

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1

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

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

www.dec.ny.gov

January 18, 2024

Chad Rustan Pike 2012 Rev Trust
c/o Brion Moorhead
PO Box 300
Shelter Island Heights, NY 11965

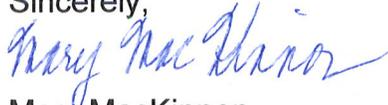
Re: Permit No. 1-4732-00968/00002
Facility: 6 Bluff Ave, Shelter Island, NY
SCTM# 700-50401
TW Shelter Island Sound

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.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather and a Notice of Commencement/Completion of Construction.

Sincerely,



Mary MacKinnon
Permit Administrator

cc: Costello Marine Contracting Corp, Bureau of Marine Habitat, File



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

CHAD RUSTAN PIKE 2012 REVOCABLE
TRUST
C/O BRION MOORHEAD
PO BOX 300
SHELTER ISLAND HEIGHTS, NY 11965-0300
(631) 926-5639

Facility:

CHAD RUSTAN PIKE 2012 REVOCABLE
TRUST PROPERTY
6 BLUFF AVE|SCTM #0700-5-4-1
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: 721.806 NYTM-N: 4551.5528

Latitude: 41°05'06.0" Longitude: 72°21'33.8"

Project Location: 6 BLUFF AVE, SHELTER ISLAND SCTM#700-5-4-1 TW: SHELTER ISLAND SOUND

Authorized Activity: Construct a 5'x110' main pier leading to a 5'x27' "L" section at seaward end. Install a 70' splashboard system, one 2-pile dolphin, three ladders and a bench. All work must be done in strict accordance with the 7 page plan prepared by Costello Marine Contracting Corp last revised 1/9/2024 and stamped NYSDEC approved 1/18/2024.

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 1-4732-00968/00002

New Permit

Effective Date: 1/18/2024

Expiration Date: 1/17/2029



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: MARY A MACKINNON, DEPUTY REGIONAL PERMIT ADMINISTRATOR
Address: NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY 11790 -3409

Authorized Signature: Mary A MacKinnon Date 1/18/2024

Distribution List

COSTELLO MARINE CONTRACTING CORP
Bureau of Marine Habitat Protection
File
Mary MacKinnon

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

- 1. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 2. Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.



- 3. 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 Costello Marine Contracting Corp last revised 1/9/2024 and stamped NYSDEC approved 1/18/2024.
- 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 within the project work area and/or upland areas greater than 100 linear feet from the tidal wetland boundary. In-water construction equipment (e.g. barge) should only access work area near shore during high tide.
- 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. Installation of Splashguards** The splashguard shall be constructed a minimum of 2 feet above the bottom grade with a minimum of 2 inch gaps between the slats or sheathing, as shown on the approved cross-section.
- 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. 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.

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

13. **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.

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. **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).

16. **Activities Consistent with Approved Plans** All activities and marsh alterations must be consistent with the approved plan. Activities or alterations beyond the scope of the approved project and/or not explicitly authorized by the permit will require further written approval of the Regional Habitat - TW office prior to commencement.

17. **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.

18. **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.



19. 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.

20. 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.

