

Dougherty 'no' vote as board approves O'Shea permit

Town Board | Zagoreos wins wetlands permit

BY CARA LORIZ | EDITOR

"It's inappropriate," Supervisor Jim Dougherty said of Sean O'Shea's nearly 12,000-square-foot house, the subject of a Town Board special permit. "Going down Proposed Road, it leaps right out at you."

And so Supervisor Dougherty voted against approval of the permit during a special meeting of the board following Tuesday's work session.

"If you look at Proposed Road from the water, you should be very concerned about our aquifer, about Suffolk County Water coming over, and the visual impact," he said.

Other board members voted in favor of the finished basement plan, which pushed the total square footage of the house from beyond the 8,500 square foot threshold triggering the special permit. Approval of the permit was conditioned on the fol-



REPORTER FILE PHOTO

Supervisor Jim Dougherty voted against expanding the living area of the O'Shea house on proposed road, saying "it leaps right out at you."

lowing conditions: installing no more than two sinks, two toilets and two showers in a large bathroom (four of each were proposed); covenants requiring the installation and use of a 10,000 gallon cistern for outdoor water and a well system limited to 1 horsepower and 24 gallons per minute for potable water. Installation of a rain garden may also be required after further board research.

The board noted in its resolution: "The Town Board goes on record herein that this property has been developed to its maximum and will not issue any further requests for development or additions."

The board also approved a wetlands permit for Alex Zagoreos to demolish his house at 28 Ram Island Drive. The ZBA reviewed a plan to rebuild this week (see story page 1).

OTHER TOPICS

During the March 2 work session, the Town Board discussed the follow-

ing issues.

- **Crab Creek dredging.** Chris Pickrel of Cornell University presented tidal measurements taken for three weeks before and after dredging the inlet to Crab Creek last fall. Dredging initially increased flushing within the creek system but storms began filling in the opening before the end of post-dredging monitoring.

- **Pesticide regulations in the wetlands.** The board will send a copy of Chapter 129 of town code to the state Department of Environmental Conservation. The code stipulates that no fertilizers, pesticides or other pollutants be used within 100 of wetlands, a rule the DEC is now willing to let the town enforce if it does not interfere with state pesticide licensing.

- **The definition of SFLA.** The board recently proposed redefining the term "square foot living area" to include unfinished basements and possibly more interior space; a total SFLA of 8,500 or more requires a special permit. But the board is now con-

sidering Paul Shepherd's suggestion to change the numerical threshold instead of the living space criteria.

- **A town-sponsored environmental fair on May 1.** Green Options and other committees will organize booths on environmental practices, technologies and more at the Youth Center. More details will be announced.

- **A new draft of the temporary sign law.** The draft sets the maximum size of real estate and other signs in residential areas at 1 square foot. Copies of the revised law are available on the lobby table at Town Hall.



Rocky Point Jewelers

We will buy your old gold, silver, and platinum jewelry, gold and silver coins, diamonds, sterling flatware and tea sets, Rolex watches, pocket watches, old paper money, antique and estate jewelry.

Absolute highest cash prices paid.

Anthony Bongiovanni, Jr.
A.G.S Certified Gemologist
Call for Daily Quotes



AMERICAN GEM SOCIETY
2 LOCATIONS

29 Rocky Point-Yaphank Rd. (Behind 7-Eleven)
Rocky Point • 744-4446

137 Main Street (4 doors north of Post Office)
Stony Brook • 751-3751

LEGAL ADVERTISEMENTS

LEGAL NOTICE NOTICE OF SALE

SUPREME COURT: COUNTY OF SUFFOLK - U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, Plaintiff, AGAINST ERIC J. FAHEY, ET AL., Defendant(s). Pursuant to a judgment of foreclosure and sale duly dated 10/1/2009, I, the undersigned Referee will sell at public auction at the Shelter Island Town Hall, Ferry Road, Shelter Island, New York, on 3/25/2010 at 2:00 PM, premises known as 64A NORTH MIDWAY ROAD, SHELTER ISLAND, NY 11965. All that certain plot piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of SHELTER ISLAND, County of Suffolk and State of New York, Section, Block and Lot: 014.00-04-007.004. Approximate amount of judgment \$515,627.59 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index #28664/07. James O'Shea, Referee,

