

-via electronic transmission to kerry.maloney@dec.ny.gov -

January 11, 2021

Kerry Maloney
Project Manager
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233

***Re: Site No. C130002 – Syosset Park Lots 251 and 252
Syosset Central School District's Comments on the
Alternative Analysis Report/Remedial Action Work Plan***

Dear Ms. Maloney:

Please accept this letter submission and the exhibits annexed hereto as the Syosset Central School District's (the "District") timely submission of comments on the Alternative Analysis Report/Remedial Action Work Plan ("RAWP") dated November 19, 2020, which was prepared by Roux Environmental Engineering and Geology, D.P.C. for Syosset Park Development, LLC ("Owner") in connection with Syosset Park Lots 251 and 252 Site located at 305 Robbins Lane, Syosset, New York (the "Site"). The District respectfully requests that the New York State Department of Environmental Conservation ("NYSDEC") carefully consider the District's concerns raised herein and that the NYSDEC further ensure that all necessary steps are implemented to protect the health and safety of the District's students, staff, visitors and school community.

As referenced in the RAWP, two of the District's public elementary schools, South Grove Elementary School and Robbins Lane Elementary School, are located in close proximity to the Site and are approximately 950 feet northeast and 2,200 feet northwest of the Site, respectively.¹ Currently, 396 elementary-age school children are enrolled in the South Grove Elementary School and 454 elementary-age school children are enrolled in the Robbins Lane Elementary School. In addition, 208 full- and part-time staff members are employed by the District at these schools. The proximity of the District facilities to the Site, coupled with the

¹ See RAWP at pg. 2. It should be noted that the table that details surrounding property usage adjacent to the Site, and beyond, that is included in the Site Description of the Citizen Participation Plan appended to the RAWP fails to include the educational instructional services that are provided by the District just beyond the Syosset landfill site at the South Grove Elementary School. See RAWP at Appendix E, pg. 10.

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potential for disturbance and migration of residual contamination located thereat, raises significant concerns for the District.

In summary, we would emphasize the following:

- The RAWP lacks sufficient detail to evaluate Project impacts on the District.
- The RAWP should be updated to include all of the plans and controls necessary to prevent construction impacts on the District, including those in the Site Plan Documents from the Town of Oyster Bay.
- NYSDEC must be actively involved in monitoring the remedial construction work at the Site.
- NYSDEC cannot rely solely on the Remedial Engineer and Construction Manager retained by the Site Owner to perform remedial construction oversight, monitoring and inspection. An independent third-party monitor is imperative.
- The RAWP should be updated to include the Site Management Plan that will be implemented following construction to ensure long-term effectiveness of any remedy. The Site Management Plan should clearly define NYSDEC's role in on-going inspections at the Site after the remediation is completed.

Based upon the foregoing, and as further detailed in the District's submission and the attached exhibits, the District respectfully requests that the NYSDEC not accept the RAWP in its current form. The RAWP should be revised before the NYSDEC issues any final Decision Document, to address significant health and safety concerns raised by the District. In addition, the District made comments to the Town of Oyster Bay Planning Advisory Board concerning needed revisions to the Site Plan documents. We therefore further respectfully request that the NYSDEC not move forward in any manner until those changes have been made and an opportunity for review of any revisions is provided by the Town.

Background

The RAWP was released by the NYSDEC on November 25, 2020 and public comments are currently due to the NYSDEC on January 11, 2021. According to the NYSDEC document entitled "*Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced*" (the "Fact Sheet"), the next steps concerning this matter are as follows: "DEC will consider public comments, revise the cleanup plan as necessary, and issue a final Decision Document. DOH [New York State Department of Health] must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy and

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the applicant may then design and perform the cleanup action to address the site contamination, with oversight by DEC and DOH.”²

The public comment period concerning the Site Plan Application of Syosset Park Development, LLC pending before the Town of Oyster Bay Planning Advisory Board for the Syosset Park Warehouse Project at the Site (“Proposed Project”) is running concurrently, and overlaps with, the RAWP comment period. Public comments to the Town Planning Advisory Board concerning the Proposed Project are currently due on January 12, 2021. The following documents have been made available by the Town Planning Advisory Board in connection with the Proposed Project: Site Plans, Lead Agency Coordination Letter, Expanded Environmental Assessment with attachments and the Department of Environmental Resource’s *Draft* Town Environmental Quality Review (“TEQR”) Report, with attachments (collectively referred to as the “Site Plan documents”).³ The District submitted comments to the Town of Oyster Bay Planning Advisory Board on January 6, 2021. A copy of the same are attached to this submission.

The Site

The Site is located at 305 Robbins Lane in the Hamlet of Syosset, Town of Oyster Bay, County of Nassau, State of New York and is identified as Tax Section 15, Tax Block H, and Tax Lot 251 and 252 on the Nassau County Tax Map.⁴ The Site is located within the Town of Oyster Bay light industrial zoning district⁵ and situated on an approximately 39-acre area bounded by Robbins Lane to the southwest, the Long Island Rail Road (LIRR) to the northwest, the North Service Road of the Long Island Expressway (LIE) (also known as Miller Place) to the southeast and a Town of Oyster Bay Public Works Depot, an animal shelter, a police impound lot and the former Syosset Landfill to the north.⁶ Notably, as mentioned above, South Grove Elementary and Robbins Lane Elementary School, are located approximately 950 feet northeast and 2,200 feet northwest of the Site, respectively.⁷

The Remedial Alternatives and the Site Owner’s Preferred Remedial Alternative

The RAWP summarizes the nature and extent of residual contamination as determined from the Remedial Investigation (RI), provides an evaluation of remedial alternatives, and

² See <https://www.dec.ny.gov/data/der/factsheet/c130002cuprop.pdf>.

³ See <https://oysterbaytown.com/amazon/>.

⁴ See RAWP at pg. 1.

⁵ See RAWP at pg. 1.

⁶ See RAWP at pg. 1.

⁷ See RAWP at pg. 2.

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describes a remedial action program for the preferred remedy.⁸ The RAWP states that “no additional formal Remedial Design document will be prepared, as all details for the remedial action program and implementation are included within this document.”⁹ According to the Citizen’s Participation Plan, “[w]hen the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

or

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Work Plan”. The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.”¹⁰

Summary of Remedial Alternatives

Three alternatives were included and evaluated in the RAWP. They are as follows:

1. Remedial Alternative 1: Track 1 Unrestricted Use Cleanup¹¹
 - Excavation and off-Site disposal of approximately 636,687 cubic yards of soil (i.e., all soil exceeding UUSCOs [Unrestricted Use Soil Cleanup Objectives¹²]) over the entire Site.
 - Backfill of the Site as necessary for the reconstruction of building foundations with soil meeting UUSCOs.
 - Remedy Implementation Time: approximately 4.25 years.

⁸ See RAWP at pg. 1.

⁹ See RAWP at pg. 1.

¹⁰ See RAWP at Appendix E, pg. 12.

¹¹ See RAWP at pgs. 20, 25.

¹² See 6 NYCRR Part 375-6.8(a).

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2. Remedial Alternative 2: Track 4 Commercial Cleanup¹³

- Excavation, relocation and reuse of on-Site soils in fill areas as required for leveling of subgrades and to support redevelopment plans.
- Implementation of ECs [Engineering Controls] including a Site Cover System to address exposure to remaining soils with COC [Constituent of Concern, as defined in the RAWP] concentrations exceeding CSCOs [Commercial Soil Cleanup Objectives]. The Site Cover System will consist of concrete building slabs/foundations, concrete sidewalks/walkways, asphalt or 1-foot of clean soil cover (soil meeting the lower of the NYSDEC protection of groundwater and protection of public health for residential use SCOs [Soil Cleanup Objectives]¹⁴). Where applicable, the top 6 inches of the soil cover will be of sufficient quality to support vegetation. A physical demarcation layer will also be used to provide a visual reference above remaining soils with COC concentrations exceeding CSCOs.
- Implementation of ICs [Institutional Controls] including a Site Management Plan (SMP) and Environmental Easement will ensure that the Site Cover System remains intact and protective, the Site use is restricted and use of groundwater is restricted.
- Remedy Implementation Time: approximately 10 months.

3. Remedial Alternative 3: No Further Action¹⁵

- The Site would remain in its current state with no additional controls in place. All onsite monitoring wells would be abandoned per NYSDEC guidelines.
- Remedy Implementation Time: less than 1 month.

The Site Owner's Proposed Preferred Remedial Alternative

The goal of the remedy selection process under the Brownfield Cleanup Program ("BCP") is to select a remedy that is protective of human health and the environment taking into consideration the current, intended, and reasonably anticipated future use of the property. Each remedial alternative is evaluated based on the factors listed below:

- Protection of human health and the environment;
- Compliance with standards, criteria, and guidelines (SCGs);
- Short-term effectiveness and impacts;

¹³See RAWP at pgs. 20, 25.

¹⁴See 6 NYCRR Part 375-6.8(b)

¹⁵See RAWP at pgs. 20, 25.

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- Long-term effectiveness and permanence;
- Reduction of toxicity, mobility, or volume of contaminated material;
- Implementability;
- Cost effectiveness;
- Community Acceptance; and
- Land use.¹⁶

The RAWP provides that Remedial Alternative 2 was selected by the Site Owner as the preferred remedy (the “Preferred Remedial Alternative”).¹⁷ According to the RAWP, “[t]he elements of the proposed Remedial Action for the Site are:

1. Construction and maintenance of a Site Cover System consisting of concrete slabs, pavement or a 1-foot clean soil cover (soil meeting the lower of the NYSDEC protection of groundwater and protection of public health for residential use SCOs [Soil Cleanup Objectives]) to prevent human exposure to soil exceeding the CSCOs [Commercial Soil Cleanup Objectives];
2. Imposition of an IC [Institutional Control] in the form of an Environmental Easement (described in Section 7.1) for the controlled property that:
 - a. requires the remedial party or site owner to complete and submit to the NYSDEC a periodic certification of ICs [Institutional Controls] and ECs [Engineering Controls] in accordance with Part 375-1.8 (h)(3);
 - b. allows the continued use and development of the controlled property for commercial use (or less restrictive uses) as defined by Part 375-1.8(g), although land use is subject to local zoning laws; and
 - c. requires compliance with the Department approved SMP.
3. Publication of a SMP [Site Management Plan] (described in Section 7.2) for long term management of soils in exceedances of CSCOs [Commercial Soil Cleanup Objectives], as required by the Environmental Easement, including plans for: (1) ICs [Institutional Controls] and ECs [Engineering Controls], (2) reporting;
4. Reuse of excavated soils on-Site required for leveling the Site and to support redevelopment plans;

¹⁶See RAWP at pg. 21.

¹⁷See RAWP at pgs. 27-28.

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5. Appropriate off-Site disposal (if required) of all material removed from the Site in accordance with all Federal, State and local rules and regulations for handling, transport, and disposal;
6. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) may be brought in to establish the designed grades at the site. Import of materials to be used as backfill material and cover in compliance with: (1) chemical limits and other specifications included in Table 14; (2) all Federal, State and local rules and regulations for handling and transport of material; and
7. All responsibilities associated with the Remedial Action, including permitting requirements and pretreatment requirements, will be addressed in accordance with all applicable Federal, State and local rules and regulations.”¹⁸

Per the RAWP, the estimated timeframe to complete the construction of the Preferred Remedial Alternative described above is 10 months.¹⁹ Concerning the implementation of the proposed Preferred Remedial Alternative, the RAWP provides that the remedial action will include accompanying work plans to ensure: “(1) access to the Site will be controlled; (2) the proper handling of on-Site soils; (3) imported backfill meets NYSDEC approved backfill or cover soil quality objectives for the Site; (4) the monitoring and control of dust under an approved Community Air Monitoring Plan (CAMP); (5) the prevention of stormwater and erosion runoff from construction activity; and (6) truck traffic will be restricted to a direct route to/from the Long Island Expressway.”²⁰

The District has been advised by its Consultants that the Remedial Action program/implementation put forth by the RAWP is incomplete, deficient and fails to adequately protect the District. The District respectfully refers you to the comments that follow and those that are set forth in the attached Exhibits.

Overview of District's Concerns

The Citizen's Participation Plan included in the RAWP provides that “[a]dditional major issues of public concern may be identified during the course of the site's investigation and cleanup process. In addition, there may be issues related to noise, odor and truck traffic. No

¹⁸See RAWP at pg. 29.

¹⁹See RAWP at pg. 33.

²⁰See RAWP at pg. ix.

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major issues of public concern have been identified relative to the Site thus far during the BCP process.”²¹

The District agrees that, if major issues are identified, they must be addressed, including those referenced by or on behalf of the Site Owner; however, the District disagrees that major issues of public concern have not been identified relative to the Site. The District has raised significant issues of concern, of which the Site Owner is well aware.

With respect to the RAWP, the District is seriously concerned that the Site Owner's Preferred Remedial Alternative and the work plans do not adequately protect the District, its students, staff, visitors and school community. To prepare the comments herein, the District and its representatives reviewed the RAWP and the Site Plan documents made available by the Town of Oyster Bay, undertook internal analyses, and engaged environmental and traffic consultants.

The District engaged Walden Environment Engineering (“Walden”) to review the RAWP to determine any potential impacts on the District, its students, staff and operations resulting from the Site Owner's Preferred Remedial Alternative. As part of its analysis, Walden reviewed the Brownfield Cleanup Program Application with attachments (the “Brownfield Application”), the Remedial Investigation Work Plan with attachments (the “RIWP”), the Remedial Investigation Report with attachments (the “RIR”), the Fact Sheet, the RAWP with attachments and the Site Plan documents. Walden's Report is attached to this submission at Exhibit A and included as part of the District's comments.

The RAWP and the Site Plan documents must be evaluated in parallel because the Site development and construction activities detailed in the Site Plan documents comprise the Preferred Remedial Alternative for the Site as described in the RAWP. The Syosset Park Warehouse construction would establish the Site cover system which is the essence of the RAWP's Preferred Remedial Alternative; therefore, construction and remediation are inextricably intertwined in this Project.

In summary, the significant findings and concerns related to the Site/Proposed Project's potential impact on the District are as follows:

- The RAWP lacks sufficient detail to fully evaluate the potential impacts associated with the Syosset Park Warehouse Site remedial action and construction plans. It is imperative that NYSDEC consider all of the information presented in the Site Plan

²¹See RAWP at Appendix E, pg. 9.

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documents in conjunction with the RAWP to ensure that the remedial activities and subsequent Site management during long-term operations do not adversely impact the District.

- Site remediation will not precede construction; the preferred remedial alternative described in the RAWP will establish a Site cover system by installing the proposed warehouse building, parking lots and landscaped areas over the entire Site.
- The preferred remedial alternative does not include any soil sampling in the area of the 2015 sampling location where cyanide concentrations in two soil samples exceeded the NYSDEC Commercial Use Soil Cleanup Objective (CSCO) to determine if a localized area of contaminated soil remains, in which case the remedy should include targeted soil removal based on the additional data.
- There is no clear allocation of responsibility among the NYSDEC, the Town, and any other regulatory agencies having authority over any aspect of the Project. Having multiple agencies involved, without assigning a primary entity to have overall responsibility for the entire Project will undoubtedly lead to confusion at some point during construction. The District needs to know which agency to contact so immediate corrective action is taken by that agency should Site-related impacts occur at District school facilities any point during construction and long-term operation.
- The District must be informed regarding planned construction activities. To protect the District's interests, it is recommended that the construction activities with the most potential to generate noise, dust or traffic be confined to school breaks and summer months when school is not in session.
- Construction plans are in various stages of development for the Project as discussed in more detail below. These plans will outline procedures and best management practices established to prevent or minimize impacts due to construction.
 - The effectiveness of these construction plans relies on a robust inspection and monitoring program to ensure that all of the appropriate protective measures included in the plans are fully implemented.
 - Independent third-party inspections by qualified inspectors who are authorized to stop work based on their observations are essential to make sure that construction activities are performed in accordance with the best

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practices available to prevent impacts on District facilities and educational operations.

- The Community Air Monitoring Plan (CAMP) developed for the Project and presented as RAWP Appendix C follows the New York State Department of Health's (NYSDOH) generic CAMP format.
 - Recording dust concentrations every 5 minutes instead of every 15 minutes according to the generic CAMP would allow corrective actions to be taken immediately to reduce dust levels should they begin to spike, affording more protection to District schools, in particular South Grove Elementary School.
 - Operating an additional CAMP air monitoring station on the Town DPW property (with the Town's permission) directly adjacent to the South Grove Elementary School fence line would provide real-time data to ensure that dust concentrations at the School remain at acceptable levels, as the School is the nearest sensitive receptor to the construction zone. This additional protective measure would allow the District to take immediate action should dust levels increase.
- Installation of dust control measures such as a water misting system along the South Grove Elementary School fence line should be considered to provide maximum protection during construction to prevent dust impacts at the school.
- While the RAWP does not include a Storm Water Pollution Prevention Plan (SWPPP) or an Erosion & Sediment Control (E&SC) Plan, the Site Plan documents do include these plans, which have been developed for the Project following the standard NYSDEC guidelines for storm water management. Additional protective measures such as retaining a third-party certified inspector to ensure all components of the SWPPP and E&SC Plan are being completed should be considered to prevent runoff and subsequent dust generation.
- The on-site drainage system has been designed based on a 5-inch rainfall rather than the 8-inch rain event specified in the *Nassau County Department of Public Works Drainage Requirements*. No evidence of a waiver from Nassau County has been encountered in the files reviewed.
- Noise impacts during construction are a concern at the District facilities, in particular South Grove Elementary School. Mitigation actions such as planting a row of tall

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evergreen trees along the school fence line, should be considered to reduce noise levels and minimize disturbance to educational activities.

Walden also found the following plans to be deficient and/or missing from the RAWP and the Site documents ("Project Documents"):

- The Project Documents do not include a comprehensive, stand-alone Site-specific Soil/Materials Management Plan.
- The Project Documents do not include a detailed Dust Control Plan.
- The Project Documents lack air modeling to evaluate dust impacts.
- As indicated above, the Project Documents do not provide sufficient detail on the air monitoring procedures.
- The RAWP does not include the SWPPP. The following SWPPP components must be completed prior to submission to the NYSDEC, and then be incorporated into the RAWP:
 - Signed certification forms from contractors and sub-contractors;
 - Signed Notice of Intent;
 - Signed MS4 SWPPP acceptance form;
 - Final approved site plans including the Erosion Control Plan; and,
 - Phasing or construction schedule.
- The Soil/Materials Management Plan discussed in Section 5.4 of the RAWP fails to recognize that any soil excavated on-site must be characterized and evaluated in accordance with the NYSDEC Part 360 solid waste regulations prior to disposal.
- An Excavated Materials Disposal Plan must be developed.
- The Project Documents do not detail a noise monitoring program for the construction phase and as such are deficient in this regard.
- A detailed construction schedule is not included in the RAWP.

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- RAWP (Section 4.2.1.3) identifies the Remedial Engineer. The Remedial Engineer assigned responsibility for remedial oversight lacks independence, thus, the need for independent third-party inspectors is warranted.

The District respectfully requests that these concerns, and those that are further identified in Walden's Report, be adequately addressed and implemented before the NYSDEC moves forward in any manner.

Additional Traffic-Related Concerns

In an effort to assess the potential impact of the remediation measures proposed on the District and its educational operations, including the transportation services provided to its students Districtwide, the District engaged the services of Greenman Pedersen, Inc. ("GPI") to evaluate the RAWP and the Traffic Control section included in the RAWP. GPI's Report as it pertains to its review of the RAWP is attached to this comment letter at Exhibit B and included as part of the District's comments.

As stated above, the Site Owner and/or its consultant identified potential major issues of public concern, which include truck traffic;²² however, the RAWP provides few details on the significant truck activity that will be required during the approximate 10-month remediation associated with the proposed Preferred Remedial Alternative. Notably, there is a lack of crucial information that is warranted to ascertain whether, and to what extent, potential traffic operating impacts may occur in connection with the proposed truck haul route that is also commonly being used by school trips during the daily arrival and dismissal times at the District's schools. GPI's review of the RAWP reveals significant omissions necessary to assess any impacts that would be of special concern to the District. Please refer to the GPI Report at Exhibit B and the District's submission to the Town at Exhibit C for additional comments concerning the omissions from the RAWP and concerns related to the traffic sections of the Site Plan documents.

The District respectfully requests that the omissions identified in GPI's Report be adequately addressed and implemented before the NYSDEC moves forward in any manner.

Conclusion /Summary

As noted above, the Town of Oyster Bay's Site Plan Approval process and the NYSDEC's Brownfield Cleanup Process are running parallel and the Proposed Project is inextricably

²²See RAWP at Exhibit E, pg. 9.

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intertwined with both. It is therefore imperative that the NYSDEC also consider all comments made by the District and its Consultants respecting the Site Plan Application pending before the Town of Oyster Bay Planning Advisory Board to ensure that the remedial activities and subsequent Site management operations do not adversely impact the District's educational operations or the health and safety of the students and staff that attend the District Schools in close proximity to the Site. Please refer to the District's submission to the Town of Oyster Bay Planning Advisory Board regarding the Syosset Park Warehouse Site Plan Application and corresponding Site Plan documents, with Exhibits, dated January 6, 2020 at Exhibit C.

In closing, for the reasons set forth herein and as further provided in the Exhibits attached hereto and made a part hereof, the District again respectfully requests that the NYSDEC not accept the RAWP in its current form. The RAWP should be revised before the NYSDEC issues any final Decision Document, as it is incomplete, fails to adequately address significant health and safety concerns raised by the District and/or is deficient in certain respects. We also remain hopeful that the Site Plan documents will be revised by the Town of Oyster Bay Planning Advisory Board in response to the District's comments. We therefore further respectfully request that the NYSDEC not move forward in any manner until those changes have been made and an opportunity for review of any revisions is provided by the Town.

Please note that the District expressly reserves its right to supplement and/or modify these comments during the public comment period, as may be extended, and further reserves its right to modify any comments made herein should additional information concerning the Site or the RAWP become available.

Thank you in advance for your thoughtful consideration of the matters addressed in the District's submission.

Sincerely,



Dr. Thomas Rogers
Superintendent of Schools

cc: Town of Oyster Bay Planning Advisory Board

Exhibit A

***Report from Walden Environmental to
the District Dated January 11, 2020***



Sent via Email to TRogers@syosset.k12.ny.us

January 11, 2021
SYOS0118

Dr. Thomas Rogers
Superintendent of Schools
Syosset Central School District
99 Pell Lane
Syosset, New York 11791

Re: Comments on Alternative Analysis Report/
Remedial Action Work Plan
Syosset Park Lots 251 & 252
305 Robbins Lane, Syosset, New York

Dear Dr. Rogers:

Walden Environmental Engineering, PLLC (Walden) has reviewed the Alternative Analysis Report/Remedial Action Work Plan (RAWP, prepared by Roux Environmental Engineering and Geology, D.P.C. [Roux] on behalf of Syosset Park Development, LLC, revised November 19, 2020) for the Syosset Park Lots 251 and 252 Site located at 305 Robbins Lane, Syosset, New York (Site or Subject Property). The RAWP was released by the New York State Department of Environmental Conservation (NYSDEC) for public comment on November 25, 2020, along with a Fact Sheet entitled "*Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced*".

