

Town of Shelter Island

Town Board Meeting Agenda

August 8, 2023

FINAL

Supervisor call meeting to order at 6:00 P.M.
Salute to flag

- R – Approve Memorandum Of Understanding
 - The North Ferry Co. INC & The South Ferry Company, INC
- R – Amend Sanitary System Rebate Amount
- R – Approve Green Options Grant
 - Sylvester Manor Composting Program
- R – Approve Water Quality Improvement Grant
 - Fresh Pond
- R – Approve Live Scan Grant
 - Police Department
- R – Approve WQI Rebate
 - Arthur and Barbara Bloom
- R – Set Public Hearing To Amend Chapter 128
 - Anchoring
- R – Set Public Hearing To Amend Chapter 88
 - Low-Nitrogen Sanitary System Rebate Program
- R – Set Public Hearing For Use Of WQI Funds
 - Center Water Testing
- R – Set Waterways Hearings
 - Robert Watt, 56 Ram Island Road
 - William Birch, 15 Little Ram Island Drive
- R – Approve Outdoor Assembly Application
 - Chamber Of Commerce, Art & Craft Fair
- R – Budget Transfer
- R – Pay Bills

6:10 p.m. Public hearing on Big Ram, LLC, C/O RHI Operations, LLC, 2 South Ram Island Drive, Dock Application
Town Clerk reads public notice
Report from the Waterways Management Advisory Council
Open hearing for all to be heard in favor of or in opposition
Close hearing

6:12 p.m. Public hearing on American Direct, C/O Richard Hogan, 2 Shorewood Court, Dock application
Town Clerk reads public notice

Report from the Waterways Management Advisory Council
Open hearing for all to be heard in favor of or in opposition
Close hearing

6:14 p.m. Public hearing on Douglas Branson and Elizabeth Hurtt, 29 East Brander Parkway,
Dock Application

Town Clerk reads public notice
Report from the Waterways Management Advisory Council
Open hearing for all to be heard in favor of or in opposition
Close hearing

6:16 p.m. Public hearing on Bradley and Margaret Tolkin, 6 Charlies Lane, Dredging
Application Town Clerk reads public notice

Report from Planning Board and Conservation Advisory Council
Open hearing for all to be heard in favor of or in opposition
Close hearing

6:18 p.m. Public hearing on Jill Brienza and Nicholas Daraviras, 3 Oak Tree Lane, Bulkhead
Application

Town Clerk reads public notice
Report from the Waterways Management Advisory Council
Open hearing for all to be heard in favor of or in opposition
Close hearing

6:20 p.m. Public hearing on Sanford Rosen, 32 Hilo Drive, Mooring Application

Town Clerk reads public notice
Report from the Waterways Management Advisory Council
Open hearing for all to be heard in favor of or in opposition
Close hearing

6:22 p.m. Public Hearing on David Cohen, 62 Westmorland Drive, Mooring Application

Town Clerk reads public notice
Report from the Waterways Management Advisory Council
Open hearing for all to be heard in favor of or in opposition
Close hearing

6:24 p.m. Public hearing on Joshua Greenwald, 1 Pandion, hardship exemption request from the
six-month moratorium

Town Clerk reads public notice
Open hearing for all to be heard in favor of or in opposition
Close hearing

6:26 p.m. Public hearing on Liberty Lawn and Landscape, LLC, 17 North Ferry Road, Site Plan
Review Application

Town Clerk reads public notice
Open hearing for all the heard in favor of or in opposition
Close hearing

Open meeting to public

Motion to adjourn.

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the Memorandum Of Understanding between the Town of Shelter Island, The North Ferry Co. INC, and The South Ferry Company INC., for the Hazard Mitigation Assistance Grant that was successfully applied for, via the New York State Homeland Security and Emergency Services Department.

BE IT RESOLVED, by the Town Board of the Town of Shelter Island that the Low Nitrogen Sanitary System Rebate authorized by Chapter 88 of the Town Code hereby amends the base grant to an amount of up to \$12,000.00 for the I/A system and, if a Pressurized Shallow Drainfield is installed an additional amount of up to \$5,000.00 and for well relocation an additional amount of up to \$4,000.00.

