



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: 2004-01208-YN
Issue Date: January 6, 2006
Expiration Date: February 6, 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: Nigro Development, LLC
125 Wolf Road
Albany, NY 12207

ACTIVITY: Discharge fill material into 0.95 acres of waters of the United States to facilitate the construction of a self storage facility.

WATERWAY: Wetlands (Hudson River Watershed)

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

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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.

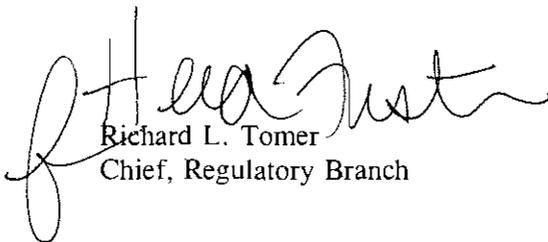
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or 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 Building Permit
NYSDEC SPDES

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

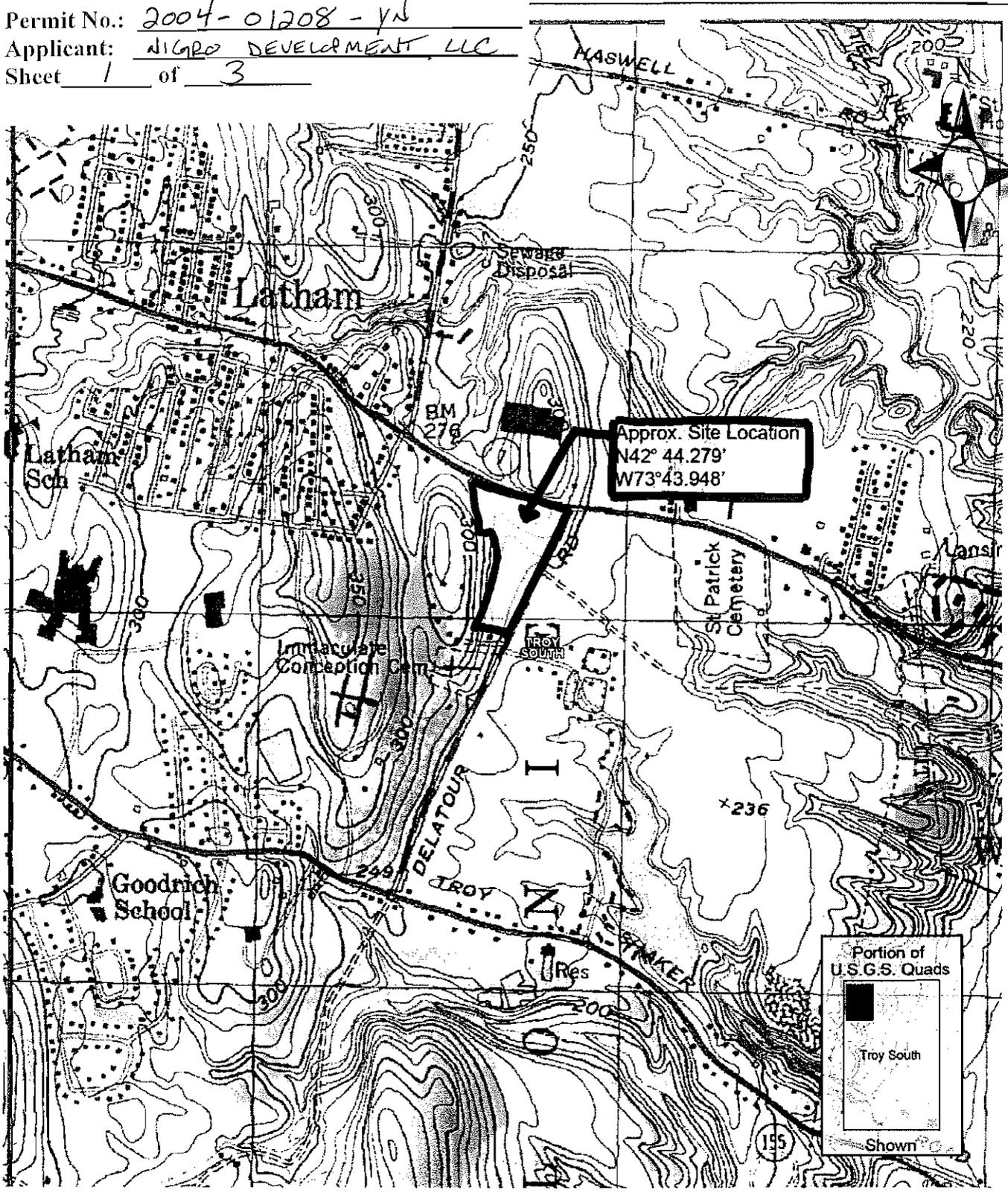
The applicant, Nigro Development, LLC, has requested Department of the Army authorization for the discharge of fill material into 0.95 acres of waters of the United States to facilitate the construction of a self storage facility. The project site is located along Delatour Road, in the Town of Colonie, Albany County, New York.

