



**SHERMAN ENGINEERING & CONSULTING, P.A.**  
14 NELMAR AVE ST AUGUSTINE FL 32084

**CHEQUIT AVENUE LLC**  
**7 CHEQUIT AVE**

**WETLANDS PERMIT APPLICATION**  
FOR THE  
**TOWN OF SHELTER ISLAND**



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# Denial





# TOWN OF SHELTER ISLAND

38 North Ferry Road, P.O. Box 970  
Shelter Island, New York 11964  
(631) 749-0772

Reed Karen: Senior Building Inspector  
Brett Poleshuk: Building Inspector

## NOTICE OF DISAPPROVAL

Town Board Applications: Wetlands Permit

Date: 02/07/2023

**Owner:**

Chequit Avenue LLC  
c/o Deborah Shepherd  
7 E Melrose St  
Chevy Chase, MD 20815

**Name of Applicant:**

Sherman Engineering & Consulting PA  
14 Nelmar Ave  
St. Augustine, Florida 32084  
Email: matt@shermanec.com

Location of Property: 7 Chequit Ave

County Tax Map No. 5.-1-11

Zone: AA reverts to A for setbacks

Please take notice that your application dated 12/22/2022

Requesting a permit to: Construct a 2 story, 2,287 SF Accessory Sleeping structure with 2 bedrooms, LR, den, bar area (no cooking), 2 full bathrooms & 1 half-bath, covered porch, outdoor shower on pile foundation, partially within Adjacent Regulated Area. per site plan & drawings by Ian McDonald Architect, PLLC dated December 16, 2022 (Site Plan based on survey by Nathan Taft Corwin last revised Aug 11, 2008, with Tidal Wetlands boundary determined by Peconic Surveyors October 25, 2022)

Is returned herewith and disapproved on the following grounds:

Town Code Section 129-2 "Permit Required" lists under "New Structure on lot with or without bulkhead - Other new construction" within Adjacent Vegetative Buffer as requiring a Wetlands Permit.

As your proposed Structure intrudes 22'-6" into the Adjacent Regulated Area on a bulkheaded property, holding a distance of 77'-6" from the Tidal Wetlands Boundary, where 100' is required, for a total structure intrusion of 448 SF, you must first obtain a Town Wetlands Permit before we can issue a Building Permit.

Authorized Signature: \_\_\_\_\_

**Note to Applicant:** Any change or deviation to the above referenced application may require further review by the Shelter Island Building Department. **This denial letter is valid for one year from the date of issuance.**



# Wetlands Application Forms

Wetlands Application  
SEAF





**TOWN OF SHELTER ISLAND**

38 NORTH FERRY ROAD - P.O. BOX 1549  
SHELTER ISLAND, NEW YORK 11964-1549

DOROTHY S. OGAR  
TOWN CLERK  
REGISTRAR OF VITAL STATISTICS  
FREEDOM OF INFORMATION OFFICER  
RECORDS ACCESS OFFICER

*townclerk@shelterislandtown.us*

ADMINISTRATIVE (631)-749-1166  
FAX NUMBER (631)-749-3436

**WETLANDS PERMIT APPLICATION**

**NOTE: THE WORK COVERED BY THIS APPLICATION MAY NOT BE STARTED UNTIL BOTH WETLANDS AND BUILDING PERMITS ARE ISSUED.**

**IMPORTANT: PLEASE READ INSTRUCTIONS (AT END) BEFORE COMPLETING THIS APPLICATION**

**A. CONTACT INFORMATION**

Owner: Chequit Avenue LLC Date: 2.9.23

1. Address and Tax Map Number of Property seeking approval:

7 Chequit Avenue SCTM 700-5-1-11

Mailing Address 7 E Melrose St Chevy Chase, MD 20815

Telephone Numbers [REDACTED]

Email Address [REDACTED]

2. Applicant/Representative Matthew Sherman, Sherman Engineering & Consulting

Mailing Address 14 Nelmar Avenue St Augustine, FL 32084

Telephone Numbers 631-831-3872

Email Address matt@shermanec.com

3. Name of Attorney (If applicable) na

Mailing Address \_\_\_\_\_

Telephone Numbers \_\_\_\_\_

Email Address \_\_\_\_\_

4. Name of Surveyor Nathan Taft Corwin III & Peconic Surveyors

Mailing Address 1586 Main Road PO Box 909  
Jamesport, NY 11947 Southold, NY 11971

Telephone Numbers 631-727-2090 631-765-5020

Email Address \_\_\_\_\_

**B. DESCRIBE THE PROJECT**

1. State exactly what you plan to do. Attach twenty-four copies of a plan showing the project.

Construct new 2 story accessory sleeping structure partially within adjacent regulated area. New work to be as close as 77.5' from tidal wetlands boundary with area of 448sf.

Before filing this application, you need a Letter of Disapproval from the Building Department. It will give you the information to answer the next two questions.

2. What Zoning District is this property located in? AA reverting to A

3. Is the property located within the Near Shore and Peninsular Overlay District? Yes

Site Characteristics:

4. Parcel Size (in acres or square feet) 0.9ac

5. What are the predominant soil types on the property?

Sand  Loam  Clay  Fill  Other (specify)

6. Please give the approximate depth to groundwater. 5+/- feet.

7. Provide an estimate of the depth of the water table on the property. 15+/- feet.

8. Are there areas on your property where water regularly puddles or runs off? Please explain: no

9. Do hunting, fishing or shellfishing opportunities presently exist on or adjacent to the property?

Yes  No

10. Does the property contain any species of plant or animal life listed as rare, threatened or endangered by New York State, the New York State Natural Heritage Program or the United States of America?  Yes No

If yes, please identify each species and its status as classified by New York State, the New York State Natural Heritage Program or the United States.

Northern Long-eared Bat - see attached SEAF

11. Has the property ever been used for disposal of solid waste or hazardous waste? Yes  No

Project Information

12. Existing Square Footage: Building (all floors) 2,965 Deck/patio 2,416 (incl swimming  
Proposed Square Footage: Building (all floors) 2,287 Deck/patio pool)

13. Number of Structures Proposed 1  
Type Accessory sleeping Dimensions 22'x56'  
\_\_\_\_\_  
\_\_\_\_\_

14. Setbacks of Structures from Wetlands Property Lines  
77.5' to stair, 82.3' to building  
\_\_\_\_\_

15. What kinds of materials will be used during construction?  
Typical wood frame construction  
\_\_\_\_\_

16. What measures will the contractor take to prevent runoff during and after construction?  
wire backed silt fence  
\_\_\_\_\_

17. If the project is a residence, how many bedrooms will the residence contain when the project is complete? 2

18. If the project is an addition/renovation to an existing structure, how many bedrooms does the existing structure contain? 4

19. How much, if any, natural vegetation will be cleared or removed for the project?  
0 acres 0 square feet

20. Type of Vegetation to be Cleared (include photos of existing vegetation):  
Wetlands  Mature Trees and Forest  Brush  Open Fields  Other \_\_\_\_\_

21. How much of the following items will be removed as part of this project:  
Soil 0 cubic yards Sand 0 cubic yards  
Dredge Spoil 0 cubic yards Gravel 0 cubic yards

22. How much fill will be deposited on site: 40+/- cubic yards  
How much fill will be deposited in connection with septic system: 0 cubic yards  
property is served by SIH Wastewater treatment plant

23. Identify any existing or proposed sediment/erosion control structures, bulkheads, jetties and docks on the property.  
Existing bulkhead on site  
\_\_\_\_\_

24. When was the original Septic System installed? na - SIH Wastewater  
When was the last improvement to the septic system? na  
Describe the septic system on the property today na  
\_\_\_\_\_

25. Does property have a buried oil tank? no Size? \_\_\_\_\_

26. If this project involves a swimming pool, please indicate:  
 Salt water pool  Fresh water pool

Please describe the proposed pool fence and make sure its location is marked on the survey:  
cedar picket & wire mesh safety fence

Please be sure the location of pool drywells is marked on the survey.

27. Identify any other significant aspect of the Proposed Action  
Property is provided potable water service through the Shelter Island Heights community water supply

### C. STATUS OF APPROVALS

1. Have any wetlands permits under Chapter 129 of the Shelter Island Town Code been issued with respect to this property? Yes  No   
If so, give date(s) and number(s) of permit(s).

2. Has a wetlands permit or a letter of non-jurisdiction been obtained from the New York State Department of Environmental Conservation for this project? Yes  No   
If so, please attach a copy.

3. This application is made because of the presence of one or more of the following natural features on or adjacent to the site (please circle all that apply):  
 Tidal Wetlands  Freshwater Wetlands

4. Are there any rights-of-way, easements or restrictive covenants which encumber the property?  
 Yes  No  
If so, please indicate the nature of these restrictions and supply copies of the legal instrument (i.e., deed, covenant, conservation easement, etc.) which created this restriction.

5. Was Suffolk County Health Department approval required for this project? Yes  No

What is the permit number of the approval given this project by the Suffolk County Health Department? \_\_\_\_\_ (Attach Twelve (12) paper & a pdf copy emailed to townclerk@shelterislandtown.us)

6. Is a permit required from any other agency? Yes  No   
If so, please name agency and date of permit Town Building Dept - pending wetlands approval

**D. JUSTIFICATION FOR PERMIT**

1. Identify aspects of this project that do not meet the recommended setbacks set forth in Chapter 129, Wetlands, of the Town Code and state the proposed setback.

Building is outside of vegetative buffer and partially within adjacent regulated area.

2. Explain why this project does not or cannot be located outside the vegetative buffer and/or regulated area.

Required front yard setback prohibits moving building landward from proposed location

3. Explain why you believe that the project will not impair the function and value of the wetlands and buffer.

The site is fully bulkheaded with turf lawn and developed with single family dwelling and swimming pool. The addition of an accessory sleeping building will have minimal additional impact beyond the existing development.

