

# APPLICATION TO BOARD OF APPEALS

Tel. No. \_\_\_\_\_

Appeal No. 2025-005  
Date 1/17/2025

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Slade-Potters, LLC of 295 Main Street, Suite 700 Buffalo, NY 14203

\_\_\_\_\_, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: two (2) 4-story multi-family buildings

- |  |   |
|--|---|
| <input type="checkbox"/> A PERMIT FOR USE                        | <input type="checkbox"/> A CERTIFICATE OF EXISTING USE      |
| <input type="checkbox"/> A PERMIT FOR OCCUPANCY                  | <input type="checkbox"/> A CERTIFICATE OF ZONING COMPLIANCE |
| <input type="checkbox"/> A TEMPORARY PERMIT OR EXTENSION THEREOF | <input checked="" type="checkbox"/> AREA PERMIT             |

1. Applicant is the  PROPERTY OWNER  
 CONTRACTOR FOR THE WORK CONCERNED HEREIN  
 PROSPECTIVE TENANT  
 OTHER (Describe) \_\_\_\_\_

2. LOCATION OF THE PROPERTY 0, 104, 110, 116, 126, 140, 144, 154, 158 Slade Avenue

3. State in general the exact nature of the permission required, \_\_\_\_\_  
See attached letter

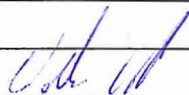
4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: \_\_\_\_\_  
See attached letter

B. Interpretation of the Zoning Ordinance is requested because: \_\_\_\_\_

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_, Subsection \_\_\_\_\_, Paragraph \_\_\_\_\_ of the Zoning Ordinance, because: \_\_\_\_\_

  
Applicant's Signature

## TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance  
120 - 29, 120 - 31.B1, 120 - 31.B2, 120 - 31.B3A, 120 - 34  
120 - 41

2. Zoning Classification of the property concerned in this appeal C2(S)

3. Type of Appeal:
- Variance to the Zoning Ordinance.
  - Interpretation of the Zoning Ordinance or Zoning Map.
  - Special or Temporary Permit or an extension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal. \_\_\_\_\_

Building Inspector \_\_\_\_\_



January 17, 2025

Town of West Seneca Zoning Board of Appeals  
1250 Union Road  
West Seneca, NY 14224

RE: 0 Slade Avenue (SBL 143.05-1-11)  
104 Slade Avenue (SBL 143.05-1-14)  
110 Slade Avenue (SBL 143.05-1-15)  
116 Slade Avenue (SBL 143.05-1-16)  
126 Slade Avenue (SBL 143.05-1-18)  
140 Slade Avenue (SBL 143.05-1-20)  
144 Slade Avenue (SBL 143.05-1-21)  
154 Slade Avenue (SBL 143.05-1-22)  
158 Slade Avenue (SBL 143.05-1-23)  
West Seneca, NY

Dear Board Members:

The above-referenced collection of contiguous properties, hereafter referred to as the "Site", is located on the west side of Slade Avenue between Ridge Road to the south and Potters Road to the north. The Site is currently comprised of vacant land.

We propose to construct Two (2) 4-story, 48-unit multi-family buildings and One (1) accessory multi-vehicle garage structure on the Site. As indicated on Concept Site Plan (C-100, dated 1-16-25) "Building 1" would be located in the rear of the Site adjacent to the existing Country Inn & Suites and the I-90 onramp and "Building 2" will be located along Slade Avenue. On November 20, 2023, the West Seneca Town Board approved a rezoning of the Site from C-1 to C-2(S) allowing for the construction of multi-family buildings and a restaurant.

To advance our proposed plans, we are requesting the following area variances:

1. Zoning Ordinance 120-29 – Unit Density

We are requesting an area variance from this requirement to allow 96 residential units where a maximum of 23 units is allowed. We feel that the variance being requested is justified as the project aligns with the goals identified in The Town of West Seneca's 2016 Comprehensive Plan Strategic Update (CPSU) which calls for the project site and surrounding area to be classified as a "Mixed-Use Activity Center." As defined in the 2016 CPSU, a Mixed-Use Activity Center promotes the development of multi-story residential in alignment with our proposed plans. Furthermore, the proposed unit density is consistent with the adjacent Country Inn and Staybridge Suites hotel developments we have previously completed adjacent to the project site.

