



# 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-2020-01300-EMI**  
Issue Date: **October 21, 2021**  
Expiration Date: **November 20, 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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: 470 Kent Avenue Associates, LLC  
157 West 57<sup>th</sup> Street, 45<sup>th</sup> Floor  
New York, New York 10019

ACTIVITY: Shoreline Stabilization and Waterfront Development Activities

WATERWAY: Wallabout Channel, a tributary of the East River

LOCATION: 470 Kent Avenue, Borough of Brooklyn, Kings County, City of New York, 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

**CENAN-OP-RE  
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AND EMAILED 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 email 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.

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

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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

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. Please send all comments and questions concerning this application to [Christopher.W.Minck@usace.army.mil](mailto:Christopher.W.Minck@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 AND IN BEHALF OF**  
Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

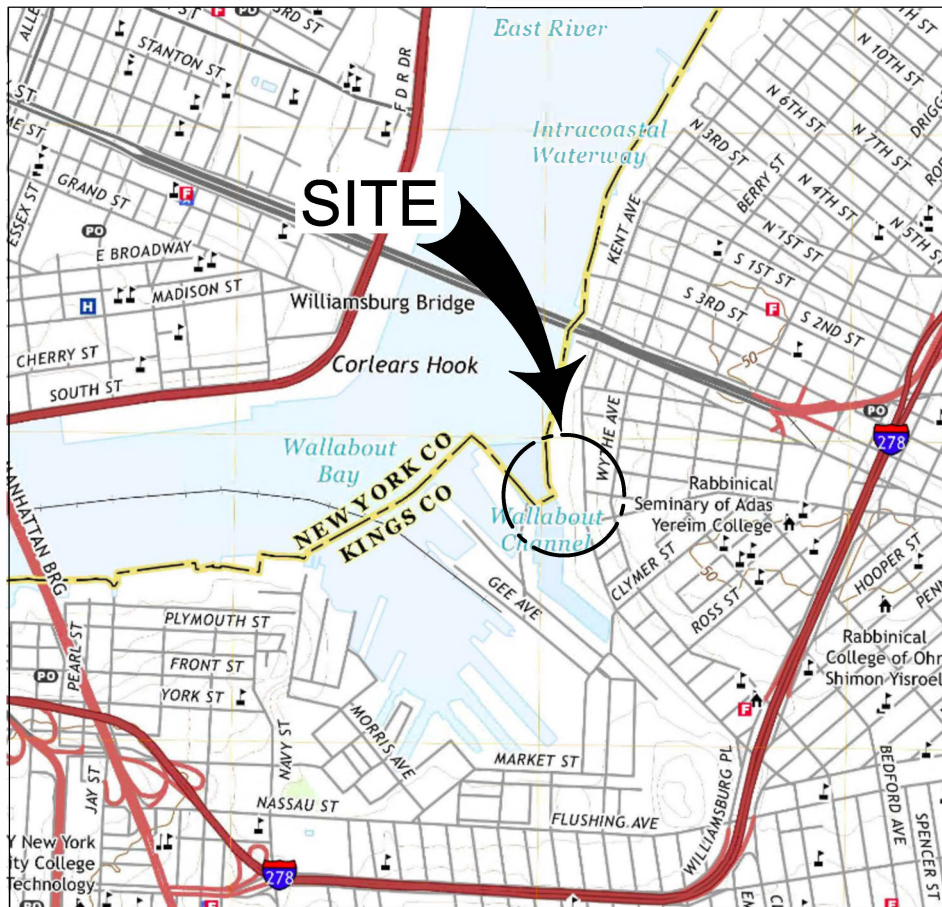
The permit applicant, 470 Kent Avenue Associates, LLC, has requested Department of the Army (DA) authorization to perform shoreline stabilization and waterfront development activities. The project is located in Wallabout Channel, a tributary of the East River at 470 Kent Avenue, Borough of Brooklyn, Kings County, City of New York, New York.

The proposed work would involve the following:

Removal of approximately 556 cubic yards of existing debris and concrete from below the plane of Spring High Water, associated with a partially collapsed concrete platform ranging from 18 to 24-foot-wide by 200-foot-long. The concrete platform will be replaced with a new 25-foot-wide by 236-foot-long high-level concrete platform supported by approximately sixty (60) 18-inch diameter steel pipe piles to be filled with approximately 35 cubic yards of flowable concrete below the plane of Spring High Water. The platform will not extend waterward of previously existing. Approximately 320 linear feet of bulkhead will be replaced approximately nine inches seaward of existing and will be backfilled with approximately 87 cubic yards of clean fill below the plane of Spring High Water. Approximately 226 linear feet of bulkhead will be installed landward of the previously existing collapsed concrete platform to stabilize the upland property. Approximately 207 cubic yards of riprap will be placed along the bulkhead and beneath the platform over an approximately 6,200 square-foot area as scour protection. Additionally, the regulated work includes the installation of an approximately 24-inch-diameter outfall.

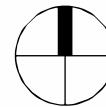
The applicant has stated that they have avoided, minimized, and mitigated for potential impacts proposed to the maximum extent practicable by working at low tide, as practicable. Any potential impacts would be temporary and would be offset by implementing best management practices and such as utilizing turbidity curtains/floating booms to minimize turbidity in the project area.

The purpose of the project is to stabilize the shoreline and provide a means of public access to the waterfront. The project is associated with a new upland housing development.



LOCATION MAP

N.T.S.



PURPOSE: SHORELINE DEVELOPMENT

DATUM: NAVD88

ADJACENT OWNERS:

1. CITY OF NEW YORK/DSBS
2. 475 KENT OWNER LLC
3. W&K PHASE 2 LLC

470 KENT AVE  
WATERFRONT

APPLICANT: 470 KENT AVE ASSOCIATES LLC  
152 W 57TH STREET, 45TH FL.  
NEW YORK, NY 10019

AGENT: M.G. McLAREN, P.C.  
131 W 35TH STREET, 4TH FLR  
NEW YORK, NY 10001

LOCATION MAP

IN: BROOKLYN  
AT: 470 KENT AVENUE  
COUNTY OF: KINGS STATE: NY

SHT 1 OF 24 02/19/2021

**CUT/ FILL SUMMARY (CY)**

	BELOW MHW	BELOW SHT	COMMENT
ELEVATION (NAVD88)	1.87	2.38	
CUT			
PLATFORM REMOVAL	-179	-188	
BULKHEAD @ PLATFORM	-202	-215	BULKHEAD PULLING LANDWARD
TOTAL	-381	-403	
FILL			
EXPOSED BULKHEAD SECTION	53	87	BULKHEAD SOUTH OF PLATFORM TO DIVISION ST
PILES	33	35	REDUCED FROM ORIGINAL APPLICATION
RIP-RAP	207	207	REDUCED FROM ORIGINAL APPLICATION
TOTAL	294	330	
NET TOTAL	-87	-73	

NOTES:

1. THE TOTAL AREA OF FILL FOR THE PROPOSED PROJECT IS 6544 SQUARE FT., BUT WILL ULTIMATELY RESULT IN A NET CUT.
2. THERE WILL BE 251 CY OF MATERIAL BELOW THE MUDLINE AND 94 CY OF MATERIAL FROM THE EXISTING PLATFORM REMOVED BELOW SHT FOR THE PLACEMENT OF THE RIPRAP.
3. THE RIPRAP WILL COVER 6200 SQUARE FEET OF SHORELINE.

