

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



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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, January 15, 2020

5:30 PM

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

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, February 5, 2020 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, February 12, 2020 at 5:30 PM at the
Main Meeting Hall

WORK SESSIONS: Monday, February 10, 2020 at 5:00 PM at the Town Hall Annex 2nd
floor Board Room, and on Wednesday, February 12, 2020 at 5:00
PM at the Main Meeting Hall

MINUTES: Approve Minutes of December 11, 2019

TRUSTEE GOLDSMITH: Good evening and welcome to our Wednesday, January 15th, 2020, meeting. At this time I would like to call the meeting to order and ask that we stand for the pledge.

(Pledge of Allegiance).

Before announcing the other members of the dais, I would like to take a moment to recognize the past President Mike Domino and past Vice-President Jay Bredemeyer for all their work. Hopefully with the support of the entire Board I'll be able to carry the torch that they have carried so well over their tenure. Thank you, very much.

TRUSTEE DOMINO: Thank you.

TRUSTEE BREDEMEYER: Thank you, very much.

TRUSTEE GOLDSMITH: To my left we have Trustee Domino, Trustee Bredemeyer, Trustee Krupski and Trustee Williams. To my right we have Assistant Town Attorney Damon Hagan, Senior Clerk Typist Elizabeth Cantrell. We have Court Stenographer Wayne Galante, and the Conservation Advisory Council member with us tonight is John

Stein. Agendas are located at the podiums and out in the hall.

We have a number of postponements tonight. So in the agenda on pages 12 and 13, we have numbers 12 through 19 are postponed. They are listed as follows:

Number 12, Patricia Moore, Esq. **JOHN & ELIZABETH SCHROEDER** requests a Wetland Permit for a proposed 20'x40' in-ground swimming pool with a 46.7'x59.9' surrounding on-grade patio (2,021 sq. ft.); install retaining walls 48" in height, in-ground on north side and above ground on south side, as required to level existing grade for the proposed pool and patio.

Located: 3325 Wickham Avenue, Mattituck. SCTM# 1000-114-4-1.1

Number 13, SU11 architecture + design on behalf of **JEFFREY & ANCA LEMLER** requests a Wetland Permit to install a new sand beach area on top of existing ground in a 25'x70' area and the sand filling will be 6" to 12", no deeper than 12"; the sand will be "Cemex, ARB Certified, washed/cleaned/kin dried" or similar brand that complies with this characteristic, approximately 50 cubic yards of sand will be needed; install a border of landscaping boulders that will be set to separate the current existing beach area from the new proposed beach area; 50 linear feet of stones will be needed; on the inland side of the proposed beach area steel garden edging will separate the landscape from the beach area; general cosmetic landscape improvements are proposed: Additional native vegetation will be planted (26 medium shrubs and 40 small shrubs and plants approximately); all existing trees to remain; a new approximately 6'x60' gravel path is proposed from the beach area to the house which will be contained with flexible steel gardening edges, as well as steps needed along the path and changes in height; approximately 4 cubic yards of gravel will be needed; areas of wood chips are proposed along the property lot line and around planting areas, approximately 9 cubic yards of wood chips will be needed; no structures need to be erected on site for this work, the sand will be deposited with a small bobcat; all material and plants will be locally sourced at a local landscaping installer who will execute and supervise the work. Located: 320 Broadwaters Road, Cutchogue. SCTM# 1000-104-10-6

Number 14, Jeffrey Patanjo on behalf of **PETER & DIANA O'NEILL** requests a Wetland Permit to clear underbrush, saplings and dead leaf matter along existing bluff area; install two (2) drywells in the driveway (6' diameter by 6' deep), to capture all driveway runoff prior to overflowing bluff and connected to roof leaders to capture roof runoff.

Located: 5875 Vanston Road, Cutchogue. SCTM# 1000-118-1-1.3.

Number 15, Cole Environmental Services on behalf of **EMMA VAN ROOYEN & JANE ABOYOUN** requests a Wetland Permit to remove existing dock and construct new in-place consisting of a 4'x±13.7' fixed landward ramp to a 4'x±57 linear foot long fixed dock using thru-flow decking (to 4'6" above existing grade); a ±28.5"x4' wood hinged ramp; a new 6'x20' wood frame floating dock situated in an "L" configuration with two (2) 8" diameter piles to secure floating dock; new ±8.7'x2.6' wood frame bench seat to be built on fixed dock; all wood and pilings to be pressure treated; new/existing floating docks not to rest upon bottom of creek; dock pole depth to be determined by height of pole above grade; if height above grade is greater than 10', dock pole depth below grade to be equal length to height above grade; if height above grade is 10' or less, pole depth to be 10' below grade min.

Located: 575 Hill Road, Southold. SCTM# 1000-70-4-29.

Number 16, **GREG SCHULZ** requests a Wetland Permit for the as-built cutting and discarding of rotten vegetation and dead tree; and to revegetate with native plants within the approximately 16'x24' disturbed area at the property of the Donald P. Brickley Irrevocable Trust.

Located: 7230 Skunk Lane (At Corner of Oak Drive and Hickory Drive), Cutchogue.

SCTM# 1000-104-6-10.1

Number 17, Jeffrey Patanjo on behalf of **WILLIAM MACGREGOR** requests a Wetland Permit to remove existing fixed dock, ramp and floating dock and replace in the same approximate location as existing dock a new 4' wide by 80' long fixed pier with thru flow decking on entire surface; a new 30" wide by 16' long aluminum ramp; and a new 6' wide by 20' long floating dock supported with two (2) 10" diameter piles; in addition, there will be a trimming and maintenance of a 4' wide cleared path from the proposed dock to the edge of existing maintained lawn.

Located: 1120 Broadwaters Road, Cutchogue. SCTM# 1000-104-9-2

Number 18, Patricia Moore, Esq. on behalf of **FRED & MAUREEN DACIMO** requests a Wetland Permit to replace the foundation of a 36.2'x32' existing residential cottage and raise foundation to FEMA standards, renovate the cottage, and repair or replace existing sanitary system as needed; and for the existing 20.8'x68.5' one-story frame storage building with concrete slab; existing 40.4'x20.3' two-story frame building; concrete shed and fuel tank; existing 10.2'x14.2' shed; existing 74.3'x49'x28.7'x17.7'x51.6'x31.3' one-story storage building; existing 8'x8' windmill tower base; and existing 5'x5' outhouse/public bathroom for marina customers.

Located: 5520 Narrow River Road, Orient. SCTM# 1000-27-2-4

And number 19, Cole Environmental Services on behalf of **ALBERT G. WOOD** requests a Wetland Permit to remove existing concrete seawall; debris in work area to be cleared to a N.Y.S. approved upland disposal facility; install ± 109 linear feet of new rock revetment to be constructed with $\pm 13'$ of stone armoring at north corner and $\pm 10'$ of stone armoring at south corner; backfill with ± 137 cubic yards of clean upland fill; existing wooden bulkhead to be modified to elevation 5.9 at point of intersection with revetment; and bulkhead modification to occur within property owner's lines only.

Located: 1000 First Street, New Suffolk. SCTM# 1000-117-7-32

Under Town Code Chapter 275-8(c), files were officially closed seven days ago. Submission of paperwork after that date may result in a delay of the processing of applications.

At this time I'll entertain a motion to have our next field inspection Wednesday, February 5th, 2020, at 8:00 AM at the Town annex. That's my motion.

TRUSTEE KRUPSKI: Second.

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

TRUSTEE GOLDSMITH: I'll entertain a motion to hold the next Trustee meeting Wednesday February 12th, 2020 at 5:30 PM at the main meeting hall.

TRUSTEE BREDEMEYER: Second.

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

TRUSTEE GOLDSMITH: I would like to make a motion to hold the next work session at the Town annex board room, second floor, on Monday, February 10th, 2020, at 5:00 PM, and at 5:00 PM on Wednesday, February 12th, 2020, at the main meeting hall.

TRUSTEE KRUPSKI: So moved.

TRUSTEE DOMINO: Second.

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

At this time entertain a motion to approve the Minutes of the December 11th, 2019, meeting.

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

I. MONTHLY REPORT:

The Trustees monthly report for December 2019. A check for \$16,078.68 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. RESOLUTIONS OTHER:

TRUSTEE GOLDSMITH: For number one, I'll recuse myself.
TRUSTEE DOMINO: Under Roman numeral III, Resolutions - Other, number one **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **GOLDSMITHS BOAT SHOP**.
Located: 64150 Route 25, Southold. SCTM# 1000-56-7-1
That's my resolution.
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES). (Trustee Goldsmith, recused).

TRUSTEE GOLDSMITH: Number two, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **BRIAN O'REILLY**;
Located: 659 Pine Neck Road, Southold. SCTM# 1000-70-5-31.1
TRUSTEE KRUPSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

IV. STATE ENVIRONMENTAL QUALITY REVIEWS:

TRUSTEE GOLDSMITH: Number IV, **RESOLVED** that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VIII Public Hearings Section of the Trustee agenda dated Wednesday, January 15, 2020 are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Benzion Over SCTM# 1000-113-6-12
Ayda Candan SCTM# 1000-44-1-18
TG3 Holdings, LLC, c/o Timothy Quinn, Managing Member SCTM# 1000-14-2-1.6
John P. & Kimberly G. Keiserman SCTM# 1000-26-2-23
Pauline Segrete SCTM# 1000-111-14-22.1
John & Elizabeth Schroeder SCTM# 1000-114-4-1.1
Joseph & Dana Triolo SCTM# 1000-70-10-54

That's my motion.

TRUSTEE BREDEMEYER: Second.

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

TRUSTEE GOLDSMITH: I'll recuse myself from the next one.

TRUSTEE DOMINO: **RESOLVED** that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VIII Public Hearings Section of the Trustee agenda dated Wednesday, January 15, 2020, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations:

Goldsmiths Boat Shop SCTM# 1000-56-7-1

Joseph Barszczewski, Jr. SCTM# 1000-53-2-7

Brian O'Reilly SCTM# 1000-70-5-31.1

That's my resolution.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?
(ALL AYES). (Trustee Goldsmith, recused).

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

TRUSTEE GOLDSMITH: Under Roman numeral V, I'll recuse myself from number one.

TRUSTEE DOMINO: Number one, **DESCRIPTION OF ACTION:** Suffolk Environmental Consulting, Inc. on behalf of **GOLDSMITHS BOAT SHOP** requests a Wetland Permit to construct ±465.0 linear feet of bulkhead located on the southeast seaward corner of the subject property comprised of a ±350 linear foot long easterly section, a ±90 linear foot long southerly section, and a ±25 linear foot long return; the northerly terminus of the proposed bulkhead will connect into the southerly terminus of the existing bulkhead which ends at the shared easterly property boundary; the proposed bulkhead is to consist of vinyl sheathing (C-LOC or similar), two (2) tiers of timber walers (6"x6") along the seaward face, two (2) tiers of timber clamps (6"x6") along the landward face, a timber cap (2"x18"), secured by timber pilings (10" diameter) along the seaward face of the bulkhead, connected to a backing system via tie-rod comprised of lay-logs (10" diameter), and deadmen (10" diameter); existing rip-rap along the shoreline is to be removed prior to the installation of the proposed bulkheading; backfill is proposed along the landward sections of the proposed bulkhead in order to maintain safe and practical passage for vehicular traffic within the boat yard; the amount of fill is ±1,200 cubic yards of clean fill obtained from an approved upland source. Located: 64150 Route 25, Southold. SCTM# 1000-56-7-1

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on January 8, 2020 and having considered survey of property by Kenneth M. Woychuk Land Surveying, PLLC dated June 12, 2015, and having considered the plans for this project submitted by Suffolk Environmental Consulting, Inc., dated March 26, 2019, at the Trustee's January 13, 2020 work session; and,
WHEREAS, on January 15, 2020, the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,

WHEREAS, on January 15, 2020, the Southold Town Board of Trustees classified the application as an unlisted action under S.E.Q.R.A.; and,
WHEREAS, on January 15, 2020 the Southold Town Board of Trustees found the application of **GOLDSMITHS BOAT SHOP** to be classified as an Unlisted Action pursuant to SEQRA Rules and Regulations. A Short Environmental Assessment Form and a field inspection have been completed by the Board of Trustees; and it is hereby determined that it will not have a significant effect on the environment; and,
WHEREAS, in reviewing the project plans submitted by Suffolk Environmental Consulting, Inc., dated March 26, 2019, it has been determined by the Southold Town Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Scope: Vegetative, non-structural measures are not capable of stabilizing the bank erosion in this high energy environment and protection by use of hardened structure is necessary.
- Scope: Access to the site for construction has been identified and agreed upon.
- Navigation: Installation of approximately 465 linear feet of new vinyl bulkhead will facilitate navigation within the channel and boat basin, and facilitate necessary uses.
- Scope: The proposed bulkhead is comparable to bulkheads on neighboring properties in an area where bulkheads historically are used for commercial and recreational purposes.
- Environmental upkeep: The bulkhead design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.
- Environmental Upkeep: +/- 1200 cubic yards of clean fill proposed along the landward side of the bulkhead will promote safe passage for vehicular traffic west of the bulkhead and will have no negative environmental impact on Town waters.

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

That's my resolution.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES). (Trustee Goldsmith, recused).

TRUSTEE GOLDSMITH: Number two, **DESCRIPTION OF ACTION:** McCarthy Management on behalf of **BRIAN O'REILLY** requests a Wetland Permit to install a 4'x55' fixed wood catwalk; steps to grade off landward end of catwalk; install a 3'x14' seasonal aluminum ramp; and install a 6'x20' floating dock with chocking system situated in a "T" configuration.

Located: 659 Pine Neck Road, Southold. SCTM# 1000-70-5-31.1

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on October 9, 2019, November 6, 2019 and January 8, 2020, and having held work sessions on October 11, 2019 and December 9, 2019, and having considered the survey of Kenneth M. Woychuk Land Surveying, PLLC dated July 26, 2001 and plan of Kenneth M. Woychuk Land Surveying, PLLC last dated January 12, 2020 with hydrological data; and,

WHEREAS, on January 15, 2020 the Southold Town Board of Trustees

declared itself Lead Agency pursuant to S.E.Q.R.A.; and,
WHEREAS, on January 15, 2020 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and,
WHEREAS, in reviewing survey of Kenneth M. Woychuk Land Surveying, PLLC dated July 26, 2001, and plan of Kenneth M. Woychuk Land Surveying, PLLC last dated January 12, 2020, with hydrological data it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Navigation: The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are not within Town Trustees, New York State Department of Environmental Conservation guidelines and there is no recognized Federal/New York State/Town navigation channel in the immediate vicinity of the proposed structure.
- Scope: The proposed dock is in an area where docks historically are used for commercial and recreational purposes
- Scope in relation to the riparian rights of shell fishers: The plan allows a standard ramp to float design that will not impede access for those seeking shellfish and crustacea in season.
- Scope in relation to the riparian rights of shellfishers: The plan allows a standard design that will not impede access for those seeking shellfish and crustacea in season.
- Scope in relation to view shed: The seaward end of the proposed dock will not extend appreciably beyond existing docks. As such the perspective will not be discernibly different from the existing view.
- Environmental upkeep: The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.

