



BOARD OF TRUSTEES
OF THE FREEHOLDERS AND COMMONALTY OF THE
TOWN OF SOUTHAMPTON
116 HAMPTON ROAD
SOUTHAMPTON, NEW YORK 11968
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Eric Schultz
PRESIDENT
Scott M. Horowitz
SECRETARY/TREASURER
Edward J. Warner, Jr.
William Pell IV
Ann E. Welker

TRUSTEES PERMIT

PERMIT NO: GP000353

ISSUED: December 03, 2021

EXPIRES: December 03, 2022

APPLICANT: Land Use Ecological Services, Inc

SCTM#: 473689 395.000-0001-001.000

OWNER: Southampton Town

ADDRESS: Underwater Land,

STATUS: Permit Issued

WATER BODY/LOCATION: Shinnecock Bay

Permission is hereby granted for:

INSPECTION AREA

N/A

For the installation of 3,400 lf of HDPE water main (typical 25-ft below channel bed) under Shinnecock Bay to replace an existing 8 to 10-in concrete-line ductile iron water main to improve water service to the existing commercial and recreational uses along Beach Road to between Ponquogue Bridge and Shinnecock Inlet. The proposed drill launching and receiving pits are located within the limits of existing paved and parking area at Old Ponquogue Bridge (North) Park and the Warner Marine Park. Equipment staging will occur within limits of existing paved surfaces. Please refer to attached Project Description for the premises located at 49 Lighthouse Road & 275 Dune Road, Hampton Bays, (SCTM No.900-374-2-2 & SCTM No. 900-395-1-2); and be it

FURTHER RESOLVED, the following conditions shall apply:

Any and all fees shall be deemed waived as applicant is a governmental authority undertaking said project for preservation of public access to waterways.

NO CHEMICALLY TREATED WOOD OR PRESERVATIVES MAY BE USED ON THIS STRUCTURE

This scope of this permit shall be applicable only to the work expressly set forth in the description of permitted work listed above. Anything shown on a survey that is not set forth in the permitted work description above shall not be considered to have been approved by the Trustees pursuant to the within permit.

Subject to and conditioned upon the Permittee complying with the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton Rules and Regulations for the Management and Products of the Waters in the Town of Southampton and upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.

Permission is hereby granted to perform or install said work subject at all times to the application filed with this Board and the rules of this Board, now in force or hereafter enacted.

This permit shall be subject to cancellation at any time by the Board of Trustees. No extension of this permit shall be granted except for good cause shown and upon written application.

SPECIAL CONDITIONS

General Permit Conditions

- The Trustees' office (631-287-5717) **shall be notified** within 24 hours **prior** to the commencement of any project subject to an approved permit. Commencement and Completion notice must be mailed to Trustee's office.
- Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Southampton Town.

By Order of the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton

Scott M. Horowitz, Secretary/Treasurer

Eric Schultz, President

BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON
RULES & REGULATIONS - ARTICLE VII REGULATING DREDGING, DOCKS, BULKHEADING AND CHANNELS

