



# 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-2016-01640-EHA  
Issue Date: December 12, 2017  
Expiration Date: January 12, 2018

## 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:** Emerald Baycrest HB Realty LLC  
c/o June Iavarone  
150 Foxhunt Crescent  
Oyster Bay Cove, New York 11791

**ACTIVITY:** To fill in an existing wetland, place approximately 6,500 cubic yards of clean, upland fill over an approximately 14,430 square foot freshwater wetland.

**WATERWAY:** Huntington Bay tributary of Long Island Sound

**LOCATION:** 30 Baycrest Drive, Town of Huntington, Suffolk 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.**

Comments submitted in response to this notice will be fully considered during the public interest

**CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2016-01640-EHA**

review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 would not affect any Federally endangered or threatened species or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, would not affect EFH or managed species.

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.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

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:

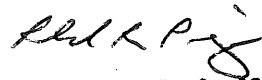
**CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2016-01640-EHA**

- 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) 790-8523 and ask for Naomi Handell.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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



**For and In behalf of**

Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, Emerald Baycrest HB Realty LLC, has requested Department of the Army authorization to place fill in a wetland and provide compensatory mitigation in a freshwater wetland adjacent to Huntington Bay, Town of Huntington, Suffolk County, New York.

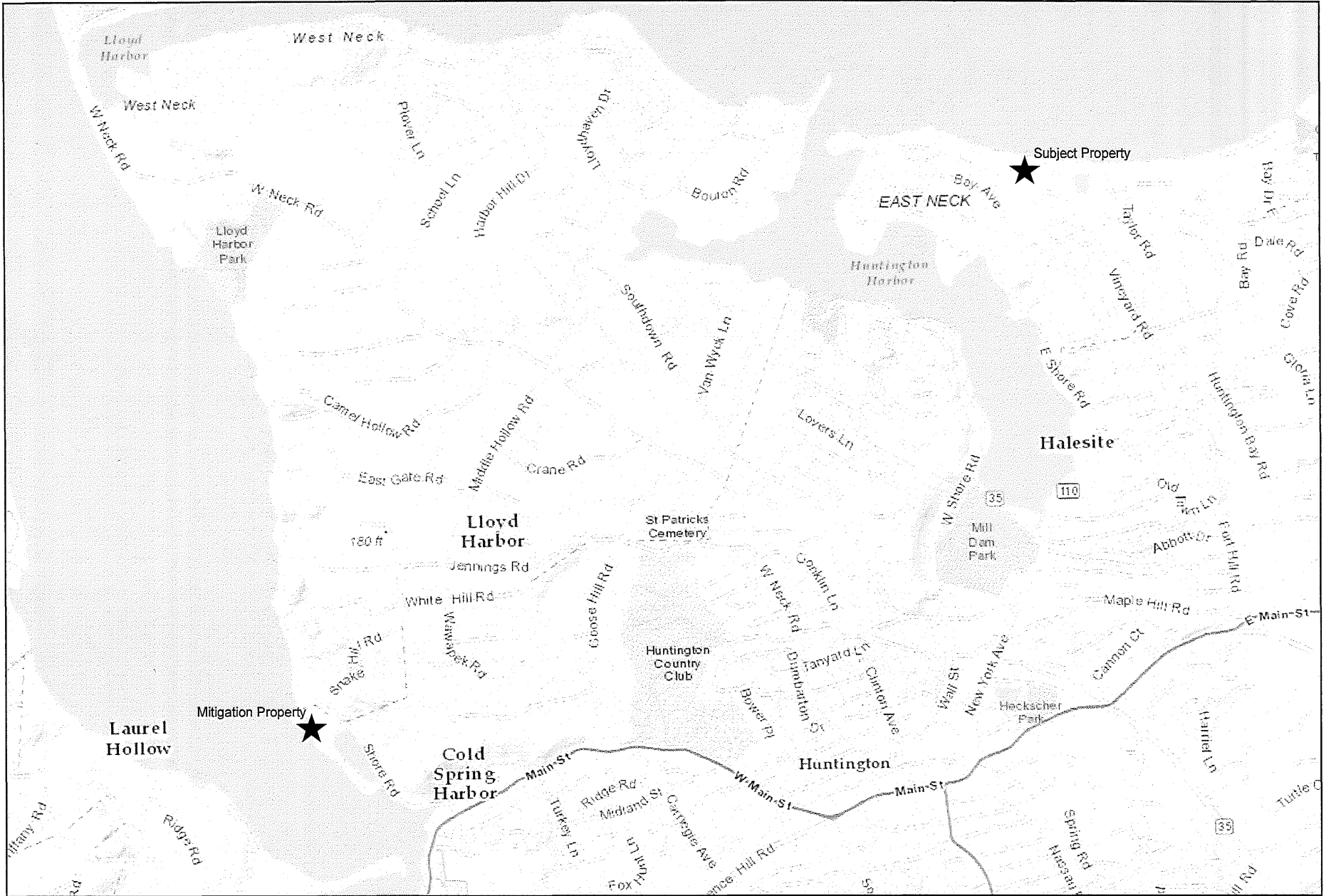
The work would involve:

The applicant proposes to place approximately 6,500 cubic yards of clean, upland fill in an approximately 14,430 square foot freshwater wetland (see Sheet 2 of 8).

