

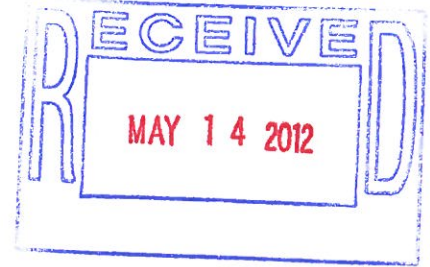


DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

MAY 10 2012

REPLY TO
ATTENTION OF:
Regulatory Branch

SUBJECT: Permit Application Number NAN-2010-01235-WRY
By ABD Fishkill, LCC (Summit Woods)



Mark A. Day
M. A. Day Engineering, PC
3 Van Wyck Lane Suite 2
Wappingers Falls, NY 12590

Dear Mr. Day:

On October 29, 2010, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization for the discharge of fill material into waters of the United States for activities associated with the construction of a 175 lot single family residential development. Specifically, this project will involve the construction of a bridge crossing over a wetland area and the directional boring of utility lines beneath wetlands areas. The project site is located on Route 52, near Interstate 84 in the Town of East Fishkill, Dutchess County, New York.

The subsequent submittals (attached) entitled "Summit Woods Cluster Subdivision", Sheet 1 of 18, prepared by M.A. Day Engineering, PC, dated September 24, 2001, last revised on August 4, 2008; "Summit Woods Subdivision Plan-SP5", Sheet 7 of 18 and Sheet 8 of 18, prepared by M.A. Day Engineering, PC, dated September 24, 2001, last revised on August 29, 2008 indicate that the total impacts to waters of the United States would involve the discharge of fill material into a maximum of 0.04-acres of wetlands and other waters.

Based on the information submitted to this office and accomplishment of notification in accordance with the applicable federal requirements, our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 29. The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184). The work may be performed without further authorization from this office provided the activity complies with the permit conditions listed in Section B, No.29, Section C, any applicable New York District regional conditions, the following special conditions, and any applicable regional conditions added by the State of New York, copies enclosed.

Special Conditions

(A) The permittee will avoid and minimize direct and indirect impacts to the Indiana bat (*Myotis sodalist*), which is listed as an endangered species. All tree removal shall be performed between October 1st and April 1st in order to minimize any potential impacts to Indiana bat. The permittee shall minimize site lighting through the use of shielded and downward-facing lighting fixtures to avoid indirect impacts to Indiana bats. Further, the permittee understands and agrees that all work will be in accordance with the conservation

measures detailed in the attached letter from U.S. Fish and Wildlife Service, dated February 10, 2012.

(B) The permittee will avoid and minimize direct and indirect impacts to the bog turtle (*Clemmys [=Glyptemys] muhlenbergii*), which is listed as an endangered species. The permittee understands and agrees that all work will be done in accordance with the conservation measures detailed in the attached letter from U.S. Fish and Wildlife Service, dated February 10, 2012. Such measures shall include, but are not limited to, the placement of a continuous silt fence outside of the 100-foot wetland buffer prior to, and during construction.

(C) Prior to construction, the permittee shall secure a conservation easement on the lands designated as open space and which contain suitable habitat for the Federally threatened bog turtle (*Clemmys [=Glyptemys] muhlenbergii*). This conservation easement shall have an associated funded management plan to protect habitat function and values which will be implemented by the conservation easement holder. Copies of the instrument(s) effecting such easement shall be submitted to the New York District Army Corps of Engineers for written approval prior to execution and recorded with the Dutchess County Registrar of Deeds within one year following the initiation of construction.

(D) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. The permittee shall implement soil conservation and best management practices including, but not limited, to watering of dry disturbed soil to prevent movement of dust and particulates; the timely re-vegetation of exposed soils, and the use of silt fencing and anti-tracking pads to prevent erosion and sedimentation in onsite surface waters. Further, the permittee shall fence off all wetlands and other sensitive ecological areas during construction periods to prevent equipment and personnel from entering these areas.

This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District.

Care should be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. You are to contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

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

<http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl08-02.pdf>

This verification is valid for a period of two years from the date of this letter, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid for two years from the date of this letter if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.


