



April 30, 2019  
Rev. May 20, 2019

Supervisor Robert J. Greenstein and Town Board  
Town of New Castle  
200 South Greeley Ave  
Chappaqua, New York 10514

VIA E-mail: [rgreenstein@mynewcastle.org](mailto:rgreenstein@mynewcastle.org), [TownBoard@mynewcastle.org](mailto:TownBoard@mynewcastle.org)

cc. Sabrina Charney Hull, Planning Director

**RE: Scope of Professional Services  
Chappaqua Hamlet Form Based Code and SEQR  
Chappaqua, NY**

Dear Mr. Greenstein and Town Board members:

Kimley-Horn of New York PC (“Kimley-Horn” or “the Consultant”) is pleased to submit this letter agreement (the “Agreement”) to you, as representatives of the New Castle Town Board (the “Client”) for professional planning and New York State Environmental Quality Review (SEQR) services outlined below relating to the contemplated Form Based Code for the business districts in the Chappaqua hamlet in New Castle, New York. The professional services are to be provided by Kimley-Horn of New York PC and our team: Torti Gallas + Partners, Real Estate Solutions Group LLC (“RESGroup”) and Joel Russell and Associates (“the Consultant Team”). Key professional staff members shall include Bonnie Von Ohlsen, PLA, AICP, Eric Aulestia, AICP, Patricia Adell and Joel Russell, Esq. The Consultant Team shall also include all individuals on the attached Organizational Chart submitted in conjunction with Kimley-Horn’s proposal to the Town of New Castle. The Consultant will maintain continuity of the Consultant Team and key professional staff members, to the extent feasible, throughout the course of the Agreement. If any Consultant Team members is to be replaced, the Town shall be notified and provided with the resume of the new staff member. In addition, if a key professional staff member, as designated herein, is to be replaced, the Town shall reserve the right to interview and approve the new key professional staff member. Our understanding of the project and the scope of services for the project work is presented below. This scope will form the basis for future work, and additional work requested by you that is not part of the scope outlined below will be provided as part of an additional services amendment.

## **SCOPE OF SERVICES**

### **TASK 1: INITIAL REVIEW AND ANALYSIS**

#### **1A. Background Data Review and Downtown Working Group Kickoff Meeting**

##### Review Existing Materials and Data:

The Kimley-Horn Consultant Team will review relevant existing plans and studies. We understand that there has been an extensive public engagement process as a part of the 2017 Comprehensive Plan and that there are additional background studies that have been completed. We will review the following documents:

- Comprehensive Plan and community outreach documentation (*A Framework for New Castle - 2017*)
- Downtown Chappaqua – A Placemaking Strategy for Revitalization
- Streetscape Improvement Plans, hamlet infrastructure and traffic studies
- Historic Resources documentation

We will review and summarize the guiding policy principles and public engagement information from these documents to form the foundation for moving forward in the process. This documentation will also be reviewed for relevance for use in the Draft Generic Environmental Impact Statement (DGEIS) analysis of existing conditions.

Downtown Working Group:

We understand that a Downtown Working Group will be formed by the Town of New Castle to represent the diverse interests in the hamlet. The New Castle Director of Planning (“Planning Director”) will compose this working group and inform the team of the members and their contact information. The Downtown Working Group/Steering Committee will be comprised of:

- All 5 Town Board members
- 2-3 Planning Board members
- 1-2 key property owners in the hamlet
- 1 local architect with a focus on sustainability

Key Stakeholders List:

The identification of key stakeholders will be facilitated by the Town of New Castle. The Consultant Team will interview representatives of key stakeholders to discuss their perceptions of the strengths, challenges, and potential for downtown. Working with the Town during this process, we will provide both a summary of individual interviews as well as an overall summary that highlights consensus points and special considerations. Key stakeholder groups include the following:

- Town Building Inspector, Department of Public Works, Parks and Recreation
- Town Engineer, Town Environmental Coordinator, Town Attorney
- Fire Department (Fire Marshall)
- New Castle Police Chief
- Metro North representative
- Chappaqua Chamber of Commerce
- Chappaqua merchants
- Historic resources representative
- A representative of the design professions (local architect, engineer, land use attorney)
- A representative of the development community (developer, property owner, local realtor)

Role of the Planning Director:

The Planning Director will serve as the project manager and the primary liaison between the Consultant Team and the Downtown Working Group, Key Stakeholders, Town staff, Town departments, agencies and the public throughout this process. The Planning Director will schedule all of the proposed meetings described below with the Downtown Working Group and the Key Stakeholders, in coordination with the Consultant Team. The Planning Director will work with the Consultant Team to record notes from those meetings and facilitate circulation of information to appropriate parties.

