



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: 2001-01239-YN
Issue Date: January 28, 2005
Expiration Date: February 28, 2005

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: The Golf Links of McGregor, Inc.
P.O. Box 344
Saratoga Springs, New York 12866-0344

ACTIVITY: Discharge fill material into 0.97 acres of wetlands to construct a residential development known as "Westgate Estates", with mitigation

WATERWAY: Unnamed Tributary (Hudson River Basin)

LOCATION: Town of Moreau, Saratoga 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 benefits 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, historical properties, fish and wildlife values, 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, consideration 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.

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

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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.

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. By letter dated July 23, 2004, the New York State Office of Parks, Recreation and Historic Preservation requested information on archeological sites in or adjacent to the project area (04PR03557). The New York District will follow the procedures outlined at Title 33 of the Code of Federal Regulations Part 325 to fulfill the requirements of the National Historic Preservation Act of 1966.

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.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

Stormwater Pollutant Discharge Elimination System approval from the 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 (518) 270-0589 and ask for John R. Connell.

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



Richard Tomer
Chief, Regulatory Branch

Enclosures

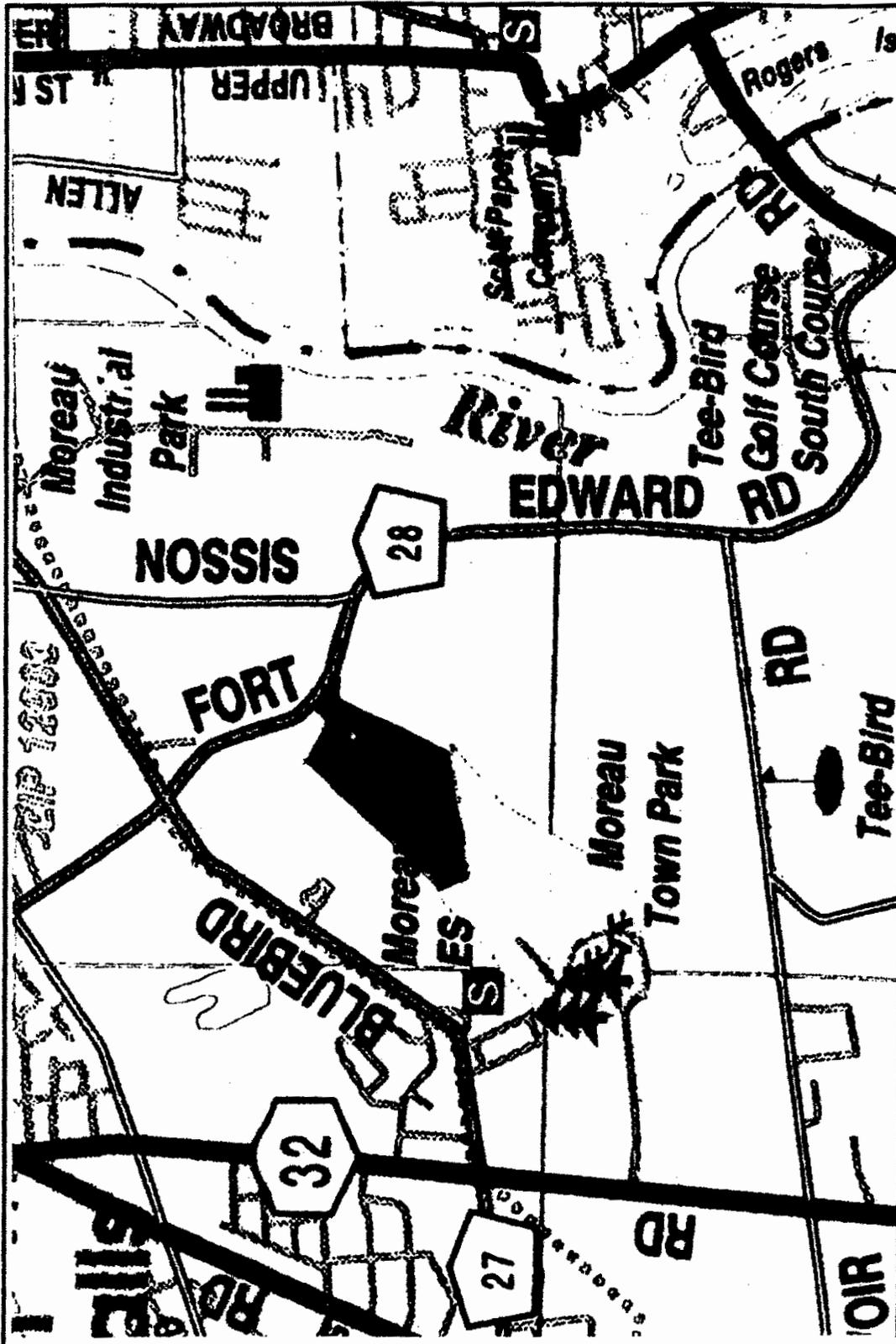
WORK DESCRIPTION

The applicant, The Golf Links of McGregor, Inc., has requested Department of the Army authorization for the discharge of fill material into 0.97 acres of wetlands adjacent to an unnamed tributary to the Hudson River to construct a 60-lot residential development known as "Westgate Estates". The project site is located along Fort Edward Road (County Route 28) in the Town of Moreau, Saratoga County, New York.

The work would involve the construction of a 50-foot wide boulevard-style entrance road, and a 30-foot wide two-lane interior loop road to access 60 residential lots. The proposed entrance road would cross two sections of wetlands; two culverts would be installed at one of crossings, a round 15" pipe and an oblong 24" x 18" pipe, and a round 15" pipe would be installed at the other crossing. The proposed loop road would cross wetlands at two locations, and a round 30" culvert pipe would be installed at each of these crossings.

The applicant has indicated that as mitigation for the proposed impacts to aquatic resources, they would convey a conservation easement to the Fort Edward Water Authority on the remaining wetlands on the site and an associated 25-foot wide upland buffer, install education signs along the edge of the preserved wetlands and buffer areas, and donate a 3-acre portion of uplands to the Town of Moreau for parkland.

The stated purpose of this project is to provide residential housing in the Town of Moreau.

