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

Subject: Public comment submission

Please see attached.

Thank you,

Dora Straus

SIXTH PUBLIC COMMENT SUBMISSION
on the DGEIS associated with the Form Based Code (“FBC”)

Dora Straus
January 11, 2021

This is my sixth public comment concerning the DGEIS and associated FBC. This comment supplements my prior public comments and raises additional questions and criticisms of the DGEIS.

I. The DGEIS Fails to Consider The Impacts of Noise, Traffic, Air Quality, Safety And Security Surrounding Students At Bell Middle School

The DGEIS and FBC propose to re-zone the hamlet and envision the building of medium and high density apartment buildings (1) on South Greeley Avenue alongside Bell Middle School, including the front span of the building, its fields, its bus entrance and parking lots, and (2) all around the head of Senter Street, which is the ingress and egress for Bell student pick-up and drop-off by car as well as for Bell students who walk to and from school.

Upon review of the DGEIS, it is evident that the DGEIS did not conduct any study of, nor did it meaningfully consider, the following points:

- (1) How noise from demolition and construction so close to Bell Middle School will impact children trying to learn while at school;
- (2) How noise and traffic arising out of a new presence of apartment buildings and residential population so close to Bell Middle School will impact children trying to learn while at school;
- (3) How air quality from demolition and construction (including the release of pollutants, toxins and dust) so close to Bell Middle School will impact the health and learning of the children while attending school, as well as the children who live within the hamlet’s downtown;
- (4) How traffic both (a) during demolition and construction of buildings and (b) after completion of construction will impact:
 - (i) the buses and cars entering and leaving Bell Middle School on South Greeley Avenue, and
 - (ii) the drivers and walkers who enter and leave Bell Middle School via Senter Street, which has only one shared way in and out (it is critical to recognize the high likelihood that the buildings at the head of Senter Street (the Ibiza and Family Britches buildings) will be razed and developed into bigger buildings under the FBC (*see* public comments of Lacilla dated 10/14/20 and Mishkin-Bugee dated 10/20/20));

- (5) How traffic both (a) during demolition and construction of buildings and (b) after completion of construction along South Greeley and King Street will impact the increased amount of drivers now bringing and picking up their children from Bell Middle School as a result of the Covid-19 pandemic. Currently, the backup along King Street is heavier in the morning hours during drop off and in the afternoon, well before 2:00 pm as cars start to line up. There are police and traffic officers currently directing the traffic because it is now so highly trafficked. The pandemic is not going to disappear in the near term. The DGEIS was drafted pre-Covid and thus its traffic studies are outdated and need to be revised in order to take account of the new conditions, *i.e.*, a large number of people are now driving their kids to and from school, instead of relying on buses. This may continue well into the future, depending upon rates and levels of eventual vaccination among the public, and children in particular.
- (6) The security issues that will necessarily accompany a permanent increase in population density in the immediate vicinity of Bell Middle School. Children attending Bell are fully exposed while playing or sitting outside on the fields that abut the re-zoned areas. Children are also at risk from intruders when inside the school. We cannot ignore present day physical threats to schools across the country, including school shootings. Adding large amounts of residential development around three sides of Bell Middle School raises safety and security concerns which cannot be ignored.

In sum, the impact of FBC development and construction all along South Greeley, King Street and Senter Street must be carefully considered in light of (a) the fact that development will occur in very close proximity to our middle school, where concerns about noise, traffic, health, safety and security with respect to children are paramount, and, separately (b) our new pandemic conditions, especially understanding how traffic and construction will affect children, teachers, staff and parents trying to get in and out of Bell Middle School under what are now much more heavily trafficked routes.

The DGEIS, without discussion, asserts that there will be no impacts with respect to hazardous materials, air quality and noise surrounding a school. The DGEIS merely references a few state and local laws governing such topics, as if these laws will be some sort of cure-all. This is too superficial a treatment of what are highly critical concerns where children will be affected. When considering whether or not to adopt the FBC, permitted building size/height, and the reach of the FBC's footprint, I ask the Board to carefully consider all of the impacts of construction and development (including hazardous materials, pollution, dust, noise, traffic, safety, security, as discussed above) on the children attending Bell Middle School, as well as those that reside in the downtown.

