



# 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-2017-00490-ESW  
Issue Date: January 2, 2018  
Expiration Date: February 1, 2018

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

**APPLICANT:** Thomas Bulzoni  
24 Orchard Neck Court  
Center Moriches, New York  
(631) 878-2456

**ACTIVITY:** Place fill and construct seaward bulkhead to partially close a boat slip; remove bulkhead and replace landward; construct a new float assembly.

**WATERWAY:** Orchard Neck Creek, a tributary of Moriches Bay

**LOCATION:** Town of Brookhaven, 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.

**PLEASE USE THE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE**

**CENAN-OP-RE  
PUBLIC NOTICE NO. NAN-2017-00490-ESW**

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 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 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.

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, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

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 has obtained a water quality certificate from the New York State Department of Environmental Protection dated 13 June 2017 file number #1-4722-4890/00002.

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

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with, the approved state coastal zone management program. The proposed work received General Concurrence from the New York State Department of State dated 25 August 2017 file number F-2017-0294. 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 the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation, file #1-4722-04890/00002

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 Kendall Miller at (917) 790-8533.

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

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### WORK DESCRIPTION

The applicant, Thomas Bulzoni, has requested Department of the Army authorization to place fill to partially close an existing boat slip, remove existing bulkhead and replace landward, and construct a new float assembly. The project is located in Orchard Neck Creek, a tributary of Moriches Bay, Town of Brookhaven, Suffolk County, New York.

#### **The work would involve:**

a) Partial boat slip closure – Construct 30-feet of bulkhead 13-feet seaward of existing and place 101 cubic yards material from on-site excavation to partially close the back portion of an existing 29-foot wide by 44-foot-long boat slip. The reconfigured boat slip will measure 30-feet-wide by 25-feet-long.

b) Bulkhead removal and replacement – Remove a total of 248-linear feet of existing bulkhead and replacement with a total of 148-linear feet of bulkhead and construction of one new 21-foot return at the southern end of the property. The bulkhead running parallel to the waterbody will be replaced approximately 6 to 12-feet landward of the existing. At the southern end of the property line, the replaced bulkhead will be even with the adjacent property owner's bulkhead.

Minor changes in the dimensions and locations of existing boat slip and boat ramp will result from the landward replacement of the bulkhead. The boat slip will be reduced in length due to the landward replacement of the bulkhead as well as the partial closure of the slip, and the bulkhead located on either side of the existing boat slip will be replaced immediately landward of existing at a perpendicular angle to the adjacent bulkhead. An existing 14-foot-wide by 20-foot-long wooden boat ramp located on the northern side of the property line will be removed and replaced 7-feet landward of existing location.

