January 5, 2016

The Organizational Meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 5th day of January, 2016. Town Board members present were Supervisor James Dougherty, Councilmen James Colligan, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and approximately fifty persons were also present.

The Supervisor called the meeting to order at 2:00 p. m.

Salute to flag.

RESOLUTION NO. 1

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a vacancy exists as Councilman of the Town Board, and

"Whereas", the Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That Mary Dudley is hereby appointed to serve as Councilwoman on the Town Board for a term to expire on December 31, 2016.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

Newly appointed Councilwoman Mary Dudley joined the other members of the Town Board at the meeting table.

Town Justice Helen J. Rosenblum administered the oath of office to the following newly elected Town Officials: Town Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James Colligan, Receiver of Taxes Annmarie Seddio, Assessors Barbara Jean Ianfolla and Quinn Karpeh, and newly appointed Councilwoman Mary Dudley. Superintendent of Highways Jay L. Card, Jr. was not present.

At 2:10 p. m., the Supervisor declared a recess to allow for a reception in honor of the installed Town Officials.

The Supervisor reconvened the Organizational Meeting at 2:28 p. m.

RESOLUTION NO. 2

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the regular meetings of the Town Board of the Town of Shelter Island will be held at 4:30 p. m. in the Shelter Island Town Hall, Shelter Island, New York on the following dates: January 29, February 19, March 11, April 1 and 22, May 13, June 3, and 24, July 15, August 5 and 26, September 16, October 7 and 28, November 18, and December 9, 2016, and

BE IT FURTHER RESOLVED, That work sessions of the Town Board of the Town of Shelter Island will be held in the Shelter Island Town Hall, Shelter Island, New York, at 1 p. m. on the following dates: January 5, 12, 19 and 26, February 2, 9, 16 and 23, March 1, 8, 15, 22, and 29, April 5, 12, 19 and 26, May 3, 10, 17, 24, and 31, June 7, 14, 21 and 28, July 5, 12, 19, and 26, August 2, 9, 16, 23, and 30, September 6, 13, 20, and 27, October 4, 11, 18 and 25, November 1, 9 (Wednesday), 15 and 29, December 6, and 13, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 3

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized to temporarily invest Town funds not needed for immediate expenditure in certificates of deposit or special time deposit accounts in banks or trust companies of this state for highway, general and federal funds, and

BE IT FURTHER RESOLVED, That Chase Bank, Capital One, and Bridgehampton National Bank shall be the official depositories for general, highway and federal funds, and

BE IT FURTHER RESOLVED, That Supervisor James Dougherty, Councilwomen N. Christine Lewis and Mary Dudley, and Councilmen Paul Shepherd and James Colligan of the Town of Shelter Island are hereby authorized to sign documents, including checks, for the Town of Shelter Island, and

BE IT FURTHER RESOLVED, That Judy Meringer, Barbara Bloom and Kathleen Sullivan are hereby authorized to make transfers of Town funds amongst the designated banks.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 4

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the designation of two newspapers as the official papers of the Town is required by statute, and

"Whereas", the Shelter Island Reporter has a paid circulation in the Town of Shelter Island in excess of 2,000 weekly; said circulation being larger than any other newspaper having general circulation in the Township, and Newsday also has a large circulation in the Town, now, Therefore

BE IT RESOLVED, That the Shelter Island Reporter and Newsday are hereby designated as the official newspapers of the Town of Shelter Island for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 5

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Section 29 of the Town Law, the Supervisor shall prepare and file with the Town Clerk within thirty days after the expiration of each fiscal year, an annual financial report accounting for all monies received and disbursed by him, and

"Whereas", pursuant to Subsection 10-a of Section 29, the Town Board may determine, by resolution, that the Supervisor shall submit to the Town Clerk within sixty days after the close of the fiscal year, a copy of the report to the state comptroller, now, Therefore

BE IT RESOLVED, That the Supervisor shall submit to the Town Clerk within sixty days after the close of the fiscal year, a copy of the report to the state comptroller required by section thirty of the general municipal law.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 6

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Town officials and employees will be reimbursed, subject to audit, at the rate of $.54 per mile for their mileage on Town business for the year 2016, and

BE IT FURTHER RESOLVED, That Town officials and employees will be reimbursed, subject to audit, for actual and necessary expenses incurred attending training programs and professional meetings which will enhance their job skills, and

BE IT FURTHER RESOLVED, That a request by a Town employee or official for such meetings or travel must receive the prior approval of the Supervisor.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 7

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James Colligan and Councilwomen N. Christine Lewis and Mary Dudley are hereby appointed to serve as Police Commissioners for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 8

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Jay L. Card, Jr. is hereby appointed to serve as Commissioner of Public Works for the year 2016, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 9

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Councilwoman N. Christine Lewis is hereby appointed to serve as Deputy Supervisor for the year 2016, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 10

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Judy Meringer is hereby appointed to serve as Confidential Secretary to the Supervisor for the year 2016, for 30 hours per week, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 11

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Laury Dowd is hereby appointed to serve Town Attorney for the years 2016 and 2017, to be paid as per the 2016 and 2017 budgets.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 12

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That James Richardson is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 13

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That John Cronin is hereby appointed to serve as part time Town Engineer for the year 2016, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 14

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Debra Speeches is hereby appointed to serve as Confidential Secretary to the Superintendent of Highways, Commissioner of Public Works and Landfill for the year 2016 for 38 hours per week, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 15

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Delphine Kelly Michalak is hereby appointed to serve as Town Custodian for the year 2016 for 30 hours per week to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 16

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Giovanna Ketcham is hereby appointed to serve as part time Town Custodian at the rate of $19.86 per hour for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 17

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Janet Longtin is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 18

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Beau Payne is hereby appointed to serve as Animal Control Officer for the year 2016, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 19

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Jose Manuel Payano Cruz is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 20

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Delphine Kelly Michalak is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 21

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Catherine Rasmussen is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 22

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Catherine Rasmussen is hereby appointed to serve as School Crossing Guard for the year 2016 at the rate of $26.39 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 23

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Ashleigh Sanwald is hereby appointed to serve as part time Court Clerk for the year 2016, to be paid at the rate of $18.04 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 24

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Peter Vielbig is hereby appointed to serve as Bay Constable for the year 2016 to be paid at the rate of $21.08 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 25

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Kevin Springer is hereby appointed to serve as part time Police Officer for the year 2016 at the rate of $27.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 26

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Andrew E. Graffagnino is hereby appointed to serve as part time Police Officer for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 27

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That David W. Clark is hereby appointed to serve as Safety and Training Officer for the Shelter Island Highway Department for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 28

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Bruce Jernick is hereby appointed to serve as Maintenance Mechanic II for the year 2016 at the rate of $23.35 per hour.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 29

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Jack H. Thilberg is hereby appointed to serve as EMS Director for the Town of Shelter Island for the year 2016, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 30

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Section 30 (1) (h) of the Public Officers Law, a Town officer must sign and file a constitutional oath of office within 30 days after the term of office begins, and

"Whereas", on December 4, 2015, Kathleen Renault was reappointed to serve as a member of the EMS Advisory Board for a term to expire on December 31, 2017, and

"Whereas", Mrs. Renault has not yet signed and filed said constitutional oath of office, and

"Whereas", the Town Board desires to have Mrs. Renault continue to serve the Town of Shelter Island in said capacity, now, Therefore

BE IT RESOLVED, That Kathleen Renault is hereby reappointed to serve as a member of the EMS Advisory Board for a term to expire on December 31, 2017.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 31

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby authorizes Laury Dowd to act as the MS4 Coordinator for the Town of Shelter Island for the year 2016 at the current hourly rate for an additional two hours per week.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 32

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Veronica Siller is hereby appointed to serve as Clerk for the Senior Citizens Affairs Council for the year 2016, to be paid at the rate of $17.25 per hour.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 33

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Carlos M. Payano is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 34

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That part time and seasonal laborers of the Shelter Island Highway Department/Public Works Department shall be paid at the rate of $20.00 per hour, not to exceed 40 hours per week, for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 35

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That William Clark, III is hereby appointed to serve as Town Historian for the year 2016, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 36

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Henrietta Roberts is hereby appointed to serve as Senior Citizens Aide II for the year 2016, to be paid at the rate of $20.01 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 37

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the rate of pay for Therapeutic Activities Workers for the year 2016 is hereby set at $19.86 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 38

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Albert L. Labrozzi, Jr. is hereby appointed to serve as Bay Constable for the year 2016, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 39

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Dale Holm is hereby appointed to serve as Therapeutic Activities Worker for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 40

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Diane Anderson is hereby appointed to serve as Therapeutic Activities Worker for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 41

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Donna King is hereby appointed to serve as Therapeutic Activities Worker for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 42

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Karin Bennett is hereby appointed to serve as Minibus Driver for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 43

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the rate of pay for part time Highway Department employees with a CDL license is hereby set at $22.00 per hour for the year 2016 for the operation of snowplows during weather emergencies.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 44

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Ron Lucas is hereby appointed to serve as part time Laborer for the Residential Repair Program at the rate of $17.56 per hour for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 45

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Garth Griffin is hereby appointed to serve as Bus Driver for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 46

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Ron Lucas is hereby appointed to serve as Minibus Driver for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 47

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Giovanna Ketcham is hereby appointed to serve as Cook for the year 2016 at the rate of $19.82 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 48

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Lois Charls is hereby appointed to serve as part time Assistant Senior Citizens Center Manager for the year 2016 at the rate of $23.83 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 49

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Donna King is hereby appointed to serve as Mini Bus Driver for the year 2016 at the hourly rate of drivers, for an amount not to exceed the 2016 budgeted amount.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 50

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the rate of pay for minibus drivers is hereby set at $19.86 for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 51

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Angela Corbett is hereby appointed to serve as Cook for the Nutrition Program for the year 2016, to be paid at the rate of $19.82 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 52

Councilwoman Dudley offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Katherine Doroski is hereby appointed to serve as Recreation/ FIT Aide for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 53

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Emily Hallman is hereby appointed to serve as Minibus Driver for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 54

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Alison Binder is hereby appointed to serve as temporary Food Service Worker for the year 2016 at the rate of $14.60 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 55

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Harald Olson is hereby appointed to serve as Food Service Worker for the year 2016 at the rate of $14.60 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 56

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Cori Cass is hereby appointed to serve as Recreation/FIT Aide for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 57

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Natalie Regan is hereby appointed to serve as Recreation Leader for the year 2016 at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 58

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Robert Andrew is hereby appointed to serve as Food Service Worker for the year 2016 at the rate of $14.60 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 59

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Deborah Brewer is hereby appointed to serve as Recreation/FIT Aide for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 60

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Annamarie Ruscica is hereby appointed to serve as Recreation/FIT Aide for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 61

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the rate of pay for Recreation/FIT Aides for the year 2016 is hereby set at $16.33 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 62

Councilwoman Dudley offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Jeanette Flynn is hereby appointed to serve as Clerk Typist for the Committees for a 30 hour week for the year 2016 at the rate of $20.27 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 63

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Janine Mahoney is hereby appointed to serve as Recreation/FIT Aide for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 64

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Callie Atkins is hereby appointed to serve as Zumba Instructor for the year 2016 at the rate of $30.00 per session.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 65

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby approve the following fees for the fitness center, tennis courts and ballfields membership fees for use of the fitness equipment and facilities for the year 2016 as follows:

Single fitness room membership	$220.00 per year,
Family fitness room membership	$340.00 per year,
Single tennis court membership	$200.00 per year,
Family tennis court membership	$310.00 per year,
Single fitness room and tennis court membership	$300.00 per year,
Family fitness room and tennis court membership	$430.00 per year,
Full time College Student membership	$100.00 per year, and
Emergency Services membership	$170.00 per year.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 66

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Frederick C. Ogar is hereby appointed to serve as Fire Inspector for the year 2016, to be paid at the rate of $18.90 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 67

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the 2016 A1620.483 Buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758-3439, for the quarterly contract payment for servicing the telephone systems for the period January 1, 2016 through March 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 68

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Ian Kanarvogel is hereby appointed to serve as Recreation Aide to supervise the Youth Center for the year 2016, to be paid as per the 2016 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 69

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Chief of Police James J. Read, Jr. is hereby appointed to serve as Emergency Management Coordinator for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 70

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Resolution No. 359 - 2001, dated June 8, 2001, the Town Board authorized eligible employees who wish to waive his/her rights to medical insurance coverage provided by the Town of Shelter Island, by applying in writing, and

"Whereas", applications have been filed by James D. Dougherty, Barbara Jean Ianfolla, Judith Meringer, Barbara A. Bloom, Patricia Castoldi, Ian Kanarvogel, Mary Faith Westervelt, Jennifer Beresky, Annmarie Seddio, and Amanda Gutiw, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the payment of salary compensation to the aforementioned applicants pursuant to said Resolution No. 359 of 2001 for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 71

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town of Shelter Island hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body: (A copy of the chart is attached to these minutes.)

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 72

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Charles J. Kraus as a member of the Community Preservation Fund Advisory Board will expire on February 2, 2016, and

"Whereas", Mr. Kraus has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Charles J. Kraus is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 73

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That pursuant to Section 29, subdivision 12 of the Town Law, the Fire Chiefs be and hereby are appointed to the office of Fire Warden for a term of office to run concurrently with their terms as Fire Chief.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 74

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $235.00 from the 2016 A1355.491 Assessors' service contracts account to Apex Software, P. O. Box 100145, San Antonio, Texas 78201-14455, for the annual sketching software service for the period 2-1-2016 through 2-1-2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 75

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Emory Breiner as a member of the Planning Board expired on December 31, 2015, and

"Whereas", the Town Board has advertised for applicants, and

"Whereas", Mr. Breiner was the sole applicant and wishes to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Emory Breiner is hereby reappointed to serve as a member of the Planning Board for a term to expire on December 31, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 76

Councilwoman Lewis offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", the term of Michael Coles as a member of the Community Preservation Fund Advisory Board will expire on February 2, 2016, and

"Whereas", Mr. Coles has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Michael Coles is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 77

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Patricia Shillingburg as a member of the Ferry Study Group will expire on January 29, 2016, and

"Whereas", Mrs. Shillingburg has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Patricia Shillingburg is hereby reappointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 78

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $790.58 from the 2015 A1110.484 Justice Court office and miscellaneous account to Carr Business Systems, 130 Spagnoli Road, Melville New York 11747-3502 for the annual maintenance contract for the period December 8, 2015 through December 8, 2016 for the copy machine in the Justice Court.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 79

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the term of Michael Anglin as a member of the Waterways Management Advisory Council will expire on February 1, 2016, and

"Whereas", Mr. Anglin has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Michael Anglin is hereby reappointed to serve as a member of the Waterway Management Advisory Council for a term to expire on February 1, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 80

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the term of James Eklund as a member of the Waterways Management Advisory Council will expire on February 1, 2016, and

"Whereas", Mr. Eklund has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That James Eklund is hereby reappointed to serve as a member of the Waterway Management Advisory Council for a term to expire on February 1, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 81

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the term of Heather Reylek as a member of the Ferry Study Group will expire on January 29, 2016, and

"Whereas", Mrs. Reylek has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Heather Reylek is hereby reappointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 82

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the term of Arthur Williams as a member of the Community Preservation Fund Advisory Board will expire on February 2, 2016, and

"Whereas", Mr. Williams has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Arthur Williams is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 83

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the term of Ida Marie Bottone as a member of the Senior Citizens Affairs Council will expire on February 10, 2016, and

"Whereas", Ms. Bottone has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Ida Marie Bottone is hereby reappointed to serve as a member of the Senior Citizens Affairs Council for a term to expire on February 10, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 84

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", the term of Janet Rescigno as a member of the Senior Citizens Affairs Council will expire on February 10, 2016, and

"Whereas", Mrs. Rescigno has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Janet Rescigno is hereby reappointed to serve as a member of the Senior Citizens Affairs Council for a term to expire on February 10, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor appointed the following Town Board Committees to serve for the year 2016:

Highway & Public Works Councilman Shepherd

Waterways	Supervisor Dougherty and Councilman Shepherd
Buildings & Grounds	Councilwoman Lewis and Councilwoman Dudley
Recycling	Councilman Colligan and Councilwoman Dudley
Financial Advisory Comm.	Supervisor Dougherty, Councilman Shepherd
EMS	Councilwoman Lewis and Supervisor Dougherty.

The Supervisor appointed the following Town Officials to serve as Liaison for the specified standing Committees and Boards for the year 2016:

Senior Citizens Liaison	Councilwoman Lewis
CAC Liaison	Councilman Shepherd
WMAC Liaison	Councilman Shepherd
WAC Liaison	Supervisor Dougherty and Councilwoman Dudley
Planning Board Liaison	Councilmen Shepherd and Colligan
Z. B. A. Liaison	Councilwomen Lewis and Dudley
Comm. Pres. Fund Adv. Bd.	Supervisor Dougherty and Councilwoman Dudley
Transportation	Councilman Colligan
Recreation	Supervisor Dougherty and Councilwoman Lewis
Community Center/Youth	Supervisor Dougherty and Councilwoman Lewis
Community Housing Board	Councilwoman Lewis
MS4	Councilmen Shepherd and Colligan
Taylor's Island	Councilman Shepherd and Councilwoman Dudley
Deer & Tick Liaison	Councilman Colligan
Green Options	Supervisor Dougherty.

On motion of Councilman Shepherd and seconded by Councilwoman Lewis, the meeting was adjourned at 4:14 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

January 29, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 29th day of January, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and seventeen persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from John Lopez requesting that he be considered for a position on the Water Advisory Committee.

The Supervisor presented the following financial report for the month of December, 2015.

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
DECEMBER 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	1,228,479.93	1,000,167.54	1,651,216.30	577,431.17	767,408.90
Hwy Checking	766,055.66	165,710.31	794,007.06	137,758.91	0
T&AChecking	424,512.37	42,741.70	123,243.49	344,010.58	15,346.60
T&A Savings	12,219.38	0.31	0	12,219.69	

Hwy Cap Res	178,854.80	4.56	0.00	178,859.36	
WNW Supply	76,720.54	2,136.36	3,716.10	75,140.80	40,634.86
Taylor's Island	39,872.16	0.33	0	39,872.49	
Com. Preserv	4,147,681.02	198,642.32	0	4,346,323.34	590,168.57
Waterways	267,975.58	1,950.00	0	269,925.58	
Reserve Fund	414,618.55	0	0	414,618.55	
Bridge St Esc	0	0	0	0	351,872.34
Environmental	15,750.00	0	0	15,750.00	
Ambul. Reserv	278,593.51	6.74	167,233.00	111,367.25	
TOTALS	7,851,333.50	1,411,360.17	2,739,415.95	6,523,277.72	1,765,431.27

The Supervisor read the following PROCLAMATIONS:

1. To honor Howard Brandenstein for his service as member of the Shelter Island Public Library Board of Trustees.
2. To honor Jeanne and Kenneth Woods, who were recognized by the Shelter Island Reporter as the Reporter's People of the Year, for their volunteerism for our Town.
3. To honor Mr. Edward Springer, Sr. who is retiring from his position of Suffolk County Chief Fire Marshal.

(Copies of these proclamations are attached to these minutes.)

RESOLUTION NO. 85

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the term of Michael A. Gulluscio as a member of the Ferry Study Group will expire on January 29, 2016, and

"Whereas", Mr. Gulluscio has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Michael A. Gulluscio is hereby reappointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 86

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", a vacancy exists on the Ferry Study Group, now, Therefore

BE IT RESOLVED, That Peter S. Reich is hereby appointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 87

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Douglas Matz as a member of the EMS Advisory Board expired on December 31, 2015, and

"Whereas", Mr. Matz has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Douglas Matz is hereby reappointed to serve as a member of the EMS Advisory Board for a term to expire on December 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 88

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", a vacancy exists on the Water Advisory Committee, and

"Whereas", the Town Board had advertised for applicants, and

"Whereas", John Lopez has expressed his desire to serve in said capacity, now, Therefore

BE IT RESOLVED, That John Lopez is hereby appointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 89

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the Town of Shelter Island Police Department has received funds from the County of Suffolk under the Equitable Sharing Program administered by the Department of Justice, and

"Whereas", said funds may not be commingled into the ordinary budget funds according to the Department of Justice Equitable Sharing Guide and must therefore be maintained in a separate account and was unknown during the budgeting process, now Therefore

BE IT RESOLVED, That the following budget revisions are hereby approved:

$27,370.00 increase to the new 2015 A3120.493 Police Department Equitable Sharing Funds expense account and the new 2015 A2770R Equitable Sharing Funds revenue account funded by the funds received from the County of Suffolk, and

$4,139.15 increase to the new 2016 A3120.493 Police Department Equitable Sharing Funds expense account and the new 2016 A2770R Equitable Sharing Funds revenue account funded by the funds received from the County of Suffolk, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to credit the check returned from The Association of Towns in the amount of $20.00 to the 2015 A1010.484 Town Board office and miscellaneous account, and the reimbursement check received from the Shelter Island Ambulance Foundation, Inc. in the amount of $780.00 to the 2015 A4540.492 Ambulance travel and meetings account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 90

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Association of Towns meetings are to be held in New York City on February 14, 15, 16 and 17, 2016, and

"Whereas", it is required by the Association of Towns to register persons who anticipate attending the Association of Towns' meeting in New York City in February 2016, and

"Whereas", seven Town officials have expressed their desire to attend said meetings, now, Therefore

BE IT RESOLVED, That the expenses of one Building Inspector, the Town Attorney, one Town Justice, the Building Permits Coordinator, the Superintendent of Highways and two Councilmen attending these meetings shall be a Town charge, and

BE IT FURTHER RESOLVED, That Town Attorney Laury Dowd is hereby authorized to represent the Town of Shelter Island in voting in the Association meeting, and

BE IT FURTHER RESOLVED, That the daily food allowance is hereby set at $80.00 per day per official, and

BE IT FURTHER RESOLVED, That the transportation allowance for Town officials is hereby set at $21.00 for each way per official for bus fare and $4.00 additional per official for ferry fare, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $875.00 for seven registration fees of $125.00 each plus a $310.00 continuing legal educational additional fee from the 2016 A1010.496 Association of Towns account for said registration.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 91

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the support and maintenance service agreement and expend the sum of $31,010.00 from the A1620.476 computer services account to East End Computers, 78 White Street, Southampton, New York 11968 for the EEC annual managed service contract for the period January 1, 2016 through December 31, 2016 for the computers services contract.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 92

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $4,600.00 from the A1620.476 computer services account to East End Computers, 78 White Street, Southampton, New York 11968 for the EEC off-site backup data service for the Town Hall, Assessor's Office, Police Department, Highway Department and EMS servers for the period January 1, 2016 through December 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 93

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement between the Town of Shelter Island and Albrecht, Viggiano, Zureck & Company, P. C., 25 Suffolk Court, Hauppauge, NY 11788 for the provision of audit services for the Town of Shelter Island for the years ending December 31, 2015 and December 31, 2016; said services as described in the proposal to be provided at the rate of $62,400.00 for the year 2015 and $63,600.00 for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 94

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the Town of Shelter Island has heretofore established a Town of Shelter Island PURCHASING POLICY AND PROCEDURES which was effective on April 1, 2014, and

"Whereas", the last sentence of said policy states as follows: This policy shall go into effect on April 1, 2014 and will be reviewed annually, and

"Whereas", the Town Board has reviewed the aforementioned, and suggested no amendments, now, Therefore

BE IT RESOLVED, That said policy dated April 1, 2014 is hereby approved and adopted for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 95

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $900.00 from the 2016 A5010.440 Superintendent of Highways training account to Miller Environmental Group Calverton Training Institute, 538 Edwards Avenue, Calverton, NY 11933 for six Highway Department employees to attend an eight hour hazwoper refresher training course on March 16, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 96

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,860.00 to the Island Boatyard and Marina from the Police Department 2016 A3120.479 boat maintenance account for the 2016 seasonal dockage for the Police boat.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 97

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,000.00 from the 2016 A3989.400 NIMS contractual account to Emergency Communications Network, 780 West Granada Blvd., Suite 200, Ormond Beach, Florida 32174 for unlimited CodeRed system minutes service plan for the period January 9, 2016 through January 8, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 98

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $239.40 from the 2016 A1015.400 media office and miscellaneous account to Chase Card Services for the Police Department website for the period January 16, 2016 through January 15, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 99

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $153.00 from the 2016 A1490.424 Public Works fuel depot account to Gilbarco, Inc., 12249 Collections Center Drive, Chicago, IL 60693 for the annual renewal of the maintenance contract for the gasboy software for the term March 17, 2016 through March 17, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 100

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board meeting scheduled to be held at 4:30 p. m. on the 19th day of February, 2016 is hereby rescheduled to be held at 4:30 p. m. on the 26th day of February, 2016, and

BE IT FURTHER RESOLVED, That the work session of the Town Board scheduled for Tuesday, February 16, 2016 is hereby rescheduled to be held at 1 p. m. on the 17th day of February, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 101

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute a license agreement between the Town of Shelter Island and the Shelter Island Historical Society concerning the parking for Historical Society events for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 102

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Commissioner of Public Works of the Town of Shelter Island is applying to the Department of Environmental Conservation for permits concerning the Hay Beach Pond, South Ferry Hills Merkel Boat Basin, and the Midway Road culvert pipe replacement projects, and

"Whereas", a fee is required for the filing of said applications for said projects, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the following sums as stated: $200.00 from the 2016 Public Works A1490.422 dredging account to the Department of Environmental Conservation for the Merkel Boat Basin project; $200.00 from the 2016 Public Works A1490.422 dredging account to the Department of Environmental Conservation for the Hay Beach Pond project; and $200.00 from the 2016 Highway DB5110.480 MS4 account to the Department of Environmental Conservation for the Midway Road culvert pipe replacement project for the filing of said applications.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 103

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:

$416.00 from the A1010.492 Town Board school, travel and mileage account and dispersed as follows:
$135.00 to the A1010.475 Town Board drug testing account, and
$281.00 to the A1010.493 Town Board law library account;
$432.00 from the A1010.496 Town Board Association of Towns account and dispersed as follows:
$331.00 to the A1010.495 Town Board printing & advertising account, and
$101.00 to the A1010.497 Town Board professional services account;
$203.00 from the A1015.200 Media equipment account to the A1015.404 Media McGayhey technician account;
$539.00 from the A1110.492 Justice Court school, travel and mileage account to the A1110.200 Justice Court equipment account;
$484.00 from the A1110.410 Justice Court interpreter account to the A1110.484 Justice Court office and miscellaneous account;
$500.00 from the A1330.414 Receiver of Taxes postage account, and
$400.00 from the A1330.484 Receiver of Taxes office and miscellaneous account to the A1330.476 Receiver of Taxes computer software account;
$4,100.00 from the A1490.413 Public Works jetties and bulkheads account to the DA5140.447 Highway Brush & Weeds outside contractors account;
$120.00 from the A1490.417 Public Works Town landings account to the A1490.418 Public Works gas allowance account;
$1,500.00 from the A1490.419 Public Works generator maintenance account to the A1490.414 Town Hall and other buildings account;
$1,700.00 from the A1490.422 Public Works dredging account to the DA5130.446 Highway Machinery contractual account;
$1,000.00 from the A1490.497 Public Works professional services account to the A1490.410 Public Works grounds maintenance account;
$6,200.00 from the A1620.424 Buildings fuel account and dispersed as follows:
$200.00 to the A1620.408 Buildings repairs and maintenance account, and
$6,000.00 to the A1620.423 Buildings electricity account;
$623.00 from the A1990.400 Contingent account and dispersed as follows:
$40.00 to the A1355.484 Assessors office and miscellaneous account,
$4.00 to the A1355.492 Assessors school, travel and mileage account,
$56.00 to the A5182.400 Street Lighting account,
$150.00 to the A6776.422 Silver Circle meals and snacks account,
$250.00 to the A6776.445 Silver Circle utilities account, and
$123.00 to the A6778.485 Senior Recreation account;

$395.00 from the A3120.277 Police Department office equipment account to the A3120.484 Police Department office and miscellaneous account;
$43.00 from the A3989.200 NIMS equipment account to the A3989.400 NIMS contractual account;
$1,241.00 from the A4540.422 Ambulance food account and dispersed as follows:
$1,160.00 to the A4540.200 Ambulance equipment account, and
$81.00 to the A4540.422 Ambulance building maintenance account;
$300.00 from the A7320.424 Youth Center fuel and heat account to the A7320.408 Youth Center repairs and maintenance account;
$60.00 from the A8160.103 Landfill seasonal personal services account to the A8160.119 Landfill part time personal services account;
$120.00 from the A8160.200 Landfill miscellaneous equipment account to the A8160.495 Landfill printing and advertising account;
$4,000.00 from the A8160.200 Landfill miscellaneous equipment account, and
$6,000.00 from the A8160.432 Landfill test wells account to the DA5130.446 Highway Machinery contractual account;
$3,400.00 from the A8160.434 Landfill hazardous waste carting fees account and dispersed as follows:
$1,800.00 to the A8160.433 Landfill solid waste carting fees account, and
$1,600.00 to the A8160.438 Landfill processed concrete account;
$13,700.00 from the A8160.451 Landfill C&D hauling account and dispersed as follows:
$11,000.00 to the A8160.441 Landfill brush grinding rental account,
$1,700.00 to the A8160.444 Landfill environmental testing account, and
$1,000.00 to the A8160.484 Landfill office and miscellaneous account;
$450.00 from the DA5130.447 Highway Machinery oil, fluids and grease account to the A5010.440 Superintendent of Highways training account;
$100.00 from the DA5142.147 Highway Snow Removal personal services account to the DA5142.447 Highway Snow Removal sand/salt account;
$3,800.00 from the DB5110.441 Highway Repair & Improvements fuel account,
$2,000.00 from the DB5110.479 Highway Repair & Improvements surveys account, and
$3,000.00 from the DB5110.480 Highway Repair & Improvements MS4 account to the DB5110.163 Highway Repair & Improvements intern personal services account; and
$5.00 from the FX8320.408 West Neck Water repairs account to the FX8320.439 West Neck Water office and miscellaneous account; and

BE IT FURTHER RESOLVED, That the following 2016 budget transfer is hereby approved:
$27.00 from the A1355.484 Assessors office and miscellaneous account to the A1355.200 Assessors equipment account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 104

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That 2015 general claims numbered 2082 through 2194 in the amount of $71,320.96, 2015 highway claims numbered 306 through 333 in the amount of $29,860.87, 2015 West Neck Water claims numbered 49 through 54 in the amount of $6,176.36, 2016 general claims numbered 1 through 93 in the amount of $183,043.79, 2016 highway claims numbered 1 through 9 in the amount of $11,845.52, and 2016 West Neck Water claims numbered 1 through 2 in the amount of $161.16 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:52 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Seventy-four Ram Island Drive, L.P., 74 Ram Island Drive, for permission to construct a 4' by 20' ramp onto a 4' by 70' fixed catwalk with a 4' by 30' lower platform at offshore end, and install four ten inch diameter mooring pilings in Coecles Harbor.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the WMAC was okay with this unanimously, no issues.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Jack Costello on behalf of the applicant; thanks; I'm just here to answer any questions; I appreciate that; I was at the meeting on Monday.

The Supervisor declared the public hearing closed at 4:53 p. m. and called to order the public hearing to be held as advertised on the application of Martin O'Neill, 5 Shorewood Court, for permission to construct a 10' by 10' platform at top of bluff and 3' by 4' platform down the bluff leading to beach.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC and CAC voted to approve this as well, the CAC was unanimous in their approval of it as drawn, they did recommend the removal of invasive Russian Olives nearby the area there and replacement with appropriate native vegetation, now the WMAC was okay as presented.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Jack Costello on behalf of the applicant if there are any questions.

The Supervisor declared the public hearing closed at 4:54 p m. and called to order the public hearing to be held as advertised on the application of Peter Carlino, 15 Serpentine Drive, for permission to construct a 60 linear foot upper retaining wall and a 70 linear foot upper retaining wall.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: this is another one that got kicked to the CAC, they had unanimous approval of it but they recommended that the plan be reviewed and stamped by a licensed engineer, they were worried about that because of the slope and you don't have one of them in your pocket do you; it's done, stamped and sent in; okay; it was; the plan has been stamped and sent in, so that was done; that was done; yes; it's a wonderful thing; did you want the WMAC report; well actually I got nothing from the WMAC because they basically kicked it upstairs or sideways, whatever way you look at it; okay; when you get to those retaining wall things; right, okay; they're not planning on reviewing it at a later date; no, they want nothing to do with it; okay.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 4:55 p. m. and called to order the public hearing to be held as advertised on the application of Zach Vella, 85 Shore Road, Shelter Island, for a wetlands permit to remove existing 2,160 square foot croquet court from within regulated area (including 1,571 square foot from within vegetative buffer), remove existing sanitary system from regulated area and install new sanitary system outside regulated area, install new drinking water well, install pool enclosure fencing, install drainage system of leaders, gutters and drywells to capture roof runoff and pool drywell to capture pool backwash, establish approximately 24,922 square feet of native vegetation in place of historically existing lawn area within vegetative buffer, and install stone slab walkway to pond and 78 square feet of wood "fishing platform" over pond.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd presented the Conservation Advisory Council report, which was as follows: Re: Zach Vella 85 Shore Rd

A wetlands application for Zach Vella, 85 Shore Rd, has been submitted to request the construction of a new single family dwelling and attached decks (in place of existing dwelling located outside regulated area), 735 sq. ft. of which will be located within the regulated area, including 627 sq ft portion of dwelling and 108 sq ft of second story deck, construct a swimming pool, 1214 sq. ft of which will be located within the regulated area, remove approximately 854 sq. ft. of existing tennis court from regulated area and renovate remaining tennis court, approximately 3978 sq. ft. of uncovered patio and associated retaining walls within the regulated area (including 1033 sq ft of on-grade, permeable patio) renovate existing garage to remain, remove existing 2160 sq. ft croquet court from within regulated area (including 1571 sq ft from within vegetative buffer; remove existing sanitary system from regulated area and install new sanitary system outside the regulated area; install new drinking water well; install pool enclosure fencing; install drainage system of leaders, gutter, and drywells to capture roof runoff and pool dry well to capture pool backwash; establish approximately 24922 sq. ft of native vegetation in place of historically existing lawn areas within vegetative buffer; and install a stone slab walkway to pond and 78 sq ft wood "fishing platform" over pond.

The CAC reviewed the original Vella application at its Jan 29, 2013 meeting at which time the council passed the application. It also reviewed the revised application at the Oct. 2015 meeting. At that time it was tabled because Councilman Shepherd reported that there were more revisions planned. At this meeting, Jan 25, 2016, the council reviewed again the wetlands/planting component of the application and noted no changes in that particular part of the application.

The CAC voted unanimously to approve the present revised application.

Councilman Shepherd presented the report of the Planning Board, which was as follows:

29 January 2016

Re: **Vella Wetlands Permit Application**

Vella Residence
85 Shore Road
Shelter Island, NY 11964
SCTM # 700-13-01-18

Zone AA reverting to A Residential standards, within the Near Shore Peninsular Overlay District

This application is made for the property commonly known as "Herrmann's Castle". Built in 1974, this Mediterranean styled residence is 6,746 sq. ft. It has been in a dilapidated state for some years and needs attention. The property had been purchased by the applicant a few years ago.

This property and applicant has been issued a Wetlands permit # 0100, issued Nov 20, 2013 for a similarly sized house. This previous permit was for a reconstruction plus new addition. This application is for a complete tear down of the existing house and all new construction. The proposed house has only 4 real bedrooms and a master suite, five in total which is less than the previous project. The application counts anything that could be construed as a bedroom, such as the den and sitting room. There is an oversized septic system, but the Health Dept does not frown on such, but instead approves them. The **Health Dept permit # R07-12-0003 issued 5-21-12** has been updated for the new house design 5-8-15.

There is a **DEC Letter of Non- Jurisdiction** issued April 18, 2012 as the property is landward of a paved road, (Shore Road) more than 100 ft in length and the fresh water pond is not a State regulated wetland.

The Town Assessor classifies this property as Inland with a view. So there are no tidal wetland issues for the Town. While it is historically known that the pond has been dug out further, the Town is requiring the applicant to meet the Town's wetlands setbacks. The dock is on a separate waterfront parcel.

Planning Board members visited the site, reviewed the surveys while on site and considered all submittals provided to the Planning Board.

We submit the following observations:

The parcel is large, 145,141 sq. ft. or 3.3 acres which more than meets the AA Zone's 80,000 sq. ft. 2-acre requirement. Large as it is, the configuration of the pond pushes any house close to the road setback. Only part of the master suite and swimming pool intrudes into the semi-regulated 25 ft between the 75 ft setback and the 100 ft. The Town regularly allows this. The garage does partially intrude into the vegetative buffer but that is a pre-existing non-conformity.

There is a silt fence proposed mostly 60 ft from the wetlands leaving sufficient room for construction.

We do note that the pool dry well will need to be relocated 100 ft away from the proposed

drinking water well. The proposed 8 guest parking spaces are shown in the Town Road's right of way. They will need to be moved as they appeared in the previous 2013 site plan.
The Revegetation Plan is the most significant mitigation offered showing extensive replanting of the vegetated buffer, doing away with much of the present lawn. This plan notes the area to the south of the garage to be "Existing wooded area to remain".
There is a 14,000 gal irrigation and pool fill cistern. The waterfall from the swimming pool will only be operated when the owners are in residence and then only when wanted. The pool fence wraps around the entire property.
The Addendum to the wetlands application in the presentation book offers a detailed description of the mitigation measures offered.
We make the following recommendation.
Since this is not a waterfront parcel, and not in any proposed Fragile Zone, the new house, though larger than the existing house will come with mitigation that will be better environmentally. Given this, the Planning Board recommends approval of the Vella Wetlands permit.
By: Emory Breiner, Planning Board Member
For the Planning Board

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm gonna try to keep it as brief as I can but fill you in as much as I can on the project, first of all, Rob Herrmann of En-Consultants, on behalf of the applicant Zach Vella, Mr. Vella is here tonight along with the rest of his design team, I'm gonna be representing the wetlands application, Jim I think it's worth spending a little bit of time going through this because it does set up the second hearing that you'll open; yeah; afterwards and the two things will tie in a little bit so with that, let me see if I can motor through this, certainly the Board is, well most of the Board, welcome by the way, I haven't met with you folks yet, I'm looking forward to working with you, the rest of the Board has seen this project before, has approved it before, in 2013 when the Board issued wetlands permit 0100 for a similarly scoped project and in fact that wetlands permit just expired this past November during the period of time that the Board has been going through the initial review of the application, recognizing as did the Planning Board as noted in the report that this is not a typical wetlands application due to the fact that the only wetlands affecting the project is what is an artificial and manipulated and to a large extent, artificially created pond on the south, we nonetheless approached the project design as we did in 2013, treating the pond as any other wetland requiring protection under Town Code but this time around not only did we incorporate similar significant environmental mitigation measures as we had in 2013, there was some design changes made that also end up effectively reducing potential impact on the wetlands regulated area so while again the architect is here to go through a lot of design issues with the house itself, most of which is out of the regulated area, I'll set up some of the overall site plan details for the Board in connection with the wetlands, first of all the finished lot coverage within the 75 foot vegetative buffer which of course is the area that the Board is most concerned about with respect to these wetland applications is reduced by 85 percent relative to what is existing, so that's going down from the existing 2,191 square feet to 319 square feet which reflects just the coverage of the existing garage that is to remain, now that's a decrease in almost 1900 square feet within that 75 foot buffer and 395 square feet less than what was approved within the 75 foot buffer in the 2013 approval, a couple of reasons for that, one is that the prior approval if you remember had that new larger garage that was extending farther into the wetlands regulated area and was to have four Health Department approved bedrooms and an associated sanitary system, that's barely significant if I recall from the Board's perspective component of the application has been completely eliminated, the existing garage shall remain, it will not house those four bedrooms or any bedrooms so you won't have any new coverage proposed within the 75 foot buffer whatsoever which is different and in improvement from the wetlands application perspective, from the first time, some of the other coverage that's being removed is gained from taking out about 301 square feet of existing tennis court that currently exists less than 75 feet from the wetlands, as you recall that croquet court, that was being removed two years ago and is still being proposed to be removed, the total proposed coverage within the adjacent vegetative buffer as with the last project is increasing significantly over what's existing but the current proposal actually proposes 418 square feet fewer, I'm sorry 418 fewer square feet in that adjacent vegetative buffer so in that regard again you have less coverage in that part of the wetlands regulated area than we did last time, in total project results in 813 fewer square feet of coverage within the entire 100 foot wetlands regulated area, again to mention a couple of reasons

for that in the 75 foot buffer, I outline and I'm not gonna put you to sleep going through all the numbers again, all the numbers are in the application but one notable one is the fact that the twenty foot area is quite a bit different from last time, remember in 2013 I think there were two pools really, this year there is a swimming pool that will have, will occupy 84 square feet less of the adjacent __ but we're also increasing the wetlands setback to the pool, that's increasing from 75 feet to 87 feet relative to the prior proposal, as with the prior project there is, we are proposing more than a half of an acre of naturally vegetative buffer area around the perimeter of the pond, there is a revegetation plan that has been submitted by Marshall Paetzel Landscaping Architecture, Stacy Paetzel, a principal of the firm is here if the Board has any questions about that, that's very similar to what we did last time, again we're talking about a wetland that's not regulated by the DEC that's been artificially manipulated but we're still devoting a half acre of natural vegetation adjacent to the pond which is certainly significant, I think the Planning Board notes that, again the existing sanitary system is located within the wetlands regulated area, that will of course be removed, it has to be replaced with an upgraded system that's up by the road more than 160 feet from the wetlands, it's really as far away from any wetland area as we can possibly get it, right now the standing approval from the prior project with the Health Department is what is in place which was if you remember, I think it was for a bedroom count of, I want to say 16 bedrooms, it was 12 in the house and 4 in the garage, so I believe that the bedroom count, I think is noted in the Planning Board report, as Health Department defined bedrooms is 10 so you're dropping that number by 6, again Barbara Corwin can speak to this but I think that the rooms that are actually designated for bedrooms is 5; right; I think as Emory mentions in his report but again with the Health Department, if Mr. Vella were going to sell the house, somebody else could come in and turn a sitting room or a den or an exercise room or whatever into a bedroom so, the system is substantially overdesigned, at some point we'll hopefully get whatever approvals we need to get from the Town Board, we would then ask the Health Department to simply modify their approval to reflect the finished plan that will hopefully be approved by the Town Board, again we're introducing a drainage system of drywells which we have to do within the Town drainage code, there is a 14,000 gallon cistern proposed outside the regulated area and that will be used for irrigation and pool fill, this is consistent with other substantial wetland applications within the scope of applications associated with wetlands and also with special permits and along that same vein, the mitigation that's proposed for the swimming pool in addition to the cistern to fill, the cistern for the fill includes use of a saltwater infiltration system for the pool, an automatic pool cover and a pool drywell and I think Emory noted in the Planning Board report that that drywell is not the required distance as it's laid out right now, I think it's irrelative to the drinking water well; yeah; which is a separate part of the code so we apologize for that, we'll have to address that, that should be easily resolved; you say there's a pool cover Rob; there is an automatic pool cover proposed for the pool which will be a feat to accomplish here; yeah; but that, that is what we have proposed; yeah; and again that is consistent with other decisions the Board has made, recently they only let pools inside the regulated area; and forgive me, so many papers, maybe I'm confused, there's also an indoor swimming pool; yes; so there's two pools; correct; a hot tub; so there's a hot tub inside the dwelling, again Barbara is that outside; no it's inside; inside the house; in the gym; but it's outside the regulated area, is that correct; it's in, yes; in other words, most of the house is more than a hundred feet from wetlands; it's behind the swimming pool; right, okay, so yes but for the purposes of this application; no, I understand, I'm migrating; I'm gonna let you migrate completely in about 30 seconds; no take your time; there's approximately 1,033 square feet of proposed masonry patio that is designed to be non-grade uncovered and permeable and this again, we're trying to be consistent not only with the Board's other special exception and wetland decisions in terms of patios within the regulated area but with the prior proposal because one of the conditions that the prior wetlands permit had attachments to permeable patio area, if necessary Stacy can get into some of the issues where we would like to have really even more permeable patio except you're in a situation where some of their patio is elevated above the foundation area below, so we can represent that to be permeable but I'm not sure that would be completely genuine because beneath that you have impermeable surfaces so the number, Barbara, correct me if I'm wrong, but the number that I came up with with Barbara and Stacy is about a thousand square feet, that is genuinely areas that are, can be designed to be permeable with no permeable surfaces some level beneath them so every area that we have like that, that's an uncovered patio will be designed to be in fact permeable, and then finally really we just of course, we have the wire backed filtration fencing as we would have on any one of these projects to control site disturbance during construction so in summary, a snapshot, you have a greater reduction of existing lot coverage within the 75 foot buffer, we have no new coverage within the 75 foot

buffer, we have reduced coverage within the adjacent vegetative buffer and the wetlands regulated area, overall lower total coverage proposed throughout including the swimming pool with greater setbacks and again these are all relative to the prior approval but on some of those numbers like for the 75 foot buffer, that's relative to what's existing, so that's an improvement over the existing conditions and the other approval that expired in November, I heard that both the CAC and Planning Board reports were very favorable with respect to the wetlands application if the Board has any questions on it that don't seem to lend themselves immediately into the other hearing, I'm happy to answer them, otherwise I'll step down and hand the floor over to Barbara Corwin and you can open the special exception hearing to sort of carry it over from this one; okay, thanks Rob; thanks very much, I think; any questions on what Rob has given us so far; Rob, on the garage, it doesn't have a concrete floor, it has a dirt floor right now, it's a dirt floor right now; it's gonna be stabilized and refinished, it is not going to be expanded; to what extent, I know it's not expanding, to what extent is that, to refurbish the garage, will it be built on the same footprint or; yes; just identify yourself; I'm Barbara Corwin and I'm the architect; thank you; the garage is in bad condition, it will be stabilized and will have new siding, it will just be made to look nice; more presentable; very presentable; okay, so no cars are going in it, it's just for storage or is it going to be used for vehicle storage; it may have cars, it may have storage; okay; or both; would you repair the floor; yes; the floor is just basically dirt; yeah; right; I mean we're still, I was just gonna continue my question, I don't think it was designed to be dirt; it's just been let go; yes; but it's roofed structure so we treat it as impervious surface; but I'm just concerned about you know not having something like a concrete floor down there where you store in a garage area; oh no; it would absolutely, the concrete floor would be completely replaced inside the building, sure, I'm sorry I didn't understand your; the vegetative plan was pretty good, I think that the committee liked that a lot and I think Paul was there and, right; I think they were pretty satisfied with that, the pond, the natural manmade pond that's down there, having seen it for the first time in viewing it, is that freshwater, all freshwater; it is and since you're new to the Board, you missed, there was a lot of discussion and history about this site a couple of years ago, Paul Mobius had filled me in on it; I'm just concerned about the refill on it, is it just natural; that was a question that if, I think the discussion was that if was not, if freshwater was not added to it, it would potentially drain through, is that correct; yes; you have to feed it, I mean if you had an area at the time, if you had significant rainfall, probably not but otherwise it does effectively get fed, it's not like it's one of these, like a lined pond that somebody puts koi in the backyard and you fill it with water and the only loss is evaporation, that was the discussion a couple of years ago really relative to the condition of the pond, it's really a nice feature on the property; it is; but my understanding it was originally of a certain size, it was actually completely filled in at one point by one of the predecessors and I don't want to misquote somebody at a public hearing but I think it was Paul Mobius who told me that at one point they, it was completely filled and then at some time during the Herrmann, no relation, tenure of the property it was redug and then also expanded in size but that's why it's interesting if, you know the DEC regulates, normally regulates freshwater wetlands, only of a certain size but they also regulate locally significant wetlands so if you look at the State wetlands maps for the Town of Shelter Island, almost all of your small freshwater wetlands are regulated by the DEC, this pond you can see clearly as it exists today on the DEC's freshwater wetlands maps in the late 70's but it's unregulated, it has no number associated with it and that, and I believe that that is why, because the DEC does not treat this as naturally occurring self-sustaining wetland, otherwise they would have included it on their map, cause it's actually bigger than a lot of the Shelter Island Town freshwater wetlands that are on the regulated map; so what you're saying is that it doesn't feed from the ground as much as it feeds from drainage; probably to some degree both, I mean at some point if you got down there low enough you'd probably have some soils for so many years that become silty enough and permeable enough to carry water so I can't tell you whether if they just didn't feed it all; ___ how you fed it; oh well I don't; the hose; it literally gets, it would get turned with water and get fed with; it's a big body of water though, how deep is that, just out of curiosity, it's iced over now so; I don't know that; are there fish in it; __; Mr. Vella's official answer was there are all sorts of things in there; in determining the number of bedrooms, I guess the basement, they count the lounge and the gym as two, one and one, right, because it's not typically the kitchen, dining room or living room or study; right; normally the Health Department allows you other than kitchen and bathrooms, living room, dining room, third non-bedroom rooms, say family room or study and then anything beyond that, that could be potentially space, they will treat it as a bedroom; well Rob isn't there a connotation in there about if it has a closet, there are certain things that a room has to have before the Health Department say; it isn't necessarily Chris, when they put out their most recent guidance

memorandum and I forwarded this before to Peter but of course he is not here with us, I mean only not here in the room; thank God; sorry Peter, but I can also forward that you know over to Dottie and she can, they had to do this because there were so many debates at a certain point with architects over what was a bedroom and what wasn't a bedroom and did it have a closet or if it didn't have a closet, I think there's some minimum square footage, 70 square foot or something, beyond those initial rooms is a bedroom so even if it is generally used as an exercise room, generally used as a study, an office or whatever, it's a bedroom and their argument is the next owner could take over and turn that into a bedroom, so that's why they have to treat it that way, I mean the one thing that we are __ that's beyond covered on this plan is the septic capacity, now relative to the existing plan and again the Health Department has not made an official determination on the bedroom count for this house, the standing approval is 16 bedrooms which we know by any interpretation we're under so at some point there becomes a design that's, if blessed by this Town, we go back really and there's a formality, an administrative act with the Health Department and say you know here's our now a Town approved design, its system is in the same place, reduction in capacity but I think our plan and again Barbara correct me if I'm wrong, I think our plan would be to maintain the same system capacity as opposed to getting into a conversation of downsizing or whatever, we would really just love the system that's already been approved, it's more than adequate for the current design; I'm stuck on this pond, I am because I had no idea, obviously it's there now and nobody has been feeding it so somehow it manages, I just would be in awe of anybody actually trying to fill the pond up with a hose; yes; I mean in all honesty I have a picture that I; that's why I said we had this discussion a couple of years ago; I don't remember that and I would think I would, I'm sorry; and I can't provide, I don't have any first hand knowledge of what exists underneath the water or what the soil types are, my guess is if you just had a pond that was dug like this, that did not have some self maintaining ability, it would dry up quickly, I don't think you've been out there pumping water into this thing so; please be careful, the image; but my understanding of the history of it is that it has been fed; well probably you know, but if they enlarged it, it might have been a small, I mean of remember somebody speaking about it might have been a smaller one that had been enlarged; that's actually correct, that's what I just eluded to before which is how you know that at least probably the original form of this pond is genuinely a pond; okay; the issue was, you know you can fill in a wetland but if you dig it back out, the hydrologic conditions, in other words, whatever your underlying soil condition, it allows the hydrologic state to exist, it's not gonna vanish because you filled it in; right; it's those impermeable soil layers that are gonna exist, the pond is still gonna exist over that area, the part that you expand may be a little bit more difficult but the issue there is I don't know what was done, I have no; okay; no even anecdotal stories to tell you of how they accomplished that, did they at one point line it so that you've got a liner under there but it deteriorated over decades, I don't know, there's probably people in this Town that might know but I don't know; okay, I don't want to beat it to death, thank you; I can help you with that; please, come on up Dick; Paul Mobius by the way was my partner, we're Dick and Edie Petry from the Pridwin; your neighbors to the east; we bought the property and the Pridwin Hotel in '61 and there was a pond there and it was owned by, that property was owned by a gentleman by the name of Snyder, U. S. Industries, he contracted Hap Bowditch, which is young Hap Bowditch's father to fill in that pond, he filled it in so that there was no water left, I'm not exactly sure, he put the property up for sale, I asked my wife, 3 acres, $45,000, I asked my wife, it was close to the hotel, I didn't want to look at it, we told Walter Herrmann about it because he had been a guest at the hotel and he bought the property for $45,000. from __, he told them about there had been a pond there and he dug out the pond pretty much to the same footprint except he made it a little bit larger, he put a little "L" to it; yeah; right; but pretty much; do you know how he maintained the part that he cut, do you know if he lined the bottom; there was no liner; okay; to my knowledge; but you never know with Walter; thank you; but back in those days you didn't have to go to the DEC and stuff like that, you pretty much did things without a lot of; interference; right, so that was pretty much the story of the pond, I was gonna ask a couple of other questions but I can do that later; I appreciate any information, now I don't feel bad cause that is exactly how I remember Paul telling me the story as I just explained it, Paul I'm not gonna be able to satisfy you beyond that; it's a wonderful thing; and Mr. Petry, you never experienced any water problems yourself either at your hotel or at your home there; no, that's one of my questions concerning the whole project though just because the pond ends on Vella's property but I think it mixes with the aquifer because we have a shallow well just a few feet beyond that property for the hotel and then another shallow well for one of our cottages so there are two shallow wells, you only have to go down about 12 feet to water and that pond water mixes with that, with that shallow aquifer, now that's our main source of water for

the hotel, we have two other wells which go down deeper but I'm very concerned that the water in the pond, pristine, stays clean, so one of my questions was gonna be could he keep the drywell for the pool at a certain distance from the pond so there is no contamination, that was gonna be one of my questions; where is the pool; the location, the drywell which has chemicals in it and stuff like that has to be a certain distance from the pond but, and also keeping the contaminants away from the pool during construction and stuff like that so that the pond stays clean because I'd like to see the pond maintained in a very clean natural condition so that it doesn't contaminate the water beyond it cause our property backs up to it, right to that pond; it's a good point because everything, even when it rains hard, everything seeps down towards to the pond, that's why it feeds pretty naturally; right; I'm Mr. Vella's contractor, Michael Burns from BBC Construction, I work in very sensitive areas like on very significant homes all the time, I'm very sensitive to the conditions and we've talked about it and there will be the maximum of protection we could possibly put to mitigate any possibility, I mean I'm not gonna build a concrete wall but I promise you that there will be silt fences and hay bales and everything that the Town feels is significant; Walter tried the wall, it didn't work, we're a crazy group of people out here; I understand that, I work with the most sensitive towns, Sagaponack, East Hampton Village; __; no, no, no, I don't want to speak about that, let Barbara the architect; Walter Herrmann never could get permission to put a pool, he dug it out and they said it was too near the pond; this is a whole new location and she'll expand on it but the construction is gonna be out in the __ with the Town and everybody as much as I possibly can __ so that I'm a local guy in Bridgehampton and I'm available 24/7, I get phone calls all the time and I never stop so I'll be there __; yeah Jim, first of all thank you for the input and secondly with respect to the concern, this is probably a good segue to the second hearing but just in connection with the pool which is in the regulated area and the gentleman's comment, that is one of the reasons, understanding that their has to be some recharge nature to this pond, right, that we, Mr. Vella is investing in this vegetative buffer adjacent to the pond because that will serve that exact purpose, I mean the purpose of the buffers, I mean, it gets lost, I mean buffers never ___ an imposition but the reality is that these buffers actually act as a sink and a filter for contaminants before they get to any sort of recharge area so that is part of the proposal and with respect to the pool drywell, I just wanted, Stacy had prepared this, I have several copies I can give to Dottie, this is just an updated __ with the drywell hi-lighted, it had been proposed out on this corner and this is where the Planning Board had noted that it was not the sufficient distance from the well so it's now been moved back in this direction and more than a hundred feet from the well and it also really sets it farther from the main, you know the original part of the pond, I'm gonna leave that up there; yeah; it's the most current thing and there may be other issues that have to be blessed on the plans and Dottie I'll give you __ and so with that it sounds like the Board is probably; yeah, we'll open up the second hearing and we'll keep them both open; yes Barbara, we have a video presentation; thank you; thank you Rob, don't go anywhere.

At 5:34 p. m., the Supervisor declared the public hearing held open and called to order the public hearing of Zach Vella, 85 Shore Road, Shelter Island, New York, for permission to demolish the existing three story house and construct a new single family dwelling with attached decks, new swimming pool, renovate existing tennis court, construct new open patios, some with permeable pavers, stabilize and renovate the existing single story two car existing garage for use as a garage, for a proposed 12,240 SFLA.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd presented the report of the Planning Board, which was as follows:

29 January 2016
Re: **Vella Special Exception Permit Application**
Vella Residence
85 Shore Road
Shelter Island, NY 11964
SCTM # 700-13-01-18
Zone AA reverting to A Residential standards, within the Near Shore Peninsular Overlay District
We are in receipt of the Town of Shelter Island Special Exemption Permit Application prepared by Barbara B. Corwin Architect, dated 12 August 2015, last updated 21 October 2015, to demolish an existing house and to construct a 12,240 sf new single family residence. The applicant is

seeking relief from the 6,000 sf maximum habitable house size permitted under code. This application follows relief previously granted (Resolution 06-12 dated 7 June 2013) for a slightly larger project that added to the existing house. The significant difference between this and the previous applications is that the existing house is being completely demolished. Since construction involves more than 50% of the existing house, the new proposal must meet current zoning or obtain relief from the Zoning Board of Appeals.

The 3.328-acre property, developed in 1974, is currently improved with a 3-story house with roof deck over a finished basement and attached two-bay garage, detached two-bay garage, har-tru/clay tennis court, tennis pergola with bar over wood deck, masonry pump house, and (4) lane bocce court, all of which are in a dilapidated condition. The house is currently boarded. Close to 20% of the property is covered by wetlands which restrict the location of development. Project Plans designed by McClean Design and presented by Barbara B. Corwin Architect, most recently dated 13 October 2015, propose a 12,240 sf house with five bedrooms, an indoor swimming pool, an outdoor swimming pool with spa, extensive first and second floor patios/decks, a refurbished tennis court, a freshwater wetlands dock, and off street parking for twenty cars. The existing Garage is to remain as is, without the previously proposed Accessory Sleeping Quarters.

We submit the following observations:

The August 2015 application included the Observation Room which exceeded the 25 ft height for a flat roof house. This was withdrawn, and hip roofed "caps", that are set back from the exterior walls, were added atop the flat roof. The applicant claims that this permits the house to fall under the 35-foot roof allowance permitted for gabled, hipped, or gambrel roofs. Town Code 133-7 states "Building height shall not exceed two stories, and shall not exceed 25 feet for building on which there is a flat or mansard roof, or 35 feet from building on which there is a gable, hip, or gambrel roof." To us this has both physical and aesthetic implications:

Physically, in simple terms, a flat or mansard roofed house could have (2) eleven-foothigh floors with one foot of structure below, in-between, and above, for a total height of 25 feet. A gabled, hipped, or gambrel roofed house could have the same structure capped by the roof. The additional 10 feet in height for a gabled house is needed by the angled roof structure. Aesthetically, both flat and angled roof houses have the same appearance of height with the flat wall of their facades transitioning at approximately the same height to the roof structure.

In a study prepared by the design team, dated 13 October 2015, average existing grade was presented as 30.55 feet. A flat roofed structure would have to remain under elevation 55.55' and an angled roof structure would have to remain under elevation 65.55'. The study also shows that the height of the exterior walls surrounding the proposed residence is primarily at 62.75'; 7.2 feet or 28.8% greater than permitted for a flat roofed house.

The above noted design revision creates hip roofed "caps" that are set back from the exterior walls. The applicant had calculated that these "caps" cover 50.7% of the roof structure and is using this as the basis for the proposed house to be considered as an angled roofed structure; and thus permitting it to comply with the angled roof requirement. The Town Code does not make a percentage distinction between flat and angled roofs. Physically, the proposed house is being constructed as a flat roof structure with exterior walls extending above the plane of the roof forming parapets. The angled sections of the roof, the "caps", inset from the parapet wall, are more in tune with flat, or to some degree, mansard roof construction. Aesthetically, the angled sections of the roof, inset from the parapet walls, will be minimally visible, if at all, from grade. The transition between wall and roof will be 7.2', or 28.8% higher than permitted for flat roof structures in the code, and will look significantly taller and larger than the typical Shelter Island house.

Another way of considering this is to calculate the average weighted roof pitch. If the house is covered by 50% of a roof with a 4/12 pitch, the average pitch will be less. When averaging the pitch over 100% of a roof, the pitch becomes 2/12. A 2/12 pitch is arguably a flat roof. We ask that the Town Board seek the Building Inspector's interpretation of Code 133-7.

The applicant has made it known that the Observation room is preferred and that they will be going to the ZBA for that variance to obtain permission to reconstruct it. The applicant's NY Architect, Attorney and Builder did go to the ZBA last spring to discuss the height issue with the goal to get a variance so as to replicate that present Observation Room in the new structure. Arriving at the ZBA without a Letter of Denial, the ZBA would not discuss the request. The applicant's team came away with the idea that they needed a Special Permit for the house size first and so submitted to the Town Board. In reality, the Town Board wants applications only after any variances needed are obtained first. However, it would not be uncommon, where multiple

reviews are involved, to review the application under both scenarios. Since both specific possibilities are supplied, one with the 3rd floor and the other without, the Town Board could make an informed decision as to each.
The applicant has received a SCDHS permit (R07-12-0003 dated 21 May 2012) to install two septic systems; a 12-bedroom system for the house and a 4-bedroom system for the Garage Accessory Quarters and Tennis Building. As the current proposal is for a 5-bedroom house, without a Garage Accessory Quarter, it is unclear as to what the applicant is to install. A relatively simple 6-bedroom system would suffice for the project.
As we noted in our 2013 Memorandum, the applicant cites two neighboring properties: 89 Shore Road at 1,807 sf and 81 Shore Road (Pridwin Hotel) at 18,884 sf with 3,560 sf of accessory structures. We note that the sizes of additional structures in the neighborhood should be considered: 91 Shore Road, 1 Prospect Avenue, 2 Prospect Avenue, and the typical houses of Prospect and Rocky Point Avenues are more in keeping with 89 Shore Road, 1,200-2,200 sf.
The comparative Pridwin Hotel, circa 1924, functioned as a hotel since its inception, and predated Town Zoning. While a residential zone, the area holds other commercial/institutional entities including Perlman Music Center (formally the Peconic Lodge). Over the past few years, the Town Board has permitted houses that have exceeded the 6,000 sf of habitable space permitted by the code. These have included Tolkin (2014) at 8,000 +/- sf, Vella (2013) at 12,382 sf, Hogan (2012) at 6,619 sf, Tarlow (2012) at 8,412 sf, and Crocker at 8,600 sf +/-. As was the case in 2013, the Planning Board remains divided on the acceptance of the project as currently designed and presented. Some members remain concerned about the excess of Square Footage of Living Area (SFLA) over the zoning limitation, and the project's height in excess of the code per our interpretation of 133-7.
By: Emory Breiner, Planning Board Member
Ian D. McDonald, Architect, Planning Board Member
For the Planning Board

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: so I'd like to go through a summary of the proposed changes of the architectural, Rob Herrmann has already done the wetlands and we have video presentation and we have boards, we're applying for a special exception approval for a project on the property, it was previously granted by the Town Board on June 10th, 2013 for a project with 12,382 square feet of living area, this proposed application is a little smaller, we're for a living area of 12,240 square feet, the previous approval was for a main dwelling and for a separate second story guest quarters added above and expanded garage and 2 septic systems, the proposed project in effect eliminates, I'm sorry, and there was also a tennis pavilion in the original, that is eliminated and the guest quarters above the garage is eliminated and the garage will not be expanded, it will just be renovated, we would like to substantially, we originally applied to renovate the existing house but that was in no one's best interest, the condition of the house and the requirements that Shelter Island has, how they figure 50% remain, it would make it infeasible to renovate the house so we amended our application for new construction and we are applying for 12,240 square feet which does include 625 square feet if we are granted a variance to add the observation room, we have several options for that and we illustrated those and I think before we get into that I'd like to go through some of these slides so that you can see where the property is, this is the property itself, you can see the pond, you can see an existing croquet court which is in terrible shape that will be removed and you can see the existing tennis court which is being made a little smaller and the existing house and these are pictures of the existing house with its third story observation room, the first one is from Shore Road, so is the second, the third one over is the Pridwin Hotel, that's three story and also a large building and then the tennis court, the croquet court and with the lawn that is gonna be __ and the pond, this is the site plan if you want to talk about it __; we'll come back to it; the blue, could you go back, the blue is where the swimming pool is now; that's where the new swimming pool will be located; yes, it has a V shape to it; what's the depth of that pool; the depth of the pool, it varies; it does, okay, what's the deepest part of the pool; I'm not sure, but the pool; it's about 8 feet Barbara, it's probably that deep at the deepest; ___; that's a saltwater pool, right; yes; yes; and then on this you can see where the setback lines are, the 50 foot, 75 foot and hundred foot, we do have boards that you can look at a little more closely but the previous, the previous pool came right up here to the 75 foot setback, now it is half way back, quite a bit more; was the old pool the same shape; it was a rectangle, this is actually smaller __, so we have some issues that are unique to this property and there are challenges for the property itself, one is that it is a sloped property, slopes from 36 feet at Rocky Point Road down to 9 feet on Shore

Road, so when you put a house, the location of the house is restricted by the wetland setback to basically where the existing house is to it, that area along Rocky Point Road so when you say a 25 foot flat roof, that's taken from the average grade, we spoke with William Banks, the Building Inspector and we asked him how we calculate the average grade and he said I take the footprint which is what you see in red there and he takes the grade from the site plan of every corner of the house and then averages them, that's the average grade, what that does in effect is 25 feet minus 4 foot 8 which is our average grade; and this is where we're standing right now, what you've got here insofar; that is the footprint of the house; right; ___; could you go back for a second, the existing footprint of the existing house is around there; yeah it's around there; this is the add on; yes; okay; so every single corner, there are some corners that weren't taken into consideration though so I was wondering why some of those corners weren't taken into consideration on that calculation; I think they've all been included; these are ones, they're not not marked; they're not marked but there's a chart up at the top; right; which I can't read from here but it; right; they were all included; okay; so all the black dots __: but there are other corners; these elevations are all; yeah; they're all recorded up there; yes; this is more, there are fifteen, there are more black dots on the bottom which are I think __ you know; but then they would be the same height as what is recorded, so; yes okay; that's just the way the contours of the land are, some of it, okay, so if you take 25 feet and you subtract 4 foot 8, you're left with 20 foot 4 to put 2 stories in, you need to take about 5 feet off of that for the inter __ space between the ceiling and the floor above and the the space in the roof, we need a lot of insulation, it's a lot of glass house and we're gonna need to exceed the energy code, we need duct work, we need to restructure, we need recessed lighting so take 5 feet off and you're left with 15 foot 4, divide that by 2 and you're in the vicinity of 7 foot 6 ceiling heights on each of the 2 floors and that's not nice so because and what I'm saying is that's because of the unique location of this house on the slope and the design which is a contemporary design and the restricted Shelter Island Code for a flat roof so we're kind of being, I think forced to put this sloped roof on there, we'd rather have the flat roof and in fact the volume, the total roof area is 8,184 square feet, the sloped roof area 4,150, that's 50.7 percent, the height above average grade at the peak of the slope is 34 feet and the height above the first floor is 29 foot 8, the flat roof area is 4,034 or 49 percent with the height above average grade of 29 foot 8 and the height above first floor of 25, ironically the volume of the sloped roof is 6,482 cubic feet and is larger than the observation room of 6,250 cubic feet, the existing house which is the same height which was used for this one has been there for more than 40 years, has not caused any harm to the neighborhood or to the Town and in fact in Shelter Island, many of the beautiful older homes or more traditional homes which we have some photos which we randomly drove around, have observation rooms on the third floor, this is almost a defining design element on the Island which there are quite a few of these and there are also a lot of older larger homes, I realize that now there is a restriction for 6,000 square feet and you need a special permit but the purpose of the special permit is to look at these larger projects for, each on its own merit, one at a time and this is a large lot and has a beautiful view, the house has a lot of glass as far as fitting into the neighborhood, glass during the day is reflective so basically the Petrys, it's quiet in its own way, it is a contemporary house and it's beautifully designed, the materials we have them here if you are interested in seeing them, the confusion about the building height at the last meeting because some of it was __ with elevation levels from sea level and some were marked with elevations from the first floor, so that's cleared up on these drawings and we will give you these drawings, we also illustrated it with and without the peaked roof and if we were to made them and they are not mansard roofs, a mansard roof has 2 sloped on 4 sides, the upper slope is right here, so these are hipped roofs, is we were to have, and it's a 4 over 12 slope; well the hipped roof is coming into a flat, yes or no; no, they are hipped, they come to a point; not to the plate, they come out to the plate all the way around; no, you mean here on the edge of them; yes; no, we have a roof plan; I'm just trying to get a; no there's a little space, there are skylights in the roof too, so a flat roof, avoid the skylights, if they were larger they would also be higher so we tried to keep the height the same as the existing house and I know that because it's being renovated we had to give up the right to non-conformity and in doing so that existing house extends into the property setback on the front yard and the side yard, we will not have that any more, the new house will be behind the property line setback; so unclear, sounds funny, obviously __ but I'll try, by getting it right, there are flat roofs as well as peaked roofs on it, right; yes; yes, that's what I seem to see; yes, yes; some of them occupy the same space or adjacent space, yes, that's to say, or the pitched area is isolated from the flat areas; the pitched areas, I had a roof plan I think, let me get it for you; I'm just trying to get the feel for this thing, whether or not; the mansard roof, they don't go right out to an __; ultimately that is what I'm saying, it's a flat area that comes to __;__;__; the flat areas of

roof which are flat roofs and we're counting them as flat as part of the 49.3 percent; right; .7 in here; that's part of the calculation for the flat roof, are they higher than the Code allows; they are the same as what the existing, they are higher than the 25 feet because of the slope; so the flat areas are higher because basically you decided that it's predominantly a sloped roof structure; the flat area from average grade is 29 foot 8; okay; above average grade, it's 25 feet above the first floor or the grade at Rocky Point Road; okay; a lot of it depends on where do you take the; but we agreed we were gonna go with average grade, yes, isn't that what the Building Inspector said; that's what he said; I'm interrupting your figure but ultimately you're gonna have to go by what he says, no matter what we say, what we're doing wouldn't be an authorization; no because in your Code it says the height from average grade; right; so we are; and the flat roofed areas would have to meet that regardless of whether they come to sloped areas or not, that's my thing, that's what I'm thinking so we will let the Building Department make that call but I mean I'm wondering now, alright; I guess; __ that's a consideration; okay, the thing I want you to think about is that this is a unique, the property has a slope that is unique to it; I get it; and that's what's causing this problem, the peaked roof would be below 35 feet; let me ask you this, and then I'll let you go, from the road, you know from the Shore Road; yes; from the lower part by the beach, will the look of the house be, the house will probably look lower than it does now from the road, right; yes; cause it's not all of it sitting up top of the hill; right, lower in __; I mean that's a big piece of the __; right; you don't have to satisfy me, that's a problem; you're actually looking at the house from Shore Road here on this north elevation, this is the master bedroom up in here; yes it is; these are the 4 bedrooms; yes; over on this side of the house; yes; and then this is the first floor and this is the exercise room; yes, and it is, the house is somewhat angled so when you translate that to an elevation, it looks a little bit distorted; and the pool area is out in here; no it's actually up; the pool is; it's actually; oh it is, this is the pool, right here, this is V shaped on an elevation; yes, this is the green line right here; yes, okay, starting right where your finger is now, now, to the left right there, that's essentially the beginning of the pool heading left; okay; right there, not all the way to there; okay; no, left, before the steps, a little more, that's right; so the pool sits right in here; right; and ___ ; and the angle piece goes back on the left side; towards this area; on the inside; inside this __, okay, got it; it was done a while ago so we've made things a little smaller, it's like a lap pool that is actually V shaped; I can actually hold that if anybody wants to see that; so this is the master bedroom up in here, the pool goes this way and this way; yes; the stairs are coming down from over here; no, that patio that you see there is the roof of the basement below; this is the roof of the basement below; right; okay, going towards the street though, the rooms are __ , kind of backed up into here; right, that indoor, the indoor hot tub; yup; is, if it had windows, it would look into that pool, it's under that; under those chairs; under those chairs; okay; and that roof will be a flat roof but it will have a slope to it for drainage; wait a minute; a flat roof with a slope to it for drainage; I said flat roof, like this but what we're doing is; flatish; no, the roof has to have a pitch to; drain; and a gutter and a leader; right; right but the patio will be flat and the way we accomplish that is with roof pedestals and spacers and the water goes through and out, I have them here if anyone wants to inspect them; is the second floor connected to __; it will be a level area; this is all open; physical access and then below it's a roof, it will be pitching towards the drain; right; right; thank you; now we have been at this for a year just about and Mr. Vella would like to get use of this house while his children are still young and they can enjoy it, so we know that if we want the observation room, we have to go to the Zoning Board but that's a process that could be 4 or 5 months or more and then come back here again another how many months, we wouldn't be able to start construction or even start construction drawings for this so I know that what we're asking for is very special, what we're asking for is if you would consider the total number of square feet with the 625 that is the observation room, conditioned on going to the Zoning Board and getting a variance, if we get the variance, that gets subtracted from the 12,240; and it wouldn't be added in where else for the house, it would just be eliminated square footage; only 11,600 something; right; we're not trying to play a game; my only comment on the opening thing when you kind of compare it with the Pridwin and the Chequit, other buildings in the area, Perlman and everything, they're all large structures, obviously, one is a hotel though, the hotel is 18,000 and change; right; the single family dwelling is 12 thousand and change, it's two thirds the size of the hotel, when you start to make those comparisons, that's, what leaps out at me, the comparisons, they are large structures but you're comparing a single family house with a hotel that's __; quite a bit of the square footage is actually in the basement, it is down in the center; yup; and a lounge area and, the house itself is a 5 bedroom house, the master bedroom suite is large but this is a very elegant and __ house; right; the other bedrooms are not oversized at all; the one thing t o keep in mind, because I understand your concern with regard to that though is

and you brought up a point, that if this was a flat piece of land and that _ in the center, it would all be completely below grade, it does have the added luxury that the slope does provide glass but the basic bulk of the house on the two first floors that is, used to be and is generally considered to be the square footage is substantially less, it's just that big if you want to call it play area; right; actually there are many houses here on the Island that have that same amount of space in the basement; yup; but because of the nature of the grading, that's subsurface so isn't; we're not trying to hide it; we're counting it; right and that's a good point; __ Rocky Point Road; this is the front entry; this is the front entry right there, so it's not a bulking house, it is very __, all the rooms have views, this is also; the house of __; this is the front elevation; right; on a different drawing and then this is the east elevation where the house is actually quite small, quite narrow, this is one, this is the tennis court, this is the master bedroom, we've actually made this __: and by the way the tennis court is smaller than regulation; yeah; in order to fit in, we chopped 5 feet off the width intentionally, well we're trying to; __; Jim and I may have to play there; if it's approved; no, no, no, I don't even want to go there; __; I could also do that, I'm not the owner so I could walk away with my head down; how many parking spaces, I see conflicting things in the Planning Board; I can address that; __; okay; I was just trying to talk about the construction schedule; yeah; so Michael Burns will talk about it, on the previously approved plan, from May 15th to September 15th, outdoor construction was limited from 8 a.m. to 5 p.m. Monday through Friday and Michael will address that, in closing because this property that adjoins the hotel on 7.5 acres, a 40 acre wooded lot and it will be well screened and the bay, the existing third floor observation room has not caused any harm to the neighborhood, there are other large houses with third floor observation rooms on Shelter Island that are actually considered architectural treasures, Mr. Vella's house replaces a derelict eyesore, with beautiful design materials and workmanship of the highest caliber, it will conform to the Building Code and probably the energy code and will be as representative of our time as the older houses are of theirs, decades from now, it too will be considered a treasure; with regards to construction schedule; yes, Michael; we tend to set that up to some degree in collaboration with you; oh good, okay; we take into consideration the neighbors and what not; that's what we wanted to talk about; okay I'll address it, what we want, look, my men now generally now work from 7 or 7:30 to 4 or 5 depending, in this circumstance I would request 7 o'clock til 3:30 on all days but certainly if it meant, if it was significant, you could certainly further reduce the time on Friday and specifically if we had to do some other minor adjustment, we would try to accommodate but with the traffic pattern the way it is, my men want to get there early to set up so that we can get a full day's work in because we want to shorten the construction cycle as much as possible without being a nuisance to the neighborhood and in this case because we do tend to work on Saturdays on the mainland, we would eliminate that completely on this project, there would be no, well let me rephrase that, there would be no exterior work done that would cause any noise on the weekend, once the house is completely enclosed, if we're doing painting or work inside, I would request that we could work there provided that we don't create a nuisance to the neighborhood; 7 is a disturbance by the way for more people; well what really happens is they don't really start working til between 7:30, you know they've got to set up and you know they're tired too; I know; so; I used to be an animal I know; we want to just get a full day's work in is what it's about and that would be, we would certainly diminish it for July and August if you wanted 8 o'clock until 3:30 or 4 so that we could get a full day's work in but certainly absolutely on Fridays we would shorten the day and on Saturdays, no exterior work whatsoever; would the staging of construction be in on the property, right on the property itself, close to Rocky Point Road or; we're gonna try to keep it all, we have a staging plan about that; on the tennis court area; yes; now hopefully by the way, what I was hoping that we could reconstruct the garage initially so that I could use that as a; storage area; no, so that we could actually maintain coordination for the job; that makes sense; well since we're talking about construction, I'll just start here with construction access, parking and staging, so the main thing is the existing tennis court really provides a perfect place to do that so you'll see this orange __ here, we've accounted for 16 parking spaces that we can on the existing tennis court and then we were gonna utilize some additional parking that will be permanent here so the parking spaces that we're showing on the tennis court, 16, would be temporary and we're providing 8 additional spaces here which I cover again on the proposed guest parking plan for the house; I lost you, the 16 is temporary for the construction; it's gonna be on the existing tennis court; yeah; and then there's; that's just when they're building the house; correct and if they need additional during construction, they can utilize this area here which will be, that's not temporary, that will actually be part of the site parking; and that's 8; yes; why 8; well that's what will fit, I'll show you on another plan, the more permanent parking plan for the place, I believe there was a previous parking plan submitted in the

previous application that was approved by the Board, so we're trying to use that as a guideline for what we're doing, there are a couple of modifications to it, we had always shown 8 parking spaces over here, just to the east of the existing garage, so those would remain, there would be a curbing of pervious material, some sort of gravel I would think, one thing that I wanted to bring up to the Board's attention, there was a request in one of the memos that the parking be moved onto the property, currently it's in the right of way, which we have room to do in this situation, however if you look at it closely, there's an abnormally large right of way along Rocky Point Road, it's almost 30 feet and this is kind of a wooded area so we actually show on this plan that I can show you a little bit closer if you'd like, there are several trees in that area that we would have to remove in order to pull the cars completely onto the property; right; typically you only have about an 8 to 10 foot right of way on a normal street, so that you'd be able to pull in and park, in this situation, having almost 30 feet, we could be completely off the street and you'd still have additional room for street improvement and what not, in the future utilities, so it's up to you but I think that if you look at the site it might make more sense to actually show the gravel parking here within your right of way and that's the same situation, we're showing with, we have 8 overflowing guest parking spaces here, we're showing 2 here that would be in front of the garage, that would be pervious gravel, those would actually be off the street, thank you; what do you mean by 8 overflow guest parking spaces; those would be grass spaces so we would just designate that area to be utilized for overflow parking if we need it, so that would be allowed, you would have a space to pull the calls completely off the street but it would be less paving or gravel that would have to be there so it would look very natural, we had talked about we can use sort of an invisible, there's a structural grid that you could put below the surface, we could use that if we needed or if the Board wanted it, it really just depends on how much that area gets utilized, I imagine that that would be more like a dinner party or party type of situation that that would be used, which not necessarily gonna be on a regular basis so; that fenced in area encloses the entire property is on the inside of that area; the fenced in, the parking spaces would be on the outside; on the outside of the fenced area, right; so then we show 2 additional ones sort of close to the main house and in one of memos there is a request for 4 spaces close to the main house, so there's 2 here that are on our property and then there are 2 that are in the right of way, again if you look at the site plan, there's quite a bit of septic and drywells and utilities here that don't really allow us to bring the parking into the property but again this is an unusual situation of having an almost 30 foot right of way from Rocky Point Road, it's not common, it's not a typical situation that you would normally have so I just wanted to point that out to the Board and let you take that into consideration, so we're showing a total here, we have 10, 22 available parking spaces but I think it's worth noting that 8 of those would be grass as over, so they won't look like parking spaces but they'll be available for use just in case there's a party or something at the house from time to time; so essentially 14 spaces that are at all times available to accommodate the Town so that there's enough off site off road parking; yes; that means that there is gonna be at least 1 party there; I don't know, I'm not the owner, but that was in keeping with the previous plan that was submitted, if you want last time, we could show that but we wanted to show you that we had the room; yeah; Stacy; yes; just to state it, Zach was mentioning it, why do I need all these parking spaces, I think that was a carry over from a couple of years ago and I remembered that there seemed to be concern at that time; right; from the Board; yes; right; that there not be a situation where if there was a party or tenants or whatever, you ended up with cars on the street; right; now just to be clear on the applicant's behalf, if the Board now feels that maybe that's too persuasive to the neighbors that there's gonna be all these cars there, that can be reduced; good; that was not being driven by the applicant who was responding to some earlier concerns; alright, good, you're flexible on this; absolutely; thank you; and our real concern was the parking during the construction and the other thing is, the other concern that we have is that that road has to be kept open for emergency vehicles so it has to, even though it doesn't look like much, the road has to accommodate fire engines and ambulances in the meantime; there's no issue with that; no, there's no issue, we have, like I said, the right of way is abnormally large here so I think there's plenty of space to pull the cars off the street even if they're not completely on the property and that will help us to sort of save some of the natural trees and things on the property if the Board will allow; from start to finish, how many months would you anticipate the building of the; years; 18 months from start to finish; yeah; 18 months sounds somewhat realistic; 18 to 24 months; yeah; well look; I know; and truthfully at the end there'll be lots of scrutiny about the revegetation and you know we'll be coming back to maintain and enhance things and that's why that's not an unrealistic answer about it; okay, questions from the audience, yeah go ahead, yes sir, Richard; 8 o'clock; 7:30; 8 o'clock; that' realistic; okay; Emory; I was gonna ask, is the Town Board

gonna review this under the 2 scenarios, the 2 specific scenarios, one if they __ the ZBA and one if they don't; yeah; is that a yes; yes; yes; so they wouldn't have to come back to you if they __ the ZBA; we haven't made that decision; yeah we haven't made that determination, we're gonna talk about it Tuesday, Bert; yeah I mean one interesting point was the, about the flat roof versus hip roof or no flat roof and taking that into consideration of the elevation, definitely see some houses on the Island where if you look from the waterside that built into a bank that they look you know like the grade isn't averaged out so I don't know how they got to it but the thing is are you going to, is the Town Board gonna look at the, cause they made a valid point about you know houses on slopes and I think land now is becoming you know the houses are you know the best lots maybe might be gone and so now the less; yeah; you know we're down to those kind of houses, is the Town Board gonna look at reconfiguring on how they calculate um where to average out the grade or are they just gonna leave it in the Building Department's or is it every time you're gonna have to come here and look for you know a special permit; yeah we've had some, Bert good point, we've had some preliminary discussion, I think there's a sense up here that maybe we should become more proactive as we get closer to buildout as you suggest because it came up on Shore Road down the other end with the you know former Brush property when that was on the market and so on, I think it is an issue that we want to maybe not take up on a case by case basis, that's not, there's nothing fatally wrong with doing it on a case by but it may be fairer to prospective property owners to put out some guidelines; the Town over the years has changed the height restriction; yes; it used to be 50 feet with business property and it was reduced to 35; yeah; and you might want to raise it up again; I don't think; ultimately you know it's a function of not how it's calculated for where it's measured from average grade but you know what constitutes a peaked roof versus flat roof you know whether you can combine the two and average them and get the benefit of the one versus the other so there's a; that's more of a concern that we really, than the grade thing, the grade, there's really only one way to average the grade and that is what we're doing; one more observation, you know they, you know you did put in your 60, I think it was 6500 square foot trigger; yeah, 6,000; and you know the applicant is saying they're calculating the basement area; yes; into that because you know when we hear 12,000 square foot houses, that not a stretch and all of a sudden we're hearing about 20,000 square foot houses but you know to be fair to them the footprint, it's not a 12,000 square foot footprint, it's considerably less because of that, you know I think they, you know, the plans look beautiful and I think it would compliment the Pridwin terrifically you know, the question of course is you know the height, I don't know if the house ever had a CO, that's what the rumor is; it's pending; but I think maybe looking at, they make a valid point if you were to average off the grade from the one, just take the road side, not the Shore Road but the backside; Rocky Point; yeah that road, if you averaged that up with some allowance I think you know letting that house get a little taller than just the flat roof side, what's in the Code, I think that's kind of legitimate, get a variance; yeah, a couple of points on that too, one, I want to say that your work, to the owner and group here, on Bert's point, I think, I personally feel you've shown a lot of respect for a commitment to the project obviously because you've really done your homework and you've really gone the extra mile but at the same time you've also in my opinion have shown respect for the approval process and for the five of us sitting up here and we do appreciate that, you've really tried to, I'm not saying I agree with everything you've put out here but you've tried to address, you're trying to anticipate our issues and trying to meet them head on rather than squirreling them away somehow and we appreciate that and the other point is we're certainly not, this was a lot to digest and we're, we want to move it along and we understand that's fair enough, you bought the property, you own it and you want to realize your dreams but we're not certainly going to take any action tonight and I just might mention that I put on the work session agenda Tuesday afternoon, where it's not a public hearing but we're, on Shelter Island we're a little informal and you know we'll be talking about it up here but I allow limited sort of observation so if any of you wanted to stop in Tuesday, you would be welcome, you wouldn't be able to talk freely but you would be able; what time does that go on; 1 o'clock; 1 o'clock; and you guys are not the first item I did so you could show up, well you could check with me Monday, I think you're item 4, not you guys but all the open public hearings, there will be several of them, so it would probably be quarter of 2, something like that, Rob can fill you in, he's done this in the past, we don't set fixed times, we kick off at 1 and item we'll probably reach before 2 o'clock and I'm not mandating that the whole team come, I'm just saying if you feel; yes, I just wanted to introduce myself and I've been here for the last few meetings, my wife and I you know are very excited to build this house, it's something we've been looking forward to for quite a while, you know we're on the Island most weekends even in the winter and we're gonna try to be the best neighbors we possibly can during this process, we understand it's gonna be you know

difficult, we know you operate a business there and it's and we'll work with you to be the best way we can get it built and with the least headache possible but just look forward to starting it, it's been a while and we have quite a large family, hers is on the west coast, part of mine is on the west coast and the plan was to sort of have everyone staying in this house you know during the summer months, one of these days we'd like to do that but um we appreciate the amount of time and effort that everyone has been putting into this, it is a challenge; you might come to regret that part, take that as a __ into an annual thing; we appreciate those comments, it's nice to meet you; thank you; any further comments from up here at the table or in the audience on these two public hearings, one for a wetlands permit, the other for a special exception permit, if I don't hear any further indication or comment, I'm gonna close both public hearings; just one thing; yes please; you mentioned, in your behalf, you guys mentioned that there was a gray area about the septic system and that, part of that gray area was because the garage was gonna have; right; that being eliminated we would certainly and to our best interest also to further reduce the overall; right; size of that, it was just that the original; right; __ so we are, we wanted to; you're gonna build it to the current Health Department requirements; yes; right; thank you; and by the way, I'm sorry, the patio, how large is the patio; 1400; that's what I thought; and at some point you said it was all permeable but it's not all permeable; part of it is permeable; part of it above the basement; yeah I know, that's what came out today; right; so maybe do you have a breakdown of permeable versus impermeable; Rob do you have that number; you have __: go ahead; the total, I believe the total patio area is 3,000; 3,000; it's reduced to presently approve 3,996 square foot of patio, oh within the regulated area, okay wait a minute; there's a lot of patio; I know; __: __; maybe you can have that answer by Tuesday; __; __ make a mess of it; right I agree; and how much is permeable and how much is impermeable; yes; __; I don't know why we can't have the answer tonight but Paul doesn't want it so we won't; __; I just don't want to make a mess ___; Paul, one question to your question cause I remember sitting with Stacy and Barbara, it's got to be about 8 months ago now on this topic, there's a little bit of an issue in the calculation, I mentioned in my testimony, there's areas where there's patio over patio; yeah; I assume you're looking for an as the crow flies footprint or do you want to know you know if there's a thousand square feet of patio here and a thousand square feet of patio beneath that, is that a thousand square feet of patio or that 2,000 square feet of patio; we would like to know the full; we can break it out; break it out; break it out; we'll give you a full breakout; yeah give us a full breakout; to ___; __; cause I'm confused at this point; __; okay, great; thank you;

