

TIM MILLER ASSOCIATES, INC.

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax

www.timmillerassociates.com

March 31, 2005

Mr. Frank Nussbaum Labrador Properties, LLC 45 West 60th Street Suite 29F New York, New York 10023

RE:

Wetlands Delineation

Route 17M

Town of Chester, Orange County

Dear Mr. Nussbaum:

At your request, the wetlands at the referenced property on Route 17M was delineated on March 23 & 31, 2005 in accordance with the 1987 ACOE delineation manual. The flags were placed as indicated on the attached field map for use. The edge of the regulated wetlands were flagged with consecutively numbered pink ribbons.

The wetland areas are associated with hillside seepage, groundwater and perched water. Approximately 83 flags were placed on the site, marking the wetlands as extending as generally shown on the enclosed field map.

The wetland areas support several species of hydrophytic vegetation typically associated with wetland and transitional areas including, soft rush, tussock sedge, purple loosestrife, and phragmites. Woody species include arrow-wood, pussy willow and redtwig dogwood. Adjacent upland areas were agricultural in nature near the wetland areas.

Soils in the wetland area were identified during the site inspection as exhibiting saturation and/or signs of reducing conditions including low chroma colors, and saturated conditions. According to the USDA's Soil Survey of Orange County, these soils are mapped under the classification of Erie gravelly silt loam (ErB). These soils are somewhat poorly drained on the lower parts of slopes, which is consistent with the characteristics of the soils observed on this site. Soil colors were Munsell 10YR3/1 at the surface, with 10YR5/1 below 3 inches with mottling.

Wetland hydrology is provided by hillside seepage and few springs. On the day of the field inspection, soils were saturated in the upper twelve inches throughout these areas.

The areas as defined are regulated by the Army Corps of Engineers. Army Corps involvement is not required if no activities are proposed within the delineated wetland.

I hope this answers any questions you may have about the wetlands on this property. Feel free to call if you have any further questions.

Sincerely,

James Bates

Environmental Scientist / Wetland Specialist

TIM MILLER ASSOCIATES, INC.

Attached for your use:

Wetland field map copy Wetland datasheets

Job # 05009

(1:	987 COE V	Netland:	s Delineation Manual)				
Project/Site: Chester Applicant/Owner: Mr. Nussbaum Investigators: James Bates			County:	New York	5		
Do Normal Circumstances exist on the s is the site significantly disturbed (Atypic is the area a potential Problem Area? (If needed, explain on the reverse side	al Situation	:)?	Yes No Community ID: PS: Yes No Transect ID: Field Location: Wetland A	S - Wet mea	dow		
VEGETATION	(USFWS R	egion No. 1)				
Dominant Plant Species(Latin/Common)	Stratum	Indicator	Plant Species(Latin/Common)		Stratum	Indicato	
Carex stricta	Herb	OBL	Phragmites australis		Herb	FACW	
Sedge, Uptight			Reed,Common				
Carex crinita	Herb	OBL	Comus stolonifera		Shrub	FACW+	
Sedge,Fringed			Dogwood,Red-Osier				
Verbena hastata	Herb	FACW+	Salix discolor		Shrub	FACW	
Vervain,Blue			Willow, Pussy				
Juncus effusus	Herb	FACW+					
Rush,Soft			Rose multiflora Shrub FACU Rose,Multiflora				
Lythrum salicaria	Herb	FACW+					
Loosestrife, Purple							
x							

Percent of Dominant Species that are OBL, FACW or FAC: FAC Neutral: 8/9 = 88.89% (excluding FAC-) 8/9 = 88.89% Numeric Index: 18/9 = 2.00

Remarks:

HYDROLOGY

marks):	Wetland Hydrology Indicators			
uge	Primary Indicators			
	YES Inundated			
	YES Saturated in Upper 12 Inches			
	NO Water Marks			
	NO Drift Lines			
	NO Sediment Deposits			
	YES Drainage Patterns in Wetlands			
	Secondary Indicators			
<= 1 (in.)	YES Oxidized Root Channels in Upper 12 Inches			
31/4 #	NO Water-Stained Leaves			
NIA (in.)	NO Local Soil Survey Data			
NIA (in)	YES FAC-Neutral Test			
inin (iii.)	NO Other(Explain in Remarks)			
	uge ·			

