

# 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-2020-00921-WRY

Issue Date: November 5, 2021

Expiration Date: December 6, 2021

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**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:** Plateau Associates, LLC  
427 Bedford Road, Suite 100  
Pleasantville, NY 10570

**ACTIVITY:** Discharge 411 cubic yards clean fill into 0.085 acres to relocate 575 linear feet of existing stream.

**WATERWAY:** Unnamed Tributary to Hudson River

**LOCATION:** Town of Ossining, Westchester 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 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.

The email inbox for written comments is: alexandra.ryan@usace.army.mil.

**CENAN-OP-RW**  
**PUBLIC NOTICE NO. NAN-2020-00921-WRY**

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.

Based upon a review of the latest published version of the National Register of Historic Places, the Brandreth Pill Factory site, which is listed in the Register, is located 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:

- New York State Department of Environmental Conservation – Endangered/Threatened Species (Incidental Take)

**CENAN-OP-RW**  
**PUBLIC NOTICE NO. NAN-2020-00921-WRY**

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 [alexandra.ryan@usace.army.mil](mailto:alexandra.ryan@usace.army.mil).

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

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, Plateau Associates, LLC, has requested Department of the Army authorization for the discharge of 411 cubic yards of fill material and stream relocation in association with a multi-unit residential development in an unnamed tributary to the Hudson River, Town of Ossining, Westchester County, New York.

The work would involve:

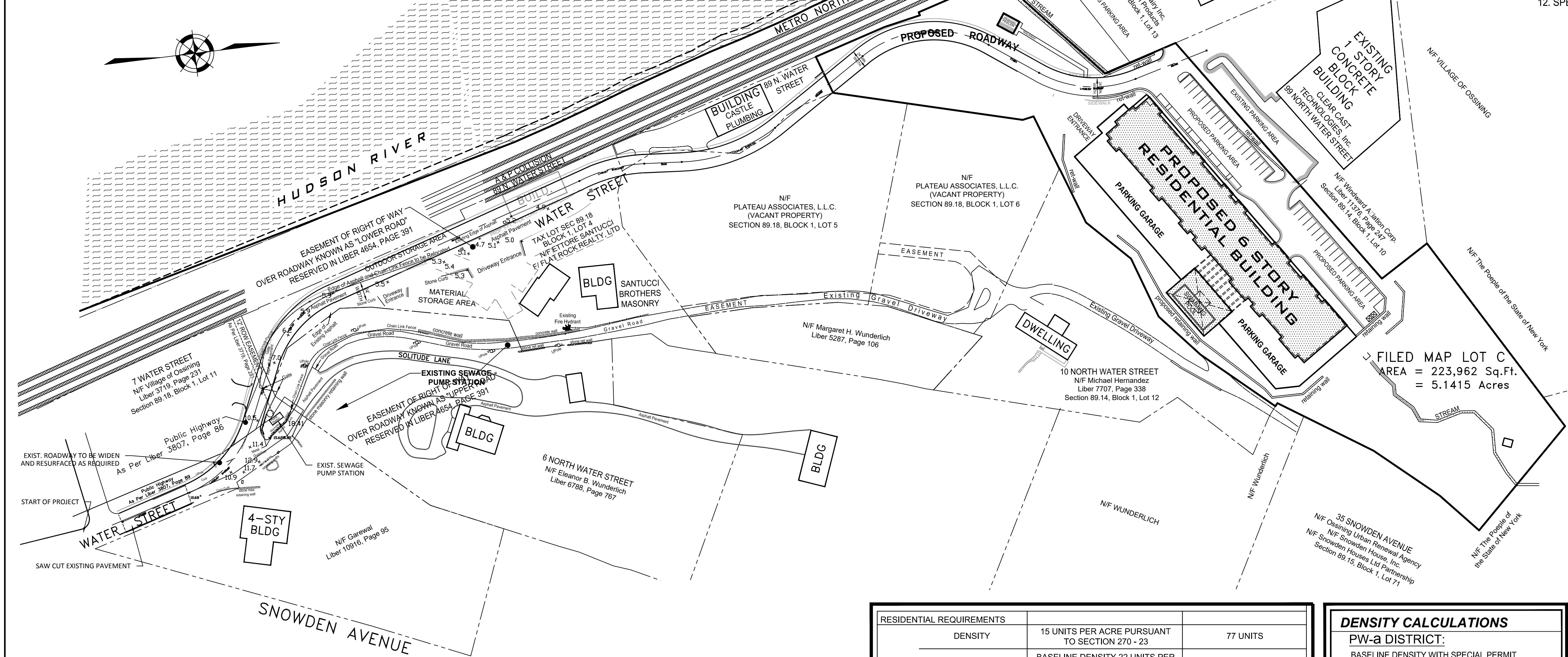
Relocation of an existing culverted stream to the north via an underground eight-foot by four-foot precast reinforced concrete box culvert, sized to manage 100-year stormwater flows. Discharge of approximately 411 cubic yards of clean fill below the plane of ordinary high water to fill the existing stream bed. The total area of permanent impacts would not exceed 0.085 acres.

