

# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District, CENAN-OP-R  
Upstate Regulatory Field Office  
1 Buffington Street, Bldg. 10, 3<sup>rd</sup> Floor  
Watervliet, New York 12189-4000

In reply refer to:

Public Notice Number: 2007-01171-WDA  
Issue Date: December 18, 2007  
Expiration Date: January 18, 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: Tempel Farms Associates, LLC  
c/o The Nigro Companies  
20 Corporate Woods Boulevard  
Albany, New York 12211

ACTIVITY: Discharge fill material into waters of the United States to facilitate the construction of a mixed commercial and residential development.

WATERWAY: Wetlands and Intermittent Stream Channels Associated with Mill Creek (Hudson River Watershed)

LOCATION: Along New York State Route 4, in the Town of East Greenbush, Rensselaer 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 THE ATTENTION OF ANDREW Dangler AT THE ABOVE ADDRESS, 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.

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. The applicant is currently conducting Phase 1A and Phase 1B archeological investigations of the site. This office will follow the procedures outlined in Title 33 of the Code of Federal Regulations, Part 325, Appendix C, in order to ensure compliance with Section 106 of the National Historic Preservation Act. Presently unknown archeological, scientific, prehistoric, or historic 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:

- Town of East Greenbush: Various
- New York State Department of Environmental Conservation: SPDES Perm

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 Andrew Dangler of this office at (518) 266-6356.

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

*For / George L. Turner*  
Richard L. Turner  
Chief, Regulatory Branch

Enclosures

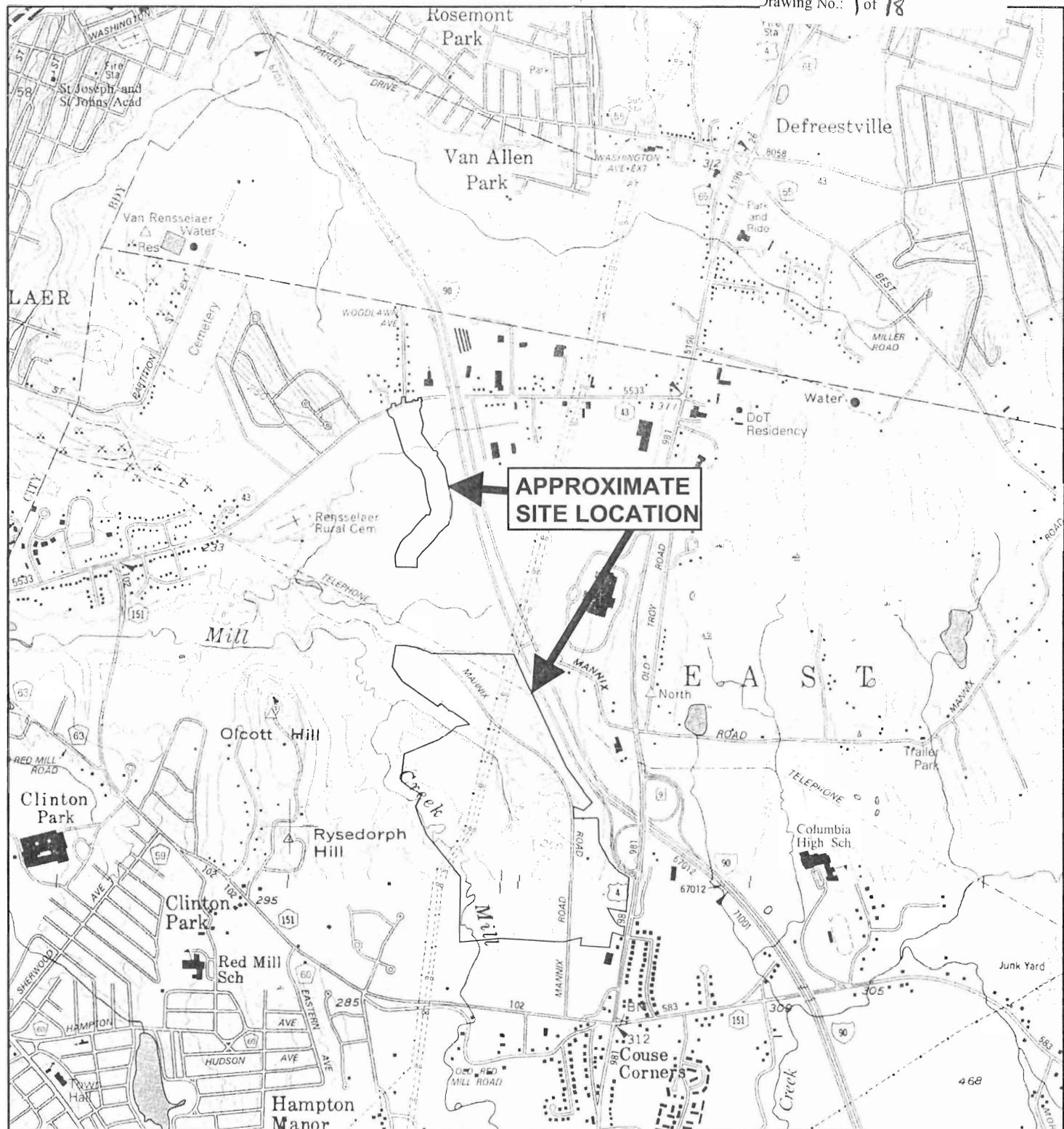
CENAN-OP-RW  
PUBLIC NOTICE NO. 2005-01171-WDA

WORK DESCRIPTION

The applicant, Tempel Farms Associates, LLC, has requested Department of the Army authorization for the discharge of fill material into waters of the United States to facilitate the construction of a mixed commercial and residential development to be known as "The Village at Tempel Farm". The project site is 160 acres in size and is located to the west of New York State (NYS) Route 4, in the Town of East Greenbush, Rensselaer County, New York.

The development would consist of commercial and residential buildings including a 170,000 square foot Lowe's home improvement store, a 59,000 square foot multi-tenant building, 40,000 square feet of office space, three restaurants, a 100-room hotel, and 324 luxury apartments with amenities. The work would involve the discharge of fill material into waters of the United States, including 1.79 acre of wetland and 2,396 linear feet of intermittent stream channel, to facilitate the construction of the buildings, parking lots and associated utilities. In addition, as required by the Town of East Greenbush, an access road would be constructed to connect Tempel Road to Third Avenue Extension. The road would be constructed on a 3.27 acre parcel currently owned by the Rensselaer Rural Cemetery. The work would involve the discharge of fill material into 0.145 acres of wetland and 230 linear feet of stream channel to facilitate the construction of the road. The stated purpose of the project is to construct a commercial/retail and residential mixed use development with access to NYS Route 4 and within close proximity to I-90.

To mitigate impacts to the aquatic environment, the applicant proposes to establish a total of 3.43 acres of mixed scrub-shrub and wet meadow/emergent wetland. In addition, the applicant proposes to place a restrictive covenant on the waters of the United States remaining in the project site and an upland buffer along Mill Creek.



