

**From:** Angelo Grasso [mailto:[elangelo@gmail.com](mailto:elangelo@gmail.com)]

**Sent:** Tuesday, December 8, 2020 10:32 PM

**To:** Chappaqua Forward <[chappaquaforward@mynewcastle.org](mailto:chappaquaforward@mynewcastle.org)>; PublicComment <[PublicComment@mynewcastle.org](mailto:PublicComment@mynewcastle.org)>; TownBoard <[townboard@mynewcastle.org](mailto:townboard@mynewcastle.org)>; Ivy Pool <[ipool@mynewcastle.org](mailto:ipool@mynewcastle.org)>; Jeremy Saland <[JSALAND@mynewcastle.org](mailto:JSALAND@mynewcastle.org)>; Lisa Katz <[LKATZ@mynewcastle.org](mailto:LKATZ@mynewcastle.org)>; Lauren Levin <[llevin@mynewcastle.org](mailto:llevin@mynewcastle.org)>; Jason Lichtenthal <[jlichtenthal@mynewcastle.org](mailto:jlichtenthal@mynewcastle.org)>

**Cc:** Angelo Grasso <[elangelo@gmail.com](mailto:elangelo@gmail.com)>

**Subject:** FBC Public Comment

Dear all:

Please see attached concerning the Form Based Code.

Regards,

Angelo Grasso

(REDACTED)  
Chappaqua, NY  
10514 December 8,  
2020

New Castle Town Board  
200 S. Greeley Avenue  
Chappaqua, NY 10514

To the Town Board:

My wife and I are 13-year residents of Chappaqua, and our daughter is a student at Douglas Grafflin Elementary School. I write to express my opposition to the Form Based Code (“FBC”) and Draft Generic Environmental Impact Statement (“DGEIS”).<sup>1</sup> While I could articulate numerous reasons to oppose both the FBC and DGEIS – aesthetic, traffic, parking issues, to name a few – I will focus on two aspects: the timing of the proposal, and the implausible data underpinning of the proposal.

**Timing.** I find it mind-boggling that the Town Board would propose radical changes to downtown Chappaqua in the midst of a pandemic. First, the fact that the Town Board is putting forth a proposal of this magnitude when it is not holding in-person meetings is unacceptable. While Zoom and similar technology permits a method of public debate, it is not an adequate substitute for in-person forums, where elected officials must make a presentation to the members of their community face-to-face, and be accountable in person to public comment and examination. We have all experienced virtual meetings over the past nine months in our personal and professional lives, and know that they are a poor substitute for in-person meetings, particularly concerning controversial, substantive matters.<sup>2</sup>

Second, even taking the FBC and DGEIS at face value (which, as I explain below, is difficult), they are predicated on assumptions that may have been true on March 1, 2020, but are no longer true. There is no denying that the pandemic has completely upended all aspects of modern life, including commuting patterns, the use of office space, retail shopping, and the hospitality industry. Even assuming a best-case scenario that a COVID-19 vaccine is widely disseminated by spring/summer 2021, there is no reason to believe that an area-wide inoculation will lead to a return to life as it existed over a year earlier. To the contrary, it is unlikely that many of us who work in New York City will return to taking the train 5 days a week, if at all, reducing the benefit and appeal of the Town having an express train stop

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<sup>1</sup> The comments in this letter are my own. My wife has written separately concerning her own thoughts about the FBC and DGEIS.

<sup>2</sup> One clear difference between in-person meetings and Zoom “town halls” is that during the recent virtual public forums, members of the Town Board are clearly texting among each other while people are giving public comment.

(particularly given the draconian budget and service cuts that appear to be coming to the MTA). That change, in turn, will fundamentally change the way Chappaqua's residents live day-to-day for the foreseeable future. It would be foolhardy to rezone downtown based on an assumption that 2023 will look like 2018, when we know that is highly unlikely.