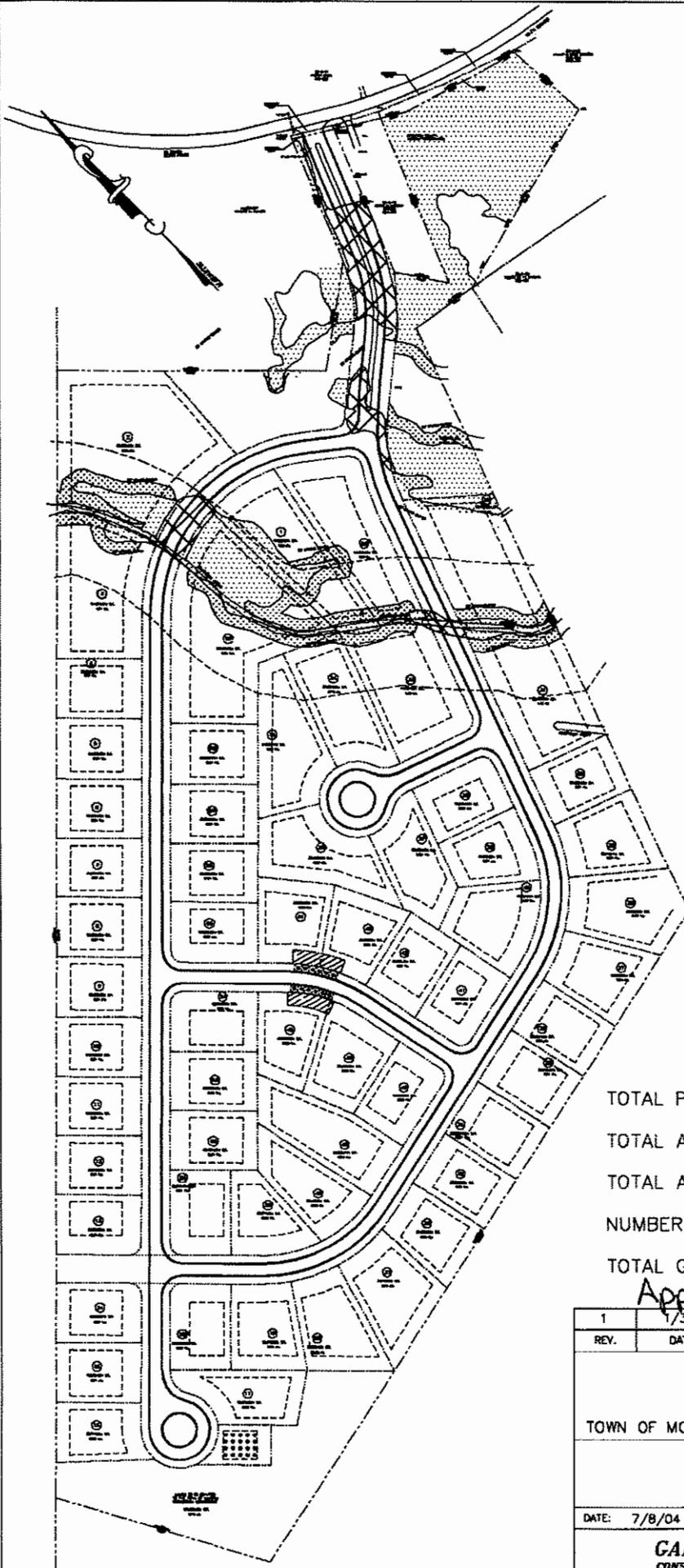


LOCATION MAP

NTS

WESTGATE ESTATES
 Ft. Edward Road (CR #28)
 Town of Moreau, Saratoga County, New York.

Application Number
 2001-01239
 SHEET 2 OF 15



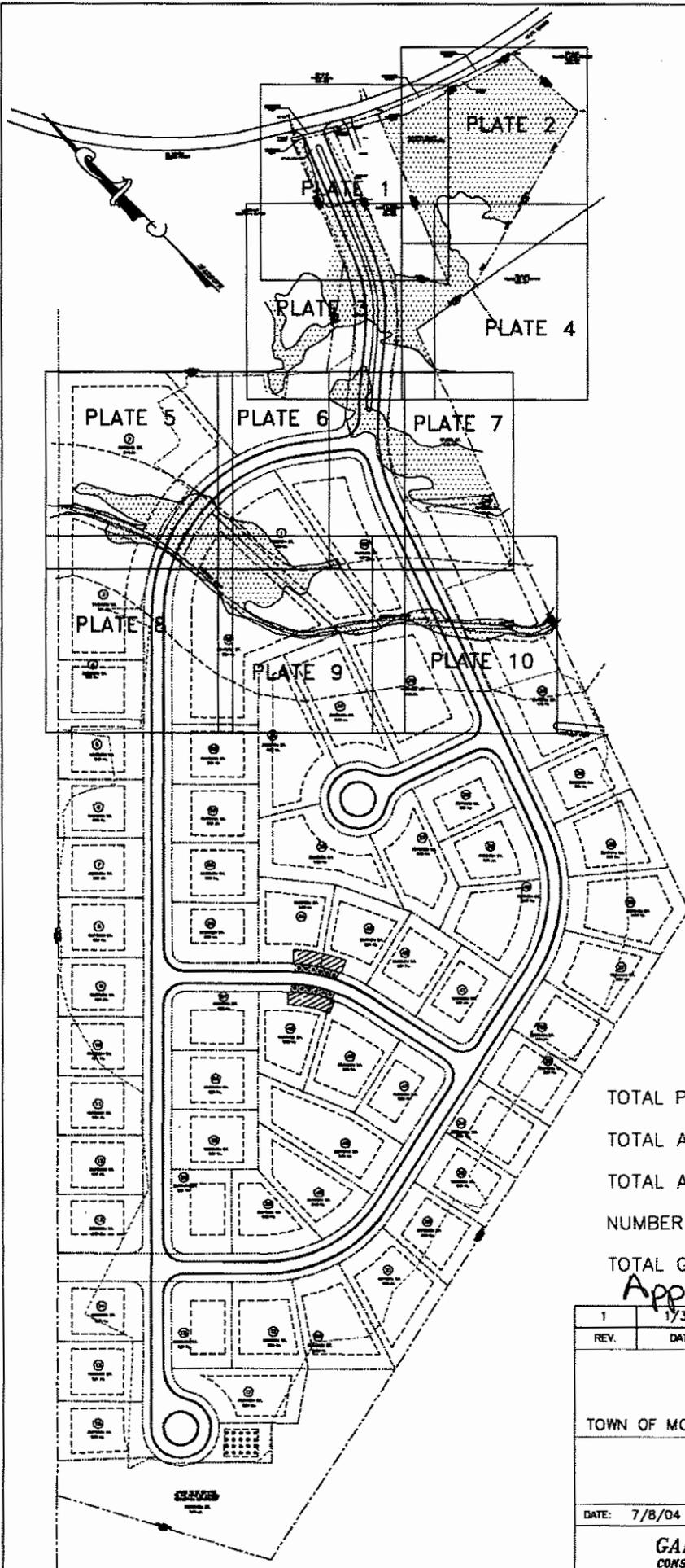
LEGEND

- EXISTING WETLAND
- PROPOSED CONTOUR
- - - - EXISTING CONTOUR
- PROPOSED DISTRIBUTION BOX
- ◇ PROPOSED SEPTIC TANK
- ⊙ PROPOSED DRYWELL
- Ⓟ PROPOSED SEPTIC AREA
- Ⓡ PROPOSED SEPTIC RESERVE AREA
- PROPOSED PVC STORMLINE
- S — PROPOSED SILT FENCE
- - - - PROPOSED WATERLINE
- ⊕ HYD PROPOSED HYDRANT
- ⊕ PROPOSED WATERLINE VALVE
- LIMITS OF GRADING
- WETLANDS WETLANDS
- ⊗ DISTURBED WETLAND AREAS
- + + + + UPLAND AREAS (25' WIDE)

TOTAL PARCEL AREA	59.0 Acres
TOTAL AREA OF WETLANDS ON PARCEL	5.56 Acres
TOTAL AREA OF WETLANDS IMPACTED	0.97 Acres
NUMBER OF LOTS	60
TOTAL GREEN SPACE AREA	51.73 Acres

