

APPENDIX B

ACOE & NYSDEC
Correspondence

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the Regional Director, Region 3 – Hudson Valley Catskills
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3033 | F: (845) 255-3042
www.dec.ny.gov

September 1, 2015

Suzanne Mitchell
Director
ROSA 4 Rockland Inc.
PO Box 712
Pomona, NY 10970

Re: Petition to Amend Environmental Conservation Law (ECL) Article 24 Freshwater Wetland Map on the Patrick Farm Property

Dear Ms. Mitchell:

The New York State Department of Environmental Conservation (NYSDEC or Department) has reviewed your petition dated January 13, 2015 to amend the Thiels Quadrangle for the Rockland County Article 24 Freshwater Wetland Regulatory Map. The petition requests the inclusion and subsequent regulation of wetlands associated with an existing farm pond on the “Patrick Farm” property that is located in the Town of Ramapo, Rockland County. The request was predicated on the United States Army Corps of Engineers Jurisdictional Determination (ACOE JD) entitled *Patrick Farm Wetland Delineation Map* dated 6/17/2104 [2014] by Carpenter Environmental Associates, Inc.

Environmental Conservation Law Article 24 Freshwater Wetland Law requires that for the Department to assert jurisdiction over a wetland that the wetland be included on the regulatory map. Wetlands are eligible to be included or added to the regulatory map if they are greater than 5 Hectares (12.4 acres) in total area. The intent of the regulatory map is to provide notice to landowners and the public about what wetlands are subject to regulation under Article 24. There is a formal process outlined in 6 New York Codes Rules and Regulations Part 664 for amending the regulatory map.

Throughout the Patrick Farm planning and approval process at the local and state level, Department staff have made numerous site visits to this property for the purpose of determining Department jurisdiction under multiple Environmental Conservation Laws and their associated implementing regulations. Based on these site visits, and through the use of GIS and other mapping tools, the Department previously determined that the wetlands associated with the farm pond, tributaries to the farm pond, and the outlet of the impoundment collectively do not meet the criteria necessary to be regulated under

Article 24. On November 21, 2006 Department Staff validated the wetland boundary for the two wetlands on the property that do appear on the regulatory map for the owner (TH-14 and TH-30). This was renewed on 2009 and is valid for 10 years.

The initial site visit on November 6, 2006 focused specifically on wetlands that were already on the regulatory map labeled TH-14 and TH-30. Subsequently, on 8/11/2011, staff returned to the site to look specifically at the wetlands associated with the farm pond in response to a previous request from ROSA 4 Rockland for the Department to assert Article 24 jurisdiction over these wetlands. During this site visit, staff determined that, based on conditions at that time, there was a little over 200' foot break in wetland vegetation between Wetland 4 and Wetland 5, as also shown on the 2014 ACOE JD provided with the current petition. Based on criteria in 6 NYCRR Part 664.7(b), these two wetland areas, although hydrologically connected, were greater than 50 Meters (164.04 feet) apart and were considered to be separate wetlands for purposes of mapping. Separating these wetland areas for the purpose of determining acreage resulted in the two wetland areas being significantly below the 5 Hectare (12.4 acre) regulatory threshold.

In response to the current ROSA 4 Rockland Petition, and as indicated in my April 3, 2015 initial response to your petition, Department staff performed another site visit with the property owner's environmental consultant on May 12, 2015. The purpose of the site visit was to determine if the ACOE JD mapping in the vicinity of the existing farm pond was consistent with the Department's Freshwater Wetland Delineation Manual and to make observations to determine if these wetlands meet the criteria for New York State DEC jurisdiction as outlined in 6 NYCRR Part 664 Freshwater Wetland Map and Classification Regulations.

During that May 2015 site visit, Department staff thoroughly checked the hydrologic connection between wetlands 4 and 5. Staff determined the length through field measurements of the hydrologic connection (absent wetland vegetation) of Tributary 3 for comparison to the threshold distance in 6 NYCRR Part 664.7(b). While close to the threshold criteria, results of the re-measurement were not compelling enough to allow us to use the cumulative acreage of both wetlands in determining the state's jurisdiction. Therefore, the new information or evidence does not support a determination that the area of the combined wetlands exceeds the regulatory threshold of 12.4 acres.

Additionally, Department staff also observed that the ACOE JD consistently depicts the delineated wetland boundary to be upland of where the guidance established in the Department's Freshwater Wetland Delineation Manual would dictate. Additionally, the ACOE JD does not separate out upland areas located entirely within the wetland boundary. Based on these observations, Department staff have concluded that the wetland boundaries shown on the ACOE JD, and the acreage calculations extrapolated from the ACOE JD, cannot be utilized directly to support the wetland's regulation under ECL Article 24.

