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In Malcolm Gladwell's *Tipping Point*, a chapter on increasing crime in New York City in the 1990's describes how the trend was reversed. The city concentrated on areas like cleaning graffiti from subway cars. The author claims that this and other seemingly trivial goals may have led to a reversal of the crime trend.

This request for a fence in a restricted land preservation area is the graffiti for the Kain Preserve. If we permit this violation of the preservation area, future requests to remove trees, clear vegetation and construct accessories will be easier to justify and the spirit of the preservation area will be lost.

I want to be transparent here as I hope the Planning Board will be.

Eleven years ago, a group of neighbors near the Longkill Forest formed a group, FOLK, Friends of the Longkill. This grassroots community group was formed to advocate for the protection of important open space in the area, principally the 18.7 acres of woods and wetlands that is now called Kain Preserve. The original proposal by Kain Development was for 18 homes and a complete clear cut of the property.

The Planning Board, chaired by Steve Bulger, listened to arguments from October 2004 until June 2007. During that period, FOLK filed an Article 78 lawsuit against the Town, requesting the Planning Board to declare a positive SEQR declaration. FOLK, lost the suit. The neighbors spent almost \$30,000 on legal fees.

The Planning Board responded to FOLK with a document addressing 41 specific concerns. At that time, Chairman Bolger said that this was the most comprehensive response ever to a Clifton Park subdivision.

Having lost the battle for a positive SEQR review, FOLK accepted the concessions from the Planning Board.

Tonight I will discuss one of those concessions, the 50 foot Land Preservation Area. The intent of this area was to preserve a small portion of the forest and provide a natural buffer between the current and new neighborhoods.

Before I start, according to Zillow, PB Vice Chair Koval was the agent for the buyer of 5 Dhara Court, and according to the deed, PB Attorney Pelagalli was the attorney for the buyer. According to the mortgage on file with the County, a relative of the Vice Chair was the mortgage broker. I ask that Mr Koval and Mr Pelagalli recuse themselves from discussion and decisions regarding this item.

Some background.

- 1) The Bulger response, February 14, 2006.. (READ)
- 2) The notation on Subdivision Plan. (READ)
- 3) Deed for 5 Dhara. (READ)
- 4) Neighbors complaint. (READ)
- 5) Town response. (READ)

Here are my concerns.

- 1) I have looked at each deed for Kain Preserve and the deeds DO NOT have a deed restriction as promised by the Planning Board.
- 2) The PB promised that “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.” Can we assume that this homeowner has a copy?
- 3) The Town was notified about the illegal fence in August, but failed to stop its construction.

I understand that New York is a caveat emptor state regarding real estate. Chairman Ferraro has often said during prior meetings that a buyer in Clifton Park should perform due diligence on the property they purchase.

Given the fact that a PB member and a PB attorney were involved in this transaction, I assume the owner was well aware of the restrictions on the property.

I ask the Planning Board to reject the request for a proposed fence in the Land Preservation Area. The illegally installed fence should be moved outside of the preservation area.

There is more graffiti in this subdivision. (READ Tree Violation).