



Neil O. Bergin
Commissioner

**TOWN OF OYSTER BAY
DEPARTMENT OF ENVIRONMENTAL RESOURCES**

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RECEIVED

FEB -1 2019

**SUPERINTENDENT'S OFFICE
SYOSSET CENTRAL S.D.**

January 25, 2019

To: Involved Agencies and Interested Parties

Re: **Independent Testing - Draft Environmental Impact Statement (DEIS)**

“Syosset Park”, Northeast Corner of Miller Place (North Service Road of Long Island Expressway) and Robbins Lane, Syosset, Nassau County, New York; Section 15, Block H, Lots 243, 244, 247, 248 251 and 252

Please be advised that the timeframe for comments on independent testing at the subject site as it pertains to the DEIS will be extended from the initially proposed January 31, 2019 deadline. Substantial progress has been made; a citizen advisory committee (CAC) on independent testing was formed. The CAC has met on four separate occasions, they chose a chairman/spokesperson for the committee, and have selected a technical advisor and environmental testing company. Simon has been notified of the progress and the CAC awaits fulfilment of the funding promised by Simon in the statement delivered to the community on May 23, 2018 (see attached).

All comments on the independent testing will be addressed as comments on the DEIS. As the requests for independent testing were made as part of the DEIS comment period, The applicant previously confirmed that the FEIS will not be submitted to the Town until the public has been given the opportunity to review the testing plan and analysis. Independent testing will be conducted with unprecedented transparency and all substantive comments will be addressed accordingly in the FEIS. In order for the next steps to occur, independent testing must be funded by the applicant as per their previous offer, which was accepted by the Town of Oyster Bay. Until that time, no SEQR documents will be received or deemed as complete by the Town of Oyster Bay, Town Board, as lead agency. As the comment period for independent testing is not a SEQR timeframe, mutual consent for an extension is not required; this letter is being sent as a courtesy consistent with Town’s commitment to open communication and active community engagement.

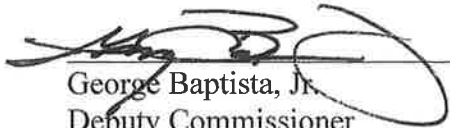
Please do not hesitate to reach out to the Contact Person identified below if you have any questions.

Lead Agency: The Town of Oyster Bay, Town Board

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Contact Person: George Baptista, Jr., Deputy Commissioner
Town of Oyster Bay
Department of Environmental Resources
29 Spring Street
Oyster Bay, New York 11771
Telephone: (516) 677-5811
e-mail address: GBaptista@oysterbay-ny.gov

Very truly yours,



George Baptista, Jr.
Deputy Commissioner

GB:JS:ca

Attachment (Citizen Advisory Committee's Selection for Independent Testing Technical
Advisor/Environmental Testing Firm Notification Letter)

cc: Office of the Supervisor

Honorable Town Board Members

Joseph Nocella, Town Attorney, Office of the Town Attorney

Carol A. Strafford, Director, Legislative Affairs, Office of the Town Attorney

Elizabeth L. Maccarone, Commissioner, Department of Planning and Development

Richard W. Lenz, P.E., Commissioner, Department of Public Works

File: Syosset Park/DEIS Public Comment Extension Letter Independent Testing 1_24_2019

January 18, 2019

Charles (Chuck) Davis, Jr.
Sr. VP of Development - West
Simon
660 Stanford Shopping Center
Palo Alto, CA 94304

Re: Independent Testing - Draft Environmental Impact Statement (DEIS), "Syosset Park", Northeast Corner of Miller Place (North Service Road of Long Island Expressway) and Robbins Lane, Syosset, Nassau County, New York; Section 15, Block H, Lots 243, 244, 247, 248 251 and 252

Dear Mr. Davis,

On behalf of the Citizens Advisory Committee (CAC), charged with ensuring independent environmental testing at the proposed Syosset Park development project area, we write to you to inform you of the progress of this initiative. As you are aware, this Citizens Advisory Committee is comprised of representatives from the community and has been working diligently to guide the environmental testing and analysis process in order to provide a fair and impartial perspective on the important tasks as follows:

- Select a Technical Advisor to review the proposed environmental testing protocol and historical environmental testing completed to date at the site;
- Recommend an environmental testing company;
- Oversee environmental testing and verify third-party certification to an accredited laboratory;
- Review and provide comments of the testing results; and
- Review, comment and approve a final report on the aforementioned tasks.

