Regular Meeting of November 4, 2019
1:00 PM

Monday, November 4, 2019
1:00 PM
Town Hall - Lower Level Meeting Room

I. Call to Order
1:00 PM Meeting called to order on November 4, 2019 at Town Hall - Lower Level Meeting Room, 116 Hampton Road, Southampton, NY.

II. Pledge of Allegiance

III. Roll Call

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IV. Next Trustee Meeting
Work Session: November 13, 2019 at 3:00 p.m. [Lower Level Conference Room]
Regular Meeting: November 18, 2019 at 1:00 p.m. [Lower Level Conference Room]

V. Minutes Acceptance
1. Regular Meeting October 21, 2019 1:00 PM

VI. Communications
Letters
U.S. Army Corps of Engineers:
1. Application of Chris Mead, 82 Wheaton Way, Water Mill, New York to install a 4’ X 6’ staircase to a 4’ X 54’ fixed pier leading to another 4’ X 6’ staircase at Mecox Bay.
2. Application of 4519 Noyac LLC (Robert Allard), 4519 Noyac Road, Noyac, New York to remove an existing pier structure that is no longer serviceable; to install a residential dock composed of a 4’ X 10’ long ramp leading to a 4’ X 42’ fixed pier catwalk in Ligonee Brook, Village of Sag Harbor.

VII. Discussions
Discussion regarding Estimate for the Repair of Old Sag Harbor Road and Noyac Path (Stafford)
VIII. Public Hearings

1. Public Hearing Regarding the Application of DOCVOSCI, LLC, 315 Royal Avenue, Flanders, New York (SCTM No. 0900-123-01-67.6)

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IX. Public Portion

X. 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**

Edward J. Warner Jr.

Trustees Resolution 2019-349

Category: Waterfowl Hunting Location Permit
Sponsors: Edward J. Warner, Jr.
Department: Trustees of the Freeholders

Waterfowl Hunting Location Applications for Transfer & Removal of Co-Permittees

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; and

WHEREAS, the following Waterfowl Hunting Location TRANSFER OF PERMITTEE/CO-PERMITTEE Applications was received in the Trustees’ Office:

1. Brian W. Downs, Permit #57 (Transfer of Permit Application to Donald Downs)
2. Brian W. Downs, Permit #59 (Transfer of Permit Application to Michael Downs)
3. Aaron Gomolka, Permit #241 (Transfer of Permit Application to Justin Topping)
4. Brian Kelly, Permit #201 (Transfer of Permit Application to Mark A. Borucke)
5. Timothy R. Sieger, Permit #131 (Transfer of Permit Application to Kenneth A. Booth, Jr.); and

WHEREAS, the following Waterfowl Hunting Location ADDITION/REMOVAL OF PERMITTEE/CO-PERMITTEE Applications were received in the Trustees’ Office:

1. Duane Arnister, Permit #142 (Removal of a Co-Permittee – Mark A. Borucke); and

WHEREAS, the Southampton Town Bay Constables, pursuant to Article V, Section 38 have reviewed the Waterfowl Hunting Location Applications listed above and have recommended that they be approved; now therefore be it

RESOLVED, that pursuant to Article V (Waterfowl Hunting), Sections 38 of the Rules and
Regulations for the Management and Products of Waters of the Town of Southampton, the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby approves the above-listed Waterfowl Hunting Location Applications and grants them Waterfowl Hunting Location Permits.

Scott M. Horowitz

Trustees Resolution 2019-350

Category: General Permit - Trustees  
Sponsors: Scott Horowitz  
Department: Trustees of the Freeholders  
Applicant: Shawn Barron, Shawn Barron, M.S., 124 Pleasure Drive, Riverhead, NY 11901

Application of Torari Realty LLC, 8 Fedak Lane, East Quogue, New York (SCTM No. 0900-341-2-66.4) Body of Water Daves Creek

