



Trustees - Regular Meeting of May 17, 2021 1:00 PM

Monday, May 17, 2021

1:00 PM

Remote Locations

I. Call to Order

1:00 PM Meeting called to order on May 17, 2021 at Remote Locations, to be conducted via teleconferencing, Southampton, NY.

II. Pledge of Allegiance

III. Roll Call

Attendee Name	Present	Absent	Late	Arrived
President Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Secretary Treasurer Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trustee Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trustee William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trustee Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

IV. Next Trustee Meeting

Work Session: June 7, 2021 at 9:30 a.m.
Regular Meeting: June 7, 2021 at 1:00 p.m.

V. Public Hearings

- Public Hearing for 65 Cliff Drive LLC, 65 Cliff Drive, Noyac, New York (SCTM No. 0900-9-1-18.1) Body of Water: Dug Canal

Adjourned 4/19/2021 1:00 PM, 5/3/2021 1:00 PM

✓ Vote Record - Motion						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adjourned <input type="checkbox"/> Closed	Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

2. **Public Hearing on Amendment Blue Book Art. VII Section 53 Pier Line in Designated Areas (F) Sag Harbor Cove**

✓ Vote Record - Motion						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adjourned <input type="checkbox"/> Closed	Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

VI. Public Portion

VII. Applications for Permits

Board of Trustees hereby waive a public hearing on the following applications because it has been determined that the following projects do not raise a significant degree of public interest or public input is not needed to aid in the decision making process

Eric Shultz

Trustees Resolution 2021-108

Category: General Permit - Trustees
Sponsors: Eric Shultz
Department: Trustees of the Freeholders
Applicant: Shore Solutions, Inc., Donna Myers, 32 Lincoln Avenue, Massapequa, New York 11758

Application of 152 Dune Road Realty LLC, 152 Dune Road, Village of Westhampton Beach (SCTM No. 0905-20-1-25 and 26) Body of Water: Moneybogue Bay

WHEREAS, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **152 DUNE ROAD REALTY LLC** to remove 114.7 feet of timber bulkhead and replace it with 114.7 linear feet of vinyl bulkhead in place with no increase in height of the bulkhead; to install one (1) 10’ return on the east side of property; to establish a 10’ wide Trustees sand buffer upland of bulkhead; to install 4’ wide X 6’ long steps off west side of pier and 3’ wide X 6’ long steps off east side of pier for safe access to water and as pass and re-pass steps; recovery dredge up to 5’ seaward of bulkhead removing 25 cubic yards of dredged material; truck in 10 cubic yards of clean sand; all dredged material and clean fill to be placed in 10’ buffer; and to remove two (2) 5’ sections of fence landward of bulkhead to allow pass and re-pass for the premises located at **152 Dune Road, Village of Westhampton Beach, New York (SCTM No. 0905-20-1-25 and 26)**; and be it

FURTHER RESOLVED, the following conditions shall apply:

Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Village Code of the Village of Westhampton Beach.

✓ Vote Record - Trustees 2021-TRUS-108						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Eric Shultz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Edward J. Warner Jr.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Pell IV		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ann Welker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Scott M. Horowitz

Trustees Resolution 2021-109

Category: General Permit - Trustees
Sponsors: Scott Horowitz
Department: Trustees of the Freeholders
Applicant: Shoreline Bulkheading Inc., 10 Dawnwood Drive, Manorville, New York 11949

Application of Shinnecock Shores Association, Groin Wall, East of Tarpon Road, East Quogue, New York (SCTM No. 0900-395-1-001.000) Body of Water Shinnecock Bay

WHEREAS, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **SHINNECOCK SHORES ASSOCIATION** to rip out and replace in-kind existing groin wall 30’ in length; all timber to be non-treated tropical greenheart; and vinyl sheeting and fiberglass grated capping for the premises located at **groin wall, east of Tarpon Road, East Quogue, New York (SCTM No. 0900-395-1-001.000)**; and be it

FURTHER RESOLVED, the following conditions shall apply:

Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.

✓ Vote Record - Trustees 2021-TRUS-109						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Eric Shultz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Edward J. Warner Jr.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Pell IV		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ann Welker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Edward J. Warner Jr.

Trustees Resolution 2021-110

Category: General Permit - Trustees
Sponsors: Edward J. Warner, Jr.
Department: Trustees of the Freeholders
Applicant: Owner

Application of Robert Arcate, 9 Canoe Place Road, Hampton Bays, New York (SCTM No. 0900-229-2-10) Body of Water: Shinnecock Canal

WHEREAS, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **ROBERT ARCATE** to maintenance dredge the south side of "T" dock 600 square cubic yards; to maintenance dredge boat basin on south side 400 square cubic yards; the spoil to be placed next door at 7 and 5 Canoe Place Road for the premises located at **9 Canoe Place Road, Hampton Bays, New York (SCTM No. 0900-229-2-10)**; and be it

FURTHER RESOLVED, the following conditions shall apply:

Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.

