



# TOWN OF NEW CASTLE

200 South Greeley Avenue, Chappaqua, New York 10514 • (914) 238-4771 • Email: [townboard@mynewcastle.org](mailto:townboard@mynewcastle.org) • mynewcastle.org

## Supervisor

**Ivy A. Pool**  
(914) 238-4774

## Council Members

**Jeremy Saland**  
Deputy Town Supervisor  
(914) 238-4774

**Lisa S. Katz**  
(914) 238-4774

**Lauren L. Levin**  
(914) 238-4774

**Jason M. Lichtenthal**  
(914) 238-4774

Town Administrator  
**Jill Simon Shapiro**  
(914) 238-4742

October 20, 2020

Dear Board of Education President Victoria Tipp and Members of the Chappaqua Board of Education:

The Town Board acknowledges the Chappaqua Central School District's letter dated October 15, 2020 concerning the Town's ongoing consideration of form-based zoning legislation (the "Form Based Code"). The Town Board believes that adoption of a Form Based Code will help revitalize our downtown business hamlet, and we welcome all public input as we work together towards this common goal.

Even before the onset of COVID-19, the Town Board recognized that our downtown business hamlets were struggling to keep pace with changing economic and social trends. In 2017, with input from our residents and interested parties, we adopted a Comprehensive Plan which established a vision for our business hamlets:

**The Plan recognizes that a healthy 21st century hamlet is much more than a retail destination; it is a place for community gatherings and civic events; a place where residents can live, congregate and spend their time comfortably; a place that is aesthetically pleasing and easy to navigate for pedestrians, cyclists and vehicles; and a place that offers exciting dining and entertainment options that attract community residents and visitors. As such, the Plan recognizes a need to revitalize the Town's two hamlets as more modern, mixed-use communities and establishes policies that will help support the Town's businesses in a changing economy by redefining and stimulating activity in the hamlets.**

Our 2017 Comprehensive Plan also envisioned the adoption of a Form Based Code that would "encourage mixed-used development in the hamlets" while preserving the residential character of their surrounding neighborhoods.

Today, as the Town Board considers proposed legislation that would implement a Form Based Code for the Chappaqua business hamlet, we are assessing the relevant data to ensure that we achieve our goals. One consideration, among many, is the potential impact upon student enrollment in the Chappaqua Central School District.

## **Projecting Future School Enrollment**

The Town first reached out to the District in January 2020, when we named CCSD as an "Interested Party" with respect to the adoption of the Form Based Code. At that time, we requested, but did not receive, feedback from CCSD on our draft scoping document for the DGEIS. The scoping document was sent to Dr. Christine Ackerman on January 16<sup>th</sup> and 23<sup>rd</sup>.

In July 2020, the Town and its project consultants reached out to CCSD to obtain historical enrollment data for the study area and to request assistance with enrollment projections. CCSD Assistant Superintendent John Chow advised that the District did not have the study area information but shared with us a budget PowerPoint containing enrollment projections for the district as a whole.

Since CCSD was unable to provide existing enrollment data for the study area and did not have a preferred methodology to project future enrollment, the Town's planning consultants utilized a known and generally-accepted methodology: the Rutgers University Center for Urban Policy Research (CUPR) residential demographic multipliers. The use of the CUPR multipliers have been found to *over-estimate* the potential number of school-aged children from residential development in a given area, especially in housing with a strong transit orientation and infrastructure in place, and therefore provide a conservative framework for our analysis. Your letter raises concerns about this methodology and indicates that CCSD will retain its own consultant to review the inputs and results. We suggest that before contracting with your own consultant, CCSD may wish to consider participating in the SEQRA process as an Interested Agency and engaging with the Town's independent consultants, who are ready, willing, and waiting to work with you.

This is not the first time that the Town Board has needed to consider potential increases in student enrollment in connection with new residential development, with Chappaqua Crossing being the most recent example. Such estimations require input from professional planning consultants, but they are done routinely and follow well-established practices and methodologies.

### **Density Permitted Under the Form Based Code**

Now more than ever, the need for reliable, unbiased information is imperative, and we are concerned that the School District's letter includes some of the false statements being made by opponents of the Form Based Code on social media. For example, the School District writes --

*“Increases in school enrollment will be determined by the density of build-outs which the FBC leaves to the sole discretion of developers, without any recourse to current checks and balances provided to the public by advisory boards and the Town Board itself, as long as developers are in compliance with the maximum density allowed by the FBC”*

Similarly, Board President Tipp made the following statement at the October 14<sup>th</sup> BOE meeting:

*“The Town is considering a FBC that would allow the maximum buildout of five story retail and residential buildings throughout the Chappaqua hamlet commercial district along north and south Greeley Avenues and along King Street to Bedford Road.”*

These statements are simply untrue. The Town Board has no desire to achieve a “maximum density” in the Chappaqua hamlet. Nevertheless, the SEQRA process requires us to assess the potential environmental impacts of the hypothetical, maximum buildout scenario. As currently proposed, five-story buildings would be limited to the train station lot (which the Town owns and controls) and the properties adjacent to the King Street bridge, and would not be allowed “throughout the Chappaqua hamlet” as was stated.

We have no intention of relinquishing total control over future development to private developers. Furthermore, the Town Board will always have the ability to modify the Form Based Code in the future, whether to adapt to changed circumstances or to adjust the permitted level of density. Like any law, the Form Based Code can be changed. That said, the Town Board is confident that we can strike a balance that will preserve the best qualities of our downtown while creating the new housing opportunities that we need to create a vibrant hamlet and to keep moving forward. We understand that to be our shared goal.

### **Timeline and Next Steps**

The School District expressed concern that the Town Board is moving too quickly and should pause to collect more data about school enrollment. Specifically, the School District's letter urges the Town Board to --

*“...delay its public engagement and decision-making process in order to provide adequate and reasonable time for the Chappaqua Board of Education and Administration to obtain and present an accurate analysis of school enrollment and other impacts of the FBC on the School District.”*

Please be reassured that gathering data about school enrollment is part of the public hearing and environmental review process. While we had hoped for and sought your participation sooner, engaging with us now still aligns with our timeline and is an appropriate step at this juncture. The Town Board is following our stated process, which will continue, and there will be ample opportunity for further analysis of school enrollment. At your work session on October 9<sup>th</sup> you said that your consultant would present findings on October 28<sup>th</sup>. This aligns with our public comment period, and we look forward to receiving and considering your input to our process.

We look forward to working with you in a renewed spirit of partnership and collaboration. We look forward to hearing from you.

Sincerely,

Town Supervisor Ivy A. Pool

Deputy Supervisor Jeremy Saland

Council Member Lisa Katz

Council Member Lauren Levin

Council Member Jason M. Lichtenthal