

Minutes

Wednesday, September 19, 2007

6:00 PM

Present were: Jill Doherty, Vice President
Peggy Dickerson, Trustee
Bob Ghosio, Trustee
Kieran Corcoran, Assistant Town Attorney
Lauren Standish, Secretarial Assistant

Absent were: James King, President
Dave Bergen, Trustee

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, October 8, 2007, at 8:00 AM
TRUSTEE SPECIAL MEETING: Wednesday, October 3, 2007, at 6:00 PM
NEXT TRUSTEE MEETING: Wednesday, October 17, 2007 at 6:00 PM
WORKSESSION: 5:30 PM

TRUSTEE DOHERTY: Good evening. We are short a couple of Board members tonight. One is out of town and one is sick, but we do have a majority, so we'll get through what we can get through. Peggy Dickerson is on my left; I'm Jill Doherty; this is Lauren Standish our office manager; Bob Ghosio, to my right; and Kieran

Corcoran is our attorney for tonight. And Wayne Galante is keeping track of our minutes.

I think we'll have a CAC member here as well. Jack is coming. Before we get started, we have quite a few postponements tonight, so I just want to go over them. Because we have so many postponements, we are having a special meeting October 3 for some of these postponements. Nothing new on that October 3 meeting.

Page four, number 18, the application of **PETER & ALETRA TAGIOS, JR.**, that's postponed.

Page five, number four, the application of **ROBERT G. BOMBARA** is postponed.

Page six, number nine, the application of **JILL & CAROL RIDINI** is postponed.

And number 13, the application of **ROSE L. MILAZZO REVOCABLE TRUST**, is postponed.

Page seven, number 17, the application of **PECONIC LANDING AT SOUTHOLD** is postponed.

Number 18, the application of **JIM & EILEEN KASSCHAU** is postponed.

Number 19, the application of **JOHN INGRILLI** is postponed.

Page eight, every one of them is postponed.

That's number 20, the application of **PERI HINDEN**;

Number 21, the application of **JAN JUNGBLUT**;

Number 22, the application of **RUTH FALBEL SCHWARTZ**;

Number 23, the application of **CAROL MERCIER & PETER SCHRAMM**;

Number 24, the application of **CARRIAGE HILL ASSOCIATES, INC.**, is postponed;

Number 25, the application of **HENRY H. TRAENDLY & BARBARA A. CADWALLADER**, is postponed;

Number 26, the application of **MICHAEL BUNKER** is postponed;

Number 27, the application of **PETER S. DANOWSKI, JR., & SUSAN DANOWSKI**, is postponed.

And page nine, the application of **DEBRA LACHANCE**, is postponed.

As you can see, we have quite a few scratched off the list. And there is, on page eight, numbers 20, 21, 22 and 23 are going to be heard on October 3. There might be more on October 3, possibly 17, 18, and 19, but we are not sure on them yet. If they are not heard on October 3, they'll be on October 17, once we set those meetings.

The Board is working on a number of projects and we are continuing working on them also while we are reviewing all these applications and doing our inspections. So we are working hard. Same thing, it's frustrating working on these projects. They go forward but they are not getting done. But we are still working

hard on them.

I guess we'll set the meetings, Wednesday, October 3, for a special meeting for the postponed applications.

TRUSTEE DICKERSON: I'll second that.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Next field inspections, we have Wednesday, October 10.

TRUSTEE DICKERSON: I would like to make a motion to change that to Monday, the 8th at 8:00 AM.

TRUSTEE DOHERTY: Okay, we'll do it on the 8th. All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Next Trustee meeting, Wednesday, October 17 with a work session at 5:39 and a meeting at 6:00.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: We have minutes for March 21, 2007. I know Dave said he read through them and he didn't have a problem with them.

Did you get a chance to read through them?

TRUSTEE GHOSIO: March. As a matter of fact, yes, I think they are fine.

TRUSTEE DOHERTY: Would you like to make a motion?

TRUSTEE GHOSIO: I would like to make a motion to accept the minutes of March 21, 2007.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

I. MONTHLY REPORT:

TRUSTEE DOHERTY: Trustees monthly report for August, 2007. A check for \$10,218.72 was forwarded to the Supervisor's office for the General Fund.

II. PUBLIC NOTICES:

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

III. STATE ENVIRONMENTAL QUALITY REVIEWS:

TRUSTEE DOHERTY: RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VI Public Hearings Section of the Trustee agenda dated Wednesday, September 19, 2007, are classified as Type

II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA.

And there is a list of all the applications on the agenda, which reads as follows:

CLAUS RADEMACHER - SCTM#57-1-31
PAUL LONG - SCTM#123-5-30
STEPHEN MATTEINI - SCTM#26-2-22
RUTH FALBEL SCHWARTZ - SCTM#70-10-28.3
ROY & LINDA ARGENT - SCTM#86-6-23
PECONIC LAND TRUST, INC. - SCTM#79-5-20.2
WILLIAM & CHRISTINE EISENREICH - SCTM#53-3-10
CHENG KAI YU - SCTM#83-2-4.1
CAROL MERCIER & PETER SCHRAMM - SCTM#91-1-10
GEORGE GUIMARAES - SCTM#9-6-4
MICHAEL KENIN - SCTM#31-9-11
JAMES KELLER & ELISSA SANTISI - SCTM#123-8-17
EDMUND NASH - SCTM#115-12-24
ESTATE OF HELEN CASE - SCTM#116-6-21.1
CARLL & SUSAN AUSTIN - SCTM#128-6-7
DENNIS KORD - SCTM#140-1-7
ANTHONY BELLISIMO - SCTM#87-5-5
FISHERS ISLAND UTILITY CO. - SCTM#10-9-13
CJC1 - SCTM#45-4-4.1
JOSEPH & GRACE FINORA - SCTM#122-3-12&13
CYNTHIA POWER & RICHARD MCKINNEY - SCTM#31-14-6
CLEAVES POINT VILLAGE - SCTM#38-7-4.2, 8&38-2-1, 45

I make a motion to resolve that.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

IV. RESOLUTIONS-ADMINISTRATIVE PERMITS:

TRUSTEE DOHERTY: With that, we'll go to resolutions and administrative permits.

SALVATOR GRANFORT requests an Administrative Permit to remove the existing retaining wall, install returns on pathway and install plantings. Located: 575 Hill Road West, Southold.

This is one we have all been out to a couple of times. He wanted to replace a retaining wall that had been there for years, and we asked him, we told him that we didn't want to see that. We asked him to take the old wooden, rotting stuff out and replant the area. And that's what he has applied for.

So he's applied for what we asked. We told him he can, right where the dock is, he's got a little piece of wood under there. We told him he could keep that and do little pieces of wood, I think they are like 4x4s he had or something, just for the pathway. Then he has mulch there, and replant the rest. That's what he's applied for.

So I make a motion we approve the application of Salvator Granfort.

TRUSTEE GHOSIO: I'll second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Number two, **WILLIAM STANTON** requests an Administrative Permit to remove a buried 1,000 gallon fuel tank, excavate crawl space under rear of dwelling and add additional reinforced concrete walls under existing cement block walls to make area for a new 550 gallon tank installed within dwelling, and install five replacement windows in southeast end of dwelling. Located: 1115 Bungalow Lane, Mattituck.

I looked at this today and the tank is basically out of our jurisdiction but it is on the corner of the house where it slopes down into the creek, so I would just like to see hay bales on the one corner. Where the house bumps out, he could put the hay bales along that line. And I spoke to the gentleman, he was there. He's fine with that. And everything else is, they might even be digging the crawl space out from inside the house, so. And the other side of the house does not slope down, so it's really not a problem.

So I'll make a motion to approve.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Number three, **ROBERT BOGER** requests an Administrative Permit for the existing 36 cubic yards of fill along the north and east sides of the property, recently placed to prevent flooding. Located: 723 Main Bayview Road, Southold.

On this one there was a violation, and what they did, they put approximately 36 cubic yards on here already, and that's what they are applying for. They are not applying to put any additional on. And this, it's the house that is over here, not this one (indicating.) This is Peter Boger. This one is Robert Boger. So it's not this one where we saw the berm or anything.

So actually they have already done the work and they are not asking for anymore additional fill to be brought in. The pipe is theirs. And I don't know if that is part of the violation.

TRUSTEE DICKERSON: Why don't we just make it part of the permit to

remove it.

TRUSTEE DOHERTY: Yes. So I'll make a motion to approve approximately 36 cubic yards of fill, which has already been placed, no further fill to be placed, and the drainage pipe they have directed to the creek to be removed.

TRUSTEE GHOSIO: I'll second that.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE GHOSIO: Tom McCarthy on behalf of **BERNARD & CAROL KIERNAN** requests an Administrative Permit to renovate the basement and remove and replace the existing sanitary system. Located: 1605 North Parish Drive, Southold.

Again, this is an Administrative Permit on a permit that we already gave them for some work that they are already doing. This is just a little more work they found that they needed to do and there is really no problem with this.

So I would make a motion that we approve this request for an Administrative Permit.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DICKERSON: Suffolk Environmental Consulting on behalf of **PAOLO BLOWER** requests an Administrative Permit to remove vegetated debris within 100 feet of wetland boundary, plant six white oaks (6-8 foot height) six foot on center, in area where cutting occurred, and plant 12 pitch pine (1-2 inch height or larger) in area where cutting occurred, and in accordance with an Order on Consent from the NYSDEC dated March 2, 2007. Located: Sound Avenue, Southold.

This is an area we all looked at. They are simply removing debris so re-plantings can be done and the area cleaned up. I believe the Board had no problems with this so I will make a motion to approve this Administrative Permit.

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: We have one more that was taken off the agenda but there was a misunderstanding so we are putting it back on. It's not on your agenda. And it is **PAMELA MAINO & RICHARD JOHNSON**.

There are actually two applications here, one is an Administrative Permit to place down mulch along path to pond, remove trees that are dead and dying, and saplings, and prune lower branches of healthy trees.

The other is an Administrative Permit to clean up yard, place down mulch around house, install sprinkler system, remove selected trees, prune lower branches of healthy trees, replace metal shed with a new shed and install a propane tank on south side of the house west of the chimney.

The reason why there are two applications is because it's two separate pieces of property. Ms. Maino, are you here?

MR. VERITY: I'm Dave Verity.

TRUSTEE DOHERTY: Okay. Do you have plans?

MS. MAINO: Yes. When you guys came out, there were over 35 trees. There is two lots, lot nine and lot 14. Initially the landscaper that we were using identified many, many trees, over 35, to be removed. And not all of them were dying or diseased. Mr. Verity came out today and consulted with us and identified 13 trees that were either too close to the house, leaning over the house; they were healthy but just at risk. And then the other ones were either rotted

MR. VERITY: They were very hollow. There was extensive heart rot.

MS. MAINO: He stuck his hand in there and banged them. So those would be the outlying ones that one, two, three and four are the ones too close to the house. These are rotted. This one is right next to a utility pole. LILCO pole. This one is completely dead.

MR. VERITY: It's fungus. It's leaning over the path that is clear.

MS. MAINO: He likes the cherry tree. That's a healthy tree. This one was not marked before. (indicating.)

MR. VERITY: The black locust is the middle of the path. It is loaded with poison ivy the size of my arms on the lower limbs. There is nothing left at the top. All the surface roots are exposed. And it's hollow, to boot. There is nothing that can be done with it.

MS. MAINO: Did you know that was poison ivy? It's like this (indicating.)

MR. VERITY: That's the only tree I saw in the whole path that needs to be removed. Everything else can be pruned.

TRUSTEE DOHERTY: You had four trees here.

TRUSTEE DICKERSON: My only concern is here, the ones that seem to be closest to the wetland boundary.

MR. VERITY: What I did, actually, they are not the same ones that are circled. They are fine. It's the northeast, and you won't get a lot of sun anyway. But some in there are not marked at all and should have come down. They were all hollow. I changed things around. Whoever marked them had it wrong.

TRUSTEE GHOSIO: The cedars?

MR. VERITY: Yes, they are nothing. That can be done later. I changed that all around (indicating.)

TRUSTEE DOHERTY: Well, that's much better than what we saw in the

field.

MR. VERITY: You would be shocked if you go there.

TRUSTEE DOHERTY: Like I said to you on the phone, I think the best way to do this is we can -- and we have no problem with the other items that you wanted to do. We could approve this tonight subject to one of the Trustees meeting you out in the field.

MR. VERITY: I would like love to meet with you.

TRUSTEE DOHERTY: Probably Dave Bergen because he's in the Southold area. If he can't, I can. We can do it on a Saturday.

MR. VERITY: That's fine.

TRUSTEE DOHERTY: So we are sure. Because what we saw, and, it was just definitely way too much. So I'm comfortable with that.

TRUSTEE DICKERSON: I agree with having Dave go out and look at it. It's obviously not what we saw, so.

TRUSTEE DOHERTY: Can we keep these?

MS. MAINO: Absolutely. They are all marked, so Dave will be able to identify them.

MR. VERITY: He'll get in touch with me? He'll call me?

TRUSTEE DOHERTY: Yes. What's your phone number?

MR. VERITY: 765-4980.

TRUSTEE GHOSIO: Dave is out of town. When is he due back?

TRUSTEE DOHERTY: He's due back Friday.

MR. VERITY: Even on Sunday, if he works Sunday.

TRUSTEE DOHERTY: I don't know if he does.

MR. VERITY: Should I get his phone number?

TRUSTEE DOHERTY: We'll have him give you a call because I don't know what his schedule is.

All right, then I'll make a motion to approve both applications. Do you want to do one resolution for both applications or two separate? It's two separate applications.

MR. CORCORAN: It's the same project.

TRUSTEE DOHERTY: But it's two properties. Okay.

I'll make a motion to approve the application of Pamela Maino and Richard Johnson at 7619 Soundview Avenue to prune trees and put down mulch subject to meeting a Trustee in the field to double check which trees are to be cut down and pruned.

Do I have a second?

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: And I'll make a motion on the application of Pamela Maino and Richard Johnson at 7617 Soundview Avenue to clean up the yard, place mulch around house, install sprinkler system, remove selected trees, prune lower branches replace metal shed with new shed and install propane tank on south side of the house west of chimney, again, subject to a trustee going out and inspecting

which trees are to be pruned and taken down.

Do I have a second?

