



## *The League of Women Voters of New Castle*

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### **LWV of New Castle – Comments on Chappaqua Crossing DEIS**

SEPTEMBER 25, 2009

#### **INTRODUCTION**

The League of Women Voters of New Castle is a nonpartisan civic organization whose mission is to promote active and informed participation in government. Through activities such as our Candidates' Nights; forums and informational meetings; public questioning and comment before relevant town boards; and outreach to our membership and the community, the League provides public education on a broad array of issues affecting New Castle.

Local planning issues are an important part of the League's focus in New Castle, and the League has had an ongoing planning study committee since 1998. The League has been following proposals for the Reader's Digest property since 2005, when Summit/Greenfield successfully petitioned the Town of New Castle to allow up to four commercial tenants in the existing Reader's Digest facility. The Town is now reviewing the Draft Environmental Impact Statement (DEIS) for Summit/Greenfield's proposal to redevelop the property for mixed commercial and residential use – 520,000 square feet of office space to be utilized by an unlimited number of tenants; and 278 residential units, of which 56 units would be set aside as senior and workforce affordable housing.

In League parlance, we have been studying the issue\* – gathering information, analyzing pertinent documents, and asking questions to help us and the community understand the proposal and its potential impacts. The League's review of, and commentary on, the DEIS for Chappaqua Crossing are part of the study process. The League's Local Planning and Environment Committees are providing input on the complex and voluminous DEIS, as well as other reports that have recently become available on various issues contained in the DEIS. Our goal is to identify important concerns and provide thoughtful feedback to the Town Board as it considers Summit/Greenfield's redevelopment proposal.

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\* At all levels, from local chapters all the way up the national organization, the League of Women Voters contributes to public education on a variety of issues by providing nonpartisan information to help promote involvement, dialogue, and informed decision-making by its membership. Only through the formal study process, however, can the LWV as an organization take a position and act on an issue.

The League of Women Voters of New Castle has not yet engaged in consensus for Chappaqua Crossing. Consensus is the League process for discussing an issue with its membership at the culmination of a study, and is the only way the League can arrive at an advocacy position. When we do engage in the consensus process, we will consider in the discussion many factors that relate to Chappaqua Crossing.

The League has already submitted two sets of comments to the Town Board on the Chappaqua Crossing DEIS. These were presented at public hearings on June 23, 2009 and July 28, 2009; and are appended here for ease of reference. We would like to add the following comments for consideration in the Final Environmental Impact Statement (FEIS), and for the Town's ongoing review of the redevelopment proposal for Chappaqua Crossing.

### **TOWN OF NEW CASTLE'S MASTER PLAN**

In reading the DEIS for Chappaqua Crossing, we realize that the issues it raises need to be considered more fully within the context of the 1989 Town Development Plan. The Town Development Plan, or Master Plan, establishes a framework for future development in New Castle. It articulates principles for residential and commercial development, open space, community facilities and other planning policies. Viewed together, they provide a vision for the growth of New Castle – one that seeks to balance development goals with the preservation of the low-density character of the town and its open space areas.

#### **Open Space**

The Master Plan addresses the open space character of the town by acknowledging both formally designated open space land, as well as “many features of the landscape, in addition to the areas formally committed to open space...that contribute to the open space character of New Castle.” [Town Development Plan, page 146] The Master Plan makes special note of semipublic and private properties that serve as *de facto* open space land in New Castle, and specifically denotes Reader's Digest as one of these properties. The Master Plan states:

“In addition, low density semipublic and private land uses on large sites provided an equally important contribution to open space. Such uses included various country clubs, swim clubs, the Center for Asthmatic Children, Maryknoll, Campfire Club, Girl Scouts Reservation, Wagon Wheel Camp [sic], Yeshiva Farm Settlement, Reader's Digest, Christian Herald and the Unification Church. While all these semipublic and private uses leave substantial areas of their sites in a natural state, there is no guarantee that these lands will remain so indefinitely. As in the case of the former Hudson Hills Country Club, which is expected to be developed with a major research/office facility, several of these areas have considerable development potential and could ultimately yield to increasing development pressures.