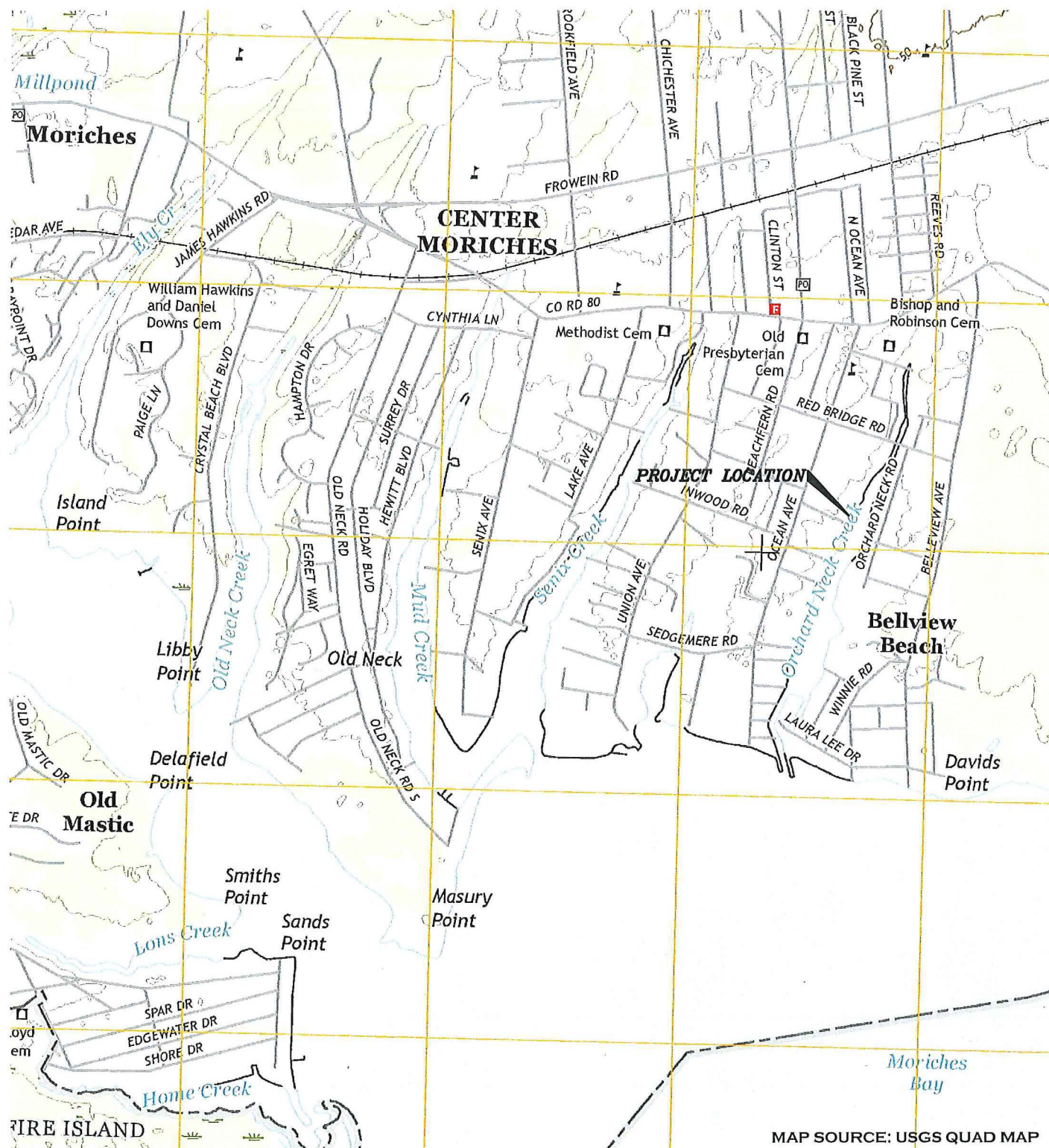
The excavation of land immediately in-front of the replaced bulkhead by excavator with clam shell bucket will result in the removal of approximately 101 cubic yards of material and the creation of approximately 671-square feet of waters.

c) Construction of float assembly – Construction of a new ramp and float assembly within the center of the 30-foot-wide by 25-foot-long boat slip. The assembly consists of one (1) 3-foot-wide by 10-foot-long ramp leading from the bulkhead to one (1) 6-foot-wide by 20-foot-long float, to another 6-foot-wide by 20-foot-long float, all secured by three (3) new 10-inch-diameter timber float piles.

The applicant has stated that they have avoided, minimized, and mitigated for proposed impacts to the maximum extent practicable by designing the proposed project with the minimum amount of disturbance necessary to reconfigure the boat slip and designing the plan to have no net loss of Water of the United States.

The stated purpose of this project is to maintain existing bulkhead; reconfigure the existing shoreline; and provide water access for purposes of recreation.





MAP SOURCE: USGS QUAD MAP

**PROPOSED ACTIVITIES:**

1. REMOVE EXISTING 248 L.F. BULKHEAD
2. INSTALL 148 L.F. OF DROP WALE BULKHEAD & A 21' RETURN LANDWARD OF EXISTING BULKHEAD TO STAY WITHIN PROPERTY LINES.
3. REPLACE EXISTING 14"x20' BOAT RAMP WITHIN PROPERTY LINE. (54 L.F. OF BULKHEAD ON THE NORTHERLY, WESTERLY & SOUTHERLY SIDES)
4. DECREASE BOAT SLIP SIZE TO 25'x30'.  
\*\*90 C.Y. OF BOAT SLIP FILL IS EQUIVALENT TO LANDWARD SHIFT OF BULKHEAD\*\*
5. INSTALL (2) 6'x20' FLOATING DOCKS IN BOAT SLIP WITH A 3'x10' ALUMINUM RAMP & (3) 10'x35' CCA PILES
6. INSTALL 54 L.F. OF 10' WIDE BOARDWALK LANDWARD OF NEW BULKHEAD
7. INSTALL 80 L.F. OF 4' WIDE BOARDWALK LANDWARD OF NEW BULKHEAD.
8. INSTALL 47 L.F. OF 2' WIDE CAPPING LANDWARD OF NEW BULKHEAD.
9. PLANT NON FERTILIZER DEPENDANT VEGETATION ADJACENT TO 4' WIDE BOARDWALKS.

