LANC & TULLY, P.C.

To: Joseph Battaglia

From: John Russo, P.E.

cc: Ted Lewis, III, Building Inspector; Scott Birney, DPW Superintendent; David Donovan, Esq.

Date: April 16, 2022

Re: 6 Dikeman Drive – Stop Work Order

On March 28th, 2022, the Village Building Department, Village DPW and myself met with you at Village Hall regarding what would be required to lift the Stop Work Order that was issued for your property located at 6 Dikeman Drive. The Stop Work Order was issued in June of 2021 due to work performed by you along Dikeman Drive, Coates Drive and NYS Route 17A without any permits for the work. Below is a summary of the work that was observed to have occurred without permitting.

1. Excavation work was performed through the wetlands located along the west side Dikeman Drive, starting at the firehouse parcel and running to NYS Route 17A, as seen in the attached photographs in Appendix "A" that were taken on June 9, 2021, after the disturbance was noticed. This work was conducted without any permits from the Village of Goshen and the Army Corp. of Engineers. Attached for your reference in Appendix "B" is a correspondence from the Army Corp. of Engineers, dated May 30, 2020, with regards to wetland mitigation that was to be conducted on Lots 1 and 2 to allow for the construction of the firehouse on Lot 3. The map included within this correspondence shows the outline of the federal wetlands along with the area that was proposed as mitigation to allow for the construction of the firehouse parcel.

2. Excavation work occurred on the westerly and easterly side of Coates Drive without permits from the Village of Goshen or the approval from the adjacent landowner to perform excavation work, as shown in the attached photographs in Appendix "C". The work in this area damaged conduit and wiring that provided power to the Eastgate sign located at the entrance to Coates Drive, as well as damaging the curb line along Coates Drive in the vicinity of the box culvert that crosses under Coates Drive, as well as disturbing possible wetlands and disturbing a Class "C" stream as per NYSDEC. Although you claimed at the meeting that this disturbance was performed by NYSDOT in the area along NYS Route 17A, the Village of Goshen DPW has been in contact with NYSDOT regarding this matter, and NYSDOT has stated that they did not perform any extensive disturbance to the area or damage any conduit or curbing, and they will be issuing a correspondence to this affect. Once the Village receives this correspondence, a copy will be provided to you.

3. Excavation work occurred within the New York State DOT right-of-way along NYS Route 17A with out permits from the New York State DOT, as shown in the attached photographs in Appendix "D".

Work that is needed in order to lift the Stop Work Order that was issued would include the following:

1. The wetlands that were disturbed will need to be restored. You will need to work with your wetland specialist, Mr. Nowicki, as to how to restore the disturbed areas. This work may require permitting from the Army Corp. of Engineers, to which your consultant shall contact Army Corp. to determine if any permitting is necessary and what remediation work will be required.

2. Your wetland consultant shall determine the extent of the wetlands along the west and east side of Coates Drive, and again work with the regulating agency as to how this disturbance shall be mitigated, along with what permits will be required. It should be noted that any disturbance that was done to private property shall be corrected, once written approval is obtained from the property owner. This would include the repair of the conduit and wiring to the Eastgate sign, as well as all excavated and disturbed areas.

3. The damage that occurred to the curbing along Coats Drive shall be corrected in accordance with the Village DPW Superintendents requirements. This may require the removal and replacement of the damaged curbing.

4. Any corrective work with the NYSDOT Right-of-Way along NYS Route 17A shall be performed in accordance with NYSDOT Standards once a work permit is issued by NYSDOT for the remediation work, if required by NYSDOT.

It shall be noted that no corrective work shall occur until such time as plans have been prepared for the corrective work and all necessary permits from Army Corp. of Engineers, NYSDOT and the Village of Goshen have been obtained, along with obtaining written approval from the private landowner(s) that were impacted.

Once all work has been completed to the satisfaction of all involved outside agencies and the Village of Goshen, then the Village of Goshen will consider your request for a Driveway Permit to allow for access to your parcel at 6 Dikeman Drive (Lot 2).

