



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-2015-01436
Issue Date: October 20, 2017
Expiration Date: November 20, 2017

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 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Baker Residential, Limited Partnership
c/o Keith Diorio
1 West Red Oak Lane
White Plains, New York

ACTIVITY: The discharge of approximately 195 cubic yards of fill material within approximately 0.06 acres of a tributary and wetlands to the Bronx River.

WATERWAY: Tributary and Wetlands to the Bronx River (Bronx River Watershed)

LOCATION: Town of Mount Pleasant, Westchester 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 NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Comments submitted in response to this notice will be fully considered during the public interest

**CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2015-01436**

review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 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 occur. 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

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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 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

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) 790-8520 and ask for Katherine Pijanowski.

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>.

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


FOR: Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Baker Residential, Limited Partnership, has requested Department of the Army authorization for the discharge of fill material in a tributary and wetlands to the Bronx River, Town of Mount Pleasant, Westchester County, New York.

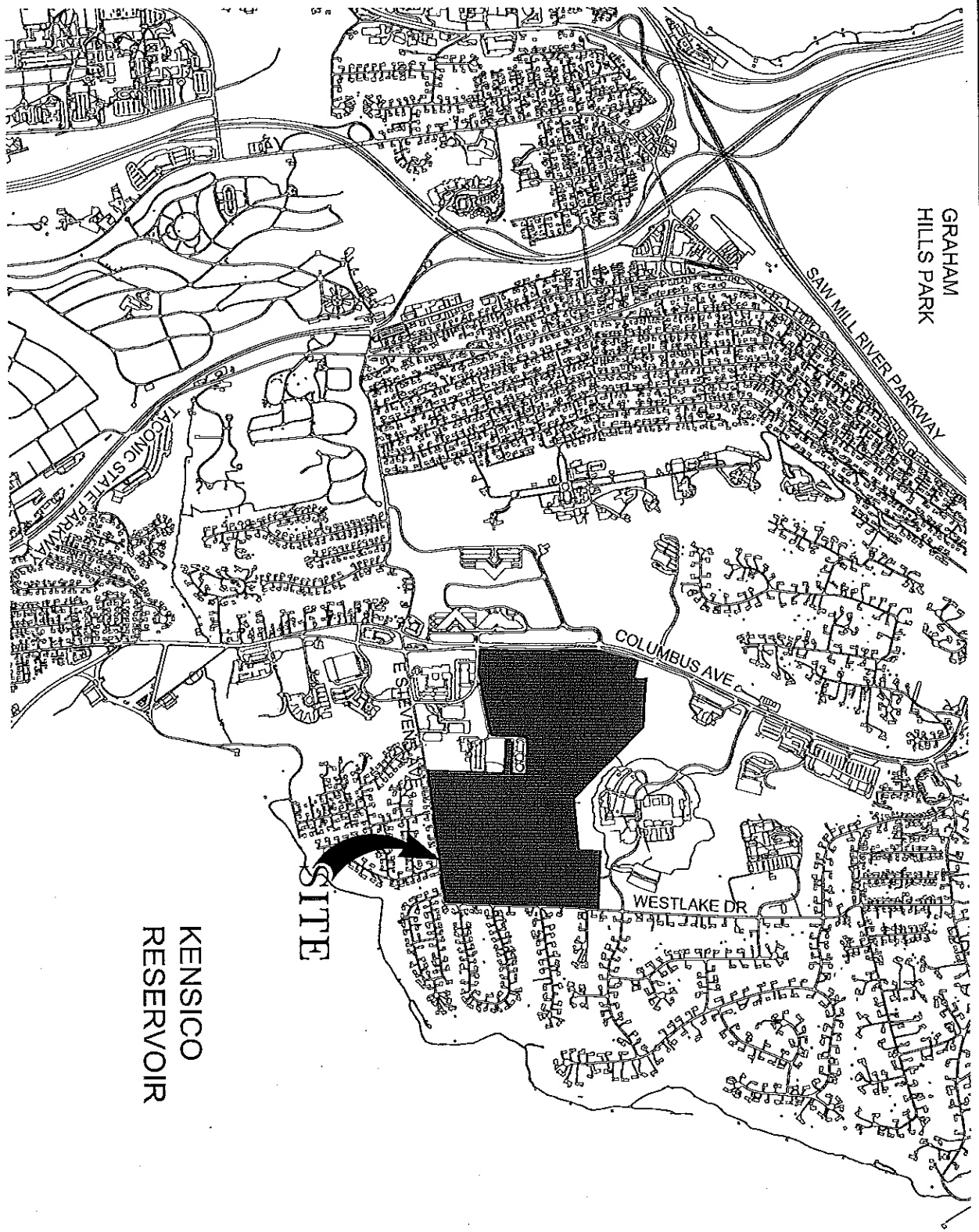
The work would involve: The discharge of approximately 195 cubic yards of fill material within approximately 0.06 acres of wetlands to construct a new roadway associated with a proposed residential development. Two 30-inch-diameter HDPE pipes would be installed under the proposed roadway for a length of approximately 86 linear feet within a seasonally-flowed tributary.

The proposed project would involve the clearing of approximately 45 acres of trees. A U.S. Fish and Wildlife Service Official Species List dated September 25, 2017, did not identify any threatened or endangered species within the boundary of the project.

A segment of roadway associated with the development is located within the New York City Department of Environmental Protection East of Hudson watershed, which is considered to be critical resource waters.

Compensatory mitigation is not required for this project as the impact to waters of the United States is below the 0.1 acre threshold.

The stated purpose of this project is to develop a 73-lot single family residential cluster subdivision.



ACOE WETLAND CROSSING
 LOCATION MAP

KENSICO PRESERVE
 582-590 COLUMBUS AVENUE
 TOWN OF MOUNT PLEASANT
 ORANGE COUNTY, NEW YORK

DATE: SEPT. '17
 SCALE: 1" = 2000'