**VICINITY MAP**

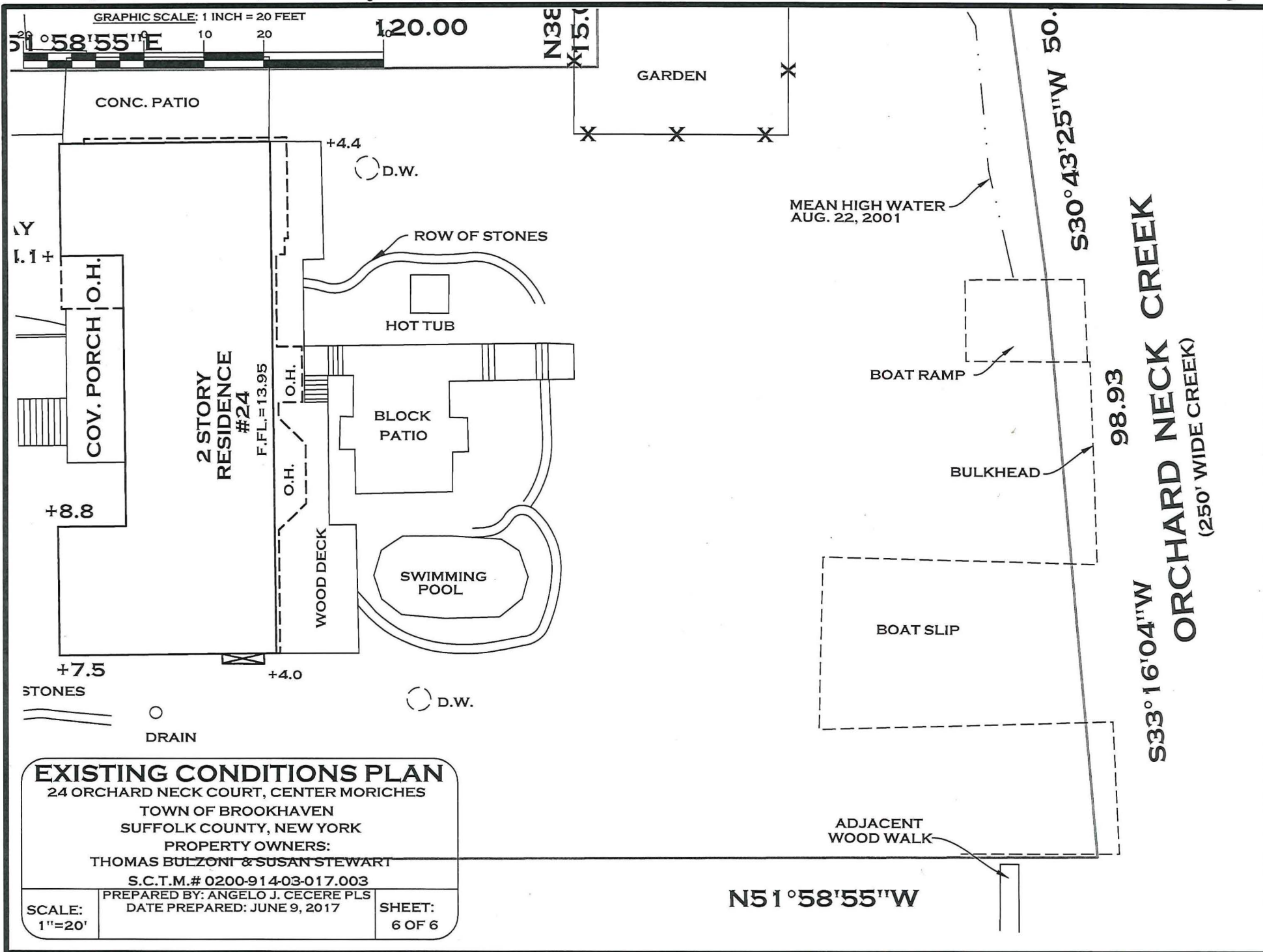
24 ORCHARD NECK COURT, CENTER MORICHES  
TOWN OF BROOKHAVEN  
SUFFOLK COUNTY, NEW YORK

