

COSTELLO MARINE CONTRACTING CORP

DOCKS • BULKHEADS • ROCK REVETMENTS • JETTY REPAIR • DECKS • BLUFF STAIRS • PILE INSTALLATION

To: Shelter Island Town Board
New York State Department of Environmental Conservation
New York State Department of State
Army Corps of Engineers

AUTHORIZATION

The undersigned, as owner of property located at 10 Bluff Avenue, Shelter Island Heights, NY 11965 SCTM #700-5-4-3, here by authorizes Costello Marine Contracting Corp. to act as agent to process all permit applications needed to construct a dock at my property.

Dated: 7-24-23

Sign Here: *RM*

Printed Name: Robert Malin

SWORN TO BEFORE ME THIS 24th DAY OF July 2023

Mary Lou J. Eichhorn

Notary Public Signature

MARY LOU J EICHHORN
Notary Public, State of New York
No. 01E14639655
Qualified in Suffolk County
Commission Expires October 31, 2026



TOWN OF SHELTER ISLAND
38 North Ferry Road
P.O. Box 1549
Shelter Island, New York 11964

AMBER WILSON
 TOWN CLERK
 REGISTRAR OF VITAL STATISTICS
 FREEDOM OF INFORMATION OFFICER
 RECORDS ACCESS OFFICER
 NOTARY PUBLIC

OFFICE (631) 749-1166
 FAX NUMBER (631) 749-3436
townclerk@shelterislandtown.gov
www.shelterislandtown.us

APPLICATION FOR PERMIT

Docks, Dredging, Bulkheads, Groins, Repairs, & Water Control Structures (excluding moorings)

Fees: Repairs - \$500.00, New Construction - \$1,000.00, Per Piling - \$100.00

Name Robert Malin Telephone Number(s) [REDACTED]

Mailing Address 214 Duckskill Rd East Hampton NY 11937

Email [REDACTED]

Description of work to be done Construct a 5x20 ramp leading to 5x90 catwalk
install 2 ladders at seaward end of catwalk, install four - 2 pile
dolphin tie-offs

Total Number of Pilings Four 2-pile dolphin tie offs

Property Location/Street Address 10 Bluff Ave Shelter Island Heights NY 11965

Tax Map Number 700-5-4-3

Name, Address, Telephone # of Contractor Constello Marine Contracting Corp

PO BOX 2124, 423 5TH Street, Greenport NY 11944

PH-631-447-1199
 Applicant agrees that when said permit is issued, it is on the express condition that the work to be performed pursuant thereto will not obstruct the right of the public to pass along the foreshore between the high and low water mark. In the event that such work shall interfere with or obstruct such right of the public, the permittee hereby expressly agrees that (s)he will provide and allow suitable passageway around or over the same so that the public will be given free and unobstructed passage along said foreshore.

It is expressly understood and agreed that the applicant hereby agrees to hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with property or bodily damages arising out of or incidental to the performance of the work involved in said permit.

11-24-23
 Date

[Signature]
 Signature of Applicant

INSTRUCTIONS & REGULATIONS

Docks

A permit shall be required for the construction, alteration or modification of a dock. A permit shall not be required for the repair of a dock, except in any of the following circumstances:

- when the total cost for such repair of an existing dock exceeds ten thousand (\$10,000.00) dollars;
- when the repair is other than in kind and in place;
- when no previous permit has been issued for the construction of the dock;
- when less than thirty (30%) percent of the original structure remains in a structurally sound condition;
- extension of utilities (including water, electric, cable and telephone) to a dock requires a building permit issued by the Town Building Department.

The dock permit shall be issued by the Town Board and will be valid for a period of twelve (12) months from the date of issuance and is conditioned on the issuance of permits from other governmental or municipal authorities as may be required. A permit may be extended by resolution of the Town Board for an additional period of six (6) months without a public hearing provided that the request for same is submitted no later than thirty (30) days prior to the expiration date. No dock construction may be commenced under the permit until the Building Department is notified by the dock contractor of the date construction will commence.

Sixteen (16) copies of the dock application shall be accompanied by sixteen (16) copies of the following:

-A certified survey of the owner's property on which the proposed dock is to be located, indicating the zoning district and showing property lines, exact location of the proposed dock and other structures, any unusual natural features on the property and adjacent waters, and depths to the nearest foot at ten (10) foot intervals to the end of the dock, measured at mean low water.

-An accurately dimensioned scale drawing of the proposed dock in plan and elevation format showing the structural design details of the dock, including the location and type of services and utilities (including water, electric, cable and telephone).

-Specifications for the construction materials to be used.

-The following proof of insurance in force: (a) from the owner, a certificate of insurance for at least \$300,00 liability on the location and operations covered by said permit; and (b) from the contractor performing the operations covered by said permit, an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least \$500,000 covering operations of the contractor pursuant to said permit.

-Any copies of applications and permits related to other agencies as may be required.

-Owner's Endorsement Form

In addition to the above, it shall be a prerequisite for a complete application that the off-shore location for the proposed structure shall be clearly delineated by a minimum of four stakes and that additional stakes be placed at the property boundaries nearest the dock. The location of these stakes should correspond exactly to the configuration of the proposed structure on the scale drawing accompanying this application.

Applications for the alteration, modification or repair of an existing dock which do not change the configuration of the dock are exempt from the requirements of a certified survey and accurately dimensioned scale drawing, and six (6) copies of the application and supporting documentation.

A dock shall not be an impediment nor a menace to navigation. The location of a dock shall cross the water frontage of a lot with the same setback requirements from the extremes of that water frontage as apply for the principal dwelling on that lot, but in no case less than twenty-five (25) feet. The dock shall extend seaward in a direction and configuration that does not intrude on neighboring lots' equivalent rights to current or future dock location.

Length and Depth of Docks:

-At mean low water, a private dock may not extend into the waterway farther than the equivalent of fifteen (15%) percent of the shortest distance at mean low water from the shoreline where the dock is located to the opposite shoreline.

-A private dock may not extend either: (i) more than one hundred (100) feet offshore from the mean high water mark on the owner's upland property, or (ii) beyond the point where mean low water depth reaches four (4) feet, whichever of these two conditions occurs sooner.

-A private dock may not extend in total linear measure of all walkways, ramps, floats, and distance to tie-off pilings more than one and one-half (1.5x) times the specified maximum off shore distance of the dock.

-A commercial dock may not extend either: (i) more than three hundred (300) feet offshore from the mean high water mark of the owner's upland property, or (ii) beyond the point where the mean low water depth reaches six (6) feet, whichever of these two alternative conditions occurs sooner.

Width of Docks

-A private dock, exclusive of floats, but including walkways and ramps shall be no wider than five (5) feet; the deck area of floats shall be no greater than two hundred (200) square feet.

-A commercial dock, exclusive of floats, but including walkways and ramps shall be no wider than ten (10) feet; floats shall be no wider than twelve (12) feet.

Any waterways illumination whether dock mounted or shore mounted, shall be focused downward and shall not directly light an area more than ten (10) feet beyond the foreshore or the footprint of the dock.

Private dock installations to store or convey fuel or sewage shall not be permitted.

Acceptance of a permit shall constitute an agreement that it shall be the owner's responsibility to ensure proper usage of the dock at all times, and to maintain the dock and all appurtenances and equipment in conformance with the Town of Shelter Island Dock Law and in the interests of public safety and protection of the waterways.

Other Water Control Structures

No person shall construct, repair, replace or reconstruct or place any bulkhead, pile, float, building, pier, wharf, jetty, groin, dolphin, dike, dam or other water control device or other structure, any part of which is embedded in or attached to land above or below water, in or on any Town waters, Town lands under water, foreshore or state or county lands under water within the geographical limits of the Town, nor shall any person remove or move any sand, gravel or other material from such lands in the Town of Shelter Island without first obtaining a permit from the Shelter Island Town Board.

The validity of any permits issued shall be conditioned on the issuance of permits from other governmental or municipal authorities as may be required.

In issuing a permit, the Town Board may impose such reasonable conditions and restrictions as will prevent the obstruction or interference with navigation, the public use of Town waters or lands under Town waters, or shall be in furtherance of the public interest.

Dock Application Statement

(Must be signed by applicant, not agent or contractor)

The undersigned certifies the following:

1. The materials and design of the dock will meet all pertinent federal, state, county and town regulations.
2. Acceptance of the permit shall constitute an agreement that the permittee:
 - a) will indemnify and hold the Town of Shelter Island and its authorized representatives harmless from any liability in connection with any property damage or bodily injury that may occur as a result of the issuance of a permit under the Town of Shelter Island Dock Local Law, nor is the Town responsible for the loss, damage or theft to boats and/or their contents;
 - b) Consents to the entry on the property by the Dock Inspector or other authorized representative of the Town in order to make such inspections as the Town may deem necessary to ensure compliance with the terms and conditions of the permit.

11/24/23

Date
(Rev. 11/23)



Signature of Applicant



EVIDENCE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY)

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE OF PROPERTY INSURANCE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

AGENCY		PHONE (A/C, No, Ext):	COMPANY	
FAX (A/C, No):		E-MAIL ADDRESS:		
CODE:		SUB CODE:		
AGENCY CUSTOMER ID #:		LOAN NUMBER		POLICY NUMBER
INSURED		EFFECTIVE DATE	EXPIRATION DATE	<input type="checkbox"/> CONTINUED UNTIL TERMINATED IF CHECKED
THIS REPLACES PRIOR EVIDENCE DATED:				

PROPERTY INFORMATION

LOCATION/DESCRIPTION

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COVERAGE INFORMATION

COVERAGE / PERILS / FORMS	AMOUNT OF INSURANCE	DEDUCTIBLE

REMARKS (Including Special Conditions)

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE ADDITIONAL INTEREST NAMED BELOW, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

ADDITIONAL INTEREST

NAME AND ADDRESS	<input type="checkbox"/> MORTGAGEE	<input type="checkbox"/> ADDITIONAL INSURED
	<input type="checkbox"/> LOSS PAYEE	
	LOAN #	
AUTHORIZED REPRESENTATIVE <i>Michael Amoia</i>		

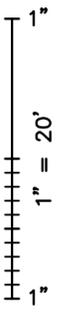
- MONUMENT
CONC or STONE
- ▲ STAKE
WOOD or
PLASTIC
- SPIKE, REBAR,
IRON PIPE, ETC
- MANHOLE COVER
MH

Pipes Cove

CERTIFICATION & ALTERATION NOTE:

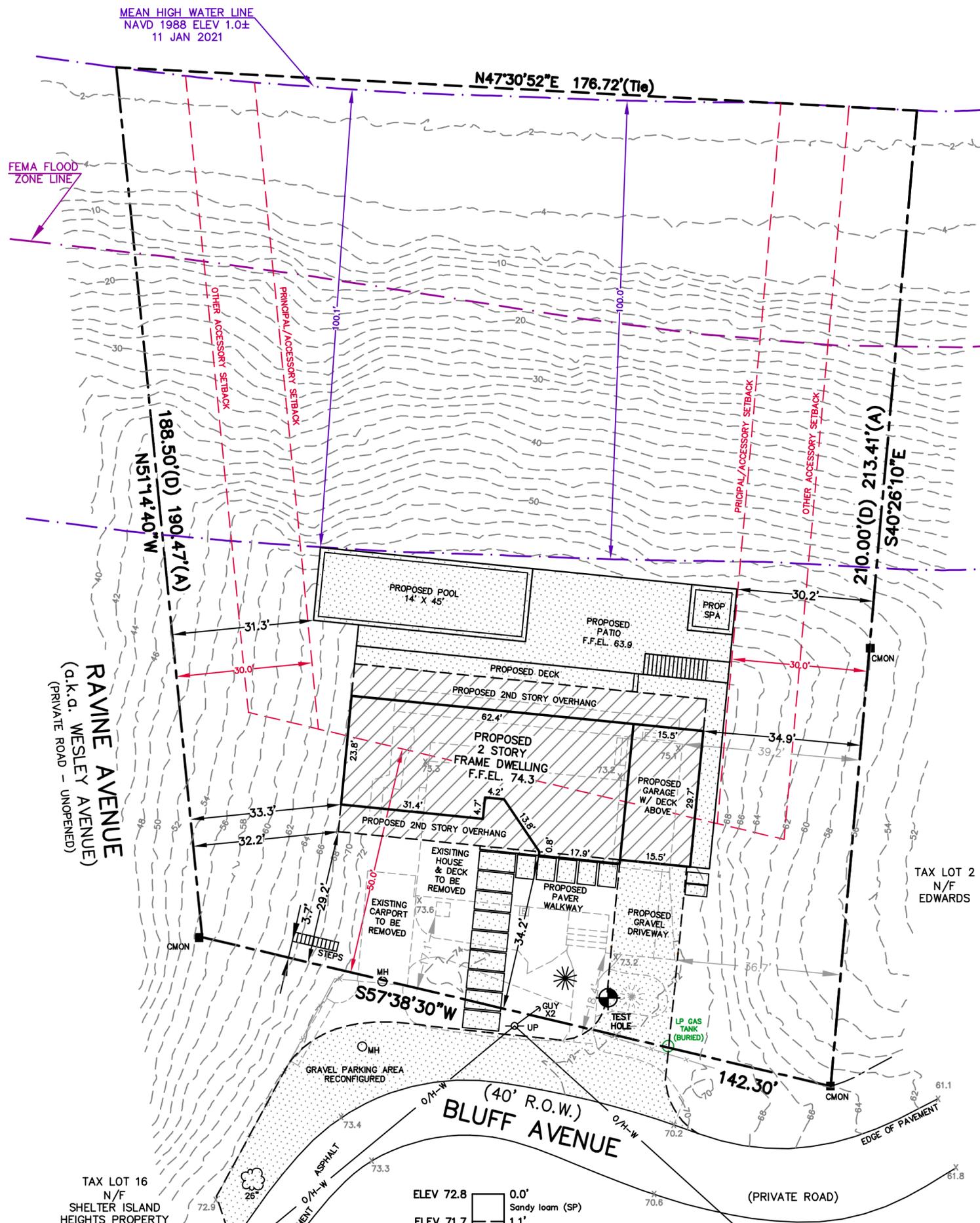
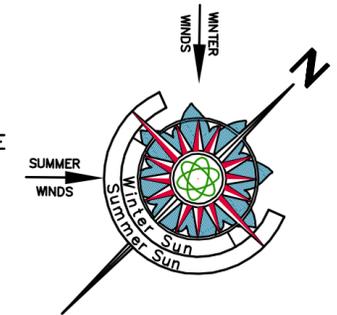
UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON(S) FOR WHOM THE SURVEY IS PREPARED, AND ON THEIR BEHALF TO THE TITLE COMPANY, LENDING INSTITUTION AND/OR GOVERNMENTAL AGENCY LISTED HEREON, AND THE SUCCESSORS AND/OR ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. LOCATIONS OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS, IF ANY EXIST EXCEPT AS SHOWN HEREON, ARE NOT KNOWN AND ARE NOT COVERED BY THIS CERTIFICATION.

