NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1 SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790 P: (631) 444-0365 I F: (631) 444-0360 www.dec.ny.gov

January 29, 2021

Village of Ocean Beach PO Box 457 Ocean Beach, NY 11770

Re: Permit No. 1-4728-05908/00001

Dear Permittee:

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, and a Notice of Commencement/Completion of Construction. Please note, the permit sign and Notice of Commencement/Completion of Construction form are sent to either the permittee or the facility application contact, not both.

Sincerely,

Eugene R. Zamojcin

Environmental Analyst II

Enclosure



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

VILLAGE OF OCEAN BEACH PO BOX 457

OCEAN BEACH, NY 11770-0457

Facility:

VILLAGE OF OCEAN BEACH COTTAGE, BAYBERRY, OCEAN BREEZE WALKS|S TERMINUS (ROWs)

OCEAN BEACH, NY 11770

Facility Application Contact:

LAND USE ECOLOGICAL SERVICES INC 570 EXPRESSWAY DR S STE 2F MEDFORD, NY 11763-2049 (631) 727-2400

Facility Location: in ISLIP in SUFFOLK COUNTY Village: Ocean Beach
Facility Principal Reference Point: NYTM-E: 656.048 NYTM-N: 4500.935

Latitude: 40°38'40.3" Longitude: 73°09'16.1"

Project Location: S/S of Cottage Walk, Bayberry Walk and Ocean Breeze Walk

Authorized Activity: Applicant proposes to perform the in-place, in-kind removal and replacement of several existing walkways and retaining wall structures at Cottage Walk, Bayberry Walk and Ocean Breeze Walk. All construction activities are located seaward of the CEHA line and landward of the Federal FIMI project limits. The project is located along the south side of Cottage Walk, Bayberry Walk and Ocean Breeze Walk. All authorized activities shall be in strict conformance with the attached plans stamped "NYSDEC Approved" on 1/29/2020. (GRZ)

* The property, as shown on the aforementioned proposed project plans, is landward of the topographical crest of a dune in excess of 10 feet in elevation. Therefore, the proposed project is beyond Tidal Wetlands Act (Article 25) jurisdiction.

Permit Authorizations

Coastal Erosion Management - Under Article 34

Permit ID 1-4728-05908/00001

New Permit

Effective Date: 1/29/2021

Expiration Date: 1/28/2031



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: SUSAN ACKERMAN, Regional Permit Administrator

Address:

NYSDEC Region 1 Headquarters SUNY @ Stony Brook|50 Circle Rd

Stony Brook NY 11790 -3409

Authorized Signature:

Date 1/29/2021

Distribution List

LAND USE ECOLOGICAL SERVICES INC

Water

Bureau of Marine Habitat Protection

Environmental Permits

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: COASTAL EROSION MANAGEMENT

- 1. 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.
- 2. 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.
- **3. Construction Restriction** No construction of the retaining walls is authorized within the Fire Island Inlet to Moriches Inlet (FIMI) footprint.



- **4. Concrete Leachate** During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.
- 5. 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.
- 6. Materials Disposed at Upland Site Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of in an authorized solid waste management facility. These materials shall be suitably stabilized as not to re-enter any water body, wetland or wetland adjacent area.
- 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. Dune Stabilization** Any disturbed areas of the dune must be vegetatively stabilized utilizing native species tolerant to salt spray and sand burial.
- 9. Storage of Equipment, Materials The storage of construction equipment and materials shall be confined within the project work areas.
- 10. 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.
- 11. Clean Fill Only All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).
- 12. Clean Upland Fill and Grain Size Fill must be clean upland sand of equivalent or slightly larger grain size and similar in color as is indigenous to the beach.
- 13. No Beach Excavation For Fill No excavation of the beach is authorized for the purpose of obtaining fill or stone materials.
- 14. **Backfilling** All peripheral berms, cofferdams, rock revetments, seawalls, gabions, bulkheads or other approved shoreline stabilization structures shall be completed prior to placement of any fill material behind such structures.
- 15. Use of Treated Wood The use of wood treated with Pentachlorophenol or other wood treatment not specifically approved by the Department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.
- 16. Vegetate All Disturbed Areas The permittee shall revegetate all exposed faces and disturbed areas to prevent soil erosion prior to the project completion or expiration date of this permit, whichever comes first.