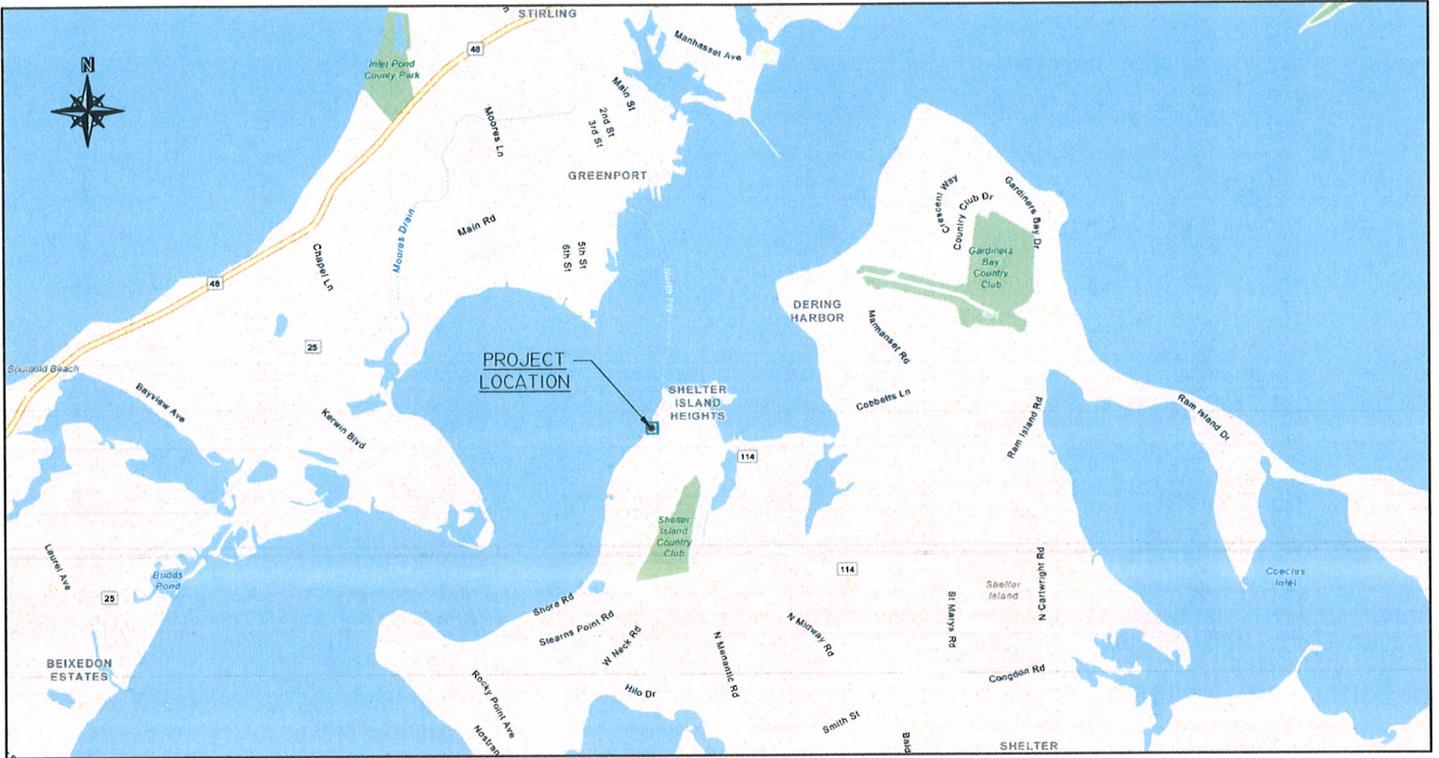
Regional Permit Administrator
SHERRI AICHER

Permit Number: 1-4732-00968/00002

Expiration Date: 1/17/2029

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



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

VICINITY MAP
 N41° 05' 06" W72° 21' 33"
 (SHEET 1 OF 7)

APPLICANT: CHAD RUSTAN PIKE 2012 REVOCABLE TRUST
 ALAN PIKE, TRUSTEE
 ADDRESS: 221 N HOGAN STREET SUITE 403
 JACKSONVILLE, FL 32202
 JOB SITE: 6 BLUFF AVENUE
 SHELTER ISLAND, NY 11964
 SCTM#: 700-5-4-1
 DATE: 01/09/24, 11/30/23

7 page plan
NYSDEC
 APPROVED AS PER TERMS
 AND CONDITIONS OF
 PERMIT NO. 1-4732-00968/0002
 DATE 1/18/2024
Mary MacKinnon

