



May 26, 2021

Village of Upper Nyack
328 North Broadway
Upper Nyack, NY 10960
Attention: Planning Board

Re: Site Plan Approval
517 North Broadway Waterfront Improvements

Dear Village of Upper Nyack Planning Board,

On behalf of Raz Tirosh, the Applicant, attached please find the revised application for the waterfront project located at 517 North Broadway, Upper Nyack, NY.

Attachments enclosed include the following documents:

- TMS Response to Village Engineer, Letson, 5-19-21 comments
 - DEC Permit ID 3-3920-00417/00007 - 000010
 - NYS DOS Permit F-2020-0064
 - USACE Public Notice
 - Revised Narrative
 - 30% Schematic Design Drawings, as submitted for JPA (8-7-20)
- Signed and Sealed Drawings, Revision date: 5-26-21
- Neighbor Consent Letter

Your timely evaluation of this application is appreciated. Should you have any questions or concerns, please feel free to contact me at (845) 598-1042 or via email at eleanor@tms-waterfront.com.

Very truly yours,

Eleanor Beckwith
Project Manager

DENNIS M. LETSON, P.E. and ASSOCIATES
Consulting Engineer

MEMORANDUM

DATE: May 19, 2021
TO: Planning Board, Village of Upper Nyack
FROM: Dennis M. Letson, PE, Village Engineer
COPY:
SUBJECT: Tirosh Seawall & Pier – 517 N. Broadway
MBL 60.10-01-09

TMS Waterfront response comments included below in red. May 26, 2021.

State Environmental Quality Review (SEQR)

Under the provisions of 6NYCRR Part 617, the project is an Unlisted action. Short EAF has been submitted for review.

NYSDEC, in an uncoordinated review, has determined that the project will not have a significant impact on the environment. There are no additional environmental issues which the site plan application raises beyond those reviewed by the DEC. The Board may recognize the DEC determination and adopt a negative declaration.

The DEC completed their review of the proposed work and issued the required permits on February 16, 2021. Permit ID 3-3920-00417/00007 – 000010. A copy of the DEC permit is attached.

Site Plan

1. Zoning

- a. While recognizing that the application is for seawall repairs and pier/dock installation, the site plan should contain a complete bulk table with all relevant entries

A bulk table is included on the signed and sealed site plan (C-100). It is our understanding from the May 19th planning board meeting that the bulk table was deemed incomplete due to the missing referenced survey in the comment below (#2). Please note, there are no proposed changes to the primary structure(s) [dwelling] on site as part of this application.

2. The site plan should have metes and bounds added. While the Control Point survey was for topography and bathymetry, it references a prior survey that should contain the needed information.

The referenced W.E James Associates survey from March 2019 has been included in the 5-26-2021 resubmission.

3. NYSDECC permit has been secured. Provide copy of ACoE permit and DOS Coastal Zone Consistency determination.

Copies of the DEC and DOS permits are attached. Final approval for USACE is underway. The public notice by the USACE expired on August 13, 2020 (a copy is attached) and finalization of the permit is due and forthcoming. *The applicant hereby requests a contingent approval on the site plan, pending the issuance and conditions of the USACE permit.*

4. The DEC permit refers to plans dated 8/7/2020, plans submitted are 2/10/21 and 4/1/21. Please provide plan set referenced on the DEC permit.

The 30% schematic design drawings that were submitted with the Joint Permit Application and which were approved and referenced in the DEC permit may be found attached. As discussed in the May 19th, 2021 planning board meeting, the advancement of the design from 30% schematic design to 100% construction drawings takes into consideration regulatory conditions and impacts; the design advancements are considered to be of lesser environmental impact.

5. The seawall repair plans call for construction to elevation 8, narrative calls for elevation 5, please coordinate.

The narrative has been updated and resubmitted (with the revised design drawings) to clarify that the reconstructed seawall will be built to elevation +8' (NAVD88).

6. Sheet MR-08 is incorrectly titled "Pier Details 2", please correct.

Sheet MR-08 has been revised to be correctly titled "Gangway Details" and has been resubmitted.

7. Pile driving notes call for hammer driven piles, DEC permit condition requires vibratory driving, please revise plan notes.

The drawing set notes have been revised to clarify the above. See Pile Driving Note #1 on G-01.

8. Submittal plans call for seawall to be reconstructed with taper to meet existing; DEC permit approval is for a sloped rip-rap revetment, please clarify and coordinate. Detail of wall or revetment should be added to the drawing set.

The drawing set has been revised to clarify the stone seawall work and includes the details for the stone seawall. See MR-10.

9. Timber preservative treatment should be specified on the plans.

The drawing set has been revised to clarify the timber preservative treatment. See Timber Note #3 on G-01.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



Department of
Environmental
Conservation

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

A permit notice sign is enclosed. Please post it at the work site with appropriate weather protection, per General Condition 1.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

Chris Lang
Division of Environmental Permits, Region 3
Telephone (845) 256-3096

- Applicable only if checked. Please note all instream work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.
- Applicable only if checked for STORMWATER SPDES INFORMATION: We have determined that your project requires coverage under the General Stormwater SPDES Permit. You must file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: <http://www.dec.ny.gov/chemical/43133.html>
- Applicable only if checked - MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505.



Department of
Environmental
Conservation



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

RAZ TIROSH
517 N BROADWAY
UPPER NYACK, NY 10960
(609) 439-7239

Facility:

TIROSH PROPERTY
517 N Broadway
Upper Nyack, NY 10960

Facility Location: in CLARKSTOWN in ROCKLAND COUNTY

Facility Principal Reference Point: NYTM-E: 591.149 NYTM-N: 4551.336
Latitude: 41°06'29.5" Longitude: 73°54'52.0"

Authorized Activity: The applicant proposes disturbance to the Hudson River associated with the construction of a 120' by 6'7" fixed timber pier with gangway and 40'x8' floating dock, a mooring, and replacement of a seawall with a sloped rip rap revetment.

Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 3-3920-00417/00007

New Permit

Effective Date: 2/16/2021

Expiration Date: 12/31/2026

Stream Disturbance - Under Article 15, Title 5

Permit ID 3-3920-00417/00008

New Permit

Effective Date: 2/16/2021

Expiration Date: 12/31/2026

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 3-3920-00417/00009

New Permit

Effective Date: 2/16/2021

Expiration Date: 12/31/2026

Docks, Platforms & Moorings - Under Article 15, Title 5

Permit ID 3-3920-00417/00010

New Permit

Effective Date: 2/16/2021

Expiration Date: 12/31/2026



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: REBECCA S CRIST, Deputy Regional Permit Administrator
Address: NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY 12561

Authorized Signature: Rebecca S Crist Date 02 / 16 / 2021

Distribution List

Angela Schimizzi, DEC Div. of Marine Resources
NYS Dept. of State Coastal Consistency Unit
Alexandra Ryan, US Army Corps of Engineers
Eleanor Beckwith, TMS Waterfront
Shea Thorvalsen, TMS Waterfront
Village of Upper Nyack

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: EXCAVATION & FILL IN NAVIGABLE WATERS; STREAM DISTURBANCE; WATER QUALITY CERTIFICATION; DOCKS, PLATFORMS & MOORINGS

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the applicant or applicant's agent and consist of drawing set entitled "517 North Broadway Seawall Rehabilitation and Dock Installation", prepared by TMS Waterfront, last revised August 7, 2020, received by DEC August 7, 2020.



