

## APPENDIX B

### Correspondence



## Village of Chester Police Department

47 Main St.

Chester, NY 10918

(845) 469-4681

(845) 469-5009 Fax

[www.villageofchesterny.com/police](http://www.villageofchesterny.com/police)

Peter J. Graziano Jr., Chief

7 August 2009

Ann Cutignola

RE: BT Holdings Project

Here is the response you requested:

1. The Police Department is located within the Village of Chester approximately 1 mile from the site.
2. Authorized positions are listed below but do not reflect actual duty personnel:
  - a. 1 – Chief of Police
  - b. 3 – Sergeants
  - c. 9 – Full-Time Patrol Officers
  - d. 4 – Part-Time Patrol Officers
  - e. 1 – Detective
  - f. 1 – Administrative Clerk
  - g. 1 – Court Officer
3. Response time is typically 3 minutes or less.
4. Below is a three year call breakdown:

2006 – Calls for Service: 3,003    Criminal Cases: 568    Arrests: 244    Traffic Accidents: 136

2007 - Calls for Service: 2,917    Criminal Cases: 630    Arrests: 295    Traffic Accidents: 125

2008 - Calls for Service: 2,982    Criminal Cases: 736    Arrests: 414    Traffic Accidents: 138

Year to Date 2009: Calls: 1984    Cases: 524    Arrests: 241    Accidents: 85

5. Ratio: approximately 1:500 (Patrol Officers to Residential Population based on full staff. Ratio increases with transient traffic)

6. The Village Police Station is at 45 Main St. (approx. 1 mile from site)

7. Current available personnel:

- a. 1 – Chief of Police
- b. 2 – Sergeants
- c. 8 – Full-Time Patrol Officers
- d. 2 – Part-Time Patrol Officers
- e. 0 – Detective
- f. 1 – Administrative Clerk
- g. 1 – Court Officer

7a. Equipment:

- a. 5 – Marked Units
- b. 1 – Unmarked Supervisor Unit
- c. 1 – Unmarked Chief's Unit
- d. 1 – Special Operations Vehicle (Currently unserviceable)
- e. 1 – Speed Enforcement Trailer

8. Deficiencies:

- a. Personnel
- b. Investigative Staff
- c. Administrative Staff
- d. Facilities (station inadequate)

9. Expansion Plans: None. The Village has no plans on expansion while the prospect of consolidating the Village and Town Police departments is still being explored.

10. Increases that would be proposed:

- a. Officers – 1-2
- b. Investigative – 1
- c. Administrative – 1
- d. Vehicles – 1
- e. Facilities – Station (current station 1560 sq ft for 20 persons)

Chief Graziano



**CITY / SCAPE:**  
Cultural Resource Consultants  
166 Hillair Circle White Plains, NY 10605

October 20, 2009

Ms. Ann Cutignola  
Tim Miller Associates, Inc.  
10 North Street  
Cold Spring, New York 10516

*RE: Comments on Stone Walls Located on BT Holdings Property  
Nussbaum Property, including Nexan Site (BT Holdings). Route 17M  
Village and Town of Chester. Orange County, New York*

Dear Ms. Cutignola:

Based on our conversation of October 19, 2009 and previous communications between yourself and CITY/SCAPE: Cultural Resource Consultants, we offer the following comments on the stone walls located on the BT Holdings property, also referred to as the Nussbaum property.

The stone walls specifically referred to are the stone walls along the property frontage on NYS Route 17M and along the western property boundary with the Brookview Farm.

Our research and experience on prior projects where the issue of stone walls has been raised indicates, based on National Register Federal Program Regulations, Sec. 60.3 Definitions (2004), that stone walls, with the exception of those within defined historic districts or those identified as contributing to a National Register listing, are not considered historically significant. Stone walls may be regarded as structures, having been man-made, but they are only rarely dateable. Because they are made of material – the stones – that have been gathered from the surrounding areas and generally do not contain *in situ* artifacts, stonewalls are considered to lack archaeological integrity. Lacking archaeological integrity, they may be noted as features in the landscape, but are not subject to archaeological testing.

Plans for the BT Holding property call for the retention of the stone walls along NYS Route 17M, but the stonewalls in the interior of the site are to be dismantled. It is possible that the stone from the interior walls will be used in some other area of the site, such as the entry way or some other aesthetic feature on the BT Holdings project area.

In view of the information provided, it is the conclusion of CITY/SCAPE: Cultural Resource Consultants that neither the standards of New York State Office of Parks, Recreation and Historic Preservation (OPRHP), nor those of the New York State Archaeological Council and the National Register of Historic Places, requires the retention of the stone walls on the BT Holdings property.

If you have any questions, I would, of course, be glad to discuss them.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gail T. Guillet".

Gail T. Guillet

GERALD N. JACOBOWITZ  
DAVID B. GUBITS  
JOHN H. THOMAS JR.  
GERALD A. LENNON  
PETER R. ERIKSEN  
HOWARD PROTTER  
DONALD G. NICHOL  
LARRY WOLINSKY  
ROBERT E. DINARDO  
J. BENJAMIN GAILEY  
MARK A. KROHN\*  
JOHN C. CAPPELLO  
GEORGE W. LITHCO  
MICHAEL L. CAREY  
\* L.L.M. IN TAXATION

## JACOBOWITZ AND GUBITS, LLP

### COUNSELORS AT LAW

158 ORANGE AVENUE  
POST OFFICE BOX 367  
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX  
E-mail: [info@jacobowitz.com](mailto:info@jacobowitz.com)

C-5000  
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WILLIAM E. DUQUETTE  
JOSEPH J. RANNI  
CARMEE G. MURPHY  
ALYSE D. TERHUNE  
KARA J. CAVALLO

PAULA ELAINE KAY\*  
\*Of Counsel

*Flumbaum*

January 25, 2008

Mr. Frank Nussbaum  
Labrador Properties, Inc.  
One Columbus Place, Suite N38F  
New York, NY 10019

Re: Annexation Petition  
Our File No. 7716-001

Dear Mr. Nussbaum:

Enclosed please find a copy of the documents prepared and hand delivered to the Town and Village of Chester. Our submission included:

- cover letter
- Petition for annexation
- Certificate of assessor
- legal description of the territory
- map showing the location of the territory
- Part I of the Full Environmental Assessment Form
- Order for a public hearing
- Notice of Hearing

The Village also received a draft Notice of Intent to be Lead Agency.