PROPOSED CUT AND FILL ANALYSIS

N.T.S.

PURPOSE: SHORELINE DEVELOPMENT

DATUM: NAVD88

ADJACENT OWNERS:

1. CITY OF NEW YORK/DSBS
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470 KENT AVE  
WATERFRONT

APPLICANT: 470 KENT AVE ASSOCIATES LLC  
152 W 57TH STREET, 45TH FL.  
NEW YORK, NY 10019

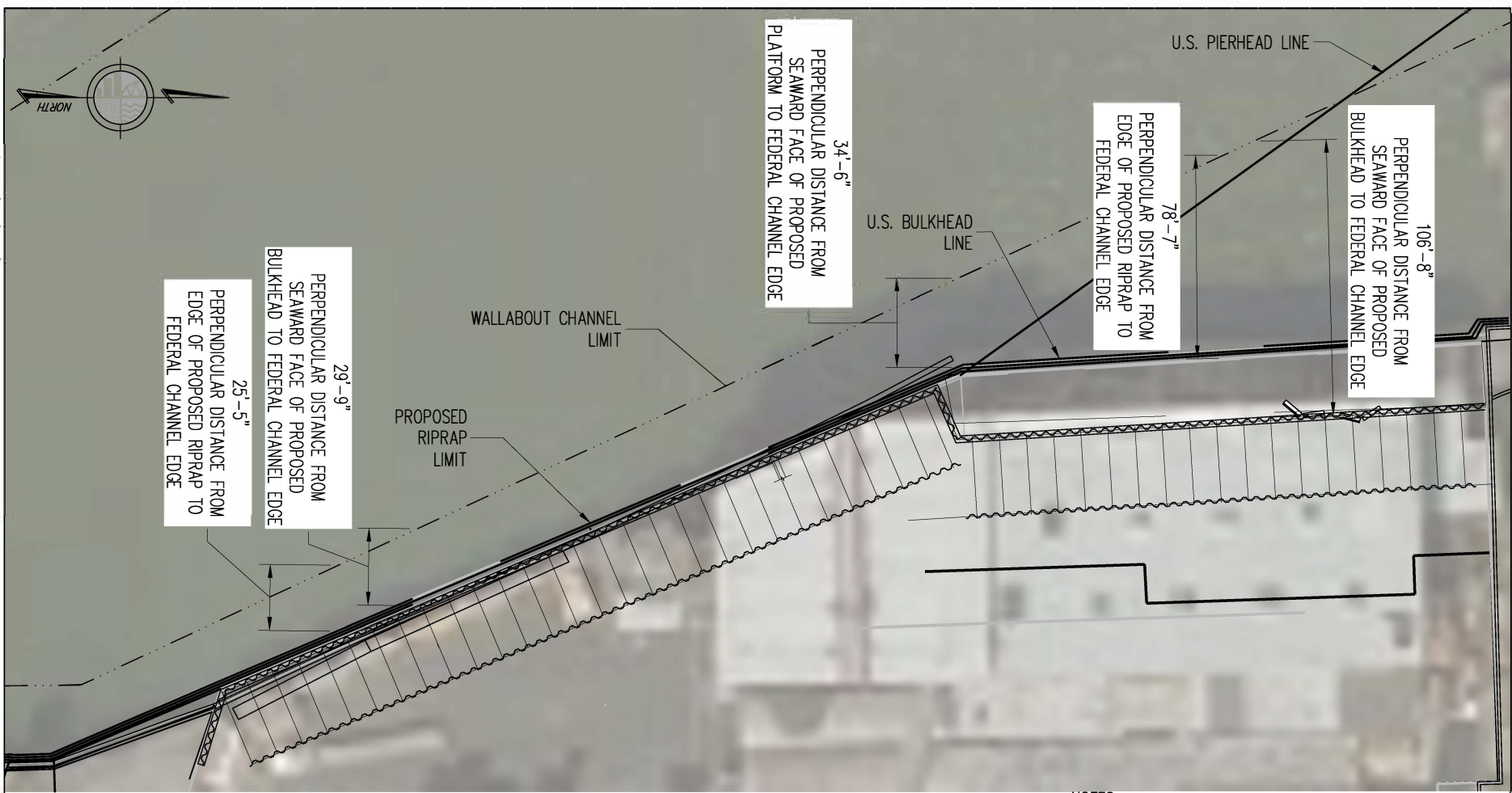
AGENT: M.G. McLAREN, P.C.  
131 W 35TH STREET, 4TH FLR  
NEW YORK, NY 10001

PROPOSED CUT AND FILL  
ANALYSIS

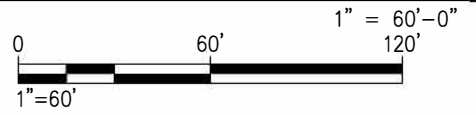
IN: BROOKLYN  
AT: 470 KENT AVENUE  
COUNTY OF: KINGS STATE: NY

SHT 17 OF 24 02/19/2021

FILE NAME: X:\Proj\190421\10\_Dwg\CA00\USACE\14 Proposed Overall Plan.dwg PLOT TIME: Fri, 23 Apr 2021 - 8:35am LAST SAVE: Thu, 22 Apr 2021 - 5:06pm BY: spozos