PROPERTY OWNER:  
THOMAS BULZONI & SUSAN STEWART  
S.C.T.M.# 0200-914-03-017.003

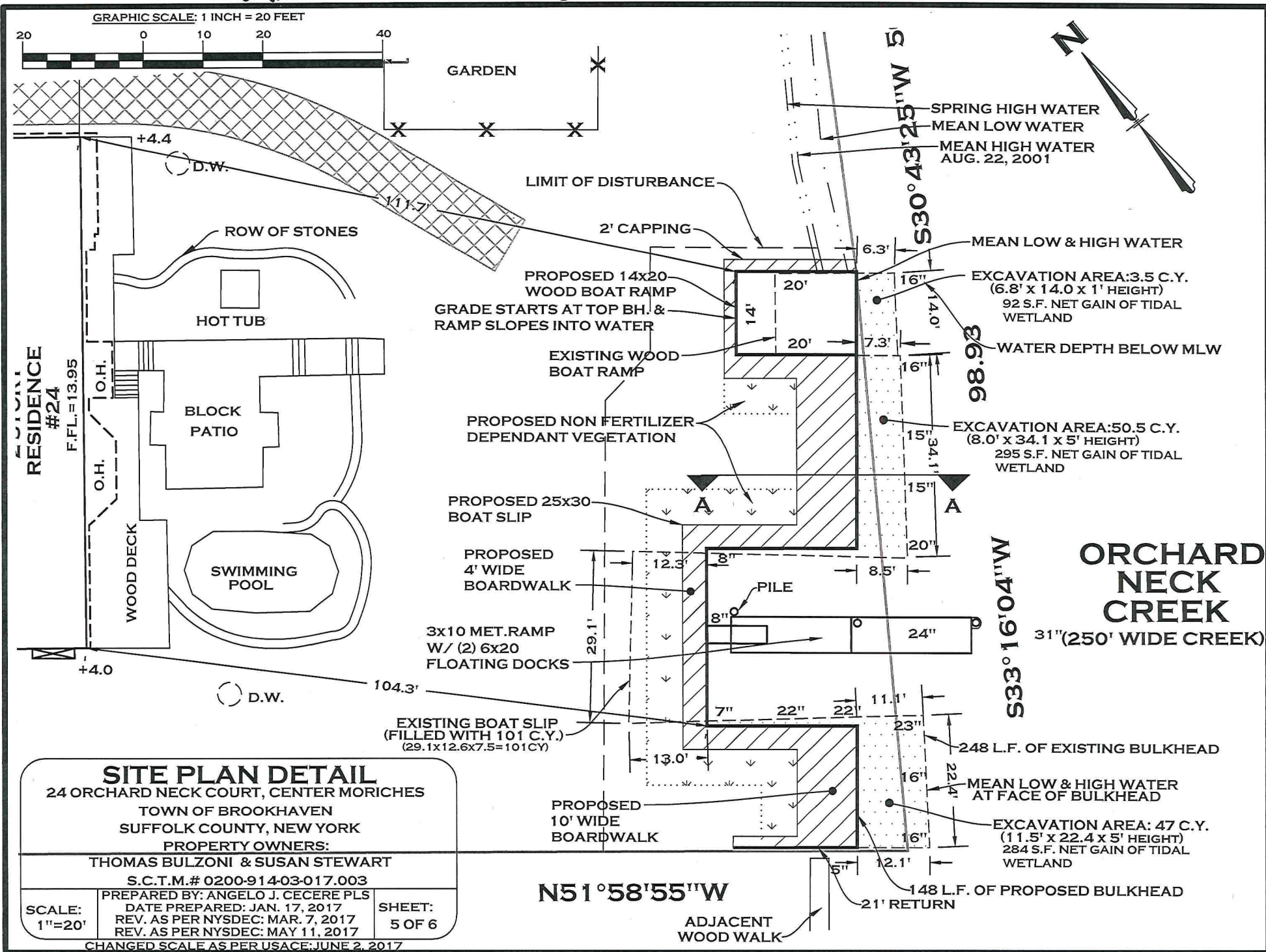
SCALE:  
1"=2000'

