland Permit #4096 to construct a 4'x8' fixed dock extension using Thru-Flow decking and two (2) 8" diameter dock pilings onto the seaward end of existing fixed dock for a new total length of 58'; reconfigure existing floating dock to an "L" shape configuration; relocate the existing two sets of floating dock securing two-batter pilings; and install one 8"-10" tie-off piling approximately 15' to the west from the new floating dock location. Located: 2350 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-7

The LWRP coordinator found this to be inconsistent. The inconsistency rises from the fact that on the original application the applicant did not correctly demonstrate the dock meets the one-third rule and did not show the dimensions of the vessels included on the plans, and discussed the impacts of vessel to the navigation.

Additionally, the inconsistency developed from the fact that the applicant currently enjoys access to public waters by the existing dock.

The Trustees did field inspections on this location on March 14th, 2018, and most recently on April 11th. April 11th, I'll say that, note that the dock is not going out any further than the existing dock.

The Conservation Advisory Council resolved to support this

application at the meeting March 14, 2018.
Is there anyone here to speak to this application?
MR. KIMACK: Yes. Michael Kimack on behalf of the applicant. You should have in your file, I did a Google map with a low water and it indicated that it was about 200 feet across, something like that. You should have a plan that the dock with the, turning it that way with the boat, basically, takes up about 25% of the overall from one low shore to the other. I will point out after our meeting because DEC required it when they looked back on their permit, because we are going through them also, they recognized they didn't have enough data on the soundings. So I went out there last Friday and redid the high water and low water soundings. And I know that Mike had pointed out, basically, that the original ones showed that if we put the boat in that position, the keel would touch bottom. But the new soundings indicate that the center point of the proposed boat location, the water at low water is five feet. So 30 inches plus about an extra 30 inches underneath it. It just happened to be deepened out there.
TRUSTEE DOMINO: Let the record reflect that on March 20th, 2018, the new plans showing the vessel and photographs on March 23rd, were received and are entered into the file.
MR. KIMACK: I also have a corrected survey with all the soundings on it, et cetera, that I would like to deliver to the office tomorrow, the four copies of that, with the corrected cross files showing the more accurate sounding, showing the depth underneath where the keel of the boat is going to go. And I'll just bring those four copies in and drop them off tomorrow.
TRUSTEE DOMINO: Is there anyone else who wishes 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 DOMINO: All in favor?
(ALL AYES).
TRUSTEE DOMINO: I make a motion to approve this application as submitted noting that the inconsistencies would be addressed or have been addressed by submission of the plans noted and that even with an eight-foot beam, would not be further out than the present dock and would not come near the one-third across the waterway.
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).
MR. KIMACK: Thank you, very much.

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE GOLDSMITH: Under Wetland and Coastal Erosion Permits, number one, **JOHN F. BETSCH** requests a Wetland Permit and a Coastal Erosion Permit to add

additional rows of 500-1,000 pound toe stone armor and core stone base in order to fortify existing stone armoring; bury stone in approximately 40 cubic yards of clean sand to create a vegetated dune; and re-vegetate disturbed areas with Cape American beach grass. Located: 2325 North Sea Drive, Southold. SCTM# 1000-54-4-24

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support this application.

The Trustees conducted a field inspection on April 11th noting it was straightforward, especially in light of the recent nor'easters.

Is there anyone here wish to speak regarding this application?

MR. BETSCH: John Betsch, here to answer any questions you might have.

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

(Negative response).

Any questions or comments from the Board?

(Negative response).

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

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. BETSCH: Thank you.

TRUSTEE KRUPSKI: Number two, Jeffrey Patanjo on behalf of **STEPHANIE NECKLES** requests a Wetland Permit and a Coastal Erosion Permit to remove existing timber bulkhead and replace with 86 linear feet of new vinyl bulkhead in same location as existing; install new 16 linear foot long bulkhead return on west side; remove and replace existing 3.5'x3.5' cantilevered platform off bulkhead with 3.5'x7' stairs to beach in-place; and to install and perpetually maintain an 8' wide gravel non-turf buffer along the landward edge of the bulkhead.

Located: 130 Cleaves Point Road, East Marion. SCTM# 1000-38-2-32

The Trustees visited the site on April 11th, all were present and said it would be appropriate to either match the neighbor's buffer or put in a ten-foot non-turf buffer.

The LWRP coordinator found the bulkhead replacement to be consistent but found the bulkhead platform and stairs to the beach to be inconsistent, as they were as-built.

The Conservation Advisory Council resolved to support this application.

It should also be noted that the LWRP coordinator said to require a non-turf buffer planted with native salt-tolerant vegetation.

Is there anyone here to speak regarding this application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant.

We do have a New York State DEC permit for the application as proposed on the attached drawings that you have and we have no objection to a ten-foot wide, non-turf buffer.

TRUSTEE KRUPSKI: Is there anyone else here that wishes to speak regarding this application?
(Negative response).
Any questions or comments from the Board?
(Negative response).
Okay, that being said, I make a motion to close this hearing.
TRUSTEE WILLIAMS: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE KRUPSKI: I make a motion to approve this application with the following amendment: A ten-foot, non-turf buffer, and also by permitting the steps to the beach it will bring it into consistency with the LWRP. That's my motion.
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).

TRUSTEE WILLIAMS: Number three, Wetland & Coastal Erosion Permits, J.M.O. Environmental Consulting on behalf of **MARTHA E. TORRANCE & LUCIE T. TURRENTINE** requests a Wetland Permit and a Coastal Erosion Permit to construct a 4'x50' fixed dock; a 4'x20' ramp with railings; and an 8'x16' floating dock.
Located: 468 Sterling Street, Fishers Island. SCTM# 1000-10-9-5.1
This project was deemed inconsistent by the LWRP.
In addition, the Conservation Advisory Council did not make an inspection, therefore no recommendation was made.
Since the original application was made, Glenn Just from JMO had submitted revised plans that would make the project consistent under the LWRP, and the new plans reduce the size of the dock to 48 feet, the size of the fixed dock.
The Trustees did not visit this. We did an inhouse on 3/14.
And at this point is there anybody here that wishes to speak to this application?
MR. JUST: Good evening, Glenn Just for the applicant. At the last public hearing we had for this we discussed reducing the size of the fixed dock to conform with Coastal Hazard Erosion and also the LWRP concerns, and I think we are consistent with both of those policies now.
TRUSTEE WILLIAMS: Do any of the Trustees have any questions?
(Negative response).
Is there anyone else here that wishes to speak to this application?
(Negative response).
I make a motion to close the public hearing on this application.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE WILLIAMS: At this point I make a motion to approve the application with the new plans bringing the project into consistency. That's my motion.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

MR. HAGAN: One point, Glenn. You have another matter on the agenda, that there were some e-mails. Are you going to have that public hearing or are you looking to table that one?
MR. JUST: We would like to table that.
MR. HAGAN: Mr. President, with your permission, can we call that matter out of order, just for clarification.

Under Wetland Permits, number five, which is on page seven, JMO Environmental Consulting on behalf of **CHARLES & BRENDA GRIMES** Requests a Wetland Permit to construct a 15x24' bluestone patio on sand; stepping stone paths; 4x6' steps; a 4x148' fixed dock utilizing "Thru-Flo" decking; a 3x12' ramp; and a 6x20' float secured by two (2) piles.
Located: 4145 Wells Road, Peconic. SCTM# 1000-86-2-12.6

It's my understanding there was a representation made to the Trustees earlier today that the applicant wishes to table this to the May meeting. Mr. Just, is that accurate?
MR. JUST: Yes, it is.
MR. HAGAN: You don't have to open that hearing. It's tabled at the applicant's request.
MR. JUST: Thank you, very much.
MR. HAGAN: Thank you, for clarifying that.

TRUSTEE BREDEMEYER: The next application, number four, DKR Shores, Inc. on behalf of **MARIJO C. ADIMEY & VERONICA M. LUGRIS** requests a Wetland Permit and a Coastal Erosion Permit to remove and replace in-place 84' of existing vinyl bulkhead with new steel sheet piling bulkhead; install two (2) 20' long returns; backfill disturbed area with 45 cubic yards of clean fill from an upland source; re-vegetate disturbed areas with Cape American beach grass and native species of shrubs; temporarily remove and replace in-place existing bluff stairs with two (2) 12'x16' decks; reconstruct existing 4'x5' cantilevered platform and aluminum beach access stairs; and install French drains at top of bluff to reduce rain runoff on the bluff face.
Located: 21515 Soundview Avenue, Southold. SCTM# 1000-135-1-5

The project has been deemed to be inconsistent with the LWRP, stemming from the fact that one of the deck sections does not have a permit, from my understanding. The project -- letters to the record have been read at the previous public hearing when we tabled this application.

The Conservation Advisory Council did not support this application given the fact that the rear setback, 16-feet from the bank is inadequate, and the CAC recommends a new design plan due to history of erosion in the area.

The Trustees have discussed this project on at least two field inspections and two work sessions, including this last Monday evening, the 16th of April.

The project, from my understanding, and for clarification to the record, that DKR Shores is no longer representing Marijo Adimey and Veronica M. Lugris. I see Patricia Moore who has made

a representation she is representing them now.

For the record, is that true?

MS. MOORE: Yes, that's true. I included DKR only because it's her plans and we may, depending on redrawing them, I asked her to stay, I don't want to say representing the applicant, but to continue with us. But if we can't, we can't. It's fine. Either she can revise the drawings or I have another person that can draw them. But I'm the applicant's agent. I have the applicant here. Marijo Adimey is here, so we will proceed.

TRUSTEE BREDEMEYER: Is there anyone here that wishes to speak on behalf of the applicant?

MS. MOORE: Yes. So this is really a continuation of a hearing. I happened to be here at the other hearing, so I was able to hear a lot of the conversation and reading some letters from the record and so on.

One thing, I want to, I have given you two documents. The first document is more of a written outline, and the written outline refers to the coastal erosion law to try to follow what the law is. One of the recommendations LWRP had was to eliminate, reduce an existing deck that is a permitted structure. That certainly is something that the client objected to. I got involved, I pulled out the coastal erosion law, and for clarification sake, the coastal erosion law does recognize one pre-existing structure. And McDonald brothers owned this property since for at least, their family owned it I believe in the 70's, 80s. The coastal erosion law was adopted in 1991 and this was an existing structure in 1991. They thereafter got a permit to rebuild it in 1995, and also in -- let me make sure I have the right date, pardon me. So '95, excuse me, '94 it was given a full permit. In '95 they ended up with an emergency permit because the bulkheads here are constantly failing. And thereafter in 2011, it was, it received another permit. So this has been a continuously-permitted structure. Ms. Adimey -- the owners, Adimey and Lugris, both received a transfer of the permit and all these structures are permitted structures. So I want to make very clear, I think the LWRP coordinator may have misstated in his recommendation, he believing there was a structure that was not permitted. All the structures here have permits.

So we are just starting with a clear record that all the structures here are permitted.

What they came in for was to replace the bulkhead, the permitted bulkhead, that was a vinyl bulkhead, in January after the first storm where the bulkhead was damaged. Thereafter two more storms hit and the bank, as you know, had continued to erode. So in that time, we retained the services of Creative Environmental. Dave Chicanowicz is here. And we provided several things, to begin with, we started off by having a contractor that will be involved here, I gave you a cross-section at an earlier meeting of the Chesterfield Associates cross-section of the steel plan. We also have the Creative Environmental that prepared a drainage plan for you,

and cross-section. And all those documents are made part of your record.

The second set of documents I gave you was my effort at making kind of a clear description of what permits are existing, what permits have been amended. Because it was getting a little confusing because we had DKR's original submission, that's on the left-hand side, I made this a two-column document. It's real simple. On the left-hand side is DKR. On the right-hand side is any amendments we may have made to it. So the request has pretty much stayed the same. At the work session I gave you the cross-section by Chesterfield Associates. When it comes to the two 20-foot new steel returns, because Vasilakis, the neighbor, had a terrible destruction of their bluff, they are coming in with a permit, a permit has been filed, it won't be heard until the June meeting. But in the event that Vasilakis does complete the work and they also have hired Chesterfield. So the plan is to have all the work done at the same time and coordinated. Then the second return between the Vasilakis and Adimey property is not required. So I left it in the description but I would say the second return is not needed. We can leave it to be determined, you know, at a later date. But right now I don't believe we are going to need it. Only if the Vasilakis permit in June is not issued or they don't do the work. Which is very, very, very, unlikely. It is definitely work that has to be done, as is evidenced by the storm damage that you've witnessed. The stone splash is still the same. The two decks that, and stairs. The proposal was similar to the proposal that was done when McDonald replaced the bulkhead. They asked, for purposes of the safety of the crew, to remove the decking, just set it to the side so it would allow the fill and the grading to be restored, and the bulkhead work to be repaired without interference of the deck. So it would be certainly the same approach, if possible.

Chesterfield says, well, if we must, we'll keep it there but I think that the Board, based on the, certainly your effort to have everybody work safely and not be put in any jeopardy, it's best to have it moved over to the side. But again, it's very important these decks be considered permitted structures that are to remain.