As compensatory mitigation, the applicant proposes to plant, with native vegetation, an approximately 30,000 square foot wet meadow adjacent to Cold Spring Harbor at the North Shore Land Alliance property located at 95 Shore Road, Cold Spring Harbor, New York (see Sheets 7 and 8 of 8).

The applicant has stated that they have avoided, minimized and mitigated for impacts proposed to the maximum extent practicable by placing the minimum amount of fill necessary to achieve the project purpose and providing compensatory mitigation as described above.

The stated purpose of this project is to fill the existing wetland on the subject property.



**NOTES:**  
 1. USACE #NAN-2016-01640-EHA  
 2. Topographic map courtesy of ESRI and USGS.

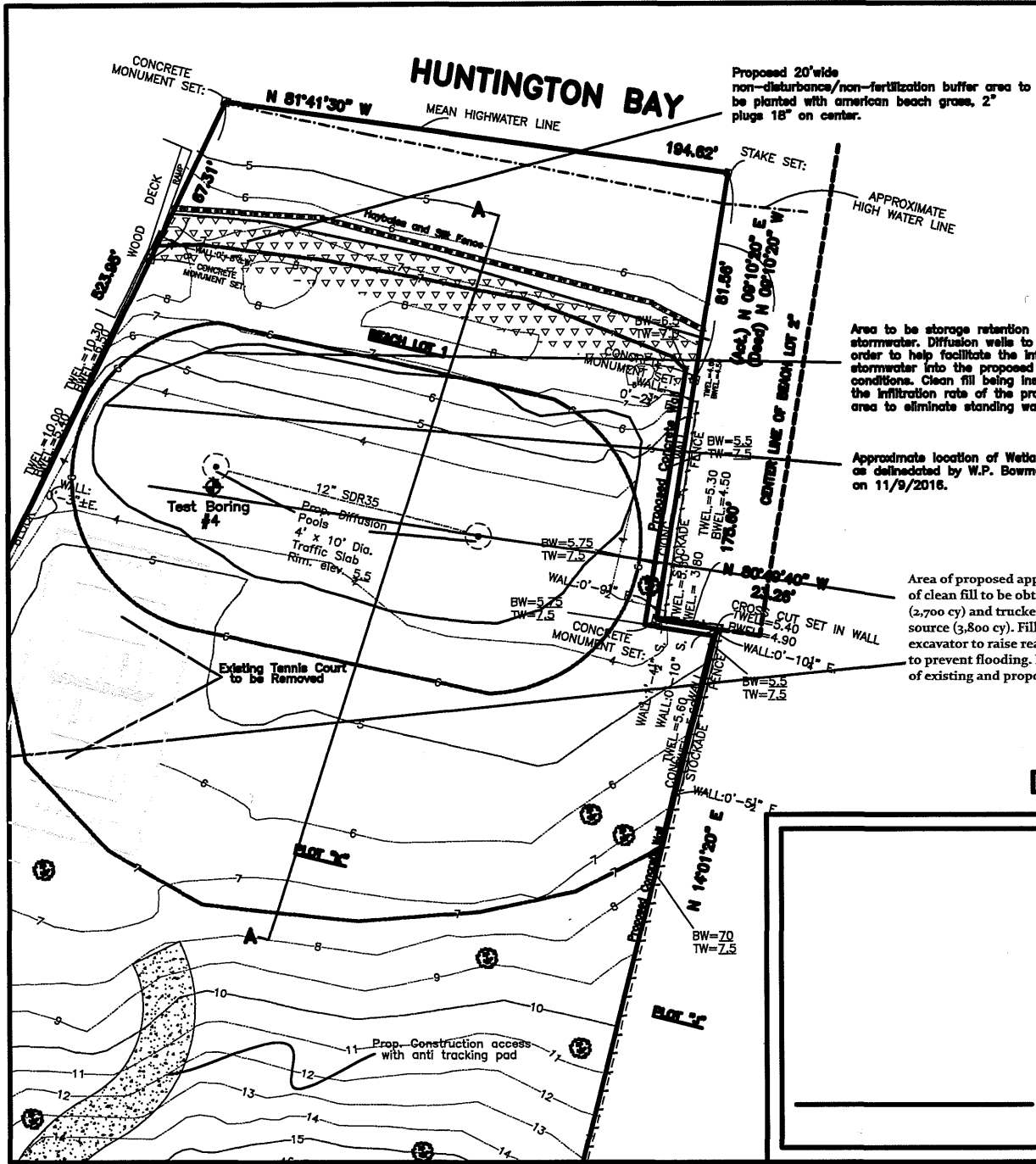
1 in = 2,512

Prepared By: Land Use Ecological Services, Inc.  
 570 Expressway Drive South, Suite 2F  
 Medford, NY 11763

