

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-2020-00405-WOR
Issue Date: January 27, 2022
Expiration Date: February 28, 2022

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: RFB, LLC
120 Main Street
Mount Kisco, New York 10549

ACTIVITY: The discharge of fill material into approximately 1.22 acres of waters of the United States, including wetlands, for the construction of a residential development to be known as Kent Manor.

WATERWAY: Michael Brook (Hudson River Watershed)

LOCATION: Town of Kent, Putnam 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.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2020-00405-WOR

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.

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.

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. In a letter dated June 18, 2021, the New York State Parks, Recreation, and Historic Preservation office stated that "it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking". 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. The applicant obtained a water quality certificate (Permit ID 3-3722-00041/00024) from the New York State Department of Environmental Conservation on December 28, 2021. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New York, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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 Brian.A.Orzel@usace.army.mil.

**CENAN-OP-RW
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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

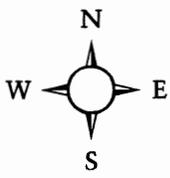
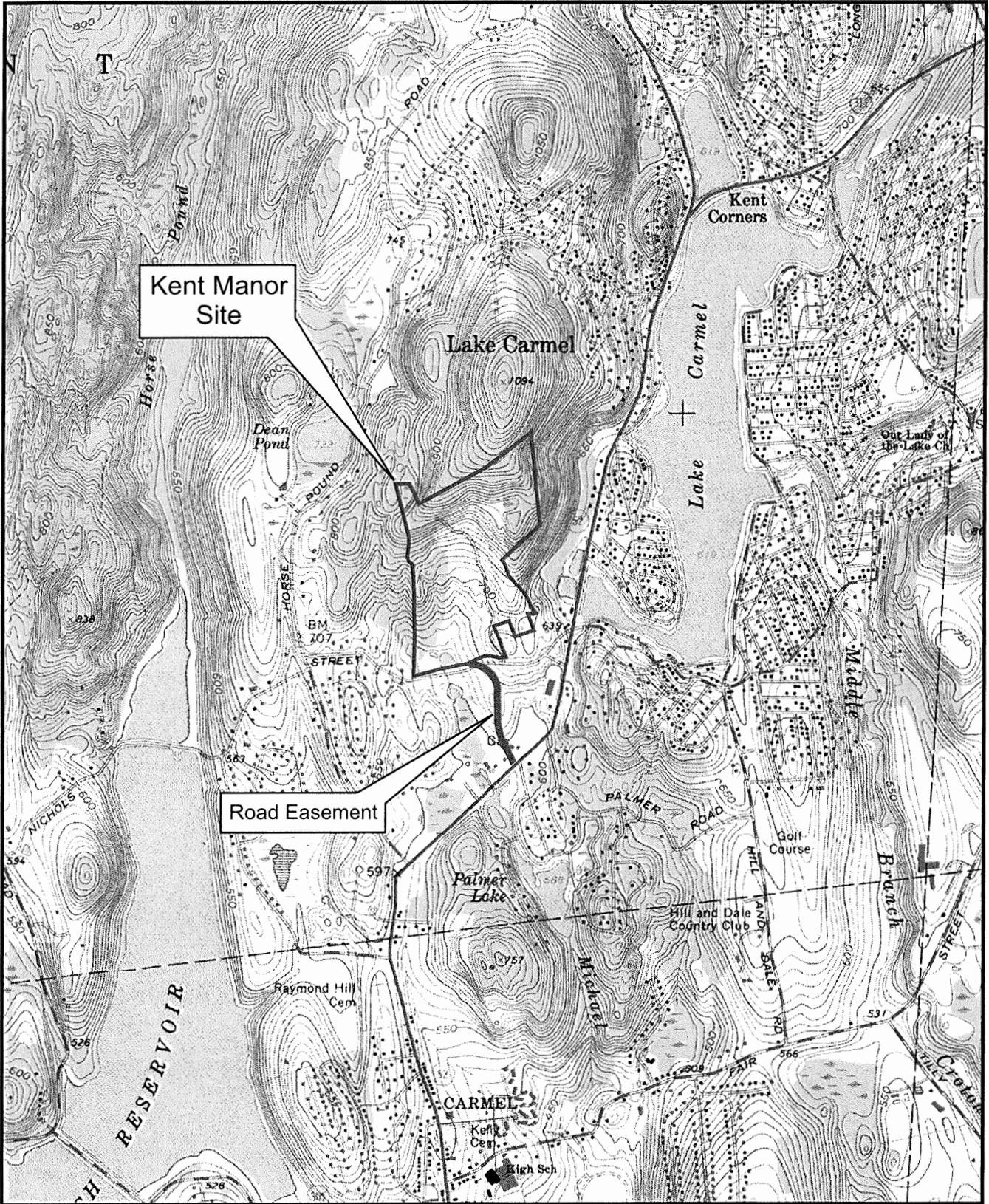
WORK DESCRIPTION

The applicant, RFB, LLC, has requested Department of the Army authorization for the discharge of fill material into approximately 1.22 acres of waters of the United States, including wetlands, in association with the construction of a residential development, to be known as Kent Manor. The site is located on Nichols Street and New York State Route 52 in the Town of Kent, Putnam County, New York.

The applicant proposes a wetland mitigation plan which would include the establishment of approximately 2.45 acres of wetlands.

It should be noted that, 0.09 acres of fill was previously placed during the construction of the on-site sewage treatment plant, 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 fill to remain.

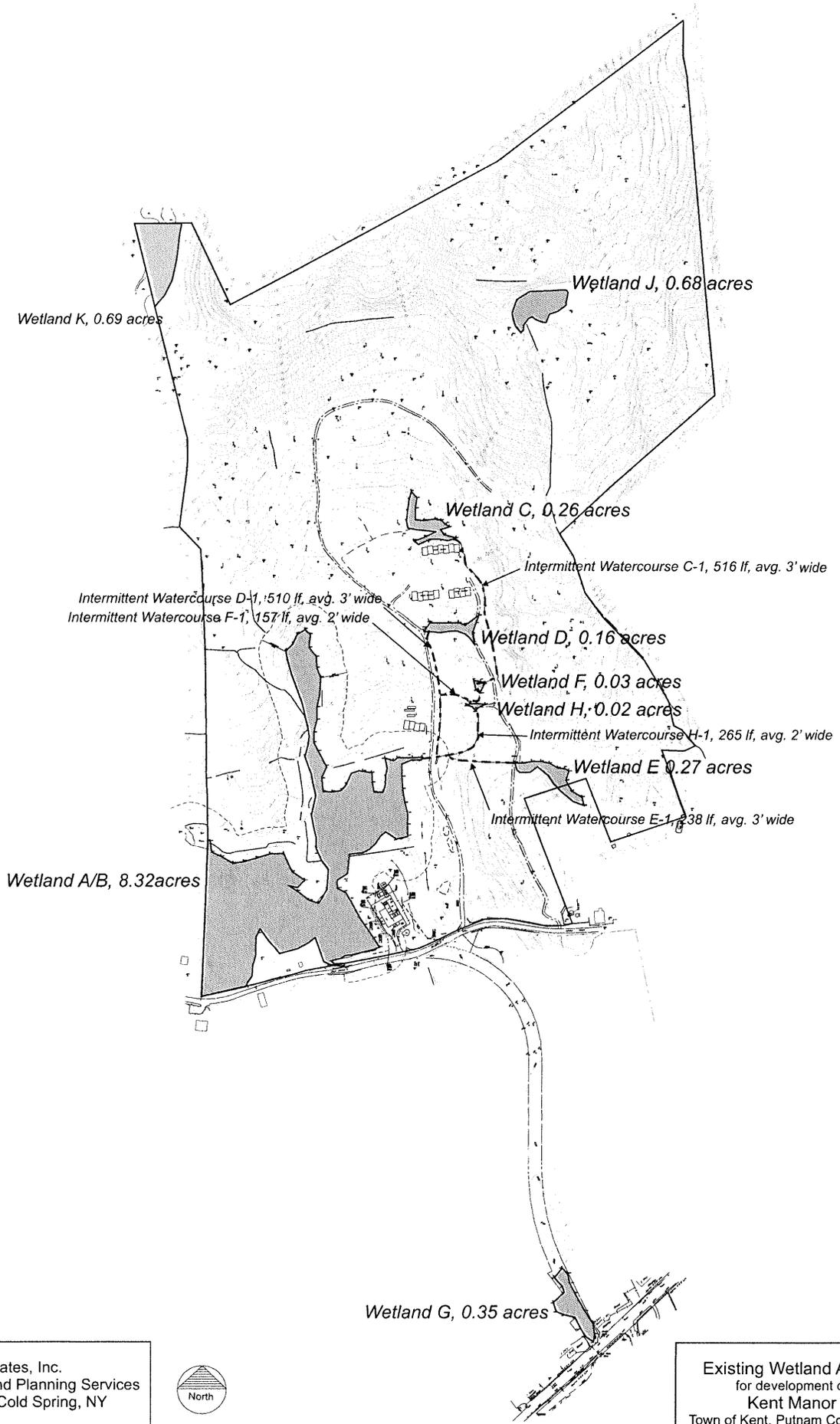
The stated purpose of this proposed work is to construct a residential development.



