

Four Questions for the Candidates

SouthholdVOICE sent 4 questions relating to the proposed amendments to Local Law Chapter 275 to each of the ten candidates standing for office in the upcoming elections. The questions were:

1. DISCRETIONARY DECISION MAKING:

Does your candidacy support proposed changes that will replace existing prescribed measurements to waterfront construction with new language "At the discretion of the Trustees?" Do you believe these proposed changes would be helpful to future applicants for: Maintenance Repairs, Replacement Structures, and Storm related Damage?

2. GRANDFATHERED STRUCTURES:

Do you respect the sanctity of pre-existing and grandfathered structures, or, if elected, will you move to remove or diminish property owner rights?

3. PROCESSING PERMIT APPLICATIONS:

Jurisdictional conflict and inefficiency in handling permit applications increase the burden on everyone. Do you think a coordinated review by all involved agencies would reduce the current burden of time, cost and effort on the applicant? What new suggestions or solutions will you bring to your office?

4. WHERE THE BLUE MEETS THE GREEN:

What is your view of the importance of the Southhold Town's waterfront to the economy of our community and how do you propose to protect it?

These questions were both mailed and hand delivered to ensure that each of the candidates would have the same opportunity to respond. Their answers were posted on our website. Candidate Anne E. Trimble, whose answers were received a few hours after the web was published, published her responses as comments on the website.

The candidates are in alphabetical order

Supervisor



Chris Baize



Scott Russell

Councilman



William (Bill) Edwards

Vincent Orlando
(no photo)



Dan Ross



William (Bill) Ruland

Trustee



Bob Ghosio



James (Jim) King



Anne E. Trimble

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Mission Statement

SouthholdVOICE is a citizen-run, non-profit organization of waterfront property owners and other stakeholders of Southhold's extensive waterfront. Our mission is to raise awareness among the community of Southhold Town regarding issues that impact shoreline and marine resources including dredging, erosion control, ecological land use, road runoff abatement and permitting. And, to promote among the general public environmentally sound policies regulating coastlines and waterways.

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Public Meeting Scheduled on Local Law CH 275

There is a link on the SouthholdVOICE website (www.SouthholdVOICE.com) that takes you to the full text of the proposed amendments to Local Law, Chapter 275, the restrictions on construction along Southhold's waterfront. A public hearing has now been scheduled. It is two days before Thanksgiving, November 20, 2007 at 4:30 pm. Readers of this newsletter and particularly waterfront property owners whose ability to construct and repair structures will be affected are urged to read this document (all 7 pages) and attend the public hearing if at all possible.

If you find the scheduled date to be inconvenient, you are urged to make your views known to the Town Council and the Trustees.

There are nine comments on these proposed amendments on the website. This one by **Patricia C. Moore** is specific in its recommendations:

"As a professional who has to work with this code and advise on Chapter 275 I am pleased that the Trustees are ad-

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(Four questions continued from page 1)

The answers are posted here in the order that they were received:

Question One

Discretionary Decision Making

Bill Edwards:

Yes. The proposed changes actually relax many requirements (windows, siding, sashes, etc.). Moreover, reliance upon the judgment of an *elected* board will always deliver more flexibility in the interest of the property owner compared with operating through an appointed board such as the ZBA or Planning Board.

Jim King:

The Board of Trustees needs the ability to waive setback requirements as is now in place in our wetlands code. Every waterfront area is unique. One size does not fit all.

Bill Ruland:

The Town Trustees have been elected by the people and one of their responsibilities is to protect our town's waterfront. Nothing should be done to limit these responsibilities. Establishing a single department to streamline the cumbersome application process for permits and approvals should be helpful to landowners.

Bob Ghosio:

I think the crux of the question is really whether one supports complete "black letter" law which prescribes every single detail pertaining to the usage of wetlands and/or near wetland areas (as the LWRP Coordinating Council is represented by its chairman to believe), or if one believes that the Trustee Board is elected to be the group of people responsible for deciding details based upon certain parameters and criteria. While "black letter" law would certainly make the Trustee job easier by eliminating any decision making and thus making them nothing more than an

administrative board, I do not believe that is what the Trustee Board is meant to be. Trustees are elected to be stewards of the environment, protectors of publicly owned lands, and insurers of public access to waterways, maintainers of clean water and clean beaches, and adjudicators of wetland codes as determined by the Town Board. For me, that means some decisions have to be discretionary.

