



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-2019-01148-WRY
Issue Date: August 28, 2020
Expiration Date: September 28, 2020

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 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: 649 North Broadway LLC
150 Broadway, Suite 900
New York, New York 10038

ACTIVITY: Rehabilitation of an existing stone seawall, the reconstruction of a portion of a pile-supported pier, and the installation of a floating pier assembly.

WATERWAY: Hudson River

LOCATION: Town of Clarkstown, Rockland 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.

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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 adversely 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 life stages 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, prehistoric, 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

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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.

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 the project manager, Mr. Brian Orzel at Brian.A.Orzel@usace.army.mil.

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: Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, 649 North Broadway LLC, has requested Department of the Army authorization for the rehabilitation of approximately 55 linear feet of an existing stone seawall, the reconstruction of a portion of an existing, pile-supported pier and the installation of a floating pier assembly, in the Hudson River, Town of Clarkstown, Rockland County, New York.

Approximately 55 linear feet of existing stone seawall will be rehabilitated, resulting in the placement of approximately 165 square feet of stone fill below Spring High Tide.

The existing pile-supported pier was previously permitted by the Corps of Engineers under Department of the Army Permit Number 1999-05010, and sustained damage during Hurricane Sandy. After the storm, the pier head was constructed to dimensions larger than what was allowed by Permit Number 1999-05010. This application includes a reduction of the pier head from 31-feet-2-inches by 10-feet to 31-feet-2-inches by 8-feet, in order to make it more closely match the previously permitted dimensions. In order to affect this reduction, five 12-inch-diameter timber piles would be removed and reinstalled approximately 2 feet shore-ward of their current location.

A new floating pier assembly and gangway would be attached to the eastern extent of the reconstructed fixed pier head. The floating pier assembly would be approximately 40-feet by 8-feet, attached to the fixed pier by a gangway, approximately 40 feet long by 4 feet wide. The floating pier assembly would be secured by two, 16-inch diameter steel pipe piles.

It should be noted that the aforementioned pier head was modified without prior Department of the Army authorization. The New York District Corps of Engineers, having reviewed the matter, has declined at this time to initiate legal proceedings for the undertaking of the unauthorized work. The decision concerning approval of a permit rests with a determination of the probable impact on the public interest of allowing the modified structure to remain.

The stated purpose of this project is to protect the existing shoreline and to provide recreational access to the river for one existing home.

649 NORTH BROADWAY

SEAWALL REHABILITATION AND DOCK INSTALLATION

UPPER NYACK, NEW YORK
SEPTEMBER 5, 2019

PREPARED FOR:
649 NORTH BROADWAY, LLC
150 BROADWAY, SUITE 900
NEW YORK, NY 10038

DRAWING LIST:

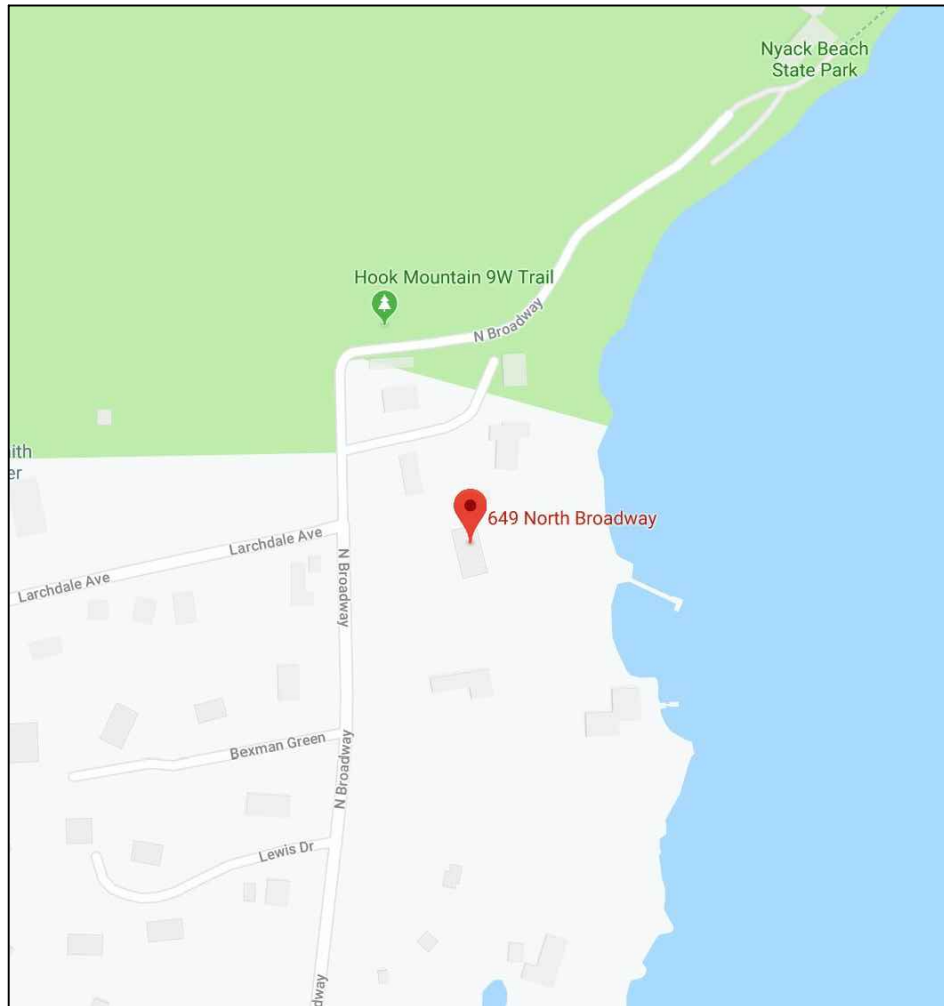
T-001 COVER SHEET
V-100 VICINITY MAP
C-101 SITE PLAN
C-102 SEAWALL PLAN
C-103 DOCK PLAN
C-301 SEAWALL SECTION
C-302 DOCK SECTION
S-100 PIER RECONSTRUCTION