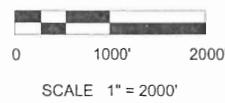
**Figure 1. Site Location**

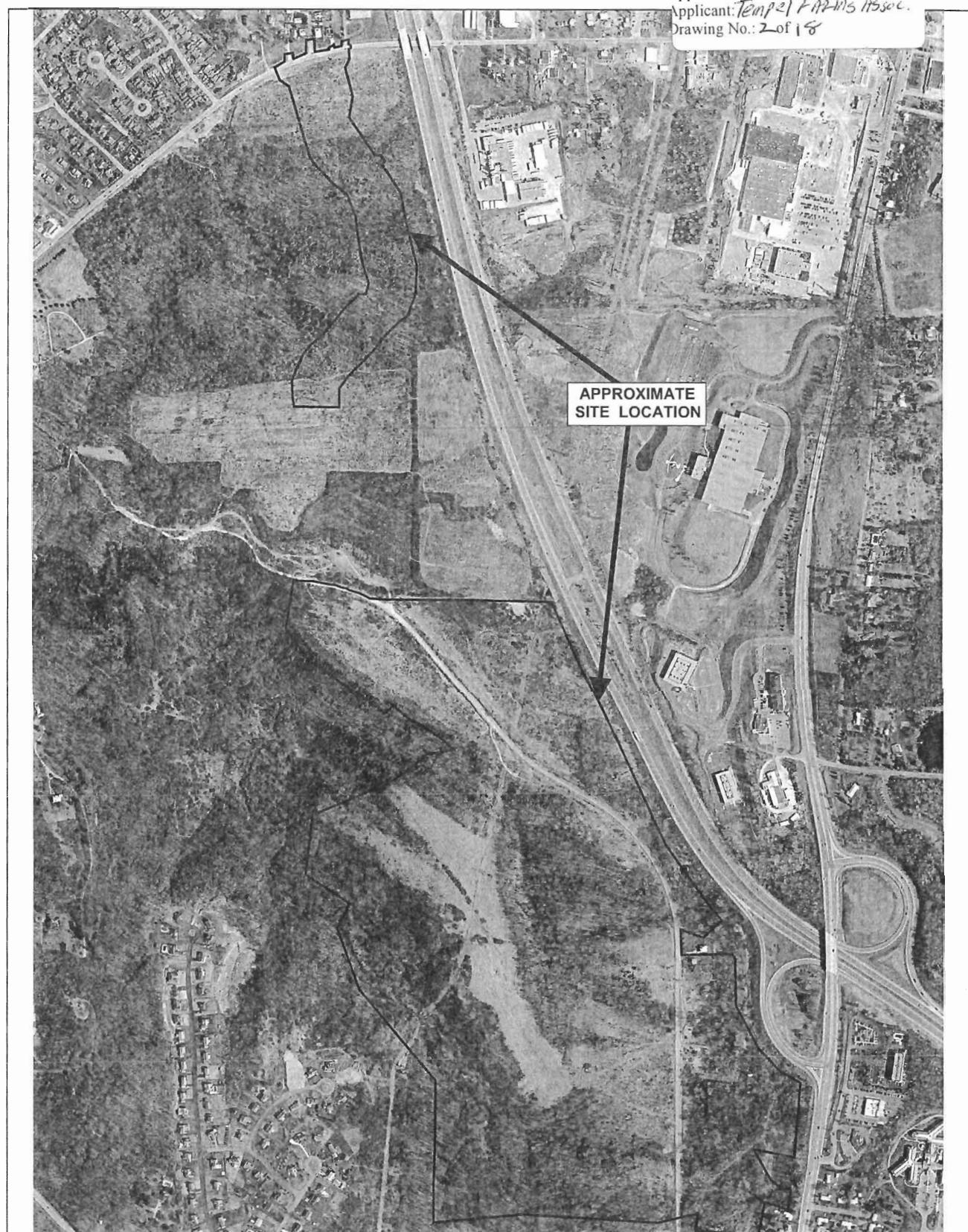
NYS DOT Topographic Map

East Greenbush & Troy South  
Quadrangles  
1993 & 1993



QUADRANGLE LOCATION





NORTH



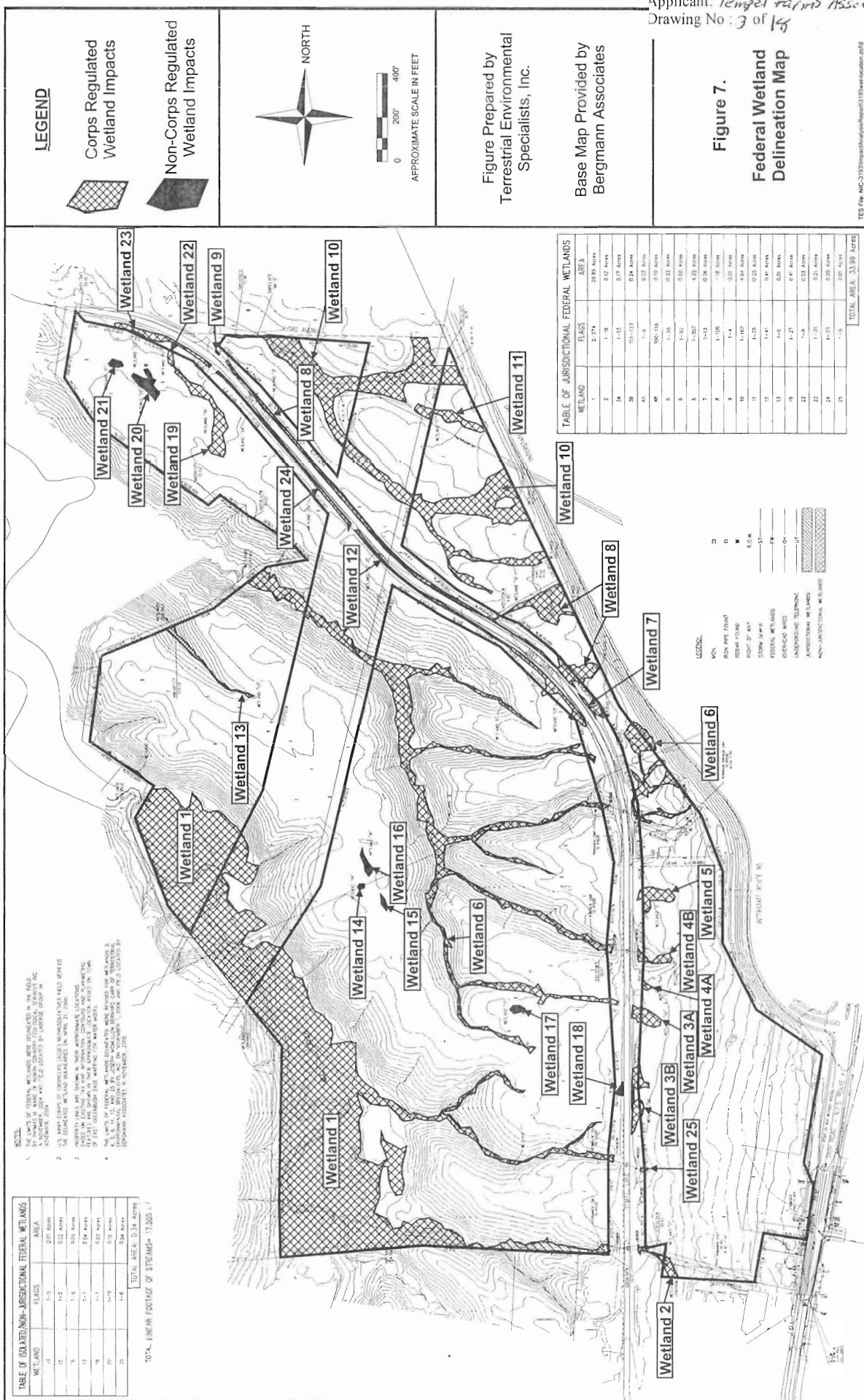
0 300' 600'

