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April 27, 2006

Mr. John Piazza, Chairman
Town of Mamakating Planning Board
2948 Route 209
Wurtsboro, NY 12790

Re: Yukiguni Maitake Manufacturing Plant
McDonald Road
Town of Mamakating, New York
**Engineering Review –
Site Plan and Special Use Permit Application**

Dear Chairman Piazza and Members of the Planning Board:

Our office has been retained by the Basha Kill Area Association, whose membership includes Town residents who live nearby the project site. The purpose of our review was to conduct a detailed engineering and planning review of the above-mentioned project with regard to the Site Plan/ Special Use Permit application. In addition to our review the proposed development's plans and reports with respect to engineering and planning issues, we were also requested to specifically evaluate the project's compliance with the applicable Town and State regulatory requirements.

After a FOIL request was executed with the Town of Mamakating Planning Board, an extensive review of the Planning Board file was conducted by a representative of this office on February 23, 2006. The file was again reviewed by a representative from the Basha Kill Area Association of April 17, 2006 (10 days prior to the scheduled public hearing) to determine if any new materials (drawings, consultant comment letters, etc.) related to the Site Plan / Special Use Permit had been submitted to the Planning Board. In this manner, we attempted to only provide review comments on the most up to date project information.

Due to the extensive review of the Town Planning Board file that was conducted (and a more detailed review of the information contained on the copies made of all pertinent documents), we believe that this office has received all material necessary related to (and necessary for the issuance of) the project's site plan and special use permit Application. The following specific information that has recently been submitted as a part of the Planning Board's project review record for the site plan and special use permit application were included in our review:

- *Site Plans* prepared by Chazen Engineering & Land Surveying dated last revised 04/07/2006,
- *Stormwater Pollution Prevention Plan (SPPP)* prepared by Chazen Engineering & Land Surveying dated last revised 04/05/2006,
- *Elevation Drawings* prepared by the Yukiguni Manufacturing Corporation of America (not dated),
- *Floor Plan Drawings* prepared by Kajima dated last revised 11/01/2003,
- Lanc & Tully comment letter dated 01/24/2006,
- Planit Main Street letters dated 03/14/2006 and 03/24/2006,
- Sullivan County Division of Planning and Community Development (DPCD) letter dated 11/30/2005,
- Chazen Engineering & Land Surveying comment response letter dated 03/07/2006
- *SEQR Findings Statement* prepared by the Town of Mamakating Planning Board dated last revised May 24, 2005

As a result of our review, it is quite apparent that the project's design is substantially incomplete at this stage. The extent of the project plans being significantly incomplete is such that the project's design neither complies with the Town of Mamakating Zoning Code minimum criteria nor with the project's *SEQR Findings Statement*. Our comments that follow also note numerous, significant engineering and planning deficiencies in this proposed development's design. These substantial deficiencies must to be corrected before the Planning Board can accept this application as complete and consider a decision on this Site Plan / Special Use Permit application.

Additionally, our review indicated several substantial defects related to compliance with NYSDEC Phase II stormwater regulations. The extent of one of these particular stormwater design deficiencies is highlighted by the proposed project's design documentation that clearly predicts an increase in flooding on adjacent properties if constructed as designed. The design of these stormwater facilities therefore must be revised to preclude the resulting potential flooding damage that may result to downstream properties.

The following comments are offered as a result of our review for the Board's consideration of this development application. Our comments focus on:

- The substantial incomplete status of the Site Plan / Special Use Permit application,
- The nonconformance with NYSDEC Phase II Regulations and potential flood damage to downstream property owners
- A list of additional critical information that should be submitted that would allow a comprehensive evaluation of the project's Site Plan / Special Use Permit Application.

I. Incomplete Application –

As the Board is aware, the Site Plan / Special Use Permit application must be deemed complete by the Planning Board prior to the scheduling of the public hearing, as stated in §199-45 (E) of the Town Zoning Code:

“In the event that a public hearing is held, said hearing shall be conducted within 62 days from the day a complete application is received by the Planning Board”.

Because of the above Town requirement (and although no record of a “completeness” determination was found in our review of the project record), our office must presume that the Board is satisfied with the materials and information submitted by the Applicant since the public hearing was scheduled, and that the Board is therefore also prepared to issue a decision on the Application. The Board should be reminded that the conditions associated with a special use permit are mandatory, cannot be waived, and each condition must be met to insure compatibility of the proposed use with the surrounding neighborhood and community. Strict compliance with special use conditions are essential to proper land use planning and the future development of the Town.

