

PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: NAN-2014-00363-EYA
Issue Date: October 27, 2014
Expiration Date: November 27, 2014

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Frank Vigliarolo
10 Preston Lane
East Setauket, NY 11733

ACTIVITY: Pier Installation

WATERWAY: Port Jefferson Harbor

LOCATION: East Setauket, Town of Brookhaven, Suffolk County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS

PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

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NOTICE, otherwise, it will be presumed that there are no objections to the activity. Comments provided will become a part of the public record for this action.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this

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proposal, should be so addressed.

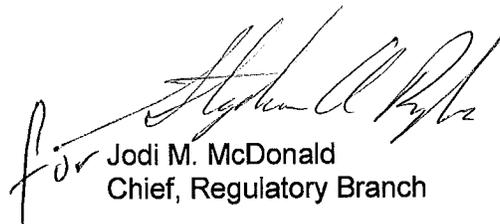
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

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>

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790 - 8092 and ask for Jun Yan.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


for Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Frank Vigliarolo, has requested Department of the Army authorization for pier installation in Port Jefferson Harbor, in the Town of East Setauket, Town of Brookhaven, Suffolk County, New York.

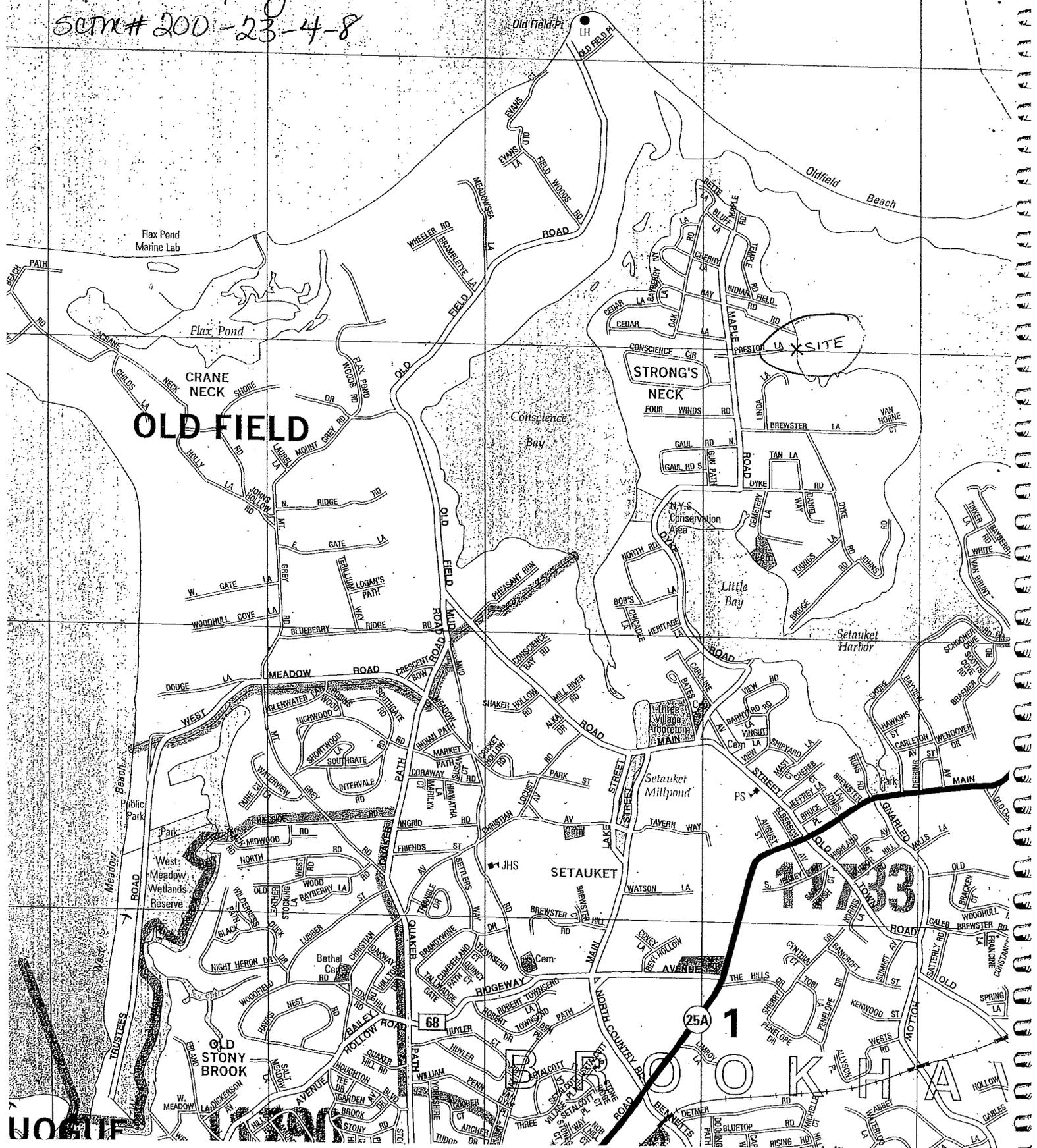
The work would involve installation of a 4-foot wide by 204-foot long fixed dock attached to a 3-foot wide by 24-foot long ramp onto a two (2) 8-foot wide by 20-foot long float secured by six (6) 12-inch diameter float piles. Additionally, the project would install six (6) 12-inch diameter mooring piles. The pier would extend a total of 258 feet into the waterways. Shoreline protection work consists of removing the existing concrete wall and paving to be replaced with new rip-rap stone shoreline protection and planted with beach grass over approximately 32-feet by 38-foot area.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by limiting construction to the smallest area practicable and using open grate decking to allow light penetration below the deck.