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

That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number three, **DESCRIPTION OF ACTION: JOSEPH BARSZCZEWSKI, JR.** requests a Wetland Permit for the as-built clearing of a vacant lot; adding ±200 cubic yards of fill and grading out in order to raise the grade of the property; plant 15 shrubs 4' apart along southeast property line; and plant 18 shrubs 4' apart along southwest property line.

Located: 110 Lawrence Lane, Greenport. SCTM# 1000-53-2-7

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on June 12, 2019, September 11, 2019, and January 8, 2020, and having considered plans for this proposed project submitted by Kenneth M. Woychuk dated December 18, 2019 at the Trustee's January 13, 2020 work session; and,

WHEREAS, on June 17, 2019, the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,

WHEREAS, on January 15, 2020, the Southold Town Board of Trustees classified the

application as an unlisted action under S.E.Q.R.A.; and,
WHEREAS, on January 15, 2020 the Southold Town Board of Trustees found the application of **JOSEPH BARSZCZEWSKI, JR** to be classified as an Unlisted Action pursuant to SEQRA Rules and Regulations. A Short Environmental Assessment Form and a field inspection have been completed by the Board of Trustees; and it is hereby determined that it will not have a significant effect on the environment; and,
WHEREAS, in reviewing the plan submitted by Kenneth M. Woychuk dated December 18, 2019, it has been determined by the Southold Town Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Environmental Upkeep: Fill to be removed from wetlands.
- Scope: Disturbed area will be allowed to naturally revegetate.
- Scope: Plantings of Eastern Red Cedar trees and Baccharis halimifolia will benefit the wetland habitat, wildlife and other wetland functions and values.

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

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

VII. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE GOLDSMITH: Under Roman numeral VII, Applications for Extensions, Transfers and Administrative Amendments.

In order to simplify the meeting, we group together projects that are deemed minor or similar in nature. Accordingly, I'll make a motion to approve as a group items one through four and six through seven. They are listed as follows:

Number one, **OLE JULE DREDGE COMPANY, LLC c/o MARK DAVIS** requests a One-Year Extension to Wetland Permit #9163, as issued on February 14, 2018. Located: Canal within James Creek 1570, 1700 & 1780 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-44.8, 122-4-3, 122-4-4, 122-4-5

Number two, **DEKKA LLC c/o CHRISTIAN BAIZ** requests the Last One-Year Extension to Wetland Permit #8962, as issued on February 15, 2017. Located: 120 Bay Home Road, Southold. SCTM# 1000-56-5-1.3

Number three, **LUISA BEEBE** requests a Transfer of Wetland Permit #2287 and Wetland Permit #401 from Louis Sulich to Luisa Beebe, as issued on April 29, 1987. Located: 580 Broadwaters Road, Cutchogue. SCTM# 1000-104-10-3

Number four, Condon Engineering, P.C., on behalf of **JEFFREY BLUM** requests an Administrative Amendment to Administrative Permit #9539A to increase the size of the 890.5 sq. ft framed rear deck by 249 sq. ft., for a total of 1,139.5 sq. ft. and for 284 lf x 48" high black wire mesh fence with steel round posts and gate at dock, located along west and east property lines, as well as along southerly side of property approximately 25 feet from creek.

Located: 420 Glenn Road, Southold. SCTM# 1000-78-2-22

Number six, Inter-Science Research Associates, Inc., on behalf of **40200 MAIN LLC (ORIENT BY THE SEA), c/o RWN MANAGEMENT, LLC** requests an Administrative Amendment to Wetland Permit #9550 to remove, replace and elevate 1247 sq. ft. of southern deck for a total area of 1477 sq. ft. (In lieu of previously approved 1,418 sq. ft. deck); install an above ground duel fuel tank at 4,000 gallons diesel and

1,000 gallons gasoline (in lieu of previously approved 4,000 gallon for diesel and gasoline); demolish 186.6 sq. ft. of first floor area and 320 sq. ft. of second floor area on east side of restaurant and install 186.6 sq. ft. of new decking.

Located: 40200 Route 25, Orient. SCTM# 1000-15-9-8.1

And Number seven, J.M.O. Environmental Consulting Services on behalf of **SAMUEL J. DIMEGLIO, JR.**, requests an Administrative Amendment to Wetland Permit #9454 for the construction/installation of a 4'x20' concrete slab for a propane tank.

Located: 2280 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-6

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number five, En-Consultants on behalf of **JOHN & LORI McDONALD** requests an Administrative Amendment to Wetland Permit #9467 for a 730 sq. ft. on-grade masonry pool patio (including pool coping) and stepping stone path to patio in lieu of the original proposed 1,734 sq. ft. patio; and a 18'x34' swimming pool with interior spa in lieu of the originally proposed 20'x30' swimming pool.

Located: 1700 Cedar Point Drive E., Southold. SCTM#: 1000-92-1-3

In reviewing this file, the Trustees had some concerns about potential noise with the pool enclosure located so close to the water.

So I'll make a motion to approve this application with the condition that a sound reduction apparatus is installed to reduce noise.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

VIII. PUBLIC HEARINGS:

TRUSTEE GOLDSMITH: I'll make a motion to go off our regular meeting agenda and enter into the public hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

Under Roman numeral VIII, Public Hearings, this is a public hearing in the matter of the following applications for permits under the Wetlands ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public.

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

AMENDMENTS:

TRUSTEE GOLDSMITH: Under Amendments, number one, Costello Marine Contracting Corp. on behalf of **CLAUDIA PURITA** requests an Amendment to Wetland Permit #9276 and Coastal Erosion Permit #9276C to allow for the "as-built" installation of 1.5 to 3 ton rock armoring in front of the newly constructed bulkhead, ±1,260 cubic foot (60.5 tons) of rock to be placed below spring high water level; as-built two 11 foot high concrete terracing block retaining walls in lieu of the previously approved 5 foot high retaining walls on face of bluff; install a pervious gravel splash curtain landward of bulkhead; construct a revised stairway and walkway consisting of a 4' wide terraced walkway from top of bluff towards top retaining wall; construct 3' wide by 14'2" long stairs off top retaining wall to area between two retaining walls; construct a 5'x4' cantilevered

platform with 3' wide by 14'2" long set of steps to area in between lower retaining wall and bulkhead; construct a 5'x4' cantilevered platform off bulkhead with 3'x9'2" seasonal aluminum stairway to beach; and to revegetate bank with native plantings.

Located: 19995 Soundview Avenue, Southold. SCTM# 1000-51-4-6.

This is a continuation from the hearing from last month where this was tabled.

The LWRP found this to be inconsistent.

The Trustees conducted a field inspection, we had an inhouse review most recently on January 8th, 2020, noting the need for private modification to bluff restoration.

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

MR. COSTELLO: My name is John Costello, for Costello Marine Contracting, and I'm the agent for this application. And any questions that the Board may have, I can certainly try and make every attempt to answer them, hopefully. And I can tell you, one of the problems -- I have a structural engineer here. One of the problems on this whole project was when the original collapse was a partial. At that time we made the original application when the bluff went and the bulkhead started to disappear. And by the process of going into all the permit processes, most of the bulkhead had disappeared at that time. And it generated all the way back to several pieces of terracing up to the top terraced piling. By the time I started the job, the top terrace had collapsed. The top terrace tie rods extend back in through the house's foundation. They are in the foundation of the house. And Mrs. Purita, at that time, was very uncomfortable with the house shaking every time they had a storm. And the tie rods were into the foundation of the house. Certainly, one of the ways was to terrace this properly, and at that time I hired a structural engineer to come in and confirm to me how to stabilize this cliff without putting tie rods and backing system into loose soil. If you put a tie rod into loose soil, it is not very stable. The whole cliff, like the adjacent neighboring properties, you will see that all their terracing that is placed in loose soil is presently moving.

So what, after the structural engineer recommended, I investigated and he has used this concrete system on several jobs himself. And actually you will see additional applications, I know the comment by Mr. Krupski, that this does not look like Southold. I can show him several concrete bulkheads in Southold that have been there for years. But, they are at the base of the cliff. There are several projects, and you'll have more applications coming in where the toe is the most important portion, instead of putting in a bulkhead and rock revetments, I think that you are going to have future applications coming in where if you take these concrete walls and dig down to a low water elevation or clay, place the bottom, it will be very underneath the beach, you will see the terracing of a couple more to hold the toe. If you can hold the toe of a cliff, any cliff, you will see the erosion retarded.

There's two projects that are permitted by this agency in Orient. And it's happening now. This whole cliff is sliding toward the water. The toe is important.

Now, one of the ways to terrace this without getting the elevation, and the next door neighbor easterly of this project, has four separate terracing in there. Several of them are in movement. But this, the concrete wall, what it does is holds dirt and retains, it will hold its own position, and I would certainly, if this Board has any, I'm not a structural engineer, but if the Board has any questions of the structure being more permanent and tying in and holding. I will also show you a photograph of this project where if and when it's vegetated, where the vegetation will practically disguise the entire wall.

One of the projects adjacent to the west of this, you'll see phragmites. Beneath the phragmites you don't even see any retaining walls. Phragmites grow fairly high. Phragmites will be on the cliff side of several locations, a dominant species for holding it back. It will. I would like the Board to just take a look at this photograph. This was prior

to the collapse of the bulkhead. And there is a retaining wall there. And we'll submit that for the file.

TRUSTEE GOLDSMITH: When did that bulkhead collapse?

MR. COSTELLO: That bulkhead collapsed, I was employed by Frank Purita when I made the original applications. He asked me to get the applications in, and I believe that was about a year ago.

TRUSTEE GOLDSMITH: When was the concrete installed?

MR. COSTELLO: The concrete was installed after the lower wooden bulkhead, vinyl and wooden bulkhead was placed in.

TRUSTEE GOLDSMITH: Do you have a date?

MR. COSTELLO: I don't have a date with me. Some of the photographs are dated.

TRUSTEE GOLDSMITH: The structural engineer that you have here, is that the same person you consulted originally?

MR. COSTELLO: Yes.

TRUSTEE GOLDSMITH: And how long was the process between consulting with that engineer, getting the concrete and barging the concrete in, and installing that concrete retaining wall as is?

MR. COSTELLO: Approximately, probably six months. Weather conditions, of course, in that location. We didn't bring anything in except bulkhead materials in the window when we started. The application started and we brought the materials all by land, over the top of the cliff, and we hoisted them over with a crane and an excavator over the top of the cliff, all the bulkhead materials. We started to bring in the concrete. That we didn't bring any in. We were trying to purchase it, um, probably halfway through the bulkhead's completion. We put some fill behind the bulkhead. Because the bulkhead is vulnerable without fill. So we probably put the first eight or 900 cubic yards of material behind the bulkhead to stabilize that, compacted the soil, so that we were not in fear of losing the bulkhead. And at that time, I did have a meeting with the Trustees at a work session to ask upon completing the bulkhead whether I could temporarily bring in some rock to put in front of the bulkhead in order to protect the bulkhead from further damage. And at that time we were told you can put the rock in there temporarily, but you have to make a full application to put the rock in and leave it there.

TRUSTEE GOLDSMITH: So this wetland permit, the existing one that we have, #9276 and #9276C, dated July 18th, 2018, for the original timber retaining walls, that was post the collapse, correct?

MR. COSTELLO: Yes.

TRUSTEE GOLDSMITH: And subsequent to that you put the concrete retaining walls because the timber --

MR. COSTELLO: No, that was quite a bit after that. We had to get the fill in there, stabilize the fill material before bringing any of the concrete in or retaining walls.

Now, the retaining walls, if they were going to be wood, they would have to be tied back into stable bottom. And all the fill, as you see, we lost, originally they lost probably a thousand yards of fill. And it continued every storm. It continued to lose the fill.

TRUSTEE GOLDSMITH: So prior to July 18th, 2018, was when the bluff collapsed, then recently is when you installed the concrete retaining wall in lieu of the approved timber.

MR. COSTELLO: Well, that's a little bit of a story to it, because when I decided I was going to switch from the wood retaining wall to concrete, at that time Mr. Domino was the chairman, and I tried to reach him on vacation in Maine to explain to him that I was going to change, but he was unavailable and I did not make contact with him at that

time.

TRUSTEE GOLDSMITH: But at no time did you hear from any of us that it was okay to put a 12-foot high concrete retaining wall.

MR. COSTELLO: No. At no time had I ever decided it was going to be only one, two or three. I purchased more than I needed to. And it's difficult to get it purchased, and the weather conditions of when you can get it out there, was a little bit on the – it should have happened immediately, but I have to stabilize the base materials prior.

TRUSTEE GOLDSMITH: So how long did that process take?

MR. COSTELLO: Two months or three months, being with weather conditions. We didn't go out there with a barge in the Sound, except on ideal weather conditions.

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

MR. COSTELLO: I want to find out if the Board would like to ask the structural engineer anything while I'm in this scenario. I would certainly like you to explain it to him. And I would like to enter this into the record, too.

TRUSTEE BREDEMEYER: Mr. President, I would like to address the comments of Mr. Costello with respect to the availability of the President of the Board.

TRUSTEE GOLDSMITH: Yes, please.

TRUSTEE BREDEMEYER: I cannot speak to the factual correctness with respect to what Mr. Costello alleges with respect to trying to contact the President of the Board, but during my tenure as both President and Vice-President of the Trustees for over 19 years, it has never been a time where the Vice-President or another member of the Board was unavailable to attend to matters that were of such a serious nature.

TRUSTEE DOMINO: I also want to make a comment about Mr. Costello's statement. We did speak in the office prior to my going on vacation and I, when he expressed a desire to switch from wooden retaining walls to concrete, and I said it might be possible, but he had to apply for an amendment. That was the extent of our conversation.

TRUSTEE GOLDSMITH: Was any amendment applied for?

MR. COSTELLO: It is applied for as of now, yes.

TRUSTEE GOLDSMITH: After it went from five feet to 12-plus feet?

MR. COSTELLO: It's ten feet.

TRUSTEE GOLDSMITH: So the amendment was not made until after construction was complete?

MR. COSTELLO: After I got the comments from this Board that they were objecting to the looks and a few other things, yes, then all the amendments were put in.

TRUSTEE GOLDSMITH: You had a stop-work order issued by the DEC that is currently in place?

MR. COSTELLO: Yes, because at the same time we made the application to you for the rocks to be left permanently in front of the bulkhead, we made the application to the DEC, and we are in violation, we have a stop-work order, and that's why there is no vegetation there now, and that's why we did stop.

One of the comments made at the last meeting by Mr. Bredemeyer, that the concern about the elevation. The elevation of the wall from the top to the next level, is ten feet. 9'6" on one and ten on the other. Now, there is two foot into the bottom.

