

Exhibit "A"

HAROLD BERGER, P.E., LLCCONSULTING ENGINEER
P.O. BOX 513
CLIFTON PARK, NEW YORK 12065

(518) 373-9860

March 19, 2009

Town of Grafton Planning Board
P.O. Box G
Grafton, NY 12082

RE: The Lake at Sylvan Way

Gentlemen:

It is very important to have an appreciation for the overall environmental future of the lake and the surrounding area. There is no disputing this fact. It does tend to make one consider the tremendous strides that have been made in recent years regarding sewage treatment and disposal. Back in the early days of the development of the 100 or so lots that surround Dyken and South Long Ponds the emphasis on impact to the environment was truly in its infancy and very little attention was given to the impacts that failing sewage systems would have on water bodies. We've learned, the hard way, that proper design and treatment coupled with a stringent approval process is, in fact, a reasonable and fair way to provide the protection that such a water body deserves.

The sewage system designs for this project truly reflect the end result of the design and approval process in state of the art form. The level of protection now available for such water bodies assures society as a whole, that the water quality will be preserved for future generations and that we, as designers, developers and approving officials have exerted our best efforts to provide this. Unquestionably, there are a significant number of substandard sewage disposal systems along the shore. Sewage systems can be in failure for years and go undetected. Perhaps in some cases failures are evident and owners are essentially unable to make needed corrections due to economics or the inability to construct corrective systems due to space required. The average raised system covers at least ¼ acre and can cost over 20,000 dollars to construct. The design of the raised system has been the standard for sewage disposal with limited soil depth for many years and is used extensively in this project, but has not been used properly on the vast majority of lots on the two ponds.

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Yet, with as much illicit entry of improperly treated effluent, the ponds have clearly demonstrated the ability to assume this contribution and thrive. It is reasonable to say that the influence of 22 lots of properly treated sewage will have an insignificant impact on the ponds. The studies that were examined to provide background information and form the basis for the conclusion that the addition of 22 properly designed sewage systems will have a minimal impact on the quality of the lakes confirm the processes of decomposition, absorption, biodegradation, assimilation and treatment will be effective. The rate of application in raised sewage systems of 0.15 gallons per day per square foot is very conservative. State Health standards use the rate of 0.2. Rensselaer County uses only 75% of that number, which, in effect causes the basal area for raised systems to be 25% larger than the standard. This has a positive impact on the degree of treatment offered within the confines of the disposal facility and offers a greater dilution factor for recharge.

The establishment of vertical and horizontal separation distances between sewage systems and water bodies was determined long ago and through continued research in studies far too numerous to mention, the numbers of 100 feet horizontally and 2 feet vertically (under the lateral) have repeatedly been reaffirmed as reasonable distances for use in the design of projects such as this one. In fact, our designs exceed the horizontal requirement for every system. The use of reduced phosphate detergents and other similar strides in the environmentally friendly products now used are also contributory to better wastewater quality. Ammonia from the detergents is oxidized into nitrate ions that promote nitrogen. It is concluded that the treatment process does, in fact, reduce the level of nitrogen to those levels consistent with drinking water standards.

In the development of the current day sewage system design standards, consideration has been given to the removal of virtually all pathogens. The proper design and construction of these systems combined with the dilution effect of the return to the ground water table prior to travel allows one to appreciate how insignificant the contribution really is.

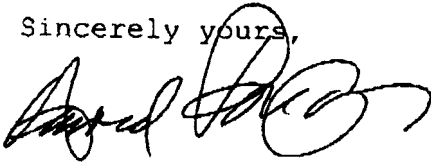
The study enclosed with my February 28th letter shows that vertical separation of 2 feet will remove bacteria to a

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high degree. This is before dilution and before any horizontal travel takes place. It is also worthy of note that there does exist a number of newly developed devices that can be approved by the health department for corrective work to replace sewage systems in failure. Although the corrective systems must be designed by a licensed professional engineer and must be approved by the Rensselaer County Health Department, the issue of lack of adequate land has been conquered by use of these new systems. Corrective work now becomes an economic issue, primarily.