Based on the above, the petition and additional information submitted do not provide a sufficient basis for us to overturn our previous determination. We have thus again concluded that this wetland does not meet the criteria to be regulated under ECL Article 24 and therefore cannot amend the regulatory map as requested by ROSA 4 Rockland.

If you have any specific questions regarding this determination, please feel free to contact Bill Rudge, Natural Resources Supervisor, at (845) 256-3094.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Brand", written in a cursive style.

Martin D. Brand
Regional Director

cc: Assemblywoman Ellen C. Jaffee
Senator David Carlucci
Assemblyman Kenneth P. Zebrowski
Edwin J. Day, Rockland County Executive
Christopher St. Lawrence, Supervisor, Town of Ramapo
Yechiel Lebovits, Applicant/Sponsor for Patrick Farms

Mark A. Chertok
Direct Dial: (646) 378-7228
mchertok@sprlaw.com

September 14, 2015

VIA Overnight Mail

Town of Ramapo Town Board
Ramapo Town Hall
237 Route 59
Suffern, New York 10901

Re: Scenic Development, LLC - Patrick Farms Development
Town of Ramapo, NY

Dear Members of the Town of Ramapo Town Board:

We write on behalf of the Scenic Development, LLC, the applicant for approvals from the Town (the “Applicant”) for the proposed Patrick Farm project (the “Project”), in response to the August 24, 2015 letter from Susan Shapiro (“Shapiro Letter”) on behalf of ROSA 4 Rockland Inc. (“ROSA”) and other parties in litigation opposing the Project (collectively, “Petitioners”).

The Shapiro Letter demands that the Town of Ramapo Town Board (the “Town Board”) and the Town of Ramapo Planning Board (the “Planning Board”) “rescind all land use decisions connected to this project” and “conduct a new or supplemental SEQR review” of the Project. The basis for these demands is purported new information contained in the Jurisdictional Determination (“J.D.”) completed by the U.S. Army Corps of Engineers (“ACOE”) on December 4, 2014. None of Petitioners’ demands have a scintilla of merit.

As a preliminary matter, Ms. Shapiro claims that the Applicant “failed to provide to the Town of Ramapo and the Ramapo Planning Board” [sic] a copy of the J.D. Shapiro Letter, p. 1-2. This allegation is both academic and misleading. It was unnecessary for the Applicant to submit the J.D. to the Town because the ACOE did so; that is plainly reflected by the “carbon copy” section of the ACOE cover letter, which clearly indicates that a complete copy of the J.D., including all enclosures, was transmitted by ACOE to the Town Board on December 4, 2014. This is the same letter that Ms. Shapiro transmitted to the Town.

ROSA’s arguments on the merits are equally baseless. It is correct that the J.D. revealed that over the past ten years, through natural processes, the boundaries of wetlands and other waters subject to federal regulation have shifted and expanded. In light of these changes, the Applicant submitted revised site plans to the Planning Board on March 9, 2015. As affirmed in the attached memorandum from Dennis Rocks, P.E., consultant for the Project, these revised site

plans, which provide for a reduced project footprint and fewer units, avoid any potential impacts based on the newly-mapped wetland boundaries and further reduce, not increase, overall Project impacts.

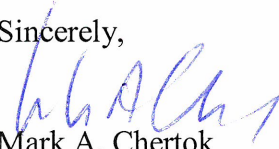
For these reasons, Ms. Shapiro's demands that all land-use approvals be rescinded, based on the theory that the Town was not provided a copy of the J.D. and the fear that the Project may result in impacts to newly-mapped wetlands or other types of impacts, are contradicted by not only the record but by common sense, and should be summarily rejected.

Ms. Shapiro's request for supplemental SEQRA review of the Project is also unavailing. Shapiro Letter, p. 2. Contrary to Ms. Shapiro's claim that supplemental review is required for "new information," the applicable standard under New York law actually provides that a supplemental environmental impact statement ("SEIS") is discretionary with the lead agency, and may be required for "significant" new information. 6 NYCRR 617.9(a)(7)(i); *See also Riverkeeper, Inc. v. Planning Bd. of Town of Se.*, 9 N.Y.3d 219, 231 (2007) ("A lead agency's determination whether to require a SEIS...is discretionary."). More importantly, an SEIS may only be required when there are "significant adverse environmental impacts not addressed or inadequately addressed in the EIS" that arise from changes to the project, newly discovery information or changes in circumstance, 6 NYCRR 617.9(a)(7)(i). The adjustments to the boundaries of the mapped wetlands on the site, which have already been incorporated into revised site plans, do not amount to such significant new information, as the site plan modifications have even further reduced the Project's impacts.

Contrary to Ms. Shapiro's unbridled and unsupported speculation (1) there are fewer units, and thus the "allowable space for building under the Town's bulk tables" has been addressed; (2) structures have been removed from proximity to the newly-delineated wetlands; (3) there will be less cut and fill due to reduced development; (4) there will be less impervious surface and thus less stormwater runoff, lower potential for flooding, and improved water quality of runoff. In short, there are simply no new adverse impacts to study.

