

MEETING OF FEBRUARY 24, 2015
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present: Diane McNally, Trustee Clerk
Stephanie Forsberg, Assistant Clerk
Timothy Bock
Brian Byrnes
Deborah Klughers
Stephen Lester
Sean McCaffrey
Bill Taylor

Not Present: Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Janice Badkin
Ira Barocas
Eric Brown
Scott Dobriner
David Elze
Susanna Herrmann
Susan Knobel
Peter Mendelman
Approximately 30 Lazy Point Leaseholders

The meeting was opened at approximately 6:00 p.m. by the Clerk.

Mr. Brown and Mr. Dobriner were present concerning the applications of 85 West End Road, LLC and The Pond House, Inc. /Rayner for sand placement. Upon review of the applications, the Clerk noted legal documentation would be needed indicating J. Leigh Scott, as Vice President can sign for Mr. Rayner. She pointed out an updated as-built survey would also be needed. Mr. Dobriner submitted a copy of an updated survey. A motion was made by the Clerk to approve the application of 85 West End Road, LLC to place and grade approximately 3,000 cubic yards of clean beach compatible sand with the following standard conditions: a) copies of applications and permits acquired from other agencies are to be submitted to the Trustees; b) written notification 48 hours prior to the start; c) a valid as-built survey of the permitted activities will be submitted to this Board upon completion of the project; d) if the

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beach is to be used as access to the project site, it shall be left in the same condition upon completion of the project as at the start; e) no equipment shall be left on the beach overnight; f) access along the beach for the public shall not be impeded; g) only clean beach compatible sand shall be used; h) plantings shall be 12" on center, in staggered rows; i) submission of color photographs at the start and upon completion of project; and j) no treated material. Additional conditions include: a) receipt of document authorizing J. Leigh Scott to sign for applicant (Rayner); b) old sand fence to be removed, not buried; c) all fencing will meet requirements of the Town Code Section 255-4-70; d) stairway to be inspected for use of treated material during its last replacement and any treated material to be removed and replaced; and e) if groins located between the road end and project site are exposed, "sand ramps" will be created to allow for equipment to pass over and "sand ramps" will be left in place upon completion of the project. This motion was seconded by Mr. Taylor and unanimously approved.

A motion was made by the Clerk to approve the application of The Pond House, Inc. at 93 West End Road to place and grade approximately 1,000 cubic yards of clean beach compatible sand with the standard conditions and the following additional conditions: a) receipt of documentation authorizing J. Leigh Scott to sign for applicant (Rayner); b) old sand fence shall be removed, not buried; c) all sand fencing shall meet the requirements of the Town Code Section 255-4-70 and d) if the rock groins located between the road end and project site are exposed, "sand ramps" may be created to allow for equipment to pass over and the "sand ramps" will be left in place following completion of the project. This motion was seconded by Mr. Taylor and unanimously approved.

Susanna Herrmann was present concerning the application of Jonathan Lerner for dock reconstruction and erosion control at 10 Oyster Shores Road. The Clerk said she has questions about the date of the survey received with the application and also the two levels of a retaining wall and a bulkhead. Ms. Herrmann explained bio-logs will replace the existing bulkhead and the retaining wall is upland, which is beyond Trustee jurisdiction. The Clerk also pointed out she would like to compare the configuration of the present dock with what was permitted in the past, to ensure it's correct. Mrs. Klughers asked if the tie line is on the survey. Mr. Courtney noted the Trustees need to see the filed map line, which is the deed line. Ms. Herrmann will address these concerns and come back to the Board.

Approximately 30 Lazy Point tenants were present concerning the proposed increase in the lease fees and amendments to the Lazy Point Rules and Regulations. The Clerk noted a sub-committee meeting was held between representatives of the Trustee Board and the Lazy Point tenants. She said the Trustees have a proposal and are trying to help the tenants understand what is necessary in order to move forward and get the leases out by April 29th. She pointed out the sub-committee came up with some interesting concepts and perhaps more difficult issues to deal with, but everyone seems willing to discuss them. Mr. Drew, who is the spokesman for the tenants, indicated it was a positive meeting and they would like to continue working with the Board on long term goals. There was a discussion concerning storage of boats and trailers on vacant land at Lazy Point. The Clerk pointed out she was very taken aback by the size of some

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of the boats currently stored. The Board agreed there should be a limit on the size of boats stored at Lazy Point. A possible fee might also be considered; similar to the mooring fees. There was also a suggestion from Tom Currier that the Trustees consider longer term leases. The Clerk said the Board would take this under consideration. The Clerk presented copies of proposed amendments to the Trustee Rules and Regulations for Lazy Point. After a discussion, a motion was made by the Clerk to approve a resolution for the following amendments to the Trustee Rules and Regulations for Lazy Point: a) Paragraph VIII Transfer Fee, sub-section (B)- increase of fee to 4 % &; b) Paragraph XVIII- 7th and 8th sentence amended to include “which includes the name and mailing address of the sub-tenant”; c) Paragraph XXVII-...shall become effective April 14, 2015; d) #16- Fee Schedule- increase of lease for each Lot to \$1,650.00 per year. This motion was seconded by Mr. Byrnes. Dr. Forsberg was opposed to this motion. A meeting is scheduled between the Trustees and the Lazy Point tenants on Tuesday, March 17th at 6:00 at the Trustees office.