The cantilevered platform with removable aluminum beach access steps, again, that is remaining as well. That was a permitted structure previously, it's just when the bulkhead is replaced, it will be a new structure. And again, as I pointed out, the terracing is new because that, at the time the DKR application was filed in January, two additional storms were, you know, hit. So there is additional remediation and restoration required. And the best course is to create tiered timber -- I don't want to call them retaining walls, but I guess they are considered retaining walls. Wood retaining walls. And that's it. The application is not much different than what you hear on a regular basis.

I think there was some misunderstanding at the January hearing with respect to the decks, and we know that the permits that were issued for McDonald, at the end of each of the permits it says well, you are going to rebuild the decks, we want you to come back in. They don't need to rebuild the decks. In fact it's probably, the only thing that withstood these storms were these decks. So, surprisingly, the bank needs restoration and bulkhead needs a complete replacement. But the decks are still in place and the posts that were placed on the property are still very strong and still in place. That picture doesn't show it. I don't -- that is to the east. That is showing the Vasilakis property to the east. That is what you are seeing, the big cave in, is Vasilakis.
TRUSTEE BREDEMEYER: That's a cave-in on the easterly side.
MS. MOORE: Yes, the easterly side, that's Vasilakis. You are not actually looking at -- the Adimey property is only showing maybe the furthest easterly feet.

That's, to the west of the deck, that is a structure that no one is proposing to remove or replace. It's there and we are just going to fill around it. So. Do you have an extra picture there? You have one side and the other. I have pictures of the deck in your file. So that's the bulkhead. No, that's the, on the landward side of the existing bulkhead, that the staircase and the kayak fell in when the, when all the sand left.
TRUSTEE WILLIAMS: That's clearly showing the bulkhead being pierced right under the tip of the kayak. I took the picture. You can see the hole in the bulkhead.
MS. MOORE: Yes. At the time you made the inspection, no one had seen the piercing, and even though my client had said, every contractor said we have some damage to the bulkhead, you obviously didn't see it, and it's not surprising, because it was just not so evident. It's clearly there, you have been there and you know the condition, so, no doubt.
TRUSTEE BREDEMEYER: The project plan that I have before me dated January 19th, that was created by DKR Shores, dated in the Trustee office January 19th. Seems to be that which you are speaking of here.
MS. MOORE: Yes, I had it stamped on the plans I got from DKR that shows January 25th. So I just used the Trustees stamp. I didn't have a date on the document.
TRUSTEE BREDEMEYER: That's why I'm saying it was received in the Southold Trustee office January 19th. For point of clarity, I don't see in the file a planting vegetation plan that you spoke of.
MS. MOORE: This one? It should be a large plan.
TRUSTEE BREDEMEYER: I have not seen that in this file.
MS. MOORE: You made prints?
MR. CHICANOWICZ: I thought I did.
MS. MOORE: I know we talked about it. I know he reviewed it with you guys but if you don't have it, I'll give you mine and we'll get you more prints, that's not a problem.
TRUSTEE BREDEMEYER: That creates an administrative problem. We

can't conclude the final action on this until we have an opportunity to review it. There is no other file that I'm aware of.
MS. MOORE: Not a problem.
MS. CANTRELL: I never saw those.
MS. MOORE: I thought it was reviewed at work session. That's why I did it the way I did. Because when I was reviewing it today, I was like, wow, let me try to make sense of this.
TRUSTEE BREDEMEYER: So you understand, the Board would have to intake plans and table the application and put the -- because the plans are part of a whole. We can't segment this project out.
MS. MOORE: Well, no, we do want it treated all at the same time. I think that plan reflects that was discussed at the work session for sure, because the work session was where that plan was, let's say, crafted. So what Dave Chicanowicz did is put it in paper what was discussed as the means of drainage.
TRUSTEE BREDEMEYER: Understood. So the Board has a seven-day rule and we have to check conformity of it and then there are other issues that you clarified concerning permitting on decks can be taken into consideration. Because the Board had some slightly different thoughts with respect to that.

As far as the inconsistency, it appears to be addressed by virtue of your permit search and my understanding from the Board during the work session is that would be sufficient.

There is still this question about the lower deck as far as trying to honor the requirements of the Coastal Erosion Hazard Act. With respect to the concerns of the Conservation Advisory Council, we now have this additional iteration concerning stabilization of the property through the plans that we discussed at the work session. So I just wanted to try to bring it -- and it's my understanding there are no new letters to the file here that we have read at the previous meeting.

Before I ask for additional concerns or questions from those here, are there any additional concerns or questions from the Board?
TRUSTEE WILLIAMS: I don't think so. Pat was very thorough.
MS. MOORE: Thank you.
TRUSTEE BREDEMEYER: Anyone else wish to speak to this application?
(Negative response).
MS. MOORE: No, but Dave Chicanowicz is here, if you have any questions specifically about that, I would hate to make him come next meeting, but, he has nothing better to do, right Dave?
TRUSTEE BREDEMEYER: I don't think at this time -- we really will have to review those plans.
Okay. Is there anyone else who wishes to speak to the application?
(Negative response).
Hearing no other person, at this time I would make a motion to table this application to provide the Board an opportunity to review the bank stabilization planting plan of Mr. Chicanowicz in totality of the application.
MS. MOORE: That's fine. It will be on for the May --

TRUSTEE DOMINO: Motion made.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE DOMINO: Motion made and seconded.
MS. MOORE: Thank you.

WETLAND PERMITS:

TRUSTEE DOMINO: Under Wetland Permits, number one, Group for the East End on behalf of **GREAT POND RESTORATION COMMITTEE, c/o KENNEY'S/McCABE'S BEACH CIVIC ASSOC.** request a Wetland Permit to remove an invasive species, Phragmites australis, through physical and mechanical methods using a hydro-rake and floating barge to remove aquatic infestation, and mowing/cutting to remove the terrestrial infestations; once the terrestrial sections are cut, black construction plastic will be placed with a layer of mulch to solarize the remaining rhizomes and seeds; erosion control measures in the form of straw wattles will be deployed to prevent sediment from entering the pond; in the case of the aquatic vegetation removed, it will be dewatered before combining with the land-based vegetation and both will be removed off site to a NYS DEC certified disposal facility; once the Phragmites are removed from the project site, native vegetation will be planted to promote diversity, increase wildlife habitat, and improve water quality; and long-term monitoring will occur to document any future infestations of Phragmites. Located: Great Pond and all of the following properties abutting Great Pond located along Lake Drive, Soundview Avenue and Kenney's Road, Southold. SCTM's# 1000-59-5-2.1; 1000-59-5-2.4; 1000-59-5-3; 1000-59-5-4; 1000-59-5-5; 1000-59-5-6; 1000-59-5-8.1; 1000-59-5-9; 1000-59-5-10; 1000-59-5-11; 1000-59-5-12; 1000-59-5-14.1; 1000-59-5-15; 1000-59-5-16; 1000-59-5-17; 1000-59-5-18; 1000-59-5-19; 1000-59-5-20; 1000-59-5-21; 1000-59-5-22; 1000-59-5-23; 1000-59-5-26; 1000-59-5-31; 1000-59-6-22; 1000-59-6-23; 1000-59-6-21; 1000-59-6-27.3; 1000-59-6-27.2; 1000-59-6-19.3; 1000-59-6-19.4; 1000-59-6-17; 1000-59-6-16; 1000-59-6-15; 1000-59-6-9; 1000-59-6-8; 1000-59-6-6; 1000-59-6-7; 1000-59-6-5.1; 1000-59-6-5.2; 1000-59-6-3; 1000-59-6-2; 1000-59-6-1; 1000-59-5-1.1; 1000-59-6-24; 1000-59-6-26; 1000-59-6-25.1

The LWRP found this to be consistent.

The Conservation Advisory Council on April 11th resolved to support the application.

The Trustees have done a number of field inspections on this site, the most recent inhouse discussion of April 11th 2018. And the notes indicate that it is important to remember that only phragmites will be cut, take care to avoid damaging other plant species.

Is there anyone here speak to this application?

MR. VIRGIN: I am. My name is Aaron Virgin, Vice-President of Group For The East End, here to answer any questions from the Board of Trustees or the public.
TRUSTEE DOMINO: It was a thorough presentation, we looked at it several times. Any Board members have any questions?
TRUSTEE WILLIAMS: Everything seems straightforward.
TRUSTEE DOMINO: Anyone else wish to speak to this application?
MR. MANOS: Hi. My name is Charles Manos. I have property on the lake so I'm an interested stakeholder. By way of history, I spent pretty much every summer -- time every summer since the late 1960s on that lake and I think this is ill-advised.
The phragmites, yes, it's very unsightly, and yes, it's grown dramatically in recent years. Other things that have happened in recent years is the lake has been closed for swimming because of E-coli. And what is less obvious, but to be me personally I know of, is when I was 10-years old I used to swim across that lake every morning. Now if you go out in the middle of that lake in August, it's, there is vegetation growing from the bottom to about a foot below the surface. So the phragmites, the E-coli, the extreme vegetative bloom so to speak that is occurring, are symptoms of some other problem.

The other problem is, and it's well-known, is the explosion in geese over that period of time. One adult goose produces about three pounds of poop a day. Or another way to look at it, fertilizer. It's got nitrogen, it's got phosphorus, it's got potassium. So the phragmites, yes, it's unsightly, and yes, the growth rate is exploding, but it's actually cleaning out the lake. Now, the proposal is to replace the phragmites with some native species. I did some research, here I have a study readily available online, if anyone wants, I have a copy here, from the Smithsonian Environmental Research Center. They are very involved in researching phragmites in the Chesapeake Bay and water basin. And they did a study where they compared phragmites to native plants with respect to carbon and nitrogen uptake. And what they find is that phragmites absorbs a lot more carbon, which if you are concerned about global warming would be a good thing. But a more local concern, particularly in Great Pond, is it absorbs more nitrogen and phosphate than native species.

So if we pull out all the phragmites and replace it with a native plant, there will be more fertilizer in the lake, is basically what this comes down to.

But I think it actually gets worse, because geese are not well adapted to phragmites. Phragmites, although it's labeled an invasive species, it's been in this country for over two centuries. So the invasion has already happened, it's here, it's part of the ecology we have today. The reason phragmites is growing better than these other plants is because it's just better equipped to absorb nutrients. And, as I said, the geese are not adapted to phragmites, but they are adapted to eating native species, which are lower in height, have more of a ground level growth, which is where the geese eat. So by getting rid of the

phragmites, we are increasing the nitrogen, (a), because the replacement plant is less efficient in absorbing plant food out of the lake. And, (b) we are creating more habitat for geese. Geese return to the same spot every year. So the number of geese is going to increase, which is more phosphate and nitrogen. So the question is what can we project from the basis of this. And as I said, I find phragmites unsightly, and have I have a great view of the lake. But I'm concerned that the alternative is much worse.

So, for example, in the 70's Route 58 was lined with duck farms. And the county saw fit to shut them down because of the algae blooms that were occurring in Peconic Bay. And they all, the county also saw fit to ban soaps and detergents that had phosphates in them in the 70's for the same reason.

So I think the county is already on position saying elevating phosphate is not a good thing, and I think what we are doing if we do rip out phragmites and replace it with native plants, is we are creating the pre-conditions for an algae bloom in that lake. It's actually indisputable. There will be a year where there will just be an algae bloom. Fish will pop up on the water dead, there will be the scummy slime. That's what we are creating. So that is my first concern.

My second concern is -- and I should add, there are several houses that have large lawns on that lake. And the lawns are a magnet for geese because (a), they eat grass and (b), they are not a solitary animal. They descend in a flock. So if they are in an open area such as a lawn or golf course they have a 360-degree line of vision and they can't be ambushed by a predator. And I can see one of these lawns from my house every day, and there is regularly 20 or 30 geese on it. And again, it's plant food. The geese are producing plant food. The phragmites is responding to elevated plant food. You get rid of the phragmites there will just be, those nutrients are going to go into some other botanical process. It's very well likely going to be algae.

The other concern and objection I have is most of the lake is pretty flat, right, but my property is basically an embankment. And the phragmites holding that embankment in place. So according to the plan, the phragmites are going to get ripped out, there will be nothing there for some time, and I am suffering the risk of an erosion problem.

Should I wait for a response or is it a debate?

TRUSTEE DOMINO: No, you just speak to the Board. Address all your comments to the Board.

Would you like to respond?

MR. VIRGIN I would like to, thank you. Mr. Manos, you bring up three excellent points. I'll group them together. The first one the Smithsonian study, is not the only study that has proven phragmites actually do a lot of beneficial things. That being said, in a marine ecosystem, which we know has your freshwater ecosystem is what we are talking about, you can contain them, you can remove them and you can replace them and you can replace

them with plants that are more efficient in the uptake of nitrogen. I don't want to deal carbon because that's not really the issue here, but also phosphorus. Phosphorus is the thing that will speed up algal blooms in the freshwater systems. Not so much nitrogen. The hydro-raking system, you talk about depth, the hydro-raking system will help remove a lot of the growth of the phragmites that we don't see, the rhizomes. These are single plant structures with a lot of complex growth system under the water and under the land. The hydro-raking will remove that, and in doing so will indirectly dredge and decrease the depth of the pond. And that will increase the oxygenation, increase the dissolved oxygen and do exactly what you fear, that is promote, maybe overheating you didn't say, but what is happening now in the pond is it is becoming nitrified or it is decreasing its depth, and that is why we have had blue-green algae, we've had algal-blooms, we've had them two of the last three years, that's why the camp was shutdown to swimming. These can be toxic, these can be, there is a similar outbreak in Georgica Pond, a dog drank the water from the pond and died. It was linked to that toxic blue-green algae. So I think what you don't want to see happen is already kind of happening in a small scale. And I agree with you, if left unchecked -- I guess I disagree with you here, if left unchecked, it will actually exacerbate the problem.