More broadly, Petitioners' requests are part and parcel of their long-running campaign to delay progress on the Patrick Farm development by any means possible. The Town Board should dismiss their baseless demands.

Sincerely,


Mark A. Chertok

CC: Scott Ballard
Scenic Development
Dennis Rocks
Town of Ramapo Planning Board
Susan Shapiro, Esq.
(All via Email)

MEMORANDUM

TO: Town of Ramapo Town Board

FROM: Dennis Rocks, P.E., CFM

DATE: September 14, 2015

RE: **Patrick Farm Subdivision, Condominiums, and Volunteer Housing**
LJA # 09051

We are the design engineers for the Patrick Farm Subdivision, Condominiums, and Volunteer Housing projects. We have reviewed the 8/24/15 letter from Susan Shapiro to Councilman Ullman. Set forth below is a table that addresses Shapiro's allegations regarding the relationship between the revised wetlands delineation associated with the December 4, 2014 Jurisdictional Determination ("JD") and our engineering designs.

	Shapiro Claim	LJA Response
1	This site is also situated at the headwaters of the Mahwah River, which has been the source of significant downstream flooding, and includes two of its designated tributaries, as well as other on-site streams flowing towards the Mahwah River.	The site location and its potential impact on local flooding is unaffected by the JD. Since its inception the project has been designed to maintain a zero peak rate of runoff increase and this has not changed.
2	The amount and/or location of the on-site federal wetlands is critical in that it relates to: the allowable space for building under the Town's bulk tables;	Lot area deductions are partially based upon the area of freshwater wetlands. Lot area deductions have already been recalculated based upon the JD wetland delineation; the revised plans propose 15 less dwellings.
3	The amount and/or location of the on-site federal wetlands is critical in that it relates to: restricts where structures can be located,	No structures are proposed within any federal wetlands and there would be no disturbance of federal wetlands.
4	The amount and/or location of the on-site federal wetlands is critical in that it relates to: where the applicant	No cut and fill is proposed within any federal wetlands. As noted, there would be no disturbance of federal

Leonard Jackson Associates

	can cut and fill on the site;	wetlands.
5	The amount and/or location of the on-site federal wetlands is critical in that it relates to: impacts how storm water calculations are done,	The reduction in the scope of the project reduced the area of impervious surfaces; this in turn reduced peak runoff rates, which reduced the required level of stormwater treatment. However, the provided level of stormwater treatment was not reduced so the provided level of stormwater treatment is now effectively over-designed.
6	The amount and/or location of the on-site federal wetlands is critical in that it relates to: and flooding impacts are evaluated;	The reduction in the scope of the project reduced the area of impervious surfaces, which reduced peak runoff rates. However, as noted in Item 1 above, this project has always been designed to maintain a zero peak rate of runoff increase and this has not changed.
7	The amount and/or location of the on-site federal wetlands is critical in that it relates to: determines where sanitary sewers can run;	No sanitary sewers are proposed within any federal wetlands. As noted, there would be no disturbance of federal wetlands.
8	The amount and/or location of the on-site federal wetlands is critical in that it relates to: affects water quality analysis.	The project has always been designed to mitigate potential water quality impacts. The reductions in the project scope reflected in the revised plans submitted will only further reduce the potential for water quality impacts.

MILTON B. SHAPIRO

SUSAN H. SHAPIRO

ATTORNEYS AT LAW

75 N. MIDDLETOWN ROAD • NANUET, NEW YORK 10954

(845) 371-2100
(845) 371-3721 - FAX
mbs@ourrocklandoffice.com

8/24/15

Councilman Yitzchok Ullman
Town Board
Ramapo Town Hall
237 Route 59
Suffern, NY 10901

TOWN OF RAMAPO
TOWN CLERK'S OFFICE
2015 AUG 25 A 10:16

RE: Patrick Farm Town Board and Planning Board Decisions:
SEQR Finding Statement – Resolution # 2010-98
Comprehensive Plan Change: Resolution # 2010-99
Zone Change: Resolution # 2010-100
Preliminary Subdivision/Sketch Plat Amended Decision of
3/8/11
Final Subdivision Decision of 9/20/12
Final Subdivision and Site Plan #2 Resolutions of 3/22/13

Dear Town of Ramapo Elected and Appointed Board Members:

During Motion practice regarding the plethora of pending Patrick Farm appeals, it has come to the attention of Petitioner-Appellants in on-going litigation and appeals challenging Ramapo's Patrick Farm decisions that the applicant, Scenic Development and the Lebovits family, failed to provide the Town of Ramapo and the Ramapo Planning Board with a copy of the complete Army Corps of Engineers ("ACOE") Jurisdictional Determination ("JD") issued on Dec 14, 2014, which provides a definitive map of the wetlands and waters of the United States ("WOUS") on the Patrick Farm. This ACOE JD identifies 10.55 acres of additional wetlands, a 39% increase

in the overall WOUS, than on the maps submitted by the Applicant for the Town's consideration, and upon which all the Town Boards' decisions were based. For years the Applicant refused to apply for an ACOE JD, and instead provided misleading and incomplete documentation in the Environmental Impacts Statements considered by the Town of Ramapo Board, which omitted acres of wetlands.