In addition, Walden has reviewed the following documents (collectively referred to herein as the "Site Plan documents"), related to the Site Plan Application submitted to the Town of Oyster Bay (Town) for the Syosset Park Warehouse Project (Project). These documents present additional details, not included and/or referenced in the RAWP, related to the planned Site development and construction activities, which constitute the preferred remedial alternative for the Site as described in the RAWP.

- Town of Oyster Bay Department of Environmental Resources Town Environmental Quality Review Division Review of Action and Recommended Determination of Significance Draft "TEQR Report" dated December 15, 2020
- Site Plans (36 sheets)

- Expanded Environmental Assessment for Syosset Park Warehouse (EEA, dated September 2020; Revised November 2020), including all attachments (Appendix A through Appendix N)
- Expanded Environmental Assessment for Syosset Park Warehouse (dated September 2020)
- Town of Oyster Bay Department of Environmental Resources Syosset Park Warehouse ñ Environmental Review Letter dated October 9, 2020 to Syosset Park Development, LLC
- P.W. Grosser Consulting, Inc. Traffic Impact Study and Site Plan Review Letter dated December 8, 2020 to Town of Oyster Bay Department of Environmental Resources
- P.W. Grosser Consulting, Inc. Traffic Impact Study and Site Plan Review Letter dated November 12, 2020 to Town of Oyster Bay Department of Environmental Resources
- Town of Oyster Bay Department of Environmental Resources Lead Agency Coordination Request dated September 10, 2020 to Lead Agency Coordination List (list not provided)
- Long Island Rail Road Lead Agency Coordination Response to Town of Oyster Bay Department of Environmental Resources dated October 2, 2020
- New York State Department of Environmental Conservation Lead Agency Coordination Response to Town of Oyster Bay Department of Environmental Resources dated September 24, 2020
- Copy of November 24, 2020 email correspondence from Scott L. Byrne, Superintendent of Planning, Town of Oyster Bay Department of Planning and Development to Sean Sallie, Deputy Commissioner, Nassau County Planning Commission related to Section 239-m Municipal Zoning Referral Submission

Executive Summary

Based on Walden's review of the RAWP and Site Plan documents (Project Documents) related to the preferred remedial alternative and the Syosset Park Warehouse Site Plan Application, a concise summary of significant findings and concerns related to the Project's potential impacts on the Syosset Central School District (District) is presented below to guide the reader into the in-depth analysis that follows.

- The RAWP lacks sufficient detail to fully evaluate the potential impacts associated with the Syosset Park Warehouse Site remedial action and construction plans. It is imperative that NYSDEC consider all of the information presented in the Site Plan documents in conjunction with the RAWP to ensure that the remedial activities and subsequent Site management during long-term operations do not adversely impact the District.
- Site remediation will not precede construction; the preferred remedial alternative described in the RAWP will establish a Site cover system by installing the proposed warehouse building, parking lots and landscaped areas over the entire Site.
- The preferred remedial alternative does not include any soil sampling in the area of the 2015 sampling location where cyanide concentrations in two soil samples exceeded the

NYSDEC Commercial Use Soil Cleanup Objective (CSCO) to determine if a localized area of contaminated soil remains, in which case the remedy should include targeted soil removal based on the additional data.

- There is no clear allocation of responsibility among the NYSDEC, the Town, and any other regulatory agencies having authority over any aspect of the Project. Having multiple agencies involved, without assigning a primary entity to have overall responsibility for the entire Project will undoubtedly lead to confusion at some point during construction. The District needs to know which agency to contact so immediate corrective action is taken by that agency should Site-related impacts occur at District school facilities any point during construction and long-term operation.
- The District must be informed regarding planned construction activities. To protect the District's interests, it is recommended that the construction activities with the most potential to generate noise, dust or traffic be confined to school breaks and summer months when school is not in session.
- Construction plans are in various stages of development for the Project as discussed in more detail below. These plans will outline procedures and best management practices established to prevent or minimize impacts due to construction.
 - The effectiveness of these construction plans relies on a robust inspection and monitoring program to ensure that all of the appropriate protective measures included in the plans are fully implemented.
 - Independent third-party inspections by qualified inspectors who are authorized to stop work based on their observations are essential to make sure that construction activities are performed in accordance with the best practices available to prevent impacts on District facilities and educational operations.
- The Community Air Monitoring Plan (CAMP) developed for the Project and presented as RAWP Appendix C follows the New York State Department of Health's (NYSDOH) generic CAMP format.
 - Recording dust concentrations every 5 minutes instead of every 15 minutes according to the generic CAMP would allow corrective actions to be taken immediately to reduce dust levels should they begin to spike, affording more protection to District schools, in particular South Grove Elementary School.
 - Operating an additional CAMP air monitoring station on the Town DPW property (with the Town's permission) directly adjacent to the South Grove Elementary School fence line would provide real-time data to ensure that dust concentrations at the School remain at acceptable levels, as the School is the nearest sensitive receptor to the construction zone. This additional protective measure would allow the District to take immediate action should dust levels increase.
- Installation of dust control measures such as a water misting system along the South Grove Elementary School fence line should be considered to provide maximum protection during construction to prevent dust impacts at the school.



- While the RAWP does not include a Storm Water Pollution Prevention Plan (SWPPP) or an Erosion & Sediment Control (E&SC) Plan, the Site Plan documents do include these plans which have been developed for the Project follow the standard NYSDEC guidelines for storm water management. Additional protective measures such as retaining a third-party certified inspector to ensure all components of the SWPPP and E&SC Plan are being completed should be considered to prevent runoff and subsequent dust generation.
- The on-site drainage system has been designed based on a 5-inch rainfall rather than the 8-inch rain event specified in the *Nassau County Department of Public Works Drainage Requirements*. No evidence of a waiver from Nassau County has been encountered in the files reviewed.
- Noise impacts during construction are a concern at the District facilities, in particular South Grove Elementary School. Mitigation actions such as planting a row of tall evergreen trees along the school fence line, should be considered to reduce noise levels and minimize disturbance to educational activities.
- The following plans were found to be deficient and/or missing from the RAWP and the Site documents:
 - The Project Documents do not include a comprehensive, stand-alone Site-specific Soil/Materials Management Plan.
 - The Project Documents do not include a detailed Dust Control Plan.
 - The Project Documents lack air modeling to evaluate dust impacts.
 - As indicated above, the Project Documents do not provide sufficient detail on the air monitoring procedures.
 - The RAWP does not include the SWPPP. The following SWPPP components must be completed prior to submission to the NYSDEC, and then be incorporated into the RAWP:
 - Signed certification forms from contractors and sub-contractors;
 - Signed Notice of Intent;
 - Signed MS4 SWPPP acceptance form;
 - Final approved site plans including the Erosion Control Plan; and,
 - Phasing or construction schedule.
 - The Soil/Materials Management Plan discussed in Section 5.4 of the RAWP fails to recognize that any soil excavated on-site must be characterized and evaluated in accordance with the NYSDEC Part 360 solid waste regulations prior to disposal.
 - An Excavated Materials Disposal Plan must be developed.
 - The Project Documents do not detail a noise monitoring program for the construction phase and as such is deficient in this regard.
 - A detailed construction schedule is not included in the RAWP.



- RAWP (Section 4.2.1.3) identifies the Remedial Engineer. Based on our review of this section, we believe the Remedial Engineer assigned responsibility for remedial oversight lacks independence, thus, the need for independent third-party inspectors is warranted.

As noted above, in the absence of a clear division of responsibilities between the NYSDEC and the Town (and other involved agencies), Walden has evaluated the RAWP and the Site Plan documents in parallel because the Site development and construction activities detailed in the Site Plan documents comprise the preferred remedial alternative for the Site as described in the RAWP. The Syosset Park Warehouse construction would establish the Site cover system which is the essence of the RAWP's preferred remedial alternative; therefore, construction and remediation are inextricably intertwined in this Project.

Walden believes it is important for the District to understand the issues presented in the RAWP and the Site Plan documents, consider the Project's potential impacts on District facilities, and evaluate available measures to protect District students and staff.

The remainder of this letter summarizes the Site history and existing conditions, significant concerns related to Site construction and the preferred remedial alternative, and comments on the RAWP and the Syosset Park Warehouse Site development and construction plans as they relate to potential impacts on District facilities and its educational operations.

Overview of Site Information

Former Cerro Wire and Conduit Company Site Operations and Pre-2015 Investigations and Remediation

In the early 1950s, the Cerro Wire and Conduit Company (Cerro) developed approximately 39 acres spanning Nassau County Tax Lots 251 and 252 in the southern portion of what is now the Syosset Park Site. Cerro manufactured steel electrical conduit, copper rods and steel for use in construction. The primary manufacturing operations performed at the Cerro Site were steel wire drawing, caustic cleaning, acid pickling, zinc electroplating and rinsing. Wastewater treatment methods included alkaline chlorination and metals precipitation. Copper, lead, nickel and zinc were immobilized in a non-hazardous lime-based sludge which was pressed into a filter cake and then disposed of on-site or transported to an off-site disposal facility. The treated wastewater effluent was discharged to three on-site recharge basins until 1982, when the Cerro Site connected into the Nassau County sewer system; at this point on-site discharge ceased. The Cerro Site was added to the New York State Registry of Inactive Hazardous Waste Disposal Sites (State Superfund List) in 1983 due to environmental impacts caused by on-site manufacturing and waste disposal practices.

Cerro operated at the Site until November 1986 and then initiated a Site Decommissioning Program under NYSDEC and New York State Department of Health (NYSDOH) oversight, removing wastes and materials from the Site including cyanide solution, copper sulfate, plating solutions and sludge, as detailed in the RAWP. Numerous investigations were completed between 1987 and 2004, including collection and analysis of hundreds of soil, groundwater and air samples to document Site conditions, assess risks posed by contamination associated with the Site, and guide remedial efforts. The RAWP summarizes the investigations and remediation work completed at the Site under NYSDEC and NYSDOH oversight. Investigations conducted between 1987 and 1991 identified three Site constituents of concern: copper, cyanide and zinc. NYSDEC and NYSDOH approved a 1991 Baseline Risk Assessment which established Site-specific standards for copper (5,200 mg/kg), cyanide (3,100 mg/kg) and zinc (6,800 mg/kg). The RAWP indicates that neither cyanide nor zinc was identified in soils above the respective Site-specific standards. In 1992, based on Site characterization data and the Site-specific standards, copper contaminated soils were excavated from former operation areas at the Site and disposed of off-site. After removal the copper-impacted soils, NYSDEC removed the Cerro Site from the State Superfund list in February 1994. NYSDEC imposed no restrictions on future Site use or development when the Cerro Site was delisted.

Additional environmental investigations performed between 1997 and 2004 related to property transfers and Site clearing identified soils with copper concentrations above the Site-specific standard and/or semi-volatile organic compound (SVOC) concentrations above the NYSDEC Technical and Administrative Guidance Memo (TAGM) 4046 guidance levels applicable at that time. Copper and SVOC-impacted soils were excavated and disposed of off-site in 2004. Other contaminated soils, debris and residue were removed in 2004-2005 during underground fuel tank removal, asbestos abatement and building demolition activities at the Site. The RAWP summary of the pre-2015 soil investigation and remediation activities indicates that the identified metal and SVOC impacts were remediated to the Site-specific standards at the time and/or the NYSDEC TAGM 4046 guidance levels as appropriate.

Groundwater investigations completed at the Site between 1987 and 1997 determined that groundwater was not adversely impacted by historic Site operations. The RAWP summary of the groundwater investigation results indicates that no dissolved compounds were detected above the NYSDEC Ambient Water Quality Standards and Guidance Values (AWQSGVs).

Site Investigations Completed Between 2015 and 2019

Roux was retained by the current Site owner, Syosset Park Development LLC, to complete a soil investigation to obtain current baseline soil quality data, supplement previous investigations in consideration of proposed future Site use, and to obtain additional data to support an application to enter the Site into NYSDEC's Brownfield Cleanup Program (BCP). The RAWP compares the 2015 soil investigation results to the NYSDEC Part 375 Commercial Use Soil Cleanup

Objectives (CSCOs) and identifies copper and SVOCs as constituents of concern in soil at the Site based on the data. Cyanide was detected in one sampling location at a concentration of 28 mg/kg vs. the 27 mg/kg CSCO, therefore the RAWP indicates that cyanide is not considered a constituent of concern at the Site.

Groundwater samples were collected from on-site monitoring wells in 2016. The findings of this groundwater investigation were consistent with previous findings, which indicated that groundwater had not been impacted by historic use of the Cerro Site.

Syosset Park Development, LLC submitted a BCP application for the former Cerro Site to NYSDEC and the Site was accepted into the BCP in 2016 and assigned BCP Site #C130002. Under the BCP, the developer conducted further investigation work pursuant to a NYSDEC-approved *Remedial Investigation Work Plan* (Roux, September 2017) to characterize current Site conditions. The Remedial Investigation (RI) consisted of soil vapor and groundwater sampling. The RI results are presented in *Remedial Investigation Report: Syosset Park Lots 251 & 252 (BCP Site No. C130002)* (RIR, prepared by Roux Associates, dated May 8, 2020) and summarized in the RAWP.

Soil vapor sampling was conducted at ten (10) locations around the perimeter of the Site during the RI. The RAWP states that the concentrations of Site-related VOCs detected in the soil vapor samples were not of concern given the anticipated remedial actions and redevelopment plans for the Site.

The RI groundwater sampling at the Site was completed in 2019 and the samples were analyzed for VOCs, SVOCs, metals, polychlorinated biphenyls (PCBs), pesticides, PFAAs and 1,4-dioxane. PFAAs were detected in each of the on-site monitoring wells sampled at concentrations above the 10 ppt drinking water standards (MCLs) adopted by New York State. The RAWP indicates that groundwater sample results are consistent with naturally-occurring compounds and do not indicate Site-specific groundwater contamination.

Remedial Action Work Plan/Preferred Remedial Alternative

The RAWP summarizes the nature and extent of contamination at the Site as determined based on the RI, evaluates remedial alternatives and describes a remedial action program for the preferred remedy. The following remedial action alternatives are evaluated in the RAWP:

1. Alternative 1: Track 1 Unrestricted Use Cleanup
 - Excavation and off-site disposal of soil (approx. 636,687 cubic yards) that exceeds Unrestricted Use SCOs (UUSCOs) and backfilling area with material meeting UUSCOs
 - Timeframe: approximately 4.25 years

2. Alternative 2: Track 4 Commercial Cleanup

- Soil excavation as required for grading and to support redevelopment plans
- Site Cover System to address exposure to soils; cover would consist of building slabs/foundations, asphalt, concrete sidewalks, or one foot of clean soil
- Site Management Plan and Environmental Easement to ensure integrity of Site Cover System; Site use is restricted and groundwater use is restricted
- Timeframe: approximately 10 months

3. Alternative 3: No Further Action

- Site would remain in current state with no additional controls
- Timeframe: less than one month

Based on an evaluation and comparison of these alternatives in accordance with NYSDEC's *DER-10 Technical Guidance for Site Investigation and Remediation*, the RAWP identifies Alternative 2 as the Preferred Remedy for the Site. The RAWP states that implementation of this remedial action will include accompanying work plans that will ensure:

- Access to the Site will be controlled;
- Proper handling of on-Site soils;
- Imported backfill meets NYSDEC approved backfill or cover soil quality objectives for the Site;
- Monitoring and control of dust under an approved Community Air Monitoring Plan (CAMP);
- Prevention of stormwater and erosion runoff from construction activity; and
- Truck traffic will be restricted to a direct route to/from the Long Island Expressway.

The following items relevant to implementation of the Preferred Remedial Alternative are included in the RAWP:

- Appendix A - Syosset Park Warehouse Overall Site Plan by VHB Engineering, Surveying, Landscape, Architecture and Geology, PC, dated July 10, 2020 (one sheet, Drawing C2.00)
- Appendix C - Site Health and Safety Plan (HASP) and Community Air Monitoring Plan (CAMP)
- Appendix D - Quality Assurance Project Plan (QAPP)

The RAWP (Section 1.0) states that no additional formal Remedial Design document will be prepared, as all details for the remedial action program and implementation are included within the RAWP. However, as discussed in the comments presented in the following sections, the

RAWP lacks a complete set of construction plans and many other details on how the Preferred Remedial Alternative would be implemented. Such details are required to fully evaluate the impacts this alternative would have on the District facilities.

Comments Related to the Proposed Action and Potential Environmental Impacts on the District

The RAWP indicates that residual contamination remains in soil at the Site, with concentrations of copper, SVOCs and cyanide exceeding the CSCOs for these contaminants. The RAWP presents a Preferred Remedial Alternative (Alternative 2: Track 4 Commercial Cleanup/Cover System) to address this contamination. The comments included herein focus on information notably absent from the RAWP and the Site Plan documents, and the lack of specific detail which prevents a complete evaluation of the environmental impacts the project would have on District facilities, operations, and the health and safety of the students, staff and visitors at the South Grove Elementary School and Robbins Lane Elementary School, located approximately 950 feet and 2,200 feet from the Site, respectively.

1. Division of Responsibilities for Site Construction/Remediation and Long-Term Management

The RAWP and the Site Plan documents lack a clear division of responsibilities between the Town and NYSDEC with respect to overseeing the remediation/construction activities and ensuring that all applicable rules and guidelines are followed with respect to the following:

- The Preferred Remedy will be implemented under strict NYSDEC and NYSDOH oversight.
- The Town states that NYSDEC has approval authority of the location of the drainage infiltration zones through its review and approval of the RAWP.
- The Town also has jurisdiction over stormwater management through the MS4 program and SWPPP review process.
- Once the Town reviews the SWPPP, it will be forwarded to NYSDEC for review.
- The Town is responsible for granting permission to disturb more than five (5) acres of the Site at one time under the SWPPP.
- The RAWP includes a CAMP as required by NYSDEC and NYSDOH.
- NYSDEC's solid waste management regulations govern on-Site material reuse and fill from off-site sources.
- After the Site cover system is installed, NYSDEC will approve a Site-specific Site Management Plan to detail long-term management of engineering controls, institutional controls, and soils in exceedance of CSCOs.

This is not an inclusive list of the requirements/programs that apply to the Project. It is imperative that the Town, NYSDEC, NYSDOH and any other involved agencies define roles and responsibilities before construction starts to ensure that the work is managed properly to avoid potential impacts. Assignments of responsibilities must be done before these plans and documents are finalized.

2. *RAWP Alternatives Fail to Include Targeted Removal of Contaminated Soil*

The RAWP fails to evaluate any alternatives that offer a hybrid approach whereby targeted areas of soils exceeding the NYSDEC Part 375-6.8 (b) Commercial Use Soil Cleanup Objectives (CSCOs) for Site contaminants would be excavated and removed from the Site before a cover system is installed over the Site.

Cyanide was detected during the 2015 soil investigation at concentrations above the 27 mg/kg CSCO in two samples from one soil boring (RC-35). This boring is located within the Former Building E sump and trench area where contaminated soils were previously removed in 2004. No further sampling was performed based on the 2015 results to evaluate the extent of contamination remaining around RC-35. At a minimum, additional sampling should be required to determine if the area around RC-35 is a localized area of soil contamination where the concentrations of cyanide (and possibly other contaminants) exceed the CSCOs and to evaluate the benefit of targeted soil removal in this area. This is consistent with the District's 2018 request for independent testing. If this analysis indicates that excavation and off-site disposal of a localized area(s) of soil contamination around RC-35 would provide greater protection of human health and the environment as compared to capping alone, the Preferred Remedial Alternative should be modified to include targeted soil removal if any hotspots are located by additional sampling.

3. *Remedy Selection Considerations Related to Site's Proximity to School*

DER-10 Section 4.1 (e) (2) states: "Adjacent residential properties. Where residential properties . . . or other uses appropriate to such residential use categories (e.g., schools), are adjacent to a site where a commercial or industrial soil cleanup is proposed, additional considerations are necessary during remedy selection. Specifically, the development of remedial alternatives must address, as set forth at 6 NYCRR 375-6.7(c), the migration of soil with remaining contamination which could impact these adjacent residential properties. The remedy selection process will consider, based on the findings of the RI:

- i. whether contamination remaining after the application of commercial or industrial soil SCGs will, or may have the potential to, impact adjacent residential properties by one of the following pathways:

- (1) through migration of soil as fugitive dust; or
- (2) transportation of the soil by erosion through surface water runoff . . .ô

This excerpt from DER-10 highlights the importance of controlling contaminant migration from the Site due to dust, erosion and runoff during construction and full-scale operation following Site development.

4. *Significant Omissions from the RAWP and Site Plan Documents*

The RAWP lacks sufficient detail to fully evaluate the potential impacts associated with the Syosset Park Warehouse Site remedial action and construction plans. It is imperative that NYSDEC consider all of the information presented in the Site Plan documents in conjunction with the RAWP to ensure that the remedial activities and subsequent Site management during long-term operations do not adversely impact the District.

The RAWP and Site Plan documents (Project Documents) omit certain plans and details which are required to adequately assess the impacts the Preferred Remedial Alternative, proposed construction methods and overall Site development would have on the District, and practices that are essential to control and minimize the Project's potential health and environmental impacts on the District. Additional comments related to these plans are presented in the appropriate sections below.

- a. The RAWP does not contain a detailed site-specific **Community Air Monitoring Plan (CAMP)**.
 - i. The RAWP only includes the generic CAMP published by the New York State Department of Health and lacks Site-specific details to provide adequate protection during the project.
 - ii. Preparation of a detailed Site-specific CAMP cannot be delayed until construction is imminent as it directly affects the evaluation of potential impacts presented by the proposed development and how to prevent and manage these impacts. In the absence of details, we cannot comment fully on this item.
- b. The RAWP does not include a **Storm Water Pollution Prevention Plan (SWPPP)** or an **Erosion and Sediment Control Plan (E&SC Plan)** and is deficient in this regard. A SWPPP and E&SC Plan have been submitted to the Town as part of the Syosset Park Warehouse Site Plan Application as discussed below under Item 7a.
- c. The RAWP and Site Plan documents do not include a comprehensive, stand-alone Site-specific **Soil/Materials Management Plan**.

- i. Section 5.4 of the RAWP provides an overview of the methods to be implemented during construction, including soil stockpiling, material reuse on-Site, soil transportation, backfill from off-site sources and dust control. The discussion lacks details including Site areas to be excavated, excavation depths, quantities of soil to be excavated and moved at the Site, stockpile areas, etc.
 - ii. Preparation of a detailed Site-specific Soil/Materials Management Plan cannot be delayed as it directly affects the evaluation of potential impacts presented by the proposed development and how to prevent and manage these impacts. In the absence of a detailed Soil/Materials Management Plan, we cannot comment fully on this item.
- d. The RAWP and Site Plan documents do not include a detailed **Dust Control Plan**.
 - i. Section 5.4.8 of the RAWP includes a generic discussion of basic dust suppression methods. This discussion is limited to controlling dust using water to wet areas of soil disturbance and sweeping roadways/sidewalks adjacent to construction exits.
 - ii. Preparation of a detailed Site-specific Dust Control Plan cannot be delayed as it directly affects the evaluation of potential impacts presented by the proposed development and how to prevent and manage these impacts. In the absence of a detailed Dust Control Plan, we cannot comment fully on this item.
- e. The RAWP does not include a detailed **Traffic Control Plan**.
 - i. Section 4.2.5 of the RAWP provides an overview of traffic control measures to be implemented during Site remediation/development.
 - ii. Preparation of a detailed Site-specific Traffic Control Plan cannot be delayed as it directly affects the evaluation of potential impacts presented by the proposed development and how to prevent and manage these impacts. In the absence of a detailed Traffic Control Plan, we cannot comment fully on this item.

