



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 reply refer to:

Public Notice Number: 2004-00779-YN
Issue Date: February 14, 2005
Expiration Date: March 14, 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: Estate of Barton A. Andreoli, Sr.
828 Burdeck Street
Schenectady, NY 12306-1213

ACTIVITY: Discharge fill material into waters of the United States to construct a residential development to be known as "Helderberg Meadows".

WATERWAY: Unnamed tributaries to the Normans Kill and adjacent wetlands (Mohawk River Basin)

LOCATION: Town of Rotterdam, Schenectady 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.

CENAN-OP-RW

PUBLIC NOTICE NO. 2004-00779-YN

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 site may support habitat that could be utilized by the Federally listed as endangered Indiana bat (*Myotis sodalis*). 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 this listed species in the project area and its 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.

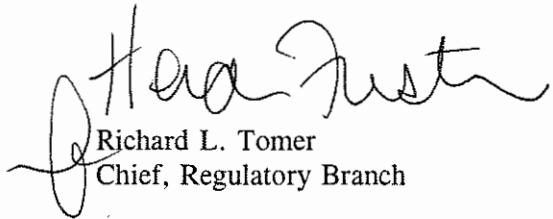
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or 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 Rotterdam - Subdivision/Site Plan Approval
Schenectady County Department of Health - Water and Sewer Approval
New York State Department of Transportation - Permits for Utility and Non-Utility Work

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) 273-7420 and ask for Christine Delorier.

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

**CENAN-OP-RW
PUBLIC NOTICE NO. 2004-00779-YN**

WORK DESCRIPTION

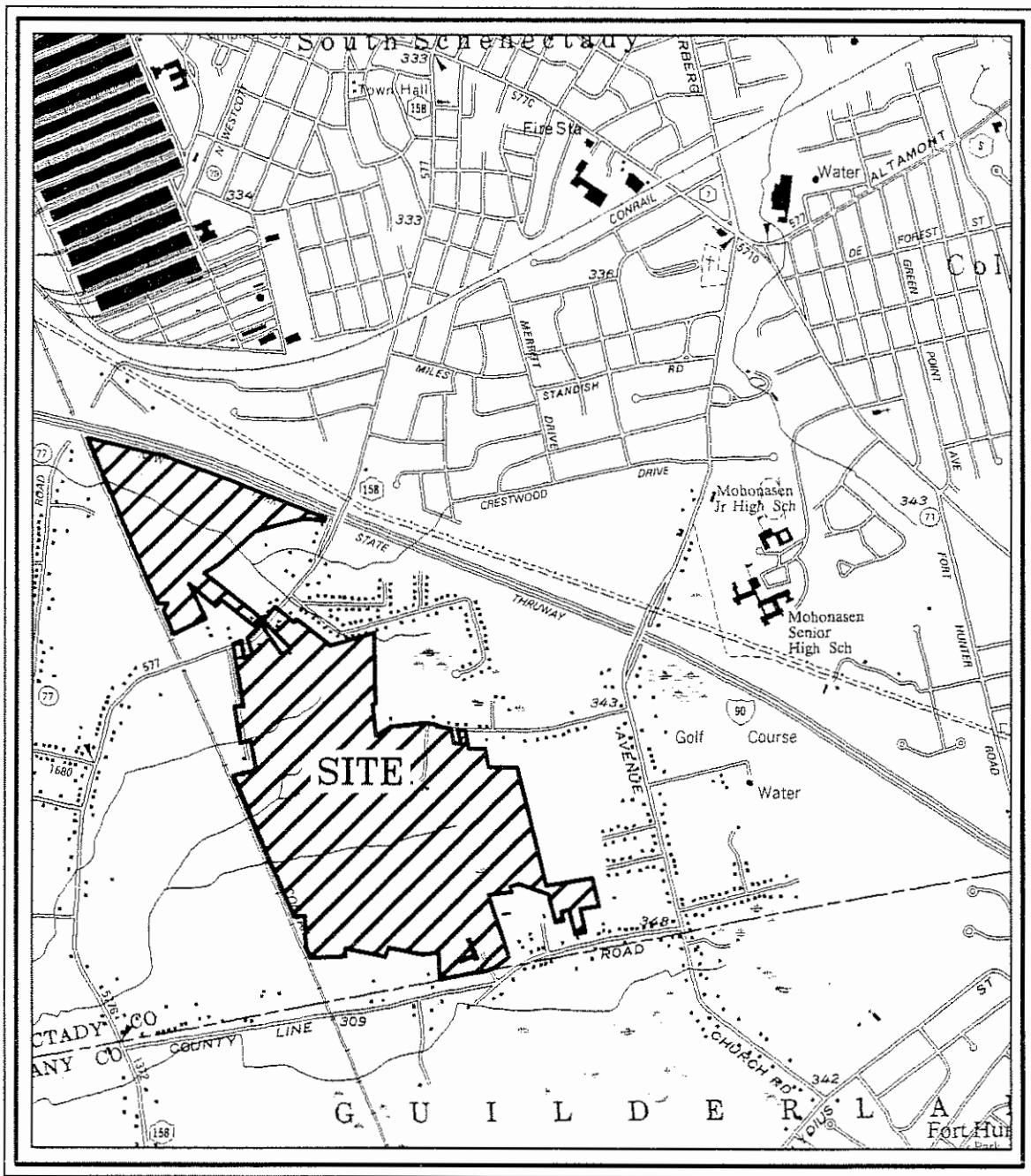
The applicant, the Estate of Barton A. Andreoli, Sr., has requested Department of the Army authorization to discharge fill material into waters of the United States to facilitate the construction of a residential development to be known as "Helderberg Meadows". The approximately 314 acre site is located in between the New York State Thruway and County Line Road in the Town of Rotterdam, Schenectady County, New York.

The work would involve the discharge of fill material into a total of 2.43 acres of waters of the United States, consisting of 0.65 acre of forested wetlands, 1.42 acres of shrub scrub wetlands, 0.36 acre of emergent/meadow wetlands and 245 linear feet of headwater stream channels to construct the residential development. The proposed development would consist of 161 single family homes, 25 buildings with 4 condominiums in each building, approximately 14,385 linear feet of access roads, and attendant features including yards and parking. Each single family lot is designed to have a back yard of at least 40 feet of uplands. The proposed roads would have a 60 foot wide right-of-way and a paved area that is 28 feet wide. Culverts, with scour protection, are proposed at stream and wetland crossings to maintain hydrologic connections. In addition, the applicant proposes to temporarily disturb 0.33 acre of wetlands to facilitate the installation of 550 linear feet of sanitary sewer and 400 linear feet of storm sewer lines. The proposed activities would also cause the permanent loss of 0.63 acre of wetlands that were determined not to be waters of the United States.

Waters of the United States are proposed to remain on 20 of the single family housing lots. Prior to conveying a deed to an individual lot owner, the applicant proposes to place a deed restriction on each lot that contains waters of the United States in order to preserve them. Deed restrictions would also be placed on the 5.6 acres of wetlands that surround the proposed condominiums.

As mitigation for the proposed impacts to aquatic resources, the applicant proposes to place a conservation easement or deed restriction on an approximately 198 acre portion of the property that includes portions of 7 streams which total 9,048 linear feet within the preservation area and 100 acres of wetlands. Within the preservation area, the applicant also proposes to establish 3.4 acres of wetlands consisting of a mixture of forested, shrub scrub and emergent/meadow wetlands. The applicant proposes to develop a comprehensive plan for establishing these wetlands in coordination with this office and the New York State Department of Environmental Conservation. Within the preservation area, the applicant proposes that the restrictive covenants not prevent them from performing any maintenance activities needed within the streams, including debris and sediment blockage removals. The Homeowners Association that is established for the development would hold the deed restriction or conservation easement for this preservation area.

