

# 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-2021-00058-WRY

Issue Date: June 02, 2021

Expiration Date: July 02, 2021

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).

APPLICANT: Adam Winkel  
641 North Broadway  
Upper Nyack, New York 10960

ACTIVITY: The removal and reconstruction of a fixed timber 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 E-MAILED TO THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE**, otherwise, it will be presumed that there are no objections to the activity. Emailed comments must include this public notice's number, NAN-2021-00058-WRY. The email inbox for written comments is: [alexandra.ryan@usace.army.mil](mailto:alexandra.ryan@usace.army.mil).

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

**CENAN-OP-RW**  
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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 is 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.

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.

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

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any questions concerning this application, you may contact Miss Alexandra Ryan at alexandra.ryan@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

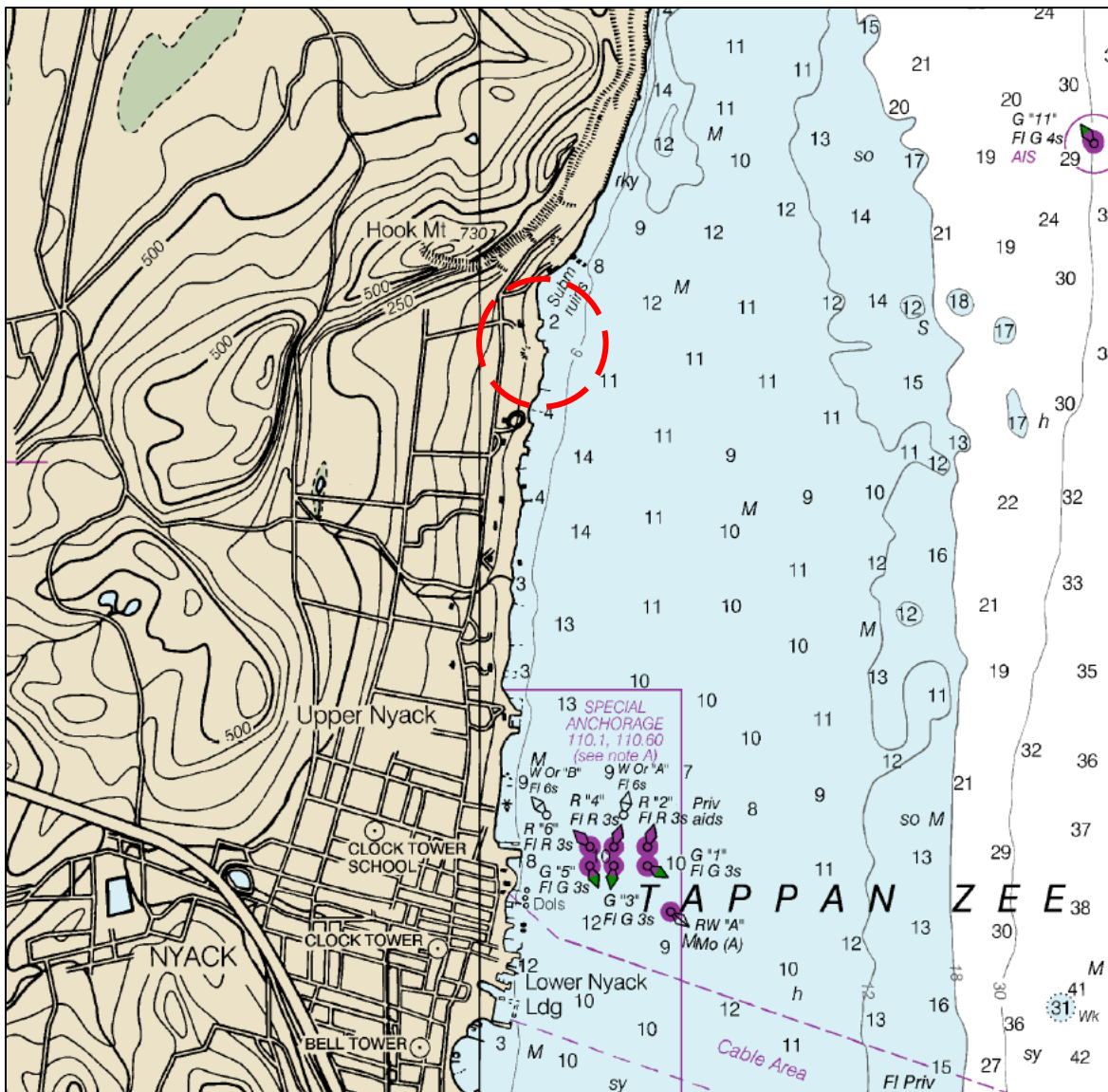
**WORK DESCRIPTION**

The applicant, Adam Winkel, has requested Department of the Army authorization for the removal and reconstruction of a fixed timber pier and the installation of a floating pier assembly in the Hudson River, Town of Clarkstown, Rockland County, New York.