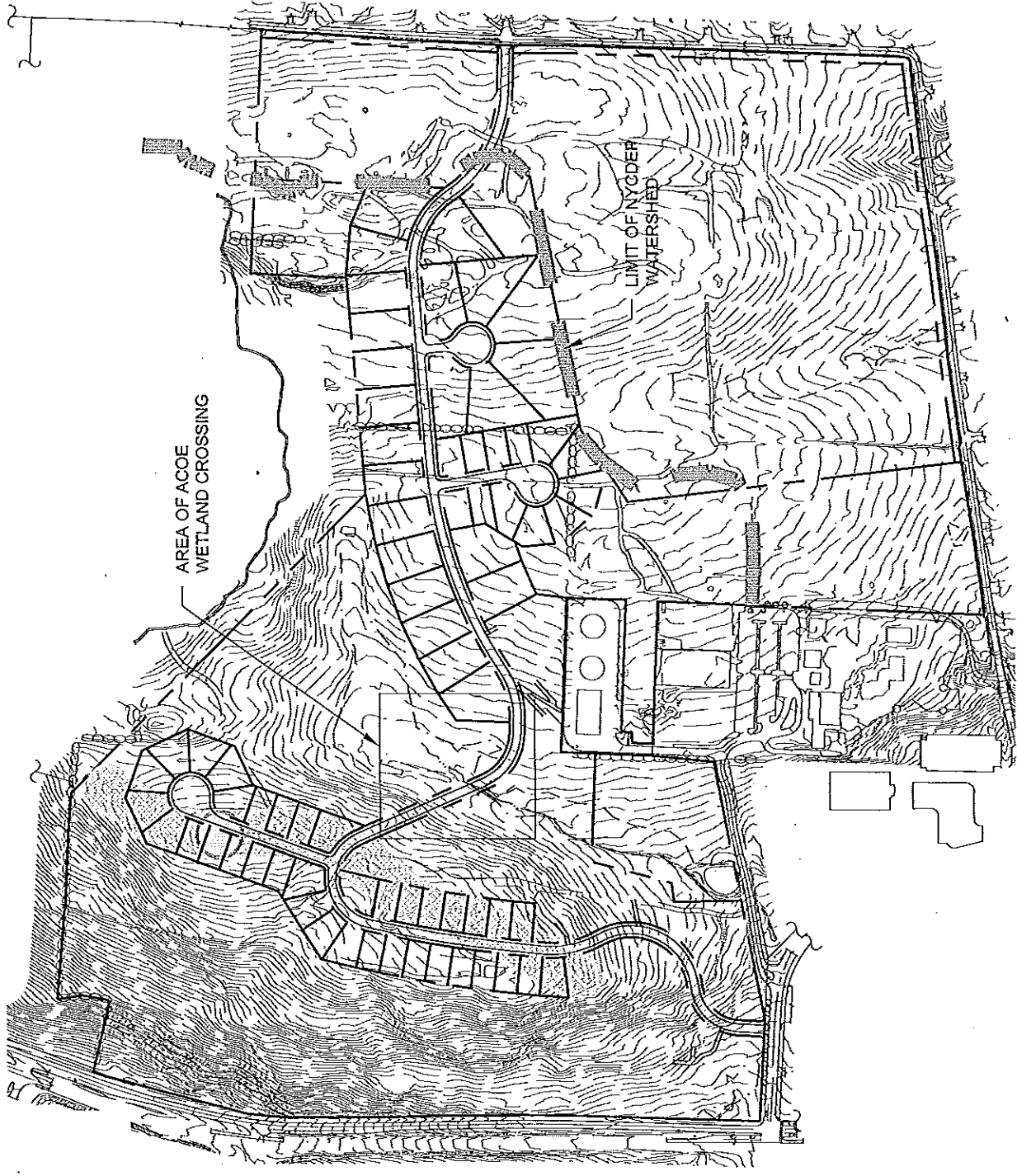
JOB # 969.04
 SHEET # F-1

KENSICO
 RESERVOIR

ENGINEERING & SURVEYING PROPERTIES
 Achieving Successful Results with Innovative Designs

71 CLINTON STREET
 MONTGOMERY, NY 12549
 Ph: (845) 457-7727
 Fx: (845) 457-1899

USACE File No. NAW-2015-01436-WPJ
 Sheet 2 of 10
 Drawing Name: Z:\969.04 - Baker Westchester\NYCDP ACOE Figures.dwg Date Printed: Sep 01, 2017, 3:02pm



ACOEWETLAND CROSSING OVERALL PLAN	KENSICO PRESERVE 582-590 COLUMBUS AVENUE TOWN OF MOUNT PLEASANT ORANGE COUNTY, NEW YORK		DATE: SEPT. 17	JOB # 969.04	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs	71 CLINTON STREET MONTGOMERY, NY 12549 Ph: (845) 457-7727 Fax: (845) 457-1899
			SCALE: 1" = 500'	SHEET # F-2		

ACOE WETLAND CROSSING
GRADING PLAN

KENSICO PRESERVE
582-590 COLUMBUS AVENUE
TOWN OF MOUNT PLEASANT
ORANGE COUNTY, NEW YORK

DATE:

SEPT. 17

JOB #

969.04

SCALE:

1" = 50'

