



Adirondack Park Agency

November 15, 2018

Mr. Alan Lord
New York Land & Lakes
297 River Street, Suite 3
Oneonta, NY 13820

**Re: APA Project 2018-0123
Woodward Lake Subdivision
Towns of Northampton and Mayfield, Fulton County
Collins Gifford Valley Road and Woodward Lake
Tax Map Nos: 17.-1-23, 31.-1-2, 31.2-1-25, and 31.-2-1**

Dear Mr. Lord:

Thank you for meeting with Agency staff at the project site on August 30, 2018, September 26, 2018, October 9, 2018, and October 23, 2018. During these site visits, staff evaluated lake resources; undertook on-site wastewater treatment system deep-hole test pit investigations; verified slopes, wetlands and permanent and intermittent streams; assessed proposed building envelopes and access roads/driveways; assessed site hydrology; evaluated habitat and forest resources; evaluated existing roads and vegetative clearing; and evaluated the proximity of proposed building envelopes to sensitive resources, including wetlands, streams and waterbodies.

Based on these site visits and your own field investigations, you have revised the Conceptual Site Plan – both subdivision lot lines and building envelope locations – numerous times since your initial application was received in August 2018. The latest plan is titled “APA Subdivision Application Conceptual Site Plan & Test Pit Locations, Page C-6,” prepared by Steven E. Smith, P.E. Civil & Architectural Engineering, dated October 23, 2018 and received by the Agency on October 29, 2018 (Conceptual Site Plan).

You have requested a written summary of staff comments shared during these site visits and general feedback on the Conceptual Site Plan. Accordingly, please see the attached list of staff comments and feedback. We are also providing preliminary questions based on staff’s initial analysis of the initial application for your consideration. We hope that you find this preliminary feedback useful as you make further revisions.

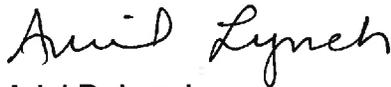
Please note that this correspondence is not a formal Notice of Incomplete Application; additional information may be required as part of a complete permit application. As identified in the Agency’s October 11, 2018 letter to you, the Agency’s deadline for identifying and requesting additional information in relation to Project 2018-0123 has

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been extended, at your request and by mutual agreement, until 15 days after receipt of your revised plans and response to public comment. For a list of issues that may be addressed as part of the Agency's information requests, including the types of site investigations, reports, and plans that may be required, please see the enclosed list of Potential Information Request Topics.

If you have any questions regarding our preliminary feedback, the attached list, or the project review process, please contact me.

Sincerely,



Ariel D. Lynch
Environmental Program Specialist 2

Attachment: Staff comments and feedback

PRELIMINARY COMMENTS AND FEEDBACK
APA Project No. 2018-0123

1. **Subdivision Configuration:** Agency staff are unable to fully assess proposed or alternative arrangements of building sites across the property at this time, without knowing the results of the qualitative biological survey, your plan for remaining building rights, what development and vegetation removal is proposed within 100 feet of water resources (i.e., lake, streams, and wetlands), or the value of the linear wetlands on the east side of the lake. The three alternative subdivision configurations you provided with your initial application are not substantially different from the Conceptual Site Plan as they all surround the lake's shoreline with development. Staff may request that you consider alternative subdivision configurations that leave more of the lake shoreline undeveloped and/or better concentrate development, but we are unable to make more specific suggestions until the missing information is known. Staff support your idea to keep building sites away from the wetland at the south end of the lake and to include that wetland and the area surrounding it as part of the undeveloped lands.
 - a. The Large-Scale Subdivision Application process is intended to encourage the development of projects in compliance with the Agency's review criteria, including protection of open space, wildlife, and habitat resources, and in accordance with the objectives of conservation design. Please describe how you have identified or plan to identify the sensitive resources on the site. Please describe how you have designed or will design the proposal to avoid impacts to those resources. As a part of this description, please explain how your subdivision configuration incorporates and responds to wildlife and habitat data.

- b. Provide a map showing the areas within 200 meters of building envelopes, roads, and driveways, both existing and proposed. Agency staff encourage locating development to maximize overlap of these areas.
- c. What is your plan for use and allocation of remaining building rights?
- d. Provide a map showing the proposed subdivision in the context of surrounding land uses within approximately 0.5 mile of the property boundaries. For example: year-round residences, seasonal residences, commercial and industrial land uses, public and semi-public community uses, mining, forestry and other resource uses, designated scenic vistas, State land (including its classification) and open space, recreational, and vacant land.