LOCATION MAP (NTS)

REVISION 01: 10/11/2019
REVISION 02: 11/27/2019
REVISION 03: 01/24/2020
REVISION 04: 05/15/2020

PERMIT SUBMISSION (REV. 4)



VICINITY MAP
(NTS)

LATITUDE: 41° 7'2.91"N
 LONGITUDE: 73°54'44.22"W
 WATERWAY: HUDSON RIVER
 ADDRESS: 649 NORTH BROADWAY,
 NYACK, NY 10960

APPLICANT:

649 NORTH BROADWAY, LLC
 150 BROADWAY, SUITE 900
 NEW YORK, NY 10038

AGENT:

TMS WATERFRONT
 247 W. 35TH STREET
 10TH FLOOR N
 NEW YORK, NY 10001
 T: (917) 426-6788
www.tms-waterfront.com

PROJECT NAME:

649 NORTH BROADWAY

NAME OF WATERBODY:

HUDSON RIVER
 TOWN: UPPER NYACK
 COUNTY: ROCKLAND
 STATE: NEW YORK

| REVISION | DATE |
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| 01 | USACE PERMIT APP 10/11/19 |
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DATE: 5/15/2020

DRAWN BY: EGB

CHECKED BY: SET

PROJECT NO.: 19011

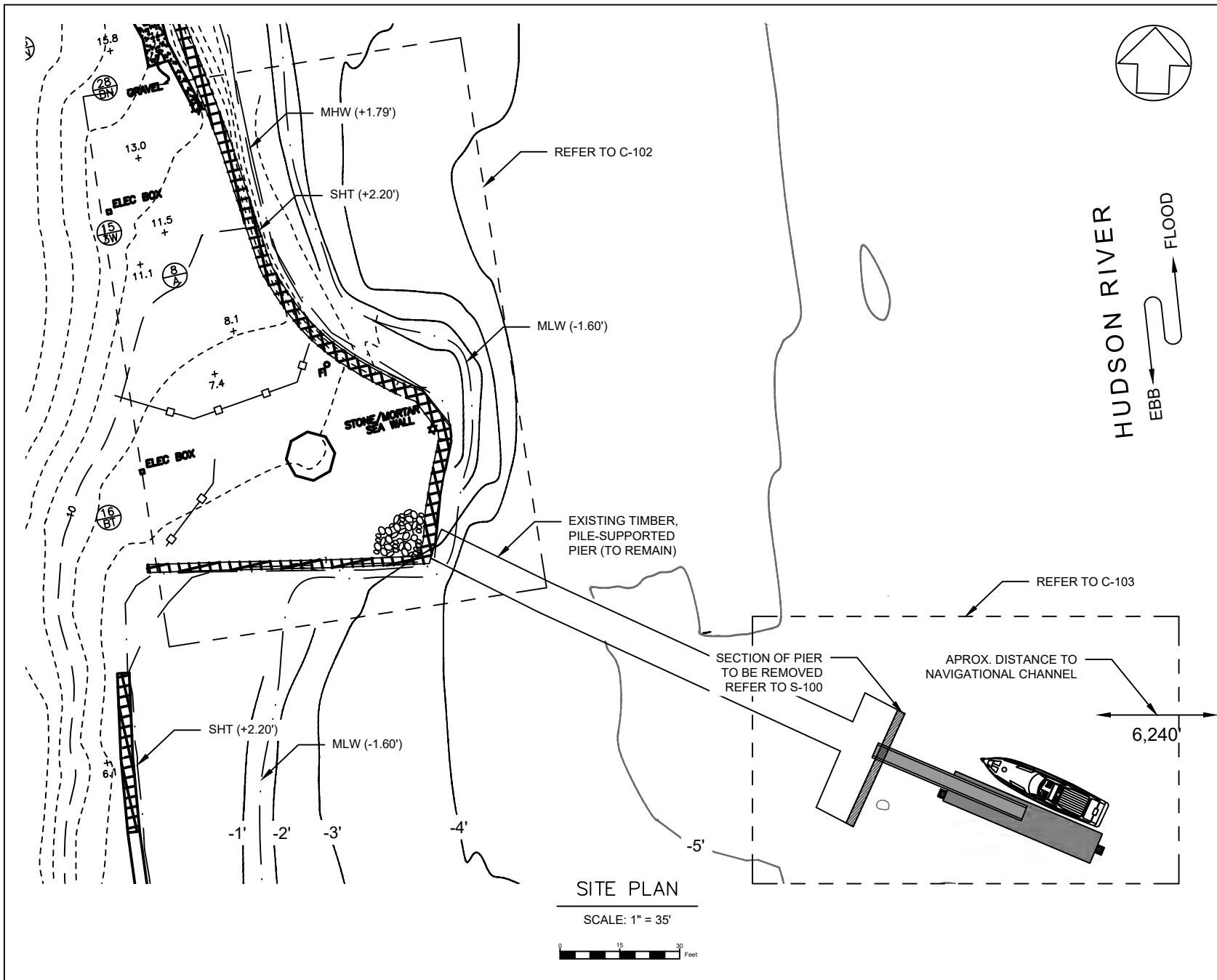
SHEET TITLE:

VICINITY
MAP

DRAWING NO.

V-100

2 OF 8 SHEETS



APPLICANT:
 649 NORTH BROADWAY, LLC
 150 BROADWAY, SUITE 900
 NEW YORK, NY 10038

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| 01 USACE PERMIT APP | 10/11/19 |
| 02 USACE PERMIT APP | 11/27/19 |
| 03 USACE & DOS | 1/27/20 |
| 04 USACE PERMIT APP | 5/15/20 |

DATE: 5/15/2020

DRAWN BY: EGB

CHECKED BY: SET

PROJECT NO.: 19011

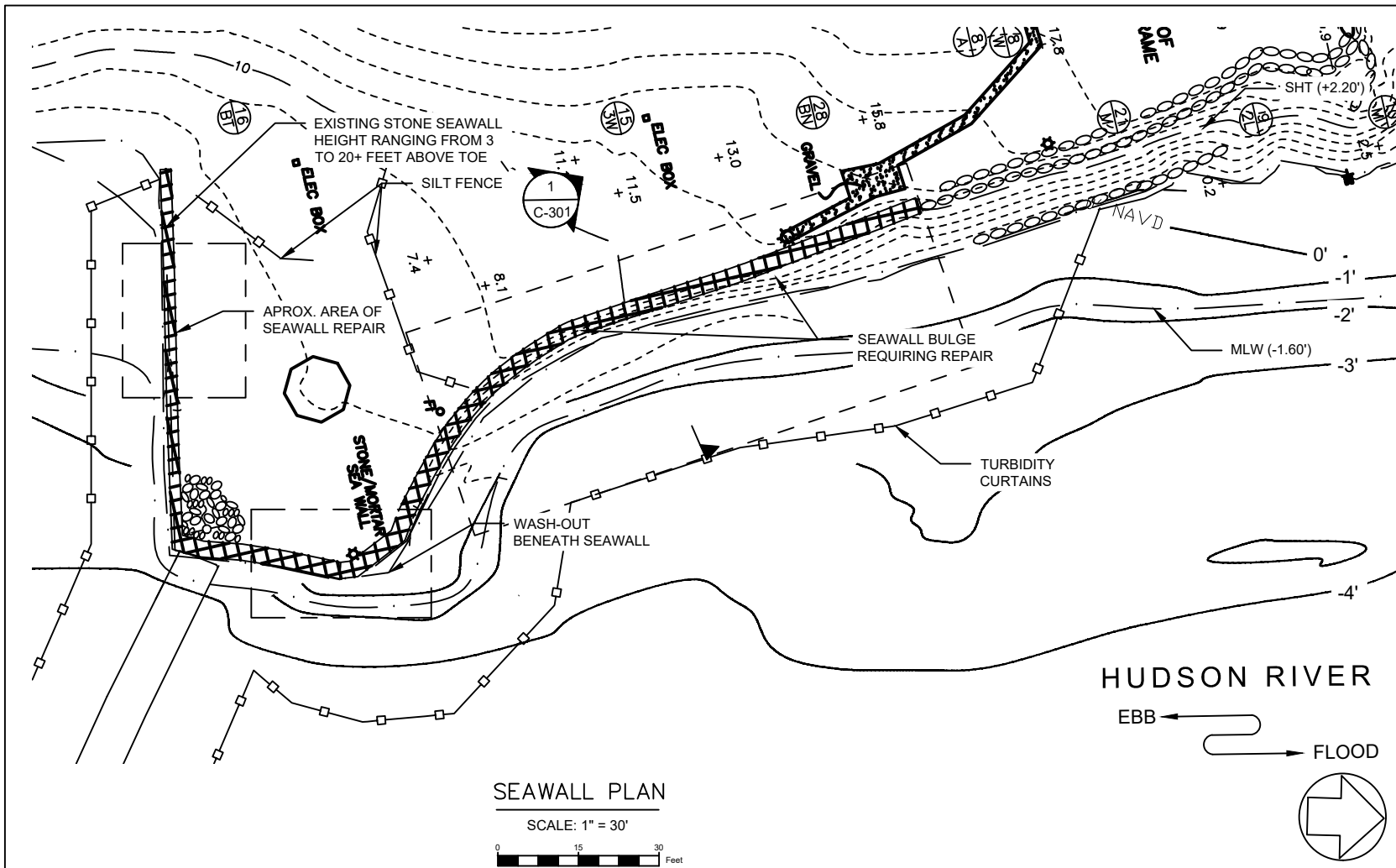
SHEET TITLE:

SITE PLAN

DRAWING NO.