Lead Agency:

The Lead Agency for the NY State Environmental Quality Review (SEQR) process will be the New Castle Town Board, since that is the agency that has the approval authority to adopt the new Form Based Code (FBC) into law.

Kickoff Meeting:

As soon as the Downtown Working Group is formed, the Consultant team (2 representatives from Torti Gallas + Partners, 2 from Kimley Horn, 1 from RESGroup and 1 Joel Russel) will meet with them at a kickoff meeting to discuss the proposed schedule, process, and understanding of the goals and deliverables being undertaken. This kick-off meeting will be about an hour, followed by a Study Area tour/discussion of 1.5 to 2 hours.

Stakeholder Interviews/Discussions:

On the same day as the Kick-Off Meeting, the Consultant Team will participate in Key Stakeholder interviews that will include the members of the list compiled previously in the process (final list to be determined). Some may be grouped into the same meeting. Stakeholders who we do not meet with on the day noted above will be interviewed on a single additional day.

**1B. Site Analysis and market data gathering**

Community Character Analysis:

The Consultant Team will begin with developing an understanding of the existing community. We will analyze and document the community character through diagrams and photographs and will develop a set of guiding principles. This will include:

- Regional and Chappaqua History, Architectural Styles, Hamlet Urban Patterns, Hamlet Building Scale, Building Materials

Site Analysis:

The site analysis will be graphically mapped for ease of understanding and communication. The synthesis process entails overlaying each system together to highlight and understand the existing inter-relationships and, critically, to develop strategies to create new inter-relationships that bring increased synergies resulting in greater potential for economic development, multi-modal transportation options, quality of life, environmental sustainability, and healthy living. This will include the following:

Assets & Issues Identification	Context analysis
Land Use	Urban Design
Circulation & Mobility	Environmental Features
Open Space	Past Studies
Parking	

We will supplement the information gathering and synthesis process described above with input on local conditions including road classification and description, infrastructure (lighting, stormwater, water, and sanitary sewer), historic resources and the streetscape project currently underway in the downtown. This data gathered will also be utilized in the analysis of existing conditions section of the Draft Generic Environmental Impact Statement.

Zoning, Subdivision, Standards, and Approval Process Analysis

These items are discussed in Task 3 below.

### Data Gathering for Market Analysis

The Consultant Team will highlight the types of retail, entertainment offerings, public events in up to four competitive markets, to help identify possible options for the Chappaqua hamlet.

The Consultant Team will complete a high-level market and financial development analysis to assist in creating the form-based code. To complete the market “scan”, we will contact brokers and developers and use secondary sources of information to estimate the potential level of market support for residential and retail uses. This market recognition will allow us to estimate the operating assumptions for a stabilized net operating income (“NOI”) of a hypothetical development scenario. The purpose of this exercise would be to help the Downtown Working Group understand the implications of various development approaches and densities (with accompanying parking solution).

This development scenario would be based on the massing and use-type of a typical building on a specific site provided by the team and presented to the Downtown Working Group. Estimates of rent per square foot and vacancy would be combined to estimate total revenue, and an operating expense ratio would be applied to estimate NOI. A capitalization rate will be applied to the NOI to derive a stabilized market value. Land costs will be estimated based on comparable sales and discussions with market participants, and then combined with building costs per square foot (to be provided by the team) to estimate development cost. This cost would be compared to the potential value established by the capitalization rate to provide an indication of project feasibility. This market data and financial analysis will be summarized in a technical memo for use by the team in drafting the form-based code and will be shared with the downtown working group.

The market analysis input will be completed in the first 6 weeks after project kickoff, after an iterative process with the Consultant Team and the client to agree on the sample project to be used to “test” a hypothetical building to be developed. The Team will complete the financial analysis by the end of Task 2 (see schedule).

### **1C. Media Coverage**

Working with the Consultant Team, the Planning Director will draft a press release that announces the planning efforts and outlines the process and goals. TG+P and Kimley-Horn will participate in one press conference on the same day as one of the planned meetings in Chappaqua.

