



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-2023-00402-WJO
Issue Date:
Expiration Date:

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), Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 103 of the Marine Protection, Research & Sanctuaries Act of 1972, as amended (33 U.S.C. 1413).

APPLICANT: Adam Budgor

ACTIVITY: Dock Construction with Grout-filled Steel Piles, Boat House, Kayak Storage, and Float

WATERWAY: Hudson River

LOCATION: 11 Tompkins Court, Upper Nyack, Rockland 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 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

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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.

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 life stages 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 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. 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).

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. If you have any questions concerning this application, you may contact Alexis Johnson at Alexis.J.Johnson@usace.army.mil or (917) 790-8013.

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 AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

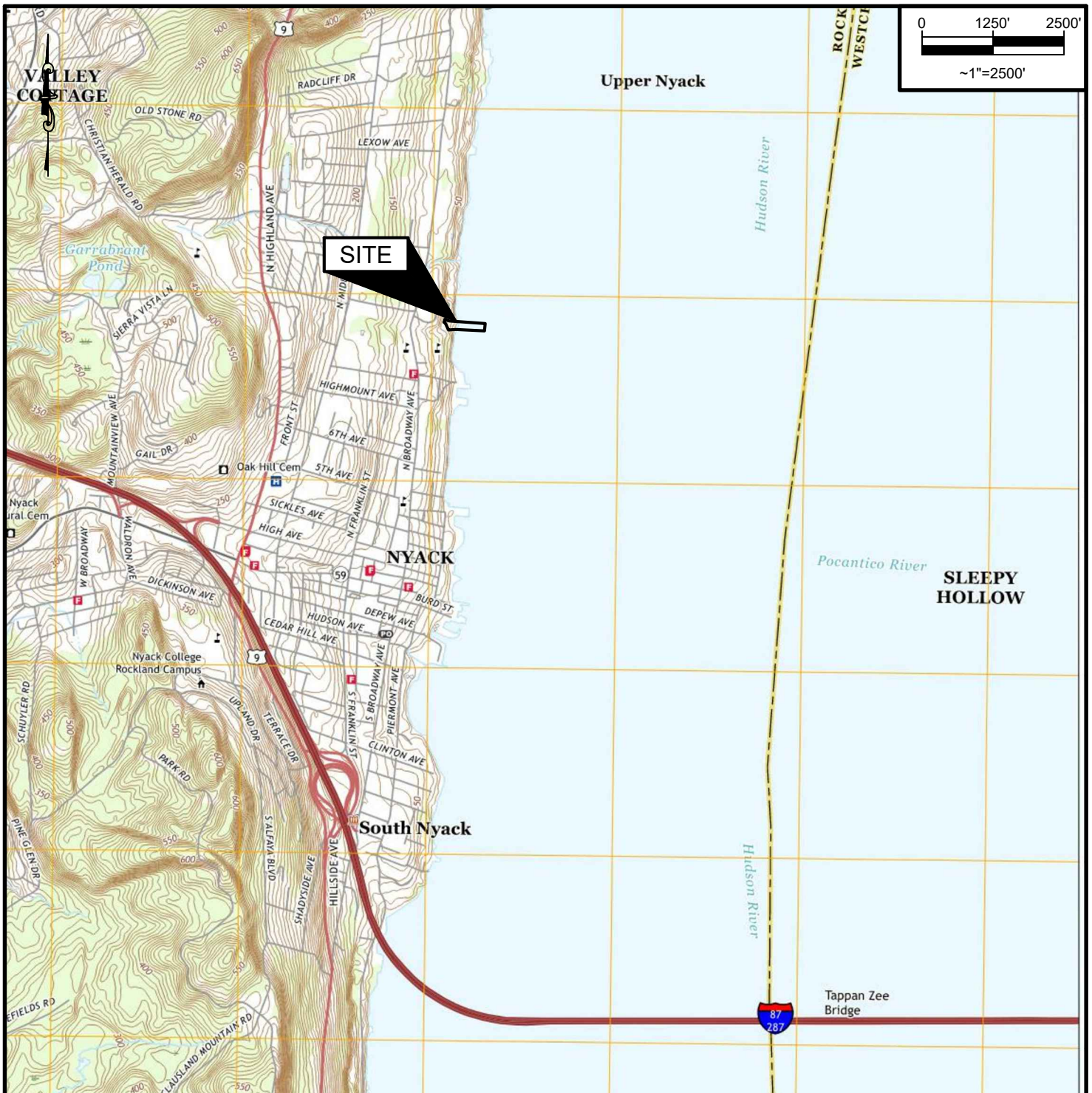
WORK DESCRIPTION

The applicant, Adam Budgor, has requested Department of the Army authorization for dock construction with grout-filled steel piles, boat house, kayak storage, and float in the Hudson River, Upper Nyack, Rockland County, New York.

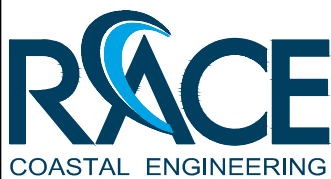
The work would involve:

Construct a 288-foot (ft) by 6.5-ft steel pile supported pier with a 12-ft by 14-ft boat house with a kayak lift, 4-ft by 12-ft kayak rack in boathouse, and a wildlife viewing station, situated on 27-ft by 20-ft platform; 32-ft by 3.5-ft ramp leading to a 10-ft by 50-ft dock with two (2) three-pile dolphins; install one (1) steel pile for osprey nest. Total proposed length of pier is 330 feet, with 312 feet seaward of MHW. 19 cubic yards (cy) of grout will be used to fill steel piles, over an area of 173 square feet (sq ft).

