



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090.

NOV 09 2009

REPLY TO
ATTENTION OF:

Regulatory Branch-Eastern Permits Section

SUBJECT: Permit Application Number NAN-2008-00191.ETA
by Stuart Chaitin

Stuart Chaitin
634 Route 303
Blauvelt, NY 10913

Dear Mr. Chaitin:

We have completed our review of Application Number NAN-2008-00191.ETA.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), you are hereby authorized by the Secretary of the Army:

ACTIVITY: Maintain a 6-foot-wide by 60-foot-long fixed timber pier, with a galvanized steel deck; a 3-foot-wide by 35.25-foot-long walk-ramp; and a 8-foot-wide by 41.5-foot-long galvanized steel frame float. All work shall be done in accordance with the attached plans, subject to Special Conditions 1 through 2, which are hereby made part of this permit.

WATERWAY: Hudson River

LOCATION: Upper Nyack, Rockland County, New York

The activity authorized herein must be completed within three years of the date of this permit. This authorization is subject to the enclosed conditions. Please find enclosed two forms to be used to submit to this office, as required, the dates of commencement and completion for the authorized activity.

Please note that this verification is based on a preliminary jurisdictional determination (JD). A preliminary JD is not appealable. If you wish, prior to commencement of the authorized work you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 08-02, which can be found at:

<http://www.usace.army.mil/CECW/Documents/cecwo/reg/rgls/rgl08-02.pdf>

This letter contains an initial proffered permit for your activity. If you object to this permit decision because of certain terms and conditions therein, you may request that the permit be modified accordingly under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you object to this permit decision you must submit a completed RFA form to the New York District Office at:

Richard L. Tomer
Chief, Regulatory Branch
New York District Corps of Engineers
26 Federal Plaza, Room 1937
New York, New York 10278-0090

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by JAN 23 2010. It is not necessary to submit an RFA form to the District Office if you do not object to the permit decision in this letter.

The authorized activity must be performed in accordance with the enclosed plans. If any material changes in the location or plans of the subject work are found necessary, revised plans should be submitted to the District Engineer. These plans must receive the approval required by law before work begins.

Notice is hereby given that the permittee should recognize that a possibility exists that the structures permitted herein may be subject to wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wavewash and the permittee shall not hold the United States liable for any such damage.

If any questions should arise concerning this matter, please contact Frank Tangorra, of my staff, at (917) 790-8521.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Boule". The signature is fluid and cursive, with the first name "John" being the most prominent.

For and in behalf of
John R. Boule
Colonel, U.S. Army
District Engineer

Enclosures

PERMITTEE: Stuart Chaitin
PERMIT NO.: NAN-2008-00191

NOV 09 2009

PERMIT CONDITIONS:

NOTE: The term "you" and its derivatives, as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or appropriate official of that office acting under the authority of the commanding officer.

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends within three years of the date of this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least four months before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party upon written notification to this office. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

- 1) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the

PERMITTEE: Stuart Chaitin
PERMIT NO.: NAN-2008-00191

Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2) This authorization is conditional on the applicant's receipt of the required coastal zone management concurrence or waiver from New York State Department of State (NYS DOS). No work may be accomplished until the required approval from NYSDOS has been obtained.

Further Information:

1. Limits of authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
2. Limits to Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office

PERMITTEE: Stuart Chaitin
PERMIT NO.: NAN-2008-00191

that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of the permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

NOV 09 2009



Wave Location

Chaitin Property

Upper Nyack

NYACK

14

NAN-2008-0191-ETA

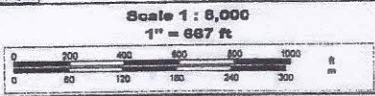
Nyack USGS Location Map
Stuart Chaitin Dock Application
41°-06'-46.25 N
73°-54'-48.70 W