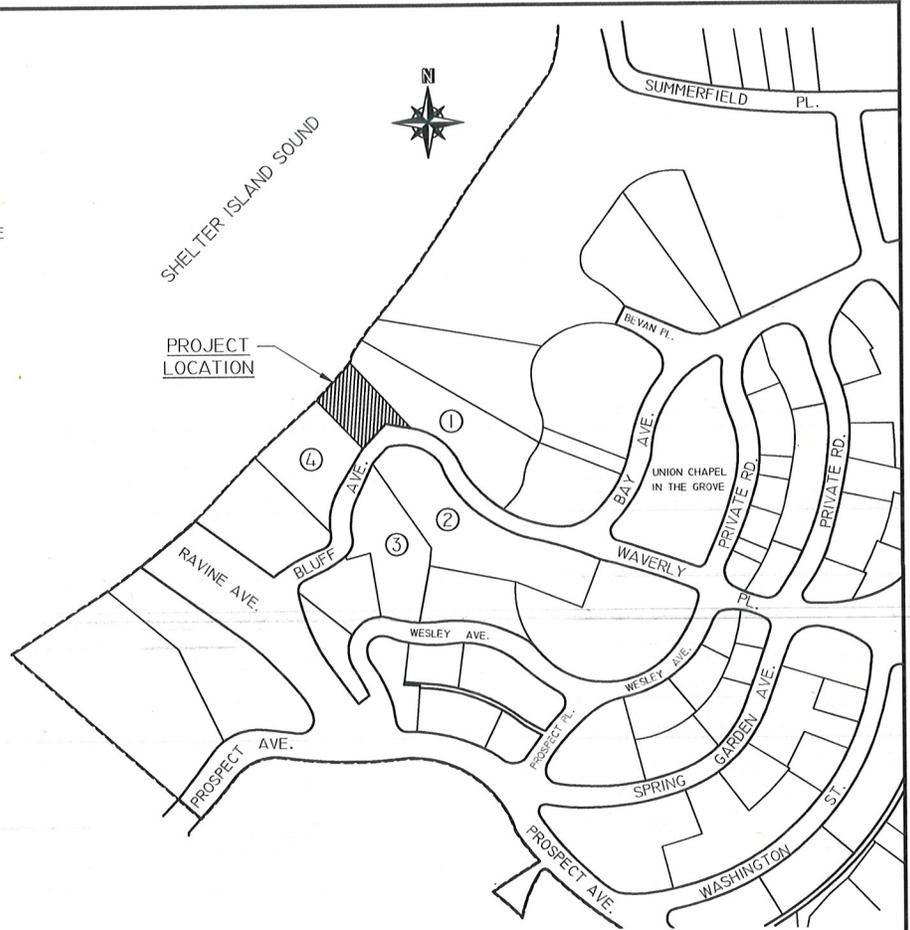
ADJACENT PROPERTY OWNERS

- ① RICHARD L. THIERINGER & JAMES S. THIERINGER, TRUSTEE
P.O. Box 1610
FOLLY BEACH, SC 29439
(4 BLUFF AVENUE)
(SCTM# 700-5-2-6)

- ② CHAD RUSTAN PIKE 2012 REV. TRUST
c/o ALAN PIKE, TRUSTEE
221 N. HOGAN STREET, STE. 403
JACKSONVILLE, FL 32202
(1 BLUFF AVENUE)
(SCTM# 700-5-4-9)

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

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



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

LOCATION MAP
N41° 05' 06" W72° 21' 33"
(SHEET 2 OF 7)

APPLICANT: CHAD RUSTAN PIKE 2012 REVOCABLE TRUST
ALAN PIKE, TRUSTEE
ADDRESS: 221 N HOGAN STREET SUITE 403
JACKSONVILLE, FL 32202
JOB SITE: 6 BLUFF AVENUE
SHELTER ISLAND, NY 11964
SCTM#: 700-5-4-1
DATE: 01/09/24, 11/30/23