The stated purpose of this project is to provide safe access to the Hudson River for recreational boating and other water-based activities such as boating, kayaking, fishing, and wildlife viewing.



VICINITY MAP



611 Access Road Stratford, CT 06615
Tel: 203-377-0663 racecoastal.com

Prepared For:
ADAM BUDGOR & SORAYA SCROGGINS
11 TOMPKINS COURT
UPPER NYACK, NY 10960

Project:
DOCKING FACILITY
11 TOMPKINS COURT
UPPER NYACK, NY 10960

SEAL:



Date:	5-16-2023	Rev.:	
Drawn By:	SLB	Checked By:	ADS
Datum:	NAVD 88	Scale:	~1"=2000'
Project No.:	2022098	Drawing No.:	2 of 7

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ADAM BUDGOR & SORAYA SCROGGINS DOCKING FACILITY

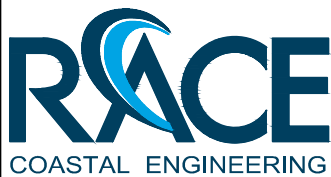
DRAWING LIST	
DWG No.	DRAWING TITLE
1	TITLE SHEET & GENERAL NOTES
2	VICINITY MAP
3	EXISTING PARTIAL SITE PLAN
4	PROPOSED SITE PLAN
5	PROPOSED PARTIAL SITE PLAN
6	EXISTING & PROPOSED SECTION 1
7	EXISTING & PROPOSED SECTION 2
8	OSPREY NEST PLAN & ELEVATION

GENERAL NOTES

1. THE PURPOSE OF THESE DRAWINGS ARE FOR REGULATORY REVIEW ONLY.
2. VICINITY MAP TAKEN FROM USGS TOPOGRAPHIC MAP NYACK QUADRANGLE, NEW YORK-NEW JERSEY, 7.5 MINUTE SERIES, 2019.
3. ELEVATIONS REFERENCE NATIONAL AMERICAN VERTICAL DATUM OF 1988, UNLESS NOTED OTHERWISE.
4. SITE INFORMATION TAKEN FROM A DRAWING TITLED "SURVEY OF PROPERTY FOR LOT #7 "ROSE SUBDIVISION" ", PREPARED FOR ADAM BUDGOR, BY JAY A. GREENWELL, PLS, LLC, DATED 9/28/2021.
5. SUPPLEMENTARY INFORMATION OBTAINED BY RACE COASTAL ENGINEERING, PC. ON 9/19/2022 AND ONLY REPRESENT THE SITE CONDITIONS AT THAT TIME.
6. TIDAL ELEVATION DATA HAS BEEN TAKEN FROM BENCH MARK SHEET FOR HAVERSTRAW BAY, NY 8518924 FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TIDES AND CURRENTS WEBSITE.

