

TOWN OF SOUTHAMPTON

Department of Land Management
Environment Division
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

Phone: (631) 287-5710
Fax: (631) 287-5706



JAY SCHNEIDERMAN
TOWN SUPERVISOR

KYLE P. COLLINS, AICP
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

MARTIN SHEA
CHIEF ENVIRONMENTAL ANALYST

ADMINISTRATIVE WETLANDS PERMIT Chapter 325 of the Town Code

PERMIT NO.: WAT190006 TRANSFER OF CONSERVATION BOARD WETLANDS PERMIT NO. CB17038
EFFECTIVE DATE: 10/02/2019 EXPIRATION DATE: 09/18/2020
PERMIT ISSUED TO: Jason Flom
ADDRESS OF PERMITTEE: 230 West 56th Street, Apt. 67D, New York, NY 10019
CONTACT PERSON FOR PERMITTED WORK: Andrew H. Baird, Permit Administrator, First Coastal Corporation,
P. O. Box 1212, Westhampton Beach, NY 11978 Telephone: (631) 288-2271
LOCATION OF PROJECT: 15 Bay Street, North Sea
SCTM NO. 0900-057-01-21

Description of Permitted Activity: Transfer of Conservation Board Wetlands Permit No. CB17038, which was issued to 15 Bay Street Corporation on September 18, 2017, to Jason Flom, in order to grant approval to remove existing concrete debris and rubble at the base of a naturally vegetated bluff and on bay beach, located approximately 20 feet from wetlands; to construct a new 95 ft. X 20 ft. rock revetment, and to cover the revetment and bluff face with bay beach/bluff compatible sand, located approximately 20 feet from wetlands; to install beachgrass plugs and other Town approved native vegetation on the re-graded bluff face and upper beach, as well as within proposed buffer extending approximately ten (10) feet to eleven (11) feet landward of the top of bluff, located 20 feet from wetlands; to establish a covenanted restored naturally vegetated wetland non-disturbance/non-fertilization buffer, covering the restored upper beach, bluff face and land extending approximately 10 feet to 11 feet landward of the top of bluff or bluff crest; to redirect drainage away from the bluff to other drywells, located at least thirteen (13) feet landward of the top of bluff; to remove existing drainage pipes from the bluff, as well as an existing drain located 7 feet landward of the top of bluff; to remove and replace the existing wooden bluff stairway with a light penetrable decked elevated stairway, supported by untreated wood posts on the bluff, to provide for pedestrian access from the residence to the beach; and to re-nourish the rock revetment upon future exposure, if deemed necessary, at existing residentially developed property fronting the Little Peconic Bay and containing town and state regulated tidal wetlands, inclusive of open waters and beaches, in North Sea Beach Colony, North Sea, Town of Southampton, Suffolk County, New York, **in accordance with the survey prepared by Lester Holden dated December 17, 2015, last revised June 6, 2017.**

Findings: The project meets all the requirements for issuance of an Administrative Wetlands Permit set forth in Chapter 325 of the Town Code. The issuance of Administrative Wetlands Transfer Permit No. WAT190006 is conditioned upon the protection of all on-site wetlands and maintenance of a naturally vegetated non-disturbance/non-fertilization buffer pursuant to the covenant recorded with the Suffolk County Clerk on September 14, 2017, Liber No. D00012929, Page 690.

CHIEF ENVIRONMENTAL ANALYST: Martin E. Shea TELEPHONE: (631) 287-5710
ADDRESS: Town of Southampton, 116 Hampton Road, Southampton, New York 11968

A handwritten signature in black ink, appearing to read "Martin E. Shea", is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

AUTHORIZED SIGNATURE
DATE: October 2, 2019
MES: co

Special Conditions:

1. All activities authorized by this permit shall be in strict conformance with the survey prepared by Lester Holden dated December 17, 2015, last revised June 6, 2017.
2. A “naturally vegetated wetland non-disturbance/non-fertilization buffer” shall be established and maintained, pursuant to the covenant recorded with the Suffolk County Clerk on September 14, 2017, Liber No. D00012929, Page 690.
3. The required covenanted naturally vegetated wetland non-disturbance/non-fertilization buffer shall be shown on all future surveys submitted to the Town of Southampton.
4. All work shall be in accordance with the “15 Bay Street Corp. Property Drawing No. BLUFF-B”, prepared by First Coastal Corporation, dated October 23, 2015, last revised February 27, 2017 and the “15 Bay Street Corp. Property Drawing No. REVET-XC, prepared by First Coastal Corporation, dated February 23, 2017.
5. The existing disturbed portions of the required covenanted wetland non-disturbance/non-fertilization buffer, shall be restored to native vegetation, in accordance with the “15 Bay Street Corp. Property Drawing No. BLUFF-B”, prepared by First Coastal Corporation, dated October 23, 2015, last revised February 27, 2017 and the “15 Bay Street Corp. Property Drawing No. REVET-XC, prepared by First Coastal Corporation, dated February 23, 2017.
6. If any portion of the required covenanted wetlands non-disturbance/non-fertilization buffer is to be restored to natural vegetation by allowance for natural recovery and vegetative succession, all mowing shall be discontinued upon issuance of the wetlands permit. A Certificate of Wetlands Compliance will not be issued until there is visual evidence of significant natural recovery and vegetative natural succession.
7. Traffic of all types, vehicle, machine, pedestrian, etc., will be prohibited from any and all existing dunes, except for those vehicles necessary for the approved activity.
8. **REQUIRED LONG TERM MAINTENANCE PROGRAM** – Issuance of the Conservation Board Wetland Permit Application No. A160567 is strictly conditioned upon the following:
 - a) Consultation with the Town’s Chief Environmental Analyst, or his designee, to cause an annual assessment of the subject bluff area, weather permitting, between March 1st and March 15th of each year.
 - b) In the event that the assessment concludes that the bluff/rock revetment has been substantially exposed (which shall generally mean that 30 percent or more of the coverage of the rock revetment/stone armor has been exposed), the applicants will undertake to restore the bluff/rock revetment area through the deposition and grading of beach/bluff compatible sand in an amount sufficient to cover the exposed portions of the stone.
 - c) The bluff restoration work will be performed, in consultation with the Town of Southampton Chief Environmental Analyst, prior to the commencement of Piping Plover season on April 1st if practicable to do so. If it is not practicable to complete the work prior to April 1st, due to weather or other conditions, the restoration will be performed under the supervision of the Town Environment Division and/or if necessary, as early as practicable in the fall after the conclusion of the Piping Plover season.

- d) **A Town Administrative Wetland Permit renewal shall be obtained for any required bluff/beach restoration after the expiration of the Conservation Board Permit CB17038.**
 - e) **The Chief Environmental Analyst will be provided sufficient notice of the re-nourishment work to allow inspections thereof and shall confirm the completion of the re-nourishment work with a final inspection.**
 - f) **Upon exposure of the revetment, in excess of the specified thresholds, bluff restoration, utilizing clean compatible bluff sand, shall be completed, subject to an Administrative Wetland Permit and/or renewal of the Conservation Board permit, consisting of the following:**
 - i. **All exposed stone or boulders shall be sand buried to a depth of at least two (2) vertical feet.**
 - ii. **The restored bluff shall be graded so as to tie in with the top of the most seaward escarpment landward of the revetment.**
 - iii. **The slope of the restored bluff shall be graded so as to tie in with the existing grade of beach at the time of the bluff restoration.**
 - g) **All sand deposition, burial, and re-nourishment shall be accomplished using clean bay beach/bluff compatible sand, of equivalent or larger grain size and free of debris, rocks, plants or other such material.**
 - h) **The Town shall be entitled to enter upon the subject property at reasonable times for the purpose of making inspections to determine if there has been continuing compliance with the terms of this permit.**
9. **All man-made storm debris, including, among others timber, fencing, walkways, and other structural or landscape debris shall be removed from the bay fronting bluff and beach, as part of the authorized activities, in order to prevent further risk to human safety and/or damage to structures, as a result of air or water borne debris.**
10. **All fill material utilized for bluff construction, backfill and/or bluff/beach re-nourishment shall consist of clean, un-contaminated compatible sand, of equivalent or larger grain size and free of debris, rocks, plants or other such material. The placement of loam or topsoil or other material such purposes is strictly prohibited.**
11. **The landowner/applicant/agent is responsible for contacting the Town prior to commencing any activities, inclusive of Erosion Control Measures and/or structural repairs, which are not specifically authorized by this Conservation Board Wetland Permit.**
12. **Prior approval needs to be obtained from the Town of Southampton, and/or other agency or private owners of right to any right-of-ways or access ways being used by construction equipment for the purpose of this project.**
13. **This project is within a potential identified endangered species nesting area. Prior to the commencement of any construction activities, the applicant shall seek a determination, from the Town of Southampton Environment Division and/or Southampton Board of Trustees, as to whether any identified endangered species will be disturbed by construction activities. Should it be determined that there is a potential impact to the endangered species will the following conditions must be adhered to, to ensure that no disturbance to endangered/threatened species occurs as a result of the permitted activities.**