Therefore, the Petitioner-Appellants, in the pending Bodin et al., Shapiro et al, and Village of Pomona litigation, and the not-for-profit organization Ramapo Organized for Sustainability and a Aquifer ("ROSA"), are now submitting the attached complete ACOE JD which contains significant new information.

All of the land use decisions by the Town Boards were based on a Record that contained misleading, inaccurate and incomplete information.

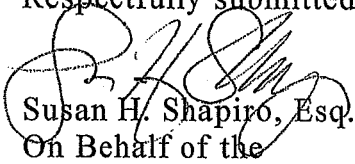
Therefore, we formally request that the Town of Ramapo Town Board and Planning Board immediately rescind all land use decisions connected to this project, set forth above.

We also formally request that the Ramapo Town Boards conduct a new or supplemental SEQR review based on the new information and incontrovertible information identified by the ACOE JD, of the unmapped wetlands on the Patrick Farm, which is located in the Environmentally Sensitive Area overlaying the interstate Ramapo-Mahwah Sole Source Aquifer. This site is also situated at the headwaters of the Mahwah River, which has been the source of significant downstream flooding, and includes two of its designated tributaries, as well as other on-site streams flowing towards the Mahwah River.

The amount and/or location of the on-site federal wetlands is critical in that it relates to: the allowable space for building under the Town's bulk tables; restricts where structures can be located, and where the applicant can cut and fill on the site; impacts how storm water calculations are done, and flooding impacts are evaluated; determines where sanitary sewers can run; and affects water quality analysis.

We request this matter be placed on the next Town Board and Planning Board agendas, and that you formally respond to this request so that we may take necessary action, if required, to ensure that the Town complies with its environmental review duties under the law.

Respectfully submitted



Susan H. Shapiro, Esq.
On Behalf of the
Petitioners/Appellants
in Bodin et al., Shapiro et al.,
Village of Pomona and ROSA

Cc: Judge Thomas Walsh, III
Judith Enck, EPA Regional Director
Michael Klein, Esq.
Terry Rice, Esq.
Doris Ullman, Esq.
Bruce Levine, Esq.
Rockland County Planning

SIVE, PAGET & RIESEL, P.C.

460 PARK AVENUE

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**ALSO ADMITTED IN CT AND CA

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JESSICA A. STEINBERG*

ARTHUR J. JACOBSON
COUNSEL

EB SITE: www.sprlaw.com

October 2, 2008

By Overnight Mail

Richard Tomer
Chief, Regulatory Branch
New York District
U.S. Army Corps of Engineers
Javits Federal Building
New York, NY 10278-0090

Re: Scenic Development, LLC

Dear Mr. Tomer:

We represent Scenic Development, LLC, the owner and prospective developer of a residential project known as Patrick Farm in the Town of Ramapo, Rockland County, New York. The approximately 207 acres property (the "Site") is located between State Routes 202 and 306. We write to request confirmation that the proposed development is authorized under Nationwide General Permit ("NWP") No. 29.

As explained below, the Site has been the subject of inspections by Dr. Mallery in the context of a prior resolved enforcement matter, who found that the proposed development would have only minor impacts and would qualify for NWP No. 39 (since renumbered to NWP No. 29). Several nominal changes to the project layout, and the slight expansion of a wetland (due to a prior surveying error), do not alter this conclusion.

In May 2004, the Corps conducted a Site inspection and found that fill had been placed in certain waters of the Untied States without prior authorization. Carpenter Environmental Associates ("CEA"), on behalf of Scenic Development, developed and implemented a remedial plan for the impacted areas. As part of this work, CEA submitted to the Corps a Preliminary Layout Study for the proposed Patrick Farm development (dated January 10, 2006), which showed the location of waters of the United States (both streams and wetlands) and the proposed layout for the roads, road crossings and lots of the proposed project. This Study showed that the only activity near waters of the United States, including wetlands, were bridge crossings that would span the entirety of the narrow waterways and not result in any filling of such waterways.

SIVE, PAGET & RIESEL, P.C.

Richard Tomer
October 2, 2008
Page 2

The Corps found that the remedial measures undertaken by Scenic Development fully addressed the enforcement issues and closed the administrative proceeding. This decision is reflected in the February 1, 2007 letter from Dr. Mallory. A copy of this letter, together with the January 10, 2006 Preliminary Layout Study (which incorporates January 15, 2007 graphics), is attached hereto as Exhibit A.

