

# PUBLIC NOTICE

U.S. Army Corps  
of Engineers  
New York District, CENAN-OP-RU  
Upstate Regulatory Field Office  
1 Buffington Street, Bldg. 10, 3<sup>rd</sup> Fl. North  
Watervliet, New York 12189-4000

**In replying refer to:**  
Public Notice Number: NAN-2022-00076-USH  
Issue Date: January 19, 2023  
Expiration Date: February 17, 2023

## 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:** Rivers Ledge of Niskayuna, LLC  
857 First Street  
Watervliet, New York 12189

**ACTIVITY:** Discharge of fill material into waters of the United States to facilitate the construction of a senior housing development and attendant features

**WATERWAY:** Wetlands and Unnamed tributary (Mohawk River Watershed)

**LOCATION:** Town of Niskayuna, Schenectady 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 SENT VIA ELECTRONIC MAIL TO [Brad.Sherwood@usace.army.mil](mailto:Brad.Sherwood@usace.army.mil), OR PREPARED IN WRITING AND MAILED TO THE ATTENTION OF BRAD SHERWOOD AT THE ABOVE ADDRESS, TO REACH THIS OFFICE BY 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.

According to the list of Federally-listed species on the Information for Planning and Conservation website for the New York Field Office of the U.S. Fish and Wildlife Service no endangered species are expected to occur in the vicinity of the project site. Therefore, our preliminary determination is that the activity for which authorization is sought herein will not affect Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), if new information warrants, the District Engineer will consult with the appropriate Federal agency to determine the presence of and any potential impacts to listed species or their critical habitat in the project area.

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. However, archaeological and/or historic resources have been identified in the project's vicinity. Therefore, further consultation with the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) regarding potential effects to archaeological and/or historic resources will be conducted and will be concluded prior to the final decision.

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.

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 Stormwater Permit

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>

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 Brad Sherwood of this office at (518) 266-6355.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

A handwritten signature in black ink that reads "Amy L. Gitchell". The signature is written in a cursive style with a large initial 'A'.

FOR AND ON BEHALF OF  
Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

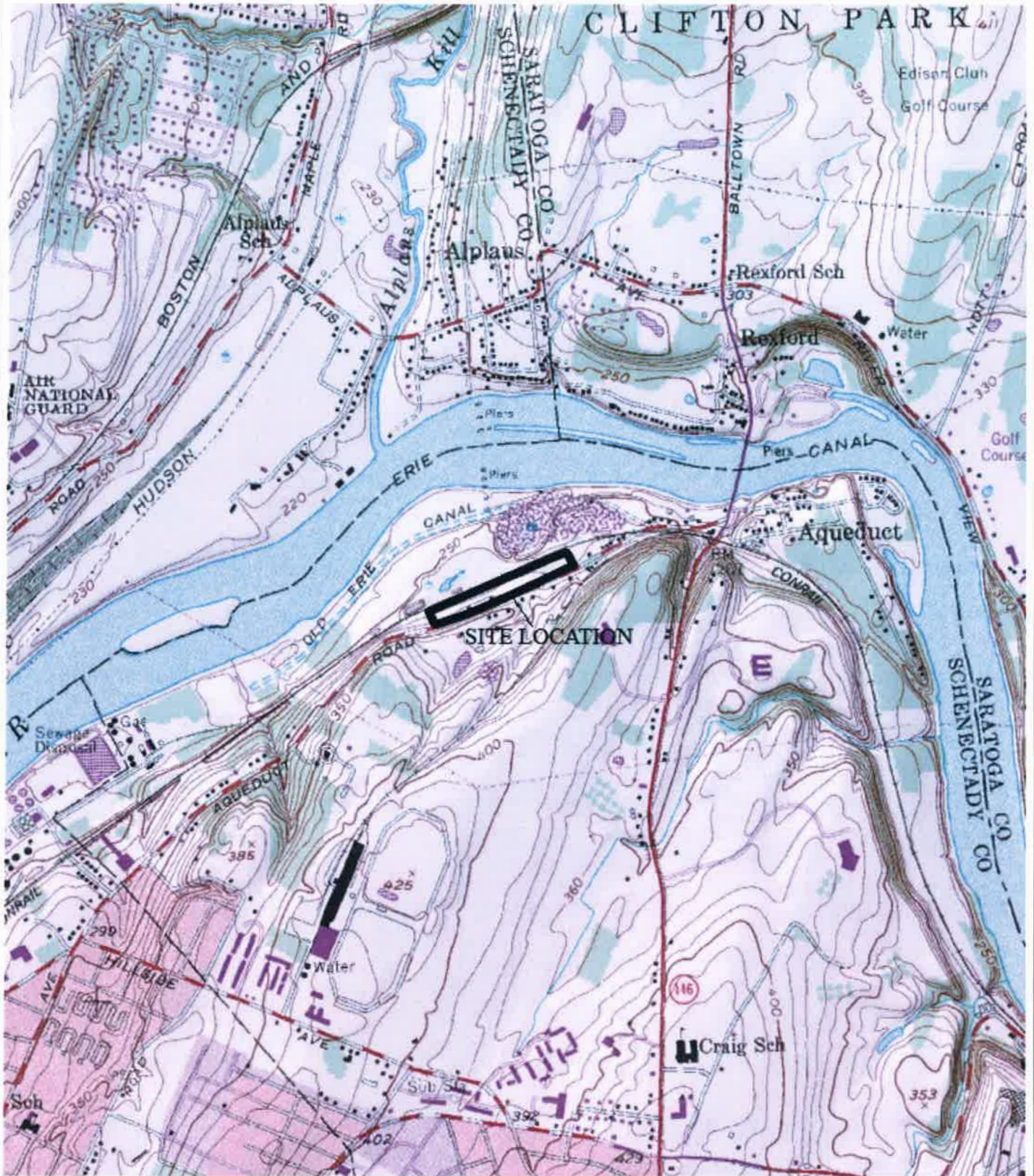
## **WORK DESCRIPTION**

The applicant, Rivers Ledge at Niskayuna, LLC, has requested Department of the Army permit for the discharge of fill material into approximately 0.84 acres of waters of the United States, including wetlands and approximately 285 linear feet of stream channel to facilitate the construction of a senior housing development and attendant features. The project is located of Aqueduct Road, in the Town of Niskayuna, Schenectady County, New York.