APPENDIX "A"

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STOP

APPENDIX "B"

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

MAY 30 2000

REPLY TO
ATTENTION OF:
Regulatory Branch

SUBJECT: Permit Application Number 1998-14181-YS
by Allerton House Defined Benefit & Pension Plan

Dan Hall
Land Use Ecological Services, Inc.
2576 Sound Avenue
Calverton, New York 11933-1221

Dear Mr. Hall:

On November 23, 1999, the New York District Corps of Engineers received a request for Department of the Army authorization for the discharge of fill material into waters of the United States for the construction of a new Village of Goshen fire station. The site is located on Sorrento Drive in the Village of Goshen, Orange County, New York.

By letter dated April 13, 1999, this office confirmed the extent of waters of the United States within Lots 1, 2 and 3 (approximately 11 acres) on the subject property. These waters of the United States consist of approximately 6.34 acres of jurisdictional wetlands, and are considered to be above the headwaters.

Subsequent submittals entitled "Proposed: Freshwater Wetland Mitigation Purpose: Environmental Enhancement At: Sorrento Drive-Inc. Village of Goshen Orange County-State of New York Applicant: Allerton House Defined Benefit Pension Plan", Sheets 1 of 2 and 2 of 2, prepared by Land Use Ecological Services Inc., dated November 12, 1999, and last revised January 28, 2000, indicate that the total impacts to waters of the United States would involve the discharge of fill material into a maximum of 1.33 acres of wetlands, with approximately 0.97 acres of creation of wetlands and approximately 0.87 acres of enhancement of wetlands as mitigation. **It should be noted that the above referenced drawings specify that the proposed "Drainage Interception Structure", designed to redirect surface and ground water flows, would only be constructed within Lot 3, in order to protect the proposed fire house. No drainage structures of any kind would be constructed within Lots 1 or 2.**

Based on the information submitted to this office, and accomplishment of notification in accordance with the applicable federal requirements, our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be

accomplished under Department of the Army Nationwide General Permit Number (NWP) 26. The nationwide permits are prescribed in the December 13, 1996 Federal Register, Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits (61 FR 65874). The work may be performed without further authorization from this office provided the activity complies with the permit conditions listed in Section B, No. 26, Section C, the following special conditions, and any applicable regional conditions added by the State of New York, copies enclosed.

Special Conditions

(A) The permittee shall install pre-treatment measures such that sediments and oils will be filtered out before runoff from impervious surfaces enters the remaining wetlands on site.

(B) The permittee shall provide to this office annual reports on the status of the mitigation activities, prepared during the growing season, no later than August 15 in each of the following five (5) years after initiation of the activities authorized by this letter. These reports shall include the following at a minimum:

i. All plant species, along with their estimated relative frequency and percent cover, shall be identified by using plots measuring 10 feet by 10 feet with at least one representative plot located in each of the habitat types within the mitigation site. The location of each plot shall be identified on the plan view engineering drawing.

ii. Vegetation cover maps, at a scale of one inch equals 100 feet, or larger scale, shall be prepared for each growing season.

iii. Photographs showing all representative areas of the mitigation site/s shall be taken at least once each year during the period between 1 June and 15 August.

iv. Surface water and groundwater elevations in representative areas of the mitigation site/s shall be recorded twice a month during April through October of each year. The location of the monitoring well or gauge shall be shown on the plan view engineering drawing.

(C) All grading and planting in conjunction with the wetlands mitigation work shall be completed prior to the completion of the discharge of fill authorized herein.