If the intent of the originators of the Trustee Board did not mean it to have discretionary powers, why would they have determined that five Trustees were needed? There wouldn't be anything to debate. Clearly, some discretionary powers need to be available when it comes to deciding what a property owner can and cannot do with his/her property. This is, of course, is the whole concept behind zoning and a zoning board of appeals, for example. Well, this concept is the same whether the property is inland or riparian in nature. For riparian property owners, it is the Trustees who make the decisions using wetland code 275 and Coastal Erosion 111. The problem, I suppose, is that discretionary decision-making can lead to accusations of corruption and patronage but this is limited by the fact that the board has five members who would all have to be corrupt at the same time. The other problem is that discretionary decision-making always makes the people who do not agree with the decision angry. This generally leads to a move to insist on regulations that are written in stone. If we don't like the decision, remove the powers of decision making altogether, right? This is where we are today with the LWRP debate. Unfortunately, if codes are written in stone, it usually means the erosion of all property rights. I do not support that.

As far as Chapter 275 codes, I believe that the changes in Code 275 which are currently before the Town Board (see 275-4A) will be very helpful to applicants looking to do maintenance repairs, landscaping, and minor home improvements by eliminating the need to get a permit from the Trustees. As far as total replacement of structures and storm related damage, I believe the Trustees need to retain the right to be discretionary in determining how to do the repairs in the best way to reduce the possibility of further shoreline damage, and thus helping protect your rights, your

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Join SoutholdVOICE

Download a membership application online or fill out the form below and mail to SoutholdVOICE, PO Box 996, Southold NY 11971

E-mail: southoldVOICE@gmail.com

Annual Membership Dues:

\$35 per year

*Those who join now are **Founding Members** and their dues will be good until June 2009!*

Are you presently on our mailing list?

First Name Last Name

Mailing Address (include PO Box if necessary)

City State Zip code

Contact Phone #

E-mail

If your property address is different than your mailing address, please fill out the information below:

Property Street Address

Property City State Zip Code

SoutholdVOICE is happy to confirm that dredging started on schedule on October first

Southold's Trustees report that they continue to work very closely with the Suffolk County Department of Public Works. The dredge opened the season in *Budds Pond*, then moved over to *North Sea Harbor* and *Fresh Pond*. It will then come across the bay and do *Cedar Beach* and *Little Creek*.

Those with boats still in the scheduled creeks should take account of the probability that access in and out will be limited to non-existent while the dredge is at work.

Once additional permits are issued, a better determination can be made as to where the dredge will move to next.

The Trustees promise to keep Southold VOICE informed of any decisions made.

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neighbor's rights, the needs of the wild-life and the community's interest.

Chris Baiz:

Yes and yes.

Scott Russell:

The current Town Code while, including prescribed measurements, does already allow for the discretion of the Town Trustees to be the governing factor in the application process. In cases such as set backs from bluffs and bulkheads, the discretion of the Zoning Board of Appeals is also the governing factor. The discretion to say "yes" is also the discretion to say "no", and that is problematic. I would support legislation and policy changes that outline criteria for all Town Boards to consider in the decision-making process. Policies should be based upon reasonable standards that factor in not just the environmental goals of the community but also consider the reality of circumstances as they exist. "Hard" set-back provisions may be reasonable in some cases but completely unworkable in others. Good policy distinguishes between the two and clarifies the role of town government and reduces arbitrary and dogmatic decision making.

Dan Ross:

The existing prescribed setbacks set forth in section 275-3 of the Southold Town Code are discretionary. In any land use regulation there should be a set standard and then provision for the exercise of discretion when circumstances justify a relaxation of the standard. Section 275-3(D)(2) states, "The Board of Trustees reserves the right to waive or alter these setbacks where site-specific and/or environmental conditions justify such action." When making a decision, the discretion lies with the governing body. If the present Town regulations governing the approval process for maintenance repairs, replacement of structures and the repair of storm related damage are too onerous, the reasons should be examined and then corrected.