The work currently proposed in Phase II of the project would involve the construction of one (1) three-story senior apartment building that would include 66 housing units, and 66 associated below grade parking spaces. In addition, the project would include additional parking surrounding the apartment building, and the necessary stormwater and drainage. The proposed project would result in the permanent impacts to approximately 0.64 acre of forested wetland and 0.19 acre of scrub-shrub wetland, including approximately 285 linear feet of perennial stream channel. Phase I of the project was constructed and completed in 2022, and resulted in no impacts to waters of the United States

The applicant has stated that they have avoided and minimized proposed impacts to the maximum extent practicable by limiting construction to the smallest area practicable, including designing the layout of the building and parking areas to limit impacts to the wetland areas and by altering the initially proposed project from two buildings to the one currently proposed. The applicant has proposed to purchase 2.4 wetland credits from The Wetland Trust Susquehanna Basin Headwaters and Adjacent Basins In-Lieu Fee Mitigation Program, Mohawk Service Area – HUC (02020004), as mitigation for the proposed permanent impacts to waters of the United States. In addition, the applicant is proposing to deed restrict the remaining 2.33 acres of non-impacted wetlands onsite, and proposing off-site, permittee-responsible mitigation to stabilize and restore approximately 120 linear feet of stream channel at an alternative location within the watershed, at the Animal Protection Foundation, at 53 Maple Avenue, in the Town of Glenville, Schenectady County.

The stated purpose of this project is to construct a senior housing development in the Town of Niskayuna.

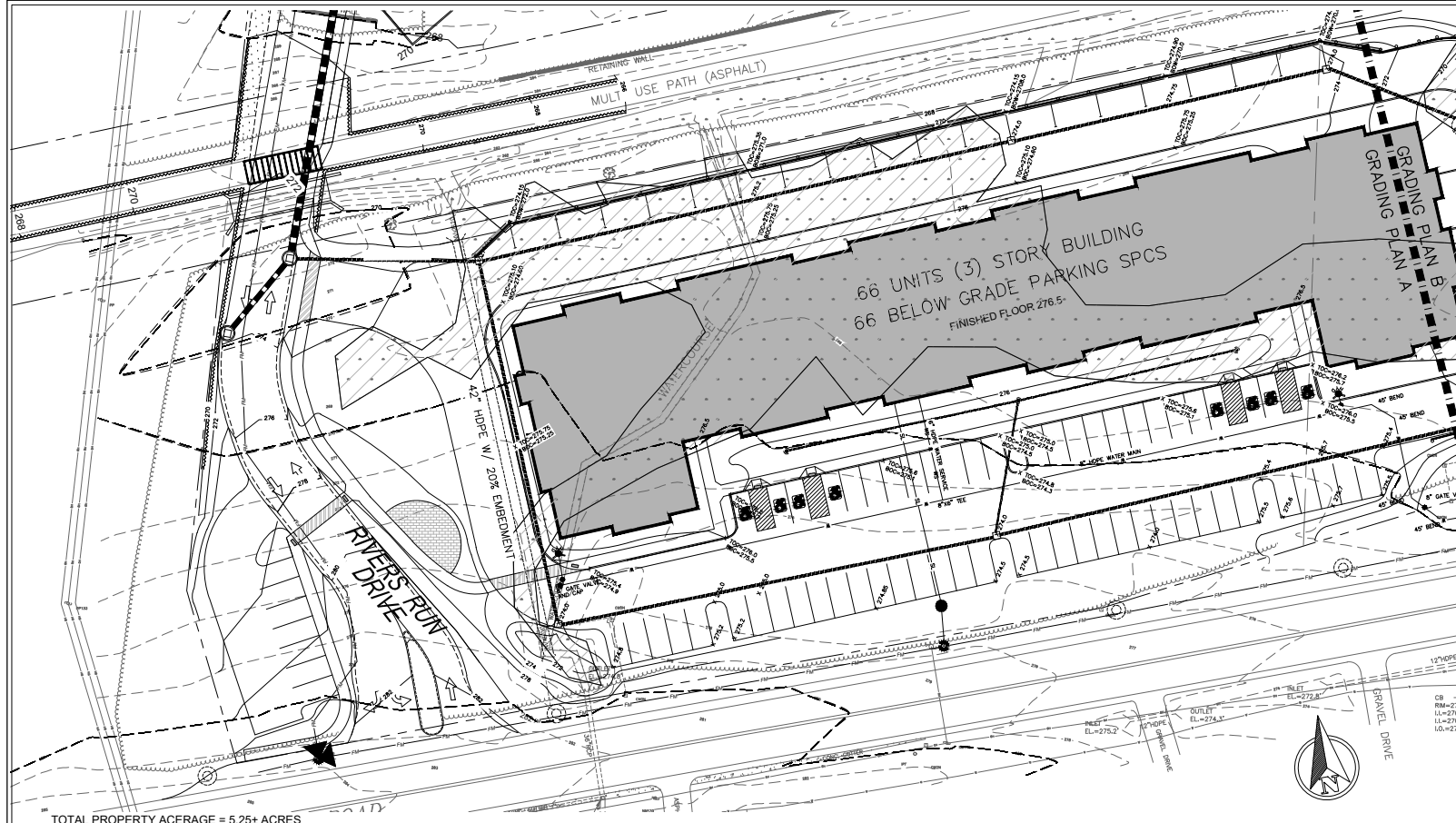


Base Map: USGS Schenectady 7.5' Quadrangle, Schenectady County, N.Y.

Scale: 1"=2000'



FIGURE 1 - SITE LOCATION MAP



TOTAL PROPERTY AGERAGE = 5.25± ACRES

WETLAND IMPACT SUMMARY TABLE			
WETLAND	IMPACT AREA		COVER TYPE
	SQUARE FEET	ACRES	
IA - 2	8,436±	0.19±	SCRUB SHRUB
IA - 2	28,000±	0.64±	FORESTED
TOTAL	36,436±	0.84±	

TOTAL STREAM CHANNEL IMPACTS - 285 L.F.