Lat. 41.46N
 Long. 73.67W

Sheet 1 of 17: Site Location Map

Kent Manor
 Town of Kent, Putnam County, New York
 Source: Lake Carmel Quad
 Approx. Scale: 1 inch = 2000 feet



Tim Miller Associates, Inc.
 Environmental and Planning Services
 10 North Street, Cold Spring, NY
 845 265 4400



Existing Wetland Areas
 for development of
 Kent Manor
 Town of Kent, Putnam County, NY

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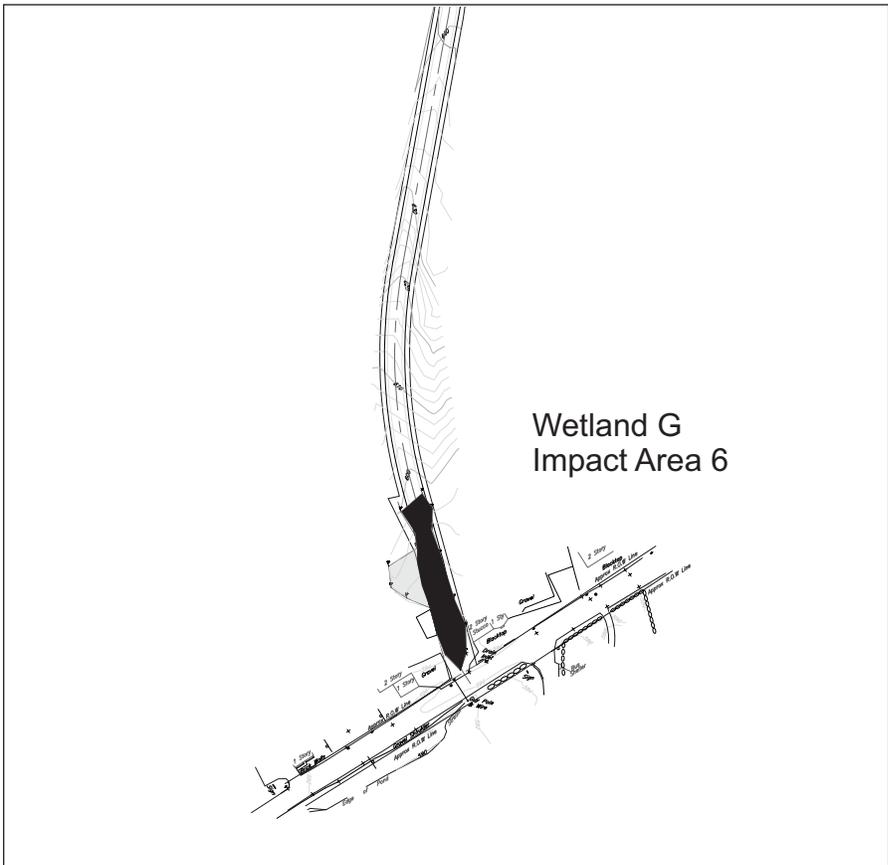


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Wetland and Watercourse
 Impact Areas
 for development of
 Kent Manor
 Town of Kent, Putnam County, NY

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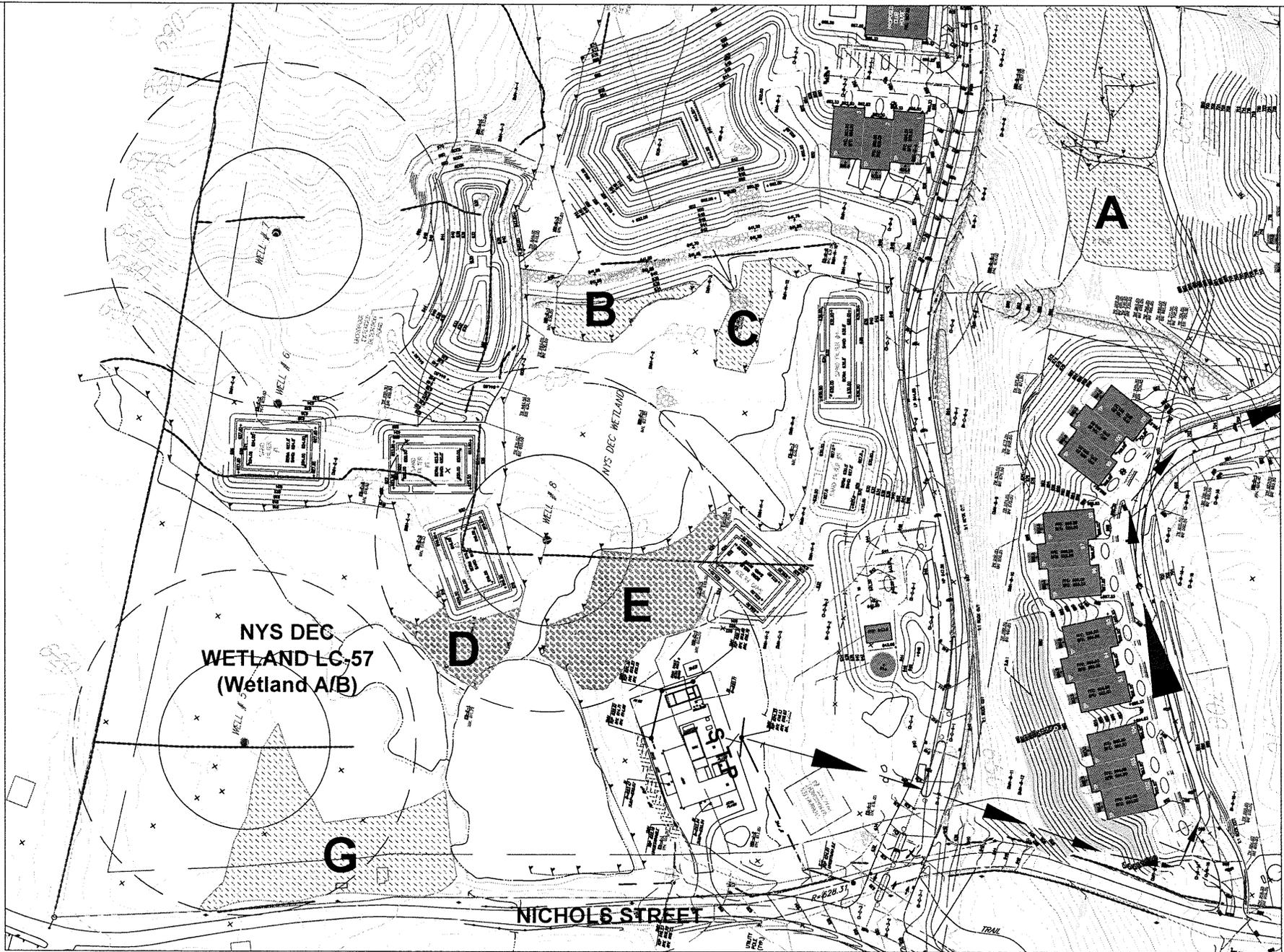


Wetland G
Impact Area 6

Entry Area (Route 52)

Wetland Impact Area	Wetland Affected	Acres of Impact	Activity
1	A/B	.14	Access to Basins
2	A/B	.04	Basin Grading
3	C	.26	Residences + Road
4	D	.16	Residences + Road
5	E	.16	Road Crossing
6	G	.28	Access Road
7	A/B	.09	Previously filled wetlands associated with Sewage Treatment Plant Construction
Total		1.13 ac.	
Watercourse Impact	Watercourse Affected	Linear Feet/Acres of Disturbance	Activity
1	E-1	238/.02	Stabilize channel
2	H-1	142/.01	Stabilize channel
3	D-1	510/.03	Stabilize channel
4	C-1	460/.03	Move channel to east and stabilize
Total		0.09 ac.	

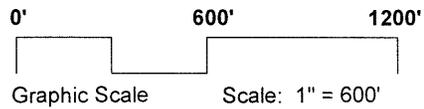
Mitigation Areas	
A	0.91 ac.
B	0.11 ac.
C	0.14 ac.
D	0.16 ac.
E	0.45 ac.
G	0.69 ac.
Total	2.45 ac.



**Key Plan
for
Mitigation Areas**

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Wetland Mitigation Areas
for development of
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Construction Notes for Mitigation Areas:

- 1) Prior to commencement of excavation, installation of erosion controls will be completed at proposed limits of disturbance and trees to be preserved will be identified with flagging or paint.
- 2) Regrade area and spread topsoil four to six inches deep using existing stockpiles. Final grading is to be generally completed as shown on this plan. Some field adjustment to achieve desired flow paths is acceptable.
- 3) Invasive species such as honeysuckle, barberry, and phragmites will be removed from the wetland and adjoining areas to the extent practicable.
- 4) Trees to remain will be identified prior to the commencement of site grading. These trees will be flagged in the field prior to the commencement of any clearing or excavation. Leave smaller existing trees in assumed area of disturbance to the extent practicable. Field adjustments to the grading plan may be necessary in order to ensure minimal impacts to roots of trees to be saved.
- 5) Planting of trees, shrubs and herbaceous material within the wetland mitigation area as specified on the approved plan. Seeding and stabilizing area with approved wetland seed mix.
- 6) Hay and seed area of wetland expansion with Ernst Conservation Seeds Northeast Wetland Hummock Mix or equivalent. Companion seed with annual ryegrass as per grower's recommendations.

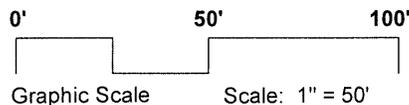
Northeast Wetland Hummock Mix

1 pound will cover 13,400 sq. ft. @100 seeds per sq.ft.