Our review however indicates clearly that the Applicant has not completed many significant and substantial items that were previously deemed essential by the Town and documented as necessary before this facility’s site plan and special use permit can be approved. Many of these items are specific requirements in the Town Zoning Code and the *SEQR Findings Statement* issued for this project. The following is a list of required items that have not been completed as part of the Site Plan / Special Use Permit Application:

1. Water Conservation Plan, required by the Findings Statement – none filed as part of the project record.
2. Water Diversion Permit from the Delaware River Basin Commission – none filed as part of the project record.
3. Confirmation of wetland delineation by the New York State Department of Environmental Conservation (NYSDEC) – none filed as part of the project record.
4. Wetland Disturbance Permit from the NYSDEC that is required to construct the project’s facilities – none filed as part of the project record.
5. Noise Mitigation Plan, required by the Findings Statement – none filed as part of the project record.
6. McDonald Road Improvement Plans – none filed as part of the project record.
7. Legal Agreement with FAA / Town regarding safe flight paths - – none filed as part of the project record.
8. Entrance Safety Improvement Plan at Intersection of McDonald Road & Route 209 – none filed as part of the project record.
9. Detailed and Accurate Elevation Drawings – none filed as part of the project record.
10. Detailed and Accurate Floor Plan Drawings – none filed as part of the project record.
11. Odor Management Plan – none filed as part of the project record.
12. Visual Impact Mitigation Plan - – none filed as part of the project record
13. Potable Water System Design (NYS Department of Health (NYSDOH) and NYSDEC approvals required) – none filed as part of the project record.
14. Sanitary Wastewater System Design (NYSDOH and NYSDEC approvals required) – none filed as part of the project record
15. Process Wastewater System Design (NYSDOH and NYSDEC approvals required) – none filed as part of the project record.

16. Proper Delineation of 100-year FEMA designated floodplain - – none filed as part of the project record.
17. Additional Items required by Zoning Code (as noted below) – none filed as part of the project record.

A detailed description of the above-mentioned items and their importance with regard to the Site Plan / Special Use Permit is described as follows:

1. **Water Conservation Plan.** As the Board is aware, the project will require a large quantity of groundwater to sustain the operation of the facility. The groundwater will be obtained with the use of two on-site pumping wells. This water supply issue was raised during the SEQR review process and is specifically addressed in the *SEQR Findings*. As stated on page 8 of the Findings Statement, an extensive groundwater monitoring program must be established by the Applicant “as a condition of the special use permit”.

The Findings Statement also states “*The Planning Board as well (as well as the Delaware River Basin Commission), therefore, hereby mandates the applicant to provide an acceptable conservation plan and to identify possible future mitigation measures for consideration in the event that use of well PW-2 and cumulative consumptive uses in the upstream portion of the drainage basin become a concern relative to the Basher Kill and the local water resources, as recommended by LBG. An acceptable conservation plan including possible future mitigation measures, including but not limited to reduction of plant operation and reduction of water usage, will be a condition to the issuance and continued validity of the special use permit*”. The Water Conservation Plan is critical to the future impact on groundwater resources, as was clearly indicated in the *Findings Statement* and this Plan must be addressed as part of the Site Plan / Special Use Permit deliberation process.

To our knowledge, a Water Conservation Plan has not been submitted. This plan must be submitted at this time in accordance with the established *Findings Statement*. The Water Conservation Plan should incorporate all of the comments in the Findings Statement, including but not limited to monitoring well locations, monitoring schedule, reporting schedule, and mitigation measures.

2. **Water Diversion Permit from the Delaware River Basin Commission (DRBC).** As the Board is aware, the groundwater usage proposed will require a permit from the Delaware River Basin Commission. This must be considered a major area groundwater withdrawal, with long-ranging affects to the area.

To our knowledge the Applicant has not applied for this permit. A Water Conservation Plan will also be required by the DRBC to help mitigate any impacts to the water supply for the region and surrounding property owners. This permit process should be an integral part of the Site Plan / Special Use permit process and should be completed at this time.

3. **Confirmation of wetland delineation by the New York State Department of Environmental Conservation (NYSDEC).** The delineation of the NYSDEC regulated wetland has not been confirmed in writing by the staff at the NYSDEC. As mentioned in the Project Engineer’s letter, the site has not been visited by the NYSDEC for 3 years. The wetland boundary must be validated by the NYSDEC in writing, since the location of the wetland boundary is crucial to the layout and design of the manufacturing facility,

as much of the development is directly adjacent to the 100-foot NYSDEC wetland buffer. Any modification to the wetland boundary by NYSDEC staff will also alter the location of the 100-foot wetland buffer and can cause significant alteration to the site development plans.

