



# Chappaqua Central School District

Chappaqua Central School District Board of Education  
Victoria Bayard Tipp, President  
Holly McCall, Vice President  
Hilary Grasso  
Warren Messner  
Jane Kimmel Shepardson

March 16, 2021

## **BY EMAIL**

[Chappaquaforward@mynewcastle.org](mailto:Chappaquaforward@mynewcastle.org)

Supervisor Ivy Pool  
and Members of the Town Board  
Town of New Castle  
200 S. Greeley Ave.  
Chappaqua, NY 10514

Dear Supervisor Pool and Members of the New Castle Town Board,

Thank you for the opportunity to provide additional comments to the Town Board's Form Based Code ("FBC") proposed zoning legislation and Draft Generic Environmental Impact Statement ("DGEIS").

The Chappaqua Central School District ("CCSD") welcomes, and is deeply committed to educating, all students who reside in our community. As the Board of Education, it is our responsibility to ensure that all of our CCSD students have access to the very best education possible. We value diversity, and champion equity and inclusion, without exception.

We support the Town Board in its efforts to revitalize the Chappaqua Hamlet, and its work to provide more affordable and varied housing options for our community members. We also appreciate that the Town Board has kept the DGEIS public hearing period open for many weeks to better understand potential effects of the FBC.

We write to share our position with regard to several primary areas of concern, and to provide recommendations for your analysis and "hard look" at the impacts of the FBC as required by the NYS SEQRA process. Please note our previous comment letters sent to you on October 15, 26 and 29, and November 17, 2020, which are linked below. We have also linked the consultant analysis performed by Chazen Companies, ESI and KG&D, which you've received.

### **Unpredictable Enrollment Projections & Trends**

One of our most serious concerns centers on student enrollment projections. There are several factors that present challenges to making reliable projections.

The longstanding success and national reputation of the CCSD makes housing in our school community highly sought after by families who wish to have their school-age children attend our public schools. The majority of families who move to Chappaqua do so because of our school district. This makes it extremely challenging to identify an accurate housing unit multiplier that can reliably predict the impact that new housing developments in the Hamlet will have on CCSD enrollment.

The Covid-19 health pandemic has destabilized real estate patterns as families leave more densely populated areas in favor of suburban communities like ours. Real estate sales in Chappaqua have dramatically increased over the past year. Birth rates, and the resulting school-age children entering the District, are also more challenging to predict as a result of the pandemic.

In addition, there are legal and practical uncertainties in the Town Board's ability under the FBC to legislate the size of residential units and number of bedrooms, which are key drivers of school enrollment increases. According to our consultants' analysis, enrollment projections can vary between 150 to 300 students, depending on the bedroom count in the units. Although there may be authority in the NY Town Law for regulating unit size, it is not clear that the Town Board's efforts to impose such granular limitations would ultimately be successful for several reasons. We are unaware of a municipality imposing these types of limits in NY, such action may be challenged under the Federal Housing Act and NY State Human Rights Law, and such restrictions could make it impossible for a developer to propose an economically viable project, leading to developer requests for variances or even litigation.

Having reliable and accurate enrollment projections are essential for District operations, as they impact everything from programming, to staffing, to redistricting considerations, including the potential need to engage in expensive, multi-year construction projects to expand the capacity of our school buildings.

## **Disproportionate Impact to Single-Family Residential Property Taxes**

Property taxes account for almost 90% of the CCSD's revenue and are largely based on single family residences. Developers or landlords of residential and rental units modeled in the FBC would be taxed at a different, lower rate than that of single family homes in the district. We therefore remain concerned that the FBC would disproportionately impact owners of single family homes, a significant percentage of whom (greater than 50% of the community) are either senior citizens or individuals who do not have children attending school in the district.

We also note that the CCSD includes residents of the Town of Mount Pleasant, whose taxes would be affected by the Town of New Castle FBC proposal. The CCSD, as an Interested Agency, has a fiduciary obligation to represent them in this process.



Moreover, with regard to the CCSD's dependence on property taxes for revenue, our ability to increase taxes to meet growing expenses is significantly curtailed by the Tax Cap legislation, which limits the tax levy to the lesser of 2% or the rate of inflation. Overrides of the Tax Cap require a supermajority vote of the public and have been mostly unsuccessful in our region.

## **Safety and Security Impact Related to Robert E. Bell Middle School**

The CCSD has expended considerable funds to increase security at all schools, in recognition of the increased security risks faced by schools throughout the country. The security of students is of utmost importance, and should be the subject of analysis related to the area adjacent to Robert E. Bell middle school, due to the potential increase in foot traffic downtown.

## **Traffic Patterns & Construction Impact Related to Robert E. Bell Middle School**

It is critical that the Town Board further analyze the impact that construction and new development and new traffic patterns in the Hamlet will have on our Bell Middle School families and our bus routes, including impacts of potential redistricting due to increased enrollment at Douglas G. Grafflin Elementary School and Robert E. Bell Middle School. We also need a deeper understanding of mitigation efforts that would be employed by developers to minimize the impact of significant construction on our schools, including, but not limited to, noise, air quality, large equipment and construction traffic.

## **Parking Availability and Constraints**

Parking for the proposed new units is problematic and has been discussed at a number of Town Board hearings related to the FBC. The Town Board must take into account that the parking area between the merchants on South Greeley Avenue and Bell Middle School is partially owned by the CCSD. The Town Board would need to ensure that future development and associated parking is not dependent on the CCSD-owned portion of the parking lot. The Town Board should consider that with an increased number of school children, the CCSD would likely need to recapture its owned portion of this parking lot to best meet the needs of district students, staff and families.

