



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: 2004-00143-YN

Issue Date: August 21, 2006

Expiration Date: September 21, 2006

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: Shaker Development Group, LLC
7 Hemlock Street
Latham, NY 12110

ACTIVITY: Discharge fill material into 1.18 acres of waters of the United States to facilitate the construction of a residential subdivision.

WATERWAY: Wetlands in the Mohawk River basin.

LOCATION: Town of Colonie, Albany 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.

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

CENAN-OP-RW
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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. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

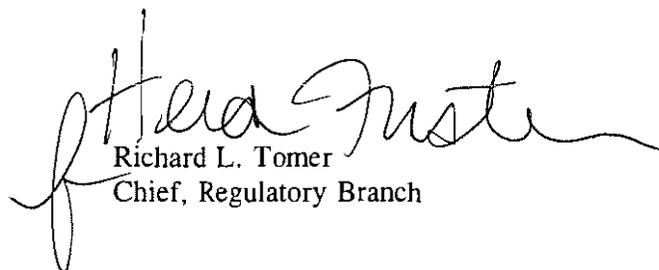
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or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

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

Town of Colonie
Albany County Health Department

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) 270-0588 and ask for Brad Sherwood.

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



Richard L. Tomer
Chief, Regulatory Branch

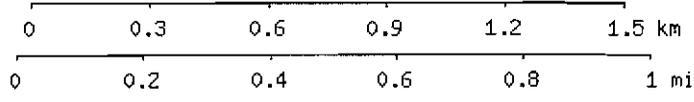
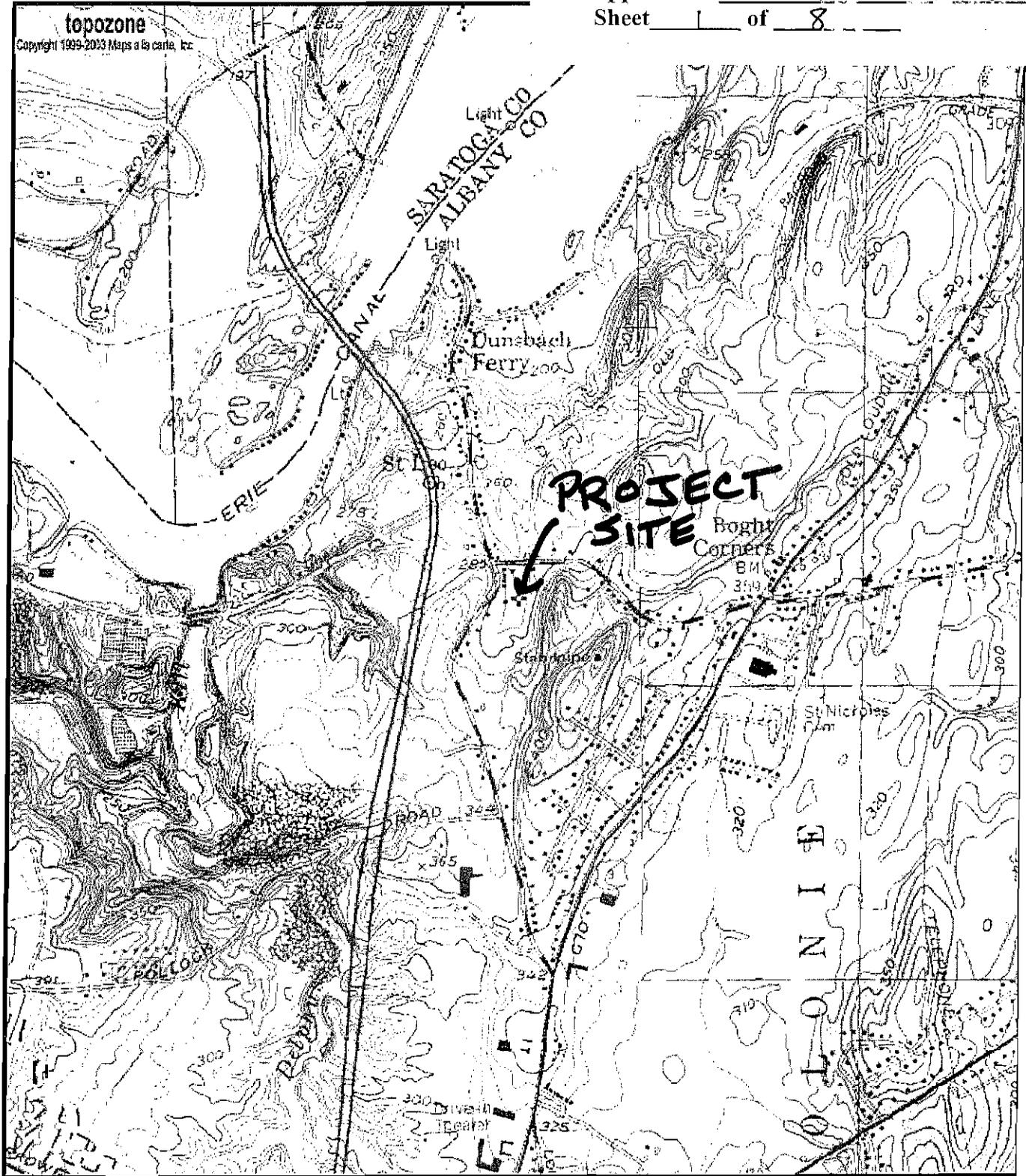
Enclosures

