



TOWN OF NEW CASTLE

200 S. Greeley Avenue, Chappaqua, New York 10514 • Ph. (914) 238-4724 • Fax (914) 238-5177

PLANNING BOARD

Chairman:

Robert C. Kirkwood

Members

Richard P. Brownell

Thomas Curley

Eldad Gothelf

Kanan Ajmera

Counsel:

Jennifer Gray, Esq.

Director of Planning:

Sabrina D. Charney Hull, AICP

Town Engineer

Robert J. Cioli, P.E.

Environmental Coordinator:

Dennis Corelli

Assistant Planner:

Kellan Cantrell

Secretary

Felicia Cusano

(914) 238-4724

MEMORANDUM

TO: Town Board

FROM: Robert Kirkwood, Chairman

DATE: December 23, 2020

RE: **Planning Board Comments on DGEIS**

The Planning Board submits the following observations and suggestions to the Draft Generic Environmental Impact Statement for the Form Based Code legislation initiative. As an Interested Agency, we support the Town's hamlet improvement effort and we offer these comments in that spirit.

Most environmental impact statements reviewed by the Planning Board are produced by private sector development interests who normally only pose binary build/no-build alternatives for analysis. In such cases, applicants will seek to avoid a full analysis of a broader range of alternatives in the attempt to garner approval for their project, the so-called Preferred Option. In doing so the standard tactic is to provide mitigation measures to make such option more acceptable; and, most often, such measures tend to degrade the environment rather than improve it. (A familiar example is a traffic light where previously there was none.)

The Planning Board urges the Town Board take a different view of the environmental review process for the Town's proposed FBC legislation. In this case, we believe the Town's overriding objective is to revitalize and improve the hamlet. We believe the Town can best arrive at the best alternative, to meet that objective, the Preferred Option, only as the result of a full comparative analysis of all the GEIS Alternatives. While the scope document identifies a Preferred Alternative as a matter of necessity, we suggest treating any single alternative as preferred is premature and does disservice to the intent of the Town's analysis. We believe the search should be to find the scenario that best meets as many of the objectives of the legislated Comprehensive Plan as possible, while minimizing negative impacts to the hamlet and the Town as a whole. In the end, we feel the final FBC should blend lessons learned from all the alternatives in the SEQR process to arrive at the hamlet the Comprehensive Plan hopes for.

In that regard, we also suggest the FBC and the GEIS should clearly affirm that the Form Based Code is the next step in meeting the duly legislated 2017 Comprehensive Plan mandate to improve the hamlet. For this reason, we suggest that the GEIS

should clearly cite the Comprehensive Plan as the touchstone in its review and analysis of the GEIs Alternatives wherever appropriate.

Our comments are below.

December 18, 2020

Town of New Castle Planning Board
Comments to the Draft Environmental Impact Statement
Chappaqua Hamlet Form Based Code, July 2020

COMPREHENSIVE PLAN GOALS

1. The DGEIS correctly states that the FBC is the next step in manifesting the goals of the Comp Plan (Table 3A-2), but it's unclear how and to what extent the alternatives meet those goals. For instance, it assumes that more development is better than less but doesn't make the case.

- The Comp Plan goals identified in Table 3A-2 should be included in the Alternatives Comparison Summary (Table 4D-2) and the measure to which those goals are met should be identified for each alternative.
- It would be helpful to assess the case for each alternative through economic assumptions of projected added income/ discretionary spending in the hamlet, which meets comp plan objectives (more stable shops, more restaurants, more nightlife, etc.).
- Which goals of the comprehensive plan are not adequately addressed with the proposed form-based code?
- How effectively do these projected figures translate to a revitalized hamlet or a stimulated hamlet economy?
- For example, in what ways do the proposed alternative actions satisfy the articulated community demand for “entertainment options that attract community residents and visitors?”
- Do the proposed alternatives adequately address the potential for high tech, start-up companies?
- What is the appropriate balance of commercial office space and residential units, increase the percentage of people who will both live and work in Chappaqua? What would those impacts be?
- The document interchanges words such as “community” “study area” “CDP” “town” “hamlet” and “region.” The document refers to “community

needs.” How is “community” defined? Should it not include the entire town?

