

STEVEN E. SMITH, P. E.

CIVIL & ARCHITECTURAL ENGINEERING

Woodward Lake Subdivision

Towns of Northampton & Mayfield
Fulton County, New York

APA Project No. 2018-0123

Applicant:

Woodward Lake Properties, LLC
115 Main Street, Suite D
Oneonta, NY 13820

October 19, 2020

Submission Contents

Responses to 08/05/2020 Second Notice of Incomplete Permit Application

Attachments:

Amphibian Habitat Figure 5 (Revised 06-16-20) and Figure 5A (09-17-20)

Photographs of Wetland Areas 17, 18, and 19

Wetland Delineation Drawing Set 09-17-20

APA-Regulated Aquatic Resources Report, Updated 10-18-20

Composite Maps: Alternatives 2, 5, and 6

Woodward Lake Subdivision Plans (Revised) 10-09-20

Letter from Jessica Schreyer/NYS OPRHP 09-23-20

Town Meeting Minutes: Planning Board 05-15-18
Planning Board 08-11-20
Planning Board 09-02-20

G-Series Maps for Revised Subdivision Plans

The responses which follow correspond numerically with the numbered paragraphs found in the APA Second Notice of Incomplete Permit Application dated August 5, 2020:

1. Regarding Amphibian Habitat maps, North Country Ecological Services, Inc.'s responses follow:
 - a. Figure 5A has been created to show the locations of all egg masses and/or evidence of breeding activities as documented during the 2020 breeding season. Figure 5A was derived from Figure 5 (Amphibian Habitat Map) and is to be viewed as a supplement to it. For reference information, Figure 5 identifies the wetlands that contain habitat features that could be utilized by amphibians for breeding purposes. Figure 5A identifies the potential habitat and the actual locations where amphibian breeding was documented during the 2020 breeding season survey by NCES.
 - b. Figure 5 has been updated to reflect that all perennial streams are potential amphibian breeding habitat. All perennial stream channels (as confirmed by the USACE and APA) have been shaded orange.
2. Regarding the Delineation of APA Regulated Aquatic Resources Report, North Country Ecological Services, Inc.'s responses follow:
 - a. On August 10, 2020, NCES revisited the subject property and conducted an assessment specifically to identify if vegetated wetlands that are associated with the stream portions of Areas 17, 18, and 19. These areas extend between Collins-Gifford Valley Road and Woodward Lake.

Based on the site assessment, Area 17 contains vegetated wetland that extends along both sides of the stream channel. Along Area 18, individual patches of vegetated wetland were documented on either side of the stream channel. However, the area was not all wetland, as inferred by the APA. During the assessment, Area 19 was identified as being a rocky stream channel and very little additional vegetated wetland along its banks. Photographs of the areas reviewed are provided for reference.

The extent of the vegetated wetlands associated with Areas 17, 18, and 19 has been clearly shown on the revised wetland delineation mapping. PDF copies of the revised delineation maps are provided. In addition, the acreage calculations provided in the wetland summary table on the maps have been modified to reflect the actual extent of wetlands present in these three areas.

- b. A PDF of the revised Aquatic Resources Report (dated October 18, 2020) is provided.
3. As requested, a composite map depicting Alternative 2 has been prepared and is provided.
4. A composite map depicting an alternative with a short subdivision road on the east side of the lake, with no development whatsoever south of the stream has been prepared (Alternative 5). In order to make the project economically viable, the "lost lots" have been relocated to the west side of the lake. Given the numerous wetlands, streams, and topographical issues, along with the requirement for any lot to be at least 5 acres, it is virtually impossible to avoid encroaching on sensitive environmental areas. It would also require the construction of approximately 2,200

linear feet of road to Town standards, in addition to the shortened 2,100 feet of Woodward Lake Drive (previously 3,000+ feet). We do not feel this is a more viable alternative to our proposed plan.

A composite map depicting the revised proposed subdivision plan has also been prepared as Alternative 6, and is included with this submission.

