

**PERMIT ISSUED BY
BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, N.Y.**

116 Hampton Road, Southampton, N.Y. 11968

AMENDED PERMIT NO. 10768

Amount of Fee Rec'd: \$2,415.00
\$500. app. fee + \$991. docks + \$644. bulkhead
+ \$280. piling

Person to whom permit was sent:

Inter-Science Research Associates, Inc.
P. O. Box 1201
Southampton, NY 11969

An application having been made to this Board of Trustees of the Freeholders and Commonalty of the Town of Southampton,

AMENDED PERMIT NO. 10768 is issued to Inter-Science Research Associates, Inc. as agent for 94 DUNE ROAD HOLDING CORP., 94 Dune Road, East Quogue, NY (SCTM# 900-385-01-36.3) To amend Permit 10768 for one year, to reconstruct (in kind/ in place) on west side 147'bulkhead and 23'return, using vinyl sheathing. To reconstruct (in kind/ in place) on east side of site, 61'bulkhead and 21'return, using vinyl sheathing. To construct around basin a 5' x 70' walkway, landward of and attached to bulkhead. To install off bulkhead, a 4' x 14' ramp leading to two (2) existing re-located 6' x 20' floating docks secured by five (5) 8" diameter piles perpendicular to bulkhead. To install, seaward of re-located floats, a 6' x 10' kayak float, secured by three (3) 8" diameter piles, perpendicular to bulkhead. To construct ten (10) jet ski floats each 5' x 10'- 6", twenty eight (28) tie-off poles, 322' bulkhead all total and 991'dock all total. This permit includes minimal sediment reclamation seaward of bulkhead, not to exceed a distance of 5', not to exceed a depth of 2.5' below MLW.

THE FOLLOWING SPECIAL CONDITIONS APPLY TO THE BULKHEAD:

1. 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.
2. All new bulkheads, retaining walls or reconstruction of existing structures must provide a minimum 10-foot setback for all fertilized vegetation to prevent the lateral movement of silts and fertilizers into the marine environment.
3. To hinder siltation, **THE FINAL GRADING OF DISTURBED SOILS BEHIND THE NEW BULKHEAD SHALL BE A MINIMUM OF FOUR INCHES BELOW THE FINISHED HEIGHT OF THE WALL.**
4. 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.
5. Property owner 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.
6. Bulkhead being rebuilt in kind/in place.

THE FOLLOWING SPECIAL CONDITIONS APPLY TO THE DOCK FACILITY:

1. The nine (9) seasonal boat slips are limited to boats of a size of Twenty five (25') feet or less
2. Sleeping is prohibited at any and all times on the boats located in both the seasonal and transient slips
3. Signage must be provided and displayed at all times **PROHIBITING** sleeping at any and all times on the boats located within both the seasonal and transient slips
4. The rental contracts for the seasonal slips shall include a clause clearly prohibiting sleeping on the vessels at any and all times.
5. Docking at the seven (7) transient boat slips may only occur during the hours when the restaurant/bar is open (11:00 a.m. to 2:00 a.m.) and all transient slips shall remain vacant between the hours of 2:00 a.m. to 11:00 a.m.

BOARD OF TRUSTEES OF THE FREEHOLDERS & 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:
 - l. 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.
 - l. 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.)
 - h. Photographs of the site & proposed work area must be included.
 - l. Copies of any covenants or restrictions on the property, if applicable, must also be submitted with application.
 - j. 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.

6. The seven (7) transient slips shall have eight (8') foot spacing between piles as per the submitted plans
7. The entire catwalk must be of a light-penetrating open grid system (see typical specification sheet). It shall be six (6') feet wide and constructed with untreated materials including the pilings.
8. There shall be no dredging allowed except for the retrieval of material within five (5') feet and not to exceed a depth of two and one half (2.5') feet below mean low water from the bulkhead reconstruction.
9. The entire bulkhead shall be reconstructed using vinyl sheathing and untreated lumber in kind and in place
10. There shall be no fuel dock, no fueling, no pump out station and no servicing of boats on or at any of the boat slips or on the entire property
11. Should the NYS DEC Bureau of Shellfisheries determine that the "as-built" conditions at the site have definitely precipitated a closure to shell fishing in the waters adjacent to the facility, the Board of Trustees reserves the right to modify this permit.
12. All new bulkheads, retaining walls or reconstruction of existing structures must provide a minimum ten (10') foot setback for all fertilized vegetation to prevent the lateral movement of silts and fertilizers into the marine environment
13. 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 in order to hinder siltation
14. 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
15. Property owner 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 re-pass around said bulkhead
16. Maximum pile size for all slips shall be eight (8") inch piles.
17. No fertilizers are to be used on grass buffer zone

NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY BE USED ON THIS STRUCTURE.