The phragmites is actually encroaching, it has been slowly over the past three decades, and in doing so, the depth of the pond has gone anywhere from nine to ten feet to probably maybe four or five feet. Right now I think if you go to the pond you'll see it's the deepest you'll see it at this time of year, during the year, I should say, with all the rains we have had.

And the third part, you brought up the green lawns. The plan would be, in phase two, would be to get the 41 property owners together and agree to restore the phragmites that have been removed with the native plants. To try to remove the areas you talked about with the lawn with something that would detract or encourage more native wildlife, but detract things like geese.

My inclination is the geese are there because it's a secluded spot. You take the phragmites away, put in more native vegetation, they don't have the seclusion, I think you are going to see a decrease in geese. I can't guarantee that. But quite frankly what do we have to lose? I think the geese are there right now in the situation we have. And the geese are not the only problem. The geese are not producing blue-green algae. I think that is the real problem here. Again, getting back to the hydro-raking and getting some of that depth out, getting some of the muck out, will increase the flow, and will increase -- return the system back to what it was going back several decades ago when we didn't have these blue-green algae.

Your erosion, point three, the last point. Your erosion is a legitimate concern. And I heard about this recently. We are working with a consultant on lake management, on the restoration plan, to have something that would stabilize your area. I think you do

have the most severe incline into the pond. You and maybe the property to the east of you, and I think there is another neighbor too. Very steep areas. And we would definitely want to work with you on a habitat restoration that would promote stability and something that all parties would agree on.
TRUSTEE DOMINO: Could you direct your remarks to the Board.
MR. VIRGIN: I'm sorry. I 100% agree that the stabilization of the shoreline is a concern.
TRUSTEE BREDEMEYER: I know Lake Court from having fished there when I was a child of about 12-years old. That's more like five decades ago, and phragmites were fairly rare at that time. And I think I know your dad, Jim, or late dad. Everything you all said about the water quality is pretty true. I was previously associated with the County health department, beach and bathing control unit, and actually closed the beach there, and I'm quite familiar with it. But I wanted to point out that the goose problem, the town has started to address it. We have hired a part-time wildlife control person. And, you know, I guess the question is, you know, cart before the horse. I don't want to really get into the middle of it, but I think the town is trying to make efforts in reduction of the nutrient loading, which I would have to say both of you provided a very good description of what is going on. Of course it is a fresh water environment, but the Trustees' office has already been questioning whether sport hunting would be appropriate here for the geese, but it's not, so we'll have to rely on different control methods. But I wanted to let you know the town is concerned, questions have been raised and we have a wildlife control officer who has been hired part-time and will be able to assist in these matters.
MR. MANOS: The DEC is all for remediation of geese, and the life cycle is such that they always come back to the same spot. But --
TRUSTEE DOMINO: Please, sir, address the Board.
MR. MANOS: (Continuing) But with respect to the first point he said, he actually made an argument, his first two points, he argued persuasively for dredging, but actually was moot on the point of whether there should be removal.

See, if the nutrient load goes down, they'll shrink the phragmites. But what you said is actually argued for dredging the vegetative deposits in the middle of the lake.
MR. VIRGIN: I didn't say anything about the middle of the lake. I talked about the removal of the rhizomes. And in doing so -- if you look at the lake, the phragmites are on the perimeter.
MR. MANOS: Yes, I understand.
TRUSTEE DOMINO: I'll ask you again not to have a cross dialogue.
MR. VIRGIN: I mean, that's where the removal would be and that's where you would be removing a lot of the underwater vegetation. And with that, some of the substrate of the pond would be removed as well.
TRUSTEE DOMINO: Any questions from the Board?
(Negative response).
Anyone else wish to speak to this?

MS. AGNESINI: Good evening, I'm Amy Agnesini. I have property on the lake for three decades now. I have seen tremendous growth, as you mentioned before. And I will keep this very brief and just say there are a number of us here that would, that we are looking forward to the day we can get our lake back. Thank you.
TRUSTEE DOMINO: Any other questions or comments from the Board?
TRUSTEE KRUPSKI: Let him go first.
MR. BETSCH: John Betsch, on Kenny's Beach. Just for point of record, we have worked in the past, talking about geese, we have worked with Cornell Cooperative and the Peconic Dunes Camp, who actually brought in who they call is a Suffolk County goose expert, who tried to explain to us all the issues with the geese, and we tried to solve the problems of the geese. They call something, they called it city geese and country geese. And they have different issues, how have come back and forth.
We tried all different ways to help the camp, if anybody sees the Camp, the docks, what they look like. That's a significant problem. But that's just a point of record. It has nothing to do with the phragmites. I want to just go on the record with that. Thank you.
TRUSTEE KRUPSKI: I'm going to agree that the geese are in some way a separate problem, but the phragmites does offer some area for them to hide in, they can shelter, so you can't as easily chase them away from your property. They can nest in the phragmites. So it's a little intertwined. But removing it would essentially get rid of some of the habitat for them to hide out in.
MR. MANOS: It's not a goose, it's a phragmites feeding machine. Three pounds a day. In eight months, one goose, that's several hundred pounds of plant food deposited into the lake. Remediate the geese, the plant food goes down. It would improve the habitat for geese, which is what native plants would do, would constitute, the geese population goes up. The phragmites will be back in the blink of an eye.
TRUSTEE KRUPSKI: I would disagree.
TRUSTEE DOMINO: Anecdotal evidence. Hearing no further comments, I make a motion to close this hearing.
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE DOMINO: I make a motion to approve this application as submitted.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number two, Jeffrey Patanjo on behalf of **ROBERT & DONNA DRUMMOND** request a Wetland Permit to remove and replace existing bulkhead with 65 linear feet of new vinyl bulkhead in same location as existing; install an 8 linear foot long bulkhead return onto southerly side; remove and replace

existing 4'x4' steps to beach off bulkhead; install and perpetually maintain a 6' wide non-turf buffer along the landward edge of the bulkhead; and to install an 8'x8' hot tub adjacent to the dwelling, connecting to an existing drywell. Located: 675 Windy Point Lane/A.K.A. 675 Private Road #12, Southold. SCTM# 1000-87-4-7

The LWRP found this to be consistent, noting increase the non-turf buffer width from six foot to a minimum of ten feet; require that the impacts to the existing salt marsh vegetation seaward of the bulkhead be minimized during construction, and clarified as to how the hot tub will be drained.

The Conservation Advisory Council supports application with a ten-foot vegetative buffer.

The Trustees conducted a field inspection on April 11th, noting if the construction could be landward of the existing to cut the existing; bulkhead flush and leave as is.

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

MR. PATANJO: Jeff Patanjo on behalf of the applicant. The landward buffer, we submitted a six-foot wide to match what was previously approved right next door, due to the fact there is zero yard space in these properties.

Susan Getty, I think it was 625 Windy Point Lane, maybe a year, year-and-a-half ago was approved on the same basis.

I just received in the mail today a DEC permit for in-place In-kind. I know that this is a functional bulkhead. DEC allows it to be removed and replaced in-place/in-kind. We can remove it with migratory means, the existing sheets to avoid any disruption to the existing vegetation. I know we had the same situation on the neighboring property, however that bulkhead was in such poor condition it was not even functional at that point.

TRUSTEE GOLDSMITH: Is there anyone else here that wishes to speak?

MS. BURST: Yes, I'm the neighbor to the west, Karlene Burst. And We had occasion to speak with one another this past weekend reference this. We just received the paperwork in the mail come Tuesday of this past week, and didn't have the opportunity to look at the drawings as it were and efforts to just see what was intended to be. If we could view that at this point in time, that would be great.

MR. HAGAN: You can open up the plan and show the public.

TRUSTEE KRUPSKI: You can approach.

MR. PATANJO: Do you want me to explain anything?

MS. BURST: That would be cool.

MR. PATANJO: Nice to meet you. We spoke on the phone. How are you.

MS. BURST: Nice to meet you.

MR. PATANJO: So all we are doing here, wherever the bulkhead is, we are tying into Susan Getty's. This is their new bulkhead, remove and replace in-place, replace the stairs that were lost during the storm and do a return.

MS. BURST: Okay. Where is -- this is the existing dock right here

MR. PATANJO: We are not touching the dock.
MS. BURST: So this is being shored up and --
MR. PATANJO: It will help you because it will protect your property.
MS. BURST: I'm good, I just wanted to see a picture of it. Thank you. I just needed a moment. I appreciate your time.
MR. PATANJO: Thank you.
TRUSTEE GOLDSMITH: Anyone else here who wishes to speak regarding this application?
MR. DRUMMOND: I'm Rob Drummond, the owner of 675 Windy Point Lane. I just wanted to thank the Board for your consideration. We are just trying to improve the property. I'm suffering from some loss of my turf because of holes at the bottom of the bulkhead. I had to make a repair last year to try and shore up the property but the condition continues to be a situation that requires this work. So I do appreciate your consideration in this application. Thank you.
TRUSTEE GOLDSMITH: Thank you. Anyone else here who wishes to be heard?
MR. BURST: I'm Charles Burst, Robert's next door neighbor. And I think it's a good idea, what he's doing. I'm happy about that. The only thing I'm concerned with is the dock is right on the property line. It may even be on his. The previous owner, Herb Linvite granted my family permission to always have access to the dock. And that's my biggest concern.
MR. HAGAN: That's not an issue before the Board.
TRUSTEE DOMINO: That's a civil issue. It's not an issue before this Board.
MR. BURST: It's a written agreement, Herb Linvite had requested.
MR. HAGAN: The Board is only empowered to hear matters before it that it has the ability to give any sort of opinion on. Questions over the right of usage or right-of-way for another dock is not something the Board is empowered by New York State law to be able to address.
TRUSTEE KRUPSKI: So to clarify, essentially, nothing would change, it has nothing to do with this, basically. It's the rebuilding of a bulkhead.
MR. HAGAN: The question before the Board is whether or not to permit an in-kind replacement for what is already there. The question over who has the right to use it or whether it's been, whether there is a written agreement or something like that, is not something the Trustees would address. Nor could they.
MR. BURST: The bulkheading is an excellent idea. It just goes right up to the property line, and that's the, what happens with the dock when the bulkhead gets replaced?
MR. HAGAN: Your question for the Board was whether -- you are asking questions as to right of usage of a dock, which is not something the Trustees can address. It's not something -- we don't have the ability to deal with a right of usage question. It's --
MR. BURST: So it's not any of my concern, it --
MR. HAGAN: It's a civil matter between you and the property owner and not one the Board of Trustees can address. Nor should

they.
TRUSTEE KRUPSKI: Just to be clear, the dock is not part of the application. So they have not applied to make any modifications to the dock. So that's --
TRUSTEE DOMINO: Mr. Patanjo, can you shed some light on that?
MR. PATANJO: Correct. The application is only for removal and replacement of the existing bulkhead. The dock will remain in place as it is.
TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak regarding this application?
(No response).
Clarification for the LWRP, how is the hot tub going to be drained?
MR. PATANJO: It's going to be piped to an existing storm drain in the front of the property. I thought I had that on the plans. It will be piped around the south side of the building and pumped south.
TRUSTEE GOLDSMITH: Any questions or comments from the Board?
(Negative response).
Any feelings in regard to the ten-foot as opposed to the six-foot?
(Negative response).
TRUSTEE KRUPSKI: It's a small amount of property.
TRUSTEE BREDEMEYER: It's where we granted the neighbor six.
TRUSTEE GOLDSMITH: Okay, hearing no further comments, I make a motion to close this hearing.
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: I make a motion to approve this application with a six-foot non-turf buffer
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE KRUPSKI: Number three, Jeffrey Patanjo on behalf of **KAREN & CAREY FLAHERTY** requests a Wetland Permit to remove existing fixed dock and steps to beach, and replace with a proposed 4'x68' fixed dock supported with 10" diameter CCA piles; install a seasonal 30"x16' aluminum ramp; install a 6'x20' seasonal floating dock with un-treated timber decking situated in an "I" configuration and supported by two (2) 10" diameter CCA piles. Located: 1077 Bay Home Road, Southold. SCTM# 1000-56-5-39

The Trustees visited the site on March 14th and noted there is no existing dock currently. Catwalk to stone steps create existing -- oh, pre-existing nonconforming dock to west does not influence this application. And the fetch exceeds the 10,000 foot guideline.

The LWRP coordinator submitted a lengthy review of this project. Research from the property is not a fixed dock but rather an access stairs to the water body, therefore it is not a replacement of an existing fixed dock as described above. The dock structure to the west of the property received a wetland

permit in 1995 and pre-dates the Chapter 275 Wetlands and Shorelines Code provisions and adoption of the LWRP, both occurring in 2004.