At 6:30 p. m., the Supervisor declared both public hearings closed and at 6:35 p. m. called to order the public hearing to be held as advertised on the proposed Local Law entitled AMENDMENT TO CHAPTER 53, DOCKS, CONCERNING THE SILVER BEACH LAGOON.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd summarized the proposal as follows: okay, I'll do my best, I've got to get my brain relocated, okay, they're changing the configuration moderately, they're gonna put, the new proposal has to do with piling, 2 pilings on either side of the ramp, basically to help with launch and keep things under control so the boats don't __ and it would be dredging and a clean up of tackle and that type of thing; are you just talking about right where the flagpole is, you're not talking about the whole length; no just the __; just at the flag; right; it seemed like, it seemed like it was an agreement between the people from Silver Beach that showed up that actually have boats that are moored there or docked there; right; and there was some give and take but I think what they didn't want to see all those pilings going all the way across, they were gonna put in either 2 or 4 right at the ramp, they were gonna clean out the bamboo on the left side on the north side of the lagoon, they were gonna take out and get a letter out to the people that have the hardware in the water there, try to get that stuff out before the dredging; right, they wanted to dredge the entire width of the lagoon down there because for the people that have their boats docked on the extreme north and south sides of the lagoon, it's very, very shallow so that basically was kind of it and um the last thing was about whether they were gonna continue to get a $45.00 yearly assessment or where Congdon's Creek was $250.00 and I think there was some negotiations and they expect something in between, they expect their rates to go up but not nearly to the point of where it is at Congdon Creek because they feel as if they're, you're comparing apples and oranges there when you compare the two of them; the new hearing will be set shortly but we're not having an official hearing tonight; okay I got it; yeah since it's been changed; because we changed it

materially we have to re-notice it; we'll re-notice it so; okay so this is __, okay; well we're not having that hearing right now, on our proposal the set up before, but in the meantime they've had meetings with the association and so forth with a new plan, that will be set up for a new hearing; right; but because it's so different from what's in here right now; so this is a hearing of historical nature; yes; rhetorical.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no further comments, the Supervisor declared the public hearing closed at 6:37 p. m. and called to order the public hearing to be held as advertised on the application of the Shelter Island Yacht Club, to construct one 6' x 25', one 6' x 30', and one 6' x 20' extension to the floating docks, install one 3' x 20' aluminum ramp onto a new 12' x 50' floating dock, install eight new 8" diameter anchor pilings, construct a new 8' bulkhead return at northwest corner of property, fill any areas landward with clean trucked in fill, and regrade gravel area.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the WMAC was, I'm gonna call it 5 to 1 in favor; yup; __ 5 and a half to one half, basically, the dissenting guy was John, he felt he was uncomfortable with the southeast corner, there's quite an extension going into the harbor and that's when the discussion about the pumpout and everything else began and he was fine with everything else and everybody else was okay with everything so it was really, that was what the descent was focused on and everything else was all good; yeah and the rationale for the expansion was basically they needed more room for the dinghies and that was I think, Paul's exactly right I think it was a 5 and a half to a half you know with John Needham being that half vote probably but other than that, the pumpout thing was something that was discussed but obviously I don't think the two of us, we talked about that afterwards that we were holding this request in hostage of the pumpout thing which is something that, John brought it up, it caught fire, we thought that it would be a good recommendation for the Yacht Club to consider, Marc Wein was on the phone here from Florida, he kind of endorsed that a little bit, however within 24 hours he had made a few phone calls, one of which was to Piccozzi's and basically was kind of calling me back saying listen Piccozzi's doesn't feel overwhelmed with the pumpout, they welcome it and you know does that mean you know you and Paul are gonna kind of pooh, pooh this kind of thing because of the pumpout, I said we weren't gonna tie that together; right; but we still felt, and John's point was that it is an active marina, it's a private marina but it takes a lot of boats in, hundreds of boats and there's quite a few guests that come in and use the facility there and just for the, anything that would enhance the harbor itself if the Yacht Club would consider it and I think they're gonna bring it to the Yacht Club and I don't know whether they'll consider it seriously or not but it's something that the committee thought was something that they should talk about, they have talked about it in the past; if I may, I'm Ian McDonald and actually John Needham first and he gave me the information on the State as to reimbursement for having the facility, Mike gave that information to __ and to Marc Wein and they are taking it to the trustees so they can talk about it; thank you; so what we suggest, he promised he would do; yup; at the WMAC meeting and have it ready this year; one thing that came out from the discussion with talking to me is they weren't overwhelmed but additional capacity would be welcomed, there's no question about that because there are times when they have to turn people away, they have a small capacity for storage, they only have 275 gallons and a busy season and that's like nothing and when you send people away, well where does it go; yeah; are they gonna go all the way around to Coecles Harbor or do they; and I think it's also important to talk to Mitchell's Marina because a lot of the members do go over there; right; to pump out; we're pursuing that through some kind of a grant kind of municipality kind of stuff _; Jack Costello, I'm just here to answer if there were any kind of questions about the docks, it's just like Jim said, it went well at the meeting though; right; yup, yup; good, we probably won't act on this tonight though; you can't act on this application tonight; I don't think so; well; it's whatever we decide to do; did they make their approval contingent on this; no; no; no; not at all; absolutely not; __ subject to this hearing; the subject came up and there was nothing __; well then I don't think we should be talking about it; yeah approve it; __ the bulkhead; there is, so tell me about it; he's got to get it done immediately, it's got to be done soon to get it done in time for the season; why weather; no, for the season; for the season; to get it done in time for the season; yeah; get it done; if three of us want to approve it tonight, we will; okay, thank you; it's as simple as that; ___; in relation to the Lightcap, you're gonna discuss that again; yeah; it really didn't make it anywhere

and the Waterways, if you could just table it; yeah we will, I'll keep the hearing open; and I'll be back on February 1st to meet; we've got to bring this to a conclusion however; yeah we do; and then you may have to amend the application, whatever you've got to do __; yeah; right; I've got to catch a basketball game, so.

The Supervisor declared the public hearing closed at 6:44 p. m. and called to order the public hearing to be held as advertised on the application of Scott Laton, 4 Bay Shore Drive, for permission to install a mooring in West Neck Creek at a location designated as latitude 41.031537° north and 72.212215° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: Paul; WMAC was 6 - 0, okey dokey; yeah it was a takeover of right Paul, yeah it was a takeover.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm the contractor on that, so with the takeover on the, does it name the person where its going; I've got McCafferty down here right now; okay; but he hasn't had a mooring there in a long time so it's basically not a takeover cause there's been nothing there for quite a while, it's going in the same spot he was; okay; the guy lives right across the street; they were trying to make McCafferty as a reference I think; right, there's an old buoy; okay, alright; thank you.

The Supervisor declared the public hearing closed at 6:46 p. m. and called to order the public hearing to be held as advertised on the application of Holly G. Aronow, 47H South Ferry Road, for permission to install a mooring in Coecles Harbor at a location designated as 41.067381° north and 72.304115° west; said mooring location was formerly occupied by the Picker C-1589 mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC 6 - 0 in favor, taking over the location formerly of Mr. Picker; yup.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 6:47 p. m. and called to order the public hearing to be held as advertised on the application of Ian McDonald Architect, agent for Robert Bethge and Melissa Shepstone, 5 Wheeler Road, for permission to construct a 4' x 17' 6" timber catwalk, 4' x 18' aluminum ramp, and an 8' x 25' floating dock in the Silver Beach Lagoon.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: this one was ultimately, they want to review the information that Ian in response to a request for additional information in regards to measurement of the channel at mean low water and etc. etc., etc., and they sent a bunch of stuff and they've received all the information and they're gonna pick it up again on the February 1st meeting; right; so I'll ask if it's possible to keep this held open as well; yup, that makes sense; they want to review the information; thanks very much.

The Supervisor declared the public hearing recessed at 6:48 p. m., to be reconvened at the next regular meeting, and reconvened the recessed public hearing to be held as advertised on the application of Jeffrey Lightcap, 131 South Ferry Road, for permission to construct a 96 foot splashboard system along south side of existing dock structure.

The Supervisor declared this hearing recessed until February, and reconvened the regular Town Board meeting.

RESOLUTION NO. 105

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Seventy-four Ram Island Drive, L.P., 74 Ram Island Drive, has petitioned the Town of Shelter Island for permission to construct a 4' by 20' ramp onto a 4' by 70' fixed catwalk with a 4' by 30' lower platform at offshore end, and install four ten inch diameter mooring pilings in Coecles Harbor, and

"Whereas", a public hearing was duly held on the 29th day of January, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed catwalk:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 106

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas" Martin O'Neill, 5 Shorewood Court, has petitioned the Town of Shelter Island for permission to construct a 10' by 10' platform at top of bluff and 3' by 4' platform down the bluff leading to beach, and

"Whereas", a public hearing was duly held on the 29th day of January, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed platform:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 107

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Peter Carlino, 15 Serpentine Drive, has petitioned the Town of Shelter Island for permission to construct a 60 linear foot upper retaining wall and a 70 linear foot upper retaining wall, and

"Whereas", a public hearing was duly held on the 29th day of January, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed retaining walls:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 108

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the Shelter Island Yacht Club, 12 Chequit Avenue, has petitioned the Town of Shelter Island for permission to construct one 6' x 25', one 6' x 30', and one 6' x 20' extension to the floating docks, install one 3' x 20' aluminum ramp onto a new 12' x 50' floating dock, install eight new 8" diameter anchor pilings, construct a new 8' bulkhead return at northwest corner of property, fill any areas landward with clean trucked in fill, and regrade gravel area, and

"Whereas", a public hearing was duly held on the 29th day of January, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed docks:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 109

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Scott Laton, 4 Bay Shore Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Creek at a location designated as latitude 41.031537° north and 72.212215° west, and

"Whereas", a public hearing was duly held on the 29th day of January, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 110

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Holly G. Aronow, 47H South Ferry Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as 41.067381° north and 72.304115° west; said mooring location was formerly occupied by the Picker C-1589, and

"Whereas", a public hearing was duly held on the 29th day of January, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilwoman Lewis, the meeting was adjourned at 7:00 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

February 25, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 25th day of February, 2016. Town Board members present were Supervisor James D. Dougherty, Councilman James T. Colligan and Councilwoman Mary Dudley. Councilman Paul Shepherd and Councilwoman N. Christine Lewis were absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and ten persons were present. All Town Board members present signed a waiver of notice.

The special meeting was called to order at 9:03 a. m.

This special meeting was held at the call of the Supervisor, to meet with certain Department heads and the Town's grantwriter to discuss and determine the priority of and what projects the Town may be eligible to accomplish by applying for and using funds available through New York State.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 10:26 a. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

February 26, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 26th day of February, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwoman N. Christine Lewis. Councilwoman Mary Dudley was absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and six persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. An e-mail from Dan Halsted resigning from his position on the West Neck Water District Board of Directors.
2. A memorandum from the Town Clerk informing the Town Board that on December 30, 2015, the Town Board duly adopted a resolution concerning the establishment of a Capital Reserve Fund to be known as the "Ambulance Training Capital Reserve Fund", subject to permissive referendum, and no petition has been received to call for a referendum, therefore said "Ambulance Training Capital Reserve Fund" is hereby established.

The Supervisor presented the following financial report for the month of January 2016:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
JANUARY 2016

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	577,431.17	3,425,190.80	721,851.07	3,280,770.90	767,536.63
Hwy Checking	137,758.91	606,660.32	121,796.28	622,622.95	
T&AChecking	344,010.58	10,723,903.11	10,748,309.75	319,603.94	15,349.17
T&A Savings	12,219.69	0.29	0	12,219.98	
Hwy Cap Res	178,859.36	4.26	0	178,863.62	
WNW Supply	75,140.80	9,302.84	6,337.52	78,106.12	40,641.63
Taylor's Island	39,782.49	1.07	0	39,783.56	
Com Preserv	4,346,323.34	374,187.65	0	4,720,510.99	590,266.81
Waterways	267,975.58	6,303.50	23,513.57	250,765.51	
Reserve Fund	414,618.55	0	0	414,618.55	
Bridge St Escr	0	0	0	0	351,930.92
Environ. Fund	15,750.00	0	0	15,750.00	
Ambulance Re	111,367.25	4,355.69	0	115,722.94	
TOTALS	6,521,237.72	15,149,909.53	11,621,808.19	10,049,339.06	1,765,525.16

RESOLUTION NO. 111

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Mr. Jeffrey Simes was appointed by the Town Board to serve as full time Constable on March 19, 1969, January 5, 1970 and January 5, 1971; as Officer In Charge of the Shelter Island Police Department on June 21, 1971, from which he resigned on September 1, 1971; was elected to the position of Councilman on the Town Board and served from January 1, 1973 through December 31, 1981, serving for 8 years; and was elected to the position of Supervisor of the Town of Shelter Island in November of 1985, 1987 and 1989, serving for 6 years; and

"Whereas", Jeffrey also served our Town in the following positions: Member of Building and Grounds Committee 1974 through 1981; Public Works Committee for the years 1974 through 1977 and 1981; Landfill Committee for 1990 and 1991; Waterways Committee for the years 1978, 1979 and 1981; Fire Alarm Board effective July 8, 1975 and for the years 1980 and 1981, a position from which he resigned on March 20, 1981; Water Advisory Committee effective March 21, 1986; and also served as Police Commissioner during his tenure on the Town Board, ex officio member of the Comprehensive Plan Committee from May 24, 1991 through

May 24, 1993, Zoning and Planning Task Force from August 30, 2002 through October 10, 2002; and Zoning Board of Appeals from March 26, 2004 through February 28, 2005; and

"Whereas", Jeffrey very sadly passed away in Florida on February 4, 2016, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island, on behalf of all the citizens of Shelter Island, hereby extends a formal expression of their deep sorrow at the loss of Mr. Jeffrey Simes, and does hereby record in the Town Board Minutes, the passing of a person who was very dedicated to this Town in many, many ways, helping to keep it the special place that it is, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Mrs. Estelle Simes and family as an expression of the Shelter Island Town Board's heartfelt sympathy for a person who worked very hard and diligently for the Town for many years.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 112

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", James T. Murphy, 68 Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.082933° north and 72.310483° west; said location was formerly occupied by the Rollhaus C-2063 mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 1st day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 113

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Michael McLean, 44-46 Tuthill Drive, has petitioned the Town of Shelter Island for permission to add a small 4' x 4' platform, ramp, and float parallel on the east side of an existing catwalk, add two additional 12" diameter piles to support the proposed platform, add a 3' x 15' ramp on south side of platform parallel to catwalk leading to proposed 6' x 20' float; said float is not proposed to extend any further seaward than existing catwalk; stabilize and revegetate existing shoreline at project site, install a two-boulder row of 2 - 3' diameter boulders with small boulders to fill voids for a proposed total of 310 +/- linear feet; boulders to be covered with 100 +/- cubic yards of beach compatible sand and planted with beachgrass on 12" centers, and the existing concrete seawall remains near the east end of the site are proposed to be removed and disposed of off site, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:46 p. m., prevailing time, on the 1st day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 114

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Edward W. Bausman III and Joyce B. Bausman, 6F Joy Drive, have petitioned the Town of Shelter Island for permission to construct approximately 134 linear feet of vinyl bulkhead in place of (and approximately 12 inches higher than) existing timber bulkhead, construct +/- 10' vinyl westerly return, incidentally dredge up to 10' seaward of portions of +/- 29' and +/- 48' sections of bulkhead to a maximum depth of minus 4' ALW, and backfill with approximately 25 cubic yards of sand/silt spoil and up to 25 cubic yards of additional clean sand fill to be trucked in from an approved upland source, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:47 p. m., prevailing time, on the 1st day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 115

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", a vacancy exists on the West Neck Water District Board of Directors, and

"Whereas", said Board has recommended the appointment of Matthew Kast to said position, now, Therefore

BE IT RESOLVED, That Matthew Kast is hereby appointed to serve as a member of the West Neck Water District Board of Directors for a term to expire on April 27, 2020.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 116

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Section 30 (1) (h) of the Public Officers Law, a Town officer must sign and file a constitutional oath of office within 30 days after the term of office begins, and

"Whereas", on January 4, 2016, Arthur Williams was reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019, and

"Whereas", Mr. Williams has not yet signed and filed said constitutional oath of office, and

"Whereas", the Town Board desires to have Mr. Williams continue to serve the Town of Shelter Island in said capacity, now, Therefore

BE IT RESOLVED, That Arthur Williams is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 117

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Senior Citizens Foundation of SI, Inc. has made a generous donation to the Senior Transportation program in the amount of $1,500.00 to cover the shortfall for 2015, now, Therefore

BE IT RESOLVED, That said check in the amount of $1,500.00 is hereby credited to the 2015 A2705E Senior Transportation Donation revenue account and thereby increases the 2015 budget by said amount, and

BE IT FURTHER RESOLVED, That because of the increased revenue, the 2015 A6777.145 AAA Driver personal services account is also increased by $1,500.00, and

BE IT FURTHER RESOLVED, That the generous donation received from the Shelter Island Ambulance Foundation, Inc. in the amount of $30,000.00 is hereby credited to the newly created Ambulance Training Capital Reserve Fund, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement check in the amount of $4,989.10 from the County of Suffolk to the 2015 A3120.110 Police Department regular overtime personal services account, the reimbursement for overpayment check in the amount of $32.92 from Northern Safety & Industrial to the 2015 A8160.484 Landfill office and miscellaneous account, the reimbursement for overpayment check in the amount of $138.59 from Dell to the general fund as a refund from prior year, and the reimbursement check in the amount of $3,785.00 from PERMA which constitutes a two percent discount for paying the invoice in full, to the 2016 A9040.800 Workers Compensation account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 118

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,478.00 from the A1620.476 Buildings computers account to Microsoft Corporation, P. O. Box 842103, Dallas, Texas 75284-2103, for the annual fee for 59 e-mail licenses for the term of February 15, 2016 through February 14, 2017.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 119

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Suffolk County Department of Fire, Rescue and Emergency Services has prepared a Suffolk County Multi-Jurisdictional Debris Management Plan for the Town, and

"Whereas", said plan has been reviewed by certain officials of the Town, and

"Whereas", said officials approve the acceptance of this Plan, now, Therefore

BE IT RESOLVED, That the Town Board does hereby accept and approve the 2015 Multi-Jurisdictional Debris Management Plan as prepared for the ten towns of Suffolk County and approved by the Federal Emergency Management Agency (FEMA).

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 120

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the 2016/2017 Municipal Snow and Ice Agreement Extension between the State of New York and the Town of Shelter Island concerning expenditures.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 121

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $291.00 from the 2016 A3120.491 Police Department service contracts account to Carr Business Systems, P. O. Box 28330, New York, New York 11747-3502 for the annual maintenance contract for the period January 24, 2016 through January 23, 2017, for the copy machine in the Police Department.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 122

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", ZV Shelter LLC has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 85 Shore Road, Shelter Island, New York and zoned AA reverting to A-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-013-01-018; and

"Whereas", the applicant proposes to remove existing 2,160 square foot croquet court from within regulated area (including 1,571 square foot from within vegetative buffer), remove existing sanitary system from regulated area and install new sanitary system outside regulated area, install new drinking water well, install pool enclosure fencing, install drainage system of leaders, gutters and drywells to capture roof runoff and pool drywell to capture pool backwash, establish approximately 24,922 square feet of native vegetation in place of historically existing lawn area within vegetative buffer, and install stone slab walkway to pond and 78 square feet of wood "fishing platform" over pond, all within the 100' regulated area as depicted on the plans from Marshall Paetzel Landscape Architecture last dated 10/20/15 and design plans and

elevations from McLean Design with a submittal date of October 13, 2015, so that the project is subject to Chapter 129 of the Code of the Town of Shelter Island; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of nonjurisdiction for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on January 29, 2016, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board adopts a Negative Declaration, finding that this is an Unlisted action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) The parcel is 145,141 square feet in size with Shore Road on the north and Rocky Point Road on the south, and is developed with a pre-existing 3 story house and accessory garage in dilapidated condition; and

2) The parcel contains a freshwater wetlands lying entirely on this private property, so that approximately ¾ of the parcel lies within the Chapter 129 regulated area. It should be noted that the wetlands was altered by a previous owner and is not a DEC-designated wetlands; and

3) Applicant is proposing to demolish the existing house on the property and build a new house with patios and pool, renovate the tennis court and renovate the existing garage, so as to place 22,180 square feet of house, patios, pool, tennis court and garage on this property; and

4) There is currently 5,293 square foot coverage in the wetlands regulated area which will be replaced with 7,814 square foot coverage in the regulated area. It should be noted that coverage in the vegetative buffer is reduced from 2,191 square feet to 319 square feet, but that coverage in the adjacent regulated area is increased from 3,102 square feet to 7,495 square feet, of which 1,033 square feet will be pervious; and

5) Applicant proposes to keep the swimming pool outside the vegetative buffer which the Town Board finds will not have a negative impact because it will not create significant drainage issues, and applicant agrees to install a pool cover to reduce water evaporation; and

6) Applicant proposes to rebuild an existing tennis court, approximately a quarter of which is in the adjacent regulated area, which the Town Board finds will not have a negative impact because it simply replaces a pre-existing tennis court and will be upgraded with improved drainage; and

7) Applicant proposes to construct 3,978 square feet of patio within the adjacent regulated area, of which 1,033 square feet will be permeable, which the Town Board finds will not have a negative impact because the patios will incorporate drainage and recharge devices; and

8) Applicant proposes to construct a 306 square foot stone slab walkway within the vegetative buffer which the Town Board finds will not have a negative impact because is de minimus and will drain naturally; and

9) Most of the proposed construction is outside the vegetative buffer, but is proposed to encompass half the adjacent regulated area on this property; and

10) As mitigation, the applicant has agreed to remove existing structural areas (except the garage) within the vegetative buffer, move the sanitary system outside the regulated area, install a 14,000 gallon cistern filled with off-island water to prevent overdraws on the aquifer, install an automatic pool cover on the pool to reduce evaporation, add approximately 25,000 square feet of native plantings to the site to improve groundwater recharge, and maintain silt fences as shown on the plans during construction to prevent stormwater runoff from contaminating the wetlands; and

11) The Town Board finds that the proposed project will not impair the function and value of the adjacent wetlands because drywells will be installed to accept drainage; and

12) The Town Board finds that the proposed project will not diminish the wetlands in size because the revegetation plan is designed to protect the existing wetlands; and

13) The proposed project will not have a negative impact on the quantity and quality of groundwater because it involves an upgrade to the existing aged and deteriorating drainage systems; and

14) The proposed project will not create a net increase in the risk of runoff because it will create many more drainage control devices and appropriate vegetation to collect runoff; and

15) The Town Board has reviewed the project and finds that there are no practicable alternatives which allow the project to be constructed outside the regulated area because the property is constrained by the existence of the wetlands consuming a large portion of the property, plus having two road frontages, which constrict the building envelope; and

16) The Town Board has determined that the proposed project has adequate mitigation measures that contribute to the protection and enhancement of wetlands and wetlands benefits; and

BE IT FURTHER RESOLVED, That the wetlands permit for the premises located at 85 Shore Road, Shelter Island, New York and zoned AA-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-013-01-018, is hereby approved subject to the following conditions to prevent negative impacts of such construction on the neighborhood:

1) The above-described project shall be constructed at the location and in the method shown on the plans from Marshall Paetzel Landscape Architecture last dated 2/5/16 and design plans and elevations from McLean Design with a submittal date of October 13, 2015, but without third story improvements as per the special permit resolution; and

2) In order to reduce environmental impacts of this project, the pool shall be equipped with an automatic pool cover and a low chlorine technology filtration system prior to issuance of a Certificate of Occupancy; and

3) Applicant shall install a 14,000 gallon cistern to be filled only with off-island water for all outdoor water needs, including the pool (topping off), landscape (irrigation), tennis court and washing, in order to reduce demands on the freshwater aquifer, and

4) During construction, wire-backed silt fences shall be securely placed at the location shown in the above mentioned survey. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and

5) Prior to issuance of a Certificate of Occupancy, applicant shall complete all the mitigation measures described in Finding 10 above and shall implement the Vegetation Plan by Marshall Paetzel Landscape Architecture last dated 2/5/16 to the satisfaction of the Building Inspector or his designee; and

6) Parking, noise, construction controls shall be pursuant to the Town Board special permit approved conditions; and

7) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and

8) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and

9) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector and the Building Permits Coordinator.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 123

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", ZV Shelter LLC, located at 85 Shore Road, Shelter Island, New York, zoned AA Residential reverting to A Residential, and designated as Suffolk County Tax Map No. 0700-013-01-018, seeks permission to demolish the existing three story house and construct a new single family dwelling with attached decks, new swimming pool, renovate existing tennis court, construct new open patios, some with permeable pavers, stabilize and renovate the existing single story two car existing garage for use as a garage, for a proposed 12,240 SFLA as shown on a site plan from Marshall Paetzel Landscape Architecture last dated 2/5/16 and design plans and elevations from McLean Design with a submittal date of October 13, 2015; and

"Whereas", it was determined that a special permit is required under §133-6(F)(1) of the Town Code to construct improvements with a SFLA of 6,000 square feet or above; and

"Whereas", the applicant has provided notice of the special permit hearing to property owners and filed proof of such notice with the Town Clerk; and

"Whereas", this Board considered the application and accompanying documents at a public hearing, pursuant to notice, on January 29, 2016; and

"Whereas", this Board now wishes to render a decision on this special permit, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board adopts a Negative Declaration, finding that this is an "unlisted" action which will not result in any significant adverse impacts on the environment based on the analysis set forth in the EAF Parts 1 and 2 and the Negative Declaration; and

BE IT FURTHER RESOLVED, That the special permit for a house with a SFLA in excess of 6,000 is found to be in compliance with the standards set forth in Section 133-35 of the Code of the Town of Shelter Island because:

1. The property is zoned AA reverting to A-Residential/Near Shore and Peninsular Overlay District and consists of a 3.3 acre lot with freshwater wetlands on the northerly edge; and
2. The lot is developed with a pre-existing 3 story house and small accessory garage in dilapidated condition; and
3. Applicant has proposed to demolish the existing nonconforming house and to construct a conforming house with a SFLA of 3,047 in the basement level, 3,513 on the first story, 5,055 on the second story and 625 on a third story; and
4. The Town Code does not allow a three (3) story single family dwelling, so the Town Board cannot approve the requested 625 SFLA for a third story observation room, leaving a requested SFLA of 11,615 for the proposed new house; and
5. The property is located with Shore Road on the north, the Pridwin Hotel on the east, Rocky Point Road (dirt) on the south with undeveloped property across the road, and private residences to the west; and
6. The homes to the west are a 1,807 SFLA seasonal home on a one acre lot and a 1,546 SFLA year-round home on a ½ acre lot. The adjacent hotel is a pre-existing nonconforming commercial use with approximately 20,000 SFLA on a 7.5 acre parcel; and
7. Although the proposed house is large, the size of the house to the lot size is roughly proportional to that of the neighbors in this eclectic neighborhood, at an SFLA 8.2% of the lot size; and
8. Applicant is seeking a wetlands permit for significant construction within the adjacent regulated area as well as this special permit; and
9. This project is suitable for location in this part of Town because the area is a mixed use area with both residential and nonconforming commercial and educational uses, and the existing structure on this property is 6,746 SFLA; and
10. This project will not be detrimental to surrounding property values because this will result in a replacement of a deteriorated existing structure, and the new structure is designed to conform to the Town Zoning Code; and
11. This project is harmonious with the character of the existing and probable development of uses in this vicinity because it is residential in nature; and
12. This project will not interfere with established uses in the neighborhood including odors, dust, light, buffers or noise because the pre-construction and post-construction conditions in this resolution will minimize these impacts; and
13. The groundwater at this site is approximately 20' below grade and is not fragile, so the project should not impact the aquifer and other important natural resources because it is a 5 bedroom house, it has Suffolk County Health Department approval and will replace the existing sanitary system with a more efficient system, applicant will install a 14,000 gallon cistern filled with off-island water to prevent overdraws on the aquifer, the pool will have an automatic pool cover to reduce evaporation and approximately 25,000 square feet of native plantings will be added to the site to improve groundwater recharge; and
14. Applicant also proposes to reconstruct less than 50% the existing nonconforming garage without any expansion or addition of habitable space; and

15. Applicant is proposing 10 parking spaces as shown on the Proposed Parking Plan dated 2/11/16, but the Town Board feels this is excessive for a single family residence and reduces it to 4 parking spaces; and

BE IT FURTHER RESOLVED, That a special permit to demolish the existing three story house and construct a new two-story single family dwelling of 11,615 square feet living area as well as decks, new swimming pool, renovated tennis court, construct new open patios, renovate less than 50% of the existing garage, is approved as shown on a plan from Marshall Paetzel Landscape Architect last dated 2/5/16 and design plans and elevations from McLean Design with a submittal date of October 13, 2015 (but without third story improvements) at premises designated as 85 Shore Road, Shelter Island, New York, zoned A-Residential/Near Shore and Peninsular Overlay District, and designated as Suffolk County Tax Map Lot 0700-013-01-018, is hereby approved subject to the following conditions to prevent negative impacts of such construction on the neighborhood:

a. The above-described project shall be constructed at the location and in the method shown on the plans from Marshall Paetzel Landscape Architecture last date2/5/16 and design plans and elevations from McLean Design with a submittal date of October 13, 2015; and

b. Applicant shall install a 14,000 gallon cistern to be filled only with off-island water for all outdoor water needs, including the pool (topping off), landscape (irrigation), tennis court and washing, **and** pond refilling in order to reduce demands on the freshwater aquifer; and

c. During construction, wire-backed silt fences shall be securely placed at the location shown in the above cited plans. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and

d. Prior to issuance of a Certificate of Occupancy, applicant shall complete the following mitigation measures:

1) implement the Vegetation Plan by Marshall Paetzel Landscape Architecture last dated 10/20/15 to the satisfaction of the Building Inspector or his designee; and

2) remove existing structures within the vegetative buffer as shown on the approved plans;

3) abandon the existing sanitary system and construct a new sanitary system outside the regulated area; and

4) install a 14,000 gallon cistern filled with off-island water to prevent overdraws on the aquifer; and

5) Prior to issuance of a building permit, the applicant shall execute and record covenants and conditions on behalf of themselves and any heirs, successors and assigns stating that the property shall only have a well with a total volume ½ horsepower (10 gpm) to reduce the draw on the sensitive aquifer; and

6) the pool shall be equipped with an automatic pool cover and a low chlorine technology filtration system prior to issuance of a Certificate of Occupancy; and

7) during construction, wire-backed silt fences shall be securely placed at the location shown in the above cited plans. The silt fence shall be maintained throughout construction and until any disturbed soil has been stabilized. Soil disturbance shall be minimized where possible. Construction materials and equipment shall be staged on-site and outside the regulated area; and

e. Post-construction parking shall be as shown in the Proposed Parking plan by Marshall Paetzel dated 1/22/16 except that there shall only be 4 parking spaces instead of the 10 shown; and

f. Any increase in SFLA above 11,615 SFLA, including any plans to finish the currently non-habitable areas of the structures on this property, shall require the applicant to obtain a special permit for said increase; and

g. The project is subject to the following conditions **DURING CONSTRUCTION**, and failure to meet these conditions may be the basis for issuing a Stop Work Order on the project until the failure is corrected:

1) Demolition may occur as soon as a demolition permit is obtained, but since applicant has represented that significant design work remains before construction commences; construction on this project shall not commence until after Tuesday September 6, 2016 to avoid noise and dust disturbance to adjacent neighbors who primarily use their properties as a summer retreat. Applicant shall make all efforts to have the house enclosed by May 15, 2017 so that exterior construction noise and impacts will be minimized; and

2) During construction, there shall be no parking which would block Rocky Point Road, and applicant shall make parking available on the tennis court and areas shown on the Proposed

Construction Parking Plan dated 2/11/16 until all work on the house and buildings is complete; and

3) During the period from May 15 to September 15, no construction work on this project shall occur outside 8 a. m. to 5 p. m. on Monday through Friday, or between 5 p. m. Friday and 8 a. m. Monday (so that the neighbors and adjacent hotel can have peaceful use of their properties during summer weekends); from September 16 to May 14, can work Saturdays, hours of construction are 7 a. m. to 7 p. m.; and

4) Applicant or his designee must control all construction contractor parking so that none is allowed on Rocky Point Road. Construction parking on applicant's property is encouraged; and

5) Prior to commencement of construction, applicant shall erect wire mesh fencing along the east and west property boundaries and along the southerly edge of Rocky Point Road opposite the property (at a location acceptable to the Town Highway Superintendent) to collect garbage and to prevent intrusion of construction vehicles into adjacent properties. This fencing shall be maintained during construction and shall be removed at the end of construction upon request of the adjacent property owners; and

6) Applicant or his designee must keep the construction site cleaned of all trash and debris on an ongoing basis with a minimum once per week; and

7) Rocky Point Road must be maintained to the satisfaction of the Highway Superintendent, and no Certificate of Occupancy for this construction shall be issued unless Rocky Point Road is in the same or better condition than it was at the commencement of construction, as determined by the Highway Superintendent; and

8) The project manager shall post a sign on the site with his cell phone number and shall address in a timely fashion, neighbor concerns regarding litter control, parking, noise, road conditions and other impacts caused by the project; and

9) Applicant shall install Dark Sky compliant lighting pursuant to the Town Code in all outdoor lighting on this project; and

h. This approval shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That a copy of this approval shall be filed with the Building Inspector and with the Building Permits Coordinator.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 124

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Town Board shall, in accordance with the provisions of Chapters 36 and 126 of the Code of the Town of Shelter Island, establish the fees to be charged for parking permits, also the hours of the day and dates on which it will be necessary for a motor vehicle or motor cycle to display a parking permit while parked on Menhaden Lane, on the south side of Fresh Pond Road, or at any designated parking area adjacent to any Town owned or leased beach, now, Therefore

BE IT RESOLVED, That all motor vehicles or motor cycles using the parking areas adjacent to all public beaches owned or leased by the Town of Shelter Island, or parking on Menhaden Lane and the south side of Fresh Pond Road shall display a parking permit which shall be issued by the Town Clerk, said permit shall be displayed on the lower left corner of the rear bumper of a motor vehicle, and the rear mudguard of a motor cycle at all times, from the Friday preceding the observance of Memorial Day, through Labor Day, inclusive, except parking adjacent to Crescent Beach shall be restricted to holders of parking permits from 9 a. m. to 5 p m. daily except for the twenty-four (24) parking spaces, fourteen (14) at the westerly end of the designated spaces and ten (10) at the easterly end of the designated spaces shall be restricted to holders of parking permits at all times, and

BE IT FURTHER RESOLVED, That said parking permits shall be issued as follows:

FREE for all motor vehicles and motor cycles which are (a) registered in the Town of Shelter Island, or (b) registered or leased to an owner of real property which is situated in the Town of Shelter Island;

All other residents, as defined in Section 126-8 F (3) of Chapter 126 of the Code of the Town of Shelter Island which is the Traffic Ordinance and Section 36-3 of the Code of the

Town of Shelter Island which is the Beach Ordinance, shall pay a fee as per the following schedule per vehicle for said parking permit:

Day Passes: $25.00 per day;

Weekly permit: (any seven (7) consecutive days) FORTY ($40.00) DOLLARS);

Monthly permit: (any thirty-one (31) consecutive days) EIGHTY-FIVE ($85.00) DOLLARS, or

Season permit: (Friday preceding the observance of Memorial Day through Labor Day) TWO HUNDRED AND TWENTY FIVE ($225.00) DOLLARS, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to purchase the necessary supplies.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 125

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the Receiver of Taxes' A1330.476 computer software account to Business Automation Services, Inc., 661 Plank Road, Clifton Park, NY 12065 for the annual software support/maintenance and hosting fee for the year 2016.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 126

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the Joint Funding Agreement for Water Resources Investigations Amendment No. 1 between the Town of Shelter Island and the U. S. Geological Survey for the agreement dated January 14, 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 127

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Richard and Charlotte Clark, 6J Hager Road, have petitioned the Town of Shelter Island for a wetlands permit for permission to raise existing dwelling and install basement underneath, substantially renovate dwelling and construct second story above substantially renovated detached garage and construct second story accessory sleeping quarters over same, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:48 p. m., prevailing time, on the 1st day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 128

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Joseph E. Hakim, 8 Club Drive, has petitioned the Town of Shelter Island for a wetlands permit for permission to construct an in-ground swimming pool with coping, deck, automatic safety cover, safety fence and vegetative screening, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:49 p. m., prevailing time, on the 1st day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 129

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$2,508.00 from the A1110.499 Justice Court stenographer account to the A1110.103 Justice Court clerk personal services account;
$11,794.00 from the Unallocated Insurance account and dispersed as follows:
$67.00 to the A9055.800 Disability Insurance account,
$3,254.00 to the A9060.800 Medical Insurance account, and
$8,473.00 to the A9060.801 Health Insurance Stipends account;
$1,500.00 from the A1930.400 Judgments & Claims account and dispersed as follows:
$517.00 to the A1980.400 MTA Payroll tax account,
$697.00 to the A9040.800 Workers Compensation account, and
$286.00 to the A9060.800 Medical Insurance account;
$3,865.00 from the A1990.400 Contingent account and dispersed as follows:
$299.00 to the A1355.104 Assessors clerk personal services account,
$184.00 to the A1410.101 Deputy Town Clerk personal services account,
$876.00 to the A1410.102 Deputy Town Clerk overtime personal services account,
$1,681.00 to the A1410.106 Deputy Town Clerk personal services account,
$70.00 to the A1410.108 Deputy Town Clerk stipend personal services account, and
$755.00 to the A9040.800 Workers Compensation account;
$255.00 from the A3120.486 Police Department car gas and oil account to the A3120.484 Police Department office and miscellaneous account;
$1,675.00 from the A4540.422 Ambulance food account and dispersed as follows:
$43.00 to the A4540.100 EMS secretary personal services account;
$338.00 to the A4540.200 Ambulance equipment account,
$89.00 to the A4540.408 Ambulance building maintenance account,
$463.00 to the A4540.428 Ambulance communications account, and
$742.00 to the A4540.478 Ambulance medical supplies account;
$575.00 from the A4540.484 Ambulance office and miscellaneous account,
$960.00 from the A4540.485 Ambulance vehicle repairs account,
$645.00 from the A4540.486 Ambulance vehicle fuel account, and
$2,360.00 from the A4540.492 Ambulance travel and training account to the A4540.478 Ambulance medical supplies account;
$700.64 from the A5710.400 Waterways Management contractual account and dispersed as follows:
$96.00 to the A5710.104 Waterways Management Deputy Town Clerk personal services account, and
$604.64 to the A5710.100 Waterways Management Advisory Council clerk personal services account;
$4.00 from the A6772.440 Nutrition Program maintenance account to the A6772.400 Nutrition Program food account;
$52.00 from the A6776.480 Silver Circle resource materials account to the A6776.408 Silver Circle maintenance account;
$240.00 from the A6777.408 Senior Center repairs and maintenance account to the A6777.145 Senior Center AAA Driver personal services account;
$5,700.00 from the A7310.400 Youth Recreation Programs account and dispersed as follows:
$4,978.00 to the A7020.102 Recreation aides personal services account, and
$722.00 to the A7150.100 Lifeguards personal services account;
$1,694.00 from the A7620.400 Adult Recreation Programs account to the A7150.100 Lifeguards personal services account;
$744.00 from the A7320.424 Youth Center fuel oil and heat account and dispersed as follows:
$10.00 to the A7320.408 Youth Center maintenance account, and
$734.00 to the A7320.101 Youth Center longevity account; and
$12,177.00 from the B1990.400 Part Town Contingent account and dispersed as follows:
$1,623.00 to the B3620.100 Building Inspector personal services account,
$1,589.00 to the B3620.101 Building Inspector personal services account,
$1,065.00 to the B3620.103 Building Inspector clerk personal services account,
$410.00 to the B3620.107 Building Department buy back account,
$1,623.00 to the B8010.100 Zoning Inspector personal services account,

$1,589.00 to the B8010.101 Zoning Inspector personal services account,
$1,442.00 to the B8010.103 Zoning Inspector clerk personal services account,
$540.00 to the B8030.100 Water Advisory Committee clerk personal services account,
$683.00 to the B9010.800 Part Town State retirement account,
$786.00 to the B9030.800 Part Town social security account,
$500.00 to the B9040.800 Part Town workers compensation account, and
$327.00 to the B9060.801 Part Town health insurance stipend account; and

BE IT FURTHER RESOLVED, That the following 2015 budget modification is hereby approved:
$740.00 from the Waterways Fund to the A5710.100 Waterways Management Advisory Council clerk personal services account;

BE IT FURTHER RESOLVED, That the following 2016 budget transfers are hereby approved:
$50.00 from the A1330.200 Receiver of Taxes equipment account, and
$150.00 from the A1330.484 Receiver of Taxes office and miscellaneous account to the A1330.415 Receiver of Taxes computer programs account; and
$275.00 from the A1355.484 Assessors office and miscellaneous account to the A1355.200 Assessors equipment account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 130

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That 2015 general claims numbered 2195 through 2215 in the amount of $20,534.44, 2015 highway claims numbered 334 through 335 in the amount of $7,538.00, 2015 West Neck Water claims numbered 55 through 57 in the amount of $4,516.87, 2016 general claims numbered 94 through 227 in the amount of $54,630.88, 2016 highway claims numbered 10 through 35 in the amount of $34,665.30, and 2016 West Neck Water claims numbered 3 through 4 in the amount of $1,315.00 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:00 p. m., the Supervisor recessed the regular meeting and called to order the recessed public hearing to be held as advertised on the application of Jeffrey Lightcap, 131 South Ferry Road, for permission to construct a 96' splashboard system along south side of existing dock structure.

Correspondence included the following

1. A letter from Michael P. Anglin stating he is in favor of issuance of a permit to Mr. Lightcap to construct the splashboard.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: well the only comments I have is that that now makes it a 3 - 3 vote with 7 people that are on the WMAC, so that actually ties things up at 3 - 3 and I don't think we've heard back from Bill Geraghty on it but all the other 6 members have weighed in and they presented some excellent discussion on both sides; thank you Jim; Jack Costello on behalf of the applicant, Mr. Lightcap has done everything he was originally asked to by the Waterways, he has now given up the south dock, the picture here representing what he is losing, what he's gained, he's losing a great deal, it's not very clear the extent of what he's giving up because there is no boat on the boat lift and the floating dock and the ramp are not in on the south dock but he's actually giving up that entire structure and all he is looking for is the DEC approved, 96 feet of DEC approved splashboard, this isn't what he was originally asked to do by the Waterways, was to give up the south dock and the Waterways, there was 3 gentlemen on the Waterways that were fearful of the precedent, I think we all know the history of this, this was a marina, 36 to 50 slip marina with also the additional 30 to 50 moorings depending on the life cycle of the marina, Mr. Lightcap has gotten rid of all that, I think this is a good opportunity to clean up this mess, this went through the Waterways for a long time, Mr. Lightcap was looking for you know, a permit

for the splashboard, we have the DEC approval, he is willing to remove the south dock, south float, south ramp, the boat lift, like I said the picture is not quite as dramatic as it should be, I didn't go and put a boat on the lift to make it look more dramatic or playing games, I didn't go put the float in, the 10 by 24 foot float at the end of the south dock with the __ open ramp, that's not indicated, I took this off the Google maps to show the size of the actual structure that's coming out and the minimal structure that's going in and um there was a letter from Mike you know, about this application, he feels very strong about this application, he feels very strongly that this is not asking much and he felt very strongly that this should be approved, he is in Arizona and couldn't be here, we had a letter from Cliff Clark, Cliff actually came to one of the meetings to speak on behalf of Mr. Lightcap and he is the other neighbor to the north, this splashboard is not gonna affect anybody and Mr. Lightcap has bent over backwards to give everything that was originally asked of him and like I said, as far as the Town Board goes, it seems like a nice opportunity to straighten up a very difficult piece of property, you know it was a commercial marina and it was a residential piece of property that were merged, he's willing to get rid of the residential dock that was on the residential piece of property, the commercial marina is now gone and there is very little environmental impact now that there is just a residential dock, it's sad that it got dragged through the Waterways as long as it did because it seems like a very simple application and the gentleman isn't really asking for very much; the pilings are in there already for the splashboard; the piling line is there yeah, nothing is going in that is going to change, no one is actually going to see this splashboard, nobody is gonna really know it is there except Mr. Lightcap; yeah; and like I said, Mr.; it only goes 2 feet above the waterline; 2 feet above the waterline; 25 feet south of the dock; yeah; it will stabilize the dock as well; right and it is where that existing line of piling is so there is really, aesthetically, people going by, no one is going to know it is even there and Mr. Clark felt very strongly that this would help the whole situation down in that area and like I said it seems like Mr. Lightcap has done everything he was originally asked to do by the Waterways and they, three of the gentlemen still backed away from the application and I would like the Town Board to think of this application favorably because Mr. Lightcap is really not asking for very much; yeah; and giving up a tremendous amount, so; you said it helps the situation in the immediate area; it will diminish wave action coming through to Mr. Clark's property also; yeah; the floats are an easier way to access the dock, they're there, there was a commercial marina there, we all know that and it seems like he's been a steward of the land and done everything in the best interest of Shelter Island; he'll be able to dock two boats on the north side of that floating dock and keep boats on the south side of that dock if you did this; he'll just have one boat on the south side and two boats on the north side; it does eliminate 120 foot by 6 permanent dock, I mean the conversation there was, I mean you could argue both sides, it went on for hours, people really knocked themselves silly, I think people generally, the three people that supported it said it exactly the way you said it and were strongly behind that, the fact that they had given up so much and had cleaned up the area and other three people were just about the precedent of the splashboard, that was their concern, splashboards are nothing new but most splashboards are mounted on the permanent docks and this one would be slightly out from the dock so that's the only difference; I would say that, ultimately there is nothing particular about this application for me that the precedent issue doesn't really weigh too heavy on me, I mean I've bounced this thing around a lot; I have too; but I'm thinking that there is so much different about this than there would be on a standard application, that situation, the only thing I would really want would be that those particulars or various things that he is giving up you know and the transformation that's taking place on this property from the formerly commercial property to what it hopes to be, be noted in whatever resolution, you know what I mean so that in future times, people would look back and you know would say well how did he get this and I didn't, well this is what it was that we were trying to accomplish; yeah, sure; that way __; I've been groping a bit on how this is a precedent because having been a marina and _ on that property, I'm not sure, I don't think we'll have too much trouble distinguishing this; we shouldn't; no; like I said, I would like the resolution to reflect the realities of it now so that in the future, right now we all see it clearly because it's still a memory when we transformed it but you know, ten years from now, nobody is gonna remember and _ that this has happened, that's the only thing I was thinking of, other than that, it's a better world, and the fact of the matter is that our own Code states that the tie off pilings are in fact part of the dock so technically speaking, the splashboard is to be part of the dock, it's just a different configuration you know; I also like the endorsement that he got from his neighbor, that weighs on my decision a little bit, if the neighbor had written a letter that was unfavorable, I think that would enter into the decision making process; I'm sure we'll get shot by the members of the committee, at least three of them; actually we don't, when we get advice from the

Waterways Management committee that are 6 nothing or 7 -2 or whatever, 7 - 1, whatever their makeup is, 6 - 1, there's a lot of them, we take that into very strong consideration and we don't usually act against their advice or their recommendations even though they are recommendations but I agree with you, I think in this case the mediations are the down side of it and I'm not ever sure if we're concerned about precedent because I heard something along the way in one of these many discussions that with the increased size of boats that keeps coming at it, the increasing wave action to areas is gonna be greater, we might, this might not be the last splashboard we ever encounter so I'm not having a problem voting for it.

The Supervisor declared the public hearing closed at 5:09 p. m. and called to order the recessed public hearing to be held as advertised on the application of Ian McDonald Architect, agent for Robert Bethge and Melissa Shepstone, 5 Wheeler Road, for permission to construct a 4' x 17' 6" timber catwalk, 4' x 18' aluminum ramp, and an 8' x 25' floating dock in the Silver Beach Lagoon.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Ian McDonald, I'm the Bethge's architect, I'm just here to answer any questions if you have any; I mean ultimately the committee was okay with it, they had some questions about the ultimate distance, you know, the navigable distance between shores and structures and you gave them the updated site plan; yes I have that; and there was no negative noises thereafter so that's pretty much, there was no opposition once they had the data that they were looking for; thank you; I would say the same thing, the one thing that we spent, this was debated a long period of time as well, not so much about the configuration or anything else but more about because the channel is so narrow there, the Lagoon is so narrow there but they wanted to make sure it was measured properly and that it would not interfere with the normal navigation of inside the Lagoon and they were asking for an updated survey, I guess to show that from mean low water to mean low water and that was done and this for a 4 by 17 foot 6 inch catwalk that goes out and then 4 by 18 foot ramp that is attached and then it goes perpendicular to that, ___ dock that runs parallel with the shoreline and the one stipulation was that if a boat was tied up, obviously on the outside of that floating dock, that it would not be further than 10 feet out into the channel I guess and that was, they were pretty much set on that so, they didn't have any problem with the configuration whatsoever, it was strictly getting, making sure that there was navigable space down through the lagoon so I didn't see any problem with it; thank you; thank you Ian; I don't know how we're gonna do it but in the future you know, I'm gonna wrestle with this thing somehow to see if we can find a better way to make the measurements and things like that to decide that, we'll talk about that once we have everybody in the same room, it's a little bit obnoxious with whatever we call it; the webex scene; yeah the webex; whatever that is, just to see if we can get a better way to find the measurements with that cause you know the surveys are kind of shaky, I mean a guy's got to stand on one side of the thing and he's got to go around on the other person's property that's not even involved in this, it all gets a little bit strange so I think we can modify that to get to the hard points to measure it on land, Ian will probably help me as well, he's a good man.

The Supervisor declared the public hearing closed at 5:13 p. m. and called to order the recessed public hearing to be held as advertised on the application of Congdon Point, LLC, 34 A North Cartwright Road, for permission to remove existing 32" by 14' seasonal aluminum ramp and 6' by 20' seasonal floating dock with two 2-pile anchor dolphins, construct a 4' by 32' fixed dock extension to the offshore end of the existing fixed dock, reinstall existing 32" by 14' seasonal aluminum ramp and 6' by 20' seasonal floating dock with two 2-pile anchor dolphins at offshore end, repair existing floating dock as necessary, install two new 8" diameter mooring piling, and install two 8,000 pound elevator style boat lifts on opposite sides of the new fixed dock extension in Coecles Harbor.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Jack Costello on behalf of the applicant, this is also one that got bounced around; yes; in a negotiation with the Waterways and I think at the last vote it was 7 - nothing in favor of the application as drawn up; right; but nobody was against this one; right; this one flew right through after 5 modifications; the only question that's arisen, your most recent submission was what mid January date; yeah; and I don't know how that came to be because I went as liaison to my first meeting in January and they were all screaming at me, why haven't you

done anything; some of the just slipped through and then here we are today; I guess what we don't know is your submission the same one they approved; yes; yes; okay; Laury, we'll be asking that question for sure, we need to double check and they might want to give the Town Clerk a description of the revised dock you know, like 48 foot fixed you know, 37 floating, whatever the heck it is; I've got a picture right here; okay; that was what made it kind of odd is that I never really saw the revision cause I came in after it began; do you think that maybe the committee should take a look at it; their comments though, and you're right on the voting, the things I wrote down was, made good alterations, good as drawn, you know, I didn't see the original ones either but I think they like the alterations that were made; it was what they asked for, really; it was what they asked for; the issue really, technically speaking, I don't know, I don't know if everybody has seen the ones they were referring to when they were happy; yeah; if the dates don't line up; one final look; yeah; that's all Jack; I think I'd feel more comfortable; I can only tell you that the January meeting that went three hours from 6 to 9; it was a fun one; it was sandwiched between the Yacht Club thing and the Lagoon thing and, oh the Lightcap thing, excuse me and each of those got their due time of, it seemed like days and then when they got to this one it seemed like it; I was convinced that it's because they had discussed it prior; right; so they had already wrapped it up when you and I just got in; right; this is the fourth or fifth modification that went through four or five meetings, it went on for a while, and the eight of us all sat down; so counselor do you think that we should probably have one last look at this to confirm that; __; __ ; we can act in two weeks; right; this it Jack; you did okay, why the long face; I'm going on vacation, that's why, two weeks is fine.

The Supervisor declared the public hearing closed at 5:15 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 131

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Ian McDonald Architect, agent for Robert Bethge and Melissa Shepstone, 5 Wheeler Road, has petitioned the Town of Shelter Island for permission to construct a 4' x 17' 6" timber catwalk, 4' x 18' aluminum ramp, and an 8' x 25' floating dock in the Silver Beach Lagoon, and

"Whereas", a public hearing was duly held on the 29th day of January, 2016, and continued on the 26th day of February, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in

favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilwoman Lewis, the meeting was adjourned at 5:20 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

March 11, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 11th day of March, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and seven persons were also present.

The Supervisor called the meeting to order at 4:32 p. m.

Salute to flag.

Correspondence included the following:

1. An e-mail from Mark Kanarvogel regarding the terrible service we are still experiencing at the Center Post Office.
2. A memo from the Town Clerk's Office stating that effective March 9, 2016, retired Deputy Town Clerk Linda D. Cass has been appointed to serve as part time Deputy Town Clerk at the rate of $26.14 per hour.

RESOLUTION NO. 132

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Robert Pagliaro, 12 Merkel Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.051245° north and longitude 72.315354° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:50 p. m., prevailing time, on the 1st day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 133

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", the term of J. Michael Laspia as a member of the Community Preservation Fund Advisory Board expired on February 2, 2016, and

"Whereas", Mr. Laspia has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That J. Michael Laspia is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 134

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a vacancy exists on the Shelter Island Colonial & Native American Graves Protection Committee, and

"Whereas", James Colligan has expressed his willingness to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That James Colligan is hereby appointed to serve as a member of the Shelter Island Colonial & Native American Graves Protection Committee for a term to expire on September 21, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 135

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the present Contractors License Review Board consists of five members, and

"Whereas", the Town Board has determined that said Board should have only three members, now, Therefore

BE IT RESOLVED, That said Contractors License Review Board is hereby re-established to consist of three members, and

BE IT FURTHER RESOLVED, That the following persons are hereby appointed to serve as members of said Board with the following designated terms:

N. Christine Lewis for a term to expire on March 11, 2017,

James D. Dougherty for a term to expire on March 11, 2018, and

Paul Shepherd for a term to expire on March 11, 2019, and thereafter said terms shall be for three years.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 136

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Resolution No. 89-2016, dated January 29, 2016, a 2016 Police Department Equitable Sharing Funds expense account and a 2016 Equitable Sharing Funds revenue account were established, and

"Whereas", the Police Department has received another check from the Suffolk County Department of Justice, now, Therefore

BE IT RESOLVED, That said check in the amount of $2,232.00 is hereby credited to said revenue account, and said expense account is also increased by this amount, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement check in the amount of $2,878.52 received from Wainscott Sand & Gravel Corp. for diesel used during the provision of grinding services to the 2016 DB5110.441 Highway Repairs & Improvements fuel account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 137

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Section 90-2 of the Shelter Island Town Code, mooring fees collected by the Town will be used to cover costs associated with the administration and operational services and facilities related to enforcement of this Chapter in Town waters, and

"Whereas", Section 90-5(K) further provides that mooring revenues shall be applied primarily to the administrative expenses of moorings and to projects and services associated with

the management, protection and enhancement of Town waters and Town-owned underwater lands, now, Therefore

BE IT RESOLVED, That in order to ensure that these fees are properly accounted for, the Town Board hereby establishes an Assigned to Waterways Fund Balance Account. The purpose of the Assigned to Waterways fund balance account is to accumulate moneys to be used for the purposes specified in Chapter 90 as set forth above and

BE IT FURTHER RESOLVED, That the chief fiscal officer shall account for the Assigned to Waterways fund balance account in a manner which maintains the separate identity of the cash and investments of the Assigned to Waterways fund balance account. Expenditures from this account shall be made only for the purpose for which the Assigned to Waterways fund balance account is established. No expenditure shall be made from this Assigned to Waterways fund balance account without the approval of the Town Board.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 138

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to advertise for sealed bids for the purchase of approximately 100 to 150 tons of feed corn for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 139

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Resolution No. 62- 2016 as adopted on January 6, 2016, Jeanette Flynn was appointed to serve as Clerk Typist for the Committees for a 30 hour week for the year 2016 at the rate of $20.27 per hour, and

"Whereas", the Town Board desires to increase Jeanette's hours to 35 hours per week, now, Therefore

BE IT RESOLVED, That Jeanette Flynn's hours as Clerk Typist for the Committees is hereby increased to 35 hours per week, retroactive to March 7, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 140

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Shelter Island Yacht Club has petitioned the Town of Shelter Island for permission to maintenance dredge certain areas as per submitted plan and pursuant to DEC permit, and

"Whereas", the Waterways Committee of the Town Board has inspected the site and approved of said dredging, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned maintenance dredging.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 141

Councilwoman Lewis offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", pursuant to Local Law No. 7 - 2009, the Town Board determined that a wetlands permit may be extended by resolution of the Town Board for an additional period of one year without a public hearing, provided that the request for same is submitted no later than the expiration date, and

"Whereas", the Town Board has determined that the fee to be charged for said permit extension is $100.00 for a one year extension, and

"Whereas", on March 1, 2016, Sherman Engineering & Consulting, P. A., as agent for George Gutierrez, has applied for an extension of wetlands permit number 107 which was issued on September 18, 2014, and will expire on September 18, 2016, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the extension of wetlands permit number 107 for an additional one year; said permit to expire on September 18, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 142

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Superintendent of Highways/Commissioner of Public Works has requested permission for the Superintendent of Highways/Commissioner of Public Works and Brian Sherman to attend the Solid Waste Recycling Conference and Trade Show in Lake George, New York, from May 15 through May 18, 2016, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,324.00 from the 2016 A8160.484 Landfill office and miscellaneous account to The Sagamore Resort, 110 Sagamore Road, Boltons Landing, New York 12814, for the two hotel rooms and the sum of $800.00 from said account to SWANA for registration fees for said SWANA conference.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 143

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Ian McDonald Architect, agent for Robert Bethge and Melissa Shepstone, 5 Wheeler Road, has petitioned the Town of Shelter Island for permission to construct a 4' x 17' 6" timber catwalk, 4' x 18' aluminum ramp, and an 8' x 25' floating dock in the Silver Beach Lagoon, and

"Whereas", a public hearing was duly held on the 29th day of January, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended

limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction, and

BE IT FURTHER RESOLVED, That the existing dock as shown on the easterly boundary of the Bethge/Shepstone property shall be removed prior to the installation of the applied for dock, and

BE IT FURTHER RESOLVED, That anything fastened to the offshore end of the dock shall not extend any further than 10 feet seaward.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 144

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Congdon Point, LLC, 34 A North Cartwright Road, has petitioned the Town of Shelter Island for permission to remove existing 32" by 14' seasonal aluminum ramp and 6' by 20' seasonal floating dock with two 2-pile anchor dolphins, construct a 4' by 32' fixed dock extension to the offshore end of the existing fixed dock, reinstall existing 32" by 14' seasonal aluminum ramp and 6' by 20' seasonal floating dock with two 2-pile anchor dolphins at offshore end, repair existing floating dock as necessary, install two new 8" diameter mooring piling, and install two 8,000 pound elevator style boat lifts on opposite sides of the new fixed dock extension in Coecles Harbor, and

"Whereas", a public hearing was duly held on January 23, 2015 and continued on February 13, July 21, August 21, September 11, October 23, and November 13, 2015 and January 29 and February 26, 2016 for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the removal of the existing fixed dock and float; construction 20 feet east, a 4' by 108' fixed dock with a 4' by 40' "L" section at offshore end, and install a 3' by 10' seasonal aluminum ramp onto a 6' by 32' seasonal floating dock secured by two 8" diameter anchor piling, install 72' splashboard system below offshore end of the dock and install four 8" diameter mooring piling; in accordance with the plan prepared by Costello Marine Contracting Corp., dated 11/24/2015 and stamped NYSDEC approved 1/17/2016, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of

Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 145

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Jeffrey Lightcap, 131 South Ferry Road, has petitioned the Town of Shelter Island for permission to construct a 96 foot splashboard system along south side of existing dock structure, and

"Whereas", a public hearing was duly held on the 31st day of July, 2015, and continued on August 21, 2015, September 11, 2015, October 23, 2015, November 13, 2015, January 29, 2016, and February 26, 2016 for all interested persons to be heard in favor of or in opposition, and

"Whereas", this property was originally known as the Shelter Island Marina and Fishing Station which operated as a non-conforming marina with multiple slips and moorings, and

"Whereas", as mitigation for the requested splashboard system, the applicant has given up numerous rental moorings, and has agreed to entirely remove the 110' x 6' southerly fixed dock and the 8' x 24' float, 3' x 12' ramp and pilings associated with it, as well as the boat lifts adjacent to the northerly dock so that the proposed installation fits within the existing footprint associated with the 96' of floating dock dating back to 1966, and

"Whereas", the resulting modifications will provide a significant net reduction in the overall nonconformity of the marine structures associated with the property as well as providing a more usable remaining dock structure, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed splashboard system:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction subject to the following:

-Implementation of the mitigation measures described above and as per specifications filed, and

-after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit

-and after providing a copy of the contractor's current Home Improvement Contractor's License

-and after providing a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of

Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 146

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to enter into a 36 month lease agreement between the Town of Shelter Island and Cisco Systems Capital Corporation, 1111 Old Eagle School Road, Wayne, PA 19087, for the provision of a Webex CMR (Collaboration Meeting Rm) HD Video Multipoint Conferencing System for a fee of $280.16 per month, effective April 1, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 147

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Susan Friedman Schrott, 19 Shelterlands Path, has requested permission as per application dated February 19, 2016 to hold a family wedding ceremony at Wade's Beach on Friday, June 10, 2016, and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Shelter Island Highway Department has stated that there must not be any obstructions on the road or walkways during the event, and all garbage must be picked up in the area, and

"Whereas", the Shelter Island Police Department responded that the need for police services will lnot be required, and should this event be approved, said event will be exempted from the use of parking permits, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 148

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the following funds are hereby encumbered from 2015 to be expended in 2016 with 2015 funds, to wit:

$15,524.85 from the A3120.493 Police Department equitable sharing funds account for Impact computer software updates;

$1,722.31 from the A8510.408 Taylor's Island cabin repair account for Anderson Plumbing;

$2,100.10 from the DB5110.480 Highway Roads MS4 account for Coastal Pipeline; and

$2,100.10 from the DB5110.482 Highway Roads MS4 maintenance account for Coastal Pipeline.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 149

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:

$1.00 from the A1490.114 Public Works personal services account to the A1490.102 Public Works clerk personal services account;

$67.00 from the A1990.400 Contingent account to the A9055.800 Disability Insurance account;

$1,612.25 from the A3120.115 Police Department seasonal personal services account to the A3120.120 Police Department traffic control officers personal services account;

$364.00 from the A3120.483 Police Department telephones account to the A3120.484 Police Department office and miscellaneous account;

$4,071.00 from the A3120.486 Police Department car gas and oil account to the A3120.278 Police Department first aid equipment account;
$50.00 from the A6772.440 Nutrition Program maintenance account,
$113.00 from the A6772.484 Nutrition Program supplies and rent account,
$418.00 from the A6772.485 Nutrition Program van fuel and maintenance account,
$290.00 from the A6775.256 Residential Repair equipment account,
$62.00 from the A6775.439 Residential Repair supplies account,
$65.00 from the A6775.484 Residential Repair office and miscellaneous account,
$74.00 from the A6775.492 Residential Repair travel account,
$61.00 from the A6776.422 Silver Circle food account,
$130.00 from the A6776.445 Silver Circle utilities account,
$48.00 from the A6776.480 Silver Circle resource materials account,
$71.00 from the A6776.483 Silver Circle telephone account,
$57.00 from the A6776.484 Silver Circle office and miscellaneous account,
$536.00 from the A6776.486 Silver Circle van fuel account,
$525.00 from the A6776.497 program providers account, and
$161.00 from the A6777.200 Senior Center equipment account and dispersed as follows:
$846.00 to the A6772.143 Nutrition Program personal services account,
$1,210.00 to the A6776.144 Silver Circle personal services account, and
$605.00 to the A6776.146 Silver Circle personal services account;
$7,658.33 from the A7020.462 FIT Center contractual account to the new FIT Center Reserve Fund;
$47.00 from the A8160.107 Landfill hazmat personal services account to the A8160.132 Landfill sell back personal services account;
$300.00 from the A8160.442 Landfill purchase of bags account to the A1490.122 Public Works double time personal services account;
$546.00 from the A8510.412 Taylor's Island dock repair account, and
$20.44 from the A8510.484 Taylor's Island office and miscellaneous account to the A8510.408 Taylor's Island cabin repairs account;
$2,221.00 from the DA5140.168 Highway Brush & Weeds double time personal services account to the DA5140.148 Highway Brush & Weeds vacation sell back personal services account;
$693.00 from the DB5110.441 Highway Repair & Improvements fuel account to the DB5110.147 Highway Repair & Improvements personal services account; and
$105.00 from the FX8320.408 West Neck Water repairs and maintenance account to the FX8320.444 West Neck Water testing account;

BE IT FURTHER RESOLVED, That the following 2016 budget transfers are hereby approved:
$352.00 from the A3120.484 Police Department office and miscellaneous account to the A3120.273 Police Department firearms and ammunition account; and
$300.00 from the B1990.400 Part Town Contingent account and dispersed as follows:
$100.00 to the B3620.411 Fire Warden office and miscellaneous account, and
$200.00 to the B8020.484 Planning Board office and miscellaneous account; and
$100.00 from the CP8710.487 Community Preservation Fund Advisory Board stewardship expenses account to the CP8710.484 Community Preservation Fund Advisory Board office and miscellaneous account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 150

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That 2015 general claims numbered 2216 through 2220 in the amount of $5,374.79, 2015 highway claim numbered 337 in the amount of $922.25, 2016 general claims numbered 228 through 312 in the amount of $87,479.19, 2016 highway claims numbered 36 through 43 in the amount of $9,593.93, and 2016 West Neck Water claims numbered 5 through 7 in the amount of $432.79 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:00 p. m., the Supervisor recessed the regular meeting and called to order the recessed public hearing to be held as advertised on the application of the Shelter Island Craft Brewery, LLC, for a special permit to operate a non automated 1/2 barrel craft brewery serving tastings and snacks and carry home containers at a location designated as 55 North Ferry Road, Suffolk County Tax Map No. 0700-015-02-003.1, Zoning District B.

Correspondence included the following:

1. A letter from James Hull requesting the Town Board to waive the parking requirements for this special exception application for the Craft Brewery at 55 North Ferry Road.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Dotty, we got the survey; yes; and we already read the comments of the Planning Board and the CAC; yes; yes, last time, at the original hearing; I'm James Hull; thank you; and Mary Dudley, I'm James, everybody else I'm acquainted with; hi, I'm pleased to meet you; I was requested on the last meeting to submit this new survey, I jotted in all the different, there's a legend here of the tabling and where everything is set inside the brewery, that is tabled in, the bathroom and I dotted in, in reference to the parking, I dotted in all the parking, the off road parking that is available to us, the main lot there is the parking lot for the previous owner, I guess all the way back to Mr. Southwick and the entire other area is not owned by the landlord George Hubbard but it is rented and there's quite a bit of on site parking available including that back yard there and the front row, albeit some times it's being used by cars being serviced but there is always available parking in this place and literally I could have a full store there as my car is the only car parked in front of the place, so they seem to be gravitating to the available parking areas that we have here, I was requested by Peter Reich previously at the last meeting to present this survey and this is the entire property and everything on here should be self-explanatory I guess; yeah; are you proposing to put up any signs to tell people they can park in those areas; I could do that Laury, sure; it might be helpful, you're saying as of the moment, parking seems; it's working; last summer; oh yeah, right at the height, it's not really my height, it's more a height of the pizza place and Maria's when they come in for lunch, that seems to be the, you know, the crunch time; I see; but parking regulations have been put up across the street to prevent that situation, very good move I think, even though it took away direct parking from my available spot, it seems to be working, it's not a problem at all and that pizza currently is not even there, it looks good, I actually anticipated a problem with the parking when I looked at this place but there is none at all, I never heard anybody ask where I'm having trouble parking at all and nobody seems to be using the place next door either where the florist now is; yeah; nobody uses that; no; it's Ciaglo's place over there, it's beautiful, it's working out really good, actually a lot of people come by bicycle believe it or not, and walk, in the center of Town here, you are within walking distance of a good part of the population of this Town, the craft beer kind of population I should say but it's working out good, I've been open since July 3rd of 2015 and we seem to be getting along very well with the neighbors and there hasn't been any complaints there and everything is working pretty good, I guess that was the last things that you guys asked me for for this permit and hopefully we can move on; you're implying and I'm sure you and Mr. Hubbard have an understanding regarding that lot of his; oh absolutely, he offered it right from the get go; yeah, I remember that, yeah; right, just wanted to get that in the record; and other than that, can I ask a question of I'm not sure who but when this permit is issued to me, what is the term of that, does it expire, I'm really not familiar with it at all, I understand that it's a new thing on Shelter Island, never been here before and I understand the need for the permit but does this permit expire at any time; no, I'll defer to Laury but once we issue it, it's out there; no although if you change your operation, it might need to be amended; oh okay; it might be what; amended; need to be amended; okay; I was gonna ask about that very thing, that if problems did arise, I'm not anticipating them but again we never do, would we have an opportunity to revisit the situation, is there a mechanism whereby we could do that and iron our differences that might arise with neighbors or whatever; not unless you put a condition to that affect in the special permit; and we're thinking about that; yeah I think we're not gonna act on this tonight, I'd like to chat a few minutes at the work session; yeah; saying _ in the vicinity to come on in; okay, sure; to confirm what you're saying, just do due diligence, nothing; I'm not trying to monkey wrench this, it's just a matter of routine; I understand; we want to button it up properly, so we won't vote on it tonight; I think you might put a condition in there because if other businesses change from what they're doing; you just don't know; it would affect; the future, you don't know what's coming up; right now everybody is really enjoying it and having a nice time with it; if there's a problem, do we get free beer;

that' bribery I think, I think you did stipulate in a prior meeting that it is transferable in the event that I needed to transfer this business to a family member; I asked that and you said yes; yes; yeah this is transferred to a business, if it stayed with the same business; right; if it turns into a restaurant and a brewery, then it might be different; gotcha, so will we have another hearing at a later date; no; no; I think I'm gonna close this hearing, if my colleagues agree, and if you want to stop in Tuesday when we chat about it, you can, but you don't have to; okay, what time; we've got your information today so we'll do fine, one o'clock; one; okay, thanks guys.

The Supervisor declared the public hearing closed at 5:08 p. m. and reconvened the regular Town Board meeting.

On motion of Councilman Shepherd and seconded by Councilman Colligan, the meeting was adjourned at 5:10 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

March 22, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 22nd day of March, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan and Councilwomen N. Christine Lewis and Mary Dudlely. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and one person were also present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 2:40 p. m.

RESOLUTION NO. 151

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Town Code Section 48.5 B, the Cell Tower Local Law states that 'an application fee in an amount to be set from time to time by resolution of the Town Board shall be submitted with the application', and

"Whereas", the Town Board has heretofore set said fee at $5,000.00 and now wishes to increase same, now, Therefore

BE IT RESOLVED, That effective March 22, 2016, the Town Board hereby increases said application fee from $5,000.00 to $8,500.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilwoman Lewis, the special meeting was adjourned at 2:41 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

April 1, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 1st day of April, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan and Councilwomen N. Christine Lewis and Mary Dudlely. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and no persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 3:30 p. m.

Councilman Shepherd moved and Councilwoman Lewis seconded to go into executive session to discuss personnel. This motion was carried.

At 4:04 p. m., the Supervisor closed the executive session, and on motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned. This motion was carried.

Dorothy S. Ogar
Town Clerk

April 1, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 1st day of April, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and nineteen persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from Supervisor Dougherty that he has appointed James Colligan as a Liaison to the Waterways Management Advisory Council for the year 2016.
2. A letter from the Shelter Island Fire Department Ladies Auxiliary stating they are having the Easter Egg hunt on "Fireman's Field".

