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July 1, 2011

Via Hand Delivery

Hon. Susan Siegel
Supervisor of the Town of Yorktown and
Members of the Town Board
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

Re: Submission of DEIS for Croton Overlook Project

Dear Supervisor Siegel and Members of the Town Board:

As you know, this firm represents Croton Overlook Corporation (the "Applicant") in connection with its proposed rezoning to the RSP-1 Zoning District to facilitate an active adult residential Project (the "Project").

The Applicant is pleased to re-submit nine (9) copies of the enclosed Draft Environmental Impact Statement for the Project, prepared by Connor McBride and our Development Team, dated July 5, 2011 ("DEIS"). Please let us know if the Town requires additional copies.

The Applicant's Development Team worked diligently to respond fully to the various issues set forth in your Lead Agency Scoping Outline, dated April 12, 2011. In fact, our Team met with the Town's representatives on revisions to the first iteration of the DEIS and we are confident that the document should now be ready for acceptance.

Acceptance of DEIS

As we explained in our letter of June 6, 2011, acceptance of the DEIS by your Board enables the Project review to continue, and it enables the document to be released to the

public for review and comment at a public hearing. The DEIS as drafted is unquestionably “adequate with respect to its scope and content for the purpose of commencing public review.” 6 N.Y.C.R.R. § 617.9(a)(2).


To the extent that certain limited technical information remains outstanding, we respectfully submit that such information can and should be addressed during public review. We remind the Town Board that the *DEIS need not be a “perfect or exhaustive document” to be accepted as complete and ready for public review.* See N.Y. Dep’t of Envtl. Conserv., The SEQR Handbook (3d ed. 2010) at 125 (emphasis added), *available at* http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf. The DEIS submitted herein satisfies SEQRA’s requirements to “describe the proposed action, alternatives to the action, and various means of mitigating impacts of the action,” and to “identify and discuss all significant environmental issues related to the action.” Id.

We would request that your Board endeavor to accept the DEIS as complete for public review on or before your July 12, 2011 meeting. That will permit you sufficient time to provide notice and conduct the public hearing on the DEIS and the Project at August 2, 2011. Please note, accepting the document does not preclude your Board from asking detailed questions on the DEIS and the Project. It simply begins the next phase of the public review and your consideration of the Project. We would also suggest that the public hearing on the DEIS be a joint public hearing on the rezoning request as well.

The Applicant thanks the Town Board and your professional staff in advance for your continued attention to this Project. We look forward to working together with the Town in the processing of this Application, and the successful development of this Project.

Respectfully submitted,

ZARIN & STEINMETZ

By: 
David S. Steinmetz

DSS:me
Encls.

cc: Hon. Alice Roker, Town Clerk
Daniel Pozin, Esq., Special Counsel
John Tegeder, Town Planner
Sharon Robinson, PE, Town Engineer
Kim Calandriello