The LWRP coordinator therefore found this to be inconsistent. Just to skim through a few parts of this lengthy review here. The proposed structure is for prior recreational use and will not preserve the public open space.

Policy three, in terms of enhancing visual quality, the action does not meet this policy. Conversely, the applicant proposes 104-foot long, 36-foot seasonal dock structure and unspecified vessel that could further affect the scenic quality of the area.

Policy six, protect and restore the quality and function of the Town of Southold ecosystems.

CCA-treated material as proposed for the piling and other features of the dock violate accumulation of the pesticides within marine animals shown to occur. Treated wood will introduce harmful contaminants into the water body.

The proposed action is located within a New York State Department of Environmental Conservation critical environmental area and Peconic Estuary Program critical habitat.

The applicant does not discuss the potential impacts of natural resources and water quality, and construction methods have not been identified.

Policy 6.3, the applicant has not demonstrated the following dock standards pursuant to 275-11 construction and operation standards have been met.

It goes on further to discuss whether the dock will impair navigation.

The proposed dock is 104 feet in length. Chapter 275 requires the determination of the length of the dock must include the dimensions of a vessel. The dimensions of a vessel are not specified. The applicant has not demonstrated that the dock meets the one-third rule and is consistent with the pier line of the waterbody.

A discussion on the potential impact if any, to navigation of all vessels has not been provided.

The applicant does not discuss the potential impediments/impacts regarding public access. There is furthermore on public access here, turbidity, erosion of the shoreline.

The construction of a dock structure in public water removes or hinders public use of water bottom land where the dock structure is located.

He also wanted to stress that a mooring could be established off this location. Moorings can be designated to mitigate harmful impacts and are temporary.

The proposed dock structure in this location would extend into public waters resulting in a net decrease of public access to the public underwater land.

Private dock structures extending into public trust lands and waters obstruct public use of navigable waters and other public

use in the area where the dock is located and does not meet this policy. Two road ends at Willow Point Road and Bay Home Road provide access to public waters.

The traditional the use of the waters include free and unobstructed access to the nearshore for commercial uses and recreation by the public.

Piers, docking facilities and catwalks must not result in an unnecessary interference with public trust lands. Alternatives to long piers or docks includes use of dinghies to reach moored boats and moorings in nearby marinas. Potential impacts to natural resources have not been thoroughly discussed.

The property is flanked by two public water access points close to the subject property that would provide access to the Peconic Estuary/Southold Bay. Alternatives to permitted private dock structures in the Peconic Estuary/Southold Bay also include using public access points throughout the town, mooring of boats at safe areas and docking of vessels at nearby marinas.

Okay, the Conservation Advisory Council reviewed this application and resolved to support it.

That being said, is there anyone here that wishes to speak regarding this application?

MR. PATANJO: Jeffrey Patanjo on behalf of the applicant. I should have written down more of those. A couple of things that I remember, wrote down, were to help with the LWRP review would be the pilings. We can go with a Greenheart piling which would, Greenheart timber, making the entire structure out of untreated timbers entirely, which would satisfy that.

As far as the public access, on either side of this proposed dock there are jetties built out of rock. You really can't walk very graciously along the beach past this proposed dock. If it would be something that needs to be added, we could add stairs on either side to allow for access up and over the dock. That's not an issue.

The comment regarding the distance to the nearest canal, I think that was already addressed. You said it was 10,000 feet. So I think we pretty well meet the one-third waterway rule width here, being it's 110-feet or whatever it may be.

The dock is proposed as a seasonal dock.

As far as the ramp and float, the client has no problem. As I understand, one of the issues is debris floating along the waterway and damaging this existing dock. I believe the dock next door, if I remember correctly, was done in 1995, predating Chapter 275 code, approximately, give or take. That dock is still standing. And that dock is significantly further out into the bay as we have it proposed for our dock.

Seasonally, during the major storm periods this proposed dock is in-line with the existing stone jetties, so it won't extend out past the jetties. So anything that does float along in an east to west fashion will be stopped by those stone jetties and hopefully the dock next door.

So one of the other things that could happen would be, if

it's amendable to the Town, would be to increase the size of the piles on the jetty. Greenheart timbers come fairly large. We can get them with a 14-inch diameter. We can get large timbers, which would stop any possible damage. The boat to be docked here is nothing more -- it's not a large vessel. And it's a transient-type period for the homeowner's use only.

The primary docking facility, as mentioned in one of the comments from the LWRP, would be docking it in a marina around the corner. I don't know the name offhand. So this is more or less an overnight. It would be if they want to go to lunch, if they want to use the boat for the day. Something like that. So they could gain access to the rear of the property. I think that's all I remember.

TRUSTEE KRUPSKI: It was a good summary.

TRUSTEE DOMINO: I would like to add that on page 16 and 17 of the April 5th Minutes, the Board of Trustees Minutes, is a written SEQRA positive declaration of environmental significance, which was completed by this Board of Trustees on March 19th. And I'm not going to read all the points, but I want to emphasize that it is a positive declaration of environmental significance.

MR. PATANJO: Would that positive declaration be influenced by way of untreated timbers?

TRUSTEE DOMINO: I remember it was not one of the factors.

TRUSTEE BREDEMEYER: The positive declaration means we probably have to systematically go through the LWRP item by item and possibly have a scoping session that would lead to the creation of a Draft Environmental Impact Statement.

MR. PATANJO: Okay.

TRUSTEE BREDEMEYER: It's a little beyond the Board to discuss individual items when we have a compendium of issues from the LWRP coordinator. And we have some of our own concerns.

MR. PATANJO: Sure. I'm okay with that.

TRUSTEE DOMINO: I want to repeat something else, that there is no existing dock there nor steps to the beach. There are some boulders you can step out on, but that is not a dock.

MR. PATANJO: I think that was brought up during the April 5th, that it's not actually a dock, that it's a platform with stairs to the beach.

TRUSTEE BREDEMEYER: I think we should table it and follow up with further review and possibly call a scoping session. Under SEQRA we have to do scoping, I think. So I think we have to table it.

TRUSTEE KRUPSKI: So after all that, do you wish to have the application tabled for further environmental review and to call a scoping session at our next work session?

MR. PATANJO: Unless you are going to approve it today.

TRUSTEE KRUPSKI: I can't make that judgment call.

MR. PATANJO: Then sure, let's table it.

TRUSTEE KRUPSKI: Okay. Is there anyone else here wishes to speak Regarding this application tonight?

(Negative response).

That being said, I make a motion to table this application for further environmental review and for a scoping session at our future work session.
MR. HAGAN: Just for point of clarification, for the record, that request to table is being done at the applicant's request?
TRUSTEE KRUPSKI: Yes.
MR. HAGAN: Okay, you can second.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).

TRUSTEE WILLIAMS: Number four under Wetland Permits, Jeffrey Patanjo on behalf of **ADAM & SANDRA SHEBITZ** request a Wetland Permit to install two tiers of coir logs for a length of 51 linear feet along the toe of the existing bank; provide 25 cubic yards of clean sand fill from an upland source for bank re-nourishment and install native plantings on re-established bank; all work to be completed landward of the mean high water line and any existing wetlands.
Located: 630 Ruch Lane, Southold. SCTM# 1000-52-2-26
On April 11th, the Trustees visited the site. Notes we have, there was noticeable pruning of the vegetation on the bluff. We would recommend that stop. Maintenance pruning is okay, but there was some bigger branches pruned back.
The LWRP has found this application to be consistent.
The Conservation Advisory Council reviewed the application and they support the application, and they noted they would like to see a ten-foot vegetated buffer.
Is there anybody here that wishes to speak to this application?
MR. PATANJO: Jeff Patanjo on behalf of the applicant. Pruning, the client just bought the property, so that was from a pre-existing owner. And I will mention to them to not do any pruning other than specific maintenance pruning as outlined in the comments.
The ten-foot non-turf buffer would be an issue because we have the entire bluff to act as our non-turf buffer. As with other applications in the past, the Board did not specifically require a ten-foot non-turf buffer for loss of land because the bluff itself with all its natural vegetation acts as part of the buffer area.
TRUSTEE WILLIAMS: Is there anybody else here that wishes to speak to this application?
(Negative response).
Any questions from the Board?
(Negative response).
I wish to make a motion to close the public hearing portion of this application.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE WILLIAMS: I make a motion to approve the application as

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

TRUSTEE DOMINO: I would like to take a five-minute recess at this time.
(After a recess these proceedings continue as follows).
TRUSTEE DOMINO: Okay, we are back on the record.

TRUSTEE BREDEMEYER: We are back on the record. The next item, Charles R. Cuddy, Esq. on behalf of **EDWARD AND DIANE DALEY** requests a Wetland Permit to construct additions and alterations to the existing dwelling consisting of squaring off seaward side of dwelling and constructing second-story additions to create a 2 ½ story, 76.8'x40.8' footprint dwelling; construct an 8'x75.5' seaward side porch; construct a 8'x52.10' landward side porch; construct a 13.7'x18.1' breezeway leading to a proposed 26'x30' attached garage on landward side of dwelling; reconfigure existing driveway approximately 15'-20' to the south to accommodate new garage; construct a 40'x24' swimming pool with 9'x9' hot tub; install a 60'x63' pool patio with 20sq.ft. patio connecting pool patio and garage; and install a 6' wide concrete walkway from pool patio to dwelling.
Located: 1350 Paradise Point Road, Southold. SCTM# 1000-81-3-23
This hearing is a continuation from last month wherein we tabled this application in order to meet in the field and to research the status of prior permits.
The project has been deemed to be consistent with the LWRP.
And the project has been supported by the Conservation Advisory Council.
The Trustees met on April 16th during field inspections and discussed aspects of the project. Separate from the application before us is the need to transfer the bulkhead permit of the prior owner, which would be pending.
The Board had an opportunity to review the, in addition to the plans that were dated March 14th of 2018, we reviewed the revised survey which addressed concerns of the Board as to the location of the existing sanitary and the proposed sanitary system in the revised survey dated April 9th.
The Board's review of the prior permit and onsite visit on the 16th found there were no deficiencies from the prior permit. So the permit is capable of, the prior permit is capable of receiving compliance inspection and transfer.
Is there anyone here who wishes to speak to this application?
MR. CUDDY: Yes, I did. But you set forth the facts pretty admirably. So, thank you. Mr. Daley is here and Mr. Nastasi the architect is here, too. And if there are any questions.
TRUSTEE BREDEMEYER: I think the Board felt it's fairly straightforward. Are there any questions?
(Negative response).

I don't hear any questions. Is there anyone else who wishes to speak to this application?
(Negative response).
Hearing or seeing no one else to speak to this application, I make a motion to close the hearing in this matter.
TRUSTEE KRUPSKI: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: I would move to approve this application as submitted according to the plans dated March 14th in the Trustee office, and in conformity with the revised survey dated April 9th, 2018.
TRUSTEE WILLIAMS: Second.
TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).
MR. CUDDY: Thank you.

TRUSTEE DOMINO: Number seven, En-Consultants on behalf of **PIPES COVE MANAGEMENT ASSOCIATION, c/o ROBERT WALLACE, PRESIDENT** requests a Wetland Permit to construct ±23 linear feet of vinyl bulkhead within 18" of (and up to 2.1' higher than) existing timber bulkhead to remain (Section G); remove and replace existing brick walk with pervious crushed bluestone; install 3'x20' gangway to existing floating dock (located partially in Town jurisdiction) in-place of existing gangway to be removed; construct ±415 linear feet of vinyl bulkhead within 18" of (and up to 2.0' higher than) existing timber bulkhead to remain (Sections H1, H2, H3 & H4); fill voids between new and existing bulkheads with crushed stone, and backfill new bulkheading with approximately 215 cubic yards of excavated upland and dredged spoil material obtained from portion of property located within the Village of Greenport; construct new ±50' vinyl bulkhead return; remove and replace existing fence landward of return as needed; protect and repair in-kind/in-place as needed approximately ±430 linear feet of existing concrete retaining wall landward of bulkhead; and remove and replace pervious crushed bluestone in area to remain as a non-turf buffer between bulkheading and landward retaining walls. Located: Pipes Cove Condominiums, 6th Street, Greenport. SCTM# 1000-49-1-25.8

The LWRP found inconsistent. The inconsistency arises from the fact the structures was not built with a Board of Trustees review or permit.

The Conservation Advisory Council on April 11th, unanimously resolved to support the application.

The Trustees did a pre-submission inspection with district engineers and most recent inspection was April 11th and April 12th. The notes say that it appears to conform with the pre-submission discussions and that it's a straightforward application.

I would like to stipulate the rip rap that is removed from the northwest corner be replaced after the completion of the

project. Assuming it's approved.

Is there anyone here to speak to this application?

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the condominium.

This is a site that we had looked at together prior to making the application. It's a little bit of an unusual project because the property boundary between the Village of Greenport and Town of Southold cuts right through the property. So while the non-local agencies are getting a full project description for this whole place, you guys are just getting a description for what is within your jurisdiction. So that one section that describes 23 feet of bulkhead is obviously part of a much longer section of bulkhead. But that's the part within your jurisdiction. Greenport would have to review the rest. As we had discussed onsite, the conditions here really necessitate a seaward push out of the bulkhead, meaning the new bulkhead will be constructed seaward of the existing, maintaining the existing in place. And we had talked about what kind of mitigation we could come up with. Actually the Board had come up with an interesting idea, even though ironically mitigation would not occur within your jurisdiction, but it would occur on the site, which is the creation of approximately 832 square feet of vegetated tidal marsh on this spit of land that extends off the Village of Greenport, which you can see just on, just to the right of where your little cursor is going in there.