2. Zoning Ordinance 120-31.B.1 – Building Setbacks – Front Yard (min. 40')

We are requesting an area variance from this requirement to allow a 31.33' setback for Building 2 along Slade Avenue where a minimum setback of 40' is required. We feel that the variance being requested is justified given that most structures along Slade Avenue have a setback between 27' to 41' from the front property line. The proposed setback for Building 2 is not out of context with existing conditions along Slade Avenue. The setback area will be maintained as green space.

3. Zoning Ordinance 120-31.B.1 – Building Setbacks – Front Yard (min. 40')

We are requesting an area variance from this requirement to allow a 13.42' setback for a 20-car single-story garage structure along Slade Avenue where a minimum setback of 40' is required. We feel that the variance being requested is justified given it allows us to maximize off-street parking suited to the proposed development.

4. Zoning Ordinance 120-31.B.2 – Building Setbacks – Rear Yard (min. 10')

We are requesting an area variance from this requirement to allow a 3.04' rear yard setback for Building 1 where a minimum of 10' is required. We feel that the variance being requested is justified given the property abuts the New York State Thruway ramp and will not negatively affect the character of the neighborhood.

5. Zoning Ordinance 120-31.B.3.a – Building Setbacks – Side Yard (min. 5')

We are requesting an area variance from this requirement to allow a 3.98' side yard setback for a 20-car single-story garage structure along Slade Avenue where a minimum setback of 5' is required. We feel that the variance being requested is justified given that the former house at 140 Slade Avenue was setback approximately 3.33' from the same property line.

6. Zoning Ordinance 120-34 – Building Height (max. 40')

We are requesting an area variance from this requirement to allow for a 50'-8 1/4" building height where a maximum of 40' is allowed. We feel that the variance being requested is justified as the project aligns with the goals identified in The Town of West Seneca's 2016 Comprehensive Plan Strategic Update (CPSU) which calls for the project site and surrounding area to be classified as a "Mixed-Use Activity Center". As defined in the 2016 CPSU, a Mixed-Use Activity Center promotes the development of multi-story residential with a maximum building height of 4 - 5 stories (50' - 60'). Furthermore, our existing Country Inn and Staybridge Suites hotel developments adjacent to the project site are constructed at 5 and 6 floors respectively, higher than the 4-story multi-family residential structures proposed herein.

7. Zoning Ordinance 120-41 – Parking (212 spaces Required)

We are requesting an area variance from this requirement to allow 163 parking spaces where a minimum of 212 parking spaces are required by code. We feel that the variance being requested is justified given that over 60% of proposed apartment units will be 1-bedroom units. While Zoning Ordinance 120-41 requires 2 parking spaces per dwelling

unit, in our experience we've found that our residential unit mix generates a need of approximately 1.5 parking spaces per dwelling unit on average. With the high concentration of 1BD unit configurations in the proposed project as noted above, where we historically dedicate 1 parking space per 1-bedroom dwelling unit, we are confident that our internal rule of supplying 1.5 parking spaces per unit on average would more than accommodate the needs of the proposed multi-family development.

Included for your review are a Concept Site Plan (Drawing C-100, dated 1/16/2025) and Conceptual Building Elevations (Drawings A-201 and A-202, Dated 9/21/2023).

Additionally, included as part of our application is an I-I Reduction Program Commitment letter (dated 4/11/24), a New York State Department of Environmental Conservation BSP-5 application (dated 1/17/25) and a technical review of plans and specifications for sewage and waste treatment systems for the proposed project.

We respectfully request that the Town of West Seneca Zoning Board of Appeals review the above proposed project and variance requests at their agenda meeting scheduled for Wednesday, February 26, 2025.

Thank you for your time and consideration of this matter.