PROPOSED OVERALL PLAN



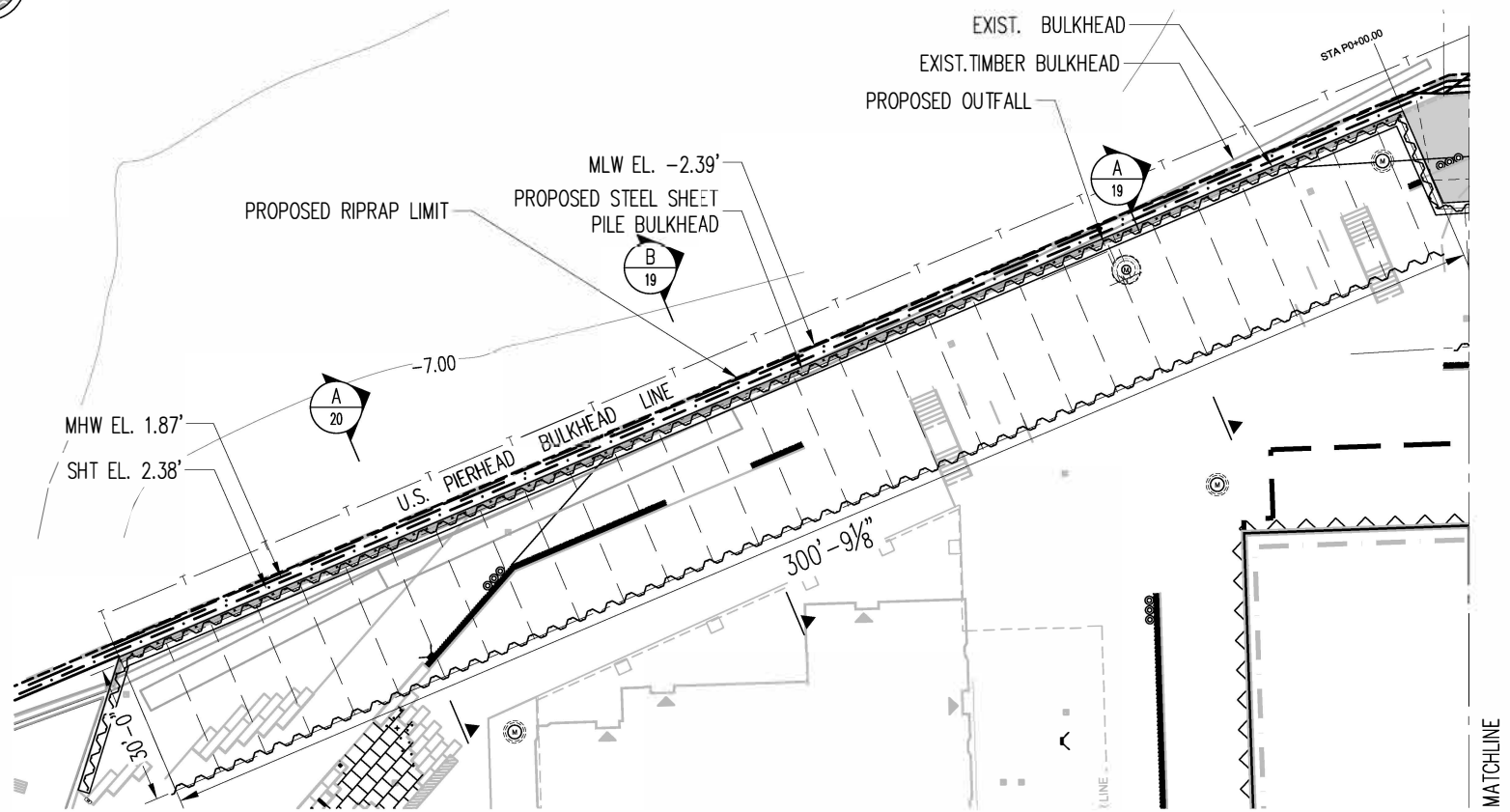
NOTES:

1. THE NEW STEEL SHEET PILE BULKHEAD WILL BE APPROXIMATELY 320 LINEAR FT.
2. THE NEW STEEL SHEET PILE BULKHEAD WILL BE DRIVEN 9 IN. OUTBOARD OF THE EXISTING STEEL SHEET PILE BULKHEAD.
3. THE TOTAL AREA OF FILL FOR THE PROPOSED PROJECT IS 6544 SQUARE FT., BUT WILL ULTIMATELY RESULT IN A NET CUT.
4. ALL ELEVATIONS SHOWN IN NAVD88.

PURPOSE: SHORELINE DEVELOPMENT DATUM: NAVD 88 ADJACENT OWNERS: 1. CITY OF NEW YORK/DSBS 2. 475 KENT OWNER LLC 3. W&K PHASE 2 LLC AGENT: M.G. McLAREN, P.C. 131 W 35TH ST, 4TH FLR, NEW YORK, NY 10001	470 KENT AVENUE WATERFRONT		PROPOSED OVERALL PLAN
	AT: 470 KENT AVENUE IN: BROOKLYN COUNTY OF: KINGS	STATE: NY	APPLICANT: 470 KENT AVE ASSOCIATES LLC 152W 57TH STREET, 45TH FLOOR NEW YORK, NY 10019

# USACE FILE: NAN-2020-01300-EMI

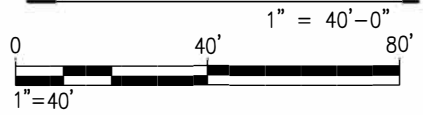
FILE NAME: X:\Proj\90421\2\10\_Dwg\CA00\USACE\15\_Proposed\_Plan.dwg PLOT TIME: Wed, 21 Apr 2021 - 11:01am LAST SAVE: Fri, 16 Apr 2021 - 4:35pm BY: qozozo



**LEGEND:**

- |       |                                   |       |                       |
|-------|-----------------------------------|-------|-----------------------|
| ----- | PROPERTY LINE                     | ----- | SHT LINE              |
| ----- | 1974 TIDAL WETLANDS LINE          | ----- | MHW LINE              |
| ----- | U.S. PIERHEAD LINE                | ----- | MLW LINE              |
| ----- | U.S. BULKHEAD LINE                | ----- | TURBIDITY CURTAIN     |
| X.XX  | CONTOUR LINE                      | ----- | PROPOSED RIPRAP LIMIT |
| ~~~~~ | PROPOSED STEEL SHEET PILE         |       |                       |
| ----- | PROPOSED TIEBACKS                 |       |                       |
| ~~~~~ | PROPOSED STEEL SHEET PILE DEADMAN |       |                       |

**PROPOSED PLAN I**



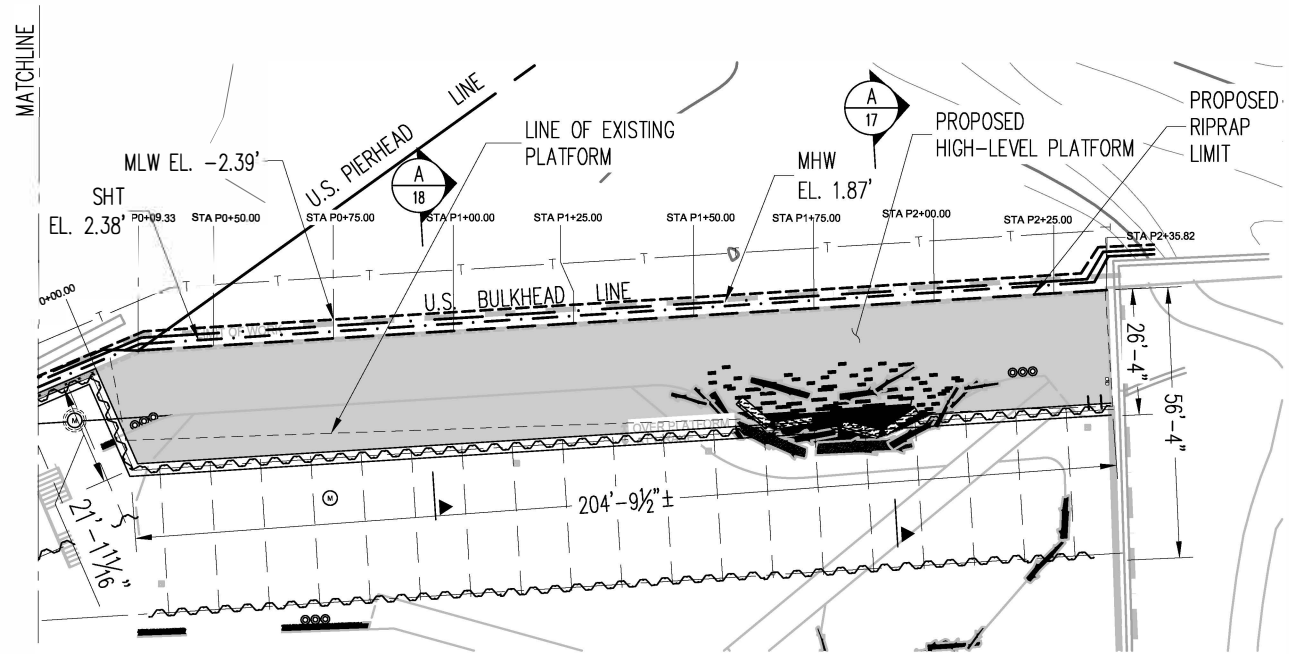
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	AT: 470 KENT AVENUE IN: BROOKLYN COUNTY OF: KINGS	STATE: NY	APPLICANT: 470 KENT AVE ASSOCIATES LLC 152W 57TH STREET, 45TH FLOOR NEW YORK, NY 10019