Percent by No of Seeds	Scientific Name	Common Name
43.6%	Scirpus Atrovirens	Green Bulrush
19.0%	Juncus effuses	Soft Rush
33.5%	Carex vulpinoidea	Fox Sedge
1.3%	Leersia oryzoides	Rice Cut Grass
1.3%	Carex comosa	Bearded Sedge
0.9%	Carex crinita	Fringed Sedge
0.2%	Carex lurida	Shallow Sedge
0.2%	Carex lupulina	Hop Sedge

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Wetland Impacts and Mitigation Areas
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Plant List for Wetland Creation Areas

<u>ID</u>	<u>Scientific Plant Name</u>	<u>Common Plant Name</u>	<u>Qty</u>	<u>Root</u>	<u>Size</u>
<u>Trees</u>					
Aru	Acer rubrum	Red Maple	21	canned	1"- Cal.
FP	Fraxinus pennsylvanica	Green Ash	3	canned	1"- Cal.
LS	Liquidambar styraciflua	American Sweetgum	9	canned	1"- Cal.
NS	Nyssa sylvatica	Black Tupelo	3	canned	1"- Cal.

Shrubs

Ase	Alnus serrulata	Speckled Alder	84	canned	3-gal.
CA	Cornus amomum	Silky Dogwood	37	canned	3-gal.
CAI	Clethra alnifolia	Summersweet	44	canned	3-gal.
CR	Cornus racemosa	Gray Dogwood	21	canned	3-gal.
CS	Cornus sericea	Redosier Dogwood	72	canned	3-gal.
IV	Ilex verticillata	Common Winterberry	87	canned	3-gal.
MP	Myrica pennsylvanica	Bayberry	7		
SD	Salix discolor	Pussywillow	59	canned	3-gal.
VC	Vaccinium corymbosum	Highbush Blueberry	45	canned	3-gal.
VD	Viburnum dentatum	Arrowwood	26	canned	3-gal.
VT	Viburnum trilobum	American Cranberrybush	14	canned	3-gal.

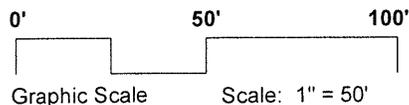
Herbaceous species

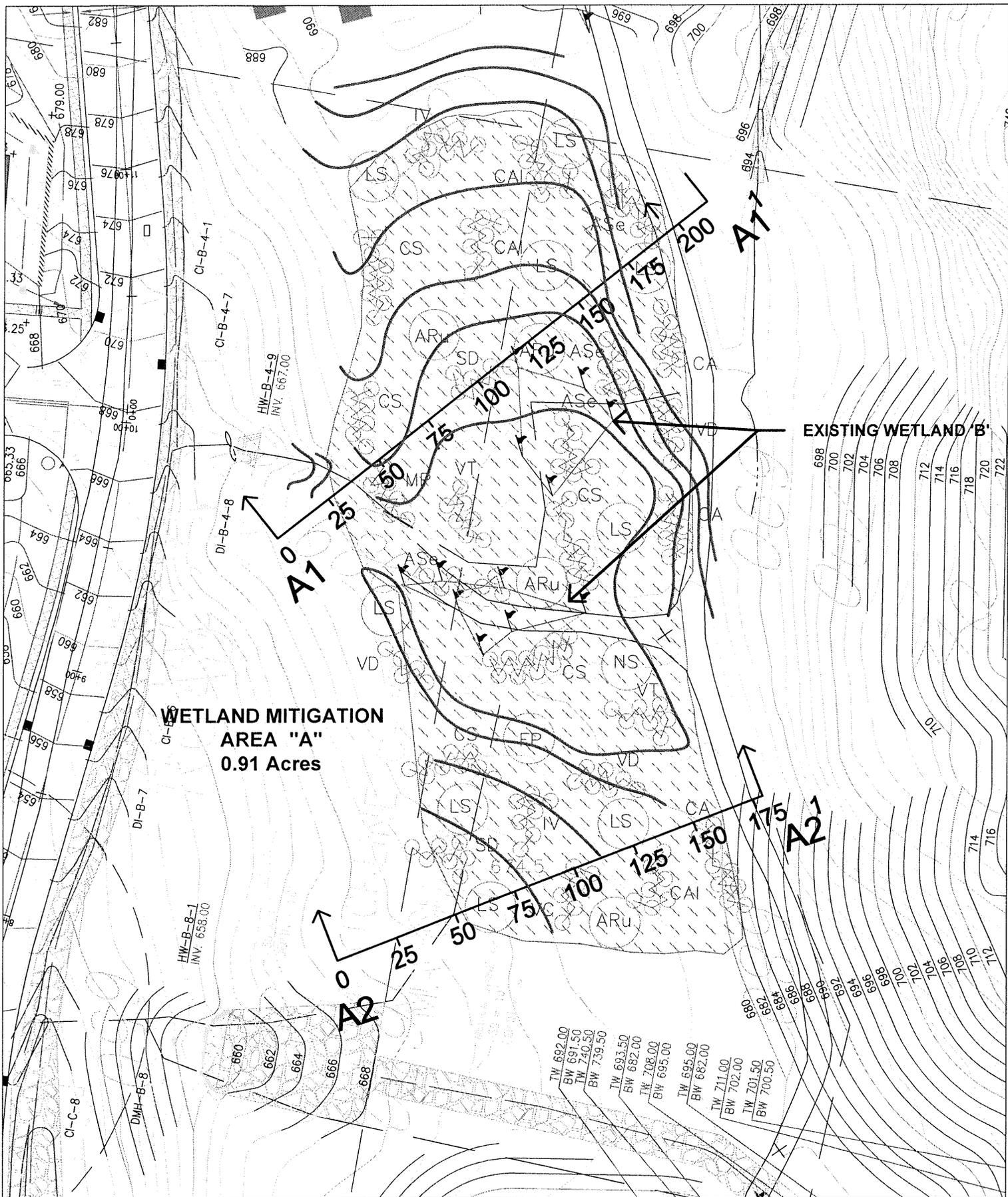
ME	Mixed emergents	Skunk cabbage, sensitive fern, soft rush, tussock sedge, fringed sedge	25,000	plug	
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Wetland seed mix

Northeast Wetland Hummock Mix seeded at 3.25 pounds per acre.

Note: All created wetlands are Emergent and Shrub-Scrub Wetlands that are intended to transition into Forested Wetlands.

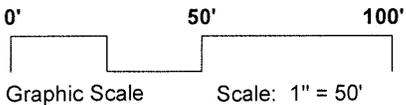




**WETLAND MITIGATION
AREA "A"
0.91 Acres**

EXISTING WETLAND "B"

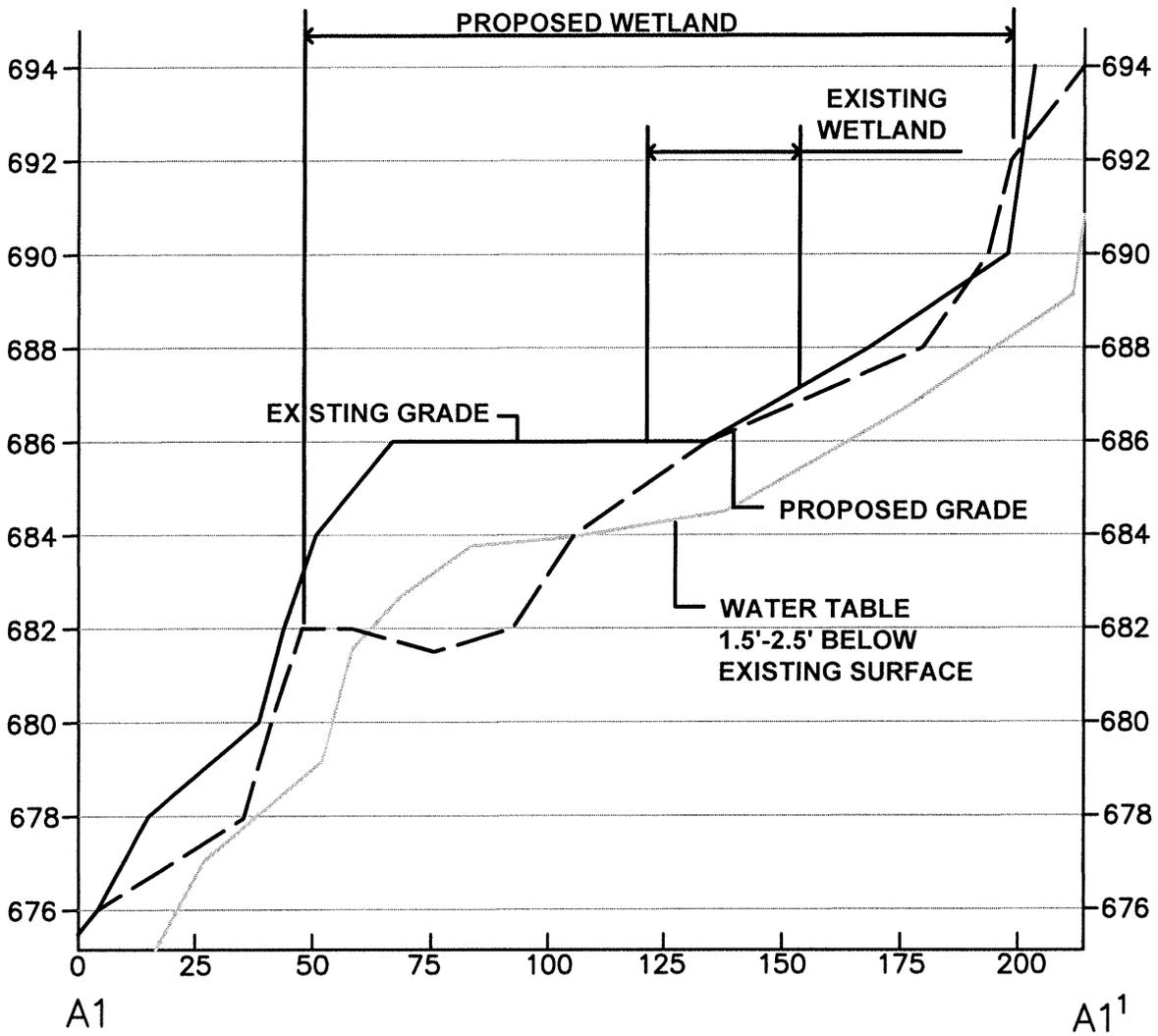
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Wetland Impacts and
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Town of Kent, Putnam County, NY