5. ***Key Contaminant Migration Concerns***

The major release pathways for the contaminants of concern that pose a threat to the District, and in particular South Grove Elementary School, are migration from the Site in dust/air and storm water.

- a. The primary health concern during construction relates to the transient air contaminants that would be released in the form of dust from the Site.

- b. The potential exists for contaminants to be released during construction activities at the former Cerro Site and subsequently migrate off-site to impact South Grove Elementary School.

These concerns are addressed by various plans detailing proper construction practices to prevent impacts. The adequacy of these plans is discussed in the sections below; deficiencies and recommendations to improve the plans are also presented.

6. *Dust Concerns*

Environmental concerns related to dust are driven by soil disturbance during excavation and earth moving at the Cerro Site during the Brownfields remedial action and Site development.

- a. The Project Documents lack air modeling to evaluate dust impacts and establish the basis for evaluating appropriate protective measures to prevent dust from migrating to District properties. The District has five schools within a one-mile radius of the Site which could be at risk for dust impacts depending on conditions. In the absence of air monitoring, we cannot comment fully on dust impacts due to Site remediation and construction.
 - i. The distance dust can travel depends on atmospheric conditions (including wind speed, prevailing wind direction, humidity, etc.) and the weight of the dust particles the contaminants are adhered to.
- b. The Project Documents do not provide sufficient detail on the air monitoring procedures that would be employed to track impacts during construction. The air monitoring program must be set forth in a site-specific CAMP developed in accordance with DER-10 (Technical Guidance for Site Investigation and Remediation, May 2010). Preparation of the CAMP cannot be delayed as it directly impacts the evaluation of potential impacts presented by the proposed construction and how to prevent and manage these impacts. In the absence of details, we cannot comment fully on this item and as such, the RAWP is deficient in this regard.
 - i. CAMP air monitoring activities must be performed by an independent third-party for any and all construction involving excavation or grading, anywhere on the Site. Monitoring stations must be placed along the edge of the construction zone at the Site and on the property line alongside the School property. The independent third-party air monitor must have the authority to immediately shut down the job and implement additional dust control measures as appropriate based on five-minute average

- concentrations, not 15-minute average concentrations as stated in the generic CAMP included in the RAWP.
- ii. Operating an additional CAMP air monitoring station on the Town DPW property (with the Town's permission) directly adjacent to the South Grove Elementary School fence line would provide real-time data to ensure that dust concentrations at the School remain at acceptable levels. This additional protective measure would allow the District to take immediate action should dust levels increase at South Grove Elementary School, the nearest sensitive receptor to the construction zone.
 - iii. The CAMP must include a comprehensive program detailing the sequence of events and response times in the event air monitoring indicates action is needed. The CAMP must ensure there is no lapse in response that would allow contaminants to migrate off-site and put the School at risk.
 - iv. Water misting systems must be established during the construction period alongside the South Grove Elementary School property. Misting systems can more effectively prevent dust from leaving the construction area than a sprinkler system, since the water droplets are sized to attach to the dust and cause its settlement.
 - v. On days where winds are forecast to be greater than 15 to 20 mph and blowing towards South Grove Elementary School, misters must be used during all excavation and earth moving activities to prevent dust from migrating off-site to avoid impacts on the School.
 - vi. In addition to water misting to control dust, the most protective dust control procedures and construction practices must be implemented to minimize dust migration and protect South Grove Elementary School and all downwind receptors.
- c. The Site Plan documents state that construction and demolition activities have the potential to result in air pollutant emissions, primarily from the operation of equipment, fugitive particulate emissions and traffic associated with the work. Greenhouse gas (GHG) emissions will also be generated from equipment operation, construction-related traffic, and electricity demand. Other air quality mitigation measures that may be employed during construction, as recommended in the EEA include:
- i. Use of properly maintained construction equipment
 - ii. Limit idling where practicable
 - iii. Use electrical equipment when feasible
 - iv. Use biodiesel where available
 - v. Cover or stabilize storage piles
 - vi. Cover construction trucks carrying demolition materials

- vii. Provide provisions for vegetative cover, mulch, spray-on adhesive, calcium chloride application for all inactive exposed areas
 - viii. Use water sprinkling to reduce dust
 - ix. Use wind barriers
 - x. Construct temporary graveled entrance/exit to the construction site
 - xi. Install wheel-washing stations at the entrance/exit to the site to prevent carry-out.
- d. The District must immediately be notified if there are any exceedances regarding air quality during construction.

7. *Storm Water Management Concerns*

Mobilization of contaminants from the Site via storm water runoff and subsequent transport onto the South Grove Elementary School property during construction and future Site use also poses a significant risk to the District. Strict adherence to a comprehensive Storm Water Pollution Prevention Plan (SWPPP) and Site-specific Erosion and Sediment Control (E&SC) Plan is imperative to address runoff and erosion during construction and to prevent associated impacts on the School.

- a. Neither the SWPPP nor the Erosion and Sediment Control Plan have been incorporated into the RAWP.
- b. A SWPPP was prepared on behalf of the Applicant and submitted to the Town as part of the revised EEA. Section IV of the SWPPP and the Syosset Park Warehouse Site Plans (Sheet C5.00) include an Erosion and Sediment Control Plan. The SWPPP directly affects the evaluation of potential environmental impacts presented by the proposed development and how to prevent and manage these impacts. Standard practice requires the Town and NYSDEC to evaluate the SWPPP and confirm that it establishes a program which includes all the requirements specified by NYSDEC General Permit No. GP-0-20-001 for Storm Water Discharges from Construction Activity before construction commences.
- c. The SWPPP provisions include the following:
 - i. The Town must approve disturbance of more than five (5) acres of the Site at one time under the SWPPP. The SWPPP requires two inspections per week during site disturbance/construction activity.
 - ii. The amount of exposed soil and the number of active soil stockpiles will be minimized to the maximum extent practicable during construction.



- d. The SWPPP must be strictly enforced during the entire site preparation, construction, and final grading periods to ensure that storm water and sediment do not migrate and get tracked off-site via runoff and on vehicle tires leaving the Site.
- e. The Syosset Park Warehouse development would significantly increase the percentage of impervious lot coverage compared to the existing conditions where the property is mainly vegetated so most of the storm water can infiltrate into the ground. Thus, much more storm water would have to be managed on-Site. The Project Documents describe the proposed on-Site stormwater management system consisting of recharge basins and subsurface drainage systems, but do not include sufficient detail on how storm water from various portions of the Site would be managed. In addition, the Project Documents do not provide specifications for the drainage infrastructure to be installed to meet the *Nassau County Department of Public Works Drainage Requirements* for on-Site storm water management.
- f. The Syosset Park Warehouse Site Plans (Sheet C3.00) contain storm water design calculations for the on-Site storm water storage systems based on five (5) inches of rainfall. However, the *Nassau County Department of Public Works Drainage Requirements* specify that plans for new construction at commercial (non-residential) properties shall provide for eight (8) inches of onsite storm water storage for the site. The Site Plans lack details on how the volume of stormwater will be managed on-Site in accordance with the NCDPW requirements. Walden's file review has not found evidence that any waiver has been granted.
- g. The on-Site stormwater management system will have to be properly inspected and maintained to prevent sediment buildup and ensure effective stormwater infiltration at the Site. An appropriate maintenance schedule must be established considering the volume of storm water to be managed on-Site under the proposed development plan.
- h. According to the SWPPP provided as an Appendix to the Expanded Environmental Assessment, the following components of the SWPPP must be completed prior to submission to the NYSDEC:
 - i. Signed certification forms from contractors and sub-contractors;
 - ii. Signed Notice of Intent;
 - iii. Signed MS4 SWPPP acceptance form;
 - iv. Final approved site plans including the Erosion Control Plan; and,
 - v. Phasing or construction schedule.

- i. The Project Documents do not adequately address the potential for contaminants of concern at the former Cerro Site to migrate in air as dust, settle on the ground surface in the vicinity of the Site near South Grove Elementary School, and then be carried by storm water runoff onto the School property and by drainage into the Nassau County recharge basin adjacent to the School. These conditions would serve to concentrate the contaminants of concern and represent a significant risk to the School.
- j. The RAWP states that VHB would be contracted by Scannell Properties (the Construction Manager for the Site development) to perform E&SC inspections (at least two inspections every seven calendar days) to ensure compliance with the SWPPP. Daily inspections during the construction period would be more appropriate considering the magnitude of the proposed project and its proximity to South Grove Elementary School.
- k. The Project Documents do not adequately detail the extent of project oversight that would be required under the Town's Municipal Separate Storm Sewer System (MS4) program. Given the scope of the Syosset Park Warehouse project, frequent MS4 inspections would have to be conducted by the Town and an independent third-party to track compliance with MS4 plans. To avoid delays and ensure immediate corrective action is taken, the qualified third-party inspectors must be empowered to make decisions and order work stoppages as warranted if MS4 violations are observed.

8. Excavation and Soil Handling Concerns

The Site investigation results presented in the Project Documents indicate that residual soil contamination remains in soils throughout the Site. Therefore, it is imperative that all soils be handled properly and in accordance with all applicable regulations in order to prevent impacts to the vulnerable population of children at South Grove Elementary School.

- a. The Project Documents state that Site development will involve soil excavation for storm water infiltration structures, utility installation and building footings. In addition, existing soils will be regraded to prepare the Site for the cover system construction. The Soil/Materials Management Plan discussed in Section 5.4 of the RAWP fails to recognize that any soil excavated on-site must be characterized and evaluated in accordance with the NYSDEC Part 360 solid waste regulations to determine which soil (if any) can be reused on-site. Future soil analytical data generated in compliance with Part 360 would also provide additional information

to evaluate impacts associated with contaminant migration in dust and storm water.

- b. The Town's Draft TEQR Report indicates that the warehouse building will be slab on grade construction, however, the Site Plans do not include any construction specifications or information related to footing depths or the volume of soils to be excavated for building construction. In addition, the Site Plan documents do not quantify the volume of soils that would be excavated or disturbed during construction. Based on the drainage area calculations presented on the Site Plans (based on a 5-inch rain event), Walden estimates that approximately 28,000 cubic yards of soil would be excavated to install the on-site storm water storage system. The Project Documents lack the detail required to quantify how much additional soil would be disturbed during Site grading.
- c. The Project Documents do not provide detail on the proposed excavation procedures that would be used at the property where widespread residual soil contamination remains. An Excavated Materials Disposal Plan must be developed to detail characterization and appropriate handling of excavated soils (based on recent NYSDEC Part 360 solid waste regulations), including reuse as on-Site fill and off-site disposal.
- d. The Project Documents do not provide sufficient detail on the proposed excavation and soil handling procedures to be employed during construction. Preparation of a detailed, Site-specific Soil/Materials Management Plan cannot be delayed as it directly affects the evaluation of potential impacts presented by the proposed construction and how to prevent and manage these impacts. In the absence of details, we cannot comment fully on this item and as such, the documents are deficient in this regard.
- e. The Project Documents do not provide a comprehensive Dust Control Plan with adequate detail on the proposed methods to reduce dust generation and runoff during construction. Preparation of a detailed, Site-specific Dust Control Plan cannot be delayed as it directly affects the evaluation of potential impacts presented by the proposed construction and how to prevent and manage these impacts. In the absence of details, we cannot comment fully on this item and as such, the documents are deficient in this regard.

9. Syosset Landfill Cap Integrity

The deed restrictions in place for the Syosset Landfill Site, located between the former Cerro Site and South Grove Elementary School, prohibit disturbance of the Landfill cap

and buried waste. During all construction activities associated with remediation and development at the former Cerro Site, care must be taken to ensure that the Landfill cover is not disturbed or breached. Appropriate and adequate construction practices must be utilized to protect the cap and maintain its integrity.

10. General Construction Concerns

Construction impacts on South Grove Elementary School would be inevitable during the build out of the Syosset Park Warehouse Site if the proposed development moves ahead. K-5 students are a vulnerable population and their health, safety, and learning would be significantly impacted by the development of the Site. The School must be protected using the best available methods during construction to ensure that the well-being of the students, staff and visitors at South Grove Elementary School and throughout the District is not jeopardized.

- a. The Project Documents do not address establishing an adequate buffer between the construction areas closest to South Grove Elementary School and the School itself to minimize disturbance to the learning environment and K-5 students.
- b. The Project Documents lack a construction schedule developed to prevent interruption to outdoor recreation time (recess, physical education and other outdoor activities) which is vital to the students at South Grove Elementary School.
- c. The Site Plan documents present the specific anticipated sequence of construction as follows:
 - i. Installation of erosion control devices, including silt fence and anti-tracking pad for construction entrances
 - ii. Removal of existing vegetation (small scattered trees and bushes)
 - iii. Earthwork ñ rough grading of site (strip topsoil and stockpile in designated areas where applicable), rough grading and subsurface drainage installation
 - iv. Installation of building foundation
 - v. Building construction
 - vi. Utility connections to buildings
 - vii. Fine grading, asphalt and concrete paving
 - viii. Landscaping
 - ix. Building interior finishing
 - x. Removal of erosion control devices



- d. Potential impacts on South Grove Elementary School and Robbins Lane Elementary School during construction and full-scale operation at the Syosset Park Warehouse facility are not evaluated in sufficient detail, considering the sensitive elementary school population. The District must be consulted prior to the start of work to ensure that all appropriate actions are taken to minimize school impacts to the greatest extent possible.
- e. The Site Plan documents state that, according to Section 156-4 of the Town Code, construction activities are permitted to occur between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday. While the District school facilities will not be impacted by Site construction work that occurs before and after normal school hours, District activities held during the evening and on Saturdays may be impacted by construction. The District must be apprised of the construction schedule and planned work activities so it can take appropriate action to minimize impacts to School facilities and events.
- f. The Project Documents fail to acknowledge the possibility of scheduling construction during school breaks and after school hours, especially those activities which generate the most disturbance (i.e., dust, noise, vibration).

11. Noise and Vibration Concerns

The Project Documents do not provide sufficient detail on the noise and vibration impacts that would occur during the Site construction period, or the measures proposed to mitigate these impacts and as such, the documents are deficient in this regard.

- a. The Evaluation of Site Sound Emissions dated November 13, 2020 provided in Appendix N of the Expanded Environmental Assessment states that construction activities may impact South Grove Elementary School. The report indicates that heavy equipment operation will be restricted to daytime hours and follow the construction hours allowed by the Town Code, and that the Construction Manager will coordinate major construction activities with the school to avoid performing such work during sensitive times.
 - i. An acceptable construction calendar would have to be developed with agreement by all parties, which shall include consultation with the District well in advance of the start of construction to protect the interests of students and staff during testing periods, etc.
- b. The Project Documents fail to consider appropriate complete noise mitigation measures to reduce noise impacts on the School. The effectiveness of various noise mitigation options (such as planting tall evergreen trees along the School

property fence line closest to the Site) in reducing noise impacts on the School would have to be evaluated further based on modeling. An acceptable noise mitigation plan would have to be developed with agreement by all parties, and should include consultation with the District.

- c. If any pile driving activities are required for construction at the Site, pile driving noise limits must be established and a third-party independent engineer with authority to shut down the work must be on-Site during such work.
- d. The Project Documents fail to acknowledge that all noise assessments would also include the American National Standard Institute (ANSI) standard for classroom noise, as indicated at: <https://www.asha.org/public/hearing/American-National-Standard-on-Classroom-Acoustics/>. Noise measurements inside classrooms must be periodically scheduled during the construction phase to ensure compliance with the ANSI standards.
- e. Temporary sound barriers are also noted as a means to mitigate noise impacts. The District must also be informed of construction activities and schedules that could impact South Grove Elementary School, so appropriate action can be taken to reduce noise and avoid adverse effects on students and staff.
- f. The Project Documents do not detail a noise monitoring program for the construction phase and as such is deficient in this regard.

12. Traffic Concerns

The Syosset Park Warehouse Site development would result in increased traffic during construction and due to future Site operations. The traffic controls presented in the RAWP (Section 4.2.5) do not adequately address the traffic impacts on the District Schools.

- a. The Site Plan documents (EEA) include a **Traffic Impact Study Plan** which is currently being reviewed by a firm with expertise in traffic analysis. This firm will provide separate comments on the traffic associated with Site construction and future operations, and controls to minimize impacts on District schools, particularly during hours when students are being dropped off and picked up from school.

13. Air Quality Concerns (non-dust)

The proposed Syosset Park Warehouse Site development would impact air quality due to construction activity and as well as vehicle use associated with the Site use.

- a. Vehicles for any Site construction must be clean diesel or low emissions vehicles to minimize air pollution/ozone depletion during the construction period.
- b. The Project Documents lack an air modeling report that supports a comprehensive review of air quality impacts during construction and Site operation.
- c. The Site Plan documents indicate that the Applicant proposes to reduce GHG emissions by reusing existing pavement for recycled concrete aggregate and reclaimed asphalt pavement for use as base and paving material during construction. The documents lack detail on the reclamation/recycling methods that would be performed on-Site. In the absence of sufficient details, we cannot comment fully on the air quality and other potential impacts on District school facilities associated with this item.

14. Concerns Related to Monitoring and Inspections During Construction at Syosset Park Lots 251 & 252

Given the scope of the proposed Site development plan, all aspects of construction must be managed, monitored and inspected by an independent third-party team whose members are licensed and qualified to perform the required tasks, understand the potential impacts, and are not affiliated with any of the involved parties.

- a. The Site Plan documents state that all construction activities will be overseen by a Construction Manager (CM) and dictated by a Construction Management Plan developed in coordination with the Town of Oyster Bay. The CM will facilitate coordination among the appropriate governmental agencies/departments and interested parties to minimize potential construction impacts in the surrounding area. However, several very important details are not provided. The CM is not identified. No procedure is presented describing how a qualified, independent CM would be selected, and by whom. No information is provided on the content of the Construction Management Plan and the stakeholders that will decide on the content of this plan. The responsibilities for compliance with the plan and consequences for non-conformance are not assigned.
- b. The RAWP (Section 4.2) identifies the remedial construction team assembled by the Site Owner. Scannell Properties is listed as the Construction Manager for the Project.
- c. RAWP (Section 4.2.1.3) identifies the Remedial Engineer. Based on our review of this section, we believe the Remedial Engineer assigned responsibility for

remedial oversight lacks independence, thus, the need for independent third-party inspectors is warranted.

- d. The Town's Draft TEQR Report states that the Remedial Engineer will oversee, document and inspect the installation of the site cover system (the RAWP preferred remedial alternative). However, the Remedial Engineer is not identified in the Site Plan documents.
- e. The Project Documents do not acknowledge that anyone involved in monitoring or inspecting the work must be an independent third-party to avoid potential conflicts of interest. The Construction Manager must be a licensed New York State Professional Engineer with the authority to immediately stop work and order changes in work practices as necessary. The Construction Manager must provide daily reports and updates (when problems occur) to the Town and District.
- f. The number of independent inspectors on-Site must include qualified air monitors, E&SC inspectors, etc. to fully cover all construction work at the Site. The number of inspectors may vary depending on the scope of the construction activities at any time. The number of inspectors must always be sufficient to monitor the construction in progress.
- g. The independent on-site monitoring/inspection team must be independent, qualified professionals with experience and certifications as needed to perform the assigned tasks. The team would be led by a licensed New York State Professional Engineer at the Site during all construction. This team cannot be retained by the construction contractors or developer. It can be a collaboration between Town, County, NYSDEC and USEPA, assembled by interested parties, or a firm that has no ties to the developer, contractors or other parties with an interest in the Site or community. The most important thing is to ensure there is no conflict of interest which could sway the monitoring/inspection program one way or the other. The monitoring/inspection program would be funded by monies set aside by the developer and would report to the Town and District.
- h. The air monitors and construction inspectors must have the authority to immediately shut down construction based on monitoring results or any observed improper construction activities.

15. School Security Concerns

Due to factors such as the multitude of personnel that would be working on the Site every day during construction and Site operations, the proximity of the Project to South Grove Elementary School presents a security risk to the District. A secure barrier fence must be

installed between the Site and South Grove Elementary School for security, to maintain a buffer, and to establish a visual screen from the construction site.

Miscellaneous Comments

While Walden's review has focused on potential environmental impacts on District facilities, as part of our review of the RAWP and the Site Plan documents, we have identified a number of other issues as noted below.

1. Development at the Site would displace rodents/vectors which currently occupy the overgrown vacant portions of the Site. The documents do not provide any details on proposed rodent/vector control; therefore, we cannot comment fully on how the project would prevent rodents/vectors from expanding their territory into the surrounding community, including District facilities.
2. The Site Plan documents contain statements indicating that certain activities will not be performed on-Site. For example, EEA page 16 states, "All van fueling and washing will be conducted off-site." Prohibiting on-Site truck washing would minimize the volume of water to be managed on-site and the potential for runoff/erosion and resultant impacts on South Grove Elementary School. In order to maintain Site control and the environmental protection afforded by limiting certain activities at the Site, NYSDEC and the Town must require deed restrictions to be placed on the property as appropriate to ensure that such activities do not occur in the future and impact the District.
3. The RAWP and the Site Plan documents lack detail on the institutional and engineering controls that will be required and enforced by NYSDEC and the Town to prevent potential future impacts given the Site's contamination history.
4. The Site Plan documents state that approximately 25,000 cubic yards of backfill would be delivered to the Site during construction. This equates to fewer than three truck deliveries to/from the Site per day when spread evenly over the estimated 10-month project duration. This analysis assumes that the same quantity of backfill is needed each day during construction, which is not reasonable in practice. The anticipated construction sequencing will require more frequent backfill deliveries at some stages of the construction process.
5. The Project Documents claim that the Preferred Remedial Alternative would minimize greenhouse gas emissions and energy consumption by significantly reducing the trucks and heavy equipment required for remedial construction as compared to Site cleanup for unrestricted use. The development's net impact on energy consumption and fossil fuel combustion would be significant compared to the current vacant Site.

Comments on Remedial Action Work Plan
Syosset Park Lots 251 & 252
January 11, 2021

- 25 -



Walden is available to discuss these comments at your convenience. Please call if you have any questions.

Very truly yours,
Walden Environmental Engineering, PLLC

Joseph M. Heaney III, P.E.
Principal

Nora M. Brew, P.E.
VP/Senior Project Manager

cc: P. Rufo (prufo@syossetschools.org)

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Exhibit B

***Report from Greenman-Pedersen, Inc.
to the District Dated January 11, 2020***

January 11, 2021

Dr. Thomas Rogers
Superintendent of Schools
Superintendent
Syosset Central School District
99 Pell Lane
Syosset, NY, 11791

Dear Dr. Rogers,

The Syosset Central School District, Nassau County, NY has retained GPI to review and comment on traffic related issues of the Syosset Park Lots 251 & 252, Alternative Analysis Report (AAR) / Remedial Action Work Plan (RAWP), dated November 19, 2020. This 39+/- acre site is located at 305 Robbins Lane in Syosset and as a result of historical industrial operations has caused it to be listed as a hazardous waste site. The property is located within close proximity of two elementary schools within the Syosset School District; South Grove Elementary and Robbins Lane Elementary.