A copy of the wetland delineation, signed by the NYSDEC staff must be submitted to the Planning Board for review before site plan approval can be considered.

4. **Wetland Disturbance Permit from the NYSDEC.** As noted in the Project Engineer's letter, a Wetland Disturbance Permit is required from the NYSDEC. This permitting procedure with the NYSDEC is typically extensive and may require revisions to the Site Plans to comply with NYSDEC regulations and review staff requirements. This process should be concurrent with the Site Plan / Special Use Permit review. As part of the permitting process, the NYSDEC will also conduct an extensive review of the Stormwater Pollution Prevention Plan, which may result in significant revisions to the stormwater management design (stormwater ponds, swales, etc.).
5. **Noise Mitigation Plan.** Per page 14 of the *Findings Statement*, "*An inspection schedule will be developed by the applicant with Town officials to monitor noise levels and provide additional mitigation after the plant is in operation ... This will be a condition of the issuance and continued validity of the special use permit.*"

A Noise Mitigation Plan must be prepared by the Applicant, per the Findings Statement, including a schedule for monitoring noise levels after the plant is constructed and mitigation measures that will be applied should noise levels become an issue. The Findings Statement clearly requires that a formal schedule and mitigation plan be prepared to properly address future noise issues as they may arise. The Board must require a formal report to be submitted by the applicant that addresses this issue.

The Findings Statement also states, "*Mitigation measures will include a combination of screening barriers on the building roofs and/or ground near the south side of the project; and sound deflecting or absorbing barriers, which should result in a reduction in SPL (Sound pressure level) of up to 20 decibels.*" To our knowledge the noise mitigation measures required in the *Findings Statement* such as "screening barriers" are not proposed within the Site Plan / Special Use Permit application. The noise mitigation measures must be detailed on the plans to comply with the requirements set forth in the *Findings Statement*.

6. **McDonald Road Improvement Plans.** As indicated in the Lanc & Tully letter, substantial improvements to McDonald road will be required to allow the proper flow of the truck traffic generated by the proposed project. The improvements to McDonald Road are also thoroughly discussed in the Findings Statement, stating that "*this improvement to McDonald Road will be a condition to the issuance and continued validity of the special use permit.*"

The improvements to McDonald Road must be detailed on the plans to comply with the requirements set forth in the *Findings Statement*. This portion of design work must part of the Site Plan / Special Use Permit process, and the site development plans must be revised to incorporate this important information.

7. **Legal Agreement with FAA/Town regarding safe flight paths.** During the SEQR process, it was noted that a potential conflict may occur between aircraft and the proposed building, due to the height of the building. Per Section 3.10 of the Findings Statement, "*It is, therefore, incumbent upon the applicant to enter into an agreement with*

the Town and/or the FAA to provide that the plant will not be a hindrance to the continued future operation of the Wurtsboro Airport... and this requirement will be made a condition of the issuance of and continued validity of the special use permit”.

This statement in the Findings Statement clearly indicates that an agreement must be created as part of the Site Plan / Special Use Permit process. To our knowledge, this agreement has not been established as required.

8. **Entrance Safety Improvement Plan at Intersection of McDonald Road & Route 209.** Per condition #6 of the December 22, 2005 Zoning Board of Appeals decision, a safety improvement must be design for the entrance along Route 209, per the approval of the New York State Department of Transportation (NYSDOT). To our knowledge, this safety improvement has not been designed, nor has the approval process with the NYSDOT begun. This safety improvement requirement must be included in the project design that is to be approved by the Board.
9. **Detailed and Accurate Elevation Drawings.** Per Section 199-48 (D) (3) of the Town Zoning Code, single line floor plans and elevations are required. The elevation drawings provided do not have any elevations on them (e.g. first floor elevations, roof elevations) and do not reflect actual site conditions.

As one example, the proposed cooling towers are not located on the “south” elevation drawing. It is assumed that the cooling towers will be significant in height to disperse the discharge of air/steam to the atmosphere. The elevation drawing as submitted are obviously inaccurate. The cooling towers structures must be accurately represented on the elevation plan.

