



# Adirondack Park Agency

Via Certified Mail, Return Receipt Requested  
Tracking No.: 7019 0700 0000 5073 2906

## NOTICE OF INCOMPLETE PERMIT APPLICATION APA Project No.: 2018-0123

<b>Project Sponsor:</b> New York Land & Lakes Development LLC – attn: Alan Lord 115 Main St. Suite D Oneonta, NY 13820	<b>Authorized Representative:</b> same
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**Date Permit Application Received:** February 12, 2020  
**Type of Project:** large-scale residential subdivision  
**Location of Project:** Towns of Northampton and Mayfield, Fulton County  
Land Use Area: Resource Management and Rural Use  
Tax Map No.: 17.-1-23, 31.-1-2, 31.2-1-25, and 31.-2-1

Dear Mr. Lord:

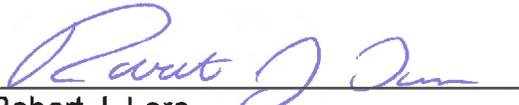
Thank you for your permit application, received by the Agency on February 12, 2020. The application provided important information on the proposed project. As outlined below, initial evaluation by Agency staff indicates that additional information is necessary to review the application. Please be advised that further revisions to your proposal may be requested based upon the information received in response to this notice.

You will receive a notice in writing informing you when staff has received the information necessary to complete the application. At the time the application is deemed complete, the required time period for Agency action on the proposed project will begin.

The proposal may not be undertaken until a permit has been issued by the Agency. "Undertake" means any commencement of a material disturbance of land preparatory to the proposed project, including but not limited to road construction, grading, installation of utilities, excavation, clearing of building sites, or other landscaping, or in the case of subdivision, the conveyance of any lots.

If you have any questions regarding this Notice of Incomplete Permit Application or the project review process, please contact **Ariel D. Lynch**, the Environmental Program Specialist 2 (EPS2) assigned to your proposal.

3/5/20  
Date

  
Robert J. Lore  
Deputy Director, Regulatory Programs

Attachment: List of Requested Information

**REQUESTED INFORMATION**  
**APA Project No. 2018-0123**

*As required by the original application, submit three completed copies of requested materials to the Agency. The requested materials, including all maps, plans, photographs and other graphics, must also be provided in electronic format (Adobe Acrobat or PDF).*

1. The following questions and requests pertain to the “APA Qualitative Biological Survey, Woodward Lake Properties, Proposed Residential Subdivision,” prepared by North Country Ecological Services, Inc., and dated January 9, 2020 (Biological Survey).
  - a. The Agency’s letter to the applicant dated November 7, 2018 asked for identification and mapping of areas significant to waterfowl, breeding amphibians, and furbearers, as well as methods and results used to identify them. Please provide the methods and results used to identify the significant areas you have mapped. In addition, please respond to the following:
    - Revise the waterfowl map to depict all feeding and nesting areas.
    - On Page 26, the narrative describes wood duck habitat, but the forested wetlands abutting other wetlands on the site are omitted from the waterfowl map. Please explain this discrepancy.
    - Were the open water portions of Wetland Area 29 determined to include waterfowl feeding and nesting areas? If so, please depict these areas on the waterfowl map.
    - Page 25 of the Biological Survey states: “Some of the forested wetland communities found on the property also contained areas of ponded water that were used by frogs and salamanders for breeding.” It appears that all of the forested wetlands were mapped on Figure 5 rather than the specific areas important for breeding amphibians. Please provide a revised amphibian map showing vernal pools, ponded water important to breeding amphibians, the fringe wetlands described in the narrative, and areas where there was evidence of significant use by amphibians.
    - How were certain perennial streams determined to be important and included on the amphibian habitat map but not others? Please provide supporting data.
    - Page 25 of the Biological Survey describes aquatic mammal use of the palustrine wetland habitats surrounding Woodward Lake. How was it determined which wetland areas were important to aquatic mammals? Why were no forested wetlands included?
    - The Biological Survey noted that aquatic mammals “used, to a lesser degree, the perennial and intermittent stream corridors.” How was this use determined if “actual sightings and sign of activity from these species was not observed within tributaries of Woodward Lake”? Why are no streams included on the aquatic mammal habitat map?
    - Since the description of aquatic mammal habitat is based on food sources, why are the areas identified in the Biological Survey as important amphibian habitat not also coincident with areas important to aquatic mammals?