FILE NAME: X:\Proj\190421\12\10\_Dwg\CA00\USACE\15 Proposed Plan.dwg PLOT TIME: Wed, 21 Apr 2021 - 11:01am LAST SAVE: Fri, 16 Apr 2021 - 4:36pm BR: gaozuo

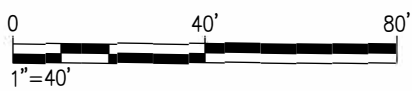


**LEGEND:**

- PROPERTY LINE
- - - - - 1974 TIDAL WETLANDS LINE
- U.S. PIERHEAD LINE
- U.S. BULKHEAD LINE
- X.XX- CONTOUR LINE
- EXISTING PLATFORM
- SHT LINE
- MHW LINE
- MLW LINE
- TURBIDITY CURTAIN
- PROPOSED RIPRAP LIMITS
- ~~~~~ PROPOSED STEEL SHEET PILE
- PROPOSED TIEBACKS
- ~~~~~ PROPOSED STEEL SHEET PILE DEADMAN
- █████ PROPOSED PLATFORM

**PROPOSED PLAN II**

1" = 40'-0"

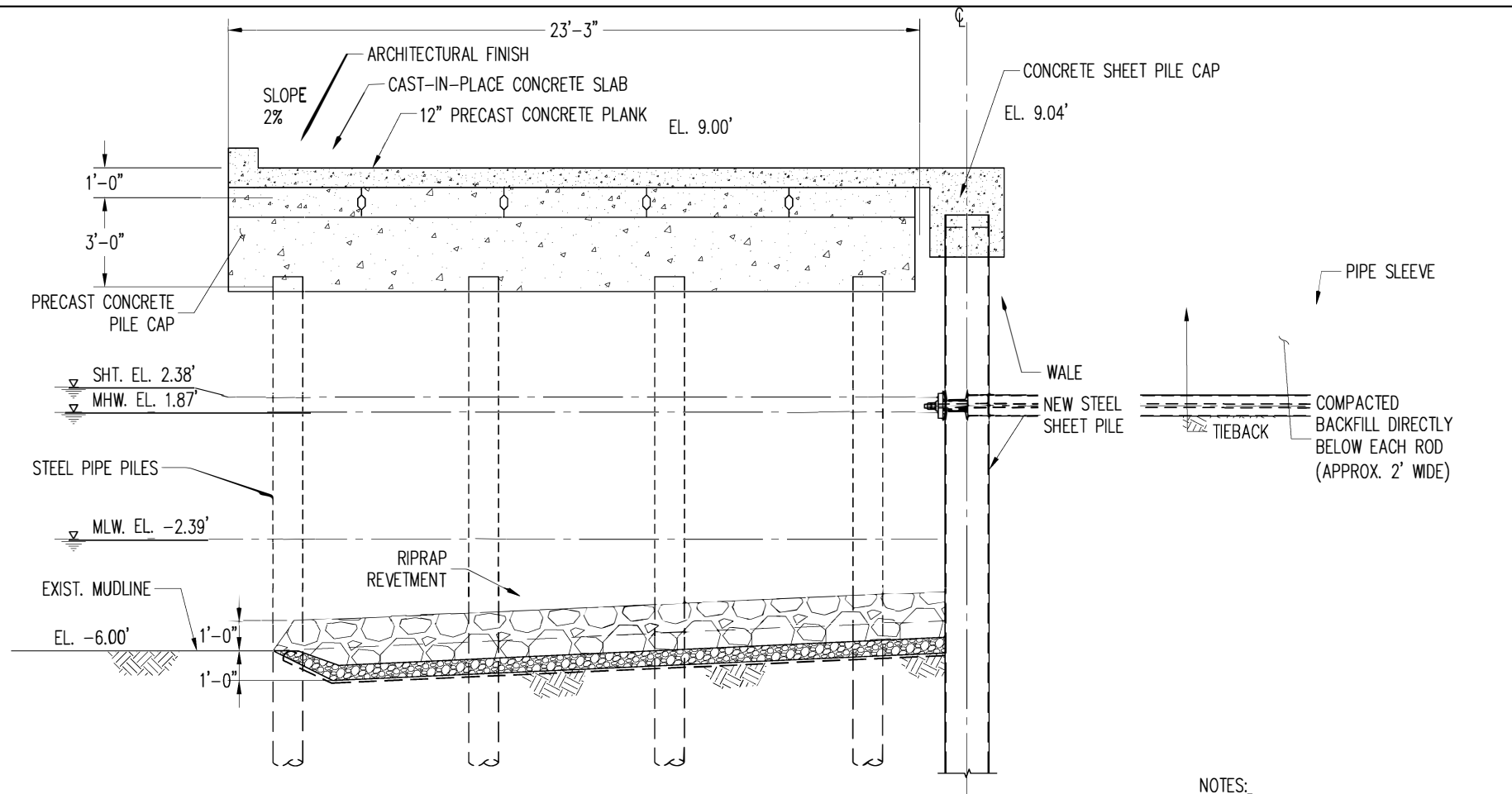


**NOTES:**

1. THE NEW HIGH-LEVEL CONCRETE PLATFORM WILL BE APPROXIMATELY 236 FT. LONG BY 25 FT. WIDE.
2. THE TOTAL AREA OF FILL FOR THE PROPOSED PROJECT IS 6544 SQUARE FT., BUT WILL ULTIMATELY RESULT IN A NET CUT.
3. ALL ELEVATIONS SHOWN IN NAVD88.
4. THERE WILL BE 251 CY OF MATERIAL BELOW THE MUDLINE AND 94 CY OF MATERIAL FROM THE EXISTING PLATFORM REMOVED BELOW SHT FOR THE PLACEMENT OF THE RIPRAP.
5. THE RIPRAP WILL COVER 6200 SQUARE FEET OF SHORELINE.