- 2. Notice of Intent to Commence Work** The permittee must notify Angela Schimizzi of the DEC Division of Marine Resources via email (angela.schimizzi@dec.ny.gov) no less than 48 hours prior to the commencement of work.
- 3. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 4. Revetment Work During Low Tide** Work on the revetment must take place only during periods of low tides.
- 5. Filter Fabric Curtain Around Work Area** A filter fabric curtain weighted across the bottom and suspended on floats shall be positioned to surround the work site before commencing the project. The curtain shall remain in place until project termination.
- 6. Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).
- 7. Biodegradable Geotextile Only** Where erosion control matting is to be used at the site, only 100% non-synthetic biodegradable material can be used. The use of photodegradable plastic (e.g. turf reinforcement mats and geogrids that contain photodegradable plastic) is strictly prohibited.
- 8. No Equipment in the Water** Heavy equipment operation in the water is prohibited. With backhoes and similar heavy equipment, the bucket may enter the water.
- 9. Install Piles Using Vibratory Methods** Piles shall be installed using vibratory methods. If the piles cannot be installed in this manner and impact driving must be used, the permittee must first contact Angela Schimizzi of the Division of Marine Resources via email (angela.schimizzi@dec.ny.gov). Written approval from the Department must be obtained prior to any impact driving taking place. If approved, impact driving could only be conducted from Sept 1st thru October 31st.
- 10. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
- 11. Use Pressure Treated Wood** Where treated wood lumber is to be used in the construction of in-water structures, only pressure treated wood with a preservative and treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association can be used. Wood treated with CCA (Chromated Copper Arsenate) or ACQ (Alkaline Copper Quat) can be used in all aquatic environments. Wood treated with Pentachlorophenol is prohibited.
- 12. No Structures on Dock/Catwalk/Float** No permanent structures may be installed on dock/catwalk/float without first obtaining written approval from the Department.
- 13. Disposal of Material** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated waterbody or wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area; and must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.



14. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

15. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

16. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

17. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant



to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY12561

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Docks, Platforms & Moorings, Excavation & Fill in Navigable Waters, Stream Disturbance, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

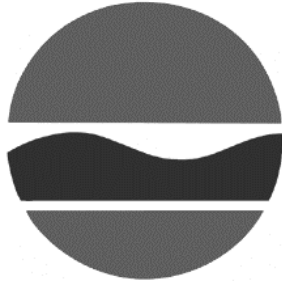
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

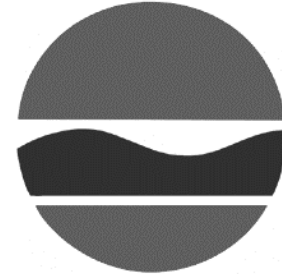
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: SEQR Unlisted Action, No Lead Agency, No Significant Impact Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action and the Department of Environmental Conservation has determined that it will not have a significant effect on the environment. Other involved agencies may reach an independent determination of environmental significance for this project.

New York State
Department of Environmental Conservation



NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department condition on it, contact the DEC at 845-256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: Raz Tirosh

Permit No. 3-3920-00417/00007

Effective Date: February 16, 2021

Expiration Date: December 31, 2026

Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is NOT a permit.

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

April 27, 2020

Eleanor Beckwith
TMS Waterfront
181 Westchester Ave, Suite 409
Port Chester, NY 10573

Re: F-2020-0064

U.S. Army Corps of Engineers/ NY District Permit
Application – Raz Tirosh

The stone seawall will be removed and replaced with a sloped stone / rip rap revetment; a 12'x 120' fixed timber pier will be constructed extending from the existing grade behind the seawall into the Hudson River. Also, a 4'x 20' gangway and 8'x 40' float are proposed along with a boatlift. Proposed mooring approximately 140 feet east of the floating dock. Hudson River, 517 North Broadway, Upper Nyack, NY 10960, Rockland County

Concurrence with Consistency Certification – Proposal Modified

Dear Ms. Beckwith:

The Department of State received your modified proposal for the above referenced proposal. The applicant has modified the proposed fixed pier to 120 feet long by 8 feet wide. Also, the plans have been modified by eliminating the proposed 40 foot by 12 foot boatlift.

Pursuant to 15 CFR § 930.62, and based upon the project information submitted, the Department of State concurs with your consistency certification for the modified activity. This concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, other forms of authorization or approval that may be required pursuant to existing State statutes.

Sincerely,



Gregory L. Capobianco
Office of Planning, Development and
Community Infrastructure

GC/pb

ecc: COE/ NY District – Brian Orzel (NAN-2020-00144-WOR)
DEC Region 3- Christopher Lang (3-3920-00417/00008)



**Department
of State**



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-2020-00144-WOR
Issue Date: July 13, 2020
Expiration Date: August 13, 2020

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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Raz Tirosh
517 North Broadway
Upper Nyack, New York 10960

ACTIVITY: Replacement of an existing stone seawall with a stone revetment, the construction of a pile-supported pier, the installation of a floating pier assembly and the installation of a mooring buoy.

WATERWAY: Hudson River

LOCATION: Town of Clarkstown, 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.

**CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2020-00144-WOR**

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.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to adversely 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 lifestages 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, prehistoric, 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.

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. In a letter dated April 27, 2020, the New York State Department of State concurred with the applicant's certification. 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

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2020-00144-WOR

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.

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 the project manager, Mr. Brian Orzel at Brian.A.Orzel@usace.army.mil.

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>.

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



for: Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Raz Tirosh, has requested Department of the Army authorization for the replacement of approximately 80 linear feet of an existing stone seawall with a new stone revetment, the construction of a pile-supported pier, the installation of a floating pier assembly and the installation of a mooring buoy, in the Hudson River, Town of Clarkstown, Rockland County, New York.

Approximately 80 linear feet of existing stone seawall will be removed and replaced with new stone revetment. The new stone revetment would not extend waterward of the existing seawall and would not involve any new fill below the line of Spring High Tide.

The pile-supported pier would be approximately 120 feet long by 8 feet wide, supported by 26, 12-inch-diameter, timber piles.

The floating pier assembly would be approximately 40 feet by 8 feet and would be connected to the pile-supported pier by a gangway, approximately 20 feet long by 4 feet wide. The floating pier assembly would be held in place by 4, 16-inch-diameter steel pipe piles.

In addition, one mooring buoy would be installed, approximately 140 feet east of the proposed floating pier assembly, held in place by one 700-pound pyramid anchor.

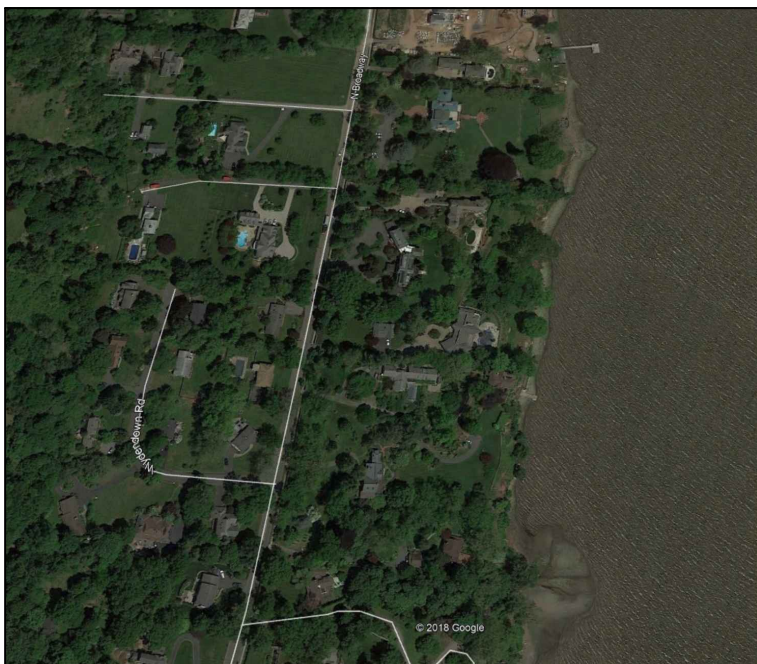
The stated purpose of this project is to protect the existing shoreline and to provide recreational access to the river for one existing home.