- b. Please place the wetland covertype labels on top of the symbology for easier reading of Figures 4, 5, and 6.
  - c. Was any breeding habitat identified for turtles? If yes, please identify all locations.
  - d. Page 17 of the Biological Survey and Page 2 of the Aquatic Resources Report states that wetland boundaries were field located by NCES with GPS and/or conventional survey methods. Which was used where? What is the precision of the GPS unit used?
  - e. Please identify the locations where the goshawk and great blue heron were observed.
  - f. Please determine whether the Japanese knotweed patch identified on the "Existing Ecological Communities Delineation Plan" (Appendix F) overlaps any proposed development.
  - g. Tatarian honeysuckle is listed in both the Biological Survey and the Aquatic Resources Report as being dominant within the hemlock-northern hardwood forest community. Since hemlock-northern hardwood forest makes up a significant area of the project site, please provide more information on where this invasive plant is dominant.
2. The following questions and requests pertain to the "Delineation of APA Regulated Aquatic Resources, Woodward Lake Properties," prepared by North Country Ecological Services, Inc., and dated January 10, 2020 (Aquatic Resources Report).
- a. The entirety of Woodward Lake is an aquatic bed wetland, with two exceptions: (1) the portion of Woodward Lake greater than two meters deep (i.e., located in waters greater than two meters below the spillway elevation) and (2) those areas where suitable individual dock locations were identified as not containing wetlands by Agency staff on August 20, 2018. Please revise the Aquatic Resources Report and mapping and all application materials as necessary, including the Existing Ecological Communities Delineation Plan, to more accurately describe this area. With regards to the former, the plans and narrative can simply state that those areas deeper than 2 meters are "Non-APA Jurisdictional Wetlands." The narrative should also state that the waterbody is a shallow, gentle sloped basin that has a maximum depth of approximately 3.3 meters (11 feet), which is located in the northerly half of the lake.
  - b. Wetland boundaries of Wetlands 17, 18, and 19 have been revised since previous versions of the Aquatic Resources Report. Please explain these revisions.
  - c. Please revise the Aquatic Resources Report and the associated mapping to depict the extensive areas of aquatic vegetation constituting wetland within the ponded portion of Wetland Area 29 as "APA Jurisdictional Wetland."

- d. Please revise the Aquatic Resources Report and the associated mapping to depict the small pocket of wetland observed above the old timber dam within Area 31 as "APA Jurisdictional Wetland."
  - e. Please revise the Aquatic Resources Report and the associated mapping to depict Wetland Areas 30 and 32 as "Non-APA Jurisdictional Wetlands."
  - f. The reference section of the Aquatic Resources Report refers to an old version of Gregory Edinger's "The Ecological Communities of New York State." Please confirm that the Report uses the most recent version of this document (2014), and update the references in the Report to reflect the correct version.
  - g. Section 4.2 of the Aquatic Resources Report does not consistently list the scientific names of plant species. Please revise this report to consistently list the scientific names of all species.
  - h. Please provide a map showing where each of the wetland sampling points were taken, as well as a map showing where each of the photos were taken and the direction they were taken in.
  - i. Will the lake's native vegetation be actively managed in the future, or will management be prohibited? If management will be allowed, provide details.
  - j. Materials contained in Agency Project file 1989-0402 reference a Lake Report (for Woodward Lake). If possible, provide a copy of this report and any updates to this report.
3. Please provide composite maps similar to the one dated October 23, 2018 (i.e., showing building envelopes overlaid with shoreline buffers, wetlands, and slope categories), depicting Alternatives 1, 2, 3, and 4, as described in the application materials.
  4. Please provide an analysis of an additional alternative with a shorter subdivision road on the east side of the lake, ending before crossing the perennial stream, with no road, driveways, or development proposed south of the perennial stream.
  5. The Agency's November 15, 2018 letter suggested providing a map showing the proposed subdivision in the context of surrounding land uses within approximately 0.5 mile of the property boundaries. Addendum 17 to the application, an 8.5" x 11" hand-colored map, provides this information, but it does not fully convey the landscape context and level of development surrounding the proposal. Please provide a map showing existing development, cleared areas, and uses within 0.5 miles of the proposal.
  6. Please provide the CAD data used in the application's maps and plans for all existing development, wetlands, streams and topography on the project site.
  7. Please provide a map of all existing logging roads on the project site.