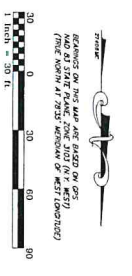
Very truly yours,

ELLCOTT DEVELOPMENT COMPANY

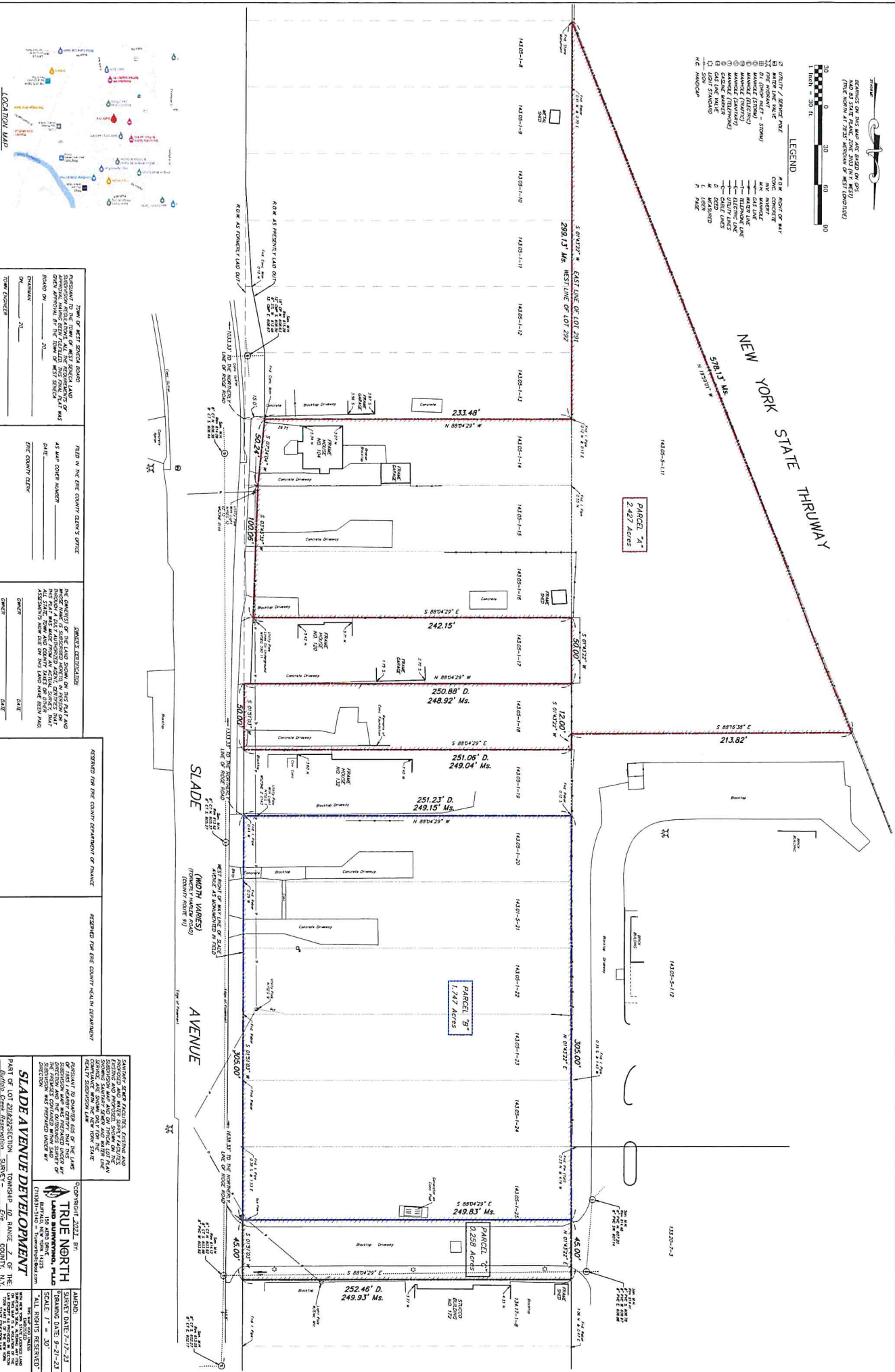


THOMAS M. FOX  
Director of Development

Encl.



