

## Comments from Kain Development Public Hearing

February 14, 2006

The following is a summary of the comments provided by those in attendance at the public hearing and those comments received in writing by the Planning Department regarding the proposed Longkill Subdivision application submitted by Kain Development, LLC.

### **Mr. Jeffrey Baker, Young, Summer, Ward, Ritzenberg, Baker, and Moore, LLC**

Described the project parcel as “problematic” noting that it was very wet: development was delayed due to the characteristics of the site

Identified the following as issues of concern:

1. Evidence of the Frosted Elfin butterfly, an endangered species. *See PB #1*
2. FOLK, the applicant and the Town of Clifton Park should work to develop a better project. *See PB #2*
3. Illegal variance granted by the Fire Code Board of Appeals to allow (20) residences on a single entrance drive *See PB #3*
4. Potential damage to existing residences bordering the property due to the following: (A)extensive clearing of the site; (B)the addition of fill to the site; (C) disturbance of existing wetlands and ground water levels *See PB #4 (A, B, and C)*
5. Ancillary problems include the number of truck trips necessary to bring fill to the site; changes to the existing natural character of the site by raising grade of the property. *See PB #5*
6. No quantifiable calculations for the amount of stormwater - no assurance that the stormwater retention basin as proposed will be adequate *See PB #6*
7. His recommendation: that the Board issue a positive declaration pursuant to SEQRA and require the completion of an Environmental Impact Statement, if not they will be subject to an Article 78 proceeding. *See PB #7*

### **Board Comment:**

#### ***PB#1 Threatened and Endangered Species***

***The applicant has provided a letter from NYSDEC, Endangered Species Unit that confirms the population site of the state threatened frosted butterfly. The agency correspondence, dated August 19, 2005, concludes that the writer “does not anticipate that the project will negatively impact the frosted elfin.” Furthermore, the revised plans were sent to DEC and they provided a signoff on 3-3-06 which stated “This letter will serve to repeat my earlier correspondence regarding the potential for impact to the state threatened frosted elfin butterfly. With the paved entrance road to the subdivision going over the gravel road, I do not anticipate impact to the frosted elfin. No other endangered species has been identified on the parcel. The signoff from DEC satisfies the Planning Board that all regulations involving endangered species are being met.***

#### ***PB#2 Community/Public Input***

***The Planning Board believes that the speaker’s expressed goal of working with the Board to create a viable project is commendable. The Board is committed to applying Town law as well SEQRA law fairly and reasonably to all applications that it reviews. While the Board respects the rights of those involved in the Friends of Longkill (FOLK) organization, it is important that the citizens of our town***

*are aware of the ramifications of an Article 78 court proceeding on this project. If the Board denies this application on what is proven in court by the applicant to be for arbitrary and capricious reasons, there is a possibility that the judge could rule that the Planning Board will cease to have any further say regarding the project. This could mean that some, if not all, of the concessions the applicant has offered could be ignored. This is unacceptable to the Board and reinforces our commitment to ensure that the review process follows all applicable laws, rules, and standards, and that our judgment is based upon solid NY State case law.*

#### ***PB#3 Emergency Services***

*The action of the Fire Code Board of Appeals was taken in accordance with §73-8 of the Town of Clifton Park Town Code. As a “legal function similar to judicial interpretations and review that do not result in a decision to approve, fund, or undertake an action, except indirectly,” it would appear that this decision is not subject to SEQRA. Furthermore, the Fire Code of Appeals Board issued an advisory opinion to the Planning Board regarding the appropriateness of having 20 lots off one access. Though the Planning Board relies heavily on the advice and input from the ESAB, the Planning Board retains the final decision-making power as to how many lots are allowed one access.*

#### ***PB#4(A) and (B) Site Fill and Grading***

*The proposed site clearing and disturbance must be completed in accordance with all Town laws, including Town Design and Construction Standards. Of particular note are §86-7(B)(1) that requires that “existing vegetation on a project site be retained and protected as much as possible to minimize soil loss from the project site and §86-10(A) (1) states that “the only trees that can be removed from a construction site are those necessary for approved construction to be completed. In addition, the Planning Board is requiring a minimum 50 foot buffer to be deed restricted around the portion of the parcel that abuts nearby residences. A tree survey will be required to be completed to determine which trees will need to be maintained and which ones can be removed. The grading and clearing plans for the site have been reviewed by the Town Engineer, Clough, Harbour, and Associates. The applicant will be required to comply will all recommendations offered by the Town Engineers. It should be noted that the grading proposed for this parcel is similar to that required on most of the development sites throughout the Town. At this time, it appears that this project meets the standards for grading and filling to the satisfaction of our staff and consulting engineers. We believe these requirements will mitigate the visual and privacy impacts to the adjacent parcels to the satisfaction of the Planning Board. See also PB #9*

#### ***PB#4(C) Wetlands***

*The majority of wetland disturbance on the site is proposed for non-jurisdictional ACOE wetlands; the minor disturbances proposed to the ACOE Jurisdictional Wetlands are within permissible levels allowed by ACOE. In addition, the applicant has mitigated the wetland disturbance by reducing the number of lots and revising the layout of the project. This wetland disturbance totals 794 S.F. on the jurisdictional wetlands and 1,126 S.F. on the non-jurisdictional wetlands. These minimal disturbances are covered under Nationwide Permit #39. It is the opinion of the Board that, the applicant has taken considerable measures to ensure protection of the important wetland resources on the parcel.*

*Regarding groundwater levels, the applicant must meet all Building Code requirements that the houses constructed must be built a certain height above the existing groundwater table. Regarding impacts of the project on groundwater on neighboring properties, the applicant must satisfy our professional staff and consulting engineers that there will be no negative impacts based on standard engineering and construction principles.*

### ***PB#5 Construction Noise and Impacts***

***Typically for projects that are located near existing residences, the Planning Board will place “Limits on Hours of Construction” for the project. This will mitigate the noise and other impacts associated with construction of the subdivision. The Planning Board recognizes that this is currently an undisturbed natural site, this area has not been previously designated by any agency or authority as an open space or otherwise protect parcel. The applicant has the right to develop the property in accordance with the underlying zoning regulations. The residential subdivision being proposed conforms to the existing character of the surrounding neighborhoods. In response to the question on grading and filling refer to PB #4A and B.***

### ***PB#6 Stormwater Management***

***The applicant has submitted a comprehensive Stormwater Pollution Prevention Plan that has been reviewed by the Town Engineer as well as the the Town’s Environmental Conservation Commission (ECC). This plan must comply with current standards and required methods of drainage control that prevent pollutants from leaving the project site. In general, post development runoff from the site cannot exceed pre-development runoff. Town of Clifton Park design standards require that “safe conveyance of a one-hundred-year storm shall also be provided. If peak flow attenuation or stormwater quality facilities are included in a proposed development, the storm drain system shall be designed so that runoff generated along a one hundred-year storm is routed through these facilities.” §86-7C(1)(a) of the Town Code states that “the discharge rate and runoff volume from the project site should not be substantially altered from predevelopment conditions... Stormwater runoff should be controlled so that during and after development no greater peak flow will be discharged from the project site than was discharged prior to development.”***

### ***PB#7 SEQRA Process***

***The Board has required that the applicant complete a long EAF. Though this application is identified as an unlisted action pursuant to SEQRA, the Planning Board has required that Type I procedures be used for review, providing significantly more scrutiny that generally required for similar applications. The rigorous review of all possible impacts identified in the EAF will provide a reasonable and responsible basis for Board action.***

***Mr. Scott Dochat, 22 Hearthside Drive***

- 1. Concerned with runoff into the isolated wetland areas. See PB #8***
- 2. Wants to know where the water/drainage will go next re: his property. See PB #6***

### **Board Comment:**

### ***PB#8 Isolated Non-Jurisdictional Wetlands***

***Disturbance of isolated wetland areas is permitted by the ACOE. Adequate grading and site preparation will be required to prevent run-off from these areas to adjoining properties. Clough, Harbour, and Associates will be charged with ensuring that the project design will preclude drainage from this site impacting existing residential properties.***

***Mr. Bill Lorensen, 14 Hearthside Drive***

***Presented a PowerPoint presentation that illustrated the “Wetland paradox” that generally compared “theory” with “reality”: the presentation generally illustrated through photographs the existing characteristics of the Kain property including areas of ponding, wildlife, and forest Identified the following issues of concern***

- 1. Increased drainage flow to his property that would result in flooding of property and basement See PB #6***

2. Diminishment of woodland area - Less privacy for his family *See PB #4*
3. Recommended The establishment of a buffer area protected by a conservation easement between existing residences and proposed homes *See PB #9*
4. Recommended the installation of a berm between homes along Hearthsides Drive and new residences to restrict water flow *See PB #10*
5. Recommended a reduction in the number of proposed homes *See PB #11*
6. Recommended an alternative lay-out that would move proposed homes away from existing ones *See PB #12*
7. Recommended that a positive declaration pursuant to SEQRA and preparation of an EIS *See PB #7*
8. Recommended that the applicant should post a long term bond to protect homeowners against drainage issues. *See PB #13*

**Board Comment:**

***PB#9 Buffer Areas and Land Conservation Areas***

*The establishment of a buffer is an excellent suggestion. The applicant has agreed to establish a conservation easement area for the proposed 50' buffer provided between proposed new homes and existing residences. In addition, all jurisdictional and non-jurisdictional wetlands will have these same restrictions. This area would be governed by the following ECC note regarding such areas:*

*The following uses/activities shall not be allowed within the designated Land Conservation Area(s)/Easement(s):*

1. *Construction of principal or accessory buildings including sheds, barns, and other improvements including, but not limited to pools and fences.*
2. *Grading of land.*
3. *Clearing of vegetation, including any pruning of brush, dead wood, etc.*
4. *Installation of any utilities, either above ground or below ground.*

*The Land Conservation Area(s)/Easement(s) shall be established by deed restrictions for each respective lot. Each existing or future purchaser/owner of each respective lot with a Land Conservation Area(s)/Easement(s) shall be provided with a copy of the plan. Any modifications to the Land Conservation Area(s)/Easement(s) must receive prior approval from the Town of Clifton Park Planning Board. These restrictions will be incorporated into any proposed deeds for conveyances of these parcels of land. The locations of the Land Conservation Areas will be identified on the subdivision plans and should protect the "buffer areas" of vegetation left following construction. Land Conservation Areas will be established as opposed to Land Conservation Easements, as easements are only established when certain rights are being given to another party, in this case a local land preservation agency. Because no such group has come forward requesting the easements be granted to them, Land Conservation Areas, which have similar restrictions, will be utilized. Restrictions such as these that are placed on the subdivision plans are enforceable by the Town through its Code Enforcement Officer. The deed restrictions, which will also be established, are enforceable by other lot owners within the subdivision.*

***PB#10 Construction of a Berm***

*The idea of a berm was discussed by professional staff and engineers. The idea was rejected because it would cause significant disturbance to the buffer area, and may in fact worsen existing drainage problems for neighboring residences.*

***PB#11 Density of Development***

***The Planning Board will determine what the number of lots on the property will be. As presented, the subdivision meets all applicable space and bulk requirements for the R-1 zone.***

***PB#12 Alternative Layout***

***The applicant is working with the Planning Board to properly space the lots/homes to both mitigate impacts to existing residences and to allow for a reasonable layout for the new homes.***

***PB#13 Requiring a Long Term Bond***

***The Town has no authority to require the posting of a long-term bond for potential damages to existing residents. A security deposit or Letter of Credit is required for the construction of the project. This will not be released until the roads are dedicated and the subdivision is constructed per the approved plans. On-going engineering inspection of the work is conducted by John M McDonald Engineering and reports are submitted to the applicant and the Town at regular intervals. All on-site work is monitored to ensure that it is completed in accordance with subdivision plan approvals and the Town's design and construction standards. Refer to PB #6 on drainage and stormwater issues.***

***Mr. Larry Brown, 20 Hearthside Drive***

Provided description of the recent re-construction of a manhole that indicated the presence of a high ground water table in the area.

Identified the following issues of concern:

1. Drainage from the proposed site development ***See PB #6***
2. Elevations of the homes & streets. ***See PB #4***
3. Protecting existing trees. ***See PB #14***

**Board Comment:**

***PB#14 Tree Protection***

***The Planning Board has advised the applicant to place the clearing limit lines on the plans. If approved, these limits will be monitored closely by Town Engineers and staff during the development of the project. In addition, the board has requested that all large trees within the lot areas be surveyed to determine which ones can remain.***

***Ms. Margaret Catellier, 26 Royal Oak Drive***

Provided a personal account of her family's experience with a high water table

Identified the following items of concern:

1. Use of sump pumps and the impact of a high water table on homeowners ***See PB #15***
2. Recommended that no Planning Board approval for lots that may require sump pumps or be impacted by a high water table. ***See PB #15***

**Board Comment:**

***PB#15 Basement Drainage for New Homes***

***All new homes are required by the NYS Building Code to provide either a sump pump or gravity line to drain the basement. If sump pumps are proposed they will be discharging into the stormwater management system in the street. All new homes require either a gravity drain or a sump pump, therefore the Planning Board can not prevent new house construction if a sump pump is proposed.***

***Mr. Robert Vawter, 10 Hearthside Drive***

Described the characteristics of the Kain parcel that he observed during 22 years of walking his pets there.

Identified the following items of concern:

1. 1-2 dozen pools of standing water indicative of a serious water problem in the area, where will the drainage go? **See PB #6**
2. Potential for wet basements and water problems for those purchasing new properties **See PB #6 and PB #15**
3. Disturbance of a significant wildlife habitat **See PB #16**
4. Preparation of an EIS **See PB #7**

**Board Comment:**

***PB#16 Parcel Character/Characteristics***

***Though the Planning Board recognizes that this is currently an undisturbed natural site, this area has not been previously designated by any agency or authority as an open space or otherwise protected parcel. The applicant has the right to develop the property in accordance with the underlying zoning regulations. If approved, this project will be consistent with the existing character of surrounding neighborhoods.***

**Mr. Tony Wassenaar, 85 Longkill Road**

Presented a petition containing 357 signatures basically asking that Kain be prevented from proceeding with its current conceptual design which would negatively alter the entire 18 acres off Longkill Road with residences, access roads, driveways, cul-de-sacs, drainage swales, sewage and water lines, that an EIS be completed, that an alternative conservation design be presented, and that the owner/developer work with conservation groups to conserve at least fifty percent of the forest, excluding wetlands and perennially wet pools, etc. **See PB #17 and PB #30**

**Board Comment:**

***PB#17 Public Opposition***

***Regarding the number of petition signatories and other citizens opposed to this application, the Planning Board will consider specific points that are raised to be included in our evaluation of a project. However, it is also quite clear that a denial will not be sustained in Court by the generalized objections of an adjacent property owner or by community disapproval of the use. North Shore Equities, Inc. v. Fritts, 81 A.D.2d 985, 440 N.Y.S.2d 84 (3d Dept. 1981); Fitzner v. Beach, 174 AD2d 798, 571 NY2d 119 (3rd Dept. 1991). In other words, whether one person or a thousand are opposed to or in favor of a particular project, that fact in and of itself is not grounds for a Planning Board denial or approval. It is also noted that there are a significant number of signatures on this petition that are not only not located near this project, but are not Town of Clifton Park residents.***

**Mr. Peter Looker, 22 Midline Road**

Described himself as Co-Chairman of Saratoga Greens, an organization that has four basic principles: non-violence, economic and social justice, grassroots democracy, and ecological wisdom.

Items of concern:

1. The creation of “climate chaos” **See PB #18**
2. Whether the Planning Board is “walking a sustainable path” **See PB #18**
3. Whether our children deserve to see natural beauty - frogs, birds, butterflies, etc. **See PB #18**
4. Whether frogs, ferns, birds, and butterflies deserve to live in natural habitats **See PB #18**

5. Recommended that municipalities use the planning process to help nature rejuvenate — not destroy it See **PB #18**

**Board Comment:**

***PB#18***

***The Board diligently reviews all applications, ensuring compliance with all SEQRA requirements and applicable laws. The Clifton Park Planning Board may use only those powers permitted under New York State Town Law. The majority of the issues outlined in this individual's comments do not fall under the purview of the Planning Board. The primary job of the Planning Board is to ensure that all of the many laws, regulations, and codes that are issued by the Federal, State, County, and town are applied fairly and consistently to each application that comes before us.***

**Mr. William Mackesey, 12 South Hollow Drive**

Spoke in his capacity as Longkill Park District Chairperson

Items of concern:

1. Recommended that the developer provide a trail connection to Parkside Trail. See **PB #19**

**Board Comment:**

***PB#19 Trail Development***

***The Planning Board enthusiastically supports trail development and notes that the installation of a multi-use pathway trail connection as part of this project was requested at the initial project review.***

**Ms. Gayle Wassenaar, 85 Longkill Road**

Ms. Wassenaar, as an adjoining property owner that currently owns and maintains the access to this development, listed a number of concerns.

Items of concern:

1. "Strange water situation" - water continually enters her basement even though her family has spent nearly \$10,000 to correct the situation, yet her well went dry **See PB #6**
2. Drainage from the proposed development would flow directly to her property intensifying the existing water situation and possibly impacting her septic **See PB #6**
3. Possible disruption of existing utility lines - gas, electric, telephone, etc. to their home. **See PB #20**
4. The proposed 50' buffer surrounding the site that is reduced to 40' along her property line **See PB #21**
5. Proposed site clearing that is not in accordance with the Comprehensive Plan or its stated goals and strategies **See PB #4**
6. Discharge of water into the delineated wetland and possible flow directly to the adjoining property owned by Carlson **See PB #6**
7. Maintenance of the proposed stormwater management area **See PB #22**
8. Ownership of the proposed entrance road - its maintenance and tax liability **See PB #23**
9. Recommended a Positive Declaration and the preparation of an EIS. **See PB #7**

**Board Comment:**

***PB#20 Impacts to Neighbors Utility Service***

*The Board will require a note to the plan that requires the developer to ensure that there is no interruption of utility service to the Wassenaar residence. In addition, a plan must be provided outlining the procedure that will be followed to eliminate and reconnect the Wassenaar's utility connection.*

***PB#21 Specific Adjustment to 50' Buffer***

*Although the Board recognizes the importance of providing a 50' buffer around subdivision boundaries, the applicant's proposal to transfer a 10' strip to the Wassenaars while providing a 40' adjoining strip appears reasonable since the Wassenaars would assume ownership of the parcel and have total control of its use.*

***PB#22 Stormwater Management Responsibility***

*The stormwater management area will likely be conveyed to the Town: its maintenance will become the Town's responsibility. This is typical of all proposed subdivisions.*

***PB#23 Final Road Ownership***

*The conveyance of a road to the Town generally occurs when least half of the approved number of residences has been constructed and when the roadway has been deemed constructed in accordance with construction and design standards. It is regrettable that communication has not been on-going between the Wassenaars and the applicant. This proposed roadway has been proposed for some time as it is referenced in the deed for the Wassenaars' property.*

***Mr. Bill Wockenfuss, 4 Harvest Place***

Described a seasonal stream that traverses an area near his home.

Items of concern:

1. Increased water flow from the proposed subdivision to his property *See PB #6*
2. Contamination of his property by pesticides and fertilizers used on adjoining properties. *See PB #24*

**Board Comment:**

***PB#24 Non-Point Source Pollution Issues***

*The following ECC note is required for all subdivision plans:*

*No salts, fertilizers, pesticides, or other material may be used on this property where they will contaminate any wetland areas or surface water through run-off, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).*

***Ms. Lynn Larson, 88 Longkill Road***

Explained that she was extremely concerned with traffic safety

Items of concern:

1. The number of vehicle per day from the subdivision - by her calculations more than 100 *See PB #25*
2. The excessive speed of vehicles traveling on Longkill Road *See PB #26*
3. Recommended that speed limits be enforced on Longkill Road *See PB #26*

**Board Comment:**

***PB#25 Proposed Traffic Impacts***



***Clough, Harbour and Associates has reviewed the potential traffic generated from this proposed subdivision. It has been determined that the additional traffic that this project will produce will not have a negative impact on the existing infrastructure.***

***PB#26 Posted Speed Limit***

***The Planning Board encourages the enforcement of the existing speed limit.***

***Ms. Deirdre Schuth, 5 Woodridge Court***

Described herself as a new resident who was requesting that the Board consider the difference between “progress” and “development”

Items of concern:

1. The intensity of development throughout the Town of Clifton Park ***See PB #27***

**Board Comment:**

***PB#27 Board Review Policy***

***The Board applies all applicable laws to all applications it reviews. The Board reiterates its concern that rendering an “arbitrary and capricious” decision would not serve residents well.***

***Mr. Gerry Meehan, 8 Hearthiside Drive***

Discussed the proposed stormwater retention area

Items of concern:

1. Overflow of the undersized retention area that would prevent access to the subdivision by emergency vehicles ***See PB #28***

**Board Comment:**

***PB#28 Stormwater Management Plans***

***All stormwater management plans must meet current regulations and acceptable standards. The ESAB and Fire Marshall has reviewed these plans and finds no safety concerns with the proposed layout. §86-7C of the Town Code states that “flood control standards are intended to ensure that stormwater runoff is safely conveyed through a development site to minimize erosion...and to reduce flooding related to land development and urbanization.” The applicant will be required to comply with all such standards.***

***Mr. David Gibson, 107 Longkill Road***

Described the proposed development as “poorly fitting into the landscape it wishes to inhabit” and noted that it would produce many environmental impacts. Mr. Gibsons concerns are as follows:

1. Disturbance of existing ground water and drainage patterns ***See PB #6***
2. Loss of wildlife habitat ***See PB #16***
3. Supposition that this area drains to an existing R-16 wetland lying to the north - this area is part of a more expansive network of wetlands ***See PB #29***
4. Area is a dense wood frog breeding habitat. ***See PB #16***
5. Recommended that the board issue a positive declaration and have the applicant complete an EIS. ***See PB #7***

**Board Comment:**

***PB#29 Wetland Determination***

***Prior to any board approval, a signoff will need to be provided from both NYSDEC and the ACOE on the wetland delineation. The Planning Board relies on these agencies and their expertise in this area to make the determinations on the locations of the wetlands. In addition, maps were provided that show possible ACOE and DEC regulated wetlands on this parcel. It should be noted that these maps are taken from a large scale regional map. These maps are used to alert the applicant and Town of possible wetlands. In all cases, the field delineation, and ultimately the Jurisdictional Determination Letter (JD Letter) from the ACOE or signoff from DEC on the wetland delineation is deemed to be the final location of the wetlands.***

**Mr. Bill Engleman, 6 Partridge Plateau**

Mr. Engleman provided a written statement to the board. The main items expressed by Mr. Engleman include:

1. Stormwater run-off entering wetlands that would carry pesticides and fertilizers ***See PB #6***
2. A land use style that disturbs and destroys natural areas ***See PB #16***
3. Elimination of natural features such as wetlands, stream corridors, vernal pools, and wildlife habitat ***See PB #16***
4. Recommended the use of an open space design that would protect open space areas ***See PB #30***
5. Recommended the board issue a Positive Declaration and have the board prepare an EIS. ***See PB #7***

**Board Comment:**

***PB#30 Applicable Subdivision Standards***

***The recommendation regarding the use of an open space design is noted. The applicable Open Space Subdivision legislation requires minimum of 20 acres for such a design plan: the parcel under review is 18 acres. Preparation of a cluster plan is a voluntary action, under existing, applicable code.***

**Mr. Dan Shuth, 5 Woodridge Court**

Expressed his satisfaction with the “overwhelming sense of care and commitment” shown by those who attended this public hearing

Items of concern:

1. Failure of developer to do more than “meet the minimum threshold of acceptability” ***See PB #18***
2. Recommended that the board issue a Positive Declaration and order the applicant to prepare an EIS. ***See PB #7***

**Board Comment:**

***PB#31 Responsiveness to Public Comments***

***The Planning Board has requested numerous changes on this application from the applicant over the original submission. To this point, the applicant has agreed to a majority of the changes that the Planning Board has asked for. In the cases where the changes were not incorporated, proper justification was provided to the board.***

**Mr. Ronald VanArnum, 67 Longkill Road**

Expressed concerns regarding the proposed installation of the water line to serve this development

Items of concern:

1. The effect the installation of the water line will have on his existing well *See PB #32*
2. Wetlands - how are they impacted? *See PB #29*

**Board Comment:**

***PB#32 Impacts of the Water Line Installation***

***The applicant must ensure that there are no adverse impacts to adjoining properties. The applicant is proposing to provide municipal sewer and water to this project, therefore, further preventing any disruption to the neighboring well.***

**Ms. Susan Gibson, 107 Longkill Road**

Described the rural characteristics of the Town that have made it so attractive to and asked that the Planning Board limit future development

Items of concern:

1. Rural character is being lost through the development of parking lots for commercialization, endless consumption, polluted highways, and cookie cutter subdivisions *See PB #16*
2. Areas of natural beauty such as forests are being lost *See PB #16*
3. Wildlife habitat is being eroded *See PB #16 and PB #33*
4. Recommended that the Planning Board limit approvals of subdivisions that would destroy wetland, woodlands, and wildlife habitat *See PB #16 and PB #33*
5. Positive declaration pursuant to SEQRA *See PB #7*
6. Completion of an EIS *See PB #7*

**Board Comment:**

***PB#33 — Neighborhood Characteristics***

***This project is consistent with the development surrounding this property. The applicant has a right to develop this property in accordance within the guidelines established by the Town.***

**Comments from the Kain Public Hearing**

**April 11, 2006**

**Mr. Bill Balfourt - 173 Hubbs Road**

Explained that damages to his lawn and property resulted from construction undertaken by the applicant's firm - Kain Development. He identified the following specific items of concern.

1. The applicant (or the applicant's development company) is apparently unconcerned with problems that construction creates for those residing in close proximity to the area under development *See PB #34*
2. The applicant has been unresponsive to Mr. Balfourt's concerns and has not offered to pay for repairs to his lawn and property *See PB #34*
3. He recommended that the Board should ensure that such damages to existing neighboring homes do not result from Kain's development plans *See PB #13 and See PB #34*

**Board Comment:**

***PB#34 - Actions of Individual Associated with Kain Development***

***These concerns are in relation to the activities of a certain individual associated with Kain Development. The Town has been notified that this individual is no longer associated with Kain Development.***

**Mr. Jeff Baker — Young, Sommer, Ward, Ritzenberg, Baker, and Moore, LLC**

Identified the following items of concern:

1. Development of the site will result in the removal of forested cover, pristine wetlands will be filled, and the site will be raised approximately 4 feet ***See PB #4***
2. There will be negative environmental impacts to forest areas and wetlands ***See PB #4***
3. Major drainage issues - including increased ponding of water on adjoining properties and increased water seepage in basements of adjoining homes - are likely to result from development of the site ***See PB #6, #15***
4. Development will encroach on the habitat of threatened wildlife species ***See PB #1***
5. Visual impacts will result from the removal of trees, construction of homes, and deterioration of the existing neighborhood character ***See PB #9, PB #35***
6. Construction related impacts including the removal of vegetation, topsoil, the placement of fill, and the noise associated with truck and construction have not been analyzed ***See PB #4, PB #5***
7. Mr. Baker recommended that the board issue a positive declaration pursuant to SEQRA and require the preparation of an EIS ***See PB #7***
2. Mr. Baker recommended that a Visual EAF be prepared ***See PB #36***