Now, the other thing is that Mr. Bredemeyer made one simple comment. He made a comment that the concern of the height was considerably dangerous if somebody came to the property. Christmas vacation was coming up, I called the DEC and told them I'm going over there and I'm going to flag it and put up a notice that it's dangerous, and try to keep kids from going over there to try to find out what is going on next door.

So I did put a danger sign up there, and it remains up there. Okay?

TRUSTEE GOLDSMITH: Thank you. Yes, sir?

MR. LANCEY: My name is Paul Lancey. I live on that stretch there. I don't think that is the issue, okay. Who is in charge here? I built a retaining wall. I got permits. You guys permitted it. You inspected it. I followed the codes, okay. If you guys permitted a 12-foot concrete wall, I find that rather unbelievable. Because I can see it from six houses down, and everyone else can see it. And if someone can go up and do it on their own without your permission, then the next person will have the same right. I don't think the permits, it's not worth it. I'll get you engineering, and I'll build what I want. Then we have anarchy.

We trust in the Trustees. I followed your process. He should be held to the same standards. Because he came in with a new engineer, without permits, he went in and built a 12-foot concrete wall, two feet underground, because he raised the soil. Come on. If we let people do that, it erodes the total ability of you folks to govern. And anybody can do what they want, and then we have anarchy. So you have to stand up. You guys permitted, you should go back to the permits, if he needs to apply for new permits, then he should do that process. But he shouldn't be held to a different standard than everyone else. And certainly if you lived in that stretch, you would not want to view ten or 12 foot concrete pillars. It's obtuse. It's a change in the fundamental materials, and it's a dramatic change in the scale. And no one here on this Board would like to do it. and everyone else when they did their projects was held to a certain level of standards. And we suspect that -- he has been in business a long time here on the fork, and he knows better, don't go building things until someone has permitted it. And someone being away on vacation, okay, we know that game, let me find out when you are on vacation so I can make the phone call. Okay. He should be held to the same standards as everyone else or we have anarchy.

TRUSTEE GOLDSMITH: Thank you, sir. Anyone else here who wishes to comment?

MR. STEIN: John Stein, Conservation Advisory Council Conservation Advisory Council. Just from an administrative, Glenn, we would like you to read on the record the Conservation Advisory Council does not support the application because of the two previous failures, and we are recommending that somehow or other that the house has to be moved landward.

Having almost eleven years on this particular area, and I just want to touch on Nick Krupski's viewpoint, too. I'm not a big fan of the west coast, but we are at a point in this stretch from any house from Horton's Point east to Town beach, that in about eight to ten years, if there is not a better, aggressive standpoint on these erosion problems with some of these properties, eventually some of these permitting agencies are going to be building actual steel girders and trusses to actually hold up these properties.

Some of them are almost, if not already, there, at the point of no return. There is nothing to retreat back and there is nothing to go under. The public record, you could hear that there is already tie rods into this stabilization of the foundation from "X" number of years back to the Building Department. I think this is even four to six years back there was suggestions you can't just do, take the incline off the top of the bluff or harden the toe. They have all failed. Terracing, bulkheading on the bottom, not just on this property but in the general area. This one has really, actually, borne the brunt of unfortunately continual December slow storms and fronts that are battering that area.

And my last point, and I'm not, the Conservation Advisory Council is not centering on this property whatsoever, because this particular area on Soundview, there is

a general consensus and we are trying to do a resolution to make these properties a sensitive area, to the point where if there is one failure and two failures, it's no longer three strikes and you are out. You have to come back with a completely different, radical erosion program and plan and structurally. Rather than just continually rolling out. I agree that concrete and marine concrete on the bay side works pretty formidable. But not with the turbidity and the amplitude the Sound can throw against these houses. Thank you.

TRUSTEE GOLDSMITH: Thank you. And I apologize. I was remiss to read the Conservation Advisory Council comments. This was a tabled application from last month, so the Conservation Advisory Council recommendation was read into the record last month and still holds today.

TRUSTEE BREDEMEYER: I have an additional question for Mr. Costello. You indicated in your discussion on the public record tonight that there were tie rods that went back into the house building structure?

MR. COSTELLO: Yes. I don't know if I gave you the copy. It's in the photos that were submitted to you. That top retaining wall has steel pipes holding it up. And the tie rods for that upper retaining wall goes back into the house down to the foundation. For when it started to collapse, there's some of the original photographs that were submitted, you'll see there is a little bit of a yard. At the end before I got started on the process, there is no little yard.

TRUSTEE BREDEMEYER: We have in our file photographic records, now what's the status of those tie rods? Have they been cut during the course of your construction? Do we see photographs of these?

MR. COSTELLO: That's, those tie rods for that retaining wall are through the foundation.

TRUSTEE BREDEMEYER: I'm not getting this. It doesn't appear to my mind that that goes into a foundation. Do you have pictures of tie rods into going into a foundation?

MR. COSTELLO: I don't know if I have them here but we do have photos of it. But that's how close that, you can see in the photograph, how close that is getting to the house, compared to when it was originally, the applications, there is a smaller yard back there. We thought we had time. We thought we had time.

TRUSTEE BREDEMEYER: I would like the record to reflect I don't see tie rods going into the building foundation here.

TRUSTEE GOLDSMITH: Also for the record, I would like to know, again, you had a permit in July 18th, 2018. So as far as the timeframe goes.

MR. COSTELLO: Okay. But we did not start at that time until all the applications were processed. It didn't start at that time. That's when the application was submitted.

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

(Negative response).

Any other questions or comments from the Board?

(Negative response).

MR. COSTELLO: I would like to make one more comment. Designing something that is going to have a life expectancy of 30 years, I'll tell you that is a little bit difficult. I probably am one of the few people that can design something that can last 30 years.

I have been in the business that long. And I can tell you what won't work and what will work. When those terracing, the wooden terracing in loose soil, will not work. You can't put tie rods into loose soil. But there are ways around anything. There is also an economic value. If you don't save it -- do you know what that this property was worth when it was collapsed and gone, and the fill was gone? Nearly nothing. And I

promised Frank Purita, at that time, that I would do everything I could to save the property. And I'm in that process. And when it changes on a basis, I did have a call in to you, too, John Bredemeyer, on, when we went and switched over. But it's okay.

TRUSTEE GOLDSMITH: So the question then. If it's on a 30-year life, so then the application that you submitted in July of 2018, you didn't expect a 30-year life on that application?

MR. COSTELLO: When it was stable fill back there, yes. When it was stable fill. That stable fill in the process --

TRUSTEE GOLDSMITH: Wasn't that post collapse? You told us --

MR. COSTELLO: No, it was collapsing every northeasterly storm. And you'll see, several of the photographs were submitted to this Board, the hole got bigger and more material was lost. That upper retaining wall was intact. Was intact. The last photograph I just submitted, it's not intact. You can see the 20-foot steel piling that was lost near the house. It was changing daily. And if you had another storm, it would have changed again.

TRUSTEE GOLDSMITH: The question for me at least still remains. If you have a permit in July, and it was this precarious a situation, why did you wait so long to do the work?

MR. COSTELLO: First of all, you have to get materials. You have to make sure they can afford to buy it.

TRUSTEE KRUPSKI: I mean just sort of speaking just to this cement wall, because you are certainly making a case that the cement wall is the only way to go about it. Um, the property just to the east, I think two years ago, we went to, because there was a total failure. And that, the toe of that bluff was actually a cement wall. And the storm surge had eroded that toe, and the cement wall was actually cantilevered over the Sound, creating what the Trustees felt was a hazard to people walking, traversing the beach, as well as to the whole bluff sliding in.

So I'm not completely sold on the cement wall for a variety of reasons, but structurally is also one of them. Because we saw total failure of a similar structure.

MR. COSTELLO: I can tell that your easterly project is still in jeopardy.

TRUSTEE KRUPSKI: Definitely.

MR. COSTELLO: It's still rotating.

MR. MAZZAFERRO: I'm Nicholas Mazzaferro. I'm the professional engineer John requested some comments on regarding this project. I would first like to address the concrete wall issue. Most likely along the Sound, and I'm familiar with some of the properties up there, there were cantilever-type concrete walls installed down the waterfront line down the beach. And those walls are the exact same thing as a sheet pile bulkhead. They usually have a footing under them. It's a mass of concrete, and it's designed to maintain the lateral pressure of the earth. And if earth pressure grows or if the water pressure behind it increases or the toe underneath it destabilizes, the wall will rotate toward the water, toward the Sound. That's probably what you saw. And it doesn't ever go back. So the more the storm action occurs, the more the cantilever wall stays there in time, the more it leans, the easier it is to push it over.

So that is probably what you saw. This concrete wall and the statements John made are correct. This wall is not a lateral pressure resisting wall. These are big concrete H-blocks, that the design and the concept behind them is that the concrete itself does not hold back the earth. The earth that you put inside it creates a frontage wall that cannot move. The slip plane of the actual embankment cannot occur, because you have taken the soil that is actually the embankment itself and held it still. It's a really phenomenally simple concept. I been using this product in my career since the early 1980s. I used to work for the Long Island Railroad, we used to have to build retaining structures on the embankments and we'd make them out of railroad ties turned

sideways, pinned together and filled with dirt. And after about ten years they would fall over and the signal cases that were on top of them would fall over and we'd have a mess. We found this product, we could bring it on a rail car, dig a small hole, drop it in place, fill it back up with soil, and I guarantee you, the ones we installed in 1985 are still there and still functioning exactly as we want them to. Because you are not doing anything with the concrete except holding the earth still.

So having said that, that is why that product was designed and built. They actually used these things for bridge abutments, they used them for retaining walls along right-of-ways and highways that are probably 40 or 50 foot tall. So the longevity of the product is outstanding. Its ability to do its job by design is also outstanding. It requires no tie back, no additional resistance, no additional structure.

So functionally they are probably a hundred times better than a wood bulkhead with a tie back system can ever be. That's just pure structural engineering. And it will last. There is no reason it won't last 50 years if not even longer.

TRUSTEE GOLDSMITH: When did you inspect the property?

MR. MAZZAFERRO: I inspected the property probably in early spring. That's when John contacted me about it. We actually ended up there, we were working on different projects together. Sorry, 2019. This spring.

TRUSTEE GOLDSMITH: How long was your review?

MR. MAZZAFERRO: Of the property? I saw the property a few hours, I walked around there.

TRUSTEE GOLDSMITH: Then when was the concrete installed?

MR. MAZZAFERRO: John and I met, we reviewed and discussed the concrete itself, and John contacted the manufacturer directly. And the manufacturer will do the engineering that is required and help size the blocks and figure how many you need and all that. So at that point in time, I advised John about the product and he dealt directly with the manufacturer.

TRUSTEE GOLDSMITH: How long does that process take?

MR. MAZZAFERRO: I don't know, you have to ask John.

TRUSTEE GOLDSMITH: Mr. Costello, how long does that process take?

MR. COSTELLO: That process took probably eight weeks, before I got the first piece delivered.

TRUSTEE GOLDSMITH: So there was enough time to file for an amendment while, between the review noting that you needed in your opinion to go to concrete, and the concrete installation, you had enough time to come to this Board to file for an amendment.

MR. COSTELLO: I probably did. But it was changing as the amount of fill that was being lost. It was changing whether I needed one row of concrete or whether I needed two. The retaining walls, I wanted to find out what, after I had the recommendation from Mr. Mazzaferro, that the concrete would work and support itself. At that time I decided I was going to go with concrete. And at that time, how much of the concrete I was going to purchase, I was unaware of how much I was going to purchase. I have to have someone consider paying for this. Besides me. And so what I'm doing, I'm trying to save the piece of property, so that time limit, as the more fill was lost, and this unstable cliff was becoming increasingly worse, as soon as I got the bulkheads stabilized, the materials tamped behind it, then I went and saw this Board and got the rocks, that was the first concern, that the bulkhead with no protection, it would need some rocks to help it. Because the soil was all loose soil, supported with tie rods, and driven piling into the clay, which is still not the predominant way to do it. It should not have any of the tie rods back into loose soil. We had to drive them into the clay. There is clay there. We drove them into the clay and we tried to stabilize the front bulkhead.

That's when I came to this Board and asked for the rocks. I needed some degree of protection. And that way I ordered some of the concrete, I got a few loads of it, and we are going to anticipate putting in the first retaining wall. What height? And the engineering company that built the concrete, were telling me that is basically the to get the elevation up where if I was going to put four terracing bulkheads, wooden bulkheads, which I would not do in loose soil, and that the concrete would work.

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

MR. LANCEY: I just want to make one final comment. I have a new neighbor that moved in. Do we recommend to him to submit his request for construction of a bulkhead on the hill to the Town Trustees or to some local vendor? Who is a very good vendor. I don't question that. But who is going to maintain the standards? It's your role as Trustees. And we trust in you. I don't question his engineering. I question that you folks issued a permit. He didn't follow the permits and he went on and did something. I don't particularly like the view of. I'm sure the engineering is terrific. But the engineering is not the full story. And there are multiple ways, I'm sure, to engineer a project. I just redid my bulkhead in steel. You guys approved it. And I did it. I followed the rules. You came and inspected. That seems to be the process. If we can have people that decide it doesn't work for me, the permit, I got new engineering, and go off and do what they want then there is no need for the Trustees anymore. If people do what they want, then I'll submit my next submission to him as opposed to you. And then we have anarchy.

So it's not the argument of the engineer. It's not the argument whether she needs it. I know the homeowner. She deserves to have the best engineer, the best project to retain her house. But you need to decide that because you are the Town Trustees. No one else. And if someone goes off and doesn't follow what is permitted, then that means stop and desist. And the work needs to be stopped until you decide what should be built on that hill. But 12-foot concrete versus three or four-foot walls of wood, that's not a small change. That's a total disregard for what you originally permitted. And I know, if he really wanted to find you folks, he could have found you folks. Because I know. I have been through it a couple of times.

So that being said, the integrity and the respect of the Trustees is at stake here. TRUSTEE GOLDSMITH: Thank you. Is there anyone else wishing to comment regarding this application? Trustee Domino?

TRUSTEE DOMINO: The issue for me is -- I'm sorry.

MS. WICKHAM: That's okay. You were looking the other way. I'm Abigail Wickham and I'm here representing the owner Claudia Purita, who as you may know has had a rather difficult period in the last two years. And while I realize the Board's focus is on environmental considerations and regulations that protect that, I do want you to have the backdrop which exacerbated the emergency circumstances with which Mr. Costello was faced in pursuing the construction of this job. And before I get to that, I just want to reflect the fact that Mr. Lancey's comments about the height of the bulkhead, I think we need to refer to the record as to the correct height. And I would also assume that his permits were not pursued in an emergency situation as we have today.

MR. LANCEY: No, you would be mistaken. They were.

TRUSTEE KRUPSKI: One at a time.

MR. LANCEY: And I'm not the story today.