BRETT L. STEENBURGH MAP REFERENCE:  
 PLAN SET ENTITLED "RIVERS LEDGE NISKAYUNA" AS PREPARED BY  
 ARCO ASSOCIATES, ENGINEERS, LAND PLANNERS & CONSULTANTS

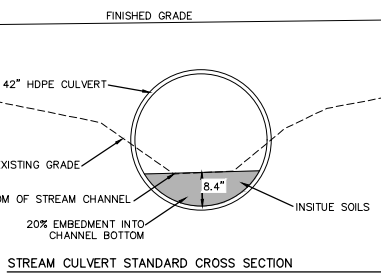
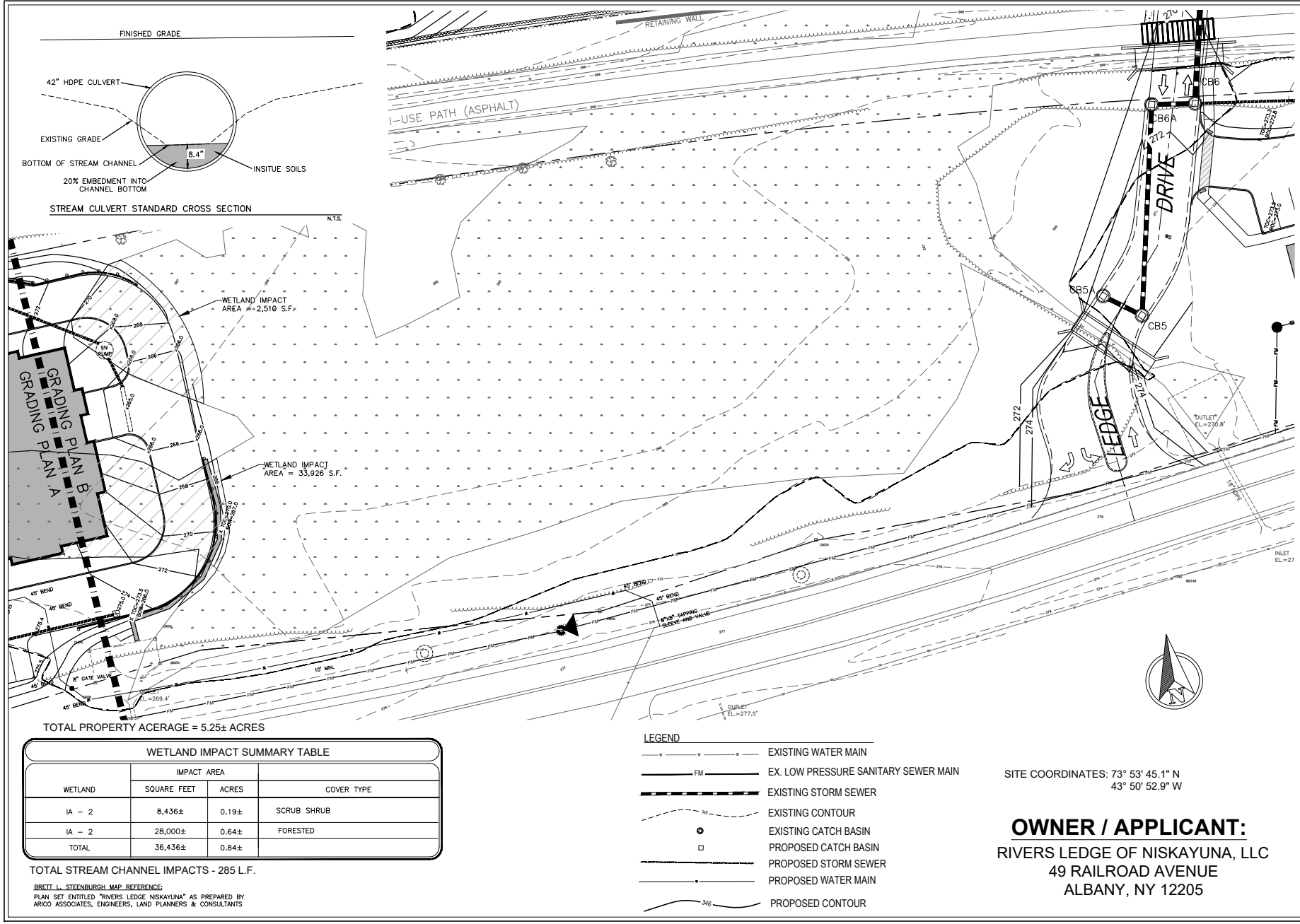
LEGEND

- EXISTING WATER MAIN
- EX. LOW PRESSURE SANITARY SEWER MAIN
- EXISTING STORM SEWER
- EXISTING CONTOUR
- EXISTING CATCH BASIN
- PROPOSED CATCH BASIN
- PROPOSED STORM SEWER
- PROPOSED WATER MAIN
- PROPOSED CONTOUR

SITE COORDINATES: 73° 53' 45.1" N  
 43° 50' 52.9" W

**OWNER / APPLICANT:**  
 RIVERS LEDGE OF NISKAYUNA, LLC  
 49 RAILROAD AVENUE  
 ALBANY, NY 12205

<p>GRADING PLAN A                  PHASE 2                  RIVERS LEDGE OF NISKAYUNA                  49 RAILROAD AVENUE                  TOWN OF NISKAYUNA                  COUNTY OF SCHENECTADY                  STATE OF NEW YORK                  SCALE: 1" = 20'                  DATE: MAY 11, 2022</p>	<p>GRADING PLAN B                  PHASE 2                  RIVERS LEDGE OF NISKAYUNA                  49 RAILROAD AVENUE                  TOWN OF NISKAYUNA                  COUNTY OF SCHENECTADY                  STATE OF NEW YORK                  SCALE: 1" = 20'                  DATE: MAY 11, 2022</p>	<p>BRETT L. STEENBURGH, P.E. PLLC                  2832 Roseknight Road                  Albany, NY 12205                  (518) 865-3072                  bsteens@bsteens.com  <b>ENGINEERING THAT TRANSFORMS                  IMAGINATION INTO REALITY</b></p>
<p><b>Call 811</b>                  before you dig                  Call 811 before you dig</p>		
<p>As the Engineer, I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am a duly Licensed Professional Engineer in the State of New York. I have prepared this plan set in accordance with the provisions of the State of New York Engineering Law, Chapter 175 of the Laws of 1963, as amended, and the Rules and Regulations of the Board of Engineering and Architecture, Chapter 175 of the Regulations of the State of New York.</p>		



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 ARICO ASSOCIATES, ENGINEERS, LAND PLANNERS & CONSULTANTS

- LEGEND**
- EXISTING WATER MAIN
  - EX. LOW PRESSURE SANITARY SEWER MAIN
  - EXISTING STORM SEWER
  - EXISTING CONTOUR
  - EXISTING CATCH BASIN
  - PROPOSED CATCH BASIN
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**OWNER / APPLICANT:**  
 RIVERS LEDGE OF NISKAYUNA, LLC  
 49 RAILROAD AVENUE  
 ALBANY, NY 12205

**Call 811**  
 before you dig

Dig Safely. New York. Call 811 before you dig.

