

AGENDA FOR TOWN BOARD MEETING FRIDAY, OCTOBER 2, 2020

SUBJECT TO CHANGE

The following resolutions are proposed to be considered for adoption by the Town Board on Friday, October 2, 2020:

1. Set public hearings on waterways applications

"Whereas", James Davies, 66 Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.08379° north and longitude 72.31035° west; said location was formerly occupied by the C-1860 Carlson mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:42 p. m., prevailing time, on the 23rd day of October, 2020, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

"Whereas", Tom Kusner, 11 Dickerson Drive, has petitioned the Town of Shelter Island for permission to relocate mooring number W-3478, also designated as WA 34 in the West Neck mooring grid to a location in Menantic Creek approximately 112' northeast of applicants' dock, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:46 p. m., prevailing time, on the 23rd day of October, 2020, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed relocation.

"Whereas", Alice J. Fault (Josh Sapan & Ann Foler) 22 Prospect Avenue, have petitioned the Town of Shelter Island for permission to install a mooring in Shelter Island Sound, 85' northwest of applicant's property at a location designated at latitude 41.083768° north and longitude 72.36 14857° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:48 p. m., prevailing time, on the 23rd day of October, 2020, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

2. Appointments

BE IT RESOLVED, That Peter Beardsley is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That Kathleen DeRose is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That John Kerr is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That Jay Card, Jr. is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That Benjamin Dyett is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That Meg Larsen is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That Petra Schmidt is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That Sean Clark is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That Lily Hoffman is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That Rebeca Mundy is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That Wendy Turgeon is hereby appointed to serve as a member of the Comprehensive Plan Advisory Committee (CPAC).

BE IT RESOLVED, That John Spinelli is hereby appointed to serve as Court Officer for the year 2020 at the following rate:

the first 2 hours at \$50.00 per hour, additional hours at \$20.00 per hour.

3. Petty Cash

BE IT RESOLVED, That the a petty cash account is hereby established for the Comprehensive Plan Committee in the amount of \$100.00.

4. Lexipol

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$6,507.00 from the Police Department A3120.491 contracts account to Lexipol LLC, 2611 Internet Blvd., Suite 100, Frisco, Tx 7034 for the contract term September 1, 2020 to December 31, 2021, for the Police Department's annual law enforcement policy manual and daily training bulletins.

5. DOTSHARE shared services

"Whereas", the New York State Department of Transportation is requesting the Town of Shelter Island to execute a four year shared services agreement with NYSDOT to share services, exchange or lend materials or

equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources, now, Therefore

BE IT RESOLVED, That the Town of Shelter Island agrees to said shared services agreement.

6. Return parking permit fees

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the amount of \$250.00 to Seven Guest House for five unused parking permits for the year 2020.

7. Accounting software

"Whereas", the Town Board has awarded the bid for the installation of air conditioning in the Legion Hall/Recreation Department, and

"Whereas", the Commissioner of Public Works has requested the issuance of a deposit to the awardee for said air conditioning equipment in the amount of \$10,000.00, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$10,000.00 from the 2020 A7320.201 Youth Center new air conditioning account to Shelter Island Mechanical, P O Box 972, Shelter Island, NY 11964 for said down payment on equipment required for said project.

8. Software maintenance

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of \$1,135.00 from the A 1220.491 Supervisor contracts account to Williamson Law Book Company, 790 Canning Parkway, Victor, NY 14564 for the accounting budget software support contract for the period October 1, 2019 through September 30, 2020.

9. Award bid for installation of replacement windows

"Whereas", sealed bids were received by the Town Clerk's Office until 3 p. m. on the 23rd day of September, 2020, for the window replacement only, (the Town is providing the windows and all other materials for this project,) and

"Whereas", the bids were publicly opened and read aloud, as follows:

Brett Poleshuk, Inc. Total bid \$13,500.00, and

"Whereas", the Commissioner of Public Works and Town Board have reviewed said bid, now, Therefore

BE IT RESOLVED, That the Town Board does hereby award the bid for said window replacement to Brett Poleshuk, Inc., the sole bidder for the amount of \$13,500.00 .

10. Act on Dock law

"Whereas", a public hearing was duly held on 11th day of September, 2020, on a proposed Local Law entitled Chapter 53 Dock Law, and

"Whereas", all interested persons were heard in favor of or in opposition to said proposed Local Law, now, Therefore

BE IT RESOLVED, That Local Law No. 8 - 2020 entitled Chapter 53 Dock Law is hereby adopted, to wit:

Chapter 53 Docks

Article I. General Provisions

§ 53-1. Title.