Install a weir inlet structure to redirect the stream to an elevation that would allow water to safely pass below the proposed parking lot, which is not achievable via natural slope. Boulders placed at the weir entry are proposed to minimize erosion. The new culvert would reconnect to the existing stream bed at the western portion of the property and discharge to the Hudson River. Stream diversion to the new culvert is proposed to occur during periods of no rainfall and is expected to be completed within five working days.

Alternatives considered were deemed infeasible due to local building codes which mandate all structures be at least 25 feet from any watercourse. It is not practical to maintain the stream in its existing alignment due to required structural replacements necessary to meet NYSDEC General Permit for Stormwater Discharges (GP-0-20-001) and accessibility for future maintenance. An existing sanitary sewer easement prevents stream relocation to the south.

The stated purpose of this project is to construct a new multi-unit residential development within an under-utilized, previously disturbed site.







PW-A BULK REQUIREMENTS TABLE		
(NORTHERN WATERFRONT SUBDISTRICT)		
ITEM	REQUIRED	PROVIDED
SETBACKS		
MINIMUM LOT AREA	3 ACRES (FOR SPECIAL PERMIT)	223,962 (5.1415 AC.)
BUILDING WIDTH AND OPEN AREA (ft.)	SHALL BE IN ACCORDANCE WITH SEC. 270-23 (196 FT.)	186 FT.
NO BUILDING OR PART THEREOF SHALL BE SITUATED WITHIN:	20 FT. OF ANY STREET OR 15 FT. OF ANY LOT LINE	19.4 FT.
MINIMUM SETBACK FOR PARKING OR LOADING AREAS FROM STREET OR LOT LINE (ft.)	10 FT.	± 13 FT.
MINIMUM DISTANCE BETWEEN ANY TWO BUILDINGS EXCEPT ATTACHED DWELLINGS SHARING A PARTYWALL (ft.)	30 FT.	187.7 FT.

<h2 style="text-align: center;"><b>DENSITY CALCULATIONS</b></h2> <h3 style="text-align: center;"><b>PW-a DISTRICT:</b></h3> <p style="text-align: center;">BASELINE DENSITY WITH SPECIAL PERMIT APPLICATION = 22 UNITS PER ACRE UP TO 32 DWELLING UNITS PER ACRE PURSUANT TO SECTION 270-2.3.</p> <p style="text-align: center;">5.175 ACRES x 26.62 DWELLING UNITS PER ACRE = 137.75 UNITS (137 UNITS) ( WITH DENSITY BONUS * )</p> <p style="text-align: center;">SPECIAL PERMIT REQUIRED IN THE PW-a DISTRICT FOR DENSITY IN EXCESS OF 15 UNITS PER ACRE.</p> <p style="text-align: center;">* WITH DENSITY BONUS FOR PROVISION OF: USE OF GREEN BUILDING TECHNIQUES; AND AFFORDABLE HOUSING</p>
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NOTE: THIS PLAN IS NULL AND VOID UNLESS IT

1. MUNICIPALITY: VILLAGE OF OSSINING
2. APPLICANT / OWNER:  
PLATEAU ASSOCIATES, L.L.C. c/o Peter and Nick Stolat  
427 BEDFORD ROAD, SUITE 100  
PLEASANTVILLE, NY 10570
3. SITE LOCATION:  
36 NORTH WATER STREET  
OSSINING, NY 10562
4. TAX MAP DESIGNATION:  
SECTION: 89.14, BLOCK: 1, LOT: 11
5. TOTAL COMBINED AREAS: 223,962 S.F. (5.1415 ACRES)
6. ZONING DISTRICT: PW-a (NORTHERN WATERFRONT SUBDISTRICT)
7. PREMISES HEREON BEING LOT C AS SHOWN ON A CERTAIN MAP ENTITLED:  
"SUBDIVISION MAP PREPARED FOR FLEX STEEL PRODUCTS CO. INC."  
SAID MAP FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION  
OF LAND RECORDS, AUGUST 25, 1996, AS MAP NUMBER 25508.
8. SOURCE OF SURVEY AND TOPOGRAPHIC INFORMATION:  
THOMAS C. MERRITTS LAND SURVEYORS P.C.  
394 BEDFORD ROAD  
PLEASANTVILLE, NEW YORK 10570
9. WETLAND SOIL FLAGGED ON MARCH 18, 2006 BY:  
MICHAEL NOWICKI  
ECOLOGICAL SOLUTIONS, LLC  
1248 SOUTHFORD ROAD  
SOUTHBURY, CT. 06488
10. WATERSHED: HUDSON RIVER
11. ARMY PERMIT APPLICATION FILE NUMBER: NAN-2013-00314-EYA
12. SPECIAL DISTRICTS: OSSINING SEWER DISTRICT  
OSSINING WATER DEPARTMENT  
OSSINING SCHOOL DISTRICT  
OSSINING FIRE DISTRICT