WHEREAS, Sylvester Manor has requested a grant from the Green Options Committee in the amount of \$1,145.00, for the Sylvester Manor food waste diversion program, and

WHEREAS, on August 3, 2023, request was presented to the Town Board, now, therefore

BE IT RESOLVED, said request is hereby approved in the amount of \$1,145.00 from the Green Options contractual budget, subject to full compliance with any applicable laws and regulations governing public composting.

WHEREAS, the New York State Water Quality Improvement Program (WQIP) has made funds available to implement projects that directly improve water quality; and

WHEREAS, the WQIP program supports nonpoint source abatement projects to support in-waterbody controls for nutrients; and

WHEREAS, the Town is planning to implement the recommendations contained in the Fresh Pond In-Waterbody Nutrient Control Feasibility Study; and

WHEREAS, the WQIP provides support for eligible capital costs, and requires 25% matching share based on the grant award amount; and

WHEREAS, The Town will submit a grant application requesting an amount not to exceed \$1,000,000, and providing up to \$250,000 in local matching funds from local Water Quality Improvement Funds and/or budgetary appropriations.; now, therefore

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby authorizes the Supervisor or his designee to execute any and all documents pertaining to the New York State Water Quality Improvement Program grant application submittal for the Fresh Pond In-Waterbody Nutrient Control project.

WHEREAS, the Town of Shelter Island ratifies the submission of a grant application dated July 21, 2023 to the NYS Department of Criminal Justice Services Livescan grant program in the amount of \$24,100.00, for the purpose of upgrading Police Department equipment, and

WHEREAS, said submission is a 100% grant with no local match required, now, therefore

BE IT RESOLVED, that James Read shall serve as Project Manager in connection with this project.

WHEREAS, Arthur and Barbara Bloom have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 69 North Menantic Road, Shelter Island, New York, and

WHEREAS, the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, and recommended a conditional rebate of up to \$6,000.00 be awarded, now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB and approves the applicant for a conditional rebate of up to \$6,000.00 in eligible costs upon completion of the project and subject to the applicant's compliance with and completion of all terms and conditions of the conditional rebate agreement, and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, August 29, 2023, at 6:10 p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 128, entitled “Waterways”, to update the “Anchor or Anchoring” definition, of which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW amending Chapter 116, entitled Chapter 128, entitled “Waterways”, to update the “Anchor or Anchoring” definition

BE IT ENACTED by the Town Board of the Town of Shelter Island as follows:

Section 1. Legislative Intent.

The Town Board has determined that the “Anchor and Anchoring” definition was outdated and did not account for new technology that allows the anchorage of boats without the necessity of an anchor. The expanded anchoring definition will ensure that anchoring prohibitions may be enforced against those who employ nontraditional methods of anchoring.

Section 2. Amendment.

Section 128-4 of the Shelter Island Code Chapter 128(Waterways), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§128-4. Definitions.

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

Anchor or Anchoring

The attachment of, or to attach, a boat or vessel to the ground or bottom by means of tackle so designed that, when such attachment is terminated, the tackle in its entirety is removed from the ground or bottom and taken under the control of the boat or vessel or by maintaining a constant position by use of any dynamic positioning system for more than 15 minutes.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130(17).

Section 4. 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, provisions so adjudged to be invalid or unconstitutional.

Section 5. Effective Date.

This local law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish the following Notice of Public Hearing:

SUMMARY OF PROPOSED LAW

The purpose of this local law is to modernize the “Anchor or Anchoring” definition to incorporate new technologies in order to enforce existing anchoring prohibitions.

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, August 29, 2023, at 6:12 p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 88, entitled “Low-Nitrogen Sanitary System Rebate Program”, to remove the ability to assign a rebate, of which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW amending Chapter 88, entitled “Low-Nitrogen Sanitary System Rebate Program”, to remove the ability to assign a rebate.

BE IT ENACTED by the Town Board of the Town of Shelter Island as follows:

Section 1. Legislative Intent.

The Town Board has determined that the assignment of a rebate directly to a professional or installer, rather than the homeowner, creates an opportunity to inject the Town into a contractual dispute and as such an assignment should no longer be permitted.

Section 2. Amendment.

Section 88-2D of the Shelter Island Code Chapter 88(Low-Nitrogen Sanitary System Rebate Program), is hereby amended by deleting the stricken words as follows:

§88-2. Low-Nitrogen Sanitary System Upgrade Rebate Program.

