

New York State Department of Environmental Conservation

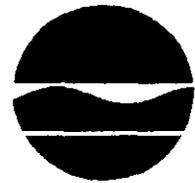
Division of Fish, Wildlife and Marine Resources

Bureau of Habitat -- Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3057 • FAX: (845) 255-4659

Website: www.dec.state.ny.us



07-14

March 23, 2007

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Re: Lands of Louis & Janet Nowicki
Station Road, Town of New Windsor
SBL #57-1-82.22/82.23

Dear Planning Board Members:

This letter is to inform the Planning Board of the status, current and prospective, of the wetlands on the referenced property. The purpose is to clarify same, and to avoid any future misunderstandings.

The property has a portion of DEC wetland MB-29, which is currently regulated under the state Freshwater Wetlands Act (Article 24 of Environmental Conservation Law). I was asked by Mercurio-Norton-Tarolli, the engineering firm representing the owners, to validate the boundary of this wetland, in order to get an application on the planning board agenda. Please see enclosed copy of validation.

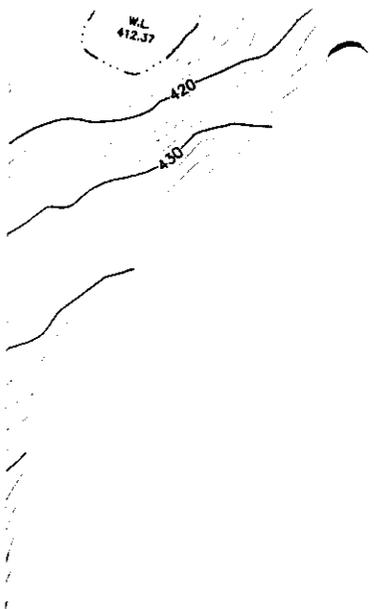
The boundary of MB-29 is shown correctly on this plan. However, as noted in the "SW Note", there are other wetlands on the property that are eligible for protection under Article 24. You should be aware that DEC is in fact in the process of amending the regulatory map to include an eligible wetland on the east side of the property. (Please see enclosed map.)

Notification to landowners affected by this change is imminent. As you know, regulation under Article 24 begins with such notification.

Thank you for your time. Please contact me at 845-256-3057 for further information.

Sincerely yours,

Douglas Gaugler
Conservation Biologist



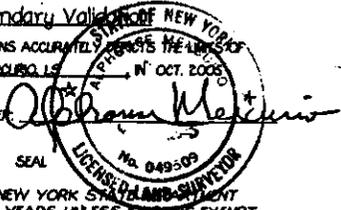
SWI NOTE:
 THIS AREA CONTAINS WETLANDS THAT ARE ELIGIBLE FOR INCLUSION AS REGULATED STATE WETLANDS IF THE MAPPED WETLAND IS AMENDED BY LAW. OTHER THAN THE REGULATED 100' ADJACENT AREA SHOWN, THIS AREA IS NOT A REGULATED STATE WETLAND AT THIS TIME.

NYSDEC Freshwater Wetland Boundary Validation

THE FRESHWATER WETLAND BOUNDARY AS REPRESENTED ON THESE PLANS ACCURATELY REFLECTS THE LOCATION OF THE FRESHWATER WETLAND MB-29 AS DELINEATED BY ALPHONSE MERCUSO, LS

DEC STAFF: Douglas Gaugler SURVEYOR/ENGINEER
DOUGLAS GAUGLER - BZ0662171

DATE: 3/23/07

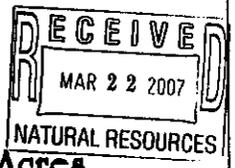


WETLAND BOUNDARY DELINEATIONS AS VALIDATED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REMAIN VALID FOR TEN YEARS UNLESS EXISTING EXEMPT ACTIVITIES, AREA HYDROLOGY, LAND USE PRACTICES CHANGE (E.G. AGRICULTURAL TO RESIDENTIAL) OR IF THE FRESHWATER WETLAND REGULATORY MAP COVERING THIS AREA IS AMENDED. SEE SWI NOTE ABOVE. AFTER TEN YEARS THE BOUNDARY MUST BE REVALIDATED BY DEC STAFF. REVALIDATION MAY INCLUDE A NEW DELINEATION AND SURVEY OF THE WETLAND BOUNDARY.

ANY PROPOSED CONSTRUCTION, GRADING, FILLING, EXCAVATING, CLEARING OR OTHER REGULATED ACTIVITY IN THE FRESHWATER WETLAND OR WITHIN 100 FEET OF THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN REQUIRES A PERMIT FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER ARTICLE 24 OF THE ENVIRONMENTAL CONSERVATION LAW (FRESHWATER WETLANDS ACT) PRIOR TO COMMENCEMENT OF WORK.

Notes:

- 1.) SUBJECT TO ANY DETAILS AN ACCURATE, UP TO DATE, TITLE ABSTRACT REPORT, MAY REVEAL.
- 2.) THIS MAP DEPICTS LOTS 2 AND 3 OF A MAP ENTITLED "PROPERTY SURVEY AND 3 LOT SUBDIVISION OF LANDS OF FRANCES J. RAKOWIECKI AND LOUIS & JANET NOWICKI" FILED MAY 8, 1996 IN THE ORANGE COUNTY CLERKS OFFICE AS FILED MAP NO. 92-96.
- 3.) SUBJECT TO ALL NOTES AND DETAILS PERTAINING TO LOTS 2 & 3 OF THE ABOVE MENTIONED FILED MAP NO. 92-96.
- 4.) TOPOGRAPHY IS DERIVED FROM AERIAL METHODS BY AXIS GEOPATIAL, 2006.
- 5.) SUBJECT TO A LIFE ESTATE AND NOTICE AS DESCRIBED IN LIBER 4382 OF DEEDS, PAGE 97.



Total Area = 116.013 Acres

NO.	DATE	DESCRIPTION	BY	NO.	DATE	DESCRIPTION	BY
1	8-28-06	SML LIMITS	JT				
2	03-16-07	SWI NOTE	JT				

Survey & Subdivision Map of Lands of Louis and Janet Nowicki

Situate in the Town of New Windsor
 DEED REFERENCE: LIBER 4382, PAGE 96 & LIBER 5438, PAGE 187
 TAX MAP REFERENCE: SECTION 57, BLOCK 1, LOT 88.22 & 88.23

Orange County, New York State
Scale 1"=100' Feb. 2006

John Tarolli
 JOHN TAROLLI LS #049201

John Tarolli
 JOHN TAROLLI PE #058875