The Supervisor presented the following financial report for the month of February 2016:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
FEBRUARY 2016

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	3,280,770.90	238,777.48	472,561.33	3,046.987.05	767,671.13
Hwy Checking	622,622.95	5,118.96	138,642.32	489,099.59	
T&AChecking	319,603.94	569,703.37	580,261.24	309,046.07	15,351.81
T&A Savings	12,219.98	0.31	0	12,220.29	
Hwy Cap Res	178,863.62	4.56	0	178,868.18	
WNW Supply	78,106.12	12,832.50	8,823.87	82,114.75	40,648.75
Taylor's Island	39,873.56	1.57	0	39,875.13	
Comm Preserv	4,720,510.99	186.18	0	4,720,697.17	590,370.25
Waterways	250,765.51	2,215.00	740	252,240.51	
Reserve Fund	414,618.55	216,891.56	29,000.00	602,510.11	

Bridge St Esc	0.00	0.00	0.00	0.00	351,992.62
Environmental	15,750.00	0	0	15,750.00	
AmbulanceRes	115,722.94	100,788.13	0	216,511.07	
TOTALS	10,049,429.06	1,146,519.62	1,230,028.76	9,965,919.92	1,766,034.56

The Supervisor reported on the Town Clerk's monthly report for the month of March, 2016, and that he had received a check in the amount of $131,711.00 for the mortgage tax for the fourth quarter of 2015.

RESOLUTION NO. 152

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Robert J. Kloepfer, 47 Winthrop Road, has petitioned the Town of Shelter Island for permission to construct a fixed timber dock, consisting of a 5' by 12' landward ramp leading to a 5' by 82' fixed catwalk, a 3' by 16' hinged ramp, and 8' by 20' float secured by four 10" pilings, and clear and maintain 4' wide path to dock into Dering Harbor, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 22nd day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 153

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", James Corl, 5 Winthrop Road, has petitioned the Town of Shelter Island for permission to remove and dispose the existing 6' by 24' lower platform at offshore end of existing fixed dock, construct a new 4' by 6' cantilevered platform with a 3' by 12' seasonal ramp leading to a 6' by 30' seasonal float secured by two 2-pile anchor dolphins in Dering Harbor, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:46 p. m., prevailing time, on the 22nd day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 154

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", William and Norma Rodgers, 53 Dinah Rock Road, have petitioned the Town of Shelter Island for permission to have their previously constructed 30' by 6' in-shore catwalk extension permitted, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:47 p. m., prevailing time, on the 22nd day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction approval.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 155

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Bruce Sudano, 50 Gardiner's Bay Drive, has petitioned the Town of Shelter Island for permission to construct a stone revetment along the property shoreline to meet the return of existing timber bulkhead to the west and the return of existing rock wall to the east; proposed timber bulkhead is 285 linear feet and will be constructed of 1 - 2 ton stones, stacked 3 stones high; a 2 foot base layer consisting of 25 - 50 pound stone is proposed as well as

geotextile fabric like Mirafi or similar strength, backfill with approximately 190 cubic yards of clean fill consisting of sand or soil material excavated on the seaward side of the proposed revetment where possible, or obtained from an approved upland site; landward side of revetment to be planted with American Beach Grass and Seaside Goldenrod as plugs, 12 inches on center; construction access route is from upland via Gardiner's Bay Drive; no construction or fill is proposed to be placed within any wetlands, and all work is proposed landward of spring high water mark and tidal wetlands boundary, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:48 p. m., prevailing time, on the 22nd day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 156

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Section 30 (1) (h) of the Public Officers Law, a Town officer must sign and file a constitutional oath of office within 30 days after the term of office begins, and

"Whereas", on January 29, 2016, Michael A. Gulluscio was reappointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2018, and

"Whereas", Mr. Gulluscio has not yet signed and filed said constitutional oath of office, and

"Whereas", the Town Board desires to have Mr. Gulluscio continue to serve the Town of Shelter Island in said capacity, now, Therefore

BE IT RESOLVED, That Michael A. Gulluscio is hereby reappointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO 157

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Section 30 (1) (h) of the Public Officers Law, a Town officer must sign and file a constitutional oath of office within 30 days after the term of office begins, and

"Whereas", on January 5, 2016 Michael Coles was reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019, and

"Whereas", Mr. Coles has not yet signed and filed said constitutional oath of office, and

"Whereas", the Town Board desires to have Mr. Coles continue to serve the Town of Shelter Island in said capacity, now, Therefore

BE IT RESOLVED, That Michael Coles is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 158

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement check in the amount of $77.00 received from Cook Maran & Associates, Inc. because of an overpayment to the A1910.400 Unallocated Insurance account, and the reimbursement check in the amount of $814.67 received from Wainscott Sand & Gravel Corp. for diesel used during the provision of grinding services to the 2016 DB5110.441 Highway Repairs & Improvements fuel account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 159

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement between the Town of Shelter Island and Richard A. Comi d/b/a THE CENTER FOR MUNICIPAL SOLUTIONS, 70 Cambridge Drive, Glenmont, New York 12077 for the purpose of assisting and representing the Town on matters relating to reviewing and analyzing an Elite Town application; said agreement is retroactive to March 15, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 160

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby approve the Service Award Program list of all 2015 volunteer ambulance workers of the Shelter Island Volunteer EMS, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to execute a certified copy of this resolution and forward to the EMS Director with the certified list for the required posting.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 161

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $98.33 from the A1490.484 Public Works office and miscellaneous account, $98.33 from the A5010.400 Superintendent of Highways office and miscellaneous account, and $98.34 from the A8160.484 Landfill office and miscellaneous account to Infinisource, 9350 South 150 East Suite 300, Sandy, Utah 84070 for a one year service agreement for payroll software for the Highway, Landfill and Public Works departments for the period May 27, 2016 through May 27, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 162

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $177.00 from the A4540.484 EMS office and miscellaneous account to Medic-CE LLC, P. O. Box 540141, Houston, Texas 77254 for three subscriptions to have unlimited access to hours to earn EMS training credits.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 163

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", sealed bids for the provision of feed corn for the year 2016 were received by the Town Clerk's Office until 3 p. m. on the 24th day of March, 2016, at which time they were publicly opened and read aloud as follows:

Neptune Farm Products, Inc. in the amount per 2,500 pound pallets:

six pallet increments delivered	$389.00
five pallet increments delivered	$399.00
four pallet increments delivered	$41500
three pallet increments delivered	$415.00
two pallet increments delivered	$415.00, and
one pallet increment delivered	$415.00; and

"Whereas", Jennifer C. Beresky, Police Clerk, and the Chief of Police have reviewed the bid submitted and recommended the award should be granted to Neptune Farm Products, Inc., now, Therefore

BE IT RESOLVED, That the bid for feed corn for the year 2016 is hereby awarded to Neptune Farm Products, Inc., the sole responsible bidder, for the aforementioned prices.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 164

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", the New York State Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending February 29, 2016 in the amount of $30.67, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $30.67 from the trust and agency account to general account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 165

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the A1620.483 buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758-3439, for the quarterly contract payment for servicing the telephone systems for the period April 1, 2016 through June 30, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 166

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Assemblyman Fred W. Thiele has introduced a bill A.5474B in the New York State Assembly and Senator Kenneth LaValle has introduced a bill S.3957B entitled "AN ACT to amend the general municipal law, in relation to creating the Peconic Bay regional Transportation Council", and providing for the repeal of such provisions upon expiration thereof, and

"Whereas", this legislation would create the Peconic Bay Regional Transportation Council and would coordinate a proposal for the development of an improved public transit system for the region, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby support the proposed home rule request as submitted by Assemblyman Thiele and Senator LaValle, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to execute and forward the Home Rule Request forms to the Home Rule Counsel's Offices in Albany, New York.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 167

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, William S. Baldwin of the Great Peconic Race has requested permission as per application, to hold a stand up paddle boat and kayak race on Saturday, September 10, 2016, and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Shelter Island Police Department will patrol the waters surrounding the Island and provide emergency response when and if needed, and there will be no need for additional police services, and EMS Director Jack Thilberg advised that there will be no need for additional EMS staffing and that they will respond on an as needed basis, and

"Whereas", the Shelter Island Highway Department recommended that applicants be sure to remove any garbage/debris left at any of the three legs along the course and at Wade's Beach, and supply staff to keep the bathrooms clean during the event, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 168

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the Suffolk Bicycle Riders Association, Inc. has requested an outdoor assembly permit for their annual event "Bike-Boat-Bike" scheduled for June 5, 2016, and

"Whereas", the Association has provided the required application and compliance fees and certificate of insurance, and

"Whereas", said application has been submitted to the Shelter Island Highway Department and Shelter Island Police Department for their recommendations, and

"Whereas", the Shelter Island Police Department has approved the application as submitted and stated that the need for additional fees for police services will not be required as they will use scheduled staff to cover the event, and

"Whereas", the Shelter Island Highway Department has responded favorably with the following recommendations:

1. if the roads are to be marked, they must be marked with chalk or washable paint, and
2. if roads need to be closed, the Highway Superintendent must be notified no later than 48 hours before the event, now, Therefore

BE IT RESOLVED, That said request is hereby approved subject to the requirement that permission is hereby granted to utilize the property at the corner of Burns Road and North Cartwright Road to stage their refreshment station.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 169

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island Historical Society has requested permission as per application dated February 11, 2016, to hold a car show on Saturday, June 25, 2016, at the Town owned property located at the intersection of North Cartwright Road and Burns Road from 10 a. m. to 4 p. m., and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Shelter Island Highway Department has stated that the applicant may want to consider parking on the east side of the show to stop the need for pedestrians to cross the road as they do during the chicken barbecue; and all garbage to be cleaned up the same day, and

"Whereas", the Shelter Island Police Department requests that the Fire Police assist with traffic at the intersection of Burns and Cartwright Roads as they do at the annual chicken barbecue, and the Police Department will also augment traffic control as needed to provide a safe crossing from the parking area to the car show grounds, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 170

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Shelter Island Craft Brewery LLC seeks a special permit to operate a small scale craft brewery and tasting room in the B zone located at 55 North Ferry Road, Shelter Island, New York and designated as SCTM 0700-015-02-003.1 and 003.2; and

"Whereas", §133-8(D)(17) of the Town Code states that in the B Zone, a special permit from the Town Board is needed to operate a nightclub, tavern or bar, of which a brewery is the same general character; and

"Whereas", the applicant has provided notice of the special permit hearing to property owners and filed proof of such notice with the Town Clerk; and

"Whereas", it is required by law that a "lead agency" be established to review this matter, and this Board wishes to establish itself as Lead Agency and render a declaration of significance pursuant to SEQRA; and

"Whereas", this Board considered the application and accompanying documents at a public hearing held pursuant to notice on November 13, 2015, and continued on December 4, 2015 and March 11, 2016, and

"Whereas", this Board now wishes to render a decision on this special permit application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA and adopts a Negative Declaration, finding that this is an “unlisted” action which will not result in any significant adverse impacts on the environment based on the analysis set forth in the EAF and the negative declaration; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

a) The application deals with a 19,992 square foot property owned by George W. Hubbard, which applicant represents has endorsed this application; and

b) The property, which is zoned B-Business, contains multiple businesses including a repair garage operated by Mr. Hubbard and a single-story commercial building which has been rented to Maria's Kitchen and Shelter Island Brewery LLC; and

c) The application also shows proposed parking on lot 0700-015-02-004. That lot is only leased to the repair garage and was the subject of a 1998 special permit to allow that property to be used for the parking and storage of automobiles associated with the repair garage; and

d) The property currently has two curb cuts on Jaspa Road, with 6 parking spaces shared by Hubbard's Repair Shop, Maria's Kitchen the Shelter Island Brewery; and

e) The craft brewery of 1040 square feet requires 6 parking spaces, and has asked the Town Board for a waiver of the parking requirements and to allow parking on Jaspa Road and in nearby business parking areas; and

f) The craft brewery/tasting room proposes 3 indoor tables and 6 outdoor tables for use by customers, as well as a bar area; and

g) Applicant has represented the nature of the use as a non-automated, ½ barrel craft brewery serving beer tastings, snacks and carry home containers, that is only open from 12 p. m. to 8 p. m. and does not have amplified music; and

h) Applicant proposes four exterior lights of unspecified size and one business sign; and

i) The Town Board finds that the proposed use will not have negative noise, lighting or traffic impacts on the neighborhood or the other businesses on the property as long as they comply with the sign permit requirements and dark skies lighting requirements; and

BE IT FURTHER RESOLVED, That a special permit for the Shelter Island Craft Brewery LLC located at 55 North Ferry Road, Shelter Island, New York is hereby approved with the following conditions:

1) This approval is limited to a use as a non-automated, ½ barrel craft brewery serving beer tastings, snacks and carry home containers, and that expansion or change of this use or hours of operation may require a new special permit; and

2) The Town Board hereby agrees to a waiver of the parking requirements subject to a condition that applicant post signs directing customers to off-site parking areas; and

3) All lighting will be dark-sky compliant and comply with Town Code 133-27(C)(3) which requires the sign to be turned off when the business is closed; and

4) Failure to abide by the above-described conditions shall be a basis for Town Board action, up to and including revocation of the special permit and the cessation of the use;
and

BE IT FURTHER RESOLVED, That a copy of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 171

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the Shelter Island Historical Society, 16 South Ferry Road, Shelter Island, New York, zoned B Business, and designated as Suffolk County Tax Map Lot 0700-019-02-088, seeks permission to construct a one story addition to existing museum, with finished space in basement to be used for storage; west section to be used as climate controlled storage and archive space; one bathroom and kitchenette for employee use, and

"Whereas", it has been determined that a special permit is required under §133-8(D)(8) of the Town Code for the renovation of the existing structure and construction of an addition to same, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls a public hearing to be held at 4:50 p. m., prevailing time, on the 22nd day of April, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 172

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the following 2016 budget transfers are hereby approved:
$302.40 from the A3120.484 Police Department office and miscellaneous account to the A3120.273 Police Department firearms and ammunition account; and
$206.92 from the A3120.490 Police Department drug training material account to the A3120.119 Police Department drug training personal services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 173

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That general claims numbered 313 through 414 in the amount of $45,633.38, Community Preservation Fund claim number 1 in the amount of $19.61, highway claims numbered 44 through 54 in the amount of $10,858.17, and West Neck Water claims numbered 8 through 9 in the amount of $1,124.24 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:55 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of James T. Murphy, 68 Ram Island Drive, for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.082933° north and 72.310483° west; said location was formerly occupied by the Rollhaus C-2063 mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: change of property owner and they take over the mooring, and it got a five to zero vote.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 4:56 p. m. and called to order the public hearing to be held as advertised on the application of Michael McLean, 44-46 Tuthill Drive, for permission to add a small 4' x 4' platform, ramp, and float parallel on the east side of an existing catwalk, add two additional 12" diameter piles to support the proposed platform, add a 3' x 15' ramp on south side of platform parallel to catwalk leading to proposed 6' x 20' float; said float is not proposed to extend any further seaward than existing catwalk; stabilize and revegetate existing shoreline at project site, install a two-boulder row of 2 - 3' diameter boulders with small boulders to fill voids for a proposed total of 310 +/- linear feet; boulders to be covered with 100 +/- cubic yards of beach compatible sand and planted with beachgrass on 12"

centers, and the existing concrete seawall remains near the east end of the site are proposed to be removed and disposed of off site.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: they tabled it, the WMAC tabled it because they wanted more information, most particularly they are trying to unify the name on the application with the ownership; I noticed that, what was the date of their meeting Paul; March 7th; March 7th, okay fine, thank you; and also they wanted the measurement from the mean high water to the end of the dock with property line setbacks and stuff like that.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Dan Hall of Land Use Ecological Services, we made the application on behalf of the McLeans, I just wanted to make a correction to the application that was read, it is only one boulder row that's being proposed, not two rows; that's with the new plans that have already been submitted; okay; and then I just wanted to know the recommendations from the Board, the review board, where do they, when do they have their next meeting, you said they tabled it; they did; on March 7th it was tabled and; that's when it's coming up; that's when it is coming up; very shortly; next week, I can give you an exact date in a second; are they gonna let the owner/applicant know what their concerns are so that, this is the first time I'm hearing this; yeah I think the Chairperson, John Needham should have notified them, John Needham is the Chairperson of that committee; I'm the agent for the owner, I didn't get notified at all; okay; it's on the 7th I believe Jim, it's on a Thursday; it is, it's a Thursday at 7 p. m. here and basically the things they were looking for here, it was the proof of insurance, there's a survey needed like Paul said that needed to show some specific things, mean high water at the end of the dock and from the foot of the dock to the property line at mean high water, that was the second thing that they were looking for, so John Needham's name is in the book, I would strongly suggest if you have some time between now and next Thursday, this coming Thursday, just give John a call and see if he can, this way we can make sure that; how do you spell his last name please; n-e-e-d-h-a-m, first name is John and he's definitely in the book; okay; alright; just for the record I just wanted to point out that the boulders __ seaward than existing, __ existing, it's just a ramp and a float on the side, I would be happy to provide the information; yeah I think it was unclear on the survey, that survey is what they were looking for the exact dimensions on the survey and I think they want, I don't know if; and then what was the ownership problem or question; it was just the application and the owner's, you know it's a little confusing with the LLC versus the actual owner's name and who owns, the parcel owns the dock; Mike McLean owns the dock and is a partner in the LLC, they are one and the same; okay; but they are separate parcels are they not; they are both owned by Mike McLean; yeah; the deed to the __ is in the LLC so we just have to; you want a; the deed I think is in the LLC; so; we're asking that the application be __; okay; I know, I'm trying to get more people and she wants less, I don't know, I don't know what's going on with that; but I think if you call John you will get a straight answer from him and just reiterate what we just went over; okay; he's the Chairperson and he's the best person to call to get that information; okay, thank you.

The Supervisor declared the public hearing recessed at 5:01 p. m., to be reconvened on the 22nd day of April, 2016, and called to order the public hearing to be held as advertised on the application of Edward W. Bausman III and Joyce B. Bausman, 6F Joy Drive, for permission to construct approximately 134 linear feet of vinyl bulkhead in place of (and approximately 12 inches higher than) existing timber bulkhead, construct +/- 10' vinyl westerly return, incidentally dredge up to 10' seaward of portions of +/- 29' and +/- 48' sections of bulkhead to a maximum depth of minus 4' ALW, and backfill with approximately 25 cubic yards of sand/silt spoil and up to 25 cubic yards of additional clean sand fill to be trucked in from an approved upland source.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for the report from the Waterways Committee of the Town Board, which was as follows: the vote was 5 - 0 based on everything Dottie had said, they're replacing an existing bulkhead, it will be 12" higher, they're replacing it with plastic vinyl as opposed to the

wood that they presently have, the backfill material was approved, they had no problems with this application, it went through unanimously.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Rob; how are you, Rob Herrmann of En-Consultants on behalf of the applicant, it is a very straight forward application, it's an in-place replacement of an existing bulkhead with the addition of a 10' return on the southwesterly end, there's incidental dredging proposed on the outside of the wall to a maximum depth of 4', the boat basin, that bottom is actually owned privately, also by the applicant, if the Board has any questions, I'm happy to answer them, otherwise it is a pretty routine application; thank you.

The Supervisor declared the public hearing closed at 5:03 p. m. and called to order the public hearing to be held as advertised on the application of Richard and Charlotte Clark, 6J Hager Road, for a wetlands permit for permission to raise existing dwelling and install basement underneath, substantially renovate dwelling and construct second story above substantially renovated detached garage and construct second story accessory sleeping quarters over same.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:
1. A letter from Francis X. Merklin stating he has no objection to the existing dwelling modifications but he does object to the addition of a residence in the garage.
2. An e-mail from Brian Shea stating he is in favor of approving the Clark's renovation plan.

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council, which were as follows:

Councilman Shepherd reported the Conservation Advisory Council report as follows:
DATE: February 22, 2016
RE: Richard and Charlotte Clark, 6J Hager Road

Richard and Charlotte Clark have requested permission to raise the existing dwelling and install a basement underneath in the same footprint; substantially renovate the present dwelling and construct a second story. The second story will contain 2 bathrooms and 3 bedrooms. The existing house footprint is located 14.2 ft from the edge of wetland boundary.

They also have requested to substantially renovate the existing detached garage and construct a second story over the garage and its present concrete porch. The garage second story will have 2 bedrooms, bathroom and "great room with wet bar". The stairs to the second story will be located outside on the west side of the garage. The garage is set back 70.3 ft from the edge of the wetland boundary.

The CAC reviewed this application at the Feb. 22, 2016 meeting. The CAC recommends the following:
1. A licensed professional should stamp all plans.
2. Clarification is needed on the ownership of the Hager Rd extension, which enters the property.
3. Specify elevation of the proposed basement and total height of the proposed substantially renovated two story dwelling.
4. Specify garage stairway and deck entrance size.
5. Re-vegetation mitigation plan should be submitted.
6. Consideration should be given to moving the main dwelling further landward away from the wetlands, in order to make this dwelling "less non-conforming".

Councilman Shepherd presented the Planning Board report, which was as follows:
Date: March 22, 2016
To: Shelter Island Town Board
From: Shelter Island Planning Board
Re: Richard and Charlotte Clark **Wetlands permit application**
SCTM # 700-18-3-046.2 6J Hagar Road, Shelter Island, NY
Zone – C residential
Project description summary: Applicant requests a Wetlands Permit in order to renovate existing dwelling and existing garage on existing footprint. Extensive renovation will include adding a second story and full basement to the dwelling and a second story (sleeping quarters) to garage.

A wetlands permit was determined to be necessary because the project involves regulated activities within the regulated area as specified in Town Code Chapter 129, section 2.

Submittals: (copies of)

1. A letter dated 1/27/16 from the Town Building Permits Coordinator rejecting a building permit application until a wetlands permit is granted.
2. Completed Wetlands application dated 1/28/16.
3. A Survey dated (filed) 7/5/32 with several revisions to 11/20/15
4. A site plan dated 2/9/16 which indicates that the property was re-surveyed 4/8/15 and revised 11/20/15.
5. SCDHS "Certification of Sewerage Disposal System by Installer" dated 12/1/15.
6. Completed Short Environmental Assessment Form dated 1/28/16.
7. Floor plans and elevations of proposed structures.
8. A Town Board Certification signed by the owners.
9. A notice to adjacent property owners.
10. NYS DEC letter of non-jurisdiction dated 12/21/15.
11. A letter from Sherman Engineering describing the septic system and indicating that the system is adequate for up to 6 Bedrooms.

Observations (from submittals):

1. The project lies in Zone "C" (Residential) and in the Near Shore Overlay district.
2. The survey is incorrect in that it shows Hagar road entering about 80' into the property where in actuality the road ends at the extension of the N 06° 48' 00" E property line at the Northwest side of the property. (See recommendation # 3)
3. Provided that the property line error is corrected, the existing and proposed layout is conforming to the zone bulk regulations as to Lot area, Lot coverage and front, back and side yard setbacks.
4. The proposed use complies with the zone use regulations.
5. The proposed structure is critically restricted by the Wetlands Ordinance (Chap. 129) and by the Near Shore Overlay District regulations (Chap. 133-12). The house exists fully within the 75' Vegetative Buffer and the garage extends into it by 4.7'. Both are within the 100' regulated area. The footprints, however, are pre-existing.
6. The domestic water well is located only approximately 75 feet from the septic system.
7. The alterations seem to involve more than 50% of the existing structures.
8. Unless waived, a vegetation plan may be required under Chapter 129-4-A-4.

Observations (from site field inspection by both undersigned):

1. Conditions on site seem to comply with the presentation on the survey and the site plan.
2. The dwelling is in deteriorating condition and in need of up-dating.

Mitigation proposals:

1. Silt fence erosion control.
2. Installation of roof run-off dry well.

Recommendations:

1. A SCDHS variance for the non-conforming well to septic distance may be in place but if not it should be obtained.
2. SCDHS permit for the added accessory quarters over the garage should be obtained. (We understand from the Building Permits Coordinator that this is required as part of the Building Permit process.)
3. The survey should be corrected to show the end of Hagar Road at the property line. Note: A check of the property file shows that in 2003 application was made to abandon the portion of the road that enters the subject property. This was approved and recorded by Suffolk County. New deeds were written and tax map numbers were changed for both the road and the subject property although no owner is on record for the road. The latest tax map is correct in that it shows the road ending at the property line and the corrected tax map numbers of 49.1 for the road and 46.2 for the property.
4. Drywells should be located outside of the Vegetative Buffer and conform to SCDHS leeching pool standards.
5. Code considerations concerning alterations that exceed 50% of the existing structure should be followed.
6. The Planning Board recommends granting of the Wetlands Permit providing proper permits are obtained from the SCDHS and after consideration of the above comments.

by: Paul E. Mobius Jr., and Emory Breiner for the Planning Board.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Charles Pensa, I live right next to the property that we're talking about here, I'm only concerned, my only concern, I know he is staying within the same footage which is great but he's making a two bedroom, one bath now to a five bedroom, four bath and my concern is, I don't know if you can give me an answer today, is the water, you know we're on a peninsula if you're familiar with the area, we actually stick out into the creek, Menantic Creek so if you can tell me there's a lot of water down there and it's not gonna make a difference, I don't have much of a problem but can anybody tell me that or you know it's just that I think it's gonna be too much for that area, that's what everybody, everybody I talk to, the local people say you've got to be careful here, you can't use the water you know, so that's the only thing we're concerned, my main concern is with that, do you even know Dicky; excuse me; do you know, is there a lot of water there or; there's a lot of freshwater in that area, there are springs all out in the saltwater area; actually one of the neighbors had during Sandy, had saltwater intrusion in this house and; I have pretty good water there; that's the only concern I have that I want you to consider; I appreciate your comments, they are entered into the record and thank you; I just want to ask you, do you have any water problems yourself; no, well no, as far as what, we get tested once in a while, it's okay; thank you; other than the fact that it was a lengthy discussion at the CAC and they didn't take this lightly, it was a four to two vote but the; four to zero; yeah four to two vote by the CAC that night; in favor of; no against and they; you told me that earlier; yeah, they had no problem with them going back in and taking out you know, it's a house that was built I believe in 1936, pre-existing, non-conforming and could not be moved, the footprint would remain the same but their major concern was about the living space increase, not only for the garage but for the house and that was their major concern and they talked about I would say Paul for a good forty minutes, forty-five minutes back and forth; yes; and I was just an observer, I'm just reporting on what I hear from the CAC but that was basically what was said; okay; I have a few things, I am not representing them but I am working with them, from an engineering standpoint, Matt Sherman of Sherman Engineering and Consulting, to Mr. Pensa's point about groundwater in that area, for the peninsula itself we don't have a very good clear idea of how much water is right there at that location, however we've done several Health Department applications right next to the property as you go a little bit to the north, a little bit to the south, excuse me, and we've not had any problem getting groundwater in the past several years to a depth of thirty-five or forty feet; the lens depth is roughly what, I mean; at the sight itself, a safe estimate would be probably twenty to twenty-five or twenty-five to thirty feet in that area, to the point that the Planning Board had made with respect to approval from the Health Department in order to put an accessory sleeping quarters on the site, as part of that application, what we would have to do is get a really good idea of what we've got for groundwater in that area, __ the well, find out exactly how deep it is and possibly put in another well to see how deep we can go before we start getting chlorides there, just too high, and then we'd have a real good picture and we'd mitigate any groundwater issues you guys have, one of the issues with the application too, when we first started looking at this from an engineering standpoint, we were trying to think of what was gonna be the least obtrusive way to make these upgrades to this house and the garage and at the time we were thinking along the lines of jacking it up, putting a foundation underneath it and then rebuilding the house on top of that foundation, realistically from a cost and a time frame standpoint, we had to kind of retreat from that position and think that it would be a better idea to just raise the house, take the house down to the ground, and start from scratch, it would save a lot of time and a lot of cost; they talked about that as well and they concurred with that, they said that that would be most cost effective and you'd come up with a better house; yeah; I think if the garage thing hadn't been a factor there, I'm not speaking to them but I think it complicated it a little bit, but they started adding the bedrooms and the bathrooms together and I think the combination of the two between the house increasing significantly and the half of the garage, putting living quarters, that stymied them, that got the, maybe I'm wrong Paul but I kind of think that that; it didn't help; it didn't help; that's understandable, I mean you are substantially increasing the use on the site and it is in a very fragile spot and you're surrounded by houses, going backward, so there is a lot of concern and to the point of the application that we've got now, if the Board would be able to move on the application with the additions to the house and additions to the garage, but just have that as non-living space until such time that we can get an approval from the Health Department, you get that Health Department approval, then they can come back for a permit to make that second story living space in that garage, I don't know if the Board would be willing to do something along those lines, but that would at least let them move forward with the project; what is the status of the Health Department review, if you reference it and said it's like see

attached to application but, do you have any sense; there is a Health Department review at this point, when the application was first made, when we submit for a letter, when we submit something like this to the Building Department, what we do is we give them building plans and we give them any supporting information, in this case, a DEC permit and a certification of the existing sanitary system, what's in the ground right now, then the Building Department makes a determination as to whether or not that needs to go to the Health Department or to another agency prior to coming to whether Town Board or ZBA, in this instance it was initially determined that the certification of the existing septic system would suffice, however subsequent conversations they said okay, if you're gonna change and make a second floor living space on that garage, you are gonna have to go back to the Health Department, so the Health Department had not been approached at this point and that's why I'm asking about it, if you want Health Department approval prior to the living space on the garage, by all means, what we would like to do is renovate, redo that building so that you've got just unfinished storage on the second floor until such time as we can get Health Department approval; Matt if you forgive me, I was reading my notes and I'm terrible at doing two things at once; sure; um, the current septic is recently updated, yes; yes; to what capacity; I don't remember off the top of my head what we've got there, I think it was six bedroom, I think it's a 1500 gallon septic tank and; where does it say that; 1500 gallon septic tank right there; right; and then two eight foot diameter; is that enough; that's a six bedroom, the Health Department has two major systems, system one is for a to four bedroom house, thousand gallon septic, twelve feet of leaching pool, system two is for a five or six bedroom house which is a 1500 gallon septic tank and sixteen feet of leaching and then if you get beyond that, you've got to get fancy; __ there right; what was installed qualified for a six bedroom house; and for mitigation measures, it references additional plantings to be a buffer but I didn't see a vegetation plan, did I miss it; I didn't see one; do you want one, __; well the CAC was almost of the opinion and I am almost pretty sure that they kind of felt maybe it should be an area somewhat undisturbed so that needs to be thrashed out a little bit; the house is so close to the water, it's only a matter of feet; __ is kind of stable so; you don't want them to do plantings; I'm not prepared to say that now; okay so you don't want any more information about the plantings; there may not be any plantings so how can I ask for it; there are a few trees that were cut on the property; but at some point you have to decide, maybe you need; I'm sorry, am I holding you up; no I just felt that this is the time to bring it up if you want the plantings; right; right, I thought maybe we'd talk about it at the work session; but the applicant won't be there to give their feedback; okay, what do you want; I think they don't need any; I do too; I think it is stable as it is; I don't think we need to go there; if there's no chance, obviously when you tear something down, would you Richard be excited, if you walked on that property and it was vacant, is that where you'd put your house; if I could, yes; right there as close to the water as possible; well there's no other room now; you really can't pull it back much; right; in pulling it back, there's really not much room to pull it back; that was discussed by the way at the meeting at length about that; why is there not room to pull it back, I mean, without opening up an explosion of papers, just briefly, is all the septic stuff and everything gonna snarl you up back there; the septic is this area between the house and the garage; yes; the septic is in that area there; could you pull it back in the left; you could pull it back in this direction a little bit but you've got your forty foot front yard setback; correct; the road setback on that left side there; where, up here; yeah; this area, well I'm assuming it's a private road; yup; I'm assuming the private road is gonna be treated as the front yard, it may be only ten feet; Mary told me it was ten; okay so if you wanted to, you could pull it back up in this direction a little bit more but you're not getting it back very far; well you know, I don't know if there is any interest in moving the thing cause once you've got, cause you're taking the house to the dump essentially; yeah; you're gonna dig a hole, would it be better to be back from the bank; yeah, a little bit would be fine; they discussed that as well, about disturbing additional ground and maybe, maybe if you were going to demolish the house and go on the existing footprint, it would be easier, it would be easier to use the existing footprint, there'd be less environmental hazard to the area if you used the existing footprint, that's, that was the rationale there; yes; see I don't know if I bought it or not; okay; ___ Richard, just working things out here you know; __ foundation; I don't know if you'd put silt fencing and things like that here in this situation where you're literally at your feet in water almost __ footings; everybody has been out to the site, right; yes; yes; __ so just putting the silt fence just landward of the top of that bluff if you want to call it that is really the only place to put it to adequately protect that and then still give yourself room to work; is there gonna be room to work you think; yeah because that deck, that first water section of that deck is coming off; yeah, so you've got that room, it's gonna be tight; right; no problem, no doubt about that but if we're taking the house off and we're coming in from the backside, you can get

access from the side and from the landward side; right; and you're not gonna need access more than just foot traffic; correct; from the seaward side; yeah; so it's not gonna be as if you're working on Smith Street; scaffolding __; but you are, it is definitely doable; right; the contractor's gonna have a, something to complain about but; yea; that's what they do; yeah; that's why they get paid the big bucks; when the Town Board makes their decision, normally they reference a location for the silt fence, I don't see any on the plans, do you; it's on the DEC plan, it's right underneath the deck and right up in front of the house, the DEC, we ended up going back and forth with the DEC on where they would limit their jurisdiction, their jurisdictional boundary and we ended up marking it on the survey, not the plan, I can get you a copy of the DEC plan, we'll get you a copy of the DEC plan; Richard what did you have in mind for a buffer, what were you thinking; for a planting; yeah; I would do native bayberry, that's the heartiest; right; and that would be nice on that bank; yeah and anything in that area that is sort of like as it slopes down; any beach grass if we need it, that thickens up; it's not really a great lawn anyway so I mean; I mean I would definitely put in a vegetative buffer; right; it's not that it's a big house or anything, it's just that it's like so, so not back from the water, it's like it's eyeball deep and the buffer thing you know and it's a very small percentage of coverage for 1.4 acres; how much habitable space will the building have; I don't know exactly, it's on the plan; is it 1,168 or something for the first floor and then you had 300 and something for the garage, it comes to 2,732 with the garage if my numbers are right; if you could show me where it shows on the plan __, normally that kind of stuff is put in the conditions, I see your plans but __; __ ; I just didn't see like a total stuff; we'll get you the square footage living area on the main building and also the garage and we'll also do square footage of the garage, the first floor itself because in a project like this, even though it doesn't factor into the building permit, square foot living area does factor into the bulk itself, it has impact so we'll give you all those numbers; okay, good, do we recess this, I think we should recess this; yeah; can I just make one more comment; come on; I can do it from here; please; what eventually does happen and I don't know if this even has a line or whatever but we just had a construction done on the road and the trucks, it's a tight area down there; yeah, it's very tight; they call it the truck, they tore up, they dug up the road, there were ruts and if they could just watch it, maybe it won't happen if the weather is not bad but; I fixed it, I will fix it up; well you came down there last year; and they can park on the rest of my yard too so they won't be parking in people's driveways; __ at this point; so parking on his property, that's important; yes it is; but they have a lot of property; they do, I've been down there numerous times, so I'll recess this; so til April 22; yes, okay; recessed til April 22.

The Supervisor declared the public hearing recessed at 5:25 p. m. until April 22, 2016, and called to order the public hearing to be held as advertised on the application of Joseph E. Hakim, 8 Club Drive, for a wetlands permit for permission to construct an in-ground swimming pool with coping, deck, automatic safety cover, safety fence and vegetative screening.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for the reports of the Planning Board and Conservation Advisory Council, which were as follows:

Councilman Shepherd presented the Conservation Advisory Council report, which was as follows:

Date: Feb. 22, 2016
RE: Joseph Hakim, 8 Club Drive

Sherman Engineering and Consulting, PC, representing Joseph Hakim, has requested approval to construct an in ground salt water swimming pool with coping, deck, automatic safety cover, safety fence and vegetative screening in accordance with the town ZBA approval granted Dec. 16, 2016.

The property is located in a coastal barrier zone and most of it is also in the FEMA flood zone designation AE- elevation 10. The proposed pool and decking would be located 76.2 ft from the wood bulkhead, outside the vegetative buffer but within the adjacent regulated area. The pool size is 30 ft by 14 ft which located it with a set back of 10 ft varying to 17.6 ft from the northerly side-line which the Zoning Ordinance Section 133-6B(5)(b)(2) states that the side-yard setbacks for swimming pools and appurtenances shall be 20 ft from that line.

It must be noted that the applicant was granted ZBA approval on Dec. 16, 2015 because this location "reflects the most feasible alternative".

The CAC reviewed this application at the Feb. 22, 2016 meeting. The CAC recommends that an excavation inspection be done before installation of the swimming pool. This is necessary in order to verify the depth to groundwater and prevent possible need for dewatering. The building dept. must inspect the site to verify that the swimming pool will not enter the ground water. Only after receiving the building dept. approval should the pool installation be continued.

Councilman Shepherd presented the Planning Board report, which was as follows:

Re**: Hakim Wetlands application**
8 Club Drive
Shelter Island, NY
SCTM # 700-12-01-26
Zone AA Residential; within the Near Shore Peninsular Overlay and Coastal Barrier Zone

We are in receipt of the Town of Shelter Island Wetlands Permit Application prepared by Sherman Engineering & Consulting, PC and dated 14 January 2016 to construct a 15' x 30' Gunite pool with surrounding wood decking.

The 37,926 sq. ft. property is improved with a house and detached garage circa 2002. A bulkhead exists along the full property width on Gardiner's Bay and is in good repair.

A NYS DEC Permit, #1-4732-00545/00017 dated 17 May 2015 has been granted for the project. No non-typical conditions are cited.

A Zoning Board of Appeals variance, #08-15, dated 16 December 2015 was granted for the project. Mitigating features included a pool reduced 36% from the originally proposed 18' x 36' size, an automatic pool cover, a quiet pool pump, Dark Sky lighting compliancy, aesthetic privacy fencing, and a vegetative pool buffer.

Planning Board members visited the site and considered all submittals.

We submit the following observations.

As the ZBA notes, "the property has an erratic shape which, together with the existing house, garage, septic system and driveway, limit feasible alternative locations for the swimming pool" and "the application reflects the most feasible alternative: the location near the road poses privacy concerns, the location by the front door will increase the visual impacts on the neighbor as well as impinge on the access to the house, and the location on the waterside is prohibited by the Town's Wetland Code". We concur with these statements. Though not dimensioned, the distance between the existing house masonry piers and the pool appears to be limited, possibly as little as one foot. We recommend that an Engineer develop a plan to stabilize the existing piers during construction and to strengthen them and/or the pool shell to resist the lateral pressures caused by the pool water.

The side yard in the area of the proposed pool was originally raised with fill. It tapers off to the property line by approximately three to three and a half feet in height; see photographs included below. It is unclear as to whether or not a retaining wall is to be constructed along the property line similar to that which exists along the south property line. The pros to a retaining wall would be that it would limit water flow on to the neighboring property and it would permit the privacy fencing and vegetative buffer to be set higher and be more effective. The negatives are that it may have more impact on the neighbor, and if made of cast concrete similar to that on the south property line, may be less aesthetically acceptable.

The south property retaining wall is topped by a row of evergreens in what appears to be an attempt to create a vegetative buffer. We note that the trees are not densely populated nor well maintained with numerous in dead or dying conditions. If the pool were to be permitted, we ask that the Town and/or the applicant to better define what is to be proposed and how it is to be maintained.

The relatively new house has a shallow septic system that meets current SCDHS standards and maintains a 150' +/- distance from the bulkhead. Not noted on the Site Plan are stormwater collecting drywells. These should be shown to ensure that they are not in the vicinity of the pool. We saw that at least one gutter downpipe was missing and needs to be replaced.

The code required 4-foot-high pool enclosure should be shown, or indicated, on the Site Plan.

It is our understanding that many new pool filters are being installed with cartridges that negate the periodic backwashing needed by sand and diatomaceous filters. It is also understood that for seasonal maintenance or occasional repair, contractors use faster draining submersible or trash pumps instead of the pool equipment itself. We recommend that pool drywells have an accessible cover so that pool water, being drained with pumps other than those being used by the pool, can be discharged into the drywell.

An examination of the MainStreet GIS satellite photograph, included below, shows that the applicant's proposal encroaches less into the regulated area than neighboring property structures. We note that the Town Board has routinely permitted pools in the Adjacent Vegetative Buffer.

With the mitigating features required by the ZBA, and consideration of our concerns, the Planning Board recommends approval of this application.

By John Kerr, Planning Board member, Ian McDonald, Architect, Planning Board member
For the Planning Board

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Matt; good evening, I'm Matt Sherman of Sherman Engineering, I'm here representing the property owners, this application has gone through the New York State DEC and then through the Town's ZBA so it's had considerations, we've had some changes throughout the course of the process, the original pool was a fair amount, not a lot but a little larger than the existing proposal that was approved by the DEC and then when we went through the ZBA we reduced the pool size down in order to comply with ZBA requests, the existing site out at the end of Ram Island, just before Tuthill Drive and Reel Point, as the Planning Board said, it's an irregular shape, we've got the existing house right there in the middle of the site, this is a bulkhead and that bulkhead has about a ten to twelve foot section of gravel and stone as a groundwater flow buffer or a surface water flow buffer, excuse me and the overland flow is gonna be captured by that catchment area before it spills over the bulkhead into the open waters of Gardiner's Bay, what we're proposing to do is install on this north side of the property right here, a pool and deck, I've got a close up coming up in a second to make it easier to see, I've got on this, we've got two separate sets of dimensions we put on here, the ones in green, that's the actual wetlands setback, that's from the mean high water mark but because it's a beachfront to a bulkhead, Town Code is talking about that mean high water, that's our wetlands line, you get a couple of good storms go through, pushed that back to the bulkhead, the red lines are gonna be our wetlands line so the green is our current wetlands, the red is our worst case scenario wetlands, in that way we're not surprised by something in the future, the area up here again, up here on the top is where our proposed pool is gonna go, as we were going through the ZBA process we looked at a couple of different options, this pool up here in front of the house, in front of the front door, we've got another pool, another option with the pool over here in the driveway and then we've got another option with the pool down here even closer to the drive by the front of the property, all three of those options the ZBA concurred that while compliant, they're not good, they are either restricting access into the property or they are restricting access into the house from the front door of the house so from a strictly pure zoning perspective they make sense, from a land use perspective, they don't, the septic system that the Planning Board was talking about is the septic system right here, we have to maintain twenty feet away from that septic which is, kind of takes that area right there between the garage and the house out of the equation, this is a close-up of the pool, again those lines, the numbers in red are from the bulkhead, so from the bulkhead, the proposed is just over eighty feet and the deck is just over seventy-six feet from the bulkhead, from the wetlands itself, it's eighty feet to the deck and just under eighty-five feet to the pool, coming off of the northern property line, just over nineteen feet to the deck and nineteen and a half feet to the pool, the safety fence is shown on these drawings, it's all the way, it goes around the deck that's on the poolside, that's where the safety fence would go, that four foot safety enclosure that the Planning Board was asking about, just on the north side of that fence is the vegetative buffer, the visual and sound screen, the ZBA has required that that sound screen is at least six feet above the level of the pool so regardless of how much we've got from the level of the pool to grade below, we still have to be six feet above, so we may have to plant nine foot trees in order to meet the ZBA requirements, the pool equipment and the pool drywell on the left hand side just on the west side of the pool in front of the house, it's a profile of it, it's to the point that the CAC was making which is a good point, I'm estimating groundwater is this area to be at two feet, it's a high estimate, it's probably closer to one foot, it's gonna fluctuate depending on the season, it's real unlikely we're gonna see it at or above two feet, that's why we're using that as our maximum estimate, the bottom of the pool is gonna be at three feet so a foot above our highest estimated groundwater, this is the time of year to do a test hole to see exactly where that groundwater is so we can verify it, if we have to pick the pool up a little bit, we can, if we have to shrink the depth of the pool a little bit, we can, in order to accommodate staying out of groundwater; right, cause we're definitely trying to avoid dewatering issues; yeah and I'm not as worried about that as much as long term, if something happened and you gotta drain the pool, and it pops out,

you got a concrete pool and if it breaks or cracks, you're done, you gotta rebuild and it's just a nightmare so um that is a very good idea the CAC came up with and we'll do that, we'll dig a test pit and we'll watch it for a little bit and we'll see, maybe watch it through a lunar cycle and see how much that groundwater changes cause this area, groundwater will fluctuate based on having tidal influence; yeah and over time it's supposed to be elevating generally speaking, sea level encroaches; yeah, yeah and you know, in the year 2100 this; who knows where we'll be; the guy across the street will have more __; you and I __; my kids will look at it and say I remember when there was a pool there, that's what my kids will be saying, on the left side of the pool, which is the roadside, you've got about eight feet nine of decking, the safety fence and then those plantings, I'm suggesting like a juniper or something like that, that's got a known sound deadening quality to it and it's got a real tightly structure so it can function well in that; right; in that regard and on the right-hand side which is the waterside we've got the automatic pool safety cover which isn't just a solar cover but it will be a hard retractable safety cover, the aerial photo, it's kind of like the same thing that the Planning Board gave you, this is our site here with the pool in it, this was taken just after Sandy, this came off of the County GIS system and you can see the effects of high water, the whole front of that property, it was all inundated and all these properties up along here; Matt, that North Ram Island Drive, is that a paper road that goes through all that mess in there; yeah, Tuthill Drive, it's a paper road, they don't treat it as a road; so that's influenced, that gets treated with setbacks and what not; no it doesn't; no; no and I originally assumed that it did but that Tuthill Drive going in through here, need my red light, there it is, Tuthill Drive goes in through here and then it heads off up into the north; right; when we were talking to the ZBA, they weren't getting us the whole front yard setback cause my first argument was we couldn't put a pool up in this area up in front of the house cause of the front yard setback and Mary said no you don't have to worry about it off of Tuthill Drive, they treat it as a sideyard; okay, thank you; yup, this is a higher, _ out view to show even more so that all along that waterfront we've got with the exception of that one property, one house, two houses north of us, they've got pools that are either between the house and the property line or seaward of it, now I don't, I'm not a big proponent of just because somebody else has a pool that's approved in the location, you've got to approve everybody else cause each site has its own nuances and its own circumstances, however some of these are in very similar situations not identical but very similar, a couple houses up to the north of this, this property right here; yeah; that one right here, that was one that, yeah here, this property, we got a wetlands permit for this a few years ago, the pool is almost in an identical situation, it did not need at the time of getting the wetlands permit, it did not need a ZBA variance because we were able to stay off of the sideyard, it's a little bit different in that you've got an elevation difference, the property we're talking about not is just a few feet above sea level, this is about thirty feet above when you get up to where the pool is at, I'm gonna get, show the other end of Tuthill Drive as it comes up before it kicks back into Ram Island, Ram Island Drive; yeah; Ram Island Drive is up in that area, that's a similar one, we've got another one off of Dinah Rock Road, same thing, plenty of area to put the pool on the landward side of the house, it just didn't make sense, so we were able to get a wetlands permit to put the pool just over eighty-five, eighty-six feet from the, from the on-site bulkhead, a little bit higher in elevation but not a whole lot and the last one I've got was one that we just had approved not too long ago off of Margaret's Drive, this is one that is inside the wetlands, the vegetative buffer, however we had removed a previous pool in order to put this pool in, so the pool basically turned 90 degrees, remember that one from just about a year ago; yeah; I think we just did a renewal on this one but again, plenty of room on the landward side in order to put the pool, it just didn't make sense; no; ultimately wouldn't you prefer to have it on the waterside; oh absolutely, with these, the DEC wouldn't let us and the Town wouldn't; did you have issues with this one; because we had to get a DEC wetlands permit, the bulkhead wasn't there in pre '77 so we had to get a DEC wetlands permit, if we didn't need a DEC wetlands permit, I still would have recommended it go on the side; the LNJ for bulkheads only go for pre '77; '77, yeah, bulkheads and roads or anything like that, was it a road or was it a bulkhead, then you have to get a permit before August of '87 or '77, I still think that having it on the side while ideally being on the waterside of the house, from a property use it makes sense but I know that the Board doesn't do that and __ to ask for it; thank you; that's pretty much all I have, if you have any questions from me; no, just a comment, it was very clear, it was actually a pretty good presentation, I like the graphics, I like to see that stuff and I would encourage other people to do the same thing, the only comment I have about pools in general is that you know that now that we've eliminated diving boards from pools, the fact that you need eight feet in the deep end of a pool is you know, is, I just don't get it especially when we're building right along the waves there, close by the water, not that everybody needs a lap pool but a

depth of six feet in the deep end of a pool without diving boards today is, it's for a lot of reasons, to stay totally away from the freshwater supply, it's less water use, you keep a pool cleaner, it's just safer, the only time that, I mean you need eight feet, you put in a diving board and you get a big person up and you're splashing in where you need eight feet to go down but to me I just don't get the, I don't get it; I think it's a vestige of the way pools always were; yeah and I think it's a carryover, I actually do, I think it's a carryover and I've seen pools that go from four to six feet and they're more than adequate you know and I just think that along the shoreline areas that that is something that should be considered, it's coming; are you saying that this pool is gonna have an automatic pool cover, right; yeah; yeah and that's helpful; yeah; and it's salt cell filtration isn't it; right now we're, I'm always recommending salt cell; right; it's just so much easier and you know not only from the environmental aspect but just from the maintenance aspect, they had mentioned something about going for a canister filter instead of a salt filter, as long as temperatures are okay, it doesn't use any more water, I don't know about using less but all that stuff, whatever is the latest and greatest tends to be what everyone wants; the pumping out as well as the drywell and things like that, they mentioned cause I've seen it actually happen with my Mom's house you know when they took over that, they tried to use the drywell system and they overloaded it and they blasted through it and it blew out the side of the bank so it, they pumped, the bilge pump style thing over on my land; yeah, what I like to do with pools like that or any, when I did my own, is a variable speed pump; right; so that when you're draining the pool down, if you can't drain it by gravity which is the best way to go, so that way it slowly goes out and you don't have to worry, you're not gonna inundate your leaching pool cause there's, the water is coming in and some is going out, it's not going out as fast as it's coming in but if you're blasting it in, of course you're gonna inundate it; you see this is the issue that you have, the pros doing it, they've got a list of things to do that day; yeah; and they're not waiting for like the slow way; yeah; that's not gonna happen; I like the idea of opening the valve and letting it drain out slow, if not and you use a variable speed pump, you can set it at a slower speed so it's just basically pushing it out but it's pushing it out at a trickle and you come back the next day or whatever; so how do you think it's gonna go here; I think it's gonna go exactly the way I want it to which is gonna be a gravity feed, it's gonna go in nice and slow and it won't be a problem cause that's the way it always works out, until they __.

The Supervisor declared the public hearing closed at 5:45 p. m. and called to order the public hearing to be held as advertised on the application of Robert Pagliaro, 12 Merkel Lane, for permission to install a mooring in Smith's Cove at a location designated as latitude 41.051245° north and longitude 72.315354° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: they recommended approval, six, zero, one vote, nobody objected; twenty-three foot sailboat, that's what is gonna be moored there so they had no question, the reason the sixth person came in by the way, webex, somebody joined later on, I know we've been quoting five to zero votes, right, well I think what she must have done, cause she amended the minutes; right, the six to zero cause he must have called back and given his vote; right; on the various issues and that's what the recommendations were; yes; to the minutes; no problem with this.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:46 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 174

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", James T. Murphy, 68 Ram Island Drive, has petitioned the Town of Shelter Island to install a mooring in Coecles Harbor at a location designated as latitude 41.082933° north and 72.310483° west; said location was formerly occupied by the Rollhaus C-2063 mooring, and

"Whereas", a public hearing was duly held on the 1st day of April, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 175

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Robert Pagliaro, 12 Merkel Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.051245° north and longitude 72.315354° west, and

"Whereas", a public hearing was duly held on the 1st day of April, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 176

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Edward W. Bausman III and Joyce B. Bausman, 6F Joy Drive, have petitioned the Town of Shelter Island to construct approximately 134 linear feet of vinyl bulkhead in place of (and approximately 12 inches higher than) existing timber bulkhead, construct +/- 10' vinyl westerly return, incidentally dredge up to 10' seaward of portions of +/- 29' and +/- 48' sections of bulkhead to a maximum depth of minus 4' ALW, and backfill with approximately 25 cubic yards of sand/silt spoil and up to 25 cubic yards of additional clean sand fill to be trucked in from an approved upland source, and

"Whereas", a public hearing was duly held on the 1st day of April, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed bulkheading:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of

Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilman Colligan, the meeting was adjourned at 5:50 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

April 5, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 5th day of April, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan and Councilwoman N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and one person were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 4:45 p. m.

RESOLUTION NO. 177

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Resolution No. 119 - 2016, adopted of February 26, 2016, is hereby amended to add the following sentence: BE IT FURTHER RESOLVED, That as detailed in the Suffolk County Multi-Jurisdictional Debris Management Plan, the Supervisor is authorized to enter into a Mutual Aid Agreement between the County and the Town as listed in the Plan.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 178

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", the Town of East Hampton is the owner and operator of the East Hampton Airport, and

"Whereas", excessive aircraft noise from the ever-increasing traffic of helicopters, seaplanes and jets arriving and departing the East Hampton Airport has for decades interfered with East End residents' quiet enjoyment of their homes and properties, and has disrupted the tranquil beauty of the neighborhoods, woodlands, beaches, fields and nature preserves that define our community and create our unique sense of place, and

"Whereas", the citizens of our Town/Village have made clear by their complaints, letters, statements to this Board and their attendance at region-wide public hearings in East Hampton and elsewhere that the noise broadcast by aircraft traveling to and from the East Hampton Airport is not only disruptive to their daily waking and sleeping life but also poses risks to their health, safety and welfare, and

"Whereas", this same aircraft noise also disrupts and threatens the welfare of wildlife and the natural ecosystems they inhabit, thereby diminishing the diversity and vitality of nature preserves and parks with are precious assets to this community that are entrusted to our stewardship, and

"Whereas", the results of the November 2015 East Hampton Town Board election demonstrated overwhelming support in East Hampton for local control of the Airport and the imposition of reasonable access restrictions to abate aircraft noise, and

"Whereas", local East Hampton Town Board control of East Hampton Airport is inextricably linked to two prerequisites: 1) the continued renunciation of FAA money, and 2) the long-term financial self-sufficiency of the Airport, and

"Whereas" in support of these prerequisites, legislation has been introduced in the State Legislature by Assemblyman Thiele and Senator LaValle (1) to mandate the approval by the voters in a local permissive referendum to authorize the acceptance of any FAA funding for Airport improvements (S.5180/A.7368), and (2) to extend the bonding period for Airport capital projects undertaken by the Town (S.3690/A.5445), and

"Whereas", a 30 year bonding capability will support the Airport's financial self-sustainabilitiy and thereby ensure that the Town of East Hampton can properly plan and fund necessary Airport safety and maintenance improvements, and

"Whereas", the referendum requirement will require public approval before any future East Hampton Town Board again accept any FAA grants which would again abandon control of the airport to the FAA for 20 years and render noise and access restrictions impossible, now, Therefore

BE IT RESOLVED, First, that this Board is fully supportive of the aforesaid legislation introduced by Senator LaValle and Assemblyman Thiele and sees the measures as critical to the successful reduction of aircraft noise impacts on our own and East End residents, and Second, that this Board urgently requests that all East End Town and Village Board members support the aforesaid legislation and use their best efforts to see that the bills are passed and signed into law by Governor Cuomo, and Third, that Supervisor James D. Dougherty is hereby authorized and directed to transmit a certified copy of this Resolution to Senator LaValle, Assemblyman Thiele, and the Town Board of the Town of East Hampton and to communicate to all of them this Board's strong resolve to see these measures enacted and the aircraft noise finally solved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 179

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Loretta Gilman Fanelli is hereby appointed to serve as Senior Citizens Aide II for the year 2016, to be paid at the rate of $24.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 180

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That effective April 5, 2016, the fee for cistern based irrigation permit renewals is hereby reduced from $250.00 to $50.00 annually.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilwoman Dudley, the special meeting was adjourned at 4:50 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

April 12, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 12th day of April, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan and Councilwomen N. Christine Lewis and Mary Dudlely. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and one person were present. All Town Board members signed a waiver of notice.

April 12, 2016 - continued

The Supervisor called the special meeting to order at 3:25 p. m.

RESOLUTION NO. 181

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That the Town Clerk is hereby authorized to advertise for sealed bids for the proposed replacement of the Medical Center roof.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 182

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Beau Payne is hereby appointed to serve as Animal Control Officer I effective May 2, 2016, at the rate of $50,000.00 per year, and

BE IT FURTHER RESOLVED, That the rate shall be increased to $55,000.00 per year effective July 1, 2016, upon satisfactory completion of the probation requirement.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 3:27 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

April 22, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 22nd day of April, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and approximately 50 persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from Janet Longtin resigning from the position as Detention Attendant/Jail Matron effective April 25, 2016.
2. A memorandum from the Town Clerk informing the Board that Tramesa E. Overstreet has been appointed as full time Confidential Deputy Town Clerk to be paid as per the 2016 budget.
3. A letter from Scott Murphy requesting his ZBA application and Wetlands application to be processed at the same time.
4. A letter from Mary Wilson stating it is her intention to retire from her position as Building Permits Coordinator effective July 1, 2016.
5. A letter from Peter Vielbig tendering his resignation as a member of the Community Preservation Fund Advisory Board.
6. A letter from Kathleen Sullivan requesting permission to relocate her residence to off Island.

The Supervisor presented the following financial report for the month of March, 2016:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR

MARCH 2016

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen.Checking	3,046,987.05	862,426.25	545,846.64	3,363,566.66	767,823.72
HwyChecking	489,099.59	12,091.26	91,240.17	409,950.68	
T&A Check	309,046.07	386,636.99	689,280.98	6,402.08	15,354.80
T&A Savings	12,220.29	0.31	0	12,220.60	
Hwy Cap Res	178,868.18	35,004.99	0	213,873.17	
WNW Supply	82,114.75	2,931.32	1,719.04	83,327.03	40,656.83
Taylors Island	39,875.13	1.68	0	39,876.81	
CommPreserv	4,720,697.17	50,702.31	12,650.00	4,758,749.48	590,487.55
Waterways	252,240.51	2,330.00	0	254,570.51	
Reserve Fund	602,510.11	10,328.02	0	612,838.13	
Bridge St Esc	0	0	0	0	352,062.56
Environ. Fund	15,750.00	0	0	15,750.00	
FIT Ctr Res	0	7,658.33	0	7,658.33	
Ambul. Res	216,511.07	9.13	0	216,520.20	
Ambul Train.	0	30,000.42	0	30,000.42	
TOTALS	9,965,919.92	1,400,121.01	1,340,736.83	10,025,304.10	1,766,385.46

The Supervisor read a PROCLAMATION designating the second full week in May as Women's Lung Health Week throughout the Town of Shelter Island. (A copy of this Proclamation is attached to these minutes.)

RESOLUTION NO. 183

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Donald Mosher, 6 Lari Lane, has petitioned the Town of Shelter Island for permission to relocate mooring C-3329 from a location in Coecles Harbor approximately 120 feet southeast of the community dock of the Lari Lane Homeowners' Association property to a location approximately 150 feet southeast of present site to give better access to community dock and out of view of neighbor, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 13th day of May, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed relocation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 184

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", the term of Ms. Angela Van Rynbach as a member of the Green Options Advisory Committee will expire on May 10, 2016, and

"Whereas", Ms. Van Rynbach has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Ms. Angela Van Rynbach is hereby re-appointed to serve as a member of the Green Options Advisory Committee for a term to expire on May 10, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 185

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", an agreement has been reached between the Town of Shelter Island and the CSEA, Inc., Local 1000, AFSCME, AFL-CIO pursuant to a Stipulation of Agreement dated April 7, 2016, now, Therefore

BE IT RESOLVED, That the Town Board hereby ratifies that stipulation and authorizes the Supervisor to sign a contract with the CSEA reflecting the stipulation for the period January 1, 2016 through December 31, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 186

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Resolution No. 95 - 2016 dated January 29, 2016 is hereby amended to state as follows: BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $900.00 from the 2016 A8160.490 Landfill hazmat training account to Miller Environmental Group Calverton Training Institute, 538 Edwards Avenue, Calverton, NY 11933 for six Highway Department employees to attend an eight hour hazwoper refresher training course on March 16, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 187

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the eScreen drug and alcohol testing services and program management agreement between the Town of Shelter Island and eScreen, Inc., 7500 W. 110th Suite 500, Overland Park, KS 66210-2328 for the period May 1, 2016 through April 30, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 188

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,195.00 from the A1010.484 Town Board office and miscellaneous account to General Code for the eCode 360 annual maintenance fee for the period April 1, 2016 to March 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 189

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", the Town Board of the Town of Shelter Island finds that the Merkel Boat basin is an important waterbody for boat launching and sheltering of boats in storms and that the actions of the South Ferry Hills Homeowners' Association to replace the bulkhead at their own expense and to dredge the entrance to enable boat access is a project that protects and enhances access to this waterbody and deserves Town support, now, Therefore

BE IT RESOLVED, That a grant of $10,200.00 shall be made from the A1490.422 Public Works dredging account to the South Ferry Hills Homeowners' Association to assist the Associations' expense of dredging the entrance channel, and

BE IT FURTHER RESOLVED, That the amount of $10,200.00 is hereby transferred from the Assigned to Waterways Fund Balance to the A 1490.422 Public Works dredging account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 190

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $564.00 to the Postmaster from the 2016 A1330.414 Receiver of Taxes postage account for the purchase of 1,200 first class stamps.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 191

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $5,483.00 from the Police Department A3120.491 contracts account to Admit Computer Services, Inc., 500 Bi-County Blvd., Suite 122, Farmingdale, NY 11735, for the annual Impact software maintenance for the Police Department for the term June 1, 2016 through May 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 192

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $3,093.75 to the Coecles Harbor Marina and Boatyard, Inc. from the Police Department 2016 A3120.479 boat maintenance account for the 2016 seasonal dockage for the Police boat.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 193

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $3,900.00 from the A1620.476 Buildings computer services account to MainStreetGIS, LLC, P.O. Box 1331, Northampton, MA 01061 for a one year agreement for the provision of Web GIS hosting for the term June 1, 2016 through May 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 194

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Kathleen Sullivan seeks permission to relocate her residency to off Island, and

"Whereas", pursuant to Section 16-3 G of Local Law No. 16 - 2015, G. Clerical positions employees must be residents when hired, but may seek permission from the Town Board to relocate off-island after three years of satisfactory performance in cases of need, and

"Whereas", Kathleen meets the required residency, now, Therefore

BE IT RESOLVED, That the Town Board does hereby approve the request of Kathleen to relocate her residency off Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 195

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the Grant Disbursement agreement between the Town of Shelter Island and Dormitory Authority State of New York State and Municipal Facilities Program ("SAM"), Restoration of the Smith-Taylor Cabin on Taylor's Island Project ID: #6368, in the amount of $54,000.00 to be utilized for the restoration of the Cabin on Taylor's Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 196

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Joseph E. Hakim has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 8 Club Drive, Shelter Island, New York and zoned AA-Residential/Near Shore Overlay, designated as Suffolk County Tax Map 0700-12-1-26; and

"Whereas", the applicant seeks a wetlands permit for permission to construct an in-ground swimming pool with coping, deck, automatic safety cover, safety fence and vegetative screening as shown on site plan drawing C1 by Sherman Engineering, last dated 1/26/16, so that the work is subject to Chapter 129 of the Shelter Island Town Code; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the NYSDEC issued a permit dated 3/17/15 for this project numbered 1-4732-00545/00017; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on April 1, 2016, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) The parcel is a 37,925 s.f. property bordering Gardiners Bay; and

2) The parcel currently has a 5,574 SFLA nonconforming house located 85' from the wetlands; and

3) Applicant seeks to construct a swimming pool with deck outside the vegetative buffer which would be 76.2' from the wetlands, which means the pool is located on the northerly side of the house; and

4) Applicant obtained a 12/16/15 variance from the Zoning Board of Appeals to construct the proposed 14' x 30' pool within the side yard setback, reflecting the most viable location of the pool outside the wetlands vegetative buffer and out of applicant's front yard; and

5) Applicant indicates the groundwater elevation at this site is 2' and maintains that the pool will be at least a foot above the groundwater elevation so that dewatering will not be necessary during construction, but measures must be taken to ensure that the pool is above the water table which are reflected in the conditions of approval; and

6) As mitigation, applicant will install an automatic pool cover, will guarantee a functioning stormwater collection around the existing patio, will design the drainage system to be gravity based into indicated drywells, and the Zoning Board of Appeals conditions regarding screening the retaining wall be adhered to; and

BE IT FURTHER RESOLVED, That the wetlands permit to construct a new swimming pool and deck within the regulated area for the premises located at 8 Club Drive, Shelter Island, New York, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the on site plan drawing C1 by Sherman Engineering, last dated 1/26/16; and

2) In order to prevent intrusion of this project into the water table and the negative impacts of any associated dewatering, applicant is required to have a Building Department inspection after the pool excavation and prior to installation of the swimming pool to verify that the swimming pool will be above the ground water; and

3) The following additional mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) will provide an engineer certification of a functioning stormwater collection around the existing patio, or alternatively, install a new stormwater collection system around the existing patio; and (2) install an automatic pool cover with a gravity based pool drywell system; and

4) During construction, wire-backed silt fences shall be securely placed at the location shown on the above-described site plan. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and

5) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and
6) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and
7) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 197

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$11,080.00 from the A1490.106 Public Works custodian personal services account,
$2,800.00 from the A3120.482 Police Department boat gas and oil account,
$2,800.00 from the A3120.483 Police Department telephones account,
$7,800.00 from the A3120.486 Police Department car gas and oil account,
$525.00 from the A5010.400 Superintendent of Highways office and miscellaneous account,
$2,641.00 from the A6777.144 Senior Center personal services account,
$40,380.00 from the A8160.408 Landfill maintenance account,
$5,000.00 from the A8160.431 Landfill excavation equipment rental account,
$4,000.00 from the A8160.432 Landfill test wells account,
$6,000.00 from the A8160.434 Landfill hazardous waste carting fees account,
$5,000.00 from the A8160.451 Landfill C&D hauling account, and
$4,983.00 from the A9050.800 Unemployment Insurance account, and dispersed as follows:
$1.00 to the A1355.484 Assessors office and miscellaneous account,
$243.00 to the A1490.102 Public Works secretary personal services account,
$801.00 to the A1490.103 Public Works secretary personal services account,
$1,606.00 to the A1490.115 Public Works personal services account,
$4,134.00 to the A3120.110 Police Department regular overtime account,
$277.00 to the A3120.114 Police Department holiday pay account,
$10,133.00 to the A3120.124 Police Department unused vacation personal services account,
$3,899.00 to the A3120.130 Police Department clerk personal services account,
$2,639.00 to the A3120.133 Police Department part time clerk personal services account,
$18,601.00 to the A3120.134 Police Department retro personal services account,
$1,602.00 to the A5010.101 Superintendent of Highways secretary personal services account,
$488.00 to the A5010.103 Superintendent of Highways part time secretary personal services account,
$993.00 to the A5010.440 Superintendent of Highways training account,
$698.00 to the A6772.400 Nutrition Program food account,
$54.00 to the A6776.445 Silver Circle utilities account,
$244.00 to the A8160.101 Landfill hazmat personal services account,
$801.00 to the A8160.102 Landfill secretary personal services account,
$282.00 to the A8160.108 Landfill hazmat personal services account,
$25,000.00 to the A9025.800 Employee Benefits LOSAP account, and
$20,513.00 to the A9060.800 Employee benefits health insurance account;
$22,189.00 from the DA1990.400 Highway Machinery Contingency account and dispersed as follows:
$5,128.00 to the DA5130.150 Highway Machinery mechanics deferred compensation account,
$2,494.00 to the DA5130.153 Highway Machinery Highway mechanic longevity account,
$832.00 to the DA5130.156 Highway machinery buy back personal services account,
$4,200.00 to the DA5140.155 Highway Brush & Weeds personal services account,
$1,389.00 to the DA5140.447 Highway Brush & Weeds contractual account,
$478.00 to the DA9010.846 Highway Machinery retirement account,
$887.00 to the DA9010.847 Highway Snow Removal retirement account,
$126.00 to the DA9030.847 Highway Brush & Weeds Social Security account,

$3,776.00 to the DA9040.846 Highway Machinery workers compensation account,
$111.00 to the DA9040.847 Highway Snow Removal workers compensation account,
$833.00 to the DA9040.848 Highway Brush & Weeds workers compensation account, and
$1,935.00 to the DA9060.847 Highway Snow Removal health insurance account; and
$3,282.00 from the DB5110.475 Highway Repair & Improvements Ram Island Causeways account and dispersed as follows:
$541.00 to the DB5110.148 Highway Repair & Improvements personal services account,
$1,000.00 to the DB5110.156 Highway Repair & Improvements longevity account,
$1,498.00 to the DB9010.845 Highway Repair & Improvements retirement account,
$56.00 to the DB9040.845 Highway Repair & Improvements workers compensation account, and
$187.00 to the DB9060.845 Highway Repair & Improvements health insurance account; and

BE IT FURTHER RESOLVED, That the following 2016 budget transfers are hereby approved:
$477.00 from the A1330.484 Receiver of Taxes office and miscellaneous account to the A1330.200 Receiver of Taxes equipment account, and
$183.00 from the A3120.484 Police Department office and miscellaneous account to the A3120.490 Police Department DARE training account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 198

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That general claims numbered 415 through 550 in the amount of $90,589.44, highway claims numbered 55 through 71 in the amount of $24,722.11, and West Neck Water claims numbered 10 through 12 in the amount of $318.58 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:47 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Robert J. Kloepfer, 47 Winthrop Road, for permission to construct a fixed timber dock, consisting of a 5' by 12' landward ramp leading to a 5' by 82' fixed catwalk, a 3' by 16' hinged ramp, and 8' by 20' float secured by four 10" pilings, and clear and maintain 4' wide path to dock into Dering Harbor.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the Waterways Committee looked at this and they had a number of issues that they wanted to look at, they were asking for setbacks, they also were asking for a hardship letter and we realized it's a fixed timber dock and it's in inside waters, they were, I think they were a little concerned about navigation in between the existing docks, to make sure there was enough navigation space, but that was generally it, they didn't vote on it, right Paul; well the count I had was four to zero with the conditions being met; oh okay; should the issues be resolved.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Rob Herrmann, En-Consultants on behalf of the applicant, this is a pretty straight forward dock application, this is on the west side of Winthrop Road, basically we were starting the proposed dock here in between two existing docks, the dock to the south was originally permitted by the Town Board to George Hausman under permit number 2603 back in January of 2002 and my client can attest to the fact that the other dock to the north was actually built when he was a child so that would pre-date probably any time that this Board would probably be looking at that dock, as you can see from the plans, the dock to the north does angle really into the waterside of the Kloepfer property and has a three pile set of tie off poles that encroaches even farther so we were trying to center the dock here, not necessarily right in the middle of the property lines but in between the two docks, favoring the dock to the south a little bit just because of the fact that it has a little better configuration relative to what we're trying to

accomplish, now I had gotten the e-mail from Jeannette indicating the concerns that the WMAC had and then I responded on Wednesday by e-mail to Jeannette, I copied Dottie and also Laury and described with an attached sketch which I hope you have because I realized I don't have it, I e-mailed to everyone but I don't have it but what it did show is basically just the setbacks from the side property line, we're twenty-nine feet from the southerly property line so with one more foot we would be at the thirty; right; we're four feet beyond the absolute minimum of twenty-five that the Code stipulates but subsequent to sending the e-mail, I got a call from John who wanted to clarify what they were looking for because I don't want to put words in his mouth; John Needham; John Needham yes, I'm sorry, I don't want to put words in John's mouth but I got the sense that as long as we got on record what we were doing and why we were doing it, it sounded like the WMAC and it confirmed by their vote, didn't have an ideological issue with the dock going here and what John explained was that if you, we had shown on the plan and I don't know if this will help a little bit but basically the surveyor shows the high waterline that kind of undulates along the shoreline; right; so I just took a parallel offset from the seawardmost location, went out a hundred feet and then drew an offset which just also lined up with the pier line of the other two docks so basically I could set this dock so that it would have the identical seaward extension as the neighboring docks and also be a hundred feet from the high water line as required, John pointed out to me, he said well you know that if you look at the exact location of the dock, the high water line kind of undulates farther landward and so if it is at one hundred and thirteen feet from high water in the exact spot that you are proposing it; right; it wouldn't necessitate the hardship and I said well yes, that's totally correct, he was right, it's actually one hundred and eleven feet because the landward ramp we have setting up a couple of feet landward of high water but basically what I said in a follow up e-mail on Thursday the twenty-first which this time I sent again to Jeannette, copied Dottie, copied Laury and also copied John Needham, was however we want to measure this out, understanding that the mathematics are what necessitates a hardship, our position remains unchanged, basically we have one spot basically on this property for an optimal location for the dock so that we neither interfere with either of the existing neighboring docks, nor do we get interfered with by both of those neighboring docks, no matter what point we measure from, high water, the vegetation, the road, whatever the overall length is, it's seaward extent is the same, the seaward extent is exactly the same as the two adjoining docks so we're not creating any new navigational interruption here, we're staying completely consistent with the pier line that's there and just for the record, we do have permits for the dock as it's presented to you tonight, one from the DEC which is dated, interesting a date of 2065, I think that's wrong, they mean to date it January 6, 2016 and you should have a copy of that, we also have a general concurrence letter from the New York State Department of State dated March 21st, 2015 and we have a US Army Corps of Engineers, Department of the Army permit dated March 2nd, 2016 so if I haven't covered anything sufficiently, I'm happy to take any questions but my hope was that that would satisfy the WMAC's concerns and I did not hear back from John after that so I was hoping no news is good news; I have a question regarding the length of the dock and the wide feel, is that just to get more water; yeah we're basically trying to get out to that spot where we get at least three feet of water and if you started to tuck this in much more, then you're just tucking it inside those two other docks so this way we're able to access the outside of the floats without running on the inside of either of those two adjoining docks but yes, I mean if you look at, if you look at the soundings which, oddly enough I need glasses to look at, basically as you get out from mean low water out to the seaward end of the dock, we basically hit three feet of water for the first time at the inboard side of the floats; right; so we're really; right; it's not a coincidence that the other docks went out to where they went out to; right; and we get to a good depth right again depending on how you measure it; it looks like under the eight foot by ten foot float that it goes to about three and a half feet; that's right and then you get probably where the, where a boat would be sitting, I have to get a scale; three to six feet; but we get to four feet pretty close, what's the scale on this, inch to forty, yeah, once you get on the seaward side of the float; correct; you maybe twelve feet to you reach four feet; right; so it's really optimal location for the float and the dock and it happens to work with the other docks along the shoreline; you do know that neither of the two docks comply with the setback requirement as well; what is the question; you noted in one of your e-mails that neither of the other two docks comply with the setbacks; that's right and I'm not sure, I think part of what triggered John's call, John Needham's call to me originally was I think they were thinking not, I thought they were just talking about the side setbacks because I know when we run into these issues where you have property lines that are running at angle, right; right; some people just extend those lines straight out and really if you look in your Code, rules and regulations for the division of riparian space, typically on these kind of shorelines we

use what's called the colonial method which without putting you to sleep basically just means that you are going perpendicular to the shoreline so that if the shoreline you know generally runs parallel, if you have angling property lines, you don't have peoples' riparian rights criss crossing, they kind of sit perpendicular __ so in the sketch that I sent with my e-mail, I showed how I had drawn and I didn't include it on the original plan cause it was getting too busy but I showed how I drew the ninety foot, sorry, ninety degree to the shoreline property line extension and if you run those lines out, we're actually pretty close to the southerly property line, pretty close to meeting the thirty foot setback from the southerly property line, I forgot what I said, twenty-six feet or something like that but the dock to the south is also, doesn't meet the thirty feet and it's really as John said to me over the phone, he said it's just an issue, these are small lots that you know and actually I had talked to Mary Wilson about this briefly too and she was talking about the fact that you know these setbacks, the setback in your Dock Code relates to the principle setback for the dwelling structure on the lot and of course there is none here so that's why in trying to favor the southerly property line I got as close as I could without breaching your minimum twenty-five feet cause in your Code you say it should meet the principle setback but in no case less than twenty-five feet which is kind of like a standard riparian right setback so you know obviously here the principle setback is one thing but the lot itself where we're putting the dock is such a small lot and these are almost unique because each of these little lots here right now really have those docks on them and they're associated, Mr. Kloepfer owns a house further up the street, he lives across the street and then this is his waterfront piece that; right; correlates with that for the dock; just for curiosity, did the people in the north and south of this property that have existing docks, are they aware of this construction; they would be, they would be made aware of it, yes, because when the application is submitted to the Army Corps of Engineers, they send out a twenty day public notice so they should have, we didn't, there's no requirement for us to notify them; I understand that; or even with the Town because a wetlands permit we would have to you know send a notification but for a dock or a bulkhead we don't; well since these things were e-mailed in on Wednesday and Thursday and we haven't heard back from John, you know I think the committee had voted and I think if it meets with John and the committee's satisfaction, I think we need to hear that, don't you think; hear back from John on that or no; I would say that the issues have been adequately resolved; correct; I'm personally prepared to go tonight; okay; we've got enough to make a decision I think you know, I don't need him to call me __; that would be great; thank you Rob; thank you all; that's just my opinion by the way; I'm okay.

The Supervisor declared the public hearing closed at 5:00 p. m. and called to order the public hearing to be held as advertised on the application of James Corl, 5 Winthrop Road, for permission to remove and dispose the existing 6' by 24' lower platform at offshore end of existing fixed dock, construct a new 4' by 6' cantilevered platform with a 3' by 12' seasonal ramp leading to a 6' by 30' seasonal float secured by two 2-pile anchor dolphins in Dering Harbor.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. A hardship letter from Costello Marine as requested by the Waterways Management Advisory Council.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: no issues with that; the hardship letter was it; yes, five to one; no problem, it was a reasonable request, it was the hardship letter, and we're good.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:02 p. m. and called to order the public hearing to be held as advertised on the application of William and Norma Rodgers, 53 Dinah Rock Road, for permission to have their previously constructed 30' by 6' in-shore catwalk extension permitted.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: okay, Rodgers, he built the dock legit, had a permit and that other stuff but then the catwalk came some years later and they forgot the permit process, the two

contractors have since passed away, I'm not drawing any conclusions from that but anyway, so the catwalk was done without a permit and the guy is getting ready to sell his house and he's looking for c of o's for all this stuff and Mr. Banks said well we can't really do that until you've done this so here we are, he sent us pictures and you have in your possession right now, the survey which shows the catwalk so it's not really anything complicated but the fact is that they were waiting for that survey; yeah, that was the stumbling block, the survey but it's on approval to sell the house; that must be the survey we got today; yeah; I just went over there and got it, so what you see is what there is, I don't think they indicated there would have been any issues with it, I don't remember hearing anything; no but they, I mean they didn't take a vote; no, they did not vote; yes sir

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: William Rodgers, I'm the homeowner and the dock builders have deceased, Mr. Heaney and Tuthill I believe; yeah; you're just taking questions from us; yeah if you need me for anything, I do have some surveys if you need them, do you need a survey; no I asked Billy Banks, he had them next door, I ran over there and grabbed them just because I didn't want to, I thought maybe if we adopt it tonight, it would be helpful, I don't know, there's not much to tell here, you've got pictures, you've got the survey but if you want to wait, we can wait.

The Supervisor declared the public hearing closed at 5:04 p. m. and called to order the public hearing to be held as advertised on the application of Bruce Sudano, 50 Gardiner's Bay Drive, for permission to construct a stone revetment along the property shoreline to meet the return of existing timber bulkhead to the west and the return of existing rock wall to the east; proposed timber bulkhead is 285 linear feet and will be constructed of 1 - 2 ton stones, stacked 3 stones high; a 2 foot base layer consisting of 25 - 50 pound stone is proposed as well as geotextile fabric like Mirafi or similar strength, backfill with approximately 190 cubic yards of clean fill consisting of sand or soil material excavated on the seaward side of the proposed revetment where possible, or obtained from an approved upland site; landward side of revetment to be planted with American Beach Grass and Seaside Goldenrod as plugs, 12 inches on center; construction access route is from upland via Gardiner's Bay Drive; no construction or fill is proposed to be placed within any wetlands, and all work is proposed landward of spring high water mark and tidal wetlands boundary.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the WMAC looked at this, they talked about it, this stone or rock wall is like two hundred and eighty-five feet, it's all above mean high water, they propose it in a straight line of rock, the committee looked at it and then we talked about whether it should follow the contour of the posts versus a straight line and then when they realized that this rock wall was above mean high water, they said what are we doing with this, it needs to be referred to the CAC so they never really acted on this because they felt the CAC needed to look at it, the CAC did not meet this, they canceled their meeting earlier in the week so they have not had a chance to look at this as far as I know.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Julia Priolo here on behalf of the applicant, from Land Use Ecological Services, I just want to make it, note that the public notice mentioned a timber bulkhead and there is no timber bulkhead proposed, just a stone revetment; okay, it was in there but, we look for the CAC's recommendations but that will be in May; yeah, they do meet in the early part of May so they'll jump on it I'm sure; okay, just so you know, if you have any questions, I'll be here; thank you Julie.

