

From: Sarah Shapiro [mailto:contact@savechappaqua.org]

Sent: Monday, January 11, 2021 1:31 PM

To: Chappaqua Forward <chappaquaforward@mynewcastle.org>

Subject: RUSCH Letter to Town Board

Please find attached.



January 11, 2021

[Via Email \(Chappaquaforward@mynewcastle.org\)](mailto:Chappaquaforward@mynewcastle.org)

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

Dear New Castle Town Board:

Residents United to Save Chappaqua Hamlet Inc. (“RUSCH”), a grassroots, not-for-profit group, submits this letter in support of our mission that future development of the Chappaqua Hamlet must reflect a *collective, community vision*.

Given this mission, it was heartening to read a December 23, 2020 *Examiner News* article entitled “*New Castle Takes Stock of Form Based Code With Break in Hearing*” which not only refers to the importance of collaboration in terms of the Form-Based Code but also quotes Supervisor Pool as saying that “the Town is fully committed to taking the time to get it right.” We urge this Board to build upon the key concepts of *community collaboration* and *taking the time to get the proposed rezoning right* by continuing to pause the Form-Based Code process until residents and other stakeholders are able to come together, in-person, to participate in a charrette: a design workshop—led by impartial, professional facilitators—focused on what we, *the community, collectively* want for the future of *our* Hamlet.

It is widely acknowledged that a Form-Based Code is only appropriate if it implements a *community’s* vision for its future. The Town’s 2018 RFP expressly recognized this by seeking consultant services for holding a charrette, which the RFP said was needed “to obtain maximum hamlet input so as to produce the best possible plan on which to base the new [Form-Based Code].” Indeed, one of the consultants the Town eventually hired—Joel Russell, Esq.—is quoted in a 2015 interview, when he was executive director of the Form-Based Codes Institute, as saying, “Form-based codes should *always* be drafted *after* an extensive public process in which a *shared vision of the future physical and social character of the community has been developed.... so the code reflects what citizens want.*” (Emphasis added.)

Yet, here, the proposed Form-Based Code does not reflect what the community wants for our Hamlet *because no charrette was ever done—the community has never been brought together to collaborate, engage in design-decision making and come to a consensus about how the Hamlet should evolve.* Accordingly, we respectfully submit it is incumbent on this Board to stop moving forward with the current iteration of the Form-Based Code and pause Hamlet rezoning until the essential step of a community charrette can be undertaken. This stance does not constitute opposition to the concepts of form-based codes or upzoning. Instead, it is a recognition that the Form-Based Code before us arose from a fundamentally flawed process and, as a result, does not reflect a community vision about the future of our Hamlet, as best practices, the Board’s own hired consultant, and common sense say it must.

RESIDENTS UNITED TO SAVE CHAPPAQUA HAMLET INC.

P. O. Box 1036, Chappaqua, New York 10514 • Email: contact@SaveChappaqua.org
www.SaveChappaqua.org



It is indisputable that the proposed Form-Based Code will result in fundamental and permanent changes to our Hamlet that will guide New Castle, as this Board has stated, for the next forty years. As the Planning Board recently said about the Code’s impacts, “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...” That radical change in aesthetics and density will also mean, among other things, significant increases in: parking congestion (and having to build garages to deal with it); traffic issues; civic services; school-aged children; and taxes. It will also result in possibly more than a decade of construction, great changes to viewsheds and the environment, and the loss of our small town look and feel. Given these consequences, hundreds of written comments in opposition to this plan have been submitted to the Town.

The concern, confusion and frustration expressed by residents and other stakeholders about the Code arose, in large part, because the community was not involved in making the choices and other decisions that led to it. Instead, the Code was written by a Downtown Working Group (“DWG”) that included elected officials, hired consultants and Planning Board members, but did *not* include key stakeholders such as ordinary residents, existing merchants, the local Fire Department and EMS, the library, and the Chappaqua Central School District. The DWG (which was created in 2019 by the prior administration) also included two local developers who own land in the areas to be rezoned and an architect who works for one of the developers. Thus, these individuals have potentially vested interests in a zoning code that prioritizes developers’ financial goals over community vision. The DWG’s concepts for the Hamlet were publicly shown in two Summer 2019 meetings. Those *presentations* in no way, shape or form constituted a *community charrette*, which involves a very specific type of public design and planning process, as described below.

The public outreach that happened before the Town’s Comprehensive Plan was adopted in 2017, had both a different purpose and a different end result than a charrette, which even the Town’s own Form-Based Code RFP acknowledged. Our Comp Plan contains statements of policy, and the outreach that transpired years before its adoption involved participant feedback merely as to broad goals. Critically, the Comp Plan does not include any detailed design plan showing the community’s vision of the Hamlet as a physical place, as would evolve out of a properly done charrette.

The current public comment process, wherein the Board has stressed that it is “listening” and individual residents and others “prepare and present” points they want to make about the Code, also is not even close to the truly collaborative, in-person interaction that would happen in a charrette. All of us are isolated in our individual “silos”. We cannot even see, let alone speak to, each other. This structure prevents us—the community—from truly learning about our fellow residents and other stakeholders, from collectively sharing information and ideas, from solving problems and from deciding upon what we *want* to achieve and *can* achieve, *together*. If the process is not reset to include the community, we will miss the invaluable opportunity to address the future of our Hamlet in a manner that benefits everyone involved, by building relationships and finding common ground. The good news is that the end of this restrictive environment is on the horizon. There is no sound reason to continue moving forward with a plan that has massive implications over a forty-year period, when a cure to the fundamentally flawed process can happen before long.