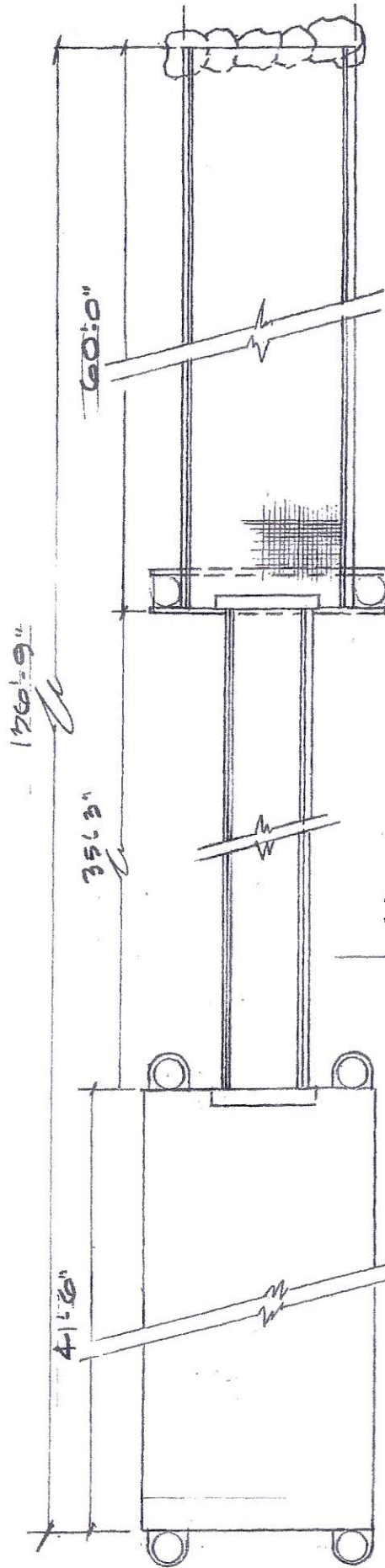
Robert G. Torgersen
Landscape Architect
3 Main Drive
Nanuet, NY 10954

Date: *sheet 1 of 4*



© 2002 DeLorme. 3-D TopoQuads ©. Data copyright of content owner.
www.delorme.com