This Chapter shall be known as the "Town of Shelter Island Dock Local Law."

§ 53-2. Applicability.

This chapter shall regulate the use of Town-owned docks, piers, wharves and bulkheads; the size and placement of commercial and private docks; the size and placement of other water control structures; and the removal of materials from lands under water. The Town Board of the Town of Shelter Island deems it in the public interest

to regulate the use, size and placement of docks and other structures in order to optimize the use of Town-owned underwater lands by the general public for recreational and shellfishing purposes while at the same time recognizing the riparian rights of upland owners.

§ 53-3. Statutory authority.

This Chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule Law and the New York State Constitution.

§ 53-4. Enforcement.

The Dock Inspector, shall be a member of the building department of the Town of Shelter Island, and is hereby authorized and directed to enforce the provisions of this Chapter.

§ 53-5. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

BOAT OR VESSEL - Any floating object capable of being used as a means of transportation in water and including any airplane capable of landing on water.

BOATYARD - A commercial facility for maintenance, construction and/or repair of any type of watercraft with or without provision of supplies, storage, fueling or the retail sale of boats, motors and marine equipment.

CHANNEL - Water areas specifically reserved for unobstructed movement of vessels which may be marked by navigational aids permitted by the United States Coast Guard and/or the State of New York and/or the Town of Shelter Island.

COMMERCIAL DOCK - A dock utilized for commercial purposes. Under this chapter, such dock shall be located in "B" Zone or be part of an existing commercial boatyard/marina.

COMMERCIAL VESSEL - A boat or vessel from which the owner obtains a significant portion of his income and/or which is registered as a commercial/passenger vessel either with New York State or the United States Coast Guard.

DOCK - Any structure whether floating and/or fixed designed to accommodate a boat, such structure being attached at least on one end to the upland and elsewhere to the underwater lands below the mean high-water mark, and including accessories to said structure, such as floats, dolphins, pilings, anchors and anchor lines, ramps, ladders, lifts and hoists. A permit for a dock shall run with ownership of the land.

DOCK INSPECTOR - The duly appointed Building Inspector of the Town of Shelter Island.

FORESHORE - The passageway around the perimeter of Shelter Island between the mean high- and mean low-water marks.

OWNER(S) - The person(s) or entity(ies) in whose name the upland to which the dock is connected is/are recorded in the office of the Suffolk County Clerk.

PERMITTEE - The owner to whom a dock permit has been issued.

PLEASURE VESSEL - All boats or vessels other than government, commercial and institutional.

PRIVATE DOCK - A dock utilized by the owner or occupant for pleasure vessels and/or recreational purposes.

RESIDENT - Includes all domiciliaries who have actually and consistently resided within the Town of Shelter Island for a period of not less than six months immediately preceding their application for a permit hereunder and/or owners of real property situate in the Town of Shelter Island.

RIPARIAN RIGHTS - The entitlement of the owner of upland property fronting on a body of water to reasonable access to and use of such water.

SHORELINE - The interface of waterway and upland, at specified location and tidal condition.

TOWN DOCK - A dock or pier owned or managed by the Town.

TOWN WATERS - All waters and land below the mean high-water mark over which the Town of Shelter Island has jurisdiction.

WATER FRONTAGE - The line along the mean high-water mark which defines the interface between a lot and the waterway.

WATER CONTROL STRUCTURE - is a structure including but not limited to, bulkheads, groins or jetties intended to manage the impact of water upon the adjacent land.

Article II. Town-Owned Docks, Piers and Wharves

§ 53-6. Legislative findings.

It is hereby determined that the existing docks, piers and wharves of the Town of Shelter Island located at Congdon's Creek at the easterly terminus of Congdon Road and at Dering Harbor at the easterly terminus of

Bridge Street in the Town of Shelter Island are hereby established as self-supporting improvements, pursuant to § 141 of the Town Law of the State of New York.

§ 53-7. Permit required.

No person shall moor or secure a boat at the docks, piers and wharves located either at Congdon's Creek or at Dering Harbor without first obtaining a permit from the Town Clerk, except as hereinafter provided. Said permits shall include a sticker, which must be displayed on the authorized boat adjacent to the displayed registration number.