The Supervisor declared the public hearing recessed at 5:07 p. m. to be reconvened on May 13, 2016, and called to order the public hearing to be held as advertised on the application of the Shelter Island Historical Society, 16 South Ferry Road, Shelter Island, New York, zoned B Business, and designated as Suffolk County Tax Map 0700-019-02-088, seeks permission to construct a one story addition to existing museum, with finished space in basement to be used for storage; west section to be used as climate controlled storage and archive space; one bathroom and kitchenette for employee use.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:
E-mails from Marc & Melina Wein, three from Linda Zavatto, Martin & Valerie Levenstein, three from Lily & Joel Hoffman, Mac Griswold, three from Lawson Brigham, Stephanie & Sam Lebowitz, three from Sally Baker, Barbara Horgan, Ann B. Anderson, Carolyn S. Havens, and two from Natalie & Martin Hurwitz.
Letters from Mac Griswold, two from Esther Hunt, and Lily & Joel Hoffman.
All of these e-mails and letters are in favor of approving the special permit.
Other correspondence:
1. A letter from Diane Bowditch concerning the proposed funding for this project and asking the following questions: are all the funds in place, in what amount and does the Historical Society have the income to sustain and maintain this expansion beyond any loan assumed.

The Supervisor called for a report from the Planning Board which was presented by Councilman Shepherd, as follows:
Date: April 6, 2016
To: Shelter Island Town Board
From: Shelter Island Planning Board
Re: **Shelter Island Historical Society Special Permit**
16 South Ferry Road (RT 114) SCTM# 0700-019-02-088
Project description summary: Applicant has applied for a special permit to construct a one story addition with finished basement to be used for storage. Main floor to be used as climate controlled storage and archive space, 1 bathroom and a kitchenette for employee use. A special permit is required pursuant to Town Code Chapter 133-8-D-21.
Submittals: See Appendix A
Observations (from submittals):
1. The project lies in Zone "B" (Business).
2. The proposed Layout conforms to the zone "B" Bulk regulations with respect to Lot area, Lot coverage, Front, Side yard, and backyard setbacks.
3. The proposed use complies with the zone use regulations.
4. The proposed improvements do not need a wetlands permit because there is no intrusion into the 100 ft. regulated area.
5. The distance from the proposed well to the nearest leaching pool is not indicated on the survey but scaling indicates approximately 150 ft. separation. The sanitary system has been approved by the SCDHS.
6. Extensive dewatering of approx. 1,983 sq. ft. of new basement area seems to be needed in order to install the proposed basement.
Observations (from site field inspection):
1. Physical inspection of the site indicates that improvements and natural elements seem to be accurately depicted on the submitted survey and site plan.
2. The proposed parking space layout (which was revised with a more recent submittal) seems adequate. Some of the spaces extend into the setback areas on the East and South sides of the property but these are proposed to be grass spaces.
3. There are no roof gutters on the barn but it seems that there is a French Drain system installed that may lead into the dry wells indicated on the site plan.
4. There is a steep dip in the driveway where it connects with Rt 114. This could be a dangerous condition for cars exiting to Rt. 114 particularly in icy weather. The ideal situation concerning the driveway, in order to reduce the possible hazards of exiting directly to Rt. 114, would be to have no curb cuts exiting to Rt. 114 but have the driveway enter and exit to the private road to the South. This may not be possible when other site plan needs and flows are considered.
Mitigation proposals:
1. Several drywells to receive storm water from roof areas have been proposed.
2. Permeable driveway and parking areas are proposed.
Recommendations:
1. Consideration should be given to correcting the steep dip in the driveway on the East side of the property.
2. To relieve some of the parking problem, consideration should be given to using the vacant lot behind the Barn for additional parking spaces, possibly replacing some or those indicated on the submitted parking plan.

3. Considering item #3 above under "Observations (from site field inspection), inquiry should be made as to the actual existence of French Drains that lead to the leaching pools indicated on the site plan.
4. The Town Board should review Town policy concerning dewatering. Although conditions may be different, the request sometimes comes up when construction of a pool requires intrusion into the aquifer. Will it be allowed in all cases? Of particular concern should be disposal of the water removed.
5. We recommend approval of the Special Permit after consideration of the above comments but without any serious concerns about the plan as submitted.
6. The usual precautions to prevent runoff during construction and site preparation should be observed.
by: Paul E. Mobius Jr. and John Kerr for the Planning Board

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Hi, good evening, so nice to see familiar faces here today, my name is Chris Fokine, I'm the contractor for the Historical Society, I'm joined today by Nanette Lawrenson, who is our Executive Director, Janet D'Amato who is our Acting President, also I have David Rose, Consulting Engineer, if you have any questions for him, we have a little slide presentation, a little power point thing, my first time doing power point, __ easily, but the question, why are we doing this, why are we building an addition on this building, well about 5 years ago, we sat around having a trustee meeting and we said we're running out of space for many, many items in our archives, many very important items and that the space where we are today was built forty-one years ago, we have not added any space for archival purposes in forty-one years so we decided to come up with a plan, Bill Pedersen was so kind to volunteer his time to come up with the actual drawings and the working drawings and we have __ drafts in front of us to make this happen, you all have to remember that the Historical Society is part of many, you see the M A N Y, that's the Museum Association of New York, and we have a mandate and obligation to be good stewards of our documents we have in our possession and this is our way of making sure that we make these documents last for a very, very long time and more documents that come in need a place to go as well, history does not stop, so I'm open for any questions you may have, this is a time line by the way, just for those of you who may not be familiar with the process, we started this process two and a half years ago and these are all the different agencies that we had to apply to and to prove that we are doing this correct, both historically, environmentally and __, we had two, phase one and phase two archaeological surveys done on the property which was a lot of fun and we have gotten approval from the New York State Department of Parks, Recreation and Historic Preservation so the last three permits waiting for approval from the Town of Shelter Island, Town Board for the special permit, our special permit which is part of, whenever you apply for a building permit in a commercial or business zone, one has to go through this process to be sure it meets all the requirements, we're very close to that right now, after that we have to go to the Town of Shelter Island Building Department for a final review and final permit so we're at the end of a long two and a half year process, it's been a long run but here we are; could you describe the nature and size of this addition; sure; here's a survey of the property, right there, a legal survey in which you can see we have a two acre parcel, if you look, there's the, I think it's circled in red or yellow, the actual new addition there, we could build 16,000 square feet approximately, on this property, of course we're not, all including the barn, the existing building and the new addition we're only covering 9,000 approximately, if we go to the next slide, you'll see some numbers here, the first one is the square footage of the new addition, it's a meeting room and research center, the second square foot number is just the __ archives, you can see it's a total of 1969 square feet, however we are demolishing the existing archives and a small wing that was built onto the building around the 1930's so net total is 1403 square feet of new space, by the way, this room and the room next door where the Town Clerk works is 1600 square feet so this is smaller than these two rooms together, just for a sense of scale and size, this is just a close-up of that new addition, this is Don D'Amato by the way, if anybody doesn't know Don, if you need him to power point, __, here's the site as it exists now, that red little shaped thing __ is that west wing and the archives, take it away, there you go, so there's the floor plan of our new building right there, the blue is the area we are adding on; and it's two stories of adding on or what; no, it's one story on the ground floor and there's a basement area below; for that whole room; correct; for that triangle, so if I say the blue thing is 1969, that's the first story and then there's another 1969 underneath; that's correct; okay; what's going on Don in the next picture, this is, I just want to show everybody our architectural aspect of this, this is a rendering and

this is the side of the building that faces north, this will be the ADA compliance entrance, we're gonna have parking spaces for different people getting in, handicapped and you can see in the new addition, which is the section to the right is in keeping with the historical building, we did have the plans reviewed by the State of New York and they loved it, they were happy with it and they gave us a letter of approval and we have that of course in our documents with the application; is that stone wall just a head of it or is it just for aesthetics; I love that stone wall, there was actually a stone wall there at one time, the remnants of it are sort of crumbling in the ground, we'd like to rebuild that, this is a view facing south and this shows the Havens House as it exists today on the right, and this shows the beautiful gardens and that's our courtyard and that building in the back is our research center and that little brick corner is part of the archives so we're tying to __ this little area facing south, it will be very warm, people can gather and talk and discuss things and maybe if we're lucky we can have our Board of Trustees meeting in that space in nice weather, we're trying to create a campus look and feeling so people can come here, they can do their research, they can do their studying here, look at our documents and learn from all the great things we have to offer in the Historical Society, this is just the inside floor plan; of the first floor; this is the first floor; and what are we seeing; basically you're seeing to the right, the Havens House, essentially, the stairway going up to the second floor of the existing Havens House, as you go forward you can see the stairs going down to the basement, the first floor stairs; what are those gray squares with the blue blobs around them; those are people; the gray squares; those are research tables; and the big blue squares are what, they are on the left; are you talking about these; yeah; those are actually sort of sliding, what do you call them; rolling; rolling bins and you can put paintings or documents on, keep them straight, not wrinkle them and get them damaged, those are gonna go on the first floor and second floor; well I think we are actually going to reuse, if you go into the Historical Society now, we have those rolling bins presently in our archives so we're just going to add to those and we'll reuse them and add to them, if you want to know what they look like, they are there; they are portable, you've been there; so is it where the bin things are that the place where you're going to be storing the paper records or are they gonna be in the lower level; no, they will be in the archives; which is; that's the archives; on the first floor; that's the archives; we're not storing anything that can be damaged from the humidity and otherwise in the basement; just for the audience's sake, remember, we're not here looking for a variance, this is not a special exemption, we're not claiming hardship, we're not asking for any special treatment, this is certainly the procedure that we have to go through and that the Town Board is obliged to __, this is supposed to be the last one, I'm not done yet; too bad; so 235 people have donated to this great project and we're very thankful for that, we live in an amazing place, we're lucky to live on Shelter Island, every time I go away from here, I can't wait to get back, I'd like to have the audience ask any questions and let our compatriots help out; do you have a slide or something on the parking plans; if you go back to, there is one; yeah you gave us so many parking spaces; we have gravel ones, grass ones, which ones do you want to talk about; ___; basically the Town Coordinator Mary Wilson said we had to come up with forty-seven parking spaces, we actually came up with forty-nine, four of them are ADA compliant spaces, we don't want to create a lot of, we don't want to change the sort of landscape of the Historical Society, we want to keep it bucolic and the way it is right now, of course we're not paving it, there's gonna be gravel parking spaces, the ones that are handicapped, I think we talked about at a Town Board meeting, they will be paved; right; for obvious reasons and the other ones are grass, those are provisional spaces for events so if we have like the One Day in History or if we have the Harvest Festival, we're gonna be parking some of the cars on the grass and you can see in the slide that Don has, we'll find it but, so we've gone back to gravel, I know we talked about the grass blocks for a while and we all love grass blocks, I think it looks great, the only problem we got, we had some comments from David Camp who is a __ architect who said in such a heavy use space, we'd have a little problem where we'd be laying them over the lot, there would be a lot of sun in spots, and the grass is gonna die so it's not gonna look pretty and green like we think it's gonna look, it's gonna look brown and so that's, we didn't like that idea so we went back to the gravel concept; for all of the spots now; for all the spots except the ones that are handicapped, of course, we're gonna pave them; for all the spots, so all around here and all around there; no this is grass; oh, so not all the spots; no just the ones; the seventeen; just the fanned ones; yeah; okay; because I just wanted to say that the Historical Society has been relying a lot on the Town property next door for the parking space and the Town has been holding that property with the knowledge that as things develop over time, they're gonna need to have that lot for Town purposes so at some point it's inevitable that the Historical Society is going to be told that you can't use this anymore, we need it for whatever and at that point, it seems that that would be a pretty late point to let the Historical Society

to get to that point without having made adequate provision for parking and that's why we're bringing it up now because while you're doing this big project, it's the perfect time; right; to put in adequate parking; we exceeded the Code with the parking; we agreed but I'm a little, I don't, I never really have really understood how you do this second line of parking and how people are getting into it and out of it but I'm also, I never quite understood why the Historical Society has a lot over here behind the barn and already it is partly cleared so it's available, I don't understand why no parking in here, an older plan had parking in here; yes, yes; and that's off now, what's the reason for that; that lot is a residential lot; but it's part of your property; it's part of our property; yes; but in addition to that, I think we go back in time, we can see that, I think I mentioned this at the last working session, that we've always had parking on the grass, Mashomack always has parking on the grass, Sylvester Manor has parking on the grass, we do not want to be trite but we don't want to pave over paradise and make it a parking lot; right; also I think we have to be considerate of our neighbors on Shady Lane and um I think we have always had plenty of parking on our area, I know you mentioned that the Town may be using, I don't know if the Town is planning to do something in the next year or two in that lot, perhaps you are but we have sufficient parking on our property to take care of what we need to take care; I think what she is saying is that the Farmer's Market; yeah; ___; ___; activity of yours you know, I think that's what she has been saying; yeah and Laury I appreciate your concern but I think it also goes into the other issue, bad perhaps and we were asked to provide parking, to show you parking for forty-nine spaces; forty-seven; forty-seven spaces; that's right; and we've shown you parking for; forty-nine; more than that so I think with regard to this particular application we have met that requirement, you know that I understand that you have other concerns but I think we're here unless I'm wrong, to be talking about what the Board required of us for this application and so, we're showing that, in addition I know you had a question about that dip in the road and Chris can talk to that but that will be filled in, I know we spoke about that; the grass parking lot or the grass residential lot; um; could __; you're looking at an out of date one; I know, I'm not looking right now, I'm just looking at a lot of things but I wanted to ask this question if you don't mind; sure; the residential lot that you're not gonna pave over, could be certainly used for interim parking for a single event if it had to be; certainly; it's not off the drawing board as overflow parking should more parking be needed; no; okay, I just wanted to be clear on this; part of it is, but you asked us to show on the property; and you have; that we're talking about and we have done that; I just want to say a couple of things, I think you have and I've been in Mashomack enough times to know that when you have that big event up there, they have hundreds of cars coming in, safety is paramount but as long as you have people in the parking lot with reflective vests that are pulling people in safely and exiting people safely, that's the main concern; I know it's your concern but I also want to state it's our concern; sure, safety is important; we don't want to be sued, we're in good financial shape but we don't want a lawsuit so certainly it's only in our best interest to make sure that we have people out there directing traffic and that we have; absolutely; safe parking; the only other thing I would say is I think, a couple of people in the audience at the Shelter Island Association meeting on Monday, and somebody made, said is the Town Board deliberately trying you know, slow this process down for the, for some odd reason and there was no alternative, there was no motive that's involved here, the first thing that we hit big time was the dewatering issue, the dewatering issue was the big issue that we needed, because we were looking to protect the homeowners in the area, obviously as a Town Board, we need to address that, the other thing, the next major thing that came up obviously was the parking and no lighting and the bathroom facilities and a lot of these things and they said listen, as many questions as we asked up here of the Historical Society, it was a learning process to Chris and people in the Historical Society, not all this information was forthcoming, we kind of went through step by step so could this process have been handled you know, more expeditiously in a shorter period of time, the answer is yes but we needed that, we need just to have those checks and balances in there in order to make intelligent decisions and safeguard the community and safety and everything else so we're very supportive of the project so obviously being able to safeguard this Island's precious history is extremely, extremely important, this is great storage space, I know that they have requested from all the associations around Shelter Island, to hand in materials, they will duplicate materials and I urge people to do that, I know down at Silver Beach, we have stuff, I have stuff that Pete Bethge gave me, that had dates back fifty and sixty years that I need to get to the Historical Society so you can make copies of and you can put into your archives there, but it's important and I think it's an admirable thing and I thank God you were able to raise that money and hopefully we're gonna move forward on this so, but it's been a learning process I think for both sides and I think some of that delay was because we didn't have the questions answered up front; I would argue that, we only got this

application two months ago; right; it's not like there's been a lot of __; government time; no, no; I don't get it _; right; well I'm really ___ that we have in the room, we may have to come back next week for a larger building but having said that, I do want to thank the Board also because __ it was a learning process for us and you know, it's only in our interest to be open to your suggestions, it did help us have conversation so I would like to go on record you know that we do appreciate the time that you put into it also, to ensure that the community will have a safe place as _, so thank you all for that; so on the parking we give you the Town lot on a year to year basis and you can get along without it is what you are saying if you have to; __ ; I'd like to hear the answer to that first; if you're gonna give us push come to shove, yes we can; I won't do it deliberately, I'll do it as Laury Dowd said, when we have pressing Town uses; of course; some things are gonna come up, we're delighted to make it available to the Historical Society on a temporary basis for the; and we do by the way, we do have extra, I don't know if it shows, it shows on one of these, in the Town lot, I'm sure you're all aware that there is a swath that does belong to the Historical Society; right; and right on the area that we look at as the Town lot; okay; so ____ but anyway __; that's interesting, could that be staked out somehow or other to get it delineated; sure; cause you said there was a landmark down that and I went and looked, I couldn't find it; telephone pole; what; telephone pole; oh the telephone pole is exactly it; __; I thought it was something near the telephone pole, I looked all around the telephone pole, I couldn't find a monument anywhere so; but anyway, we can use, we have that space we can use, there are green areas that we aren't clearing you know; it's not an issue now, that's the; I know that now; but forward looking, it may be in the back of your mind at some point; you know what it helps; I'll be in the nursing home but yes; since the Town is offering that property on a yearly basis and people are going to park on it, we would like, I would like to know where that line is a little bit so that I can coordinate you know maybe with Jay and say hey listen, can we make sure that you know, that the ruts and everything else, we don't want elderly people getting out of a vehicle and sprain an ankle or breaking a leg because our property that people are parking on is not in good shape; the people that park for the community market are parking on, you know currently and I trust will be for the coming year; right; it is insured by the Historical Society, if I understand; yes; yes we have a certificate of insurance; I just want to make sure what's happening; we have insurance every year on it; so we'll continue to do that; that's good to know, I'd rather not use the insurance than have the people say, it's not a lot of work; we would __; __; we'd like to keep our good name, thank you; thank you; any audience; yes, may I speak; sure, come on up Joy; all of you know me I think; that's for you I think; okay, Joy Bowditch Bausman, and I'm concerned about saving my ancestral homestead, the Havens House and I am very concerned because I know Pat Mundus was the previous Historical Society Executive Director and she was retained by Joel Snodgrass, Conservator, to do a structural review of the Havens House which we all know is surrounded by freshwater wetlands and it was done several years ago, but his presentation impressed on us, on me especially that there were problems at that house also, with drainage and flooding and I, as I listen to this, it's wonderful, I believe in the archives, I certainly have given stuff which everybody can verify that I have participated with the Havens House but I did not see when I came to review the unstamped plan available at Town Hall before this hearing, I couldn't see anything that was resolving the specific water problem with the Havens House and I then asked Mr. Cronin, the Town Engineer, I don't know if he is here or not but I did ask Mr. Cronin about this and the dewatering and the influence on the Havens House project and he stated that the dewatering project he thought had been abandoned and we were now gonna have a coffer dam to be constructed in its place, I was told this by the Town Engineer so that's why I'm bringing it up, when I looked at the plan, I could not find anything to do, the plans that are here in the Town Hall I should say, anything to do with dewatering or coffer dam or anything to do with the Havens House itself in this proposal so I'm very concerned about that, I want to present it to the Town Board for their consideration, my question also is that I know this is a public hearing and the plan if to me were not complete if they didn't include, at least I didn't see them, is that not included on this dewatering or coffer dam or whatever and its specifications, I don't know how anybody makes an informed comment to this Board which I'm trying to do, if there is not availability to really review this kind of thing and I don't see how the Board can make a decision without adequate plans, I just really didn't see them and I am hopeful that the Havens House is considered in this whole project because obviously that's what it's about, you're putting an extension onto an older building that appears for many years ago according to Mr. Snodgrass, he needs assistance in its preservation let me say it that way, that it's always had a drainage and water problem and frankly I remember Mrs. Mundus down __ put the basement every time it was any heavy rain, it was really a problem there so I just throw that out as a consideration to the Board please; thank you; do you

want to address that; yes sure, first of all this is the Town Board special permit review, not the Building Department and so that's why we didn't have those details, when the, you're letting out secrets here, normally we go to the County and get approval and then we go to the Building Department with all the plans and approval but the Town has to issue a SEQRA determination after this special permit hearing, if they approve it, then we go to the Building Department, that's the next step ___ seen that because we haven't actually applied for the building permit beyond the letter of denial, we apply for it basically from the point of what's the next procedure, yeah we go to the Building Department next and that's when we give the document to the Building Department, all these documents are in my file to go with this according with the time line but also the dewatering plan will go with it, by the way, the engineer is here, he can't stay much longer, he's on his way to England after this meeting so if you have any questions you want to talk about; I think he should come on up; yeah come on up and chat with us about; he's all packed and ready to go; my name is David Rose, I'm with T.S. Engineering and I did in fact do the dewatering plan, the dewatering plan is gonna, was proposed, the coffer dam is just a method of dewatering and the process is that you put in the coffer dam walls and it cuts off the water from coming through the sides, forces the water to go down underneath and slows it down because you've got a lot more sand particles and everything else to travel through so that allows you a difference in water levels on the inside and the outside, a couple of key things that the DEC is looking for is that when you draw water out of an aquifer in dewatering, you re-inject it away in the same aquifer and then it takes a while for that water to come back so and so you have that difference in elevation between outside the coffer dam as you're seeing there and the inside and the idea is that you are drawing the water down, allows you to construct everything on the dry soil, as soon as you're done, you stop the pumps, the water comes back up, the foundation is designed to put the, what they call a __ foundation which is designed to be under water so; can I just read this part that I drafted for our environmental review and I want to be sure I got it right, just tell me; sure; installation of the proposed building will involve excavation of the foundation to a depth of approximately sixteen feet; fourteen; fourteen feet, since groundwater is at 8.5 foot, the bottom of the foundation will be below the existing groundwater elevation, applicant proposes to dewater the site during foundation construction by installing a sheet metal coffer dam around the foundation to a depth of thirty-four feet; yes; three dewatering pumps will be placed in the foundation area to draw the groundwater below the surface of the excavation body, during the approximately two weeks of foundation construction, the pumps will draw approximately forty-five gallons per minute which will be discharged into an injection well roughly seventy-five foot away, the water would be filtered prior to going into the injection well to prevent contamination of the aquifer, is that right; yes, it is filtered through the sand as it travels, so as the water is being drawn out, it has already traveled through the sand, clean water, it goes into your pump systems, it stays in a pipe and stays in the pipe and gets injected back into the ground in the same aquifer; you actually did talk about this at one Town Board meeting; yeah and you know these have been around a long time you know as a method of dewatering, the bridges, all the bridge piers are all built with coffer dams; I don't remember, do you have an idea on what the net amount of gallons we thought might be moved, I can't remember what it was; we're estimating that we'll be pumping about I think it was thirty gallons a minute, twenty-four hours a day for two weeks or as long as it takes for them to construct the foundation; I see; and as soon as the foundation is built, the concrete set, you stop pumping, the water comes back, it's designed to handle the flooding of water so the top of foundation will be above water, it's just the bottom will be in the water; and the concrete keeps out any water; yes the concrete will keep the water out, they have what they call water seals in the foundation; right; they've got gaskets that they put in the corners so that as the concrete pours, it seals those cracks and don't allow water to come up through; there's also sump pumps involved with this, there are two sump pumps that are being placed in and around the building to pump water out in case any water got it; say that again Chris, I didn't hear it; a sump pump system that also deals, the Building Department are looking at on the plan, has a float in it so that if water gets into the basement, it will trip a float and pump the water out; and that's a permanent part of this; that is; it's a fail safe in case any water got in; it's a back up; it's a back up and pumps out to a drywell outside; any other questions on the dewatering process; anybody in the public; where does the water go after it is pumped out, I just heard a sump pump __; it goes to a drywell outside the building seventy-five feet away, right where the injection well is gonna go; okay; and how will this affect the basement of the Havens House, are we doing anything for that, that's, I'm going to the Havens House obviously; I'll address that; one of the things I'll mention too is that as you input the walls of the coffer dam, there's a vibratory effect and so the structural engineer of the building has called for underpinning the existing house and the

underpinning holds the foundation, holds the house up in place so that it doesn't settle due to the construction on the outside and that has been called for in the structure __; just a little background on why we're doing all this, we're talking about bridge abutments and that sort of thing, it sounds like an enormous enterprise, the purpose of going down below grade is to keep the scale of the building down so it does not compete with the existing house __, now we need storage space, there isn't any in the existing Havens House and it is not climate controlled, so everything we have in there is vulnerable and to answer your question __, the basement of the Havens House has a dirt floor, that has kept that Havens House there because when the water table rises, the basement can fill up with water, now the real problem is the mechanical equipment that's in that space, we are taking all the mechanical equipment out of it and putting it into the new building, the design of the basement was done by several engineers, they did the Verrazano Bridge, they are pretty capable people, we knew this was a major issue and we went and looked at it from every possible angle but you cannot put a basement underneath the Havens House per se because if you do, you have to do exactly what we've done, build this enormous structural bathtub which means you take out the entire foundation of that building, which is impossible, but the purpose of building this addition first is to enable us to have the storage capacity to be able to take everything out of the Havens House and put it into this new storage capacity, totally climate controlled, after that, there has to be a phase two, there has to be, the Havens House has to become climate controlled as well and so we've always looked at this as being phase two, that's the answer to your question; thank you; also, I'm glad you brought Joel Snodgrass up, Joel is a consultant, I can't remember the name of the company, he was there when Pat Mundus was there and did a really total job, I remember we talked about at our meetings and it was so boring it was unbelievable, he's a really smart guy, a really good talker; I remember that; __; __; so when we actually took his recommendations, we have already acted on some of them, one of them was we need to change the ___ Historical Society, I don't know what has been changed, we think we have to put a new roof on that building, we replaced a lot of the rotten trim that he pointed out on that building and we also replaced the roof on the barn, he also brought that up, the Havens House itself, 1743, it's a very old house and it's needed a lot of care and I have all sorts of plans and ideas to help do that, how to retain the windows cause we are gonna put a climate controlled system in the Havens House but the windows are single pane glass, some of them go back to probably when the house was built so I hired, I didn't hire, a consultant on my own that provides special panels that you put into historic buildings __ when that time comes but we're certainly very concerned with that building, that's the main prize, that's what you look and say oh it's wonderful and beautiful, it's full of history, so that the addition, it's important to the Havens House ___; __ pretty well; __ good information; you know, did we see plans for the basement, yes, well there, it came with a whole set; I hear you but just for us, what are you putting in the basement, what's, how's the basement gonna be used; do you want to address that; the lower level will be used to remove things from the second floor of the Havens House that are now being stored, things that are not of particular value, things like holiday decorations, equipment that we need on occasion of occasional events, those are the kinds of things that will go in the basement, currently, only a third of the Havens House is open to the public for viewing, if we can remove some of the things that we have in storage, again not sensitive materials, down to the lower level, we can open up several other rooms on the second floor of Havens House for exhibits, so people can come and enjoy and see more of our collection, it doesn't do us any good, anybody any good for us to collect and maintain and preserve if we don't share, that's our mission, we're chartered by the New York State Board of Education __ organization, that is first and primary, we are there to educate, to show and share exhibits, to present, so that is what is planning to be lower level, the lower level will actually help to enhance and improve; yes Karen; hi, I just have a couple of quick follow up questions, will the public have a chance, I have reviewed the plans too, by the way, I'm Karen Kiaer, I reviewed the plans the other day and found a lot of schematics missing, particularly a schematic for the drainage system, I have a copy of the site plan, I did notice that there were eight leaching pools and they had a little code in there Chris, it was with the expectation of two inches of water and as everybody sort of agrees, there is a major water drainage problem there, what sort of remedies if we have a major hurricane or three inches of water, I'd love to see a really complete drainage schematic at some point and I don't know if the Town Board would be looking at that to resolve these water issues which have been ongoing for four decades, as long as I've been here, I think that's it I think and then, I think this is a very complicated project, it's terrific but complicated in a very fragile site so I know Chris is the contractor and Mr. Pedersen is the architect, are you going to guarantee the success of the project; absolutely; __; yes, __ the contractor, that's great, actually one of the reasons I didn't attach, I explained to the

Board, there are other parts of the plans, the plans are like that thick and I only, we only discussed the parts of that plan that pertain to the Town Board but if you want to come to my office and look at those plans, I'm more than happy to have you come and I'll go through the whole thing with you, I'll be going through the whole thing with the Building Department as well but if you'd like to, I invite you to come over and I have all the plans and all the schematics, how that works, and of course this is, this is a very fragile area and fortunately we are far enough from the wetlands that that's really great but the thing is this system is to keep it dry, of course it could fail if you have a horrific __ flood and if that happens, we're all ___, not just everyone who lives on Congdon Road, and 114, if the water comes over the top of that thing and it could happen with a tremendous flood, we will have a pump to pump it out to keep it dry but of course __, any other questions; you're not creating any other flooding or drainage issues; no; so __, right; well what comes to mind is Congdon Road, that time we had that floor; understood; that raised a problem; we had some flooding ___, Congdon Road; you remember that horrendous situation, __ , it did go away; ten inches of rain in thirty-six hours will do it; like Houston; yeah; my wife, so please go easy __; was she asking you a question when I started, I'm sorry, I just was curious on your projection, I guess it's supposed to be I guess waterproof, I don't know another word; yeah; is there a projection on how long the maintenance on this kind of thing you know, five years, ten years, when will it have to updated, replaced or if it fails like you're saying, you have funds to help with failure but I'm talking about a more serious one than a few drizzles; the only thing that could fail would be the pumps and the actual building couldn't, it's __ come to the office, we have a three foot thick slab in the basement, this is to prevent any lifting of the foundation from water pressure below, that will never go anywhere, I would recommend __ we'll walk through with them and leave behind ___; that's what I'm asking, there's got to be something that happens __; __ should be checked every year, make sure they are still functioning; the foundation is capable of withstanding nine foot __ in the water table, without any pumping anything like that, this thing is so heavy, the walls are fourteen inches thick, the floors are double slab three feet thick, we have a ceiling that's concrete as well that adds more weight to the whole thing, this has been studied to a __ and pumping we cannot, pumping is good for dewatering and dealing with specific issues but you know the pumping is ___, it's different than __; thank you; any other comments, John, stand up if you will please; I'm currently a trustee on the Historical Society and I just want to say that I was, I first got heavily involved with what was going on here when I was the fire chief on the Island and one of the things that wasn't brought up is that a while back actually before this Board got very involved, my first walk through of that Havens House was kind of scary, I can't, there's no way to put that, Nanette and I had extended conversations about how do I sleep now and the Society has moved to alleviate all of those concerns which do two things, you know you talked about safety, it enhances the safety obviously and with the kind of storage that they are building and everything that they are building, everything will be protected so that that isn't an issue at all and I think that needs to be brought to light too that there's a lot of possible resolves to what they're doing here; __ open up the house so people can walk through it; yeah, well and a lot of the stuff that Nanette was talking about can either go in other places, we moved a lot of it already because it was not you know in my opinion anyway, it was a concern so you know this is a continuation of resolving all those concerns to get us to a place where saving happens; right; and the house itself is not in jeopardy; right; up to and including fire alarm systems, new procedures with fire, I mean things that are saying this is a historical fragile building and you know if anything happens, God forbid, we should be ready to, we've done everything we could to protect and I think this is a pretty good extension of the protection I didn't imagine when I started this process and we started talking about how do we resolve some of these issues and it's so, it went from a little skunk works kind of solution to really a world class solution, knowing what Bill is talking about how you build underground, you're talking about engineers and people who build in lower Manhattan, if you can build a skyscraper in lower Manhattan and not have any water in the basement, I think they can build you know like a basement for us to put storage; we should have, all of this began with John telling us about, we really need to begin to get our archives away from the building and we needed to make it of a noncombustible structure; I'm blaming Phyllis Wallace, __ take credit for it; okay, any other comments, we will; yes sir; I just want to say that is a lesson in historic preservation, I think you know, Shelter Island doesn't have a design resolution and if those of us who come from a design background, we're concerned about what goes up and how it looks and how it relates to what's around it but I think what Bill did here is just brilliant and it improves Havens House, that's gonna give Havens House a life of joy; sounds like I'm the one that's been the big questioner; those are good questions and by the way we learned a lot with those answers; I just feel very firmly about; yeah; the place, my family

lived there; so did mine; okay thank you, I think this has been a very very constructive discussion, we've all continued to learn and we will, the Town Board will continue to move very expeditiously on this and I don't attend Shelter Island Association meetings but I'm disappointed they don't seem to keep up with Town affairs because as Laury said, we've only had this application for two months and I think poor Chris Fokine had to give up his scrabble tournament at Peconic Landing every Tuesday for six weeks, we had it on the agenda for every single Tuesday and Chris and or his son Dan were in here and we were talking about it so it couldn't have moved more quickly and we will continue to move quickly; I agree; it's been a very constructive process, a lot of issues, very important issues, there are always concerns about any new project but I think we're addressing them and we'll continue to do so, I'm glad, it seems we've made some progress on the parking particularly and the drainage, I feel comfortable, more comfortable on those; right; so thanks Chris; are we leaving this open for written comments; no; do you want to; __; they conveyed, do we want to continue to leave it open for a while; __; we have a number of letters in already; don't worry about it, they had advanced notice of the written comments, so I think we're covered on that; I think we are; thank you everyone.

The Supervisor declared the public hearing closed at 6:03 p. m. and called to order the recessed public hearing to be held as advertised on the application of Michael McLean, 44-46 Tuthill Drive, has petitioned the Town of Shelter Island for permission to add a small 4' x 4' platform, ramp, and float parallel on the east side of an existing catwalk, add two additional 12" diameter piles to support the proposed platform, add a 3' x 15' ramp on south side of platform parallel to catwalk leading to proposed 6' x 20' float; said float is not proposed to extend any further seaward than existing catwalk; stabilize and revegetate existing shoreline at project site, install a two-boulder row of 2 - 3' diameter boulders with small boulders to fill voids for a proposed total of 310 +/- linear feet; boulders to be covered with 100 +/- cubic yards of beach compatible sand and planted with beachgrass on 12" centers, and the existing concrete seawall remains near the east end of the site are proposed to be removed and disposed of off site.

Correspondence included the following:

1. A letter from Land Use dated April 7, 2016 concerning the waiver request for the structure.
2. A letter from Land Use dated April 20, 2016 concerning the revised waiver request.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm here on behalf of the applicant and I believe the most recent question that came from John Needham was the reason for this waiver and variance and it really has to do with safety of loading and unloading of this dock, it's just a fixed dock right now and frankly at low tide, people are getting older and grandchildren are coming, it makes it very difficult to unload and load and so having a small platform, seasonal ramp and float will allow them to much more safely access their boat, they already have __ and I believe also the CAC needs to review the part of the application that has to do with the boulder revetment; yeah; thank you; thank you; Paul do you have anything; I spoke to the representative on the issues and reiterated the issues basically what she said that you know, there was an element of safety involved; yes; from my personal perspective you know you can see that what they're proposing is inboard of the existing docks, it really doesn't really encroach on the neighbor in any way; right; the real neighbor is actually, the setback issue is the Town road so there's a piece of, there's that and then the next neighbor so you know I don't really see it as a big, it's not quite the same as nonconformity in a zoning situation you know, you don't really want to increase it so I didn't really see it as being a problem at that point, it didn't look like, it doesn't go out further towards the neighbors so I have no problem with it; I don't either, once the CAC looks at the boulder situation, I think we'll be good to go; so we'll wait on the CAC; yeah; apparently there is __ or piece, right Dottie, it will be done as one piece to say that the dock and the; yeah we'll do it as per the application; oh okay; so we'll have to kind of hold it open; I'll keep the hearing open.

The Supervisor declared the public hearing held open at 6:09 p. m., to be reconvened on May 13, 2016, and called to order the recessed public hearing to be held as advertised on the application of Richard and Charlotte Clark, 6J Hager Road, for a wetlands permit for permission to raise existing dwelling and install basement underneath, substantially renovate dwelling and construct second story above substantially renovated detached garage and construct second story accessory sleeping quarters over same.

Correspondence included the following:

1. A letter from Martin and Gae Lee Kappauf concerning the sleeping quarters in the garage and the stress on the delicate water table.
2. A letter from Karl and Sharleen Johns concerning the additional construction being proposed above the garage.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Richard Clark asked me to sit in on his behalf because he was, he's at the waterfowl show with his father so he went over a set of plans with me, _ Matt Sherman, I don't know if there's any questions or if it's done; sorry, what's your name; Russell Ireland; thank you; I've seen your name many times but have never seen you; I have a question in that, it is my understanding that they are proposing to put a second floor on the garage as part of this project and that, but they're not, it's gonna be like nonhabitable and just like storage space; yes; and so my question is, is there a long term plan to make it more than just storage space; he didn't discuss that with me, so I was under the impression, no when we talked about it and Matt didn't, I talked with Matt Sherman on the phone, he didn't say anything other than, he did not expect that they were gonna use it for other than storage; interior walls are gonna be finished upstairs, I mean; I don't believe so; the reason for the question is probably obvious you know; __; if there's rough-ins there you know they would sheetrock over and that kind of thing, people are concerned you know and there is one thing I did notice when I went down there was that would be the only garage apartment I think in the neighborhood, you know that kind of thing so you know in a__ kind of situation with people __ with water and __, it is understandable; yeah; when I reviewed this over the phone with Matt, he basically said that the long range was for storage; I mean in all honesty, at some point they could finish the basement __; I think that was the concern of the neighbors, the neighbors, the letters we got even prior to this week is that the house was going to be considerably increased in size, that you were gonna put a second floor on and there would be additional bedrooms and bathrooms in the house very close to the water and by putting a second, and the original plans did call for a living space above the garage, the original plans did; right; I think there were gonna be two bedrooms and a bath above the garage and that made people very jumpy because of the, being fragile with the water; Richard did tell me that and he said because of that situation they eliminated it, so; I think the concern in the back of people's minds, people are skeptical on Shelter Island, once they have the second floor up there and it's there, the Board changes, you come two or three or four years later and ask them and have the second floor finished off; understandable; so that's the concern of the people there, I think that's the concern of the neighbors; maybe there could be storage elsewhere and not the second story; it probably doesn't allow too much; originally they were renovating the old house and now they've moved it back fourteen feet and this will be a new structure; __; the footprint remains the same, the square footage doesn't change; is it in a different location now; it is being moved; fourteen feet back from the water; oh okay; no but I didn't realize that; that was; it was actually, he marked it pretty nicely on the plan; is it on the latest thing here; I didn't see that; yeah okay; __; it is being moved back from where it was, actually one of the plans shows a faint line where the old house is and where the new structure is; okay, I've got it, the faint line is the old structure; that's correct; which page is that; that's what you're looking at right there; not the front page; second page; you can see a faint line; page one or page two or; it would be; oh okay; the second page; second page; it's faint but it shows the fourteen foot going back away from the water; that's going back and over a little bit too; right; to be honest with you, that was something that was desirable and undesirable, desirable in the fact that it got away from the water by fourteen feet and moved it in the only direction it could be moved in and that was north and west; right; on the property and closer to the garage and the road, that's the good thing, the other thing was just the disturbing of the land but it does allow you when you're building the house further away from that cliff; oh yeah; to be able to build the house a lot easier; __; __ _; __; sure, absolutely; good, that's a good idea I think; but the footprint remains the same, exactly; which there isn't much room in which to work with that size footprint; I was thinking; it was very small; even with the second story; even with the second story __; it's not you know when you look at the overall size of the thing, it comes up, when you're looking at twenty-two hundred square feet or something like that; yeah it's not like a four thousand square foot; right, right; no it is a small footprint, the existing house, that's for sure; I think the total coverage is twenty-seven hundred which includes the drive, the parking, the garage, concrete and the stairs so it's a cottage; right; I just have one question with the, is the basement gonna be a full basement or what; I think so; so that will become a full basement and I was questioning before because I didn't know they had changed from not having the apartments

above; right; yeah; cause you guys __ and going ahead with the construction and just not finishing up there; yeah, the last meeting when you read that letter, you know we talked about that; right; the fact that it was expanding into a pretty good sized house with the garage and living quarters above the garage, I do like the fact that the house has moved fourteen feet in, I think that's a positive thing and I like that it's on the same footprint size; it's probably as far back as they could move it realistic; oh yeah; __; I think as Jim just said now, I think there's a lot of anxieties if he didn't have the second floor on the garage and he just renovated the garage as is you know the way it is and then made a nicer house with a full basement, get the full basement and you'll have plenty of, now plenty but you have additional storage you didn't have from before, that alleviates the, a lot of anxiety in the neighborhood about putting, again like he would say that there is no other garage that has a second floor on that; alternatively you could do ground level storage or something or make the garage bigger you know, where the patio is, a covered concrete patio ___ to give you the storage area without giving everybody paranoia; yeah cause obviously; stuff happens here at night on Shelter Island; I just felt that Richard that that was something that he didn't want to end up with more square footage; on the footprint; yeah on the footprint; yeah on the footprint; yeah; it's relatively modest for the size of the lot, yeah; I mean it's say eighty __ estimate at eighty-eight percent wetlands setback; and the garage is also designed to add more square footage upstairs with this extension; right; so; can I ask a couple of questions; yeah please Laury; it's just that on other projects, the Town Board has put these conditions on and I don't know if you want to put any of these conditions on but I thought I just raise it just to get your response so that the Town Board can then decide if they wanted to do conditions, so this is a dirt road and on other projects that have been on dirt roads, the Town Board has required the applicant to basically promise that he's going to keep the dirt road passable cause you know that construction equipment can really crap it up; you're talking about during construction; yeah until the construction is finished; okay; we certainly have more parking than anybody else; sure; along the road; I think she's referring to the actual construction, during construction; __ dirt road; yeah; he has enough equipment to take care of that, so; yeah I think he mentioned that last time, that that wouldn't be an issue, he'd repair as he went; I mean ultimately it's also the road to get into the house; I agree but construction vehicles can make a lot more ruts than the regular cars; that's true; and then I also wanted to ask are you okay with covenanting that all construction you know and storage and vehicles will be in the construction area marked here and not on the road; that's what I spoke with Matt about also, yes; correct; okay and on other projects, the Town Board, lately at least, the Town Board has been concerned about construction during the summer, especially in this kind of tight packed neighborhood, would you, are you planning on constructing the summer, would you be willing to wait til the fall; I'm not sure what my father is planning on doing; I didn't really discuss that with him so I don't have the answer, I think __ holding off with the construction; I don't know; you're talking about maybe starting after Labor Day; right; ___ about something; I don't want to make that commitment; I understand that but you understand that the neighbors you know, it can make life difficult; here we are almost through April so; yeah; I was gonna say, to be honest with you, by the time this thing runs its course, you're probably looking at __; we'll probably be there anyway; and the other thing is, it's what you need because it's one way in and one way out; right; it is a unique situation; cement trucks, it's gonna be like __; I think we have to adopt a policy here, we have to meet the neighbors half way and you know, be; I mean, one thing about cement trucks, I mean you're not really talking about, this is not like a five thousand square foot house; right; __; a couple or three; oh yes there will but I mean, again they can probably; they don't play nice with others, that's all I'm saying and it looks like _; that's true; I think that's something that I don't want to answer; okay; just put that concern __; I will; thanks; it seems like a very reasonable request considering the location; thanks for coming in; thanks; would you be willing to concede just for something to throw out there, not, back to the storage over the garage, not to do the second story, not to finish the walls and just leave it open, I mean __ if it was just gonna be storage; I don't see why; yes I would think that's, under certain circumstances, yes; yes; it's something that we can bash around here; yes; okay; I think Richard would be open to that; thank you; thank you; thank you.

The Supervisor declared the public hearing closed at 6:18 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 199

Councilwoman Dudley offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Robert J. Kloepfer, 47 Winthrop Road, has petitioned the Town of Shelter Island for permission to construct a fixed timber dock, consisting of a 5' by 12' landward ramp leading to a 5' by 82' fixed catwalk, a 3' by 16' hinged ramp, and 8' by 20' float secured by four 10" pilings, and clear and maintain 4' wide path to dock into Dering Harbor, and

"Whereas", a public hearing was duly held on the 22nd day of April, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 200

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", William and Norma Rodgers, 53 Dinah Rock Road, have petitioned the Town of Shelter Island for permission to have their previously constructed 30' by 6' in-shore catwalk extension permitted, and

"Whereas", a public hearing was duly held on the 22nd day of April, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed catwalk::

1. will not cause an obstruction into navigable channels or an interference with navigation;

2. will not adversely affect the public's right to use Town waters or land under Town waters;

3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;

4. will not adversely affect the quality of the tidal waters, shoreline or beaches;

5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 201

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", James Corl, 5 Winthrop Road, has petitioned the Town of Shelter Island for permission to remove and dispose the existing 6' by 24' lower platform at offshore end of existing fixed dock, construct a new 4' by 6' cantilevered platform with a 3' by 12' seasonal ramp leading to a 6' by 30' seasonal float secured by two 2-pile anchor dolphins in Dering Harbor, and

"Whereas", a public hearing was duly held on the 22nd day of April, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed platform:

1. will not cause an obstruction into navigable channels or an interference with navigation;

2. will not adversely affect the public's right to use Town waters or land under Town waters;

3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;

4. will not adversely affect the quality of the tidal waters, shoreline or beaches;

5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended

limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilman Colligan, the meeting was adjourned at 6:30 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

May 3, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 3rd day of May, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and three persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 3:29 p. m.

RESOLUTION NO. 202

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Shelter Island Historical Society seeks a special permit to expand a museum/educational institution in the B zone located at 16 South Ferry Road, Shelter Island, New York and designated as SCTM 0700-19-02-88; and

"Whereas", a letter of disapproval dated February 2, 2016 required a special permit to be granted prior to issuance of a building permit to expand a museum/educational institution pursuant to §133-8(D) of the Town Code; and

"Whereas", the applicant has provided notice of the special permit hearing to property owners and filed proof of such notice with the Town Clerk; and

"Whereas", it is required by law that a "lead agency" be established to review this matter and this Board wishes to establish itself as Lead Agency and render a declaration of significance pursuant to SEQRA; and

"Whereas", this Board considered the application and accompanying documents at a public hearing held pursuant to notice on April 22, 2016, and

"Whereas", this Board now wishes to render a decision on this special permit, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA and adopts a Negative Declaration, finding that this is an “unlisted” action which will not result in any significant adverse impacts on the environment based on the analysis set forth in the EAF and the negative declaration; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

a) The application deals with a 2 acre property owned by the Shelter Island Historical Society which contains a two-story historical building, which is on the state and federal historical registers, with a frame barn;

b) The property is zoned B-Business, and is surrounded by a municipal property to the north and residences to the south, west and east;

c) Applicant proposes to demolish a portion of the existing building and construct a 1,983 s.f. single story addition with full basement, to be used for historical archives and research space as shown on a Site Plan by Sherman Engineering last dated 4/18/16;

d) The proposed addition to the existing museum/educational institution is generally suitable to the area, as the historical site has been there for decades, the addition will provide space for continued use of the site in the same capacity as before, and the addition has been approved by the NYS Office of Historic Preservation;
e) The basement of the addition will intrude into the water table, but is necessary to provide adequate space while keeping the addition low enough to maintain the visual integrity of the historic structure;
f) The applicant has submitted an engineer's certification that the dewatering procedures required to install the basement will not negatively impair water quality or quantity in the area;
g) The addition will replace an existing bathroom with an updated bathroom but will not expand the septic or water demands on this site;
h) The applicant has been using the adjacent Town property as a temporary parking area for the uses being conducted on the property but understands that this is not a long-term solution and agrees to provide 47 parking spaces on its own property;

i) The Town Board finds that the site is big enough for the proposed use and its reasonable anticipated operation and that the adjacent Historical Society lot can be used for overflow parking if necessary;
j) Applicant agrees to provide sufficient drains and drywells to absorb the runoff from the structures on this site, and the project has been sited more than 100' away from adjacent regulated wetlands;
k) Applicant will change the current driveway on the property to function one-way which will better assure the public safety and avoid traffic congestion than the prior two way driveway;
l) The Town Board finds that the addition will not significantly expand the nature of the existing use and will not have negative noise, lighting or traffic impacts on the neighborhood;
m) The Town Board finds that the proposed signage and lighting will continue as before and are compatible with the neighborhood;
n) The Town Board finds that the current screening and buffers are adequate for the expansion; and

BE IT FURTHER RESOLVED, That a special permit for premises designated as SCTM 0700-19-02-88 and located at 16 South Ferry Road, Shelter Island, New York is hereby approved with the following conditions:

1. This approval shall be for construction pursuant to a Site Plan by Sherman Engineering last dated 4/18/16 and structural plans by Architect William Pederson FAIA dated 5/13/15.
2. Prior to issuance of a Certificate of Occupancy for the addition, applicant shall:
   a. Provide parking as shown on the approved site plan;
   b. Correct the steep dip in the driveway on the east side of the property;
   c. Install a silt fence during construction to prevent runoff into the adjacent wetlands during construction; and
   d. At all times during construction, keep construction supplies and equipment out of the 100' regulated area; and
3. This special permit shall be valid for implementation within two years from the date of adoption of this resolution. Applicant is required to obtain an amended special permit prior to any change in the operation that would affect these conditions.
4. Failure to abide by the above-described conditions shall be a basis for Town Board action, up to and including revocation of the special permit and the cessation of the use; and

BE IT FURTHER RESOLVED, That a copy of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 203

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Michelle Congdon is hereby appointed to serve as part time Court Clerk for the year 2016, to be paid at the rate of $18.04 per hour, retroactive to May 2, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilwoman Lewis, the special meeting was adjourned at 3:37 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

May 13, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 13th day of May, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and three persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

The Supervisor presented the following financial report for the month of April, 2016:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
APRIL 2016

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	3,363,566.66	150,834.32	517,361.43	2,997,039.55	767,998.64
Hwy Checking	409,950.68	2,669.51	116,530.49	296,089.70	
T&AChecking	6,402.08	200,551.38	134,402.05	72,551.41	15,358.29
T&A Savings	12,220.60	0.29	0	12,220.89	
Hwy Cap Res	213,873.17	5.1	0	213,878.27	
WNW Supply	83,327.03	3,233.88	76,442.82	10,118.09	115,676.12
Taylor's Island	39,876.81	1.63	0	39,878.44	
Comm Preserv	4,758,749.48	282,062.50	19.61	5,040,792.37	590,622.05
Waterways	254,570.51	3,315.00	10,200.00	247,685.51	
Reserve Fund	612,838.13	0	0	612,838.13	
Bridge St Esc	0	0	0	0	352,142.76
Environ Fund	15,750.00	0	0	15,750.00	
FIT Ctr Res	7,658.33	0	0	7,658.33	
Ambul Res	216,520.20	8.83	0	216,529.03	
Ambul Train	30,000.42	0.72	0	30,001.14	
TOTALS	10,025,304.10	642,683.16	854,956.40	9,813,030.86	1,841,797.86

The Supervisor read a PROCLAMATION honoring Florence and Albert Bevan for their volunteerism. (A copy of this proclamation is attached to these minutes.)

The Supervisor read a PROCLAMATION honoring Maurice Tuttle for his over 65 years of volunteer service to the Fire Service. (A copy of this proclamation is attached to these minutes.)

RESOLUTION NO. 204

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Fred Soroka, 6 Sylvan Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system in Coecles Harbor off Captain Bob's Landing at a location designated as latitude 41.0890° north and longitude 72.32290° west; said stake, mooring and pulley location was formerly occupied by the C-3019 stake mooring and pulley system, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 3rd day of June, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 205

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Martin and Helen O'Neill, 5 Shorewood Court, have petitioned the Town of Shelter Island for permission to install a mooring in Shelter Island Sound approximately 420 feet out from applicants' property and designated as latitude 41.024354 and longitude 72.19554, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:46 p. m., prevailing time, on the 3rd day of June, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 206

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Samuel Lawrence Davis, 18 Shorewood Road, has petitioned the Town of Shelter Island for permission to remove existing 6' by 24' offshore "L" dock section completely, construct new offshore end dock configuration with 73' splashboard system below, reinstall 32" by 30' floating dock and associated anchor piling in new location, and remove and reinstall in new location single pile mooring pile with two 3-pile mooring dolphins, in Shelter Island Sound, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:47 p. m., prevailing time, on the 3rd day of June, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 207

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", a vacancy exists on the Shelter Island Colonial & Native American Graves Protection Committee, and

"Whereas", Karen Kiaer has expressed her willingness to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Karen Kiaer is hereby appointed to serve as a member of the Shelter Island Colonial & Native American Graves Protection Committee for a term to expire on September 21, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 208

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That John Ketcham is hereby appointed to serve as EMS volunteer.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 209

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Donna B. Clark is hereby appointed to serve as EMS volunteer.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 210

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Mariana Torrealba is hereby appointed to serve as EMS volunteer.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 211

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a vacancy exists on the Deer and Tick Committee, and

"Whereas", Craig Wood has expressed his willingness to serve in said capacity, now, Therefore

BE IT RESOLVED, That Craig Wood is hereby appointed to serve as a member of the Deer and Tick Committee for a term to expire on June 24, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 212

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That Catherine Davidson is hereby appointed to serve as part time Therapeutic Activities Worker for Silver Circle for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 213

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Michelle Donohue is hereby appointed to serve as part time Cook for the Nutrition Program for the year 2016 at the rate of $19.82 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 214

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Lisa Rasmusssen is hereby appointed to serve as EMS volunteer.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 215

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That Jenny Case is hereby appointed to serve as EMS volunteer.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 216

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That fourth paragraph of Resolution No. 199 - 2016, dated April 22, 2016, which was acting on the application of Robert J. Kloepfer, 47 Winthrop Road, has petitioned the Town of Shelter Island for permission to construct a fixed timber dock, consisting of a 5' by 12' landward ramp leading to a 5' by 82' fixed catwalk, a 3' by 16' hinged ramp, and 8' by 20' float secured by four 10" pilings, and clear and maintain 4' wide path to dock into Dering Harbor, is hereby amended to state that Robert J. Kloepfer is authorized to construct a fixed timber dock, consisting of a 4' by 12' landward ramp leading to a 4' by 82' fixed catwalk, a 3' by 16' hinged ramp, and 8' by 20' float secured by four 10" pilings, and clear and maintain 4' wide path to dock into Dering Harbor.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 217

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Hay Beach Association has requested permission as per application dated March 31, 2016, to hold a block party on Sunday, August 21, 2016, on Hay Beach Road, and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Shelter Island Highway Department has stated as follows:

> the Highway Department will drop will drop off barricades for the event, and please be sure to remove any garbage/debris left after the party; and

"Whereas", the Shelter Island Police Department responded that there is no anticipated need for police services, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 218

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", sealed bids were received by the Town Clerk's office until 3 p. m. on the 29th day of April, 2016 for the Medical Center roof replacement project, at which time they were publicly opened and read aloud, as follows:

J. P. Hunter Co., Inc.
1171 East Main Street
Riverhead, New York 11901 for the amount of $78,260.00;

Long Island Roofing
1503 Bellmore Avenue
Bellmore, New York 11710 for the amount of $75,000.00;

Maxxum Construction Corp.
2 Bark Avenue
Central Islip, New York 11722 for the amount of $223, 700.00;

Coastland Corporation
432 Hallett Avenue
Riverhead, New York 11901 for the amount of $117,000.00; and

R. W. Mulligan
246 West Main Street
Riverhead, New York 11901 for the amount of $48,500.00; and

"Whereas", J. P. Hunter Co., Inc. submitted a bid check in the amount of $500.00, and

"Whereas", the Commissioner of Public Works and Town Board have reviewed said bids, now, Therefore

BE IT RESOLVED, That the Town Board does hereby award the bid to R. W. Mulligan, the lowest responsible bidder, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to return the bid check to J. P. Hunter Co., Inc.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 219

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Town Board finds that it is beneficial to have common sick leave policies for its employees, now, Therefore

BE IT RESOLVED, That the following non-union sick leave policy adopted May 4, 2007, which currently reads:

Employees shall be entitled to 30 sick days per year. Each employee shall be permitted to accumulate sick days to a maximum of 60 days at any one time. Sick days are for personal illness only, except that five sick days per year may be used for the illness of a spouse, child or anyone else living in the immediate household.

shall be amended to reflect the CSEA sick leave policy for CSEA employees, and

BE IT FURTHER RESOLVED, That effective the date of this resolution, all newly hired non-union employees or any existing employees who become non-union employees, shall be entitled to sick leave as follows:

Employees shall be entitled to 22 paid sick days per year. All employees hired on or after January 1, 2012 will be entitled to 15 paid sick days per year, accumulated 1.25 days per month.

Sick days may be accumulated to a maximum of 90 days at any one time. Sick days are for personal illness only except that five sick days per year may be used for the illness of a spouse, child or anyone else living in the immediate household. Employees shall not be paid for accumulated sick days; and

BE IT FURTHER RESOLVED, That this amendment shall only apply to all newly hired non-union employees or any existing employee who becomes a non-union employee after adoption of this resolution. Existing non-union employees will be grandfathered under the policy mentioned first above. Existing union employees who transfer to non-union status shall continue their union sick leave accrual.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 220

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Town Board finds that it is beneficial to have common longevity payment policies for its employees, now, Therefore

BE IT RESOLVED, That the following non-union longevity policy adopted May 4, 2007, which currently reads:

A. Employees shall be paid longevity as follows:
(1) After five years of service: 5% of the base salary.
(2) After 10 years of service: 10% of the base salary.
(3) After 15 years of service: 15% of the base salary.
(4) After 20 years of service: 20% of the base salary,

shall be amended to reflect the longevity policy for CSEA and Highway employees, and

BE IT FURTHER RESOLVED, That effective the date of this resolution, all newly hired non-union employees or any existing employees who become non-union employees, shall be paid longevity as follows:

After 5 years of service	$1,000.00
After 10 years of service	$2,000.00
After 15 years of service	$3,000.00
After 20 years of service	$4,000.00, and

BE IT FURTHER RESOLVED, That this amendment shall only apply to all newly hired non-union employees or any existing employee who becomes a non-union employee after adoption of this resolution. Full-time non-union employees prior to the date of this resolution is adopted will be grandfathered under the May 4, 2007 policy mentioned above. Existing union employees who transfer to non-union status shall continue their union longevity leave accrual.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 221

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Town Board finds that providing health insurance coverage after retirement carries such an expense that it is only justified for long-term employees, now, Therefore

BE IT RESOLVED, That resolution No. 227 of 2004 regarding the vesting of post-retirement health insurance benefits shall be amended as follows to apply to all non-union employees or officials hired as full-time or elected on or after April 22, 2016:

Upon retirement for these employees, the service requirement for receipt of health insurance (individual or family coverage) in retirement shall be as follows:

- 20 consecutive years of service with the Town, and
- the employee/official must either (1) be employed by the Town on the last date immediately prior to retirement into the New York State Employees Retirement System, or (2) have been employed by the Town as his/her last public sector employer, and have continuously self-paid his/her health insurance premiums to, and remained enrolled in, the Town's health insurance plan between the last date of service with the Town and the date of vesting and receipt of benefits from the NYSERS, whichever is applicable, as set forth in the NYSERS rules and Regulations (Part 256); and

BE IT FURTHER RESOLVED, That all non-union employees or elected officials in office prior to April 22, 2016 shall vest in the time period specified in resolution No. 227 of 2004.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 222

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", the State of New York provides financial aid for household hazardous waste programs, and

"Whereas", the Town of Shelter Island, herein call the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York, and the Municipality deems it to be in the public interest and benefit to file an application under these laws, and

"Whereas", it is necessary that a contract by and between the people of the State of New York, herein called the State, and the Municipality be executed for such State aid, now, Therefore

BE IT RESOLVED, by the Town Board of the Town of Shelter Island:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Jay L. Card, Jr., Commissioner of Public Works, or Brian Sherman, Foreman, is directed and authorized as the official representative of the Municipality to act in connection with the application, to sign the resulting contract if said application is approved by the State; and to provide such additional information as may be required..
3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for share of such cost as indicated in the contract..
4. That two (2) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation together with a complete application.
5. That this resolution shall take effect immediately.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 223

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Richard and Charlotte Clark have applied to the Shelter Island Town Board for a wetlands permit for the premises located at 6-J Hager Road, Shelter Island, New York and zoned C-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-018-31-046.2; and

"Whereas", the applicants seek a wetlands permit for permission to remove the existing single-story house and garage and construct a new 2-story house and 2-story garage with the

same footprint as before as shown on a Site Plan by Sherman Engineering, dated 2/9/16, so that the work is subject to Chapter 129 of the Shelter Island Town Code; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction dated 12/21/15 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on April 1, 2016, and continued on April 22, 2016; and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) The parcel is a 41,454 square foot property bordering Menantic Creek and lying at the end of a private dirt road; and

2) The parcel currently has a 1,400 square foot one-story house located 14.2' from the wetlands; and

3) Applicants seek to demolish the existing house and garage and replace them with a two story house with the same footprint, and a garage with a second story of unfinished storage space; and

4) Although this is the largest parcel in a very tightly developed neighborhood, it is at the end of a peninsula extending into Menantic Creek and is surrounded on three sides by salt water, which seriously limits construction on the site as only a tiny fraction of this property is outside the regulated wetlands area; and

5) In response to Town concerns, applicants moved the house 28.1' from the wetlands, as far as the property configuration allows, as shown on the Proposed Site Plan by Sherman Engineering dated 4/9/16; and

6) Applicants have submitted a certification of sewage disposal system by installer dated 12/1/15 and a letter of engineer inspection of the septic system dated 12/30/15 saying it is adequate for up to six bedrooms, but no certification of the water supply; and

7) As mitigation, applicants state it has a working septic system, would install additional plantings in the vegetative buffer and will install drainage as required by law and will move the structure 14' back from the wetlands; and

8) Applicants propose to put a second storage over the garage for storage, but the full basement should provide adequate storage. The proposed storage space also has the potential to be converted to accessory sleeping, but accessory sleeping over the garage would be out of character for the neighborhood and would place an undue demand on the water supply on this property which lies on a peninsula surrounded on three sides by salt water, so that approval of the proposed second story over the garage is denied; and

BE IT FURTHER RESOLVED, That the wetlands permit to construct a new house and garage within the regulated area for the premises located at 6-J Hager Road, Shelter Island, New York, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the Proposed Site Plan by Sherman Engineering dated 4/9/16 except that there shall be no second story over the garage for the reasons described above; and

2) The following additional mitigation measures shall be in place prior to issuance of a certificate of occupancy:

The Town Board has determined that maintaining the existing vegetative buffers is important for this property with waterfront on three sides, and requires that applicants shall covenant on behalf of themselves and any successors and assigns of this property that the areas of existing non-turf vegetation shall remain, and applicants shall add and keep a 10' non-turf buffer above the bluff as shown on the vegetation plan by Sherman Engineering dated May 10, 2016; and

3) Demolition may occur as soon as a demolition permit is obtained, but construction on this project shall not commence until after Labor Day to avoid noise and dust disturbance to adjacent neighbors in this tight community who primarily use their properties as a summer retreat; and

4) In order to prevent intrusion of this project into the water table and the negative impacts of any associated dewatering, applicants are required to have a Building Department inspection after the foundation excavation and prior to installation of the foundation to verify that the basement will be above the groundwater; and
5) During construction, there shall be no parking which would block Hager Road, and all construction supplies and parking should be on the subject property but kept as far from the wetlands as possible; and
6) Hager Road must be maintained in a smooth and drivable condition, and no Certificate of Occupancy for this construction shall be issued unless Hager Road is in the same or better condition than it was at the commencement of construction; and
7) During construction, wire-backed silt fences shall be securely placed at the location shown on the above-described site plan. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and
8) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and
9) Prior to issuance of a wetlands permit, the applicants must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with a minimum limits of $500,000; and
10) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 224

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Liberty Automotive Repair, 22 East Thomas Street, Shelter Island, New York, zoned B business, and designated as Suffolk County Tax Map 0700-015-03-077.3, seeks permission to create an automobile repair shop at said location, and

"Whereas", it has been determined that a special permit is required under §133-8(D)(20) of the Town Code, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls a public hearing to be held at 4:50 p. m., prevailing time, on the 3rd day of June, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 225

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That the following 2016 budget transfers are hereby approved:
$10,000.00 from the A1990.400 Contingent account to the A1490.200 Public Works equipment account;
$25,000.00 from the A4010.101 Deer & Tick Committee personal services account, and
$5,000.00 from the A4010.498 Deer & Tick Committee deer reduction management account to the A3510.100 Animal Control personal services account; and

BE IT FURTHER RESOLVED, That the following 2016 budget modifications are hereby approved:
$8,600.00 from the Assigned to Waterways Fund Balance to the A5710.400 Waterways Management contractual account; and
$6,000.00 from the West Neck Water unexpended fund balance to the FX8320.448 West Neck Water mains replacement account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 226

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is authorized to purchase on behalf of the Town $10,000 of equipment from SI Country Club, to be paid from the A1490.200 Public Works equipment account, and execute an associated short-term lease.

Vote: 3 in favor 1 opposed 1 abstain (Councilman Shepherd voted nay; Councilwoman Dudley abstained)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 227

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That general claims numbered 551 through 679 in the amount of $61,785.62, highway claims numbered 72 through 84 in the amount of $4,700.39, and West Neck Water claims numbered 13 through 15 in the amount of $4,209.03 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:59 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Donald Mosher, 6 Lari Lane, for permission to relocate mooring C-3329 from a location in Coecles Harbor approximately 120 feet southeast of the community dock off the Lari Lane Homeowners' Association property to a location approximately 150 feet southeast of present site to give better access to community dock and out of view of neighbor.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: I guess we are okay with that one, right Paul; yes; we can move on that; good.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:00 p. m. and reconvened the recessed public hearing to be held as advertised on the application of Bruce Sudano, 50 Gardiner's Bay Drive, for permission to construct a stone revetment along the property shoreline to meet the return of existing timber bulkhead to the west and the return of existing rock wall to the east; proposed timber bulkhead is 285 linear feet and will be constructed of 1 - 2 ton stones, stacked 3 stones high; a 2 foot base layer consisting of 25 - 50 pound stone is proposed as well as geotextile fabric like Mirafi or similar strength, backfill with approximately 190 cubic yards of clean fill consisting of sand or soil material excavated on the seaward side of the proposed revetment where possible, or obtained from an approved upland site; landward side of revetment to be planted with American Beach Grass and Seaside Goldenrod as plugs, 12 inches on center; construction access route is from upland via Gardiner's Bay Drive; no construction or fill is proposed to be placed within any wetlands, and all work is proposed landward of spring high water mark and tidal wetlands boundary.

The Supervisor called for a report of the Conservation Advisory Council, as follows: the CAC has got to review that; they didn't have a meeting in April; so we'll keep the hearing open; yes.

The Supervisor declared the public hearing recessed at 5:01 p. m. and reconvened the recessed public hearing to be held as advertised on the application of Michael McLean, 44-46 Tuthill Drive, has petitioned the Town of Shelter Island for permission to add a small 4' x 4' platform, ramp, and float parallel on the east side of an existing catwalk, add two additional 12" diameter piles to support the proposed platform, add a 3' x 15' ramp on south side of platform parallel to catwalk leading to proposed 6' x 20' float; said float is not proposed to extend any further seaward than existing catwalk; stabilize and revegetate existing shoreline at project site,

install a two-boulder row of 2 - 3' diameter boulders with small boulders to fill voids for a proposed total of 310 +/- linear feet; boulders to be covered with 100 +/- cubic yards of beach compatible sand and planted with beachgrass on 12" centers, and the existing concrete seawall remains near the east end of the site are proposed to be removed and disposed of off site.

The Supervisor called for the report from the Conservation Advisory Council, which was as follows: same deal; same deal; okay, thank you.

The Supervisor declared the public hearing recessed at 5:02 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 228

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Donald Mosher, 6 Lari Lane, has petitioned the Town of Shelter Island for permission to relocate mooring C-3329 from a location in Coecles Harbor approximately 120 feet southeast of the community dock off the Lari Lane Homeowners' Association property to a location approximately 150 feet southeast of present site to give better access to community dock and out of view of neighbor, and

"Whereas", a public hearing was duly held on the 13th day of May, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned relocation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 5:03 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

May 17, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 17th day of May, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and four persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 2:10 p. m.

RESOLUTION NO. 229

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", North Six, 176 Grand Street, New York, New York 10013, has requested a filming permit for May 18 and 19, 2016, for filming at 17 Congdon Road, and

"Whereas", the filming crew consists of 20 persons, 1 motorhome, 3 suvs, 2 passenger vehicles and 3 cube trucks, and

"Whereas", the Police Department has reviewed the site locations and does not see any issues with vehicles parking in the public spaces; all vehicles parked on the public roadway shall be parked on the shoulder of the road, in the direction of travel and should not interfere with normal vehicular and pedestrian traffic, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to issue the aforementioned filming permit upon receipt of the following fees:

Minor filming application fee	$500.00
Rush filing fee	$500.00
Two days filming fees $1,000 per day	$2,000.00, and
Clean up deposit	$1,000.00.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 2:12 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

June 3, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 3rd day of January, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and nineteen persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:
1. A letter from Arthur R. Williams dated May 16, 2016 resigning from the Shelter Island Community Preservation Fund Advisory Board.
2. A letter from J. Chris Tehan resigning from his positions on the Irrigation and MS4 Committees.

The Supervisor read a proclamation honoring Phillip J. Power for being selected as Lions' Club Citizen of the Year. (A copy of this proclamation is attached to these minutes.)

RESOLUTION NO. 230

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Mr. Benjamin F. Jones was born on September 21, 1922, and

"Whereas", Ben has been volunteering as an American Red Cross fundraiser since 1982 and has served in many other capacities such as Member of the American Red Cross Board of Directors, serving as Chapter Chairman, and a paramedic on the Shelter Island Ambulance, and was a co-recipient of the Lions Club Citizen of the Year Award for the year 2000, and received many awards such as 2004 New York State Volunteer Award for Lifetime Achievements from the Red Cross, the Suffolk County EMS award for leadership in 2005, and also responded with the Red Cross to the 9/11 World Trade Center disaster, just to name a few of his accomplishments in the Emergency Medical Services, and

"Whereas", Ben very sadly passed away in Stuart, Florida on January 14, 2016, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island, on behalf of all the citizens of Shelter Island, hereby extends a formal expression of their deep sorrow at the loss of Mr. Benjamin F. Jones, and does hereby record in the Town Board Minutes, the passing of a person who was very dedicated to this Town in many, many ways, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Mrs. Benjamin F. Jones and family as an

expression of the Shelter Island Town Board's heartfelt sympathy for a person who worked very hard and diligently not just for the citizens of the Town of Shelter Island, but for every Town wherever he was, for many years.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 231

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Jorge and Marla Cornejo, 47G South Ferry Road, have petitioned the Town of Shelter Island for permission to construct a 106' by 5' fixed pier with two 10" CCA piles in Coecles Harbor, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 24th day of June, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 232

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Robert Sloan, 171 North Ram Island Drive, has petitioned the Town of Shelter Island for permission to remove and replace 100 linear feet of existing deteriorated timber jetty in same location with new vinyl jetty, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:46 p. m., prevailing time, on the 24th day of June, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 233

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Michael Scheibel as a member of the Deer and Tick Committee will expire on June 24, 2016, and

"Whereas", Michael Scheibel has expressed his willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, That Michael Scheibel is hereby re-appointed to serve as a member of the Deer and Tick Committee for a term to expire on June 24, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 234

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Andrew E. Graffagnino is hereby appointed to serve as part time Police Officer for the year 2016 at the rate of $16.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 235

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Brian J. Marzo is hereby appointed to serve as Traffic Control Officer for the year 2016 at the rate of $14.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 236

Councilwoman Dudley offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Reed Karen is hereby appointed to serve as Building Inspector I for 35 hours per week effective June 6, 2016 at the rate of $54,181.40 year.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 237

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That John Sturges is hereby appointed to serve as Lifeguard for the year 2016 at the rate of $15.61 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 238

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Patrick Anderson is hereby appointed to serve as Lifeguard for the year 2016 at the rate of $15.30 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 239

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That William Boeklen is hereby appointed to serve as Lifeguard for the year 2016 at the rate of $15.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 240

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That pursuant to Section 4122.2 of the Public Health Law, Tramesa Overstreet is hereby appointed to serve as Subregistrar for the Town of Shelter Island for a term to expire on December 31, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 241

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Desirae Hubbard is hereby appointed to serve as Traffic Control Officer for the year 2016 at the rate of $13.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 242

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Robert Hitscherich is hereby appointed to serve as Traffic Control Officer for the year 2016 at the rate of $13.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 243

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Lori Beard Raymond is hereby appointed to serve as Building Permits Examiner for 35 hours per week at the rate of $49,500.00 per year.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 244

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement check in the amount of $687.00 received from The Nature Conservancy, as follows: $320.00 to the A4010.422 Deer and Tick corn account and $367.00 to the A4010.491 Deer and Tick maintenance account, and the check received from PERMA in the amount of $452.16 to general fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 245

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $572.00 from the 2016 A3120.491 Police Department service contracts account to Carr Business Systems, P. O. Box 28330, New York, New York 11747-3502 for the annual maintenance contract for the period May 23, 2016 through May 22, 2017, for the copy machine in the Police Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 246

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $239.40 to Chase Card Services from the A1015.400 media office and miscellaneous account for the annual maintenance charge for the Town website.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 247

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $500.00 from the A3120.491 Police Department contracts account to All Traffic Solutions, 3100 Research Drive, State College, PA 16801 for the annual maintenance for the mobile traffic sign for the period May 25, 2016 through May 25, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 248

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,087.00 from the A1110.415 Justice Court computer programs account to Service Education, Inc., 790 Canning Parkway, Suite 1, Victor, New York 14564 for the CourtRoom Program annual license/maintenance agreement fee for the period June 1, 2016 through May 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 249

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island Public Library has requested permission as per letter of application dated May 24, 2016 to hold a 'Drums Under the Tent Concert' event on Tuesday, July 12, 2016, at 5 p. m., and

"Whereas", the Shelter Island Highway Department has stated that there must not be any obstructions on the road or walkways during the event, and all garbage must be picked up in the area, and

"Whereas", the Shelter Island Police Department responded that there is no need for additional police services, now, Therefore

BE IT RESOLVED, That said request is hereby approved, and

BE IT FURTHER RESOLVED, That the Town Board hereby waives the $100.00 application fee and $100.00 compliance fee.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 250

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island Public Library has requested permission as per letter of application dated May 6, 2016 to hold an annual 'Music Under the Tent Concert' event on Wednesday, July 13, 2016, at 6 p. m., and

"Whereas", the Shelter Island Highway Department has stated that there must not be any obstructions on the road or walkways during the event, and all garbage must be picked up in the area, and

"Whereas", the Shelter Island Police Department responded that there is no need for additional police services, now, Therefore

BE IT RESOLVED, That said request is hereby approved, and

BE IT FURTHER RESOLVED, That the Town Board hereby waives the $100.00 application fee and $100.00 compliance fee.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 251

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Rexfilm, Inc. paid a compliance fee of $1,000.00 for filming at Marie Eiffel's and 14 Linda Road on May 13, 2016, and

"Whereas", the Superintendent of Highways has determined that no portion of said fee was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $1,000.00 compliance fee to Rexfilm, Inc., 232 East 40th Street, #4A, New York, NY 10016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 252

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", North Six paid a compliance fee of $1,000.00 for filming at 17 Congdon Road on May 18 and 19, 2016, and

"Whereas", the Superintendent of Highways has determined that no portion of said fee was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $1,000.00 compliance fee to North Six, 176 Grand Street, New York, New York 10013.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 253

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed the expend the sum of $490.00 from the 2016 A1110.484 Justice Court office and miscellaneous account to

United States Postmaster for the purchase of 1,000 $.49 first class stamps for the Justice Court office.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 254

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Brian Carroll and Carroll Family 2012 Trust, 56 Tuthill Drive, has petitioned the Town of Shelter Island for a wetlands permit to construct a +/- 27' by +/- 34' addition to the second story of an existing one and one half story dwelling, and install drainage system (leaders, gutters, and drywell) to collect associated roof runoff, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:50 p. m., prevailing time, on the 24th day of June, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 255

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Rebecca Shafer and Dick Nystrom, 37 East Brander Parkway, have petitioned the Town of Shelter Island for a wetlands permit to extend existing porch 10 feet so that the porch sits evenly across front (waterside) of the house; this extension would line up with existing porch and not extend beyond front, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:52 p. m., prevailing time, on the 24th day of June, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 256

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", James and Ellen Buckland, 3 Fox Hollow Run, have petitioned the Town of Shelter Island for a wetlands permit to build a deck along east and south sides of house and connect proposed deck to existing deck, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:55 p. m., prevailing time, on the 24th day of June, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 257

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the following 2016 budget transfers are hereby approved:

$500.00 from the A1490.425 Public Works non highway tree maintenance account to the A1490.415 Public Works trees account;

$300.00 from the A1990.400 Contingent account to a new A5989.100 Ferry Study Group clerk personal services account;

$767.00 from the A3120.486 Police Department car gas and oil account to the A3120.272 Police Department new car account; and

$1,000.00 from the A8160.437 Landfill contingency account to the A8160.484 Landfill office and miscellaneous account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 258

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That general claims numbered 680 through 845 in the amount of $106,359.33, Community Preservation Fund claim number 2 in the amount of $3,300.00, highway claims numbered 85 through 104 in the amount of $27,798.62, and West Neck Water claim number 16 in the amount of $3,627.35 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 259

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island 10K Run Board has requested permission as per letter and application, to hold the 37th annual Shelter Island Run and the Five Kilometer Fun Walk on Shelter Island on Saturday, June 18, 2016, at 5:30 p. m., and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", pursuant to Section 33-2 B (2), the Town Board has determined that the proposed Run and Walk will benefit the Town, and no fees will be required for Police and Highway costs associated with the event, and

"Whereas", the Police Department has responded that they are prepared to assist with this event as they have done in the past, and

"Whereas", the Superintendent of Highways responded that if there are any markings on the street, they must be washable, and any signage removed immediately after the race, and the Highway Department will coordinate any details with the racing committee, now, Therefore

BE IT RESOLVED, That said request is hereby approved subject to the Highway Department recommendations as follows:

(a) if there are any markings on the street, it must be washable and any signs removed immediately after the race, and

BE IT FURTHER RESOLVED, That the Town Board strongly encourages all runners, residents, and visitors to cooperate in order to protect the health, safety and welfare of all.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:52 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Fred Soroka, 6 Sylvan Road, for permission to install a stake, mooring and pulley system in Coecles Harbor off Captain Bob's Landing at a location designated as latitude 41.0890° north and longitude 72.32290° west; said stake, mooring and pulley location was formerly occupied by the C-3019 stake mooring and pulley system.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: John Needham found a spot for, this is an expired mooring, so that this should satisfy the need for the new stake and they were fine with that.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 4:53 p. m. and called to order the public hearing to be held as advertised on the application of Martin and Helen O'Neill, 5 Shorewood Court, for permission to install a mooring in Shelter Island Sound approximately 420 feet out from applicants' property and designated as latitude 41.024354 and longitude 72.19554.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the O'Neill one, that's on hold, it hasn't been yet reviewed and we had an issue as far as the coordinates not being in the straight decimal degree format so we ended up somewhere near Springs which is gonna be inconvenient, far south of here, in any rate, that's been conveyed to the applicant and they're gonna respond with the proper coordinates and then we'll go from there; yes, they meet next week, so; we're gonna hold this one open.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm John Costello and I'm with Costello Marine Contracting and I believe we made part of that application and the coordinates are easily convertible but we weren't offered to resolve this thing; right; it shouldn't be a problem; okay; is there a formula for that; yeah there is, if you go on the gps and; I didn't have it; I have it in my phone, just push a button and it gives me three different sets of coordinates; okay; sorry; I didn't have that handy; no problem.