Per the *Findings Statement*, page 12, it is also stated “*further design review of the proposed buildings will be required during the site plan review process, at which time more detailed building elevations that are based upon proposed construction must be reviewed and approved by the Planning Board. This commitment will be a condition to the issuance and continued validity of the special use permit.*” This requirement within the Findings Statement clearly indicates that the Board must conduct a detailed review of the proposed building façade as part of the Site Plan / Special Use Permit process.

Furthermore, per condition #4 of the December 22, 2005 Zoning Board of Appeals decision, “*The applicant shall cause all buildings and their roofs to be of an earth tone color and non-reflective surfaces*”. The earth tone color should be shown on the color elevation drawing to verify compliance with the Zoning Board requirement. Per comments contained in the Town Planner’s letter, the building elevations are not acceptable and the project architect is working on improvements to the building exterior design. The elevation drawings are clearly incomplete at this time.

To our knowledge, a review of the building drawings has not been completed by the Board as indicated in the *Finding Statement*, nor have the proper drawings been submitted by the applicant to allow such review.

10. **Detailed and Accurate Floor Plan Drawings.** Per Section 199-48 (D) (3) of the Town Zoning Code, single line floor plans and elevations are required. The applicant has provided floor plan drawings for the Main Production Building (Phases II and III), however, floor plan drawings were not provided for the Pilot Plant, Boiler Room building, Water Treatment Building, Material Building, Saw Dust Stock Yard Building, Used Saw Dust Stock Yard Building or the Generator Building. These floor plan

drawings must be submitted to the Board for review per the Town Zoning Code. Additionally, the copies of the Main Production Building were illegible therefor providing very little useful information with regard to the interior building layout.

11. **Odor Management Plan.** Per page 15 of the Findings Statement, “*An inspection schedule will be developed by the applicant with Town Officials to monitor odor levels and provide additional mitigation after the plant is in operation if the Town determines that an odor impact has developed and that future mitigation is necessary. This will be a condition of the issuance and continued validity of the special use permit*”. Clearly the intent of this section of the Findings Statement was for the Applicant to develop a detailed plan for odor monitoring and mitigation during the Site Plan / Special Use Permit process. To our knowledge, no mitigation or monitoring plan has been developed. The applicant must complete this work in accordance with the requirements set forth in the *Findings Statement*.
12. **Visual Impact Mitigation Plan.** Per the Sullivan County DPCD letter, “*The applicant needs to demonstrate a greater commitment to the mitigation of visual impacts by establishing specific standards (such as percent coverage) and a timeline towards achieving such standards sufficient to significantly reduce impacts.*” The Sullivan County DPCD is requiring mitigation for visual impacts associated with the project, an issue that the Applicant has not addressed.

Per the *Findings Statement*, the project is expected to be visible from several locations. The *Findings Statement* states “*The applicant will plant large evergreens in strategic areas to shield the view of the building and will continue to do said planting, on a reduced scale, annually. This continued landscaping commitment will be a condition to the issuance and continued validity of the special use permit*”. To ensure that the Applicant improves and continues to improve the landscaping along Route 209, along the D&H Canal, and in other “strategic areas”, the applicant must submit a Visual Mitigation Plan that outlines this process. To our knowledge, the mitigation of visual impacts from any of the several critical receptor locations identified in the FEIS has not been addressed. The applicant has indicated on the site plans that nine (9) evergreen trees will be planted along Route 209, although the location of the trees is not specified. Regardless, it is not likely that nine (9) evergreen trees will mitigate the visual impact from Route 209 for a building of this size. The applicant has added significant landscaping throughout the site, as suggested in the Lanc & Tully comment letter. However, the applicant has not proved that the landscaping will provide any mitigation for the visual impacts. The Findings Statement requires that the applicant address the visual impact associated with the proposed project as part of the Site Plan / Special Use Permit process. This issue has not been addressed by the applicant. The applicant’s engineer has simply stated that landscaping has been added to the plan, which is insufficient. The Board should consider how long it will take the tree plantings proposed to mature to a height that will provide a actual visual benefit.

13. **Potable Water System Design.** The proposed potable water system design, including a 90,000 gallon storage tank and a water treatment building, has not been completed, according to correspondence by the Project Engineer.. The required approvals from the NYSDEC and NYSDOH also have not been obtained. The Town’s engineering consultant has requested this information in their 01/24/06 comment letter. However, per the Project Engineer’s response letter, the applicant does not agree to provide this

information until after Site Plan / Special Use Permit approval is obtained from the Planning Board. This information is absolutely integral to the Site Plan / Special Use Permit process and must be provided.