PROJECT TIDAL ELEVATIONS (NAVD 88)

DATUM	ELEVATION (FT)
HIGH TIDE LINE (HTL)	+3.0
MEAN HIGHER HIGH WATER (MHHW)	+2.0
MEAN HIGH WATER (MHW)	+1.8
NAVD 88	0.0
NGVD 29	-0.8
MEAN LOW WATER (MLW)	-1.5
MEAN LOWER LOW WATER (MLLW)	-1.6

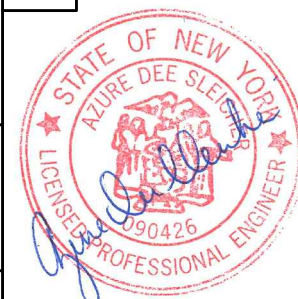


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UPPER NYACK, NY 10960

Project:
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11 TOMPKINS COURT
UPPER NYACK, NY 10960

SEAL:



Date: 5-16-2023 Rev.: 1
7-21-2023

Drawn By: SLB Checked By: ADS

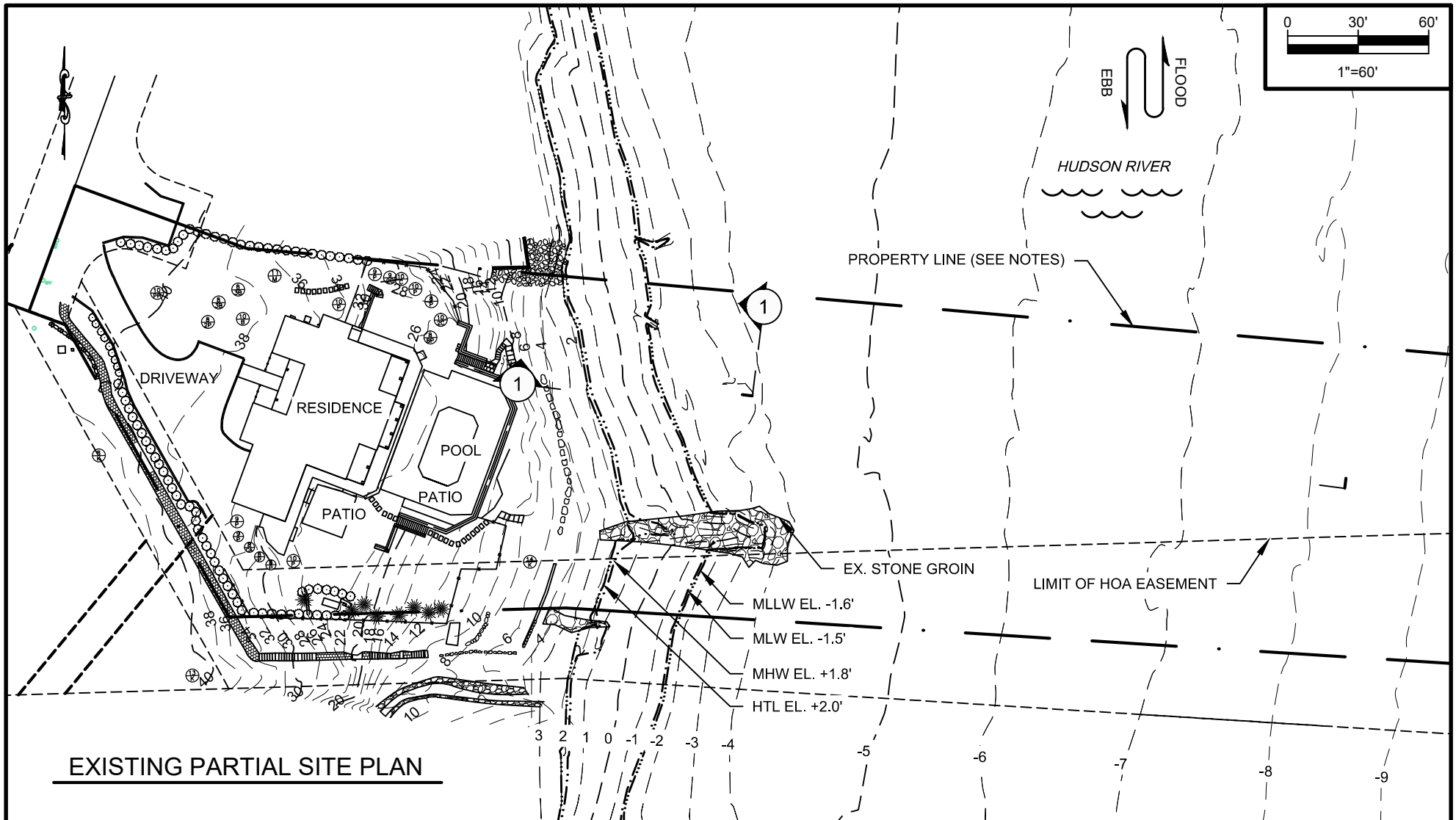
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Project No.: 2022098 Drawing No.: 1 of 9