The work would involve the construction of a 65-foot (ft) long by 6.7-ft wide fixed timber pier, supported by 14 12-inch (in) diameter timber piles. The pier would connect to the shoreline at the existing seawall and bottom of the pier deck materials would be 4.74 ft above the plane of mean high water. A 30-ft long by four (4)-ft wide gangway would connect the waterward terminus of the fixed pier to a new 30-ft long by eight (8)-ft wide floating dock. At the eastern edge of the new floating dock, the existing 30-ft long by eight (8)-ft wide floating dock would be re-installed perpendicular to the new dock to form an "L" shape and allow berthing of a motorized recreational vessel. Each dock would be secured with four (4) 12-in diameter timber piles with internal collars. Two (2) 16-in diameter steel pipe piles would be installed approximately 15-ft seaward of the outer face of the floating docks to provide additional vessel security. Three (3) 12-ft long by four (4)-ft wide seasonal kayak launch floats would be installed on the northern side of the gangway, along the inboard side of the floating dock. These seasonal floats would be in place from approximately May to early October of each year. All piles would be installed using a vibratory hammer via barge-mounted equipment. The entire structure would extend approximately 130-ft beyond the plane of Mean High Water into the Hudson River.

The stated purpose of this project is to provide safe, private access to the waterway for recreational use.

LOCATION MAPS, CHARTS AND DIAGRAMS



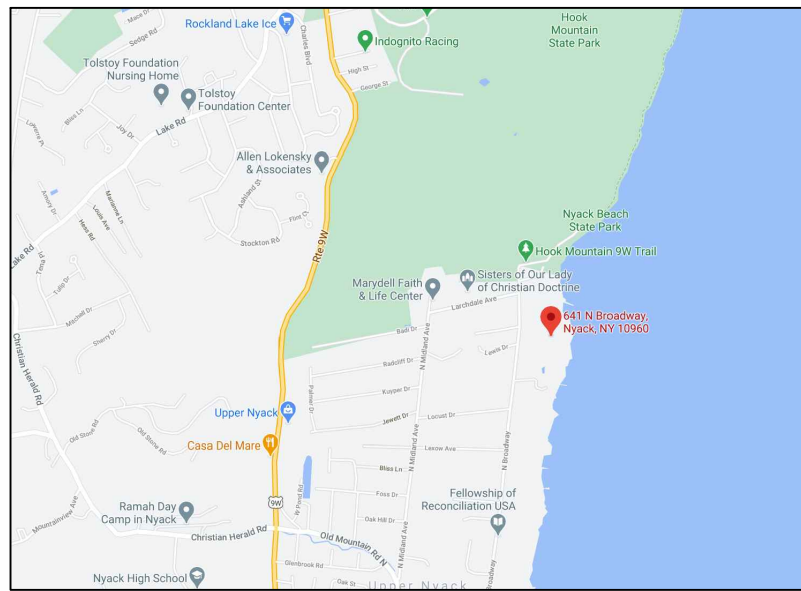
NOAA Chart 12343

# 641 NORTH BROADWAY WATERFRONT ACCESS

**641 NORTH BROADWAY  
UPPER NYACK, NEW YORK 10960  
DECEMBER 2020**

CLIENT  
**ADAM WINKEL**  
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+1.917.575.0221

PRIME CONSULTANT  
**TMS WATERFRONT**  
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VICINITY MAP (NTS)

### DRAWING LIST

- T-001 COVER SHEET
- V-100 HYDROGRAPHIC SURVEY
- DM-100 DEMOLITION PLAN
- C-100 SITE PLAN
- C-101 FACILITY PERIMETER AND DOCK PLAN
- C-102 BOAT RAMP PLAN
- C-300 PIER & DOCK SECTIONS
- C-301 PIER & BOAT RAMP SECTIONS
- C-500 DETAILS
- C-501 DETAILS II



LOCATION MAP (NTS)

REV	DATE	ISSUE
00	12/28/2020	PERMIT APPLICATION

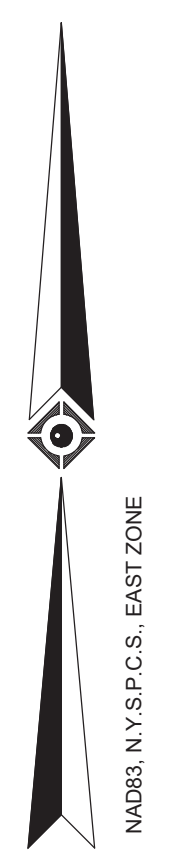


SHEET NAME

### COVER SHEET

DATE <b>DEC 28, 2020</b>	DRAWN BY <b>EGB</b>	CHECKED BY <b>SET</b>
FORMAT <b>ANSI B</b>	SCALE <b>NTS</b>	
SHEET NO. <b>T-001</b>		1 OF 10