14. **Sanitary Wastewater System Design.** The proposed sanitary wastewater system design, including leach fields, pump stations, dosing chambers, etc. has not been completed. The required approvals from the NYSDEC and NYSDOH have also not been obtained. The Town engineering consultant has requested this information in the their 01/24/06 comment letter. However, per the Project Engineer's response letter, the applicant does not agree to provide this information until after Site Plan / Special Use Permit approval is obtained from the Planning Board. This information is critical to the Site Plan / Special Use Permit process and must be provided.
15. **Process Wastewater System Design.** As the Board knows, the applicant is proposing to discharge 52,000 gallons per day of non-sanitary wastewater from the cooling towers and other associated plant processes. The applicant has provided a location for an "infiltration area" to treat this wastewater, however, provides no further detail on the site plans with regard to the infiltration structure. The required approvals from the NYSDEC and NYSDOH have also not been obtained for this structure. The Town's engineering consultant has requested further information on this structure in their 01/24/06 comment letter. However, per the Project Engineer's response letter, the applicant does not agree to provide this information until after Site Plan / Special Use Permit approval is obtained from the Planning Board. Again, this information is absolutely critical to the Site Plan / Special Use Permit process and must be provided.
16. **Proper Delineation of 100-year FEMA designated floodplain.** The 100-year floodplain boundary has not been properly delineated on the site development plans. The applicant's engineer should refer to the Flood Insurance Study for the Town of Mamakating to determine the actual 100-year flood elevations at this site. The elevations are then translated to the plan using the existing topography. This must be corrected to show an accurate depiction of the 100-year floodplain. The design may need to be altered based on the results of an accurate floodplain delineation.
17. **Additional Items required by Zoning Code.** Throughout our review of the Site Plans, several items were noted that do not comply with the requirements set forth in the Town Zoning Code. The items are listed as follows:
 - a. **Fencing Location.** Per the Project Engineer's letter and Sheet SD1 of the Site Plan Set, an 8-foot high chain link fence will be installed at undetermined locations on the plan. The letter states "*The Applicant will make a determination as to the fence location for presentation to the Planning Board*". The location and design of all proposed fences must be included in the Site Plans per Section 199-48 (D) (4) of the Town Zoning Code. The plans must be revised to reflect security, safety and visual issues associated with this fencing..
 - b. **Demonstration of Development Potential.** For the purpose of calculating development yield, Section 199-35 of the Town Zoning Code requires that areas such as wetlands, wetland buffers, steep slopes, floodplains, etc. be subtracted from the total area. The applicant has not demonstrated compliance with this section of the Zoning Code. The plans must be revised to show these calculations.

- c. Signage. The location and plans for any outdoor signs shall be included in the Site Plans per Section 199-48 (D) (7) of the Town Zoning Code. No sign location or details have been included on the Site Plan.

II. Non-conformance with NYSDEC Regulations and Flood Damage to Neighboring Properties –

After a detailed review of the Stormwater Pollution Prevention Plan (SPPP) it was found that there are several design deficiencies that must be corrected to bring the project into compliance with Phase II NYSDEC Stormwater Regulations. Additionally, as designed, the project will worsen the flooding condition to neighboring properties. The following comments specifically relate to these above-mentioned issues:

1. As the Board is aware, the project will require a SPDES permit for stormwater discharge, which mandates that the project is designed in accordance with the NYSDEC's Stormwater Management Design Manual. The Stormwater Management Design does not comply with Section 4.3 (Stream Channel Protection Volume – CPv), Section 4.4 (Overbank Flood Control Criteria - Qp) and Section 4.5 (Extreme Flood Control Criteria Qf) of the Design Manual. Certain projects may be exempt from Sections 4.3, 4.4 and 4.5 of the Design Manual if the site discharges directly to a fourth order (or larger) stream. While the Basher Kill is a fourth order or large stream, the site does not discharge directly to the stream. As stated in the Stormwater Pollution Prevention Plan (SPPP), the site discharges to an onsite wetland, crosses the D&H canal and meanders through approximately 100 acres of wetlands before entering the Basher Kill Creek. The stormwater management system must be redesigned to comply with Sections 4.3, 4.4 and 4.5 of the Design Manual. By complying with the NYSDEC regulations, the results will be stormwater detention ponds that are significantly larger than what is shown on the plans.
2. The Stormwater Management System must be designed to control runoff on the property owned by the applicant. The applicant's current design will utilize the large wetland located in the western portion of the property to detain the large stormwater volumes that will be discharged from the largely impervious developed area. The design utilizes the earthen berm that was created during the construction of the D&H canal to act as a levee to provide stormwater storage within the wetland. The wetland storage area also utilizes an existing 48-inch diameter pipe located along the earthen berm as an stormwater outlet. This condition cannot be allowed because the berm and the 48-inch pipe are not located on the applicant's property. The applicant must control the additional volume of stormwater created by the facility on the property owned by the applicant. Areas on adjacent property cannot be used to detain stormwater without written permission from the property owner.

