

From: [Kim Stephens](#)
To: CENAN-R-Permit-App@usace.army.mil; [dos.sm.Cstl.CR](#)
Subject: Neal & Lisa Elkin, 105 Fleetwood Road, Cutchogue; SCTM #1000-137-4-8
Date: Thursday, February 8, 2024 11:05:50 AM
Attachments: [COE & DOS Application Package.pdf](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

PLEASE CONFIRM RECEIPT

Attached is an application to construct a timber dock at the property referenced above. Included for review are the Joint Application Form, Federal Consistency Assessment Form, Environmental Questionnaire, project plan, location map, and photographs.

Kim Stephens
En-Consultants
1319 North Sea Road
Southampton, NY 11968
631-283-6360
631-283-6136 (fax)
kstephens@enconsultants.com



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:

>NYS Department of Environmental Conservation [checked] Check here to confirm you sent this form to NYSDEC.

- Check all permits that apply: [checked] Stream Disturbance, [checked] Docks, Moorings or Platforms, [checked] Tidal Wetlands, [checked] Wild, Scenic and Recreational Rivers, [checked] Coastal Erosion Management, [checked] Water Withdrawal, [checked] Long Island Well, [checked] Incidental Take of Endangered / Threatened Species, [] Dams and Impoundment Structures, [] 401 Water Quality Certification, [] Freshwater Wetlands, [] Excavation and Fill in Navigable Waters, [] Section 404 Clean Water Act, [] Section 10 Rivers and Harbors Act

>US Army Corps of Engineers [checked] Check here to confirm you sent this form to USACE.

Check all permits that apply: [] Section 404 Clean Water Act [checked] Section 10 Rivers and Harbors Act

Is the project Federally funded? [] Yes [checked] No

If yes, name of Federal Agency: []

General Permit Type(s), if known: [] []

Preconstruction Notification: [] Yes [] No

>NYS Office of General Services [] Check here to confirm you sent this form to NYSOGS.

- Check all permits that apply: [] State Owned Lands Under Water, [] Utility Easement (pipelines, conduits, cables, etc.), [] Docks, Moorings or Platforms

>NYS Department of State [checked] Check here to confirm you sent this form to NYSDOS.

Check if this applies: [checked] Coastal Consistency Concurrence

2. Name of Applicant

Neal & Lisa Elkin Taxpayer ID (if applicant is NOT an individual) []

Mailing Address Post Office / City State Zip

255 West 84th Street, Apt. 3B New York NY 10024

Telephone 646-221-8146 Email lisa.a.elkin@gmail.com

Applicant Must be (check all that apply): [checked] Owner [] Operator [] Lessee

3. Name of Property Owner (if different than Applicant)

Same as Applicant

Mailing Address Post Office / City State Zip

[] [] [] []

Telephone [] Email []

For Agency Use Only Agency Application Number: []

4. Name of Contact / Agent
 En-Consultants, Robert E. Herrmann
 Mailing Address: 1319 North Sea Road
 Post Office / City: Southampton
 State: NY Zip: 11968
 Telephone: 631-283-6360 Email: rherrmann@enconsultants.com

5. Project / Facility Name
 Elkin Property
 Property Tax Map Section / Block / Lot Number: 1000-137-4-8
 Project Street Address, if applicable: 105 Fleetwood Road
 Post Office / City: Cutchogue
 State: NY Zip: 11935
 Provide directions and distances to roads, intersections, bridges and bodies of water
 Property located on north side of Fleetwood Road, +/-31' east of Pequash Avenue (map provided).
 Town Village City County: Suffolk Stream/Waterbody Name: Eugene Creek (East Creek)
 Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:
 Latitude: 41 ° 0 ' 33.1656N " Longitude: 72 ° 28 ' 6.0924W "

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:
 To provide fixed point of water access over vegetated wetlands and private, noncommercial boat dockage.

b. Description of current site conditions:
 Residential, one-family dwelling with patio & shed.

c. Proposed site changes:
 Construct an "L"-shaped fixed timber dock (constructed with open-grate decking and equipped with water and electricity), consisting of a 4' x 64' fixed timber catwalk and 4' x 10' terminal platform (with ladder), as depicted on the project plan prepared by En-Consultants, dated January 31, 2024.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):
 See "c." above and project plans prepared by En-Consultants, dated January 31, 2024. Construction of dock will result in approximately 220 square feet of coverage of Eugene Creek (East Creek), seaward of MHW.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:
 N/A

f. Is tree cutting or clearing proposed? Yes If Yes, explain below. No
 Timing of the proposed cutting or clearing (month/year):
 Number of trees to be cut: Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

Standard construction methodology for docks.

h. Describe the planned sequence of activities:

Standard construction methodology for docks.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

N/A

j. Erosion and silt control methods that will be used to prevent water quality impacts:

N/A

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

The "no action" alternative would prevent safe, fixed point of access to water and private noncommercial dockage for owner's watercraft.

l. Proposed use: Private Public Commercial

m. Proposed Start Date: Estimated Completion Date:

n. Has work begun on project? Yes If Yes, explain below. No

o. Will project occupy Federal, State, or Municipal Land? Yes If Yes, explain below. No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

Unknown.