Appl. No. 2001-01239

1	1/3/05	revised per ACOE comments
REV.	DATE:	NOTE:
WESTGATE ESTATES FORT EDWARD ROAD - C.R. #28 TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK		
SITE PLAN		
DATE: 7/8/04	SCALE: NOT TO SCALE	DWG. NO.: permit.dwg
CARRY ROBINSON, P.E. CONSULTING ENGINEER		SHEET 3 OF 15



LEGEND

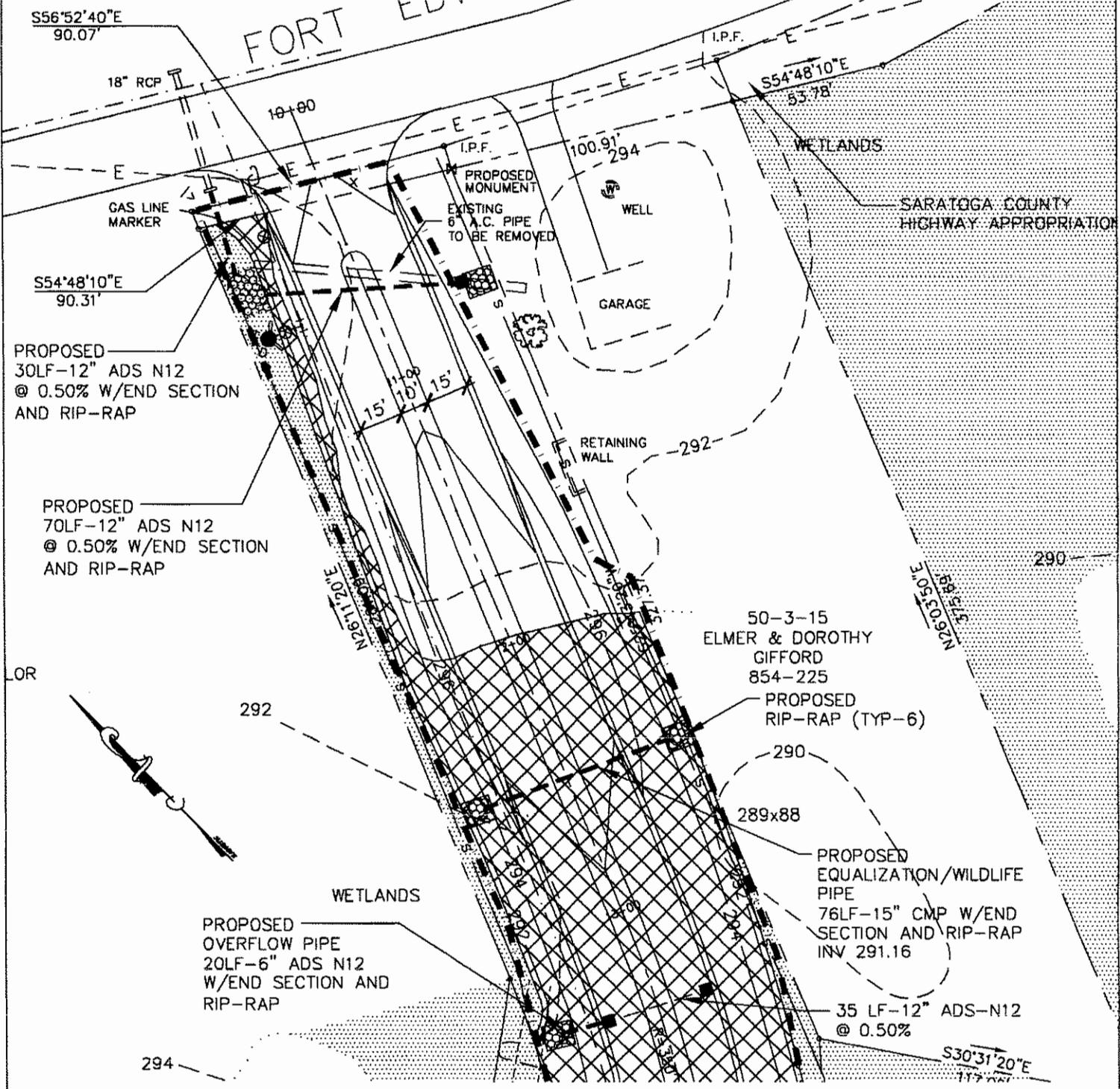
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 NUMBER OF LOTS 60
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REV.	DATE:	NOTE:
WESTGATE ESTATES FORT EDWARD ROAD - C.R. #28 TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK		
WETLAND PERMIT KEY PLAN		
DATE: 7/8/04	SCALE: NOT TO SCALE	DWG. NO.: permit.dwg
GARRY ROBINSON, P.E. CONSULTING ENGINEER		SHEET 4 OF 15

FORT EDWARD ROAD



Appl. No. 2001-01239

1	1/3/05	revised per ACOE comments	
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WESTGATE ESTATES
FORT EDWARD ROAD - C.R. #28

TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK

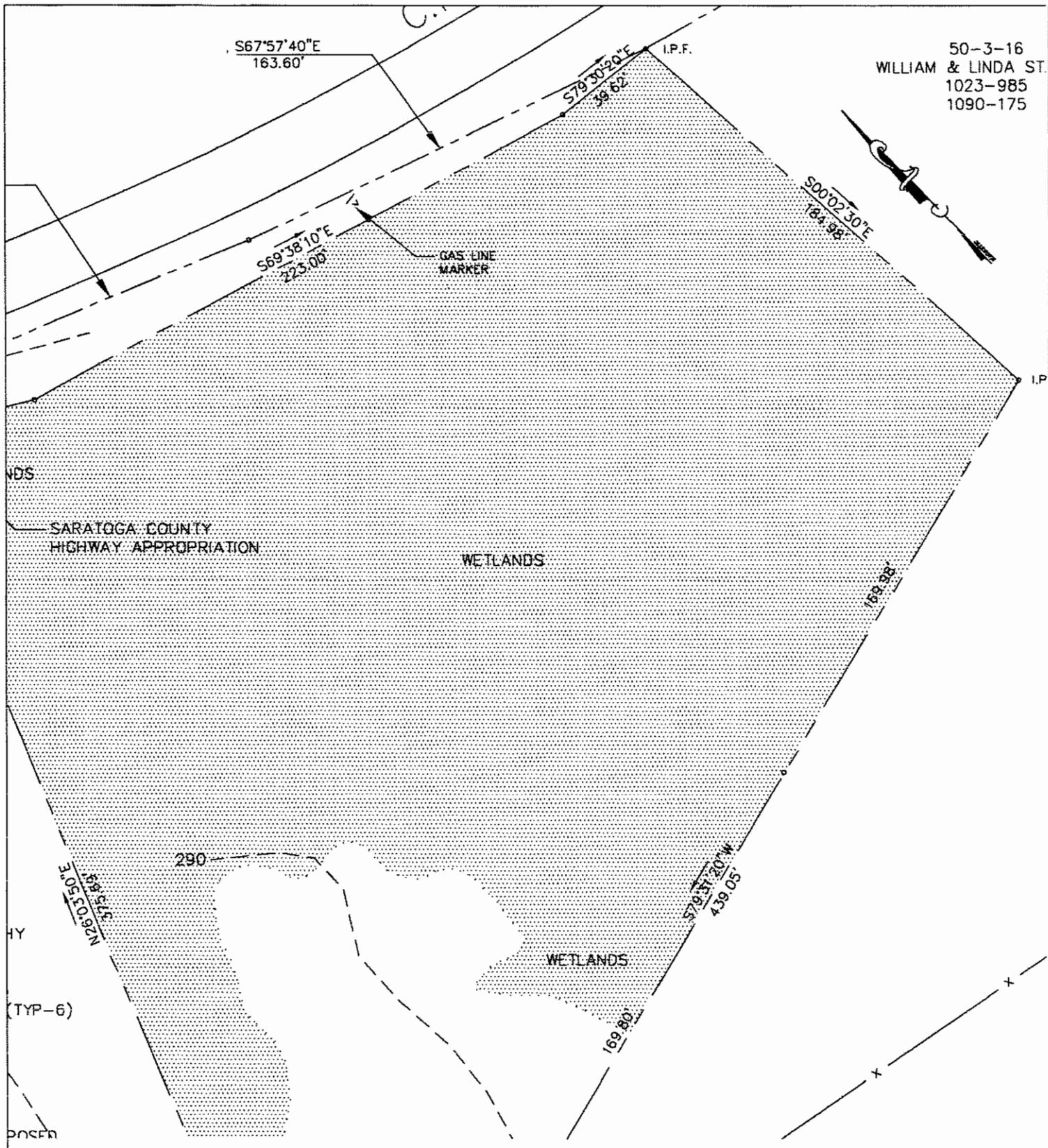
WETLAND PERMIT PLAN PLATE I - SEE PLAN SHT 2