517 NORTH BROADWAY

SEAWALL REHABILITATION AND DOCK INSTALLATION

UPPER NYACK, NEW YORK 10960

JANUARY 20, 2020



LOCATION MAP (NTS)

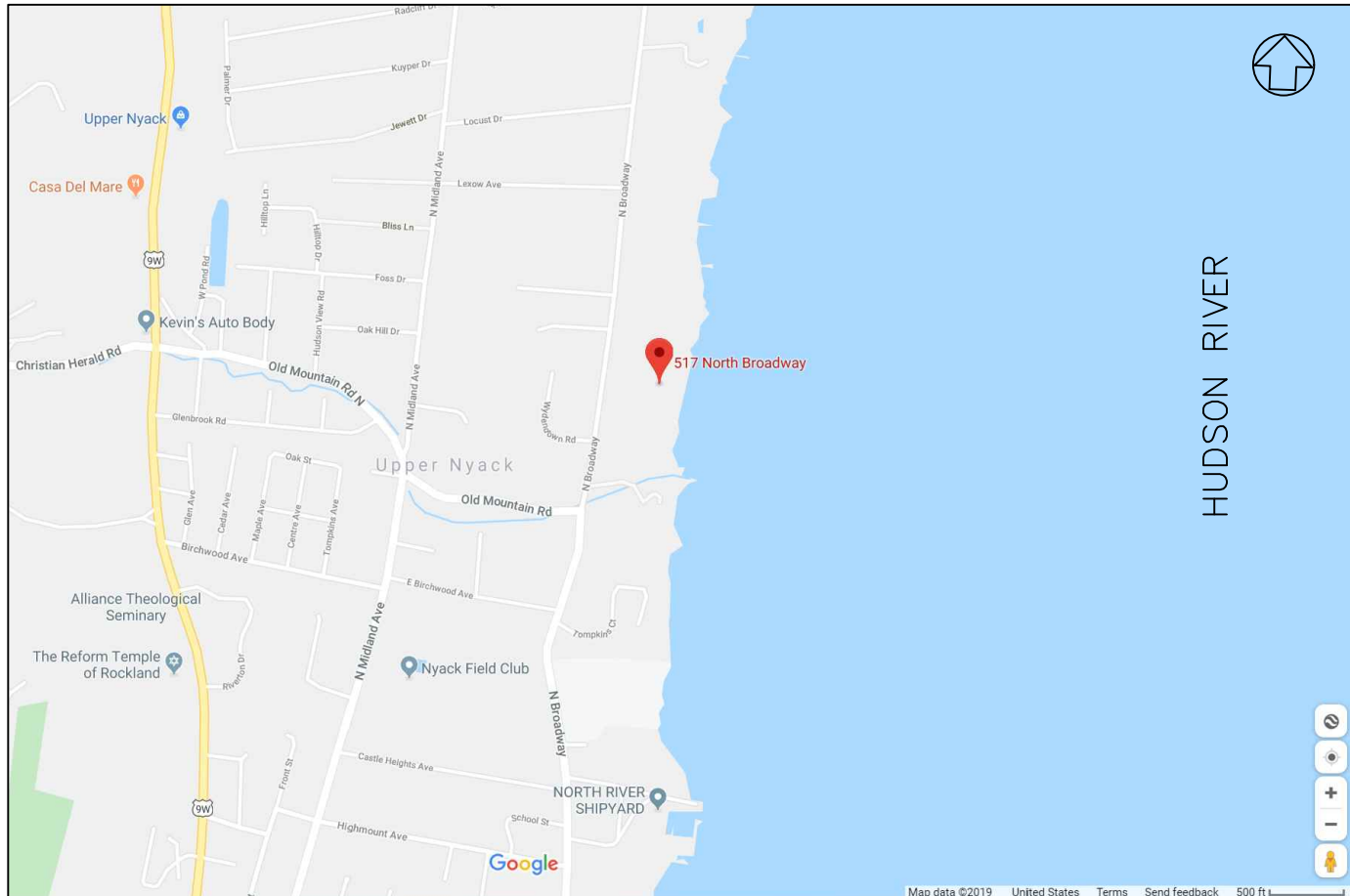
PREPARED BY:
 TMS WATERFRONT
 181 WESTCHESTER AVENUE
 PORT CHESTER, NEW YORK 10573

APPLICANT:
 RAZ TIROSH
 517 NORTH BROADWAY
 UPPER NYACK, NY 10960

DRAWING LIST:

- G-001 COVER SHEET
- V-100 VICINITY MAP
- C-100 SITE PLAN
- C-101 PIER AND DOCK PLAN
- C-300 REVETMENT SECTION
- C-301 PIER SECTION
- C-302 GANGWAY & DOCK SECTION
- C-500 DETAILS

No.	REVISION	DATE
01	USACE APP.	4/23/2020



VICINITY MAP - GOOGLE STREET MAPS (NTS)

LATITUDE: 41°6'29.95"N
 LONGITUDE: 73°54'51.52"W
 WATERWAY: HUDSON RIVER
 ADDRESS: 517 NORTH BROADWAY,
 NYACK, NY 10960

APPLICANT:
 MR. RAZ TIROSH
 517 NORTH
 BROADWAY
 UPPER NYACK, NY
 10960

AGENT:
 TMS WATERFRONT
 247 W. 35TH STREET
 10TH FLOOR N
 NEW YORK, NY 10001
 T: (917) 426-6788
 www.tms-waterfront.com