A. Congdon's Creek dock, pier and wharves.

1. A dock permit may be issued for any type of boat with a minimum length of 12 feet.
2. Any such permit shall be valid for a term ending March 31 of each year. During the transition to this annual renewal date, permits shall be issued for varying periods all to terminate March 31, 2012.
3. No slip shall hold more than one boat which shall be no longer than 35 feet length overall. The beam of the boat shall be less than the distance between the standoff piles for the slip for which the permit is issued.
4. Each applicant for a permit or permit renewal for a slip shall provide the Town Clerk with the applicant's name, proof of residency, proof of his ownership of boat, description of boat, number and name of boat and proof of proper registration. A current photo of the boat must be submitted with the initial permit application. Any permittee must own the same boat at the time the permit is issued within 60 days thereafter.
5. Initial and renewal permits may be obtained directly from the Town Clerk upon submission of proof satisfactory to the Town Clerk that said permittee is a resident of the Town of Shelter Island and owns the same boat as described on the permit. If such permittee wants to berth a different boat, he must provide the Town Clerk with proof of his ownership of such boat, a description of the boat, its name and registration number and proof of proper registration of boat. Slips not renewed by April 1, 2012, and every year thereafter, including mail renewals postmarked after April 1, shall be assigned by the Town Clerk to the next applicant on the wait list.
6. The Town Board from time to time may establish, on its own motion, the fees for docking and mooring of boats and for the wait list.
7. No person shall moor or secure a boat at the end of the dock more than two consecutive hours, nor shall any boat so secured or moored exceed 30 feet in length. A dock permit shall not be required in this event.
8. In the event that there are more applications than available spaces, a wait list will be established to determine the awarding of permits. A person must meet residency requirements to be placed on the wait list and supply their name and contact information. A person on the waiting list who qualifies for a sublet may remain on the waiting list for a slip assignment.
9. A permittee who is unable to have his/her boat in slip from July 1 through September 30 (high season) must notify the Town Clerk by June 1. The Town Clerk will offer the slip for a high season sublet to the next interested applicant on the wait list. If the applicant accepts, all the information for a new permit application must be submitted, and the permit fee paid to the Town Clerk for that high season period, and the Town Clerk will issue a permit for occupancy during that high season. The original permittee may only do a high season sublet twice during his slip tenancy.
10. Off-season sublet: October 1 through June 30. A permittee may allow another person to use his slip from October 1 through June 30 provided he notifies the Town Clerk, and the sublessee submits all the information for a new permit application and pays the permit fee to the Town Clerk for that off-season period, and the Town Clerk will issue a permit for occupancy during that off-season.
11. If permittee dies, the permit for that slip may be transferred only to a surviving spouse, providing they meet all requirements of this Chapter.
12. All permittees, including sublessees, shall comply with the provisions of this chapter. Upon a second violation of this chapter, the permit may be revoked after a noticed hearing before the Waterways Committee.

B. Dering Harbor dock, pier and wharves.

1. A dock permit may be issued for the west side of the dock for a period of nine months, extending from September 15 through the following June 15. The use of the west side of the dock shall be limited to resident commercial vessels.
2. Applications for a permit for resident commercial vessels shall be made no later than September 16 of each year. In the event that there are more applications than available spaces, a lottery will be held to determine the

awarding of permits. If there are more spaces than applications, the Town Board reserves the right to continue to accept additional applications for spaces remaining. Otherwise, the use of the west side of the dock shall be in accordance with Subsection B(5) herein.

3. Each applicant shall provide the Town Clerk with his name, Shelter Island address, proof of his ownership of boat, description of boat, number and name of boat and proof of proper registration.

4. During the period from June 15 to September 15 of each year, no person shall moor or secure a boat for more than two consecutive hours. A dock permit shall not be required in this event.

5. During the period from September 16 to June 14 of each year, a boat may be moored or secured for no more than 10 consecutive days on one occasion during such period, provided that the Town Clerk has been notified, in writing, of the same.

6. The Town Board from time to time may establish, on its own motion, the fees for docking or mooring of boats.

§ 53-8. Additional regulations.

A. No person shall live or reside on a boat docked, secured or moored at any Town-owned dock, pier, wharf, bulkhead or similar facility within the Town.

B. No person shall moor or secure a boat for more than two consecutive hours at the Town-owned bulkhead at Grace's Lane in Dickerson Creek, except that during designated scallop season, a resident with a shellfish permit issued by the Town of Shelter Island may use the floating dock or bulkhead for purposes relating to the taking of scallops only; provided, however, that any such boat shall not exceed 25 feet in length and must be moored or secured parallel to the floating dock or bulkhead.