SCALE 1" = 600'

Aerial Photographs obtained  
from NYS GIS Clearinghouse  
2004

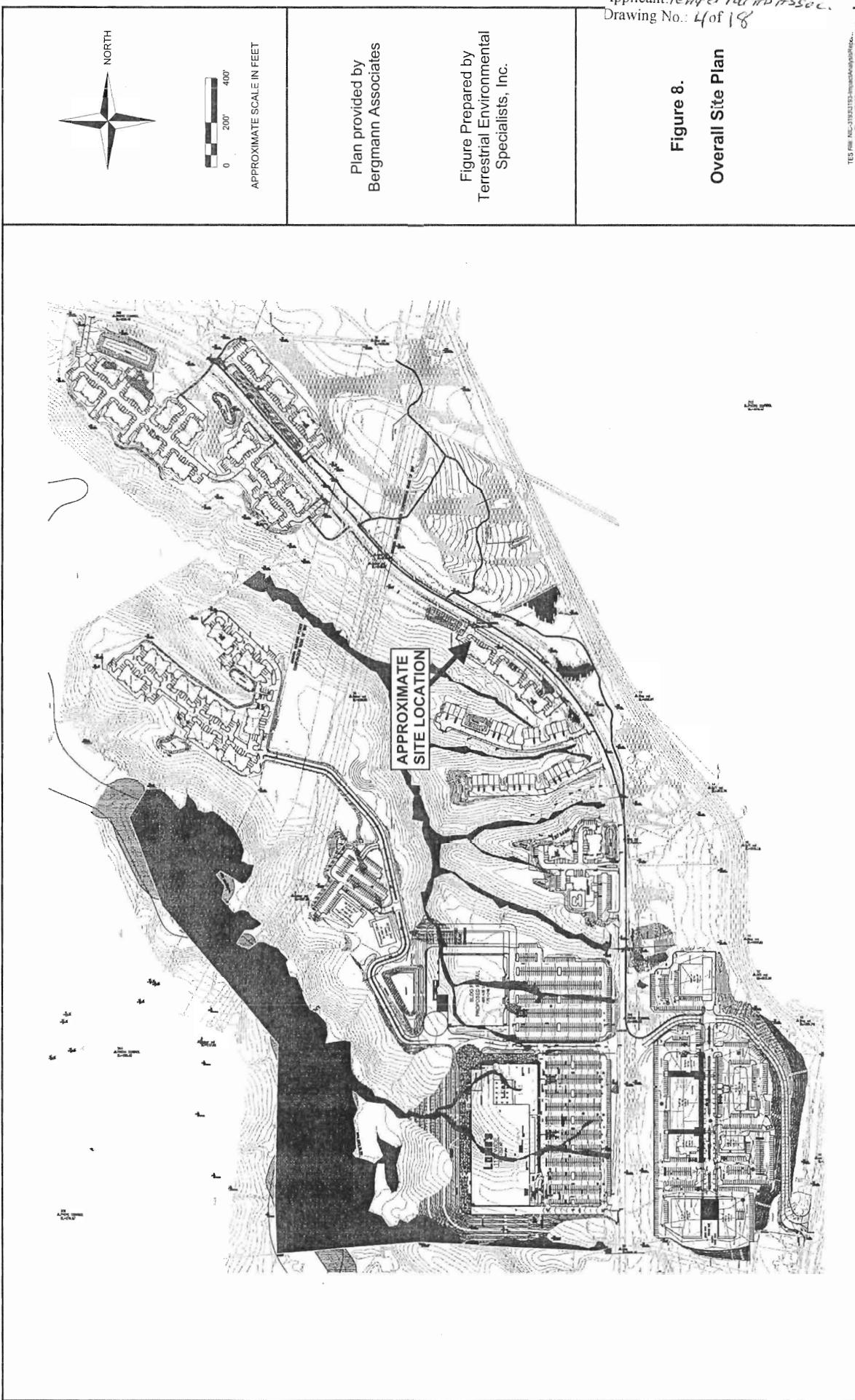
Prepared by  
Terrestrial Environmental  
Specialists, Inc.

