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**VIA EMAIL: james.eldred@dec.ny.gov
AND FIRST-CLASS MAIL**

Hon. Amanda Lefton
c/o James J. Eldred
Commissioner
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1750

**RE: SEQR Lead Agency Designation Request
Prospective Action: Lake Otsego Properties**

Dear Commissioner Lefton:

Please be aware that our firm represents the Town of Otsego and the Town of Otsego Planning Board ("Otsego") relative to the Otsego's consideration of prospective plans sponsored by Fraydun Manocherian and Pamela Equities Corporation. Conceptual narratives and preliminary sketch plans developed by the sponsors indicate the project may entail some approximately 1,500 acres of development divided essentially equally between the Town of Springfield and Town of Otsego. Despite submission of conceptual sketch plans to the respective Towns, no application is currently pending before either municipality. As such, initial review of any prospective action is premature and rendered in contravention of the plain procedural mandates of the relevant State Environmental Quality Review Act ("SEQRA") regulations, namely, 6 NYCRR 617.6(a)(1).

By way of procedural background, a sketch plan submission for the prospective project was considered before the Town of Otsego Planning Board at a June 2, 2026 meeting. The same June 2, 2026, submission proposed significant changes from earlier plans circulated in 2025. On June 4, 2026, a corresponding sketch plan submission was considered by the Town of Springfield Planning Board ("Springfield"). At the same meeting, the Town of Springfield Planning Board purports to have classified the sketch plan submission as a SEQRA Type I action and declared its intent to act as lead agency. On or about June 23, 2026, Springfield purports to have circulated a Notice of Intention to Designate Lead Agency to involved and interested agencies. Curiously, Town of Otsego (and its respective agencies) was not provided with the same Notice until July 6,

2026 due to an alleged clerical error. By July 30, 2026 correspondence from the Town of Otsego Planning Board Chairman, Otsego contested Springfield's designation as lead agency. The current proceeding ensued when Springfield submitted its August 26, 2026, letter request seeking the Department's designating it as lead agency pursuant to 6 NYCRR 617.6(b)(5). By September 1, 2026 correspondence, the Department has sought the Town of Otsego Planning Board's responses by close of business today, September 11, 2026. The following is respectfully submitted in response to Springfield's August 26 request.

Designation of Lead Agency is Premature

SEQRA provides a clear mandate that environmental considerations must be incorporated into local government decision making and its implementing regulations impose a detailed process for compliance with the statutes' policies. New York State courts have long recognized that "strict compliance with the review procedures outlined in the environmental law and regulations" are mandatory. *Merson v. McNally*, 90 NY2d 742, 750 (1997) quoting *King v. Saratoga County Bd. of Supervisors*, 89 NY2d 341, 347-348 (1996).

Part 617 provides a bright line rule for commencement of the initial review of any SEQRA action. To wit, initial review starts "as soon as an agency receives an application for funding or *for approval* of an action." 6 NYCRR 617.6(a)(1)(emphasis added). In this regard, SEQR review commences with an application, and an application must include a request *for approval*. See § 617.2(d) ("*Applicant* means any person making ... a request to an agency to provide funding or to grant an approval").

To be clear, the project sponsors relative to this prospective action have submitted only sketch plans for the consideration of the respective agencies. Springfield does not contest this fact. Sketch plan review, by its nature, cannot convey any approval. Despite Springfield's non sequitur reference to NYS Town Law, sketch plan review is not incorporated into the statutory review process outlined in Town Law § 276. Rather, sketch plan review provides a stand-alone local measure often adopted to address administrative details informally prior to submission of an effective application. Accordingly, case law plainly provides that sketch plan decisions are not practically determinative so as to be of consequence in the SEQR context. *Muir v. Town of Newburg*, 49 AD3d 744, 746 (2d Dept 2008).

Moreover, Article 3 of the Town of Springfield Subdivision Regulations clearly provides that sketch plan review is limited to the "purpose of classification and preliminary discussion." (Town of Springfield Subdivision Regulations, attached as **Exhibit A**). The same local law makes clear that no approval may be granted via sketch plan review, rather the Planning Board may only "make specific recommendations in writing to be incorporated by the applicant in the next submission." § 3.1(c). As such, review of Springfield's own subdivision legislation reveals that submission of a sketch plan provides the Planning Board with absolutely no jurisdiction to grant any approval.

