



US Army Corps  
of Engineers®

# PUBLIC NOTICE

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Applicant:  
WAWEB, LLC

Published: May 29, 2026  
Expires: June 29, 2026

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**New York District**  
**Permit Application No. NAN-2024-00728-TREC**

TO WHOM IT MAY CONCERN: The New York District of the U.S. Army Corps of Engineers (Corps) 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). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** WAWEB, LLC  
Charles Carrow  
99 Washington Avenue, 3rd Floor  
Albany, NY 12260

**AGENT:** Kevin Weed  
Gilbert VanGuilder Land Surveyors, PLLC  
988 Route 146  
Clifton Park, NY 12065

**WATERWAY:** Wetlands (Hudson River Watershed)

**LOCATION:** 152 Rockefeller Road, Bethlehem, NY 12054 (42.623083, -73.800769)

**EXISTING CONDITIONS:** Site is 16.70 acres in size and consists of fallow fields, forested uplands, Palustrine wetlands, and stream channels. One single-family residential house is located within the site along Rockefeller Road. The interior of the site is a previously used agricultural field that has transitioned into a fallow field. The land surrounding the site consists of undeveloped forested land, agricultural fields, successional old fields, and residential development.

## **PROJECT PURPOSE:**

**Basic:** To construct a residential senior living complex

**Overall:** To develop a 90-unit, age-restricted, multi-family residential community with associated infrastructure within an appropriately zoned district in the Town of Bethlehem, Albany County, New York.

**PROPOSED WORK:** The applicant requests authorization to construct a residential senior living complex, including one (1) three-story, 119,826-square-foot, age-restricted multi-family residential building containing 90 market-rate senior dwelling units, along

with associated parking and infrastructure. The work will include permanent impacts to approximately 0.70 acres of Palustrine Emergent Wetland (PEM), and temporary impacts to 0.01 acres of PEM.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided, minimized, and mitigated for impacts to waters of the United States (WOTUS) to the maximum extent practicable. The Corps is in the process of evaluating the avoidance and minimization measures, as well as the alternative analysis provided.

**COMPENSATORY MITIGATION:** The applicant proposes compensatory mitigation for the proposed project through the establishment of wetlands, and deed restricting the remaining non-impacted wetlands on site.

**CULTURAL RESOURCES:** The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

The Corps District Engineer’s final eligibility and effect determination will be based upon coordination with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), as appropriate and required, and with full consideration given to the proposed undertaking’s potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

<b>Common Name</b>	<b>Scientific Name</b>	<b>Status</b>	<b>Agency</b>
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	USFWS
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	USFWS
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	USFWS

Pursuant to Section 7 ESA, any required consultation with the USFWS(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the USFWS for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps has determined the proposal would have no impact on any Essential Fish Habitat (EFH), as there is no EFH within the Corps action area. Therefore, no consultation with the NMFS on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** 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 (EPA), under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the NYSDEC, in accordance with Section 401 of the Clean Water Act prior to a permit decision.

**OTHER AUTHORIZATIONS:** In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- NYSDEC

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Brad Sherwood at Brad.Sherwood@usace.army.mil. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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