Anne E. Trimble:

Yes, if the entire board of trustees agrees that it is not a complicated project. Again, this would have to be based per application; simply routine maintenance repairs, replacement structures and storm related damages would apply.

Vincent Orlando and **Frank Wills** chose not to respond.

Question Two

Grandfathered Structures

Bill Edwards:

Yes, within reasonable limits. Repair and replacement of existing functioning structures should normally be permitted just as it is in other elements of the zoning code.

Jim King:

Grandfather permits are no longer issued. We now issue wetland or administrative permits for pre-existing structures based on a site visit.

Bill Ruland:

Yes, the sanctity of pre-existing and grandfathered structures should be respected. If elected, I will continue to support the rights of all property owners.

Bob Ghosio:

I do respect the sanctity of pre-existing and grandfathered structures. One example of this is a property on New Suffolk Ave. that is comprised of mostly wetlands on the creek by the marina. A small, roughly 400 square foot cottage existed there since the early to mid 1900's. It looked to be an old hunter's or fisherman's shack. The property and structure did not meet any code by today's standards. Furthermore, it didn't meet any setback code we have today. It was too close to the wetlands, to the road, to the side yard, to the septic, to just about everything. The cottage

was also uninhabitable due to age. The family who owns it decided to tear it down and wanted to rebuild it to have a small place to live. They also wanted to add a 2nd story to have more living space.

Upon receiving the application, I have to admit, I was more inclined to decline allowing a structure there because of the closeness to the water and intertidal wetlands. To think it possible to get the structure away from the wetlands and still have a home big enough to occupy without doing damage to the existing wetlands seemed perhaps a little overzealous to me. During the hearings however, I couldn't help but hear the owner and feel that I just couldn't tell him he had to give up a structure on a parcel of land he owned that had a cottage for maybe 75 years. It didn't seem right. And further, the benefit of letting the parcel stay empty didn't outweigh the property owner's rights, at least in my mind.

The Trustees were not unanimous in the decision making process but the majority voted to mitigate the project to the best for all considerations, including the environment. And I believe it was the right thing to do. By the way, this is also an example of good DISCRETIONARY decision making and why there are five Trustees who vote on applications.

Just one note on property rights. I am a conservative Republican who believes in family values, freedom, capitalism, and the sanctity of property rights. I do not however, advocate for greed. There is a difference in wanting to own waterfront property, use it for one's enjoyment etc., and owning waterfront property and abusing the resources. Traditionally, one's use of one's property is predicated on it not having an adverse impact on other property owner's rights to enjoy their property. Respect for one another's rights includes responsible use of one's property and the proper conservation of the natural resources that [it] includes.

Chris Baiz:

Pre-existing and grandfathered structures should be protected and maintained. Replacement and new structures should be allowed when geomorphologically correct.

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Scott Russell:

I support the legitimacy of grandfathered and pre-existing structures in almost all cases. Under very rare circumstances that such a structure actually reduces the inherent property rights of another owner, the reasonable approach would be to consider mitigating actions to continue the existence of a pre-existing structure. Incidentally, I voted against several proposals passed by the current Town Board because these would have created even more nonconforming properties and structures in the community.

Dan Ross:

I respect the rights that accrue to the owner of a pre-existing structure.

Anne E. Trimble:

Yes. I believe in the sanctity of pre-existing structures. It is what it is. However, a grandfathered structure, as is, may require simple maintenance and repairs, as with any other structure.

Vincent Orlando and **Frank Wills** chose not to respond.

Question Three

Processing Permit Applications

Bill Edwards:

The best the Town can do is to expedite the process within the Trustees' jurisdiction, and I think they do an excellent job. Unfortunately, I think that a unified process taking in the DEC and the Army Corps of Engineers is unlikely, though I would support approaching both agencies more aggressively toward that objective.