We are going to lower the height of that section of bulkhead and establish a low sill bulkhead there. Exactly, right there. And get a tidal marsh established there.

The area Mike was just mentioning in the northwest corner, in the Trustees' jurisdiction, up really in the inner most bay side, there is really a bunch of rip rap and broken concrete and bricks and other stuff that is piled up there now. Along the eroding embankment is the proposal is to construct a return there kind of generally along the top, and then landward of that embankment. So I would just, looking for a little clarification, Mike, of what you mean by replacing the rip rap. In other words, once the return is built would you want that material placed back?

TRUSTEE DOMINO: That's the suggestion of the Board.

MR. HERRMANN: As opposed to getting rid of it. Okay. I don't see any reason we couldn't agree with that unless the DEC or another agency asks it be removed. Sometimes if it's -- I don't remember all the material that's there, but if there is, sometimes if there is broken concrete or something, they actually want it to be moved away.

TRUSTEE BREDEMEYER: There is a mix of old bricks and small concrete pieces. The concern is of course that with a southwest wind and boat traffic transiting through the Greenport channel, that it would continue to push wave energy up onto the adjoining property. It's a long fetch and quite a long bulkhead face.

MR. HERRMANN: I see. Yes. And there is not a contractor yet that

is assigned, so there is not one here tonight, but I would think in terms of trying to pound that return in, they probably will want to disturb on the seaward part of that as little as possible anyway. So if they don't have to undo all that, that's fine. If they ran into a problem during construction or anticipated a problem with that, we would just have to come back and address it with you. But I don't see any reason why we couldn't accept that. That's fine.

Otherwise, I mean, it is basically a maintenance project, a straightforward project, especially the part that is in the Town's jurisdiction. So that's all I have.

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

MR. SCOTT: My name is Alan Scott, the owner of the property adjacent to the project. We have quite a few concerns, actually. Number one is why is the bulkhead being moved out 18 inches from the existing bulkhead. When it originally was done it was approved to raise the bulkheading to where it is at this particular juncture. So we don't understand, number one, why it's being moved out further to create more land access for them. Secondly, it's, esthetically it is going to look more horrible than it already does.

The other point is why is it being raised two feet. Again, esthetically, it will make for a horrible-looking dock or bulkheading. Again, if you were out there and looked at it, you can see the beach erosion that has occurred from that, from them putting the bulkheading in there when they did the condominiums has created nothing but a disaster on our beach.

They have the properties listed incorrectly on their survey.

And the other thing, is we only got this on Saturday. This is the first time we are hearing about this, that we received any notification of this. So we have not had anybody been able to look at it and determine encroachment on the properties, how the water has been draining into the properties because they raised the property approximately two-and-a-half to three feet when they put the condominiums up.

The debris and everything else that is there was put there by the condominium. And it's encroached on to our beach, on to our property. We had complained years ago about it, no one has ever done anything about it. So there are major concerns about it.

Esthetically, it will look horrible. Again, we feel they are encroaching improperly onto our beach.

We don't know what the environmental impact will be on the shoreline and on the beach, so and on so forth. Also how will they directly contact or do any of this work. Are they coming in the condominium side? Are they coming in from our property side? No one is addressing whether they'll do any repairs to whatever they damage or do to the properties.

At this point, like I said, we have had this thing since Saturday and, in all honesty, I mean I know I'm old, but looking at a map of this thing, it's, you know, that size, how can

anybody make a determination? We have not been able to give it to anybody to look at to make their points on it or anything else. I just don't understand how this can come before us and expect us to be happy with a decision on this thing.

MR. HERRMANN: I can respond to some of that.

So, first of all, just in terms of some housekeeping, I assume this is the Cove Circle Association that is located to the west of this site?

MR. SCOTT: Yes.

MR. HERRMANN: They were noticed pursuant to Town code, it was sent care of Sandra Avitello, at 10 South View Court. Damon, you have to look. I don't know if I got a green card back. But I did get a call from someone and now, I had not planned on needing to remember his name, but it was someone who had called, I think his name was Jim, and he said he was calling on behalf of the association. And had asked me several questions that seemed mostly concerned about when the work was going to be done; was it going to be done during the summer; would there be any interference with boating or summer activities. And I assured him, much to my client's dismay we would not be anywhere close to done with permits before the summer and the work would probably not be done until sometime in the fall.

In terms of the encroachment, that is an easy one to resolve, because as I just mentioned, the proposed return that is being put adjacent to that property would be wholly within the limits of this property. And notwithstanding the Board's request a few minutes ago that we leave that material there, we can certainly remove it as well. And that would eliminate any issue of encroachment of that material on the association beach, if they don't want it there. Once the return is in, there is no advantage to the condominium of having it there. So if that is a concern from a neighboring property owner, they can certainly remove that.

The access to the site would come through the condominium property directly and also by barge. There is no conceivable encroachment that I could think of in terms of equipment or work being done on the association property. They couldn't work on the association property without the association's permission. That return would be driven in from the landward side from the condominium property.

In terms of the elevation, there are different elevations that, different heights that the bulkhead would be raised throughout the condominium property. The bulkheads are varying heights now, and so the maximum it would be raised I think is 2.1 feet or whatever is described. And in other places it would be raised a lower height. Again, I'm not sure environmentally how that would impact the adjacent property or create encroachment on the adjacent property. But that's the way it has been engineered. And it has been engineered that way, we had discussed this at length in the beginning, because if you look at what the published rates of anticipated sea level rise are on

the DEC website, I'm sure you guys have seen this, there is a broad range of low risk to medium risk to medium high risk and so forth and so on. And so there is a certain elevation prediction for medium to high risk in terms of sea level rise over the next 30 to 50 years. And 30 years is the engineering standard for the lifespan of a bulkhead.

So basically the engineer is designing in accordance with those anticipated sea level rise elevations for no other reason than that.

In terms of the seaward movement of the bulkhead, those are for all the reasons we discussed at the site that you run the risk, and I think Mike had pointed this out at the site before I even got to try to convince him of it, is if you start trying to remove those sections of bulkhead and that concrete retaining wall and all the silt comes down behind it, you'll have a pretty big mess in the bay there.

But understanding that there is an encroachment, that again is why we came up with the mitigation. We had originally proposed to increase the surface water area. You guys didn't think that was substantial enough and you asked us to carry through with the marsh creation, which is what we have done.

So it actually has been a pretty smartly-designed project, I think it's a good project, and there is no, again, the only concern for that encroachment would be that rip rap and other material. So if you would like us to remove it, we can remove it.

TRUSTEE DOMINO: I'll say, our suggestion about the rip rap was made with the hopes we could protect some of that property, and if the owner to the northwest is opposed to that, we can withdraw that suggestion.

MR. HERRMANN: Okay.

MR. SCOTT: Our concern, again, is when they put this bulkheading In, when they gave the permits to build the condominiums and raised everything and extended the properties, that is what caused the beach erosion. So again, we are concerned about beach erosion, we are concerned about not having anybody be able to look at this. As I said, we got this on Saturday. It was my sister that received it. She is the head of the association. So, I don't see how you can grant them a permit when, first off, as I said, esthetically it won't fit in with the bay. It won't fit in with anything along the shoreline. There is nothing that is two-and-a-half feet higher than what is already there. That's way above what everything else is. You know, again, when the property, right now, the property is draining off the property back into our piece of property, which is 80 Cove Circle. They have this listed, the beach, as 150 Cove Circle, which it isn't. 150 Cove Circle is further up where the house is up there.

So their drawing is incorrect to begin with. And again --

TRUSTEE DOMINO: Could you approach the dais and show me that on this please, sir?

MR. SCOTT: Sure.

TRUSTEE DOMINO: Is this the property?

MR. SCOTT: 150 Cove Circle is not that piece of property.
TRUSTEE DOMINO: This is your piece of property.
MR. SCOTT: That's owned by the Pipes Cove Association. It's not owned by a Walter Burton and it's not 150 Cove Circle. We own this piece of property here. 80. And the beach association owns that piece of property there.
TRUSTEE DOMINO: Okay.
MR. SCOTT: In other words, I can show you on here. This is owned by the association. This property, that's 150 Cove Circle. So there is --
MR. HERRMANN: That's the licensed land survey of the property.
TRUSTEE DOMINO: Is this owned by Shirkin? Elizabeth Shirkin?
MR. SCOTT: No.
MR. HERRMANN: That's out of date, Mike. When the surveyors list the adjacent owners, they put the NOF, now or formerly.
TRUSTEE DOMINO: Now or formerly, this is Elizabeth Shirkin.
MR. HERRMANN: Right. Which is shown on the plan as Sandra Avitella, who is one of the listed adjacent owners.
TRUSTEE DOMINO: All right, thank you, sir.
MR. HERRMANN: That's tax map number is 1000-49-1-19.2. So I think that is what is shown as Shirkin on the survey, but that's not --
MR. SCOTT: There are five owners on 80. 150 is, again, is owned by us. And it's not the beach. But again, the association and the people concerned are worried about the esthetics, they are worried about the beach erosion again. Moving it further out into the water is just going to create further beach erosion. And raising it two-plus feet makes absolutely no sense to us.
MR. HERRMANN: Just for the record, Mike, I want to just clarify what I was mentioning before. Just reading from a note I received from the engineer. The proposed top of bulkhead elevations represents an increase that accounts for rising sea levels with a "high medium protection." Which is referencing DEC 6 New York CRR Part 490, protections for sea level rising in the Long Island region. See figure below. Then there is a figure, and I can submit a copy of this to you. It basically shows for a high medium projection, sea level rise of 21 inches by the 2050s. High projection is 30 inches, medium projection is 16 inches. So again, what we are finding as we get better and better educated about the risk of sea level rise, that when the engineers now are designing these walls, they are really being trained and guided by the state to increase the elevations of these walls, because these are expected -- the standard engineering timeframe is 30 years. So that is why, close to 2020, what the engineer is doing is looking at time interval to the 2050s and going with not the most drastic projection but with a more, slightly more than conservative projections. So the design makes complete sense.
MR. SCOTT: 26 inches is more than 16 inches.
TRUSTEE DOMINO: Does anyone else wish to speak to this application?
(Negative response).

Any other questions or comments from the Board?
TRUSTEE KRUPSKI: I think the one thing to discuss is you are concerned about encroachment of the materials that were possibly put there from the original construction. The Board, just to clarify, felt that we wanted them to put them back, basically to protect your property. So just to prevent the water from wrapping around the side of the condos and going after that little bank face right there.
MR. SCOTT: You were out and saw that, correct? And you saw that is already undercutting the bank of their property?
TRUSTEE BREDEMEYER: It's not his property.
TRUSTEE DOMINO: His property is landlocked.
TRUSTEE BREDEMEYER: His property is interior landlocked. It's not his property.
TRUSTEE KRUPSKI: Okay.
MR. SCOTT: It's the beach property.
TRUSTEE KRUPSKI: The beach – there is an association there. You belong to the association?
MR. SCOTT: Yes, we do. We own the beach also.
TRUSTEE KRUPSKI: So the rip rap would really be at their discretion. If they want it put back or not.
MR. SCOTT: I mean, again, the beach erosion is going to be as you can see even from this winter, has been horrible.
TRUSTEE KRUPSKI: I don't disagree with that, but what we are dealing with here is a pre-existing structure that is just being replaced.
MR. SCOTT: I know, but they are extending it further out into the waterway, they are extending it higher.
TRUSTEE GOLDSMITH: I would just like to point out, the extension higher is standard operating procedures these days. This is not a unique situation. Most of the bulkhead applications that we get now do include raising it to deal with the higher sea levels. So it's not just this particular application. It's across the board.
MR. SCOTT: I understand that. But again, it's something that esthetically will be a detriment to the owners of the properties. I mean, they already raised it probably three feet from the original application. I don't have the applications in front of me and the permits. You are projecting 50 and 60 years out.
MR. HERRMANN: 30.
MR. SCOTT: 30 years out. I mean, at 30 years -- the bulkheading is 30 years old now and it has not raised above the bulkheading. So where is the sea levels going up as high as they are claiming?
TRUSTEE KRUPSKI: The other thing I just want to point out and reiterate is that in moving the wall slightly seaward, they did comply with what the Trustees wanted, which was creating a wetland in their tidal area. So environmentally it's a sound project. It's a good move. In my opinion.
TRUSTEE DOMINO: It seems one of your concerns is esthetics. If we were to balance the gains to the environment versus

esthetics, then it comes out in favor of the applicant.
MR. SCOTT: Again, all I can do is present it to you. I mean, If you lived there, you would be doing the same thing.
TRUSTEE KRUPSKI: I appreciate your comments.
MR. SCOTT: I disagree with it. The association disagrees with it. So you guys have to make your decision.
MR. HERRMANN: I think it sounds like we ought to plan to remove the rip rap.
TRUSTEE DOMINO: I would leave that up to this gentleman. Our suggestion was made in light of our attempts to protect that property. But if there is objection to it.
MR. HERRMANN: I'm not sure there is anyone here from, who is formally, legally, representing the association's position.
TRUSTEE DOMINO: Okay, the point made is that the gentleman is not a registered agent for the association, therefore cannot make a representation for them regarding rip rap.
MR. SCOTT: I am an association member. Let it be noted that I am An association member.
TRUSTEE DOMINO: That's why we listened to you.
MR. SCOTT: You are saying I have no representation, but I do. I own it.
TRUSTEE DOMINO: By representation meaning in the file we have a signed statement that you are the agent for the association. As a land owner, as a property owner, you have the right to speak and you have been given that right.
MR. SCOTT: And you think four to five days notification is enough to get us to get everything together?
TRUSTEE DOMINO: I'm not going to discuss that.
MR. SCOTT: Okay.
TRUSTEE DOMINO: Anyone else?
(Negative response).
Hearing no further comment or questions, I make a motion to close this hearing.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE DOMINO: I make a motion to approve this application.
TRUSTEE KRUPSKI: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
MR. HERRMANN: Thank you for hearing us.