C-101

3 OF 8 SHEETS



SEAWALL PLAN

SCALE: 1" = 30'



NOTES:

1. SELECT SECTIONS OF WALL WILL BE REHABILITATED USING EXISTING MATERIALS.
2. THE HYDROGRAPHIC SURVEY AND TIDAL DIAGRAM WERE COMPLETED BY HYDROGRAPHIC SURVEYS ON 7/19/2019. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF THE SURVEY PERFORMED ON 7/19/2019 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
3. ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
4. THESE DRAWINGS ARE INTENDED FOR USE IN REGULATORY APPROVALS AND ARE NOT TO BE USED AS CONSTRUCTION DRAWINGS.
5. PROPOSED SHADING OVER SHT = 338 SQUARE FEET.
6. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED NO LESS THAN ONCE A WEEK AND ANY NECESSARY REPAIRS IMMEDIATELY MADE.

APPLICANT:

649 NORTH BROADWAY, LLC
150 BROADWAY, SUITE 900
NEW YORK, NY 10038

AGENT:

TMS WATERFRONT
247 W. 35TH STREET
10TH FLOOR N
NEW YORK, NY 10001
T: (917) 426-6788
www.tms-waterfront.com

PROJECT NAME:

649 NORTH BROADWAY

NAME OF WATERBODY:

HUDSON RIVER
TOWN: UPPER NYACK
COUNTY: ROCKLAND
STATE: NEW YORK

REVISION DATE

| REVISION | DATE |
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| 01 USACE PERMIT APP | 10/11/19 |
| 02 USACE PERMIT APP | 11/27/19 |
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DATE: 5/15/2020

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PROJECT NO.: 19011

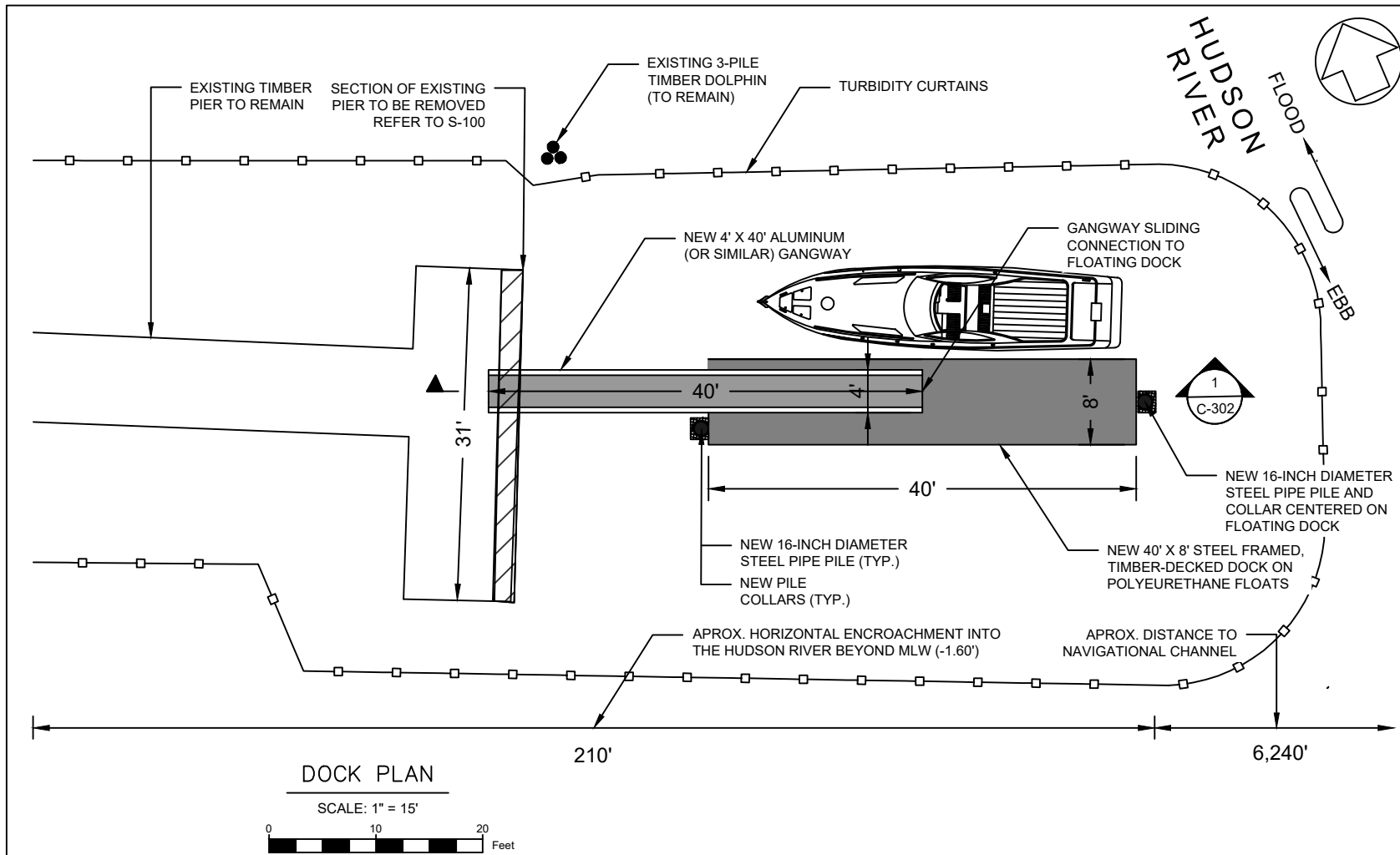
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**SEAWALL
PLAN**

DRAWING NO.