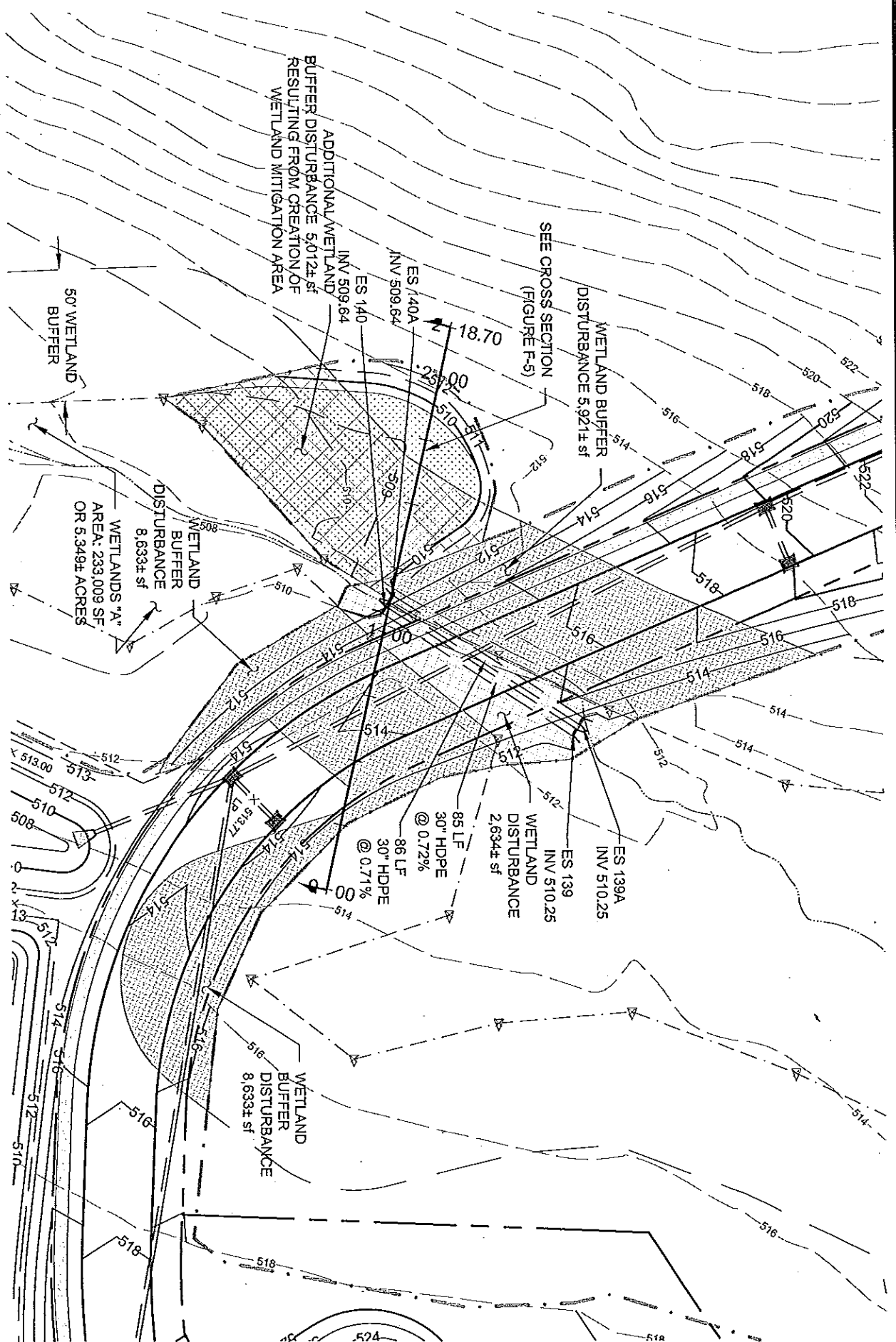
SHEET #

F-3

ENGINEERING
& SURVEYING
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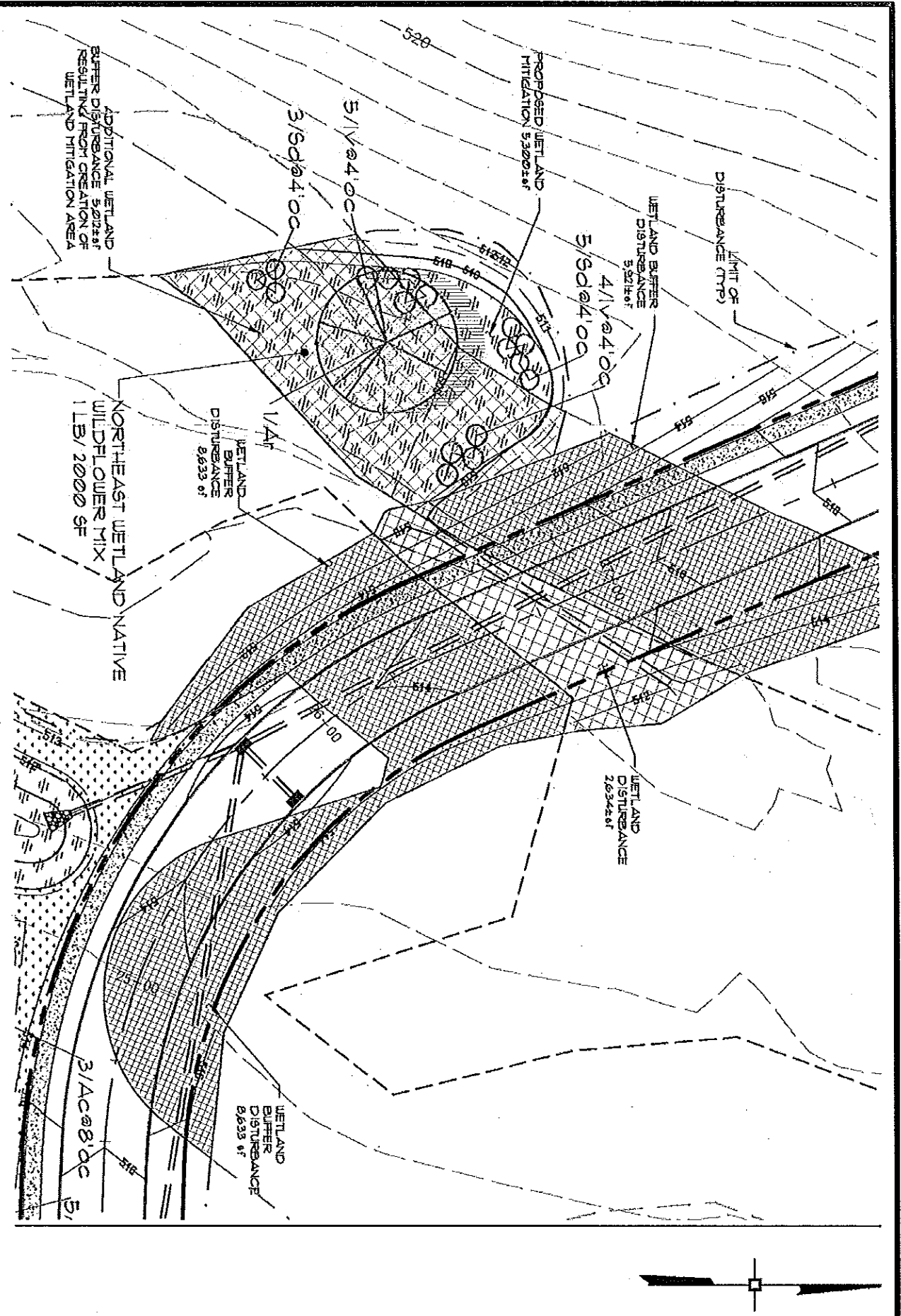
ACOE WETLAND CROSSING
 LANDSCAPING PLAN

