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MEMO TO: Town Supervisor Gerrard
Town Board
CC: Town Counsel, Clinton Smith
Special Counsel, Robert Davis
FROM: Gennaro J. Faiella
RE: Chappaqua Crossing DEIS Comments
DATE: September 25, 2009

Below are general comments on the above referenced document. This memo does not discuss sections of the DEIS that have been assigned to others for review.

Sec. II. A.2 Par. h. Pg 14 Indicates that the Affordable Housing Allocation Plan “obligates” the Town of New Castle to develop 255 units by the year 2015. Does the report use the word “obligate”? If so it should be footnoted as to source.

Sec. II. C.5 Pg. 27 This section says that residential access to commercial amenities, recreation, fitness center, etc. that may be considered. This is also mentioned on pages II-42 and III.A – 34 where it references dry cleaning, newspaper stand, and coffee shop being part of the clubhouse. Is the intent to make this a self-contained “village”? If this is the intent, this and its impact on the Chappaqua hamlet commercial district should be discussed.

Sec. II. C.8 Pg. 28 estimates the total number of employees for the 520,000 sq. ft. of commercial space at 1,658 using a 370 sq.ft. per employee ratio for RD and 250 sq.ft. ratio for the balance of the space. If RD re-negotiates its lease and reduces occupancy, using the formula set forth in the DEIS, the gross square footage that can be occupied by non-RD tenants will increase at the 250 sq.ft. ratio, thereby increasing the number of total occupants in the building. Given this change, this section of the DEIS will need to be revisited and further explained.

The DEIS should clarify if the support staff for the cafeteria, RD store and the fitness center are included in the employee count for RD because their space occupancy is included in the RD 296,000 sq.ft. lease.

Secs. II. 9.b (2) (b) Pgs. 33 and 76, make reference to the lottery system for selecting homeowners for the affordable housing component. This discussion needs to be altered to address the application and implications of the recent County settlement with HUD.

Did not find in sections II or III any discussion on how the applicant intends to fund or partially offset the costs for developing the affordable housing. Are they seeking HUD funds? If the residential component of the project is to be internally subsidized, that should be explained in the financial section of the DEIS.

Sec. II. 9.b (3) (d) Pg. 41 refers to the Guest House being used for a caretaker and for the storage of maintenance equipment. Will there be any other "formal" type of maintenance facility on site? There should be a better description of how they intend to maintain the project.

In Sec. II. 3.c Pg. 47 – 48, the applicant offers to construct a sidewalk from the east entrance south along Route 117 to Roaring Brook Road and then west to the entrance to the school. A school age person is not going to walk this route to get to the high school. They will cut through the woods. The link needs to follow the shortest path. There should be a sidewalk to the bus stop with shelter at the corner of Roaring Brook Road and Route 117. Also, see Saccardi and Schiff report recommending a driveway and signaled intersection opposite the entrance to the High School. With a sidewalk and crossing as suggested in the DEIS, will a school crossing guard be required?

Sec. II. 3.c Pg. 48 Pedestrian circulation should also examine off site improvements to link the MFPD site with the commercial area, which is a requirement under the code for siting the MFPD district in the first place. (See page III.H-65)

Sec. II. 5.a Pg. 51 calls for "depressed" parking underneath certain buildings. Do the plans take into account the stormwater accumulation from these areas? Will there be oil and sedimentation separators installed for the underground parking drainage?

Sec. II. 7.d Pg. 62-63 discusses site lighting, indicating that 150 watt metal halide fixtures will be placed in the residential areas and 250 watt high pressure sodium lights on 25 foot high poles will be used to light the commercial parking lots. Did not see any discussion on the commercial parking lighting overflowing into the rear window of the residential properties; light trespass. How will the residential homes that back up to the commercial parking lots be shielded? Also the Greenhouse Gas discussion does not take into consideration this energy use.

Sec. II. 9.b Pg. 67 All sewer mains should be extended to the property lines to afford surrounding residential properties the ability to connect in the future.

Sec. II. 13.a Pg. 75 The DEIS states that they will "implement specific measures to mitigate temporary construction noise impacts on Cowden Lane." What are the specific measures and how will they work? Section III.I-23 indicates that acoustic curtains or screens could be implemented. Please elaborate.

Sec. II. 13.c 1 Pg. 78 – 79 Indicates they intend to provide \$2,500 to the Town for enforcement of the affordability restrictions on the units. I believe that normally these units are managed by a not-for-profit agency to ensure income eligibility and sale price accuracy if deed restricted. I am not sure how the applicant envisions enforcement being accomplished and the DEIS has not attributed a Town cost to this service. This needs further clarification.

Sec. III. A.3. f. (1) Pg. 34 references the jitney service. The DEIS should include a proposed schedule for operation. Is it intended to meet one or more morning/evening trains? Will the same jitney bus serve the commercial tenants and residents? Ridership for the commercial tenants currently using the bus service could be used to project usage when the commercial building is fully occupied.

Sec. III. A. 3. j Pg. 45 references the mix of residential and office complex as good since people have an opportunity to reside where they work and avoid driving. Any data to support that this actually takes place? Any mention of this in the traffic data section? Does the applicant have any leasing or marketing program options to make this more likely to happen?

