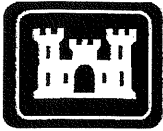


APPENDIX D

Wetland Permitting Documents/  
Correspondence



# 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-2005-00016-WOR  
Issue Date: October 21, 2009  
Expiration Date: November 20, 2009

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:           BBJ Associates, LLC  
                          570 Taxter Road  
                          Elmsford, New York 10523

ACTIVITY:            Discharge of fill material into approximately 0.53 acres of waters of the United States, including wetlands, for the construction of a senior housing development to be known as Hillcrest Commons.

WATERWAY:           Unnamed Tributary to Michael Brook (Hudson River Watershed)

LOCATION:             Towns of Carmel and 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.

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.

CENAN-OP-RW  
PUBLIC NOTICE NO. NAN-2005-00016-WOR

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.

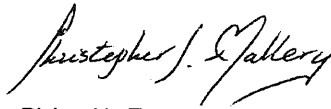
Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

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.

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 (917) 790-8413 and ask for Brian A. Orzel.

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



*for* Richard L. Tomer  
Chief, Regulatory Branch

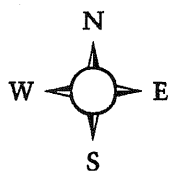
Enclosures

**WORK DESCRIPTION**

The applicant, BBJ Associates, LLC, has requested Department of the Army authorization for the discharge of fill material into approximately 0.53 acres of waters of the United States, including wetlands, in association with the construction of a 150-unit senior housing development, to be known as Hillcrest Commons. The site is located on New York State Route 52 in the Towns of Carmel and Kent, Putnam County, New York.

The applicant proposes a wetland mitigation plan which would include the establishment of approximately 0.76 acres of wetlands.

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



**Sheet 1 of 7: Location Map**  
**Hillcrest Commons - ACOE Application NAN-2005-16-WOR**  
**LAT: 41°26'06"N**  
**LON: 73°40'49"W**  
**Towns of Carmel & Kent**  
**Putnam County, New York**  
 Source: USGS 7.5-minute Topographic Map, Lake Carmel Quad  
 Approx. Scale: 1" = 2,000'

File 0373 11/15/05  
JS:0373

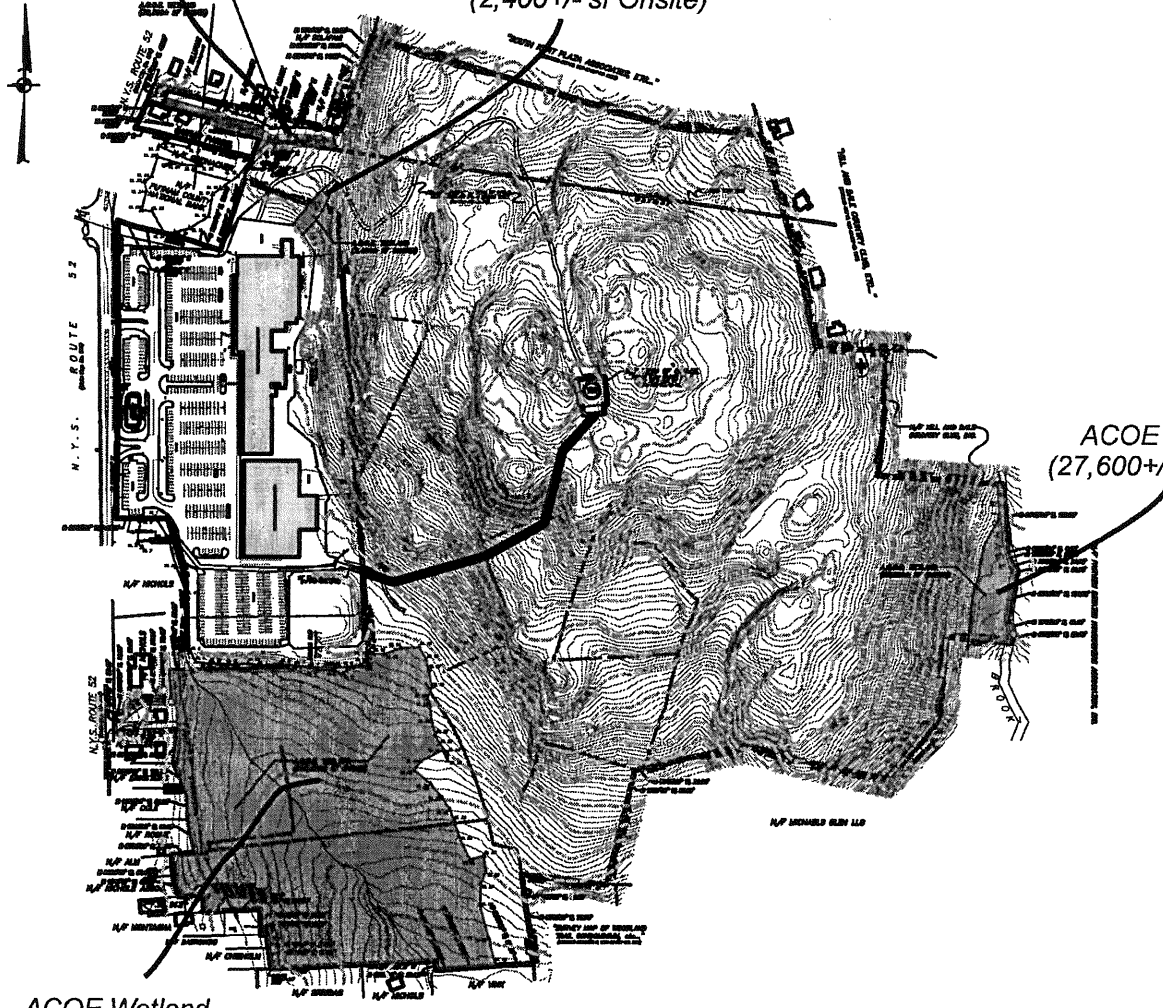
Tim Miller Associates, Inc., 10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418

