

PUBLIC NOTICE

U.S. Army Corps of Engineers New York District, CENAN-OP-RU Upstate Regulatory Field Office 1 Buffington Street, Bldg. 10, 3rd Fl. North Watervliet, New York 12189-4000

In replying refer to:

Public Notice Number: NAN-2019-00679-USH Issue Date: MAY 1 9 2020

JUN 1 7 2020 Expiration Date:

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:

Thomas DeAngelis

WE Acquisitions, LLC 300 George Street

New Haven, Connecticut 06511

ACTIVITY:

Discharge of fill material into waters of the United States to facilitate the

construction of an industrial development and attendant features

WATERWAY:

Wetlands (Mohawk River Watershed)

LOCATION:

Town of Florida, Montgomery 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 BRAD SHERWOOD AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO Brad.Sherwood@usace.army.mil, TO REACH THIS OFFICE BY 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 will not affect Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), if new information warrants, the District Engineer will consult with the appropriate Federal agency to determine the presence of and any potential impacts to listed species or their critical habitat in the project area.

Based upon a review of the GIS resources map on the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) website, the project site is located within areas identified by the SHPO as "Archeo Sensitive Areas". Further consultation with SHPO regarding these "Archeo Sensitive Areas" is being conducted and will be concluded prior to the final decision.

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 Stormwater Permit

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

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 Brad Sherwood of this office at (518) 266-6355 or Brad.Sherwood@usace.army.mil.

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

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For and on behalf of Stephan A. Ryba Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, WE Acquisitions, LLC, has requested Department of the Army authorization for the discharge of fill material into approximately 6.54 acres of waters of the United States, including wetlands to facilitate the construction of a warehouse and distribution facility. The project is located off NYS Route 5S, in the Town of Florida, Montgomery County, New York.

The work would involve the construction of a commercial development, including a warehouse and distribution facility with a footprint of 1,000,000 square feet. In addition, the project would include a parking area capable of accommodating approximately 245 cars, along with approximately 700 tractor trailer spaces, and 150 loading docks. The proposed project would result in the permanent impacts to approximately 5.01 acres of emergent wetland, 0.55 acres of scrub-shrub wetland, 0.37 acres of forested wetland, and 0.61 acres of open water (pond and tributary), including approximately 1,800 linear feet of intermittent stream channel. All impacts are associated with grading and excavating associated with the building, parking areas, loading docks, and stormwater management facilities.

The applicant has stated that they have avoided and minimized proposed impacts to the maximum extent practicable by limiting construction to the smallest area practicable, including designing the layout of the building and parking areas to limit impacts to the wetland and stream channel. The applicant has proposed to purchase seven (7) wetland credits from The Wetland Trust Susquehanna Basin Headwaters and Adjacent Basins In-Lieu Fee Mitigation Program, Mohawk Service Area – HUC (02020004), as mitigation for the proposed permanent impacts to waters of the United States.

The stated purpose of this project is to construct a large commercial warehouse facility with the ability to access adjacent road networks and the NYS Thruway interchanges.

SITE DEVELOPMENT PLANS

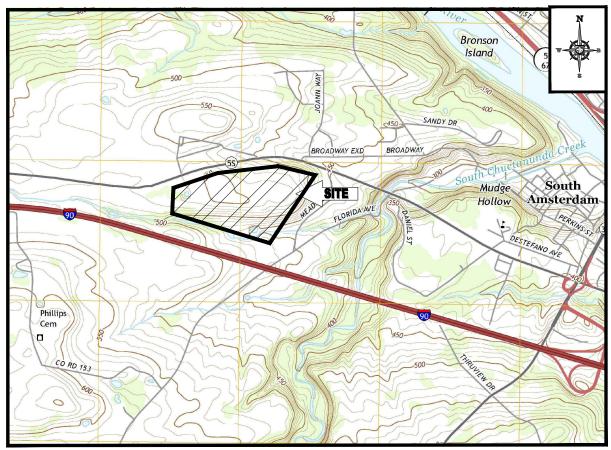
FOR: PROPOSED

WAREHOUSE

LOCATION OF SITE:

NYS ROUTE 5S TOWN OF FLORIDA, MONTGOMERY COUNTY NEW YORK STATE

TAX ID. 55 - 01 - 35.161 TAX ID. 55 - 01 - 35.151 TAX ID. 55 - 01 - 35.141 TAX ID. 55 - 01 - 35.131 TAX ID. 55 - 01 - 35.121 TAX ID. 55 - 01 - 1.1 TAX ID. 55 - 02 - 4.1 TAX ID. 55 - 01 - 37 TAX ID. 55 - 01 - 36