The work would involve the discharge of fill material into 0.95 acres of emergent wetland to facilitate the construction of a self storage facility and stormwater management area. The self storage facility will consist of two 1-story buildings with associated landscaping, and two 2-story buildings with associated landscaping.

To mitigate for the proposed impact to aquatic resources, the applicant proposes to provide an in-lieu fee of \$15,000 to the Albany Pine Bush Preserve Commission to assist in the purchase of wetland areas in the Town of Colonie.

The stated purpose of this project is to provide a self storage facility in that geographic area.

Permit No.: 2004-01208-YN
 Applicant: NIGRO DEVELOPMENT LLC
 Sheet 1 of 3

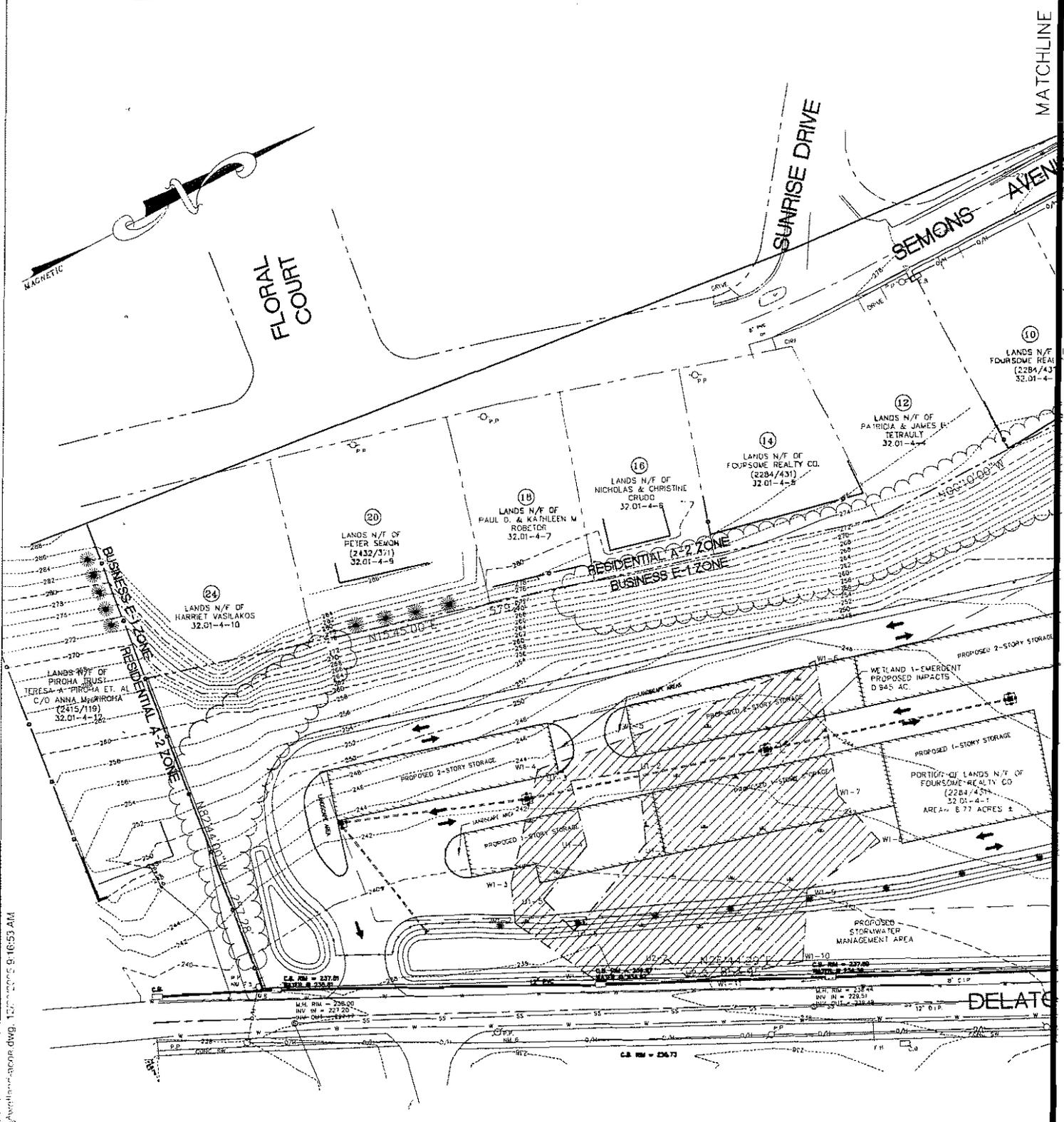


MAP REFERENCE:
 USGS QUADRANGLES OBTAINED FROM
 DELORME XMAP 3.5.

BOSWELL ENGINEERING
 ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
 799 MADISON AVENUE • ALBANY, NY 12208 • (518) 436-6310

USGS MAP		
NIGRO SELF STORAGE		
TOWN OF COLONIE		
COUNTY OF ALBANY		STATE OF NEW YORK
DRAWN BY: <u>JDM</u>	CHECKED BY: <u>RWO</u>	JOB #: A04-001-05
DWG No.: <u>TOPO.INDD</u>		DATE: <u>JUNE 29, 2004</u>
SCALE: N.T.S.		SHEET 1 OF 1

Permit No.: 2004-01208-yn
 Applicant: NIGRO DEVELOPMENT, LLC
 Sheet 2 of 3



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MAP REFERENCE
 SURVEY AND TOPOGRAPHIC FEATURES SHOWN HEREON ARE BASED ON A FIELD SURVEY COMPLETED BY BOSWELL ENGINEERING IN FEBRUARY, 2004