Project is located on owner's property off dug lagoon off Shinnecock Bay, as per application and survey submitted.

Permission is hereby granted to perform or install said work subject at all times to the plans or maps 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 work shall be done after the date of expiration. No extension of this permit shall be granted except for good cause shown and upon written application.

This permit is made in duplicate and in the event of any discrepancy between the copy in the files of this Board and the copy held by the applicant, the copy so filed shall control.

No permit shall be valid unless signed by the authorized officers of this Board and sealed with its seal.

This permit void if not used within one year from date of issue.

DATED Southampton, N.Y., this 14th day of July, 2014.


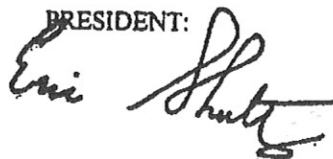
Attest

BOARD OF TRUSTEES
FREEHOLDERS AND COMMONALTY OF
TOWN OF SOUTHAMPTON

(Seal)

SECRETARY:

PRESIDENT:

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 property lines as shown on the attached map. 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 public demands restoration of this road, the bulkhead will have to be removed.

P) Peconic 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 public demands restoration of this road, the bulkhead will have to be removed. (7/14/14 mtg.)

BOARD OF TRUSTEES

OF THE FREEHOLDERS & COMMONALTY
OF THE TOWN OF SOUTHAMPTON

TRUSTEES PERMIT

PERMIT NO. 10768 EXPIRES - One Year from 07/14/2014 Approved - Amended
THIS PERMIT IS ISSUED FOR WORK TO BE DONE ON THESE PREMISES AS SPECIFIED IN THE PERMIT FILED IN THE TRUSTEES OFFICE, SUBJECT TO ALL CONDITIONS OF SAID PERMIT. SUCH WORK TO BE DONE IN ACCORDANCE WITH THE TERMS OF THE TOWN CODE AND THE BOARD OF TRUSTEES RULE AND REGULATION FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON.

AGENT: Inter Science Research Associates, Inc.

OWNER: 94 Dune Road Holding Corp

LOCATION: 94 DUNE ROAD EAST QUOGUE NY 11962

BODY OF WATER: Shinnecock Bay

SCTM# 900-305-01-36.3

PROJECT: To amend Permit 10768 for one year, to reconstruct (in kind/ in place) on west side 147' bulkhead and 21' return, using vinyl sheathing. To reconstruct (in kind/ in place) on east side of site, 61' bulkhead and 21' return, using vinyl sheathing. To construct around basin a 5' x 70' walkway, landward of and attached to bulkhead. To install off bulkhead, a 4' x 14' ramp leading to two (2) existing re-located 6' x 20' floating docks secured by five (5) 8" diameter piles perpendicular to bulkhead. To install, seaward of re-located floats, a 6' x 10' kayak float, secured by three (3) 8" diameter piles, perpendicular to bulkhead. To construct ten (10) jet ski floats each 5' x 10' - 6", twenty eight (28) tie-off poles, 322' bulkhead all total and 991' dock all total. This permit includes minimal sediment reclamation seaward of bulkhead, not to exceed a distance of 5', not to exceed a depth of 2.5' below MLW.

NO CHEMICALLY TREATED WOOD OR PRESERVATIVE MAY BE USED ON THIS STRUCTURE.

THIS PERMIT MUST BE KEPT IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH IT IS ISSUED.