The Supervisor declared the public hearing recessed at 4:55 p. m. called to order the public hearing to be held as advertised on the application of Samuel Lawrence Davis, 18 Shorewood Road, for permission to remove existing 6' by 24' offshore "L" dock section completely, construct new offshore end dock configuration with 73' splashboard system below, reinstall 32" by 30' floating dock and associated anchor piling in new location, and remove and reinstall in new location single pile mooring pile with two 3-pile mooring dolphins in Shelter Island Sound.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: it has not yet been reviewed by the Waterways, but it will be reviewed this coming week; okay.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: this is an application made by Costello Marine Contracting for Mr. Davis and I would like to explain to the Board the purpose of this, the location of the existing dock, even though water levels are rising and what not, there's erosion going along the shore there and right now where his floating dock is located, there is less than two feet of water at low tide, there's serious erosion going on at the Hogan property, some of that is contributing to shoaling up and less than two foot of water __ it is dangerous and the boat is hitting bottom anytime a wake was thrown __ what he is trying to do is to extend the dock possibly twenty-four feet and pick up one additional foot of water and to provide protection with the splashboard and that is the attempt, I think this is probably, we thought we had the minimal design when we originally built the dock way back when and he has a shorter dock because the Code then ___ at the time and we're just trying to minimally accommodate the gentleman to the his boat safely moored; okay, thank you very much; any questions the Board may have, I'll be glad to answer them; we're waiting for the WMAC to wrastle with you a little bit on that; okay, thank you.

The Supervisor declared the public hearing recessed at 4:58 p. m. and called to order the public hearing to be held as advertised on the application of Liberty Automotive Repair, 22 East Thomas Street, Shelter Island, New York, zoned B business, and designated as Suffolk County Tax Map 0700-015-03-077.3, seeks permission to create an automobile repair shop at said location.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd presented the report of the Planning Board, which was as follows:
Re: **Liberty Automotive Repair; Special Permit Application**
22 East Thomas Street, Shelter Island, NY 11964
SCTM# 700-15-03-77.3, B Business zoning

We are in receipt of the Town of Shelter Island Special Permit Application prepared by the owner, Walter Richards, dated February 11, 2016 to apply for Automobile Shop usage of his Landscaping Business storage building at the above referenced property. Shelter Island Zoning Code, 133-8D(20) designates an Automobile Shop as a principal use that requires a special permit by the Town Board.

The property is a landlocked parcel with access to East Thomas Street via a Right-of-Way over an adjoining property, 13 East Thomas Street, owned by William Johnston III.

A survey submitted with the application, prepared by Peconic Surveyors and dated 16 November 2011, shows both properties and a Proposed Easement to East Thomas Street. The subject property, with no street-frontage, is non-conforming in regards to lot area (15,847 sf instead of 40,000 sf) and lot frontage (70 lf instead of 100 lf). The principal structure, a metal building, appears to be in conformance with bulk regulations. A small framed structure at the rear of the property encroaches into the rear yard setback by 0.3 feet. No information is provided about impervious surfaces coverage which the code permits up to 75% but a visual inspection showed the property mostly covered with gravel. The application notes the property has no potable water or sanitary services. The survey does not locate stormwater collection drywells.

The adjoining property, which the ROW crosses, is also non-conforming in regards to lot area (10,856 sf instead of 40,000 sf) and building front and side yard setbacks. The corner lot has a two story framed building with front yards of 3.1 lf and 24.5 lf where 30 lf are required and shares a party wall with the southerly neighbor. The survey shows the property is improved with a well but does not locate the sanitary system or any storm water collection drywells. Submitted with the application are copies of the recorded Easement & Right of Way dated 21 December 2011 that correspond to the section of the Johnston property noted as Proposed Easement on the survey.

The application indicates that ten off-street parking spaces are to be provided. This total was increased to twenty-three in written correspondence between the applicant and Town Attorney Dowd on 9 May 2016. Diagrammatic parking and interior building layout plans, prepared by Don Prince Designs and dated 7 May 2016, were additionally submitted.

Planning Board members visited the site on 20 April 2016, reviewed the application while on site, and considered all submittals provided to the Planning Board.

We submit the following observations:

The well organized site has been slightly modified from that depicted on the survey. The Storage Container within the ROW has been removed. The framed building at the rear of the property has been replaced with two storage containers. The stockade fencing within the ROW has been reconfigured. The metal building, already in use to service the landscaping business equipment, is set up with areas typical for an automotive repair shop; vehicle lift, work bench, parts storage. Just outside the building are a porta potty and an above ground diesel storage tank. Already stored on site, are trailers, mowers, tractors, and other equipment typical of a landscaping business. Though the property does not have a well, nor is it connected to a public water supply, it does appear to have some limited supply from the Johnston property. This can be seen in the frost free spigot located in the northeast corner of the property.

We do not feel that the proposed parking plan's depicted number of parking spaces is a reality if the property and facility is also to continue supporting its landscaping business. The above outlined storage containers and equipment take up a large portion of the property. In addition, we visited the property during the day when much of the equipment would expectedly be off premises. As this is also a residential neighborhood, we would like to ensure that long term storage of inoperable vehicles be limited.

The applicant has already responded to the Town on the storage of oils and fluids within the building. We did see liquid storage containers at the rear of the property and believed them to hold brining solution for snow removal. We recommend that any chemicals be clearly marked. We also recommend that spill cleanup equipment be installed if they are not already on site; and that these be clearly located and accessible.

After consideration of our concerns, the Planning Board is in support of this application for Automobile Shop usage of the property.

By, John Kerr, Planning Board Member, Ian McDonald, Architect, Planning Board Member, For the Planning Board.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Walter Richards; how are you doing; hi Walt; I'd just like to thank the Town Board for the consideration in allowing me to come here today, I'd also like to thank the Planning Board, I know they are all volunteers for doing their site inspection, Chris Tehan of the Building Department, Mary Banks helped me and Laury as well and the Town Clerk's Office for their efforts to get this going for me, I'd like to introduce to you Phil McEnroe in the front here and I know that he is nowhere mentioned in these papers but I do think it's, it's worth mentioning my overall plan for what we're doing here, Phil is a graduate of Shelter Island High

School, he went on to go to H. B. Ward Technical School and become a mechanic, he went and got a two year degree in automotive repair and he came back, he's a member of the Fire Department and he wants to reside here and have a good career, he came to work for me, after that he went to work in a mechanic shop in Southampton and then he eventually came to work for me to repair my vehicles and my lawnmowers because taking them somewhere else would inconvenience the business that I was in, so over the course of two years he's been doing that at that shop privately for me, that's why the equipment is installed in there and we use this kind of thing for a repair shop so this discussion came up between Phil and I about where we were going with you know his position and what not, I felt his skills, doing landscaping, being under utilized and it would be a great idea for me to utilize my location and business and to help him as partners to run a small repair shop, it meets the nature of being a mechanic on Shelter Island that people seek you out when they have a problem and that has been happening and I, you know in the __ will ___ do what he needs to do but I want to do it the right way and try to proceed in the future for the small auto repair business so that said, I think the permit speaks for itself as far as what was designed, I know you're gonna have a lot of questions and I'm prepared to answer those and certainly take any from the audience, what I can tell you up front is that the operation is basically going to be you know, what's been going on there, there should be no more noise generated, there is gonna be no more use of you know, oils or coolants or any chemicals and that has already been going on to repair the twelve vehicles that I own plus numerous pieces of equipment so, and there should be no changes in lighting, there are currently three outdoor lights on the property, I know that was one of the questions that you had for me, I think that it meets the neighborhood businesses fairly well as well, I'm gonna put up a new fence cause screening is going to be an issue, I'm a pretty neat business man in general and if you look around, there is Anderson Plumbing up the road from me and there's a storage facility behind me, John's Gas is there, not that far away is Marcello's gravel yard so I think that it does fit the neighborhood if it is run properly which I intend to do, so a couple of other things that came up, I just heard in the Planning Board recommendations that we just got today, was the beet juice tanks that the is a product that the Town has actually applied, the Superintendent of Highways put me on to it and I do use it at a couple of places, it is stored there, it does not require a placard but it does not have a placard on it, so that report is correct, it is certainly right, beetle juice would not be a problem and the fuel tank is registered with Suffolk County Department of Health, I bought the property from William Johnston who is a neighbor, he is kind of more like a father to me, he was the one that made __ it to happen and he transferred the tank over to me probably just prior to them doing the inspection, it has been, it needs to be inspected every month, which I have the forms to do, the permit is transferred to my name and it is now placarded, oil containment was a concern and I didn't think that much about it at first when you first requested it because it's in fifty-five gallon drums and what we do it, any oil that we and bring it to the Town, the Town burns it in their waste oil burner to heat the Highway building but I did do some research because I was trying to think containment in my head and I was thinking of Barry but they have the system where it stands on a reservoir that in case there ever was a puncture in the fifty-five gallon drum, it will collect all the oil so I will certainly take that into consideration and probably get two of those, there's a full tank for new oil, a waste tank for old oil and when it's full we swap them with the Highway Department and we get two back, so that's what I'm requesting and I would appreciate any comments or questions that you have; thank you Walter, the floor is open; I've got a question, this is __ and I don't have any problem about the auto repair there at all because it is a business, I don't think it's too much different than what you do, it's, my concern is parking, I don't want to see cars parked up and down Thomas Street and down St. Mary's Road you know because it is residential also, you have to look out for your neighbors; yeah, I agree with you, I agree with you a hundred percent on that, it's funny because I originally had ten parking spaces with this in my head as a reasonable person, you could easily fit ten cars to the rear, when the Board requested an actual site plan, so I took it to have it done and they said they could fit twenty-three so I'm trying to keep it well under that and I'm definitely mindful of parking, you know, I don't know what else to say other than if that's part of the conditions, you limit me to so many spaces and I totally understand that, I'm not looking to spill out into the roadway to you know create a hazard or anything; it would be understood that you are not looking to do that, we would be depending on your nature and your neatness at some __ or another to make sure that that didn't happen because these things have a way of just happening; I understand; __ Hubbard to spill out into the roadway either on his first day, as time goes on it gets a little nutty in that business; it does; you know as you're waiting for parts to come the third time, you know, they sent the wrong one so I don't know how we manage that but that's obviously a concern of the neighbors; yes absolutely; right and this

business might not always be owned by you; that's correct; yes sir, Mr. Mikochik; yes sir, Mr. Richard's property, his southern border is against my property and if this garage will be for you know public people, people who know he's repairing cars in there which also means people will know he is storing expensive tools and expensive car parts there, my only concern is that there be a secure fence so people can't come from my yard into his or from his yard out into mine; that's an understandable concern and that back rear portion of the property has probably about a four foot bank on it and it's full of brush, it does not have a fence but I could certainly construct a fence there, that's not a problem at all, constructing a fence, we also have security cameras that are in place so that would hopefully help defer that __ easily visible from the street so hopefully that would defer that as well, there are two lights, there's one on the front door, the garage door, does the lighting bother you at all; no; so the __ would stay the same, it is for security; we noticed that your property doesn't go all the way up to the street, you have an easement to get to your property; correct; do you envision any of the __ using the easement area for parking; on the plan there is no, the plan that I submitted, there is not parking up there, it is going to be a natural tendency for people to pull in there and Mr. Johnston, he's not here, I can't speak for him but we routinely do park there, you know, Phil parks there in the morning, a lot of times I'll pull in there so you may see a car or two parked there but it is also screened with fence from the west side and you know from the roadside, leaving some width for cars to get in as well; and remind me, do you plan a business sign and where would it be located; so I believe in the application the sign was going to be placed on the building and I just chose because it was so far back I just chose what was permissible by Code, four by eight, I was thinking of changing that, I don't know how much of an issue that is for the Town Board but on the fence that I recently got constructed, subsequent to submitting the application, I thought that a small two by two oval maroon sign would blend nicely on that fence just to alert people; maroon; but I try to keep things fairly standard but you know I'm open to putting the sign anywhere to be honest with you, I'm not sign __ advertising for, has never, I tried it one time and haven't done it since; so where are you talking about, here, up here, here; what's that; where are we talking about, see this little; yes, so right up here, this is where the fence is, where the fence currently is; so up here; yeah, __ go by this wood color so if there was a __ sign there, it wouldn't be perpendicular to the road to impede any traffic, you would vaguely see it you know, rather than putting it on the building, I think actually it will blend better there than on the building because the building is almost white; so you are thinking about the larger sign on the building, is that what you're saying, like a; to be honest with you, I originally applied for it because that's what it said in the Code, if you allow me to go smaller, I don't think, I think that would be a benefit; yeah; so that's why I put the 'permissible by law' in there but if you want to make that a part of the; the building is probably not gonna be any more of an eyesore than anything else going on, right, well you know it is what it is, I mean __, my concern is the activity increase, I'm trying to get a feel for, right now you're already working on equipment now to some extent, probably not all day, right; that's what precipitated this, for the first two years we were working on equipment all day but that has slowed down at this point because Phil is an excellent mechanic and we've caught up; you caught up on your maintenance; yeah and I thought if maybe we took a car or two here or there but I can't, I can anticipate but I can't guarantee what the turnout will be once I place a sign on the front; absolutely, I understand that; so that's why I want to be prepared for that; but I don't know why, you are going to have only the one person working there as a mechanic at the beginning and he's gonna continue to work for you in a general way, so this is gonna be your business, right; correct; the neighbors would be interested I'm sure to know the extent to what you wanted to grow that business, to, you know, it always starts out; of course; auto mechanics are in great demand and anybody who has waited for their car for a week knows this so um where do you think we're headed; I think we're heading, first of all the constraints of the building would be one thing and the way he has described automotive repair to me is that you need to have a number of work days because if you are working on something and you need a part; you would have to; you may have to wait til the next day and go to the next one, so right now there is one lift and one bay in the back that could store a car and the other would be blocking something in so technically there are three bays but really two so I don't anticipate it going any further, I'm not going to build another structure; okay, cause it's not really laid out in the typical fashion for a mechanic's shop; that's right; I noticed that so it is going to definitely be a slow shop whether you like it or not; correct; okay, I just didn't know if you were planning to make something bigger or change the layout in there or what's going on; nope, I wasn't planning on changing, it works good, I don't know if you saw we have parts storage up top and that little area under there, the workbench, it's gonna stay the same, I don't anticipate changing the building in any way; and I'm just trying to figure out how we try to firm that up, I mean

it's not that I doubt you, it's just that life happens and things roll on; no it's always gonna stay the same; so we'll have to work on that a little bit, as far as the storage of chemicals and things like that, does the DMV have __; the first step in the process is to get zoning permission so I did __ registered repair shop first, they set all those requirements, you can't get to that until you get zoning approval first; right; you have to submit a letter with that; so it's not gonna be just up to you how that stuff is stored, right, I mean somebody keeps an eye on that kind of thing, yes; yes, the DMV; they inspect it; yeah I just want to make sure that people know that; right; somebody will be snooping around and keeping an eye on it; right and we get the appropriate DMV sign; they conduct routine inspections of the site as well; I do not know that; okay; I think so; does the DMV do routine inspections of the shop; yeah, and they have Fire Code inspections as well; okay; so there may be additional things that they're going to require; right; but I didn't pursue that avenue until; I know that's a concern of people, just what kind of stuff is gonna be stored on the site and where it's gonna end up; right; I know there's a lot of oversight in that industry, I just don't know who does it, that's pretty much it for me; are you gonna continue to use, do your landscaping business out of this site, right; oh for now yeah; how many landscaping vehicles do you have; that's just a repair shop for my landscaping vehicles, occasionally we store a trailer or two there, I know __ the day, all the vehicles were gone, if you go by right now, there's no more vehicles that were there when they went by, let me see, the two trailers in the back, there are two trailers that are generally parked in the back and that's it, I keep my equipment at another rented yard, I've done that for several years; right, that's helpful; okay; as a resident in the area, I'm really concerned about the aesthetics of it from the street; un hun; I know you addressed this to a certain extent, we presently, I live on the corner of, we live on the corner of 114 and St. Mary's Road; okay; and we're already suffering under three neighboring sites which, it's a business area, I understand that but there's been very little attempt to shield these areas, these businesses from the street and it's becoming terribilized, one has been there on St. Mary's Road now for years with very little attempt to make it even reasonably effective and my concern is that if you drive down St. Thomas, Thomas Street, that you're going to see another place which is filled with trucks and that's what my concern is that you really take into consideration the residential neighbors and be sure that it is reasonably effective; right and I think that's part of the process by being here today, I appreciate your comments, I think I owned the building and I can't remember now, I think five years so far so I don't know if you passed by and have seen it but I don't anticipate it really changing all that much, there's plenty of parking out back and that's where I'll be storing the vehicles other than daily operations when somebody pulls in in front of the building but any storing that we do, I want to keep in the back, I think the fencing is just about as much as I can get right now enclosed, by Code, you know, just put on the side and new, so I understand your concerns and I would like to keep it just the way it is now for the few vehicles coming in for us to service; this is business property, yes; this is direct okay so basically it's just the matter of the special permit to get the thing rolling; thank you; thank you; thank you.

The Supervisor declared the public hearing closed at 5:21 p. m. and reconvened the recessed public hearing on the application of Bruce Sudano, 50 Gardiner's Bay Drive, for permission to construct a stone revetment along the property shoreline to meet the return of existing timber bulkhead to the west and the return of existing rock wall to the east; proposed timber bulkhead is 285 linear feet and will be constructed of 1 - 2 ton stones, stacked 3 stones high; a 2 foot base layer consisting of 25 - 50 pound stone is proposed as well as geotextile fabric like Mirafi or similar strength, backfill with approximately 190 cubic yards of clean fill consisting of sand or soil material excavated on the seaward side of the proposed revetment where possible, or obtained from an approved upland site; landward side of revetment to be planted with American Beach Grass and Seaside Goldenrod as plugs, 12 inches on center; construction access route is from upland via Gardiner's Bay Drive; no construction or fill is proposed to be placed within any wetlands, and all work is proposed landward of spring high water mark and tidal wetlands boundary.

Councilman Shepherd presented the report of the Conservation Advisory Council, which was as follows:

Date: May 16, 2016

RE: Bruce Sudano Wetlands Application, 50 Gardiners Bay Drive

Bruce Sudano, represented by Land Use Ecological Services, Inc. has requested a permit to construct a 285 linear ft stone revetment along the property shoreline that will meet the return

of the existing timber bulkhead to the west and the return of the existing rock wall to the east. The revetment will consist of 1-2 ton stones, stacked 3 stones high.
A 2 ft deep base layer consisting of 25-50 lb stones is proposed. Approximately 190 cubic yards of clean fill will be placed landward of the revetment and planted with American Beach Grass and Seaside Goldenrod as plugs, 12 inches on center.

The CAC reviewed this application at the May 16, 2016 meeting.

The CAC passed the application, as submitted, unanimously with the following requirement. All bulkhead backfill must be from an upland source only. NO fill is to be removed from the beach side of the rock revetment.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:23 p. m. and reconvened the recessed public hearing to be held as advertised on the application of Michael McLean, 44-46 Tuthill Drive, to add a small 4' x 4' platform, ramp, and float parallel on the east side of an existing catwalk, add two additional 12" diameter piles to support the proposed platform, add a 3' x 15' ramp on south side of platform parallel to catwalk leading to proposed 6' x 20' float; said float is not proposed to extend any further seaward than existing catwalk; stabilize and revegetate existing shoreline at project site, install a two-boulder row of 2 - 3' diameter boulders with small boulders to fill voids for a proposed total of 310 +/- linear feet; boulders to be covered with 100 +/- cubic yards of beach compatible sand and planted with beachgrass on 12" centers, and the existing concrete seawall remains near the east end of the site are proposed to be removed and disposed of off site.

Correspondence included the following:
1. A letter from Land Use requesting a waiver to Code Section 53-11(B) due to the fact that the original dock was constructed closer than 25 feet from the west property line.

Councilman Shepherd presented the report from the Conservation Advisory Council, which was as follows:
Date: May 16, 2016
RE: Michael McLean Wetlands Application, 44-46 Tuthill Drive

This application had 2 separate specific components. The first one was related to building a catwalk, platform and installation of 2 pilings. This is not an area that the CAC reviews. This will be reviewed by the WMAC.

The second component is an application to stabilize and re-vegetate the existing shoreline with approximately plus or minus 210 linear feet of 2-3 ft diameter boulders in rows. Smaller boulders will fill the voids. The boulders would be covered with compatible beach sand (100 cubic yards plus or minus) and planted with American beach grass (Ammophilia breviligulata) on 12” centers. The remains of the concrete seawall on the east end of the site will be removed and disposed of off-site. On inspection, it was noted that Spatina patens (salt water cord grass), Cakile edentula (Sea Rocket) and Lathyrus japonicus (Beach Pea) are growing in small areas on the beach.

The CAC reviewed this application at its May 16, 2016 meeting.

The CAC voted to approve the application unanimously. However the CAC *strongly recommends* the use of gabions rather than small boulders to fill the voids. The CAC also recommends that Spatina patens (salt meadow cord grass) plugs are placed 12" centers in front of the boulders/across the entire beach area. Ammophilia breviligulata (American Beach grass) should be planted in the sand fill above the rock wall/gabions.

Town Board members responded as follows: I don't know if we ever heard back from them on that but they thought the gabions would be a better, a better way to go and you know maybe, maybe they need to look that over, I haven't heard anything back from them on whether they thought the gabion wall was you know more to their liking but either way they were gonna approve it but they were just taking that as a recommendation; right; that's the way they would go; it was noted that some thought it was a better way of containment of the sand with the wash; correct; but also it was noted, I can't remember who brought it up, that said when you put the, you know, the netting behind it, you know; the fabric; the fabric, it works quite well; yes; so you know, it wasn't like a giant sticking point but; we have both on Shell Beach, both the gabion wall; right; 6 or 700 feet of it that's held up very nicely and we have the boulders and, with the fabric and that's held up quite nicely as well, I mean the gabion walls were probably much more

expensive to put in but obviously the Town did that with some type of monies from the Federal Government or the State Government there to help us on that venture.

The Supervisor opened the hearing for all interested persons to be heard in favor of or in opposition. Some views expressed were as follows: I think I can close this public hearing; well we have; go ahead; there was also discussion on the dock, now this is all gonna be one resolution right; yes; it would be; okay so we're gonna have to roll through this a little bit more, we got another letter of hardship and we keep trying to get it right, I think you've got it pretty close, I mean close enough for me now, I'll read it out loud, not the entire thing, the bulk of it, the reason and need for the necessary additions proposed is that currently a boat at this site is moored directly to the east side of the existing catwalk, thus entering and exiting the boat is not safe due to the vertical drop which can be quite dangerous especially during lower tide cycles, this safety and liability issue is especially true for the young and elderly, the proposed four by four platform, three by fifteen ramp and six by twenty float will allow for safe access entering and exiting a vessel at this site, the proposed ramp and float will be removed seasonally and being located on the east side will not decrease existing setbacks to the west property line, so ultimately that's pretty much the crux of it as far as the human element of the hardship; yeah; it is also noted that the dock predates the Dock Code so he's automatically in a tight spot because he can't do anything really because of the nature of the beast you know, you can't move the dock without tremendous hardship and cost and things like that and the do nothing option as you know, the safety element really is the whole crux; yeah that's what the committee was looking for as opposed to the economic issue, they were looking for the safety issue and I think the discussion was that if they got the right kind of letter which it seems that is the right kind of letter, that they would approve this unanimously; you know it's a logical thing, he's not just fabricating the deal, you know the guy is getting old, he's got grandchildren and they're trying to make it a safe way to do things so, the floating dock, there's one nearby as well in that area, it helps make it a safer way to manage things as the tide goes up and down so the Committee really felt you know that, the majority of them were fine with it if they got, they heard the music they wanted to hear; yes; and we haven't heard yet; well as far as I'm concerned this is what I needed to hear, they advised and we decide, I'm okay with it; I'm okay with it; I can close the hearing; I think so, yes; did the Town Board want to address the question of the applicant versus the owner; oh yes, there's something there; the applicant is Mr. McLean, the owner of the property is Shanty Bay; right; I kind of think that the dock should go to the owner of the property, not a person who is affiliated with the owner of the property, I just raise the issue and you can decide; um I would want to know what the legal ramifications of one course or the other were; I'm concerned that the ownership of the dock will get separated from the ownership of the land; right; can we put it in a resolution in such a way that we clarify the fact that the, for purposes of this approval, the dock; seemed to belong; that Mr. McLean is the LLC in some way; can we do that; I mean usually and LLC is a person or a pair of people who are trying to you know; this was called to their attention weeks and weeks ago so I don't know why they haven't addressed that issue but, that inconsistency there; I've got a sneaking suspicion, I just you know don't know how, shhhh but at any rate um I guess I could ask this, no I can't even ask that question right now but I'm, you know we're in a situation right now that I don't know would be influenced by this or not; my concern is that, as I understand it, Mr. McLean owns the property across the street as well as the property to which the dock touches and that at some point in time the properties might be sold separately; right; in which case, who does the dock belong to, the guy across the street or the guy who owns the property where the dock is, I just feel like this is a chance to make it clear from the get go what we; yeah; think; right; that's important, first and; right, I don't have a problem with that; can we assign the ownership to the property across the street since we know that somebody lives in the property across the street and nothing livable exists on the property where the dock is; but then what happens when that property with the dock on it, gets developed, do they get another dock; no, they don't get another dock then, they don't' have a dock, they've got to negotiate that with Mr. McLean when he sells them the property; who owns the undeveloped property at this point, the LLC; Shanty Bay; Shanty Bay; and they've applied for the dock; no Mr. McLean applied; ___; ___; ___; so they should be able to work with us on that; I would think so, it's a clean up item I think; yeah it is; he's gonna have to separate himself from the LLC then; all I'm suggesting is that we issue the permit to the Shanty Bay who owns the property that the dock is attached to; right; okay we can do that spite the application's format and they didn't apply for it; __ I guess, yes; yes; okay; so we can, with the suggestion of Laury we can take action this evening I think; okay; you've got to rewrite the resolution; yeah; change the resolution though; yeah, can you do that on the spot, yes ma'am; the

property across the street I believe is in Joanne McLean's name, not Mr. McLean; __; oh I'm not sure, but Mr. McLean is not on either of the properties; yeah; that's true; maybe we better; so then; I think we should hold off; there's little things sticking up all over it and I don't like that, but you know, they should be aware that we're ready to work with them if they will work with us; yeah, I honestly think they were notified about this particular issue well over a month ago; yeah; oh yeah; it's an inconsistency __; so they can wait; they can wait a while; right; right.

The Supervisor declared the public hearing closed at 5:34 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 260

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Fred Soroka, 6 Sylvan Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system in Coecles Harbor off Captain Bob's Landing at a location designated as latitude 41.0890° north and longitude 72.32290° west; said stake, mooring and pulley location was formerly occupied by the C-3019 stake mooring and pulley system, and

"Whereas", a public hearing was duly held on the 3rd day of June, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 261

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", Bruce Sudano, 50 Gardiner's Bay Drive, has petitioned the Town of Shelter Island for permission to construct a stone revetment along the property shoreline to meet the return of existing timber bulkhead to the west and the return of existing rock wall to the east; proposed timber bulkhead is 285 linear feet and will be constructed of 1 - 2 ton stones, stacked 3 stones high; a 2 foot base layer consisting of 25 - 50 pound stone is proposed as well as geotextile fabric like Mirafi or similar strength, backfill with approximately 190 cubic yards of clean fill consisting of sand or soil material excavated on the seaward side of the proposed revetment where possible, or obtained from an approved upland site; landward side of revetment to be planted with American Beach Grass and Seaside Goldenrod as plugs, 12 inches on center; construction access route is from upland via Gardiner's Bay Drive; no construction or fill is proposed to be placed within any wetlands, and all work is proposed landward of spring high water mark and tidal wetlands boundary, and

"Whereas", a public hearing was duly held on the 22nd day of April, 2016, and continued on May 13, and June 3, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed stone revetment:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilwoman Lewis and seconded by Councilman Colligan, the meeting was adjourned at 5:48 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

June 24, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 24th day of June, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwoman N. Christine Lewis. Councilwoman Mary Dudley was absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and eighteen persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from Robert Cacciola concerning the Shelter Island Fire Department sign.
2. A letter from Diane K. Anderson dated June 8, 2016 and received on June 9, 2016, resigning from the position of Therapeutic Aide as of June 3, 2016.
3. A letter from the Petry Family and Pridwin Hotel concerning the renovation plans for the property next door to the Hotel.
4. A letter from Stewart Mackie who would like to start a boot camp on the Island, possibly at Wade's Beach for the summer.

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
MAY 2016

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	2,997,039.55	539,866.06	463,600.82	3,973,304.79	768,192.02
Hwy Checking	296,089.70	353,029.89	79,734.42	569,385.17	
T&AChecking	72,551.41	1,426,848.31	1,484,670.27	14,729.45	15,362.12
T&A Savings	12,220.89	0.32	0	12,221.21	
Hwy Cap Res	213,878.27	5.63	0	213,883.90	

WNW Supply	10,118.09	7,565.69	4,209.03	13,474.75	109,703.95
Taylor's Island	39,878.44	1.68	0	39,880.12	
Comm Preserv	5,040,792.37	112,015.28	0	5,152,807.65	590,770.73
Waterways	247,685.51	2,825.00	8,600.00	241,910.51	
Reserve Fund	612,838.13	0	0	612,838.13	
Bridge St Esc	0	0	0	0	352,231.42
Environmental	15,750.00	0	0	15,750.00	
FIT Ctr Reserv	7,658.33	0	0	7,658.33	
Ambul Reserv	216,529.03	9.13	0	216,538.16	
Ambul Train	30,001.14	0.79	0	30,001.93	
TOTALS	9,813,030.86	2,442,167.78	2,040,814.54	10,214,384.10	1,836,260.24

The Supervisor read a PROCLAMATION honoring Maurice Tuttle for his 65 years as a member of the Shelter Island Fire Department. (A copy of the proclamation is attached to these minutes.)

RESOLUTION NO. 262

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Mrs. Patricia Shillingburg was appointed by the Town Board to serve as Member of the Ferry Study Group on March 27, 1998 and remained as a member through 2015; the Zoning Board of Appeals from January 29, 2000 until her resignation on July 8, 2015; the Deer and Tick Committee from June 24, 2005 through 2013 and also served on the Zoning and Planning Task Force from August 3, 2000 through June 30, 2003, and

"Whereas", Patricia was very dedicated to Shelter Island and performed ably and well in these functions, and

"Whereas", Patricia very sadly passed away at her home on January 14, 2016, Now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island, on behalf of all the citizens of Shelter Island, hereby extends a formal expression of their deep sorrow at the loss of Mrs. Patricia Shillingburg, and does hereby record in the Town Board Minutes, the passing of a person who was very dedicated to this Town in many, many ways, helping to keep it the special place that it is, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Mr. Edward Shillingburg and family as an expression of the Shelter Island Town Board's heartfelt sympathy for a person who worked very hard and diligently for the Town for many years.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 263

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Harry DiOrio, 33 Terry Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08817° north and latitude 72.34489° west; said mooring location was formerly occupied by the Korchinski D-2582 mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 5th day of July, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 264

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Morgan McCarthy is hereby appointed to serve as Lifeguard for the year 2016 at the rate of $15.61 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 265

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", a vacancy exists on the Community Preservation Fund Advisory Board, and

"Whereas", the Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That Gordon Gooding is hereby appointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2017.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 266

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a vacancy exists on the Community Preservation Fund Advisory Board, and

"Whereas", the Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That J. Edward Shillingburg is hereby appointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 267

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Deborah Brewer is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 268

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Amanda Gutiw is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 269

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Quinn Karpeh is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 270

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Robert DeStefano is hereby appointed to serve as Detention Attendant for the year 2016 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 271

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", the term of Philip DiOrio as a member of the Zoning Board of Appeals will expire on July 8, 2016, and

"Whereas", the Town Board has advertised for applicants, and

"Whereas", Mr. DiOrio has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Philip DiOrio is hereby reappointed to serve as a member of the Zoning Board of Appeals for a term to expire on July 8, 2021.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 272

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement check in the amount of $185.58 received from the Shelter Island Country Club, Inc. to the A1490.410 Public Works grounds maintenance account, the refund check from Trius, Inc. in the amount of $99.00 to the Highway DA5130.446 account, and the reimbursement check in the amount of $1,013.00 received from The Nature Conservancy and dispersed as follows: $277.00 to the A4010.491 Deer and Tick maintenance account and $736.00 to the Deer and Tick corn account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 273

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Resolution No. 236 - 2016, dated June 3, 2016, is hereby amended to state as follows: BE IT RESOLVED, That Reed Karen is hereby appointed to serve as Building Inspector I for 35 hours per week effective June 6, 2016 at the rate of $29.18 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 274

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is authorized to apply for a federal grant of up to $52,118.00, under Section 5310 of Chapter 53 of Title 49, United States Code, for funding to obtain bus transportation to medical appointments, shopping and outings within Shelter Island to meet the needs of elderly individuals and individuals with disabilities, and the Town Board makes the commitment that if the grant is awarded, the Town will provide 20% matching funds for the purchase of said vehicle.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 275

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", agreement has been reached between the Town of Shelter Island and the Shelter Island Police Benevolent Association, Inc. for a new collective bargaining agreement, now, Therefore

BE IT RESOLVED, That the Town Board hereby ratifies and approves the agreement with the Shelter Island Police Benevolent Association for the period January 1, 2015 through December 31, 2018 and authorizes the Supervisor to sign the agreement.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 276

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Shelter Island Fireworks, Inc., 4 Hudson Avenue, P. O. Box 452, Shelter Island, New York 11964, has requested permission pursuant to letter of application received on May 20, 2016, to have a fireworks display at Crescent Beach on Saturday, July 9, 2016 at 9:00 p. m., rain date Sunday, July 10, 2016 at 9:30 p. m.; said fireworks to be launched from a barge anchored approximately 800 feet from the low tide mark, and

"Whereas", Fireworks by Grucci, Inc., 20 Pinehurst Drive, Bellport, New York 11713, will be producing the fireworks show, and

"Whereas", the required fees of $100.00 application fee, and $100.00 compliance fee have been submitted, and

"Whereas", pursuant to Section 33-2 B (2), the Town Board has determined that the proposed fireworks are a benefit to the Town, and no fees will be required for Police and Highway costs associated with the event, and

"Whereas", the Shelter Island Highway Department stated that this department has no comments or recommendations, but did state the following: please have the contact person keep in touch with the Highway Department concerning delivery of portable bathrooms. The portable bathrooms need to be delivered on Friday in the earliest a. m. possible; we ask that a general cleanup be done immediately following the event using the supplied garbage cans; this department will have laborers who will clean up after the event on the following day as we have in the past years, and

"Whereas", the Police Department reviewed the application and finds nothing that would prevent the Town from granting preliminary approval to the applicant; final approval will be based on a United States Coast Guard "Marine Event Permit", and the Department is prepared to assist with this event as in the past, now, Therefore

BE IT RESOLVED, That pursuant to Section 33-3 of the Town Code, permission is hereby granted to Shelter Island Fireworks, Inc. to have said fireworks display, subject to the following: provision of the permit granted by the U. S. Department of Homeland Security, U. S. Coast Guard for this marine event, and provision of the name and insurance certificate for the company providing the barge for said display, and

BE IT FURTHER RESOLVED, That said operations shall be in compliance with the New York State Law, and the usual and normal precautions incident to said operations shall be complied with.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 277

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the A1620.483 buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758-3439, for the quarterly contract payment for servicing the telephone systems for the period July 1, 2016 through September 30, 2016.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 278

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the Suffolk Bicycle Riders Association, Inc. paid a compliance fee of $100.00 for the Bike-Boat-Bike event on June 5, 2016, and

"Whereas", the Superintendent of Highways has determined that no portion of said fee was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance fee to the Suffolk Bicycle Riders Association, Inc., 36 Regina Drive, Sayville, New York 11782.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 279

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Susan Friedman Schrott paid a compliance fee of $100.00 for a family wedding ceremony at Wade's Beach on June 10, 2016, and

"Whereas", the Superintendent of Highways has determined that no portion of said fee was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance fee to Susan Friedman Schrott, Post Office Box 190, Shelter Island, New York 11964.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 280

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the 37th annual Shelter Island Run and the Five Kilometer Fun Walk was held on Shelter Island on Saturday, June 18, 2016, and

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the $100.00 compliance fee was submitted, and

"Whereas", the Superintendent of Highways has determined that the event created no extra impact for the Highway Department staff and that the compliance fee should be returned in full, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $100.00 to the Shelter Island 10K Run, Inc., P. O. Box 266, Shelter Island, New York 11964.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 281

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Cullen & Danowski, LLP, 1650 Route 112, Port Jefferson Station, New York 11776-3060, for the provision of financial accounting services for the Town for the period June 1, 2016 through May 31, 2017, for the sum of $42,600.00.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 282

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the New York State Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending May 31, 2016 in the amount of $200.00, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $200.00 from the trust and agency account to general account.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 283

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Section 170.15 of the Criminal Procedure Law, then acting Deputy Chief Administrative Judge Joseph J. Traficanti, Jr., on February 19, 2004, created a Drug Court Hub consisting of the Town and Village Courts for the Towns of East Hampton, Shelter Island, Southold, Southampton and Riverhead, and

"Whereas", said Drug Court Hub has been designated as the East End Regional Intervention Courts, and

"Whereas", H. Patrick Leis III, District Administrative Judge, has assigned Town Justices Deborah Kooperstein, Helen Rosenblum and Allen M. Smith to serve the East End regional Intervention Court, and

"Whereas", C. Randall Hinrichs, Administrative Judge has executed an order assigning William H. Price, Jr. to serve on the East End Regional Intervention Court, and

"Whereas", C. Randall Hinrichs, Administrative Judge will execute an order assigning Andrea Harum Schiavoni to serve on the East End Regional Intervention Court, and

"Whereas", pursuant to Section 106 of the Uniform Justice Court Act, the Towns of Southampton and Riverhead should designate the Town Justices to serve in those jurisdictions, now, Therefore

BE IT RESOLVED, That the Town of Shelter Island consents to Town Justices Allen M. Smith, Deborah Kooperstein, Helen J. Rosenblum, William H. Price, Jr. and Andrea Harum Schiavoni serving in the Riverhead and Southampton Justice Courts when sitting as the East End Regional Intervention Court at no additional compensation, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby directed to forward a certified copy of this resolution to Hon. Deborah E. Kooperstein, Southampton Justice Court, 32 Jackson Avenue, Hampton Bays, New York 11946, Hon. Helen J. Rosenblum, 1287 East Main Street, Riverhead, New York 11901; Hon. Allen M. Smith, 210 Howell Avenue, Riverhead, New York 11901; Hon. William H. Price, Jr., P. O. Box 1179, Southold, New York 11971, and Hon. Andrea H. Schiavoni, Southampton Town Justice Court, 32 Jackson Avenue, Hampton Bays, New York 11946, and

BE IT FURTHER RESOLVED, That all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 284

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Michael McLean, 44-46 Tuthill Drive, has petitioned the Town of Shelter Island for permission to add a small 4' x 4' platform, ramp, and float parallel on the east side of an existing catwalk, add two additional 12" diameter piles to support the proposed platform, add a 3' x 15' ramp on south side of platform parallel to catwalk leading to proposed 6' x 20' float; said float is not proposed to extend any further seaward than existing catwalk; stabilize and revegetate existing shoreline at project site, install a two-boulder row of 2 - 3' diameter boulders with small boulders to fill voids for a proposed total of 310 +/- linear feet; boulders to be covered with 100 +/- cubic yards of beach compatible sand and planted with beachgrass on 12" centers, and the existing concrete seawall remains near the east end of the site are proposed to be removed and disposed of off site, and

"Whereas", 44-46 Tuthill Drive is owned by Shanty Bay Property, LLC and the dock is a fixture of 44-46 Tuthill Drive, and

"Whereas", a public hearing was duly held on the 1st day of April, 2016, and continued on April 22, May 13, and June 3, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a

significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed platform, ramp, etc.:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for to add a small 4' x 4' platform, ramp, and float parallel on the east side of an existing catwalk, add two additional 12" diameter piles to support the proposed platform, add a 3' x 15' ramp on south side of platform parallel to catwalk leading to proposed 6' x 20' float; said float is not proposed to extend any further seaward than existing catwalk; stabilize and revegetate existing shoreline at project site, install 1 boulder row of 2 - 3' diameter boulders with small boulders to fill voids for a proposed total of 310 +/- linear feet; boulders to be covered with 100 +/- cubic yards of beach compatible sand and planted with beachgrass on 12" centers, and the existing concrete seawall remains near the east end of the site are proposed to be removed and disposed of off site, to Shanty Bay Property, LLC as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 285

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Town Law Section 64-e was amended to authorize towns to allow community preservations funds to be used for water quality improvement projects pursuant to an adopted plan and a local law subject to referendum, and

"Whereas", the Town Board plans to schedule a hearing on a local law to implement this authorization and allow the Town to use up to 20% of Community Preservation Funds for such purposes, subject to a voter referendum, now, Therefore

BE IT RESOLVED, That the Town Board adopts the following Community Preservation Fund Water Quality Improvement Project Plan to allow citizens to understand how Community Preservation funds would be used for Water Quality Improvement Projects if the voters approve the planned referendum:

CPF Water Quality Project Plan

INTRODUCTION

In 1998, the NY Legislature authorized the towns within the Peconic Bay region to impose a real estate transfer tax for the purposes of community preservation, subject to a referendum vote by each town. The tax was 2% of the purchase price, subject to some minimums and exemptions, and was to be paid by the purchaser. In 1998, the voters in Shelter Island approved this tax and the establishment of a Community Preservation Fund. Since then, over 300 acres of land on Shelter Island have been preserved using the Community Preservation Fund.

In 2015, the Community Preservation Fund Law was amended to allow up to 20% of the Community Preservation revenues to be utilized for the implementation of water quality improvement projects which have as their purpose the improvement of existing water quality to meet existing specific water quality standards. Projects whose purpose is to permit or accommodate new growth were not included within this definition. Under the law, Water Quality Improvement Projects include:

(1) wastewater treatment improvement projects;

(2) non-point source abatement and control program projects defined in state and federal law;

(3) aquatic habitat restoration projects;

(4) pollution prevention projects, and

(5) the operation of the Peconic Bay National Estuary Program, as designated by the United States Environmental Protection Agency.

The funds can be used to improve water quality for both fresh and salt water projects.

Use of up to 20% of Community Preservation Fund for Water Quality Improvement Projects (WQIPs) is subject to voter referendum. This document outlines the Town of Shelter Island's proposed use of these funds for purposes of seeking voter approval. Based on this outline, a law will be drafted and will be subject to a referendum by voters.

BASIC STRUCTURE

20% of the Community Preservation Fund receipts for the prior year may be directed to WQIPs. That means that at least 80% of Community Preservation Fund revenues will continue to be used to preserve open space on Shelter Island. As an example, Community Preservation Fund revenue in 2015 was $2.2 million. If the voters approve using Community Preservation Fund revenue for WQIPs, up to $440,000 could be committed to WQIPs.

If appropriate, WQIP uses are not identified in a calendar year, the money could be held for future years' projects. If significant land acquisition projects are identified that need additional funds, the Town Board may return WQIPs held funds to the Community Preservation Fund property acquisition fund. The Town might borrow money for approved WQIPs requiring significant outlays, with any borrowing to be repaid from future years' WQIP revenues and not from General Funds.

The major focus of WQIPs on Shelter Island would be to preserve the quality of both fresh and salt water, particularly emphasizing measures that reduce the input of nitrogen into the water. A standard nitrogen metric would be used to evaluate each project according to an even scale. Nitrogen is a suitable indicator because in environmental settings "it never travels alone" and, as such, acts as a marker for other contaminants. Proposals would also be evaluated using STEEP analysis (described below) to ensure a fair distribution of funds.

The funds would be made available to any project that can achieve significant nitrogen reduction, whether it be a private or public project. Although wastewater treatment projects will have highest priority, Water Quality Improvement Projects could include, but not be limited to, the following:

- Wastewater treatment projects such as upgrades to sewer treatment systems or septic systems
- Hire professionals to evaluate and manage nitrogen waste reduction programs
- Develop and provide educational programs to reduce nitrogen, for example, disseminating the fact that reducing fertilizer use improves water quality
- Projects to abate discharge of untreated water into Town waters
- Study and implement habitat restoration programs to reduce nitrogen impacts

Projects for WQIP funding will be certified by the Town Board, using information provided by applicants and by applying the STEEP analysis described below and as otherwise required by law.

EVALUATION METRIC

Projects will be reviewed using a STEEP analysis in which these factors are to be considered: **S**ocial, **T**echnical, **E**conomic, **E**nvironmental and **P**olitical.

The metric used to evaluate the **T**echnical aspect will be Total Nitrogen (TN), as a general indicator of water quality. The TN value will be analyzed in milligrams per liter (mg/l) pursuant to the following formula (with data to be provided by a licensed professional or a certified system provider or the county health department):

$$\frac{\text{Gallons of water affected per day averaged over one year}}{\text{Project Cost / (TN before implementation – TN after implementation)}}$$

However, nitrogen savings of a project is just one of the factors used in evaluating a project. The overall implications of a particular project will be factored into the project funding selection. The goal is for all applications to be evaluated on an even playing field so that the money can be fairly allocated to the best projects to improve water quality.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 286

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:50 p. m., prevailing time on the 15th day of July, 2016, for all interested persons to be heard in favor of or in opposition to a proposed local law entitled a LOCAL LAW amending Chapter 50 (Community Preservation) of the Town Code of the Town of Shelter Island, in relation to (1) extending the effective date of the Community Preservation Fund Real Estate Transfer Tax, imposed pursuant to Article 31-D of the State Tax Law, until December 31, 2050 and (2) authorizing the use of a portion of the Town Community Preservation Fund, not to exceed 20%, for water quality improvement projects, to wit:

Be it enacted by the Town Board of the Town of Shelter Island as follows:

Section 1. Chapter 50 (Community Preservation Fund) of the Town Code of the Town of Shelter Island is hereby amended by adding a new Article III to read as follows:

Article III

Water Quality Improvement

Section 50-30. Purpose.

A. The purpose of this Article shall be to implement the authority delegated by the State to the Town of Shelter Island pursuant to Chapter 551 of the Laws of 2015.

B. Specifically, this Article shall permit the Town to use up to 20% of the annual Community Preservation Fund revenues to undertake water quality improvement projects which would improve water quality. Projects which have as their primary purpose the accommodation of new growth as opposed to the remediation of water quality shall not qualify for funding under this section.

C. Such projects shall include (1) wastewater treatment improvement projects; (2) non-point source abatement and control program projects developed pursuant to Section Eleven-b of the Soil and Water Conservation Districts Law Title 14 of Article 17 of the Environmental Conservation Law, Section 1455b of the Federal Coastal Zone Management Act, or Article Forty-Two of the Executive Law; (3) aquatic habitat restoration projects; (4) pollution prevention projects; and (5) the operation of the Peconic Bay National Estuary Program as designated by the United States Environmental Protection Agency.

D. Such projects shall also include those undertaken by the Town through a watershed protection improvement district created pursuant to Article Twelve or Twelve-A of the Town Law.

E. No monies from the fund may be expended for a water quality improvement project by the Town unless such project has been certified by the Town Board.

Section 50-31. Definitions

As used in this Article, the following words and terms shall have the following meanings:

(a) "Water quality improvement project" means: (1) wastewater treatment improvement projects; (2) non-point source abatement and control program projects developed pursuant to Section Eleven-S of the Soil And Water Conservation Districts Law, Title 14 of Article 17 of the Environmental Conservation Law, Section 1455b of the Federal Coastal Zone Management Act, or Article Forty-Two of the Executive Law; (3) aquatic habitat restoration projects; (4) pollution prevention projects; and (5) the operation of the Peconic Bay National Estuary Program, as designated by the United States Environmental Protection Agency. Such projects shall have as their purpose the improvement of existing water quality to meet water quality standards as they exist at the time of project evaluation. Projects which have as a primary purpose to permit or accommodate new growth shall not be included within this definition.

(b) "Wastewater treatment improvement project" means the planning, design, construction, acquisition, enlargement, extension or alteration of a wastewater treatment facility, including alternative systems to a sewage treatment plant or traditional septic system to treat, neutralize, stabilize, eliminate or partially eliminate sewage or reduce pollutants in treatment facility effluent, including permanent or pilot demonstration wastewater treatment projects or equipment or

furnishings thereof. An incentive or rebate program established by the Town Board for the upgrade of existing septic systems or cesspools with enhanced nitrogen reduction treatment systems to meet Suffolk County standards as established in 2016 or later shall constitute an eligible project within the definition of a wastewater treatment improvement project. Stormwater collecting systems and vessel pumpout stations shall also be included within the definition of a wastewater improvement project.

(c) "Aquatic habitat restoration project" means the planning, design, construction, management, maintenance, reconstruction, revitalization or rejuvenation activities intended to improve waters of the state of ecological significance or any part thereof, including, but not limited to ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines thereof, to support a spawning, nursery, wintering, migratory, nesting, breeding, feeding, or foraging environment for fish and wildlife and other biota. The scientific basis for concluding that a proposed aquatic habitat restoration project will provide benefits to water quality and/or aquatic habitat shall be well-documented.

(d) "Pollution prevention project" means the planning, design, construction, improvement, maintenance or acquisition of facilities, production processes, equipment or buildings owned or operated by municipalities for the reduction, avoidance, or elimination of the use of toxic or hazardous substances or the generation of such substances or pollutants so as to reduce risks to public health or the environment, including changes in production processes or raw materials; such projects shall not include incineration, transfer from one medium of release or discharge to another medium, off-site or out-of-production recycling, end-of-pipe treatment or pollution control.

(e) "Stormwater collecting system" means systems of conduits and all other construction, devices, and appliances appurtenant thereto, designed and used to collect and carry stormwater and surface water, street wash, and other wash and drainage waters to a point source for treatment and discharge in a manner that results in a net reduction in adverse ecological impacts.

(f) "Vessel pumpout station" means a project for the planning, design, acquisition or construction of a permanent or portable device capable of removing human sewage from a marine holding tank.

(g) "Regional water quality improvement plan" means a water quality improvement plan adopted pursuant to state or federal law which has as its purpose the improvement of water quality in all or part of the Peconic Bay region, including but not limited to: (1) the comprehensive conservation and management plan (CCMP) for the Peconic Estuary Program pursuant to the National Estuary Program (P.L. 100-4) under the Clean Water Act (P.L. 92-500), (2) The Comprehensive Conservation And Management Plan (CCMP) for the Long Island Sound Estuary Program pursuant to The National Estuary Program (P.L. 100-4) under the Clean Water Act (P.L. 92-500), (3) the South Shore Estuary Reserve Comprehensive Management Plan pursuant to 46 of the Executive Law, and (4) the Long Island Nitrogen Management And Mitigation Plan pursuant to Chapter 53 of the Laws of 2015, including any amendments or updates to such plans.

Section 50-32. Authority.

A. Pursuant to Chapter 551 of the Laws of 2015, the Town Board is hereby authorized to utilize revenues from the Community Preservation Fund to implement water quality improvement projects in accordance with a plan to preserve community character pursuant to Article III of this Chapter. A maximum of twenty (20) percent of the Fund receipts from the prior year may be utilized for the implementation of water quality projects; provided that where such water quality improvement funds are utilized for the operation of the Peconic Bay National Estuary Program, the use of such funds shall only be utilized to match federal, state, county, or other public or private funds on a dollar for dollar basis not to exceed ten (10) percent of the annual amount appropriated for water quality improvement projects.

B. A priority shall be given to wastewater treatment improvement projects.

Section 50-33. Community Preservation Fund Project Plan.

A. Preservation of community character shall include the protection and improvement of the quality of all water resources.

B. Before any revenues from the Community Preservation Fund may be spent on water quality improvement projects as defined in this Article, all such projects shall be approved by the Town Board as consistent with the Community Preservation Fund Water Quality Project Plan adopted pursuant to Section 64-e of the Town Law and this Chapter.

C. Said plan shall generally prioritize projects to be undertaken pursuant to this Article. In setting such priorities, the Town Board shall consider the most prevalent pollutants affecting water quality in the Town and which projects will maximize the removal of such pollutants in the

most cost effective manner. The plan shall provide a detailed written elaboration of a mechanism for evaluating the cost benefits in setting such priorities.

D. The proposed water quality improvement project plan shall state how such projects would improve existing water quality.

E. The proposed water quality improvement project funds may be utilized for the planning, design, or implementation of a capital project with a probable useful life of at least five (5) years, pursuant to the state local finance law.

F. The proposed water quality improvement project should, if possible, be consistent with one or more regional water quality improvement plans.

G. Such project shall advance measurable water quality improvement for the Peconic Bay region. The Town may require monitoring for the purpose of calculating measurable results in connection with any project considered or funded hereunder, and such monitoring may be paid for by the fund.

H. Such project should, if possible, comply with specific existing or proposed state or regional water quality standards or targets.

I. In the case of aquatic habitat restoration projects, the project shall be supported by scientific studies showing the ways in which the project will successfully promote aquatic habitat restoration.

J. In the case of pollution prevention projects, the project shall be supported by documentation showing how the project will reduce, avoid, or eliminate the use, generation or discharge of toxic or hazardous substances.

K. Projects which have as their primary purpose the accommodation of new growth as opposed to the remediation of water quality shall not qualify for funding under this Article.

L. Project funding may not be used for the ordinary maintenance or repair of existing facilities.

Section 50-34. Certification.

In addition, no monies from the Community Preservation Fund shall be expended for a water quality improvement project by the Town, unless such project also has been certified by the Town Board, by resolution pursuant to this Article. In making such certification, the Town Board shall find as follows: (a) if the proposed water quality improvement project is for the planning, design, or implementation of a capital project, it shall have a probable useful life of at least five (5) years pursuant to the state local finance law, (b) the proposed water quality improvement project advances the articulated objectives of and is consistent with one or more regional water quality improvement plans, (c) such project advances measurable water quality improvement for the Peconic Bay region, (d) such project should, if possible, comply with applicable state or regional water quality standards or targets, (e) in the case of aquatic habitat restoration projects, the project is supported by scientific studies showing the ways in which the project will successfully promote aquatic habitat restoration, and (f) in the case of pollution prevention projects, the project will reduce, avoid, or eliminate the use, generation or discharge of toxic or hazardous substances, or nutrients. The Town Board shall not certify projects whose purpose shall be to accommodate new or additional growth.

Section 3. Transfer Tax Extended.

The real estate transfer tax implemented by Article II of Chapter 50 (Community Preservation Fund) pursuant to Article 31-D of the State Tax Law, is hereby extended until December 31, 2050.

Section 4. Mandatory Referendum.

The provisions of this local law are subject to mandatory referendum pursuant to Section 23 of the State Municipal Home Rule Law, as provided for by Section 3 of Chapter 551 of the Laws of 2015.

Section 5. Proposition.

Pursuant to Chapter 551 of the Laws of 2015 and Section 23 of the State Municipal Home Rule Law, the following proposition shall be placed before the electors of the Town of Shelter Island at the general election to be held on November 8, 2016:

"Shall a Local Law entitled "A LOCAL LAW amending Chapter 50 (Community Preservation Fund) of the Town Code of the Town of Shelter Island, (1) in relation to extending the effective date of the real estate transfer tax imposed to benefit the Town Community Preservation Fund until December 31, 2050 and (2) authorizing the use of a portion of such Town Community Preservation Fund, not to exceed 20% for water quality improvement projects" BE APPROVED?"

Section 6. Severability.

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than that part so decided to be unconstitutional or invalid.
Section 6. Effective Date.
This local law shall take effect upon filing with the Secretary of State of the State of New York and approval by the electors of the Town of Shelter Island at the general election to be held on November 8, 2016.
Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 287

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:
BE IT RESOLVED, That the following 2016 budget transfers are hereby approved:
$2,540.00 from the A3120.486 Police Department car gas and oil account to the A3120.270 Police Department car equipment account;
$72.00 from the A6776.422 Silver Circle meals and snacks account to the A6776.480 Silver Circle resource materials account; and
$7,500.00 from the B1990.400 Part Town Contingent account to the B8020.497 Planning Board professional services account.
Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 288

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:
BE IT RESOLVED, That general claims numbered 846 through 982 in the amount of $120,184.84, highway claims numbered 105 through 124 in the amount of $16,812.84, and West Neck Water claims numbered 17 through 20 in the amount of $2,055.33 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.
Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

At 4:59 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Jorge and Marla Cornejo, 47G South Ferry Road, have petitioned the Town of Shelter Island for permission to construct a 106' by 5' fixed pier with two 10" CCA piles in Coecles Harbor.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for the report from the Waterways Committee, which was as follows: Jim and Paul, this particular dock is located in Coecles Harbor, it is, it says 106 feet long, it's located just to the southwest of Taylor's Island, it's a "T" shaped kind of dock, it met with all the specifications from the Water Advisory Committee but they wanted a letter written from the owner to support the addition of two 16 foot tie off piles that are needed beyond the dock so if you get to the "T" at the end of the dock, if you measure out from the end of the dock to 106, if you go out 16 more feet, there's a piling that is on one side and there's a piling on the other which I think is about a 10" in diameter pile and they want a letter to support that and since that time we have gotten a letter back from the owner and that was written, the meeting was on the 6th of June, earlier this month, the letter was written on the 9th, received on the 10th and it said, due to the depth of the water and the prevailing winds, we specifically designated a shorter dock as opposed to the neighbors' docks which are considerably longer, to the tune of 170 feet and as such, knowing we would need 2 pilings 16 feet off the end of the dock to secure the boat in the safest possible way, we hope that this explanation will be favorable to the Committee, thank you in advance for your time and consideration, signed by the owners of the property.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: please, come on up and identify yourself; good evening Jeff Patanjo on behalf of the applicant, as far as the piles go, we are asking for the piles and as Mr.

Cornejo said in the letter, it is the winds, it gets a little rough out there at times, it is and I show on my proposed plans that I sent to you guys, our dock is considerably shorter than the adjacent neighbors; it is; it is; okay, we're well back, we're in good water depth right now so we're okay right now with this distance out, we don't need any floating docks or anything beyond that; right; so we ask your approval of the proposed piles; okay what do you think about the mooring concept; mooring whips, they work however, side to side action on those could be a problem; okay; yeah that was the alternative that the committee, WMAC was proposing, either the piles or two poles or the whippets and; ultimately the client would rather have piles; okay; just for security of the boat; if the client is in a hurry; yes; I got it; we've had experience with whips on Crescent Beach and we haven't had much success so that's why we prefer; __ and the winds are substantial and we have had damage to the dock and the boat previously with whips, in the end we ended up having to tie an anchor to the side of the boat and then eventually we tied a line from the other dock which is about 100 feet, to keep it off, so we've been there and done that and if that's what we have to do, then you know, we will but ideally we prefer to have you know even if it is one pile, just something to keep the boat off hitting the dock; um, my conversation with the chair suggested, he found the letter that you sent to be less than compelling in it's current form but perhaps with the additional information such as you provided tonight and at the next meeting they can discuss that, alright, I mean, you need reasons why you know, why you want more footage than; right; the longer docks may well proceed the Code; sure; alright; if you could take what you just said there and incorporate it into your existing letter, I think that would suffice, in my eyes, I think it would for the committee as well; we will also when we make the decision but we like to get their corroborations so if you put those things in there, that would be good; so let me ask you, just for the sake of timing because whenever the contractor is going there __ fall season, is it something that we can address later if we agree to the whips now and then we can bring in the pilings or do you recommend we just wait for the next meeting; well if you agree to the whips now, you get the dock now; okay; right; yes; and then you can fight with them over the pilings later; I'll be honest with you, I think you can agree to the whips and start the dock; right; and I think it would be agreeable; yeah; and then by the time you start the dock and they meet; yeah; we would propose that new letter to them, I think they would approve; I just don't know how that works mechanically here, we have our structures of our own to match and the resolution would have to be; I can't imagine; right, you'd have to strike the pilings, at which point, why is the committee reviewing the pilings, okay, that's my only concern, I don't know how that works; I'm sorry, so I think we would just agree to whips, we'll strike the pilings and then we'll address the pilings later, if that works; okay; I'm not your counsel; excuse me; I'm not your counsel but if it was me, I'd want the ability to leverage the absence of those pilings, this is not them, it's just me, okay, you know that you want that, once you've got the dock and you don't have the whippets, then I don't know, you know, you'd want to wait and see if it turns out to be a nightmare or not, I don't know, that's up to you, that's just me talking, it isn't these people, it's just me; okay, something to think about, what do you think; well is there a way to structure it that we can move ahead and still request the pilings at a later date; you certainly could request the pilings later; true; they meet on Monday night, July 11th, so I'm just looking ahead, that would be their next meeting; okay so I think we would, rather not to delay things, do that if it is agreeable and then we'll go to the meeting and; I'll write the letter today; yeah; and submit it; and see if that works out; so do you want approval for the whips today or do you want to hold off, we'd like to amend our application to remove those 2 exterior; are we gonna amend the resolution by striking the pilings; strike the piles and we would be issued approval; you might have to resubmit, I don't know how that would work; well for the extra piles, we know the problem, we could resubmit another set of plans just showing the proposed piles; alright and that would roll that forward through probably just two cycles instead of just one meeting, cause you won't have it done, I'm guessing, alright; it's two and a half weeks away so, it's not that far and I know you're antsy to get going if you want it for the fall, it's not that long; we're gonna strike the pilings, the tie off pilings and we're gonna adopt the resolution without; is that okay Laury; it's alright with the committee if they want to; I have a question cause I don't understand ___, if we're doing the dock, supposing they just build the dock; okay __; build just the dock; ____; __; __; a mooring or a whip; ___; the tie off piles that they propose will be stricken, as long as it's part of the application, nobody cares about that; I just found out from the contractor, he can't start until August, the end of August anyway, so we want to keep our application open; okay; thank you so much; thank you; we're gonna provide the additional information; right; plead your case as best you can, right; so just what you said; okay; __; a little detail; ___; the whips are part of the process ___; so we'll go _ ; and we'll keep this public hearing open; yes, okay, thank you.

The Supervisor declared the public hearing recessed at 5:08 p. m. and called to order the public hearing to be held as advertised on the application of Robert Sloan, 171 North Ram Island Drive, for permission to remove and replace 100 linear feet of existing deteriorated timber jetty in same location with new vinyl jetty.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: Sloans want to remove and replace a hundred feet of deteriorated timber jetty, now, what they don't have is a DEC permit yet and while they're waiting for that, the WMAC wants the low profile jetty while they tell me the DEC is now normally asking for and that's the condition on which they approve it so until we get the DEC permit in hand and know what the deal is with that, we're gonna hold this one open as well; yeah; okay; the current jetty, there are four or five of them down on Shell Beach, they're in bad shape, it's just inside the rock and he's putting it in the exact same location; thank you.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:10 p. m. and called to order the public hearing to be held as advertised on the application of Brian Carroll and Carroll Family 2012 Trust, 56 Tuthill Drive, for a wetlands permit to construct a +/- 27' by +/- 34' addition to the second story of an existing one and one half story dwelling, and install drainage system (leaders, gutters, and drywell) to collect associated roof runoff.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. An e-mail from Lin Childress stating he is in favor of the project but requesting that the project construction not be started until after Labor Day.

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council.

The Conservation Advisory Council reported as follows:

Date: May 16, 2016
RE: Brian Carroll /Carroll Family Trust
56 Tuthill Drive

Brian Carroll and the Carroll Family Trust requests a permit for plus or minus 27 ft by plus or minus 34 foot addition to the existing one and one half story dwelling; and install a drainage system (leaders, gutters and drywell) to collect associated roof runoff.

The CAC reviewed this application at its December 21, May 16th, 2016 meeting.

The CAC voted unanimously to approve the application as presented.

The Planning Board reported as follows:

DATE: June 22, 2016
RE: Carroll Wetlands Permit Application 56 Tuthill Drive, SCTM # 700-12-02-12.1
Zone AA Residential & Near Shore Overlay District

This is an application for a property on Tuthill Drive, Ram Island. Like most of the houses on Tuthill Drive, this property is pre-existing and non-conforming to lot size, being little more than one quarter of an acre. The house is almost entirely in the 75 foot wetlands setback.

There is a DEC Letter of No Jurisdiction dated May 24, 2011. The property is exempt from DEC regulation because it is behind a stone wall greater than 100 feet and constructed prior to August 20, 1977.

There is a ZBA Special Permit to construct 200 sq. ft. of living space because the addition maintains the existing footprint with no change in current setback.

Planning Board members visited the site, and reviewed the surveys while on site and considered all submittals provided to the Planning Board.

We submit the following observations:

The project is small, consisting of the addition of a 27 foot dormer on one (1) side of the second story of the bungalow type house. The first story seems in good repair and capable of holding this new addition above.

A new septic system was installed April, 2015 on the road side of the house. A drywell is proposed to capture the roof runoff.
We submit the following recommendations:
Since the proposed project is so minor, we recommend approval as submitted.
Emory Breiner, Planning Board Member, John Kerr, Planning Board Member

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: this is a no brainer, it's not much of an addition, it's a small addition to the house on the second floor, 27 by 34 feet, the good news was the new septic system being installed as of a year ago, which is great and so I got the backing of both the CAC and the Planning Board so we're pretty good with that.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Rob Herrmann, good evening, Jim the last time I saw you, you were spraying me in the face with a garden hose during the Shelter Island 10K; were you in it; that was me; that was you, were you the one that hit the telephone pole; I was not; I'm gonna try to keep this very short but just for the record, this was a project that we had to go to the ZBA, we obtained a special permit, it's behind a pre-1977 bulkhead so we have a DEC letter of nonjurisdiction, we are not increasing the bedroom count, we have already a sufficient system in the front yard as far from wetlands as possible, adjacent to Tuthill Drive, the project essentially adds 200 square feet of living space to a house that has just a little over 1600 square feet of living space now, this is completely contained within the existing footprint so there is no increase in the dwelling footprint, there is no increase in lot coverage, there is no additional encroachment on Coecles Harbor or wetlands and therefore no decrease in existing wetland setbacks, we have not proposed clearing of existing vegetation or filling or otherwise changing the grades, we are adding a drainage system to the property to collect and recharge roof runoff and that's really about it, if in fact if this project were outside the 75 foot vegetative buffer, we wouldn't even need a wetlands permit because it's a bulklheaded property and we're staying within the footprint, that's all I have; what do you think you need Rob, you win; well I have to push the envelope a little bit, I don't know if it's possible, I suppose Laury will answer me very quickly, if the Board were inclined to have a beneficial disposition on this application, we have been very anxious to try to get to the point of reaching a building permit and this is something that the architect ___ Schappacher has been working on with Mary Wilson who we all know, is Mary here; yes; she is; we're all sad about her departure, we would love to be able to maybe make this the last thing Mary does before she leaves which we won't have the opportunity to do if this isn't acted on for another three weeks so I would just again, it may be a pointless request but it is minor as the Board thinks and the Board were willing and able to act on it if there was any way you could act on it tonight, we would be appreciative; I don't think there is a resolution prepared; well I realize that maybe; we don't have a resolution and you do have that neighbor saying don't do it this time of year, so you have to decide on that one too; so we generally discuss it at the next work session; okay; so we may not be able to manage; we're all in tears Mary but we don't __; I had to ask; I know Rob, you're good at that; but otherwise, that's it; okay; __ nobody has an issue with it; okay, great, thank you.

The Supervisor declared the public hearing closed at 5:15 p. m. and called to order the public hearing to be held as advertised on the application of Rebecca Shafer and Dick Nystrom, 37 East Brander Parkway, for a wetlands permit to extend existing porch 10 feet so that the porch sits evenly across front (waterside) of the house; this extension would line up with existing porch and not extend beyond front.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council.
The Conservation Advisory Council reported as follows:
Date: May 16, 2016 RE: Shafer/Nystrom Wetlands Application, 37 E. Brander Pkwy
The applicants request a permit to build a 10 ft X 17 ft extension to the enclosed porch on the waterside of the property. It will be built of a wood frame construction. The house was constructed, circa 1975, predates and is non-conforming, as it is located 72.8 ft from the edge of the wetland boundary but behind a bulkhead.

The CAC reviewed this application at its May 16, 2016 meeting.

The CAC voted unanimously to pass the application as submitted. The CAC recommends that, if possible, consideration be given to positioning dry wells outside the 75 ft regulated area.

The Planning Board reported as follows:

Date: June 9, 2016

To: Shelter Island Town Board, Re: **Shafer/Nystrom Wetlands permit application**

SCTM # 700-25-01-69, 37 East Brander Parkway, Shelter Island, NY

Project description summary:

Applicant proposes to extend existing porch 10 feet so that the porch sits evenly across the waterside of the house. Extension will line up with existing porch and not extend further to the East (waterside).

A wetlands permit was determined to be necessary because the project involves regulated activities within the regulated area as specified in Town Code Chapter 129, section 2.

Submittals: (copies of)

1. A letter dated April 7, 2016 from the Town Building Permits Coordinator rejecting a building permit application until a wetlands permit is granted.
2. Completed Wetlands application dated April 16, 2016.
3. A Survey dated July 6, 2015 by Peconic Surveyors.
4. Several site plans dated Jan. 16, 2016 showing existing and proposed improvements.
5. NYS DEC letter of non-jurisdiction dated Feb. 29, 2016.
6. Completed Short Environmental Assessment Form dated April 16, 2016.
7. Floor plans and elevations of existing and proposed structure.
8. Pictures of waterside elevation indicating location of proposed addition.
9. Certificate of Liability insurance dated 06/09/16.
10. Town Board Ownership certification dated April 16, 2016.
11. Copies of Building Permits dated 02/16 & 02/25/2016 for interior demolition and construction. Not for proposed extension.
12. A survey showing approximate locations of 2 dry wells and silt fence penciled in on the survey. (This was a result of the Town Board request for this additional information).

Note: A SCDHS permit not required.

Observations (from submittals):

1. The project lies in Zone “A” (Residential) and in the Near Shore Overlay districts
2. The Lot area is non-conforming to the zone lot Bulk regulations (39,579 sq. ft.) but is grandfathered as pre-existing.
3. The garage (with sleeping quarters above) side yard setback (17.1 ft.) is nonconforming (pre-existing).
4. All other setbacks of existing and proposed structures are conforming.
5. Lot coverage figures are not given but rough scaling of the survey indicates that the coverages are conforming with regulations.
6. The existing & proposed use complies with the zone use regulations.
7. The existing buildings and pool and the proposed addition intrude into the restricted area and the vegetative buffer as defined in the Shelter Island Wetlands Ordinance (Chap. 129). The pool is entirely in the vegetative buffer but the house is only inches into the buffer. About half of the house is within the 100 ft. restricted area. Both pre-exist Chapter 129.
8. One of the site plans shows one catch basin but although the application indicates that there will be additional dry wells for roof run-off, none are indicated on either the site plans or the survey. Note: See "Submittals #12 above. This recent submittal shows 2 drywells for roof run-off located in the regulated area. Chap. 129 prohibits septics in the regulated area but there is no mention of dry wells.
9. The approximate location of the well and septic are penciled in on the survey but otherwise are not indicated on any of the site plans.
10. Unless waived, a vegetation plan may be required under Chapter 129-4-A-4

Observations (from site field inspection):

1. Visual inspection of the site by both Planning Board members listed below indicates that actual conditions seem to match the presentations on both the site plans and the survey.
2. Demolition and construction have already begun on the interior of the building. (Permits were granted for that work but not yet for the porch addition.)

3. There are some gutters and downspouts on the existing house but currently do not lead to dry wells.
4. The 225 sq. ft. deck indicated on the survey and site plans has been removed.

Mitigation proposals:

1. Planned removal of 5,400 sq. ft. of impermeable Asphalt driveway.
2. Planned installation of dry wells for roof run-off.
3. Removal of 225 sq. ft. deck (already done).
4. Not indicated on the application, but the owner indicated to the visiting Planning Board members that some of the waterside pool surround patio may be removed. This would add to the vegetation in the buffer area.
5. Silt fence is proposed (Recent submission of the site plan indicates approximate silt fence location).

Recommendations:

1. Final survey required for Certificate of occupancy should show locations of dry wells, septic system, and fresh water well.
2. The building inspector should approve of the construction of the proposed dry wells in order to insure that they are adequate to handle expected roof run-off.
3. The Planning Board can see no good reason to reject this permit. The mitigation proposals and indicated improvement of the property, in our opinion, out weigh the additional covered area in the restricted zone.

The usual precautions to prevent runoff during construction and site preparation should be observed.

by: John D'Amato and Paul E. Mobius Jr., for the Planning Board

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: do I need to; come forward please; on behalf of this proposal, good afternoon, I'm Rebecca Shafer, the homeowner; of where; the homeowner; the homeowner; 37 East Brander; yeah; and your points are exactly the points I had on the application, if there's any questions regarding the extension, I'm happy to address that at this time but all the mitigation measures that you stated, we are acting on, as far as, we inserted catch basins at the end of each downspout; right; but not from the roof, I think there are four points at which we're doing that at which at those four points currently when we bought the property, they're actually draining right now on asphalt or pavers; yeah; so that's a huge improvement to remove all that and have them go into these basins, these 50 gallon basins, the property also has an existing drywell that will carry 500 gallons, drywell in the front streetside of the property and all the front yard slopes towards that so that's already in place, so that was one measure to address, the runoff and yes to your point, it is the 10 foot extension to run across the front of the house and yes we already did take away the waterside 20, I think 20 by 20, around 300 to 400 square feet, right, that we already did remove; yes; and that's been done, the asphalt is in the front of the house and it is over 5,000 square foot of asphalt which we are removing and we will have grass and some loose stones in the driveway now instead of the asphalt, all the impermeable stone around the pool we are going to remove a third to 40 percent of that; right; so that's a good thing and I believe that's it really, it is as you say a simple two walled 9 foot extension and to the existing corner of the house so that's it; okay um, we're gonna have the resolution state, we need to firm up the solution to the drainage, alright, it has to be in language that the Building Inspector will understand; okay; when they go to look, do you know what I mean; okay; we need to know what its gonna be, you need to spec it out; __; __ going to be; okay, so the brand is called proflow, I'm sure you're familiar with it, it's a drywell system on properties that can be as extensive as you want or as simple as you want, in our case these are 50 gallon tanks that we're purchasing for, to be at every single downspout and that's primarily it, these are; are there 4 or 6, I'm trying to remember; we already installed one and then we have the one in the front, Dick, is it 4 or 6; I think, there's 4 points; there's 4 points on the waterside of the property; I divided it by 6 so I'm assuming there were 6 Xs on the plan, whatever it turns out to be; I'm have Xed, done an X where the septic tank was and I might have done it where the; this includes the garage as well; for a drywell; yes; oh yes, for the waterside, the spouts are on the waterside for the garage; right; they come to the waterside; __ ; so we would do those and then there's 2 on the house; only 2, I thought there was one on the back as well; by the attached garage possibly; __ waterfront; there could be; okay so you need to know specifically how many; they all need to be dealt with; okay, so at every downspout, there needs to be a catch basin; right; and we need to identify those locations; correct; right; on a survey; and a full description of the catch basin, you can supply that by e-mail to the attorney,

she'll be writing the thing out; full description like the brand; no, not that, what it will hold, that kind of thing; just so we can put it in there for each location; each location, okay and a description of the catch basin; yes; and the downspout; for the Building Inspector when they go by to look and see __; exactly, we can do that, okay, so the next step would be that I put this all in writing; yes; and when you said that I needed another site plan survey, so I have to have another survey, official survey done, showing where I am putting these catch basins; I don't know about that; no, I don't think so; I mean I can; just amend it, can't you; ___; yeah put it on your existing plan, amendment number one; these will be ___ I think, Emory you've got something to say; well we usually don't do that; yeah; we don't usually mark up the survey; no we don't but we need to get an amendment to the survey; Laury has a comment here too; __ prior to the CO, not something necessarily what you're gonna do but the Building Department should ask for it; yeah; correct; and the one thing I wanted to ask for; sure; normally when you're doing work near the wetlands, we ask that you have a silt fence to stop the disturbed soil from running off and I have this hand drawn in silt fence thing but it's going through the pool so that's not very practical, I was wondering if you could come up with the actual design; an actual design of the silt fence, __ our contractor actually put that on here for me showing where he; you can't obviously put a fence in a pool; no, no, no, so in other words just pull the line in so it's not going over the tip of the pool; right; is that where you want it, I just wanted to; where you might actually put it; we can do that; okay; okay; so; it needs to be so it leaves enough room for the equipment to get it; sure; right; of course, I don't know if this does, to me it doesn't look it but it's your job, so; yeah well I will draw that so it doesn't look like it is going over the tip of the pool, I did review it with our contractor, the excavation is very minor so he said equipment can absolutely get in there, it might even be just hands on, very minor, as you can see it's a small bit of land that we have to remove so they can get in there and actually I met with him last week and he thinks the whole project will take just a week; right; so that's the good news, it's not a long term project so I can address these points with him again and once again on a site plan identify where each catch basin will be and approximately a description of the catch basin and okay and then what else; that was it; so the next step is I do that now and present it back to you; ASAP; we will be discussing it on Tuesday because we always review the hearings at the next work session; so we can get it to you on Monday; as soon as possible; but, I'll get it to you by Tuesday; the Town Board won't issue a decision until their next meeting which won't be until three weeks; __ yourself __; okay, thank you very much.

The Supervisor declared the public hearing closed at 5:25 p. m. and called to order the public hearing to be held as advertised on the application of James and Ellen Buckland, 3 Fox Hollow Run, for a wetlands permit to build a deck along east and south sides of house and connect proposed deck to existing deck.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council.

The Planning Board reported as follows:

Date: June 9 , 2016
To: Shelter Island Town Board
From: Shelter Island Planning Board
Re: James and Ellen Buckland, 3 Fox Hollow Run, Shelter Island, NY
SCTM#0700/019-02/0113.13-Zone A-Residential

Project description summary:

Applicant proposes to extend existing deck 40' x 6' along the east and 35' x 15' on the south sides of house.

A wetlands permit was determined to be necessary because the project involves regulated activities within the regulated area as specified in Town Code chapter 129, section 2.

Submittals: (copies of)

1. A letter dated January 4, 2016 from the Town Building Permits Coordinator rejecting a building permit application until a wetlands permit is granted.
2. Completed Wetlands application dated May 3, 2015.
3. A Survey dated March 30, 2015 by Squires, Holden, Weisenbacher and Smith Surveyors, showing approximate size and location of proposed deck and location of silt fence.
4. NYS DEC Permit No: 1-4732-00657/00005 dated November 13, 2016
5. Pictures of pond east elevation indicating location of proposed addition.

6. Certificate of Liability insurance dated 05/12/16.
7. Town Board Ownership certification dated May 4, 2016.
8. A wetlands permit for the house construction granted by the town July 21,2003.

Observations (from submittals):

1. The project lies in Zone "A" (Residential)
2. The Lot area is 40,002 sq. ft or .918 acres.
3. All other setbacks of existing and proposed structures are conforming except that the front yard setback is minimally non-conforming by about 2.4 inches.
4. Lot coverage figures are not given but rough scaling of the survey indicates that the coverages are conforming with regulations.
5. The existing & proposed use complies with the zone use regulations.
6. The existing building and the proposed deck intrude into the restricted area and the vegetative buffer as defined in the Shelter Island Wetlands Ordinance (Chap. 129).
7. The wetlands permit issued to the previous owner in 2003 required that dry wells for roof runoff be installed. There is no indication on the current survey of the location of any dry wells.
8. Unless waived, a vegetation plan may be required under Chapter 129-4-A-4

Observations (from site field inspection):

1. Visual inspection of the site by both Planning Board members listed below indicates that actual conditions seem to match the presentations on both the site plans and the survey.
2. There are some gutters and downspouts on the existing house but currently do not lead to dry wells.

Mitigation proposals:

1. Silt fence is proposed and the site plan indicates approximate silt fence location.
2. New vegetative ground cover to be planted upon completion along current buffer.

Recommendations:

1. If dry wells are in place, all gutter downspouts should be piped to them. If the dry wells were not installed by the previous owner, then the current owner should install them and pipe in the downspouts before a C.O. is issued.
2. The submitted survey shows locations of the septic system, and the fresh water well. The final survey required for Certificate of occupancy should, in addition, show locations of dry wells.

The Planning Board can see no good reason to reject this permit. The mitigation proposals and indicated improvement of the property, in our opinion, outweigh the additional covered area in the restricted zone.

The usual precautions to prevent runoff during construction and site preparation should be observed.

by: John Kerr and Paul E. Mobius Jr., for the Planning Board

The Conservation Advisory Council reported as follows:

June 20, 2016

RE: James and Ellen Buckland Wetlands Application, 3 Fox Hollow Run

The applicants request a permit to construct an addition to the existing deck by building a 40 ft long by 6 ft wide deck along the east side of the house and a 35 ft long by 15 ft wide deck along the south side of the house.

