

**Incorporated  
VILLAGE OF NISSEQUOGUE**

**PLANNING BOARD**

**MINUTES**

**June 6, 2022**

**7:00 pm**

Present: Peter Marullo, Chairman  
Jill Rosen-Nikoloff  
Jacqueline Rudman  
Daniel Segal

Others present: Eugene Barnosky, Esq. Village Attorney  
Lindsay Crocker, Esq. Village Attorney  
Daniel Falasco, Village Engineer  
Herta Walsh, Secretary

Absent: Kaylee Engellenner

**OLD BUSINESS:**

**DE SIMONE**- 4 Yens Way, installation of a stone revetment at toe of bluff and other control erosion measures.

Glen Gruder, Esq. represented the applicant.

A motion was made by Daniel Segal and seconded by Jacqueline Rudman to declare the Planning Board as lead agency and, pursuant to the attached “State Environmental Quality Review Negative Declaration Notice of Determination” to find that the Action will not have significant adverse impact on the environment and to adopt a negative declaration pursuant to Article 8 of the Environmental Conservation Law. Motion was passed unanimously.

The Joint Coastal Management Commission of the Villages of Head-of-The -Harbor and Nissequogue (“JCMC”) found the Application inconsistent pursuant to a letter from JCMC Chairperson Kaylee Engellenner dated January 24, 2022. Thereafter, the JCMC’s determination was referred to the Board of Trustees. After conclusion of a Public Hearing, a resolution was passed by the Board of Trustees (Resolution No. 073-22) on May 17, 2022, to overrule the JCMC consistency subject to the following: (i) the use of coir logs in place of pine boards; (ii) the Planning Board’s approval of a site plan which

approval may be subject to practical and reasonable conditions imposed by the Planning Board pursuant to Section 53-7K of the Village Code; (iii) the Applicant's compliance with Chapter 64 of the Village Code, including but not limited to the Village Building Inspector's receipt of a **written, long-term** maintenance plan (to be referenced in the Certificate of Compliance) which includes specifications for normal maintenance of degradable materials and periodic replacement of removeable materials for the life of the structure, which plan must be acceptable to the Village Engineer and Village Building Inspector; (iv) the Village Building Inspector's receipt of all applicable permits and approvals from other governmental entities; and (v) Applicant's reimbursement of the Village of Nissequogue for the cost of professional consultant's review services pursuant to Chapter 91 of the Village Code; and

A motion was made by Jacqueline Rudman, seconded by Jill Rosen-Nikoloff, to approve the application subject to compliance with all conditions of the Board of Trustees Resolution 073-22 and that all New York State DEC requirements are met. Motion was passed unanimously.

**GEORGAKOPOULOS** – 5 Swan Place, dock

Daniel Segal and Kaylee Engellenner recused themselves from deliberation.

The attorney for the applicant, Jacob Turner, Esq. and Mr. Will Bowman, representative of Land Use Ecological Services, Inc. appeared on behalf of the Applicant.

Chair Peter Marullo focused on the response letter of rebuttal dated May 23, 2022, from Kelly Risotto of Land Use to the JCMC's determination of inconsistency dated April 28, 2022. Discussion focused on Policy 25 of the Local Waterfront Revitalization Program ("LWRP"). The Board questioned how the erection of the dock would enhance and preserve the scenic quality and expansive view of the coastal area. Mr. Bowman stated that the dock is in character due to the existence of other docks and that the addition of another dock is consistent with the existing view. Mr. Marullo and other members challenged the Applicant's assertion, pointing out that the issue is whether the proposed dock is consistent with the policies of the LWRP, and not whether it is consistent with other docks. Board members questioned how the proposed dock could be deemed to enhance and protect the overall scenic view.

The parties discussed the fact that only a boat with a shallow draft would be appropriate and Mr. Georgakopoulos stated that the boat in question has a shallow draft.

Mr. Marullo and other Board members also raised questions regarding how public access will be impacted by the proposed dock. The Applicant's representatives explained that to get past the dock, once erected, pedestrians would have to either bend over to clear their heads or walk in knee-deep water, depending upon the tide.

There was discussion that present access is primarily by fishermen wearing waders. The Applicant's asserted that persons walk under the proposed dock or come on their property and walk on the apron of the existing boat ramp. Mr. Turner offered photos of a fisherman wading through the area.

Mr. Marullo suggested that the Board should see the site to understand the access issue. Other Board members agreed that a site visit is a good idea and arrangements should be made with the Applicant's representatives to inspect the premises before the July Board meeting.

A resident, Mrs. Lisa Davidson of 3 Harbor Road spoke against the application. Her prepared statement (copy attached) was made a part of the meeting record.

Resident Leighton Coleman also spoke against the Applicant. He expressed concerns of liability to persons who might injure themselves crossing or circumnavigating the dock.

### **NEW BUSINESS**

NONE

### **MINUTES OF May 2, 2022, FOR REVIEW AND APPROVAL**

A motion to approve the minutes of the May 2, 2022, meeting was offered by Jacqueline Rudman, seconded by Dan Segal and unanimously approved.

**NEXT MEETING:** July 11, 2022, 7:00 pm

A motion was offered by Jacqueline Rudman, seconded by Peter Marullo to adjourn the meeting at 8:30 pm. Motion was unanimously approved.