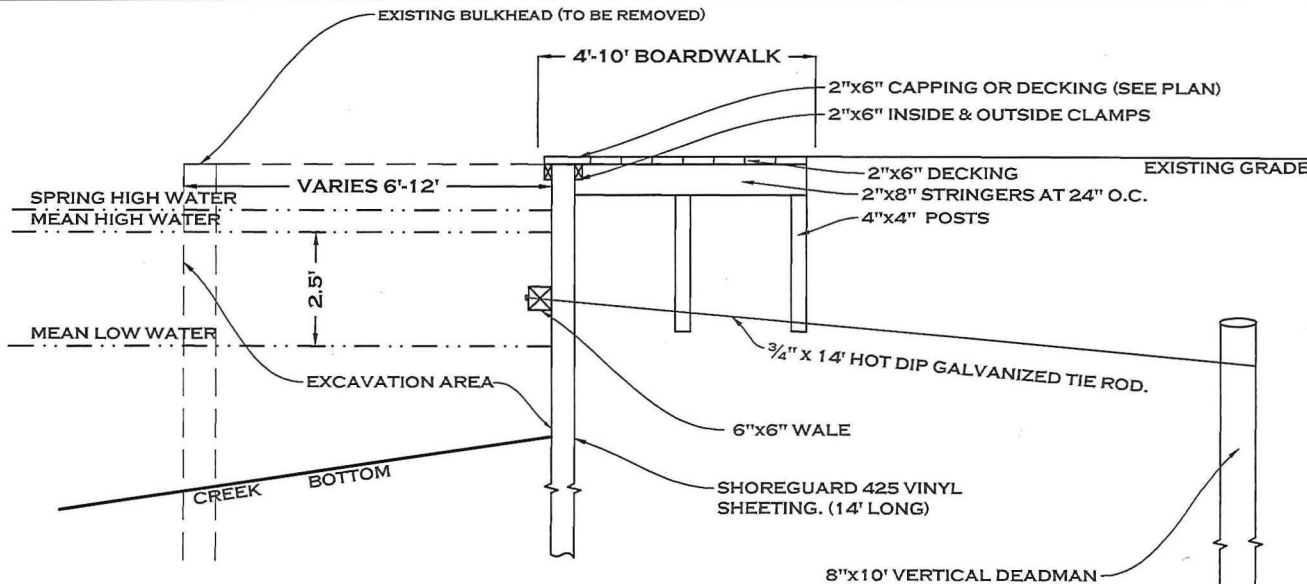
PREPARED BY: ANGELO J. CECERE PLS  
JAN. 17, 2017