## **FBC Development Timeline**

Although the Town Board recently decided to apply the FBC legislation to North Greeley Avenue, it voted to complete the SEQRA analysis and FGEIS for the entire 72-acre Chappaqua Hamlet study area. We are concerned that once the SEQRA analysis is complete, this or any future Town Board, with a simple majority vote, would have the authority to apply the FBC to the entire



72-acre area without any further significant public input for the purpose of analysis and “hard look” at environmental impacts. This is particularly concerning in light of the socio-economic changes that may emerge from the effects of the Covid-19 health pandemic. This problem can be solved by limiting the FGEIS to the North Greeley Avenue area now being considered for FBC legislation.

In addition, we remain deeply concerned that the current FBC structure could translate to the entire 72-acre area being developed at the same time without any stop-gap measures. This would significantly impact the CCSD’s ability to appropriately plan and budget for our new students.

### **FBC Elements Outside of Town Board’s Control**

We are concerned about tax abatements such as Payments in Lieu of Taxes (PILOTS) which incentivize developments. These grants are within the control of Westchester County and Westchester Industrial Development Agencies (IDAs). The Town Board or CCSD may have very little influence in these processes which could have an adverse impact on the school district’s tax base and taxpayers.

In addition, the FBC leaves many aspects of development to the sole discretion of developers, without any recourse to current checks and balances provided to the public by advisory boards and the Town Board itself, as long as developers are in compliance with the maximum density and other parameters established in the FBC.

### **Recommendations and Requested Actions**

The CCSD respectfully requests that the Town Board engage in additional study and analysis to more fully understand the impacts of the FBC on the school district and the community at large, and to provide the results of such study and analysis to the CCSD and the community. We ask the Town Board to act on the following recommendations and requests:

- Limit the remainder of the SEQRA process, including the FGEIS, to North Greeley Avenue, and subject future expansion of the FBC to the SEQRA review process at a future time when the socio-economic impacts of the Covid-19 health pandemic are more clearly known.
- Engage in a granular or more local analysis of potential student enrollment increases with consideration of real estate sales in the CCSD jurisdiction based on recent data.
- Provide legal analysis, supported by an attorney opinion letter, of the Town Board’s ability to limit the size of residential units and their number of bedrooms, including an assessment of challenges under the Federal Housing Act and NY State Human Rights Law, and the likelihood of developer requests for variances and other legal challenges.



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- Provide a detailed examination of a reduced-density alternative that would limit the overall number of dwelling units and the corresponding reduction of impacts to the CCSD.
- Evaluate and modify the existing FBC text to provide that types of uses that would generate school-aged children undergo site plan approval and site-specific SEQRA review.
- Provide legal analysis, supported by an attorney memorandum, that the Town Board, through the FBC rezoning, is authorized to exempt projects normally subject to environmental impact review by designating them as Type II actions.
- Include in the Findings Statement a requirement that any proposal having more than a certain number of dwelling units undergo a site-specific SEQRA process that will address any significant adverse impacts to the CCSD.
- Add language to the FBC that regulates the pace of development.
- Determine an appropriate threshold of maximum development to be outlined in the Findings Statement, after which a moratorium would be put in place on further development until impacts are studied.
- Conduct a property tax analysis based on new developments, including specific impact to single-family homes, senior citizens on fixed incomes, and residents without children attending our public schools. This analysis should include all residents of the CCSD, including those residing in the Town of Mount Pleasant.
- Analyze the safety and security impacts of added residential and commercial developments on Robert E. Bell Middle School, including impacts to the area during construction and development.
- Analyze the traffic impacts of added residential and commercial developments on Robert E. Bell Middle School, including traffic impacts to the area during construction and development. Also include an analysis of traffic impacts of potential redistricting due to increased enrollment at Douglas G. Grafflin Elementary School and Robert E. Bell Middle School.
- Analyze the financial and tax impacts of potential PILOTS or other tax abatements that may be granted by Westchester County IDAs or other government agencies outside of the Town Board's or CCSD's control.
- Provide legal analysis, supported by an attorney memorandum, on the validity and effectiveness of FBC language limiting PILOTS and other tax abatements.
- Develop a monitoring requirement, to be adopted in the SEQRA Findings Statement, that would provide data to the Town Board and the CCSD regarding what actual impacts are occurring as development progresses.



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- Include in the Findings Statement a fee structure to be charged to the developers, based on a per student formula, to mitigate impacts to the CCSD due to expenses associated with increased student enrollment.
- Analyze alternative methods, zoning or otherwise, with more effective local control, to revitalize the commercial area and provide affordable housing.

We would like to close by restating our commitment to the education of all students who reside in our school district, current and future. We appreciate and join in your efforts to revitalize the Chappaqua Hamlet and increase socio-economic diversity. Thank you for your consideration of our comments throughout the DGEIS public hearing period, and for helping us in our efforts to best serve our students and entire community.

Sincerely,

The Chappaqua Central School District Board of Education

Victoria Bayard Tipp, President  
Holly McCall, Vice President  
Hilary Grasso  
Warren Messner  
Jane Kimmel Shepardson

## **Previous Written Comments to the Town Board from CCSD:**

- [October 15, 2020](#)
- [October 26, 2020](#)
- [October 29, 2020](#)
- [November 17, 2020](#)

[Consultant Analysis performed by Chazen Companies, ESI and KG&D](#)