Please call me if you have any question.

Very truly yours,

*Alyse D. Terhune*  
Alyse D. Terhune

Enclosures

cc: Tim Miller, AICP

GERALD N. JACOBOWITZ  
DAVID B. GUBITS  
JOHN H. THOMAS JR.  
GERALD A. LENNON  
PETER R. ERIKSEN  
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CARMEE G. MURPHY  
ALYSE D. TERHUNE  
KARA J. CAVALLLO

PAULA ELAINE KAY\*  
\*Of Counsel

January 18, 2008

### **DELIVERY BY HAND**

Hon. Mayor and Board of Trustees  
Village of Chester  
47 Main Street  
Chester, New York 10918

**Re:   Annexation Petition of BT Holdings LLC  
      Our File No. 7716-001**

Dear Mayor Valastro and Board of Trustees:

Enclosed please find a certified copy of the petition for the annexation of land owned by BT Holdings LLC from the Town of Chester to the Village of Chester. The petition is to annex one parcel consisting of 60.6± acres identified as Town of Chester Tax Map No. 2-1-39.

The original petition has been simultaneously filed with the Chester Town Clerk. The Chester Assessor has executed a Certificate verifying that BT Holdings LLC owns 100% of the assessed valuation of real property in such territory as of the last Town assessment roll.

Section 704 of the General Municipal Law requires publication of notices of a joint annexation public hearing, to be held by the Town and Village Boards, within twenty (20) days of receipt of an annexation petition. Such notice shall state that a petition for the annexation has been received, that a joint hearing will be held at a specified place in either the Town or the Village on a specific day, which is not less than twenty days nor more than forty days after the publication and mailing of such notice. In addition, the notice must be mailed not less than ten days prior to the date of the joint hearing to the school authorities of any school district in which all or part of the territory proposed to be annexed is situated. We have enclosed a draft order for a public hearing and a draft hearing notice for your convenience.

The enclosed long Environmental Assessment Form (EAF) is submitted to both the Town and Village Boards for purposes of SEQR compliance prior to approval of the annexation. We recommend that the Village Board serve as lead agency for the SEQR review of the annexation since the proposed development project will be located entirely within the Village and the potential impacts will primarily affect that jurisdiction. We are submitting herewith a draft resolution and Notice of Intent to be lead agency for consideration by the Village Board.

We respectfully request that your Board place these matters on its next available meeting agenda to declare its intent to be SEQR lead agency and set the date for the joint public hearing on the requested annexation. We request that all hearings be held jointly.

Thank you for your courtesy and cooperation in considering these matters. Please feel free to contact me should you have any questions. As I will be away on vacation for the next two weeks, if any questions arise in my absence they should be directed to Alyse D. Terhune who is assisting me with this matter.

Very truly yours,

Larry Wolinsky

Enclosures

cc: BT Holdings LLC  
Tim Miller



**TOWN OF CHESTER  
RESOLUTION OF PUBLIC HEARING FOR THE  
ANNEXATION OF TERRITORY TO THE VILLAGE OF CHESTER**

Introduced by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Date of Introduction: \_\_\_\_\_

WHEREAS, a petition has been filed with the Town Board of the Town of Chester, New York, on January 18, 2008, for the annexation of certain territory from the Town of Chester to the Village of Chester by the owner of 100% of the assessed value of the property located within said territory; and

WHEREAS, the Town Board of the Town of Chester must hold a public hearing to determine whether such annexation is in the overall public interest.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chester will hold a joint public hearing with the Village of Chester Board of Trustees on the \_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_ p.m., at the \_\_\_\_\_ Hall, located at \_\_\_\_\_, Chester, New York, to consider the petition.

Upon Roll Call Vote:

Supervisor Neuhaus \_\_\_\_\_

Councilman Jamieson \_\_\_\_\_

Councilperson Smith \_\_\_\_\_

Councilman Moran \_\_\_\_\_

Vote: Resolution adopted by a vote of \_\_\_\_\_ to \_\_\_\_\_.

**NOTICE OF JOINT PUBLIC HEARING  
TOWN BOARD OF THE TOWN OF CHESTER  
ANNEXATION OF LANDS TO THE VILLAGE OF CHESTER**

NOTICE Is Hereby Given, that a petition, pursuant to Article 17 of the General Municipal Law, has been received by the Town of Chester, Orange County, State of New York, for the annexation of the following described territory, now situate in the Town of Chester, to the Village of Chester: Tax Map No. 2-1-39 consisting of 60.6+/- acres located on the east side of New York State Route 17M.

NOTICE Is Further Given, that on the \_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_ p.m., a joint hearing upon such petition will be held by the Town Board of the Town of Chester and the Board of Trustees of the Village of Chester at the \_\_\_\_\_ Hall, located at \_\_\_\_\_, Chester, New York, and at such time and place all persons interested in the matter may be heard. Objections based on any of the grounds set forth in General Municipal Law §705(1)(a), (b), (c) or (d) shall, in addition to oral testimony thereon, be submitted in writing.