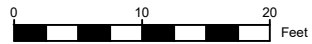
C-102

4 OF 8 SHEETS



DOCK PLAN

SCALE: 1" = 15'



NOTES:

1. ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
2. THESE DRAWINGS ARE INTENDED FOR USE IN REGULATORY APPROVALS AND ARE NOT TO BE USED AS CONSTRUCTION DRAWINGS.
3. THE WORKING AREA WILL BE SURROUNDED BY SEDIMENT BOOMS/TURBIDITY CURTAINS.
4. TWO (2) 16-INCH DIAMETER STEEL PIPE PILES WILL BE INSTALLED TO SECURE THE FLOATING BARGE.
5. PROPOSED SHARING OVER SHT = 338 SQUARE FEET.

APPLICANT:

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150 BROADWAY, SUITE 900
NEW YORK, NY 10038

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NEW YORK, NY 10001
T: (917) 426-6788
www.tms-waterfront.com

PROJECT NAME:

649 NORTH BROADWAY

NAME OF WATERBODY:

HUDSON RIVER
TOWN: UPPER NYACK
COUNTY: ROCKLAND
STATE: NEW YORK

REVISION DATE

| REVISION | DATE |
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| 01 | USACE PERMIT APP 10/11/19 |
| 02 | USACE PERMIT APP 11/27/19 |
| 03 | USACE & DOS 1/27/20 |
| 04 | USACE PERMIT APP 5/15/20 |

DATE: 5/15/2020

DRAWN BY: EGB

CHECKED BY: SET

PROJECT NO.: 19011

SHEET TITLE:

DOCK PLAN

DRAWING NO.

C-103

5 OF 8 SHEETS

APPLICANT:
 649 NORTH BROADWAY, LLC
 150 BROADWAY, SUITE 900
 NEW YORK, NY 10038

AGENT:
 TMS WATERFRONT
 247 W. 35TH STREET
 10TH FLOOR N
 NEW YORK, NY 10001
 T: (917) 426-6788
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PROJECT NAME:
 649 NORTH BROADWAY

NAME OF WATERBODY:
 HUDSON RIVER
 TOWN: UPPER NYACK
 COUNTY: ROCKLAND
 STATE: NEW YORK

| REVISION | DATE |
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| 01 USACE PERMIT APP | 10/11/19 |
| 02 USACE PERMIT APP | 11/27/19 |
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DATE: 5/15/2020