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes If Yes, list below. No

USA COE, NYS DOS, Town of Southold

7. Signatures.

Applicant and Owner (If different) must sign the application.

Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

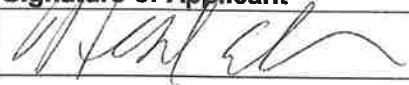
I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

X

Signature of Applicant **Date**

 23 Dec 23

Applicant Must be (check all that apply): Owner Operator Lessee

Printed Name Title

Neal Elkin Property Owner

X

Signature of Owner (if different than Applicant) **Date**

 12/23/23

Printed Name Title

Lisa Elkin Property Owner

Signature of Contact / Agent **Date**

 January 31, 2024

Printed Name Title

Robert Herrmann Coastal Management Specialist

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

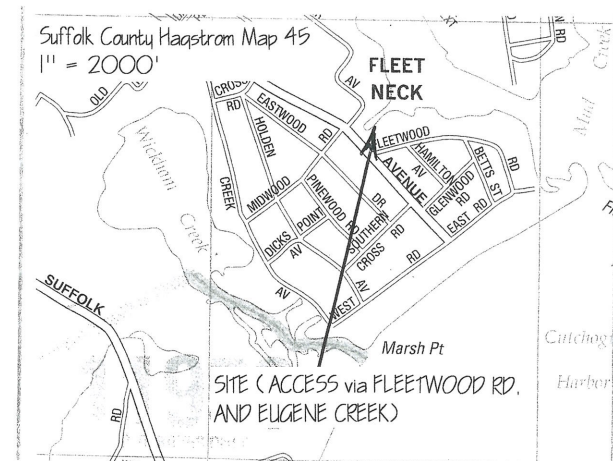
Agency Representative:

Printed Name Title

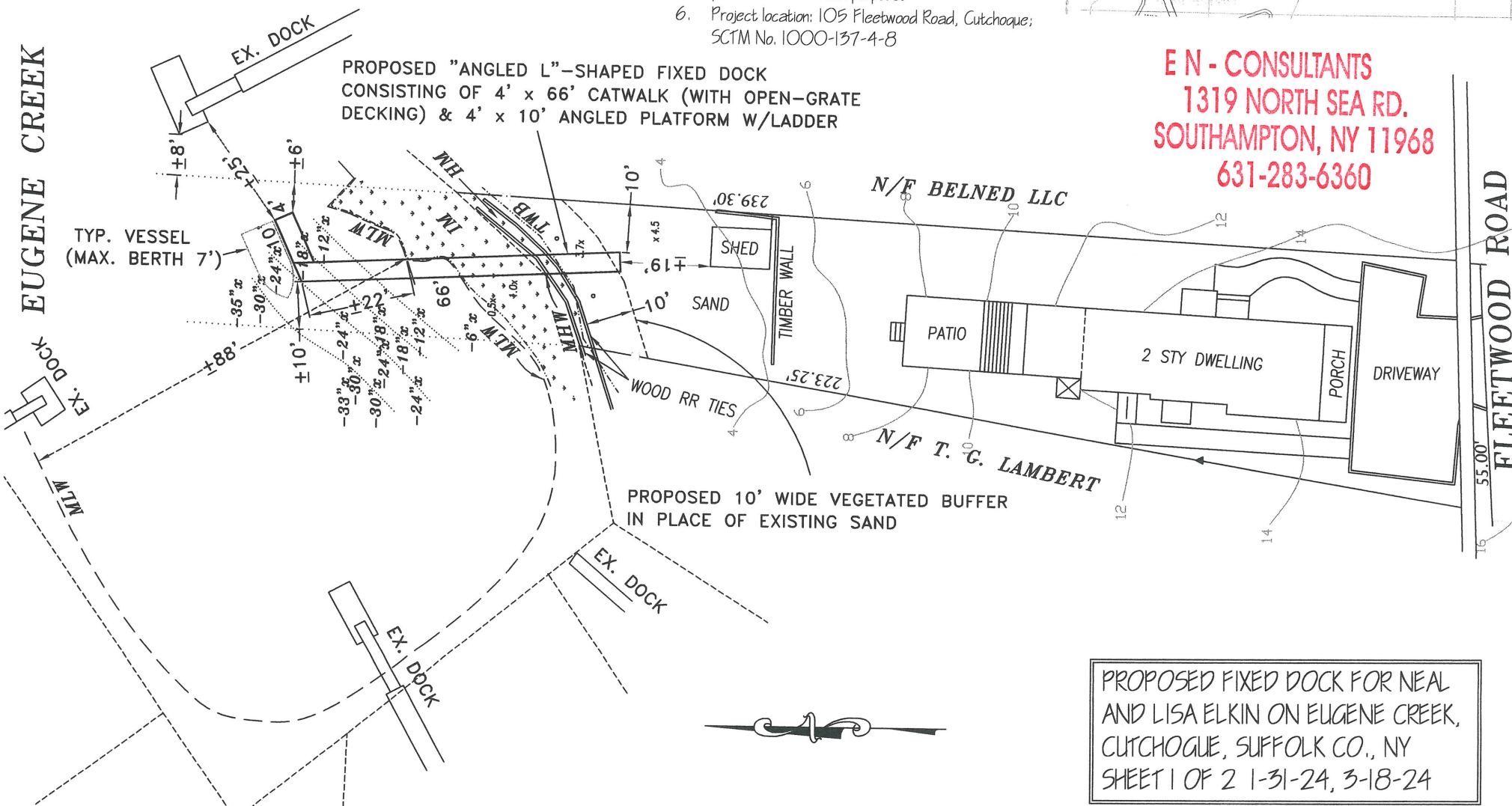
Signature Date

Notes:

1. Purpose: Private, noncommercial, boat dockage
2. Datum: MLW = 0' - 0"
3. Water depths (referenced to MLW) transcribed from hydrographic survey prepared by Kenneth M. Waychuk Land Surveyor, PLLC, last dated 10-31-2023
4. Dock to be equipped with water and electricity
5. Plan and crossview diagrams are schematic in nature and are intended only to establish project location, scope, and basic construction details for permitting purposes and are not intended to serve as or substitute for engineering or construction plans for construction purposes
6. Project location: 105 Fleetwood Road, Cutchoque; SCTM No. 1000-137-4-8



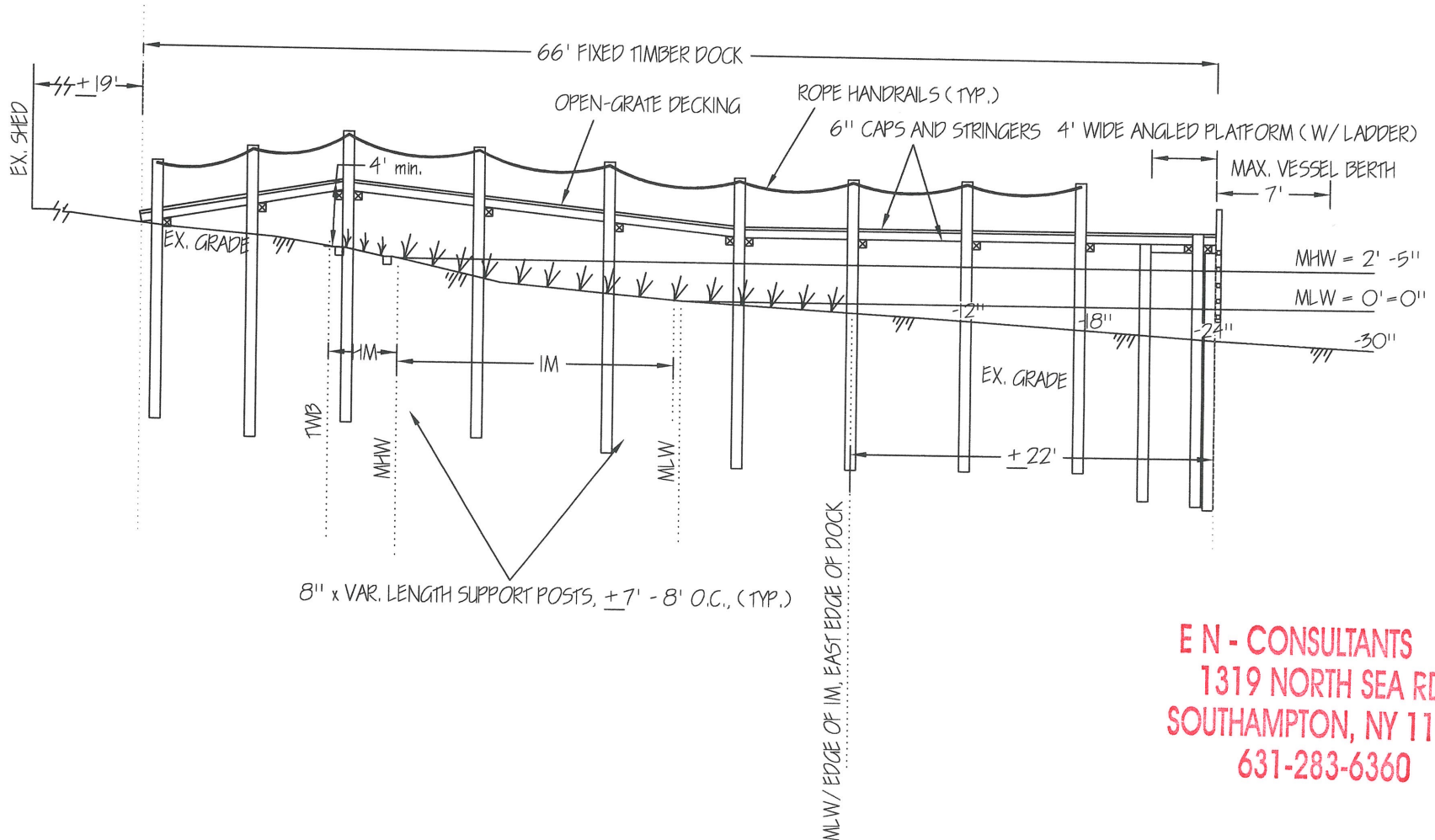
E N - CONSULTANTS
1319 NORTH SEA RD.
SOUTHAMPTON, NY 11968
631-283-6360