- 17. Install, Maintain Erosion Controls Necessary erosion control measures, i.e., straw bales, silt fencing, etc., are to be placed on the downslope edge of any disturbed area. This sediment barrier is to be put in place before any disturbance of the ground occurs and is to be maintained in good and functional condition until thick vegetative cover is established.
- 18. No Disturbance to Vegetated Tidal Wetlands, Dunes There shall be no disturbance to vegetated dune areas or vegetated tidal wetland areas as a result of the permitted activities.
- 19. **Disposal Locations** All excavated material shall be appropriately disposed of as per the project plan with minimal disturbance and/or impact to vegetated marsh areas. Disposal of excess material beyond the approved project site will require further written approval from the Department (permit, modification, amendment).
- **20. Activities Consistent with Approved Plans** All activities and marsh alterations must be consistent with the approved plan. Activities or alterations beyond the scope of the approved project and/or not explicitly authorized by the permit will require further written approval of the Regional Habitat TW office prior to commencement.
- 21. Incidental Disturbance to Vegetation It is the responsibility of the applicant to remedy any incidental disturbances resulting in damage or removal of wetland vegetation. Upon completion of construction activities, any disturbed areas shall be planted with the appropriate marsh vegetation. Please contact the Bureau of Marine Habitat at (631)444-0295 for more information.
- 22. 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.
- 23. 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.
- 24. Maintain Erosion Controls All erosion control devices shall be maintained in good and functional condition until the project has been completed and the area has been stabilized.
- 25. 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.



- 26. 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.
- 27. 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.
- 28. 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 James Smiros, R.A. (Sheet C-103), last revised 1/21 /2020.
- 29. 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.

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: Coastal Erosion Management.
- 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.

NOTICE OF COMMENCEMENT OF CONSTRUCTION

RETURN THIS FORM TO: COMPLIANCE

PERMIT NUMBER:

OR FAX TO: 631-444-0272

OR FAX 10: 031-444

Marine Habitat Protection

NYSDEC

E-Mail: dec.sm.R1MHP_BEH@dec.ny.gov

EXPIRATION DATE:

A			À
			j
-	, o /	AL DE	

50 Circle Road SUNY@ Stony Brook Stony Brook, NY 11790-3409

PERMITTEE NAME & PRO	DJECT ADDRESS:					
CONTRACTOR NAME & A	ADDRESS;					
				_TELEPHONE:		
Dear Sir: Pursuant to special condition project and all permit condition the approved plans. Will be available at the	We certify the itions. We have inspleed to the inspleed to the items. We can do so in full of	at we have read the re pected the project site compliance with all pla	eferenced pe and can co an notes and	ermit and approved p mplete the project as I permit conditions. T	plans and fully understa s described in the perm The permit, permit sign,	nd the authorized it and as depicted
PERMITEE:	·	· ·		·		
CONTRACTOR:			DA	TE		
THIS NOTICE MUST BE S AND /OR ANY ASSOCIAT THE PERMIT AND APPRO PERMITTEE AND/OR COI CONDITIONS.	ED REGULATED A OVED PLANS AVAIL	CTIVITIES. FAILUR LABLE AT THE WOR	E TO RETU K SITE FOR	RN THIS NOTICE, P R THE DURATION O	POST THE PERMIT SIG F THE PROJECT MAY	SN, OR HAVE SUBJECT THE
Cut along this line X	X	X	X	X	X	X
	1	NOTICE OF COMPLE	TION OF C	ONSTRUCTION		
	COMPLIANCE Marine Habitat Prote NYSDEC 50 Circle Road SUN Stony Brook, NY 11	NY@ Stony Brook		FAX TO: 631-44 ail: dec.sm.R1MH	.4-0272 P_BEH@dec.ny.gov	
PERMIT NUMBER:			EXPIRA	ATION DATE:		
PERMITTEE NAME & PRO	DJECT ADDRESS:	***				
CONTRACTOR NAME & A	DDRESS:					
			TELEPI	HONE;		
Pursuant to special condition						
PERMITEE:					DATE:	
CONTRACTOR:					DATE:	

