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February 22, 2010

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

Re: Seven Peaks At Mountain Road
Mountain Road/Hamilton Road (County Route 65)
Town of Mamakating, New York
Technical Evaluation of DEIS

Dear Chairman Piazza and Planning Board Members:

Our firm has been retained by the Basha Kill Area Association to review the Draft Environmental Impact Statement (DEIS) of the above referenced proposed Seven Peaks At Mountain Road Development. Our review focused primarily on the engineering and associated environmental elements of the proposed project, with particular emphasis on stormwater management, site alteration, visual impacts and sewer services. The following review comments are being submitted on behalf of our client, to be entered into the DEIS public hearing record for this proposed development.

I. Summary of Review Findings

Our review of the DEIS materials was conducted to determine whether substantive impacts associated with the proposed development require further investigation and to identify corrections that must be made to the document to allow an accurate representation of potentially significant project impacts.

The results of our review indicate that the DEIS documentation:

- Does not properly assess the visual impact associated with the extensive tree clearing that that project will require
- Does not show that sanitary sewer services can be approved/constructed as designed
- Does not properly assess the impact associated with the massive earthwork operation required to construct the proposed road system network
- Does not include a valid stormwater analysis to properly show that stormwater impacts have been mitigated and;

- contains many substantive errors and significant omissions in the information presented that must be corrected so that the Board can properly determine the environmental impacts associated with the project

The Stormwater analysis provided lacks the level of detail typically provided for a project of this scope and scale, preventing the proper assessment of the stormwater impacts. The grading required to construct the proposed extensive road network is substantial, requires massive cuts and fills to construct, and has a high potential for causing erosion of soil and an impact on downstream properties. The limit of clearing shown on the plans has also been substantially underestimated with regard to providing views to the homeowners, which appears to be a critical element of the project's design. Additionally, the DEIS has not shown that sewer services can be constructed or approved at the site, due to the lack of soil testing data and nonconformance with Health Department regulations.

As the Board will note, substantial changes to the DEIS are required to provide the Board and public with a document that comprehensively and clearly assesses the environmental impacts associated with the project, with proper mitigation measures to be implemented. The following comments are offered on behalf of our client, the Basha Kill Area Association, for the Board's consideration and to be entered into the project's record of public comment.

II. Visual Impact & Clearing

Per our review of the DEIS and project correspondence, it is clear that providing views for the homeowners of the surrounding valleys is a key element of the project's design from the Applicant's standpoint. The importance of this amenity to each homeowner has been made clear, as iterated on several occasions in the Chazen 12/22/09 Letter to the Board. Although the topography of the site seems to afford views of the surrounding valleys, the clearing required to obtain these views has been substantially underestimated in the DEIS.

The "limit of clearing" lines shown on Sheets ER-1 through ER-4 will provide very little views from the homes due to the close proximity of wooded areas to the home sites. As the Board may know, providing views in wooded areas typically requires large swaths of trees to be removed in the line of site. Specifically, it is assumed that views will be expected from the first floor elevation of the proposed home. The site is predominantly wooded with small brush areas throughout the site, therefore the majority of houses will have large mature trees in their line of sight. Assuming a minimum tree height of 40 feet (as assumed in the Visual Analysis), the wooded areas would have to be cleared to an elevation of 40 feet below the first floor elevation at a minimum to provide a line of site during leave on conditions. This distance is approximately 150 to 250 feet from the house depending on the extent of the view desired and would also have a view width desired by the builder/homeowner. Significant additional tree clearing beyond what is shown on the Subdivision Plans will be required to provide the homes with any form of a view. Perhaps more importantly, the Visual Analysis does not appear to have accounted for this significant additional tree clearing, therefore underestimating the visual impact from surrounding viewpoints.

We consider this to be a substantial shortfall in the assessment within the DEIS of land clearing and visual impacts of the project. The site as designed simply will not provide the views that appear to be a key element of the project's design. If the homes are to be afforded views of the valley, the limits of clearing must be revised to provide those views, resulting in clearing