ACOE Wetland  
(30,500+/- sf Onsite)

ACOE Wetland  
(2,400+/- sf Onsite)

ACOE Wetland  
(27,600+/- sf Onsite)

ACOE Wetland  
(625,900+/- sf Onsite)



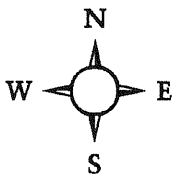
Sheet 2 of 7: Federal Freshwater Wetland Map  
Hillcrest Commons - ACOE Application NAN-2005-16-WOR  
Towns of Carmel & Kent  
Putnam County, New York

Area of Wetland Impact  
0.53 acres (see  
Sheet 4 of 7)

Route 52

Property Boundary

Wetland Mitigation Area 0.76 acres  
(see Sheets 5 of 7 to 7 of 7)



Sheet 3 of 7: Site Plan

Hillcrest Commons - ACOE Application NAN-2005-16-WOR

Towns of Carmel & Kent

Putnam County, New York

Source: InSite Engineering, Surveying and Landscape Architecture, P.C.

Impact Area =  
23,240 sf (0.53 ac.)

PROPOSED  
STORMWATER  
BASIN 2.3P

X 586.6

X 585.7

BERM +589.0

+580.0 580.04

NWL 587.0

NWL 587.0

586.9

PROPOSED  
CULVERT

ACCESS

PUBLIC

600

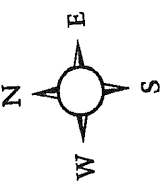
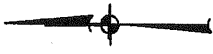
600

600

584

584

582

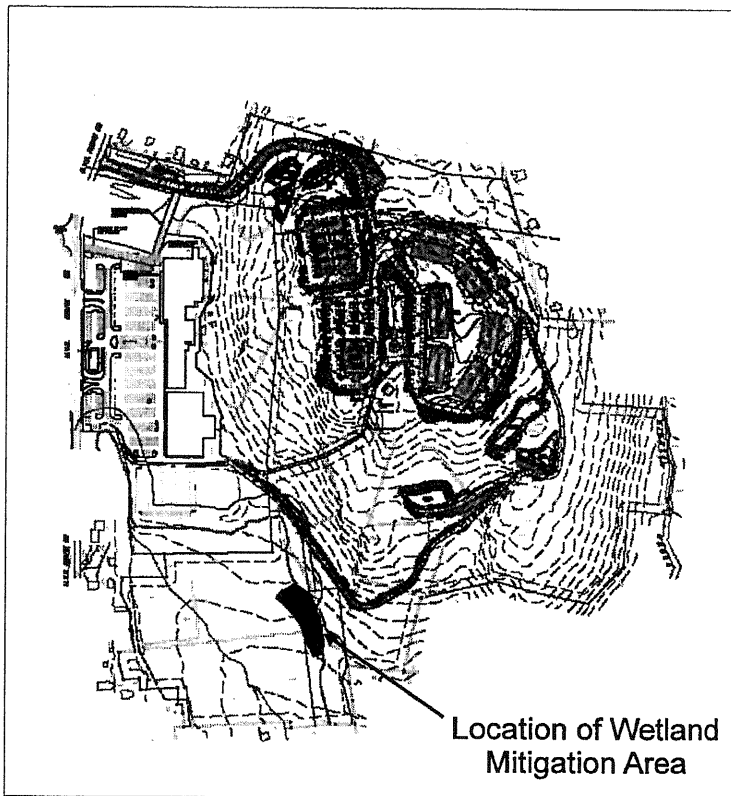


Sheet 4 of 7: Area of Federal Wetland Disturbance  
Hillcrest Commons - ACOE Application NAN-2005-16-WOR  
Towns of Carmel & Kent  
Putnam County, New York

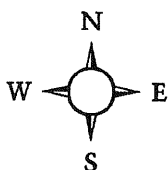
Source: Insite Engineering, Surveying & Landscape Architecture, P.C.