MS. WICKHAM: And I have to explain further why it was extenuating circumstance for Ms. Purita. I also want to make a note that the objection to a visual impact, which we appreciate, can be mitigated by plantings, and we would be happy to include

that in the submission.

Moving the house landward, I realize, is a possibility that the Conservation Advisory Council had suggested, but it is already fairly close to the road and it's not a permanent solution if the battering which he suggested is going to continue to be drastic. And it will be. And that will require drastic solutions to the situation.

I would like to indicate also that the timeline that you tried to elicit from Mr. Costello was a moving target because of the sequential storms that were creating a continually changing environment down there.

Back to a situation that Ms. Purita was facing on the ground there, she and her husband have a lot of ventures going on. They were, quite frankly, dealing with some very serious financial issues, and that was exacerbated by the fact that their lender on this house was having to deal with the facts from a value point that the damage to the property was creating a loan to value issue. So in the course of refinancing, it was imperative that she get that bulkhead done and finished. I don't know that Mr. Costello was even aware of that. But I know that was important to her. And without that, she would have, as I understand it, been in grave danger of losing the house, losing the mortgage, losing the value of the property and probably impacting her entire business and personal financial situation.

I would also like to note, because we do obviously appreciate the fact that regulations are there for a purpose, but I would like you to look at the number of jobs Mr. Costello has done over the years where he has gotten permits from you versus this one situation where there was extenuating circumstances.

And if you have any further questions or need any further materials, we are happy to address that. I would also like, if I could, to confirm with the engineer, Mr. Mazzaferro, that the statements that Mr. Costello made into the record regarding the stabilization and the tie rods and all the other engineering details that Mr. Costello stated, based on his many years of experience as a marine contractor are in fact valid in the engineering field. Is that true?

MR. MAZZAFERRO: In regard to the statements for the bulkheading and the prior structures that were there on the hill, when I got to the site, there was nothing left. All of the prior bulkheading was gone. There was just one big open hill. John was getting ready to continue the construction so I guess everything had been removed. But I noticed right away that the distance between the back of the house and the edge of the cliff was very, very short. I was kind of shocked when I first walked down the driveway and saw that. When John showed me the pictures of how substantial it used to be, I realized how much of the hill had been lost. But as far as all the wood structures and all the tie backs and that other stuff, it was all completely gone already before I even got there. It was a big massive hole.

TRUSTEE BREDEMEYER: Mr. Mazzaferro, did you engineer this structure from the inception, from the very beginning as far as specifications and materials and the height of the wall?

MR. MAZZAFERRO: No, the manufacturer of the product will do that for you. I know all about the product from the past.

TRUSTEE BREDEMEYER: Was any part of the project put under review with respect to standard angles of repose and the typical slopes that soils achieve when they are under stress? You argued or you provided information that these structures inherently stabilize the soil. Was there any review of potentially making a much smaller structure approaching this Board and maintaining the typical angles of repose that Long Island soils exhibit in sites such as this?

MR. MAZZAFERRO: I'm sorry, I didn't get that question, all of it.

TRUSTEE BREDEMEYER: Typical design along Sound fronts and bluff fronts will result

in an angle of repose between 42 and 45 degrees in its extreme sense. You provided information to this Board tonight stating that these concrete structures made it inherently stable. The question is was this project over-designed from the beginning with the basis of height wherein the concrete you allege is so beneficial, is inherently stable, and the structures could have been built vastly smaller and contain soils behind them at the 45-degree angle of repose being suitably vegetated and then potentially hiding the concrete members.

MR. MAZZAFERRO: The soil that exists in the glacial till deposits on Long Island have an angle of repose of between 30 and 35 degrees. The soils inherently, by engineering standards, at 42 and 45 degrees are never stable. So if you have cliffs on Long Island between 42 and 45 degrees, there is no engineering calculation that will prove the stability on that. And without the vegetation, you can lose it in a rain storm.

TRUSTEE BREDEMEYER: We have seen those in the upper areas of stabilization. The point being though, is if the soils are, if the material is made inherently stable by virtue of the engineering design, then it seems reasonable to postulate that the structure could have been made much smaller, and with terracing and other methods that this could have been much less obtrusive and it could have been done with the support of this Board.

MR. MAZZAFERRO: The situation I see out right there now has the soils in the stable range of 30 to 35 degrees. When you say, you are making an engineering statement that soils are stable between 42 and 45 degrees, they are not. You can go out in places on Long Island and all around the country and see soils that are at 80 degrees and they happen to be held there on a whim or by some unique circumstances that are going on. But the true stability of the soil has been proved and in the engineering world for, God, over 150 years now. And it's for this kind of glacial till that exists on Long Island, it's the 35 degree range. How do you think all of those boulders got along the Sound front? They fell out of the fill. I grew up out here as a kid. We used to watch them role down the hill. We used to stand on top of them and push them down the hill. The cliffs are unstable.

TRUSTEE KRUPSKI: I don't think that's the question, sir.

MR. MAZZAFERRO: When I say on a 45-degree angle of repose, the statement you could have made them all smaller to get 45 degrees, as a personal engineer, I would not approve that.

TRUSTEE KRUPSKI: Let's move past the numbers. Correct me if I'm wrong. I think the question is could the structure have been built smaller and still accomplished the same goal of saving the property.

MR. MAZZAFERRO: You have to define smaller.

TRUSTEE KRUPSKI: You can define smaller.

MR. MAZZAFERRO: I can define smaller? I don't understand your question.

TRUSTEE KRUPSKI: Could the structure be built smaller?

TRUSTEE GOLDSMITH: The original application was for a five-foot high timber retaining wall, which at the time was supposed to be a 30-year life span. So how did we go from a five-foot high wall that would work and do the job to 12-foot high concrete retaining wall that now has to be built in order to accomplish the same job that was done a year prior with a five-foot high wall?

MR. MAZZAFERRO: You are talking about the terracing?

TRUSTEE GOLDSMITH: Yes, sir.

MR. MAZZAFERRO: I was not involved with that. That you have to discuss with Mr. Costello and the company who engineered the wall for him and delivered the product to him and set up the sizing of it. Because that's where that came from. But as far as whether or not a timber wall will last 30 years, and will last 30 years if it's

maintained in good condition and doesn't get beat to death. The concrete wall that is up there now will last 50 years, possibly 100. Okay. Which is, if they were put up 50 or 100 years ago, we would not have that problem along the roadway there, Horton's Point all the way to Town Beach that was mentioned before.

TRUSTEE GOLDSMITH: Thank you.

MR. COSTELLO: Could I make one more comment to the Board. That when my original conference with Frank Purita occurred, there were stairs there, or partially resurrectable stairs. That disappeared in the discussions. We had no contract, no agreement, no anything. They were disappearing and the bulkhead was probably half or two-thirds there. It was getting less every storm. Now, at the conclusion, before I went into contract and I told Frank Purita that I would take the job, I would have to have access alongside one side the house, and at that time, if he didn't do something, both neighboring bulkheads would be in jeopardy because of the hole that he was creating adjoining both the westerly and easterly property. They were losing fill. And they were under stress as it was. And they were going to continue to be under stress unless he undertook and started first with the bulkhead first, and then the retaining fill later. That's all. They were in jeopardy, too.

TRUSTEE DOMINO: Having the utmost respect for Mr. Costello and his work ethics and work product, his commitment to the community, et cetera, the issue for me is that we are here discussing at a public hearing an amendment, an as-built structure. Some of us might have agreed, maybe not all of us, but some of us might have agreed that the issues raised about the tie rods and the shaking foundation, might best be solved by a concrete structure. But we never got to make that determination. This is an as-built structure. So speaking for myself, this structure as before us is problematic because both of the height and the elevation of these concrete containers erected way beyond the scope of the original permit.

Now, the second point, prior to the December 9th work session, Trustee Bredemeyer and myself went out and took accurate measurements of the wall face, the distance from the vinyl bulkhead, the distance of the rise, the distance to the house, the front yard, everything. And the data is available. It's in the office. We introduced at work session, it's in the file, and diagramed to scale. I'll give this to Mr. Costello in a second. This has no vertical or horizontal exaggeration. Each block represents two feet. And you can see, and these are correct or valid dimensions. You can see that if you were to remove the two-foot top section and the four-foot section underneath it, that is six feet, bringing the wall down to approximately the five foot that was originally proposed, it makes, shown by this red line, an approximate 42-degree angle. Which is the natural angle of repose here on the north fork. In other words, reducing the structure greatly, bringing it more into conformity with what we originally proposed, I mean permitted, would not create a destabilization. It would still allow a 25-foot backyard the house presently has, and would not lead to any damage to or course of reflection to the properties east or west of this property. So this follows my reading of Mr. Mezzafarro's December 9th letter to the Board, which is a very good letter. And I have no problems with most of what it says. However, one sentence, the reduction of the soil angle from 34 to 26 degrees improves the retaining system's ability to meet a 30-year life cycle. I'm not so sure that's correct. That has not been proven to me. The natural angle, as I said before, is 42 degrees. We have achieved that with a reduction of the elevation of this concrete monstrosity without compromising the integrity of the bluff or the house.

With that, I would like to give this to Mr. Costello.

MR. COSTELLO: I would like to conclude with, I would like to try to conclude with either some degree of either tabling this to find out what other alternatives, I would like to find

out exactly, I have heard some of the alternatives that the Board is concerned about. And a lot of it is visual. A lot of it is the heavier construction. And it's our position that having it more stable is the most engineering-wise thing to do. So I think that there are some degree of alternatives of removing the height of some portion of it, so the looks; revegetating, and of course revegetating it after I get the stop-work order from the DEC, I would go there, it would have been revegetated prior to this. But when you get a stop-work order, you stop. Particularly being in contempt of court is not a fun thing.

So I think seeing some of these degrees, and the 42 degrees might be unobtainable, but there might be a different angle that would suit the Board's, so if you wish to table this application I would certainly agree to that in hopes of coming up with an alternative that would meet the Board's approval. That's all. That, except for the one thing I would like to get the rocks permitted because I want to, there is some voids in the rocks right now that shouldn't be there. But, they shouldn't be there. That's all.

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

TRUSTEE KRUPSKI: I would also like to take the time to confer with the DEC as well on this.

TRUSTEE GOLDSMITH: So I would like to make a motion to table this application at the applicant's request.

TRUSTEE BREDEMEYER: Second.

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

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE DOMINO: Under Wetlands and Coastal Erosion Permits, number one, Cole Environmental Services on behalf of **65 SOUNDVIEW, LLC** requests a Wetland Permit and a Coastal Erosion Permit to install +/-100' of stone armoring along face of existing bulkhead with 1 to 2 ton armor stones; silt fencing to be used during construction; filter fabric to be used at base of stones; all work to be landward of apparent high water mark.

Located: 65 Soundview Avenue, Mattituck. SCTM# 1000-99-3-2

The Trustees completed a field inspection on this site on December 4th, at 2:10 in the afternoon. Trustee Bredemeyer, Trustee Domino, Trustee Goldsmith and Trustee Williams were present. The comments were to consider larger-size stone, meaning greater than two-ton stone. And questions the means of access.

The LWRP coordinator found this application to be consistent, however asked that we verify how construction access would be obtained.

The Conservation Advisory Council resolved on December 4th, unanimously, to support this application.

Is there anyone here to speak to this application?

MR. COLE: Dennis Cole for the applicant. With regard to the question of access: By barge. Large size stone. The DEC does put a minimum size on these things. That's why we didn't go with larger stone, otherwise we would. That is standard with their one-and-a-half to two ton.

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

Anyone else wish to speak to this application?

MR. FERRELL: Hi, my name is Kevin Ferrell, the neighbor to the west. In general I would just like to show you a couple of pictures or drawings so I could -- this will take two minutes.

I delivered a letter to the Trustees about a month ago. It was just some very simple questions. With the rock armorment they are proposing, I really don't have a problem. But I just have a question or two. Our bulkhead extends further to the Sound than theirs. And there is about a 45-degree angle of bulkheading, about seven or eight feet. And I believe their property line ends east of the inner corner of that bulkhead where it juts out.

So my question is if they cannot put rocks in the corner there, because it's not their property, is it possible to build a little jetty out five to seven feet along their property line with rocks? Simple question.

TRUSTEE GOLDSMITH: Simple answer. No.

MR. FERRELL: Thank you, I won't take any more of your time.

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

(Negative response).

No further questions from the Board?

(Negative response).

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

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application as submitted with the provision access be by barge only.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next item, number two, Patricia Moore, Esq. on behalf of **AYDA CANDAN** requests a Wetland Permit and a Coastal Erosion Permit for the existing 20.5'x42.2' two-story dwelling with 9'x20.5' second floor (living space) over existing deck, a 10'x20.5' on-grade patio (in front of bulkhead), a 20.5'x9' first floor deck with 3'x14' steps to grade on east side, and an 8'x30' concrete patio on grade in front yard; existing 25 linear foot long and 20 linear foot long cement retaining walls on west side; between front yard and rear yard an existing 20 linear foot long cement retaining wall with 3'x8' steps from front elevation to rear elevation; two (2) existing 20 linear foot long cement retaining walls on both sides of driveway; 50 linear feet of existing wood bulkhead running along mean high water mark connecting to westerly neighbor's bulkhead with a 20' return on east side; and for the existing steps on the east side of dwelling; proposed work to existing to include: Replacing supports (footings) of existing 29.5'x19' deck and deck columns; replace 12 cubic yards of fill with clean sand and gravel under existing concrete patio and deck footings landward of existing bulkhead; add hurricane straps to existing above grade deck; existing cement block walls protecting support piles under the house (storm breaks) to be repaired or replaced with comparable "break away" material; on west side of house, repair or replace as needed, 3'x5' steps to bulkhead; repair or replace as needed, 3'x5' steps perpendicular to dwelling; repair or replace as needed, 4'x8' steps from side yard retaining wall to grade; on east side of dwelling, repair or replace 3'x10' deck

stairs to grade; replace 4'x10' wood steps to grade; repair existing 4'x3' wood steps running from existing wood retaining wall to grade (alongside of existing house).

Located: 55955 County Road 48, Greenport. SCTM# 1000-44-1-18

This project has been deemed to be inconsistent under the Town's LWRP, under policy four, concerns of minimizing loss of life, structures and natural resources from flooding and erosion. Also, minimize potential loss and damage by locating development structures away from flooding and erosion hazards. And more specifically, outlining boldly structures constructed in Long Island Sound coastal erosion hazard area is susceptible to repeated loss during storm tides, recommend as built structures located seaward of the coastal erosion hazard area be removed or are removed as far away from flooding and erosion hazards as practical. And also that to, in order to protect and restore tidal and freshwater wetlands it would be imperative that the project comply with the statutory regulatory requirements of the Board, specifically according to Town records with structures except a bulkhead were constructed without obtaining Board of Trustee review or a regulatory permit.

The Conservation Advisory Council reluctantly supported the application due to the past history of structural failures to the property due to erosion.