- With each alternative proposal, what is the predicted increase of “feet on the street” for an average workday? For an average Saturday? For an average Sunday?
- If the number of visitors generated by the proposed development plan is minimal, how will there be sufficient economic stimulation within the hamlet to revitalize it and produce healthy economic conditions?
- Explain the statement “No significant adverse impacts to zoning are anticipated with the proposed action, and it is considered a beneficial impact to the community.”
- Explain what is meant by the statement “Spatial open space and landscape requirements of the code are intended to enhance the aesthetic quality of the study area, creating a more attractive, cohesive and a more walkable commercial/mixed use hamlet.” What standards are used to support this statement?

ALTERNATIVES

2. Alternative A is misused. Alternative A must be carried in the document since it was included in the project scope, but it does not provide any realistic, meaningful or useful information that will guide the Town Board. It should be ignored as an appropriate “no action” baseline. Alternative B is the useful “no action” baseline for the study.

- Consider Alternative B the baseline. It assumes +397 units; it will paint a more accurate picture of the net impacts of the other alternatives. For instance, the correct additional number of units in the Preferred Alternative is not +963, but +622. This ratchets down all the net impacts for each alternative to provide a basis for a more accurate conclusion.

3. Block-by-block development levels are incomplete: they do not include the number of parking spaces in each block or the height of parking garages.

- This is easily fixed, just provide the numbers. It should also be noted who is parking in the garages (i.e., commuters, residents, shoppers, visitors, etc.)
- The block-by-block tabulations should also include the total square footage of each land use, including parking.

BUILDING HEIGHT / FINANCIAL FEASIBILITY

4. The alternatives speak to profitability and potential return on investment for developers of three, four, and five story buildings, concluding that three story residential development is not sufficiently profitable; but there is no back-up financial analyst in the document to justify that conclusion.

- The GEIS should include a financial analysis of a sample residential project that stipulates its assumptions and comparables to justify this conclusion, including the effect of a reasonable affordable housing component.
- Financial feasibility should include a mix of multifamily uses: market, workforce, affordable rentals; owned units to support any market conclusions
- The GEIS should add a similar analysis for a commercial / office land use on selected sites.

BUILDING HEIGHT / COMMUNITY CHARACTER

5. The FBC initiative sets itself a difficult challenge in meeting Comp Plan objectives on the preservation of community character. The DGEIS says 4 and 5 story buildings enhance existing community character, but it doesn't make the case (nor can it).

- It should be recognized that there is a fundamental difference between a one/two story townscape and four/five story one. There's no way around this one. Community character will change visually; the change moves the hamlet from an exurban/suburban one to a more urban one. The GEIS should list benefits that offset that impact, especially if it can quantify those benefits that return to the vitality of the hamlet (i.e., added discretionary income, shift to a younger demographic, etc.)
- The GEIS could recognize that some aspects of community character could be preserved through sensible environmental planning. For instance, new taller buildings must preserve reasonable access to natural light and view sheds for existing properties, especially those residences east of the North Greeley corridor.
- The GEIS should analyze and assess the impact of four and five story buildings of shade, shadow, and viewshed on existing properties within and adjacent to the FBC boundaries, including the impact to solar panel rooftop locations.
- What will the noise rebound effect be from proposed five-story structures at the train station for residents on the western side of the tracks and the

Saw Mill River Parkway? Will these proposed structures serve to suppress noise from the trains east of these proposed structures? What noise buffering will be necessary for these proposed buildings?

6. The DGEIS suggests that extra building height (building mass) will be mitigated by architecture.

- Despite our consultant's effervescent proclamations, this is a reach. A five-story building is categorically larger than a two/three story one, regardless of its facade treatment. The document needs to make the case that the impact to community character will be offset by the benefits of more development outlined in the Comp Plan consequence of a fully vetted and properly legislated Comp Plan. (See 4, above).