PURPOSE: SHORELINE DEVELOPMENT DATUM: NAVD 88 ADJACENT OWNERS: 1. CITY OF NEW YORK/DSBS 2. 475 KENT OWNER LLC 3. W&K PHASE 2 LLC AGENT: M.G. McLAREN, P.C. 131 W 35TH ST, 4TH FLR, NEW YORK, NY 10001	470 KENT AVENUE WATERFRONT		PROPOSED PLAN II
	AT: 470 KENT AVENUE IN: BROOKLYN COUNTY OF: KINGS	STATE: NY	APPLICANT: 470 KENT AVE ASSOCIATES LLC 152W 57TH STREET, 45TH FLOOR NEW YORK, NY 10019

FILE NAME: X:\Proj\190421\10\_Dwg\CADD\USACE\19\_Proposed sections.dwg PLOT TIME: Wed, 21 Apr 2021 - 11:01am LAST SAVE: Fri, 16 Apr 2021 - 4:08pm Bt: opozos



TYPICAL PROPOSED  
PLATFORM SECTION

A  
18

$3/16" = 1'-0"$

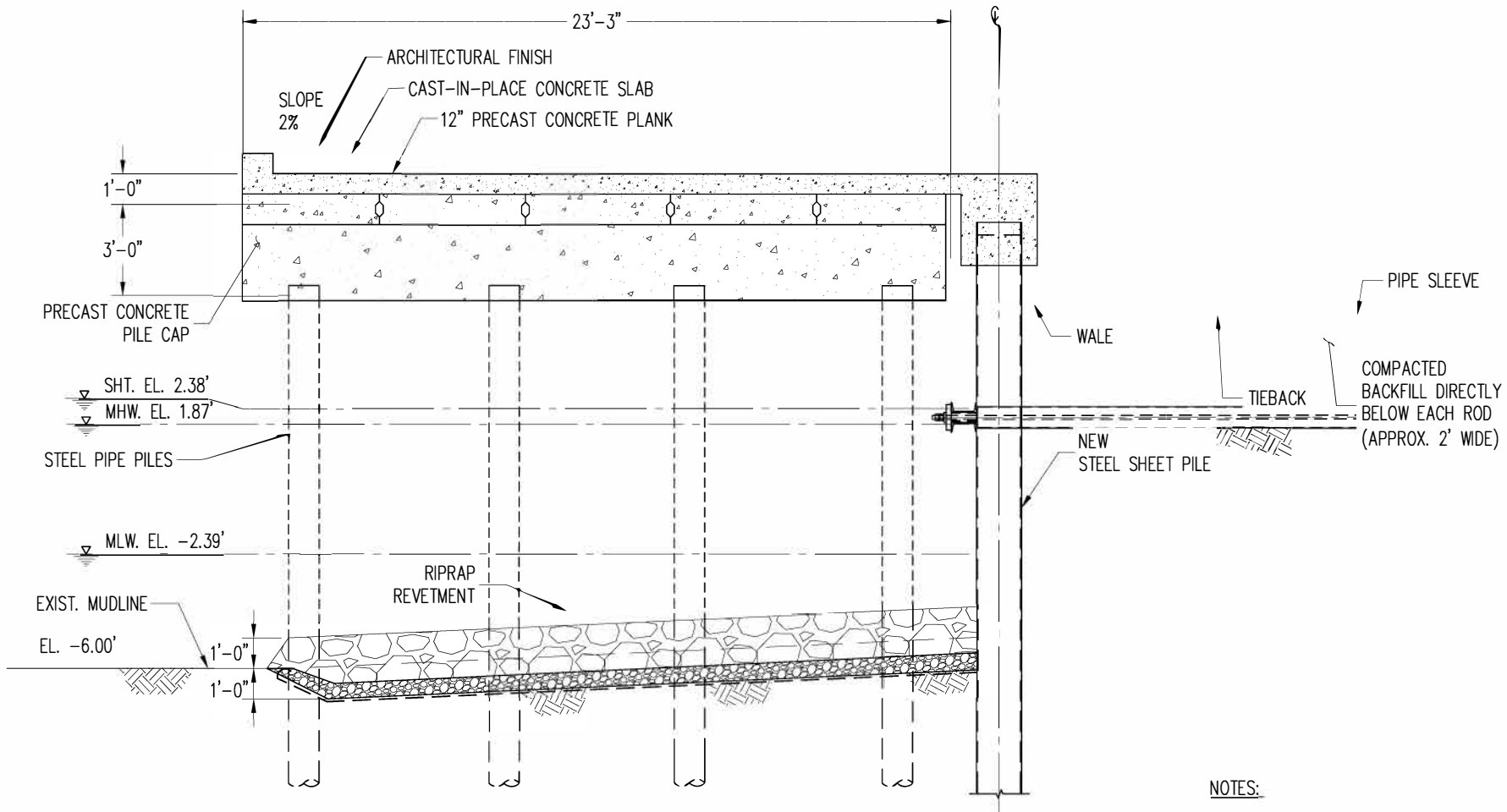
0      4'      8'

$3/16" = 1'-0"$

- NOTES:**
1. SIXTY 18-IN. DIAMETER STEEL PIPE PILES WILL BE DRIVEN AND FILLED WITH CONCRETE.
  2. ALL PILES WILL BE DRIVEN USING VIBRATORY HAMMERS, WITH IMPACT HAMMERS AS NECESSARY TO REDUCE THE ENVIRONMENTAL IMPACT AS MUCH AS POSSIBLE.
  3. ALL ELEVATIONS SHOWN IN NAVD88.

PURPOSE: SHORELINE DEVELOPMENT DATUM: NAVD 88 ADJACENT OWNERS: 1. CITY OF NEW YORK/DSBS 2. 475 KENT OWNER LLC 3. W&K PHASE 2 LLC AGENT: M.G. McLAREN, P..C. 131 W 35TH ST, 4TH FLR, NEW YORK, NY 10001	470 KENT AVENUE WATERFRONT	PROPOSED SECTIONS I
AT: 470 KENT AVENUE IN: BROOKLYN COUNTY OF: KINGS	APPLICANT: 470 KENT AVE ASSOCIATES LLC 152W 57TH STREET, 45TH FLOOR NEW YORK, NY 10019	02/19/2021  SHT 18 OF 24

FILE NAME: X:\Proj\190421\10\_Dwg\CADD\USACE\19\_Proposed sections.dwg PLOT TIME: Wed, 21 Apr 2021 - 11:01am LAST SAVE: Fri, 16 Apr 2021 - 4:08pm BT: opozos