Galvanized steel beam frame
with grating deck and galv.
pipe handrail system

NAN-2008-00191-ETA

Aluminum gangway
with handrail system

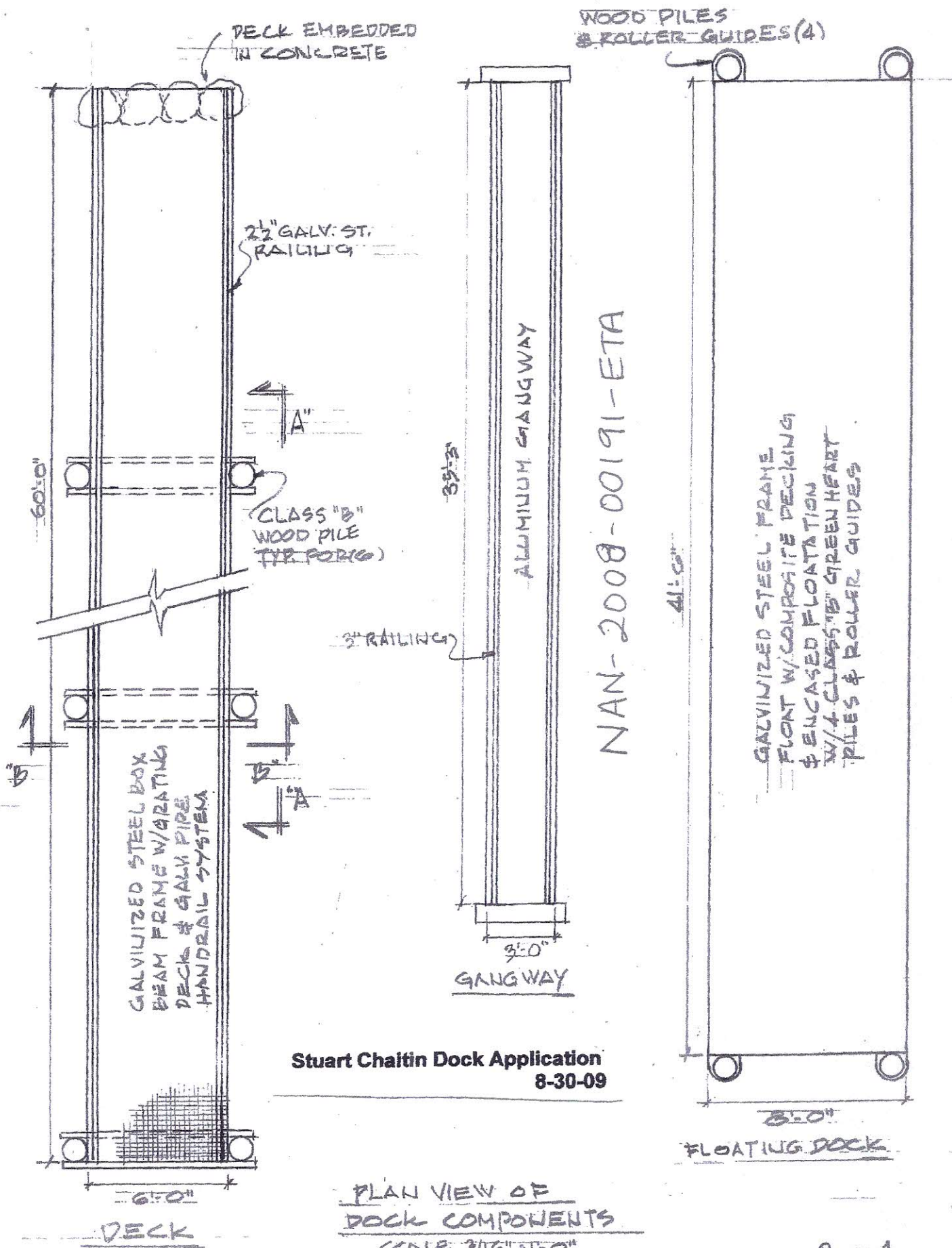
NOTE - SEE DWG 2 OF 5
FOR DECK COMPONENTS

Galvanized steel frame float
with composite decking and
encased floatation with class
"B" greenheart piles and roller
guides

Stuart Chaitin Dock Application
8-30-09

PLAN VIEW
NTS

1 of 4



WOOD PILES & ROLLER GUIDES (4)

DECK EMBEDDED IN CONCRETE

2 1/2" GALV. ST. RAILING

CLASS "B" WOOD PILE TYR (P&G)

60'-0"

GALVANIZED STEEL BOX BEAM FRAME W/ GALV. PIPE DECK & GALV. PIPE HANDRAIL SYSTEM

6'-0"

DECK

ALUMINUM GANGWAY

39'-0"

3" RAILING

3'-0"

GANGWAY

NAN-2008-00191-ETA

41'-0"