The AAR/RAWP evaluates three remedial alternatives to achieve the Remedial Action Objectives (RAOs) identified for the Site. The developers' preferred remedy, Remedial Alternative 2, will include the construction and maintenance of a Site-wide Cover system consisting of concrete slabs and pavement, and a 1-foot soil cover over landscaped areas. If selected, the remedial action will be performed in accordance with the RAWP and will take approximately 10 months. The action will require significant truck activity to grade on-site soil, remove material from the site, if needed, construct impervious surfaces on site as warranted and haul sufficient clean soil to cover the site to a depth of 1 ft.

Based on the information provided in the RAWP report, this review is being conducted to determine the potential of traffic operational impacts that may result during the recommended remedial process which is scheduled to last about 10 months. In particular, we reviewed the RAWP to determine, what if any, are the impacts to school busing and pickup and drop-off operations of the District's schools that may result in safety and operational concerns.

GPI's review of "Traffic Control", Section 4.2.5 indicates that this section of the RAWP report describes the proposed truck haul route that will be utilized during remedial operations to and from the site. The designated truck haul route seems logical as it avoids mainly residential neighborhoods. However, there is a lack of crucial information that is warranted to ascertain what potential traffic operating impacts (if any) arise with the proposed truck haul route that is also commonly being used by school trips during the daily pickup and drop-off operation.

Unfortunately, while the RAWP speaks at length about the environmental issues surrounding the contaminated soils and testing, the "Traffic Control Section" contains few details regarding the requisite trucking operations. Our review reveals significant omissions necessary to assess any impacts that would be of special concern to the District. Such information includes:

- How many auto and truck trips (inbound & outbound) are anticipated on a daily basis during the remedial process?
- How many auto and truck trips (inbound & outbound) are anticipated during AM, Midday and PM peak hours that are going to utilize the proposed truck haul route?
- How many auto and truck trips (inbound & outbound) are anticipated during the school arrival and dismissal hours that are going to utilize the proposed truck haul route?
- Where is material being trucked to and from? This is needed to ensure proposed truck transport routes are reasonable and realistic.
- How will the haul route be guided and enforced so that other non-designated routes are not used by truckers?
- What is the typical haul truck size (design vehicle)? Will the turning radius of these trucks be able to negotiate turns at key intersections along the designated haul route without safety concerns?
- Can the trucking operations be staggered around school opening and closing times?
- What will be the typical work hours on the remedial site, and can the 10-month schedule of remediation be curtailed?

It is GPI's understanding that potential traffic impacts to the school busing and pickup/drop-off operations could be accurately assessed, if all above noted information is presented in the Remedial Action Work Plan, which are presently unavailable. This missing information should be included in the Remedial Action Work Plan and made available for review.

We are available at your convenience to discuss this matter in further detail.

Sincerely,

GPI/GREENMAN-PEDERSEN, INC.



Michael J. Salatti, PE, PTOE
Sr. Vice President
Director of Transportation Services

Exhibit C

***Syosset Central School District's
January 6, 2021 Submission to the
Town of Oyster Bay Planning Advisory
Board regarding the Site Plan Application
of Syosset Park Development, LLC***

via electronic transmission to sbyrne@oysterbay-ny.gov -

January 6, 2021

Town of Oyster Bay Planning Advisory Board
c/o Scott L. Byrne, Executive Secretary
54 Audrey Avenue
Oyster Bay, New York 11771

***Re: Site Plan Application
Syosset Park Development, LLC
Public Hearing: January 6, 2020
Syosset Central School District's Comments***

Dear Members of the Planning Advisory Board:

Please accept this letter and the submission with exhibits annexed hereto as the Syosset Central School District's (the "District") timely submission of comments concerning the proposed Syosset Warehouse Project submitted by Syosset Park Development, LLC for the property located at 305 Robbins Lane in Syosset, New York (the "Proposed Project").

The documents related to the Proposed Project, including Site Plans, Lead Agency Coordination Letter, Expanded Environmental Assessment with attachments and the Department of Environmental Resource's *Draft* Town Environmental Quality Review ("TEQR") Report, with attachments (collectively referred to as the "Site Plan documents") comprise nearly 3,000 pages. These documents and the notification of the January 6, 2021 public hearing for the Proposed Project were made available and posted on the Town's website on or about December 24, 2020.

In the intervening time, the District and its representatives have undertaken a review of the Site Plan documents. Due to the historic contamination at the site and the proximity of our schools to the Proposed Project, including the South Grove Elementary School and Robbins Lane Elementary School located approximately 900-950 and 2,200 feet respectively from the Proposed Project, the District wishes to share its concerns about the Proposed Project, given its potential adverse impact on the District and the educational operations of our schools.

We respectfully request that the Members of the Planning Advisory Board thoughtfully consider the District's comments and concerns. *In doing so, the District requests the Town, and the Members of the Town Planning Advisory Board, take every necessary step to ensure that the health and safety of the students and staff and visitors to our schools and our surrounding school community are fully protected.*

Page 2 of 2
January 6, 2021
Scott L. Byrne, Executive Secretary

We further request that: (1) the Site Plan documents be revised to adequately address the concerns raised by the District and its Consultants; (2) additional and adequate protections and mitigation measures be implemented to address the District's concerns should this process and the Proposed Project move forward; and, (3) an additional public comment period be provided by the Planning Advisory Board to review the revised Site Plan documents.

The District expressly reserves its right to supplement and/or modify these comments during the public comment period, and further reserves its right to modify any comments made herein should additional information concerning the Proposed Project become available.

Thank you in advance for your thoughtful consideration of the matters addressed in this letter and the District's submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas L. Rogers".

Thomas L. Rogers, Ed.D.
Superintendent of Schools
Syosset Central School District

TR/rd
Attachments

*Site Plan Application
Syosset Park Development, LLC
Public Hearing: January 6, 2020*

*Syosset Central School District's
Comments*

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Exhibits

- Exhibit A: Report from Walden Environmental to the District dated January 6, 2020
- Exhibit B: Report from Greenman-Pedersen, Inc. to the District dated January 6, 2020

I. Overview of the Proposed Project

Pursuant to the Expanded Environmental Assessment for the Syosset Park Warehouse, revised November 2020 (the “EEA”) submitted by and prepared on behalf of the Applicant, the Proposed Project consists of the development of the former Cerro Wire and Cable Company property, located on the northeast corner of the Long Island Expressway (LIE) North Service Road and Robbins Lane, (Nassau County Tax Maps Section 15-Block H-Lots 251 and 252), in the Town of Oyster Bay hamlet of Syosset, New York with a 204,169-SF, one-story (39.5-foot high) warehouse/delivery station building, consisting of 190,015 SF of warehouse space and 14,154 SF of office space. Two 64,536±-SF canopies will be constructed on the north and south sides of the warehouse to accommodate delivery van loading operations. The Proposed Action involves development to the subject property with parking areas, on-site utilities including public water and sewer, on-site stormwater management facilities and site landscaping. The 39±-acre subject property (of which 38.991± acres will be leased to a future Tenant) is located in the Town of Oyster Bay Light Industrial zoning district.¹

According to the EEA, site operations consist of the unloading of tractor trailer shipments and loading of pre-sorted packages into vans for delivery to surrounding area residences and businesses. The site will operate 24 hours per day, 365 days per year. Daily operations involve the arrival of approximately 49 trailer trucks on-site to unload retail products to the warehouse for subsequent delivery. Warehouse employees will work primarily overnight to unload the trailer trucks and prepare packages to be loaded for the following day’s deliveries. Thereafter, delivery van drivers will arrive on-site in personal vehicles, and once picked up by the drivers, delivery vans will queue in the loading/staging areas in waves to await loading prior to departing the site for an approximate 10-hour delivery shift. Additionally, flex drivers will arrive in and use their personal vehicle to make any late deliveries for items that were not loaded on the delivery vans.²

The District has been closely monitoring this Proposed Project due to its scale, close proximity to District facilities, the potential for environmental and/or public health risk to the District, students, staff and the school community and the potential for disruption to the District’s educational operations.

¹ See Expanded Environmental Assessment – Syosset Park Warehouse, revised November 2020 at pg. 2, 7.

² See EEA at Section 1.2, pg. 15-16.

II. Overview of the Potential Impacts on the District and Primary Concerns

At the outset, please note that the Board of Education is mindful that certain projects may foster economic development and promote job creation in the community. However, the primary responsibility of the Board of Education and the District Administration is to maximize the success of the District's educational programs and operations, and minimize the threats to that program and the District's limited sources of revenue. Since the Planning Advisory Board has the authority to determine whether the Proposed Project has any adverse environmental impact on the community, the District wishes to use its expertise and relay its concerns on certain topics to ensure that the Planning Advisory Board is apprised of the potential impacts to the District before it renders a decision or makes a recommendation. It is in that spirit that this submission is made to the Planning Advisory Board.

The District has and continues to make every effort to fully understand the potential impact to the District resulting from the Proposed Project that is before the Town Planning Advisory Board for Site Plan Approval and before the New York Department of Environmental Conservation ("DEC") in the Brownfield Cleanup Program. Based upon our review of the documents made available by the Town, it appears that these two processes are running parallel to one another and the responsibilities of the agencies also appear to overlap at times. In connection therewith, and as noted in the comments that follow and the report prepared by the District's Environmental Consultant³, a clear delineation of defined roles and responsibilities of the respective agencies and entities is warranted at this time and the District requests that the Planning Advisory Board require the same to be provided.

With respect to Environmental Quality Review, the Code of the Town of Oyster Bay (the "Town Code") provides that "[t]he TEQR staff is authorized to review, analyze, investigate and process all appropriate administrative and technical undertakings pertaining to the environmental impacts of applications presented for approval to the Town Board or to other involved Town agencies [which presumably, includes the Planning Advisory Board] and submit their reports, conclusions and recommendations thereon through the Commissioner to said Board or agencies, *for their findings and determinations*, all in accordance with Article 8 of the Environmental Conservation Law of the State of New York and with Part 617, Title 6, of NYCRR."⁴ The Town Code further provides that "[n]o decision to carry out, fund or approve any action by the Town Board or by any other involved agency shall be made until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 of NYCRR..."⁵

³ See Walden Environmental Report at Exhibit A.

⁴ See Code of Town of Oyster Bay, Chapter 110. Environmental Quality Review at §110-4(A)(emphasis added).

⁵ See Code of Town of Oyster Bay, Chapter 110. Environmental Quality Review at §110-5.

The District submits that the Site Plan documents do not fully address the concerns of the District and potential adverse impacts to the District's educational operations at this time and/or that certain sections of the Site Plan documents require clarification to fully understand the potential impact of the Proposed Project on the District. We respectfully request that the concerns be addressed and the items identified clarified before any action is taken by the Planning Advisory Board.

As we are sure the Planning Advisory Board is aware, the DEC public comment period regarding the Alternative Analysis Report/Remedial Action Work Plan ("RAWP") for the Brownfield Cleanup Program at the subject site of the Proposed Project was released on November 25, 2020. Public comments are currently due to the DEC on January 11, 2021, after the Planning Advisory Board's public hearing on the Proposed Project. According to the DEC Fact Sheet, the next steps concerning this matter are as follows: "DEC will consider public comments, revise the cleanup plan as necessary, and issue a final Decision Document. DOH must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy and the applicant may then design and perform the cleanup action to address the site contamination, with oversight by DEC and DOH."⁶ While the District understands that these are two (2) separate processes before different governmental agencies, based upon a review of the Site Plan documents described above, these matters are running parallel to one another. By way of example, the Draft TEQR Report includes significant commentary regarding the subject site, its history in the Brownfield Cleanup Program and the remedy as proposed in the RAWP⁷, and concludes that "there is no anticipated impact as it pertains to hazardous materials and/or the potential to adversely impact human health and safety as a result of the proposed action."⁸ The Applicant does not mention or include the reference to DEC's release of the RAWP on November 25, 2020 or the public comment period in the EEA submitted on its behalf, presumably because it was submitted prior to November 25, 2020. Since the RAWP is not technically in its final form, nor formally approved by the DEC, it is arguably subject to change in terms of the proposed remedy and/or the construction/remediation period. In the event that it is significantly modified, the Site Plan documents may require further modification. *As a result, we respectfully submit that the District cannot comprehensively address the full potential impact on the District and its school community until the RAWP is finalized and a Site Plan in conformance with the finalized RAWP is issued.*

District's Primary Concerns

The District has actively engaged in the process as it pertains to understanding the potential impact that this Proposed Project could have on the District and its educational operations. To prepare the comments herein, the District and its representatives reviewed extensive documentation, undertook internal analyses, and engaged environmental and traffic

⁶ See <https://www.dec.ny.gov/data/der/factsheet/c130002cuprop.pdf>.

⁷ See generally Draft TEQR Report at pgs. 44-56.

⁸ See Draft TEQR Report at pg. 56.

consultants to assist with the preparation of these comments. Based upon this review, the District has identified the following primary concerns with respect to the Proposed Project, including but not limited to:

1. **Environmental Concerns** – Given the site’s history and residual contamination, any proposed construction holds the potential to mobilize those contaminants in the form of airborne dust or waterborne erosion. In many instances, the mitigation measures proposed by the Applicant appear to be inadequate, incomplete and/or deficient, with significant elements of the safety plan either generic in nature, or missing altogether. Based upon the foregoing, there does not appear to be sufficient assurances that the District and its educational operations will not be impacted. Please refer to Section III of the District’s submission and the District’s Environmental Consultant’s Report at Exhibit A.

In addition, given that the Proposed Project involves substantial development of a Brownfield Cleanup Program site, the District’s concerns are heightened due to the proximity of two District elementary schools to the site. Since the DEC has not yet issued a final determination regarding the RAWP and thus, the time period for the remedial action and construction proposed has not yet been determined, important elements of the safety plans are inadequate, and the EEA submitted by the Applicant and related documents appear inadequate, the impact on the District cannot be fully evaluated at this time.

2. **Traffic Concerns** – The documents submitted by the Applicant do not take into consideration any potential impact to the District and its operations, including its student transportation operations. The potential impacts to the District and its operations are not even considered in the Traffic Impact Study. Please refer to Section IV – Traffic Related Concerns and the District’s Traffic Consultant’s Report at Exhibit B. The District recognizes that the conclusions drawn by its consultants are particularly dependent on, and therefore vulnerable to:
 - a. the traffic volume projected by the Applicant, which is dependent on the schedule of daily operation (employee shifts, delivery timings, arrival/departure restrictions, volume of business, etc.) and provided by the potential future operator of the facility without guarantee;
 - b. the lack of adequate baseline traffic data which understandably could not be gathered due to the COVID-19 pandemic; and
 - c. the lack of any guarantee on the hours of operation of the proposed warehouse facility. In the case of this unique warehouse project, even slight modification to the hours of operation provided has the potential to adversely impact the District, its operations and school community. At this time, there is insufficient analysis and data to ensure the District’s educational operations will not be impacted.

- d. Given the total of 1,603 proposed parking spaces in the Draft TEQR Report, more detail is needed about the Applicant's plans to "incorporate infrastructure for future electrical vehicle charging of the delivery van fleet, which would significantly reduce vehicle emissions". Otherwise, it is difficult to evaluate to what extent these plans will mitigate the additional vehicle emissions generated by the Proposed Project.
- 3. Revenue to the District** – The Applicant's EEA states that the proposed warehouse "will also create additional revenue for the Syosset School District, without any incremental cost to same."⁹ This statement is inaccurate and a misrepresentation of the financial impact to the District in terms of real property taxes and potential payments-in-lieu-of-taxes ("PILOTs") that are being sought in connection with the Proposed Project. This statement and ensuing section of the EEA completely ignores the application and operation of the tax levy limit that the District must adhere to under Education Law §2023-A. Any potential escalation factor applied to the PILOT will inure solely to the benefit of Class 4 property owners and not to the benefit of the District or Class 1 residential property owners. Moreover, the documents presented by the Applicant do not appear to include the estimated assessed value of the development when fully constructed. This information would need to be provided and evaluated before drawing conclusions regarding the financial impact to the school community.
- 4. Additional Comments Regarding Site Plan Documents/Requests for Clarification** – Certain sections of the Site Plan documents contain misrepresentations as it relates to the District, are otherwise incomplete or deficient, and/or require further clarification to fully understand the impact of the Proposed Project on the District.

It should be further noted that the two schools in closest proximity to the Proposed Project, South Grove Elementary School and the Robbins Lane Elementary School, have enrollments of 396 and 454 students, respectively for the 2020-2021 school year. In addition, 208 staff members are employed at these locations. In your review of this Proposed Project, we urge you to ensure that all necessary health and safety concerns are appropriately and adequately addressed and that all mitigation measures are implemented for the benefit and protection of the District, its students, staff and school community.

⁹ See EEA at Section 1.4, pg. 19.

III. Environmental Concerns

The mitigation measures proposed by the Applicant during the remedial action and proposed construction are inadequate, incomplete and/or deficient. Moreover, the District's concern is intensified given that the Proposed Project involves the substantial development of a Brownfield Cleanup Program site located in close proximity to two (2) District elementary schools that provide educational services to 850 elementary-aged students.

To fully evaluate the environmental impact of the Proposed Project and the mitigation measures proposed by the Applicant, the District engaged Walden Environmental Engineering ("Walden") to evaluate:

- the Site Plan documents;
- the Site history and existing conditions;
- the preferred remedial alternative as set forth in the RAWP;
- the Syosset Park Warehouse Site development and construction plans as they relate to potential impacts on District facilities and its educational operations; and
- the Department of Environmental Resource's recommendation that the Planning Advisory Board issue a Negative Declaration for the Proposed Project.

Walden's Report is attached in its entirety at Exhibit A and included as part of the District's comments.

Based on Walden's review of the documents related to the Syosset Park Warehouse Site Plan Application, a concise summary of significant findings and concerns related to the Project's potential impacts on the District is presented below.

- Site remediation will not precede construction; the preferred remedial alternative described in the RAWP will establish a Site cover system by installing the proposed warehouse building, parking lots and landscaped areas over the entire Site.
- The preferred remedial alternative does not include any additional soil sampling in the vicinity of the location where cyanide concentrations in the 2015 soil sample exceeded the NYSDEC Commercial Use Soil Cleanup Objective (CSCO) to determine if a localized area of contaminated soil remains, in which case the remedy should include targeted soil removal based on the additional data.
- There is no clear allocation of responsibility among the NYSDEC, the Town, and any other regulatory agencies having authority over any aspect of the Project. Having multiple agencies involved, without assigning a primary entity to have overall responsibility for the entire Project may lead to confusion at some point during construction, and will leave the District without clarity about which agency to contact so immediate corrective action is taken by that agency should Site-related impacts occur at District school facilities at any point during construction and long-term operation.
- The District must be informed regarding planned construction activities. The District recommends that the construction activities with the most potential to generate

noise, dust or traffic be confined to school breaks and summer months when school is not in session.

- Construction plans are in various stages of development for the Project as discussed in more detail below. These plans will outline procedures and best management practices established to prevent or minimize impacts due to construction.
 - The effectiveness of these construction plans relies on a robust inspection and monitoring program to ensure that all of the appropriate protective measures included in the plans are fully implemented.
 - Independent third-party inspections by qualified inspectors who are authorized to stop work based on their observations are essential to make sure that construction activities are performed in accordance with the best practices available to prevent impacts on District facilities and educational operations.
- The Community Air Monitoring Plan (CAMP) developed for the Project follows the New York State Department of Health's (NYSDOH) generic CAMP format. A site-specific plan recognizing the residual contaminants present, the planned remedial alternative, and the proximity of sensitive receptors (the schools) should be developed and include:
 - Recording dust concentrations every 5 minutes instead of every 15 minutes outlined in the generic CAMP to allow corrective actions to be taken immediately to reduce dust levels should they begin to spike, affording more protection to District schools, in particular South Grove Elementary School.
 - Operating an additional CAMP air monitoring station on the Town DPW property (with the Town's permission) directly adjacent to the South Grove Elementary School fenceline would provide real-time data to ensure that dust concentrations at the School remain at acceptable levels, as the School is the nearest sensitive receptor to the construction zone. This additional protective measure would allow the District to take immediate action should dust levels increase.
 - Develop air modeling in order to estimate the potential for fugitive dust migration and therefore evaluate the adequacy of proposed mitigation measures.
- Installation of dust control measures such as a water misting system along the South Grove Elementary School fenceline should be considered to provide maximum protection during construction to prevent dust impacts at the school.
- The Storm Water Pollution Prevention Plan (SWPPP) and Erosion & Sediment Control (E&SC) Plan developed for the Project follow the standard NYSDEC guidelines for storm water management. Additional protective measures such as retaining a third-party certified inspector to ensure all components of the SWPPP and E&SC Plan are being completed should be considered to prevent runoff and subsequent dust generation once erosion-laden runoff dries.
- The on-site drainage system has been designed based on a 5-inch rainfall rather than the 8-inch rain event specified in the *Nassau County Department of Public Works*

Drainage Requirements. No evidence of a waiver from Nassau County has been encountered in the files reviewed.

- Noise impacts during construction are a concern at the District facilities, in particular South Grove Elementary School. Mitigation actions such as planting a row of tall evergreen trees along the school fenceline, should be considered to reduce noise levels and minimize disturbance to educational activities.
- The following plans were found to be deficient and/or missing from the Site documents:
 - The Project Documents do not include a comprehensive, stand-alone Site-specific Soil/Materials Management Plan.
 - The Project Documents do not include a detailed Dust Control Plan.
 - The Project Documents lack air modeling to evaluate dust impacts.
 - As indicated above, the Project Documents do not provide sufficient detail on the air monitoring procedures.
 - The following components of the Stormwater Pollution Prevention Plan (SWPPP) must be completed prior to submission to the NYSDEC:
 - Signed certification forms from contractors and subcontractors;
 - Signed Notice of Intent;
 - Signed MS4 SWPPP acceptance form;
 - Final approved site plans including the Erosion Control Plan
 - Phasing or construction schedule.
 - The Soil/Materials Management Plan discussed in Section 5.4 of the RAWP fails to recognize that any soil excavated on-site must be characterized and evaluated in accordance with the NYSDEC Part 360 solid waste regulations prior to disposal.
 - An Excavated Materials Disposal Plan must be developed.
 - The Project Documents do not detail a noise monitoring program for the construction phase and as such is deficient in this regard.
 - The Remedial Engineer is not identified.
- In the interest of reducing GHG emissions and the heat retention of the parking area, consideration should be given to incorporating as many large, shade generating tree species as possible to the landscaping plans, as well as green infrastructure such as bioswales, vegetative cover, etc.

Based upon the foregoing, prior to the Planning Advisory Board making its determination, the District again respectfully requests that the Planning Advisory Board address the concerns raised by the District as set forth herein and in Walden's Report to ensure that there are no adverse impacts on the District, its students, staff and school community and educational operations resulting from the Proposed Project. The District further requests that the Planning Advisory Board: (1) require a revised Site Plan/documentation that addresses the District's comments; and, (2) provide an additional public comment period for review of the revised Site Plan/documents.

IV. Traffic-Related Concerns

The mitigation measures proposed by the Applicant to address traffic impacts resulting from the Proposed Project and future operations at the site are inadequate to address any potential impact to the District. Notably, the Traffic Impact Study submitted by the Applicant failed to mention the District and did not consider how the newly generated traffic could impact the District's operations and its schools that are located in close proximity to the Proposed Project site.