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Source:

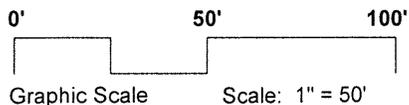


CROSS SECTION A1 - A1¹

VERTICAL SCALE: 1" = 4'
 HORIZONTAL SCALE: 1" = 40'

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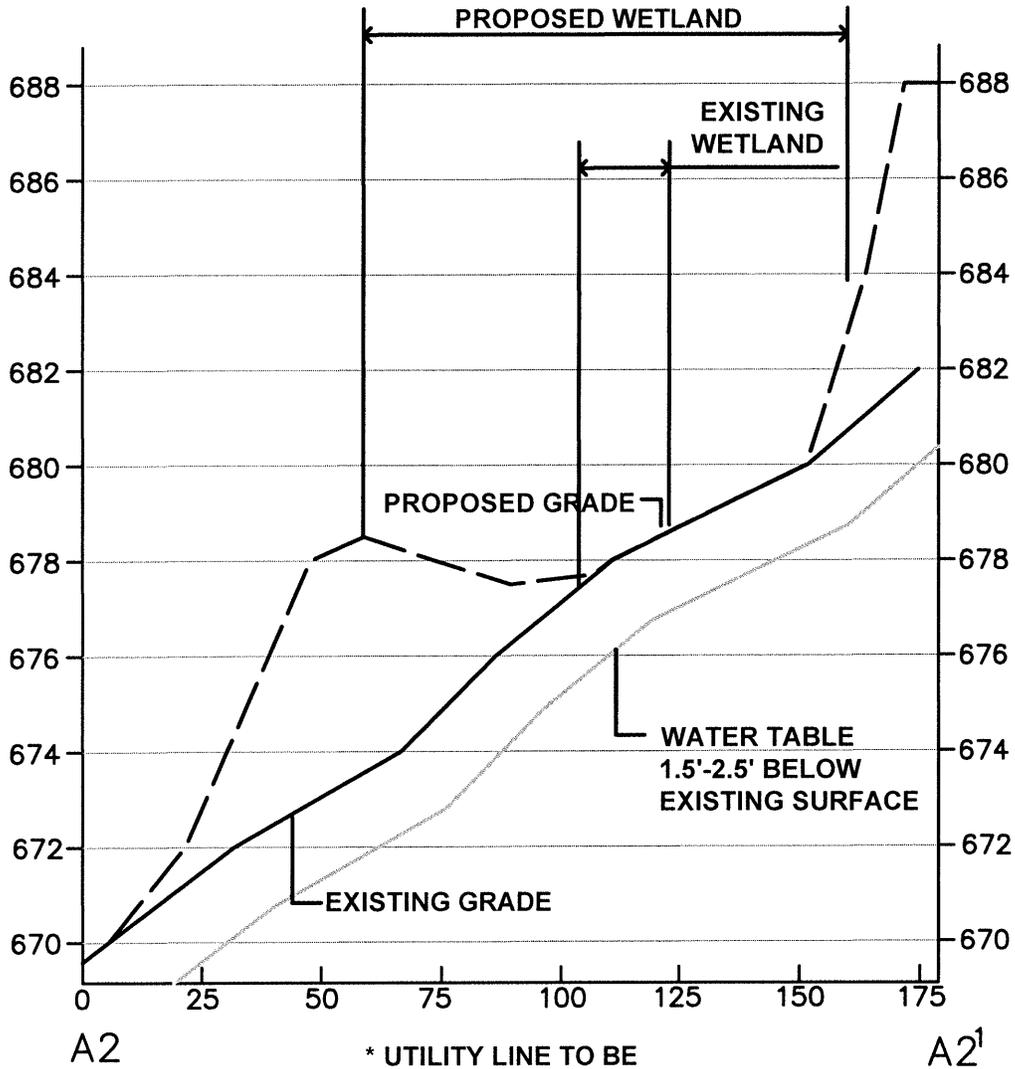
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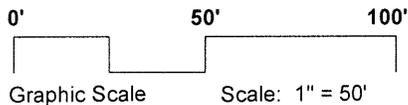


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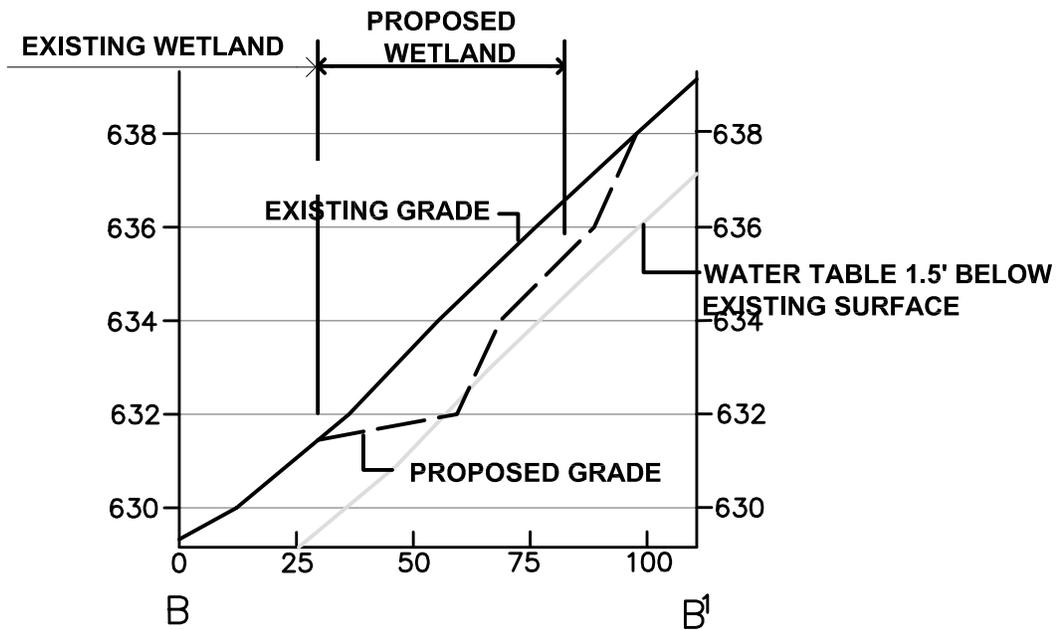
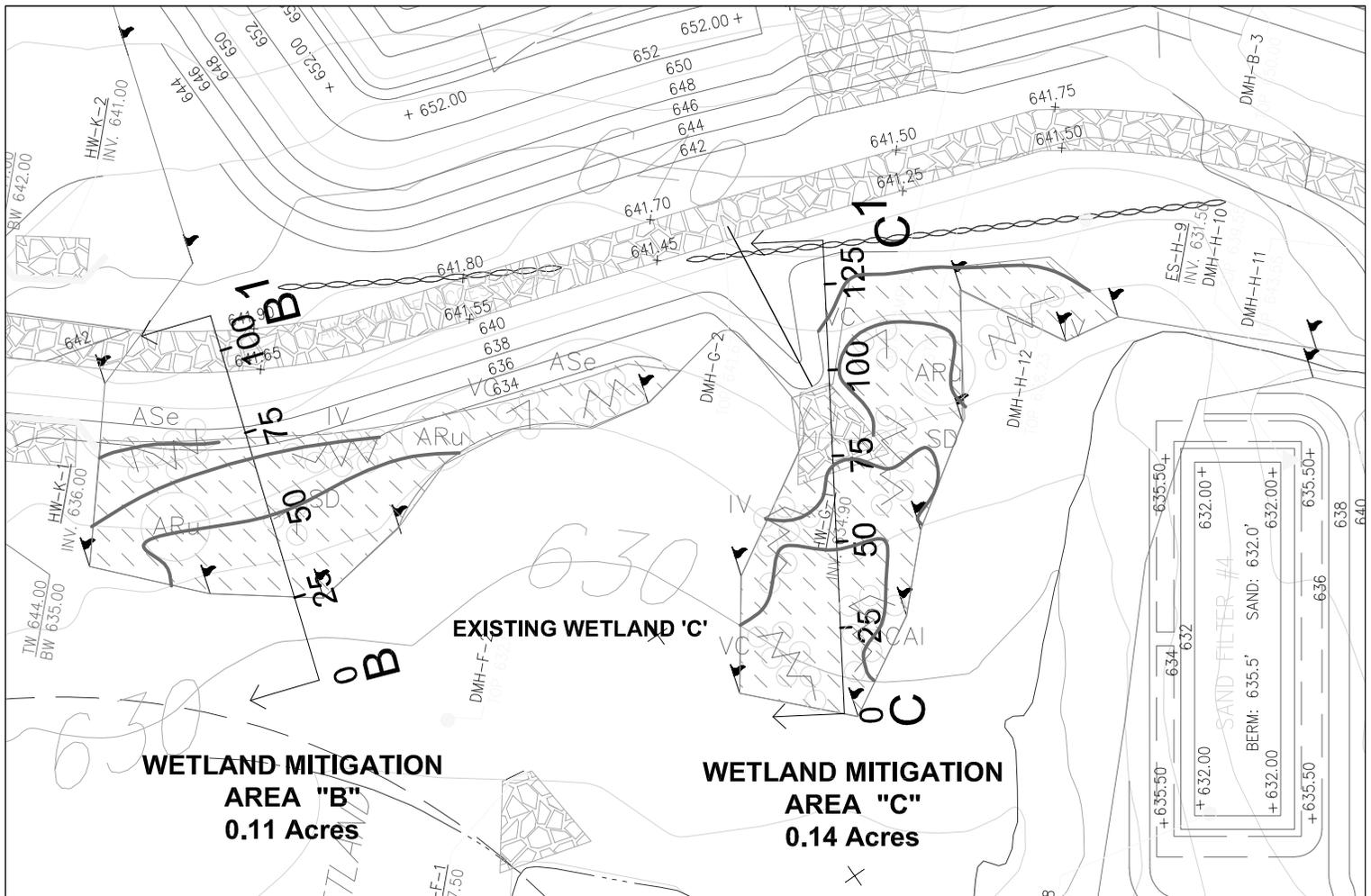
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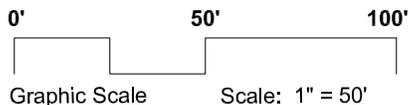
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 HORIZONTAL SCALE: 1" = 40'