The Board is, was in receipt of a communication at our Monday night work session on January 13th. The Board has not yet had an opportunity to completely review it, but we do recognize based on our communications with the Building Department that there is a complex building history here. And speaking for myself, in December, already, I had requested copies of Building Department records to try to unravel the history of construction as I believe also was briefly discussed with Ms. Moore when she met us last Wednesday on field inspection.

I believe that brings us to date. Like I said, the Board has not had the opportunity to review all the materials, and also we were advised that the Building Department continues their review.

The Board is anxious to try to wrap this up and we are trying to get all our information together to provide a proper, balanced determination in this matter.

Is there anyone here who wishes to speak to this application?
MS. MOORE: Yes, Patricia Moore, I also have with me, Mike Candan who is the owner's son. The Board knows the history, but for the record, this property and the house and the structures were constructed prior to zoning in the 70s I provided to you, what we found was the receipts for the renovations that were done immediately after the Candan family had purchased the property in 1972. So that seemed to provide at least some history of the improvements to the property.

What has occurred more recently is that the storms that everybody has been facing, the winter storms, have eroded the sand under the house, and what prompted this application was

that the Building Department said we need to get a structural engineer to confirm the structural supports. The inspection was done. The sand over that period of time, there was some sand loss and my client has to, Mike Candan, they have to shore up the footings under the house. That is why we have been somewhat anxious to get this moving, because everything we have here is maintenance. We are not asking for any new structures. We are asking purely for maintenance of the existing structures.

There had been in 2014, we had initiated an application to extend the bulkhead so as to further protect the property, particularly from the protection of the Yuelys side that there is a bulkhead there that ideally would be extended landward in order to provide additional protection. That is not part of this application. We are purely making a maintenance, a permit for the maintenance. And as you know, your code requires us to request that a permit, a wetland permit, coastal erosion permit for existing structures. We have done that. We have given a full description of everything that is there but really the most important thing is for us to be able to maintain the structure that is presently there.

I have Mike Candan with me and if you have any particular questions. He's there. He grew up in this house. He remembers, and he and I were talking before the hearing, the receipts that he gave me was when he was 10-years old, or his father had the receipts, but when he was 10-years old, he participated in, the contractors were around, he as a little kid, he was telling me the story that his dad given the contractor a couple of dollars just to make him, the son, appear to be helping. So with a wheelbarrow and everything. So he's very intimately familiar with the activities that were occurring in the 70s.

So it's really just very important that we keep this process moving. If you need additional time to review the paperwork I gave you, of course. If there is anything else you need from us, we'll look for it and search it out, but if you could just allow us to make the repairs under the house, we would consider that to be emergency, because it's a structural support of the main house. And any delay of this is just jeopardizing the structure.

So when you dealing particularly on the Sound, this particular area of the Sound, the homes there, are always subject to storms, and maintenance is very important. So.
TRUSTEE BREDEMEYER: Thank you. You do understand we have to review the materials according to our rules and Chapter 275. The Board will have to review them. But as the area Trustee it will probably fall on me to handle communications with the President back and forth with yourself and the Building Department to get all the answers that we need in order to make a determination.

With that, if there is no objection from the Board, if something were to come up that your structural engineer gives an immediate issue of concern needing an emergency permit, you are

aware the Board does issue emergency permits. We recognize and appreciate you coming in with an omnibus application, we try to make everything right. But if something should happen because storms going day to day, week to week this time of year, something should happen, that your engineer comes in, we would immediately entertain an emergency approval. Unless the Board has a problem with that.

(Negative response).

MS. MOORE: I don't know if that's no or yes.

TRUSTEE BREDEMEYER: You are requesting tabling this while we move this expeditiously

MS. MOORE: The tabling is at your request?

TRUSTEE BREDEMEYER: Make it our request.

I'm sorry, is there anyone else who wishes to speak to this application?

MS. YUELYS: My name is Mary Yuelys and I own the property east of Candan. We are adjacent. I been there since 1961. I read the work order. I'm 92 years old. I could not understand it. And that was the big problem. My concern is that they are not going to encroach upon my property to do anything. Right now there is debris and structure on my property, and I want that removed. The steps are on my property, and I don't want them repaired or replaced because I want them rebuilt whatever. I'm really actually here to request an adjournment so that I can hire someone, a professional to read these, work order, to me, because I don't understand it. And I want to make sure that the work is off my property and does not impact my home in any way. I want my home safe. We have been there for 60 years, and as I say, that's my problem at the moment.

TRUSTEE BREDEMEYER: Your comments are on the record. We do note from the plans that we have before us that there does appear to be stairs going off the property. We noted it for the record.

MS. YUELYS: As I say, I request an adjournment, if I can, to get somebody to explain this to me, as I say. I can't dial a phone let alone anything else.

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

MS. PEWLAK: I'm Francine Pewlak, Mary Yuelys' daughter. I spent the past 55 years every summer at the house where we live adjacent to the Candan's. I'm speaking on behalf of my mother. Basically what she said she wants more detailed information regarding the proposed construction and the materials that will be used. We went through the work order. Obviously we are not engineers, and we are not familiar with some of the speaking, the wording on it. On it it states breakaway material. What is breakaway material? If it breaks away, does it impact her house when it breaks away? We don't understand what that is. She is concerned about the encroachment on the property right now because as you see, the steps are already on the property, but not only that, there is debris, there is a big piece of construction thing with bags in it on the property. They have

continually come on the property, on that east side. We don't know how the repairs will be reached, how they will be accessed. She doesn't want anybody on her property at all. Where is the disposal of the debris? The removal of the structures? Will there be noise? Is there going to be destruction to her environment. She doesn't want, like I just said, any construction needs, she doesn't want access, them to access it on her property. Or further encroachment or any easement use of her property.

The bulkhead was just mentioned. And we, I was even told from about a year ago, he had a worker at the house and he told us a bulkhead was going to be built along the east side of the house all the way to Rt. 48. That requires an engineer for the tidal waters, the waters coming up in that area. I don't think that's on the work order right now, but we are very concerned about that bulkhead being built, because that has to do with the water damage that comes up on the side of the house. The tidal flowing water. Um, that is a major concern as well.

Let's see, she said that, basically she is very skeptical about the work that is going to be done because of what has been done already. Like the steps were there, were put there, she came back from winter, the steps were there. She came back, the extension of the deck was made, without any information. I have a picture actually of where the deck was and where it became, which is an obstruction of our view. We were never told about that. I don't know, do you want the pictures of the deck?
TRUSTEE BREDEMEYER: Yes, you may.

Ms. PEWLAK: The deck was originally there. You could keep these with her letter. Then it went out. Which we have no, I mean that is the reason she is more skeptical because of things that have been done in the past that she was not informed of. So we just want to ensure that the property lines are respected, that there is nothing on her property line, and it's built on his side where it belongs.

As far as like the decking and you are saying they need to answer, I'm sorry, I don't know the lawyer's name, to answer what the lawyer was saying, she said to you she is anxious to get moving, it's an emergency. Maintenance is important. It sure is, but that house has been vacant for about 12 years. They have not come out there at all. And nothing has been done to that house. Definitely, my mother is very happy with the improvements they want to do, and that's absolutely, you know, we are fine with them improving the house. But we now need to ensure that house is properly, things are properly done and on his property. And things are taken off the property right now, because right now there are structures on our property, on the east side of his house. And so definitely he needs maintain the structure of your house. Absolutely. But it's been like 12 years. So right now she is asking to adjourn it, I don't know the words to use for that, but she wants somebody to look at what he's planning on doing, a professional, and see if it all

makes sense. I don't know if there is any plans or designs. If there were, if we can see them, get copies of that. I don't know.

TRUSTEE BREDEMEYER: There is a set of plans and project description in the file that you can get copies of.

MS. PEWLAK: We can, okay.

TRUSTEE BREDEMEYER: Absolutely.

TRUSTEE GOLDSMITH: Ma'am, can you just step forward here one quick second. I have a question for you.

This is the current survey. Is that the set of stairs you are referring to?

MS. PEWLAK: Yes, these are the steps. With the ramp here. And part of the bulkhead. It's mostly these steps here. But right here he has a lot of debris.

TRUSTEE DOMINO: This is the survey of the 17th. This is your mother's property, correct?

MS. PEWLAK: On the east side of the house, yes.

TRUSTEE DOMINO: So this is the bulkhead you are talking about?

MS. PEWLAK: The bulkhead is, I'm not an engineer to tell you the truth. But I know part of it here, is on our property here. And the steps are definitely on the property.

TRUSTEE DOMINO: My point is this is labeled bulkhead, and here are the stairs. So it looks as if these stairs are going to be removed.

TRUSTEE GOLDSMITH: Looks to me.

TRUSTEE DOMINO: We'll determine that.

MS. PEWLAK: Okay. Thank you.

MS. MOORE: If I could clarify.

TRUSTEE WILLIAMS: Miss, this is the phone number of the office. You can call the office or go to the office to view the file.

MS. PEWLAK: Thank you.

MS. MOORE: I can appreciate, the description is very confusing for someone not familiar with your procedures. I had to describe, as you know, everything that was there. That's why it's such a long, cumbersome description. The only thing we needed was the structural supports under the house. That's the new, that's the work requested. As far as the small stairs that are encroaching over where the bulkhead is, the bulkhead actually, I think from my reading of the survey, their bulkhead is on, I can't tell if it's their bulkhead is on our property or the common bulkhead there --

MS. YUELYS: We don't have a bulkhead.

MS. MOORE: Thank you. Okay. The bulkhead is on our property, it angles slightly and encroaches maybe half a foot, a foot over the property line. And then the stairs are getting from one level to another. We have no problem removing the stairs, relocating the stairs as part of the project. Once we have permits for the structures which are listed, then we can make the repairs and move them. The problem is when he's gone there to try to do something, he's got stop-work orders and violations. So he can't even go there and clean up what is some storm debris that has just come onto the property. So it's a

frustration for my client, as I'm sure it's a frustration for you, the condition of the house. That is why we are all anxious to finish this process up because it has been a long time. We started this process 14 years ago. And when Mr. Candan passed away it kind of interrupted the process, so. I would be happy to go out into the hallway and just describe what has been written as I go around the survey. It will make more sense to them. But I'm assuring the Board, we are not trying to get anything new here, we are just trying to repair. So, thank you.

TRUSTEE BREDEMEYER: Thank you. Anyone else wish to speak to this application?

(Negative response).

Hearing none, I'll make a motion to table the application at the applicant's request to continue Building Department and Trustee review pursuant to Chapter 275, with materials submitted late before this meeting. That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number three, Jeffrey Patanjo on behalf of **ANTHONY TARTAGLIA & JAMES HOWELL** requests a Wetland Permit and a Coastal Erosion Permit to install 130 linear feet of rock revetment at toe of existing bluff to protect property against additional storm erosion; existing 4'x13' steps to beach will be replaced in same location, and one additional set of 4'x3' steps to beach north of existing.

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

The Trustees most recently visited this application, this property, on the 8th of January. Actually it was an inhouse review. We had visited it the prior month. The notes read: Inhouse review, plans shows removable second set of stairs to beach as requested. And I do have new plans dated received December 17th. Dated at last month's meeting.

The LWRP coordinator found this to be consistent, but requested revegetating the slope where the vegetation does not exist.

The Conservation Advisory Council resolved not to support this application. The proposed plan is insufficient to stabilize the property. Applicant shows, should consider a better engineered plan. Also any stairs to beach should have retractable stairs to base.

Is there anyone here wishing to speak regarding this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. This is a follow-up from last month. I was confused why it was even on the agenda, actually. So I guess it was for the revised plans removing the second set of stairs. So if have you any other questions, I'll be happy to answer them.

TRUSTEE KRUPSKI: You're fine doing stairs at the bottom to be bolted on, to be removed in the event of a catastrophic storm?

MR. PATANJO: Yes.

TRUSTEE KRUPSKI: And I'm sure you plan to revegetate?

MR. PATANJO: Yes.

TRUSTEE KRUPSKI: Thank you. Is there anyone else here who wishes to speak regarding this application? Or questions or comments from the Board?

(Negative response).

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

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the stipulation that the stairs at the base are removable by bolt on, and the non-vegetated areas be restored. And based off the new plans received in the office December 17th, 2019.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Number four, En-Consultants on behalf of **TG3 HOLDINGS, LLC, c/o TIMOTHY QUINN, MANAGING MEMBER** requests a Wetland Permit and a Coastal Erosion Permit to construct a 4'x±50' timber bluff stairway consisting of 4'x4' entry steps and 4'x6' entry platform, 4'x36' stairs, and 4'x6' base platform with 2'x±5' retractable "flip-up" aluminum stair to beach; and restore and stabilize bluff slope within approximately 436sq.ft. Area of construction disturbance, as needed, by way of terracing, re-nourishment by using approximately 50 cubic yards of clean sand fill to be trucked in from an approved upland source; and planting of native vegetation.

Located: 29829 Main Road (a.k.a. 1 Mulford Court), Orient.
SCTM# 1000-14-2-1.6

The Trustees visited the site January 8th. All Trustees were present. Noting the plan was straightforward.

The LWRP coordinator found this project to be consistent, noting to minimize the use of CCA treated materials in the design.

The Conservation Advisory Council reviewed this application and resolved to support the application using best management practices.

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

MR. HERRMANN: Yes. Good evening. Rob Herrmann, En-Consultants, on behalf of the applicant. It is a pretty straightforward application. It is a typical bluff stairway plan, although the plan does also allow for some minimal terracing, re-nourishment and revegetation, and potential construction disturbance area to make sure that the project does not cause or increase erosion around the stairway. And I should note that the one part of the stairs that would be in contact with the beach, the terminal stairs are proposed to be removable aluminum stairway. It would not be treated steps to the beach.

Other than that, if the Board doesn't have any questions, I don't have any more to offer.

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

(Negative response).

Any questions or comments from the Board?

(Negative response).

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

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

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

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

WETLAND PERMITS:

TRUSTEE GOLDSMITH: Under Wetland Permits, number one, Costello Marine Contracting Corp. on behalf of **BENZION OVER** requests a Wetland Permit to remove existing wood pier; construct a 4'x91' fixed catwalk; install a 32"x20' seasonal aluminum ramp onto a 6'x20' floating dock secured by two (2) 8" diameter 2-pile dolphins; and to install water and electrical services to the offshore end of the dock.

Located: 1010 Holbrook Lane, Mattituck. SCTM# 1000-113-6-12.

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application using best management practices and non-turf native vegetated buffer landward of the reeds.

The Trustees conducted a field inspection on January 8th, 2020. Notes say the proposed docks close to the pier line pull the length of the dock back three to four feet to match the pier line. 25-foot non-turf buffer. Ten-foot non-disturbance buffer and 15-foot non-turf. And we probably need new plans depicting the changes.