COMMISSIONER OF ENVIRONMENTAL CONSERVATION
PERMIT NO. 10768
REVISED 07/14/2014

BY: [Signature]
OF THE BOARD OF TRUSTEES
OF THE TOWN OF SOUTHAMPTON, NY
[Signature]
TOWN CLERK

SPECIAL CONDITIONS APPLY

WARNING

AGENDA ITEM NO. _____
ADOPTED RESOLUTION
NEGATIVE DECLARATION
PERMIT FOR DOCKERS MARINA EXPANSION
HAMLET OF EAST QUOGUE

WHEREAS, the Permit Application entitled Dockers Marina Expansion was received by the Trustees of the Freeholders and Commonality of the Town of Southampton on **October 6, 2009**; and

WHEREAS, the subject project is for the expansion of the marina and underwater improvements at Dockers Restaurant located at 94 Dune Road, East Quogue (SCTM: 900-385-1-37.3);

WHEREAS, the project meets the criteria for classification as an Unlisted Action, pursuant to Article 8 (State Environmental Quality Review Act, SEQRA) of the New York State Environmental Conservation Law and Chapter 157 (Environmental Quality Review) of the Southampton Town Code; and

WHEREAS, the Town Trustees are not required to coordinate and chooses not to coordinate the above action;

WHEREAS, the applicant has submitted Part I of an Environmental Assessment Form and Nelson, Pope & Voorhis, LLC, an environmental planning and consulting firm has completed Part II of an Environmental Assessment Form; and

WHEREAS, Nelson, Pope & Voorhis, LLC presented the Environmental Assessment Form to the Town Trustees; and

WHEREAS, the Town Trustees find that after reviewing said application and due to the nature of the proposed action and the existing site conditions, the proposed activities would not result in significant adverse environmental impacts for the following reasons:

1. The bottom reclamation on site will be minimal and is only for the purpose of replacing the lost fill during the proposed bulkhead improvements. The increased turbidity associated with the bulkhead installation and dredging will be temporary and confined to a small area within the dug lagoon. Any disrupted sediments during construction will settle after work is completed;
2. The proposed marina expansion will take place in a man-made lagoon that is and has historically been used for boating activities. It is unlikely that any significant eel grass beds or wildlife habitat exists in the man-made lagoon. Potential effects to the surrounding Shinnecock Bay ecosystem are anticipated to be localized and not have a significant effect. It is not anticipated that there will be a significant impact to fisheries or shellfish outside the dug lagoon;
3. There are no fueling facilities proposed at the marina;
4. Noise and odor levels are anticipated to be minimal with only 16 boat slips proposed and the property is not adjacent to residential properties;
5. The installation of 16 transient and seasonal slips in an existing dug lagoon are not expected to significantly increase the amount of boating within the Shinnecock Bay and therefore, are not expected to significantly increase the amount of pollution, erosion or shellfish closures in the area; now therefore

BE IT RESOLVED, the Trustees of the Freeholders and Commonality of the Town of Southampton hereby adopt a Negative Declaration for the permit application of the Dockers Marina Expansion.

Trustees of the Freeholders and Commonality of the Town of Southampton
Erick Shultz, President
June 18, 2012

MOTION

Moved by: Eric Shultz

Seconded by: Frederick Havemeyer

VOTE

In favor: 4 In opposition: 0 Recused: Mr. Pell



Trustees of the Freeholders and
Commonality of the Town of Southampton
Town of Southampton
116 Hampton Road
Southampton, New York 11968

State Environmental Quality Review Act (SEQRA) Negative Declaration

Notice of Intent to Not Require a Draft EIS

Determination of Significance

Lead Agency: Trustees of the Freeholders and
Commonality of the Town of Southampton

Address: Town of Southampton
116 Hampton Road
Southampton, New York 11968

Date: May 21, 2012

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law.

The lead agency has determined that the proposed action described below will not have a potential significant adverse effect on the environment and that a Draft Environmental Impact Statement (EIS) need not be prepared.

Title of Action: Dockers Marina Expansion

SEQRA Status: Unlisted Action

Location: The proposed project is located at 94 Dune Road in East Quogue, New York. The site is on the northern side of Dune Road and extends north to Shinnecock Bay.

Zoning Number: SCTM No. 900-385-1-37.3

Description of Action: The proposed action includes installing 16 seasonal and transient slips in order to update and expand an existing marina facility in a man-made dug lagoon. The overall project involves both upland improvements to the restaurant area



and underwater improvements to the existing marina. This Determination involves only the underwater improvements.