2/7

NYSDEC
APPROVED AS PER TERMS
AND CONDITIONS OF
PERMIT NO. 1-4732-00968/0001
DATE 11/18/2024
Nancy MacKinnon

PROPOSED

- CONSTRUCT A 5'x110' MAIN PIER LEADING TO A 5'x27' "L" SECTION AT SEAWARD END.
- INSTALL A 70' SPLASHBOARD SYSTEM
- INSTALL ONE 2-PILE DOLPHIN
- INSTALL THREE LADDERS
- INSTALL ONE BENCH

MATERIALS:

PIER & "L"

PILING: 12"Ø - GREENHEART
STRINGERS: 8"x8" - CCA
CAP: 6"x12" - CCA
DECKING: 5/4"x6" - PURPLEHEART
HARDWARE: H.D. GALV & STN. STL. FASTENERS

SPLASHBOARD:

SPLASHBOARDS: 3"x10" - GREENHEART
STRINGERS: 6x8" - CCA
CLAMPS: 4"x8" - CCA
HARDWARE: H.D. GALV & STN. STL. FASTENERS

ACCESS:

BY WATER VIA BARGE

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

(SHEET 3 OF 7)

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ALAN PIKE, TRUSTEE
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JACKSONVILLE, FL 32202
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3/7
NYSDEC
APPROVED AS PER TERMS
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DATE 1/18/2024
Mary MacP...



SHELTER ISLAND SOUND
 N 41°39'24" E
 98.34'

S 40°26'10" E
 50.44'

JAMES S. N/O/F THIERINGER
 & RICHARD L. THIERINGER

N 40°26'10" W
 37.11'

TIMOTHY J. N/O/F PURTELL
 & SHARON L. EDWARDS

BLUFF AVENUE
 71°02'41" W
 58.6'

