

## October 5, 2021 Town Board Work Session Agenda

### **OPEN SESSION**

- IV-1 9:00 Town Clerk Elizabeth Neville re: Presentation of the Supervisor's Tentative Budget to the Town Board
- IV-2 9:01 Public Hearing: Coastal Erosion Hazard Board of Review Appeal of Harbor View Cottages, LLC
- IV-3 9:30 Michael Collins and Denis Noncarrow re: Project and Grant Updates

### **EXECUTIVE SESSION**

- IV-4 Proposed Acquisition(s), Sale or Lease of Real Property Where Publicity Would Substantially Affect the Value Thereof  
10:30 Melissa Spiro, Land Preservation Coordinator
- IV-5 Litigation  
-West Lake Association v. TOS  
-Bashian v. TOS
- IV-6 Town Attorney re: Discussion Regarding Current Code Investigation
- IV-7 Labor- Matters Involving the Employment of a Particular Person  
-Town Attorney re: Code Enforcement
- IV-8 Labor- Matters Involving the Employment of a Particular Person(s)  
-Kristie Hansen-Hightower and Michelle Nickonovitz re: 2022 Personnel Budget Requests with Department Heads  
12:00 Planning- Heather Lanza  
12:15 Building Department- Mike Verity  
12:30 Youth Bureau- Lynn Nyilas  
12:45 Landfill- Jim Bunchuck  
1:00 Assessors- Kevin Webster  
1:15 Human Resource Center- Karen McLaughlin  
1:30 Highway Department- Vincent Orlando  
1:45 Trustees- Glenn Goldsmith  
2:00 Town Clerk- Betty Neville  
2:15 ZBA- Leslie Weisman  
2:30 Justice Court- Leanne Reilly  
2:45 DPW- Tim Abrams  
3:00 Accounting- Kristie Hansen-Hightower





## RESOLUTION 2021-698

ADOPTED

IV-2  
10-4-21

DOC ID: 17339

**THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2021-698 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOLD TOWN BOARD ON SEPTEMBER 7, 2021:**

**RESOLVED** the Town Board of the Town of Southold hereby sets **Tuesday, October 5, 2021 at 9:01 AM. at the Southold Town Meeting Hall, 53095 Main Road, Southold, New York as the time and place for a public hearing upon the Coastal Erosion Hazard Board of Review Appeal of Harbor View Cottages, LLC (c/o Thomas Shillo)** which seeks relief from Chapter 111, applicant seeks to remove an existing 3' x 11.5' ramp, 8' x 15.5' float and piles as necessary, all of which were approved under a previous wetlands permit; construct a 6' x 20' extension onto the seaward end of a 6' x 59' fixed dock, which was approved under a previous wetlands permit and install a 4' x 16' aluminum ramp, 12 new piles and an 8' x 18.5' float. Under Section 6 Definitions - Unregulated Activities, the proposed reconstructed dock exceeds the 200 sf limitation, and therefore by code, must be removable. A dock of less than 200 sf could not be used for docking as it would not be long enough to reach the depths needed to safely dock a boat due to water depths. The proposed work is within a near shore area in a Coastal Erosion Hazard Area located on property on parcel SCTM # 1000-10-9-6.1, 520 Sterling Street, Fishers Island, New York, and directs the Town Clerk to publish notice of such appeal in the Suffolk Times and The Day newspaper not less than ten (10) days nor more than thirty (30) days prior to such hearing and to notify the applicant by first class mail.

**Elizabeth A. Neville**  
**Southold Town Clerk**

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Sarah E. Nappa, Councilwoman  
**SECONDER:** Jill Doherty, Councilwoman  
**AYES:** Nappa, Doherty, Ghosio, Evans, Russell  
**ABSENT:** James Dinizio Jr

RECEIVED

AUG 11 2021

TOWN OF SOUTHDOLD

APPLICATION FOR APPEAL TO  
THE COASTAL EROSION HAZARD BOARD OF REVIEW

Southold Town Clerk

DATE 8/1/21

NAME OF APPLICANT: Harbor View Cottages, LLC, c/o Thomas Skillo  
ADDRESS: 520 Sterling Street, Fishers Island