Scaling of these drawings and its use for any purpose other than that intended by the engineer shall be at the user's risk. The engineer shall not be responsible for any errors or omissions in the drawings or for any consequences thereof. The engineer shall not be responsible for any damage to property or persons caused by the use of these drawings. The engineer shall not be responsible for any damage to property or persons caused by the use of these drawings. The engineer shall not be responsible for any damage to property or persons caused by the use of these drawings.

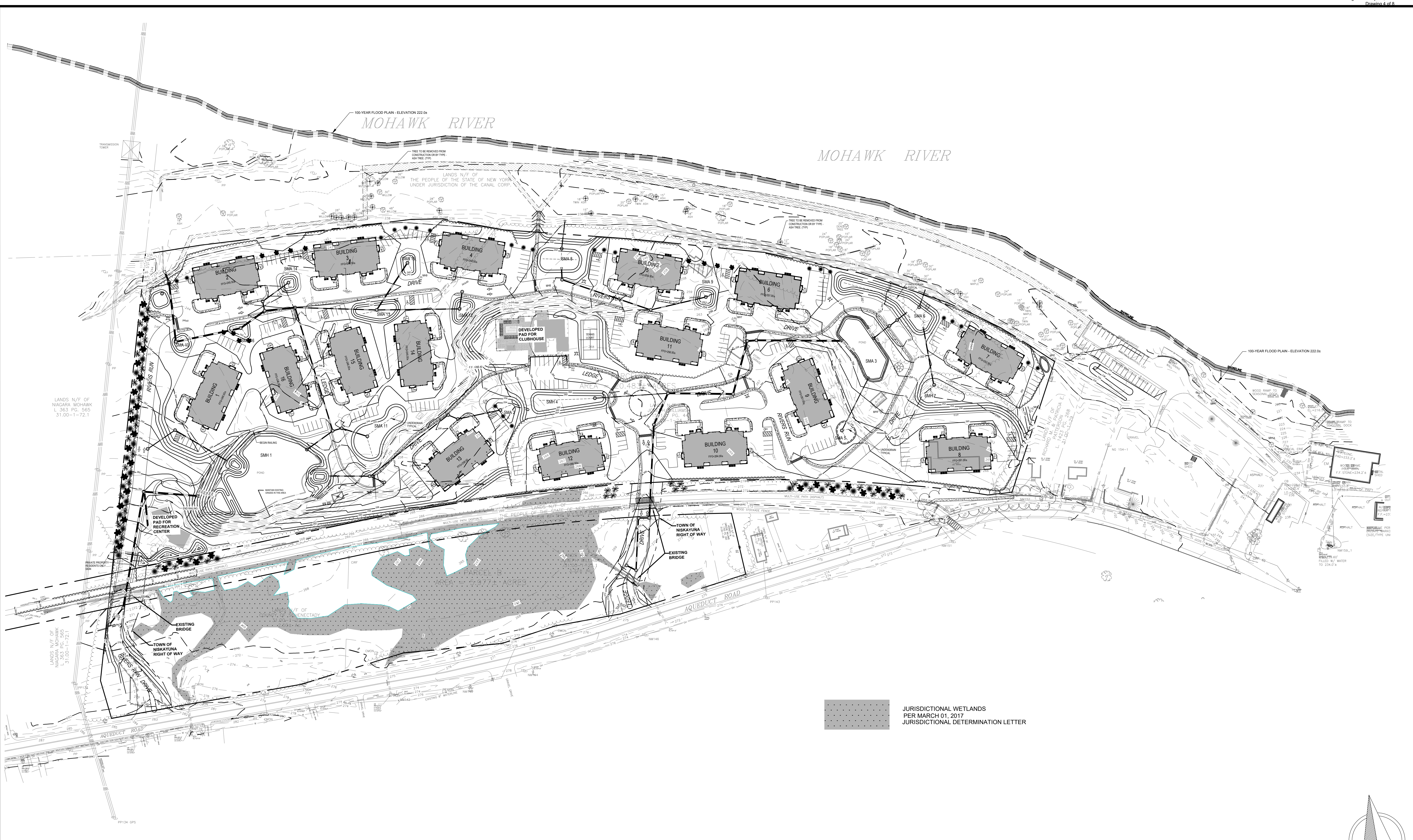
Brett L. Steenburgh, P.E., PLLC  
 2832 Rotterdam Road  
 Albany, NY 12205  
 (518) 362-0875  
 bsteenb@brett-engineering.com

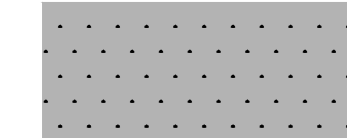
**BRETT L. STEENBURGH, P.E. PLLC**

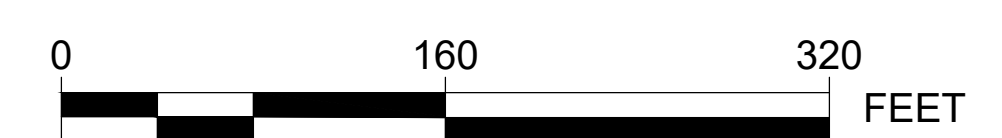
**ENGINEERING THAT TRANSFORMS  
 IMAGINATION INTO REALITY**

