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## FOLK object to approval of Longkill development

GLENN GRIFFITH, Community News

CLIFTON PARK - The preliminary planning board approval of a 16-lot residential subdivision has a group considering legal action.

The board approved Kain Development LLC's request to build the homes on an 18.75 acre parcel off Longkill Road June 13. Representatives for Kain Development reduced their original request for 18 lots to 16 prior to the meeting.

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The board vote to give the approval was split, four to one with one recusal and one absentee. Board member James Larkin was the lone negative vote.

"I'm definitely one for balancing property rights with conservation," Larkin said. "But clearing to that degree warranted further investigation through a supplemental environmental impact statement (EIS). Without that I could not approve the negative dec or the preliminary site plan. The other board members felt differently."

The parcel is on the east side of Longkill Road near the town's boarder with Malta. Residents living near it claim the land is environmentally sensitive and too wet for houses without an excessive amount of back-fill.

Neighbors formed the group FOLK (Friends of Longkill) in February to advocate for open space in the area.

During two public hearings on the project the group presented power point presentations with slides of the land, petitions protesting the project, verbal comments, and plenty of questions.

The group hired attorney Jeffery Baker to represent them before the Planning Board.

Since last week's approval Baker has given FOLK his recommendation and the members will soon meet to discuss their next move.

Interim planning department director Janis Dean confirmed the preliminary approval, the lot reduction, and the final vote. She refused further comment due to the possibility of litigation.

At a February public hearing FOLK's attorney requested the Planning Board issue a positive declaration for the state's Environmental Quality Review Act (SEQRA). He also asked the board to issue the more detailed supplemental EIS form.

Baker said the board has not complied with his requests.

"Using the EIS is the only way to properly gauge the impacts for a project and devise an alternative plan that meets the applicants' needs while also protecting the environment and neighboring properties," Baker said.

Planning Board chairman Steve Bulger refused to comment on the project's approval or why a supplemental environmental impact statement was not requested.

FOLK members, according to Baker, have not found one instance of the Planning Board issuing an EIS on any project in the past 10 years. Baker found that highly unusual

for a town of Clifton Park's size.

Baker said the Planning Board's 18-page written responses to FOLK's questions and comments were inadequate and contained incorrect conclusions.

The attorney preferred not to discuss his recommendation to FOLK regarding its next action.

According to FOLK member David Gibson, Bulger told the group at the June 13 meeting the Planning Board's review constituted "a hard look".

"We were told this was the most rigorous environmental review in the history of the town for a project this size," Gibson said. "There are things on, in, and below ground out there that need more review. It needs a positive dec on SEQRA and an EIS. Why is getting an EIS such a big deal?"

Gibson believes there are small wetlands on the parcel that are not shown on maps. He wondered how many board members other than Larkin had been to the site.

"The wetlands in there are providing good things for the environment and yet the town is not demanding action be taken on them. They're saying trust us. We don't."

Gibson said getting access to the project's documents remains a problem and the group continues to use the Freedom of Information Act. Questions remain, he said, with the project's storm water drainage plan, written approvals from the Army Corps of Engineers, and the locations for the planned homes.

William Lorensen is another neighbor living near the project. His home on Hearthside Drive is directly to the rear of the planned subdivision. He, like other neighbors, has sump pumps running much of the time during the summer.

Lorensen said he's concerned the new homes will cause his basement to get more water than it's getting now.

"I think the members of the group were disappointed with the vote but not surprised," he said.

Gail Wassenaar lives next door to the project's access road on Longkill Road. She has a sump pump in her basement ready to run at all times of the year. She too fears more water will enter her home from the land's development.

She took issue with the statement from the board that the project had been rigorously reviewed.

"It shouldn't matter how big a site is," she said. "We feel it'll impact peoples' homes."



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