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EXISTING PARTIAL SITE PLAN

NOTES:

1. PROPERTY LINE SHOWN AS PART OF LETTERS PATENT (L.82,P.315)



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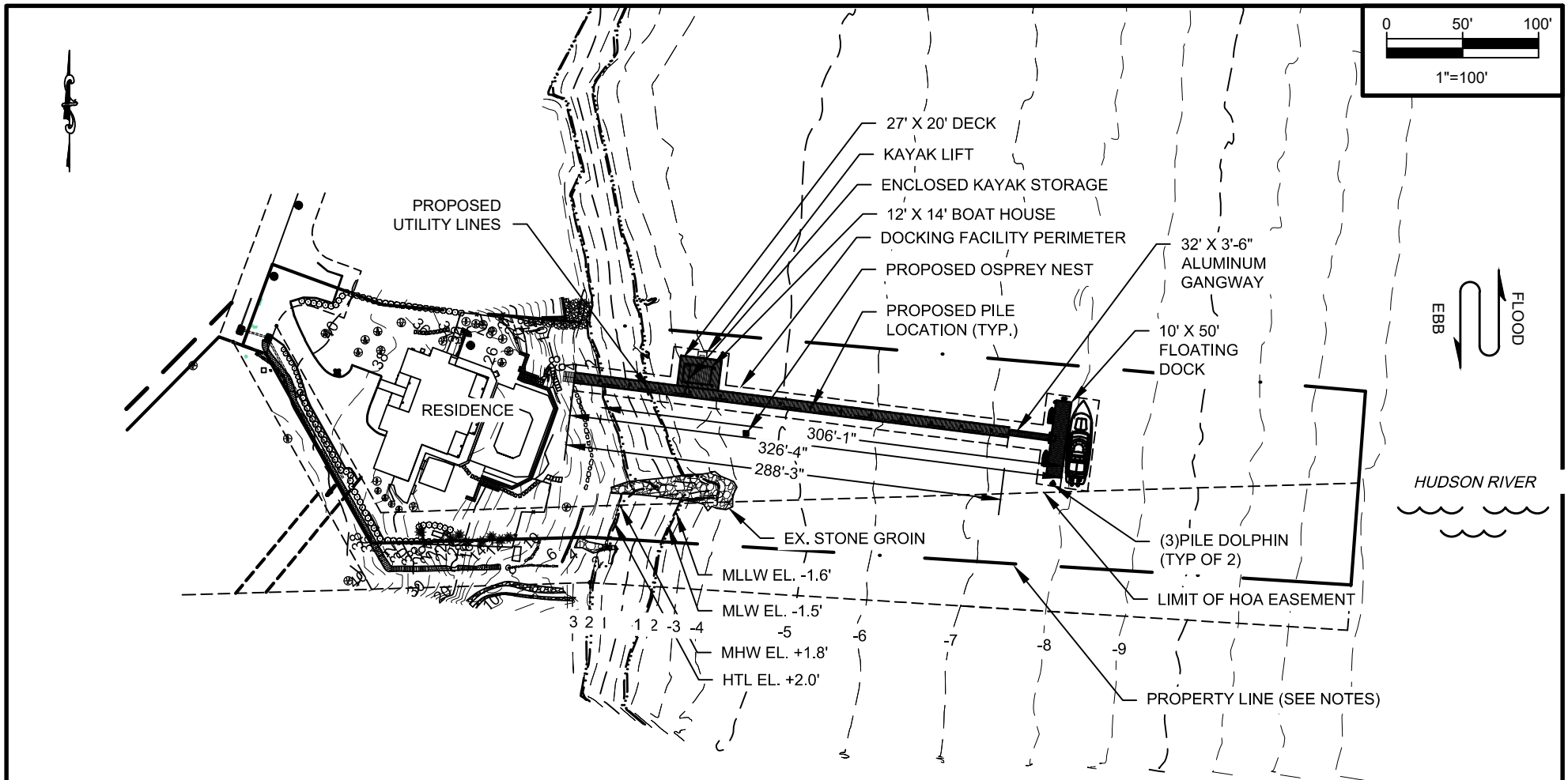
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Date:	Rev.:
5-16-2023	1 7-21-2023
Drawn By:	Checked By:
SLB	ADS
Datum:	Scale:
NAVD 88	1"=60'
Project No.:	Drawing No.:
2022098	3 of 9