PROJECT NAME:
 517 NORTH BROADWAY

NAME OF WATERBODY:
 HUDSON RIVER
 TOWN: UPPER NYACK
 COUNTY: ROCKLAND
 STATE: NEW YORK

REVISION	DATE
01	USACE PERMIT APP 4/17/20

DATE: 4/17/2020

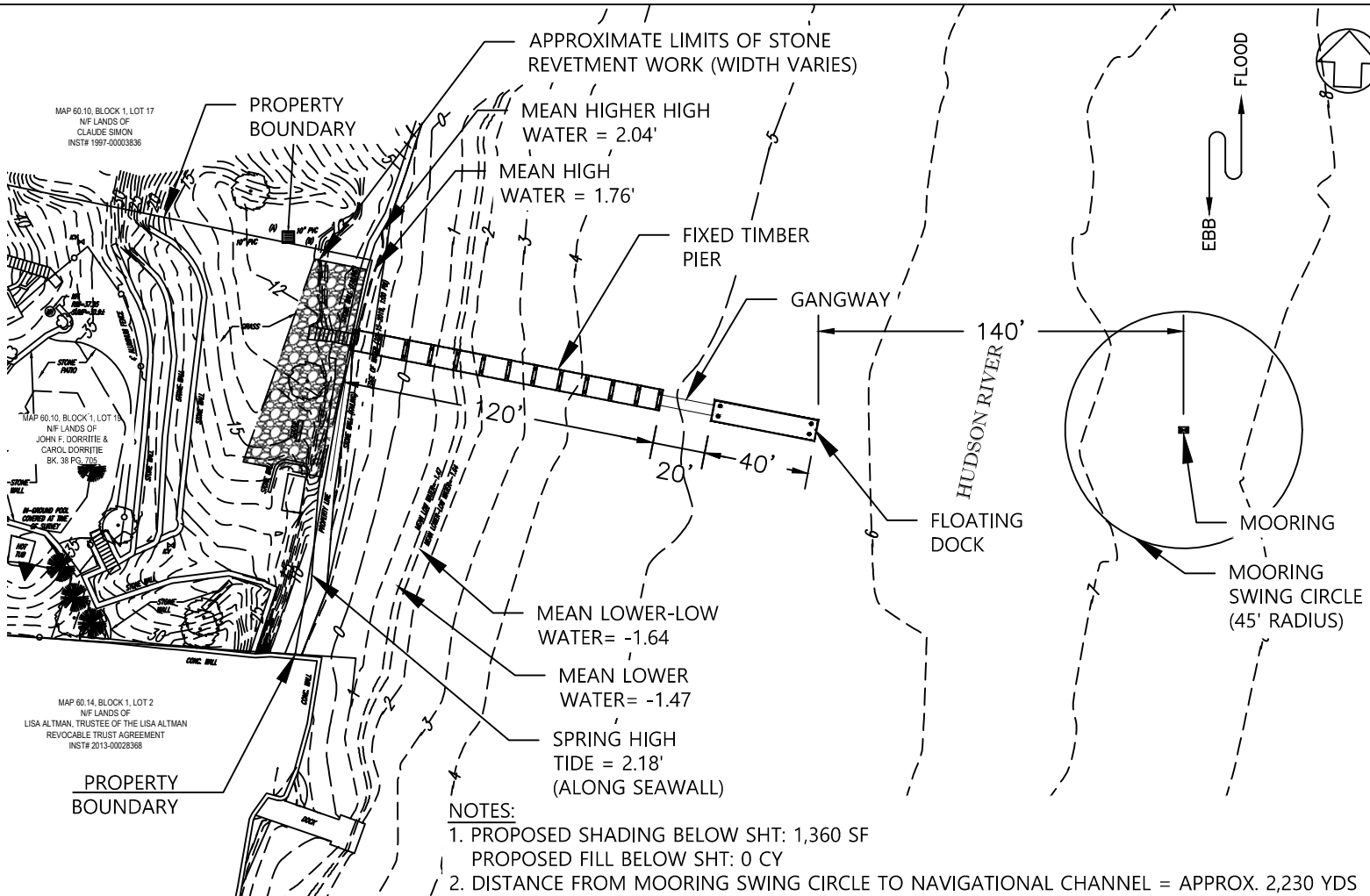
DRAWN BY: EGB

CHECKED BY: BDB

PROJECT NO.: 19051

SHEET TITLE:
 VICINITY
 MAP

DRAWING NO.
 V-100
 2 OF 8 SHEETS



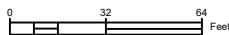
MAP 60.10, BLOCK 1, LOT 17
 N/F LANDS OF
 CLAUDE SIMON
 INST# 1997-0003836

MAP 60.10, BLOCK 1, LOT 16
 N/F LANDS OF
 JOHN F. DORRITTE &
 CAROL DORRITTE
 BK. 38 PG. 125

MAP 60.14, BLOCK 1, LOT 2
 N/F LANDS OF
 LISA ALTMAN, TRUSTEE OF THE LISA ALTMAN
 REVOCABLE TRUST AGREEMENT
 INST# 2013-00028368

SITE PLAN

SCALE: 1/64" = 1'-0"



NOTES:

1. PROPOSED SHADING BELOW SHT: 1,360 SF
 PROPOSED FILL BELOW SHT: 0 CY
2. DISTANCE FROM MOORING SWING CIRCLE TO NAVIGATIONAL CHANNEL = APPROX. 2,230 YDS
3. DISTANCE TO EAST SIDE OF HUDSON RIVER AT THE PROJECT LOCATION = APPROX. 4,270 YDS
4. THE SURVEY WAS COMPLETED BY CONTROL POINT ASSOCIATES ON 10/17/2019 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
5. PROPOSED CUT BELOW SHT: 5.75 CY (SHORELINE)
6. ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
7. THESE DRAWINGS ARE INTENDED FOR USE IN REGULATORY APPROVALS AND ARE NOT TO BE USED AS CONSTRUCTION DRAWINGS.
8. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED NO LESS THAN ONCE A WEEK AND ANY NECESSARY REPAIRS IMMEDIATELY MADE.
9. EXTENT OF RIP RAP REVETMENT WORK TO BE DETERMINED BASED ON FURTHER SUBSURFACE INVESTIGATION.

APPLICANT:
 MR. RAZ TIROSH
 517 NORTH
 BROADWAY
 UPPER NYACK, NY
 10960

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 10TH FLOOR N
 NEW YORK, NY 10001
 T: (917) 426-6788
 www.tms-waterfront.com