DATE OF DECISION APPEALED FROM 7/14/21


SPECIFIC CHAPTER/SECTION INVOLVED 111

THE ALLEGED ERRORS IN THE DETERMINATION ARE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INTERPRETATION THAT IS CLAIMED TO BE CORRECT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RELIEF SOUGHT: Allow reconstruction of a private  
recreational docking facility.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*COPY OF THE ENTIRE BOARD OF TRUSTEE FILE INCLUDING ANY  
RELEVANT MAPS MUST BE ATTACHED TO THIS APPEAL

  
\_\_\_\_\_  
SIGNATURE OF APPLICANT  
Glenn F. - Just as agent



**J.M.O.**  
**Environmental Consulting Services**

August 1, 2021

**RECEIVED**

Ms. Elizabeth Neville  
Town Clerk  
Town of Southold  
Town Hall  
53095 Route 25  
P.O. Box 1179  
Southold, NY 11971

**AUG 11 2021**

**Southold Town Clerk**

Re: Harbor View Cottages, LLC, c/o Thomas Shillo  
520 Sterling Street, Fishers Island  
S.C.T.M.No. 1000-10-9-6.1

Dear Ms. Neville;

Enclosed please find is a Coastal Erosion Hazard Appeal application for the dock project at the above noted property. The Coastal Erosion Hazard application was denied by the Board of Town Trustees on July 14, 2021 because of the 200 square foot limitation on dock structures. The appeal is based on the need of the size of the reconstructed dock for safe navigation. Town records show that on May 26, 1994 the Board of Town Trustees issued a wetlands permit to Katherine Hale, but no Coastal Erosion Zone approval to reconstruct an existing dock that was constructed in the 1960's.

For your review I have enclosed copies of the approvals for this project as requested, which were recently issued by the Board of Town Trustees (Wetlands), the New York State Department of

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121 Jessup Ave • 2nd Floor • P.O. Box 447  
Quogue, New York 11959-0447

Environmental Conservation and the New York State Department of State Coastal Management Program. I have also enclosed a copy of the proposed project plans.

Upon the review of these materials please feel free to contact me at any time should you have any questions or comments.

Respectfully,



Glenn E. Just

Harbor View Cottages, LLC, c/o Thomas Shillo  
Coastal Erosion Hazard Appeal  
520 Sterling Street, Fishers Island

#### Introduction:

The project site is located in West Harbor. The applicant is proposing to remove an existing 3'x11.5' ramp, 8'x15.5' float and piles as necessary all of which were approved under a previous wetlands permit; construct a 6'x20' extension onto the seaward end of a 6'x59' fixed dock which was approved under a previous wetlands permit and install a 4'x16' aluminum ramp, 12 new piles and an 8'x18.5' float. According to Town records on May 26, 1994 Permit No. 4316 was issued to Katherine Hale for the reconstruction of an existing docking facility which was constructed in the 1960's. Wetland permit applications for the Harbor View Cottages, LLC were submitted to the Board of Town Trustees (Wetlands and Coastal Erosion Hazard), the New York State Department of Environmental Conservation (Wetlands), the New York State Department of State Department of State Coastal Management Program and the Army Corps of Engineers. As of this time permits have been issued by the Board of Town Trustees (Wetlands), the New York State department of Environmental Conservation (Wetlands) and the New York State Department of State Coastal Management Program (General Concurrence) and due to Covid 19 restrictions the Army Corps of Engineers still has their application under review.

#### Variance Request:

Under Chapter 111 of the Town of Southold Code, Coastal Hazard

Erosion Areas the dock is defined as a structure. The proposed area of the docking facility exceeds 200 SF in order to meet the with the regulations and policies of the Board of Town Trustees (Wetlands), the New York State Department of Environmental Conservation (Wetlands), the New York State Department of State and the Army Corps of Engineers. With this the dock reconstruction proposal is not unregulated and has to conform to the Coastal Erosion Hazard area regulations with one of the factors being that the dock being removable.