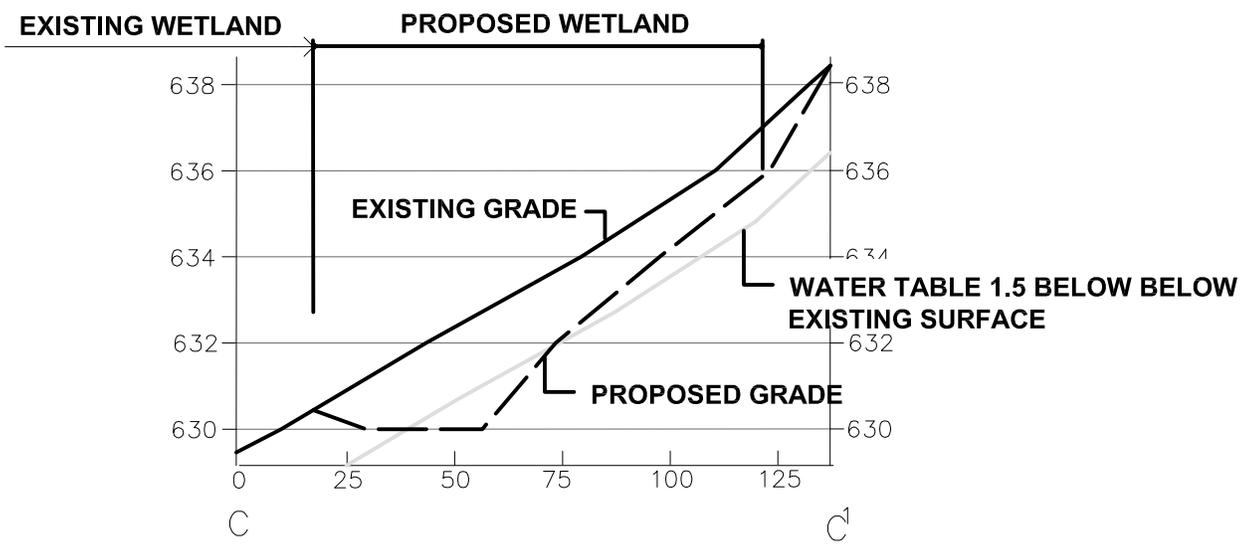
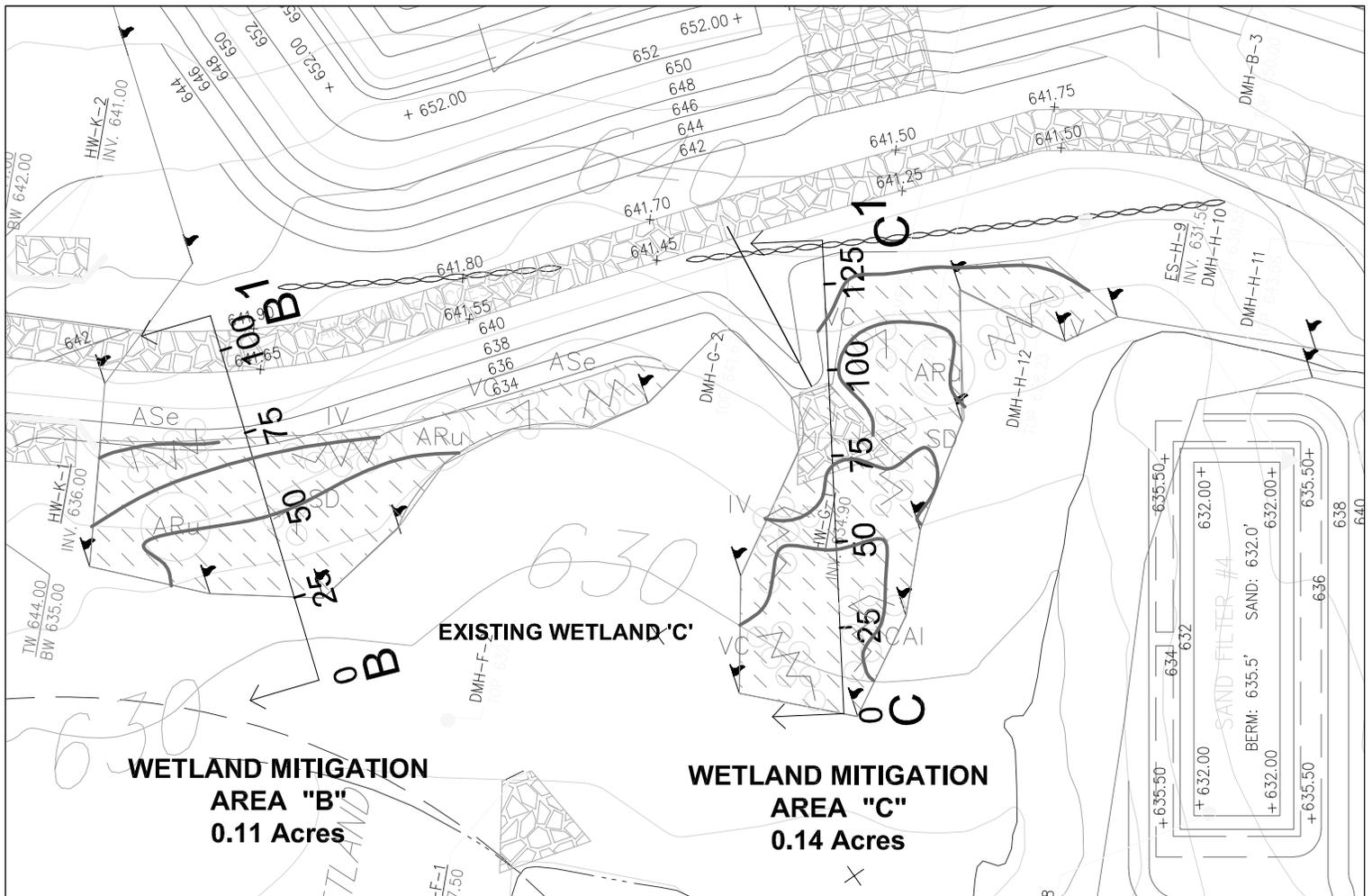
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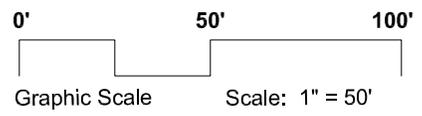
Wetland Impacts and Mitigation Areas
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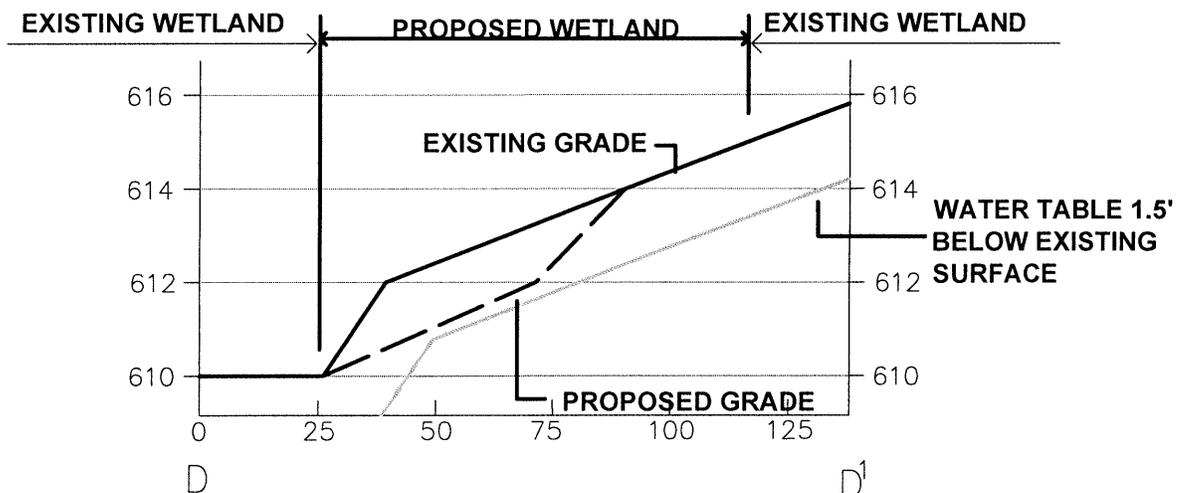
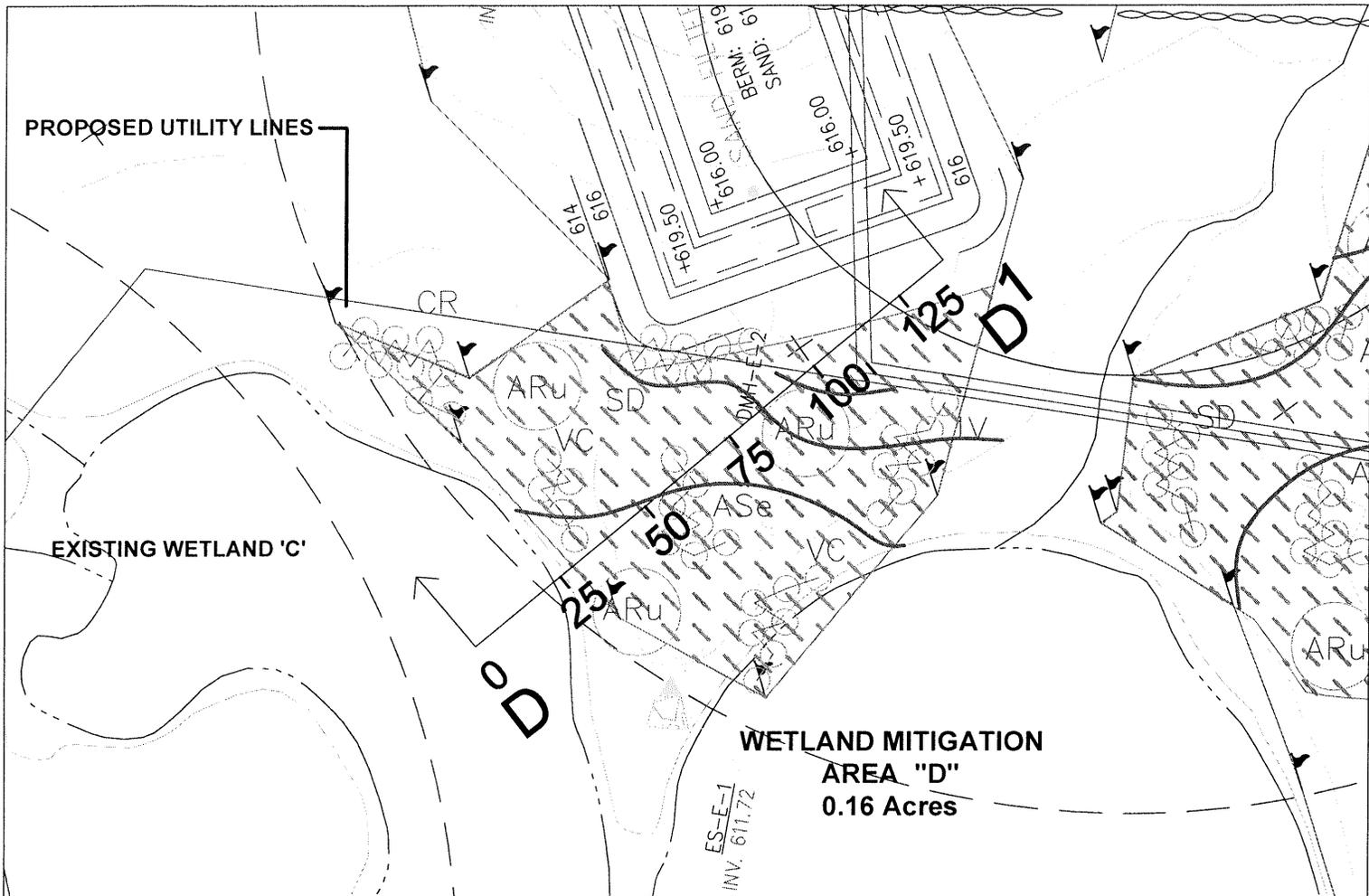
CROSS SECTION C- C¹ VERTICAL SCALE: 1" = 4'
 HORIZONTAL SCALE: 1" = 40'

