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

February 1, 2006

Subject: Requests to the Planning Board - Kain Development Group, LLC Proposed (18) lot subdivision, Longkill Road, Town of Clifton Park

Dear Mr. Bulger,

This is our third letter addressing concerns that we have regarding the proposed 18 lot subdivision on Longkill Road. Our first letter, dated October 3, 2005, addressed our broad worries about loss of privacy, disruption of wildlife habitats and possible disturbance of the fragile water situation in the vicinity of and throughout the proposed subdivision. Our second letter, dated November 28, 2005, focused on wetlands issues and water table concerns. In that letter, we asked the Planning Board to consider eight specific actions to assure us and our neighbors that our investments and quality of life will be protected.

As 35 year Clifton Park residents, we are frustrated with the planning process that limits citizens' interaction with the Planning Board to public hearings. Twenty-eight neighbors of the proposed subdivision attended the December 13 meeting, even though they knew they could only listen and not participate in the process.

Now, as we approach the public hearing for this subdivision, we look for assurance from the Planning Board that if this subdivision is approved, the Planning Board will:

1. Require Kain Development to **convert the proposed 50 foot no-cut buffer into a conservation easement**. This easement should be granted to the town. As far as we know, there are no mechanisms in the Town law to enforce a no-cut buffer. Once this builder leaves the area, disputes over preservation of the no-cut buffer will pit neighbor against neighbor. A conservation easement owned by the Town will perpetually restrict damage to the no-cut buffer.
2. Require Kain Development to **create a 3-4 foot berm on the easement**. This berm will provide some privacy to Hearthside residents and residents in the proposed subdivision. The berm will also protect Hearthside residents from surface water flow from the disturbed ground during and after construction in the new subdivision.

3. Require Kain Development to **protect the existing wetlands from pollution** from resident applied fertilizers, pesticides and fungicides. In the years ahead it is naive to think that ChemLawn or other services will honor the restriction that *“No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).* ECC Planning Board comment, September 15, 2005.”
4. Require Kain Development to **save every mature tree in the forest** that is not in the immediate construction and road areas. According to the current environmental impact statement, Kain plans to remove all of the trees. This area has historically contained forested neighborhoods. A forested development like the nearby Country Knolls sections will have higher real estate values and also help protect some of the existing wildlife that lives in this forest.
5. Require Kain Development to **prepare a Draft Environmental Impact Statement**. This impartial analysis will show the significant adverse environmental impacts of the proposed subdivision and examine how these impacts can be avoided or minimized. This Environmental Quality Review will also weigh our quality of life concerns versus the commercial interests of the developer.

And worth repeating from our November letter,

6. Require Kain Development to **post a long term bond** that will reimburse any homeowners with adjacent land and future homeowners of the subdivision, for any and all water damage to their property and homes. Many of the adjacent homes have recurring water problems. The proposed subdivision, as described in the builder's plans, is insensitive to existing problems and will certainly cause more severe problems in the future.

In closing, we reiterate our comments presented at 2:15am on December 14. The Clifton Park Planning Board is the only advocate that we have to protect our property and lifestyle. Chairman Bulger, we look to your Planning Board to provide objective and fair recommendations for responsible development in Clifton Park.

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.