Sec. III. 3.B. 1 a. (1) (2) Pg. 6 - 8 The charts indicated that within the population age group 55-64, the number of households in New Castle have grown and exceed the county and state average. The charts on page B-8, household composition from 1990 to 2000 shows a growth in households with children. If the two indicators are overlapped, it would seem that the number of households with children are growing in the 55-64 age group, in direct contradiction to the applicants statement that an over 55 population will result in fewer school age children. This should be explained by the applicant.

Sec. III. B 1.b (6) Pg. 22 states that the Housing Action Council is under contract with the Town. The source of this information should be identified since the Town does not have a contract with the HAC.

Sec. III. C.1 (3) (a) Pg. 5, Appendix 3, includes the Phase I environmental assessment of the site and indicates certain areas where contamination is present. The report (page 12) indicates that the oil/water separator in the maintenance garage was possibly connected to an outfall for a storm drain or possibly to the sanitary sewer. The outfall should be located and the surrounding areas checked for contamination to verify that the line is connected to the sanitary sewer. There is a DEC spill number (08-00304). Please produce a closure letter from the DEC.

Sec. III. C.1c (2) (d) Pg.13 The DEIS states there will be 21,000 cubic yards of excess material hauled off site. This equates to 525 truck trips, each carrying 40 yards of material. This should be examined as part of the Greenhouse Gas emissions impacts and discussed under the traffic and construction impacts.

NOTE: Demolition and construction debris removal should be done in the same manner as a program in Larchmont (see attached). The applicant should comment on how certain demolition materials can be reused-recycled. (Discussion is limited to re-use of crushed concrete and brick as select backfill material.)

Sec. III. C.3. c (3) Pg. 78 - 619 trees are to be removed from the site (539 non-specimen and 80 specimen.) Replacement program, outlined in section III.C -83

does not give minimum DBH of the replacement trees. Is this stated elsewhere in the DEIS or is it shown on the landscape plan?

Sec. III. D.3. d. (2) Pg. 48 The DEIS describes a program to collect solid waste from the townhouses and multi-story buildings. The Applicant needs to consider the implications and configuration if the waste is collected only one day per week. All dumpster facilities that serve multiple dwellings need to be designed for sufficient storage capacity.

DEIS figure # III. C-8A Map shows the flow of the Bedford Road watershed. The applicant should assess the conditions of the existing drainage facilities under the public roads (Bedford Road, Annanadale Road, Heathcote Drive) to verify they can handle the existing and proposed stormwater flows.

Sec. III. E.1.a (2) Pg. 4 -- Discussion regarding the eligibility of the Rotunda Building, Guest House and Bedford Valley House for inclusion on the National Register of Historic Places? Does demolishing the Bedford Valley House have significant historical value to warrant its preservation and/or re-location on site?

Sec. III. H.1.m Pg. 25 -- Short cut timing to reach Route 128 using local roads was conducted as if there were no traffic delays along Route 117. This discussion should be modified to represent real world conditions when traffic backs up from the intersection of Route 117 and Roaring Brook Road to beyond Kittle Lane in a southbound direction. The time-distance analysis should be conducted under peak hour traffic conditions and further discussed.

Sec. III. H. 4. f. Pg. 63 -- The DEIS states that the Town has sold an average of 2,311 annual parking permits. I believe the percentage of over sold permits versus number of spaces is overstated. The applicant further uses this % to estimate the actual use of the 109 permits that would be sold to the residents of Chappaqua Crossing. This discussion needs to be re-examined. (See Jill Shapiro memo dated 9/17/09.)

Sec. III. H 4.i (3) Pg. 65 -- Discusses off-site pedestrian connections and does not anticipate the development of any connection other than the sidewalk along Roaring Brook Road. The applicant should address the possibility of a pedestrian connection using the County sewer easement into the Chappaqua hamlet considering that a component of designating the site for MFPD use is access to commercial areas.

Sec. III. 1.c (2) Pg. 9 – 10 -- The applicant should consider the installation of particulate measurement devices along the perimeter of the site during demolition and construction activities to measure dust particles leaving the site and impacting residential areas. There should also be a mitigation plan in the event the particulate matter exceeds accepted thresholds.

Sec. III. Ic (8) Pg 11 -- The DEIS states that the DEC has not provided any guidance or regulations on Greenhouse Gas emissions. DEC regulations have

been finalized in July 2009 and this section, along with section VII, should be revised to address the guidelines. It is not clear how the proposed office building would consume more energy and emit more Greenhouse Gas (6,091 tons of CO₂) than the no build option, (4,100 tons of CO₂). This needs to be further explained by the applicant.

The discussion indicates that adding to Greenhouse Gas emissions is to be expected since the demand for housing and office space continues and if not built here, it would be built somewhere in the region. This also needs further clarification by the applicant. The discussion should be aimed at estimating Greenhouse Gas emissions if standard construction practices are used versus high energy efficiency standards. For example, what would the emissions be if the residential buildings were heated with geothermal systems versus conventional gas fired heaters or if solar panels were installed on the commercial building roofs? There is limited discussion of the Greenhouse Gas emissions due to construction activity and no mention of any mitigating steps such as the possible use of alternative fuel vehicles (*i.e.*, bio diesel or low sulfur diesel).