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North American Vertical Datum 1988

Deed North
DEED LOT AREA TO
MEAN HIGH WATER LINE
31,470± SQ.FT.
0.722± ACRES.



ZONE "VE 15"
OUTSIDE 0.2%
FLOOD PLAN

NOTES:

1. SURVEY CONDUCTED WITHOUT BENEFIT OF COMPLETE TITLE REPORT. EASEMENTS OF RECORD FOR WHICH DOCUMENTATION HAS BEEN PROVIDED ARE SHOWN HEREON. OTHER EASEMENTS, IF ANY, ARE NOT SHOWN.
2. BOUNDARY COURSES SHOWN HEREON WITH (A) OR (D) SUFFIX INDICATE ACTUAL (A) VERSUS DEED (D) OR FILE MAP (M) VALUES.
3. SUBJECT PROPERTY IN ZONE "AA" AND IN THE NEAR SHORE OVERLAY DISTRICT PER TOWN OF SHELTER ISLAND BUILDING DEPARTMENT, JULY 16, 2021. ALL ZONING REGULATIONS AND RESTRICTIONS SHOWN HEREON MUST BE VERIFIED WITH APPROPRIATE AUTHORITIES.
4. NO WETLANDS LINES ARE SHOWN HEREON. ZONING SETBACKS AND/OR ALLOWED AREA COMPUTATIONS MAY BE DIFFERENT IF THE SUBJECT PROPERTY IS WITHIN REGULATORY DISTANCE OF ANY EXISTING WETLANDS. ALL ZONING INFORMATION MUST BE VERIFIED WITH APPROPRIATE AUTHORITIES.
5. SUBJECT PROPERTY IN FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD ZONE "VE 15" AND "OUTSIDE 0.2% FLOOD PLAN" AS SHOWN ON FLOOD INSURANCE RATE MAP FM36103CD178H, LAST REVISED SEPTEMBER 25, 2009.
6. ONLY TREES SUBJECTIVELY CONSIDERED TO BE SIGNIFICANT DURING FIELD MEASUREMENTS ARE SHOWN HEREON. NO CERTIFICATION IS PROVIDED AS TO THE NUMBER, TYPE OR EXTENT OF INDIVIDUAL TREES ON THE SUBJECT PROPERTY.
7. TOPOGRAPHIC TERRAIN CONTOURS SHOWN HEREON ARE COMPUTED FROM AERIAL LIGHT DETECTION AND RANGING (LIDAR) DATA OBSERVED BY THE NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION - UNITED STATES GEOLOGICAL SURVEY (NOAA/USGS) APRIL 2014. SPOT GRADES SHOWN HEREON ARE GROUND OBSERVATIONS AS OF THE ORIGINAL DATE OF THIS SURVEY MAP.
8. AS EVIDENCED BY OBSERVED ABOVE GROUND APPURTENANCES ONLY AS SHOWN HEREON, SOME OF OR ALL UTILITY SERVICES TO THE SUBJECT PROPERTY ARE UNDERGROUND AND ARE PROVIDED TO THE SUBJECT PROPERTY FROM WITHIN THE PUBLIC RIGHT OF WAY. BEFORE DIGGING ON THE SUBJECT PROPERTY OR IN THE PUBLIC RIGHT OF WAY CALL THE NYC & LI ONE-CALL CENTER AT 1-800-272-4480 AND REQUEST FIELD LOCATION AND MARK OUT OF UNDERGROUND UTILITY LINES. LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON, INCLUDING BUT NOT LIMITED TO SANITARY AND DRAINAGE DISPOSAL SYSTEMS, ARE DEPICTED ACCORDING TO RECORDS SUPPLIED BY OTHERS. USERS OF THIS SURVEY MAP ARE CAUTIONED THAT NO CERTIFICATION, WARRANTY OR GUARANTY, EITHER EXPRESS OR IMPLIED, IS EXTENDED TO THE LOCATION OR COMPLETENESS OF INFORMATION WITH RESPECT TO UNDERGROUND UTILITIES SHOWN HEREON. CERTIFICATION IS EXTENDED ONLY TO THE ACCURATE PLOTTING OF LOCATION DATA AS PROVIDED IN SKETCH FORMAT OR AS LOCATED BY FIELD MEASUREMENT OF SURFACE MARK OUT.
9. LOCATION AND PROTECTION OF ALL UNDERGROUND UTILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR.

CERTIFIED TO:
ROBERT MALIN

PRELIMINARY 11 JAN 2023

Field Work: JLA CFB	Project No: 21-099
Drawn By: FMH JML JER	Drawing Name: 21-099 PROJ.DWG
Checked By: FMH	Scale: 1" = 20'
Reviewed By: -	Date: 12 JUL 2021

Revisions:
18JUL21 TITLE TRANS
13AUG21 SITE TRANS
6SEP21 TEST HOLE
XXXXX22 PROP SITE PLAN

MALIN
PROPERTY SITUATE AT
10 BLUFF AVENUE
SHELTER ISLAND HEIGHTS, NEW YORK
COUNTY OF SUFFOLK, TOWN OF SHELTER ISLAND
DISTRICT 700 SECTION 5 BLOCK 4, LOT 3

PREPARED BY
F. MICHAEL HEMMER, LS, P.C.
PROFESSIONAL SURVEYING SERVICES
PO BOX 1328, SAG HARBOR, NEW YORK 11963
(631) 725-7199 INFO@FMHLS.COM

Sheet Title:
PROPOSED SITE PLAN



Sheet
1 OF 1

ELEV 72.8	0.0'	Sandy loam (SP)
ELEV 71.7	1.1'	Mixed sand (SP)
ELEV 69.5	3.3'	Muc with shells (Pt)
ELEV 65.7	7.1'	Muc with shells (Pt)
ELEV 55.8	17.0'	Silty sand (SM)

NO GROUNDWATER ENCOUNTERED
17.0' BELOW GRADE

TEST HOLE 08/05/2021
SHAWN M. BARRON, M.S.

TABLE OF AREAS	(SQ. FT.)
LOT SIZE TO MHWL	31,470

EXISTING TOTAL BUILDING COVERAGE	1,802
PROPOSED TOTAL BUILDING COVERAGE	2,876
ALLOWED TOTAL BUILDING COVERAGE	7,868
(31,470 * 0.25)	

EXISTING TOTAL LOT COVERAGE	2,260
PROPOSED TOTAL LOT COVERAGE	5,581
ALLOWED TOTAL LOT COVERAGE	12,588
(31,470 * 0.40)	

RAVINE AVENUE
(D.K.-D. WESLEY AVENUE)
(PRIVATE ROAD - UNOPENED)

TAX LOT 16
N/F
SHELTER ISLAND
HEIGHTS PROPERTY
OWNERS CORPORATION
(PRIVATE ROAD)

TAX LOT 2
N/F
EDWARDS

GRAVEL PARKING AREA
RECONFIGURED

(40' R.O.W.)
BLUFF AVENUE
(PRIVATE ROAD)

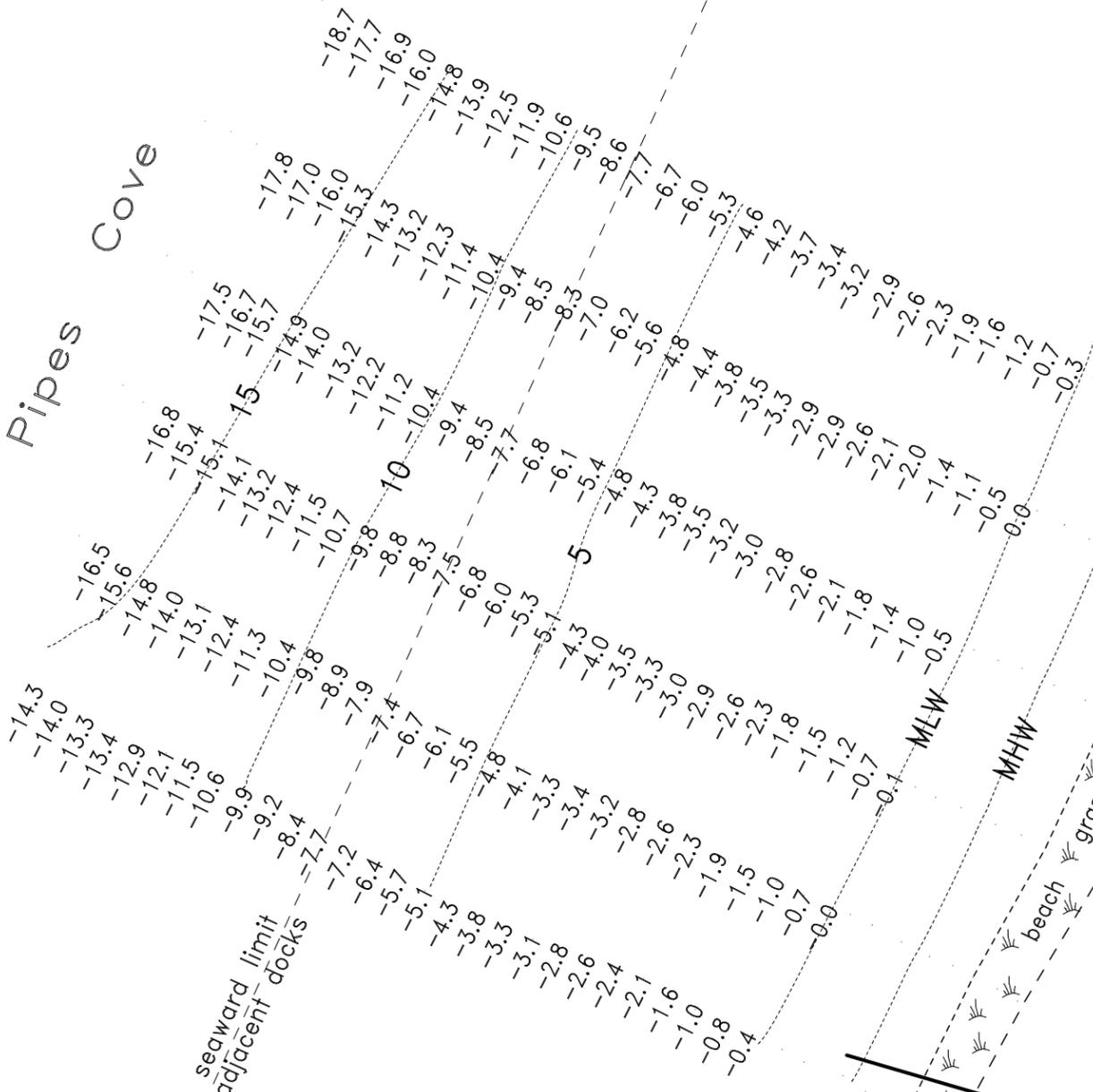
Bathymetric Map

Date: 15 June 2023
 Shelter Island Heights
 Town: Shelter Island
 Suffolk County, NY
 Datum: MLW



40'