8. Regarding the 630± acre forested area west of all building envelopes, the application states (on page 10) that “the potential for mismanagement of the forest is much greater if the property is owned in common by a group of property owners who may not agree on how the forest should be managed or is managed uniformly as one unit.” For comparison, please address the advantages and disadvantages of holding the undeveloped land in a single private ownership, rather than a group ownership or separate parcels.
9. As noted in item 5a of the Agency’s November 15, 2018 letter, the watermark at the dam spillway can be used for the mean high water mark. Sheet C-101 of the submitted materials provides a dam spillway elevation of 796.7 feet. Sheet G-101 states the mean high water is at elevation 797.1. Sheet C-102 states the mean high water is at elevation 798.9.
  - a. Please confirm the mean high water mark elevation and resolve any apparent discrepancies on all plans.
  - b. Please depict the mean high water mark elevation for all shoreline access and building lots on the 30 sheets of plans titled “Woodward Lake Subdivision, Woodward Lake Properties, LLC,” prepared by Steven E. Smith Civil & Architectural Engineering, and dated “Preliminary 01/24/20” (Design Plans).
10. Please label the shoreline lot width of each proposed lot, measured at the shoreline as it winds and turns (not a tie line). Please revise Lot 4, if necessary, to ensure that it has the minimum shoreline lot width of 150 feet, measured at the shoreline as it winds and turns.
11. The building location for Lot 3 is problematic, as it is located entirely within the critical terrestrial habitat for amphibians for three separate wetland areas and overlaps the 900 foot elevation wildlife travel route. Please re-configure the proposed development and/or subdivision lines for Lot 3 to avoid these resources.
12. Page 17 of the application states that “all lots were laid out to avoid wildlife travel corridors as outlined in the Biological Survey submitted by NCES.” Agency staff analysis indicates that the development envelopes for Lots 10, 11, 32, 33, and 34 may overlap with the wildlife travel routes identified by NCES. Please re-configure the proposed development and/or subdivision lines for Lots 10, 11, 32, 33, and 34 to avoid these travel routes.
13. The building envelope for Lot 31 is less than 100 feet from the wetland boundary on three sides. Lot 31 also includes a driveway approximately 750 feet in length that is between and within 50 feet of two wetland complexes, as well as a boardwalk through wetlands. The driveway crosses existing slopes that may result in final grades that exceed Agency guidelines. Stormwater runoff will be difficult to manage and may lead to long term degradation of the wetland. In addition, traffic, snow plowing and other impacts will result. Please eliminate Lot 31 or re-locate the building envelope to a more suitable location.

14. Please provide a 50-meter-wide undisturbed buffer on each side of the perennial stream on the east side of Woodward Lake.
15. Please redesign Lots 19, 23, 28, and 29 to provide a 100-foot-wide buffer between the building envelopes and wetlands.
16. Please depict the location of an upland path to Woodward Lake for Lots 2, 4, and 8. Please confirm that no path is proposed through wetlands to the shoreline on any lot, including on Lot 30.
17. Please eliminate the Alternate Footpath on Lot 25. In addition, remove the boardwalk detail from Sheet C-504.
18. The building envelope for Lot 12 is currently drawn at the Collins-Gifford Valley Road right-of-way. Please revise the building envelope to meet the Town of Northampton's setback from the road and provide a vegetated buffer between the building envelope and the road.
19. The proposal sets a 3,000-square-foot maximum footprint for each single-family dwelling and a maximum of 1,000 square feet for each accessory structure. What is the proposed maximum height for these structures?
20. Please remove the reference to outbuilding envelopes from Sheet C-401.
21. Please revise Sheet C-504 to show a maximum of 10 feet for dock length.
22. Please depict the on-site wastewater treatment system components for the existing residence on Lot 21, and a suitable 100 percent absorption field replacement area, on Sheet C-101 of the Design Plans. Please also depict the location of the water supply for Lot 21.
23. Portions of the proposed driveways for Lots 9, 29, 36 and 37, have existing slopes that may result in final grades that exceed Agency guidelines. Please provide grading plans for these driveways that comply with Agency guidelines.
24. Please depict easements, where appropriate, for all shared driveways that cross an adjoining lot(s), such as Lots 3, 5, 6, 23, 26, 27, and 33.
25. Please reconfigure Lot 5 to eliminate the upland portion that is inaccessible without crossing wetlands.
26. Please provide a map demonstrating that the back areas of Lots 7, 8, and 11 will be accessible without crossing wetlands, either by reconfiguring the lot lines, allowing for shared access over existing logging roads, or through other means.