It should be noted that 0.52 acre of waters of the United States that are intended to remain on the site are not within the areas that are proposed to be preserved by deed restrictions or conservation easements. These waters are located within the rights-of-way of the proposed roads and within the easement areas for the proposed detention ponds.



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SITE LOCATION

SCALE: 1" = 2000'

USGS QUADRANGLE: ROTTERDAM JUNCTION

ingalls & associates, LLP
engineers / surveyors
2603 GUILDERLAND AVENUE
SCHENECTADY, N.Y. 12306
PHONE: (518) 393-7725
FAX: (518) 393-3761

FIGURE 1

Application No. 2004-00779-4N
Sheet 1 of 19

WETLAND IMPACT

WETLAND IDENTIFICATION	WETLAND AREA (ACRES)	IMPACT AREA (ACRES)	IMPACT TYPE	VEGETATION COVER
B	88.25	B1	0.083 ROAD	SF / FW
		B2	0.034 ROAD	OF
		B3	0.086 ROAD	MF
		B4	0.373 LOT/ROAD	SS
		B5	0.141 ROAD	SS
		B6	0.093 LOT	SS
		B7	0.021 LOT	OF
		B8	0.041 ROAD	OF
		B9	0.004 ROAD	SS
		B10	0.003 CULVERT APRON	SS / SFW
C	2.61	B11	0.003 CULVERT APRON	WM
		D1	0.314 ROAD/LOT	MF
		D2	0.111 ROAD	MF
		D3	0.012 LOT	P
		E1	0.002 LOT	OF / SF
		G1	0.007 LOT	OF / SF
		G2	0.029 ROAD	OF / SF
		G3	0.004 ROAD	OF
		G4	0.010 ROAD	OF
		G5	0.048 ROAD	OF
I	7.47	H1	0.001 CULVERT APRON	SC
J	1.77	J1	0.078 LOT/ROAD	OF
N	14.33	N1	0.070 LOT	SS
		N2	0.332 LOT/ROAD	SS
		N3	0.010 LOT	SS
		N4	0.073 LOT	SS
		N5	0.021 LOT	SS
		N6	0.234 ROAD	SS
		N7	0.064 LOT	SS
O	0.14	O1	0.029 ROAD	SS
S	2.03	S1	0.092 ROAD	OF / SF

UPLAND VEGETATION

MF— MATURE FOREST
 SF— SUCCESSIONAL FOREST
 SC— SCRUB/SHRUB
 OF— OLD FIELD
 P— PLANTATION
 D— DEVELOPED

TEMPORARY UTILITY WETLAND IMPACT

WETLAND IDENTIFICATION	WETLAND AREA (ACRES)	IMPACT AREA (ACRES)	IMPACT TYPE	VEGETATION COVER
B	88.25	B1 0.048	STORM SEWER POND OUTLET	SS/SFW
		B2 0.056	STORM SEWER POND OUTLET	WM
I	7.47	I1 0.035	STORM SEWER POND OUTLET	OF
N	14.33	N1 0.188	SANITARY SEWER FORCEMAIN	SS/MF
TOTAL TEMPORARY WFT AND IMPACTS				0.327 ACRFS

ISOLATED
WETLAND IMPACT

WETLAND IDENTIFICATION	WETLAND AREA (ACRES)	IMPACT AREA (ACRES)	IMPACT TYPE	VEGETATION COVER
C	0.17	C1 C2	0.013 ROAD	SC/SF SF/MF
F	0.25	F1	0.250 ROAD/LOT	SF
K	0.38	K1	0.232 LOT	FW
Y	0.10	Y1	0.030 ROAD	SF
Z	0.02	Z1	0.02 LOT	SC

STREAM IMPACTS

STREAM IDENTIFICATION	IMPACT LENGTH	IMPACT TYPE
STREAM 3	\$5.00 L.F.	ROAD
STREAM 5	150.00 L.F.	ROAD

TOTAL ISOLATED WETLAND IMPACTS 0.634 ACRES

WETLAND MITIGATION

MITIGATION	AREA (ACRES)
M1	0.46
M2	1.13
M3	1.81

MITIGATION TOTAL 3.40± ACRES

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REVISION DATE:
OCTOBER 25, 2004

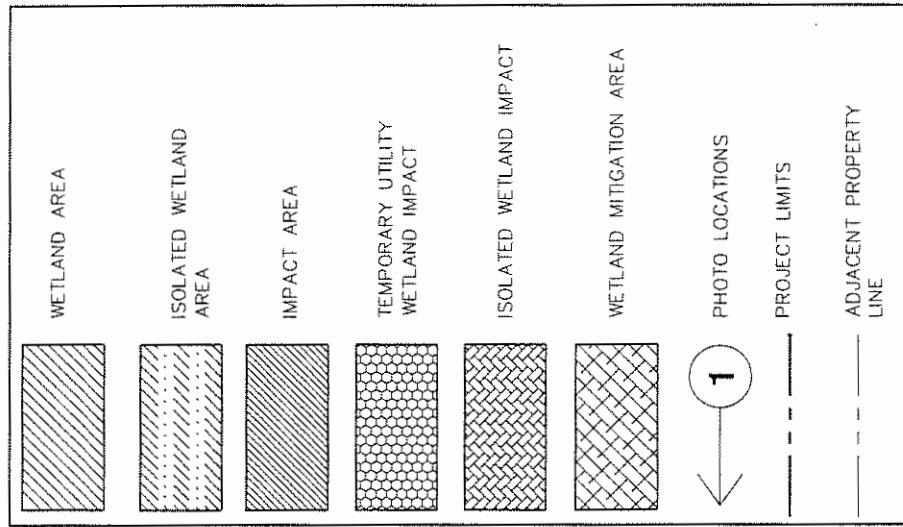
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WETLAND IMPACTS

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SHEET | TABLES

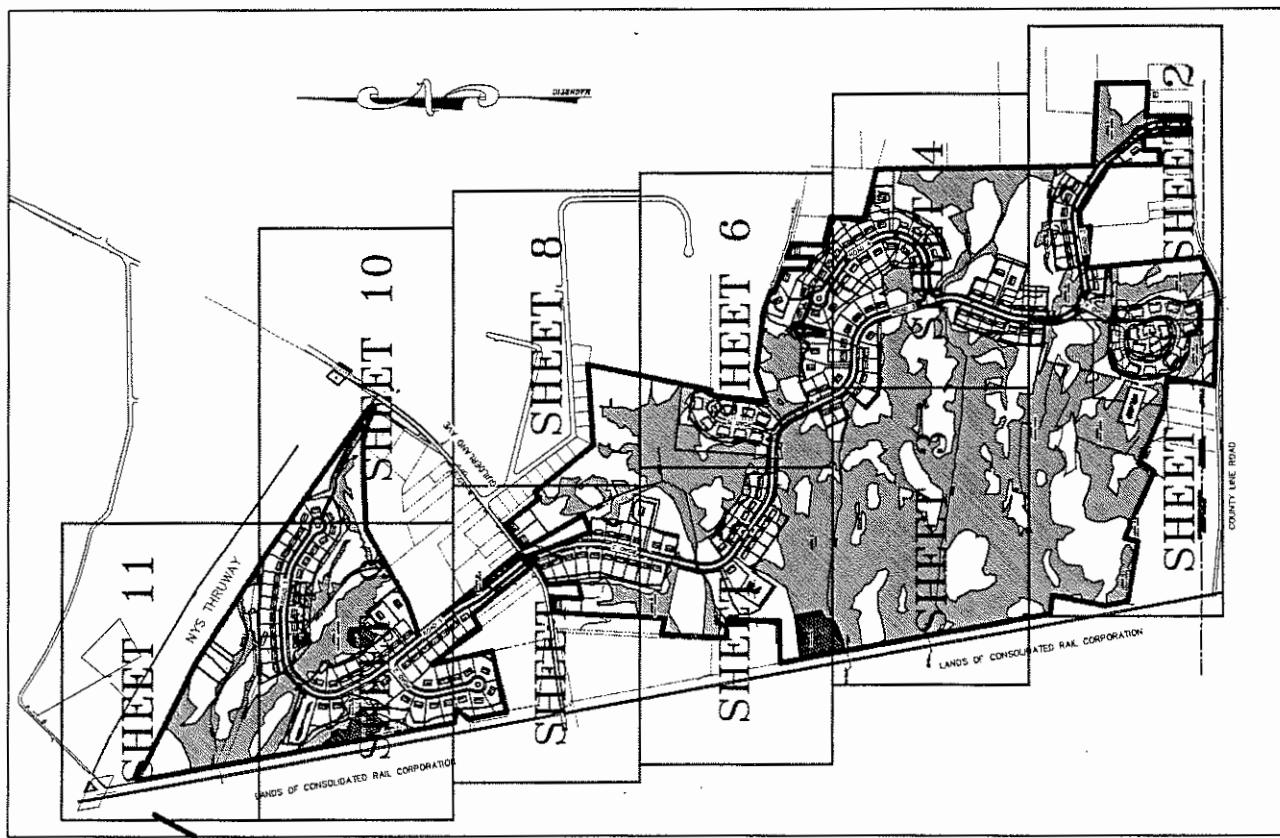
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REVISION DATE:
OCTOBER 25, 2004 REVISED PER ACOE COMMENT LETTER DATED 9/27/04.