COUNTY OF SCHENECTADY  
 STATE OF NEW YORK  
 MAP FILE NO. 2022-00076  
 DATE: MAY 11, 2022

GRADING PLAN B  
 PHASE 2 - RIVERS LEDGE OF NISKAYUNA  
 2837 AQUEDUCT ROAD  
 TOWN OF NISKAYUNA  
 SCALE: 1" = 20'  
 SHEET G-1B




**JURISDICTIONAL WETLANDS**  
 PER MARCH 01, 2017  
 JURISDICTIONAL DETERMINATION LETTER

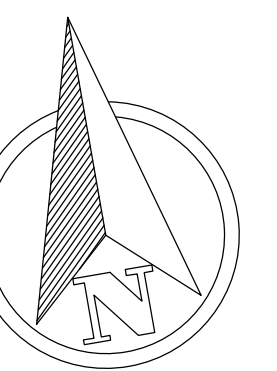


REVISIONS		
NO.	DESCRIPTION	BY DATE

**BRETT L. STEENBURGH, P.E. PLLC**  
 2832 Rosendale Road  
 Niskayuna, NY 12109  
 (518) 365-0675  
 bsteenburghpe@gmail.com  
 ENGINEERING THAT TRANSFORMS IMAGINATION INTO REALITY  
 A comprehensive civil engineering firm  
 with a personal touch

**TOWN OF NISKAYUNA COUNTY OF SCHENECTADY**  
**RIVERS LEDGE OF NISKAYUNA**  
**AS BUILT WETLAND PLAN**  
 LOCATED AT  
**2837 AQUEDUCT ROAD**  
 TAX MAP NO. 31.00-1-24, 22.1, 23.1 & 26

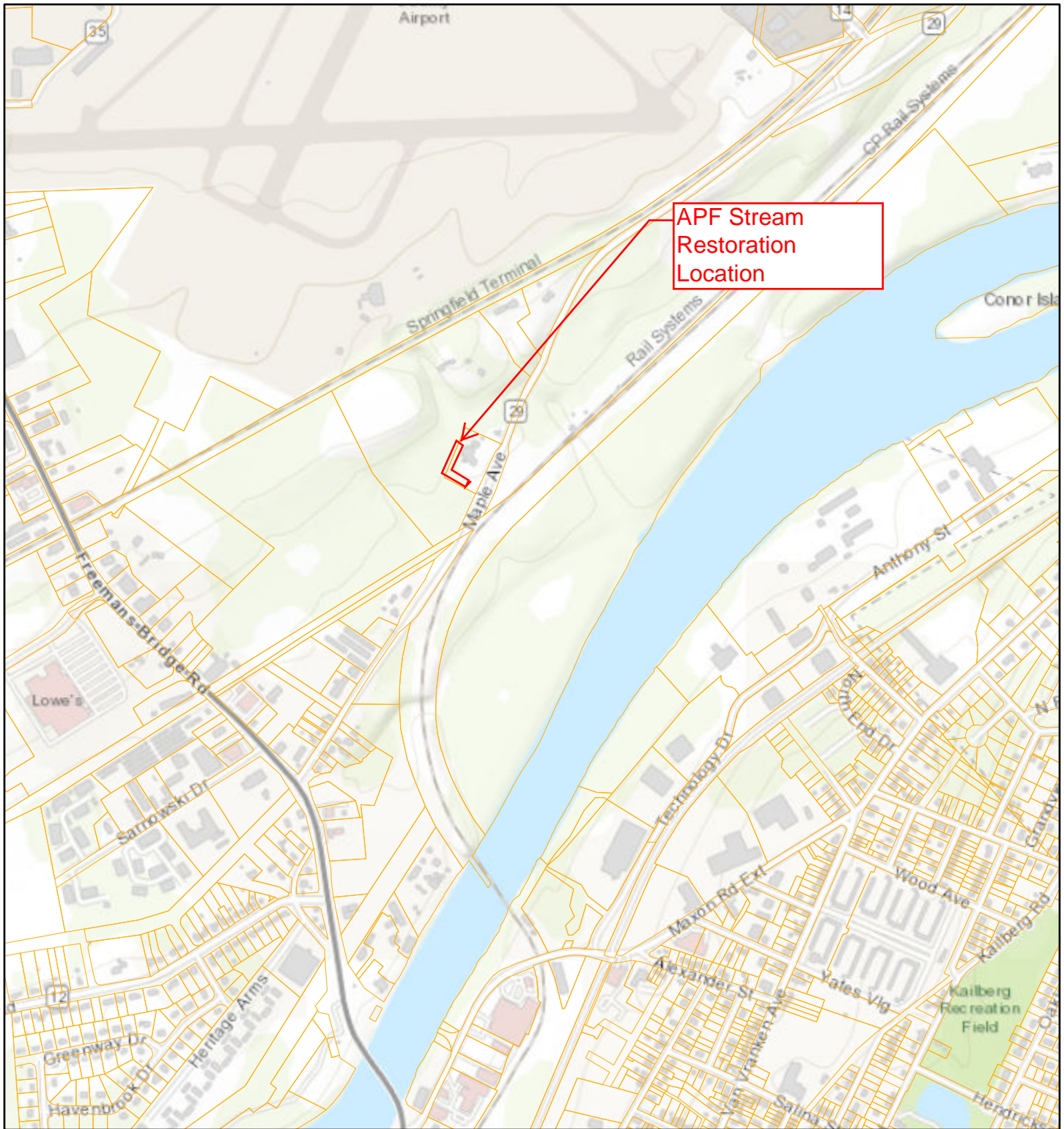
DATE: NOVEMBER 2022  
 JOB NO: RIVERS LEDGE DRAWING NO.  
 SCALE: 1"=80'  
 DRAWN BY:  
 CHECKED BY:



