

September 29, 2021

VIA EMAIL AND FIRST CLASS MAIL

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 Supervisor Saland and Members of the Board:

On behalf of my client the Chappaqua Central School District, I write in opposition to the Town Board's proposed acceptance of the Final Generic Environmental Impact Statement (FGEIS) for the Chappaqua Hamlet Rezoning. The School District objects to the extremely curtailed timetable given to interested agencies for review of the FGEIS. This timetable was not intended to, and did not, allow time for the School District to provide detailed input on the FGEIS. The School District further objects to the FGEIS as woefully incomplete in its analysis of socioeconomic impacts and community services and the impact that the proposed Form Based Code (FBC) will have on Chappaqua schools and on Chappaqua taxpayers who may be displaced by tax increases resulting from new development. The FGEIS includes no thresholds or mitigation designed to address the School District's comments related to potential impacts on schools from the pace of development and should not be accepted as complete until specific thresholds and/or mitigation are added. Specific requests for thresholds and mitigation are included in this letter.

The Town Board Refused to Allow Even a Modest Extension of Time for Interested Agencies to Review and Comment on the FGEIS

By letter dated September 18, 2021, the School District requested a three week postponement to allow it to review and provide comments on the full draft FGEIS, which was released piecemeal in Town Board work session packets beginning in mid-August. The responses to comments on Chapter 2H (Community Facilities & Services) and Chapter 2I (Socioeconomic Impacts) were not released until September 17th (the Friday before the Town Board's September 21st meeting) and were among the very last responses to comments released, meaning the School District had the least amount of time to review the responses that most mattered to its mission.

As of September 28, 2021 the Town Board still has yet to release any redlined text of the actual FGEIS chapters themselves and my understanding is that there will be no changes to

the body of the DGEIS. 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 under the State Environmental Quality Review Act (SEQRA) and will result in an FGEIS document that is functionally unusable (not merely unfriendly to the reader) because it would require a reader to hunt for any analytical changes in the Response to Comments rather than in the body of the text where they belong. For example, there are significant changes in the analysis on impacts to schools between the DGEIS and the Response to Comments on the DGEIS (most notably in the use of the School District's multiplier for Public School Aged Children (PSAC) on page 3-146 of the DGEIS) that should be included in the body of the FGEIS itself, not just in the Response to Comments.

The School District explained in its September 18, 2021 letter that the severely compressed timetable imposed by the Town Board does not allow interested agencies like the School District, members of the public, or even the Town Board members themselves the time to review the FGEIS, provide meaningful feedback and allow the Town Board the time to digest and act on such input. The Town Board flatly rejected the School District's request for additional time. The Town Board's refusal to extend the time to comment on the FGEIS by any amount of time reinforces the impression that the Town Board is simply not interested in receiving and digesting input on the FGEIS from impacted public agencies.

The FGEIS Contains No Actual Analysis of Impacts to School Budgets, Taxes, or Displacement That May Result from the Proposed Action

The Town Board received scores of comments related to concerns from the public and interested agencies related to the impact of the proposed FBC and downtown development on community services. The Draft GEIS (DGEIS) acknowledged that FBC-related development would impose burdens on community services including schools, but concluded, for example:

Although the amount of residential development associated with the maximum Buildout Scenario will create an increase in population over the existing hamlet population, it is anticipated that tax revenues and community benefits will offset the cost of additional community services. These benefits include a more walkable, vibrant hamlet, which encourages increased "livability" and healthy lifestyles. DGEIS at 3-154.

The School District was not the only interested agency that identified this analysis to be superficial. As the New Castle Planning Board commented in response to this passage:

This assertion has no basis in fact in the document and is a logical fallacy. It may be true that more people living in the hamlet will help pay for the cost of the community services, and it may be true that more people will contribute to a vibrant hamlet. But it's a fallacy to assert that a vibrant hamlet in itself will pay for the services. The first case needs to be made that more people living in the hamlet will

help pay for services. (Whether the hamlet is more vibrant is a separate matter.) The approximate cost of added community facilities should be compared to the net increase in tax revenues to make the case. It is critically important that the GEIS provide a comprehensive commercial / residential tax revenue analysis compared to the costs of community services in each alternative. FGEIS Comment I59.

The School District supports the Planning Board's comment and reiterates its request for an actual (not back-of-the-envelope) analysis of the potential impact on community services, one that does not simply assume that tax revenues from new residential development will offset the increased cost of community services, which is what the current FGEIS does. As the School District wrote in its March 16, 2021 letter to the Town Board, the lead agency should "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."

The Response to Comments in Chapter 2H of the FGEIS adopts the School District's PSAC multiplier and calculates that 150-256 new students may be added to our schools if the FBC is fully implemented. In reaching the conclusion that CCSD can accommodate these students, the FGEIS seems to consider only whether the School District has the physical capacity to handle an influx of new students without considering the impact on the school budget. *See e.g.* Responses to Comments H31, H59. However, at \$34,461/student (2019 numbers), the cost of adding 150-256 students would be \$5,169,150 to \$8,822,016. There is no analysis in the FGEIS that would allow the School District to determine whether projected tax revenues will be sufficient to offset this cost, because there are no projected tax revenues in the FGEIS. This glaring gap in analysis, which will not be addressed prior to the Town Board's consideration of the FGEIS on September 30, must be addressed before the FBC legislation is adopted.

The FGEIS Should Be Revised to Include Thresholds and/or Mitigation Related to Potential Adverse Impacts on the School District

As currently drafted, the FGEIS contains no thresholds or mitigation related to impacts on the School District. Although the current draft of the FBC is limited in its application to the North Greeley corridor, the School District does not agree that this initial geographic limitation provides an enforceable threshold for regulating the pace of development in the entire 72-acre study area and its potential impacts on Chappaqua schools. The School District therefore requests that the Town Board adopt the following measures, whether as part of the FGEIS thresholds/mitigation measures or in the SEQRA Findings Statement, or in the FBC legislation itself:

- 1) Include a requirement that the Planning Department notify CCSD of all new proposed residential developments along with an estimate of proposed school-aged children using the District's PSAC multiplier. This is a common sense approach already under

consideration by the Town Board for inclusion in the FBC. It should be added as a mitigation measure in Chapter 2H of the FGEIS.

- 2) Include 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 impacts to the CCSD. This requirement could be applied to residential development that exceeds the PSAC multiplier in the FGEIS, as certain developments will have greater potential for school-aged children.
- 3) Add language to the Findings Statement and FBC that regulates the pace of development. The DGEIS at page 3-146 assumes that the pace of development will be evenly spread over a 15-year buildout period which would mitigate the impact to the School District in any given year. While there is no rational basis for this assumption in the DGEIS, the Town Board could control the pace of development by creating pauses in the buildout and requiring further study as development progresses under the FBC. Appropriate thresholds for maximum development could be based on reaching a certain number of residential development units, reaching a certain number of new students in the CCSD, or reaching a certain geographic percentage of development in the FBC zoned area. The FBC could include an automatic moratorium on new development once the threshold is reached that would remain in place while the Town Board and interested agencies reviewed the impact of past FBC-related development and determined whether the FGEIS analysis remained sufficient to guide further development or whether a Supplemental GEIS was required. This study could take the form of a SEQRA Technical Memorandum as is often done for long projects where new information develops over time.

The School District remains available to discuss these issues with the Town Board and will continue to work with the Town Board to ensure that proposed development does not negatively impact the quality of Chappaqua public schools.

Sincerely,



Adam Stolorow

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