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December 4, 2018

By Email and Hand Delivery

Honorable Robert Greenstein, Supervisor
and Members of the Town Board
Town of New Castle
200 South Greeley Avenue
Chappaqua, New York 10514

Honorable Robert Kirkwood, Chairman
and Members of the Planning Board
Town of New Castle
200 South Greeley Avenue
Chappaqua, New York 10514

**Re: Request for Amendments to Conditions of Approval for
Chappaqua Crossing – Retail**

Dear Supervisor Greenstein and Members of the Town Board, and
Chairman Kirkwood and Members of the Planning Board:

As you know, this firm represents SG Chappaqua B LLC (the “Applicant”) in connection with the project commonly referred to as “Chappaqua Crossing,” and its request to defer completion or satisfaction of certain conditions of approval for the project to allow the Whole Foods store, Life Time fitness center, and other businesses at Chappaqua Crossing to open provided certain traffic improvements are implemented in accordance with a certain maintenance and Protection of Transportation (“MOT”) plan prepared by Maser Consulting. The matter is scheduled to be heard at a meeting of the Town Board and Planning Board this evening.

Since we last submission to the Boards on November 30, 2018, we have been working with Town professional staff and consultants to address a number of comments and requests for additional information. Accordingly, on behalf of the Applicant we are writing to respectfully submit the enclosed revised materials and to provide additional information as follows:

1. **Additional / Revised Materials from Maser Consulting.**

A revised MPT plan is enclosed together with photographs of the area in which the MPT plan is proposed to be implemented. The MPT plan has been revised since our November 30, 2018 letter to include an alternate plan in the event the utility poles are not able to be

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relocated during the interim period. (The MPT plan originally presumed that certain utility poles would be able to be removed. However, removal of the poles has been delayed by ConEd). We have also included photos of the available pavement width to demonstrate that the MPT plan can be implemented as proposed. Based on discussion with the Westchester County Department of Public Works, the plan also indicates the location of the interim BeeLine bus stops on both the northbound and southbound sides of Route 117.

Materials included from Maser Consulting:

- a. Attachment A – Year 2018 Build Traffic Volumes for the Intersection of Roaring Brook Road / Horace Greeley School/Chappaqua Crossing Access Intersection;
- b. Attachment B – Route 117 / Roaring Brook Road traffic signal timings.
- c. Figure A - Interim MPT Plan, last revised 12/4/18
- d. Exhibit A – reflects Approved Permit Drawing for Roaring Brook Road, dated 11/29/18
- e. Exhibit B – reflects Approved Permit Drawing for Route 117, dated 12/4/18
- f. Exhibit C – Interim MPT vs. Permanent Comparison
- g. Photos 1 and 2 – Route 117 northbound (with temporary pavement)

2. **Construction Schedule.**

The Applicant has been asked to provide an updated construction schedule including specific information regarding construction activity anticipated to occur on Roaring Brook Road between December 10, 2018 and December 31, 2018. In response to that request we respectfully submit as follows:

- a. For the Improvements to under the NYSDOT Permit:

Bedford Road/North of Roaring Brook Road:

Temporary Pavement/Turning Lane Construction: 11/26-12/10

Drainage Structure and Piping: 12/10-12/21

Truing and Leveling (North of RBR): 3/18 – 4/8

Binder installation (North of RBR): 4/8 – 4/19

Bedford Road/South of Roaring Brook Road:

Temporary Pavement/Turning Lane Construction: 11/26-12/10

Drainage Structure and Piping: 1/2-1/25

Set Traffic Pole Bases: 12/24-1/25

Underground traffic signal work: 1/21-2/1

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Retaining Wall installation: 2/4 – 3/6
Set Traffic Poles/Mast Arm: 2/25 – 3/8
Full Depth Pavement Sub –base installation (Turning Lane): 4/15 – 4/26
Guide Rail Installation: 4/15-4/26
Truing and Leveling (South of RBR): 4/15-4/26
Mill and Overlay (Roaring Brook Road): 4/29 – 5/10