In light of the concerns raised above, I ask the Board to please consider removing blocks 8C (light pink) and 8B (darker pink) from the FBC footprint, where no buildings now exist. Under the FBC, these blocks would allow construction of apartment buildings on South

Greeley Avenue directly in front of Bell Middle School, its fields and parking lots, as well as in front of the Church of St. Mary the Virgin, all the way up to the side of the Library (part of the CCSD). I cannot fathom why the Town would want to allow construction of buildings so close alongside the edge of the school, its fields and parking lots, as well as so close to the Library, not only for all the reasons cited above but also because the beauty of the natural surround and setting of this entire area will be destroyed. I would like to ask the Board to consider whether building along this picturesque stretch of the town is really necessary or desirable. The areas in front of Bell Middle School and the adjacent Church should remain untouched in my view, given all of the concerns listed above – but also because construction of apartment buildings on this portion of South Greeley will block the views of three beautiful and historic stone buildings and their surrounding landscape. When the beautiful historic stone school and church buildings and their peaceful natural surrounding landscape get fronted by apartment buildings, cars and heavier traffic, the open air and bucolic small town feel of this area of town will be lost. The Church is a New York landmark, listed on the National Register of Historic Places, and Bell Middle School is eligible for listing on the National Register of Historic Places (DGEIS at 3-139.). These are historically significant buildings which should not be masked by apartment buildings.

Likewise, for all the reasons stated above with respect to the presence of Bell Middle School, I ask the Board to also consider removing from the FBC footprint small *portions* of Blocks 8A (purple) and 7 (dark pink) where they border the start of Senter Street. I note that the historic Greeley House and Senter Street Firehouse sit on one side, and the lovely Community Center building sits on the other side, right next to the architecturally complementary one-story brick building that currently houses Ibiza. The DGEIS itself recommends that the Greeley House and Senter Street Firehouse should not be redeveloped given that they are landmarks (DGEIS at 3-140), even though they are nonetheless included within the FBC footprint. Nor, in my view, should the Community Center building be allowed to be razed and developed, due to its historic and aesthetic value (which has recognized by the Town Historian, having called for its designation as a landmark). In sum, two separate factors weigh in favor of removing the areas that border the start of Senter Street from the FBC rezoning: (1) the historic and aesthetic character of the buildings on both sides, and (2) the negative consequences that development in this area will have on drivers and student pedestrians as they enter to approach, and exit to leave, Bell Middle School (as discussed above). For all of the foregoing reasons, I ask the Board to please consider removing these small portions of Blocks 7 and 8A from the FBC's footprint.

If the Board chooses not to remove these areas from the FBC footprint, it must be kept in mind that developers are allowed to build *as of right* under the FBC. Developers who seek to build under the FBC therefore *must* be held to the highest of standards by the Town, especially when they are building so close to the presence of children at Bell Middle School. The strictest of standards should be codified, *i.e.*, drafted directly into the language of the zoning code, in order to protect our children in any area where development is permitted close to Bell Middle School, its fields and its approaches. In addition to Blocks 7, 8A, 8B and 8C as discussed above, this includes the entirety of Block 8A on South Greeley Avenue across from the Bell field. There are already stores in this area, but these could likely experience demolition and new construction under the FBC. A vague reference to other independent laws and ordinances

cannot substitute for true oversight of developers. That is not sufficient protection under these circumstances.

II. The DGEIS Fails to Address Where Commuters Will Park If the Town Sells The Train Station Parking Lot For Development

There are currently 1,372 parking spots at the train station lot, according to the DGEIS. (DGEIS at p. 3-100.) Before the Covid-19 pandemic, the parking lot was always fully occupied with the cars of people who commuted to the city by train. (*Id.*) Assuming a time comes when the pandemic is declared to have fully subsided, the Town has to recognize that residents who work for companies with offices in Manhattan or in places along the Harlem line will at some point return to commuting by rail.