The preliminary and non-binding nature of the project sponsors' current submissions are further highlighted by Springfield's own consultant in its comments upon review of the sketch plan and Full Environmental Assessment Form ("FEAF") submissions. (See CT Male Associates'

July 20, 2026, Correspondence, attached as **Exhibit B**). Therein, Springfield’s consultant, CT Male, opines that several deficiencies exist in the sketch plan drawings and FEAF and recommends that Springfield not move “past the sketch plan without further information being provided.” The sponsor has circulated several iterations of the same project and there is little to suggest that the current sketch plan submissions will not be substantially altered in the future. Springfield’s urging here that the circulation of the same incomplete FEAF in the absence of an operative application somehow entitles it to a lead agency designation is simply unavailing.

In the absence of some “responsibil[ity] for undertaking, funding or approving an action” an agency cannot be deemed the lead agency. See § 617.2(w). Springfield’s apparent claims of extant jurisdiction over the project are illogical because it lacks authority to grant any determinative approval based upon a simple sketch plan submission. See *Muir*, 49 AD3d at 746; § 617.6(b)(5)(ii). The clear and uncontested facts surrounding this matter support the necessary conclusion that Springfield has prematurely commenced an initial review of a prospective action based upon a sketch plan submission alone and prior to obtaining any application for approval. Accordingly, Springfield’s June 23, 2026, declaration of intent to designate lead agency was improperly rendered in contravention of the strict SEQR procedures required by § 617.6(a)(1) and its immediate request to the Department for designation of lead agency should be denied as premature.

Alternatively, Town of Otsego Planning Board Should be Designated Lead Agency

By application of the relevant regulatory criteria outlined in Part 617, Otsego should be designated as lead agency.

Criterion 1: “whether the anticipated impacts of the action being considered are primarily of statewide, regional, or local significance (i.e., if such impacts are of primarily local significance, all other considerations being equal, the local agency involved will be lead agency)”

As indicated by Springfield, the impacts of subdivision approval are generally local. Inasmuch as the prospective project contemplates similar development on either side of the border, each agency can anticipate common impacts of local significance. At the outset, there appear to be some significant discrepancies with regard to the relative areal coverage of the project. In its August 26, 2026 request, Springfield claims that 51% of the project will be located within the Town of Springfield. This claim is belied by other statements in the sketch plan submissions, namely, the project narrative found within the June 19, 2026 FEAF, which indicates that the project will occupy slightly more area within the Town of Otsego. Specifically, the current iteration of the FEAF provides a split in project coverage of 765 acres in Otsego versus 760 acres in Springfield.

Regardless of the factual resolution of the relative areal coverage of the project, administrative authority cited by Springfield cannot support any conclusion that relative impacts can be determined by such a reductive numeric analysis of coverage. Rather the same guidance points to the relative distribution of foreseeable *impacts*.

The preliminary June 19, 2026 FEAF circulated by Springfield is largely tentative and severely constrained in providing any substantive insight into potential impacts. However, as can best be discerned, the layout of the sketch plan would suggest that traffic impacts at critical intersections will occur largely within Otsego. In this regard, traffic impacts mainly within the Town of Otsego are expected, affecting State Route 80, County Highway 28 and Keys Road. Agricultural impacts secondary to the project would appear to be more prevalent within Otsego. Additionally, more than 60% of the project is prospectively sited on land having 10% or greater slopes indicating the need for sophisticated consideration of site plan arrangements, utilities placement and erosion controls. Sketch plan drawing overlays for 15% plus slopes, although noted by Springfield's consultant as being almost imperceptible and potentially erroneous on mapping, appear to show the most heavily sloped lands associated with the prospective development are predominantly within the Town of Otsego.

As noted by Springfield, the scope of local impacts relevant to subdivision approval tend to focus on concerns including traffic, sedimentation and erosion. See *Town of Oyster Bay Zoning Board of Appeals v. Incorporated Village of Roslyn Harbor Planning Board*, 2015 WL 13713050, at *2. Addressing these core local concerns is within the respective jurisdiction of each municipality's Planning Board much more than any claim to significant local wetlands regulation authority.