GALVANIZED STEEL FRAME FRONT W/ COMPOSITE DECKING & ENCASED FLOATATION W/ 4 CLASS "B" GREEN HEAT PILES & ROLLER GUIDES

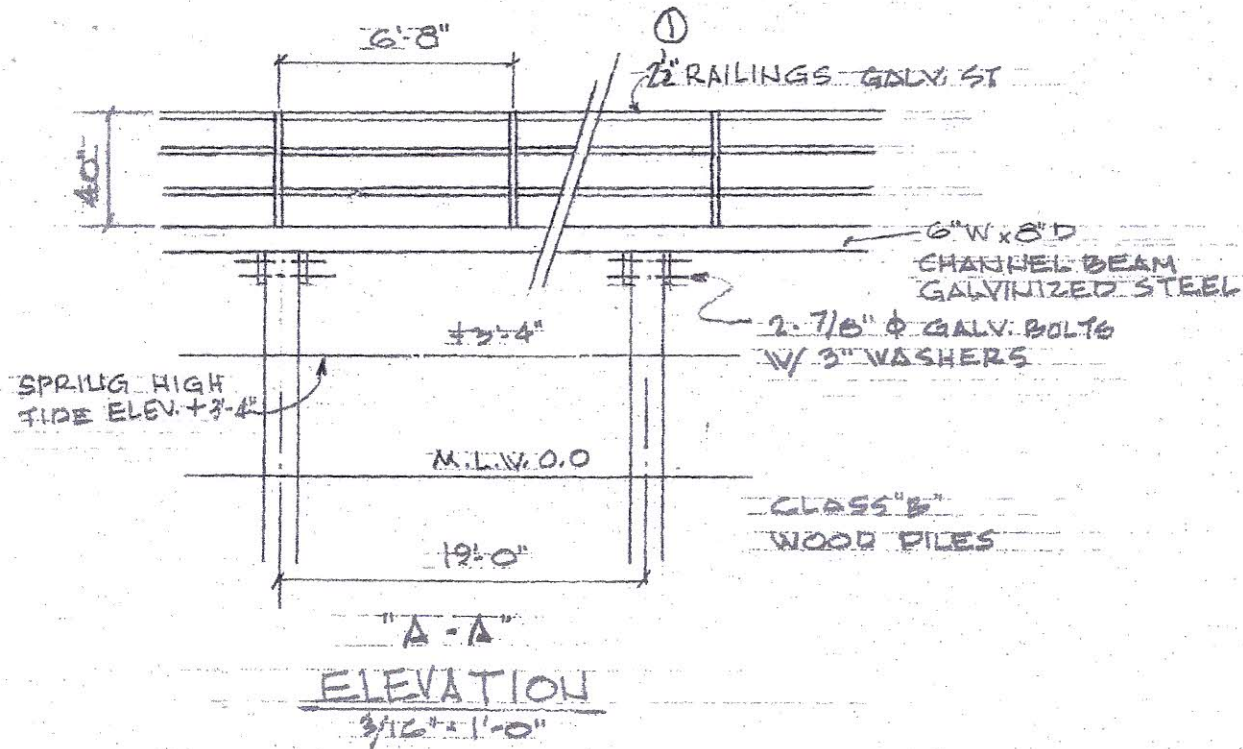
3'-0"