(D) The permittee shall ensure that all plantings in conjunction with the mitigation effort shall have an eighty-five (85) percent survival and/or coverage rate which must be met or exceeded at the end of the second growing season following the

PROPOSED: FRESHWATER WETLAND MITIGATION
PURPOSE: ENVIRONMENTAL ENHANCEMENT
AT: SORRENTO DRIVE - INC. VILLAGE OF GOSHEN
ORANGE COUNTY - STATE OF NEW YORK
APPLICANT: ALLERTON HOUSE DEFINED BENEFIT PENSION PLAN
PREPARED BY: LAND USE ECOLOGICAL SERVICES INC.
DATE: 11-12-99, 12-21-99, 1-28-00

PLAN VIEW

SCALE: 1" = 100'

PROPOSED DRAINAGE INTERCEPTION STRUCTURE APPROX. 270 LINEAR FEET OF 12" DIA. CORRUGATED PLASTIC PERFORATED DRAINAGE PIPE (TYP.) TO BE INSTALLED BELOW GRADE AND SURROUNDED WITH CRUSHED 4" - 6" STONE. CAPTURED RUNOFF TO FLOW TO DESIGNATED WETLAND FACILITIES.

NOTE: 1,700 CUBIC YARDS OF SALVAGED HYDRIC SOILS TO BE UTILIZED AS A 6" THICK LAYER OF TOP SOIL WITHIN PROPOSED WETLAND CREATION / ENHANCEMENT AREA. TRANSPORTED MATERIAL TO BE SPREAD OVER GRADE TO MEET PROPOSED CONTOURS SHOWN (80,150 SQ.FT.+/- AT 6" THICK)

LANDS N/F MAKUEN REALTY ASSOC. T.M # 13-1-10.1

INV. EL. 502

FLOW

INV. EL. 494

INV. EL. 492

PROP. 10' X 10' RIP RAP OUTLET WITH 4"-6" CRUSHED STONE

PROP. OUTFALL

EXISTING UTILITY TOWER LOCATION

PROP. SILT FENCE / STAKED HAYBALE LOCATION (LIMIT OF GRADING / DISTURBANCE)

FRESHWATER WETLANDS LINE

FRESHWATER WETLANDS

FRESHWATER WETLANDS LINE

LOT# 1 AREA = 130,731 SQ.FT.

LOT# 2 AREA = 130,739 SQ.FT.

PROPOSED ASPHALT PARKING

PROPOSED ASPHALT PARKING

PROPOSED ASPHALT PARKING

PROP. SILT FENCE / STAKED HAYBALE LOCATION (LIMIT OF GRADING / DISTURBANCE)

PROP. GRADE (SEE SITE PLAN)

PROP. FIRESTATION F.F.EL. 488.0

PROP. GRADE (SEE SITE PLAN)

N.Y.S. HWY. 17A

NEW YORK

PROP. EL. 484

PROV. EL. 482

PROP. EL. 482

PROP. SILT FENCE / STAKED HAYBALE (LIMIT OF GRADING / DISTURBANCE)

PROP. SILT FENCE / STAKED HAYBALE LOCATION

FRESHWATER WETLANDS

EXISTING STREAM LOCATION

LOT# 3 AREA = 217,798 SQ.FT.
WETLAND AREA = 118,657.44 SQ.FT.
TAX MAP # 122 - 1 - 2.3

INV. EL. 479.80

INV. EL. 481.60

PROP. PIPE INSTALLATION

EXISTING PIPE LOCATION TO REMAIN UNDISTURBED INV. EL. 483.60

PROP. EL. 484

PROP. EL. 486

220.84'

LOT# 4 AREA = 984,992 SQ.FT.

SORRENTO DRIVE

EXISTING FILLED WETLAND AREA (APPROX. 6601+ SQ.FT.) * FILL TO BE REMOVED IN CONJUNCTION WITH PROPOSED ENHANCEMENT ACTIVITIES