The stated purpose of this project is to provide safe mooring for recreational use and shoreline erosion protection.

Frank Vicariolo
10 Preston Lane
E. Setauket, NY
SEM# 200-23-4-8

LONG NAN-2014-00363-EXA AND ISLAND



OLD FIELD

STRONG'S NECK

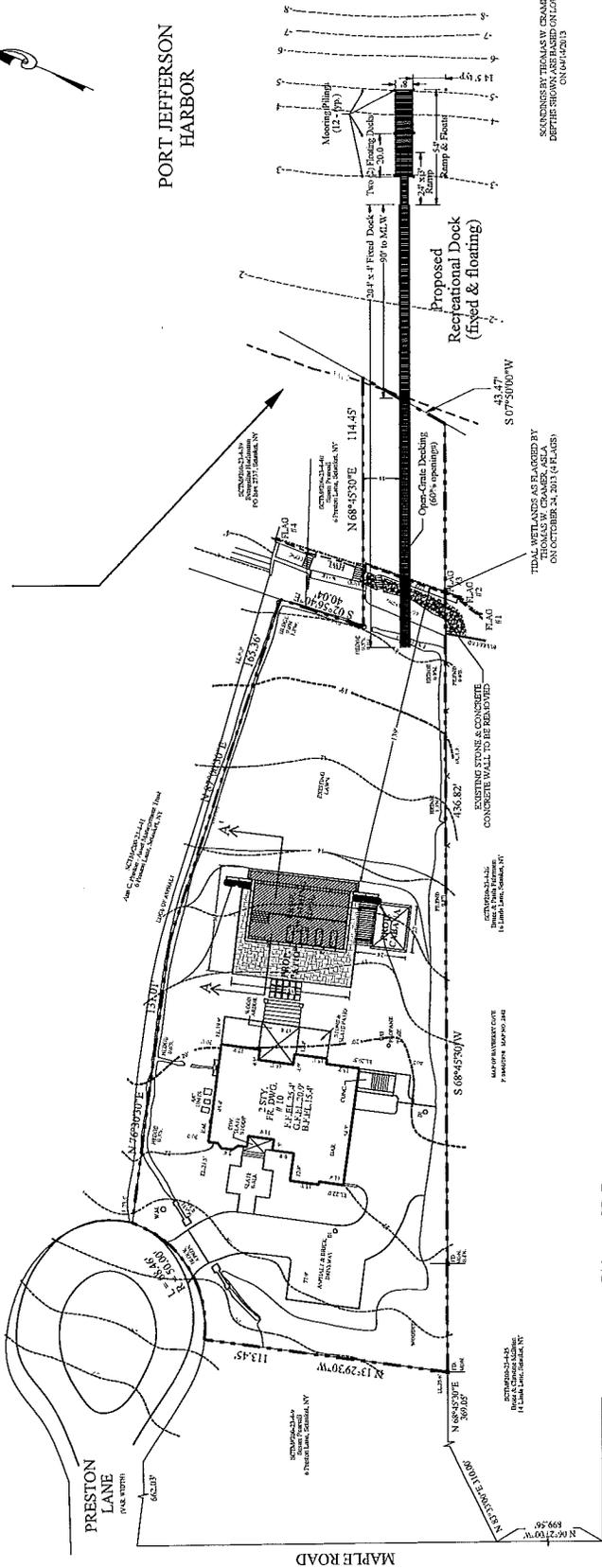
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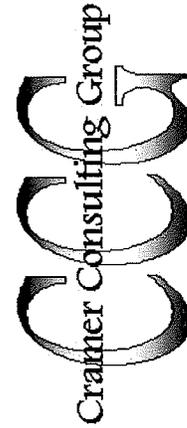
See Sheets 2 & 3 of 5
for Detail of this Area