4. What steps have you taken to ensure that the project will not have a negative impact on the quantity and quality of groundwater?

Stormwater will be collected and recharged to groundwater.

5. What can you show to prove that the project will not create a net increase in the risk of runoff?

Stormwater will be collected and recharged to groundwater.

**E. MITIGATION MEASURES**

1. List at least three specific mitigation measures that you will include in your project to offset the potential adverse environmental impacts of this project. These can include upgrades in septic processing, removal of structures from regulated areas, addition of vegetative buffers, covenants to maintain portions of the property as open space or other activity. Be as specific as possible.

a. Installation of stormwater collection and recharge

b. Utilize salt cell pool disinfection

c. Utilize cartridge pool filter

d.

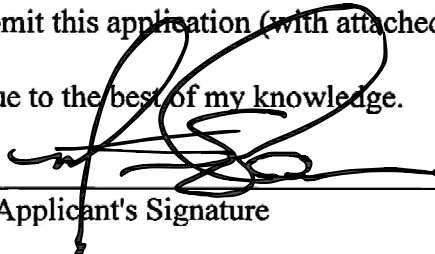
e.

I am the owner of this property and submit this application.

I am the agent for the applicant and submit this application (with attached owners endorsement).

I affirm that the above statements are true to the best of my knowledge.

Dated: 2.9.23

  
Applicant's Signature

**OWNER'S ENDORSEMENT  
(TO BE SIGNED IF APPLICANT IS NOT THE OWNER)**

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

Deborah Shepherd, being duly sworn, deposes and says:  
I reside at 7 Chequit Avenue Shelter Island, in the  
County of Suffolk and the State of New York, and I am the (owner in  
fee) (officer of the Corporation which is the owner in fee) of the premises described in the fore-  
going and that I have authorized Matthew Sherman to make  
the foregoing application as described herein.

Deborah F. Shepherd  
Signature

Chequit Avenue, LLC  
Signature  
If Corporation, name of Corporation

Officer's Title

Sworn to before me this 19  
day of Dec, 2022  
[Signature]  
Notary Public



**Town Board  
CERTIFICATION**

To be Signed by Applicant(s)/Owner(s)

STATE OF NEW YORK)  
COUNTY OF SUFFOLK) ss:

Deborah Shepherd

\_\_\_\_\_, being by me duly sworn, deposes and says:

1. I am interested in an application for a wetlands permit now pending before the Town of Shelter Island.

2. I reside at 7 Chequit Ave Shelter Island.

3. The nature of my interest in the aforesaid application as follows (circle answer):

I am the owner tenant bank Other \_\_\_\_\_.

4. It is my understanding that the Shelter Island Town Board has determined that public policy requires a full, frank and complete disclosure of all persons having an interest, direct or indirect, in all applications to the Shelter Island Town Board an other agencies of Town Government, to insure that no question of conflict of interest or favoritism may arise. The following Town officials have an interest in this property: none.

5. To the best of my knowledge, information and belief, there are no other persons, firms or corporations interested in this application, except as hereafter set forth (If either corporation or company, etc., list all officers): none.

6. By signing this form, I authorize Town staff and Town Board members to enter onto my property to perform an on-site inspection of the changes for which I am applying.

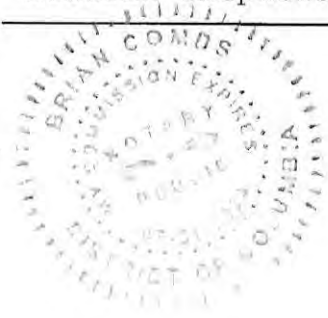
Deborah Shepherd  
Signature(s)

Please print name(s)

Deborah Shepherd

Sworn to before me this 19  
day of Dec, 2022.

\_\_\_\_\_  
Notary Public





# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

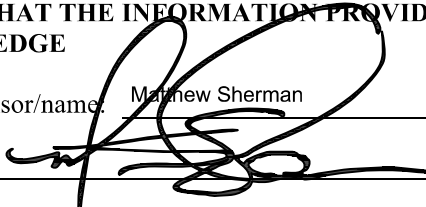
### Instructions for Completing

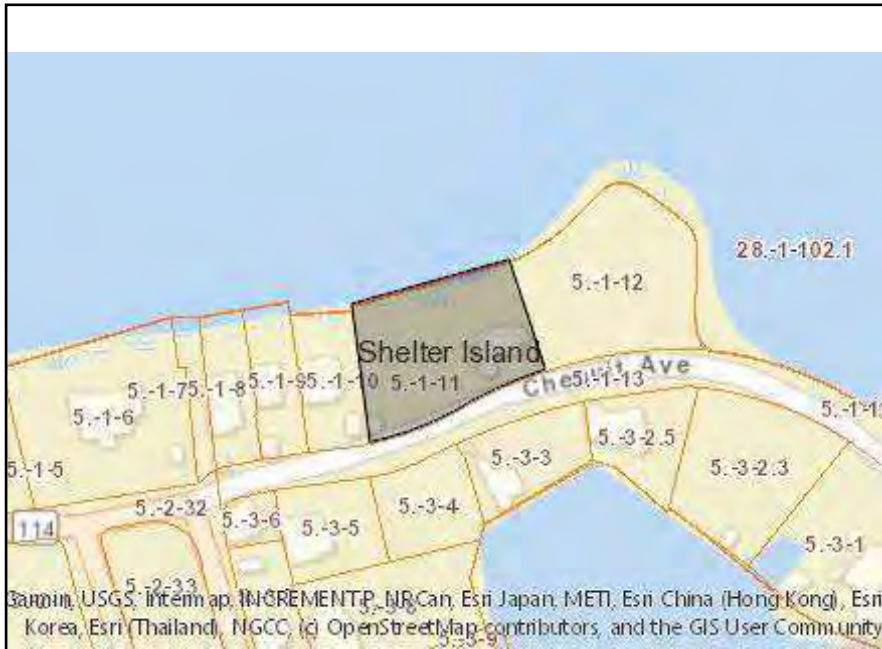
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Chequit Avenue LLC Accessory Building			
Project Location (describe, and attach a location map): 7 Chequit Avenue Shelter Island			
Brief Description of Proposed Action: Construct new two story accessory building use for accessory sleeping.			
Name of Applicant or Sponsor: Sherman Engineering & Consulting		Telephone: 631-831-3872	
		E-Mail: matt@shermanec.com	
Address: 14 Nelmar Avenue			
City/PO: St Augustine		State: FL	Zip Code: 32084
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Shelter Island Wetlands and Building Dept		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 0.9 acres	
b. Total acreage to be physically disturbed?		_____ 0.2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.9 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Peconic Bay and Environs, Reason:Protect public health, water, vegetation, & scenic beauty, If Yes, identify: <u>Agency:Suffolk County, Date:7-12-88</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Northern Long-eared Bat	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>Matthew Sherman</u> Date: <u>2.9.23</u> Signature:  Title: <u>Sponsor</u>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Peconic Bay and Environs, Reason:Protect public health, water, vegetation, & scenic beauty, Agency:Suffolk County, Date:7-12-88
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

# Deed



THIS INDENTURE, made the 22<sup>ND</sup> day of JULY, two thousand eleven, BETWEEN

KEYBANK NATIONAL ASSOCIATION, as Agent for J. Michael Shepherd under Agreement dated August 28, 1995, 127 Public Square, Cleveland, Ohio 44114, as to its undivided fifty percent (50%) interest, and KEYBANK NATIONAL ASSOCIATION, as Trustee of the Deborah Fenton Shepherd Trust Agreement dated February 4, 1991, 127 Public Square, Cleveland, Ohio 44114, as to its undivided fifty percent (50%) interest,

party of the first part, and

CHEQUIT AVENUE, LLC, a Delaware limited liability company with its principal office at c/o KeyBank, N.A., 127 Public Square - 18<sup>th</sup> Floor, Cleveland, Ohio 44114,

party of the second part,

WITNESSETH, that the party of the first part, without consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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, being more particularly bounded and described as follows:

BEGINNING at a monument on the northerly line of Chequit Avenue at the southeasterly corner of land now or formerly of Patricia R. Reilly and the southwesterly corner of the premises herein described;

RUNNING THENCE North 07 degrees 33 minutes 00 seconds East along said land now or formerly of Reilly, 185.00 feet to the apparent high water line of Shelter Island Sound;

THENCE easterly along the apparent high water line of Shelter Island Sound on a tie line course bearing North 87 degrees 20 minutes 00 seconds East, 215.93 feet to the northwest corner of land now or formerly of Shelter Island Heights Property Owners Corp.;

THENCE South 01 degree 29 minutes 00 seconds East along the westerly line of said last mentioned lands, 153.40 feet to the northerly line of Chequit Avenue;

THENCE westerly along the northerly line of Chequit Avenue South 80 degrees 40 minutes 00 seconds West, 247.25 feet to the monument set at point or place of BEGINNING.