C. No person shall moor or secure a boat on the end or east face of the Town-owned dock at Daniel Lord Road. The west face along the launching ramp is for active launching, hauling, loading, and unloading of boats only and has a ten-minute docking limit.

D. Acceptance of a permit under this Chapter shall constitute an agreement that the permit holder will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with the mooring or securing of his boat, nor is the Town responsible for loss, damage or theft of boats and/or other contents or to any other private property.

E. The Town Board reserves the right to enact additional rules and regulations with respect to mooring or securing boats at docks, piers, wharves, bulkheads or similar facilities owned by the Town of Shelter Island. Any permit hereafter issued shall be issued subject to the permittee conforming to any rules and regulations now in force and effect or that thereafter may be adopted by resolution of the Town Board.

Article III. Commercial and Private Docks

§ 53-9. Permit application.

A. A permit shall be required for the construction, alteration or modification of a dock. A permit shall not be required for the repair of a dock, except in any of the following circumstances:

1. When the total cost for such repair of an existing dock exceeds \$10,000.
2. When the repair is other than in kind and in place.
3. When no previous permit has been issued for the construction of a dock.
4. When less than 30% of the original structure remains in a structurally sound condition.
5. Extension of utilities (including water, electric, cable and telephone) to a dock requires a building permit issued by the Town Building Department.

B. Applications for permits may be made by the owner or the agent of that owner utilizing standard forms available from the office of the Town Clerk.

C. Each application for a new dock shall be accompanied by the following:

1. A certified survey of the owner's property on which the proposed dock is to be located, indicating the zoning district and showing property lines, exact location of the proposed dock and other structures, any unusual natural features on the property and adjacent waters and depths to the nearest foot at ten-foot intervals to the end of the dock, measured at mean low water.
2. An accurately dimensioned scale drawing of the proposed dock in plan and elevation format showing the structural design details of the dock, including the location and type of services and utilities (including water, electric, cable and telephone).
3. Specifications for the construction materials to be used.

4. Any copies of applications and permits related to other agencies as may be required.
 5. A statement signed by the owner that the materials and design of the dock will meet all pertinent federal, state, county and Town regulations.
 6. A statement signed by the owner that acceptance of a permit shall constitute an agreement that the permittee:
 - a) Will indemnify and hold the Town of Shelter Island and its authorized representatives harmless from any liability in connection with any property damage or bodily injury that may occur as a result of the issuance of a permit hereunder, nor is the Town responsible for the loss, damage or theft to boats and/or their contents; and
 - b) Consents to the entry on the property by the Dock Inspector or other authorized representative of the Town in order to make such inspections as the Town may deem necessary to ensure compliance with the terms and conditions of the permit.
 7. The following proof of insurance in force:
 - a) From the owner, a certificate of insurance for at least \$300,000 liability on the location and operations covered by said permit; and
 - b) From the contractor performing the operations covered by said permit, an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least \$500,000 covering operations of the contractor pursuant to said permit.
 8. The requisite fee to be determined by the Town Board.
 9. Any other information which the Town Board may deem necessary.
- D. In addition to the above, it shall be a prerequisite for a complete application that the offshore location for the proposed dock be clearly delineated by a minimum of four stakes and that additional stakes be placed at the property boundaries nearest the dock. The location of these stakes should correspond exactly to the configuration of the proposed dock on the scale drawing accompanying the permit application.

§ 53-9.1. Permit issuance and terms.

- A. All applications for permits shall be subject to a public hearing, except that applications to repair, replace or reconstruct any devices or structures included in this article shall be granted or denied by the Town Board without a public hearing. In making its determination, the Town Board shall consider the recommendations of the Waterways Committee of the Town Board.
- B. The validity of any permit issued shall be conditioned on the issuance of permits from other governmental or municipal authorities as may be required.
- C. A permit will expire 12 months from the date of issuance. A permit may be extended by resolution of the Town Board for an additional period of one year without a public hearing, provided that the request for same is submitted no later than the expiration date.
- D. Acceptance of a permit shall constitute an agreement that it shall be the owner's responsibility to endure proper usage of the structure at all times, to maintain the structure in conformance with these regulations and in the interests of public safety and protection of the waterways and not to obstruct any rights of the public as may exist to use the underwater lands.
- E. Acceptance of a permit shall also constitute an agreement that the owner shall hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with property or bodily damage that may arise from the issuance of this permit.
- F. No dock construction may be commenced under the permit until the Building Department is notified by the dock contractor of the date construction will commence.
- G. No certificate of compliance certifying satisfactory completion of a new dock, or other dock improvement designated by the Town Board, shall be issued until a survey showing the as-built location is submitted to the Building Department.
- H. In addition to any other rights conferred, a permit shall convey a non-exclusive right to use public bottom land owned by the Town of Shelter Island upon which any legally permitted dock is located.