**Board Comment:**

***PB#35 Visual Impacts***

***This development is being proposed in a manner consistent with all applicable federal, state, and local codes. The proposed density of this development is consistent with the single family homes located in close proximity to the project. The combination of the establishment of no-cut buffers and the deeding of a strip of land to a neighboring property owner will mitigate the visual impacts of the project. The applicant has reduced the density of the project by two lots, thus further reducing visual impacts.***

***PB#36 Documentation***

**Prior to any board decision, all necessary documentation related to all applicable rules and regulations will be completed.**

**Mr. Bill Lorensen - 14 Hearthside Drive**

Listed previous letters submitted regarding this application but focused on the grading plan that was submitted at the last meeting that indicated that 95% of the forested land in the subdivision would be removed - Mr. Lorensen requested that the Board deny the application

Identified the following items of concern:

1. Fill ranging from 2 feet to 8 feet will be necessary throughout the subdivision according to the grading plan ***See PB #4***
2. The proposed clearing and grading plans show that the “out-of-state” developer is insensitive the type of development expected in Clifton Park - the plan is “not in keeping with the construction practices employed in the neighboring subdivisions where native vegetation has been retained and protected ***See PB #4***

3. The ACOE will likely conduct another visit to the parcel before issuing a sign-off letter on the wetland delineation *See PB #30*
4. Submitted a grading plan that show the relative changes in elevations of the existing properties, and the proposed grade changes on the Kain parcel *No response necessary, Mr. Lorensen was referencing a drawing that he prepared.*
5. Mr. Lorensen recommended that the buffer zone to be a conservation easement zone *See PB #9*
6. Mr. Lorensen recommended installing a 3-4' berm on the easement area *See PB #10*
7. Mr. Lorensen requested that all members of the Board visit the site *See PB #37*
8. Mr. Lorensen requested that an inventory of all mature trees be completed. *See PB #14*
9. Mr. Lorensen recommended reducing the density of the project by reducing the number of lots *See PB #11*
10. Mr. Lorensen requested that the developer post a long-term bond that would be used to correct any water damage to existing properties and homes *See PB #13*
11. Mr. Lorensen requested that the board require the preparation of a full EIS *See PB #7*
12. Mr. Lorensen requested that the Board deny the subdivision application *No response required, personal opinion of Mr. Lorensen*
13. Mr. Lorensen encouraged early meetings between the developer and existing residence: in an effort to define issues of concern and produce a plan acceptable to all *See PB #38*

**Board Comment:**

***PB#37 Site Visits***

***The Planning Board Chairman has also requested that all members visit the site. It was acknowledged at the last Planning Board meeting that the majority of the members have visited the site on at least one occasion.***

***PB#38 Public Hearing Process***

***The public hearing process gives the neighbors an opportunity to discuss their concerns with the developer. Meetings between the developer and citizens prior to any formal submission to the Town is not required.***

**Mr. Bob Zimmer - 14 Woodstead Road**

Described himself as a 36-year resident of Woodstead Road who recently became a member of the FOLK group and provided a number of photographs of natural features of the property  
Mr. Zimmer identified the following items of concern;

1. Groundwater on the parcel *See PB #4, PB #6*
2. Drainage problems and wet basements for existing residents *See PB #4, PB #6*
3. Mr. Zimmer recommended a reduction in the proposed number of homes to 7' or 8 *See PB #11*
4. Mr. Zimmer recommended protection of wetland areas and existing trees *See PB #9, PB #14, and PB #18*

**Board Comment:**

**Ms. Sue Wareing — 15 Hearthside Drive**

Ms. Wareing questioned the right of an “out-of-town” developer to develop this site in Clifton Park, noting that someone who was not from the area would not be as concerned with the protection of its

natural resources

Ms. Wareing recommended

1. Protection of the natural terrain **See PB #9, PB #14**
2. Preservation of the forested area **See PB #14**

**Mr. Dave Gibson - 107 Longkill Road**

Expressed concerns that charges involving violation of wetland protection law were filed against an individual who was formerly associated with this application and also expressed concerns that the area's vernal pools will be forever changed

Mr. Gibson identified the following items of concern

1. Elimination of the vernal pools on the property that create breeding grounds and habitat for amphibians and other animals **See PB #4**
2. Mr. Gibson recommended that the Board reconsider the entire application ***No response necessary, application has appeared before Town since September, 2004, numerous revisions have been made to the plans during this time.***
3. The Town should create a preserve that connects to Longkill Park **See PB #16**
4. Protect and preserve the wetland areas, including "isolated" wetlands and vernal pools on the Kain property **See PB #4, PB #8, PB #18, PB #30**
5. Protect natural habitat area **See PB #4, PB #8, PB #18, PB #30**

**Ms. Susan Gibson — 107 Longkill Road**

Described a world that is "trembling and crumbling around us" and expressed concerns regarding the loss of woods and for its inherent beauty and the loss of wildlife habitat