### **1D. Website**

The Consultant Team will provide summary materials to the Planning Director for posting on the Town’s website that will briefly describe the Team’s credentials, and that will explain the project’s process and status at key steps or tasks and at project milestones (once every 4 months from project kickoff).

## **TASK 2: PUBLIC DESIGN PROCESS**

### **2A. Generate Necessary Background Maps**

Using information provided by New Castle, the Consultant Team will develop background/base maps to-scale that will be used for the design process and for the development of the form-based code. This will consist of aerial photographs, figure ground maps, tax parcel maps, and a comprehensive base map (with streets, right-of-way, buildings, rail station, open space, easements, major utilities, environmental features, and existing parking).

Base maps covering the extent of the Study Area for the DGEIS (which may vary somewhat from those base maps for the form-based code description) will also be generated at this time. The Study Area for the proposed form-based code is limited to the existing business zoning districts in the Chappaqua hamlet (B-R, B-RP, B-D, I-P, I-G and MFR-C). The Consultant Team will utilize recent mapping provided by the Town (such as downtown infrastructure mapping and Comprehensive Plan mapping) to the extent possible. No new land survey work is provided for in this proposal.

## **2B. Public Work Sessions**

We propose the following public work session format:

### **I. Placemaking Work Session (4-hours; at the end of month 1)**

This work session will be held with the Downtown Working Group. The goal of the Placemaking Work Session will be to establish key principles for the development of the concept plan, as well as development standards, that will be reflected in the code. The concept plan developed after this workshop will be the foundation of the Regulating Plan. Each of the subjects listed below will have a presentation component followed by a discussion.

#### **a. Character**

##### **i. Precedents**

We will briefly review previous community input, present plans/development concepts/physical design principles of other communities and highlight key elements with the goal of defining the physical elements that will be incorporated into the concept plan (basis for Regulating Plan).

##### **ii. Building Height**

We will present photographs of different building types, and massing, at different building heights, as well as a simple plan diagram showing a recommended building height strategy. This will include a discussion and preliminary revisions.

##### **iii. Architectural Character**

We will present a summary of the Chappaqua architectural styles, historic regional architectural styles, discuss contemporary architectural style, and present an architectural style strategy for Chappaqua. We will also discuss specific architectural elements (ex. storefront strategy).

#### **b. Public Realm**

##### **i. Current and Desired Programming**

Prior to the meeting, the Town will have provided a summary of the current programming/activities that take place in the hamlet. We will also have reviewed and summarized previous programming recommendations, if any. We will organize these into groups and present a brief summary. We will also discuss and document working group desired programming.

##### **ii. Potential Additional Programming**

We will present precedents of additional activities that can be considered for the hamlet. These proposed additional activities will be reviewed in the context of hamlet differentiation. The current and potential programming

will be used to inform the development of the concept plan and the Regulating Plan.

c. Framework Alternatives/Exploration

We will present up to two framework alternatives that show street, block, and open space patterns with accompanying precedent images. No buildings or specific parking layouts will be shown.

d. Development Program

i. Market Scan

RESGroup will present the results of the market scan. This information will be used to discuss building height, building types, density, parking, and public realm.

ii. Density

Based on the framework exploration and the market scan, we will present a high-level estimate of potential density scenarios. This will be followed by a discussion to arrive at a general density approach that will be the basis for the development of the concept plan.

iii. Parking

In concert with the density discussion, we will illustrate the impact of potential parking approaches on development opportunities (simple diagrams and precedent photographs). The goal will be to arrive at a consensus on parking strategies, as well as design principles, to be incorporated into the code.

e. Key Principles

Several key principles will have been discussed in the subjects above. Any additional key principles not already discussed above will be highlighted.

f. Summary

At the workshop, we will write the points of consensus on large note pads. We will summarize the points of consensus at the end of the workshop. Following the work session, we will summarize the principles in a memorandum to the Planning Director (one round of revisions to the memorandum will be provided).