Section 1 - Permits required

- A. No person shall engage in any of the following activities in Town waters or the bottoms of the Town waters or the bay beach area or ocean beach area as defined herein unless authorized by a permit issued by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton:
- 1) Clear, dig, dredge or in any way add to, alter or remove any material;
 - 2) Place or deposit, or permit to be placed or deposited, any debris, fill, sand, gravel, artificial beach nourishment or other material, including vegetation, rocks, sand fencing and rip-rap;
 - 3) Erect, construct, reconstruct, alter, enlarge, drive or place any structure, including a dock, pile, tie-off poles, moorings, or other obstruction, or bulkhead, jetty, retaining wall, groin, revetment, rip-rap, ramp, catwalk, walkway, stairs, sand fencing or any structure constructed for the purpose of providing access to and from the shoreline;
 - 4) Clear, dig, dredge any channel or basin, or in any way alter any upland area to afford access to Town waters;
 - 5) Drain or discharge any pollutant or effluent, including solid and chemical wastes, sewage and swimming pool waters; or
 - 6) Construct, create, eliminate, enlarge or diminish in size any Town waters or any wetlands adjacent to and associated with Town waters.
- B. Permits will be issued in duplicate, under the seal of this Board, and are good for a period of one year; said permit shall be made out to the owner of the property involved. Original shall be filed with the Clerk of the Board and a copy shall be kept in the possession of the person in charge of the work at the site thereof, and such person displayed upon demand. The Trustee Permit shall be conspicuously posted along with copies of the applicant's New York State DEC Permit, and U.S. Army Corps of Engineer permit, as applicable, at the job site, and in a location visible from the nearest access road. In the event of any dispute arising, the form of the permit filed with the Clerk of the Board shall control.
- C. Dredging Permits will only be issued upon written application addressed to and filed with this Board, setting forth in detail the purpose for which a permit is desired, the exact location of the bottom or waters to be affected, and the maximum duration of the work and if the permit is for digging, dredging, and removing the bottom of any waters for the purpose of making a fill, the application must state the maximum yardage to be taken.
- D. All applications shall be signed by the owner of the property to be benefited, improved or in any manner served by the project in which a permit is sought, or by the person, firm or corporation by whom the work is to be performed acting as agent for the owner of the land.
- E. Applications must be filled out completely and accurately.
- F. In conjunction with the Application for Work, the Trustees require the following for all new work, reconstruction and replacement of existing structures:
- 1) Two (2) copies of the following:
 - a. Property survey, done by a New York State licensed surveyor, and updated no more than one (1) year prior to the application date. The survey submitted must bear the original seal of the licensed surveyor or engineer.
 - b. Drawings / Plans must be drawn to scale, separate or on survey and must bear the original stamp or seal of a New York State Licensed engineer. (12/16/13 mtg.)
 - c. Photographs of the site & proposed work area must be included.
 - d. Copies of any covenants or restrictions on the property, if applicable, must also be submitted with application.
 - e. An electrical permit from the Town of Southampton Building Department, if applicable. (12/16/13 mtg.)
 - 2) A minimum inspection/application fee of Two Hundred Fifty Dollars (\$250.00) shall be charged on applications for permits, non-refundable, with additional fees on docks, ramps, catwalks, tie-off poles, bulkheading, rip-rap, rock revetments, retaining walls, sand fencing, groins and dredging.
 - 3) Preconstruction fee. If any building or commencement of any construction activity is without the benefit of applicable permits, all fees associated with any building or construction activity shall be equal to double the otherwise applicable fee for all applications and permits as provided for herein.(12/16/13 mtg.)
- G. Four (4) 1 year renewals of a permit issued for dredging, docks, bulkheading and channels provided, provided that there has been no change in the description of the work submitted with the existing permit which would warrant reconsideration of the permit or if any proposed modification in the description of work is less restrictive and will not result in any new adverse impact, will be approved by the Board for good cause, if applied for within three (3) months of date of expiration of original permit, upon payment of the application fee in the amount of Two Hundred Fifty Dollars (\$250.00). (12/15/14 mtg.)
- H. All work for which a permit is issued shall at all times be subject to the inspection by this Board or its designated agent, for a violation of any of the statements in the application thereof; or any provision of the permit, or for any operation outside the limits shown on surveys accompanying the application, is at all times reserved, whether or not set forth in express terms in any permit. The Board reserves the right to cancel any permit when they find it is in the public interest to do so. A copy of these rules is to form a part of every permit issued.
- I. All lumber used on Trustee-approved structures (Ex.: For the construction of docks, bulkheads, pilings, sand fencing etc.) must be untreated and may not contain any chemical wood preservatives.
- Areas outside Trustee jurisdiction, but still within the Town: There are several areas in the Town where bulkheads and docks are permitted, but do not fall in the Trustee's jurisdiction (ex. Noyack Bay, Little Peconic Bay, Great Peconic Bay, and Flanders Bay). A ban on treated lumber has been in effect since June 3, 2002 on materials used on any Trustee permitted structures. No treated lumber may be used.
- J. Procedure for evaluating permit applications for public hearings:
- 1) The Board of Trustees may, in its discretion, require that a public hearing be held on applications where the proposed project raises a significant degree of public interest, or where public input can aid in the decision making process. (7/14/14 mtg.)
 - 2) The Board of Trustees shall give notice of a public hearing as follows:
 - a) By requiring the applicant to erect a white sign or signs with black lettering, measuring not less than two (2) feet long and one (1) foot wide, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice of the date, time and place where the public hearing will be held. The 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 sign shall be made of durable material and shall be furnished by the Board of Trustees. It shall be displayed for a period of not less than ten (10) days immediately preceding the public hearing date. No additional posting shall be required for any adjournment date. The applicant shall file an affidavit that he has complied with the provisions of this section.
 - b) By requiring the applicant to mail written notice of the date, time and place of the hearing, together with a copy of the application and survey submitted to the Board of Trustees, by certified mail, return receipt requested, to every property owner, as shown on the current Town of Southampton assessment rolls, of parcels abutting the property which is the subject of the application, proof of which shall be submitted to the Board of Trustees on or before the commencement of the public hearing in the form of an affidavit with postal receipts annexed thereto confirming mailing of said notices at least ten (10) days prior to the hearing date.
 - c) Failure of the applicant to provide the Board of Trustees with the required proofs of notice shall require that the matter be adjourned and renoticed.
 - 3) Within forty-five (45) days of the close of any public hearing, the Board of Trustees shall render a decision to approve, approve with modifications or special conditions, or deny the issuance of a permit for the proposed activity. The Board of Trustees shall also set the term of any permit issued pursuant to its decision.
 - 4) The Board of Trustees, on its own motion, or at the request of the applicant, may modify or extend any of the aforementioned time periods for good cause.
 - 5) In evaluating applications for permits under this Section, the Board of Trustees shall consider the potential impact upon the rights and resources of the Freeholders and Commonalty of the Town of Southampton, including whether the activity applied for will unreasonably interfere with the rights of the Freeholders and Commonalty to use their lands or to pass and repass along their rights-of-way. To the maximum extent practical, the protection of the environment and conservation of natural resources shall be given appropriate weight with social and economic considerations. The Board may consider the objections or lack thereof, of abutting landowners.