Date: 10/23/2017    Revised:

Project: 30 Baycrest Drive - Huntington  
 For: Emerald Baycrest HB Realty LLC  
 150 Foxhunt Crescent, Oyster Bay Cove, NY 11791  
 SCTM # 402-03-01-26

Scale: As Noted    Sheet: MAP



Proposed 20' wide non-disturbance/non-fertilization buffer area to be planted with american beach grass, 2" plugs 18" on center.

Area to be storage retention area for stormwater. Diffusion wells to be installed in order to help facilitate the infiltration of the stormwater into the proposed ground conditions. Clean fill being installed will increase the infiltration rate of the proposed retention area to eliminate standing water.

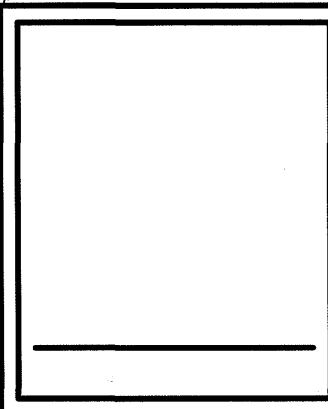
Approximate location of Wetland Delineation - as delineated by W.P. Bowman and J. Priolo on 11/9/2016.

Area of proposed approximately 6,500 cubic yards of clean fill to be obtained from onsite grading (2,700 cy) and trucked from an approved upland source (3,800 cy). Fill to be placed with an excavator to raise rear yard elevations to 7' NAVD 88 to prevent flooding. Fill to be placed 0.5' below height of existing and proposed retaining walls.

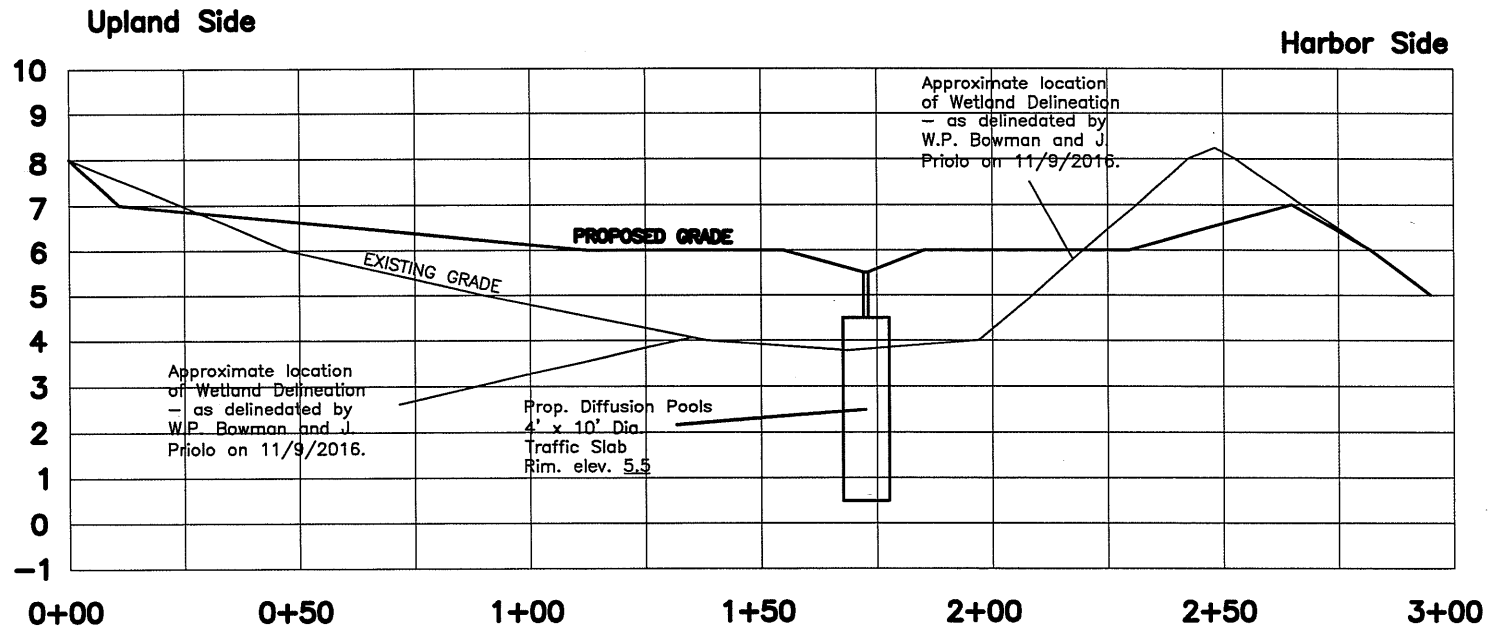
REVISED 12/1/2017  
 REVISED 8/24/2017  
 REVISED 1/24/2017  
 REVISED 10/21/2016  
 REVISED 9/14/2016