KENSICO PRESERVE
 582-590 COLUMBUS AVENUE
 TOWN OF MOUNT PLEASANT
 ORANGE COUNTY, NEW YORK

DATE:	SEPT. 17	JOB #	969.04
SCALE:	1" = 40'	SHEET #	F-4



71 CLINTON STREET
 MONTGOMERY, NY 12549
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 FX: (845) 457-1899



**ACOE WETLAND CROSSING
 CROSS SECTION**

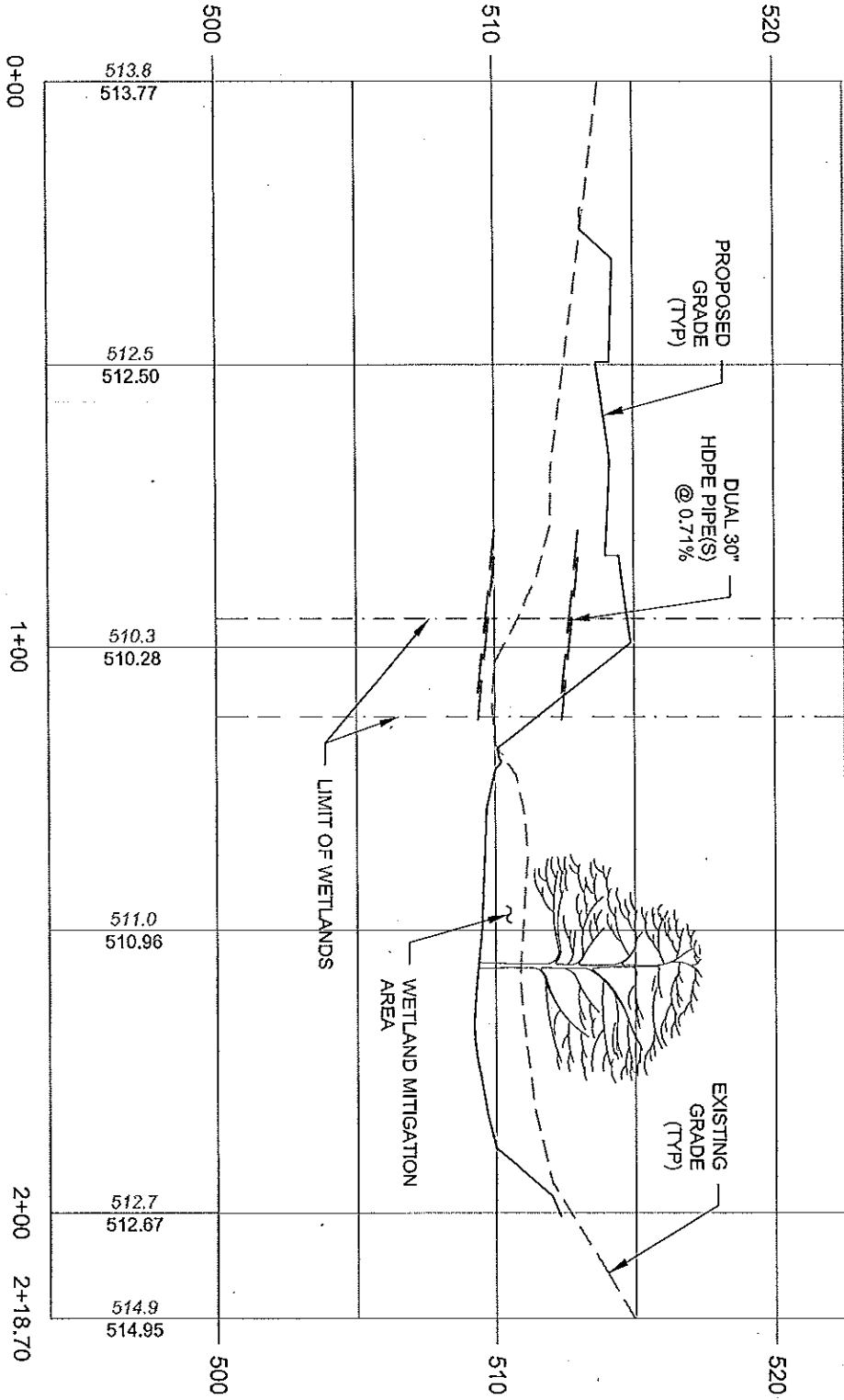
KENSICO PRESERVE
 582-590 COLUMBUS AVENUE
 TOWN OF MOUNT PLEASANT
 ORANGE COUNTY, NEW YORK

DATE: SEPT. 17
 SCALE: 1" = 30' H
 1" = 6' V

JOB # 969.04
 SHEET # F-5

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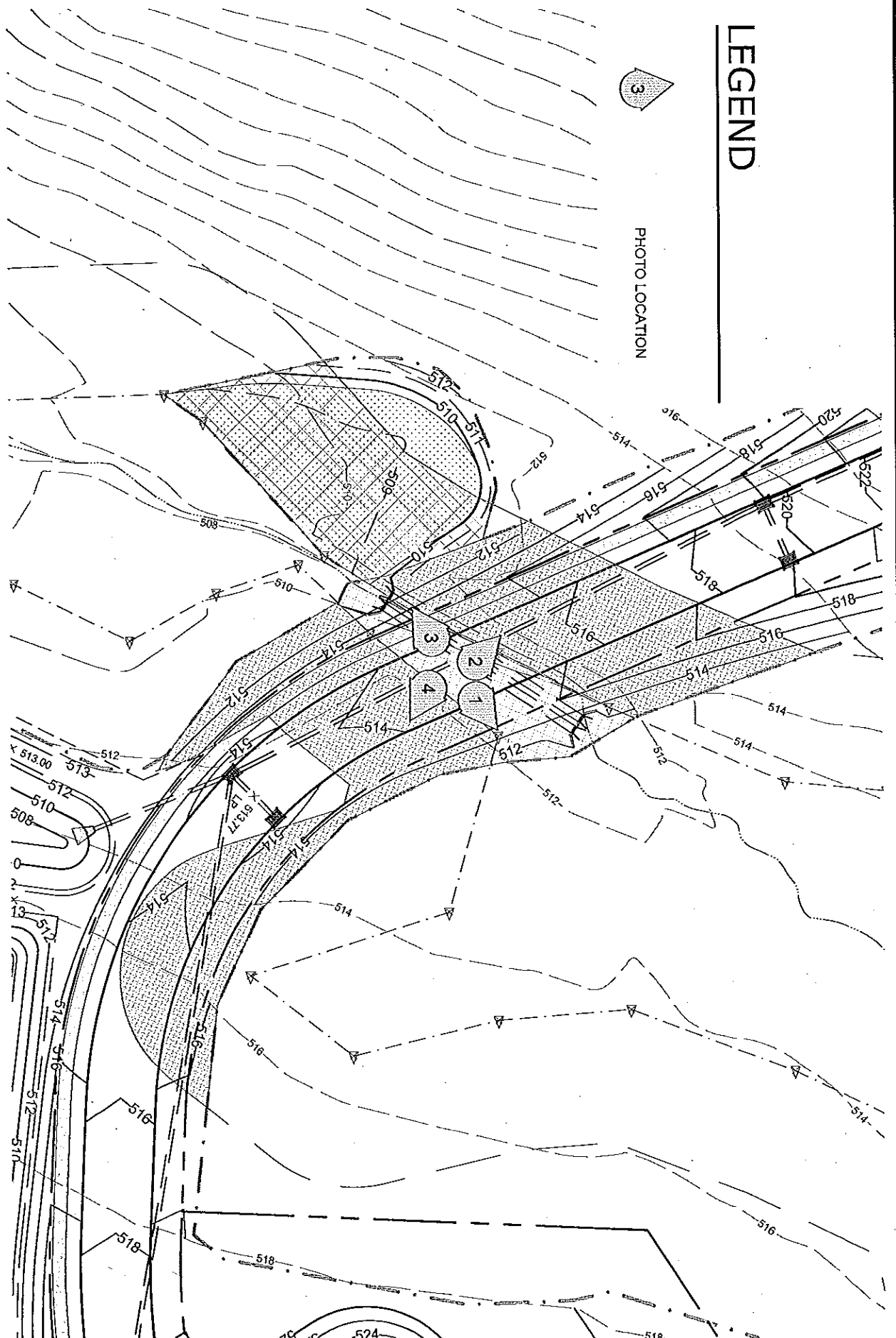
71 CLINTON STREET
 MONTGOMERY, NY 12549
 Ph: (845) 457-7727
 Fax: (845) 457-1899