Jim King:

Site visits to Fishers Island and many sites are jointly inspected by Trustees and the DEC. This saves applicants time

and money. I would expand these reviews.

Bill Ruland:

Yes, a coordinated review by all involved agencies would reduce the current burden of time, cost and effort on applicants. If elected, I will strive to encourage all parties involved in the application process to work together for the benefit of the property owner. Government should serve the people, not hinder the people.

Bob Ghosio:

Inefficiency abounds in any permit process that requires several different offices or agencies to get involved. Just look at the dredging fiasco this year. Why do we need the Army Corps, the NYS DEC, the County, the Trustees, The LWRP Coordinator and the office of Fish and Wildlife all involved to give a simple maintenance permit to dredge a creek? Of course, these agencies would not exist if there weren't people who abused the resources in the past, so they do serve some purpose I suppose. Nevertheless, it shouldn't be so hard.

Just this past year I got in a heap of trouble when, as a new Trustee, I helped convince the board to approve an application, even though it needed to go before the ZBA to correct a 3 foot discrepancy in setback on a plan. I wanted to save the applicant the time, hassle and money to have to get the correction approved and come back before the Trustees again for a simple approval. There were a few ruffled feathers to say the least and I was duly reprimanded by the head of the planning board.

At the end of the day, I suggested to the LWRP Council that all applications should go to the building department where a central coordinator would decide the proper flow of the application from department to department. A checklist would be provided and the application would go from one department to the next only after it was approved in the previous department. What time would be lost by going one department at a time would be made up by not duplicating procedures and by not tossing applications back and forth between

departments.

Chris Baiz:

Yes. Establish a procedural program including time lines for responses from all agencies involved for full and timely coordinated reviews.

Scott Russell:

A coordinated review process at the initial stage of any application before the town would be a helpful measure in reducing the inefficiency and jurisdiction conflicts that arise in permit administration. However, this process alone would not substantially reduce the issues of cross-jurisdiction conflict. In any original coordinated review process, the criteria and issues need to be clear, unambiguous and certain. The applicant needs to know what the requirements of his application are in the early stages and should not be subject to a process where the "end-zone" keeps moving. The applicant needs to have a "fixed-point" of completion for the application process to work well and work fairly.

Dan Ross:

Coordinated review similar to the SEQRA process makes sense. As one agency proceeds in its decision making process, other agencies should be on notice and be required to raise objection before the process of the first agency ends and a permit issues. There should be, and there is to some extent, a delineation of responsibility between the agencies as to who will take the lead with regard to recurring issues. When the lead agency makes a decision the other agencies should then respect it. Similar jurisdictional struggles occur on the larger governmental level. In the early 90s I worked on waterfront jurisdictional struggles as the Attorney for the Village of Greenport. At the time, we were attempting to obtain permission from the NYS Department of State to amend the Village's Local Waterfront Revitalization Plan so as to permit certain activities. We obtained the amendment and the effort played a part in the

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revitalization of the Village of Greenport. It was a long, frustrating and arduous process that taught me one of the detriments of surrendering local control. In my opinion, to some degree, overlapping jurisdiction is preventing the implementation of the Section 111 Study for the Mattituck Inlet.

Anne E. Trimble

Yes. I believe that better communication and coordination among all the departments would expedite this process. As a trustee I would suggest increased education for both the trustees and the people of Southold Town, including seminars, informal lectures, brochures, etc.

Vincent Orlando and **Frank Wills** chose not to respond.

Question Four

Where the Blue Meets the Green

Bill Edwards:

I feel that our waterfront is as critical to the town's economy as agriculture, since both support tourism, second homes, and our traditional way of life. During my term on the Town Board we have done a great deal:

- Enacted a new drainage code to deal with runoff problems from new construction.
- Passed Local Waterfront Revitalization Plan after 20 years of dithering.
- Fixed drainage and road runoff problems from Laurel to Fishers Island.
- Purchased and put to work pump-out boats for use in Peconic Bay and around Fishers Island
- Permanently preserved the Pipes Cove Estuary
- Preserved the 58 acre Bittner property on the Sound in Peconic to protect it from development forever.

If re-elected I plan to maintain this process.