The Town of Chester will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: \_\_\_\_\_, 2008

BY ORDER OF THE TOWN BOARD  
TOWN OF CHESTER

**Village of Chester  
Orange County, New York**

**Type I Action - Coordinated Environmental Review**

**NOTICE TO INVOLVED AGENCIES  
DECLARATION OF INTENT TO BE LEAD AGENCY**

**Annexation of Land from the Town of Chester to the Village of Chester**

**Date of Notice: \_\_\_\_\_**

**PLEASE TAKE NOTICE**, that at its meeting on \_\_\_\_\_, the Village of Chester Board of Trustees declared its intent to act as Lead Agency for a coordinated (SEQRA) environmental review of the proposed Type I Action described below; Notice To Involved Agencies is made pursuant to the applicable requirements set forth in SEQRA, 6 NYCRR Part 617.6.

**PROPOSED ACTION**

The Village of Chester Board of Trustees has received a certified copy of a petition signed by the owners of 100% of the assessed value of certain territory located in the Town of Chester for annexation to the Village of Chester.

The petitioner proposes to annex a 60.6 acre property from the Town of Chester to the Village of Chester. The entire piece would be rezoned to RM. A 438-unit residential development is proposed including connections to Village sewer and water services. The total site is 68.3 acres.

**SITE LOCATION**

The subject property consists of 60.6(+/-) acres of land located on the east side of New York State Route 17M within the Town of Chester in the vicinity of Chester Mall. The site is identified as lot number 2-1-39 on the Tax Map.

**SEQRA CLASSIFICATION AND IDENTIFIED INVOLVED AND INTERESTED AGENCIES**

The proposed action has been classified as an Type I Action, pursuant to 6 NYCRR Part 617. In addition to the Village of Chester Board of Trustees, the following prospective Involved Agencies have been identified:

**INVOLVED AGENCIES:**

Town of Chester Town Board  
1786 Kings Highway  
Chester, New York 10918

Village of Chester Planning Board  
47 Main Street  
Chester, New York 10918

Village of Chester Zoning Board of Appeals  
47 Main Street  
Chester, New York 10918

New York State Department of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, NY 12561  
Attn: Mark Moran, Regional Director

Orange County Health Department  
124 Main Street  
Goshen, NY 10924  
Attn: Maxcy J. Smith M.D., Commissioner

New York State Department of Transportation  
4 Burnett Boulevard  
Poughkeepsie, NY 12603  
Attn: Akhter Shareef

United States Army Corps of Engineers  
New York District—Regulatory Branch  
Jacob Javits Federal Building  
26 Federal Plaza  
New York, NY 10278-0090

Orange County Planning Department  
124 Main Street  
Goshen, NY 10924  
Attn: David Church, Commissioner

**COORDINATED ENVIRONMENTAL REVIEW PROCEDURES**

Type I

Under the applicable standards of SEQRA, 6 NYCRR Part 617.6, Village of Chester Board of Trustees has concluded that it is the appropriate agency to act as Lead Agency for the coordinated environmental review of the proposed ~~Unlisted~~ Action as the impacts of proposed action are of primarily local significance. At its meeting held on \_\_\_\_\_,

the Village Board declared its intent to act as Lead Agency and further authorized the circulation of its declaration of intent to other Involved Agencies.

This notification along with a copy of the Petition and Part 1 of the Full Environmental Assessment Form (EAF) will be sent to the identified Involved Agencies. Any Involved Agency that objects to the Village Board of Trustees being designated as the Lead Agency, that agency must object in writing to the Village of Chester Board of Trustees within thirty (30) days of this Notice.

**CONTACT PERSON**

Hon. Philip Valastro  
Mayor  
Village of Chester  
47 Main Street  
Chester, New York 10918  
Tel. (845) 469-2388  
Fax: (845) 469-5999

**PETITION FOR THE ANNEXATION OF TERRITORY  
FROM THE TOWN OF CHESTER TO THE  
VILLAGE OF CHESTER, ORANGE COUNTY, NEW YORK**

TO: Town of Chester Town Board  
1786 Kings Highway  
Chester, New York 10918

Village of Chester Board of Trustees  
47 Main Street  
Chester, New York 10918

Pursuant to Article 17 of the General Municipal Law of the State of New York, Petitioner BT Holdings LLC hereby petitions to annex to the Village of Chester certain territory that adjoins the Village of Chester and is located in the Town of Chester. Both the Town of Chester and Village of Chester are local governments pursuant to Article 17 of the General Municipal Law.

Petitioner requests annexation to the Village of Chester of the territory described in Exhibit A attached (hereinafter "Territory"). Said Territory is also identified as Town of Chester Tax Map No. 2-1-39. Such Territory is located solely within the Town of Chester and not within any city or village. Said Territory is also depicted on the map attached as Exhibit B.

Petitioner is the owner of all of the assessed valuation of the real property in such territory, as shown upon the last preceding assessment roll of the Town of Chester. Attached as Exhibit C is the executed Certificate of the Assessor of the Town of Chester certifying to said fact.

There are no inhabitants in the Territory proposed to be annexed.

IN WITNESS WHEREOF, the Petitioner, in the presence of a notary public as witness, has signed and executed this petition on January 17, 2008.

[Signature and Notary Next Page]

**CERTIFICATE OF ASSESSOR**

**IN THE MATTER OF THE  
PETITION FOR THE ANNEXATION OF TERRITORY  
FROM THE TOWN OF CHESTER TO THE  
VILLAGE OF CHESTER, ORANGE COUNTY, NEW YORK**

STATE OF NEW YORK  
COUNTY OF ORANGE

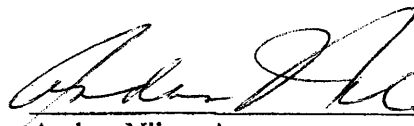
Andrea Nilon, Assessor for the Town of Chester, Orange County, State of New York,  
hereby certifies:

1. I am responsible for preparing the assessment roll for the Town of Chester.
2. I am advised that BT Holdings LLC will petition to annex territory, identified as Town of Chester Tax Map 2-1-39, to the Village of Chester.
3. Based upon the assessment roll for the Town of Chester, the total assessed valuation of real property within the Territory proposed to be annexed is \$ 303,000.00.
4. Real property is assessed on the last preceding assessment roll in Owner's names and within the Territory sought to be annexed, as follows:

OWNER NAME	TAX LOT	ASSESSED VALUE
BT Holdings LLC	2-1-39	\$ 303,000.00

5. Real property assessed to the above Owner within the Territory sought to be annexed comprises 100% of the assessed valuation of the Territory described to be annexed in the Annexation Petition.

