Ecological Analysis LLC

633 Rt. 211 East, Suite 4, Box 4
Middletown, NY 10941
Office: (845) 495-0123 • Fax: (866)

August 7, 2024

Mr. Brian Orzel
General Engineer/Project Manager
USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, NY 10278

Email: **CENAN-R-Permit-App@usace.army.mil**

Cc: **Brian.A.Orzel@usace.army.mil**

RE: Request for an AJD for the wetlands on five parcels in the ownership of:

MILR, LLC
P.O. Box 366
Walden, NY 12586

Parcels of Town of Montgomery, Orange County, NY:
Section 29, Block 1, Lots 5.1, 5.2, 5.3, 5.4, 5.5 (5 lots)

Dear Mr. Orzel:

Enclosed please find the following items in support of this request for a United States Army Corp of Engineers (USACE) Approved Jurisdictional Determination (AJD) for the above identified five-parcel property located at 1127 New York State Route (SR) 17K. This is a combined site of 54.04± acres. There are four areas of wetlands, totaling 11.139± acres, or approximately 20.6 percent of the property. These wetlands were delineated by Ecological Analysis, LLC (EA)[1]. The field delineations of these four areas were conducted on three dates, November 20-21, 2021, and February 27, 2022. The wetlands were delineated in accordance with the 1987 Corps of Engineers Delineation Manual and the 2012 Northcentral and Northeast Regional Supplement.

The owner has described the proposed project (Sheffield Gardens) as the development of the five-parcel property with a combination of residential (single-family and multi-family units) and commercial entities. The final proposed limits of the project review area would be smaller than the parcel size and will be determined subsequent to the jurisdictional review of the USACE which is being requested by this current application. The items that are submitted here to assist you in your evaluation of this property are:

1. USACE Wetlands Delineation map drawing with the surveyed wetland delineations. WL-1. Dated 4-29-2024, by Engineering & Surveying Properties, PC;
2. USGS 7.5 Minute Walden Quadrangle vicinity map;
3. Google Earth aerial photo, with photograph locations indicated;

[1] Mailing address: Ecological Analysis, LLC. 633 Rt. 211 East, Middletown, NY. 10941 Phone (845) 879-0123

4. USDA NRCS Website Soil Survey report and Hydric Rating report, with soil maps;
5. NYSDEC Environmental Resource Mapper (ERM) map;
6. USFWS National Wetlands Inventory (NWI) map;
7. USGS StreamStats reports for site drainage areas;
8. Wetland and Upland USACE data forms for each of the four wetland and upland, with photos;
9. Signed authorization form for permission for USACE to inspect property.

During the site investigations, each of the four wetlands was evaluated for the presence of hydrophytic vegetation, hydric soils, and wetland hydrology in accordance with the above referenced Delineation Manual and its Supplement.

Site Location

The currently vacant property is owned by MILR, LLC. The applicant, and the project sponsor, are each the same as the owner. The point of contact for the owner is Mr. Gerald Jacobowitz, Esq. Mr. Jacobowitz can best be contacted by business phone at: 845-778-2581, or by e-mail at jerrymarlen@aol.com. Letters can be sent to:

Mr. Gerald Jacobowitz, Esq.
MILR, LLC
P.O. Box 366
Walden, NY 12586

As stated above, EA delineated four areas of wetland on the five parcels. These areas were assigned letter designations of A-D, as shown on the attached Site Plan. The coordinates of the approximate center point of this site and of each of the four wetlands are provided in Table 1.

TABLE 1 – Latitude/Longitude coordinates for property and wetland features

Feature	Latitude	Longitude
Overall site – center point	41.523335	74.211404
Wetland A	41.521921	74.213614
Wetland B	41.521664	74.213035
Wetland C	41.524925	74.210138
Wetland D	41.522451	74.208593

Site Description and Delineation Reports

The subject property is located east of the Village of Montgomery and north of the Village of Maybrook, both villages within the Town of Montgomery, New York, as shown on the several areal maps presented as attachments to this letter. The property is presently vegetated primarily by second growth forest but does also include some areas dominated by scrub brush and meadow vegetation. Archival USGS maps show no developments on the property throughout the past 70 years.

The online Federal remote mapping resources of the United States Fish and Wildlife agency (USFWS) National Wetland Inventory (NWI), depicts wetlands on the easternmost portion of the property. Presently, a body of open water has inundated a nearly 9-acre portion of Wetland D, which constitutes a small part of the 42.9± acre PEM1Ed NWI feature that is shown on the NWI map.

Wetland delineation reports are attached for each of the wetlands. The measured dimensions for each wetland, and the projected jurisdictional status of each, as observed by EA in the field, are given in Table 2.

TABLE 2 – Wetland dimensions and status			
Wetland	Area (as square footage)	Area (as acreage)	Status
A	28,924	0.664	WOTUS[2]
B	11,935	0.274	ISOLATED
C	63,467	1.457	WOTUS
D	380,889	8.744	WOTUS
	485,215 square feet	11.139 acres	

This property includes wetlands that are within the drainage area of two small streams that are parts of the larger watershed of the Wallkill River. Flow from Wetland A to an offsite, culverted, stream would only occur when either rainfall or snow melt rises above the boundary of Wetland A and floods overland towards the culvert inlet. Flow into a culvert running underneath SR 17K serves to collect drainage from Wetlands C and D and channel it into a tributary of the Wallkill River.

There are two Federally- and State-mapped streams that connect the onsite wetlands to the drainage of the Wallkill River. The Wallkill River has a USACE designation as a Traditionally Navigable Water (TNW). These off-site streams convey drainage from the site. The property is located within the watershed basins of these two streams (refer to attached NYSDEC ERM and USFWS NWI figures) but there are not any reaches of defined stream channels within the project site boundaries.

One stream flows to the north as a Stream Order 2, perennial RPW. The attached USGS StreamStats reporting[3] assigns a drainage area size of 0.44 square miles to NYSDEC Freshwater Wetland WD-29, which includes the on-site portions of WD-29 (Wetland C and Wetland D) from the point of discharge of WD-29, at a culvert installed underneath NYS Route 17K. This stream, with an unconsolidated gravel/mud bottom flows north for approximately 2.25 miles before entering the Wallkill River, a straight (aerial) distance of approximately 1.65 miles.

A second stream flows to the southwest and west as a Stream Order 1, non-RPW. The attached USGS StreamStats reporting[4] assigns a drainage area size of 0.049 square miles to Wetlands A and B, from the point of discharge from Wetland A. This stream, with an unconsolidated sandy/gravel bottom, flows generally westward for approximately 1.64 miles before entering the Wallkill River, a straight (aerial) distance of approximately 0.85 miles.

The mean annual precipitation for northern Orange County, where the project is located, is reported in the USGS StreamStats records as approximately 39 inches per year. The general flow pattern from rainfall on to the site would be either infiltration into soils or sheetflow across the property towards the lowest portions of the site, either Wetland A or Wetland D.

A copy of the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil report for the property is included as part of this submittal.

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[2] WOTUS – Waters of the United States

[3] USGS StreamStats (https://streamstats.usgs.gov/ss/). Report for (Latitude, Longitude): 41.52552, -74.20647

[4] USGS StreamStats (https://streamstats.usgs.gov/ss/). Report for (Latitude, Longitude): 41.52162, -74.21488

Both the Orange County Soil Survey and the United States Department of Agriculture (USDA) online web soil survey from the Natural Resources Conservation Service (NRCS)[5] were reviewed to verify if there were any potential hydric (wetland) soils on the property. A copy of the USDA/NRCS Web Soil Survey for the property is included for your use. The mapped soil units for these parcels includes both non-hydric (upland) and potentially hydric soil ratings as shown on the attached Web Soil Survey map for this property. There is one upland soil identified on site. The upland soil is in the locations that are shown on the attached Web Soil Survey map as Pittsfield gravelly loams (Pt). There are three potentially hydric soils identified on the property, those that are shown with Map Unit names of: Ca (Canandaigua silt loams), ErB (Erie gravely silt loams), or UH (Udorthents).

Several soil bores were taken during the field investigation across portions of the site outside of the wetlands. These bores identified the presence of upland soils that do not maintain a proper hydrology to develop wetland characteristics, or to support wetland vegetation, as they would dry out during the growing season.

Upland Vegetation Oak-maple Hardwood Forest

The upland areas of the property consist of a mature second-growth forest dominated by oaks and maples (FIGURE 1 - PHOTO 1). This covers approximately 48 acres of the 53-acre site. The dominant trees are pin oak, red oak, sugar maple, red maple, ash, and American beech. Under the fully closed forest canopy provided by these trees, the understory was noted to be densely vegetated with privet shrubbery. The shrub layer did include other areas where Japanese barberry, multiflora rose, Allegheny blackberry, and bush honeysuckles were dominant. Japanese honeysuckle was also observed, infrequently, throughout both the forested and shrubby areas of the site. The seasonal herbaceous layer of vegetation was largely characterized by the presence of the invasive non-native herb, garlic mustard. Areas of copse forming trees, including sumacs, tree-of-heaven, and black locust, are present along the northern and western forest edges of the property.

PHOTO 1 – Oak-maple hardwood forest upland

[5] Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: http://websoilsurvey.sc.egov.usda.gov/. Accessed March 24, 2023.

Wetland Vegetation

Table 3 presents the soil and structural vegetation characteristics of the four site wetlands. The dominate plants observed within each of the wetland or shoreline areas is presented in more detail in the following sections.

TABLE 3 – Wetland Soils and Vegetation

WETLAND	TYPE	SOIL	VEGETATION	HYDROLOGY	JURISDICTION
A	Palustrine Forested	Canandaigua silt loam (Ca)	Trees and shrubs	Saturated	Federal WOTUS
B	Palustrine Forested	Canandaigua silt loam (Ca)	Unvegetated	Inundated	Federal Isolated
C	Palustrine Forested/Emergent	Erie gravelly silt loam (ErB)	Trees, shrubs, and emergents	Saturated/ Inundated	State and Federal WOTUS
D	Lacustrine Littoral/Limnetic	Canandaigua silt loam (Ca)	Shrubs, emergents, and aquatics	Inundated	State and Federal WOTUS

Palustrine forested wetlands

The forested wetland areas of Wetlands A and C (FIGURE 1 – PHOTOS 2 and 3) were dominated by stands of pin oak, American elm, and red maple in areas of either sparsely or densely developed undergrowth. Where the understory was significantly vegetated, the predominant forms of shrubby undergrowth were silky dogwood, winterberry, nannyberry, and multiflora rose. Herbaceous species included wood reed grass, stiltgrass, sensitive fern, and melic mannagrass.