Remarks:

Hydrology provided by springs and hillside seepage

(1987 COE Wetlands Delineation Manual)

Applican	oject/Site: Chester plicant/Owner: Mr. Nussbaum estigators: James Bates				Project No	o: 05009	Date: 23-Mar-2005 County: Orange State: New York Plot ID: Wetland A
Map Sym	nbol: ErB ny (Subgrou		Erie gravelly silt los Somewhat poorly		Map	oed Hydric Inc	clusion? firm Mapped Type? (Yes) No
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Color (Munsell Moist)	Mo	777	Texture Con	cretions, Structure, etc
0-3	A	10YR3/1	N/A	Abundance/Contrast Texture N/A N/A Loam		2	
3+	8	10YR5/1	2.5YR3/6	Common	Distinct	Silt loam	44.64
Remarks	YES Sulfic NO Aquic NO Redu YES Gleye	sol : Epipedon		NO High NO Org NO List NO List	anic Streak ed on Loca ed on Natio	content in Surf ing in Sandy S I Hydric Soils onal Hydric Soi In Remarks)	List
WETLANI	D DETERMIN	IATION					
Wetland I	tic Vegetation Hydrology Pro- pils Present? :) No	is the Sam	oling Point w	vithin the Wetla	and? (es) No

TIM MILLER ASSOCIATES, INC.

10 North Street, Cold Spring, NY 10516 (845) 265-4400

265-4418 fax

www.timmillerassociates.com

September 21, 2005

Mr. Brain Orzel, Western Permits Regulatory Branch, New York District US Army Corps of Engineers 26 Federal Plaza New York, NY 10278-0090

RE:

Wetlands Determination Request Proposed Residential Development Town of Chester, Orange County, NY

Dear Mr. Orzel:

Enclosed please find the following items in support of a wetland delineation performed in accordance with the 1987 Corps of Engineers Delineation Manual.

- 1. A copy of the data forms for the Routine Determination Method;
- 2. A survey depicting the wetland flags locations
- 3. A USGS quad vicinity map;
- 4. A Orange County soils map showing the project area;
- 5. An Aerial photo with;
- 6. Photographs of some of the Wetlands on-site.

Potential impacts to the regulated wetland areas are not known at this time since the plan is still in the development phase.

Please review this material and schedule a member of your staff for a site visit at your earliest convenience in order to issue a jurisdictional determination. Additional information will be provided at your request.