This authorization is conditional on the applicant's receipt of the required water quality certificate or waiver from the New York State Department of Environmental Conservation (NYSDEC). No work may be accomplished until the required approval from NYSDEC has been obtained.

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by this permit, you are to sign and submit the attached compliance certification form to this office.

In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>

If any questions should arise concerning this matter, please contact Stephan Ryba, of my staff, at (917) 790-8512.

Sincerely,



Christopher S. Mallery, PhD
Chief, Western Permits Section

Enclosures

cf: NYSDEC - Region 3
USFWS
Town of East Fishkill

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: ABD Fishkill, LCC	File Number: NAN-2010-01235-WRY	Date: MAY 10 2012
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 type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" 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://www.usace.army.mil/CECW/Pages/reg_permit.aspx 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-PD-PSD-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-PD-PSD-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:

Michael G. Vissichelli, Administrative 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) 765-7163
E-mail: Michael.G.Vissichelli@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:

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): 12 April 2012

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
M. A. Day Engineering, PC, 3 Van Wyck Lane Suite 2, Wappingers Falls, NY 12590

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENAN, ABD Fishkill Summit Woods, NAN-2010-01235-WRY

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: Route 52, near Interstate 84 in the Town of East Fishkill, Dutchess County, New York
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: NY County/parish/borough: Dutchess City: East Fishkill

Center coordinates of site (lat/long in degree decimal format):

Lat. 41.5546° **Pick List**, Long. -73.74471° **Pick List**.

Universal Transverse Mercator:

Name of nearest waterbody: Van Anden Kill

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Cowardin Class:

Stream Flow:

Wetlands: 86 acres.

Cowardin Class: Emergent

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 5 March 2012

☒ Field Determination. Date(s): 22 October 2010

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: MA Day Engineering.

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K NY-POUGHQUAG.

☐ USDA Natural Resources Conservation Service Soil Survey. Citation:

☒ National wetlands inventory map(s). Cite name:

☐ State/Local wetland inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☐ Photographs: ☐ Aerial (Name & Date):

or ☐ Other (Name & Date):

☐ Previous determination(s). File no. and date of response letter:

☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

 12 April 2012

Signature and date of
Regulatory Project Manager

Signature and date of
person requesting preliminary JD



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

REPLY TO
ATTENTION OF:
CENAN-OP-R

NATIONWIDE PERMIT COMPLIANCE CERTIFICATION AND REPORT FORM

Permittee: ABD Fishkill, LCC

Permit No. NAN-2010-01235-WRY

Date Permit Issued: MAY 10 2012

Location: Town of East Fishkill, Dutchess County, New York

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below or FAX to (212) 264-4260.

Place Stamp
Here

Department of the Army
New York District Corps of Engineers
Jacob K. Javits Federal Building
ATTN: CENAN-OP-R
New York, New York 10278-0090



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



February 10, 2012

RECEIVED BY REGULATORY

FEB 23 2012

NY DIST. CORPS OF ENGINEERS

Mr. Stephen A. Ryba
Regulatory, Western Section
New York District, U.S. Army Corps of Engineers
26 Federal Plaza, Room 1937
New York, NY 10278

Dear Mr. Ryba,

This letter is in regard to an October 24, 2011, letter sent by Mr. Richard Cantor of Teahan and Constantino, LLP to you regarding the proposed Summit Woods residential development located on Route 52 near Interstate 84 in the Town of East Fishkill, Dutchess County, New York. The letter was in reference to a proposed conservation easement in the project area, as well as the potential for a joint wastewater treatment facility with an adjacent proposed residential development.

Previous to this letter, the project sponsor had addressed many of the concerns that the U.S. Fish and Wildlife Service (Service) had expressed in previous communications (see Enclosure 1). The remaining outstanding issues included placement of a conservation easement in perpetuity on the lands to be designated as open space and that contain suitable habitat for the Federally threatened bog turtle (*Clemmys [=Glyptemys] muhlenbergii*); a funded management plan to protect habitat function and values to be implemented in perpetuity by the conservation easement holder(s); and adoption of standard conservation measures to avoid indirect effects to the Federally endangered Indiana bat (*Myotis sodalis*). These conservation measures include:

1. Discourage the use of chemicals in/around stormwater detention basins as these may serve as foraging areas or sources of drinking water for bats;
2. Limit the number of lights, using motion sensors or timers, directing the lights toward the ground and buildings, and including shields to direct the light downward as lighting may deter Indiana bats from utilizing the area; and
3. Use bright orange fencing/flagging to clearly demarcate trees to be protected to distinguish them from those to be cut prior to the initiation of any construction activities to ensure that contractors do not accidentally remove more trees than anticipated.