PHOTO 2 – Palustrine forest at Wetland A.

PHOTO 3 – Palustrine forest at Wetland C.

Emergent vegetation wetlands

This habitat is present within portions of both Wetlands C and D (FIGURE 1 – PHOTOS 4 and 5). Wetland C has a community of emergent vegetation that is primarily present within a shallow depression colonized by cattails, sensitive fern, purple loosestrife, and common reed (phragmites). The emergent community associated with Wetland D is present as a broad area of vegetation that surrounds the open water portion of NYSDEC Wetland WD-29. The dominant plants present are broadleaf cattails, false nettle, jewelweed, and dotted smartweed.

PHOTO 4 – Emergent Vegetation at Wetland C.

PHOTO 5 – Emergent Vegetation at Wetland D.

Eutrophic pond

The open water portion of NYSDEC Wetland WD-29 (FIGURE 1 – PHOTO 6) is a very shallow area of reverted, previously ditched and drained marshland that is flooded in most years. Presently this area includes an expanded area of shallow, open water that forms a nutrient-rich, eutrophic pond. This area is shown as open upland fields on USGS maps as recently as 1957, and is shown with only limited areas of open water by GOOGLE EARTH imagery as recently as 2006. Sampling of the floating or rooted vegetation in this open water portion of Wetland D was not feasible during this investigation.

PHOTO 6 – Eutrophic Pond at Wetland D.

Vernal pool

The several small forested wetland areas mapped in the southwestern portion of the Project site (FIGURE 1 – PHOTO 7) included areas that had extended periods of flooding and that were observed to be utilized by wood frogs for breeding during spring of 2023. Vegetation around these pools included red maple, elms, sycamore, silky dogwood, and multiflora rose. Seasonal observations of the confines of the pool showed it to be either unvegetated when flooded in wet seasons, or very sparsely vegetated during dry season visits to the site.

PHOTO 7 - Vernal pool at Wetland B.

Wetland Habitat Characteristics

The drainage areas of Wetlands A and B are each small, mostly consisting of the immediate surrounding amount of upland associated individually with each one of them. Wetlands C and D are part of a more extensive drainage area, which incorporates the full extent of NYSDEC Wetland WD-29, a 90± acre wetland. Wetland C, in addition to the runoff from its immediate surrounds, also receives discharge flows from a culvert under SR 17K.

There did not appear to be any visible pollutants in any of the wetlands during our site visit. However, there is a potential for some roadside pollutant runoff into Wetland C due to its location which is immediately adjacent to and down the embankment of SR 17K. At his location there is the potential for some roadside pollutants to be carried in the runoff and culvert discharges from along the roadbed.

The potential for wildlife habitat in the three smaller wetlands (A, B, and C) is minor considering their small size, their impermanent or shallow surface waters, and their surrounding thickets of privets and multiflora rose bush shrubs. Wetland B however was observed to retain a small, semi-permanent, body of open surface water, where frog populations, including breeding wood frogs and egg masses of wood frogs, were incidentally observed during the on-site investigations. Wetland D is part of a larger, more permanent, mostly offsite, open water feature of approximately 25 acres, within an overall 90± acre wetland. The larger acreage and more varied habitat structure around Wetland D would provide useful four-season habitats for local wildlife and waterfowl.

Thank you for reviewing this request for a USACE AJD determination. Please send all inquiries regarding this project request to my attention at the address given below. Should you require any further information at this time, or have any questions, please do not hesitate to contact me at EA's office:

Ecological Analysis, LLC
633 Route 211 East
Middletown, NY 10941

bfriedmann@4ecological.com.

Sincerely,

Bruce R. Friedmann

Bruce R. Friedmann
Senior Environmental Scientist
Ecological Analysis, LLC

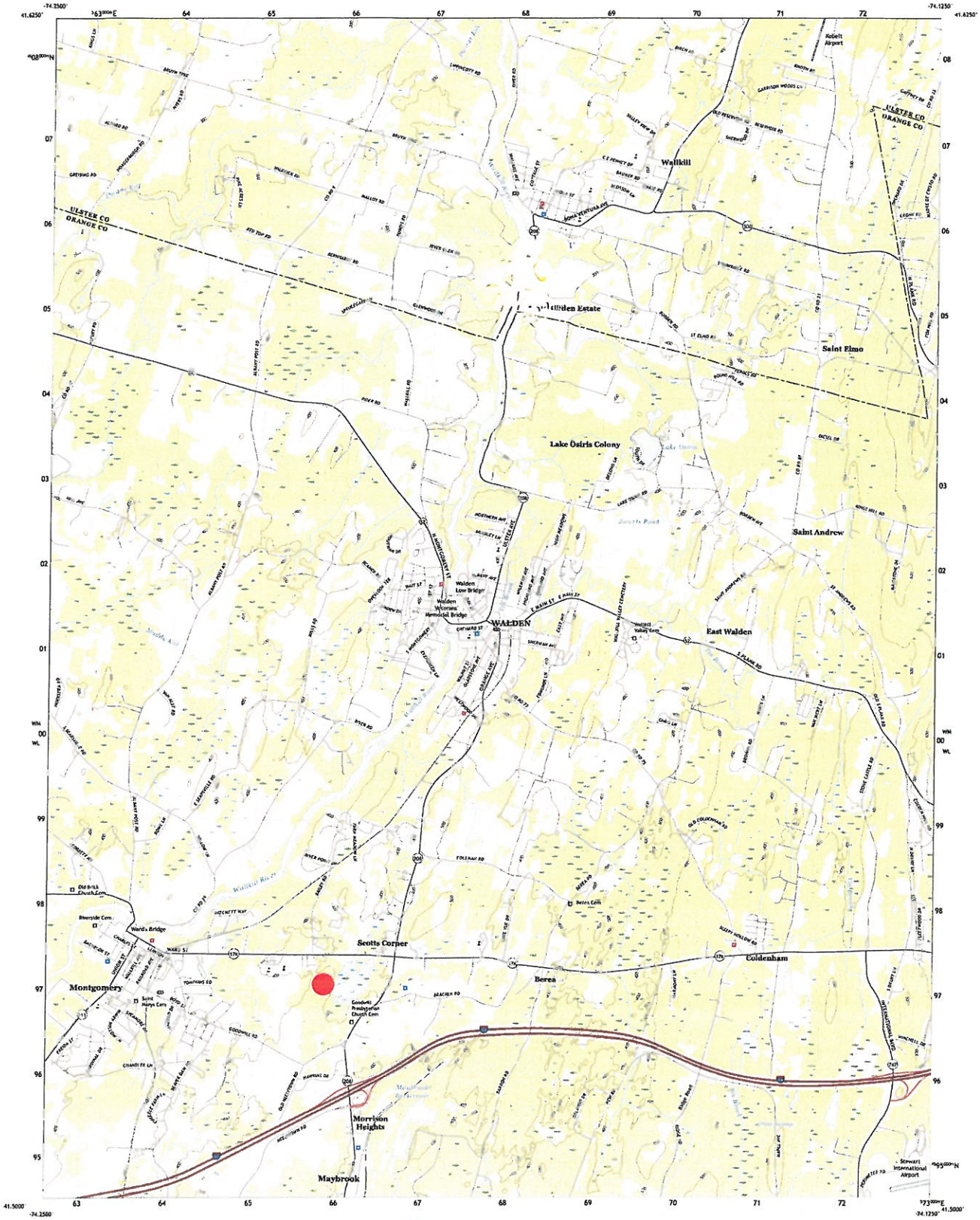
Attachments 1-9 (see list on Page 1)

USGS science for a changing world

U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY

The National Map US Topo

WALDEN QUADRANGLE
NEW YORK
7.5-MINUTE SERIES



● - locates center point of site

Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and 1 000-meter grid: Universal Transverse Mercator, Zone 18T
This map is not a legal document. Boundaries may be generalized for this map scale. Private lands within government reservations may not be shown. Obtain permission before entering private lands.

Imagery			Naip, July 2017 - December 2017
Roads		Census	Bureau, 2016
Names		GNIS, 1980	2019
Hydrography	National Hydrography Dataset, 2002		2019
Contours	National Elevation Dataset,		2016
Boundaries	Multiple sources; see	metadata file	2017 - 2018
Wetlands	FWS National Wetlands Inventory	1984	2011

UTM GRID AND 2019 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

SCALE 1:24 000

CONTOUR INTERVAL 20 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the National Geospatial Program US Topo Product Standard, 2011. A metadata file associated with this product is draft version 0.6.16

ROAD CLASSIFICATION

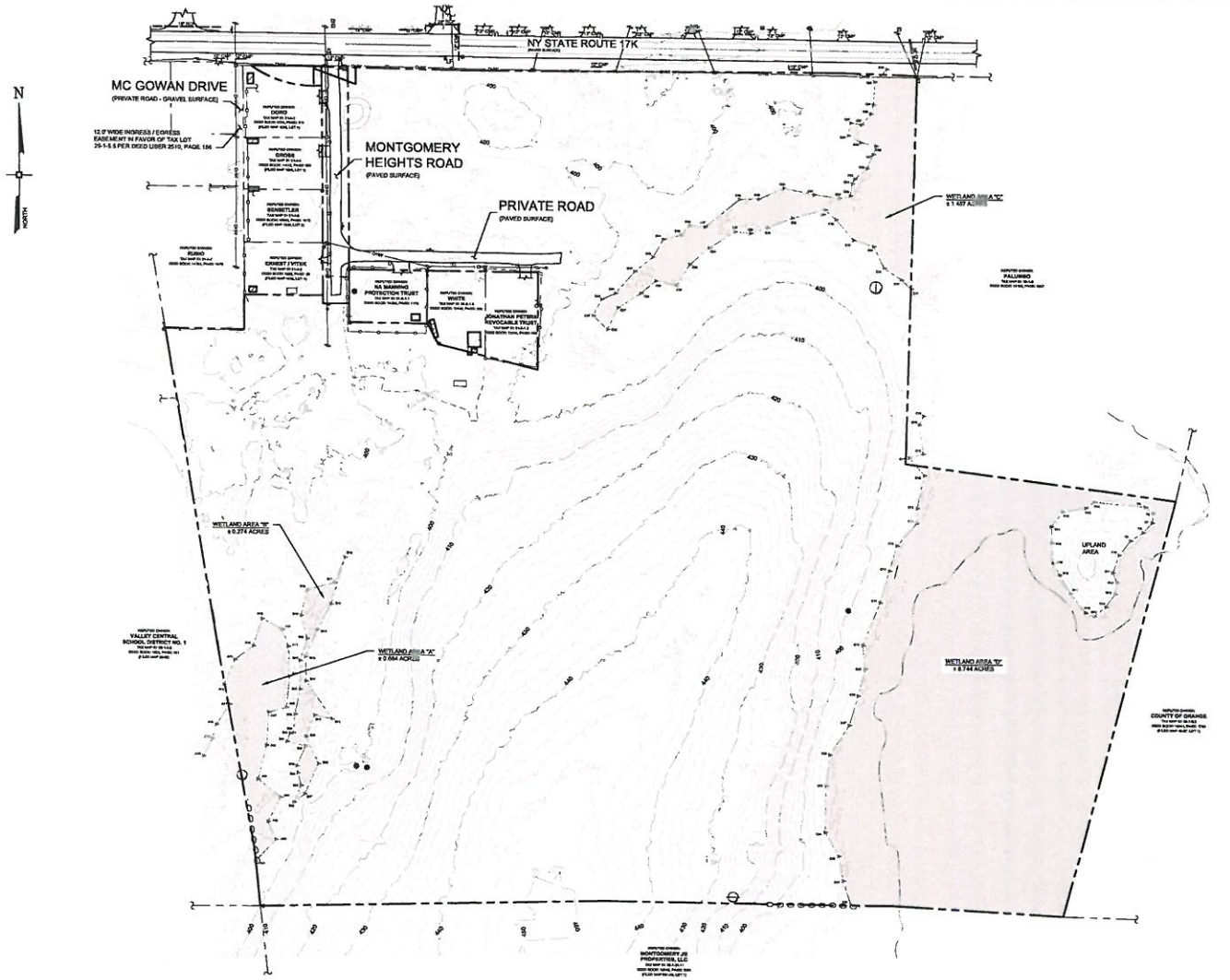
Expressway · Local Connector
Secondary Hwy · Local Road
Ramp · 4WD
Interstate Route · US Route · State Route