Dr. Mallory, based on his and his staff's inspections of the Site, and based on the Preliminary Layout Study, stated that

impacts of the project...are sufficiently minor in scope as to be considered and authorized under nationwide general permit permits (specifically nationwide general permit No. 39) [now No. 29], provided that the remainder of the project is carried out in accordance with the general conditions of the nationwide general permit program.”¹

Dr. Mallory's letter also stated that if the project were modified so that it would have additional impacts to the waters of the United States (including wetlands) identified on the Preliminary Layout Study, additional authorization from the Corps would be needed.

Since that letter, the design layout of the project has slightly changed. The new layout is reflected in the accompanying figure entitled Proposed Layout Plan (August 21, 2008). The changes do not affect the eligibility of the project for a nationwide permit. The changes are as follows: (a) six of the single-family lots south of the New York State Department of Environmental Conservation wetland of 12.20 acres on the southeast portion of the Site, have been eliminated; (b) a lot to the north of Old Route 202 has been added; and (c) in the central portion of the Site, where the wetland remediation took place, multi-family units have replaced single family units, with an improved layout in the vicinity of Lots 85 and 86. This last modification places the remediated area in the the open space managed by the Homeowner's Association, rather than in the backyards of individual single family lots, thereby assuring greater protection to the area. In addition, the August 2008 Proposed Layout Plan reflects the detailed stormwater management plan, which shows that stormwater management basins, outside of the Corps jurisdictional area, will be used to manage stormwater. (These locations are denoted by yellow highlighting on both the enclosed Preliminary Layout Study of January 10, 2006 and the Proposed Layout Plan of August 21, 2008.)

In addition, it was discovered that the wetland in the southwestern corner of the Site had been the subject of a surveying error. That wetland, which was 5.15 acres on the Preliminary Layout Study, is actually 5.75 acres in size. The increased area is in the "finger" that juts out from the wetland toward the northwest. The Proposed Layout Plan reflects that this finger will not be impacted by the project.

¹ Dr. Mallory's letter also noted the need for adequate sedimentation and erosion controls during construction; Scenic Development will be implementing such a plan.

SIVE, PAGET & RIESEL, P.C.

Richard Tomer
October 2, 2008
Page 3

Although the changes do not cause any additional impacts to waters of the United States, including wetlands, we write out of an abundance of caution in light of Dr. Mallery's letter and caution about project modifications. Accordingly, we request confirmation that the proposed development, as set forth in the Proposed Layout Plan, is authorized pursuant to NWP No. 29. In this respect, and consistent with Dr. Mallery's letter, the development also complies with applicable general conditions of the nationwide general permit program: there will be no impact to water flows (General Condition 9); the project complies with all applicable floodplain requirements for the 100-year floodplain that parallels the stream that crosses the northeast part of the Site (General Condition 10); no heavy equipment is expected to be used in wetlands but, in such event, mats or similar measures will be taken to protect the wetlands (General Condition 11); appropriate soil erosion and sediment controls will be used and maintained (General Condition 12); in this regard, the project will comply with applicable SPDES Stormwater General Permit provisions and will have a Stormwater Pollution Prevention Plan in place; no temporary fills of waters of the United States, including wetlands, are expected, but if that occurs, the fill will be removed in its entirety and the affected area returned to pre-filling elevations and re-vegetated as appropriate (General Condition 13); no threatened or endangered species, or habitat thereof, will be affected by the project (General Condition 17); and no critical resource waters are on or near the Site (General Condition 19).

Finally, no structure or portion of the Site is listed on the National (or State) Register of Historic Places. Scenic Development has submitted information to the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") regarding the potential eligibility for listing on the National or State Register of a small cemetery on the southwestern edge of the Site (which will not be disturbed by the proposed development) and the foundation of a former dwelling called the Mather Farmhouse that is in the vicinity of Lot 51 (on the eastern edge of the Site, east of the DEC Wetland of 12.20 acres). If the cemetery and/or Mather Farmhouse foundation (or other site) is found to be eligible for listing on the National Register by ORPHP, the applicant will comply with Section 106 of the National Historic Preservation Act (General Condition 18).

We appreciate your consideration of this request. Please feel free to contact the undersigned with any questions.

Sincerely,



Mark A. Chertok

cc: Christopher S. Mallery, Ph. D
Scenic Development
Ann Cutignola (TMA)
Greg M. Fleischer (CEA)

REPLY TO
ATTENTION OF

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

FEB 1 - 2007

Regulatory Branch

Subject: Enforcement Case No. 2004-047 (NAN-2004-505)
Scenic Development, LLC
Town of Ramapo, Rockland County, New York

Mr. Greg M. Fleischer
Carpenter Environmental Associates, Inc.
307 Museum Village Road
P.O. Box 656
Monroe, New York 10950

Dear Mr. Fleischer:

On May 17, 2004, the New York District of the U.S. Army Corps of Engineers issued a Cease and Desist Order to Scenic Development, LLC, restricting further construction on the project site of a residential development known as Patrick Farm, located between Route 202 and Route 306, in the Town of Ramapo, Rockland County, New York. This order was based on observations by a representative of this office during a site inspection on May 12, 2004, when it was noted that fill had been placed in waters of the United States, particularly streams and wetlands, on the project site, without prior authorization from this office.