NAN-2010-01235-WRY

On February 6, 2012, we discussed these issues with Mr. Cantor. The following day, on February 7, 2012, after consultation with his client, ABD Fishkill, LLC, Mr. Cantor advised us that the applicant has now agreed to these remaining conditions; to wit, it is the Service's understanding that the applicant now guarantees the following:

1. The placement of a conservation easement on the above-mentioned lands identified as open space, prior to commencing construction;
2. The identification of an eligible and willing party to hold this easement;
3. Development of a habitat management plan to ensure that the habitat quality of the easement lands will be maintained, to be approved by the Service prior to beginning construction and which will be implemented by the easement holder(s);
4. Provision of adequate funding to ensure implementation of the habitat management plan;
5. Adoption of the above-referenced conservation measures to avoid indirect effects to Indiana bats; and
6. Implementation of the previously agreed conditions, as described in Enclosure 1.

With the implementation of these conservation measures, the Service concurs that the revised project, as now proposed, is not likely to adversely affect Federally-listed threatened or endangered species. We recommend that the U.S. Army Corps of Engineers include these measures as terms and conditions to any permit issued to the applicant for this project.

Thank you for your time. If you require additional information, please contact Noelle Rayman at 607-753-9334.

Sincerely,



David A. Stilwell
Field Supervisor

Enclosure

cc: Town of East Fishkill Planning Board, Hopewell Junction, NY (Attn: N. Drummond)
John J. Klarl, Buchanan, NY
Mr. Richard Cantor, Poughkeepsie, NY (Teahan and Constantino, LLP)
NYSDEC, New Paltz, NY (Attn: L. Masi/D. Whitehead)
NYSDEC, Albany, NY (Wildlife Diversity Unit; Attn: D. Rosenblatt)

Enclosure 1. The following bullets outline our understanding of what the applicant (ABD Fishkill, LLC) has agreed to do to avoid and minimize impacts to the Federally-listed Indiana bat (*Myotis sodalis*) and bog turtle (*Clemmys [=Glyptemys] muhlenbergii*) prior to February 7, 2012.

- Place a continuous silt fence outside the 100-foot buffer prior to and during construction (Everett 2007);
- Use grates on catch basins with an opening size small enough to prevent turtles from falling in and becoming trapped (Everett 2007);
- All in-ground swimming pools be fenced with a barrier at least six inches high (Everett 2007);
- The elimination of basement window wells or the requirement that window wells be covered or surrounded by a barrier to prevent turtles from becoming trapped (Everett 2007);
- Deed restrictions will be in place for fertilizers and pesticides (Everett 2007);
- Effluent from the wastewater treatment plant will be discharged under a New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) permit to the Van Anden Kill which flows away from the off-site bog turtle location. The discharge point will be downstream from the on-site bog turtle habitat (Tompkins 2008);
- Stormwater will also be discharged into the Van Anden Kill to flow away from the off-site bog turtle location (Tompkins 2008);
- No construction work will occur in the wetland containing bog turtle habitat (Tompkins 2008);
- The applicant's engineer will be required to ensure that uncontrolled runoff does not occur and that water quality is protected (Tompkins 2008);
- Once the project is complete, disturbed areas will be stabilized with planted vegetation (Tompkins 2008);
- All retention basins will be constructed on 3 to 1 slopes that would allow turtles of any species to escape. An emergent vegetation zone in the retention basins will provide temporary shelter for turtles should they enter this area (Tompkins 2008);
- Tree clearing will be restricted to October 1 to April 1 to minimize impacts to Indiana bats (Tompkins 2008);
- The number of lots has been reduced and lot boundaries removed from the 100-foot buffer to minimize impacts from homeowners developing in the buffer area. The wetland buffer will remain as open space (Day 2008);
- The second proposed crossing of the PQ-17 wetland has been removed from the plan. The remaining crossing will contain an arch bridge with an opening 48' wide by 8' high to minimize impacts to the wetland and buffer, as well as allow for wildlife to cross under bridge (Day 2008);
- Stormwater basins have been removed from the buffer area and will contain a bio-filter swale to provide for further polishing of the effluent upon release into the wetland (Day 2008, 2010);
- Directional boring will be used to construct utilities instead of cutting and filling through the wetland and buffer area (Day 2008);