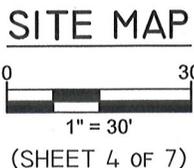
KATHLEEN N/O/F MILLARD

4/7
 NYSDEC
 APPROVED AS PER TERMS
 AND CONDITIONS OF
 PERMIT NO. 1-4732-00968/00002
 DATE 11/18/2024
Mary Mac

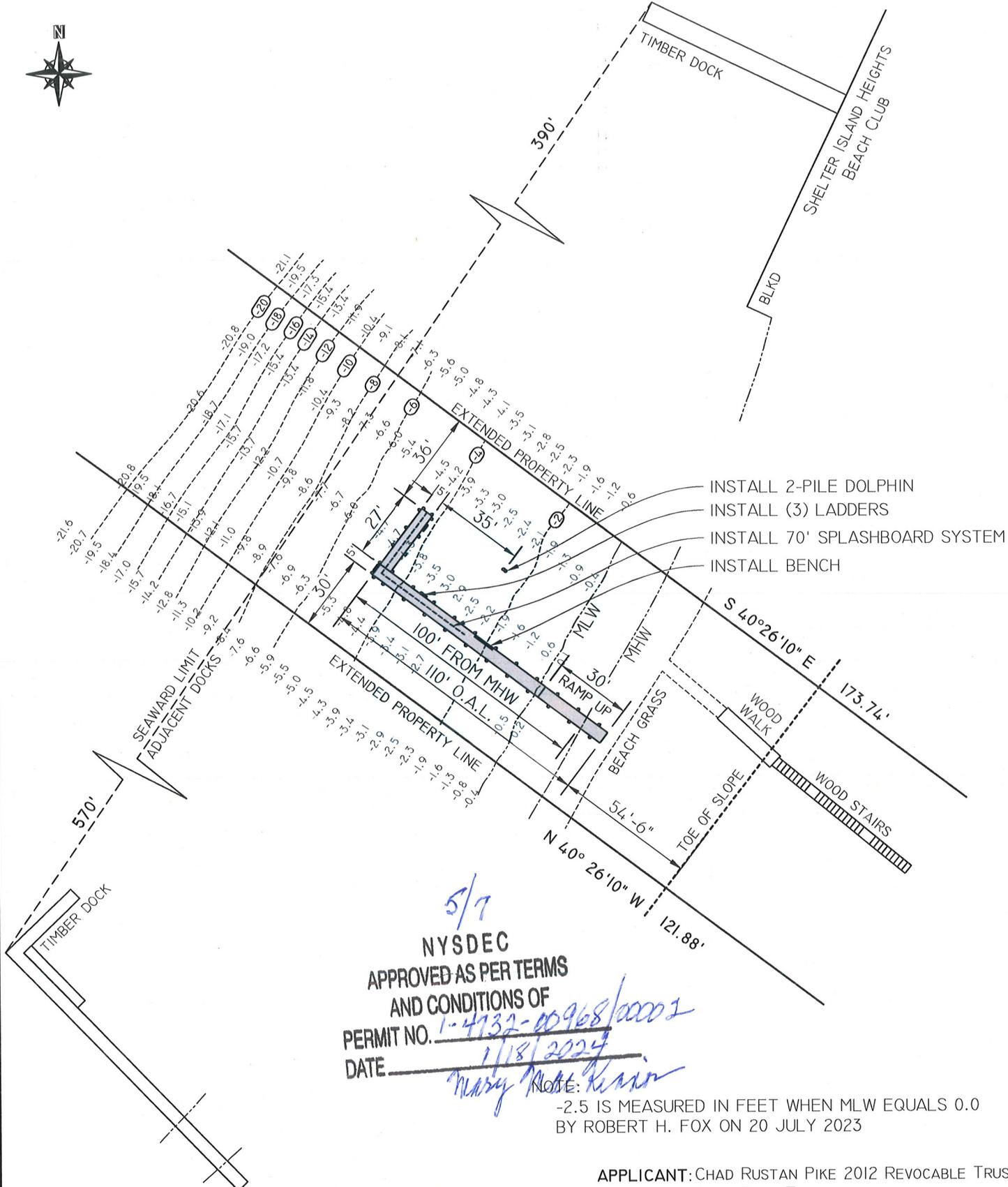
NOTE:
 INFORMATION IN THIS SITE MAP WAS REFLECTED
 FROM NATHAN TAFT CORWIN III LAND SURVEYOR
 DATED MAY 2, 2011

ELEVATIONS ARE REFERENCES TO
 N.G.V.D. 1929 DATUM

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



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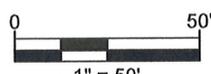
- INSTALL 2-PILE DOLPHIN
- INSTALL (3) LADDERS
- INSTALL 70' SPLASHBOARD SYSTEM
- INSTALL BENCH

5/7
NYSDEC
 APPROVED AS PER TERMS
 AND CONDITIONS OF
 PERMIT NO. 1-4732-00968/00001
 DATE 11/18/2024
 NOTE: Mary K. Kavin