Read from e-mail correspondence she had with a Siena college professor who also expressed his despair over the lack of concern for natural resources and nature's creatures

Ms. Gibson identified the following items of concern

1. Destruction of a "very special place" within the Town **See PB #16**
2. Loss of forested areas and wetlands that provide habitats for amphibians and other animals including the endangered Frosted Elfin butterfly **See PB #1, PB #4, PB #9, PB #14, PB #16**
3. Require the completion of a full EIS **See PB #7**
4. Prevent the destruction of natural habitats **See PB #16**

**Ms. Gayle Wassenaar — 85 Longkill Road**

Explained that her concerns include disturbance to existing wetlands, the establishment of a no-cut buffer along all property boundaries, land clearing, stormwater management areas, and drainage

Identified the following items of concern:

1. Clearing of 72% of the project site **See PB #4, PB #14**
2. Identification of National Grid and other utility easements on the plan **See PB #20, PB #39**
3. Establishment of a 50' no-cut buffer along all property boundaries **See PB #9**
4. Location of the stormwater management area since it was likely to collect paper and other debris **See PB #22**
5. Maintenance and tax liability for the proposed entrance road since her and her family are the current owners of record **See PB #23**

6. Increased drainage flows to her property as a result of the proposed clearing, grading, and filling of the site **See PB #6**
7. Drainage from the construction site to the adjoining property reputedly owned by Carlson **See PB #6**
8. Require the developer to reduce the amount of clearing in accordance with the Town's Comprehensive Plan **See PB #4**
9. Encourage the applicant to research documents at the Court offices that would provide accurate information regarding easement locations **See PB #20**
10. Require the establishment of a 50' buffer along all property boundaries **See PB #9, PB #21**
11. Require relocation of the stormwater management area **See PB #22**
12. Provide information to her regarding the maintenance of the proposed roadway and information regarding tax liability for the area that she currently owns **See PB #23**
13. Require that the developer prevent drainage to adjoining properties **See PB #6**
14. Require the completion of a Full EIS **See PB #7**

**Board Comment:**

***PB#39 Utility Easements***

***Easements with accurate metes and bounds information must be provided on the final submission submitted for stamping by the Planning Board Chairman.***

**Ms. Sharon Hiltbrunner – 84 Longkill Road**

Stated her opposition to the subdivision application

Ms. Hiltbrenner identified the following item of concern:

1. Encroachment of her property during installation of the proposed sewer line **See PB #40**

Recommendations: None

**Board Comment:**

***PB#40 Encroachment***

***The applicant will be required to submit plans for off-site infrastructure construction. On-site inspections of utility connections are conducted by licensed engineers employed by the Town or the sewer district to ensure that all lines are installed in accordance with the approved subdivision plan and all applicable design and construction standards.***

**Mr. Dan Shuth - 5 Woodridge Court**

Described various lay-outs for subdivisions and stated his preference for those that required the preservation of existing vegetation and those that required provided visual interest by “angling” homes Identified the following items of concern:

1. Significant clearing of the site **See PB #4, PB #14**
2. Loss of privacy for existing residents **See PB #9**
3. Recommendations:
4. Extend the 50' no-cut buffer to all site boundaries **See PB #9, PB #21**
5. Require the completion of a Full EIS **See PB #7**

**Mr. William Engleman - 6 Partridge Plateau**

Focused upon the issues of full study and disclosure, impacts of the project that may extend beyond the Town boundary, uncreative sprawl, and design flaws that would result in impacts to natural resources and animal habitat

Identified the following items of concern:

1. Problems of enforcement of maintenance of the no-cut buffer **See PB #9**
2. Lack of protection for wetland area **See PB #4**
3. Diminishment of natural habitat for wood ducks, wood frogs, and other animals **See PB #1**
4. Inducement for incremental growth along the Longkill corridor **See PB #41**
5. Concern that an individual formerly associated with the project has allegedly violated the freshwater wetland act **See PB #34**
6. Issue a positive declaration pursuant to SEQRA **See PB #7**
7. Consider the effects of cumulative growth on the Longkill corridor **See PB #41**
8. Encourage the preservation of wetland areas and natural habitats **See PB #4**
9. Require that all wetlands and buffer areas be included in conservation easements **See PB #9**

**Board Comment:**

***PB#41 Consideration of Cumulative Growth***

***The proposed development site is located in an area of existing residential subdivisions. The applicant is required to ensure that infrastructure capacities are adequate to handle input from additional construction and to receive approval from involved agencies. Traffic impacts have been considered - see PB #25. The County Planning Board refers all applications within 500' of the municipal boundary for review. No projects have been proposed for parcels within the Towns of Ballston and Malta that lie within that buffer zone.***