

November 27, 2019

Chairman Robert Kirkwood and
Members of the Planning Board
Town of New Castle
200 South Greeley Avenue
Chappaqua, NY 10514

Supervisor Robert Greenstein and
Members of the Town Board
Town of New Castle
200 South Greeley Avenue
Chappaqua, NY 10514

Re: Chappaqua Crossing
Petition from SG Chappaqua B LLC
480 Bedford Road, Chappaqua, NY

Dear Members of the Town Board and Members of the Planning Board:

On behalf of SG Chappaqua B LLC we are pleased to submit the enclosed documents in support of the Petition from SG Chappaqua B LLC for amendments to the New Castle Town Code sections related to the Office Park Retail (OPR) Overlay District, the Multifamily Planned Development (MFPD) and the Preliminary Development Concept Plans (PDCP) for Chappaqua Crossing.

At its meetings on November 19, 2019 the Town Board and Planning Board requested that the Applicant provide the following supplemental information related to the MFPD PDCP:

A. Applicant to provide existing photos and proposed visual simulations from 37 Cowdin Lane (Leitch property) showing views from the rear of 37 Cowdin Lane to townhome building U and townhome building EE and from the rear of the carriage house to townhome building BB.

The enclosed Figures 1 through 3 show the proposed townhome buildings from the rear of the Leitch property. Buildings U and EE would be located approximately 260 feet and 360 feet from the patio at the rear of the 37 Cowdin Lane residence, respectively. Building BB would be located approximately 340 feet from the rear of the 37 Cowdin Lane carriage house. The proposed buildings would be screened by a combination of existing topography and vegetation that is proposed to remain. Supplemental planting at the townhomes is also proposed as shown in the figures.

B. Applicant to provide an updated construction phasing plan, which shows that the cut and fill would be balanced from phase to phase and would comply with NYSDEC's 5-acre maximum disturbance area.

An updated construction phasing plan is enclosed in Tab 1. The updated phasing plan shows that each phase would comply with NYSDEC's 5-acre maximum

disturbance area. Additionally, the plan has been designed so that the cut and fill is balanced for each phase. Further detail is provided in the attached narrative. Full-size versions of the construction phasing plan have been submitted for review as requested by the Town Engineer.

C. Applicant to provide elevations showing the adaptive reuse of the former Readers Digest Association (RDA) guest house as a portion of the East Village residential amenity center.

The enclosed Tab 2 provides a narrative and architectural elevations describing the proposed the adaptive reuse of the guest house and addition.

D. Applicant to provide an updated MFPD PDCP drawing set be submitted.

A full-size MFPD PDCP drawing set, dated November 27, 2019 is enclosed in this submission. The MFPD PDCP drawings are based upon the Site Development Plan currently under review by the Planning Board.

E. Applicant obtain Chappaqua Central School District (CCSD) public school children enrollment data by grade for the townhome developments of Ledgewood Commons, Old Farm Lake and Riverwoods, and the Chappaqua Crossing Apartments (200 Building).

The attached Table 1 shows the enrollment data by grade that was provided by the CCSD for the requested developments. The Applicant's prior projection for public-school children within the East Village townhomes is also provided for information. The actual number of school children per unit within the three townhome developments shown in the table are less.

Additionally, we offer the following responses and materials in response to the Director of Planning's November 13, 2019 memorandum to the New Castle Town Board.

1. **Comment:** *In reviewing the Petition for completeness, Exhibit E includes an Illustrative Site Plan. The Applicant should provide the Town Board with a detailed site plan (as is being reviewed by the Planning Board) so the amendment of the Preliminary Development Concept Plan can incorporate approved revisions made to the site plan since May 2015.*
Response: As discussed in item D above a full-size MFPD PDCP drawing set, dated November 27, 2019 is enclosed in this submission. The MFPD PDCP drawings are based upon the Site Development Plan currently under review by the Planning Board.

2. **Comment:** *The Environmental Analysis has been updated to include revised language as to the adaptive reuse of the Guest House. In addition to the narrative description, the Applicant should provide additional graphic depiction of the use of the retained structure.*

Response: As discussed in item C above the enclosed Tab II provides a narrative and architectural elevations of the adaptive reuse of the guest house and proposed addition.

3. **Comment:** In order to subdivide this lot, the Town Board will need to amend the minimum lot size and dimensional requirements within the B-RO-20 Zoning District. The Applicant has proposed a footnote to be contained within Table 60-410b which states “Bulk and Dimensional Regulations in the B-RO-20 District shall not apply to properties on which an existing building is adaptively reused for residential use.

Response: Comment Noted.

4. **Comment:** The Applicant has indicated a need to amend the boundary of the Office Park Retail Overlay District (OPROD) to align the existing parking layout to the south of the Cupola Building. The proposed boundary change is stated to be in relation to the existing parking layout.

- *The Applicant should provide a parking layout map to accompany this request.*

Response: The current boundary of the OPR district does not correspond to the existing parking layout, as there are existing office parking spaces within the OPR District. Accordingly, the Applicant requests an amendment to the Zoning Map of the Town and a corresponding amendment to the November, 2016 Retail PDCP to modify the OPR District boundary as shown on the attached Figure 4, *Amendments to OPR District and Retail PDCP*.

The proposed modification would shift the OPR boundary line approximately 60 feet to the south. There are no proposed changes to the existing parking layout or number of parking spaces.