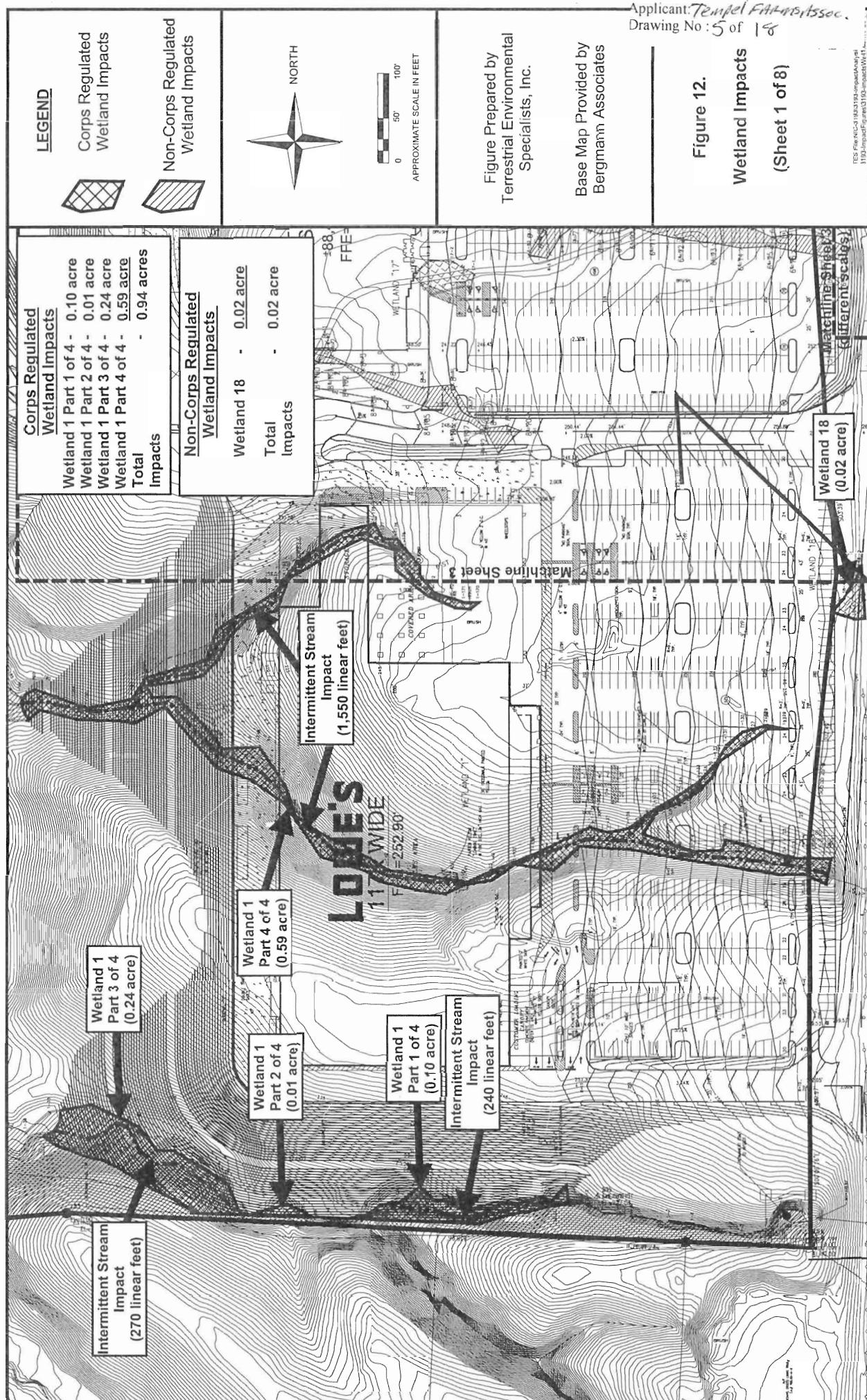
Figure 6. Aerial Photograph  
of Site



Application No.: 2007-01171  
Applicant: Temple Farms Assoc.  
Drawing No.: 4 of 18

TIS file #AC-11934750-Submittal/Map/Permit/Specs  
3/13/2014 10:42 AM - by gregory.m.schaeffer@templefarms.com





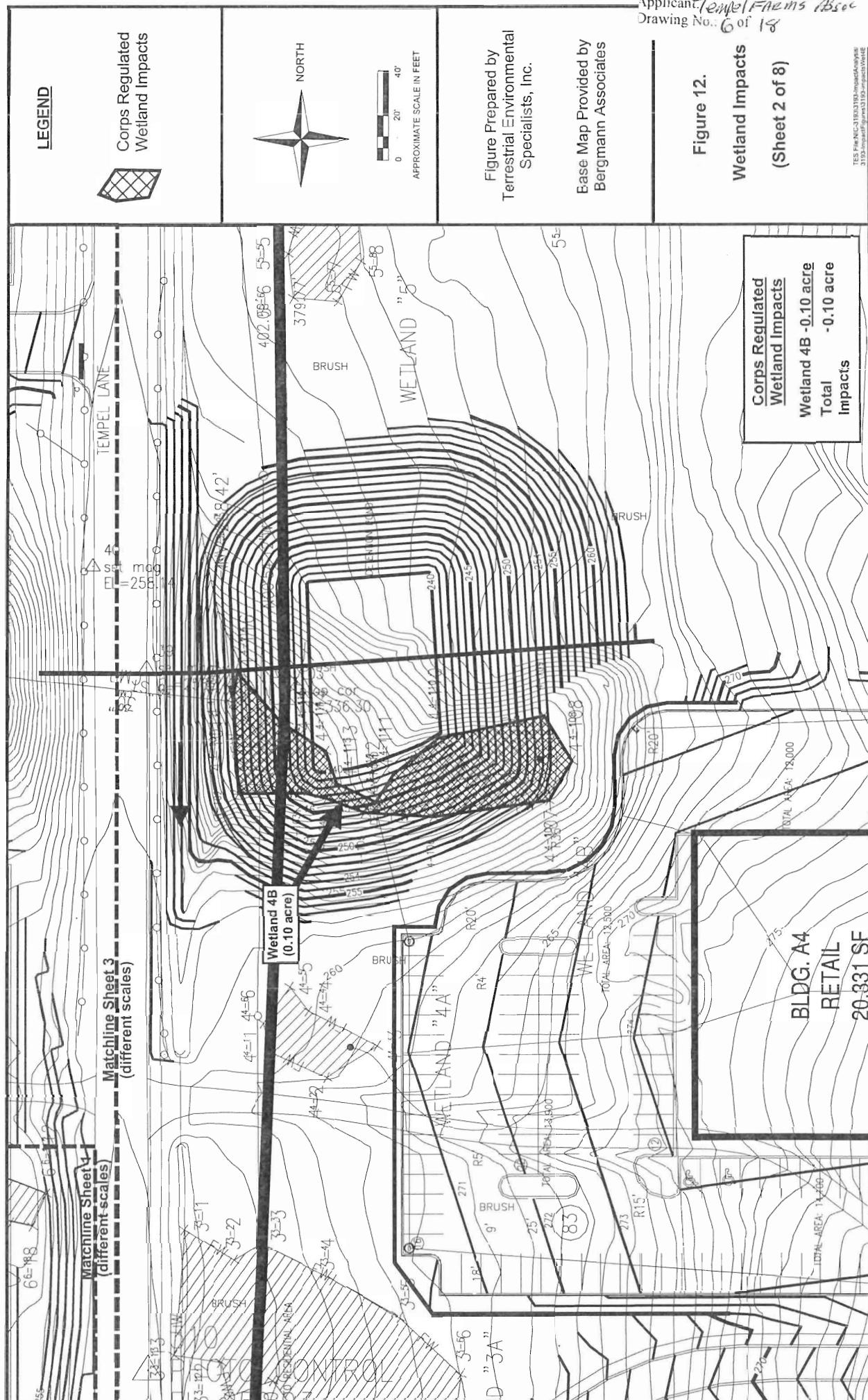
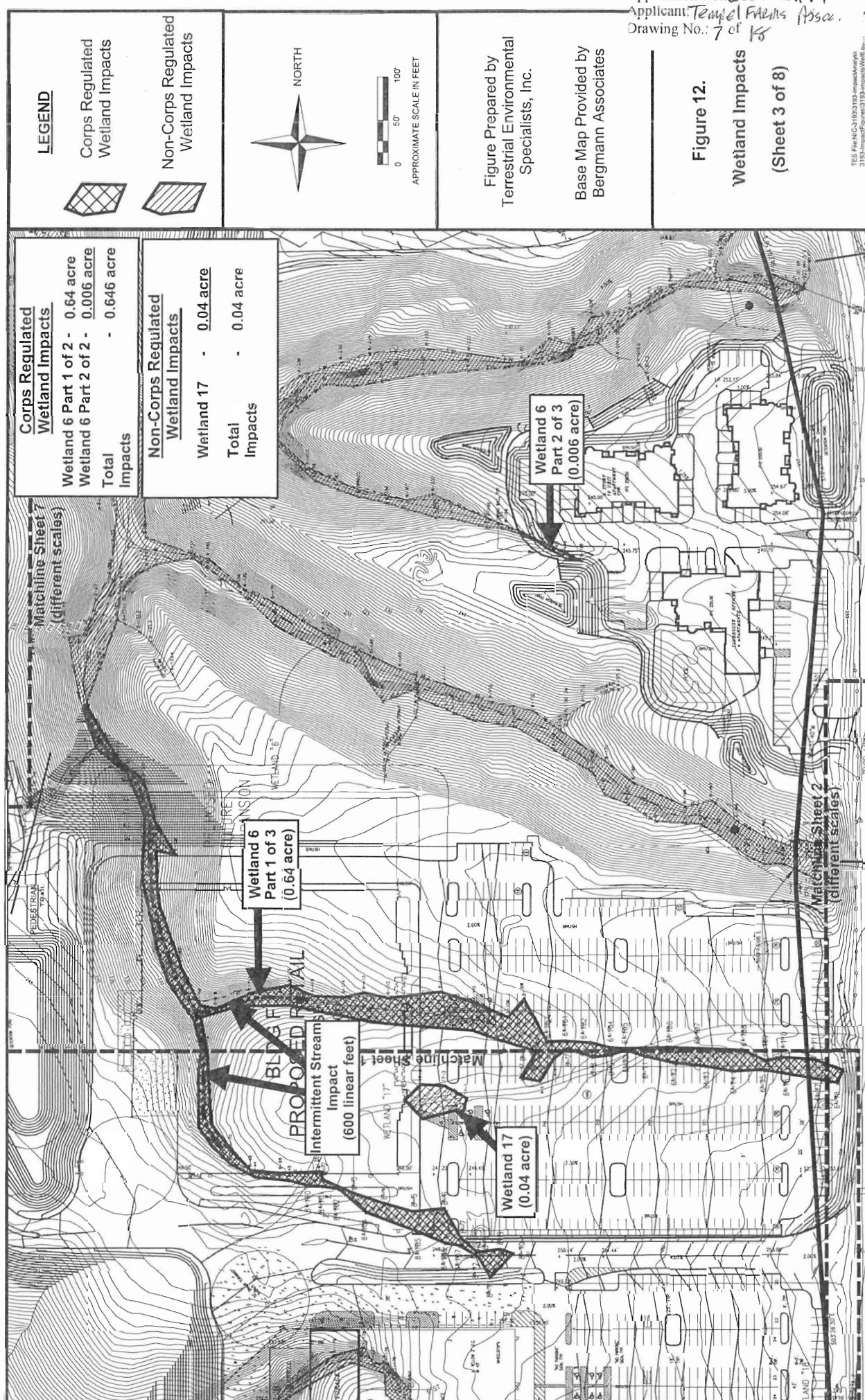
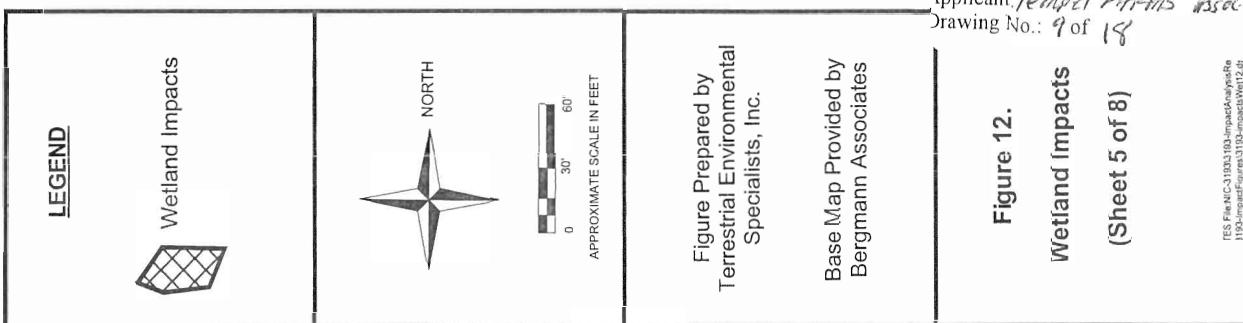