A properly done process would start with bringing all interested stakeholders together in the same physical place, our community “barn.” There, under the guidance of an inter-disciplinary team led by experienced professional facilitators, participating members of the public would be provided with



accurate information, educated as to relevant planning principles (such as those that support inclusiveness, create a walkable, mixed-use place and provide a foundation for a good form-based code) and engaged in extensive interactive collaboration, including feedback loops to gather and respond to stakeholder input. The National Charrette Institute states that a well-done charrette’s collaborative decision-making process is grounded in four fundamental principles:

- Achieving a holistic solution requires a holistic process in which all viewpoints are represented.
- Building trust and engagement in the process means there must be openness about assumptions, process, and data.
- Sharing learning, with all relevant stakeholders present at key decision points, leads to new understanding and to changes in people’s perceptions and positions.
- Designing a shared solution—in detail—is the best tool for resolving conflict and achieving a shared vision.

Through adherence to these principles and with the guidance of professional, impartial facilitators, our community will walk through different scenarios for change in the Hamlet, collaboratively solve practical problems, think creatively, learn about the perspectives of others, and achieve a consensus for the future. The end result of such a process will be a Hamlet-specific “vision plan” that embodies the best thinking of the New Castle community and professionals, working closely together. Such a plan will be much more than a policy document or a mere set of legal wording. It will show specifically how our Hamlet will be shaped, including, among other things, the nature, location, and character of public spaces and the relationships between buildings and the streets they frame.

Recently, Supervisor Pool herself noted the exciting power of a charrette. In speaking of development of the taxpayer-owned south commuter lot, she said she “sees a public process where we would invite the community to come in and have design charrettes and we’d all work towards what do we want that nine acres of land to look like in the future.” She described the charrette process as “a marvelous community experience of designing” and a “creative mindful process.” While this is an apt description of a well-done charrette’s impact, there is no reason to limit that highly beneficial process to just the commuter lot. To the contrary, we can—and must—adopt a holistic approach by jointly tackling the *entire* 72-acres proposed to be rezoned under the Form-Based Code. That includes Greeley Avenue, lower King Street, and at the top of the King Street hill. Given their centralized locations, how those areas look, feel and function is of the utmost importance, not only to those who reside, work, commute and attend school directly in the Hamlet, but also to the wider New Castle community. A charrette as to the entire area will inform and build trust among New Castle stakeholders as they jointly design a future that fits our collective goals. Given the many smart and creative members of our community, that vision will no doubt reflect a more creative, diverse, inclusive and exciting plan than the current one, which prioritizes widespread, far more dense, and fast-tracked residential development (because the Planning Board will have no oversight for the vast majority of Hamlet projects). With our community being part of the decision-making, the resulting plan also will have broad support and *that means it will be a plan that can be done*. Chappaqua Hamlet and the wider New Castle community—those who reside here now and in the future—will be all the better for it.

This does not mean the process has to be entirely started over. All it means is that the current Form-Based Code (which does not have the many benefits that come from following proper process) should not continue to move forward and during the resulting pause, a properly planned charrette should be undertaken. The 2019 RFP response by the Town’s consultant, Kimley-Horn, states that the next steps in the current process, which involve going from the accepted DGEIS to the final Form-Based Code, will cost \$75,000. It is possible that actual costs will exceed that estimate, especially given the extent of



written public comment on the many gaps, flaws and other material issues with the DGEIS and the Code itself. The Town already has a significant budgetary shortfall due to COVID-related fiscal impacts, such as a precipitous drop in commuter parking revenues. For many reasons, including fiscal, we strongly urge this Board not to devote further taxpayer funds to pursuing the current Form-Based Code.

More time will also permit a renewed effort to inform and engage the community so that that the guiding collective New Castle “voice” will involve as broad a spectrum of interested stakeholders as is feasible. RUSCH has found that wide swaths of New Castle are still unaware of the Form-Based Code. One of our earliest steps was to place lawn signs around Town to raise awareness that the proposed Code will radically change the community we all have chosen to call home and to get people asking what that Code is all about, which some have done. Clearly more outreach work is needed. RUSCH is willing to partner with the Town to help spread the word about a charrette, to provide accurate information to our fellow residents regarding that process, and to encourage widespread participation. We believe our organization has much to offer in support of a successful charrette.

In sum, RUSCH respectfully submits that the need to get our Hamlet’s future “right” dictates that the current Form-Based Code process be definitively paused until such time as the community is able to engage in an inclusive, impartial, professionally-led charrette focused on the post-COVID future of our Hamlet. In that way, we will be able to retain the heart and soul of our community while creating a feasible, widely supported, inclusive plan for how the Hamlet evolves in the decades to come. New Castle has before it the rare chance to make our future truly special and to do it *together, collaboratively*. It is vital that this Board make that commitment. We implore you to grab the opportunity!

Thank you for your time and consideration.

Very truly yours,

Residents United to Save
Chappaqua Hamlet Inc.

Margaret Ferguson
President