Site Plan

SKETCHES BY THOMAS W. CRAMER, A.S.A.
DEPTH SHOWN BASED ON LOW WATER
ON 04/14/13

TIDAL WETLANDS AS PLACED BY
THOMAS W. CRAMER, A.S.A.
ON OCTOBER 24, 2013 (4 PLGS)



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Telephone (516) 476-0984 - Fax (516) 476-6333

Project Vigliarolo Residence
Proposed Recreational Dock

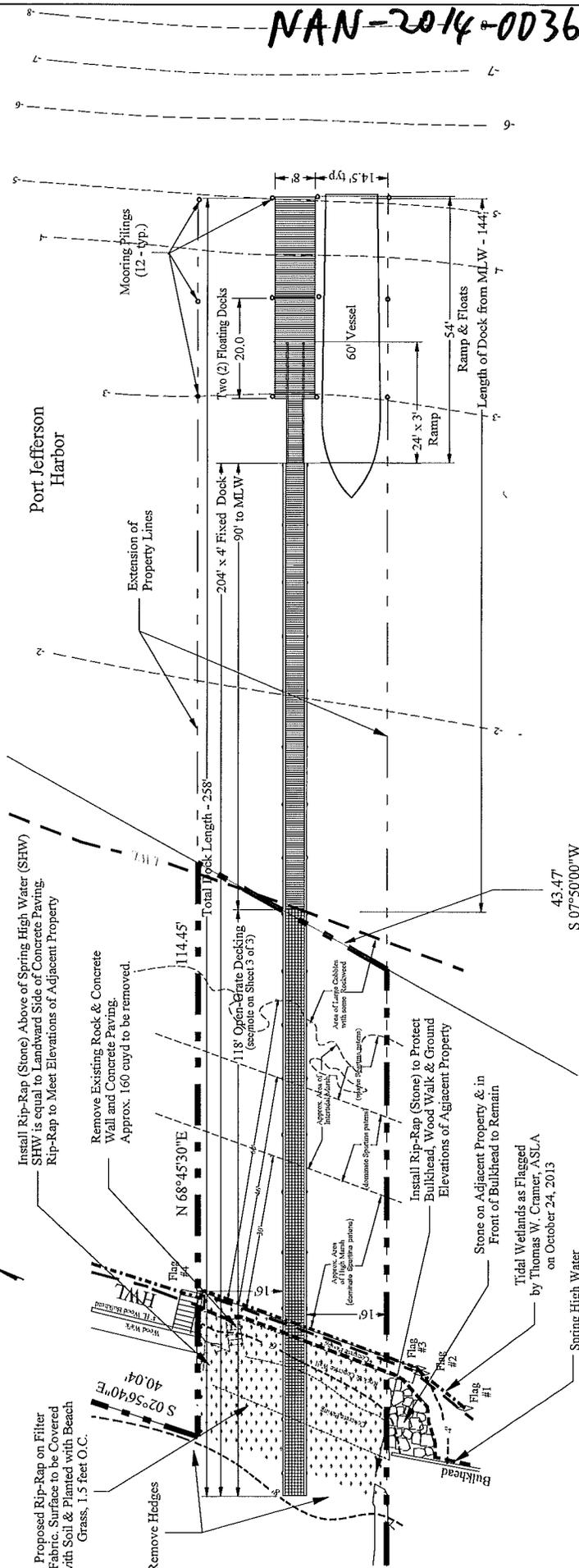
Location: 10 Preston Lane, EastSetauket, New York York