## SCHEMATIC DESIGN FOR PERMIT APPLICATION



VICINITY MAP  
©2008 DeLorme, Street Atlas USA

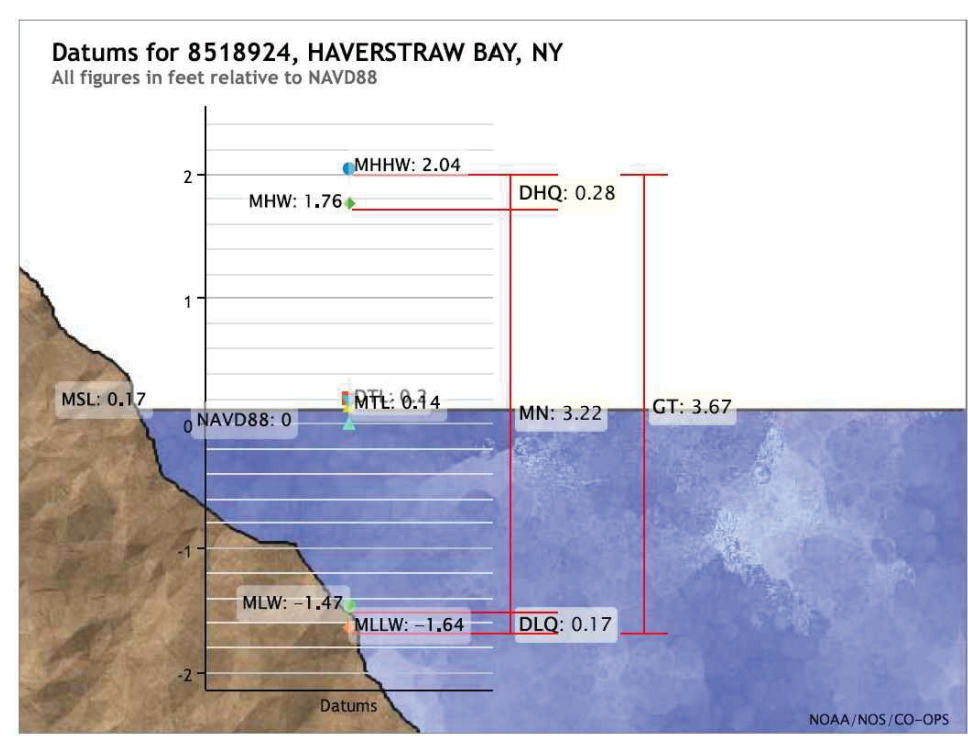


NOTES:

1. UPLAND PROPERTY KNOWN AS LOT 7, BLOCK 1 AS SHOWN IN THE OFFICIAL TAX MAP OF THE VILLAGE OF GRAND VIEW-ON-HUDSON, ROCKLAND COUNTY, NEW YORK, SHEET #60.06.
2. THIS PLAN IS BASED ON INFORMATION PROVIDED, BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
3. LOCATION OF UNDERGROUND UTILITIES ARE NOT SHOWN.
4. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED ON GPS OBSERVATIONS TAKEN AT THE TIME OF THE SURVEY.
5. MEAN LOWER-LOW WATER = -1.64 (NAVD88)  
MEAN LOW WATER = -1.47 (NAVD88)  
MEAN HIGH WATER = 1.76 (NAVD88)  
MEAN HIGHER-HIGH WATER = 2.04 (NAVD88)
6. MAPPING PREPARED ON NAD83 STATE PLANE COORDINATE SYSTEM - NEW YORK EAST ZONE.

REFERENCES:

1. THE OFFICIAL TAX ASSESSOR'S MAP OF VILLAGE OF NYACK, ROCKLAND COUNTY, NEW YORK, SHEET #60.06

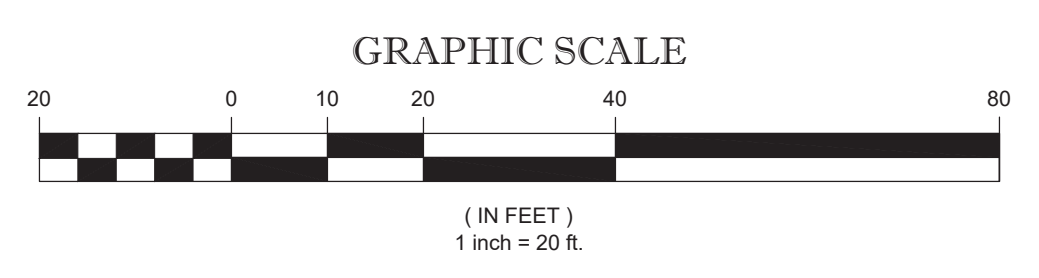


**LEGEND**

--- 124 ---	EXISTING CONTOUR
--- 125 ---	EXISTING SPOT ELEVATION
x 123.45	FENCE
•	WOODEN POST
E.O.P.	EDGE OF PAVEMENT



THE STATE OF NEW YORK REQUIRES NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE.



UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

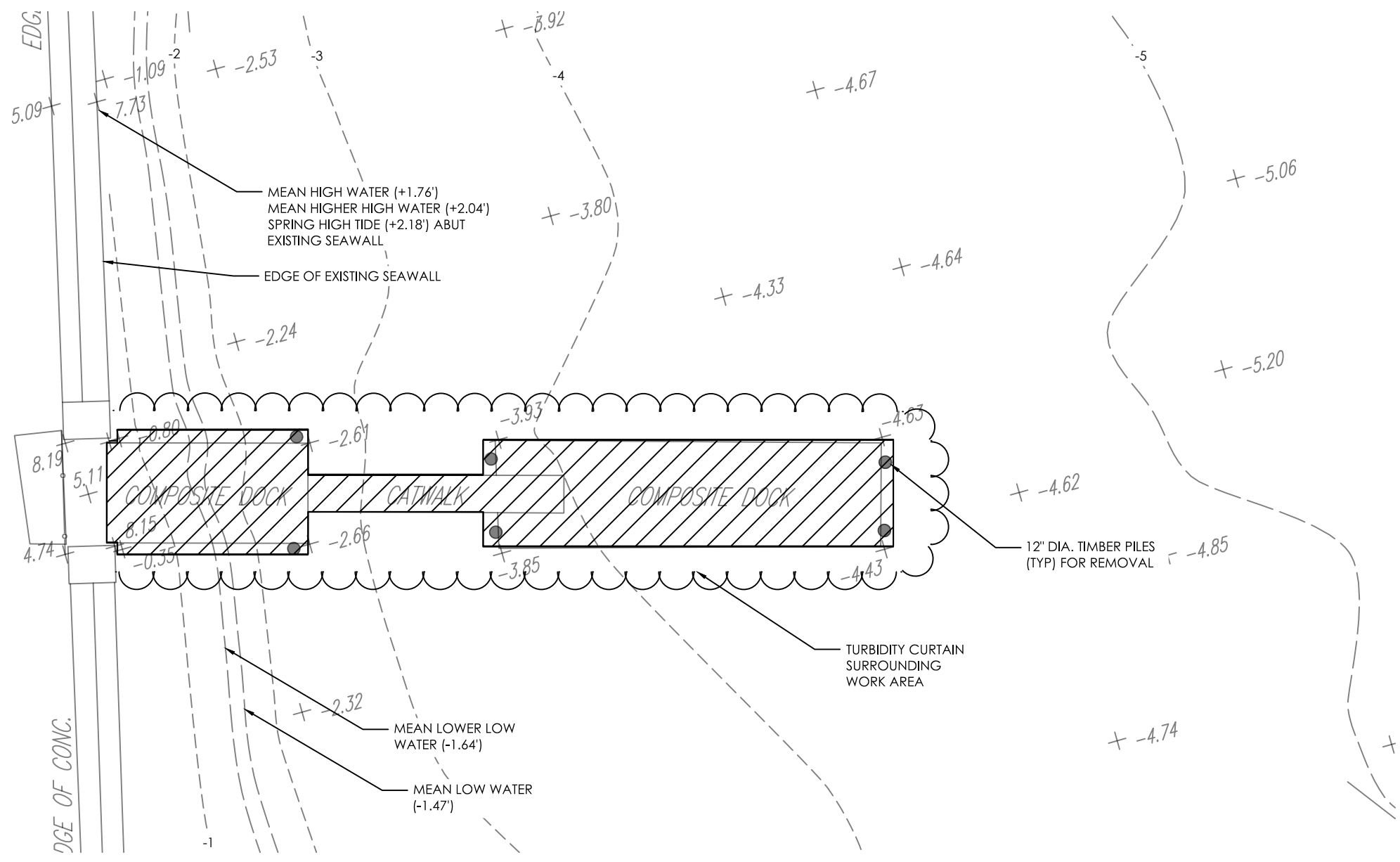
ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED OR INK SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

STATE OF NEW YORK  
WILLIAM THEODORE WHIPPLE  
LICENSED LAND SURVEYOR  
50526

*William T. Whipple*  
**WILLIAM T. WHIPPLE**  
NEW YORK PROFESSIONAL LAND SURVEYOR #50526

11-13-2020  
DATE

FIELD DATE 10-8-2020		PER CLIENT COMMENT		-	D.J.D.	W.T.W.	11-13-2020
FIELD BOOK NO.		DESCRIPTION OF REVISION			FIELD CREW	DRAWN	APPROVED
FIELD BOOK PG.		TOPOGRAPHIC SURVEY					
		TMS-WATERFRONT					
		641 NORTH BROADWAY					
		TM# 60.06-1-7					
		VILLAGE OF UPPER NYACK, ROCKLAND COUNTY					
		STATE OF NEW YORK					
FIELD CREW VD / EF		CONTROL POINT ASSOCIATES INC. PC		ROCHESTER, NY 585.250.1764		WARREN, NJ 908.668.0099	
DRAWN: D.J.D.		26 AVIATION ROAD		CHALFONTS, PA 315.712.9900		MT. LAUREL, NJ 609.857.2099	
REVIEWED: W.T.W.		ALBANY, NY 12205		NEW YORK, NY 646.760.6111		LONG ISLAND, NY 631.580.2645	
APPROVED: W.T.W.		518.217.5010 - 988.668.9595 FAX		SOUTH BOROUGHS, MA 508.544.3000			
DATE 11.05.2020		WWW.CPASURVEY.COM					
SCALE 1" = 20'		FILE NO. 09-200174		DWG. NO. 1		OF 1	

