

TOWN OF SOUTHAMPTON

Department of Land Management
Environment Division
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TOWN PLANNING AND
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MARTIN SHEA
CHIEF ENVIRONMENTAL ANALYST

JAY SCHNEIDERMAN
TOWN SUPERVISOR

ADMINISTRATIVE WETLANDS PERMIT CHAPTER 325 OF THE TOWN CODE

PERMIT NO: WAP19064 EFFECTIVE DATE: 10/29/2019 EXPIRATION DATE: 10/29/2022
PERMIT ISSUED TO: Mecox Beach House, LLC.
ADDRESS OF PERMITTEE: 9 Cowdry Park Drive, Greenwich, CT. 06831
CONTACT PERSON FOR PERMITTED WORK: Daphne Vaughan, Surfside Environmental
Planning, Inc., P. O. Box 2902, Southampton, NY 11969-2902 Telephone: (631) 772-1206
LOCATION OF PROJECT: 100 Crescent Avenue, Water Mill
SCTM NO.: 0900-115-01-4.4

Description of Permitted Activity: To restore required covenanted naturally vegetated wetlands non-disturbance/non-fertilization buffer that has been adversely impacted by unauthorized clearing, as well as lawn and landscape establishment, by removal of unauthorized lawn and planted ornamental non-native plants, as well as any subsurface irrigation, followed by native re-vegetation, in accordance with the "**Mecox Beach House LLC 100 Crescent Avenue, Water Mill Naturally Vegetated Wetlands Non-Disturbance/Non-Fertilization Buffer Restoration Plan**", as prepared by Surfside Environmental Planning, dated September 30, 2019, last revised October 24, 2019, at existing residentially developed property fronting Mud Creek (Mohawk Lake) and containing town regulated wetlands, in Water Mill, Town of Southampton, New York, **as depicted on the survey, as prepared by Thomas D. Burke, dated January 12, 2017, last revised June 17, 2019.**

Findings: The issuance of Administrative Wetlands Permit No. WAP19064 will allow for restoration of an existing covenanted wetland non-disturbance/non-fertilization buffer, thereby protecting and enhancing wetland values and benefits.

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

AUTHORIZED SIGNATURE
DATE: October 29, 2019
MES: co

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 of 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 Thomas D. Burke, dated January 12, 2017, last revised June 17, 2019 and the "*Mecox Beach House LLC 100 Crescent Avenue, Water Mill Naturally Vegetated Wetlands Non-Disturbance/Non-Fertilization Buffer Restoration Plan*", as prepared by Surfside Environmental Planning, dated September 30, 2019, last revised October 24, 2019.
2. A "wetlands preservation area", and 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 October 21, 2013, Liber No. D00012749, Page 237.
3. The required covenanted wetland preservation area and naturally vegetated wetland non-disturbance/non-fertilization buffer shall be shown on all future surveys submitted to the Town of Southampton.
4. The existing disturbed portions of the required covenanted naturally vegetated wetland non-disturbance/non-fertilization buffer, shall be restored to native vegetation, in accordance with the "*Mecox Beach House LLC 100 Crescent Avenue, Water Mill Naturally Vegetated Wetlands Non-Disturbance/Non-Fertilization Buffer Restoration Plan*", as prepared by Surfside Environmental Planning, dated September 30, 2019, last revised October 24, 2019.
5. The buffer will be restored in a manner consistent with the variable assemblage of characteristic native species and gradients found in naturally occurring coastal ecological communities.

6. **If any portion of the required covenanted wetland preservation area and 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. **No tree, living or dead, may be cut, removed, limbed, pruned or otherwise altered within the required covenanted wetland preservation area and naturally vegetated wetlands non-disturbance/non-fertilization buffer, without prior authorization from the Chief Environmental Analyst, and/or their designee.**
8. **The Chief Environmental Analyst, and/or their designee, reserves the right to require additional native re-vegetation and/or other restoration measures, in the event that upon final inspection, a finding is made that the goals of establishing a contiguous healthy cover of native or natural vegetation, within the designated re-vegetation areas, has not been achieved.**
9. **No fences are permitted seaward of the landward limit of the required covenanted wetlands preservation area and naturally vegetated wetlands non-disturbance/non-fertilization buffer.**
10. **The installation of above ground and/or underground utilities, within the required wetlands preservation area and naturally vegetated wetlands non-disturbance/non-fertilization buffer is strictly prohibited, unless authorized pursuant to a Wetlands Permit and/or approval from the Southampton Town Environment Division.**
11. **The storage, or overwintering, of docks, ramps, floats, boats and/or other watercraft within the required wetlands preservation area and/or naturally vegetated wetlands non-disturbance/non-fertilization buffer is strictly prohibited.**
12. **Prior to the commencement of any re-vegetation 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.**
13. **Silt fencing shall be recessed by trenching six inches into the ground.**
14. **Prior to any 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.**

- 15. 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.**
- 16. 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.**
- 17. 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.**
- 18. Two (2) copies of a final "As-Built" survey shall be submitted with each Certificate of Wetlands Compliance application.**