

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 2
47-40 21st Street, Long Island City, NY 11101
P: (718) 482-4997 | F: (718) 482-4975
www.dec.ny.gov

January 25, 2017

Ryan Merritt
AECOM
125 Broad Street, 15th Fl
New York, NY 10004

Re: **NYSDEC Permit No. 2-6308-00911/00003**
Farro Prop – 99-01 162nd Ave
Queens, NY
ECL Article 25 - Tidal Wetlands
ECL Article 15 - Excavation & Fill in Navigable Waters
6 NYCRR Part 608 - Water Quality Certification
NOTICE OF PERMIT ISSUANCE

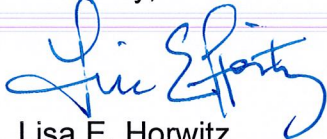
Dear Mr. Merritt:

Enclosed is the Farro permit. Please read it carefully. You are required to comply with all conditions of the permit.

Please note that Natural Resources Condition 3 of the permit requires submittal of the attached "Notice of Intent to Commence Work" at least 5 days prior to the start of the permitted activity, and Natural Resources Condition 4 of the permit requires submittal of the attached "Notice of Completion of Work" no later than 10 days following completion.

If you have any technical questions, please contact Matthew James of the Bureau of Marine Resources at (718) 482-4922. If you have any administrative questions, please contact me at (718) 482-4997.

Sincerely,



Lisa E. Horwitz
Environmental Analyst



Department of
Environmental
Conservation



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

Joseph Farro
99-01 162nd Ave
Howard Beach, NY 11414

Facility:

Farro Prop - 99-01 162nd Ave
99-01 162nd Ave
Howard Beach, NY 11414

Facility Location: in QUEENS COUNTY **Village:** Old Howard Beach, Queens

Facility Principal Reference Point: NYTM-E: 598.672 NYTM-N: 4501.134

Latitude: 40°39'18.6" Longitude: 73°49'58.2"

Project Location: 99-01 162nd Ave, 11414

Authorized Activity: Raise house. Build-It-Back Application 022616.

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 2-6308-00911/00003

New Permit

Effective Date: 1/24/2017

Expiration Date: 12/31/2022

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

Permit ID 2-6308-00911/00004

New Permit

Effective Date: 1/24/2017

Expiration Date: 12/31/2022

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 2-6308-00911/00005

New Permit

Effective Date: 1/24/2017

Expiration Date: 12/31/2022

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: STEPHEN A WATTS, Regional Permit Administrator

Address: NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY 11101 -5401

Authorized Signature: _____

Date 01 / 24 / 2017



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; EXCAVATION & FILL IN NAVIGABLE WATERS; WATER QUALITY CERTIFICATION

1. 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 as noted in Natural Resources Condition 2.

2. Conformance with Plans - Addenda In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:

- a. Project plans titled "Joseph Farro Residence NYCBIB APP-022616 99-01 162 Avenue Old Howard Beach, Queens 11414," Drawings DEC-T and DEC-1 through DEC-7, prepared by AECOM USA, Inc., dated January 13, 2017, and received by NYSDEC on January 13, 2017.
- b. Application package prepared by Tishman/AECOM, dated January 4, 2017, received by NYSDEC on January 18, 2017.

3. Notice of Intent to Commence Work At least five (5) days prior to the start of work, Permittee must complete and submit the attached Notice of Intent to Commence Work form to NYSDEC Natural Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Natural Resources Supervisor).

4. Notice of Completion of Work Within ten (10) days of the completion of work, Permittee must complete and submit the attached Notice of Completion of Work form to NYSDEC Natural Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Natural Resources Supervisor).

5. Post Sign and Permit The NYSDEC permit and permit sign must be conspicuously posted in a publicly accessible location at the project site. They must be visible, legible, and protected from the elements at all times.

6. Mitigation Definition As used in these plans and drawings, the word mitigation is defined by agencies other than NYSDEC and does not refer to the definition by or guidance from the NYSDEC.

7. Minimize Adverse Impacts to Wetlands, Wildlife, Water All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.



8. No Disturbance to Vegetated Tidal Wetland There will be no disturbance to vegetated tidal wetlands as a result of the permitted activity.

9. Best Management Practices Best management practices will be employed to prevent the loss of construction materials, debris and sediments from entering the wetlands or waterways. Such practices may include, but are not limited to construction fencing, staked hay bales, silt fencing, floating platforms, netting, and containment booms.