“Because these semipublic and private areas totaled more than 1,300 acres (13.6% of the land in use in 1984 and 8.9% of the total Town acreage), it is very important that these uses be continued and not be developed for higher intensity uses that would impair the open space character of the Town.” [TDP, pages 146-147]

Chappaqua Crossing would add approximately 370,000 square feet to the Reader’s Digest campus, for a total of over one million square feet of gross residential and commercial space. As the League noted in its comments at the June 23<sup>rd</sup> public hearing:

- Chappaqua Crossing would combine commercial and residential use on a scale that does not have precedent in New Castle;
- It would create a condominium development larger than others previously constructed in town; and
- It would set a new benchmark for development in New Castle.

Therefore, the League believes that more discussion is needed about whether this level of development is appropriate for the property, and whether it’s consistent with the vision for New Castle as outlined in the Master Plan. The FEIS should include a discussion of:

- the precedent set by the level of development proposed for the Reader’s Digest site, and
- potential impacts on other remaining semipublic and private areas in New Castle.

### **Land Disturbance**

In the section on Residential Land Use Policy [TDP, pages 110-113], the Master Plan notes:

“The topography of multifamily sites should be suitable for development with housing of the type and density planned without the necessity for extensive earth-moving, landfilling or other similar incursions that would create excessive disturbance of the natural environment, particularly affecting sensitive areas such as wetlands and steep slopes.” [TDP, page 112]

Chappaqua Crossing is an environmentally sensitive piece of property located in the New York City Water Supply Watershed, with terrain that includes a variety of steep slopes and wetland areas. The proposed development will result in the creation of 9.4 acres of steep slopes and require the construction of substantial retaining wall systems. The detention pond systems, which apparently need to be enlarged to comply with stormwater management requirements, are another encroachment on the property.

We believe further discussion is needed as to whether this level of disturbance is consistent with the Master Plan, and whether it is advisable for the site, given its sensitivity and location in the watershed. [Please also refer to our previous comments of July 28, 2009 on Stormwater.]

### **Sewage**

In the section on Community Facilities and Services, the Master Plan states:

“The extension of existing sewerage systems and the establishment of new systems should be encouraged only where they are needed to correct existing environmental problems and to prevent new ones, or where such facilities are needed to accommodate the density and type of development recommended by this Plan. However, the availability of central water and/or sewerage systems shall not, in and of itself, be considered a basis for rezoning to permit a higher residential density.” [TDP, pages 107-108]

The proposed development of Chappaqua Crossing requires an extension of the Saw Mill Sanitary Sewer District, an action that must be approved by the Westchester County Board of Legislators. This raises several questions in light of the Master Plan. The extension is not needed to mitigate an existing environmental problem. It is not clear that the Master Plan supports the level of development proposed for the site, or that the majority of the housing proposed is a priority for the town (see discussion below under Multifamily and Senior Housing/Affordable Housing). Furthermore, the Master Plan is explicit that the availability of sewerage should not alone constitute a rationale that justifies rezoning to permit higher density residential development.

In addition, as the League pointed out in comments on July 28<sup>th</sup>, for seven years the Town of New Castle has petitioned the Westchester County Board of Legislators for extension of the sewer district to replace failing septic systems in the northern part of town. To date, the county has not granted an expansion, even though it would alleviate an ongoing environmental threat within the watershed. This application should get first priority for expansion of the sewer district.

### **Multifamily and Senior Housing/Affordable Housing**

The Master Plan recognizes the need to offer a variety of housing options to accommodate different population groups in New Castle, and specifically addresses the housing needs of seniors. In its section on Residential Land Use Policy, the Master Plan refers to “retired persons and other individuals wishing to remain in the community but who, because of reduced incomes, can no longer afford to maintain a single-family residence.” [TDP, pages 110-111]

In a fuller discussion of senior citizen housing needs [TDP, pages 125-127], the Master Plan more explicitly discusses the economic challenges of seniors who wish to remain in New Castle: “While personal preference is no doubt a factor in the decision to leave New Castle, many retired persons might remain in the community if a greater number of smaller, less costly residential units were available.” [TDP, page 125]

The League questions whether the high-end, market-rate units proposed for Chappaqua Crossing – anticipated to market for \$700,000 to \$1.2 million – represent the types of lower-cost housing options envisioned by the Master Plan that would enable larger number of seniors to remain in the community when downsizing from their single-family homes.