Underwater Improvements

The proposed improvements include reconstructing (in kind, in place) a 147' bulkhead and 23' return using vinyl sheathing on the west side of the property. On the east side, a 61' bulkhead and 21' return are proposed to be constructed of vinyl sheathing. A 36 SF access ramp to an 894 SF drop walkway seaward of and attached to the existing bulkhead (constructed using Thru-Flow decking), is proposed on the west side of the site. A similar 366 SF walkway is proposed on the east side of the site. An existing boat ramp will be removed and a boat basin area will be constructed in place with a 70' bulkhead. Around the basin, a 350 SF walkway will be constructed landward of and attached to the bulkhead. A 42 SF ramp will be installed to lead to two existing 120 SF floating docks which will be relocated to the center of the site. These docks will be secured by four 8" diameter piles perpendicular to the bulkhead.

Seaward of the relocated floating docks, a 750 SF kayak launch will be installed and secured by four 8" diameter piles. On the west side of the property, ten 8" diameter tie-off piles will be installed to create nine (9) seasonal slips. On the east side of the property, eight 8" diameter tie-off piles will be installed to create seven (7) transient slips for restaurant purposes. Minimal sediment reclamation (i.e. dredging) will not exceed a distance of 5' from the bulkhead or a depth of 2.5' below mean low water. Up to 200 cubic yards of material will be dredged to a depth of six feet below mean low water to be used as fill behind the new bulkheads.

Reasons Supporting This Determination:

1. The site has been evaluated in accordance with the Criteria for Determining Significance as contained in SEQRA 6NYCRR Part 617.7 (c). The proposed action has been evaluated through review of the following materials:
 - Part I Environmental Assessment Form (EAF)
 - Part II EAF
 - Part III EAF
2. The proposed project is not expected to cause any significant adverse environmental impacts based on project design and mitigation inherent in the project as described herein. The proposed action is located in a dug lagoon that currently is partially bulkheaded and used for boat access to a restaurant. The dug lagoon was created between 1962 and 1970, and appears to have been utilized for recreational boating activity since that time. The proposed marina improvements are modest, are proposed in areas of existing bulkhead and historic access to the restaurant and have been fully evaluated in the Part III EAF. Given the previous dredging for recreational marine access, the continuous use of the dug lagoon for this purpose, the modified and bulkheaded shoreline along the south part of the lagoon where replacement bulkhead and 16 boat slips are proposed, as well as consideration of the temporary nature of



disturbance during construction, the project is not expected to have a significant adverse impact on the environment. The Criteria for Determining Significance are specifically evaluated as follows with respect to this action:

Construction Impacts

- a. The proposed project is an expansion and update of an existing restaurant and marina and is not a demolition or major construction.
- b. Impacts associated with construction activities will be of short term duration and are considered temporary.
- c. All construction activity will be required to take place during normal daytime hours or no earlier than 7:00 a.m. and no later than 5:00 p.m. Marina construction activity will occur over an approximate one (1) month period.

Water Quality Impacts

- d. The underwater improvements proposed will result in an increase in turbidity of the water, however, this increase will be temporary as it will only occur during reconfiguration and construction activities, and will occur within an existing man-made lagoon.
- e. Replacement of the boat ramp with a boat basin will provide an improvement to surface water quality as the boat ramp currently allows sediments from boat trailers, oils, car chemicals and stormwater runoff to directly enter Shinnecock Bay. Use of a boat basin and removal of the boat ramp will eliminate this direct input of pollutants into the bay.
- f. As the marina does not currently contain fueling facilities nor are such facilities proposed, fuel spill impacts to surface water are anticipated to be minimal.
- g. The proposed project will include a pump out facility for convenient "pump out" of holding tanks which will be easily accessible to boaters to encourage use of the pump-out and discourage direct dumping into the bay.