PARKING

7. The DGEIS does not address the impact of 5 parking garages to visual/community character.

- Visually, the point could be made that for the most part, these garages are folded under/behind other buildings. Re community character, the point could be made that most of these garages are needed for new residents. Will most people coming into the hamlet still be able to park as they do today in open parking lots, on streets, or on grade within parking structures?

8. The document states "a lot has changed in the world of parking since"1986 but does not offer evidence or information to support this statement.

- Since this statement is a foundation for the adjusted parking ratios used in the DGEIS, the GEIS should indicate what has changed (in the town, county, region) and provide the statistical backup.
- How will the increase in the amount of bicycle parking reduce automobile parking demand? If reduced, by how much?
- Specify the new technologies and ways of doing business that will continue to change requirements for parking in the future. Will the changes be increases or decreases?
- Please identify the area alluded to for appropriate parking incentives. How far are these areas from the center of the hamlet? Are they within realistic walking distance?
- Who would provide the valet or shuttle service within a one-mile radius of parking? How would this be funded?

- What was the parking requirement per sq. ft or per dwelling unit at the Chappaqua Crossing residential application? Should those standards be used in the hamlet? If so, why? If not, why?

9. The document repeatedly speaks to the introduction of a “mix of residential uses” in this proposal.

- How many different uses are being introduced? Isn't it more accurate to state that there will simply be more residential units, i.e., rental, that are being introduced? Is the mix merely the size of units? What impacts, if any, result from a mix of market, workforce, affordable rentals with a mix of owned units?
- The proposal seeks “no net loss of parking in the hamlet.” Is that a statement regarding no net loss in the ratio of parking per sq. footage of residential and commercial /retail development? Or does this refer to the actual number of parking spaces?
- Is a “no net loss of parking spaces” the appropriate benchmark in view of the scope of the proposed action?

TRAFFIC / TRANSPORTATION

10. The traffic analysis suggests the modification of the “Y” intersection of South Greeley and Rt. 120 to a “T” intersection could help to mitigate the increased demand from development.

- This intersection was the focus of an earlier detailed studies resulting in rejection by the state of a “T” configuration. The PB has always supported the “T” alternative, believing that it provides a much better retail / walking environment for the hamlet. If the Town Board believes this design is now an option, the Planning Board requests the “T” alternative be featured in the document as a future objective.
- What provisions will be made for the use of bicycles in the traffic flow of the hamlet roads?
- What impact will enlarged civic buildings in the area of Town Hall with presumably expanded programs have on traffic, parking and visitors to the hamlet?
- Have those impacts been considered in the buildout scenarios?

11. The DGEIS assume trip generation rates for new development. The following factors should be included in the analysis.

- The GEIS should include a statistical adjustment of credits to trip generation rates resulting from the proximity of the train station.
- Does the conclusion that there will not be any adverse traffic impact from the proposed action include visitor trips to the hamlet, or include anticipated increases in trips to and from enlarged civic buildings or expanded public programs?
- Under public transportation, please cite instances where the Beeline bus line has amended routes to adjust service to accommodate anticipated increases or changes in demand.

LAND USE

12. The DGEIS calls for a specific land use (community center) on Town land.

- There is no need for the TB to declare a Community Center as part of the FBC. It has not been confirmed, it confuses the discussion, and it gives an inaccurate conclusion in the analysis. It should be taken out.

13. The scenarios projected for the DGEIS alternatives focus almost exclusively on residential development. It has not been tested whether these land use scenarios represent the “highest and best use” to meet the broadest spectrum of Comp Plan objectives.

- It may be advisable to include a larger ratio of commercial / office use as an alternative as a more reasonable mix of development for the hamlet. Doing so may reveal benefits to businesses in the hamlet, including restaurants, and lessen impacts to some infrastructure, including water and sewer.
- If all of the 20,000 sq. ft of additional commercial space were office space, would it be enough to generate sufficient impact on the economic health of the hamlet?
- What studies support the notion that a top-heavy increase in housing with a very modest increase in commercial / retail will be sufficient to revitalize economic health of the hamlet?
- The document speaks to transit-oriented development. Where are the occupants of the new housing anticipated to be during the workday?
- Would incentivizing commercial offices on second, third or fourth floors add to the economic viability of the hamlet?