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

MR. COSTELLO: Jack Costello, on behalf of the applicant. The plans don't indicate the easterly neighbor having an offshore float. That was the thing. I don't know if you noticed on the property to the east, they didn't know when they drew those plans that there was actually the floating dock to the east is an "L". So the actual east floating dock extends another six feet past where it shows on those plans. I noticed that as I was coming in. So this dock is maintained within the pier line. It's the same length but when the guy drew the plans, he didn't realize there was an "L" on the outside of that also. Because the neighboring docks were up on the beach. And I don't know if you guys noticed that it was three floating docks next door,

they lay in an "L" configuration, and they weren't in at the time of the drawings.

TRUSTEE GOLDSMITH: Can you just approach here quick?

MR. COSTELLO: Yes.

TRUSTEE GOLDSMITH: SO you are talking about this one?

MR. COSTELLO: Yes. So this one, you see how this line comes across here. When this was laid out, this was laid out on the pier line. The floats are actually up in here. And this is on an "L." So this actually comes out another six feet. There is another 6x20' foot float that goes here and the piles are here. So where this now meets the DEC criteria and it maintains the pier line also. So I would like to continue with it as it is, because it is within the pier line and doesn't extend over the navigable waterway.

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

(No response).

Any questions or comments from the Board?

TRUSTEE KRUPSKI: I believe in the meeting we discussed a non-turf buffer and a non-disturbance buffer. There seems to be some clearing there. Down by the water. What was somewhat of a high tide marsh is now just dirt. So I think we want to protect that section down by the water.

MR. COSTELLO: I don't think that's an issue. I think that was cleaned up storm debris.

TRUSTEE KRUPSKI: We were there a couple months ago at the neighbors, and it was, you know, nice, like vegetated. It was not *Spartina alterniflora*, but it was native grass in the area and it's all gone now. So they did clear that out. So I think we want to see some protection down in the wetland there.

MR. COSTELLO: From the high, obviously from the high tide up, how much are you talking about?

TRUSTEE GOLDSMITH: Talking a ten-foot non-disturbance and 15-foot non-turf.

MR. COSTELLO: That's acceptable. Because there is no turf that will grow there anyway.

TRUSTEE GOLDSMITH: So we need new plans depicting that, and at the same time you can put that additional float on the end of it so we get an accurate pier line.

MR. COSTELLO: Ten and 15?

TRUSTEE GOLDSMITH: Ten and 15. Ten-foot non-disturbance and 15-foot non-turf.

MR. BIGNOLA: On behalf of the owner. So when you guys, the Board was last out there, that was all covered. It looked like it was all grass. Whoever visited the other day had seen the sand the same distance, the same buffer as the neighbor to the west, has the same buffer, the same 20-some odd feet of pure sand there. Separating from, so originally, yes, it was overgrown, looked like vegetation, looked like dirt. It's a pure sand buffer along the length. I have a picture.

MR. COSTELLO: As of now there is quite a non-disturbance zone.

Anything that was really there was like complete scrub and debris more than anything.

TRUSTEE GOLDSMITH: I would like to make a motion to table this application so you can get us new plans that shows that ten-foot non-disturbance buffer, the 15-foot non-turf buffer and the additional floating dock and the dock to the east to reestablished the pier line. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. COSTELLO: Thank you.

TRUSTEE DOMINO: Number two, Jeffrey Patanjo on behalf of **PAULINE SEGRETE** requests a Wetland Permit. I'll read the new Project description which was submitted on January 14th.

The project includes the removal and replacement of 60 linear feet of existing timber bulkhead with new vinyl bulkhead in the same location as existing; and a raised height 12" above the existing height; and additional six feet of bulkhead return; remove and replace 4'x4' cantilevered platform in same location as existing; remove existing 3' wide by 24' long landward deck with a new 6' wide by 24' long deck in same location; existing 30"x11' ramp and 6'x20' floating dock to remain in same location as existing with no changes; all decking and top caps to be of untreated timber materials; and to provide ten foot wide non-turf buffer along the landward edge of the proposed bulkhead.

Located: 4000 Wunneweta Road, Cutchogue. SCTM# 1000-111-14-22.1

The Trustees did a field inspection of this site on January 8th. The notes, all were present. The notes read should extend six feet on the return. The rest is straightforward.

The LWRP coordinator found this to be consistent.

And the Conservation Advisory Council on January 8th, resolved unanimously to support this application, and suggested a 15 to 20-foot non-turf native vegetated buffer.

Is there anyone here to speak to this application?

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

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

Anyone else wish to speak to this application?

(Negative response).

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

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as submitted and described by the new project description submitted January 14th, 2020, and new plans received January 13th, 2020. That's my motion.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number three, En-Consultants on behalf of **TEAMC99A PROPERTIES, LLC, c/o CHRISTOPHER JOSEPH, MEMBER** requests a Wetland Permit to demolish and remove existing dwelling, and construct a new two-story, approximately 1,289 sq. ft. single-family dwelling with approximately 309 sq. ft. of waterside deck with 4' wide steps, an 89 sq. ft. side deck; and a 90 sq. ft. front entry deck; install drainage system of gutters to leaders to drywells; raise existing grade within Chapter 275 jurisdiction with approximately 15 cubic yards of clean sand fill to be trucked in from an approved upland source (additional 149 cubic yards of clean fill to be placed outside Chapter 275 jurisdiction); and contain fill with a 12" wide by 70' long by 3.5' high (max.) Retaining wall on east side of the property, and a 12" wide by 35' long by 5' high (max.) "L" shaped retaining wall on west side of property; proposed septic system, pervious gravel parking area, and railroad tie landscape steps to front entry deck to be located outside Chapter 275 jurisdiction. Located: 980 Oak Avenue, Southold. SCTM# 1000-77-1-6

The Board is in receipt of revised plans that we reviewed at our Monday night public work session. As a result, the Board had some continuing questions concerning a review of the project when we were looking at the plans.

Before I get into that, this project is a continuation of the public hearing. Previously it's been determined to be consistent with the LWRP.

And the project had been supported by the Conservation Advisory Council.

So, Mr. Herrmann, we were looking at the plans Monday evening. We appreciate and understand now there is an IA system that has been installed, and maybe you would wish to describe the plans to us a bit because, for one, I couldn't, it looked like they now eliminated the need for retaining walls.

MR. HERRMANN: Yes. Just for the record, because I don't think we actually opened this hearing previously. I think it had been postponed.

TRUSTEE BREDEMEYER: It had been postponed, thank you.

MR. HERRMANN: So we don't have any public record. So I'll go through this as quickly as I can. But I think it may help sort of put in context this plan versus what was originally submitted to the Board.

Just in the way of a little bit of background, the Board issued a permit for the reconstruction of this house that was to be serviced by a conventional septic system back in 2015, and that permit was subsequently extended and transferred, and then expired last August, 2019.

The current application, as the Board knows, proposes a new dwelling with a larger footprint, but a bit farther from the bulkhead, in fact enclosed dwelling space of the habitable part of the dwelling actually increases from 67 to 74 feet from the bulkhead with the open deck being the same setback from the

bulkhead as the existing house.

Since the initial submission to the Board last fall, as you were alluding to, Jay, a number of substantial modifications have been made to the design. In response to a combination of comments. The Board's comments during what I think have been at least two field inspections of the site, and preliminary reviews from both the Building Department and the Town engineer.

So to quickly summarize those, the overall elevation of the originally proposed house was reduced by two feet. The originally proposed volume of fill, which was 700 cubic yards, has been reduced to 100 cubic yards, with only 14 cubic yards being placed within a hundred feet of the bulkhead. And that's within Chapter 275 jurisdiction, with zero fill being placed north of the proposed dwelling, as was recommended by the Town engineer.

As you just asked, Jay, you are correct. The originally proposed three to five-foot high retaining walls on each side of the property have been removed entirely from the plans. The previously proposed access to the front of the house, which consisted of more highly mounded fill and landscape steps, has been replaced with a front entry stair, which was one of the things that helped alleviate the need for the additional volume of fill that has since been reduced sevenfold.

The draining system was modified by the project engineer in accordance with comments by Jamie Richter, and that system now includes a single storm water drywell and two arrays of shallow infiltrator drainage chambers to collect and recharge roof runoff. And an additional array of infiltrator drainage chambers to collect and recharge potential surface runoff from what is a proposed pervious parking area in the front of the property.

The previously proposed conventional septic system has been replaced with a low nitrogen IA sanitary stem. You'll note on the revised plans it is a Norweco Singulair bio-kinetic wastewater treatment system that is now proposed, again, outside the Board's jurisdiction, but would serve the house in lieu of a conventional septic system upgrade. And the maximum grade increase now in the front is 30 inches over that proposed IA/OWTS unit which we are trying to keep from having to go too far into groundwater, which you see on the plan. On the bottom right-hand corner of the site plan, that system is spec-ed out by the engineer. It has a very minimally submerged volume so that no additional ballisters are required for that unit.

So we are, and all of those changes are depicted on the revised plans prepared by Sherman Engineering & Consulting, last dated 1/13/20, which is the plan you should have reviewed Monday night.

So we are hoping that these changes have satisfied the Board's concerns because, you know, this is I think the third iteration of the plan that has been developed in response to your comments, but it sounds like if you have any additional questions I can try to answer them to the best of my ability.

I was hoping the engineer could be here tonight if you had any more highly technical questions about the drainage system, but unfortunately he's out of state.

TRUSTEE BREDEMEYER: Not a highly technical question. I guess the greatly modified plan which eliminated the retaining structures, I guess the question that emerged during the work session was the slopes immediately adjacent to the front of the house going over to those pre-existing gutters, to the bay, at least without a side elevation, top down, they viewed like they were fairly severe with respect to stabilizing soils and concerns that the soils might wash into those existing storm gutters.

MR. HERRMANN: So you are sort of hitting on what has always been a balancing act that we have been trying to go through with this project in terms of the use of retaining walls or not retaining walls.

To a certain degree, the engineer has design flexibility to sort of match the Board's pleasure because we have to go to the Health Department also. So without the retaining walls that is part of the variance that has to be obtained from the Health Department because they have, as you know, a 5% slope, and those slopes on the side will be steeper coming off the sanitary system than 5%. But the grading plan, the way they designed it so that the center of the property around the house is mounded, then will slope down to meet the existing grades adjacent to those troughs.

The use of the infiltrated chambers is supposed to alleviate, as Jamie Richter had required, using the troughs so to speak for runoff from the site. Because those troughs are supposed to be used, I believe, for the road drainage and not used for site runoff. I think it's inevitable even now that runoff from the site probably travels through these troughs toward the bay. But it is what it is.

If the Board prefers seeing retaining walls, I know originally the concern was, I think Mike had expressed at one of the field inspections that one wall was five feet high. So having a two to two-and-a-half foot high retaining wall is a substantially different structure than a five-foot high wall. So if the Board said, you know, we'd like to lower fill the lower house, that, you know, the lower grading, but in order to not have those side slopes, we would like to see the retaining walls, you know, that is something that could be worked back into the design, but obviously at a much less dramatic fashion than was originally proposed.

So, you know, we are trying to get this so that it works, but also to make everybody happy. And it is been a bit of a balancing act between the Building Department, the Engineering Department, you folks and then ultimately the Health Department. But the client has been very responsive and very flexible to try to revise the plan as substantially as possible, to try to be responsive to the concerns the Board has had heretofore.

TRUSTEE BREDEMEYER: Heretofore, I know some of the work

sessions, the Board had discussed it was absolutely necessary because of the sanitary system design, we were targeting like two quarter less retaining walls.

MR. HERRMANN: That's about where we are at this point.

TRUSTEE BREDEMEYER: What you are saying here, do you have any concept to meet the 5% slopes with the Health Department without, you might have to come back to us with the retaining walls anyway, depending on --

MR. HERRMANN: It is conceivable that if the Board approved the plan without the walls, the Health Department would require them and then we would have to come back. That's a possibility, because they may say we have to take away slopes. We just know that the walls that are proposed with the extent of increase in height, we were not going to get your approval. So we have gone from one extreme to their removal, but we could --

TRUSTEE BREDEMEYER: I'm only one Trustee. The others will offer their concerns or some guidance to this, it might help.

Then the other question I have is, if it is the position of the Board to rework with modest retaining walls to meet Suffolk Health Department approval with a 5% slope, a discussion on restrictions as far as non-turf and non-disturbance area which I don't believe we incorporated in the prior approvals to protect the front lawn areas from turning to sod.

MR. HERRMANN: You are talking on the water side of the house?

TRUSTEE BREDEMEYER: Yes.

MR. HERRMANN: There is, and I think the plan shows there is an existing non-turf buffer that is about 20 feet wide on this lot now, between the bulkhead and the retaining wall behind that. And you should be able to see that. I don't know if you remember it from the site. Because we were not focused on the back side. But there is a buffer there. I don't believe though that it's been memorialized. I don't think it's a covenanted buffer.

TRUSTEE BREDEMEYER: A project limiting fence along the concrete trough on each side and wood edging adjacent to a non-turf buffer on the water side.

MR. HERRMANN: Correct. And they have a dimension there of 1980 running basically from the water to the back of that wall is 20 feet. So we would certainly covenant that.

TRUSTEE BREDEMEYER: So if the Board had no objection to update plans to revisit this with respect to possibly needed retaining walls and a 20-foot non-turf buffer, would that --

All right, to complete the picture, in particular if we are going to incorporate retaining walls to meet health approval, if we can get a side elevation, and, you know, going property line to property line to ascertaining that the slopes are within an area the Board is comfortable with.

MR. HERRMANN: Sure.

TRUSTEE BREDEMEYER: Any further questions from the Board members?

(Negative response).

Anyone else wish to speak to this application?

(No response).

We can table your request

MR. HERRMANN: Yes. And we can try to make that work so hopefully the third time will be the charm.

TRUSTEE BREDEMEYER: Okay. Seeing or hearing no one else coming forward, I'll make a motion to table the application at applicant's request, to continue to revisit the project plan.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number four, En-Consultants on behalf of **JOHN P. & KIMBERLY G. KEISERMAN** requests a Wetland Permit to construct onto existing 1.5 story, single family dwelling with approximately 30'x27' second story addition and roof alteration, an approximately 286 sq. ft. covered porch in place of existing 75 sq. ft. porch, and an approximately 4'x15' cellar entrance; maintain existing structures constructed prior to 1988, including an 18'x36' swimming pool, a 1,570 sq. ft. deck, and a 3.3'x12' stair leading to a 12.3'x17' on-grade deck; remove existing septic system and install new "IA/OWTS" sanitary system; and install drainage system of leaders, gutters and drywells.

Located: 1170 Willow Terrace Lane, Orient. SCTM# 1000-26-2-23

The Trustees most recently did an inhouse inspection of this application and noted: Okay to route pool backwash, assuming the pool backwash was routed through the drywell under the new plans.

As stated before, the LWRP coordinator found this to be consistent and inconsistent. In the inconsistency he's talking about the structure being built without a permit in areas that they would typically not be built. But after further review, found the structures have been there in their current state since about the 70s.