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

V. APPLICATIONS FOR AMENDMENTS/EXTENSIONS/TRANSFERS:

TRUSTEE DOHERTY: This is applications for amendments, extensions and transfers.

Number one, **PETER DROUZAS** requests an Amendment to Permit #6386 to include 800 cubic yards of dirt along the front of the property. Located: 54120 County Road 48, Southold.

We had met him out in the field and spoke to him, and the 800 cubic yards that's on the application is not all in the Trustees' jurisdiction. I believe we got revised plans.

MR. DROUZAS: I'm Vlassi Drouzas. We have them here, too. Actually we, this is your jurisdiction right here (indicating.) It would be actually that.

TRUSTEE DOHERTY: 148.3 cubic yards.

MR. DROUZAS: And this would be DEC.

TRUSTEE DOHERTY: So our, I thought our area was up to this line here. It was behind the wall?

MR. DROUZAS: It's right here (indicating.)

TRUSTEE DOHERTY: Right. I thought we measured nine feet from the proposed wall landward. And that was our jurisdiction line.

TRUSTEE GHOSIO: That would be this line, but he's only going behind the wall here (indicating.)

TRUSTEE DOHERTY: He's filling all this, too. We needed to see, what we measured was nine, we measured from the wetland line to a point here. And so what we did, so we were a little more clear, is we measured from the proposed wall to the hundred feet, and we got nine feet off the proposed wall. So we needed the information in this area, what amount of fill was going here, and of course here, on both sides of the wall. Because our jurisdiction is --

MR. DROUZAS: That includes that, doesn't it?

TRUSTEE DOHERTY: I don't know.

TRUSTEE GHOSIO: So it does show it.

TRUSTEE DOHERTY: The hundred foot mark is right here. They have 14 feet.

TRUSTEE DICKERSON: So all of this area.

TRUSTEE DOHERTY: So 148 cubic yards is all in this area.

MR. DROUZAS: Yes.

TRUSTEE DOHERTY: All this other stuff has been approved. And the rest of the fill is out of our jurisdiction.

TRUSTEE GHOSIO: This is part DEC.

TRUSTEE DOHERTY: DEC and Building Department, yes.

TRUSTEE DICKERSON: And this is all graded.

TRUSTEE DOHERTY: Yes, that will be graded. It's graded from the wall down, so it's not a steep slope.

Are you going to do plantings on that side? What are you going to put here to hold the fill? You have plantings on this side. Are you just planting lawn or?

TRUSTEE GHOSIO: Well, the retaining wall.

TRUSTEE DOHERTY: The planters area -- oh, that's here.

TRUSTEE GHOSIO: So what will happen here is grass or something to hold it so the rain doesn't wash it down.

TRUSTEE DICKERSON: And there is no drainage. This is the area of concern. (indicating.)

TRUSTEE DOHERTY: We talked about putting some kind of drainage here. Have you talked to the state about the drainage they have on the state road? I know we talked about maybe a French drain in that area.

MR. VLASSI DROUZAS: Were you talking about any drains?

MR. DROUZAS: I'm Peter Drouzas. Can I show you?

TRUSTEE DOHERTY: In the area -- yes.

MR. DROUZAS: The one measure was wrong because before we come the last time, okay, we have something like this. This is wrong. All right? We have four feet. Like this step out. We don't want this wall not to look so big. This wall here. So what is from the corner of the house is 14 feet. It was about two-and-a-half, three feet shorter. We measured nine feet, right. It would be shorter. Now, about this drain here --

TRUSTEE DICKERSON: No, we are concerned about where this is going to drain.

MR. DROUZAS: There is water here. It drains down. We are going to connect to this one. We going to connect to this one. They ask on the driveway.

TRUSTEE DOHERTY: We are talking about the surface water, not the house water now. We are talking the surface water coming off the road. We don't want it to run down there.

MR. DROUZAS: Tell me where you want it to go.

TRUSTEE DOHERTY: We talked about you doing a French drain and plantings here.

MR. DROUZAS: To where?

TRUSTEE DOHERTY: You can put in the drywell.

MR. DROUZAS: Fine.

TRUSTEE DICKERSON: Will that go up hill?

TRUSTEE DOHERTY: That's the thing. You could put this much into the drywell, but from here down you can't really put that into the drywell. But maybe -- what are you planning to do here; grass?

MR. DROUZAS: That's right, grass.

TRUSTEE DOHERTY: Plantings maybe, or filter a little more.

MR. DROUZAS: Yes, something like this.

TRUSTEE DOHERTY: And you can do plantings here instead of grass.

MR. DROUZAS: Sure.

TRUSTEE DOHERTY: And we can see a planting plan.

TRUSTEE DICKERSON: We had letters of concern from the neighbors with the drainage here. And our concern, this is what we are protecting here. The fresh water, which I know is dry now.

MR. VLASSI DROUZAS: Their houses are draining into ours, actually.

MR. DROUZAS: What about these? (indicating.)

TRUSTEE DOHERTY: The Town Board is putting a new code into effect that everybody has to contain their runoff. So eventually, when they come in.

TRUSTEE GHOSIO: When they come in for improvements. So eventually it will be taken care of. It will take a while.

MR. DROUZAS: What do you want me to do on the drain? We drain the water here, okay?

TRUSTEE DOHERTY: That will take care of a lot of that but then right here, from this slope.

MR. DROUZAS: Do you want me to put another one here and connect to the --

TRUSTEE DICKERSON: This is elevated, isn't it? Or am I reading it wrong?

TRUSTEE DOHERTY: It is all going to be, see how it's going here, so he can catch this.

TRUSTEE DICKERSON: What if he does the French drain this way? I'm concerned about that.

MR. DROUZAS: Do you want me to put another drywell here and connect to this one here? I could do that, too.

TRUSTEE DOHERTY: If he puts it here then he can catch all this down here.

TRUSTEE DICKERSON: He said connect to here.

TRUSTEE DOHERTY: Put a drywell here, he's saying. So another drywell around here.

MR. DROUZAS: Very good.

TRUSTEE DOHERTY: To catch all this

MR. DROUZAS: That's good enough.

TRUSTEE DOHERTY: Then I wouldn't mind the grass there.

TRUSTEE GHOSIO: I don't have a problem with it.

MR. DROUZAS: Thank you.

TRUSTEE DOHERTY: We just need to see the drywell on this plan.

MR. DROUZAS: Okay, fine. When last time you give me this. What I miss here?

TRUSTEE DOHERTY: That's the last permit that we gave, so when you pay the fees, you actually get the permit.

MR. DROUZAS: I mean this.

TRUSTEE DOHERTY: The new plans.

MR. DROUZAS: What that means here. I thought 25 feet from the fresh water.

TRUSTEE DOHERTY: From the fresh water wetland.

MR. DROUZAS: So why you measure now hundred feet.

TRUSTEE DOHERTY: No, the non-disturbance buffer, we wanted non-turf. So you can't put grass within 25 feet of that.

MR. DROUZAS: That's what that means?

TRUSTEE DOHERTY: Yes.

MR. DROUZAS: Okay. So what do we do now

TRUSTEE DOHERTY: We'll make a resolution and we'll let you know.

MR. VLASSI DROUZAS: You'll call us?

TRUSTEE DOHERTY: I'll let you know right now.

I'll make a resolution to approve 148.3 plus or minus cubic yards of fill to be placed in the southwest corner of the property, which is in our jurisdiction, subject to an additional drywell on the south of the wall to catch all the water coming from the south of the property down to there so it will not drain into the fresh water pond. One additional drywell. And I would like to see that subject to seeing that on the survey. So we'll need you to put that drywell on the survey and once that's done we can sign the maps, then can you get your permit.

TRUSTEE GHOSIO: Do you want to stipulate the drywell be designed to hold all the drainage that comes off the hill?

TRUSTEE DOHERTY: That's what I tried to say. The drywell is for the south side of the property there, all of it, to contain -- and be at the bottom of the hill to contain all the runoff from the south side.

MR. CORCORAN: All the runoff or two-inch rain fall?

TRUSTEE DOHERTY: For a two-inch rain fall, yes.

MR. CORCORAN: Do you also find it to be consistent with LWRP?

TRUSTEE DOHERTY: By putting the drywell there I find it puts it into consistency with LWRP. We didn't have an LWRP on this.

MR. CORCORAN: It says inconsistent.

TRUSTEE DOHERTY: Okay, here it is.

MR. CORCORAN: So for those reasons you now find it to be consistent?

TRUSTEE DOHERTY: Yes. Do I have a second?

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Number two, **MARIA KATSIGEORGIS** requests an Amendment to Wetland Permit #6358 and Coastal Erosion Permit #6358C to remove and replace the existing concrete block wall on the west

side of the basement and replace with a new concrete block wall; repair and level staircase to upper deck and support existing deck walkway to main entrance of house; replace 30-foot length railroad tie division on west side of property; cover existing dirt area landward of the bulkhead with additional non-turf material; replace paving stone retaining walls on west side of dwelling south of splash pad to stabilize dirt from running down into splash pad; replace walkway along side of dwelling; and construct a 4x16 foot wide cobblestone apron to access asphalt or bluestone curved driveway. Located: 55455 County Road 48, Southold.

Is anybody here for this application?

(No response.)

We requested some revised plans and we did not receive them and being nobody here -- should we postpone it? Open it?

MR. CORCORAN: I would just postpone it.

TRUSTEE DOHERTY: I'll make a motion we postpone Maria Katsigeorgis until we get revised plans.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: I'll put it on October 3 if she gets us the plans in time.

TRUSTEE GHOSIO: **CLEAVES POINT VILLAGE** requests an Amendment to Permit #4224 to install two metal brackets on an existing floating dock in order to secure a docking platform for a wave runner. Located: 2820 Shipyard Lane, East Marion.

I believe after the field inspection we decided, in this particular case, because they removed the finger float off the catwalk, and this wave runner float is actually, it's considerably smaller than the finger was, it's actually not a bad thing.

So I would like to make a motion that we approve this amendment with the stipulation that the finger float that they removed does not get put back into place and that if they do want to remove the wave runner and put the finger back, they need to come back and let us know about that.

TRUSTEE DOHERTY: And that keeps it exempt from LWRP if we do it that way.

TRUSTEE GHOSIO: It was exempt anyway.

TRUSTEE DOHERTY: I'll second that. All in favor?

(ALL AYES.)

TRUSTEE DICKERSON: Number four is **GEORGE SEEGER** requests an Amendment to Permit #411 for the existing dock consisting of a 7'x10.2" top platform, 3'x24" platform, 3x12 foot hinged ramp, and 6'4"x16' floating dock. Located: 930 Jockey Creek Drive, Southold.

This is an existing dock which we had no problem with. Our field notes from one of our Trustees who is not here, we are attempting to read his notes.

We did this inhouse, the numbers are okay. So his measurements are here. Do you want me to read them into --

TRUSTEE DOHERTY: That's what he's saying.

TRUSTEE DICKERSON: So we'll approve the Seeger dock and the dimensions taken by our Trustee Dave Bergen is, landward of the deck is 7x10 foot to a 2'4"x 2'10" platform, to an 11'3"x3'4" ramp, to a 6'6"x10'4" float.

I'll make a motion to approve this dock permit with those dimensions.

TRUSTEE DOHERTY: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DICKERSON: **VINCENZO & MARGHERITA POSILLICO** request an Amendment to Permit #6569 to trench through the property to install a water line and electricity for the existing dock. Located: 6170 Skunk Lane, Cutchogue.

Is there anyone here this evening?

(No response.)

I inspected this and I don't have a problem with it. My only concern is there were no dimensions on the length with distance between the two trenchings, so I would simply stipulate that the water trench has already been done, the electrical trench is being done north of the water trench and I would stipulate that none of the trenching be encroaching into the wetland area at all. And since there are no dimensions, I'm assuming they are parallel, and I would also stipulate that they need a row of hay bales because there is a lot of dirt that is being trenched up, obviously, and I would simply have that placed along the wetland line.

TRUSTEE DOHERTY: What does LWRP and CAC say on this?

TRUSTEE DICKERSON: LWRP has it inconsistent.

TRUSTEE DOHERTY: That was for the dock, though. That was the previous.

TRUSTEE DICKERSON: For the dock. And CAC is for the transfer.

TRUSTEE DOHERTY: I wasn't sure if they reviewed it. Sometimes they don't -- okay. I'll second that.

All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: **JOSEPH & GRACE FINORA** requests an Amendment to Permit #6005 to replace the previously existing floating dock with a low profile, open grate catwalk and a 6x22 foot floating dock. Located: 45 & 135 East Legion Avenue, Mattituck.

The dock was not there now because we approved reconstruction of a bulkhead, which they did. And the bulkhead came out really nice. It looks good. And the amendment, it's the same size dock but he's putting it closer to the shore. And I'll show you on the map. It's further away from the channel. It won't interfere at all with the marina across the way.

(Indicating.) Here is his property here and this survey doesn't show it, but the bulkhead sits like this on his property. So he would come down here and it's an open-grating and then it runs this way. The bulkhead runs this way. So the dock will sit like this. And here's the marina over here. So it's the best he can do. So I have no problem with it.

So I'll make a motion to approve this amendment using the open-grate catwalk to replace the existing, what was existing on the dock. Same measurements. It's 6x22 floating dock.

CAC supports the application with the condition the dock and vessel don't exceed one-third of the width across the creek. Which it won't. It was laid out this way. And I don't have the dimensions of the ramp and the float that were written down here.

TRUSTEE DICKERSON: The float is 6x22?

TRUSTEE DOHERTY: The float is 6x22.

TRUSTEE DICKERSON: Do you mean the catwalk?

TRUSTEE DOHERTY: The catwalk, I mean. I thought I had that written down. Low profile, open-grate catwalk. This is six by -- this is usually 6x6s. 6x22 foot float, um -- I'll approve it subject to receiving the correct dimensions of the catwalk and the ramp. He has it depicted clearly on the survey but I don't want to stamp it and sign it without the numbers being there.

And it is exempt from LWRP, although we don't have, I did talk to Mark today. Did he give you LWRP on this, Lauren?

SECRETARY STANDISH: No, it's exempt.

TRUSTEE DOHERTY: Okay. Was that motion clear?

TRUSTEE DICKERSON: I'll second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

SECRETARY STANDISH: What about the dimension on the plan?

