Comments Prepared for the Town of Oyster Bay in Response to the Draft Environmental Impact Statement (DEIS) for the Proposed Syosset Park Project Pursuant to the State Environmental Quality Review Act (SEQRA)

Impact of the Proposed Syosset Park Project on the Syosset Central School District

August 31, 2018

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A. Introduction

The process of developing a "Draft Environmental Impact Statement" under the New York State Environmental Quality Review Act ("SEQRA") allows the developer of a proposed project to "systematically consider significant adverse environmental impacts, alternatives and mitigation"[1] of the proposed project. It also facilitates the "weighing of social, economic and environmental factors early in the planning and decision-making process."[2] Interested and impacted entities, like a school district, are then afforded the opportunity to comment on this analysis and to identify any concerns raised by the proposed project.[3]

In the matter at hand, Syosset Park Development, LLC and Oyster Bay Realty, LLC (referred to herein as the "Developer" and/or "Developers") have proposed to create a mixed-use development named "Syosset Park", built on approximately 93 acres of property formerly owned by a combination of Cerro Wire company and the Town of Oyster Bay (hereinafter referred to as the "Proposed Project"). The Proposed Project consists of 625 residential ownership units (ranging in price from $325,000 to $750,000), shops, restaurants, corporate-style offices, a movie theater, two hotels, and a 30-acre community park.[4] The details of the Proposed Project will be elaborated below.

The Town of Oyster Bay is the Lead Agency for the Proposed Project and the Town Board accepted the DEIS as "satisfactory with respect to its scope, content and adequacy for the proposes of the Town Environmental Quality Review Law and the New York State Environmental Conservation Law and its applicable regulations" at its public meeting on March 27, 2018, thus opening the period for public comment. The comments which follow

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[1] See 6 NYCRR §617.2(n).
[2] Ibid.
[3] See 6 NYCRR 617.2(t).
[4] See DEIS § 1.3.

outline the analysis of the impact of the Proposed Project on the Syosset Central School District in multiple areas.

It should be noted that the District has actively engaged in the process as it pertains to understanding the impact that this Proposed Project could have on the District, its educational programs, operations, infrastructure, finances, students, staff, residents and taxpayers (collectively, the "School Community"). To prepare the comments herein, the District has met with the Developers, performed internal analysis, and commissioned consulting studies from demographers and environmental engineers. Mindful of the impact that this Proposed Project will have on the District and its School Community, the District has endeavored to continuously update its concerned School Community on the District's review of this matter as it relates to the impact on the District throughout the process, both at public Board meetings and via the District website.[5]

At a public hearing of the Town Board on May 1, 2018, Board of Education President Dr. Michael Cohen and Vice President Tracy Frankel outlined a preliminary list of concerns identified by the District concerning the Proposed Project. These included estimates of significant enrollment increases, insufficiency of District facilities to accommodate the enrollment increase, the cost of service for the new enrollees, and the inability of the District to recover new revenues from the Proposed Project adequate to offset these significant impacts.

Based on these initial concerns, during its May 7, 2018 public meeting, the Board of Education unanimously directed the District to prepare comments in opposition to the Proposed Project.

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Although the District had been preparing comments following from its internal presentation to the Board of Education in May 2018, due to circumstances beyond the District's control, it

[5] See http://www.syossetschools.org/district/syosset_park_study.

became necessary for the District to request that the Town Board extend the public comment period beyond July 31, 2018 so that the District could provide a comment that fully encompassed the District's position on the Proposed Project.[6] On July 18, 2018, the Town granted an extension of the period for general public comment on the DEIS until August 31, 2018, while separately extending the period for public comment on the Town's independent environmental testing of the site until January 31, 2019. [7]

The properties that comprise the Proposed Project have both been listed by either the State or Federal government as "Superfund" sites based on environmental contamination caused by earlier uses as a landfill in one case, or a metal manufacturing plant in the other case.

Accordingly, the District subsequently hired an environmental engineering firm to supplement its enrollment and financial analyses, review the history of the subject properties and the remediation efforts at the site, review the DEIS and determine whether the construction mitigation measures proposed in the DEIS are adequate to be protective of the health and safety of students and staff, and analyze the risks to the District that might reasonably be expected from the Proposed Project during construction and once completed should the Proposed Project move forward.

The environmental engineering analysis indicated that the remediation measures previously undertaken at the former manufacturing site were intended to render the property adequate for an industrial zoned use (not residential), based on a site-specific assessment of health risks and the regulatory standards in place at that time (not today's standards).[8] Moreover, the analysis concluded that the DEIS has significant omissions of plans needed to evaluate the sufficiency of mitigation measures, both during construction and after completion. In the absence of those detailed plans, the District has no alternative but to conclude the worst case scenarios for dust, erosion, and storm water controls – all pathways by which any remaining

[6] See Letter to George Baptista, Jr. from Dr. Thomas Rogers dated June 15, 2018 annexed hereto at Exhibit 1.
[7] See Notice issued by the Town of Oyster Bay Extending the DEIS Comment Period to August 31, 2018 dated July 18, 2018 annexed hereto as Exhibit 2; see also http://oysterbaytown.com/saladino-independent-testing-syosset-must-commence-prior-development/
[8] See Report prepared by Walden Environmental Engineering for the District dated August 30, 2018 ("Walden Report") at Exhibit 3.

contaminants on the site, as well as potential hazards like construction dust could be transported to District properties and thus impact student and staff health.

Given the uncertainty of the extent of the remediation of the site, the District requested, and the Town subsequently "announced plans to move forward with independent environmental and health testing of the former Syosset Landfill site, Department of Public Works site and former site of Cerro Wire Manufacturing in Syosset."[9] Once complete, the Town has indicated it will accept comments on the independent testing through January 31, 2019.[10]

The District reserves its right to comment on those results once available and to submit additional comments and/or to modify the comments herein during the SEQRA process as a result of any supplemental information concerning the Proposed Project that becomes available as it relates to the impact of the Proposed Project on the District, its educational programs, operations, infrastructure, finances and overall stability of the District.

Moreover, any comments and/or statements made herein as to the mitigation measures that would need to be employed to adequately address the negative impacts identified are for the sole purpose of illustrating the disparity between the measures proposed and the measures that would be appropriate if the Proposed Project were approved. They should not in any way be construed to reflect a level of mitigation that would engender the District's support of the Proposed Project.

> ***In light of the totality of the negative impact that the Proposed Project will have on the District, its educational programs, operations, infrastructure, finances, students, staff, residents and taxpayers for all of the reasons set forth more fully below, the District opposes the Proposed Project.***

The Board unanimously registered its opposition to the project based on the projected impact to the District's finances, facilities, and educational program in May 2018. Although the environmental analysis of the DEIS that was ultimately completed by Walden Environmental Engineering was not available at that time, Walden's analysis validates the Board's initial reservations and adds additional concerns about the significant potential impacts on the District, the hazards both during and after construction, and the inadequacy of the measures proposed in the DEIS to be taken to mitigate those impacts. The Board of

[9] http://oysterbaytown.com/saladino-independent-testing-syosset-must-commence-prior-development/.
[10] See Ex. 2.

Education formally affirmed its opposition to the Proposed Project as described in the DEIS at its public Board meeting on August 28, 2018.

In light of the totality of the negative impact that the Proposed Project will have on the District, its educational programs, operations, infrastructure, finances, students, staff, residents and taxpayers (collectively, the "School Community"), and for all of the reasons set forth more fully below, the District opposes the Proposed Project.

B. Overview of the Proposed Project

Pursuant to the DEIS, the Proposed Project is a mixed-use development built on approximately 93 acres of property formerly owned by a combination of Cerro Wire company and the Town of Oyster Bay. The Proposed Project consists of 625 residential ownership units (ranging in price from $325,000 to $750,000), shops, restaurants, corporate-style offices, a movie theater, two hotels, and a 30-acre community park.[11] The residential portion of the Proposed Project will be split among condominiums, townhomes, and cottages that contain anywhere from 1 to 3 bedrooms. The Proposed Project is described as a "walkable village," while still providing for vehicle traffic and parking for residents of the area that do not live within the residential portion to come and take advantage of the retail options. [12]

The DEIS indicates that the Proposed Project is to be built over the course of a 5-year timeframe beginning with construction on the proposed "Great Park", followed by the development of the hotel and office park properties.[13]

There are no restrictions planned on the residential development identified in the DEIS, and enrollment projections have been developed accordingly. The Developer has further indicated its intent to pursue tax abatements on office and other commercial development within the Proposed Project (commented on more extensively below).[14]

The Proposed Project is proposed to be built on two adjacent parcels with a concerning environmental history:

- **The Former Syosset Landfill** – "The Landfill was closed in January 1975 due to suspected groundwater contamination. The USEPA placed the Landfill on the National Priorities List (NPL, Federal Superfund Site) in September 1983 after determining that hazardous substances in groundwater beneath the Landfill posed a threat to the local drinking water source. A remedial investigation and

[11] See DEIS § 1.3.
[12] See DEIS § 1.3.
[13] See DEIS p.48.
[14] See DEIS p.486.

feasibility study were then completed to determine the nature and extent of groundwater contamination attributable to the Landfill. In 1990, USEPA issued a Record of Decision (ROD) requiring the Landfill to be capped to prevent contact with the landfilled wastes and to prevent leachate generation/migration from the Landfill."[15]

- **The Site of the Former Cerro Wire Company** – Cerro manufactured "steel electrical conduit, copper rods and steel for use in construction." "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. Numerous investigations including collection and analysis of hundreds of soil, groundwater and air samples have been completed since 1983 to document Site conditions, assess risks posed by contamination associated with the Site, and guide remedial efforts. Contaminated soils and wastes (including cyanide, lead, and plating solutions and sludge) were removed/remediated based on the Site characterization data, a Site-specific baseline risk assessment, and NYSDEC-approved work plans. NYSDEC removed the Cerro Site from the State Superfund list in February 1994, finding that the residual levels of the contaminants of concern (primarily copper, cyanide and zinc) in soil did not pose a significant public health risk based on the Site-Specific Cleanup Standards developed during the risk assessment performed for the Site. The Site-Specific Cleanup Standards assumed future Site use consistent with the industrial zoning at that time and did not contemplate the significant change in use as proposed by the Syosset Park development."[16]

The District has been closely monitoring this Proposed Project due to its immense scale, potential for significant enrollment impact, close proximity to District facilities, and the potential environmental and/or public health risk to the District and the School Community.

[15] See Walden Report, Ex. 3, at p. 4.
[16] See Walden Report, Ex. 3, at pp.1-2.

C. Overview of Impacts on the District

At the outset, please note that the Board of Education and District Administration are 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 or the District's limited sources of revenue. The District's responsibility during the SEQRA process is to use its specific expertise and concern on certain topics to ensure that the Lead Agency (in this case, the Town of Oyster Bay) is fully apprised of the potential impacts to any interested agency, i.e. the School District.