5. **Comment:** The Applicant has indicated a need to amend the Office Park Retail Overlay District regulations regarding floor areas which discusses floor area limitations. As currently written, there is no exception for the AFFH units that are provided within the Cupola Building. If you recall, these units were added to the OPROD after the floor area section §60-360.8.3 was amended in 2015. The Applicant is proposing additional language as reflected in the underlined section of §360.8.3A which states “The maximum aggregate floor area in an Office Park Retail Overlay District shall not exceed 120,000 square feet, and the maximum occupied aggregate floor area in the nonoverlay portion of the Office Park District for all uses other than AFFH model ordinance units shall not exceed 500,000 square feet.” This request relates to inclusion of 28 units of affordable housing in

the 200 Building that were made in 2015. This change is necessary and was most likely an oversight when the Town approved the housing in the Cupola Building.

Response: Comment Noted.

6. Comment: The Applicant is requesting changes to the boundary of the MFPD, also known as the East Village, which have arisen in part due to plan changes and accommodation of the auditorium parcel. The request also includes modification of the MFPD PDCP to accommodate plan modifications related to the length of driveways, the width of roadways within the MFPD, the alignment of the loop road in front of the Auditorium, increases to the size of the dwelling units and other related modifications of the East Village layout.

Response: Comment noted.

Comment: *• The Applicant should remove reference to the demolition of the guest house in this paragraph as the Town has indicated that the guest house shall be preserved.*

Response: The removal of the reference to the demolition of the guest house from the petition is discussed in the attached cover letter prepared by DelBello Donnellan Weingarten Wise & Wiederkehr LLP.

Comment: *• The Applicant should provide more information as to the change in size for each of the areas. The last communication regarding size was deducted from a May 13, 2019 communication. The petition should be amended to include this information.*

Response: The Applicant proposes to adjust the MFPD district land area to 33.1 acres, consisting of 32.0 acres for the residential parcel and 1.1 acres for the auditorium parcel. The approved December 2015 MFPD PDCP included 31.2 acres of MFPD district land area, consisting of 30.5 for the residential parcel and 0.7 acres for the auditorium. Additionally, the Applicant has petitioned to modify a portion of the boundary between the B-RO-20 district and Retail Overlay District, as discussed above in response to Comment 4. The modifications in land area between the zoning districts on the property are summarized as follows:

Zoning District	Approved Dec 2015 MFPD PDCP (acres)	Proposed MFPD (East Village) PDCP (acres)	Change (acres)
B-RO-20 District	51.1	49.6	-1.5
R-1A District	12.3	12.3	0.0

MFPD District	31.2	33.1	1.9
Retail Overlay District	19.1	18.7	-0.4
Total	113.7	113.7	0.0

Comment: • *The Environmental Analysis should also include information pertaining to the area in which units were expanded in a northern direction, due to changes in the size of the auditorium parcel. This information should examine visual impacts to residential neighbors.*

Response: As discussed in Item A above, the Applicant has provided information to examine the visual impacts to residential neighbors located at 37 Cowdin Lane (see enclosed Figures 1 through 3). This information will be incorporated into the Environmental Analysis.

7. **Comment:** As per the Fifth Amendment of the Supplemental Environmental Impact Analysis, the Town Board approved the MFPD PDCP with 91 townhomes. The 2016 Findings Statement did not specify the unit size breakdown of the 91 townhomes, however, the 2015 MFPD PDCP proposed 91 townhomes consisting of 71 two-bedroom units and 20 three-bedroom units, containing a total of 202 bedrooms. The Applicant is now requesting approval for 62 two-bedroom units and 29 three-bedroom units for a total of 211 bedrooms. As previously discussed with the Planning Board, the Applicant stated that the increase in bedrooms stems from the changes in grading of the site combined with market conditions which dictate increasing the number of three bedroom units.

- The total number of existing bedrooms at the site currently is 103. The Applicant per their petition are now requesting a total of 316 Bedrooms where 294 are currently allowed. This is a difference of 22 bedrooms.
- *The Applicant should update the Environmental Analysis to represent the total number of students in both the B-RO-20 Zoning District (Cupola Building) and the East Village MFPD.*

Response: The proposed East Village is projected to generate approximately 43 school children. Based on data provided by the CCSD for the 2019-2020 school year, there are currently 17 school children within the residential apartments in the Cupola Building (see Item E above).¹ In total there would be approximately 60 school children within the B-RO-20 zoning district and the MFPD district.

¹ Based on the Town Board's Second Amendment to the 2013 Findings Statement the residential use on all four floors in the Cupola (200) Building was estimated to generate approximately 6 public school children.

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8. **Comment:** In order to allow the Chappaqua Performing Arts Center (formerly known as the Wallace Auditorium) to operate within the MFPD, the Town Board should amend §60, Attachment 5, Part 1 to include the Applicant's proposed language, "#4. Publicly owned community facilities" as a permitted principle use.

Response: Comment Noted.

We look forward to continuing our review of the Applicant's petition with your boards.

Very truly yours,

DIVNEY TUNG SCHWALBE, LLP



Andrew V. Tung, ASLA, Esq., LEED AP
Partner

Enclosures

cc: F Charney, D. Walsh, C Devlin, J. Fitzpatrick, M Weingarten, J Giris