In a letter dated November 27, 2006, Carpenter Environmental Associates, as environmental consultants for the project, detailed measures that had been taken to remediate the previously impacted areas, and provided a preliminary layout for the future development of the site, including its proposed impacts to areas within the jurisdiction of this office. On December 19, 2006, a representative of this office conducted an inspection of the project site with representatives of Carpenter Environmental Associates. In a letter dated January 12, 2007, Carpenter Environmental Associates described the further measures that had been taken to complete the remediation of the previously impacted areas, and submitted a drawing entitled "Patrick Farm, Town of Ramapo, Rockland County, New York - Preliminary Layout Study (SF)", dated January 10, 2006, with revised graphics dated January 15, 2007, which set out a proposal for the current project, which involves the construction of 139 single-family homes.

Based on observations during the recent site inspection and the submittals of the project consultant, it appears that the completed remedial measures have fully addressed the enforcement concerns of this office with regard to the previously impacted areas. Accordingly, the Cease and Desist Order issued by this office on May 17, 2004, is considered rescinded, effective on the date of this letter, and the relevant enforcement case is considered administratively closed.

Subject: Enforcement Case No. 2004-047 (NAN-2004-505)
Scenic Development, LLC
Town of Ramapo, Rockland County, New York

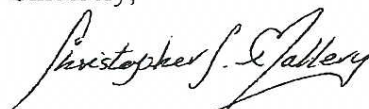
This office has reviewed the proposal for the further development of the site, and specifically the above-referenced drawing, and has determined that the prior and proposed impacts of the project as set out in this drawing are sufficiently minor in scope as to be considered authorized under nationwide general permits (specifically nationwide general permit No. 39), provided that the remainder of the project is carried out in accordance with the general conditions of the nationwide general permit program. In this last regard, and in light of the sensitive nature of the watercourses on the site, it would be in the best interests of the project sponsor to be especially diligent in the design and implementation of adequate erosion and sediment controls during construction on the project site.

If, at any time during the course of construction, the project is modified in such a manner that it would have additional impacts to areas identified on the above-referenced drawing as wetlands and waters of the United States, additional written authorization from this office will be necessary prior to the implementation of such modifications.

It is anticipated that the project will be carried out in accordance with all appropriate state and local approvals that may be required.

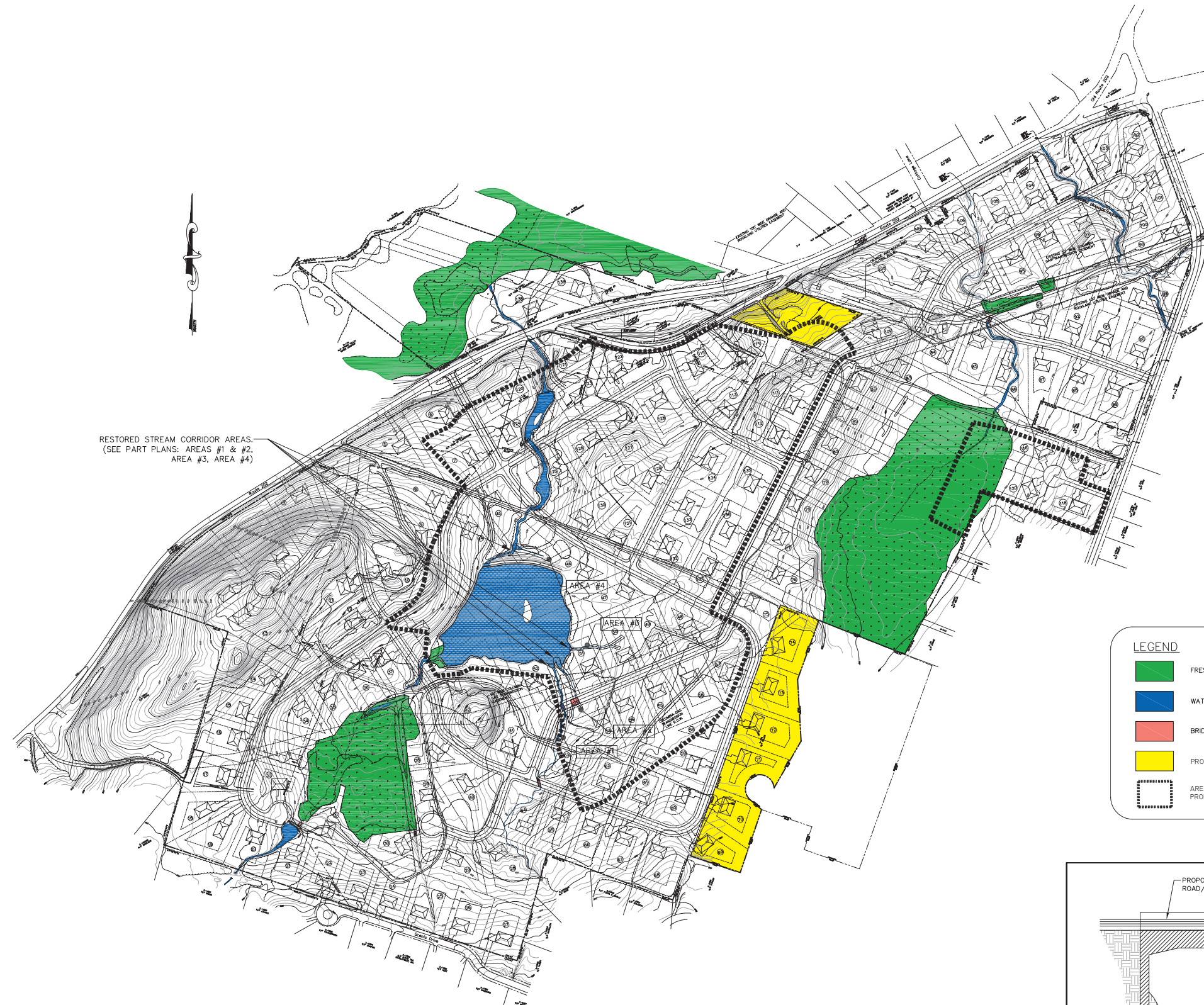
Your cooperation with the regulatory requirements of this office is appreciated. If any questions should arise concerning this matter, please contact me at 917-790-8418.

