

September 15, 2016
TUCKAHOE PLANNING BOARD
TUCKAHOE COMMUNITY CENTER
Regular Meeting – 7:30pm

Present: Chairperson Ann Marie Ciaramella
Commissioner Raymond Nerenberg
Commissioner Melba Caliano
Commissioner David Barra
Commissioner Clare Gorman

Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Mike Musso	Village Consultant
Frank Fish	Village Consultant
Jim Pinto	Village Consultant
Noah Levine	Village Consultant

Chairwoman Ciaramella announced the evening's agenda as follows:

Item #1	Approval of minutes of Regular meeting held on July 19, 2016
Item #2	109 Marbledale Rd. Return
Item #3	10 Fisher Ave. Adjourned
Item #4	68 Marbledale Rd. Adjourned
Item #5	273 Columbus Ave. Withdrawn

Item #1 Approval of minutes of Regular meeting held on July 19, 2016

Commissioner Nerenberg motioned to approve the minutes from the July 19, 2016 meeting, was seconded by Commissioner Barra and carried with a vote of 5 – 0.

Item #2 109 Marbledale Rd. Return

Gary Warshauer, architect for the applicant requested that the Board close the public hearing tonight and adopt a resolution.

He noted that this application was for a Marriott Springhill Suite and Restaurant at the former Marbledale Quarry. There will be clean access to the hotel via Marbledale Rd. There will be new landscaping, new sidewalk with a new crosswalk in front of the hotel to clean up the confusing intersection. The materials have been submitted. Traffic studies have been conducted and submitted.

Chairwoman Ciaramella asked each consultant to speak.

Gary Gjertsen, Village Attorney, noted that back in 2008 the Village Board of Trustees adopted a Master Plan, which suggested the zoning change to Marbledale Rd. In 2009, the Zoning Code changed the industrial area on Marbledale Rd to commercial. The change to Commercial District states that a hotel is permitted. In 2014, the present applicant began the process of Site Plan approval for a hotel.

Frank Fish, BFJ Planning Consultant, noted that he has worked for the village for 20 years. He advises the Board with state regulations and reviews site plan applications. Regarding this application, the process involved a Brownfield classification. The Board had to decide whether to declare a Negative Declaration, Conditional Negative Declaration or a Positive Declaration for SEQRA.

He advised the Board to declare a Conditional Negative Declaration so that the DEC and DOH would oversee the Brownfield cleanup and the cost would be paid by the developer. A Positive Declaration requires the village conduct a Full Environmental Impact Study, which is costly and would be over 500 pages.

Noah Levine, BFJ Planning Consultant noted that a traffic study was performed during November 2014 and determined that there will not be a significant impact. There are ample parking spaces provided by the applicant. The sidewalks and crosswalks will be updated. The Environmental Impact determined that the cleanup would consist of hot spot removal and capping.

The proposed plans are for a green roof, solar panels and no increase in the storm water runoff.

Jim Pinto Village Consultant noted that he reviewed the plans regarding egress, ingress, sidewalks, driveways and soil stabilization. All his comments have been incorporated into the applicant's plans.

Mike Musso, consultant hired by the Village Board of Trustees to guide the Planning Board through the Brownfield process. In July 2016, the NYS DEC released their Remedial Action Work Plan. This 20-page decision document outlines the specific plans for excavation, ground water monitoring, vapor controls, process to cap the site, monitoring and maintaining the vents, site management plan and periodic inspections. The DEC put out a fact sheet and answer sheet. There were 500 – 600 comments from the community. The DEC and DOH reviewed all the plans. The state agencies have a major role in the site management program. Mr. Musso noted that he discussed the plans with Dr. Donald Hughes.

He added that the Brownfield includes 3 – 4 acres of the quarry. He requested that the DEC move forward to investigate the north and south property beyond the 3 – 4 acres to check the flow of contaminants. In March, the DEC sampled some soil near buildings along the site. They will be resampled as the levels were not elevated enough to be remediated.

No foundation work will begin until more details are submitted to the village. He requested the applicant collect more borings and pilot test the active vapor extraction. He also requested weekly progress reports to the village. The community air monitoring materials will be in place before any excavation or grading is done on site. There should be a comfort level for the people in the community.

The community website will post data and alerts. The DEC and DOH will be notified and work will be halted. Monitors will be on site and only small sections of the soil will be completed at a time.

Commissioner Gorman asked Mr. Musso to define the difference between Brownfield, Superfund and Federal Superfund sites.