The CAC reviewed this application at its June 20, 2016 meeting.

The CAC voted to deny the application as submitted, because the existing house is located within 64.6 ft of man-altered freshwater wetlands.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: this is a lot that you can't build anything and impose a hundred foot setback; right; and they had a wetlands, the previous owner had a wetlands; right; to put the house where it was, so this is a question of actually pulling out further; correct; __ open deck, it's not just like a structure; correct; we felt that was not so bad; yeah, the lot area is just under an acre, it's .91 acres, it's in a residential zone, the previous owner in 2003 required that a drywell from the roof runoff be installed, actually the wetlands permit issued to the previous owner and there's no indication on the current survey, now maybe it was done, maybe it wasn't done but there is no indication on the; that was one of the issues; that was a big issue, whether there was any drywell put in there, the other one was, unless a waiver of the vegetation plan might require, might be required, some gutters and downspouts on the existing house do not currently lead to drywells, so that's possibly another issue, the recommendations, there are two of them, first recommendation is if drywalls are in place, all gutter downspouts should be piped to them, if the drywells were not installed by the previous owner, then the current owner should install them and pipe in the downspouts before the CO is issued, the second recommendation is the final survey

before the certificate of occupancy should in addition show the location of all these drywells but the Planning Board could see no good reason to reject this permit, that's kind of the way we stand now; okay, they're here, what do you say; is it my turn; yes; okay, first what I think I have to say is I have the; could you identify yourself please; I'm Ellen Buckland the homeowner; speak into the funny looking thing there; you got it; alright; I'm not sure who this would go to; the Town Clerk's; what are you handing to the Clerk; thank you; what are you handing to the; the radius map, that needs to; thank you; that needed to be brought today, I guess the first thing I would like to say is, I understand, yes, my house is in a sensitive area and I eat dinner within the 75 feet buffer zone, so I understand that my house is in a precarious position in terms of the kettlehole that's behind us and I think what we're looking to do in proposing our new deck, what we really want to do is to be able to maximize and help out with the functionality of the outdoors of our home because as it is now, we have a small deck on the side that overlooks our driveway and part of the back of our house but the proposed deck would offer us the enjoyment, the enjoyment I guess of being able to enjoy the outdoors of our home across the back of our house and on the side and the walkway across the back is really just a small little walkway that would be in line with the staircase that is already existing there going down, I don't know what else I can really say, again I'm only speaking for myself, I don't have anyone to speak for me, I don't know what else I can really say except that we do our best, we will follow everything that the DEC has already issued our permit and gave us all __ on what we needed to do with the hay bales and the silt fence and making sure there was no __ all of the drywell things that was brought to our attention from all the people who came to visit our home; right; I appreciate their patience with me because I asked a lot of questions, I'm trying to understand everything that's happening here and indeed I did some research on drywells and catch basins and cisterns and some of the things, basically what I found out that the definition of a drywell, it can be something as simple as digging with a post digger and filling it with gravel and if you look at where those downspouts come, that is all gravel there so I'm wondering if the previous owner or the original owner, that is what they did for a drywell; did you dig into the gravel; no I'm just saying that at the end of that, it is all gravel, at the end of each; well I'm saying; but because of, go ahead, you can say; I'm pretty good at speaking for myself as a rule, I'm asking you whether you actually probed into that; no; or that gravel is just the function of having washed all the dirt away; no, I did not dig into it; so we don't know for sure what; no I do not know; okay; I do not know what the previous owner did; Ellen, the 40 feet by 6 foot that goes along the back of the house, right; yes; so that's gonna connect the one side with the other side basically; yes; you're basically looking at the south and the north sides with the deck and the back would just be connected; correct; by this 40 by 6 foot thing; correct; now; we felt that with the elevation, with the elevated deck, since again we are in a very sensitive area and therefore cannot really spray our property with anything to avoid ticks and all those other critters around, we felt as well with the elevated walkway we would have access around the back of our house from one end of the deck to the other without having to go down onto the ground and reduce the ground disturbance; yeah, we say pictures of it so it does make some sense when you look at pictures of the; but I wanted to put into the record that when this house first got its wetlands permit in 2003 to get built; yes; that the resolution that the Town Board gave for this said that the applicant proposes to construct a two story house within 64.6 feet of the wetland, the applicant understands that the site restrictions will limit future development within the regulated area so that the Town Board at that time was putting the owner on notice that expansion into the regulated area was iffy, I just wanted you to know and to put it on the record; what's the date of that resolution Laury; July 18th, 2003; 2003, thank you; 13 years ago; the previous owner, was that Hansen; or the builder; this was a very early wetlands; an early wetlands permit that the Town issued after the Code was adopted and it was a very small building envelope on this property at the time I recall, the owner that was doing the construction was working very diligently to minimize the amount of this, with that said, I think the dock, actually the deck is relatively innocuous, it's not like an enclosed living space and everything in back of this road as far as I call tell from walking around it a lot, there's a lot of kettleholes and wetlands; yes; the actual water itself is the size of the average swimming pool I think, if that much; yeah; horse trading here, would you be willing to remove some of the end of the deck on the side that's the larger deck that you have proposed, the triangular thing so that you make it square off with this four foot going across instead of jutting out; I do follow you; because if you did that, then this section goes away within the 75 foot section there; and then the size of that deck in the end, can you remember when you said 35 feet by, can you just tell me how many feet that would be then; no; no; I'm just trying to; why would you; cause I'm just wondering if you know, just five wide; well you can kind of see that the thing you are proposing here on the side; very small to

begin with; __; I do have one, I can actually look at that; is several times the size you have now, the proposed deck on the side of the house is what; three times, twice the size probably of the other one; of the little one on the other side; maybe one and a half times; yes, maybe one and a half times, okay so I see what you are saying; what that would do to the corner of the deck on the south side, it's 68 feet to the corner; yes; if you squared that off, it looks like it would go to 75 feet; right; or thereabouts, you would still, you would still be 65 feet, 65 and a half feet you know, with the walkway going across but the walkway is elevated; right; I know where you see the encroachment on the plan; I kind of agree with the Planning Board on this one in terms of, you know if it was down on the ground, it would be a different story but it's up; I would actually think you would probably want something underneath that, the deck in general because there's gonna be a splash area, alright, and it's gonna wash away; well our original thought although we didn't realize to put it into the application to begin with but our original thought was to do, when we built the walkway part of the deck, we were thinking of some kind of a channel system that would then be a gutter so that the water on the deck would collect into a gutter and then somehow go into the downspouts that we already have, however; I was just thinking if you want to put gravel and a gravel stop there because you're gonna have supports for the deck along the front; along the front part; right, you nail the gravel stop alongside that and just put gravel in there and then __ it goes away; okay; without engineering it, that's up to you; okay but we know that we need to improve the drainage; otherwise you've got a washout; over what we have now, we know that; correct, it becomes a washout area and leaves stripes and whatever; okay; but I'm thinking that the drainage thing, we should get that nailed down, that's gonna have to __ the C of O issue so that is to say that you don't get a C of O until that's been done, do you know what I mean; yes; and that's __ about getting it started first but we want to make sure it gets done this time, I don't even know what configuration __ crawl around in your dirt there but it looked like it could have been just washout so it could look like gravel now; understood; okay, so you can confirm with that so the Building Inspector can even see, don't make it __: no; we may want to get back on that thing, alright, once we confirm what's going on if you __ that big green tube where they __; well that yeah; __; that, definitely we previously talked about redoing that somehow or another; right; just because, just aesthetically speaking it's not really; __, um but how the __ gets resolved is probably the primary issue, all of this stuff; I understand; okay so if you can tighten up the details on that; okay, we're going to be doing that right away; okay; with an application like this, do we, Laury I guess it's directed to you, do we require a hardship submission or something __ , we have a law and they're; we don't require a __ hardship submission, the applicant is here to give views and you decide if; __; ___; we may have to __; we can talk about that Tuesday if you feel the need for that, I don't mind; well I want to give the applicant a chance; absolutely; __ a special hardship, he's asking if you're gonna have a real hardship if you don't have a deck; am I gonna have a real hardship if I don't have a deck, I'm gonna be very disappointed if I don't get a deck after all of this but um I mean I guess it would really depend on your definition of hardship and I have to tell you that there are a lot worse things in life than not having this deck so I really think that relatively speaking I think that it would be most helpful to us to again just to improve and maximize the functionality of the property that we do have and we do know that it's in a sensitive area and we're very sensitive to everything that goes along with having that property there and so again I think I would have to say that it really, relatively speaking, I would really like to have this, we would really like to have this and I think that it would really maximize our usage of the outdoor space; you get an A+ for honesty; I was gonna say; __; a hardship when; thank you; and that goes a long way; __: it __ go a long way with me; alright; pay no attention; no; I don't understand if you don't have a hardship and ___; and ladies, I have to thank you too because you were so kind to me, every time I came in and I came in a lot; did you; these ladies were most helpful to me in so many ways, I really appreciate it, I appreciate everyone's patience and understanding, okay am I done here now; yes; we will give the audience a chance to address this; alright, thank you; thank you.

The Supervisor declared the public hearing closed at 5:43 p. m. and reconvened the recessed public hearing to be held as advertised on the application of Martin and Helen O'Neill, 5 Shorewood Court, for permission to install a mooring in Shelter Island Sound approximately 420 feet out from applicants' property and designated as latitude 41.024354 and longitude 72.19554.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC liked it, they were okay with it; yeah they were okay with it, the initial, initially they were looking to go out 450 feet and they brought it back to 250 feet, they didn't see the necessity, there was no as I remember Paul, a depth chart so if they had a depth chart which proved that they had to go out further, but they are allowing them to go out 250 feet, we have the exact coordinates but they were unanimous in supporting this, the work is being done by Costello, the anchor type is a pyramid 300 pounds, which is a lot but you need a lot in that area because it gets a lot of wind, southwest winds and this is in a spot, a pretty sensitive spot off the point there but it's considered in the outside water so they had no problem with this.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: remind me again, we kept this open to give the Waterways Committee a shot at it; yeah; it's just a routine; yeah; thank you; you know what I think it was I think Jim, I wasn't sure whether they were sure the coordinates were okay; they were given in the wrong format; yeah, you're absolutely right; everybody if okay, we're all on this one.

The Supervisor declared the public hearing closed at 5:45 p. m. and called to order the recessed public hearing to be held as advertised on the application of Samuel Lawrence Davis, 18 Shorewood Road, for permission to remove existing 6' by 24' offshore "L" dock section completely, construct new offshore end dock configuration with 73' splashboard system below, reinstall 32" by 30' floating dock and associated anchor piling in new location, and remove and reinstall in new location single pile mooring pile with two 3-pile mooring dolphins in Shelter Island Sound.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: they were happy, 6 - 0 okay; yeah it's an extension of approximately 25 feet to get to deeper waters, currently it's an "L" shaped dock and what he was looking for was a minimum of three feet of water; they have a draft problem right; yeah they did and potential damage not only to the boat but also to the dock itself and for environmental reasons and damage to the boat they felt being able to go out a little further was important to them and there were some hardship issues, there were no major navigational issues here, it's outside waters, it's considered outside waters so they allowed up to 150 feet and the current dock is even with adding the 25 feet, I think is within that, it's being located right smack dab in the middle of their property and it doesn't pose any problems to the other docks to the north or south of it and it shouldn't pose any navigational problems to anybody coming around, coming in and out of West Neck Harbor, it should not pose any problems, they didn't feel that it did.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:47 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 289

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Martin and Helen O'Neill, 5 Shorewood Court, have petitioned the Town of Shelter Island for permission to install a mooring in Shelter Island Sound approximately 420 feet out from applicants' property and designated as latitude 41.024354 and longitude 72.19554, and

"Whereas", a public hearing was duly held on the 3rd day of June, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the installation of a mooring in Shelter Island Sound approximately 250 feet out from applicants' property and designated as latitude 41.045022 and longitude 72.330141.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 290

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Samuel Lawrence Davis, 18 Shorewood Road, has petitioned the Town of Shelter Island for permission to remove existing 6' by 24' offshore "L" dock section completely,

construct new offshore end dock configuration with 73' splashboard system below, reinstall 32" by 30' floating dock and associated anchor piling in new location, and remove and reinstall in new location single pile mooring pile with two 3-pile mooring dolphins in Shelter Island Sound, and

"Whereas", a public hearing was duly held on the 3rd day of June, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilman Colligan, the meeting was adjourned at 5:51 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

June 28, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 28th day of June, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and approximately twenty-seven persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 3:23 p. m.

RESOLUTION NO. 291

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That effective June 29, 2016, Kevin Springer is hereby appointed from the Suffolk County Civil Service list to serve as full time Police Officer, to be paid as per the PBA contract.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilman Colligan, the special meeting was adjourned at 3:29 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

July 15, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 15th day of July, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and seventeen persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

RESOLUTION NO. 292

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", No Name Road LLC/Richard Levine, 47 A South Ferry Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.100867° north and longitude 72.500567° west; said mooring location was formerly occupied by the C-2320 Cooper mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 5th day of August, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 293

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Joseph W. Tyree, 47M South Ferry Road, has petitioned the Town of Shelter Island for permission to construct a 4' by 20' ramp up onto a 4' by 90' level fixed dock; construct a bench and install two swim ladders at offshore end and install four mooring pilings in Coecles Harbor, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:46 p. m., prevailing time, on the 5th day of August, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 294

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Mark Labrozzi, 9A Baldwin Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system in West Neck Harbor at a location designated as latitude 41.030097° north and longitude 72.769° west; said location was formerly occupied by the Hurwitz W-3052 stake, mooring and pulley system, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:47 p. m., prevailing time, on the 5th day of August, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 295

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Nell Lowell is hereby appointed to serve as Recreation Specialist/Swim Instructor for the year 2016 at the rate of $30.00 per hour retroactive to July 11, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 296

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Jacqueline Aldrich is hereby appointed to serve as Recreation/ FIT Aide for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 297

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Bruce Saul as a member of the Community Housing Board will expire on August 12, 2016, and

"Whereas", Mr. Saul has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Bruce Saul is hereby reappointed to serve as a member of the Community Housing Board for a term to expire on August 12, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 298

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the term of Michael Bebon as a member of the Community Housing Board will expire on August 12, 2016, and

"Whereas", Mr. Bebon has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Michael Bebon is hereby reappointed to serve as a member of the Community Housing Board for a term to expire on August 12, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 299

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Reed Karen has taken and passed the Civil Service test for Building Inspector, now, Therefore

BE IT RESOLVED, That Reed Karen is hereby appointed from the Suffolk County Civil Service list to serve as permanent Building Inspector for the Town of Shelter Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 300

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement check in the amount of $235.00 received from Starcap Marketing, LLC to general fund, the refund check received from Cook Maran & Associates in the amount of $22.00 to the A1910.400 unallocated insurance account, and the refund check received from PERMA in the amount of $2,870.59 to general fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 301

Councilwoman Lewis offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", pursuant to Resolution No. 359 - 2001, dated June 8, 2001, the Town Board authorized eligible employees who wish to waive his/her rights to medical insurance coverage provided by the Town of Shelter Island, by applying in writing, and

"Whereas", applications have been filed by Kelly Michalak and Kevin Springer, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the payment of salary compensation to the aforementioned applicants pursuant to said Resolution No. 359 of 2001 for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 302

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town Board hereby approves change orders in the Medical Center roof replacement project and authorizes payment of an additional $11,800 to R. W. Mulligan.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 303

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Shelter Island Fireworks, Inc., 4 Hudson Avenue, held a fireworks display on Shelter Island on Saturday, July 9, 2016, and

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the $100.00 compliance fee was submitted, and

"Whereas", the Superintendent of Highways has determined that the event created no extra impact for the Highway Department staff and that the compliance fee should be returned in full, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $100.00 to Shelter Island Fireworks, Inc., P. O. Box 452, Shelter Island, New York 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 304

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Mr. William Cummings filed an application for a variance with the Zoning Board of Appeals, and

"Whereas", Mr. Cummings has decided to withdraw his application and request that his application fee be returned, and

"Whereas", the Zoning Board of Appeals has processed the application, and the legal notice was advertised in the Shelter Island Reporter, and

"Whereas", the Zoning Board of Appeals has recommended that the Town return one half of the $750.00 application fee, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return $375.00 to Mr. William Cummings, P. O. Box 364, Shelter Island Heights, New York 11965.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 305

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Shelter Island Historical Society paid a compliance fee of $100.00 for their Antique and Classic Car Show on June 25, 2016, and

"Whereas", the Superintendent of Highways has determined that no portion of said fee was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance fee to the Shelter Island Historical Society, P. O. Box 847, Shelter Island, New York 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 306

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, W. E. Restaurant Corp., AKA The Dory, requested permission as per application, to have 'entertainment in Volunteer Park' consisting of outdoor music on Shelter Island on Saturday, July 23, 2016, from 5:00 p. m. to 10:00 p. m., and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Police Department has responded that they have no problems with the aforementioned application, and

"Whereas", the Superintendent of Highways responded that the park shall be cleaned of all garbage and arrangements should be made with the Highway Department regarding electric usage, now, Therefore

BE IT RESOLVED, That said request is hereby approved subject to the Highway Department recommendation concerning the electric usage.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 307

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Liberty Lawn and Landscape LLC seeks a special permit to operate an auto repair business called Liberty Automotive Repair in the B zone located at 22 East Thomas Street, Shelter Island, New York and designated as SCTM 0700-015-03-077.3; and

"Whereas", §133-8(D)(20) of the Town Code states that auto repair shops require a special permit from the Town Board to operate in the B-Business zone; and

"Whereas", the applicant has provided notice of the special permit hearing to property owners and filed proof of such notice with the Town Clerk; and

"Whereas", it is required by law that a "lead agency" be established to review this matter, and this Board wishes to establish itself as Lead Agency and render a declaration of significance pursuant to SEQRA; and

"Whereas", this Board considered the application and accompanying documents at a public hearing held pursuant to notice on June 3, 2016, and

"Whereas", this Board now wishes to render a decision on this special permit application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA and adopts a Negative Declaration, finding that this is an "unlisted" action which will not result in any significant adverse impacts on the environment based on the analysis set forth in the EAF and the negative declaration; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

a) The application deals with a 15,847 square foot property owned by Liberty Lawn and Landscape LLC which contains a 1,800 square foot metal building; and

b) The property, which is zoned B-Business, has access to Thomas Street via an easement across lot 700-015-03-076.2; and

c) The neighborhood is mixed residential and business, with business to the north and east and residential to the south and west; and

d) The applicant proposes to use the property as an automobile repair facility; and

e) Applicant shall erect a fence around three sides of the property and a gate in the front, so that all automobile parts, dismantled vehicles and similar articles shall be stored within a building or behind a fence or shrubbery which will effectively screen the area from public view as required by Code; and

f) Applicant agrees that the business signage will comply with Town Code, and agrees to keep all hazardous materials in a containment area to protect against pollution of groundwater; and

g) Applicant agrees to keep all vehicles associated with the auto repair business on Lot 77.3 or the access easement, and not on the road; and

h) The Town Board finds that by limiting the exterior lighting, installing and maintaining the fencing and keeping vehicles parked on-site, the impacts of the auto repair shop will be contained on-site; and

i) The Town Board finds that the auto repair shop, which is similar in nature to the prior business use, will not have negative noise, lighting or traffic impacts on the neighborhood; and

j) The Town Board finds that the proposed site plan flow and 23 available parking spaces will ensure that storage for vehicles waiting for service shall be provided on the site or access easement and shall not occur on a public street or highway as required by Town Code, and provides adequate maneuvering space, promotes ease of use and safety; and

k) The Town Board finds that the proposed signage and lighting are adequate, and will meet Code; and

l) The Town Board finds that with the conditions on use, the auto repair shop will not create any negative impact on the appearance of the neighborhood; and

BE IT FURTHER RESOLVED, That a special permit for an auto repair shop at premises designated as SCTM 0700-015-03-077.3 and located at 22 East Thomas Street, Shelter Island, New York is hereby approved with the following conditions:

1. At all times, vehicles waiting for service shall be parked on Lot 77.3 or the access easement and not on the road; and

2. Applicant shall erect a fence at the rear part of the property and a gate at the front, so that at all times the property shall be enclosed by a secure fence with a gate that can be closed at night; and

3. At all times, the 23 parking spaces be kept available for use by customers, so that other than Liberty Landscaping trucks under repair, there should be no inventory by any other business stored in the parking spaces which restrict general availability to the public; and

4. All signage shall be located on the building and must comply with the Town Code; and

5. Hazardous materials such as oils and fluids shall be stored in a containment area to protect against pollution of groundwater, be clearly marked and accessible, and spill cleanup equipment shall be installed; and

6. This special permit shall be valid for implementation within two years from the date of adoption of this resolution. Applicant is required to obtain an amended special permit prior to any change in the operation that would affect these conditions; and

7. Failure to abide by the above-described conditions shall be a basis for Town Board action, up to and including revocation of the special permit and the cessation of the use; and

BE IT FURTHER RESOLVED, That a copy of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 308

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", James and Ellen Buckland have applied to the Shelter Island Town Board for a wetlands permit for the premises located at 3 Fox Hollow Run, Shelter Island, New York and zoned A-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-019-02-113.13; and

"Whereas", the applicants seek a wetlands permit to construct an addition to the deck as shown on a survey by Squires, Holden, Weisenbacher and Smith last dated 3/30/15, so that the work is subject to Chapter 129 of the Shelter Island Town Code; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction dated 11/12/15 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on June 24, 2016, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) The parcel is a 40,002 square foot property adjacent to a regulated freshwater pond; and

2) Pursuant to a wetlands permit issued to Paul Hansen on July 18, 2003 this property with a limited building envelope was developed with a two-story house 64.6’ from the regulated wetlands; and

3) Applicants seek to expand the deck by 40' x 6' along the east and 35' x 15' along the south; and

4) After public hearing, applicants revised the application to eliminate a portion of the deck to keep that portion of the deck 75' from the wetlands as shown on the red-outlined survey on file; and

5) As mitigation, applicants have offered to remove a hen house and install plantings, as well as to install 50 gallon drywells (2 in front and 2 in back), which were required under the 2003 permit but were not installed; and

6) The increased deck area is minimal and has been pushed as far back from the wetlands as possible, and the mitigation measures will reduce runoff into the sensitive freshwater wetlands; and

BE IT FURTHER RESOLVED, That the wetlands permit to construct an addition to the deck within the regulated area at premises located at 3 Fox Hollow Run, Shelter Island, New York, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as per survey by Squires, Holden, Weisenbacher and Smith last dated 3/30/15 and amended by hand in red on July 5, 2016; and

2) Prior to issuance of a Certificate of Occupancy, applicants shall implement the following mitigation measures: installation of four fifty gallon drywells (2 in front and 2 in back), install gravel under the proposed walkway deck on the east side of the house to reduce erosion and planting native vegetation along the current buffer. Further, applicants shall contact the Building Department for an inspection of the drywells before they are covered; and

3) During construction, wire-backed silt fences shall be securely placed at the location hand drawn on the above-described survey. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the vegetative buffer; and

4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas as shown on the above-described survey. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and

5) Prior to issuance of a wetlands permit the applicants must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and

6) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 309

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Rebecca Shafer and Dick Nystrom have applied to the Shelter Island Town Board for a wetlands permit for the premises located at 37 East Brander Parkway, Shelter Island, New York and zoned A-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-025-01-069; and

"Whereas", the applicants seek a wetlands permit for permission to construct an addition to the water-side enclosed porch as hand drawn on a survey by JM Land Surveying last dated 3/20/16, so that the work is subject to Chapter 129 of the Shelter Island Town Code; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction dated 2/29/16 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on June 24, 2016, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) The parcel is a 39,580 square foot property bordering West Neck Harbor with an existing two story house, detached garage and pool lying partially within the regulated area; and

2) The existing house is 72.8' from the bulkhead marking the wetlands, and applicants propose to extend the existing waterfront porch 10' to the south so that the 180 square foot extension will also be set back 72.7' from the wetlands; and

3) As mitigation, applicants have offered to remove 5,400 square feet of impermeable asphalt driveway and replace with permeable gravel, to remove pavers around the pool as shown in the plan by Peconic Surveyors, P. C. and date stamped July 13, 2016, install drywells to capture runoff from the leaders and gutters outside the vegetative buffer, and to install a wire back silt fence; and

4) The increased coverage on this flat, developed lot is minimal and cannot be moved out of the vegetative buffer because of the existing house location, and the mitigation measures will ensure that any increased runoff will not reach the wetlands; and

BE IT FURTHER RESOLVED, That the wetlands permit to construct an addition to the water-side enclosed porch within the regulated area at premises located at 37 East Brander Parkway, Shelter Island, NY, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as hand drawn on a survey by JM Land Surveying last dated 3/20/16; and

2) Prior to issuance of a Certificate of Occupancy, applicants shall remove the asphalt driveway and replace with a permeable surface, shall install drywells to collect roof runoff as shown on the hand drawn plan, further, applicants shall contact the Building Department for an inspection of the drywells before they are covered; and shall remove pool pavers as shown on the plan by Peconic Surveyors, P. C. and date stamped July 13, 2016, and revegetate with native vegetation, and shall provide a final survey showing locations of drywells, septic system and fresh water well; and

3) During construction, wire-backed silt fences shall be securely placed at the location hand drawn on the above-described survey. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the vegetative buffer; and
4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and
5) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and
6) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That a copy of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 310

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Carroll Family Trust has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 56 Tuthill Drive, Shelter Island, New York and zoned AA reverting to A-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-012-02-012.1; and

"Whereas", the applicant seeks a wetlands permit for permission to construct a second floor addition to the existing one and 1/2-story house as shown on plans by Schappacher White DPC, last dated 7/6/15, so that the work is subject to Chapter 129 of the Shelter Island Town Code; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction dated 5/24/11 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on June 24, 2016, and

"Whereas", this Board now wishes to render a decision on this wetlands permit application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:
1) The parcel is an 11,541 square foot property bordering Coecles Harbor with an existing one and ½ story 1617 square foot house located 43' from the wetlands and lying entirely within the regulated area; and
2) Applicant seeks to construct an addition within the existing footprint to add 200 square foot living space and make the second story a full second story; and
3) The proposal will not increase the dwelling footprint or increase lot coverage and will not affect existing topography or drainage patterns; and
4) As mitigation, applicant will install a wire-back silt fence and will install a drainage system of leaders, gutters and drywell to capture and recharge roof runoff; and

BE IT FURTHER RESOLVED, That the wetlands permit to construct a second floor addition to the existing one and 1/2-story house within the regulated area at premises located at 56 Tuthill Drive, Shelter Island, NY, is hereby granted, subject to the following conditions:
1) The above-described project shall be constructed as depicted on the survey by Nathan Taft Corwin III last dated 1/15/16 and the plans by Schappacher White DPC, last dated 7/6/15; and
2) During construction, wire-backed silt fences shall be securely placed at the location shown on the above-described survey. The silt fence shall be maintained throughout

construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the vegetative buffer; and

3) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and

4) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and

5) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 311

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", in 2001 the Town opted into granting an exemption pursuant to RPTL-459-c for persons with disabilities and limited income, and

"Whereas", the income requirement is based on a sliding scale which determine the exemption amount granted, and

"Whereas"', this scale was last updated by the Town in 2005 and the State of New York revised the limits upward in 2012, and

"Whereas", the Board of Assessors has requested the Town Board to revise the income scale for the Town of Shelter Island, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:50 p. m., prevailing time, on the 5th day of August, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the following proposed Local Law concerning the upward revised schedule, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Current Annual Income Levels for Eligibility	NY State Calculation of Revised Income Limits	***Proposed*** Annual Income Levels for Eligibility	Percentage of Exempt Assessed Value
Less than $24,000	M=$29,000	Less than $29,000	50%
$24,000 or more but less than $25,000	Less than M + $1,000	Less than $30,000	45%
$25,000 or more/less than $26,000	Less than M + $2,000	Less than $31,000	40%
$26,000 or more/less than $27,000	Less than M + $3,000	Less than $32,000	35%
$27,000 or more/less than $27,900	Less than M + $3,900	Less than $32,900	30%
$27,900 or more/less than $28,800	Less than M + $4,800	Less than $33,800	25%
$28,800 ore more/less than $29,700	Less than M + $5,700	Less than $34,700	20%
$29,700 or more/less than $30,600	Less than M + $6,600	Less than $35,600	15%
$30,600 or more/less than $31,500	Less than M + $7,500	Less than $36,500	10%
$31,500 or more/less than $32,399.99	Less than M + $8,400	Less than $37,400	5%

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 312

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Scott L. Murphy, 8 Chequit Avenue, has petitioned the Town of Shelter Island for a wetlands permit for permission to add a 60 square foot mechanical room cantilevered off west side of house; add elevated deck for air conditioning equipment between existing and

proposed mechanical rooms (no ground disturbance), and raise interior finished floor height to FE 8 feet, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:55 p. m., prevailing time, on the 5th day of August, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 313

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That the following 2016 budget transfers are hereby approved:
$19,700.00 from the A1990.400 Contingent account and dispersed as follows:
$1,000.00 to the A6776.408 Silver Circle maintenance account, and
$18,700.00 to the A4560.408 Medical Center repairs and maintenance account;
$130.00 from the A3120.484 Police Department office and miscellaneous account to the A3120.272 Police Department new car account;
$1,000.00 from the A4010.495 Deer & Tick Committee printing and advertising account to the A4010.484 Deer & Tick Committee office and miscellaneous account; and

BE IT FURTHER RESOLVED, That the following 2016 budget modification is hereby approved:
$41,300.00 from the General unassigned fund balance to the A4560.408 Medical Center repairs and maintenance account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 314

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That general claims numbered 983 through 1137 in the amount of $170,627.19, highway claims numbered 125 through 149 in the amount of $267,692.07, and West Neck Water claims numbered 21 through 24 in the amount of $736.73 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:02 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Harry DiOrio, 33 Terry Drive, for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08817° north and latitude 72.34489° west; said mooring location was formerly occupied by the Korchinski D-2582 mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: basically this was resolved outside the meeting, they had some discussion with Dottie and what not, everybody is okay, it's all good.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:04 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law on the Community Preservation Fund concerning the extension of the date until December 31, 2050 and authorizing the use of a portion of said funds for water quality purposes.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor summarized the proposed law as follows: this very briefly, last year the State Legislator, State Legislature and the Senate and Assembly passed a law amending the, and

Governor Cuomo signed it, amending our community, very successful two percent open space law to permit in each individual town's discretion, the five east end towns are in this program, including Shelter Island, to use up to twenty percent of each prior year's funds for water quality improvement purposes and it's not mandated at all, it's totally discretionary and the Town, when this law was passed, we've been consulting with Assemblyman Fred Thiele and others and we have set up a working group, we've been working very diligently, I've been a member, Councilwoman Dudley, Town Attorney Laury Dowd, BJ Ianfolla from the Assessors' Office is here, thank you BJ and John Cronin, our Town Engineer, we've been coming up with a proposed submission for a referendum, this law I should have mentioned, requires each individual town separately to make sure they get the voters' approval of this by referendum which is the case with each extension of the two percent open space law, this will be a twenty year extension proposal and also together with that or separately, the possible use of up to twenty percent of the prior year's receipts for open space so we've all been working very hard, it's very much a work in process and we're delighted to see a good number of people here and we want to have a good discussion today on this, so the floor is open.

Some views expressed were as follows: yes Debbie; I think, have a question, a clarification, it says in here that your project funding may not be used on ordinary maintenance or repair of existing facilities, now once a project is completed and is existing, does that mean that project funds can't be used to maintain something that's created pursuant to those funds; what were you reading from Debbie; um, section L of; the CPF law; no, no, it's, what Jeannette sent out concerning, it says water quality and __; so the idea is that we don't use it to, say the Town put in a, like we are under way to put in an advanced treatment system over at Legion Hall; and the school; so it can be used to install it but not necessarily to maintain it; so some other sources have to be used to maintain whatever facility was created with these funds; yes; it might involve, Debbie, we don't know, it might involve private homeowners and once we perhaps do a rebate or something; right, right; it's up to them to keep it up; okay, I just wanted to clarify that; that was our thought anyway; what this local law would do would be to set it down for a referendum in November on the extension or the use of up twenty percent for water quality improvement projects; and we have some draft language, Judy gives that out and Laury said it will be on the ballot in November, as past CPF; two separate lines, one for extending and one for expending funds; I'm pretty sure it's one referendum; it's one referendum; it breaks out into two aspects, like a and b; that's right; the money in the account now though, that five point whatever million dollars that's in the account is not going to be used; no it's the prior year's receipts, so, and it's totally at the discretion of the working group administering and ultimately the Town Board; Debbie has something; yes Debbie; another question, it says such project shall include nine point source abatement and control program project developed pursuant to a section of the soil and water conservation district law and I just, I didn't have a chance to look at it, I just wondered if; that's a direct quote from the State enabling legislation; okay; we tried to follow the enabling legislation as closely as possible even though, __ looking at this 9 point __; I just didn't know what it covered; yeah; do we know what it; it's storm drains; okay, okay, thanks; we've been doing our own effort, Shelter Island, Shelter Island is very unique but we've been coordinated with the other four towns, we have joint meetings and the various environmental groups have been informally and very vigorously endorsing this and working with us to come up with the right language but we made it clear that Shelter Island will use common language with the other four towns as much as possible but we're also unique, we're and Island as you all know and so on, so it's our own version; do we know of any other communities in New York State who have adopted; well the two percent law always only applies to the five east end towns; oh okay, so nobody; since it was passed in 1998, it only applies to the five east end towns, it's been a wonderful idea; they're all going through the same process that we are doing, they're looking at this town by town and it will be up to those individual towns whether they will have it on the ballot for 2017, some of them may elect to wait til 2018 but we are trying to meet a 2017 cause we feel like those monies could be very much used appropriately for water quality interests; I agree; Michael Coles, Hay Beach, I read the article on water quality and improvement, changing the law carefully and of course, I'm not a lawyer so it took a lot of reading, I may have missed something but it seemed to me it was all permissive and there was nothing in it that was directly permissive that you were gonna it for this or this or this, but nothing said you have to use _; exactly right; okay and the __ are there ancient septic systems on Shelter Island, this _ our waterways and our water supply and __ and I don't even go around inspecting everybody's septic system but I just wonder whether it might be a good idea if we could somehow get into this law that before you can sell a house, you should

have to have the septic system inspected and approved by the Town Engineer; yeah; meeting certain quality standards that are established; it's very likely Michael that will be in our law, it's something our __ will be discussing, we will probably and this is from this brainstorming, your comments are very helpful, we will probably use triggers like a transferal of ownership or a renovation of more than fifty percent of the existing structure and so oh by the way, since you're coming in to see us, we will require this and I'm not saying we're gonna do it, we may have a rebate program to encourage people to do the right thing, yes, thanks very much, and rather than shoving it down everyone's throat, we'll probably do, when these triggers happen such as the transferal of ownership or a major renovation, that kind of thing, but this is all being discussed by everybody; Mr. Coles this is home septic systems you're talking about, Suffolk County is going through 19 different trials, you know, people that were picked out of a lottery and those are being studied carefully and obviously the number one thing you have to be is cost effective for people to be able to upgrade, maybe an existing system or if they want to put in a totally new system so trying to make that affordable for people and maybe local governments to provide incentives for people to do that, it's the name of the game, the closer you live to the shoreline, the more important and key it is; but let's recognize that at this point in time, they haven't approved any of this; __ the thing; correct; well that's the bad news, we're hoping __ to approve them by September but they've been missing deadlines, first it was April, then it was July, now it's September, but we're keeping on it and we're following it very closely, the Town Engineer John Cronin and I and others and the, two exciting things, that's the sobering news, the exciting news is as you all probably know we have a very exciting experimental which we're getting substantial money from Suffolk County, thank you Sarah Lansdale, a joint septic upgrade of both the Youth Center Legion Hall and the School and the School has a lot of toilets and so on and that has been fully approved by the, by this Town Board, by Suffolk County Planning Department and by the Board of Education of Shelter Island School and that's gonna be exciting, that should be happening quite soon, it's a very sophisticated new system that our Town Engineer John Cronin and the School engineer are working on jointly and it looks terrific, also Sylvester Manor Educational Farm has also gotten a subsidy from Suffolk County Planning Department and they have a different system and that's good, we want to see which one works best, another system and I was speaking with Sarah Gordon actually earlier today and they're coming along nicely on that too so we'll have some exciting examples for us to study when we get into this full bore so anyway thanks; one thing I would like to say; Paul, please; that what are you gonna do, requiring people to do something that's part of the transfer of the house or something like that, they should need to be, I would think some kind of a hardship clause or something like that because not everybody is selling a property; absolutely; has a thousand dollars to do that; oh yeah, and as __ said, we've got miles to go before we get to that, yes sir Emory; I just wondered, with this two percent money which could have gone to property, I'm a little concerned with where you're using it for individual wells, individual systems on private property where it's not a Town project, it seems kind of, two percent money is going to help somebody with something that's their own problem; yeah I understand; it's really not their problem as much as it's our problem; and it's also a community problem; but you'll have so many; I know, we're aware of that, we have discussed that exhaustively if that's a word, you're absolutely right but I think and we're developing a consensus, I think ___ carefully considered conditions as you and Paul point out a rebate program of some kind but nothing is in cement or concrete or whatever you want to call it yet and in my humble opinion, I ran the open space program for many years and it is an open space program and if some drop dead open space program comes along that we really got to go for, I think the Town Board would probably say you know we'll put this other stuff on hold and use every buck we have but that's hopefully a good common sense judgment of the then Town Board who will be administering it, so, there's a lot of rules to write, you're actually right.

The Supervisor declared the public hearing closed at 5:17 p. m. and called to order the recessed public hearing on the application of Jorge and Marla Cornejo, 47G South Ferry Road, for permission to construct a 106' by 5' fixed pier with two 10" CCA piles in Coecles Harbor.

Correspondence included the following:

1. An e-mail from Marla Cornejo stating they could not make the meeting today but hoped the Board would approve the application at today's meeting.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: they seemed to give us a green light; right.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Jeff Patanjo on behalf of Marla and Jorge; good; if you have any questions, I'm here to answer, as you know at the last meeting we had the situation with piles and the possibility of whips and I'm here to answer any questions you ask; I don't think there's any questions; no, we're pretty solid; it was approved by the committee 5 - 2, alright, so you're winning, it's time to stop running, it focused on precedence rather than any substantive issue with the application in particulars there of but everybody agreed it was a very reasonable request, they didn't ask for more than they needed to get what they felt they had to have to make it work, so 5 - 2 is close enough, Congress can't do that; we're okay with it.

The Supervisor declared the public hearing closed at 5:19 p. m. and called to order the recessed public hearing on the application of Robert Sloan, 171 North Ram Island Drive, for permission to remove and replace 100 linear feet of existing deteriorated timber jetty in same location with new vinyl jetty.

The Waterways Committee reported as follows: they're waiting on the DEC; yes; so we're holding that open; yes; I don't know how long that goes on, for a while I guess.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I got a letter from the DEC, July 13th actually and they are opposed to the 30 inch height that they wanted to be above grade, they said in their letter right here, they will approve it if I go to 18 inches above mean low water and stop it at mean low water, so I'm gonna take about 20 feet off; I think that's the height restriction that the WMAC was looking for; that was their concern; yes; so would you approve it now or would I do revised plans; they actually indicated that they were in favor of it as long as the height restriction was in place; it's right here and I'm gonna do revised plans this week; okay; so if you could make a conditional approval based on 18 inches above grade and ends at mean low water; we need to have revised plans because it is very hard for the Building Department to know what happened; we ___ and we'll act on it; __ yeah, I agree with Laury, it sounds like we're all on board; good; I'll send you the revised plans; thank you; the next meeting is August 5th; do I need to come to that meeting; no; okay; we're all in favor.

The Supervisor declared the public hearing closed at 5:21 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 315

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Jorge and Marla Cornejo, 47G South Ferry Road, have petitioned the Town of Shelter Island for permission to construct a 106' by 5' fixed pier with two 10" CCA piles in Coecles Harbor, and

"Whereas", a public hearing was duly held on the 24th day of June, 2016, and continued on July 15, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;

5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said dock, including tie-off pilings, which will measure 116' from mean high water, is hereby designated as non-conforming due to the fact that it exceeds the 100' maximum length as stated in Chapter 53-11C, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 316

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", Harry DiOrio, 33 Terry Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08817° north and latitude 72.34489° west; said mooring location was formerly occupied by the Korchinski D-2582 mooring, and

"Whereas", a public hearing was duly held on the 15th day of July, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 317

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on the 15th day of July, 2016, for all interested persons to be heard in favor of or in opposition to a proposed local law entitled a LOCAL LAW amending Chapter 50 (Community Preservation) of the Town Code of the Town of Shelter Island, in relation to (1) extending the effective date of the Community Preservation Fund Real Estate Transfer Tax, imposed pursuant to Article 31-D of the State Tax Law, until December 31, 2050 and (2) authorizing the use of a portion of the Town Community Preservation Fund, not to exceed 20%, for water quality improvement projects, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 1 - 2016 entitled a LOCAL LAW amending Chapter 50 (Community Preservation) of the Town Code, to wit:

Be it enacted by the Town Board of the Town of Shelter Island as follows:

Section 1. Chapter 50 (Community Preservation Fund) of the Town Code of the Town of Shelter Island is hereby amended by adding a new Article III to read as follows:

Article III

Water Quality Improvement

Section 50-30. Purpose.

A. The purpose of this Article shall be to implement the authority delegated by the State to the Town of Shelter Island pursuant to Chapter 551 of the Laws of 2015.

B. Specifically, this Article shall permit the Town to use up to 20% of the annual Community Preservation Fund revenues to undertake water quality improvement projects which would improve water quality. Projects which have as their primary purpose the accommodation

of new growth as opposed to the remediation of water quality shall not qualify for funding under this section.

C. Such projects shall include (1) wastewater treatment improvement projects; (2) non-point source abatement and control program projects developed pursuant to Section Eleven-b of the Soil and Water Conservation Districts Law Title 14 of Article 17 of the Environmental Conservation Law, Section 1455b of the Federal Coastal Zone Management Act, or Article Forty-Two of the Executive Law; (3) aquatic habitat restoration projects; (4) pollution prevention projects; and (5) the operation of the Peconic Bay National Estuary Program as designated by the United States Environmental Protection Agency.

D. Such projects shall also include those undertaken by the Town through a watershed protection improvement district created pursuant to Article Twelve or Twelve-A of the Town Law.

E. No monies from the fund may be expended for a water quality improvement project by the Town unless such project has been certified by the Town Board.

Section 50-31. Definitions

As used in this Article, the following words and terms shall have the following meanings:

(a) "Water quality improvement project" means: (1) wastewater treatment improvement projects; (2) non-point source abatement and control program projects developed pursuant to Section Eleven-S of the Soil And Water Conservation Districts Law, Title 14 of Article 17 of the Environmental Conservation Law, Section 1455b of the Federal Coastal Zone Management Act, or Article Forty-Two of the Executive Law; (3) aquatic habitat restoration projects; (4) pollution prevention projects; and (5) the operation of the Peconic Bay National Estuary Program, as designated by the United States Environmental Protection Agency. Such projects shall have as their purpose the improvement of existing water quality to meet water quality standards as they exist at the time of project evaluation. Projects which have as a primary purpose to permit or accommodate new growth shall not be included within this definition.

(b) "Wastewater treatment improvement project" means the planning, design, construction, acquisition, enlargement, extension or alteration of a wastewater treatment facility, including alternative systems to a sewage treatment plant or traditional septic system to treat, neutralize, stabilize, eliminate or partially eliminate sewage or reduce pollutants in treatment facility effluent, including permanent or pilot demonstration wastewater treatment projects or equipment or furnishings thereof. An incentive or rebate program established by the Town Board for the upgrade of existing septic systems or cesspools with enhanced nitrogen reduction treatment systems to meet Suffolk County standards as established in 2016 or later shall constitute an eligible project within the definition of a wastewater treatment improvement project. Stormwater collecting systems and vessel pumpout stations shall also be included within the definition of a wastewater improvement project.

(c) "Aquatic habitat restoration project" means the planning, design, construction, management, maintenance, reconstruction, revitalization or rejuvenation activities intended to improve waters of the state of ecological significance or any part thereof, including, but not limited to ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines thereof, to support a spawning, nursery, wintering, migratory, nesting, breeding, feeding, or foraging environment for fish and wildlife and other biota. The scientific basis for concluding that a proposed aquatic habitat restoration project will provide benefits to water quality and/or aquatic habitat shall be well-documented.

(d) "Pollution prevention project" means the planning, design, construction, improvement, maintenance or acquisition of facilities, production processes, equipment or buildings owned or operated by municipalities for the reduction, avoidance, or elimination of the use of toxic or hazardous substances or the generation of such substances or pollutants so as to reduce risks to public health or the environment, including changes in production processes or raw materials; such projects shall not include incineration, transfer from one medium of release or discharge to another medium, off-site or out-of-production recycling, end-of-pipe treatment or pollution control.

(e) "Stormwater collecting system" means systems of conduits and all other construction, devices, and appliances appurtenant thereto, designed and used to collect and carry stormwater and surface water, street wash, and other wash and drainage waters to a point source for treatment and discharge in a manner that results in a net reduction in adverse ecological impacts.

(f) "Vessel pumpout station" means a project for the planning, design, acquisition or construction of a permanent or portable device capable of removing human sewage from a marine holding tank.

(g) "Regional water quality improvement plan" means a water quality improvement plan adopted pursuant to state or federal law which has as its purpose the improvement of water quality in all or part of the Peconic Bay region, including but not limited to: (1) the comprehensive conservation and management plan (CCMP) for the Peconic Estuary Program pursuant to the National Estuary Program (P.L. 100-4) under the Clean Water Act (P.L. 92-500), (2) The Comprehensive Conservation And Management Plan (CCMP) for the Long Island Sound Estuary Program pursuant to The National Estuary Program (P.L. 100-4) under the Clean Water Act (P.L. 92-500), (3) the South Shore Estuary Reserve Comprehensive Management Plan pursuant to 46 of the Executive Law, and (4) the Long Island Nitrogen Management And Mitigation Plan pursuant to Chapter 53 of the Laws of 2015, including any amendments or updates to such plans.

Section 50-32. Authority.

A. Pursuant to Chapter 551 of the Laws of 2015, the Town Board is hereby authorized to utilize revenues from the Community Preservation Fund to implement water quality improvement projects in accordance with a plan to preserve community character pursuant to Article III of this Chapter. A maximum of twenty (20) percent of the Fund receipts from the prior year may be utilized for the implementation of water quality projects; provided that where such water quality improvement funds are utilized for the operation of the Peconic Bay National Estuary Program, the use of such funds shall only be utilized to match federal, state, county, or other public or private funds on a dollar for dollar basis not to exceed ten (10) percent of the annual amount appropriated for water quality improvement projects.

B. A priority shall be given to wastewater treatment improvement projects.

Section 50-33. Community Preservation Fund Project Plan.

A. Preservation of community character shall include the protection and improvement of the quality of all water resources.

B. Before any revenues from the Community Preservation Fund may be spent on water quality improvement projects as defined in this Article, all such projects shall be approved by the Town Board as consistent with the Community Preservation Fund Water Quality Project Plan adopted pursuant to Section 64-e of the Town Law and this Chapter.

C. Said plan shall generally prioritize projects to be undertaken pursuant to this Article. In setting such priorities, the Town Board shall consider the most prevalent pollutants affecting water quality in the Town and which projects will maximize the removal of such pollutants in the most cost effective manner. The plan shall provide a detailed written elaboration of a mechanism for evaluating the cost benefits in setting such priorities.

D. The proposed water quality improvement project plan shall state how such projects would improve existing water quality.

E. The proposed water quality improvement project funds may be utilized for the planning, design, or implementation of a capital project with a probable useful life of at least five (5) years, pursuant to the state local finance law.

F. The proposed water quality improvement project should, if possible, be consistent with one or more regional water quality improvement plans.

G. Such project shall advance measurable water quality improvement for the Peconic Bay region. The Town may require monitoring for the purpose of calculating measurable results in connection with any project considered or funded hereunder, and such monitoring may be paid for by the fund.

H. Such project should, if possible, comply with specific existing or proposed state or regional water quality standards or targets.

I. In the case of aquatic habitat restoration projects, the project shall be supported by scientific studies showing the ways in which the project will successfully promote aquatic habitat restoration.

J. In the case of pollution prevention projects, the project shall be supported by documentation showing how the project will reduce, avoid, or eliminate the use, generation or discharge of toxic or hazardous substances.

K. Projects which have as their primary purpose the accommodation of new growth as opposed to the remediation of water quality shall not qualify for funding under this Article.

L. Project funding may not be used for the ordinary maintenance or repair of existing facilities.

Section 50-34. Certification.

In addition, no monies from the Community Preservation Fund shall be expended for a water quality improvement project by the Town, unless such project also has been certified by the Town Board, by resolution pursuant to this Article. In making such certification, the Town

Board shall find as follows: (a) if the proposed water quality improvement project is for the planning, design, or implementation of a capital project, it shall have a probable useful life of at least five (5) years pursuant to the state local finance law, (b) the proposed water quality improvement project advances the articulated objectives of and is consistent with one or more regional water quality improvement plans, (c) such project advances measurable water quality improvement for the Peconic Bay region, (d) such project should, if possible, comply with applicable state or regional water quality standards or targets, (e) in the case of aquatic habitat restoration projects, the project is supported by scientific studies showing the ways in which the project will successfully promote aquatic habitat restoration, and (f) in the case of pollution prevention projects, the project will reduce, avoid, or eliminate the use, generation or discharge of toxic or hazardous substances, or nutrients. The Town Board shall not certify projects whose purpose shall be to accommodate new or additional growth.

Section 3. Transfer Tax Extended.

The real estate transfer tax implemented by Article II of Chapter 50 (Community Preservation Fund) pursuant to Article 31-D of the State Tax Law, is hereby extended until December 31, 2050.

Section 4. Mandatory Referendum.

The provisions of this local law are subject to mandatory referendum pursuant to Section 23 of the State Municipal Home Rule Law, as provided for by Section 3 of Chapter 551 of the Laws of 2015.

Section 5. Proposition.

Pursuant to Chapter 551 of the Laws of 2015 and Section 23 of the State Municipal Home Rule Law, the following proposition shall be placed before the electors of the Town of Shelter Island at the general election to be held on November 8, 2016:

"Shall a Local Law entitled "A LOCAL LAW amending Chapter 50 (Community Preservation Fund) of the Town Code of the Town of Shelter Island, (1) in relation to extending the effective date of the real estate transfer tax imposed to benefit the Town Community Preservation Fund until December 31, 2050 and (2) authorizing the use of a portion of such Town Community Preservation Fund, not to exceed 20% for water quality improvement projects" BE APPROVED?"

Section 6. Severability.

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than that part so decided to be unconstitutional or invalid.

Section 6. Effective Date.

This local law shall take effect upon filing with the Secretary of State of the State of New York and approval by the electors of the Town of Shelter Island at the general election to be held on November 8, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 5:51 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

August 5, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 5th day of August, 2016. Town Board members present were Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Supervisor James D. Dougherty was absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and ten persons were also present.

The Deputy Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Deputy Supervisor Lewis presented the following financial report for the month of June, 2016:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
JUNE 2016

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	3,073,304.79	2,396,953.87	766,745.63	4,703,513.03	766,395.66
Hwy Checking	569,385.17	659,243.39	117,635.24	1,110,993.32	
T&AChecking	14,729.45	5,564,205.75	5,564,336.95	14,598.25	15,366.21
T&A Savings	12,221.21	0.3	0	12,221.51	
Hwy Cap Res	213,883.90	17,505.52	0	231,389.42	
WNW Supply	13,474.75	105.27	5,682.68	7,897.34	109,733.06
Taylor's Island	39,880.12	1.63	0	39,881.75	
Comm Preserv	5,152,807.65	260,904.66	3,300.00	5,410,412.31	590,927.34
Waterways	241,910.51	3,290.00	0	245,200.51	
Reserve Fund	61,838.13	7,204.62	0	620,042.75	
Bridge St Esc	0	0	0	0	352,324.79
Environmental	15,750.00	0	0	15,750.00	
FIT Ctr Reserv	7,658.33	0	0	7,658.33	
AmbulanceRes	216,538.16	8.83	0	216,546.99	
Ambultraining	30,001.93	0.74	0	30,002.67	
TOTALS	10,214,384.10	8,909,424.58	6,457,700.50	12,666,108.18	1,836,747.06

RESOLUTION NO. 318

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Waheed Alli, 82 Gardiner's Bay Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Gardiner's Bay at a location designated as latitude 41.105312° north and 72.328260° west; said mooring location was formerly occupied by the O-820 Mintzer mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 26th day of August, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 319

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement check in the amount of $2,065.00 received from The Nature Conservancy as follows: $1,568.00 to the A4010.422 Deer and Tick corn account and $497.00 to the A4010.491 Deer and Tick maintenance account; the reimbursement check in the amount of $225.00 from Cradlepoint, Inc. to the A 3120.270 Police Department car equipment account, and the insurance

reimbursement check received in the amount of $447.06 to the A3120.485 Police Department car maintenance account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 320

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $28.12 from the A1620.476 buildings computers account to Microsoft Corporation, P. O. 842103, Dallas, Texas 75284-2103, for the annual fee for additional e-mail licenses.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 321

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", Reel Point, a peninsula owned by Peconic Land Trust, is the barrier beach protecting the entrance to Coecles Harbor, and

"Whereas", Reel Point is subject to ongoing major beach erosion and instability due to the natural onslaught of storms and direct wave action on the Gardiner's Bay side of the peninsula, and

"Whereas", the eroded materials accumulate and degrade the navigability of the Coecles Harbor inlet at the south end of the Reel Point peninsula so that frequent dredging at taxpayer cost is required, and

"Whereas", it has been determined that it would be more effective to hire an engineering firm to provide a solution to the erosion problem at Reel Point that will achieve the following key objectives:

- Restore the Reel Point peninsula beach to its historic size and configuration
- Prolong sand retention on the peninsula beach
- Enhance and improve the natural beach flora and wildlife habitat of the project area
- Restore and maintain navigability of the Coecles Harbor inlet
- Enable the Town to identify and pursue potential external funding opportunities for the project, and

"Whereas", Peconic Land Trust has identified LKB Consulting Engineers (Lockwood, Kessler & Bartlett, Inc. of Syosset, New York) as the best firm to identify these solutions at a cost of $42,500, and

"Whereas", Peconic Land Trust seeks a grant from the Town to fund one-half the cost of this project, and

"Whereas", the Town Board of the Town of Shelter Island hereby determines that this study will help protect the health, safety and welfare of the residents of Shelter Island, particularly those residing and doing business on Coecles Harbor, and will reduce frequent maintenance dredging and the costs associated with the ongoing efforts to keep the entrance to Coecles Harbor open to navigation, now, Therefore

BE IT RESOLVED, That the Town Board grants Peconic Land Trust the sum of $21,250.00 from the A5710.400 Waterways Management account for the express purpose of funding the above-described work by LKB Consulting Engineers.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 322

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $3,605.32 from the A4540.484 EMS office and miscellaneous account to SCM Products, Inc., 60 Plant Avenue, Suite #2, Hauppauge, New York 11788, for the annual maintenance contract for the EMS computer program.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 323

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $261.80 for the copier on the second floor of the Town Hall for the term of July 11, 2016 through July 10, 2017, as follows:

A4540.484	$29.08
A5710 400	$29.09
A8140.400	$29.09
A8710.484	$29.09
B3610.400	$29.09
B8012.484	$29.09
B8020.484	$29.09
B8030.484	$29.09, and
B8710.484	$29.09.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 324

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby elect to provide the additional pension benefits of Section 375-I of the Retirement and Social Security Law for police officers, as presently or hereafter amended, and

BE IT FURTHER RESOLVED, That the effective date of such shall be the date this resolution is filed with the New York State Comptroller.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 325

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $450.00 from the A4010.484 Deer and Tick office and miscellaneous account to the Department of Environmental Conservation for the application fee for Beau Payne's exam/license test on August 16, 2016.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 326

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", filming permit number 58 was issued on July 19, 2016 to Left Right TV for filming at Shell Beach, Crescent Beach, Wade's Beach, Bridge Street and North Ferry Road on July 25, 2016, and

"Whereas", a filming clean up deposit of $1,000.00 was paid for said filming, and

"Whereas", it has been determined that no part of the deposit was utilized, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of $1,000.00 to Left Right TV, 39 West 19th Street, 9th Floor, New York, New York 10011.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 327

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, W. E. Restaurant Corp., AKA The Dory, paid a compliance fee of $100.00 for their 'entertainment in Volunteer Park' July 23, 2016, and

"Whereas", the Superintendent of Highways, reported that no portion of the deposit was required, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 deposit to W. E. Restaurant Corp., AKA The Dory, P. O. Box 304, Shelter Island Heights, New York 11965.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 328

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Shelter Island Chamber of Commerce has requested permission to hang an announcement banner across Route 114 between the Shelter Island Presbyterian Church building and the Verizon pole on the south side of Route 114, advertising the 53rd Art Show and Craft Fair event for Saturday, August 27, 2016, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 329

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:50 p. m., prevailing time on the 26th day of August, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled Amendment to Chapter 51 of the Town Code concerning membership of the Community Housing Board, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Amend the fourth sentence of Section 51-5 which reads as follows: No paid Town official shall serve on the CHB, to read as follows: No member of the Town Board, Planning Board or Zoning Board of appeals shall serve on the Community Housing Board.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 330

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:52 p. m., prevailing time, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed LOCAL LAW ENTITLED AMENDMENTS TO CHAPTER 113, POOLS, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Amend Chapter 113, Swimming Pools, of the Shelter Island Town Code, as follows:

A. Section §113-5 Permits, subsection (D) shall be added to read as follows:

D. All excavations for the construction of a pool must be above the water table. There shall be no dewatering allowed in any pool construction.

Section 2. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 331

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Pandion Landing, 64 Burns Road, has petitioned the Town of Shelter Island for a wetlands permit for permission to demolish all existing structures along the bulkhead which fall within the 100 foot wetlands setback area, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:54 p. m., prevailing time, on the 26th day of August,

2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 332

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the following 2016 budget transfers are hereby approved:
$2,000.00 from the A4540.428 Ambulance communications account to the A4540.484 Ambulance office and miscellaneous account;
$100.00 from the A6776.422 Silver Circle food account to the A6776.480 Silver Circle resource materials account;
$740.00 from the A8510.200 Taylor's Island equipment account to the A8510.408 Taylor's Island cabin repairs account;
$1,332.00 from the B1990.400 Part Town Contingent account and dispersed as follows:
$41.00 to the B3620.200 Building Inspector equipment account,
$250.00 to the B3621.484 Building Permits Coordinator office and miscellaneous account,
$41.00 to the B8010.200 Zoning Officer equipment account, and
$1,000.00 to the B8010.484 Zoning Officer office and miscellaneous account; and

BE IT FURTHER RESOLVED, That the following budget modification is hereby approved:
$26,750.00 from the Assigned to Waterways Fund Balance to the A5710.400 Waterways Management account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 333

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That general claims numbered 1138 through 1283 in the amount of $105,389.75, highway claims numbered 150 through 162 in the amount of $17,055.45, and West Neck Water claim number 25 in the amount of $220.69 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:45 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of No Name Road LLC/Richard Levine, 47 A South Ferry Road, for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.100867° north and longitude 72.500567° west; said mooring location was formerly occupied by the C-2320 Cooper mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: it was the selling of the property in September of 2015, the seller was Louis Cooper and Susan Berger Jones and the new buyers and they're looking to take over an existing mooring at that location which is the same location as where the previous mooring had been, so there was no problem with that and we saw no problems.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 4:46 p. m. and called to order the public hearing to be held as advertised on the application of Joseph W. Tyree, 47M South Ferry Road, for permission to construct a 4' by 20' ramp up onto a 4' by 90' level fixed dock, construct a bench and install two swim ladders at offshore end and install four mooring pilings in Coecles Harbor.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: it's a straight forward application, there was no complaints that I have record of, with the committee it was a vote of 7 - 0.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Mr. Costello; just here to answer any questions that could possibly be; is it done yet.

The Deputy Supervisor declared the public hearing closed at 4:47 p. m. called to order the public hearing to be held as advertised on the application of Mark Labrozzi, 9A Baldwin Road, for permission to install a stake, mooring and pulley system in West Neck Harbor at a location designated as latitude 41.030097° north and longitude 72.769° west; said location was formerly occupied by the Hurwitz W-3052 stake, mooring and pulley system.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: again no controversial, they were looking for a mooring just to the side of the boatyard right at the end of the ramp in West Neck Harbor and the voted to support this and there wasn't any problems with it.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 4:48 p. m. and at 4:50 p. m. called to order the public hearing to be held as advertised on the proposed Local Law granting an increased exemption pursuant to RPTL-459-c for persons with disabilities and limited income.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor explained that this is a long list of conditions relating to income and tax relief and opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm very supportive, I think it's a good idea, a nice initiative by the Assessors; they did a good job.

The Deputy Supervisor declared the public hearing closed at 4:52 p. m. and at 4:55 p. m. called to order the public hearing to be held as advertised on the application of Scott L. Murphy, 8 Chequit Avenue, for a wetlands permit for permission to add a 60 square foot mechanical room cantilevered off west side of house, add elevated deck for air conditioning equipment between existing and proposed mechanical rooms (no ground disturbance), and raise interior finished floor height to FE 8 feet.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for the reports from the Planning Board and Conservation Advisory Council, which were as follows:

The Planning Board reported as follows:

26 July 2016

Re: **Murphy Wetlands Application**

8 Chequit Road, Shelter Island Heights, SCTM # 0700-05-03-03

Zone AA Residential; within Near Shore Peninsular Overlay District

We are in receipt of the Town of Shelter Island Wetlands Permit Application prepared by the applicant, Scott Murphy, dated 18 February 2016, to construct an approximately 60 square foot mechanical room on the west side of the house, add an elevated deck for AC equipment, and raise the interior finished floor height, all within the Regulated Area.

This property and applicant has previously been issued a Wetlands permit, #0117 dated 22 June 2015. A Building Permit was issued on 29 October 2015 for the project. Subsequently, as Mary Wilson, the Town Plan Examiner wrote in her 30 March 2016 Denial Letter, "a Stop work Order was issued as the parameters of the issued permit were well exceeded. It appears the house was removed down to the plate, and constitutes a reconstruction – not a renovation/addition." It is our understanding that if more than 50% of a house is reconstructed, it must

meet current, Zoning Code (or be granted relief from the ZBA), Building Code, and FEMA Regulations. As much is similar in this application from the original, some of our comments are repetitive.

A NYSDEC Letter of Non-Jurisdiction # 1-4732-00193/00003 was issued on 14 July 2006 based on the existing bulkhead which pre-dates 20 August 1977.

A new set of Project drawings, dated 21 January 2016, have been produced by D.B Bennett P.E. These are schematic at best as they do not include much detail; original/new construction dimensions and roof pitches are omitted; only minimal exterior finishes are specified. The submitted survey, most recently updated on 22 March 2016, was produced by Peconic Surveyors P.C.

In 2015, the Shelter Island ZBA has issued relief of 8'-0" from the 50'-0" front yard setback. This was partly due to the applicant agreeing never to construct a second story on the property. The applicant returned to the ZBA which on 25 May 2016, Appeal 06-16, granted a Special Permit to reconstruct the original non-conforming house and Relief from the sideyard setback to construct a cantilevered Mechanical Room and air-conditioning compressor shelf to comply with FEMA regulations.

The property is serviced by the Shelter Island Heights Property Owner's Corporation Water and Sewer District. No SCDHS permit is required.

Planning Board members revisited the site on 21 July 2016 and considered all submittals. We submit the following observations:

The circa 1939 house predates Shelter Island Town Zoning and Wetlands Codes. The property at 14,913 sf does not conform to the current 80,000 sf requirement of the AA zoning. Likewise, the existing house and shed do not conform to zoning front, side and rear yard setbacks. The house which extends over the bulkhead into Dering Harbor does not conform to Town wetland setbacks. The third-of-an-acre property does not have a building envelope that conforms to today's codes.

The property is split within the FEMA AE (el 8) and VE (el 8) flood plains. The 2015 NYS Residential Code, R322.3.2(1), states: Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

For this reason, the current application proposes raising the existing finished floors. As the drawings do not present bottom of structure elevations, it is unclear as to whether or not it will comply with code. Drawing A-3.0 section D indicates that the new higher floor is to be set over the existing lower structure in the Bedroom which extends over the water. Again we are not sure how this complies with R322.3.2(1).

The 2015 application included drawings prepared by Joseph Fischetti, P.E. They indicated that the entire house roof structure (framing, sheathing, and roofing) was to be replaced but they did not specify a final construction height nor pitch.

The existing block foundation appears to be generally in good repair. A few structural cracks were observed that may have to be addressed. We also noted new framing placed over rotten sills that should be replaced. A few areas of new plywood sheathing showed signs of mold that will have to be remediated before being further enclosed.

The house spans over the property bulkhead and sits on a series of piles. The bulkhead has been re-sheathed in vinyl in the past and appears to be in good condition. The portion of the house extending over the harbor appears to be set on new girders, but the condition of the girder supporting piles is uncertain.

There is an existing narrow cantilevered deck that partly wraps around the west, south, and east sides of this house. It does not have a guardrail, and it remains in the proposed drawings without one.

The existing silt fencing and haybales are no longer functional. These should be replaced with wirebacked silt fencing to ensure continuing protection. The property is currently being used to store a small motorboat, and a small sail boat, both on trailers. It is unclear if they are to remain on site if, and when, construction resumes. It seems to us that they take up trade parking and material storage area on the very small lot.

Conclusions

This is a complete renovation of a small house but on a third-of-an-acre lot. Construction has clearly affected more than fifty percent of the structure. The house was in need of

improvements (electrical service, roofing, decking, etc.). The house currently has two bedrooms. The proposal is for a three bedroom house.

Access to the site is along the narrow and hedged Chequit Avenue. This road is heavily used from Memorial through Columbus Days. The third-of-an-acre property is very small and will have limited area to stage materials, equipment, and trade vehicles, not to mention receive deliveries. A schematic plan has been submitted to show how the site's limitation will be addressed. The prior Wetlands Resolution required that construction only occur between 15 September and 15 June, and this should be included in any new resolution.

Though closer to the harbor, and partly over it, the house remains similar in alignment to neighboring properties. The house immediately to the east is likewise constructed mostly within the Regulated Area and that to the north is partly within it.

The Planning Board remains supportive of improving the property but again requests more detailed information before its recommendation for approval would be issued.

By: Emory Breiner, Planning Board Member, Ian McDonald, Architect, Planning Board Member

The Conservation Advisory Council reported:

Date: June 20, 2016

RE: Scott L. Murphy Wetlands Application
8 Chequit Ave.

The applicant requests a permit to add a 60 sq. ft. mechanical room and a deck for the AC unit to be cantilevered off the west side of the present non-conforming house (no ground disturbance) as well as raise the interior finished floor height to FE 8 ft.

The CAC reviewed this application at its June 20, 2016 meeting.

The CAC voted to pass the application with the requirement that a wire-back silt fence be installed within 2 ft landward of the bulkhead.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: would you come forward to the podium please; I'm Debbie Shepherd, I live across the street at 7 Chequit Avenue and I've been in correspondence with Scott Murphy, I live in California so I was unable to be here during this process, I'm very sorry, it's my first time appearing here, when I arrived this summer, I was under the impression that this was finished and that I had no more chance to say anything, I thought you all met in the spring and that that was the end of it so I just saw the sign posted two days ago, here I am, never seen that document and I don't even know if it's appropriate now for me to comment on this but it's too high, I don't know how this happened but maybe after he went over the 50 percent, and he had to go back to the DEC and they required that it be raised but the problem is what he designed had this pitched roof on which is totally different and the whole thing is just so much more massive from our side of the street so that's my concern but I think my neighbors are having different experiences; whatever, I know we are here today, I'm Shelby Mamdami and I live in the house to the west on the other side of the Heights property and I'm not sure, like Debbie, if the height is compliant now but what I'm concerned about is, is a 60 foot deck as you say, first of all we haven't seen any of the documents that were submitted at the beginning of the year, we have seen no sketches, no descriptions, no anything of what was to be added in this latest variance so we're really coming out of the dark but a 60 foot, that's seems to me like the whole length of the house if I'm not mistaken, from north to south; you're talking about those things that have no rail; no, I'm not talking about the deck in the front that's cantilevered, I'm talking about the new raised thing for the HVAC; oh that; is that 60 foot, is that right; 60 square foot; 60 square feet; oh 60 square feet; that would be like 6 by 10 or something like that; and that's gonna be on the west side of the house, facing the Heights property; right; where I believe there's like 3 feet of space between, or 4 feet of space between the house and the property line, is that right; well it won't go over the property line but there might be 3 feet after the deck thing there; so it's very close, so that's what the variance is about; that's what the variance that they received is about; okay; this is for a wetlands permit from the Town Board for construction so close to the water; right and we're all concerned about that and we share the Shepherd's concern about the height and the general changes that happened so we just don't, we're really unsure about what is, what has been allowed and what is yet to __; let me say, one, come at any time and take a look at the Town Clerk's file and two, after you guys all speak with Mr. Murphy, he can address the issues; okay, were we supposed to be copied with these drawings that were issued in the beginning; no; okay; we sent them out Shelby; oh you did, I can't recall seeing anything and I'm pretty careful about it, thank you;

yes ma'am; I'm Annamarie Flower and I live at 10 Chequit, on the opposite side of the house, what is, would you explain to me what a mechanical room is; it's a room for the air conditioner type stuff, things like that, right; right; a furnace in this case and an electrical closet so it's 6 by 10 roughly, I'll address that in the setback issue when I; mechanical room is a generic term for those types of things; yeah, the existing stuff is too low in the case of a flood, it needs to be raised up, so it's a place to put that stuff; well I never saw a sketch of what was going to be done, it was only my understanding from the beginning that it was going to be a new deck and one bedroom, and now it looks like almost three houses next door, the height of it and I understand from what you read, it's only supposed to be one floor; I think it's a one story home; what is that pitched so high; I guess they wanted that; it's the design; I can address that; okay; maybe we should let Mr. Murphy speak and then you'll have the answers to some of your questions and then you can ask him some questions; okay, thank you; okay, that's fine, thank you; that would be helpful to me, what do you think; I think that's a great idea; Scott, do you have the receipts from the adjacent property owners, cause you haven't brought that in; I have receipts and all of that; okay, you need to bring that in, we are supposed to get that before the hearing; I have that in my packet; okay; not all of them were returned and a couple of them were but I do have them; okay, hi, for the record I'm Scott Murphy, so the original design that was approved and I went through all the necessary steps with the plans, it seems as though this is now coming back to me a year and a half later, I don't know why this is in question at all, the fact that I signed affidavits to my deed to never be able to build a second story, sacrificing that equity in my house and I felt I was doing a great favor for my neighbors that I would never build a second story and it's out of scale and not appropriate for the neighborhood so when you build to current Code, you're required as I was with my new addition, to build under the current FEMA elevation, so if I were to keep my old roof and build to my current FEMA elevation, my wall height and my ceiling height would be about six feet, so it's not possible, so with the new elevation and the new floor elevation, also the walls need to be taller, therefore the roof needs to be taller so my roof in actuality is about four feet taller than it was when the house was built back in 1929 or 1930, so; what was it before and what is it now, the height; the height before was about 23 feet and not it's roughly 27, 28 feet to the peak; okay, gotcha; it's still a single story house so there's nothing that's changed there, the mechanical room as I said is for the furnace and, really just for the furnace and the electrical panel and then the Town requires an HVAC permit so when I applied for the permit, it made sense to raise that also out of the floor zone because after Hurricane Sandy I lost my mechanicals at that time so now is the time to do it and to answer your question about the setback to the west side, there's about fourteen feet after the mechanical room, twelve or fourteen feet out; there's no west elevation on this drawing; there's no west elevation but I do have __ and I have it on the latest survey, so currently it's 12.3 feet from the left corner of the house to my setback, where I'm proposing the mechanical room, it's about ten, it's about nine feet to the property line and that roof to the mechanical room is certainly not going to be the same height as __, it's gonna be more at the wall height __ so it should be hidden behind the large cedar tree that, I don't think that you'll even see it, so I hope that addresses your concern but I'm happy to provide you with further plans and __ the property if you like, what other questions were raised; how about the Planning Board's comments about the boats and stuff being kept there and how it will interfere with the ability to store construction vehicles and materials on that property; yes, I maintain that when action, when and if action starts construction again, after September 15th, I plan on clearing out both of the boats that are there, any construction material, I'm only going to have delivered what is needed at the time so I can efficiently, and all the construction trucks can park in the driveway, I'll make sure that that's clear and again it's after September 15th so my feeling in general is that I've been from day one, complying with the plans that were approved, what tripped the plans was the 50 percent rule that was never originally brought to my attention, the 50 percent rule, there's some question of whether it's the actual structure or whether it's the value of the structure, so there seems to be some confusion on that, what I read into the FEMA regulations is the value of structure and again it was impossible for a new roof that was approved to be supported by old framing that was built in 1929, ___, rotten framing and also the wall height wasn't tall enough so even if I left all of the old framing, it would have been an entirely new framing all around, the old framing wouldn't support the new roof so that's just construction 101; Scott, did they anticipate that if you started at an appropriate time, that were you positive you would be finished in the nine months before Memorial Day; I'll be finished at the end of April, early May, I have, all of my subcontractors have deposits they've been sitting on, they're anxious to get started again, we're ready to go, I'm just waiting for all the approvals again, so I not building anything different that was already approved, aside from asking for this mechanical room, the 60 square feet on the west

side; have you gotten any word from FEMA or DEC regarding the elevation element and what they talked about the substructure and is that gonna comply or you got issue with that; I have, I just got a letter yesterday from Alexa, she's the new person that's handling the DEC's, she came out on June 15th to inspect the property, she looked at the property, she read all the comments that were made, we had a good conversation, she said she didn't think it was nearly as bad as what everybody seemed to be pointed towards, that she would issue me a notice of violation and that may, a notice of violation by doing work over the waterside without the proper permit, not even non-jurisdiction, there's a section that says you can do work but just landward side of the bulkhead so that also seemed to be overlooked in the previous application that was never, they never went back to look at the, that particular letter of non-jurisdiction, I just assumed that I was okay to renovate the house and in actuality that was a violation so after her inspection she said it is a formality that she would issue a violation, that may result in a fine but it may not but the next step is to, I forget what they call it but basically a sit down with the DEC and it's, and it's, so I made the call, put in two calls to the one that I'm supposed to sit down with and we just sit down and explain what went wrong, what happened, show them the plans and then they work on some sort of resolve; so when we first approved this, the letter of non-jurisdiction, actually the 2006 letter, right; that's right; and were the plans submitted to the DEC for that one; no; so we actually, that was; so that was just overlooked I guess so it was never brought to my attention, and this thing about the fifty percent rule, even says in some old correspondence, actually on the old wetlands permit, if you read back and I can pull it out of my file, there was somebody on the Town wetlands board that said that the construction was going to be fifty percent if not more so there's already the pre-conceived notion that this was going to be a sizable project so it seems like I'm being held accountable for something that everybody already knew what was gonna happen and then I built what I thought I was approved for and now I'm being penalized and everybody has to suffer because of there's a house virtually rotting with mold, not finished, so I'm anxious to get it back up and running and to answer your question, I can guarantee that I'll be buttoned up on the outside long before the Spring, cause we're halfway there; it would be nice if they let you put the roof on now; it would have been nice but not to mention my budget with all of this, the old part of the house, I was not planning on renovating the entire interior but now that I have to raise the floor level, the entire house needs to be which also doubles my budget which I was not expecting, the hardship is ongoing for me and it's um, I'm not a person that has deep pockets and that I can afford a double budget so I'm doing a lot of the work myself, I'll put it that way; do you need a DEC permit now; I will; you've been spanked but now what happens, the DEC will, after this sit down and meeting, they will more than likely either issue me a fine and/or they will give me a letter that allows me to continue the work over the water with some stipulations that I protect, just like you have the wetlands board, build some sort of a fencing system around portion of the water and I explained that I did that the first time around and she said well that's great, that's what we would have required and, so according to them it didn't seem like this is a big __, we're not gonna make you rip it out or do anything like that and she asked if I did anything with the foundation on the portion over the water and I said no, we didn't touch the foundation and in fact the new plans showed I'm planning on building or cutting out, flood vents in the existing foundation which will help and she said oh that's good too and as long as you didn't touch the foundations, I don't see any problem with moving forward, you just need to have this consultation sit down and she said that usually takes about three weeks, I don't think anything in the DEC takes three weeks but we'll see, the first thing is getting the appointment with her so I've got two calls in; and then obviously you'll be communicating with us to let us know the results; and I made copies of the letter that I just received yesterday, for you all and any correspondence, I'll make a copy of that; we don't want anybody to get crossed up again; yeah I'm just trying to keep everything in order and trying to get through this; you guys have any more questions; I just haven't seen the plan, is there a storeroom back here, is that gonna be built also, this mechanical room on the west side; this is the old mechanical room at the lower level elevation; oh okay; and this is being added here, I'm not gonna do anything here; okay; this is the new proposed; this one is gonna be raised; this would be raised, the floor height would be raised, the roof height would be about the same, I don't need a large; can I get, is there an elevation of the west; I can make one but I don't have an elevation of the west; are there going to be any windows on the west side; yes there will be, there will be two, three windows, well the windows over the water will remain the same, ___, the other windows again remain the same, same location, in fact we're taking one window out, there's a window in the __ we're taking out, so the west elevation isn't really changing much except for this, with the height, there is nothing we can really do about, I could change it and do a flat roof and I can't really change, I don't think it's the height; the overall height is at the 35 foot, right; it's

27; 27 to 28; I know nothing can be done, I just wanted, I just don't quite understand, so after you went over the 50 percent and the DEC came back to you and said you have to raise the floor level; no, there's the one person, the current zoning inspector Chris Tehan who seemed to have a personal thing; and so you had to raise the floor level; so I propose with the new addition, I had to be at a certain height, the floor elevation height, it's elevation 8 so that's where the piles are ____ so that really dictated the floor height, I volunteered to raise my kitchen area to that same elevation so that I wouldn't have three or four elevations going on there, that seemed to make sense with everybody, so that got passed and I wasn't planning on changing the elevation on the lower section, it's only when I got a stop work order and I got sent back through the permit process that they want me to, they say I'm building a brand new house, so now I have to comply with FEMA regulations and FEMA says I can't have my floor height of the old section of my house at that level, now everything has to come up; everything has to come up; right but you wouldn't notice that, that's all interior; so the plan we're looking at now is a roof line that was approved in the very beginning; yes; and I; ___ ; __; and it's worth noting that it's within the Code so I mean you know it's; and the actual heights are in the elevations; the Town has the fifty percent; this is my personal home I've owned for twelve years, I live with, by myself and with my kids, visit; you're going to live in it with your family; yes; are there any other questions; and I have lived there for the last eight years; I just want to review on the, to make sure that I understand, so the DEC and FEMA, they're going to be looking at these current plans and what's going on and you're gonna find out; yes; what the deal is; so I may, with my engineer, they may require me to come up with a new or more detailed plan, I'm not sure; right; but based by their inspection they didn't mention that to me but maybe in the sit down, maybe that's what it is all about and I'll have my engineer there; but they're gonna see what's going on, the plans that; they actually have a copy of the plan, they have reviewed it; okay good; so I guess I'll be taking their lead and this seems to be the last hurdle in this whole fiasco; now that's the set of plans that was submitted originally; nothing has changed on these plans except the mechanical room and the foundation plan that I'm showing; right; in terms of like the flood vents; with the elevation with the raising of the floors, that was part of the program originally; yes; in the detailed drawings somewhere; yes; and you're saying that was missed as far as; no that was all approved because I have a new addition that was applied for; right; so that's what dictated the height of that particular section; I remember that; I volunteered to raise this other section and that was approved; right; I was not planning on raising the entire lower section of my house which is, ___ because the house itself was so charming and the last thing I wanted to do is change the entire interior and I love my house, I live here year round, I'm not just a summer resident, I work on the Island, I'm doing a lot of projects here so I'm deeply invested in the community; who's decision was it that the rest of it had to go, be raised, FEMA; that was according to the letters that I received from Chris Tehan and Mary Wilson, they seemed to take it upon themselves; Chris Tehan and who; Mary Wilson; oh okay; pursuant to our flood code; right, okay, so that's really not; if you had not raised it all; a split level; and I guess in the end I would have had a house that was half compliant; right; and half not and Sandy did come close to taking, coming through the first floor so in the end if I project ten and twenty years and I want to leave this house to my kids, the work if it has to be done, it should be done now and everything should come up and the house I hope should remain for a long time; yeah; okay; just the hard way, right; Emory; I just want to say to the applicant, the letter of non-jurisdiction is really a form letter and they saw the copy of this before 1977, they got the form letter and they didn't and they probably could have if they looked at the survey, they didn't realize part of the house went over the water; right; that's how often they run into that; right; she said, the woman at the DEC said the house is very unique, she hasn't seen anything like it __ it's pre-existing and extremely non-conforming so I don't think their angle is to make me tear anything out, it's just how can get a resolution to it; yeah; __; bring it into compliance; yeah; or as close as you possibly can without razing the house, moving it, putting in new pilings, I mean it would be in my opinion, it would be unattainable for me financially for me and it would be, environmentally it would be a disaster to be able to take that foundation and move pilings and move the house and talk about raising the height, it would go up from there, only going up, so besides signing on the only ever built single story house, I don't know what I can give back; I'm looking for a third bedroom for my kids; thanks Mr. Murphy; thank you; thank you; is there any reason to keep this open except for written correspondence.