The Conservation Advisory Council supports the application using best management practices, and the installation of ten-foot non-turf native vegetated buffer.

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

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

So there are two parts to this application. The proposed work consists of the construction of a second-story addition over the southerly half of the house, with a proposed porch replacement in the front. A small porch would be replaced with a larger porch and the addition of the cellar entrance on the south side of the house. In connection with those proposals, the existing conventional sanitary system that is located as close as 60-feet from Orient Harbor will be removed and replaced with an IA sanitary system meeting the hundred-foot setback from Orient Harbor. So that is substantial mitigation that is

proposed in connection with a fairly modest renovation that does not increase the footprint of the house in the direction of Orient Harbor. Only with the cellar entrance and the porch in front.

The other component of this, which is sort of unrelated, has to do with the fact that there is a swimming pool in the back that was issued a building permit and certificate of occupancy in the 80s, just they thought the 70s, but the 80s, and the aerial photographs which we submitted with the application shows that the pool surround deck was constructed around that same time. I don't believe at that time on Orient Harbor that a wetlands permit would have been required from the Board.

The belief for the history of that property was that the swimming pool deck was an on-grade or at-grade structure that did not need a building permit. When the Keiserman's purchased the property, when they originally went to the Building Department regarding this proposed work, it was determined by the Building Department that the deck should have received a building permit in the 80s. So in order to get a building permit they wanted us to sort of have it blessed after the fact by there Board. We also had to go to the ZBA because considering that a raised addition, but lot coverage over the 20% that is allowed. I don't want to get into all the details of that. But we convinced the Zoning Board the lot coverage was basically pre-existing and acceptable, and we got that approval.

So those structures are really just included as part of the wetlands permit so if ordinary maintenance repairs had to be done to these structures over time, they would have a permit for those structures in their name and we would also be able to deliver a Trustees permit to the Building Department.

I think that's really it. I mean, there is in effect a non-turf buffer on the property between the bulkhead and the top of the slope, that whole area is natural with the exception of the set of steps and the on-grade deck adjacent to the bulkhead.

And there would be no proposal or permission ever granted, I don't think, to change that condition. So that's really all of it. It's simple and complicated at the same time.

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

(Negative response).

Or any further comments from the members of the Board?

(Negative response).

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

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the new plans dated January 8th, 2020, thereby bringing this application into consistency with the LWRP.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you.

TRUSTEE WILLIAMS: Number five, William Toth Construction & Robert Wilson on behalf of **DARCY GAZZA** requests a Wetland Permit to demolish existing 1,275 sq. ft. dwelling with attached garage and construct new two-story dwelling with attached garage in same 1,275 sq. ft. footprint on the existing foundation; construct an additional 14.1 sq. ft. addition on landward side of dwelling and an 80 sq. ft. addition on seaward side of dwelling; construct a 388 sq. ft. deck attached to seaward side of dwelling; and to install and perpetually maintain a 10' wide non-turf buffer along the landward edge of the wetlands.

Located: 1500 Beebe Drive, Cutchogue. SCTM# 1000-103-3-4

This is a continuation of last month's application.

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council resolved to support the application.

We did an inhouse review of this application based on new plans which were submitted or received on January 7th, 2020.

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

MR. KIESGEN: Dave Kiesgen. I'm with William Toth Construction, here to answer any questions.

TRUSTEE WILLIAMS: Are there any questions or comments from the Board?

(Negative response).

I make a motion to close the public hearing.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I make a motion to approve the application noting the submission of new plans with an IA septic system, plans date received January 7th, 2020.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: We'll take a five-minute recess before we go to the next application.

(A brief recess is taken. Upon its conclusion, these proceedings continue as follows).

TRUSTEE GOLDSMITH: Okay, we are now back on the record.

Number six, Michael Kimack on behalf of **SANTOSHA AFTER 50, LLC** requests a Wetland Permit to remove approximately 111 sq. ft. of existing deck in order to construct a proposed 111 sq. ft. mudroom to connect the existing 464 sq. ft. cottage to the as-built as-built 5'x4.3' deck with enclosed outdoor shower, 5.9'x14.1' (83.2 sq. ft.) shed with washer/dryer and toilet room; as-built 10.5'x5' (62 sq. ft.) deck on seaward side of cottage;

and existing landward shed to be removed and not replaced.
Located: 56155 Route 48, Greenport. SCTM# 1000-44-1-21

The LWRP found this to be inconsistent. The inconsistencies are a wetland permit was not located within Town records for the existing as-built structures.

The Conservation Advisory Council resolved to support the application with the recommendation of an Innovative Alternative septic system and installation of gutters to leaders to drywells.

The Trustees conducted an inhouse review of new plans received on January 8th, 2020. Also would like to note that there is an addition to the project description, and the additional language reads as follows:

To legalize the wood landing 36.5 square feet with a wood ramp to beach 19.5 square feet. And adjacent pavers on-grade 32.1 square feet. Two as-built wood landings 13.2 square feet, seaward of pavers on grade to be removed.

And we received new plans stamp dated December 16th, 2019.

Is there anyone here wishing to speak regarding this application.

MR. KIMACK: Michael Kimack on behalf of the applicant. I'll keep it brief. You guys have been troopers tonight.

As we last met, basically you had pointed out correctly so that there were certain things on the property that had not been depicted on the plans. So as that, we went back and detailed it all. There were like three steps going down, the two lower tiers to the easterly side of the walkway going down will be removed, as you see on the drawings, basically, which is the VE zone, which is most susceptible of being taken away by a storm. And the one that is adjacent to the existing landing that we would like to keep in place. But it's depicted on the plans.

TRUSTEE GOLDSMITH: Just for the record, there is drywells for the roof runoff?

MR. KIMACK: There are drywells proposed for the roof runoff, yes.

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

(Negative response).

Any questions or comments from the Board?

(Negative response).

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

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the addition to the project description and new plans dated received December 16th, 2019, and therein granting a permit will bring you into consistency with the LWRP.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. KIMACK: Thank you, very much.

TRUSTEE GOLDSMITH: At this time I'm recusing myself from the following application.

TRUSTEE DOMINO: Number seven, Suffolk Environmental Consulting, Inc. on behalf of **GOLDSMITHS BOAT SHOP** requests a Wetland Permit to construct ±465.0 linear feet of bulkhead located on the southeast seaward corner of the subject property comprised of a ±350 linear foot long easterly section, a ±90 linear foot long southerly section, and a ±25 linear foot long return; the northerly terminus of the proposed bulkhead will connect into the southerly terminus of the existing bulkhead which ends at the shared easterly property boundary; the proposed bulkhead is to consist of vinyl sheathing (C-LOC or similar), two (2) tiers of timber walers (6"x6") along the seaward face, two (2) tiers of timber clamps (6"x6") along the landward face, a timber cap (2"x18"), secured by timber pilings (10" diameter) along the seaward face of the bulkhead, connected to a backing system via tie-rod comprised of lay-logs (10" diameter), and deadmen (10" diameter); existing rip-rap along the shoreline is to be removed prior to the installation of the proposed bulkheading; backfill is proposed along the landward sections of the proposed bulkhead in order to maintain safe and practical passage for vehicular traffic within the boat yard; the amount of fill is ±1,200 cubic yards of clean fill obtained from an approved upland source. Located: 64150 Route 25, Southold. SCTM# 1000-56-7-1

The Trustees most recent inspection, January 8th, at about ten o'clock in the morning. All were present. The notes read: The project appears to bring some stability to the region and avoids any negative environmental impact.

The LWRP coordinator found this to be consistent, however there were some notes. I'll read as follows. Goldsmith is a maritime center and is water dependent. Vegetative approach to controlling erosion is not effective. To be determined by the Board. I believe that was. And enhancement of the features do not prove practical and provide erosion protection. Again, to be determined by the Board. Construction of a hard structure is the only practical design. Again, to be determined by the Board. If approved, the bulkhead would stabilize the channel and protect the property. Additionally, to be determined by the Board. And if approved, turbidity controls are recommended.

The Conservation Advisory Council on January 8th, resolved unanimously to support this application, suggesting using best management practices.

Is there anyone here to speak to this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting on behalf of Goldsmith's Boat Shop.

I don't really have much to add. It sounds like the Board has been there, all the various advisory boards have looked at this. But I can answer any questions you may have. I think it's straightforward.

TRUSTEE DOMINO: Can you address the point about turbidity controls?

MR. ANDERSON: Well, I think what would happen is we would probably deploy a silt boom adjacent to the rocks. The project is going to begin, you are really removing all the rubble, and a lot of it is concrete and construction debris. Then you can replace that with the bulkhead as proposed. So typically there would be some sort of silt boom placed adjacent to the rocks and the debris, which would be removed by backhoe, I imagine. And the important thing in talking with the owner is that, and the purpose for the bulkhead, is that the rocks are not effective. You are still getting some erosion there. And there is a critical distance between the boat storage building and the top of the embankment that is narrowing. And it's important for a marina owner to be able to drive around each of these storage buildings and accessed out to the point. So that's why this change has sort of come about. And it's really good for both property owners, because on the other side you have the Peconic Yacht Club, or Mill Creek Inn, as I would like to call it, and those rocks are impeding into the waterway and they are and can be a navigational hazard, particularly in any kind of strong easterly wind and wave which comes across that way, because that's really where your fetch is. So we think it's a good project for really everyone concerned here. And both property owners, quite honestly, are working together on this.

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

Does anyone else wish to speak to this application?

(Negative response).

Hearing no additional comments or questions, I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Motion to approve this application as submitted, with the understanding that a silt boom will be employed.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor. All in favor?

(ALL AYES. Trustee Goldsmith, recused).

TRUSTEE BREDEMEYER: Number eight, Robert Brown Architect on behalf of **JOSEPH & DANA TRIOLO** requests a Wetland Permit for the existing 2,170 sq. ft. two-story, single-family dwelling with attached garage; construct a 223.8 sq. ft. landward addition onto garage; a 199.7 sq. ft. landward addition (kitchen); a 318.3 sq. ft. seaward addition (master bedroom); a 493.6 sq. ft. seaward addition (living room); a 238sq.ft. Landward front porch addition; and for the existing driveway to be replaced with a 1,177sq.ft. Gravel driveway.

Located: 420 Beachwood Lane, Southold. SCTM# 1000-70-10-54.

This project is deemed to be consistent under Town's LWRP,

with a recommendation of the installation of a vegetated non-turf buffer to lessen the turf area and protect water quality of Goose Creek. And for the installation of an IA on-site wastewater treatment system landward of the single family residence to replace the existing septic system on the water side.

The Conservation Advisory Council supports the application with the recommendation of an IA, alternative sanitary system. And the location of drywells are depicted on the survey. Noting they are depicted.

The Board performed an inspection on the 8th of January. Physically, the addition of stone appeared to have an impact on the environment, but there was grave concern about the wetlands there had been cut since last compliance inspection was made by Trustee Williams. They sheered all the Baccharus on the property. And there was an area of fill placed where it appears some construction work on the house had started, and it appeared that there were domestic plants that were put in on fill that, where Baccharus had been removed. That is a separate matter in this, probably residing with the bay constable presently, but not part of this hearing. But I just bring it up.

Is there anyone who wishes to speak to this application?

MR. BROWN: Rob Brown, architect. Yesterday I was made aware of that situation, and it's being rectified.

This is basically a cluster of five relatively small additions, two of which are on the seaward side of the house. No point of which is closer to the wetlands line than the existing house. I would like to make one correction in the notes here. It is an existing one-story house. And will remain as such. It's creating attic space on the upper level, but it's not really a second floor.

TRUSTEE BREDEMEYER: Okay, thank you. The additional facilities in the house, where it is within the wetlands jurisdiction and the recommendations of both the Conservation Advisory Council and the LWRP coordinator, I believe would be given great weight by the Board, particularly also since this is one of the few properties where I have seen it before, but it's also got protection under the coastal barrier resource system area, which I note on the map, which is sort of an additional point that keys to the likelihood of the property flooding, and with pre-existing sanitary system which is not much more than 70 feet from the vegetated wetlands, and that it would seem with a level of disturbance of the property and the recommendations that I don't know about other members of the board, but I would think that this is the time to honor the recommendations of the Conservation Advisory Council and the LWRP.

MR. BROWN: I of course would have to present that to Mr. Triolo. I would be very surprised if he objected, but it is his call.

TRUSTEE BREDEMEYER: We understand that. Also with the recommendation of the LWRP in tandem with our visual inspection of some of the activity the Board finds are frankly in violation

of the wetlands code, maybe it would be within your authority to table the application at your request and then also ask the owner in addition to the construction of an IA sanitary system to put in a non-turf buffer area adjacent to the wetland.

MR. BROWN: How large a buffer would you be asking for?

TRUSTEE WILLIAMS: If I could add in there, it was evident the rack line was on the lawn. So I would like to see that area where the aggressive trimming was done to become a non-disturbance area and then see a non-turf area at least ten-feet back from there.

TRUSTEE BREDEMEYER: I think what Trustee Williams is saying is we want to see a minimum of a non-disturbance area to increase the current wetland fringe which has been damaged. So how many feet would you recommend

TRUSTEE WILLIAMS: I would say an additional ten, with what is there now, go to non-disturbance, then an additional ten feet.

TRUSTEE BREDEMEYER: So if there is no objection, an additional ten-feet of non-disturbance area so the Baccharus that is currently being heavily trimmed in that fill area would be non-disturbance so it could flourish again, then in addition we would typically we would have a 15 or 20-foot non-turf area. That would be a total of 25 feet. If there is no objection of an additional 15-feet of non-turf area.

TRUSTEE KRUPSKI: Should be 15 feet off the Baccharus is fairly --

TRUSTEE BREDEMEYER: 15 would be 25.

TRUSTEE KRUPSKI: Oh, I thought you were including the Baccharus being trimmed in the non-disturbance.

TRUSTEE WILLIAMS: We have the Baccharus being trimmed, that would be non-disturbance and then ten feet from there would be non-turf.

MR. BROWN: At the closest point, the existing structure is only 52 feet from the wetlands line.

TRUSTEE KRUPSKI: Well, I think, I mean I think the discrepancy here is the Baccharus technically is the wetland line. So it's already non-disturbance.

TRUSTEE BREDEMEYER: Right. The Baccharus already represents an area that you can't disturb. So basically because of the lawn flooding now and the frequent flooding, we want to allow that that to flourish a bit more. So I think that's what Trustee Williams was suggesting.

TRUSTEE WILLIAMS: What is there now, that is non-turf. I would like to see that become non-disturbance. Then I would like to see an additional ten-feet of non-turf.

TRUSTEE BREDEMEYER: If you were to table at your request and develop a new set of plans and maybe stake an additional non-disturbance area and non-turf area for the Board to review. Or in the alternative we could have a pre-submission, we could continue with an additional field inspection with the Board to discuss the meets and bounds of a non-turf and non-disturbance area.

