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Expansion of Lake Montauk's Largest Residential Dock Prompts Lawsuit

Concerned Citizens of Montauk filed suit against East Hampton Town following a June 28 decision by the Zoning Board of Appeals to permit an expansion of Lake Montauk's largest residential dock. The zoning board failed to comply with the State Environmental Quality Review Act and should have required an Environmental Impact Statement before approving this application, the suit alleges.

The Montauk-based non-profit environmental watchdog filed an Article 78 proceeding in State Supreme Court on July 28th after the Zoning Board of Appeals (ZBA) unanimously approved a variance and Natural Resources Special Permit for a 15-foot extension of the 149-foot dock, the relocation of existing pilings, installation of several new pilings and legalized a boat lift that has been in place for several years but was never authorized by the Town. The dock, owned by Peter Kalikow of Star Island Road, presently covers 1,600 square feet. Since 1996, East Hampton Town code has limited new residential docks to a total of 400 square feet.

In their most recent determination the Zoning Board of Appeals (ZBA) abandoned the terms of their prior approval for Mr. Kalikow that expressly stated that no further expansion of the dock would be permitted. Similarly, the June 28th determination did not take issue with a 2007 letter from long-standing ZBA Chairman Phillip Gamble stating that the boatlift installed on Mr. Kalikow's dock was installed without ZBA approval. As part of the current decision the ZBA not only retroactively legalized the boatlift but also allowed it to be moved to a new location.

Robert Stern, President of Concerned Citizens of Montauk (CCOM) questioned the ZBA's failure to stand by its earlier ruling. "The most vexing part of all this, aside from the devastating impacts to critical natural resources, is that the Town did not have the courage to stand by its prior determination in telling Mr. Kalikow that 'no more' means no more."

In testimony before the ZBA, Mr. Kalikow's attorney acknowledged that his client's existing dock contributed to the loss of an acre of eelgrass but argued that

building an even larger dock would actually be good for Lake Montauk. CCOM's lawsuit seeks, in part, to have Mr. Kalikow undertake a detailed environmental assessment that would test this claim through preparation of an Environmental Impact Statement. The State Environmental Quality Review Act (SEQRA) requires such review when a project "may have potentially significant adverse impacts on the environment."

CCOM's current lawsuit is the second the organization has brought over Mr. Kalikow's dock. In 1992 the environmental group won an Article 78 suit challenging the original dock approval when the court determined the ZBA approval failed to comply with Town code and failed to comply with SEQRA.

"This is deja vu all over again," said Bob Stern, President of Concerned Citizens of Montauk. "When is enough enough? When will the ZBA stand up for what is in the best, long-term interest of all those who depend upon and enjoy Lake Montauk? Our natural resources are the driver of our local economy. The ZBA cannot continue to pile known impacts on top of known impacts, continue to permit the degradation of critical habitat, and then claim they have no responsibility for the collapse of these already-imperiled natural systems. CCOM was left with no choice but to stand up and say 'no.' We had to file this suit."

"I fear the ZBA may have set a horrible precedent enabling the transformation of southern Lake Montauk from a critical habitat struggling to function into a dead body of water ringed with enormous docks" said Mr. Stern. An analysis by East Hampton Town Natural Resources Director Larry Penny has projected that 150 additional docks could be built in Lake Montauk.

Lake Montauk is a NY State designated Significant Coastal Fish and Wildlife Habitat, a Scenic Area of Statewide Significance and a Peconic Estuary Program Critical Environmental Area.

For additional comment or information, please call or email:

Robert Stern, President, CCOM

(631) 238-5720 or drbobstern@gmail.com

James Henry, Principal, The Northern Environmental Law Center

(631) 725-5205 or jhenry2@sagharbor.com