Mr. Musso noted the difference in the classification is defined by the funding method. The DEC categorizes the sites, but they would all have a very similar remedy. Brownfield costs the developer, Superfund is budgeted by NYS and Federal Superfund is when the state petitions to get on the Federal list due to the very contaminated level of toxicity.

Commissioner Nerenberg motioned to resume the public hearing, seconded by Commissioner Caliano and carried unanimously by the Board.

Chairwoman Ciaramella asked the public to limit their comments to 3 minutes.

Commissioner Caliano motioned to extend the public comment time to 5 minutes. Commissioner Gorman seconded the motion and was carried with a vote of 5 – 0.

Public Comments

Mr. Robert D'Ambrosio 92 Lake Shore Rd. Eastchester

- Stated that he has had two businesses, Ambrose Labs and Ambrose Tree care, which was located across the street from the Marbledale Quarry. He watched what was dumped there for 50 years.
- He was asked by Tuckahoe Fire Dept. to assist with extinguishing fires at the dump caused by spontaneous combustion.
- Witnessed ConEd dump transformers loaded with PCVs.
- Grass clippings with pesticides
- Concerned that drilling this site will bring oxygen down to the toxins and will cause an explosion
- Pile driving with metal can create hot spots which could spark and cause an explosion
- He noted that a crane would be unstable on this site
- No trees will grow on this site because of the contamination
- LD 50 – a lethal dose would kill 50% of the animals
- He advised the Board to take out a couple of billion dollar insurance policy if the plans go forward
- He recommends a plastic membrane with 6 in of clay covered with landscape fabric and 9 in of clean fill and top with top soil. If mushrooms begin to grow, that is a sign of healthy soil

Mr. Mike Dardano 62 Chestnut St

- Cited three examples of mistrust in government for the Board to review - Christine Todd Whitman and the 9-11 contamination where government experts gave her the best information that the air was not contaminated; Love Canal, government experts gave the go ahead and Hoosick Falls NY a town where a Teflon plant is located and there was Teflon in the water. The DEC and DOH did not find it
- He added that research was done by all these residents on their own time using their own money
- Freon in dump should not be just capped
- This Board has an opportunity and obligation to get this right
- Brownfield does not carry liabilities

Mr. John Rabius 62 Chestnut St

- Submitted information retrieved through the FOIL method of the DEC application from the applicant and discovered that the developer had dumped in the quarry in the past; application should be denied due to the deceit
- He submitted affidavits signed by Mr. D'Ambrosio which were sent to the DEC, Governor and Congressman
- Took a trip to Cold Spring NY where a toxic waste site is located
- He displayed photos of a large tent covering the site while being tested
- This site is being tested since 2010 which is 6 years; whereas Tuckahoe site is under review for 2 years
- He displayed additional photos of a toxic site in the Bronx with a tent large enough to have trucks underneath
- He noted that this project is moving too fast
- He submitted information of a site in Strafford Ct. which has PCB, Asbestos, Lead and Copper among other contaminants; this site has large tents and being studied since 1995
- He stated that this developer has no experience with toxic sites
- He asked how many mistakes will be made
- He asked the Board not to rush this important decision

Dr. Donald Hughes 157 Story Ave Syracuse NY

- Owner of Hughes Environmental Consultant Services; worked on hazardous sites including Federal Superfund Sites
- This site is very convoluted, the process is being rushed, many data gaps, very complex and applicant did not meet the DEC guidelines
- The site should have nested wells; cannot contour groundwater, too convoluted
- The extent of the contamination has not been determined; only one boring goes to the bottom of the quarry
- There is fractured bedrock on the bottom
- Must do more homework on this site
- He advocates for the testing of Dioxin and requests that the DEC test for Dioxin
- Advises the Board to wait to make decision as there is insufficient data
- If the proposed plans are for 180 pilings, there should be many more borings; the residents should know what is there
- One boring detected petroleum; it is probably throughout the site and it is not safe to drill into petroleum
- Dropping approximately 10 tons of weight repeatedly on the site is the worst thing to do as the buried drums and tanks will release what is locked inside.

- Dr. Hughes submitted a map displaying the buried air conditioning units with Freon
- Need to review all the new data
- Soil retrieved from deep pits should be tested
- Ground water throughout the site
- Must gather more complete vapor samples along Marbledale Rd and Verdi as they are residential areas

Laurel Gaffney 22 Joyce Rd.

