



Chappaqua Central School District

Victoria Bayard Tipp
President, Board of Education

October 26, 2020

Ivy Pool, Town Supervisor
Town of New Castle
200 South Greeley Ave.
Chappaqua, NY 10520

Dear Supervisor Pool and Members of the New Castle Town Board,

The Board of Education acknowledges the Town Board's letter dated October 20, 2020 in response to the Board of Education's initial comments on the Town's proposed form-based zoning legislation (the "Form Based Code"). We regret that the Town Board has declined to address our request to extend the Form Based Code public hearing period beyond October 27, 2020. While we understand the Town's desire to reinvigorate the Chappaqua Hamlet, we have concerns regarding the potentially significant impacts of the Form Based Code on school district enrollment and financials. On behalf of the Chappaqua Central School District, it is our duty as an interested agency and as fiduciaries of Chappaqua's educational system to critically review the information contained in the Draft Generic Environmental Impact Statement ("DGEIS") and provide comments to the Town Board and its consultants.

Unlike a traditional rezoning action, where the Town's discretionary approval authority would subject a subsequent development proposal to site-specific State Environmental Quality Review Act ("SEQRA") review, the Form Based Code does not. Instead it provides for a variety of "as-of-right" uses that may be approved with only a ministerial administrative process. *See* Form Based Code Draft #3.1, dated 2/3/20, Section 60-840. This concerns the Board of Education because without project-specific review of potential adverse impacts to the District under 6 N.Y.C.R.R. § 617.2(b), a rapid build-out could significantly impact the District's ability to deliver educational services as expected by Chappaqua families. To ease the District's concerns, the Town offers only that if development moves forward too quickly it can modify the zoning regulations. Even if the Town expects that it could implement this type of option, it may come too late to mitigate significant adverse impacts. Therefore, we consider a robust review of the proposed impacts to the School District to be of the utmost importance during this DGEIS process, and implore the Town Board to obtain the full and correct information needed to take the requisite "hard look" at potential significant adverse impacts to the School District.

To that end, we have retained Mr. Christopher Round, AICP, of The Chazen Companies, to provide technical comments on the sufficiency of methodology and validity of conclusions contained in the DGEIS. Dr. Christine Ackerman and Mr. John Chow have also worked with the Town's consultant, Ms. Bonnie Von Ohlsen, RLA, AICP, to provide all requested information the School District has in its possession. Mr. Round will be presenting an overview of Chazen's technical comments at our Board of Education meeting on Wednesday, October 28th, at 7:00pm. We invite members of the Town Board and its consultants to attend and anticipate sharing the final comment letter with the Town Board soon thereafter.

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Understanding the realistic potential impacts of the Form Based Code on the School District is in the interest of both the Board of Education and the Town Board, and the Town Board has maintained that it wishes to collaborate with the Board of Education to ensure the accuracy of the DGEIS. In that spirit, we request that the Town Board hold the public hearing open beyond October 27, 2020, until the School Board and our constituents have had a full opportunity to provide complete comments.

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