PROPOSED FIXED DOCK FOR NEAL
 AND LISA ELKIN ON EUGENE CREEK,
 CUTCHOQUE, SUFFOLK CO., NY
 SHEET 1 OF 2 1-31-24, 3-18-24

SECTION THRU WEST EDGE OF PROPOSED "ANGLED-L"-SHAPED FIXED DOCK

1" = 10'

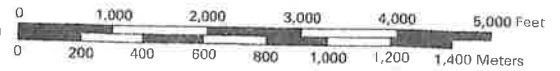


E N - CONSULTANTS
1319 NORTH SEA RD.
SOUTHAMPTON, NY 11968
631-283-6360

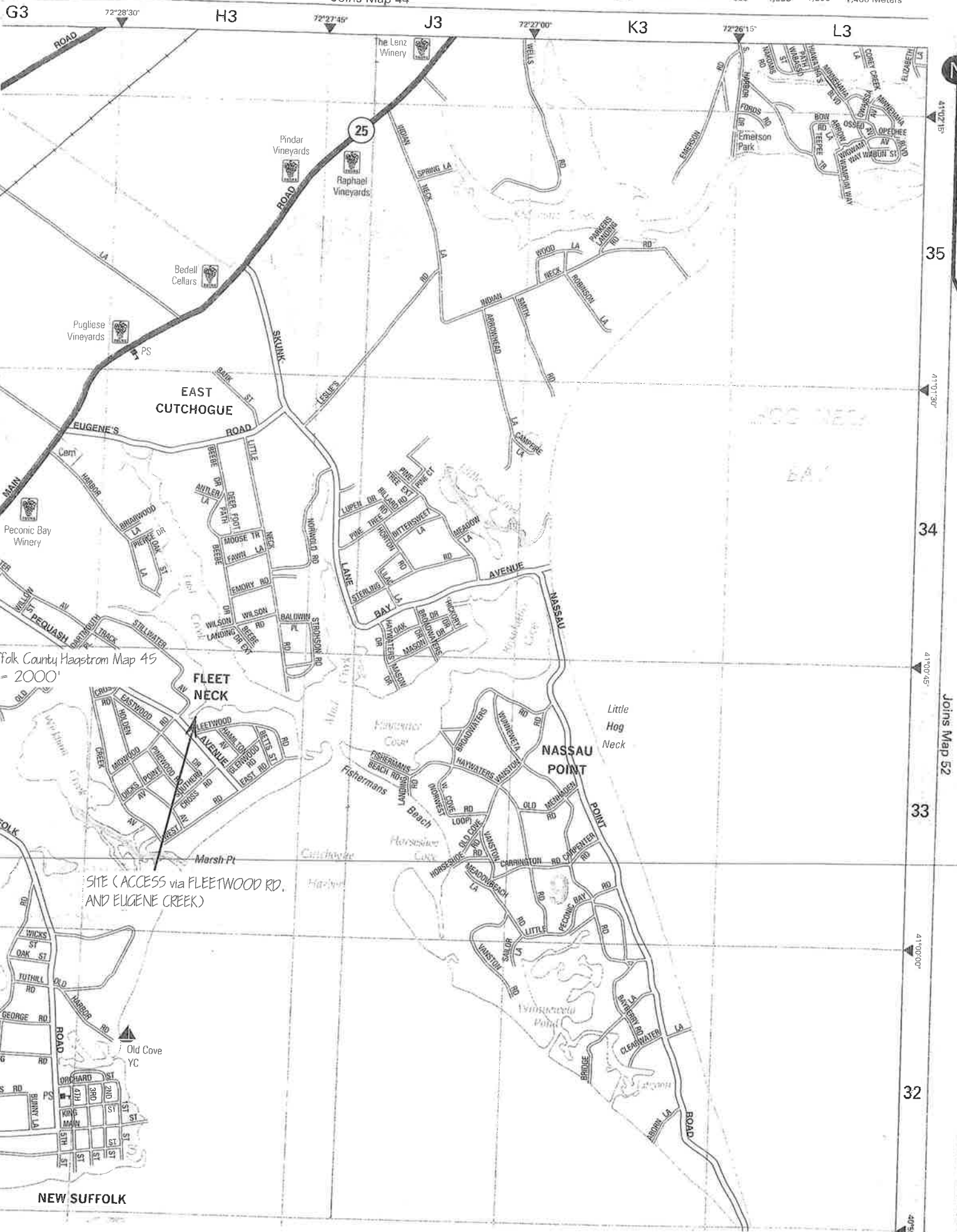
PROPOSED FIXED DOCK FOR NEAL
AND LISA ELKIN ON EUGENE CREEK,
CLITCHOGUE, SUFFOLK CO., NY
SHEET 2 OF 2 1-31-24, 3-18-24