TRUSTEE GOLDSMITH: Number eight, En-Consultants on behalf of **DONNA BLANCHARD** request a Wetland Permit to remove existing 15 sq.ft. fixed platform, 3'x10' ramp, and 6'x12' floating dock; and install new 3'x14' ramp off existing bulkhead, and 5'x14' floating dock secured by two (2) 8" diameter pilings; dock to be equipped with water and electricity.
Located: 50 Budds Pond Road, Southold. SCTM# 1000-56-5-21
The LWRP found this to be inconsistent. The applicant must demonstrate the following dock standards pursuant to chapter

275-11 construction and operation standards have been met.

A representative vessel is not shown on the plans and the potential conflicts with the adjacent docked vessels to the north and south of the property could occur.

He says in the event the application is approved it is recommended the application be amended to meet the following 275 regulations. Which is the construction standards, erosion control, deploy silt boom during construction of the dock structure, and minimize use of CCA treated wood in marine waters.

The Conservation Advisory Council supports the application with the condition the lighting is Dark Sky compliant.

The Trustees conducted field inspections on a number of occasions, most recently April 11th, and noting the new configuration appears to work if the vessel conforms to covenants and restrictions regarding the length by the homeowners association.

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

MR. HERRMANN: I thought this was going to be the hard one. Rob Herrmann of En-Consultants on behalf of the applicant.

I know Donna Blanchard is here. So this is going to take us back to 2002 when we had originally made application for a dock that would have extended over the, extended out from the then existing bulkhead. And the neighbor to the north, which was then Frederick Krug, had objected to the application based on the inconsistency of the proposal with the C&Rs that were just referenced in that description. And so as a potential alternative, Mrs. Blanchard relocated a section of her bulkhead landward into the property and set a ramp and float within the confines of the relocated bulkheading. Basically created the little slip that is there today that. That has not worked out very well. So, in an attempt to take another shot at this, now that there is also a new, and I believe Trustees-permitted dock to the south, that's the Southard property, we took another shot at seeing if we could fit a ramp and float running perpendicular off the inside of the slip, which I think was also the Trustees' original suggestion to Mrs. Blanchard when they visited the site prior to this application. So I had explained to Donna that we would again have to take a look at these C&Rs and we have come up with a design or would have to come up with a design that, (a) was consistent with the C&Rs, and (b), would also be put out in a way that doesn't interfere with the adjoining docks and watercraft and would be acceptable to both of those adjoining property owners.

So just to give you some quick context, the C&Rs which were originally adopted to 1967, and I can submit a copy of this to you if you don't already have it, basically has two critical parts to this. One, it states that no bulkheading, pilings, docks or other structures or facilities shall extend more than ten feet into the canal from the original shoreline at mean low

water, which is basically the shoreline of the filed map. And then no part of any boat when moored shall extend more than 15 feet into the canal from the original shoreline at mean low water.

It also says except as otherwise agreed between adjoining property owners, no bulkheading, pilings, docks or other structures or facilities shall cross the extension of any property line to the center of the canal. No bulkheading, pilings, docks or other structures or facilities shall be constructed or maintained and no boat shall be moored in such a manner as would hinder a property owner from access to his normal use of the canal. Which is where the cooperation from the neighbors comes in.

So we had originally submitted for the meeting that was cancelled due to weather, a slightly different plan from this. And I'm just going to hand up to you, it's going to be hard for you to tell the difference between each of these. But there was an original plan that set the ramp and float out perpendicular from the bulkhead. And then we have, we are were contacted by Mr. Weber, who is Mr. Krug's successor, and he pointed out that doing so was going to create some potential conflict with his existing floating dock. In fact, he actually was kind enough to create a drawing for me, which I'll just show you quickly. That under the original plan you can see there might be, you know, a conflict if he had a boat docked all the way up to the edge. But if we change the degree that the ramp and float would extend from a pure perpendicular extension about five degrees, it actually creates room to dock a boat. And so we changed it ever so slightly, and this actually shows the original configuration versus the one that runs parallel with the property line.

So we used the cancelled meeting as an opportunity after speaking with Mr. Weber to change the orientation ever so slightly, um, to make it work. I had since met with Mr. Weber out there and I also obtained a letter from him giving his written approval of this. I should probably give you the original. Yes. So we believe, I think Mr. Weber is here tonight. So we believe he was happy with the change in the design. And we had also, Mrs. Blanchard had also contacted Mr. Southard, who is on the other side. I don't know if Mr. Southard is here tonight -- he is. So what Mrs. Blanchard had reported to me is that Mr. Southard was, and he'll of course correct me if I'm wrong, is he was okay with the design as long as the design was conditioned on the fact that the Blanchard's boat would only be docked to the north side, in other words, between the float and Mr. Weber's property. Which is really the only place it can be docked. Because if we have the float running out parallel with the southerly property line, that's the only way it works. And actually for a tight space, we think, I'm hoping to hear good news from Mr. Southard tonight, we think it works because basically Mr. Weber's float and the proposed Blanchard float creates a slip essentially between them for the Blanchard boat.

And the Blanchard float, which is positioned closer to the Southard property and Mr. Southard's dock, creates really the docking space for him.

So we think it works. Now, back to the C&Rs, you can see that I have included on this plan the filed map line, and you can see the dock extends a maximum ten feet seaward of the filed map line. And in terms of the boat that would be docked, that would mean that the bow or stern of the boat could only extend five feet seaward of the end the float in order to be consistent, as Glenn read at the outset, with the C&Rs.

So with the consent of the two adjoining property owners and with the compliance with the C&Rs, we would be able to successfully have a ramp and float here as the Trustees had suggested originally, the configuration that the Trustees had suggested to Mrs. Blanchard in a way that would keep them and both neighbors around them happy.

That is all I have. I'm hoping Mr. Southard is about to get up and say he's happy with it. Because that will determine the rest of the hearing here. That's all I have.

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

MR. SOUTHARD: My name is Charles Southard, I'm the property owner to the south, and I'm approving of this design. I did make the stipulation the boat would only be kept on the north side of this dock. Otherwise as always, this dock is running parallel to the property line, it's fine. I approve of it.

TRUSTEE GOLDSMITH: Thank you, sir. Is there anyone else here who wishes to speak regarding this application.

MR. WEBER: Hi, I'm John Weber, I'm the north property owner, and the modifications that he made to keep the boat parallel with the property lines are good and I approve the new drawing.

TRUSTEE GOLDSMITH: Thank you, sir. Anyone else here who wishes to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

TRUSTEE DOMINO: Nice to see people get along.

TRUSTEE KRUPSKI: It's nice to see neighbors get along.

MR. HERRMANN: It's only been 16 years. We just needed new neighbors.

TRUSTEE GOLDSMITH: I'll make a motion to close the hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this application with the condition that the dock construction standards of Chapter 275-11 are followed; silt boom is used during construction; and noting that the C&R's restrict the boat from going no further seaward than five-foot from the end of the dock, which will address the LWRP's concerns. And the boat will be berthed on the north side of the proposed dock.

That's my motion.

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

TRUSTEE KRUPSKI: Number nine, En-Consultants on behalf of **OLIVER FRANKEL** requests a Wetland Permit to construct a 3'x±142' elevated timber bluff stairway with railings inclusive of a 6'x8' top entry landing, four (4) 4'x4' landings, and two (2) 4'x6' landings with benches; and to restore/revegetate areas adjacent to stairway disturbed during construction using native vegetation.
Located: 975 Hillcrest Drive North, Orient. SCTM# 1000-13-2-8.21

The Trustees visited the site on the 14th of March. On the notes were, okay, maintain all natural stabilizing vegetation on the bluff face.

The LWRP coordinator found this to be consistent. Although he would strongly suggest a vegetated non-turf buffer.

And the Conservation Advisory Council resolved not to support this application due to the fact that the bluff is currently heavily vegetated and they don't want to see erosion caused.

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

MR. HERRMANN: Rob Herrmann of En-Consultants on behalf of the applicant. Mostly I'll just take any questions or concerns the Board has. It's a fairly standard beach access application.

The stairway design has been prepared by Young & Young, and obviously without the stairway, the homeowners can't get down to the beach.

It has actually been proposed in a spot where there is almost sort of a natural place for it. So we did take the vegetated condition of the bluff into account. And hopefully have it designed in the one place where it would make the most sense on the bluff slope to do it.

TRUSTEE KRUPSKI: How do you feel about the LWRP suggestion about a non-turf buffer maybe in the area around the stairs, just to help alleviate any runoff concerns?

MR. HERRMANN: Sure. You know, there is a little bit of a meandering of the bluff there. There is, I don't know if it makes sense to show it, but there is almost a little bit of an indentation around where the platform would be. So it might make sense to fill that area in with some native plantings where the slope dips out.

TRUSTEE KRUPSKI: Could you quantify the size of that area?

MR. HERRMANN: I could come pretty close. If I could figure out what the scale is.

At its maximum it's probably about 30 foot long. And it's maybe eight feet deep in the center. So if you want to call it a triangle, one half base times height, what did I say 30 by four, it's about 120-square feet, I guess. Roughly. We can actually calculate it and give you a real number. But I would

say --
TRUSTEE KRUPSKI: Okay. Is there anyone else here who wishes to speak regarding this application?
(Negative response).
MR. HERRMANN: Yes. 120. I want to make sure I was doing my math right.
TRUSTEE KRUPSKI: Are there any other comments from the Board?
(Negative response).
TRUSTEE KRUPSKI: Okay, I make a motion to close the hearing.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE KRUPSKI: I make a motion to approve this application with the following amendment: To include new plans depicting a 120-square foot non-turf buffer surrounding the top of the stairs.
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE WILLIAMS: Number ten, En-Consultants on behalf of **OLIVER FRANKEL** requests a Wetland Permit to construct a 3'x±142' elevated timber bluff stairway with railings inclusive of a 6'x8' top entry landing, four (4) 4'x4' landings, and two (2) 4'x6' landings with benches; and to restore/revegetate areas adjacent to stairway disturbed during construction using native vegetation.
Located: 975 Hillcrest Drive North, Orient. SCTM# 1000-13-2-8.21
The LWRP coordinator found this application to be consistent with policy standards.
The Conservation Advisory Council reviewed this application and they resolved to support the application.
The Trustees did a field inspection several times, most recently being April 10th of 2018. We found the project to be straightforward, and the project is also located behind the native swale.
Is there anybody here that wishes to speak to this application?
MR. HERRMANN: Rob Herrmann of En-Consultants on behalf of the applicant. This is a constrained site, it's the second one tonight, that started back in 2002 when the Trustees approved the original construction of the dwelling. And there is a 65-foot wide area to remain natural and undisturbed that was imposed on the site adjacent to freshwater wetlands that are ultimately associated with Lilly Pond by the State DEC. So really the only place to put the deck addition is where it is shown.
We have an approval from the ZBA for the deck. This is a bit of an unusual application because although you would not know it from being out there, that, I don't know if that's Jay, but to his left is a road, a paper road, which created a second front yard. So even though it looks and feels and seems like a

side yard, we had to get a front yard setback variance from the ZBA. That's also a property that I was involved with the prior owner getting that property sold to the town with Community Preservation Fund money. So that is not a property that will ever, presumably, be developed.

And then there is a small hot tub that is proposed on the water side of the deck with some stepping stones leading out to it. Again, all outside the area that is to remain as non-disturbance buffer.

So this one is actually pretty straightforward.

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

(Negative response).

Questions or comment from the Board?

(Negative response).