Sincerely yours,

James A. Bates

Environmental Scientist / Wetland Specialist

a la

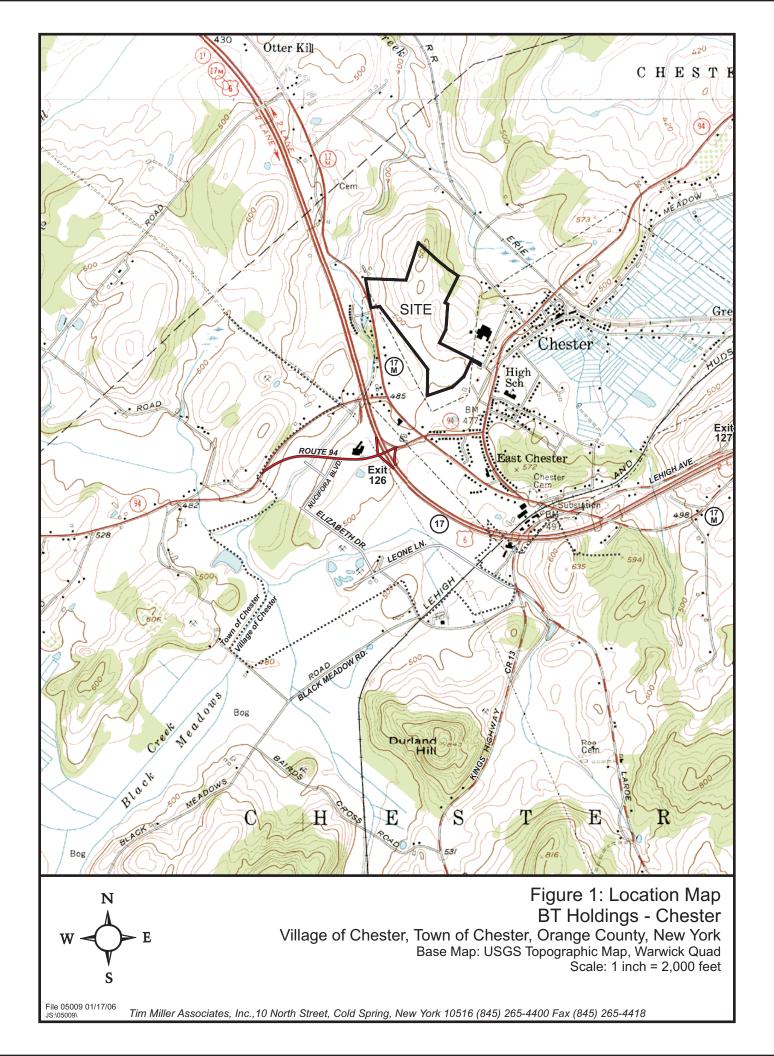
TIM MILLER ASSOCIATES, INC.