WETLAND IMPACTS

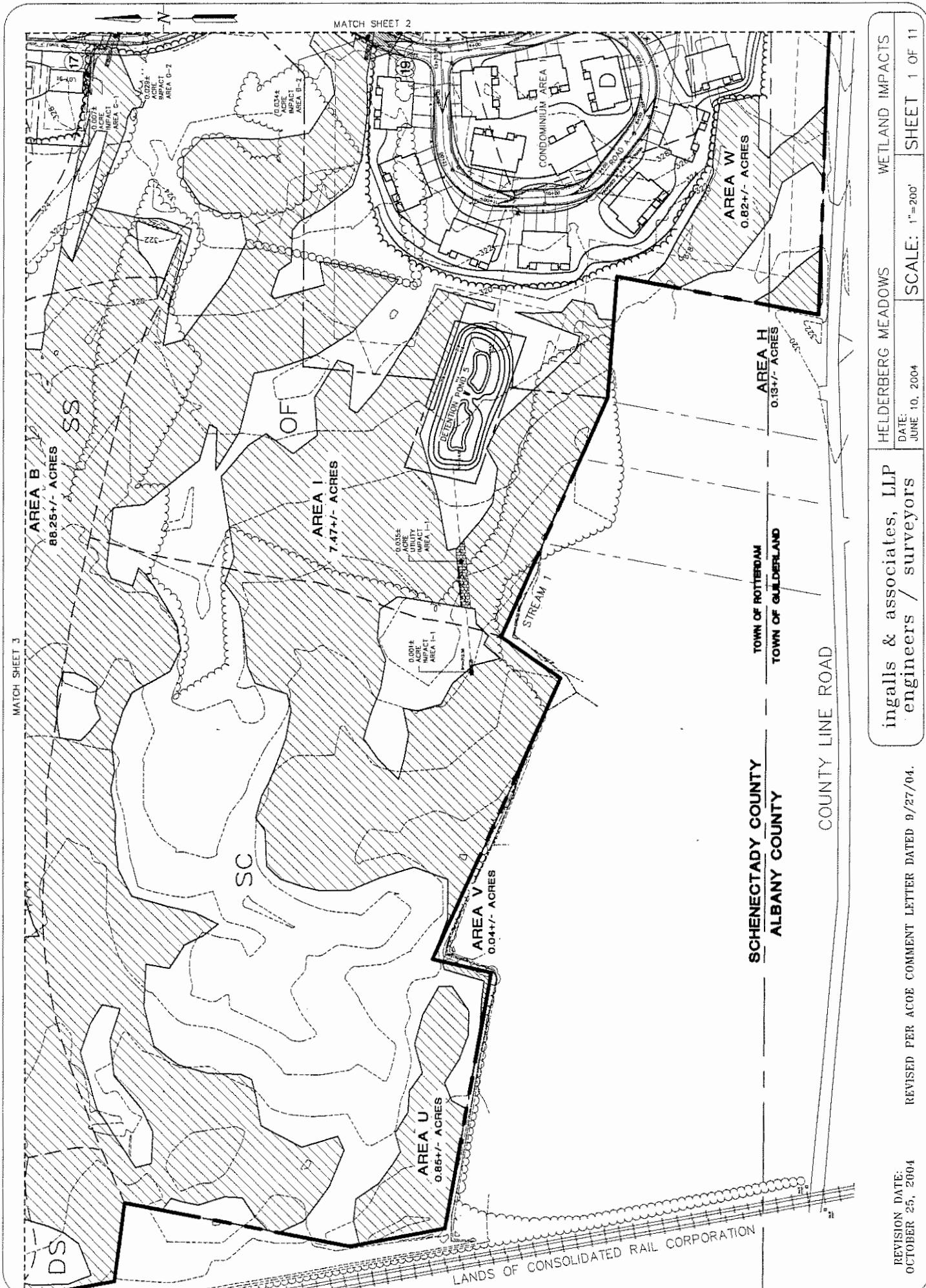
ingalls & associates, LLP engineers / surveyors	HELDERBERG MEADOWS DATE: JUNE 10, 2004	SCALE: AS SHOWN	SHEET COVER
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SITE OVERVIEW

SCALE: 1"=1,320'