FLOATING DOCK

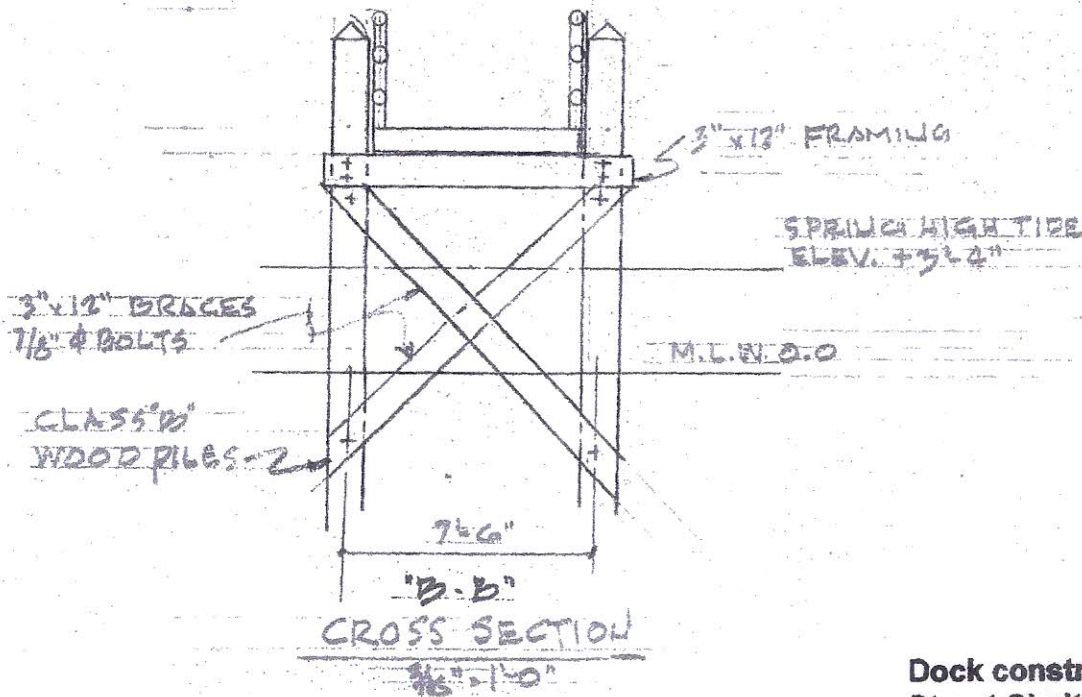
Stuart Chaitin Dock Application
8-30-09

PLAN VIEW OF DOCK COMPONENTS
SCALE 3/16" = 1'-0"

NOTE: SEE DWG 3 of 5 FOR DETAILS



NAN-2008-00191-ETA



Dock construction details
Stuart Chaitin Dock Application

REVISED - 8-30-07

Notes

- 1- 60 foot galvanized steel box beam frame with grating deck and galvanized pipe handrail system.
- 2- 3 foot wide x 35'-3" long aluminum gangway
- 3- 8 foot wide x 41'-6" long galvanized steel frame float with composite decking and encased floatation 4 roller guides and 4 class "B" greenheart piles

NAN-2009-00191-ETA

TL 60.10-1-3
N/F
WORTENDYKE

60.10-1-7
N/F
EMENSEN

RY BUILDING= 2619/24,277 (NET) = 10.8%
BUILDINGS/STRUCTURES = 6616.2/24,277 = 27.25%
DED DRIVEWAY)
6.7'