TRUSTEE DOHERTY: I don't see the catwalk and the ramp. We have the dimension for this but not these.

TRUSTEE DICKERSON: Just missing some dimensions.

TRUSTEE DOHERTY: He said it was the same as before. I just assumed it was on the permit from before. But it's not. So we'll need that.

Who wants to do the next one?

TRUSTEE GHOSIO: **DENNIS KORD** requests an Amendment to Permit #6267 to extend the fixed ramp by 16 feet seaward, replace the 16 foot

aluminum ramp with a 20 foot ramp, and replace the proposed staircase on the landward end of the ramp by an eight foot extension of the fixed ramp. Located: 295 Maiden Lane, Mattituck.

It's consistent with LWRP with the following conditions: They recommend no use of CCA lumber in the construction of the dock; the dock must not extend more than a third across the creek; applicant must show water depths at the dock location.

We felt there was a question on the distance across, didn't we? That it was sticking out too far.

TRUSTEE DOHERTY: Yes, and we felt that they had sufficient depth, as far as we were concerned.

TRUSTEE GHOSIO: CAC supports the application with the condition the project is staked and does not exceed one-third across the width of the creek.

Okay, so. This is what we can do. They were going to turn the floating dock on an angle.

MR. BURKE: I'm Marvin Burke. I'm a partner in the property. If there are any questions.

TRUSTEE DICKERSON: There are some comments.

MR. BURKE: We are here if you need any information.

TRUSTEE GHOSIO: When we were out there it looks like it was too far out. It would make navigation a concern.

MR. BURKE: We have an overview here of the creek, so you can see exactly how it will work, from a Google aerial map. If I could bring that up. This is the existing, which is more than half into the creek. Our property is right here. What we are talking about is to bring it out to about there, which you can see it's about 10% into the creek, in actuality. And the depth at low tide is, actually, it's in the mud. With the wet posting at low tide, it's about 24 inches deep. We have gone through all the other docks in the area and they have about 48 to 50 inches deep where their float is. So we are actually about a foot-and-a-half less than all the existing floats as they exist on the creek at this point in the inlet. So I'm not sure we even have enough depth at this point but, you know, to guard the clams and undergrowth, I think we definitely need the depth and whatever is going on in the depth of the creek, the width of the creek is inconsistent. We are way within the third. Way in. And if we go at an angle we would need another eight feet because the ground is actually more shallow going at an angle.

TRUSTEE GHOSIO: Do we want to see this staked out?

MR. BURKE: It was staked out.

TRUSTEE DOHERTY: That was the outer part of the stakes, that was there.

MR. BURKE: I walked and measured it.

TRUSTEE DOHERTY: We went with the catwalk and we figured with the

ramp and the float, that's what the existing is. So we thought you wanted to go additional beyond that.

MR. BURKE: We do. The ramp as it exists now is 32 feet.

TRUSTEE DOHERTY: Where are the stakes?

MR. BURKE: There were two stakes with rope. The one stake that was in there, where the dock would end with 18 feet, and the then the other stake is where the angle and where the outside of the float would be.

TRUSTEE DOHERTY: I think we only saw the one stake. There was only one stake.

MR. BURKE: So, in case it was under water. You must have been there at high tide. If you were there at high tide, the metal stake that you probably saw was the proposed end of the walkway. Then there should have been a rope that probably went underwater. You probably didn't see it. So that would be where, if you had, if it were visible.

TRUSTEE DOHERTY: I mean it doesn't seem like -- the picture makes it look further across.

MR. BURKE: That's an aerial view. That's reality, right now. So, you know, I don't know -- we are way within, from the end of the creek, from the opposite side of the creek, we are way within your desired one-third. We are way under.

TRUSTEE GHOSIO: Looking at the existing. 16 feet further than what it already is. It's a 20 foot ramp. 18 feet. 20 feet more, and so it's going to be 28 feet longer than what is currently there.

MR. BURKE: Right. So that gives us about 24 inches of depth during low tide, which is still much less than anyone else has. I wonder if the DEC or your Board would like it to be even farther out, in order to protect the land.

TRUSTEE GHOSIO: Well, it's showing here on the water side of the floating dock that low water you'll have three--and-a-half feet

MR. BURKE: That's inaccurate. I walked it out and measured it.

TRUSTEE GHOSIO: This is Army Corps of Engineers.

MR. BURKE: I'm happy to leave it as that.

TRUSTEE GHOSIO: What's the Board's pleasure?

TRUSTEE DOHERTY: One thing we didn't see was all the post stakings. Without the full Board -- I think the full Board should see it staked. So I think we should postpone it.

TRUSTEE GHOSIO: Get more measuring tapes.

TRUSTEE DOHERTY: We'll table it to re-inspect at low tide.

MR. BURKE: That will be what date?

TRUSTEE DOHERTY: October 8. Do you recommend we re-stake it?

TRUSTEE DOHERTY: Make sure the stakes stay there. A lot can happen between now and then.

TRUSTEE GHOSIO: The furthest stake was not there when we were there

MR. KORD: It's there.

TRUSTEE DOHERTY: So just make sure it's visible in case we don't get there at low tide.

MR. BURKE: Should we put a balloon on it?

TRUSTEE DOHERTY: Whatever works.

MR. BURKE: Thank you.

TRUSTEE DOHERTY: Make that motion, Bob.

TRUSTEE GHOSIO: I motion we table it until the Board gets a chance to see it on the next inspection date.

TRUSTEE DOHERTY: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE GHOSIO: **ANTHONY BELLISIMO** requests an Amendment to Permit #6526 to erect a drystone natural stone wall to bring land to grade; place bluestone in compacted stone dust with 1/2 inch drainage joints; remove asphalt driveway and replace with circular drive in compacted stone and dust with gravel surface; install three downspout drywells and landscape, and install stairway with railings. Located: 600 Koke Drive, Southold.

We went out to inspect this. The patio is already built and the stakes have been put down. LWRP is found to be inconsistent. The recommendation here was mainly because the distance from the patio to the wetland boundary is only 12 feet. They are asking that you establish a larger non-turf buffer area in addition to the existing ten-foot sand buffer; require hay bales during landscape and construction and require gutters to drywells on the house and drainage for the patio.

CAC did an inspection there. CAC supported the application with the following conditions: They were asking that the patio be pervious, and a discussion revolved around the notion that the bluestone dust really becomes like a cement. And of course it would not be pervious anymore. Drywells are installed, all roof drains lead to the drywells and the drive should be completely pervious.

Basically, when we were out there to inspect it, we saw it was already done. The area to the, as you are looking at the house from the water side, the patio would be on the right, bluestone patio, then there was a section next to the patio that was not planted or anything and the Board really felt that that needed to be part of the buffer. We wanted to see that planted with native plantings.

MR. BELLISIMO: I think you have it. I'm Anthony Bellisimo, the owner of the house. This is the area you are talking about here. There is no grass here. Here is the other area you are talking about. The planting area. This is the water. This is the boat, by the way. The patio is here, actually.

TRUSTEE GHOSIO: Sorry. Then there is a section right over here which is just, we have Montauk daisies and beach grass. Okay. That's okay.

MR. BELLISIMO: I think it probably is a bigger plan. The smaller one, I gave you three of those also.

TRUSTEE GHOSIO: Look at that. Very nice. Do you guys want to see it?

TRUSTEE DOHERTY: (Perusing).

TRUSTEE GHOSIO: Montauk daisies and beach grass. Doesn't show drywells.

MR. BELLISIMO: That's on all the plans.

TRUSTEE GHOSIO: The drywells, it's already done?

MR. BELLISIMO: No, I didn't start that. I wanted to finish this before I started that.

TRUSTEE GHOSIO: Do you plan on keeping that buffer sand as it is now?

MR. BELLISIMO: Yes. It actually ends up being 12 feet.

TRUSTEE GHOSIO: I guess what we were asking is what this area here is.

MR. BELLISIMO: I would continue to make it beach grass.

TRUSTEE DICKERSON: That's why I was asking.

MR. BELLISIMO: Just so you know, this is approximately, probably came out here, this is about a 12-foot buffer. I only have 30 feet from here to here. So basically what they are asking me to do is take more than half my backyard and make it a buffer at that point? I'm just trying to make clear.

TRUSTEE GHOSIO: Essentially the LWRP says you shouldn't have anything anywhere in here because the buffer is supposed to be 100 feet, according to the LWRP. We are mitigating the issues because the house is, of course, already existing, and you are going to be doing some of this work, so we are trying to make some mitigation to make it so it's more consistent with LWRP

MR. BELLISIMO: Did I hear I have to reduce the patio? I want to be clear on that.

TRUSTEE DICKERSON: That was the recommendation.

TRUSTEE GHOSIO: In other words, those were the recommendations. That was, actually, that was not in here. That was not one of the recommendations, so. Any other questions or comments?

TRUSTEE DOHERTY: Just that he show the drywells in the plans, and that would make it consistent. Can the patio be drained off into the drywells at all?

MR. BELLISIMO: I'm not a construction person, but I'll ask.

TRUSTEE DOHERTY: I don't know how it's angled.

MR. BELLISIMO: It was built because I presume it was part of the landscaping and if people did need to improve it, I apologize. I made my peace with the court. I'll do whatever needs to be done.

I don't have a problem. Tell me to do it, I'll do it.

TRUSTEE DOHERTY: I don't know. I mean it seems if it's built level then it's kind of hard to have the water run off a certain way.

MR. BELLISIMO: They indicated to me it's about half inch between each tile that he left purposely. Normally it's quarter of an inch. Because we wanted it to drain down. Because the true problem we have here, this was not planned, when they put the bulkheading in, they had to excavate so deeply, Angelo had to go down so down with the scoop, the whole landscape was chopped and drained into the water. So we quickly built this to avoid things going into the water and was told no permits were necessary. Obviously they were necessary. They are done. And we left half inch between the tiles instead of a quarter inch to protect the drainage. If there is another material I could put in between the tiles other than the dust, you suggested, it doesn't work. It becomes cement. I would be more than happy. There is no dust in there now. It's open, as you saw. We could always put something in there.

TRUSTEE GHOSIO: The problem there is the substrata is already set. The dust is already there, on the bottom. So even if you didn't put anything in the grout lines, it would not matter because it's not going to drain anywhere anyway. We have the ten foot sand buffer there. If he leaves it that way, I don't suspect it would be too much of an issue.

TRUSTEE DICKERSON: I think that's what we talked about. The sand buffer would act as a drainage along with the plantings.

TRUSTEE GHOSIO: I don't have a problem with that. So, I would like to make a motion that we approve this application for an amendment based on the stipulations that the plantings will be according to the planting plan that the applicant has given us and also with the stipulation that you put where the drywells are on the plan so that we have that on record. By adding those two items, that mitigates it so it brings it into compliance with, consistency with, LWRP. And that's my motion. Do I have a second?

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

MR. BELLISIMO: Thank you. Do I bring that up to Lauren?

TRUSTEE DOHERTY: Yes.

MR. BELLISIMO: Thank you, have a good night.

TRUSTEE DICKERSON: Nine is Frank Yakaboski on behalf of **KEVIN & CARA FERRO** requests an Amendment to Permit #6497A to construct renovations to the existing dwelling, as depicted on the plans prepared by James Merrell Architects PC, dated April 26, 2007. Located: 300 Jackson Street, New Suffolk.

I believe this was mainly a change of architect and I went out to look at it. The reason there was a bit of a question is because

the plans were confusing, but after looking at it, what appeared to be a long front porch way actually becomes, see how this goes all the way over here, it's actually a carport. So this is just a roof. So the roof goes across the decking and then over to this carport. So it makes it look huge, like it goes all the way to the property line.

Is there anyone here for this? My only question was about setbacks because it appears that they are along the line. But it's really not our concern, so there was, the reason I wanted to speak to someone was because part of the original permit had a special condition that chainlink fence be removed, and it has not been removed. And that in place of the chainlink fence a split rail fence be put up. So this permit will be conditioned that that chainlink fence be removed and in its place a split rail fence be put.

I also, while I was there, noticed that there is a beach area in front of a brick patio in front of the house before the beach, and there is an area of dead vines. I don't know if it was the drought, but it seems very specific. So I'm simply going to say and make a condition that it must be re-planted with beach grass. It's a nice crop of beach grass in front of this area where there are these dead vines. It didn't even appear to be poison ivy. So I'm not sure what it was or why it's dead.

So having no problem with the new plans, I'll make a motion to approve the request for Kevin and Cara Ferro to amend permit #6497A for their renovations to existing dwelling as per their new plans stamped August 17, 2007, but I will stipulate that they must remove their chainlink fence, replace it with split rail and that the area seaward of the brick patio be replanted with American Beach Grass. Do I have a second?

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Number ten, Suffolk Environmental Consulting on behalf of **MICHAEL KENIN** requests an Amendment to Permit #6127 to construct a 9x13 foot covered deck and steps on the northern side of the existing dwelling; 9x28 foot wood deck and steps with associated planter on the eastern side of the dwelling; 13x24 foot semi-circular stone patio on eastern side of dwelling; and 12x12 foot pergola with benches and associated planter on eastern side of the dwelling. Located: 420 Lakeview Terrace, East Marion.

We all went out there and it was not staked. We asked for it to be staked. I went out and I didn't see the outer limits of the dock there.

MR. LOHN: Sorry, Ms. Doherty, I thought you just wanted the

proposals on land to be done. I didn't know you wanted the dock done. My apologies.

TRUSTEE DOHERTY: What's the reason they are looking for the extension on the dock?

MR. LOHN: Excuse me, you might have noticed on the existing catwalk there is a kayak rack and the seaward terminus of the catwalk is not very conducive to launching very well. They have to drag them over the wetlands. It's kind of a bad step down. They wanted to make the launching of those small craft easier.

TRUSTEE DOHERTY: Are you aware there is an association formed here that got a permit for the Trustees to remove phragmites in front of everybody's places along the whole lake and they are in the process of getting a DEC permit to do that as well?

MR. LOHN: Yes.

TRUSTEE DOHERTY: And it seems to me this is mostly phragmites in this area, and I'm thinking if they do get their DEC permit then he could cut back the phragmites, then he'll have his area and he won't need to extend his dock.

MR. LOHN: I agree with you there are phragmites to the right and left of the existing catwalk but I didn't think they were that substantial around that area.