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SHEET 1 OF 11

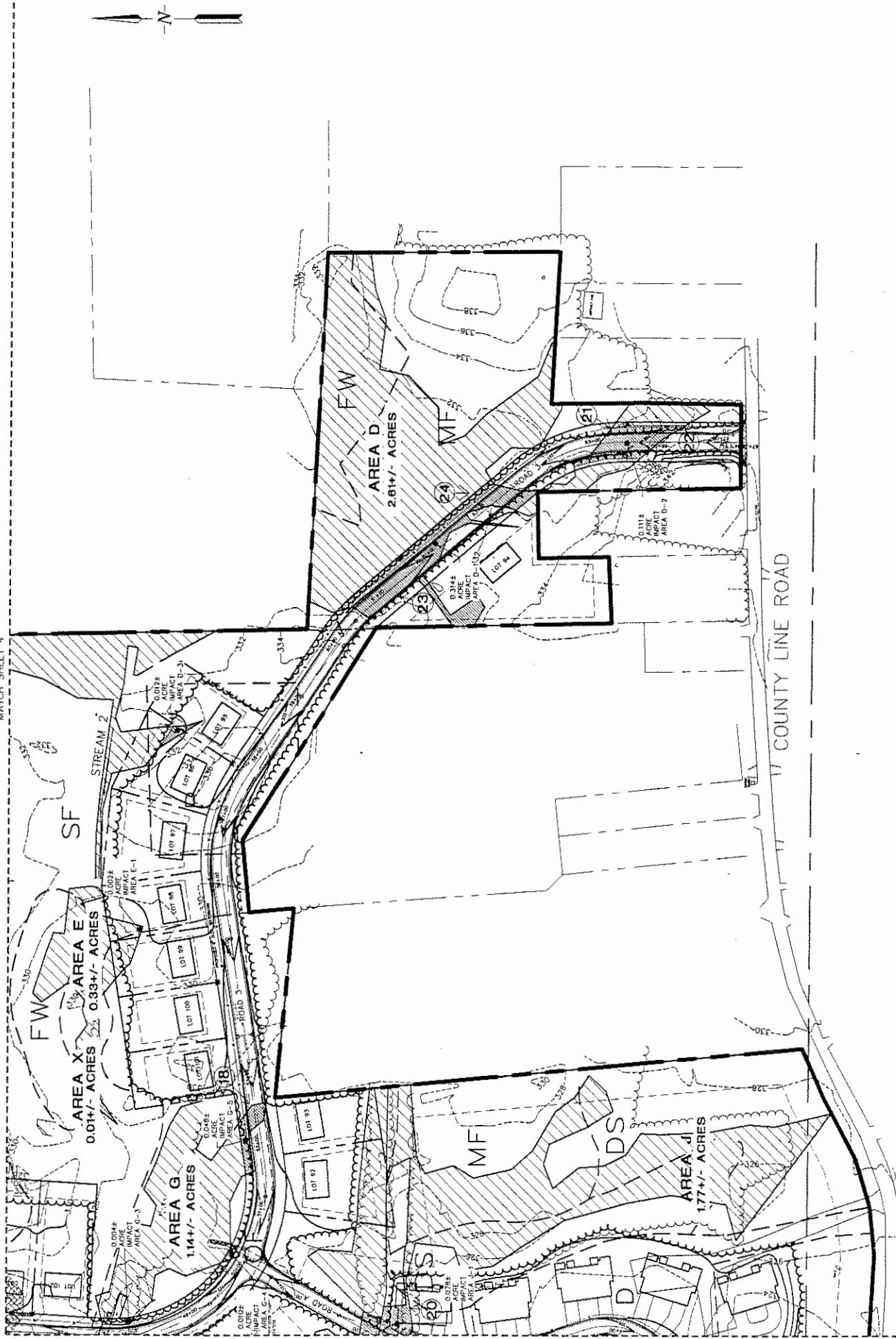
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engineers / surveyors

HELDERBERG MEADOWS **WETLAND IMPACTS**

REVISION DATE:
OCTOBER 25, 2004

Application No. 2004-007797-N

MATCH SHEET 4



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Application No. 2004-00779-YN

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HELDERBERG MEADOWS

WETLAND IMPACTS

DATE:
JUNE 10, 2004

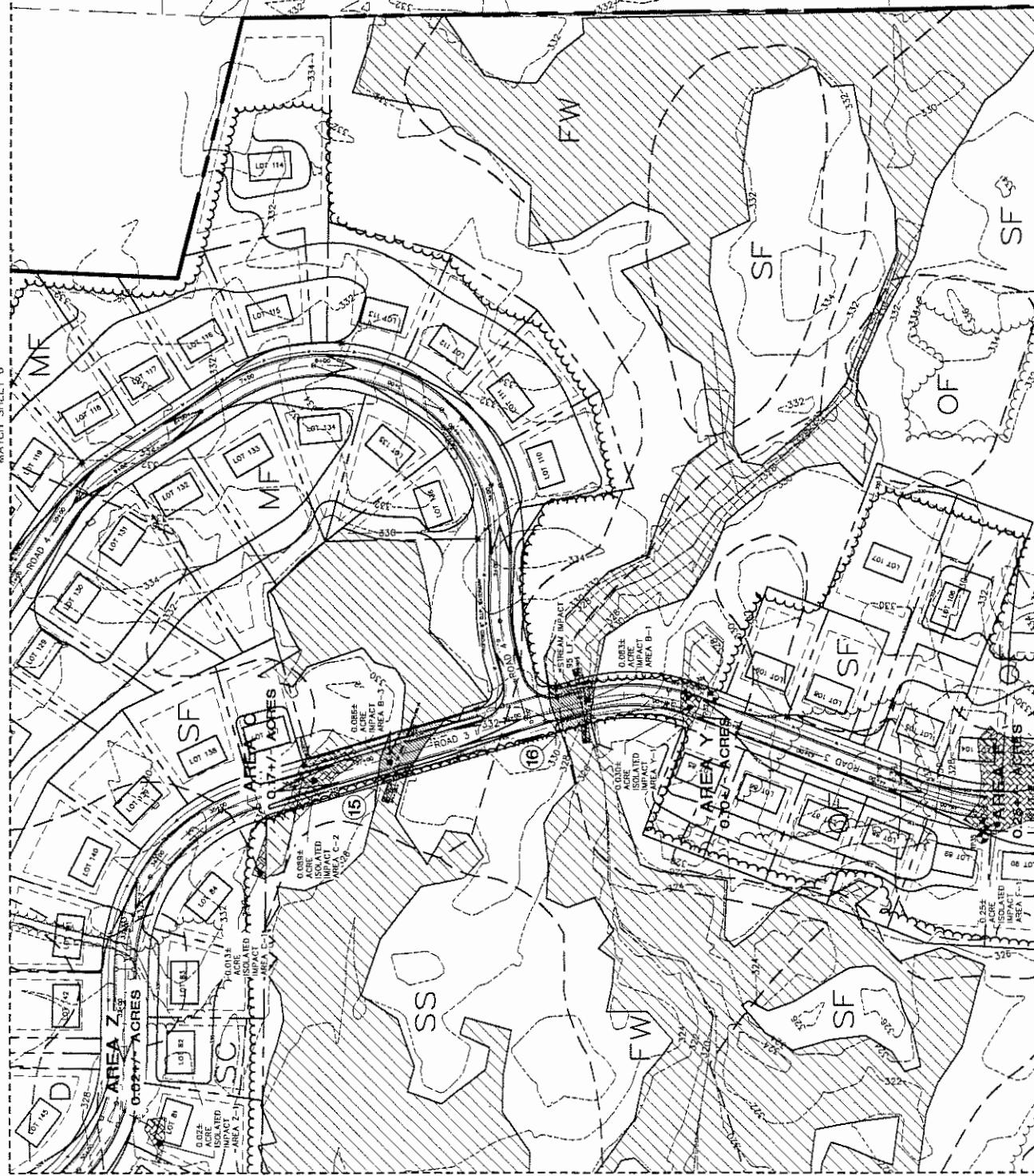
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SHEET 2 OF 11

