

## Suffolk Times 3-27-08 Southold mulls ban on new docks in bay

*Russell seeks new legislation*

By Denise Civeletti

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There will be no new docks built in the bays of Southold Town, if Supervisor Scott Russell has anything to say about it. He's proposing a ban on all new docks in the town's bay waters and wants the Town Board to consider legislation enacting such a ban, he said in an interview this week.

"The bay is owned by everybody," Mr. Russell said. Docks in the bay interfere with public access to a public asset, he said. "Public access is paramount." Docks also interfere with the coastline's natural movement of sand and water, the supervisor said.

Pointing to the trustees' recent approval of a dock application by Jill and Carol Ridini in Cutchogue, Mr. Russell said he is concerned that the Town Trustees are showing signs of reversing what he called a 30-year-old policy against new docks in the bay.

"The Peconic Bay is relatively free of that type of clutter," Mr. Russell said. And he'd like to keep it that way, he said. The bay waters are relatively shallow, he said, so docks must extend far from the shore to be useful. "The next thing you know, your coastline just disappeared into a sea of CCA lumber," Mr. Russell said. "There are a lot of houses on the bay and a lot of potential docks. That's problematic."

Trustees president Jim King agrees. He was one of two members voting against the Ridini dock approval in December.

"Since I've been on the board, the trustees traditionally discouraged docks on the bay," Mr. King said.

Mr. King said there are practical problems to docks in the bay. "People build them, then find they're not that usable because of weather conditions," he said. "Then they need tie-off piles. There just aren't that many sheltered spots on the bay."

Mr. King said docks also raise concerns about "shading issues." The structures tend to prevent the growth of vegetation that provides critical habitat and protection against coastal erosion, he said. Also, docks can have effects similar to groins, he said. They affect littoral drift and the migration of fish.

Mr. King said he wouldn't have a problem with a total ban, proscribed by law.

But Trustee Dave Bergen sees it differently. He believes the existing code provides adequate safeguards. Mr. Bergen pointed out that the existing law has "12 very specific criteria" new dock applications must address before the trustees will grant a permit. "We do scrutinize any new applications very carefully to make sure they meet those criteria," he said.

"In the 2 1/2 years I've been on the board, we've only approved two [new] docks," he said.

Mr. Bergen said he would hope the supervisor would invite the trustees to discuss the issue with the Town Board. "It's challenging to talk about this when the trustees have not been invited to the table with the code committee to talk about it,"



Docks in Peconic Bay with the heron in the background. photo: Joanna Lane

he said.

Mr. Russell said he intends to put the issue on the next Town Board work session agenda.

Councilman and former trustees president Albert Krupski said he is "all in favor of engaging the Town Board on this issue." Mr. Krupski called it a "public property rights issue." The bay, he said, is public property. "When you put a dock in, you monopolize the land and ban the public," he said.

Attorney Patricia Moore of Southold, who represents many clients before the trustees, disagrees. [Ms. Moore is a member of the SoutholdVOICE Board of Directors] Docks don't interfere with others' rights to use and enjoy the waterways, she

## Mission Statement

SoutholdVOICE is a citizen-run, non-profit organization of waterfront property owners and other stakeholders in Southold's extensive waterfront. Our mission is to raise awareness among the community of Southold 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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said in an interview yesterday. Waterfront property owners pay an enormous amount of property taxes with the expectation that they'll be able to use the waterfront, she said. A total ban on new docks is excessive. "There has to be balance," she said.

"You can't apply a universal standard to site-specific situations," Ms. Moore said. "These decisions are best made on a case-by-case basis." The existing code allows the trustees to do just that, according to Ms. Moore. She argued that "there is no scientific evidence" to support the notion that docks are inevitably harmful to the environment. New materials and designs have improved and minimized the impacts of such structures on the environment, she said, pointing to new "non-CCA materials" and grated designs that allow light to pass through the dock surface, and therefore let vegetation continue to grow.

Ms. Moore said there must be a public hearing process if the Town Board entertains the legislation being promoted by Mr. Russell. "Let's hope the public comes out to speak on it."