- LEGEND**
- 1. DUTY / ZONING MAP
  - 2. PLANNING MAP
  - 3. PRELIMINARY MAP
  - 4. PLANNING MAP
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**PLAN OF REVISION**

APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WEST COCHES, N.Y. ON \_\_\_\_\_ 20\_\_

PREPARED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

**RECORD IN THE COUNTY CLERK'S OFFICE**

AS MAP CORRECT NUMBER \_\_\_\_\_

DATE: \_\_\_\_\_

FILE NUMBER: \_\_\_\_\_

**OWNER'S CERTIFICATION**

I, THE OWNER OF THE LAND SHOWN ON THIS PLAN AND THE PART THEREOF, HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT AND THAT I HAVE NOT BEEN ADVISED BY ANY OTHER PARTY THAT THE INFORMATION CONTAINED HEREON IS FALSE OR MISLEADING.

OWNER: \_\_\_\_\_

DATE: \_\_\_\_\_

**RESERVED FOR THE COUNTY DEPARTMENT OF PLANNING**

RESERVED FOR THE COUNTY HEALTH DEPARTMENT

**COMMISSION 2022, BY TRUE NORTH LAND SURVEYING, PLLC**

1000 WEST 10TH STREET, SUITE 100, ALBANY, NY 12206

TEL: 518-435-1234 FAX: 518-435-1235

WWW.TRUE-NORTH-SURVEYING.COM

**SLADE AVENUE DEVELOPMENT**

PART OF LOT 2812, SECTION 2, TOWNSHIP 10, RANGE 2, OF THE COUNTY OF WEST COCHES, N.Y.

DATE: 7-17-23

SCALE: 1" = 50'

FILE NO: 2023-001

# CARMINAWOOD DESIGN

April 11, 2024

Jason Foote, PE  
Town Engineer  
Town of West Seneca  
1250 Union Rd  
West Seneca, NY 14224

**Re: Multifamily Development Project - Slade Avenue  
Compliance Letter - Inflow and Infiltration Reduction Program**

Dear Mr. Foote:

This compliance letter is being submitted by Ellicott Development Company, project sponsor for the proposed Development project on Slade Avenue in West Seneca, New York.

The Project Sponsor agrees to comply with the Town of West Seneca's I/I mitigation-offset requirements for the wastewater flow from the proposed development.

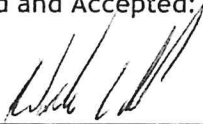
Wastewater flow from the proposed development was generated as follows:

$$20,240 \text{ gpd} * 4.15 = 83,918 \text{ gpd} / 1440 = 58.28 \text{ gpm} * 4 = 233.11 \text{ gpm}$$

Based on the Town's requirement of \$1.20 /gpd at average daily sanitary demand x 20,240 gpd = \$24,288.00 the Project Sponsor's financial contribution of the Town's "Trust in Agency" fund.

The Project Sponsor also agrees to make this contribution prior to acceptance of the PIP's.

Agreed and Accepted:



Date: 4/11/2024

William Paladino  
Ellicott Development Company

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
APPLICATION FOR APPROVAL OF PLANS FOR A WASTEWATER DISPOSAL SYSTEM**