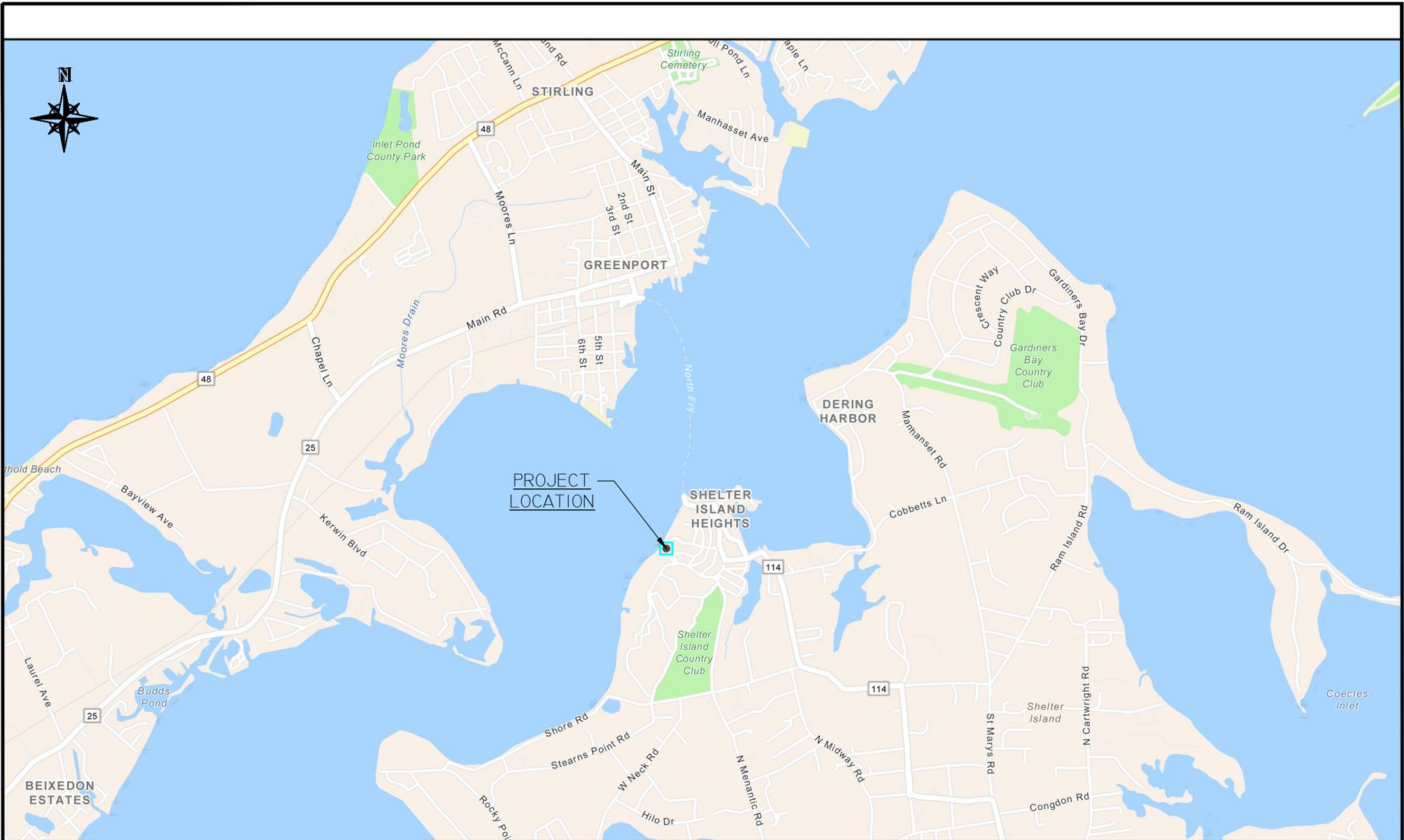
Pipes Cove



Timber Dock

22 Prospect Ave

ROBERT H. FOX
 NYS PLS # 50197
 P. O. BOX 366
 AQUEBOGUE, NY 11931



PROJECT LOCATION

PREPARED BY: KS REVISD BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199

VICINITY MAP

N41° 5' 3" W72° 21' 36"

(SHEET 1 OF 8)

APPLICANT: ROBERT MALIN
 ADDRESS: 214 BUCKSKILL ROAD
 EAST HAMPTON, NY 11965
 JOB SITE: 10 BLUFF AVENUE
 SHELTER ISLAND HEIGHTS, NY 11965
 SCTM#: 700-5-4-3
 DATE: 11/15/23, 10/10/23, 07/13/23



ADJACENT PROPERTY OWNERS

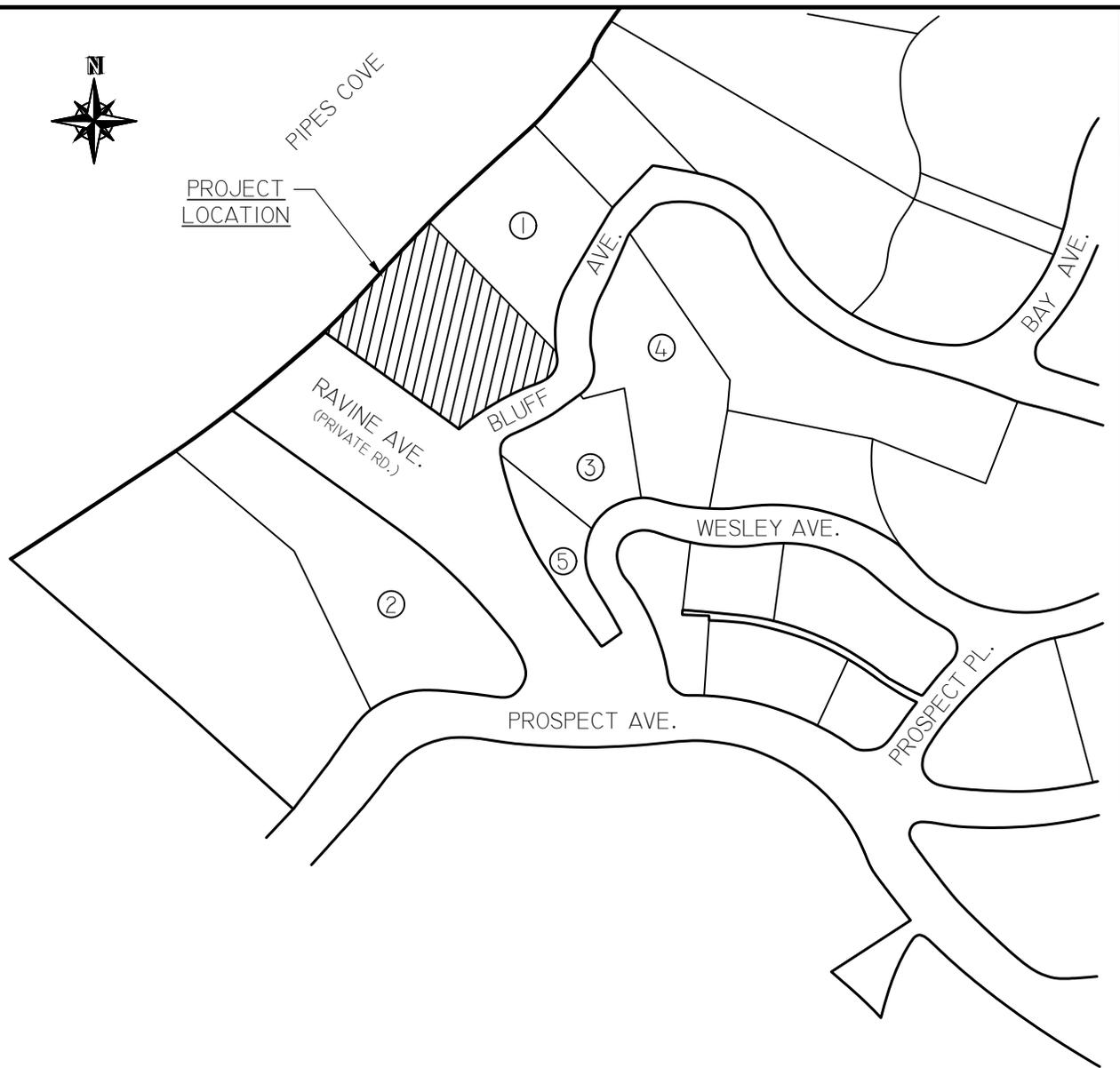
- ① SHARON L. EDWARDS & TIMOTHY J. PURTELL
3541 KINGSBORO
ATLANTA, GA 30319
(8 BLUFF AVENUE)
(SCTM# 700-5-4-2)

- ② OLIVE B. REICH IRR TRUST
DANIEL K. REICH
7518 THIRD AVENUE
BROOKLYN, NY 11209
(20 PROSPECT AVENUE)
(SCTM# 700-5-4-4)

- ③ TIMOTHY J. PURTELL
P.O. Box 68
SHELTER ISLAND HEIGHTS, NY 11965
(5 BLUFF AVENUE)
(SCTM# 700-5-4-7.1)

- ④ LORRAINE ARADO WALKER & STEPHEN WALKER
128 OLD FULTON STREET, APT. 3E
BROOKLYN, NY 11201
(3 BLUFF AVENUE)
(SCTM# 700-5-4-26.1)

- ⑤ SIMON GAVRON & MARTHA PICHEY
5 RIVERSIDE DRIVE APT. 8A
NEW YORK, NY 10023
(1 WESLEY AVENUE)
(SCTM# 700-5-4-6)



PROJECT
LOCATION

APPLICANT: ROBERT MALIN
 ADDRESS: 214 BUCKSKILL ROAD
 EAST HAMPTON, NY 11965
 JOB SITE: 10 BLUFF AVENUE
 SHELTER ISLAND HEIGHTS, NY 11965
 SCTM#: 700-5-4-3
 DATE: 11/15/23, 10/10/23, 07/13/23

PREPARED BY: KS REVISD BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199

LOCATION MAP

N41° 5' 3" W72° 21' 36"

(SHEET 2 OF 8)

PROPOSED

- CONSTRUCT A 5'x20' RAMP LEADING TO A 5'x90' CATWALK
- INSTALL TWO LADDERS AT SEAWARD END OF CATWALK.
- INSTALL FOUR 2-PILE DOLPHIN TIE-OFFS.

DOCK MATERIALS:

PILING: 12" - GREENHEART
STRINGERS: 8"x8" - CCA
CAP: 6"x12" - CCA
DECKING: 5/4"x6" - PURPLEHEART
BOLTS: HOT DIPPED GALVANIZED
DECKING
FASTENERS: STAINLESS STEEL

ACCESS:

BY WATER VIA BARGE AND BY LAND THROUGH APPLICANT'S PROPERTY

PREPARED BY: KS REVISED BY: KS
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
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(SHEET 3 OF 8)

APPLICANT: ROBERT MALIN
ADDRESS: 214 BUCKSKILL ROAD
EAST HAMPTON, NY 11965
JOB SITE: 10 BLUFF AVENUE
SHELTER ISLAND HEIGHTS, NY 11965
SCTM#: 700-5-4-3
DATE: 11/15/23, 10/10/23, 07/13/23

SHELTER ISLAND SOUND



MEAN HIGH WATER LINE

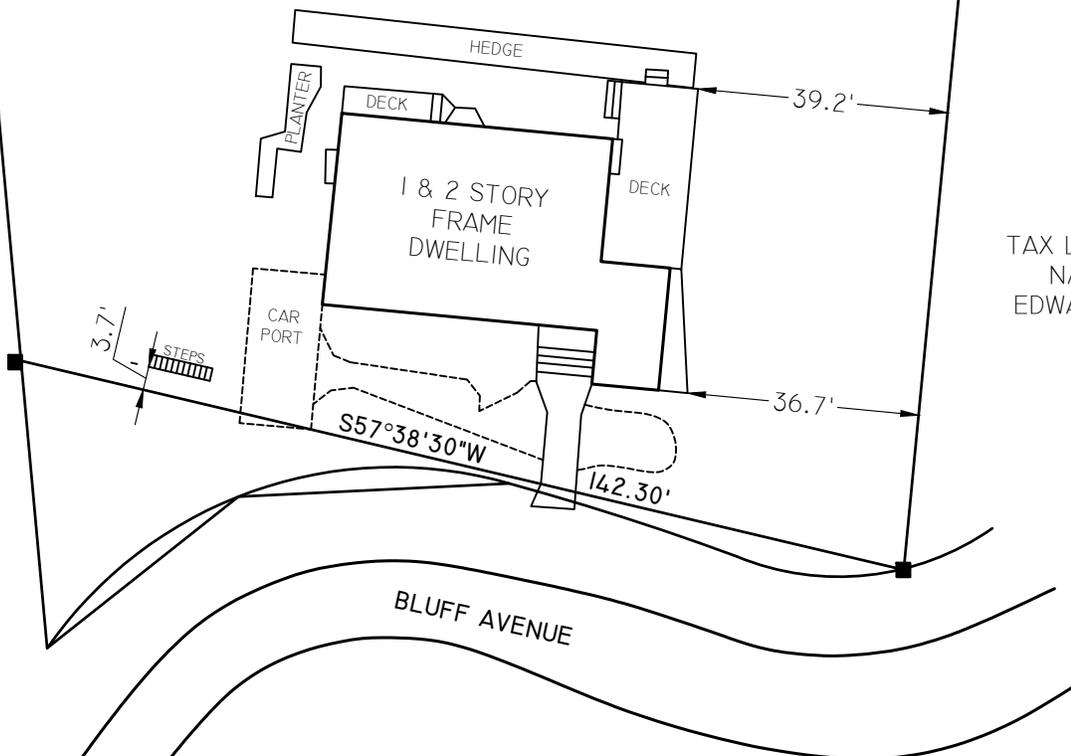
N47°30'52"E 176.72'(TIE)

188.50'(D) 190.47'(A)
N51°14'40"W

210.00'(D) 213.41'(A)
S40°26'10"E

RAVINE AVENUE
(A.K.A. WESLEY AVENUE)
(PRIVATE ROAD)

TAX LOT 2
N/F
EDWARDS



NOTE:
INFORMATION IN THIS SITE MAP WAS
REFLECTED FROM F. MICHAEL HEMMER,
LS, P.C. DATED 11 JAN 2021.

