

M. A. Day Engineering, PC

3 Van Wyck Lane
Suite 2
Wappingers Falls, New York 12590
Phone: 845-223-3202
Fax: 845-223-3206

February 11, 2011

Mr. Stephan A. Ryba, Project Manager
Western Permits Section
Room 1937
Department of the Army
New York District Corps of Engineers
26 Federal Plaza
New York, New York 10278-0090

Via E-mail & US Post Office

Dear Mr. Ryba;

I have received your comment letter dated February 01, 2011. I offer the following responses:

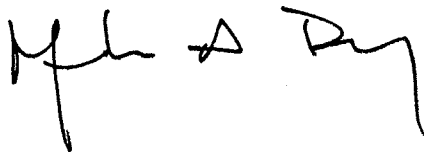
1. The project status with the NYSDEC is pending a letter from your Department as well as findings from an Archeological Analysis of the site. The Archeological Analysis is complete and the report is currently being written for the NYSDEC.
2. Refer to the attached Utility Drawing UP-1 (PDF) which shows the water line distribution throughout the site.
3. Refer to the same drawing referenced above which indicates the discharge points for the proposed WWTP.
4. In the FEIS, it states that "...*The Applicant will offer a conservation easement to a qualified, not-for-profit corporation eligible to hold a conservation easement. If no such not-for-profit corporation is available to accept the easement, the Applicant will offer the easement to the Town of East Fishkill. The conservation easement will require the open space land to be permanently designated for use only as open space and will not be allowed to be used for future development or future use as part of a yard of any individual lot...*". Therefore, it will be offered to a land conservancy or to the Town of East Fishkill.
5. The Applicant will provide educational pamphlets to the homeowners regarding the Bog turtles. The pamphlets will help minimize the risk of illegal collection of the Bog turtles. The Applicant is not proposing a management plan for the wetland. The pamphlets will also include information about what activities are allowed in the wetland buffer areas. Since the homeowners will not own any of the wetland buffer areas, there shall be no need to mow these areas or do other work in these areas.

6. The Town of East Fishkill typically requires physical barriers to be installed on each lot that will depict the actual wetland buffer at the time of the approval. These physical barriers include boulders or natural fences such as a split rail fence. The Planning Board will require that these physical barriers be installed prior to the Subdivision Plat being signed by the Chairman of the Planning Board. The maintenance of a natural fence would be up to the homeowners.
7. The current plan has been revised to remove the lots out of the wetland buffer area.
8. With respect to the Standard Recommendations requested by the USFWS, a note will be added to the Title Sheet of the subdivision plans outlining the standard recommendations.
9. NYSDEC has not approved the application as of yet as they are waiting a sign-off from your office and the Archeological Analysis as mentioned in response no. 1 of this letter.
10. The timeline for construction will be driven by the real estate market. At this point, the Applicant cannot predict the proposed timeline.
11. Please refer to the attached sketch (PDF) which indicates the area of tree clearing. The acreage is, in fact, 10.5 acres.

In closing, this response letter should address the comments that were raised in your comment letter dated February 01, 2011.

Please feel free to contact me if you require any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark A. Day'.

Mark A. Day, PE

cc: Applicant