

## State may usurp Quogue development authority

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THE village of Quogue has such a hard time saying no to expansions of multimillion-dollar homes on Dune Road that state officials have taken the unusual step of threatening to revoke the village's authority to regulate coastal development along the fragile barrier beach.

A recent review by the state Department of Environmental Conservation singled out more than a dozen building projects along a 2-mile stretch of Dune Road that the agency said increased development in erosion-prone areas or damaged dunes that form the primary protection from flooding and storm damage.

The DEC said the village had either issued permits or granted variances that allowed the development to take place or had failed to enforce provisions of the village's own coastal erosion hazard law.

Among those projects: the \$8.6-million home of Daniel L. Doctoroff, president of the media company Bloomberg LP and a former New York City deputy mayor.

In Doctoroff's case, the review found that the village approved "reconstruction" that turned a 2,500-square-foot house into a 12,000-square-foot manse and encroached on the dune, according to the review.

Doctoroff, who made his fortune in investment banking, did not respond to requests for comment.

"When they allow development that diminishes the primary dune system . . . they're also diminishing the buffer that lies between the ocean, the waves and the mainland," said DEC spokeswoman Maureen Wren.

In one case, the agency said homeowners "cleared, excavated and graded" a large swath of dune to install a lawn, volleyball court and fence.

"That's not true," said homeowner Nathan Mistretta. "We got all the village permits that we had to get, and the dunes were never touched. . . . We went through a number of meetings, everything was done according to law."

The agency said Quogue's own erosion law conflicted with state law because the village allowed property owners to install small decks atop dunes.

In a letter to Quogue officials last month, Assistant DEC Commissioner James Tierney said the village had failed to enforce violations of its coastal erosion law and had issued permits that "demonstrate a fundamental misunderstanding of coastal processes."

Tierney gave the village 15 days to respond to the report and outline corrective measures to remedy the problem.

Quogue Mayor Peter Sartorius defended the village's record.

"We're definitely not cowboys out here trying to do whatever we want in violation of the coastal erosion hazard law," Sartorius said.

"Anything that was approved by the building inspector or the zoning board that the DEC is taking issue with, I believe there were good reasons for the actions taken."

Sartorius declined to discuss specific cases cited in the 98-page report, which he said village officials were still examining.

The village has asked for a deadline extension to give it time to properly respond to the DEC's allegations, he said.

At issue are the vulnerable stretches of shore known as Coastal Erosion Hazard Areas: the eroding margins where beaches, dunes and bluffs blunt the impact of waves and storm surge.

In New York State, activities in these areas are regulated to prevent what state law calls "inappropriate activities of man" that could diminish or eliminate those erosion-buffering functions.

Special permits are needed to expand existing properties there, which may be required to be moved landward away from the erosion zone. There are 35 such areas on Long Island.

The DEC has authorized 26 municipalities to administer and enforce their own coastal erosion laws.

The DEC report found that, in recent years, Quogue officials approved so-called "reconstruction" projects intended to allow for maintenance and minor restoration that instead resulted in existing houses "being gutted and replaced piece by piece in order to construct new homes."

In some cases, portions of the new homes remained inside the coastal erosion hazard area instead of being shifted landward. Building new homes in the coastal erosion hazard area is "a prohibited activity," the report said.

Wren said concerns about Quogue's coastal program dated back to 2008.

The homeowners are not in the crosshairs, she said. "The issue here is how the village has been implementing the permit process."