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CHECKED BY: SET

PROJECT NO.: 19011

SHEET TITLE:
 SEAWALL SECTION

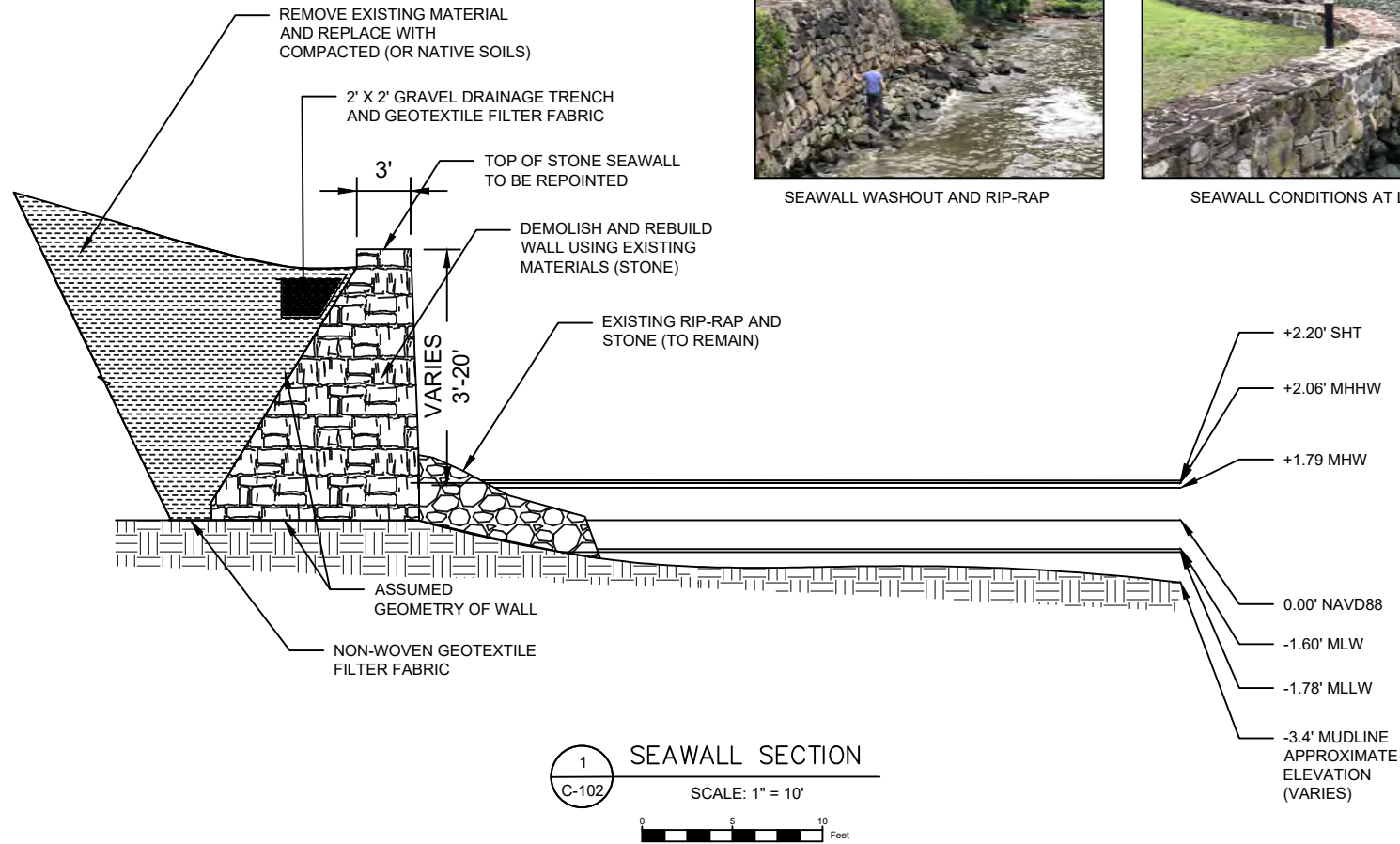
DRAWING NO.
 C-301
 6 OF 8 SHEETS



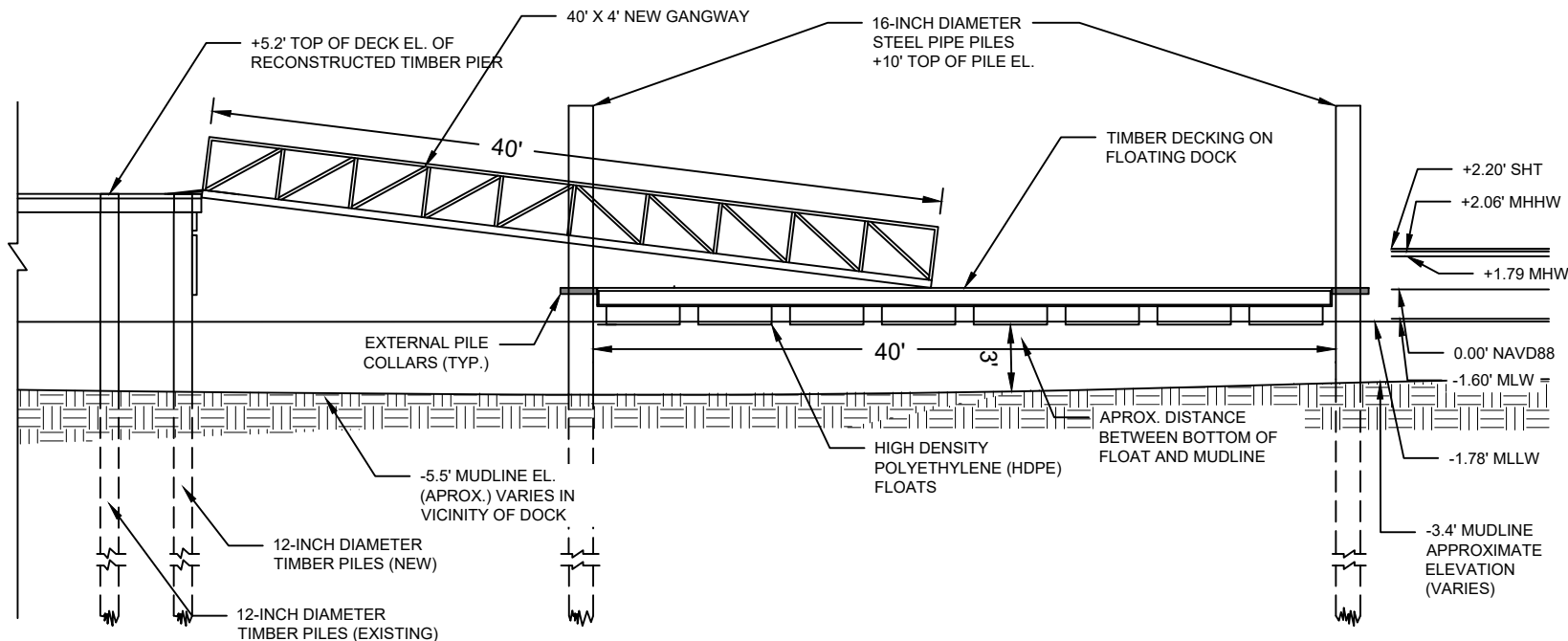
SEAWALL WASHOUT AND RIP-RAP



SEAWALL CONDITIONS AT LOW TIDE



- NOTES:
- THREE AREAS OF SEAWALL WILL BE REHABILITATED USING EXISTING MATERIALS (10 LF, 20 LF, AND 25 LF SECTIONS, TOTALING APPROXIMATELY 55 LF).
 - LARGEST STONE PIECES WILL BE PLACED AT THE BASE OF THE RECONSTRUCTED SEAWALL TO PREVENT WASHOUT.
 - ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - THESE DRAWINGS ARE INTENDED FOR USE IN REGULATORY APPROVALS AND ARE NOT TO BE USED AS CONSTRUCTION DRAWINGS.
 - CONTRACTOR TO STAGE WORK FROM LAND.
 - CARE WILL BE EXERCISED IN DEMOLITION; WORKING SO MATERIAL FALLS AND STAYS UPLAND TOWARDS SHORE.

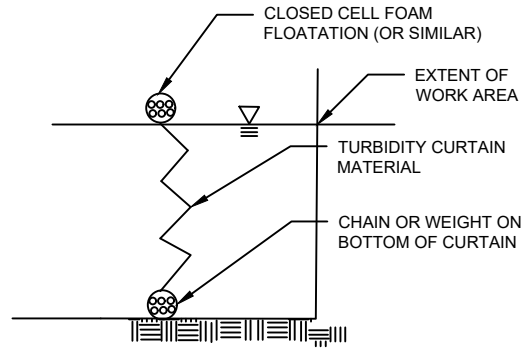


1
C-103

DOCK SECTION

SCALE: 1" = 10'

- NOTES:
1. THE TIDAL ELEVATION INFORMATION DEPICTED REPRESENTS THE RESULTS OF THE SURVEY PERFORMED ON 7/19/2019 BY HYDROGRAPHIC SURVEYS AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
 2. ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 3. THESE DRAWINGS ARE INTENDED FOR USE IN REGULATORY APPROVALS AND ARE NOT TO BE USED AS CONSTRUCTION DRAWINGS.
