

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 24th day of March 2009 a Local Law entitled **“A Local Law Amending Chapter 275 in Relation to Residential Docks located in or over Great Peconic Bay, Cutchogue Harbor, Little Peconic Bay, Hog Neck Bay, Noyack Bay, Southold Bay, Shelter Island Sound, Pipes Cove, Orient Harbor and Gardiners Bay”** and

NOTICE IS HEREBY FURTHER GIVEN that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at the Southold Town Hall, 53095 Main Road, Southold, New York, on the **21st day of April 2009 at 7:35 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed local law entitled, **“A Local Law Amending Chapter 275 in Relation to Residential Docks located in or over Great Peconic Bay, Cutchogue Harbor, Little Peconic Bay, Hog Neck Bay, Noyack Bay, Southold Bay, Shelter Island Sound, Pipes Cove, Orient Harbor and Gardiners Bay”** reads as follows:

LOCAL LAW NO. OF 2009

A Local Law entitled, **“A Local Law Amending Chapter 275 in Relation to Residential Docks located in or over Great Peconic Bay, Cutchogue Harbor, Little Peconic Bay, Hog Neck Bay, Noyack Bay, Southold Bay, Shelter Island Sound, Pipes Cove, Orient Harbor and Gardiners Bay”**.

BE IT ENACTED by the Town Board of the Town of Southold as follows:

I. Purpose.

In 2005, the Town Board updated Chapter 275 of the Town Code. The Amended chapter

was designed to provide necessary regulation of wetlands and natural resources throughout the Town of Southold. It has become necessary to make additional amendments to the Code to ensure for the residents of the Town both a clear understanding of the Code and continued protection of natural resources. The amendments include additional regulations for residential docks and areas that have significant public value and natural resource designations.

II. Chapter 275 of the Code of the Town of Southold is hereby amended as follows:

§275-2. Definitions; word usage.

The following definition shall be added to §275-2:

DOCK TERMINUS - the most seaward point of any structure including, but not limited to, piles, catwalks, dolphins, and floating docks.

§275-11C(2)(c) Regulations for the placement and configuration of docking facilities.

[1] Residential docks. [Amended 10-11-2005 by L.L. No. 17-2005]

[a] Only one catwalk may be permitted per residential lot. Only one mooring or dock may be permitted per residential lot. Upon a showing of special need due to low water level and/or hazard to property, the Trustees may permit both a mooring and a dock for the same residential property. [Amended 12-18-2007 by L.L. No. 23-2007]

[b] If any part of a residential dock structure includes a float or floating dock, the float or floating dock portion shall be designed so that, with the exception of the pilings:

[i] It is no larger than six feet wide and 20 feet long except on Fishers Island if the need is demonstrated; or of equal square footage as determined by the Trustees; [Amended 12-18-2007 by L.L. No. 23-2007]

[ii] No part of the floating dock will contact the bottomland during a normal low tide.

[c] In determining the permitted length of a proposed residential dock, the Trustees shall seek to maintain lengths consistent with the other docks (i.e., pier line) in the waterway which meet the requirements of this chapter.

[d] Pilings shall not project more than three feet above the surface of a

dock or catwalk unless a need for greater height is demonstrated.

[e] All excess fill from installation of pilings must be removed from tidal or freshwater wetland area ~~on the same day as installation~~ and disposed of in an approved upland disposal area.

[f] Tie-off poles associated with residential docks will ~~only~~ be permitted to secure only one vessel. If the dock utilizes a float, the poles shall not project farther seaward than the outer edge of the float. If a float is not used, the pole(s) can be situated seaward of the end of the dock sufficient to secure the vessel.

[g] Only one handrail is permitted on a residential dock unless upon a showing of special need, the need for two is demonstrated. Rails shall not be higher than three feet above the surface of the dock and posts shall not be placed closer than six feet on center or larger than four inches by four inches in dimension.

[h] Residential catwalks and ramps are limited to four feet in width.

[i] Residential boatlifts, floating or fixed, are prohibited, except in privately owned basins on private property at the discretion of the Board of Trustees. [Amended 12-18-2007 by L.L. No. 23-2007]

[2] Residential docks located in or over Great Peconic Bay, Cutchogue Harbor, Little Peconic Bay, Hog Neck Bay, Noyack Bay, Southold Bay, Shelter Island Sound, Pipes Cove, Orient Harbor and Gardiners Bay (excluding all creeks) shall comply with the following standards.

[a] Prohibited activities and exclusion.

[i] Docks are not permitted within or over Northeast Coastal Areas Study Significant Coastal Habitat Areas or a New York State Department of State Significant Coastal Fish and Wildlife Habitat Areas or where a lot is within two or more of the following designations:

1. New York State Department of Environmental Conservation Critical Environmental Areas.
2. New York State Department of Environmental Conservation Water Quality Designation - Saline (A) Areas.
3. Peconic Estuary Program Critical Natural Resource Areas.
4. New York Department of State Department of State Fairly Productive and Most Productive Shellfishing

Seeding and Harvest Areas.

[ii] Docks are not permitted in Pipes Cove from the Village of Greenport boundary west to the southernmost limit of Conkling Point based upon the public resource and ecological functions and values of the area.

[iii] Exclusion: MI and MII zoned properties and the Orient Harbor shoreline area between Skippers Lane and King Street are excluded from this standard.

