

Bill and Terri Lorensen

14 Hearthside Drive, Ballston Lake, NY 12019

877-5070

<http://editthis.info/folk>

Steven Bulger, Chairman
Clifton Park Town Planning Board
One Town Hall Plaza
Clifton Park, NY 12065

May 17, 2006

**Subject: Remaining Concerns - Kain Development Group, LLC Proposed subdivision,
Longkill Road, Town of Clifton Park**

Dear Mr. Bulger,

This is our fifth letter addressing the anxiety that we have regarding the proposed subdivision on Longkill Road. The New Jersey based Kain Development has made presentations at Planning Board meetings in October, 2004, September 2005, December 2005, February 2006 and April 2006. We and our neighbors have been present at every one of these meetings and, when given the opportunity, we have consistently and objectively presented our concerns.

This letter addresses the issues we have after hearing the New Jersey developer's plans at the April 11, 2006 Planning Board Meeting. The issues continue to center around water management, wetland protection and responsible development.

1. ***The uncertainty of the wetland situation.*** It is our understanding that the Army Corps of Engineers visited the site recently for the **third time**. The ACOE has delayed its decision for 20 months! This is a red flag. As we have shown with our photos, that these woods are wet. The water flows from one wet area to another. The water table is high. This parcel of land is too wet for construction!
2. ***The amount of fill and lack of a rational plan.*** The topography of the proposed subdivision is complex, with homes sitting atop mounds of fill and swales attempting to redirect the flow of water towards the storm management facilities. At the April 11 meeting, *"Mr. Larkin also asked that the consultant calculate the amount of fill needed to grade the site as proposed. Mr. Fazio explained that, although such calculations are time-consuming, they can be completed."* We find it hard to believe, that given today's computer-aided-design technology, that this is a time-consuming process.

We have done a back-of-the-envelope calculation on the amount of fill required. We made the following assumptions: on average 2 feet of fill over 72% of the 18 acres. This results in $43560 \text{ sq ft/acre} * 18 \text{ acres} * .72 * 2 \text{ ft of fill} / 27 \text{ ft per cubic yard} / 14 \text{ cubic yards per truck load} = \mathbf{2987 \text{ truck loads of fill!}}$ If only $\frac{1}{2}$ of the fill is required, this is still 1500 truck loads.

3. **Who will build on these lots?** At the April meeting, the New Jersey developer's consultant, Mr. Fazio, commented that the grading plan around each house was just an estimate and that each homeowner and builder could modify the plan during construction. To our surprise, Mr. Fazio stated that he did not know whether Kain would build on the lots or sell the lots to other builders. **It is unbelievable that we may have to deal with and monitor multiple builders for such a complex plan and sensitive area.** How will the Town enforce any approved plan?
4. **Who will enforce the 50 foot no-cut buffer?** Although the New Jersey developer is proposing a 50 foot no-cut buffer, there was no mention by Mr. Fazio about a conservation easement and who would hold that easement. No one can expect individual homeowners to make a long term commitment to honor the 50 foot no-cut buffer. **This land should be turned over to the Town or some other responsible conversation group.**
5. **Lack of innovative subdivision layout.** Over the past 20 months, the Planning Board has made numerous requests to the developer to provide new subdivision layouts. The developer continues to ignore the Board's requests regarding layout. A token move by the developer to remove one lot and reposition a couple of homes still does not address the wetland impact. Mr. Bulger, your request to remove a second lot motivated an interesting discussion by other Board members. In particular, Mr. Larkin suggested that the wet areas be avoided completely and that the displaced homes be clustered in the lower part of the subdivision. Other members of the Board noted that this would increase drainage problems for neighboring homes. We suggest that the developer consider a plan that eliminates the displaced homes and **limit the plan to six homes.** At first glance, this may seem outrageous, but consider this. This developer paid \$75,000 dollars each for two .48 acre lots on Hubbs and Hatlee Roads. This is over \$150,000 per acre! Six, three acre lots could more than pay for the \$450,000 price that Kain paid for the Longkill property. $\$450,000 / 6 = \$75000!$
6. **Clear cutting.** The developer has shown no desire to present a plan that saves the mature trees within the subdivision. In addition to our emotional concerns about the Longkill forest, the Board and the ECC have expressed concerns about the plans to clear cut the subdivision. *“Mr. Karam commented on several items. He recalled that the Board had previously recommended that mature trees be identified and attempts be made to preserve such trees.” “Mr. Fazio explained that site grading would determine the number of trees that could be preserved throughout the site.” “A majority of Board ...did agree that additional lot width would be desirable and the preservation of*

mature trees would improve the design significantly.” Without special care, the amount of fill proposed by **the developer will kill a large portion of the mature tress within the forest.**

7. **Accountability.** The April 11 minutes state that “*The applicant is committed to minimizing clearing of the site and negative impacts to existing neighborhoods.*” The minutes also state that “*The consultant anticipates that the amount of runoff from the site to the rear of the properties along Hearthside Drive will actually be less than that resulting from the pre-developed conditions.*” These words are meaningless without financial assurance from the developer. **We insist that the out-of-state developer post a bond to guarantee that our home and our neighbors' homes will not see increased water problems.** When the Board asked a similar question at the April 11 meeting, Mr. Fazio responded that he had never heard of anything like that. The current, long time residents of Clifton Park certainly deserve this guarantee from the out-of-state developer.
8. **Environmental Impact Statement.** Each meeting regarding this development raises more issues than are resolved. The majority of the issues are water drainage and wetland related. Such a complex development screams for a full environmental impact statement. We plead with the Board to issue a positive SEQRA declaration and require Kain to prepare a draft EIS.

We continue to urge the Board to reject this project in its entirety. This land should be left undisturbed and unspoiled. We are willing work with the developer and the Town and neighbors to define a conservation plan for this parcel.

Sincerely,

Cc: Planning Board Members
Jason Kemper, Town Planner
Jennifer Viggiani, Open Space Coordinator
Mike O'Brien, Environmental Specialist
Environmental Conservation Committee
Phil Barrett, Town Supervisor
Julia Stokes, Saratoga P.L.A.N.