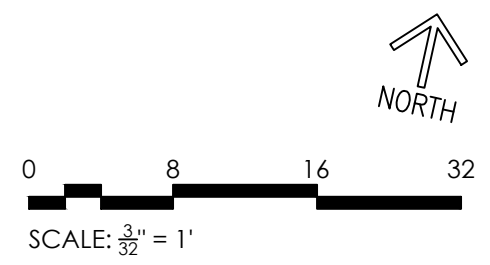
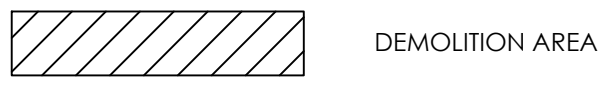


DEMOLITION PLAN



VIEW FROM SHORE

- NOTES:
1. ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
  2. EXISTING BATHYMETRIC INFORMATION SHOWN IS BASED ON FIELD SURVEY PERFORMED BY CONTROL POINT ASSOCIATES, INC. ON 10/22/2020.
  3. DRAWING IS INTENDED FOR USE IN REGULATORY APPROVALS ONLY.
  4. TOTAL AREA OF DEMOLITION = 428 SF
  5. PILES REMOVED = 6, 12-INCH DIAMETER TIMBER PILES
    - 5.1. TOTAL VOLUME OF MATERIAL (PILES) REMOVED BELOW MHW = 0.96 CY
    - 5.2. TOTAL VOLUME OF MATERIAL (PILES) REMOVED BELOW SHT = 1.03 CY



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00	12/28/2020	PERMIT APPLICATION