 4. THE WORKING AREA WILL BE SURROUNDED BY SEDIMENT BOOMS/TURBIDITY CURTAINS.
 5. TWO (2) 16-INCH DIAMETER STEEL PIPE PILES WILL BE INSTALLED TO SECURE THE FLOATING BARGE.
 6. EXISTING AND PROPOSED RAILINGS ARE NOT SHOWN ON THE PIER FOR CLARITY.
 7. TURBIDITY CURTAINS WILL BE INSTALLED AROUND THE PERIMETER OF THE WORK AREA TO PREVENT MATERIAL DISRUPTED DURING CONSTRUCTION FROM MIGRATING OUT OF THE IMMEDIATE WORK AREA. TURBIDITY CURTAINS WILL BE CHECKED NO LESS THAN ONCE A WEEK AND ANY NECESSARY REPAIRS WILL BE IMMEDIATELY MADE.



TURBIDITY CURTAIN DETAIL

SCALE: NTS

APPLICANT:

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150 BROADWAY, SUITE 900
NEW YORK, NY 10038

AGENT:

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247 W. 35TH STREET
10TH FLOOR N
NEW YORK, NY 10001
T: (917) 426-6788
www.tms-waterfront.com

PROJECT NAME:

649 NORTH BROADWAY

NAME OF WATERBODY:
HUDSON RIVER
TOWN: UPPER NYACK
COUNTY: ROCKLAND
STATE: NEW YORK

| REVISION | DATE |
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| 01 USACE PERMIT APP | 10/11/19 |
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| 04 USACE PERMIT APP | 5/15/20 |

DATE: 5/15/2020

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PROJECT NO.: 19011

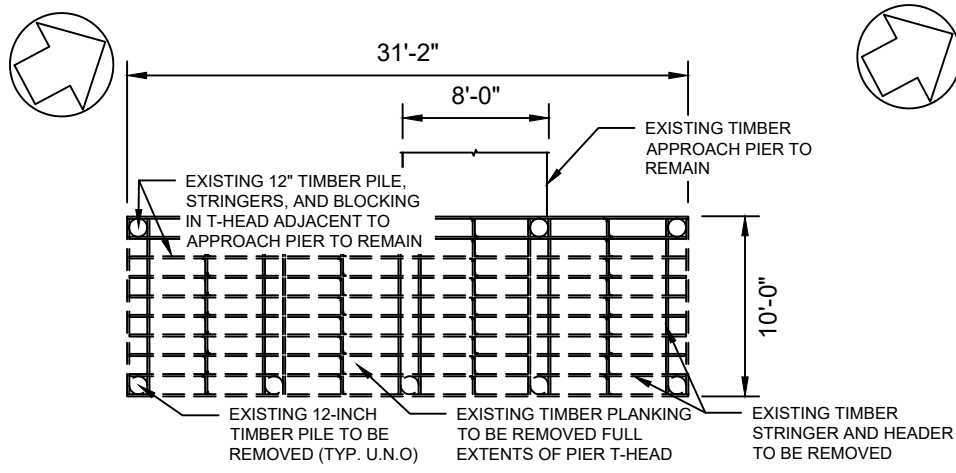
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DOCK SECTION