PROPOSED SITE PLAN

NOTES:

1. PROPERTY LINE SHOWN AS PART OF LETTERS PATENT (L.82,P.315)
2. FACILITY PERIMETER = 7925 SF
3. WATER AND ELECTRICAL LINES TO RUN TO BOAT HOUSE AND TO THE END OF THE PIER.
4. LENGTH OF PIER FROM HIGH TIDE LINE = 269.6 FT
5. LENGTH OF TOTAL ENCROACHMENT FROM HIGH TIDE LINE = 307.7 FT



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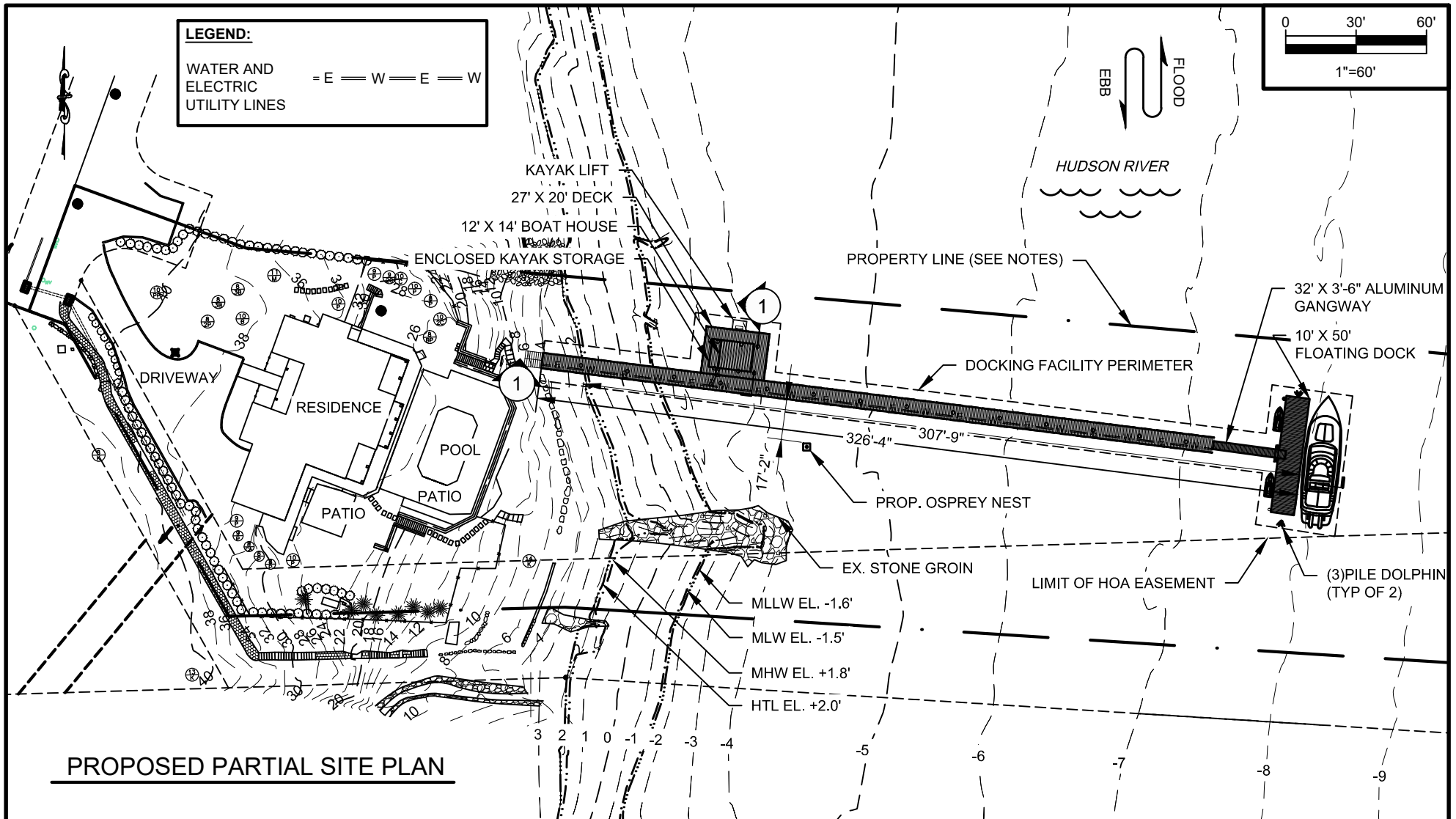
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Drawn By: SLB	Checked By: ADS
Datum: NAVD 88	Scale: 1"=100'
Project No.: 2022098	Drawing No.: 4 of 9



PROPOSED PARTIAL SITE PLAN

NOTES:

1. PROPERTY LINE SHOWN AS PART OF LETTERS PATENT (L.82,P.315)
2. FACILITY PERIMETER = 7925 SF
3. WATER AND ELECTRICAL LINES TO RUN TO BOAT HOUSE AND TO THE END OF THE PIER.
4. (20) 18"Ø, (10) 12"Ø STEEL PILES AND (1) 10" Ø STEEL OR COMPOSITE PILE PROPOSED



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UPPER NYACK, NY 10960

Project:

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UPPER NYACK, NY 10960