The simplest way to alleviate both of the timing issues is to table the entire proposal for 6-12 months. Not only would doing so give the residents of the town time to understand and digest such a complicated, sweeping proposal – which it is clear many do not – it would allow the Board to ascertain what the Town, merchants, and residents need post-pandemic, and whether those needs comport with what was true before everyone knew the phrase “social distancing.” Only with that information can any revision to the current zoning rules and regulations be truly in accordance with the community's needs.

**Implausible Data.** The integrity of the FBC falls apart at the assertion that that a full build-out will add 997 units and 2,075 new residents, of which 114 (less than 5.5%) will be school-age children. Based on the presentations made to the community, this appears to be predicated on the assumption that the residential unit mix will be 5% studio apartments, 67% 1-bedroom apartments, and 28% 2-bedroom apartments.

Simply stated, there is no reason to believe any of these figures. With regard to what type of units would be built, the Director of Planning has previously advised that there is no way for the Town to regulate the bedroom count in the new developments, meaning the Town cannot compel builders to comply with these ratios. Since the primary draw of Chappaqua is our excellent schools, it is almost a certainty that all new construction would be tailored towards families with children. That would mean constructing more 2- and 3-bedroom apartments, rather than studios and 1-bedroom apartments. Hence, there is no reason to believe that 72% of the constructed units would be smaller than 2-bedrooms.

Eliminating the Town's calculation on number of units means the estimates on “new residents” is a fiction. But even assuming that the FBC would add 2,075 new residents to Chappaqua, there is no reason to believe that of those, only 5.5% would be school-age children, considering that the district presently has approximately 3,700 school-age children on a population under 17,000 (i.e., over 21% of residents being school-age children). No reason has been presented why the downtown units would have such a substantially lower population of school-age children. Nor has there been any indication from the Town Board what the impact would be if the number of school-age children in this town were to increase by 10%, and what its impact would be upon Chappaqua's biggest asset: its schools.

Candidly, the fact that the Town Board has taken these figures at face value is what I find the most upsetting about the proposal, particularly because I know

most members of the Board, and know that they are intelligent, hard-working people who can and will ask tough questions. The fact that the Town Board would ask the community to accept plainly flawed data that does not pass the smell test as a basis to completely revamp downtown Chappaqua is utterly baffling.

\* \* \*

Ultimately, it is hard to see how the FBC as proposed is in the best interests of the town or its residents. At best, the FBC is a solution in search of a problem. People move to Chappaqua for the schools, for the pastoral setting, and before 2020, for the commutability. They do not pick Chappaqua for its robust downtown, or the chance that downtown will one day resemble Rye. The FBC turns this reality on its head, proposing a complete reconstruction of downtown while providing little to the current residents (other than years of loud, disruptive construction, which just wracked our town for two years). A radical overhaul of our downtown and its character is a steep price to pay to potentially add a restaurant or spin studio.

At worst, it is a gift to developers and builders at the expense of Chappaqua residents. As proposed, the FBC gives developers carte blanche to build 4-5 story buildings completely out of character with our downtown, with the Town having little or no input on what is constructed or how it is used. There is no reason why the Town should abdicate its responsibility to approve such construction projects, or put strict restrictions on what is built to preserve the Town's bucolic, residential character. A similar mistake was made when the Town forfeited real oversight and control over the development of Chappaqua Crossing. It would be erroneous to do the same thing once again – only this time, the consequences would be making our downtown unrecognizable, and fundamentally altering a town that we all love.

Finally, although I plainly disagree the manner in which this debate is being had, I do want to thank the Town Board for taking public comment, and appreciate the time and effort that has been put into this project. I trust that all of you will take seriously and to heart the objections and criticisms put forth by me and hundreds of other residents, act in our best interests, and reject the FBC and DGEIS as proposed.

Best regards,

Angelo M. Grasso

cc: [savechappaqua.org](http://savechappaqua.org)