§ 53-9.2. Limitations on Fresh Water Docks

- A. No fixed dock, float or ramp, platform or other structure shall be constructed upon any body of fresh water owned by the Town of Shelter Island and no permit shall be issued for any such construction.
- B. Pre-existing non-permitted and non-conforming structures existing as of June 30, 2020 are exempt from the standards set forth in Section 53-9.2(A) of this Chapter subject to the following:
 1. They may be repaired or replaced in kind and in place; or

2. They may be altered, modified, or repaired where after review, is determined by the Town Board that any changes significantly lessen the preexisting nonconformity; or
3. Any structure, deteriorating, damaged, or destroyed by any cause, including an act of God where 30% or more of the original structure is usable and shall be permitted to remain so long as the repairs are in kind or in place or are determined by the Town Board to significantly lessen the preexisting nonconformity.

§ 53-10. Fees.

A. Permit fees for the construction, alteration, modification or repair of a dock shall be established by resolution of the Town Board.

B. Permit fees for work on commercial docks shall not be more than twice that charged for private dock permit fees.

§ 53-11. Design and construction of private and commercial docks.

A. A dock shall not be an impediment nor a menace to navigation and shall at all times provide and allow suitable and unobstructed passageway around or over such dock so that the public will have free unobstructed passage along the foreshore of Shelter Island.

B. The location of a dock shall cross the water frontage of a lot with the same setback requirements from the extremes of that water frontage as apply for the principal dwelling on that lot, but in no case less than 25 feet. The dock shall extend seaward in a direction and configuration that does not intrude on neighboring lots' equivalent rights to current or future dock location.

C. Length and depth of docks.

1. At mean low-water, a private dock may not extend into the waterway farther than the equivalent of 15% of the shortest distance at mean low-water from the shoreline where the dock is located to the opposite shoreline.

2. A private dock may not extend either more than 100 feet offshore from the mean high-water mark on the owner's upland property or beyond the point where mean low-water depth reaches four feet, whichever of these two conditions occurs sooner.

3. A private dock may not extend in total linear measure of all walkways, ramps, floats and distance to tie-off pilings more than one and one half times the specified maximum off-shore distance of the dock.

4. A commercial dock may not extend either more than 300 feet offshore from the mean high-water mark of the owner's upland property or beyond the point where the mean low-water depth reaches six feet, whichever of these two alternative conditions occurs sooner.

D. Width of docks.

1. A private dock, exclusive of floats, but including walkways and ramps, shall be no wider than five feet; the deck area of floats shall be no greater than 200 square feet.

2. A commercial dock, exclusive of floats, but including walkways and ramps, shall be no wider than 10 feet; floats shall be no wider than 12 feet.

E. Any waterway's illumination, whether dock-mounted or shore-mounted, shall be focused downward and shall not directly light an area more than 10 feet beyond the foreshore or the footprint of the dock. Any illumination presently in existence shall be in compliance with this subsection no later than six months after the adoption of this Chapter.

F. Private dock installations to store or convey fuel or sewage shall not be permitted.

§ 53-12. Existing docks.

The following are exempt from the standards set forth in Section 53-11 of this Chapter:

A. Any dock in existence prior to the adoption of this chapter that is maintained in kind and in place; or

B. Any alteration, modification, or repair to a preexisting nonconforming dock which, after review, is determined by the Town Board to significantly lessen the preexisting nonconformity; or

C. Any repairs of a dock, deteriorating, damaged, or destroyed by any cause, including an act of God where 30% or more of the original structure is usable and shall remain so long as the repairs are in kind or in place or are determined by the Town Board to significantly lessen the preexisting nonconformity.

§ 53-13. Responsibilities.

A. Acceptance of a permit shall constitute an agreement that it shall be the owner's responsibility to ensure proper usage of the dock at all times, to maintain the dock and all appurtenances and equipment in conformance with these regulations and in the interests of public safety and protection of the waterways and to not obstruct the right of the public to pass along the foreshore between the mean high- and low-water marks.

B. Acceptance of a permit shall also constitute an agreement that the owner will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with property or bodily damage that may arise from the issuance of this permit.