TRUSTEE GHOSIO: They are very substantial.

TRUSTEE DICKERSON: We have a picture if you would like to see it.

MR. LOHN: Still, at that point, regardless of the presence of phragmites or not, they would still be dragging the kayaks over the wetlands. I figure the fixed dock would be much more conducive to launching the boats. Mr. Kenin does as well.

TRUSTEE DOHERTY: Its inconsistent with LWRP; has not demonstrated the action could meet or further below the policies. He writes aerial photos indicate that Marion Lake contains no docks. I talked to him today. He looked up aerials and I specified where there are other docks in the area. He did say however none of them extended further out than the existing phragmites, although we have a picture right here that shows one that does. So when I tried to tell him that it did, but without being out there, it's kind of hard. And then he listed all the policies in chapter 275-11, which I looked over them and I don't think, myself, I don't know how anybody else feels here, that it interferes with any of this, that the deck will impair navigation. It won't impair navigation because it's at the end. Whether the dock will unduly interfere with public use. Again, public use is not there. That you could not use it anyway if there was no dock.

MR. LOHN: I agree with you very much.

TRUSTEE DOHERTY: And the public can't traverse there even if there was a dock there or not, on the foreshore, because of the way it is. The only thing is I'm just uncomfortable without seeing the

outer limit of the dock staked.

MR. LOHN: If you would like to table it until the special meeting October 3, I think you guys set for, we could definitely get the outer limits of that staked by then. That's not a problem at all.

TRUSTEE DOHERTY: The problem is one of us has to get out before that.

TRUSTEE GHOSIO: Sure. As long as it's staked, I'll go out there.

TRUSTEE DOHERTY: What I'm concerned about is the property lines and if it's, if here is one property line and the dock is going to go right here in front of this guy. So --

MR. LOHN: Sure.

TRUSTEE DOHERTY: I make a motion we table the application.

MR. LOHN: If I can make a point. I have no problem staking it. That's kind of why the dock is set at an angle to the end of the catwalk now so they are going straight out in the same orientation because of that lot line thing. If you extend it out, it was in the same orientation, yes, it would be an issue, you would have that lot line problem.

TRUSTEE DOHERTY: Thank you. I make a motion to table the application of Suffolk Environmental Consulting on behalf of Michael Kenin for the amendment for the permit #4984 for the dock.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Number 11, Suffolk Environmental on behalf of **MICHAEL KENIN** requests an Amendment to Permit #6127 to construct a 9x13 foot fixed dock on the seaward terminus of the existing catwalk. Located: 430 Lakeview Terrace, East Marion.

That you did stake. I went out and looked at it again, and I didn't have a problem with that. It is consistent with LWRP and it says protect and restore Tidal Freshwater Land. Policy six, protect and restore the quality and function of the Town of Southold ecosystem. Because of the hundred feet. And they recommend establishing a non-disturbance buffer, hay bales, gutters and drywells.

CAC supports the application with the condition the deck is pervious and drywells are installed to contain all runoff. And that was basically my comment. I would want to see like a five foot buffer all along the bulkhead.

MR. LOHN: The drywells and hay bales, obviously, I have absolutely no problem with. Even a five-foot buffer, there has been a pool here and a deck here previously with no discernible impact to the wetlands and there is a very large vertical separation. I don't think taken away the minimal amount of lawn that my client has; the benefits will not outweigh the detriments to the applicant. I

don't think. Considering nothing detrimental has happened here. And there have been past improvements located further seaward, you might have noticed the disturbed areas, they are from the stakes. I really don't think a non-turf buffer is warranted there. Drywells and hay bails, though, most certainly.

TRUSTEE DOHERTY: What does the rest the Board feel about that vertical --

TRUSTEE GHOSIO: Five foot non-turf buffer along the bulkhead is what you have a problem with?

TRUSTEE DOHERTY: Yes, I mean he has a point, it's like --

MR. LOHN: It's about 12 feet.

TRUSTEE GHOSIO: That's a big wall.

TRUSTEE DOHERTY: That's a big wall. But the water is still flows down.

TRUSTEE GHOSIO: The water still flows down. It goes over because of the drain, whether it's 12-foot, two-foot or a hundred feet.

TRUSTEE DOHERTY: I just wanted to get your opinion.

TRUSTEE DICKERSON: I would not be inclined to approve it without the buffer. That's my feeling.

TRUSTEE DOHERTY: We would like to see the buffer there.

MR. LOHN: I respectfully request if you can table this to the next available meeting so I could have the benefit of a full Board and talk to my client as well.

TRUSTEE DOHERTY: Sure.

MR. LOHN: Thank you.

TRUSTEE DOHERTY: I make a motion to table Michael Kenin, number 11, amendment to permit #6127.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

TRUSTEE GHOSIO: I'm opposed.

TRUSTEE DOHERTY: So what do we do? That motion was not carried. Do you want to make another motion?

TRUSTEE GHOSIO: Why is it not carried?

TRUSTEE DOHERTY: You are opposed. We need a majority to table it.

TRUSTEE GHOSIO: Do you really?

MR. CORCORAN: You need three to carry any motion. If you don't act on it and you don't table it, it kind of just sits there.

TRUSTEE GHOSIO: All right. So what do we do?

MR. CORCORAN: You have to decide whether you'll allow it to be reheard at the special hearing.

TRUSTEE GHOSIO: I'll change it. I'm okay.

TRUSTEE DOHERTY: I'll re-do the motion to table the Suffolk Environmental on behalf of Michael Kenin to the October 3 meeting.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Number 12, En-Consultants on behalf of **CARLL & SUSAN AUSTIN** requests an Amendment to Permit #6578 to authorize the construction of approximately 94 linear feet of vinyl bulkhead in place of existing timber bulkhead; in place replacement of existing 10x12 wood deck and 4x7 steps; and backfill with approximately 20 cubic yards clean sand fill to be trucked in from an upland source and planted with Cape American Beach Grass (18-inches on center.) Located: 3300 Peconic Bay Boulevard, Laurel.

I inspected this today and it's property that we have been at before. And basically it's straightforward, in kind replacement. I should say replacement of the bulkhead and stairs with pictures in here.

Rob, the only question I had, which really doesn't pertain to this amendment; it pertains to the previous approval that this Board gave, for replacement of the jetties, the groins. I notice one is almost completely gone. Is he still anticipating to replace that?

MR. HERMAN: There is only, there is two groins that front the property. The one that is to the north or the northeast has always been proposed to be removed. The one that is to the south or the southwest is the one that was 38 feet long and we are proposing to replace it with a 28-foot groin. That got completely torn up during that April Nor'easter so it's in much worse shape than when you recall looking at it with Jim ages ago.

But it took that long to get the approval from the DEC and, because of that storm, if you remember during the original approval process, we had talked about lopping into that permit the backfilling of the bulkhead, planting it and establishing that as a non-turf buffer. But we withdrew that because the Austin's decided to just go ahead and proposed to replace the bulkhead at the same time. So the DEC ended up accepting revised plans and including the replacement of the bulkhead with the groin. So everything is sort of morphed into one now that we would replace the 38-foot groin with a low-profile, vinyl 28-foot groin. The bulkhead would be replaced in place with vinyl and that area would be backfilled and re-planted and the area between the bulkhead and retaining wall maintained as a planted non-turf buffer which, in effect, it is now.

TRUSTEE DOHERTY: Okay. All right. Just to clarify, the groins that I have been talking about already have been approved, so he's just in to amend that permit to add the bulkhead. And it definitely needs it. It's bowed out and I have no problem as it is applied for.

CAC supports the application with the condition that a ten-foot, non-turf buffer. And it has the buffer in between. And

we have not been requesting a buffer on the upper walls, so I don't think we really need to, you know.

MR. HERMAN: It acts as good natural area for a buffer. That's how they were maintaining it anyway. So the plan would be to continue to maintain it that way.

TRUSTEE DOHERTY: Sure. Okay. I'll make a motion to approve the application of En-Consultants on behalf of Carll and Susan Austin as applied for in maintaining that buffer between the two walls.

Do I have a second?

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DICKERSON: JMO Environmental Consulting on behalf of **FISHERS ISLAND UTILITY CO.**, requests an Amendment to Permit #6406 to allow two tie-off poles for the newly constructed docking facility. Located: Private Road of Gloaming, Fishers Island.

Anything to add, Glen?

MR. JUST: No, I think it's a pretty easy proposal.

TRUSTEE DICKERSON: The only comment I would like to make is it is consistent with the LWRP but the LWRP does have a request of a floating turbidity screen.

MR. JUST: To install two piles? That's going to be really tough to do for installing two piles.

TRUSTEE DICKERSON: Well, it says "if feasible." So therefore --

MR. JUST: I will look into the feasibility of it.

TRUSTEE DICKERSON: I realize it's minimal, but it is a recommendation of LWRP.

MR. JUST: I'll be more than happy to look into it.

TRUSTEE DICKERSON: Good. I don't think any of the Board members have any other comments.

I'll make a motion to approve the request for amendment to permit #6406 to allow for two tie-off poles for the newly constructed docking facility on Fishers Island. Do I have a second?

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

MR. JUST: Thank you.

TRUSTEE DOHERTY: Samuels & Steelman Architects on behalf of **WALTER GITLIN** requests a one-year extension to Permit #6224 as issued on October 19, 2005, and amended on February 14, 2007. Located: 1180 Smith Drive South, Southold.

We reviewed the file and everything we felt stays the same so I make a motion to approve this one-year extension.

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

TRUSTEE GHOSIO: Pamela Greene on behalf of **PECONIC LAND TRUST** requests the last One-Year Extension to Permit #6014, as issued on October 20, 2004, and Amended on May 16, 2007. Located: 10273 North Bayview Road Extension, Southold.

We all went out there. We had some discussions about what the pilings would do and I think the Board supported the work that you wanted to do there.

So I would make a motion that we approve that request for the one-year extension. Do I have a second?

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

TRUSTEE DICKERSON: Patricia Moore on behalf of **VINCENT ILUZZI** requests a Transfer of Permit #4733 from Frank Scavone to Vincent Iluzzi as issued on May 2, 1997. Located: 1615 Fleetwood Drive, Cutchogue.

I looked at this. I did request updated plans because what was there are not the plans that are in the file. So it seems we do have those plans. I'll make a motion to approve the transfer as stated. Do I have a second?

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

TRUSTEE DICKERSON: Patricia Moore on behalf of **VINCENT ILUZZI** requests a Transfer of Permit #4697 from Frank Scavone to Vincent Iluzzi, as issued on January 31, 1997. Located: 1615 Fleetwood Drive, Cutchogue.

This is for a rock revetment, and I looked at this and I have no problem with this transfer. Do I have a second?

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

TRUSTEE DOHERTY: Before we go into public hearing we'll take a five-minute break.

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

TRUSTEE DOHERTY: Before we go onto public hearings, we'll go back

to page two, number two, the application of **MARIA KATSIGEORGIS**. She is here now. It's for an amendment to Wetland Permit #6358 and Coastal Erosion Permit #6358C.

The Board went out and looked at it and we just have some comments. The original permit was not for the extensive decking that was done. However, we don't have much of a problem with the decking because it was spaced and, as you can see, it is pervious. The only problem we have with it is it's treated wood and it cannot be treated wood. So that has to be removed. You can replace it with non-treated wood or you could do plantings like the original permit said for you to do.

And the other, what is the area to the west, northwest that is dirt right now, what are your plans for that area?

And please state your name for the record.

MS. KATSIGEORGIS: Maria Katsigeorgis. Non-turf material, of course.

TRUSTEE DOHERTY: As in what; plantings?

MS. KATSIGEORGIS: Plantings.

TRUSTEE DOHERTY: Is it going to be native plantings?

MS. KATSIGEORGIS: I have only this list. So whatever is in that.

TRUSTEE DOHERTY: Okay, perfect. Have you gone to court yet on the violation?

MS. KATSIGEORGIS: No, that's Monday.

TRUSTEE DOHERTY: Friday, actually. The 21st.

MS. KATSIGEORGIS: Yes, Friday.

TRUSTEE DOHERTY: All right, our policy is not to act on these things until it's satisfied in court. So we need that. And also, if you can, we need a new plan showing the -- we would need new plans, a new drawing showing what is existing now, stating that it's non-treated lumber being used, if that's what you choose to put back. And also the fish pond, that was not approved.

MS. KATSIGEORGIS: What fish pond?

TRUSTEE DOHERTY: The little pond that you have there with flowers around it.

MS. KATSIGEORGIS: That goes in in the wintertime. It's removable. It's just plastic.

TRUSTEE DOHERTY: Okay, we have no problem with it. It just needs to be part of the permit because it's within our jurisdiction.

MS. KATSIGEORGIS: So you want me to remove it.

TRUSTEE DOHERTY: No, just put it on the plan so we can permit it. You don't have to remove it. It's actually nice. We like it. So we would just need new plans. So I would say we have to table this application until we get, until it's satisfied in court and we get new plans showing what I mentioned.

MS. KATSIGEORGIS: Okay.

TRUSTEE DOHERTY: You're okay with all that?

MS. KATSIGEORGIS: Yes.

TRUSTEE DOHERTY: If you could show on the plans the plantings and what plantings you'll put where, so we know. I'll make a motion to table this application for the reasons stated.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: I make a motion we go off regular meetings to go into public hearings.

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

VI. PUBLIC HEARINGS: COASTAL EROSION AND WETLAND PERMITS:

TRUSTEE DOHERTY: Coastal erosion and wetland permits. Number one, is **CHENG KAI YU** requests a Wetland Permit & Coastal Erosion Permit to construct a second-floor addition to the existing dwelling, alteration of first floor and new second-story deck; construct 35-foot stone retaining wall; restoration of stone walk/steps over bluff and fill and replant vegetation around top of bluff. Located: 3300 Dignan's Road, Cutchogue.

This is a violation. A lot of work was done. The violation has not been satisfied in court yet. And we have been out there several times and we have spoken to the applicant and we noted that we would not approve the materials that were used for the construction, the construction method, the scope of the whole project, due to the effects on the environment.

And from what I can see, that's exactly what was applied for.

MS. ZKAGOLDING: Agnies Zkagolding. We are the architect for the application mainly to answer questions regarding the house. The application was filed currently for the house and existing work that has been done. We understand that. We are wondering if there is any possibility of pursuing with the application of the addition to the existing home.