Jim King:

Healthy wetlands and clean waters are crucial to our economy. Visitors come here because of our pristine shoreline areas, fishing and bathing at our beaches.

I have been a creek front property owner on Mattituck Creek since 1968. We *can* utilize our waterfront without degrading it. All that's needed is a sincere effort and common sense.

Bill Ruland:

The waterfront is extremely important to our economy because it provides a livelihood for many of our town residents. It also is an important part of our town's tourism. If elected, I will support the protection of all publicly owned waterfronts and will work with private landowners to do the same, without infringing on their ownership rights.

Bob Ghosio:

I ran for Trustee originally on the platform that I believe that Southold's wetlands and waterfront is the most important economic resource we have. Our tourist trade is based on the waterfront. Therefore our hotels, resorts, restaurants, bars, charter boats, real estate offices, bait shops, etc. are all only as successful as our wetland's ability to attract people to live, visit and play here. As such, I believe we have a moral obligation to our children to protect our wetlands for the benefit of future generations and to continue our economic way of life. That means maintaining our beaches, ensuring public access is available, ensuring our waters are clean, doing what we can to bolster our fisheries, and conserving our natural resources.

Sometimes that means making tough decisions and no decision makes everyone happy, but it is important to do. I think that so long as I make decisions based on my core values, what I believe to be right, I can do a good job as Trustee.

Chris Baiz:

The North Fork is where earth, wind,

and water meet as heaven's foot print on earth. The waterfront interface of these elements is critical to our local economy.

(How do you propose to protect it?).

My seven point environmental policy and additionally greater effort on eel-grass and shellfish restoration.

Scott Russell:

The health and viability of the town's waterfront is vital not only to the economic well-being of our town but to Southold Town's cultural and historic value. We are a marine community with rich ties to the waters that border us and fuel our tourist industry and provide substantial tax revenues from waterfront property owners. Waterfront property owners could benefit from a more coordinated permit review process, better communication among the departments involved in a single application, and a keener understanding and regard by town departments for the financial costs borne by the applicant in the permitting process. These are goals that I have worked for and will continue to work for if I am re-elected supervisor.

Dan Ross:

The protection of the waterfront is vital to our commercial fishing and marina interests, to the businesses that rely on our tourist economy since tourists are drawn to the North Fork largely because of the water, and to the people who live in the Town of Southold who want to enjoy the beaches, boating or just the view. Access to the waterfront is important for everybody.

Recently, because of changing federal and state dredging regulations some creek front homeowners became landlocked. To address the problem I drafted a Town Board resolution to form a Dredge Committee. The resolution was adopted, the committee was formed and now there is a group of interested citizens that operate under the auspicious of the town to insure the dredge issue does not sneak up on us again as it did last Spring.

Access to the waterfront should be the right of inland residents, as well as waterfront homeowners. The town, when

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permitting the subdivision of property, has historically and intelligently required access to the waterfront for inland lot owners. Neighborhood waterfront access is important to us all. Beginning in the late 80s in my private law practice, I began representing groups of neighbors whose access to the water via easements to the waterfront had been threatened. These are right-of-way disputes.

On the town level I am working on keeping these rights of way open by encouraging the town to receive title to tax lots that are subject to these easements.

Addressing the economy: The failure to address the shoaling in and around the Mattituck Inlet is threatening the commercial fishing and marina interests that rely on the Inlet. At a recent Mattituck Park District meeting the hazard to boats created by the shoaling was described.

As a community, we have been aware of the problem for over ten years. The Mattituck Park District has limited resources to deal with this issue and I intend to get further involved in finding a solution, whether or not I am re-elected.

Anne E. Trimble

As a resident of Southold Town and a business owner, I believe that the waterfront is critical to our economy. Protect it and they will come. Destroy it and they will stay home. I will be a good steward and see that the waterfront of Southold Town is protected for "all the people" of Southold Town.

Our town is very unique in that we are surrounded by water. Our economy is based on water activities. Our service businesses depend on these factors as well. Of the many local natural treasures here in our backyard, the wetlands and waterways are our most fragile resource.