Project #:	Tex Lot #:	200-23-4-8
Date:	February 11, 2014	Scale: 1" = 80' - 0"
Designed By:	TWC	Drawn By: TWC
Checked By:	TWC	Checked By: TWC
Revisions:	6/17/14 - Shorten Dock	
	9/15/14 - USACE Comments	
	10/16/14 - USACE Comments	
Sheet	1	of 5

NOTES:
Elevations are N.A. V.D. 1988 Datum
Soundings are shown in feet below
mean low water elevation.
Survey & topographic information from
survey prepared by Pat T. Seccafico, PC
Center Moriches, NY. File No. T60568,
Dated 12/11/2013.
Pool design by J. Tortorella, Southampton,
NY. Dated 1/20/14

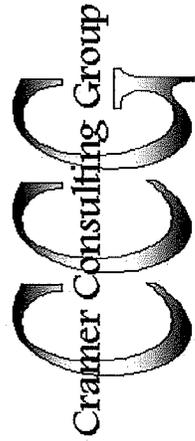
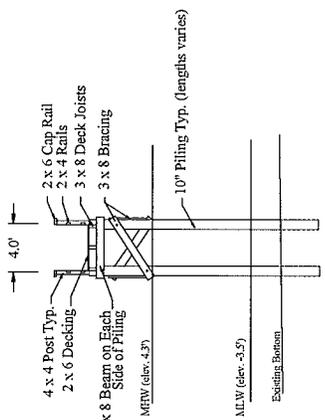
Plan View

Scale: 1" = 30' - 0"



Cross Section View

Not to Scale



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Project: Vigiariolo Residence Proposed Recreational Dock

Location: 10 Preston Lane, EastSetauket, New York York

Project #: Tax Lot #: 200-23-4-8

Date: February 11, 2014 Scale: As Shown

Designed By: TWC Drawn By: TWC Checked By: TWC

Revisions:
 6/17/14 - Shorten Dock
 9/15/14 - USACE Comments
 10/16/14 - USACE Comments