Dated: Chester, New York  
January 17, 2008

  
Andrea Nilon, Assessor  
Town of Chester



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

**OCT 12 2007**

REPLY TO  
ATTENTION OF:  
Regulatory Branch

SUBJECT: Permit Application Number NAN-2005-1200-WOR  
by BT Partnership

James A. Bates  
Tim Miller Associates, Inc.  
10 North Street  
Cold Spring, New York 10516

Dear Mr. Bates:

On September 23, 2005, the New York District Corps of Engineers received a request for a Department of the Army jurisdictional determination for the above referenced project. This request was made by Tim Miller Associates, Inc., as consultant for BT Partnership. The site consists of approximately 64.557 acres, in the Hudson River watershed, located on New York State Route 17M in the Town and Village of Chester, Orange County, New York. The proposed project would involve the construction of a residential development.

In the letter received on September 23, 2005, your office submitted a proposed delineation of the extent of waters of the United States within the subject property. A site inspection was conducted by a representative of this office on April 19, 2006, during which no changes were made to the proposed delineation.

Based on the material submitted and the observations of the representative of this office during the site visit, this site has been determined to contain jurisdictional waters of the United States based on: the presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the 1987 "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 that are either adjacent to or part of a tributary system.

These jurisdictional waters of the United States are shown on the drawing entitled "Wetlands Map Prepared For BT Partnership Town of Chester Village of Chester Orange County, New York", prepared by Lanc & Tully Engineering and Surveying, P.C., dated July 29, 2005. This drawing indicates that there is one (1) principal wetland area on the project site which is part of a tributary system, and is considered to be waters of the United States. The wetland is located in the center of the property and is approximately 3.677 acres within the subject property. This wetland is considered to be above the headwaters.



This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a combined Notification of Appeal Process (NAP) and Request For Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

James W. Haggerty, Regulatory Appeals Review Officer  
North Atlantic Division, U.S. Army Engineer Division  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, New York 11252-6700

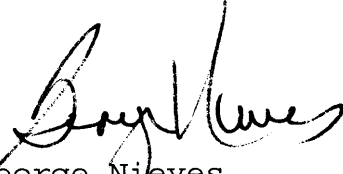
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by DEC 11 2007. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

If any questions should arise concerning this matter, please contact Brian A. Orzel, of my staff, at (917) 790-8413.

Sincerely,

A handwritten signature in black ink, appearing to read "George Nieves". The signature is fluid and cursive, with the first name "George" and last name "Nieves" clearly distinguishable.

George Nieves  
Chief, Western Permits Section

Enclosures

cf: NYSDEC - Region 3  
Town of Chester  
Village of Chester



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: BT Partnership	File Number: NAN-2005-1200	Date: <b>OCT 12 2007</b>
Attached is:		See Section Below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the New York District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the New York District Engineer. Your objections must be received by the New York District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the New York District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the New York District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the New York District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-ET-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the Division Engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-ET-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the Division Engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the New York District Engineer.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

## SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

### POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Richard L. Tomer  
U.S. Army Corps of Engineers, New York District  
Jacob K. Javits Federal Building  
New York, NY 10278-0090  
(917) 790-8510

If you only have questions regarding the appeal process you may also contact:

James W. Haggerty, Regulatory Appeals Review Officer  
North Atlantic Division, U.S. Army Engineer Division  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, NY 11252-6700  
(718) 765-7150  
E-mail: James.W.Haggerty@nad02.usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** NAN-2005-1200

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site (latitude/longitude): lat:41-21-57.9960 lon:74-17-13.9920  
Approximate size of area (parcel) reviewed, including uplands: 64.557 acres.  
Name of nearest waterway: Black Meadow Creek  
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination ☐ Date:  
Site visit(s) ☒ Date(s): April 19, 2006

**Jurisdictional Determination (JD):**

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3 677 acres.

☐ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☐ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Wetland is contiguous to Black Meadow Creek, which flows to Moodna Creek, which flows to the Hudson River, which is navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☐ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |  |  |
|--|--|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |
- ☐ Mean High Water Mark indicated by:
- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.
- ☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
  - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
  - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - ☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ Data sheets prepared by the Corps.
- ☐ Corps' navigable waters' studies:
- ☐ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps: Warwick, NY
- ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☒ USDA Natural Resources Conservation Service Soil Survey: Orange County, NY
- ☒ National wetlands inventory maps: Warwick, NY
- ☒ State/Local wetland inventory maps: Warwick, NY
- ☐ FEMA/FIRM maps (Map Name & Date):
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- ☒ Aerial Photographs (Name & Date):
- ☒ Other photographs (Date):
- ☐ Advanced Identification Wetland maps:
- ☒ Site visit/determination conducted on: April 19, 2006
- ☐ Applicable/supporting case law:
- ☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**TIM  
MILLER  
ASSOCIATES, INC.**

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10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax [www.timmillerassociates.com](http://www.timmillerassociates.com)

October 10, 2008

Ms. Jean Pietrusiak  
NYS Department of Environmental Conservation  
Division of Fish, Wildlife, and Marine Resources  
New York Natural Heritage Program  
625 Broadway, 5th Floor  
Albany, NY 12233-4757  
518-402-8925

Re: Nussbaum, Town/Village of Chester, Orange County, New York

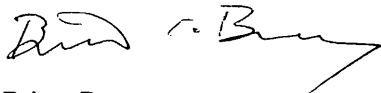
Dear Ms. Pietrusiak:

Tim Miller Associates, Inc. (TMA) is preparing environmental documentation for a residential development on the above referenced 68.4 acre property located on four tax parcels east of NYS Route 17M in the Town and Village of Chester, Orange County. The project site location is shown on the enclosed maps for your reference.