DRAWING LIST	
TITLE	SHEET No.
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EXISTING CONDITIONS PLAN-1	2
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CONSERVATION EASEMENT	38

SHEET NO.		TITLE SHEET □ AREA PLAN						600 NORTH BROADWAY WHITE PLAINS, N.Y. 10603 9 1 4 . 9 4 8 . 3 6 2 9 PAUL BERKE, P.E.		REVISIONS 12.06.18		JOB NO. 2001 DATE: 06-18-18 SCALE: AS NOTED DRAWN BY: SB CHECKED BY: P.B.	
1	38	PLATEAU ASSOCIATES HIDDEN COVE ON THE HUDSON WEST ROAD ALTERNATIVE 36 NORTH WATER STREET VILLAGE OF OSSING, NEW YORK											

NOTE: UNAUTHORIZED ALTERATIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209-2 OF THE NEW YORK STATE EDUCATION LAW.

NOTE: THIS PLAN IS NULL AND VOID UNLESS IT BEARS THE ORIGINAL SEAL AND SIGNATURE OF THE ENGINEER.



Paul Berté, PE  
NYS PE # 071859

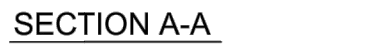
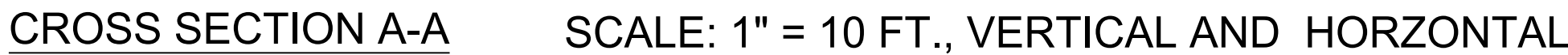




[illegible]

1 OF 2





SCALE: 1" = 20'-0" HORIZONTAL AND VERTICAL



**JORGE B. HERNANDEZ R.A. A.I.A.**  
**LICENSE NUMBER: 030424-1**  
**CERTIFICATE NUMBER: 0973256**

[illegible]

DRAWING TITLE:  
CROSS SECTIONS,  
DRAINAGE PROFILE &  
DETAILS

PROJECT:  
HIDDEN COVE  
ON THE HUDSON

PROJECT ADDRESS:  
36 NORTH WATER ST.  
VILLAGE OF OSSINING  
N.Y. 10562

DOB EXAMINER SIGNATURE

DOB BSCAN STICKER

SEAL &amp; SIGNATURE

DATE: \_\_\_\_\_

09/14/2021

PROJECT NO.:

21-106

DRAWING BY:  
AEC

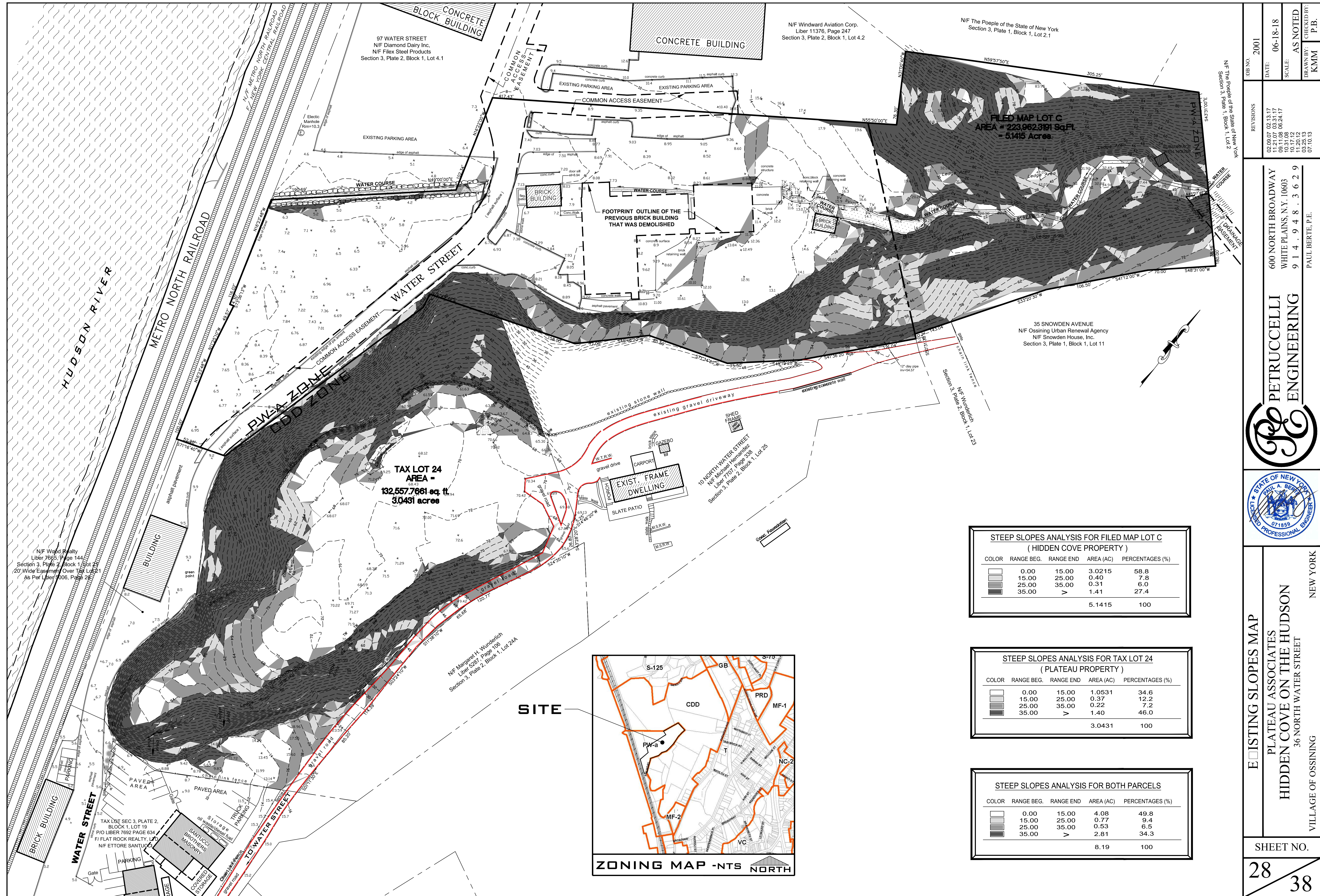
PWG, NO. 3

WC-2

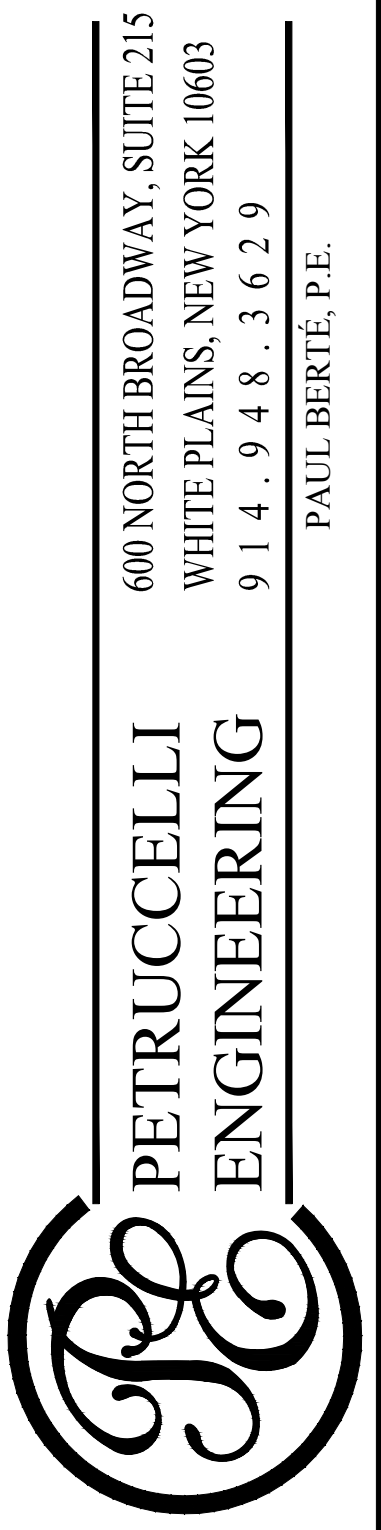
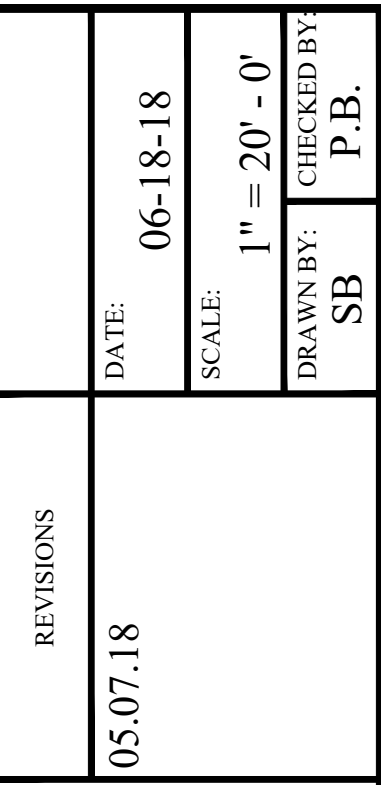
NO. 11