Based upon the documents received and reviewed to date, the District has identified the following serious concerns with respect to the Proposed Project as described in the DEIS, including but not limited to:

1. **Enrollment** – The 625 multi-family residential units, will result in significant increases in student enrollment, estimated at 381 students by the District's demographer. The District does not believe the DEIS accurately projects the number of school-aged children to be expected;
2. **Facilities** – The District does not have sufficient capacity to house the number of students projected within its existing physical plant (regardless of the enrollment study used). The DEIS significantly underestimates the size, cost, and complexity of the additional space needed for both instructional and open space (classrooms, fields, playgrounds, etc.);
3. **Cost** – The DEIS significantly underestimates both the unit cost to educate those additional school-aged children, and the total number of such children;
4. **Revenues** – Due to the operation of the tax cap and the Developer's intention to seek tax abatements, the potential tax revenues alleged to be generated by the Proposed Project do not appear likely to offset the costs associated with additional services and facilities to be incurred by the District. Moreover, the District was unable to confirm the DEIS' purported estimated assessed value of the development when fully constructed;
5. **Environmental Concerns** – The mitigation measures proposed by the Developer during construction appear wholly inadequate to avoid significant impact on the

students and staff of the District. The magnitude of the completed Proposed Project will impose ongoing security, safety and traffic burdens on the District that are difficult to quantify. In the absence of current data on residual contaminants on the site, future data from ongoing and planned independent testing at the site, and given the merely superficial descriptions of planned mitigation measures in the DEIS, the District cannot comment meaningfully on whether those measures are appropriate to the risks. Accordingly, we must express significant reservations about the completeness and adequacy of the DEIS as it relates to the impact on the District.

For convenience and ease of reference, each of the foregoing items will be addressed in turn in the balance of our comments.

Should the Proposed Project move forward, notwithstanding the District's opposition, it is the District's assessment that the DEIS, in its current form, contains inaccuracies and conclusions which the District disputes; does not include important adequate planning and mitigation measures that should be incorporated into the DEIS; and those mitigation measures which are included will not fully address the impact to the District, its operations, educational programs, infrastructure and finances, nor adequately protect the health and safety of the District's students and staff.

Please take note that these conclusions reflect the District's analysis of the information currently available regarding the Proposed Project. Once the results of the independent environmental testing announced by the Town[17] become available, and/or in the event that the Town Board, as Lead Agency, requires the developer to supplement the information found in the DEIS pursuant to 6 NYCRR 617.9(a) (7) (i) (a-c), or additional information is made available as stated above, the District expressly reserves its right to supplement these comments at appropriate times to reflect any newly gathered information that becomes available.

Moreover, it is critical that the impact to the District and the School Community, as well as other concerns by the District illustrated herein, are carefully reviewed and considered at this stage of the SEQRA process. Further, it is the District's position that finalization of the Environmental Impact Statement would be inappropriate absent resolution of the significant

[17] See Ex. 2.

issues outlined in this submission. *The District fully believes that the information provided herein provides sufficient grounds for requiring material reconsideration of the Proposed Project.*[18]

[18] See 6 NYCRR 617.9(a)(5)(ii)(b).

D. Enrollment

The DEIS Significantly Underestimates the Number of School-Aged Children Likely to Reside in the Proposed Project

Enrollment projections play a crucial role in District planning of finances, operations, and curriculum, and must always be carefully analyzed when examining a major residential development such as the Proposed Project.

Among numerous other accolades and recognition at the local and national levels, the District was recently recognized by Niche.com as the 23rd best school district in the nation. The District is a particular attractant to residents of the community. As a result, the District sees a steady influx of families who wish to move into the District.

This phenomenon was illustrated by the consultant the District engaged to perform enrollment projections, both for the existing housing stock and for any new residential dwellings created by the Proposed Project. Typically, enrollment studies begin with an examination of live births recorded by the County Health Department – every child born to a District resident will enroll in kindergarten 5 years later. However, the consultant observed that in Syosset, the number of kindergarteners is 62% higher than can be explained by live births to existing residents, suggesting that there is substantial in-migration by families with pre-school aged children.[19]

The original projection endorsed by the Developers estimated that the 625 units included in the description of the Proposed Project, of which 572 are planned to contain two or more bedrooms, would generate 139 school-aged children.[20] The District advised the Developer that the estimate appeared untenably low, in part due to the outdated methodology used to conduct the analysis. Initially, the Developers used residential demographic multipliers published by Rutgers University, Center for Urban Policy Research in order to arrive at the figure of 139 additional school-aged children generated by the Proposed Project. However, the Rutgers study is admittedly an outdated methodology when it comes to estimating enrollment impact in general, and particularly in the Syosset School District.[21] The Rutgers study was published in 2006 using data from the 2000 census, and has not been updated since. Effectively, this would mean that population data from the 1990s would be used to

[19] See Ross Haber Enrollment Study Table 2, infra.
[20] See DEIS at p. 461.
[21] See DEIS p. 462.

estimate the impact that the Proposed Project will have on enrollment in 2018 and beyond. Moreover, considering the reputation of the District and, as illustrated above, the unique desirability of living within its confines in order to secure a superior education, the Rutgers study cannot be considered reliable to estimate the impact of the Proposed Project on the District.

Table 2: Comparative Birth to Kindergarten Ratios[3]

District	Births 2006	KG 2011	Ratio	Births 2009	KG 2014	Ratio	Births 2010	KG 2015	Ratio	Average
Syosset	**221**	**358**	**1.62**	**241**	**393**	**1.63**	**226**	**367**	**1.62**	**1.62**
Plainview-Old Bethpage	287	330	1.15	283	361	1.28	210	293	1.40	1.28
Jericho	102	179	1.75	92	150	1.63	96	160	1.67	1.68
Hicksville	395	363	0.92	443	364	0.82	397	360	0.91	0.88
North Shore	133	168	1.26	131	169	1.29	124	186	1.50	1.35
Plainedge	191	232	1.21	231	244	1.06	191	190	0.99	1.09
Bethpage	207	207	1.00	182	197	1.08	194	206	1.06	1.05
Massapequa	447	518	1.16	431	477	1.11	450	504	1.12	1.13
Farmingdale	443	401	0.91	414	393	0.95	446	403	0.90	0.92
Amityville	364	231	0.63	348	247	0.71	362	234	0.65	0.66
Locust Valley	149	141	0.95	156	156	1.00	132	160	1.21	1.05
Seaford	184	162	0.88	168	174	1.04	145	149	1.03	0.98
Totals	260	274	1.12	260	277	1.13	248	268	1.17	1.14

Of the other Long Island districts studied for comparison purposes, Syosset's birth:kindergarten ratio was exceeded only by Jericho, which enjoys a similarly favorable reputation as a school district.

The Developers thereafter engaged CGR Inc. to employ a different methodology to estimate the number of school-aged children that would be generated by the Proposed Project and the fiscal impact associated with that estimate. The CGR Report uses data from the Census Bureau's Public Use Microdata Sample (PUMS) to estimate that the Proposed Project will generate 243 total students at full build-out, broken down between 112 elementary school

students, 56 middle school students, and 75 high school students. The CGR Report also finds that 32 of the students will be special education students.[22]

It is the District's assessment that this calculation/methodology, which remains the developers' most up to date enrollment projection, nevertheless underestimates the potential impact of the Proposed Project. Using multipliers to account for the various size units, Ross Haber projected that the Proposed Project would generate an additional 355 students to the District.[23] In 2018, the District requested that Ross Haber review the updated reports and data for the District. Haber's Revised Addendum has concluded, based upon updated enrollment figures that the Proposed Project will yield 381 students.[24]

The age ranges of those projected students were broken down as follows:

Students When Fully Completed	K-5	6-8	9-12	Total
2017 Estimate	249	71	35	355
Revised 2018 Estimate	267	76	38	381

The distinction between the District's figures and those of the Developer are not merely academic. A difference of 138 students at a per pupil cost approaching $30,000/year could have a budgetary impact in the range of $4 million. (These figures will be treated with more precision below.)

It is important to note that enrollment projections are notoriously volatile, and highly influenced by local and regional economic conditions, housing markets, and mortgage interest rates. Therefore, they should be regarded as the mid-point of a potential range with fairly wide margins for error on both sides. However, as a practical matter, estimates that prove too generous are far less disruptive to accommodate than those which prove too conservative.

Accordingly, during a period of growth, there is far more risk to underestimating the number of potential students than there is to overestimating that growth. Thus, it is important to plan

[22] See DEIS Appendix M, Fiscal Impact of Syosset Park on Syosset Central School District ("CGR Report") at p. 2.
[23] See September 2017 Enrollment Study and Addendum, annexed hereto as Exhibit 4.
[24] See Updated Addendum prepared by Ross Haber dated August, 2018, annexed hereto as Exhibit 5.

facilities not just for the projected number of students, but for some figure that could accommodate a substantial upside margin for error.

At worst, this approach may result in the creation of excess facilities capacity, but the costs of the alternative (underestimating facilities needs) are far more dramatic: they could result in overcrowding or redistricting (i.e. addressing over-enrollment by redrawing existing elementary school zones). This could likewise result in loss of programs and opportunities for students.

(Note: District estimates and projections are based on the enrollment figures calculated using the same methodology employed for the New York State Education Department ("NYSED") School Report Card site: https://data.nysed.gov/lists.php?type=district. These counts *include* students residing in the District and enrolled in District-based instructional programs. The counts *exclude* resident students attending non-public schools, full-time BOCES placements, or full-time placements with approved special education providers ["§4405 Pupils"]. Enrollment also fluctuates through the course of a school year. NYSED's methodology assigns a single day in early October as "BEDS Day" and reports enrollment for all districts as of this day. The District applies the State's methodology to ensure comparability with figures published publicly by NYSED.)

In the section on facilities, we explore the District's enrollment projections for existing properties in more detail.

E. Facilities

The DEIS Underestimates the Scope and Cost of Facilities Needed to Accommodate the Influx of New School-aged Children

Options for Accommodating Student Growth

The District certainly welcomes new students and every opportunity to enrich the lives of the youth in our school system; however, the extent of enrollment growth contemplated by the Proposed Project will more than exhaust any facilities capacity in the District. In the absence of additional infrastructure development, the District would have to accommodate this growth through strategies that could undermine the excellent education for which the District has become known. For example, by:

- Increasing class size;
- Eliminating classrooms used for academic enrichment;
- Redistricting to redistribute students within elementary school zones.

Alternatively, to maintain its existing program, the District would have to plan for construction to, and expansion of, its existing facilities. There appear to be only 2 possible routes to accommodate the anticipate pupil growth.

- Build a new school building. However, since the District does not own any vacant property adequately sized to build a new school with the required parking and outdoor recreation space, a location for such a facility would have to be identified. The District's other elementary schools range from 9 to 20 acres in size, so a parcel of comparable size would have to be identified, either within the 93 acres of the Proposed Project, or on land purchased for this purpose. This would by far be the most expensive approach, and since the District cannot build on land it does not own, we did not explore estimates of cost.
- Expand one or more existing buildings. This would be accomplished through the physical construction of additional classroom and common space. This option appears the more cost effective of the two scenarios and likely and is explored fully below.