SITE MAP



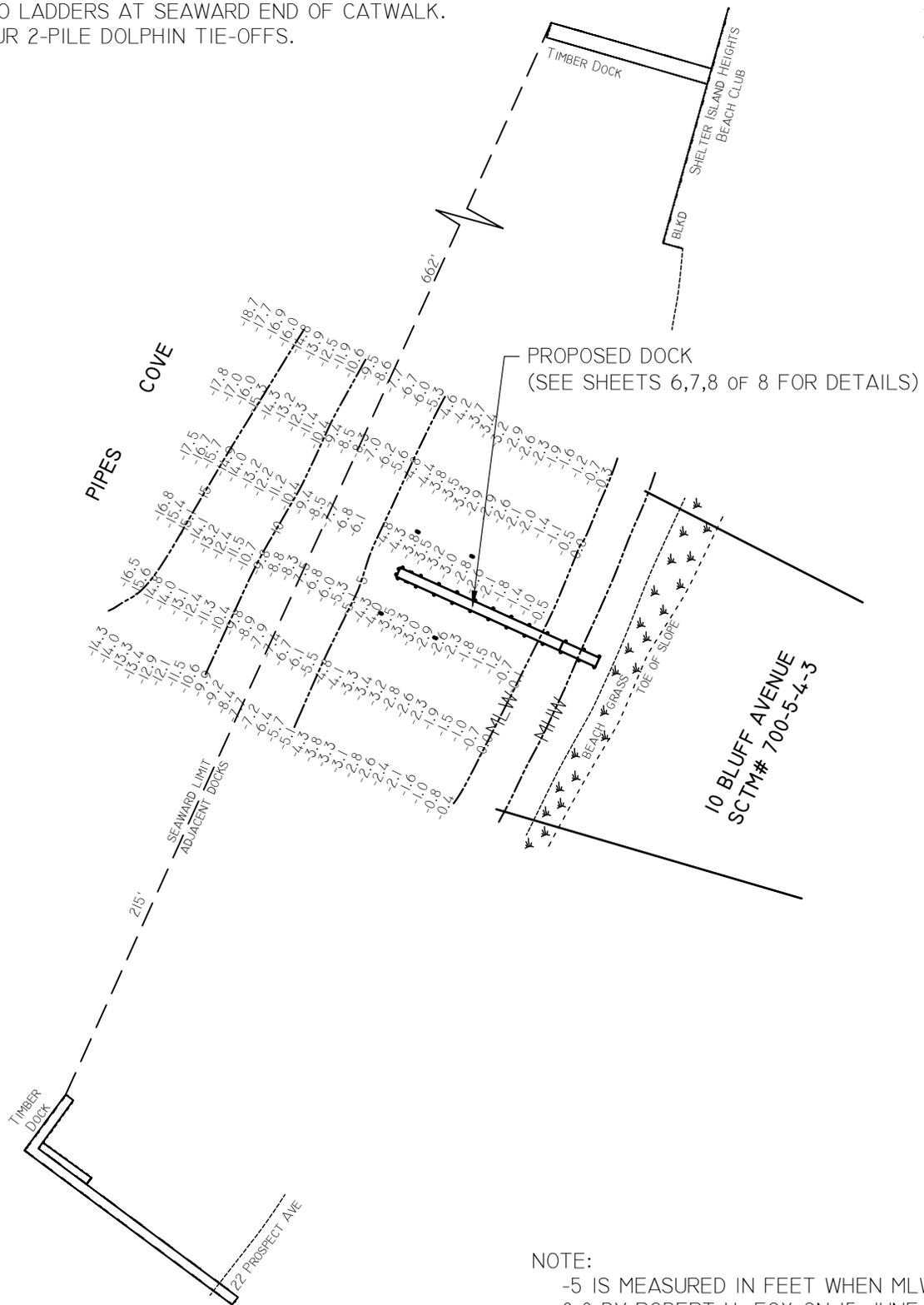
(SHEET 4 OF 8)

APPLICANT: ROBERT MALIN
ADDRESS: 214 BUCKSKILL ROAD
EAST HAMPTON, NY 11965
JOB SITE: 10 BLUFF AVENUE
SHELTER ISLAND HEIGHTS, NY 11965
SCTM#: 700-5-4-3
DATE: 11/15/23, 10/10/23, 07/13/23

PREPARED BY: KS REVISD BY: KS
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
(631)477-1199

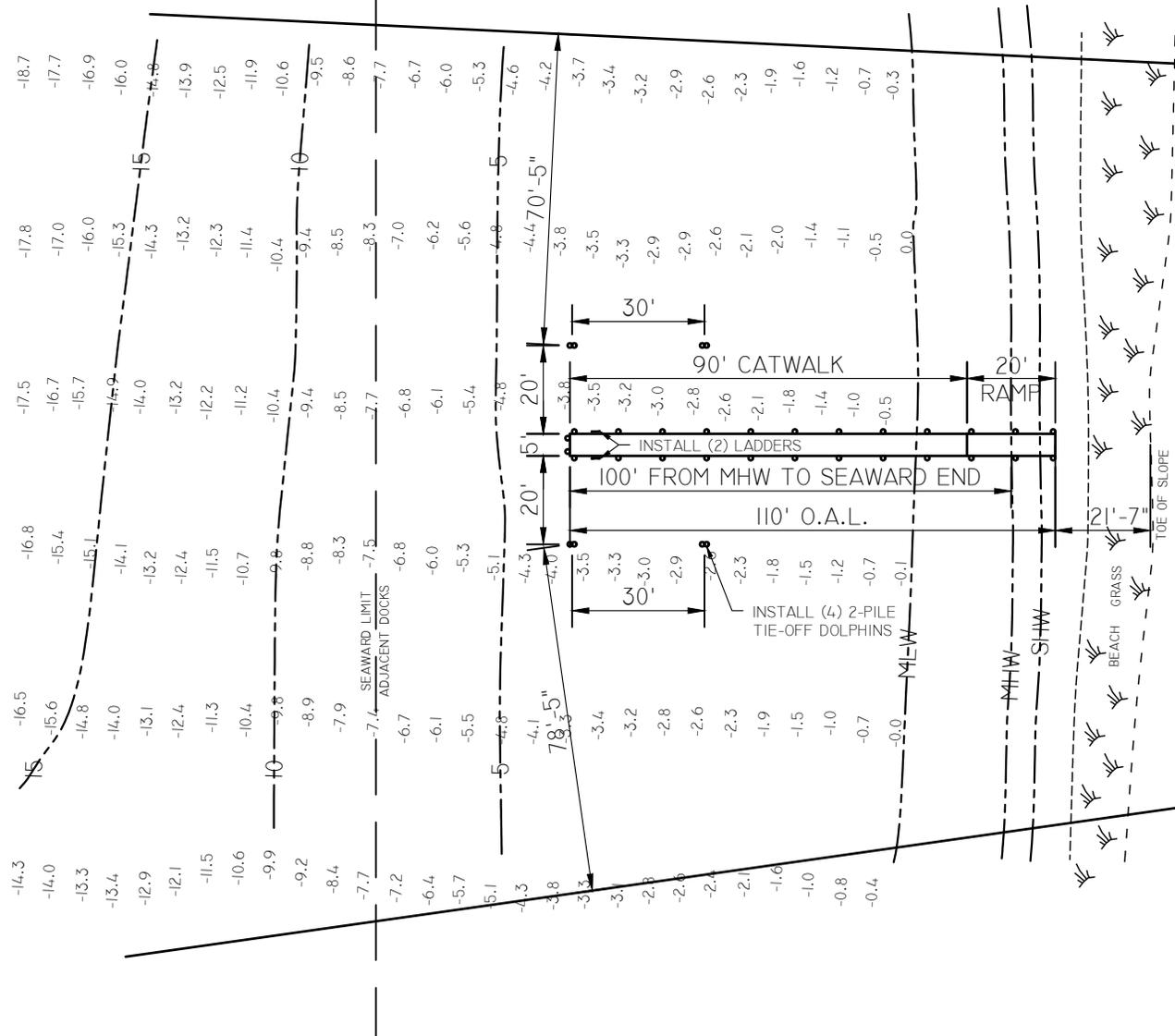
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SHELTER ISLAND SOUND

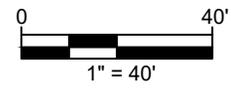


10 BLUFF AVENUE
SCTM# 700-5-4-3

NOTE:
-5 IS MEASURED IN FEET WHEN MLW EQUALS
0.0 BY ROBERT H. FOX ON 15 JUNE 2023.

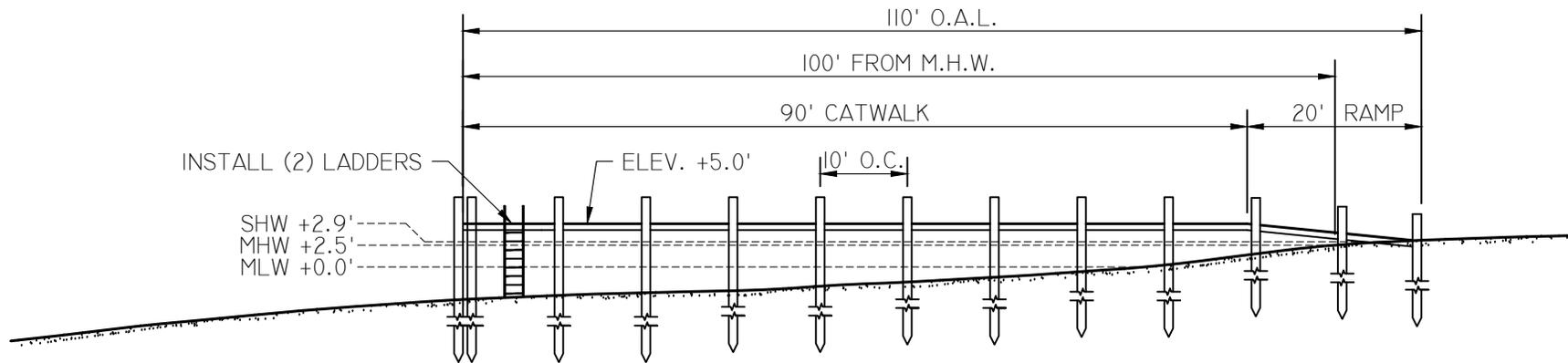
PREPARED BY: KS REVISED BY: KS
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
(631)477-1199

SITE PLAN



(SHEET 6 OF 8)

APPLICANT: ROBERT MALIN
ADDRESS: 214 BUCKSKILL ROAD
EAST HAMPTON, NY 11965
JOB SITE: 10 BLUFF AVENUE
SHELTER ISLAND HEIGHTS, NY 11965
SCTM#: 700-5-4-3
DATE: 11/15/23, 10/10/23, 07/13/23



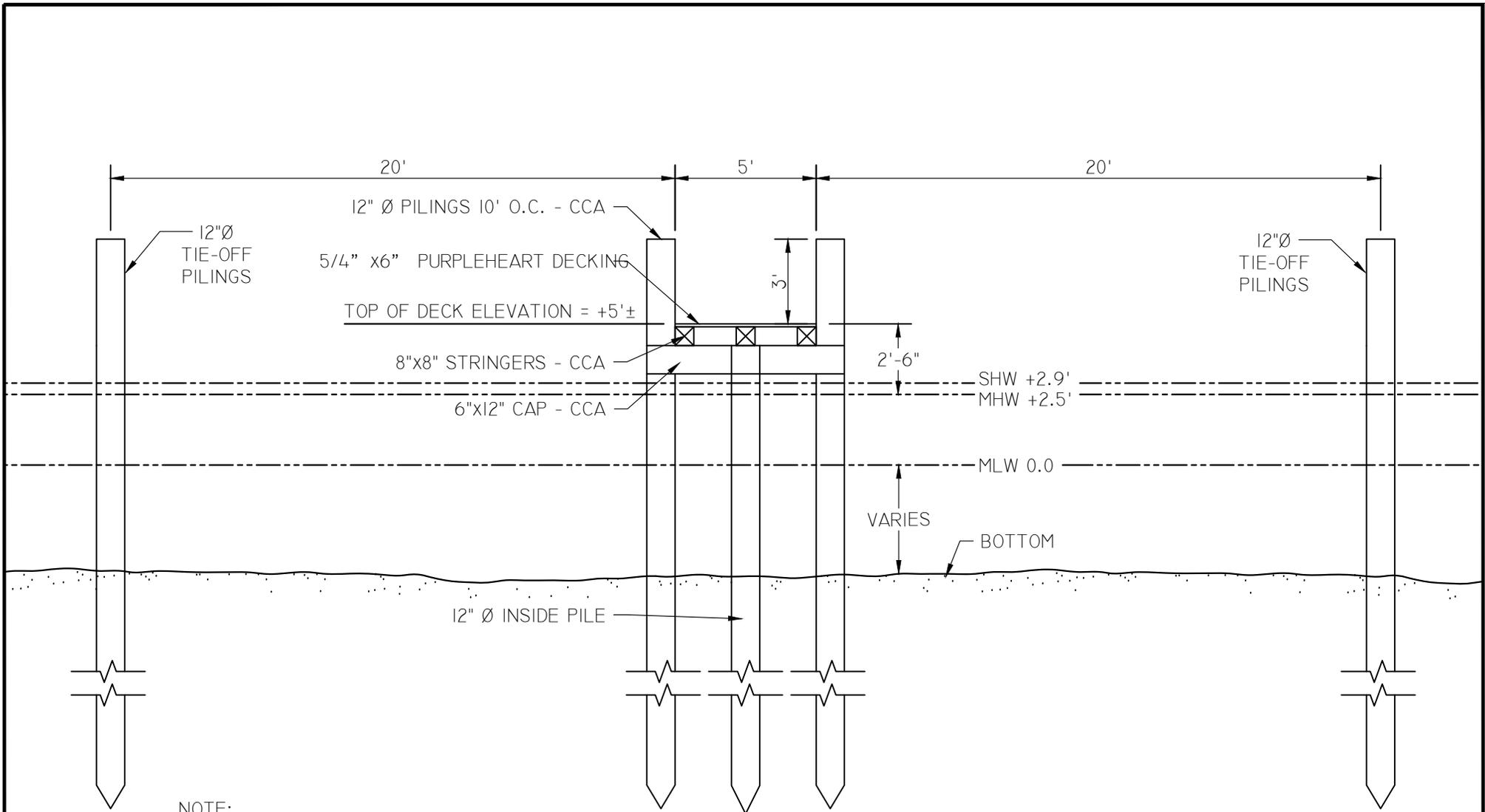
PREPARED BY: KS REVISOR BY: KS
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
(631)477-1199

ELEVATION



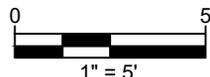
(SHEET 7 OF 8)

APPLICANT: ROBERT MALIN
ADDRESS: 214 BUCKSKILL ROAD
EAST HAMPTON, NY 11965
JOB SITE: 10 BLUFF AVENUE
SHELTER ISLAND HEIGHTS, NY 11965
SCTM#: 700-5-4-3
DATE: 11/15/23, 10/10/23, 07/13/23



NOTE:
 BOLTS TO BE H.D.GALV.
 DECK FASTENERS TO BE STAINLESS STEEL

DETAIL



(SHEET 8 OF 8)

PREPARED BY: KS REVISD BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199

APPLICANT: ROBERT MALIN
 ADDRESS: 214 BUCKSKILL ROAD
 EAST HAMPTON, NY 11965
 JOB SITE: 10 BLUFF AVENUE
 SHELTER ISLAND HEIGHTS, NY 11965
 SCTM#: 700-5-4-3
 DATE: 11/15/23, 10/10/23, 07/13/23

Division of Environmental Permits, Region 1

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

P: (631) 444-0365 | F: (631) 444-0360

www.dec.ny.gov

February 21, 2024

Robert Malin
214 Buckskill Road
East Hampton NY 11937

Re: Application# 1-4732-01168/00001
Malin Property – 10 Bluff Ave Shelter Island Heights
SCTM# 700-5-4-3

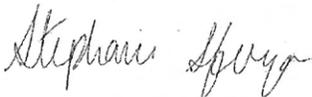
Dear Permittee:

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 for the referenced activity. 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.