The DEIS discusses features of the units at Chappaqua Crossing that are designed to appeal to people 55 years and older. The DEIS cites, among other features, open floor plans, showers instead of bathtubs, elevators in the apartment buildings, a community center with a variety of rooms for gatherings and, specific to the townhouses, double-width garage doors, floor plans with the master bedroom upstairs or down, and floor plans that can “accommodate a residential elevator.”

There are, however, different types of living environments that appeal to different segments of the senior market. Continuum care communities, for example – with independent and assisted living options, and amenities that could include shuttle service to shopping and medical offices, onsite classes and activities as well as organized day trips offsite, and meal service – may be a more appropriate option for the Reader’s Digest site. It would reduce the impact of residential traffic and sidestep the issue of impact on the Chappaqua Central School District. We would like to see a fuller discussion of this possibility in the FEIS.

The Master Plan also anticipates that institutional facilities located in New Castle – such as Reader’s Digest – might someday choose to relocate due to economics or other factors. Although Reader’s Digest is still a tenant at Chappaqua Crossing, changes in its circumstances have left certain of its former buildings in disuse and slated for demolition under the redevelopment proposal. The Master Plan suggests that these facilities be “evaluated for potential conversion to senior citizen housing.” [TDP, page 127]

Although the terms “affordable and workforce housing” are not used in the Master Plan, these types of housing stock are discussed in the Residential Land Use Policy [TDP, pages 110-113] and in the section on Housing Cost [TDP, pages 127-128]. The League of Women Voters, at its national, state and local levels, supports the creation of affordable housing options. These positions will be taken into consideration during the consensus process by the membership of the League of Women Voters of New Castle.

### **AGE RESTRICTIONS AND MARKET ANALYSIS**

The League’s comments of July 28, 2009 raised a number of questions regarding the market strength for 222 high-end, age-restricted units in this community and surrounding study area, in order to meet the 80% threshold of 55+ households needed to render the age restriction legal and enforceable under HOPA regulations. As we noted then, the FEIS should provide a more

detailed financial breakdown and analysis of the 55+ market in the study area, and should consider the impacts of the recession on the target market.

The League also noted that comparable age-restricted developments presented in the market study of the DEIS were substantially smaller than the development proposed for Chappaqua Crossing; and that one of the comparable developments, Trump Park Residences in Yorktown, has requested relief from its age restriction. The FEIS should discuss the difficulties Trump Park Residences has encountered as an age-restricted community, and how its experience relates to the market-priced age-restricted units at Chappaqua Crossing.

### **ENFORCEMENT OF AGE RESTRICTIONS**

The DEIS outlines an enforcement role for the Town of New Castle to ensure compliance with the age restrictions at Chappaqua Crossing. The FEIS should discuss whether the Town agrees to assume this role and, if not, how this would affect enforcement of the age restriction for the development and whether other enforcement mechanisms would be necessary.

The FEIS should also clarify whether the private funds for enforcement of the age restriction will be held in an escrow account that would only be available for this purpose; and whether \$5,000 proposed for the first year is sufficient to cover costs related to enforcement of the age restriction. The FEIS should also discuss enforcement costs in subsequent years, when it would be expected that units would begin turning over for resale.

### **EXISTING MULTIFAMILY HOUSING STOCK IN NEW CASTLE**

The DEIS quotes different sources for counts of multifamily units in New Castle, with figures ranging from 310 units, or 5% of the town's housing stock, to 804 units, or 14% of the housing stock. The FEIS should provide an accurate count of multifamily units in New Castle and the percentage this represents of the overall housing stock, and should use this figure consistently throughout the document.