1. NAME OF APPLICANT Ellicott Development Company		2. LOCATION OF WORKS (City, Village, Town) Slade Ave		3. COUNTY Erie	
4. ENTITY OR AREA SERVED Development Project		5. TYPE OF OWNERSHIP <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Industrial		<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Sewage Works Corp <input type="checkbox"/> Private - Home <input type="checkbox"/> Private - Other <input type="checkbox"/> Private - Institutional <input type="checkbox"/> Board of Education <input type="checkbox"/> Authority <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Interstate <input type="checkbox"/> International <input type="checkbox"/> Indian Reservation	
6. TYPE AND NATURE OF CONSTRUCTION Collection System <input type="checkbox"/> New <input checked="" type="checkbox"/> Additions or Alterations		Treatment and/or Disposal <input type="checkbox"/> New <input type="checkbox"/> Additions or Alterations		7. ESTIMATED COST OF CONSTRUCTION Collection System \$ Treatment and/or Disposal \$	
8. TYPE OF WASTE <input checked="" type="checkbox"/> Sewage <input type="checkbox"/> Industrial (Specify) <input type="checkbox"/> Other (Specify)					
9. NAME OF RECEIVING TREATMENT WORKS Buffalo Sewer Authority		10. POINT OF DISCHARGE Surface Water: (Name of Watercourse) Niagara River		Class	
		Ground Water: (Name of Watercourse to which ground water is tributary)		Class	
11. IS STATE OR FEDERAL AID APPLIED FOR? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		LOCATION (City, Village, Town) (T) West Seneca	TYPE OF PERMIT <input type="checkbox"/> NYDES <input checked="" type="checkbox"/> SPDES	PERMIT NO. NY0028410	DATE ISSUED 07/01/2014
12. NAME OF DESIGN ENGINEER Carmina Wood Design - Christopher Wood, PE				NEW YORK STATE LICENSE NO. 076394	
ADDRESS 487 Main Street, Suite 500, Buffalo, NY 14203				TELEPHONE NO. (716) 842-3165	
13. WATER CONSUMPTION (GPD) Present 0		Future 20,870		Design Year 2024	
14. POPULATION SERVED Present 0		Future (46) 2-Bedroom multifamily units, (1) 18 Seat Restaurant		Design Year 2024	
15. AVERAGE DAILY FLOW FOR NEW OR EXISTING TREATMENT WORKS (GPD) Present 0		Future 20,870		Design Year 2024	
16. SOURCE OF WATER SUPPLY (if private well; give location, type, depth and character of soil)  Erie County Water Authority			17. DESIGN EQUIVALENT POPULATION (BOD Basis)		
			Design Flow	GPD	Design Plant Efficiency %
18. GIVE NUMBER, CHARACTER AND DISTANCE OF ANY BUILDINGS WHICH MAY BE AFFECTED BY THE PROPOSED TREATMENT WORKS  N/A			19. DESCRIBE PROPOSED OR EXISTING STORM WATER DISPOSAL  to Municipal System		
<b>ADDITIONAL INFORMATION MUST BE SUBMITTED FOR PRIVATE AND INSTITUTIONAL SYSTEMS.</b>					
20. INDICATE OF U.S.G.S. TOPOGRAPHIC MAP EXACT LOCATION OF SEWAGE TREATMENT WORKS AND ADJACENT BUILDINGS. SHOW LOCATION OF ALL WELLS OR OTHER SOURCES OF WATER SUPPLY WITHIN 200' OF THE PROPOSED WORKS. GIVE DESCRIPTION OF THESE SOURCES AND CHARACTER OF SOIL  N/A					
21. STATE DEPTH BELOW EXISTING GROUND SURFACE AT WHICH GROUND WATER IS ENCOUNTERED  ~ 12.2"    source: USDA Online Web Soil Survey			22. DESCRIBE SOIL AT SITE OF PROPOSED WORKS. GIVE DESIGN BASIS AND OBSERVED SOIL PERCOLATION RATE DATA (Use additional sheet, if necessary) Canandaigua Silt Loam (C/D) Niagara Silt Loam (C/D) Rhinebeck Gravelly Loam (C/D)		
DATE: 4/9/24			source: USDA Online Web Soil Survey		

**NOTE:** All applications must be accompanied by plans, specifications and completed Form BSP-65 (appropriate portions). The submission must conform to a previously approved engineering report describing the system in detail. The plans must be stamped with the designing engineer's seal and must be of sufficient clarity and eligibility to permit satisfactory microfilming. Only white prints will be accepted because of the difficulty of microfilming blue prints. There must be a blank area, at least 4" X 7", in the lower right corner of each sheet so that the approval stamp may be placed on the face of the plans.

Any deviation from the Department's standards for wastewater collection and treatment facilities must be explained in detail.

Approved plans are to be returned to:  Applicant  Engineer

If the application is signed by a person other than the applicant shown in Item 1, the application must be accompanied by a letter of authorization. Failure to comply with this provision may be grounds for the rejection of any submission.

