



**SECOND 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 the recent submission in relation to APA Project No. 2018-0123, received electronically by the Agency on July 6, 2020, and for meeting remotely with Agency staff on July 29, 2020 to discuss the submission. The submission provided important information in response to the Agency's March 5, 2020 Notice of Incomplete Permit Application (NIPA).

Based upon staff review of your proposal and the information submitted in response to the Agency's March 5, 2020 NIPA, the following questions must be addressed in order to review your application. Also, as outlined below, some of the information requested in the March 5, 2020 NIPA was not submitted and is required to review the application.

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.

August 5, 2020  
Date

/s/ Robert J. Lore  
Robert J. Lore  
Deputy Director, Regulatory Programs

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

**Please submit your response to this Notice by email to [ariel.lynch@apa.ny.gov](mailto:ariel.lynch@apa.ny.gov) and follow up to be sure it is received. All application submissions should be in PDF or similar format and be legible. Electronic copies of plans must be fully scalable. Photographs and simulations must be of original digital quality (not scans).**

1. **March 5, 2020 Notice of Incomplete Permit Application (NIPA) Item 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) along with the revised Habitat Drawing Set dated March 20, 2020 and the Biological Drawing Set dated June 16, 2020.
  - a. Thank you for conducting amphibian breeding surveys and providing the results in the narrative response dated July 2, 2020, as well as mapping the locations of egg masses on the Biological Drawing Set. Please also update the Amphibian Habitat map (Figure 5) based on the new information by highlighting the wetlands where evidence of amphibian breeding was found on Figure 5.
  - b. The narrative response dated July 2, 2020 reports that the Amphibian Habitat map (Figure 5) has been updated to reflect that all perennial streams contain salamanders. However, it does not appear that the update occurred. Please check the map and update accordingly.
2. **NIPA Item 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) along with revised Wetland Delineation Drawings dated June 16, 2020.
  - a. Wetlands 17, 18, and 19 appear to be vegetated wetlands along streams and would therefore be APA regulated wetlands. Please update the Aquatic Resources Report and Wetland Delineation Drawings as appropriate.
  - b. Thank you for revising the Literature Cited Page of the Aquatic Resources Report to reference the current version of Gregory Edinger’s “The Ecological Communities of New York State.” Please provide an electronic copy of the current version of the Aquatic Resources Report for the Agency’s file.
3. **NIPA Item 3:** Thank you for providing composite maps of Alternatives 1, 3, and 4. Please provide a similar composite map (i.e., showing building envelopes, shoreline buffers, wetlands, and slope categories), depicting Alternative 2, which, as described in the application materials, would involve the creation of small lots on the west side of Collins Gifford Valley Road, with the balance of the property owned in common and maintained as open space.

4. **NIPA Item 4:** As previously requested, 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. **NIPA Item 7:** Thank you for mapping existing logging roads on the project site. Please add a map note requiring the landowner to seek prior Agency review and authorization for any improvements (e.g., hardening, widening, placement of fill) to these logging “roads” where they cross jurisdictional wetlands.
6. **NIPA Item 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 containing breeding amphibians and overlaps the large mammal travel route located generally along a bench of land found at 900 feet in elevation. Please re-configure the proposed development and/or subdivision lines for Lot 3 to avoid these resources.
7. **NIPA Item 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 3, 9, 10, 11, 32, 33, and 34 may overlap with the large mammal travel routes identified by NCES. Please re-configure the proposed development and/or subdivision lines for Lots 3, 9, 10, 11, 32, 33, and 34 to avoid these travel routes.
8. **NIPA Item 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 steep slopes where 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.
9. **NIPA Item 14:** Please provide a 50-meter-wide undisturbed buffer on each side of the perennial stream on the east side of Woodward Lake.
10. **NIPA Item 15:** Please redesign Lots 23 and 29 to provide a 100-foot-wide buffer between the building envelopes and APA regulated wetlands.
11. **NIPA Item 16:** The boardwalks now proposed for Lots 30 and 31 do not meet the guidelines for permit issuance for value 1 wetlands. Please remove boardwalks from the plans and detail Sheet C-504.
12. **NIPA Item 21 & 43:** Please update detail A3 on C-507 to depict proposed maximum dock lengths for individual lots (12 ft) and the common area (20 ft). Also, if docks are proposed to be straight, please remove the T-shape from the dock detail.

13. **NIPA Item 26:** Please provide a map demonstrating that the back area of Lot 7 will be accessible without crossing wetlands, either by reconfiguring the lot lines, allowing for shared access over existing logging roads, or through other means.
14. **NIPA Item 29:** Please provide a map overlaying the large mammal 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 large mammal travel routes.
15. **NIPA Item 38:** If dry hydrants will be added by the Town along Collins-Gifford Valley Road as described in the November 14, 2018 Planning Board meeting minutes, then please identify easement areas where dry hydrants can be installed without impacting wetlands and add those easement areas to the plans.
16. **NIPA Item 48:** Thank you for providing the Utility Plan on Sheets E-101 to E-103. Please describe if/how you would help future landowners pay for utility installation.
17. **NIPA Item 51:** Please submit an update to the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) identifying the locations of the cemetery and old foundations within the project limits. Provide the Agency with a copy of the information submitted to OPRHP as well as their response(s). What is OPRHP's guidance on new development in proximity to cemeteries and old foundations? Could the Lot 9 building envelope be moved closer to the Collins-Gifford Valley Road?
18. **NIPA Item 54:**
  - a. The November 11, 2018 meeting minutes provided reference a May 5, 2018 Planning Board meeting. Please provide a copy of the May 5, 2018 Planning Board meetings.
  - b. Going forward, please provide a copy of the relevant minutes of all local meetings at which the project is / 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.
19. If any building envelopes are moved, please update the G-series of maps provided in February 2020.

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