5. Additional logging roads have been located since our last submission, as shown on the revised plans. As requested, a note requiring a landowner to seek prior Agency authorization for any improvements to these roads where they cross jurisdictional wetlands has been added on Sheet G-101.
6. The building envelope for Lot 3 has been relocated to the old gravel pit clearing at the end of the existing dirt road on the lot. Please refer to the revised subdivision plans.
7. Regarding the wildlife travel corridors, NCES responds as follows:

As documented in the response to Comment 6, the building envelope for Lot 3 has been relocated. As a result, it no longer overlaps the 900' elevation referenced in the Biological Report. The proposed driveway to Lot 3 still extends through the 900' elevation, however the this driveway will not impede the natural movement of wildlife through the site due to the fact that the proposed driveway is an existing gravel road that leads to the old gravel pit. As a result, a roadway already is present through the area in question. The existing road does not impede or prohibit wildlife movement.

The building envelopes for Lots 9, 10, and 11 remain primarily un-changed. However, internal portions of Lot 9 were modified to provide additional easement area and direct access to an old cemetery that is located at the lot line. This modification was made at the request of the Town of Northampton, as well as NYS OPRHP. Additional modification of the building envelopes on these Lots was not required, as the proposed house/septic locations do not impede upon the natural movement of large mammals. Furthermore, the building envelopes for Lots 10 and 11 are positioned in close proximity to Collins-Gifford Valley Road, in accordance with Agency preferences.

At the direction of Agency staff, the applicant has eliminated Lots 30, 31, 32, and 34 from the development. Lots 29 and 33 remain, with Lot 33 having been re-numbered as Lot 30. In doing so, the development to the south of the perennial stream extending through the portion of the site found east of Woodward Lake has been significantly reduced. This reduction in development maintains areas of un-fragmented and un-developed forested upland and provides indigenous species of large mammals with the ability to move freely through the southern portion of the site, thus addressing the Agency's concern with these lots.

Despite efforts to reduce impact, NCES and the Applicant would like to reiterate that, as discussed with Agency staff prior to the submission of the Biological Report and as outlined in the prior comment response package submitted to the Agency, there are no actual "defined" large mammal travel routes that exist on the Site. The wildlife travel corridors identified within the Biological Report are extremely generic based on the existing topography and terrain features present on the site. There is no reasonable way to document wildlife movement of a

large property such as this. The general routes identified in the Biological Report do not restrict or limit animal movement to those areas only. The species documented on the property utilize the entire landscape, not just those areas identified as within the graphic. The species occupy the entire property and are not restricted in their movement, other than by the lake. Animal movement was documented throughout the entire property and moving in all directions. The only impediment to large mammal movement is the impoundment of Woodward Lake itself; animals must travel around it to access other portions of the property and off-site areas.

As directed by Agency staff, NCES did not survey or locate actual "deer paths". Instead, NCES simply attempted to define the general movement of large wildlife, as directed by APA staff, throughout the property and around Woodward Lake. The 900' contour referenced in the Biological Report was an elevation where slopes become more gradual and a "bench" was present that could be utilized by animals to easily traverse the site. While animal tracks were noted along the bench, animal tracks were also prevalent above and below it. By no means was it to be strictly inferred that the 900' contour was the only elevation and route utilized by wildlife to travel around the property. The 900' elevation was focused on by APA staff without scientific reason or inference by NCES. Again, animals travel around the property at will and movement around the site is likely dictated by available food sources.

Consequently, any further requirement for lot reconfiguration to avoid the 900' contour is not scientifically justified and its focus as a major, or the only travel route unwarranted. Animal movement will not be impeded to the point of exclusion or displacement, should homes on the proposed lots ever actually be constructed. Based on the species identified during the multi-year analysis, it has been identified that all of the species of large mammals are development associated and readily adapt to changed/modified habitat conditions by human presence. None of the species documented on the property will experience population declines as a result of the development.

8. Lot 31 depicted on the previous subdivision plans has been eliminated.
9. A 50-meter wide buffer has been provided on each side of the perennial stream on the east side of Woodward Lake. The plans have been modified such that only a driveway serving two lots south of the stream goes through the buffer. Four lots shown on the previous Plans south of the stream have been eliminated, and the remaining lots renumbered. (A total of 33 lots are now proposed vs. the previous 37). Both the proposed driveway bridge and temporary construction access bridge will span the stream and its associated wetland. Stringent erosion and sediment controls are required during construction, as depicted on the Plans.

Note that 4-wheelers regularly drive through the stream within the Utility R.O.W. upstream and are likely to continue to do so.