SEAL:



Date:

5-16-2023

Drawn By:

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Datum:

NAVD 88

Project No.:

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Rev.:

2

7-21-2023

Checked By:

ADS

Scale:

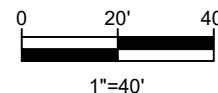
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Drawing No.:

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EXISTING GRADE VARIES

EXISTING SECTION 1

HTL EL. +2.0'

MHW EL. +1.8'

MLW EL. -1.6'

288'-3" X 6'-6" STEEL FRAMED PIER

BOAT HOUSE

KAYAK STORAGE

T.O. DECK EL. +9.1' NAVD88

32' LONG ALUMINUM GANGWAY

GALLOW'S FRAME

STEEL PIPE PILE DOLPHIN
(TYP OF 2)

45'-55' VESSEL

HTL EL. +2.0'

MHW EL. +1.8'

MLW EL. -1.6'

18"Ø STEEL PIPE PILES (TYP)

GRADE VARIES

PROPOSED SECTION 1

MIN. 2'

10' BY 50'
FLOATING DOCK

PERSONAL
WATERCRAFT

NOTE(S):

1. WATER AND ELECTRICAL LINES TO RUN TO BOAT HOUSE AND TO THE END OF THE PIER.
2. (20) 18"Ø, (10) 12"Ø STEEL PILES AND (1) 10" Ø STEEL OR COMPOSITE PILE PROPOSED