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.

In addition, DEC has documented the summer occurrence of the Northern Long Eared Bat (NLEB) (*Myotis septentrionalis*), a species listed as "endangered" by both New York State and the US Fish & Wildlife Service, within 3 miles of the project location. We have determined that tree cutting at this location between March 1 and November 30 of any calendar year may result in the "take" of these endangered species within the meaning of Environmental Conservation Law (ECL) §11-535. The term "take" is defined in part as the direct killing or injury of individual members of a protected species, interference with critical breeding, foraging, migratory or other essential behaviors, or the adverse modification of the species' habitat. The "take" of a species listed as endangered or threatened is prohibited in the absence of a permit from this Department issued pursuant to ECL §11-535. In order to avoid an Endangered Species "take" or the need for an incidental take permit, no tree cutting activities can be conducted at the project site between the dates of March 1 and November 30 of any calendar year. If you have questions about the presence of protected species on or near your property, the potential effects of activities on these species or your responsibilities as a landowner or project sponsor under the Endangered Species Regulations, please contact the Regional Wildlife Manager at (631) 444-0310.

Sincerely,



Cc: Costello Marine Contracting Corp.
BMHP
File



Department of
Environmental
Conservation



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

ROBERT MALIN
214 BUCKSKILL RD
EAST HAMPTON, NY 11937

Facility:

MALIN PROPERTY
10 BLUFF AVE|700-5-4-3
SHELTER ISLAND HEIGHTS, NY 11965

Facility Application Contact:

COSTELLO MARINE CONTRACTING CORP
PO BOX 2124
GREENPORT, NY 11944-0976
(631) 477-1199

Facility Location: in SHELTER ISLAND in SUFFOLK COUNTY

Facility Principal Reference Point: NYTM-E: 721.77 NYTM-N: 4551.474
Latitude: 41°05'03.5" Longitude: 72°21'35.4"

Authorized Activity: Construct a 5'x20' ramp leading to a 5'x90' catwalk with bench. Install two ladders at seaward end of catwalk and four 2-pile dolphin tie-offs. All authorized activities must be done in strict conformance with the site plans prepared by KS at Costello Marine Contracting Corp., pages 5-8 all last revised on 11/15/23 and stamped "NYSDEC Approved" on 2/15/2024. SAS

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 1-4732-01168/00001

New Permit

Effective Date: 2/21/2024

Expiration Date: 2/20/2029

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: KEVIN A KISPERT, Deputy Regional Permit Administrator

Address: NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY 11790 -3409

Authorized Signature: _____

Date 2 / 21 / 2024



Distribution List

COSTELLO MARINE CONTRACTING CORP
Bureau of Marine Habitat Protection
File
Stephanie Sforza

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Site Plan

11/15/2023

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: TIDAL 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 KS at Costello Marine Contracting Corp., pages 5-8 all last revised on 11/15/23 and stamped "NYSDEC Approved" on 2/15/2024.
2. **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.
3. **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.
4. **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.



5. 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.

6. 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.

7. Storage of Equipment, Materials The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead or on a barge.

8. 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.

9. Wood Preservatives

- a. Pressure treated wood used for construction of in-water structures must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.
- b. Wood treated with Pentachlorophenol (PCP) must not be used in marine or brackish waters. Wood treated with PCP must be aged in the open air for at least three months prior to in-water use.
- c. The use of creosote treated wood is prohibited both in the water and upland areas.
- d. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. The washing must occur greater than 100 feet landward of any regulated wetland and/or water body. (Note "E." below for handling wash water.)
- e. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands or protected buffer areas.

10. 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.

11. No Floats This permit does not authorize the installation of floats.

12. No Dredging or Excavation No dredging, excavating or other alteration of shoreline or underwater areas is authorized by this permit, nor shall issuance of this permit be construed to suggest that the Department will issue a permit for such activities in the future.



13. Docks at Property Lines Docks/catwalks/floats must not:

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

14. Pilings at Property Lines Pilings shall not:

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

15. Boat Lifts at Property Lines Boat lift/davit shall not:

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

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

17. In-Water Construction Equipment In-water construction equipment (e.g. barge) should only access work area near shore during high tide.

18. 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.

19. 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.



20. 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.

21. 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: Tidal 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.





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
SHERRI AICHER

Permit Number: 1-4732-01168/00001

Expiration Date: 02/20/2029

NYSDEC Region 1 Environmental Permits
50 Circle Road
Stony Brook, NY 11790-3409
Email: dep.r1@dec.ny.gov

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

The Northern Long-Eared Bat Needs Your Help!

Please be advised that DEC has documented the summer occurrence of the Northern Long Eared Bat (NLEB) (*Myotis septentrionalis*), a species listed as “threatened” by both New York State and the US Fish & Wildlife Service, within 1.5 miles of your property. A 98% decline in the abundance of NLEB has been observed since 2006.



The Northern Long Eared Bat Story - Habitat and Decline

Northern long-eared bats (NLEB), also known as northern Myotis, are primarily forest-dependent insectivores. Bats consume approximately 3,000 insects per day, including mosquitos and crop pests. They use a variety of forest habitats for roosting, foraging and raising young. In general, any tree large enough to have a cavity or that has loose bark may be used by the bats for roosting or rearing young. This species is listed as threatened because of a dramatic population decline throughout most of its range. This decline has been caused by white-nose syndrome (WNS) a disease caused by an invasive fungus that ultimately causes affected hibernating bats to starve to death over the winter.

DEC has determined that tree cutting at your property between March 1 and November 30 of any calendar year may impact the bats in your area, and may result in the direct killing or injury of individual members of this protected species, interference with critical breeding, foraging, migratory or other essential behaviors, or adverse modification of the species’ habitat (these activities are defined as a “take” by the Environmental Conservation Law). The “take” of a species listed as endangered or threatened is prohibited in the absence of a permit from this Department. **In order to avoid the possibility of an Endangered Species “take,” no tree cutting activities should be conducted at your project site between the dates of March 1 and November 30 of any calendar year.**

Depending on site conditions, it is possible that future projects on your property will not require adherence to this restricted timeframe. In some situations, an individual tree or very small trees may be cut at any time of the year without resulting in a “take” of endangered / threatened species or their habitat. **If you have questions about the presence of protected species on or near your property, the potential effects of activities on these species or your responsibilities as a landowner or project sponsor under the Endangered Species Regulations, please contact the Regional Wildlife Manager at (631) 444-0310.**

Please note that if you received a DEC Permit with this NOTICE, any new project on your property may require additional DEC permits. For information contact the DEC Division of Environmental Permits at (631) 444-0355.

For more information on the Northern Long-eared Bat, please visit:

<https://www.dec.ny.gov/animals/106713.html>

For more information on protective measures required for Northern Long-eared Bats when a project occurs within occupied habitat, please visit: <https://www.dec.ny.gov/animals/106090.html>

PROPOSED

- CONSTRUCT A 5'x20' RAMP LEADING TO A 5'x90' CATWALK
- INSTALL TWO LADDERS AT SEAWARD END OF CATWALK.
- INSTALL FOUR 2-PILE DOLPHIN TIE-OFFS.

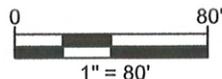


NYSDEC
APPROVED AS PER TERMS
AND CONDITIONS OF
PERMIT NO. 1-4732-01168/00001
DATE 2/15/2024 SAS

NOTE:
 -5 IS MEASURED IN FEET WHEN MLW EQUALS
 0.0 BY ROBERT H. FOX ON 15 JUNE 2023.

APPLICANT: ROBERT MALIN
 ADDRESS: 214 BUCKSKILL ROAD
 EAST HAMPTON, NY 11965
 JOB SITE: 10 BLUFF AVENUE
 SHELTER ISLAND HEIGHTS, NY 11965
 SCTM#: 700-5-4-3
 DATE: 11/15/23, 10/10/23, 07/13/23

DOCK MAP

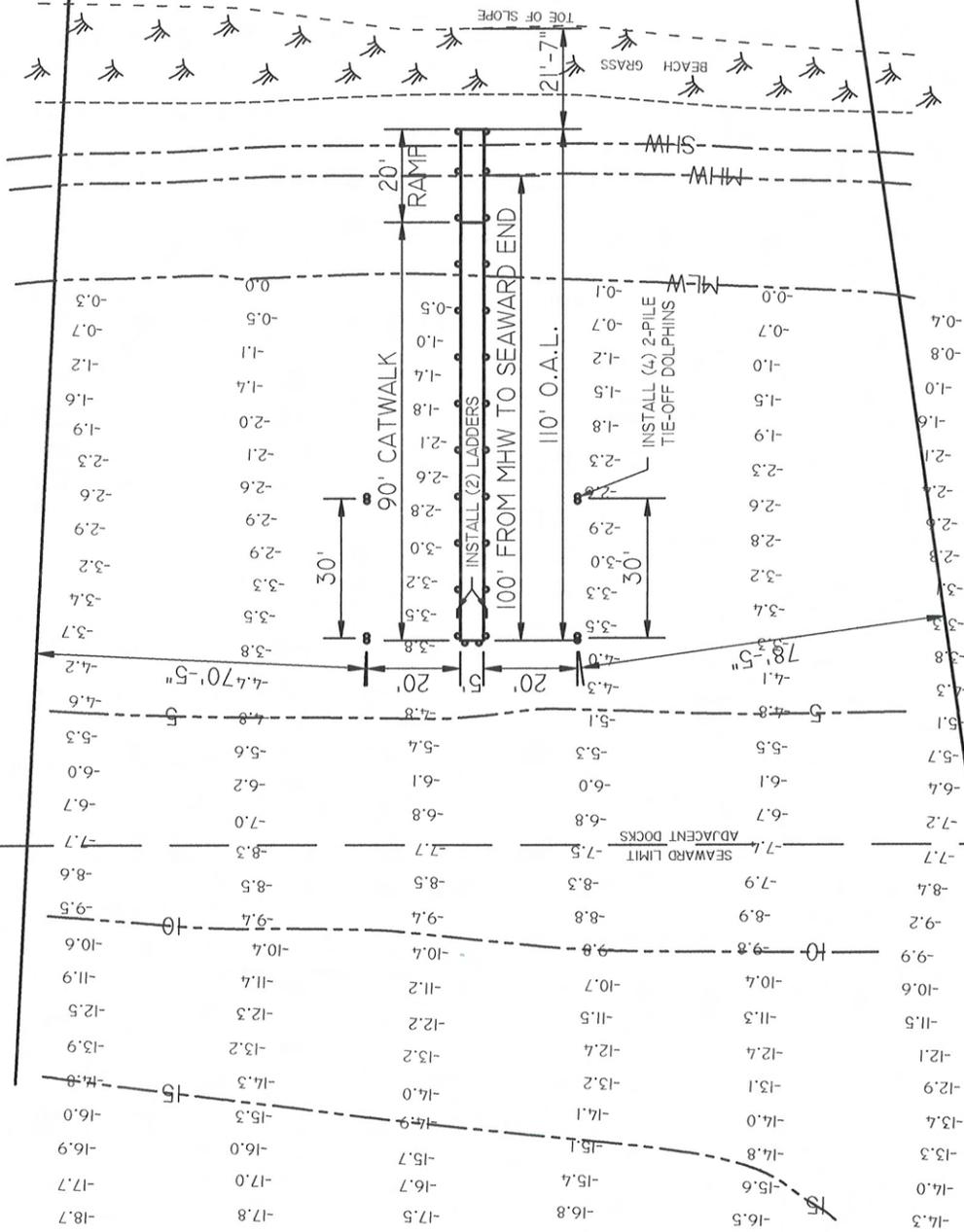


(SHEET 5 OF 8)

