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To: Chappaqua Forward <chappaquaforward@mynewcastle.org>; TownBoard <townboard@mynewcastle.org>; PublicComment <PublicComment@mynewcastle.org>

Subject: Form Based Code

Please see my attached comments on the Form Based Code.

Thank you

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November 22, 2020

Town of New Castle
200 South Greeley Avenue
Chappaqua, New York 10514

Re: Form Based Code

To Supervisor Pool and Council Members Saland, Katz, Levin and Lichenthal:

My wife and I moved to Chappaqua in the summer of 1998, just before our oldest son was born. I grew up in Englewood Cliffs, NJ, just outside of NYC. My wife Cathy is from White Plains, near the High School. We had lived for the prior 10 years in the City and with a child on the way – and a one year old Lab - wanted to find our slice of heaven in the country. We looked all over the area, focusing on northern Westchester given the space and prevalence of nature – the “bucolic New England feel” – as well as quality of schools and relatively easy commute to the City. We fell in love with Chappaqua and particularly our home, an 1870s converted barn within walking distance from the center of town.

At that time, the town was even sleepier than it is now – Pizza Station and Mario’s, a small ice cream store and old school video rental shop, Squires and Britches, the diner, Village Market, a bagel shop, Calhoun’s Pub, Chez Madeline, a decrepit Grand Union, a Chinese takeout restaurant and card store next door, Peabody’s and of course Lange’s Little Store. Then up the road, the historic Kittle House. Jardin du Roi hadn’t arrived yet, and there was no Taco Street, Aesop’s Table, Ibiza, Desires, Old Stone or Bobos. The farm market was significantly smaller than it is today, and of course there was no Whole Foods (and hopefully more) in the Chappaqua Crossing development. Regardless, Chappaqua was appealing to us and to most everyone we knew BECAUSE it was sleepy, and most importantly because it was (and still is) a beautiful country town with space, great schools and a relatively easy commute to NYC. We never had an issue driving a few minutes for dinner options, and were as excited as anyone when the Jacob Burns Center began development; over the years we have been delighted with the modest expansions of the Pleasantville and Armonk town centers as they have provided nearby additional options for dining and shopping. Like most residents I know, we would love to see more of the same in Chappaqua.

Shortly after we moved in, the big debate was changing our school structure – building a new Middle School and making Bell and the new Seven Bridges 5-8. Though our only child at the time was a baby, we felt fully informed, and the discussion involved the entire community. Similarly, the debate over Chappaqua Crossing several years later.

Which brings us to today. Until three months ago, I confess to being totally in the dark about the Form Based Code (FBC). I am sure I missed notices regarding the 2014 Master Planning Engagement; and since that time, I know I was not aware that it was turning into the currently contemplated version of the FBC. Certainly, I should have been more on top of what the Town Board was contemplating. But there are now well over 1,200 petition signatures opposing it in just a couple of months, and an entire School Board now on record advocating a pause pending

further review. It is an understatement to say that the outreach on an issue that is easily the most transformative for our town in any of our lifetimes was not quite what it could have been.

The area encompassed by the town of New Castle is 23 square miles, and there are 640 acres in a square mile...so about 14,720 acres in all of New Castle. The FBC contemplates up to 1,000 new residential units and over 2,000 new residents (a conservative number to be sure), or more than 11% of the current town population...on 70 acres (or .5% of the area of New Castle) in the center of the Chappaqua hamlet. That is the equivalent of an entire small town of 3 - 5 story buildings jammed into 70 acres wedged in a narrow valley between the Saw Mill Parkway and Metro North, on one side, and an enormous rock ridge on the other.

I have participated in almost all of the numerous engagement sessions, and the Public Hearings. We have heard quite a lot from two Board members, a bit from a third, and not a word from two others. We had consultants as well as other town officials walk through in painstaking detail the SEQRA process as well as the DGEIS. But the threshold questions – what are the precise goals the Town is trying to achieve and who defined them – are still as unanswered for me as I think they are for the other 1,200+ (and growing) opponents.

The Board has decried the number of commercial vacancies – 17 was a number, then over 20. We've been told definitively that “the town WILL fail” if the FBC does not move forward, and as such “it will move forward one way or another.” We have also been told from multiple sources, including (ironically) developers, “not to worry, this is a max buildout and won't happen.” In addition, it will be “phased in over up to 15 years.” But intellectual honesty, integrity, and principles of fairness from elected officials requires imagining that it WILL happen, and in a much shorter timeframe. Frankly the images we have all seen so far are shocking.

So my questions, which I believe are baseline and pretty straightforward:

1. What exactly does FAILURE mean to the Town Board?
 - a. Will our property values decline?
 - b. Will the Town no longer attract new residents, and thus see population flight and its incidents?
 - c. Will our minimal commercial tax base be further impaired?
 - d. Will the quality of our education suffer somehow?
2. What towns does the Board view as successful templates for the type of Form Based Code envisioned here?
 - a. Former supervisor Greenstein cited Rye and Greenwich at one of the Hearings – are those really considered legitimate comparables for Chappaqua? Those towns could not be further away from Chappaqua in almost every respect – location, topography, population density, history, and commercial presence to name a few.
 - b. Others have mentioned Pleasantville and Katonah, which certainly seem more akin to Chappaqua, but have not seen development even remotely as dramatic as the FBC.
3. How many commercial vacancies did the Town have before the self-imposed 2018 Moratorium?

4. Is paving the way for a 70-acre cluster of 3 - 5 story mixed use buildings in the center of the town the optimal way to address those vacancies and achieve "vibrancy"?
5. What will the impact be on traffic in town during the morning and evening rush hours, as well as the beginning and end of Bell school day?
6. If the "max" will never happen, then why contemplate it?
7. What percentage of existing town residents live as close to the centers of Pleasantville, Armonk, or Mt. Kisco as the hamlet?
8. Whose interests is the Board considering – solely those of existing residents who voted for you and pay taxes or rents in our town, or some broader constituency? If a broader constituency, what is that and who decided it was appropriate?
 - a. We have been told the FBC will accommodate older residents who would like to downsize and have few current options – what kind of sentiment survey was done to determine that older/"empty nest" residents are clamoring for luxury apartments in new 3-5 story buildings for \$4,000/month? From the public comments to date, those voices have been entirely lacking and the opposite sentiment has been far more prevalent.
 - b. We have also been told younger residents might want "more diverse housing options" – again, what evidence is there that these residents are interested in renting apartments in new developments in the center of town?
 - c. A number of non-resident housing advocates commented about the need to accommodate some population of future residents of Chappaqua. Is that a consideration and if so, can the Board describe it clearly so residents understand how it has factored into the process of advancing the FBC, how the FBC will accomplish those objectives, and how that is beneficial to the current residents of New Castle?

Thank you for your time and consideration. It was heartening to hear that you are taking the concerns of our residents into consideration and gives me hope that the disturbing vision of our town represented in the current draft FBC is not likely to be realized.

Best regards,



Christian G. Hildenbrand