BEING AND INTENDED TO BE the same premises undivided fractional interests in which were conveyed to the party of the first part (in respective 60% and 40% shares) by deeds, dated August 10, 2007 and recorded in the Office of the Suffolk County Clerk on August 15, 2007 in Liber 12518 at page 216 (as to an undivided one-sixth (1/6) interest), at page 217 (as to an undivided one-sixth (1/6) interest), and at page 218 (as to an undivided one-half (1/2) interest), KEYBANK NATIONAL ASSOCIATION, as Trustee of the Deborah Fenton Shepherd Trust Agreement dated February 4, 1991, having previously acquired an undivided one-sixth interest in such premises by deed, dated March 20, 2007 and recorded in the Office of the Suffolk County Clerk on April 20, 2007 in Liber 12501 page 962, which deed was corrected by a correction deed, dated July 26, 2007 and recorded in the Office of the Suffolk County Clerk on August 15, 2007 in Liber 12518 at page 215 specifying such Trustee of such Trust as grantee of such undivided one-sixth (1/6) interest.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

KEYBANK NATIONAL ASSOCIATION, as Agent for J. Michael Shepherd under Agreement dated August 28, 1995 and as Trustee of the Deborah Fenton Shepherd Trust Agreement dated February 4, 1991

By Emily Mogen  
Emily Mogen, Vice President

By James A. Libgett  
JAMES A. LIBGETT - VICE PRESIDENT



**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_ ss.: State of New York, County of \_\_\_\_\_ ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals acted, executed the instrument.

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals acted, executed the instrument.

\_\_\_\_\_  
Notary Public  
(signature and office of individual taking acknowledgment)

\_\_\_\_\_  
Notary Public  
(signature and office of individual taking acknowledgment)

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**

State of Ohio; County of CUYAHOGA ss.:

On the 22<sup>nd</sup> day of JULY in the year 2011 before me, the undersigned, personally appeared EMILY MOGEN, VICE PRESIDENT AND JAMES A. LIGGETT, VICE PRESIDENT OF KEYBANK NATIONAL ASSOCIATION

personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument, and that such individuals made such appearance before the undersigned in the City of Cleveland in the State of Ohio.

(insert the City or other political subdivision)

**BRENDA J. COX**  
Notary Public, State of Ohio  
My Commission Expires March 17, 2015

Brenda J. Cox  
(signature and office of individual taking acknowledgment)

My Commission Expires On: March 17, 2015

**BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No.

DISTRICT 0700  
SECTION 005.00  
BLOCK 01.00  
LOT 011.000  
COUNTY OR TOWN SUFFOLK - SHELTER ISLAND  
STREET ADDRESS 7 Chequit Avenue  
Shelter Island Heights, NY 11965



RETURN BY MAIL TO:

[Empty box for return address]

KEYBANK NATIONAL ASSOCIATION, as Agent and as Trustee  
TO  
CHEQUIT AVENUE, LLC  
STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS  
Distributed by

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

[Large empty box for recording office use]

# NYSDEC Approval





# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1  
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790  
P: (516) 444-0365 | F: (516) 444-0360  
www.dec.ny.gov

## LETTER OF NO JURISDICTION

Mr. and Mrs. Michael Shepherd  
567 Hale Street  
Palo Alto, CA 94301

November 20, 2020

Re: Application #1-4732-00611/00008  
Shepherd Property, Chequit Ave, Shelter Island Heights  
SCTM# 0700-05-1-11

Dear Mr. and Mrs. Shepherd:

Based on the information you submitted, the Department of Environmental Conservation has determined that the existing bulkhead fronting Shelter Island Sound, shown on the plan by Ian McDonald, dated 8/21/2020, is functional, more than 100 feet in length and was constructed before August 20, 1977, as shown on the Map of Shelter Island Heights prepared by the Sanborn Map Co, dated 1931, copyright 1932, and on Tidal Wetland Map # 722-550. Therefore, the property landward of the bulkhead is beyond Tidal Wetlands Act (Article 25) jurisdiction and no permit is required for work landward of this structure.

Be advised, no construction, sedimentation, or disturbance of any kind may take place seaward of the tidal wetlands jurisdictional boundary, as indicated above, without a permit. It is your responsibility to ensure that all precautions are taken to prevent any sedimentation or disturbance within Article 25 jurisdiction which may result from your project. Such precautions may include maintaining adequate work area between the jurisdictional boundary and your project (i.e. a 15' wide construction area) or erecting a temporary fence, barrier, or hale bay berm.

**Please be further advised that DEC has documented the summer occurrence of the Northern Long-Eared Bat (*Myotis septentrionalis*), a species listed as threatened in 6 NYCRR Part 182, in the vicinity of the subject property. We have determined that clear-cutting of any trees during the summer may result in the "take" of these endangered/threatened species or their habitat within the meaning of Environmental Conservation Law (ECL) § 11-535. The term "take" is defined in part as the direct killing or injury of individual members of a protected species, interference with critical breeding, foraging, migratory or other essential behaviors, or the adverse modification of the species' habitat. The "take" of a species listed as endangered or threatened is prohibited in the absence of a permit from this Department issued pursuant to ECL § 11-535.**



Department of  
Environmental  
Conservation

Page Two

**In order to avoid the Endangered Species "take" situation, no clear-cutting of trees should be conducted at the project site (whether within Tidal Wetlands jurisdiction or out) between the dates of March 1 and November 31 each calendar year.**

**If you have questions about the presence of protected species on or near your property, the potential effects of activities on these species, or your responsibilities as a landowner or project sponsor under the Endangered Species Regulations, please contact the Regional Wildlife Manager at 631-444-0306 or 0310.**

**This letter shall remain valid unless site conditions change.**

**Please note that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies or local municipalities. This letter shall remain valid unless site conditions change.**

**Sincerely,**

A handwritten signature in cursive script that reads "Sherri Alcher".

**Sherri Alcher  
Deputy Regional Permit Administrator**

**cc: I. McDonald  
BMHP  
File**

# Survey Site Plan Building Plans







SURVEY OF PROPERTY  
SITUATED AT  
SHELTER ISLAND  
TOWN OF SHELTER ISLAND  
SUFFOLK COUNTY, NEW YORK  
S.C. TAX No. 700-05-01-11

SCALE 1"=20'  
OCTOBER 29, 1999  
JULY 26, 2007 UPDATE SURVEY  
AUGUST 11, 2008 FINAL SURVEY

AREA = 38,443.34 sq. ft.  
(TO TIE LINE) 0.882 ac.

SHELTER ISLAND SOUND

N 87°20'00" E

215.93'

**NOTE:**

- LOT NUMBERS SHOWN THUS: LOT (39) REFER TO MAP OF SHELTER ISLAND GROVE AND CAMP MEETING ASSOCIATION FILE IN THE OFFICE OF THE CLERK OF SUFFOLK COUNTY ON NOVEMBER 1, 1880 AS FILE No. 166

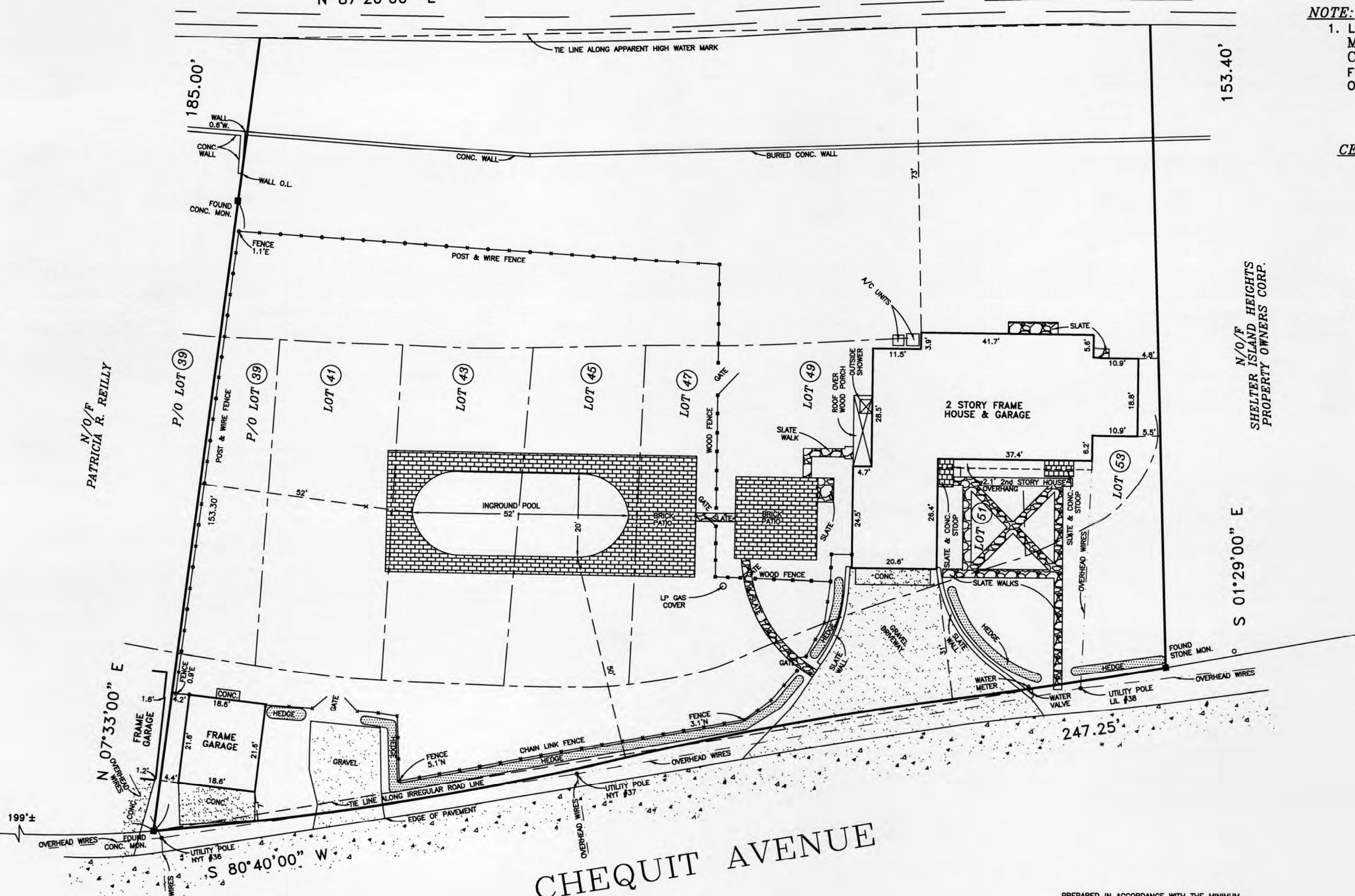
**CERTIFIED TO:**

J. MICHAEL SHEPHERD  
DEBORAH FENTON SHEPHERD  
COMMONWEALTH LAND TITLE INSURANCE COMPANY  
TITLE No. RH07301057

CLINTON AVENUE EXTENSION

N/O/F  
PATRICIA R. REILLY

N/O/F  
SHELTER ISLAND HEIGHTS  
PROPERTY OWNERS CORP.



UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.  
COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.  
CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE.  
THE EXISTENCE OF RIGHTS OF WAY AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN ARE NOT GUARANTEED.

CHEQUIT AVENUE

PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR TITLE SURVEYS AS ESTABLISHED BY THE L.L.A.S. AND APPROVED AND ADOPTED FOR SUCH USE BY THE NEW YORK STATE LAND TITLE ASSOCIATION



N.Y.S. Lic. No. 50467

**Nathan Taft Corwin III**  
**Land Surveyor**

Successor To: Stanley J. Isaksen, Jr. L.S.  
Joseph A. Ingegno L.S.  
Title Surveys - Subdivisions - Site Plans - Construction Layout  
PHONE (631)727-2090 Fax (631)727-1727  
OFFICES LOCATED AT MAILING ADDRESS  
1586 Main Road P.O. Box 16  
Jamesport, New York 11947 Jamesport, New York 11947





10/25/22 MHWL as located by Peconic Surveyors



REVISIONS

### SHELTER ISLAND SOUND

Donald M. Johnson

215.93'

N 87°20'00" E

TIE LINE

MEAN HIGH WATER LINE (TIDAL WETLANDS BOUNDARY)  
DETERMINED BY NATHAN TAFT CORWIN III LAND SURVEYOR 29  
OCTOBER 1989

CONCRETE RETAINING WALL  
(IN EXISTANCE PRIOR TO 20 AUGUST 1977) 40'

N/O/P  
PATRICIAL REILLEY

IMPROVED WITH  
HOUSE AND  
GARAGE

BUILD UP AREA IN FRONT OF  
STAIRS TO ELEVATION 7.0'

BUILD UP AREA TO  
ELEVATION 6.0'

BUILD UP AREA IN FRONT OF  
STAIRS TO ELEVATION 7.0'

N/O/P  
SHELTER ISLAND  
PROPERTY OWNERS  
CORPORATION

VACANT

IAN MCDONALD ARCHITECT, PLLC

POB 635 \* 97 SOUTH MIDWAY ROAD  
SHELTER ISLAND, NY 11964  
(631) 749-9380 IMARCH@OPTONLINE.NET

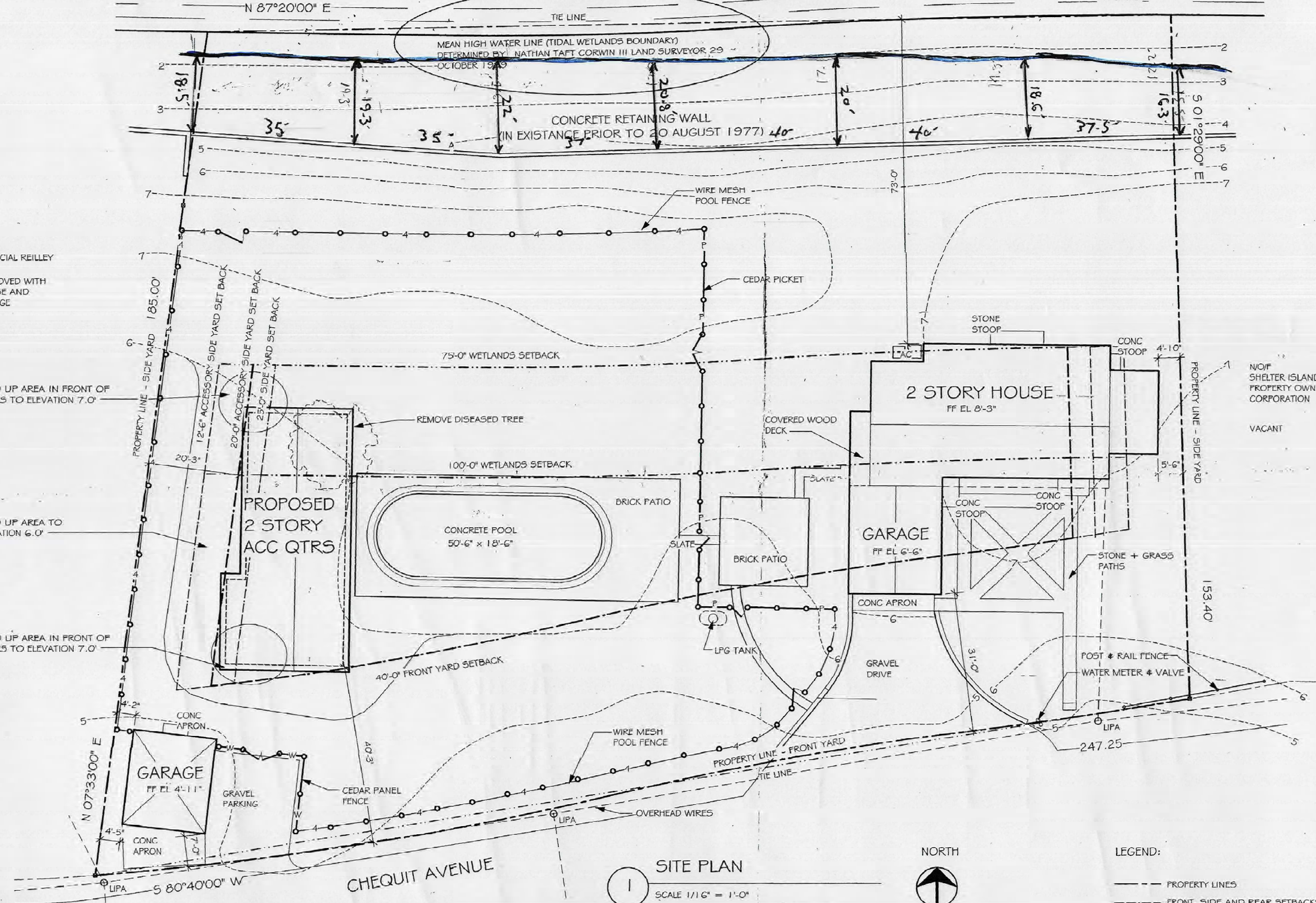
PROJECT  
SHEPHERD RESIDENCE  
7 CHEQUIT AVENUE  
SHELTER ISL HTS, NY 11965

JOB NO. 20-18 SCALE: 1/16" = 1'-0"

DATE: 22 SEPTEMBER 2022

TITLE  
SITE PLAN

A-03



1 SITE PLAN  
SCALE 1/16" = 1'-0"



SITE PLAN BASED ON SURVEY BY:  
NATHAN TAFT CORWIN III, LAND SURVEYOR  
LAST REVISED 11 AUGUST 2008  
ELEVATIONS REFERENCE TO NAVD 88 DATUM  
FEMA MAP 36103C0178H  
ZONE VE (ELEV 8 FEET)  
ZONE AA (REVERTING TO A)  
PROPERTY CONNECTED TO THE SHELTER ISLAND  
HEIGHTS PROPERTY OWNERS COPR WATER AND  
WASTE DISTRICTS

LOT AREA  
38,443 SF (TO TIE LINES)  
.882 ACRES (TO TIE LINES)  
SCIM #  
700-05-01-11  
DEC #  
1-4732-0061 1/00003  
(HOUSE RENOVATION)  
1-4732-0061 1/00004-7  
(BULKHEAD REPAIR GF-0-12-006)

- LEGEND:
- PROPERTY LINES
  - FRONT, SIDE AND REAR SETBACKS
  - 75'/100'-0" WETLANDS SETBACK
  - EXISTING CONTOURS

0.824



**PROPRIETARY NOTE:**

IAN MCDONALD ARCHITECT PLLC, HEREBY EXPRESSES COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS AND DRAWINGS.

THESE PLANS, DRAWINGS AND SPECIFICATIONS SHALL NOT BE REPRODUCED, MODIFIED OR COPIED IN ANY WAY WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN AUTHORIZATION OF IAN MCDONALD ARCHITECT PLLC. NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING WRITTEN CONSENT AND SAID WRITTEN AUTHORIZATION.

THESE PLANS, DRAWINGS, AND SPECIFICATIONS ARE NOT TO BE USED FOR ANY PROJECT OTHER THAN THAT FOR WHICH THEY WERE CREATED WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF, AND WITH APPROPRIATE COMPENSATION TO, IAN MCDONALD ARCHITECT PLLC.

**CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA:**

GROUND SNOW LOAD	20 PSF (PER R301.2(5))
WIND SPEED (3 SEC GUST)	120 MPH
WIND SPEED (FASTEST MI)	100 MPH
EXPOSURE CATEGORY	B (EXPOSURE MAY BE B, C, OR D PER R301.2.1.4)
SEISMIC CATEGORY	B (PER R301.2(2))
WEATHERING	SEVERE (PER R301.2(3))
FROST LINE DEPTH	32" TO TOP OF FOOTING (40" TO BOTTOM OF FOOTING MIN)
TERMITE	MODERATE TO HEAVY (PER R301.2(6))
DECAY	SEVERE TO MODERATE (PER R301.2(7))
WINTER DESIGN TEMP	13 DEGREES (PER ENERGY CODE TABLE 302.1)
DEGREE DAYS	4910 (ZONE 11B)
ICE SHIELD UNDERLAYMENT	REQUIRED - TO EXTEND 2' INWARD OF EXTERIOR WALL (PER R905.2)
FLOOD HAZARD	(PER FEMA GUIDELINES - ZONE X)

**SITE DATA:**

PHYSICAL ADDRESS	7 CHEQUIT AVENUE SHELTER ISLAND HEIGHTS, NEW YORK 11965
SCTM#	700-05-01-11
ZONING	AA (REVERTING TO A) WITHIN NEAR SHORE OVERLAY DISTRICT
LOT AREA	38,443 SF (.882 ACRES)
MAXIMUM BUILDING COVERAGE (25% OF LOT)	9,610 SF MAXIMUM PERMITTED
MAXIMUM IMPERVIOUS SURFACES COVERAGE (40% LOT)	15,377 SF MAXIMUM PERMITTED

**EXISTING HOUSE**

LIVING AREA:	
1ST FLOOR (INC SUNROOM)	1,801 SF
2ND FLOOR (INC CLOSETS)	1,164 SF
TOTAL	2,965 SF
(MEASURED TO EXTERIOR OF FRAMING)	
STORIES	2
BUILDING HEIGHT	23'-3" < 35'-0"

**PROPOSED COTTAGE**

LIVING AREA:	
1ST FLOOR	991 SF
2ND FLOOR (INC CLOSETS)	1,296 SF
TOTAL	2,287 SF
(MEASURED TO EXTERIOR OF FRAMING)	
STORIES	2
BUILDING HEIGHT	28'-6" < 35'-0"

**PROPOSED COMBINED TOTAL**

LIVING AREA:	
HOUSE	2,965 SF
COTTAGE	2,274 SF
TOTAL	5,239 SF
(MEASURED TO EXTERIOR OF FRAMING)	
BUILDING COVERAGE:	
HOUSE (INC GARAGE AND PORCHES)	2,357 SF
COTTAGE	1,319 SF
DETACHED GARAGE	401 SF
TOTAL	4,077 SF < 9,610 SF
IMPERVIOUS SURFACES COVERAGE (40% LOT)	
HOUSE (IN GARAGE AND PORCHES)	2,357 SF
HOUSE STOOPS AND AC UNITS	190 SF
COTTAGE	1,310 SF
COTTAGE STEPS AND SHOWER	0 SF (PERMEABLE DECKING)
DETACHED GARAGE (INC APRONS)	569 SF
DRIVEWAYS (PERMEABLE)	0 SF (GRAVEL DRIVEWAY)
BRICK PATIOS (PERMEABLE)	0 SF (BRICKS ON SAND)
POOL (INC COPING)	1,135 SF
TOTAL	5,561 SF < 15,377 SF

**DRAWING LIST**

A 00 -	COVER SHEET
A 03 -	SITE PLAN
A 04 -	SITE PLAN DETAIL
A 15 -	FIRST AND SECOND FLOOR PLANS
A 20 -	BUILDING SECTION
A 30 -	EXTERIOR ELEVATIONS - SOUTH AND EAST
A 31 -	EXTERIOR ELEVATIONS - NORTH AND WEST

**REVISIONS**



**IAN MCDONALD ARCHITECT, PLLC**  
 POB 635 \* 97 SOUTH MIDWAY ROAD  
 SHELTER ISLAND, NY 11964  
 (631) 749-9380 IMARCH@OPTONLINE.NET

# SHEPHERD RESIDENCE

7 CHEQUIT AVENUE

SHELTER ISLAND HEIGHTS, NEW YORK 11965

**PROJECT**  
 SHEPHERD RESIDENCE  
 7 CHEQUIT AVENUE  
 SHELTER ISL HTS, NY 11965

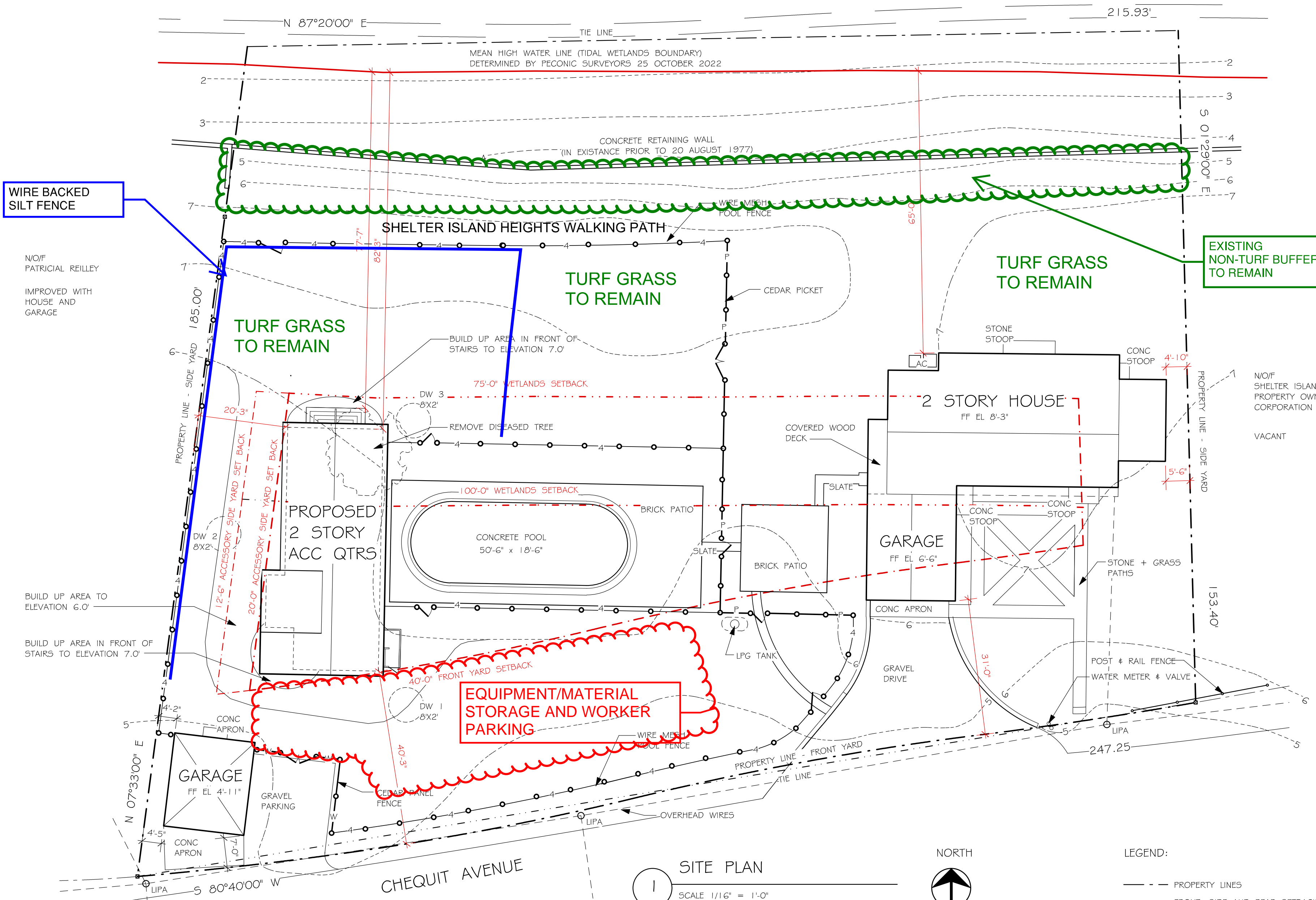
<b>JOB NO.</b> 20-18	<b>SCALE:</b>
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<b>DATE:</b> 16 DECEMBER 2022
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<b>TITLE</b> COVER PAGE
----------------------------

**A-00**

SHELTER ISLAND SOUND



SITE PLAN

SCALE 1/16" = 1'-0"

SITE PLAN BASED ON SURVEY BY:  
NATHAN TAFT CORWIN III, LAND SURVEYOR  
LAST REVISED 11 AUGUST 2008

MHWM MAPPED BY PECONIC SURVEYORS AND  
OVERLAID ON SITE PLAN BY ARCHITECT

ELEVATIONS REFERENCE TO NAVD 88 DATUM

PROPERTY CONNECTED TO THE SHELTER ISLAND  
HEIGHTS PROPERTY OWNERS CORPORATION  
WATER AND WASTE DISTRICTS



- LEGEND:
- PROPERTY LINES
  - - - FRONT, SIDE AND REAR SETBACKS
  - · - · - 75'/100'-0" WETLANDS SETBACK
  - - - - - EXISTING CONTOURS

LOT AREA  
38,443 SF (TO TIE LINES)  
.882 ACRES (TO TIE LINES)

SCTM #  
700-05-01-11

FEMA MAP 36103C0178H  
ZONE VE (ELEV 8 FEET)

ZONE AA (REVERTING TO A)