THIS NOTICE, WITH PHOTOGRAPHS OF THE COMPLETED WORK AND/OR A COMPLETED SURVEY, AS APPROPRIATE, **MUST BE SENT TO THE ABOVE ADDRESS WITHIN 30 DAYS OF COMPLETION OF THE PROJECT.**

Department of Environmental Conservation New York State

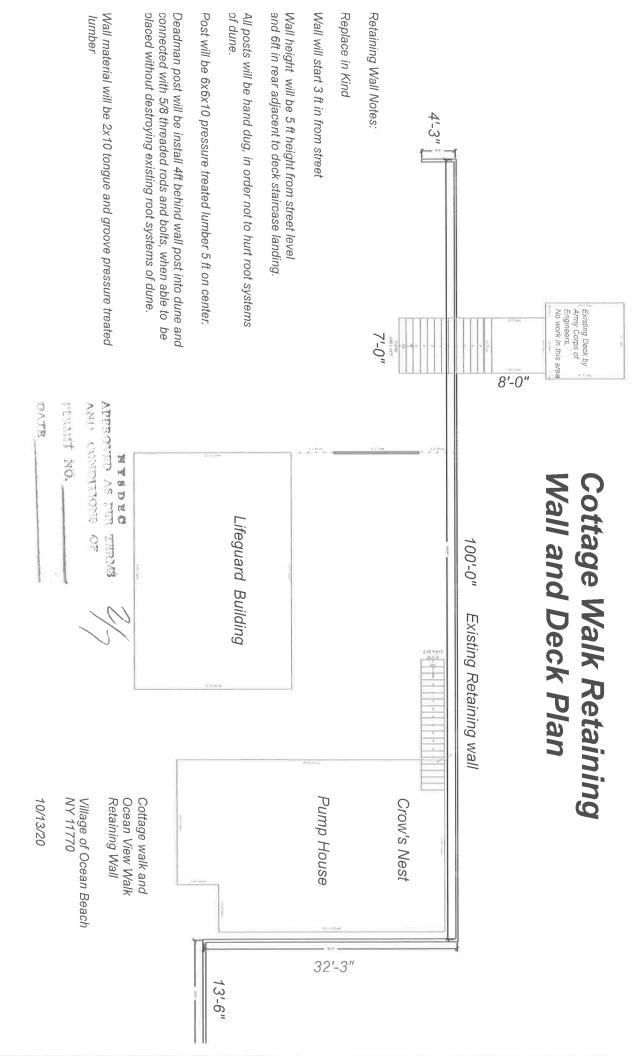


shown when contacting the DEC. for work being conducted at this site. For further information Administrator listed below. Please refer to the permit number regarding the nature and extent of work approved and any permit(s) pursuant to the Environmental Conservation Law Departmental conditions on it, contact the Regional Permit The Department of Environmental Conservation (DEC) has issued