### **CHAPPAQUA CROSSING – PROJECT “MODELS”**

Figure 25 (Appendix 9) of the Chappaqua Crossing Demographic Analysis and Residential Market Study presents an overview of the different model types and pricing of units in comparable age-restricted developments. The FEIS should include similar charts for the units at Chappaqua Crossing – one for the market-rate units, and a separate one for the senior and workforce affordable units. The charts should provide the following information:

- Unit Type (with number of bedrooms and bathrooms)
- Square Footage
- Type of Parking Provided with Unit
- Base Price
- Price per Square Foot
- Number of Units of Each Model Unit Type in the Chappaqua Crossing Development

The chart for the market-priced units should clearly identify which units are apartments and which are townhouses; and, on the chart for the affordable units, which are senior housing and which are workforce housing.

### **LIMITED USE RETAIL**

In the Description of the Proposed Action (Section II-42), the DEIS discusses facilities and convenience retail services that traditionally have been provided to employees at Reader's Digest, as allowed under current zoning for accessory uses permitted in the B-RO-20 district. The DEIS states that "The existing convenience retail is for employees and it is not anticipated that persons who do not work or reside at the Site would utilize these services." With the reduction in size and renovation of the amenity space under the Proposed Action, the DEIS also states (Section II-27) that "It is not anticipated that use of these facilities will be desired by the residents at Chappaqua Crossing... however, potential access to the facilities may be considered." Therefore, the FEIS should:

- Clarify whether both employees and residents will have access to facilities and convenience retail services in the B-RO-20 district,
- Provide a rationale for allowing residents of Chappaqua Crossing to have access to these services, or
- Alternately, state that such facilities in the B-RO-20 district are for employees only.

In addition to the DEIS, the League is aware that a number of additional reports and analyses relating to the redevelopment proposal for Chappaqua Crossing are being made available. We look forward to reviewing these documents, and continuing to provide meaningful feedback to the Town Board. The League hopes these comments today, along with the attached comments previously submitted at public hearings on June 23, 2009 and July 28, 2009, will be taken into consideration for the FEIS and in ongoing discussions regarding Chappaqua Crossing. Thank you for your time in reviewing submissions from the League of Women Voters of New Castle.



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### **LEAGUE COMMENTS ON CHAPPAQUA CROSSING DEIS**

**PUBLIC HEARING – JUNE 23, 2009**

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My name is Sheila Crespi, and I'm here this evening to speak on behalf of the League of Women Voters of New Castle. The League's Local Planning Committee has been studying the proposed redevelopment of the Reader's Digest property since 2005, and we've been reviewing the voluminous materials presented in the Draft Environmental Impact Statement for the project. The League's Environment Committee is also reviewing relevant sections of the DEIS. As with the scoping comments the League submitted in January 2008, we continue to have questions regarding some of the key elements of the proposal. I'd like to touch briefly on a few of them:

#### AGE RESTRICTIONS AND ENFORCEABILITY

To render the age restrictions legal and enforceable, Chappaqua Crossing must achieve and maintain 80% occupancy by at least one person 55 years or older. We have questions about whether this level of occupancy can be achieved, considering the following factors among others:

- The weakened economy and housing market;
- The target senior population for the market-priced units has experienced significant losses in investments that underlie retirement income;
- The large influx of age-restricted housing that will be added to the Chappaqua market over a relatively short period of time; and
- The fact that Chappaqua attracts an unusually large number of buyers with school-aged children, looking to take advantage of the excellent Chappaqua Central School District.

There is also the question of whether the age restrictions will be upheld over time – whether they'll in fact be enforced to maintain the 80% threshold that is essential to keeping the age restriction in place and legal – and whether the Town of New Castle agrees to assume the role of enforcer as outlined in the DEIS.

#### DENSITY

Chappaqua Crossing would add approximately 370,000 square feet to the Reader's Digest campus, for a total of over one million square feet of gross residential and commercial space.

- It combines commercial and residential use on a scale that does not have precedent in New Castle;
- It creates a condominium development larger than others previously constructed in town;
- And it would set a new benchmark for development in New Castle.

We believe more discussion is needed about whether this level of development is appropriate for the property, and whether it's consistent with the vision for New Castle that is outlined in the 1989 Town Development Plan.