REVISIONS



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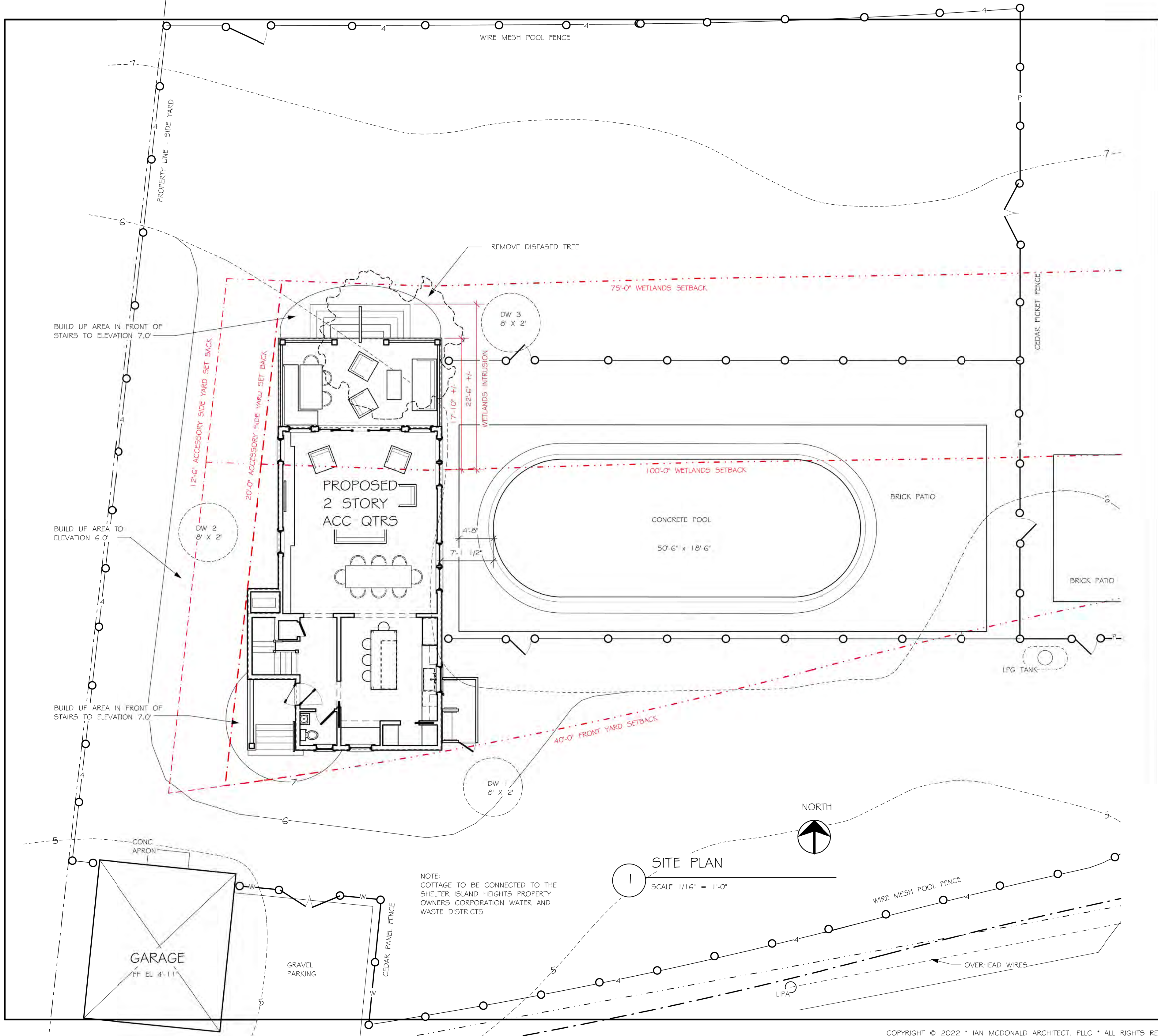
PROJECT  
SHEPHERD RESIDENCE  
7 CHEQUIT AVENUE  
SHELTER ISL HTS, NY 11965

JOI NO. 20-18  
SCALE: 1/16" = 1'-0"  
DATE: 16 DECEMBER 2022

TITLE  
SITE PLAN

A-03





REVISIONS



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SHELTER ISLAND, NY 11964  
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**PROJECT**  
SHEPHERD RESIDENCE  
7 CHEQUIT AVENUE  
SHELTER ISL HTS, NY 11965

<b>JOB NO.</b> 20-18	<b>SCALE:</b> 1/8" = 1'-0"
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**DATE:**  
16 DECEMBER 2022