SHEET:  
1 OF 6

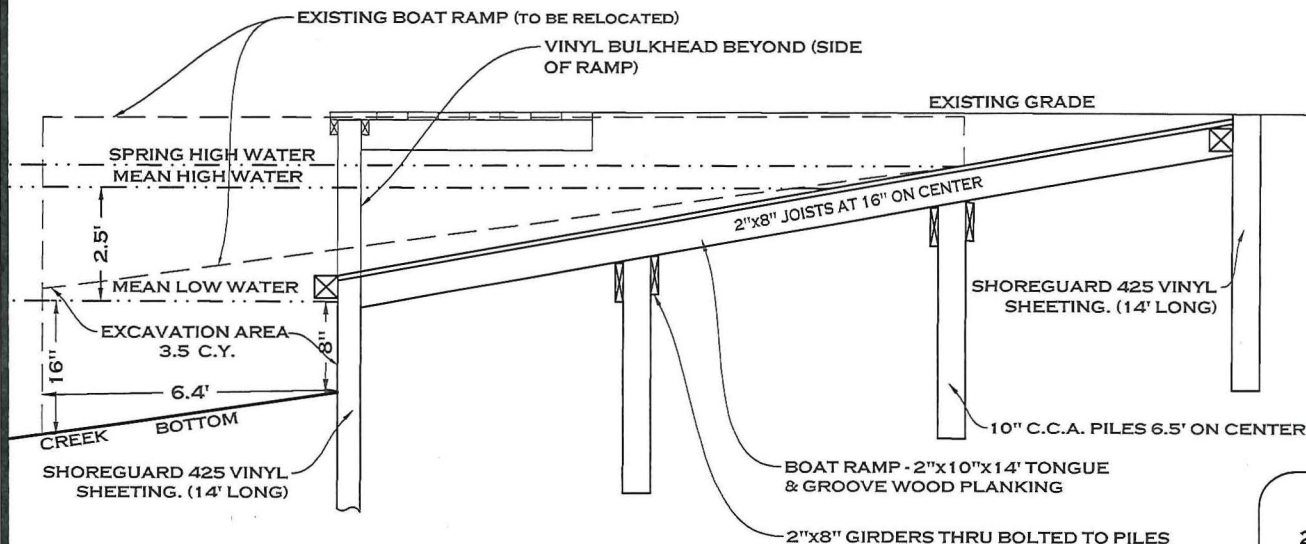






**CROSS SECTION A-A**

SCALE: 1/4" = 1'

**CROSS SECTION - BOAT RAMP**

SCALE: 1/4" = 1'

UNAUTHORIZED ALTERATION OF, OR THE ADDITION TO PLANS OR DOCUMENTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER IS A VIOLATION OF SECTION 2209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW. ANY ALTERATION TO THIS DOCUMENT MUST BE DONE BY A PERSON ACTING UNDER THE DIRECT SUPERVISION OF A LICENSED PROFESSIONAL IN ACCORDANCE WITH THE STATE EDUCATION LAW. COPIES OF THIS DOCUMENT NOT MARKED WITH AN ORIGINAL OF THE PROFESSIONAL ENGINEER'S INKED OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE VALID TRUE COPIES.

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3. REPLACE EXISTING 14'x20' BOAT RAMP WITHIN PROPERTY LINE. (54 L.F. OF BULKHEAD ON THE NORTHERLY, WESTERLY & SOUTHERLY SIDES)
4. DECREASE BOAT SLIP SIZE TO 25'x30'.
5. EXCAVATE 101 C.Y. BETWEEN EXISTING & PROPOSED BULKHEAD FOR A TIDAL WETLAND NET GAIN OF 671 S.F. \*\* 101 C.Y. OF EXCAVATION IS TO BE USED ON SITE FOR EXISTING BOAT SLIP FILL \*\*
6. INSTALL (2) 6'x20' FLOATING DOCKS IN BOAT SLIP WITH A 3'x10' ALUMINUM RAMP & (3) 10'x35' CCA PILES
7. INSTALL 54 L.F. OF 10' WIDE BOARDWALK LANDWARD OF NEW BULKHEAD
8. INSTALL 80 L.F. OF 4' WIDE BOARDWALK LANDWARD OF NEW BULKHEAD.
9. INSTALL 47 L.F. OF 2' WIDE CAPPING LANDWARD OF NEW BULKHEAD.
10. PLANT NON FERTILIZER DEPENDANT VEGETATION ADJACENT TO 4' WIDE BOARDWALKS.

**NOTES:**

1. MACHINERY ACCESS BY LAND & SEA.
2. ALL CONSTRUCTION MATERIAL & DEBRIS/RIPOUT IS TO BE DELIVERED TO AND FROM AN APPROVED UPLAND SITE.
3. SITE PLAN IS REFERENCED TO THE SURVEY PREPARED BY PAT T. SECCAFICO DATED 11-9-2016.
5. ELEVATIONS REFER TO NAVD88 DATUM.

**GENERAL NOTES**

1. Supporting structure to be of preservative-treated wood. Posts and columns that are in direct contact with the earth shall be rated for ground contact in accordance with NYS Code 2004.11.3. Such posts and columns shall be treated with 0.60 pounds per cubic foot of alkaline copper quaternary or equal as specified in AWPA C2, AWPA C9 or other applicable AWPA standard for soil contact. Joists, stringers, sleepers, girders and other structural elements shall be treated with 0.25 pounds per cubic foot of alkaline copper quaternary or equal as specified in AWPA C2, AWPA C9 or other applicable AWPA standard for outdoor use. Decking and railing systems shall be naturally durable or be treated with alkaline copper quaternary or equal as specified in AWPA C2, AWPA C9 or other applicable AWPA standard for outdoor use.
2. Fasteners in contact with preservative-treated wood shall be hot dipped galvanized, silicon bronze, or copper unless such fasteners are 1/2" or greater diameter steel bolts.
3. Installer to field verify all dimensions.
4. Design in compliance with the residential code of N.Y.S. 2010.  
ASCE 7-05  
ASCE 24-05