**II. Concept Plan/Regulating Plan/Code Framework Work Session (Work session followed by community meetings on the same day) – 4 weeks after the Placemaking Work Session (at the end of month 2)**

**Work Session (4-hours: morning)**

This work session will be held with the Downtown Working Group. Prior to this meeting we will develop a concept plan/illustrative site plan that shows streets, buildings, parking, and open space (as well as potential development program). The goal of the Work Session will be to present the site plan and program that illustrates the principles established in the previous work session, to hear comments from the working group, and to identify any additional issues that should be highlighted in the afternoon and evening public meetings.

a. Present Concept Plan that is basis for the Regulating Plan

b. Present representative precedents

c. Present two perspectives

- d. Present a simple digital massing model

Using the concept plan as the basis, we will present a draft Regulating Plan and highlight key concepts.

- e. Key Code Concepts
  - i. Regulating Plan framework
  - ii. Code framework and integration
  - iii. Permitting and approval process
- f. Summary

**Two Community Meetings (2 hours each; 1 afternoon and 1 evening)**

Two community meetings will take place on the same day as the second Work Session (identical location, presentation and format for both public meetings). The first will be held during the afternoon hours and the second will be held that evening. These meetings will be open to the public. The following topics will be presented:

- a. Present Concept Plan that is basis for the Regulating Plan
- b. Precedents
- c. Perspectives and simple digital massing model
- d. Introduce key code concepts (at a high level - including consistency with Comprehensive Plan and previous public input, Form Based Codes, Regulating Plan, building heights, build-to-lines, public realm, parking)
- e. Open House following the presentations with large note pads in order to capture comments made by the public

The deliverables from these community meetings will be the PowerPoint used in the presentation, and a brief summary of the community comments received on the note pads, which will be delivered to the Planning Director.

**TASK 3: DRAFTING THE FORM-BASED CODE**

**3A. Design Parameters for the Form-Based Code**

Form Based Code (FBC) Integration:

We understand that the Town is not interested in creating an overlay zone, but rather a “new code.” We will work with the Town to review methods of integration at the outset since this will have a direct effect on the drafting and content of the Form Based Code. A review of the zoning ordinance, subdivision standards, and approval process will take place prior to the development of the code since this will have an impact on the contents of the code. We will provide a format that facilitates adding additional areas to the “new code” in the future.

Ordinance Structure, Outline, Detailed Table of Contents:

The Ordinance Structure, Outline, detailed Table of Contents, as well as Administration/Approval Process are key elements that will guide the development of the draft code. We will present this to the Planning Director via video conference and receive approval from the Planning Director prior to proceeding with the first draft of the code.

- The Ordinance Structure will be a color diagram illustrating the relationship of the new district to the other parts of the Town Code (subdivision ordinance, existing zoning ordinance elements, Standards and Design Manual, etc.).
- The Outline will provide a high level organizational structure.
- The detailed Table of Contents will illustrate all of the elements that will be regulated and the structure.

Code Draft #1: The first draft of the code will be a fully developed code with graphics and will consist of the following:

- Overview (Authority, Purpose, and Administration)
- Regulating Plan (Zoning/Transect Map)
- Detailed Regulating Plan
- Building Form Standards
- Street Standards
- Other Development Standards (block, lot, parking and loading, open space, walls, fences and gates, landscaping, signs, performance standards such as sustainability).
- Architecture

Prior to the development of the first official draft, internal review with the Planning Director will have taken place.

### **3B. Build-Out Analysis**

#### Build-Out Analysis/Code Testing:

With significant form-based code experience, the Torti Gallas + Partners (TG+P) will have their Los Angeles office test the code from the perspective of a developer to test whether the code is clear, effective, works within realistic development parameters, and avoids unintended consequences.

Using SketchUp, we will generate a simplified digital 3-Dimensional massing model of the full build-out based on the code. The model will illustrate the likely maximum development permitted by the code taking into account real estate economics, construction economics, environmental constraints, as well as water, sewer, and stormwater infrastructure projections based on recent infrastructure upgrades in the hamlet. This model will provide visualizations of the scenario and provide the basis for quantifying the number and square feet of dwelling units, non-residential development square feet by type, and Open space quantity. Minor edits only can be incorporated after the community meeting(s).

### **3C. Integration of the Form-Based Code**

As noted above, a review of the zoning ordinance, subdivision regulations, site plan regulations, development standards, and approval process will take place prior to the development of the FBC since this will have an impact on the contents of the code. This task will consist of the following:

*Zoning Diagnostics (Zoning Ordinance Review and Analysis):* The team will perform the primary zoning diagnostic and will review the Zoning Ordinance. The diagnostic will touch upon which portions of the existing code may need to be substantially revised or removed. It also will consider whether other sections of the town code (in addition to zoning, such as street and sidewalk standards and subdivision requirements) will need to be amended in order to make the form-based code effective. Where



necessary, we will recommend amendments to other sections of the town code and state law supersession in order to address the form-based code's legality. From this analysis, the team will:

- Create an analysis diagram of the ordinance structure highlighting where different elements of the code are located and which sections have standards that need to be changed.
- Graphically format the content of the zoning diagnostic in an easy-to-read format.