This process will culminate with a presentation to the Town Board that summarizes and provides a determination of the compiled testing results for inclusion in the Draft Environmental Impact Statement, which is required for any project prior to consideration by the Town Board.

The CAC has met on 4 separate occasions. At this time, we have thoroughly considered a number of potential technical advisors and environmental testing firms. It was imperative that the potential technical advisor and/or testing firm have no apparent conflicts with the Town of Oyster Bay, Simon Properties or Castagna Reality.

The statement released by Simon Properties on May 23rd, 2018 stated the following, "...Like our neighbors, we want to be certain the groundwater and soil on this site, as well as the gas emitted from the town's landfill, is safe as we meet our unwavering commitment to protect human health and the environment throughout this process. As a result, Syosset Park fully embraces the concept of independent testing to make sure that our proposed development project will not adversely impact the environment or the health of the surrounding community and the people who will come to live, work and play at the property. We've heard that message and endorse it.

We recognize that there are costs associated with this testing, and we are prepared to bear those costs so long as it doesn't compromise the independent nature of the testing. We all want to be assured that credible, and truly independent, individuals are leading this effort and that the integrity of this testing is beyond reproach. The community, which has spoken loud and clear on this point, deserves no less.

We recognize there are other issues, including the impact on the local schools and the best use for the town's former landfill. We are prepared to work with the neighbors and school district to address their concerns, while our plans for the town's former landfill are intended to make the property better for local residents. But it all starts with independent testing. We endorse this idea and fully support our neighbors' calls for action"

In accordance with this statement, the CAC has selected a reputable firm that meets the criteria defined above. The CAC is in agreement that Impact Environmental has the background and experience to provide both the technical assistance and testing necessary to ascertain if there are any environmental hazards to public safety that warrant supplemental testing. Impact Environmental is an industry leader with three decades of environmental consulting and engineering experience, including assessment, investigation, monitoring, remediation, and permitting work on National Priority List (NPL) sites, naturally occurring asbestos (NOA) or radioactive materials (NORM and TENORM) sites, RCRA Closure sites, NYS Inactive Hazardous Waste sites, NYS Brownfield Cleanup Program (BCP) sites, New York City Voluntary Cleanup Program (VCP) sites, RCRA & sanitary (solid waste) landfills, and large former industrial brownfield properties (manufacturing, steel mills, and chemical production plants, etc.).

Corporate Headquarters: 170 Keyland Court, Bohemia, NY 11716 T: 631-269-8800 and satellite offices are located in:

- Northern New Jersey: 1000 Page Avenue, Lyndhurst, NJ 07071 T: 201-268-5686
- Southern New Jersey: 271 West Main Street, Moorestown, NJ 08057
- Pennsylvania: 1120 Mauch Chunk Road, Palmerton, PA 18071.

Joel Rogers, PE, Executive Vice President, of the 1000 Page Avenue, Lyndhurst, New Jersey office is hereby selected by the CAC to serve as the technical advisor to the Committee.

Through the efforts of the technical advisor, field sampling efforts in-house, and 3rd party certified laboratory analysis of collected samples, the independent nature of the process will be achieved and the integrity of the process will remain uncompromised.

We therefore respectfully request that you provide us with the necessary guidance to proceed with funding in order to proceed with independent testing.

Sincerely,



Keith Adwar
CAC Chairperson

cc: Russell G. Matthews and Alex Wong, Castagna Realty
Allan Hyman, Certilman Balin Adler & Hyman, LLP
Terri Elkowitz, VHB
Oyster Bay Town Board