te distance:
is approximately
0.86 mi. vertically.

Scale 1:24,000



Joins Map 44



Suffolk County Hagstrom Map 45
1" = 2000'

SITE (ACCESS via FLEETWOOD RD.
AND EUGENE CREEK)

NEW SUFFOLK

41°02'15" N
35
34
33
32
Joins Map 52

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name:	Neal & Lisa Elkin 255 West 84th Street, Apt. 3B	En-Consultants 1319 North Sea Road
2. Address:	New York, NY 10024	Southampton, NY 11968
3. Telephone:	Area Code (646) 221-8146	631-283-6360

B. PROPOSED ACTIVITY:

1. Brief description of activity:

Construct an "L"-shaped fixed timber dock (constructed with open-grate decking and equipped with water and electricity), consisting of a 4' x 64' fixed timber catwalk and 4' x 10' terminal platform (with ladder), as depicted on the project plan prepared by En-Consultants, dated January 31, 2024.

2. Purpose of activity:

To provide fixed point of access over vegetated wetlands and private, noncommercial boat dockage.

3. Location of activity:

<u>Suffolk</u>	<u>Southold</u>	<u>105 Fleetwood Road</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: Section 10

5. Federal application number, if known: Unknown

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

Articles 25 & 15

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES/NO
- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
 - b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
 - c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
 - d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
 - e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)
 - f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
 - g. Siting of a facility essential to the generation or transmission of energy? (27)
 - h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
 - i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
 - j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
 - k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)
 - l. Adverse effect upon land or water uses within the State's small harbors? (4)
2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO
- a. State designated freshwater or tidal wetland? (44)
 - b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)
 - c. State designated significant fish and/or wildlife habitat? (7)
 - d. State designated significant scenic resource or area? (24)
 - e. State designated important agricultural lands? (26)
 - f. Beach, dune or Barrier Island? (12)
 - g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
 - h. State, county, or local park? (19, 20)
 - i. Historic resource listed on the National or State Register of Historic Places? (23)
3. Will the proposed activity require any of the following: YES/NO
- a. Waterfront site? (2, 21, 22)
 - b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
 - c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
 - d. State water quality permit or certification? (30, 38, 40)
 - e. State air quality permit or certification? (41, 43)
4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*)

D. ADDITIONAL STEPS


1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Neal & Lisa Elkin Agent: En-Consultants
Address: 255 West 84th Street, Apt. 3B 1319 North Sea Road
New York, NY 10024 Southampton, NY 11968
Telephone: Area Code (646) 221-8146 (631) 283-6360
Applicant/Agent's Signature:  Date: January 31, 2024

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

**NEAL & LISA ELKIN
105 FLEETWOOD ROAD
CUTCHOGUE, NY
SCTM #1000-137-4-8**

2a) The proposed project is located adjacent to State designated tidal wetlands, and thus must be consistent with Policy 44. Because the project will not affect the benefits derived from tidal wetlands and will require a Tidal Wetlands Act permit from the NYSDEC, it will be consistent with Policy 44.

2c) Because the subject property is located adjacent to a State designated significant fish and wildlife habitat, the proposed project must be consistent with Policy 7. Although the project will cause a temporary disturbance at the site during the work period, the surrounding habitat will not be “significantly impaired” as defined by Policy 7. The project will thus be consistent with Policy 7.

3a) Because the proposed activity will occur at a waterfront site, it must be consistent with Policies 2, 21, and 22. The project will be consistent with 1) Policy 2 because the proposal is considered a water dependent use by this policy; and 2) Policy 21 in that it will not inhibit or preclude existing or future water-related recreation on the adjacent waters. Policy 22 does not apply to the project.

4) See attached LWRP Consistency Assessment Form.

LWRP CONSISTENCY ASSESSMENT FORM

A. INSTRUCTIONS

1. All applicants for permits* including Town of Southhold agencies, shall complete this CCAF for proposed actions that are subject to the Town of Southhold Waterfront Consistency Review Law. This assessment is intended to supplement other information used by a Town of Southhold agency in making a determination of consistency. **Except minor exempt actions including Building Permits and other ministerial permits not located within the Coastal Erosion Hazard Area.*
2. Before answering the questions in Section C, the preparer of this form should review the exempt minor action list, policies and explanations of each policy contained in the Town of Southhold Local Waterfront Revitalization Program. A proposed action will be evaluated as to its significant beneficial and adverse effects upon the coastal area (which includes all of Southhold Town).