**ASB2**



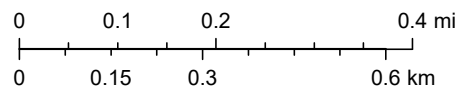
# APF Mitigation Area



January 4, 2023

1:16,852

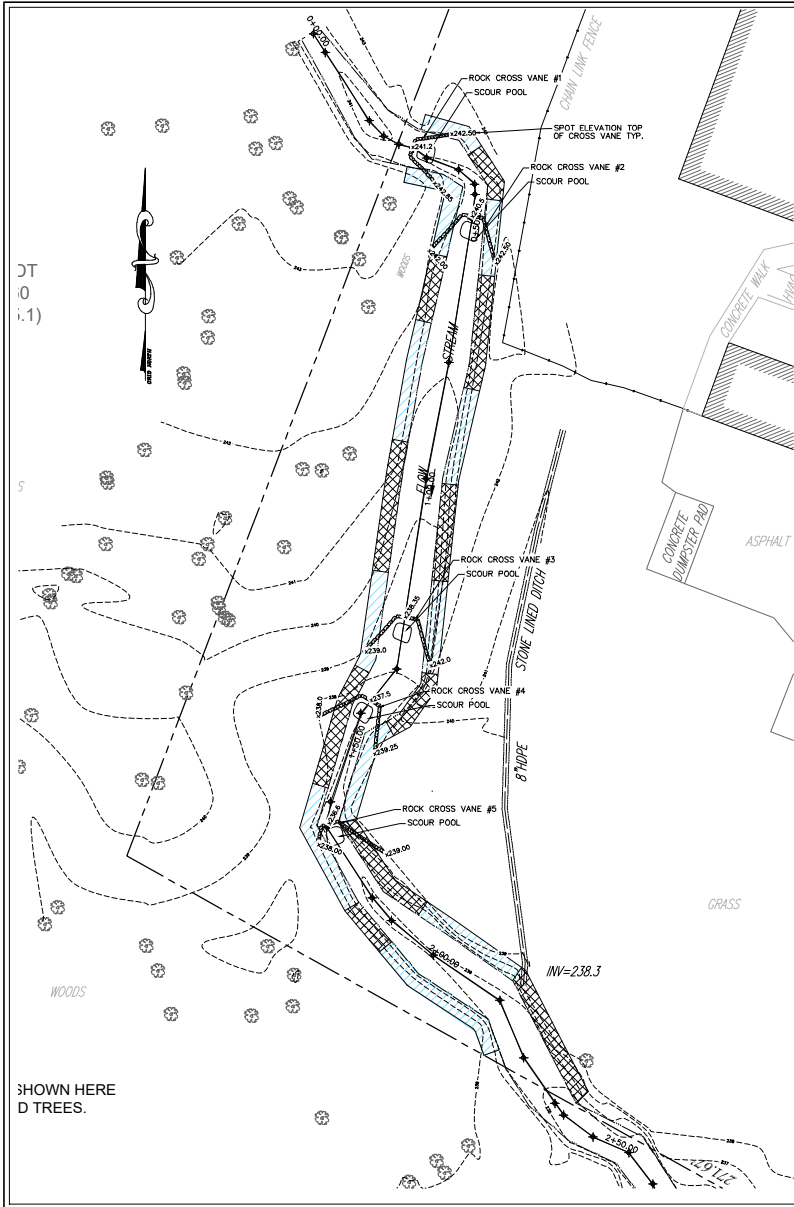
 Parcels



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

No Author

This map and information is provided as is. We make no warranties or guarantees, expressed or implied.



**Stream Restoration Planting Plan – Animal Protective Foundation**

The following will be planted, as specified, along the border of the stream to stabilize soils, provide wildlife habitat, and shade the water to reduce thermal pollution:

Woody Cuttings or Potted Shrub Plants – Planted 3.0' apart in Zone 1  
 55 of each if woody cuttings or 20 of each if potted plants.

Silky dogwood	<i>Cornus amomum</i>	36" woody cuttings
Red-Osier dogwood	<i>Cornus sericea</i>	36" woody cuttings
Pussy willow	<i>Salix discolor</i>	36" woody cuttings
Black willow	<i>Salix nigra</i>	36" woody cuttings
Elderberry	<i>Sambucus canadensis</i>	36" woody cuttings

Rooted Plugs or Potted Herbaceous Plants – Planted 1.0' apart in Zone 2  
 150 of each if rooted plugs or 50 of each if potted plants.

Lakebank sedge	<i>Carex lacustris</i>
Tussock sedge	<i>Carex stricta</i>
Joe Pye Weed	<i>Eupatorium maculatum</i>
Blue iris	<i>Iris versicolor</i>
Arrow arum	<i>Peltandra virginica</i>

**GENERAL NOTES**

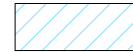
- UNDERGROUND UTILITIES SHOWN ON THIS PLAN HAVE BEEN BASED UPON THE MAP REFERENCE AND A FIELD REVIEW AND SHOULD BE CONSIDERED SCHEMATIC ONLY AND ARE SHOWN TO DERICT GENERAL UTILITY CONNECTIONS RATHER THAN EXACT UNDERGROUND LOCATIONS. BRETT L. STEENBURGH PE PLLC MAKE NO CERTIFICATION AS TO THE ACCURACY OF THE UNDERGROUND UTILITY LOCATIONS AND OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, GRADES, ELEVATIONS, AND MATERIALS GIVEN ON THE PLANS.
- EXCESS BUILDING MATERIAL AND CLEARING DEBRIS SHALL BE DISPOSED OF OFF SITE.
- IT SHALL BE THE CONTRACTOR RESPONSIBILITY TO REPLACE OR REPAIR AT HIS/ HER COST ANY DAMAGE TO EXISTING ON SITE UTILITIES, LANDSCAPING OR PROPERTY.
- IT IS THE INTENT OF THESE PLANS TO BE IN STRICT CONFORMANCE WITH ALL TOWN OF GLENVILLE, COUNTY OF SCHENECTADY, STATE OF NEW YORK, AND APPLICABLE FEDERAL RULES REGULATIONS, AND LAWS. IF CONFLICTS ARE NOTED BETWEEN THE ABOVE, AND THESE PLANS, IT SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER AND THE TOWN ENGINEER.
- CONFLICTS SHOWN ON PLANS OR BETWEEN THE PLANS AND SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER, OWNER REPRESENTATIVE AND/OR ENGINEER.