PROJECT NAME:
 517 NORTH BROADWAY

NAME OF WATERBODY:
 HUDSON RIVER
 TOWN: UPPER NYACK
 COUNTY: ROCKLAND
 STATE: NEW YORK

REVISION	DATE
01	USAGE PERMIT APP 4/17/20

DATE: 4/17/2020

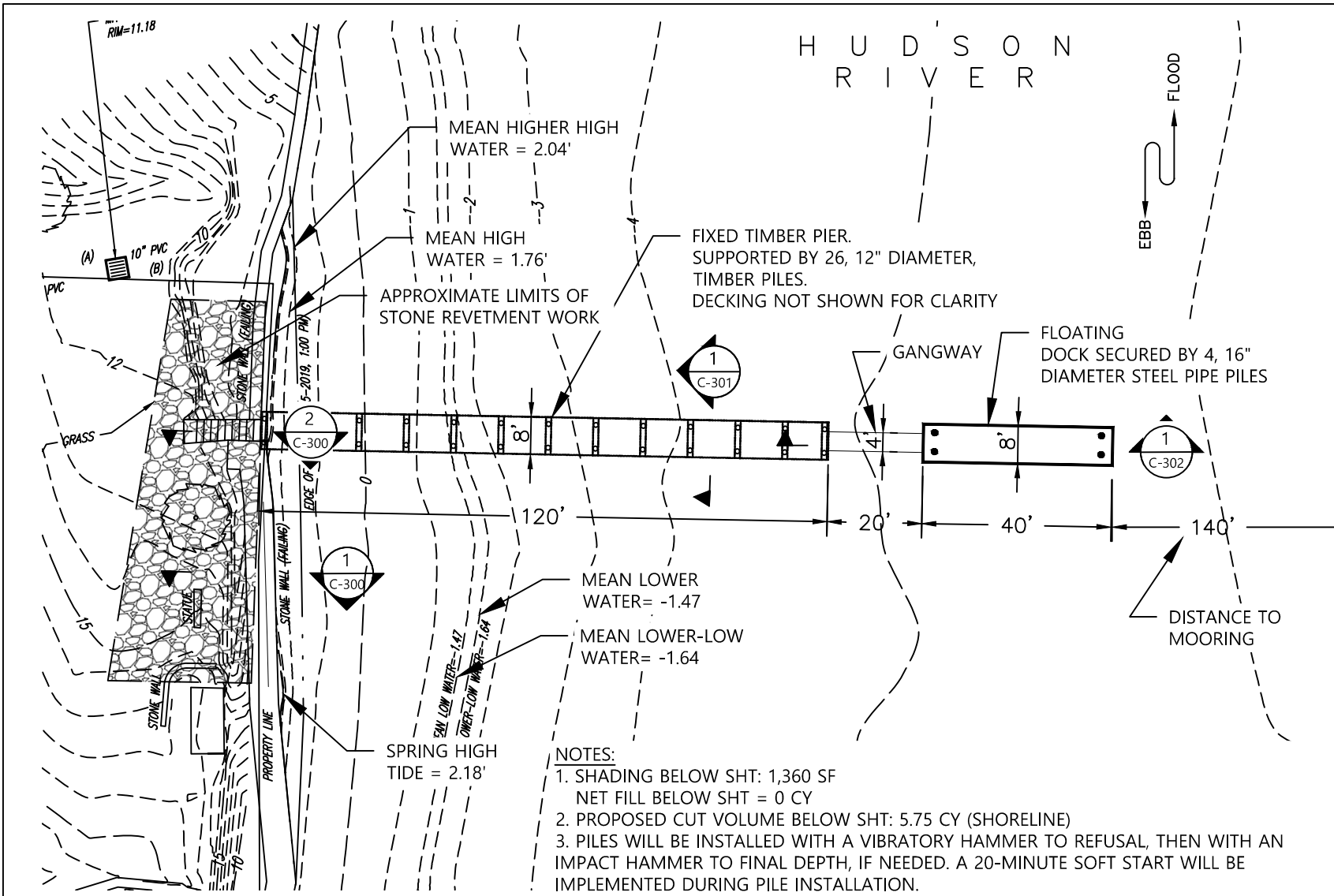
DRAWN BY: EGB

CHECKED BY: BDB

PROJECT NO.: 19051

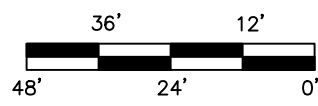
SHEET TITLE:
 SITE PLAN

DRAWING NO.
 C-100
 3 OF 8 SHEETS



PIER & DOCK PLAN

SCALE: 1/32" = 1'-0"



NOTES:

1. SHADING BELOW SHT: 1,360 SF
NET FILL BELOW SHT = 0 CY
2. PROPOSED CUT VOLUME BELOW SHT: 5.75 CY (SHORELINE)
3. PILES WILL BE INSTALLED WITH A VIBRATORY HAMMER TO REFUSAL, THEN WITH AN IMPACT HAMMER TO FINAL DEPTH, IF NEEDED. A 20-MINUTE SOFT START WILL BE IMPLEMENTED DURING PILE INSTALLATION.
4. THE SURVEY WAS COMPLETED BY CONTROL POINT ASSOCIATES ON 10/17/2019 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
5. ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
6. THESE DRAWINGS ARE INTENDED FOR USE IN REGULATORY APPROVALS AND ARE NOT TO BE USED AS CONSTRUCTION DRAWINGS.
7. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED NO LESS THAN ONCE A WEEK AND ANY NECESSARY REPAIRS IMMEDIATELY MADE.

APPLICANT:
MR. RAZ TIROSH
517 NORTH
BROADWAY
UPPER NYACK, NY
10960

AGENT:
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PROJECT NAME:
517 NORTH BROADWAY

NAME OF WATERBODY:
HUDSON RIVER
TOWN: UPPER NYACK
COUNTY: ROCKLAND
STATE: NEW YORK

REVISION	DATE
01	USACE PERMIT APP 4/17/20

DATE: 4/17/2020

DRAWN BY: EGB

CHECKED BY: BDB

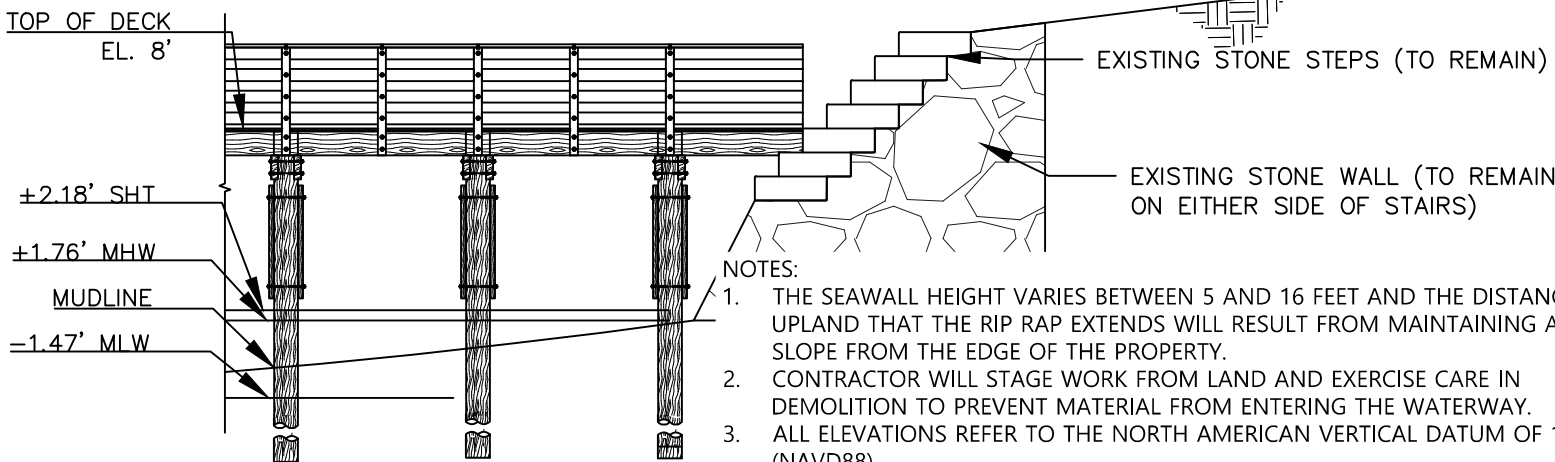
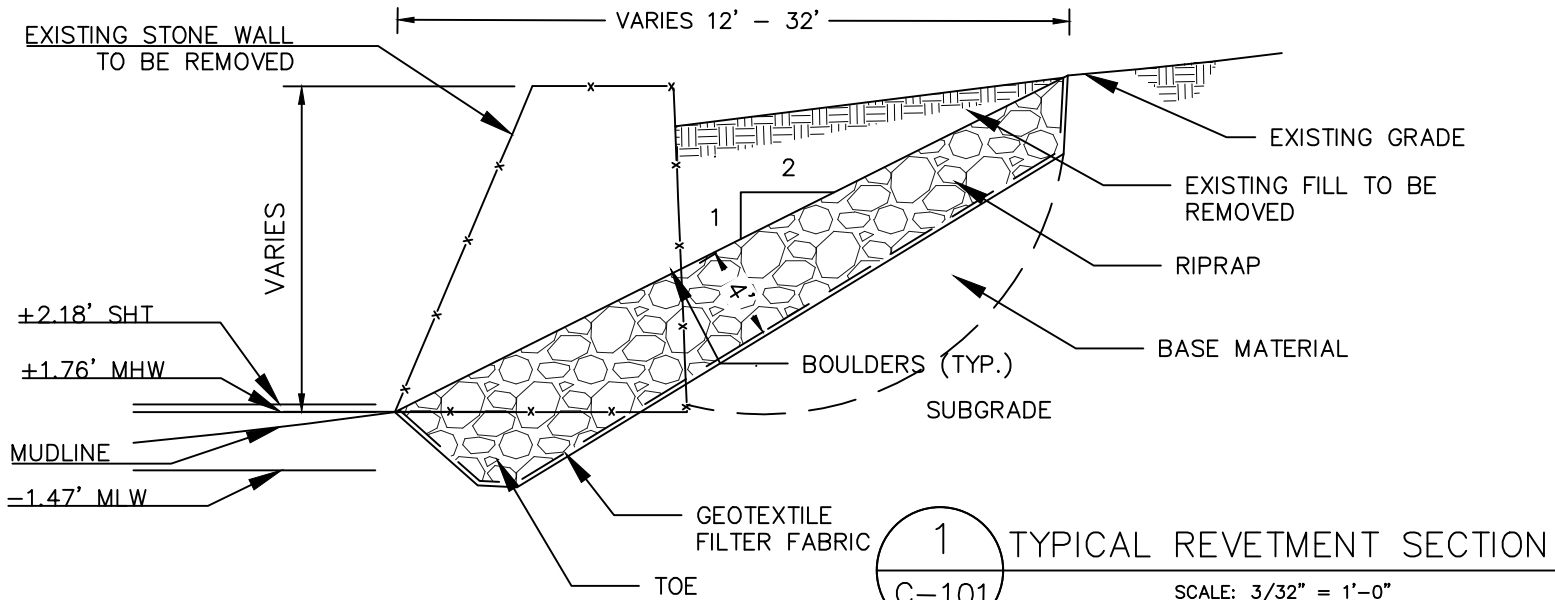
PROJECT NO.: 19051