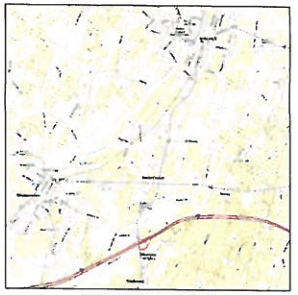
ADJOINING QUADRANGLES
1 Napanoch
2 Gardiner
3 Libertyville
4 Pine Bush
5 Newburgh
6 Goshen
7 Maybrook
8 Cornwall-on-Hudson

WALDEN, NY
2019

Figure 1 - Photograph locations

1. Upland – Oak-maple hardwood forest
2. Wetland – Palustrine forest
3. Wetland – Emergent vegetation meadow
4. Wetland – Eutrophic pond
5. Wetland – Vernal pool





LOCATION MAP

SCALE: 1" = 5,000'

GENERAL NOTES

1. TAX MAP IDENTIFICATION NUMBER: SECTION 29 BLOCK 1 LOT 5.5
2. TOTAL AREA OF SUBJECT PARCEL: 54.04± ACRES.
3. TOPOGRAPHY, BOUNDARY AND PLANIMETRIC INFORMATION BASED UPON FIELD SURVEY AS PERFORMED BY TECTONIC ENGINEERING CONSULTANTS, PC ON OCTOBER 3RD 2001.
4. OWNER/APPLICANT: MLR, LLC
   P.O. BOX 348
   WALDEN, NEW YORK, 12586
5. WETLAND BOUNDARY DELINEATED BY ECOLOGICAL ANALYSIS, LLC ON NOVEMBER 20TH & 21ST, 2021 AND FEBRUARY 27TH, 2022.

LEGEND

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- 422 CONTOUR LINE
- 420 INDEX CONTOUR LINE
- EDGE OF ROAD
- CURB LINE
- STONEWALL
- BARBED WIRE FENCE
- OHW OVERHEAD WIRE
- REPUTED WATER COURSE
- ACOE WETLAND LIMIT
- NYSDEC WETLAND LIMIT
- NYSDEC ADJACENT AREA LIMIT
- DRAINAGE PIPE
- UTILITY POLE
- GUY ANCHOR
- IP PIPE MARKER
- IR REBAR MARKER
- MON CONCRETE MONUMENT
- CB CATCH BASIN
- MBX MAILBOX
- SIGN (TYPE NOTED)
- A-9 WETLAND FLAG

WETLAND AREA CALCULATIONS

FEDERAL WETLAND AREA "A"	± 0.664 ACRES
FEDERAL WETLAND AREA "B"	± 0.274 ACRES
NYSDEC WD-29 WETLAND AREA "C"	± 1.457 ACRES
NYSDEC WD-29 WETLAND AREA "D"	± 8.744 ACRES

No.	DATE	DESCRIPTION
1	04/29/24	REVISED FOR ACOE SUBMISSION

DRAWING STATUS — ISSUE DATE: 04/29/2024

THIS SHEET IS PART OF THE PLAN SET ISSUED FOR — SHEET NUMBER

☐ CONCEPT APPROVAL	N/A	OF	N/A
☐ PLANNING BOARD APPROVAL	N/A	OF	N/A
☐ OCDOH REALTY SUBDIVISION APPROVAL	N/A	OF	N/A
☐ OCDOH WATER MAIN EXTENSION APPROVAL	N/A	OF	N/A
☐ NYSDEC APPROVAL	N/A	OF	N/A
☐ NYSDOT APPROVAL	N/A	OF	N/A
☑ OTHER	1	OF	1
☐ FOR BID	N/A	OF	N/A
☐ FOR CONSTRUCTION	N/A	OF	N/A

THIS PLAN SET HAS BEEN ISSUED SPECIFICALLY FOR THE APPROVAL OR ACTION NOTED ABOVE AND SHALL NOT BE USED FOR ANY OTHER PURPOSE. THIS SHEET SHALL BE CONSIDERED INVALID UNLESS ACCOMPANIED BY ALL SHEETS OF THE DENOTED PLAN SET(S).

ROSS WINGLOVITZ, P.E.
NEW YORK LICENSE # 071701

100 0 50 100 200
1 Inch = 100 ft.

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ACOE WETLANDS DELINEATION MAP

SHEFFIELD APARTMENTS
ROUTE 17K
TOWN OF MONTGOMERY
ORANGE COUNTY, NEW YORK

JOB #:	103.0301	DRAWN BY:	ZS
DATE:	04/26/2022	SCALE:	1" = 100'
REVISION:	1 - 04/29/2024	TAX LOT:	29-1-5.5

WL-1

Soil Map—Orange County, New York
(Sheffield Gardens)

Map Scale: 1:5,600 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 50 100 200 300

Feet: 0 250 500 1000 1500

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

USDA **Natural Resources Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Orange County, New York
Survey Area Data: Version 23, Sep 10, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

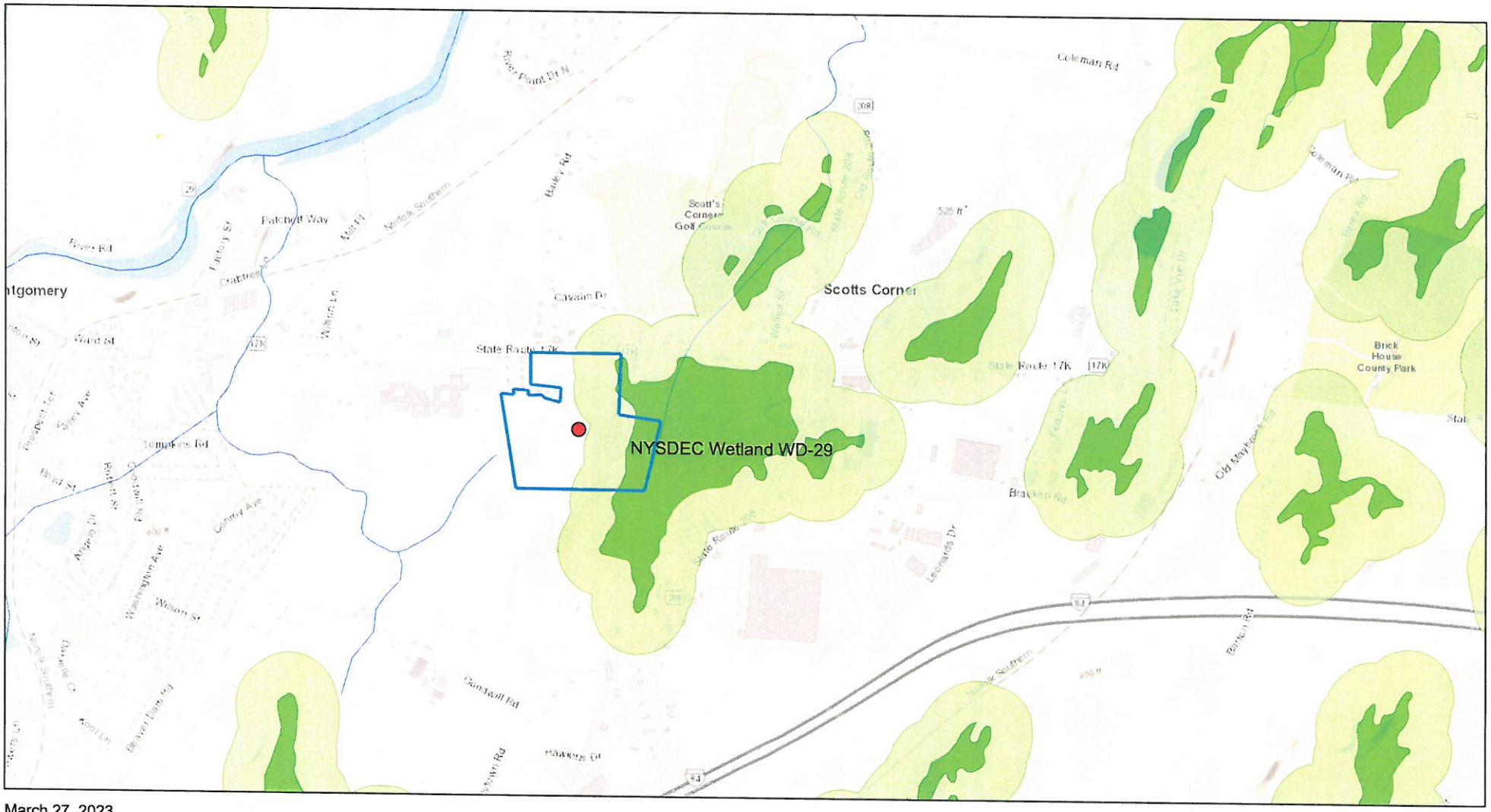
Date(s) aerial images were photographed: May 31, 2022—Oct 27, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ca	Canandaigua silt loam	42.5	37.3%
CnB	Chenango gravelly silt loam, 3 to 8 percent slopes	0.5	0.4%
ErB	Erie gravelly silt loam, 3 to 8 percent slopes	9.6	8.4%
PtB	Pittsfield gravelly loam, 3 to 8 percent slopes	21.4	18.7%
PtC	Pittsfield gravelly loam, 8 to 15 percent slopes	20.9	18.4%
PtD	Pittsfield gravelly loam, 15 to 25 percent slopes	4.5	3.9%
RSB	Rock outcrop-Nassau complex, undulating	0.6	0.6%
UH	Udorthents, smoothed	13.9	12.2%
Totals for Area of Interest		**113.9**	**100.0%**