TRUSTEE DOHERTY: At this time I would not feel comfortable separating it for the reasons of there are violations on the house as well and that is not taken care of. And I don't think the Board is comfortable with putting that size addition onto that house because it's so close to the bluff right now. We would like to see the house moved back, actually, if you are going to put any sizeable additions on there.

So I don't know if the Board has any other questions at this time. It's kind of -- to go further with questions for something that is not approvable is kind of a waste of time.

MS. ZKAGOLDING: So in essence we do have a choice of coming back in front of the Board requesting a new construction, in a sense?

TRUSTEE DOHERTY: Yes.

MS. ZKAGOLDING: Setting the house back.

TRUSTEE DOHERTY: Yes.

MS. ZKAGOLDING: And that is the only way.

TRUSTEE DOHERTY: We have not voted on it yet but I think that's the consensus. It's inconsistent with LWRP and CAC does not support this application because of the same reasons that I have mentioned.

TRUSTEE GHOSIO: You can apply for anything, I guess. If you want to separate the house from the rest of it, I mean, you can do that.

TRUSTEE DOHERTY: You can separate it.

MS. ZKAGOLDING: Apply for an application, basically. Is there a possibility to ask if I can apply for addition to the existing home or maybe a renovation of the existing home, in it's existing location, of course.

TRUSTEE GHOSIO: That's hard to judge based on -- unless we have a plan.

MS. ZKAGOLDING: We would like to pursue but not waste anybody's time, if we come back with an addition to an existing house or rather a renovation and smaller type of addition to it.

TRUSTEE DOHERTY: You could do it two ways. You can apply to us, just like you did now or you could do a pre-submission and we could meet you in the field and discuss different options. And you could speak to Lauren as to how to do a pre-submission.

MR. CORCORAN: To be clear, is it the position of the Board that the policy of the Board is that they are not necessarily inclined to approve a permit while there are existing violations being prosecuted on the property?

TRUSTEE DOHERTY: Correct. We cannot give out a permit for that.

MS. ZKAGOLDING: So a permit would not be even though we were to apply separately, a permit would not issue because of the --

TRUSTEE DOHERTY: Correct.

MS. ZKAGOLDING: Now, what steps if I may ask will be taken to pursue with the existing --

TRUSTEE DICKERSON: We don't address anything with an existing violation, period.

TRUSTEE DOHERTY: She has to go to court. I don't know what her court date is. And that has to be taken care of before we get into the meat of any kind of application.

MS. ZKAGOLDING: All right. But we can still set up a meeting to have an idea?

TRUSTEE DOHERTY: Yes.

MS. ZKAGOLDING: Okay.

TRUSTEE DOHERTY: Are there any other comments on this application?
(No response.)

I'll make a motion to close the public hearing

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: I'll make a motion to deny the application of Cheng Kai Yu as applied for, for the reasons that are previously stated, for the materials that have been used, for the construction, the construction method and the scope of the construction of the wall and the stairs and for the effects on the environment.

MR. CORCORAN: Do you also find it inconsistent with LWRP?

TRUSTEE DOHERTY: Yes, this totally makes it inconsistent with LWRP with the construction materials they have used, which are pallets, wires, cement block. It's not something we would allow on a bluff.

MS. ZKAGOLDING: Can I pick up a copy, if I may, of the LWRP from the office?

TRUSTEE DOHERTY: Yes. Do I have a second?

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Suffolk Environmental Consulting on behalf of **MISSY DIACK** requests a Wetland Permit & Coastal Erosion Permit to relocate the existing single-family dwelling landward and construct an addition (1,295 square feet overall) to be situated 80' from the wetlands boundary; rear decking (622 square feet) situated 64' from the wetlands boundary; rear plat and walkways (411 square feet) situated 5' from the wetlands boundary; retaining wall to surround the proposed sanitary system within the front yard, situated 127' from the wetland boundary; and a gravel driveway (540 square feet) situated 120 feet from the wetlands boundary; and to maintain the timber bulkhead in place. Located: 1840 Leeton Drive, Southold.

Is will anyone here who would like to speak to this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting for the applicant Missy Diack.

Just for point of interest here, we have given you a survey prepared by John Metzger and we don't need a Coastal Erosion Hazard permit because the line is well seaward of all activities.

The second thing is, the proposed deck that shows there actually already exists, so all we are doing is really just connecting it. It may have to be rebuilt somewhat, but it's already there.

The third point, which is worth while mentioning, is that this

particular project, we are taking an existing house and we are picking up and removing it and moving it away from the water, which should be favored by the regulations. Then we are really proposing a small, one-story addition next to it. The purpose of the addition is just to provide the Diack's with a little more room in their beach house, specifically for their grandchildren who come from all different places at various times during the summer. So it is a simple application in that regard.

TRUSTEE DICKERSON: Bruce, I just want to say, the full Board, when we were all there, were quite impressed with her conscientious effort to construct minimal and construct landward and so --

MR. ANDERSON: Thank you. Because LWRP says they would somehow prefer this to be in the middle of the road, apparently.

TRUSTEE DICKERSON: I wouldn't say the middle of the road.

MR. ANDERSON: But I can't move it anymore landward. Well, if it were 100 foot back from the wetland boundary, the septic system would be in the road.

TRUSTEE DICKERSON: Right. But she did a very, very nice job as far as being able to renovate and also minimally affect and stay as far away from the beach.

MR. ANDERSON: I just want you to understand it's as far back as it can go, given the septic system. The rest is straight forward.

TRUSTEE DICKERSON: Good. You are right, LWRP finds this inconsistent because the proposed distance from the tidal wetland is 80 feet, rear decking is 64 feet, and it does ask to retain a non-turf, non-disturbance buffer landward of the timber bulkhead to protect the water quality; requires hay bales during construction; requires gutters and drywells to contain roof runoff and during construction to protect all wetland vegetation

MR. ANDERSON: Well, there is no wetland to protect. At all. There is no turf and we are not proposing any turf. And we would certainly put the hay bales on and we'll certainly comply with the town drainage law, so.

TRUSTEE DICKERSON: And she herself I think was very protective of a lot of the vegetation.

MR. ANDERSON: A lot of that will go away when we put the proper septic system in. Right now you have a cesspool that is not to code. So the area between the house and the road will have to be cleared so the septic system can be installed.

TRUSTEE DICKERSON: CAC supports the application with the condition of drywells and gutters are installed to contain roof runoff and to assure stabilization of the dunes and dune grasses. Which again, you are saying the deck is being simply re-done where it is, so there is no new disturbance of those dune grasses.

MR. ANDERSON: Right.

TRUSTEE DICKERSON: Is there anyone else here this evening who would

like to speak to this application?

MS. DIACK: Hi, I'm Missy Diack. When you talk about the protection of the dunes, I am, the ones at the front of the house, as I had said previously, I'm very conscious about it. We don't want any of that to be removed. It's just that way we have to move the house back. Some of those beach plums will, of course, go. But I want to re-plant in that whole area. That's all I wanted to say.

TRUSTEE DICKERSON: Good. Any Board comments?

(No response.)

TRUSTEE DICKERSON: Any other comments from the audience?

(No response.)

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

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

TRUSTEE DICKERSON: I'll make a motion to -- first I would like to make a motion to refund Missy Diack for her applying for the coastal erosion because all of this work is being done landward of the coastal erosion line. So I will make a motion to approve a wetland permit for the description of the house, the cesspool, the decking, with the stipulation and to make this consistent with LWRP that roof runoff be retained with drywells, that there be hay bales during construction.

TRUSTEE DOHERTY: It was kind of sloping back. I don't know if hay bales are necessary.

TRUSTEE DICKERSON: If they could put them right in front of that wooden bulkhead. But the review also says retain a non-turf non-disturbance buffer landward of the timber bulkhead. I was going to say -- I'll say it remains a non-turf non-disturbance buffer landward of the timber bulkhead and hay bales be placed landward of the bulkhead. Do I have a second?

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

MR. CORCORAN: Do you find it consistent?

TRUSTEE DICKERSON: I thought I said that. But I'll say that I find it consistent with LWRP due to those mitigating --

TRUSTEE DOHERTY: And in that resolution was to refund the coastal erosion hazard fee.

TRUSTEE DICKERSON: Yes.

TRUSTEE DOHERTY: Do you have drywells on the plan, Bruce?

MR. ANDERSON: No. I'll amend the plan to show hay bales and drywells.

TRUSTEE DOHERTY: Thank you.

TRUSTEE GHOSIO: Number three, En-Consultants on behalf of **CYNTHIA POWER & RICHARD MCKINNEY** requests a Wetland Permit & Coastal Erosion Permit to remove fallen Maple and Birch trees from

storm-eroded embankment; and place generally along toe of embankment, between existing bulkhead and concrete rip-rap, approximately 84 linear feet of 1-2 ton quarrystone toe armor over 50-100 pound core stone on filter cloth; re-nourish and revegetate eroded bank face using approximately 50 cubic yards clean sand to be trucked in from an upland source and planted with Cape American Beach Grass (18" on center.) Located: 12340 Main Road, Orient.

LWRP finds this consistent because it was obvious erosion on the bank. CAC supports the application with the condition that the non-turf buffer is increased in the construction area. And I know when the Board went out to take a look at it, we took a good look and obviously there was erosion there and this really does need to be addressed and since it was consistent with LWRP we really didn't have a problem with it.

Is there anybody here that can make a comment on this application?

MR. HERMAN: Rob Herman of En-Consultants on behalf of applicants. Unless the Board has any other questions or issues about the project, I'm happy to go with Bob's summary.

TRUSTEE DOHERTY: Thank you.

TRUSTEE GHOSIO: It does say here on the field notes something about including the stairs. I don't remember what that issue was. Is it because --

TRUSTEE DOHERTY: Because it was not included in the description. Although it's on the plan, I believe.

TRUSTEE GHOSIO: Yes, I thought it was, too.

MR. HERMAN: The stairs next to the deck and arbor.

TRUSTEE GHOSIO: Yes.

MR. HERMAN: We were going to submit, subsequently -- I discussed this briefly in the office with Jim. Of course, he's not here. That deck was originally built under the not really the approval, but it was built through the authorization of a waiver that was issued by the Trustees. So that deck is non-permitted, but it's legal.

It was also originally built through the authorization of a non-jurisdiction letter from the DEC. Because of the urgency of dealing with this erosion problem, which of course actually affects the neighboring property owner's garage, more directly than it affects the applicants, we wanted to get this in and before all the agencies and addressed so all that work can be commenced.

What I had originally indicated to Jim is we thought that deck might have to be reconstructed. But it does not. It really just needs -- the supports just need to be reset. The stairs obviously need to be reconstructed. If we could include with this application the ability to reset one of those posts for the deck and Ian Crowley is here and he could explain the scope of the work

that needs to be done, and just repair those stairs in place, I would love to do that. I just didn't want to risk, particularly for Mrs. Bramson's (sic) sake, not getting in in time because we couldn't get all the plans together quickly enough to address the deck and the stairs and it was, we were trying to figure out whether there was a permit for that deck and arbor and, as I said, we did find out from Ron Reisoff, the prior property owner, our office had actually worked for Mr. Reisoff and gotten a waiver from this Board for the deck. So I would be happy to give you revised plans showing that and do this all in one shot so we don't have to come back to you. But that's your pleasure.

Would you want Ian to describe the scope of the work so you are comfortable?

TRUSTEE DOHERTY: No, I think we are all --

TRUSTEE GHOSIO: We kind of figured that. That's why I brought it up.

TRUSTEE DOHERTY: And we would rather have it all done at once instead of coming back.

MR. HERMAN: Us, too.

TRUSTEE DOHERTY: So as to disturb it once. You are only out there once.

MR. HERMAN: Okay.

TRUSTEE GHOSIO: Any other questions or comments?

MR. CROWLEY: There will be movement of the concrete and stuff, to do the work under the deck. That's the only thing. There will be movement. That's all.

MR. HERMAN: And we would probably want to refill the soil there and replant it as well. It's consistent with what we are doing over here except in this spot the concrete debris is already present so I think they would just want to make sure that so this doesn't happen to the deck again, that that debris is re-shifted, reset and then covered with sand and soil and replanted with beach grass. So if the Board is comfortable with that, we can just give you revised plans reflecting that as a condition of the permit issuance.

TRUSTEE GHOSIO: We are anxious to see the work start because October is right around the bend.

MR. HERMAN: It needs to be done.

TRUSTEE DOHERTY: I'm okay with that.

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

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

MR. HERMAN: Thank you.

TRUSTEE GHOSIO: I'll make a motion to approve the application as described. It's been found to be consistent with LWRP with the added stipulation that we add the repair of the existing stairs in kind and in place and replace the supports on the existing deck

and that En-Consultants will provide us with a revised plan.

TRUSTEE DOHERTY: Excuse me, Bob. What's the dimensions of that deck, so we can get that in the permit as well?

TRUSTEE GHOSIO: That platform is 19'4"x10'.

MR. HERMAN: Jim had noticed when he looked at this, it was just below the 200 square feet where you would require a coastal erosion permit.

MR. GHOSIO: Do I have a second?

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: We'll move on to Wetland Permits.

WETLAND PERMITS:

TRUSTEE DOHERTY: Number one, **WILLIAM & CHRISTINE EISENREICH** request a Wetland Permit to construct a two-story addition and greenhouse addition to the existing single-family dwelling, and reconfigure the existing driveway. Located: 805 Bay Shore Road, Greenport. Is there anyone here with regard to this application?

(No response.)

I think the Board feels on this one that -- we are not sure -- because the Building Department has determined -- that we feel it has to go to the Zoning Board of Appeals and just the way it is, I think we wanted to see what happens in the Zoning Board of Appeals so if the rest of the Board feels that way I would make a motion to table this until we get something from the Zoning Board.

That they should go to the Building Department to see if they need something from the Zoning Board.

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: **PECONIC LAND TRUST INC.**, requests a Wetland Permit to reinforce 390 feet of eroding bank along marina and creek with filter cloth and 50-75 pound stones, and add four eight-inch pilings along dock in marina area. Located: 10273 North Bayview Road Extension, Southold.

Is there anyone here who would like to speak for this application?

MR. RIVERA: We're here.