LEGEND



PHOTO LOCATION



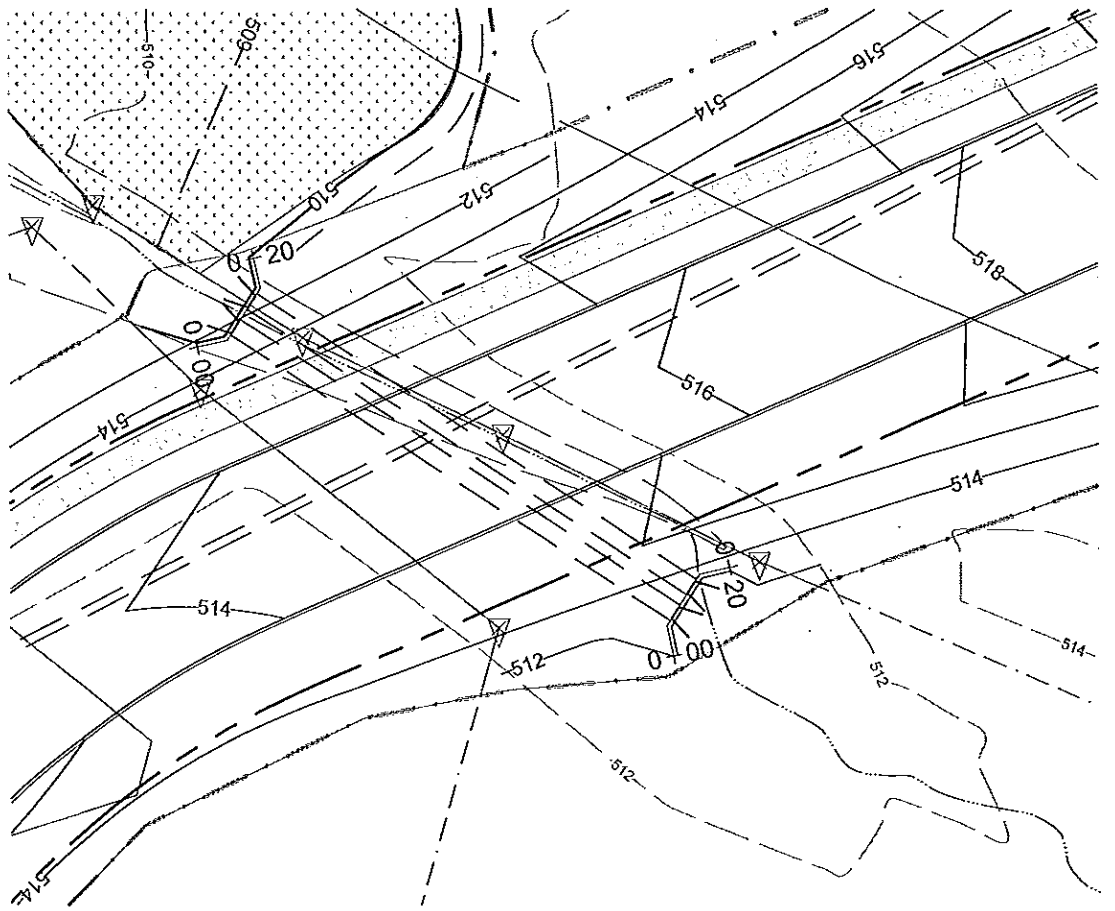
ACOE WETLAND CROSSING
 PHOTO LOCATIONS

KENSICO PRESERVE
 582-590 COLUMBUS AVENUE
 TOWN OF MOUNT PLEASANT
 ORANGE COUNTY, NEW YORK

DATE:	SEPT. 17	JOB #	969.04
SCALE:	1" = 50'	SHEET #	F-6

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PLAN VIEW

SCALE: 1" = 30'

ACOE WETLAND CROSSING
 HEADWALL(S) CROSS SECTION

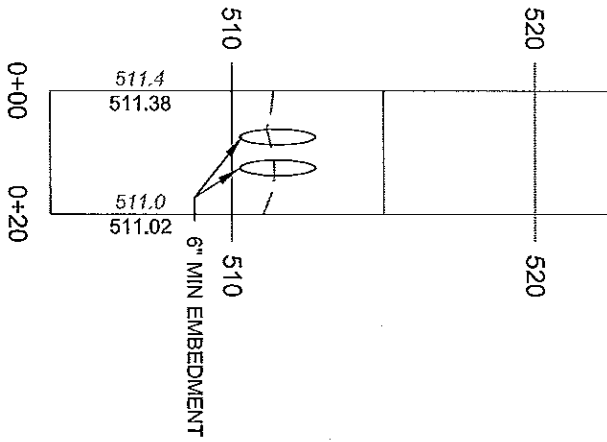
KENSICO PRESERVE
 582-590 COLUMBUS AVENUE
 TOWN OF MOUNT PLEASANT
 ORANGE COUNTY, NEW YORK

DESIGN FLOWS

REQUIRED:
 Q 2 YR = 14.6 cfs

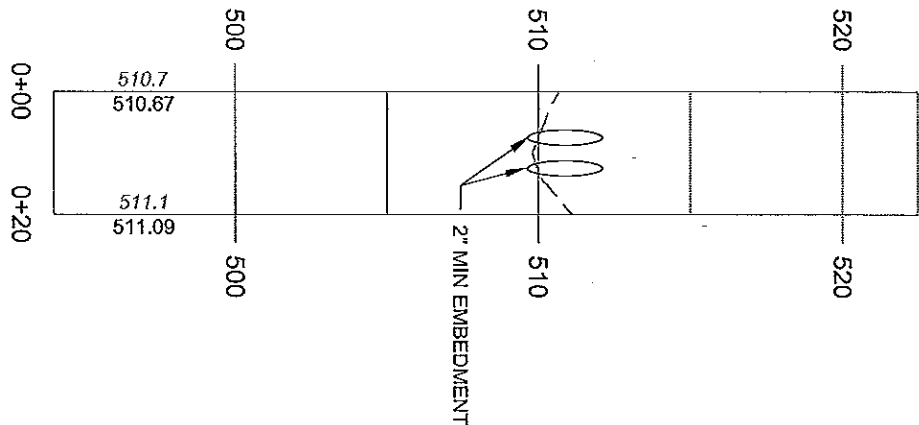
PROVIDED:

Q 1-30" HDPE = 45 cfs
 Q 2-30" HDPE = 90 cfs



INLET

SCALE: 1" = 30' H
 1" = 6' V



OUTLET

SCALE: 1" = 30' H
 1" = 6' V

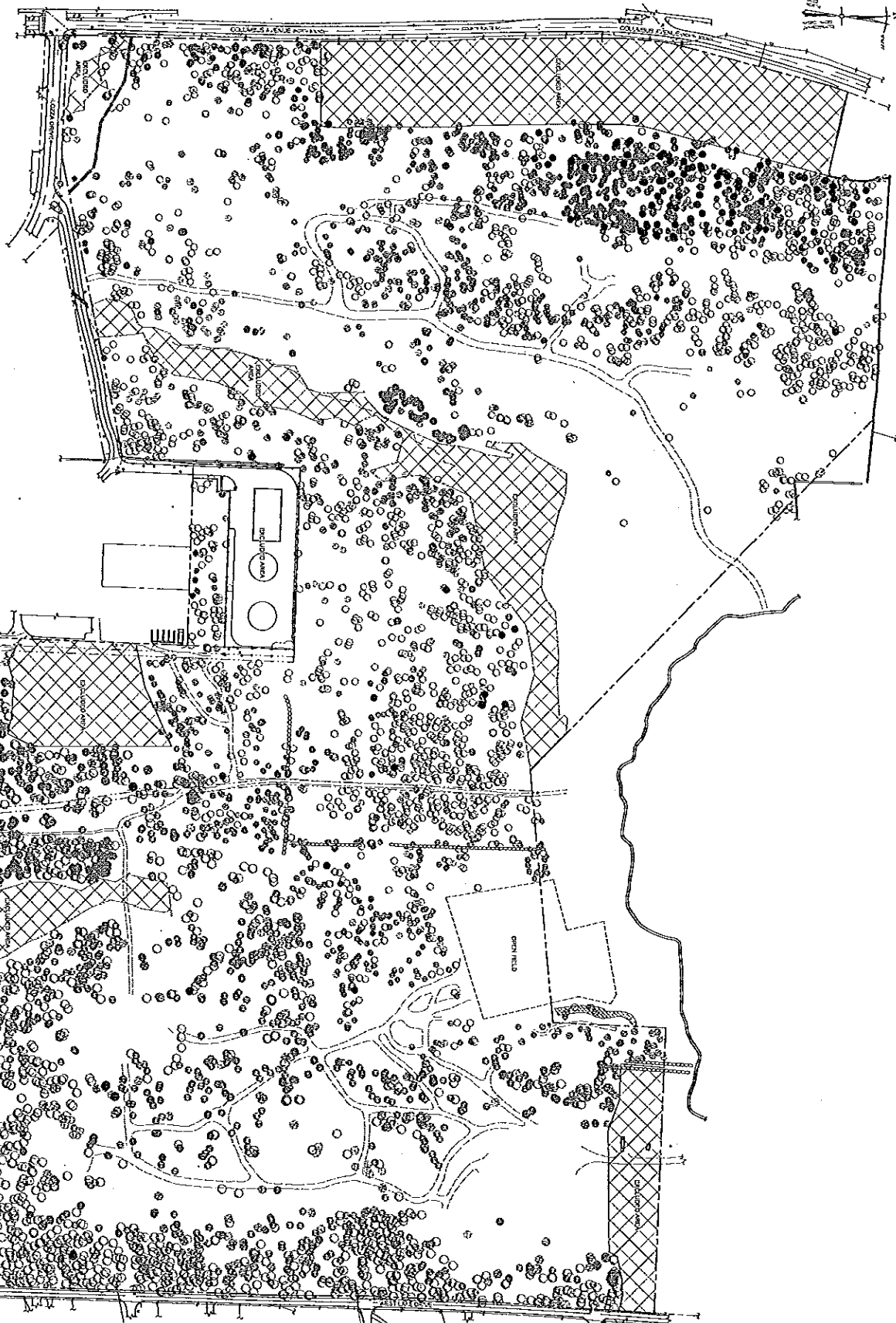
DATE:	SEPT. 17	JOB #	969.04
SCALE:	AS NOTED	SHEET #	F-7

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TREE SCHEDULE

NO.	SYMBOL	DESCRIPTION	QUANTITY
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ENGINEERING
PROFESSIONAL

REGISTERED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 LICENSE NO. 45678

DATE: 11/15/15
 DRAWN BY: J. Smith
 CHECKED BY: A. Jones

TR-1

DRAWING STANDARDS

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GENERAL NOTES

1. All work shall be in accordance with the latest edition of the California Building Code.
2. The contractor shall be responsible for obtaining all necessary permits.
3. The contractor shall maintain access to all existing utilities.
4. The contractor shall protect all existing trees and vegetation.
5. The contractor shall provide adequate drainage for all paved areas.
6. The contractor shall provide adequate lighting for all paved areas.
7. The contractor shall provide adequate signage for all paved areas.
8. The contractor shall provide adequate safety barriers for all paved areas.
9. The contractor shall provide adequate safety cones for all paved areas.
10. The contractor shall provide adequate safety flags for all paved areas.