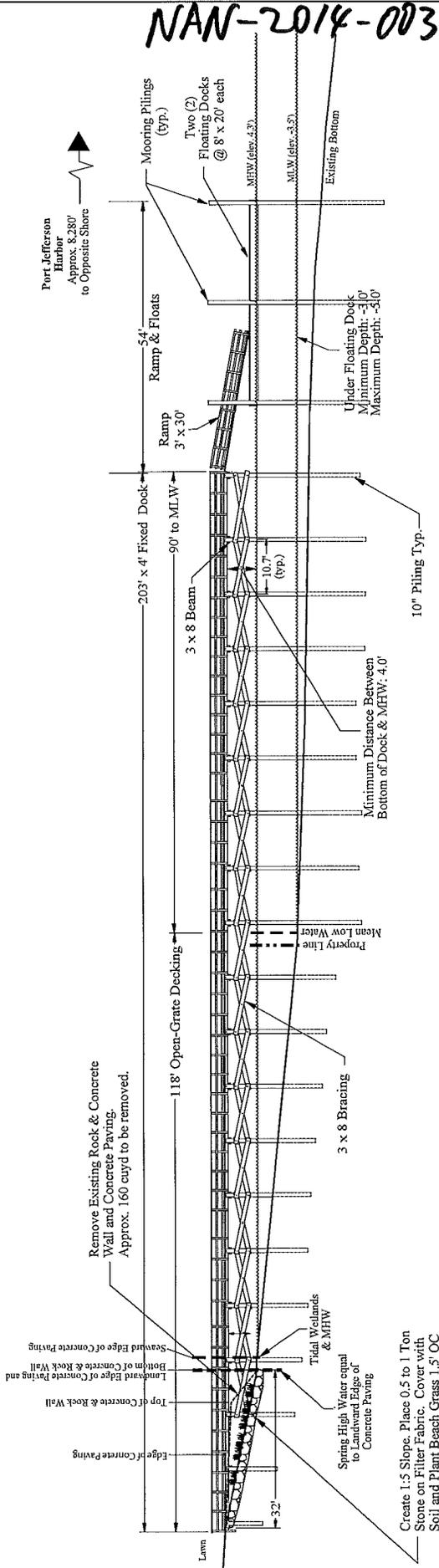
Sheet 2 of 5

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Soundings by Thomas W. Cramer, ASLA
 Taken @ Low Water on April 14, 2013
 and Show Depths Below Mean Low Water

Cross Section View

Scale: 1" = 20' - 0"



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Project: **Vigliarolo Residence**
Proposed Recreational Dock
 Location: 10 Preston Lane, EastSetauket, New York York

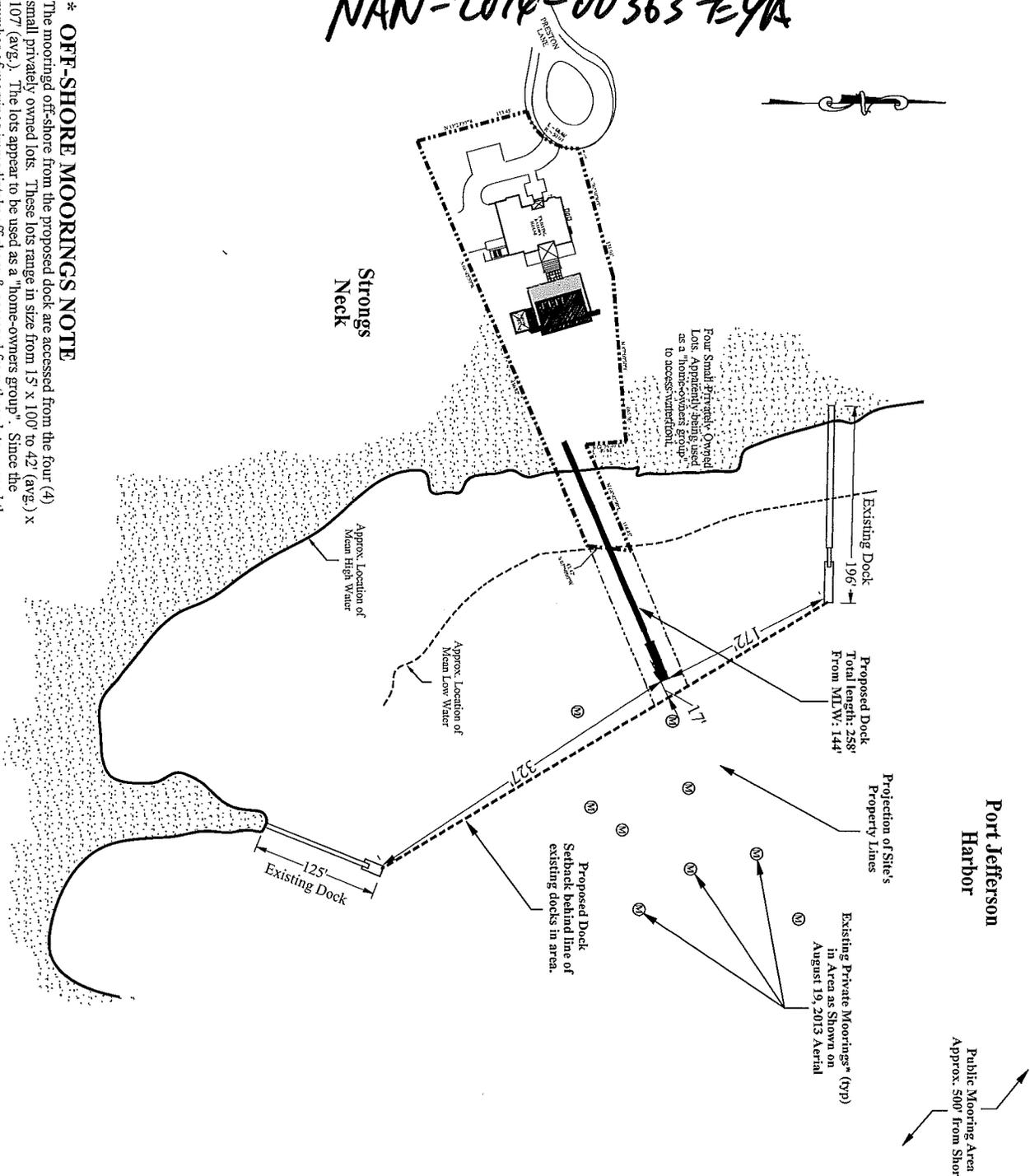
Project #:	Tax. I. of #:	200-23-4-8
Date:	February 11, 2014	Scale: 1" = 30' - 0"
Designed By:	TWC	Drawn By: TWC
Checked By:	TWC	Checked By: TWC
Revisors:	8/17/14 - Shorten Dock	
	9/15/14 - USACE Comments	
	10/16/14 - USACE Comments	
Sheet	3	of 5