WORK DESCRIPTION

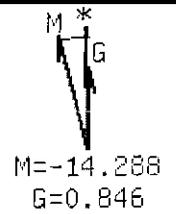
The applicant, Shaker Development Group, LLC, has requested Department of the Army authorization for the discharge of fill material into 1.18 acres of waters of the United States to facilitate the construction of a residential subdivision. The site is located along Boght Road, in the Town of Colonie, Albany County, New York.

The work would involve the discharge of fill material into 0.49 acres of emergent and scrub-shrub wetlands to facilitate the construction of an 11-lot subdivision known as Hunter's Ridge. In addition, 0.69 acres of wetlands would be graded to change the existing drainage of the wetland. The stated purpose of this project is to provide additional residential housing in the Town of Colonie.

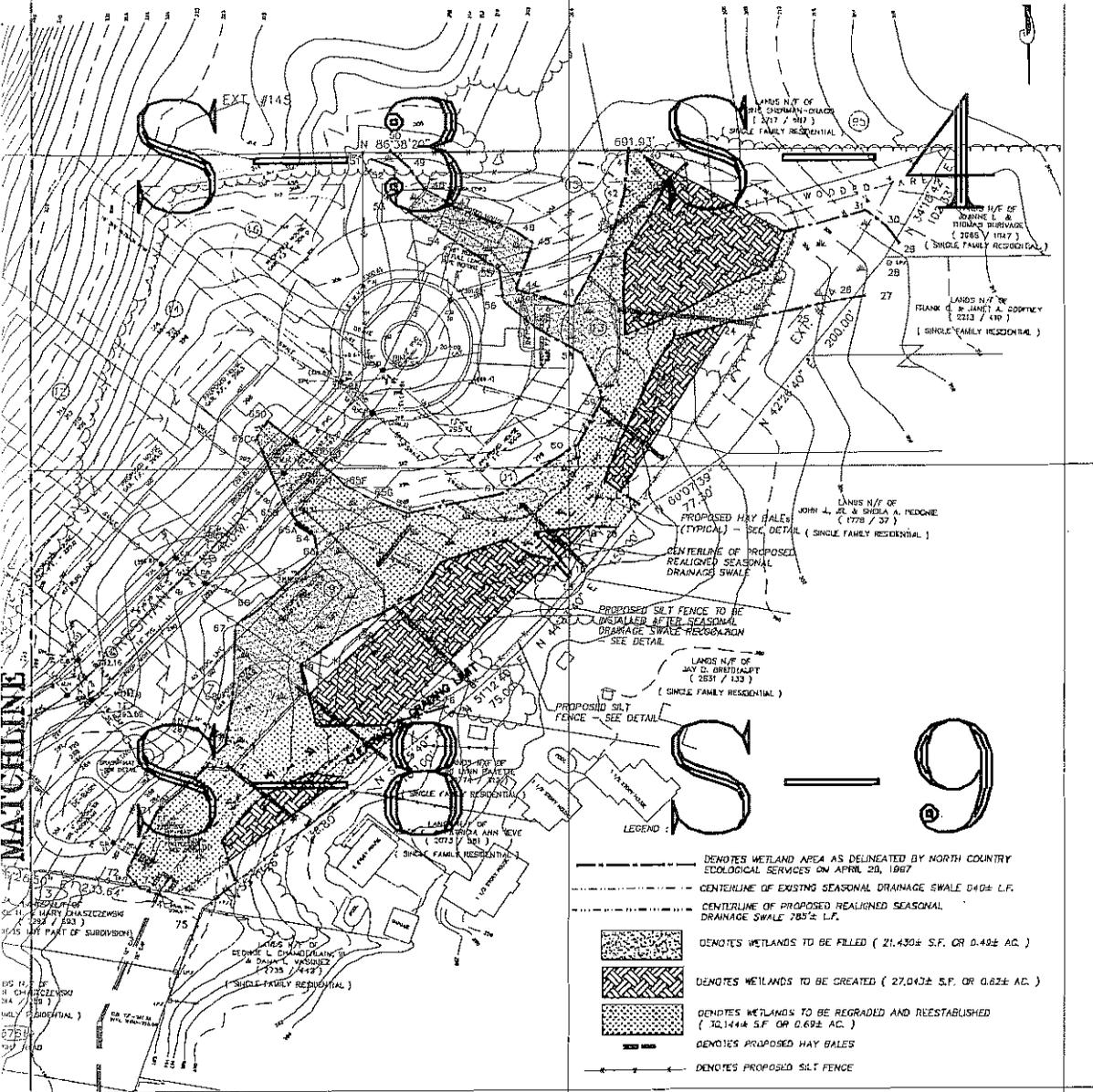
To mitigate for the proposed impacts to aquatic resources, the applicant proposes to establish 0.62 acres of emergent and scrub-shrub wetlands on the 13.34-acre site. The mitigation area would receive hydrology from direct precipitation and from the adjacent wetlands. The 0.69 acre wetland that would be graded to change the drainage is currently dominated by purple loosestrife (Lythrum salicaria). This wetland, as well as the wetland establishment area, would be replanted with native wetland species. Both mitigation sites would be deed restricted to guarantee their preservation for wetland and wildlife resources.