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 TORARI REALTY LLC, the existing floating dock assembly was partially destroyed by Hurricane Sandy; applicant is seeking to reconstruct and replace in place the existing floating dock assembly with a 4’ wide by 273’ long fixed elevated catwalk with ramp to grade, with open grate decking, supported by 6” posts or pilings, a 3’ x 12’ hinged ramp and 6’ x 20’ float, in a “L” configuration, secured by two 8” pilings and two (2) 8” tie off pilings; the catwalk extends +/- 26’ from low water mark, and the creek width is approximately 150’; the minimum water depth at the end of the float will be 30”; the overall length of the assembly will be 290’; chemically treated lumber will not be utilized; all fasteners shall be hot dipped galvanized or similar non-corrosive material; and the catwalk shall be elevated 4.0’ over the vegetated wetlands (as is the existing fixed elevated catwalk) for the premises located at 8 Fedak Lane, East Quogue, New York (SCTM No. 0900-341-2-66.4); 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 Town Code of the Town of Southampton.
Trustees Resolution 2019-351

Category: Waterfowl Hunting Location Permit
Sponsors: Scott Horowitz
Department: Trustees of the Freeholders

Denial of Two (2) Waterfowl Hunting Location Applications of Christian A. Melhado, Mill Creek, Flanders, New York and Suffolk County, Flanders Park, Flanders, New York

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; and

WHEREAS, two (2) Waterfowl Hunting Location Applications of CHRISTIAN A. MELHADO were received in the Trustees’ Office on October 17, 2019 for two (2) new Waterfowl Hunting Locations (“WHL”) pursuant to Article V, Section 38 (B)(2), in which two (2) proposed WHL(s) are located in Mill Creek, Flanders, New York and in Suffolk County, Flanders Park, Flanders, New York; and

WHEREAS, the Southampton Town Bay Constables, pursuant to Article V, Section 38 (C)(6), have reviewed the two (2) new proposed WHL applications listed above and determined that (i) the location requested in Flanders Park, Flanders, New York is located outside of the Trustees’ jurisdiction on lands owned by Suffolk County; and (ii) the location requested at the entrance of the waters of Mill Creek is at an unsafe distance from other blinds in the area and have recommended that they both be DENIED; now therefore be it

RESOLVED, that pursuant to Article V (Waterfowl Hunting), Section 38(C)(6) of the Rules and Regulations for the Management and Products of Waters of the Town of Southampton, the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby DENIES the two (2) new proposed Waterfowl Hunting Location applications located in the waters of Mill Creek, Flanders, New York and in Suffolk County, Flanders Park, Flanders, New York found by CHRISTIAN A. MELHADO and DENIES a Waterfowl Hunting Location Permit to CHRISTIAN A. MELHADO to hunt said locations.
William Pell IV

Trustees Resolution 2019-352

Category: General Permit - Trustees
Sponsors: William Pell IV
Department: Trustees of the Freeholders
Applicant: Inter-Science Research Associates, Inc., Emily Rabbe, P.O. Box 1201, Southampton, New York 11968

Modification of Application of Southampton RE Partners LLC Permit No. WRC00071, 95 Down East Lane, Village of Southampton, New York (SCTM No. 0904-12-1-1.1)

Body of Water: Heady Creek

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 Commonality of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the MODIFICATION OF SOUTHAMPTON RE PARTNERS LLC PERMIT NO. WRC00071 to modify the structure to be a residential dock consisting of a 4’ x 30’-1 ¼” ramp up, connecting to a 4’ x 15’-0 5/8” fixed pier catwalk elevated 4.5’ above grade through wetlands vegetation (per ACOE standards), connecting to a 4’ x 15’ – 0 5/8” ramp down, leading to a 4’ x 60’ – 2 ½” fixed pier catwalk elevated 26” above Mean High Water (per Southampton Town Trustee standards) over open water, connecting to a 4’ x 4’ fixed pier platform stepped down to be 18” above MHW, located in 2.2 ft. of water; two (2) 4” x 4” IPE pilings are to be installed seaward of the fixed platform to tie off the stern of vessels in deeper water; a 4’ x 15’ – 0 5/8” open frame dinghy sling is proposed for the storage of kayaks, canoes, and paddle boards; the location of the structure has shifted per the NYSDEC’s recommendation and is located in an already disturbed area of shoreline along the northern property boundary with very little inter-tidal marsh growth for the premises located at 95 Down East Lane, Village of Southampton, New York (SCTM No. 0904-12-1-1.1); 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.
Bruce A. Stafford