Ecological Impacts

- h. Dredging on site will be minimal and is only for the purpose of installing the proposed bulkhead improvements.
- i. Potential impacts to the surrounding marine environment are expected to have localized effects to the man-made dug lagoon present on site; however, this is a man-made feature that is and has historically been used for boating activities. Potential effects to the surrounding Shinnecock Bay ecosystem are not anticipated to be significant.
- j. The proposed project is recommended to include a "no wake zone" for boat operation within the dug lagoon which will ensure wave action from boats will not cause shoreline erosion and disturb aquatic vegetation.



- k. As wildlife is not expected to utilize the man-made lagoon as habitat and may only enter the lagoon transiently, impacts to wildlife are anticipated to be minimal.
- l. As the marina utilizes a man-made lagoon, significant shellfish resources or potential for harvest of shellfish resources are not expected. Additionally, shellfishing is not permitted in marinas and alteration of bottom sediment habitat is not proposed. As such, any existing shellfish population within the lagoon is expected to be acclimated to the environmental conditions of the marina and impacts associated with marina expansion on shellfish are anticipated to be minimal.
- m. No rare, threatened or endangered species will be impacted by the proposed improvements as the proposed expansion will be located in an existing man-made dug lagoon that is not known to provide habitat or nesting areas for rare, threatened or endangered species.

Resource Management Area Impacts

- n. The proposed project is located within the Dune Road Marsh Significant Coastal Fish & Wildlife Habitat. As improvements will occur in an existing man-made lagoon, impacts to this area are anticipated to be minimal as no natural habitat within the lagoon will be altered.
- o. The proposed improvements are located adjacent to the west of a New York Natural Heritage Program Significant Natural Community (Low Salt Marsh). The proposed improvements will not disturb this community, and continued use of the marina will not result in disturbance that this community is not acclimated to. As a result, impacts to this community are anticipated to be minimal.
- p. The site is located within the Village of Quogue Tidal Wetlands Critical Environmental Area. As the proposed improvements will be located within an existing man-made lagoon and no existing tidal wetland vegetation will be removed, the proposed improvements will not result in impacts to this resource.

Land Use Impacts

- q. The proposed marina expansion will not result in a change of use. The addition of 16 boat slips will only result in a minor change in the intensity of the use at the site as the lagoon has historically been utilized for similar activities. The current use is considered appropriate in the regional setting.
- r. As the proposed improvements include a kayak launch, opportunities for recreational access to Shinnecock Bay will be enhanced.

Community Character/Aesthetic Impacts

- s. The proposed improvements will maintain the character consistent with the existing community and could improve the aesthetics of the site based on upland improvements which are not subject to Trustees review.



- t. As the use of the site is not changing, views from the upland area or from the water will not change substantially.
- u. None of the proposed improvements will result in structures that will obstruct views of the bay or ocean from either upland or waterway locations.

Air and Noise Impacts

- v. Noise resulting from construction activities will be temporary and as a result noise impacts from construction will be minimal.
 - w. As the site is currently an active marina, the surrounding environment currently experiences noise associated with boat activity. As boating activity will not increase substantially, noise impacts associated with boating are anticipated to be minimal.
 - x. Odors (such as fuel odors) from boating activities currently occur as a result of the existing marina. As the addition of 16 boating slips is considered minimal, odor impacts as a result of increased boating activities are anticipated to be minimal.
3. The Trustees of the Freeholders and Commonality of the Town of Southampton finds that the documentation prepared is complete in addressing potential adverse environmental impacts related to the proposed project and no significant adverse environmental impacts have been identified. As a result, a Negative Declaration is determined to be appropriate for this action.

For Further Information Contact:

Trustees of the Freeholders and Commonality of the Town of Southampton
116 Hampton Road
Southampton, New York 11968

Copies of this Notice Retained in the File of the Agency Making This Determination

Kara Bak

From: Lara Urvat [LUrvat@exchange.np-npv.com]
Sent: Friday, May 18, 2012 2:39 PM
To: Kara Bak
Cc: Chic Voorhis
Subject: Dockers Marina
Attachments: Neg Dec 5-21-2012.pdf; Neg Dec 5-21-2012.docx

Kara,

As per Chic's request, attached is a PDF and a Word file of the Negative Declaration for the Dockers Marina expansion project. Please let me know if you have any questions. Thank you.

Regards,

Lara H. Pomi-Urvat

Environmental Analyst

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