2. **Undeveloped Land:**

- a. At our September 26th site visit, you mentioned that you had spoken to the Adirondack Council and the NYS Department of Environmental Conservation (NYSDEC) about the state's possible interest in purchasing part of the property. Please describe and document any research, conversations, or correspondence regarding state acquisition or conservation easement of any portion of this property.
- b. Provide three maps and area calculations of the lands proposed to remain undeveloped. Start with the entire property, then:
 - i. map and subtract areas of existing development, areas within building envelopes, and areas that will become roads or driveways;
 - ii. further map and subtract the small areas of land between building envelopes;
 - iii. further map and subtract all areas within 200 meters of building envelopes and roads; and
 - iv. provide the area calculations for each map.
- c. Please explain the reasoning behind your choice to have remaining forested acreage in individual private ownership as opposed to common private or public ownership.

3. **Forest Resources:** The subdivision and development configuration on the Conceptual Site Plan would favor commercial timber management on the western portions of the proposed large acreage lots on the west side of Woodward Lake, and would disfavor commercial timber management on the smaller acreages on the east side of Woodward Lake. According to mapping provided through the North Atlantic Landscape Conservation Cooperative, the forest on the western side of Woodward Lake is part of a "locally important" large forest block, categorized by size of intact forest habitat. A portion of the property within this block abuts the New York State Shaker Mountain Wild Forest Area. The forest on the eastern side of Woodward Lake is categorized as a "stepping stone," being a smaller contiguously intact forested area, and being closer to residential development and roads to the east of the project site.

- a. At our September 26th site visit, you mentioned that your forester has cruised the property and is in the process of writing a forest and habitat management plan. The plan should be prepared by a professional forester and adhere, at minimum, to the standards described in the current edition of the document "New York State Forestry Best Management Practices for Water Quality."
- b. Please consider and discuss the feasibility of maintaining the western portion (i.e., the Resource Management portion) of the property as a single lot to be managed under a single forest and habitat management plan.
- c. If the western portion of the property is not proposed as a single lot, then provide forest and habitat management plans that are specific to resource and management considerations for each individual proposed lot. However, Agency staff suggest waiting until a more final subdivision configuration is proposed before preparing the individual management plans.
- d. Several of the proposed lots are very close to the 50-acre eligibility threshold for the New York State 480a forest land tax abatement program. To be eligible for enrollment, the acreage must consist of at least 50 contiguous acres, exclusive of any portion not devoted to the production of forest crops (i.e., residential development). Please consider modifying the proposed lot sizes to ensure prospective owners have the opportunity to participate in this program.
- e. Where there is an existing wood road providing access to back acreage, consider keeping it on a single lot or providing an access easement so that it may more easily be used by future landowners.

4. Qualitative biological survey:

- a. At our September 26th site visit, Agency staff informed you that a qualitative biological survey is necessary for the project site. Staff requested the following:

Please provide a plan for a qualitative biological survey, in accordance with the guidance found at <https://www.apa.ny.gov/Documents/Guidelines/DAP-ProjectGuidelines-BiologicalSurveys.pdf>. The plan should include provisions for habitat or covertype mapping, a winter tracking study and a spring bird survey. There should also be development of lists of species of plants and animals (including fish, reptiles and amphibians) observed as well as species expected to be present. The survey should identify any observed wildlife travel routes, and areas of ecological significance to waterfowl and furbearers. It should also include sites valuable for amphibian breeding.

The plan must be approved by Agency staff prior to implementation. A wetland delineation report may be submitted as a separate document or as part of the biological survey.

You later submitted, and Agency staff approved, the plan for a Qualitative Biological Assessment described in a letter dated November 1, 2018 from North Country Ecological Service, Inc.

- b. As discussed at our site visits and as noted above, Agency staff suggest postponing detailed topographic surveys of individual building sites, driveways, or roads until more is known about how wildlife use the property. Also as discussed and noted above, wherever sensitive biological areas are identified, the locations of lots and building envelopes should be modified accordingly.