PREPARED BY: KS REVISD BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199



SHELTER ISLAND SOUND



10 BLUFF AVENUE
SCTM# 700-5-4-3

NYSDEC
APPROVED AS PER TERMS
AND CONDITIONS OF

PERMIT NO. 1-4732-01168/0001
DATE 2/15/2024 SAS

APPLICANT: ROBERT MALIN
ADDRESS: 214 BUCKSKILL ROAD
EAST HAMPTON, NY 11965
JOB SITE: 10 BLUFF AVENUE
SHELTER ISLAND HEIGHTS, NY 11965
SCTM#: 700-5-4-3
DATE: 11/15/23, 10/10/23, 07/13/23

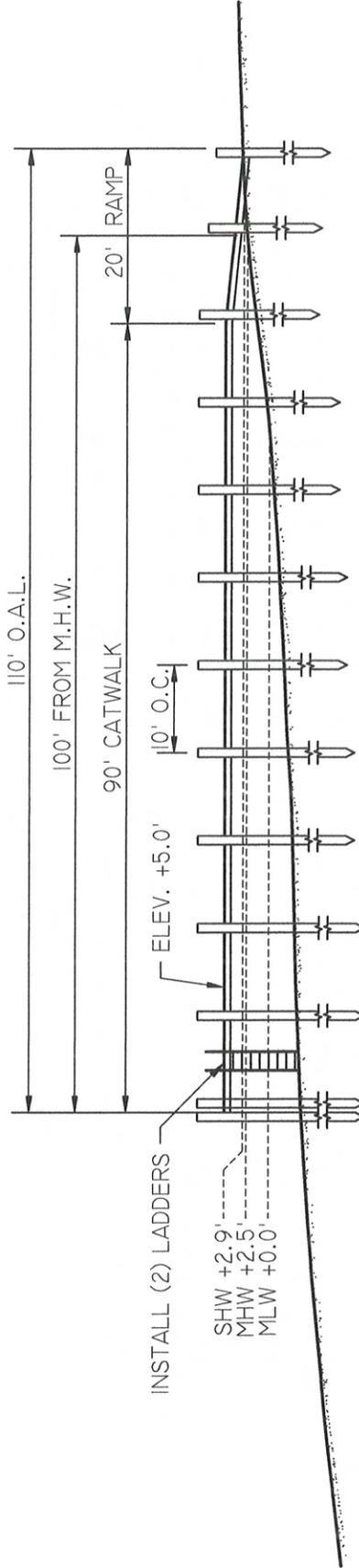
SITE PLAN



(SHEET 6 OF 8)

NOTE:
-5 IS MEASURED IN FEET WHEN MLW EQUALS
0.0 BY ROBERT H. FOX ON 15 JUNE 2023.

PREPARED BY: KS REVISED BY: KS
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
(631)477-1199



NYSDEC
 APPROVED AS PER TERMS
 AND CONDITIONS OF

PERMIT NO. 1-4732-01168/0001
 DATE 2/15/2024

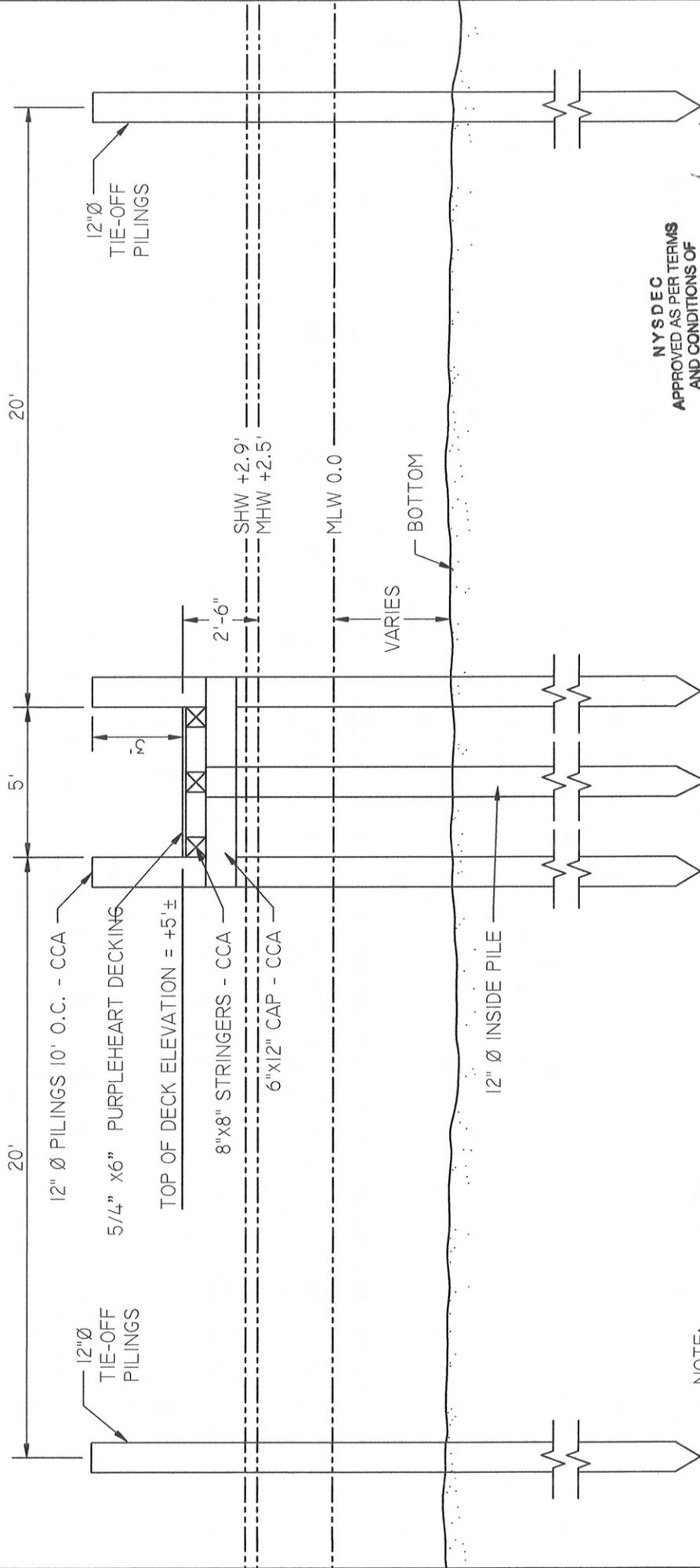
ELEVATION



(SHEET 7 OF 8)

APPLICANT: ROBERT MALIN
 ADDRESS: 214 BUCKSKILL ROAD
 EAST HAMPTON, NY 11965
 JOB SITE: 10 BLUFF AVENUE
 SHELTER ISLAND HEIGHTS, NY 11965
 SCTM#: 700-5-4-3
 DATE: 11/15/23, 10/10/23, 07/13/23

PREPARED BY: KS REVISED BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199



NYS DEC
 APPROVED AS PER TERMS
 AND CONDITIONS OF

PERMIT NO. 1-4732-01108/60 w/1
 DATE 2/15/2024 SAS

NOTE:
 BOLTS TO BE H.D. GALV.
 DECK FASTENERS TO BE STAINLESS STEEL

DETAIL



(SHEET 8 OF 8)

APPLICANT: ROBERT MALIN
 ADDRESS: 214 BUCKSKILL ROAD
 EAST HAMPTON, NY 11965
 JOB SITE: 10 BLUFF AVENUE
 SHELTER ISLAND HEIGHTS, NY 11965
 SCTM#: 700-5-4-3
 DATE: 11/15/23, 10/10/23, 07/13/23

PREPARED BY: KS REVISED BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

November 8, 2023

U.S. Army Corps of Engineers
New York District
Jacob K. Javits Federal Building
26 Federal Plaza
New York, NY 10278-0090

Kellie Gunning

Re: **F- 2023-0628**
U.S. Army Corps of Engineers/New York District
Permit Application –NAN-2023-00691-Robert
Malin proposes the installation of a 5 foot (ft) by 20
ft ramp leading to a 5 ft by 90 ft catwalk, with four
(4) 2-pile dolphin tie offs at 10 Bluff Avenue, Town
of Shelter Island, Suffolk County and on Shelter
Island Cove.
Letter of Permission

Dear Matthew Look:

The Department of State received and reviewed your letter dated October 10, 2023 regarding the eligibility of the above-referenced proposal for authorization by a Corps of Engineers Letter of Permission.

Based upon the submitted information, the Department of State has no objection to the authorization of this proposal by Letter of Permission. Further review of this proposal and concurrence with the applicant's consistency certification by the Department of State is not required.

Sincerely,



Donna Morelli
Coastal Resources Specialist
Office of Planning, Development and
Community Infrastructure

ecc: DEC/Region 1-Stephanie Sforza-1-4732-01168/00001



**Department
of State**



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH

January 10, 2024

SUBJECT: Department of the Army Permit Number NAN-2023-00691
Issued to Robert Malin

Robert Malin
214 Buckskill Road
East Hampton, New York

Dear Mr. Malin:

We have completed our review of Application Number NAN-2023-00691.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), you are hereby authorized by the Secretary of the Army:

ACTIVITY: Installation of a 5 foot (ft) by 20 ft ramp leading to a 5 ft by 90 ft catwalk, with four (4) 2-pile dolphin tie offs.

All work shall be done in accordance with the attached plans, subject to Special Conditions A through B, which are hereby made part of this permit.

WATERWAY: Shelter Island Sound

LOCATION: 10 Bluff Avenue, Shelter Island Heights, Town of Shelter Island, Suffolk County, New York

The activity authorized herein by Letter of Permission must be completed within three years of the date of this permit. This authorization is subject to the enclosed conditions. Please find enclosed two forms to be used to submit to this office, as required, the dates of commencement and completion for the authorized activity.

This letter contains an initial proffered permit for your activity. If you object to this permit decision because of certain terms and conditions therein, you may request that the permit be modified accordingly under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you object to this permit decision you must submit a completed RFA form to the New York District Office at:

Stephan A. Ryba
Chief, Regulatory Branch
New York District Corps of Engineers
26 Federal Plaza, Room 16-406
New York, New York 10278-0090

REGULATORY BRANCH

SUBJECT: Department of the Army Permit Number NAN-2023-00691
Issued to Robert Malin

- 2 -

In order for a RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by March 9, 2024. Additionally, send an electronic copy of the RFA form to matthew.look@usace.army.mil. It is not necessary to submit a RFA form to the District Office if you do not object to the permit decision in this letter.

The authorized activity must be performed in accordance with the enclosed plans. If any material changes in the location or plans of the subject work are found necessary, revised plans should be submitted to the District Engineer. These plans must receive the approval required by law before work begins.

Notice is hereby given that the permittee should recognize that a possibility exists that the structures permitted herein may be subject to wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wavewash and the permittee shall not hold the United States liable for any such damage.

In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

If any questions should arise concerning this matter, please contact Matthew Look, of my staff, at matthew.look@usace.army.mil

Sincerely,

FOR AND IN BEHALF OF

Alexander Young

Colonel, U.S. Army

Commander and District Engineer

Enclosures

PERMIT CONDITIONS:

NOTE: The term "you" and its derivatives, as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or appropriate official of that office acting under the authority of the commanding officer.

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends within three years of the date of this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least four months before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party upon written notification to this office. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

- A. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.**
- B. The permittee shall utilize best management practices to minimize turbidity during all in-water work activities as well as prevent construction materials,**

including debris, from entering any waterway to become drift or pollution hazards.

Further Information:

1. Limits of authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

2. Limits to Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

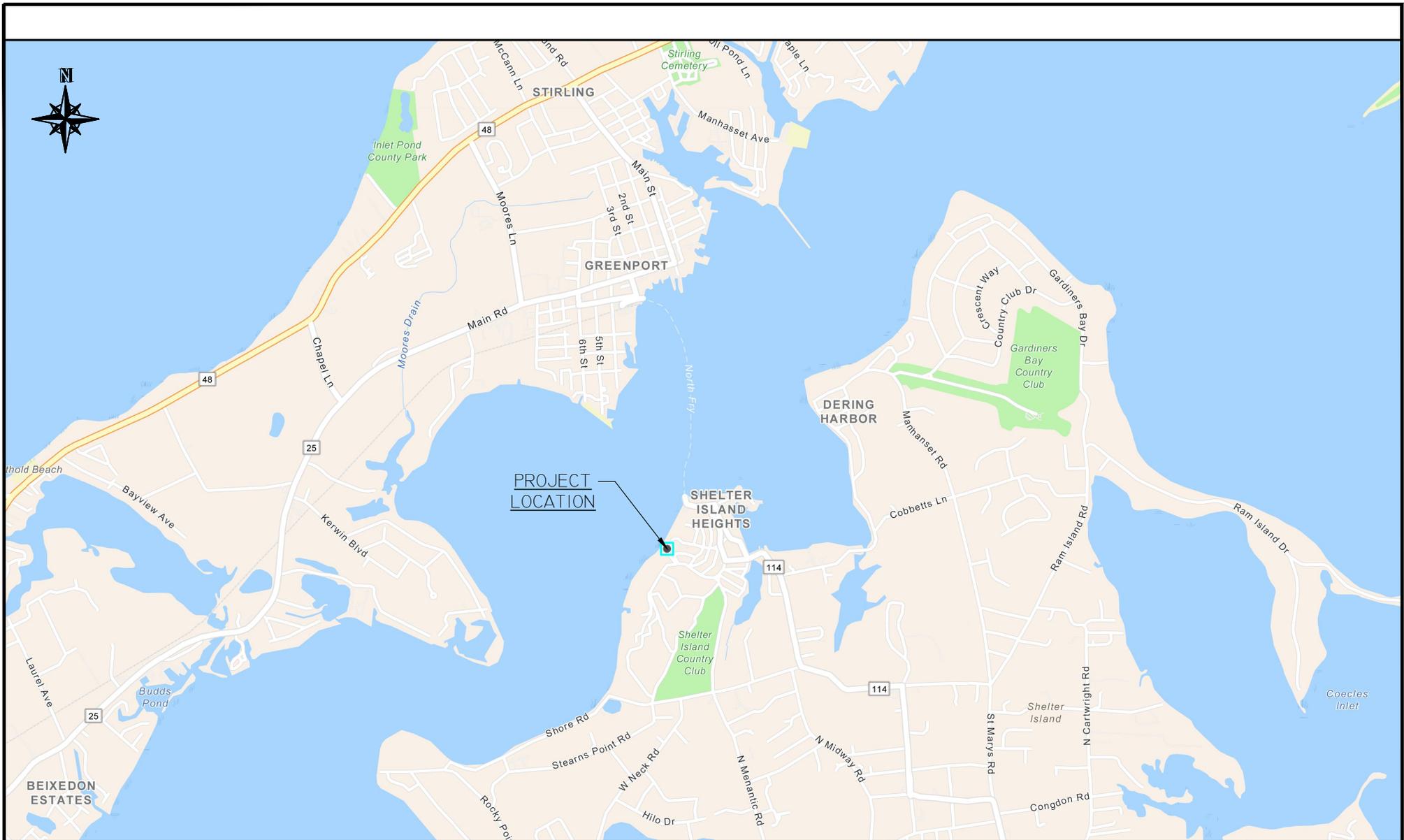
4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of the permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).

- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.



PREPARED BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199

VICINITY MAP
 N41° 5' 3" W72° 21' 36"
 (SHEET 1 OF 8)

APPLICANT: ROBERT MALIN
 ADDRESS: 214 BUCKSKILL ROAD
 EAST HAMPTON, NY 11965
 JOB SITE: 10 BLUFF AVENUE
 SHELTER ISLAND HEIGHTS, NY 11965
 SCTM#: 700-5-4-3
 DATE: 07/13/23

SHELTER ISLAND SOUND



MEAN HIGH WATER LINE

N47°30'52"E

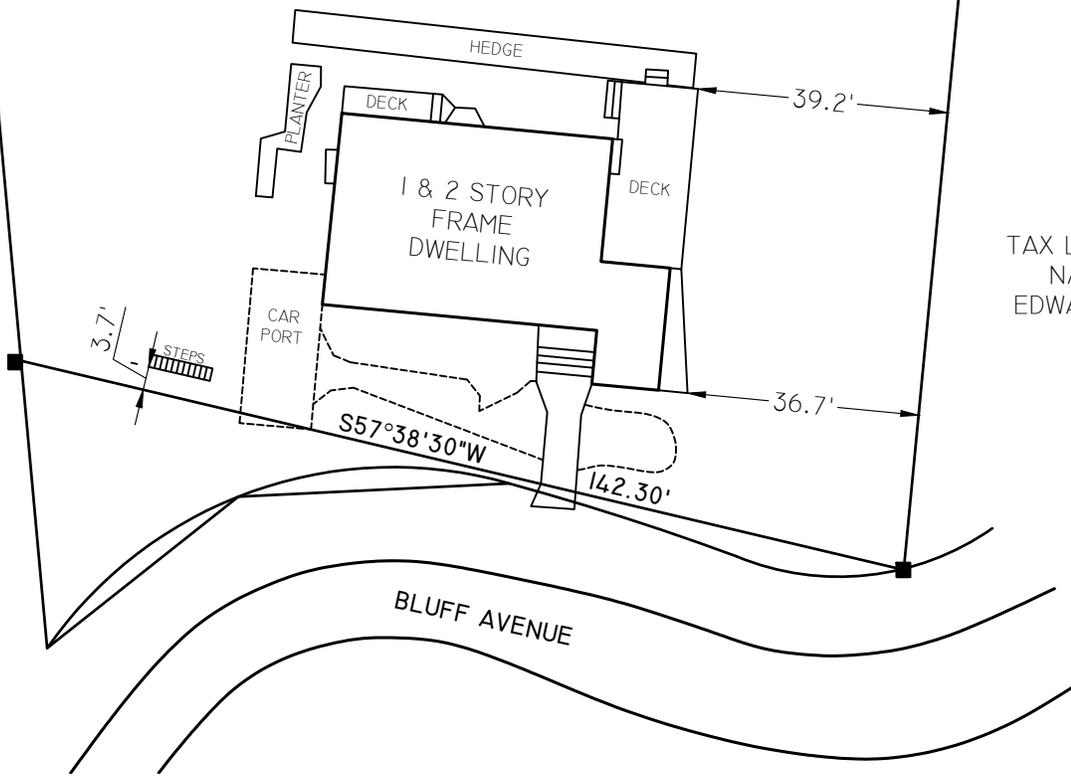
176.72'(TIE)

188.50'(D) 190.47'(A)
N51°14'40"W

210.00'(D) 213.41'(A)
S40°26'10"E

RAVINE AVENUE
(A.K.A. WESLEY AVENUE)
(PRIVATE ROAD)

TAX LOT 2
N/F
EDWARDS



NOTE:
INFORMATION IN THIS SITE MAP WAS
REFLECTED FROM F. MICHAEL HEMMER,
LS, P.C. DATED 11 JAN 2021.

SITE MAP



1" = 30'

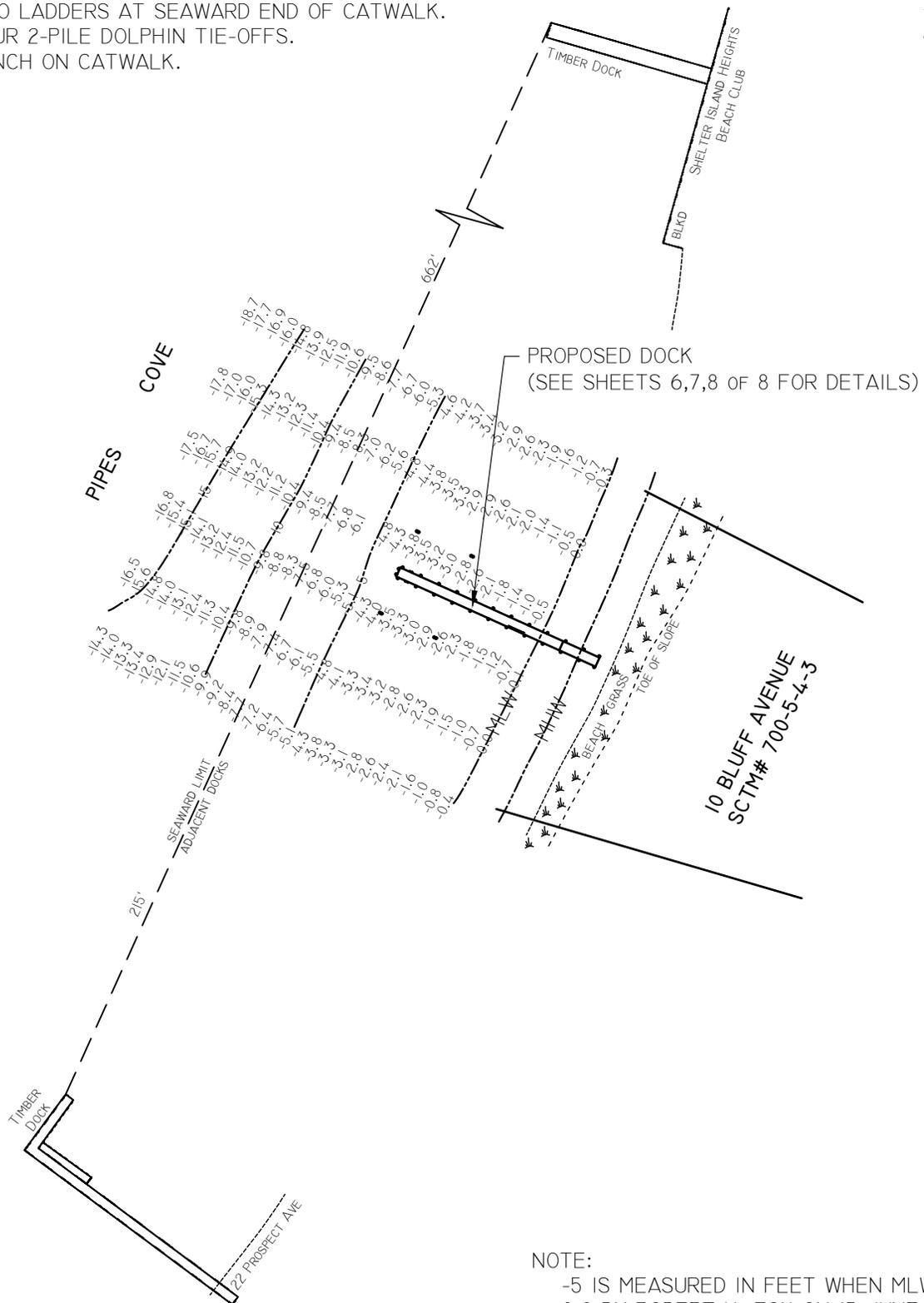
(SHEET 4 OF 8)

APPLICANT: ROBERT MALIN
ADDRESS: 214 BUCKSKILL ROAD
EAST HAMPTON, NY 11965
JOB SITE: 10 BLUFF AVENUE
SHELTER ISLAND HEIGHTS, NY 11965
SCTM#: 700-5-4-3
DATE: 07/13/23

PREPARED BY: KS
COSTELLO MARINE CONTRACTING CORP.
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(631)477-1199

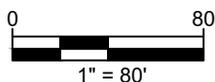
PROPOSED

- CONSTRUCT A 5'x20' RAMP LEADING TO A 5'x90' CATWALK
- INSTALL TWO LADDERS AT SEAWARD END OF CATWALK.
- INSTALL FOUR 2-PILE DOLPHIN TIE-OFFS.
- INSTALL BENCH ON CATWALK.



NOTE:
 -5 IS MEASURED IN FEET WHEN MLW EQUALS 0.0 BY ROBERT H. FOX ON 15 JUNE 2023.

DOCK MAP



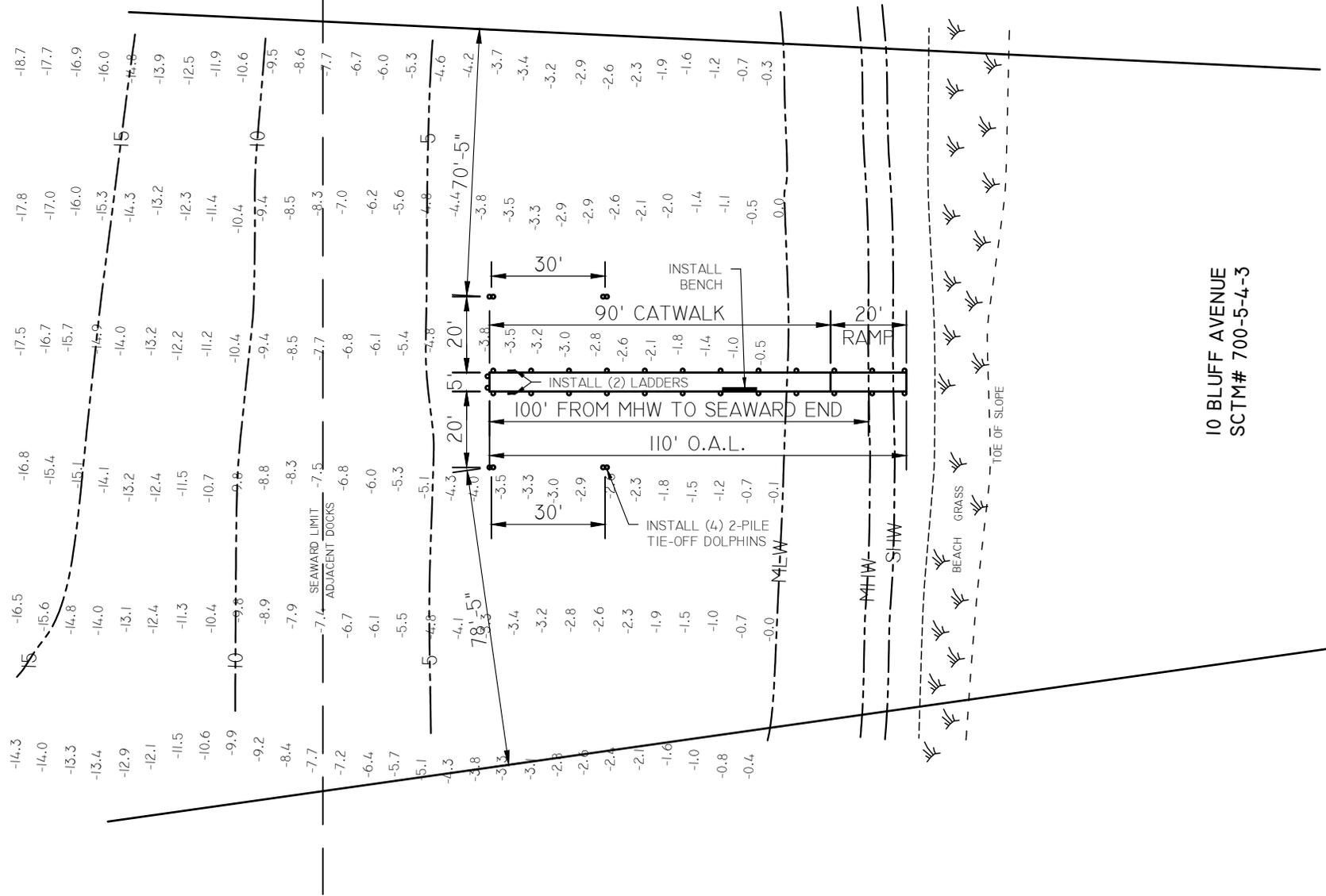
(SHEET 5 OF 8)

PREPARED BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199

APPLICANT: ROBERT MALIN
 ADDRESS: 214 BUCKSKILL ROAD
 EAST HAMPTON, NY 11965
 JOB SITE: 10 BLUFF AVENUE
 SHELTER ISLAND HEIGHTS, NY 11965
 SCTM#: 700-5-4-3
 DATE: 07/13/23



SHELTER ISLAND SOUND

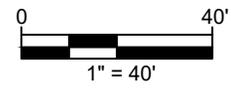


10 BLUFF AVENUE
SCTM# 700-5-4-3

NOTE:
-5 IS MEASURED IN FEET WHEN MLW EQUALS
0.0 BY ROBERT H. FOX ON 15 JUNE 2023.