✓ Vote Record - Trustees 2021-TRUS-110						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn		Yes/Aye	No/Nay	Abstain	Absent	
		Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

William Pell IV

Trustees Resolution 2021-111

Category: General Permit - Trustees
Sponsors: William Pell IV
Department: Trustees of the Freeholders
Applicant: Inter-Science Research Associates, Inc., P.O. Box 1201, Southampton, New York 11969

Renewal Application (First) of Richard B. Nye, Permit No. GP000167, 350 Fowler Street, Village of Southampton, New York (SCTM No. 0900-30-1-65.4) Body of Water: Atlantic Ocean

WHEREAS, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the **RENEWAL PERMIT (FIRST) OF RICHARD B. NYE, PERMIT NO. GP000167** originally issued on March 6, 2020 to construct dune restoration to restore existing contours; erosion is from two (2) northeasters in Fall of 2019; beach grass 3 culms 12 inches on center; snow fence installed in double diamond configuration; 1,000 cubic yards of clean sand to be used for dune restoration; updated Mean High Water line has been provided on plan revisions for the premises located at **330 Fowler Street, Village of Southampton, New York (SCTM No. 0900-30-1-65.4)**; and be it

FURTHER RESOLVED, the following conditions shall apply:

Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Village Code of the Village of Southampton.

✓ Vote Record - Trustees 2021-TRUS-111					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted					
<input type="checkbox"/> Tabled					
<input type="checkbox"/> No Action					
<input type="checkbox"/> Closed	Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reschedule	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adjourned	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Acknowledged Signature	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated					
<input type="checkbox"/> Withdrawn					

Trustees Resolution 2021-112

Category: General Permit - Trustees
Sponsors: William Pell IV
Department: Trustees of the Freeholders
Applicant: Inter-Science Research Associates, Inc., P.O. Box 1201, Southampton, New York 11969

Renewal Application (First) of Fowler Surf LLC, Permit No. GP000173, 330 Fowler Street, Southampton, New York (SCTM No. 0900-178-1-20.2) Body of Water: Atlantic Ocean

WHEREAS, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the **RENEWAL PERMIT (FIRST) OF FOWLER SURF LLC, Permit No. GP000173** originally issued for dune restoration to restore existing contours. The erosion is from two (2) northeasters from the Fall of 2019; Beach Grass three (3) culms 12" on center; snow fence to be installed in a double diamond configuration; and 1,600 cubic yards of clean sand for the premises located at **330 Fowler Street, Village of Southampton, New York (SCTM No. 0900-178-1-20.2)**; and be it

FURTHER RESOLVED, the following conditions shall apply:

Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Village Code of the Village of Southampton.

✓ Vote Record - Trustees 2021-TRUS-112						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Eric Shultz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Edward J. Warner Jr.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Pell IV		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ann Welker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Trustees Resolution 2021-113

Category: General Permit - Trustees
Sponsors: William Pell IV
Department: Trustees of the Freeholders
Applicant: Lake Agawam Conservancy/Roux Environmental Engineering & Geology, DPC
 c/o Kathryn Sommo, 209 Shafter Street, Islandia, New York 11749

Application of Aquatic Solutions East LLC, 340, 422, 452, 496 and 520 First Neck Lane, Village of Southampton, New York within Open Water on the South West - Body of Water: side of Agawam Lake

WHEREAS, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **AQUATIC SOLUTIONS EAST LLC** Water Lily harvesting is planned for two (2) harvesting events during the growing season (May through September) within an area of approximately 130,000 square feet along the southwestern section of Lake Agawam for the premises located at **340, 422, 452 and 520 First Neck Lane, Village of Southampton, New York (side of Agawam Lake)**; and be it

FURTHER RESOLVED, the following conditions shall apply:

Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Village Code of the Village of Southampton.

✓ Vote Record - Trustees 2021-TRUS-113						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Eric Shultz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Edward J. Warner Jr.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Pell IV		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ann Welker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Trustees Resolution 2021-114

Category: General Permit - Trustees
Sponsors: William Pell IV
Department: Trustees of the Freeholders
Applicant: DKR Shores Inc., PO Box 488, Hampton Bays, NY 11946

Application of Christopher Prochner, 26 Landsend Lane, Tuckahoe, New York (SCTM No. 0900-155-2-5) Body of Water: Cold Spring Pond and Man Made Canal

WHEREAS, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **CHRISTOPHER PROCHNER** to reconstruct in place 173’ of bulkhead using vinyl sheet piling 10” higher to match property to west (canal side); to install a new 10’ vinyl return to east/to revegetate area with like kind/species providing a 10’ non-turf vegetative buffer; to install a 4’ x 25’ boardwalk landward of bulkhead; and 4’ x 23’ walk on grade for access; to install a 4’ x 6’ platform with ladder, a 3’ x 12’ ramp and 4’ x 16’ float with two (2) piles parallel to bulkhead; and all materials to be untreated for the premises located at **26 Landsend Lane, Tuckahoe, New York (SCTM No. 900-155-2-5)**; and be it

FURTHER RESOLVED, the following conditions shall apply:

Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.