Job #05009

		vreudilus	, Dullied	mwii manimuij			
Project/Site: Chester Applicant/Owner: Mr. Nussbaum Investigators: James Bates	1987 COE Wetlands Delineation Manual) Project No: 05009				Date: 23-Mar-2005 County: Orange State: New York Plot ID: Wetland A		
Do Normal Circumstances exist on the ls the site significantly disturbed (Atypi ls the area a potential Problem Area? (If needed, explain on the reverse side	ical Situation	n:)? Ÿ	es No es No	Community ID: P Transect ID: Field Location: Wetland A	SS - Wet me	adow	
VEGETATION		(USFWS Re	egion No. 1):			
Dominant Plant Species(Latin/Common) Stratun			cies(Latin/Commo	n)	Stratun	Indicato
Carex stricta	Herb	OBL	Phragmite	s australis		Herb	FACW
Sedge,Uptight			Reed,Com	endamental author commission in commission c		7	1
Carex crinita	Herb	OBL	Comus sto			Shrub	FACW+
Sedge,Fringed			Dogwood,	Red-Osier			
Verbena hastata	Herb	FACW+	Salix disco			Shrub	FACW
Vervain,Blue		1	Willow, Pus	7.7 1		E Carrier	
Juncus effusus	Herb	FACW+	Rosa multi			Shrub	FACU
Rush,Soft			Rose, Multi			_	
Lythrum salicaria	Herb	FACW+					
Loosestrife,Purple							
	_				······································		
		1 ,	L			. 1	1
	I.	1					1
							-
Percent of Dominant Species that are O	PI FACW O	- FAC:	IEAC Ne		2.000%		
Percent of Dominant Species that are O (excluding FAC-) 8/9 = 88.89%	BL, FACW o	r FAC:	FAC No		8.89% = 2.00		
	BL, FACW o	or FAC:	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	outral: 8/9 = 8 c index: 18/9	T 1 T T 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
(excluding FAC-) 8/9 = 88.89%	BL, FACW c	or FAC:	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		T 1 T T 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
(excluding FAC-) 8/9 = 88.89%	BL, FACW c	or FAC:	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		T 1 T T 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY			Numeri	c Index: 18/9	T 1 T T 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
(excluding FAC-) 8/9 = 88.89% Remarks:	arks):	Wetl	Numeri	c Index: 18/9	T 1 T T 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY YES Recorded Data(Describe in Remarks)	arks):	Wetl	Numeri and Hydro Primary Ind	c Index: 18/9	T 1 T T 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
(excluding FAC-) 8/9 = 88.89% Remarks: IYDROLOGY YES Recorded Data(Describe in Remarks) NO Stream, Lake or Tide Gauge	arks):	Wetl	Numeri and Hydro Primary Ind YES Ind	logy Indicators	= 2.00		
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY YES Recorded Data(Describe in Rema NO Stream, Lake or Tide Gauge YES Aerial Photographs NO Other	arks):	Wetl	Numeri and Hydro Primary Ind YES Ind YES Sa	c Index: 18/9	= 2.00		
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY YES Recorded Data(Describe in Remarks) NO Stream, Lake or Tide Gaugness YES Aerial Photographs	arks):	Wetl	Numeri and Hydro Primary Ind YES Int YES Sa NO W	logy Indicators dicators undated iturated in Upper 1	= 2.00		
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY YES Recorded Data(Describe in Remains No Stream, Lake or Tide Gaugy YES Aerial Photographs No Other NO No Recorded Data	arks):	Wetl	and Hydro Primary Inc YES Inc YES Sa NO Wo	logy Indicators dicators undated iturated in Upper 1 ater Marks ift Lines diment Deposits	= 2.00 2 Inches		
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY YES Recorded Data(Describe in Rema NO Stream, Lake or Tide Gauge YES Aerial Photographs NO Other	arks):	Wetl	Aumeri and Hydro Primary Ind YES Int YES Sa NO W: NO Dr NO Se YES Dr	logy Indicators dicators dicators undated iturated in Upper 1: ater Marks ift Lines diment Deposits ainage Patterns in	= 2.00 2 Inches		
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY YES Recorded Data(Describe in Remandary No Stream, Lake or Tide Gauge YES Aerial Photographs NO Other NO No Recorded Data Field Observations	arks): e	Wetl	and Hydro Primary Ind YES Ini YES Sa NO Wa NO Dr NO Se YES Dr Secondary	logy Indicators dicators dicators undated iturated in Upper 1: ater Marks ift Lines diment Deposits ainage Patterns in Indicators	= 2.00 2 Inches Wetlands		
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY YES Recorded Data(Describe in Remains No Stream, Lake or Tide Gaugy YES Aerial Photographs No Other NO No Recorded Data	arks):	Wetl	and Hydro Primary Ind YES Ini YES Sa NO Wa NO Dr NO Se YES Dr Secondary YES Ox	logy Indicators dicators dicators undated iturated in Upper 1: ater Marks iff Lines diment Deposits ainage Patterns in Indicators iddized Root Chann	= 2.00 2 Inches Wetlands els in Upper	12 Inches	
(excluding FAC-) 8/9 = 88.89% Remarks: PYDROLOGY YES Recorded Data(Describe in Remandary No. Stream, Lake or Tide Gauge YES Aerial Photographs No. Other NO. No. Recorded Data Field Observations Depth of Surface Water:	arks): e <= 1 (in.)	Wetl	and Hydro Primary Ind YES Ind YES Sa NO Wa NO Dr NO Se YES Dr Secondary YES Ox NO Wa	iogy Indicators dicators dicators undated iturated in Upper 1: ater Marks iff Lines diment Deposits ainage Patterns in Indicators iddized Root Channater-Stained Leaves	2 Inches Wetlands els in Upper	12 Inches	
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY YES Recorded Data(Describe in Remandary No Stream, Lake or Tide Gauge YES Aerial Photographs NO Other NO No Recorded Data Field Observations	arks): e	Wetl	and Hydro Primary Ind YES Ind YES Sa NO Wa NO Dr NO Se YES Dr Secondary YES Ox NO Wa NO Lo	logy Indicators dicators dicators dicated iturated in Upper 1: ater Marks ifft Lines diment Deposits ainage Patterns in Indicators iddized Root Chann ater-Stained Leaves cal Soil Survey Dai	2 Inches Wetlands els in Upper	12 Inches	
(excluding FAC-) 8/9 = 88.89% Remarks: PYDROLOGY YES Recorded Data(Describe in Remandary No. Stream, Lake or Tide Gauge YES Aerial Photographs No. Other NO. No. Recorded Data Field Observations Depth of Surface Water:	arks): e <= 1 (in.)	Wetl	and Hydro Primary Ind YES Ind YES Sa NO Wa NO Dr NO Se YES Dr Secondary YES Ox NO Wa NO Lo YES FA	iogy Indicators dicators dicators undated iturated in Upper 1: ater Marks iff Lines diment Deposits ainage Patterns in Indicators iddized Root Channater-Stained Leaves	= 2.00 2 Inches Wetlands els in Upper	12 Inches	
(excluding FAC-) 8/9 = 88.89% Remarks: YDROLOGY YES Recorded Data(Describe in Remandary No. Stream, Lake or Tide Gaugy YES Aerial Photographs No. Other NO. No Recorded Data Field Observations Depth of Surface Water: Depth to Free Water in Pit:	arks): e <= 1 (in.) N/A (in.) N/A (in.)	Wetl	and Hydro Primary Ind YES Ind YES Sa NO Wa NO Dr NO Se YES Dr Secondary YES Ox NO Wa NO Lo YES FA	logy Indicators dicators dicators undated iturated in Upper 1: ater Marks iff Lines diment Deposits ainage Patterns in Indicators idized Root Chann ater-Stained Leaves cal Soil Survey Dat C-Neutral Test	= 2.00 2 Inches Wetlands els in Upper	12 Inches	