5. Woodward Lake and Water Quality:

- a. Please depict the mean high-water mark of Woodward Lake on the plan sheets. The watermark at the dam spillway can be used for the mean high-water mark.
- b. Where feasible, lakefront building envelopes should be set back at least 200 feet from the mean high-water mark of Woodward Lake.
- c. In order for Agency staff to evaluate the potential effects of shoreline lot development and use, please explain what development and vegetative clearing/cutting is proposed within the shoreline/riparian area of the lake (e.g., access path, cutting for view creation, boat storage, lean-to, picnic area, etc.)?
- d. Similarly, what development and vegetative clearing/cutting is proposed within 100 feet of streams and wetlands (e.g., building envelopes and driveways, etc.)?
- e. An existing dam is on the outlet of Woodward Lake. Agency staff will need to know more about the dam. For example, who will own the dam? Are any improvements to the dam proposed? Who will maintain the dam? Is the dam regulated by NYSDEC Dam Safety? If so, provide the status of any permits/approvals, inspection records or other related documentation for the dam. How is the dam currently operated (i.e., run-of-river or manipulated) and how will the dam be operated in the future? If the current or future operation is other than run-of-river, staff will be looking for specific details regarding its operation.
- f. Agency staff will need to know who or what entity will be responsible for future lake management activities (if any).
- g. During the August 30, 2018 site visit, you stated that use of the lake will be restricted to no more than small watercraft powered by electric trolling motors. Please provide specific details regarding the horsepower and/or thrust limits you are proposing. Note that some electric motors are only rated by thrust while gasoline powered engines are typically rated by horsepower. If a power limit is proposed then that limit must be stated in terms of both horsepower and thrust.

- a. Please locate, map, and depict all wetlands and permanent and intermittent streams on the plan sheets. As defined by the Agency, an intermittent stream includes a defined bed and bank.
 - b. Where feasible, the building envelopes (i.e., vegetative clearing limits) should be set back 50 feet from intermittent streams and 100 feet from permanent streams.
 - c. Improperly installed culverts can serve as a barrier to wildlife, amphibians, fish and other aquatic organisms. Any new culvert should be designed in accordance with stream bedding requirements in NYSDEC stream crossing standards and include a bridge or bottomless arches whenever possible. Box and pipe culverts embedded into the streambed may be used under certain criteria. For additional information please refer to NYSDEC's Stream Crossings brochure available on their website.
 - d. The October 23, 2018 Conceptual Site Plan appears to show building envelopes proposed up to the edge of wetlands and streams. Site development should be revised such that there are undisturbed vegetative buffers between these resources and the limits of clearing. These buffers protect water quality and provide wildlife corridors.
8. **Building envelopes:** Development in Resource Management and Rural Use land use areas should occur on carefully selected and well-designed sites. Agency staff suggest waiting until a more final subdivision configuration is proposed before detailed topographic surveys of building envelopes are done.
- a. Building envelopes on the October 23, 2018 Conceptual Site Plan are approximately one acre in size. If necessary, envelopes should be reduced in size based upon site specific conditions (e.g., maintenance of wetland and waterbody buffer areas and site hydrology, steep slopes, shallow soils, etc.).
 - b. The building envelopes shown are generally uniform squares. Where necessary to avoid resource constraints, the envelopes should be re-shaped accordingly.
 - c. Vegetative screening should be maintained between the building envelopes and High Rock Road and Collins Gifford Valley Road.
 - d. Some building envelopes do not appear to contain much area that is greater than 100 feet from water bodies and wetlands (e.g., those envelopes associated with test pits 28, 29, and 30). These envelopes should be reconsidered and/or reconfigured.
 - e. When measuring the 100-foot septic setback from a permanent stream, include any associated wetlands. When measuring the 100-foot septic setback from an intermittent stream, include any associated wetlands if they are continuous to the lake or greater than one acre in size; otherwise, measure from the stream itself.
 - f. For slope stability, leave a 25-foot vegetated buffer between all building envelopes and slopes of 25% or more.