The DEIS attempt to address the impact to the District facilities falls short in several respects:

- The DEIS fails to take into account the required expansion that would be necessary at multiple District sites;
- The DEIS makes unrealistic claims about the timeframe for which such expansion would occur; and,
- The DEIS significantly underestimates the likely cost impact.[25]

At the elementary school level, the District's enrollment projections suggest that expansion of facilities resulting from the Proposed Project will be a certainty. Although the applicant indicates that it would be "willing to undertake improvements potential at/adjacent to South Grove Elementary", it fails to come close to the expansion that would be necessary to house additional school-aged children at multiple locations throughout the District.[26]

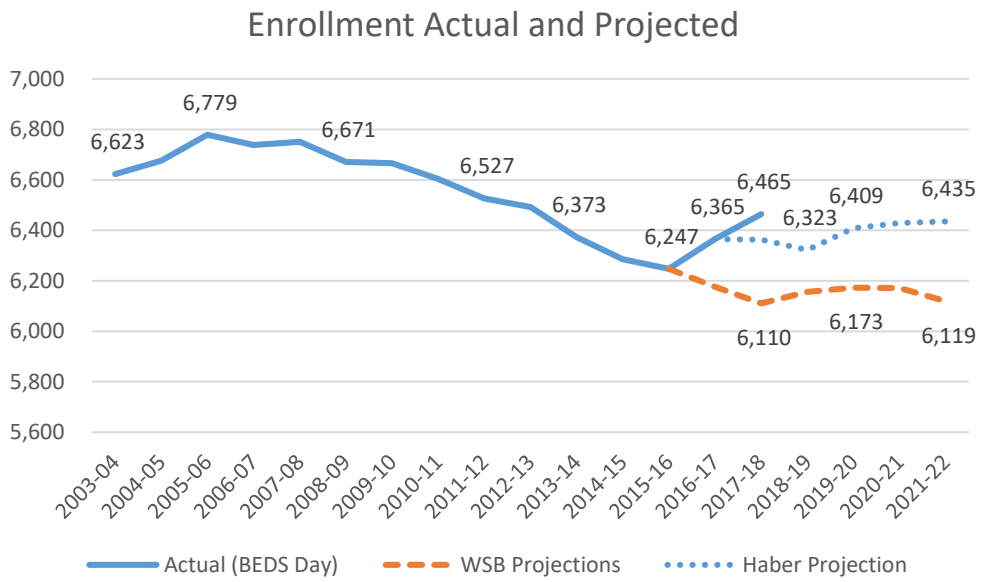
Existing Facilities Capacity

The two schools in closest proximity to the Proposed Project, Robbins Lane and South Grove Elementary Schools had enrollments of 461 and 447 students, respectively, for the 2017-18 school year.

The CGR Report appended to the DEIS downplays the impact of the additional children to be generated by the Proposed Project by arguing that District enrollment declined in the ten-year time span from 2006-07 to 2016-17.[27]

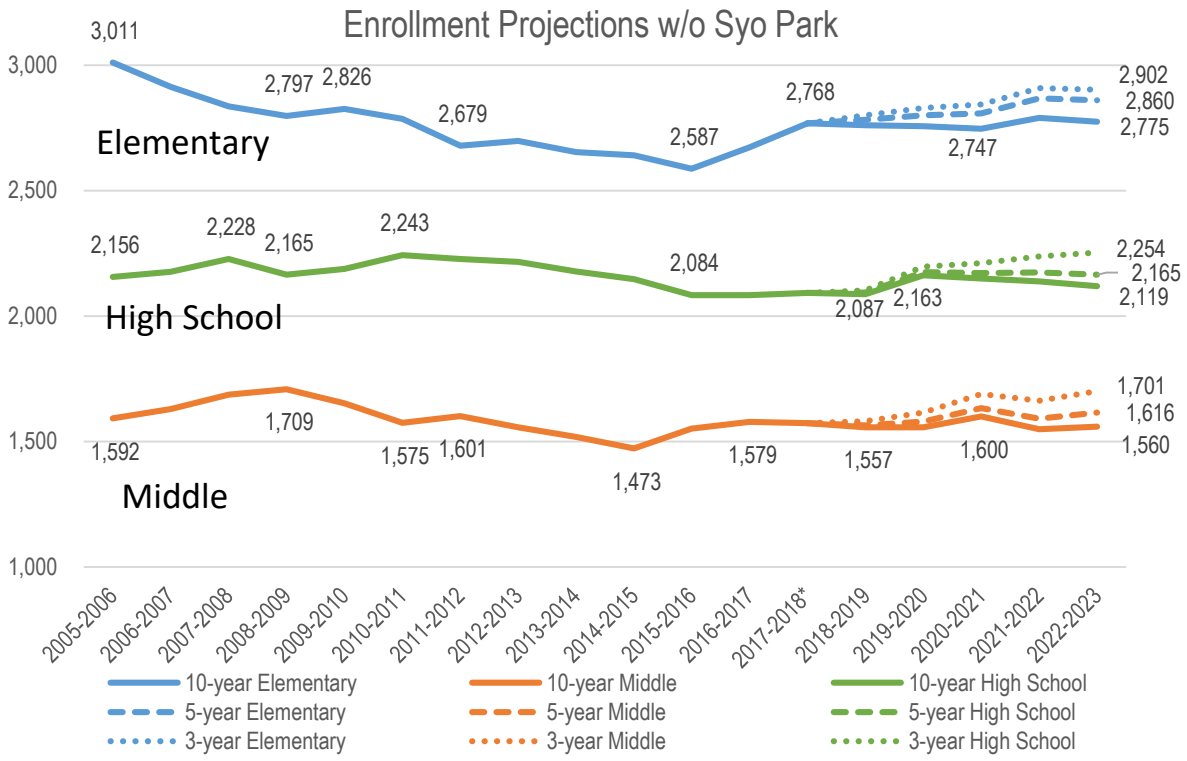
However, the CGR Report fails to take into account that the 2 most recent years of this last ten-year period have shown an increase in enrollment of over 200 students, in excess of both the projections made by Western Suffolk BOCES Enrollment Planning service in 2015 and also exceeding Ross Haber's projections from 2016.

[25] See generally DEIS at p. 509-510.
[26] See DEIS at p. 509.
[27] See CGR Report at p. 4.



Moreover, enrollment is notoriously difficult to project during periods of trend changes. Syosset's enrollment appears to have hit bottom in 2015-16 and then reversed trend. Using a 10-year average from 2007-08 to 2016-17 (a typical means of enrollment prediction) would suggest that Syosset's enrollment is dropping on average by 38.6 students/year (from 6,751 to 6,365). Trended forward, that would suggest an ongoing period of enrollment decline. This is the conclusion reached in 2015 by the Western Suffolk BOCES Enrollment Planning Service. However, in the two years since that study, Syosset's enrollment has grown: enrollment in the 2015-16 school year was at a low of 6,247, which increased to 6,365 in the 2016-17 school year, and to 6,465 in the 2017-18 school year.

Based on the initial jump in enrollment, the District commissioned a new enrollment study in 2016, and after the second year of increase asked the Consultant, Ross Haber, to update his projections in 2017. It is still unclear whether the past 2 years represent a trend reversal or a statistical anomaly, so this update projects enrollment based on traditional 10-year averages as well as by giving greater emphasis to more recent trends through the use of either a 5-year average or a 3-year average (essentially ignoring 5 or even 7 years of enrollment decline over the 10-year period). Thus, Haber's original projection, and updates based on these more aggressive assumptions, are contrasted below.



(Note: Slight differences in totals from Haber Report due to rounding.)

The 3-year average would obviously be the most aggressive prediction, since it essentially presumes the last 2 years of growth are not anomalies, but the beginning of a new upward trend. However, that presumption does not yet appear to be triangulated with confirming external data such as a dramatic increase in residential housing stock or an increase in live birth data. Accordingly, the enrollment trends must be monitored closely for the foreseeable future until a new trend is conclusively established. However, the one utterly certain conclusion is that one cannot presume that there will be a continuing loss of enrollment of a magnitude sufficient to accommodate the new enrollment growth from the Proposed Project.

> *However, the one utterly certain conclusion is that one cannot presume that there will be a continuing loss of enrollment of a magnitude sufficient to accommodate the new enrollment growth from the Proposed Project.*

Specifically, the CGR Report in the DEIS uses inaccurate information to make the argument that enrollment in both South Grove and Robbins Lane has dropped since the District's peak

enrollment in 2005-06 and could therefore accommodate new student growth.[28] These assertions are addressed below.

Table - Syosset School District Enrollment

Year	District	Robbins Lane	South Grove	Walt Whitman
2003-04	6,623	539	372	377
2004-05	6,677	540	360	383
2005-06	6,779	520	375	381
2006-07	6,738	500	374	356
2007-08	6,751	475	379	347
2008-09	6,671	460	400	328
2009-10	6,666	500	408	341
2010-11	6,604	494	418	312
2011-12	6,527	479	418	293
2012-13	6,493	489	409	278
2013-14	6,373	477	417	242
2014-15	6,286	472	391	258
2015-16	6,247	446	398	256
2016-17	6,365	454	413	264
2017-18	6,465	458	456	281

- **Robbins Lane** – While Robbins Lane has seen enrollment drop by about 80 students from its peak, the District's enrollment study shows continued modest growth for the projection period.

- **South Grove** – Elementary enrollment has been steadily increasing and is about 75 students above its low. It has very little excess capacity.

- **Walt Whitman** – Some modest amounts of space are available in Walt Whitman Elementary where the 2017-18 enrollment of 281 is about 102 students less than the 2004-05 enrollment of 383. However, like the District as a whole, Walt Whitman has been experiencing steady enrollment growth (almost 10%) since its low of 256 in 2015-16. The District's enrollment study shows

[28] See CGR Report at p.4.

> projected growth to continue up to the 300-student level in the next several years. Accordingly, there is not an appreciable reservoir of future space to dedicate to a large influx of new students, nor does the building's location at the extreme Eastern boundary of the District appear attractive to transport students from the District's extreme Western boundary.

Given the lack of capacity to accommodate the 267 net new elementary students our projections estimate will be generated by the Proposed Project, new facilities would have to be constructed. As illustrated above, it is beyond the capacity of the District to acquire new land for a new facility, so the only option is to build within its existing footprint.

It makes little sense to attempt to accommodate all of the new elementary students on a single campus – creating one elementary school with nearly double the enrollment base of all others. Similarly, redistricting to take advantage of a small amount of space temporarily present in another building would create the undesirable condition of disrupting the educational and social progress of the District's existing elementary students in order to accommodate an influx of students from the Proposed Development, and potentially putting the District at risk of more frequent future, socially disruptive, redistricting. This is undesirable.