*Subdivision Review and Analysis:* We will review the Subdivision Ordinance (Chapter 113, Subdivision of Land) and develop a commentary identifying specific elements that may be in conflict with the vision. We will graphically format the content of the subdivision review in an easy to read format.

*Standards and Design Manual Review and Analysis:* We will review this documentation in comparison with the vision and will highlight any standards that conflict, or any standards that should be added to the Design Manual to effectively implement the vision.

*Town Approval Process Review:* we will review the current town approval process and comment on potential revisions to address consistency with the vision.

We will integrate the FBC into the New Castle Town Code. As the land use attorney on the Consultant Team, Joel Russell will draft sections on administration, procedure, nonconformity, definitions, and other legally required matters. All material will be reviewed for clarity, internal consistency, organization, legality and consistency with other parts of the Town Code. Where necessary, we will recommend amendments to other sections of the Town Code and state law supersession in order to address the FBC's legality. We will also determine the best method of implementation/integration (i.e., a stand-alone chapter of the ordinance, a district within the existing ordinance). In concert with the development of the Ordinance Structure, Outline, and Detailed Table of Contents, we will analyze and summarize the different options and make a recommendation to the Downtown Working Group.

## **TASK 4: REFINING THE FORM-BASED CODE**

### FBC Draft #1 Presentation and Review:

We will present the draft code to the Downtown Working Group. As part of this presentation we will prepare a PowerPoint overview that describes the overall structure, key elements, and process. This will be followed by a more in-depth presentation that takes the group through a sample project that illustrates the key elements and process and allots adequate time for questions and answers. Hard copy and digital formats will be provided for participants and for use on the Town website. In addition to the full version with accompanying graphics, we will also provide a Word/Text Only document to facilitate review that will allow "Track Changes" and "Comment" functions. Different departments will have different perspectives that will lead to conflicting comments – The New Castle Planning Department will provide written comments in a single digital document. We will provide written recommendations for addressing the comments, but the Town will be responsible for making the final determination of direction.

Meetings with Stakeholders: We will participate in up to three additional meetings (on one single day) with key stakeholders to explain the overall structure, key elements, process, and details of the code.

FBC Draft #2 Presentation: Once the Downtown Working Group and Planning Director have provided the Consultant Team with a written set of reconciled, final comments, we will develop the second draft of the code and will present this at a meeting.

## **TASK 5. NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW**

The State Environmental Quality Review (SEQR) process for this assignment will integrate the planning activities with their environmental documentation and review. Because SEQR is, essentially, a public information process, it is intended to parallel the review process for the Proposed Action (the adoption of a new form-based code). As described previously, the Study Area is limited to the existing business zoning districts in the Chappaqua hamlet (B-R, B-RP, B-D, I-P, I-G and MFR-C).

Given the nature of the Proposed Action, it is appropriate that the SEQR documents be prepared on a generic, rather than site-specific nature. Preparation of a Draft Generic Environmental Impact Statement (DGEIS) and Final GEIS would then culminate in adoption of Environmental Findings (“Findings”) that establish development parameters for the FBC study area. Those parameters can be used to create an acceptable building envelope for the Study Area (as per the build-out analysis to be undertaken as part of this assignment) and a corresponding set of mitigation measures needed to permit the desired development to take place in a manner that is compatible with local infrastructure and other factors as well as remaining flexible for the future. The output of this Generic EIS process is also intended to provide applicants with parameters for their proposals and help to accelerate the review process for any such proposals that fit within the established guidelines and impact thresholds.

The SEQR process will require coordination with public and private sector stakeholders, involved and interested agencies as well as the public. Because a form-based code is likely to be a new concept to many of the affected parties, it is anticipated that there will be a high-level of interest and a broad-range of questions asked about the new zoning proposal. Therefore, it will be important to make available information relative to environmental impacts throughout the process. Therefore, we will begin gathering information and working on the DGEIS early in the process.