SEAL

NOT FOR CONSTRUCTION

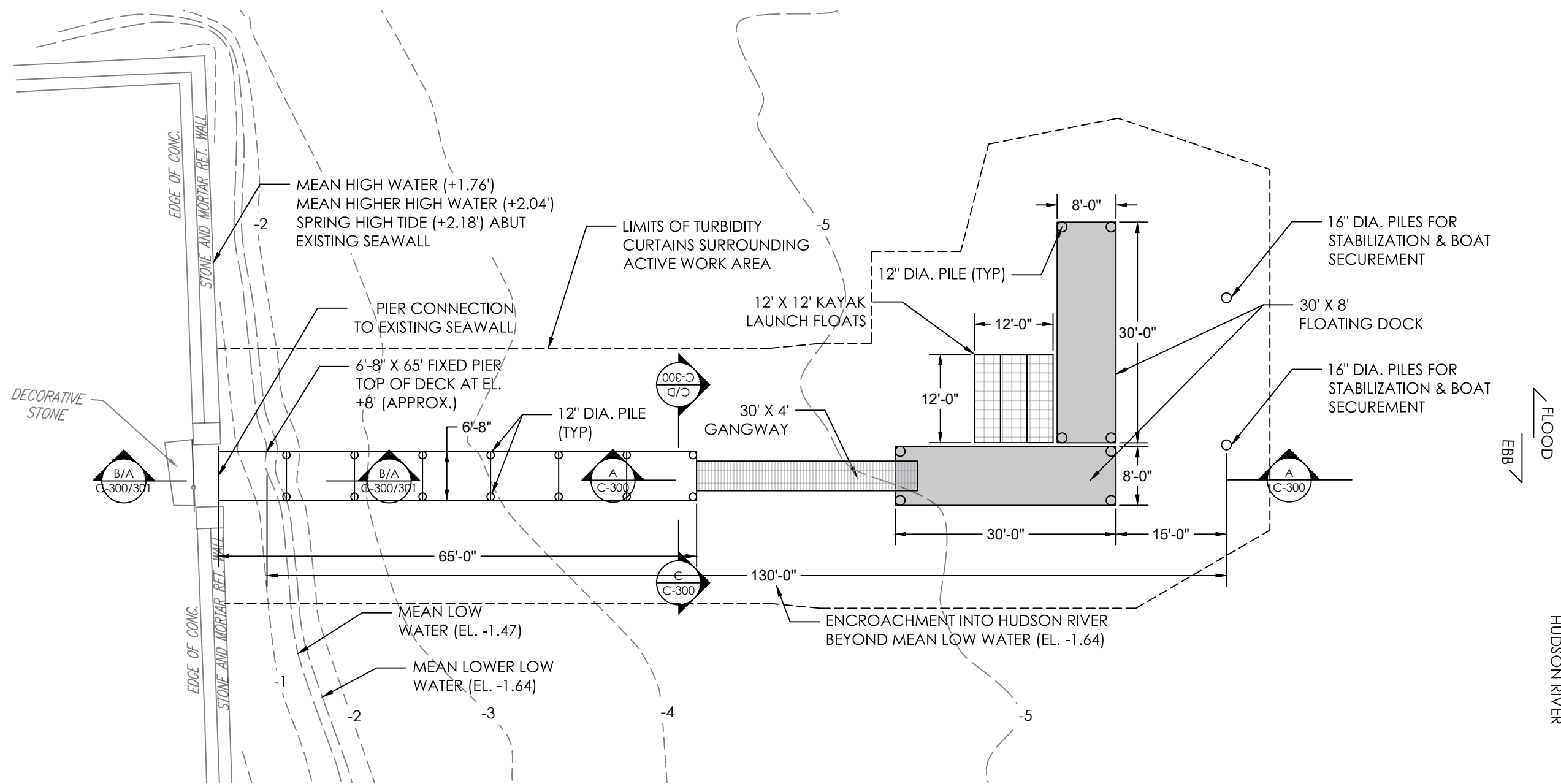
DEMOLITION PLAN

DATE: **DEC 30, 2020** DRAWN BY: **EGB** CHECKED BY: **SET**

FORMAT: **ANSI B** SCALE: **1" = 100'**

SHEET NO. **DM-100** 3 OF 10

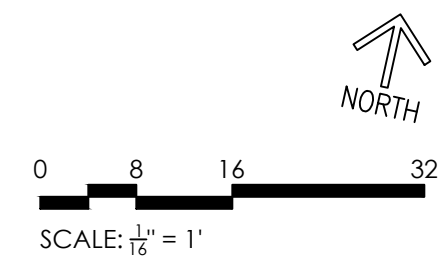




SITE PLAN

- NOTES:
- ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
  - EXISTING BATHYMETRIC INFORMATION SHOWN IS BASED ON FIELD SURVEY PERFORMED BY CONTROL POINT ASSOCIATES, INC. ON 10/22/2020.
  - DRAWING IS INTENDED FOR USE IN REGULATORY APPROVALS ONLY.
  - MEAN HIGH WATER (EL. 1.76), MEAN HIGHER HIGH WATER (EL. 2.04), AND SPRING HIGH TIDE (EL. 2.18) ELEVATIONS ABUT EXISTING SEAWALL.
  - TIMBER PILES, GANGWAY, AND 8'X30' FLOATING DOCK REMOVED DURING DEMOLITION WILL BE REUSED IF CONDITIONS ALLOW.

CUT AND FILL		
Description	Coverage Over MHW and SHT (SF)	Fill below MHW and SHT (CY)
Fixed Pier	435	2
Floating Docks	480	1
Gangway	120	0
Seasonal Floats	144	0
Existing Structures [To Be Removed]	-428	-1
<b>TOTAL</b>	<b>+751 (Net Coverage)</b>	<b>+2 (Net Fill)</b>



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01	05/13/2021	USACE REVISIONS
00	12/28/2020	PERMIT APPLICATION