- Would a mix of residential and office occupancy in the proposed buildings on the town property take better advantage of the transit-oriented development and lead to a higher factor of economic development?
- The document repeatedly speaks to the introduction of a “mix of residential uses” in this proposal. How many different uses are being introduced? Isn’t it more accurate to state that there will simply be more residential units, i.e., rental, that are being introduced?
- In what ways does the proposed action satisfy the demand from the community for “entertainment options that attract community residents and visitors?”

14. The DGEIS does not distinguish between retail space and office space in the land uses assigned to alternatives; instead it joins these two uses into one category, “commercial.” There is a brand difference in the impacts / benefits of these two uses.

- The GEIS should clarify the amount of retail and the amount of office assumed in each alternative.

15. Table 3E-2 cites 123,844 sf of office space, but it’s not clear where it is located.

- The GEIS should indicate where this space is located and whether it is new or existing space.

COMMUNITY SERVICES

16. The DGEIS states that the cost of added community services will be provided for by a "walkable, vibrant hamlet."

- This assertion has no basis in fact in the document and is a logical fallacy. It may be true that more people living in the hamlet will help pay for the cost of the community services, and it may be true that more people will contribute to a vibrant hamlet. But it’s a fallacy to assert that a vibrant hamlet in itself will pay for the services. The first case needs to be made that more people living in the hamlet will help pay for services. (Whether the hamlet is more vibrant is a separate matter.) The approximate cost of added community facilities should be compared to the net increase in tax revenues to make the case. It is critically important that the GEIS provide a comprehensive commercial / residential tax revenue analysis compared to the costs of community services in each alternative.
- What are the current uses and capacities of the town’s recreational facilities?

- What will be the impact of additional residents in the hamlet on the town parks and recreation facilities outside of the hamlet? What are the figures to support these impacts?
- The document speaks about additional civic space in the hamlet, yet the comparisons show a reduction. How are these reconciled?
- Will additional recreation fees charged to applicants be sufficient to mitigate the additional demand on the Town's parks and recreational facilities that can be anticipated with the proposed increase in population?
- What are the additional capital, maintenance and operating expenses required for Chappaqua's fire department for protecting a five-story building versus a four-story building, or a three-story building, if any? Capital costs should include the cost of a larger ladder unit as well as a larger facility to garage such a unit.

SOCIO-ECONOMIC

17. The DGEIS assumes that the extra building height called for in the FBC will provide the development return on investment required to stimulate new housing, but it provides insufficient financial analysis to back up the assertion.

- The GEIS should provide a basic financial analysis of costs/returns, including projected tax revenue, for three, four, and five story development.
- The document speaks to an estimated existing residential population of 220 in the hamlet. This sounds like the figure within the hamlet study area, and not the CDP. Please clarify.
- What is the existing population of residents in the Chappaqua hamlet? (CDP?)
- What will that figure be once the Conifer and 91 Bedford Road buildings are completed and fully rented?

AFFORDABLE HOUSING

18. The topic of affordable housing needs further analysis. A separate section on affordable housing should be included in the GEIS.

- The affordable housing section should make clear the nexus between the Form Based Code and existing Town affordable housing policies,

affordable housing objectives of the Comprehensive Plan, and County affordable housing goals / obligations.

- The affordable housing section should address the extent to which these targets can be met by the five alternatives.

GEOLOGY AND SOILS

19. The DGEIS does not adequately document and analyze the impact of existing sub-grade conditions, especially ground water under and in the vicinity of the town owned commuter parking lots and along South Greeley Avenue.

- The Planning Board recommends that old and new maps, including Army Corps of Engineer maps and as-built plans, be studied together to determine existing sources of wetlands and formerly filled wetlands. Potential costs of future development should be determined for wetland areas. For instance, multifamily large-scale development requiring deep foundations may be cost prohibitive.
- Regarding rock constraints, the impacts of blasting/chipping need to be studied as well with regard to noise and environmental factors.
- What aspects of the geologic conditions in the hamlet would prevent onsite underground parking?