Steven J. Baum PC,
Attorneys for Plaintiff,
P.O. Box 1291,
Buffalo, NY 14240-1291

Dated: 2/22/2010
2500-4T 2/25: 3/4, 11, 18

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN,
That the Town Board hereby calls for

a public hearing to be held at 5:00 p.m., prevailing time on the 19th day of March, 2010, in the Shelter Island Town Hall, Shelter Island, New York on a proposed Local Law entitled TEMPORARY MORATORIUM ON DEVELOPMENT IN UNDEVELOPED COASTAL BARRIER DISTRICT PURSUANT TO CHAPTER 133, to wit:

Section 1. Title.

This Local Law shall be known as "Temporary Moratorium on Development in Undeveloped Coastal Barrier District pursuant to Chapter 133".

Section 2. Legislative Purpose.

a. The Undeveloped Coastal Barrier District described in Chapter 133 of the Shelter Island Town Code, is one of the most environmentally delicate areas on Shelter Island.

b. Most of the land within the zone lies within areas of special flood hazard and any development in this area is especially susceptible to flood and storm damage, resulting in a heavy drain of Town resources.

c. Many of these areas have little or no freshwater, and household water use can increase uponing and saltwater intrusion for all nearby wells.

d. The installation of septic in this District must inevitably be very close to the water table, with an increased risk of contamination of the aquifer.

e. The District primarily consists of wetlands and beach growth with many fragile plants and animals. Since Shelter Island depends heavily on its marine and freshwater resources for the livelihood of its residents, any of the above-described threats must be minimized as much as possible.

f. Recent development in this area has highlighted both these threats and the inadequacy of the current §133-11 to adequately address them, so that a temporary moratorium must be placed on development in this District while the law is reviewed and revised to better protect Shelter Island.

Section 3. Statutory authority, supersession.

This Local Law is adopted pursuant to the authority of the Municipal Home Rule Law and the New York State Constitution, and expressly supersedes the provisions of Chapter 53 of the Code of the Town of Shelter Island, with respect to the Crescent Beach area defined herein. To the extent that any conflict exists between the provisions of this Local Law and certain provisions of the New York Town Law, which may provide time limitations on the review, processing, or deciding of applications by Town Boards or other agencies, this Local Law shall take precedence over and shall supersede those provisions of the Town Law. This dec-

laration of precedence or supersession is made by the authority of the Town's municipal home rule powers, pursuant to Sections 10(1)(ii)(a)(14) and 10(1)(ii)(d)(3) of the Municipal Home Rule Law, Section 10(6) of the Statute of Local Governments, and Article I, Section 2(b)(3) of the New York State Constitution.

Section 4. Compliance with State Environmental Quality Review Act.

The adoption of this Local Law is classified as a Type II action pursuant to 6 NYCRR Section 17.5(c)(30). No review of the action is therefore required by the State Environmental Quality Review Act.

Section 5. Declaration of Moratorium.

For a period of six months from and after the effective date of this law, no application for land division approval or permit of any kind shall be accepted, processed or issued for properties within the Undeveloped Coastal Barrier District described in Chapter 133 of the Shelter Island Town Code.

Section 6. Cases involving hardship.
a. This moratorium shall not affect applications which have already been scheduled for public hearing or building permits which are contingent on those scheduled hearings.

b. Further, the Town Board shall have the power, after a public hear-

ing, to vary or modify the application of any provision of this law upon its determination that this law would impose extraordinary hardship upon an applicant and that a variance from this law will not adversely affect the health, safety and welfare of the Town. Any request for a variance shall be filed with the Town Clerk. The Town Board shall conduct a public hearing and make its decision within ninety days after that hearing.

Section 7. Severability.

The provisions of this Local Law are intended to be severable. If any provisions of this Local Law shall be found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not be deemed to invalidate the Local Law as a whole, nor any other section or provision thereof, other than that which is found to be unconstitutional or otherwise invalid.

Section 8. Effective Date.

This Local Law shall take effect upon the filing with the Secretary of State.

DOROTHY S. OGAR,
TOWN CLERK
TOWN OF SHELTER ISLAND
SHELTER ISLAND, NEW YORK
DATED: FEBRUARY 24, 2010
2502-1T 3/4