

## Carvel DEIS Comments – Milan Hearing 3-6-2008

Lauren Kingman

I have served as a Milan representative to the Carvel Project and the SEQR process since spring of 2003. I would like to address planning concerns that are specifically relevant to the portion of the Project that is proposed for Milan.

The Project consists of two major pieces – a commercial for-profit golf business and a residential subdivision. Subdivision development in Milan is regulated significantly by NYS Town Law, the State Environmental Quality Review Act (SEQR), and the Milan zoning and subdivision codes. The process intended by these codes is very clear and can be summarized as:

Step One: The applicant and Planning Board develop a sketch plan that is consistent with applicable codes.

Step Two: The applicant submits an initial application package based upon the sketch plan and including a completed Environmental Assessment Form.

Step Three: The Planning Board as Lead Agency conducts the environmental review, identifies significant impacts, establishes any necessary mitigation measures, and makes a Determination of Significance.

Step Four: The applicant submits for approval a preliminary plat package that reflects all requirements of the environmental review.

Step Five: The applicant submits for approval a final plat package that reflects all requirements of the preliminary plat review.

The SEQR regulations require the environmental review process to begin as soon as possible after submission of an application. Further, the DEC's SEQR Handbook states "*The determination of significance and establishment of lead agency should not be made until the application for preliminary approval has been submitted.*" It is clearly intended that the environmental review process be conducted once an application is received and be based upon a plan for which there is general support by the applicant and Planning Board.

Due to the size and complexity of this Project a 'placeholder' application was submitted to the Pine Plains Planning Board and as Lead Agency they initiated SEQR. No application has ever been submitted to the Milan Planning Board and no sketch reviews have ever been held. The Project representatives assured us the proposal would comply with Milan regulations. In reality, nothing could be further from the truth.

The Project's preferred development plan for Milan bears little resemblance to any plan that would conform to Milan regulations and would never get sketch endorsement in its current form. The plan calls for many more homes than current regulations would support, much of the identified open space does not qualify as open space under Milan codes, the homes are located in the currently undisturbed areas, separate parcels are improperly aggregated for calculations and layout, and so on.

We have met several times with the Project team and they have been intransigent in their position. They have conceded nothing except to note in the DEIS those areas that Milan does not agree with. They propose that new zoning will provide them the density they want and have implied that legal actions will secure the rest. This is a perversion of the defined development process. It is using SEQR to bulldoze into place a development plan that would not be possible otherwise.

You are the Lead Agency. As you move forward to draft the Final Environmental Impact Statement I respectfully request that you consider Milan's situation, the goal of SEQR to review and evaluate real proposals, and the way in which the Project plans for Milan are totally out of bounds with what the Town would approve. I further request that you require the Milan portion of the Project be revised to be consistent with Milan's regulations and that all further review be based upon a conforming proposal.

Thank you for your consideration.

Respectfully submitted,

Lauren C. Kingman III