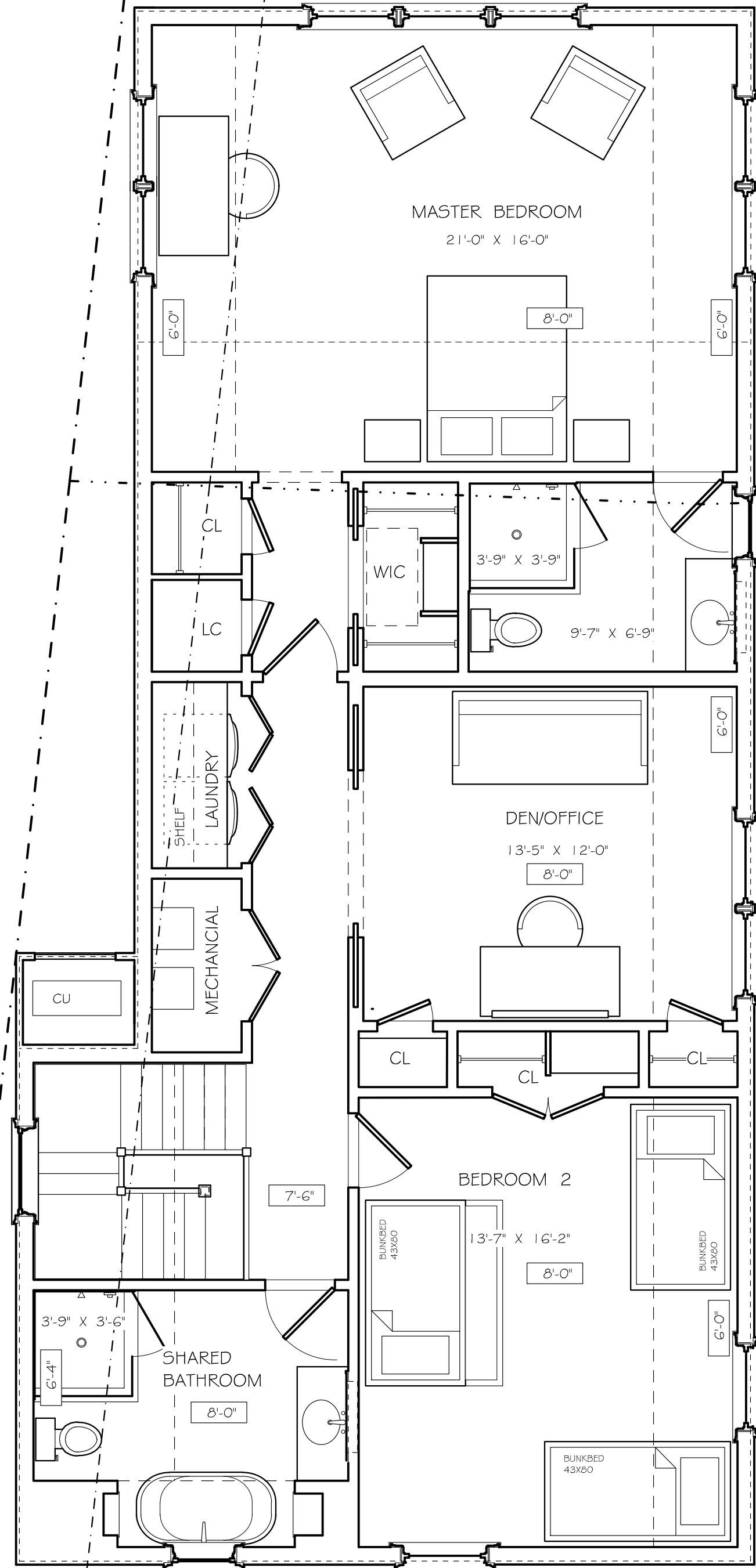
**TITLE**  
SITE PLAN -  
DETAIL

**A-04**

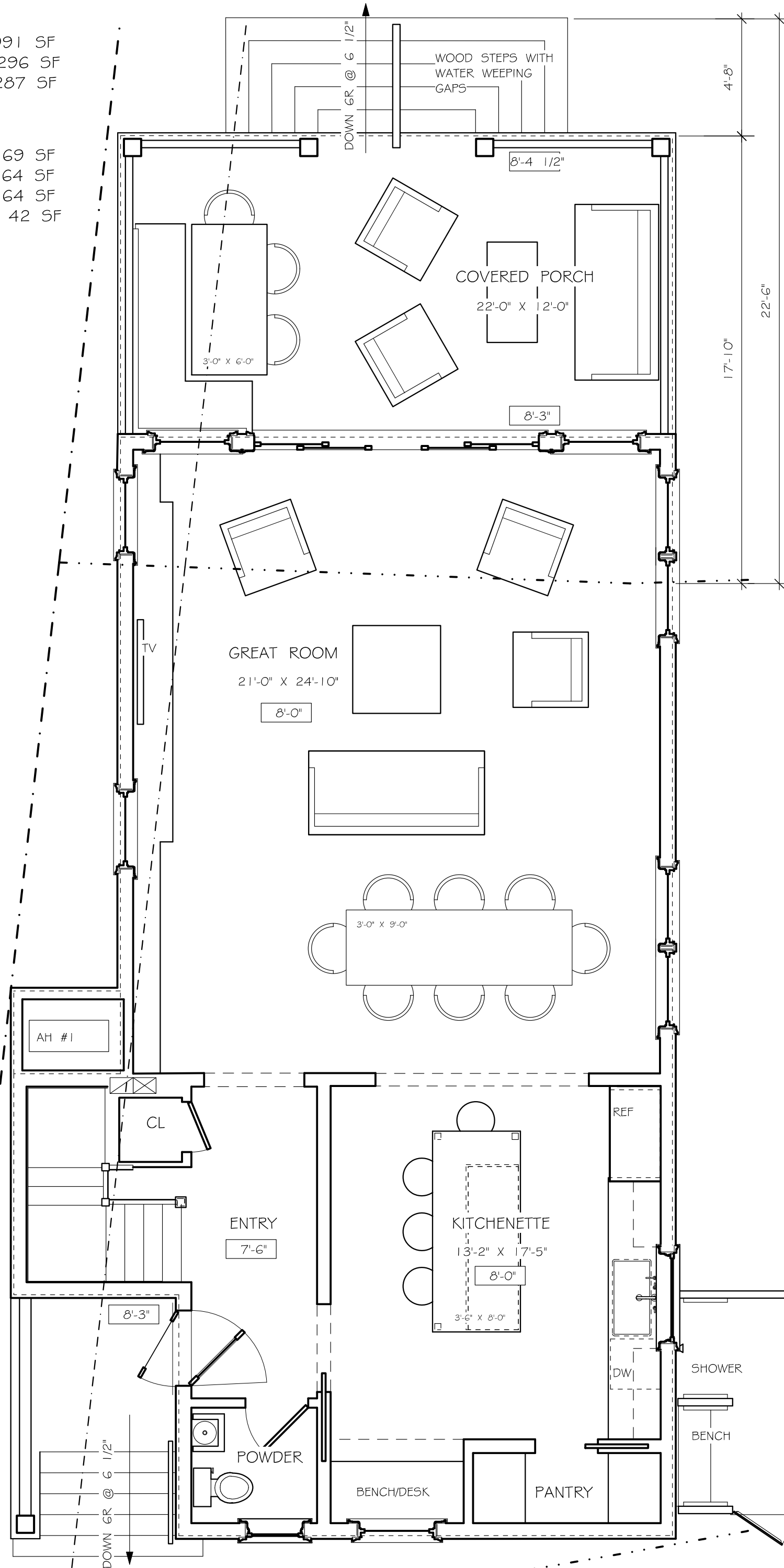


FIRST FLOOR 991 SF  
 SECOND FLOOR 1,296 SF  
 TOTAL 2,287 SF

FRONT STOOP 69 SF  
 COVERED PORCH 264 SF  
 REAR STEPS 64 SF  
 OUTDOOR SHOWER 42 SF



2 SECOND FLOOR PLAN  
 SCALE 1/4" = 1'-0"  
 NORTH



1 FIRST FLOOR PLAN  
 SCALE 1/4" = 1'-0"  
 NORTH

REVISIONS



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PROJECT  
 SHEPHERD RESIDENCE  
 7 CHEQUIT AVENUE  
 SHELTER ISL HTS, NY 11965

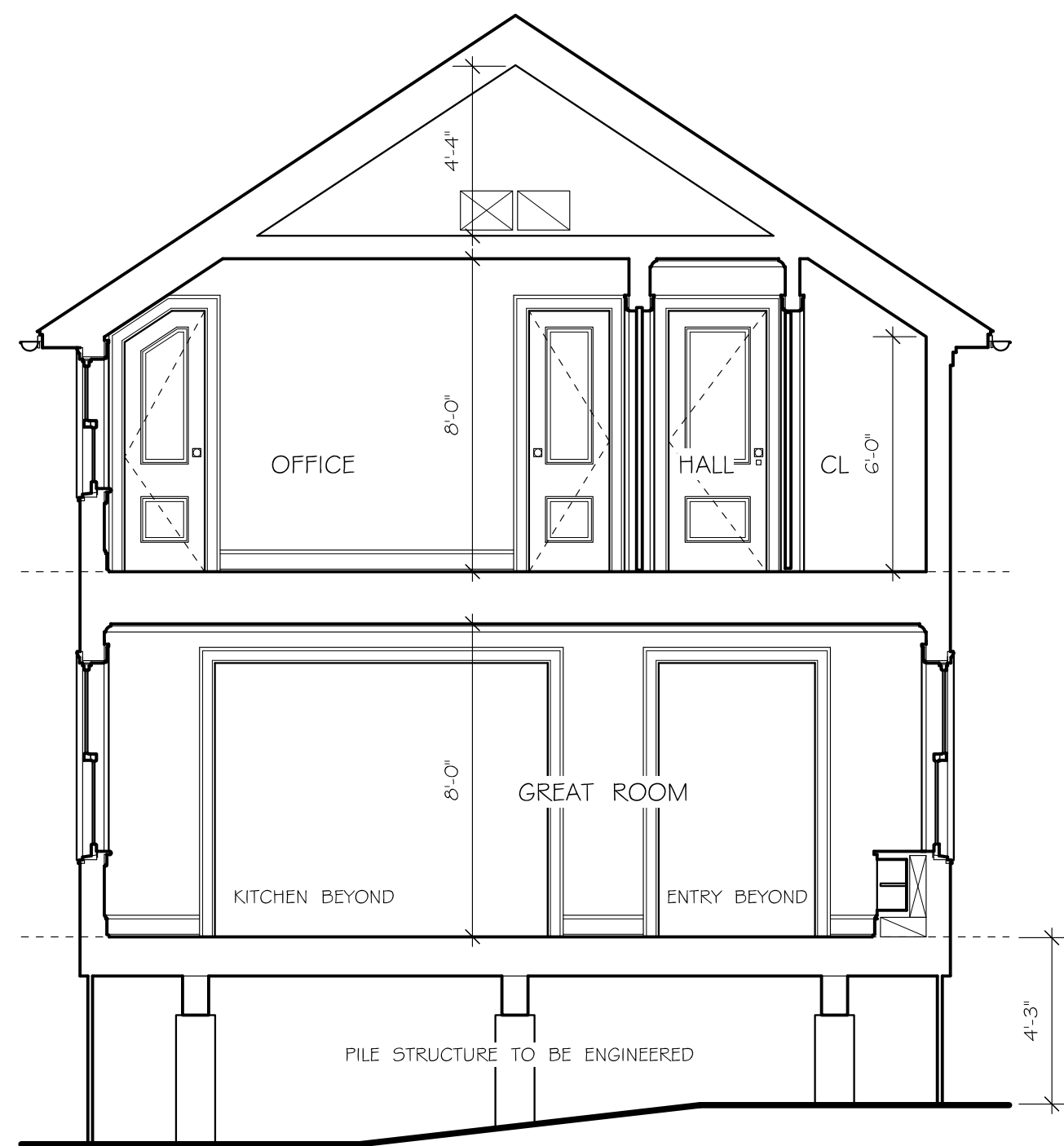
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DATE: 16 DECEMBER 2022

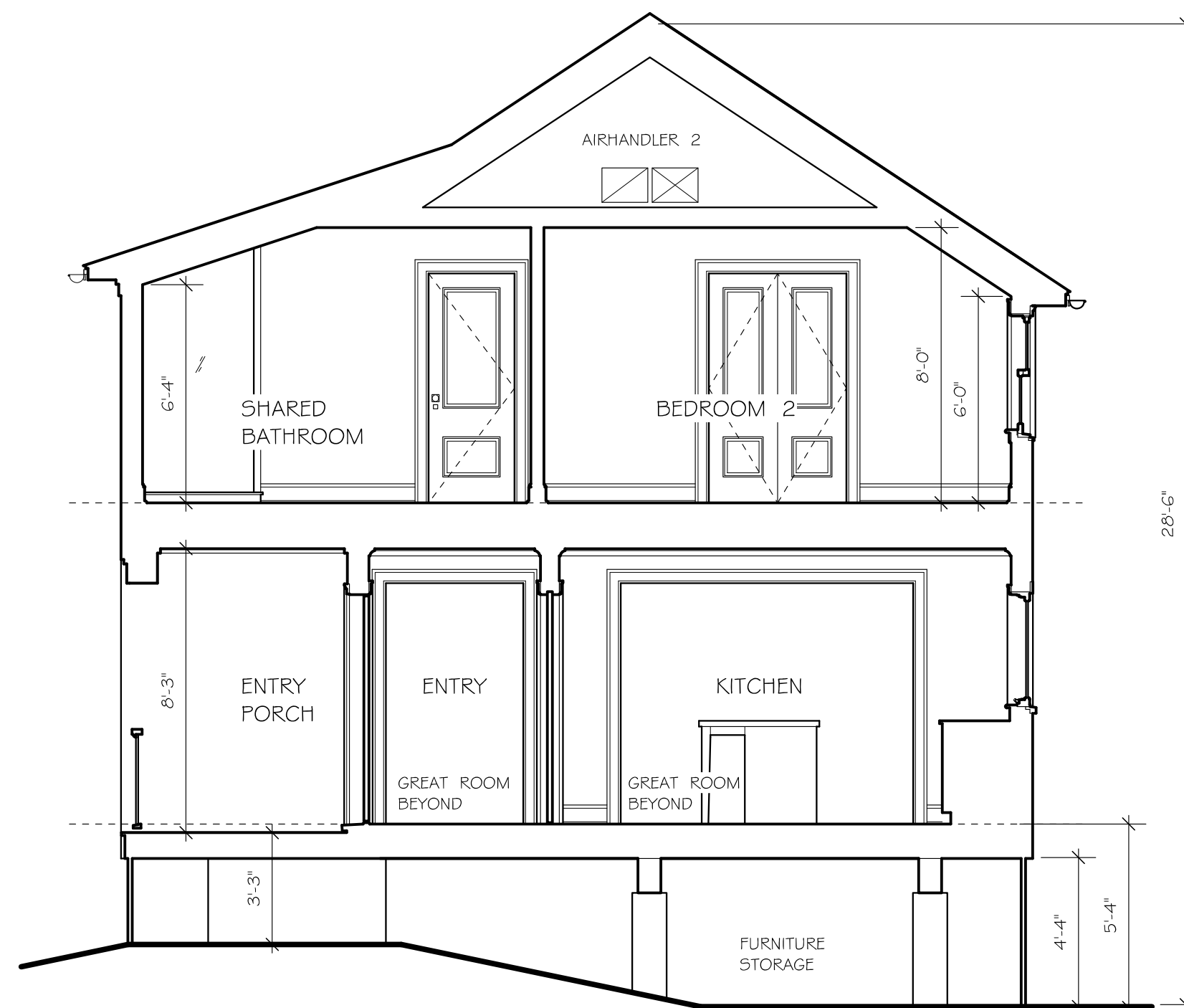
TITLE  
 PROPOSED PLANS -  
 COTTAGE

A-15

REVISIONS



2 SECTION AT LIVING ROOM  
SCALE 1/4" = 1'-0"



1 SECTION AT KITCHEN  
SCALE 1/4" = 1'-0"

IAN MCDONALD ARCHITECT, PLLC

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**PROJECT**  
SHEPHERD RESIDENCE  
7 CHEQUIT AVENUE  
SHELTER ISL HTS, NY 11965

