



PERMIT WRITING FORM – P2018-0207

Assigned EPS: **ADL**

Reviewed by: _____ Date: _____

APPLICANT

Project Sponsor(s): **Mike Hopkins / MGH Estates**

Landowner(s): **MGH Estates LLC**

Authorized Representative: **John Bartell, P.E.**

PROJECT SITE

Town/Village: **Northampton and Edinburg**

County: **Fulton and Saratoga**

Road and/or Water Body: **White Birch Road and Elmer Brown Road**

Tax Map #(s): **61.1-1-3, 61.1-1-5.2, 61.1-1-7, 93.-1-34.111, 106.-1-2.2**

Deed Ref: **Fulton County Instrument No. 2013-1357 / Saratoga County Instrument No. 2014002890**

Land Use Area/s: **Rural Use**

Project Site Size: **146.06± acres**

Same as Tax Map #(s) identified above

Only the H / MIU / LIU / RU / RM / IU portion of the Tax Map #(s) identified above

Other (describe):

Lawfully Created? **Yes** Pre-existing subdivision:

River Area: **No** If Yes: Wild - Scenic - Recreational Name of River:

CEAs (include all): **Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River**

PROJECT DESCRIPTION

Subdivision of 146.06± acres to create eight lots with seven new single-family dwellings. Each dwelling will be served by an on-site wastewater treatment system and on-site water supply. The seven building lots are non-shoreline lots located east and north of White Birch Road, range in size from 5.05 acres to 17.66 acres, and will be accessed by individual private driveways. The eighth, retained lot will be 77.25± acres.

JURISDICTION (including legal citation)

Subdivision involving wetlands: 810(1)(d)(1)(b) and Part 578.3(n)(3)

Subdivision creating Rural Use lot < 7.35 acres: 810(2)(c)(2)(b)

Subdivision resulting in more than 5 parcels since 1973: 810(2)(c)(1)

Condition 5 of Permit 2014-0181

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

The project site was created as "Lot 1" in a 11-lot subdivision authorized by Agency Permit 2014-0181.

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none

Water Body Name: **Great Sacandaga Lake**

Length of Existing Shoreline (feet): **none (shoreline owned by HRBR Regulating District)**

MHWM determination: **No**
 Minimum Lot Width: **150 feet** Meets standard: **Yes**
 Structure Setback (APA Act): **75 feet** Meets standard: **Yes**
 Structure Setback (River Regs): **n/a** Meets standard: **n/a**
No Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation? **n/a**
No Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? **n/a**
n/a Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

Non-Navigable Streams in proximity to development **Check if none [X]**
 Permanent Stream Intermittent Stream Classified? Y N
 DEC Environmental Resource Mapper stream classification:

Wetlands

Yes Jurisdictional wetland on property
 If Y: If Yes, RASS biologist consulted
 → Covertypes: mixed forested (coniferous and deciduous)
 → Located < 200 ft from proposed development or along shoreline **Yes**
 → If Y, value rating: 2

Wildlife

No Rare/threatened/endangered species If Yes, RASS ecologist consulted
No R/T/E or other unique species habitat If Yes, RASS ecologist consulted
No Northern Long-Eared Bat occurrences in Town If Yes, RASS ecologist consulted
No Forest management plan existing or proposed If Yes, RASS forestry analyst consulted
No Biological Survey required by RASS ecologist If Yes, completed

Ecological / Special Districts

No Natural Heritage Sites If Yes, RASS ecologist consulted
Yes Aquifer (on Lot 1 only, along lake) If Yes, RASS engineer consulted
No Agricultural District

Slopes RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%
 Existing slope range: **0 – 8±%** Building area(s) if authorizing development: **≤ 8%**

Soils

Yes Deep-hole test pit completed? (Necessary for every building lot) Check if N/A
 If Yes, soil data information determined or approved by RASS soil analyst
 NRCS Mapped Soil Series or Other Comments:

Character of Area

Nearby (include all): Residential – Commercial – Industrial – Agricultural – Forested
 Adjoining Land Uses / State Land:
 Is nearby development visible from road? Y N
 → If Y, name road and describe visible development:

Additional Existing Development (ex: dam on site, etc.):

*** Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)

FINDINGS OF FACT – COORDINATED REVIEW

- Yes* Archeologically Sensitive Area, according to OPRHP If Yes, APA APO consulted
- No Structures > 50 years old on or visible from site If Yes, APA AHPO consulted
- No Within Lake George Park If Yes, LGPC consulted / application submitted
- Yes Greater than 1 acre disturbance / SWPPP required If Yes, DEC application submitted
- No Public water supply If Yes, DEC / DOH application submitted
- No Greater than 1,000 gpd wastewater If Yes, DEC application submitted
- No Disturbing bed or bank of water body If Yes, DEC application submitted
- Yes^ Creating 5 or more lots less than 5 acres each [Not yet] If Yes, DOH application submitted
- No Army Corps involvement If Yes, ACOE consulted
- Yes Agency-approved Local Land Use Program If Yes, Town/Village consulted

*Application includes a Phase 1B Archeological report and an OPRHP determination, dated April 30, 2019, which concludes: "no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project."