**ROCK CROSS VANE NOTES:**

- ROCK CROSS VANES SHALL BE INSTALLED AT LOCATIONS SHOWN ON THE PLAN WITHIN THE STREAM CHANNEL.
- NO MECHANIZED EQUIPMENT SHALL BE ALLOWED WITHIN THE STREAM CHANNEL. ALL EXCAVATION WORK TO EMBED THE ROCK CROSS VANES WITHIN THE CHANNEL SHALL BE DONE SO FROM OUTSIDE THE CHANNEL OR BY HAND.
- THE CONTRACTOR SHALL PROVIDE THE OWNER AND ENGINEER WITH THE SIZE AND TYPE OF MATERIAL PROPOSED FOR THE CONSTRUCTION OF THE CROSS VANES PRIOR TO CONSTRUCTION.
- ALL CLEARING OF THE BANK AND STREAM CHANNEL SHALL BE KEPT TO A MINIMUM.
- RIPRAP USED TO CONSTRUCT THE ROCK VANES SHALL EXCEED 150 LBS PER PIECE, COBBLES DIRECTLY IN THE DAILY LINE OF FLOW SHALL EXCEED 200 LBS PER PIECE. RIPRAP SHOULD BE ELONGATED IN SHAPE WITH ANGULAR FACES TO ADEQUATELY LOCK TOGETHER AND BE LESS LIKELY TO ROLL.
- IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO DEWATER AROUND THE CROSS VANE UNDER CONSTRUCTION TO MINIMIZE THE POTENTIAL FOR SEDIMENT ENTERING THE WATER.
- ALL DISTURBED AREAS SHALL BE TOPSOILED AND SEEDED AS PER THE SPECIFICATIONS.

**MAP REFERENCE:**

- MAP ENTITLED "PARTIAL TOPOGRAPHIC SURVEY THE ANIMAL PROTECTIVE FOUNDATION INC." AS PREPARED BY NMP LAND SURVEYING AND DATED JUNE 1, 2022.