✓ Vote Record - Trustees 2021-TRUS-114						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> No Action						
<input type="checkbox"/> Closed	Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reschedule	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adjourned	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Acknowledged Signature	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Withdrawn						

Ann Welker

Trustees Resolution 2021-115

Category: General Permit - Trustees
Sponsors: Ann E. Welker
Department: Trustees of the Freeholders
Applicant: Burke & Sullivan PLLC, Timothy S. McCulley, Esq., 41 Meeting House Lane, Sag Harbor, New York 11968

Application of Louis Galasso, 128 Redwood Road, Village of Sag Harbor, New York (SCTM No. 0903-1-1-11) Body of Water: Sag Harbor Cove (Sag Harbor)

WHEREAS, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State

Environmental Quality Review Act; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **LOUIS GALASSO** for the installation of a new stairway landing, fixed dock, access ramp and floating dock; for the construction of a new landing at the bottom of an existing stairway in order to provide access from the residential home to the beach at the toe of the bluff; the new landing will connect to the proposed fixed dock and a set of stairs to access the beach above the Spring high tide line; the dock to be constructed of a 4' wide thruflow, light penetrating decking between two (2) rows of timber pilings; the fixed dock has been modified to raise the landward section to at least 4-feet above the vegetated tidal area on the beach surface due to U.S. Army Corps of Engineers requirements; the elevated section will extend approximately 32 feet from the landing, with timber pilings spaced approximately 8-feet on-center; two sets of stairs, one 4-feet wide to the east and one 3-feet wide to the west, will descend from the elevated section of fixed dock at the intersection with the stairway landing; the fixed dock will then descend four steps to its original height, with timber pilings spaced approximately 8.5' on center; continuing for approximately 42.5-feet seaward to the proposed aluminum access ramp and 20' X 5' floating dock; the floating dock will be anchored between four (4) piles to prevent drifting and is designed to float with tidal rise and fall. The majority of the work to be performed from the barge. All the pilings will be brought to the site and installed from the barge with the exception of a few pilings for the stairs leading to the fixed dock; the equipment on the dock to consist of a drilling attachment to a Bobcat and a small wide rubber track Bobcat will transport the materials; all the decking will be brought to the site from either the barge or from the landward side by truck; there shall be no re-grading of the site; and all disturbed areas on the bluff shall be broadcast seeded, raked and covered with jute mesh for stabilization of the slope area for the premises located at **128 Redwood Road, Village of Sag Harbor, New York (SCTM No. 0903-1-1-11)**; and be it

FURTHER RESOLVED, the following conditions shall apply:

Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Village Code of the Village of Southampton.

✓ Vote Record - Trustees 2021-TRUS-115						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> No Action						
<input type="checkbox"/> Closed	Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reschedule	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adjourned	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Acknowledged Signature	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Withdrawn						

VIII. Resolutions

Trustees Resolution 2021-116

Category: Budget & Finance - Trustees
Sponsors: Scott Horowitz
Department: Trustees of the Freeholders

Warrant #9 of 2021 - Trustees

RESOLVED, per the recommendation and reviewed by the Town Comptroller, the following

vendor payment warrant dated be approved in the amount of:

Warrant #9 \$7,450.63

BE IT FURTHER RESOLVED, the Town Comptroller is directed to approve and execute all bank wire transfers required to fund payments associated with Warrant #9 of 2021.

✓ Vote Record - Trustees 2021-TRUS-116						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn		Yes/Aye	No/Nay	Abstain	Absent	
		Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Trustees Resolution 2021-117

Category: Resolutions
Sponsors: Eric Shultz
Department: Central Purchasing and Contracts Compliance

Authorize Expenditure for Stocking of Ponds and Lakes with Brook/Rainbow Trout

WHEREAS, the Trustees require stocking of Brook/Rainbow Trout at various Ponds and Lakes; and

WHEREAS, quotes have been obtained by the Trustees for the stocking of Brook/Rainbow Trout; and

WHEREAS, the quotes were reviewed by the Trustees and the Purchasing Agent, and it was determined that Cold Spring Harbor Fish Hatchery & Aquarium is the lowest responsible bidder in accordance with General Municipal Law Section 103; and

WHEREAS, the Trustees and the Purchasing Agent recommend awarding the stocking of Rainbow Trout at various Ponds and Lakes to Cold Spring Harbor Fish Hatchery & Aquarium; and

WHEREAS, Board of Trustees Resolution 2020-TRUS-7, requires an authorizing resolution for any expenditure in excess of \$1,000; now therefore be it

RESOLVED, the Trustees authorize payment to Cold Spring Harbor Fish Hatchery & Aquarium and that the source of funding shall be Board of Trustees - Stocking Fish G/L# SN-99-8790-00-6456-0000 in an amount not to exceed \$3,200.00.

✓ Vote Record - Trustees 2021-TRUS-117						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Eric Shultz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Edward J. Warner Jr.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Pell IV		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ann Welker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Trustees Resolution 2021-118

Category: Resolutions
Sponsors: Eric Shultz
Department: Central Purchasing and Contracts Compliance

Authorize Expenditure for TideSlide Mooring System at Wooley Pond

WHEREAS, the Trustees require docking hardware for the new slips at Wooley Pond; and

WHEREAS, quotes have been obtained by the Purchasing Agent for docking hardware TideSlide Mooring System; and

WHEREAS, the quotes were reviewed by the Purchasing Agent, and it was determined that Boat Owners World is the lowest responsible bidder in accordance with General Municipal Law Section 103; and

WHEREAS, the Purchasing Agent recommends awarding TideSlide Mooring System at Wooley Pond to Boat Owners World at a cost not to exceed \$2,214.00; and

WHEREAS, Board of Trustees Resolution 2020-TRUS-7, requires an authorizing resolution for any expenditure in excess of \$1,000; now therefore be it

RESOLVED, the Trustees authorize payment to Boat Owners World and that the source of funding shall be Board of Trustees - Marine Charges G/L# SN-99-8790-00-6480-0000 in amount not to exceed \$2,214.00.