C. Should the Dock Inspector determine that a dock has become a threat to life or property or a menace to navigation, he shall immediately notify the Town Board. Upon receipt of such notice, the Town Board shall direct the Dock Inspector to notify the owner of his findings regarding the condition of the dock by certified and regular mail and by posting such notification upon the owner's property of his findings regarding the condition of the dock. In the event that the owner does not remove or repair the dock within the time required by the Dock Inspector, the owner shall be notified by certified and regular mail that the Town will make any necessary repairs to render the dock safe at the owner's expense. Should the dock require removal, the owner shall be notified by certified and regular mail of the Town's intention to make an application to the Supreme Court, Suffolk County, for an order determining the dock to be a threat to life or property or a menace to navigation and directing that it be removed by the Town with all expenses incurred in this proceeding and the removal to be borne by the owner.

§ 53-14. Regulations regarding living or residing on boats at docks.

A. No person shall live or reside for more than one week on a boat berthed at a private dock.

B. Any person who shall live or reside for more than forty eight (48) hours on a boat with a head (bathroom) at a private dock must maintain a written log indicating a pump out at least once per week and have such log as well as written documentation (such as a receipt from the pump out facility) available for inspection by the dock inspector or bay constable upon request.

C. No person shall live or reside on a boat at a commercial dock for any length of time without the expressed permission of the dock or marina owner and comply with all marina's policies regarding pump-outs and discharge, and all relevant laws and regulations.

D. Any vessel equipped with a head docked within the waters of the Town of Shelter Island shall maintain their Y valve in a closed and secured position and make the equipment available for inspection by the dock inspector or bay constable.

§ 53-14.1. Storing and Securing Seasonal Floating Docks

A. Any floating docks and ramps may not rest on or be stored in any vegetated tidal wetland.

B. Floats that remain in the water when not in use must be properly secured and remain in the area designated in § 53-11 (A) & B) and not otherwise violate any provision of this chapter.

§ 53-15. Waivers.

The Town Board shall have the authority to modify or waive, subject to any appropriate conditions, any provision(s) of this chapter as in its judgment is not requisite to the interests of the public health, safety and general welfare, except where such waiver would be contrary to other ordinances or state law. A request for such waiver may be initiated by written request to the Town Board accompanied by documentation that fully explains and supports the reasons for the request. Additional information may be sought from the applicant at the discretion of the Town Board.

Article IV. Other Water Control Structures

§ 53-16. Permit required.

No person shall construct, repair, replace or reconstruct or place any bulkhead, pile, float, building, pier, wharf, jetty, groin, dolphin, dike, dam or other water control device or other structure, any part of which is embedded in or attached to land above or below water, in or on any Town waters, Town lands under water, foreshore or state or county lands under water within the geographical limits of the Town, nor shall any person remove or move any sand, gravel or other material from such lands in the Town of Shelter Island without first obtaining a permit from the Shelter Island Town Board. The provisions of this section do not apply to the installation, repair or replacement of moorings or stake, mooring and pulley systems, the regulations for which appear in Chapter 90 of this Town Code.

§ 53-17. Additional permit provisions.

A. Any water control structure in existence prior to the adoption of the chapter that is maintained in kind and in place; or

B. Any alteration, modification, or repair to a preexisting nonconforming water control structure which, after review, is determined by the Town Board to lessen the preexisting nonconformity; or

C. Any repairs of a water control structure, deteriorating, damaged, or destroyed by any cause, including an act of God where 30% or more of the original structure is usable and shall remain so long as the repairs are in kind or in place or are determined by the Town Board to lessen the preexisting nonconformity.

§ 53-17.1. Limitations on Water Control Devices on Fresh Water Bodies

A. No water control structure shall be constructed upon any body of fresh water owned by the Town of Shelter Island and no permit shall be issued for any such construction.

B. Pre-existing non-permitted and non-conforming structures existing as of June 30, 2020 are exempt from the standards set forth in Section 53-17.1(A) of this chapter subject to the following:

1. They may be repaired or replaced in kind and in place; or

2. They may be altered, modified, or repaired where after review, is determined by the Town Board that any changes significantly lessen the preexisting nonconformity; or

3. Any structure, deteriorating, damaged, or destroyed by any cause, including an act of God where 30% or more of the original structure is usable and shall be permitted to remain so long as the repairs are in kind or in place or are determined by the Town Board to significantly lessen the pre-existing nonconformity.

Article V. Additional Provisions

§ 53-18. Coordination with wetlands provisions.

A. In addition to the requirement of this Chapter, any dock or other water-control structure requiring construction, dredging, filling or alteration in, on or over a wetland or within a regulated area as defined in Chapter 129 shall apply for a permit under Chapter 129.

