

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

September 29, 2015

Greg M. Fleischer
Carpenter Environmental Associates, Inc.
610 County Route 1, Unit 2F
Pine Island, NY 10969

Re: NYSDEC Permit No. 2-6405-00470/00001
Bay Properties – B 7792/L 242
Page Ave & Giegerich Ave
Staten Island, NY 10307
ECL Article 24 - Freshwater Wetlands
NOTICE OF PERMIT MODIFICATION

Dear Mr. Fleischer:

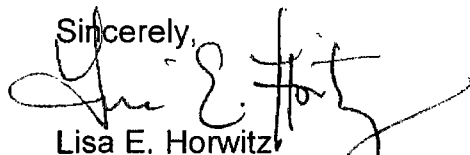
In response to your request, please be advised that the above referenced permit has been modified to allow for 29 dwellings instead of 32. Your modified permit is attached. Please read it carefully. Compliance with permit conditions is required.

Please note that Natural Resources Condition 6 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.

Please also note that Page 2, Paragraph 2 of the deed restriction should be modified to reference the approved plot plan, showing the Area of No Land Alteration, as opposed to the survey (Attachment B), with the resulting draft sent to the NYSDEC for review.

If you have any technical questions please contact Sandy Chan of the Bureau of Fish and Wildlife 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:
BAY PROPERTIES INC
343 SAND LN
STATEN ISLAND, NY 10305

Facility:
BAY PROPERTIES - B 7792/L 242
PAGE AVE & GIEGERICH AVE
STATEN ISLAND, NY 10307

Facility Location: in RICHMOND COUNTY **Village:** Staten Island
Facility Principal Reference Point: NYTM-E: 564.955 NYTM-N: 4485.204
Latitude: 40°30'54.1" Longitude: 74°13'59.7"

Project Location: Page Ave & Giegerich Ave

Authorized Activity: Construct 29 detached single-family houses, with associated paving, utilities, landscaping, and streets. All developed areas, including rear yards to be a minimum of 60 feet from the wetland. Establish a naturally vegetated buffer zone within this non-disturbance zone. Preserve approximately 2.8 acres of the 7.7-acre site as wetlands and adjacent buffer area.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 2-6405-00470/00001

Renewal	Effective Date: <u>4/20/2011</u>	Expiration Date: <u>12/31/2012</u>
Modification # 1	Effective Date: <u>1/1/2013</u>	Expiration Date: <u>12/31/2017</u>
Modification # 2	Effective Date: <u>9/29/2015</u>	Expiration Date: <u>12/31/2021</u>

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 09/29/2015



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

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GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS

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 see Natural Resource 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. Site Plans prepared by Moss & Sayad Architects for (29) One Family Dwelling Units, Cheevers Lane & Geigerich Ave, Staten Island, NY, Drawing Nos. DEC-001.00 and DEC-002.00, Sheets 1 to 2 of 2, dated 6/19/2005, last revised 9/3/2015, received by NYSDEC on September 17, 2015.

B. The Plan Showing Proposed Storm and Sanitary Drainage for Property of Owner in Block 7792, prepared by Wohl & O'Mara, LLP, Sheets 1 to 2 of 2, dated 3/27/2015, received by NYSDEC on September 17, 2015.

C. The Mitigation Plan prepared by Carpenter Environmental Associates for Giegerich Avenue, Sheet 1 of 1, dated 6/15/15, last revised 9/3/15, received by NYSDEC on September 17, 2015.

3. Final Design Plans Prior to the start of construction, Permittee must submit final design plans and contract specifications to: NYSDEC Fish & Wildlife, 47-40 21st Street, Long Island City, NY 11101 (Attention: Sandy Chan) for a determination of compliance with this permit. Plans must include a construction sequencing plan for the placement of roads, structures or equipment within wetland adjacent areas.

4. Building Approvals Prior to the start of construction, Permittee must submit copies of street, sewer and buildings approvals issued by the City of New York to: NYSDEC Fish & Wildlife, 47-40 21st Street, Long Island City, NY 11101 (Attention: Sandy Chan).

5. Deed Restriction Prior to the start of construction, Permittee must file a deed restriction preserving that portion of the site which contains freshwater wetlands, adjacent area and the plantings which are to remain in a natural condition. Within 15 days of filing a certified copy of the filed deed restriction must be submitted to: NYSDEC Regional Permit Administrator, 47-40 21st Street, Long Island City, New York 11101.



6. 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 the NYSDEC Bureau of Fish and Wildlife, 47-40 21st Street, Long Island City, New York 11101 (Attention: Sandy Chan). Permittee must also provide notification in writing promptly upon completion of work and upon any resumption of work after more than six months of inactivity.

7. Posting of NYSDEC Permit Sign The attached NYSDEC permit sign must be posted, protected from the weather, in a conspicuous outdoor location at the project site. This sign is to be posted for the duration of work authorized by this permit.

