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MEMORANDUM

To: Town of Springfield Planning Board
From: Charles J. Gottlieb, Whiteman, Osterman & Hannah, LLP
Re: State Environmental Quality Review Act
Date: August 6, 2026

Our office represents the Town of Springfield Planning Board (the “Planning Board”) related to the proposed Fraydun Manocherian subdivision (the “Subdivision”), which is proposed in both the Town of Springfield and the Town of Otsego. This memorandum seeks to provide the Planning Board with a summary of the State Environmental Quality Review Act (“SEQRA”) process, which is required to be conducted and completed prior to any determination being made on the proposed Subdivision. This memorandum does not provide any legal advice or counsel, it is simply a guide to the applicable SEQRA regulations related to the Planning Board’s potential role as the SEQRA “lead agency” for the Subdivision.

As with any development or subdivision of land, there are several local, State and federal agencies that may have jurisdiction over various aspects of the project. Here, related to the Subdivision, that includes the Town of Otsego, Town of Springfield, Otsego County Department of Health, New York Department of Environmental Conservation (“NYSDEC”), etc.

When several reviewing agencies are “involved” on a project of this size, SEQRA requires that a “coordinated” environmental review be conducted, meaning that only one agency, known as the “lead agency,” is able to conduct the Subdivision’s SEQRA review. *See* 6 NYCRR 617.6(b)(2)(i) (“For all Type I actions and for coordinated review of Unlisted actions involving more than one agency, a lead agency must be established prior to a determination of significance.”).

The “lead agency” may be any agency that is known as an “involved” agency, meaning an agency that has discretionary approval authority of the Subdivision (e.g. Town of Springfield Planning Board”). *See* 6 NYCRR 617.2(v) (“Lead agency means an involved agency principally responsible for undertaking, funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required.”).

To establish itself as the lead agency, the Town of Springfield properly noticed all interested and involved agencies of its intent to act as the lead agency for the Subdivision by circulating all application documents, sketch plats, and Environmental Assessment Forms for the Subdivision.

See 6 NYCRR 617.6(b)(3)(i). SEQRA requires this be done as soon as possible in the Subdivision's review process.

After such intent to be the lead agency is noticed to all interested and involved agencies, any involved agency has the ability to object to the Town of Springfield Planning Board acting as the SEQRA lead agency within 30-days of the notice of intent to be lead agency being circulated. Here, the Town of Otsego Planning Board objected to the Town of Springfield Planning Board acting as the lead agency for the Subdivision within the 30-day timeframe. **See Enclosed.**

The SEQRA regulations include a remedy for instances when another agency makes such an objection. Pursuant to 6 NYCRR 617.6(b)(5)(i), when a dispute over what agency will be the lead agency arises and such a dispute cannot be worked out by the differing agencies, "any involved agency or the project sponsor may request, by certified mail or other form of receipted delivery to the commissioner [of the NYSDEC], that a lead agency be designated." Once such a request is made to the Commissioner of the NYSDEC, other agencies have an opportunity to respond, and the Commissioner will make a determination within approximately 6-months (despite the regulations giving the Commissioner 20 days to make a determination).

The SEQRA regulations provide criteria for the Commissioner of the NYSDEC to make such a determination. The Commissioner will deem the lead agency for the Subdivision based on the following criteria:

- (a) 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);
- (b) which agency has the broadest governmental powers for investigation of the impact(s) of the proposed action; and
- (c) which agency has the greatest capability for providing the most thorough environmental assessment of the proposed action.

Here, if the Town of Springfield Planning Board would like to continue its desire to act as the lead agency for the Subdivision's SEQRA review, it has the following options:

- 1) Seek a determination from the Commissioner of the NYSDEC that the Town of Springfield Planning Board should be the SEQRA lead agency for the Subdivision based on the above noted criteria; or
- 2) Try and resolve the noted dispute between the Town of Springfield Planning Board and the Town of Otsego Planning Board, with the understanding that only **one** agency can be the lead agency.

It should be noted that no other involved agency, related to the Subdivision, has objected to the Town of Springfield Planning Board acting as the SEQRA lead agency. Despite the above, the Subdivision may proceed with its review of the Subdivision's sketch plan review.

Tom Huntsman, Chair
Town of Otsego Planning Board
811 County Highway 26
Fly Creek, NY 13337

July 30, 2026

Town of Springfield Planning Board
Henry Miller, Chair
P.O. Box 176
Springfield Center, NY 13468

RE: SEQR Lead Agency Coordination – Notice of Objection

Applicant: Fraydun Manocherian and Pamela Equities

Submission Phase: Sketch Plan / Draft Environmental Assessment Form (EAF)

Dear Chairman Miller:

The Town of Otsego Planning Board (the “Otsego Planning Board”) acknowledges receipt of the Town of Springfield Planning Board’s (the “Springfield Planning Board”) July 2, 2026 correspondence of its “Notice of Intent to Designate SEQRA Lead Agency.” This correspondence purports to provide notice that the Springfield Planning Board is coordinating State Environmental Quality Review Act (SEQR) review for a sketch plan proposal filed in both the Town of Otsego and Town of Springfield.

The Otsego Planning Board formally objects to the Springfield Planning Board’s intention to designate itself as SEQR Lead Agency. By definition, a SEQR Action is one that involves a new or modified approval by a state or local agency. See 6 NYCRR 617.2(b)(1)(iii). Sketch plan review is an informal process that does not incorporate any formal approval, nor does it commit a planning board to any definite course of action.

Our objection is based on the fact that the “applicant” has only submitted a preliminary sketch plan and a draft Environmental Assessment Form (EAF), subject to significant change and modification. This submission is legally incomplete and insufficient to establish Lead Agency status for the following reasons:

- **Premature Designation and Lack of Finalized Plans:** A preliminary sketch plan lacks the detailed engineering, grading, stormwater, and architectural plans necessary to accurately assess the scope of environmental impacts. Without a complete Site Plan application, any determination regarding which community may sustain the greatest environmental impacts and which agency has the broadest governmental powers to investigate such impacts is premature.

- **Lack of Defined Jurisdiction and Required Approvals:** Because the submission is limited to a sketch plan, the full scope of required and discretionary permits, regulation and oversight from other involved agencies cannot yet be verified.

As such, there is no SEQR Action currently pending before either Board and any SEQR Action would only be triggered by the formal application step. Springfield Planning Board's classification of the sketch plan submission as an Action and its declaration of intention to serve as Lead Agency is premature and improperly rendered. The Otsego Planning Board respectfully requests that Springfield Planning Board cease all action to declare itself Lead Agency and/or continue a coordinated review of this prospective project.

As we are both aware, the underlying concept, once any project plan is crystalized, is likely to create significant environmental and other impacts in both the Towns of Otsego and Springfield. Accordingly, the Otsego Planning Board reserves all rights to interpose and serve as SEQR Lead Agency relative to the prospective project, once and if a formal application is submitted.

Please advise at your convenience if you would like to discuss this matter with me further.

Very truly yours,

/s/ Tom Huntsman

Tom Huntsman

Town of Otsego Planning Board

Chair

cc: New York State Department of Environmental Conservation (Regional Permit Administrator)