~~D. At any time prior to the issuance of the rebate funds, the applicant may in writing, on the form provided, assign the proceeds of the rebate to any professional(s) or installer(s) to whom payment shall be made due to services rendered on the covered project.~~

~~[Added 7-19-2019 by L.L. No. 13-2019]~~

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130.

Section 4. 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, provisions so adjudged to be invalid or unconstitutional.

Section 5. Effective Date.

This local law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish the following Notice of Public Hearing:

SUMMARY OF PROPOSED LAW

The purpose of this local law is to prevent the Town from being entangled in a homeowner versus contractor dispute by eliminating the possibility of IA rebate assignment.

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, August 29, 2023, at 6:14 p.m., prevailing time to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 116, entitled “Smoking”, to extend the smoking prohibition to all town beaches and parks, of which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW amending Chapter 116, entitled “Smoking”, to extend the smoking prohibition to all town beaches and parks

BE IT ENACTED by the Town Board of the Town of Shelter Island as follows:

Section 1. Legislative Intent.

The Town Board finds that residents, families, and guests should be able to enjoy all Town Properties, including all Town beaches and parks without being concerned about secondhand smoke, environmental degradation due to dropping cigarettes and wildfires.

Section 2. Amendment.

Section 116-3 of the Shelter Island Code Chapter 116(Tobacco, Cannabis and Public Smoking), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§116-3. Smoking prohibited on ~~certain~~ Town properties.

Smoking, to include burning or vaping of any material, including but not limited to tobacco, hemp and marijuana, shall be prohibited at all times ~~at the following locations:~~

A. ~~Crescent (Louie's) Beach.~~

B. ~~Wade's (Tuthill's Beach).~~

at any property owned or operated by the Town of Shelter Island, including any beach or park as defined by §36-9 of the Town of Shelter Island Town Code.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130.

Section 4. 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, provisions so adjudged to be invalid or unconstitutional.

Section 5. Effective Date.

This local law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish the following Notice of Public Hearing:

SUMMARY OF PROPOSED LAW

The purpose of this local law is to expand the initial prohibition on smoking, from only two town beaches, to all town owned or operated properties in order to protect the health, safety and welfare of town residents, families and guests from the harms of secondhand smoke, littering and wildfires.

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby calls for a public hearing to be held on August 29th, 2023 at 6:16 p.m. prevailing time for the purpose of utilizing Water Quality Improvement funds of \$14,863.00 for the costs associated with the water testing sponsored by the Water Advisory Board.

WHEREAS, Robert Watt, 56 Ram Island Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.08421° north and longitude -72.32258° west, formerly occupied by the William Derrough C-

2689 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 6:18 p.m., prevailing time, on the 29th day of August, 2023, 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, William Birch, 15 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to remove and replace (3) existing 2-pile dolphins and install (2) new single mooring piles, and (4) new 2-pile dolphins, now, therefore

BE IT RESOLVED, that pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 6:20p.m., prevailing time on the 29th day of August, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

WHEREAS, the Shelter Island Chamber of Commerce has requested to hold the Art and Craft Fair on the Shelter Island School Grounds on August 26, 2023, from 10:00 a.m. – 5:00 p.m., with a rain date of September 2, 2023, and

WHEREAS, The application was submitted to the Police Department and Highway Department, and

WHEREAS, The Town Board has waived the required fees, and

WHEREAS, the Shelter Island Highway Department has stated the following: All garbage must be picked up in the area, any markings in the street must be washable and no obstructions on the road during this event, and

WHEREAS, the Shelter Island Police Department is prepared to assist with this event done in the past, now, Therefore

BE IT RESOLVED, That the said request is hereby approved.

BE IT RESOLVED, that the following budget transfer is hereby approved: \$9,000.00 from the A1410.101 account to the A1410.200 Equipment account, and \$5,000.00 from the A1410.101 account to the A1410.484 Office & Misc. account

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$1,631.22 from the B3620.491 Contracts account to CARR Business Systems, for the billing period of July 1, 2023 through June 30, 2024.

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$947.60 from the B3620.491 Building Inspector Contracts Account and \$947.60 from the Zoning Service Contracts Account to Community Development Solutions for the Municipality Annual Support.

