



# 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-2005-357-EJE  
Issue Date: March 10, 2008  
Expiration Date: April 10, 2008

## 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: VS Construction Corporation  
37 Croton Dam Road  
Ossining, NY 10562

ACTIVITY: Wetland fill for road crossing

WATERWAY: Wetlands to Osceola Lake

LOCATION: Town of Yorktown, 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.

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.

CENAN-OP-RE  
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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 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) 790-8420 and ask for Stacey M. Jensen.

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

  
For Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, VS Construction Corporation, has requested Department of the Army authorization for road crossings in the construction of the Yorktown Farms Subdivision in wetlands to the Osceola Lake, Town of Yorktown, Westchester County, New York.

The work would involve: construction of a road crossing of two wetland areas, resulting in the total fill of 0.25 acres of the total 5.10 acres of wetland on the project site. 0.19 acres of Wetland A would be filled and 0.06 acres of Wetland B/C would be filled for the road crossings to gain access to the site from Gay Ridge Road. The wetland crossings would involve a culvert and stone gabion wall system; the culvert would be concrete box culvert with stone lining of the bottom, with the invert elevation of the culvert opening set at the existing low point of the wetland. Void space would exist between the 4-inch to 12-inch size stones proposed for the gabions.

The stated purpose of this project is to provide the applicant with access to a new housing development.