Tim Miller Associates, Inc., 10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418

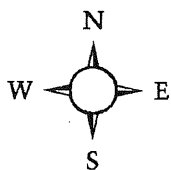
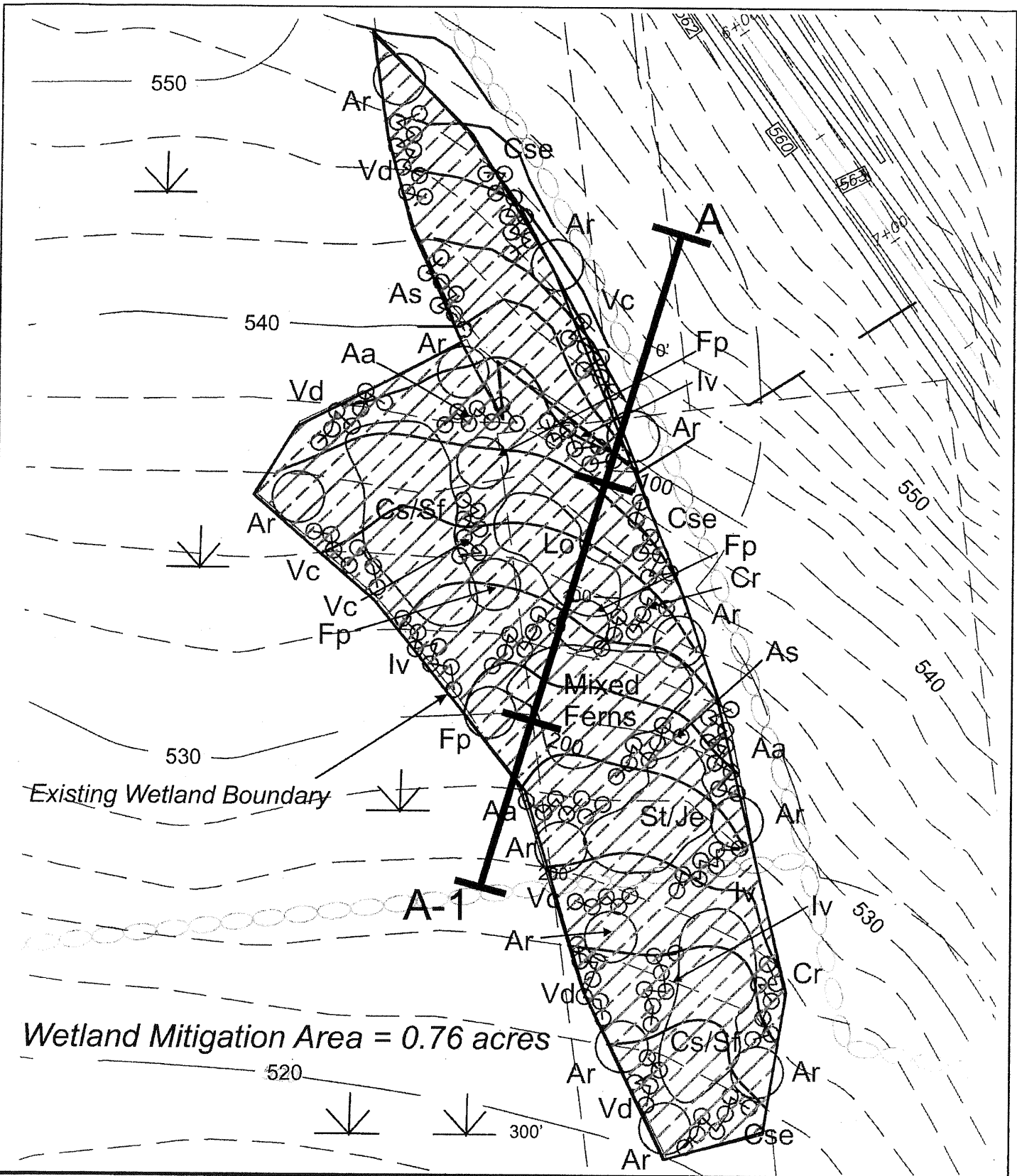
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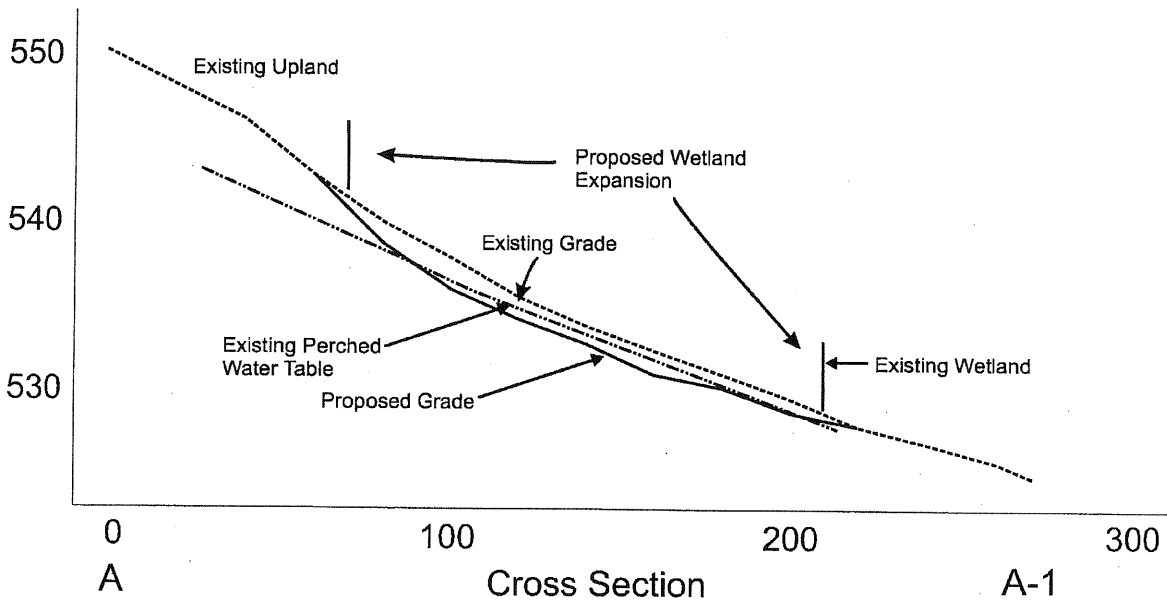
Species Name	Common Name	QTY
AR - <i>Acer rubrum</i>	Red maple	12
AS - <i>Alnus serrulata</i>	Speckled alder	14
AA - <i>Aronia arbutifolia</i>	Red chokeberry	21
CR - <i>Cornus racemosa</i>	Gray dogwood	14
CSe - <i>Cornus sericea</i>	Redosier dogwood	23
FP - <i>Fraxinus pennsylvanica</i>	Green ash	3
IV - <i>Ilex verticillata</i>	Winterberry	28
VC - <i>Vaccinium corymbosum</i>	Highbush blueberry	26
VD - <i>Viburnum dentatum</i>	Southern arrowwood	28
CS - <i>Carex stricta</i>	Tussock sedge	150
JE - <i>Juncus effusus</i>	Soft rush	50
LO - <i>Leeria ozyroides</i>	Rice cutgrass	75
OS - <i>Onoclea sensibilis</i>	Sensitive fern	50
OR - <i>Osmunda regalis</i>	Royal fern	50
OC - <i>Osmunda cinnamomea</i>	Cinnamon fern	50
ST - <i>Scirpus tabernaemontanii</i>	Softstem bulrush	50
SF - <i>Symplocarpus foetidus</i>	Skunk cabbage	100



**Sheet 5 of 7: Mitigation Location and Plant List**  
 Hillcrest Commons - ACOE Application NAN-2005-16-WOR  
 Towns of Carmel & Kent  
 Putnam County, New York  
 Source: Wetland Mitigation Inc.



Sheet 6 of 7: Wetland Mitigation Plan  
 Hillcrest Commons - ACOE Application NAN-2005-16-WOR  
 Towns of Carmel & Kent  
 Putnam County, New York  
 Source: Wetland Mitigation Inc.



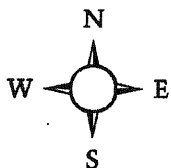
**Construction Notes for Mitigation Areas:**

- 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. (A total of 2.5 pounds will be used on this site.)

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



Sheet 7 of 7: Mitigation Notes and Cross Section  
 Hillcrest Commons - ACOE Application NAN-2005-16-WOR  
 Towns of Carmel & Kent  
 Putnam County, New York  
 Source: Wetland Mitigation Inc.