Accordingly, for estimation purposes necessary to comment accurately on the DEIS, the District has assumed the most viable option would be the construction of 2 new wings of classrooms on the South Grove and Robbins Lane campuses. Since these new wings would be expected to accommodate more than 130 new students each (with some flexibility in case these projections prove too conservative), enhancements to the building's common spaces (libraries, offices, gymnasia, cafeterias, bathrooms and parking) would be required as well.

The District has a maximum class size established by Board Resolution of 25 students in grades K-3 and 27 students in grades 4 and 5.[29] Accordingly, when the number of first grade students in a given building reaches 76, the grade level "splits" and a new section (a new classroom with a new teacher) is opened. Assuming enrollment growth from the Proposed Project would be distributed somewhat evenly across the elementary grades K-5, it is likely that new sections would have to be opened in every grade. Accordingly, at least 7 classrooms

[29] See Syosset Central School District Board of Education Resolution No. 37-16 at Exhibit 6.

would need to be created simultaneously (one for each new section at each grade level K-5 with another for special education or art/music).

The CGR Report suggests the District could raise class sizes to 27 to assist in accommodating growth. However, this would be contrary to the District policy and would materially change the District's educational program.[30] Moreover, it might accommodate, at most, 48 additional students (2 students x 3 sections x 4 grades x 2 buildings = 48). Thus, we conclude increasing class size to accommodate new enrollment would be an undesirable and ultimately insufficient last resort, so we have dismissed it from our analysis.

Thus, for purposes of generating cost estimates for construction, we asked the District architects to mock-up and estimate the cost of the least impactful reconfiguration of the two schools with an increase of at least 7 classrooms plus associated additional common space and parking.

Important Note

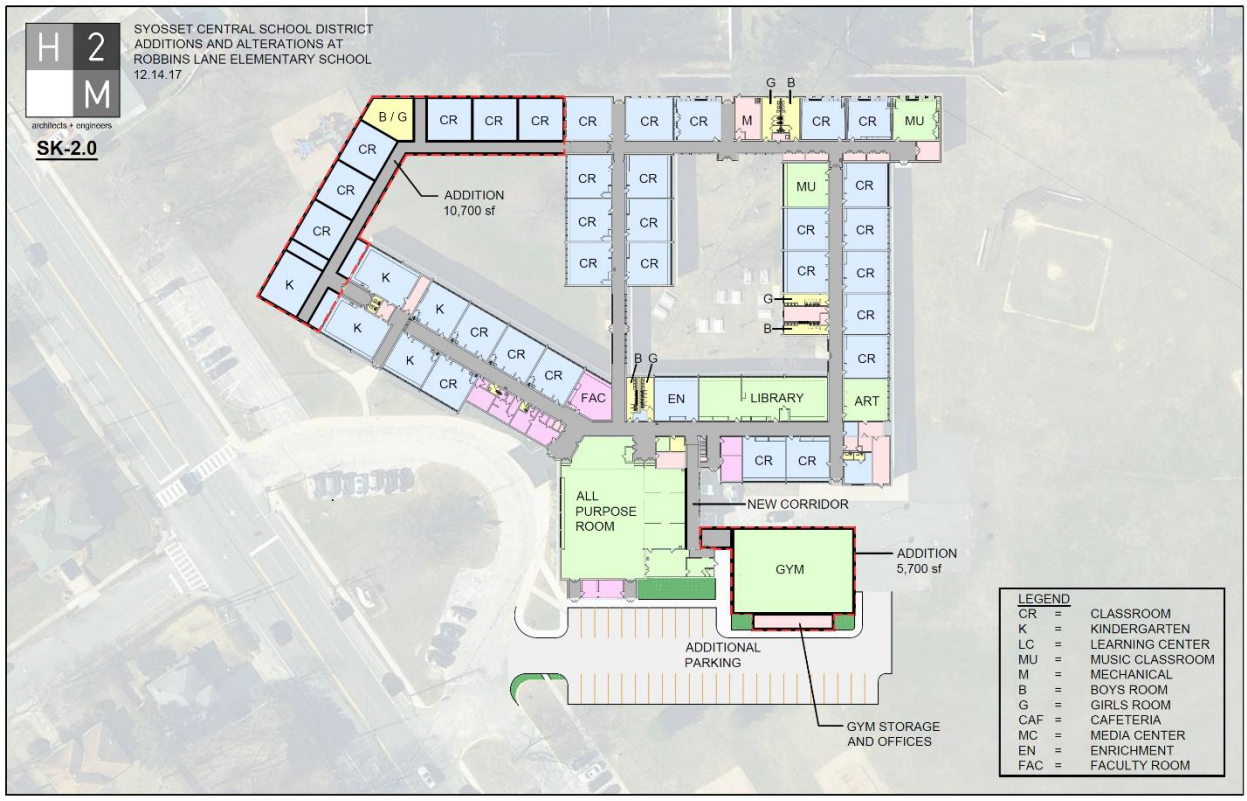
The District developed the following mock-ups solely for the purposes of illustrating that the cost projection in the DEIS is wholly inadequate for even the least impactful configuration we believe necessary, and that the scale of new construction needed to adequately accommodate this influx of students will require significant amounts of lead time, planning, public and State approvals, and financial investment. The District incorporated the Developer's suggestion to illustrate just how modestly it mitigates the potential imposition.

The District is neither proposing the projects below nor advocating them. They are solely to illustrate the most realistic approach to accommodating the projected enrollment growth and to generate cost estimates that would be required.

[30] See CGR Report at p. 6.

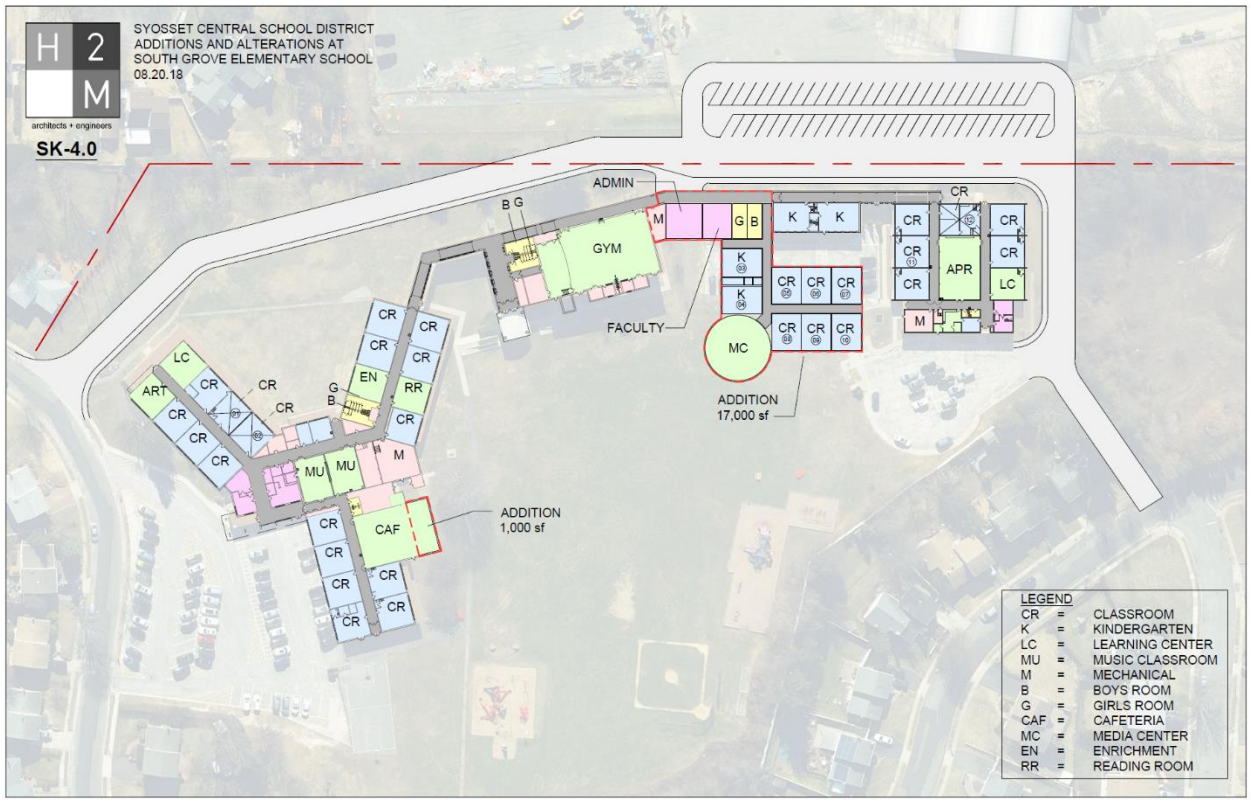
Robbins Lane

Adding a set of classrooms to Robbins Lane would require an additional 10,700 square feet of classroom and bathroom space. In addition, it would be necessary to increase common space by adding a gymnasium totaling 5,700 square feet, and converting the existing gym to an all-purpose room.



South Grove

Adding a set of classrooms to South Grove would require an additional 17,000 square feet of classroom and bathroom space between the existing building and the South Grove annex. The existing library space would be reclaimed as classroom space and a new Media Center, situated centrally in the building as the gymnasium currently is, would be required. An additional 1,000 square feet of cafeteria space would be required to accommodate the increased numbers of students. There is no room on the existing South Grove campus to accommodate any increase in parking without impacting student outdoor recreational space. The Developer, as part of the DEIS, suggested that parking could be accommodated within the area of the Proposed Project to avoid loss of outdoor space.[31] The following mock up incorporates this idea in order to estimate the cost of the least impactful configuration potentially possible, not to suggest that the District embraces this approach.



[31] See DEIS at p. 509.

Facilities Cost Estimates

For purposes of comparing our analysis to the construction cost estimates projected in the DEIS, the District has chosen to estimate what we judge to be the most economical means of accommodating the projected enrollment growth without disrupting the District's educational program or quality: to construct, at a minimum, approximately 34,400 square feet of additional space spread across two campuses. The District has consulted with its architect to estimate the cost per square foot of this new construction, and was informed that the current construction costs for public schools are approximately $500 per square foot.[32] It is important to note that, for purposes of the District's impact analysis of the Proposed Project, all costs that have been estimated throughout the District's comments are based on current dollars without inflationary or annual escalation. This approach was taken to normalize the costs. It stands to reason that if escalations were projected by the District, the costs to the District would rise accordingly over time.

Item	Analysis
Architect Drawings	34,400 square feet
Cost/Sq Ft	$500 per square foot
Construction Cost	$17,200,000
Contingency	+10%
Design Contingency	+5%
Subtotal	$19,780,000
Soft Costs	10%
Total Estimate	**$21,758,000**

We anticipate that the additional space would require a capital investment of approximately $21.8 million. These capital expenditures would result in an annual debt service payment of approximately $1.5 million per year.

School districts are provided with reimbursement from New York State for certain allowable costs of school construction, based on a formula that takes into consideration the fiscal capacity of the District. A conservative estimate assumes that 20% of the project costs would

[32] The cost per square foot will likely increase during the next five (5) years.

not be eligible for reimbursement. Of the remaining 80%, the District can expect 21.8% reimbursement from the State based on its 2017-18 building aid ratio. Using the NYSED statewide amortization rate of 2%, we can calculate estimated State aid on the project of approximately $295,000 per year.

