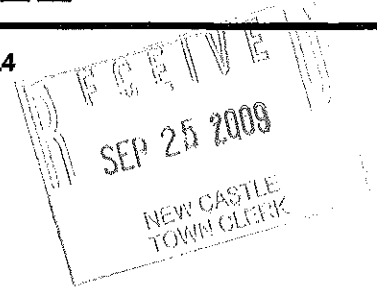


# TOWN OF NEW CASTLE

200 South Greeley Avenue, Chappaqua, New York 10514



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## MEMORANDUM

TO: Town of New Castle Town Board

FROM: Town of New Castle Planning Board

DATE: September 25, 2009

RE: Chappaqua Crossing - Substantive Review Comments on Proposed Action and Draft Environmental Impact Statement (DEIS)

The Planning Board has completed its review of the DEIS dated May 2009 for the above-captioned project. Based upon its review and discussion of this matter at meetings on July 7, 2009, July 21, 2009, September 1, 2009 and September 15, 2009, the following comments are submitted for your Board's consideration:

### Overall Development Concept

1. Chappaqua Crossing should reflect the application of internal site design principles that are intended to foster the creation of a community of people who will relate to each other and hopefully become part of our larger community. Internal site design is important not just environmentally but also to encourage relationships and interactions and the building of "community." Likewise, Chappaqua Crossing should be open and inviting to the rest of the Town and not a closed gated community.
2. The DEIS points out the Town's obligation to provide affordable housing, and the difficulty the Town has had identifying suitable locations. The DEIS should discuss the alternatives of including a much higher percentage of affordable housing units, including the option of a 100% affordable project, possibly with townhouses resembling Stone Creek in style but held in a manner designed to ensure that such units remain affordable for a much longer period of time.

3. As part of a development with a significant number of dwelling units, consideration should be given to providing some amount of convenience commercial, recreational, and community facilities on the subject site to avoid the need for residents to drive everywhere to meet all their needs. In consultation with the Town, the Applicant should investigate what types of facilities and services might be provided that would reduce the need for residents of the development to travel by automobile for minor shopping and social needs. Such an investigation, however, would need to be undertaken with care so as to not result in the creation of a self-contained community having little interaction with the rest of the Town, or a concentration of facilities and services that would have the effect of diluting the Town's efforts to strengthen and revitalize the Chappaqua Hamlet downtown. Uses that may be appropriate on the subject site could include a dry cleaner, a small convenience store where everyday sundries and a newspaper could be purchased, and a coffee bar.
4. The Saccardi & Schiff, Inc. report on alternative uses of the subject site, which was commissioned by the Town Board, discusses the potential for a recreation department office/gym and other facilities on the subject site. However, the discussion specifically excludes consideration of a swimming pool. A pool is one facility the Town most glaringly lacks. The Horace Greeley High School swimming team has to travel by bus for practice, and northern Westchester no longer has any facility at which adults can swim for exercise (except for very expensive private clubs). The subject site may offer the only potential location for a pool and this option should be investigated carefully.
5. The Chappaqua Library is already experiencing severe parking shortages, and the High School students have no library available for their use at the High School after school hours. A branch with computers and at least the ability to order books as an extension of the Chappaqua Library should be considered as part of the design concept for any recreation center building the Town is considering.
6. Based upon potential impacts revealed in the DEIS, it is recommended that a less dense alternative site plan be prepared and analyzed by the Applicant and submitted for Town consideration. One option that should also be considered is examination of a site plan layout with all new development located in the portion of the subject site that is currently located within the existing Sewer District.