(1987 COE Wetlands Delineation Manual)

Project/S Applican Investiga	t/Owner: Mi	hester Ir. Nussbaum ames Bates		Project N	lo: 05009	Date: 23-Mar-2005 County: Orange State: New York Plot ID: Wetland A	
SOILS							
Map Sym	nbol: ErB ny (Subgrou		Erie gravelly silt lo s: Somewhat poorly		Map	ped Hydric Ir	nclusion? onfirm Mapped Type? (Yes) No
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	. I . Shakh isan isan ili	.1	ottle :e/Contrast	Texture, Co	oncretions, Structure, etc
0-3	A	10YR3/1	N/A	N/A	N/A	Loam	
3+	B	10YR5/1	2.5YR3/6	Common	Distinct	Silt loam	
Remarks	NO Redu YES Gleye s:	ic Moisture Regim ucing Conditions ed or Low Chrom		NO List	ted on Loca ted on Natio	king in Sandy al Hydric Soil onal Hydric S ı in Remarks)	ls List Solls List
	D DETERMIN		s) No	lia the Sam	- Ilaa Point	within the Wel	tland? (Yes) No
Wetland H	rtic Vegetatio Hydrology Pr pils Present?	resent? (e	No No	is the Sam	pling route v	Within the vve	nand? (res) NO
Remarks:	P						