10. The building envelopes for Lots 23, 24, and 29 have been modified to provide 100-foot buffers between the Lot 23 and 29 envelopes and APA regulated wetlands. This required adjusting the lot lines between Lots 23 and 24, and Lots 24 and 25.
11. All boardwalks have been removed from the Plans, including the detail on Sheet C-504.

12. Detail A3 on C-507 has been moved to Detail A4 on C-504 and revised to depict maximum dock lengths as noted. The T-shape has been removed from the detail. Sheet C-507 has been eliminated.
13. Additional logging roads have been located on Lot 7 (and elsewhere) and added to the base plan. Lot 7 has two logging roads crossing wetlands to the back area. As noted in the response to NIPA Item 5 above, a note requiring a landowner to obtain Agency authorization prior to making any improvements to these roads where they cross jurisdictional wetlands has been added to the Plans on Sheet G-101.
14. Regarding “large mammal travel routes”, North Country Ecological Services responds as follows:

The revised site plans are provided for Agency review. As outlined in the response to NIPA Item 7, there are no defined large mammal travel routes that exist on the Site that can be surveyed and shown on the site plans, or from which suggested buffers can be offset from. The animals inhabiting the property and adjacent lands move freely (in all directions) throughout the Site at any time throughout the year, with the exception of traversing through Woodward Lake. As documented by the graphic provided in the Biological Report, the large mammals tend to travel around the lake, not through it.

In order to generate a 50-meter buffer as suggested, a line/path must be established that defines a set width of said line/path. No such line or path exists on the Site. Animal movement is not restricted nor confined to a set location, such as that of a logging road or a wetland boundary, which could be surveyed. Based on consultation with APA staff, general deer paths were not requested to be surveyed. Therefore, establishing a 50-meter buffer to an undefined area is an unfeasible task and cannot be accomplished.

However, as documented in the response to Item 7, the Applicant and engineers took the liberty to relocate and adjust building envelopes and eliminate lots where applicable, in an attempt to alleviate the Agency’s concerns. In doing so, it should be recognized that substantial amounts of undeveloped land (1,017± acres or 87% of the site) shall remain undisturbed for indigenous species. Woodward Lake itself is approximately 105 acres or 9% of the property, and is not included in undeveloped land totals. Thus about 96% of the property will remain undisturbed.

Specific to the lots in question, more than 3,500 feet (1,067 meters) of available, undeveloped land will remain between proposed building envelopes and the nearest adjacent development. This clearly demonstrates that the proposed lots are bordered by other undeveloped land that provides ample opportunity for the species of wildlife present to navigate the surrounding landscape without reservation or restriction. Again, the general movement of wildlife around the site and through adjacent lands will not be impeded. In addition, the development will not result in the exclusion or displacement of large mammals that presently occupy and/or utilize the geographic location nor will undeveloped areas be avoided by wildlife based on the location of proposed building envelopes. The animals present on the site are unaware of both the building envelope and lot boundary lines, nor are they able to discern where travel corridor buffers are. Ultimately, indigenous wildlife will continue to travel throughout the property at will.

15. Please refer to Plan Sheet C-102. A dry hydrant location is indicated within the Town road right-of-way. An easement into the pond is provided should it be necessary for intake piping.
16. Concerning utility installation, the developer will pay for any extensions along all roads to lots upon landowner demand. National Grid generally requires a demand before they will install utilities.
17. Included with this submission is a letter from Jessica Schreyer of NYS OPRHP dated September 23, 2020 responding to our request for that office to review the proposed subdivision. Recommendations concerning the cemetery on Lots 8 and 9 will be adhered to. In general, that office recommends simply avoiding old foundations. All gravestones in the cemetery have been located by survey and are shown on the Plans (see Sheet C-108). The easement for the cemetery has been expanded to provide at least a 25-foot buffer.

As for moving the Lot 9 building envelope, we have endeavored to maintain at least a 200-foot separation between it and the cemetery. This precludes moving it closer to the road as insufficient area remains given other setbacks.
18. The May 5th meeting minutes that was referenced was a mistake and should have been for the May 15, 2018 meeting. The May 15, 2018, August 11, 2020, and September 2, 2020 Town Planning Board Minutes are provided with this submission. We will provide minutes from further meetings as they become available.
19. The G-series maps have been updated to reflect our revised Plans and are included with this submission.