TYPICAL PROPOSED SECTION

A  
19

$3/16" = 1'-0"$

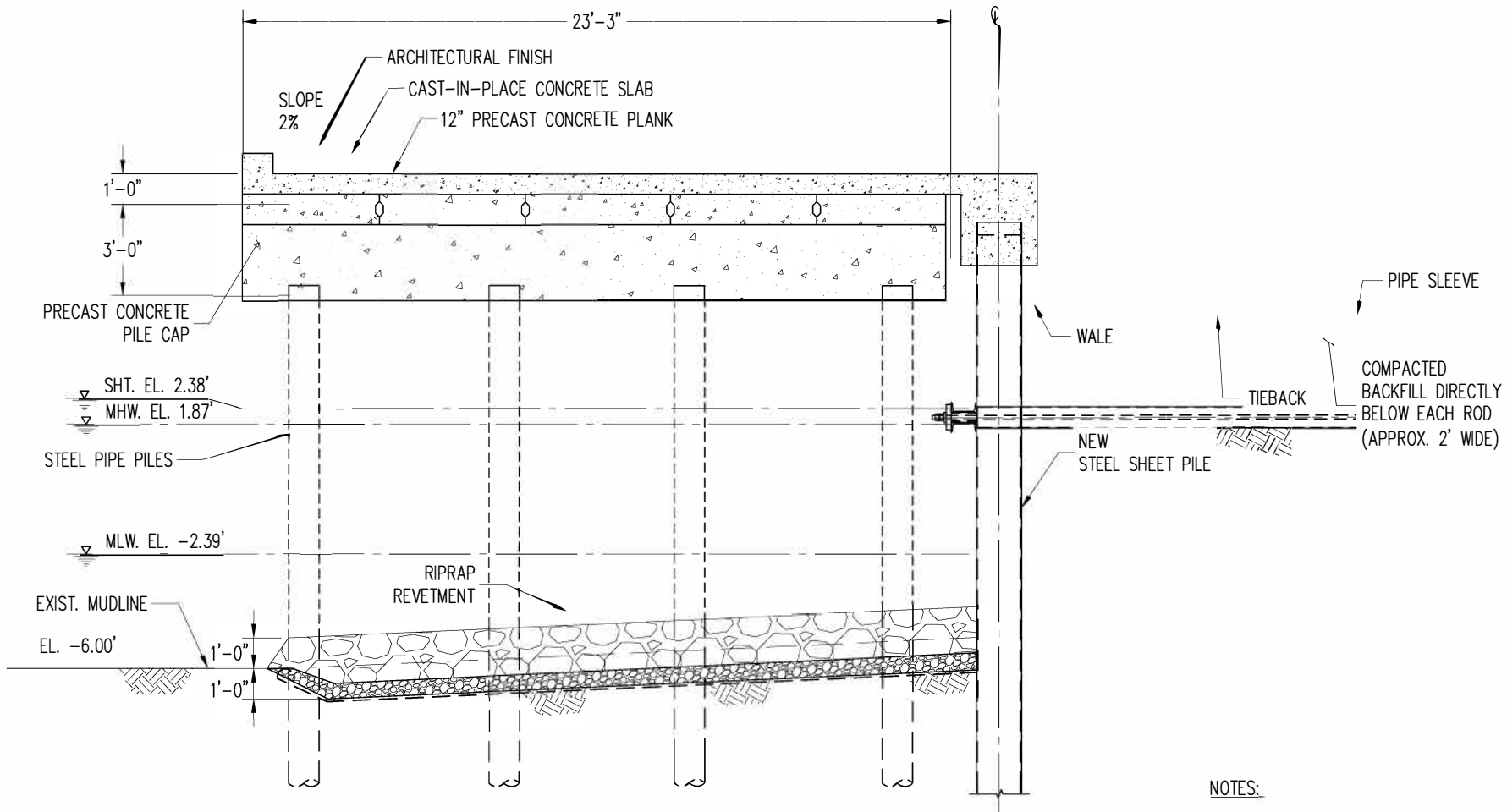
0      4'      8'

$3/16" = 1'-0"$

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PURPOSE: SHORELINE DEVELOPMENT DATUM: NAVD 88 ADJACENT OWNERS: 1. CITY OF NEW YORK/DSBS 2. 475 KENT OWNER LLC 3. W&K PHASE 2 LLC AGENT: M.G. McLAREN, P.C. 131 W 35TH ST, 4TH FLR, NEW YORK, NY 10001	470 KENT AVENUE WATERFRONT	PROPOSED SECTIONS II
AT: 470 KENT AVENUE IN: BROOKLYN COUNTY OF: KINGS	APPLICANT: 470 KENT AVE ASSOCIATES LLC 152W 57TH STREET, 45TH FLOOR NEW YORK, NY 10019	02/19/2021  SHT 19 OF 24

FILE NAME: X:\Proj\190421\10\_Dwg\CADD\USACE\19\_Proposed sections.dwg PLOT TIME: Wed, 21 Apr 2021 - 11:01am LAST SAVE: Fri, 16 Apr 2021 - 4:08pm BT: opozos



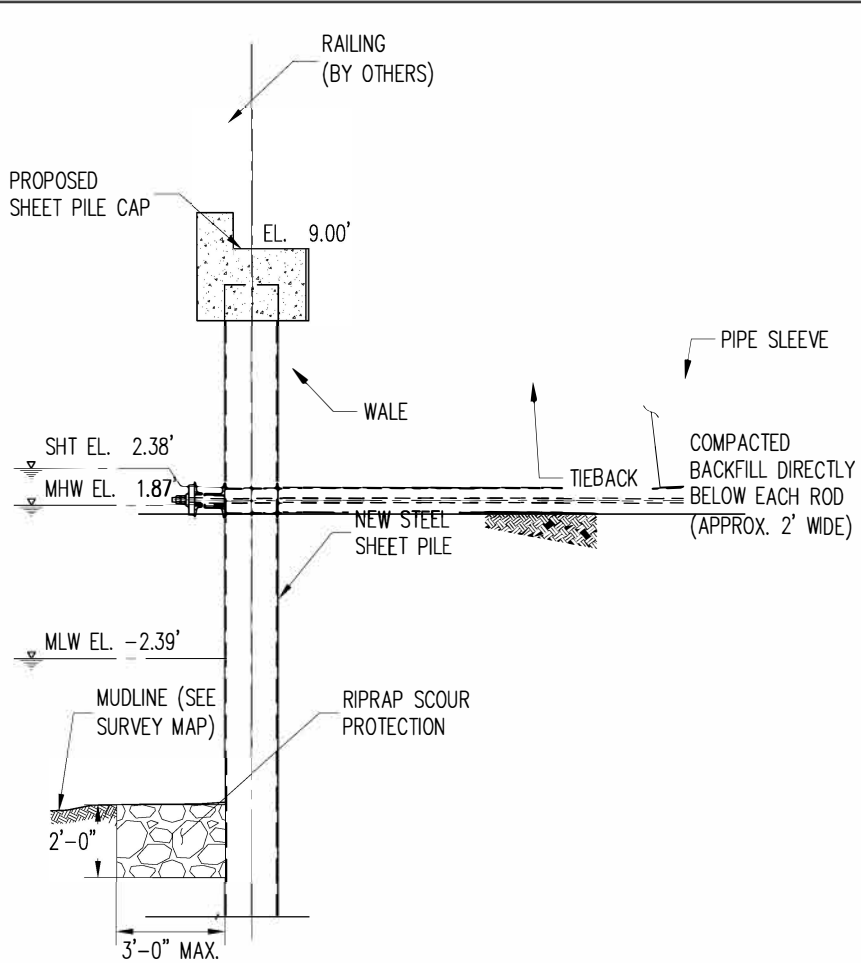
TYPICAL PROPOSED SECTION  
 A  
 19  
 $3/16" = 1'-0"$   
 0 4' 8'  
 $3/16" = 1'-0"$

