

Alan Lord

From: McCullough, Jeffrey B (DEC) [jeffrey.mccullough@dec.ny.gov]
Sent: Thursday, September 11, 2014 3:30 PM
To: Alan Lord
Subject: RE: Storm Water Question

Alan,

According to our central office staff, if the property is sold as just vacant land, the deed language would suffice. If the Town or Health Dept. or any other regulating entity requires that the owner show where roads, building or infrastructure is to be placed, then this would constitute the intent of building and a SWPPP would then be required. Of what I interpret, the first scenario would probably apply to your situation. Below is a section from the Department's stormwater page (FAQ's) (<http://www.dec.ny.gov/chemical/8694.html>), it still applies to the revised permit (GP-02-01 is now GP-0-10-001). Hope this answers your question. FYI - I will be out of the office until 9/24.

7. Do the owners of rural tracts of land have to obtain coverage under GP-02-01 at the time they subdivide their land if the subdivision does not involve the construction of new roads?

A: Land owners subdividing a parcel of land after March 10, 2003, where the total anticipated land disturbance for the subdivision is greater than one acre, are not required to obtain coverage under GP-02-01 at the time they subdivide the land provided they meet all of the following conditions:

- the individual lots are for single family homes only,
- the total anticipated land disturbance for the subdivision is less than five acres,
- the subdivision does not require the construction of roads or common driveways,
- the subdivision does not require municipal sewer and/or water system extensions as part of their local approval,
- the subdivision will not connect to an existing subsurface storm sewer system, and
- the owner is not required, as part of their subdivision approval at the local level, to prepare engineering plans showing the individual lot layout (e.g. house, drive, septic system, water supply, etc.).

However, the land owner should notify the purchasers of the individual lots that they must prepare a Stormwater Pollution Prevention Plan (SWPPP) and obtain coverage under GP-02-01 prior to commencing construction (i.e. disturbing soil).

Purchasers of individual lots can refer to the "Erosion and Sediment Control Plan For Small Homesite Construction" section in the Appendices of the final Standards and Specifications For Erosion and Sediment Control when preparing their SWPPP. (Refer to Chapter 9 of the "Draft" New York Standards and Specifications For Erosion and Sediment Control until the final version of the New York Standards and Specifications For Erosion and Sediment Control is available).

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From: Alan Lord [mailto:alord@newyorklandandlakes.com]
Sent: Wednesday, September 10, 2014 1:41 PM
To: McCullough, Jeffrey B (DEC)
Subject: Storm Water Question

Jeff
Here is an outline of what we discussed on the phone

I am working on a plan to subdivide a parcel of land in the Town of Hartwick, Otsego County NY. The parcel is 232 acres located on 4 different existing town roads; my proposal is to divide it into 26 large acreage parcels ranging in size from 3 to 37 acres, averaging 10 acres in size. All parcel will front on existing town roads, no new construction will be involved and parcels will be sold as vacant land for the purchaser to decide how to use it and if, when and where they want to build something. Each parcel is large enough to handle their storm water individually on site, so we have put the following language on the survey plat and in the proposed deed to each parcel.

“If Grantee(s) disturbs over one acre of land on their parcel, Grantee(s) also hereby agrees to prepare a SWPPP specific for their residential lot to be developed and file a Notice of Intent (NOI) for the Storm water discharges associated with construction activity under State Pollutant Discharge Elimination System (SPDES) General Permit in effect at the time of filing.”

The question is, is this adequate or do we need to prepare an overall SWPPP for the entire property with generic proposed building sites for each parcel prior to the approval of the subdivision by the town. We will not be filing the NOI as we will not have any disturbance and are selling the parcels as vacant land and will not have any control over the property or construction on it once it is sold.

Thanks in advance for your help on this question

Alan

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