DATE: 7/8/04 SCALE: 1"=50' DWG. NO.: permit.dwg

GARRY ROBINSON, P.E.
CONSULTING ENGINEER

SHEET **5** OF **15**

50-3-16
 WILLIAM & LINDA ST.
 1023-985
 1090-175



Appl. No. 2001-01239

1	1/3/05	revised per ACOE comments
REV.	DATE:	NOTE:

**WETLAND PERMIT PLAN
 PLATE 2 - SEE PLAN SHT 2**

DATE: 7/8/04 SCALE: 1"=50' DWG. NO.: permit.dwg

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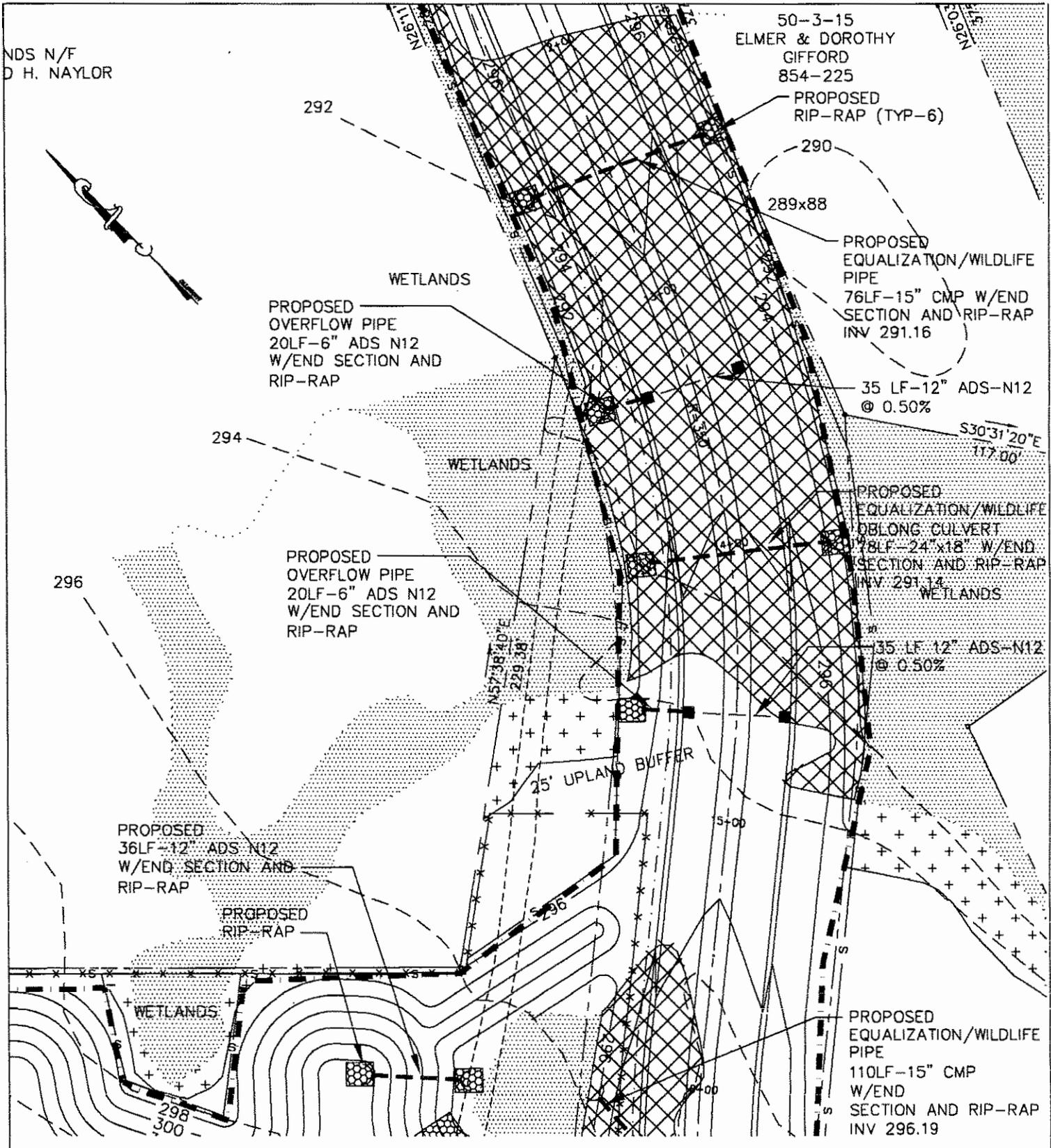
SHEET **6** OF **15**

WESTGATE ESTATES
 FORT EDWARD ROAD - C.R. #28

TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK

NDS N/F
D H. NAYLOR

50-3-15
ELMER & DOROTHY
GIFFORD
854-225



Appl. No. 2001-01239

1	1/3/05	revised per ACOE comments	NOTE:
REV.	DATE:		