To fully analyze any traffic-related impacts of the Proposed Project, the District engaged Greenman Pedersen, Inc. ("GPI") to evaluate the Traffic Impact Study and Site Plan documents related to traffic to assess whether operations at the site could negatively impact the District and its educational operations. GPI's Report is attached in its entirety at Exhibit B and included as part of the District's comments.

Based on GPI's review of the documents related to the Syosset Park Warehouse Site Plan Application, a summary of significant findings and concerns related to the Proposed Project's potential impacts on the District is presented below.

Two areas of concern exist that must be considered and adequately addressed by the Town. The first relates to the use of outdated traffic count data and the second, concerns the proposed future site operations. As noted in GPI's Report, evaluation of traffic impacts is extremely sensitive to the determination of the magnitude of project-generated trips and their hours of arriving and departing to/from the proposed facility (Time-of-Day operations). In the case of this unique project, trip generation data, which is dependent on the size of the facility and schedule of daily operation (employee shifts, delivery timings, arrival/departure restrictions, etc.), is provided by the operator of the facility. The Traffic Impact Study indicates that the maximum peak hour trips will be generated during off-peak hours of the surrounding roadways and will thus avoid existing peak hour roadway congestion (where applicable).

GPI's conclusions are based upon the following: (1) traffic data presented in the TIS, which are not current; (2) trip generation estimates provided by the Applicant, which are not verifiable and can be altered by consumer demand; and lastly, (3) by a schedule of site operations, which the site operator can modify in its own discretion and at any time for any reason. If the latter occurs, the site operations may overlap with school transportation activities.

GPI recommends that measures be incorporated that will adequately ensure that the Applicant addresses concerns with the operating hours as it may impact District transportation operations. Specifically, the Applicant should monitor traffic conditions for a set period of time once the project is fully operational. The monitoring of traffic activity generated by the site driveways should be accompanied by updated traffic volume counts. This will ensure that, where warranted, necessary modifications could be made

either to the scheduling of warehouse operations or the surrounding roadway network, in order to mitigate unanticipated impacts. Appropriate monitoring of traffic activity is an approach that municipalities have utilized for larger developments where the potential for impacts cannot be easily quantified due to many unknowns. In this case, the Covid-19 pandemic has resulted in the Applicant using area traffic data that is over five (5) years old and extrapolating it to 2021. Given the time that has passed, additional developments (residential and commercial) that have been constructed in the area in recent years, the uniqueness of this development and its relationship to changes in how goods and services are provided, it would be prudent to conduct further analyses once the Proposed Project is fully operational. It is further requested that the Applicant provide written assurances to the District that its future schedules will not conflict with school busing hours. These measures would help to ensure that the District's operations are not negatively impacted in the future.

V. Revenue from the Proposed Project to the District

The EEA prepared on behalf of the Applicant includes a section titled “Purpose, Needs and Benefits.”¹⁰ The Applicant purports that the proposed warehouse “will also create additional revenue for the Syosset School District, without any incremental cost to same.”¹¹ This statement and ensuing section of the EEA completely ignores the application and operation of the tax levy limit that the District must adhere to under Education Law §2023-A. As such, the EEA is misleading in terms of tax revenue projections and fails to include an analysis of the operation of the tax levy limit applicable to the District under the Education Law. Simply stated, the District will not receive a new revenue stream from the Proposed Project should the tax relief the Applicant seeks from the Nassau County Industrial Development Agency be granted.

The District relies heavily on local, real property taxation to fund the public schools. All properties located in New York State, the County of Nassau and the District are required to pay real property taxes, unless otherwise exempt. The documents submitted on behalf of the Applicant do not assert that the Applicant is exempt from real property taxes.

The Applicant has however indicated that it would seek tax abatements for, at a minimum, a 15-year period.¹² These tax abatements are termed “PILOTS” (payments-in-lieu-of-taxes). At its meeting on June 17, 2020, the Board of Education expressed its unanimous opposition to any PILOT agreements which would amount to a subsidy to one of the most profitable entities in the world. It should be noted that any potential escalation factor applied to the PILOT will inure solely to the benefit of Class 4 property owners and not to the benefit of the District or Class 1 residential property owners. Moreover, the documents presented by the Applicant do not appear to include the estimated assessed value of the development when fully constructed. This information would need to be provided and evaluated before drawing conclusions regarding the financial impact to the school community.

The District respectfully reserves its right to further comment on the Proposed Project’s financial impact on the District once a more concrete sense of the assessed value of the Proposed Project can be ascertained and made available. In sum, the reference to additional revenue for the District is a misrepresentation that should be corrected.

¹⁰ See EEA at Section 1.4 at pg. 18.

¹¹ See EEA at Section 1.4, pg. 19.

¹² See EEA at Section 1.4, pg. 19.

VI. Additional Comments/Requests for Clarification Regarding Site Plan Documents

The Site Plan documents, including the Draft TEQR Report, Expanded Environmental Assessment, Full Environmental Assessment Form and certain documents referenced therein include certain misrepresentations concerning the District, are otherwise incomplete or deficient as it relates to the District, and/or require clarification to fully understand the impact of the Proposed Project on the District. An overview of the issues that raise concern at this time are provided below. Please note that this list is not meant to be exhaustive and may be supplemented and/or modified at a later date if deemed necessary.

It is the District's understanding that the Planning Advisory Board was recently presented with a Draft Town Environmental Quality Review Report prepared by the Town of Oyster Bay Department of Environmental Resources ("DER") dated December 15, 2020 ("Draft TEQR Report") for its consideration. In Deputy Commissioner Baptista's December 15, 2020 memorandum to Commissioner Maccarone attaching the Draft TEQR Report, he states "[i]f significant amendments to the proposed action are warranted prior to accepting the negative declaration as the appropriate SEQR determination, DER will review the changes and modify the subject TEQR Report if necessary, for the PAB's review and consideration."

Based upon the foregoing, it is respectfully requested that the Planning Advisory Board carefully consider these additional comments, implement adequate measures to address the District's concerns and provide clarification where requested. For your ease of reference, the comments that follow are listed in the order that the sections appear in Draft TEQR Report followed by the District's comments and/or requests for clarification.

Draft TEQR Report

According to the Draft TEQR Report, the DER reviewed the following documents in making its recommended determination of significance: (i) the New York State Full Environmental Assessment Form ("FEAF") and attachments, (ii) the Expanded Environmental Assessment ("EEA") and related technical studies, (iii) the Site Plan Package last revised November 5, 2020 consisting of certain attached sheets, (iv) all Brownfield Cleanup Program ("BCP") documents, (v) the Draft Environment Impact Statement ("DEIS") for the Syosset Park Development and all the comments provided to the Town of Oyster for that project.¹³

The DER indicated that "while not specific to the proposed application" it "previously reviewed the Draft Environmental Impact Statement for Syosset Park Development" for a prior project and that "knowledge and understanding of concerns from the community were seriously considered in the review of the proposed action to ensure that any potential adverse environmental impacts were 'pre-emptively addressed' in the design of the project..."¹⁴

¹³ See Draft TEQR Report at pg. 4.

¹⁴ See Draft TEQR Report at pg. 4.

District Comments/Request: The District's concerns related to the Proposed Project and its potential impact on the District and its operations in terms of potential traffic impacts, operation hours for this unique project, noise and environmental-related concerns have not been fully addressed. It is therefore requested that the concerns raised in this submission, as may be supplemented, be fully addressed before any determination is made by the Planning Advisory Board or other governmental agencies and/or the Draft TEQR Report finalized.

Transportation Resources

The Draft TEQR Report summarizes the substance of the revised Transportation Impact Study ("TIS") prepared on behalf of the Applicant, Syosset Park Development, LLC. The DER states that the TIS, "was improved to address the comments from the Town's NYS licensed traffic engineering consultant (LKMA) in conjunction with consultation with DER to exhaustively evaluate potential traffic impacts to transportation resources for proposed actions."¹⁵ The Draft TEQR Report further summarizes the information and analysis provided in the TIS on vehicular operations, existing traffic volume data, intersection studies, future traffic conditions, public transportation, pedestrian and bicycle accommodations, short-term construction impacts, and site parking and circulation¹⁶ and based on the information and analysis provided in the TIS, the information presented in the EEA narrative, and the analysis provided by DER's expert traffic engineering consultant, LKMA, DER determined that "the traffic generated by the proposed project can be reasonably accommodated on the area roadway network without significant undue impact on operational and safety conditions."¹⁷ The Draft TEQR Report concludes that the Proposed Project will have no significant adverse environmental impact on traffic resources.¹⁸

District Comments/Request:

At the outset, the Draft TEQR Report states that "[t]he TIS and associated attachments are well over 1,500 pages; as this is supposed to be a readable document in accordance with SEQR...".¹⁹ The District and its Traffic Consultant considered traffic-related impacts on the District, its educational operations and the school community during construction and during operations should the Proposed Project move forward.

The District's concerns related to traffic were not addressed at any prior public hearing concerning the subject site, as the current Proposed Project differs significantly in terms of

¹⁵ See Draft TEQR Report at pg. 8.

¹⁶ See Draft TEQR Report at pgs. 8-22.

¹⁷ See Draft TEQR Report at pg. 22.

¹⁸ See Draft TEQR Report at pg. 22.

¹⁹ See Draft TEQR Report at pg. 8.

size scope and daily traffic generated. The District respectfully refers the Planning Advisory Board to the Report at Exhibit B, which was prepared by the District's traffic consultant, GPI.

As noted therein, the determination in the Draft TEQR Report related to traffic is based upon the assumption that the site will operate in accordance with the schedule developed by the Applicant/operator, and that any proposed deviation from the schedule should be evaluated for potential traffic impacts prior to implementation.²⁰ However, we do not see any protections to ensure that the operating hours or volume of traffic do not deviate from what was proposed, or alternatively that additional study would have to be undertaken before any such alteration. While the Draft TEQR Report references a written letter from Applicant's attorney dated December 9, 2020 that provides that the operator intends to operate the site in accordance with the schedule included in the EEA,²¹ there does not appear to be sufficient protections in place to ensure that the facility will be operated in accordance with the schedule provided. The lack of enforcement and/or the inability to protect the schools' daily operations and the school community in the future must be considered.

Impacts on Environmental Issues, including Erosion, Flooding or Drainage/Air Quality, Construction, Noise

The District respectfully refers to the Planning Advisory Board to the Section of this submission concerning "Environmental Concerns" and the District's Environmental Consultant's Report attached at Exhibit A for a recitation of the District's environmental concerns. In addition, we provide the following additional comments and/or requests for clarification.

The Draft TEQR Report first provides a general summary of the draft Stormwater Pollution Prevention Plan ("SWPPP") submitted by the Applicant.²² DER noted that the draft SWPPP has been prepared by the Applicant in accordance with NYSDEC requirements and has been submitted to the Town of Oyster Bay for review under Chapter 204 of the Town Code and after the draft SWPPP is deemed acceptable by the Town of Oyster Bay, it will be forwarded back to NYSDEC.²³ The Draft TEQR Report also provides summaries of the complimentary and additional practices that will be employed as part of the Brownfield Cleanup Program process for the SWPPP and further states that DER reviewed Brownfield Cleanup Program documents, the draft SWPPP and the air quality screening analysis conducted by the Applicant on impacts associated with both the stationary HVAC equipment on the building and traffic emissions generated by the operations of the proposed warehouse.²⁴ The DER determined that, "based on the information provided by the applicant, it is not anticipated that the proposed action will result in any significant adverse environmental impacts

²⁰ See Draft TEQR Report at pg. 22.

²¹ See Draft TEQR Report at pg. 22.

²² See Draft TEQR Report at pg. 24-25.

²³ See Draft TEQR Report at pg. 25.

²⁴ See Draft TEQR Report at pgs. 25-29.

pertaining to on-site erosion and sediment control and overall effective-stormwater management” and (i) the operations of the proposed project will not have a significant impact on ambient air quality, (ii) the regional emissions for ozone precursors and GHG are minor, and (iii) the effects of construction are expected to be minimal and will be further reduced by standard mitigation measures.²⁵

District Comments/Request:

As noted in this submission, it appears that the DER may have relied upon and/or referred to the RAWP to determine that the Proposed Project will not have an adverse impact certain environmental factors, including erosion, flooding, and drainage, etc. or at a minimum, the DER referred to the documents throughout the Draft TEQR Report. Again, while the District understands that these are separate matters (SEQRA under the Lead Agency’s jurisdiction and the Brownfield Cleanup Program under the DEC’s jurisdiction), since the RAWP is not complete and subject to change in terms of the selected remediation and construction time period, the findings in the Draft TEQR Report may be subject to modification in parallel.

In addition, the Draft TEQR Report states that “there will be no significant adverse air quality impact on the South Grove Elementary School from the mobile sources or from the HVAC emissions, and thus, no cumulative air quality impact from these sources.”²⁶ It is respectfully requested that the DER and/or the Planning Advisory Board provide further detail and assurances concerning the foregoing. There also does not appear to be sufficient and/or supporting documentation for the conclusion that the construction and operation of a warehouse involving the operation thousands of vehicle daily trips will not have a significant impact as it relates to odors/ambient air and the District’s facilities. For example, as Walden points out, no air modeling study was conducted.²⁷

The District’s facilities are located in close proximity and our elementary-age population is sensitive. We therefore urge you to ensure that all necessary and appropriate measures are implemented.

Construction Impacts

The Draft TEQR Report provides that “[c]onstruction and demolition activities at the Proposed Project site have the potential to result in air pollutant emissions, primarily from the operation of equipment, fugitive particulate emissions and traffic associated with labor force and supplies/materials/debris.”²⁸ The Draft TEQR Report finds that the impact to air quality from construction activities are expected to be minimal, and that typical dust and GHG mitigation measures will be applied to reduce construction impacts.

²⁵ See Draft TEQR Report at pgs. 29, 33.

²⁶ See Draft TEQR Report at pg. 35.

²⁷ See Walden Report at Ex. A.

²⁸ See Draft TEQR Report at pg. 38.

The District and its Environmental Consultant do not agree that sufficient measures are in place to mitigate the impact on the District and its educational operations. By way of example, Walden's Report finds that there is not sufficient detail on the air monitoring procedures, the Site Plan documents lack air modeling to evaluate dust impacts and appropriate mitigation measures, CAMP air monitoring activities must be performed by an independent third party that must have the authority to shut down the job and implement control measures on five-minute average concentrations (not 15-minutes concentrations as stated in the generic CAMP included in the RAWP), and water misting systems must be established during construction alongside the South Grove Elementary School property.²⁹ Elementary-aged students spend a portion of their day outside, weather permitting, to allow for recreational and physical education activities. During the COVID-19 pandemic, schools have maximized fresh air ventilation through the use of open windows and other fresh air sources. The South Grove Elementary School is located in close proximity to the Proposed Project. It is therefore again respectfully requested that the Town and Planning Advisory Board ensure that all necessary measures are undertaken during construction and operation to avoid interruption to the educational operations of the District and protective measures implemented, especially near the South Grove Elementary School.

Noise

The Draft TEQR Report states that, since the Proposed Project will be operational 24 hours per day, will receive truck deliveries during the overnight hours, and is within relative proximity to the sensitive noise receptors such as South Grove Elementary School, the DER requested that specific analysis of potential noise impacts be thoroughly evaluated by the Applicant.³⁰ The Draft TEQR Report provides a summary of the findings of Ostergaard Acoustical Associates' noise evaluation of potential sound emissions generated by the proposed site conducted on behalf of the Applicant.³¹ Moreover, the Draft TEQR Report notes that significant revisions to the EEA and the noise evaluation to specifically address and consider the Syosset community were undertaken prior to DER acceptance of the document as satisfactory for the purposes of SEQR/TEQR.³²

District Comments/Request: The Draft TEQR Report concludes that, while there may be minor temporary noise impacts as it pertains to construction activities, the noise will be limited to hours and levels specified in the Town Code, and that as long as methodologies are properly utilized and maintained in accordance with the plans, it is not anticipated that the

²⁹ See Walden Report at Exhibit A.

³⁰ See Draft TEQR Report at pg. 39.

³¹ See Evaluation of Site Sound Emissions, Proposed Warehouse/Delivery Station, Oyster Bay, New York, dated November 13, 2020, prepared by Ostergaard Acoustical Associates.

³² See Draft TEQR Report at pg. 39.

proposed project will cause a significant adverse environmental impact during construction as it pertains to noise.³³

The District is concerned that the Site Plan documents do not provide sufficient detail on the noise and vibration impacts that would occur during the site construction period, or the measures proposed to mitigate the impact to South Grove Elementary School, located approximately 900-950 feet northeast of the subject property, and the Robbins Lane Elementary School.³⁴ More specifically, an acceptable construction calendar and noise mitigation plan has not been developed nor was the District consulted regarding the same; noise limits have not been established by a third-party engineer with authority to shut work down in the event of noise exceedances or instances where noise negatively impacts educational operations; noise measurements inside classrooms do not appear to be periodically scheduled during the construction phase to ensure compliance with ANSI standards; and, temporary sound barriers and a noise monitoring program for the construction phase have not been implemented to avoid adverse effects on students and staff. The District respectfully requests that the Applicant provide additional measures to mitigate the impact to the District and its educational operations for the students that may be impacted by the construction and operations at the site. Please refer to the District's Environmental Consultant's Report at Exhibit A for additional detail regarding the specific noise concerns of the District.³⁵

Other Community Services

The Draft TEQR Report states that the Applicant "is actively working with local utility providers, the Fire District and School District to address their concerns."³⁶ The District and its counsel attended one meeting with counsel for the Applicant and a representative of the potential future operator and raised general concerns concerning the Proposed Project as neither the Site Plan documents or the RAWP were available or shared with us for review at that time. No additional meetings were held between the District and the Applicant. The District is presenting its comments and concerns for the first time directly to the Planning Advisory Board based upon its review of the documents recently released.

Expanded Environmental Assessment

The Expanded Environmental Assessment ("EEA") was prepared for Syosset Park Development, LLC by VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. ("VHB"). The EEA includes sections concerning the project description, subsurface conditions (previous investigations and remediation and the Brownfield Cleanup Program),

³³ See Draft TEQR Report at pg. 43.

³⁴ The RAWP notes that the Robbins Lane Elementary School is located 2,200 feet from the Proposed Project. See RAWP at pg. 12.

³⁵ See Walden Report at Exhibit A.

³⁶ See Draft TEQR Report at pg. 56.

transportation and parking, noise and air quality. Certain sections of the EEA include proposed mitigation and others do not. For the reasons stated herein and in the District's Consultant Reports attached at Exhibits A and B, the District respectfully requests that the Planning Advisory Board address the District's concerns and require adequate and appropriate mitigation measures to be implemented before taking any action with respect to the Proposed Project.

In addition to the concerns raised in the Exhibits and above, we provide you with the following with respect to the Applicant's EEA. For your ease of reference, the comments that follow are listed in the order that they appear in the EEA followed by the District's comments and/or requests for clarification.

- The EEA states that the "community's feedback on the previous development proposals for the Site is well documented and was incorporated in the development of the current proposed action."³⁷ It is not clear from a reading of the EEA if previous comments of the District were addressed and/or incorporated into the EEA. It is noted however, that the District's concerns related to traffic could not have been addressed in the EEA by the Applicant, as the Proposed Project differs in size, scope and operation.
- The EEA states that "[c]onstruction is expected to occur over a 10-month period, including clearing of existing vegetation, the rough grading work required to accommodate construction activities, and the construction of the proposed warehouse, roadways, drainage utilizes, and other infrastructure."³⁸ It further provides that "all construction activities will be overseen by a Construction Manager (CM) and dictated by a Construction Management Plan developed in coordination with the Town of Oyster Bay."³⁹ At the outset, the 10-month period assumes that the preferred remedy in the non-final RAWP is approved. Notwithstanding, the Applicant does not reference or account for the student population located 900 feet from the proposed construction site and how its activities during construction may negatively impact the educational operations of the District and educational opportunities of the students it serves. We respectfully request that the Planning Advisory Board address this omission and the District's concerns to ensure that the educational instruction of our elementary-aged students is not disrupted in any manner.
- The EEA states that the "proposed Tenant has specific policies for its delivery services; if drivers do not abide by policies, the first time is a warning, the second time they lose their route(s), the third time their contract is terminated."⁴⁰ It is likely that the proposed Tenant's delivery vehicles will traverse Robbins Lane. The Robbins Lane Elementary School is located on Robbins Lane a short distance from the Proposed Project and a school speed zone is located near the school where students

³⁷ See EEA at pg. 1.

³⁸ See EEA at pg. 10.

³⁹ See EEA at pg. 10.

⁴⁰ See EEA at pg. 16, fn. 3.

arrive and depart both through busing services and walking. Should the Proposed Project move forward, the Applicant should ensure that its delivery service providers are made aware of the location of the Robbins Lane Elementary School, school zone speed limits and that they are alert to the student walkers in the vicinity and perhaps consider expansion of its policies to address the same.

- As noted above, the Applicant asserts a financial benefit to the District resulting from the Proposed Project.⁴¹ This is inaccurate for the reasons previously stated.
- The Applicant's submission spends a significant time reviewing the subject property's history and its participation in the Brownfield Cleanup Program⁴²; however, since presumably the EEA was finalized prior to the DEC's release of the Fact Sheet and issuance of the RAWP, the EEA does not reference that there is an open comment period for the RAWP that expires on January 11, 2021. This is of concern for the reasons previously stated.
- A significant part of the EEA pertains to traffic and the TIS undertaken on behalf of the Applicant.⁴³ It is the District's position that the Applicant has failed to consider or address the operations of the District and has not provided any assurances that the same will not occur in the future if the Proposed Project is approved.⁴⁴
- The EEA provides a summary of the Noise Evaluation Conducted by Ostergaard Acoustical Associates (OAA).⁴⁵ The EEA provides that, with respect to construction that "[u]nforeseen construction noise issues, should they arise, will be addressed by the Construction Manager through other noise control strategies."⁴⁶ The EEA does not provide sufficient detail on the noise and vibration impacts that would occur during the site construction period, or the measures proposed to mitigate these impacts as it relates to the District and its educational operations. Walden identifies several noise mitigation measures that are missing from the EEA as follows:
 - Development of an acceptable construction calendar;
 - Rows of evergreen tree plantings;
 - Development of an acceptable noise mitigation plan;
 - Noise limits and an independent contractor with authority to stop work;
 - Measurement of Classroom noise to ensure compliance with ANSI standards;
 - Noise assessments and measurements inside classrooms;
 - Temporary sound barriers during construction;
 - Plan to notify the District when construction activities and schedules could adversely affect students and staff; and
 - Noise monitoring program for the construction phase.
- The Applicant asserts that there will be "no significant adverse air quality impacts from the proposed warehouse operations as anticipated. Therefore no mitigation is

⁴¹ See EEA at pgs. 18-19.

⁴² See EEA at pgs. 20-44.

⁴³ See EEA at pgs. 45-92; see also Appendix M to the EEA with attachments.

⁴⁴ See supra at Section III; see also District's Traffic Consultant Report at Exhibit B.

⁴⁵ See EEA at pg. 93-117. see also Appendix N to the EEA.

⁴⁶ See EEA at pg. 112.

proposed.”⁴⁷ The Applicant further states that “[c]onstruction impacts are expected to be minor. Contractors would be required to implement ‘good housekeeping practices’ and other measures that will further reduce air quality and GHG emissions from construction activities.”⁴⁸ The District disagrees with this finding. Walden’s report outlines a comprehensive list of missing plans and studies that would be required to arrive at such a conclusion. Moreover, they have outlined a list of mitigation measures that would have to be implemented to accomplish said purpose both during construction activity and as well as vehicle use associated with the Site use for the following reasons.