Suffolk County Tax Map Designation:

**Dist. 402 Sec. 3 Blk. 1 Lot 26**



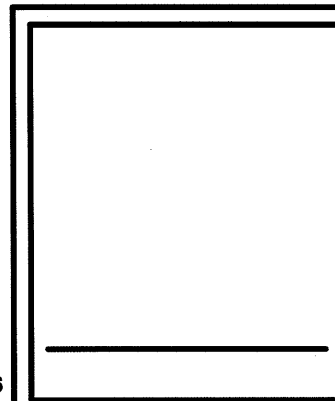
<p><b>SITE PLAN</b> <span style="border: 1px solid black; padding: 2px;">5/7</span></p> <p>Of Property Sited in The</p> <p><b>Inc. Village of Huntington Bay Suffolk County, N.Y.</b></p>		
<p>Drawn by: PJI</p>	<p>Date: 7/20/2016</p>	<p><b>BLADYKAS &amp; PANETTA L.S. &amp; P.E., P.C.</b></p> <p>23 Spring Street Oyster Bay, N.Y. 516-922-3031</p>
<p>SCALE: 1" = 60'</p>		



**SECTION A-A**

SCALE: 1" = 30'

Suffolk County Tax Map Designation:  
**Dist. 402 Sec. 3 Blk. 1 Lot 26**



REVISED 12/1/2017  
 REVISED 8/24/2017  
 REVISED 1/24/2017  
 REVISED 10/21/2016  
 REVISED 9/14/2016

<b>SITE PLAN</b>		<b>4/7</b>
Of Property Situated In The		
<b>Inc. Village of Huntington Bay Suffolk County, N.Y.</b>		
Drawn by: PJI	Date: 7/20/2016	<b>BLADYKAS &amp; PANETTA L.S. &amp; P.E., P.C.</b> 23 Spring Street Oyster Bay, N.Y. 516-922-3031
SCALE: 1" = 40'		

318

**DRAINAGE CALCULATIONS:**

Proposed Tributary Area = 66,385.9 s.f. x (.3) = 19,915.8 s.f.  
 Runoff = 19,915.8 s.f. x 6"/12 = 9,957.9 cu.f.  
 Volume of Ponding Area:  $V = ((4/3)\pi abc) \div 2$   
 Volume of Ponding Area:  $V = ((4/3)\pi (110)(1)(58)) \div 2$   
 Volume of Ponding Area:  $V = 13,355.5$  cu.f.  
 13,355.5 cu.f. - 9,957.9 = 3,397.6 cu.f. in excess drainage

**TEST BORING #2 - April 5, 2016**  
 Slacke Test Boring, Inc.

Depth		Classification Of Soil
From	To	
Ground Surface	2'	Coarse to Fine Dark Brown Topsoil into Silty Sand, some Gravel (Relocated due to obstruction at 6.0 feet below grade)
2'	4'	Fine Brown Silty Sand, some Gravel, some Clay (SM)
4'	6'	Very Fine Brown Sand and Clay (SC/CL)
6'	15'	Fine Brown Silty Sand, trace Gravel, some Dry Clay (SM)
15'	22'	Fine Brown Sand, some Silt (SM)
22'	26'	Fine Brown Silty Sand, trace Gravel (SM)
26'	32'	Fine Brown Sand, some Gravel (SW)
END OF BORING: 32'		Water Level: 16'-8" below ground surface

**Total Lot Area:**  
 254564.2 Sq. Ft.  
 5.84 Acres

NOTE: Survey information taken from map prepared by Haynes Land Surveyors, 199 Lafayette Drive, Syosset, N.Y. 11791 and last updated January 5, 2016.

NOTE: Elevations based on Suffolk County Datum, NAVD '88.