TAX LOT 60.10-1-10
N. OR F. FISHER

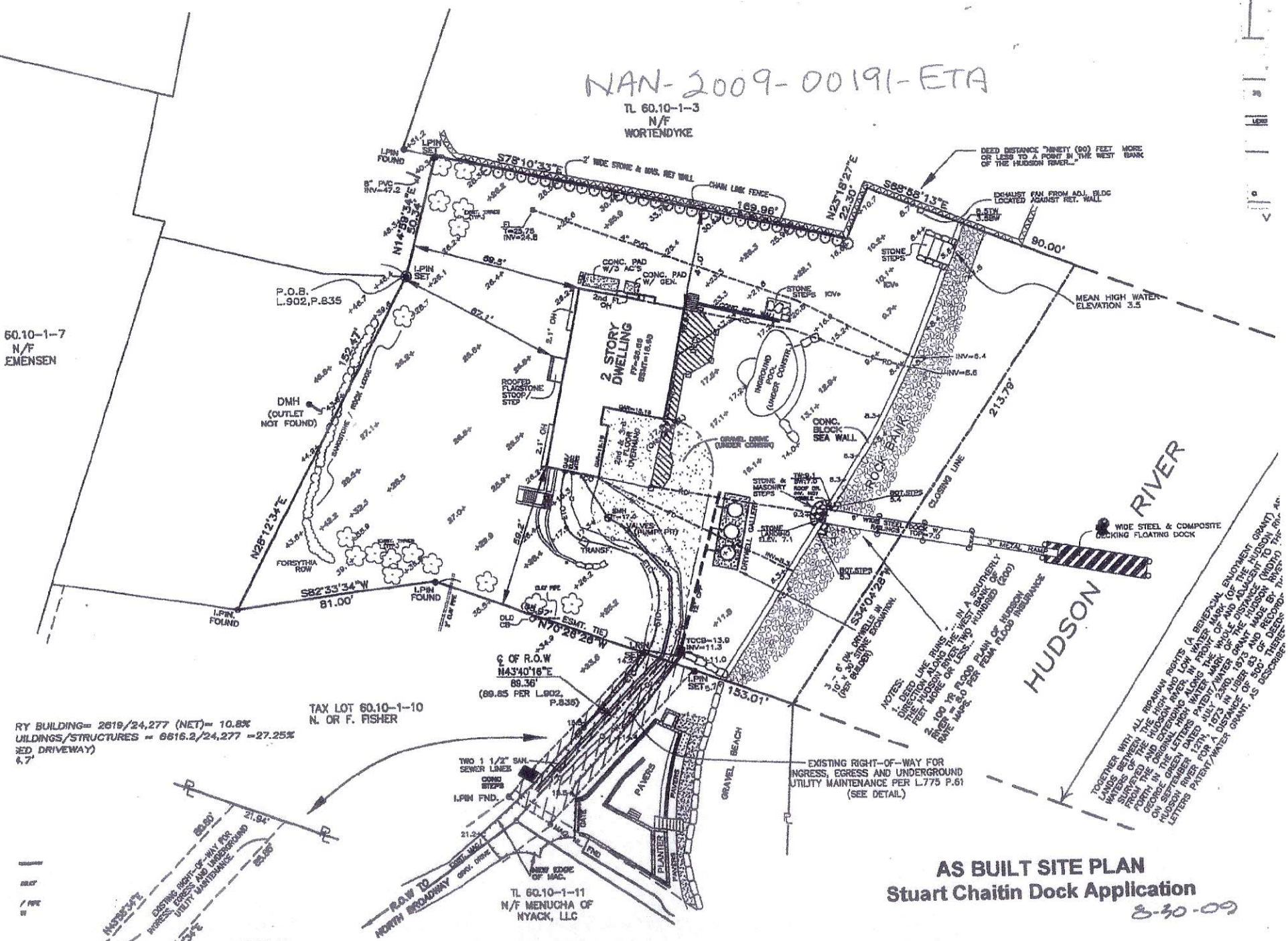
TL 60.10-1-11
N/F MENUCHA OF
NYACK, LLC

HUDSON RIVER

AS BUILT SITE PLAN
Stuart Chaitin Dock Application

8-30-09

4 of 4



DETAIL
EXISTING RIGHT-OF-WAY FOR
INGRESS, EGRESS AND UNDERGROUND
UTILITY MAINTENANCE PER L.775 P.61

UNAUTHORIZED ALTERATION TO A MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7202 SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. THE CERTIFICATION HEREON IS NOT AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE. IT IS A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE.

NOTES:
1. DEED LINE RUNS IN A SOUTHERLY DIRECTION ALONG THE WEST BANK OF HUDSON RIVER FOR A DISTANCE OF 153.01 FEET MORE OR LESS, TO BE ADJUSTED TO THE 3'-6" DIA. OVERHEADS (PER ENERGY REGULATION).
2. 100 YD FOOD PLAN OF HUDSON RIVER = 8.0 PER FERRY FLOOD INSURANCE

TOGETHER WITH ALL REPARATION RIGHTS (A BENEFICIAL ENJOYMENT GRANT) AND LANDS BETWEEN THE HUDSON AND LOW WATER OF MARY OF THE WEST BANK OF HUDSON RIVER AND EXTENDING FROM THE POINT OF MARK OF THE DISCONTINUITY FROM THE ORIGINAL HIGH WATER MARK ON THE HUDSON (INDICATED BY AN OCEAN GREEN PLATE JULY 27, 1873) TO THE POINT OF THE DISCONTINUITY TO THE HUDSON RIVER FOR A DISTANCE OF 500' OR MORE BY DEEDS, LETTERS PATENT/WATER GRANT, AS DESCRIBED.