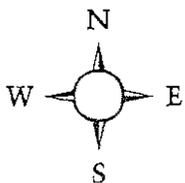
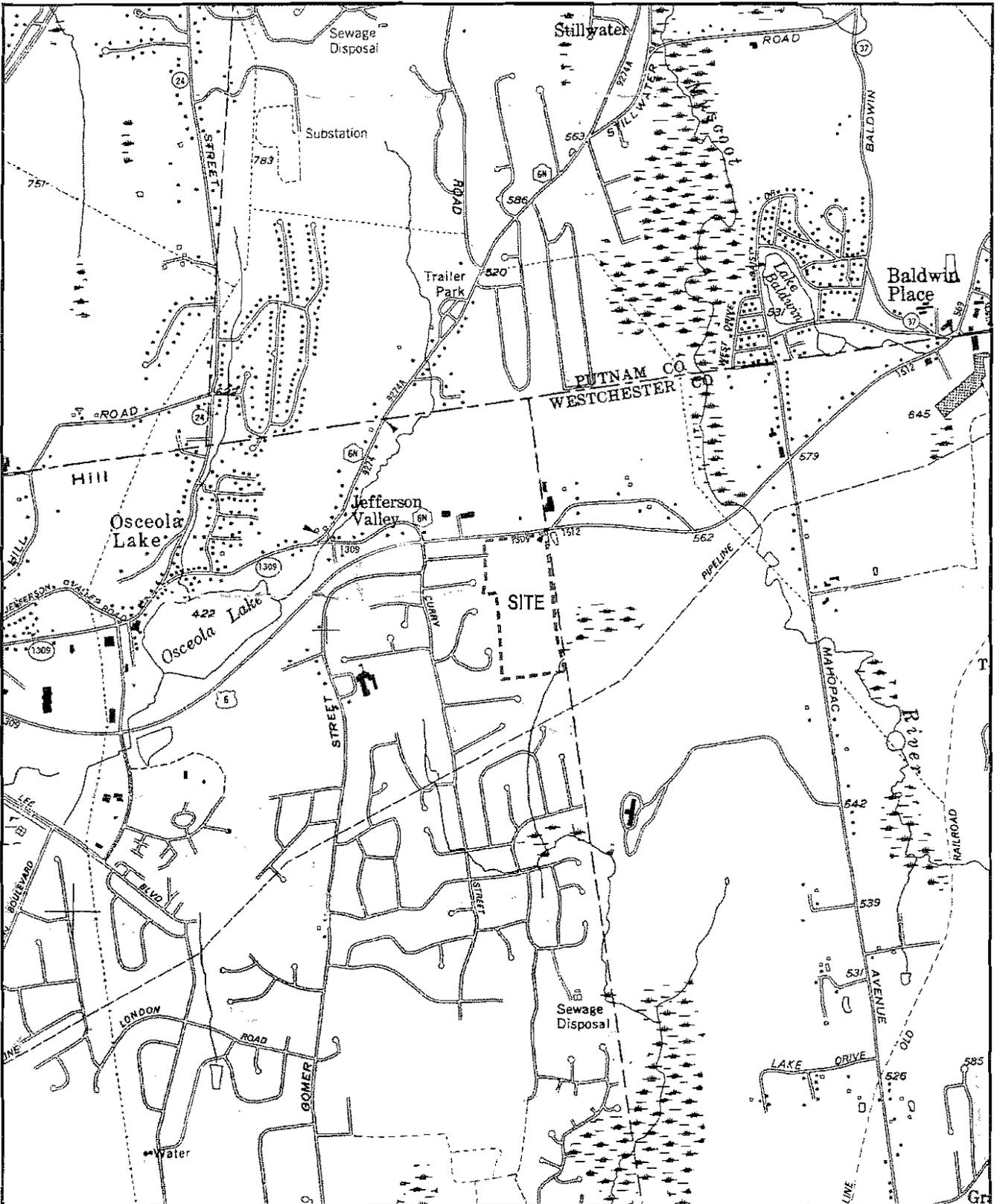
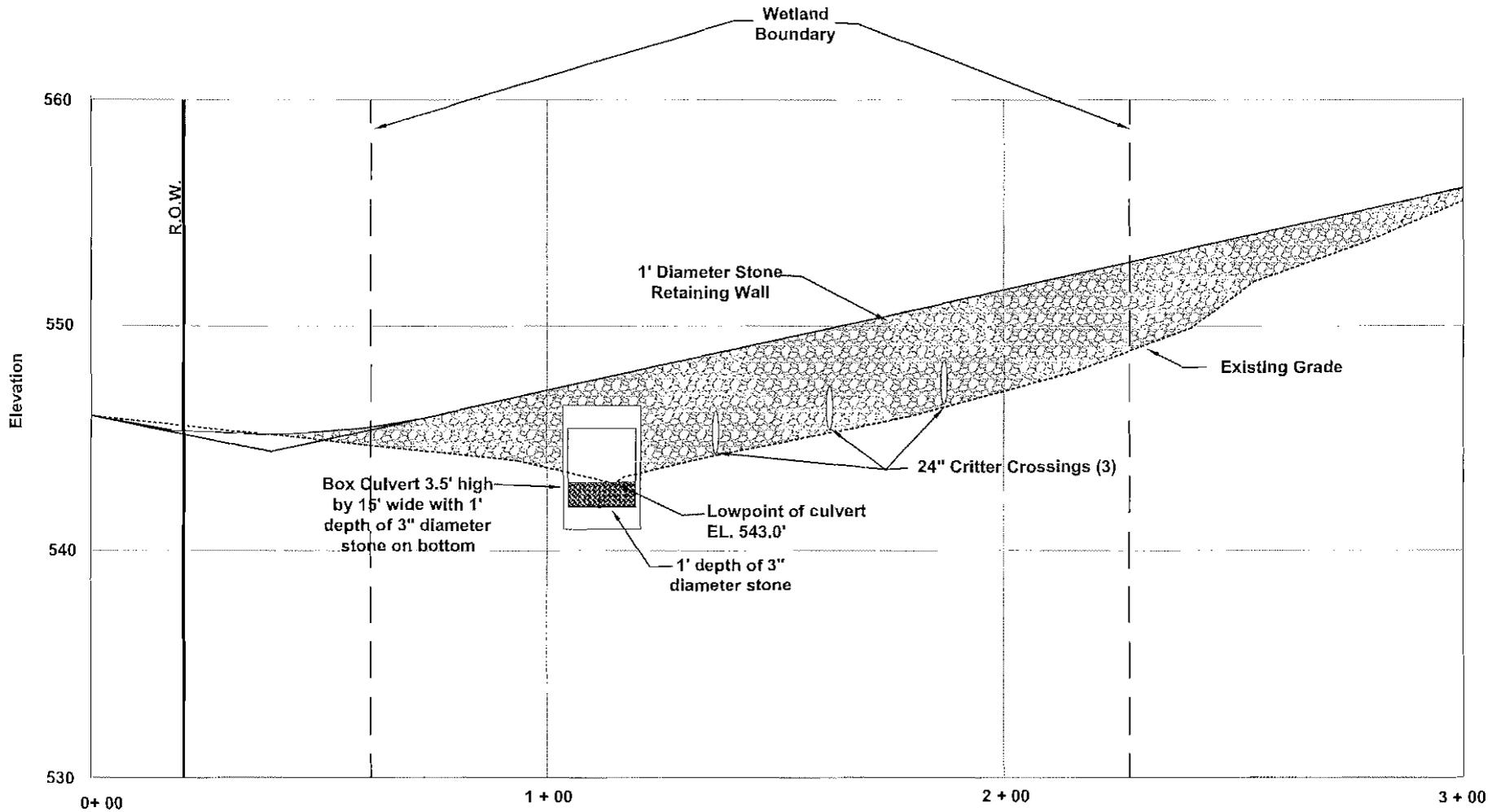


Figure 1: Regional Location Map  
 Yorktown Farms Subdivision Rezoning EAF  
 Town of Yorktown, Westchester County, New York  
 Base Map: NYSDOT Planimetric Map (Mohegan Lake Quad)  
 Scale: 1 inch = 2,000 feet