- c. A 100% replacement area for each proposed absorption field must be included for each lot.
 - d. Upon completion of the final subdivision layout, using Agency and New York State Department of Health (NYSDOH) standards and guidelines, engineered OSWTS plans that are prepared by a New York State Licensed Design Professional will be required for each lot. The plans must include a basis of design for the wastewater treatment system and details for each component of the OSWTS. In addition, the plans must include all calculations regarding the design of all wastewater treatment system components, deep-hole test pit logs, percolation tests, hydraulic loading rates and application rates used to size the absorption field, septic tank type and sizing calculations, distribution box, and pump station details including sizing, dosing frequency/rates, etc. Further details are outlined in the Agency's document titled Minimum Requirements for Engineering Plans for On-Site Wastewater Treatment Systems last revised 03/2003.
 - e. It is recommended that the plans include sizing tables for OSWTS components that include two, three, and four-bedroom residences. The absorption field serving a dwelling with the maximum number of bedrooms should be depicted on the plans.
 - f. Review of site specific deep-hole test pit data, field measurement of required separation distances to pertinent resources, and review of surveyed site plans will determine if Agency standards and guidelines for installation of an OSWTS can be met in each proposed location.
11. **Water Supply:** The project would be served by private well supplies. All water supplies must be located at least 100 feet from any OSWTS absorption field or 100% replacement area.
12. **Stormwater Management/Erosion and Sediment Control:** Stormwater Management and Erosion and Sediment Control is a multi-disciplinary, holistic, consistent approach to resource protection. At least 14 of the Development Considerations in the Adirondack Park Agency Act relate to addressing impacts resulting from stormwater runoff, including existing water quality, natural sedimentation or siltation, eutrophication, existing drainage and runoff patterns, existing flow characteristics, existing water table and rates of recharge, existing topography, erosion and slippage, vegetative cover, wetlands, geology, slopes, depth to ground water, and other hydrological factors. Proper stormwater management occurs at the planning stage early in the process. The goal is to have development fit the site and not have the site modified to fit the development proposal.

The project will require a Stormwater Management Plan that, at a minimum, includes or addresses the following:

- a. Includes an Erosion and Sediment Control Plan;
- b. Individual lots addressing all proposed land disturbance and proposed impervious areas (e.g., building and outbuilding envelopes/footprints, driveways, septic areas, paths, etc.);

- c. Site planning to preserve natural features and reduce impervious cover;
 - d. Calculation of the water quality volume(s);
 - e. Incorporation of green infrastructure techniques and standard stormwater management practices with Runoff Reduction Volume (RRv) capacity;
 - f. Use of standard stormwater management practices, where applicable, to treat the portion of water quality volume not addressed by green infrastructure techniques and standard stormwater management practices with RRv capacity;
 - g. Design of volume and peak rate control practices where required; and
 - h. A schedule and list of required maintenance activities for each proposed stormwater management practice.
13. **Utilities:** As currently configured, an existing power line would need to be extended off Collins Gifford Valley Road to serve the western lots and a new line would be required off High Rock Road to serve the eastern lots. Consideration should be given to installing underground electric versus aboveground. In addition, clearing should be minimized, any new electrical infrastructure should be in the existing Town road right-of-way or within the footprint of any new subdivision road, and wetland impacts should be avoided.
14. **Protective Covenants:** Proposed Covenant 18 mistakenly refers to Hines Pond.
15. **Historic Resources:** At our September 26th site visit, you mentioned that you had received a letter from the Office of Parks, Recreation and Historic Preservation which expressed no archeological or historic concerns. Please explain what information you submitted to receive that determination and provide a copy of the determination.
16. **Local Review:**
- a. Your application references receipt of a density variance from the Town of Northampton. At our site visits, you referenced various meetings with the Town (i.e., regarding whether a new road would be private or dedicated to the town). Please provide the Agency with a copy of any town meeting minutes or decisions. This request is continuous; please provide this information as it becomes available.
 - b. The dimensional standards in the Town of Northampton Zoning and Subdivision Law (2016) specify a minimum lot area of 5 acres in the Resource Conservation district. However, Article VIII of the same law allows the Planning Board to require a Conservation Subdivision and specifies that "there shall be no required area, bulk, or dimensional standards for a proposed Conservation Subdivision." This approach could allow some flexibility with lot sizes or other dimensional requirements. Has the Town Planning Board indicated whether it will require the Woodward Lake subdivision to be a Conservation Subdivision? Or have you discussed this possibility with the Town? Please explain.

17. **Invasive Species:** Agency staff noted the presence of some terrestrial and aquatic invasive species during our site visits (e.g., Japanese knotweed, buckthorn, banded mystery snail).
 - a. What NYS statutorily listed invasive species are known to be on the project site, where are they, and in what density? How confident are you that your list is a complete list?
 - b. Provide an invasive species spread prevention plan for both terrestrial and aquatic invasive species that will either remove and/or limit the spread of invasive species on the project site. Pay particular attention to those species which could be spread as a result of site development, residential and recreational use.
 - c. Proposed Restrictive Covenant 19 states, in part, that no pesticides or herbicides can be applied within 500 feet of any water body or wetland. This language should be modified such that it does not put an undue burden on the ability to control invasive species.