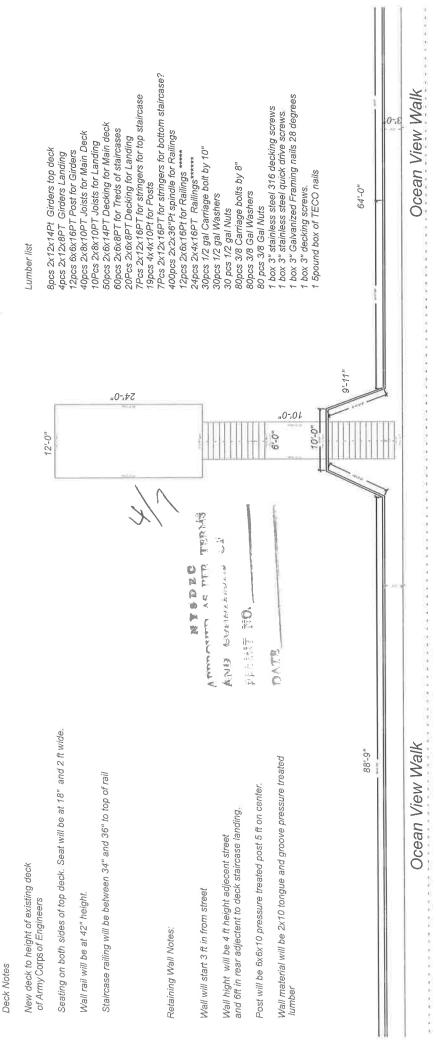
Regional Permit Administrator

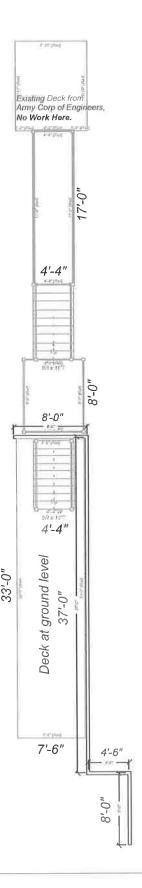
Cacallycoxcillan	1/28/2031	
Suean Ackerman	1-4728-05908/00001	Permit Number

NOTE: This notice is NOT a permit



Bayberry Walk Overpass





Ocean Breeze Retaining Wall and Deck Plan

Retaining Wall Notes:

Replace in Kind

Wall will start 3 ft in from street

Wall height will be 5 ft height from street level and 6ft in rear adjacent to deck staircase landing.

All posts will be hand dug, in order not to hurt root systems of dune.

Post will be 6x6x10 pressure treated lumber 5 ft on center.

Deadman post will be installed 4ft behind wall post into dune and connected with 5/8 threaded rods and bolts, when able to be placed without destroying existing root systems of dune.

Wall material will be 2x10 tongue and groove pressure treated lumber

6/7

AFTROVED AS DER TERMS AND CONDITIONS OF FERMIT NO._____

Ocean Breeze Walk and Ocean View Walk Retaining Wall

Village of Ocean Beach NY 11770

10/13/20



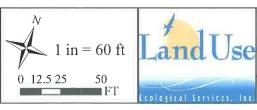
NOTES

- 1. In-Kind / In-Place Timber Retaining Wall Reconstruction:
- Wall to be 2" x 10" tongue and groove pressure treated lumber supported by 6" x 6" posts installed 5' OC.
- Deadmen support to be provided for piles where there are no tree conflicts. Deadmen post to be installed 4 feet south of post and connected to 5/8 threaded rod and bolts.
- Timber wall cap to be provided for additional strength and stabilization of wall.
- 2. In-Kind / In-Place Walkway Reconstruction:
- Walkways to be elevated a min. of 18" above dune elevation.
- Walkways to be supported by 6" x 6" posts.
- 3. All proposed construction activities are located landward of USACE FIMI dune and easement area.
- 4. All activities are greater than 150 feet landward of tidal wetland boundary at MHW, and landward of natural dune that limits Article 25 jurisdiction.

 CEHA Line	Contour
 AHW	- 5
	10
	15

DATA

- 1. Contours obtained from 2020 LIDAR data using Contour Tool in ArcGIS. 2020 LIDAR data from NOAA. Contours depicted in feet NAVD88.
- 2. 2016 orthoimage from NYS GIS Clearinghouse.



ı	Prepared By:	Land Use Ecological Services, Inc.
ı		570 Expressway Drive South, Suite 2F
		Medford, NY 11763