*Doug Rose, a member of SoutholdVOICE's board, has this comment:*

A "Ban on New Docks" in Southold's bay front communities should concern us all. Is it the intention of the

*(Continued on page 2)*

(Continued from page 1)

Town of Southold to alleviate another potential town shoreline problem by a broad stroke of legislation rather than by a careful analysis of a property owner's application? Waterfront property owners (taxpayers) deserve better consideration and attention from our local government.

No property owner should be *guaranteed a dock* on the bay, but every property owner should be able to submit a well-intended, professional application based on current acceptable building & engineering standards with their application. This application should be reviewed, evaluated and answered with an acknowledged estimate of review time via legislated review procedures presently available through our Trustees, Building Department, and the NYS DEC.

The Town of Southold has twelve (12) specific criteria that an applicant should address. Those twelve criteria items are published for your review on the Southold-VOICE website. These twelve criteria items should be the foundation for determining acceptable applications for "docks on the bay."

Southold is being challenged by time consuming projects that require careful consideration, long term planning and stakeholder input. Many important issues revolve around resources of our shoreline, its owners and stakeholders: (SoutholdVOICE members).

During the past several months Supervisor Russell has issued several requests for volunteers to work on advisory committees. In one moment Southold officials are challenging our VOICE members with further waterfront restrictions and possible legislation. In the next moment, we have been invited to "Help, Participate, and offer Advice." It is confusing. Old shoreline priorities in the Town of Southold: Road Runoff, Dredging, Water Quality, Erosion, Pollution, Channel Identification, Pump Out Stations, etc. are being mixed together with local government's new priorities, without solution or substantial improvement to the old priorities. What are the short and long term goals of the present Southold Town Administration and our community: *Solution or Confusion?* What can we afford?

Southold is a township with the resources of a beautiful shoreline and the resulting water-related activities, open space, farms, vineyards, and waterfront residences and properties. We are a community that can boast many favorable visitor-alternatives to distant travel, vacations, and real estate investment. I believe that Southold's best industry isn't farming, vineyards, or fishing, although they definitely enhance our total presentation. I feel that the most important "industry" revolves around our real estate on the North Fork. Valuations rise, commissions are earned, attorneys and consultants are

hired, architects and engineers are engaged, contractors and their subs are employed, and supplies and materials are sold. Local merchants, service industries, restaurants and farms sell their products. If this "Destination Theme" market recedes because of questionable publicity, obstacles in legislation or by perceived interference by government, eventually it will affect future interest and the valuations of our real estate on the North Fork.

Douglas F. Rose, Sr.  
Treasurer, Board Member of SoutholdVOICE, Inc.

### Be Safe—Wear A Life Jacket

Boating fatalities in New York State were up by five during 2007 from the previous year. Lack of personal flotation devices in combination with capsizing or falling overboard continue to be the leading cause of death.

Interestingly, eleven of the nineteen fatalities in NY State last year involved non-motorized vessels including but not limited to kayaks, canoes, dinghies and paddle boats. In the past, personal water crafts (jet skis), accounted for one third of the fatalities. Last year only one was included in the statistic.

New York requires that anyone under the age of twelve must wear a life jacket while on a vessel in the water. Persons fourteen and over, who have successfully completed NYS Safe Boating Course or a boating safety course offered by the US Coast Guard Auxiliary or the Power Squadron, may legally operate a personal water craft. If you are on a personal water craft you are also required to be wearing a life jacket. In addition, if you are the operator of the personal water craft you must be carrying your operator card.

All vessels, including kayaks, canoes, sailing boards, etc. are required not only to carry life jackets for every passenger on board and they must be accessible, Coast Guard approved and in good condition. Not only is it prudent to wear life jackets while indulging in water sports but local law enforcement agencies are stopping boats, inspecting them, and, if they find that the life jacket requirements are not being met, the boat, will at the very least, be tied up at the shore until the requirements are met. Many boaters are also getting summons that result in fines.

Have a safe summer and enjoy the beautiful waters of Southold.

— Barbara Christianson  
Board Member Southold VOICE, Inc.

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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!*

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Contact Phone # \_\_\_\_\_

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### Colophon

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