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August 9, 2019

Via Electronic Delivery

Acting Chairman Richard Litman
and Members of the Village of Mamaroneck Planning Board
Village Hall
169 Mt. Pleasant Avenue
Mamaroneck, NY 10543

Re: Hampshire Country Club – Planned Residential Development

Dear Acting Chairman and Members of the Planning Board:

On behalf of the Applicant, Hampshire Recreation LLC (“Hampshire”), enclosed please find a fourth and final version of the pFEIS with appendices (“pFEIS”) as requested at the July 24th Planning Board Work Session. The enclosed pFEIS contains all of the modifications requested by your Board’s consultants, which were provided to you previously in the document Hampshire submitted on July 12, 2019.

This letter also serves as Hampshire’s formal demand that your Board deem the pFEIS complete at your next meeting pursuant to 6 N.Y.C.R.R. Section 617.9(a)(5), and subsequently adopt Findings within thirty (30) days of filing the pFEIS pursuant to 6 N.Y.C.R.R. Section 617.11(b).

As you know, this process has become increasingly frustrating for Hampshire as it sincerely believes that it cannot satisfy what seems to be moving targets for deeming its FEIS complete, combined with the Board’s unwarranted accusations that Hampshire’s “tone” in voicing its objection and concern about the lack of progress over the last several meetings has been disrespectful and inappropriate.

As we have repeatedly said before, and repeat now, Hampshire appreciates that the Board is comprised of volunteers, who sincerely believe that they are performing their functions in a responsible good faith manner. Hampshire, on the other hand, has been advocating for what it views -- based upon established SEQRA law and our years of practice in this field -- as legitimate and proper processes so as to satisfy your Board’s hard look responsibilities and Hampshire’s right to a fair and timely review. We have never personally attacked any member of this Board, and have treated you at all times professionally and with the proper level of respect. However, it would

be malpractice if Hampshire and its consultants did not express to you our good faith interpretation of SEQRA's substantive and procedural requirements as it relates to its Application.

Try to view it from an applicant's perspective. It has been ten (10) months since Hampshire provided you with its first draft FEIS. Thereafter, as you know, the Board conducted at least seven (7) work sessions to discuss the FEIS, and issued multiple comment letters (i.e., "matrices") directing Hampshire to undertake additional studies, many of which were well beyond the requirements of the Final Scope. Notwithstanding, after each meeting, Hampshire complied in full and good faith with your Board's requests, producing multiple re-drafts of the FEIS at significant expense and time to Hampshire.

Consistent with your representations and instructions at your June 12, 2019 meeting, Hampshire worked hard in close collaboration with your consultants through June and July to ensure that it responded to and addressed the few outstanding issues in the FEIS that your Board raised on June 12th. Hampshire and all of its consultants and representatives arrived at the July 24th Planning Board meeting (i.e., the eighth (8th) work session on the FEIS the Team had attended) reasonably expecting that the meeting was going to be a productive and substantive work session in furtherance of issuing an FEIS completeness determination, and completing the SEQRA review process.

Instead, the Board immediately went into a 45-minute closed session, where Hampshire was precluded from hearing the Board's apparent deliberations on substantive matters relating to the Project, as well as the Board formulating a procedural "road map" for additional meetings concerning this matter. Respectfully, this type of deliberation flies in the face of the Open Meetings Law. The Board then emerged to inform Hampshire that it would not review the latest FEIS submission until September, pursuant to a *series of additional work sessions*. The Board then went on to admonish Hampshire that unless it changed its "tone", it may not even receive an "objective consideration" of its Application.

Needless to say, Hampshire was completely caught off-guard and taken aback on various levels, let alone the cost it incurred in having its full consultant Team attend what it thought would be a working and final meeting on the draft FEIS.

Hampshire respectfully believes that it has been put in an untenable position. SEQRA imposes strict timeframes on a Lead Agency, including requiring it to file an FEIS within forty-five (45) days of the close of the DEIS Public Hearing. See 6 N.Y.C.R.R. § 617.9(a)(5). This statutory deadline elapsed almost fourteen (14) months ago. Hampshire has been responsive and diligent in studying and addressing all of this Board's comments throughout this 14-month period. It has become apparent to Hampshire that the Board, contrary to established SEQRA requirements and practice, has ceased using the Final Scope as the guide to determine the completeness of the EIS, let alone respecting its status as the "contract" between the parties as to what is necessary to comply with the SEQRA review process. It is Hampshire's good faith professional opinion at this time that the Record here simply does not justify scheduling a series of additional meetings to consider the pFEIS complete. Hampshire, like all applicants in New York State, is entitled to an objective and efficiently processed decision on its Application in accordance with SEQRA Regulations.

Hampshire regrets that the SEQRA review process seems to have stalled, and that this letter is necessary. We hoped prior to the last meeting that the parties had reached a reasonable pathway to completing the FEIS process in a meaningful and responsible manner. As such, Hampshire hereby demands that this Board deem the enclosed pFEIS complete in accordance with 6 N.Y.C.R.R. Section 617.9(a)(5) no later than September 11, 2019, and adopt its Findings within thirty (30) days thereafter pursuant to 6 N.Y.C.R.R. Section 617.11(b). Moreover, should your Board direct your consultants to perform any additional studies, or continue to edit the enclosed pFEIS, respectfully, the Village should be responsible for paying those costs. See 6 N.Y.C.R.R. § 617.13(a) ("If [a lead agency] charges for review of a draft and/or final EIS, it may not also charge for the preparation of the EISs.").

Respectfully Submitted,

ZARIN & STEINMETZ

By: 

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Encl.

cc (via electronic mail):

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Greg Cutler, Village Planner

Hampshire Design Team