

**CHAPTER 129 (WETLANDS)  
ADVISORY REPORT**

**PROJECT NAME:** Christopher D. Chmelar and Danielle K. Ferrera

**PREPARED BY:** C. Theresa Masin, Consultant 

**DATE:** January 18, 2026

**LOCATION:** 13 Dickerson Drive

**S.C.T.M. NO:** 700-18-3-35.2

**ZONING DISTRICT:** C- Residential

**SEQRA:** Type II

**APPLICANT/AGENT:** c/o En-Consultants  
1319 North Sea Road  
Southampton, NY 11968

**PROJECT DESCRIPTION:**

The applicant is seeking a permit from Chapter 129 (Wetlands) of the Town Code, in order to legalize the demolition of the existing 1,305 square foot one story dwelling, located 48 feet from wetlands; to construction of a new two story dwelling with a footprint of 1,926 square feet, located 48 feet from wetlands; and to continue activities, inclusive of septic system upgrades, generally consistent with Town Board Wetlands Permit No. 01-2025, at residentially zoned property, having frontage on Menantic Creek and containing Town and State regulated tidal wetlands in the Town of Shelter Island, Suffolk County, New York, in accordance with the “*Site Plan for Private Residence 13 Dickerson Drive*”, prepared by Jeffrey T. Butler, dated April 9, 2024, last revised December 10, 2024.

The subject premises contains 45,745 square feet and is located on the east side of Dickerson Drive, partially within FEMA flood zone AE, elevation 6The proposed action is classified as a Type II Action, pursuant to SEQRA, which does not required coordination with other involved agencies. The applicant has submitted the required Environmental Assessment Form (EAF) Part I.

**FINDINGS AND RECOMMENDATIONS**

On January 28, 2025, the Shelter Island Town Board issued Wetlands Permit No. 01-2025, in order to allow for the construction of a one story addition, to the landward side of the existing dwelling, as well as a second floor atop the expanded dwelling footprint. A Stop Work Order was issued by

the Building Department on October 17, 2025, as the applicant had demolished the existing first floor, while retaining the slab foundation, and begun reconstruction of the structure without the required Town Board authorization.

While the applicant is proposing to reconstruct the dwelling within the previously authorized footprint, consideration needs to be given to requiring the new dwelling to be situated in a location further landward due to the following:

- Relocation of the dwelling further landward will bring the parcel into greater conformity with the Town Code requirement of 75 feet.
- While the dwelling, as proposed, will be outside of a FEMA designated flood zone; climate change and sea level rise is leading a higher propensity of flooding outside of designated flood zones.
- Relocation of the dwelling will allow for establishment of a large vegetated buffer; thereby, improving the water quality.
- Relocation of the dwelling will also require the required I/A OWTS to be situated further landward. The greater horizontal separation distance between septic discharge and surface waters will improve water quality as bacteria in the soil will further reduce nitrogen concentrations.
- Construction of the new dwelling atop a new foundation will be more energy efficient and allow for better access to utilities.

It should be noted that the application indicates that the applicant may seek to expand the second floor area. The applicant needs to confirm if they intend to move forward with this proposal. If so, revised project plans need to be submitted clearly identifying the expanded scope of the project.

If the Town Board elects to permit re-construction of the dwelling atop the existing foundation, this office recommends the following conditions:

1. The required buffer needs to be expanded, in order to achieve a minimum 30 foot width.
2. A revised buffer restoration plan needs to be submitted, reviewed and approved by the Town, prior to commencement of any authorized work.
3. The buffer will be restored in a manner consistent with the variable assemblage of characteristic native species and gradients found in naturally occurring coastal ecological communities.