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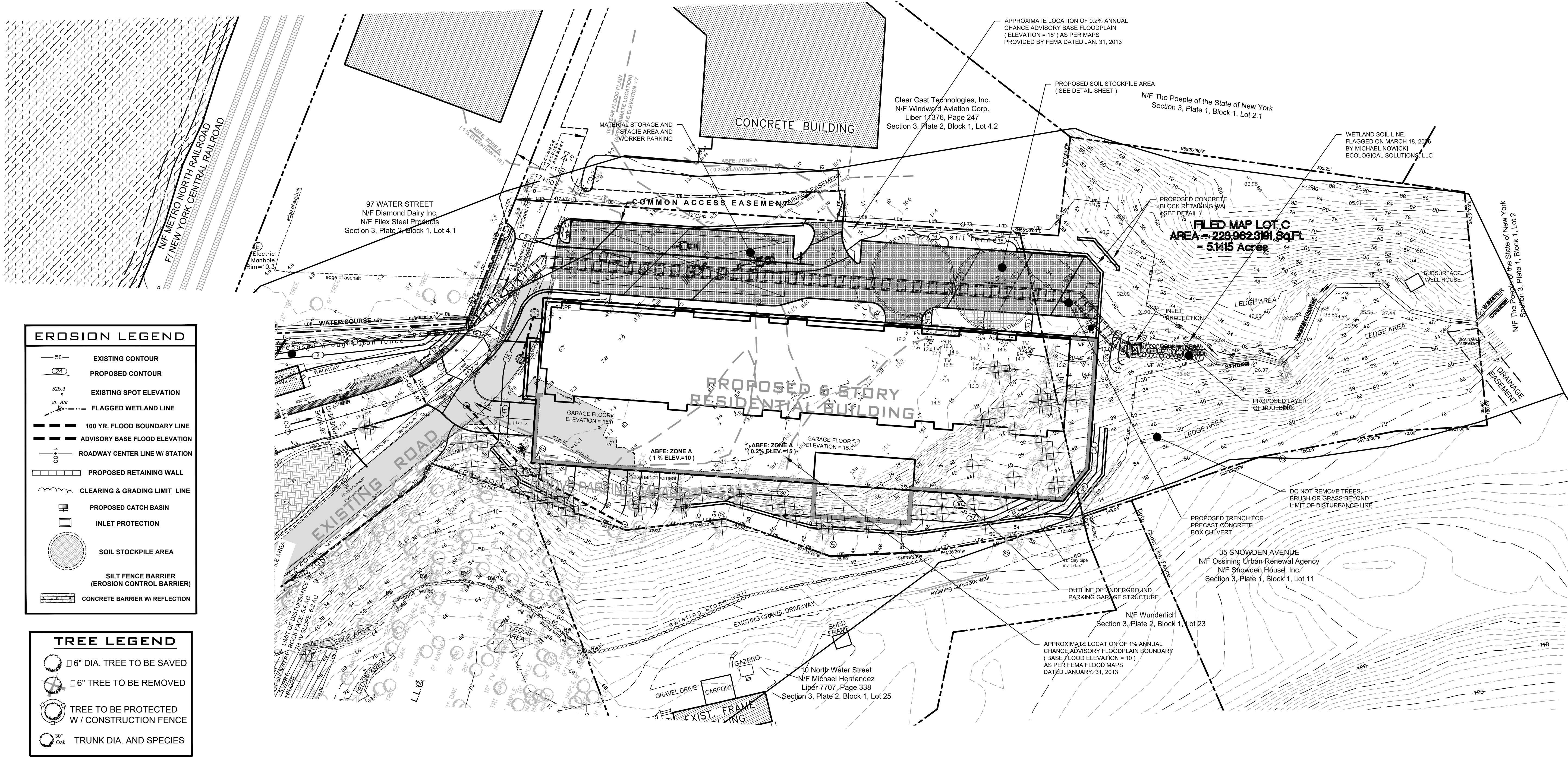