**PEGASUS ENGINEERING**

PLAN FOR BETTER RESULTS

546 Blydenburgh Road Hauppauge, NY 11788

516-982-3439

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**CROSS SECTIONS**

24 ORCHARD NECK COURT, CENTER MORICHES

TOWN OF BROOKHAVEN

SUFFOLK COUNTY, NEW YORK

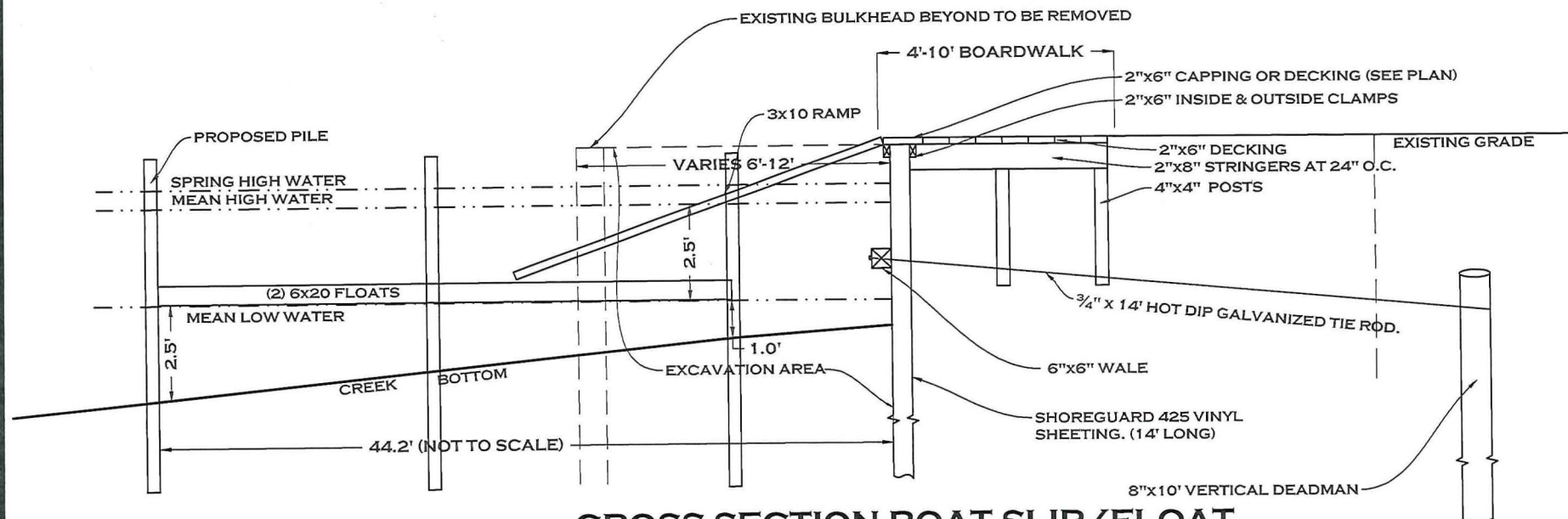
PROPERTY OWNERS:

THOMAS BULZONI &amp; SUSAN STEWART

S.C.T.M.# 0200-914-03-017.003

SCALE:  
1/4"=1'PREPARED BY: ANGELO J. CECERE PLS  
DATE PREPARED: JAN. 17, 2017  
REV. AS PER NYSDEC: MAR. 7, 2017SHEET:  
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### CROSS SECTION BOAT SLIP/FLOAT

SCALE:  $\frac{1}{4}" = 1'$

### CROSS SECTIONS

24 ORCHARD NECK COURT, CENTER MORICHES

TOWN OF BROOKHAVEN

SUFFOLK COUNTY, NEW YORK

PROPERTY OWNERS:

THOMAS BULZONI & SUSAN STEWART

S.C.T.M.# 0200-914-03-017.003

SCALE:  
 $\frac{1}{4}" = 1'$

PREPARED BY: ANGELO J. CECERE PLS  
DATE PREPARED: JAN. 17, 2017  
REV. AS PER NYSDEC: MAR. 7, 2017  
REV. AS PER USACE: SEPT. 22, 2017

SHEET:  
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