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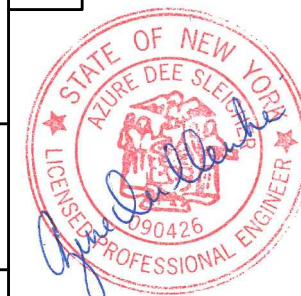
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Rev.:

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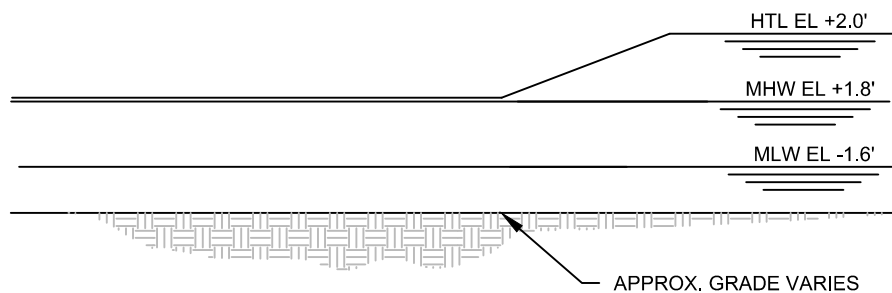
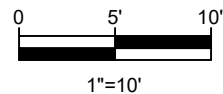
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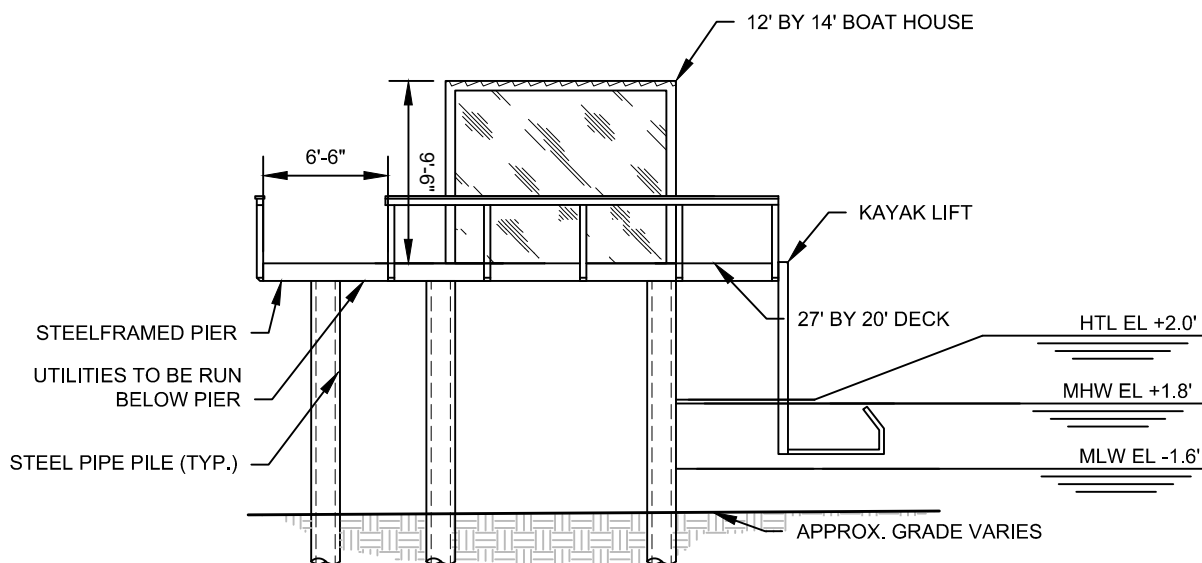
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EXISTING SECTION 2



PROPOSED SECTION 2

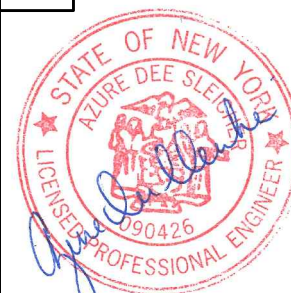


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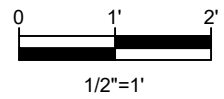
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0 2' 4'

1/4"=1'