If any question in Section C on this form is answered "yes" or "no", then the proposed action will affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. **Thus, each answer must be explained in detail, listing both supporting and non-supporting facts.** If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

A copy of the LWRP is available in the following places: online at the Town of Southhold's website (southholdtown.northfork.net), the Board of Trustees Office, the Planning Department, all local libraries and the Town Clerk's office.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

SCTM# 137 - 4 - 8

PROJECT NAME Neal and Lisa Elkin

The Application has been submitted to (check appropriate response):

Town Board Planning Board Building Dept. Board of Trustees

Category of Town of Southhold agency action (check appropriate response):

- (a) Action undertaken directly by Town agency (e.g. capital construction, planning activity, agency regulation, land transaction)
- (b) Financial assistance (e.g. grant, loan, subsidy)
- (c) Permit, approval, license, certification:

Nature and extent of action:

Construct an "L"-shaped fixed timber dock (constructed with open-grate decking and equipped with water and electricity), consisting of a 4' x 64' fixed timber catwalk and 4' x 10' terminal platform (with ladder), as depicted on the project plan prepared by En-Consultants, dated January 31, 2024.

Location of action: 105 Fleetwood Road, Cutchogue

Site acreage: 9,105 sf

Present land use: Residential, single family dwelling

Present zoning classification: R-40

2. If an application for the proposed action has been filed with the Town of Southold agency, the following information shall be provided:

(a) Name of applicant: Neal and Lisa Elkin

(b) Mailing address: 255 West 84th Street, Apt. 3B
New York, NY 10024

(c) Telephone number: Area Code 646-221-8146

(d) Application number, if any: _____

Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes No If yes, which state or federal agency? NYSDEC, NYSDOS, & USACE

C. Evaluate the project to the following policies by analyzing how the project will further support or not support the policies. Provide all proposed Best Management Practices that will further each policy. Incomplete answers will require that the form be returned for completion.

DEVELOPED COAST POLICY

Policy 1. Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development. See LWRP Section III - Policies; Page 2 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 2. Protect and preserve historic and archaeological resources of the Town of Southold. See LWRP Section III - Policies Pages 3 through 6 for evaluation criteria

Yes No Not Applicable

Attach additional sheets if necessary

Policy 3. Enhance visual quality and protect scenic resources throughout the Town of Southold. See LWRP Section III - Policies Pages 6 through 7 for evaluation criteria

Yes No Not Applicable

The proposed dock is located along a developed shoreline surrounded by numerous Trustees-approved dock structures to the west, east and north, including an "L"-shaped floating dock on the adjacent property to the east (Wetlands Permit No. 7041, 2009); a fixed dock structure located two properties to the west (Wetlands Permit No. 3671, 1988); a "T"-shaped floating dock located directly across the creek to the north (Wetlands Permit No. 8940, 2017); and an "L"-shaped floating dock located three properties to the east (Wetlands Permit No. 7584, 2011). There is also a floating dock with no apparent permit record located three properties to the west. Thus, consistent with Policy 3, the dock would be harmonious with the visual quality of the surrounding environs.

Attach additional sheets if necessary

NATURAL COAST POLICIES

Policy 4. Minimize loss of life, structures, and natural resources from flooding and erosion. See LWRP Section III - Policies Pages 8 through 16 for evaluation criteria

Yes No Not Applicable

Attach additional sheets if necessary

Policy 5. Protect and improve water quality and supply in the Town of Southold. See LWRP Section III - Policies Pages 16 through 21 for evaluation criteria

Yes No Not Applicable

To the extent that it is applicable, the project is consistent with Policy 5 because the entire dock would be constructed with untreated, light-penetrating, open-grate decking.

Attach additional sheets if necessary

Policy 6. Protect and restore the quality and function of the Town of Southold ecosystems including Significant Coastal Fish and Wildlife Habitats and wetlands. See LWRP Section III - Policies; Pages 22 through 32 for evaluation criteria.

Yes No Not Applicable

The proposed dock is located along a developed shoreline surrounded by numerous Trustees-approved dock structures to the west, east and north. Because the dock cannot reach 30 inches of water depth within the seaward encroachment limitations allowed by code, an "L"-shaped fixed dock is proposed to avoid potential bottom disturbance by a float. And the entire dock structure will be constructed with untreated, light-penetrating, open-grate decking and elevated at least 4 feet above the grade of vegetated wetlands to allow for tidal marsh vegetation to continue growing beneath it. Thus, consistent with Policy 6, the project would not create a "fragmentation of ecological communities" along the developed shoreline; result in the physical loss, degradation, or functional loss of ecological components; or otherwise adversely impact the adjacent tidal wetlands or surface waters of Eugene Creek.