WESTGATE ESTATES
FORT EDWARD ROAD - C.R. #28

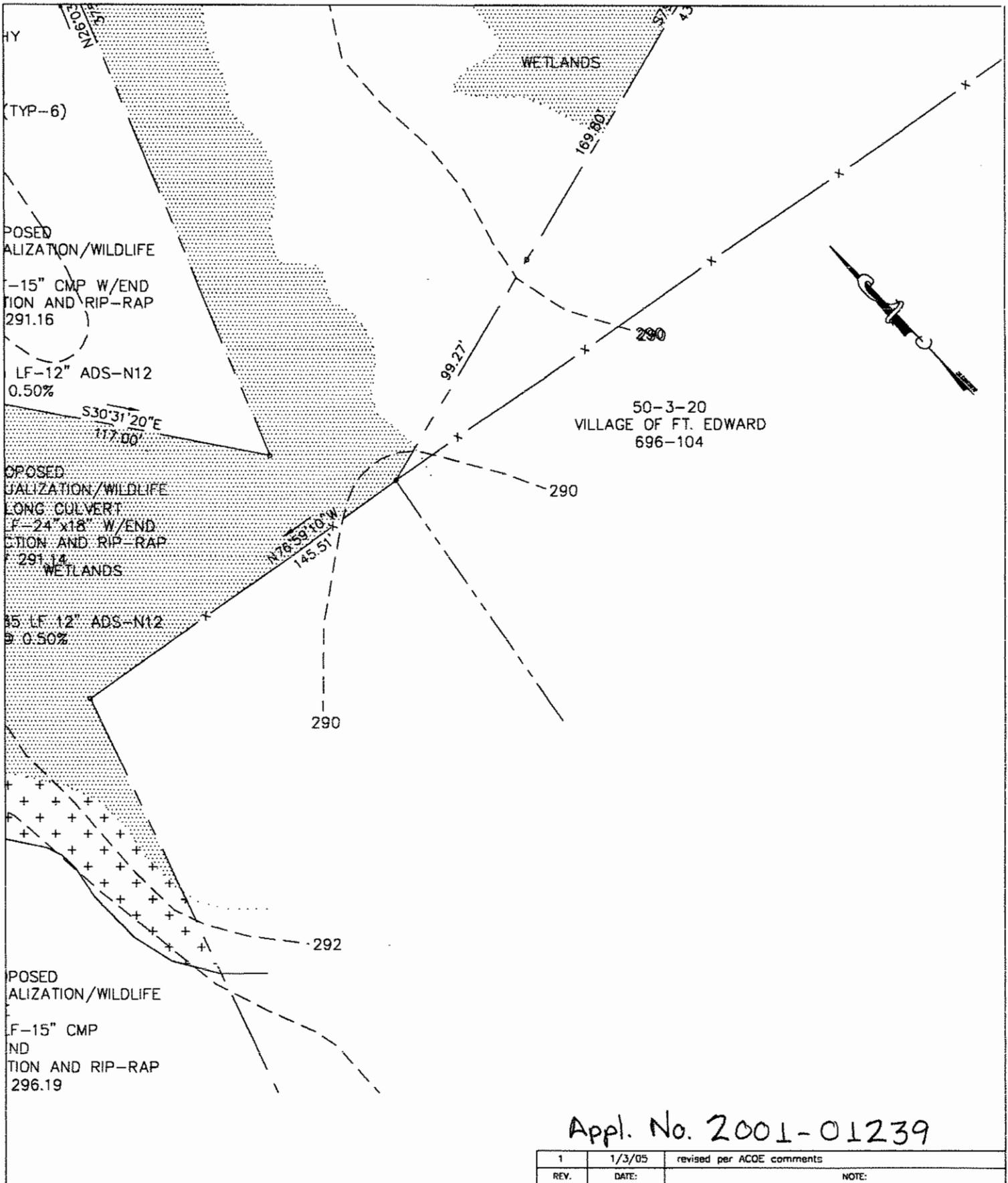
TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK

WETLAND PERMIT PLAN
PLATE 3 - SEE PLAN SHT 2

DATE: 7/8/04 SCALE: 1"=50' DWG. NO.: permit.dwg

CARRY ROBINSON, P.E.
CONSULTING ENGINEER

SHEET **7** OF **15**

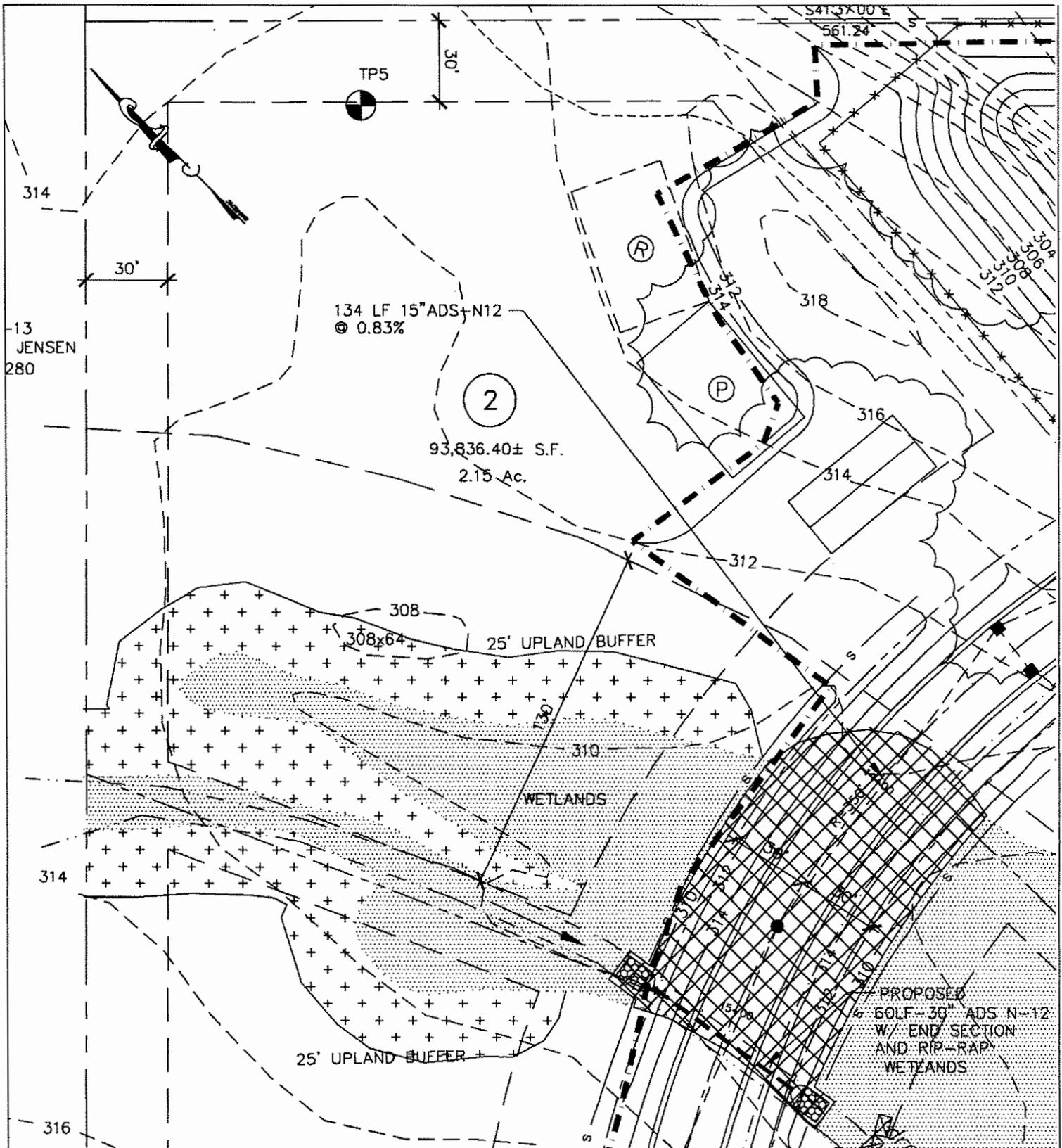


Appl. No. 2001-01239

1	1/3/05	revised per ACOE comments	
REV.	DATE:		NOTE:
WETLAND PERMIT PLAN PLATE 4 - SEE PLAN SHT 2			
DATE: 7/8/04	SCALE: 1"=50'	DWG. NO.: permit.dwg	
GARRY ROBINSON, P.E. CONSULTING ENGINEER			SHEET 8 OF 15