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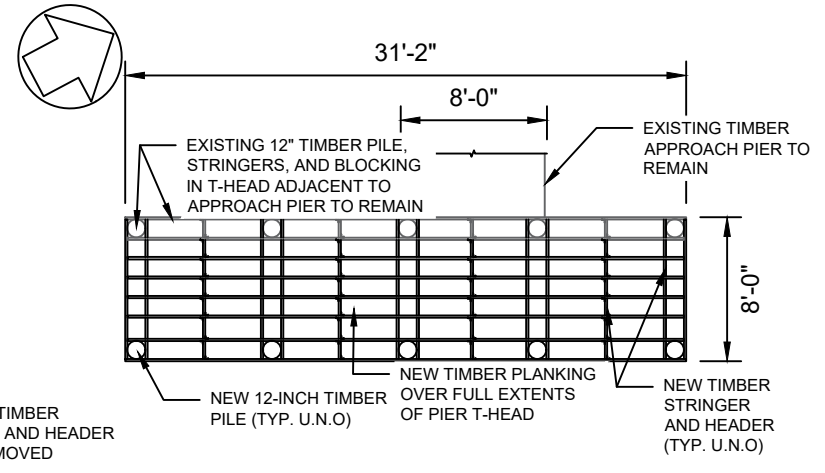
C-302

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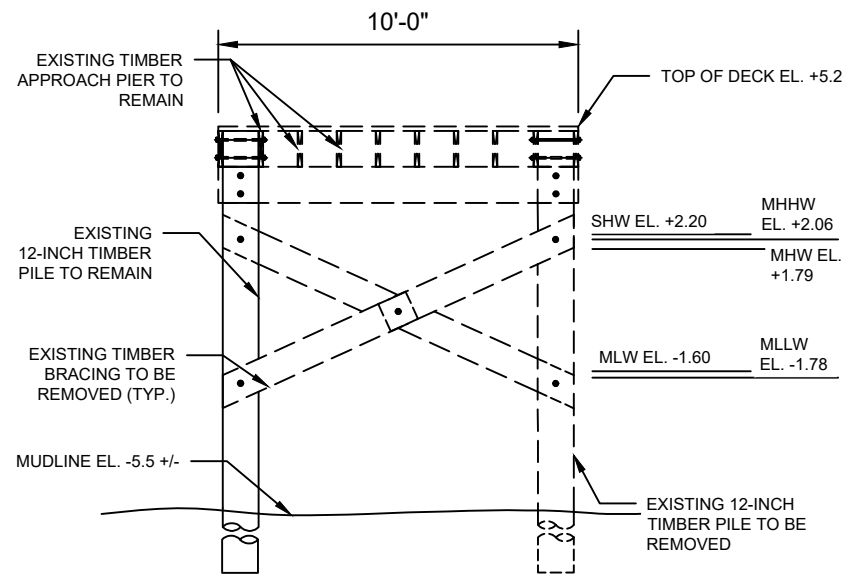
EXISTING PIER HEAD PLAN

SCALE: 1/128" = 1'-0"

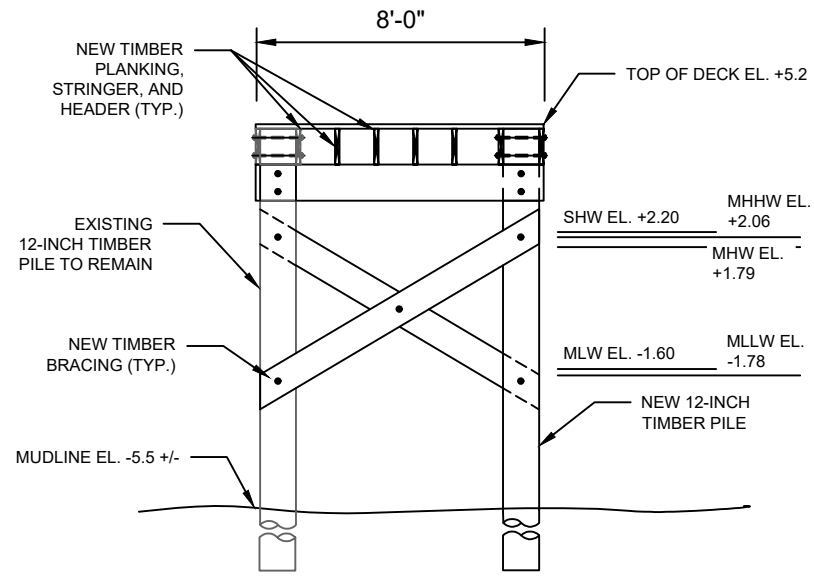


PROPOSED PIER HEAD PLAN

SCALE: 1/128" = 1'-0"



A **EXISTING PIER HEAD SECTION**
SCALE: 1/64" = 1'-0"



B **PROPOSED PIER HEAD SECTION**
SCALE: 1/64" = 1'-0"

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DATE: 5/15/2020

DRAWN BY: BDB

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PROJECT NO.: 19011

SHEET TITLE:

PIER RE-CONSTRUCTION

DRAWING NO.

S-100

8 OF 8 SHEETS