- Licensed Engineer and Waverly parent
- Reviewed the Geo Tech report and the structural plans
- Questions as to why the developer would want to build on the quarry which is 150 ft. deep
- The drill piles must go to bedrock; which entails it going through 100 ft. of dump fill
- The DEC only tested down 15 ft.
- The water table is at 20 ft. The drill will create a hole while bringing up the soil while it drills down. It will contaminate the water.
- To compact the soil using many tons is the recommended remedy. Ms. Gaffney asked the members of the Board to watch videos of the compacting process to see how much dust it creates.
- The developer is inexperienced in Brownfield cleanup procedures; She asked if one would ever hire an inexperienced contractor to build their house
- The disturbance to pockets of chemicals is very risky
- She recommends removing all the soil, which is very expensive
- She asked the members to consider what each resident had said tonight

Dr. Mary Spiciarich 6 Duluth Pl Eastchester

- Neurologist
- Quoted studies of expectant mothers giving birth to children born with abnormalities, significant increase in people with diabetes, cancer and immune system conditions
- Questions if the manipulation of the soil will affect our health
- A full health impact study should be done
- Radioactive materials have not been addressed
- Shared data with colleagues and many endorse the requirement for a Full Environmental Impact Study be completed; some physicians have graciously volunteered their time to review the data and help the Board
- Children will be the most affected by this decision
- Engineers will be long gone many years from now after questions still linger

Ms. Sarah DeRise 61 Longview Dr.

- Waverly PTA
- 500 children at Waverly School within 2 blocks from this site
- School buses pass the site daily and children walk pass the site daily and will be exposed to toxic chemicals
- This dangerous project needs more attention
- Too many data gaps, putting residents at risk
- 9-11 responders were told air was safe
- Flint Michigan – water unsafe
- Hoosick NY – another example of residents misled
- Overworked and underfunded government agencies are not to be trusted with our health; too much at risk
- No cost is too great to protect the residents
- All it takes is one cell to mutate to begin cancer
- Educated residents came together tonight to safeguard our community

Ms. Mary Anna Principe 14 Bronson

- New resident and is devastated with news of Brownfield cleanup
- Moved from the Gowanus Canal, Brooklyn which was determined to be a Superfund Site
- Has one year old daughter; kept indoors due to cleanup
- Has no faith in the DEC; trust in DEC is misplaced
- DEC does not follow its own remedies
- Takes a long time to do this right
- The decision should be based on data, not funds
- There has not been enough testing at this site
- DEC has not seen the Geo reports
- Our best interests are not at heart
- No evacuation plan for Waverly School
- Real-time monitoring is very important
- Disappointed that Waverly School had to request real-time monitoring and water testing
- No confidence in DEC
- The buck stops with the Tuckahoe Planning Board; don't make the process more important than the people
- Require a Full Environmental Impact Study
- Have DEC work for you; this is your village, not theirs
- 1800 names on petition
- Listen to the voices of concerned residents and prevent a miscarriage of democracy

- This is your legacy moment; be a leader and set new standards

Mr. Edward Stowe 4 Marble Pl

- “Don’t start out right, can’t end up right”
- He challenged the Conditional Negative Declaration
- Public health and safety concerns should not be dismissed for financial gain
- CND should not rely on future investigations; mitigating conditions should have been defined at the time the CND was granted
- Expediting the CND for the developer is wrong
- The CND should be rescinded

Mr. John Mariano 8 Henry St

- Residents don’t want the hotel
- Nature of the Zoning Board and Planning Board is so that developments like this don’t happen
- Don’t please the developers, protect the residents
- Quoted Christine Todd Whitman and Mayor Bloomberg both informed that the results of the tests were that there were no levels of toxins
- He asked the Board to do the right thing

Mr. David Viviano 9 Hayes Dr. Eastchester

- Waverly parent
- Just because the DEC states that it is legal doesn’t make it right
- The final decision lies with the village
- Based on data, the residents are not convinced
- Review the submitted data
- The community does not support approving this project
- Asked as to what extent are the Board members considering the residents’ concerns

Mr. John Zaharakis 154 Locust Ave

- Verizon Manager of site next to quarry
- Witnessed many brush fires
- Contacted Verizon Environmental Consultants and union; if deemed unsafe, no work will be done by Verizon. Will refuse to work in an unsafe environment
- Toxins can drift up to 1/8th of a mile

Mr. David Gordon

- Attorney representing the Marbledale Rd Environmental Coalition
- As Lead Agency, the Planning Board has the responsibility that the activity on site is safe
- There are too many data gaps
- The regulatory role is to establish conditions, not to kick the can down the road to the Building Inspector
- By granting Site Plan approval, the Board is giving up their leverage; all gaps should be worked out before final Site Plan approval
- The remediation plans are in flux; there needs to be more testing done at the site
- He noted that Frank Fish advised the Board to declare a CND to get the DEC involved with their expertise; the DEC would be involved anyway
- The CND did not list the conditions
- He recommends that the Board rescind the CND as there is new information and the Lead Agency can determine that there would be a significant impact
- The CND was granted in Sept. 15, 2015, one year ago today; all the information came after the CND; it is the Board's responsibility to rescind the CND and protect the community

Mr. Jerry Johnson 47 Rogers St.