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$1,616.00 to East End Computers, LLC, for the July 1, 2023 – June 30, 2024 Security Awareness Training Subscription.

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$400.00 from the A3120.491 PD contracts account to Magloclen, Inc, for the July 1, 2023 – June 30, 2024, annual membership.

BE IT RESOLVED, that the Supervisor is hereby authorized to expend the sum of \$59,772.00 from the A3120.491 PD Contracts account to Town of Southold for the dispatch payment of 2022.

BE IT RESOLVED, That 2023 general claims numbered 1281 through 1427 in the amount of \$82,214.77.03; 2023 highway claims numbered 128 through 140 in the amount of \$24,272.87; and 2023 community preservation claims numbered 9 through 12 in the amount of \$1,171.87 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

RESOLUTIONS FOR AFTER PUBLIC HEARING

WHEREAS, Bradley and Margaret Tolkin, 6 Charlies Lane, have requested permission to perform a maintenance dredge of a 1,324 sqft. area to -4.0” below mean low water, removing approximately 120 cubic yards of material, all dredge spoils to be removed off site to an approved location, and

WHEREAS, a public hearing was held on the 8th day of August, 2023, for all 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 aforementioned maintenance dredging.

WHEREAS, Jill Brienza and Nicholas Daraviras, 3 Oak Tree Lane, have petitioned the Town of Shelter Island for permission to remove and dispose of a 164’ section and a 72’ section of existing bulkhead, construct a 164’ sections and a 72’ section of bulkhead in-kind, in-place, and

WHEREAS, a public hearing was duly held on the 8th day of August, 2023, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed bulkhead replacement:

1. Will not cause an obstruction into navigable channels or an interference with navigation;
2. Will not adversely affect the public's right to use Town waters or land under Town waters;
3. Will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. Will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. Will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand (\$300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand (\$500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

WHEREAS, Sanford Rosen, 32 Hilo Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.06481° north and longitude -72.35905° west, and

WHEREAS, a public hearing was duly held on the 8th day of August, 2023, 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 aforementioned installation.

WHEREAS, David Cohen, 62 Westmoreland Drive has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.061805° north and longitude -72.364073° west, and

WHEREAS, a public hearing was duly held on the 8th day of August, 2023, 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 aforementioned installation.

WHEREAS, on August 3, 2022, Liberty Lawn and Landscape, LLC, by Walter Richards, filed a site plan application to construct a 3,785 s.f. commercial building for storage and office use, to be used in connection with an established island landscaping business, as shown on the Sherman Engineering & Consulting, P.A. Site Plan dated March 24, 2022;

WHEREAS, the subject building will be serviced by an I/A sanitary system and have water service;

WHEREAS, the subject property is located at 17 North Ferry Road, Shelter Island (S.C.T.M. #700-15-3-94) and is within a "B" Zoning District;

WHEREAS, the proposed construction meets all of the dimensional regulations of the "B" Zoning District and will include the requisite number of parking spots;

WHEREAS, the Planning Board reviewed the subject application and issued a recommendation for approval on March 20, 2023;

WHEREAS, a public hearing was conducted on June 6, 2023;

WHEREAS, the hearing was closed on June 6, 2023, with written submission permitted by June 14, 2023;

WHEREAS, in order to make a decision on the subject application the Town Board required further information regarding parking and building size;

WHEREAS, the subject hearing was reopened and set for August 8, 2023, in order to give the applicant an opportunity to provide same;

WHEREAS, the Town Board considered the factors enunciated in Section 109-3 of the Shelter Island Town Code; and now therefore be it

RESOLVED, that pursuant to Section 617.5(9) of the New York State SEQRA Regulations (6 NYCRR Part 617) the Town Board determines this to be a Type II action; and be it further

RESOLVED, that pursuant to Chapter 109 of the Shelter Island Town Code, the Town Board hereby approves the subject site plan, as shown on the Liberty Lawn and Landscape, LLC, site plan prepared by Sherman Engineering & Consulting, P.A., revised June 9, 2023, subject to the following conditions:

1. The planting bed surrounding the AC units shall contain vegetation that fully screens same; and
2. The proposed 6' privacy fence shall be made with horizontal wooden slats.