✓ Vote Record - Trustees 2021-TRUS-118						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Eric Shultz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Edward J. Warner Jr.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Pell IV		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ann Welker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Trustees Resolution 2021-119

Category: Resolutions
Sponsors: William Pell IV
Department: Central Purchasing and Contracts Compliance

Authorize Lake Agawam Rain Garden Clean-up

WHEREAS, Coastal Commercial Property Management Inc. holds a current Town of Southampton contract for Landscaping Services; and

WHEREAS, the Trustees have received a quote of \$ 7,320.00 for spring clean-up and late summer weeding/pruning of Lake Agawam Rain Garden from Coastal Commercial Property Management Inc. using the Town of Southampton contract; and

WHEREAS, Board of Trustees Resolution 2021-TRUS-15, requires an authorizing resolution for any expenditure in excess of \$1,000; and

WHEREAS, funding for Landscaping Services at Lake Agawam Rain Garden for the Trustees shall be Board of Trustees Repairs G/L# SN-99- 8790-00-6407-0000 in amounts not to exceed \$7,320.00; now therefore, be it

RESOLVED, that the Trustees hereby authorizes the purchases of Landscaping Services at Lake Agawam Rain Garden for the Trustees shall be Board of Trustees Repairs G/L# SN-99- 8790-00-6407-0000 in amounts not to exceed \$7,320.00.

✓ Vote Record - Trustees 2021-TRUS-119					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted					
<input type="checkbox"/> Tabled					
<input type="checkbox"/> No Action					
<input type="checkbox"/> Closed					
<input type="checkbox"/> Reschedule					
<input type="checkbox"/> Adjourned					
<input type="checkbox"/> Acknowledged Signature					
<input type="checkbox"/> Adopted as Amended					
<input type="checkbox"/> Defeated					
<input type="checkbox"/> Withdrawn					
	Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Trustees Resolution 2021-120

Category: Resolutions
Sponsors: Edward J. Warner, Jr.
Department: Trustees of the Freeholders

2021 Notice to Commercial and Recreational Shellfish Harvesters Regarding the North Sea Harbor Management Zone

WHEREAS, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the North Sea Harbor Management Zone to be open for the taking of hard clams by Commercial and Recreational Shellfish Harvesters during the following periods. All dates are inclusive:

June 29, 2021 - July 6, 2021
August 31, 2021 - September 7, 2021
December 21, 2021 - December 30, 2021

and; be it

FURTHER RESOLVED, that the area will be open every Tuesday beginning **June 1, 2021 through September 7, 2021**; and be it

FURTHER RESOLVED, that the Harvesting Limits are as follows:

- **Two (2) bushels of Little Neck Clams a day** (*All such clams to measure at least one inch (1") in thickness*)
- **There will be no restrictions on the larger Cherrystone and Chowder Clams;**
- **The Recreational Allowable Harvest is a 100 clams per day;** and be it

FURTHER RESOLVED, that the Southampton Town Bay Constables have been directed to strictly enforce such limits. Davis Creek, which is a seasonally certified creek off of North Sea Harbor, does not follow the same limitations and other commercial harvesting restrictions as the North Sea Harbor Management Zone. Davis Creek is seasonally certified for the harvesting of shellfish from December 1st to April 30th.

✓ Vote Record - Trustees 2021-TRUS-120						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> No Action						
<input type="checkbox"/> Closed	Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Reschedule	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adjourned	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Acknowledged Signature	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Withdrawn						

Trustees Resolution 2021-121

Category: Local Laws - Trustees
Sponsors: Ann E. Welker
Department: Trustees of the Freeholders

Notice of Adoption amendment of "Blue Book" section: 53 entitled, "Pier line in designated Areas. (F) Sag Harbor Cove.", in Order to Allow for Sufficient Water Depth of Two and One Half Feet at Average High-Water Line for Installation of Floating Docks at Sag Harbor Cove

WHEREAS, the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton is considering amending the Rules and Regulations of for the Management and Products of the Waters of the Town of Southampton Article VII section: 53 entitled, "Pier line in designated Areas. (F) Sag Harbor Cove.", in order to allow for sufficient water depth of two and one half feet at average high-water line for installation of floating docks at Sag Harbor Cove; and

WHEREAS, a public hearing was held on May 17, 2021, at which time any and all persons either for or against the amendment were heard; now therefore be it

RESOLVED, that Article Article VII section: 53 entitled, "Pier line in designated Areas. (F) Sag Harbor Cove." of the Rules and Regulations for Management and Products of the Waters of the Town of Southampton is hereby adopted as follows:

SECTION 1. - Legislative Intent.

The Board of Trustees of the Freeholders and Commonalty of the Town of Southampton desire to allow for sufficient water depth of two and one half feet at average high-water line for installation of floating docks at Sag Harbor Cove.

SECTION 2. - Amendment.

Article VII of the Rules and Regulations for the Management and Products of the Waters of the Town of Southampton is hereby amended by deleting the stricken words and adding the underlined words as follows:

A340 section 53.

Pier line in designated areas.