27. Lots 2 and 3 are proposed to share an existing road. Sheet C-102 indicates that it will be widened to 14 feet where it crosses wetlands. Confirm whether this road will be widened and, if so, provide details on the plan sheets and an erosion and sediment control plan for this area.
28. The existing road on Lot 3 includes two existing culverts. Please assess the size and condition of the culverts and whether they should be replaced.
29. Please provide a map overlaying the wildlife travel routes, including the 900 foot elevation route identified in the biological report, with all updated development envelopes, roads, and driveways. This map should demonstrate an undisturbed buffer of at least 50 meters on either side of the wildlife travel routes.
30. Please provide an updated composite map similar to the one dated October 23, 2018, that shows the updated proposal (i.e., roads, driveways, and building envelopes) overlaid with shoreline buffers, wetlands, slope categories.
31. The following questions and requests pertain to the "Forest Management Plan for the lands of Woodward Lake Properties, LLC, Lot 3 Woodward Lake Subdivision," prepared by Brian Bower, C.F., and dated January 21, 2020 (Forest Management Plan).
  - a. The format and content of the Forest Management Plan is acceptable. After a final subdivision configuration is proposed, please provide a similar plan for all proposed lots of 50 acres or more. Each plan should contain data and silvicultural recommendations specific to each lot.
  - b. Page 14 of the Forest Management Plan refers to seeding and using "mulch hay" to bring in seed stock. Please eliminate this reference to hay. Hay should not be used on the project site at all, as it has potential to introduce non-native plant species to the site.
  - c. The Forest Management Plan mentions bush honeysuckle and Japanese barberry on Lot 3 "like all stands on the property." Please clarify if this statement applies to all of the project site or just throughout Lot 3.
32. Please provide a legend on the Design Plans for all roads and driveways proposed to be constructed by the project sponsor.
33. Please depict and label the existing and proposed limits of clearing for all roads and driveways on the Design Plans.
34. Please provide documentation from the Town of Northampton that the proposed subdivision road entrance and driveway entrances from Collins-Gifford Valley Road and High Rock Road comply with applicable Town standards/requirements.
35. Please confirm that the proposed subdivision road and driveways are in compliance with Town requirements including access for emergency services.

36. Please confirm that sight distances for all proposed roads and driveways comply with AASHTO standards for the posted speed limit.
37. Please provide existing and projected average daily traffic counts for Collins-Gifford Valley Road and projected average daily traffic counts for Woodward Lake Drive.
38. Are any road and/or traffic control improvements (e.g., road paving, road widening, intersection improvements, signage) anticipated in relation to this project along Collins-Gifford Valley Road or High Rock Road? If so, please describe and provide maps/details.
39. Sheet C-110 states the existing access off High Rock Road will be abandoned. Please provide details for how it will be abandoned (boulder, plantings, etc).
40. Sheet C-202 included a profile for Woodward Lake Drive. Please depict the station numbers on the applicable plan sheet(s).
41. Sheet C-110 includes a 45-foot by 70-foot parking lot at the common dock location which, according to application narrative, would accommodate about 7 cars. Please depict the number of parking spaces in the parking lot serving the common dock area on Sheet C-110.
42. How many lots are expected to use the common area? Is the number of spaces adequate for the expected use? If not, please modify the plans accordingly.
43. Please provide details, including dimensions, for the proposed common dock. Please also provide the location and dimensions of any boat storage structure or other structure proposed on the common lot.
44. What tree cutting and/or vegetation removal is proposed or anticipated on the common area? For example, will the Property Owners' Association ever want to develop recreational trails?
45. The application includes transferring ownership and maintenance of the dam to the Property Owners' Association. Please be advised that the new owner will need to transfer ownership by completing a form available on the New York State Department of Environmental Conservation's (NYSDEC) website.
46. Sheet G-101 depicts a hiking trail easement from Robert Sweet Road to the Shaker Mountain Wild Forest. Will additional parking be required to serve this trail? If so, please depict the parking lot location, including the number of spaces, on the Design Plans. In addition, please update the Agency if you identify an easement holder for this trail.