TRUSTEE DOHERTY: Yes. Mr. Rivera came in the other night and spoke to us. The full board went out and looked at this. It's in dire need of repair. The only comments that our Board had was that the rock revetment we are talking about, we want to make sure there are plantings near the top of the road, on Great River Road, and the

applicant that. And the LWRP deems it consistent. We were going to add that the spoils that they had to be used to regrade the road.

CAC supports this application with no comments.

Any comments from the Board or the audience?

(No response.)

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

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: I'll make a motion to approve the wetland request for Peconic Land Trust to reinforce their eroding bank and also the addition of four eight-inch pilings for their marina area.

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: With the use of the spoils to be used for the grading of the road and the plantings at the top of the road.

TRUSTEE GHOSIO: And I'll second again.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DICKERSON: **ROY & LINDA ARGENT** requests a Wetland Permit to remove and raise roof, replace windows, repair or replace all rotten wood, repair or replace foundation, if needed, and for the existing bulkhead. Located: 6429 Indican Neck Lane, Peconic.

I did look at this. CAC supports the application with the condition of inkind inplace maintenance of the bulkhead. It is exempt from the LWRP and the only comment that I have was that part of the permit asks for an if-needed for the existing bulkhead and just that the bulkhead, if repaired, cannot have any CCA on it. So any repair work that you do to the existing bulkhead can have no CCA.

There were stairs there. Were they part of the bulkhead originally

MR. ARGENT: Roy Argent. They were there as far back as I could remember. Our neighbors, next door.

(UNIDENTIFIED NEIGHBOR): Since 1960, I'm sure they were.

MRS. ARGENT: Linda Argent. The place has been there since the '40's.

MR. ARGENT: I have aerial photographs which you have a copy of which shows prior to 1977.

TRUSTEE DICKERSON: Yes. Is the bulkhead, are you repairing the bulkhead or just asking for a permit?

MR. ARGENT: No, just in case we need it. As far as I know nothing has to be done now.

TRUSTEE DICKERSON: So you are not doing any work right now?

MR. ARGENT: No.

TRUSTEE DICKERSON: My only comment to the Board would be, normally

we would prefer a buffer, that -- you have at least a ten-foot buffer between your bulkhead and lawn area now and I did notice on both sides of your neighbors, that they actually, their land area actually comes back quite a bit so my request would be to give this permit with a condition that you create a buffer sort of inline with, trying to look at my pictures here, on the east side of your bulkhead, that you make the buffer align with where your neighbor's property is. There is also two trees in your front lawn. If your buffer area can come up to that area because we would do that with anyone who is doing a bulkhead.

MR. ARGENT: That's fine.

TRUSTEE DOHERTY: Do you want a planting buffer or non-turf?

TRUSTEE DICKERSON: Non-turf buffer.

TRUSTEE DOHERTY: You can plant it, but some people just do non-turf.

TRUSTEE DICKERSON: Because both sides of the property come back quite a ways. So they created that buffer. There is two trees there that make a nice line.

Being no further comments from the audience I'll make a motion to close the public hearing. Do I have a second?

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

TRUSTEE DICKERSON: I'll make a motion to approve the Wetland Permit to remove and raise roof, replace windows, repair and replace all rotten wood repair or replace foundation if needed, and for the existing bulkhead and the staircase. And that if there are any repairs needed on the bulkhead or staircase that there are be no CCA wood used and; a buffer be created from the bulkhead landward to the be in line with the neighbor's property or the two trees that are there, which unfortunately I didn't measure.

MR. ARGENT: On the buffer, do you want something planted or just sand?

TRUSTEE DICKERSON: You can do just sand or plant anything native.

Any of the native grasses, any of the bayberries or rosa rugosa.

You can do any of the flowering, native shoreline plants. We have the list in the office if you would like a list.

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

TRUSTEE GHOSIO: Young & Young on behalf of **MICHAEL JUDGE** requests a Wetland Permit to construct a new 85'x4' wide beach access stairway with platforms. Located: 13007 Oregon Road, Cutchogue.

We were all out there the other day and inspected it. LWRP finds that it is consistent with LWRP, provided that the best management practices are applied, that being no CCA treated lumber is used in the construction of the stairs; a revegetation plan is

provided for the bluff following construction to control erosion; existing vegetation on the bluff is protected during construction and; the applicant limits the clearing of vegetation to the area necessary to construct the access stairway.

The CAC was out there and they support the application with the condition that best management practices are followed in the construction of the stairs and no removal of any vegetation from the bluff and a licensed engineer prepares the plans for the stairs.

Like I said, the Board went out and we inspected it. Generally we are in support of it. The only comments that we really made at the time were none of the platforms should be larger than 4x4 along the way. And that was it.

Are there any comments or concerns?

MR. MCGREEVY: One of the recommendation that the CAC has been coming up with lately, in constructing these stairs, give more consideration to the engineering design to prevent erosion. In other words running, as an idea, planks of wood at the base of the supports so, to hold back erosion in the bluffs. It's a recommendation that we came up with.

TRUSTEE GHOSIO: The CAC has been discussing that periodically, particularly with the stairs and the bluffs. While we may not necessarily support cross bracing, depending on whether or not there is the putting up of a board kind of terracing of the bluff as they have.

TRUSTEE DICKERSON: Oh, this way.

MR. MCGREEVY: At the base of each support.

TRUSTEE GHOSIO: To eliminate the erosion.

TRUSTEE DICKERSON: Right.

MR. MCGREEVY: You can, for possible erosion control.

TRUSTEE DICKERSON: Especially if it's only at the base of each support. You are not adding much lumber.

MR. MCGREEVY: Actually, you are lending more support to the base.

TRUSTEE GHOSIO: It seems to make sense. We have seen it on a couple of stairs, I think.

TRUSTEE DOHERTY: I think it's something the whole Board has to discuss.

TRUSTEE GHOSIO: Yes, I'm not saying make a wholesale change right here, but it's something to discuss.

TRUSTEE DOHERTY: Okay, I'm open to it.

TRUSTEE GHOSIO: Any other comments, questions from the Board, from the audience?

(No response.)

Seeing none, I'll make a motion that we close the hearing.

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

TRUSTEE GHOSIO: I'll make a motion that we approve the application as described. It's found by LWRP to be consistent and we do find it to be consistent also. No platforms are to be larger than 4x4 as per code. And that we stipulate that no CCA treated lumber is used in construction of the stairs, and that the bluff be revegetated following construction to control erosion. Do I have a second?

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Ian Crowley on behalf of **PAT VARDARO** requests a Wetland Permit to install a 4'x6' cantilevered platform and 16' aluminum gangway to access existing 5'x40' floating dock. Located: 1210 Wiggins Lane, Greenport.

This was tabled from last month because we had a question on a 40' float and we found there is a current permit. So we are okay with it. I think we were okay with everything else. The only thing that we will probably stipulate is if that 40' float is ever rebuilt that it be brought into conformity with the current code. Otherwise it would be reduced to a 20-foot float.

MR. CROWLEY: Very good. I'll bring it to his attention. With regard to his comments before, I think that's a good idea with the stairs. I have built quite a few of them. If you make it with untreated material like pine, where it would just decompose, until the vegetation kicks in, it's a good idea. But also to extend it to the disturbance area, if you stipulate it, not to make it from post to post, make it go past the post two feet on each side. I think it's a good idea.

TRUSTEE DOHERTY: Thank you, for your comments. Are there any other comments on Pat Vardaro?

(No response.)

I'll make a motion to close the hearing.

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: I'll make a motion to approve the application of Ian Crowley on behalf of Pat Vardaro to install 4'x6' cantilevered platform, 16' aluminum gangway to access existing 5'x40' floating dock with the stipulation that if the float is to be rebuilt at any time, it's to be brought into conformity with the current code. 6x20 is the current code now.

Do I have a second?

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: It's consistent with LWRP, by the way.

All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Harold Cook and JMO Environmental Consulting on behalf of **GEORGE GUIMARAES** requests a Wetland Permit for the existing deck and to remove the Japanese Knotweed, and repeat cuttings over the next three growing seasons. Located: Equestrian Avenue, Fishers Island.

We've all looked at this on Fishers Island this past summer and the previous owners had placed this deck a few years ago. It's rather close to a fresh pond. But I think at this point the Board feels that it probably will do more damage than -- I'm getting ahead of myself here.

It's inconsistent with LWRP. Let me see what LWRP says, policy 6.t, protect and restore tidal freshwater wetlands; setback distance of 100 feet; establish non-turf buffer, which it's all non-turf there, currently, and; require gutters to drywells on house to contain roof runoff.

And the CAC did not make an inspection, therefore there is no comment. Is there anyone else to comment on this application?

MR. JUST: Glen Just, if there are any questions from the Board or from the public.

I have been involved with this site since the previous owner Lisa Kakowski (sic) and I'm still involved with her now. Actually the DEC just recently settled the violation on this particular deck with the Guimaraes's and now they are going after the people who actually built it, the Kakowski's, who sold the property like seven years ago.

TRUSTEE DOHERTY: Are there drywells?

MR. JUST: I really don't recall. I'll be there next week. I could definitely check it out.

TRUSTEE DOHERTY: Do we want to make that a condition of this, put the drywells?

MR. JUST: On the existing house or the deck itself?

TRUSTEE DOHERTY: Well, to do the whole house, is that what we want?

MR. JUST: I think the house was recently resided. I think drywells went in but I just can't say for certain.

TRUSTEE DOHERTY: So it shouldn't be a problem if we make it a condition of this.

MR. JUST: I'll bring it back to the owners tonight. I'll call them tonight in California.

TRUSTEE DOHERTY: All right, are there any other comments?

MR. JUST: I had one question as far as the removal of the Japanese Knotweed. That was in the original application.

TRUSTEE DOHERTY: That's in here, yes.

MR. JUST: Is that something that the Board wants to discuss tonight?

TRUSTEE DOHERTY: That's part of this application, yes. And I don't think we had a problem with that. It's an invasive species.

MR. JUST: Yes.

TRUSTEE DOHERTY: Hearing no other comment, I'll make a motion to close the hearing.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: I'll make a motion to approve the application of JMO on behalf of George Guimaraes with the condition that drywells are to be installed to contain roof runoff of the house.

Do I have a second?

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

MR. JUST: Thank you, very much. Have a good evening.

TRUSTEE DICKERSON: Number seven, Proper-T Permit Services on behalf of **STEPHEN MATTEINI** requests a Wetland Permit to construct a cantilevered platform 5'x6' extending seaward from top of existing bulkhead; construct stairs to grade with rise of 9'-10" and run of 14 feet; install handrails on two sides of platform and seaward side of stairs. Located: 1060 Willow Terrace Lane, Orient.

The full Board went out and looked at this. It's really the only access for the homeowner to get to the body of water. Is there anyone here --

MR. FITZGERALD: Jim Fitzgerald for Mr. Matteini. I think it's pretty state forward. I'll be happy, of course, to answer any questions you may have.

TRUSTEE DOHERTY: Jim, when we were there, the neighbor to the south has a retractable ramp. Is there any consideration for that as opposed to the wooden staircase?

MR. FITZGERALD: Yes, they considered it and decided that they would rather have a permanent installation.

TRUSTEE DICKERSON: Because when we were there we noticed the wooden stairs to the north and the southern one had the retractable one.

The Board doesn't have any difficulties with it. We just thought we would ask.

Are there any other comments from the Board?

(No response.)

Audience?

(No response.)

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

Do I have a second?

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DICKERSON: I'll make a motion to approve the wetland permit for Stephen Matteini to construct his platform and stairs with handrails and two sides of platform and seaward side of stairs on Willow Terrace in Orient.

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

TRUSTEE GHOSIO: Number eight, Costello Marine Contracting on behalf of **WICKHAM BUNGALOW EAST, LLC.**, requests a Wetland Permit to construct 148 feet of rock revetment consisting of 1-1.5 ton rock on 25-50 pound hardcourse stone foundation and filter cloth base. Revegetate areas disturbed with Cape American Beach Grass. Located: 4787 New Suffolk Road, New Suffolk.

The whole Board went out there. It's pretty straight forward. LWRP does find this to be consistent. There has been quite a bit of erosion out there, namely due to the April storm, I suppose.

TRUSTEE DICKERSON: Bob, I'll mention we had a very interesting consultant with us that gave us some pretty nice recommendations.

TRUSTEE GHOSIO: Yes, and what was his name?

TRUSTEE DICKERSON: Jay Tanski, who is from the New York State Sea Grant and is a coastal geologist and gave us some very nice comments while we were out there. Very interesting comments.

TRUSTEE GHOSIO: It was pretty educational, actually, for all of us. We measured everything, we looked at it. The Board was in support of the application. The CAC supports the application with the condition that the entire area from the house to the bluff is revegetated except for a delineated path to the beach and the grasses should be maintained and replaced until fully developed.

Jack, where do you stand on that issue. I don't remember that discussion. Revegetating from the house to the bluff?

MR. MCGREEVY: Bob, I have to be honest with you. Don Wilder did the inspection and I can't recall what he had in mind.

TRUSTEE DOHERTY: Read it again, Bob.

TRUSTEE GHOSIO: The CAC supports the application with the condition that the entire area from the house to the bluff is revegetated except for a delineated path to the beach and the grasses should be maintained and replaced until fully developed.

TRUSTEE DICKERSON: Not a bad idea.

MR. MCGREEVY: You would have to get Don up here.

TRUSTEE GHOSIO: It's not a bad idea.

TRUSTEE DICKERSON: Being familiar with the cabin itself, because I spent some summers there, the area in front of that front deck could very nicely be revegetated since most of the trafficking would be through that delineated path. And I think it might be a

wise recommendation to make that a condition of.

MR. MCGREEVY: Would the consideration be for erosion, Peg?

TRUSTEE DICKERSON: I think because even with the rock revetment I think it would be encouraging with more stability behind it.

MR. MCGREEVY: I'm assuming --

TRUSTEE DICKERSON: And it's very heavily vegetated with the beach grasses all along that area. It would be nice to confine it to that, for the traffic to be on the pathway. It's not a big area.

TRUSTEE GHOSIO: It's pretty small. I don't necessarily have a problem with it.

TRUSTEE DOHERTY: They currently use that area, since the house is so small, as like a yard, almost. I have seen, they have a small deck but they also expand on that and use it as a lounging area.