GENERAL NOTES

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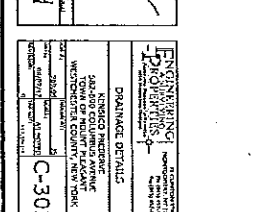
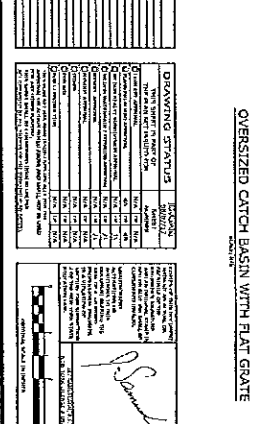
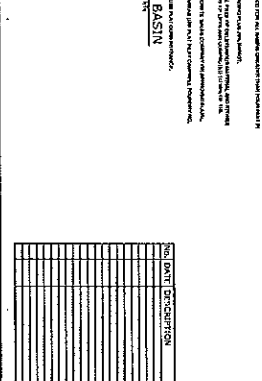
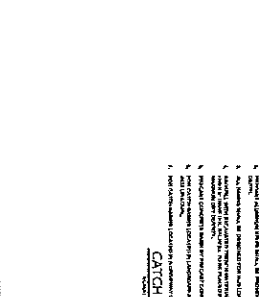
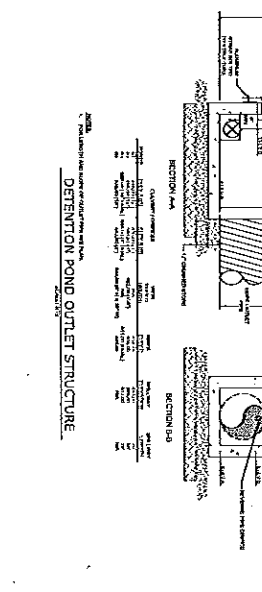
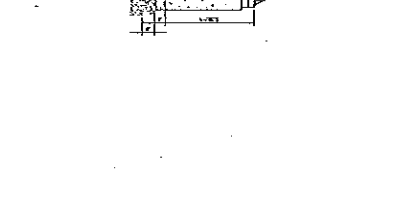
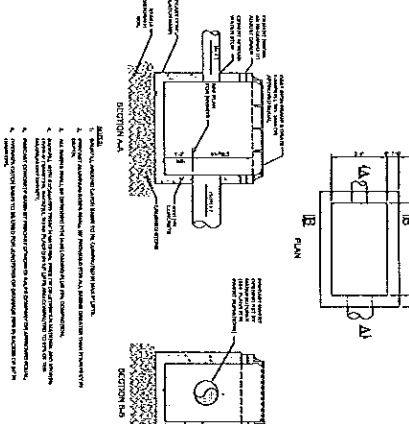
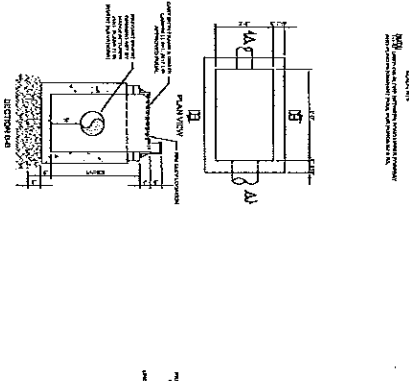
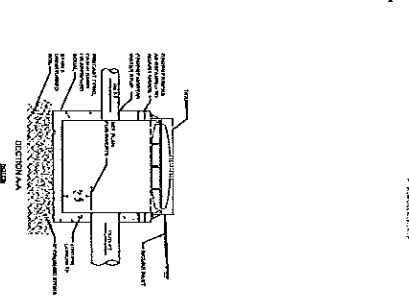
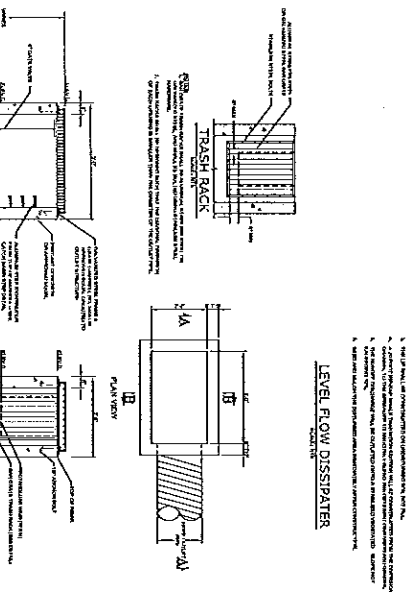
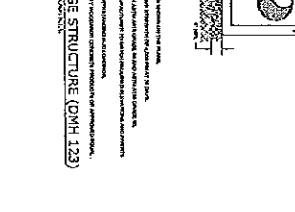
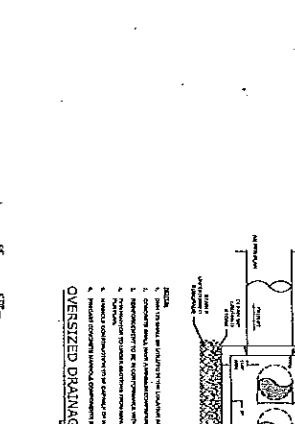
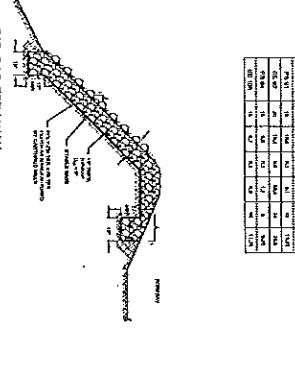
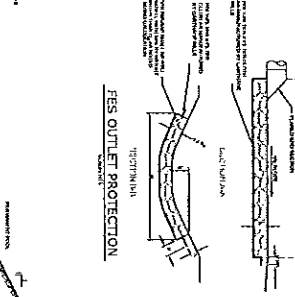
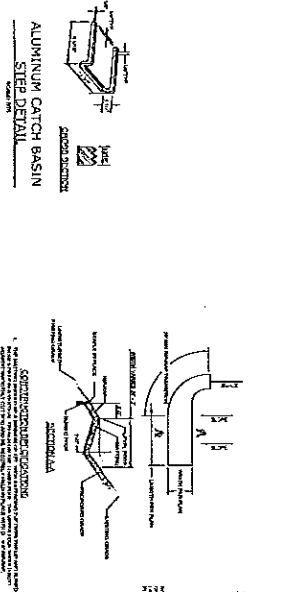
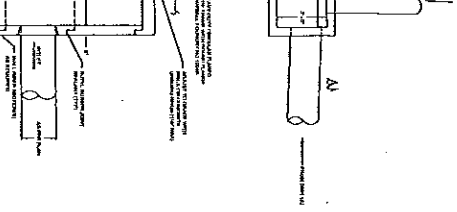
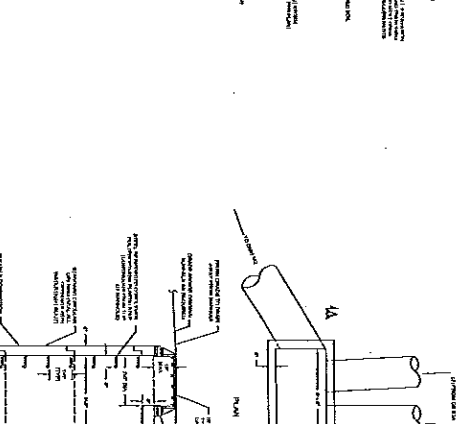
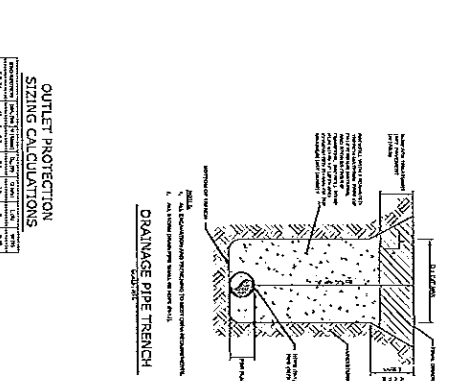
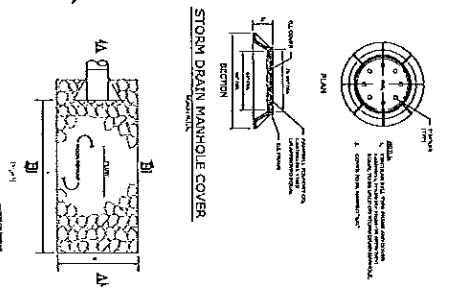
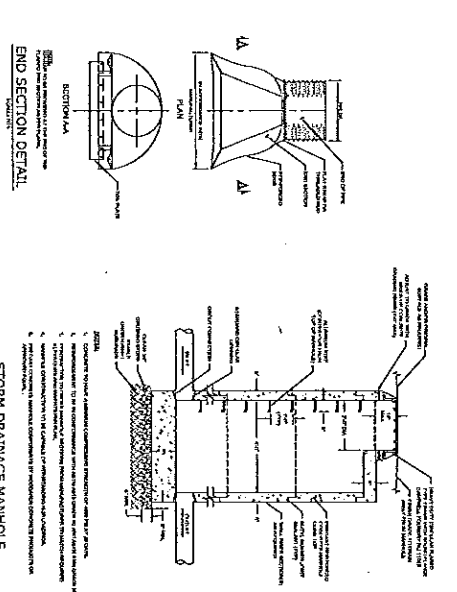
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DESIGNER: [Signature]

CHECKED: [Signature]

DATE: [Date]

ENGINEERING PROMOTIONS

DRAINAGE DETAILS

SEAN G. RICHARDS, P.E.

SEAN G. RICHARDS, INC.