WESTGATE ESTATES
FORT EDWARD ROAD - C.R. #28

TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK

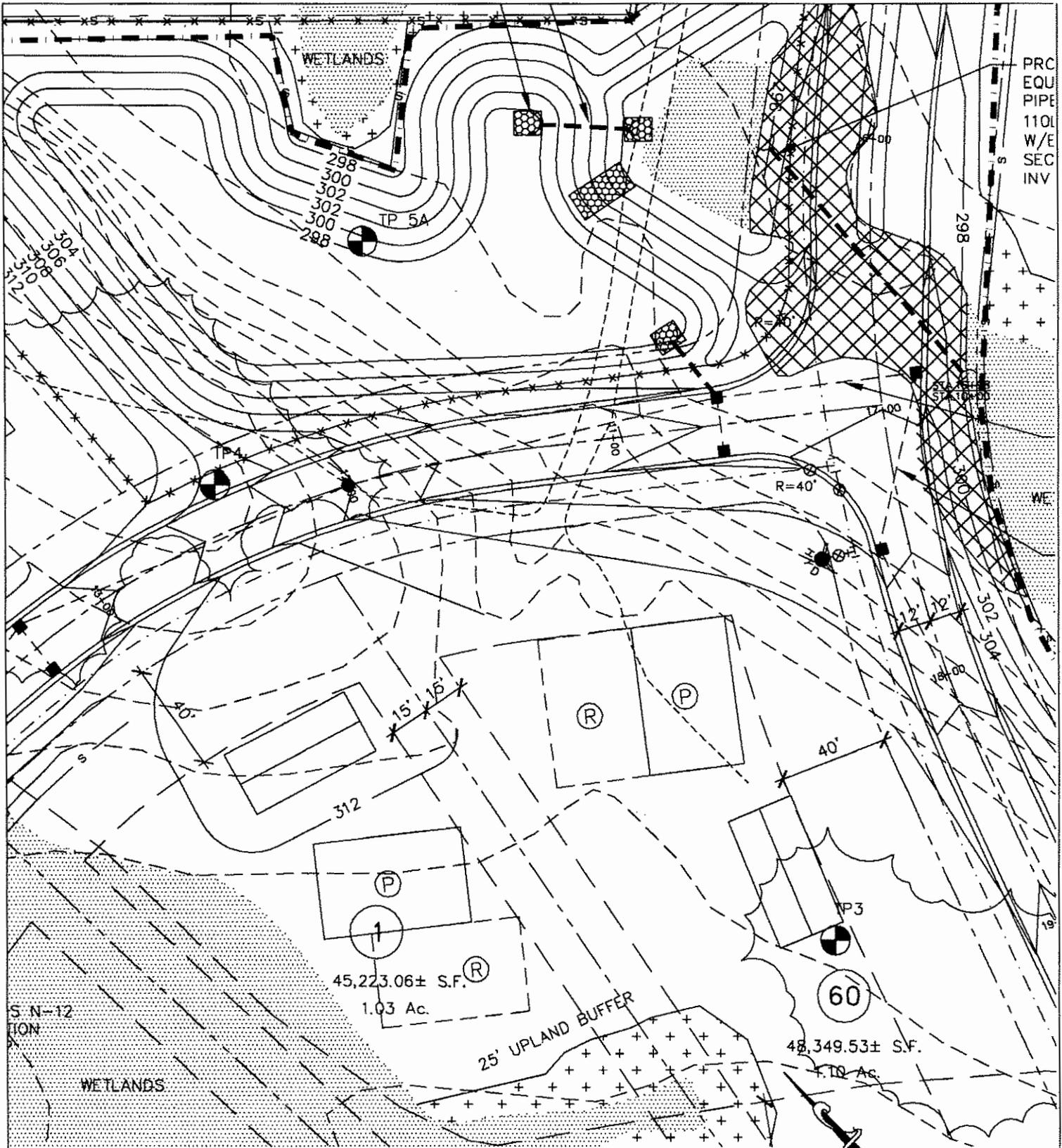


Appl. No. 2001-01239

1	1/3/05	revised per ACDE comments	
REV.	DATE:		NOTE:
WETLAND PERMIT PLAN PLATE 5 - SEE PLAN SHT 2			
DATE: 7/8/04	SCALE: 1"=50'	DWG. NO.: permit.dwg	
CARRY ROBINSON, P.E. CONSULTING ENGINEER			SHEET 9 of 15

WESTGATE ESTATES
FORT EDWARD ROAD - C.R. #28

TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK



Appl. No. 2001-01239

1	1/3/05	revised per ACOE comments	NOTE:
REV.	DATE:		

**WETLAND PERMIT PLAN
PLATE 6 - SEE PLAN SHT 2**

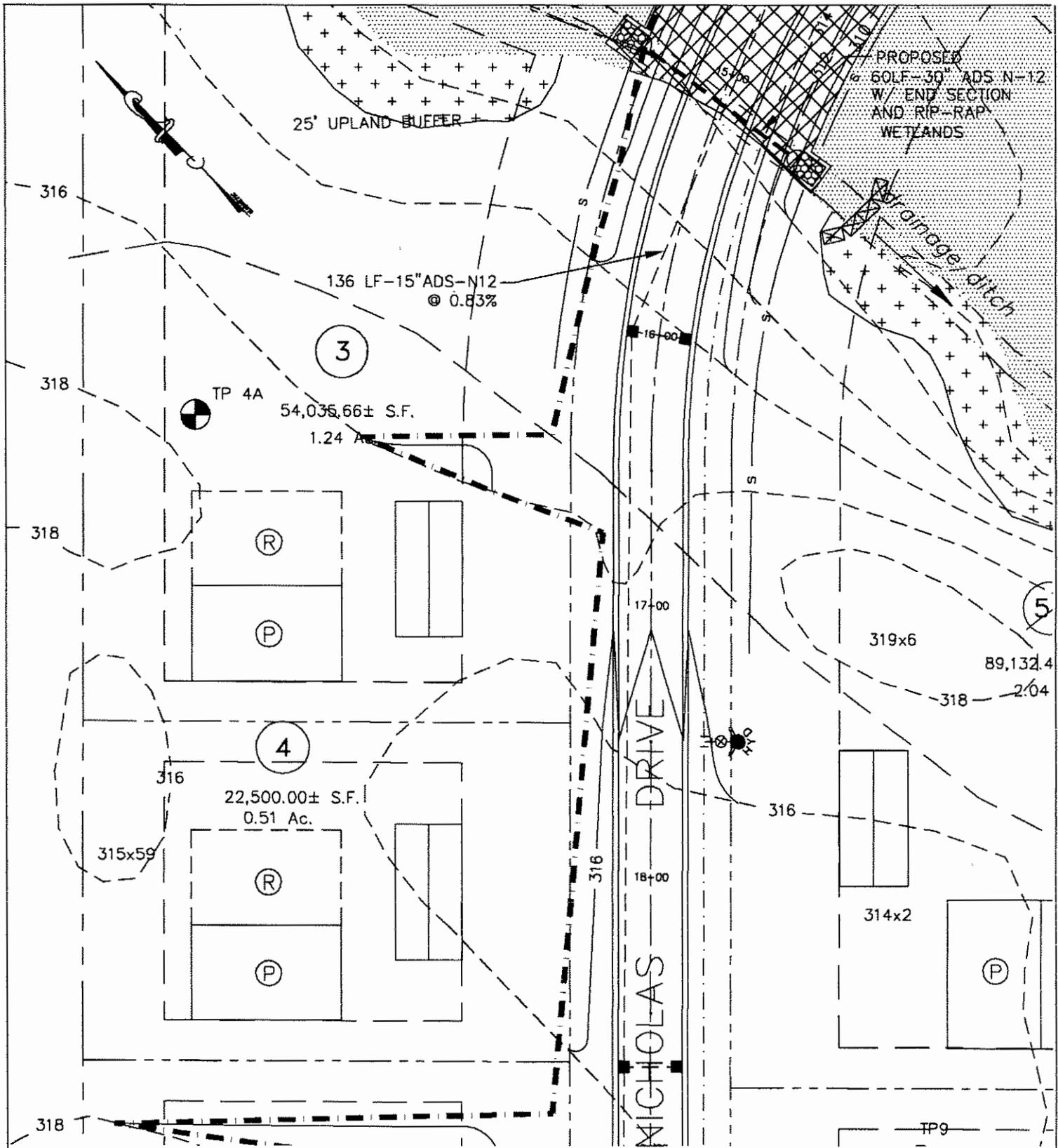
DATE: 7/8/04	SCALE: 1"=50'	DWG. NO.: permit.dwg
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GARRY ROBINSON, P.E.
CONSULTING ENGINEER

