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851 Chemung Street  
Horseheads, New York 14845

February 8, 2013

Attn: Mr. Tom Skebey, Stormwater Management Officer  
Town of Horseheads  
150 Wygant Road  
Horseheads, New York 14845

**Re: Acceptance of Stormwater Pollution Prevention Plan  
Conifer Realty Biltmore Crossing  
Gardner Road, Horseheads, New York**

Mr. Skebey:

We have completed a review of the following submitted information regarding the above-referenced project.

- Site Plan Drawings for Conifer Realty – Biltmore Crossing, Prepared by Fagan Engineers, Stamped by a licensed professional engineer, Revision dated January 7, 2013, Received February 7, 2013
- Stormwater Pollution Prevention Plan for the Conifer Realty Biltmore Crossing, Prepared by Fagan Engineers, Stamped by a licensed professional engineer, Dated February 2013, Received February 7, 2013
- Response letter to the Chemung County Stormwater Coalition's December 18, 2012 review letter, Prepared by Fagan Engineers, Dated and received January 9, 2013

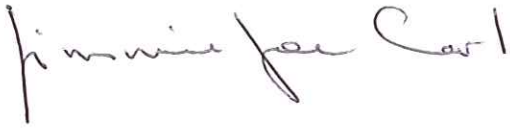
Based upon my review of the above information, I believe that the proposed stormwater management plan is consistent with the Town of Horseheads' Stormwater Management and Erosion and Sediment Control Ordinance. This acceptance is conditioned upon the following items.

1. Silt and/or sediment shall not be allowed to leave the project site, including tracking onto public streets. Erosion and sediment controls, outlined in the accepted Erosion & Sediment Control Plan, shall be implemented and maintained to ensure this purpose. If silt, sediment, and/or dust are found to be leaving the site, the Owner (or their contractor) shall take immediate actions to correct the situation.
2. This acceptance pertains only to the proposed stormwater management facilities. It is incumbent upon the Applicant to obtain all necessary approvals, including those from the municipal Water Department, Chemung County Sewer District, and the Chemung County Health Department.
3. As per Fagan Engineer's January 9, 2013 response letter, the proposed fence to be installed around the proposed stormwater management basin shall be installed above the emergency spillway for that basin, such that the spillway area will be free of any fence material that could potentially clog during a storm event.

4. One set of final accepted Site Plan Drawings and SWPPP, with the executed acceptance stamp of the Chemung County Stormwater Coalition, must be on-site at all times during construction and site stabilization.
5. As per Fagan Engineer's January 9, 2013 response letter, additional infiltration testing shall be completed for the proposed stormwater management basin and the proposed rain gardens, after the site has been cleared and grubbed.
  - This additional infiltration testing shall be completed, before construction work (beyond clearing and grubbing) can begin. The results of this infiltration testing shall be prepared by a licensed engineer and submitted to the Town soon after completion.
  - If infiltration rates of less than 4 inches per hour are not observed in the area of the proposed basin, a re-evaluation/redesign of the stormwater basin shall be completed.
    - Any redesign shall be completed by the Applicant's engineer and submitted to the Town for their review and acceptance.
    - Construction shall not begin, until the re-designed of the stormwater basin has been accepted by the Town of Horseheads.
6. A formal, signed enforceable maintenance agreement for the stormwater management system shall be provided by the Applicant/Owner. This agreement shall be binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property.
  - That agreement must be fully consistent with the Town's Stormwater Management and Erosion and Sediment Control Ordinance and accepted by the Town's lawyer.
  - The maintenance agreement shall include a maintenance plan for the stormwater management system. This maintenance plan shall include specific provisions for the long-term maintenance of the stormwater management system (including maintenance actions associated with rodent burrows) and shall be reviewed by the Town and the Chemung County Stormwater Coalition.
7. Upon completion of the proposed site construction, a licensed professional engineer shall provide a certification letter to the Town of Horseheads Code Enforcement Officer (copied to the Chemung County Stormwater Coalition), stating that the site work (including the excavation and installation of the proposed stormwater recharge areas) for the project was constructed in conformance with the approved plans and specifications.
8. Upon discussions with the Applicant's engineer, it was agreed that a revised grading plan for the proposed parking lot between Building C and the proposed stormwater retention basin shall be prepared and submitted within the next week to this office for our review and acceptance. This revised grading plan shall clearly demonstrate how stormwater flows, not captured by the proposed storm sewer system, are conveyed overland in a controlled and reliable fashion to the proposed stormwater retention area.
8. A digital copy of the approved plans (in pdf format) is requested from the Applicant for our GIS record system.

If you have any questions or comments regarding this letter, please do not hesitate to contact me. Furthermore, I would be happy to meet to discuss this subject in greater detail.

Sincerely,

A handwritten signature in black ink that reads "Jimmie Joe Carl". The signature is written in a cursive style with a large, prominent 'J' at the beginning and a distinct 'Carl' at the end.

Jimmie Joe Carl, P.E.

Cc: Jessica Verrigni, Chemung County Stormwater Coalition