Section 2 - Dredging

- A) Any person, firm, or corporation making application for a permit to dredge a channel or basin, or to afford boat access to upland, shall agree to place, and at all times maintain, a legible sign not less than eighteen inches (18") square on the upland and within ten (10) feet of the shore, opposite said channel or boat way, warning of the depth of water therein and the extent thereof along shore, and shall cause a white stake or stone to be placed and maintained on the upland marking the lines of such channel or boat way. The applicant further agrees to promptly place and maintain such signs and upon failure to do so, authorizes the Trustees, their employees, or agents, to obtain, place and maintain same with the right to recover the cost of making, placing and maintaining such signs.
- B) All digging or dredging for filling shall be done in the area most reasonable and likely to aid navigation and shall be done so that the depth of the water in such area shall not be increased more than five (5) feet in each twenty-five (25) feet. All areas dug or dredged shall be left with shelving sides at a grade of 1-5.
- C) New dredging in the bottoms of waters of the Town of Southampton shall be authorized upon the vote of a "majority plus one" of the Board of Trustees.
- D) Upon application for dredging in an area that has been previously dredged, the applicant shall have the burden of proving to the satisfaction of the Trustees, that the area has been previously dredged.
- E) The Trustees reserve the right to make a yardage charge for material in all cases that a direct public benefit does not result by reason of such dredging. Any dispute over yardage shall be determined by a Board-appointed engineer, at the expense of the applicant.

Section 3 - Bulkheading- Repair & Replacement

- A) An applicant shall be allowed to reconstruct a structure, within 18", if proof is provided that only one bulkhead or retaining wall has previously been constructed. In addition, one refacing of second structure will be permitted. In all other cases, bulkheads and retaining walls shall be reconstructed "in place" utilizing construction methods deemed appropriate by the Trustees.
- B) A permit will be required to undertake any repairs or modifications of existing structures of any kind. However, if it is found that the repair is minor in nature, as deemed by the Trustees, and does not constitute 10% of the entire structure over a ten-year period, the Trustees may waive any portions of the standard permit application.
- C) All applications for new bulkheads, retaining walls, or reconstruction of existing structures shall provide a minimum 10' setback for all fertilized vegetation to prevent the lateral movement of silts and fertilizers into the marine environment.
- D) All applicants shall be required to agree to give and maintain a public passing way, on the upland, not less than five (5) feet in width, to enable persons to pass and repass around bulkhead and basins.
- E) Any person erecting a bulkhead or causing a bulkhead to be erected shall be at all times liable for any damage or injury sustained by reason of the erection and maintenance of said bulkhead. All applicants are required to maintain the structural integrity of the bulkhead so as not to cause a threat to the person or property of others.
- F) Filter cloth backing is to be installed on the inside of the new bulkheading to prevent sedimentation through the wall.
- G) To hinder siltation, the final grading of disturbed soils behind the new bulkhead shall be a minimum of four (4") inches below the finished height of the wall.
- H) Should it be deemed necessary to add backfill after grading has begun, only clean sand or gravel will be permitted. No organic topsoils are to be placed along the inside of the new bulkhead.
- I) Homeowner must agree to give and maintain a public passing way, on the upland, not less than five (5') feet in width to enable persons to pass and repass around said bulkhead.
- J) No chemically treated lumber may be used on any construction performed with a permit issued by the Board of Trustees. Absolutely no CCA is allowed. (7/14/14 mtg.)
- K) It must be clearly stated / shown on application / drawings exactly what is being placed within the 10' buffer zone, whether it is beach grass (type), gravel/sand, or walkway, etc.
- L) Bulkhead caps are limited to a width of 24". (11/19/07 mtg.)
- M) Full Compliance: Any and all permits by the Board for any property are issued contingent upon full compliance of any and all rules and regulations of the Board of Trustees.
- N) Steel Bulkhead: Specific to properties between West Landing Road and Gathering Rocks Road situate Red Creek, Hampton Bays.
The following resolution was passed on December 3, 2012:
Whereas, due to site specific conditions that exist along this stretch of waterfront such as extreme slope angles, height of bluffs, lack of vegetation and tendency of severe wave and tidal action, a management plan is necessary to insure a consistent erosion control plan.
Now therefore, bulkheads will be allowed to be re-constructed following a plan to achieve a general straight line connecting with adjoining properties in a manner approved by the Trustees. The use of Steel Sheathing may be utilized in this Special Management Zone upon submission of an application and upon approval of the Town Trustees. (12/03/12 mtg.)
- O) Shinnecock Beach Road Stipulation: If any part of the bulkhead should exist on a Trustees' right of way known as Peconic Beach Road and, in the future, the