- a. No work may commence during the period between April 1 through August 31 of any year unless otherwise authorized by the Town of Southampton Chief Environmental Analyst and/or the Southampton Town Trustees. If such authorization is granted and the Town of Southampton Chief Environmental Analyst or Trustees observes the presence of endangered/threatened species in the project area, or determines that activities are disturbing protected animals, the permittee must stop all work at the site unless the Chief Environmental Analyst or Trustees notifies the permittee that work may resume.
 - b. By acceptance of this permit, the permittee hereby grants permission to the Town of Southampton and/or Southampton Town Trustees authorized conservation group and/or other government agency, to install appropriate fencing and/or signage, when deemed necessary by the Town, for the purpose of protecting the endangered and/or threatened shorebirds, which nest on the ocean beach and dunes.
14. No CCA, creosote, Penta products, ACQ, copper azole, culpeper or any homemade wood preservative treatments may be used on the bluff access stairway.
15. Leaders and gutters, directing roof runoff into subsurface drywells, shall be installed, to minimize stormwater runoff.
16. Any work or disturbance, and storage of construction materials shall be confined to the limit of clearing and/or ground disturbance shown on the approved plans.
17. Prior to the commencement of any construction activities, a continuous line of trenched in wire backed silt screen (maximum opening size of U.S. Sieve #20) shall be staked at the downslope edge of the proposed construction and land disturbance activities. The screen shall be maintained, repaired and replaced as often as necessary to ensure proper function, until all disturbed areas are permanently vegetated. Sediments trapped by the screen shall be removed away from the screen to an approved upland location before the screen is removed.
18. Silt fencing shall be recessed by trenching six inches into the ground.
19. All areas of soil disturbance resulting from project shall be re-vegetated, and mulched immediately upon completion of the project, within two (2) days of final grading, or by the expiration date of the wetland permit, whichever is first. Mulch shall be maintained until a suitable vegetative cover is established. If re-vegetation is impractical due to time of year, temporary mulch shall be applied and final re-vegetation performed as soon as weather conditions favor germination and growth.
20. Suitable vegetative cover is defined as a minimum of 85% area vegetative cover with contiguous unvegetated areas no larger than 1 square foot in size.
21. All construction access ways shall be raised sufficiently at their site access locations with the existing roads, to prevent runoff of water, silts and sediments from being directed or discharged onto the road. A non-loam base material, such as crushed stone, gravel, or recycled concrete base, shall be placed across the driveway or construction access way at the access point along the road.

- 22. Prior to any construction or land disturbance, the applicant shall prominently display said Conservation Board Wetlands Permit on the premises facing each public street on which the property abuts. The permit sign shall not be set back more than ten (10) feet from the street line and shall not be less than two (2) or more than six (6) feet above the grade at the street line. The permit sign shall be displayed until all permitted work is complete and a Wetland Certificate of Compliance has been issued by the Town Environment Division. The applicant shall also keep a copy of the plans and specifications on site open to inspection by the Chief Environmental Analyst or his authorized representative at all reasonable times.**
- 23. A Certificate of Wetlands Compliance needs to be applied for and obtained upon completion of all permitted activities.**
- 24. Two (2) copies of a final "As-Built" survey shall be submitted with the Certificate of Wetlands Compliance application.**

General Conditions of Permit:

1. The permittee shall notify the Town of Southampton Environment Division at least 24 hours in advance of the time work is to commence. Permittee shall also notify the Town of Southampton Environment Division when work has been completed.
2. The permitted work shall be subject to inspection by authorized Town officials who may suspend work if the public interest so requires.
3. As a condition of the issuance of this permit, the applicant has accepted expressly, by the execution of the application, the full legal responsibility for all damages, direct or indirect, of whatever nature, and by whom suffered, arising out of the project described herein and has agreed to indemnify and save harmless the Town from suits, actions, damages and costs of every name and description resulting from the said project.
4. All work carried out under this permit shall be performed in accordance with established engineering practice and in a workmanlike manner.
5. The Town reserves the right to reconsider this approval at any time as circumstances require, after due notice and hearing, to continue, rescind or modify this permit in such a manner as may be found to be just and equitable. If, upon the expiration or revocation of this permit, the work hereby authorized has not been completed, the Board may require the applicant, without expense to the Town, and to such extent and in such time and manner as the Town may require, to remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the Town on account of any such removal or alteration.
6. This permit shall not be construed as conveying to the applicant any right to trespass upon the lands or interfere with riparian rights of others to perform the permitted work or as authorizing the impairment of any rights, title or interest in real or personal property held or vested in a person not a party to the permit.
7. The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way, which may be required for this project.
8. By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the special conditions listed below.
9. The permittee or his agent must submit a written request for any modifications, renewals or transfers of this permit. Major modifications or revisions to this project may require the submission of a new application. If an extension of time is needed to complete the project, the permittee or his agent must submit a written request briefly explaining the circumstances. Such request must be made in writing and delivered to the Conservation Board at least 30 days prior to the permit expiration date. Should the affected property be sold to a new owner, the permit must also be transferred to the new owner. A transfer of permit may be granted upon request by the new owner when accompanied by written consent from the prior permit owner and upon payment of the required fee.
10. Any and all construction activities that disturb greater than one (1) acre of land (43,560 square feet) will require a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Chapter 285 of the Town Code. The SWPPP needs to be reviewed and approved, by the Town of Southampton Department of Municipal Works' Engineering Division, prior to issuance of a building permit.