^There are two residential lots under five acres in size that are subject to review and approval by the NYSDOH. The applicant is required to submit engineering plans, specifications, and documentation to the NYSDOH-Herkimer District office for review. No application has been submitted to NYSDOH to date.

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: n/a

Deed Covenant

Non-building lot being created? No

If yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification:

Deed covenant required for the northeast portion of Lot 1 due to its distance from any public road and the presence of extensive wetlands.

Easement

Easement proposed or required? Yes

If Y, consult with Legal for conditions. Justification: Project Plans show a right-of-way across Lot 19 providing access from White Birch Road to the northeast portion of Lot 1.

Construction Location and Size (may be different for each subdivision lot)

Is new development (other than oswts) being authorized without further Agency review? Yes

→ If Y: Structure height limit and justification: 38 ft

Structure footprint limit and justification: 5,000 sq ft total (inclusive of all buildings / lot) with a limit of 240 sq ft for any detached accessory structure

→ If N:

- Acceptable development sites identified for all subdivision lots with PB allocation? Y N
- Review of future development required? Y N

→ If Y, justification:

Guest Cottages (if authorizing a dwelling)

Proposed and reviewed? No
If N, guest cottages potentially allowed? Yes
→ Justification for any conditions: **Need prior Agency review to check for a suitable site and septic capacity**

Boathouses (if project site contains shoreline) n/a

Proposed and reviewed? Y N
If N, boathouses potentially allowed? Y N
→ If N, justification:
→ If Y, review required (beyond definition limits)? Y N
→ If Y, justification:

Docks (if project site contains shoreline) n/a

Proposed and reviewed? Y N
If N, docks potentially allowed? Y N
→ If N, justification:
→ If Y, review required (beyond definition limits)? Y N
→ If Y, justification:

Outdoor Lighting (if authorizing development)

Plan proposed and reviewed? No

Building Color (if authorizing development)

If color condition required, justification: **to maintain rural character of road corridor**

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? No
If Y, consult with RASS for conditions. Justification:

Vegetative cutting restrictions required? Yes

If Y, restrictions required (choose all that apply):

within _____ feet of limits of clearing

within _____ feet of road

within _____ feet of river/lake/etc

Other: within ?? feet of wetland

OR on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

Cutting of all vegetation prohibited

Cutting of trees of _____ diameter dbh prohibited

Other:

Justification: **Outside the proposed limits of clearing, the retention of trees and vegetation is necessary to maintain rural character of road corridors, provide stormwater buffers, and habitat.**

Plantings

Plan proposed and reviewed? No
If N, plantings required? No
→ If Y, species, number, location, and time of year:
Justification:

Wetlands

Consult with RASS for conditions. Justification: Protection of wetland function and value

Density (may be different for each subdivision lot)

Located in Town with ALLUP? Yes and No (If Y, stop. Town oversees density.)
Authorizing PB on substandard-sized lot created pre-2000 with no permit? No
If N and N, list existing PBs, including whether they are pre-existing/year built: None

Mathematically available # of new PBs (in addition to existing or replacement):
Extinguishing PBs? Y N If Y, number:

Wastewater (if authorizing construction of a new PB without further review)

Municipal system connection approved? No
Community system connection approved by RASS? No
Proposed on-site system designed by engineer and approved by RASS? Yes
If N, has RASS field-verified location for conventional standard trench system? n/a
If N, has RASS field-verified location for conventional shallow trench system? n/a
Suitable 100% replacement area confirmed for existing / proposed system? Yes
Consult with RASS for additional conditions.

Stormwater Management (if authorizing development)

Consult with RASS for conditions. Justification: Protection of water quality

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Justification: Prevent erosion and protect water quality

Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: none
Justification:

For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings

Explain why no condition is needed:

Additional Site / Project-Specific Concerns / Conditions Needed

Justification:

Yes **Public comments received** **If yes, #: 2**
No **Applicant submitted response**