MR. BROWN: Logistically speaking, would we still be able to have

a continuation of the hearing at the next meeting?

TRUSTEE KRUPSKI: Absolutely.

TRUSTEE BREDEMEYER: Yes. If plans were available for field inspection or shortly thereafter.

MR. BROWN: You'll have them very quickly. Obviously I need to speak to Mr. Triolo, but I don't anticipate a problem.

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

Any other questions, Mr. Brown?

MR. BROWN: Well, I would just like some clarification. On the site plan survey, there is a low stone basically curve shown at the landward limit of tidal wetlands. So where does that fall into what you are describing in terms of non-disturbance?

TRUSTEE BREDEMEYER: We don't have a flagged wetland line, and I think that the Baccharus that was trimmed may actually be landward of that. It was not really apparent because the Baccharus is so healthy there. The marsh vegetation is so healthy. Maybe Trustee Williams --

TRUSTEE WILLIAMS: My recollection is the wetland line as you get to the eastern edge of the property, you know, the wetland line looked like it was into the turf area, that they were mowing that. It might be best to have a survey or stake the property and we'll look at it again on next field inspection to verify the wetland line. Stake where you think the wetland line is and stake a ten-foot non-turf buffer landward of that.

TRUSTEE BREDEMEYER: The existing wetland vegetation that has been neatly sheared with a hedge trimmer is really all protected Baccharus wetland vegetation.

TRUSTEE WILLIAMS: That's a New York state DEC protected species.

TRUSTEE BREDEMEYER: So that really creates a line, except for the area where the additional fill and cut area on the east side.

MR. BROWN: I can only tell you what I was told that the landscaper did it without Mr. Triolo's knowledge.

TRUSTEE WILLIAMS: I'm sure that's what happened.

MR. BROWN: I can only tell you what I was told.

TRUSTEE BREDEMEYER: Anyone else to speak to this application? (Negative response).

Motion to table the application at the applicant's request to have the owner consider an IA system and for planting non-turf and non-disturbance buffers.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I have to recuse myself on number nine.

TRUSTEE KRUPSKI: Number nine, **JOSEPH BARSZCZEWSKI, JR.** Requests a Wetland Permit for the as-built clearing of a vacant lot; adding ±200 cubic yards of fill and grading out in order to raise the grade of the property; plant 15 shrubs 4' apart along southeast property line; and plant 18 shrubs 4' apart along southwest property line.

Located: 110 Lawrence Lane, Greenport. SCTM# 1000-53-2-7

The Trustees most recently had a discussion on this property on the 8th of January, noted that the new plans reflect satisfactory proposed for remediation of violation.

The LWRP coordinator found this to be an inconsistent action, stating the site was cleared without a wetlands permit. There is no silt fence in place, and the action proposed to add fill to the parcel, the final grade not provided.

The Conservation Advisory Council does not support the application due to the work has been completed and there is a compliance issue for the Board of Trustees to address.

Is there anyone here to speak regarding this application?

MR. BARSZCZEWSKI: Joseph Barszczewski. I have no questions.

TRUSTEE KRUPSKI: Just to clarify for the record, we have plans here showing a berm with some native species trees along the flagged 50 line; is that correct?

MR. BARSZCZEWSKI: Yes

TRUSTEE KRUPSKI: And you'll be pulling back the soil seaward of that berm?

MR. BARSZCZEWSKI: Yes.

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

(Negative response).

Any further questions or comments from the Board?

MR. BARSZCZEWSKI: Just one thing. I believe when he put in, he put on the trees, he put a three-inch diameter. Wasn't it supposed to be two inches? I thought I told him two. I don't know if it was two or three.

TRUSTEE BREDEMEYER: We provide general guidance. It was two to three.

MR. BARSZCZEWSKI: It was, okay, it didn't say in the letter.

That was the only question that I saw.

TRUSTEE BREDEMEYER: There is a recommendation for a silt fence which I open that up to discussion. There is a lot of phragmites still seaward. What are your plans to immediately stabilize the soils with?

MR. BARSZCZEWSKI: He put down mulch, didn't he?

TRUSTEE BREDEMEYER: Yes. So you'll install that, right away, immediately upon completion?

MR. BARSZCZEWSKI: Yes, I'll get the mulch first and put it on when we are done with it.

TRUSTEE KRUPSKI: Great. Anyone else wish to comment on the matter?

(Negative response).

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

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the plans submitted or received January 6th, 2020, thereby

bringing this application into consistency with the LWRP coordinator.
TRUSTEE BREDEMEYER: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES. Trustee Domino, recused).

TRUSTEE WILLIAMS: Number ten, 10, Land Use Ecological Services, Inc. on behalf of **ROSARIA FORCHELLI** requests a Wetland Permit for a Ten-Year Maintenance Permit to cut the Phragmites to 6" above ground level (in March-April), and not lower in the first year; all cut material and thatch shall be hand-raked and disposed of at an approved off-site landfill; cutting shall be performed by hand and monitored by a qualified ecologist to ensure that no native herbaceous plants or woody shrubs are removed; Phragmites shoots will be re-cut again in early June to a height of 18"-24" above soil level in order to avoid cutting native vegetation; one additional cutting will occur as needed to a height of 18" above ground level during the growing season (April - October); after the first year, up to two (2) cuttings per year to a minimum height of 18" (i.e. cut height shall not be shorter than 18"), with native vegetation to be identified and flagged to be protected; if new growth of invasive species is observed during on-going Phragmites monitoring, it will be immediately removed by hand; approximately 9,250 sq. ft. of vegetated upland area shall be managed through removal of non-native and invasive species (Wisteria sp., Mile-a-minute weed (*Persicaria perfoliata*), Poison Ivy (*Toxicodendron radicans*), Plume Grass (*Saccharum* sp.), Bittersweet (*Celastrus orbiculatus*), with all existing native plants within the Vegetation Management Plan area to remain; any disturbed areas are to be seeded with Switchgrass (*Panicum virgatum*) at a rate of 20lbs/acre; and within a 100 linear foot long area along the southwest property boundary plant 17 Thuja sp. 6' o/c; five years of post-construction monitoring will occur during spring and fall seasons with progress reports on the Phragmites management and re-colonization of native plants, including representative photographs to be submitted by December 31st of each of the five years.

Located: 1635 Meadow Beach Lane, Mattituck. SCTM# 1000-116-7-8

The Trustees reviewed this. Several times, last was January 8th, with inhouse review noting new plans show eastern red cedar trees.

The LWRP coordinator found this action to be exempt from review.

And the Conservation Advisory Council supports the application with the condition that the cutting is in compliance with Chapter 275.

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

MS. MOORE: Patricia Moore. I'm just covering for Land Use and I'll report back, so.

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

(Negative response).

Any input from the Trustees?

TRUSTEE KRUPSKI: Just to clarify for the record, if the new plans reflect there will be Cedars planted along the property line rather than the arbor vitae, the native red cedar?

MS. MOORE: Right. That's the recommendation, I think the Board thought that's a more appropriate plan than Arbor vitae. There is no problem with that, so.

TRUSTEE WILLIAMS: My concern is recently there was a proposal for a pier in this, the same water body. And we had concerns with the view shed. And by putting in that eastern red cedar row in a line, you are going to affect the view shed on a piece of land that is supposed to have a non-disturbance area. And I just wondered if you had any input on that.

MS. MOORE: The vegetation and the non-disturbance would incorporate, that's why the red cedars, it's a natural planting. So from the view shed, it will just look green, it will maintain the green look of the vegetation. If anything, what my client is trying to do is to protect his own view shed because the neighbor has his garage and all his storage behind the garage, and it's very unsightly. So it was really trying to create a natural buffer so that it just looks neater and more presentable.

TRUSTEE WILLIAMS: I understand. Just a comment that rarely in nature do I see a 100-plus foot row of red cedars planted in a straight line.

MS. MOORE: My preference is that they are typically planted off center, each of them, so you create a more natural look. If that's what the recommendation is, I'm sure that's not a problem. It will achieve the goal and it will look a little more natural than a linear, what you are describing, I think. I can appreciate that, so.

TRUSTEE WILLIAMS: Again, this Board is, we are concerned with the whole community, not just your client. You know, do we have any letters -- I don't see any letters in the file from the neighbors. I'm guessing they are concerned with their view shed as well.

MS. MOORE: I think it ends at, I think Grand Avenue there?

TRUSTEE WILLIAMS: Meadow Beach Lane.

MS. MOORE: It's a road end, as I recall.

TRUSTEE WILLIAMS: It's a road end. But you have a neighbor, it's a property line there, and the neighbor now enjoys a scenic vista looking north up toward New Suffolk Avenue that will most likely be --

MS. MOORE: Well, from the plan that I see, Halls Creek, we are not impacting the neighbors' view of Halls Creek. What we are doing is creating more of a natural privacy screening between the neighbor and seeing the Forchelli house, and vice versa. So it's all on, it's landward, so that's where the buffer is. Not the view shed of the water, which is what I think the homeowners here would not want to have certainly a row of trees blocking their view. And that's why it ends right now where the garage

is. So the garage is there. There is no view shed there.

TRUSTEE WILLIAMS: Okay. Is there anybody else that has any problems?

TRUSTEE DOMINO: I would like to express my serious concerns about any plantings within a designated non-disturbance zone.

Secondly, natural plantings, it seems to be an oxymoron, but natural plantings don't occur in a straight line along the property line, so, I have serious reservations about this application

TRUSTEE KRUPSKI: My personal opinion, for the record and for the Board, is that with the switch to eastern red cedars, I think it's a good effort to clean up the property line the natural way, and typically we are not here to provide screening, but planting a native species to be used as habitat, whether it's in a straight line or not, I think it's going to be used as habitat, so.

That being said, whichever way this goes forward, we'll certainly keep a sharp eye on this project because there is a lot going on. We want to make sure none of that area is cleared out, so. That's my two cents.

TRUSTEE WILLIAMS: Anyone else have anything to say? (Negative response).

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

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I'll defer to the president for a roll call vote.

TRUSTEE GOLDSMITH: I would like to make a motion to approve this application. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: I would like to do a roll call vote.

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, nay.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

MS. MOORE: Thank you.

TRUSTEE GOLDSMITH: Number eleven, McCarthy Management on behalf of **BRIAN O'REILLY** requests a Wetland Permit to install a 4'x55' fixed wood catwalk; steps to grade off landward end of catwalk; install a 3'x14' seasonal aluminum ramp; and install a 6'x20' floating dock with chocking system situated in a "T" configuration. Located: 659 Pine Neck Road, Southold. SCTM# 1000-70-5-31.1

The LWRP found this to be inconsistent. The inconsistencies are the continued placement of private residential docks in Jockey Creek could adversely affect the ecology of the water body. Water depths are shallow in the water body. Hydrographic survey show 1.5 feet to unspecified tide. In proximity to the proposed dock, the installation and use of a proposed dock to

promote power boat traffic and possibly following negative impact may occur. Degradation of water quality and resuspension of bottom sediments and turbidity. In the event the action is approved, it is recommended the Board confirm that the dock meets the one-third rule with vessel moored.

The Conservation Advisory Council stated the property was not posted or staked. The Conservation Advisory Council supports the application with a 15-foot non-turf vegetated buffer and runoff mitigation into the ravine.

The Trustees conducted a field inspection on January 8th, 2020. The Trustees viewed the project is flagged according to the project description, which still included the ramp to float. Fixed dock not exceeding one-third way across the water body may be more appropriate. New plans showing that and the vessel requested.

And we also had new plans dated received January 13th, 2020, from Kenneth Woychuk, showing now a fixed dock.

Is there anyone here wishing to speak regarding this application?

MR. MCCARTHY: Yes. Good evening. Tom McCarthy, McCarthy Management, Southold.

The plan that is in front of you, the revised plan, was as a result of our site meeting, and we add dimensions to the cross-sectional drawing to demonstrate the distance as requested being less than the one-third way across the water body. So we can see we are at 67 feet to the end of the fixed structure from the beginning of the water body. Previously that notation was not on there. We did add the vessel. And we show this in an "L" configuration. One other, a slight change, is according to a request from the homeowner, the dock has been moved slightly to the east. So I want to bring that change to your attention from where we looked at it on our site visit and what was staked. She felt she wanted to move it to the east and keep it out of the center view of where it had originally been proposed in the center of the property, to move it toward the side of the property. And there is a large, I believe holly tree or something there she wanted to put it on the other side. So the revised plan you see is a different location than what you saw when we were in the field. I want to bring that to your attention. However we did make the other changes that were requested.

TRUSTEE GOLDSMITH: Two quick things. One, this was continued from last month. We had some concerns from the neighbor about the proposed dock and its length. And looking at the renewed plans, some concerns regarding the pier line in relation to the dock to the west. When we reviewed the new plans at our work session, we all noted that you could call this dock back, say ten feet, which would bring it in line with the neighboring dock to the west, and also not lose any water depth. On the hydrographic survey it's 1.5 feet throughout. So to address the concerns of the neighbor as well as address the concerns of the

pier line, we would like to see this pulled back, if at all possible.

MR. MCCARTHY: Okay, just looking at the differences, to be honest with you, I was not aware that that change had manifested itself in the new drawing. So I'm assuming that the new drawing demonstrates to scale the appropriate location of the adjacent neighbor. But, yes, I would certainly consent to do that, to bring it back.

TRUSTEE KRUPSKI: We noticed it on the old drawing too. The discussion, it came up and then we really talked about it at work session. Just that to satisfy the neighbors on both sides, plus the pier line in the code it would make the most sense. And really no harm to you either. Because you are not losing anything.

MR. MCCARTHY: Yes, I consent to it. But I don't notice the difference. Perhaps on the one that I pulled out of my file here, seemed to be that the outward extent of the old application was in line with the neighboring. But we are happy to consent to that if there is no difference in the water depth. I believe one of the other things we had discussed on site was the elevation of the dock going across the water. Perhaps being able to step that down as we get out with not such a chore to get on and off a vessel. And we have not demonstrated that in the plan, but we would like to have permission from the Trustees to be able to have a step in that once we are across the water body as determined between the dock builder and the homeowner, as we get toward the end of the fixed pier.

TRUSTEE WILLIAMS: I would suggest that you hammer that out in the plan.

TRUSTEE GOLDSMITH: Any other questions or comments?
(Negative response).

So hearing none, I make a motion to table this application so that you can get new plans pulling the dock back ten feet. Also putting a non-turf buffer, ten-foot non-turf buffer on the plans so we have that as well. And also a new project description detailing the new set of plans and drawings. And the proposed step.

MR. MCCARTHY: Yes, we'll consent to that.

TRUSTEE GOLDSMITH: That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

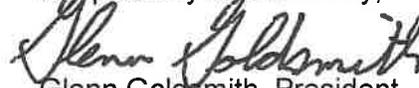
Motion for adjournment.

TRUSTEE BREDEMEYER: So moved

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

Respectfully submitted by,



Glenn Goldsmith, President
Board of Trustees