NOTE: THIS PLAN IS NULL AND VOID UNLESS IT BEARS THE ORIGINAL SEAL AND SIGNATURE OF THE ENGINEER.





**EROSION LEGEND**

- 50 — EXISTING CONTOUR
- 24 — PROPOSED CONTOUR
- 325.3' EXISTING SPOT ELEVATION
- VL A10 FLAGGED WETLAND LINE
- 100 YR. FLOOD BOUNDARY LINE
- ADVISORY BASE FLOOD ELEVATION
- 00+1 ROADWAY CENTER LINE W/ STATION
- PROPOSED RETAINING WALL
- CLEARING & GRADING LIMIT LINE
- PROPOSED CATCH BASIN
- INLET PROTECTION
- SOIL STOCKPILE AREA
- SILT FENCE BARRIER (EROSION CONTROL BARRIER)
- CONCRETE BARRIER W/ REFLECTION

**TREE LEGEND**

- 6" DIA. TREE TO BE SAVED
- 6" TREE TO BE REMOVED
- TREE TO BE PROTECTED W/ CONSTRUCTION FENCE
- 30" Trunk DIA. AND SPECIES

ALL TREES MUST BE CLEARLY MARKED IN THE FIELD SO THAT IT IS BLANTLY OBVIOUS WHICH TREES ARE TO BE REMOVED  
ALL TREES BEING REMOVED MUST BE TAGGED  
TREES TAGGED IN RED ARE TO BE REMOVED  
TREES TAGGED IN YELLOW ARE TO POSSIBLY BE REMOVED

**SPECIAL EROSION CONTROL NOTE:**

THE MEASURES FOR THE CONTROL OF EROSION AND SEDIMENTATION ARE UNDERTAKEN CONSISTENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION "GUIDELINES FOR URBAN EROSION AND SEDIMENT CONTROL," AS AMENDED, OR ITS EQUIVALENT SATISFACTORY TO THE PLANNING BOARD."

**SPECIAL RIGHT-OF-WAY NOTE:**

NO MACHINERY OR VEHICLES SHALL BE STORED ON THE WATER STREET RIGHT-OF-WAY THAT WILL INTERFERE WITH THE USE OF THE ROADWAY BY OTHER OWNERS.

**SPECIAL WORK ZONE TRAFFIC CONTROL NOTE:**

TO BETTER CONTROL THE TRAFFIC ALONG WATER STREET THE CONTRACTOR MUST SUPPLY FLAG MEN IN THE WORK AREA ON WATER STREET DURING CONSTRUCTION.

**NEW CULVERT INSTALLATION NOTE:**

A CLEAN WATER DIVERSION WILL BE INSTALLED DURING CRITICAL INSTALLATION OF THE NEW DRAINAGE STRUCTURE WHICH DIRECTS THE STREAM TO THE NEW BOX CULVERT IN ORDER TO MAINTAIN THE INTEGRITY OF THE CLEAN, OFF-SITE FLOW. THIS DIVERSION WILL CONSIST OF TEMPORARY PIPING OR MECHANICAL PUMPING SYSTEMS TO MINIMIZE TURBIDITY.

**SPECIAL DISTURBANCE NOTE:**

THE DISTURBANCE OF EXISTING VEGETATIVE GROUND COVER SHALL NOT TAKE PLACE MORE THAN SEVEN DAYS PRIOR TO COMMENCING GRADING AND CONSTRUCTION