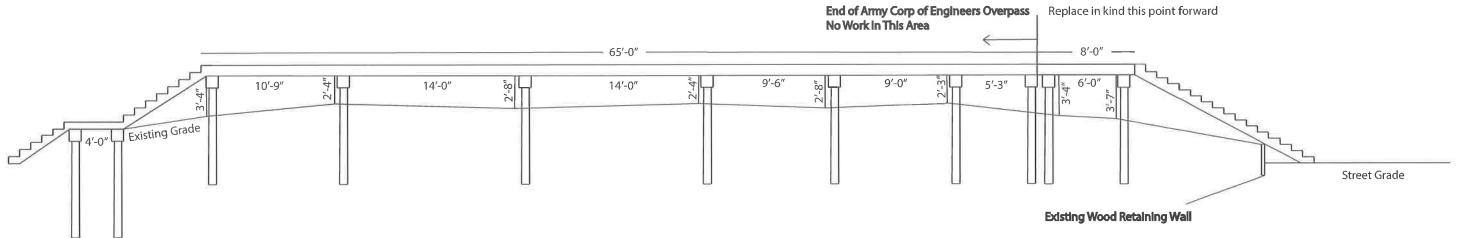
_	-	
		Walkway and Retaining Wall Reconstruction
7	For:	Village of Ocean Beach
		PO Box 457, Ocean Beach, NY 11770

Date: 10/16/2020 Revised: 11/5/2020, 1/21/2021 At: Ocean View Walk and Intersescting Walks

Scale: As Noted Sheet: 1 of 7

Cottage Walk Overpass

APPROVED AS PER TERMS
AND CONDITIONS OF
PERMIT NO.



Replace in kind

6x6 Pressure Treated post hand dug Into ground 5' deep

2x10 Pressure Treaded Tongue and Groove wall

Wall height under stairs is 2'-8" height and 5'-0" on sides of stairs.

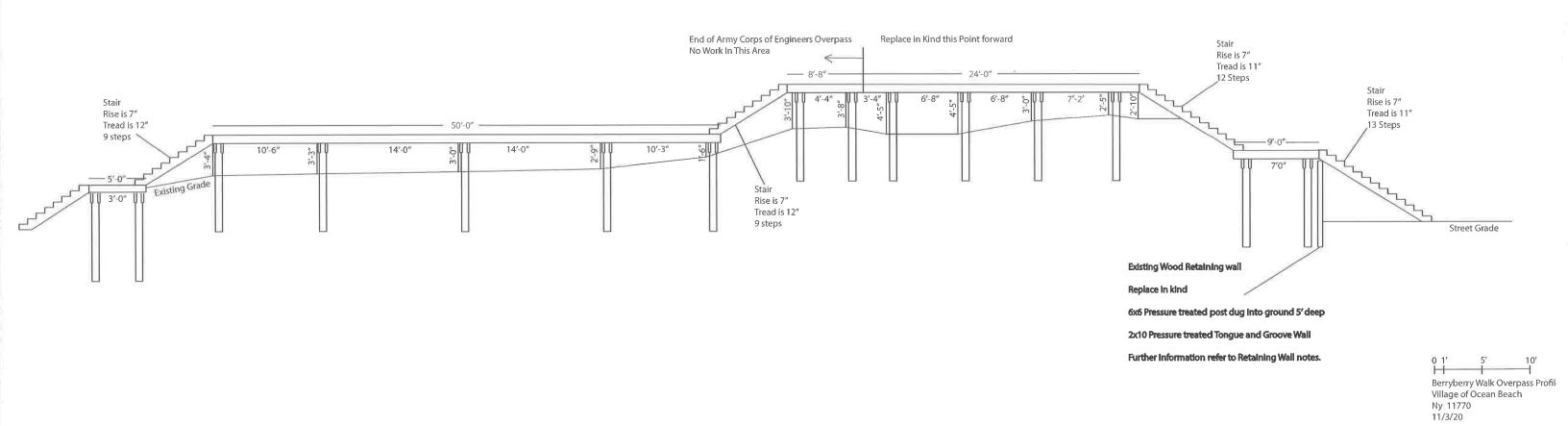
Further Information refer to Retaining Wall notes.



Cottage Walk Overpass Profile Village of Ocean Beach NY11770 11/3/20

APPROVED AS PER TERMS
AND CONDITIONS OF

Bayberry Walk Overpass



Ocean Breeze Overpass

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S D E C

A Y S

Berryberry Walk Overpass Profil Village of Ocean Beach Ny 11770 11/3/20

