

October 22, 2021

VIA EMAIL

Honorable Jeremy Saland, Acting Town Supervisor
and Members of the Town Board
Town of New Castle
200 South Greeley Avenue
Chappaqua, New York 10514

Re: Chappaqua Hamlet Rezoning - Final Generic Environmental Impact Statement (FGEIS)

Dear Acting Supervisor Saland and Members of the Board:

On behalf of my client the Chappaqua Central School District (CCSD), I submit the following comments on the FGEIS for the Chappaqua Hamlet Rezoning which was accepted as complete by the Town Board on October 12, 2021. CCSD is not taking a position at this time for or against the adoption of the Form Based Code (FBC), but it continues to have serious concerns about the adequacy and reliability of the FGEIS.

The FGEIS Contains Admittedly Unreliable Analysis on Projected Tax Generation that the Town Board Should Expressly Disavow in its SEQRA Findings Statement

For the reasons set forth in my letter of October 11, 2021, CCSD remains concerned that the FGEIS does not provide a reliable or conservative analysis of the financial impact of the Form Based Code on Chappaqua schools. CCSD, along with the Town Planning Board and dozens of members of the public, requested a comprehensive analysis comparing projected commercial/residential tax revenue to the costs of community services in each alternative in the FGEIS. The FGEIS still does not contain that analysis. Rather, the final revisions to the FGEIS on October 5, 2021 added a rushed, back-of-the-envelope projection of tax generation and invented a methodology with respect to costs per student. CCSD had no input in the Town Board's methodology and no notice that the Town Board planned on undertaking such analysis seven days before the FGEIS was scheduled to be accepted as completed.

On page 35 of the FGEIS, the Town Board's consultant Kimley-Horn concedes that its projected tax generation is not reliable and "is not possible with any realistic level of confidence." The FGEIS nonetheless proceeds with the analysis which it describes as a "conservative" estimate of tax generation versus projected cost to educate each new student. In this analysis, Kimley-Horn projects the potential budgetary impact to CCSD of the full FBC build-out ranges from a surplus of \$3,553,364 to a deficit of \$114,923. However, using CCSD's numbers, the potential budgetary impact ranges from a surplus of \$2,085,908 to a deficit of

\$4,028,139. Despite Kimley-Horn's description of its own tax generation analysis as "unreliable" and CCSD's objections to its use, the Town Board not only kept it in the FGEIS, but the Acting Town Supervisor trumpeted it in his weekly bulletin to the Town as proof that the FBC would benefit CCSD. This conclusion is contrary to both the CCSD numbers and the Kimley-Horn numbers which show that the more students that are added to the FBC area, the worse the impact will be on the School District budget.

Based on the truly astonishing caveat by the Town Board's own consultant in the FGEIS that its analysis is not reliable, the SEQRA Findings Statement should not rely on Kimley-Horn's analysis of tax generation and should expressly state that the Town Board is not relying on this analysis.

The Format of the FGEIS Renders It Unusable for Future Decision-Makers

As set forth in my letter of September 29, 2021, the format of the FGEIS text is not in accordance with standard industry practice and is essentially unusable. A GEIS is intended to serve not only the current Town Board as it makes a decision about whether and how to implement the FBC, but also to guide future Town Boards in the event that they decide to expand the FBC area of the hamlet.

Rather than making redlined revisions to the text of the Draft GEIS (DGEIS), the Town Board and its consultant made the unusual decision to make no changes to the text of the DGEIS chapters between the Draft and Final versions, but rather to rely on the Response to Comments section to incorporate all revisions to the DGEIS both minor and substantial. The Town Board's failure to produce a redlined text of the body of the FGEIS is indicative of the rushed nature of the process. This is a departure from accepted best practices and has resulted in an FGEIS document that is functionally unusable (not merely unfriendly to the reader) because it requires a reader to hunt for any analytical changes in the Response to Comments rather than in the body of the text where they belong. The formatting of the FGEIS is a disservice to current and future decision-makers.

Sincerely,



Adam Stolorow

Cc: CCSD Board of Education
Superintendent Christine Ackerman
David Shaw, Esq.
Jennifer Gray, Esq.
Edward Phillips, Esq.
Sabrina Charney Hull