Additionally, Sections 4.4 and 4.5 of the Design Manual mandate that the stormwater discharge rate for the 10-year and 100-year storm events not increase due to the proposed development. The applicant is proposing to increase the discharge rate to the adjacent property for the 10-year and 100-year design storms. This is a direct violation of Sections 4.4 and 4.5 of the NYSDEC Design Manual and cannot be allowed.

Per the SPPP, the applicant is also proposing to increase the flood elevations on the adjacent property. Per Section 3.2 of the Findings Statement, "*The stormwater management system has been designed to meet New York State Department of*

Environmental Conservation Regulations so that there is no flooding of off-site properties and no increase in off-site flood elevations”. However, after a review of the stormwater management design, the applicant is proposing to utilize adjacent properties for flood storage and increase flood elevations on off-site properties. The stormwater management design must be revised in accordance with the *Findings Statement*, with the NYSDEC Design Manual and with good engineering practices.

3. The stormwater analysis provides no supporting data for the watershed draining to the on-site wetland in the post-developed condition. The results cannot be verified and reviewed without the supporting data, the report should be revised. The information is critical to the determination of on-site and off-site flooding conditions.
4. Within the stormwater analysis, the pond modeled to represent the onsite wetland has utilized a “Free Discharge” condition. The outlet of this pond will be to the existing D&H Canal. The D&H Canal will be flooded during a large storm event, therefore the “free discharge” condition will not be present. The elevations taken from the Flood Insurance Study for the 10-year and 100-year storms should be utilized for the tailwater conditions for the proper design storms, respectively. The proper implementation of this tailwater condition may dramatically alter the results, causing more onsite and offsite flooding. The analysis must be revised to provide an accurate depiction of the flooding conditions.
5. All sediment forebays must have a minimum depth of 4 feet, per the NYSDEC Design Manual.

III. Additional critical information that should be provided –

Through the course of our review, we noted additional critical information that should be submitted that would allow a comprehensive evaluation of the project’s Site Plan / Special Use Permit Application. The issues are listed as follows:

1. With regard to the grading plan Sheet (SP4) in the Site Plan Set, the proposed first floor elevation of the Main Building is approximately 3.5 feet above the ground elevation (outside the building). The plan shows stairs to be utilized by employees at all doorways. It is unclear as to the purposed of this elevation difference. The loading docks require the elevation difference for loading and unloading trucks, however, this does not account for all of the building to be 3.5 feet above the outside ground floor. The Board may wish to require further information from the applicant regarding this elevation difference.
It should be noted that a variance was granted to allow a 65-foot building height, with an 80-foot height for the utility building on the roof. Per the building height definition in the zoning code, the building height will be measured from the ground surface elevation, not the first floor elevation. This information should be clearly indicated on the elevation drawings to ensure compliance with the zoning variance.
2. Per Section 199-48 (D) (6) of the Town Zoning Code, the time of use for any proposed outdoor lighting must be specified on the Site Plans. The Site Plans must be revised to include this information.
3. Per Sheet CS1 of the Site Plan Set (Note 1), construction shall be limited from 7 AM to 9 PM. However, per page 16 of the *Findings Statement*, “*Construction traffic and activities will generally be conducted Monday through Saturday, between 7 AM and 6 PM.*” The note

regarding allowable construction times on Sheet CS1 must be revised in accordance with the requirements within the *Findings Statement*.

We sincerely appreciate the opportunity to comment on this project and the Board's cooperation and making the project documentation available for review. We would be pleased to discuss these comments in greater detail with the Board and its consultants if that would be useful in your review of this proposed development. Please feel free to call with any questions or comments.

Sincerely,
David Clouser & Associates

David B. Clouser, PE, LS
NYS Professional Engineer No.069334

cc: Paula Medley, Basha Kill Area Association