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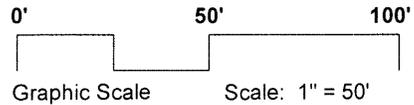
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* UTILITY LINE TO BE LOCATED MINIMUM OF 2 FEET BELOW FINISH GRADE

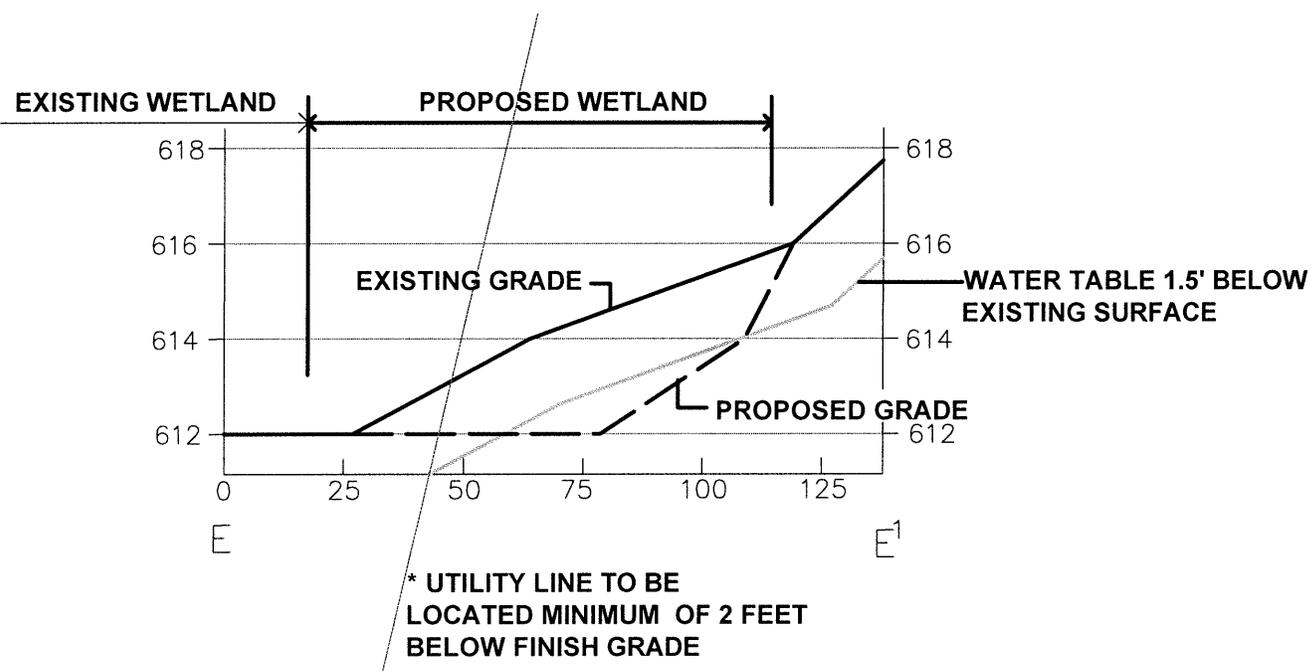
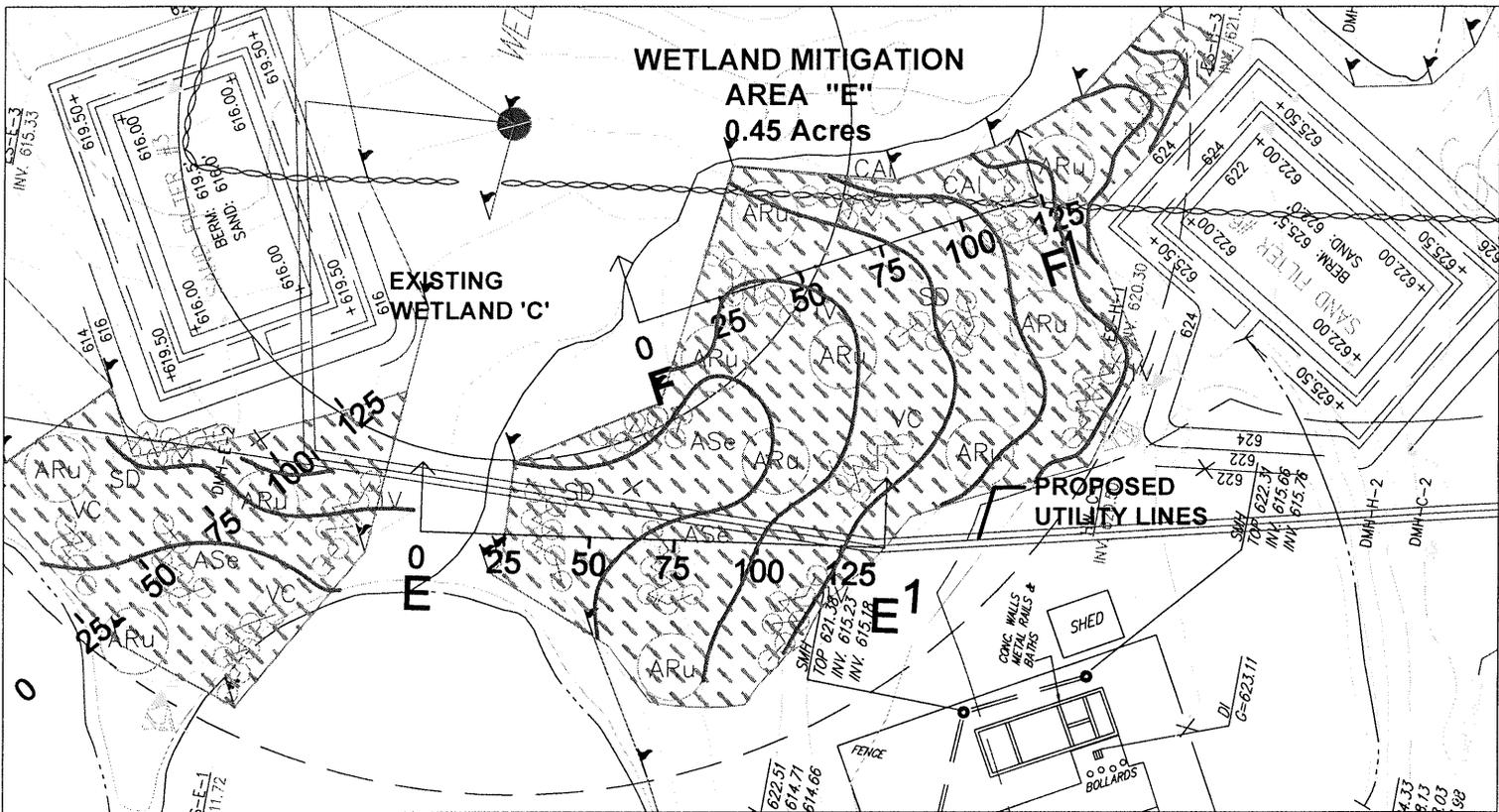
CROSS SECTION D - D¹ VERTICAL SCALE: 1" = 4'
HORIZONTAL SCALE: 1" = 40'