Thus the District's net annual debt service expense after the reduction of State aid would be approximately $1.2 million. This differs substantially from the CGR Report contained in the DEIS, which calculated an annual debt service payment of $300,000 to cover the cost of any new construction needed to increase additional physical capacity for the 112 students identified in their projections.[33]

Construction Timeframe

The DEIS suggests that, as the Proposed Project is being built-out, the District can simply evaluate its needs in real-time and adjust accordingly.[34] The DEIS further suggests that the District can construct new space on an "as needed" basis. This is not accurate, nor advisable. The process to undertake construction efforts on District property requires advance preparation and approval from both the voters of the District and the State Education Department. Generally, the District recognizes a 3-5 year lead time before planned new space can be available for use. This time period includes:

- Initial design
- Public engagement and feedback
- Board approval
- Public approval by referendum
- NYSED (State) review and approval
- Funding/bond issuances
- Public bidding of the projects
- Lead time for materials, and
- Actual construction time

Assuming the 5-year build-out for the Proposed Project outlined in the DEIS, it is reasonable to assume that a significant number of new students would already have enrolled in the District by the 3rd year of construction. Accordingly, to accommodate these children within

[33] See CGR report at p. iii.
[34] See DEIS at p. 465.

the District's physical plant, it would be necessary to begin the public engagement and approval process almost immediately should the Proposed Project gain approval by the Town. This would be a very significant endeavor on the part of the District.

However, moving ahead with such projects would introduce the practical challenge of asking the public to approve a multi-million-dollar facilities expansion to accommodate enrollment growth from new residential construction that has yet to generate any tax revenue to offset those costs. As discussed further below, it is highly unlikely that the Proposed Project will generate "new" revenue for the District. Accordingly, the costs would be borne by the District and ultimately, the District's existing taxpayers.

It is less likely that the secondary schools will face capacity concerns, if not in the short term, over the long term as elementary students age. Nevertheless, should the District's enrollment projections or age distributions prove overly conservative, the District could be faced with additional facilities needs at the secondary level. Construction at the secondary level would result in further expense to the District and its taxpayers.

Summary of Facilities Analysis

The potential financial impact to the District of new construction is far greater than the Developers' estimate included in the DEIS.[35] Using a per-pupil expenditure as a means of scaling costs is more appropriate for operating costs, and inappropriate for facilities costs. There is no facility that the District can purchase on a per-pupil basis. Rather, the District must budget based on the cost of the facility it would build to accommodate the projected growth.

Given the apparent reversal of the District's enrollment decline, it is unlikely that the District will free up significant reservoirs of space in any one building, and it is impractical to think that students from the Proposed Project would be scattered among the District's buildings, or that the District would dramatically alter elementary zones to consolidate present free space in an attempt to slightly minimize the magnitude of new construction that would be required. Instead, the District would have to build new wings on 2 buildings with sufficient space to accommodate the growth at an overall cost of almost $22 million, and an annual net budget impact of $1.2 million. For purposes of this analysis, we did not include potential construction costs associated with construction at the secondary level. However, as pointed

[35] See infra at Section F.

out earlier, that should not be construed or interpreted to mean that construction at the secondary level will not be necessary in the future.

F. Operating Costs

The Operating Costs the District Will Incur for the Increased Enrollment Are Substantially Higher than Estimated in the DEIS

Instructional Costs

School districts are labor-intensive institutions whose service costs scale in proportion to enrollment. The influx of students anticipated from the Proposed Project is not trivial, and will therefore carry a significant cost impact to be absorbed by the District. There will be instructional costs, non-instructional costs, and facilities costs of accommodating the increased student population. The discussion below estimates the magnitude of this cost impact.

NYSED issues a Fiscal Accountability Summary each year that outlines per-pupil cost for every school district in the State.[36] These numbers are updated annually (note, the 2016-17 Fiscal Accountability Summary uses figures from the 2015-16 school year). In order to preserve comparability between school districts, and consistency of methodology with that employed by the State[37], we have used these figures (the most recent available) as the starting point for estimating the per-pupil cost of additional students.

For purposes of ensuring consistency of data, we started with the 2015-16 per pupil figures published by the State and then applied the actual budget-to-budget increase for the 2016-17 and 2017-18 school years to arrive at a current per pupil amount.

[36] See *NYS Fiscal Accountability Summary (2016-17)*, annexed hereto as Exhibit 7.
[37] The State does not make its exact methodology for arriving at this calculation available. Thus, while the District is certainly in possession of fiscal data more recent than 2015-16, we would be unable to generate a per pupil figure that would be appropriate for comparison to the State's figures. Accordingly, we have instead started with the State's figures and used the annual change in District budget to account for the year-to-year cost increases over the last 2 years.

Table: Conversion of 2015-16 Per Pupil Cost Data to 2017-18 Dollars

	2016-17 Fiscal Accountability Based on 2015-16 Data	2016-17 Budget Increase - 1.98%	2017-18 Budget Increase - 1.75%
General Ed	$19,400	$19,784	$20,130
Special Ed	$61,901	$63,127	$64,231

Accordingly, for purposes of analysis and projection we used a cost of $20,130 per year for each general education student in the District and $64,231 per year for each special education student.[38] For the 2016-17 school year, the BEDS day enrollment was 6,365 students of whom 718 or approximately 11.3% were special education students.[39]

Applying these figures to the additional enrollment estimated to be generated by the Proposed Project, we obtain the following estimate of instructional costs.

Table: Cost of New Students

	Number of Students Projected by Ross Haber	Annual Cost per Student as Calculated Above	Total Annual Cost
General Education	338	$20,130	$6,803,940
Special Education	43	$64,231	$2,761,933
Total	**381**		**$9,565,873**

Non-instructional Costs

The instructional costs presented in the Fiscal Accountability Report do not include non-instructional costs such as transportation or central services (custodial, maintenance and

[38] Costs are presented as averages within a range of costs that is dictated by the severity of the disability and the educational program required to address the child's needs. For some students, these costs can be well in excess of this average figure.
39 https://data.nysed.gov/enrollment.php?instid=800000048948&year=2017&swd=1

security). These costs would be directly impacted by the additional enrollment and warrant consideration in the evaluation of future costs to the District.[40]

The District initially estimated these non-instructional costs at $1.25 million for the 381 students projected.

It is important to note that these costs have been calculated based on existing security staffing levels. They would have to be increased to reflect any security needs not addressed by the Developer as a mitigation measure during construction and the operation of the Great Park.

The estimates of these non-instructional costs are based on the most recent data available from the 2017-18 school year. The more recent data reflect recent enhancements to operations including significant changes to security since February 2018 and serve as a more accurate prediction of future expenses. Year-to-date expenditures and encumbrances outstanding were calculated for custodial, maintenance, security and transportation codes. These expenditures were divided by the BEDS enrollment data for the 2017-18 school year to arrive at a per-pupil expenditure. The per-pupil value was multiplied by the new enrollment and as indicated in the table below, results in an additional annual expense of $1.4 million for transportation, custodial, maintenance and security.

[40] Instructional Expenditures are partially defined in NYSED Fiscal Accountability Summary to exclude non-instructional expenditures such as transportation and debt service. Representatives from Questar III State Aid and Financial Planning Service provided further guidance on the exclusion of central services (custodial, maintenance and security) in the category of instructional costs.

G. Summary of Cost Impact

A proposed project of the scope of Syosset Park will have a material impact on the financial operations of the District. The increased enrollment will directly impact the operating budget of the District, and the required expansion to the facilities to accommodate the increased enrollment will increase the capital budget.

The DEIS attempted to quantify the scale of the financial impact to the District as a result of the Syosset Park development. Their projections are included in Appendix M of the DEIS in the CGR Report. Presented below is a summary of the financial impact presented in the CGR Report along with the District's own analysis of the financial impact on operating expenses and capital expenses.

As indicated in the summary table below, the District estimates a financial impact of a minimum of approximately $12.2 million per year in increased costs. The District's estimates are $5.7 million, or 88% higher than those presented in the CGR Report. This difference is attributable to three factors: the Developer's analysis underestimated the enrollment increase, the capital investment necessitated by the increased enrollment was underestimated, and expenses resulting from the increased enrollment were omitted.

	CGR Report	District Estimates
Enrollment	243	381
Instructional Costs*	$6,200,000	$ 9,565,873
Transportation & Central Services**	-	$ 1,448,799
Annual Debt Service for New Construction	$ 300,000	$ 1,200,000
Estimated Annual Additional Costs	$6,500,000	$12,214,672

** District estimates based on 2016-17 Fiscal Accountability Summary: https://data.nysed.gov/fiscal.php?year=2017&instid=800000048948. These estimates were adjusted by the budget to budget increase for 2016-17 and 2017-18 for comparability with 2017-18 data.*

*** District estimates based on 2017-18 YTD expenditures & encumbrances divided by 2017-18 BEDS enrollment*

Using the Developers' significantly lower enrollment projections decreases the cost to $6.5 million.[41] Accordingly, the costs projected by the Developer in the DEIS are not accurate as applied to the District. The discrepancies between the Developer's estimates and those of the District can be summarized as follows:

1. The Developer's Report projected that new enrollment would increase operating (instructional) costs and debt service by $6.5 million per year, which was based on an enrollment projection of 243 students.[42]
2. It appears that the Developer's value for instructional costs was partially derived using instructional expenditures from NYSED Fiscal Accountability Summary (2015-16 which uses cost data from 2014-15). The District's estimates for Instructional Costs used the more recent NYSED Fiscal Accountability Summary (2016-17), which is based on data from the 2015-16 school year. To provide estimates that are more reflective of current and future costs, the expenditures were adjusted by reflecting the budget to budget increases for the 2016-17 and 2017-18 school years; 1.98 % and 1.75%, respectively. The resulting per-pupil expenditures of $20,130 for general education and $64,231 for special education were multiplied by the District's projected enrollment to arrive at the additional annual instructional cost of approximately $9.6 million.
3. The Developers did not consider the impact of the additional enrollment on non-instructional costs, such as transportation and central services. The District estimated these costs at approximately $1.4 million per year.
4. The Developer's estimate of debt service was created by utilizing a State average construction cost index adjusted by a regional cost factor and then prorated against their projected enrollment change. The Developer's methodology could never be operationalized in the real world. The District worked with its architects to analyze the impact of the new enrollment on classroom space as well as other shared spaces in specific buildings to produce estimates based on the actual space required and current construction costs.

[41] See CGR Report at p. iii. This annual cost does not include the necessary costs associated with facilities, staff, etc. as identified herein.
[42] See CGR Report at p. ii.

H. Revenue Estimates from the Proposed Project

The District Is Unlikely to Realize Any Significant Additional Revenue Streams Sufficient to Offset the Fiscal Impact of the Proposed Project.