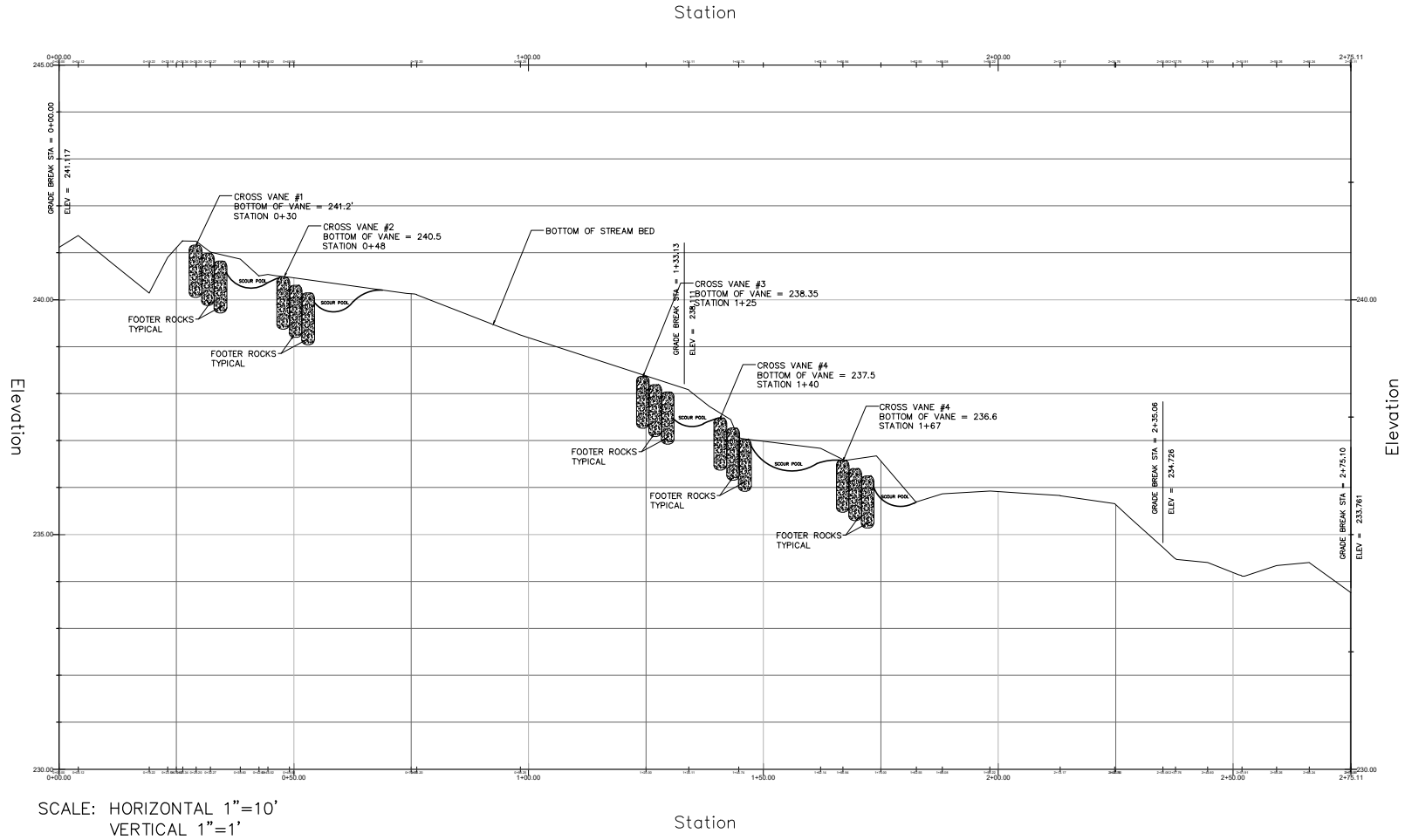
ZONE 1 – PLANTINGS





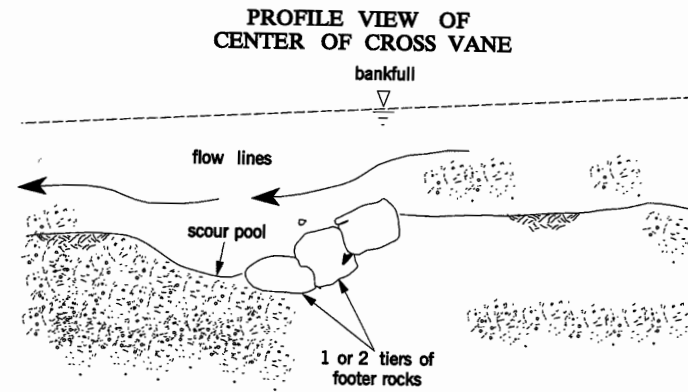
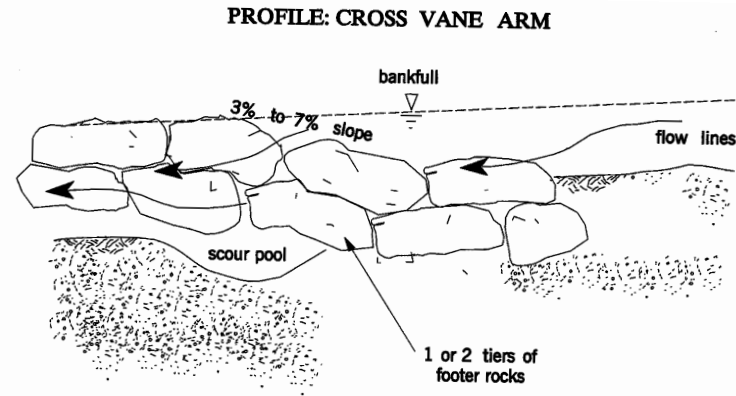
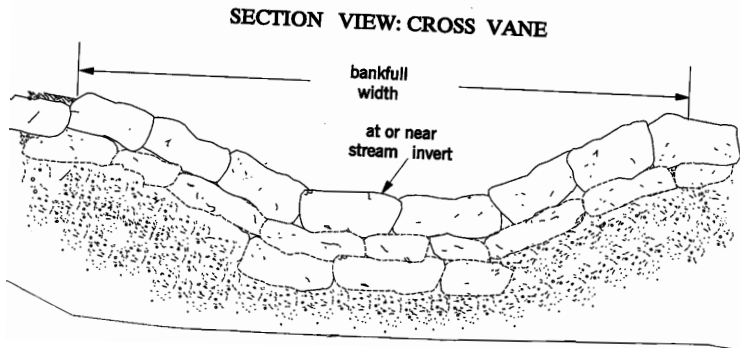
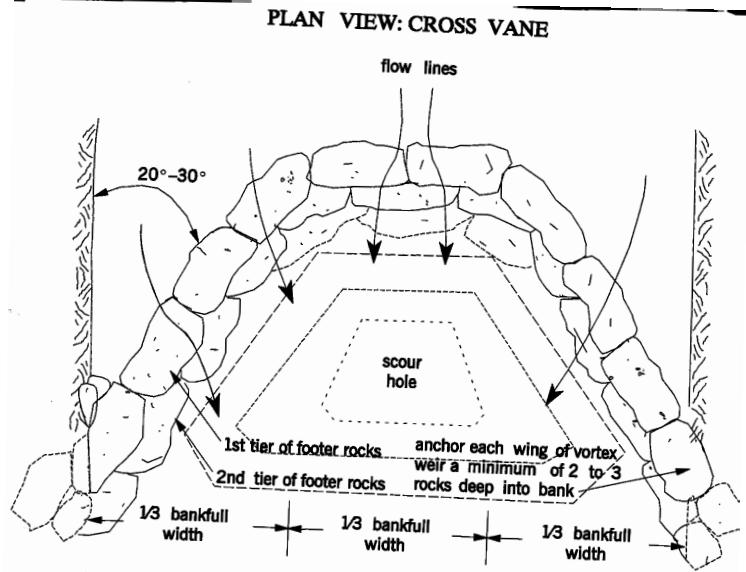
ZONE 2 – PLANTINGS

<p>Soil gas, off-gas, methane and other gases may be present in the ground. Call 811 before you dig to locate underground utilities. Call 811 before you dig to locate underground utilities. Call 811 before you dig to locate underground utilities.</p>	
<p><b>BRETT L. STEENBURGH, P.E., PLLC</b>                  1000 N. GLENVILLE RD.                  GLENVILLE, NY 12090                  (518) 385-0675                  b.steenburgh@call811.com</p>	
<p><b>ENGINEERING THAT TRANSFORMS IMAGINATION INTO REALITY</b></p>	
<p><b>STREAM RESTORATION</b>                  LUIZZI BROTHERS                  ANIMAL PROTECTIVE FOUNDATION                  TOWN OF GLENVILLE</p>	<p>STATE OF NEW YORK                  SCALE: 1" = 10'                  DRAWN BY: [blank]                  CHECKED BY: [blank]                  DATE: [blank]</p>
<p>SHEET 1 OF 3</p>	

# Profile View of centerline of stream



	
<p>Scaling of these drawings shall be done only by the original author or a duly licensed professional engineer or architect, and no reproduction or alteration shall be made without the written consent of the original author.</p> <p>© 2022 Brett L. Sternburgh, P.E., PLLC                  1000 West 10th Street, Suite 100                  Niskayuna, NY 12057                  (518) 535-0975                  b.sternburgh@bss.com</p>	
	
<p><b>BRETT L. STERNBURGH, P.E., PLLC</b>                  ENGINEERING THAT TRANSFORMS                  IMAGINATION INTO REALITY</p>	
<p><b>STREAM PROFILE</b>                  ANIMAL PROTECTIVE FOUNDATION                  TOWN OF GLENVILLE</p>	
COUNTY OF SCHENECTADY MAP FILE DATE	STATE OF NEW YORK SCALE: 1"=10' SHEET 2 OF 3



<small>Scale of these drawings shall be 1/4" = 1'-0" unless otherwise noted. All work shall be in accordance with the latest edition of the New York State Engineering Code and the latest edition of the New York State Building Code. The Engineer shall be responsible for the accuracy of the information provided. The Engineer shall not be responsible for the accuracy of the information provided by others. The Engineer shall not be responsible for the accuracy of the information provided by others.</small>	
<b>BRETT L. STERNBURGH, P.E., P.L.C.</b> 1000 Main Street New York, NY 10001 (212) 555-0000 www.bls-engineering.com	
<b>ENGINEERING THAT TRANSFORMS IMAGINATION INTO REALITY</b>	
DETAILS LUZZI BROTHERS ANIMAL PROTECTIVE FOUNDATION COUNTY OF SCHENECTADY STATE OF NEW YORK SCALE: 1" = 1'-0" DATE: 08/15/22	SHEET 3 OF 3