Notwithstanding the foregoing restrictions listed in Article VII, section 52 herein, the following pier line lengths shall apply unless there already exists an established pier line that is contrary:

A. Mecox Bay and connecting bodies of water: Docks, including floating docks, are not to exceed 50 feet in length measured from the average high-water line in Mecox Bay and connecting bodies of water; except that in the area of Mecox Bay known as Burnett's Cove beginning at the property known as 1025 Flying Point Road, Water Mill (SCTM: 900-178-2-18) and ending at the property known as 33 Burnett's Cove Road, Water Mill (SCTM: 900-179-1-2), the docks, including floating docks, are not to exceed 65 feet in length as measured from the edge of the vegetated shoreline.

B. Davis Creek: Docks may not extend more than 40 feet into David Creek.

C. Kellis Pond: Docks may not extend more than 10 feet into Kellis Pond.

D. North Sea Harbor. Docks, including floating docks, are not to exceed 60 feet in length from the average high-water line into North Sea Harbor.

E. Quantuck Bay: Docks, including floating docks, are not to exceed 50 feet in length from the average high-water line into Quantuck Bay.

F. Sag Harbor Cove: Docks, including floating docks, are not to exceed ~~60~~ 75 feet in length measured from the average high-water line into Sag Harbor Cove.

G. Shinnecock Bay: Docks, including floating docks, are not to exceed 135 feet in length measured from the average high-water line in Shinnecock Bay, from the Coast Guard Station to Cormorant Point and then Argonne Road East.

H. Moriches Bay: Docks, including floating docks, are not to exceed 125 feet in length measured from a point in Moriches Bay beginning at the most westerly point of Oneck Lane heading easterly to the Oneck drain existing on the SCTM No. 0905-10-3-33.

Section 3. - Authority.

The Trustees are authorized to establish and promulgate rules and regulations for the management and products of the waters of the Town of Southampton pursuant to the Dongan Patent of 1686 and subsequent Acts of the New York Legislature including, Chapter 255 of the Laws of 1818, Chapter 283 of the Laws of 1831.

Section 4. - Severability.

If any section or sub-section, paragraph, clause, phrase or provision of this regulation shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment

made thereby shall not affect the validity of this regulation as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

Section 5. - Effective Date.

This regulation shall take effect upon passing by a majority vote of the Trustees;

AND BE IT FURTHER RESOLVED, that the following Notice of Adoption is hereby authorized to be published:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that a public hearing was held by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton on May 17, 2021, and the Board of Trustees at its meeting of May 17, 2021 adopted an amendment to the Rules and Regulations for Management and Products of the Waters of the Town of Southampton ("Blue Book"), Article VII section: 53 entitled, "Pier line in designated Areas. (F) Sag Harbor Cove.", in order to allow for sufficient water depth of two and one half feet at average high-water line for installation of floating docks at Sag Harbor Cove.

SUMMARY OF PROPOSED LAW

The Board of Trustees of the Freeholders and Commonalty of the Town of Southampton desire to allow for sufficient water depth of two and one half feet at average high-water line for installation of floating docks at Sag Harbor Cove.

Copies of the amendment are on file in the Trustee's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY
TOWN OF SOUTHAMPTON, NEW YORK
ERIC SHULTZ, PRESIDENT

✓ Vote Record - Trustees 2021-TRUS-121						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> No Action						
<input type="checkbox"/> Closed	Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reschedule	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adjourned	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Acknowledged Signature	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Withdrawn						

Trustees Resolution 2021-122

Category: Public Hearings - Trustees
Sponsors: Scott Horowitz
Department: Trustees of the Freeholders

Notice of Public Hearing on amendment of "Blue Book" A340 considering amending The Management and Products of the Waters of the Town of Southampton Article VIII section: 81 entitled, "Emergency permits; storm damage; ice damage."

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton directs that a public hearing shall be held on Monday June 7, 2021 at 1:00 p.m., via videoconference, to hear any and all persons either for or against proposed amendment of "Blue Book" A340 Article VIII section: 81 entitled, "Emergency permits; storm damage; ice damage." As follows:

SECTION 1. - Legislative Intent.

The Board of Trustees for the Town of Southampton desire to clarify the existing rule section to reflect that written permission of the Board is required for all repair work.

SECTION 2. - Amendment.

Article VIII of the Rules and Regulations for the Management and Products of the Waters of the Town of Southampton is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 81

Emergency permits; storm damage; ice damage.

A. The Board ~~should~~ shall consider a seven-day permit process (expedited) for the repair of dock facilities in kind and in place of a permitted structure. It will be at the Board's-~~sole~~ discretion and be regulated under site-specific conditions. Any additional proposed improvements will be considered a new application and be processed accordingly.

B. Minor repair work (under 10%) may be done without filing for a new permit, upon issuance of written permission by the Board.

C. Filing for repairs of storm-damaged structures.

(1) Dock/walkway/stair repair (permit issued prior to 2002):

(a) A new permit is required.

(b) Homeowner must submit the following:

[1] A new application (must be received within 90 days of the storm event);

[2] A copy of the old permit;

[3] Drawings, to scale;

[4] A recent survey.

(c) Only untreated lumber is allowed to be used for any repairs or reconstruction (despite what the previous permit stated).

(2) Dock/walkway/stair repair (permit issued after 2002):

(a) Docks will be allowed to be repaired without a new permit only if the homeowner submits a letter to the Board requesting permission to repair the existing structure.