LOCATION MAP

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|---------------|-----------------------------------|----------|-------------------------------|--|--|--|
| ABBREVIATIONS | | | | | | |
| KEY | DESCRIPTION | KEY | DESCRIPTION | | | |
| BC | BOTTOM CURB | PROP. | PROPOSED | | | |
| TC | TOP CURB | TBR/R | TO BE REMOVED AND REPLACED | | | |
| вос | BACK OF CURB | TBR | TO BE REMOVED | | | |
| BW | BOTTOM OF WALL GRADE | TPF | TREE PROTECTION FENCE | | | |
| TW | TOP OF WALL | BLDG. | BUILDING | | | |
| EXIST. | EXISTING | SF | SQUARE FEET | | | |
| BM. | BENCHMARK | SMH | SEWER MANHOLE | | | |
| EOP | EDGE OF PAVEMENT | DMH | DRAIN MANHOLE | | | |
| Ę | CENTERLINE | STM. | STORM | | | |
| FF | FINISHED FLOOR | SAN. | SANITARY | | | |
| V.I.F. | VERIFY IN FIELD | CONC. | CONCRETE | | | |
| GC | GENERAL CONTRACTOR | ARCH. | ARCHITECTURAL | | | |
| HP | HIGH POINT | DEP. | DEPRESSED | | | |
| LP | LOW POINT | R | RADIUS | | | |
| TYP. | TYPICAL | MIN. | MINIMUM | | | |
| INT. | INTERSECTION | MAX. | MAXIMUM | | | |
| PC. | POINT OF CURVATURE | No. / # | NUMBER | | | |
| PT. | POINT OF TANGENCY | W. | WIDE | | | |
| PI. | POINT OF INTERSECTION | DEC. | DECORATIVE | | | |
| PVI. | POINT OF VERTICAL INTERSECTION | ELEV. | ELEVATION | | | |
| STA. | STATION | UNG. | UNDERGROUND | | | |
| GRT | GRATE | R.O.W. | RIGHT OF WAY | | | |
| INV. | INVERT | LF | LINEAR FOOT | | | |
| DIP | DUCTILE IRON PIPE | LOD | LIMIT OF DISTURBANCE | | | |
| PVC | POLYVINYL CHLORIDE PIPE | LOW | LIMIT OF WORK | | | |
| HDPE | HIGH DENSITY POLYETHYLENE PIPE | L.S.A. | LANDSCAPED AREA | | | |
| RCP | REINFORCED CONCRETE PIPE | ± | PLUS OR MINUS | | | |
| S | SLOPE | ٠ | DEGREE | | | |
| ME | MEET EXISTING | Ø / DIA. | DIAMETER | | | |

| TYPICAL LEGEND | | | | | |
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| EXISTING | | PROPOSED | | | |
| | PROPERTY LINE | | | | |
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| | CURB | | | | |
| 0 | STORM MANHOLE | © | | | |
| © | SEWER MANHOLE | <u>©</u> | | | |
| | CATCH BASIN | (II) | | | |
| △ _{WF#5} | WETLAND FLAG | | | | |
| | WETLAND LINE | | | | |
| × 54.83 | SPOT ELEVATION | 53.52 | | | |
| × TC 54.58 G 53.78 | TOP & BOTTOM OF CURB | TC=54.32 BC=53.82 | | | |
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| | FLOW ARROW | 5% | | | |
| 4 | PAINTED ARROW | 1 | | | |
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| ——- G | GAS LINE | GG | | | |
| —— <i>T</i> ——— | TELEPHONE LINE | тт | | | |
| —— E——— | ELECTRIC LINE | ——E———E—— | | | |
| W | WATER LINE | | | | |
| —— ОН ——— | OVERHEAD WIRE | — он—— он— | | | |
| | STORM PIPE | | | | |
| | SANITARY LINE | ss | | | |
| <u>/id</u> | PARKING COUNT | 4 | | | |
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| ♦ | LIGHT POLE | | | | |
| | GUIDE RAIL | | | | |
| ø | UTILITY POLE | ø | | | |



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FOR

WAREHOUSE

LOCATION OF SITE
ROUTE 5S

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www.BohlerEngineering.com

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COVER SHEET

SHEET NUMBER:



NAN-2019-00679-USH

WE Acquisitions, LLC

Drawing 1 of 15

