

**New York State Department of Environmental Conservation**  
**Division of Environmental Permits, Region 1**

50 Circle Road, Stony Brook, NY 11790-3409

Phone: (631) 444-0365 • Fax: (631) 444-0360

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



October 23, 2014

Larry Hoffman  
94 Dune Road Holding Corp.  
PO Box 681  
East Quogue, NY 11942-0681

Re: Permit #1-4736-00899/00008

Dear Mr. Hoffman:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Carrara".

Mark Carrara  
Deputy Permit Administrator

cc: James Walker, Inter-Science Research Associates  
BOH-TW  
Lisa Tettlebach, NYSDEC  
File



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
94 DUNE ROAD HOLDING CORP  
PO BOX 681  
EAST QUOGUE, NY 11942  
(631) 653-9493

**Facility:**  
DOCKERS RESTAURANT & MARINA  
94 DUNE RD|SCTM #900-385-01-36.3  
EAST QUOGUE, NY 11942

**Facility Location:** in SOUTHAMPTON in SUFFOLK COUNTY

**Facility Principal Reference Point:** NYTM-E: 705 NYTM-N: 4521.7  
Latitude: 40°49'14.6" Longitude: 72°34'09.0"

**Authorized Activity:** Reconstruct 310 linear feet of bulkhead in-place or seaward of the existing bulkhead; dredge no further than 10 feet seaward of bulkhead to -4 feet below low tide level and place material landward of bulkhead; remove and excavate boat ramp to create boat basin; construct two floating docks with a 4' x 14' ramp and ten jet ski floats; create nine seasonal boat slips and seven restaurant slips; install two kayak racks; install a portable pump out; and install a sanitary waste holding tank. All work shall be done according to the plans prepared by Inter-Science last revised on 9/15/14 and stamped NYSDEC approved on 10/23/14.

**Permit Authorizations**

**Tidal Wetlands - Under Article 25**

Permit ID 1-4736-00899/00008

New Permit Effective Date: 10/23/2014 Expiration Date: 10/22/2019

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 1-4736-00899/00009

New Permit Effective Date: 10/23/2014 Expiration Date: 10/22/2019

**Excavation & Fill in Navigable Waters - Under Article 15, Title 5**

Permit ID 1-4736-00899/00010

New Permit Effective Date: 10/23/2014 Expiration Date: 10/22/2019

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: MARK CARRARA, Deputy Regional Permit Administrator  
Address: NYSDEC REGION 1 HEADQUARTERS  
SUNY @ STONY BROOK|50 CIRCLE RD  
STONY BROOK, NY 11790 -3409



Authorized Signature: 

Date 10/23/2014

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION; EXCAVATION & FILL IN NAVIGABLE WATERS**

- 1. Overnight Boat Mooring Prohibition** There shall be no overnight mooring of boats at the restaurant marina in order to prevent shellfishing closure of the bay bottom in the area and the permittee shall be responsible for preventing overnight mooring of boats at the marina.
- 2. Install Pumpout Facility** A portable pumpout facility must be installed for readily accessible use for all vessels at this marina. The permittee must include in all rental or lease contracts for slips at this marina a condition that all boats with holding tanks must have those tanks pumped out at an upland pumpout station, boats are not authorized to discharge their holding tanks in the marina, and a notice that permittee will make pumpout facility available during normal business hours the entire year. The pumpout must be maintained in functioning condition at all times of marina operation and the holding tank(s) must be emptied when 90% full.
- 3. Log of Pumpout Usage** A written log of usage and servicing of the pumpout facility and holding tank must be kept and maintained. The permittee must submit a copy of this log and a copy of the pump out service contract or invoice to: Regional Habitat - TW, NYSDEC, 50 Circle Road, Stony Brook, NY 11790; and a copy to the Office of Shellfisheries, 205 North Belle Meade Road, Suite 1, East Setauket, NY 11733. The report must be submitted by November 1st of each calendar year.
- 4. Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.
- 5. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 6. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application.



Such approved plans were prepared by Inter-Science Research Associates last revised on 9/15/14. .