SHEET **10** of **15**

**WESTGATE ESTATES
FORT EDWARD ROAD - C.R. #28**

TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK

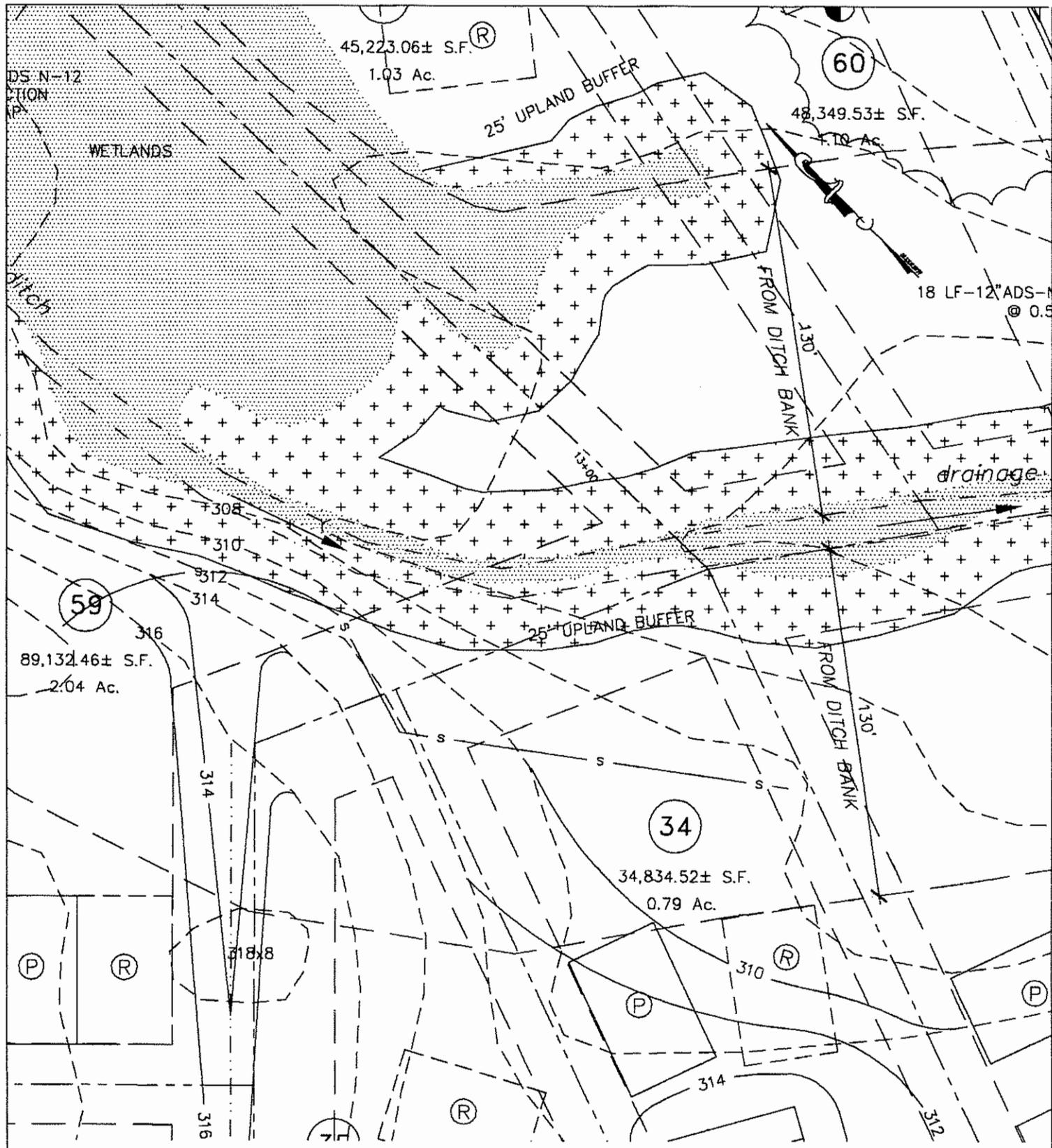


Appl. No. 2001-01239

1	1/3/05	revised per ACDE comments
REV.	DATE:	NOTE:
WETLAND PERMIT PLAN PLATE 8 - SEE PLAN SHT 3		
DATE: 7/8/04	SCALE: 1"=50'	DWG. NO.: permit.dwg
GARRY ROBINSON, P.E. CONSULTING ENGINEER		SHEET 12 OF 15