**TEST BORING #3 - April 5, 2016**  
 Slacke Test Boring, Inc.

Depth		Classification Of Soil
From	To	
Ground Surface	2'	Coarse to Fine Dark Brown Topsoil into Silty Sand, some Gravel (SM)
2'	6'	Fine Brown Silty Sand, some Clay, trace Gravel (SM)
6'	15'	Fine Brown Silty Sand, trace Clay, trace Gravel (SM/SC)
15'	17'	Fine Light Brown Sand, some Gravel (SW)
17'	22'	Fine Brown Sand, some Silt, trace Gravel (SM)
22'	32'	Fine Brown Sand, some Gravel (SW)
END OF BORING: 32'		Water Level: 28' below ground surface

**TEST BORING #1 - April 5, 2016**  
 Slacke Test Boring, Inc.

Depth		Classification Of Soil
From	To	
Ground Surface	2'	Coarse to Fine Dark Brown Topsoil into Silty Sand, some Gravel, some broken Brick (SM)
2'	6'	Fine Brown Silty Sand, some Gravel (SM)
6'	8'	Fine to Coarse Brown and Light Brown Sand, some Gravel, some Large Gravel (SW)
8'	17'	Fine to Coarse Light Brown Sand, some Gravel (SW)
17'	27'	Fine Brown and Gray Sand, some Silt, some Clay, trace Gravel (SW/SM)
END OF BORING: 27'		Water Level: 15' below ground surface

Suffolk County Tax Map Designation:

**Dist. 402 Sec. 3 Blk. 1 Lot 26**

**SITE PLAN**

Of Property  
 Situated In The

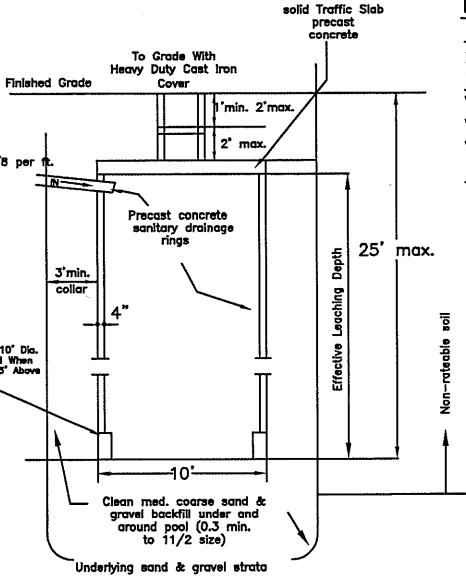
**Inc. Village of Huntington Bay**  
**Suffolk County, N.Y.**

Drawn by: PJI  
 Date: 7/20/2016

**BLADYKAS & PANETTA**  
 L.S. & P.E., P.C.

SCALE: 1" = 40'

23 Spring Street  
 Oyster Bay, N.Y.  
 516-922-3031



**DIFFUSION POOL DETAIL**  
**WITH TRAFFIC SLAB**

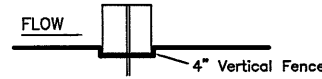
**TEST BORING #4 - October 14, 2016**  
 Slacke Test Boring, Inc.

Depth		Classification Of Soil
From	To	
Ground Surface	2'	Coarse to Fine Dark Brown Topsoil with Organics into Silty Sand, some Fine to Small Gravel (SM)
2'	4'	Fine Brown Silty Sand, some Fine to Small Gravel, some Clay (SM)
4'	6'	Fine to Coarse Light Brown and Gray Silty Sand, some Fine to Small Gravel (SM)
6'	10'	Coarse Gray and Brown Sand, trace Clay, some Fine to Small Gravel (SW)
10'	15'	Coarse Gray Sand, some Fine to Large Gravel (SW/GW)
15'	21'	Coarse Dark Brown PEAT, some Clay (PT)
21'	22'	Coarse Brown and Gray Sand and Clay (PT)
22'	27'	Gray and Pink Clay (CL)
END OF BORING: 27'		Water Level: At Grade

REVISED 12/1/2017  
 REVISED 8/24/2017  
 REVISED 1/24/2017  
 REVISED 10/21/2016  
 REVISED 9/14/2016

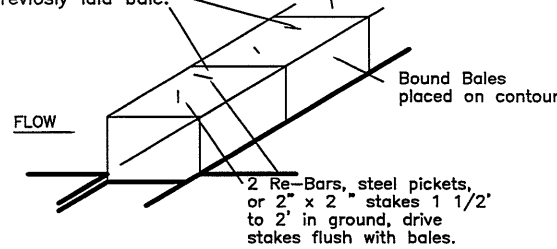


### STRAW BAIL DIKE DETAIL



#### BEDDING DETAIL

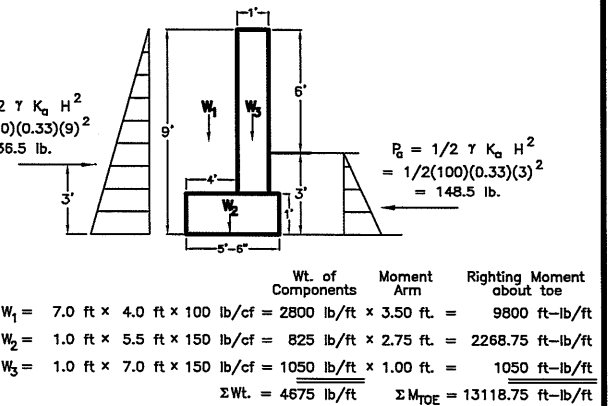
Angle first stake toward previously laid bale.