Sheffield Gardens



March 27, 2023

1:18,056

0 0.15 0.3 0.6 mi

0 0.28 0.55 1.1 km

- Project Site
- State Regulated Freshwater Wetlands
- State Regulated 500' Wetland Checkzone
- State Regulated Rivers/Streams

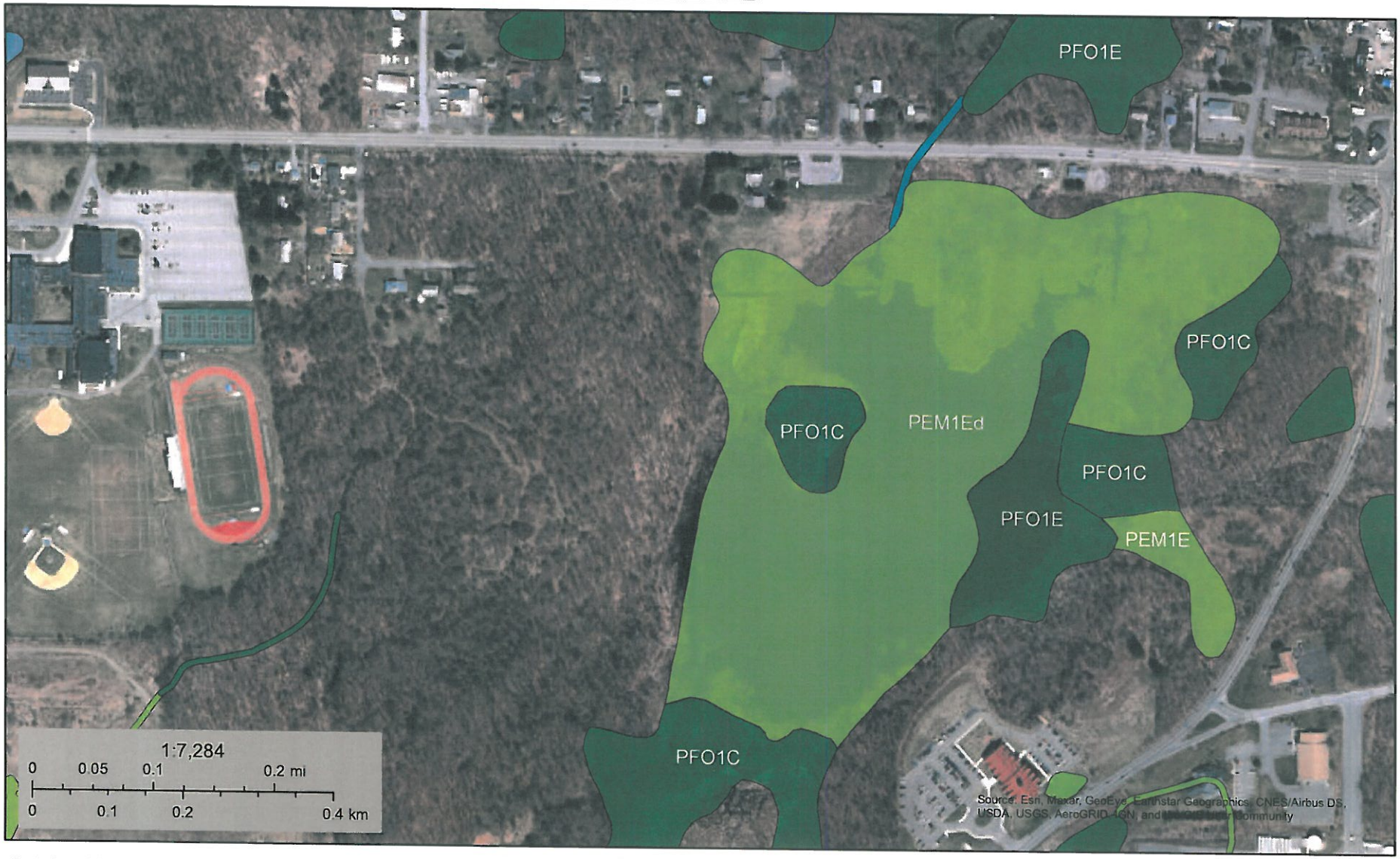
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Author: NYSDEC Environmental Resource Mapper
Not a legal document

U.S. Fish and Wildlife Service

National Wetlands Inventory

Sheffield Gardens



October 12, 2020

Wetlands

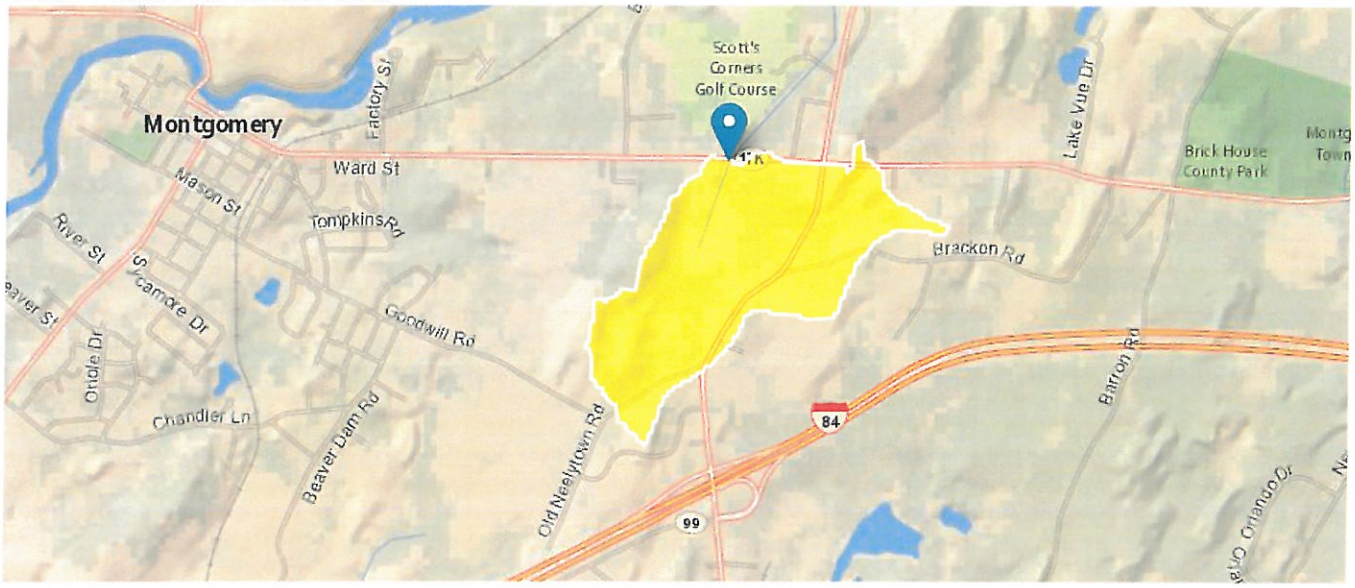
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

StreamStats Report for NYSDEC Freshwater Wetland WD-29

Region ID: NY
Workspace ID: NY20201109155846318000
Clicked Point (Latitude, Longitude): 41.52552, -74.20647
Time: 2020-11-09 10:59:02 -0500



Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.44	square miles
LC11DEV	Percentage of developed (urban) land from NLCD 2011 classes 21-24	31.8	percent
LC11IMP	Average percentage of impervious area determined from NLCD 2011 impervious dataset	13.4	percent
OUTLETX	Basin outlet horizontal (x) location in state plane coordinates	566205	feet
OUTLETY	Basin outlet vertical (y) location in state plane coordinates	4597405	feet
PRECIP	Mean Annual Precipitation	39.1	inches
STORAGE	Percentage of area of storage (lakes ponds reservoirs wetlands)	22	percent

StreamStats Report for southwest drainage from Wetland "A"

Region ID: NY
Workspace ID: NY20240726141018739000
Clicked Point (Latitude, Longitude): 41.52162, -74.21488
Time: 2024-07-26 10:10:39 -0400

Collapse All

Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.049	square miles
LC11DEV	Percentage of developed (urban) land from NLCD 2011 classes 21-24	34	percent
LC11IMP	Average percentage of impervious area determined from NLCD 2011 impervious dataset	6.89	percent
OUTLETX	Basin outlet horizontal (x) location in state plane coordinates	565505	feet
OUTLETY	Basin outlet vertical (y) location in state plane coordinates	4596965	feet
PRECIP	Mean Annual Precipitation	39	inches

Parameter Code	Parameter Description	Value	Unit
STORAGE	Percentage of area of storage (lakes ponds reservoirs wetlands)	0	percent

Application Version: 4.21.0
StreamStats Services Version: 1.2.22
NSS Services Version: 2.2.1

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Sheffield Gardens (wf1) **City/County:** Montgomery, Orange County **Sampling Date:** 02-Aug-24

Applicant/Owner: Gerald Jacobowitz, Esq., MILR, LLC **State:** NY **Sampling Point:** **Wetland A**

Investigator(s): Bruce Friedmann **Section, Township, Range:** S. 29 T. 1 R. *NOTE

Landform (hillslope, terrace, etc.): Lowland **Local relief (concave, convex, none):** flat **Slope:** 0.0 % / 0.0

Subregion (LRR or MLRA): LRR R **Lat.:** 41.522 **Long.:** -74.214 **Datum:** WGS 84

Soil Map Unit Name: Ca - Canandaigua - silt loam **NWI classification:** PFO1B

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ◉ No ○ **(If no, explain in Remarks.)**

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **significantly disturbed?** **Are "Normal Circumstances" present?** Yes ◉ No ○

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **naturally problematic?** **(If needed, explain any answers in Remarks.)**

Summary of Findings - Attach site map showing sampling point locations, transects, important features, et

Hydrophytic Vegetation Present?	Yes ◉	No ○	
Hydric Soil Present?	Yes ◉	No ○	**Is the Sampled Area within a Wetland?** Yes ◉ No ○
Wetland Hydrology Present?	Yes ◉	No ○	

Remarks: (Explain alternative procedures here or in a separate report.)