Sincerely,



Christopher S. Mallery, Ph.D.
Chief, Harbor Supervision
and Compliance Section

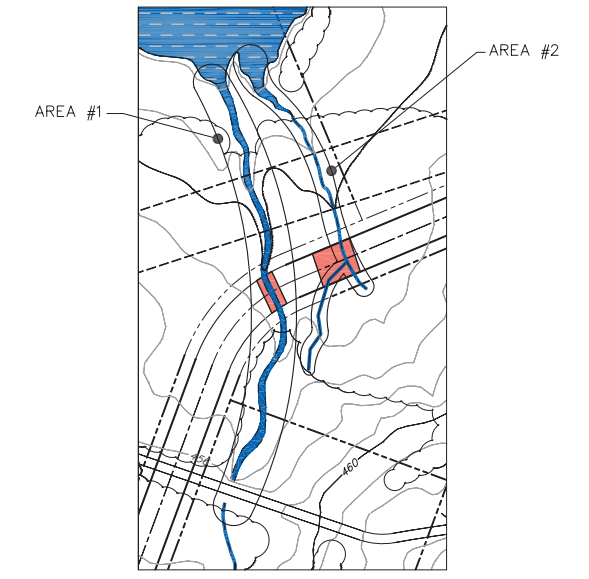
c: NYSDEC
Scenic Development
Leonard Jackson Associates
Town of Ramapo



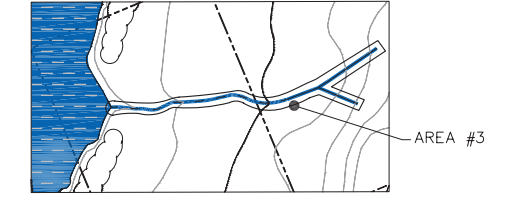
RESTORED STREAM CORRIDOR AREAS.
(SEE PART PLANS: AREAS #1 & #2,
AREA #3, AREA #4)

LEGEND

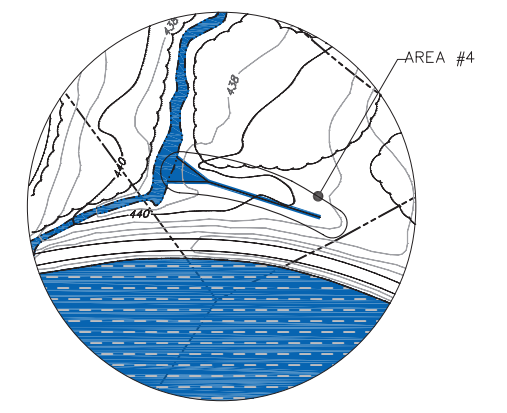
- FRESHWATER WETLAND
- WATERS OF THE U.S.
- BRIDGE SPAN CROSSING
- PROJECT CHANGES
- AREAS OF PROPOSED ZONING CHANGE