**TREES TO BE REMOVED**

ROCK FACE	WORST-CASE (2H:1V)
97	184

NOTE: ADDITIONAL TREES THAT WOULD NEED TO BE REMOVED DUE TO WORST CASE GRADING ARE SHOWN IN RED

**GENERAL PERMIT NOTES:**

- INSPECTION OF EROSION CONTROLS BY THE ENGINEER IS REQUIRED PRIOR TO ANY EXCAVATION.
- ALL DRAINAGE FACILITIES SHALL BE INSPECTED PRIOR TO BACKFILLING BY THE ENGINEER (FOR ANY PROPOSED SUBSURFACE STORMWATER TREATMENT.)
- INSPECTION OF SUBSURFACE DRAINAGE SYSTEMS SHALL BE INSPECTED BY THE ENGINEER PRIOR TO BACKFILLING.
- PUBLIC ROADWAYS SHALL BE PROTECTED FROM MACHINERY AND DEBRIS.
- ANY CHANGES, ALTERATIONS, AND/OR MODIFICATIONS SHALL BE REVIEWED AND APPROVED BY THE BUILDING INSPECTOR AND/OR ENGINEER, PRIOR TO PERFORMING SUCH WORK.

**SPECIAL UNDERGROUND UTILITIES NOTE:**

PRIOR TO ANY EXCAVATION ALL UNDERGROUND UTILITIES MUST BE LOCATED. CALL 1.800.962.7962, CODE RULE 1753, www.digsafelynewyork.com

**STEEP SLOPE DISTURBANCE NOTES:**

- EROSION CONTROLS CONSISTING OF SILT FENCE AND HAY BALES SHALL BE INSTALLED AS SHOWN ON THE PLAN. EROSION CONTROLS ARE TO BE TO BE INSPECTED AND INSTALLED PRIOR TO COMMENCEMENT OF ANY WORK. THEY MUST BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS, AND REMAIN IN PLACE UNTIL FINAL SITE INSPECTIONS FOR COMPLIANCE WITH CONDITIONS OF PERMIT HAVE BEEN COMPLETED.
- WORK CONDUCTED UNDER A PERMIT SHALL BE OPEN TO INSPECTION DURING DAYLIGHT HOURS, INCLUDING WEEKENDS AND HOLIDAYS, BY THE APPROVING AUTHORITY OR ITS DESIGNATED REPRESENTATIVE.
- THE PERMIT HOLDER SHALL NOTIFY THE APPROVING AUTHORITY OF THE DATE ON WHICH THE WORK IS TO BEGIN AT LEAST FIVE (5) DAYS IN ADVANCE OF SUCH COMMENCEMENT DATE. THE APPROVED BUILDING PERMIT SHALL BE DISPLAYED AT THE PROJECT SITE DURING THE UNDERTAKING OF THE ACTIVITIES AUTHORIZED BY THE PERMIT. ALL WORK SHALL BE DONE IN ACCORDANCE TO THE STAMPED "APPROVED" SET OF PLANS.

**VILLAGE OF OSSINING EROSION CONTROL NOTES:**

- THE APPLICANT WILL BE REQUIRED TO CLEAN ROADWAY FROM ALL SILTATION AND CONSTRUCTION DEBRIS AS REQUIRED, AND UPON COMPLETION OF THE WORK.
- THE APPLICANT WILL BE REQUIRED TO COMPLY WITH ALL APPLICABLE PROVISIONS OF THE "NYS STANDARDS AND STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL."
- PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ACTIVITY ON ANY PART OF THE SITE, THE BUILDING INSPECTOR, TOWN ARBORIST AND PLANNING BOARD SHALL MEET THE DEVELOPER AND HIS CONSTRUCTION MANAGER TO ENSURE THAT THOSE TREES DESIGNATED TO BE PRESERVED ARE PHYSICALLY IDENTIFIED ON THE SITE SO AS TO BE EASILY RECOGNIZABLE AS TREES TO BE PROTECTED.

OB NO. 2001	REVISIONS	02.09.07 07.10.13 11.21.07 02.13.17 09.11.08 03.31.17 10.31.08 06.28.17 10.17.12 04.09.18 11.20.12 05.07.18 03.25.13 06.18.18
	DATE:	04.09.18
SCALE:	1" = 40' - 0"	CHECKED BY: P.B.
DRAWN BY: SB		