We would like to know if your records show the presence of any rare or endangered plant or animal species or significant wildlife habitat communities on the project site or vicinity. Please notify this office by phone call and/or by letter of any such resources that may be affected by future development on this property.

Thank you for your prompt attention to this request. Please feel free to call us at (845) 265-4400 should you have any questions or need additional information.

Sincerely,

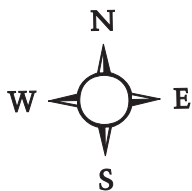
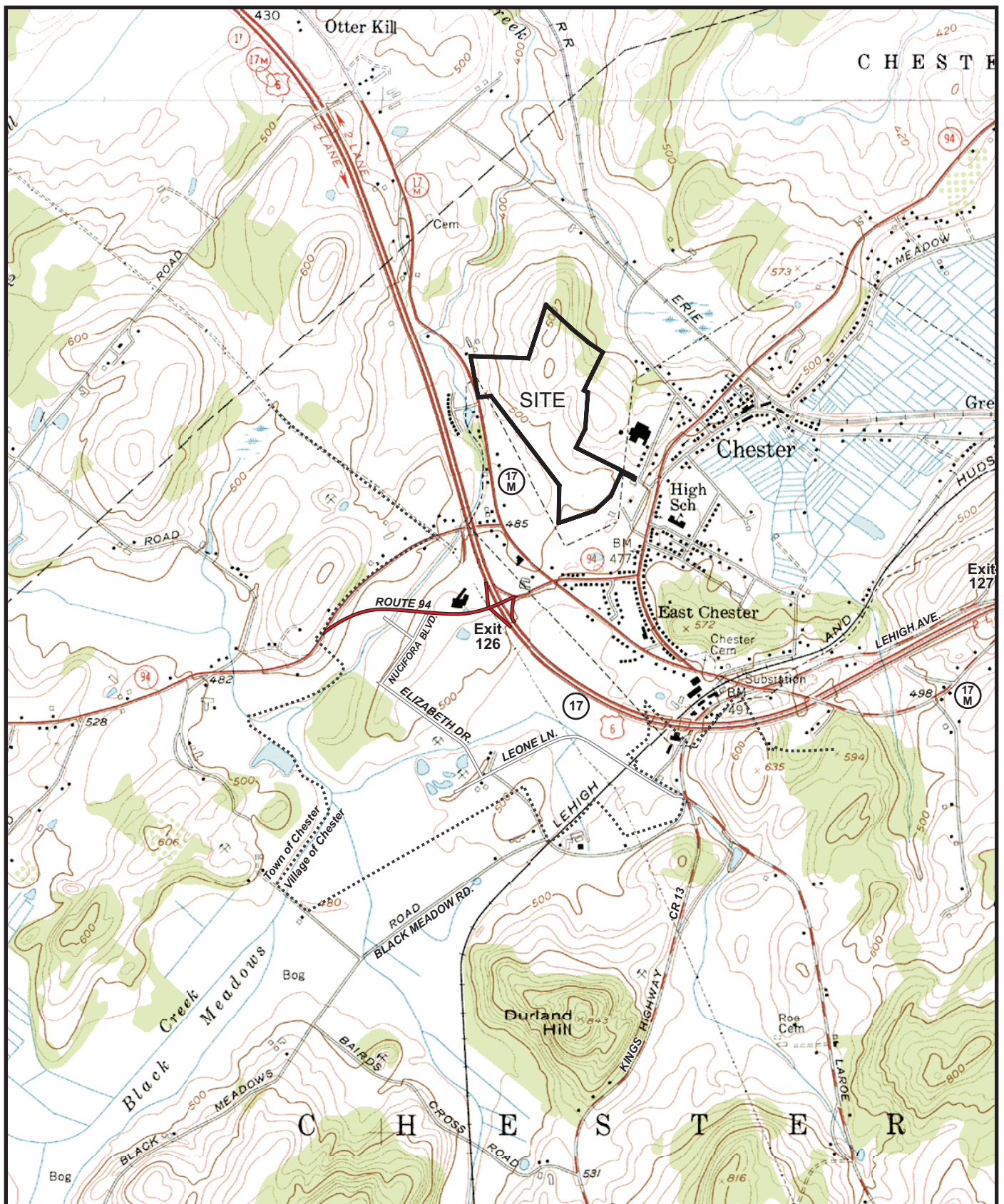


Brian Bury  
Environmental Scientist/Planner  
TIM MILLER ASSOCIATES, INC.

attachment

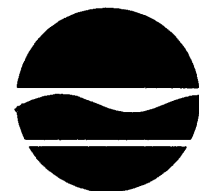
Project No. 05009





**Figure 1: Location Map**  
**BT Holdings - Chester**  
 Village of Chester, Town of Chester, Orange County, New York  
 Base Map: USGS Topographic Map, Warwick Quad  
 Scale: 1 inch = 2,000 feet

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**Division of Fish, Wildlife & Marine Resources**  
New York Natural Heritage Program  
625 Broadway, Albany, New York 12233-4757  
Phone: (518) 402-8935 • FAX: (518) 402-8925



Alexander B. Grannis  
Commissioner

November 10, 2008

Brian Bury  
Tim Miller Associates  
10 North Street  
Cold Spring, NY 10516

Dear Mr. Bury:

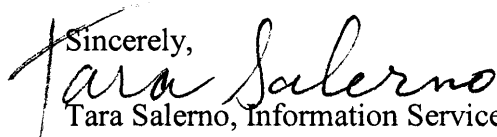

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Nussbaum Residential Development - 68 Acres, area as indicated on the map you provided, located in the Town and Village of Chester, Orange County.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain any information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of rare or state-listed species, or of significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

Sincerely,  
  
Tara Salerno, Information Services  
NY Natural Heritage Program 

Enc.  
cc:



# Town of Chester Police Department

1786 Kings Highway • Chester, NY 10918

Office: (845) 469-7000

Fax: (845) 469-7994

Email: [police@thetownofchester.org](mailto:police@thetownofchester.org)

24 Hour #: (845) 469-9311

Kendra J. Billings  
Tim Miller Associates, Inc.  
10 North Street  
Cold Spring, NY 10516

February 13, 2009

Dear Ms. Billings,

This letter is being sent in response to your request dated February 5, 2009 for information regarding the BT Holdings project.

Our police department is located about 2 miles from the location where your site is shown to border State Route 17M. Our average response time to this location is approximately 3-6 minutes. In 2008, our department handled 4015 Calls for Service. We are currently staffed with 13 full-time and 5 part-time sworn employees. The police station is located at 1786 Kings Highway. We have a minimum staffing level of two patrol officers. Additionally, a sergeant is also scheduled 67% of the time. During the day, we usually have a school resource officer and detective available also. We have three vacant full-time positions and are actively attempting to fill one of them during this calendar year.

It is important to note that the Village of Chester maintains a separate police department. We operate separate and independently and our department generally only responds into the Village at their request. You have indicated that you have proposed annexation of the Town property to the Village. Therefore, the impact of this project on the Town of Chester Police Department should be very minimal.

Sincerely,

Chief Daniel J. Doellinger

*Community Commitment*

# CHESTER FIRE DEPARTMENT

**JOSEPH W. VERBERT, CHIEF**

**BILL PETRICK, 1ST ASST. CHIEF**

**BRIAN JONES, PRESIDENT**

**BOB FAVARA, 2ND ASST. CHIEF**

**DAVID KNAPP, SECRETARY/TREASURER**

February 24, 2009

Kendra J. Billings  
Planner  
Tim Miller Associates, INC

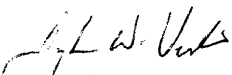
RE: BT Holdings – Chester Development, Town and Village of Chester, Orange County,  
New York

Dear Ms. Billings,

Our 100% Volunteer Organization is comprised of 3 Fire Companies spread throughout the Fire District. The approximately 35 square mile Fire District encompasses the Village and Town of Chester, including parts of the Towns of Goshen and Blooming Grove. The main firehouse, Walton Engine and Hose, is located in the Village and is less than ½ mile from the proposed project site, thus response time would be only several minutes. Our population served is approximately 15,000. Our current roster has 120 members within all three Companies. Our service ratio is approximately 125:1. Our number of calls for service has been steadily rising each year as we responded to 582 calls for the year 2008.

The equipment housed in the Village are a 95' Tower Ladder, 1 Class A Pumper, 1 4X4 Class A Pumper, and the Department's Rescue truck. The other 2 Companies each house a 3,000 gallon tanker truck and Class A Pumper. At this time the District is gearing up to purchase a new rescue vehicle for the department. Approximately 40% of our calls for service are for motor vehicle accidents in which the Rescue is the primary unit to respond. The district has also been exploring the possibility of a major renovation or new construction of the Village Fire House as the community is fastly growing and the Department is quickly outgrowing the outdated facility.

Sincerely,



Joseph W. Verbert  
Chief

Chester Fire Department

**TIM  
MILLER  
ASSOCIATES, INC.**

*10 North Street, Cold Spring, New York 10516*

*Phone (845) 265-4400*

*Fax (845) 265-4418*

February 5, 2009

Captain Douglas DiBlasi  
79 Laroe Road  
P.O. Box 244  
Chester, New York 10918

**Re: BT Holdings-Chester Development, Town and Village of Chester, Orange County, New York**

Dear Captain DiBlasi:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential development located within the Town and Village of Chester, Orange County, New York. A site map is enclosed for your reference. As noted, the project site is located in two municipalities, partly in the northwestern portion of the Town of Chester and partly in the northwestern area of the Village of Chester. The project site is northeast of and has road frontage on Route 17M. Access to the site would be via Route 17M in the Village. Other major through-roads nearest the site to the east and south, respectively, are New York State Routes 17 and 94. Immediately to the south of the site's frontage on Route 17M is the intersection of Route 17M with NYS Route 94.

The Applicant proposes a 458-unit residential project that would include 100 senior (age restricted) apartment type units and 358 market-rate (non-age restricted) townhomes. The application is being proposed pursuant to the requirements of the Village of Chester Zoning Law. The build year for this project is 2014.

Development of the project would require a change in the zoning of the Village portions of the property from Residential Single Family (RS) and Manufacturing (M2) to Residential Multiple Dwellings (RM). The Town parcel is proposed to be annexed to the Village of Chester and this parcel would be rezoned from its current Suburban High Density Residential (SR-6) and Local Business (LB) zoning to the Village's RM, a comparable zoning classification to the Town's SR-6 zoning. The conceptual site plan is designed to conform generally to the dimensional requirements of the applicable Village regulations for the RM District.

We have projected a total potential population of 1,137 people including approximately 121 school age children.