Peter Mendelman was present concerning the application of Halsey’s Marina for dock/piling repair. A motion was made by Mrs. Klughers to approve the application of Halsey’s Marina to replace one free standing pile; replace five (5) bulkhead support pilings and whalers; and dredge up to 100 cubic yards of material from two slips, all as more specifically shown on the project plan submitted with the following conditions: a) copies of applications and permits acquired from other agencies are to be submitted to the Trustees; b) written notification 48 hours prior to start; c) a valid as-built survey of the permitted activities will be submitted to this Board upon completion of the project; d) only clean beach compatible sand shall be used; e) submission of color photographs at the start and upon completion of project and f) no treated material. In addition, a receipt of the dredge material fee upon completion of the project in the amount of \$750.00 (100 x \$7.50). This motion was seconded by Dr. Forsberg and unanimously approved.

Mr. Mendelman offered his assistance with the installation of transient moorings in Three Mile Harbor for the summer season.

A letter drafted to Susan Knobel authorizing her to obtain the necessary permits from the appropriate agencies/departments in regard to the possible relocation of her house currently located on Lots 53N & 54N at Lazy Point was reviewed, amended by Mr. Courtney and will be mailed.

A motion was made by Mr. Byrnes to approve the following minutes: a) October 14, 2014; b) October 28, 2014; c) November 12, 2014 and d) January 13, 2015. This motion was seconded by Mrs. Klughers and unanimously approved.

Mrs. Klughers informed the Board she has contacted Hamptons Web Design regarding hosting the Trustees website as Hamptons Online will no longer provide that service. A motion was made by Mrs. Klughers to expend \$355.00 (initial fee; \$40.00 per month fee and \$15.00 (for 3 email addresses) for the hosting of the Trustees website by Hamptons Web Design. This motion was seconded by Mr. Lester and unanimously approved.

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The Clerk reported she reviewed the Draft Piping Plover Management Plan for 2015 and doesn't support the document as written. She noted it needs several amendments and asked the Board to review the Plan and contact her with any additional comments. She added a response will be forwarded to Julianna Duryea, of the Natural Resources Department.

The Clerk noted that as the Trustees use the Town for an employee and office space, they are required to have their financial records audited by the Town's auditor. She added while this might be true, the Trustees need to be acknowledged as an entity.

Mr. Byrnes reported the Supervisor would like to attend a Trustee meeting to discuss extending the prohibition of alcohol at Indian Wells Beach for the upcoming summer season. The Clerk pointed out several Trustees have told the Supervisor the sign installed at Indian Wells Beach last season does not reflect the law. She noted the sign was never removed and she feels this was disrespectful to the Trustees. In a discussion, it was agreed a letter will be sent to the Supervisor indicating the Trustees do not want to extend the prohibition on alcohol at Indian Wells Beach.

In a discussion, the Trustees agreed to participate in the Montauk Friends of Erin Parade on March 22nd. A motion was made by Dr. Forsberg to expend up to \$400.00 for the purchase of candy which will be distributed to the crowds during the Montauk Friends of Erin Parade on March 22, 2015. This motion was seconded by Mr. Byrnes and unanimously approved.

A motion was made by the Clerk to approve a request form Ross Perchik on behalf of the Clamshell Foundation to hold the 24th Annual SandCastle Contest and the 35th Annual Fireworks over Three Mile Harbor with the standard conditions as outlined in the Trustee permits issued in 2014. This motion was seconded by Mr. Taylor and unanimously approved.

The Clerk reported a ZBA Public Hearing Notice was received concerning the application of Sandy Nicolia for construction of a second story addition to a structure located on a parcel containing barrier dunes and beach vegetation on Marine Boulevard in Amagansett. She added she sent a memo to the ZBA requesting the hearing be held open to give the Trustees the opportunity to review the application.

Dr. Forsberg reported Dr. Gobler would like to give a presentation on the Water Quality Testing Program on Monday, March 30th at 5:00 p.m. in the Town Hall meeting room. The Board agreed.

A motion was made by the Clerk to approve the application of Irving Paler for installation of shoreline fencing along approximately 250' of beach with the standard conditions with the exception of #7 and #8. Additional conditions include: a) install at toe of dune, not 10' in front of it, one (1) row of zigzag shoreline fencing with wooden posts and any other requirement as per Town Code Section 255-4-70; b) as per the 10/11/11 permit for dune

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restoration, the repair and/or replacement of a staircase over the dune is not included in this permit; and c) Committee to stake site for fence placement, prior to start of project. This motion was seconded by Mrs. Klughers and unanimously approved.