It is requested that a variance to Chapter 111 be granted because of the history and nature of the site and similar structures located within West Harbor (see enclosed aerial photograph). The proposed dock has been designed to be structurally stable for the environmental conditions in West Harbor and to meet and or exceed all of the requirements of the aforementioned agencies. The proposed reconstructed dock exceeds the 200 SF limitation and therefore by code, it must be removable, This requirement is contrary to proper construction and design and could have negative impacts on West Harbor.

I have reviewed Article 34 of the New York State Environmental Conservation Law, which the town of Southold Coastal Erosion Hazard program is based upon. It is felt that 200 SF dock design standard is more suited to the waters of mainland Southold and not Fishers Island which creates the hardship with this project.

Hardship:

Chapter 111-6 (Definitions) requires that a docking structures must be less than 200 SF or removed in the fall of each year. A dock of less than 200 SF could not be used for docking since it would not be long enough to reach the depths needed to safely dock a boat due to water depths. In this particular case a dock of 200 SF or



less would be located landward of the Mean Low Water Line and therefore would make it unusable. The annual removal and reinstallation of the docking facility could cause scouring and sedimentation, where a permanent dock is a one time temporary disturbance to the substrate. Chapter 111-11C (Nearshore areas) notes that all development is prohibited in near shore areas unless specifically provided for in the Chapter. It is felt that all docks are located in near shore areas. Also, in reviewing Chapter 111-5A (Findings) the water bodies noted are the Long Island Sound, Gardiners Bay, Long Beach Bay and Orient Harbor with no mention of the Fishers Island Sound or West Harbor. To have the private recreational docking facility removed and reinstalled annually would not be environmentally “friendly” and physically or economically appropriate. With this, it is the basis for the requested waiver.

#### Conclusion:

Chapter 111 was created to regulate development activities and set standards to help prevent, if possible, or minimize adverse effects on natural protective features as well as existing erosion protection structures and natural resources. Chapter 111-9 (Issuance Of Permit) states that “A Coastal Erosion Management Permit will ne issued only with a finding by the Administrator that the proposed activity:

- A. Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location.
- B. It is not likely to cause a measurable increase in erosion at the site and other locations.
- C. Prevents, if possible, or minimizes adverse effects on natural protective features and their functions and protective values, existing erosion protection structures and natural resources.”

A. The proposed dock reconstruction is reasonable and necessary for boating access to proper water depths and docks do require a “shoreline location”.

B. It is not likely that the reconstruction of this dock which was originally constructed greater than 60 years ago and reconstructed 25 years ago will cause an increase of erosion at this site or others. This site has an existing stone seawall (existing erosion protection structure).

C. The proposed dock reconstruction will have no negative impacts upon natural protective features and their functions and protective values, existing erosion protective structures and natural resources.

Town of Southold  
P.O Box 1179  
Southold, NY 11971

**\*\*\* RECEIPT \*\*\***

**Date:** 08/12/21

**Receipt#:** 286147

<b>Quantity</b>	<b>Transactions</b>	<b>Reference</b>	<b>Subtotal</b>
1	Application For Appeal	HarborViewCotta	\$250.00
<b>Total Paid:</b>			<b>\$250.00</b>

**Notes:**

<b>Payment Type</b>	<b>Amount</b>	<b>Paid By</b>
CK #1023	\$250.00	Harbor, View Cottages Llc

Southold Town Clerk's Office  
53095 Main Road, PO Box 1179  
Southold, NY 11971

**Name:** Harbor, View Cottages Llc  
C/o Thomas Shillo  
Po Box 202  
Fishers Island, NY 06390

**Clerk ID:** BONNIED

Internal ID: HarborViewCottages

**Z & S CONTRACTING, INC.**

BOX 202 • FISHERS ISLAND, NEW YORK 06390

Tel: (631) 788-7857 • Fax (631) 788-5600  
[zandscontracting@gmail.com](mailto:zandscontracting@gmail.com)

Enclosed, Check for Harbor View Cottages LLC / Thomas Shillo

Appeal Application

520 Sterling Street, Dock Project

Per Glenn Just;