The Deputy Supervisor declared the public hearing closed but held it open for written correspondence at 5:28 p. m. and reconvened the recessed public hearing to be held as advertised

on the application of Robert Sloan, 171 North Ram Island Drive, for permission to remove and replace 100 linear feet of existing deteriorated timber jetty in same location with new vinyl jetty.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: they have, some people, we got a letter from the DEC regarding the height of the jetty which was an issue with the WMAC but we didn't have the actual permit in hand yet, that's been communicated to them and it has not come around yet; it has to be tabled til the permit is issued but everybody is in compliance if they come down from 30 inches down to the 16 inch or 18 inch; 18 inch.

The Deputy Supervisor declared the public hearing recessed at 5:29 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 334

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", No Name Road LLC/Richard Levine, 47 A South Ferry Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.100867° north and longitude 72.500567° west; said mooring location was formerly occupied by the C-2320 Cooper mooring, and

"Whereas", a public hearing was duly held on the 5th day of August, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 335

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Mark Labrozzi, 9A Baldwin Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system in West Neck Harbor at a location designated as latitude 41.030097° north and longitude 72.769° west; said location was formerly occupied by the Hurwitz W-3052 stake, mooring and pulley system, and

"Whereas", a public hearing was duly held on the 5th day of August, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the installation of a stake, mooring and pulley system in West Neck Harbor at a location designated as latitude 41.05163° north and longitude 72.34616° west; said location was formerly occupied by the Hurwitz W-3052 stake, mooring and pulley system.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 336

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on the 5th day of August, 2016, on a proposed Local Law entitled granting an increased exemption pursuant to RPTL-459-c for persons with disabilities and limited income, and

"Whereas", all interested persons were heard in favor of or in opposition to said proposed Local Law, now, Therefore

BE IT RESOLVED, That Local Law No. 1 - 2016 granting an increased exemption pursuant to RPTL-459-c for persons with disabilities and limited income is hereby adopted to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Current Annual Income Levels for Eligibility	NY State Calculation of Revised Income Limits	***Proposed*** Annual Income Levels for Eligibility	Percentage of Exempt Assessed Value
Less than $24,000	M=$29,000	Less than $29,000	50%

$24,000 or more but less than $25,000	Less than M + $1,000	Less than $30,000	45%
$25,000 or more/less than $26,000	Less than M + $2,000	Less than $31,000	40%
$26,000 or more/less than $27,000	Less than M + $3,000	Less than $32,000	35%
$27,000 or more/less than $27,900	Less than M + $3,900	Less than $32,900	30%
$27,900 or more/less than $28,800	Less than M + $4,800	Less than $33,800	25%
$28,800 ore more/less than $29,700	Less than M + $5,700	Less than $34,700	20%
$29,700 or more/less than $30,600	Less than M + $6,600	Less than $35,600	15%
$30,600 or more/less than $31,500	Less than M + $7,500	Less than $36,500	10%
$31,500 or more/less than $32,399.99	Less than M + $8,400	Less than $37,400	5%

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 337

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Joseph W. Tyree, 47M South Ferry Road, has petitioned the Town of Shelter Island for permission to construct a 4' by 20' ramp up onto a 4' by 90' level fixed dock, construct a bench and install two swim ladders at offshore end and install four mooring pilings in Coecles Harbor, and

"Whereas", a public hearing was duly held on the 5th day of August, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilwoman Lewis and seconded by Councilman Shepherd, the meeting was adjourned at 5:35 p. m. This motion was carried.

August 5, 2016 - continued

Dorothy S. Ogar
Town Clerk

August 16, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 16th day of August, 2016, as per written notice. Town Board members present were Councilman Paul D. Shepherd and Councilwomen N. Christine Lewis and Mary Dudley. Supervisor James D. Dougherty and Councilman James T. Colligan were absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and four persons were present.

The Deputy Supervisor called the special meeting to order at 9:00 a. m.

The Town Board took a field trip to the John and Blair Borthwick residence at 71 Nostrand Parkway, to review the filed applications from the Borthwicks who have applied for a special permit and a wetlands permit concerning the conversion of an existing residence into an accessory dwelling and the construction of a new two story single family residence; the proposed swimming pool, sauna and portions of a proposed terrace will occur in the adjacent regulated area, therefore requiring a wetlands permit.

On motion of Councilwoman Dudley and seconded by Councilman Shepherd, the special meeting was adjourned at 9:25 a. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

August 26, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 26th day of August, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwoman Mary Dudley. Councilwoman N. Christine Lewis was absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and six persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from Dr. James M. Bevilacqua stating he is interested in serving as a member of the Deer and Tick Committee.

The Supervisor presented the following financial report for the month of July, 2016:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
JULY 2016

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen Checking	4,703,513.03	249,576.84	933,135.55	4,019,954.32	768,600.64
Hwy checking	1,110,993.32	4,562.55	356,889.32	758,666.55	
T&AChecking	14,598.25	40,019.11	32,420.26	22,197.10	15,370.38
T&A Savings	12,221.51	0.29	0	12,221.80	
Hwy Cap Res	231,389.42	5.52	0	231,394.94	
WNW Supply	7,897.34	16,445.79	736.73	23,606.40	109,762.33
Taylor's Island	39,881.75	1.68	0	39,883.43	
Comm Preserv	5,410,412.31	228.1	0	5,410,640.41	591,084.98
Waterways	245,200.51	3,500.00	0	248,700.51	
Reserve fund	620,042.75	0	0	620,042.75	
Bridge St Escr	0	0	0	0	352,418.79
Environmental	15,750.00	0	0	15,750.00	
FIT Ctr Reserv	7,658.33	0	0	7,658.33	
Ambul. Reserv	216,546,99	9.13	0	216,556.12	
Ambul. Trng	30,002.67	0.72	0	30,003.39	
TOTALS	12,666,108.18	314,349.73	1,323,181.86	11,657,276.05	1,837,237.12

RESOLUTION NO. 338

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Richard Relyea, 121 North Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Gardiner's Bay at a location designated as latitude 41.08232° north and longitude 72.293038° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 16th day of September, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 339

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", the Town has received a very generous donation from the Senior Citizens Foundation of Shelter Island, Inc. in the amount of $36,000.00 towards the purchase of a 2015

Toyota van, 4 seats with handicapped seating, to be used for wheelchair-bound citizens on the Island, and

"Whereas", this opportunity came about recently and was thus unknown at budget time, now, Therefore

BE IT RESOLVED, That the following budget revisions are hereby approved:

$36,000.00 increase to the 2016 A2705SR Senior Center Donation revenue account funded by the check from the Senior Citizens Foundation of Shelter Island, Inc., and

$36,000.00 increase to the 2016 A6777.200 Senior Center equipment account; and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement check in the amount of $2,010.00 received from The Nature Conservancy as follows: $1,456.00 to the A4010.422 Deer and Tick corn account and $554.00 to the A4010.491 Deer and Tick maintenance account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 340

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Resolution No. 324, dated August 5, 2016, is hereby amended to read as follows:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby elect to provide the additional pension benefits of Section 375-e, 375-g and 375-i of the Retirement and Social Security Law for police officers, as presently or hereafter amended, and

BE IT FURTHER RESOLVED, That the effective date of such shall be August 26, 2016.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 341

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $149.00 from the A3120.483 Police Department telephone account to Chase Card Services for the annual LogMeIn subscription.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 342

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $969.00 to Chase Card Services for 9 employees to attend Microsoft Excel Basic and Beyond the Basics training seminars on October 5 and 6, 2016, as follows:

$113.00 from the A1355.484 Assessors office and miscellaneous account,

$163.00 from the A3120.484 Police Department office and miscellaneous account,

$128.00 from the A5010.440 Superintendent of Highways training account,

$113.00 from the A6772.484 Nutrition Program rent and supplies account,

$28.25 from the CP8710.484 Community Preservation Fund office and miscellaneous account,

$226.00 from the B3620.492 Building Inspector education and training account,

$113.00 from the B3621.484 Building Permits Examiner office and miscellaneous account,

$28.25 from the B8012.484 Zoning Board of Appeals office and miscellaneous account,

$28.25 from the B8020.490 Planning Board training account, and

$28.25 from the B8030.484 Water Advisory Committee office and miscellaneous account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 343

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", pursuant to a surety agreement between the Town of Shelter Island and R. W. Mulligan, the Town accepted a certified check in the amount of $4,850.00 in lieu of a contractor's performance bond, and

"Whereas", Section 4 of said agreement states that the Town shall hold the certified check until the Commissioner of Public Works has approved the project, and

"Whereas", the Commissioner of Public Works has approved said project, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to return the certified check in the amount of $4,850.00 to R. W. Mulligan, 246 West Main Street, Riverhead, New York 11901.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 344

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Hay Beach Association paid a compliance fee of $100.00 for their block party on Sunday, August 21, 2016, on Hay Beach Road, and

"Whereas", the Superintendent of Highways has determined that no portion of said fee was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance fee to Mr. Robert Fredericks, P. O. Box 313, Shelter Island Heights, New York 11965.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 345

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Victor Bethge has requested permission as per application dated August 16, 2016, to hold the Women's North American Sunfish Championship sailing race on September 16, 17, and 18, 2016, in West Neck Harbor and Silver Beach, and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Shelter Island Highway Department has no objections to said sailing race, and

"Whereas", the Shelter Island Police Department responded that there is no anticipated need for police services, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 346

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:48 p. m., prevailing time, on the 16th day of September, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled Amendments to Chapter 126 re: Heights traffic control, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Amend 126-2 of the Vehicle and Traffic Law by adding a new STOP sign on: Bay Avenue; direction of travel: east; at intersection of Grand Avenue, and a new STOP sign on Waverly Avenue (south fork) at Chequit Triangle; direction of travel: southeast, at intersection of Grand Avenue;

Section 2. Amend Section 126-7. Pedestrian crosswalks by adding new D. and E. as follows:

D. There shall be a pedestrian crosswalk on Grand Avenue near the intersection of Bay Avenue (on the Prospect Park, north side); and

E. There shall be a pedestrian crosswalk on Grand Avenue near the intersection with Waverly Place;

Section 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 347

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:50 p. m. on the 16th day of September, 2016, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled Amendment to Chapter 90 (Mooring Law) of the Town Code concerning stake, mooring and pulley systems in the Silver Beach Lagoon, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Amend existing Chapter 90 of the Shelter Island Town Code, titled "Moorings", by adding a new Section 90-9.1titled "Rules and Regulations for Silver Beach Lagoon", as follows:

90-9.1 RULES AND REGULATIONS FOR SILVER BEACH LAGOON

A. In addition to the provisions of Section 90-9, the following additional regulations shall apply to the ten mooring boat slips along the Silver Beach Lagoon bulkhead:

1. Replacement tackle MUST BE low profile pyramid type moorings.
2. The length of the chain from mooring to buoy shall be fifteen (15) feet.
3. The maximum lengths and beams of vessels using these slips shall be limited to the following:
   a. Bulkheaded area berths SBL 05 - SBL 09: max length 23' and max beam 8';
   b. Bulkheaded area berths SBL 10 - SBL 14: max length 23' and max beam 8.6';
   c. Stake, mooring and pulleys SBL 021 - SBL 04: max length 17' and max beam 8'.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 348

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", John and Blair Borthwick, 71 Nostrand Parkway, have petitioned the Town of Shelter Island for a wetlands permit to demolish a pre-existing residence 60' from the wetlands, demolish a pool 50' from the wetlands, and construct a new pool and patio 75' from the wetlands, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:52 p. m., prevailing time, on the 16th day of September, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 349

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", John and Blair Borthwick, 71 Nostrand Parkway, Shelter Island, New York, zoned A-Residential/Near Shore and Peninsular Overlay District, and designated as Suffolk County Tax Map 0700-013-01-006 and 007, seek permission to construct a 10,403 SFLA residence, and

"Whereas", it has been determined that a special permit is required under §133-7(F)(1) of the Town Code to construct improvements with SFLA of 6,000 square feet or above, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls a public hearing to be held at 4:53 p. m., prevailing time, on the 16th day of September, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 350

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the following 2016 budget transfers are hereby approved:
$1,600.00 from the A1010.200 Town Board equipment account to the A6777.200 Senior Center equipment account;
$1,000.00 from the A1490.419 Public Works generator maintenance account to the A1490.416 public Works mower repairs account;
$1,234.00 from the A3120.113 Police Department part time police personal services account to the A3120.115 Police Department seasonal police personal services account;
$500.00 from the A4010.200 Deer & Tick Committee equipment account to the A4010.484 Deer & Tick Committee office and miscellaneous account;
$3,000.00 from the A8510.412 Taylor's Island dock repair account to the A8510.408 Taylor's Island cabin repairs account; and
$5,000.00 from the B1990.400 Part Town Contingent account to the B8020.497 Planning Board professional services account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 351

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That general claims numbered 1284 through 1404 in the amount of $154,135.23, highway claims numbered 163 through 176 in the amount of $7,277.35, and West Neck Water claims numbered 26 through 28 in the amount of $7,646.57 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:45 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Waheed Alli, 82 Gardiner's Bay Drive, for permission to install a mooring in Gardiner's Bay at a location designated as latitude 41.105312° north and 72.328260° west; said mooring location was formerly occupied by the O-820 Mintzer mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor Called for a report from the Waterways Committee of the Town Board, which was as follows: they were good to go on a four zero one vote and they didn't have any problems, right Paul; right.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 4:47 p. m., and at 4:50 p. m. called to order the public hearing to be held as advertised on the proposed Local Law entitled Amendment to Chapter 51 of the Town Code concerning membership of the Community Housing Board.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 4:51 p. m., and at 4:52 p. m. called to order the public hearing to be held as advertised on the proposed LOCAL LAW ENTITLED AMENDMENTS TO CHAPTER 113, POOLS.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 4:53 p. m., and at 4:54 p. m. called to order the public hearing to be held as advertised on the application of Pandion Landing, 64 Burns Road, for a wetlands permit for permission to demolish all existing structures along the bulkhead which fall within the 100 foot wetlands setback area.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council, which were as follows:

The Planning Board reported as follows:
Date: July 27, 2016
To: Shelter Island Town Board
From: Shelter Island Planning Board
Re: **Pandion Landing Wetlands permit application**
SCTM #700-16-1-5.1
64 Burns Road, Shelter Island, NY
Project description summary: Applicant plans to demolish all structures within the wetlands regulated area, landward of the existing bulkhead, including 4 frame buildings, a concrete block shed, a swimming pool, a pergola, a masonry building, a basketball court, and all associated walkways, drainage, sanitary and underground utilities. A wetlands permit was determined to be necessary because the project involves regulated activities within the regulated area as specified in Town Code chapter 129, section 2.
Submittals: (copies of)
1. A letter dated 5/25/16 from the Town Building Permits Coordinator rejecting a building permit application until a wetlands permit is granted.
2. Completed Wetlands application dated 12/9/15.
3. A Survey - Last revision date – 5/5/16
4. NYS DEC letter of non-jurisdiction for a portion of the project - dated 1/19/16.
5. A NYS DEC Permit #1-4732-00485/00015 for demolition of the basketball court and associated drainage structure.
6. Completed Short Environmental Assessment Form dated 12/9/15
7. A cover letter dated 5/9/16 summarizing the demolition project.
8. Owner's endorsement – 12/10/15
9. Town Board Certification-12/10/15
10. Notice to neighbors.
11. Certificate of Liability insurance.
12. Planning Board Sketch Plan Approval – Res. # 8-2016
13. The demolition SWPPP document.
Observations (from submittals):
1. The project lies in Zone "C" (Residential) and in the Near Shore Overlay districts.
2. Septics, pool and other dry wells if existing are not all indicated on the survey but there are several metal and concrete covers shown that are probably septics or dry wells. All are to be demolished if found.
3. The details covered in the submittals appear to adequately cover all aspects of the demolition project needed in order to render a wetlands permit decision.
4. Indication in the application is that SCDHS permits are not needed for abandonment of septics.
Observations (from site field inspection):
1. Conditions on site seem to comply with indications presented on the survey and in other submittals.
Mitigation proposals:
1. The entire demolition project removes structures that are now non-conforming to our wetlands code.
2. Silt fencing is proposed for each aspect of the demolition project.
3. Applicant plans to administer all SWPPP procedures.
4. Regrading and seeding all disturbed areas to control erosion.
Recommendations:

1. The Building Department should insure that SWPPP procedures are followed and that the usual precautions to prevent runoff during demolition are observed.
2. As a condition of the Wetlands Permit, the applicant should submit copies of the SCDHS WWM-080, Certification of Sewage Disposal System Abandonment, for all sanitary system that are abandoned, when work is completed.
3. The Planning Board recommends granting of the Wetlands Permit.
by: Paul E. Mobius Jr. and
John D'Amato
For the Planning Board

The Conservation Advisory Council reported:
From: CAC, Date: June 20, 2016
RE: Pandion Landing Wetlands Application, 64 Burns Rd

Inter-science Research Associates submitted this wetlands application on behalf of Pandion Landing requesting to demolish all existing structures along the bulkhead, which fall within the 100 ft wetlands setback area. It states that the septic systems will be abandoned.

The CAC reviewed this application at its June 20, 2016 meeting.

The CAC voted to pass the application with the requirements:
1. A wire backed silt fence be installed within 2 ft landward of the bulkhead in order to prevent any run-off entering the bay.
2. The buildings be collapsed onto themselves allowing the walls to fall inward.
3. All the demolition is to be completed and removed from the properties before any asphalt is disturbed.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I have this which gives you the idea of the hundred foot __ so it runs all the way along here ___ here's the tennis court, the main house, the pool, the cottage, this little cottage, there may be more but that's what's in the wetlands area; right; I'll be very brief, I could have used the two minutes of the prior hearing, just to say that this is a pre-existing, non-conforming structures within the wetlands setback, we do not propose any need or desire to go back within that wetland setback in the future except perhaps for walkways down to the water, we're not trying to use the existing locations to say we'd like new structures in those places, this is simply for demolition and __ is here to answer any questions, thank you; ___; I have a question; Laury please; I'm just saying when we're looking at this wetland permit, we're talking about a lot of disturbed area, is it going to be removed and ___ for concern so I took a look at the stormwater pollution prevention plan that was prepared for the Planning Board and even the Planning Board engineer had a number of questions about it __, so the proposed work says install stabilizing construction entrance at roadway opening prior to commencement which specifically included some type of a sandtrap device, I gathered, to stop all the mud and stuff from being tracked onto the roads __, __ are you planning on doing that, we will install the washoff areas prior to any demolition; that would be prior to demo; right; then the Planning Board attorney, sorry about that, engineer, he said that the notice of intent indicates that while the total project site is 10.9 acres, there are no more than five acres to be disturbed at any one time, this indicates that the demolition portion of this action will be done in phases, the phases should be identified so what is going to be the phases; the phasing would be the areas most waterward, most seaward, this first phase of the removal, that five acres would be disturbed, that would be regraded, re-seeded and the silt removed once the seed is established and then it would go to the landward five acres section, we can only disturb up to five acres under a SWPPP so it has to be phased; it makes sense going in that direction actually, from the water back; working our way out of the property; and doing the seeding would be good that time of the year; we're anticipating it will be Fall and you know we can water it and help it get established; one of the concerns I had was that, and there's a little discrepancy __, this Stormwater Pollution Prevention Plan is talking a lot about hay bales, your application talks about hay bales, we haven't been accepting hay bales for a very long time; the ordinary standard was the silt fence with hay bales, pretty much everybody has been shifting over to the wire back silt fencing, to it is used interchangeably from the standard point of it was acceptable and now everybody is shifting to it, we can have it updated but it will be the wire back silt fencing, nobody has really been using hay bales for a couple of years; right; but that used to be the accepted standard; right; I just wanted to; it's probably still __; we're gonna say wire back silt fence; that's fine, we'll accept that; I'm also concerned about where are you planning on staging the demolition materials, will they be left within the wetland area; it is

not, it is the stromwater pollution protection plan, along the water along here; yup; most of the ___ will be back here; okay; the July 11th letter to you does state that as well; and do we need any type of erosion control device around that, the materials; we'll have the wire back silt fence around that whole disturbance area and there'll be five acres up here, we'll store the construction material back here and then work our way out of the property; okay; I'm a little concerned because the problem is because the hurricane season is approaching, and if a hurricane hits while there's a bunch of disturbed area; your stormwater pollution prevention plan had talked about some type of temporary solution while we were waiting for the landscaping to be put to rest and regrown, talked about some type of a matting that you put down; it's a burlap mat and you can lay it on top and that will help stabilize the soil and the you can seed on top of that and then it will naturally decompose as it weathers so they're planning on having a large stock pile of fill for some reason, of putting that on top of it in hope to just control any potential wind blow, erosion and any runoff there as well; we're __ a hurricane, it will take the rain we had a couple of weeks ago, that driving rain; and they're gonna also hydroseed and that does kind of create a sort of mat type of material to help control everything and we don't anticipate in having that whole five acres completely disturbed because we're just taking down the little houses so the lawn in between will actually remain; right; what it is right now and they're gonna keep the excavation to the minimal, only what is necessary to get that structure gone; but to the __ that they have to dig out stuff and the foundation holes, they'll be bringing in some kind of spoil to fill them in on a temporary basis; there will be sand below where the sand would typically be when you dig down and then it will be fill and topsoil on top, they'll just follow the natural profile of the soil; how much of that __ will be necessary, do you have a count; I believe there were potentially in the stormwater; ___; just out of curiosity, does that sand and fill come from off Island or do you take it from the Island; I think there's going to be clean fill from other sites brought onto the property in anticipation for filling in the foundations and the sanitary system and we're gonna remove the systems completely, we're not gonna backfill the leaching pool, we're gonna pull everything out; in our July 11th letter we also talked about temporary irrigation, we just want to make sure that the Board knows that that is one of the suggestions to move the grass quicker but I don't know how the Board, I know irrigation is always a difficult question; well that is merely a matter of available supply; we have test wells on the property already for the Health Department; I just want to make sure, I don't even care about the Health Department, we just don't want you to salt your grass; yeah right; that's pretty narrow down there, what is your test bore actually telling you, how much water do you have; around twenty feet; that's the test well and we have twenty feet; twenty feet of__; yes; where are your test wells located; there's one, they're not on this; we have four all together; they're more than one hundred foot back; okay; I can provide a map with that; that would be handy; and I noticed that, it's a very small part but some of the LIPA easement is in the regulated area so what measures are you going to take to make sure you're not disturbing that during demolition; it's been flagged at one point, that easement is part of the subdivision; is there something in the ground or is it just; it is a service that goes to a pole which services one home in the area; Congdon Point LLC and we've spoken to Congdon Point LLC and as long as we don't interfere with their service, they would have no objections to us putting in a new system which we don't, this is a pretty old system and I guess we may have to come back for that at well, once we get to that point; they're proposing to move it into the line with our underground utilities when the subdivision is installed, we'll just go down the road and then we'll hopefully join back at the same point before we disconnect, that will be all done as one phase; so the demolition is actually a two phase operation, pretty much; as far as; a set of buildings and then another set of buildings; the first five acres and then the second five acres which is beyond the hundred foot setback and the site will just sit that well until we get through the subdivision process; just out of curiosity, are you going to leave the roads in place until the subdivision is over or; ___ located; okay, that would be the last thing you do; yes; okay; all the demolition material, when it is piled up in that staging area there and hauled off, is that going off Island; yes; it all goes off Island; yes; __ concrete ground up on site; oh it will, and used for the road bed; road bed material, what we can recycle we're trying to recycle; and obviously we will not grind road material __; it is my understanding it is one of your goals to get your buildings demolished before you apply for your Suffolk County Health Department approval for the subdivision, is that right; we currently have an application before the Health Department and they have actually come and done their testing on the sanitary systems and they deemed them clean and they are allowing us to remove them, we're in the subdivision process with them which requires well testing and sampling and a whole bunch of other stuff so we're in the process of that; _ what you said Mr. Fleming; no, no, the Health Department has come back and said we will have to discuss each and every building and

so you know, I think we're in the holding stage with Health Department moving forward on certain areas where they can and then we're waiting to show them the final map, that was my understanding; because we're not going to have all these buildings on the property, it's better to wait until we have all of the stuff removed, submitting maps and calculations come down so we don't have to account for each little dormitory rooms and all the office spaces that __ the computer and the calculations for something that's gonna be removed, so it just takes a little time and it saves a lot of time in the long run; right, does anybody have an estimation on the amount of weeks it will take to do the entire demolition approximately; approximately three to four weeks, they're gonna come in with a lot of equipment and attack it pretty quickly __, I don't know how long that's gonna take; but the actually cutting and the dumpsters will be approximately three to four weeks; yeah; but the construction materials, are they gonna be ground on site as well or are they gonna be carted off; carted off; just out of curiosity, are they going to the South Fork or the North Fork; south; they' re going off the South Fork, I would think; and they're gonna try and coordinate, they'll bring some fill in, they'll bring the empty containers in with fill and then take the containers out with the dumpster debris out so they're not making double trips; right, right; right; anything else; I'm sure you have the answer, __ ; how are you going to irrigate it and I wonder if you're managing the irrigation; our hope is that we'll do the demolition in September and so then the grass will be growing fast; usually; __ we will be using temporary well for that; that's what I'm asking, well you need to irrigate, how are you planning, are you planning to __; yes we have wells on site that we will use to irrigate; right, and then will there be somebody monitoring them, if the need arises; there's a caretaker living on the property right now and will continue to live on the property through the construction process, he can monitor it; that's a lot of monitoring, in all seriousness, that's a fair amount of area for a guy to be moving sprinklers, I don't know how; temporary irrigation will be installed; are you going to have like a system set up; yes; okay; and again the five acres, we're not irrigating the whole five acres, we're just irrigating small sites; it depends on the amount of disturbance, with a lot of equipment rolling around, there's gonna be a lot of fixing; understood, I'm just saying that we're not looking at five acres of irrigation; right; it would most likely be about two and a half at most.

The Supervisor declared the public hearing closed at 5:14 p. m. and reconvened the recessed public hearing on the application of Robert Sloan, 171 North Ram Island Drive, for permission to remove and replace 100 linear feet of existing deteriorated timber jetty in same location with new vinyl jetty.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the DEC permit has not been received, therefore we should recess this hearing.

The Supervisor declared the public hearing recessed at 5:15 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 352

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Waheed Alli, 82 Gardiner's Bay Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Gardiner's Bay at a location designated as latitude 41.105312° north and 72.328260° west; said mooring location was formerly occupied by the O-820 Mintzer mooring, and

"Whereas", a public hearing was duly held on the 26th day of August, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 353

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", a public hearing was duly held on the 26th day of August, 2016, on a proposed Local Law entitled Amendment to Chapter 51 of the Town Code concerning membership of the Community Housing Board, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 2 - 2016 entitled Amendment to Chapter 51 of the Town Code concerning membership of the Community Housing Board, is hereby adopted, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Amend the fourth sentence of Section 51-5 which reads as follows: No paid Town official shall serve on the Community Housing Board, to read as follows: No member of the Town Board, Planning Board or Zoning Board of appeals shall serve on the Community Housing Board.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 354

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on a proposed LOCAL LAW ENTITLED AMENDMENTS TO CHAPTER 113, POOLS, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to the State Environmental Quality Review Act (SEQRA) and Chapter 60 of the Shelter Island Town Code, the Town Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board adopts a Negative Declaration, finding that this is an "unlisted" action which will not result in any significant adverse impacts on the environment based on the analysis set forth in the EAF and in the negative declaration, and

BE IT FURTHER RESOLVED, That Local Law No. 3 - 2016 entitled AMENDMENTS TO CHAPTER 113, POOLS, is hereby adopted, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Amend Chapter 113, Swimming Pools, of the Shelter Island Town Code, as follows:

A. Section §113-5 Permits, subsection (D) shall be added to read as follows:

D. All excavations for the construction of a pool must be above the water table. There shall be no dewatering allowed in any pool construction.

Section 2. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilman Colligan, the meeting was adjourned at 5:30 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

September 6, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 6th day of September, 2016. Town Board members present were Supervisor James D. Dougherty, Councilman Paul D. Shepherd and Councilwomen N. Christine Lewis and Mary Dudley. Councilman James T. Colligan was absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and five persons were present. All Town Board members present signed a waiver of notice.

The Supervisor called the special meeting to order at 1:45 p. m.

RESOLUTION NO. 355

Councilwoman Dudley offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Pandion Acquisitions LLC has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 64 Burns Road, Shelter Island, New York, and specifically described on the Suffolk County Tax Map as 0700/016/01/005.001; and

"Whereas", the applicant seeks a wetlands permit for permission to demolish four buildings, a swimming pool and other accessory structures within the regulated area, as shown on a survey by Squires, Holden, Weisenbacher and Smith last dated May 5, 2016, so that the work is subject to Chapter 129 of the Shelter Island Town Code; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction dated 1/19/16 for a portion of the property above the 10' contour and DEC permit 1-4732-00485/00015 for demolition of the basketball and drainage structure in the southeast portion of the property; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on August 26, 2016, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) The parcel is a 24.806 acre bulkheaded property bordering Coecles Harbor which is in the process of being subdivided into 8 lots; and

2) Approximately 4 acres of the property lie within the regulated wetlands area; and

3) The regulated area is currently developed with four buildings, a pool, a tennis court and supporting structures including walkways, driveways, a pergola and drainage structures; and

4) Applicant seeks to demolish the existing structures within the regulated area to clear the property for future development of the subdivision; and

5) Applicant will also demolish many structures and roads on the property as a second phase of the project, after removal of structures in the regulated area; and

6) As mitigation, applicant has prepared a Stormwater Pollution Prevention Plan dated December 4, 2015 which specifies Erosion and Sediment Control BMPs which will be part of the demolition project; and

7) These BMPs include placing wirebacked silt fencing along the bulkhead prior to any earthwork, hydroseeding and hydromulching disturbed areas to revegetate disturbed areas quickly, installing storm drain inlets on public roads within 50 feet of road entrance, stabilizing construction exits and installing an anti-tracking pad at the entrance and staging demolition materials outside the regulated area; and

BE IT FURTHER RESOLVED, That the wetlands permit to demolish four buildings, a swimming pool and other accessory structures within the regulated area, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the survey by Squires, Holden, Weisenbacher and Smith last dated May 5, 2016, and as described in the Stormwater Pollution Prevention Plan (SWPP) dated December 4, 2015; and

2) The following additional mitigation measures shall be in place prior to issuance of a certificate of occupancy:

• large machinery shall be kept away from bulkhead as much as possible; and

• wire back silt fence shall be placed at least 2' from the bulkhead for the entire length; and

• All construction debris shall be staged outside the regulated area and the storage pile shall be enclosed with a wire backed silt fence to prevent debris runoff. The debris pile shall be covered on windy days to prevent debris from getting into the wetlands; and

• Disturbed areas shall be revegetated as soon as possible per the mechanisms described in the SWPPP and irrigation is allowed for purposes of initial seed germination; and

• To the extent possible, the buildings should be collapsed into themselves; and

• All measures of SWPPP should be implemented including revegetation, stabilizing construction exits and installing an anti-tracking pad at the entrance; and
• All the structures should be demolished and C&D materials removed prior to the removal of the driveways on the property; and
3) During construction, wire-backed silt fences shall be securely placed at the location shown on the above-described site plan. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and
4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures detailed in the SWPPP and this resolution shall be examined by the Building Department prior to the start of work and periodically thereafter; and
5) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and
6) This permit shall only be valid for construction commencing within two years of the date of this approval, and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilwoman Dudley and seconded by Councilman Shepherd, the special meeting was adjourned at 1:52 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

September 16, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 16th day of January, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and twenty-six persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

The Supervisor read a PROCLAMATION honoring Mrs. Alma B. Ryder for her 100th birthday. (A copy of this proclamation is attached to these minutes.)

The Supervisor read a PROCLAMATION declaring October 15, 2016 PINK Day for the entire Town and the month of October, 2016 as Breast Cancer Awareness Month.

The Supervisor presented the following financial report for the month of August, 2016:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
AUGUST 2016

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	4,019,954.32	273,586.58	690,969.59	3,602,571.31	768,801.06
Hwy Checking	758,666.95	4,683.95	144,744.73	618,605.77	
T&AChecking	22,197.10	40,860.54	21,729.69	41,327.95	15,374.38

T&A Savings	12,221.80	0.33	0.00	12,222.13	
Hwy Cap Res	231,394.94	6.28	0	231,401.22	
WNW Supply	23,606.40	5,528.34	7,867.26	21,267.48	109,790.94
Taylor's Island	39,883.43	1.68	0	39,885.11	
Comm Preserv	5,410,640.41	215,323.99	0	5,625,964.40	591,239.12
Waterways	248,700.51	5,580.00	26,750.00	227,530.51	
Reserve Fund	620,042.75	18,828.10	0	638,870.85	
Bridge St Escr	0	0	0	0	352,510.70
Environmental	15,750.00	0	0	15,750.00	
FIT Ctr Reserv	7,658.33	0	0	7,658.33	
AmbulanceRes	216,556.12	9.13	0	216,565.25	
AmbuTraining	30,003.39	0.81	0	30,004.20	
TOTALS	11,657,276.05	564,409.73	892,061.27	11,329,624.51	1,837,716.20

RESOLUTION NO. 356

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", J.M.O. Consulting Services, as agent for Deno Fischer, 13 Wheeler Road, has petitioned the Town of Shelter Island for permission to reconstruct in place and raise the elevation by 8", of 123' of timber bulkhead utilizing vinyl sheathing, to remove two existing (13') timber returns and construct a 16' and a 20' return utilizing vinyl sheathing and to backfill structure with +/- 35 cubic yards of clean sand to be trucked in from an upland source and to establish a gravel splash pad, to remove existing 4' x 4' platform, 3' x 12' ramp and 6' x 24' float, to construct a 4' x 6' platform, 3' x 12' ramp and a 6' x 33' float and to replace existing water and electric lines in the Silver Beach Lagoon, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 7th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 357

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", James Theinert, 54 North Menantic Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location south of the Stone Wall, designated as latitude 41.085667° north and longitude 72.312700° west; said mooring location was formerly occupied by the C-3313 Linn mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:41 p. m., prevailing time, on the 7th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 358

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a vacancy exists on the Deer and Tick Committee, and

"Whereas", Dr. James M. Bevilacqua has expressed his willingness to serve on said Committee, now, Therefore

BE IT RESOLVED, That Dr. James M. Bevilacqua is hereby appointed to serve as a member of the Deer and Tick Committee for a term to expire on June 24, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 359

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", a vacancy exists on the Community Preservation Fund Advisory Board, and

"Whereas", Mr. Albert A. Brayson, II applied and was interviewed for a position on said Board, now, Therefore

BE IT RESOLVED, That Albert A. Brayson, II is hereby appointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 360

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement check in the amount of $1,954.00 received from The Nature Conservancy as follows: $1,400.00 to the A4010.422 Deer and Tick corn account and $554.00 to the A4010.491 Deer and Tick maintenance account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 361

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement between the Town of Shelter Island and James J. Read as Chief of Police concerning the terms and conditions of employment, for the period January 1, 2016 through December 31, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 362

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,070.00 from the A1220.491 Supervisor's service contracts account to Williamson Law Book Co., 790 Canning Parkway, Victor, New York 14564, for the annual software support contract for the municipal accounting software for the period October 1, 2016 through September 30, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 363

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town Board does hereby adopt the Asset Management Policy as attached, effective September 16, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 364

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,457.00 from the 2016 A1355.441 Assessors' revaluation update account to United States Postmaster for the purchase of 3,100 $.47 first class stamps for the Assessors' office.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 365

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the A1620.483 buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758-3439, for the quarterly contract payment for servicing the telephone systems for the period October 1, 2016 through December 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 366

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $65.00 from the Town Attorney A1420.484 office and miscellaneous account to Touro Law Center to pre-register Laury Dowd to attend the 28th annual Leon D. Lazer Supreme Court Review on Friday, September 30, 2016 in Central Islip, New York.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 367

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $240.00 to Seven on Shelter for six unused parking permits, the fee of $280.00 to the Chequit for seven unused parking permits, the fee of $120.00 to the Dering Harbor Inn for three unused parking permits, and the fee of $360.00 to Shelter Island House for nine unused parking permits for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 368

Supervisor Doughterty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $80.00 from the B8020.490 Planning Board training account to APA Long Island Section for the registration fees for four Planning Board members to attend the annual East End Planning Conference to be held at the Hotel Indigo East End at 1830 West Main Street, Riverhead on Thursday September 29, 2016 from 3 p.m. to 7:30 p. m.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 369

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the New York State Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending August 31, 2016 in the amount of $156.08, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $156.08 from the trust and agency account to general account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 370

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Scott L. Murphy has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 8 Chequit Avenue, Shelter Island Heights, New York and

zoned AA-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-005-03-003; and

"Whereas", the applicant seeks a wetlands permit to reconstruct the house and add an addition and deck on the landward side of the existing home, within the regulated area, as shown on a survey by Peconic Surveyors last dated March 22, 2016, so that the work is subject to Chapter 129 of the Shelter Island Town Code; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction dated 7/14/06 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on August 5, 2016, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) The parcel is a 14,913 square foot property with regulated wetlands on the south and all of which lies within the regulated area; and

2) The parcel currently has a pre-existing, nonconforming one story house with a shed, all of which are less than 100' from the wetlands; and

3) On June 19, 2015, applicant received wetlands approval to construct an approximately 600 square foot addition and 100 square foot deck to the northerly, landward side of the existing house; and

4) Applicant exceeded the approved scope of work and was given a Stop Work order on November 30, 2015 because over 50% of the nonconforming house was removed, which required applicant to get Zoning Board approval of the reconstruction and a new Town Board wetlands permit approval; and

5) On May 25, 2016, applicant obtained Zoning Board approval of the reconstruction and a variance for a 6' x 10' mechanical room and deck 12.4' varying to 14.6' from the side yard line; and

6) The application for reconstruction is very similar to the prior application, but the building must be raised 4' to comply with FEMA regulations, there will be a new roof, and applicant is adding a 6' x 10' mechanical room to get the mechanicals above the flood elevation; and

7) Applicant has also had to resolve this violation involving reconstructing the porch over the water without approval from the New York State Department of Environmental Conservation, and has now submitted proof of DEC approval; and

BE IT FURTHER RESOLVED, That the wetlands permit to construct an addition, add a 6' x 10' mechanical room, and a deck on the landward side of the existing home, within the regulated area, as shown on a survey by Peconic Surveyors last dated March 22, 2016, for the premises located at 8 Chequit Avenue, Shelter Island Heights, NY, is hereby granted as to the proposed construction within the regulated area, subject to the following conditions:

1) The above-described project shall be constructed pursuant to a revised plans and permit issued by the Building Department; and

2) The following mitigation measures shall be implemented as part of this project: (1) the construction supplies shall be stored near the road, and the construction equipment shall be stored on the driveway, all as shown on the Survey filed with the Town Clerk's Office on March 22, 2016; (2) outdoor construction work shall only be performed between September 15 and June 15 to avoid disruption to the neighborhood; (3) applicant shall install French drains to recharge runoff from gutters of the existing house and new addition; and

3) During construction of the mitigation measures, a debris-catchment system, wire-backed silt fence and hay bales shall be placed on the property in the locations shown on the survey filed with the Town Clerk's Office on March 22, 2016. Soil disturbance should be minimized where possible and construction materials shall be stored outside the regulated area; and

4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. The implementation of mitigation measures shall be examined by the Building Department prior to start of work and periodically thereafter; and
5) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and
6) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Department and the Building Permits Examiner.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 371

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That a special meeting of the Town Board of the Town of Shelter Island will be held at 1:00 p. m., prevailing time, on the 4th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for budget purposes.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 372

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:43 p. m., prevailing time, on the 7th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed LOCAL LAW ENTITLED OVERRIDE OF THE TAX LEVY LIMIT, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Shelter Island, County of Suffolk, pursuant to General Municipal Law § 3-c, and to allow the Town of Shelter Island, County of Suffolk to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Shelter Island, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 373

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:45 p. m., prevailing time, on the 7th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York for all interested persons to be heard in favor of or in opposition to the application of DJTM Enterprises, LLC, P. O. Box 919, Shelter Island, New York, for permission to construct a prefab single story residence with an attached accessory apartment for year round housing, on property located at 146 North Ferry Road, Shelter Island, New York and designated as SCTM # 0700-007-04-065 pursuant to Chapter 51 of the Shelter Island Town Code.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 374

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the following 2016 budget transfers are hereby approved:
$205.00 from the A1010.484 Town Board office and miscellaneous account to the A1450.400 Elections account;
$9,000.00 from the A1490.118 Public Works personal services account to the A4010.101 Deer & Tick Committee Town Servicing personal services account;
$2,000.00 from the A1490.411 Public Works buoys and lifelines account to the A1490.409 Public Works beaches and parks account;
$870.00 from the A3120.120 Police Department traffic control officers personal services account to the A3120.115 Police Department seasonal police personal services account; and
$250.00 from the B1990.400 Part Town Contingent account and dispersed as follows:
$150.00 to the B3621.484 Building Permits Coordinator office and miscellaneous account, and
$100.00 to the B8012.440 Zoning Board of Appeals legal notices account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 375

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That general claims numbered 1405 through 1509 in the amount of $58,206.48, highway claims numbered 177 through 190 in the amount of $8,245.40, and West Neck Water claim number 29 in the amount of $13.46 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:55 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Richard Relyea for permission to install a mooring in Gardiner's Bay at a location designated as latitude 41.08232° north and longitude 72.293038° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: it is a takeover of an existing mooring, they voted 6 to 0 in favor of supporting this request.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 4:56 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law entitled Amendments to Chapter 126, re: Heights traffic control.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. A petition containing 136 signatures opposing any change to restrict the present two way roadway on New York Avenue to one way.
2. A letter from the Shelter Island Fire District Board of Fire Commissioners stating they do not support the proposal to change New York Avenue from a two way road to a one way road.
3. A letter from Stella Lagudis of the Shelter Island Heights Property Owners Corporation stating that the Heights residents are overwhelmingly opposed to the one way concept, etc.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: my name is Louie Cicero, known as Louie the Clip and I go way back you know, 58 years and I just you know, want to come up and say something quick about you know, to keep New York Avenue two ways because, I talked to the Fire Department, I was a veteran, I talked to the Commissioners and so we all agree that we should keep that both ways and some of the ambulance people too I talked to, so they had some of them too and, but anyway we just are hoping of keeping it as we have like Dot says, 117 names, a lot of them are business people and stuff like that so, and as I say I just hope we keep it that way and so, and by the way, I don't run any bookie joint either, as much as my name is Louis the Clip, but anyway I just had to come up and thank you for your time and I said what I wanted to say but I appreciate it, I really do; thank you Louie very much; I'm Tom Carr, I rent an office from Louie the Clip next door, I'm Louie's in house counsel, as long as it keeps the rent low, we're okay, I'm just wondering, has there been any studies yet of New York Avenue, the traffic flow, I'm just wondering if the Police Department; not yet, we're working on getting, Jay Card is working on getting it; so it will be a while before anything really; oh yeah; it's gonna be, okay, you know the other thing is, this other road on Shelter Island, Bridge Street which is, during the summertime it's a nightmare sometimes you know, I don't know which is worse, Bridge Street or New York Avenue because of course on Bridge Street you've got cars double parking, making U turns, pedestrians in the street, rollerbladers, bicyclists you know, New York Avenue of course, it's a twisting winding road, but I'm just wondering if the Town could consider placing perhaps more signs, slow down signs, that sort of thing but I guess the Highway Department will consider that, because you; and the Police; shutting it down to one way is gonna cause problems on Bridge Street, that's the problem, it's gonna jam traffic up whichever way you could make one way to New York Avenue, it's gonna have repercussions on Bridge Street and on West Neck avenue so hopefully the Town will keep it a two ways, that's it, thank you; thank you very much; Stella Lagudis from the Shelter Island Heights Property Owners' Corporation, two things, I'll start with New York Avenue, being we started on that thread already, the letter that I sent kind of echoed what you heard from Louie and from Tom and from a number of our other residents, the question I have, first of all I'm very supportive and I'm working with Jay with the DOT to try to get them to come in and do a study for us so I think between the Town and the Heights as owners of the road, I'm sure we can come to something in the longer term, some kind of a, something to address the situation, however in the interim, I was just wondering if you've given any more consideration to the concept of the stop, especially around the bend where those silver maples used to be on St. James Street, I think it would be a mechanism by which if you have the right advisory signs in advance of those stop signs, it might actually help people at least slow down around that curve, so that's one consideration as an interim solution, the second thing I just wanted to raise, has to do with the original ask from the Heights also included some two hour parking between nine and five right along the Chequit Avenue, I'm sorry, the Chequit terrace, the Chequit Inn terrace which is on Waverly going toward Grand, it didn't make its way into the resolution so I'm just wondering the best way for me to surface that again such that we can through the right process; come to the public hearing; so I have to do it again; yeah and write a note maybe; okay; where is it; it's on Waverly between Washington and Grand, so if you think of the Chequit Inn; right; it's unlimited parking right now so in an effort to try to turn over the parking for some of the commercial members in the district there, we'd like to make it more ___; I don't recall any objection to that so __; ___; I think it just fell through the __; remind us; okay, thank you very much; thank you; I'm just a little confused, when we read the public notice, it didn't cover the one way; no, not at all, I made that clear to these gentlemen and ladies, you're absolutely right Emory; just a comment for here, I think we were pretty responsive to the request from the Heights association, something I would caution, where there's crosswalks, I'm not as worried about stop signs because stop signs speak for themselves but just coming in and out of the Heights Post Office with the crosswalk there, not everybody honors the crosswalk and sometimes people think because they're in a crosswalk,

maybe it's being used to being in the city, like everybody is gonna stop, my biggest fear is you put the crosswalks in and people are on their cell phones and stuff and texting and they're walking across that thing assuming everybody's gonna stop and I think that's, we're gonna have to educate people about and when you go and enter into these crosswalks, you've got to be fully aware of what's going on around you and make sure in fact that these cars honor the fact that you are in a crosswalk, I've seen it happen numerous times in front of the Post Office where people are not stopping and the person is clearly in the crosswalk so that's just a word of precaution, the other thing was, I think on the New York Avenue, I know it's not on the thing here but I hopefully sooner or later it will be, we'll get an expert to come in and look at that, give us some viable plans, I spent about twenty minutes the other day before the cross-country meets, walking around the pond down there, Ice Pond, looking to see if we could eliminate, eliminate pedestrians, and joggers and skateboarders and bicycles from the road itself, the road is a very narrow road at spots and it becomes more narrow at pivotal spots __ so I think if we could eliminate that, trying to get people to make their way through Town safely, off the road completely, that might be something that we might want to look at, thank you.

The Supervisor declared the public hearing closed at 5:04 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law entitled Amendment to Chapter 90 (Mooring Law) of the Town Code concerning stake, mooring and pulley systems in the Silver Beach Lagoon.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: on the lagoon, the project came out well, the dredging came out well, I think it's pretty safe there now, the ramp, I've been in contact since the meeting this week with the Waterways Management Advisory Council and Jay Card on a number of items, the poles and the pile mates are gonna be cut down three feet so it does not impact anything about the function of those pile mates or poles there, aesthetically it will make that lagoon look a little bit nicer, in terms of the pulley system, nobody has used them this year so all four of those spots have been open throughout the year but start thirty-seven and a half feet back from the bulkhead and the maintenance of, I'm just a little concerned that when people back their cars down that ramp to launch their boats there, a lot of people have taken their trailers in a little too far and the ramp actually ends where the first pile mates are and they're dropping and getting their wheels caught back there, so Jay is going to take some corrective action and either place some rock back there or extend the plate a little bit so that doesn't happen, we also would, were advised if we put a sign up right at the ramp saying that the ramp does in fact end at the first pile mate so if you're launching during low tide, you know there's something you really have to think about a little bit so all that is being taken care of and people in Silver Beach are very happy with the way the thing came out; thank you.

The Supervisor declared the public hearing closed at 5:09 p. m. and called to order the public hearing to be held as advertised on the application of John and Blair Borthwick, 71 Nostrand Parkway, Shelter Island, New York, zoned A-Residential/Near Shore and Peninsular Overlay District, and designated as Suffolk County Tax Map Lot 0700-013-01-006 and 007, for a wetlands permit to demolish a pre-existing residence 60' from the wetlands, demolish a pool 50' from the wetlands, and construct a new pool and patio 75' from the wetland; and the application of John and Blair Borthwick, 71 Nostrand Parkway, Shelter Island, New York, zoned A-Residential/Near Shore and Peninsular Overlay District, and designated as Suffolk County Tax Map Lot 0700-013-01-006 and 007, for a special permit to construct a 10,403 SFLA residence.

The Clerk read the public notices as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. A letter from Leslie and Pam Lawrence to ensure that the Town Board is aware that there are common property interests that need to be respected and requesting that construction vehicles enter the property from Nostrand Parkway.
2. An e-mail from Paul and Christine Smith stating that the project is large and out of keeping with the architectural style and scale of the neighborhood and requesting that the Borthwicks' driveway be used by the construction vehicles and not the shared Rocky Point Association road.

3. An e-mail and faxed letter from Alexander Doman stating he strongly objects to the special exception permit, and he does not object to the Wetlands Permit application.

The Supervisor called for the reports from the Conservation Advisory Council and the Planning Board, which were as follows:

From: CAC
Date: June 20, 2016
RE: Blair and John Borthwick Wetlands Application
71 Nostrand Pkwy

Inter-science Research Associates submitted this wetlands application for John and Blair Borthwick requesting to demolish a pre-existing residence and construct a new two story single-family residence. They also request to convert a pre-existing residence into an accessory building, which will not contain cooking facilities. The proposed swimming pool, sauna and portions of the proposed terrace will occur in the adjacent regulated area between the 75 ft and 100 ft wetlands setback.

The CAC reviewed this application at its June 20, 2016 meeting.

The CAC noted that the application as submitted placed a swimming pool, sauna and portions of the terrace within the 25 ft regulated area. The CAC recommends that the swimming pool and sauna be removed from the 25 ft-regulated area and the proposed terrace be reconfigured to not enter into the regulated area.

The Planning Board reported on the wetlands application, as follows:

Re: **Borthwick Wetlands Application**, 71 Nostrand Parkway, Shelter Island, New York, SCTM #s 0700-013-01-06 & 07, Zone AA Residential (reverting to A Zone for setbacks), Near Shore Peninsular Overlay District

This is a wetlands permit application for two (2) separate parcels which are to be merged. This is for demolition in the regulated area on both lots, a large older home on one (1) and pool, patio and building on the other lot. This is in conjunction with a special permit for construction of a new over 6,000 sq. ft. house and new pool on the merged properties.

There is a DEC LNJ for each lot, dated February 18, 2015 and March 17, 2015, exempt for the same reason, having a bulkhead constructed prior to 1977.

There is a SCDHS permit R07-15-0020 issued November 30, 2015 for eight (8) and four (4) bedrooms for the two houses.

There is a ZBA resolution 09-15, with amended date of March 23, 2016 for the reconstruction of the non-conforming house which will become the accessory building.

Planning Board members visited the site, reviewed the surveys while on site and considered all submittals provided to the Planning Board.

<u>We submit the following observations:</u>

The grade has a steep slope down to the bulkhead and may require more than a wire back silt fence system to protect mud runoff from the bay.

Since much of the private Rocky Point Terrace Road has been reduced to a width of twelve (12) feet, (see tax map) a few years back, construction access to the Borthwick property should be through the gated entrance off Nostrand Parkway.

The new house will be behind the 100-foot setback, but the new pool will sit at the 75-foot setback. The Town has consistently allowed pools this leeway. In this case, the existing pool is closer to the water. So the end result is still an improvement.

The timing of the lot merger is critical. Mary Wilson, Permits Coordinator, on this application, determined the two (2) lots must be merged after special and wetlands permits are obtained, but before any building permits will be issued.

<u>We submit the following recommendations:</u>

This basically is a wetlands permit needed for demolition. Other than addressing the steep slope and the road access, we would expect the new pool would have an automatic pool cover. Given these comments, we recommend approval.

By: Emory Breiner, Planning Board Member, John Kerr, Planning Board Member

The Planning Board reported on the special permit application, as follows:

Re: **Borthwick Special Permit Application**
71 Nostrand Parkway
Shelter Island, New York

SCTM #s 0700-013-01-06 & 07
Zone AA Residential (reverting to A Zone for setbacks), Near Shore Peninsular Overlay District
This special permit along with a wetlands permit is necessary for this project. The project is unique in that two (2) separate parcels will be merged and one (1) large new modern house will be built and another existing house converted to an accessory structure.
The recent Bevilacqua house in Hay Beach is similar in that two (2) properties were merged with one (1) new house spread across. There are DEC LNJs for each lot, dated February 18, 2015 and March 17, 2015, exempt for the same reason, having a bulkhead constructed prior to 1977. There is a SCDHS permit R07-15-0020 issued November 30, 2015 for eight (8) and four (4) bedrooms for the two houses. There is a ZBA resolution 09-15, with amended date of March 23, 2016 for the reconstruction of the non-conforming house which will become the accessory building.
Planning Board members visited the site, reviewed the surveys while on site and considered all submittals provided to the Planning Board. The applicant here supplies a good narrative and argument to address the criteria for the over-sized house and project.
We submit the following observations:
The house to be torn down is not that small, being 4,789 sq. ft. The replacement house will have 8,132 sq. ft. Furthermore, the remaining, existing house will be reduced from 3,124 sq. ft. to 2,271 sq. ft. The overall increase in living area is only 2,490 sq. ft.
It would appear that with care, they would not disturb more than one (1) acre and have no need for SWPPP.
There are two (2) drywells indicated under the new driveway, which on the survey is shown as asphalt, so they may be needed for drainage. A retaining wall may be needed for the parking area up against the neighboring property to the north due to the anticipated grade change.
The pool fencing is shown down the slope in an attempt to free the vista.
We submit the following recommendations:
Since much of the private Rocky Point Terrace road has been reduced to a width of twelve (12) feet (see tax map) a few years back, construction access to the Borthwick property should be through the gated entrance off Nostrand Parkway.
The applicant expects to merge the properties after a C.O. is issued for the primary residence, but since the new primary residence will cross over the boundary, the properties would need to be merged before construction. The current home to be torn down is old and is not in good shape. The resulting compound will be an improvement.
Therefore, along with our comments, we recommend approval.
By: Emory Breiner, Planning Board Member
John Kerr, Planning Board Member
For the Planning Board

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: my name is John Bennett, I'm a principle in Bennett & Read, we're lawyers in Southampton and I'm lucky enough to do a fair amount of work with you folks, with me this evening is ___ the project architect from 1100 Architects, New York and Mike Schiano from Inter-Science Research Associates, so I handed up the affidavits of mailing and posting for both properties, I want to hand up to you right now, a site comparison illustration and a wetlands __ plan, I have copies of this, I'll be talking about them in sequence but I'll give them both to you right now, each of you should have two, so, why don't we ___ , excellent, what you're seeing is, you're seeing a larger version of the handout; do you have any more of those handouts; sure; so the overall concept is to, these are two separate, single separate lots, the Borthwicks control both of them and the idea as was demonstrated and as the Zoning Board of Appeals understood and granted the necessary relief for, the idea is to merge both of them, it's always a good idea, generally on the east end so it's a good idea to merge pre-existing, or existing lots, thus we do exceed the amount of density available, each one of these lots currently does support a single family residence and could continue to do so absent the proposed re-development of the property so generally that seems to be a good thing because of the reduced density, one of the houses will be, the cooking facilities on the existing house on lot number seven which is the house to the south the cooking facilities will be removed from there, the __ will be carried as an accessory living quarters to the single family residence on lot number six which is the property to the north, so a little bit about, when you come in here and ask for a little bit of leeway which are specifically two things, the pool at 75 feet and what amounts to quite a bit of basement, you always have to, I just think it's fair to say you have to trade something back, you have to give something back and

that's, there's been a lot of thought into that on this project, the northerly lot currently as the Planning Board noted, has a, is improved with a single family residence, that's almost 5,000 square feet, it forty-seven hundred eighty-nine square feet in size and there's an accessory deck, lot number seven which is the southerly of the two properties is currently improved with a house of three thousand one hundred and twenty-four square feet, a pool house, shed and accessory patio so again you can see the existing on your sheet, you can see the existing development that's in orange and I guess orange and lighter orange and then the proposed additions, I should say the proposed new house and new development are in white, again so the idea is to demolish the existing large home which is on lot number seven and demolish the pool and the poolhouse and shed on lot number, excuse me, demolish the house on lot number six and demolish the pool, poolhouse and shed on lot number seven and construct a new residence of 8,132 square feet in size with a __ deck on the combined lots, now the 8,132, that includes the basement and if we switch to the other sheets for a comparison, the basement is a large basement of 2,488 square feet and the reason I say that, bring that to your attention is the overall, as we demonstrate the overall mass above ground, when you get done with this net net, there's no, I think we're two square feet more above the ground mass, again from a point of view of impact on the neighborhood, I think it's a winner, in addition, the Borthwicks intend to reduce the existing residence on lot seven from 3124, three thousand one hundred and twenty-four square feet to 2,271 square feet and as I stated, convert this residence to a, an accessory guest house, taking, obviously taking the cooking facilities out of there so that these lots all are merged and travel together, a special permit was obtained from the ZBA for the accessory guest house and copies of the Board's decision were submitted with the file, in addition in terms of impact to the environment, I think it's important to know I think that in your packet there is a letter of nonjurisdiction from the New York State Department of Environmental Conservation as well as Health Department approvals so this, and I think it's interesting to note even if the DEC did have jurisdiction on this property, which they do not, the proposed, I'm sorry, the required setback would be seventy-five feet which is in conformance to what we are proposing here, the property is bulkheaded and I think from a precedential point of view, that's an important thing, certainly the Peconic Bay is an important source but the property is bulkheaded, this not being proposed you know in an area of low-lying spartina or tidal marsh and I think you could you know use that to distinguish this from an application where somebody came in and talked about, well you know you gave the Borthwicks a pool at seventy feet, yes but that property was bulkheaded so again in closing, we're merging two tax, each individual property could be developed separately, have a home as a right without special permit for six thousand square feet which for a total of twelve thousand square feet which is about, and two pools as a matter of fact and that's about sixteen hundred square feet of livable area less than, what is being proposed is about sixteen hundred square feet less than the as of right square foot, gfa on both of these lots so again I think that's an important thing to keep in, take into account, that is the located property, somewhat of a more center of this now combined properties and have a less intensive use, we could have two pools, we're gonna eliminate the pool on the southerly lot and place a pool on the northerly lot and again since we are reducing the size of the existing house and converting it into a guesthouse, there's a less intensive use, we respectively submit, and as I, the total increase in square footage amounts to, in effect of the finished basement within the proposed basement area thus if we took the proposed above ground gfa on the two lots and combined them, the additional space, what you end up with is additional living area that's primarily __ two square feet of subterranean so I think that's important to look at and again that ground mass in the basement will not be apparent to the visual eye, also as we try to do when possible, we're greatly increasing the wetland setbacks, the proposed redevelopment plan has an overall retreat, the house and deck on both, we have structures on both lots, the north and the south lots which are at fifty-six feet, and those setbacks are going to be significantly increased, the house now will increase, will have a hundred foot conforming, the house proper will have a hundred foot conforming setback, we only need to leave for that, the seventy-five for the pool which again is in the area so again we don't think it's a significant request to expect and of course the pool and deck on the southerly parcel is also fifty-six feet, that's going away in toto so what you end up with, I know I have these numbers here somewhere, you end up with a significant reduction in coverage within the hundred foot setback area, presently there's almost four thousand square feet of coverage in the wetlands setback area, that's 3,750 square feet, the net net of the relocation is there'll only be fourteen hundred square foot of coverage in that wetlands area, we did submit a landscape plan as part of the request, we did respond to certain questions that the Town Attorney's office as well as the Board had by the 28th, our request would be, what we'd like to do, we get into a little sticky wicket for a __ point of view, the concept would be, in terms of when you

can have two houses on one lot, the concept is to, for the Borthwicks to live in what will become the guesthouse during the construction of the new primary, the new primary residence, so I suppose I could work this out with Laury but if we merge it before that time, then have a situation where I have two single primary residences, two complete single family residences on one lot, even though the intent is and the whole project is to do away with that situation so again I think, my hope would be able to have them merge it after the construction but prior to the issuance of a certificate of occupancy on the main house, then we're not in that sort of no man's land where you have two lots, one lot with two primary residences on it but I don't want the tail to wag the dog but I think somehow we can work that out in terms of presentation, all contractor parking materials storage will be contained on the property and the contractor parking plan was submitted with the Board with the application, we did receive some correspondence from Leslie and Pam Lawrence we noted and they were concerned understandably that somehow the shared dock would be impeded during construction, we'll take every method to make sure that that is not impeded, it wouldn't be permissible for us to do it, we certainly cannot, it's a shared dock, we cannot block it, it would be in violation of their rights to access so we have no concern about making sure that that's taken care of and we can direct traffic down the exit, the entrance to the property from Nostrand Parkway because if you try to take that drive in from the other way, it's hard to get, it's hard to get in without even scratching your car so we understand that, so I think that with overall the merging of the two properties, the Borthwicks are lessening the intensity of the use on the property and therefore it's a good idea, we are also reducing the square footage of the improved area within the hundred foot setback and again the primary residence will be constructed within the hundred foot setback, the square footage of the proposal will be less than could be potentially built on the as of right of the two properties, and as such we ask the Board to grant the request, I do notice there was a concern about the architectural style from one of the applicants but I also note that for better or for worse the Town of Shelter Island does not have an architectural review board so until such time as that is put in place if ever it is, I would respectfully suggest that you ignore, not to take into account any comments about architecture, I think that's what I have, I know there was some concern about the grade, the Planning Board noticed, we have a proposed you know the typical hay bales and silt fence on the bottom, any conditions to increase that or double up, we'll be glad to, glad to concede to, we don't have any problems that would better prohibit any sort of siltation to Peconic Bay; how long do you anticipate this project lasting; you're the architect so I'm gonna; the silt fences have a finite life; yes they certainly do, I see them over terms, well we could have a condition that we replace that every six months or something like that or even have a double silt fence, whatever makes the Board comfortable with that; we estimate probably about eighteen months; eighteen months, I'm sorry, you're gonna come from a family of contractors, figure two years; are you planning on building during the summer; yes; so in terms of the entrance from Rocky Point Terrace, so you're gonna come in from through here; we're coming in; from Nostrand; in through Nostrand; yeah; that's a clear shot; we have no problem with that; there's a gate there, is that coming out; it's automatically operated so it opens on code; it's not anything; do you feel it's wide enough to provide the necessary access or are you gonna widen it, the Borthwicks own the 71 Nostrand, right; yes; they could start putting stuff on this property, are they planning to use this property for the project; that's not being contemplated, from what we gathered there's enough in front of the property to allow for both parking and material storage to occur; so you'd be agreeable to a condition that there be no parking at all on Nostrand Parkway by contractors; on Nostrand Parkway, that's the main road; I think that's also helpful because then there'd be no requirement to regrade or, not regrade, reseed or, particularly in the wet months when the contractor trucks tend to make a mess of the right of way, so that's no problem; on other large projects like this the Town Board has had a condition where the contractor whoever he is, is going to a posting where people can call to you know, tell him if they think there's a violation, are you okay with having a similar condition on this; a violation; dust, people parking in the wrong place; will call the contractor; the contractor; oh yeah we have no problem with that; contact information; yeah that's fine; do you know who the contractor is yet; no not yet; but we have no problem with that condition; when you're talking about the construction going over eighteen months, perhaps out to twenty-four months, I think the neighbors' major concern would be the framing of the building, the outside, the noise, if it would happen in the summertime, that's their major two concerns, the concerns are about access into the property and the second concern is the noise factor when they're there in the summertime enjoying their homes so if it could be worked out somehow cause we have with these larger projects, try to honor that to not disturb the neighbors that the major part of the framing part of the house and the noisy part of the banging away occurs not between the times of you know May 15th and September 15th, you that

kind of thing that you do the bulk of the work during October, November, December, winter is winter, you don't know what kind of winter you're gonna get and then there's a lot of building time, once you're into the house, the noise level is at a different level but I think from the neighbor's point of view, the major construction is what they're worried about, it going on right during June, July and August, when they are there and for ten hours a day from eight o'clock in the morning to whatever, nine hours a day and banging constantly and if we could minimize that, that would be a welcome relief for the neighbors; I guess it all depends upon obtaining permits and timing on that; but we can certainly make an attempt to do that; I think that it may end up to being a condition, just to put you on notice; well I don't know, I could imagine not having; we have done that with many other projects; I can imagine not having any construction during the weekends, I understand that but absent any; well it's not a question of having construction and I think we could probably compress the dates beginning and ending with the season per se you know, the end of June you know, made to end in June and then early in September, the point being if you could get the exterior work done, the bulk of the noisy stuff, then you could shift guys inside, it's a little obnoxious to live next to, although you do have vacant lots, I think on the one side; yeah, we're sort of our neighbors to a certain degree; __ ; yeah it's not like you have direct neighbors on the side; __ living there; they're their own neighbors, actually, am I correct in that, that there is a vacant lot nearby; no; there's a house on that; to the north is a vacant lot; yes, cause you don't have an adjacent neighbor on that side; that's the __, so it's a little bit of a different circumstance; I guess, I don't know, I; and obviously you know, I know you don't want to tie yourself down to the point where you can't get the project finished; that's my concern, that's my concern, then you end up; __; extending the project, it's sort of a; I know; you know, but you're right you know, once the framing is and sheathing and stuff like that done, is done, the; at the very least you can expect limited hours during that high season probably I would guess; I would respectfully request that you keep it as flexible as possible; yes, we can thrash around with that, now, one thing that is kind of bugging me and I don't really get it, there's the mention of 4789 square foot living area; on the existing house; yeah, the Planning Board came up with that, right; yes; and that's the number in your application, Emory is that your source as well; we got it from their application; okay; it's the base, just look at it, it's a big house; my point is that on the GIS system it comes up at 3885; you know, I tell you, I look at Assessors' records, we do an awful amount of stuff, I look at the Assessors' records and you know, GIS records and I've seen it all but I know some Zoning Board of Appeals in some of the municipalities when I, I've stopped giving them info from the Assessor's records because they'll say get it from an expert because that's, I don't think you can really you know; who is the expert; yeah okay; no one is gonna __ the building _ the square footage; okay so that is the improved space measurement, that is roughly in that area; yeah, surprisingly it's, it's a big house, the existing house; I was just wondering you know whether that was; I've always taken the Assessors' and GIS records with a grain of salt; we always take everybody's stuff with a grain of salt, the theory was that maybe you were stretching it to make it sound better; no, no, no; I was _ by one person; so the total SFLA on this project is, what is it; oh I have it right here, we have the new house's basement of 2488, level one 2553, level two 3091 for a total of 8,132 square feet; and the other one; the other one is right underneath it, the existing house on lot number six, the house is 4,789 and the existing house on lot seven is 3,124 but that's getting reduced by; I'm really looking for a total; this is the total; the total is; the total of the new house is 8,132; of the new and guesthouse, combined; oh here it is; and I say that because; here it is, 2,271; but the disapproval says that; write the numbers down and we will add them; 10,303; 10,303, okay, thank you; that's combined; well that's what we look at; as you should; and one of the things the Town Board looks at when issuing SFLA permits, are, is this comparable with the size of the surrounding properties, so I was wondering if you could give me the SFLA of some of the nearby houses; okay, the nearby properties you want; I'm sorry, you're right; I did some quick scanning on that and this is easily twice as big as anything, I mean I go 2350 on 19A, I got 1370 on 21, I got 1863 on 71 Nostrand, I got 3687 on; they're smaller; huh; they're smaller, no question about it but one thing that is significant in differences, I've done a couple of others like for Schoenback property, you granted some relief on that, that's one parcel and what we're pointing out to here is we're gonna merge two and you're gonna end up with less square footage than two as of right development; yeah, I'm aware; so __; excuse me; Schoenbach has twice as much land as you do; you got one and quarter and 1.26 acres, something like that net; mine is about two and a half; over; what's the comparable size of these two lots in acres; 1.264; __; and that's the combo and we calculated the as of right square footage at 12,000 which is about 1600 square feet less; we know; than what we're asking for here and you know you could build those properties with a crawl space and have nothing and have all the 6,000 square

feet above grade so that would be, I thought this was a net, net; is that what they want; no but you always have to compare things; I know; you always have to, you always have to, the part of the land use you to compare; I know, I do a lot of that, I tell you, I'm a little mystified as to why it is, a lot of the relief we give is because things are existing in situations you know and here we have a complete tear down and rework of things and we have to give away the pool are as well, you know it's just like, is there no way with the architect that you hired and all that and the land that you have, with the two merged lots, that you couldn't fit the pool; we think the net, net, we think the net, net as the Planning Board noticed, the net net benefit far supersedes any, any negative impact, I'll probably stand on that; so what, one of the criteria that you give, practical alternative and also that the Town Board would highly prefer that the proposed regulated activity be on the landward side so the justification is that you've got; the practical alternative are two conforming houses, each with a pool; no, to ___ alternative to the placement of the, this structure; well we could leave the existing pool which is less; you could do a lot of things; that is an alternative though, the alternative way, alternative is to just keep things the way they are; is it practical; sure it is, just to leave the pool, this pool in a less conforming area and put another pool on this property; and __ to moving it back and further back onto the property; we're in an area that; __; I'm sorry, we're in an area that's already disturbed and; so that's the justification for the location; yes; okay; it's a bulkheaded lot, it's outside the DEC's jurisdiction and it's an area that's already disturbed and we're going to remove the pool on the other lot and if you wanted to have some sort of covenant that would prohibit another pool on the property, that's fine as well cause I don't want to come in here and say we're gonna remove the pool and only have one pool and then next thing you know you have an application, I don't think your code has what some codes have, that says you can only have one pool on a lot so we would offer that; the Planning Board has recommended that we ask an automatic pool cover to reduce you know, the loss from evaporation, how does the applicant feel about that; that's not a problem, not a problem, I think that's, as a matter of fact there are some local laws that require it that way, to have a heated pool on the east end; are there gonna be any other water saving aspects of this house; nope, not that I'm aware of, other than the inherent water savings where you have two lots merged into one and the existing house will be used as a you know, accessory to the main house; do you know if either of these properties have an irrigation system; not aware of it; okay; not aware of it, I mean if they, unless they have it grandfathered, I don't have to tell you unless they have a grandfathered irrigation system; the property doesn't; doesn't; there is an existing asphalt driveway, are you gonna continue to __ the rest of the driveway or the new driveway as asphalt, is that what I'm seeing on here; yes; and does it have, it's gotta have some drainage or; there are quite a few drywells shown on the __; for the driveway; yes there's a pool drywell but there are also numerous drywells for drainage for the property, I mean we always take a look at balancing as of right development, proposed development, I thought this was a, I thought this was net net okay; yeah I get that, we do a lot of that, you know, sometimes one ___ beaten over the head with possibilities that you know I pretty much suspect that they do not want any more, it's more of a, I'm gonna stop there; well the other thing you have to remember is that you know, it's not out of the realm of possibility that somebody may come in and buy and develop them as single family residences, I take; I wasn't aware they were for sale; no I take a look at this as an opportunity to have someone that essentially wants a family compound and the net result of that is going to have a much less of a footprint on the property in terms of use and density so I think that's something that you have to take into consideration respectfully, I know what you're saying, sometimes people you know, they create alternatives which do not know whether or not they would ever go forward with that, I understand that but nevertheless from an objective point of view; absolutely; you have to take into account, I know what you're saying; I'm sure you do; of course; yeah I just, we're looking at even with the merged lots, you're looking at square foot living area of almost twenty percent versus, that is to say, put it all together and that's twenty percent of the lot area in a general way, you know, right down the road we gave Mr. Vella I don't know how much in grief and he was at like nine percent, something like that, maybe it got to eleven, on twice as much land, he had eleven thousand square feet; one lot; yeah; two lots; oh yeah; __ so you come up with one and a quarter acres, that's all it takes, it's not a big lot; no but it's quite a fair amount of density; ___ double A, Emory; double A reverts to A; they are what they are, I think it supports a certain amount of density, I understand your __, I'm in the same position and you know, it's not a thing that you don't have to look at and I'm not suggesting that you approve it without analysis but I think in the end, based on what we're doing here, ___ this is a better plan for the property; it's a nice house, I've got no problem; no it's a better plan from a land use point of view, density point of view and intensity point of view, __; a neutral intensity; what; a neutral intensity; __ the Planning Board ___; you

put a large house __ I wouldn't know it but the smaller house has one more bedroom than the larger house, right; that's for the people that tell me that that's for the big house, now a house with one third of the size has five bedrooms and the other has four, right; you know, I have __; ___; __ 20,000 square foot houses with one as a couple; you're misunderstanding me; okay; I'm on your side with that one, there are people that come at us about the size of the house and I say it's not necessarily the size of the house, it's the number of bedrooms in it, alright, and this is a sample of a very house with five bedrooms and a much larger house with four bedrooms, alright, so it was not an attack; no, no, no; __ you people; no I didn't think anything, trust me, I misunderstood, and I thank you for that; that's alright, it happens to me all the time; but yeah; we haven't done the garage yet; and the Health Department, they count bedrooms; Christine, you had something; well I'm just looking at this and there's now even a basement under the garage __, this is a garage without walls, I don't know why they have this big basement when you have more basement here; it's all about more; __, some of the letters that we received expressed concern about what's __, the basement can get finished; right; and if we have a whole lot of basement __; that would have to come before us, right; we'd have to hear it again on another; what else; __; thank you, well thank you; Emory; __ when are you going to merge the lots; okay; you really can't build a house over two separately __ properties, I doubt you'd get a building permit, so you may have to merge these lots; yeah; before that; that's fine, I just want to be able to, if the understanding is that we can live, that they can live in what will become the guesthouse during the construction of the main house, that's fine, I just don't want to be in violation; right; I don't know what would prevent that Laury, what would prevent that; I'll work with the Building Department and make sure we can reach an understanding, that's all; that's all I care about, that was the only reason I was concerned about the timing; there was some mention in the conversation to doing the merger and then getting the C O so I think it has to be clear that the merger has happened for the building permit and before the C O; right; it may have to be part of your permit but we'll try to; yeah we'll work it out; the only reasons I've suggested that again was this legal concern; we'll work it out; there's no problem with the merging as long as you understand that they will be living there, that's fine; do you know which will be the final owner, will it be Borthwick or will it be the LLC; I have no idea; oh okay, I like to issue the permit to whoever is gonna be the owner of the project; right, issue it to both of them subject to the property being put in one name; yes ma'am; I'm Trudy Fallert Thomas, owner of the adjacent land to the south and I also am a trustee of the Becker __ Trust that owns the land directly across Nostrand Parkway, the woods, and my understanding is that the Borthwicks also own a house on the other side of Rocky Point Terrace; LLC; and is it a possibility to solve this problem about the lot line abandonment and the building of the new house that instead of living in the existing old house that they move into the little house close to Nostrand that she has been using as an artist studio; there's a catch in that; we prefer __, I prefer to work something out; I mean could you go back and talk to the Borthwicks about that, that would solve a lot of the problems with the Building Department, with what you are discussing here, that would be a possibility; __ the Borthwick ___ two or three kids; __, you're looking at two years; well I just, if the architect says eighteen months, I just don't want somebody at the end of eighteen months to say, it's eighteen months and you're not ready to get the C O, so I sort of half kidding said twenty-four months but you know; that's __ the reason; yeah; of course it is; our preference would be to have them work something out with the Building Department; Emory; yeah I just want to go back to the, the kitchen, you're putting too much weight on that concern because I don't see how until the new house has a C O, why do we count that as an extra kitchen, it's not like __, let me ask that to Laury; that's why I say, I think we can work it out; alright; I think so too; life is very short; I'm getting the feeling and maybe I shouldn't have raised it; you what; I get a feeling I shouldn't have raised it but I just felt; ___; we'll look at it, I don't see any problem; that was an unavoidable thing; okay John thanks; before you leave here, I wanted to ask, you're talking about, reducing the size of the existing house by about seven hundred and some feet, eight hundred and something, can you tell me how the configuration will change; the existing; of the existing house; what will become the guesthouse, we're taking this part of it off; this is the ___, that's gone, so here we are, thanks again, have a great weekend; thank you.

The Supervisor declared the public hearings closed at 5:55 p. m. and reconvened the recessed public hearing on the application of Robert Sloan, 171 North Ram Island Drive, for permission to remove and replace 100 linear feet of existing deteriorated timber jetty in same location with new vinyl jetty.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the DEC permit has not been received yet, therefore we need to recess this hearing.

The Supervisor declared the public hearing recessed at 5:56 p. m. to be reconvened at the October 7, 2016 Town Board meeting, and reconvened the regular Town Board meeting.

RESOLUTION NO. 376

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Richard Relyea, 121 North Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Gardiner's Bay at a location designated as latitude 41.08232° north and longitude 72.293038° west, and

"Whereas", a public hearing was duly held on the 16th day of September, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 377

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", a public hearing was duly held on the 16th day of September, 2016, on a proposed Local Law entitled Amendments to Chapter 126, re: Heights traffic control, and

"Whereas", all interested persons were heard in favor of or in opposition to said proposed Local Law, now, Therefore

BE IT RESOLVED, That Local Law No. 4 - 2016 entitled Amendments to Chapter 126, re: Heights traffic control, is hereby adopted, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, to wit:

Section 1. Amend 126-2 of the Vehicle and Traffic Law by adding a new STOP sign on: Bay Avenue; direction of travel: east; at intersection of Grand Avenue, and a new STOP sign on Waverly Avenue (south fork) at Chequit Triangle; direction of travel: southeast, at intersection of Grand Avenue;

Section 2. Amend Section 126-7. Pedestrian crosswalks, by adding new D. and E. as follows:

D. There shall be a pedestrian crosswalk on Grand Avenue near the intersection of Bay Avenue (on the Prospect Park, north side); and

E. There shall be a pedestrian crosswalk on Grand Avenue near the intersection with Waverly Place.

Section 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 378

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on the 16th day of September, 2016, on a proposed Local Law entitled Amendment to Chapter 90 (Mooring Law) of the Town Code concerning stake, mooring and pulley systems in the Silver Beach Lagoon, and

"Whereas", all interested persons were heard in favor of or in opposition to said proposed Local Law, now, Therefore

BE IT RESOLVED, That Local Law No. 5 - 2016 entitled Amendment to Chapter 90 (Mooring Law) of the Town Code concerning stake, mooring and pulley systems in the Silver Beach Lagoon, is hereby adopted, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Amend existing Chapter 90 of the Shelter Island Town Code, titled "Moorings", by adding a new Section 90-9.1 titled "Rules and Regulations for Silver Beach Lagoon", as follows:

90-9.1 RULES AND REGULATIONS FOR SILVER BEACH LAGOON

A. In addition to the provisions of Section 90-9, the following additional regulations shall apply to the ten mooring boat slips along the Silver Beach Lagoon bulkhead:

1. Replacement tackle MUST BE low profile pyramid type moorings.
2. The length of the chain from mooring to buoy shall be fifteen (15) feet.
3. The maximum lengths and beams of vessels using these slips shall be limited to the following:
   a. Bulkheaded area berths SBL 05 - SBL 09: maximum length 23' and maximum beam 8'.
   b. Bulkheaded area berths SBL 10 - SBL 14: maximum length 23' and maximum beam 8.5';

B. In addition to the provisions of Section 90-9, the following additional regulations shall apply to the four stake, mooring and pulley systems along the north side of the Silver Beach Lagoon:

1. Replacement tackle MUST BE low profile pyramid type moorings.
2. Stake, mooring and pulleys SBL 01 - SBL 04 max length 17' and max beam 8'.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilwoman Lewis and seconded by Councilman Shepherd, the meeting was adjourned at 6:01 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

September 27 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 27th day of September, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan and Councilwomen N. Christine Lewis and Mary Dudlely. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and five persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 2:38 p. m.