SHEET TITLE:
PIER AND DOCK PLAN

DRAWING NO.

C-101

4 OF 8 SHEETS



- NOTES:
1. THE SEAWALL HEIGHT VARIES BETWEEN 5 AND 16 FEET AND THE DISTANCE UPLAND THAT THE RIP RAP EXTENDS WILL RESULT FROM MAINTAINING A 2:1 SLOPE FROM THE EDGE OF THE PROPERTY.
 2. CONTRACTOR WILL STAGE WORK FROM LAND AND EXERCISE CARE IN DEMOLITION TO PREVENT MATERIAL FROM ENTERING THE WATERWAY.
 3. ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 4. THESE DRAWINGS ARE INTENDED FOR USE IN REGULATORY APPROVALS AND ARE NOT TO BE USED AS CONSTRUCTION DRAWINGS.
 5. THE WORKING AREA WILL BE SURROUNDED BY SEDIMENT BOOMS/TURBIDITY CURTAINS.
 6. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED NO LESS THAN ONCE A WEEK AND ANY NECESSARY REPAIRS IMMEDIATELY MADE.

APPLICANT:
 MR. RAZ TIROSH
 517 NORTH BROADWAY
 UPPER NYACK, NY 10960

AGENT:
 TMS WATERFRONT
 247 W. 35TH STREET
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 NEW YORK, NY 10001
 T: (917) 426-6788
 www.tms-waterfront.com

PROJECT NAME:
 517 NORTH BROADWAY

NAME OF WATERBODY:
 HUDSON RIVER
 TOWN: UPPER NYACK
 COUNTY: ROCKLAND
 STATE: NEW YORK

REVISION	DATE
01 USACE PERMIT APP	4/17/20

DATE: 4/17/2020

DRAWN BY: EGB

CHECKED BY: BDB

PROJECT NO.: 19051

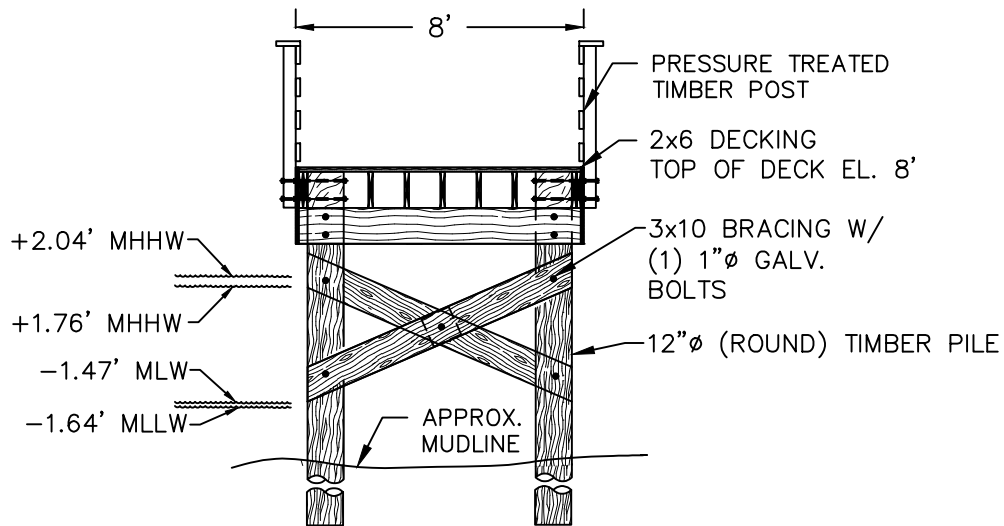
SHEET TITLE:

REVETMENT SECTION

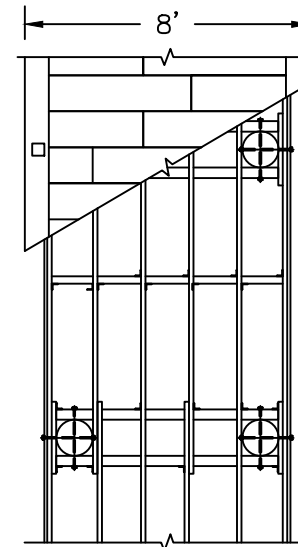
DRAWING NO.

C-300

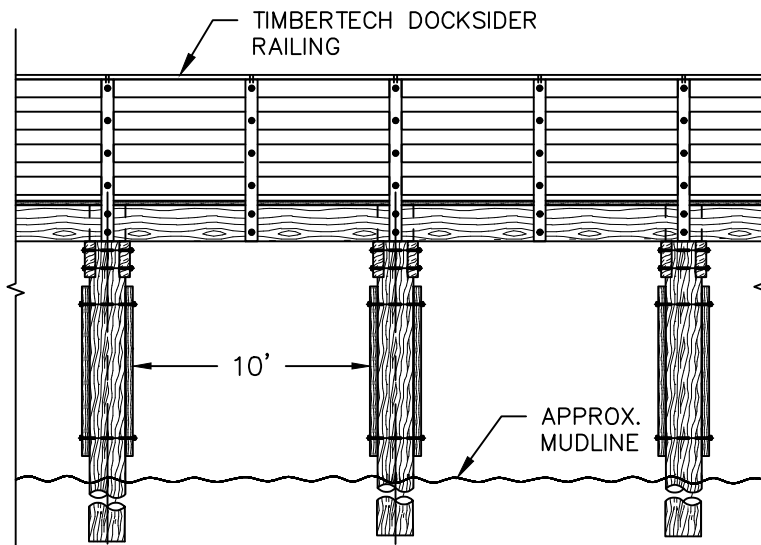
5 OF 8 SHEETS



1 TYPICAL THROUGH FIXED PIER SECTION
 C-101 SCALE: 1'-0" = 3/16"



TYPICAL THROUGH FIXED PIER FRAMING PLAN
 SCALE: 1'-0" = 3/16"



LONGITUDINAL SECTION
 SCALE: 1'-0" = 3/16"

NOTES:

1. PROPOSED SHADING BELOW SHT: 1,360 SF
 PROPOSED FILL BELOW SHT: 0 CY
2. TOTAL NUMBER OF TIMBER PILES = 26, 12" DIAMETER
 TOTAL NUMBER OF STEEL PILES = 4, 16" DIAMETER
3. THE SURVEY WAS COMPLETED BY CONTROL POINT ASSOCIATES ON 10/17/2019 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
4. PROPOSED CUT BELOW SHT: 5.75 CY (SHORELINE)
5. ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
6. THESE DRAWINGS ARE INTENDED FOR USE IN REGULATORY APPROVALS AND ARE NOT TO BE USED AS CONSTRUCTION DRAWINGS.
7. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED NO LESS THAN ONCE A WEEK AND ANY NECESSARY REPAIRS IMMEDIATELY MADE.