*NOTE: S/B/L 29-1-5.1, 5.2, 5.3, 5.4, and 5.5 (Five contiguous lots)

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☑ High Water Table (A2)
- ☑ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15)
- ☐ Hydrogen Sulfide Odor (C1)
- ☑ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of 2 required)

- ☐ Surface Soil Cracks (B6)
- ☐ Drainage Patterns (B10)
- ☑ Moss Trim Lines (B16)
- ☐ Dry Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Stunted or Stressed Plants (D1)
- ☑ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ Microtopographic Relief (D4)
- ☑ FAC-neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ○	No ◉	Depth (inches):	
Water Table Present?	Yes ◉	No ○	Depth (inches): 10	**Wetland Hydrology Present?** Yes ◉ No ○
Saturation Present? (includes capillary fringe)	Yes ◉	No ○	Depth (inches):	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants

Sampling Point: Wetland A

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Rel.Strat. Cover	Indicator Status
1. *Acer rubrum*	75	☑	78.9%	FAC
2. *Quercus alba*	10	☐	10.5%	FACU
3. *Ulmus americana*	10	☐	10.5%	FACW
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	95	= Total Cover		
Sapling/Shrub Stratum (Plot size: 10)				
1. *Viburnum lentago*	10	☑	37.0%	FAC
2. *Acer rubrum*	5	☑	18.5%	FAC
3. *Smilax rotundifolia*	5	☑	18.5%	FAC
4. *Viburnum dentatum*	5	☑	18.5%	FAC
5. *Rosa multiflora*	1	☐	3.7%	FACU
6. *Berberis thunbergii*	1	☐	3.7%	FACU
7.	0	☐	0.0%	
	27	= Total Cover		
Herb Stratum (Plot size: 5)				
1. *Onoclea sensibilis*	5	☑	27.8%	FACW
2. *Cinna latifolia*	5	☑	27.8%	FACW
3. *Glyceria striata*	5	☑	27.8%	OBL
4. *Microstegium vimineum*	1	☐	5.6%	FAC
5. *Persicaria virginiana*	1	☐	5.6%	FAC
6. *Scutellaria lateriflora*	1	☐	5.6%	OBL
7.	0	☐	0.0%	
8.	0	☐	0.0%	
9.	0	☐	0.0%	
10.	0	☐	0.0%	
11.	0	☐	0.0%	
12.	0	☐	0.0%	
	18	= Total Cover		
Woody Vine Stratum (Plot size: 5)				
1. *Parthenocissus quinquefolia*	5	☑	50.0%	FACU
2. *Toxicodendron radicans*	5	☑	50.0%	FAC
3.	0	☐	0.0%	
4.	0	☐	0.0%	
	10	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 9 (A)

Total Number of Dominant Species Across All Strata: 10 (B)

Percent of dominant Species That Are OBL, FACW, or FAC: 90.0% (A/B)

Prevalence Index worksheet:

	Total % Cover of:		Multiply by:	
OBL species	6	x 1 =	6	
FACW species	20	x 2 =	40	
FAC species	107	x 3 =	321	
FACU species	17	x 4 =	68	
UPL species	0	x 5 =	0	
Column Totals:	150	(A)	435	(B)

Prevalence Index = B/A = 2.900

Hydrophytic Vegetation Indicators:

- ☐ **Rapid Test for Hydrophytic Vegetation**
- ☑ **Dominance Test is > 50%**
- ☑ **Prevalence Index is ≤3.0** [1]
- ☐ **Morphological Adaptations** [1] **(Provide supporting data in Remarks or on a separate sheet)**
- ☐ **Problematic Hydrophytic Vegetation** [1] **(Explain)**

[1] **Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.**

Definitions of Vegetation Strata:

Tree - Woody plants, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1m) tall..

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ◉ No ○

Remarks: (Include photo numbers here or on a separate sheet.)

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FW

Soil

Sampling Point: Wetland A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)		%	Redox Features Color (moist)	%	Type [1]	Loc[2]	Texture	Remarks
0-8	10YR	3/1	100					Silt Loam	
8-16	10YR	4/2	95	2.5Y	5/2	5	RM	M	Silt Loam

[1] Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains [2]Location: PL=Pore Lining. M=Matrix

Hydric Soil Indicators:

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Muck Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) (LRR R, MLRA 149B)
- ☐ Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- ☐ Thin Dark Surface (S9) (LRR R, MLRA 149B)
- ☐ Loamy Mucky Mineral (F1) LRR K, L)
- ☐ Loamy Gleyed Matrix (F2)
- ☑ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils : [3]

- ☐ 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- ☐ Coast Prairie Redox (A16) (LRR K, L, R)
- ☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- ☐ Dark Surface (S7) (LRR K, L, M)
- ☐ Polyvalue Below Surface (S8) (LRR K, L)
- ☐ Thin Dark Surface (S9) (LRR K, L)
- ☐ Iron-Manganese Masses (F12) (LRR K, L, R)
- ☐ Piedmont Floodplain Soils (F19) (MLRA 149B)
- ☐ Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- ☐ Red Parent Material (F21)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ◉ No ○

Remarks:

Plot ID: **Wetland A** Photo Path: \\EA-SERVER\Company\427.03124 Sheffield Gardens ACOE JD

Photo File: **IMG_4269.JPG** Orientation: South -facing

Lat/Long or UTM : Long/Easting: **-74.214** Lat/Northing: **41.522**

Description:

Photo File: **IMG_4270.JPG** Orientation: North -facing

Lat/Long or UTM: Long/Easting: **-74.214** Lat/Northing: **41.522**

Description:

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Sheffield Gardens (wf2) **City/County:** Montgomery, Orange County **Sampling Date:** 02-Aug-24

Applicant/Owner: Gerald Jacobowitz, Esq., MILR, LLC **State:** NY **Sampling Point:** **Wetland B**

Investigator(s): Bruce Friedmann **Section, Township, Range:** **S.** 29 **T.** 1 **R.** *NOTE

Landform (hillslope, terrace, etc.): Lowland **Local relief (concave, convex, none):** concave **Slope:** 0.0 % / 0.0

Subregion (LRR or MLRA): LRR R **Lat.:** 41.522 **Long.:** -74.213 **Datum:** WGS 84

Soil Map Unit Name: Ca - Canandaigua - silt loam **NWI classification:** PFO1E

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ◉ No ○ **(If no, explain in Remarks.)**

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **significantly disturbed?** **Are "Normal Circumstances" present?** Yes ◉ No ○

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **naturally problematic?** **(If needed, explain any answers in Remarks.)**

Summary of Findings - Attach site map showing sampling point locations, transects, important features, et

Hydrophytic Vegetation Present?	Yes ◉ No ○	**Is the Sampled Area within a Wetland?**	Yes ◉ No ○
Hydric Soil Present?	Yes ◉ No ○		
Wetland Hydrology Present?	Yes ◉ No ○		

Remarks: (Explain alternative procedures here or in a separate report.)

*NOTE: S/B/L 29-1-5.1, 5.2, 5.3, 5.4, and 5.5 (Five contiguous lots)

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☑ High Water Table (A2)
- ☑ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☑ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15)
- ☐ Hydrogen Sulfide Odor (C1)
- ☑ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of 2 required)

- ☐ Surface Soil Cracks (B6)
- ☐ Drainage Patterns (B10)
- ☑ Moss Trim Lines (B16)
- ☑ Dry Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Stunted or Stressed Plants (D1)
- ☑ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ Microtopographic Relief (D4)
- ☐ FAC-neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ○ No ◉	Depth (inches):	
Water Table Present?	Yes ◉ No ○	Depth (inches):	4
Saturation Present? (includes capillary fringe)	Yes ◉ No ○	Depth (inches):	

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants

Sampling Point: Wetland B

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Rel.Strat. Cover	Indicator Status
1.	0	☐	0.0%	
2.	0	☐	0.0%	
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	0	= Total Cover		
Sapling/Shrub Stratum (Plot size: 10)				
1. *Viburnum lentago*	1	☐	50.0%	FAC
2. *Rosa multiflora*	1	☐	50.0%	FACU
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	2	= Total Cover		
Herb Stratum (Plot size: 5)				
1. *Impatiens capensis*	1	☐	50.0%	FACW
2. *Pilea pumila*	1	☐	50.0%	FACW
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
8.	0	☐	0.0%	
9.	0	☐	0.0%	
10.	0	☐	0.0%	
11.	0	☐	0.0%	
12.	0	☐	0.0%	
	2	= Total Cover		
Woody Vine Stratum (Plot size: 5)				
1.	0	☐	0.0%	
2.	0	☐	0.0%	
3.	0	☐	0.0%	
4.	0	☐	0.0%	
	0	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 0 (B)

Percent of dominant Species That Are OBL, FACW, or FAC: 0.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:		
OBL species	0	x 1 =	0	
FACW species	2	x 2 =	4	
FAC species	1	x 3 =	3	
FACU species	1	x 4 =	4	
UPL species	0	x 5 =	0	
Column Totals:	4	(A)	11	(B)

Prevalence Index = B/A = 2.750

Hydrophytic Vegetation Indicators:

- ☐ **Rapid Test for Hydrophytic Vegetation**
- ☐ **Dominance Test is > 50%**
- ☑ **Prevalence Index is ≤3.0** [1]
- ☐ **Morphological Adaptations** [1] **(Provide supporting data in Remarks or on a separate sheet)**
- ☐ **Problematic Hydrophytic Vegetation** [1] **(Explain)**

[1] **Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.**

Definitions of Vegetation Strata:

Tree - Woody plants, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1m) tall..

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ◉ No ○

Remarks: (Include photo numbers here or on a separate sheet.)