Map center is UTM 18 601869E 4737530N (WGS84/NAD83)
Niskayuna quadrangle
Projection is UTM Zone 18 NAD83 Datum



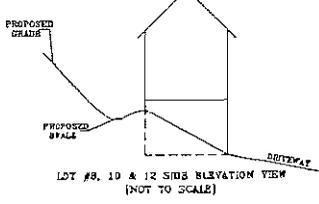
(B9)
 LANDS N/E/4 OF
 KEITH R. & LISA A. HODAN
 (2718 / 830)
 (SINGLE FAMILY RESIDENTIAL)



MATCHLINE

LEGEND :

- DENOTES WETLAND AREA AS DELINEATED BY NORTH COUNTRY ECOLOGICAL SERVICES ON APRIL 20, 1997
- - - - - CENTERLINE OF EXISTING SEASONAL DRAINAGE SWALE 640'± L.F.
- - - - - CENTERLINE OF PROPOSED REALIGNED SEASONAL DRAINAGE SWALE 785'± L.F.
- [Pattern] DENOTES WETLANDS TO BE FILLED (21,430± S.F. OR 0.49± AC.)
- [Pattern] DENOTES WETLANDS TO BE CREATED (27,042± S.F. OR 0.62± AC.)
- [Pattern] DENOTES WETLANDS TO BE REGRADED AND REESTABLISHED (32,144± S.F. OR 0.69± AC.)
- [Pattern] DENOTES PROPOSED HAY BALES
- [Pattern] DENOTES PROPOSED SILT FENCE



THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATEMENT OF FACT AN ABSTRACT OF TITLE MAY REVEAL.

UNAUTHORIZED ADDITIONS OR ALTERATIONS TO THIS MAP IS A VIOLATION OF ARTICLE 145, SECTION 7200, SUB-PARAGRAPH 2 OF NEW YORK STATE EDUCATION LAW.