Figure 12.  
Wetland Impacts  
(Sheet 2 of 8)







LEGEND



0 100' 200'  
APPROXIMATE SCALE IN FEET

Figure Prepared by  
Terrestrial Environmental  
Specialists, Inc.

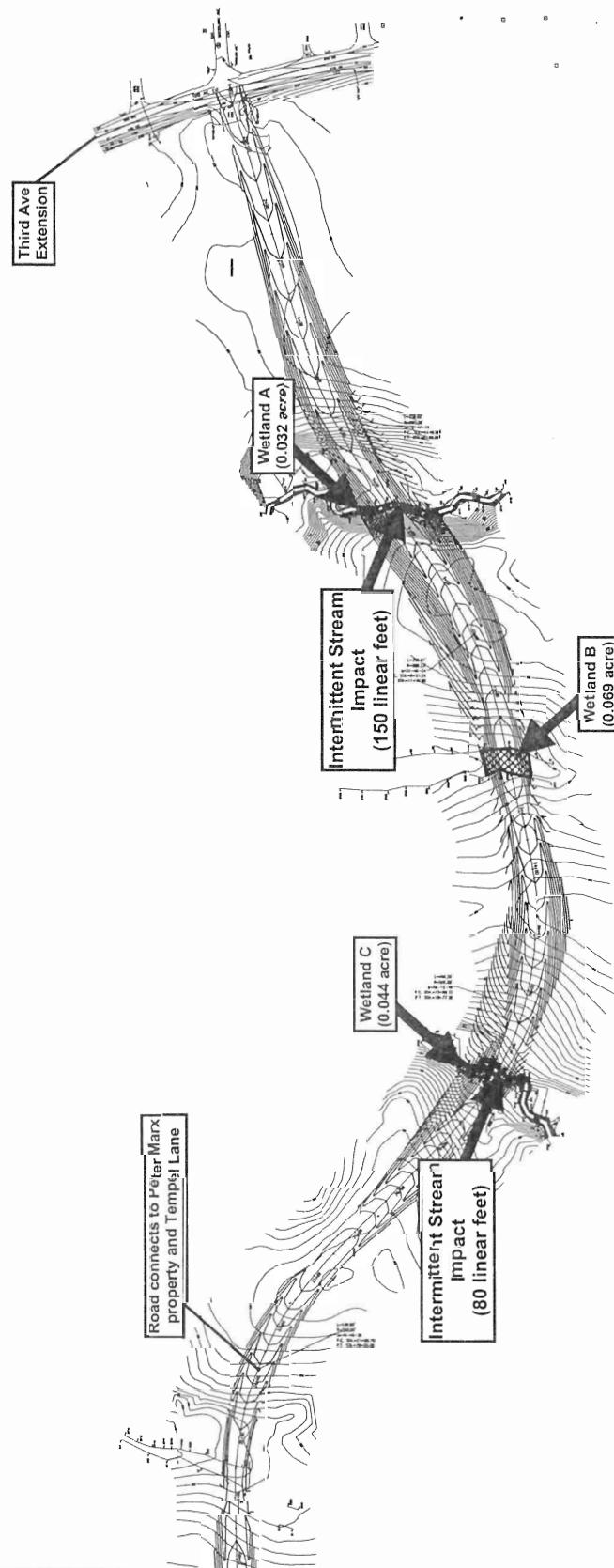
Base Map Provided by  
Bergmann Associates

Figure 12.