1000 WASHINGTON STREET, SUITE 200

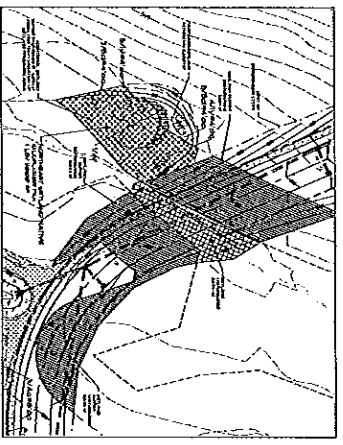
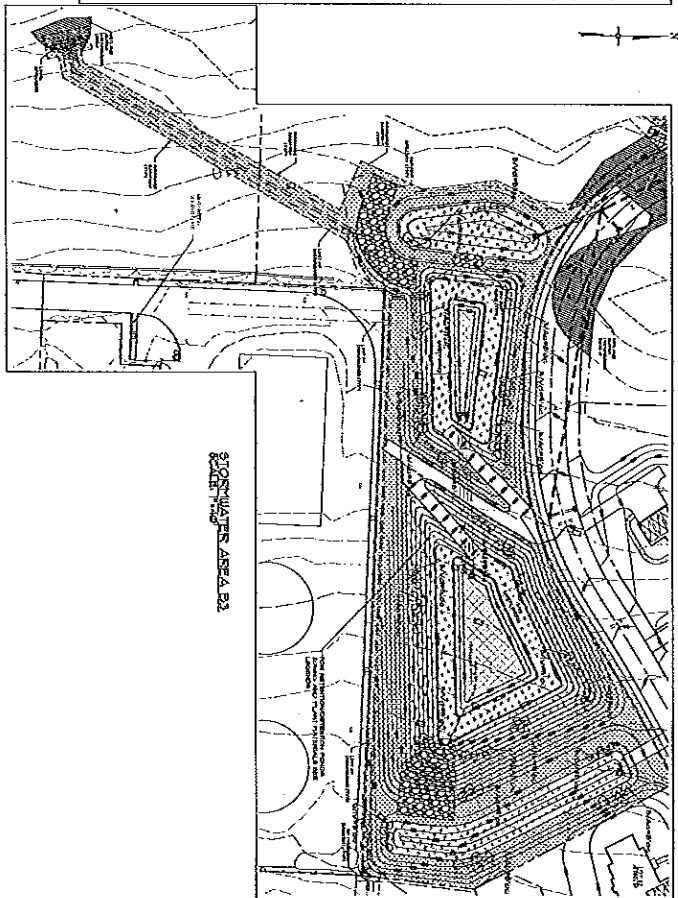
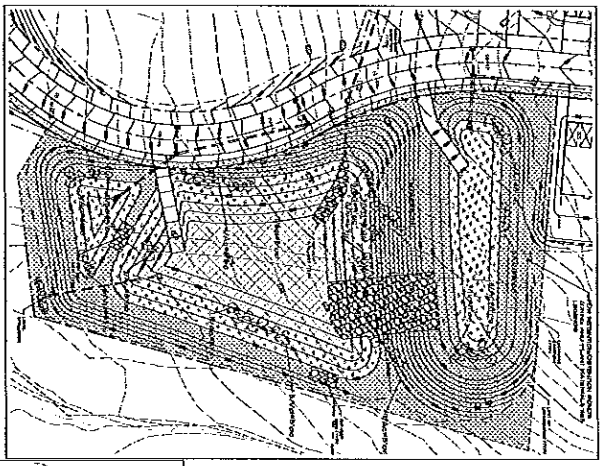
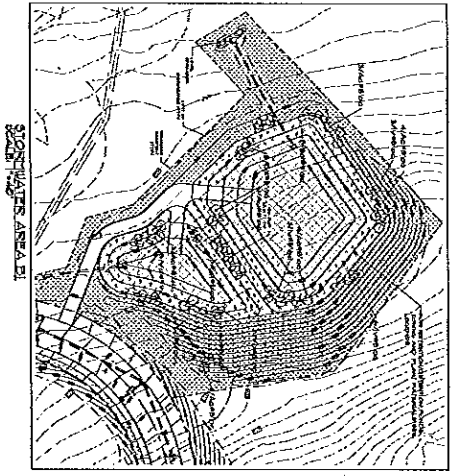
WINDSOR, CONNECTICUT 06095

PHONE: (860) 237-1234

FAX: (860) 237-1234

WWW: www.sgrichards.com

C-303



RETENTION/DETENTION POND PLANTINGS

UPPER ZONE/ADJACENT AREA
 Plantings to be installed in the upper zone of the pond, adjacent to the wetland area. These plantings are intended to provide habitat and improve water quality.

LOWER ZONE/ADJACENT AREA
 Plantings to be installed in the lower zone of the pond, adjacent to the wetland area. These plantings are intended to provide habitat and improve water quality.

WETLAND MITIGATION AREA
 Plantings to be installed in the wetland mitigation area. These plantings are intended to provide habitat and improve water quality.

NORTHEAST WETLAND NATIVE MIX

PLANT	PLANT	PLANT	PLANT
1. American Lotus	2. Arrowweed	3. Blue Lotus	4. Broadleaf Cattail
5. Common Frogbit	6. Common Najas	7. Common Watercress	8. Common Waterhyacinth
9. Common Waterlily	10. Common Waterweed	11. Common Waterwort	12. Common Waterwort
13. Common Waterwort	14. Common Waterwort	15. Common Waterwort	16. Common Waterwort

NORTHEAST WETLAND MIX

PLANT	PLANT	PLANT	PLANT
1. American Lotus	2. Arrowweed	3. Blue Lotus	4. Broadleaf Cattail
5. Common Frogbit	6. Common Najas	7. Common Watercress	8. Common Waterhyacinth
9. Common Waterlily	10. Common Waterweed	11. Common Waterwort	12. Common Waterwort
13. Common Waterwort	14. Common Waterwort	15. Common Waterwort	16. Common Waterwort

NORTHEAST WETLAND GRASS SEED MIX

PLANT	PLANT	PLANT	PLANT
1. American Lotus	2. Arrowweed	3. Blue Lotus	4. Broadleaf Cattail
5. Common Frogbit	6. Common Najas	7. Common Watercress	8. Common Waterhyacinth
9. Common Waterlily	10. Common Waterweed	11. Common Waterwort	12. Common Waterwort
13. Common Waterwort	14. Common Waterwort	15. Common Waterwort	16. Common Waterwort

PLANT LIST

TYPE	SCIENTIFIC BOTANICAL NAME	COMMON NAME	HT.	RESISTANCE
STORMWATER AREA B1	1. American Lotus	1. American Lotus	18"	18"
	2. Arrowweed	2. Arrowweed	12"	12"
STORMWATER AREA B2	1. American Lotus	1. American Lotus	18"	18"
	2. Arrowweed	2. Arrowweed	12"	12"
STORMWATER AREA B3	1. American Lotus	1. American Lotus	18"	18"
	2. Arrowweed	2. Arrowweed	12"	12"
WETLAND MITIGATION AREA	1. American Lotus	1. American Lotus	18"	18"
	2. Arrowweed	2. Arrowweed	12"	12"

RETENTION/DETENTION PLANTING SCHEDULE

1. THE PLANTING SHALL BE COMPLETED OVER THE ENTIRE AREA BY 10/31/2018.
2. ALL PLANTING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. PLANTING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL PLANTING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

ESPORITO & ASSOCIATES
 242 GREENWICH AVENUE
 GREENWICH, NY 10309

ESPORITO
 ARCHITECT

BAKER RESIDENTIAL
 DIVISION OF PECONIC
 COUNTY, NEW YORK

LANDSCAPE PLANS

DESIGNED BY: ESPORITO & ASSOCIATES
 DATE: 10/1/18
 SCALE: AS SHOWN



DESIGN YOUR DREAM, OR BLAST IT

USACE logo