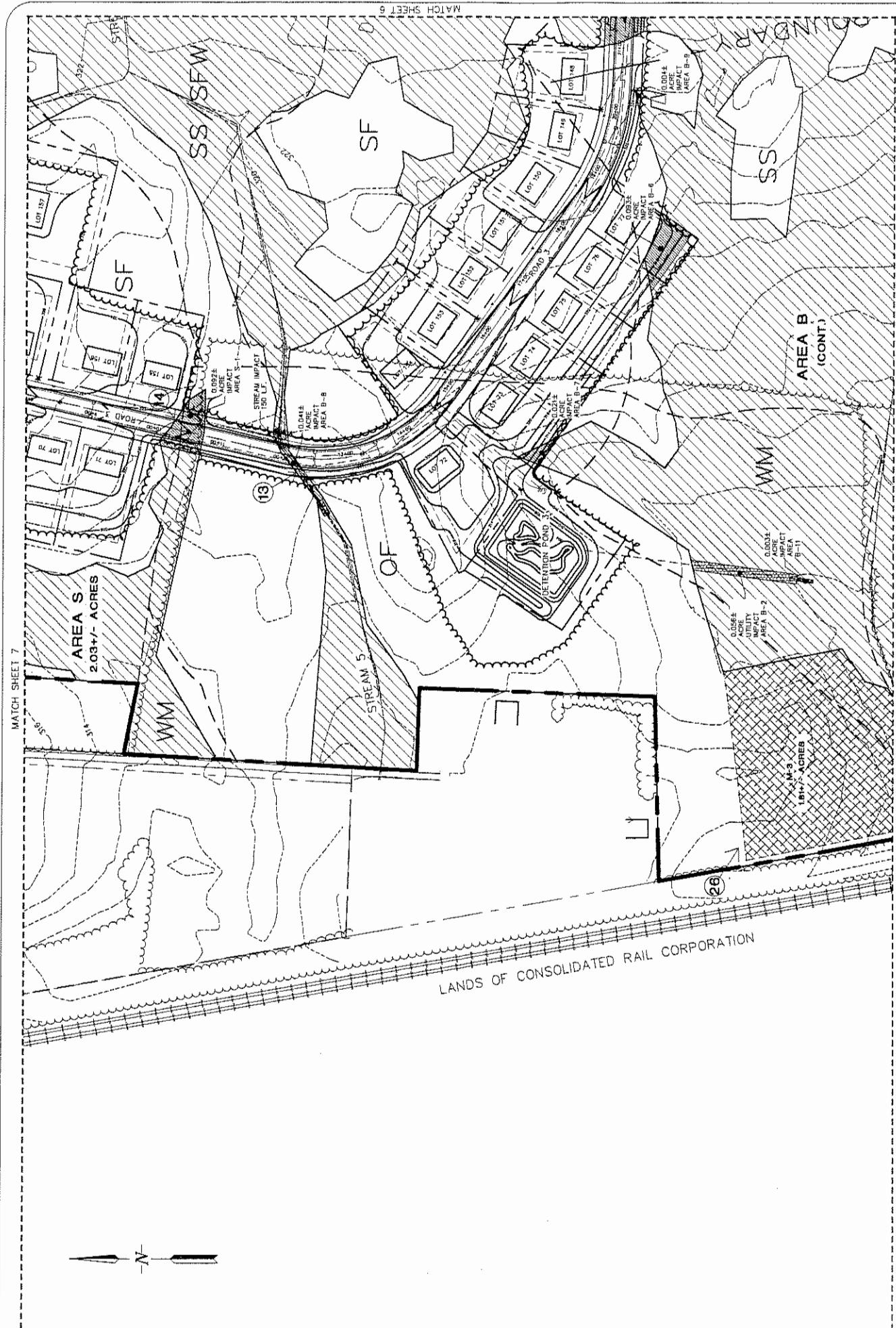
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MATCH SHEET 6