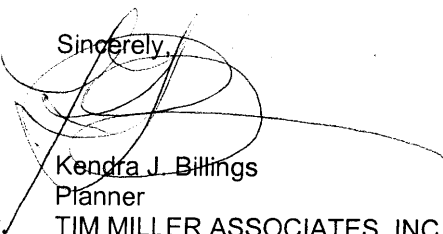
As part of the environmental review process, it is important that we include any concerns you may have relative to the proposed project. We would greatly appreciate a written response regarding the development's potential effect on the emergency services, and the ability of your department to provide services to this property. Information which would be useful in that regard would include:

- your location in relation to the project site
- your typical response time to a site in this location
- your current service area/population served
- the nearest hospital
- the number of emergency calls per year
- service ratio (emergency personnel to population served)
- identify any current department deficiencies
- your current available manpower and equipment levels
- any anticipated department staff or facility expansion or equipment procurement plans
- any overlap in jurisdiction, or mutual aid provided by neighboring communities

Your input is important. Should you not be able to provide written correspondence, I can be reached at 845.265.4400 during the week.

Thank you in advance for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,



Kendra J. Billings  
Planner

TIM MILLER ASSOCIATES, INC.

Cc: Brendan Masterson

**TIM  
MILLER  
ASSOCIATES, INC.**

*10 North Street, Cold Spring, New York 10516*

*Phone (845) 265-4400*

*Fax (845) 265-4418*

February 5, 2009

Chief J.W. Verbert  
Chester Fire Department  
P.O. Box 455  
Chester, NY 10918

**Re: BT Holdings - Chester Development, Town and Village of Chester, Orange County, New York**

Dear Chief Verbert:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential development located within the Town and Village of Chester, Orange County, New York. A site map is enclosed for your reference. As noted, the project site is located in two municipalities, partly in the northwestern portion of the Town of Chester and partly in the northwestern area of the Village of Chester. The project site is northeast of and has road frontage on Route 17M. Access to the site would be via Route 17M in the Village. Other major through-roads nearest the site to the east and south, respectively, are New York State Routes 17 and 94. Immediately to the south of the site's frontage on Route 17M is the intersection of Route 17M with NYS Route 94.

The Applicant proposes a 458-unit residential project that would include 100 senior (age restricted) apartment type units and 358 market-rate (non-age restricted) townhomes. The application is being proposed pursuant to the requirements of the Village of Chester Zoning Law. The build year for this project is 2014.

Development of the project would require a change in the zoning of the Village portions of the property from Residential Single Family (RS) and Manufacturing (M2) to Residential Multiple Dwellings (RM). The Town parcel is proposed to be annexed to the Village of Chester and this parcel would be rezoned from its current Suburban High Density Residential (SR-6) and Local Business (LB) zoning to the Village's RM, a comparable zoning classification to the Town's SR-6 zoning. The conceptual site plan is designed to conform generally to the dimensional requirements of the applicable Village regulations for the RM District.

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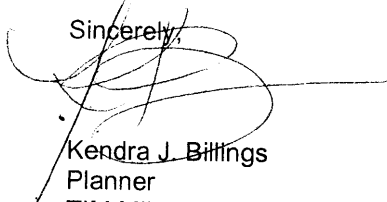
As part of the environmental review process, it is important that we include any concerns you may have relative to the proposed project. A written response regarding the development's potential effect on the fire district's facilities, and the ability of the Fire Department to provide services to this property would be greatly appreciated and most helpful. Information which would be useful in that regard would include:

- your location in relation to the project site
- your typical response time to a site in this location
- your current service area/population served
- the number of emergency calls per year
- service ratio (emergency personnel to population served)
- your current available manpower and equipment
- identify any current department deficiencies
- any anticipated department staff or facility expansion or equipment procurement plans
- any overlap in jurisdiction, or mutual aid provided by neighboring fire departments

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown above during the weekdays.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,



Kendra J. Billings  
Planner

TIM MILLER ASSOCIATES, INC.

Cc. Brendan Masterson



**TIM  
MILLER  
ASSOCIATES, INC.**

*10 North Street, Cold Spring, New York 10516*

*Phone (845) 265-4400*

*Fax (845) 265-4418*

February 5, 2009

Daniel Doellinger, Chief  
Town of Chester Police Department  
1786 Kings Highway  
Chester, New York 10918

**Re: BT Holdings- Chester Development, Town and Village of Chester, Orange County, New York**

Dear Chief Doellinger:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential development located within the Town and Village of Chester, Orange County, New York. A site map is enclosed for your reference. As noted, the project site is located in two municipalities, partly in the northwestern portion of the Town of Chester and partly in the northwestern area of the Village of Chester. The project site is northeast of and has road frontage on Route 17M. Access to the site would be via Route 17M in the Village. Other major through-roads nearest the site to the east and south, respectively, are New York State Routes 17 and 94. Immediately to the south of the site's frontage on Route 17M is the intersection of Route 17M with NYS Route 94.

The Applicant proposes a 458-unit residential project that would include 100 senior (age restricted) apartment type units and 358 market-rate (non-age restricted) townhomes. The application is being proposed pursuant to the requirements of the Village of Chester Zoning Law. The build year for this project is 2014.

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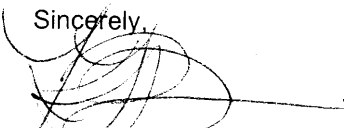
As part of the environmental review process, it is important that we include any concerns you may have relative to the proposed project. We would greatly appreciate a written response regarding the development's potential effect on the police services, and the ability of the Town's Police Department to provide services to this property. Information which would be useful in that regard would include:

- your location in relation to the project site
- your typical response time to a site in this location
- the number of police calls per year
- service ratio (police officers to population served)
- the location of police station(s) near the site
- your current available manpower and equipment levels
- identify any current department deficiencies
- any anticipated department staff or facility expansion or equipment procurement plans

Your input is important. Should you not be able to provide written correspondence, I can be reached at 845.265.4400 during the weekdays. Please include any reference material you feel might provide useful information.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,



Kendra J. Billings  
Planner

TIM MILLER ASSOCIATES, INC.