**EROSION CONTROL PLAN**

PLATEAU ASSOCIATES

**HIDDEN COVE ON THE HUDSON**

36 NORTH WATER STREET

VILLAGE OF OSSINING

NEW YORK

**PETRUCCELLI ENGINEERING**

600 NORTH BROADWAY, SUITE 215  
WHITE PLAINS, N.Y. 10603  
9 1 4 . 9 4 8 . 3 6 2 9

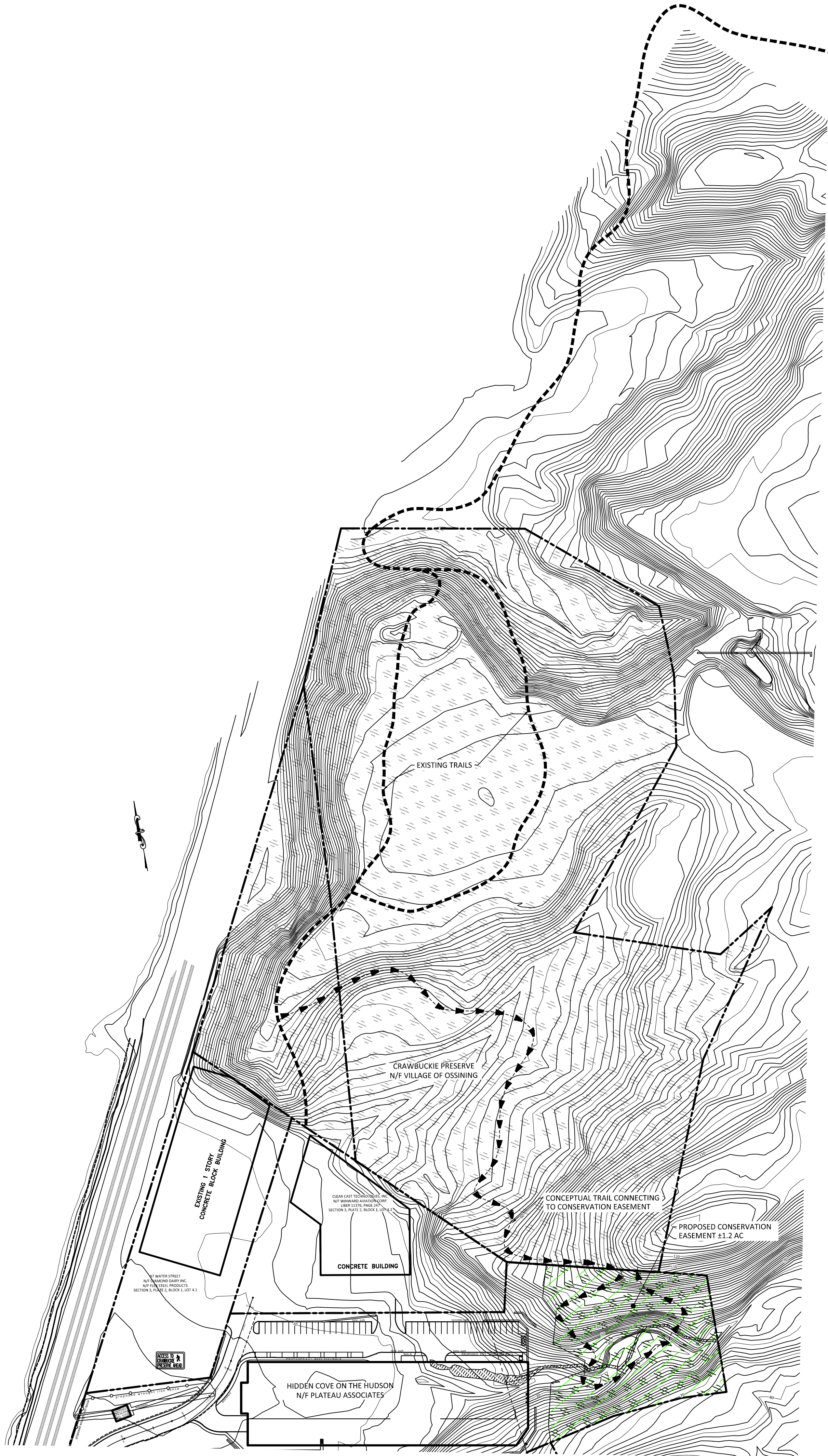
PAUL BERTÉ, P.E.

**STATE OF NEW YORK**  
PAUL A. BERTÉ  
071859  
REGISTERED PROFESSIONAL ENGINEER

**SHEET NO.**

34 / 38





REVISIONS	LOB N°:	2001
	DATE:	12.6.18
	SCALE:	1"=100'-0"
	DRAWN BY:	SB
600 NORTH BROADWAY, SUITE 215 WHITE PLAINS, NEW YORK 10603 9 1 4 . 9 4 8 . 3 6 2 9 PAUL BERTÉ, P.E.		
PETRUCCELLI ENGINEERING		
CONSERVATION EASEMENT PLATEAU ASSOCIATES HIDDEN COVE ON THE HUDSON VILLAGE OF OSSINING 36 N WATER STREET NEW YORK		
SHEET NO. 38 / 38		