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OCTOBER 25, 2004

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engineers / surveyors

HEIDERBERG
DATE: JUNE 10, 2004

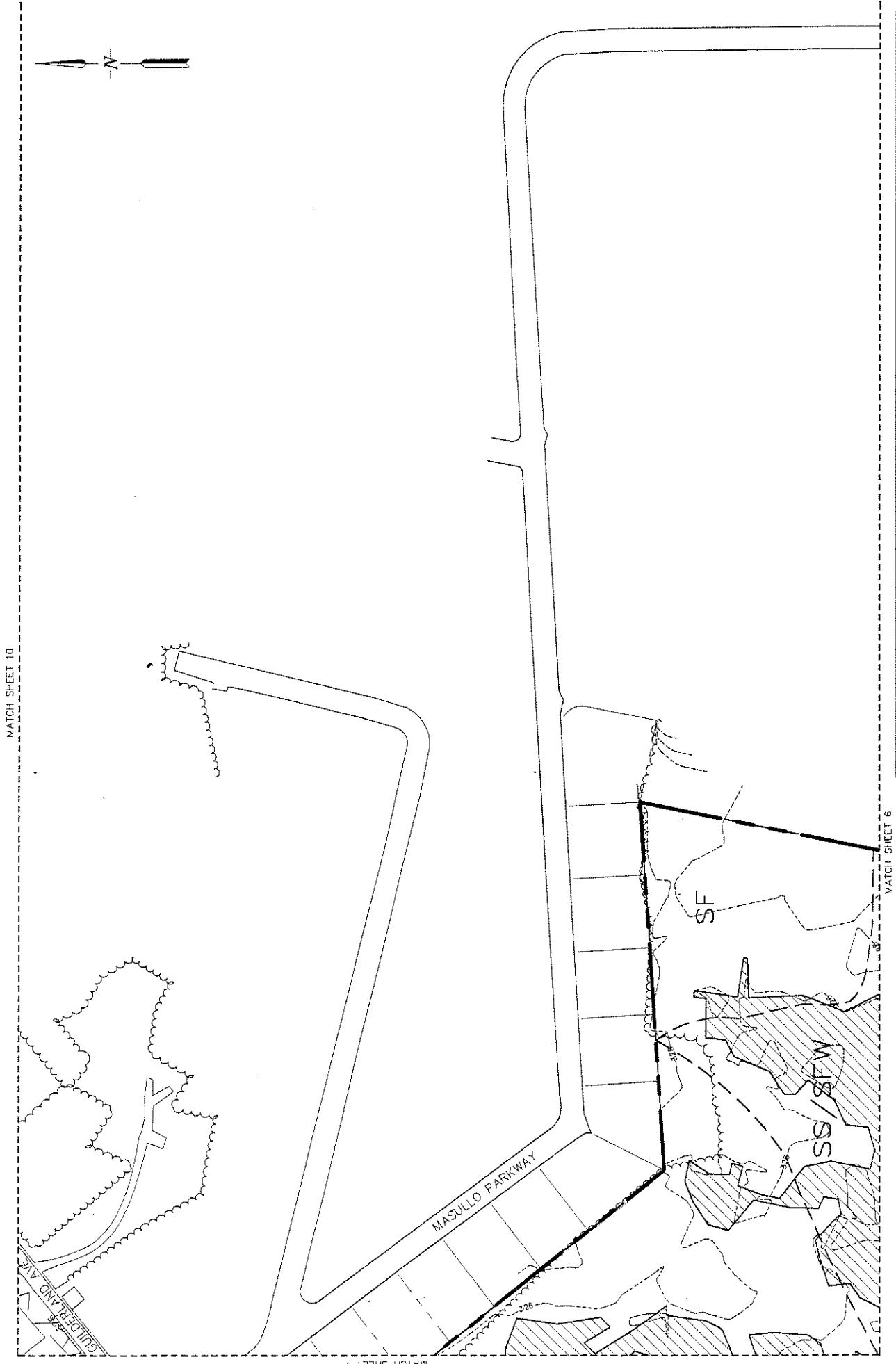
WETLAND IMPACTS SHEET 5 OF 11

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MATCH SHEET 8

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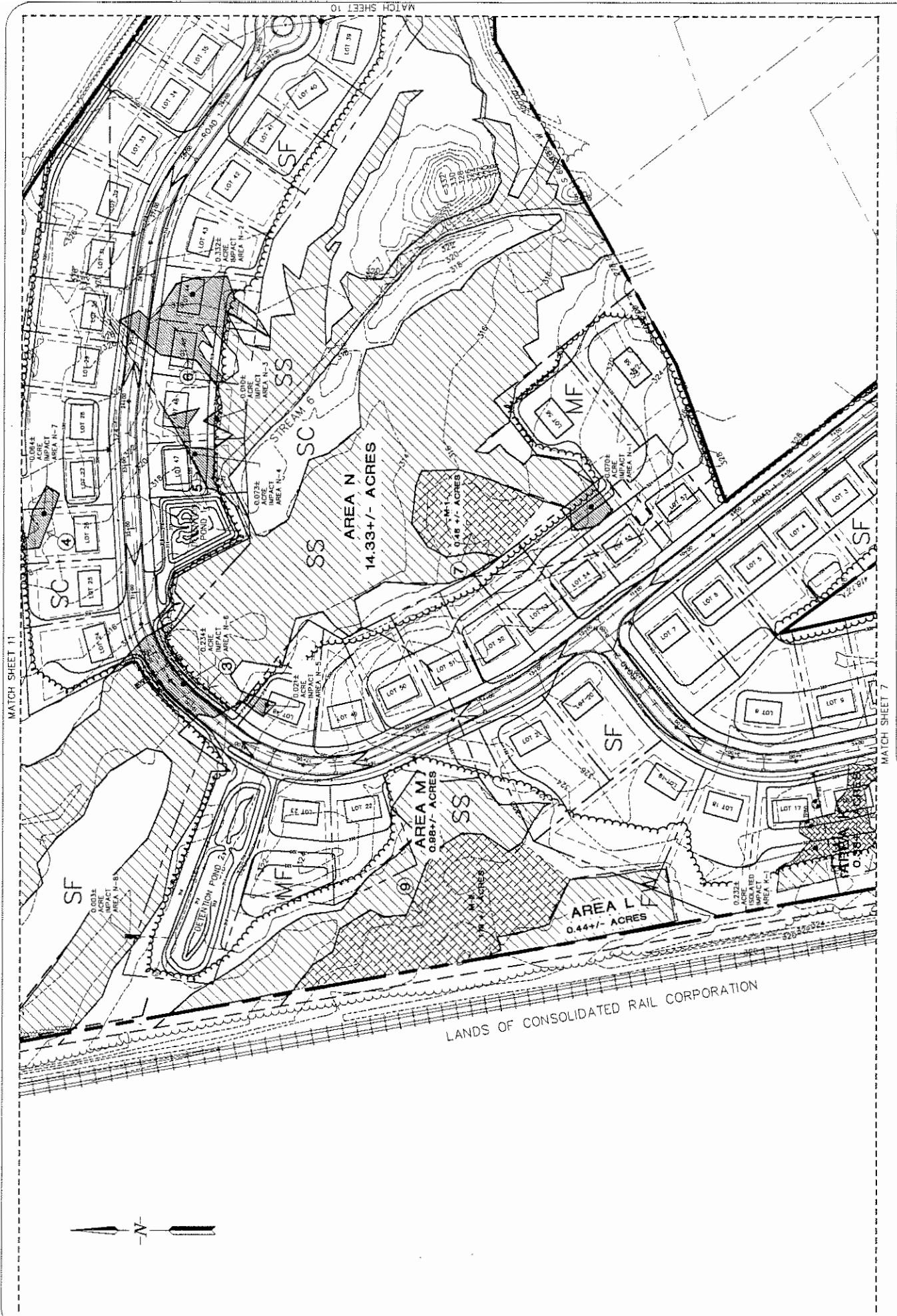




ingalls & associates, LLP engineers / surveyors	HELDERBERG MEADOWS	WETLAND IMPACTS
	DATE: JUNE 10, 2004	SCALE: 1"=200'
	SHEET 6 OF 19	

REVISION DATE:
OCTOBER 25, 2004
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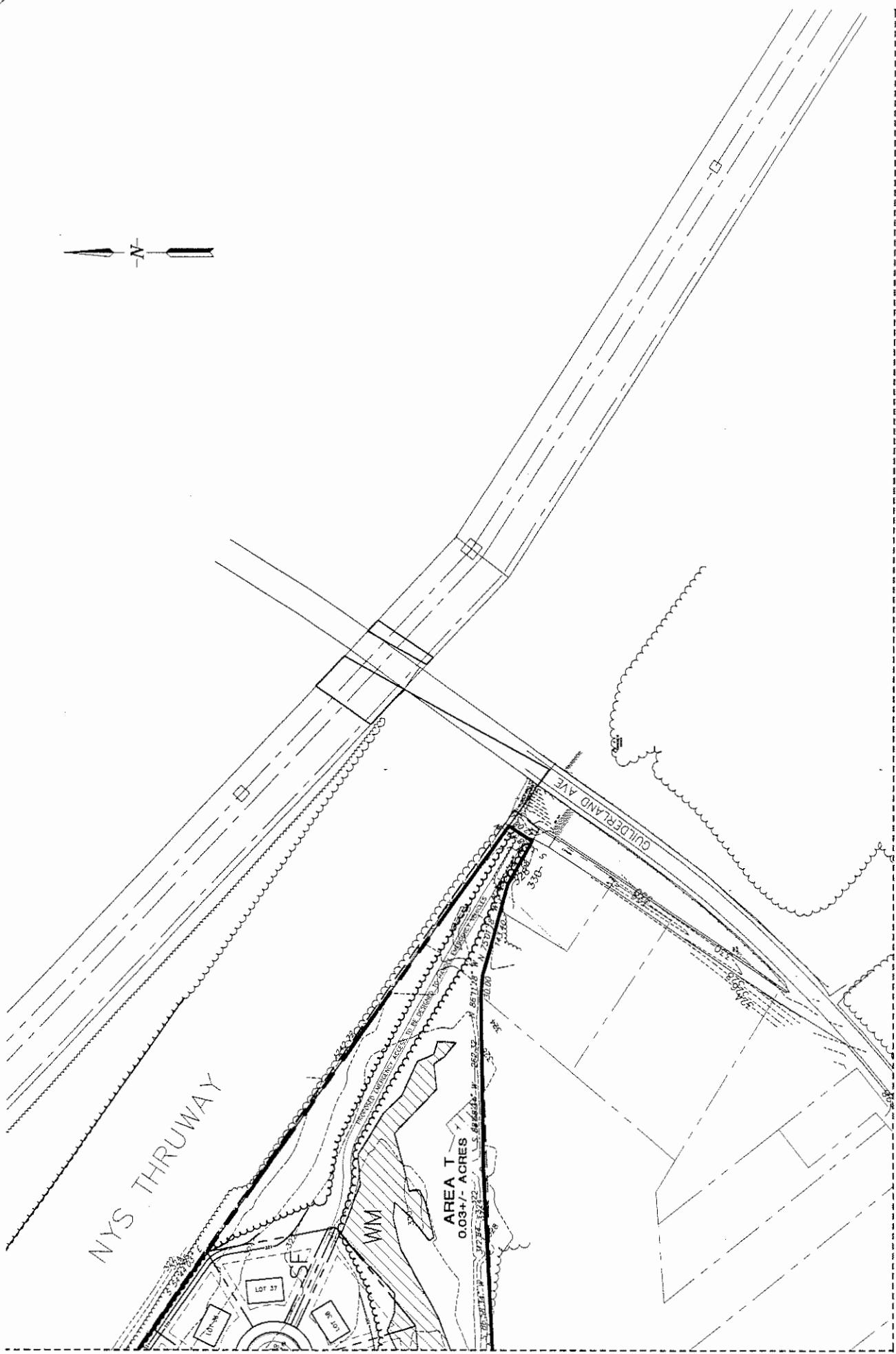