TABLE

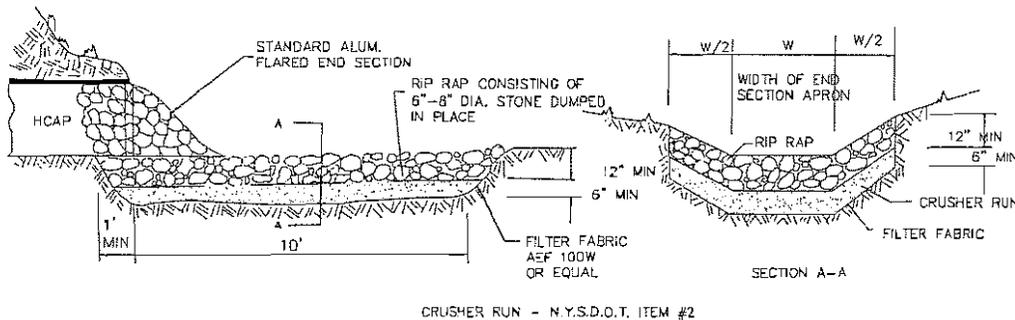
HUNTERS RIDGE (662 BOGHT ROAD) (STA# 1998-003) GRADING PLAN	
APPLICANT/DEVELOPER : SHAKER DEVELOPMENT GROUP LLC TOWN OF COLONIE ALBANY COUNTY, N.Y. SCALE : 1" = 60' JOB NO. : 12-639-P7 MAY 15, 1998 CAD FILE : GRDRNG-5.dwg	
SYK S.Y. KIMLAND SURVEYOR, P.C. 302 NEW LOUDON ROAD, LATRAM, N.Y. 12110 PHONE: (518) 785-3963 FAX: (518) 785-1508	SHEET 2 OF 3

NOTES:

1. The garage finish floor elevation for the house on this plan shall be required to be a minimum of 18 inches above the intersecting point of the projected centerline of the driveways and the centerline of the roadway.
2. The grade of the driveways to be built will not exceed a slope of 10%.
3. Final elevations at lot corners will remain the same as pre-construction unless otherwise noted.
4. Erosion control shall be provided in accordance with the Town of Colonie Grading Law (Chapter 93 Article II of the Code of the Town of Colonie) and additional erosion control shall be provided as necessary in accordance with the same town law.
5. Bank stabilization for the relocated seasonal drainage swale will be provided by :
 - a) Fertilize & Seed disturbed areas
 - b) Apply Curlex 1 Excelsior Blanket to relocated seasonal drainage swale embankments
6. Wetland areas designated on these plans are regulated by the U.S. Army Corps of Engineers, and may not be disturbed without applicable permits.
7. No building permits shall be issued for lots 7, 9, 11, 13, 15, and 17 Oreshan Court until the wetland mitigation required on these lots has been completed and accepted by the U.S. Army Corps of Engineers.

NOTE:

THE BEDDING FOR THE GRASSMAT WILL BE THE SAME AS THE BEDDING FOR THE END SECTION BELOW.