I make a motion to close the public hearing of this application.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

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

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number eleven, En-Consultants on behalf of **RYAN STORK** requests a Wetland Permit to remove and replace in-place approximately 168 linear feet of storm-damaged concrete seawall and 68' westerly concrete return with vinyl bulkhead and return; construct new ±7' easterly vinyl return; remove and replace 3'x6' metal stairs to beach; remove and replace in-kind/in-place approximately 51 linear feet of storm-damaged timber retaining wall (±77' timber retaining wall to remain); backfill new bulkhead and re-nourish storm-eroded embankment with approximately 240 cubic yards of clean sand fill to be trucked in from an approved upland source; revegetate re-nourished and disturbed areas of embankment with native vegetation; remove existing storm-damaged concrete stairs and construct a timber stairway consisting of an upper 3'x6' steps, a 3.5'x4.5' landing, 4.5'x11' steps, a 4.5'x6.5' landing, and 3'x11' lower steps to grade; remove 566 square feet of storm-damaged deck behind bulkhead; construct a 3'x39' on-grade wood walkway with open-grate decking from proposed steps to existing gazebo; and repair storm damage to existing gazebo (e.g., replace damaged exterior siding and interior sheet rock and flooring, as needed). Located: 1140 Park Avenue, Mattituck. SCTM# 1000-123-8-1

The Trustees, the most recent field inspection on March 14th, has some concerns about the gazebo. Notes say to check the status of the, permanent status of the gazebo.

There is a letter in the file here from April 12th, 2018, from a Robert Sheehan in support of the application. He's the neighbor two properties removed to the east.

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council resolved not to support the application as this project will only repeat its failure. The Conservation Advisory Council recommends replacement with erosion controlled structures, revegetation of the disturbed areas, however all unnecessary structures, gazebo, decks, stairs should not be constructed.

Is there anyone here to speak to this application?

MR. HERRMANN: Yes, Rob Herrmann, En-Consultants, and also Jeff Butler is here, he's the design engineer for the project.

Just quickly responding, Mike, on the gazebo, there is a Trustee permit.

TRUSTEE DOMINO: I failed to mention, we did do the research and we found it.

MR. HERRMANN: Yes, that dates back to 2006, a certificate of compliance issued in 2007, and you just actuality transferred that permit to the current owners tonight. There had also been a prior permit for the seawall which was transferred to the current owners prior to tonight.

Otherwise, this is a pretty routine storm damage application. There is a pretty hideous concrete seawall that is there now. It was badly damaged, I think in this year's nor'easters, right? And all that concrete is to be removed and replaced with the proposed vinyl bulkhead.

I had gotten a call from the neighbor on the other side of Marratooka Road who asked me if the project would ultimately look like hers does, and I told her yes, and it will.

Behind the seawall there is a retaining wall that was partially damaged, and we are proposing to replace only that portion that was damaged. There is some stairs that are proposed that, again, existing stairs that were damaged coming down that little slope. And also I think a set of metal steps that are proposed back on the seaward side of the bulkhead. And I think those are to be removable steps, which is something the Board has asked for in similar environments.

The gazebo really is structurally sound, I think, there is just a lot of mess inside of it that would be cleaned up under this project.

There is one item that Jeff can speak to if you wish, but I'll just hand you up a photo. There is a tree that is located between the end of Marratooka Road and the gazebo which Jeff has looked at since the plans were originally prepared and submitted, and is thinking there is no way that tree is going to be preserved. So unless the Board would object, we would like to ask if we could include that tree removal in the application.

Jeff, would you be able, if requested, would you be able to locate that tree on the plan?

MR. BUTLER: Yes.

MR. HERRMANN: So if you wanted to go by something more than that photo, we could locate the tree on the plan. Otherwise if you want to go by the photo. That would be great. So that's really

it. Again, there is the nourishment component in terms of the slope which would then also be re-vegetated with native vegetation, that is included in the application.

Jeff, you don't have anything to add?

MR. BUTLER: Nope.

TRUSTEE DOMINO: With all these nice posters around, it really troubles me to think about removal of a tree.

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

MR. HERRMANN: I just got what you are saying.

TRUSTEE KRUPSKI: Bad timing.

MR. HERRMANN: Very bad timing.

TRUSTEE WILLIAMS: Would your client be open to replanting a new tree? And I understand that tree is in close proximity to the retaining wall.

MR. HERRMANN: Not in the same location, probably, but.

MR. BUTTER: Jeff Butler. Yes. Absolutely. I think they would be open to that idea, the suggestion of putting a tree back. They were not happy about it having to come out when we met there with the contractor, said there is really no way to get this wall in without the tree coming out, so, the new tree would be fine.

TRUSTEE WILLIAMS: And obviously, it would be concerns that as the tree matures, the root system would, it would be placing that tree in a more desirable spot in close proximity to its current location.

MR. BUTLER: If you look at the picture you can see how that tree did cause another failure on that wall, which is evident in the, so, another location would be a better idea.

TRUSTEE WILLIAMS: Great.

TRUSTEE DOMINO: I'm not so sure you can put one tree in close proximity. There appears to be a tree that might prevent that. So replacing it somewhere is okay.

MR. HERRMANN: See how quickly that turned positive. That's great.

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

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

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application as submitted, with the addition of removal of the tree that has compromised the western wall and replanting of a tree somewhere to be determined in the future.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: The next application, number 12, Suffolk Environmental Consulting, Inc. on behalf of **PETER & ELAINE PSYLLOS** request a Wetland Permit to construct a 20'x40'

(800sq.ft.) pool with surrounding 1,370sq.ft. at grade patio; install a 55' foot long retaining wall along the landward side of the pool patio; install 196 linear feet of pool enclosure fencing; install a pool drywell and pool equipment area; relocate existing gazebo; and relocate existing lawn steps in order to accommodate the pool.
Located: 2886 Ruth Road Extension, Mattituck. SCTM# 1000-105-2-1

This project has been supported by the Conservation Advisory Council in a prior review.

It has been deemed to be consistent with the Town's LWRP.

The Trustees visited the site on April 11th, sorry, yes, and at the time the Board reviewed the plans in the field and discussed it at work session on April 16th, and found that the project appears to meet our standards and is straightforward.

Is there anyone here who wishes to speak to this application?
MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting for the applicant, Peter and Elaine Psyllos. I don't have anything to add other than originally it was laid out in a north/south location, and an application was filed with the Zoning Board it was too close to the bluff. Your record also contains that determination. And in the course of that proceeding we basically turned the pool 90 degrees and increased the setback. So that's the only thing I would add. And I'm here to any answer any questions you might have.
TRUSTEE BREDEMEYER: Any questions?
(Negative response).
Anyone else wish to speak to this application?
(Negative response).
I make a motion to close the hearing in this matter.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE BREDEMEYER: Motion to approve this application as submitted.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number 13, Patricia C. Moore, Esq. on behalf of **DANIEL & BARBARA CHRISTIANSON** requests a Wetland Permit for the existing 2,300sq.ft. dwelling; renovate the existing 7'9"x20'1" enclosed wood porch with 4' wide steps to grade to create a family room; construct a handicap access ramp consisting of an 11'2"x8' landing to a 6'x34' ramp to a 4'x8'x4'x4'2" landing to a 26'8"x6'2" ramp.
Located: 1220 Deep Hole Drive, Mattituck. SCTM# 1000-115-12-17

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application.

The Trustees did a field inspection on April 11th noting it was straightforward, and that the only new constructions is a

handicap access ramp.
Is there anyone here who wishes to speak regarding this application?
MS. MOORE: Thank you. Pat Moore. I'm here, my clients are here and it's late and not much to say. Thank you.
TRUSTEE GOLDSMITH: Anyone else here who wishes to speak regarding this application?
(Negative response).
Are there any questions or comments from the Board?
TRUSTEE KRUPSKI: Very simple project.
TRUSTEE GOLDSMITH: Hearing no further comment, I make a motion to close this hearing.
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).
TRUSTEE GOLDSMITH: I'll make a motion to approve this application.
TRUSTEE WILLIAMS: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE KRUPSKI: Number 14, Patricia C. Moore, Esq. on behalf of **STEPHEN WALSH** requests a Wetland Permit to construct a two-story 12'x28' addition onto the southerly side of existing dwelling.
Located: 7065 New Suffolk Road, New Suffolk. SCTM# 1000-117-5-30
The Trustees visited this site on the 11th of April and noted it was a small addition and a straightforward project.
The Conservation Advisory Council resolved to support this.
The LWRP coordinator found this to be consistent.
And the ZBA granted a variance on this application.
Is there anyone here who wishes to speak regarding this application?
MS. MOORE: Yes. Patricia Moore. I have Mr. Walsh here. And again, we hope this is a straightforward application. Thank you.
TRUSTEE KRUPSKI: Thank you. Is there anyone else here that wishes to speak regarding this application?
(Negative response).
Any comments from the Board?
(Negative response).
Okay, hearing none, I make a motion to close this hearing.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE KRUPSKI: I make a motion to approve this application as submitted.
TRUSTEE WILLIAMS: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
MS. MOORE: Thank you

TRUSTEE WILLIAMS: Number 15, Patricia C. Moore, Esq. on behalf of **JOHN & JESSICA LUPOVICI** requests a Wetland Permit for the existing structures on the property that include three (3)

existing cottages consisting of an existing 24'2"x20'2" southerly one-story cottage with attached 10'x20' wood deck that is to be removed; install a new roof, new siding, and to replace existing windows with new enlarged windows and French doors; an existing 22'3"x32'6" one and one-half story northerly cottage with 8'x22'3" attached enclosed storage area; install a new roof, and perform repairs and maintenance to cottage; a 10'x40'6" concrete patio with 3'x36 linear foot long walkways against northerly cottage leading to an existing 8'4"x32' one-story 2nd northerly cottage with 10'x20' concrete patio, install a new roof, and perform repairs and maintenance to the cottage; existing stone wall located seaward of existing 8'4"x32' cottage; existing dirt/stone driveway; existing 9'2"x9'3" pump house; and to clear vegetation/trees within an approximate 19,000sq.ft. building envelope area.
Located: 1625 Naugles Drive, Mattituck. SCTM# 1000-99-4-18

From the LWRP coordinator, a portion of this project was exempt from LWRP review. The portion that is not exempt was found to be consistent. To clear vegetation trees from approximately 19,000-square foot building envelope. Note, due to 20% slopes or greater in the area proposed to be cleared it's recommended that storm water erosion controls are in place to prevent potential non-point pollution to waterbodies as long as the slope remains exposed and unvegetated.

The Conservation Advisory Council inspected this property and resolved to support the application.

On 3/14 of '18, Glenn Goldsmith completed a field inspection noting he would like to see gutters and leaders to drywells on the structures.

At this point I would like to open the public hearing up for this application.

Is there anybody here to speak to this application?

MS. MOORE: Patricia Moore on behalf of John and Jessica Lupovici. They purchased the property maybe, I would say a year or two ago. The property was in terrible condition, dilapidated. The structures are, well, they are functioning, there were people actually living in all these cottages, believe it or not. They, some had to be evicted, some were squatters. The property had dilapidated boats, trailers, on the property that had to be removed. So what you are seeing now is what are the pre-existing structures and the property having been cleaned up significantly.

My client wants to fix the little cottages up, make ordinary repairs to the cottages so that they are esthetically better looking, and then possibly, well, have permission to clear a building envelope so that, phase two, should somebody want to put a house up on the hill, these cottages would be to a certain extent downgraded to accessory buildings. So you might have a cottage for the pool that would be turned into a pool house. So these cottages for now are going to remain as pre-existing dwelling units, but the next phase might be that they might be turned into something that the code allows, so be

it a pool house or something like that.

So right now it's just keeping the properties in good condition.

Do you have any questions?

TRUSTEE WILLIAMS: Do you think your client would be open to installing gutters to leaders to drywells on these structures?

MS. MOORE: Getting gutters and leaders are not usually a problem, but the drywells are very expensive, large structures. So right now they have been, the work being done is very minimal. Roofs are more, it's not structural roofs, it's re-shingling, most of it is cosmetic rather than large, structural things. But I would have to talk to them about putting in gutters and leaders.

There is no, the property is quite large and all these structures are pretty far from the adjacent properties, so we should not have any kind of drainage occurring offsite.

So the answer to that is if we are forced to, I'll tell them I was forced to, but I don't want to start building drywells because these are, the drywells are much more disruptive of the property than just gutters and leaders.

TRUSTEE DOMINO: I believe the Town code requires gutters.

MS. MOORE: Well, it depends on the work you are doing. If you are just re-shingling, most of this work, any work that requires a building permit, if it's interior work it does not require it. If you are re-shingling, you don't usually require it. It's required when you are doing a substantial improvement to the property, like an addition. The Town engineer does not require --

TRUSTEE DOMINO: You don't think this is a substantial improvement?

TRUSTEE KRUPSKI: We are sort of talking around the fact that these buildings are in rough shape.

MS. MOORE: They are in rough shape but they actually have plumbing, heating and electrical in all of them, and all the electrical is working and upgraded. So, they are ugly, I think that the fact is that they are kind of ugly, little cottages. But they were occupied and now they are trying to esthetically be made better. And I don't have my glasses on, so I don't know which one it is.

TRUSTEE KRUPSKI: This house is the one closest to the water, and I think that's the one that is most appropriate to do a drywell on, I would think, at least. That's just one opinion, but.

MS. MOORE: Okay. I think if we limit it to the one, because the cottage closest to the water, the one we actually have to take the deck off because the deck was built at some point by prior owners, but it didn't seem to have a building permit.

TRUSTEE BREDEMEYER: If you don't mind me butting in. Or an engineered French drain or trench drain, because of depth to ground water, the engineering department, but they certainly could incorporate some form of drainage.

