



Chappaqua Central School District

Victoria Bayard Tipp
President, Board of Education

BY EMAIL

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Supervisor Ivy Pool
and Members of the Town Board
Town of New Castle
200 S. Greeley Ave.
Chappaqua, NY 10514

November 17, 2020

Re: Chappaqua Central School District – Further
Comments on Chappaqua Hamlet Form-Based Code
Draft Generic Environmental Impact Statement

Dear Supervisor Pool and Members of the Town Board,

The Board of Education (“BOE”) of the Chappaqua Central School District (“CCSD” or the “District”) writes to provide additional comments on the Form-Based Code (“FBC”) rezoning legislation proposed by the Town of New Castle for the Chappaqua Hamlet.

As you are aware, since being provided with a copy of the Draft Generic Environmental Impact Statement (“DGEIS”) on September 29, 2020, the District has undertaken rapid and significant action to ensure that the potential impacts of the proposed rezoning on our schools and constituents are accurately assessed. We note that our constituents include not only New Castle residents, but also families from the Town of Mount Pleasant, whose voices are not being otherwise heard during this public hearing process.

The District is in the best position to assess the potential impacts of the rezoning on its facilities and finances. To that end, on October 29, 2020, we provided you with a preliminary comment overview of the DGEIS prepared by The Chazen Companies (“Chazen”), which pointed out that the standard Rutgers multipliers used by the Town’s consultants are out-of-date and non-specific to Chappaqua.

Based on the inadequate and cursory review undertaken by the Town’s consultants to date, it is clear to the District that it must retain its own consultants to conduct an independent and thorough study of the impacts of the proposed FBC rezoning. We have therefore retained Chazen, as well as Econsult Solutions, Inc. (“ESI”) to: (1) create customized multipliers, (2) prepare independent enrollment projections, and (3) generate a fiscal impact analysis specifically for the CCSD. Further, we have retained KG&D architects to conduct a District-wide Capacity Study. The studies will be completed in approximately six weeks. After completion of these studies we intend to provide the results to the Town and its consultants so that the Town Board, as lead agency, can undertake a true and accurate “hard look” at the potential impacts to the CCSD. We urge the Town to hold open the public comment period until this information has been received by the Town, to provide adequate time for the Town and its consultants, as well as interested members of the public, to review and comment on the data.

Without the benefit of the data to be generated by the studies now being undertaken by the District's consultants, we offer the following additional comments on the DGEIS. Should the additional data give cause, we may submit additional comments in the future, including but not limited to potential recommendations for adequate mitigation measures.

Retain Requirement for Future Site-Specific SEQRA Review for All Development Within the Rezoned Area

We are concerned that, per the current draft of the FBC, development up to a maximum buildout will be able to occur without further public input or consideration of potentially significant adverse impacts to the District. We are alarmed by the prospect of a maximum buildout subject only to Town administrative review. The proffered response to date from the Town has been that if development quickly spirals out of control, it can modify the FBC regulations. There is too much at stake for this reactionary approach, which will inevitably come too late and do too little to stem the tide of development.

The FBC currently provides that any as-of-right use is deemed a Type II action under SEQRA and will not require additional SEQRA review if the Director of Planning finds that the proposed project falls under the environmental parameters reviewed in the GEIS. FBC Section 60-840(A). Special permit uses would still require site plan review. FBC Section 60-840(C). However, there are currently no specially permitted uses listed. FBC Section 60-860, Figure 860-04. Presently, multi-family, townhouse and retail/mixed use development are all permitted as-of-right in the F-4 and F-5 Districts. *Id.*

Therefore, we recommend that the Type II exemption for as-of-right uses should be removed from the FBC, and the FGEIS/Findings Statement should note that future development will need to comply with site-specific SEQRA review. Or, at a bare minimum, the Town should amend the FBC to state that residential and mixed uses are special permit uses, not exempt from future SEQRA review. Future site-specific SEQRA review will need to consider potential significant, adverse, impacts to the District.

Addition of Requirement to Provide Notice to CCSD of Residential Development Within the FBC Area

Section 60-840 of the Form-Based Code provides that before any type of review, neighbors whose properties abut the proposed project site must be notified. We request that this notice mechanism also provide that the District be notified whenever there is a proposed residential development within the FBC area. The District needs to be alerted as early as possible to a potential increase in its student population.



Traffic and Security & Safety Analysis for Robert E. Bell Middle School

Although the Robert E. Bell Middle School (“Bell Middle School”) is located directly adjacent to the areas proposed to be rezoned, there is no consideration given to the impacts to Bell Middle School. Yet, multiple references in the DGEIS note the importance of Bell Middle School’s character to the rezoning study area. The existing traffic study does not accurately reflect the potential impacts of increased traffic on the pedestrian safety of school children.

Additionally, increased visitation of the hamlet area adjacent to the school gives rise to security concerns for the students. The security of the students is of the utmost importance to the District, and we suggest that a safety and security analysis of Bell Middle School be conducted to ensure that the increase in residents and visitors to the hamlet area will not jeopardize the security of the children.

Parking Area Owned by CCSD

The DGEIS included an inventory taken of all public and private parking in the study area. The DGEIS notes: “there is almost no excess parking capacity in the study area and, therefore, all future development must either be self-sufficient in parking or must find a way to create parking opportunities at peak times.” DGEIS Pg. 3-100. The Town may not be aware that the parking area between the merchants and Bell Middle School is partially owned by the District. The Town should ensure that future development and the associated parking analysis in the GEIS is not counting on use of the CCSD-owned portion of the parking lot. The inventory taken of all public parking in the DGEIS includes this parking area in its existing assessment. The Town should consider that with an increased number of school children, the District may require its owned portion to be put to fully District-only parking, or even an entirely different, type of use.

Considerations for the Tax Base

Finally, we are apprehensive that the streamlined administrative process and types of development encouraged by the FBC will create an atmosphere attractive to developers interested in seeking Westchester County Industrial Development Agency PILOT agreements and/or other tax incentives to develop property within the Chappaqua Hamlet. PILOT agreements are outside of both the Town and District’s control, and the District urges caution that the Town does not inadvertently jeopardize the Chappaqua tax base.

Conclusion

As an interested agency and guardian of the quality of CCSD’s educational system, it is of utmost importance to the Board of Education that the potential significant adverse impacts of the proposed FBC rezoning on the District are identified and mitigated. Accordingly, we request that the Town give careful



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consideration to the above comments and the District's consultant's studies, and continue hold open the public hearing so that the Town, District, and members of the public can engage in meaningful dialogue before the Town proceeds to finalize the FGEIS.

Sincerely,

The Chappaqua Central School District Board of Education

Victoria Bayard Tipp, President

Holly McCall, Vice President

Hilary Grasso, Member

Warren Messner, Member

Jane Kimmel Shepardson, Member