SUSTAINABILITY

20. It seems the DGEIS insufficiently discusses sustainability.

- The document should address town impacts to/benefits of the FBC regarding town planning sustainability. For instance, the basic green principles of rezoning for multifamily development near public transportation are imbedded in the design of the FBC. The GEIS should highlight those benefits, comparing development near the train station vs. distribution of multifamily throughout New Castle.
- The GEIS should discuss any infrastructure efficiencies that result.

INFRASTRUCTURE

21. Removal of overhead utility wires and the concealment of new communication technology is critically important to mitigation of visual impacts from development.

- What will be the increased visual impact in terms of increased overhead wires (quantity and size) if underground utility wires are not required?

- Will the code require applicants to place utility infrastructure below ground as mitigation and as part of their respective application?
- Will the proposed buildout adversely impact the potential hookup to sewers for those residents of Chappaqua outside the study area who lie in a sewer district and pay sewer tax, but are currently on septic systems? That is, will the hamlet buildout exhaust the available capacity necessary for these residents to eventually hook up to the sewage system?
- Indicate the assumed water piping peak factor and confirm that existing water mains are adequate to meet the projected peak demand.

COVID-19 AND THE FUTURE

22. Many argue that the COVID pandemic has not caused changes in retail patterns as much as it has accelerated the changes in retail patterns that have already been unfolding.

- The GEIS should discuss assumptions regarding these trends and how they have been accounted for in the document.
- With patterns moving away from brick and mortar retail, what additional traffic will be generated in the hamlet from last mile deliveries?
- How will the increase in last-mile deliveries increase traffic congestion?
- Where will last-mile deliveries be designated? Will these impact streetscapes?
- In what ways do the proposed alternative actions satisfy the articulated community demand for “entertainment options that attract community residents and visitors?”
- What impacts from the COVID pandemic shutdown are expected to be longer-term in nature? For example, the document cites a 2015 study by Pace that states 97% of the residents of Chappaqua work outside of Chappaqua. Clearly, that figure has been significantly disrupted by COVID. To what extent can the COVID shutdown and resulting response to the shutdown, coupled with increased bandwidth of internet infrastructure, be expected to reduce the demand for travel to and from New York City daily?
- To what extent can these changes in work and transportation patterns anticipated to be permanent? More study is required.

- Is it likely that daily commuter demand for parking at the train station will decrease? If so, by how much? What amount of decreased demand for commuter parking at the railroad parking lot would reduce or change parking constraints identified under each of the proposed alternatives.

DWELLING UNITS

23. Unit type assumptions drive many of the outcomes in the EIS analysis. The split between three-, two- one-bedroom and studio apartments should be clarified.

- Since school-age children are approximately 33% of our population, and the approximately 1,000 new units are projected to yield only 92 additional schoolchildren to the Chappaqua School District, are we to assume that the majority of these new units are going to be studio and one-bedroom units.
- Given the desirability of Chappaqua Schools, justify the high number of one-bedroom apartments and low number of two-bedroom units.
- Justify the financial feasibility / market rationale of one-bedroom units in our family-centric community.

REVIEW PROCESS

24. The DGEIS includes statements regarding a more streamlined review process. It is not clear the extent to which a streamlined review process contributes to environmental benefits / impacts. But if it is to be included, it should be supported.

- How does an expedited development application process lead to the creation of a “more beautiful and pedestrian oriented hamlet?” Such declarations are not supported and are in fact not supportable.
- What ability to grieve an adverse impact from an application “by right” will a member of the public have under the proposed streamlined process, described as simple adjacency noticing, the provision of a sketch plan document, and the informal meeting with Town staff to argue for revisions at the staff’s discretion?
- What other towns in our region of comparable size have adopted a streamlined review process? Please cite the towns, the date of adoption of such legislation. Describe any resulting increase in litigation?
- What are the benefits to the public at large for a proscribed time frame within the proposed expedited process?

Ecc: Sabrina Charney Hull, Director of Planning
Felicia Cusano, Planning Board Secretary
Christina Papes, Town Clerk