TRUSTEE DICKERSON: I have an issue with the erosion.

TRUSTEE DOHERTY: I'm just mentioning that because I have seen it out there.

TRUSTEE GHOSIO: Is there anybody else who would like to make a comment from the audience; would anybody like to address this?

TRUSTEE DOHERTY: I have one comment. This was tabled from last month and Jim did have a couple of questions. I spoke to Jim today and explained to him what Jay Tanski said. Jim's concern is where the rock revetment would end and what would happen. So I asked Jay Tanski that out in the field and he said, well, it's got to be built where the rock revetment is not lower than the current bluff, so it doesn't wash over. And he would have to, he could taper it off at the end a little and try to do somewhat of a return without cutting into the bluff. And I did explain that to Mr. Costello and he was fine with that. And that's probably how he was going to build it anyway. And Jim was fine with that. And that satisfied his questions. I just wanted to mention that.

TRUSTEE GHOSIO: What do we want to do on the plantings? Do we actually want to make it a condition of it or are we more inclined to make a strong recommendation?

TRUSTEE DOHERTY: I'm inclined to make a strong recommendation and state the reasons why. And they stated they would revegetate the areas disturbed. So they might be already planning to revegetate a lot of that.

TRUSTEE DICKERSON: A lot of that may have been from the storm, too.

TRUSTEE DOHERTY: Right.

TRUSTEE GHOSIO: I'll make a motion to close the hearing. Second?

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

TRUSTEE GHOSIO: I'll make a motion to approve the application as described, with the recommendation as per the CAC that they consider putting plantings from the house to the bluff, revegetating it with beach grass, except for a delineated path to

the beach. And that the stones, the rock revetment be at least as high as the bluff and on the north-northeast end, taper it down to the non-reveted area. With that, it's also been found consistent and the Board finds it consistent with LWRP. Do I have a second? TRUSTEE DOHERTY: Second. All in favor? (ALL AYES.)

TRUSTEE DOHERTY: Suffolk Environmental Consulting on behalf of **CJC1** requests a Wetland Permit to construct an 80'x99' two-story building with two office units on the south side and a garage/storage area on the north side. Install an attendant sanitary system and to construct a pervious gravel parking area. Located: 74495 Rt. 25, Greenport.

LWRP finds this consistent. And CAC supports the application with a condition the parking area is designed with drywells to control all runoff.

We went out there, the stakes are still there from previous and we are pretty sure the building is pretty much out of our jurisdiction. It's mainly the parking area, which of course we were concerned with the drainage in the parking area.

Are there any comments?

MR. ANDERSON: Bruce Anderson, for the applicant CJC1. This is a local contractor. You probably all know him. I wanted to point out a couple things. It will be the subject of the site plan application, is the subject of the site plan application for the Planning Board. The drainage will be fully engineered. It's not a question of just sinking some drywells because the site is unreliable, a lot of the site.

Also, this is really our second time through. We were forced to make this larger building because of the change in the accessory building wall of this town that restricted its height. That's why it's laid out. In doing so there was some discussion at the Planning Board that we may be able to count what's called general garage storage space in the rear toward the parking which would eliminate parking space 16 to 23 or 24. And if that's amenable we are going to show that as land packed which will further increase the setback from the wetlands. But I won't know that until I go through the whole process with Planning.

TRUSTEE DOHERTY: And the reason you are doing the Planning Board first is --

TRUSTEE ANDERSON: The Planning Board asked us to come here first and there was a mix-up where the LWRP coordinator said, oh, no, you guys come last. Which was opposite of the memo I had so when I spoke with him this morning I said we are following the memo you guys gave us. Being unaware of the memo had caused him to do the LWRP.

TRUSTEE DOHERTY: Could you get us a copy of the memo for our records?

MR. ANDERSON: Sure.

TRUSTEE DOHERTY: Oh, we have it. We have a copy of it. We just received it.

And we would probably make the whole back woods area a non-disturbance area.

MR. ANDERSON: Perfectly acceptable.

TRUSTEE DOHERTY: We didn't measure the distance between the flagged wetland and the curb of the parking --

MR. ANDERSON: It's approximately 80 feet. The flags were in the field. I actually tied additional flags to those to try to make it easier. But it's approximately 80 feet. Probably -- let me see. Maybe longer. Let me recalculate that. Approximately 60 feet, actually. And as I said, the Planning Board, I think, is going to have an interest in reducing parking or at least land banking parking, because this is really a contractor space. The code drives us to provide all these spaces but in reality the contractors don't attract a lot of parking to their work yards. Quite honestly, when this is done it's going to remove a heck of an eyesore and the front building will actually look like the prince building next to the bank. It's designed for that exact look. So if we can get through paperwork I think it will be something the folks will be proud of.

MR. CORCORAN: Is there a way you need or would like the resolution, assuming the resolution is passed, to be structured so in case something happens in planning you don't have to come back here? Is there a way, say, you know, no closer than such and such feet or something other than adopting a particular plan in case the plan gets changed?

MR. ANDERSON: How about with the condition that the parking be no closer than 60 feet from the wetland boundary. Because it will probably be less than that. I mean greater than that. We are a little over. We are just applying to code. But if I could use interior space, that will knock some off, then I might just ask if we could all together eliminate the whole back row of parking because I really think it's overkill in this site. We don't need, we have 20-some odd spaces. We probably need five.

TRUSTEE DOHERTY: If we approve all these spaces and they take some down, they are doing less of our permit so we would not have to come back.

MR. CORCORAN: I know. I just don't want you to approve the plan dated such and such and then have another plan that still needs a permit.

MR. ANDERSON: With the condition the parking be no closer than that. Because it's going to shrink. I think.

MR. CORCORAN: You might just want to say an alternative plan with parking no closer than such and such feet. I just don't want you to have to come back for no reason or for a better plan.

MR. ANDERSON: I appreciate that.

TRUSTEE DOHERTY: Are there any other comments?

(No response.)

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

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

I'll make a motion to approve the application of Suffolk Environmental on behalf of CJC1 with the stipulation that the parking is no closer than 60 feet, and any alternative plan will reflect that. And find it consistent with LWRP.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

MR. ANDERSON: Thank you, very much.

TRUSTEE DICKERSON: Suffolk Environmental Consulting on behalf of **CLAUS RADEMACHER** requests a Wetland Permit to install 120 linear feet of new stone revetment with two four-foot returns at their termini and set of slate steps to access the beach. The proposed revetment will be backfilled with approximately 116 cubic yards of clean sand and planted with Cape American Beach Grass plugs installed one inch on center. Located: 950 Blue Marlin Drive, Southold.

Is there anyone here to speak though this application?

MR. LOHN: William Lohn, Suffolk Environmental on behalf of the applicant. I first would like to start off and clarify it was changed in the agenda. The backfill will be 116 cubic yards and not 1,041 as I mistakenly put on the plans. I apologize for the confusion.

And the second point I would like to make, I would assume you have all been to the site.

TRUSTEE DOHERTY: Yes.

MR. LOHN: If you notice, the erosion is pretty substantial and we are hoping get this installed before the start of the winter storms. Other than that I would go with the description as written. I'm here to answer any questions you may have.

TRUSTEE DICKERSON: LWRP deems this consistent and with no further comment. CAC supports the application with the condition of a ten-foot buffer along the east side and moving to a 20-foot buffer along the west side. And that is the recommendation of Don Wilder of the CAC.

How does the Board feel about that? We didn't talk about a

buffer in the field. We were mostly thrown off by the fill.

TRUSTEE DOHERTY: Didn't it say it was going to be planted?

TRUSTEE DICKERSON: Yes. Well it says planted with Cape American Beach Grass.

MR. LOHN: May I comment? That planting area, which will be on top of the backfill, it's variable width, but five to eight feet will function as a buffer.

TRUSTEE DOHERTY: That's what I was thinking when we were out there.

TRUSTEE DICKERSON: Okay, it said ten-foot buffer east side and moved to a 20-foot buffer along the west side. But I agree with you that the plantings they are doing will be sufficient as far as the Board is concerned.

I'll make a motion to close the hearing.

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

TRUSTEE DICKERSON: I'll make a motion to approve the Wetland Permit for Claus Rademacher to install 120 linear feet of rock stone revetment with the two returns, slate steps and backfill with 116 cubic yards of clean sand and create a buffer, it be planted with Cape American Beach Grass plugs installed one foot on center. Which aligns us with our LWRP report of being consistent and we agree it is also consistent. Do I have a second?

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: Number 12, Suffolk Environmental Consulting on behalf of **PAUL LONG** requests a Wetland Permit to reconstruct 60 linear feet of existing functional timber bulkhead with vinyl sheathing and new timber and reconstruct the existing wood deck on bulkhead. Located: 3945 Camp Mineola Road, Mattituck.

It's pretty straight forward. It is exempt from LWRP and CAC supports the application, however suggests eliminating use of CCA on all construction. And I also, I think at this point we would say no CCA as per code.

MR. LOHN: The project description is all non-treated materials.

TRUSTEE DOHERTY: Okay. And also, I would request --

MR. ANDERSON: A point of clarification, the piles and stairs can be CCA. I want that clear.

TRUSTEE DOHERTY: Yes, that's why I meant as per code. And I'll request a seven foot buffer and I came up with seven feet because we just approved Joan York next door and hers is seven feet and I spoke to Mr. Long today. He was there. He had no problem with that.

MR. LOHN: That's perfect. Thank you

TRUSTEE DOHERTY: Are there any other comments?

MR. HERMAN: Rob Herman of En-Consultants. A quick comment. I had

spoken to Will about this briefly. As Joan York's agent, she did receive the plans and it appeared the plans were showing the height of the bulkhead to be raised a foot and Joan just had some concerns about that because it would create the potential for them to raise the grade and create a runoff issue. So we would just ask that the bulkhead, unless there was a compelling reason by the client or by the Board to raise it a foot above grade, that it be kept consistent with what was approved for York.

TRUSTEE DOHERTY: I reviewed the plan and they are not asking for it to be raised. And I spoke to Mr. Long and I asked him that question today and said --

MR. HERMAN: He said he didn't want to raise it.

TRUSTEE DOHERTY: Yes. He said it would be in line with the neighboring bulkhead. So all three bulkheads -- they are in the middle -- they'll keep it in line.

MR. HERMAN: Wonderful.

TRUSTEE DOHERTY: Are there any other comments?

MR. MCGREEVY: On future considerations when CAC asks for due consideration, after due consideration, makes a comment or recommendation about eliminating all CCA construction, we are not specifically aligning it toward this application. What we would like somebody to do is do a study, if there is other materials, other ways of construction, to eliminate CIA in the future. That is the reason for the comment. Not for this application.

TRUSTEE DOHERTY: Do we still have the report from DEC?

TRUSTEE GHOSIO: Yes. And I have it but I don't have it with me.

TRUSTEE DOHERTY: Dave Bergen got us a report from the DEC. I forgot when it was done. We'll forward that to you. And it was very interesting. It showed that the effects of the CCA are less than we thought they were.

MR. MCGREEVY: Based on a cumulative --

TRUSTEE DOHERTY: Yes.

TRUSTEE GHOSIO: There are some conflicting studies on that but we did find that after much discussion, we did discuss this when we were talking about the proposed 275 changes, that the CCA be used in the pilings because the disturbance that they make is essentially less than it would be if you had to replace those poles in ten years because the CCA will last a whole lot longer. I think I'm pretty close with that, I think.

TRUSTEE DOHERTY: Yes, I think so. Especially if you have a high flushing area, the impact is less.

TRUSTEE DICKERSON: I would also like to say it's not completely off the table and that in future revisions there is still an open discussion.

MR. MCGREEVY: So we are not discouraged then. Right.

MR. ANDERSON: What's very expensive is tropical pine. Keep that in

mind.

TRUSTEE DICKERSON: I'm not debating that.

TRUSTEE DOHERTY: We had that in our conversations, too. The financial. We discussed the financial end of it even though that's not -- the environmental end is our concern.

I'll make a motion to close the hearing.

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: I'll make a motion to approve the application of Suffolk Environmental on behalf of Paul Long as submitted, with a seven foot, non-turf buffer behind the bulkhead. The bulkhead is at the same height as the neighboring bulkheads. And no fill to be placed in the area. I don't think they are requesting any.

MR. LOHN: All excavated materials will be just replaced.

TRUSTEE DOHERTY: I'll make that motion.

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

MR. LOHN: Thank you, very much.

TRUSTEE DOHERTY: En-Consultants on behalf of **ESTATE OF HELEN CASE** requests a Wetland Permit to construct approximately 51 linear feet of low-profile, vinyl groin in place of existing 73 feet, storm-damaged, timber groin and renourish and revegetate storm-eroded berm in front of dwelling with approximately 50 cubic yards of clean sand to be trucked in from an upland source and planted with Cape American Beach Grass (12 inches on center.) Located: 13650 New Suffolk Avenue.

We were all out there and looked at it.

LWRP finds that this is exempt. CAC supports the application with the condition no CCA treated lumber is used.

This was another application where we met with Jay Tanski from New York Sea Grant and actually got another education on the definition of what's a groin and what's a jetty and the possible affects. A groin is to keep sand from moving down the beach and a jetty is to keep sand from going into an inlet.

MR. HERMAN: Right. Most people just use the word jetty to describe everything because it's easier than calling up someone like me and saying I need someone to fix the groin.

TRUSTEE GHOSIO: No pun intended, I'm sure. In any case, just looking at the field notes, the drift at the site is west to east.

And Jay Tanski had suggested the distance between the groins should be two to three times the length of the groin. And the other groins are really too close to function properly.

I don't think we really had a problem with it. In essence, it needs

to be done.

MR. HERMAN: We proposed it in the form that we have been using with the Board and the DEC for years which is though it's a 73 or has historically been a 73 foot long groin, we are proposing to replace the part that is still functional as evidenced by the beach at low tide. So we are proposing to replace the 73-foot groin with a 51-foot groin and just standing on the beach it's obvious you can tell that that 51 feet has been in tact for some time and the rest of the poles and everything else out there is basically gone. So we are proposing the replacement of only the 51 feet. It would be a low-profile groin and be constructed of vinyl. So it is our basically what the Trustees and DEC typically require in these groin replacements.

