

**TIM
MILLER
ASSOCIATES, INC.**

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September 30, 2014

Mr. Christian Miller, AICP
City of Rye Planning Department
1051 Boston Post Road
Rye, NY 10580

Re: The Courtyard at Theodore Fremd
Theodore Fremd Avenue, Wetlands Evaluation
City of Rye, Westchester County

Dear Mr. Miller:

At the property owner's request I walked the above-referenced site on September 23, 2014, to determine the presence or extent of regulated wetlands on the referenced site in the City of Rye. I am a certified Professional Wetland Scientist with more than 20 years experience in the field of wetland delineation, assessment and mitigation. I have worked for both private developers and municipalities evaluating wetland functions and potential impacts as the result of proposed developments. A copy of the relevant NWI map and NRCS soils map are attached.

The referenced property appears on the NWI as having no identified wetlands; the NRCS soils mapping shows the site as being Ub and Uf Urban fill lands, and no longer having natural soils profiles.

I also reviewed available aerial imagery from Westchester County GIS, and attached is a 2000 aerial showing the site with good resolution.

To summarize, I did not find areas on the site that would typically be classified as regulated wetlands. The years of filling, discharge of stormwater and commercial activities on the site have affected the site drainage and vegetation. Soil probes with an auger indicated a mix of soil types and consistencies, indicative of long term fill and site disturbance. The dominant plant species on the site, Japanese knotweed (*Polygonum cuspidatum*), is an opportunistic invasive species commonly found on roadsides and disturbed sites (Photo 1). The USDA lists knotweed as FACU, which indicates it is more likely to be found outside of a wetland than within a wetland. Soils on the site were typically Munsell 10YR4/4, indicative of relative dry conditions, and not a hydric soil. Patches of pussy willow, which is commonly indicative of wet conditions, was found on the site, but not in densities or numbers that would result in a wetland determination (Photo 2). In areas where the knotweed has not taken over, and this is generally where the former access road was located, the vegetation is now dominated by ragweed (*Ambrosia artemisiifolia*), an other invasive species (Photo 3).

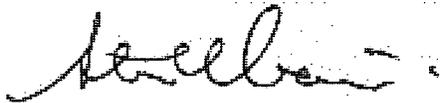
A stormwater pipe does discharge stormwater from a catch basin on Theodore Fremd Avenue, and this does provide occasional hydrology to a swale on the site. However, there was no indication of regular flow through the site, and generally catch basins do not provide adequate hydrology for the development of wetlands. *Phragmites australis*, the common reed, was also observed in small patches on the site (Photo 4). Another opportunistic invasive, this species also inhabits disturbed sites. Some stormwater also seems to enter and exit the site under the Metro North tracks to the northwest, but this is not consistent and again not enough to create wetland conditions.

The 2000 aerial shows the site in use, with a traveled way through the center and small structures on the parcel. This access road is still visible closest to Theodore Fremd Avenue (Photo 5), but is overgrown with knotweed and ragweed further into the site.

In conclusion, while there are a few small patches of depressional areas that have a dominance of wetland vegetation, these areas do not meet the soils or hydrologic criteria to be determined wetlands, nor do they connect to other wetlands to form a larger community. In my opinion, this site does not contain wetlands that would be regulated by any of the relevant regulatory jurisdictions.

Please feel free to contact me if you have any further questions about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Marino". The signature is fluid and cursive, with a horizontal line extending to the right.

Steve Marino, PWS
Senior Wetland Ecologist
Tim Miller Associates, Inc.

c: Lou Larizza
Ralph Mastromonaco, P.E.