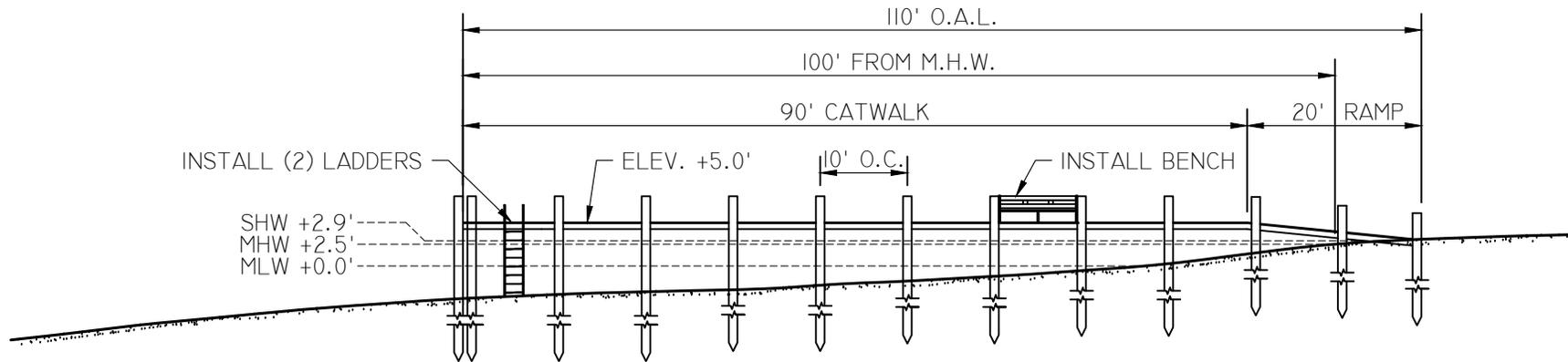
PREPARED BY: KS
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
(631)477-1199

SITE PLAN



(SHEET 6 OF 8)

APPLICANT: ROBERT MALIN
ADDRESS: 214 BUCKSKILL ROAD
EAST HAMPTON, NY 11965
JOB SITE: 10 BLUFF AVENUE
SHELTER ISLAND HEIGHTS, NY 11965
SCTM#: 700-5-4-3
DATE: 07/13/23



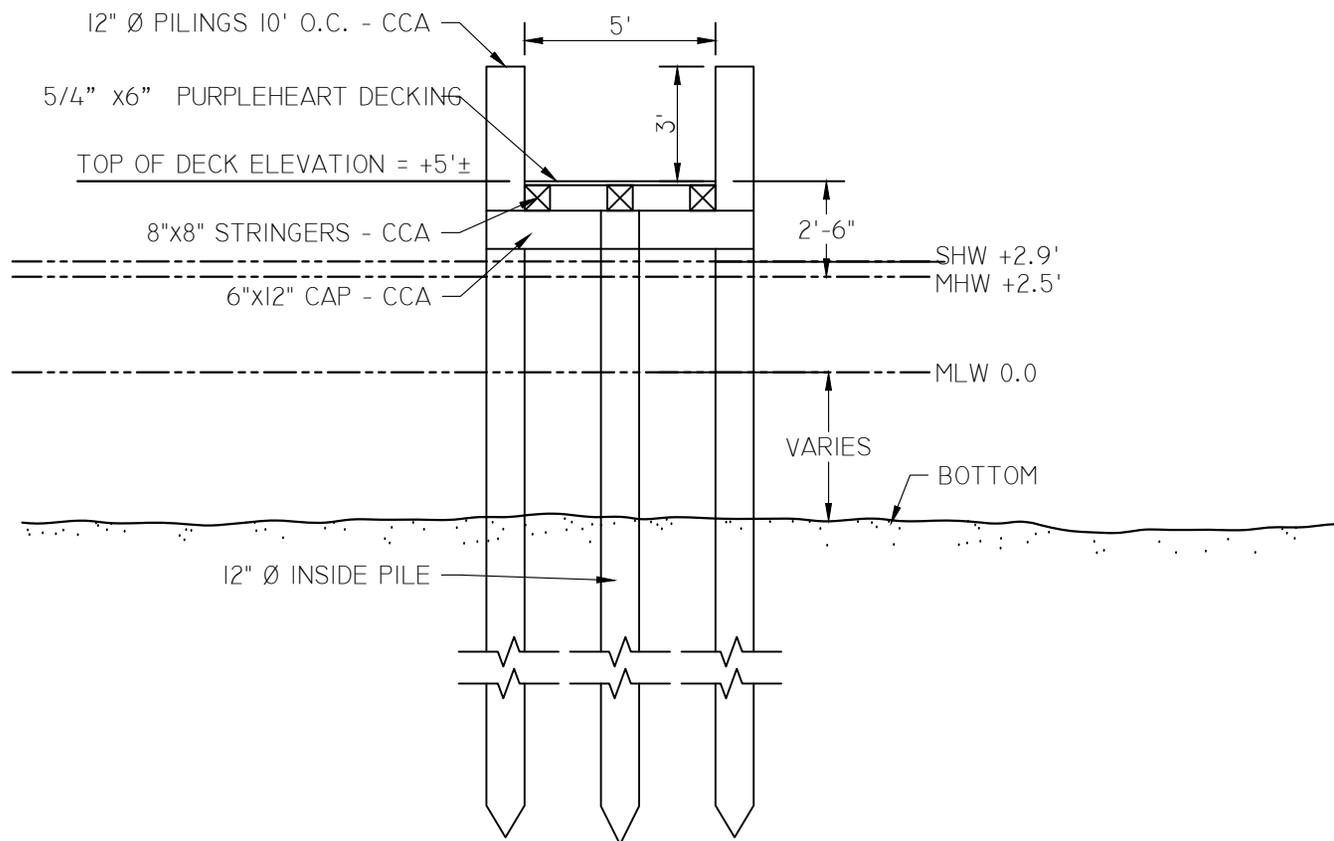
PREPARED BY: KS
COSTELLO MARINE CONTRACTING CORP.
P.O. BOX 2124, GREENPORT, N.Y. 11944
(631)477-1199

ELEVATION



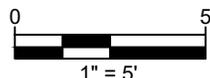
(SHEET 7 OF 8)

APPLICANT: ROBERT MALIN
ADDRESS: 214 BUCKSKILL ROAD
EAST HAMPTON, NY 11965
JOB SITE: 10 BLUFF AVENUE
SHELTER ISLAND HEIGHTS, NY 11965
SCTM#: 700-5-4-3
DATE: 07/13/23



NOTE:
 BOLTS TO BE H.D.GALV.
 DECK FASTENERS TO BE STAINLESS STEEL

DETAIL



(SHEET 8 OF 8)

PREPARED BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199

APPLICANT: ROBERT MALIN
 ADDRESS: 214 BUCKSKILL ROAD
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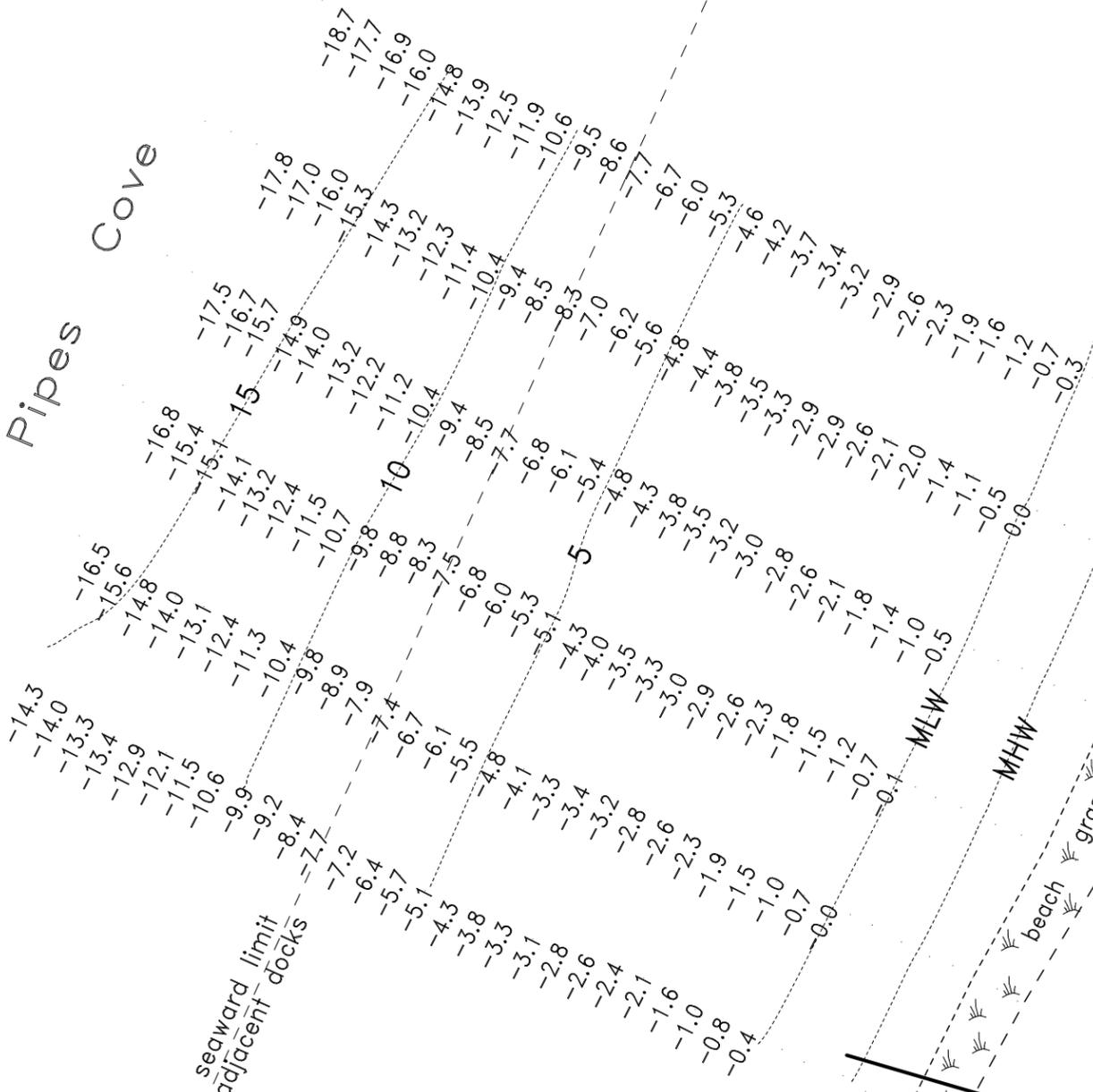
Bathymetric Map

Date: 15 June 2023
Shelter Island Heights
Town: Shelter Island
Suffolk County, NY
Datum: MLW



40'

Pipes Cove



10 Bluff Avenue
Shelter Island Heights
SCT# 700-5-4-3

ROBERT H. FOX
NYS PLS # 50197
P. O. BOX 366
AQUEBOGUE, NY 11931



**DEPARTMENT OF THE ARMY
 U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
 JACOB K. JAVITS FEDERAL BUILDING
 26 FEDERAL PLAZA
 NEW YORK NEW YORK 10278-0090**

CENAN-OP-R

IMPORTANT

This letter must be completed and mailed to the Regulatory Branch at the above address prior to commencement of any work authorized under the permit.

Permittee: _____ Permit No. _____

Date Permit Issued: _____ Expiration Date: _____

Waterway: _____

Project Location: _____

Work will commence on or about: _____

Name, Address & Telephone Number of Contractor:

 Signature of Permittee

 Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below or **FAX to (212) 264-4260.**

Place Stamp
 Here

USACE Operations/Regulatory 16-406
 c/o PSC Mail Center
 26 Federal Plaza
 New York, New York 10278



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

CENAN-OP-R

IMPORTANT

This letter must be completed and mailed to the Regulatory Branch at the above address following completion or cancellation of work authorized under the permit.

Permittee: _____ Permit No. _____

Date Permit Issued: _____ Expiration Date: _____

Waterway: _____

Project Location: _____

Check and complete applicable item(s) listed below:

_____ Work was completed on _____

_____ Work will not be performed on the project.

_____ Deviation from work authorized in permit is explained below.

_____ Other (explain) _____

_____ For dredging projects, list the volume of material dredged, and the amount placed at each disposal location (if more than one).

_____ cubic yards placed at _____

_____ cubic yards placed at _____

_____ cubic yards placed at _____

Signature of Permittee

Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below **or FAX to (212) 264-4260.**

Place Stamp
Here

USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
Mr. Stephan A. Ryba
Chief, Regulatory Branch (CENAN-OP-R)
USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278

If you only have questions regarding the appeal process you may also contact:
Mr. Andrew Dangler
Regulatory Appeals Review Officer
U.S. Army Corps of Engineers
North Atlantic Division - Fort Hamilton
301 John Warren Avenue – First Floor
Brooklyn, New York 11252-6700
Telephone number: 518-4870215

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number: