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## Planning board grapples with controversial development

By:GLENN GRIFFITH

CLIFTON PARK - A developer's request to build homes on a Longkill Road parcel continues to draw close inspection from neighbors and the planning board despite 18 months of review. Kain Development of New Jersey, wants to build 16 homes on a wooded 18.75-acre parcel on the west side of Longkill Road. Residents living near the area claim the land is too wet for the development.

Opponents of the project, organized under the acronym FOLK (Friends of Longkill), attend meetings in order to review the planning process. Many of the residents fear the changes to the land will flood their basements. FOLK hired an attorney and eventually filed a lawsuit in October against the planning board for its preliminary approval of the project. The court action was dismissed by state Supreme Court Judge Thomas D. Nolan Jr. in March. About 15 FOLK members attended the June 12 planning board.

Edwin Vopelak of CT Male represented Kain at the meeting. He told the board the company is revising its drainage plans and discussed methods of preserving a more of the parcel's mature trees. Vopelak said the company is negotiating with some of the neighbors to lessen their concerns, but acknowledged that some demands are not amenable to Kain officials.

Planning Board Chairman Steve Bulger said the board will take up the issues individually if there is no agreement forthcoming. One board member said he continues to struggle with the Kain project. Jim Larkin questioned the company's ability to do a true tree inventory.

"I have a low degree of confidence with any tree count after having dealt with this project for quite some time," Larkin said.

Larkin was the lone vote against giving the project's preliminary approval last June. The final tally at the time was four ayes, one no, one recusal, and one "no vote" due to an absence.

Despite the extended planning process, questions remain whether the planning board has received verification from the U.S. Army Corps of Engineers as to the mapping of the site's federal wetlands. Bulger told FOLK members he has received a verbal "sign-off" from the director of the Army Corps, but does not have signed paperwork.

FOLK's attorney Jeffery Baker questioned the verbal approval's acceptance as a factor in the project's final approval. Baker confirmed in his discussions with the board that FOLK has filed a notice of appeal as preparation for a formal appeal of the judge's decision. Other questions arose from members of FOLK. William Lorensen, of Hearthside Drive, questioned whether the board planned to provide a 50-foot "no-cut buffer" on each lot in addition to the board's standard 50-foot wetland buffer restriction. Lorensen said written answers from the planning board to comments made by FOLK members in a public hearing noted the additional buffer.

Bulger disagreed with Lorensen's interpretation of the answer to the group's comments, but acknowledged the possibility of an error in the text. Bulger acknowledged he was the author of the paper.

"If we agreed to that, those homes would have no backyards," Bulger said. "This board has never approved a residential project where homeowners would not have backyards. A restriction like that would gut the project."

FOLK member David Gibson also called attention to the lack of the written sign-off on the wetland mapping from the Army Corps of Engineers. "There were disagreements between the two staffs over the field study," Gibson told the board. "Documentation we've reviewed shows that. Have the disagreements been settled? Where is the written permit?" Afterward, Gibson spoke about the possibility of errors in the answers to FOLK's questions.

"Remember," Gibson said, "the board said this is the most rigorous environmental review in the history of the town for a project this size. Yet there is still no written permit and now we're being told there are errors in their comments to us." Baker also was uncomfortable with the board's position on the additional 50-foot "no-cut" zone.

"The court ruling on the site plans, and our position on SEQRA (state Environmental Quality Review Act), were based on the additional 50-foot "no-cut" zone," he said. "The ruling was conditioned on the board's comments to us. Now those comments are in question."

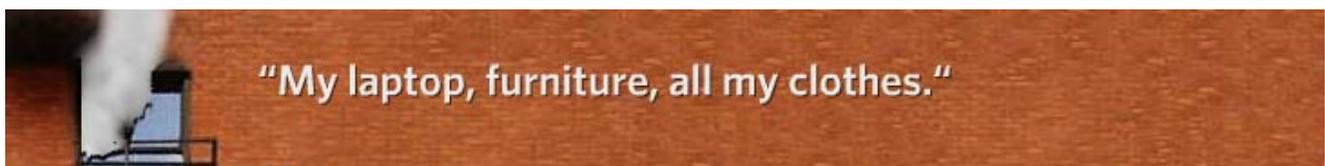
Kain representatives will return to the board at a later date after mapping the site's non-jurisdictional wetlands and creating plans for the tree survey.

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