

Excerpted from the Clifton Park Planning Board Minutes December 13, 2005

[2004-047] Kain Development Group, LLC – Proposed (18) lot subdivision, Longkill Road – Revised conceptual review.

Mr. Frank Fazio, consultant for the applicant, presented the revised subdivision plan prepared for this application, reporting that the applicant has attempted to address the concerns identified by the Board at the September 15, 2005 meeting. The ESAB granted approval for an access from Longkill Road that serves (20) lots. The proposed stormwater management areas have been relocated to permit the establishment of a 50' wide buffer area between the proposed development and the new homes. The applicant has agreed to connect to the existing sewer at Parkside Trail. Mr. Fazio reports that the ACOE has confirmed the wetland delineation.

Mr. Kemper reported that this project last appeared before the Board on September 15, 2005. Since that time a number of letters have been received by the Planning Department. All of the letters were copied for review by the Board members. In general, the letters discussed ground water issues, wetland impacts, buffers to existing homes, loss of wildlife habitat, and a lack of confidence in the builder's ability to complete the project as approved. Some of the neighbors have also been in contact with the ACOE: those letters were also copied for the Board. The applicant received a variance from the Fire Code of Appeals Board on November 11, 2005: a note stating this should be added to the plans and all the conditions of the variance must be added to the plans. Sign-offs will be required from the Clifton Park Sewer District and the Clifton Park Water Authority. Mr. Kemper reported that coordinated review has not been initiated on this project. He recommended that a buffer area be provided along the Wassenaar property. A jurisdictional letter must be provided from the ACOE. Clearing limit lines must be illustrated on the plans. A multi-use path connection should be provided to Parkside Trail. A catch basin must be provided in the center of the cul-de-sac. Sheryl Reed, Chief of the Bureau of Fire Prevention, recommended that the entrance off Longkill Road be widened per the approved variance from the Fire Code Board of Appeals.

Mr. Grasso reported that the applicant appears to have responded positively to several of the comments included in the last review letter. The primary access road from Longkill Road and the southerly cul-de-sac at the end of the access road have been shortened. This change allows for deeper lots that provide greater separation between the existing homes in Country Knolls and the proposed houses. The plan also provides for a fifty foot wide no-cut buffer along the westerly property line. While these improvements are noted, the following concerns from the September 7, 2005 review letter appear unresolved, and will require additional attention. The plan should better define the property ownership arrangement that will result at the entrance to the proposed development. It appears the applicant is proposing to establish an ingress/egress easement over the existing lands now or formally of Wassenaar (Parcel 2). For the roadway to be dedicated to the Town, the roadway right-of-way must also be dedicated to the Town. The proposed easement would not be acceptable. The plan continues to show a "Proposed Ingress/Egress Easement". Any easements associated with the existing overhead transmission line that crosses the entrance road should be identified on the drawing. The power line referenced is not shown on the current drawing. If the line still exists, it must be shown and the plan and the information provided.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC

offered the following comments. The ECC requests that the applicant complete a long Environmental Assessment Form (EAF) prior to the preliminary review stage of the project. Due to the potential/observed high water table on the property, several lots may need to be reconfigured to prevent excessive water problems for future and existing residents. The ECC request an inventory of environmentally sensitive habitat. Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in federal wetlands.

Board members offered a number of comments on the revised plan. Mr. Russell commended the applicant for moving the internal roadway a bit to the east and stated that he approved of the lay-out design. Mr. Hughes agreed that the 50' buffer that was shown to the western portion of the site would increase privacy for the existing residents on Hearthside Drive. Mr. Karam noted that some isolated wetlands will be filled and he encouraged that applicant to achieve a 50' useable back yard area for each lot.

Mr. Bulger addressed members of the audience, stating that this evening's discussion did not include a public hearing. A public hearing will likely follow the next submission. The Chairman explained that a sign-off would be required from NYSDEC regarding impacts to endangered wildlife that may occur should the development be approved. The applicant will prepare preliminary plans.

Later in the minutes....

Mr. William Lorensen, 14 Hearthside Drive, describing himself as a life-long resident of Clifton Park, voiced his opposition to the proposed Kain Development project on Longkill Road. He stated that he was very concerned about the impacts to existing wetlands and to adjoining properties. He asked the Board to issue a positive declaration pursuant to SEQRA for the project. He submitted a compact disc to the Secretary which contains comments and letters he has prepared regarding the proposed development.