- NOTES:
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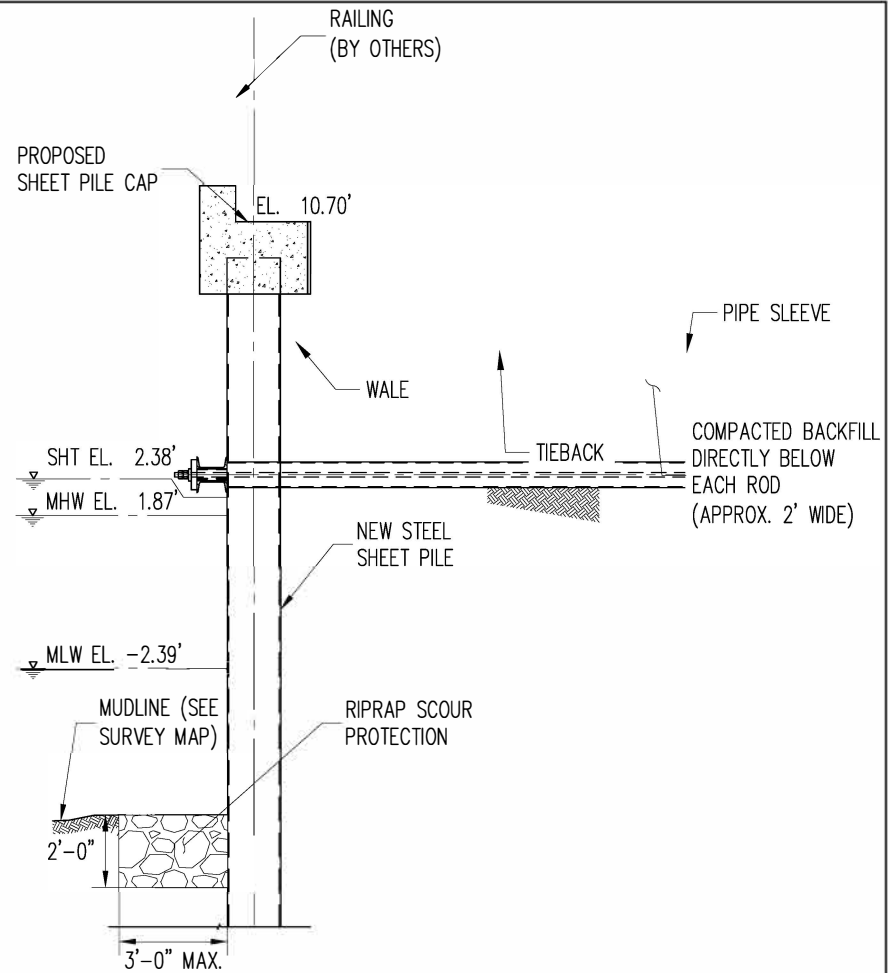
PURPOSE: SHORELINE DEVELOPMENT DATUM: NAVD 88 ADJACENT OWNERS: 1. CITY OF NEW YORK/DSBS 2. 475 KENT OWNER LLC 3. W&K PHASE 2 LLC AGENT: M.G. McLAREN, P..C. 131 W 35TH ST, 4TH FLR, NEW YORK, NY 10001	470 KENT AVENUE WATERFRONT		PROPOSED SECTIONS II
	AT: 470 KENT AVENUE IN: BROOKLYN COUNTY OF: KINGS	STATE: NY	APPLICANT: 470 KENT AVE ASSOCIATES LLC 152W 57TH STREET, 45TH FLOOR NEW YORK, NY 10019

# USACE FILE: NAN-2020-01300-EMI

FILE NAME: X:\Proj\190421\12\10\_Dwg\CA00\USACE\19\_Proposed sections.dwg PLOT TIME: Wed, 21 Apr 2021 - 11:01am LAST SAVE: Fri, 16 Apr 2021 - 4:06pm Bt: opozos

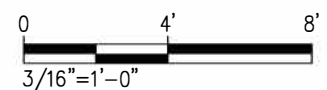


**TYPICAL PROPOSED SECTION**  
 A  
 20  
 3/16" = 1'-0"



**TYPICAL PROPOSED SECTION**  
 B  
 20  
 3/16" = 1'-0"  
 NOTES:

1. ALL ELEVATIONS SHOWN IN NAVD88.



PURPOSE: SHORELINE DEVELOPMENT  
 DATUM: NAVD 88  
 ADJACENT OWNERS:  
 1. CITY OF NEW YORK/DSBS  
 2. 475 KENT OWNER LLC  
 3. W&K PHASE 2 LLC  
 AGENT: M.G. McLAREN, P.C.  
 131 W 35TH ST, 4TH FLR, NEW YORK, NY 10001