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FW

Soil

Sampling Point: Wetland B

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)		%	Redox Features Color (moist)	%	Type [1]	Loc[2]	Texture	Remarks
0-8	10YR	3/1	100					Silt Loam	
8-16	10YR	4/2	95	2.5Y	5/2	5	RM	M	Silt Loam

[1] Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains [2]Location: PL=Pore Lining. M=Matrix

Hydric Soil Indicators:

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Muck Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) (LRR R, MLRA 149B)
- ☐ Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- ☐ Thin Dark Surface (S9) (LRR R, MLRA 149B)
- ☐ Loamy Mucky Mineral (F1) LRR K, L)
- ☐ Loamy Gleyed Matrix (F2)
- ☑ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils : [3]

- ☐ 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- ☐ Coast Prairie Redox (A16) (LRR K, L, R)
- ☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- ☐ Dark Surface (S7) (LRR K, L, M)
- ☐ Polyvalue Below Surface (S8) (LRR K, L)
- ☐ Thin Dark Surface (S9) (LRR K, L)
- ☐ Iron-Manganese Masses (F12) (LRR K, L, R)
- ☐ Piedmont Floodplain Soils (F19) (MLRA 149B)
- ☐ Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- ☐ Red Parent Material (F21)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ◉ No ○

Remarks:

Plot ID: **Wetland B** Photo Path: \\EA-SERVER\Company\427.03124 Sheffield Gardens ACOE JD

Photo File: **IMG_4271.JPG** Orientation: North -facing

Lat/Long or UTM : Long/Easting: **-74.213** Lat/Northing: **41.522**

Description:

Photo File: **IMG_4272.JPG** Orientation: North northwest -facing

Lat/Long or UTM: Long/Easting: **-74.213** Lat/Northing: **41.522**

Description:

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Sheffield Gardens (wf4) **City/County:** Montgomery, Orange County **Sampling Date:** 02-Aug-24

Applicant/Owner: Gerald Jacobowitz, Esq., MILR, LLC **State:** NY **Sampling Point:** Wetland C

Investigator(s): Bruce Friedmann **Section, Township, Range:** S. 29 T. 1 R. *NOTE

Landform (hillslope, terrace, etc.): Footslope **Local relief (concave, convex, none):** concave **Slope:** 5.0 % / 2.9

Subregion (LRR or MLRA): LRR R **Lat.:** 41.525 **Long.:** -74.210 **Datum:** WGS 84

Soil Map Unit Name: ErB - Erie gravelly silt loam - 3 to 8 percent slopes **NWI classification:** PFO1E

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ◉ No ○ **(If no, explain in Remarks.)**

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **significantly disturbed?** **Are "Normal Circumstances" present?** Yes ◉ No ○

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **naturally problematic?** **(If needed, explain any answers in Remarks.)**

Summary of Findings - Attach site map showing sampling point locations, transects, important features, et

Hydrophytic Vegetation Present?	Yes ◉ No ○	**Is the Sampled Area within a Wetland?**	Yes ◉ No ○
Hydric Soil Present?	Yes ◉ No ○		
Wetland Hydrology Present?	Yes ◉ No ○		

Remarks: (Explain alternative procedures here or in a separate report.)

*NOTE: S/B/L 29-1-5.1, 5.2, 5.3, 5.4, and 5.5 (Five contiguous lots)

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☑ High Water Table (A2)
- ☑ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15)
- ☐ Hydrogen Sulfide Odor (C1)
- ☑ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of 2 required)

- ☐ Surface Soil Cracks (B6)
- ☐ Drainage Patterns (B10)
- ☑ Moss Trim Lines (B16)
- ☐ Dry Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☑ Stunted or Stressed Plants (D1)
- ☑ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ Microtopographic Relief (D4)
- ☑ FAC-neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ○	No ◉	Depth (inches):	
Water Table Present?	Yes ◉	No ○	Depth (inches): 4	**Wetland Hydrology Present?** Yes ◉ No ○
Saturation Present? (includes capillary fringe)	Yes ◉	No ○	Depth (inches):	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants

Sampling Point: Wetland C

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Rel.Strat. Cover	Indicator Status
1. *Quercus palustris*	90	☑	94.7%	FACW
2. *Ulmus americana*	5	☐	5.3%	FACW
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	95	= Total Cover		
Sapling/Shrub Stratum (Plot size: 10)				
1. *Rosa multiflora*	5	☑	100.0%	FACU
2.	0	☐	0.0%	
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	5	= Total Cover		
Herb Stratum (Plot size: 5)				
1. *Cinna latifolia*	20	☑	76.9%	FACW
2. *Microstegium vimineum*	5	☐	19.2%	FAC
3. *Pilea pumila*	1	☐	3.8%	FACW
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
8.	0	☐	0.0%	
9.	0	☐	0.0%	
10.	0	☐	0.0%	
11.	0	☐	0.0%	
12.	0	☐	0.0%	
	26	= Total Cover		
Woody Vine Stratum (Plot size: 5)				
1. *Toxicodendron radicans*	1	☐	50.0%	FAC
2. *Parthenocissus quinquefolia*	1	☐	50.0%	FACU
3.	0	☐	0.0%	
4.	0	☐	0.0%	
	2	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of dominant Species That Are OBL, FACW, or FAC: 66.7% (A/B)

Prevalence Index worksheet:

	Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0	
FACW species	116	x 2 =	232	
FAC species	6	x 3 =	18	
FACU species	6	x 4 =	24	
UPL species	0	x 5 =	0	
Column Totals:	128	(A)	274	(B)

Prevalence Index = B/A = 2.141

Hydrophytic Vegetation Indicators:

- ☐ **Rapid Test for Hydrophytic Vegetation**
- ☑ **Dominance Test is > 50%**
- ☑ **Prevalence Index is ≤3.0** [1]
- ☐ **Morphological Adaptations** [1] **(Provide supporting data in Remarks or on a separate sheet)**
- ☐ **Problematic Hydrophytic Vegetation** [1] **(Explain)**

[1] **Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.**

Definitions of Vegetation Strata:

Tree - Woody plants, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1m) tall..

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ◉ No ○

Remarks: (Include photo numbers here or on a separate sheet.)

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FW

Soil

Sampling Point: Wetland C

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)		%	Redox Features Color (moist)		%	Type [1]	Loc[2]	Texture	Remarks
0-9	10YR	3/3	100						Gravelly slilt loam	
9-18	2.5Y	5/2	90	10YR	5/6	10	RM	M	Channery silt loam	
+mottle				10YR	5/1	1	RM	M		

[1] Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains [2]Location: PL=Pore Lining. M=Matrix

Hydric Soil Indicators:

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Muck Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) (LRR R, MLRA 149B)
- ☐ Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- ☐ Thin Dark Surface (S9) (LRR R, MLRA 149B)
- ☐ Loamy Mucky Mineral (F1) LRR K, L)
- ☐ Loamy Gleyed Matrix (F2)
- ☑ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils : [3]

- ☐ 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- ☐ Coast Prairie Redox (A16) (LRR K, L, R)
- ☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- ☐ Dark Surface (S7) (LRR K, L, M)
- ☐ Polyvalue Below Surface (S8) (LRR K, L)
- ☐ Thin Dark Surface (S9) (LRR K, L)
- ☐ Iron-Manganese Masses (F12) (LRR K, L, R)
- ☐ Piedmont Floodplain Soils (F19) (MLRA 149B)
- ☐ Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- ☐ Red Parent Material (F21)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ◉ No ○

Remarks:

Plot ID: **Wetland C** Photo Path: \\EA-SERVER\Company\427.03124 Sheffield Gardens ACOE JD

Photo File: **IMG_4287.JPG** Orientation: North northeast -facing

Lat/Long or UTM : Long/Easting: **-74.210** Lat/Northing: **41.525**

Description:

Photo File: **IMG_4288.JPG** Orientation: North northwest -facing

Lat/Long or UTM: Long/Easting: **-74.210** Lat/Northing: **41.525**

Description:

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Sheffield Gardens (wf3) **City/County:** Montgomery, Orange County **Sampling Date:** 02-Aug-24

Applicant/Owner: Gerald Jacobowitz, Esq., MILR, LLC **State:** NY **Sampling Point:** Wetland C

Investigator(s): Bruce Friedmann **Section, Township, Range:** S. 29 T. 1 R. *NOTE

Landform (hillslope, terrace, etc.): Lowland **Local relief (concave, convex, none):** concave **Slope:** 0.0 % / 0.0

Subregion (LRR or MLRA): LRR R **Lat.:** 41.525 **Long.:** -74.209 **Datum:** WGS 84

Soil Map Unit Name: Ca - Canandaigua - silt loam **NWI classification:** PEM1F

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ◉ No ○ **(If no, explain in Remarks.)**

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **significantly disturbed?** **Are "Normal Circumstances" present?** Yes ◉ No ○

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **naturally problematic?** **(If needed, explain any answers in Remarks.)**

Summary of Findings - Attach site map showing sampling point locations, transects, important features, et

Hydrophytic Vegetation Present?	Yes ◉	No ○	
Hydric Soil Present?	Yes ◉	No ○	**Is the Sampled Area within a Wetland?** Yes ◉ No ○
Wetland Hydrology Present?	Yes ◉	No ○	

Remarks: (Explain alternative procedures here or in a separate report.)

*NOTE: S/B/L 29-1-5.1, 5.2, 5.3, 5.4, and 5.5 (Five contiguous lots)

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☑ Surface Water (A1)
- ☑ High Water Table (A2)
- ☑ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9)
- ☑ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15)
- ☐ Hydrogen Sulfide Odor (C1)
- ☑ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of 2 required)

- ☐ Surface Soil Cracks (B6)
- ☐ Drainage Patterns (B10)
- ☐ Moss Trim Lines (B16)
- ☐ Dry Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Stunted or Stressed Plants (D1)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ Microtopographic Relief (D4)
- ☑ FAC-neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ◉	No ○	Depth (inches): 6	
Water Table Present?	Yes ◉	No ○	Depth (inches):	
Saturation Present? (includes capillary fringe)	Yes ◉	No ○	Depth (inches):	**Wetland Hydrology Present?** Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants

Sampling Point: Wetland C

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Rel.Strat. Cover	Indicator Status
1. *Acer rubrum*	5	☑	83.3%	FAC
2. *Ulmus americana*	1	☐	16.7%	FACW
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	6	= Total Cover		
Sapling/Shrub Stratum (Plot size: 10)				
1. *Cornus amomum*	10	☑	90.9%	FACW
2. *Rosa multiflora*	1	☐	9.1%	FACU
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	11	= Total Cover		
Herb Stratum (Plot size: 5)				
1. *Typha latifolia*	90	☑	83.3%	OBL
2. *Onoclea sensibilis*	5	☐	4.6%	FACW
3. *Lythrum salicaria*	5	☐	4.6%	OBL
4. *Impatiens capensis*	5	☐	4.6%	FACW
5. *Phalaris arundinacea*	1	☐	0.9%	FACW
6. *Boehmeria cylindrica*	1	☐	0.9%	OBL
7. *Solidago rugosa*	1	☐	0.9%	FAC
8.	0	☐	0.0%	
9.	0	☐	0.0%	
10.	0	☐	0.0%	
11.	0	☐	0.0%	
12.	0	☐	0.0%	
	108	= Total Cover		
Woody Vine Stratum (Plot size: 5)				
1.	0	☐	0.0%	
2.	0	☐	0.0%	
3.	0	☐	0.0%	
4.	0	☐	0.0%	
	0	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

	Total % Cover of:	Multiply by:	
OBL species	96	x 1 =	96
FACW species	22	x 2 =	44
FAC species	6	x 3 =	18
FACU species	1	x 4 =	4
UPL species	0	x 5 =	0
Column Totals:	125 (A)		162 (B)

Prevalence Index = B/A = 1.296

Hydrophytic Vegetation Indicators:

- ☐ **Rapid Test for Hydrophytic Vegetation**
- ☑ **Dominance Test is > 50%**
- ☑ **Prevalence Index is ≤3.0** [1]
- ☐ **Morphological Adaptations** [1] **(Provide supporting data in Remarks or on a separate sheet)**
- ☐ **Problematic Hydrophytic Vegetation** [1] **(Explain)**

[1] **Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.**

Definitions of Vegetation Strata:

Tree - Woody plants, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1m) tall..