<b>JOB NO.</b> 20-18	<b>SCALE:</b> 1/4" = 1'-0"
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**DATE:**  
16 DECEMBER 2022

**TITLE**  
GARAGE SECTIONS

A-20



2 FRONT ELEVATION - SOUTH

SCALE 1/4" = 1'-0"



1 SIDE ELEVATION - EAST

SCALE 1/4" = 1'-0"

REVISIONS



**IAN MCDONALD ARCHITECT, PLLC**

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**PROJECT**

SHEPHERD RESIDENCE  
7 CHEQUIT AVENUE  
SHELTER ISL HTS, NY 11965

**JOB NO.**

20-18

**SCALE:**

1/4" = 1'-0"

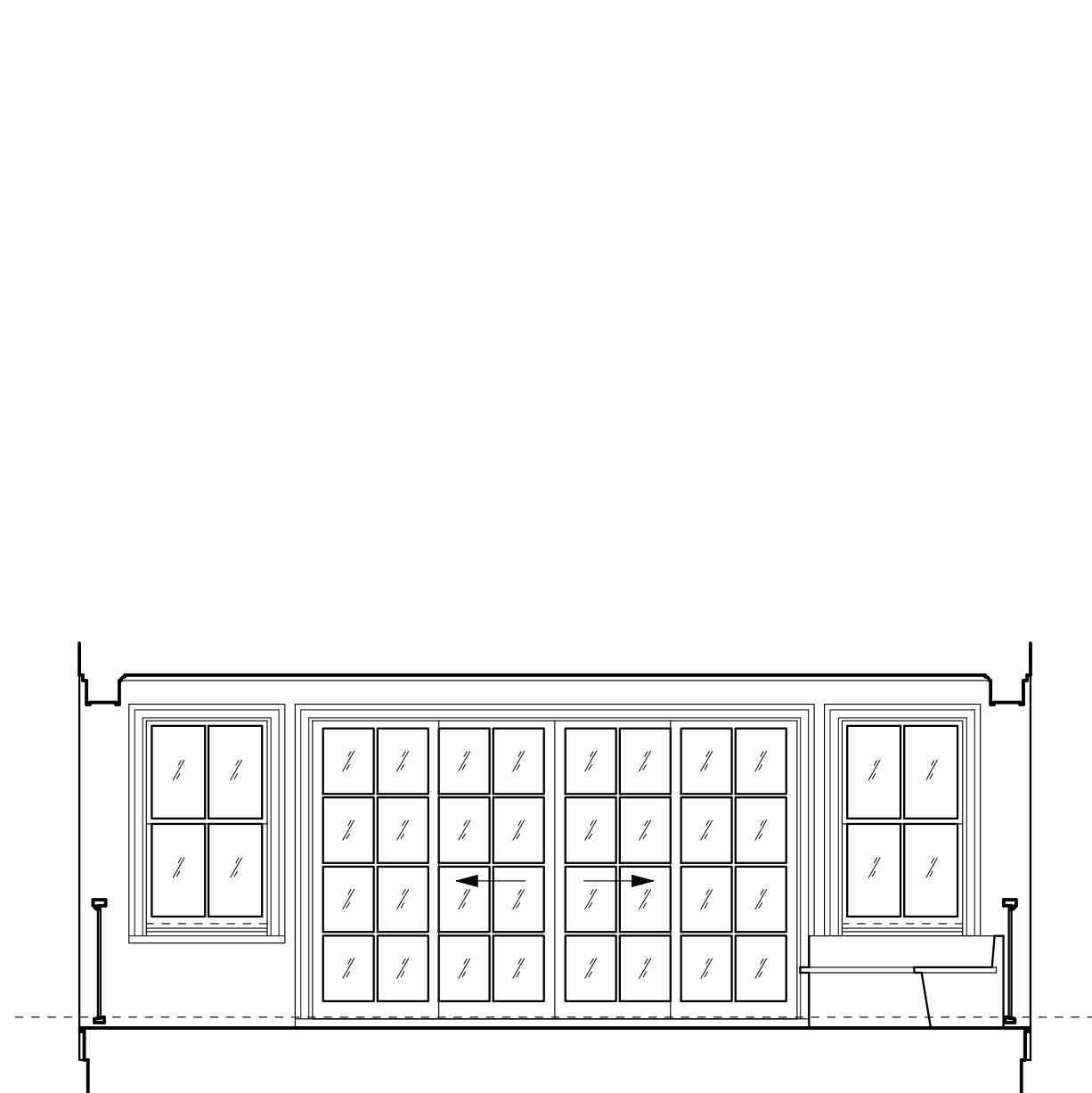
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16 DECEMBER 2022

**TITLE**

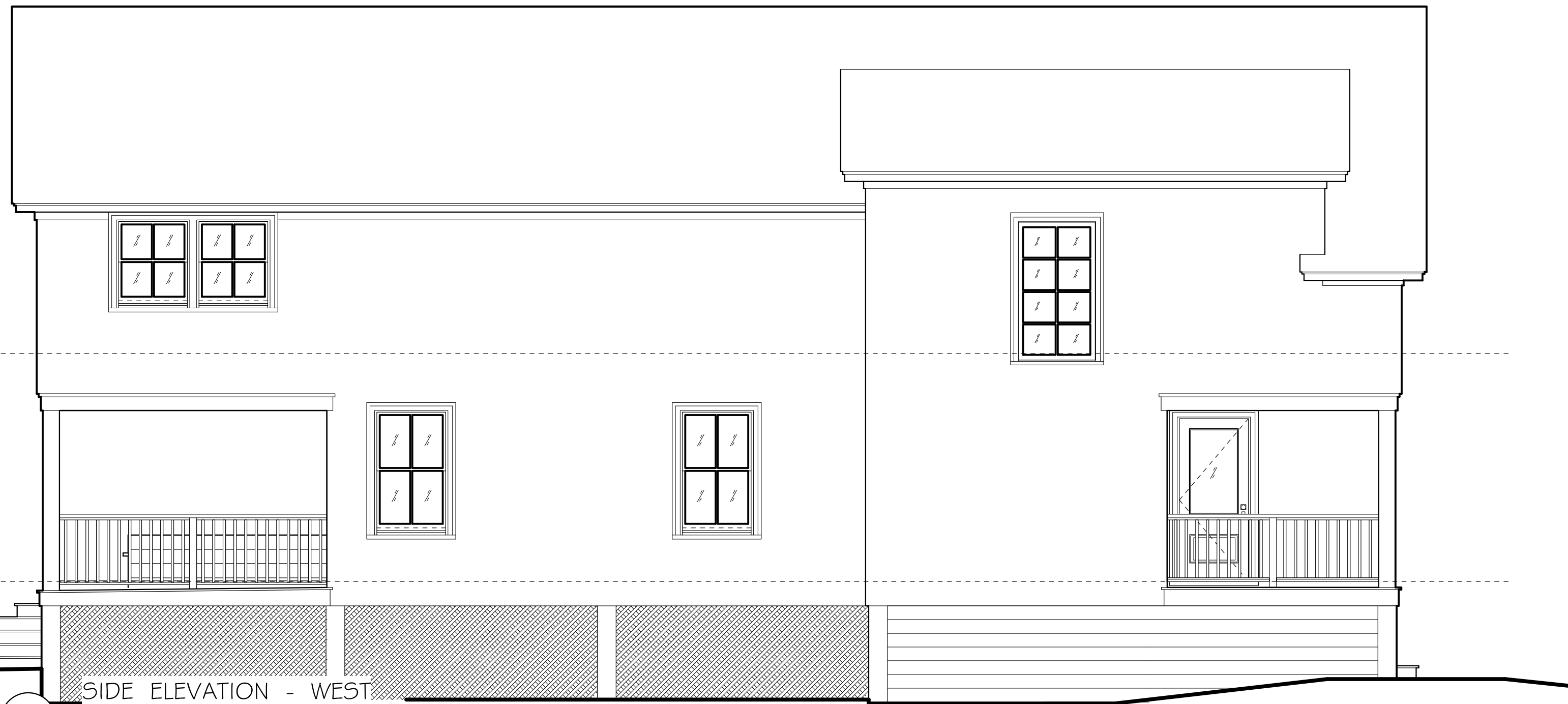
EXTERIOR ELEVATIONS-  
FRONT AND SIDE

**A-30**



2 REAR ELEVATION - NORTH

SCALE 1/4" = 1'-0"



1 SIDE ELEVATION - WEST

SCALE 1/4" = 1'-0"

REVISIONS



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**PROJECT**

SHEPHERD RESIDENCE  
7 CHEQUIT AVENUE  
SHELTER ISL HTS, NY 11965

**JOB NO.**

20-18

**SCALE:**

1/4" = 1'-0"

**DATE:**

16 DECEMBER 2022

**TITLE**

EXTERIOR ELEVATIONS-  
REAR AND SIDE

**A-31**