[b] Additional regulations:

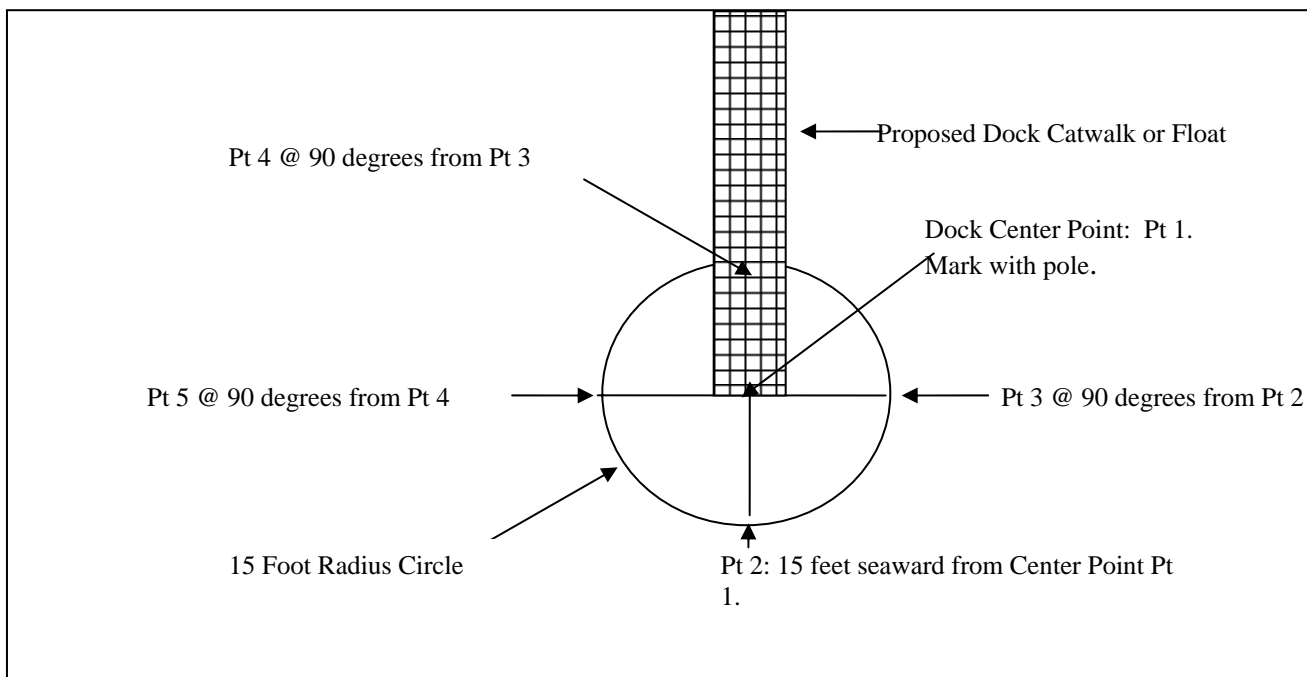
[i] In areas where docks may be permitted (as depicted on the Town of Southold Dock Management Map dated March 5, 2009, as amended), dock structures shall:

1. Align perpendicular to the shoreline.
2. In no case exceed the total length necessary, as measured from the mean high water line (MHW), to achieve a minimum average water depth of four (4) feet mean low water (MLW) at the dock terminus.
 - i. Average water depth shall be measured at a typical low tide(not to exceed one hour from the NOAA predicted time) pursuant to the following method (See attached Figure1).
 1. Establish the center point of the proposed dock terminus.
 2. Establish a fifteen (15) foot radius circle from the center point of the proposed dock terminus.
 3. Measure the water depth at the following five (5) locations:
 - a. Center point of dock terminus.
 - b. Four additional points on the fifteen (15) foot radius circle spaced at ninety (90) degree intervals with first point on fifteen (15) foot radius seaward from the center point in the direction of the proposed dock.
4. Any location dredged or otherwise disturbed by man-made activity shall not be included in the

calculation of average water depth.

5. The date and time of all measurements and weather conditions as reported by NOAA shall documented.
6. In no case exceed a total length of eighty (80) feet (including dolphins and pilings) measured seaward from the mean high water (MHW) line.
7. Achieve a minimum catwalk height of three (3) feet over the MHW line or be constructed seaward of the MHW line.
8. Be constructed with open-grid decking to achieve a minimum of fifty percent (50%) incoming solar radiation to the water surface.
9. Be oriented north/south to the greatest extent practicable.
10. The use of Chromated Copper Arsenate (CCA) treated piles is prohibited. Piles shall be constructed of local hardwoods, recycled plastic or other materials as approved for marine use by the Board of Trustees.

Figure 1. Water depth measurement method.



[ii] Exclusion: Yacht Clubs and Boat Clubs are excluded from [b]i].

[2] [3] Commercial docks (marinas, yacht clubs and restaurants).

Text remains the same.

[3] [4] Dredging.

Text remains the same.

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: March 24, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF SOUTHOLD
Elizabeth Neville
Town Clerk

* * *

PLEASE PUBLISH ON **April 2, 2009**, AND FORWARD ONE (1) AFFIDAVIT OF PUBLICATION TO ELIZABETH NEVILLE, TOWN CLERK, TOWN HALL, P.O. BOX 1179, SOUTHOLD, NY 11971.

Copies to the following:

The Suffolk Times
TC's Bulletin Board
Board of Trustees

Town Board Members
Building Department

Town Attorney
ZBA