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ◉ No ○

Remarks: (Include photo numbers here or on a separate sheet.)

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FW

Soil

Sampling Point: Wetland C

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)		%	Redox Features Color (moist)	%	Type [1]	Loc[2]	Texture	Remarks
0-8	10YR	3/1	100					Silt Loam	
8-16	10YR	4/2	95	2.5Y	5/2	5	RM	M	Silt Loam

[1] Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains [2]Location: PL=Pore Lining. M=Matrix

Hydric Soil Indicators:

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Muck Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) (LRR R, MLRA 149B)
- ☐ Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- ☐ Thin Dark Surface (S9) (LRR R, MLRA 149B)
- ☐ Loamy Mucky Mineral (F1) LRR K, L)
- ☐ Loamy Gleyed Matrix (F2)
- ☑ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils : [3]

- ☐ 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- ☐ Coast Prairie Redox (A16) (LRR K, L, R)
- ☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- ☐ Dark Surface (S7) (LRR K, L, M)
- ☐ Polyvalue Below Surface (S8) (LRR K, L)
- ☐ Thin Dark Surface (S9) (LRR K, L)
- ☐ Iron-Manganese Masses (F12) (LRR K, L, R)
- ☐ Piedmont Floodplain Soils (F19) (MLRA 149B)
- ☐ Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- ☐ Red Parent Material (F21)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ◉ No ○

Remarks:

Plot ID: **Wetland C** Photo Path: \\EA-SERVER\Company\427.03124 Sheffield Gardens ACOE JD

Photo File: **IMG_4285.JPG** Orientation: North northeast -facing

Lat/Long or UTM : Long/Easting: **-74.209** Lat/Northing: **41.525**

Description:

Photo File: **IMG_4286.JPG** Orientation: North northwest -facing

Lat/Long or UTM: Long/Easting: **-74.209** Lat/Northing: **41.525**

Description:

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Sheffield Gardens (wf5) **City/County:** Montgomery, Orange County **Sampling Date:** 02-Aug-24

Applicant/Owner: Gerald Jacobowitz, Esq., MILR, LLC **State:** NY **Sampling Point:** Wetland D

Investigator(s): Bruce Friedmann **Section, Township, Range:** S. 29 T. 1 R. *NOTE

Landform (hillslope, terrace, etc.): Shoreline **Local relief (concave, convex, none):** concave **Slope:** 0.0 % / 0.0

Subregion (LRR or MLRA): LRR R **Lat.:** 41.522 **Long.:** -74.210 **Datum:** WGS 84

Soil Map Unit Name: Ca - Canandaigua - silt loam **NWI classification:** PEM1Ed

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ◉ No ○ **(If no, explain in Remarks.)**

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **significantly disturbed?** **Are "Normal Circumstances" present?** Yes ◉ No ○

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **naturally problematic?** **(If needed, explain any answers in Remarks.)**

Summary of Findings - Attach site map showing sampling point locations, transects, important features, et

Hydrophytic Vegetation Present?	Yes ◉ No ○	**Is the Sampled Area within a Wetland?**	Yes ◉ No ○
Hydric Soil Present?	Yes ◉ No ○		
Wetland Hydrology Present?	Yes ◉ No ○		

Remarks: (Explain alternative procedures here or in a separate report.)

*NOTE: S/B/L 29-1-5.1, 5.2, 5.3, 5.4, and 5.5 (Five contiguous lots)

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☑ Surface Water (A1)
- ☑ High Water Table (A2)
- ☑ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☑ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9)
- ☑ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15)
- ☐ Hydrogen Sulfide Odor (C1)
- ☑ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of 2 required)

- ☐ Surface Soil Cracks (B6)
- ☐ Drainage Patterns (B10)
- ☑ Moss Trim Lines (B16)
- ☐ Dry Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Stunted or Stressed Plants (D1)
- ☑ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ Microtopographic Relief (D4)
- ☑ FAC-neutral Test (D5)

Field Observations:

Surface Water Present? Yes ◉ No ○ Depth (inches): 1

Water Table Present? Yes ◉ No ○ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ◉ No ○ Depth (inches):

Wetland Hydrology Present? Yes ◉ No ○

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants

Sampling Point: Wetland D

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Rel.Strat. Cover	Indicator Status
1. *Quercus palustris*	15	☑	75.0%	FACW
2. *Acer rubrum*	5	☑	25.0%	FAC
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	20	= Total Cover		

Sapling/Shrub Stratum (Plot size: 10)				
1. *Cornus amomum*	5	☑	50.0%	FACW
2. *Viburnum lentago*	5	☑	50.0%	FAC
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	10	= Total Cover		

Herb Stratum (Plot size: 5)				
1. *Typha latifolia*	90	☑	82.6%	OBL
2. *Boehmeria cylindrica*	5	☐	4.6%	OBL
3. *Impatiens capensis*	5	☐	4.6%	FACW
4. *Persicaria punctata*	5	☐	4.6%	OBL
5. *Lythrum salicaria*	1	☐	0.9%	OBL
6. *Symplocarpus foetidus*	1	☐	0.9%	OBL
7. *Carex comosa*	1	☐	0.9%	OBL
8. *Penthorum sedoides*	1	☐	0.9%	OBL
9.	0	☐	0.0%	
10.	0	☐	0.0%	
11.	0	☐	0.0%	
12.	0	☐	0.0%	
	109	= Total Cover		

Woody Vine Stratum (Plot size: 5)				
1.	0	☐	0.0%	
2.	0	☐	0.0%	
3.	0	☐	0.0%	
4.	0	☐	0.0%	
	0	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

	Total % Cover of:		Multiply by:	
OBL species	104	x 1 =	104	
FACW species	25	x 2 =	50	
FAC species	10	x 3 =	30	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column Totals:	139	(A)	184	(B)

Prevalence Index = B/A = 1.324

Hydrophytic Vegetation Indicators:

- ☐ **Rapid Test for Hydrophytic Vegetation**
- ☑ **Dominance Test is > 50%**
- ☑ **Prevalence Index is ≤3.0** [1]
- ☐ **Morphological Adaptations** [1] **(Provide supporting data in Remarks or on a separate sheet)**
- ☐ **Problematic Hydrophytic Vegetation** [1] **(Explain)**

[1] **Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.**

Definitions of Vegetation Strata:

Tree - Woody plants, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1m) tall..

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ◉ No ○

Remarks: (Include photo numbers here or on a separate sheet.)

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FW

Soil

Sampling Point: Wetland D

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)		%	Redox Features Color (moist)	%	Type [1]	Loc[2]	Texture	Remarks
0-8	10YR	3/1	100					Silt Loam	
8-16	10YR	4/2	95	2.5Y	5/2	5	RM	M	Silt Loam

[1] Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains [2]Location: PL=Pore Lining. M=Matrix

Hydric Soil Indicators:

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Muck Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) (LRR R, MLRA 149B)
- ☐ Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- ☐ Thin Dark Surface (S9) (LRR R, MLRA 149B)
- ☐ Loamy Mucky Mineral (F1) LRR K, L)
- ☐ Loamy Gleyed Matrix (F2)
- ☑ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils : [3]

- ☐ 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- ☐ Coast Prairie Redox (A16) (LRR K, L, R)
- ☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- ☐ Dark Surface (S7) (LRR K, L, M)
- ☐ Polyvalue Below Surface (S8) (LRR K, L)
- ☐ Thin Dark Surface (S9) (LRR K, L)
- ☐ Iron-Manganese Masses (F12) (LRR K, L, R)
- ☐ Piedmont Floodplain Soils (F19) (MLRA 149B)
- ☐ Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- ☐ Red Parent Material (F21)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ◉ No ○

Remarks:

Plot ID: **Wetland D** Photo Path: \\EA-SERVER\Company\427.03124 Sheffield Gardens ACOE JD

Photo File: **IMG_4274.JPG** Orientation: North -facing

Lat/Long or UTM : Long/Easting: **-74.210** Lat/Northing: **41.522**

Description:

Photo File: **IMG_4273.JPG** Orientation: North -facing

Lat/Long or UTM: Long/Easting: **-74.210** Lat/Northing: **41.522**

Description:

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: Sheffield Gardens (wf6) **City/County:** Montgomery, Orange County **Sampling Date:** 03-Aug-24

Applicant/Owner: Gerald Jacobowitz, Esq., MILR, LLC **State:** NY **Sampling Point:** UPLAND

Investigator(s): Bruce Friedmann **Section, Township, Range:** S. 29 T. 1 R. *NOTE

Landform (hillslope, terrace, etc.): Hillslope **Local relief (concave, convex, none):** convex **Slope:** 10.0 % / 5.7

Subregion (LRR or MLRA): LRR R **Lat.:** 41.524 **Long.:** -74.211 **Datum:** WGS 84

Soil Map Unit Name: PtC - Pittsfield gravelly loam, 8-15 perent slopes **NWI classification:** Upland

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ◉ No ○ **(If no, explain in Remarks.)**

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **significantly disturbed?** **Are "Normal Circumstances" present?** Yes ◉ No ○

Are Vegetation ☐ **, Soil** ☐ **, or Hydrology** ☐ **naturally problematic?** **(If needed, explain any answers in Remarks.)**

Summary of Findings - Attach site map showing sampling point locations, transects, important features, et

Hydrophytic Vegetation Present?	Yes ○ No ◉	**Is the Sampled Area within a Wetland?**	Yes ○ No ◉
Hydric Soil Present?	Yes ○ No ◉		
Wetland Hydrology Present?	Yes ○ No ◉		

Remarks: (Explain alternative procedures here or in a separate report.)