- The design of the sewage treatment plant will utilize tertiary treatment to further polish the effluent upon release into the wetland. Final plans will be designed based on NYSDEC SPDES effluent limits (Day 2008);
- The applicant is willing to connect or share water and sewer utilities with the adjacent Montage development project (proposed 125-lot housing project; Day 2008);
- Stormwater basins will exceed the design requirements of the Environmental Protection Agency stormwater regulations currently in effect for storm water treatment (Day 2010);
- Physical barriers will be placed on each lot between the useable area of each lot and the adjacent wetland buffer (Day 2010);
- The Planning Board will require that the physical barriers (e.g., natural fences, split rail, boulders, etc.) be installed prior to the subdivision plan being signed by the Board (Day 2011);
- Homeowners will be notified through the Homeowners Association on the limitation of activities that can be conducted in the wetland and adjacent areas (Day 2010);
- Educational pamphlets will be provided to the homeowners regarding bog turtles and will include information about what activities are allowed in the wetland buffer areas (Day 2011); and
- A statement regarding conservation of habitat for bog turtles and Indiana bat was dated June 30, 2011. The applicant has agreed to incorporate the measures described therein into a conservation easement to be placed on the protected property (Cantor 2011).

References:

Chazen Companies. 2006. Endangered and Threatened Species Report, Summit Woods. Chazen Project No. 70516.00. Prepared for Teahan and Constantino. April 10, 2006.

Letter from David Everett (Whiteman, Osterman and Hanna, LLP) to David Stilwell (NYFO) dated June 27, 2007.

Letter from David Tompkins (Kleinfelder) to David Stilwell (NYFO) dated April 11, 2008.

Letter from Mark Day (M.A. Day Engineering, PC) to Alexander Ciesluk (NYSDEC) dated September 11, 2008.

Letter from Mark Day (M.A. Day Engineering, PC) to Steven Ryba (U.S. Army Corps of Engineers, New York District) dated December 10, 2010.