Wetland Impacts  
(Sheet 6 of 8)

Access Road  
Detail

Wetland Impacts Table	
Wetland A	- 0.032 acre
Wetland B	- 0.069 acre
Wetland C	- 0.044 acre
Total Impacts	- 0.145 acre



**LEGEND**



NORTH



0 20 40  
APPROXIMATE SCALE IN FEET

Figure Prepared by  
Terrestrial Environmental  
Specialists, Inc.

Base Map Provided by  
Bergmann Associates

Figure 12.

**Wetland Impacts  
(Sheet 7 of 8)**

TEC File No.: 100-1000-1000-1000-1000-1000-1000-1000  
Drawing No.: 11 of 18

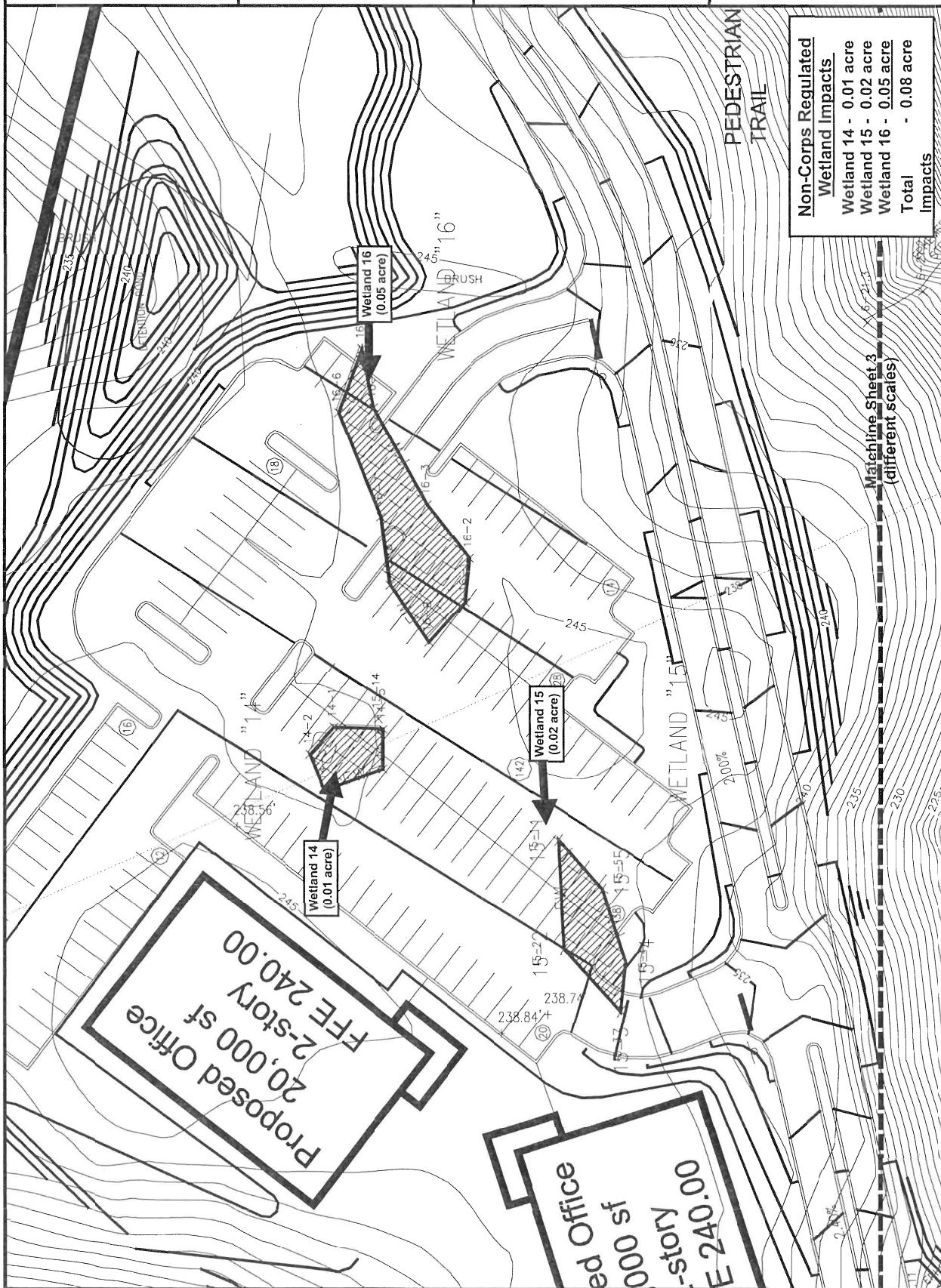
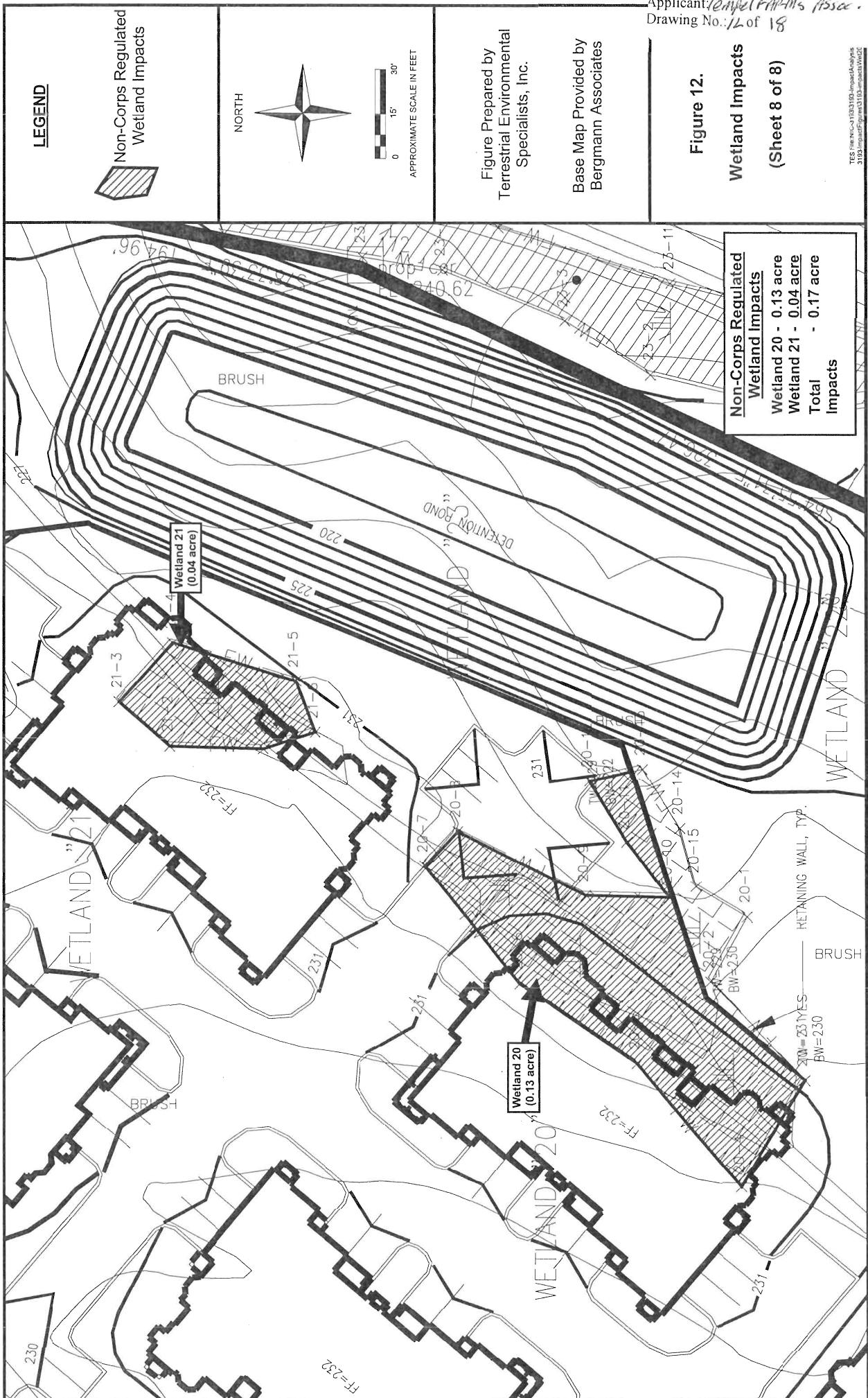
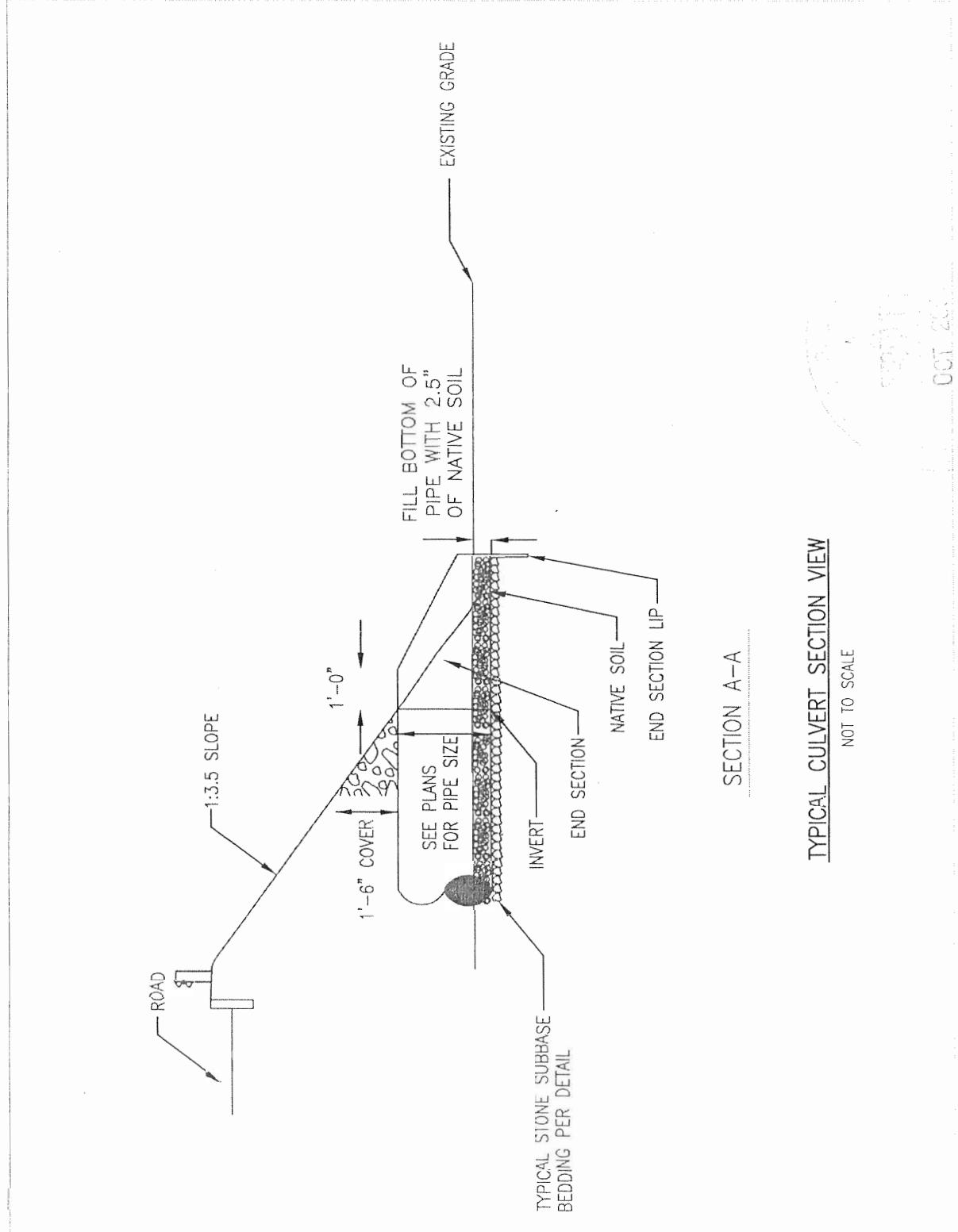
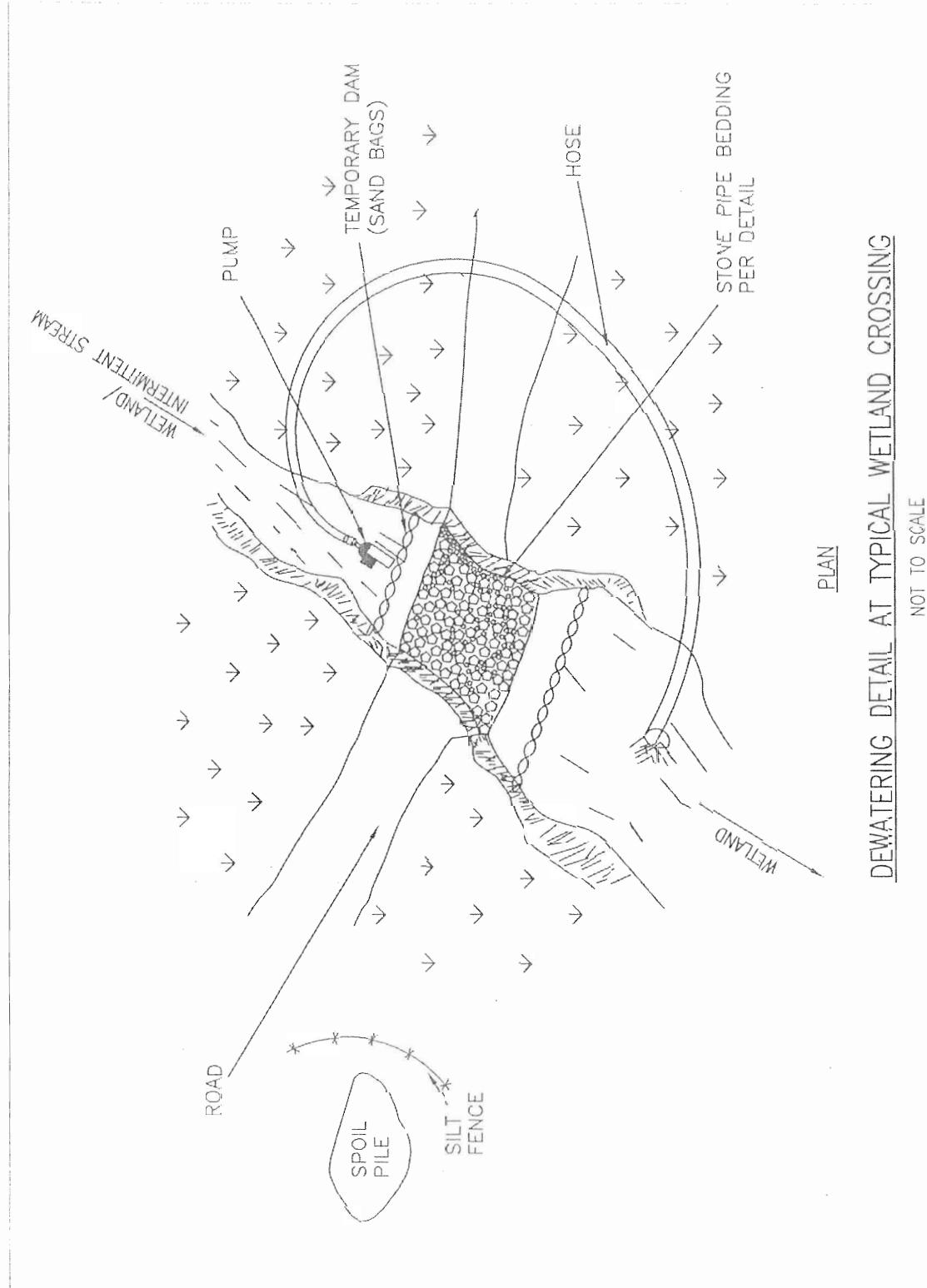