Compatibility of Proposed Action with *Town Development Plan* Policies

7. The Proposed Action is compatible with several goals of the *Town Development Plan* ("Town Plan") since it would allow for the residential quality of the Town to be retained and would provide for a range of housing alternatives that are varied in density, costs, and types (specifically targeted at seniors and workforce households). However, the Proposed Action does not address the intent of the Town Plan to focus denser housing near the business districts of either Chappaqua or Millwood. As noted in the Town Plan, "*[H]igher density residential development should be permitted in the Chappaqua and Millwood hamlets on sites that are conveniently located near shopping, community facilities and suitable transportation services, that are adequately served by utilities, and that can be supported by the natural limitations of the land.*"
8. The Proposed Action also presents questions concerning what is open space versus developed land. The Town Plan states "*[I]n addition, considerable open space is provided by private recreation clubs and as an incidental benefit of institutional development. The Town should take action, as necessary, to protect these open space lands since they contribute significantly to preserving the attractive, low density character of New Castle.*" While a significant portion of the subject site has *not* been left in a natural state, it has been maintained in a park-like setting and not developed with structures or paving. For that reason, many of the arguments on the efficacy of reuse of office parks bear closer scrutiny. In the description of the *Westchester 2025 Plan*, the office parks described are generally in very urbanized settings next to other office buildings. By contrast, the subject site is unique because it is surrounded by developed R-1A properties, where the relationship with the surrounding residential area is more critical, and where a large portion of the site exhibits an open park-like setting. The *Westchester 2025 Plan* discussion of office parks also notes that the prime users for this would be young professionals, a characteristic that is also not likely to be applicable to the Proposed Action.
9. Instead of reacting to a site layout proposed by the Applicant, it may be worthwhile to be more proactive and examine what a de novo application for site redevelopment, involving office and residential uses and an appropriate amount of parking, should look like from the Town's perspective. It is also recommended that the placement of new development on the subject site be examined in an historical context. For example, it would be instructive to know if—at the time of original approval of the Reader's Digest campus site plan—it was agreed the certain site design principles should be followed and if that approval was granted on the basis of some agreement between the Town and the

Reader's Digest Corporation as to how the site should be laid out and whether the addition of more development to the subject site in the future was contemplated or even discussed. If the records can be located, it would be useful to review the minutes of Town of New Castle meetings at which the *proposed* Reader's Digest campus site plan was first discussed prior to the time of its initial approval and to identify the key site planning issues that were under discussion at that time. If an alternative approach to redevelopment of the subject site is preferred by the Town, the Applicant should be requested to study those alternatives in detail and present them for further Town consideration.

10. In the discussion of the amount of open space that would remain under the site plan for the proposed Chappaqua Crossing development, it should be acknowledged that due to the presence of wetlands and topography, significant portions of the land could not be developed and would—regardless of the pending application—remain as “open space.”
11. One of the fundamental policy issues that should be examined is whether a reduction in the amount of land zoned in the B-RO-20 District is in the best long-term interests of the Town. The Town's only B-RO-20 District is the one located on the subject site. Furthermore, the Town Plan recommends that no further development of this type be permitted in the Town. Therefore, any proposal to reduce the amount of B-RO-20 District land in the Town should be carefully considered.

#### Propriety of Proposed MFPD District Zoning

12. The Proposed Action raises questions about the application of the MFPD District zoning to the subject site. The Town Plan is not specific enough in its discussion of multi-family housing and the location of such housing, leading to questions as to what qualifies as a business district and whether the proposed MFPD District would comply with the Town Zoning Law. Section 60-417.4 of the Town Zoning Law in describing the Multifamily Planned Development (MFPD) District states the following: *It is the specific purpose and intent of the MFPD District to provide the opportunity within the Town of New Castle for the development on a planned basis of medium-density multifamily housing on sites located in existing single-family residential neighborhoods but in reasonable proximity to shopping services and other community facilities and with access to major road...* While the Zoning Law does not specifically define “reasonable proximity,” it later identifies a maximum distance of ½ mile to the business district as a criterion for the establishment of such

a district. The Town Plan also assumes that denser housing is more compatible with the density of uses in a business district, where residents could take advantage of proximity of services. The Town Plan specifically names the Chappaqua and Millwood hamlets as those districts for the Town of New Castle. The overall theme of the Town Plan is that denser uses, including residential, should be located in or proximate to the two hamlets of Chappaqua and Millwood. This is reinforced by the Zoning Law's requirement that multi-family districts be located within ½ mile of the boundary of a business district. Unfortunately, the Town Plan and the Zoning Law do not make clear distinctions among the various business district designations. Therefore, while the site of the Proposed Action is not within ½ mile of the downtown Chappaqua business district, the proposed MFPD would be adjacent to a B-RO-20 District.

13. The discussion of transition between residential and non-residential uses on pages III.A-6 and III.A-22 is somewhat misleading since Reader's Digest is an established use, as are the residential areas that have grown up surrounding it. As such, the conflicts are already "resolved," and in fact, the proposed site plan is what creates the new impacts.

Compatibility of Proposed Residential and Commercial Uses on the Subject Site and in Town as a Whole

14. The proposed site plan treats the office and residential uses separately so that there would seem to be little conflict, except for rush hour traffic passing by some of the residential units and delays experienced by vehicles exiting the subject site during the evening rush hour. Both the business and residential uses are "quiet uses" so that noise should not be an issue after construction is completed. Furthermore, landscaping can be used to reinforce the buffering. There is the possibility that residents may also be employed in the existing office building on the subject site so that those individuals could walk to work. Given the proposed age restriction for occupancy in most of the proposed dwelling units, however, this benefit may have minimal applicability.
15. The Applicant should discuss how the residential units have been planned to create a neighborhood within the proposed Chappaqua Crossing development, and should also explain what type of interaction, if any, there would be between the proposed residential development and the rest of the Town. For example, would the walking trails on the subject site be open to all? Could a playground on the subject site be designed as a central focus for use by nearby

residents in addition to the occupants of proposed workforce housing units?