I will combine my knowledge and passion to protect them for all of Southold Town.

Vincent Orlando and Frank Wills chose not to respond.

We invite you to visit the website and leave your own comments and questions for the candidates. We thank the eight (out of ten) candidates for taking the trouble to answer these four questions in a thoughtful and insightful manner.

John Edler, Co-chair of our Trustee Liaison Committee, wrote to the Suffolk Times ...

Your headline "LWRP vs. trustees" (front page, Sept. 27) reminded me of a story. In a country that allowed cockfighting there was a man who never won, so he decided to work hard on a system to produce winning cocks. When he thought he had succeeded, he put the cocks in his van and went off to the cockfights. On opening the van doors, all he saw were feathers and bloody injured cocks. "Damn it," he exclaimed, "I forgot to teach them that they were all on the same team."

Read John's full letter on the SoutholdVOICE website.

Please Support SoutholdVOICE

We are now accepting financial contributions to keep the organization running. Annual membership dues have been set at \$35.00 and as a paid up Founding Member, your membership will be valid until renewal in June 2009. Please fill out the sign up form on page 2, then mail it together with your check. Contributions greater than \$35 will be gratefully received. Note: as we are a 501 (c) 3 not for profit corporation, registered in New York State, your dues and contributions are tax deductible. If you have already completed a sign up form, no need to send it again, but please mail a check to:



Southold VOICE Inc,
PO Box 996,
Southold, NY 11971

SoutholdVOICE needs to be able to contact you. The most economical way is by e-mail. If you have not been receiving our mailings (whether or not you are a supporting member) please send an e-mail to voice.southold@gmail.com and request that your electronic address be added to our distribution list.

A Letter to the Town

A Letter from the Founder and Chairman of SoutholdVOICE, Inc. to the Town Board on the proposed meeting date for consideration of Proposed Amendments to Local Law 275.

The Town Board has scheduled a public hearing on the Proposed Changes to Local Law 275. That's a good thing. The public needs the opportunity to ask questions about these changes and to voice their concerns. These changes appear to be very onerous and will greatly impact the value, use and cost to keep, waterfront homes. The problem is the timing: the meeting is scheduled for Tuesday Nov.20 at 4:30, two days before Thanksgiving! How many waterfront homeowners or, for that matter other interested member of the waterfront-using public, will be able to attend on this, the busiest travel week of the year?

This sort of thing on the part of the Town Board is counterproductive. It causes residents to become cynical and distrustful of their elected officials. SoutholdVOICE.com was created precisely because many waterfront stakeholders felt "left out" of the conversation about the regulations affecting our property and Southold's maritime resources. This is a perfect example. Whether the schedule conflict was inadvertent or deliberate, it needs to be changed.

We purposely made SoutholdVOICE.com an interactive site so that questions and concerns can be posted and Board members can respond to them. This, we believe, helps get everyone on the same page and all heading in the same direction. Let's take advantage of this technology; it's quick, easy and convenient from anywhere.

It's my hope that the hearing date will be revised so that the public input the Town Board needs to hear will be received.

*John Kramer,
Chairman, SoutholdVOICE*

(Patricia Moore continued from page 1)

dressing some of the problems of Chapter 275. Here are my comments based on “real world” permit issues and problems. I apologize for some editorializing but my frustrations with the process sometimes need to be vented.

I recommend added language in []

Add to Definition: [Grandfather structures: docks, piers, wharf, jetty, groin, dike, dam or other water-control device or structure constructed prior to 1985 trustee wetland regulations.]

I have several clients who have marine structures built in 60's and 70's - yet no grandfather permit is on record (in 1985 the Town went around in a boat to try to identify existing docks- many were missed). There is no procedure in place to get a grandfather permit. I have had to make unnecessary requests to make repairs to existing structure just to get a permit on record.

275-4 Exceptions (5) the ordinary and usual maintenance or repair (of same dimensions) of a [grandfathered] or a presently permitted by this chapter, and functioning, building, dock, pier, wharf, jetty, groin, dike, dam or other water-control device or structure.