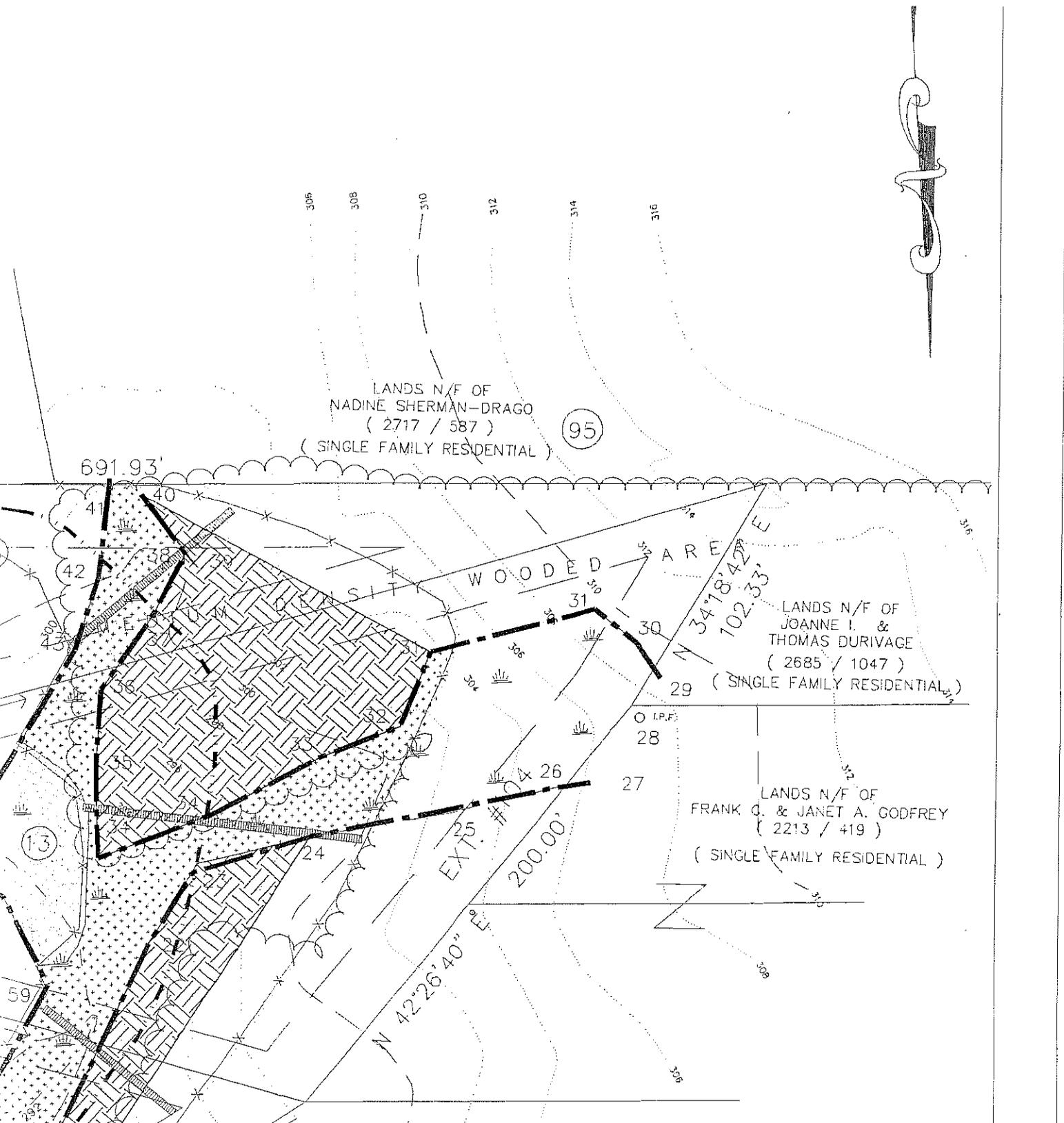
END SECTION DETAIL

NOT TO SCALE

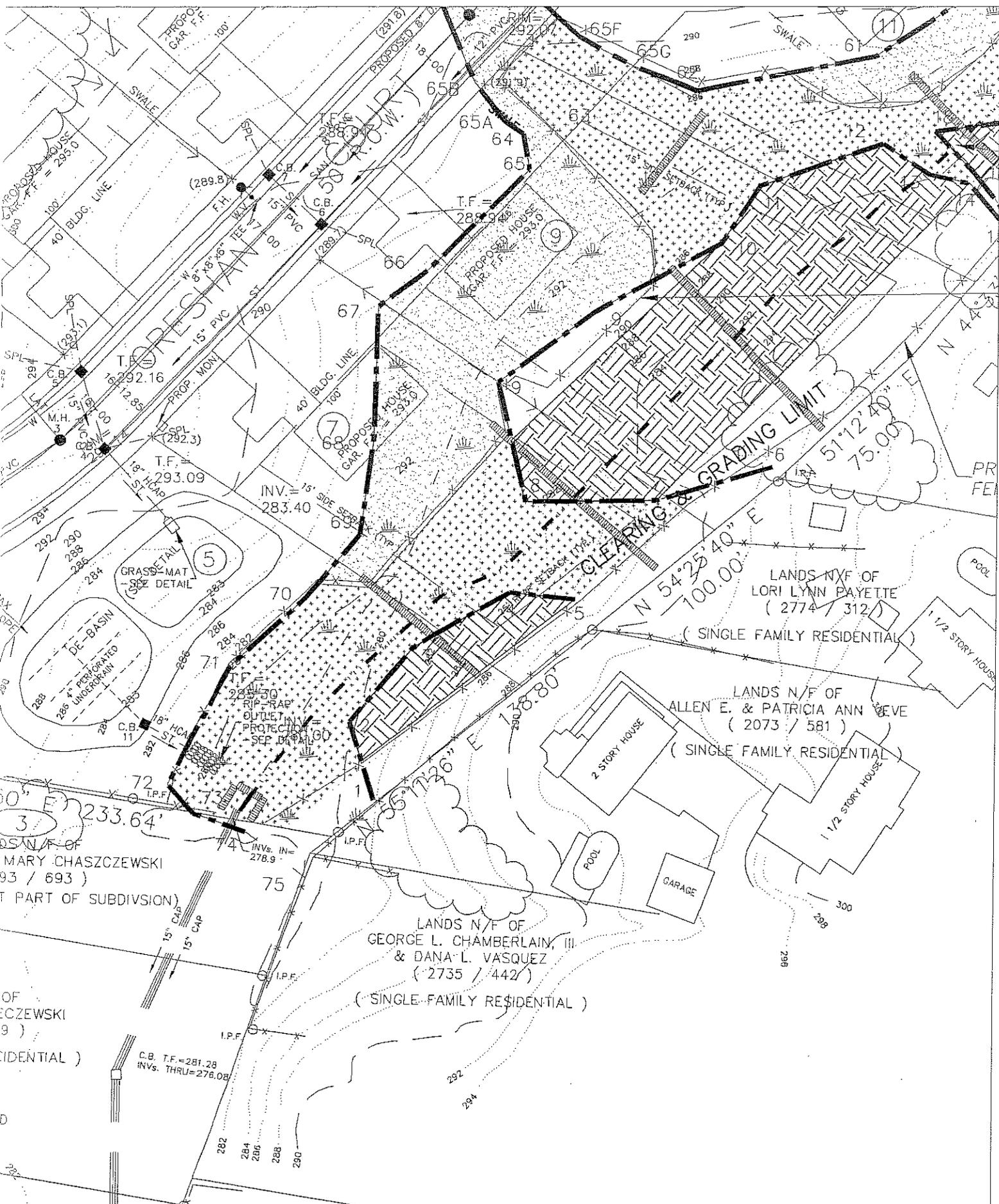
ANCHOR BALES WITH 2"

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Permit No.: 2004-00143-YN
Applicant: SHAKER DEVELOPMENT GROUP LLC
Sheet 6 of 8