I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signatures and Official Titles: \_\_\_\_\_

  
William A. Paladino, Manager

Mailing Address: \_\_\_\_\_

295 Main Street Suite 700 Buffalo, NY 14203  
\_\_\_\_\_

Date of Application: 1/17/2025

REMARKS:



TECHNICAL REVIEW OF PLANS AND SPECIFICATIONS  
FOR SEWAGE AND WASTE TREATMENT SYSTEMS

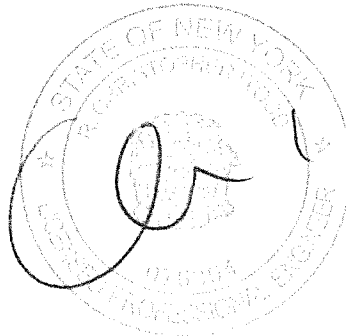
PROJECT DATA

1. Type of Facility Apartment Development  
(Treatment plant, interceptor, pumping station, additions, etc.)
2. Location Slade Drive, Town of West Seneca
3. Type of sewer system Seperate  
(separate or combined)
4. Population to be immediately served Two (46) 2-bedroom units (184 total bdrms)  
Design Population 202 persons
5. Design Period 2024
6. Hydraulic Loading

	Present flow (mgd)	Design flow (mgd)
Sanitary sewage	<u>0.0</u>	<u>0.0202</u>
Institutional sewage	<u>0.0</u>	<u>0.0</u>
Industrial waste	<u>0.0</u>	<u>0.0</u>
Infiltration	<u>0.0</u>	<u>0.0</u>
<u>Total</u>	<u>0.0</u>	<u>0.0202</u>
Minimum flow	<u>0.0</u>	<u>0.0</u>
Maximum flow	<u>0.0</u>	<u>0.084</u>

Engineer's Signature and Seal:

92-15-8(5/77)  
Formerly  
BMW-65(11/73)



ENGINEERING REPORT - SEWER SYSTEM

Ref.	Point Under Review	Standard	This Project	Remarks
11.	Does the engineering report include a tabular form giving depths and velocities of flow at minimum, average, and maximum daily sewage flows for all sewers proposed?	yes	N/A	
	If the project is for sewer extensions only, is the engineering report prepared in accordance with section 11.1 and 11.2? The report should state:	yes		
	(1) Name and exact location of the treatment plant to which the proposed sewer extensions will be tributary.	-	Buffalo Sewer Authority	
	(2) Present average daily sewage flow received by the plant.	-		unknown
	(3) Design flow and the design year for the plant.	-		unknown
(4) The date when the permit for the plant was issued.	-	07/01/2014		

OUTFALL SEWERS

Ref.	Point Under Review	Standard	This Project	Remarks
55.	Is the outfall sewer submerged?	yes	N/A	
	Is the discharge end of the outfall sewer extended into the middle of the receiving stream?	yes	N/A	
	Are diffusion facilities provided?	yes	N/A	

Remarks including explanation of departures from standard practice:

SEWER SYSTEM

Ref.*	Point Under Review	Standard	This Project	Remarks
31.	Is the proposed sewer system separate or combined?	separate	seperate	
	Does sewage overflow from proposed intercepting sewers?	no	no	
32.	Is sewer system designed for estimated ultimate tributary population?	yes	yes	
33.	Are sewers sized to meet requirements of sections 32, 33.1, 33.2 and 33.3?	yes	yes	
11.24	What average unit sewage flow (gpcd) is proposed for design?	100 gpcd	110 gpd/bdrm	per NYSDEC standards
33.1	What is maximum diameter of sewers?	8"	8"	Lateral Ex. Slade Drive
33.2	Are sewers designed deep enough to drain all basements and to prevent freezing?	yes	yes	
33.4	Will all sewers be constructed at or greater than the specified minimum gradient?	yes	yes	
	Does the design comply with requirements stated in subsections 33.4, 33.5, 33.6, 33.7, and 33.8?	yes	yes	
34.	Are manholes designed and specified according to Section 34?	yes	N/A	
34.3	What is minimum manhole diameter?	48"	N/A	
35.	Are inverted siphons, if any, designed in accordance with Section 35?	yes	N/A	
38.	Where water lines are close to proposed sewers, does design protect water supplies according to Section 38?	yes	yes	

Remarks including explanation of departures from standard practice:

\* Reference numbers refer to numbers of Sections and Paragraphs of Great Lakes - Upper Mississippi River Board of State Sanitary Engineers 1990 Edition, Recommended Standards for Sewage Works.