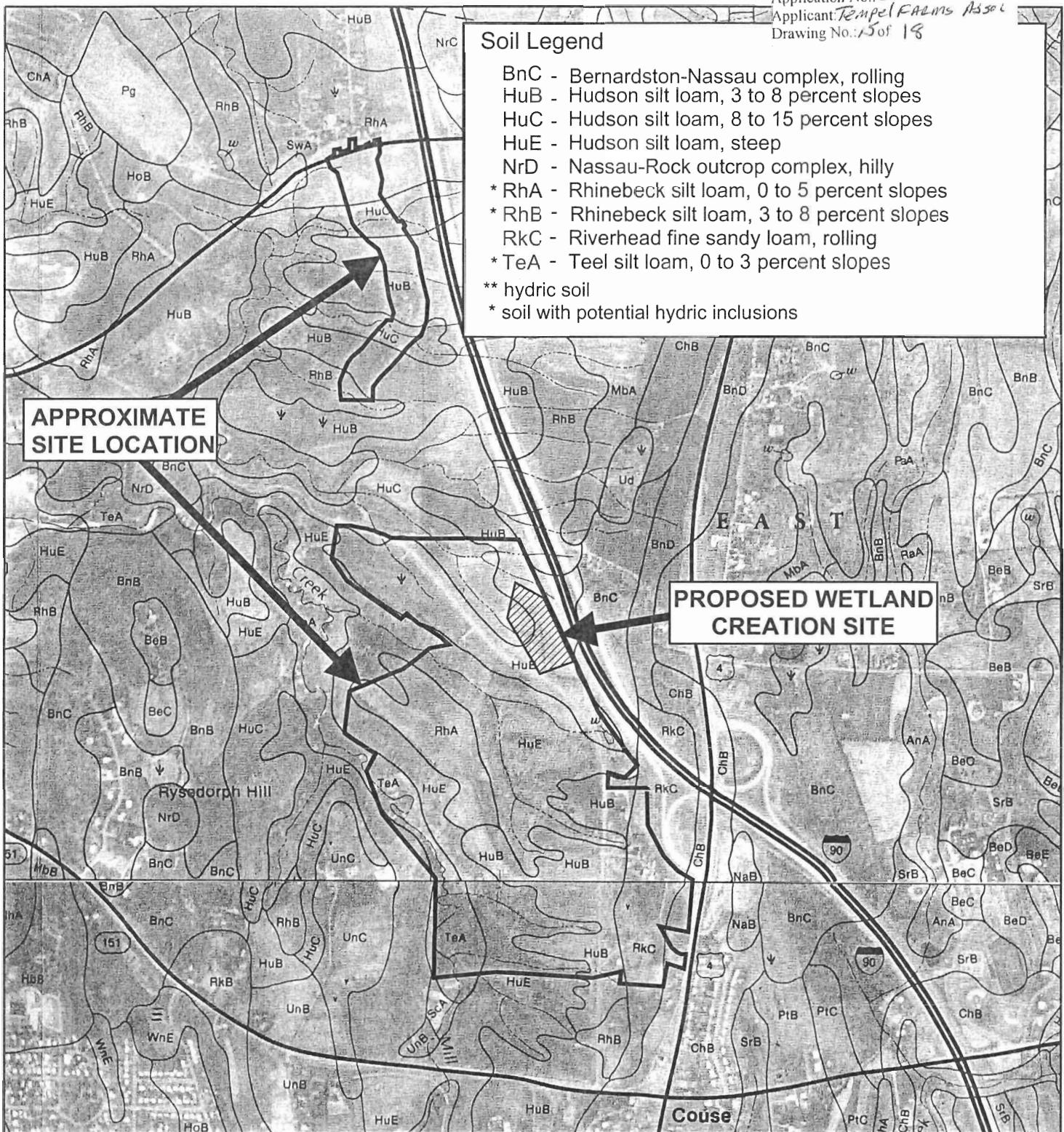
Figure 12.  
**Wetland Impacts**  
(Sheet 8 of 8)

TEC File No.: 14303108-1-000000000000  
Page: 2193 of 3103 - Wetland Works









0 660' 1320'  
 SCALE 1" = 1320'



**Figure 4. Soil Survey Map**  
 U.S. Soil Conservation Service  
 Rensselaer County Soil Survey  
 1988  
 Sheets 17 and 21