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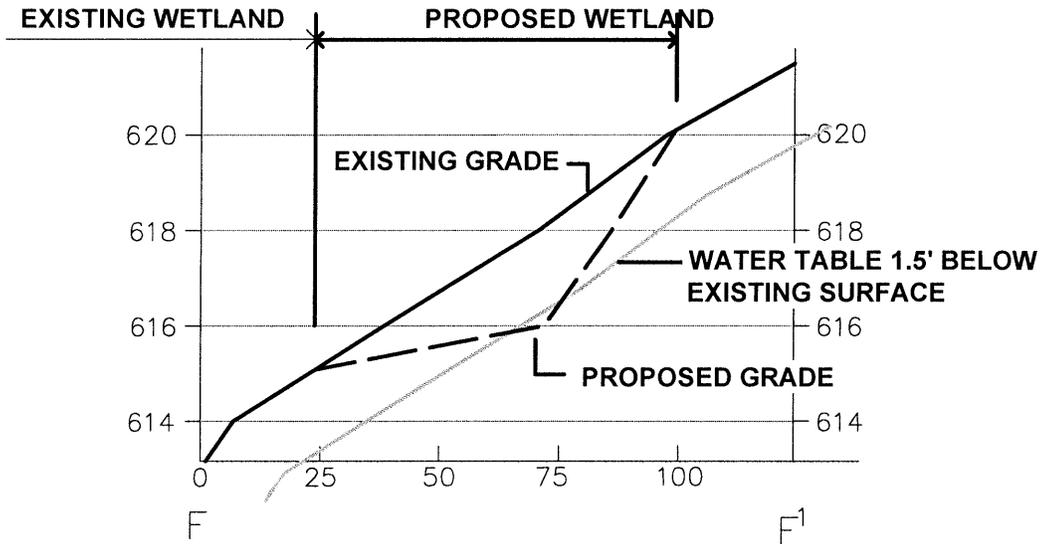
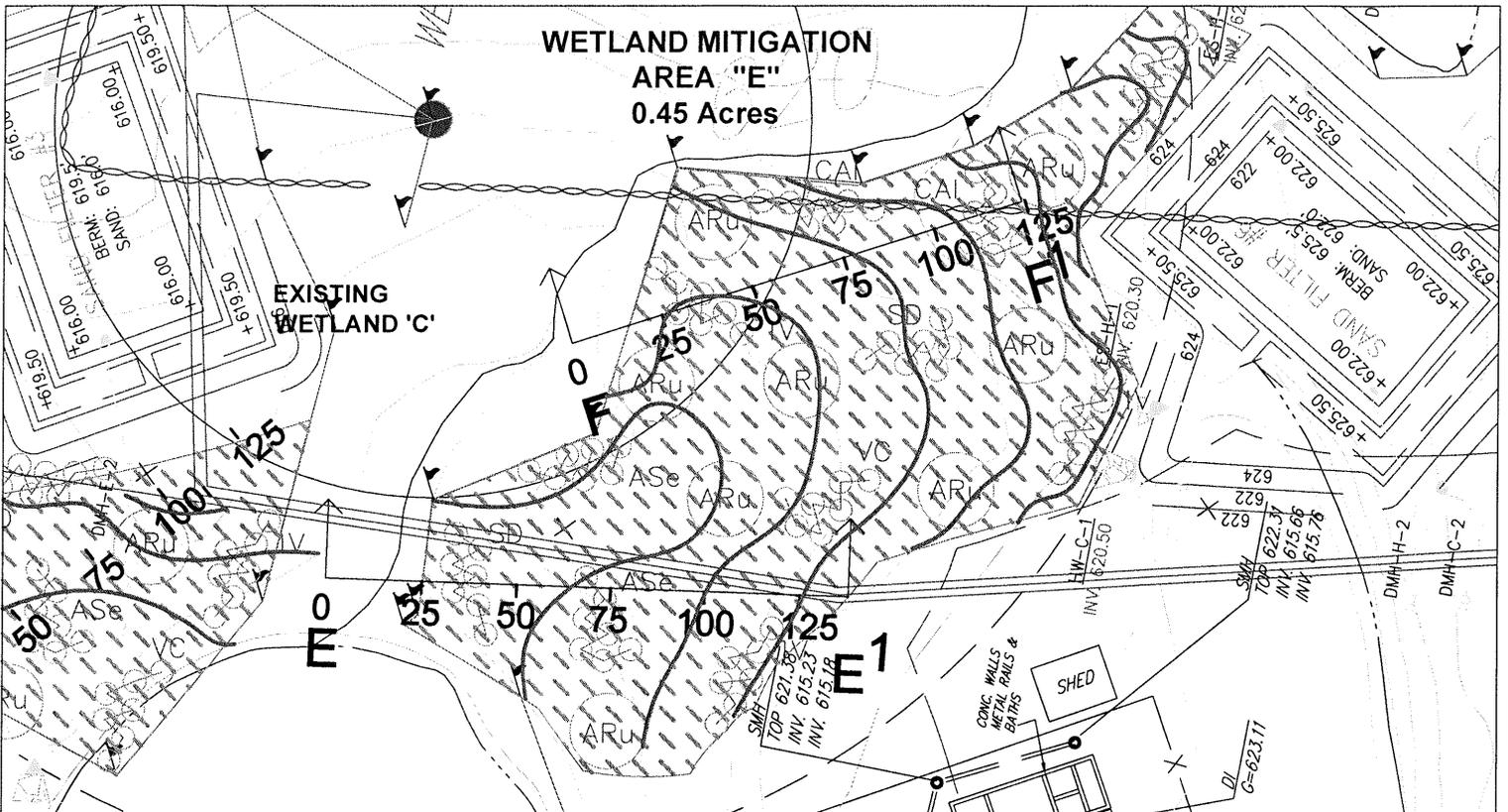
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 HORIZONTAL SCALE: 1" = 40'

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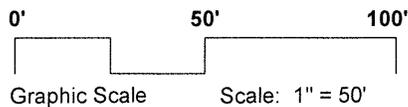
**WETLAND MITIGATION
AREA "E"
0.45 Acres**