ingalls & associates, LLP
engineers / surveyors

REVISION DATE:
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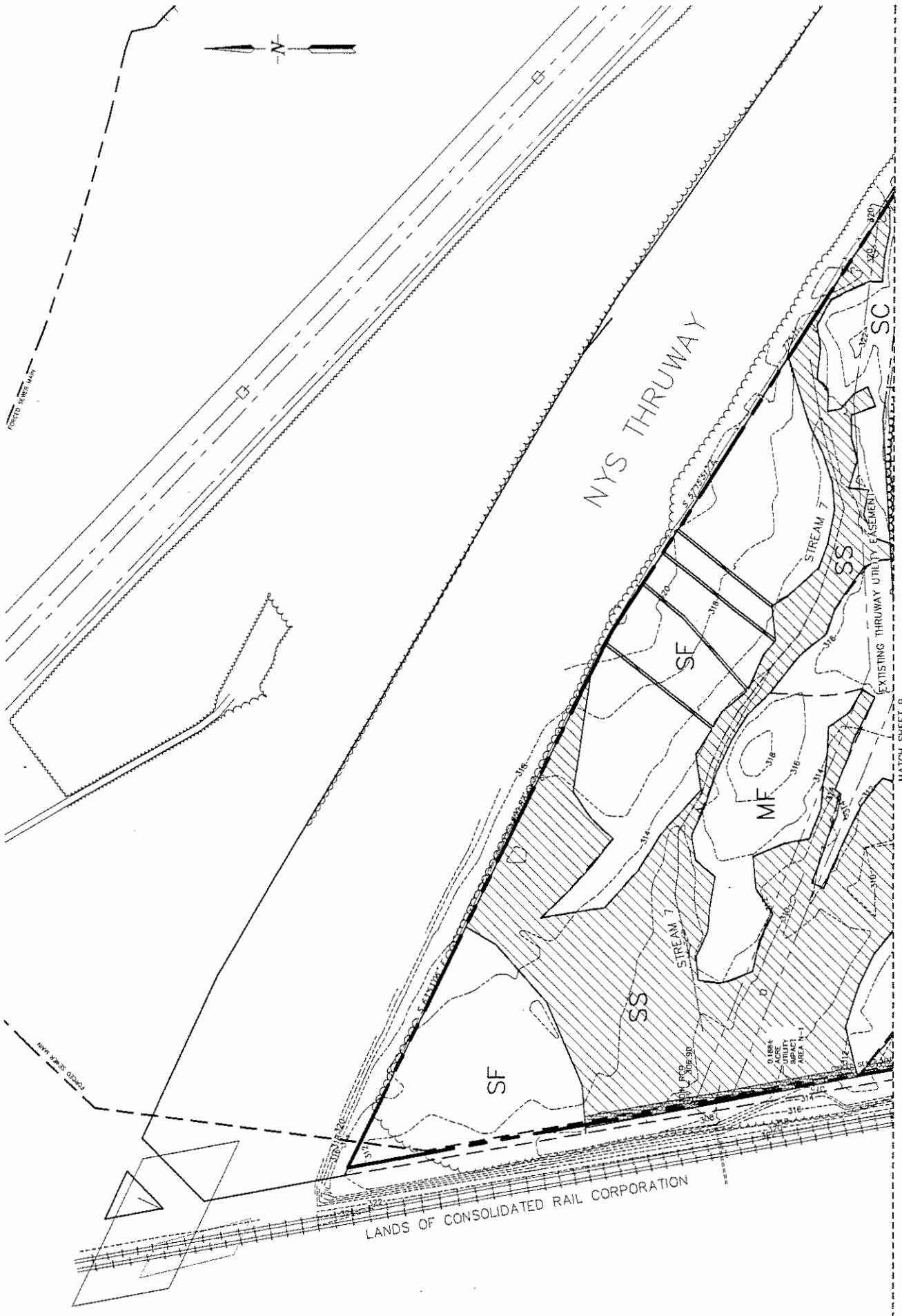
Application No. 2004-007779-YN



ingalls & associates, LLP engineers / surveyors	HELDERBERG MEADOWS	WETLAND IMPACTS
	DATE: JUNE 10, 2004	SCALE: 1" = 200'
		SHEET 10 OF 11

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OCTOBER 25, 2004
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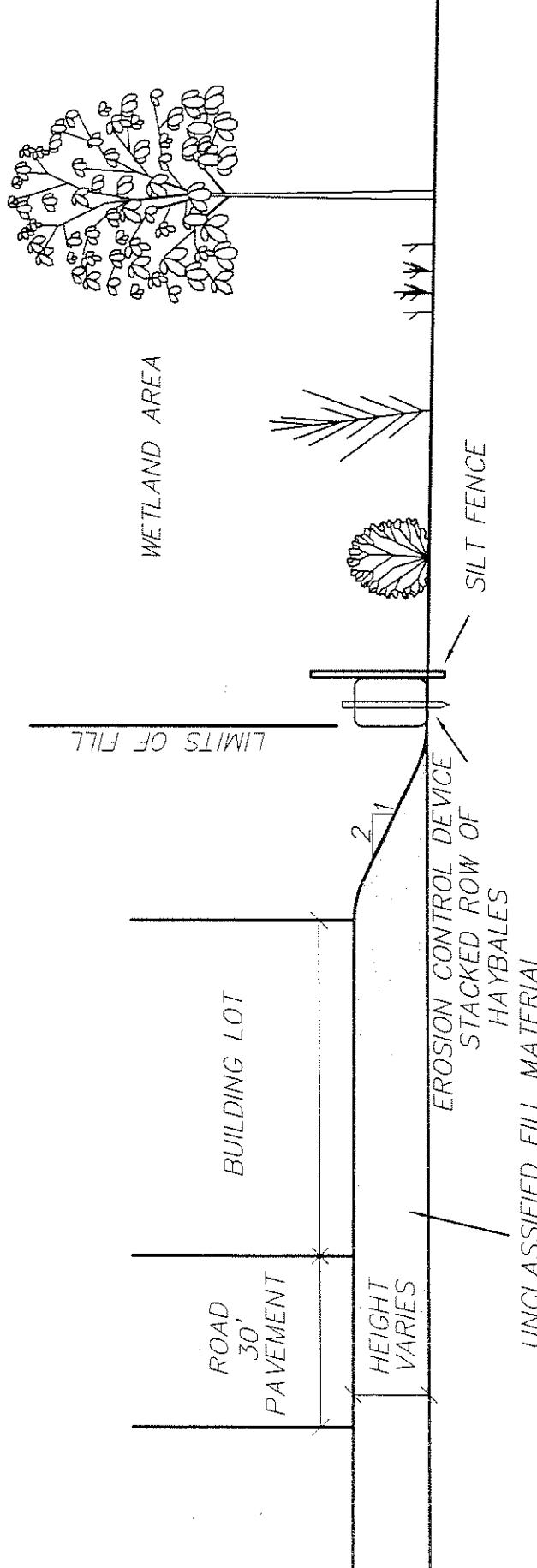


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HELDERBERG
DATE: JUNE 10, 2004

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engineers / Surveyors

Application No. 2004-00779 - Y/N



TYPICAL WETLAND FILL SECTION	
BARTON ANDREOLI	
HELDERBERG MEADOWS	
TOWN OF ROTTERDAM	STATE OF NEW YORK
COUNTY OF SCHENECTADY	
DRAWN BY: P.J.Y.	CHECKED BY: D.F.I.
CADD FILE: SECTION	JOB NO. 97078
SCALE: NONE	DATE: JUNE 16, 2004
SHEET 1 OF 1	

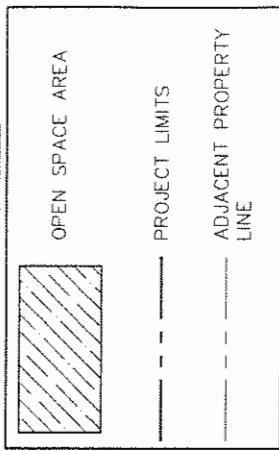
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ingalls & associates, llp
engineers / surveyors
2003 GUILDERLAND AVENUE
SCHENECTADY, NY 12306
PHONE: (518) 363-7728
FAX: (518) 363-3781