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 Telephone (516) 476-0984 - Fax (516) 476-6933

CONSTRUCTION NOTES:

- Twelve (12) mooring pilings are proposed, each piling to be approximately 102" in diameter & installed with pile driver.
- No fill or rip-rap to be placed below Spring High Water line.
- All wood and pilings to be used in the construction of this dock is to be pressure treated in accordance with industry and local standards.
- All hardware to be hot-dipped galvanized, or equal.
- These plans for wetland permitting purposes only, not for construction purposes unless stamped by engineer or architect.
- Open-grate decking to have openings of 60% or more and be made of fiberglass, galvanized metal, or other non-corrosive material.
- This type of grating will mitigate potential shading impacts to the intertidal habitats under the dock by allowing light penetration.
- All excavated material to be removed from site and disposed of in an approved upland location.

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*** OFF-SHORE MOORINGS NOTE**

The mooringd off-shore from the proposed dock are accessed from the four (4) small privately owned lots. These lots range in size from 15' x 100' to 42' (avg.) x 107' (avg.). The lots appear to be used as a "home-owners group". Since the number of moorings immediately off shore & accessed from these lots, exceed the number of lots. These mooring are not being registered with the Town of Brookhaven as part of the Public Mooring Permits as they are considered as part of a "home-owners association." The public mooring area is located further off-shore (approx. 500' from the shore). These non-registered moorings are not located immediately off-shore from their respective properties, but are instead located to the south of the lots from which they access the shorefront. They are therefore off-shore from the proposed dock & applicane's property as well as the properties to the south.



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 P.O. Box 5535, Miller Place, New York 11764
 Telephone (631) 476-0984 -- Fax (631) 476-6933

Project: **Vigliarolo Residence**
Proposed Recreational Dock
 Location: 10 Preston Lane, EastSetauket, New York York