Cc: Brendan Masterson

**TIM  
MILLER  
ASSOCIATES, INC.**

*10 North Street, Cold Spring, New York 10516*

*Phone (845) 265-4400*

*Fax (845) 265-4418*

February 5, 2009

Superintendent Helen Anne Livingston  
Chester School District  
64 Hambletonian Avenue  
Chester, New York 10918

**Re: BT Holdings - Chester Development, Town and Village of Chester, Orange County, New York**

Dear Superintendent Livingston:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential development located within the Town and Village of Chester, Orange County, New York. A site map is enclosed for your reference. As noted, the project site is located in two municipalities, partly in the northwestern portion of the Town of Chester and partly in the northwestern area of the Village of Chester. The project site is northeast of and has road frontage on Route 17M. Access to the site would be via Route 17M in the Village. Other major through-roads nearest the site to the east and south, respectively, are New York State Routes 17 and 94. Immediately to the south of the site's frontage on Route 17M is the intersection of Route 17M with NYS Route 94.

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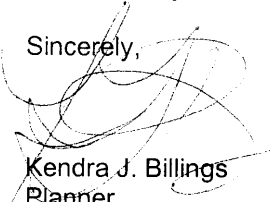
We have projected a total potential population of 1,137 people including approximately 121 school age children.

As part of the environmental review process, it is important that we include any concerns you may have relative to the proposed project. A written response regarding the development's potential effect on the School District's educational facilities would be greatly appreciated and most helpful. Information which would be useful in that regard would include:

- Number, location and capacity of school buildings within the School District
- Number of current staff, students (enrollment), class size, teacher student ration, and facilities for existing district population
- Any available projections and, or capacity studies that have been completed by the District
- Existing District busing capabilities
- Description of any existing plans to expand District buildings or staff
- Estimation of additional staffing, equipment or facilities necessitated by the additional school aged children

Please let us know if there are any questions or need for additional information. We thank you in advance for your assistance.

Sincerely,



Kendra J. Billings  
Planner  
Tim Miller Associates, Inc.

Cc: Brendan Masterson

**TIM  
MILLER  
ASSOCIATES, INC.**

*10 North Street, Cold Spring, New York 10516*

*Phone (845) 265-4400*

*Fax (845) 265-4418*

February 5, 2009

Peter J. Graziano, Jr., Chief  
Village of Chester Police Department  
47 Main Street  
Chester, New York 10918

**Re: BT Holdings- Chester Development, Town and Village of Chester, Orange County, New York**

Dear Chief Graziano:

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential development located within the Town and Village of Chester, Orange County, New York. A site map is enclosed for your reference. As noted, the project site is located in two municipalities, partly in the northwestern portion of the Town of Chester and partly in the northwestern area of the Village of Chester. The project site is northeast of and has road frontage on Route 17M. Access to the site would be via Route 17M in the Village. Other major through-roads nearest the site to the east and south, respectively, are New York State Routes 17 and 94. Immediately to the south of the site's frontage on Route 17M is the intersection of Route 17M with NYS Route 94.

The Applicant proposes a 458-unit residential project that would include 100 senior (age restricted) apartment type units and 358 market-rate (non-age restricted) townhomes. The application is being proposed pursuant to the requirements of the Village of Chester Zoning Law. The build year for this project is 2014.

Development of the project would require a change in the zoning of the Village portions of the property from Residential Single Family (RS) and Manufacturing (M2) to Residential Multiple Dwellings (RM). The Town parcel is proposed to be annexed to the Village of Chester and this parcel would be rezoned from its current Suburban High Density Residential (SR-6) and Local Business (LB) zoning to the Village's RM, a comparable zoning classification to the Town's SR-6 zoning. The conceptual site plan is designed to conform generally to the dimensional requirements of the applicable Village regulations for the RM District.

We have projected a total potential population of 1,137 people including approximately 121 school age children.

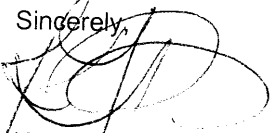
As part of the environmental review process, it is important that we include any concerns you may have relative to the proposed project. We would greatly appreciate a written response regarding the development's potential effect on police services, and the ability of the Village's Police Department to provide services to this property. Information which would be useful in that regard would include:

- your location in relation to the project site
- your typical response time to a site in this location
- the number of police calls per year
- service ratio (police officers to population served)
- the location of police station(s) near the site
- your current available manpower and equipment levels
- identify any current department deficiencies
- any anticipated department staff or facility expansion or equipment procurement plans

Your input is important. Should you not be able to provide written correspondence, I can be reached at 845.265.4400 during the weekdays. Please include any reference material you feel might provide useful information.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,



Kendra J. Billings  
Planner

TIM MILLER ASSOCIATES, INC.

Cc: Brendan Masterson

Eml response from Chester School dist.txt  
From: Rosalinda Joyce [rjoyce@chester.ouboces.org]  
Sent: Tuesday, April 21, 2009 9:55 AM  
To: laxon@timmlerassociates.com  
Subject: Information for Village of Chester Project

Ms. Axelson,

I am sending you this email at the request of Superintendent Livingston of the Chester Union Free School District. Hopefully the following information will answer any questions that you may have.

There are two buildings in the district. The Chester Elementary School (K-5) is located at 2 Herbert Drive and Chester Academy (MS/HS Grades 6-12) is located at 64 Hambletonian Avenue.

Total number of staff is 165  
Student enrollment is 1100  
Average Class size 18-19  
Teacher/Student ratio: Elementary = 1:11, MS/HS 1:19

Last projection study was completed prior to the building of the current Chester Academy building

Busing is contracted with an outside vendor

No current plans to expand staff; facility upgrades are planned through the EXCEL project approved by the voters in May 2008

An estimate of additional staffing, equipment or facilities cannot be provided without a reputable census study.

I hope this answers all of your questions. If you need to be in further contact with Ms. Livingston you can send an email to me and I will make sure that she receives it.

Thank you,

Ro Joyce  
Executive Secretary to  
the Superintendent  
845-469-5052 ext. 3401