Top Course: 5/13-5/24
Striping and Signage: 5/27 – 5/31
Punchlist: 6/3 – 6/7
Project Completion: 6/7

b. Construction Schedule Between 12/10/18 and 12/31/18:

Off Site

Drainage Structure and Piping: 12/10-12/21
Set Traffic Pole Bases: 12/24-1/25

On Site

Striping completion: 12/10 - 12/31
Landscape completion: 12/10 - 12/31
Irrigation completion and testing: 12/10 - 12/31
Site work punch list/ Clean up: 12/10 - 12/31
Misc curbing in the north parking lot: 12/10 - 12/31
Extra wood guard rail in the north parking lot: 12/10 - 12/31

3. **SEORA Information.** In addition to the above, Town professional staff requested more detailed information regarding the State Environmental Quality Review Act (“SEORA”). In response to that request, we respectfully offer the following:

The Applicant is seeking to defer the completion or satisfaction of certain conditions of approval for the above-referenced project so that the Whole Foods, Life Time Fitness center, and retail tenants can open provided that the proposed Maintenance and Protection of Transportation plan is implemented. As explained in our November 30, 2018 letter to the Boards, the Applicant is not requesting the elimination of any condition, or of any required traffic improvement or other mitigation measure, but only deferral of completion or satisfaction.

The Applicant has requested this relief with respect to the following conditions:

A) Condition No. 84 of Table 1 of the “Fifth Amendment to the Findings Statement”, dated November 9, 2016;

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- B) Conditions 41-47, 49-50, 52, 54-55, 58-60, and 62-66 of the 2015 Retail Site Plan Approval¹;
- C) Conditions 13, 17a, 17b, and 17c of the 2016 Retail Site Plan Approval; and
- D) Conditions 13 and 14 of the 2018 Retail Site Plan Approval.

As we have previously stated, some of the conditions relate solely to the administration of the project work, and deferral of those conditions and the other conditions calling for certain improvements and mitigation measures will not affect on- or off-site conditions.

More specifically, Conditions 44, 45, 46, 47 and 49 of the 2015 Retail Site Plan Approval, and Conditions 17(a) and 17(b) of the 2016 Retail Site Plan Approval, relate to the submission of maintenance bonds for various improvements which are under construction or will be under construction shortly; Conditions 50 and 52 of the 2015 Retail Site Plan Approval and Condition 13 of the 2018 Retail Site Plan Approval relate to the submission of as-built drawings for various improvements which are currently under construction or will be under construction shortly; Conditions 58 and 59 of the 2015 Retail Site Plan Approval relate to cooperation with the Town regarding future linkage of on-site trails to off-site trails; Condition 14 of the 2018 Retail Site Plan Approval relates to the provision of a certificate of compliance for certain improvements following the submission of as-built drawings. Conditions 41, 42, 43 and 64 of the 2015 Retail Site Plan Approval relate to sanitary sewer improvements and the creation or extension of a Town sewer district. The work required by these conditions is underway (and with respect to conditions 42 and 43 is complete or nearly complete) as discussed in greater detail in our November 30, 2018, letter. Deferral of satisfaction/completion of these conditions will not impact on-site Project operations or off-site conditions, and therefore should be viewed as matters of routine agency administration. Because deferral of satisfaction of these conditions will not result in any on-site or off-site effects on the environment, it does not present any potential adverse impacts under the State Environmental Quality Review Act ("SEQRA").

Condition 60 of the 2015 Retail Site Plan Approval relates to on-site signage and is anticipated to be completed prior to December 10, 2018. Condition 63 of the 2015 Retail Site Plan Approval requires a parking management plan, which will be prepared in conjunction with as-built drawings. Conditions 62, 65 and 66 of the 2015 Retail Site Plan Approval, Conditions 13, 17(c) of the 2016 Retail Site Plan Approval, and Condition 84 of the Fifth Amendment to the Findings Statement, all relate to on-site and off-site traffic improvements. The traffic improvements were designed for the full build-out of the Project, i.e., approximately 450,000 sf. of office space; 66 residential units in the "cupola" building; 120,000 square feet of retail space (including Whole Foods,

¹Conditions No. 48, 51, 53, 56, 57, 61, and 67 of the 2015 Retail Site Plan Approval have now been satisfied as of the date of this letter.