#### ANCHORING DETAIL

Drainage area no more than 1/4 ac. per 100ft. of straw bale dike for slopes less than 25%.

1. Bales shall be placed at the toe of a slope or on the contour and in a row with ends tightly abutting the adjacent bales.
2. Each bale shall be embedded in the soil a min. of 4", and placed so the bindings are horizontal.
3. Bales shall be securely anchored in place by either two stakes or re-bars driven through the bale. The first stake in each bale shall be driven toward the previously laid bail at an angle to force the bales together. Stakes shall be driven flush with the bale.
4. Inspection shall be frequent and repair replacement shall be made promptly as needed.
5. Bales shall be removed when they have served their usefulness so as not to block or impede storm flow or drainage.



F.S. SLIDING =  $\frac{\text{Resisting Forces}}{\text{Sliding Forces}} = \frac{4675 \text{ lb} (0.6) + 148.5 \text{ lb}}{1336.5 \text{ lb}}$

F.S. = 2.21  
F.S. = 2.21 > 1.5 GOOD

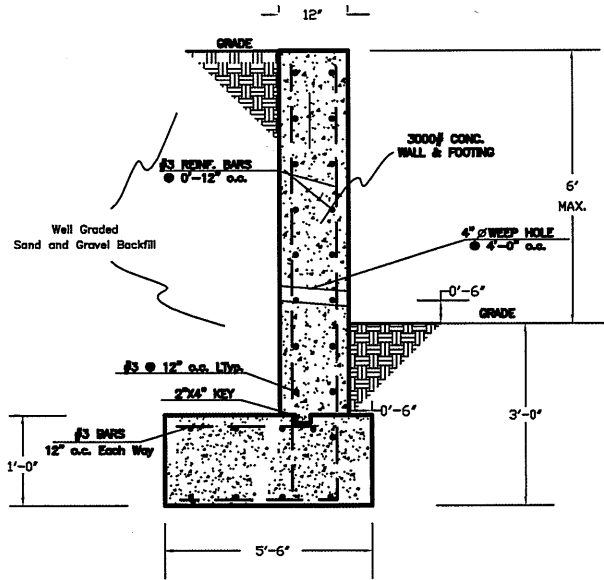
F.S. OVERTURNING =  $\frac{\text{Resisting Forces}}{\text{Overturning Forces}} = \frac{13118.75 \text{ ft-lb/ft} + 148.5 \text{ lb} \times 1 \text{ ft}}{1336.5 \text{ lb} (3')}$

F.S. = 3.31  
F.S. = 3.31 > 1.5 GOOD

#### CONCRETE WALL CALCULATIONS

Suffolk County Tax Map Designation:

Dist. 402 Sec. 3 Blk. 1 Lot 26



#### CONCRETE WALL DETAIL

### SITE PLAN

Of Property  
Sited In The

Inc. Village of Huntington Bay  
Suffolk County, N.Y.

Drawn by:  
PJI

Date:  
7/20/2016

BLADYKAS & PANETTA  
L.S. & P.E., P.C.

SCALE: 1" = 40'

23 Spring Street  
Oyster Bay, N.Y.  
516-922-3031

REVISED 12/1/2017  
REVISED 8/24/2017  
REVISED 1/24/2017  
REVISED 10/21/2016  
REVISED 9/14/2016

2/7

518

## SEED GROUND COVER DETAIL

### TOPSOIL

1. Topsoil shall have at least 2% by weight of fine texture stable organic material, and no greater than 5%. Muck soil shall not be considered topsoil.
2. Topsoil shall have not less than 20% fine textured material (passing the No.200 sieve) and not more than 15% clay.
3. Topsoil treated with soil sterilants or herbicides shall be so identified to the purchaser.
4. Topsoil shall be relatively free of stones over 1 & 1/2 inches, trash, noxious weeds such as nutsedge and quackgrass, and will have less than 10% gravel by volume.
5. Topsoil containing soluble salts greater than 500 ppm shall not be used.

### SEEDING

Empire birdsfoot trefoil	8lbs/ac.	0.20lbs/1,000sq.ft.
or Common white clover	8lbs/ac.	0.20lbs/1,000sq.ft.
Tall fescue	20lbs/ac.	0.45lbs/1,000sq.ft.
PLUS		
Redtop or	2lbs/ac.	0.05lbs/1,000sq.ft.
Ryegrass(perennial)	5lbs/ac.	0.10lbs/1,000sq.ft.

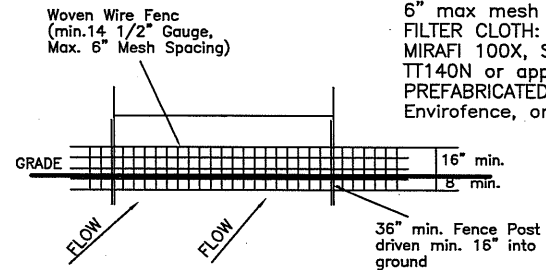
Note: For Empire birdsfoot trefoil or Common white clover, add inoculant immediately prior to seeding.