- Vehicles for any Site construction must be clean diesel or low/zero emissions vehicles to minimize air pollution/ozone depletion during the construction period.
- The Project Documents lack an air modeling report that supports a comprehensive review of air quality impacts during construction and Site operation.
- The Site Plan documents indicate that the Applicant proposes to reduce GHG emissions by reusing existing pavement for recycled concrete aggregate and reclaimed asphalt pavement for use as base and paving material during construction. The documents lack detail on the reclamation/recycling methods that would be performed on-Site. In the absence of sufficient details, we cannot comment fully on the air quality and other potential impacts on District school facilities associated with this item.

⁴⁷ See EEA at pg. 133.

⁴⁸ See EEA at pg. 133.

VII. Conclusion and Summary

The Syosset Central School District and Board of Education have no approval role of the Site Plans for the subject property or the actions of the DEC. However, the District regards it as an obligation to comprehensively inform the agencies charged by law with these responsibilities with a complete analysis of the impact to our entity so that their decision-making is fully informed.

As stated in the District's cover letter, this submission and the Exhibits attached hereto, the Site Plan documents concerning the Proposed Project are incomplete, contain serious omissions that potentially threaten the health and safety of students and staff and/or negatively impact the District's educational operations. Accordingly, we do not believe that the Planning Advisory Board has sufficient details and information to make an informed determination at this time regarding the potential environmental impacts resulting from the Proposed Project.

We respectfully request that the Members of the Planning Advisory Board thoughtfully consider the District's comments and concerns. The District further requests that: (1) the Site Plan documents be revised to adequately address the concerns raised by the District and its Consultants; (2) additional and adequate protections and mitigation measures be implemented to address the District's concerns, should this process and the Proposed Project move forward; and, (3) an additional public comment period be provided by the Planning Advisory Board to review the revised Site Plan documents.

In closing, we again request the Town, and the Members of the Town Planning Advisory Board, take every necessary step to ensure that the health and safety of the students and staff and visitors to our schools and our surrounding school community are fully protected.

The District expressly reserves its right to supplement and/or modify these comments during the public comment period, and further reserves its right to modify any comments made herein should additional information concerning the Proposed Project become available.

Thank you in advance for your thoughtful consideration of the matters addressed in the District's letter and the District's submission with Exhibits.

Exhibit 1

*Report from Walden Environmental to
the District Dated January 6, 2020*



Sent via Email to TRogers@syosset.k12.ny.us

January 6, 2021
SYOS0118

Dr. Thomas Rogers
Superintendent of Schools
Syosset Central School District
99 Pell Lane
Syosset, New York 11791

Re: Comments on Town of Oyster Bay
Environmental Assessment Documents
Site Plan Application for Syosset Park Warehouse
305 Robbins Lane, Syosset, New York
Section 15, Block H, Lots 251 & 252

Dear Dr. Rogers:

Walden Environmental Engineering, PLLC (Walden) has reviewed the following documents related to the Site Plan Application submitted to the Town of Oyster Bay (Town) for the Syosset Park Warehouse Project (Project).

- Town of Oyster Bay Department of Environmental Resources Town Environmental Quality Review Division Review of Action and Recommended Determination of Significance Draft "TEQR Report" dated December 15, 2020
- Site Plans (36 sheets)
- Expanded Environmental Assessment for Syosset Park Warehouse (EEA, dated September 2020; Revised November 2020), including all attachments (Appendix A through Appendix N)
- Expanded Environmental Assessment for Syosset Park Warehouse (dated September 2020)
- Town of Oyster Bay Department of Environmental Resources Syosset Park Warehouse – Environmental Review Letter dated October 9, 2020 to Syosset Park Development, LLC
- P.W. Grosser Consulting, Inc. Traffic Impact Study and Site Plan Review Letter dated December 8, 2020 to Town of Oyster Bay Department of Environmental Resources
- P.W. Grosser Consulting, Inc. Traffic Impact Study and Site Plan Review Letter dated November 12, 2020 to Town of Oyster Bay Department of Environmental Resources



- Town of Oyster Bay Department of Environmental Resources Lead Agency Coordination Request dated September 10, 2020 to Lead Agency Coordination List (list not provided)
- Long Island Rail Road Lead Agency Coordination Response to Town of Oyster Bay Department of Environmental Resources dated October 2, 2020
- New York State Department of Environmental Conservation Lead Agency Coordination Response to Town of Oyster Bay Department of Environmental Resources dated September 24, 2020
- Copy of November 24, 2020 email correspondence from Scott L. Byrne, Superintendent of Planning, Town of Oyster Bay Department of Planning and Development to Sean Sallie, Deputy Commissioner, Nassau County Planning Commission related to Section 239-m Municipal Zoning Referral Submission

The documents listed above, collectively referred to herein as the “Site Plan documents”, were obtained from the link (<https://oysterbaytown.com/amazon/>) contained within the January 6, 2021 Planning Advisory Board meeting notice and/or provided by the Town of Oyster Bay in response to a Freedom of Information Law (FOIL) request submitted on behalf of Syosset Central School District (District).

In addition, Walden is currently reviewing the Alternative Analysis Report/Remedial Action Work Plan (RAWP, prepared by Roux Environmental Engineering and Geology, D.P.C. [Roux], revised November 19, 2020) for the Syosset Park Lots 251 and 252 Site located at 305 Robbins Lane, Syosset, New York (Site or Subject Property). The RAWP was released by the New York State Department of Environmental Conservation (NYSDEC) for public comment on November 25, 2020, along with a Fact Sheet entitled “*Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced*”.

Executive Summary

Based on Walden’s review of the documents related to the Syosset Park Warehouse Site Plan Application, a concise summary of significant findings and concerns related to the Project’s potential impacts on the District is presented below to guide the reader into the in-depth analysis that follows.

- Site remediation will not precede construction; the preferred remedial alternative described in the RAWP will establish a Site cover system by installing the proposed warehouse building, parking lots and landscaped areas over the entire Site.
- The preferred remedial alternative does not include any soil sampling in the area of the location where cyanide concentrations in the 2015 soil sample exceeded the NYSDEC Commercial Use Soil Cleanup Objective (CSCO) to determine if a localized area of contaminated soil remains, in which case the remedy should include targeted soil removal based on the additional data.

- There is no clear allocation of responsibility among the NYSDEC, the Town, and any other regulatory agencies having authority over any aspect of the Project. Having multiple agencies involved, without assigning a primary entity to have overall responsibility for the entire Project will undoubtedly lead to confusion at some point during construction. The District needs to know which agency to contact so immediate corrective action is taken by that agency should Site-related impacts occur at District school facilities any point during construction and long-term operation.
- The District must be informed regarding planned construction activities. The District recommends that the construction activities with the most potential to generate noise, dust or traffic be confined to school breaks and summer months when school is not in session.
- Construction plans are in various stages of development for the Project as discussed in more detail below. These plans will outline procedures and best management practices established to prevent or minimize impacts due to construction.
 - The effectiveness of these construction plans relies on a robust inspection and monitoring program to ensure that all of the appropriate protective measures included in the plans are fully implemented.
 - Independent third-party inspections by qualified inspectors who are authorized to stop work based on their observations are essential to make sure that construction activities are performed in accordance with the best practices available to prevent impacts on District facilities and educational operations.
- The Community Air Monitoring Plan (CAMP) developed for the Project follows the New York State Department of Health's (NYSDOH) generic CAMP format.
 - Recording dust concentrations every 5 minutes instead of every 15 minutes according to the generic CAMP would allow corrective actions to be taken immediately to reduce dust levels should they begin to spike, affording more protection to District schools, in particular South Grove Elementary School.
 - Operating an additional CAMP air monitoring station on the Town DPW property (with the Town's permission) directly adjacent to the South Grove Elementary School fence line would provide real-time data to ensure that dust concentrations at the School remain at acceptable levels, as the School is the nearest sensitive receptor to the construction zone. This additional protective measure would allow the District to take immediate action should dust levels increase.
- Installation of dust control measures such as a water misting system along the South Grove Elementary School fence line should be considered to provide maximum protection during construction to prevent dust impacts at the school.
- The Storm Water Pollution Prevention Plan (SWPPP) and Erosion & Sediment Control (E&SC) Plan developed for the Project follow the standard NYSDEC guidelines for storm water management. Additional protective measures such as retaining a third-party certified inspector to ensure all components of the SWPPP and E&SC Plan are being completed should be considered to prevent runoff and subsequent dust generation.



- The on-site drainage system has been designed based on a 5-inch rainfall rather than the 8-inch rain event specified in the *Nassau County Department of Public Works Drainage Requirements*. No evidence of a waiver from Nassau County has been encountered in the files reviewed.
- Noise impacts during construction are a concern at the District facilities, in particular South Grove Elementary School. Mitigation actions such as planting a row of tall evergreen trees along the school fence line, should be considered to reduce noise levels and minimize disturbance to educational activities.
- The following plans were found to be deficient and/or missing from the Site documents:
 - The Project Documents do not include a comprehensive, stand-alone Site-specific Soil/Materials Management Plan.
 - The Project Documents do not include a detailed Dust Control Plan.
 - The Project Documents lack air modeling to evaluate dust impacts.
 - As indicated above, the Project Documents do not provide sufficient detail on the air monitoring procedures.
 - The following components of the Stormwater Pollution Prevention Plan (SWPPP) must be completed prior to submission to the NYSDEC:
 - Signed certification forms from contractors and sub-contractors;
 - Signed Notice of Intent;
 - Signed MS4 SWPPP acceptance form;
 - Final approved site plans including the Erosion Control Plan; and,
 - Phasing or construction schedule.
 - The Soil/Materials Management Plan discussed in Section 5.4 of the RAWP fails to recognize that any soil excavated on-site must be characterized and evaluated in accordance with the NYSDEC Part 360 solid waste regulations prior to disposal.
 - An Excavated Materials Disposal Plan must be developed.
 - The Project Documents do not detail a noise monitoring program for the construction phase and as such is deficient in this regard.
 - The Remedial Engineer is not identified.

As noted above, in the absence of a clear division of responsibilities between the NYSDEC and the Town (and other involved agencies), Walden has evaluated the Site Plan documents and the RAWP in parallel because the Site development and construction activities detailed in the Site Plan documents comprise the preferred remedial alternative for the Site as described in the RAWP. The Syosset Park Warehouse construction would establish the Site cover system which is the essence of the RAWP's preferred remedial alternative; therefore, construction and remediation are inextricably intertwined in this Project.

Given the timing of the on-going Project reviews, with the Planning Advisory Board's Site Plan approval meeting (January 6, 2021) and the end of the NYSDEC's RAWP public comment period (January 11, 2021) less than a week apart, Walden believes it is important for the District to understand the issues presented in the Site Plan documents and the RAWP, consider the Project's potential impacts on District facilities, and evaluate available measures to protect District students and staff.

The remainder of this letter summarizes the Site history and existing conditions, significant concerns related to Site construction and the preferred remedial alternative, and comments on the Syosset Park Warehouse Site development and construction plans as they relate to potential impacts on District facilities and its educational operations. Comments are also presented regarding the Town Department of Environmental Resources' recommendation that the Planning Advisory Board, as Lead Agency for the SEQRA review, issue a Negative Declaration for the proposed action.

Overview of Site Information

Former Cerro Wire and Conduit Company Site Operations and Pre-2015 Investigations and Remediation

In the early 1950's, the Cerro Wire and Conduit Company (Cerro) developed approximately 39 acres spanning Nassau County Tax Lots 251 and 252 in the southern portion of what is now the Syosset Park Site. Cerro manufactured steel electrical conduit, copper rods and steel for use in construction. The primary manufacturing operations performed at the Cerro Site were steel wire drawing, caustic cleaning, acid pickling, zinc electroplating and rinsing. Wastewater treatment methods included alkaline chlorination and metals precipitation. Copper, lead, nickel and zinc were immobilized in a non-hazardous lime-based sludge which was pressed into a filter cake and then disposed of on-site or transported to an off-site disposal facility. The treated wastewater effluent was discharged to three on-site recharge basins until 1982, when the Cerro Site connected into the Nassau County sewer system; at this point on-site discharge ceased. The Cerro Site was added to the New York State Registry of Inactive Hazardous Waste Disposal Sites (State Superfund List) in 1983 due to environmental impacts caused by on-site manufacturing and waste disposal practices.

Cerro operated at the Site until November 1986 and then initiated a Site Decommissioning Program under NYSDEC and New York State Department of Health (NYSDOH) oversight, removing wastes and materials from the Site including cyanide solution, copper sulfate, plating solutions and sludge, as detailed in the RAWP. Numerous investigations were completed between 1987 and 2004, including collection and analysis of hundreds of soil, groundwater and air samples to document Site conditions, assess risks posed by contamination associated with the Site, and guide remedial efforts. The RAWP summarizes the investigations and remediation



work completed at the Site under NYSDEC and NYSDOH oversight. Investigations conducted between 1987 and 1991 identified three Site constituents of concern: copper, cyanide and zinc. NYSDEC and NYSDOH approved a 1991 Baseline Risk Assessment which established Site-specific standards for copper (5,200 mg/kg), cyanide (3,100 mg/kg) and zinc (6,800 mg/kg). The RAWP indicates that neither cyanide nor zinc was identified in soils above the respective Site-specific standards. In 1992, based on Site characterization data and the Site-specific standards, copper contaminated soils were excavated from former operation areas at the Site and disposed of off-site. After removal the copper-impacted soils, NYSDEC removed the Cerro Site from the State Superfund list in February 1994. NYSDEC imposed no restrictions on future Site use or development when the Cerro Site was delisted.

Additional environmental investigations performed between 1997 and 2004 related to property transfers and Site clearing identified soils with copper concentrations above the Site-specific standard and/or semi-volatile organic compound (SVOC) concentrations above the NYSDEC Technical and Administrative Guidance Memo (TAGM) 4046 guidance levels applicable at that time. Copper and SVOC-impacted soils were excavated and disposed of off-site in 2004. Other contaminated soils, debris and residue were removed in 2004-2005 during underground fuel tank removal, asbestos abatement and building demolition activities at the Site. The RAWP summary of the pre-2015 soil investigation and remediation activities indicates that the identified metal and SVOC impacts were remediated to the Site-specific standards at the time and/or the NYSDEC TAGM 4046 guidance levels as appropriate.

Groundwater investigations completed at the Site between 1987 and 1997 determined that groundwater was not adversely impacted by historic Site operations. The RAWP summary of the groundwater investigation results indicates that no dissolved compounds were detected above the NYSDEC Ambient Water Quality Standards and Guidance Values (AWQSGVs).

Site Investigations Completed Between 2015 and 2019

Roux was retained by the current Site owner, Syosset Park Development LLC, to complete a soil investigation to obtain current baseline soil quality data, supplement previous investigations in consideration of proposed future Site use, and to obtain additional data to support an application to enter the Site into NYSDEC's Brownfield Cleanup Program (BCP). The RAWP compares the 2015 soil investigation results to the NYSDEC Part 375 Commercial Use Soil Cleanup Objectives (CSCOs) and identifies copper and SVOCs as constituents of concern in soil at the Site based on the data. Cyanide was detected in one sampling location at a concentration of 28 mg/kg vs. the 27 mg/kg CSCO, therefore the RAWP indicates that cyanide is not considered a constituent of concern at the Site.



Groundwater samples were collected from on-site monitoring wells in 2016. The findings of this groundwater investigation were consistent with previous findings, which indicated that groundwater had not been impacted by historic use of the Cerro Site.

Syosset Park Development, LLC submitted a BCP application for the former Cerro Site to NYSDEC and the Site was accepted into the BCP in 2016 and assigned BCP Site #C130002. Under the BCP, the developer conducted further investigation work pursuant to a NYSDEC-approved *Remedial Investigation Work Plan* (Roux, September 2017) to characterize current Site conditions. The Remedial Investigation (RI) consisted of soil vapor and groundwater sampling. The RI results are presented in *Remedial Investigation Report: Syosset Park Lots 251 & 252 (BCP Site No. C130002)* (RIR, prepared by Roux Associates, dated May 8, 2020) and summarized in the RAWP.

Soil vapor sampling was conducted at ten (10) locations around the perimeter of the Site during the RI. The RAWP states that the concentrations of Site-related VOCs detected in the soil vapor samples were not of concern given the anticipated remedial actions and redevelopment plans for the Site.

The RI groundwater sampling at the Site was completed in 2019 and the samples were analyzed for VOCs, SVOCs, metals, polychlorinated biphenyls (PCBs), pesticides, PFAAs and 1,4-dioxane. PFAAs were detected in each of the on-site monitoring wells sampled at concentrations above the 10 ppt drinking water standards (MCLs) adopted by New York State. The RAWP indicates that groundwater sample results are consistent with naturally-occurring compounds and do not indicate Site-specific groundwater contamination.

Remedial Action Work Plan/Preferred Remedial Alternative

The RAWP summarizes the nature and extent of contamination at the Site as determined based on the RI, evaluates remedial alternatives and describes a remedial action program for the preferred remedy. The following remedial action alternatives are evaluated in the RAWP:

1. Alternative 1: Track 1 Unrestricted Use Cleanup
 - Excavation and off-site disposal of soil (approx. 636,687 cubic yards) that exceeds Unrestricted Use SCOs (UUSCOs) and backfilling area with material meeting UUSCOs
2. Alternative 2: Track 4 Commercial Cleanup
 - Soil excavation as required for grading and to support redevelopment plans
 - Site Cover System to address exposure to soils; cover would consist of building slabs/foundations, asphalt, concrete sidewalks, or one foot of clean soil



- Site Management Plan and Environmental Easement to ensure integrity of Site Cover System; Site use is restricted and groundwater use is restricted

3. Alternative 3: No Further Action

- Site would remain in current state with no additional controls

Based on an evaluation and comparison of these alternatives in accordance with NYSDEC's *DER-10 Technical Guidance for Site Investigation and Remediation*, the RAWP identifies Alternative 2 as the Preferred Remedy for the Site. The RAWP states that implementation of this remedial action will include accompanying work plans that will ensure:

- Access to the Site will be controlled;
- Proper handling of on-Site soils;
- Imported backfill meets NYSDEC approved backfill or cover soil quality objectives for the Site;
- Monitoring and control of dust under an approved Community Air Monitoring Plan (CAMP);
- Prevention of stormwater and erosion runoff from construction activity; and
- Truck traffic will be restricted to a direct route to/from the Long Island Expressway.

The RAWP states that no additional formal Remedial Design document will be prepared, as all details for the remedial action program and implementation are included within the RAWP. However, the Site Plan documents from the Town's files contain significantly more information on the proposed construction and Site development, which is vital to the overall evaluation of the Preferred Remedial Alternative and the impacts this alternative would have on the District facilities.

Comments Related to the Proposed Action and Potential Environmental Impacts on the District

The RAWP indicates that residual contamination remains in soil at the Site, with concentrations of copper, SVOCs and cyanide exceeding the CSCOs for these contaminants. The RAWP presents a Preferred Remedial Alternative (Alternative 2: Track 4 Commercial Cleanup/Cover System) to address this contamination. The comments included herein focus on information notably absent from the Site Plan documents and the RAWP, and the lack of specific detail which prevents a complete evaluation of the environmental impacts the project would have on District facilities, operations, and the health and safety of the students, staff and visitors at the South Grove Elementary School and Robbins Lane Elementary School, located approximately 950 feet and 2,200 feet from the Site, respectively.

1. Division of Responsibilities for Site Construction/Remediation and Long-Term Management

The Site Plan documents and the RAWP lack a clear division of responsibilities between the Town and NYSDEC with respect to overseeing the remediation/construction activities and ensuring that all applicable rules and guidelines are followed with respect to the following:

- The Preferred Remedy will be implemented under strict NYSDEC and NYSDOH oversight.
- The Town states that NYSDEC has approval authority of the location of the drainage infiltration zones through its review and approval of the RAWP.
- The Town also has jurisdiction over stormwater management through the MS4 program and SWPPP review process.
- Once the Town reviews the SWPPP, it will be forwarded to NYSDEC for review.
- The Town is responsible for granting permission to disturb more than five (5) acres of the Site at one time under the SWPPP.
- The RAWP includes a CAMP as required by NYSDEC and NYSDOH.
- NYSDEC's solid waste management regulations govern on-Site material reuse and fill from off-site sources.
- After the Site cover system is installed, NYSDEC will approve a Site-specific Site Management Plan to detail long-term management of engineering controls, institutional controls, and soils in exceedance of CSCOs.

This is not an inclusive list of the requirements/programs that apply to the Project. It is imperative that the Town, NYSDEC, NYSDOH and any other involved agencies define roles and responsibilities before construction starts to ensure that the work is managed properly to avoid potential impacts. Assignments of responsibilities must be done before these plans and documents are finalized.

2. RAWP Alternatives Fail to Include Targeted Removal of Contaminated Soil

The RAWP fails to evaluate any alternatives that offer a hybrid approach whereby targeted areas of soils exceeding the NYSDEC Part 375-6.8 (b) Commercial Use Soil Cleanup Objectives (CSCOs) for Site contaminants would be excavated and removed from the Site before a cover system is installed over the Site.

Cyanide was detected during the 2015 soil investigation at concentrations above the 27 mg/kg CSCO in two samples from one soil boring (RC-35). This boring is located within the Former Building E sump and trench area where contaminated soils were previously removed in 2004. No further sampling was performed based on the 2015 results to evaluate the extent of contamination remaining around RC-35. At a minimum, additional sampling should be required to determine if the area around RC-35 is a localized area of



soil contamination where the concentrations of cyanide (and possibly other contaminants) exceed the CSCOs and to evaluate the benefit of targeted soil removal in this area. This is consistent with the District's 2018 request for independent testing. If this analysis indicates that excavation and off-site disposal of a localized area(s) of soil contamination around RC-35 would provide greater protection of human health and the environment as compared to capping alone, the Preferred Remedial Alternative should be modified to include targeted soil removal if any hotspots are located by additional sampling.

3. *Remedy Selection Considerations Related to Site's Proximity to School*

DER-10 Section 4.1 (e) (2) states: "Adjacent residential properties. Where residential properties . . . or other uses appropriate to such residential use categories (e.g., schools), are adjacent to a site where a commercial or industrial soil cleanup is proposed, additional considerations are necessary during remedy selection. Specifically, the development of remedial alternatives must address, as set forth at 6 NYCRR 375-6.7(c), the migration of soil with remaining contamination which could impact these adjacent residential properties. The remedy selection process will consider, based on the findings of the RI:

- i. whether contamination remaining after the application of commercial or industrial soil SCGs will, or may have the potential to, impact adjacent residential properties by one of the following pathways:
 - (1) through migration of soil as fugitive dust; or
 - (2) transportation of the soil by erosion through surface water runoff . . ."

This excerpt from DER-10 highlights the importance of controlling contaminant migration from the Site due to dust, erosion and runoff during construction and full-scale operation following Site development.

4. *Significant Omissions from Project Documents*

The RAWP and Site Plan documents (Project Documents) omit certain plans and details which are required to adequately assess the impacts the Preferred Remedial Alternative, proposed construction methods and overall Site development would have on the District, and practices that are essential to control and minimize the Project's potential health and environmental impacts on the District. Additional comments related to these plans are presented in the appropriate sections below.