16. Compatibility of the Proposed Action with the surrounding R-1A District properties may be an issue of concern. The surrounding houses are generally on larger lots than those typically associated with an R-1A District, giving the area a more country feel. The original Reader's Digest development contained a great deal of "green space" that buffered those properties from the more intense office use on the subject site. The proposed Chappaqua Crossing development, especially the proposed higher buildings, would not be consistent in character with that of the surrounding residential area. While the Applicant may be viewing the proposed development as a self-contained unit, it may be more desirable from the Town's perspective to have a development that blends into the Town rather than stands apart from it. The proposed sense of separation is further accentuated with the planned gate-controlled entry to all parts of the development.
17. It may be desirable from the perspective of potential traffic and tax impacts to have a principally senior community. However, the Town might also wish to consider whether it wants to have housing that segregates one age bracket of the population from being part of the overall community, rather than having housing that is open to all ages. Furthermore, in planning for additional residential development, it would seem odd not to take advantage of the proximity of the high school to the subject site.

Proposed Residential Density and Proposed Multi-Tenant Corporate Use and Density

18. The Applicant has examined the alternative of developing the available land for R-1A District residential uses. This would be more in keeping with the character of the surrounding neighborhood. However, that type of development would not achieve the Town's goal of increasing workforce and senior housing. An alternative might be a reduced scale development, such as one composed of only townhouses, or a mix of single-family dwellings and townhouses.
19. It appears that the Applicant has had difficulty leasing the existing office buildings on the subject site. The office market analysis supports the Applicant's thesis that there is little demand for office space with a large amount of floor area and more demand for smaller offices. While elimination of the existing zoning restrictions on maximum number of tenants and the amount of floor area associated with those tenants may affect the types of uses that may be housed in the existing office buildings on the subject site, assuming it can be established that the

overall impact associated with such a change in zoning would not be significant, it would be desirable to have a viable office complex on the subject site.

#### Impact on Community Character

20. The Town Plan states that New Castle should remain a predominantly residential community and its attractive, low density character should be maintained. The density of the proposed Chappaqua Crossing development would not seem to support the low density character of the Town. It may be desirable to allow more density than would be permitted under the R-1A District to allow for more diverse housing on a site that has an adjoining office use and is adjacent to major roadways. At the same time, however, the subject site also adjoins R-1A District residential areas, which define the predominant character of the area.
21. The “enclave” aspect of the proposed site plan also is not in keeping with the Town’s open residential character and sense of community.

#### Other Land Use and Zoning Issues

22. Table III.A-1: Information should be added on zoning. In addition, zoning and acreage for main parcel should be identified.
23. Table 60-617.424: There is an error in the table regarding “Density.” The unit (square feet) should be lot area.
24. A three-dimensional scale model of the proposed development may be required by the Planning Board in accordance with § 60-417.411[f] of the Town Zoning Law. Such a model may have already been prepared by the Applicant on its own initiative and displayed at a prior Town Hall meeting. However, that may have occurred several years ago and the Planning Board did not have an opportunity to review that scale model in detail. Any scale model prepared for the proposed development should identify existing residences on the surrounding properties (both adjacent and directly across the street) in addition to the existing and proposed features on the subject site. It is also recommended that the scale model be put on display at the Town Hall or other publicly accessible location for viewing by the general public and Involved Agencies prior to conclusion of the SEQR process.

#### Community Facilities and Services

25. The DEIS insufficiently studies the impact of the additional participants in the Town’s senior programs. While the DEIS characterizes such

impact as having only “marginal costs,” no analysis was completed on how to mitigate the increase in cost. The senior facilities are already operating at close to capacity. Further, the preferred location for these facilities is likely the downtown Chappaqua hamlet. Given the limited amount of large spaces in the Chappaqua hamlet downtown, even a “marginal” required increase in staff and facilities may not be able to be achieved.

26. The recreational opportunities being used to satisfy the recreational requirements of the zoning include passive recreation and open space. To ensure that these recreational opportunities remain in perpetuity, a legal instrument should be required.
27. The DEIS does not adequately examine the demand for additional parking on the Chappaqua Library site that would result from increased usage of that community facility by residents of the proposed development, and does not adequately address mitigation for that potential impact.