Trustees Resolution 2019-353

Category: General Permit - Trustees  
Sponsors: Bruce A. Stafford  
Department: Trustees of the Freeholders  
Applicant: Halsted S. Welles, 4601 Noyack Road, Sag Harbor, New York 11963

Renewal Application (Second) of Permit No. FXD00032, Project 287 LLC, 4585 Noyack Road, Noyack, New York (SCTM No. 0900-24-3-31) Body of Water: Ligonee Creek

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 Commonality of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the RENEWAL PERMIT (SECOND) OF PROJECT 287 LLC, PERMIT FXD00032 originally issued on April 10, 2017 for the construction of a 36” X 14’ ramp from the mean high water seaward onto a 6’ X 20’ seasonal floating dock secured by two (2) 6” in diameter anchor pilings for the premises located at 4585 Noyack Road, Noyack, New York (SCTM No. 0900-24-3-31); 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 2019-TRUS-352

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Ann Welker

Trustees Resolution 2019-354

Category: General Permit - Trustees
Sponsors: Ann E. Welker
Department: Trustees of the Freeholders
Applicant: Agena Rigdon, DKR Shores, P.O. Box 488, Hampton Bays, NY 11946

Renewal Application (First) of Lucille Bronson Revocable Trust, 442 Dune Rd, Village of Westhampton Beach, New York (SCTM No. 0905-17-01-7-001) Body of Water: Moriches Bay (Cove)

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 (FIRST) OF LUCILLE BRONSON REVOCABLE TRUST PERMIT NO. GP000022 to remove 61 linear ft. of existing navy style bulkhead, to reconstruct in place of existing 61’ of bulkhead (in place of existing) utilizing vinyl sheathing; to raise height of structure up to 18” to match adjacent vinyl bulkhead to the east; to install a new section of bulkhead/whereby closing the gap between bulkhead/s by installing a 12’ section of navy vinyl bulkhead; to install a new 10’ vinyl return along the (western) property line; to backfill structure with 65 c.y. as necessary with clean fill trucked in from upland source; new bulkhead shall be constructed in line with the existing adjacent bulkhead to west; the required buffer area landward of the bulkhead shall be restored 10’ stone buffer (as existing); the sections of dilapidated timber sections to the north/east with vegetated areas shall be abandoned naturally; and all materials shall be untreated for the premises located at 442 Dune Road, Village of Westhampton Beach, New York (SCTM No. 0905-17-01-7-001); 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 2019-TRUS-354

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XII. Resolutions

Trustees Resolution 2019-355

Category: Budget & Finance - Trustees
Sponsors: Edward J. Warner, Jr.
Department: Trustees of the Freeholders
Warrant #18 of 2019 – Trustees

RESOLVED, per the recommendation and reviewed by the Town Comptroller, the following vendor payment warrant dated be approved in the amount of:

Warrant #18 $76,876.33

A manual check in the amount of $183.96 dated 10/30/19 was also made to Home Depot Credit Service for payment of the Trustees’ credit card; and

BE IT FURTHER RESOLVED, the Town Comptroller is directed to approve and execute all bank wire transfers required to fund payments associated with Warrant #18 of 2019.

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Trustees Resolution 2019-356

Category: Public Hearings - Trustees
Sponsors: Edward J. Warner, Jr.
Department: Trustees of the Freeholders

Convert 2020 Board of Trustees Tentative Budget to Preliminary Budget and Schedule Public Hearing

WHEREAS, the Secretary/Treasurer presented the 2020 Tentative Budget to the Board of Trustees; and

WHEREAS, thereafter, the Board of Trustees reviewed the 2020 Tentative Budget; now therefore be it

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby converts the Tentative Budget for the year 2020 into the Preliminary Budget for the year 2020 for the purpose of scheduling a public hearing and considering amendments, changes, and alterations to said budget; and be it further

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby directs that a public hearing shall be held on November 18, 2019 at 1:00 p.m., at the Town of Southampton, 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against any item(s) contained in the 2020 Preliminary Budget; and be it further