B. In the event of a conflict between any provision of Chapter 53 (Docks) and Chapter 129 (Wetlands), the provisions of Chapter 129 shall apply.

§ 53-19. Power of Town Board to impose restrictions.

In issuing a permit under this Chapter, the Town Board may impose such reasonable conditions and restrictions as will prevent the obstruction or interference with navigation, the public use of Town waters or lands under Town waters or shall be in furtherance of the public interest.

§ 53-20. Penalties for offenses.

A. An offense against the provisions of this Chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

B. A second offense against the provisions of this chapter within 1 year after a prior offense shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 15 days, or both.

C. A third or subsequent offense against the provisions of this Chapter within one year of the initial offense shall constitute a misdemeanor under the Penal Law and shall be punishable by a fine of not more than \$1000 or by imprisonment for not more than 15 days, or both.

D. Any violation of this Chapter that is not corrected within thirty days of receipt of a notice of violation shall may be charged as a separate and distinct violation.

E. The Town may require removal of any dock or other structure constructed in violation of this Chapter.

11. Act on mooring applications

"Whereas", Nicholas J. Savage, Shorewood Road, has petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.051858° north and longitude 72.315239° west, and

"Whereas", a public hearing was duly held on the 21st day of August, 2020, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the installation of a mooring in Smith's Cove at a location designated as latitude 41.051608° north and 72.315375° west.

"Whereas", David, Danielle and Jared Hamilton, 75 North Cartwright Road, have petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system in Coecles Harbor off Captain Bob's Landing at a location designated as 41.08912° north and 72.32290° west, and

"Whereas", a public hearing was duly held on the 11th day of September, 2020, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to issue a permit for the installation of a stake, mooring and pulley system in Coecles Harbor off Captain Bob's landing at a location designated as latitude 41.089008° north and longitude 72.322885° west.

12. Set public hearing on Override of tax levy

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:40 p. m., prevailing time, on the 23rd day of October, 2020, in the Shelter Island Town Hall, Shelter Island, New York, for all interested to be heard in favor of or in opposition to a proposed LOCAL LAW ENTITLED OVERRIDE OF THE TAX LEVY LIMIT, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Shelter Island, County of Suffolk, pursuant to General Municipal Law § 3-c, and to allow the Town of Shelter Island, County of Suffolk to adopt a Town budget for (a) Town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Shelter Island, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

13. Set public hearing on potential conflicts

"Whereas", the Town of Shelter Island wishes to avoid any potential conflicts between sections of the Code, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:44 p. m., prevailing time, on the 23rd day of October, 2020, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the following section to be added to Chapter 105-Rentals:

Be it enacted by the Town Board of the Town of Shelter Island, to wit:

SECTION 1. Add the following to Chapter 105 - Rentals, as follows:

105-56 - Order of Priority:

With regard to the rental of real property in the Town of Shelter Island, where there is an actual or apparent conflict between this Chapter and any other provision of Town Code, this Chapter shall apply.

SECTION 2: When effective

This Local Law shall take effect immediately upon filing with the Secretary of State.

"Whereas", the Town of Shelter Island wishes to avoid any potential conflicts between sections of the Code, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:44 p. m., prevailing time, on the 23rd day of October, 2020, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the following section to be added to Chapter 105-Rentals:

Be it enacted by the Town Board of the Town of Shelter Island, to wit:

SECTION 1. Add the following to Chapter 105 - Rentals, as follows:

105-56 - Order of Priority:

With regard to the rental of real property in the Town of Shelter Island, where there is an actual or apparent conflict between this Chapter and any other provision of Town Code, this Chapter shall apply.

SECTION 2: When effective

This Local Law shall take effect immediately upon filing with the Secretary of State.

14. Set public hearing on Yard Sales Local Law

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:40 p. m., prevailing time, on the 23rd day of October, 2020, in the Shelter Island Town Hall, Shelter Island, New York, for all interested to be heard in favor of or in opposition to a proposed LOCAL LAW ENTITLED OVERRIDE OF THE TAX LEVY LIMIT, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Shelter Island, County of Suffolk, pursuant to General Municipal Law § 3-c, and to allow the Town of Shelter Island, County of Suffolk to adopt a Town budget for (a) Town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Shelter Island, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

15. Set public hearing on Potential conflicts

"Whereas", the Town of Shelter Island wishes to avoid any potential conflicts between sections of the Code, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:44 p. m., prevailing time, on the 23rd day of October, 2020, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the following section to be added to Chapter 105-Rentals:

Be it enacted by the Town Board of the Town of Shelter Island, to wit:

SECTION 1. Add the following to Chapter 105 - Rentals, as follows:

105-56 - Order of Priority:

With regard to the rental of real property in the Town of Shelter Island, where there is an actual or apparent conflict between this Chapter and any other provision of Town Code, this Chapter shall apply.