RESOLUTION NO. 379

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", GV Productions, LLC, 9303 Valley Lane SE, Huntsville, Alabama 35803, has requested a filming permit for September 28 or 29, 2016, depending on the weather, for filming at Wade's Beach from 8 a. m. to 7 p.m., and

"Whereas", the filming crew consists of 15 persons, 4 minivans, and one 12 foot cube truck, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and the Police Department approved, and the Highway Department recommended that the beach be cleaned of any garbage, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to issue the aforementioned filming permit upon receipt of the following fees:

Minor filming application fee	$500.00
One day filming fee $1,000 per day	$1,000.00 and
Clean up deposit	$1,000.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilwoman Lewis, the special meeting was adjourned at 2:40 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 4, 2016

A special meeting of the Town Board of the Town of Shelter Island for budget purposes was held in the Shelter Island Town Hall, Shelter Island, New York on the 4th day of October, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury Dowd, Town Clerk Dorothy S. Ogar and sixteen persons were also present.

The Supervisor called the special meeting to order at 1:00 p. m.

Salute to flag.

The Town Clerk presented the tentative 2016 Town budget to the Town Board members.

At 1:07 p. m., Councilwoman Lewis moved and Councilman Shepherd seconded to recess this special meeting until 9:00 a. m. on Thursday, October 6, 2016. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 4, 2016

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 4th day of October, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and sixteen persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 1:07 p. m.

RESOLUTION NO. 380

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Jenny Landey Productions for Tippy Canoe Productions, 207 Three Mile Harbor, East Hampton, New York 11937, has requested a filming permit for October 4 and 5, 2016, for filming at 60 Peconic Avenue, and

"Whereas", the filming crew consists of 35 persons, 1 motorhome, two 24 foot trucks, 1 26' truck, 1 cargo van, 7 suvs, and 1 car, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and

"Whereas", the Highway Department has responded that there must not be any obstructions on the road or walkways during the filming, and all garbage must be picked up in the area, and

"Whereas", the Police Department is recommending that the majority of the vehicles should be parked on the location property (60 Peconic Avenue), especially large commercial type vehicles, and that vehicles parked off of location property (if any) on the public roadway should

be parked on the shoulder of the road, in the direction of travel, and should not obstruct normal roadway usage, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to issue the aforementioned filming permit upon receipt of the following fees:

Major filming application fee	$1,500.00
Rush filing fee	$1,500.00
Two days filming fees $2,000 per day	$4,000.00, and
Clean up deposit	$1,000.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilwoman Lewis and seconded by Councilman Shepherd, the special meeting was adjourned at 1:09 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 6, 2016

The recessed special meeting for budget purposes was reconvened on the 6th day of October, 2017, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Clerk Dorothy S. Ogar, and ten persons were also present.

The Supervisor reconvened the special meeting at 9:00 a. m.

The Town Board discussed the proposed budgets for the Town Attorney, Taylor's Island, EMS, Town Clerk, debt service, Nutrition Program, Residential Repair, social worker, Senior Services, Receiver of Taxes, and Recreation Department.

At 11:55 a. m., Councilman Shepherd moved and Supervisor Dougherty seconded to recess the special meeting for budget purposes, to be reconvened at 9 a. m. on Friday, October 7, 2016. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 7, 2016

The recessed special meeting for budget purposes was reconvened on the 6th day of October, 2017, in The Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Clerk Dorothy S. Ogar, and eleven persons were also present.

The Supervisor reconvened the special meeting at 9:00 a. m.

The Town Board discussed the proposed budgets for the Highway Department, Landfill, Public Works, Animal Control Officer, Media Department and Building Department.

At 11:39 a. m., Councilwoman Lewis moved and Councilman Colligan seconded to recess the special meeting for budget purposes, to be reconvened at 10 a. m. on Thursday, October 13, 2016. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 7, 2016

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 7th day of October, 2016. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and twenty-three persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. Resignations from the Community Preservation Fund Advisory Board from Michael Coles and Karin Lissakers.
2. A letter from P.A.T. Hunt on behalf of the Taylor's Island Foundation regarding the lease agreement the Foundation has with the Town and requesting their license be extended for an additional five years.
3. A letter from James and Ellen Buckland concerning their wetlands permit and the installation of drywells.
4. Letters from Kathleen A. Walsh, Ronald Cyr, S. Noel Baxter, Henry Boeckmann, and Jack Cortner and Betsy Matthes stating that Quail Hedge Lane is in need of repaving.

The Supervisor read and presented a PROCLAMATION to James Michael and Susan Laspia congratulating them on their retirements from The Nature Conservancy. (A copy of this proclamation is attached to these minutes.)

The Supervisor read and presented a PROCLAMATION declaring October 9 - 15, 2016 to be Fire Prevention Week in the Town of Shelter Island. (A copy of this proclamation is attached to these minutes.)

RESOLUTION NO. 381

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Mrs. Charlotte C. Hannabury passed away on September 27, 2016, and

"Whereas", Charlotte served the Town of Shelter Island as Deputy Receiver of Taxes, a position to which she was appointed on January 7, 1987 for the year 1987, January 4, 1988 for the year 1988, January 4, 1989 for the year 1989, January 6, 1990 for the year 1990 and January 6, 1991 for the year 1991, and

"Whereas", Charlotte was a very dedicated citizen of our Town and served the community in many, many organizations such as the Garden Club, the United Presbyterian Women's Club, and was devoted to serving as Deacon and in other positions with the Shelter Island Presbyterian Church where she spent much time volunteering at various functions such as the Sugar Plum Fairs and Election Day luncheons, and

"Whereas", Charlotte has always been known as a super "Lady" who loved and appreciated people, and was always genuinely interested in all of the people of Shelter Island, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island, on behalf of all the 'people' of the Town, does hereby express great sympathy to the family of Mrs. Charlotte C. Hannabury, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Mr. & Mrs. William Hannabury and family.

(A copy of this resolution was presented to Mr. William Hannabury by Councilwoman N. Christine Lewis.)

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 382

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Mary Faith Westervelt as a member of the Community Housing Board expired on August 12, 2016, and

"Whereas", Mrs. Westervelt has expressed her willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, That Mary Faith Westervelt is hereby reappointed to serve as a member of the Community Housing Board for a term to expire on August 12, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 383

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", the term of Edward Bausman as a member and Chairman of the Conservation Advisory Council expired on September 20, 2016, and

"Whereas", Mr. Bausman has expressed his willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, That Edward Bausman is hereby reappointed to serve as a member and Chairman of the Conservation Advisory Council for a term to expire on September 20, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 384

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Resolution No. 359 - 2001, dated June 8, 2001, the Town Board authorized eligible employees who wish to waive certain rights to medical insurance coverage provided by the Town of Shelter Island, by applying in writing, and

"Whereas", an application has been filed by Lori Beard Raymond, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the payment of salary compensation to the aforementioned applicant pursuant to said Resolution No. 359 of 2001, for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 385

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,109.10 to the Postmaster from the 2016 A1330.414 Receiver of Taxes postage account for the purchase of 4,450 $.47 and 80 $.22 stamps.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 386

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from A1220.491 Supervisor's support contracts account to Records Consultants, Inc., 12829 Wetmore Road, San Antonio, Texas 78247, for the renewal of the fixed asset management inventory software for the period September 24, 2016 though September 23, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 387

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Mary Ellen Adipietro, Patty Bumsted, Louise Clark, Betty Fogarty, Gina Kraus, Linda Kraus, Ann Loeffler, Lisa Shaw, Linda Springer and Julie O'Neill-Bliss have requested permission to hold the Shelter Island 5K Run/Walk on Shelter Island on Saturday, October 15, 2016, at 11:00 a. m., and

"Whereas", the application fee of $100.00 and the compliance fee of $100.00 have been paid, and

"Whereas", pursuant to Section 33-2 B (2), the Town Board has determined that the proposed 5K Run/Walk will benefit the Town, and no fees will be required for Police and Highway costs associated with the event, now, Therefore

BE IT RESOLVED, That said request is hereby approved subject to the following recommendation of the Highway Department: if there are any markings on the street, it must be washable, and any signage removed immediately after the race.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 388

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the renewal of the Professional Services Agreement between the Town of Shelter Island and Mesiano Consulting, Inc., 24 Arnold Road, Malta, New York 12020 for the provision of consulting services including but not limited to grants research, writing and related administration services at the rate of $160.00 per hour for the term November 1, 2016 through October 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 389

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town Board hereby establishes the fee to be charged for private moorings located at the Silver Beach Lagoon bulkhead (10 slips) at $375.00 for the 3 year renewal; said new fees to become effective upon renewals of existing permits.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 390

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", William S. Baldwin of the Great Peconic Race paid a compliance fee of $100.00 for the stand up paddle boat and kayak race on September 10, 2016, and

"Whereas", the Superintendent of Highways requests that there be no fees charged and the compliance fee returned, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 deposit to the Mr. William S. Baldwin, P. O. Box 328, Sag Harbor, NY 11963.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 391

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Mr. Victor Bethge paid a compliance fee of $100.00 for the Women's North American Sunfish Championship sailing race on September 17, 2016, and

"Whereas", the Superintendent of Highways reported that there be no extra fees to be charged, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 deposit to the Mr. Victor Bethge, P. O. Box 318, Shelter Island Heights, New York 11965-0318.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 392

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", filming permit number 59 was issued on September 27, 2016 to GV Productions, LLC for filming at Wade's Beach on September 29, 2016, and

"Whereas", a filming clean up deposit of $1,000.00 was paid for said filming, and

"Whereas", it has been determined that no part of the deposit was utilized, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of $1,000.00 to GV Productions, 9303 Valley Lane SE, Huntsville, Alabama 35803.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 393

Councilman Colligan offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", filming permit number 60 was issued on October 4, 2016 to Jenny Landey Productions for Tippy Canoe Productions for filming at 60 Peconic Avenue on October 4 and 5, 2016, and

"Whereas", a filming clean up deposit of $1,000.00 was paid for said filming, and

"Whereas", it has been determined that no part of the deposit was utilized, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of $1,000.00 to Jenny Landey Productions, Inc., 207 Three Mile Harbor HC Road, East Hampton, New York 11937.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 394

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Honorable Helen J. Rosenblum, Justice of the Town of Shelter Island, is hereby authorized and directed to file an application for funds from the State of New York Unified Court System under its Justice Court 2014 Assistance Program, in an amount not to exceed $30,000, and upon approval of said request, to enter into and execute a project agreement with the State for improvements to the court facility.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 395

Councilman Shepherd offered the following resolution, which was seconded by Councilman Lewis, to wit:

"Whereas", John and Blair Borthwick have applied to the Shelter Island Town Board for a wetlands permit for two premises located at 71 Nostrand Parkway, Shelter Island, New York and zoned AA-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-013-01-006 & 007; and

"Whereas", the applicants seek to demolish the house on lot 6 and the pool on lot 7 and construct a new house and pool on lot 6 as depicted on the survey from Squires, Holden, Weisenbacher & Smith last dated 7/20/16 and a site plan from 1100 Architect PC dated 9/16/16, with the house and pool demo, and new pool and deck within the regulated area so that the project is subject to Chapter 129 of the Code of the Town of Shelter Island; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction 1-4732-01033/00001 dated 2/18/15 for Lot 7, and 1-4732-00161/00007 dated March 17, 2015 for Lot 6, for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on September 16, 2016, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board adopts a Negative Declaration, finding that this is an Unlisted action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) Applicants have submitted a project for two nonconforming bulkheaded parcels located on Peconic Bay, currently held in separate ownership; and

2) Of the two parcels, Lot 6 which is 0.84 acres and is developed with an existing two story house and deck located 56' from the bulkhead/wetlands, and Lot 7 which is 0.74 acres with a two and a half story house with a pool and patio located 56' from the bulkhead/wetlands; and

3) Applicants are proposing to demolish the existing house on Lot 6 and build a new house with patios and pool; and

4) Since the new house on Lot 6 will cross the property line into Lot 7, applicants must merge Lots 6 and 7 prior to issuance of a building permit for new construction on Lot 6. This will create a single 1.264 acre property with a new house, accessory sleeping and a new pool; and

5) While the new house will be outside the regulated area, house terraces and patios will intrude into the adjacent regulated area; and

6) Applicants seek to demolish the existing pool 56' from the wetlands and construct a new swimming pool 75' from the wetlands; and

7) As a result of these changes, the coverage of structures in the regulated area will decrease from 3,750 square feet to 1,400 square feet; and

8) In further mitigation, the applicants will upgrade the sanitary system, install drywells, install a cistern filled with off-island water or captured water as allowed by Section 82-7 of the Town Code to prevent overdraws on the aquifer, install an automatic pool cover on the pool to reduce evaporation, add native plantings to the site to improve groundwater recharge, and maintain silt fences as shown on the plans during construction to prevent stormwater runoff from contaminating the wetland; and

9) The Town Board finds that the proposed project will not impair the function and value of the adjacent wetlands because the project is further from the wetlands than the existing structures, and measures will be in place to ensure construction runoff does not reach the wetlands; and

10) The Town Board finds that the proposed project will not diminish the wetlands in size because the revegetation plan is designed to protect the existing wetlands; and

11) The proposed project will not have a negative impact on the quantity and quality of groundwater because it involves an upgrade to the existing septic and drainage systems; and

12) The proposed project will not create a net increase in the risk of runoff because it will create many more drainage control devices and appropriate vegetation to collect runoff; and

13) The Town Board has reviewed the project and finds that the proposed pool location is most practicable because it intrudes less into the regulated area than the existing pool it will replace; and

14) The Town Board has determined that the proposed project has adequate mitigation measures that contribute to the protection and enhancement of wetlands and wetlands benefits; and

BE IT FURTHER RESOLVED, That the wetlands permit to demolish the house and pool within the regulated area and construct a new pool and deck within the regulated area at premises located at 71 Nostrand Parkway, Shelter Island, New York, is hereby approved subject to the following conditions to prevent negative impacts of such construction in the regulated area:

1) The above-described project shall be constructed as depicted on the survey from Squires, Holden, Weisenbacher & Smith last dated 7/20/16, a site plan from 1100 Architect PC dated 9/16/16 and revegetation plan from 1100 Architect PC dated 1/29/16; and

2) In order to reduce environmental impacts of this project, the pool shall be equipped with an automatic pool cover and a low chlorine technology filtration system prior to issuance of a Certificate of Occupancy; and

3) Applicants shall install a cistern to be filled only with off-island water or captured water as allowed by Section 83-7 of the Town Code for all outdoor water needs, including the pool

(topping off), landscape (irrigation if permit obtained) and washing, in order to reduce demands on the freshwater aquifer; and

4) Applicants shall upgrade the sanitary system, install drywells, install an automatic pool cover on the pool to reduce evaporation, and add native plantings to the site to improve groundwater recharge; and

5) During construction, wire-backed silt fences shall be securely placed at the location shown in the above survey. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and

6) Prior to issuance of a Certificate of Occupancy, applicants shall complete all the mitigation measures described in Condition 4 above and shall implement the Vegetation Plan by 1100 Architect PC dated 1/29/16 to the satisfaction of the Building Inspector or his designee; and

7) Parking, noise, construction controls shall be pursuant to the Town Board special permit approved conditions; and

8) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and

9) Prior to issuance of a wetlands permit the applicants must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and

10) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector and the Building Permits Examiner.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 396

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", John and Blair Borthwick have applied to the Shelter Island Town Board for a special permit for two premises located at 71 Nostrand Parkway, Shelter Island, New York and zoned AA-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-013-01-006 & 007, to construct a house, pool and accessory structure with a SFLA of 10,303; and

"Whereas", it was determined that a special permit is required under §133-6(F)(1) of the Town Code to construct improvements with a SFLA of 6,000 square feet or above; and

"Whereas", the applicants have provided notice of the special permit hearing to property owners and filed proof of such notice with the Town Clerk; and

"Whereas", this Board considered the application and accompanying documents at a public hearing, pursuant to notice, on September 16, 2016; and

"Whereas", this Board now wishes to render a decision on this special permit, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board adopts a Negative Declaration, finding that this is an "unlisted" action which will not result in any significant adverse impacts on the environment based on the analysis set forth in the EAF Parts 1 and 2 and the Negative Declaration; and

BE IT FURTHER RESOLVED, That the special permit for a house with a SFLA in excess of 6,000 is found to be in compliance with the standards set forth in Section 133-35 of the Code of the Town of Shelter Island because:

1. The property is zoned AA-Residential/Near Shore and Peninsular Overlay District bordering Peconic Bay, and consists of two separate lots which applicants propose to merge into a single 1.264 acre property; and

2. Both lots are developed with two independent single family homes, one with 3,885 SFLA and the other with 3,016 SFLA; and

3. Applicants have proposed to demolish the home on Lot 6 and the pool on Lot 7, and to construct a new 8,132 SFLA home on merged Lots 6 and 7, a new pool, and to convert the home on Lot 7 to a 2,271 SFLA accessory sleeping quarters, for a proposed total 10,303 SFLA, all as

shown on the survey from Squires, Holden, Weisenbacher & Smith last dated 7/20/16, a site plan from 1100 Architect PC dated 9/16/16 and revegetation plan from 1100 Architect PC dated 1/29/16; and

4. The property is accessible via a driveway off of Nostrand Parkway or via a private road called Rocky Point Terrace owned by the Rocky Point Homeowner's Association and which serves several other properties and is a link to the shared community dock that is accessed via a right of way on the south side of Lot 7; and

5. The surrounding lots have 1,863 SFLA, 2700 SFLA, or are vacant; and

6. Although the proposed house is large, the size of the house to the lot size is in keeping with others in this eclectic neighborhood; and

7. Applicants are demolishing existing structures within the vegetative buffer and moving the new structures further from the wetlands, but is seeking a wetlands permit for construction within the adjacent regulated area as well as this special permit; and

8. This project is suitable for location in this part of Town because the area has a number of large and impressive homes; and

9. This project will not be detrimental to surrounding property values because this will result in replacement of a deteriorated existing structure, and the new structure will be built further back from the wetlands and will have upgraded septic and drainage; and

10. This project is harmonious with the character of the existing and probable development of uses in this vicinity because it is residential in nature; and

11. This project will not interfere with established uses in the neighborhood including odors, dust, light, buffers or noise because the pre-construction and post-construction conditions in this resolution will minimize these impacts; and

12. The groundwater at this site is adequate, so the project should not impact the aquifer and other important natural resources because it has Suffolk County Health Department approval and will replace the existing sanitary system with a more efficient system, applicants will install a cistern filled with off-island water to prevent overdraws on the aquifer, the pool will have an automatic pool cover to reduce evaporation, and plantings will be added to the site to improve groundwater recharge; and

BE IT FURTHER RESOLVED, That a special permit to demolish the existing house and pool and construct a new single family dwelling and pool, as well as convert the second dwelling to accessory sleeping quarters for a total of 10,303 square feet living area is hereby approved subject to the following conditions to prevent negative impacts of such construction on the neighborhood:

a. The above-described project shall be constructed at the location and in the method shown on the survey from Squires, Holden, Weisenbacher & Smith last dated 7/20/16, a site plan from 1100 Architect PC dated 9/16/16 and revegetation plan from 1100 Architect PC dated 1/29/16; and

b. Applicants must merge Lots 6 and 7 in the same name prior to issuance of a building permit, with the use of the two houses during construction on the merged property as set forth in a stipulation signed by both parties; and

c. Applicants shall install a cistern to be filled only with off-island water or captured water as allowed by Section 82-7 of the Town Code, for all outdoor water needs, including the pool (topping off), landscape (irrigation), tennis court and washing, in order to reduce demands on the freshwater aquifer, and

d. During construction, wire-backed silt fences shall be securely placed at the location shown in the above cited plans. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and

e. Prior to issuance of a Certificate of Occupancy, applicants shall complete the following mitigation measures:

1) implement the Vegetation Plan by 1100 Architect PC last dated 1/29/16 to the satisfaction of the Building Inspector or his designee; and

2) convert the second dwelling to accessory sleeping quarters by removing the kitchen; and

3) abandon the existing sanitary system and construct a new sanitary system outside the regulated area; and

4) install a cistern as described above to prevent overdraws on the aquifer; and

5) the pool shall be equipped with an automatic pool cover and a low chlorine technology filtration system prior to issuance of a Certificate of Occupancy; and

6) during construction, wire-backed silt fences shall be securely placed at the location shown in the above cited plans. The silt fence shall be maintained throughout construction and until any disturbed soil has been stabilized. Soil disturbance shall be minimized where possible. Construction materials and equipment shall be staged on-site and outside the regulated area; and

f. Any increase in SFLA above 10,303 SFLA shall require the applicants to obtain a special permit for said increase; and

g. The project is subject to the following conditions **DURING CONSTRUCTION**, and failure to meet and maintain these conditions may be the basis for issuing a Stop Work Order on the project until the failure is corrected:

1) During the period from May 15 to September 15, no construction work on this project shall occur outside 8 a. m. to 5 p. m on Monday through Friday, or between 5 p. m. Friday and 8 a. m. Monday (so that the neighbors can have peaceful use of their properties during summer weekends); from September 16 to May 14, can work Saturdays, hours of construction are 7 a. m. to 7 p. m.; and

2) During construction, there shall be no use of Rocky Point Terrace, and all construction access shall be via the driveway on Nostrand Parkway, which driveway must be kept in a passable condition for emergency access; and

3) Applicants must repair any damage to Nostrand Parkway caused by construction vehicles to the satisfaction of the Town Highway Superintendent; and

4) Rocky Point Terrace shall not be obstructed or impaired during construction, so that the other users of Rocky Point Terrace can access the community dock via that private road and right of way; and

5) Applicants or their designee must control all construction parking so that none is allowed on Rocky Point Terrace or Nostrand Parkway. Construction parking on applicants' property is encouraged; and

6) Prior to commencement of construction, applicants shall erect wire mesh fencing along the west property boundary to collect garbage and to prevent intrusion of construction vehicles into adjacent properties. This fencing shall be maintained during construction and shall be removed at the end of construction upon request of the adjacent property owner; and

7) Applicants or their designee must keep the construction site cleaned of all trash and debris on an ongoing basis with a minimum once per week; and

8) The project manager shall post a sign on the site with his cell phone number and shall address in a timely fashion neighbor concerns regarding litter control, parking, noise, road conditions and other impacts caused by the project; and

9) Applicants shall install Dark Sky compliant lighting pursuant to the Town Code in all outdoor lighting on this project; and

h. This approval shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector and with the Building Permit Examiner.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 397

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", R. James Royer, 36 Peconic Avenue, has petitioned the Town of Shelter Island for permission to maintenance dredge entrance to boat basin at 36 Peconic Avenue, and

"Whereas", the Waterways Committee of the Town Board has inspected the site and approved of said repairs, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned repair work.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 398

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Dudley, to wit:

"Whereas", the Town of Shelter Island is a member of the Suffolk County Community Development Consortium, and

"Whereas", the Town of Shelter Island expects to receive approximately $13,570.00 in Federal Community Development Block Grant funds in 2017, now, Therefore

BE IT RESOLVED, That a public hearing will be held on the 28th day of October, 2016, at 4:50 p. m., prevailing time, in the Shelter Island Town Hall, Shelter Island, New York, for all interested residents to express citizen views on local needs to be met with these funds.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 399

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Ralph Whipple, 20 Thompson Road, has petitioned the Town of Shelter Island for a wetlands permit for permission to remove existing single family residence and rebuild in same footprint; proposed residence will increase the SFLA by converting 690 square feet of existing unfinished space in basement to living space, by adding 190 square feet of living space to second floor and by decreasing first floor living space by 310 square feet, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:42 p. m., prevailing time, on the 28th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 400

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Hanami Realty LLC, 8 Cove Way, has petitioned the Town of Shelter Island for a wetlands permit to renovate existing single family residence with partial second floor addition; all work to be within same footprint; proposed residence will increase the SFLA by 900 square feet, and remove existing pool which will be replaced by new 12' by 24' pool, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:43 p. m., prevailing time, on the 28th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 401

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:41 p.m., prevailing time, on the 28th day of October, 2016, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled Amendments to Chapter 126, re: Heights 2 hour parking, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Amend 126-8 of the Vehicle and Traffic Law by adding a new Section 126-8 FF., as follows: No person shall park a vehicle, nor shall the registered owner of a vehicle cause, suffer, allow or permit said vehicle to park along Waverly Place between Grand and Washington Avenues on the south side of the Chequit Triangle (along the Chequit Inn terrace) for more than 2 hours between the hours of 9 a. m. and 5 p. m.

Section 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 402

Councilwoman Dudley offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the following 2016 budget transfers are hereby approved:

$200.00 from the A1010.200 Town Board equipment account, and

$300.00 from the A1010.496 Town Board Association of Towns account to the A1010.475 Town Board drug and alcohol testing account;
$563.10 from the A1330.484 Receiver of Taxes office and miscellaneous account to the A1330.200 Receiver of Taxes equipment account;
$193.00 from the A1355.441 Assessors revaluation account to the A1355.484 Assessors office and miscellaneous account;
$700.00 from the A1490.118 Public Works personal services account to the A4010.101 Deer & Tick Committee personal services account;
$500.00 from the A1490.422 Public Works dredging account to the A1490.416 Public Works mower repairs account;
$6,000.00 from the A4010.498 Deer & Tick Committee deer reduction management account to the A4010.422 Deer & Tick Committee corn account;
$5,750.00 from the A8160.103 Landfill seasonal personal services account,
$3,150.00 from the A8160.433 Landfill solid waste carting fees account, and
$4,000.00 from the A8160.451 Landfill C&D hauling account to the A8160.119 Landfill part time personal services account;
$500.00 from the FX8320.445 West Neck Water utilities account to the FX8320.443 West Neck Water chemicals account; and

BE IT FURTHER RESOLVED, That the following budget revision is hereby approved: increase the A4540.492 Ambulance training expense account by $930.00 to be funded by the Ambulance Training Capital Reserve Fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 403

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That general claims numbered 1510 through 1632 in the amount of $81,722.36, highway claims numbered 191 through 198 in the amount of $7,351.91, and West Neck Water claims numbered 30 through 33 in the amount of $6,772.59 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:01 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Deno Fischer, 13 Wheeler Road, for permission to reconstruct in place and raise the elevation by 8", of 123' of timber bulkhead utilizing vinyl sheathing, to remove two existing (13') timber returns and construct a 16' and a 20' return utilizing vinyl sheathing and to backfill structure with +/- 35 cubic yards of clean sand to be trucked in from an upland source and to establish a gravel splash pad, to remove existing 4' x 4' platform, 3' x 12' ramp and 6' x 24' float, to construct a 4' x 6' platform, 3' x 12' ramp and a 6' x 33' float and to replace existing water and electric lines in the Silver Beach Lagoon.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the vote was 6 - 0, the WMAC approved this with the contention that he does own a 38 foot boat, maximum beam width would be 10 feet and that's to protect the fairly navigable channel there, it's very narrow there so with that in mind they voted 6 - 0.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good evening, I'm Glenn Just of J M O Environmental Consulting, the agent for Mr. Fischer, if there's any questions from the public or the Board; thank you; and the bulkhead is only coming up eight inches; yes.

The Supervisor declared the public hearing closed at 5:05 p. m. and called to order the public hearing to be held as advertised on the application of James Theinert, 54 North Menantic Road, for permission to install a mooring in Coecles Harbor at a location south of the Stone

Wall, designated as latitude 41.085667° north and longitude 72.312700° west; said mooring location was formerly occupied by the C-3313 Linn mooring location.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: they were in favor 5 - 0, no discussion; no it was just a mooring pick up and it was fine, it went through unanimously.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:07 p. m. and called to order the public hearing to be held as advertised on the proposed LOCAL LAW ENTITLED OVERRIDE OF THE TAX LEVY LIMIT.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor explained the Local Law as follows: each year since the two percent tax cap has been introduced, we have adopted this Local Law as a precautionary measure, we're in the middle of our 2017 budget discussions, the tax cap is the lower of two percent or the prior year's inflation rate and this year it's something like less than half of one percent, 0.58 percent I think and it's an unrealistic number for some towns frankly without editorializing who had fat budgets, Shelter Island has been lean and mean for years, all they had to do is lay off two or three no shows and they could meet the tax cap, Shelter Island, for example, our health premiums, our insurer has told us that the premiums will go up over this by about, between eight and ten percent, we have been aggressively, we the Town Board, introducing employee contributions, the health insurance premiums, they used to be a hundred percent paid by the Town but it's still a massive increase so we adopt this each year as a precautionary measure.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:09 p. m. and called to order the public hearing to be held as advertised on the application of DJTM Enterprises, LLC to construct a prefab single story residence with an attached accessory apartment for year round housing, on property located at 146 North Ferry Road, Shelter Island, New York and designated as SCTM #0700-007-04-065, pursuant to Chapter 51 of the Shelter Island Town Code.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. A compilation of responses from DJTM concerning the Planning Board's Memorandum to the Town Board.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Janalyn Messer; you received the correspondence I sent to you regarding comments that the Planning Board; yes; had and my responses back to that showing some of the inaccuracies that they had in their report and then I also submitted responses to Mr. Al D'Agostino's letter that was submitted with inaccuracies there so that there is some clarification for that, do you want me to read them aloud or do you just want me to let it go; I think it would be more orderly Janalyn if I asked my colleague Paul to report on behalf of the Planning Board.

The Supervisor called for a report from the Planning Board, which was as follows:

25 August 2016

Re: **DJTM Community Housing Special Permit Application**

146 North Ferry Road

SCTM # 0700-07-04-65

Zone C Residential

We are in receipt of the Town of Shelter Island Special Permit Application prepared by Janalyn Travis-Messer, dated 20 June 2016 to gain permission to construct a (4) Bedroom prefabricated Two-Family house at the above referenced property. The applicant is seeking relief from

Zoning's Single-Family house limit through provisions in the Town's Community Housing Code, Article 51.

The project has a **SCDHS permit R07-16-0007** for a (3) Bedroom house with an attached (1) Bedroom Accessory Sleeping Quarters. The property is located in District C (Residential). The property meets the C-Zone's road frontage dimension (111.9 ft vs 100 ft) but falls short on its square footage requirement (13,611sf vs 40,000sf). The proposal complies with side and rear yard setbacks. At 15% (2052sf/13,611sf), the project complies with the permitted 30% lot coverage. As a single story, it remains under the permitted 35' height limit. C-Zone permits Two-Family dwellings but requires a special permit by the ZBA (133-10D(1)). It also permits Accessory Sleeping Quarters, without cooking facilities, and without the ability to rent them (133-10E(3)a).

Planning Board members visited the site and considered all submittals.

We submit the following observations

We do not believe this project represent what the town wants to see along its main artery; across which all residents, visitors, and ferry-to-ferry traffic travels. The town is already struggling with the latest B-zone buildouts. The island has traditionally valued its low density rural character. The houses across Rt. 114 are some of the oldest on SI and represent this character. They are constructed from traditional materials, are in a traditional architectural style, and are set on larger parcels. They are not vinyl-clad prefabricated multi-family units packed onto an undersized lot. They do not have a multitude of cars parked in their front yard. The proposal is not in keeping with the single family houses in the neighborhood. There are no other multi-family houses in the area. There is a Bed and Breakfast down the road; but BnBs are typically owner occupied. A resident homeowner will presumptively take better care of her own property than renters, who do not believe it is their responsibility, or a distant landlord, who is focused on income over upkeep. The applicant lives on Shelter Island but may the property ultimately be sold, potentially to someone who does not?

Ingress and egress from Hedges Road will increase. Sight lines are relatively open along the straight stretch of Rt. 114 but the added traffic may be a concern. Any fencing and landscaping needs to be held back from Rt 114 to not limit visibility.

The parking plan is not a reality. The first few spots along Hedges Road will be extremely hard to access and spillover parking on Hedges Road and/or Rt. 144 is a reality. There is a real potential of partial blockage of emergency services to houses down the narrow Hedges Road. A limit to the amount of cars (maybe four) should be part of any recommendation.

We believe that the Town may have incorrectly signed off on the SCDHS WWM-105, Application for Sewage Disposal and Water Supply Facilities for an Accessory Apartment. The application form requires a Town Building Official's signature before the SCDHS will accept it. Town Code 133-17(d), Accessory Apartments, states:

"The lot shall conform with the area and bulk regulations of the zoning district within which it is located, except that an accessory apartment may be sited on a legal nonconforming lot which contains no less than 75% of the district's lot area requirement exclusive of wetlands and land under water."

The lot did not meet this provision.

Conclusion and Recommendations

While we respect the applicant's efforts to create more workforce housing, we believe that this is not the correct location or property for this project. The very visible property (to town traffic), the out of character proposal (for the neighborhood), the very limited and non-conforming property size, and the tight parking with potential blockage of Emergency Services are all real negatives.

We believe that the Town Board should also consider housing density and island-wide concerns for fresh water quality and quantity when reviewing applications for community housing. There are already many non-conforming lots, both improved and not improved, that are grandfathered for residential and/or business use. In many of these nonconforming, pre-existing cases, building permits will have to be granted as a matter of law.

We ask that the Town Board re-visit Chapter 51, Community Housing, and consider inserting a minimum lot size for Multiple-Family residential lots that is no less that the 133-17 standard (*"no less than 75% of the district's lot area requirement").* A lot of less than one third (1/3) of an acre should not be permitted to support multiple families.

Due to the property's limited size, and the understanding that a Single-Family four bedroom prefabricated house could legally be constructed on it, we also ask the Town Board to consider purchasing the property with Two-Percent funds to restrict its future development.

We, the Planning Board, are unanimous in our belief that this application, and similar future small-lot proposals, should be rejected.
By: Paul Mobius, Chairman
Emory Breiner, Vice Chairman
John Kerr, Member
John D'Amato, Member
Ian McDonald, Architect, Member

The comments continued as follows: so shall I respond by reading what I wrote; yes; okay great, so on page one regarding the C Zone permitting two family dwellings but requires a special permit by the ZBA, the Community Housing Chapter 51 basically is to supersede the ZBA, when you go before Chapter 51 as you know, you either go before them or you can go before the ZBA but you can't go from one, then to the other regardless of which way you start so it's one or the other in terms of choice, I chose to go with the Chapter 51 and not go before the ZBA, so that's why I did not, I had a choice and so I went with the Community Housing cause of what I want to try to achieve to add two year round rentals to the community and then also on that same terms of permitting accessory sleeping quarters without cooking facilities and without the ability to rent them, it's the same response and the reason why I went before Chapter 51 so there's reason for both, now in terms of the comment on page two regarding houses on 114 are some of the oldest on Shelter Island and represent this character, constructed from traditional materials and traditional architectural style, that they're not vinyl clad pre-fabricated multi-family units, well I did my research and there are a mixture of years of houses that have been built as recent as 2008 and one of the oldest is clad in vinyl that my late husband and former Councilman Jim Messer installed with the homeowner and this house is a two family and this house was built in 1888, there's also two other homes from 1890 and 1896 that are also clad in vinyl siding, as a matter of fact, there are eight homes total that have been clad in vinyl siding in this area, so it's not a new building material within the neighborhood, pre-fabricated homes are not illegal in the Code and have been built throughout the Island and the statement that they made almost alludes to a preconceived notion that it's inferior when actually it's built to higher standards of energy efficiency and strength so therefore it will actually be more energy efficient, in addition, there are many architectural styles along this stretch of 114 and along Hedges and Orchard Road, a post and beam, two old styles, two colonials, two Cape Cods, two traditionals, six contemporary, six farmhouses and fourteen ranches, I'm building a ranch so the most common style is the style that I'm building, and that, they come in many exterior finishes, with one being stucco, one being brick and asbestos, one being composition, three being board and batten, three aluminum, excuse me, four vinyl, four asbestos shingle and twenty-three wood mixed with clapboard or shingle and I'm going to build a ranch style home, the most popular style within five hundred feet of the applicant's lot, my lot, and one of eight with vinyl or aluminum siding but the only one that will have a vinyl shingle siding so that it looks like cedar shake and it will be a barn red color and this is to pay homage to the original Griffing and Collins Real Estate office that it was next door, now since it's been painted white but the original color was red and that's what I'm planning on doing, now on page two they also talked about the proposal's not keeping with the single family houses in the neighborhood, that there are no other multiple family houses, well there are several multiple family houses and houses with accessory cottages and are rented out on a seasonal and year round basis and all this information came out of the Assessors' data base, one two family, seven detached cottages and one apartment over a garage in RG-7 and one property houses a main dwelling, a detached cottage and this garage apartment, on page two also it says the applicant lives on Shelter Island but may the property ultimately be sold, potentially to someone who does not, I'm not sure why there was a question mark there but Chapter 51 does not automatically allow the property to be transferred to a new owner, on 51, 12 A1, it says that this license that I have to obtain through this Chapter may be revoked for any of the following reasons and one of them is a change of ownership so this house doesn't automatically stay as this two year round rental capability, you know if I sold it I would have to reconvert it back to a non-kitchened use and it would have to be owner occupied by the next person so this is not something that automatically then just gets sold as is, I lose that ownership by the Town revoking that ownership, once the transfer takes place; is that, that's not automatic though right; that's __; it's a possibility, right; yeah; it's a possibility that the Town can revoke it; yes, alright, on page two, ingress and egress from Hedges Road will increase and site lines are relatively open along the stretch of 114 but that added traffic may be a concern, so any fencing and landscaping that I'm required to do on the property, does not encroach on anyone else's property, as a matter of fact, I have two encroachments on my

property as it is, from the asphalt section of Griffing Lane and a wire fence from another property and the property boundary is elevated and well back of the road egress and they said that they had visited the site but if they had noticed where the marker was, which was marked very clearly, you go past that traditionally to have to look one way or the other to exit onto Route 114 so no site line will be changed and I'm not allowed to clear any of those trees on that elevated, I should say the angled portion between my boundary and Hedges Road, so regardless of any landscaping or fencing that I do, the site lines are not affected at all, the parking plan is not a reality, on page two again, the first few spots along Hedges Road will be extremely hard to access and spill over parking on Hedges Road or 114 is a reality and they wrote 144, there is a real contention, a partial of emergency services back to houses down the narrow road and a limit of cars maybe four, should be a recommendation, while the parking plan is of national standards and the Town Board wanted spaces for nine cars so I had to create that, I would love to only have enough for four because I think that that's all that is going to be necessary because of the applicants that are on the Town's housing registry are families and/or singles, there's also no laws on Shelter Island books that say how many cars are or can be on a property so the fact that there are you know the comment turns out you know, lots of cars and you know it's not gonna be well the Town doesn't have any code regarding that so any house can have as many as they want on the property but the land that borders this road, Hedges Road is thirty-three feet wide, only about fifteen feet of it is paved, the other part coming to my property is at an angle, this is all wooded, there is no way that anyone can park along here from my property, if they go into my property, they're parking on the level part which has nothing to do with the Hedges Road, the paved portion, egress and ingress at all and the fact that the road is narrow that it only allows a single car passing through, parking again would never again be affected, emergency services would never be affected, so I'm not quite sure what was looked at but that's the case, the shoulders are wooded and I can't clear them, page two, we believe the Town incorrectly signed off on the sewage disposal application, that it should have had a building official's signature before the Health Department accepted it, the Health Department required the Town official, in this case, Mary Wilson, former permit coordinator, to sign the document that said sleeping quarters only and then that got submitted to the Health Department, and my current Health Department stamp states that it be accessory sleeping quarters only so nothing was done out of order at all, the WWM.5 did not come after the Health Department approved it, it came before they approved it and I also included a statement from the Board of Health because the Planning Board did not want to take the memo that Mary Wilson had signed off that she submitted to the Community Housing stating that the Board of Health was absolutely fine with the second stove being considered because their regulations allow it and I called the Board of Health and got it on their letterhead and submitted that with all your paperwork as well as to the Planning Board and to the Community Housing so just to show that the Board of Health is absolutely fine with the second stove, no problem, page three, it talked about the applicant's efforts to create more workforce housing, they feel it is not the correct location, type, out of character, type size, type parking, emergency, _ they're gonna, well in summation to the Planning Board information, the house which is elevated above Route 114 as opposed to those that are level will 114 is completely in character to the neighborhood due to an existing two family house, eight additional properties with accessory cottages and seven homes with vinyl or aluminum siding, that there are twenty-four other lots smaller than 40,000 square feet, a nonconforming size with thirteen lots ranging from .25 to .26 acres, one with a full kitchen accessory cottage and the land that borders the applicant's property, that is Hedges Road, Route 114, is sloped and heavily wooded and the shoulders do not provide the opportunity of parking by anyone so therefore emergency services as well as ingress and egress will not be impacted; thank you; I have comments regarding Mr. D'Agostino's letter, that was also read at the Planning Board and I don't know whether it was read aloud at your Board meeting; no; at a work session, okay but I have comments there; please; do you want me to; no you can pick up later; okay fine; okay Janalyn; I guess so, sit down; thank you very much Janalyn; Mr. D'Agostino Esquire; thank you Mr. Supervisor, good evening Mr. Supervisor, members of the Board, members of the public, applicant Janalyn, I represent two of the property owners within the immediate vicinity of the subject property, my firm represents Mr. Madore, Seth Madore and Mr. and Mrs. Andrew McFarland, first just a couple of procedural comments slash requests and questions, was this matter referred to the Suffolk County Planning Commission either pursuant to the Suffolk County Charter or Section 239 m of the General Municipal Law since it's on a State Highway; Laury I don't believe it was; I don't think so, Town Clerk, you haven't done that, did you; no; we don't have any representative of the Community Housing Board here today I guess, I don't think so; and again for the record I would submit that since the property is located on a State Highway,

that at least the, one of the triggering items of General Municipal Law Section 239 m would have required it to be referred to the Suffolk County Planning Commission and also I would also respectfully request the consideration of the Town Attorney in taking a look at the applicable Suffolk County Charter provisions on the referral, so that's item one, item two, the Town Code in Section 51-22B requires notices to be sent out to all of the property owners within a hundred feet and I haven't heard anything yet and it may be in the file, you may have received them, I just would inquire as to whether or not there's been an affidavit of mailing or if any of that was done; actually it is two hundred feet and I did mail out all of those last Monday, two Mondays ago; if it was done, it was done but I think there's an affidavit of mailing that has to be filed, as I'm sure you are aware, I had submitted a letter back on July 7, 2016 to the Town Board for your consideration, realizing that this matter might and probably would come before you as it is tonight, I would ask rather than having go through all of the items in that letter that the letter be accepted as part of your record on this hearing and there are a couple of items that I would like to mention that are in there but my first question is if you would be willing to accept that letter as part of the record; I think Dottie; it is part; okay, thank you, I was and am a bit confused, the floating zone which this application is submitted pursuant to, is part of the Zoning Code, it doesn't appear in Zoning, it appears under the Community Housing section but it's a zone which the Town Board created back in 19, I'm sorry, I'm showing my age, 2008 so it's about eight years and I think that I read in the documentation that was submitted that this might be the first property that's being considered to be part of the floating zone, I referred in my letter to 133-13 of the Town Code which is captioned creation of special zoning districts and Town Code Section 131-13 capital A provides that and I'm quoting, the Town Board reserves the right to create special zoning districts either through separate districts or overlay districts to meet the anticipated future needs of the community with respect to housing, industrial uses, open spaces and aquifer protection, clearly, at least in my mind this zone was created, anticipated future needs of the Town, Town Code Section 133-13 capital C sub 2 does however mandate that, and I'm quoting, district regulations unquote must be adopted and again quoting prior to or simultaneously with, simultaneous with the creation of a special zoning district and that the Town Board should adopt regulations for the district, which at a minimum shall specify the following and item number two relates to dimensional regulations, now, as far as I know there are no dimensional regulations which were adopted either prior to simultaneously with the creation of this floating or special zone, CFAC zone and that violates the requirements of 133-13 C 2, it also leads to some of the confusion, the applicant spoke about not going to the ZBA, going to the Community Housing Board instead, I'm always willing to learn something and maybe I missed it but I don't understand where the applicant or any applicant has an option to go to one Board to supersede the statutory jurisdiction of another Board and as the Town Board knows, I'm sure the Town Attorney knows, every Town has Town Council which we have here, every Town is not required to have a Planning Board but can and most do, but every Town must have a Zoning Board of Appeals which is the sole jurisdiction of a relief valve on the restrictions of a zoning code which, where an applicant may go in and request some relief from those provisions, so absent any dimensional justification or dimensional regulations with respect to the CHFZ zone, and since this is a special, I think it's an overlay zone or a floating zone, you've got to go back to the zoning which is applicable to the property which at this point is resident C, now this property is .31 of an acre, I believe the resident C area requirement is one acre so it's thirty-one percent or sixty-nine percent less than the required minimum acreage, in addition, the applicant mentioned that there are two encroachments on the property, blacktop from Griffing Lane and a fence, now if there are encroachments on the property, those two encroachments arguably reduce or potentially reduce the .31 to even less than that which would require if it went to the Zoning Board an even greater variance, I'm not gonna prejudge what the Zoning Board would do, the applicant has rights to develop the property, I think there are strong arguments to develop the property in conformance with the permitted uses in the C Zone which is single family residential, a number of years ago and I don't remember off the top of my head, there was a point which accessory sleeping quarters and accessory apartments were created, if there's enough room on this property for that, the Zoning Board would approve it, and again the Zoning Board of Appeals would approve it, that's a different issue and it should probably go before that Board and I refer to that in my letter, so the argument that you have a choice to go from one to another or one board other than another, the Community Housing Board does not possess the power and jurisdiction to vary or ignore requirements of the Town Zoning Code, the recommendations, by the way, now going to the recommendations that came from the Planning Board and I appeared before the Planning Board as also the expert Mr. Robert Marks did and a number of the surrounding residents, the Planning Board recommendations speak for them self,

anybody has the right to challenge and opine to something to the contrary but the statutory requirement that this matter go to the Zoning Board for a recommendation has been addressed, the Zoning Board had made a unanimous recommendation and the, refuting of their opinion was I think the subject of that hearing and I appeared and so did the applicant, so again that is before you and I'm not saying you are mandated to follow or not follow it but the Board, this Board has the right to take that into consideration, again this is not about style, this is not about architectural review, this is about density on a lot that is at least sixty-nine percent less than the, is my math right, I think so, I said it more than once, sixty-nine percent less than the Zoning Code requires and may even be less than that by virtue of whatever encroachments exist, now in terms of the Department of Health, I don't know why the Department of Health is even involved in whether a house can or cannot have a second stove, that's generally an issue of local zoning and permitted uses and a stove is not within the purview as far as I know, I'm always willing to learn something, but as far as I know, a stove is not within the purview of the Department of Health, and as far as who signs a letter that goes to the Department of Health, usually in my experience, it's either the chief building official and I specify chief building official, in some municipalities it's the commissioner of the department and in others it's the chief building inspector but it's, and I know and respect Mary in her opinion, Mary Wilson, I highly respect her but I don't know whether the substance of the letter is germane as to what is before you and but again it would seem to me that the letter should have come from the zoning official, that is only my opinion, in terms of the nine cars as what the Town wanted, that's a lot of cars, it's a small lot, I think the Planning Board adequately addressed the concerns as to this lot, it's basically a density and over development situation and I concur with the statement that the purpose is laudable but the location is wrong, now in addition to that I had previously, I think I sent these in to the Planning Board but I also have, I also have a number of signatures pursuant to Town Law 265 which are people who are within the one hundred foot radius which would mandate the percentage that we supply and I would like to make them part of the record as well and I have a map; one hundred feet or two hundred; no this is the Town Law 265, this is the State Law, basically says twenty percent of the people who abut or within one hundred feet opposed, then the Town Board can only approve the change of zone by a three quarter vote, this is not part of your Code; I just wanted to make sure, if I heard the number of one hundred feet correctly; I believe and well I could dig it out there; it sounds like a lot; hah; it sounds like a lot; it isn't, it isn't, in fact there are two provisions there and I've been on the short end of that as well but I think it's a recognition by the State Legislature that the people who are most affected by a change of zone are the people who are closest to it; right; which is why Town Boards and Zoning Boards and Planning Boards very often give greater deference to people are on either side or up front, now what I also have is a map and it's sort of filled out in two colors, all of the tax lots, subdivision lots and tax lots which are marked in yellow are property whose owners appear in opposition to this and in addition tonight, there were one, two, three, four, five, six, seven additional and I don't have a yellow pen so they're marked with X's and it's virtually everybody within and it even goes beyond a hundred feet and again you're comment is well taken but in many situations there are smaller lots and smaller cities; right; and Nassau County which is rapidly becoming a city but at this point I would submit the petition pursuant to Section 265 of the New York State Town Law, Section 265 1 B as well as the map if I might submit that as part of the record; yes, to the Town Clerk; and again the affect of that, at least in my opinion and on behalf of my clients is that it requires a stipulated super majority of three quarters of the entire Board, in addition, sorry I failed to give you one page on that one, this goes with it, in addition there's a petition of persons who are beyond that area or elsewhere on the Island and I would point out that, this makes reference to and I don't want anybody to take offense but it refers to the illegal actions of the Community Housing Board, you know there was a question that was raised which I was told has been addressed and I won't go into that tonight so if you would not consider the word illegal, I believe it was at the time but it's been cured or may have been cured, so I submit these general petitions as well, that being said, I have a real estate expert who appeared before the Planning Board and he has also appeared before the Zoning Board of Appeals on Shelter Island, Robert Marks, I have his curriculum, he'll tell you which I can have read into the record, I'll submit it to the clerk, I can qualify him as an expert, however you might want it to be done, he can briefly set forth his experience, he's appeared before numerous zoning boards, planning boards, town boards and city councils in Nassau and Suffolk County, he has also appeared as an expert witness in all types of eminent domain, zoning etc., so at this point I would call Mr. Marks and Bob when you introduce yourself could you just briefly go through your qualifications; thank you, it's almost good evening, my name is Robert Marks, my office is at 3 Petal Court in East Hampton, I maintain an office in Mineola and an office in

Manhattan also, I have been an appraiser since 1960 so this is my fifty-sixth year of being an appraiser and I have appeared before boards forty-six of those years, I have been president of the real estate appraisal boards on Long Island, I am a member of the appraisal institute, I am a licensed real estate appraiser and a licensed real estate broker in the State of New York, I have bought property, sold property, managed property, appraised property and just as an aside, when I drive around and point out to my wife properties that I have appraised and worked on, she said I'd be much more happy if you told me that you owned those properties, so be it; woulda, shoulda, coulda; woulda, shoulda, coulda, I have visited this neighborhood on numerous times because I have a house in East Hampton, I come to Shelter Island, I've ridden my bike here many times and visited the restaurants here and as recently as today I visited the property on, surrounding the property, this is traditionally a single family owner occupied residential neighborhood in a C zoning district located along Route 114, North Ferry Road, some of the single family homes in this area and locale have sold for over a million and a half dollars and looking at the tax map and zoning maps, most of the lots in this immediate area fronting on Route 114 are one acre minimum or more, this is one of the few lots that is substandard along Route 114, the C district regulations as you've heard Mr. D'Agostino say, provide for lot area of one acre which is a builders lot of 40,000 square feet with only one single family dwelling allowed on the lot, the required frontage setbacks are thirty feet and side and rear setbacks are ten feet, two family dwellings require a special use permit by the Zoning Board, this proposed lot and two family house has frontages on 114, Hedges Road and Griffing Lane requiring a thirty foot setback for each street frontage leaving only about 4500 feet on the lot to build on, the building envelope is condensed and is very small, from the plan presented from what I've seen, there will be four parking spaces along Hedges Road within the thirty foot setback area requiring backing out onto the single lane Hedges Road and my experience in most jurisdictions, parking is not allowed within a setback area and I'm not quite sure what the Shelter Island requirement for that is, the plans call for nine parking spaces for nine occupants with the potential for nine cars, all parking must be on the site as there is no street parking available near there, the applicant is requesting a change to the Community Housing Floating Zone, this zone according to its regulations was created to facilitate community housing that is more creative and imaginative in its land use and design and it further has income limits for year round renters, the Board should also take into consideration the existing nature and arrangement of land uses in the area which are mostly single family homes on one acre lots along Route 114, the subject is only 13,685 square feet in area or less depending on the encroachments and actually one of the times that I visited the property I pulled into that encroachment which is on Griffing Road and watched as cars coming from the back of the road came down and a car tried to come in off 114 and the car from 114 had to back down onto 114 to let this car out, I was not touched but that was within this extra tarred area that I assume was one of the encroachments, this application requests a two family dwelling which in my opinion affects the character of this neighborhood which is mostly single family owner occupied dwellings, the applicant will not be or will be an absentee landlord, not occupying either of the two rental apartments which again are subject to income limitations, further to be considered is the traffic circulation both on and off the site, remember two families with up to nine adults with cars backing into a single lane road, further need to be considered is the current need for such housing in this area, subchapter 51 - 23 of the Community Housing regulations further state that the proposed application will encourage appropriate use of the land and not be detrimental to surrounding properties, my opinion is that this proposed use is out of character with the neighborhood, with its intense use will diminish local surrounding property values, further my opinion is that the intense proposed use on this very small lot in this area and the traffic will adversely affect the safety, health and welfare of the Town, the proposed use is not suitable for the location and the use is not harmonious with the character of the existing and probable development of uses in the vicinity, thank you, I'd be happy to answer any questions; thank you very much; thank you; very briefly, when Mr. Marks refers to substandard, please keep in mind that sometimes that comment is misunderstood, it is substandard for zoning purposes, that's all it's being referred to because of the size, if I'm correct in what I had read, that this is the first application that's before the Town Board for a change of zone to the Community Housing Floating Zone, I would respectfully submit that this is a bad precedent to start with as a first application and as I said, good purpose, well intended and I respect the purpose but it's just the wrong parcel and the very last thing, I think I neglected to put my appearance on the record when I started, if I did and if I'm repeating myself, excuse senior moment but again my name is Albert D'Agostino, I'm with the law firm of Minerva and D'Agostino, 107 South Central Avenue, Valley Stream, New York and have been a resident here part time and I think I'm starting my seventh decade coming to Shelter Island so, thank you

very much; I'm sorry I have to speak quickly but, my name is Greg Cranford, I live adjacent to this property, diagonally across on 114, I believe most of you were here when I spoke previously about my opinion on this property so I won't repeat all of that, I would just like to say that I believe the letter that was submitted by the Planning Board echoes all of my concerns about this proposed use, the site is far too small, it is not in keeping of how we would like to see the character of 114 maintained and it can't, I'm convinced that because of the pre-fab nature of the construction that most of the trees will have to be removed in order for the trailers to be put onto the site, denuding the site and making this barn red house, this is news to me, barn red, even more visible, I'm horrified by the whole idea, I think everyone knows this and I won't repeat too many times, but I urge you to think long term about what the nature of Shelter Island should be and I do not think this house in its location is appropriate for any of our concerns regarding the future of Shelter Island, thank you; thank you Greg, yes Hannah, come on up please Hannah if you would; good evening, good evening gentlemen, I'm not going to say much because I am one hundred percent behind every objection that has so far been made, in listening to this whole idea of number of people, I had a couple of questions of Janalyn, my first is, initially your project was sleeping, accessory sleeping quarters only and then I was at a Community Housing Board where Co-Chair Westervelt encouraged you to apply for an apartment with kitchen, so with; no; so which is it now, what is the final application, I believe I saw an application in the Community Housing Board office, in Jeannette Flynn's office, with a full kitchen in the auxiliary building; the application has always been a three bedroom two bath on one side with an attached one bedroom one bath on the other side, firewall in between, fully safe, fully up to code, fully energy efficient; no but my question; I understand that, I'll finish the answer; okay; and the application has always been to apply for two full kitchens and nonowner occupied, that's how the application has always been; thank you, okay so now we know that it's an apartment as well, I was looking at Chapter 75 of your Town Code, 5 - 3 and it's one family shall occupy, this is group rental, one family shall occupy a one family dwelling, one family, no more than two families shall occupy a two family dwelling and it's hard to read because it's cut off, by not more than two persons per conventional bedroom as you had suggested Miss, now Mrs. Luecker for the air bnbs, however if you continue on with that dash three, in no event shall more than five persons unrelated by blood be a dwelling thereof unless the owner thereof actually occupies same and uses same as his principle place of abode so I'm thinking that that should apply here and the other question, I just had one other rather unsettling question, I heard you say that you know that the tenant, the prospective tenant applicants are, what did you say, could you repeat what you said tonight; I don't know; you don't remember; I need more information; you don't remember; I need more information in terms of; okay, what you, you described the people who are; the potential tenants and where they come from; right; the tenants and where they come from, they come from the Town's; no, no, no, no, not where they come from but what their makeup is, I believe you said they're single; I said that based on the Town's housing registry and the applicants that are on the Town's housing registry, they are either family or singles; okay; because that's where the applicants come from, I don't just pick my applicants, the Town vets those applicants and I chose from those applicants; that's incorrect by the way, I spoke with Hoot Sherman because I was unable to have my questions answered by either Mary Faith Westervelt or by Chris Lewis when I presented questions by e-mail and that is not the case according to Hoot Sherman, if you, first of all he told me that the applicants are not to be disclosed to the general public, in other words if you went to the Community Housing Board and said you needed housing, they could not tell you, they could not tell anybody else who you are so then I said alright well if I wanted to rent out my bed and bath in my new bed and bath in my house and I wanted to come to the Community Housing Board for an applicant, would I be able to know anything prior and he said absolutely, we don't vet those people, he said we only refer the tenant to the homeowner and then the tenant, I mean the homeowner; if I could just intercede for a moment; would you; every applicant on that, that applies, put their name on the registry in the hopes of finding an apartment or something they can afford, their information, their private information about their income and all the rest of that is actually vetted to make sure they qualify but not by the Housing Board members, by an attorney that we have that volunteers time to do this by keeping peoples' financial records confidential, at the time that that process happens and that individual, the attorney has established that they're a sound person, that they have some employment that their income qualifies them to be on this registry and so on, then the connection is made to the person who may want to open their home or their apartment or whatever it is, but only after they then completely __ as far as being; but it is the choice of the homeowner as to whether he accepts; from that list; therefore my point at the end of the day on this is that just because you apply to the Town, to the Community Housing Board for a place to live,

doesn't automatically mean that just because there is a place available that you will automatically be accepted; so we're saying that the owner has discretion; right; what if there is no one available on the list; then they can't be affordable, then they can't; so it doesn't take care of the need of what the Housing Board __; so apparently since 2012 there have been four, perhaps six applications since 2012 by perspective tenants to the Community Housing Board, within the last month there have been three applications, there has been one application in the last month by a homeowner, that homeowner has now taken in one of the prospects or the applicants, one of the three applicants within the last month, so that's the number of people who are going to the Community Housing Board for help finding rentals, no more than six people since 2012 and you can go to Jeannette Flynn's office and see that record for yourself; okay; thank you Hannah, anyone else wish to address us, okay Janalyn do you feel you; I just want to; I'll ask you to sit down; do you want me to sit here or up there; __; okay, I just want to respond to Mr. Mark's comments in terms of the, again I made it earlier, in terms of the quantities of homes that are currently being rented or have an accessory cottage and the whole bit and I just want to make sure that everyone truly is aware that this is not a precedent being set in the neighborhood, that there is already a two family house, that there are eight additional properties so nine houses total within two hundred feet of this property that I own; Janalyn; yes; alright, so you can describe the radius in which those houses exist and you can identify those parcels; I can identify those parcels if you like; I mean, the Ronald Reagan theory, trust and verify as it was; I have my spread sheet right here that has listed all of the houses that have cottages, okay; you could bring it up; oh do you want me to give them to, oh I can give them to you, okay, and so nine total homes have cottages or is it attached two family house that units are being rented out seasonally and or year round and so again the precedent, I'm not setting a precedent, it's already been established and that there are thirteen properties that are within, let me get to that right, that thirteen lots range in .25 to .62 and one of them already has a full kitchen accessory cottage on it so again I'm not setting a precedent, it's a nonconforming lot, below .75 and there's already one there that has an accessory cottage with a full kitchen, mine is attached, it's not two separate buildings, it's one building, you know, in terms of the square footage, I'm doing a house that has 2,000 square feet, while if I only have a 4500 you know square foot building envelope and I'll have to look at my survey to see, I'm less than half of my building envelope, yes you can have parking in the setback on Shelter Island, you can run a driveway right along your boundary and you can have that and the way I described the parking or designed the parking, excuse me, is that no one will be backing out, everyone will be going forward out of the driveway and not backing out onto Hedges Road and then there's no access directly onto 114 from the property and there is no access to Griffing Lane from the property so everyone is going forward and again doing nothing different than what every other house along Hedges Road does in terms of single car going down the roads so nothing is changing that way and I'm not affecting any of the other houses down Hedges Road or Orchard Lane because people will come out of my property and go right out to 114, I don't go by other homes other than the house directly across the street which is owned by Mr. Corva and he doesn't access Hedges Road from his property, he accesses from Orchard Lane so I don't affect him in terms of ingress and egress; okay; so again I'm not setting a precedent, it's already been established; you had your hand up Bill; yeah I might ask a question, Bill Zitek, this building is attached, are both of these buildings capable of supporting a family for all their uses; according to the HUD standards that the Town is using that they put into the Code at Chapter 51, that the three bedroom can house up to six people, so two people per bedroom, the one bedroom according to the HUD standards which makes no sense to me whatever Bill, can house up to three people and I'm not quite sure what they consider a person, do they consider a baby a third person, a child a third person or an adult a third person, I can't answer that, it states in the Town Code that they utilized the HUD standards and HUD doesn't define, they may not be allowed to define based on fair housing but I don't anticipate any more in the one bedroom than two now; they will be separated; yes firewall separation all the way down to the basement; it won't have a stove or anything like that; yes it will; ___; ___ ; ___ is that a stove, the Town definition of a full kitchen is with a stove, everything else is allowed except a stove; what you're doing is putting a larger, you're putting two family buildings on one very small lot; again it's a 2,000 square foot house total and, total between the two units and that one bedroom and bath on one side, I want to use the term railroad car as a fact that it goes from front to back, there is no deviation, there is no additional hallways or anything whereas the three bedroom of course you can go all the way to the back to one bedroom and then you've got a hallway that will take you to the other two bedrooms off to the side, I have the plans here if you'd like to look at them, now or later, if you'd like to look at them now I can show them to you; you wouldn't be creating a bunk house then, a place for other people; no, no,

there's no separate additional buildings, it's one building, there's no detached garage, there's no detached; and they all have access to the kitchen and all that in the house; there are two kitchens; there will be two kitchens; two kitchens; the one bedroom will have it's own full kitchen, the three bedroom will have its own full kitchen; and the other point I thought, and you brought up a couple of times that it is a small lot and this lot over here is another small lot and this is a small lot, many of these were created many years ago, when we look to planning today, I would think that we would look to use a lot in as close to compliance with what is around the Town in that area and I honestly in my own mind do not feel that this plan has created something like that, I commend the idea of trying to create housing for people but I think it could be created in several other spots that have larger area, a greater access and so on and I don't feel, I agree with the Planning Board; well that's why I created one building with the two, next to each other as opposed to two separate building cause two separate buildings would have been kind of out of character, like I said, there's already a house there that's on an undersized lot that has, this has a separate building as well as a single family residence, wherein I didn't do that, I went with one building and that stays within the character of the majority of the houses around there so that it is just one building, the single family residence; __ attached building with a firewall; yeah please; it's an attached building so it looks like one house, one house; I just think of the folks around this area and how much they enjoy their properties and I believe that we should pay attention to that and I, sorry but I don't think in my own mind that this is an appropriate use; okay; can I ask a question, I guess generally speaking to the objectors, obviously this is a buildable lot, right, so the house of that size could be put up and one even bigger than that I guess, could be put on that lot by somebody that owned it; absolutely, a larger house can definitely go up; okay so your objection then is to the multi-family element of it rather than the fact that, cause the house is not presupposed but it's certainly a possibility, I mean it's not like she invented the idea of building on small lots, okay so I just wanted to get that clarified that you're not, you know, you're not opposed to somebody exercising the right to build the house, you're opposed to the multi-family element; we understand; __ a rental property; we understand; well I'm asking a question, I'm not telling you, would you think; we understand that it can, that a __ will; okay so you object to the multi-family element of it; that's part of it; __; what is the other part of it Hannah; ____, simple, the number, I'm sorry, Andrew McFarland, I bought 145 North Ferry Road fifteen years ago __, been there fifteen years, looking at that lot, actually your previous owner, maybe you bought the property from him, he sent me a letter, he was kind enough to send me a letter, asking where my septic tank and well were when he was considering building and having met him in New York, I think I know the kind of character who wouldn't put in a small single, he'd put in a kind of cottage, the kind like Greg put in on his lot, he was not looking to put in a big house, for family, for rental purposes and there are numerous objections involved and covered by people this evening, the means of construction, ___ relief, the first thing we did the year after we bought our house was to remove the vinyl siding, it's a toxic product, it's ugly, the beauty we found underneath it __ tradition, property you can do what you want with your property, I'm not an architect, I can't complain if someone is building a style they want to build, including someone, you know the projects on the Island that people like to talk about but this area, 114, is of concern, you know, maybe I took a chance fifteen years ago when I decided to live on what some say is State Road but I don't consider it ___, it's all part of Shelter Island, people who come to the Island __ some go about 45 or 50 miles per hour and maybe they won't even see the red barn but I think it's not, when the Planning Board has told you it's not a good idea and you continue to __ them, you're insulting everyone with intelligence around the area, I would welcome community housing if it was done properly and not on a turn around basis, there are plenty of examples where units can be built on lots of that size to support a smaller number of bedrooms or perhaps a family who is __ but not just as a speculative project where the number comes up, well let's make it housing I'm gonna get some rent out of, it's not perfect, none of my neighbors around rent their houses on a regular basis to make income, I'm sure I could put mine up in the winter months if I wanted to and probably find a tenant if I wanted to have, but that's not what I bought for, I'm not looking to make money on my property, I'm not even looking to make money to cover taxes and I don't have deep pockets also, I made an effort to keep 114 nice in that area; yeah; I've kept my house up and I don't think what you're doing helps us as neighbors and that's reflected in the petition that has been submitted to you; yes, thank you, Al you had your hand up; ___; Jimmy; the house that has the cottage that is between the .26 and .62, I just wanted to put that out there, is on .53 of an acre and that's a separate detached cottage with a full kitchen; Janalyn; Jimmy; I've been here sitting patiently listening to it and for me to stay quiet for an hour is a record for me; __; no but my question to you is I love the word reasonable, you know, people here are very reasonable and people

have what they consider to be important objections, I mean really, they live there, it's important to them, it's a noble cause you're trying to put out here but again I think some of the objections, we can dig in and we can fight and we can have lawyers and we can go to court and we can do all this thing, I thought living on Shelter Island was better than that, I thought people could be reasonable where you could talk out a situation, especially being an important, I'm retired but you're a business lady and you're a realtor, somebody who has worked very hard in the arts and crafts thing where I've got to know you and stuff, to build a reputation, isn't it worth your while, I'm just asking you, to reconsider what you have out there, to be influenced by your neighbors, your good neighbors who are expressing a concern than to try to modify this thing in such a way that it would be agreeable to all sides, that's all I'm asking, I throw that out to you; are you asking for an answer right now; well no, if you don't feel comfortable with that, could you sleep on it and think about because I'm very sincere with my comments, you know, everything that we do here, and this problem is so convoluted it ties in with all the rental stuff that we've been banging our heads against in the last four months but again if everybody calms down and doesn't polarize and comes to the middle and is willing to bend just a little bit, I actually believe, they're not objecting to you developing your property and believe me I'd love to see a nice full sized house on that piece of property where again a family or somebody could move in and there's such a need here on this Island; oh, it's desperate and that's why I came up with this idea; but and again, all the people in the room including most of us up here like the idea, maybe not for that parcel of land, if you, if it was, and I don't mean because these people are in the room, I just mean, being on 114, being less than a third of an acre, it just, the point that somebody made here, if this is your initial thing of trying to help solve a problem, it's creating more of a problem than it is solving so I just ask you, just sleep on it, to think about it, to make some modifications here and maybe come up with something just, and it's not just appeasing your neighbors, to me, part of living on Shelter Island is becoming a good neighbor, I learned that the first night I lived here when Janet Carlson picked up the phone and called me and said Jimmy, Mr. Colligan, could you take that outside spotlight and just __, I couldn't get the ladder out fast enough to accommodate my neighbor cause moving into a brand new neighborhood, being new here, I wanted to do things for people, I didn't want to be controversial and I don't think this has to be controversial, I think if everybody puts their minds together, you could come out with something that people could say you know what, that's reasonable, I just ask you to sleep on it; I believe that what I'm hearing more comments on is the fact that it's a prefabricated home and people I think take the impression that a prefabricated home is like one of the trailers that are in the trailers in Riverhead parks up there and this is far from it; I respectfully disagree with that, I don't think people are, there are many beautiful homes; there are and there are many on this Island; that are prefab so I don't think that's the objection; well I get the feeling that it might be because I hear that term an awful lot, the only reason I wrote prefab in there is because I wanted to be honest, the fact that it was gonna be a prefabricated home from a company that I work with and that, this home is a stick built home and it is like I said, more energy efficient that what stick built homes are built on the Island, and very strong and very sturdy and because and it's going to be safe and like I said it will have a firewall that goes from the top of the attic all the way down to the basement so it would be very safe as opposed to a lot of cottages that are being rented or houses that are even being rented that don't have all the appropriate C/Os for them and could be fire traps so this is going to be a very safe house as well as a very extremely well built house, it will not look like a double wide trailer, far from it, it's not gonna be on wheels and it's not a trailer, it will come in three components, boxes are the terms that is utilized that are then connected and it will have depth to it and angles to it so that it doesn't look like one giant rectangle even though most ranch style homes on the Island are long rectangles but this is not, it has different textures to it and so it will look like I said, like a single family residence that looks no different than any of the other single family residences around the neighborhood; thank you Janalyn, Al you had your hand up; yes, very briefly, in response to the question from Councilman Shepherd, at the risk of sounding like a lawyer; __; ___; I don't believe, I don't have any issue with this lot being able to be developed, it's a density issue and what it's going to be developed for and; __ a similar appearance, nobody would have a complaint about it, it's really about whose in it and how it's gonna be done; well no, I think it's a density; that's what I'm saying, you've got two families; how many is that; yeah right; and nine unrelated bodies under a roof; yeah and to my way of thinking that anything which is varied, has to varied from the current Code has to go to the Zoning Board of Appeals, do I think the Zoning Board of Appeals could ever say no you couldn't ever develop that, no I don't, that Janalyn has the right to develop that property with an appropriate structure but not, not without seeking whatever relief would ever really would be required for what she's proposing and I don't buy the argument, I understand

it but I don't buy the argument that the Community Housing Board has the right to supersede zoning and the jurisdiction of the Zoning Board of Appeals; we're not superseding the zoning, they're looking at the application and making a decision that it should follow then a course of action to go before the Town Board so it's a course, it's not that they're making the final decision, they're saying that the application looks worthy and has merit and then it goes to the Town Board, so they're not making the final decision; I also said earlier that the Town Board doesn't have the power to vary, that's why under the Town Law, New York State Town Law, every town and every village must have a Zoning Board of Appeals so to my way of thinking, any nonconforming issues would have to go there but this is a nonconforming lot in existence, no way am I saying that it's a sterilized lot, but to be developed with a single; thank you very much; I can't have nine unrelated people in the units, all it said that nine people could be there but nothing to do with related or unrelated, I'm still limited to the Code by the fact that there can be no more than five unrelated people so in the three bedrooms; __; if I may, alright, if I may; __; we're winding up; __; I'm not as windy as some but I'll get; __ record; he's not gonna be on the record because you can't hear him; yeah, back there; no, you're gonna have to; ___ on the record; it just seems to me, I have no dog in this fight except part of my job but it seems to me that you know I'm hearing, I've lived here for a very, very long time and people always talk about affordable or community housing but it always come down to not next to me, please don't put it next to me and I'm hearing the argument about unrelated ___ but that tells me right away that if it was a 2,000 square foot house on an acre, you'd have the same objection cause really that's the deal, you don't really want those people right next to you, whoever they might be, that's what I'm hearing; I__ at all; well it sounds like that, I mean that's what you're saying; ___ perfectly appropriate to have ___; come on up if you're gonna respond to the Councilman; I'm just trying to get a feel to what the real objection really always; Andrew McFarland, 135 North Ferry Road, I pay my taxes, I don't vote, one of the summer people, the only objection I have is from a Planning Board __, they looked at the lot, they went through a review and I've been here long enough to know what the issues that you all deal with, one of the priorities of discussion, what do we do about 114, now you're dealing with really thorny rental issues, what do we do about short term rentals, it's not easy so the Planning Board is supposed to help you along, they've made a recommendation, the lot is developable, yes, I understand that, there's a footprint and if you meet your setback and you do this, then you can't object to settle it, it's property rights, you can put up a glass box, fundamentally, from the bottom line of a developer, I don't have confidence the project will be what it says it will be in here, there will be trees cut down to get the prefabricated units in, I don't quite understand how she claims that she can't cut down because they have to be cut down, if you go by, it's a very dense lot; sure; a lot of them are scrub, some of them are scrub trees that would, should be cleared out and gone, some of them might be specimens, we haven't taken a study of that and so oh no don't cut down our tree; there aren't any heritage trees; I'm sure there aren't, there weren't any on my lot, it's not a not in my back yard, it's the potential to be that, now if this process was better and thought out better, it might be a wonderful occasion but I don't think the way it is presented with __ renderings and site plans that were offered that had any hope of being something that as neighbors or anyone else would be proud of, that we'd be happy to have their, it's already very busy, there are nonconforming lots that have been in that, that both those roads, the residents, there's a lot of traffic and I don't think that it's helpful for the Town going forward, for 114, for that stretch of the community, it could be done well, I'm happy to help you, I'm happy to help it done well; thank you, thank you very much; Al, we're winding up; the arguments which I made have nothing to do with the euphemism NIMBY; _ your arguments necessarily; I understand but it is purely zoning, purely density and frankly I didn't mention it before but in my mind I would even have a question in my mind if this didn't constitute spot zoning which is a very complicated subject and I would just mention for the record and say nothing more than that, that's all I have to say, thank you very much; thanks Al; okay; we're done; I have nothing else really to add other than, like I said, I'm not setting any precedents, there are already pre-existing houses of similar size, smaller, larger, there are smaller homes out there, there are larger homes out there, the house like I said that has a cottage is waterfront where I don't know whether that means or helps or __ anything but it's, like I said it will look like a single family home, it will blend in, it will be, if it's, build 15 ranches, which is a majority of the styles that are in the neighborhood; thank you Janalyn very much; thank you; we've heard very good reviews, this has been educational for me, I'm sure for my colleagues.

The Supervisor declared the public hearing closed at 6:33 p. m. and reconvened the recessed public hearing to be held as advertised on the application of Robert Sloan, 171 North Ram

Island Drive, has petitioned the Town of Shelter Island for permission to remove 242' of existing bulkhead and replace in-like, in-place, and install seasonal removable aluminum stairway to beach.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: we're gonna have to recess it again cause it's dead in the water, I don't know why.

The Board discussed this situation of reconvening this hearing at every meeting and decided to close the hearing until all documents have been received.

The Supervisor declared the public hearing closed at 6:34 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 404

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", a public hearing was duly held on a proposed LOCAL LAW ENTITLED OVERRIDE OF THE TAX LEVY LIMIT, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 6 - 2016, entitled OVERRIDE OF THE TAX LEVY LIMIT, is hereby adopted, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Shelter Island, County of Suffolk, pursuant to General Municipal Law § 3-c, and to allow the Town of Shelter Island, County of Suffolk to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Shelter Island, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 405

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", James Theinert, 54 North Menantic Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location south of the Stone Wall, designated as latitude 41.085667° north and longitude 72.312700° west; said mooring location was formerly occupied by the C-3313 Linn mooring location, and

"Whereas", a public hearing was duly held on the 7th day of October, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 406

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", J.M.O. Consulting Services, as agent for Deno Fischer, 13 Wheeler Road, has petitioned the Town of Shelter Island for permission to reconstruct in place and raise the elevation by 8", of 123' of timber bulkhead utilizing vinyl sheathing, to remove two existing (13') timber returns and construct a 16' and a 20' return utilizing vinyl sheathing and to backfill structure with +/- 35 cubic yards of clean sand to be trucked in from an upland source and to establish a gravel splash pad, to remove existing 4' x 4' platform, 3' x 12' ramp and 6' x 24' float, to construct a 4' x 6' platform, 3' x 12' ramp and a 6' x 33' float and to replace existing water and electric lines in the Silver Beach Lagoon, and

"Whereas", a public hearing was duly held on the 7th day of October, 2016, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed bulkhead reconstruction:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction, and

BE IT FURTHER RESOLVED, That docking at the permitted float shall be limited to one vessel (no rafting) with maximum beam of 10 feet.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Supervisor Dougherty and seconded by Councilman Shepherd, the meeting was adjourned at 6:42 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 13, 2016

The recessed special meeting for budget purposes was reconvened on the 13th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwoman Mary Dudley. Councilwoman N. Christine Lewis was absent. Town Clerk Dorothy S. Ogar and six persons were also present.

The Supervisor reconvened the special meeting at 10:00 a. m.

The Town Board discussed the proposed budgets for the Police Department, Jail, NIMs, Assessors' office and Water Advisory Committee.

At 11:55 a. m., Councilwoman Dudley moved and Councilman Colligan seconded to recess the special meeting for budget purposes, to be reconvened at 1:30 p. m. on Thursday, October 13, 2016. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 13, 2016

The recessed special meeting for budget purposes was reconvened on the 13th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwoman Mary Dudley. Councilwoman N. Christine Lewis was absent. Deputy Town Clerk Sharon O. Jacobs and two persons were also present.

The Supervisor reconvened the special meeting at 1:31 p. m.

The Town Board reviewed many of the proposed budgets for 2017.

At 3:31 p. m., Councilwoman Dudley moved and Councilman Shepherd seconded to recess the special meeting for budget purposes, to be reconvened at 9:00 a. m. on Friday, October 14, 2016. This motion was carried.

Sharon O. Jacobs
Deputy Town Clerk

October 14, 2016

The recessed special meeting for budget purposes was reconvened on the 14th day of October, 2016, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Clerk Dorothy S. Ogar, and two persons were also present.

The Supervisor reconvened the special meeting at 9:00 a. m.

The Town Board reviewed the Highway, Public Works and Landfill budgets for 2017.

At 11:09 a. m., Councilwoman Lewis moved and Councilman Colligan seconded to recess the special meeting for budget purposes, to be reconvened at 9:00 a. m. on Tuesday, October 18, 2016. This motion was carried.

October 14, 2016 - continued

Dorothy S. Ogar
Town Clerk

October 17, 2016

The recessed special meeting for budget purposes was reconvened on the 17th day of October, 2017, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Clerk Dorothy S. Ogar and one person were also present.

The Supervisor reconvened the special meeting at 9:00 a. m.

Pledge to the flag.

The Town Board discussed several of the proposed budgets.

At 9:53 a. m., Councilman Colligan moved and Councilman Shepherd seconded to recess the special meeting for budget purposes, to be reconvened at 9 a. m. on Friday, October 21, 2016. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 21, 2016

The recessed special meeting for budget purposes was reconvened on the 21st day of October, 2017, in the Shelter Island Town Hall, Shelter Island, New York. Town Board members present were Supervisor James D. Dougherty, Councilmen Paul D. Shepherd and James T. Colligan, and Councilwomen N. Christine Lewis and Mary Dudley. Town Clerk Dorothy S. Ogar, and two persons were also present.

The Supervisor reconvened the special meeting at 9:02 a. m.

The Town Board discussed the final proposed budgets.

RESOLUTION NO. 407

Councilwoman Dudley offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", a tentative budget for the fiscal year 2017 has been proposed by the several departments, audited, adjusted and consolidated, and

"Whereas", the Town Board believes this tentative budget, as amended, represents the requirements for the fiscal year 2017, now, Therefore

BE IT RESOLVED, That it is hereby adopted as the preliminary budget for the ensuing year, and the Clerk is hereby authorized and directed to proceed with the necessary advertisements according to law, and

BE IT FURTHER RESOLVED, That the Town Clerk shall give notice pursuant to Article 108 of the Town Law of a public hearing to be held on the preliminary budget in the Shelter Island Town Hall, Shelter Island, New York, on the 9th day of November, 2016, at 1:00 p. m., prevailing time, for all interested persons to be heard in favor of or in opposition to the preliminary budget as compiled or for or against any item or items therein contained.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 9:49 a. m., Councilman Colligan moved and Councilman Shepherd seconded to adjourn the special meeting for budget purposes. This motion was carried.

Dorothy S. Ogar
Town Clerk