The DEIS advances the rationale that the costs of the additional students and facilities will be outweighed by a net tax revenue benefit to the District.[43] While it may initially stand to reason that replacing a vacant property that generates little tax revenue for the surrounding municipalities with a large number of commercial, residential, and retail properties at full market value will result in a large stream of net revenue to those municipalities; in the case of a school district such a benefit is highly unlikely. Moreover, even if the revenue benefit were to be fully realized (which it will not), it is significantly less in magnitude than the cost impact the District will face. Accordingly, the DEIS forecast that there will be "no significant adverse impact" to the District as a result of the Proposed Project is inaccurate.[44]

Tax Cap Formula

Although the District does receive some education funding from both the Federal and State governments, it relies heavily on local, real property taxation to fund the public schools. The tax levy, exclusive of payments in-lieu-of taxes ("PILOTs")[45], accounts for approximately 85% of the District's revenue. Thus any new cost will largely have to be supported by local revenues. Since 2012-13, school districts have operated under a tax levy cap that limits the amount that the tax levy can increase from year-to-year without needing to seek a "supermajority" vote of the public. The majority of the District budget derives from the real property tax levy, which can only be increased year-over-year by two percent (2%) or the rate of inflation, whichever is lower.[46] This may be adjusted upward or downward based on a formula incorporating certain local circumstances in a given district.[47]

The formula[48] is expressed below:

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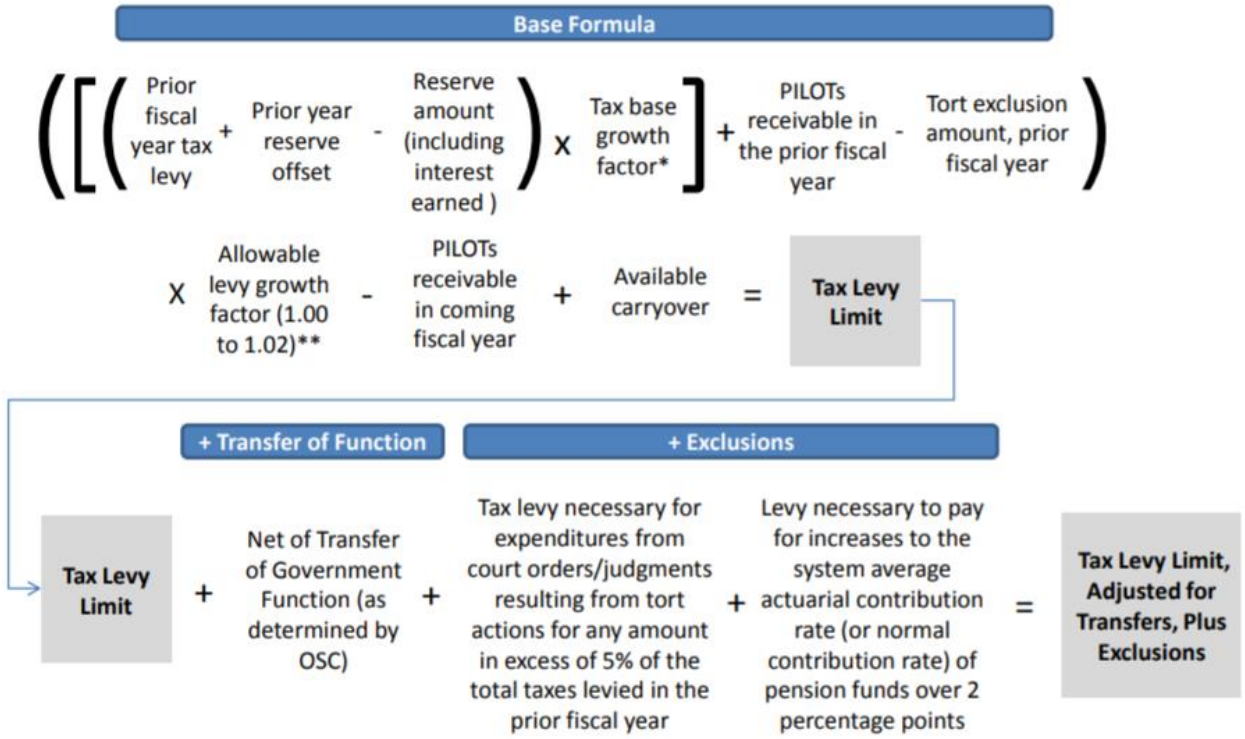
[43] See DEIS at §3.8.2.3.
[44] See e.g. DEIS at pp. lii, lv.
[45] Payments in lieu of taxes are defined as "any payment made to an agency, or affected tax jurisdiction [includes a school district] equal to the amount, ***or a portion of,*** real property taxes, or other taxes, which would have been levied by or on behalf of an affected tax jurisdiction if the project was not tax exempt by reason of agency involvement." N.Y. Gen. Mun. Law 854 (17)(2018)(emphasis added).
[46] See N.Y. Educ. Law §2023-a (2018).
[47] https://www.osc.state.ny.us/localgov/realprop/schools/files/instructions.pdf
[48] https://www.osc.state.ny.us/localgov/realprop/pdf/formula.pdf



Of note for purposes of this discussion are two important factors that can affect the calculated cap for any given district:

1. **Tax Base Growth Factor (TBGF)** – In simplest terms the TBGF is a multiplier that allows school districts to increase their tax levy to accommodate additional growth in the community. It is developed by the New York State Department of Taxation and Finance, and in our District, based on information on assessed values that they receive from the tax rolls provided by Nassau County. The TBGF is influenced by the Quantity Change Factor which represents physical changes to properties. Improvements and developments are reflected as Quantity Increase Factors and demolitions or properties being exempted are reflected as Quantity Decrease Factors. Equalization increases and decreases, which may reflect changes in market values, are also a variable in the calculation of the TBGF.
2. **PILOT Changes** – PILOTs are tax abatement programs administered by local Industrial Development Agencies.

Tax Base Growth Factor

The DEIS states the potential for the new development to benefit the District by providing an opportunity to increase the tax levy beyond the cap limit.[49] Generally, a school district may be able to account for new growth under limited circumstances. Pursuant to the tax levy limit formula, the District *is* allowed to raise additional revenue through taxes when the "quantity change factor" positively impacts the tax base growth factor. This factor is included in the tax cap legislation to allow the District to raise revenue to offset growth in the community should it occur. Pursuant to the calculation, after the District determines its prior year tax levy, it is then required to multiply that amount by the tax base growth factor. If a "tax base growth factor" has been reported to the local government by the Commissioner of Tax and Finance, the total amount of taxes levied for the prior year is to be multiplied by the growth factor.

To determine the reasonableness of the Developer's projections, the District contacted representatives from the New York State Department of Taxation. We requested their assistance in evaluating the Developer's data and the potential impact on the TBGF.

Nassau County separates property into 4 classes: "Classes 1 and 2 include properties that are used primarily for residential purposes. Class 3 consists of utility company equipment and special franchises. Class 4 contains all other property, including commercial, industrial and institutional buildings and vacant land."[50]

Quantity change factors and equalization changes are calculated separately for each of the four Nassau County property classes. These separate quantity change factors for the four classes of property are then weighted based on their full value to arrive at a weighted class TBGF that is summed for all tax classes and applied to the District's tax cap formula.

Challenges Forecasting the TBGF

1. The New York State Department of Taxation and Finance indicated that forecasting the TBGF into the future is problematic due to the significant amount of variables involved. They noted that they could not verify the growth estimates in the Developer's projections as they cannot predict what the ratios of assessed value to full market value for each class would be in the future. This ratio is used to determine the market value for each class in the District. The percentage of market value of each

[49] See CGR Report at p. 7.
[50] https://www.nassaucountyny.gov/1517/Information-for-Property-Owners.

class compared to the total full value of the District is used to weight the growth factor of each class of property for the creation of the tax base growth factor for the District. They further informed the District that the lack of certainty around future class rates due to the impending reassessment in Nassau County precludes the development of reasonable estimates on the impact on the TBGF.

2. Insufficient information is available to evaluate the assessment estimates contained in the DEIS. The projected tax revenues are based on assessment levels that will not be relevant by the time the Proposed Project is built. Notably, the District was informed that they will not be relevant by the end of 2018. The DEIS fails to mention, or completely ignores, the new plan introduced by Nassau County in calendar year 2018. Nassau County Executive Laura Curran has introduced a plan to complete an ongoing systematic review of assessment levels in the County that may effectively change much of the data found in the DEIS.[51] This plan ends the County-wide assessment freeze that began in 2011 that resulted in property market valuations maintained by the Department of Assessment becoming distorted. The culmination of these efforts will be a reset of market and assessed values of all property in the County by January 2019.

3. Lastly, it is unclear into which property class the multi-family dwellings will fall, which is important because, tax rates differ between Class 1 residential properties (single family homes) and Class 2 properties include: "Residential rental and cooperative apartment properties and residential units in condominiums that are more than three stories in height or that were converted from rental or cooperative use. Class 2 also includes any other properties lawfully and actually used primarily for residential purposes if there are four or more units on the tax lot. Assessments of cooperatives and Class 2 condominiums are based on the market value of the property as a whole as if it were operated as a rental."[52]

   Because the plan calls for every property in the Nassau County to be reassessed in line with its actual market value, the figures included in the DEIS for assessed value will no longer be accurate by the time the Proposed Project is built. They will not be accurate in less than 5 months. Accordingly, it is unclear at this time how the re-assessment will shift the existing tax burden between the multiple classes of property found in the Proposed Project (Residential, Condo, Commercial), and therefore the

[51] See Nassau County Executive Order No. 3-2018 annexed hereto as Exhibit 8.
[52] See fn 50 supra.

District cannot provide an informed response as to how the assessed valuation of the components of the Proposed Project will impact District operations. In an effort to confirm the numbers in the DEIS and get a better sense of the impact of the Proposed Project on the District, District representatives met with officials from Nassau County Department of Assessment on May 3, 2018, who informed the District that the assessment data could not be confirmed until the system wide reassessment review process was fully complete, i.e. at the end of 2018. The DEIS states that its tax projections "assume current assessment and valuations methods utilized by the Nassau County Assessor's Office remain relatively consistent over time."[53] As County officials have made clear, there should be no expectation of consistency until the reassessment process is complete. The assumptions made in the DEIS are therefore not accurate and incomplete.

The Operation of the TBGF

Although we are unable to calculate the TBGF directly, nor are we able to achieve an estimate from the governmental authorities contacted, it is certainly plausible that the District could expect a substantial increase in the TBGF should the existing vacant and publicly-owned land be replaced with a development on the scale contemplated by the Proposed Project.

Nevertheless, it is likely unnecessary to calculate exactly the magnitude of this increase, since it will be infeasible for the District to exploit the increased flexibility to the extent needed to offset costs, much less the extent that would be required to generate a windfall. Indeed, the larger the TBGF, the less likely the District will be to take full advantage of it.