### **5A. Proposed Action and Scoping Process**

Proposed Action - The Proposed Action which will be the subject of the environmental analysis will be the proposed draft form-based code and build out analysis (arrived at through the previous tasks 1-4). The Proposed Action will have been reviewed by the Planning Director and Downtown Working Group, and will be used to begin the SEQR process with the intent to be Lead Agency declaration by the Town Board.

Initial SEQR Steps - The Kimley-Horn team will assist the Town in the required initial SEQR steps: preparation of the Environmental Assessment Form (EAF) Part 1, establishment of Lead Agency, preparation of a Positive Declaration and a draft DGEIS Scoping Outline. The Planning Director will produce the actual SEQR notices and resolutions in coordination with the Town Board.

Many of the studies that will be required to be undertaken can be anticipated before the EIS Scoping session point in the process is reached. Anticipating the items that will be included in the scope, the Team will commence the data gathering necessary to document existing conditions (such as traffic, infrastructure, land use, natural resources, historic resources, demographics, socioeconomics, etc.)

within the Study Area. In the short run, this existing conditions data will assist in discussing issues and options with stakeholders and in formulating zoning proposals so that they reflect those conditions. Later in the process, this information will be incorporated into the DGEIS as part of the statutorily required documentation.

The existing conditions evaluation will also enable us to begin preliminary impact analyses of various alternatives. The planning and SEQR processes will be carried out in an iterative manner, including review that the alternatives being considered are, at a basic level, realistic.

Scoping Process – A public Scoping Session for the DGEIS will be scheduled after the Proposed Action has been defined, Lead Agency is established, and a Positive Declaration has been made. The draft scoping outline will be developed by the Consultant Team and will be circulated and used in the public scoping process. After the Scoping Session is closed to public comment, working with the Team and Planning Director, the Lead Agency will determine what, if any, additional information needs to be added to the Scoping Outline and will then formally adopt the Scoping Outline at a public meeting.

### **5B. Draft Generic Environmental Impact Statement (DGEIS)**

The DGEIS will be prepared by Kimley-Horn following the adopted scope. As required by SEQR, it will document existing conditions, describe anticipated impacts, and present proposed mitigation measures. This information will then be used by the Lead Agency in its adoption of Environmental Findings and finalization of a form-based code and related zoning amendments.

As described above, a generic EIS differs from a site/project-specific DEIS in that it establishes thresholds and parameters related to each impact category, and these will provide guidelines for development, and for future implementation of the form-based code, to achieve the desired development goals.

The DGEIS will compile existing conditions, anticipated impacts, and description of proposed mitigation measures for the Study Area. The DGEIS will include all the topics in the adopted scope and follow methodologies outlined in the adopted scope. The following topics are anticipated to be studied:

1. Land Use, Zoning, Public Policy
2. Community Character and Visual Resources
3. Natural Resources
4. Stormwater, Infrastructure and Utilities
5. Community Facilities and Services
6. Transportation, Pedestrian Circulation and Parking
7. Socioeconomics (demographics, employment, and tax impacts)
8. Hazardous Materials
9. Cultural Resources
10. Air Quality and Noise

Significant variance from these topics above may require additional services under a contract amendment.

The DGEIS will be submitted to the Lead Agency for “completeness review”, revised (limited to one round of revisions) and after acceptance by the Lead Agency, the DGEIS will be circulated for review

by agencies and the public. A public hearing will be held on both the DGEIS and the Draft Form Based Code legislation (see below, Public Hearing Presentations).

### **5C. Final Generic Environmental Impact Statement (FGEIS)**

The FGEIS is prepared after public hearing(s) on the DGEIS and the written comment period is complete. The FGEIS is a response to comment documents, which provides (along with the DGEIS) a basis for the Lead Agency's conclusions in the Environmental Findings Statement. The Team will categorize comments by subject, then compile responses to include in the FGEIS as well as providing any updates or revisions to the Proposed Action that may evolve from the public hearing process.

As with the DGEIS, the FGEIS will be submitted to the Lead Agency for "completeness review", revised (limited to one round of revisions) and after acceptance by the Lead Agency, the FGEIS document will be circulated for review by agencies and the public. A public hearing is not required for the FGEIS, and that determination will be made by the Lead Agency at that time.