**7. No Disturbance to Vegetated Tidal Wetlands** There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

**8. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined within the project work area landward of the bulkhead.

**9. No Equipment below Apparent High Water** Equipment operation below (seaward) apparent high water is strictly prohibited.

**10. Wood Preservatives**

a. Pressure treated wood used for construction of in-water structures must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.

b. Wood treated with Pentachlorophenol (PCP) must not be used in wetlands or surface waters.

c. The use of creosote treated wood is prohibited both in the water and upland areas.

d. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. The washing must occur greater than 100 feet landward of any regulated wetland and/or water body. (Note "E." below for handling wash water.)

e. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands or protected buffer areas.

**11. Contain Exposed, Stockpiled Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked haybales / silt curtains (or other NYSDEC approved devices) placed on the seaward side between the fill and the wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

**12. Restrict Spillage, Use Closed Bucket** During the dredging operation, the permittee and his contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment.

**13. Dredgings to Remain On-Site/Within Wetland** Dredge material approved to remain on-site and/or within the NYSDEC Tidal Wetlands jurisdiction shall be retained so as not to enter any water body, tidal wetlands, or protected buffer areas. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction requires the additional guidance of the Division of Materials Management (631) 444-0375 and is not covered by this permit.

**14. No Seaward Extension of Bulkhead** The new bulkhead shall be constructed in place of the existing bulkhead with no seaward extension of the outermost bulkhead face.

**15. Jet-in Bulkhead** Bulkheads constructed directly adjacent to vegetated tidal wetlands shall be hand driven or jetted in with no disturbance to the tidal wetland. Trenching is strictly prohibited.



**16. Grade to Match That Adjacent to Bulkhead** All fill must be graded to match the elevation of the land immediately adjacent to the bulkhead.

**17. Post Pumpout Sign** The permittee must post signs at this marina with language in accordance with the "Sample Language for Pumpout Signage in Marinas," below. Signs must be a minimum size of 2 feet x 3 feet.

The discharge of untreated vessel sewage into the waters of the United States and New York State is prohibited by Law (33 USC 1322 and NYS Navigation Law 33-C, 46-2). Boats shall be pumped at onshore facilities.

A portable pumpout is available at this facility.

On-shore restrooms are located in this facility and are recommended for use before boarding.

Lets keep our waters clean.

**18. Overnight Boat Mooring Prohibition Signs** The permittee shall install two 3' x 2' signs with 3" inch lettering stating "Overnight Boat Mooring is Prohibited". One sign shall be placed on each side of the marina facing the water. The signs shall be maintained and shall be legible at all times.

**19. Seeding Disturbed Areas** All areas of soil disturbance resulting from the approved project shall be stabilized with appropriate vegetation (grasses, etc.) immediately following project completion or prior to permit expiration, whichever comes first. If the project site remains inactive for more than 48 hours or planting is impractical due to the season, then the area shall be stabilized with straw or hay mulch or jute matting until weather conditions favor germination.

**20. Temporary Mulch, Final Seeding** If seeding is impracticable due to the time of year, a temporary mulch shall be applied and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth but not more than six months after project completion.

**21. No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

**22. No Changes to Septic System** This permit does not authorize any alteration, expansion or replacement of existing septic systems.

**23. No Floats, Ramps in Vegetated Tidal Wetlands** Floats and ramps may not rest on or be stored in any vegetated tidal wetland.

**24. No Structures on Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department (permit, modification or amendment).

**25. Pilings at Property Lines** Pilings shall not:



- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.

**26. No Permanent Structures on Dock** No permanent structures shall be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).

**27. No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

**28. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**29. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, 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 State of New York on account of any such removal or alteration.

**30. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**31. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

## WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

**1. Water Quality Certification** The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the



conditions listed herein are met.

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC REGION 1 HEADQUARTERS  
SUNY @ STONY BROOK|50 CIRCLE RD  
STONY BROOK, NY11790 -3409

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Tidal Wetlands, Water Quality Certification, Excavation & Fill in Navigable Waters.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;



- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, 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 for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: 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 that are authorized by this permit.

### **Item D: 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 the permit.