EXISTING PIPE LOCATION TO REMAIN UNDISTURBED INV. EL. 484.20

LANDS N/F ORANGE COUNTY INDUSTRIAL T.M.# 122-1-1.2

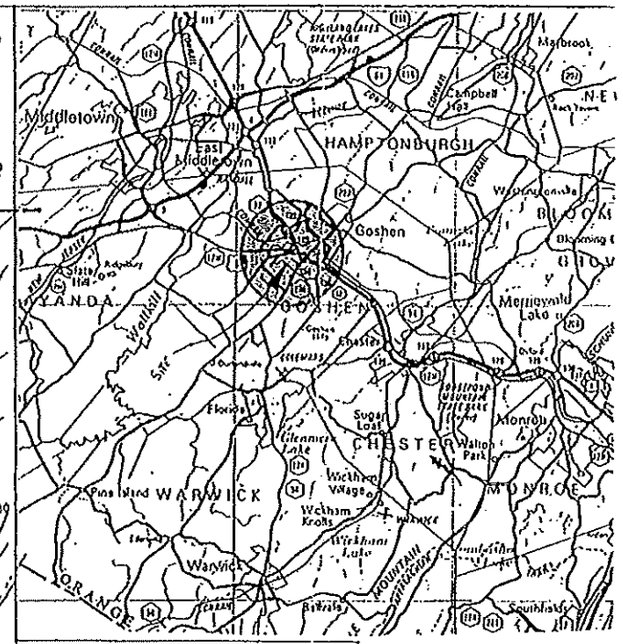
NOTE: PRIOR TO CONSTRUCTION / FILLING & GRADING 1,720+/- CUBIC YARDS OF HYDRIC SOILS FROM A LAYER 6" MAX. DEPTH TO BE EXCAVATED / SALVAGED WITHIN DESIGNATED WETLAND DISTURBANCE AREA AND TRANSPORTED TO PROPOSED FRESHWATER WETLAND CREATION / ENHANCEMENT AREA.

PROPOSED 20'+/- WIDE FRESHWATER WETLAND BUFFER BAND ALONG SLOPE EDGE (APPROX. 10,600 SQ.FT.+/-) TO BE PLANTED UTILIZING SHRUB SPECIES ACCORDING TO SPECS.

PROPOSED FRESHWATER WETLAND CREATION / ENHANCEMENT AREA (APPROX. 80,150 SQ.FT.+/-) TO BE SEEDED UTILIZING NATIVE WETLAND PLANT SPECIES ACCORDING TO SPECS.

NOTE: TOPOGRAPHIC INFORMATION / DATA REFERENCED FROM SURVEY DATED: NOVEMBER 30, 1999 JURISDICTIONAL DETERMINATION WETLANDS (EUSTANCE & HOROWITZ, P.C.) P.O. BOX 42 CIRCLEVILLE, N.Y. 10919

LAND USE ECOLOGICAL SERVICES, INC.
2576 SOUND AVENUE
BAITING HOLLOW, NY 11933
(516)-727-2400 - FAX (516)-727-2605



LOCATION MAP
NEW YORK STATE ATLAS
N.Y.S. DEPT. OF TRANSPORTATION
PAGE 36 SCALE: 1" = 250,000'+/-

NOTE: SEE PROPOSED SITE PLAN (GOSHEN FIRE DEPT.) GOSHEN, NEW YORK FOR DEVELOPMENT / CONSTRUCTION CONFIGURATION & LAYOUT ROBERT E. HADO ARCHITECT NINETY - ONE NORTH STREET MIDDLETOWN, N.Y. 10940

NOTE: WETLAND BOUNDARY BASED ON SURVEY BY EUSTANCE & HOROWITZ P.C. ENTITLED: JURISDICTIONAL DETERMINATION WETLANDS FOR ALLERTON HOUSE, DEFINED BENEFIT & PENSION PLAN DATED NOVEMBER 30, 1999

TOTALS AND COVERAGES

TOTAL LOT AREA (LOT #3) = 217,800 SQ.FT.

TOTAL WETLAND AREA (LOT #3) = 118,657.44 SQ.FT.

= TOTAL FRESHWATER WETLAND AREA FILLED / DISTURBED = 68,025 SQ.FT.