### **5D. Findings Statement and SEQR Documentation**

#### Findings Statement:

The Consultant Team will prepare a draft of the Environmental Findings Statement, which summarizes the DGEIS and FGEIS and puts forth the Lead Agency's conclusions from the SEQR process. One round of revisions is anticipated to the Findings Statement, which will ultimately be adopted at a public meeting of the Lead Agency.

#### SEQR Documentation:

We will guide the Town through the SEQR process, by preparing certain documents (Environmental Assessment Form, Positive Declaration, Scoping Outline, DGEIS, FGEIS, and Findings Statement) as well as participate in the required public hearings for SEQR. The Planning Director will prepare notices (such as Notice of Scoping Session, Notices of Completion for the EIS) and maintain the list of involved and interested agencies as well as the list of Key Stakeholders.

## **TASK 6: APPROVAL PROCESS**

### **6A. Public Hearing Presentations**

Working with the Planning Director, the Consultant Team will make formal presentations to the Town Board and the Planning Board of the draft FBC and describe the various SEQR documentation steps described above.

### **6B. Additional Revisions to the Form Based Code**

The Consultant Team will make up to two rounds of revisions to the FBC resulting from comments received between public presentations. We will collect comments, questions, and suggestions and consolidate them into a single tracking document that visually highlights the status (incorporated, incorporated with revisions with accompanying explanation, not incorporated with accompanying explanation, written response to question).

**FEE AND BILLING**

Kimley-Horn Team will perform the tasks detailed above on a lump sum basis. See proposed lump sum fee by task, outlined below. Note: we reserve the right to reallocate fees between tasks, staying within the total budget.

Task	Deliverables	Meetings	Fees/Payment Schedule	Payment After Month*:
<b>1. Initial Review and Analysis</b>	<ul style="list-style-type: none"> <li>Community Character Analysis</li> <li>Site Analysis</li> </ul>	<ul style="list-style-type: none"> <li>Kickoff meeting/Site tour</li> </ul>	<b>\$40,000 (+ expenses)</b>	<b>Month 1 (payment 1)</b>
<b>2. Public Design Process</b>	<ul style="list-style-type: none"> <li>Base maps</li> <li>Concept Plan</li> <li>Market Scan</li> <li>Notes from workshop #1</li> <li>Concept Plan</li> <li>Notes from workshop #2</li> </ul>	<ul style="list-style-type: none"> <li>Placemaking public work session #1</li> <li>Plan and Code public work session #2</li> </ul>	<b>\$75,000 (+ expenses)</b>	<b>Month 2 (payment 2)</b>
<b>3. Drafting the Form-Based Code</b>	<ul style="list-style-type: none"> <li>Code- Draft #1</li> <li>Build out analysis</li> <li>Integration of Code</li> </ul>	<ul style="list-style-type: none"> <li>Presentation of Code draft #1</li> </ul>	<b>\$115,000 (+ expenses)</b>	<b>Months 3, 4, 5 (payment 3)</b>
<b>4a. Refining the Form-Based Code</b>	<ul style="list-style-type: none"> <li>Code – Draft #2</li> </ul>	<ul style="list-style-type: none"> <li>Presentation of Code draft #2</li> </ul>	<b>\$24,000 (+ expenses)</b>	<b>Months 6, 7 (payment 4)</b>
<b>5a. NYSEQR - initial steps</b>	<ul style="list-style-type: none"> <li>EAF long form</li> <li>EIS scoping outline</li> </ul>	<ul style="list-style-type: none"> <li>EIS Scoping Session</li> </ul>	<b>\$15,000 (+ expenses)</b>	<b>Months 8, 9 (payment 5)</b>
<b>5b. NYSEQR - DEIS</b>	<ul style="list-style-type: none"> <li>Preliminary DEIS submitted to lead agency</li> <li>DEIS completeness review</li> </ul>	--	<b>\$41,000 (+ expenses)</b>	<b>Months 10, 11 (payment 6)</b>
<b>5c. NYSEQR - FEIS, Findings Statement</b>	<ul style="list-style-type: none"> <li>Accepted DEIS</li> <li>Final EIS (FEIS)</li> <li>Findings Statement</li> <li>Final revision of Code</li> </ul>	<ul style="list-style-type: none"> <li>Public Hearing on DEIS and Proposed FB Code</li> <li>Meeting to Adopt Findings Statement</li> <li>Meeting to Adopt Code</li> </ul>	<b>\$75,000 (+ expenses)</b>	<b>Months 12, 13 (payment 7)</b>
<b>Subtotal</b>			<b>\$385,000</b>	
<b>Expenses (total not to exceed)</b>			<b>\$14,984</b>	
<b>Total</b>			<b>\$399,984</b>	

The Town shall make payments to Kimley-Horn pursuant to the phased payment plan described above. Payment shall be due after receipt of the invoice and of deliverables in each phase (described above) to the Town Board.