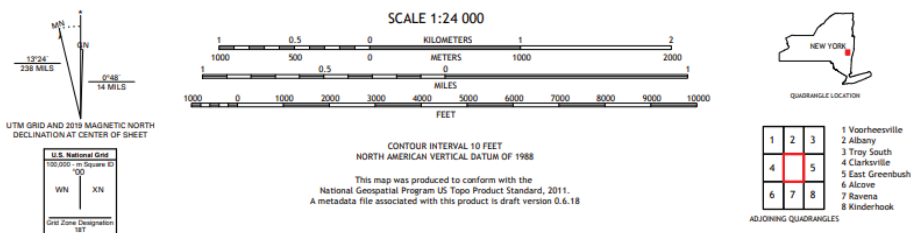
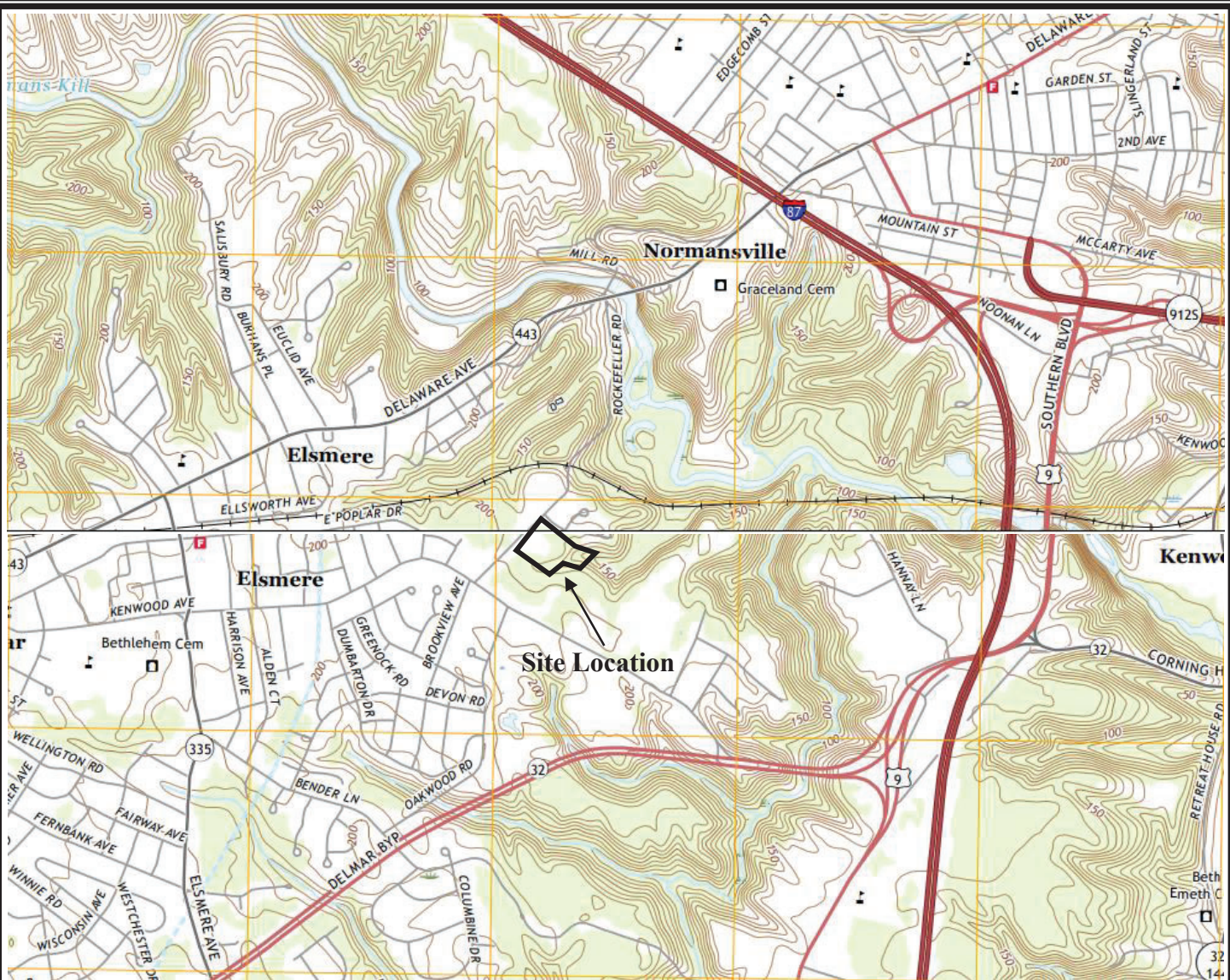
limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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>.



Jon T. Coleman  
**[FOR AND IN BEHALF OF]**  
Stephan A. Ryba  
Chief, Regulatory Division



Base Map: USGS Delmar and Albany 7.5' Quadrangle, Albany County, N.Y.

Scale: 1: 24,000



Figure 1 – Site Location Map



PERMANENT WETLAND DISTURBANCE		
DESCRIPTION	SF	ACRE
AREA #1 DISTURBANCE	1,057	0.02
AREA #2 DISTURBANCE	21,743	0.50
AREA #3 DISTURBANCE	6,386	0.15
AREA #4 DISTURBANCE	1,221	0.03
TOTAL DISTURBANCE	30,407	0.70

TEMPORARY WETLAND DISTURBANCE		
DESCRIPTION	SF	ACRE
AREA #1 DISTURBANCE	670	0.01
TOTAL DISTURBANCE	670	0.01

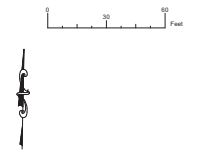
**LEGEND**

- R.O.W. RIGHT OF WAY
- No. NUMBER
- ENC. ENCROACHMENT
- P.O.B. POINT OF BEGINNING
- S.F. SQUARE FEET
- N/F NOW OR FORMERLY
- N NORTH
- S SOUTH
- E EAST
- W WEST
- elec. ELECTRIC
- L. LIBER
- P. PAGE
- ST STORM LINE
- S SEMI LINE
- W WATER LINE
- G GAS LINE
- UE UNDERGROUND ELECTRIC
- WETLAND DELINEATION LINE
- IRON ROD
- MANHOLE
- CATCHBASIN
- SIGN
- FENCE LINE
- OVERHEAD WIRE, UTILITY POLE & GLY WIRE
- TRAFFIC FLOW ACCESS AREA
- WATER SHUT OFF
- WATER VALVE
- HYDRANT
- GAS VALVE
- GAS TEST
- STREET LIGHT
- LIGHT POLE
- CONCRETE
- PAVEMENT
- BRICK
- TEMPORARY WETLAND DISTURBANCE
- PERMANENT WETLAND DISTURBANCE

**ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, IS ILLEGAL.**

DATE	REVISIONS
6/20/24	WETLAND REVISIONS
8/9/24	COMMITTEE REVISIONS
10/9/2024	ROAD REVISIONS
11/7/2024	GENERAL REVISIONS
11/8/2024	GENERAL REVISIONS
11/27/2024	GENERAL REVISIONS

WETLAND IMPACT  
152 ROCKEFELLER ROAD  
TOWN OF BETHLEHEM  
COUNTY OF ALBANY, STATE OF NEW YORK



TOWN OF BETHLEHEM PLANNING BOARD APPROVAL  
HE #23-0100012

**FOR MUNICIPAL APPROVAL ONLY-NOT INTENDED FOR CONSTRUCTION**

FILE: 2022-0109  
SCALE: AS NOTED  
BY: HLB  
DATE: 8/15/22  
230189-3  
C16/19