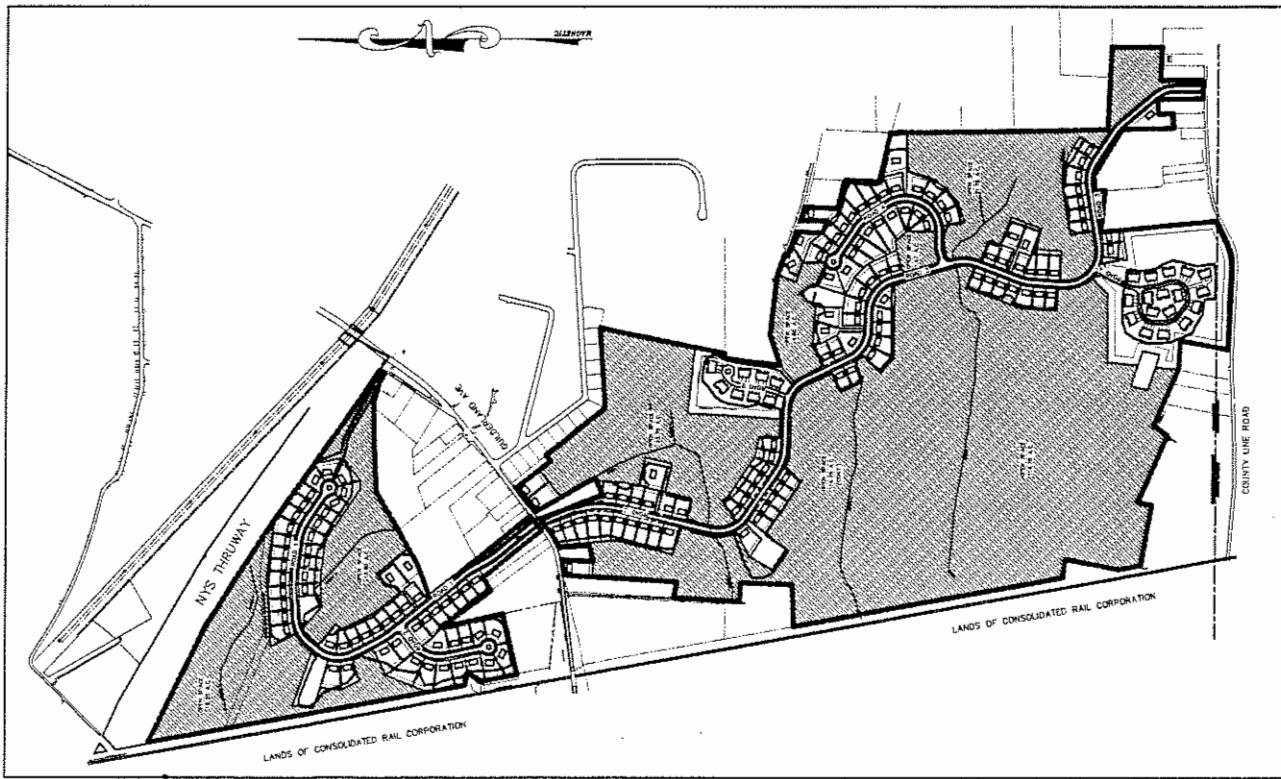
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LEGEND



OPEN SPACE AREA:
198.00+/- ACRES



SITE OVERVIEW

SCALE: 1"=1,320'

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HELDERBERG MEADOWS
DEED RESTRICTED OPEN SPACE

REVISION DATE:
OCTOBER 25, 2004
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DATE:
JUNE 10, 2004

SCALE: AS SHOWN

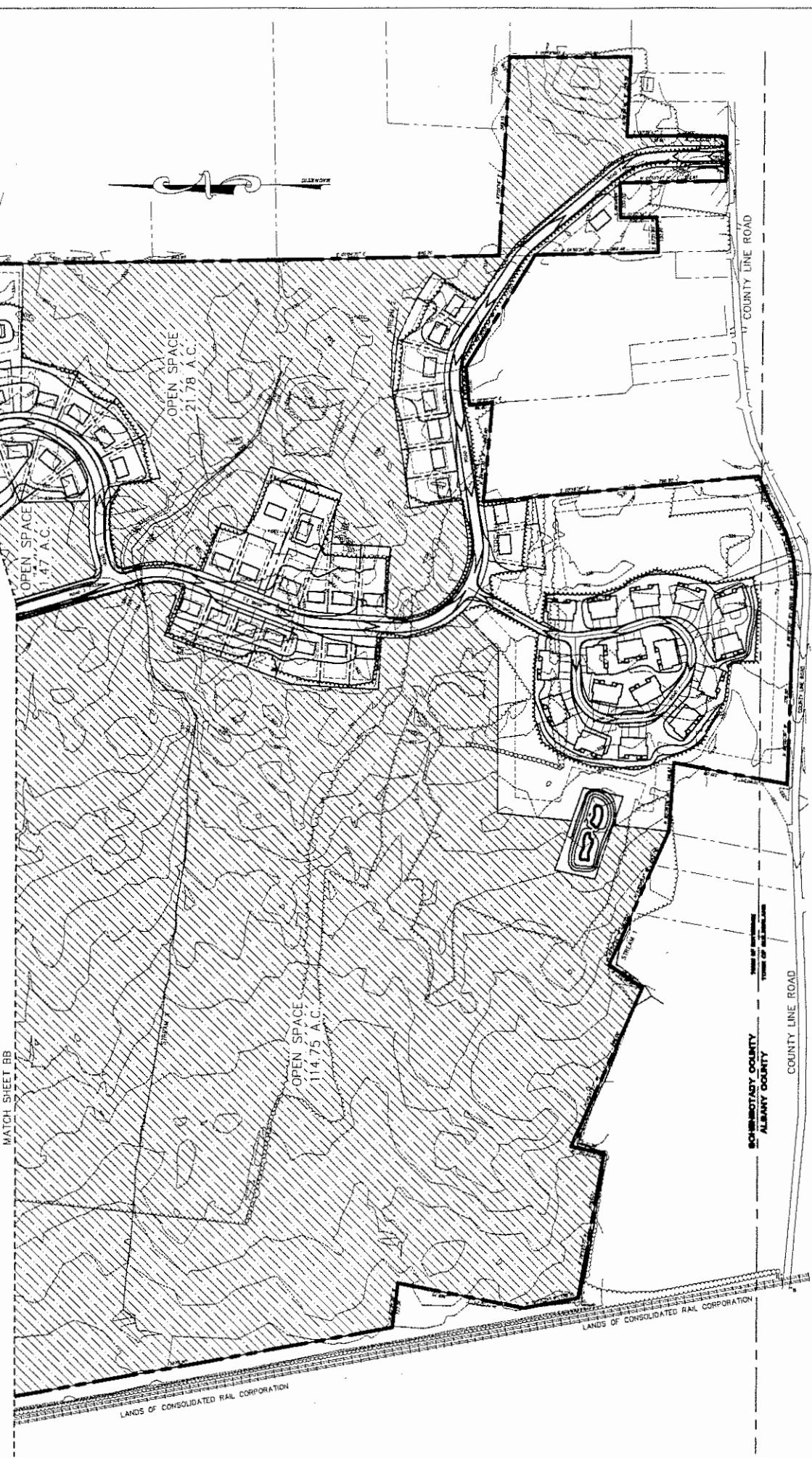
SHEET COVER

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MATCH SHEET BB

MATCH SHEET BB



REVISION DATE:
OCTOBER 25, 2004

REVISED PER ACOE COMMENT LETTER DATED 9/27/04.
REvised per ACoe Comment Letter dated 9/27/04.

ingalls & associates, LLP engineers / surveyors	HELDERBERG MEADOWS DATE: JUNE 10, 2004	DEED RESTRICTED OPEN SPACE SCALE: 1"=400'	SHEET AA
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MATCH SHEET CC



REVISION DATE:
OCTOBER 25, 2004

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HELDERBERG MEADOWS
DEED RESTRICTED OPEN SPACE
DATE: JUNE 10, 2004
SCALE: 1"=400'

SHEET BB

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OCTOBER 25, 2004
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HELDERBERG MEADOWS
DEED RESTRICTED OPEN SPACE
SCALE: 1"=400'

DATE:
JUNE 10, 2004

SHEET cc

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