Attach additional sheets if necessary

Policy 7. Protect and improve air quality in the Town of Southold. See LWRP Section III – Policies Pages 32 through 34 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 8. Minimize environmental degradation in Town of Southold from solid waste and hazardous substances and wastes. See LWRP Section III - Policies; Pages 34 through 38 for evaluation criteria.

Yes No Not Applicable

PUBLIC COAST POLICIES

Policy 9. Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold. See LWRP Section III - Policies; Pages 38 through 46 for evaluation criteria.

Yes No Not Applicable

Compliant with Town Code Section 275-11(C)(2)(b)(2), the proposed dock and associated watercraft having a maximum berth of 7 feet would encroach upon no more than approximately 29 feet or one-third of the approximate 88-ft width of the waterway. The proposed seaward extent of the dock is also consistent with Section 275-11(C)(2)(c)(1)(c) with respect to existing pier lines. Due to the narrow, approximately 30-foot width of the parcel's shoreline, it is not possible to maintain a 15-foot clearance from the laterally extended property lines pursuant to Section 275-11(C)(2)(a)(5). Therefore, given the Trustees' discretion to allow for different clearance based on "navigational or other reasons," the dock's location and alignment have been specifically designed to optimize separation distances from the nearest dock to the east, whose watercraft need not travel west and in front of the proposed dock in order to dock or launch from that structure; and from the waterfront of the adjacent property to the west, so as not to interfere with the neighbor's access to waters or potential dock on that property. Therefore, consistent with Policy 9, the proposed dock would not adversely impact navigation or otherwise affect the public and recreational use of Eugene Creek.

Attach additional sheets if necessary

WORKING COAST POLICIES

Policy 10. Protect Southold's water-dependent uses and promote siting of new water-dependent uses in suitable locations. See LWRP Section III - Policies; Pages 47 through 56 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 11. Promote sustainable use of living marine resources in Long Island Sound, the Peconic Estuary and Town waters. See LWRP Section III - Policies; Pages 57 through 62 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

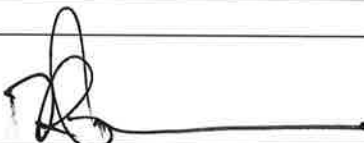
Policy 12. Protect agricultural lands in the Town of Southold. See LWRP Section III - Policies; Pages 62 through 65 for evaluation criteria.

Yes No Not Applicable

Attach additional sheets if necessary

Policy 13. Promote appropriate use and development of energy and mineral resources. See LWRP Section III - Policies; Pages 65 through 68 for evaluation criteria.

Yes No Not Applicable

PREPARED BY  TITLE Coastal Management Specialist DATE January 31, 2024
Robert E. Herrmann

ENVIRONMENTAL QUESTIONNAIRE

This is intended to supplement ENG Form 4345, Application for Department of the Army Permit, or the Joint Application for Permit used in the State of New York. Please provide complete answers to all questions below which are relevant to your project. Any answers may be continued on separate sheet(s) of paper to be attached to this form.

PRIVACY ACT STATEMENT

The purpose of this form is to provide the Corps of Engineers with basic information regarding your project. This information will be used to facilitate evaluation of your permit application and for public dissemination as required by regulation. Failure to provide complete information may result in your application being declared incomplete for processing, thereby delaying processing of your application.

GENERAL--APPLICABLE TO ALL PROJECTS

1. Explain the need for, and purpose of, the proposed work.

To provide fixed point of water access over vegetated wetlands and private, noncommercial boat dockage.

2. Provide the names and addresses of property owners adjacent to your work site (if not shown on the application form or project drawings).

East: BelNed LLC, 2995 Sound Avenue, Riverhead, NY 11901

West: Thomas Lambert, 4715 Pequash Avenue, Cutchogue, NY 11935

(Please note that depending upon the nature and extent of your project, you may be requested to provide the names and addresses of additional property owners proximate to your project site to ensure proper coordination.)

3. Photographs of the project site should be submitted. For projects in tidal area, photographs of the waterway vicinity should be taken at low tide. Using a separate copy of your plan view, indicate the location and direction of each photograph as well as the date and time at which the photograph was taken. Provide a sufficient number of photographs so as to provide a clean understanding of conditions on and proximate to your project site.

See attached

4. Provide a copy of any environmental impact statement or any other environmental report which was prepared for your project.

N/A

(continued on next page)

5. Provide a thorough discussion of alternatives to your proposal. This discussion should include, but not necessarily be limited to, the "no action" alternative and alternatives(s) resulting in less disturbance to waters of the United States. For filling projects in waters of the United States, including wetlands, your alternatives discussion should demonstrate that there are no practicable alternatives to your proposed filling and that your project meets with current mitigation policy (i.e. avoidance, minimization and compensation).