MS. MOORE: Okay. Drainage control. Yes. Okay. That ultimately in the overall plan is probably the one that is going to be improved the best. The other ones are very small, probably five-hundred square feet, more or less, so.

TRUSTEE WILLIAMS: You speak of the possibility of a bigger house coming and possibly one of these cottages turning into a pool house. The picture I'm seeing there, I'm assuming unless -- I'm assuming they are going to want to esthetically brush up what I'm looking at.
MS. MOORE: Oh, gosh, yes.
TRUSTEE WILLIAMS: So I don't think gutters is an unreasonable request.
MS. MOORE: That's fine. Were you talking about gutters on all of the little cottages?
TRUSTEE WILLIAMS: I would like to see gutters on all of the cottages. On the cottage closest to the water, the one that is 35 feet away, I would like to see gutters with a drywell on that one.
MS. MOORE: Or other suitable. Not drywells per se, but some kind of drainage structures. I think that was a good point raised. Because of the groundwater, we may have trouble. Okay.
TRUSTEE WILLIAMS: Sure. Okay, is there anybody else here to speak to this application?
(Negative response).
Any other comments?
(Negative response).
TRUSTEE WILLIAMS: I would like to make a motion to close the public hearing.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
MS. CANTRELL: You had requested that you wanted a public hearing to formally change a name?
MS. MOORE: Thank you. I appreciate it. Thank you. Apparently my clients had put it into an LLC. Which I have the file here. Did I give you the name of the LLC?
TRUSTEE WILLIAMS: Peconic Road, LLC. 2 Peconic Road, LLC. The number "2", Peconic Road, LLC
MS. MOORE: Yes.
TRUSTEE KRUPSKI: The hearing is closed. Can we modify a title name?
MR. HAGAN: It's a minimal change of which the members of the LLC are the same applicants that are herein listed. It's a clarification so this way it goes forward. It's okay. We are not addressing the contents of the application.
TRUSTEE WILLIAMS: Okay, I closed the hearing. Any other discussion before I make my motion?
(Negative response).
I make a motion to approve the application as submitted with the addition of gutters and leaders on the closest cottage to the water, the one that is approximately 35 feet away, with an approved drainage plan for that roof runoff. That is my motion.
MR. HAGAN: And that motion is going to be made under, for issuance of a permit to the new LLC, correct?
TRUSTEE WILLIAMS: That motion will be made to the new LLC, 2

Peconic Road, LLC.
MR. HAGAN: Now you can second.
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
MS. MOORE: Just a quick question, procedurally, the drainage plan, roof runoff, do you need that or is that just to the Building Department?
TRUSTEE WILLIAMS: We would like to see a copy.
TRUSTEE BREDEMEYER: It's usually the Town engineer.
MS. MOORE: Yes, you would have to give it to the Town engineer. So you don't need it as part of your file, as long as it's a condition?
TRUSTEE BREDEMEYER: Typically, as long as we --
MR. HAGAN: You need a copy. The Board has conditioned it, so a copy of it should be in the file.
MS. MOORE: Okay

TRUSTEE DOMINO: Number 16, Patricia C. Moore, Esq. on behalf of **2 PECONIC ROAD, LLC,** requests a Wetland Permit to cut back 135 linear feet of dilapidated bulkhead to ±6" above grade and plant area with Alterna flora 18" o.c. to restore area of intertidal marsh (approximately 2,400sq.ft.); reconstruct 51' and 41' (92 linear feet) of existing functional bulkhead in-place and 2' higher than existing using c-lock vinyl sheathing, and construct a new 18' vinyl return on west side using thru-flow safety cap; install 140 linear feet of rock revetment landward of scarp and Spring High Water (SHW); backfill disturbed areas as needed with ±75 cubic yards of material from stone excavation; existing remains of 5'x128 linear foot long catwalk to be removed; off east side of new bulkhead, construct a new 4'x24' fixed catwalk; a 3'x18' seasonal ramp; and a 6'x20' seasonal floating dock secured by (2) new 8" diameter piles.
Located: 1625 Naugles Drive, Mattituck. SCTM# 1000-99-4-18
The Trustees did a field inspection on March 14th and noted here at 4:10 in the afternoon. Noted that most of the bulkhead is non-functional. Most of the area had not been staked.
The LWRP coordinator found this to be consistent.
The Conservation Advisory Council voted unanimously to support the application, with no conditions.
There is a note in here from Patricia Moore's office to save a tree. It says right here. Save a tree. Is there anyone here to speak to this application?
MS. MOORE: Patricia Moore, on behalf of the applicants.
MR. HAGAN: One second, Mr. President, with your permission, for the sake of clarification for the record. The initial application is John and Jessica Lupovici, number 16 on the agenda. Just so I'm clear, it's the same name as number 15. So is the applicant requesting this application be heard under the new LLC name as well?

MS. MOORE: Yes, please. Thank you
TRUSTEE DOMINO: Thank you, for that clarification.
Is there anyone else who wishes to speak to this application?
MS. MOORE: Patricia Moore. I think I mentioned that. This description is actually what the DEC had recommended as part of our restoration plan, so many of these items come from a review by the DEC, they have an application pending with them. But in the meantime, they did review it and they did come back with their recommendation. So that's been incorporated into this project description.
TRUSTEE KRUPSKI: Do we have a non-turf buffer on the landward side of this project? I need a memory refresher on that.
MS. MOORE: Part of it is a beach area. I'm not sure. You are talking landward of the new bulkhead?
TRUSTEE KRUPSKI: Which are you calling the beach area?
MS. MOORE: Well, from the survey, there is an area the DEC did not want us -- we originally proposed, see where the remains the bulkhead are there, we had originally proposed to continue the bulkhead there. They said, no, they would not allow us to replace it, and that's staying natural now. So it's the wetlands.
TRUSTEE KRUPSKI: Rip rap behind it, right? So based off that picture, there would be rip rap behind it?
MS. MOORE: I don't think there is --
TRUSTEE DOMINO: Here is the wall that exists now. This is the rip rap.
TRUSTEE WILLIAMS: Looks like the rip rap kind of follows this.
TRUSTEE KRUPSKI: So landward of the stone armor as in this survey. And then following around to the bulkhead.
MS. MOORE: That makes sense.
TRUSTEE BREDEMEYER: It may actually be their beach if they don't have any armoring there and they pull the dock away.
What if we put in a requirement that no, in other words, non-disturbance four-foot path. In other words, let this revegetate seaward of the driveway we may leave a non-disturbance area. I'm just thinking non-disturbance here, this area seaward of the drywell, to put, pull the dock out. We don't want to put turf in there.
TRUSTEE DOMINO: And non-turf over here.
TRUSTEE BREDEMEYER: And non-turf over there.
TRUSTEE DOMINO: Pat, this is the dock that's coming out. Here is the driveway. So the suggestion is you make this area non-disturbance so it's, it doesn't become lawn and then put a ten-foot non-turf buffer to follow the rip rap and the bulkhead
MS. MOORE: Okay.
TRUSTEE BREDEMEYER: With a four-foot wide path so we don't get people full of ticks.
MS. MOORE: That's a good idea. Is there a way of hand drawing it on one of yours so I could come in and copy it tomorrow? Unless you can remember it? Mine is too small.
TRUSTEE BREDEMEYER: 15-foot non-turf buffer, because that would incorporate area of non-disturbance from the construction.

TRUSTEE DOMINO: Non-disturbance, (indicating). This is to be, this would be 15-foot non-turf buffer.
MS. MOORE: That's fine.
TRUSTEE DOMINO: I'll read it into the description.
Is there anyone else who wishes to speak to this application?
(Negative response).
Hearing none, I make motion to close this hearing.
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).
TRUSTEE DOMINO: I make a motion we approve this application, Under the name of the new owner, 2 Peconic Road, LLC, with the condition that there be a non-disturbance zone seaward of the driveway on the northerly section of the property, and a 15-foot non-turf buffer to follow the rip rap, the bulkhead and the return on the easterly section of the property. As with a four-foot wide path through the non-disturbance to the beach. And as depicted on hand drawn plans. And this is conditioned with submission of new plans.
MS. MOORE: Yes.
TRUSTEE DOMINO: That's my motion
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number 17, Patricia Moore on behalf of **ORIENT ACRES, LLC, c/o EVA MALLIS, LLC MEMBER** requests a Wetland Permit for the existing 3,456 sq.ft. two-story dwelling with a 304 sq.ft. front entry patio area, a 146 sq.ft. garage roof extension, a 143 sq.ft. master bedroom deck area, and a 198 sq.ft second floor deck; propose to construct a 285 sq. ft. east side addition; construct a 146 sq.ft. landward side addition; construct a 148 sq.ft. front covered entry patio area; construct a 146 sq.ft. garage front roof extension; construct a 235 sq.ft. screened porch on north side of dwelling; existing 1,248 sq.ft. seaward side deck area to be reduced in size to be an 858 sq.ft. deck area (to be resurfaced) in order to accommodate additions; and construct a 328 sq.ft. roof over seaward side deck area. Located: 32625 Main Road, Orient. SCTM# 1000-14-2-25

The project is deemed to be consistent with the under LWRP, with the LWRP coordinator Mark Terry requesting that the drywells be reviewed for their sufficiency to make certain that the one proposed would be sufficient.

And he recommends a non-turf buffer landward of the top of bluff.

And the Conservation Advisory Council had voted to support the application with a 15-foot non-turf buffer.

The Board of Trustees visited the site on March 14th. As far as the Items that I just read in the description, the Board felt that was straightforward but we did notice that there was a deck which shows on the Young & Young survey dated March 1st, 2016, last prepared, that there is a set of stairs and likely a pre-existing nonconforming deck at the top of the bluff that the Board felt should be included with a set of plans and incorporated into the project description for consideration. Those are the

facts particular to our inspection, the LWRP and Conservation Advisory Council. But there is a specific e-mail communication that the Board received from Mark Terry in his capacity as the assistant director of planning that was received in the Trustee office after we performed our field inspection, and it made, it indicated that above and beyond the LWRP consistency review, he wanted to note that the Planning Board has an active application on the property and that the landowners must seek approval to proceed with the addition and renovation of the structure.

So that seems to preclude us moving forward. Particularly, we also want to incorporate a set of plans for the deck and description of it. And there may be in question, which is a matter not for this office to follow-up on, but apparently it's been brought to the attention of the Town representatives that a Morton building on site may not be fully approved. I don't know, that's not really --

MS. MOORE: Yes, well, actually, the Morton building is an, he's the property owner. The land that is all of the, it's been cleared for farming, it's got a building permit for farming purposes. It's just as ag building, so.

TRUSTEE BREDEMEYER: I only raised it so it was not a matter you were wondering what took place, for point of information.

MS. MOORE: For point of information, it has a building permit and so on. Mr. Terry, it's funny he sent that note because I actually, before coming to you, I sent a letter by fax to the Planning Board and said, for your information, my client has, is making an application for all of this. And pursuant to your rules on –

TRUSTEE BREDEMEYER: Maybe that's a function of the dating of the communications, because we did have the snow days. So we inspected it on March 14th. His communication was March 20th, so it's quite a while back.

MS. MOORE: So it might have been consistent with my notice to them. In any case, these are renovations to the existing house, and I actually notified the Planning Board on that. It doesn't impact in any way the subdivision. The subdivision is for, the proposed subdivision is for this house and then to two other lots. But really the house is existing and this is the renovation to the existing house. But as you said, you want plans --

TRUSTEE BREDEMEYER: It would seem if the Board would consider tabling, you could send us confirming, updated communications for the file so we were not holding this matter up for another determination to wait for the Planning Board.

MS. MOORE: Do you want a copy of the letter I sent to Planning or?

TRUSTEE BREDEMEYER: I think we want a determination either to permit communication back to you from Mark Terry or his outright determination that it's not, that we should be holding this for Planning Board approval as well.

MS. MOORE: Okay. I'll get something from Planning because they should have sent me something back then that was, you know,

yes, we acknowledge that you are doing this, so.
TRUSTEE BREDEMEYER: With respect to the deck if we could get a set of plans on the deck and the stairway, I think it's minimally nonconforming as far as size but it's pre-existing, it's been there a long time. But I think the Board, based on the field inspection, would like to bring it into the permit and --
MS. MOORE: At least make it a permitted structure.
TRUSTEE BREDEMEYER: To permit it in and with the possibility still to take another look at it and determine whether it's what we need to ask for modification.
MS. MOORE: Well, we'll have a discussion about that, too.
TRUSTEE BREDEMEYER: We'll have a subsequent discussion. We don't have a set of plans so we couldn't go further with that.
MS. MOORE: All right. And I'll do the history on the deck. I know it was, it's been there a long time, so. The property has been owned by the family for this is now like the second generation, so; okay.
TRUSTEE BREDEMEYER: Any additional questions?
(Negative response).
Anyone else wish to speak to this application?
(Negative response).
Hearing none, I'll make a motion to table this application for the submission of plans concerning the existing deck at the bluff and bluff stairs, and confirmation from the assistant director of planning that this application made, may proceed without additional Planning Board review. That's my motion.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).
TRUSTEE DOMINO: Motion to adjourn.
TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).

Respectfully submitted by,

Michael J. Domino

Michael J. Domino, President
Board of Trustees