

From: Scott Eric Le Vine [mailto:scottelevine@hotmail.com]
Sent: Thursday, December 3, 2020 1:25 PM
To: PublicComment <PublicComment@mynewcastle.org>
Subject: Public Comment on Form-Based Code

Dear Chappaqua Forward team:

Please find a Public Comment on the Form-Based Code attached.

Thank you.

--Scott and Nataliya Le Vine
(REDACTED)

Dear Chappaqua Forward Team:

We write today to extend from our public comment which is dated Nov 12th (pasted on next page for convenience), now with instruction for how to remedy the problem identified therein.

You specified in the DGEIS that the 149 King townhomes would be re-developed in the “Existing Zoning Build-Out Analysis” scenario.

We have come to the conclusion that your efforts to “*streamline and expedite the development application process*”, combined with the Form-Based Code’s (FBC’s) relaxation of parking requirements and other inducements to catalyze re-development, make it unreasonable of you to specify in the same DGEIS that the 149 King townhomes will not be re-developed in the “Proposed Buildout [i.e. with-FBC] Scenario”.

Town Board members have written that the with-FBC scenario as presented in the DGEIS presents a “maximum buildout” to the public. Your written explanation that “*for purposes of the Buildout [with-FBC] Scenario, 149 King Street has been shown to remain, and not be redeveloped due to its current use*” cannot reasonably apply to the with-FBC scenario but not the “Existing Zoning” scenario (the properties’ “current use” does not vary with scenarios), nor can it co-exist with the statement that the with-FBC scenario is a “maximum buildout”.

For information, our neighbors in 149 King Street continue to be very alarmed by your actions, and more than one has confided in us that they are considering moving away from Chappaqua because of the Form Based Code (i.e. displacement from their community, which is not adequately studied in the DGEIS). Thus it is unreasonable of you to represent to the public that property sales leading to assemblage within the 149 King properties could not occur under the FBC.

Given the FBC’s inducements to redevelopment noted above, the only reasonable remedy to this inconsistency is for you to specify in subsequent iterations of the GEIS that the 149 King Street townhomes could be redeveloped under the FBC. If you do not do this, it would appear to us to be inconsistent with your obligations to provide a hard look at the FBC’s impacts.

Please revise the development program (# of units, sq ft of non-residential uses, etc.) of your “with-FBC” scenario to include reasonable maximum redevelopment potential of the 149 King properties, and please revise the DGEIS’s subsequent analyses of the scenario’s impacts accordingly.

Also: The Build-To line of the 4B Block that you have placed 149 King into is 16’ from the curb face. The current townhomes appear to be built much further from the curb face. Will the townhomes be non-conforming? If so, please disclose to the residents of 149 King and the wider community, using active communication techniques (e.g. letters to affected residents/owners, followed by reasonable time to respond) and in terms the general public can understand, what the reasonably foreseeable consequences of that would be.

Thank you.

--Scott and Nataliya Le Vine
149 King Street

From: Scott Eric Le Vine [<mailto:scottelevine@hotmail.com>]
Sent: Friday, November 20, 2020 3:01 PM
To: PublicComment PublicComment@mynewcastle.org
Subject: Public comment on Form Based Code DGEIS

Dear Chappaqua Forward team:

Exhibits 4B-2 and 4B-3 show that the "Existing Zoning Build-Out Analysis" includes the fee-simple 149 King St townhomes being redeveloped as a combination of "Commercial"(solid red fill) and "Multi-Use" (hatched red), with a 310-vehicle parking structure.

Exhibit 2-5 shows that the "Proposed Buildout Scenario" (i.e. with the Form Based Code) leaves the 149 King St townhomes as-is. Page 3-55, bottom paragraph, final two sentences read: *It is noted that 149 King Street is also within the study area and will be subject to the new form based code. However, for purposes of the Buildout Scenario, 149 King Street has been shown to remain, and not be redeveloped due to its current use.*

It is unreasonable to specify that the 19 owners of the fee-simple townhomes in the 149 King Street community will agree to sell their homes to allow redevelopment under Existing Zoning, but will not under the Form Based Code. Page 2-20, paragraph 'f' reads: *One desired aspect of the proposed code is to streamline and expedite the development application process.*

This is important because by the DGEIS' preparers setting up the "Existing Zoning" as an alternative with an unreasonably large amount of development, the public is misinformed regarding the comparison between these options, including the amount of additional development that the FBC will enable. As you will know, this issue was also discussed by the community's Planning Board.

We will write separately about the lack of a reasonable No-Action scenario.

Scott and Nataliya Le Vine
(REDACTED)