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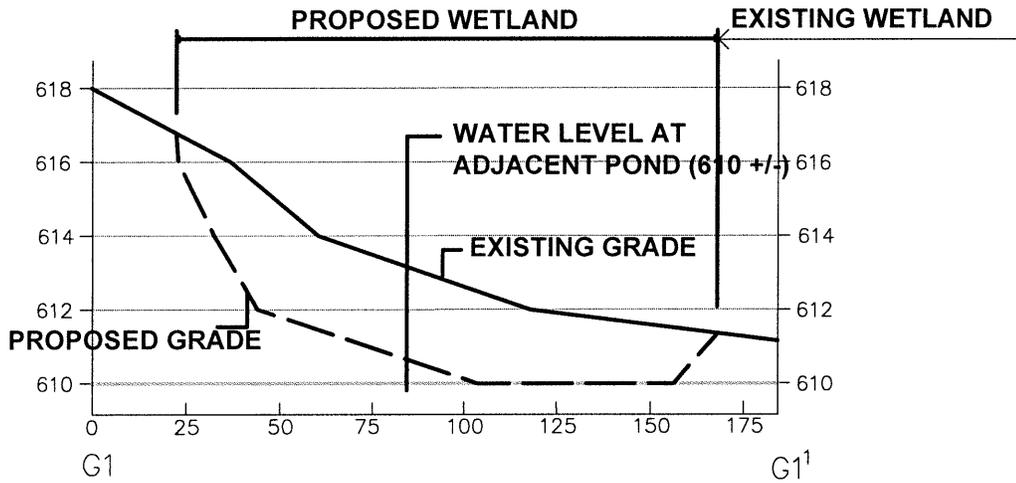
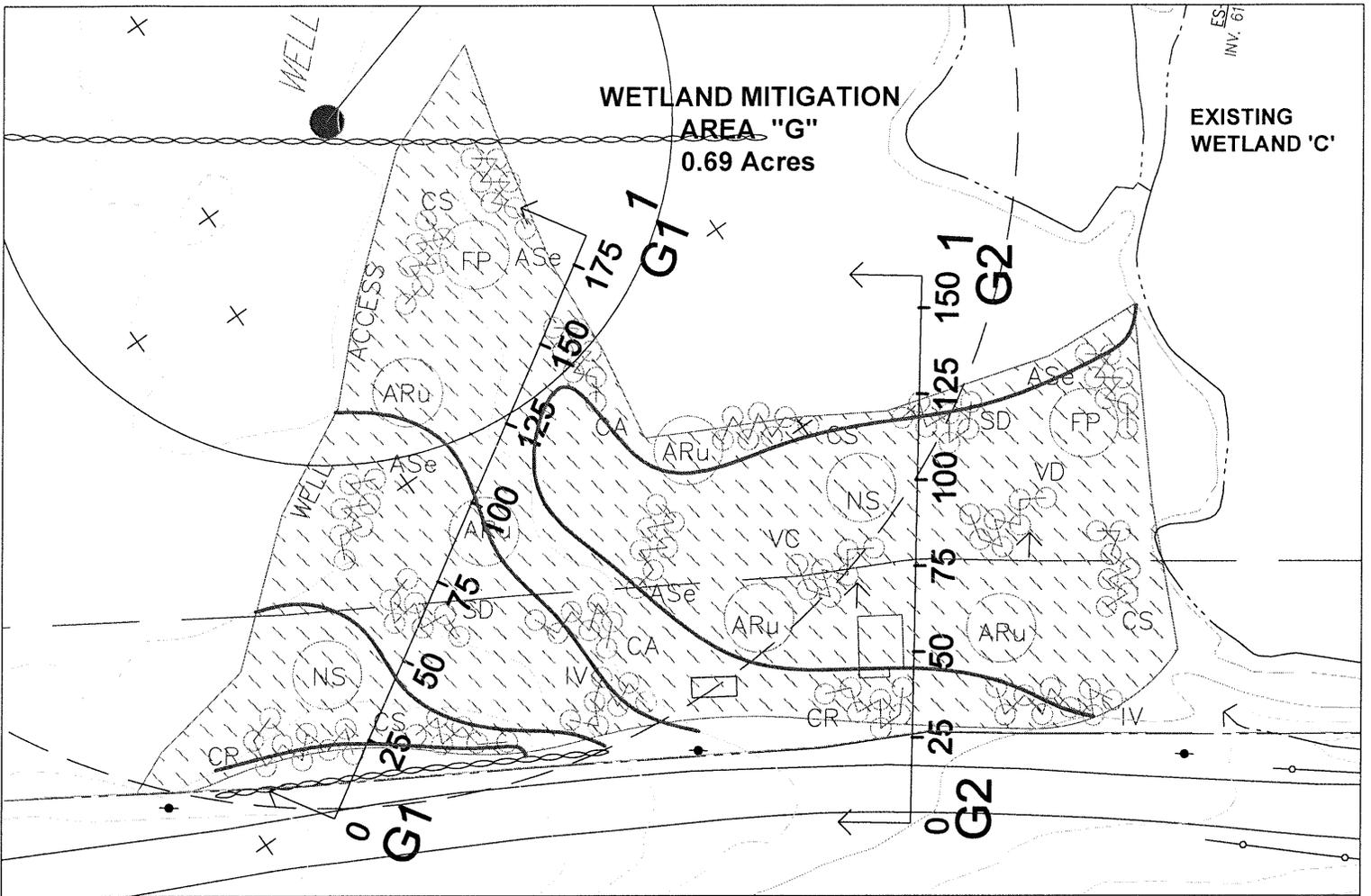
**VERTICAL SCALE: 1" = 4'
HORIZONTAL SCALE: 1" = 40'**

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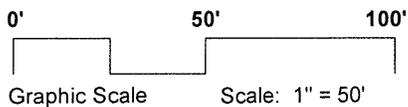
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HORIZONTAL SCALE: 1" = 40'

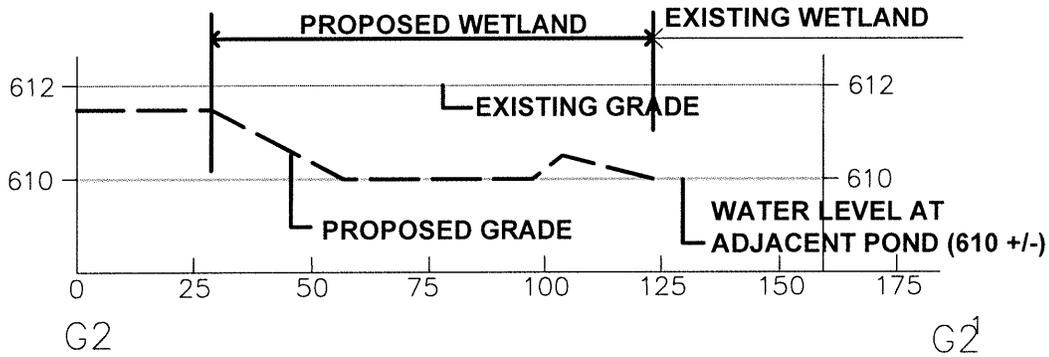
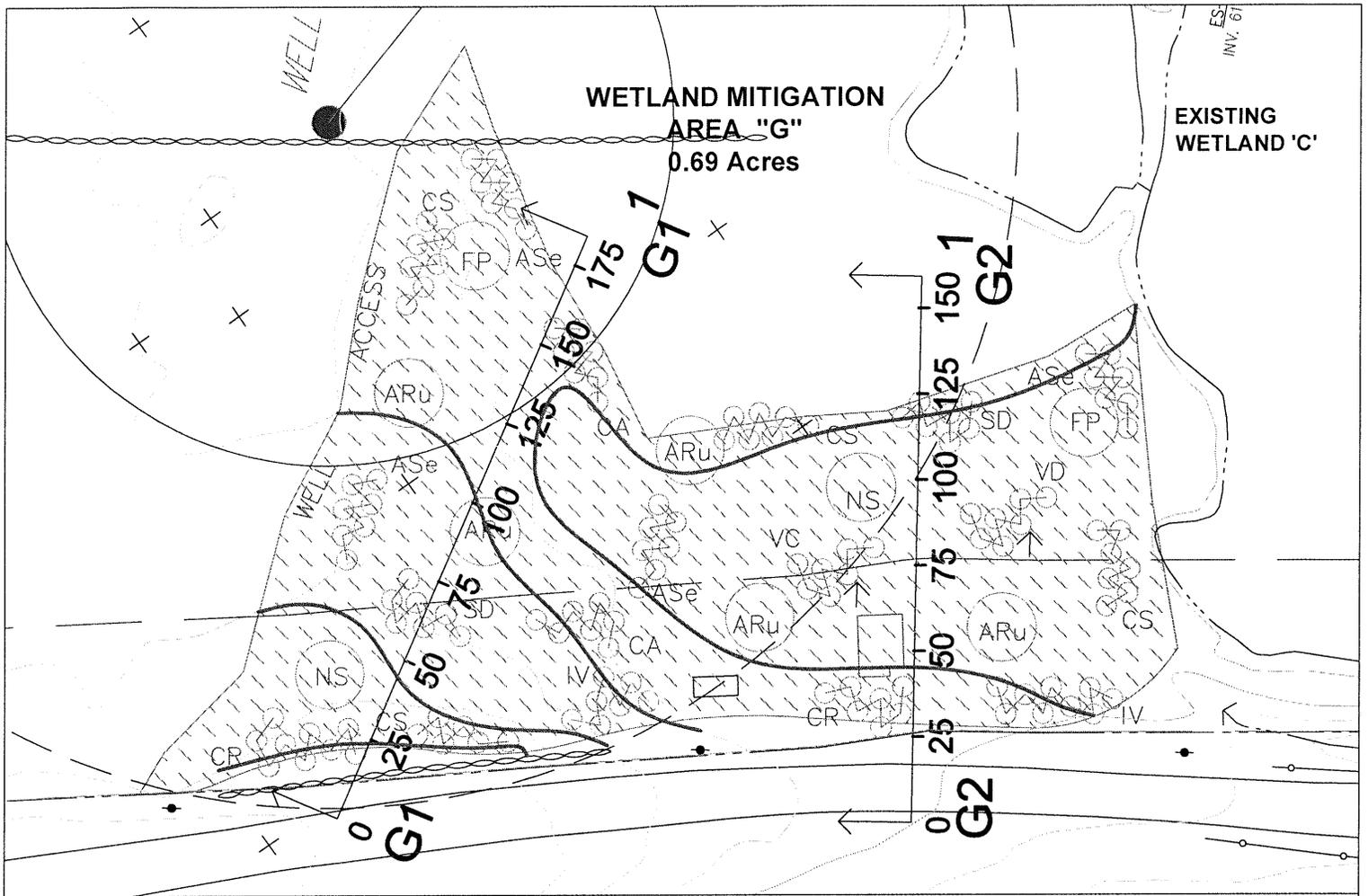
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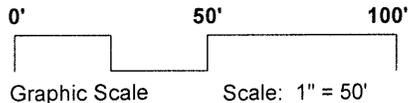
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CROSS SECTION G2 - G2¹ VERTICAL SCALE: 1" = 4'
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Wetland Impacts and Mitigation Areas for development of Kent Manor
 Town of Kent, Putnam County, NY

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