



EcolSciences, Inc.

Environmental Management & Regulatory Compliance

December 12, 2023

Mr. Ryan Sutherland, AIA LEED AP BD&C
AMS Acquisitions
Design & Development
488 Madison Ave., Suite 1901
New York, NY 10022

Re: Environmental Consulting Services
Waters Delineation and Regulatory Guidance
3119 Albany Post Road
Village of Buchanan, Town of Cortlandt
Westchester County, New York

Dear Ryan:

As requested, EcolSciences delineated the edge of the large onsite pond on November 28, 2023. No other wetlands or waters occur onsite and therefore this is the only regulated feature. This waterbody is not mapped as wetlands by the NYSDEC and is not subject to New York State wetland regulations. However, it is regulated by the Army Corps of Engineers (ACOE) pursuant to Section 404 of the Clean Water Act. The ACOE does not regulate buffers or adjacent areas and their jurisdiction ends at the water edge.

The boundary of the pond is extremely clear cut, with a short steep topographic drop from the uplands directly to the water edge. A rock wall abuts the edge as well. I have attached photographs showing the flagged/delineated water boundary.

It is my understanding that there was a request to confirm the water boundary through a Jurisdictional Determination (JD) from the ACOE. The JD process is used to determine if a wetland or waterbody is regulated and the limits of that regulation. In the case of the pond, it will definitely be regulated by the ACOE. In addition, given the topographically defined water edge boundary of the pond, the limits of ACOE jurisdiction are clear. After the pond was delineated, the boundary flags were surveyed by a licensed surveyor and these flags are the ACOE regulatory limit.

Unfortunately, the JD process has become very lengthy, with applications we have submitted taking a year or more. Based on the clear regulatory status and boundary of the waterbody, obtaining a JD for this site will not provide any further information. In addition, as there are no proposed impacts to the waterbody, no permits are required from the ACOE. While the JD process can be useful for certain sites where there are questions about regulatory status or a boundary, in this case, it is not necessary.

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I hope this information is helpful. However, please feel free to reach out with any questions or if you need additional information,

Very truly yours,

EcolSciences, Inc.



David P. Moskowitz, Ph.D.

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1



Photograph of the water edge with not wetlands.

2



Photograph of the water edge delineated with pink flags showing the sharp topographic rise into the uplands



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