WESTGATE ESTATES
FORT EDWARD ROAD - C.R. #28

TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK

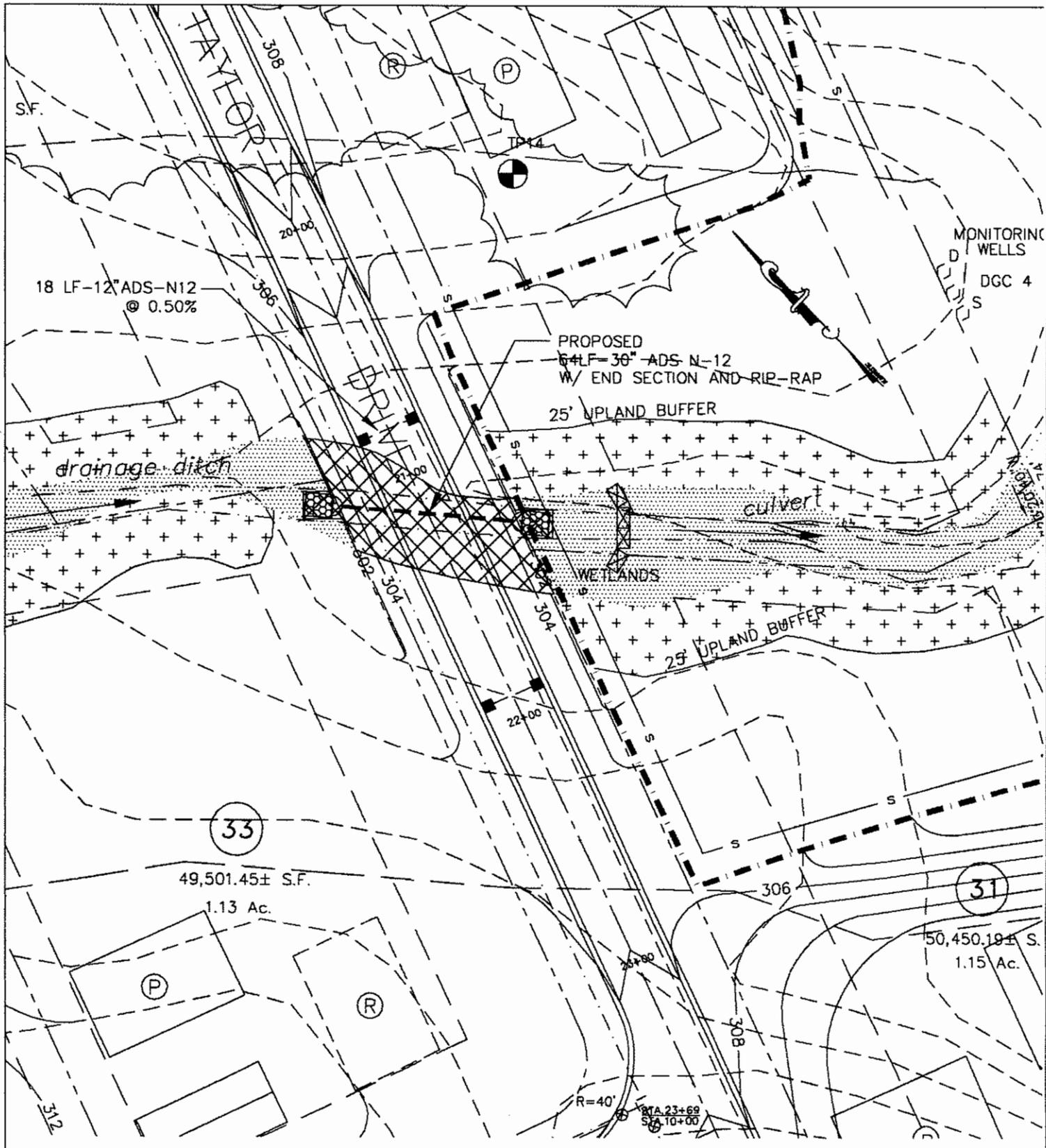


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REV.	DATE:		

WESTGATE ESTATES		
FORT EDWARD ROAD - C.R. #28		
DATE: 7/8/04	SCALE: 1"=50'	DWG. NO.: permit.dwg
GARRY ROBINSON, P.E.		SHEET 13 OF 15
CONSULTING ENGINEER		

WESTGATE ESTATES
 FORT EDWARD ROAD - C.R. #28
 TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK



Appl. No. 2001-01239

1	1/3/05	revised per ACOE comments	NOTE:
REV.	DATE:		

**WETLAND PERMIT PLAN
PLATE 10 - SEE PLAN SHT 3**

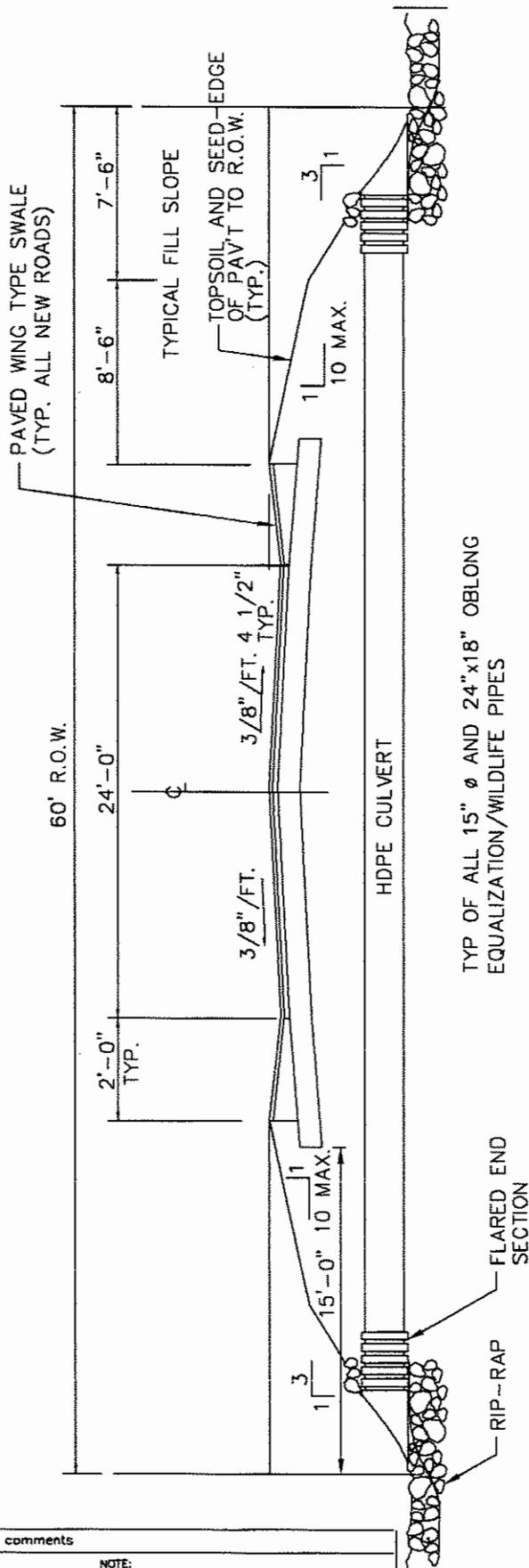
DATE: 7/8/04 SCALE: 1"=50' DWG. NO.: permit.dwg

GARRY ROBINSON, P.E.
CONSULTING ENGINEER

SHEET **14** OF **15**

WESTGATE ESTATES
FORT EDWARD ROAD - C.R. #28

TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK



TYPICAL ROAD SECTION

1	1/3/05	revised per ACOE comments
REV.	DATE:	NOTE:

WESTGATE ESTATES
FORT EDWARD ROAD - C.R. #28

TOWN OF MOREAU COUNTY OF SARATOGA STATE OF NEW YORK

Appl. No. 2001-01239

WETLAND PERMIT PLAN
TYPICAL ROAD CROSS SECTION

DATE: 7/8/04 SCALE: N.T.S. DWG. NO.: permit.dwg

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 CONSULTING ENGINEER

SHEET 15 OF 15