Just responsive to Bob's comments, I mean, probably three-quarters of the groin applications that you see are groins that are really not in the optimal place if you had one overall design project for the whole shoreline. Historically, each owner built their own groin or two and everyone else did that and you have 50 groins in an area where you should have five. The problem is you can not get approval from any agency, and I mean historically, that I can think of with this Board, to actually build a new groin in a different location because from the DEC's perspective, the only thing that they will allow is sort of a maintenance of the structures that had created a historically stabilized shoreline and if you look at the aerials, this is the last groin in a field of five. So even though these probably are not, as Jay said, optimally positioned, this is where they had been positioned historically and established this beach and without this groin this house would be in danger of being lost. So unfortunately when we come to the Boards and the other agencies with these applications, we are really, we are almost compelled to seek, just to maintain the status quo in as much as the status quo is still functional. So that there is no conditions change.

TRUSTEE DOHERTY: We actually talked about this in moving the groin over more, losing all that property.

MR. HERMAN: There is a lot of land here. It's just not designed in the optimal way to protect the house. But the likelihood of getting approval from anybody to actually abandon this groin and establish a new one in a different location would be almost nil.

MR. MCGREEVY: Going back to the point this gentleman just brought up, in the future where we don't have presently groins and someone is making an application for one, maybe it should considered on a wider scope. In other words, go a half mile east or west from where that groin is going so that the new homeowners on each side will fit in to a preconceived plan where to place the groins.

MR. HERMAN: In theory it makes sense but the difficulty is with the ability to obtain permits for new groins. In other words, it

ideally would make sense to shuffle these things symmetrically. But you see even on the south fork where you will that collapse 30 years ago, whatever it was, in the area of what is now Westhampton Dunes, you had that Corps of Engineers actually design this whole project for a whole beach front but they had to stop where the Westhampton Beach divider line ended with the town. So you ended up having this well designed groin system for the village but then beyond that there was nothing and that whole area got breached during one of the storms and that area is now Westhampton Dunes. So even there where you have an agency overseeing that type of thing that you are mentioning, property lines, even at the municipal level still kind of screwed thing up.

MR. MCGREEVY: That could be built into an overall plan. That would be a visible shortfall.

MR. HERMAN: Much easier said than accomplished.

TRUSTEE GHOSIO: I'll tell you what. You look into that.

MR. MCGREEVY: I'll write another letter.

TRUSTEE GHOSIO: Aside from that, I think we were pretty well set.

TRUSTEE DOHERTY: The one groin to the west, is that on Case's property also.

MR. HERMAN: It's not. That's McGowan's. And that was recently constructed.

TRUSTEE DOHERTY: I think the one directly to the west they are going to remove. Weren't they going to remove one?

TRUSTEE DICKERSON: That's other application.

TRUSTEE DOHERTY: Because that one didn't go back as far as the other and it scoured out behind it.

MR. HERMAN: I think you may be thinking of a different one, Jill, because the one to the west here was just recently redone.

TRUSTEE DOHERTY: Okay.

TRUSTEE DICKERSON: The only question we had was where was the work beginning; from what point? Because we noticed a lot of the timber toward the cement --

TRUSTEE DOHERTY: We are just looking to make the application clear.

MR. HERMAN: Actually on the plans, I might have to blow this up for you, but I actually triangulated the point of the beginning of the groin off the two corners of the house. It's 35 feet from the one corner and 31 feet from the other. So.

TRUSTEE GHOSIO: We couldn't establish the height --

MR. HERMAN: The height was shown, let's see, top groin elevation at that point is five-and-a-half feet, which is exactly 12 inches above grade. And that shows in the cross-section because we actually had Sea Level do a full topographical workup on the survey. So I have the elevations referenced on the cross section. I have elevations for the top of the berm, the toe of the berm and

then the existing elevation right behind or right landward of the proposed groin and top elevation. So if you want to reference those elevations in the permit, you can. You might want to make sure that the contractor has this staked out and maybe has a Trustee inspection or something before the job goes in because as long as it starts at the right point and starts at the right elevation, it will be fine. But if they don't start at the right point or start at the wrong elevation and build the whole thing before you see it, the Case's are going to be in trouble and so are you. So you may just want to require that. I found that to be a pretty good safeguard on some of these where -- a lot of times contractors are measuring off some obvious point but there really is not that here because it's out on the beach. It doesn't abut a bulkhead, which is unusual for a lot of the ones you see. So I would suggest you compel the Case's to make sure that Sea Level comes out and stakes that out so it's done correctly, which will save them a lot of potential headaches.

TRUSTEE GHOSIO: With that, I'll entertain a motion to close the hearing.

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

TRUSTEE GHOSIO: I'll make a motion we approve this wetland application which has been found exempt by LWRP and approve -- and us, as well -- and approve it as described with the stipulation that the project be staked and inspected as concerns elevations and length prior to the actual construction. And it will be inspected by a Trustee. Do I have a second?

TRUSTEE DOHERTY: Second. All in favor?

(ALL AYES.)

MR. HERMAN: Thank you.

TRUSTEE DOHERTY: Number 15, En-Consultants on behalf of **EDMUND NASH** requests a Wetland Permit to construct (within 18 inches of existing bulkhead) approximately 105 linear feet of low-sill vinyl bulkhead and backfill with approximately 15 cubic yards clean sand to be trucked in from an approved upland source. Backfill area between new and existing bulkhead to be planted with *Spartina Alterniflora* (18 inches on center) and backfill area landward of existing bulkhead to be planted with *Spartina Patens* (18 inches on center) and *Baccharis Halimifolia* (six inches on center.) Located: 1750 Deep Hole Drive, Mattituck.

I inspected this today. He was explaining to me how DEC is going to be approving this. If you could just briefly --

MR. HERMAN: This was the first one tonight where we are missing Jim, not any more than we would normally be missing Jim.

Jim looked at this with Chuck Hamilton a while ago. We had

originally proposed to replace this within 18 inches, expecting that DEC might require us to replace it in place. Which is why we hadn't -- sort of unusual to our usual practice -- we hadn't submitted any application to this board because if the DEC had required it be reconstructed in place, we would not have required former wetlands permit from the Board because the Nash's have a grandfather permit from 1983, so we would just have to have notified you that the bulkhead was being replaced in place. But I guess when Chuck and Jim inspected the site, the feeling was that the existing bulkhead is not functional, that it is being overtopped regularly by Spring high tides which has allowed a, I would not consider it particularly high quality, but high marsh nonetheless behind it between the bulkhead and cedar trees.

So what they came up with, and apparently Chuck and Jim were in agreement on this, was that a low sill bulkhead be constructed a foot-and-a-half in front of this wall; that the area between the two be backfilled and planted with *Spartina Alterniflora* in order to establish a narrow intertidal marsh area and; that after the excavation of the wall that entire area be replanted with high marsh vegetation behind it. So in effect they would be allowing Mr. Nash to maintain the existing condition which is that of a stabilized shore front. Obviously this is contiguous to other higher, more highly elevated bulkheads. But to do so in a way that still allows Spring high tides to overtop the structures and allow for intertidal and high marsh behind it.

In effect that is not that much different than what exists now in that you have Spring high tides overtopping this bulkhead back to where those cedar trees are. So that's probably why Mr. Nash explained the DEC was going to approve it. I had met with, I was meeting with Jim on something else and he had explained to me his meeting with Chuck and what they were going to require and indeed the DEC sent us a letter requesting that we propose exactly what we are now proposing.

TRUSTEE DOHERTY: Okay, thank you, for explaining that. And the plans reflect all that, how it applies to us.

MR. HERMAN: This has to be consistent with the LWRP.

TRUSTEE DOHERTY: LWRP finds this inconsistent. The applicant has not demonstrated the need or purpose for the proposed low sill bulkhead in the proposed location. Currently there is a functional bulkhead in a stable shoreline landward of the area in which a low sill bulkhead is proposed. A sill bulkhead would further -- must be missing the word "low" -- sill bulkhead would further harden the shoreline and result in habitat destruction.

I see what he's saying but I think in replanting between, that mitigates that.

MR. HERMAN: It's not just replanting, and this is the continued

trouble I have with these LWRP reviews. You could replace the existing bulkhead in place and backfill it and destroy the high marsh and end up with zero wetlands vegetation or, under this plan, even though it was not Mr. Nash's first choice, he would love to do what Mark is suggesting. This plan however actually creates an intertidal marsh where none exists and it reestablishes and enhances a high marsh that exists. So if that's inconsistent with the town's LWRP, then the LWRP ought be to be rethought.

MR. CORCORAN: The whole point of the process is it's this Board that makes the LWRP finding and you have your opportunity to make your argument before this Board and convince them that what you are doing is actually either creating or preserving a habitat rather than destroying it.

MR. HERMAN: It just continues to trouble me, Kieran, that that review could possibly come out of this project. That's all I'm saying.

TRUSTEE DICKERSON: But I think the difference is he saw it, and I don't know if he saw it, but he determined it to be functional whereas --

MR. HERMAN: Even if that's the case, this project creates wetland vegetation and creates wetland habitat that doesn't now exist, so how could that be a bad thing?

TRUSTEE DICKERSON: But if he hadn't determined it functional he would have most likely considered the replacement with the low sill. I'm saying because he deemed it functional.

MR. HERMAN: I understand what you are saying. But I'm saying even if it were functional and Mr. Nash, even out of some benevolence, decided to propose this, it's still a better project than --

TRUSTEE DICKERSON: Because you are adding. I see what you mean.

TRUSTEE GHOSIO: We had this come up. I think this was brought up last week in a meeting before. If one part of it is consistent and another part is inconsistent, which is it. And the determination is that it's inconsistent. So this is one of those cases where it's consistent with the part of the LWRP where it describes actually creating wetlands is a good thing but it's inconsistent because of this reason. So therefore it's inconsistent. So we could determine that it is consistent because of the mitigation.

MR. HERMAN: I guess the inconsistency part of it that you described is that it would further harden the shoreline but I'm not sure it would further it. It's whether you replace it in place or create something out in front of it, it's still a hardened shoreline but you are softening it to some extent by creating wetland vegetation.

So as I said, the ironic position I have been put in is that Mr. Nash would love, I think, to have that determination made by everybody and just replace his bulkhead. That was the intent of

his original application. But I think what happened here is when the DEC and perhaps along with Jim, I don't want to speak for Jim, but at least it appears that the determination was that because there was a high marsh present behind this bulkhead, the fact that you have muscles growing through this bulkhead, the fact there are holes in the bulkhead, the fact that the elevation is so low that it is not functional. Now, what is my opinion? Well, it's standing and it's holding the land behind it. It looks functional to me. It looked functional to Mark and it's functional to Mr. Nash.

TRUSTEE DICKERSON: But there is no intertidal --

MR. HERMAN: But there is no intertidal wetland. So I think Mr. Nash sort of begrudgingly agreed to this because he's going to be able to maintain a stabilized shoreline and it's really not going to change anything that already exists with the exception of the fact that you are creating an intertidal marsh zone. Which you probably couldn't do because this area is so muddy, it's so silty in that area and you are just not going to get the exposure really that you need. But with the wall you will because you are going to have this little stepped platform there. And it should work.

TRUSTEE DOHERTY: I just want to note that the bulkheading to the south and the north, I don't know if they are 18 inches out, but they are bumped out a little further than the Nash's currently.

MR. HERMAN: Yes, and this would probably end up nooked out a little in front of those. Now, its elevation is such that it's below high tide so you are not going to see it up in the air above those but it is going to be just nipped out a little bit.

TRUSTEE DOHERTY: Any other comments from the Board?

(No response.)

I'll make a motion to close the hearing.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: I'll make a motion that the way the permit is applied for with creating further plantings, that I find it consistent with LWRP and I make a motion to approve the application as applied for.

MR. CORCORAN: Do you want to just beef that up a little. Do you want to find that the application further then creates a habitat area and does not in fact increase the hardening of the shoreline?

TRUSTEE DOHERTY: Yes.

MR. HERMAN: I would agree with that. And it was found within consistent with New York State Coastal Management Program from which the town's program is derived.

And also, it's creating a foot-and-a-half by 105 foot area, approximately 160 square feet of intertidal marsh.

TRUSTEE DOHERTY: Okay (perusing.) And the addition of the plantings will be Spartina Alterniflora and Baccharis and Spartina Patens. So that's creating quite a habitat. So I make that motion.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: En-Consultants on behalf of **JAMES KELLER & ELISSA SANTISI** requests a Wetland Permit to construct approximately 54 linear feet of vinyl bulkhead in place of existing, storm-damaged timber bulkhead; backfill with approximately 25 cubic yards clean sand to be trucked in from an upland source and planted with Cape American Beach Grass (18 inches on center); construct 4x4 foot platform and 4x9 foot stairs to beach in place of existing platform and temporary steps; and remove temporary walkway over scoured area landward of bulkhead. Located: 2934 Park Avenue, Mattituck.

I inspected this one also and it was actually -- this is the one on Park Avenue -- I went out there today. It looks pretty straight forward. The only other comment, maybe a silt fence during construction or silt curtain.

LWRP has it exempt and CAC supports the application with the condition of beach grass extends to the top of the slope.

MR. HERMAN: That's proposed. We are showing a non-turf buffer. That non-turf buffer would remain as is. It basically runs from the top of the bulkhead to the top of the slope where the edge of the lawn is. That whole area will be replanted and maintained as non-turf buffer. And that shows that on the plan, actually.

TRUSTEE DOHERTY: Okay. Yes.

MR. HERMAN: Heather actually talked to me about the silt screen. There is a bit of beach here, actually quite a bit of beach at low tide. I think the contractors will probably work here at low tide so I'm not sure a turbidity screen would do much here.

TRUSTEE DOHERTY: That's my thought, too. Because when I was there, it was probably mid-tide and it was beach, so the comment that water was at mean high water, I didn't exactly agree with that. But I just figured it would not hurt if you used it anyway. And LWRP find it exempt.

So are there any questions from the Board?

(No response.)

I'll make a motion to close the hearing.

TRUSTEE GHOSIO: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)

TRUSTEE DOHERTY: I'll make a motion to approve the application as applied for, including keeping the non-turf buffer as applied for.

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: And I also find it exempt from LWRP. All in favor?

(ALL AYES.)

MR. HERMAN: Thank you.

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

TRUSTEE DICKERSON: Second.

TRUSTEE DOHERTY: All in favor?

(ALL AYES.)