Impacts of the development on Otsego Lake water quality affect would affect residents of all three towns bordering the lake (Otsego, Middlefield, and Springfield), however, such impacts disproportionately effect Otsego because approximately 1,800 Town of Otsego residents are served by municipal within the Village of Cooperstown, while other towns neither provide nor bear costs of treating municipal water. The Lake also provides the water source for the regional hospital, the Bassett Medical Center. In addition to construction impacts, the proposed new septic systems, impervious surfaces and roads present a significant risk for added pollution and runoff to the Lake. The Town of Otsego and its residents will disproportionately bear the burden of such impacts and are best equipped to assess them.

Moreover, the unique geographic location of the prospective project on a relatively undeveloped hillside over Otsego Lake can be expected to implicate further potential regional and statewide impacts to water resources. Such wider impacts appear to be largely ignored by Springfield in its instant request. Nevertheless, as highlighted by Springfield's consultant, the ultimate lead agency will need to be cognizant of extra-local regulatory concerns especially concerning regional water resources, namely potential interaction with Susquehanna River Basin Commission relative to water use.

To summarize, despite significant uncertainty given the conceptual nature of current submissions, there appears to be substantial parity between Springfield and Otsego in relation to the areal coverage of the project. Nevertheless, the balance of potential local impacts, chiefly concerning water pollution, traffic integration, site arrangement and construction management relative to steep slopes, and protection of agricultural resources (those impacts that are readily addressable within a planning board's traditional discretion), appear to fall predominantly within

the Town of Otsego. As such, application of Criterion 1 favors a designation of lead agency to Otsego.

Criterion 2: “which agency has the broadest governmental powers for investigation of the impact(s) of the proposed action”

To reiterate the above, no functional application subject to any governmental approval has been made to an agency related to the prospective project. Without an application, Springfield and Otsego are left only to engage in pure conjecture as to what any ultimate application may entail and as to which agency has the greater government authority over the same. As such, Springfield’s extended treatise opining as to each municipality’s respective zoning authority represents an entirely academic exercise decoupled from the predicate of any current governmental approval authority.

Given that the current sketch plan submissions implicate similar subdivision authority and both agencies are planning boards, there is substantial parity between Springfield and Otsego with regard to each agency’s current government power (or lack thereof) to address impacts of the project. Accordingly, Criterion 2 fails to favor designation of lead agency to either agency.

Criterion 3: “which agency has the greatest capability for providing the most thorough environmental assessment of the proposed action”

Springfield claims to have superior capacity to review the environmental impacts of the prospective project based solely on the purported strength of its counsel and consultants. Self-congratulatory and conclusory statements of counsel notwithstanding, Otsego has likewise engaged sophisticated counsel capable of supporting the most complex environmental reviews. Otsego has equal capability to engage a technical consultant. Otsego has established the authority to enter into an escrow agreement with project sponsors to fund engagement of a technical consultant and has made initial contact with several regionally prominent engineering firms as potential vendors.

Acknowledging that CT Male is certainly a well-established and capable firm, one is left to question Springfield’s strategy of availing itself of the imprimatur of this firm’s prestige while simultaneously ignoring the consultant’s recommendation not to move past sketch plan review “without further information.” See **Exhibit B**. The best guidance a consultant might provide is of little utility if left unheeded in the face of irrational exuberance. Otsego remains concerned that Springfield’s hasty and premature initiation of its SEQR review is indicative that agency’s elevation of rapidity as a principle above the corresponding statutory requirement to take a deliberate and thorough approach to environmental review.

Otsego has equal capacity and desire to undertake lead agency designation and to engage a peer-level consultant to review the prospective project. Considered in light of its careful and deliberate compliance with proper SEQR procedure, Otsego submits that it is in the best position to provide the most thorough environmental assessment relative to this project. Accordingly, the Town of Otsego Planning Board respectfully requests that the Commissioner deny Springfield’s

August 26, 2026, request to be designated lead agency relative to the above captioned prospective project as it the request is prematurely rendered, and/or that the Commissioner designate the Town of Otsego Planning Board to be lead agency relative to the same project.

Very truly yours,
HANCOCK ESTABROOK, LLP



Carl L. Schmidt

CLS/mkk

Enc.

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Otsego County Health Department (*via First-Class Mail*)
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New York State Department of Health (*via First-Class Mail*)
Otsego County Planning Department (*via First-Class Mail*)
Otsego County Department of Code Enforcement (*via First-Class Mail*)
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