(b) The Trustees will send a letter of permission to the homeowner allowing reconstruction to be done. A new permit will not be issued.

(c) Homeowner must submit the following:

[1] A letter requesting permission to repair the existing permitted dock (must be received within 90 days of the storm event);

[2] A copy of the old permit;

[3] Drawings, to scale;

[4] Photographs of the storm-damaged structure.

(d) Only untreated lumber is allowed to be used for any repairs or reconstruction (despite what the previous permit stated).

(3) Bulkhead repair:

(a) A new permit is required.

(b) Homeowner must submit the following:

- [1] A new application (must be received within 90 days of the storm event);
 - [2] Drawings, to scale;
 - [3] Photographs showing storm damage;
 - [4] Updated survey (unless survey is under 10 years old).
- (c) All bulkhead repairs must have a valid active permit.
(d) Only untreated lumber is allowed to be used for any repairs or reconstruction (despite what the previous permit stated).

Section 3. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

Section 4. - Effective Date.

This change shall take effect immediately upon the adoption of the Amendment by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton.

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that a public hearing will be held by the Trustees Board on **June 7, 2021, at 1:00 p.m., via videoconference**, to hear any and all persons either for or against amendment of "Blue Book" A340 Article VIII section: 81 entitled, "Emergency permits; storm damage; ice damage.

FURTHER NOTICE, that due to public health and safety concerns related to COVID-19, the Trustees Board will not be meeting in-person. In accordance with the Governor's Executive Order No. 202.1 and its related extensions, the Trustees Board meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live, and to provide comments.

The public can watch the live meeting online from the Town of Southampton website on the Town Clerk's Meeting Portal, via YouTube, or through the Zoom App. If any interested members of the public would like to provide comments on the public hearing, comments can be called in during the meeting via telephone or the Zoom App. Comments can also be emailed up until one hour before the start of the meeting to the Town Clerk at townclerk@southamptontownny.gov <<mailto:townclerk@southamptontownny.gov>>. In addition, the record will remain open after the public hearing for the submission of written comments.

Please continue to check the Town Clerk's website and Meeting Portal as the hearing date approaches for further instructions on how to access the virtual meeting, and for any updated information.

Summary of Proposed Rule

The Board of Trustees for the Town of Southampton desire to clarify the existing rule section to reflect that written permission of the Board is required for all repair work.

Copies of the proposed rule amendment, sponsored by Trustee Scott Horowitz, is available in the Trustees Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE BOARD OF TRUSTEES

OF THE FREEHOLDERS AD COMMONALTY OF
THE TOWN OF SOUTHAMPTON
ERIC SHULTZ, PRESIDENT

✓ Vote Record - Trustees 2021-TRUS-122						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn		Yes/Aye	No/Nay	Abstain	Absent	
		Eric Shultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Edward J. Warner Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	William Pell IV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Ann Welker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Trustees Resolution 2021-123

Category: Public Hearings - Trustees
Sponsors: William Pell IV
Department: Trustees of the Freeholders

Notice of Public Hearing to consider amending The Management and Products of the Waters of the Town of Southampton Article VII section: § 47 "Permits required; application procedure; issuance; inspections." To Establish Requirement of Demolition Permit, and Amend Public Hearing Time Frame, and Procedural Requirement

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton directs that a public hearing shall be held on **Monday June 7, 2021 at 1:00 p.m., via videoconference**, to hear any and all persons either for or against proposed amendment of "Blue Book" A340 Article VII section: § 47 "Permits required; application procedure; issuance; inspections." to establish requirement of demolition permit, and amend public hearing time frame, and procedural requirements. As follows:

SECTION 1. - Legislative Intent.

The Board of Trustees for the Town of Southampton desire to establish the requirement of a demolition permit for property owners within Trustee jurisdiction who are looking to remove, demolish, or deconstruct Trustee permitted structures including docks, piles, tie-off poles, moorings, obstructions, bulkhead, jetties, retaining walls, groins, revetments, rip-raps, ramps, catwalks, walkways, stairs, sand fencing or other structures to do so, while being environmentally conscientious, maintaining public access to and from the shoreline, and maintain the character, aesthetic, and environmental integrity of waterfront communities. Additionally, the Board of Trustees for the Town of Southampton desire to amend public hearing time frame, and procedural requirements so that applicants for permits have a better sense what to anticipate from the public hearing process, and finite deadlines.

SECTION 2. - Amendment.

Article VII of the Rules and Regulations for the Management and Products of the Waters of the Town of Southampton is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 47

Permits required; application procedure; issuance; inspections.

A. No person shall engage in any of the following activities in Town waters or the bottoms of the Town waters or the bay beach area or ocean beach area as defined herein unless authorized by a permit issued by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton:

(1) Clear, dig, dredge or in any way add to, alter or remove any material;

(2) Place or deposit or permit to be placed or deposited any debris, fill, sand, gravel, artificial beach nourishment or other material, including vegetation, rocks, sand fencing and rip-rap;

(3) Erect, construct, reconstruct, alter, enlarge, drive ~~or~~, place, remove, demolish, or deconstruct any structure, including a dock, pile, tie-off poles, moorings, or other obstruction, or bulkhead, jetty, retaining wall, groin, revetment, rip-rap, ramp, catwalk, walkway, stairs, sand fencing or any structure constructed for the purpose of providing access to and from the shoreline;

(4) Clear, dig, or dredge any channel or basin, or in any way alter any upland area to afford access to Town waters;

(5) Drain or discharge any pollutant or effluent, including solid and chemical wastes, sewage and swimming pool waters; or

(6) Construct, create, eliminate, enlarge or diminish in size any Town waters or any wetlands adjacent to and associated with Town waters.