A significant increase in the TBGF only increases the maximum tax levy a District can seek from voters without needing achieve a 60% "supermajority" for approval. *It does not mean the District automatically receives this allowable increase in property taxes above what would have otherwise been calculated, nor does it mean that this tax increase is not subject to public vote.*

Assuming the maximum tax increase allowed under the "ordinary" cap is 2.0%, if the State calculated a TBGF of an additional 3.0%, to fully tax the new properties created by the Proposed Project, the District would have to seek voter approval for a tax levy of 5.0%.

[53] See DEIS at p. 470; see also DEIS at p. 476 ("[projected revenue] numbers assume...that (b) the Nassau County Assessor's Office would continue to assess and collect taxes at comparable rates and methodologies").

The Unlikely Scenario of Sustained Elevated TBGF-Driven Tax Increases

This example can be illustrated with more precision using actual figures:

- The District's tax levy for 2018-19 will be slightly under $200 million. The Developer projects that the Proposed Project will generate additional tax revenue in the amount of $3 million dollars in Syosset Park's Year 1. If the District were to raise its levy by 2% for inflationary purposes, the tax levy would increase to $204 million. To capture the additional $3 million in tax revenue estimated to be generated by the Proposed Project, the tax levy would have to increase by an additional 1.5%. Together this would result in a 3.5% annual increase.
- Using this year's (2018-19) budget cycle as an example, the existing tax cap of 3.57% would have been raised to 5.07% to capture the new growth from Syosset Park – and the public would have had to affirmatively vote to increase the school tax levy by that full amount to realize the benefit of that growth.

Given that the Proposed Project is projected to sustain this level of growth over 5 or more years, the public would have to maintain its pattern of approving these significant tax increases annually in order to fully realize the new revenue created by the project, thereby resulting ***in over a 25% increase to the District budget over a 5-year period***. The foregoing is not feasible or realistic; nor is it properly addressed or accounted for in the DEIS.

Based on the District's last 7 years of history, the District believes that a more realistic assumption would be that the maximum tax levy would be at or slightly below the level necessary to fund inflationary costs of existing operations. To illustrate:

	Tax Levy Cap - Calculation	Actual Tax Levy
2018-19	3.57%	2.26%
2017-18	2.24%	2.12%
2016-17	0.30%	0.14%
2015-16	1.56%	0.91%
2014-15	1.39%	1.33%
2013-14	3.08%	2.84%
2012-13	2.26%	2.26%

It is evident that the Proposed Project will significantly impact District finances. Obviously, the more those costs attributed to the Proposed Project exceed the two percent (2%) tax levy limit, the more difficult it will be to recover revenues from the Proposed Project, and therefore the more destructive to District finances the impact will be.

Accordingly, under any scenario, the District is unlikely to capture revenue in the magnitude estimated by the Developer in the DEIS. Moreover, even in the most optimistic scenario that the District were to propose and sustain these levels of tax increase over multiple years, the net revenues will likely be insufficient to offset the new costs. The DEIS fails to account or accurately address the significant negative impact to the District and its finances as a result of the Proposed Project.

PILOT Tax Abatements Effect on the Tax Cap

The Developer has indicated that it would seek tax abatements for, at a minimum, the office space components of the development.[54] These tax abatements are termed "PILOTS" (payments-in-lieu-of-taxes) and remain in place for some predetermined period of time[55] (10 years is common; however, the term could be for a much longer period and upwards of 20 years).

Under the tax levy limit formula, PILOTs serve to reduce the amount that a school district can raise its tax levy in perpetuity. Once the levy is lowered by virtue of received and anticipated PILOT revenue, **it can never be recaptured**. By way of example, if the amount in which a school district must have levied in taxes to support its annual budget is $100 million and it receives a PILOT for $10 million, the tax levy (amount to be raised by taxation) is reduced by $10 million resulting in a $90 million levy. The tax levy cap only allows the increase for up to 2% on the tax levy, which is reduced by any PILOTs received. Therefore, the $90 million levy could be increased by 2%, not the $100 million levy. The District would forever lose the 2% increase on the $10 million difference. Thus, in the first year of a PILOT, the District's tax levy cap is essentially adjusted downward. This would offset any increase due to the growth factor indicated above.

In addition, if the Developer seeks a PILOT agreement on a portion of the Proposed Project, that portion becomes tax-exempt and is not included as part of the calculation of the tax base growth factor explained above. As such, it is possible for PILOT agreements to reduce the

[54] See DEIS at p. 471.
[55] See fn. 46, supra.

District's baseline tax levy, forcing the District to seek an overriding of the tax cap by a 60 percent supermajority vote just to retain the tax levy at its previous level. The CGR Report relies on proposed legislation that would have changed the law to allow for developments subject to a PILOT agreement to be included in the quantity change calculation as support for the purported financial benefits the Proposed Project will have on the District.[56] However, the Report prematurely identified the legislation as signed into law, which is not the case. The legislation was ultimately vetoed by Governor Cuomo,[57] meaning that the law as it currently exists continues to exclude property that is the subject of a PILOT agreement from the tax base growth factor calculation. Hence, the DEIS projections are also inaccurate on this front. The District is likewise negatively impacted by the inclusion of PILOTs in the Proposed Project.

The DEIS Overstates Revenue from PILOTs as Part of the Proposed Project

The tax revenue projections in the DEIS do not account for any PILOTs that may be approved by the Nassau County Industrial Development Agency.[58] Rather, they appear to be calculated as though the properties are being taxed at full value. Thus, if any application for a tax abatement on a portion of the development is successful, the annual increases in tax revenue projected in the DEIS would be decreased accordingly.

Revenue Conclusions

Regardless of the extent of the costs of the students added by the Proposed Project, which far exceeds the costs projected in the DEIS as described above, the DEIS contains major flaws in its attempts to paint the Proposed Project as financially beneficial to the District. The DEIS "… assume[s] the School District could fully capture the taxes generated on its behalf."[59] This is not accurate and represents a complete misunderstanding of the laws governing school districts and school district finances on the part of the Developer. The foregoing has led the Developer to project that the District will receive a windfall of tax revenue from the Proposed

[56] See CGR Report at p. 7.
[57] See S02122 Actions at:
http://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S02122&term=2017&Summary=Y&Actions=Y
[58] See DEIS at p. 470 and 486-488.
[59] See DEIS at p. 476.

Project that did not previously exist. That is not the case, especially since the former/current site has not generated students at any time in the past.

The DEIS Report is misleading and inconsistent in terms of tax revenue projections. The DEIS projects a significant increase in tax revenue to the Syosset School District. More specifically, it states that "[t]he tax basis for the District would be expected to rise steadily from $3.15 million to approximately $9.5 million by the middle part of the next decade."[60] Of that projected $9.5 million, the Developer projects that approximately $6.3 million of tax revenue would flow from the residential portion of the Proposed Project to the District and approximately $3.1 million would flow to the District from the commercial portion of the Proposed Project, assuming that a PILOT agreement is granted for the office space and the extended stay hotel.[61] [62] In the event that a PILOT agreement is not granted, the Developer contends that the total school tax revenue generated will rise to approximately $12 million.

However, to achieve this figure, the DEIS makes several optimistic presumptions:

- High tax levies adopted by the public annually on a sustained basis;
- No PILOT tax abatements;
- Property assessments equal to or higher than those calculated prior to the County's reassessment initiative; and
- Apportionment of residential properties among the tax classes.

The District estimates its annual costs for facilities, operations, and non-instructional costs to be in excess of $12 million per year. The DEIS claims that the District "could receive approximately $12.1 million in current year taxes (or $9.5 million [minus the office and second hotel])."[63] So, the Developer's conclusion that the Proposed Project will result in a windfall is inaccurate even under the most optimistic conditions. And to the extent that each of these optimistic conditions is not realized, the shortfall becomes ever greater.

Given the County's reassessment process, it is more unclear than ever whether the estimated assessed valuation of the components of the property will be realized at levels in the DEIS, nor is it clear what the potential tax rates will be for the various classes they will occupy. In

[60] See DEIS at p.471.
[61] See CGR Report at p. 8.
[62] The DEIS also fails to note that school-aged children may also take residence in an extended stay hotel. This is not an uncommon practice and has been experienced by the District and surrounding districts over the last several years.
[63] See DEIS at p. 476; see also CGR Report at pp. iii. 14.

the absence of such analysis, the District therefore respectfully reserves its right to further comment on the Proposed Project's impact on District finances once a more concrete sense of the assessed value of the Proposed Project can be ascertained and made available by the tax assessing jurisdiction, i.e. Nassau County. Such a major change to a very significant component of the DEIS must be evaluated with relevant, up-to-date data, and the information contained in the DEIS does not qualify as such.

In short, the estimate of potential revenue to the District appears incomplete, speculative, and optimistic.

I. Environmental Concerns

The DEIS Fails to Address Significant Construction and Environmental Impacts to the District and the School Community

The District remains significantly concerned over the logistics of a major construction project taking place adjacent to one of its Elementary Schools and within a mile of 5 District schools in all. With the construction efforts expected to take place over the course of 5 or more years[64], there will be at least one class of students at the South Grove and Robbins Lane Elementary Schools that spends its entire time at the school being educated within earshot of a massive construction project. The educational quality and safety of these students are the top priorities for the District as it assesses the impacts that the construction and ultimate operation of the Proposed Project will have.

Moreover, as illustrated above, the construction site of the Proposed Project involves two adjacent properties with sufficiently worrisome environmental contamination that they had been placed on Federal or State "Superfund Site" lists and subjected to remediation measures:

- **The Former Syosset Landfill** – "The USEPA placed the Landfill on the National Priorities List (NPL, Federal Superfund Site) in September 1983 after determining that hazardous substances in groundwater beneath the Landfill posed a threat to the local drinking water source. A remedial investigation and feasibility study were then completed to determine the nature and extent of groundwater contamination attributable to the Landfill. In 1990, USEPA issued a Record of Decision (ROD) requiring the Landfill to be capped to prevent contact with the landfilled wastes and to prevent leachate generation/migration from the Landfill."[65]
- **The Site of the Former Cerro Wire Company** – Cerro manufactured "steel electrical conduit, copper rods and steel for use in construction." "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. Numerous investigations including collection and analysis of hundreds of soil, groundwater and air samples

[64] See DEIS at p. 47.
[65] See Walden Report, Ex. 3, at pp.3-4.

> have been completed since 1983 to document Site conditions, assess risks posed by contamination associated with the Site, and guide remedial efforts. Contaminated soils and wastes (including cyanide, lead, and plating solutions and sludge) were removed/remediated based on the Site characterization data, a Site-specific baseline risk assessment, and NYSDEC-approved work plans. NYSDEC removed the Cerro Site from the State Superfund list in February 1994, finding that the residual levels of the contaminants of concern (primarily copper, cyanide and zinc) in soil did not pose a significant public health risk based on the Site-Specific Cleanup Standards developed during the risk assessment performed for the Site. The Site-Specific Cleanup Standards assumed future Site use consistent with the industrial zoning at that time and did not contemplate the significant change in use as proposed by the Syosset Park development."[66]

To fully evaluate these impacts, the District employed Walden Environmental Engineering to evaluate those portions of the DEIS related to the site of the Proposed Project, the measures taken to mitigate any hazards that might occur during construction of the Proposed Project, and any environmental impact that would continue once the Proposed Project was completed. Their Report is attached in its entirety as an Exhibit and should be considered part of the District's comments.[67]

We discuss specific aspects of their Report in additional detail below.