RESOLVED, that the following Notice of Public Hearing shall be immediately submitted for publication in the official newspaper(s) of the Trustees and to post the same on the official Trustees signboard:

NOTICE OF PUBLIC HEARING
PLEASE TAKE NOTICE that the Preliminary Budget for the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton for the fiscal year beginning on January 1, 2020, has been completed and filed in the Office of the Board of Trustees of the Freeholders and Commonalty of the of the Town of Southampton, 116 Hampton Road, Southampton, New York, where it is available for inspection by interested persons Monday through Friday, from 8:30 a.m. to 4:00 p.m.; and take

FURTHER NOTICE, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton will meet and review the Preliminary Budget and hold a public hearing on Monday, **November 18, 2019 at 1:00 p.m.** at the Town of Southampton, 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against any item(s) contained in the 2020 Preliminary Budget; and take

FURTHER NOTICE, that (i) a copy of the 2020 Preliminary Budget shall be available at the Office of the Trustees for public review and inspection, (ii) a copy of the 2020 Preliminary Budget, in CD ROM, may be purchased at a cost of $3.00; and (iii) a copy of the 2020 Preliminary Budget may be viewed for free on the Trustee’s website at www.southamptontownny.gov.

**Vote Record - Trustees 2019-TRUS-356**

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**Trustees Resolution 2019-357**

**Category:** Public Hearings - Trustees  
**Sponsors:** Edward J. Warner, Jr.  
**Department:** Trustees of the Freeholders

**Notice of Public Hearing to Amend Article XII (Beach Regulations and 4 x 4 Beach Driving)**

BE IT RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby directs that a public hearing shall be held on **November 18, 2019 at 1:00 p.m.,** at Southampton Town Hall , 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against an amendment to the Rules and Regulations for the Management and Products of the Waters of the Town of Southampton amending a portion of Article XII (Beach Regulations and 4x4 Beach Driving) in order to allow daytime beach driving on a portion of the Peconic Bay access area.

A RESOLUTION amending Article XII (Beach Regulations and 4x4 Beach Driving) in order to
permit daytime beach driving and parking on a portion of the Peconic Bay shoreline via entry from Cold Spring Road.

**BE IT ENACTED,** by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton as follows:

**SECTION 1. – Legislative Intent.**

The proposed amendment will allow daytime beach parking and driving by access from the northerly end of Cold Spring Road easterly to an area 2,000 (two thousand) feet to a sign erected by the Trustees.

**SECTION 2. – Amendment.**

Article XII §63 M. (1) 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:

M. Special daytime use areas. Daytime 4 x 4 access beach driving and parking are permitted in the following areas:

(1) Peconic Bay access: At the foot of Cold Spring Road, beach parking is allowed in a section extending 300 feet east of road to boulder, as indicated by a sign. Access shall only be from Cold Spring Road. Beach driving and parking shall be permitted on the bay beach from the northerly end of Cold Spring Road extending easterly 2000 feet to the sign; beach access shall be taken from Cold Spring Road only.

**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 and 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 Public Hearing is hereby authorized to be published:

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Freeholders and Commonality of the Town of Southampton on **November 18, at 1:00 p.m.** at Southampton Town Hall, 116 Hampton Road, Southampton, New York, to hear any and all persons either for or against "A RESOLUTION amending a portion of Article XII (Beach
Regulations and 4x4 Beach Driving) in order to allow daytime beach driving on a portion of the Peconic Bay access area”.

**Summary of Proposed Law**

The proposed amendment will permit daytime driving and parking on the bay beach from the northerly end of Cold Spring Road extending easterly 2,000 feet to the sign; beach access shall be taken from Cold Spring Road only.

Copies of the proposed amendment are on file 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 SOUTHWICKTON, NEW YORK.**

EDWARD J. WARNER, JR., PRESIDENT

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Edward J. Warner Jr. □ □ □ □
Scott M. Horowitz □ □ □ □
William Pell IV □ □ □ □
Bruce A. Stafford □ □ □ □
Ann Welker □ □ □ □

**XII. Closing**