TOTAL FRESHWATER WETLAND AREA CREATED (LOTS 1 & 2) = 42,250 SQ.FT.

TOTAL FRESHWATER WETLAND AREA ENHANCED (LOTS 1 & 2) = 37,900 SQ.FT.

TOTAL FRESHWATER WETLAND AREA CREATED / ENHANCED = 80,150 SQ.FT.

KEY:

= EXISTING CONTOURS / ELEVATION

= EXISTING FRESHWATER WETLANDS LINE

= PROPOSED CONTOURS / ELEVATION

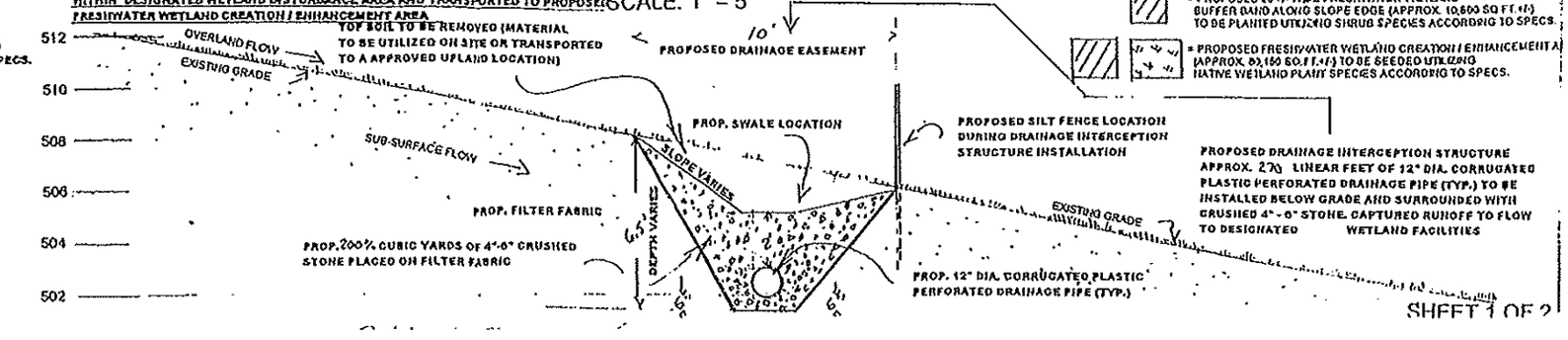
= PROPOSED SILT FENCE & STAKED HAYBALE LOCATION (LIMIT OF DISTURBANCE/CONSTRUCTION)

= PROPOSED 20'+/- WIDE FRESHWATER WETLAND BUFFER BAND ALONG SLOPE EDGE (APPROX. 10,600 SQ.FT.+/-) TO BE PLANTED UTILIZING SHRUB SPECIES ACCORDING TO SPECS.

= PROPOSED FRESHWATER WETLAND CREATION / ENHANCEMENT AREA (APPROX. 80,150 SQ.FT.+/-) TO BE SEEDED UTILIZING NATIVE WETLAND PLANT SPECIES ACCORDING TO SPECS.

TYPICAL SECTION VIEW

SCALE: 1" = 5'