APPLICANT:
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PROJECT NAME:
 517 NORTH BROADWAY

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 TOWN: UPPER NYACK
 COUNTY: ROCKLAND
 STATE: NEW YORK

REVISION	DATE
01	USACE PERMIT APP 4/17/20

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DRAWN BY: EGB

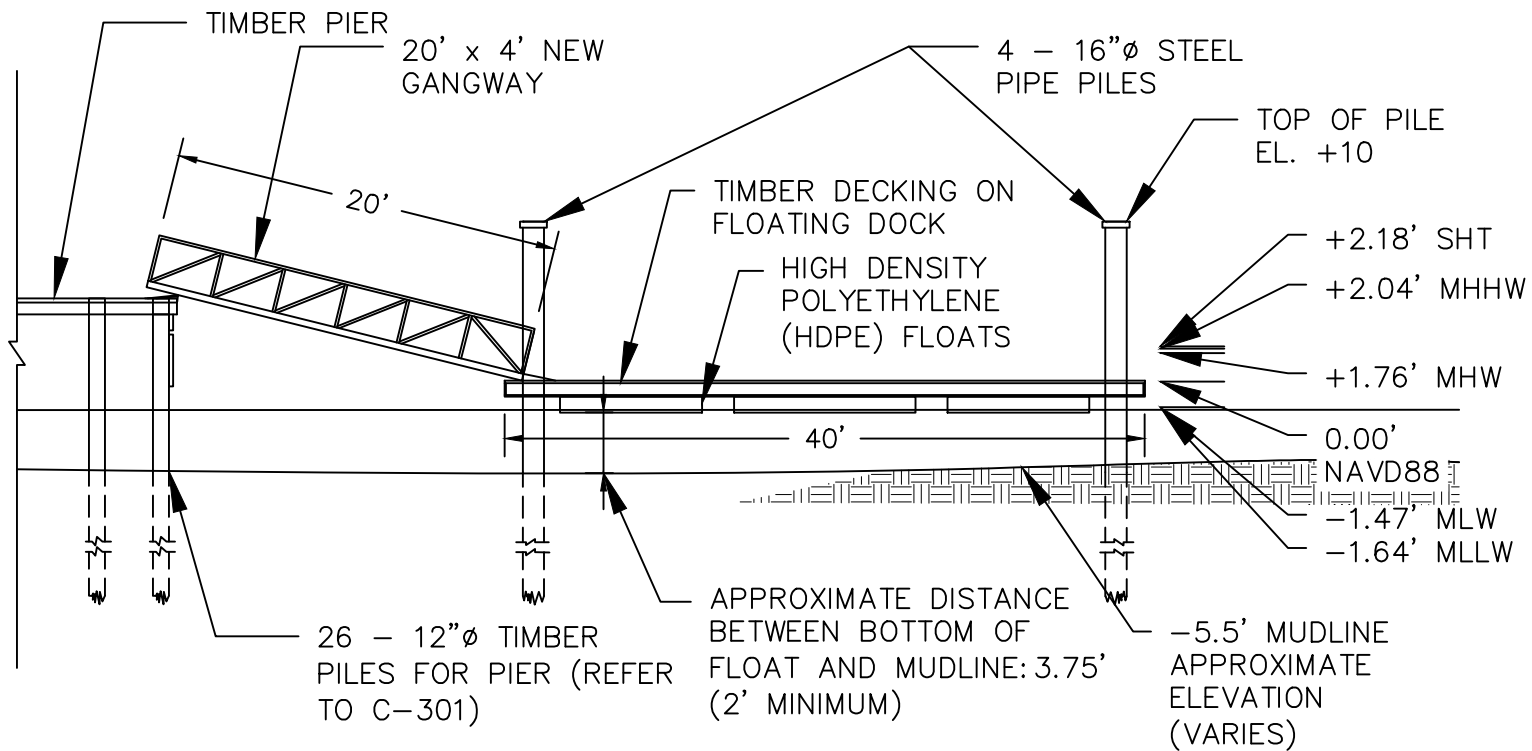
CHECKED BY: BDB

PROJECT NO.: 19051

SHEET TITLE:
 PIER SECTIONS

DRAWING NO.
 C-301

6 OF 8 SHEETS



1
GANGWAY AND DOCK SECTION
C-101
SCALE: 1'-0" = 1"

- NOTES:
1. THE TIDAL ELEVATION INFORMATION DEPICTED REPRESENTS THE RESULTS OF THE SURVEY MADE ON 10/15/2019 BY CONTROL POINT ASSOCIATES AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
 2. ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 3. THESE DRAWINGS ARE INTENDED FOR USE IN REGULATORY APPROVALS AND ARE NOT TO BE USED AS CONSTRUCTION DRAWINGS.
 4. PILES WILL BE INSTALLED WITH A VIBRATORY HAMMER TO REFUSAL, THEN WITH AN IMPACT HAMMER TO FINAL DEPTH, IF NEEDED. A 20-MINUTE SOFT START WILL BE IMPLEMENTED DURING PILE INSTALLATION.
 5. THE WORKING AREA WILL BE SURROUNDED BY SEDIMENT BOOMS/TURBIDITY CURTAINS.
 6. FOUR (4) 16-INCH DIAMETER STEEL PIPE PILES WILL BE INSTALLED TO SECURE THE FLOATING BARGE.
 7. RAILINGS ARE NOT SHOWN ON THE PIER FOR CLARITY.

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PROJECT NAME:
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 COUNTY: ROCKLAND
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REVISION	DATE
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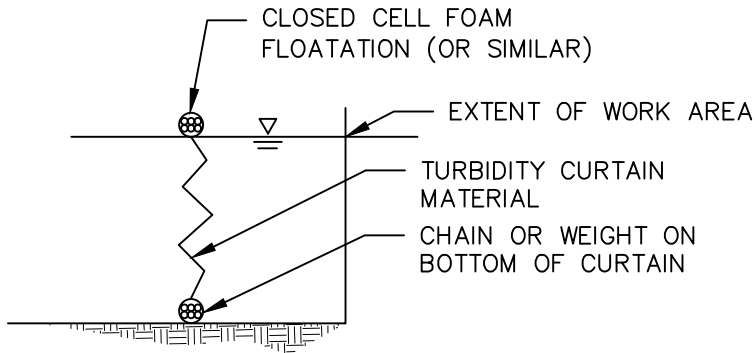
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PROJECT NO.: 19051