- Resides near the quarry
- Father worked as a sanitation worker for years and has first-hand knowledge what was dumped into the quarry

Mr. Albert Stern 14 Westview

- Requested that Chairwoman Ciaramella step down as Chairwoman of the Planning Board.
- She has not asked any good questions and has shown poor leadership
- Her silence makes us all wonder
- Mr. Weinberg, developer of the property, did not provide the correct data
- Does not want to hear about tax concessions and employment opportunities
- 30 years on the Board is too long; he requested that she step down

Mr. Joseph Marinello 4 Coolidge St.

- Lived near the quarry for his entire life; lost his dear wife this year
- When the zone was changed residential to business, the buffer zone changed from 150 ft. to 25 ft.
- Never saw an outpouring of residents like this in all his years here
- Commended Rachel Zolottev for spearheading this effort

- Ms. Zolotter has hired an Environmental lawyer to assist
- Developer's attorney called this site a 'municipal dump'
- Voiced his concern regarding the 500 children at Immaculate Conception School and 500 students at Waverly School
- Asked Gary Gjertsen to determine through the DEC and the affidavit, if the developer was indeed a contributor to dumping on the site

Ms. Michelle Forzaglia 115 Park Ave Eastchester

- Mother of two children and a local teacher
- The schools are very close to the site; the immune systems of children are not as developed as adults; very concerned for the children's health
- The data is insufficient
- Need more monitoring and testing
- The spontaneous combustions are indicative of toxins present
- Must not allow to build at the expense of our community
- Need real-time data
- Need emergency plans when things go wrong
- The Planning Board should protect the residents; listen to your conscience and do the right thing

Mr. Perry Guilianti 8 Hall Ave

- He asked if the Board members were listening to all the concerns brought forth by the residents
- He stated that he feels like this development is being pushed down the community's throat
- The disruption to this site will cause a health risk
- Demands a Full Environmental Impact Study; do not rely on other's
- Why not exhaust every option to protect everyone in the community
- Wants transparency
- He stated that in this village you cannot build a birdhouse without permits and sending out letters and yet 80% of the nearby residents did not receive letters regarding this site
- If approved; is equivalent to setting off a dirty bomb in Tuckahoe
- Hire an impartial, independent consultant to do a Full Environmental Assessment Form
- Do everything in your power to make sure the community is safe

Jerome Griffiths 10 Marble Pl

- The amount of data and knowledge that was share this evening was incredible; this is a democracy and everyone expressed the same concerns
- Do what the community is asking for; more testing

Rachel Zolottev 125 Marbledale Rd

- Very concerned about the spontaneous combustions
- Affidavit depicting that the village ran the dump many years ago; residents had to provide a ticket from Mr. Pinto to dump
- The contamination is tremendous
- Take a break and look at all the data submitted
- Too many unanswered questions
- Geo tech reports site is unsafe
- Petition signed by close to 1700 people asking for a Full Environmental Assessment Study

Vladimir Zolottev 125 Marbledale Rd

- Moved here from Romania in 2000; loves Tuckahoe
- He requested that the Board take more time with this major decision
- When he raised concerns regarding safeguarding his students from the dust, he was told to tape plastic over his windows and vents.

Mr. Philip White

- Former Mayor of Tuckahoe
- He noted that the applicant would not be able to dig all the soil out and the best way to deal with the soil is to cap the site

Ms. Leslye Davidson 164 Oakland Ave Eastchester

- The community members have brought forth a tremendous amount of information which took a tremendous amount of work
- Hopes the Planning Board listened to each speaker
- Plans should be locked down 100% before going forward

Member Nerenberg motioned to close the public hearing, seconded by Member Barra and carried with a vote of 4 – 1 with Member Caliano voting No.

11:00pm Board went into Executive Session

11:10pm Board resumed public hearing

Chairwoman Ciaramella thanked everyone for attending the meeting and for all the information brought forward. The Board will review everything.

Commissioner Caliano motioned to delay the vote to a later date as the Board will need time to review all the new data, review the affidavits and all submitted studies. Commissioner Gorman seconded the motion and was carried unanimously.

There being no further comments from the public or business before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.