4. No tree, shrub, or ground covering vegetation, living or dead, may be cut, removed, limbed, pruned or otherwise altered within the required covenanted wetland preservation area and naturally vegetated wetlands non-disturbance/non-fertilization buffer, without prior authorization from the Town, and/or their designee.
5. The Town Board, and/or their designee, reserves the right to require additional native re-vegetation and/or other restoration measures, in the event that upon final inspection, a finding is made that the goals of establishing a contiguous healthy cover of native or natural vegetation, within the designated re-vegetation areas, has not been achieved.
6. No fences are permitted seaward of the landward limit of the required naturally vegetated wetlands non-disturbance/non-fertilization buffer.
7. The installation of above ground and/or underground utilities, within the required naturally vegetated wetlands non-disturbance/non-fertilization buffer is strictly prohibited, unless authorized pursuant to a new wetlands permit.
8. The storage, or overwintering, of docks, ramps, floats, boats and/or other watercraft within the required wetlands preservation area and/or naturally vegetated wetlands non-disturbance/non-fertilization buffer is strictly prohibited.
9. Any soils which are excavated from the site during construction of the foundation, swimming pool or other accessory structures, which cannot be utilized for the purpose of I/A OWTS elevation or backfill of an abandoned septic system, consistent with the SCDHS requirements, shall be exported off-site
10. Unless otherwise authorized by this permit, modification of the existing natural grades, through deposition of fill, site re-grading, and/or excavation, is strictly prohibited.
11. Leaders and gutters shall be installed, directing roof runoff into subsurface drywells or other approved drainage structures, to minimize stormwater runoff. Drywell capacity shall be calculated based on the following: Total square feet of structure (ground floor only) and/or impervious surface X 0.166 = Total required cubic feet of drywell.
12. Any work or disturbance, and storage of construction materials shall be confined to the limit of clearing and/or ground disturbance shown on the approved plans.
13. Prior to the commencement of any construction activities, a continuous line of trenched in wire backed silt screen (maximum opening size of U.S. Sieve #20) shall be staked at the downslope edge of the proposed construction and land disturbance activities, as well as landward of wetlands and required wetland buffers, easements and/or other restricted or covenanted protected zones, unless otherwise directed by the Town or their designee. The

screen shall be maintained, repaired and replaced as often as necessary to ensure proper function, until all disturbed areas are permanently vegetated. Sediments trapped by the screen shall be removed away from the screen to an approved upland location before the screen is removed. The wire backed silt fence shall be a minimum of 14 gauge wire, with a six-inch (6") mesh spacing. The 36-inch posts must be driven a minimum of 16-inches into the ground and set no more than ten feet apart.

14. Silt fencing shall be recessed by trenching six inches into the ground.
15. Proposed driveways shall be constructed of permeable materials. The use of oil and stone driveway material for the purpose of driveway construction is prohibited. The use of driveway sealants is also prohibited.
16. All areas of soil disturbance resulting from project shall be re-vegetated, and mulched immediately upon completion of the project, within two (2) days of final grading, or by the expiration date of the wetland permit, whichever is first. Mulch shall be maintained until a suitable vegetative cover is established. If re-vegetation is impractical due to time of year, temporary mulch shall be applied and final re-vegetation performed as soon as weather conditions favor germination and growth.
17. Suitable vegetative cover is defined as a minimum of 85% area vegetative cover with contiguous un-vegetated areas no larger than 1 square foot in size.
18. All construction access ways shall be raised sufficiently at their site access locations with the existing roads, to prevent runoff of water, silts and sediments from being directed or discharged onto the road. A non-loam base material, such as crushed stone, gravel, or recycled concrete base, shall be placed across the driveway or construction access way at the access point along the road.
19. Prior to any construction or land disturbance, the applicant shall prominently display said Wetlands Permit on the premises facing each public street on which the property abuts. The permit sign shall not be set back more than ten (10) feet from the street line and shall not be less than two (2) or more than six (6) feet above the grade at the street line. The permit sign shall be displayed until all permitted work is complete and a final inspection has been completed.
20. The applicant shall keep a copy of the plans and specifications on site open to inspection by the Town Board or their authorized representative at all reasonable times.

21. A final wetland inspection needs to be applied for and obtained upon completion of all permitted activities. In the event that the Town, or their designee, determines that the property is not in compliance with all of the terms and conditions of this permit, the applicant will need to submit additional applications for a final wetlands inspection.
22. Two (2) copies of a final “As-Built” survey shall be submitted with the required final wetlands inspection.