#### Historical and Archaeological Resources

28. The DEIS summarily discounts the historical significance of the Bedford Valley House without credible documentation and in contradiction to the Town Historian. Additional analysis of the significance of the Bedford Valley House is warranted, and potential additional studies beyond the Phase IB already undertaken.

#### Utilities

29. The DEIS discussion of disposal of sewage treatment is inadequate for several reasons, as described below:
  - a. As an initial matter, it assumes that the County will approve the expansion of the Saw Mill Valley Sewer District without any supporting evidence that any such approval would be forthcoming. In fact, the County Legislature has been reluctant to allow any part of New Castle to have a new connection to its Yonkers Sewage Treatment Plant. Given the potential for denial of the expansion, the Applicant should examine the ability of the project to treat sewage without the expansion and the environmental impact associated with that form of service should septic systems be required for dwelling units located outside the existing Sewer District boundaries. Alternatively, the Applicant should examine a site plan depicting development only within the boundaries of the existing Sewer District.

- b. Second, the DEIS assumes that the Town of New Castle will and should request the expansion of the Sewer District. Given the reluctance of the County Legislature to cede some of the additional capacity to the Town, the Town should prioritize projects for which it will petition the County for access to County sewers. There are currently areas in the Town with inadequate septic systems and failing sewage treatment package plants that cause risks to the water quality of the Croton Reservoir.
- c. The DEIS is insufficient since the Applicant is not aware of the terms under which sewer service was originally provided to the site or any sewer flow restriction. This is an important factor in weighing whether the Town would want to expand the Sewer District, and the information should be provided by the Applicant.
- d. The DEIS also assumes that the proposed I&I mitigation program will be acceptable. As a condition of any approval, the Applicant should be obligated to address any needed manhole improvements within the Town of New Castle that were identified in the 1993 Hazen & Sawyer report and potentially other known I&I issues within the Town.

#### Traffic, Transportation and Parking

- 30. Some of the traffic analysis results presented in the DEIS seem wholly inconsistent with existing conditions as experienced by drivers on roads in the vicinity of the subject site. For instance, the new southbound right turning lane proposed by the Applicant at the intersection of Bedford Road (N.Y. Route 117) and Roaring Brook Road may be a good offsetting feature for the additional traffic projected at that location. However, it is not at all clear why that change would not also have the effect of relocating existing problems to the west and further exacerbate operating conditions at the intersection of the Saw Mill River Parkway and Roaring Brook Road, a location with substandard levels of service at the present time. This possibility is not addressed by the DEIS. At the very least, an explanation should be provided for why this impact would not occur.
- 31. The Applicant's assumptions concerning the demand for off-street parking for tenants in the office building on the subject site would appear to be optimistic. While 2.5 spaces/1,000 gross square feet of floor area may be used in some other locations, as indicated in the unreferenced statements on page I-9, a more appropriate number of spaces would be 4.0/1,000 gross square feet of floor area.

Alternatively, the number of employees on the subject site should be limited permanently.

32. The DEIS provides insufficient and/or unclear information on prior and proposed shuttle service to/from the subject site. For instance, on page III.H-22, it is acknowledged that the train station parking lot is full sometimes by late morning. It is also noted that fewer spaces exist than the number of commuter parking permits already sold. The Applicant then goes on to essentially reach the conclusion that such conditions would be acceptable. It appears that more analysis of existing and potential future conditions in the commuter parking lot is needed. It is not clear how the prospect of issuing even more commuter parking permits in the future would prevent the creation of additional future parking problems in the train station parking lot. The Applicant's analysis is too optimistic.
33. The construction period for the proposed development will be very long and construction worker vehicles will enter/exit the site for many years. It is not clear that this potential impact on traffic conditions has been adequately addressed by the Applicant.

#### Air Quality and Noise

34. The Applicant has indicated that blasting is not proposed and that any rock encountered would be removed by ripping instead. While ripping may result in less noise at any given moment in time, that type of rock removal is anticipated to require a longer amount of time to complete, thereby generating potential noise of a lower level for a longer duration. That type of alternative impact should be examined in more detail and appropriate mitigation for such an impact should be identified. When the Town's existing Noise Ordinance was drafted, the prospect of noise impacts continuing over a multi-year construction phase may not have been contemplated. For that reason, the Town's Noise Ordinance may not provide adequate protection for neighbors of a site that is under construction for a lengthy period of time, and supplementary mitigation will need to be considered.