SECTION 2: When effective

This Local Law shall take effect immediately upon filing with the Secretary of State.

16. Set public hearing on Yard Sale local law

"Whereas" The Town of Shelter Island wishes to regulate the number and conduct of yard sales within the Town, it is therefore

RESOLVED, that the following chapter shall be added to the Shelter Island Town Code:

CHAPTER 131 YARD SALES

§131-1 – Title:

This chapter shall be known and may be cited as the "Yard Sale Law of the Town of Shelter Island."

§131-2 – Authority:

This chapter is adopted as a local law pursuant to the authority conferred in Article IX of the New York State Constitution; Article 2, § 10, of the New York Municipal Home Rule Law; and Article 4 of the New York Town Law.

§131-3 – Applicability:

This Chapter applies to all residential properties which are used as rentals, regardless of whether such use had been ongoing prior to adoption of these regulations.

§131-4 – Severability:

If any provision of this chapter or its application to any person or circumstances is held invalid, such portion shall be deemed a separate, distinct and independent provision, and such finding shall not affect the validity of the remaining portions of this chapter.

§131-5 – Purpose:

Yard sales have been an integral part of the Shelter Island landscape for decades. This law is designed to protect the public health and safety of those who participate in hosting and/or attending garage sales. The intent of the law is to place some reasonable restrictions on such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood where this activity is carried in compliance with local zoning codes.

§131-9 – Definitions:

YARD SALE: The display and sale to the public of new, previously owned or used items of personal property from a residential property that is owned or controlled by the person holding the sale. For purposes of this chapter, "yard sales" includes, but is not limited to, garage sales, lawn sales, attic sales, tag sales, and rummage

sales or any similar casual sale of tangible personal property upon any residential premises. The term "yard sale" does not include the mere incidental sale of one or two items of personal property when such sale is NOT part of a general sale of a number of personal properties.

§131-10 – Procedures and Restrictions of Yard/Garage Sales:

- A. No yard sale may be conducted without providing written notice the Town Clerk and the Shelter Island Police Department. The Town Clerk shall maintain copies of all such notifications.
- B. No more than _____ such sales be conducted on any lot in any one calendar year conducted at any one property residential premises
- C. No yard sale may remain in operation for more than 2 consecutive days.
- D. That there is adequate parking available on the premises or along the road which does not hinder traffic or create an unsafe condition.
- E. No items offered for sale at a yard sale may be located in the town right of way or upon any public street.
- F. Any signs erected for the purpose of advertising the yard sale must be compliant with the Town of Shelter Island sign ordinance and must be removed within 3 days after the conclusion of the yard sale.
- G. A permit shall be obtained therefor from the Town Clerk upon the payment of a fee of \$15, payable to the Town of Shelter Island. Note: the TB may wish to not attach any fee to this permit or the TB may just want the person to notify the Town Clerk's Office in order to achieve some accountability and control of these Yard/Garage Sales. Note: Southold requires a permit. Southampton requires a written permit. East Hampton requires a permit.

§131-20. Power of Town Board to impose restrictions.

The Town Board may by resolution create general policy or individually impose such reasonable conditions and restrictions as will prevent the obstruction of or interference with public lands or that is in furtherance of the public interest.

§131-30. Penalties for offenses.

- A. An offense against the provisions of this chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.
- B. Any violation of this chapter within seven days shall may be charged as a separate and distinct violation.
- C. The Town may require the immediate termination of any yard sale in violation of this chapter.
- D. The Shelter Island Police Department may remove and impound any sale items not removed from the public right of way within 2 days of the owner or occupant of the premises receiving a written notice of violation of this chapter. After such removal, the items are to be stored or caused to be stored in a suitable place at the expense of the owner. The owner may redeem the items upon payment to the Shelter Island Town Police Department of the amount of all outstanding fines plus the actual and necessary expenses incurred in the removal and storage.

AND BE IT FURTHER RESOLVED, that his Chapter shall take effect immediately upon fling with the Secretary of State.

4:40 Public hearing on Fernandez & Gabor catwalk

4:42 Public hearing on Carroll mooring

4:44 Public hearing on Sanders mooring