### CONSTRUCTION SPECIFICATIONS

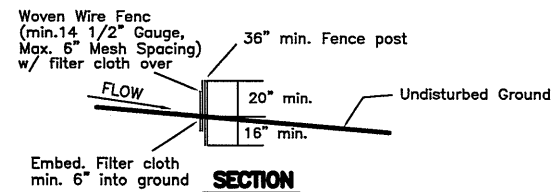
1. Finished land surface will be graded as shown on grading plan.
2. The fill slope is not to exceed 1.6:1.
3. Topsoil will be removed from areas to be graded and stockpiled on location.
4. Areas to be filled will be cleared and grubbed.
5. Fill will consist of clean sand with gravel and will be placed in layers beginning at the toe and extending to the limits of the disturbed bank.
6. Straw bale dikes to be placed at 25 ft. intervals on the contour along the bank prior to placement of topsoil.
7. After fill and straw bale dike construction the drainage facilities may be installed.
8. Slope to be scarified where necessary for application of topsoil.
9. Topsoil to be distributed to a uniform depth over the area. The topsoil shall be promptly fertilized, seeded, mulched, and stabilized by "tracking" with suitable equipment.
10. Apply topsoil to a depth of 2 inches. Lime to a pH of 6.0. Fertilize with 600 lbs. of 5-10-10 or equivalent per acre.
11. Seed to be applied uniformly by hydroseeding. Straw (small grain) mulch applied at 2 tons/acre (90lbs/1,000sq.ft.) and anchored with wood fiber mulch (hydromulch) at 500-750lbs/acre (11-17lbs/1,000sq.ft.). The wood fiber mulch must be applied through a hydroseeder immediately after mulching.
12. Hay bales shall not be removed until full growth of the hydroseeded embankment has been established and approved and the embankment has been inspected by the Engineering Section of Planning and Development.
13. All washed out and rutted areas on the embankment are to be filled in with topsoil and reseeded until full growth of the hydroseed has been established for the embankment.
14. Watering will be dictated by weather conditions with 1 to 2 inches of water per application.
15. All grading and landscaping disturbed on neighboring properties as a result of existing erosion, construction or revegetation of the embankment, will be restored by the contractor prior to issuance of certificate of completion.

REVISED 12/1/2017  
 REVISED 8/24/2017  
 REVISED 1/24/2017  
 REVISED 10/21/2016  
 REVISED 9/14/2016

## SILT FENCE DETAIL



PERSPECTIVE VIEW



1. Woven wire fence to be fastened securely to fence posts with wire ties or staples.
2. Filter cloth to be fastened securely to woven wire fence with ties spaced every 24" at top and mid section.
3. When two sections of filter cloth adjoin each other they shall be overlapped by 6" and folded.
4. Maintenance shall be performed as needed and material removed when "bulges" develop in silt fence.

**NOTE: An estimated amount of 6,500 cubic yards of fill needed on site.**  
**Each truck will bring approximately 20 cubic yards of fill per trip.**

Number of Total Trucks:  
 20 Cubic Yards per Truck  
 Total Fill Needed: 6,500 cubic yards  
 6,500 cubic yards ÷ 20 cubic yards/truck = 325 Total Truck Loads Required

Suffolk County Tax Map Designation:  
**Dist. 402 Sec. 3 Blk. 1 Lot 26**

## SITE PLAN

Of Property  
 Situated In The  
**Inc. Village of Huntington Bay  
 Suffolk County, N.Y.**

Drawn by: PJI  
 Date: 7/20/2016

**BLADYKAS & PANETTA  
 L.S. & P.E., P.C.**

SCALE: 1" = 40'

23 Spring Street  
 Oyster Bay, N.Y.  
 516-922-3031

3/7

6/8

## Phase 2: Wet Meadow Enhancement

---

Within the boundaries of the upland area are two or three relatively small areas that appear to have moist or saturated soils with standing water present for brief to moderate periods during the growing season. These sunny, poorly drained areas may be well suited for native plants that can grow well in moist or wet locations.

Some of the plant species included in the Phase 1 tall grass seed mix can grow well in and around wet meadows, such as big bluestem, switchgrass, and eastern gamagrass. Planting additional species that are suited for wet meadows would further enhance the wildlife values of this habitat. Additional wet meadow species include bluejoint grass (*Calamagrostis canadensis*), spotted Joe-Pye weed (*Eupatorium maculatum*), Canada manna grass (*Glyceria canadensis*), narrow-leaf cattail (*Typha angustifolia*), and swamp milkweed (*Asclepias incarnata*). These species can be planted as seeds or plugs. Wet meadow plants in the form of plugs would be an additional cost.