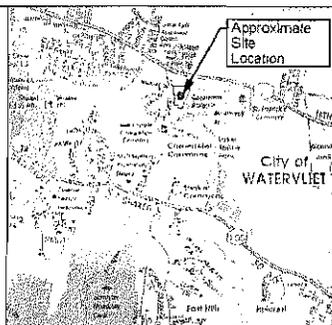
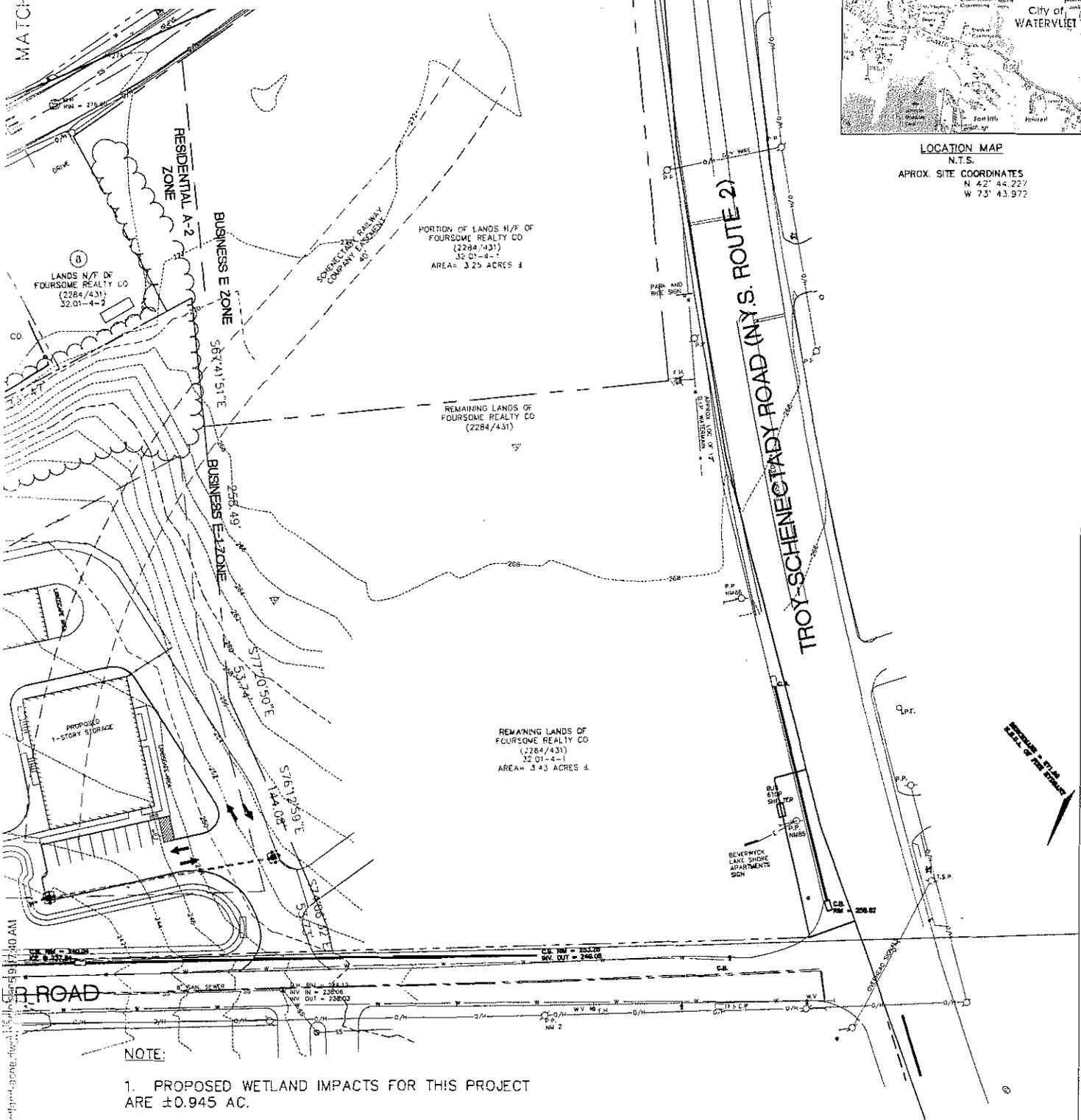
NO	DATE	DESCRIPTION	BY



BOSWELL
 ENGINEERS - SURVEY
 799 MADISON AVE., A

Permit No.: 2004-01208-4N
 Applicant: NIGRO DEVELOPMENT, LLC
 Sheet 3 of 3

MATCHLINE



LOCATION MAP
 N.T.S.
 APPROX. SITE COORDINATES
 N 42° 46' 22"
 W 73° 43' 97"

NOTE:
 1. PROPOSED WETLAND IMPACTS FOR THIS PROJECT ARE ±0.945 AC.

L ENGINEERING
 PLANNERS - SCIENTISTS
 125 WOLF ROAD
 ALBANY, N.Y. 12208 518-436-6310



CHAD M. COOKE, P.E.
 NEW YORK STATE LIC. NO. 039416

APPLICANT:
NIGRO DEVELOPMENT
 125 WOLF ROAD
 ALBANY, NEW YORK 12205

WETLAND IMPACT PLAN
NIGRO DEVELOPMENT
 TOWN OF COLONE STATE OF NEW YORK
 COUNTY OF ALBANY
 SURVEYED BY: [blank] CHECKED BY: MAK DATE: AUG 2, 2005
 DRAWN BY: [blank] JOB NO: 004-001 DWG NO: WETLANDS
 SCALE: 1"=100' SHEET 1 OF 1