No action would prevent access and safe, private dockage for owner's vessel.

DREDGING PROJECTS N/A

Answer the following if your project involves dredging.

1. Indicate the estimated volume of material to be dredged and the depth (below mean low water) to which dredging would occur. Would there be overdepth dredging?

2. You can apply for a ten-year permit for maintenance dredging. If you wish to apply for a ten-year permit, please provide the number of additional dredging events during the ten-year life of the permit and the amount of material to be removed during future events.

3. Indicate on your drawings the dewatering area (if applicable) and disposal site for the dredged material (except landfill sites). Submit a sufficient number of photographs of the dewatering and disposal sites as applicable so as to provide a clear indication of existing conditions. For ten-year maintenance dredging permits, indicate the dewatering/disposal sites for future dredging events, if known.

4. Describe the method of dredging (i.e. clamshell, dragline, etc.) and the expected duration of dredging.

5. Indicate the physical nature of the material to be dredged (i.e. sand, silt, clay, etc.) and provide estimated percentages of the various constituents if available. For beach nourishment projects, grain size analysis data is required.

(continued on next page)

6. Describe the method of dredged material containment (i. e. hay bales, embankment, bulkhead, etc.) and whether return flow from the dewatering/disposal site would reenter any waterway. Also indicate if there would be any barge overflow.

MOORING FACILITIES _____

Answer the following if your project includes the construction or rehabilitation of recreational mooring facilities.

1. It is generally recommended that any fixed piers and walkramps be limited to four feet in width, and that floats be limited to eight feet in width and rest at least two feet above the waterway bottom at mean low water. Terminal floats at private, non-commercial facilities should be limited to 20 feet in length. If you do not believe your proposal can meet with these recommendations, please provide the reason(s).

This proposal shall meet these requirements.

2. Using your plan view show to scale the location(s), position(s) and size(s) (including length, beam and draft) of vessel(s) to be moored at the proposed facility, including those of transient vessel(s) if known.

See attached.

3. For commercial mooring sites such as marinas, indicate the capacity of the facility and indicate on the plan view the location(s) of any proposed fueling and/or sewage pumpout facilities. If pumpout facilities are not planned, please discuss the rationale below and indicate the distance to the nearest available pumpout station.

N/A

4. Indicate on your plan view the distance to adjacent marine structures, if any are proximate and show the locations and dimensions of such structures.

Docks to east, west, and north.

5. Discuss the need for wave protection at the proposed facility. Please be advised that if a permit is issued, you would be required to recognize that the mooring facility may be subject to wave action from wakes of passing vessels, whose operations would not be required to be modified. Issuance of a permit would not relieve you of ensuring the integrity of the authorized structure(s) and the United States would not be held responsible for damages to the structure(s) and vessel(s) moored thereto from wakes from passing vessels.

N/A

BULKHEADING/BANK STABILIZATION FILLING ACTIVITIES N/A

Answer the following if your project includes construction of bulkheading (also retaining walls and seawalls) with backfill, filling of waters/wetlands, or any other bank stabilization fills such as rip-rap, revetments, gabions, etc.

1. Indicate the total volume of fill (including backfill behind a structure such as a bulkhead) as well as the volume of fill to be placed into waters of the United States. The amount of fill in waters of the United States, can be determined by calculating the amount of fill to be placed below the plane of spring high tide in tidal areas and below ordinary high water in non-tidal areas.

2. Indicate the source(s) and type(s) of fill material.

3. Indicate the method of fill placement (i.e. by hand, bulldozer, crane, etc.). Would any temporary fills be required in waterways or wetlands to provide access for construction equipment? If so, please indicate the area of such waters and/or wetlands to be filled, and show on the plan and sectional views.

The foregoing requests basic information on the most common types of projects requiring Department of the Army permits. It is intended to obviate or reduce the need for requesting additional information; however, additional information may be requested above and beyond what is requested in this form.

Please feel free to add any additional information regarding your project which you believe may facilitate our review.

NEAL & LISA ELKIN, 105 FLEETWOOD ROAD, CUTCHOGUE



Figure 1. Looking north over location of proposed "L"-shaped fixed dock toward Eugene Creek and dock to north.



Figure 2. Looking south from Eugene Creek over location of proposed "L"-shaped fixed dock and toward subject dwelling.



Figure 3. Looking east at subject shoreline toward location of proposed “L”-shaped fixed dock and existing floating dock at adjacent property to east.



Figure 4. Looking southwest at subject shoreline over location of proposed “L”-shaped fixed dock (left and left-center), and toward adjacent shoreline to west (right-center) and fixed dock structure located two properties to west.

NEAL & LISA ELKIN, 105 FLEETWOOD ROAD, CUTCHOGUE



Figure 5. Aerial image of subject property and surrounding dock structures to east, west, and north.



Figure 6. Looking northwest from subject property toward adjacent dock structures to west.