SEAL

NOT FOR CONSTRUCTION

SHEET NAME

**SITE PLAN**

DATE: **MAY 13, 2021** DRAWN BY: **EGB** CHECKED BY: **EGB**

FORMAT: **ANSI B** SCALE: **1/16" = 1'**

SHEET NO. **C-100** 4 OF 10

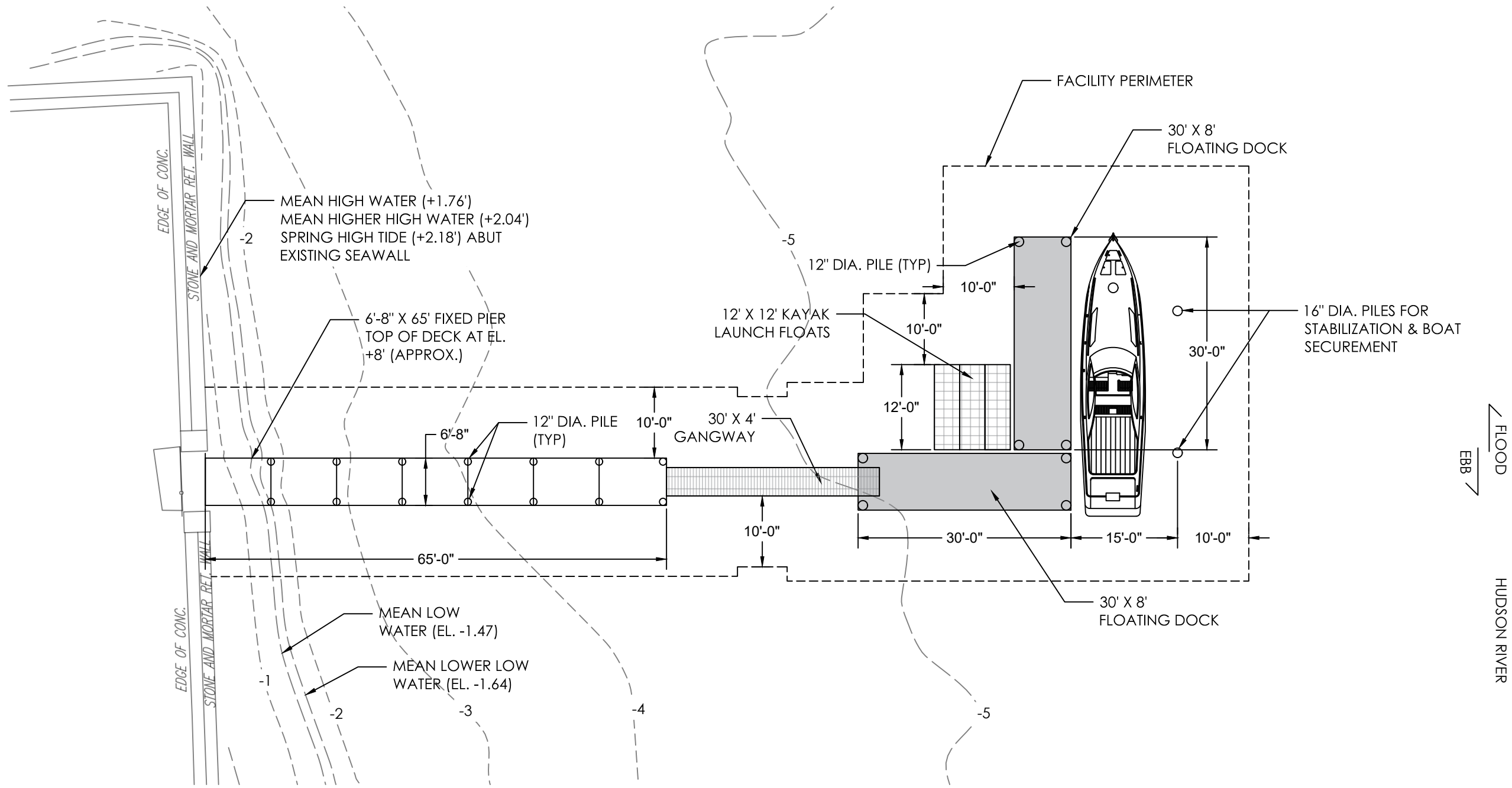
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FACILITY PERIMETER AND DOCK PLAN

NOTES:

- ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
- EXISTING BATHYMETRIC INFORMATION SHOWN IS BASED ON FIELD SURVEY PERFORMED BY CONTROL POINT ASSOCIATES, INC. ON 10/22/2020.
- DRAWING IS INTENDED FOR USE IN REGULATORY APPROVALS ONLY.
- TOTAL AREA OF COVERAGE OVER SHT AND MHW = 1179 SF
- TOTAL FACILITY PERIMETER LENGTH = 390 LF
- TOTAL FACILITY PERIMETER AREA = 5,435 SF
- NUMBER OF VESSELS TO BE BERTHED = 1 MOTORIZED VESSEL, UP TO 3 KAYAKS.


01	05/13/2021	USACE REVISIONS
00	12/28/2020	PERMIT APPLICATION
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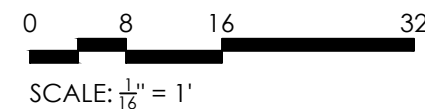
SHEET NAME

**FACILITY PERIMETER PLAN**

DATE	DRAWN BY	CHECKED BY
MAY 13, 2021	EGB	EGB

FORMAT	SCALE	
ANSI B	1/16" = 1'	