470 KENT AVENUE  
 WATERFRONT

AT: 470 KENT AVENUE  
 IN: BROOKLYN  
 COUNTY OF: KINGS

STATE: NY

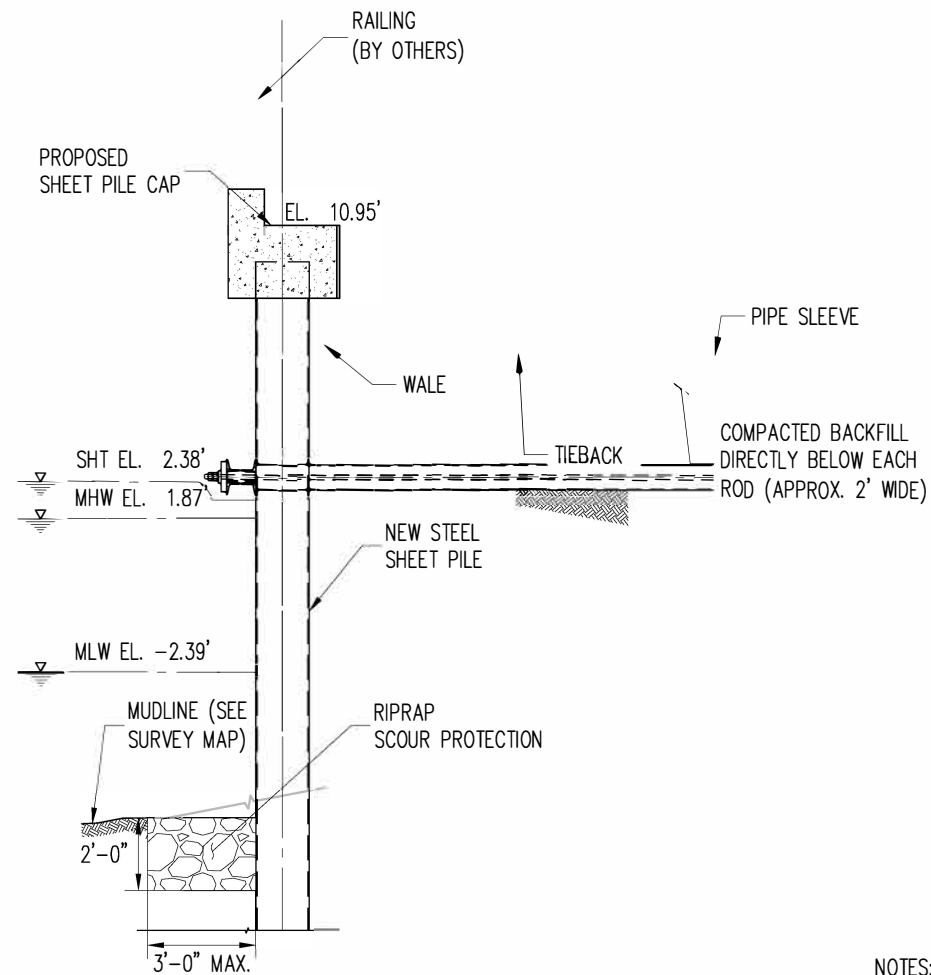
APPLICANT:  
 470 KENT AVE ASSOCIATES LLC  
 152W 57TH STREET, 45TH FLOOR  
 NEW YORK, NY 10019

PROPOSED  
 SECTIONS III

02/19/2021

SHT 20 OF 24

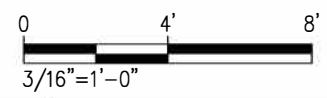
FILE NAME: X:\Proj\901\90421\2\10\_Dwg\CA00\USACE\19 Proposed sections.dwg PLOT TIME: Wed, 21 Apr 2021 - 11:01am LAST SAVE: Fri, 16 Apr 2021 - 4:06pm BY: gpozors



TYPICAL PROPOSED SECTION  
 A  
 21  
 3/16" = 1'-0"

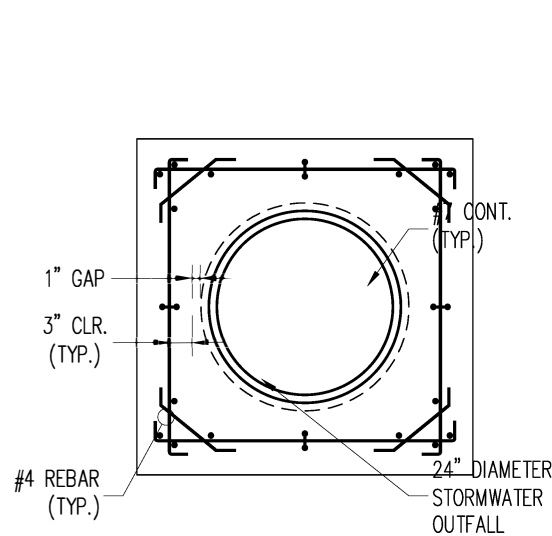
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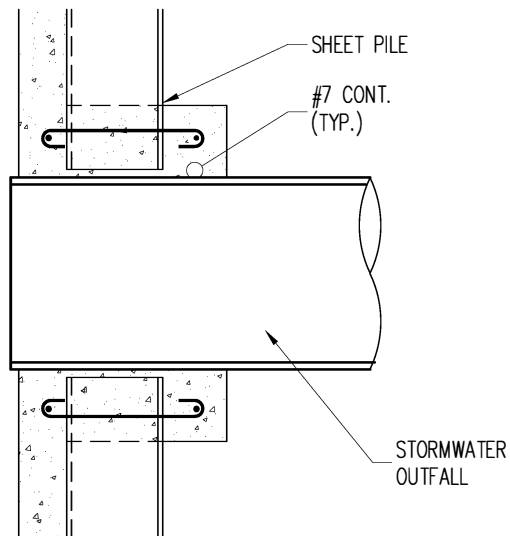


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	AT: 470 KENT AVENUE IN: BROOKLYN COUNTY OF: KINGS	STATE: NY	APPLICANT: 470 KENT AVE ASSOCIATES LLC 152W 57TH STREET, 45TH FLOOR NEW YORK, NY 10019

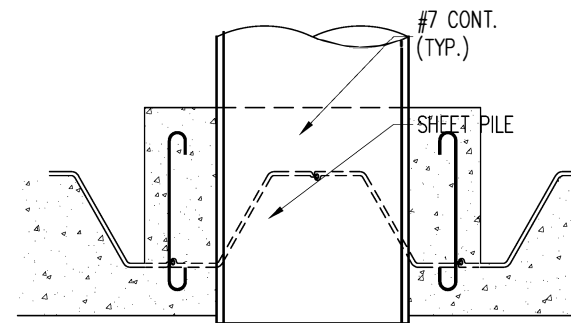
FILE NAME: X:\Proj\90421\2\10\_Dwg\CA00\USACE\23 Bulkhead details 1.dwg PLOT TIME: Wed, 21 Apr 2021 - 11:03am LAST SAVE: Fri, 16 Apr 2021 - 4:09pm Bt: oporus



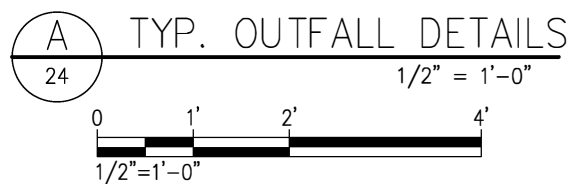
PLAN VIEW



SECTION



SECTION



PURPOSE: SHORELINE DEVELOPMENT  
 DATUM: NAVD 88  
 ADJACENT OWNERS:  
 1. CITY OF NEW YORK/DSBS  
 2. 475 KENT OWNER LLC  
 3. W&K PHASE 2 LLC  
 AGENT: M.G. McLAREN, P.C.  
 131 W 35TH ST, 4TH FLR, NEW YORK, NY 10001

470 KENT AVENUE  
 WATERFRONT

BULKHEAD DETAILS  
 II

AT: 470 KENT AVENUE  
 IN: BROOKLYN  
 COUNTY OF: KINGS STATE: NY

APPLICANT:  
 470 KENT AVE ASSOCIATES LLC  
 152W 57TH STREET, 45TH FLOOR  
 NEW YORK, NY 10019

02/19/2021

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