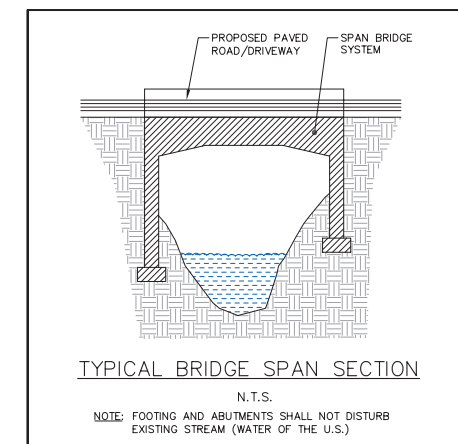
PART PLAN: AREAS #1 & #2
SCALE: 1"=60'



PART PLAN: AREA #3
SCALE: 1"=60'



PART PLAN: AREA #4
SCALE: 1"=60'



TOWN OF RAMAPO
TABLE OF BULK REQUIREMENTS
§ 376-41

ZONE	USE GROUP	MINIMUM LOT AREA	LOT WIDTH (FT)	FRONT SETBACK (FT)	FRONT YARD (FT)	SIDE SETBACK (FT)	TOTAL SIDE SETBACK (FT)	SIDE YARD (FT)	REAR SETBACK (FT)	REAR YARD (FT)	STREET FRONTAGE (FT)	MAXIMUM HEIGHT (FT)	DEVELOPMENT COVERAGE (%)	FLOOR AREA RATIO (FAR)
R-40	m	40,000 SF	160	50	50	25	70	10	50	10	100	35	40	0.40
RR-80	e1	80,000 SF	200	50	50	30	100	10	50	10	150	35	20	0.40

SUMMARY : BREAKDOWN OF PROPOSED USES

USE	NUMBER OF UNITS
1 SINGLE FAMILY HOMES	139

SINGLE FAMILY HOMES:
TYPICAL DIMENSIONS : 50' x 70'

REVISIONS:

REV.	DESCRIPTION	DATE

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PATRICK FARM
TOWN OF RAMAPO
ROCKLAND COUNTY, NEW YORK

PRELIMINARY LAYOUT STUDY (SF)

Date: 01/10/06	Drawn by: YCT	Scale: 1" = 200'	Job number: 02033	Drawing Number: SF
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October 2, 2009

By Email

Anne Cutignola, AICP
Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Re: Patrick Farm

Dear Ms. Cutignola:

We write to confirm that the Corps of Engineers, New York District Office, has approved the delineation of federally-regulated wetlands and other waters of the United States on the Patrick Farm development site and verified that the activities associated with the project are authorized under Nationwide Permit (NWP) 29.

Dr. Christopher Mallery of the Corps of Engineers, New York District Office, had reviewed the delineation of waters of the United States, including wetlands, on the development site set forth in the Preliminary Layout Study dated January 10, 2006. By letter dated February 1, 2007, Dr. Mallery approved that delineation and confirmed that the activities associated with the development were sufficiently minor in nature so as to comply with NWP 39 (since renumbered as NWP 29). Dr. Mallery thus authorized these activities to proceed, provided that they are implemented consistent with general conditions of the NWP program.

Although development plans have slightly changed since Dr. Mallery's letter, the project as modified does not have any additional impacts on delineated wetlands or other waters of the United States (in fact, the changes reduce activities near such areas). Thus, as set forth in Dr. Mallery's letter, the changes do not affect the project's authorization under NWP 29.

SIVE. PAGET & RIESEL, P.C.

Ann Cutignola
October 2, 2009
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Consistent with Dr. Mallery's letter, the development also complies with applicable general conditions of the NWP program: there will be no impact to water flows (General Condition 9); the project complies with all applicable floodplain requirements for the 100-year floodplain that parallels the stream that crosses the northeast part of the Site (General Condition 10); no heavy equipment is expected to be used in wetlands but, in such event, mats or similar measures will be taken to protect the wetlands (General Condition 11); appropriate soil erosion and sediment controls will be used and maintained (General Condition 12) (in this regard, the project will comply with applicable SPDES Stormwater General Permit provisions and will have a Stormwater Pollution Prevention Plan in place); no temporary fills of waters of the United States, including wetlands, are expected, but if that occurs, the fill will be removed in its entirety and the affected area returned to pre-filling elevations and re-vegetated as appropriate (General Condition 13); no threatened or endangered species, or habitat thereof, will be affected by the project (General Condition 17); the Mather Farmstead site (which is eligible for the National Register of Historic Place) will not be disturbed, and there will be an appropriate buffer around this site (the cemetery, though not eligible for listing, will also not be disturbed) (General Condition 18); and no critical resource waters are on or near the Site (General Condition 19).

Please feel free to contact me if there are any questions.

Sincerely,



Mark A. Chertok

cc: Scenic Development
Ann Cutignola (TMA)
Greg M. Fleischer (CEA)

4836\Ltr TMA 10.2.09