A motion was made by the Clerk to approve the application of Amagansett Beach Association for placement of up to 500 cubic yards of sand with the standard conditions. This motion was seconded by Mrs. Klughers and unanimously approved.

The Clerk asked the Ponds Committee to continue review of the application of Dale Burch for dock repair at Hook Pond and inspect the area of the proposed project.

In response to a public hearing notice received from the Village ZBA concerning the application of Calicchio for phragmite removal, the Clerk noted a letter was sent advising Mr. Calicchio a permit application must also be submitted.

The Clerk reported a memo was sent to the Planning Department regarding the application of Dankowitz for a driveway addition and retaining wall. It requested a copy of the survey and plan for Trustee review.

Concerning the Anderson lease of Lot 8S at Lazy Point, the Clerk noted it appears Ms. Anderson would like the lease transferred to Mr. Walton, instead of his being added to lease. She noted she will contact Mr. Walton and Ms. Anderson to advise them of the transfer fee, if this is the case.

A motion was made by the Clerk to approve the application of Nicolas Grecco to place approximately 300 cubic yards of clean beach compatible sand along the shoreline of Gardiner's Bay using a pay loader via the applicant's property with the standard conditions except of #8 . Additional conditions include: to a) this permit does not include: planting of vegetation and installation of fencing. If the applicant plans to incorporate these, a written request with details, to modify permit is required; and b) sand must be placed landward of the Coastal Erosion Hazard Area Line as shown on the 2/9/11 survey submitted with the application. This motion was seconded by Mr. Bock and unanimously approved.

The Clerk reported she attended a meeting of the Nature Preserve Committee on February 12th at which time the proposal for the South Flora Management Plan was discussed. She noted she gave the Committee recommendations based on her review of the proposal, which included clarification there is both a vehicular and pedestrian access at the end of Dolphin Drive within the Preserve. The Clerk added the proposal will be amended and then a public hearing will be scheduled in the near future.

Concerning the proposed installation of a gas main under a portion of Town Line Road, the Clerk noted a surveyor, was at the office looking for information to complete the road description for the access easement. The Clerk stated as there is no recorded deed for the road,

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the surveyors will utilize what portion is open presently and the adjacent lots to describe the roadway. She added she will advise the contractor to contact Mr. Courtney if he needs further information.

The Clerk reported the Trustees approved the application of Robert Coe for dock repair at the meeting of February 10th. Upon review of the file, she noticed there is a swim platform adjacent to Mr. Coe's dock. She pointed out the platform is not recognized in writing or the Annual Agreement, but there are photographs of it in the file. It was agreed the platform will be added to the Annual Agreement.

In the Report of the Clerk, it was noted the Trustees have been invited to a meeting of the League of Women Voters on March 9th at the Bridgehampton Library at 7:00 p.m. The Clerk asked the Trustees to attend if possible.

CFAR (Citizens for Access Rights) will host Trivia night at the Amagansett American Legion on Friday, February 27th at 6:30 p.m.

The Sportsman's Alliance will hold a forum on April 18th at the Amagansett Fire Department. The Clerk said she spoke with Mr. Griffiths and he would like the Trustees to participate once again.

The Clerk reported a Technical Analysis memo was received from the Planning Department regarding the application of Barry Weinberg for construction of a house along Old Stone Highway on a parcel containing wetlands. She noted the proposal will require 7 variances. The Board agreed a memo should be sent recommending denial as presented.

In response to information received from PEP (Peconic Estuary Program) concerning a public meeting in New York City for the Ocean Action Plan, it was agreed the Clerk will send a letter indicating Trustee approval would be required for implementation of any projects on waterways and bottomlands located within the Trustee jurisdiction.

The Clerk reported Mr. Bock and Mrs. Klughers attended an event sponsored by Project Most. The purpose was a presentation and acknowledgement of receipt of a grant. Mrs. Klughers noted several public officials attended, including Legislator Schneiderman. She pointed out Mr. Schneiderman feels the nuclear power plant in Shoreham is contributing to the warming of Long Island Sound. She said he is trying to get a study initiated by Stony Brook University to show the effects of the warming on eelgrass and other aquatic species. Mrs. Klughers added Mr. Schneiderman would like a letter of support from this Board to the Legislature.

A motion was made by the Clerk to postpone the Trustee meeting scheduled for Tuesday, March 24, 2015 and re-schedule for Wednesday, March 25, 2015. This motion was seconded by Mr. McCaffrey and unanimously approved.

The meeting was adjourned at approximately 8:30 p.m. by the Clerk.

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