#### TRAFFIC

There's a huge amount of material in the DEIS on this complex and technical issue. While we're working to take it in, the League expects the Town Board will conduct its own analysis to independently verify the conclusions of the traffic study. We expect the Town will conduct an analysis of traffic impacts for Chappaqua Crossing both with and without the age restrictions in place, as well as for the alternative scenarios that are considered in the DEIS. We further ask the Town Board to make this information available to the public in a readable, non-technical narrative that can be easily accessed online for widest possible dissemination to the community.

#### SEWER AND STORM WATER

The Town of New Castle must petition the Westchester County Board of Legislators to expand the Saw Mill River Sewer District to include all of Chappaqua Crossing. We'd like to come back to you with more comments about the expansion of the district and its ramifications for New Castle, and any back-up plans if expansion is not approved. Regarding storm water run-off, the DEIS states that peak on-site flow will be at or below current levels. The League's Environment Committee is reviewing this information, and may have additional questions or comments.

#### TAX REVENUES AND EXPENDITURES

The DEIS makes assumptions about the tax revenues that will be generated from the commercial and residential portions of Chappaqua Crossing; and the costs to the town to provide additional services to the site. As with traffic, we expect the Town Board to conduct its own analysis and verification of revenues and expenditures; and we would expect to see a similar analysis from the CCSD Board of Education to assess the impacts of additional children in the school system, with and without the age restriction. And as with the traffic study, we would expect these reports to be made available for public dissemination and review.

**LEAGUE COMMENTS ON CHAPPAQUA CROSSING DEIS**  
**PUBLIC HEARING – JUNE 23, 2009**  
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Given the complexity and sheer volume of information in the DEIS, the League needs more time to adequately review the material and prepare detailed commentary on its contents. We ask the Town Board to keep the public hearing open to allow the League and other groups and members of the community sufficient time to provide meaningful feedback on this important project. We also ask the Town Board to provide ample notice to the community of when the public hearing will be scheduled to close. We think this would best be accomplished with a town-wide mailing, so everyone in the community is aware of the window to comment on Chappaqua Crossing and how to access the DEIS and other relevant information.

Thank you.



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### **LEAGUE COMMENTS ON CHAPPAQUA CROSSING DEIS**

**PUBLIC HEARING – JULY 28, 2009**

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My name is Sheila Crespi, and I'm speaking on behalf of the League of Women Voters of New Castle. The League's Local Planning Committee, and its Environment Committee chaired by Joanne Knight, have been reviewing the DEIS for Chappaqua Crossing. The League submitted initial comments at the first public hearing on June 23<sup>rd</sup>; you can find them on our website at [www.lwvnewcastle.org](http://www.lwvnewcastle.org). Tonight we want to expand on our initial remarks, starting with:

#### AGE RESTRICTIONS AND ENFORCEABILITY

Of the 278 residential units proposed for Chappaqua Crossing, 222 will be market-rate age-restricted apartments and townhouses, anticipated to be offered at prices ranging from \$700,000 to \$1.2 million. As a benchmark, the market study in the DEIS provides an overview of comparable age-restricted developments in the area. Among these comps we note that Christie Place in Scarsdale has 42 units; Glassbury Court at Hunterbrook in Yorktown has 64 units; Sutton Manor in Mount Kisco has 47 units; and Woodcrest at Jacob's Hill in Cortlandt has 50 market-rate units. Trump Park Residences in Yorktown, which has been forced to request relief from its age restriction, has 141 units. The market study is dated October 2008, and thus there aren't current figures in the DEIS on the percentage of units still to be sold at some of these developments. With 222 high-end units to sell, we question whether Chappaqua Crossing will be able to achieve and maintain the 80% threshold of 55+ households needed to render the age restriction legal and enforceable under HOPA regulations.

#### INCOME AND TARGET MARKET

The DEIS provides annual income requirements for 55+ households to afford purchasing a unit at Chappaqua Crossing. Beginning in 2010, necessary annual income is estimated between \$150,000 and \$200,000; and rises to \$200,000 to \$250,000 a year in 2014. The DEIS provides aggregate figures for the number of 55+ households that meet these income levels in New Castle and other Northern Westchester towns comprising the study area, but we do not find a breakdown to show how these numbers were derived. The Final EIS should provide a comprehensive breakdown of households by age and income bracket in New Castle and the study area. Further, there should be an updated analysis of household income in 55+ age groups to consider the impact of the current recession, which has destroyed so much of the underlying savings on which retirement income depends. The Final EIS should evaluate the effects of the

recession – and its impact on the 55+ population, housing sales, and the market for high-end age-restricted housing.