Project #: _____ Tax Lot#: **200-23-4-8** 6/17/14

Date: **February 11, 2014** Scale: **1" = 150' - 0"**

Designed By: **TWC** Drawn By: **TWC** Checked By: **TWC**

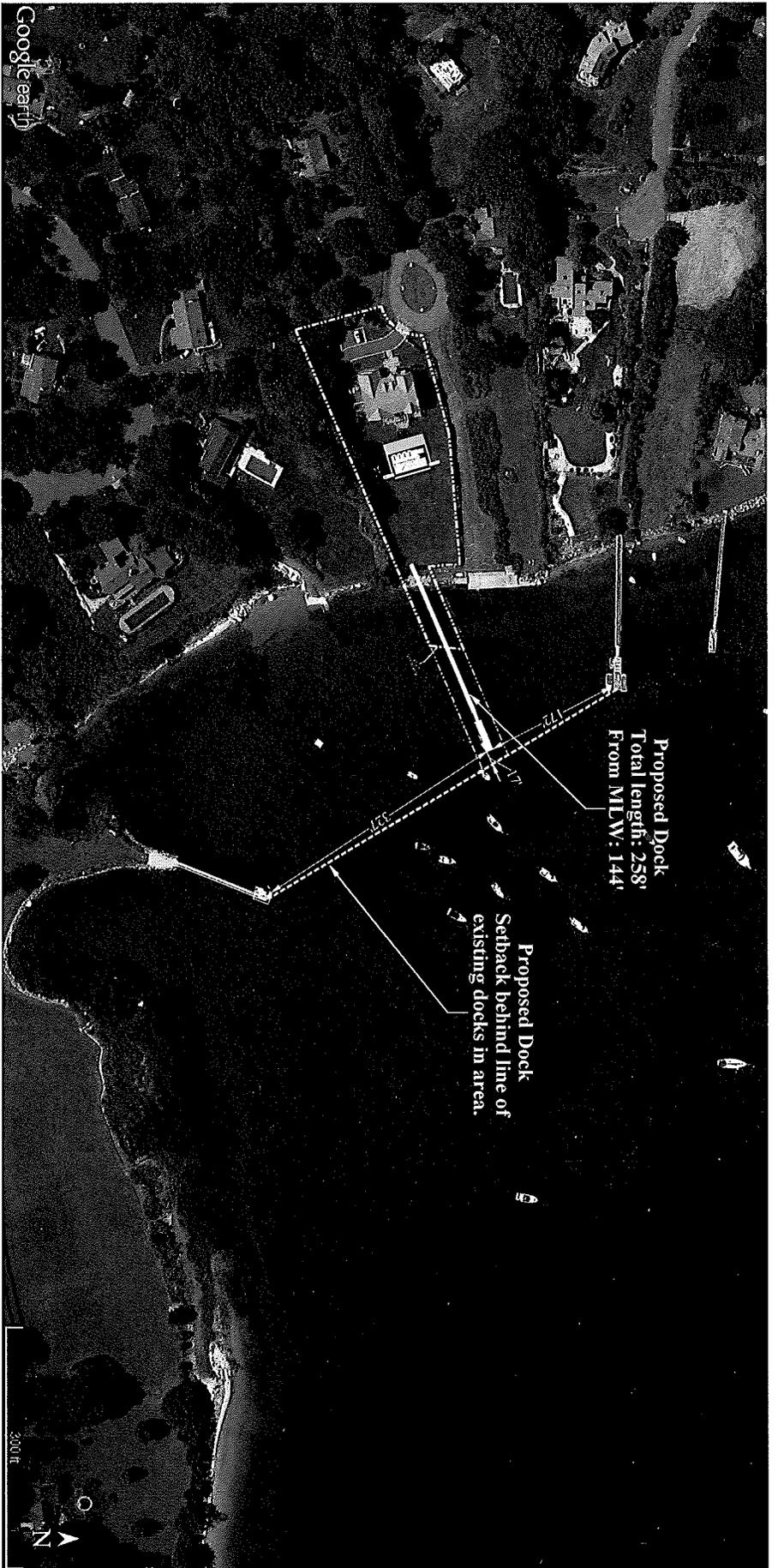
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Port Jefferson Harbor

Public Mooring Area
 Approx. 500' from Shore

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Project: **Vigliarolo Residence**
Proposed Recreational Dock
 Location: 10 Preston Lane, EastSetauket, New York York

Project #: _____ Tel. Lot #: 200-23-4-8
 Date: February 11, 2014 Scale: 1" = 200' - 0"

Designed By: TWC Drawn By: TWC Checked By: TWC

Revisions:
 6/17/14 - Shorten Dock _____
 9/15/14 - USACE Comments _____
 10/16/14 - USACE Comments _____

Sheet **5** of **5**

Date of Aerial Photograph: August 19, 2013