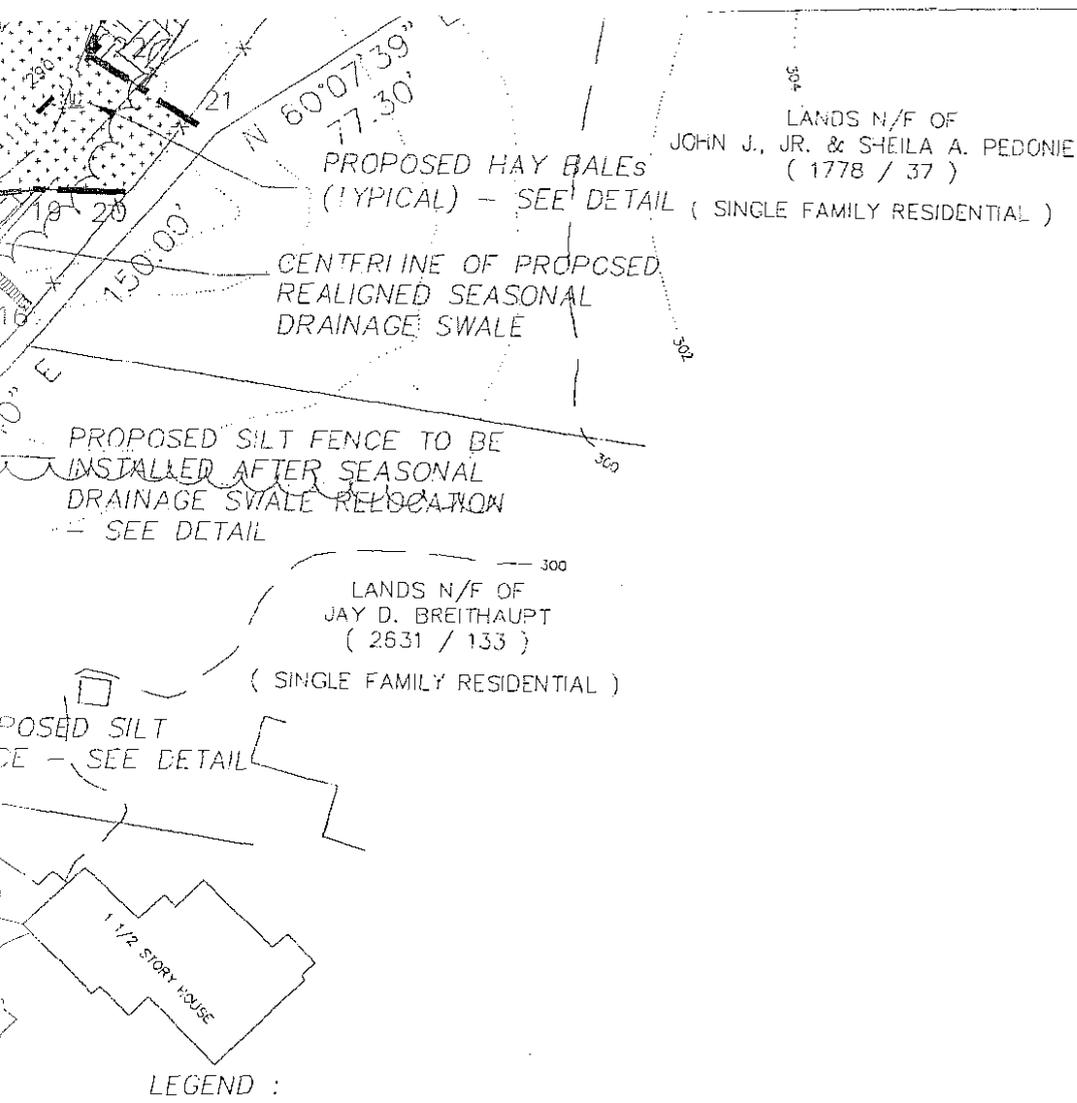


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Permit No.: 2004-00143-VN
 Applicant: SHAKER DEVELOPMENT GROUP, LLC
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LANDS N/F OF
 JOHN J., JR. & SHEILA A. PEDONIE
 (1778 / 37)
 (SINGLE FAMILY RESIDENTIAL)

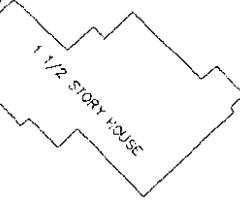
PROPOSED HAY BALES
 (TYPICAL) - SEE DETAIL (SINGLE FAMILY RESIDENTIAL)

CENTERLINE OF PROPOSED
 REALIGNED SEASONAL
 DRAINAGE SWALE

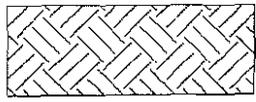
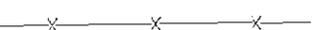
PROPOSED SILT FENCE TO BE
 INSTALLED AFTER SEASONAL
 DRAINAGE SWALE RELOCATION
 - SEE DETAIL

LANDS N/F OF
 JAY D. BREITHAUPT
 (2631 / 133)
 (SINGLE FAMILY RESIDENTIAL)

PROPOSED SILT
 FENCE - SEE DETAIL



LEGEND :

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-  DENOTES PROPOSED HAY BALES
-  DENOTES PROPOSED SILT FENCE

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Permit No.: 2004-00143-YN
 Applicant: SHAKER DEVELOPMENT GROUP, LLC
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