275-5 Administrative permits: What about Long Island Sound property owners? When 275 was revised, the Trustees added jurisdiction from top of bluff- Duplicating the 100 foot setback which requires ZBA variance applications. Now you have to go to both ZBA and Trustees. This has created conflicting permits between two agencies. Do you want Trustees to have more jurisdiction. Were waterfront property owners paying attention? This group had not been formed- now you have to fight to eliminate regulations.

Footnote: Why imposing lot coverage maximums does not work- the Town Board adopted this one recently and it is creating problems for Sound front property owners. The most recent “lot area” definition has made every lot along the sound 1/2 of it's original size. Your 1/2 acre lot on the Long Island Sound is now only 1/4 acre for development purposes assuming that the bluff bisects your lot.

Lot coverage (Zoning allows 20%) of 1/4 acre is significantly restricted. A pool, for example, will likely result in exceeding lot coverage. This law was adopted to address large lots with wetlands- they adopted this law without exception so most Long Island Sound lots are directly affected because most lots are small if you no longer include the bluff and beach. Many have already been developed with homes which are now nonconforming. I assure you that just because you have a house does not mean you are assured “reconstruction” of the house. If you demolish or lose the house in a fire or storm- your likelihood of rebuilding in the same footprint is highly unlikely. Fighting to get back what you lost is a very expensive and difficult battle.

275-11 Trustees should give notice to the owner that the fence “impedes” access- give the owner an opportunity to resolve the issue before Court action and certainly before Trustees unilaterally remove a structure. I had a case where the Trustees approved a distance for the fence, the owner believed she knew what that distance was, the code enforcer read the permit differently and it took three attempts to get this distance approved.

Court actions are expensive for both the Town and client; Trustees should give a “warning” in all cases. Often times the situation can be resolved cooperatively. As written this section of the code creates a very adversarial relationship with the property owner. Also this can lead to abuse between neighbors.

(10) access paths- some lots have rights-of-way for others to pass. There are many Long Island Sound waterfront and bay front properties which have rights-of-way for associations. They may have community stairs or community docks- or worse, the waterfront owner has a dock or stairs already and now the association can not have access because of the “one” access rule. This was a flaw in the original code, rather than correcting the flaw it is being repeated with docks also.

(11) deleted 10% limit of development. (see my previous comment)

p.5 [1] Residential Docks [a] only one dock catwalk or mooring is permitted per residential lot. This has been a problem already. Trustees should take the opportunity to correct the current code. only one dock catwalk or mooring, [except if required by an easement to provide a dock catwalk or mooring access to others]

275-16 Violations- failure to comply with a permit may be an innocent mistake. You go through the expense and delay in getting a permit and when your contractor does the work something is not right. Easily remedied? Not so. The Trustees has been very aggressive in code violations- the Judges no longer have discretion on the fine and this change will require you to pay the minimum fine of \$1,000.00 (currently the fine for violations when you have a permit is \$500) To most of us \$500 is a lot of money. This is after you spent several thousand to get permits and build what you thought complied with the permit. If the Town was charged \$1,000 if they made a mistake they may not be so willing to impose this fine on you.

There should be a difference in a fine based on culpability- remember this violation is if you have a permit.

I recommend that you push for warnings before violation.

Speak to your other waterfront neighbors, “quality of life” issues seem to be the catch phrase.

The Town Board and Trustees push Code enforcement (against you). Good for lawyers bad for you.

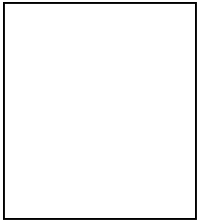
Also, the Trustees will call the DEC and now you have not only the Trustees violation but a possible DEC violation with another \$1,200 fine and months of delay. Innocent until proven guilty does not apply in Southold. Guilty until you prove your innocence!”

-by Patricia C. Moore

where the blue
meets the green



SouthholdVOICE, Inc.
PO Box 996, Southold NY 11971



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John Kramer, Chairman,
Douglas F. Rose Sr., Treasurer,
Joanna Lane, Winter Secretary
Paul Birman, Summer Secretary
John Betsch
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