-2.5 IS MEASURED IN FEET WHEN MLW EQUALS 0.0
 BY ROBERT H. FOX ON 20 JULY 2023

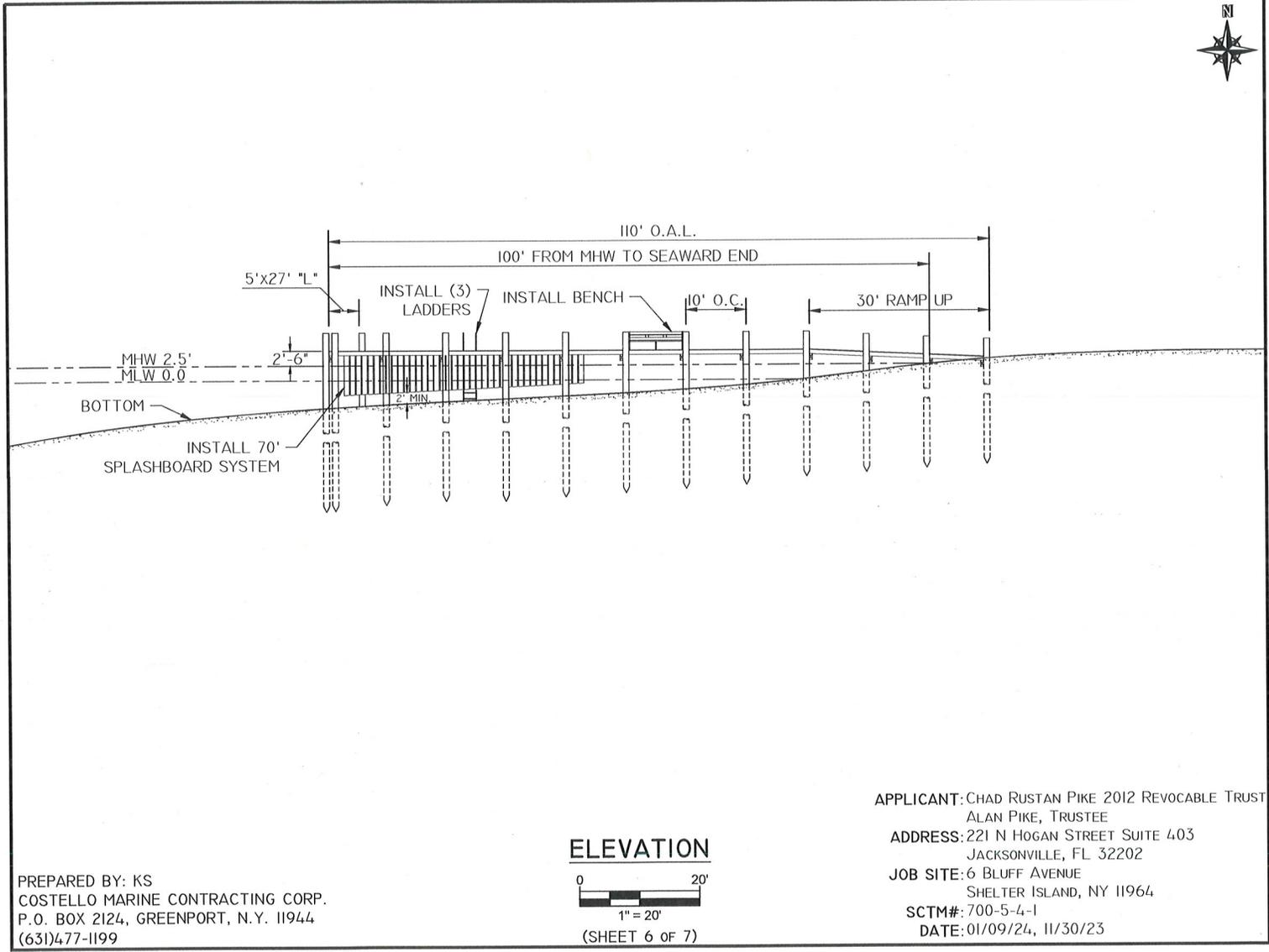
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DATE: 01/09/24, 11/30/23

SITE PLAN



(SHEET 5 OF 7)