47. The following questions and requests pertain to the "Preliminary Stormwater Pollution Prevention Plan for the Woodward Lake Subdivision," prepared by Steven E. Smith Civil & Architectural Engineering, and dated January 24, 2020 (SWPPP).
  - a. The SWPPP states that the total new impervious area created for the project is 8 acres (Page 7). Please describe how this was derived and include calculations.
  - b. The SWPPP assumes up to 4,000 square feet of impervious surface for each proposed lot, consisting of house, garage and driveway area. It appears the SWPPP accounts only for one 3,000-square-foot dwelling and one 1,000-square-foot accessory structure on each lot, and does not account for driveway impervious surface areas. Please modify the SWPPP and plan set accordingly.
  - c. Initial consultation with the NYSDEC indicates that one Notice of Intent (NOI) will be required and not individual NOI's for each lot owner as it is developed. It will be necessary to coordinate review of the project with NYSDEC regarding stormwater. Please submit any required applications to NYSDEC so a coordinated review can occur.
48. Please provide a Utility Plan that depicts all existing and proposed utility infrastructure along Collins-Gifford Valley Road, High Rock Road, Woodward Lake Drive, and from those roads to each building envelope. Include a legend for the plan.
  - a. The Utility Plan should depict all potential utility easement areas and all limits of disturbance/vegetative clearing and confirm that utility installation will not involve wetlands (including in the area of Lots 2, 3, and 12). This plan should also depict utility access to the proposed dwellings on Lots 2, 23, and 24.
  - b. Will any new utility poles be over 40 feet in height? If so, provide an elevation drawing and maximum pole height (measured from the ground surface).
  - c. Please confirm that utilities along Collins-Gifford Valley Road and Woodward Lake Drive will be installed prior to conveyance of the first subdivision lot on each road.
49. Provide a plan that will remove and/or limit the spread of existing terrestrial invasive species on the project site. Please also provide a plan for preventing the introduction of both terrestrial and aquatic invasive species to the site. The aquatic invasive species prevention plan should use standard "Clean, Drain, Dry, and Disinfect" protocols.
50. Please provide a Waste Disposal Plan that includes all on-site and off-site waste disposal areas. The plan shall clearly state the volume and type of wastes to be placed in each waste disposal area and include all temporary and permanent erosion control measures. All waste disposal locations should be located at least 100 feet from any wetland or waterbody, including permanent and intermittent streams. If located off-site, further documentation from the landowners will be required.

51. The application includes a September 25, 2018 letter from the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) concluding that the "project will have no impact on archeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places." Please provide a copy of the information submitted to OPRHP to receive this determination. In making their determination, did OPRHP consider the future residential development proposed or only the subdivision of the land? Are they aware of the cemetery on site?
52. Please submit a completed copy of the enclosed Local Government Notice Form signed by an appropriate official from the Town of Northampton.
53. The application indicates that, on June 27, 2018, a variance was granted by the Town of Northampton Zoning Board of Appeals to reduce the area requirement in the Resource Conservation Zone of 45 acres per principal dwelling down to 30 acres per principal dwelling. Please provide documentation of this approval to the Agency, as well as any meeting minutes related to the approval.
54. The application indicates that the Woodward Lake Subdivision will require approval from the Town of Northampton Planning Board. Please provide a copy of the relevant minutes of all local meetings at which the project has been discussed. This request is continuous; the information should be provided to the Agency as it becomes available. If approved, please provide documentation (e.g., permit, site plan approval, or final subdivision plat) to the Agency.
55. To facilitate a coordinated review, submit applications to NYSDEC and the US Army Corps of Engineers (ACOE). In addition, please submit to the Agency any requests for additional information, permits, or other approvals and determinations received from these other agencies.

cc: Bobbi C. Trudel, P.E., Steven E. Smith Civil & Architectural Engineering

Enclosure: Local Government Notice Form