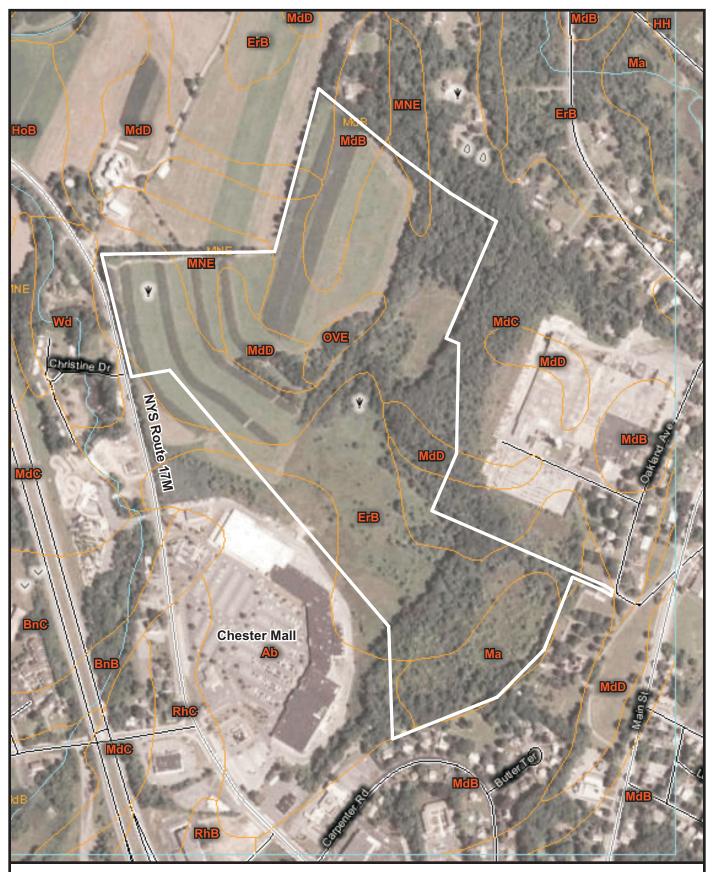




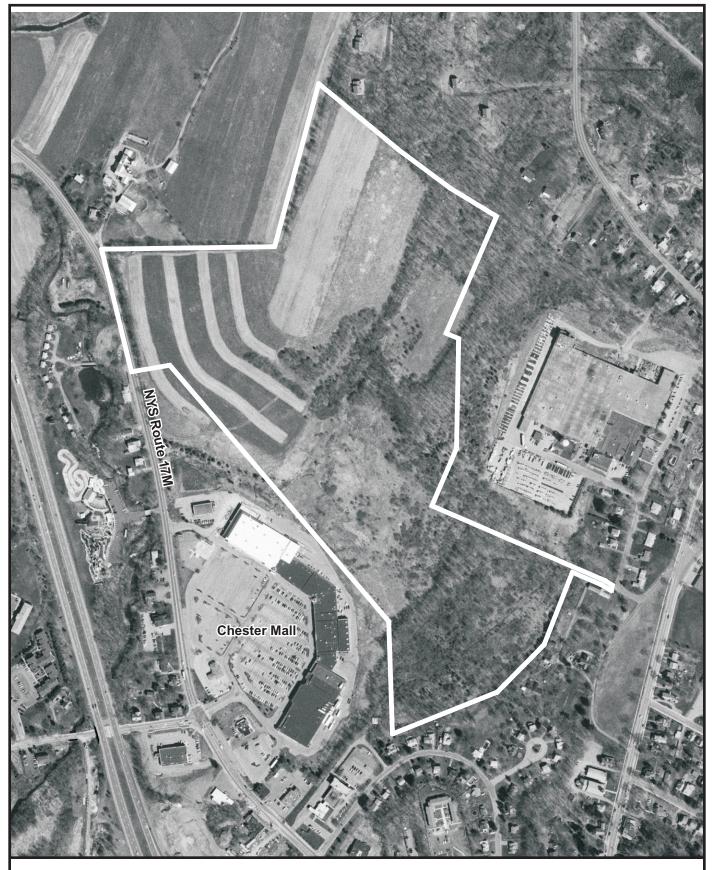
Figure 3.1-3: Soils Map BT Holdings - Chester

Village of Chester, Town of Chester, Orange County, New York Source: U.S. Dept of Agriculture, Natural Resources Conservation Service Web Soil Survey

Scale: 1" = 475'

File 05009 01/22/09 JS:\05009

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





File 05009 01/17/08 JS:\05009

Figure 4: Site on Aerial Photograph
BT Holdings - Chester
illage of Chester, Town of Chester, Orange County, New York

Village of Chester, Town of Chester, Orange County, New York Source: NYS GIS Clearinghouse, 2004 Aerial Photograph Scale: 1" = 460'

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

BT Holding Property, Town of Chester, NY



1) Site location



2) View of Wetland Area by shopping plaza

BT Holding Property, Town of Chester, NY



3) View main wetland area.



4) View of wetland and adjacent upland area.