B. Permits will be issued in duplicate, under the seal of this Board, and are good for a period of one year; said permit shall be made out to the owner of the property involved. The original shall be filed with the Clerk of the Board, and a copy shall be kept in the possession of the person in charge of the work at the site thereof, and such permit shall be displayed upon demand. The Trustee permit shall be conspicuously posted, along with copies of the applicant's New York State Department of Environmental Conservation permit and United States Army Corps of Engineers permit, as applicable, at the job site and in a location visible from the nearest access road. In the event of any dispute arising, the form of the permit filed with the Clerk of the Board shall control.

C. Dredging permits will only be issued upon written application addressed to and filed with this Board, setting forth in detail the purpose for which a permit is desired, the exact location of the bottom or waters to be affected, and the maximum duration of the work; and if the permit is for digging, dredging, and removing the bottom of any waters for the purpose of making a fill, the application must state the maximum yardage to be taken.

D. All applications shall be signed by the owner of the property to be benefited, improved or in any manner served by the project in which a permit is sought, or by the person, firm or corporation by whom the work is to be performed acting as agent for the owner of the land.

E. Applications must be filled out completely and accurately.

F. 1(A). In conjunction with the application for work, the Trustees require the following for all new work, reconstruction and replacement of existing structures:

(1) Two copies of the following:

(a) Property survey, done by a New York State licensed surveyor, and updated no more than one year prior to the application date. The survey submitted must bear the original seal of the licensed surveyor or engineer.

(b) Drawings/plans must be drawn to scale, separate or on survey, and must bear the original stamp or seal of a New York State Licensed engineer.

(c) Photographs of the site and proposed work area must be included.

(d) Copies of any covenants or restrictions on the property, if applicable, must also be submitted with application.

(e) An electrical permit from the Town of Southampton Building Department, if applicable.

(2) An inspection/application fee, established by resolution duly adopted by the Board of Trustees, shall be charged on applications for permits, nonrefundable, with additional fees on docks, ramps, catwalks, tie-off poles, bulkheading, rip-rap, rock revetments, retaining walls, sand fencing, groins and dredging.

(3) Preconstruction fee. If any building or commencement of any construction activity is without the benefit of applicable permits, all fees associated with any building or construction activity shall be equal to double the otherwise applicable fee for all applications and permits as provided for herein.

F. 1(B) In conjunction with the application for removal/demolition/deconstruction of a structure (Herein after "Demolition permit"): including a dock, pile, tie-off poles, moorings, or other obstruction, or bulkhead, jetty, retaining wall, groin, revetment, rip-rap, ramp, catwalk, walkway, stairs, sand fencing or any structure constructed for the purpose of providing access to and from the shoreline, the Trustees require two (2) copies of the following:

(1) Completed demolition permit application form.

(2) Property survey, done by a New York State licensed surveyor, and updated no more than one year prior to the application date. The survey submitted must bear the original seal of the licensed surveyor or engineer.

(3) A description of the land and body of water upon which the proposed work is to be done.

(4) The full name and address of the owner(s) and of the applicant and the names and addresses of their responsible officers, if any of them are corporations.

(5) A brief description of the nature of the proposed work including but not limited to any implementation of erosion and sediment controls.

(6) A structural engineering report regarding the condition/integrity of all structures that are part of the demolition permit application.

(7) A statement of the use or occupancy of all parts of the land as commercial or residential

(8) A certified copy of the most recent deed recorded in the Suffolk County Clerk's office

(9) A hold harmless form duly executed in favor of the Board of Trustees. (The application and the hold harmless form shall be signed by all owners listed.)

(10) Color photographs of all structures that are part of the demolition permit application. The Trustees shall have 45 days from the date of receipt of a complete demolition permit application to render a report and/or recommendations.

G. Four one-year renewals of a permit issued for dredging, docks, bulkheading and channels provided, provided that there has been no change in the description of the work submitted with the existing permit which would warrant reconsideration of the permit or if any proposed modification in the description of work is less restrictive and will not result in any new adverse impact, will be approved by the Board for good cause, if applied for within three months of date of expiration of the original permit, upon payment of the application fee.

H. All work for which a permit is issued shall at all times be subject to inspection by this Board, or its designated agent, for a violation of any of the statements in the application therefor or any provision of the permit, or for any operation outside the limits shown on surveys accompanying the application, and said inspection is at all times reserved, whether or not set forth in express terms in any permit. The Board reserves the right to cancel any permit when it finds that it is in the public interest to do so. A copy of these rules shall form a part of every permit issued.

I. Lumber.

(1) All lumber used on Trustee-approved structures (e.g., for the construction of docks, bulkheads, pilings, sand fencing, etc.) must be untreated and may not contain any chemical wood preservatives.