- a. The Project Documents do not contain a detailed site-specific **Community Air Monitoring Plan (CAMP)**.



- i. The RAWP only includes the generic CAMP published by the New York State Department of Health and lacks Site-specific details to provide adequate protection during the project.
 - ii. Preparation of a detailed Site-specific CAMP cannot be delayed until construction is imminent as it directly affects the evaluation of potential impacts presented by the proposed development and how to prevent and manage these impacts. In the absence of details, we cannot comment fully on this item.
- b. The Project Documents do not include a comprehensive, stand-alone Site-specific **Soil/Materials Management Plan**.
 - i. The Draft TEQR Report and the RAWP provide an overview of the methods to be implemented during construction, including soil stockpiling, material reuse on-Site, soil transportation, backfill from off-site sources and dust control. The discussion lacks details including Site areas to be excavated, excavation depths, quantities of soil to be excavated and moved at the Site, stockpile areas, etc.
 - ii. Preparation of a detailed Site-specific Soil/Materials Management Plan cannot be delayed as it directly affects the evaluation of potential impacts presented by the proposed development and how to prevent and manage these impacts. In the absence of a detailed Soil/Materials Management Plan, we cannot comment fully on this item.
- c. The Project Documents do not include a detailed **Dust Control Plan**.
 - i. The RAWP includes a generic discussion of basic dust suppression methods. This discussion is limited to controlling dust using water to wet areas of soil disturbance and sweeping roadways/sidewalks adjacent to construction exits.
 - ii. Preparation of a detailed Site-specific Dust Control Plan cannot be delayed as it directly affects the evaluation of potential impacts presented by the proposed development and how to prevent and manage these impacts. In the absence of a detailed Dust Control Plan, we cannot comment fully on this item.

5. Key Contaminant Migration Concerns

The major release pathways for the contaminants of concern that pose a threat to the District, and in particular South Grove Elementary School, are migration from the Site in dust/air and storm water.



- a. The primary health concern during construction relates to the transient air contaminants that would be released in the form of dust from the Site.
- b. The potential exists for contaminants to be released during construction activities at the former Cerro Site and subsequently migrate off-site to impact South Grove Elementary School.

These concerns are addressed by various plans detailing proper construction practices to prevent impacts. The adequacy of these plans is discussed in the sections below; deficiencies and recommendations to improve the plans are also presented.

6. *Dust Concerns*

Environmental concerns related to dust are driven by soil disturbance during excavation and earth moving at the Cerro Site during the Brownfields remedial action and Site development.

- a. The Project Documents lack air modeling to evaluate dust impacts and establish the basis for evaluating appropriate protective measures to prevent dust from migrating to District properties. The District has five schools within a one-mile radius of the Site which could be at risk for dust impacts depending on conditions. In the absence of air monitoring, we cannot comment fully on dust impacts due to Site remediation and construction.
 - i. The distance dust can travel depends on atmospheric conditions (including wind speed, prevailing wind direction, humidity, etc.) and the weight of the dust particles the contaminants are adhered to.
- b. The Project Documents do not provide sufficient detail on the air monitoring procedures that would be employed to track impacts during construction. The air monitoring program must be set forth in a site-specific CAMP developed in accordance with DER-10 (Technical Guidance for Site Investigation and Remediation, May 2010). Preparation of the CAMP cannot be delayed as it directly impacts the evaluation of potential impacts presented by the proposed construction and how to prevent and manage these impacts. In the absence of details, we cannot comment fully on this item and as such, the RAWP is deficient in this regard.
 - i. CAMP air monitoring activities must be performed by an independent third-party for any and all construction involving excavation or grading, anywhere on the Site. Monitoring stations must be placed along the edge of the construction zone at the Site and on the property line alongside the School property. The independent third-party air monitor must have the authority to immediately shut down the job and implement additional dust

- control measures as appropriate based on five-minute average concentrations, not 15-minute average concentrations as stated in the generic CAMP included in the RAWP.
- ii. Operating an additional CAMP air monitoring station on the Town DPW property (with the Town's permission) directly adjacent to the South Grove Elementary School fence line would provide real-time data to ensure that dust concentrations at the School remain at acceptable levels. This additional protective measure would allow the District to take immediate action should dust levels increase at South Grove Elementary School, the nearest sensitive receptor to the construction zone.
 - iii. The CAMP must include a comprehensive program detailing the sequence of events and response times in the event air monitoring indicates action is needed. The CAMP must ensure there is no lapse in response that would allow contaminants to migrate off-site and put the School at risk.
 - iv. Water misting systems must be established during the construction period alongside the South Grove Elementary School property. Misting systems can more effectively prevent dust from leaving the construction area than a sprinkler system, since the water droplets are sized to attach to the dust and cause its settlement.
 - v. On days where winds are forecast to be greater than 15 to 20 mph and blowing towards South Grove Elementary School, misters must be used during all excavation and earth moving activities to prevent dust from migrating off-site to avoid impacts on the School.
 - vi. In addition to water misting to control dust, the most protective dust control procedures and construction practices must be implemented to minimize dust migration and protect South Grove Elementary School and all downwind receptors.
- c. The Site Plan documents state that construction and demolition activities have the potential to result in air pollutant emissions, primarily from the operation of equipment, fugitive particulate emissions and traffic associated with the work. Greenhouse gas (GHG) emissions will also be generated from equipment operation, construction-related traffic, and electricity demand. Other air quality mitigation measures that may be employed during construction, as recommended in the EEA include:
- i. Use of properly maintained construction equipment
 - ii. Limit idling where practicable
 - iii. Use electrical equipment when feasible
 - iv. Use biodiesel where available
 - v. Cover or stabilize storage piles



- vi. Cover construction trucks carrying demolition materials
 - vii. Provide provisions for vegetative cover, mulch, spray-on adhesive, calcium chloride application for all inactive exposed areas
 - viii. Use water sprinkling to reduce dust
 - ix. Use wind barriers
 - x. Construct temporary graveled entrance/exit to the construction site
 - xi. Install wheel-washing stations at the entrance/exit to the site to prevent carry-out.
- d. The District must immediately be notified if there are any exceedances regarding air quality during construction.

7. Storm Water Management Concerns

Mobilization of contaminants from the Site via storm water runoff and subsequent transport onto the South Grove Elementary School property during construction and future Site use also poses a significant risk to the District. Strict adherence to a comprehensive Storm Water Pollution Prevention Plan (SWPPP) and Site-specific Erosion and Sediment Control (E&SC) Plan is imperative to address runoff and erosion during construction and to prevent associated impacts on the School.

- a. A **Storm Water Pollution Prevention Plan (SWPPP)** was prepared on behalf of the Applicant and submitted to the Town as part of the revised EEA. Section IV of the SWPPP and Sheet C5.00 includes an Erosion and Sediment Control Plan. The SWPPP directly affects the evaluation of potential environmental impacts presented by the proposed development and how to prevent and manage these impacts. Standard practice requires the Town and NYSDEC to evaluate the SWPPP and confirm that it establishes a program which includes all the requirements specified by NYSDEC General Permit No. GP-0-20-001 for Storm Water Discharges from Construction Activity before construction commences.
- b. The SWPPP provisions include the following:
 - i. The Town must approve disturbance of more than five (5) acres of the Site at one time under the SWPPP. The SWPPP requires two inspections per week during site disturbance/construction activity.
 - ii. The amount of exposed soil and the number of active soil stockpiles will be minimized to the maximum extent practicable during construction.
- c. The SWPPP must be strictly enforced during the entire site preparation, construction, and final grading periods to ensure that storm water and sediment do

not migrate and get tracked off-site via runoff and on vehicle tires leaving the Site.

- d. The Syosset Park Warehouse development would significantly increase the percentage of impervious lot coverage compared to the existing conditions where the property is mainly vegetated so most of the storm water can infiltrate into the ground. Thus, much more storm water would have to be managed on-Site. The Project Documents describes the proposed on-Site stormwater management system consisting of recharge basins and subsurface drainage systems, but does not include sufficient detail on how storm water from various portions of the Site would be managed. In addition, the Project Documents does not provide specifications for the drainage infrastructure to be installed to meet the *Nassau County Department of Public Works Drainage Requirements* for on-Site storm water management.
- e. The Syosset Park Warehouse Site Plans (Sheet C3.00) contain storm water design calculations for the on-Site storm water storage systems based on five (5) inches of rainfall. However, the *Nassau County Department of Public Works Drainage Requirements* specify that plans for new construction at commercial (non-residential) properties “shall provide for eight (8) inches of onsite storm water storage for the site.” The Site Plans lack details on how the volume of stormwater will be managed on-Site in accordance with the NCDPW requirements. Walden’s file review has not found evidence that any waiver has been granted.
- f. According to the SWPPP provided as an Appendix to the Expanded Environmental Assessment, the following components of the SWPPP must be completed prior to submission to the NYSDEC:
 - i. Signed certification forms from contractors and sub-contractors;
 - ii. Signed Notice of Intent;
 - iii. Signed MS4 SWPPP acceptance form;
 - iv. Final approved site plans including the Erosion Control Plan; and,
 - v. Phasing or construction schedule.
- g. The Project Documents do not adequately address the potential for contaminants of concern at the former Cerro Site to migrate in air as dust, settle on the ground surface in the vicinity of the Site near South Grove Elementary School, and then be carried by storm water runoff onto the School property and by drainage into the Nassau County recharge basin adjacent to the School. These conditions

would serve to concentrate the contaminants of concern and represent a significant risk to the School.

- h. The RAWP states that VHB would be contracted by Scannell Properties (the Construction Manager for the Site development) to perform E&SC inspections (at least two inspections every seven calendar days) to ensure compliance with the SWPPP. Daily inspections during the construction period would be more appropriate considering the magnitude of the proposed project and its proximity to South Grove Elementary School.
- i. The Project Documents do not adequately detail the extent of project oversight that would be required under the Town's Municipal Separate Storm Sewer System (MS4) program. Given the scope of the Syosset Park Warehouse project, frequent MS4 inspections would have to be conducted by the Town and an independent third-party to track compliance with MS4 plans. To avoid delays and ensure immediate corrective action is taken, the qualified third-party inspectors must be empowered to make decisions and order work stoppages as warranted if MS4 violations are observed.

8. *Excavation and Soil Handling Concerns*

The Site investigation results presented in the Project Documents indicate that residual soil contamination remains in soils throughout the Site. Therefore, it is imperative that all soils be handled properly and in accordance with all applicable regulations in order to prevent impacts to the vulnerable population of children at South Grove Elementary School.

- a. The Project Documents state that Site development will involve soil excavation for storm water infiltration structures, utility installation and building footings. In addition, existing soils will be regraded to prepare the Site for the cover system construction. The Soil/Materials Management Plan discussed in Section 5.4 of the RAWP fails to recognize that any soil excavated on-site must be characterized and evaluated in accordance with the NYSDEC Part 360 solid waste regulations to determine which soil (if any) can be reused on-site. Future soil analytical data generated in compliance with Part 360 would also provide additional information to evaluate impacts associated with contaminant migration in dust and storm water.
- b. The Draft TEQR Report indicates that the warehouse building will be slab on grade construction, however, the Site Plans do not include any construction specifications or information related to footing depths or the volume of soils to be

excavated for building construction. In addition, the Site Plan documents do not quantify the volume of soils that would be excavated or disturbed during construction. Based on the drainage area calculations presented on the Site Plans (based on a 5-inch rain event), Walden estimates that approximately 28,000 cubic yards of soil would be excavated to install the on-site storm water storage system. The Project Documents lack the detail required to quantify how much additional soil would be disturbed during Site grading.

- c. The Project Documents do not provide detail on the proposed excavation procedures that would be used at the property where widespread residual soil contamination remains. An Excavated Materials Disposal Plan must be developed to detail characterization and appropriate handling of excavated soils (based on recent NYSDEC Part 360 solid waste regulations), including reuse as on-Site fill and off-site disposal.
- d. The Project Documents do not provide sufficient detail on the proposed excavation and soil handling procedures to be employed during construction. Preparation of a detailed, Site-specific Soil/Materials Management Plan cannot be delayed as it directly affects the evaluation of potential impacts presented by the proposed construction and how to prevent and manage these impacts. In the absence of details, we cannot comment fully on this item and as such, the documents are deficient in this regard.
- e. The Project Documents do not provide a comprehensive Dust Control Plan with adequate detail on the proposed methods to reduce dust generation and runoff during construction. Preparation of a detailed, Site-specific Dust Control Plan cannot be delayed as it directly affects the evaluation of potential impacts presented by the proposed construction and how to prevent and manage these impacts. In the absence of details, we cannot comment fully on this item and as such, the documents are deficient in this regard.

9. Syosset Landfill Cap Integrity

The deed restrictions in place for the Syosset Landfill Site, located between the former Cerro Site and South Grove Elementary School, prohibit disturbance of the Landfill cap and buried waste. During all construction activities associated with remediation and development at the former Cerro Site, care must be taken to ensure that the Landfill cover is not disturbed or breached. Appropriate and adequate construction practices must be utilized to protect the cap and maintain its integrity.

10. General Construction Concerns

Construction impacts on South Grove Elementary School would be inevitable during the build out of the Syosset Park Warehouse Site if the proposed development moves ahead. K-5 students are a vulnerable population and their health, safety, and learning would be significantly impacted by the development of the Site. The School must be protected using the best available methods during construction to ensure that the well-being of the students, staff and visitors at South Grove Elementary School and throughout the District is not jeopardized.

- a. The Project Documents do not address establishing an adequate buffer between the construction areas closest to South Grove Elementary School and the School itself to minimize disturbance to the learning environment and K-5 students.
- b. The Project Documents lack a construction schedule developed to prevent interruption to outdoor recreation time (recess, physical education and other outdoor activities) which is vital to the students at South Grove Elementary School.
- c. The Site Plan documents present the specific anticipated sequence of construction as follows:
 - i. Installation of erosion control devices, including silt fence and anti-tracking pad for construction entrances
 - ii. Removal of existing vegetation (small scattered trees and bushes)
 - iii. Earthwork – rough grading of site (strip topsoil and stockpile in designated areas where applicable), rough grading and subsurface drainage installation
 - iv. Installation of building foundation
 - v. Building construction
 - vi. Utility connections to buildings
 - vii. Fine grading, asphalt and concrete paving
 - viii. Landscaping
 - ix. Building interior finishing
 - x. Removal of erosion control devices
- d. Potential impacts on South Grove Elementary School and Robbins Lane Elementary School during construction and full-scale operation at the Syosset Park Warehouse facility are not evaluated in sufficient detail, considering the sensitive elementary school population. The District must be consulted prior to the start of work to ensure that all appropriate actions are taken to minimize school impacts to the greatest extent possible.



- e. The Site Plan documents state that, according to Section 156-4 of the Town Code, construction activities are permitted to occur between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday. While the District school facilities will not be impacted by Site construction work that occurs before and after normal school hours, District activities held during the evening and on Saturdays may be impacted by construction. The District must be apprised of the construction schedule and planned work activities so it can take appropriate action to minimize impacts to School facilities and events.
- f. The Project Documents fail to acknowledge the possibility of scheduling construction during school breaks and after school hours, especially those activities which generate the most disturbance (i.e., dust, noise, vibration).

11. Noise and Vibration Concerns

The Project Documents do not provide sufficient detail on the noise and vibration impacts that would occur during the Site construction period, or the measures proposed to mitigate these impacts and as such, the documents are deficient in this regard.

- a. The Evaluation of Site Sound Emissions dated November 13, 2020 provided in Appendix N of the Expanded Environmental Assessment states that construction activities may impact South Grove Elementary School. The report indicates that heavy equipment operation will be restricted to daytime hours and follow the construction hours allowed by the Town Code, and that the Construction Manager will coordinate major construction activities with the school to avoid performing such work during sensitive times.
 - i. An acceptable construction calendar would have to be developed with agreement by all parties, which shall include consultation with the District well in advance of the start of construction to protect the interests of students and staff during testing periods, etc.
- b. The Project Documents fail to consider appropriate complete noise mitigation measures to reduce noise impacts on the School. The effectiveness of various noise mitigation options (such as planting tall evergreen trees along the School property fence line closest to the Site) in reducing noise impacts on the School would have to be evaluated further based on modeling. An acceptable noise mitigation plan would have to be developed with agreement by all parties, and should include consultation with the District.

- c. If any pile driving activities are required for construction at the Site, pile driving noise limits must be established and a third-party independent engineer with authority to shut down the work must be on-Site during such work.
- d. The Project Documents fail to acknowledge that all noise assessments would also include the American National Standard Institute (ANSI) standard for classroom noise, as indicated at: <https://www.asha.org/public/hearing/American-National-Standard-on-Classroom-Acoustics/>. Noise measurements inside classrooms must be periodically scheduled during the construction phase to ensure compliance with the ANSI standards.
- e. Temporary sound barriers are also noted as a means to mitigate noise impacts. The District must also be informed of construction activities and schedules that could impact South Grove Elementary School, so appropriate action can be taken to reduce noise and avoid adverse effects on students and staff.
- f. The Project Documents do not detail a noise monitoring program for the construction phase and as such is deficient in this regard.

12. Traffic Concerns

The Syosset Park Warehouse Site development would result in increased traffic during construction and due to future Site operations.

- a. The Site Plan documents (EEA) include a **Traffic Impact Study Plan** which is currently being reviewed by a firm with expertise in traffic analysis. This firm will provide separate comments on the traffic associated with Site construction and future operations, and controls to minimize impacts on District schools, particularly during hours when students are being dropped off and picked up from school.

13. Air Quality Concerns (non-dust)

The proposed Syosset Park Warehouse Site development would impact air quality due to construction activity and as well as vehicle use associated with the Site use.

- a. Vehicles for any Site construction must be clean diesel or low emissions vehicles to minimize air pollution/ozone depletion during the construction period.
- b. The Project Documents lack an air modeling report that supports a comprehensive review of air quality impacts during construction and Site operation.

- c. The Site Plan documents indicate that the Applicant proposes to reduce GHG emissions by reusing existing pavement for recycled concrete aggregate and reclaimed asphalt pavement for use as base and paving material during construction. The documents lack detail on the reclamation/recycling methods that would be performed on-Site. In the absence of sufficient details, we cannot comment fully on the air quality and other potential impacts on District school facilities associated with this item.

14. Concerns Related to Monitoring and Inspections During Construction at Syosset Park Lots 251 & 252

Given the scope of the proposed Site development plan, all aspects of construction must be managed, monitored and inspected by an independent third-party team whose members are licensed and qualified to perform the required tasks, understand the potential impacts, and are not affiliated with any of the involved parties.

- a. The Site Plan documents state that “all construction activities will be overseen by a Construction Manager (CM) and dictated by a Construction Management Plan developed in coordination with the Town of Oyster Bay. The CM will facilitate coordination among the appropriate governmental agencies/departments and interested parties to minimize potential construction impacts in the surrounding area.” However, several very important details are not provided. The CM is not identified. No procedure is presented describing how a qualified, independent CM would be selected, and by whom. No information is provided on the content of the Construction Management Plan and the stakeholders that will decide on the content of this plan. The responsibilities for compliance with the plan and consequences for non-conformance are not assigned.
- b. The RAWP identifies the remedial construction team assembled by the Site Owner. Scannell Properties is listed as the Construction Manager for the Project.
- c. The Draft TEQR Report states that the Remedial Engineer will oversee, document and inspect the installation of the site cover system (the RAWP preferred remedial alternative). However, the Remedial Engineer is not identified.
- d. The Project Documents do not acknowledge that anyone involved in monitoring or inspecting the work must be an independent third-party to avoid potential conflicts of interest. The Construction Manager must be a licensed New York State Professional Engineer with the authority to immediately stop work and order changes in work practices as necessary. The Construction Manager must provide daily reports and updates (when problems occur) to the Town and District.

- e. The number of independent inspectors on-Site must include qualified air monitors, E&SC inspectors, etc. to fully cover all construction work at the Site. The number of inspectors may vary depending on the scope of the construction activities at any time. The number of inspectors must always be sufficient to monitor the construction in progress.
- f. The independent on-site monitoring/inspection team must be independent, qualified professionals with experience and certifications as needed to perform the assigned tasks. The team would be led by a licensed New York State Professional Engineer at the Site during all construction. This team cannot be not retained by the construction contractors or developer. It can be a collaboration between Town, County, NYSDEC and USEPA, assembled by interested parties, or a firm that has no ties to the developer, contractors or other parties with an interest in the Site or community. The most important thing is to ensure there is no conflict of interest which could sway the monitoring/inspection program one way or the other. The monitoring/inspection program would be funded by monies set aside by the developer and would report to the Town and District.
- g. The air monitors and construction inspectors must have the authority to immediately shut down construction based on monitoring results or any observed improper construction activities.

15. School Security Concerns

Due to factors such as the multitude of personnel that would be working on the Site every day during construction and Site operations, the proximity of the Project to South Grove Elementary School presents a security risk to the District. A secure barrier fence must be installed between the Site and South Grove Elementary School for security, to maintain a buffer, and to establish a visual screen from the construction site.

Miscellaneous Comments

While Walden's review has focused on potential environmental impacts on District facilities, as part of our review of the Site Plan documents and the RAWP, we have identified a number of other issues as noted below.

1. Development at the Site would displace rodents/vectors which currently occupy the overgrown vacant portions of the Site. The documents do not provide any details on proposed rodent/vector control; therefore, we cannot comment fully on how the project would prevent rodents/vectors from expanding their territory into the surrounding community, including District facilities.



2. The Site Plan documents contain statements indicating that certain activities will not be performed on-Site. For example, EEA page 16 states, "All van fueling and washing will be conducted off-site." Prohibiting on-Site truck washing would minimize the volume of water to be managed on-site and the potential for runoff/erosion and resultant impacts on South Grove Elementary School. In order to maintain Site control and the environmental protection afforded by limiting certain activities at the Site, the Town must require deed restrictions to be placed on the property as appropriate to ensure that such activities do not occur in the future and impact the District.
3. The Site Plan documents and RAWP lack detail on the institutional and engineering controls that will be required and enforced by the Town and NYSDEC to prevent potential future impacts given the Site's contamination history.
4. The Site Plan documents state that approximately 25,000 cubic yards of backfill would be delivered to the Site during construction. This equates to fewer than three truck deliveries to/from the Site per day when spread evenly over the estimated 10-month project duration. This analysis assumes that the same quantity of backfill is needed each day during construction, which is not reasonable in practice. The anticipated construction sequencing will require more frequent backfill deliveries at some stages of the construction process.
5. The Project Documents claim that the Preferred Remedial Alternative would minimize greenhouse gas emissions and energy consumption by significantly reducing the trucks and heavy equipment required for remedial construction as compared to Site cleanup for unrestricted use. The development's net impact on energy consumption and fossil fuel combustion would be significant compared to the current vacant Site.

Walden is available to discuss these comments at your convenience. Please call if you have any questions.

Very truly yours,
Walden Environmental Engineering, PLLC

A handwritten signature in dark ink, appearing to read "Joe Heaney".

Joseph M. Heaney III, P.E.
Principal

A handwritten signature in dark ink, appearing to read "Nora M. Brew".