#### STORMWATER

The League is concerned about the 5 additional acres of impervious surfaces and the 9.4 acres of steep slopes that will be created by the proposed development. Stormwater runoff is the greatest threat to water quality, and impervious surfaces are the major contributor to this runoff pollution. Chappaqua Crossing is located in the New York City Water Supply Watershed. For several years all of the towns within the watershed have been working to reduce stormwater runoff. Many options are available; e.g. green roofs, rain gardens, and pervious walks, streets, and parking lots. To protect our drinking water, Chappaqua Crossing must demonstrate that increased runoff from impervious surfaces and steep slopes will be mitigated to conform to the standards of the Northern Westchester Watershed Committee.

#### SEWER

The League questions the assumption that Chappaqua Crossing will be admitted into the Saw Mill Sanitary Sewer District (SMSSD). For the past seven years New Castle has petitioned Westchester County for an extension of this district in order to replace failing septic systems in the northern part of town. To date the county has not granted an expansion of the county sewer district for this project. The reasons appear to be political since the Sewer District has continually accepted additional septage from communities in southern Westchester. However, this pending application should get first priority for expansion of the district.

Should there be no expansion of the Sewer District for Chappaqua Crossing, what are the alternatives for sewage treatment? The New York City Department of Environmental Protection (NYC DEP) is not allowing new treatment plants to be built in the watershed. Will the site support septic systems? This issue needs to be addressed.

#### DEMOGRAPHICS AND STATISTICAL ANALYSIS

There's an overwhelming amount of demographic and statistical material in the DEIS. It shows, for example, that between 1990 and 2007, New Castle's population in the 5- to 19-year-old age groups grew by a remarkable 1,570 children – an increase of over 41% in these age groups combined. The League wonders what this past growth in New Castle tells us about future demographics for the town.

The DEIS also shows that in 2007, New Castle's population in the 0 - 19 age groups was greater than the same population in neighboring towns in the study area, as well as in Westchester County as a whole and New York State as a whole. Figures from 2000 show New Castle with

the highest percentage of households with children in the study area. These percentages are also higher than those for Westchester County overall and the state overall.

What these figures demonstrate is that New Castle is very attractive to families with school-aged children. Although the DEIS predicts some growth in the town's 55+ population in the next several years, we question whether that will have any significant impact on the town's draw as a place to raise a family and educate children.

Given New Castle's strong appeal to families with children, we also question whether generation rates from multi-family developments in surrounding towns offer a reliable basis for estimating school-aged children at Chappaqua Crossing, if the age restrictions were to become unenforceable.

#### PARKING IN THE BUSINESS DISTRICT

Chappaqua Crossing proposes 1,300 parking spaces for 520,000 square feet of office space. In the proposed multi-tenancy scenario, the DEIS estimates 1,658 full-time employees on-site, including approximately 800 people now employed at Reader's Digest. This is an estimate and not a maximum number of employees, and does not include visitors to the site such as clients and patients. The League questions whether parking is adequately provided for the office space.

#### COMPLIANCE IF DEVELOPMENT RIGHTS ARE SOLD

The Final EIS should include a more detailed discussion of how the Town of New Castle would ensure compliance if Summit/Greenfield, subsequent to the granting of any zoning change, were to sell the development rights to Chappaqua Crossing.

The League has covered a lot of ground in the DEIS, but we need more time to complete our review of this complex and weighty document. We still need to focus on such areas as HOPA compliance, LEED compliance, demand for town services, and other multi-family housing in the area. We are also eager to see independent analyses from the Town and from the Chappaqua Central School District on traffic, tax and school impacts, as requested in our previous comments. We feel the community should have access to this critical information while the public comment period for the DEIS is still open. The League also feels that closing the public hearing during the summer would represent an undue hardship to town residents, many of whom are away, or will shortly be leaving on vacation. For these reasons the League requests the Town Board to extend the public hearing into the fall.

Thank you.