(2) Areas outside Trustee jurisdiction, but still within the Town: There are several areas in the Town where bulkheads and docks are permitted but do not fall in the Trustee's jurisdiction (e.g., Noyack Bay, Little Peconic Bay, Great Peconic Bay, and Flanders Bay). A ban on treated lumber has been in effect since June 3, 2002, on materials used on any Trustee-permitted structures. No treated lumber may be used.

J. Procedure for evaluating permit applications for public hearings:

(1) The Board of Trustees may, in its discretion, require that a public hearing be held on applications where the proposed project raises a significant degree of public interest or where public input can aid in the decision-making process.

(2) The Board of Trustees shall give notice of a public hearing as follows:

(a) By requiring the applicant to erect a white sign or signs with black lettering, measuring not less than two feet long and one-foot wide, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice of the date, time and place where the public hearing will be held. The sign shall not be set back more than 10 feet from the street line and shall not be less than two or more than six feet above the grade at the street line. The sign shall be made of durable material and shall be furnished by the Board of Trustees. It shall be displayed for a period of not less than 10 days immediately preceding the public hearing date. No additional posting shall be required for any adjournment date. The applicant shall file an affidavit that he or she has complied with the provisions of this section.

(b) By requiring the applicant to mail written notice of the date, time and place of the hearing, together with a copy of the application and survey submitted to the Board of Trustees, by certified mail, return receipt requested, to every property owner, as shown on the current Town of Southampton assessment rolls, of parcels abutting the property which is the subject of the application, proof of which shall be submitted to the Board of Trustees on or before the commencement of the public hearing in the form of an affidavit with postal receipts annexed thereto confirming mailing of said notices at least 10 days prior to the hearing date.

(c) Failure of the applicant to provide the Board of Trustees with the required proofs of notice shall require that the matter be adjourned and renoticed. After the second occurrence in which

an applicant fails to provide the Board of Trustees with the required proofs of notice, an applicant shall bear all further costs of publishing associated with matters that must be renoticed.

(3) (a) The public hearing for a formal application shall be held no sooner than 15 days from the date an application is deemed complete, as evidenced by a "Notice of complete application".

(b) Within 45 days of the close of any public hearing, the Board of Trustees shall render a decision to approve, approve with modifications or special conditions, or deny the issuance of a permit for the proposed activity. The Board of Trustees shall also set the term of any permit issued pursuant to its decision.

(c) The Board of Trustees shall close the public hearing within 60 days of the hearing's opening, and within 180 days from the date an application is deemed complete, as evidenced by a "Notice of complete application" for a formal application, unless an extension is mutually agreed upon by the Board of Trustees and the applicant.

(4) The Board of Trustees, on its own motion, or at the request of the applicant, may modify or extend any of the aforementioned time periods for good cause.

(5) In evaluating applications for permits under this section, the Board of Trustees shall consider the potential impact upon the rights and resources of the Freeholders and Commonalty of the Town of Southampton, including whether the activity applied for will unreasonably interfere with the rights of the Freeholders and Commonalty to use their lands or to pass and repass along their rights-of-way. To the maximum extent practical, the protection of the environment and conservation of natural resources shall be given appropriate weight with social and economic considerations. The Board may consider the objections, or lack thereof, of abutting landowners.

SECTION 3. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 4. - Effective Date.

This change shall take effect immediately upon the adoption of the Amendment by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton.

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that a public hearing will be held by the Trustees Board on **Monday, June 7, 2021 at 1:00 p.m., via videoconference**, to hear any and all persons either for or against amendment of "Blue Book" A340 Article VII section: § 47 "Permits required; application procedure; issuance; inspections." to establish requirement of demolition permit, and amend public hearing time frame, and procedural requirements.

FURTHER NOTICE, that due to public health and safety concerns related to COVID-19, the Trustees Board will not be meeting in-person. In accordance with the Governor's Executive Order No. 202.1 and its related extensions, the Trustees Board meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an

opportunity to see and hear the meeting live, and to provide comments.

The public can watch the live meeting online from the Town of Southampton website on the Town Clerk’s Meeting Portal, via YouTube, or through the Zoom App. If any interested members of the public would like to provide comments on the public hearing, comments can be called in during the meeting via telephone or the Zoom App. Comments can also be emailed up until one hour before the start of the meeting to the Town Clerk at townclerk@southamptontownny.gov <<mailto:townclerk@southamptontownny.gov>>. In addition, the record will remain open after the public hearing for the submission of written comments.

Please continue to check the Town Clerk’s website and Meeting Portal as the hearing date approaches for further instructions on how to access the virtual meeting, and for any updated information.

Summary of Proposed Rule

The Trustees seek to establish requirement of demolition permit, and amend public hearing time frame, and procedural requirements.

Copies of the proposed rule amendment, sponsored by Trustee Scott Horowitz, is available in the Trustees Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE FREEHOLDERS AND COMMONALTY OF THE
TOWN OF SOUTHAMPTON
ERIC SHULTZ, PRESIDENT

✓ Vote Record - Trustees 2021-TRUS-123						
<input type="checkbox"/> Adopted <input type="checkbox"/> Tabled <input type="checkbox"/> No Action <input type="checkbox"/> Closed <input type="checkbox"/> Reschedule <input type="checkbox"/> Adjourned <input type="checkbox"/> Acknowledged Signature <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Eric Shultz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scott M. Horowitz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Edward J. Warner Jr.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Pell IV		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ann Welker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. Closing

X. Executive Session - Confidential Legal Advice