If the Town decides to sell the train station lot to a developer for purposes of building a large residential structure (with or without parking) under the FBC, where will our resident commuters park their cars during the many months/years of construction? How can the DGEIS allow for re-zoning of this large piece of taxpayer-owned land, upon which commuters rely daily for parking, without providing an answer to that question? The impact on residents in this regard would be tremendous. People currently living in New Castle, who moved here from the City with jobs in the City, may eventually need to go back to commuting regularly. We considered Chappaqua precisely because it has a train station with available permit parking (whereas other towns such as Armonk do not have this). So the train station parking lot is extremely important to us. The DGEIS needs to concretely address the issue of where commuters will park during construction under the FBC.

Moreover, the DGEIS fails to address whether development at the train station area will be able to accommodate all 1,372 commuter parking spots after construction, given that many new residential spots will now have to be accommodated. Assuming a huge multi-tiered garage structure goes up, getting in and out of such a garage will add a lot more time to what is an already long commute. In the evenings, pre-pandemic, getting out of the train station took a very long time due to the back-up of cars. No one will want to now have to wind their way up and down a massive parking structure, adding even more commuting time and another level of difficulty in getting out of the train station after an already long commute home. It may be that only people who actually commuted to the City by train pre-pandemic understand this, so I ask the Board to take this comment into serious consideration when considering a zoning change that will incentivize the removal of our highly convenient, easily accessible ground-level parking lot. It is one of the true benefits of living as a commuter in Chappaqua and the thought of having it taken away is distressing.

III. The Issue of Traffic Generally

The DGEIS states that a full buildout could increase traffic volumes at key intersections by 37% (DGEIS at 3-133.) At the January 5, 2021 Work Session, the Board voiced its concern with adding even more traffic to an already over-trafficked hamlet. I was relieved to

hear this concern expressed and acknowledged by the Board. I do not have the expertise to allow me to comment in detail on the traffic studies contained in the DGEIS. However, as a resident concerned with how the FBC will add even more traffic to the hamlet, I make the following observation.

The DGEIS illustrates that under existing conditions, most of the hamlet's intersections operate at an A or B level of service, with a few operating at level C, D or E at certain times of the day. (DGEIS at 3-107-08.) The DGEIS proceeds to assert that by 2034 under a "no-build" scenario, all of these intersections will in any event have an operating level of "C" or better, with some increased delays, with three critical exceptions where intersection level of service will decline. (DGEIS at 3-124.) Asking the reader to accept this prediction, the DGEIS then says that under "build out" conditions, overall levels of service would remain "C" or better, with four critical intersection exceptions, which would become even worse. (DGEIS at 3-124-25.) From this, the DGEIS concludes that a build out scenario "will not have a significant impact on traffic" (DGEIS at 3-132).

I find this analysis to be shaky at best, if not unpersuasive. It is impossible to state with certainty that traffic conditions in 13 years will cause intersections in the hamlet to go down to C levels or worse, even if no FBC is implemented. The DGEIS relies on an unproven prediction to conclude that a FBC build out will thus have no "significant effect" on traffic conditions because conditions would have gotten worse on their own anyway. But it is far from a given that traffic will spontaneously get bad on its own even if no build out under the FBC occurs. For the DGEIS to assert, based on a mere prediction, that traffic will have increased on its own in any event is too weak a justification to allow for worsening traffic under the FBC. I heard the Board say that it does not want to add even more traffic congestion into our small hamlet and, again, I appreciate the recognition of this issue. Increased traffic will have a significant adverse impact on the Chappaqua Hamlet, there is no question. Adding more traffic will only deter residents (other than those living in the heart of the downtown) from going to into the hamlet for shopping, dining, for the Farmer's Market and for other community resources, such as the Library. Thank you for recognizing the need to contain levels of development in order to avoid creating traffic nightmares in the hamlet.