10. Dewatering If sediments are to be dewatered into waterways, best management practices, including but not limited to settling basins and filtration bags, must be used to prevent sediments from being released into wetlands and/or navigable waters. If at any time during dewatering a visible sediment plume is apparent, all dewatering must cease and sediment controls must be repaired/replaced before dewatering is allowed to continue.

11. Contain Stockpile and Disturbed Areas All disturbed areas where soil will be temporarily exposed or stockpiled for longer than one week shall be contained by a continuous line of staked hay bales/silt curtain (or other department-approved method) placed on the seaward side between the fill and wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

12. Stabilize Disturbed Areas All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:

- a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).
- b. Stabilized as per specifications identified on approved plans.
- c. Temporarily stabilized with straw mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization shall be maintained until a mature vegetative cover is established.

13. Demolition and Construction Debris Should any demolition or construction debris fall into the waterway or enter the tidal wetlands, it must be removed immediately.

14. Disposal of Demolition and Construction Debris All demolition and construction debris must be properly disposed of at a licensed facility.

15. Concrete or Leachate Must Not Be Discharged During construction, concrete or leachate will not escape or be discharged, nor will washings from transit mix trucks, mixers, or other devices enter tidal wetlands and or protected buffer areas.

16. Clean Fill Material Only All fill will consist of clean sand, gravel, or soil. The use of material such as asphalt, slag, fly-ash, recycled concrete aggregate (RCA), broken concrete, or demolition debris is strictly prohibited.

17. No Equipment below Apparent MHW Equipment operation below apparent high water is strictly prohibited.



18. Storage of Equipment and Materials The storage of construction equipment and materials will be confined to within the project work site and or upland areas greater than 30 linear feet from the tidal wetland boundary.

19. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

20. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

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

22. 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.

23. 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.

24. 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.

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.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS
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1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

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 2 Headquarters
47-40 21st St
Long Island City, NY 11101 -5401

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



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
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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 COMPLETION OF WORK

Date: _____

**NYSDEC Natural Resources
Attn. Natural Resources Supervisor
N.Y.S.D.E.C Region 2 Office
47-40 21st Street
Long Island City, N.Y. 11101**

**Re: NYSDEC Permit No. 2-6308-00911/00003
Farro Prop – 99-01 162nd Ave
Queens, NY**

Dear NYSDEC Natural Resources Supervisor:

In accordance with Natural Resource Condition 4 of the referenced permit, I hereby serve notice that the work allowed by the above referenced permit has been completed as of _____, 20____, consistent with the requirements of the above referenced permit.

Signature of Permittee

Signature of Contractor

Name of Permittee (please print)

Name of Contractor (please print)

Street Address of Contractor

City, State, & Zip Code of Contractor

Telephone Number of Contractor

**cc: Environmental Permits
Marine Resources**

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

**NYSDEC Natural Resources
Attn. Natural Resources Supervisor
N.Y.S.D.E.C Region 2 Office
47-40 21st Street
Long Island City, N.Y. 11101**

**Re: NYSDEC Permit No. 2-6308-00911/00003
Farro Prop – 99-01 162nd Ave
Queens, NY**

Dear NYSDEC Natural Resources Supervisor:

In accordance with Natural Resource Condition 3 of the referenced permit, I hereby serve notice to commence work on _____, 20____.

This is also to certify that, having read this entire permit, I am fully aware of and understand the general and natural resource conditions therein, and agree to comply with all such conditions further understand that prior to undertaking any modification to the subject work, I must seek and receive written approval of the NYSDEC Regional Permit Administrator.

Signature of Permittee

Signature of Contractor

Name of Permittee (please print)

Name of Contractor (please print)

Street Address of Contractor

City, State, & Zip Code of Contractor

Telephone Number of Contractor

WARNING

The permittee and his contractor (if any) are required to follow all permit conditions. Violations of the permit may lead to legal action, including the imposition of substantial monetary fines and corrective work.

**cc: Environmental Permits
Marine Resources**

New York State
Department of Environmental Conservation

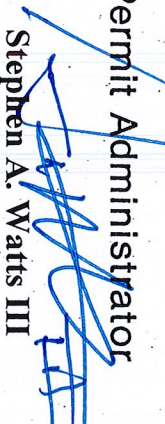
NOTICE

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

Regional Permit Administrator

Permit Number 2-6308-00911/00003

Expiration Date 12/31/2022


Stephen A. Watts III
47-40 21st Street
LIC, NY 11101
(718) 482-4997

NOTE: This notice is NOT a permit