Consideration of other factors such as an additional 12 motor boats, when added to the 100+ now existing is also minimal. Sewage systems, water wells, and storm water management facilities are in strict conformance with New York State Departments of Health and Environmental Conservation. All the above assures watershed protection and assures minimal impact to the lake.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Harold Berger", written in a cursive style.

Harold Berger, P.E.

Exhibit "B"

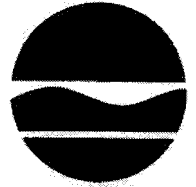
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • FAX: (518) 357-2460

Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

March 19, 2009

Salvatore Ferlazzo
Girvin & Ferlazzo
20 Corporate Woods Blvd.

Re: Lake at Sylvan Way
Town of Grafton, Rensselaer County

Dear Mr. Ferlazzo.

The following are the Department's comments, as an involved agency, regarding the above-referenced project. As noted to you in my email of March 12, this is the Department's first opportunity to review the DEIS and FEIS for this project, and therefore, with the short deadline, the comments submitted are based on a cursory review of the documents presented.

In general, the development has been reduced significantly in response to comments received by those who were provided the opportunity to review the project from the beginning. Numbers are provided to give a sense of just how much of the original 141 acre property will actually be developed based on total area of road and cul de sac and maximum lot clearing allowed by deed restriction. These numbers make the overall impacts to the 141 acre site seem small, and impacts to the Rensselaer Plateau minuscule. However, when you actually do a visual exercise of placing one acre blocks on each of those 22 lots and the 2 acre helicopter clearing, the impacts can be appreciated from another perspective. None of those lakefront lots is very large, so all of those potentially 1 acres of clearing will be close enough together to be ecologically one big clearing, especially near the edge of the lake. This represents a significant change from existing overall conditions around the lake.

The total lake frontage along those 11 lake front lots is about 3200 feet. It was noted somewhere in the DEIS and supplements, that the deed restriction allowed each landowner to cut as much as 50% of that 100 foot shoreline buffer. There would be no point in establishing a 100 foot wooded buffer around the lake shore if each individual landowner could remove up to half of it. It was also not clear whether any clearing of that 100 foot shoreline buffer would count toward the total 1 acre of clearing allowed on each lot. The Department requests clarification on the issue of what can and cannot be done in that 100 foot lakeshore buffer along individual home site lots.

There was a reference to a deed restriction that prohibited clear cutting. If the term clear cutting is used in the deed restrictions, please provide the applicant's definition of "clear cutting" as used in these deed restrictions, to determine both the potential impacts of doing something just short of clear cutting, as well as whether a rule using the term clear cutting could be enforced.

The documents go to great lengths to describe deed restrictions and preservation measures to compensate for the development. However, there were no draft deed restrictions presented to show exactly what would be protected and to what degree. The Department requests the opportunity to review the full text of the deed restrictions, along with any maps or plans that describe the areas to be protected, since the developer is relying on these to a great degree to mitigate potentially significant ecological

impacts of the project. I respectfully request that the deed restrictions be presented to the Department for review prior to approval of the project by the Town, and prior to filing with the County Clerk's office.

We look forward to working with you further on this project. If you have any questions or concerns, please contact me at (518) 357-2452.

Sincerely,

A handwritten signature in cursive script that reads "Nancy M Baker". The signature is written in dark ink and is positioned above the printed name and title.

Nancy M Baker
Environmental Analyst 2
Region 4

cc: Nadine F. Shadlock, Esq., 12 Van Rensselaer Boulevard, Albany, NY 12204-1609
Town of Grafton Planning Board, PO Box G, Grafton, NY 12082
Stonybrook Land, 41 Park Street, Room 4, Adams, MA 01220
N. Heaslip, Wildlife
File