

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

# TOWN OF SOUTHAMPTON



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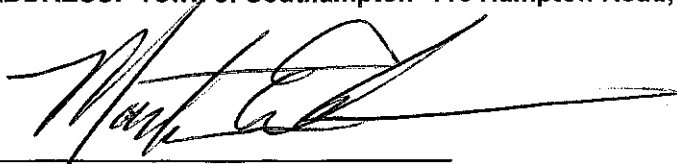
**ADMINISTRATIVE WETLANDS PERMIT  
CHAPTER 325  
OF THE TOWN CODE**

**PERMIT NO: WAP20051 EFFECTIVE DATE: 08/14/2020 EXPIRATION DATE: 08/14/2023**  
**PERMIT ISSUED TO: George Bertero and Christine Bertero**  
**ADDRESS OF PERMITTEE: c/o Dynamic Legal Services**  
**61 Channing Cross, Hampton Bays, NY 11946**  
**CONTACT PERSON FOR PERMITTED WORK: Kevin Springer, Dynamic Legal Services**  
**LOCATION OF PROJECT: 46 Bay View Drive East, Noyac**  
**SUBDIVISION: Lots 569 and 570, Section 2 Map of Bay Point**  
**SCTM NO.: 900-9-3-79**

**Description of Permitted Activity:** To abandon the existing sanitary system, by pumping the system clean, by removing the system and backfilling the remaining disturbed and excavated area with clean compatible uncontaminated sand, in accordance to Suffolk County Department of Health Services (SCDHS) requirements, located approximately 37 feet from bulkheaded wetlands; to install a new innovative/alternative on-site wastewater treatment system, consisting of one (1) treatment tank and six (6) leaching galleys, in accordance with SCDHS requirements, located greater than 50 feet from bulkheaded wetlands; to re-configure and expand the existing pervious driveway, located approximately 48 feet landward of bulkheaded wetlands; to construct two (2) sets of seaside entry steps, located greater than 50 feet landward of bulkheaded wetlands; to install a waterproof sleeve round the existing water main, connecting the dwelling to the street main, located greater than 50 feet landward of bulkheaded wetlands; and to construct a covered front entry, located on the landward side of the dwelling, greater than 50 feet from bulkheaded wetlands, at residentially developed property having a functional bulkhead, having frontage on Sag Harbor Cove, **in accordance with the survey F. Michael Hemmer, dated June 9, 2017, last revised June 19, 2020.**

**Findings:** Issuance of Administrative Wetlands Permit No. WAP20051 will allow for the replacement of an existing sanitary system with a new innovative/alternative on-site wastewater treatment system. Such action will not cause any undue adverse impacts to wetlands.

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

  
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**AUTHORIZED SIGNATURE**  
**DATE: August 14, 2020**  
**MES:ctm**

### NOTIFICATION OF PERMITTEE OBLIGATIONS

#### **Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee agrees to indemnify and hold harmless the Town of Southampton, its representatives, employees, agents, and assigns for all claims, suits, actions, damages, and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.

#### **Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions or violations of Chapter 325 of the Code of the Town of Southampton as those prescribed for the permittee.

#### **Permittee Responsible for Obtaining other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements, and rights-of-way that may be required to carry out the activities authorized by this permit.

#### **No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to this permit.

### GENERAL CONDITIONS OF ADMINISTRATIVE WETLAND PERMIT

#### **Strict Compliance with Permit**

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with Chapter 325 of the Code of the Town of Southampton, the Permittee Obligations and General Conditions specified, as well as any Special conditions included as part of this permit. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.

#### **Site Inspection by the Town**

The permitted site, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Town of Southampton to determine whether the permittee is complying with this permit and Chapter 325. A copy of this permit must be displayed prominently on the premises facing each public street and be available for inspection by the Town at all times at the project site.

#### **Notification of Commencement of Permitted Work**

The permittee shall notify the Town of Southampton Environment Division at least 24 hours in advance of the time work is to commence, by completing and submitting the Administrative Wetlands Permit Notice of Commencement of Construction form. Permittee shall also notify the Town of Southampton Environment Division when work has been completed.

#### **Applications for Administrative Wetland Permit Renewals**

The permittee must submit a separate written application to the Town for renewal or transfer of this permit. Such application must include any forms or supplemental information the Town requires. The renewal or transfer granted by the Town must be in writing. The permittee must submit a renewal application prior to the permit expiration date.

**GENERAL CONDITIONS OF ADMINISTRATIVE WETLAND PERMIT (cont.)**

**Permit Revocations by the Town**

The Chief Environmental Analyst may suspend or revoke an administrative wetlands permit theretofore issued in the following instances:

1. Where he finds that there has been any false statement or misrepresentations as to a material fact in the application, plans, or specifications on which the administrative wetlands permit was based;
2. Where he finds that the administrative wetlands permit was issued in error and should not have been issued in accordance with the applicable law;
3. Where he finds that the work performed under the permit exceeds the scope of the application for which the permit was issued or there is a violation of one or more conditions of the permit.

**Stormwater Pollution Prevention**

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.

**The Town may require covenants, easements, performance/maintenance bonds or other similar documents as a Special Condition of Wetland Administrative Permits to assure that the conditions of the permit and the provisions of Chapter 325 are complied with.**

**SPECIAL CONDITIONS OF ADMINISTRATIVE WETLANDS PERMIT**

1. All activities authorized by this permit shall be in strict conformance with the survey prepared by F. Michael Hemmer, dated June 9, 2017, last revised June 19, 2020.
2. Any project modifications require prior Environment Division approvals or Administrative Wetlands Permits.
3. 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, as well as landward of wetlands and required wetland buffers, easements and/or other restricted or covenanted protected zones, unless otherwise directed by the Environment Division. 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. The wire backed silt fence shall be a minimum of 14 gauge wire, with a six-inch (6") mesh spacing. The 36-inch posts must be driven a minimum of 16-inches into the ground and set no more than ten feet apart.
4. Silt fencing shall be recessed by trenching six inches into the ground.
5. Proposed driveways shall be constructed of permeable materials. The use of oil and stone driveway material for the purpose of driveway construction is prohibited.
6. 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.

7. 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.
8. 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.
9. Prior to any construction or land disturbance, the applicant shall prominently display said Administrative 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.
10. The applicant shall 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.
11. In accordance with the "Permission to Inspect" form signed by the owner/applicant, the Town of Southampton Environment Division has been granted permission to enter and inspect the subject property, and said consent shall remain in effect until this Administrative Wetlands Permit expires or a Certificate of Wetlands Compliance is issued, whichever occurs first. Town Environment Division staff may enter the property without prior notice between 7:00 am and 7:00 pm, Monday – Friday. If the property is posted with "keep out" signs or fenced with an unlocked gate, Town Environment Division staff may still enter the property. Town Environment Division staff may take measurements, analyze site physical characteristics, take soil or vegetation samples, sketch and photograph the site.
12. A Certificate of Wetlands Compliance needs to be applied for and obtained upon completion of all permitted activities. In the event that the Environment Division determines that the property is not in compliance with all of the terms and conditions of this permit, the applicant will need to submit additional applications for a Certificate of Wetlands Compliance.
13. Two (2) copies of a final "As-Built" survey shall be submitted with each Certificate of Wetlands Compliance application.