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Lifetime Fitness and an additional 40,000 square feet of retail); and 91 “town-homes” in the “east village.” As of this date, less than 50% of the office space is occupied; the residences in the cupola building are occupied; and the “east village” is being planned and has not yet been constructed. The proposed opening of approximately 75% of the retail uses therefore comes when less than 50% of the office and residential components of the Project is occupied.

Conditions 62 and 66 of the 2015 Retail Site Plan Approval relate to improvements to Roaring Brook Road in the vicinity of, and on, the Horace Greeley High School campus and the south entry drive to the Property. The improvements on the Horace Greeley High School campus have been completed. The south driveway to the Property has been relocated and the traffic signal required at that location has been installed. The pedestrian crosswalks in this area will be installed once the Applicant is permitted by the Town to make the signal fully operational.

Condition 65 of the 2015 Retail Site Plan Approval and Condition 84 of the Fifth Amendment to the Findings Statement relate to traffic improvements required at the intersection of Route 117 (Bedford Road) and Roaring Brook Road. Specifically, the following improvements are required by these conditions:

- Construction of a southbound right-turn lane from Bedford Road (Route 117) to Roaring Brook Road;
- Construction of a separate northbound left turn lane from Bedford Road to Roaring Brook Road;
- Construction of a block wall at the intersection of Bedford Road and Route 117; and
- Upgrade of the existing traffic signal hardware, utility poles and timing plans for the intersection.

As a result of the protracted highway work permit approval process with the New York State Department of Transportation (“NYSDOT”), the traffic improvements required to be constructed at the intersection of Route 117 and Roaring Brook Road cannot be completed before the winter months. The Applicant is therefore requesting deferral of completion of these measures, so that Whole Foods can open on December 12, followed by Chase Bank, Life Time Fitness, PetValu and Fidelity Investments in the weeks thereafter.

In support of its request generally and specifically to mitigate any potential impacts that could potentially result from deferral of completion of traffic improvements, the Applicant proposes the implementation of a Maintenance and Protection of Transportation (“MPT”) plan which includes the construction of the following interim measures prior to the proposed opening of Whole Foods on December 12:

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- Completion of the southbound right-turn lane from Bedford Road to Roaring Brook Road;
- Construction of an interim Route 117 northbound approach wide enough to provide for an 80-foot left turn lane, as well as a through lane;
- Relocation of the existing bus stop to the location required by the plans;
- Installation of a crosswalk and appropriate signage; and
- Provision of traffic control officers during certain hours as determined by the New Castle Police Department.

The Applicant's traffic consultant conducted an analysis to determine whether the opening of Whole Foods, Life Time Fitness and up to 20,000 square feet of additional retail space with the implementation of these interim measures would result in any additional or different adverse impacts which were not addressed as part of the prior review of the Project under SEQRA.

Using the same methodology as in the DEIS/FEIS, the Applicant's traffic consultant: 1) conducted traffic counts at the Route 117 and Roaring Brook Road intersection; 2) added anticipated site generated traffic for Whole Foods, Life Time Fitness and 20,000 additional square feet of retail space to the existing traffic volumes; and 3) analyzed the resulting volumes at that intersection with the MPT plan implemented.

As set forth in the Maser Report, the analysis demonstrates that the overall levels of service at the Route 117 and Roaring Brook Road intersection during all peak hours will not decrease if the MPT plan is implemented, and therefore confirms that provided the MPT is implemented, the opening of the Whole Foods store, Life Time Fitness center, and up to 20,000 square feet of additional retail uses before the required permanent improvements are constructed will not present any potential adverse traffic impacts.

Because the temporary, interim measures proposed by the Applicant do not present any additional or different environmental impacts than already adequately addressed in the DEIS/FEIS, or contravene any express provision of the Findings Statement, no further review under SEQRA is required.

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Thank you for your consideration, and we looking forward to meeting with the Boards later this evening.

Very truly yours,

Mark P. Weingarten
(M))
MARK P. WEINGARTEN

Enclosures

cc: Sabrina Charney- Hull, AICP
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