

**From:** Warren Gottlieb [mailto:[warrengottlieb@gmail.com](mailto:warrengottlieb@gmail.com)]

**Sent:** Thursday, October 29, 2020 2:59 PM

**To:** PublicComment <[PublicComment@mynewcastle.org](mailto:PublicComment@mynewcastle.org)>

**Cc:** TownBoard <[townboard@mynewcastle.org](mailto:townboard@mynewcastle.org)>

**Subject:** Comments to DGEIS relating to the Chappaqua Hamlet Form Based Code

Dear New Castle Town Board,

Annexed hereto, please find additional substantive comments to the Draft Environmental Impact Statement Relating to the Chappaqua Hamlet Form Based Code.

Regards,

Warren S. Gottlieb  
New Castle Resident

PUBLIC COMMENTS TO DRAFT ENVIRONMENTAL IMPACT STATEMENT  
RELATING TO THE CHAPPAQUA HAMLET FORM BASED CODE

Submitted by Warren S. Gottlieb  
New Castle Resident  
October 27, 2020

Thank you for affording me the opportunity as a resident to provide additional substantive comments to the DGEIS and items I would like addressed.

Similar to the last public hearing, I am submitting these comments “without prejudice” because it is my opinion that the process leading up to production of this document and this public hearing was fatally flawed for a number of reasons, including but not limited to the ones I’ve previously put on the record.

In recent days, as public concern has grown about the Proposed Action (the Form Based Code), the associated process and the DGEIS itself, you, our Town Board, have repeatedly sought to assure residents about this process and that you are listening with open hearts and minds. That you are open to feedback. That you are not in a rush. That there is no time table. That the adoption of the proposed action is not a fait accompli.

I want to believe this. Very much and from the very bottom of my heart because our community – our friends and neighbors – have had their lives turned upside down since March of this year. It is important at any time -- but at this time in particular -- that when our electeds tell residents something, residents need to be able to rely on it without giving it a second thought.

It is for this reason that I was surprised and upset to see that on Amendment No. 3 to the Kimley-Horn contract (which was on the authorization list tonight), that despite repeated assurances to the contrary, there is in fact a contemplated timetable for adopting the form based code.<sup>1</sup> According to this Amendment No. 3, attached to tonight’s work session packet, the Town Board tentatively intends to not simply vote on -- but "adopt" -- the form based code on January 5, 2021, after a meeting to “adopt” the “findings statement” merely a week earlier on December 29, 2020.

My intent is not to play gotcha. I want to believe that all 5 town board members – those that I supported and those I did not – can be taken at their word. It’s just that when I see something like this, it makes me think residents are being given lip service. How can you tell your constituents that you are truly listening to them, that you are not in a rush and that there is no fixed timetable when you’ve got in your packet for tonight’s work session a signed document from your consultants indicating that you intend to “adopt” a form based code on Jan. 5<sup>th</sup> after adopting a

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<sup>1</sup> Amendment No. 3 annexed hereto

findings statement merely a week earlier? All while the Town Board is still holding public hearings on the DGEIS via zoom during a worldwide pandemic.

Respectfully, Town Board, What is going on here?

Notwithstanding the foregoing, here is my additional comment to the DGEIS:

1. Please provide an analysis of the economic impact on each and every current merchant in the Study Area assuming that the maximum build out occurs simultaneously and, alternatively, in succession over a period of time ranging from 6 months to 10 years. This analysis should incorporate all of the effects of COVID19 on New Castle and, to the extent relevant, the region in which New Castle is located, on every assumption, data point, analytical tool and conclusion reached in answering this inquiry. To the extent that the effects of the COVID19 crisis we are living through may not be fully known until the conclusion of the crisis, the current review process should be paused until the relevant information is available such that the lead agency, the Town of New Castle, can answer this question and have it incorporated into the FGEIS.

AMENDMENT NUMBER 3 TO THE AGREEMENT BETWEEN CLIENT AND KIMLEY- HORN of  
New York P.C.

This is Amendment number 3 dated **October 16, 2020** to the agreement between **Town of New Castle** ("Client") and Kimley-Horn of New York, P.C. ("Consultant") dated May 21, 2019 ("the Agreement") concerning **Chappaqua Hamlet Rezoning** (the "Project").

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

The Agreement is amended to include services to be performed by Consultant for compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

Consultant will perform the following services:

(see attachment "A")

For the services set forth above, Client shall pay Consultant the following compensation:

Fee: (Additional meetings – budget varies)



CLIENT:

\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CONSULTANT:

KIMLEY-HORN OF NEW YORK, P.C.

By: Kevin Van Hise \_\_\_\_\_

Title: Associate \_\_\_\_\_

Date: 10/16/20 \_\_\_\_\_

Additional Tasks to be added to  
**Task 5C: Final Generic Environmental Impact Statement, Findings Statement**  
**and Task 6: Final Code**

<u>Additional Scope Item</u>	<u>Budget</u>
<p><b>2. RESGroup Additional Meetings</b>                      For each meeting requested, preparation time, internal calls with the team and client are estimated. Patricia Adell will prepare for and attend a 2-hour virtual meeting(s). The following budget is provided on a per meeting basis for RESGroup:</p>	<b>\$590 per meeting</b>
<p><b>3. Torti Gallas + Partners Additional Meetings</b>                      The following budget is provided on a per meeting basis for Torti Gallas + Partners to attend additional 2-hour virtual meetings not contemplated in original contract:                      2-hour meeting and preparation (minor prep. required)                      2-hour meeting and preparation (major prep. required)</p>	<p><b>\$800 per meeting</b>  <b>\$1,200 per meeting</b></p>

*\*Notes:*

- *There was no additional charge for other Town meetings and conference calls Kimley-Horn attended in March through April 2020 regarding the DGEIS Scope; and no additional charge for DGEIS presentation to town board for completeness in Sept. 2020 or for coordination meetings (re: completeness)*
- *Kimley Horn meetings already included in contract:*
  - *1 Public hearing – on DGEIS and Code – Oct 10, 2020 - with preparation included*
  - *1 meeting to Adopt Findings Statement – (tentative Dec 29, 2020)*
  - *1 meeting to Adopt Code – (tentative Jan. 5, 2021)*