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

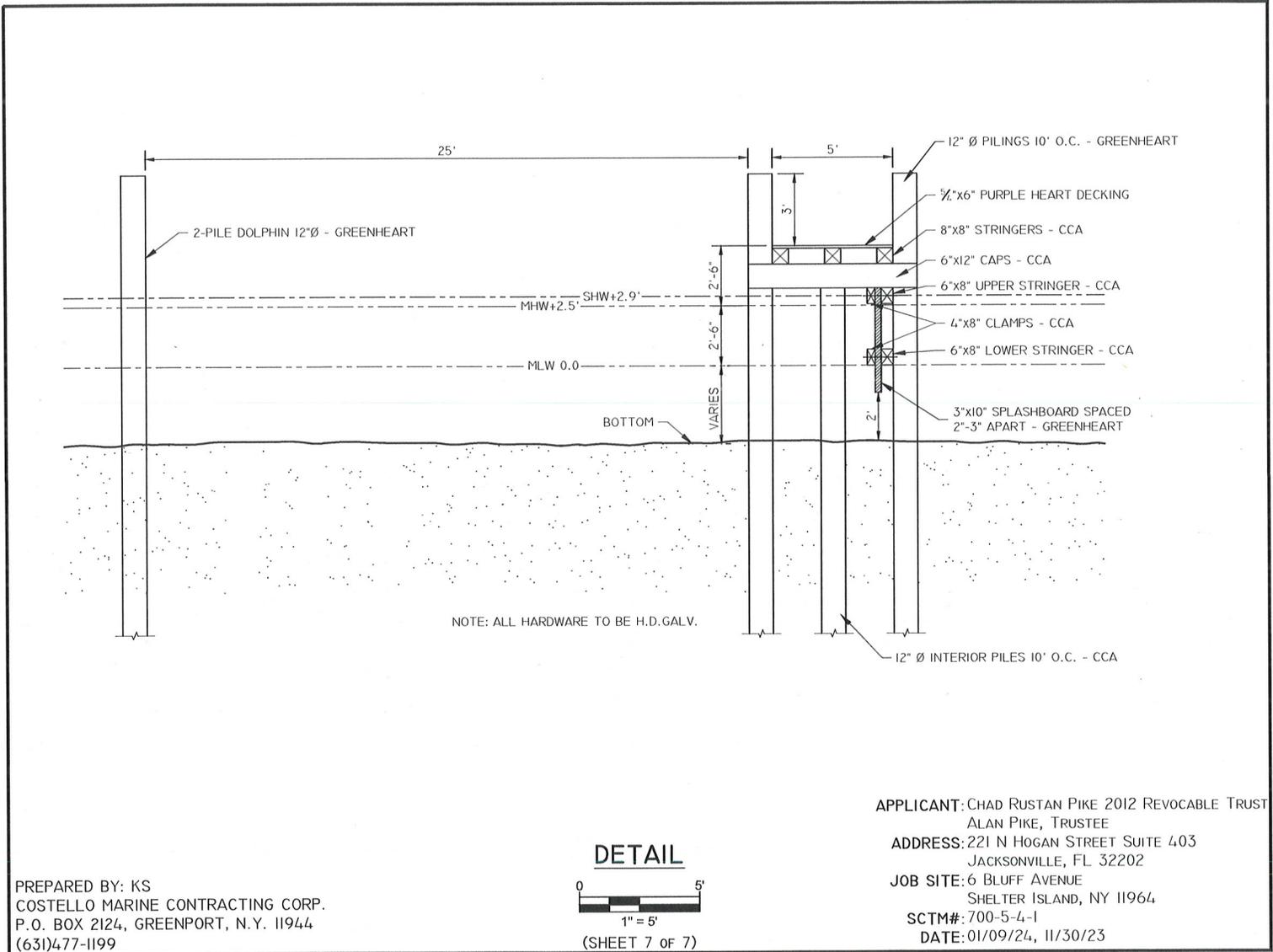


PREPARED BY: KS
 COSTELLO MARINE CONTRACTING CORP.
 P.O. BOX 2124, GREENPORT, N.Y. 11944
 (631)477-1199

ELEVATION
 0 20'
 1" = 20'
 (SHEET 6 OF 7)

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PREPARED BY: KS
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 (631)477-1199

DETAIL
 0 5'
 1" = 5"
 (SHEET 7 OF 7)

APPLICANT: CHAD RUSTAN PIKE 2012 REVOCABLE TRUST
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7/7
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