18. **General/Mapping:**
 - a. There are apparent discrepancies between the reported and measured acreage of the project site. Page 1 of the application lists 1,197 acres, but summing the acreages of each parcel yields 1,142 acres. Please verify the total acreage of the project site.
 - b. All plans must include a scale and lots identified by unique identifier. Plans should be submitted digitally and in a format that allows accurate measuring from the digital plans.

ADL:slp:lb

Enclosure: Potential Information Request Topics
Map of potential dock locations

cc: Bobbi Trudel, P.E. (via e-mail)
Robert Lesperence, New York Land & Lakes (via e-mail)



**Large-scale Subdivision Application
Attachment
Potential Information Request Topics**

Following receipt of the Large-scale Subdivision Application (Part I and Part II), the Adirondack Park Agency will issue requests for additional information as necessary, based on its analysis of the application materials and any topics identified through public comments. These information requests will seek further clarification and evaluation of the project sponsor's proposal and alternatives, and will identify required site investigations and plans necessary for the analysis of impacts to Park resources.

The information that will be requested may include but is not limited to the following:

1. Alternative Designs

- Assessment of alternative designs to the preferred project design

2. Site Ecology

- Intensive qualitative and quantitative biological surveys
- Identification of endangered, threatened, or rare species on the project site
- Identification of non-native or invasive species on the project site

3. Surface and Ground Water

- Analysis of potential impacts to surface and/or ground water resources due to nutrient loading and eutrophication, habitat/hydrologic modification (e.g., physical alterations to stream channels, increased impervious surfaces), vegetative clearing, grading, and dredging
- Field confirmation of all water bodies on and adjacent to the project site, including permanent and intermittent streams
- Analysis of any proposed use of municipal wastewater treatment infrastructure
- Completion of deep hole test pits and evaluation of slopes at proposed on-site wastewater treatment locations

4. Water Usage:

- Analysis of any proposed use of or impact to municipal water supply systems
- Analysis of any proposed surface water withdrawal

5. Wetlands

- Field delineation of wetlands on the project site
- Assessment of efforts to avoid impacts to wetlands
- Mitigation plans when the Agency determines that wetland impacts cannot be avoided

6. Cultural Resources

- Identification of archeological and historic resources on the project site and final determination of potential impacts from Office of Parks, Recreation and Historic Preservation (OPRHP)

7. Visual Impact Assessment

- Analysis of potential visual impacts

8. Transportation/Traffic Study:

- Analysis of potential traffic impacts
- Assessment of new entrances from public roads
- Assessment of available public transportation
- Assessment of adequate parking facilities

9. Public Services

- Confirmation of adequate municipal capability to meet the potential increased need for fire protection, emergency services, educational services, and other public service systems

10. Economic Impacts

- Assessment of potential economic impacts

11. Noise

- Analysis of noise impacts

12. Pesticides and Fertilizers

- Assessment of any areas proposed for pesticide or fertilizer use

13. Energy

- Analysis of the energy requirements of the project

14. Legal documents

- Documentation of individual or common ownership rights, maintenance plans, easements, access proposals, and other agreements affecting the project site

15. Other Governmental Review

- Formal consultation with local government
- Municipal approval documents and/or meeting minutes
- Copies of applications submitted to all involved agencies

16. Project Phasing

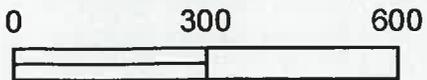
- Submission of a projected development schedule

17. Design Plans

- Submission of design plans for the project sponsor's preferred project design. Plans that may be requested include:
 - Site Plan
 - Subdivision Plan
 - Typical lot development plan
 - Open space / common area plan
 - Forest management plan
 - Grading plan
 - Wastewater plan
 - Water supply plan
 - Sign plan
 - Erosion and sediment control plan
 - Stormwater plan
 - Waste disposal plan
 - Building plans / elevations
 - Road/driveway plan
 - Utility plan
 - Landscaping plan
 - Lighting plan



Feet
300



P2018-0123

● Possible dock locations

**Adirondack
Park Agency**



Prepared by M. Rooks 9/17/18.