*NOTE: S/B/L 29-1-5.1, 5.2, 5.3, 5.4, and 5.5 (Five contiguous lots)

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of 2 required)

- ☐ Surface Soil Cracks (B6)
- ☐ Drainage Patterns (B10)
- ☐ Moss Trim Lines (B16)
- ☐ Dry Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Stunted or Stressed Plants (D1)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ Microtopographic Relief (D4)
- ☐ FAC-neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ○ No ◉	Depth (inches):	
Water Table Present?	Yes ○ No ◉	Depth (inches):	
Saturation Present? (includes capillary fringe)	Yes ○ No ◉	Depth (inches):	**Wetland Hydrology Present?** Yes ○ No ◉

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants

Sampling Point: UPLAND

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Rel.Strat. Cover	Indicator Status
1. *Quercus rubra*	40	☑	44.0%	FACU
2. *Acer saccharum*	30	☑	33.0%	FACU
3. *Acer rubrum*	15	☐	16.5%	FAC
4. *Carya glabra*	5	☐	5.5%	FACU
5. *Fagus grandifolia*	1	☐	1.1%	FACU
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	91	= Total Cover		
Sapling/Shrub Stratum (Plot size: 10)				
1. *Rhamnus cathartica*	5	☑	50.0%	FAC
2. *Ligustrum vulgare*	5	☑	50.0%	FACU
3.	0	☐	0.0%	
4.	0	☐	0.0%	
5.	0	☐	0.0%	
6.	0	☐	0.0%	
7.	0	☐	0.0%	
	10	= Total Cover		
Herb Stratum (Plot size: 5)				
1. *Alliaria petiolata*	75	☑	80.6%	FACU
2. *Microstegium vimineum*	10	☐	10.8%	FAC
3. *Galium aparine*	5	☐	5.4%	FACU
4. *Hackelia virginiana*	1	☐	1.1%	FACU
5. *Pilea pumila*	1	☐	1.1%	FACW
6. *Ageratina altissima*	1	☐	1.1%	FACU
7.	0	☐	0.0%	
8.	0	☐	0.0%	
9.	0	☐	0.0%	
10.	0	☐	0.0%	
11.	0	☐	0.0%	
12.	0	☐	0.0%	
	93	= Total Cover		
Woody Vine Stratum (Plot size: 5)				
1. *Parthenocissus quinquefolia*	1	☐	100.0%	FACU
2.	0	☐	0.0%	
3.	0	☐	0.0%	
4.	0	☐	0.0%	
	1	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of dominant Species That Are OBL, FACW, or FAC: 20.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:		
OBL species	0	x 1 =	0	
FACW species	1	x 2 =	2	
FAC species	30	x 3 =	90	
FACU species	164	x 4 =	656	
UPL species	0	x 5 =	0	
Column Totals:	195	(A)	748	(B)

Prevalence Index = B/A = 3.836

Hydrophytic Vegetation Indicators:

- ☐ **Rapid Test for Hydrophytic Vegetation**
- ☐ **Dominance Test is > 50%**
- ☐ **Prevalence Index is ≤3.0** [1]
- ☐ **Morphological Adaptations** [1] **(Provide supporting data in Remarks or on a separate sheet)**
- ☐ **Problematic Hydrophytic Vegetation** [1] **(Explain)**

[1] **Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.**

Definitions of Vegetation Strata:

Tree - Woody plants, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1m) tall..

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ○ No ◉

Remarks: (Include photo numbers here or on a separate sheet.)

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FW

Soil

Sampling Point: UPLAND

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type [1]	Loc[2]	Texture	Remarks
0-10	10YR 2/2	100					Gravelly loam	Rock fragments common
10-16	10YR 5/4	100					Gravelly loam	Rock fragments common

[1] Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains [2]Location: PL=Pore Lining. M=Matrix

Hydric Soil Indicators:

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Muck Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) (LRR R, MLRA 149B)
- ☐ Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- ☐ Thin Dark Surface (S9) (LRR R, MLRA 149B)
- ☐ Loamy Mucky Mineral (F1) LRR K, L)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
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Indicators for Problematic Hydric Soils : [3]

- ☐ 2 cm Muck (A10) (LRR K, L, MLRA 149B)
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- ☐ Thin Dark Surface (S9) (LRR K, L)
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- ☐ Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- ☐ Red Parent Material (F21)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ○ No ◉

Remarks:

Plot ID: **UPLAND** Photo Path: \\EA-SERVER\Company\427.03124 Sheffield Gardens ACOE JD

Photo File: **IMG_4289.JPG** Orientation: North -facing

Lat/Long or UTM : Long/Easting: **-74.211** Lat/Northing: **41.524**

Description:

Photo File: **IMG_4290.JPG** Orientation: Northwest -facing

Lat/Long or UTM: Long/Easting: **-74.211** Lat/Northing: **41.524**

Description:

PERMISSION TO INSPECT PROPERTY

By signing this permission form and submitting same to the Army Corp of Engineers ("ACOE"), the signer consents to inspection by ACOE staff of the extent of wetlands on the project site.

This consent allows ACOE staff to enter upon and pass through such property in order to inspect the project site, with or without prior notice, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. If ACOE staff should wish to conduct an inspection at any other times, ACOE staff will so notify the applicant and will obtain a separate consent for such an inspection.

By signing this consent form, the signer agrees that this consent remains in effect as long as the application for a Jurisdiction Determination of the wetlands is pending, and is effective regardless of whether the signer, applicant or an agent is present at the time of the inspection.

In the event that the project site or facility is posted with any form of "posted" or "keep out" notices this permission authorizes ACOE staff to disregard such notices at the time of inspection.

The signer further agrees that during an inspection, ACOE staff may, among other things, take measurements, may analyze physical characteristics of the site including, but not limited to, soils and vegetation (taking samples for analysis), and may make drawings and take photographs.

Failure to grant consent for an inspection is grounds for, and may result in, denial of the permit(s) sought by the application.

Permission is granted for inspection of property located at the following address(es) or parcel(s):

[5 Parcels in Montgomery: 29.-1-5.1 & 5.2 & 5.3 & 5.4 & 5.5]

By signing this form, I affirm under penalty of perjury that I am authorized to give consent to entry by ACOE staff as described above. I understand that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.*

Print Name and Title:

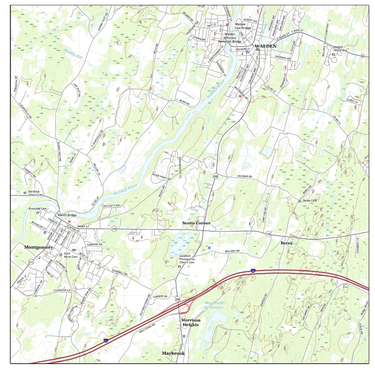
[Mr. Gerald Jacobowitz, Esq.]

Signature and Date:

[7/25/24]

*The signer of this form must be an individual or authorized representative of a legal entity that:

- owns fee title and is in possession of the property identified above;
- maintains possessory interest in the property through a lease, rental agreement or other legally binding agreement; or
- is provided permission to act on behalf of an individual or legal entity possessing fee title or other possessory interest in the property for the purpose of consenting to inspection of such property.



LOCATION MAP

SCALE: 1" = 5,000'

GENERAL NOTES

1. TAX MAP IDENTIFICATION NUMBER: SECTIONS 29 BLOCKS 1 LOT 5.5
2. TOTAL AREA OF SUBJECT PARCEL: 54.04± ACRES.
3. TOPOGRAPHY, BOUNDARY AND PLANIMETRIC INFORMATION BASED UPON FIELD SURVEY AS PERFORMED BY TECTONIC ENGINEERING CONSULTANTS, PC ON OCTOBER 3RD 2001.
4. OWNER/APPLICANT: MILR, LLC
   P.O. BOX 366
   WALDEN, NEW YORK, 12586
5. WETLAND BOUNDARY DELINEATED BY ECOLOGICAL ANALYSIS, LLC ON NOVEMBER 20TH & 21ST, 2021 AND FEBRUARY 27TH, 2022.

LEGEND

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- CONTOUR LINE
- INDEX CONTOUR LINE
- EDGE OF ROAD
- CURB LINE
- STONEWALL
- BARBED WIRE FENCE
- OVERHEAD WIRE
- REPUTED WATER COURSE
- ACOE WETLAND LIMIT
- NYSDEC WETLAND LIMIT
- NYSDEC ADJACENT AREA LIMIT
- DRAINAGE PIPE
- UTILITY POLE
- GUY ANCHOR
- PIPE MARKER
- REBAR MARKER
- CONCRETE MONUMENT
- CATCH BASIN
- MAILBOX
- SIGN (TYPE NOTED)
- WELAND FLAG

WETLAND AREA CALCULATIONS

FEDERAL WETLAND AREA "A"	± 0.664 ACRES
FEDERAL WETLAND AREA "B"	± 0.274 ACRES
NYSDEC WD-29 WETLAND AREA "C"	± 1.457 ACRES
NYSDEC WD-29 WETLAND AREA "D"	± 8.744 ACRES

No.	DATE	DESCRIPTION
1	04/29/24	REVISED FOR ACOE SUBMISSION

DRAWING STATUS — ISSUE DATE: 04/29/2024

THIS SHEET IS PART OF THE PLAN SET ISSUED FOR	SHEET NUMBER		
☐ CONCEPT APPROVAL	N/A	OF	N/A
☐ PLANNING BOARD APPROVAL	N/A	OF	N/A
☐ OCDOH REALTY SUBDIVISION APPROVAL	N/A	OF	N/A
☐ OCDOH WATERMAIN EXTENSION APPROVAL	N/A	OF	N/A
☐ NYSDEC APPROVAL	N/A	OF	N/A
☐ NYSDOT APPROVAL	N/A	OF	N/A
☑ OTHER	1	OF	1
☐ FOR BID	N/A	OF	N/A
☐ FOR CONSTRUCTION	N/A	OF	N/A

THIS PLAN SET HAS BEEN ISSUED SPECIFICALLY FOR THE APPROVAL OR ACTION NOTED ABOVE AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.
THIS SHEET SHALL BE CONSIDERED INVALID UNLESS ACCOMPANIED BY ALL SHEETS OF THE DENOTED PLAN SET(S).

ROSS WINGLOVITZ, P.E.
NEW YORK LICENSE # 071701

100 0 50 100 200
1 inch = 100 ft.

ENGINEERING & SURVEYING PROPERTIES
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MONTGOMERY, NY 12549
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WWW.EP-PC.COM

ACOE WETLANDS DELINEATION MAP

SHEFFIELD APARTMENTS
ROUTE 17K
TOWN OF MONTGOMERY
ORANGE COUNTY, NEW YORK

JOB #: 103.0301	DRAWN BY: ZS	WL-1
DATE: 04/26/2022	SCALE: 1" = 100'	
REVISION: 1 - 04/29/2024	TAX LOT: 29-1-5.5	