8. Work Schedule Prior to the start of construction authorized by this permit, the Permittee, Permittee's contractors, and other appropriate parties must meet on-site to review the permit conditions and work schedule. At that time, the Permittee must provide NYSDEC Fish & Wildlife, 47-40 21st Street, Long Island City, NY 11101 (Attention: Sandy Chan), with the following items which shall be subject to NYSDEC approval:

A. Identify (name, address, phone number, primary contact person) the various participants in the construction project.

B. Construction time line and sequencing of construction activities for each phase of the construction project.

C. When and where planting activities will commence within a construction project. and their expected duration. At the conclusion of planting activities the Permittee must provide NYSDEC Fish & Wildlife, 47-40 21st Street, Long Island City, NY 11101 (Attention: Sandy Chan), with an accounting of the number of species planted, size, locations, date of acceptance, etc.

D. A copy of any plan, contract modifications or final approvals that have occurred since the issuance of this permit.

9. Limits of Construction Activity All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving, and stockpiling of material, is to take place within the project site as depicted on drawings referenced in Natural Resource Permit Condition 2. No construction activity is to take place within areas to be left in a natural condition or areas not designated by the subject permit. The Permittee must designate all storage and staging areas, for NYSDEC 47-40 21st Street, Long Island City, NY 11101 (Attention: Sandy Chan) approval, prior to establishing these areas.

10. Retention of Sediments All sediments are to be retained on the construction site; no deposition of sediment is to occur in wetlands or other areas to be left in a natural condition. This retention is to be accomplished by placing hay bales, filter fabric or other barriers to erosion around the excavation site and between areas of construction and areas to be left in a natural condition. Erosion control measures are to be in place before any other construction activity begins and are to be maintained until a permanent cover of vegetation is established.

11. Construction Fence A temporary fence or other barrier to movement is to be placed between the construction site and any areas, including freshwater wetlands and adjacent areas, that are to remain in a



natural condition. This fence is to be erected before any work authorized by this permit begins. This fence must be maintained until all work is completed and the permanent fence is installed.

12. Clean Fill Material Only Fill material must consist only of clean inorganic sand, gravel, stone, or soil. No other materials are to be used unless specifically allowed by this permit.

13. Graded Areas All graded areas are to match smoothly the elevation and contours of the adjacent undisturbed land.

14. 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.

15. Seeding of Exposed Soils All areas in which bare soil is exposed are to be seeded with a fast growing wildflower mix within two weeks of the conclusion of any period of active work or upon NYSDEC instructions. Seedings are to be repeated as needed to establish a thick ground cover. When winter weather prevents growth of grass, such areas are to be covered with mulch and seeded as soon as allowed by growing conditions. Areas of bare soil are not to persist for more than six weeks.

16. Plant Monitoring All plants, as shown on drawings made part of this permit, are to be monitored for survival for a minimum of two growing seasons. The Permittee must notify the NYSDEC 47-40 21st Street, Long Island City, NY 11101 (Attention: Sandy Chan), of the date of acceptance of the plantings plus identify any modifications to the approved planting plan. If mortality or bare areas occur, dead plants are to be replaced.

17. 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.

18. Stormwater Flows Permittee must ensure that no additional storm water flows are generated by the proposed project. All storm water generated on-site must either be directed to drywells or to the freshwater wetlands based upon project plans referenced in Natural Resource Permit Condition 2.

19. Water Supply Systems and Wastewater Disposal Systems Permittee must ensure that all constructed water supply systems and wastewater disposal systems comply with both New York City and New York State regulations for conservation, treatment and function.

20. 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.

21. 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.

22. 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.

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 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.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:
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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

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4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands.

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 INTENT TO COMMENCE WORK

Date: _____

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

**Re: NYSDEC Permit No. 2-6405-00470/00001
Bay Properties – B 7792/L 242
Page Ave & Giegerich Ave
Staten Island, NY 10307**

Dear Habitat Supervisor:

In accordance with Natural Resource Condition 6 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

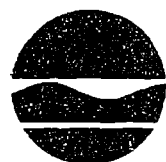
Telephone Number of Contractor

WARNING

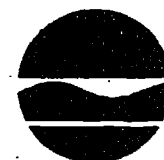
The permittee and his contractor (if any) are required to follow all permit conditions. Violations of the permit may lead to legal action, including the imposition of substantial monetary fines and corrective work.

cc: Environmental Permits

New York State
Department of Environmental Conservation



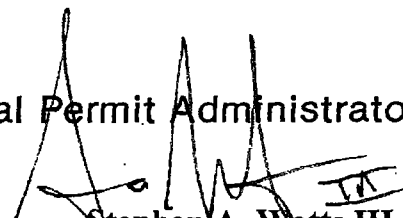
NOTICE



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 2-6405-00470/00001
Expiration Date 12/31/2021


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

NOTE: This notice is **NOT** a permit