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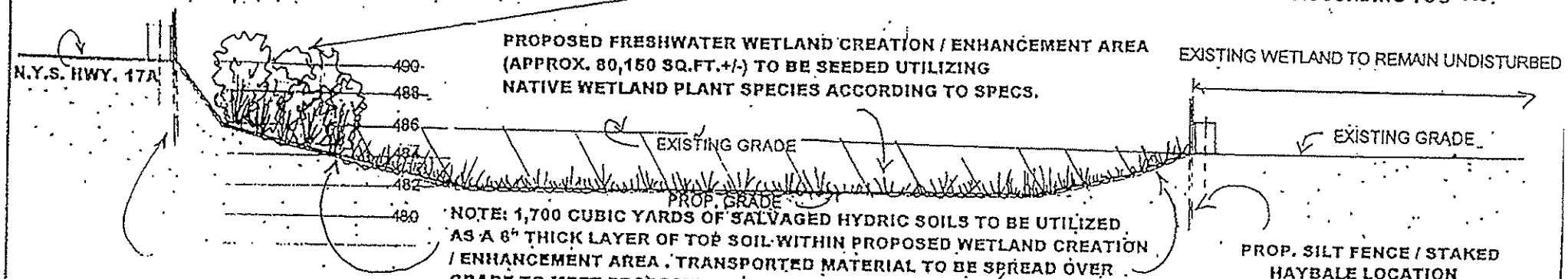
AT: SORRENTO DRIVE - INC. VILLAGE OF GOSHEN
ORANGE COUNTY - STATE OF NEW YORK
APPLICANT: ALLERTON HOUSE DEFINED BENEFIT PENSION PLAN
PREPARED BY: LAND USE ECOLOGICAL SERVICES INC.
DATE: 11-12-99, 12-21-99, 1-28-00

SCALE: 1" = 30' HOR.
1" = 10' VERT.

PROPOSED 20'+/- WIDE FRESHWATER WETLAND BUFFER BAND ALONG SLOPE EDGE (APPROX. 10,800 SQ.FT.+/-) TO BE PLANTED UTILIZING SHRUB SPECIES ACCORDING TO SPECS.



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PLANTINGS AND DETAILS

PLANTING SPECIFICATIONS

WETLAND/BUFFER SPECIES

The following shrub species to be one gallon container, nursery grown stock and planted on 6' centers in 20' band along wetland edge

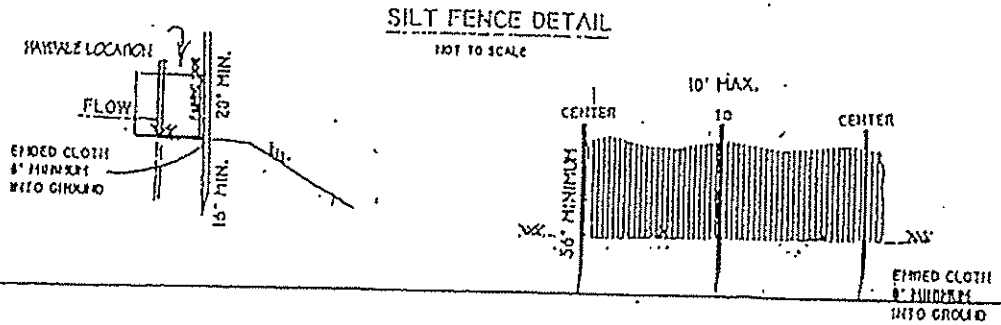
SPICE BUSH	(Lindera benzoin)
RED OSIER DOGWOOD	(Cornus alnifolia)
COAST PEPPERBUSH	(Clethra alnifolia)
GREY DOGWOOD	(Cornus racemosa)
ARROWOOD	(Virburnum dentatum)

WETLAND SEED MIXTURE

The following seed mixture to be planted at 10 lbs. per acre rate (ounces per pound of mix)

	(Avena sativa)	
2.5	LURID SEDGE	(Carex lurida)
2.5	FOX SEDGE	(Carex vulpinoidea)
2.0	RATTLE SNAKE GRASS	(Glyceria canadensis)
0.5	RICE CUTGRASS	(Leersia oryzoides)
1.0	DARK GREEN BULRUSH	(Scirpus cyperinus)
3.0	CATERPILLAR/FRINGE SEDGE	(Carex crinita)
2.5	MANNA GRASS	(Glyceria striata)
0.5	SOFT RUSH	(Juncus effusus)
1.5	WOOL GRASS	(Scirpus cyperinus)

SILT FENCE DETAIL
NOT TO SCALE



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APPENDIX "C"

E

STOP

STOP
SPEED
LIMIT
40

APPENDIX "D"

JCT 6 JCT 17
JCT 17M JCT 200