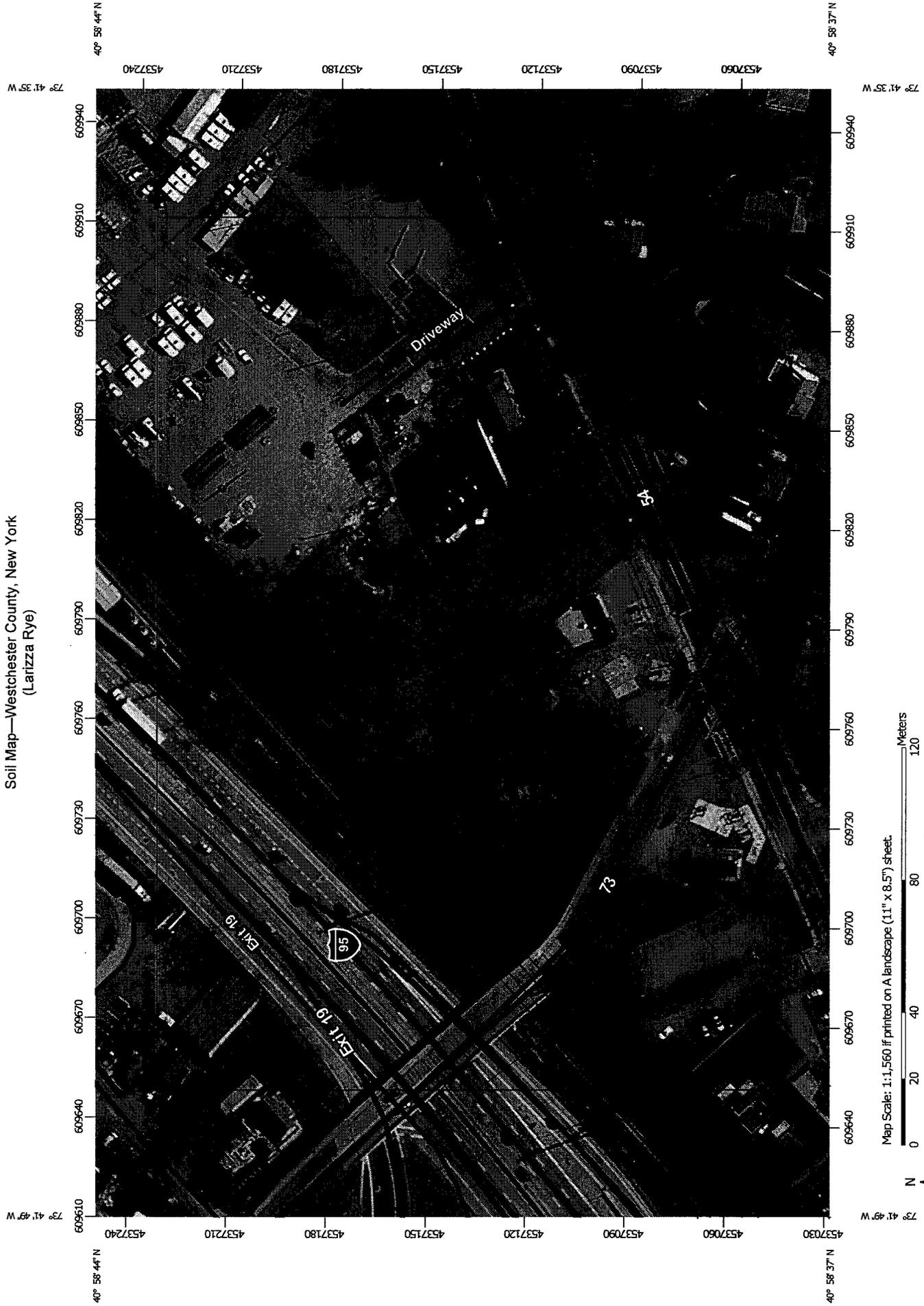
Map Aerial Photos Street Label

1947 1948 1976 1980 2000 2004 2007 2009 2010 2011 2012 2013

+ -



Soil Map—Westchester County, New York
(Larizza Rye)



Map Scale: 1:1,560 if printed on A landscape (11" x 8.5") sheet.



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



MAP LEGEND

	Area of Interest (AOI)		Spoil Area
	Soils		Stony Spot
	Soil Map Unit Polygons		Very Stony Spot
	Soil Map Unit Lines		Wet Spot
	Soil Map Unit Points		Other
	Special Point Features		Special Line Features
	Blowout		Water Features
	Borrow Pit		Streams and Canals
	Clay Spot		Transportation
	Closed Depression		Rails
	Gravel Pit		Interstate Highways
	Gravelly Spot		US Routes
	Landfill		Major Roads
	Lava Flow		Local Roads
	Marsh or swamp		Background
	Mine or Quarry		Aerial Photography
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

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: <http://websoilsurvey.nrcs.usda.gov>
 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: Westchester County, New York
 Survey Area Data: Version 9, Dec 15, 2013

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

Date(s) aerial images were photographed: Mar 26, 2011—Apr 16, 2012

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

Westchester County, New York (NY 19)			
Map Unit Symbol	Map Unit Name	Acres (in AOI)	Percent of AOI
CrC	Charlton-Chatfield complex, rolling, very rocky	1.1	8.9%
Ub	Udorthents, smoothed	4.1	34.3%
Uf	Urban land	6.8	56.8%
Totals for Area of Interest		12.0	100.0%



U.S. Fish and Wildlife Service

National Wetlands Inventory

Theodore Fremd Avenue

Oct 1, 2014

Wetlands

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



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.

User Remarks:
Larizza SiteRye, NY



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5