SHEET NO. **C-101** 5 OF 10



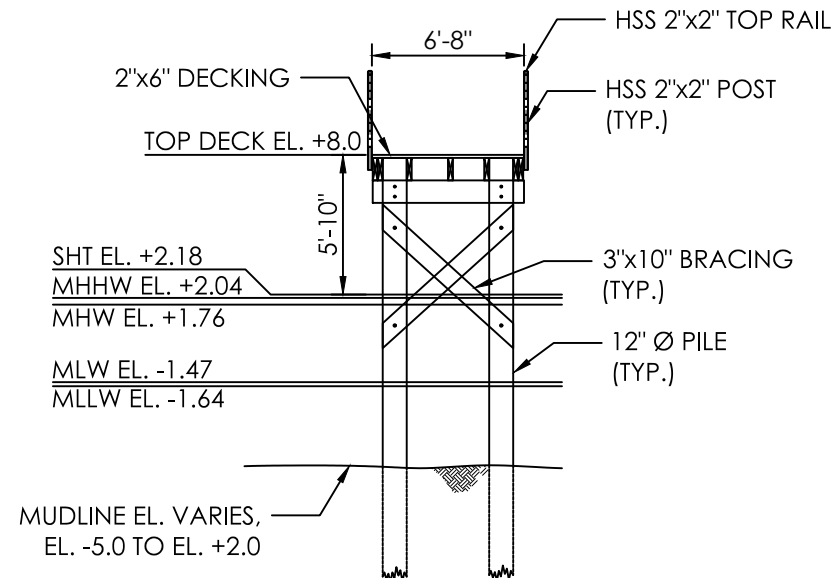
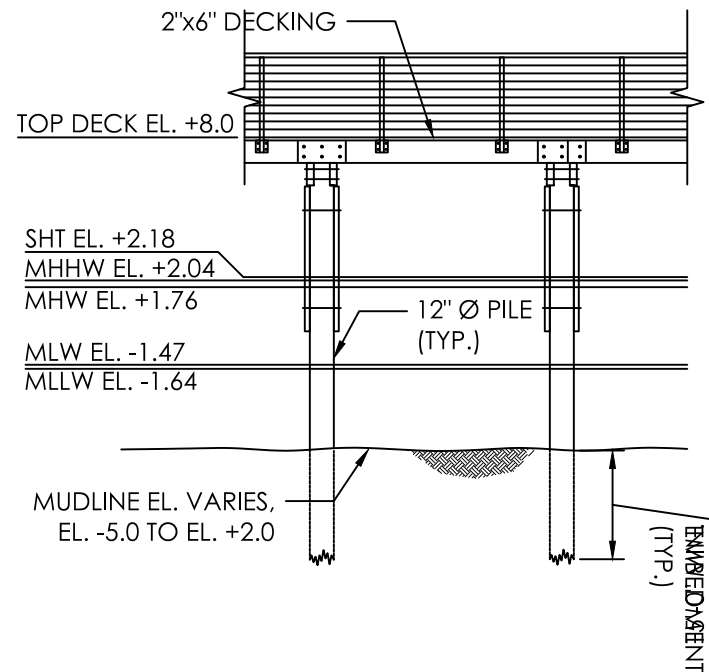
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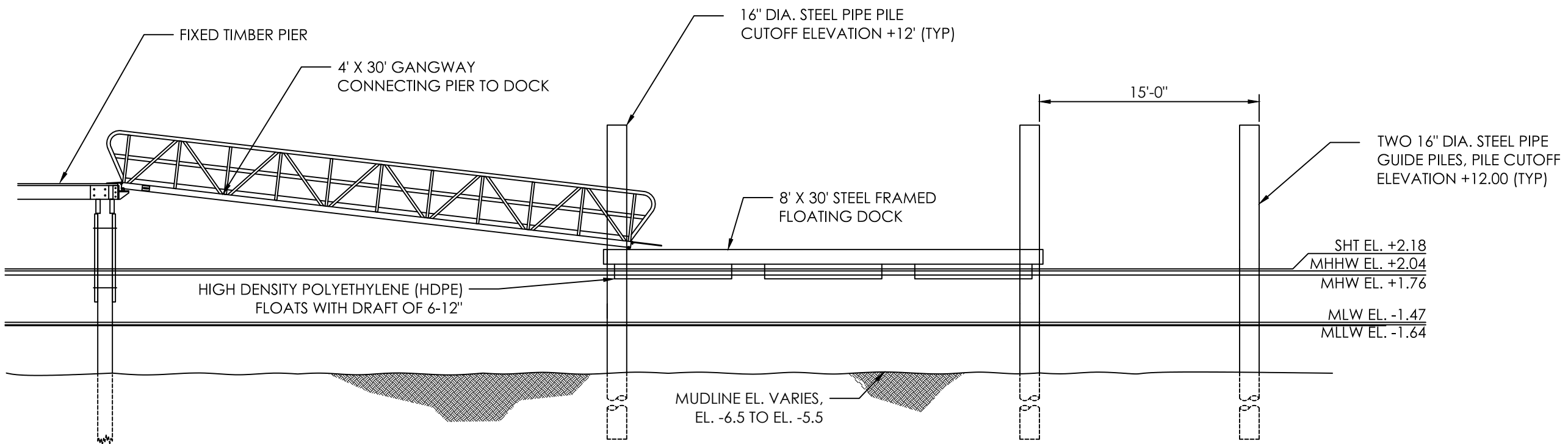


**B** LONGITUDINAL SECTION THROUGH PIER

C-100

**C** TYPICAL FIXED PIER SECTION

C-100



**A** GANGWAY & DOCK SECTION

C-100

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SHEET NAME

**PIER AND DOCK SECTIONS**

DATE	DRAWN BY	CHECKED BY
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FORMAT	SCALE	
ANSI B	1/8" = 1'	
SHEET NO.		

**C-300**

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