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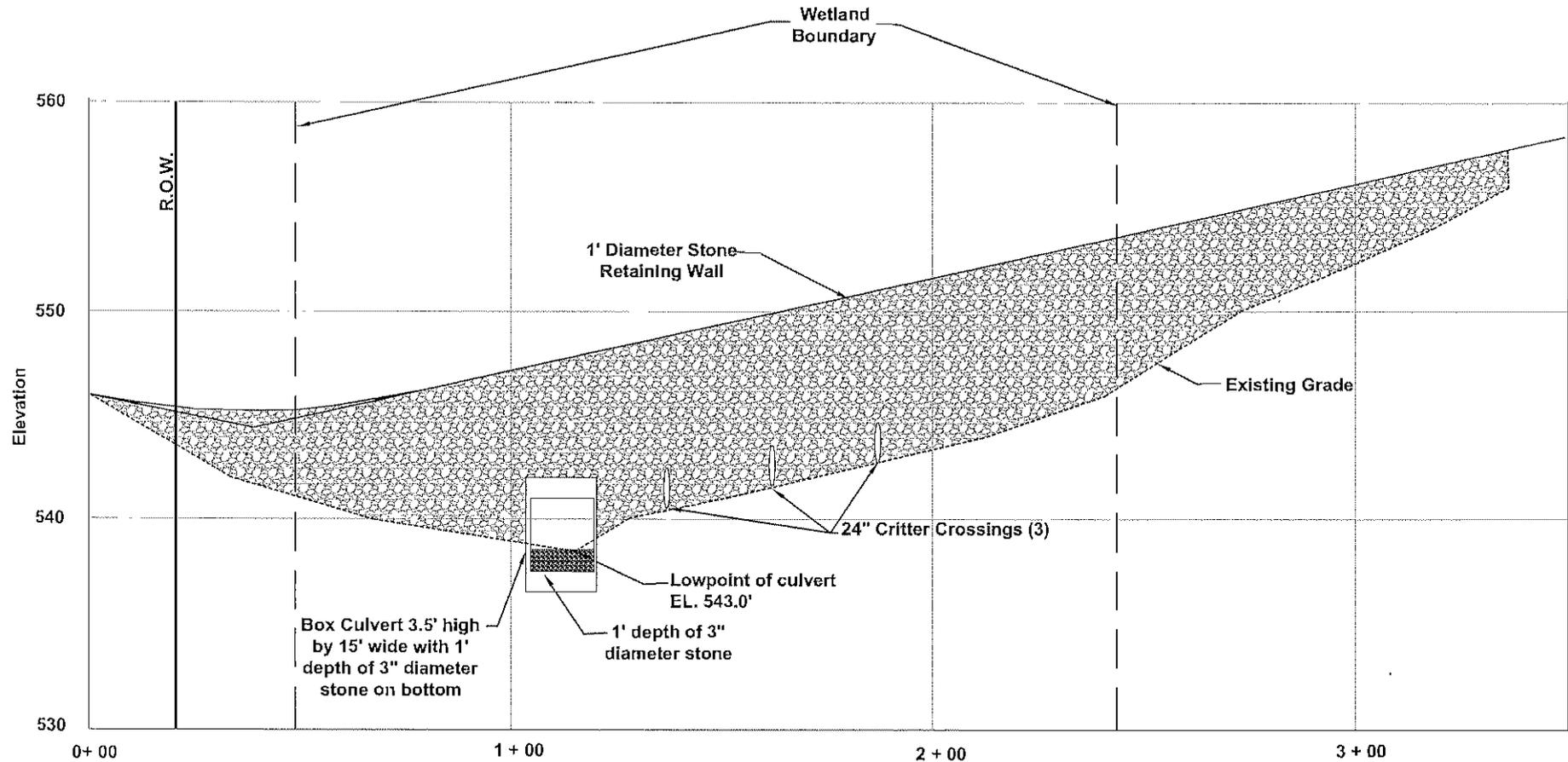
Wetland Crossing Profile  
(Upstream)

Tim Miller Associates, Inc.  
10 North Street, Cold Spring, NY 10516  
(845) 265-4400, Fax: 265-4418

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Wetland Mitigation Plan  
for Development of  
Yorktown Farms  
Town of Yorktown, Westchester County, NY

Sheet



Wetland Crossing Profile  
(Downstream)

Tim Miller Associates, Inc.  
10 North Street, Cold Spring, NY 10516  
(845) 265-4400, Fax: 265-4418

Source: Ralph Mastromonaco, P.E., P.C. Consulting Engineers

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Wetland Mitigation Plan  
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February 4, 2006

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