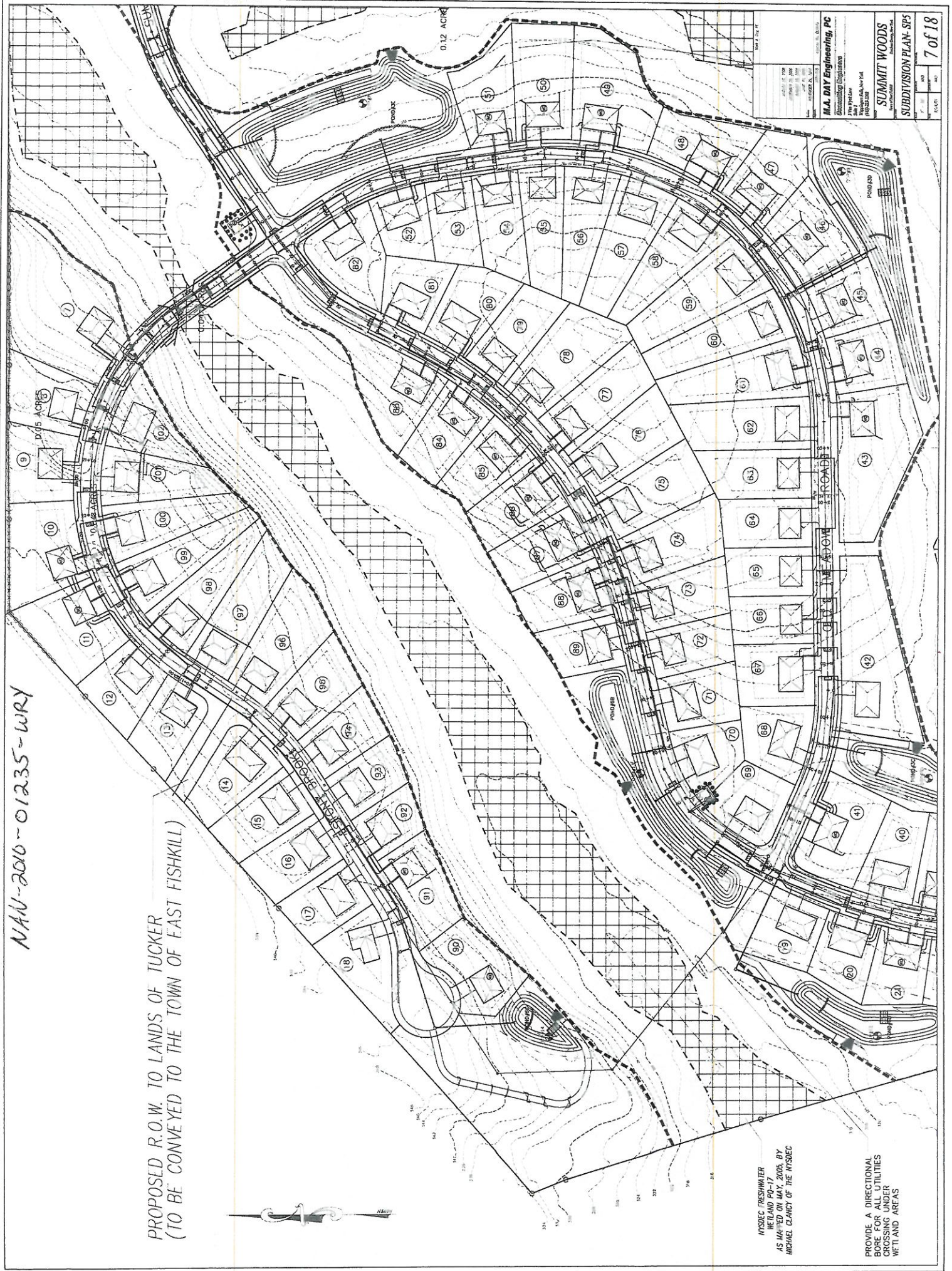
Letter from Mark Day (M.A. Day Engineering, PC) to Steven Ryba (U.S. Army Corps of Engineers, New York District) dated February 11, 2011.

Letter containing "Statement" from Richard Cantor (Teahan and Constantino) to Robyn Niver (NYFO) dated June 30, 2011.

U.S. Fish and Wildlife Service (USFWS). 2001. Bog Turtle Conservation Zones. Revised April 18, 2001.

NAN-2010-01235-WRY

PROPOSED R.O.W. TO LANDS OF TUCKER
(TO BE CONVEYED TO THE TOWN OF EAST FISHKILL)



NYSDEC FRESHWATER
WETLAND PD-17
AS MAILED ON MAY, 2005, BY
MICHAEL CLANCY OF THE NYSDEC

PROVIDE A DIRECTIONAL
BORE FOR ALL UTILITIES
CROSSING UNDER
WETLAND AREAS

M.A. DAY Engineering, PC
Civil Engineering
1100 West
Rte. 9W, Box 100
Hudson, NY 12534
Tel: 518-537-1100
Fax: 518-537-1101
www.maday.com

Summit Woods
Subdivision Plan-SF5
11/10/2009

7 of 18

PROVIDE A DIRECTIONAL
BORE FOR ALL UTILITIES
CROSSING UNDER
WETLAND AREAS

MAN-2010-01235-WRY

LIMITS OF 100-YEAR FLOODPLAIN AS
CALCULATED BY M.A. DAY ENGINEERING, PC

PROPOSED 50' BUFFER

VAN ANDEN KILL

EXISTING WELL #1
100 GPM

30' WIDE OPEN
SPACE ACCESS &
UTILITY EASEMENT

PROVIDE DIRECTIONAL BORE FOR
ALL UTILITIES CROSSING UNDER
THE WETLANDS

R-1 ZONE
R-2 ZONE

0.45 ACRES

M.A. DAY Engineering, PC
2100 York Lane
Summit Woods, NY 10583
(914) 231-0000

SUMMIT WOODS
SUBDIVISION PLAN-SF6

8 of 18