As stated above, it may be the most cost-effective and beneficial for the establishment of native vegetation overall to implement phases 1 and 2 concurrently.

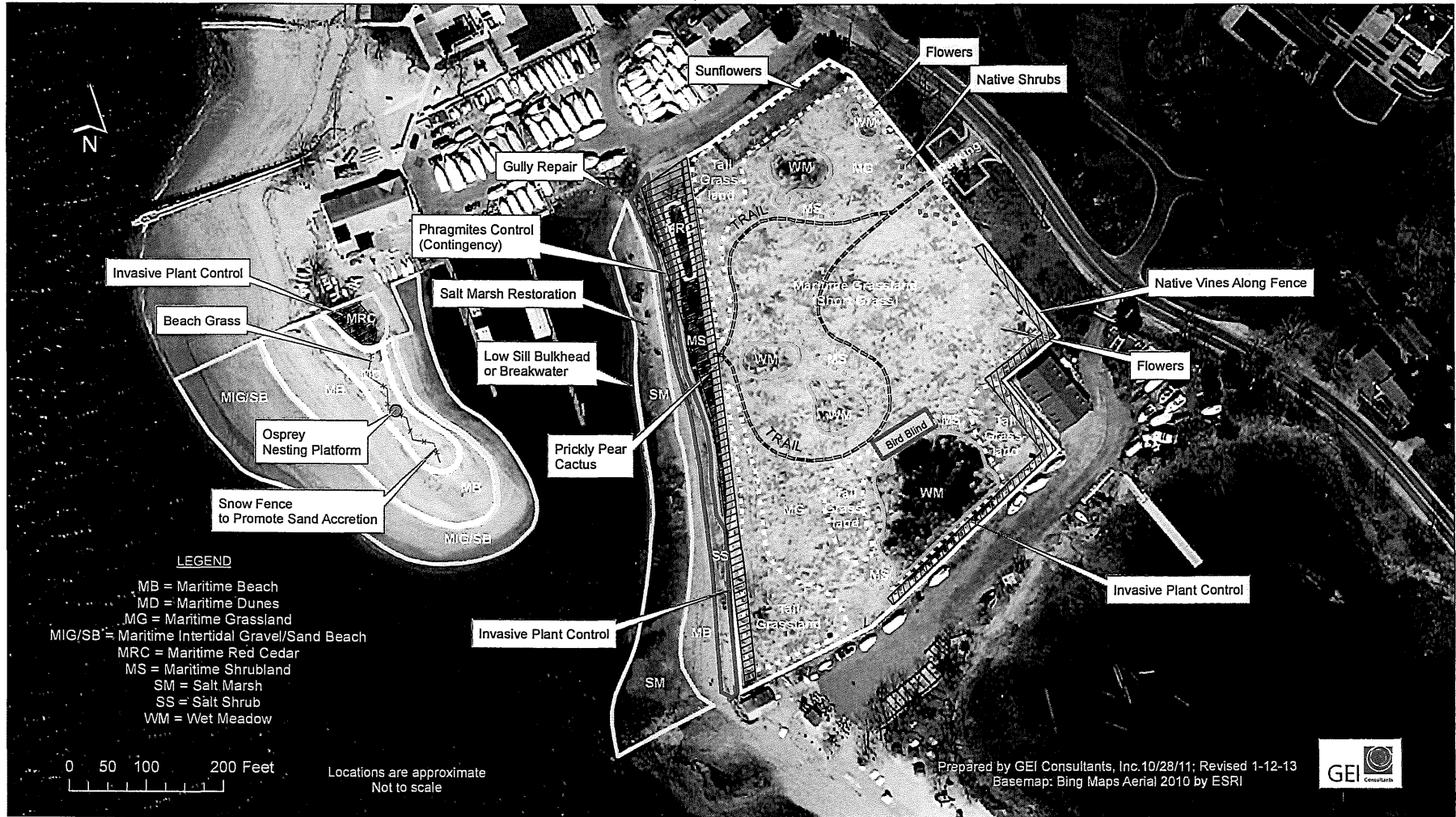
### Phase 2 Estimated Costs, Including Installation

Invasive Plant Control	\$ 1,700.00
Wet Meadow Seeds (for ~30,000 square feet of area)	700.00
Bluejoint Grass ( <i>Calamagrostis canadensis</i> ) 0.5 lb	
Canada Manna Grass ( <i>Glyceria canadensis</i> ) 0.5 lb.	
Spotted Joe-Pye Weed ( <i>Eupatorium maculatum</i> )	
Swamp Milkweed ( <i>Asclepias incarnata</i> )	
Compost	<u>2,150.00</u>
TOTAL	<u>\$ 4,550.00</u>

NAN-2016-01640-EM

# CONCEPT PLAN

## North Shore Land Alliance - Former ExxonMobil Site



8/8