Nora M. Brew, P.E.
VP/Senior Project Manager

cc: P. Rufo (prufo@syossetschools.org)

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Exhibit 2

*Report from Greenman-Pedersen, Inc.
to the District Dated January 6, 2020*

January 6, 2021

Dr. Thomas Rogers
Superintendent of Schools
Syosset Central School District
99 Pell Lane
Syosset, NY, 11791

Dear Dr. Rogers,

Greenman-Pedersen, Inc. (GPI) has been retained by the Syosset Central School District (District) as a Traffic Consultant to evaluate the Site Plan Application submitted to the Town of Oyster Bay by Syosset Park Development, LLC for the Syosset Park Warehouse Project (Proposed Project). In connection with these services, GPI reviewed the following documents related to traffic to determine the potential impacts that the Proposed Project may have on the District and its operations:

- Town of Oyster Bay Department of Environmental Resources Town Environmental Quality Review Division Review of Action and Recommended Determination of Significance Draft TEQR Report, dated December 15, 2020, including the revised Full Environmental Assessment Form attached thereto;
- Expanded Environmental Assessment for Syosset Park Warehouse dated September 2020; Revised November 2020 (EEA), including the revised Traffic Impact Study, dated November 2020, and all related attachments (Appendix M to the EEA);
- Town of Oyster Bay Department of Environmental Resources Syosset Park Warehouse Environmental Review Letter to Syosset Park Development, LLC, dated October 9, 2020
- P.W. Grosser Consulting, Inc. Traffic Impact Study and Site Plan Review Letter to Town of Oyster Bay Department of Environmental Resources, dated December 8, 2020, and the Memorandum from L.K. McLean Associates, P.C. dated December 4, 2020 attached thereto; and,
- P.W. Grosser Consulting, Inc. Traffic Impact Study and Site Plan Review Letter to Town of Oyster Bay Department of Environmental Resources, dated November 12, 2020, and the Memorandum from L.K. McLean Associates, P.C. dated November 2020 attached thereto.

The subject 39+/- acre site is located at 305 Robbins Lane in Syosset (site of former Cerro Wire Factory) and is presently listed as a brownfield site. After the environmental remediation of the site, a warehouse distribution center has been proposed to be constructed at this location.

The District's primary charge to GPI was to assess if the traffic impact study was prepared following professional practices and norms, to assess the completeness, accuracy and validity of assumptions made regarding its preparation and more specifically, to determine if potential safety and operational concerns may arise negatively impacting school busing and pickup and drop-off operations, as a result of the Proposed Project.

Executive Summary

GPI has conducted a review of the Traffic Impact Study (TIS) for the proposed 204,165 square foot warehouse to be located at the northeast corner of Robbins Lane and Miller Place Road (I-495 North Service Road). Our primary focus was to ensure that the facility operations would not negatively impact the school busing operations for the District since Robbins Lane is used daily by school buses that transport students. We also reviewed the TIS to assess that it was prepared following professional practices and norms and to determine whether the TIS provided a reasonable assessment of all factors. Based on the proposed operations presented in the TIS and related documents, the TIS indicates that the majority of trips will occur outside of the normal school bus operations, and, therefore, there should be little to no impact to the District. However, our review has revealed two (2) areas of concern that need to be considered and, in our opinion, should be adequately addressed by the Town.

The first relates to the use of outdated traffic count data and the second, concerns the proposed future site operations. Evaluation of traffic impacts are extremely sensitive to the determination of the magnitude of project generated trips and their hours of arriving and departing to/from the proposed facility (Time-of-Day operations). In the case of this unique project, trip generation data, which is dependent on the size of the facility and schedule of daily operation (employee shifts, delivery timings, arrival/departure restrictions, etc.), is provided by the operator of the facility. The TIS indicates that the maximum peak hour trips will be generated during off-peak hours of the surrounding roadways and will thus avoid existing peak hour roadway congestion (where applicable).

Our conclusions are based upon the following: (1) traffic data presented in the TIS, which are not current; (2) trip generation estimates provided by the Applicant, which are not verifiable and can be altered by consumer demand; and lastly, (3) by a schedule of site operations, which the site operator can modify for any reason. If the latter occurs, the site operations may overlap with school transportation activities.

Thus, at a minimum, if the Town approves the proposed project, we recommend the Town incorporate measures that will adequately ensure that the Applicant addresses concerns with the operating hours as it may impact the District transportation operations. This is consistent with the recommendation to the Town by its own traffic consultant. Specifically, the Applicant should commit to monitoring traffic conditions for a set period of time once the project is fully operational. The monitoring of traffic activity generated by the site driveways should be accompanied by updated traffic volume counts. This will ensure that, where warranted, necessary modifications could be made either to the scheduling of warehouse operations or the surrounding roadway network, in order to mitigate unanticipated impacts. Appropriate monitoring of traffic activity is an approach that municipalities have utilized for larger developments where the potential for impacts cannot be easily quantified due to many unknowns. In this case, the Covid-19 pandemic has resulted in the Applicant using area traffic data that is over five (5) years old and extrapolating it to 2021. Given the time that has passed, additional developments in the area, uniqueness of this development and changes in how goods and services are provided, it would be prudent to conduct further analyses once the Proposed Project is fully operational. This would help to ensure that the District's operations are not negatively impacted.

Current School District Operations:

The Syosset School District is nationally recognized for excellence. With 97% of its students receiving a Regents diploma and higher than average testing scores it is ranked as 9th best in NYS. The District is comprised of 10 schools of which two; South Grove Elementary and Robbins Lane Elementary Schools are located within the immediate vicinity of the proposed action. The Robbins Lane Elementary School is located approximately ½ mile north of the site on the busy Robbins Lane corridor which serves as a primary access to the site. The District has 22 large buses and 9 vans that traverse Robbins Lane each morning and afternoon. Buses using Robbins Lane access, not only the elementary schools, but the two middle schools and high school as well. In the morning, the first pick up is at approximately 6:40 a.m. for the High School with all routes usually completed by 9:15 a.m. In the afternoon, the earliest dismissal is at approximately 1 p.m. for the High School followed by the Middle Schools and Elementary Schools with the last dismissal at 3:15 p.m. In addition, there are late buses that commence at 3:50 p.m. with the last late bus at 6:00 p.m. Another concern is that school children are walking along and crossing Robbins Lane. Within the school zone at Robbins Lane Elementary School, a crossing guard is stationed at Lydia Place to assist with crossings.

Despite the size of the District and the proximity to the proposed action of two of its schools, there was no information in the TIS or indication that documents were reviewed regarding the District or assessment of impacts, if any, to school operations. There was no mention of school bus routes or school children walking to school, time periods of normal operations or of after school activities. The lack of any mention of school operations and impacts is a conspicuous omission of the EEA to the District's vital interests.

Proposed Warehouse Operations:

A 204,165 SF single story warehouse and a delivery station will be constructed at the proposed site. It is understood that the site is planned as an Amazon distribution center. As per the site plan, this will include 190,015 SF of warehouse storage space and approximately 14,154 SF of office space. On-site at-grade parking will be provided, with about 907 spaces reserved for employees and 696 spaces reserved for delivery vans, most of which will be parked overnight. Forty-nine (49) large tractor trailers are anticipated to bring the merchandise overnight to the proposed site for storage and distribution on a daily basis. According to the documents reviewed, this warehouse is expected to be constructed by 2021 and is proposed to operate 24 hours a day, 7 days per week, throughout the year.

Under the proposed operation, the site plan shows a total of four (4) ingress/egress points to the site. One access point along Robbins Lane located about 130 ft. south of the at-grade LIRR crossing and one egress driveway located 450 ft north of the LIE Service Rd. The access point south of the LIRR is an entrance only for northbound Robbins Lane. The proposed site plan has been designed to prohibit southbound left turns into the site. There are two dual proposed ingress/egress points along Miller Place (or LIE North Service Road). A new traffic signal has also been proposed at the access point (exit only) along Robbins Lane that is located closer to the LIE North Service Road. Each of these access points will be designated to accommodate separate vehicle types (vans, trucks, or employee vehicles), when entering or exiting the site as they either need to park within designated lots or to circulate the site for delivery operations. The TIS details specific time frames that are anticipated to accommodate employee arrivals and departures for their shifts that correspond to loading/unloading and distribution activities as part of the warehouse operation.

It is anticipated that about 75 additional privately owned delivery vehicles (flex-drivers) will also be utilized to facilitate delivery operations on a daily basis during afternoon hours on an as needed basis. According to the proposed operator of the site, the peak trips generated (inbound and outbound) by the proposed site will not coincide with the peak hours of the local streets. They expect 10:00 am to 11:00 am and 8:00 pm to 9:00 pm to be the peak periods of site-generated traffic activity on typical weekdays. The Vehicle Activity Table below summarizes the site anticipated operations

Vehicle Activity Table

	SITE ACTIVITY	Peak Activity	Volume
EMPLOYEE VEHICLES	Warehouse <u>arrive</u>	1:00 am -2:00 am	230
	departure	12:00 pm (approx.)	230
	Van Delivery Drivers – arrive 1	9:20 am	240
	arrive 2	10:00 am – 11:00am	320
TRUCK ACTIVITY	arrive 3	After 11:00 am	48
	departure -all	7:00 pm – 10:00 pm	608
	Delivery Vans departure 1	10:00 am -11:00 am	400
	departure 2	11:00 am -12:00 pm	208
	arrival	6:00 pm – 10:00 pm	608
	Trailer Trucks arrive & depart	Evening /Overnight	49

Note: Data source- Syosset Park Warehouse Traffic Impact Study - Nov 2020

By design or coincidence, despite the significant amount of vehicular activity the site will generate (3,800 daily trips), little activity occurs during the normal morning and evening peak hours when traffic impacts are typically expected. Furthermore, it also appears that normal arrival and dismissal time periods that most affect the School District arrival and departure activities, and thus bus operations, will largely be avoided, provided there is no change to the operator's schedule included in the TIS.

The Town's traffic consultant noted a similar concern regarding the site's schedule of operations. Briefly, the consultant's response generally offered the following:

- The methodology used by VHB (applicant's consultant) to apply data from the Amazon site in Shirley was reasonable but it was noted that both sites are vastly different in size and consistent with Amazon operations across the country, where each site's activities are a unique schedule of operations according to its locale.
- In light of the uniqueness of operations that cannot easily be verified, they strongly recommended that conditions for approval be considered so that subsequent to full operations, the traffic can be monitored and compared to the traffic study predictions. In this manner, changes to the operating schedule or other mitigation can be considered to alleviate unanticipated impacts.

We agree that additional measures should be implemented by the Applicant and incorporated into the proposed project design as noted above. Accepting this premise of site operations to be accurate has significant outcomes as they relate to impact to the District and its operations. As such, based on the stated warehouse operation schedule, GPI has reviewed the traffic operational aspects presented in the EEA and offers the following comments that specifically relate to potential negative traffic operational impacts that may be associated with the proposed warehouse and distribution facility to the daily operations of the District.

Review Comments:

1. **Count Data Review.** Due to COVID-19 pandemic, no new traffic counts were collected. Thus, the proposed traffic study is mainly based on the previously available 2014 and 2016 traffic counts at 12 study intersections. These available turning movement counts were for the typical peak commute hours of surrounding streets, rather than the peak hours of incoming and outgoing traffic associated with the proposed generator. The AM peak counts were available for 7:00 am to 9:30 am and PM peak counts were available for 4:00 pm to 7:00 pm. It is also noted that Saturday counts were available between 10:00 am to 2:00 pm. As a result, several adjustment factors were used in order to convert the available typical commuter peak hour intersection counts to reflect counts that could be expected during the Existing Condition (2020), between 10:00 am to 11:00 am and 8:00 pm to 9:00 pm, the Time-of-Day hours that are associated with the peak site-generated (warehouse) traffic activity on typical weekdays.
 - The background traffic growth rate of 0.7% per year was used to project the traffic to 2020 (Note: As indicated in the Traffic Study and Appendix M, the same factor was used in projecting traffic for the project No-Build/Build year of 2021).
 - To convert high commuter peak hour intersection counts (i.e., between 7:00 am - 9:30 am & 4:00 pm - 7:00 pm), to generally lower volumes at intersections that are expected when site-generated (warehouse) traffic volumes are anticipated to be the highest (i.e., between 10:00 am -11:00 am & 8:00 pm - 9:00 pm), various trip reduction factors were used. These reduction factors were based on either the historic ATR (Automatic Traffic Recorder) counts or the cell phone probe data from *Inrix* (a third-party cellphone data provider).
 - Later in the report (Traffic Study & Appendix M, Attachment H), limited traffic volume projections were also conducted for 3 of the 12 key intersections (Miller Place at Robbins Lane, LIE North and South Service Roads at South Oyster Bay Road) for the PM peak commute hours between hours of 4:30 pm and 5:30 pm, utilizing the above noted background traffic projections.

Typically, for such a study, newer count data would be collected and analyzed. However, because of the pandemic situation and the reduction of normal traffic volumes, newer counts were not conducted. In absence of current counts, while the above noted methodology to determine street volumes during the peak hour of the generator is reasonable, considerable effort focused on prorating these older peak hour counts to generate and reflect non-peak hour activity on the adjacent roadways. This was done by the Applicant's consultant to address peak traffic hours of the site operation. This avoided any analyses that would have been associated with either the regular commuter hours or the peak school busing and parents' drop-off and pickup activity hours. As such, several estimation factors were applied to obtain the traffic volumes during specific hours of site operations. No actual counts for the sites peak hours were conducted at all.

Summary ñ While we understand why updated counts were not conducted, we are concerned with the application of multiple adjustment factors applied to outdated data.

2. **Trip Generation Estimates.** The future project generated trip estimates associated with the proposed warehouse and distribution facility are based on the information provided by the proposed operator of the facility rather than the Institute of Transportation (ITE) publications or any other professional traffic engineering sources. This is an acceptable methodology, provided the trip generation data comes from a reliable and well-established source. The data provided is unique and is difficult to historically or statistically compare to a similar active facility as the trip generation numbers are directly related to the size and work schedule of the facility (which are noted to be unique for each of the warehouse facility that the Applicant has operated). The trip generation numbers presented in the study depicts low traffic activity during either the typical peak hours of the roadway or during school activity time.

According to the information provided in Appendix M at Attachment A, a total of 3,800 new trips are expected on a daily basis within the project study area. It further indicates that only 3 trips are expected during the typical AM peak commute hours of the adjacent roadways at 7:00 am to 8:00 am. The typical Midday peak hours of the adjacent roadways at 12:00 noon to 1:00 pm shows 230 trips, and the typical PM peak commute hours of the adjacent roadways at 5:00 pm to 6:00 pm shows 275 trips. Further to be noted is that the AM peak hour of the generator (peak warehouse traffic) is at 10:00 am to 11:00 am, when there are anticipated to be a total of 721 new trips, while PM peak hour of the generator is at 8:00 pm to 9:00 pm, when there are anticipated to be a total of 473 new trips. Zero trips are anticipated to be generated between the hours of 3:00 pm to 4:00 pm (the typical school dismissal time).

Usually, the Time-of-Day associated with the peak hour of generator is close to the peak hour traffic on the surrounding streets when the traffic is significantly higher compared to other hours of the day. As a result, the traffic studies typically use peak hour of adjacent street and superimpose the new peak hour of generator trips in order to conduct a conservative build condition traffic analysis. In this study, the traffic analyses on adjacent streets are done to determine mainly the traffic impacts associated utilizing the peak hour of generator rather than the peak hour on the surrounding streets. Since the peak hour of the generator is noted to occur during non-peak hours of the surrounding streets, and during non-school arrival or departure times, potential of traffic impacts during these hours were not considered or evaluated.

We understand that Amazon currently conducts delivery operations from sites on Underhill Blvd. This activity has not been noted in the study, but we ask if this operation will be consolidated at the proposed site or will still continue as a dual operation within the community?

Summary - Accepting the premise of schedule of daily operations for the warehouse, it appears that the site activity will have little impact to normal school operations but should the need for this anticipated schedule be modified even by ½ hour intervals, it can have dramatic impact on District transportation operations. The future use of the current Amazon activity on Underhill Blvd. should also be addressed.

3. **Trip Distribution and Assignment (Cars/Trucks).** The traffic distribution to and from the Proposed Project site is considered reasonable, which is mainly based on the proposed driveway locations and their operations and the designated auto, van and truck entrances/exits. Thus, under the final design of the Proposed Project these driveway locations should be kept as proposed in this study. Otherwise, the traffic distribution and assignment could change. It is noted that a vast majority of new traffic to the area will utilize Miller Place (LIE North Service Road) and Robbins Lane to enter and exit the Proposed Project site. If the above trip generation estimate is considered realistic, then, because there will only be 3 trips generated by the warehouse during the AM commute peak hour (7:00 am - 8:00 am) and no trips during school dismissal times (3:00 pm - 4:00 pm), any future anticipated traffic impacts would be due to normal background growth rather than the Proposed Project generated traffic during peak hours of school operations.

Summary ñ The trip distribution and assignment effort seem reasonable provided assumptions used remain constant.

4. **Crash History:** A three-year crash (2016/2019) inventory indicate a total of 639 crashes within the Proposed Project overall study area. Included in these crashes were 146 injury crashes (23%), 303 property damage crashes (47%), and 190 non-reportable crashes (30%). There were 3 pedestrian crashes and 3 bicycle crashes and there were no fatal crashes within the Proposed Project study area. GPI also noted that there was a total of 6 non-injury school bus crashes reported at following locations. At North Marginal Road (*one crash*), South Oyster Bay Road (*two crashes*), North Service Road (*one crash*), Robbins Lane (*one crash*), Jackson Avenue (*one crash*). These school bus crashes were random and do not follow any specific crash pattern.

The above-noted trip generation assessment has indicated that during the District arrival and dismissal hours, the Proposed Project is not expected to add any significant numbers of new trips to the roadways, particularly along Miller Place (LIE North Service Road), Robbins Lane or along South Oyster Bay Road.

Summary ñ Mindful of the proposed trip generation pattern and the crash history, the Proposed Project is not expected to increase the potential of school bus crashes, particularly during the school operating hours along the streets within the immediate Proposed Project vicinity.

5. **Traffic Operations & Capacity Analysis:** A review of the capacity analysis results indicate that traffic operations within the study area during the weekday hours at 10:00 am to 11:00 am and at 8:00 pm to 9:00 pm (when the project generated traffic is at its peak) will not be significantly impacted by the Proposed Project. This is the Time-of-Day when District arrival and dismissal is not generally anticipated. Furthermore, based on proposed trip generation, it is also anticipated that traffic impacts during peak typical commuter hours and school hours will remain the same as expected in the No-Build Conditions and there will be no significant impacts resulting from the project during these hours. This is because an insignificant amount of traffic will be generated by the proposed warehouse during times when streets are typically more congested.

Summary - Based upon the hours of operation few impacts, or delays should be experienced by district transportation operations.

6. **Signal Warrant Assessment.** Based on the traffic signal warrant assessment, a new traffic signal will be installed at the south exit driveway on Robbins Lane. This signal is needed to provide safe right-of-way for traffic exiting the proposed warehouse driveway, particularly needed during the peak hour of warehouse operations. It is recommended that the traffic signal installed should be a semi-actuated signal, otherwise, it has the potential to unnecessarily increase travel time for through commuters along Robbins Lane during school time for school bus and other pick-up/drop-off activities.

Summary - The signal warrant was appropriately prepared, and a signal is warranted at the egress driveway of the site.

7. **School District Bus Operational Impacts:** According to the Traffic Impact Study, the proposed project is not going to generate any significant new trips during the School arrival or dismissal times on Miller Place (LIE North Service Road), Robbins Lane or along South Oyster Bay Road. Thus, the existing school bus routes should not expect any additional (new) traffic activity other than that due to the natural background traffic growth. Furthermore, the proposed facility being a warehouse and not a residential complex (with school age children), will not change the frequency or pattern of the existing school bus operation. The existing 31 school buses/vans that are assigned along Robbins Lane, for pick-up/drop-off activities during a typical weekday school operation, may not see any significant changes in their daily operations while commuting to/from the school. Similarly, the parents driving children to the schools (South Grove Elementary and Robbins Lane Elementary) are not expected to see any significant changes to their current traffic commute during arrival and dismissal times.

Summary ñ Based upon the anticipated schedule of site operations, whereby the site generates little activity during arrival and dismissal hours the district should not experience adverse impacts to its transportation operations. However, as noted above under Comment #2, should the schedule of operation be changed or hours expanded for whatever reason by even ½ hour intervals, it can have dramatic impact on District transportation operations.

8. **Site Internal Parking Lot Circulation:** The Site Plan has been designed to separate traffic flow into and out of the site for the different vehicle types. This has been done in part to minimize the number of vehicles entering from Robbins Lane. The northerly driveway is restricted to northbound traffic only and is primarily to be used by tractor trailers in the overnight period. The other driveway on Robbins Lane is an exit only that will be controlled by a traffic signal. There is no access for southbound traffic on Robbins Lane which eliminates any potential conflicts with the LIRR at-grade crossing just north of the site. All other access will be via Miller Place that will have 2 driveways (right turns in and out only). The site has been designed to minimize impacts to adjoining streets. There should be no impact to school bus operations.

Summary ñ The on-site circulation plan developed on this constrained site seems operationally acceptable.

Review Conclusion:

While the methodology utilized, and steps followed in conducting this Traffic Impact Study are acceptable and is commonly used in evaluating impacts resulting from a proposed development, the following are the key concerns after review of this study:

- Evaluation of traffic impacts is extremely sensitive to the determination of the magnitude of project generated trips and their hours of arriving and departing to/from the proposed facility (Time-of-Day operations). In the case of this unique warehouse project, trip generation data, which is dependent on the size of the facility, schedule of daily operation (employee shifts, delivery timings, arrival/departure restrictions, etc.), is provided by the operator of the facility. This data indicates that the maximum peak hour trips will be generated during off-peak hours of the surrounding roadways and will thus avoid existing peak hour roadway congestion (where applicable). Usually, the trip generation data is easily comparable by engineering publications or by previously conducted traffic surveys or previously approved traffic studies. As such, with high degree of certainty, the proposed trip generation activity could not be verified in terms of their accuracy. In the case of the Proposed Project, what if the work schedule of the facility operation changes? If the size of the facility stays the same, can the same number peak trips arrive or depart the facility at a different time? What if this time is during peak hour of the roadways? Or peak hour of school arrival or dismissal time? Traffic operational impacts to the surrounding network could likewise change. Thus, at a minimum, if the Town approves the proposed project, we recommend the Town incorporate measures into their approval process that will adequately ensure that the Applicant addresses concerns with the operating hours as it may impact the District transportation operations. This is consistent with the recommendation to the Town by its own traffic consultant. The trip generation activity and the traffic impacts could be monitored for a set period of time once the project is fully operational. This will ensure that, where warranted, necessary mitigation is made either to the time of warehouse operation or the surrounding roadway network, in order to improve traffic operations and avoid any potential negative impact to the District and its operations.

Sensitivity to school bus and pick-up and drop-off operation is not discussed in the Traffic Impact Study. However, if the proposed trip generation analysis is assumed to be reasonably accurate, GPI anticipates that the existing school buses/vans that are assigned along Robbins Lane, for pick-up/drop-off activities during a typical weekday school operation, may not see any significant changes in their daily operations while commuting to/from the school. Similarly, the parents driving children to the schools (South Grove Elementary and Robbins Lane Elementary) are not expected to see any significant changes to their current traffic commute during school hours.

We are available at your convenience to discuss this matter in further detail.

Sincerely,
GPI/GREENMAN-PEDERSEN, INC.



Michael J. Salatti, PE, PTOE
Sr. Vice President
Director of Transportation Services