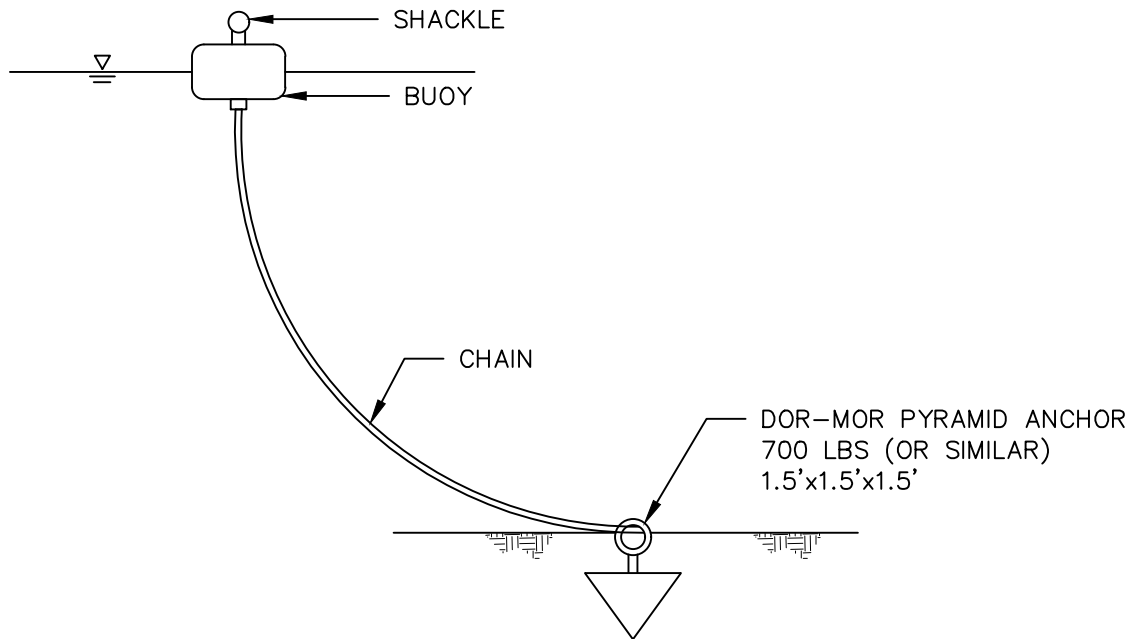
SHEET TITLE:
 GANGWAY AND DOCK SECTION

DRAWING NO.
 C-302

7 OF 8 SHEETS



TURBIDITY CURTAIN DETAIL (NTS)



MOORING DETAIL (NTS)

APPLICANT:

MR. RAZ TIROSH
517 NORTH
BROADWAY
UPPER NYACK, NY
10960

AGENT:

TMS WATERFRONT
247 W. 35TH STREET
10TH FLOOR N
NEW YORK, NY 10001
T: (917) 426-6788
www.tms-waterfront.com

PROJECT NAME:

517 NORTH BROADWAY

NAME OF WATERBODY:
HUDSON RIVER
TOWN: UPPER NYACK
COUNTY: ROCKLAND
STATE: NEW YORK

REVISION	DATE
01	USACE PERMIT APP 4/17/20

DATE: 4/17/2020

DRAWN BY: EGB

CHECKED BY:

PROJECT NO.: 19051

SHEET TITLE:

DETAILS

DRAWING NO.

C-500

8 OF 8 SHEETS



May 26, 2021 (Rev01)
Project Narrative

The Owner proposes several waterfront improvements for their property located at 517 North Broadway, Upper Nyack, New York. The proposed work includes repairing and reconstructing an existing stone seawall in the original footprint and “in-kind”, constructing a fixed timber pier, and installing a floating dock and mooring for the Owner’s vessel. This work aims to restore the structural support and erosion prevention that the original seawall provided and restore access to the Hudson River for recreational, water-dependent uses.

Seawall

The existing seawall is composed of large stones and is deteriorating along the length of the property shoreline on the Hudson River. Upland settlement and shoreline erosion are apparent, especially along approximately 30 linear feet of seawall extending from the northern edge of the shoreline south to the existing masonry stairs. In this area, the stone seawall has failed and backfill is eroding into the Hudson River (see Photograph 1). This section must be reconstructed to the original footprint of the seawall. The stairs will be reset in coordination with the seawall construction. Continuing south from the stairs, the next 45 linear feet of seawall is proposed to be repointed with the same materials; the seawall is beginning to show signs of erosion and deterioration and maintenance work on the seawall is required now to prevent more intensive and intrusive work later.

If no action is taken regarding the existing stone seawall, the wall will continue to erode, threatening upland stability and erosion control, as well as risking fill entering the Hudson River from a collapsed wall. The proposed work is preventative to ensure continued functionality and safety. Natural hand-laid stone seawalls are dependent upon each of the stones forming a key that supports the entire wall. Loss of larger stones can compromise the entire structure. With existing seawall heights ranging from 5 to 16 feet, a “No Action” alternative may threaten the structural support for the shoreline and earthen slope upland and risk seawall collapse into the Hudson River.

Along approximately 30 linear feet on the northern-most section of seawall, the contractor will rebuild the stone seawall to elevation 8’ (NAVD88). The area behind this section of seawall will be backfilled and sloped to meet the existing grade. The contractor will excavate the soils and materials from behind the seawall and stabilize the slopes prior to reconstructing the seawall. The seawall will be reconstructed from bottom to top, placing the stone in order of largest stones at the base and smaller stones at the top. One tree is in the vicinity of the proposed work and requires removal. Refer to the Site Plan for the location of this tree.

Seawall rehabilitation construction will be performed with a land-based excavator. A staging area will be established by the Contractor in the area shown on the site plan and the Contractor will access this area along the northern edge of the property. The staging area and all work areas will implement the appropriate best management practices, including silt fences and hay bales, as needed. Work on the seawall will be conducted from land and at low tides in order to minimize disruption or impacts to water quality.



May 26, 2021 (Rev01)



Photograph 1: Eroded seawall to be reconstructed – facing north.

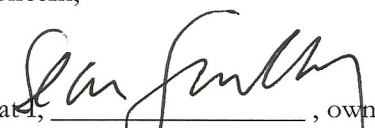
In-Water Work

A fixed, timber pier is proposed to provide access to a floating dock and the Owner's vessel. A gangway will connect the fixed pier and the floating dock. The pier will be 107'-10" long by 6'-8" wide, with two, 12-inch diameter, timber piles located at maximum 18-foot intervals. A new floating dock (8'-0" wide by 40'-6" long) will be connected to the timber pier by a new, 35'-0" by 4'-0", gangway. The gangway and dock will extend east into the Hudson River to reach greater water depths. The floating dock will accommodate a motorized vessel, approximately 43-foot long with a draft of up to 43 inches. The dock will be secured by two, 16-inch diameter steel pipe piles. A mooring will be installed approximately 140 feet east of the dock to accommodate the owner's vessel at low tides. Work on all in-water structures will be done from a floating barge.


The size and location of the dock meets the requirements for berthing, minimizes shading, and is designed with consideration of the ASCE 24-14 guidance, *Flood Resistant Design and Construction*. For construction of the floating dock, piles will be installed by an excavator or crane aboard a small work barge.

May 20, 2021

To whom it may concern,


This is to advise that I, Sean Scully, owner of 521 North Broadway in Upper Nyack, New York, do not object to my southerly neighbor, Raz Tirosi, located at 517 North Broadway, installing and extending a seawall from his property north, approximately five linear feet onto my property, to adjoin the existing seawall on my property, thereby stabilizing both properties' easterly boundary along the Hudson River that has otherwise eroded and washed out.

I HAVE NO OBJECTION TO GRANTING MY CONSENT FOR THE AFOREMENTIONED REQUEST FOR THE SEAWALL'S EXTENSION ONTO MY PROPERTY.


Signature

SEAN SCULLY
Print Name

521 North Broadway
Print Address