\*As stated in the attached Standard Provisions, payment of invoices will be due within 25 days of receipt of accepted deliverable except during the months of July and August, which, due to the Town Board

meeting schedule, will be due in 30-60 days. Kimley-Horn reserves the right to suspend services if payment has not been received within 45 days of receipt of the invoice.

## **ADDITIONAL SERVICES**

1 to 2 additional public informational meetings (with no substantive new project work required) could be accommodated in the schedule, if requested and authorized by the Town Board. Additional meetings will likely extend the overall time frame for the project. These meetings would be the subject of a separate contract amendment and are estimated to require 1 week notice for preparation and would be approximately \$9,500-\$10,500 per meeting (which assumes evening meetings requiring a stay overnight, reimbursable travel expenses for TG+P plus preparation time). Final fee amount and effect on schedule are both to be determined depending on circumstances and Consultant Team members attending.

Any other services not specifically provided for in the above scope will be considered additional services and will be subject to an amendment to this Agreement.

## **INFORMATION PROVIDED BY CLIENT**

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client. The Client shall provide all information requested by the Consultant Team during the project, including but not limited to the following:

1. Contact information of town staff and others involved in the project and their timely participation in the process;
2. Permission to enter subject town-owned properties;
3. Base materials for mapping (AutoCAD version) for the subject site;
4. Copies of any previous environmental studies, as-built surveys, assessments, traffic studies, audits, inspections or activities of any kind at the property known to the Client,
5. Copies of any previous zoning petitions, SEQR documents and submissions to the Town made by prior owner/applicants relevant to the business districts in the hamlet;
6. Soil Borings/Geotechnical Reports, including recommendations;
7. Executed copy of this agreement.

## **SERVICES NOT INCLUDED**

The following services are not included in this scope of services:

1. Land survey services
2. Archaeological or historical surveys
3. Architectural or structural engineering services
4. Road design
5. Wetland delineations or soil surveys
6. Geotechnical investigations
7. Structural engineering

## SCHEDULE

We will provide our services as expeditiously as practicable to meet the mutually agreed upon schedule. See attached proposed schedule. The Consultant will strive to meet the schedule as closely as possible within reason, with the understanding that there may be unforeseen conditions that affect schedule that are out of our control.

## CLOSURE

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, the term "the Consultant" shall refer to Kimley-Horn of New York, P.C., and the term "the Client" shall refer to "Town of New Castle".

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, offers its clients the option to receive electronic invoices. These invoices come via email in an Adobe PDF format. We can also provide a paper copy via regular mail if requested. Please select a billing method from the choices below:

Please email all invoices to [sabrina@mynewcastle.org](mailto:sabrina@mynewcastle.org).

Please email invoices to \_\_\_\_\_@\_\_\_\_\_.\_\_\_\_\_ AND provide a hard copy to the address listed above (please note below if it should be to someone else's attention or an alternative address).

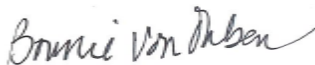
Please ONLY provide a hardcopy invoice to the address listed above (please note below if it should be to someone else's attention or an alternative address).

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized person execute both copies of this Agreement in the spaces provided below, retain one copy, and return the other to us. We will commence services after we have received a fully-executed agreement. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

We are very excited about this project and appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Very truly yours,

**KIMLEY-HORN of NEW YORK, PC**



Bonnie Von Ohlsen, PLA, AICP  
Senior Project Manager



Kevin Van Hise, PLA  
Associate

Attachments – Standard Provisions, Proposed Schedule, Organizational Chart

**AGREED** to on this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
For "Town of New Castle"

By:

\_\_\_\_\_, \_\_\_\_\_  
Print Title

\_\_\_\_\_  
(Print or Type Name)

Email Address (for invoicing only): [Sabrina@mynewcastle.org](mailto:Sabrina@mynewcastle.org)