Site-Specific Cleanup Standards

Cerro Wire

Walden investigated the records of remediation activities that have taken place on the Cerro Wire site.

> "The current NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) for the contaminants of concern are more stringent than the Site-Specific Cleanup Standards for future industrial land use applied when the Site was delisted by NYSDEC in 1994. Further soil and groundwater sampling were conducted in 2015-2016 on behalf of the current owner in its efforts to support Site development planning. The 2015 soil investigation found copper, cyanide

[66] See Walden Report, Ex. 3, at pp.1-2.
[67] See Walden Report at Ex. 3.

> and certain SVOCs at concentrations above the respective RRSCOs. The findings of the 2016 groundwater investigation were consistent with previous findings, which indicated that groundwater had not been impacted by historic use of the Cerro Site."[68]

According to Walden, "[t]he Syosset Park owner/developer submitted a Brownfield Cleanup Program (BCP) application for the former Cerro Site (Lots 251 and 252) to NYSDEC and this Site was accepted into the BCP in 2016." The NYSDEC approved a Remedial Investigation Work Plan to characterize current site conditions and soil vapor samples in particular as they have not been collected at the former Cerro Site in the past. Based on Walden's discussion with the NYSDEC BCP project manager, "the remedial investigation soil vapor sample collection has been completed. Groundwater sampling has been delayed because attempts to collect groundwater from certain existing monitoring wells have found the wells are dry due to decreasing water levels. Therefore, new monitoring wells will be installed and sampled. A final report is pending completion of the BCP remedial investigation."[69]

Obviously, to evaluate the potential risks associated with contaminants present at the site, it is necessary to have a complete understanding of the extent of the existing contamination. The 2015 investigation found "copper, cyanide and certain SVOCs at concentrations above the respective RRSCOs", indicating additional remediation will be necessary. However, the results of the Remedial Investigation Work Plan have not been released. In the absence of these results, it is impossible to fully evaluate the extent of the remaining contamination, and therefore to determine what measures will be used to remediate it so that the District can appropriately comment on the sufficiency of those measures.

> "Without a final report summarizing the results of the remedial investigation work being completed under the BCP, the DEIS is currently incomplete and does not support a complete evaluation of environmental impacts associated with the former Cerro Site. The final report should be included as a supplement to the DEIS so it can be addressed during the public comment period regarding independent environmental testing that is open through January 2019."[70]

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[68] See Walden Report, Ex. 3, at p.2 (emphasis added).
[69] See Walden Report, Ex. 3, at p.3.
[70] See Walden Report, Ex. 3, at p.3.

Accordingly, the District requested that the Town pursue independent testing of the site for contaminants and regards the review of those results as essential to its full and complete review of the DEIS.

Syosset Landfill

Walden similarly investigated the records of remediation activities that have taken place on the former Syosset Landfill site.

> "Wastes disposed of in the Landfill reportedly included sludge and ash, as well as residential, commercial, industrial, demolition, and agricultural materials. Landfilled wastes contained hazardous substances including metals (such as arsenic, copper, zinc, cadmium, chromium and lead) and volatile organic compounds [such as 1,1-dichloroethylene (1,1-DCE), 1,1-dichloroethane (1,1-DCA), trichloroethylene (TCE) and tetrachloroethylene (PCE)]."[71]
>
> "In 1990, USEPA issued a Record of Decision (ROD) requiring the Landfill to be capped to prevent contact with the landfilled wastes and to prevent leachate generation/migration from the Landfill. The ROD also required the Town to perform long-term groundwater and air monitoring to identify any future impacts associated with the Landfill."[72]
>
> "USEPA removed the Landfill from the NPL in April 2005. Five-Year Review Reports prepared by USEPA summarize the results of the on-going long-term groundwater and Landfill gas monitoring programs that continue to be implemented by the Town. These reports indicate that the Landfill cap and gas venting system remain protective of human health and the environment."[73]

The Town placed a restrictive covenant on the Landfill property that places conditions on all future owners and uses of the property to prevent the Landfill cap from being breached by wells, construction, or other activity. "In July 2016, the Syosset Park owner entered into an Administrative Settlement Agreement and Order on Consent with USEPA, whereby USEPA

[71] See Walden Report, Ex. 3, at p.3.
[72] See Walden Report, Ex. 3, at p.4.
[73] See Walden Report, Ex. 3, at p.5.

will oversee the proposed site development"[74] to ensure these conditions are not violated by the Proposed Project.

It should be further noted that the DEIS includes a listing of "Required Permits and Approvals" necessary to implement the Proposed Project. Among the approvals listed are "potential rescission of certain covenants and restrictions" by the Town of Oyster Bay Board.[75] The covenants and restrictions to be rescinded are not readily identified in the DEIS. Additionally, the USEPA is not listed as an approving agency although approval is required by the USEPA for certain site development within the footprint of the landfill or in the immediate vicinity of the landfill perimeter.[76]

The DEIS further states that "potential impacts or damage to the components of the landfill remedy will be addressed primarily through strict compliance with the restrictive covenants imposed by the USEPA."[77] The potential rescission of certain covenants and restrictions that the Developer appears to be recommending seems to be in conflict with this stated intent to remain in strict compliance with existing covenants and restrictions. Under no circumstance, should these restrictive covenants be rescinded or the protections required therein be relaxed. Moreover, any action that would "increase the potential hazard to human health and the environment posed by the remediated site"[78] should be avoided at all costs.

Notably, the USEPA's review of the Proposed Project for compliance with the restrictive covenants relative the Landfill Site is absent from the DEIS. The DEIS does however note that "the next steps would be for the USEPA to review the Applicant's plans and proposed work on the landfill cap and adjacent area, for the Applicant to make any adjustments to the plans deemed necessary by the USEPA."[79] At this time, it is unknown whether the USEPA has reviewed and/or made any adjustments to the Developers' plans. The District submits that this could substantially change the Proposed Project and as such, in the District's opinion, would require a supplemental submission by the Developer and a new comment period.

[74] Walden Report, Ex. 3, at p.6.
[75] See DEIS at Section 1.7, *Required Permits and Approvals,* at p xv.
[76] See County of Nassau Restrictive Covenants for the Former Syosset Landfill Site dated March 12, 2004, annexed hereto as Exhibit 9.
[77] See DEIS at p. xvi.
[78] See Ex. 9 at para. 4.
[79] See DEIS at xviii.

Conclusion – Independent Testing Needed

In the absence of a complete study of the remaining contaminants on the Cerro property and pending the results of the remedial investigation being performed under the BCP, the District requested that the Town pursue independent testing of the Cerro site.

Similarly, while the District has no reason to doubt the results of the Town's ongoing groundwater and Landfill gas monitoring programs, to build public confidence, and to ensure that no potential contamination is overlooked, the District requested that the Town pursue independent testing of the Landfill site.

Since the Town has indicated its intent to pursue this testing, the District reserves the right to amend or amplify its comments prior to the January 31, 2019 deadline announced by the Town. The review of those results is essential to any full and complete review of the DEIS.

Construction Impacts

The students and parents must be assured that time spent outdoors in the areas around their schools will not be detrimental to their health, safety and/or learning environment. During the period of construction, the potential for the migration of dust and soils from the construction site and other environmental impacts on nearby structures, including the school, is high. Accordingly, protective measures need to be recommended and evaluated. Unfortunately, the DEIS' plans to mitigate these impacts is woefully superficial and contains several notable omissions.

The DEIS does not include a Storm Water Pollution Prevention Plan (SWPPP)

The DEIS asserts that the SWPPP cannot be prepared until the Site development plans are finalized. Current storm water drainage provisions are already less than optimal on the site:

> "Drainage from the top of the Landfill is collected in riprap and asphalt lined drainage ditches along the perimeter which discharge to storm drains which flow into two Nassau County recharge basins (#571 and #284) bordering the Landfill to the north and northwest. The practice of discharging on-site storm water runoff to an off-site property is prohibited under the Nassau County Department of Public Works Drainage Requirements."[80]

[80] See Walden Report, Ex. 3, at p.5.

One of those storm water recharge basins is located at the southern end of Gordon Drive between the cul-de-sac and the railroad tracks. During heavy rains, storm water can be observed flowing from the Landfill property into the basin. The other is located at the intersection of Marsak Lane and Colony Lane, just west of the South Grove Elementary School Annex.

Although these recharge basins are not located on the Landfill property, they serve the function of collecting, and thus aggregating, runoff from the surface of the Landfill property. These recharge basins should also be tested to ensure that no surface contaminants from the Landfill property have been discharged off-site or concentrated in the basins.

Just as the existing property appears to be improperly discharging runoff to an off-site property, the finalized plans for the Proposed Project show storm water being discharged off-site and (in some cases) toward District property:

> "DEIS Appendix B Landscape Plans - Sheet L-502, Section D: This cross-section shows the grade from the proposed Syosset Park development sloping downward directly towards South Grove School. This plan does not include any provisions for preventing storm water runoff onto the School property. This is absolutely unacceptable. Storm water runoff from the Syosset Park Site must not flow onto the School property under any circumstances."[81]

Other drainage concerns include:

1. The significant increase in impermeable lot coverage (asphalt and buildings) vs. the existing conditions of a mostly vegetated site.
2. The creation of artificial turf athletic fields which will have to be elevated in order to have sufficient space for drainage beneath without disturbing the landfill cap.
3. Maintaining flows to the Miller Place closed pipe drainage system which discharges to yet another County recharge basin south of the site.

The DEIS indicates the Developer's assertion that it would be premature to provide a detailed SWPPP at this time because the Site development plans have not been finalized.[82] The DEIS states that a detailed SWPPP would be prepared for each portion of the project and

[81] See Walden Report, Ex. 3, at p.11.
[82] See DEIS at p.123.

submitted to the Town for approval, and then to NYSDEC, with no construction until all approvals are secured.

Given the already questionable drainage on the site, the tremendous amount of construction anticipated to take place, and the significant amount of currently open land that will be rendered impermeable by structures, asphalt or artificial turf, the Proposed Project will generate a vast volume of storm water. Therefore, a robust SWPPP should be included as an essential part of the public DEIS process, not the administrative process with the Town and NYSDEC that would occur once approval is given. Delaying SWPPP development makes it impossible for the District to determine whether the existing conditions will be adequately mitigated or whether new concerns from construction will arise.

The DEIS Omits a Detailed Site-specific Community Air Monitoring Plan (CAMP)

The Town is currently in the process of seeking independent environmental testing of the Proposed Project site. Should this testing result in the discovery of lingering contaminants, the potential migration of contaminants off-site presents a significant health concern to the District. In any event, even uncontaminated construction dust can create an environmental hazard. According to Walden: "Syosset CSD has five schools within a one-mile radius of Syosset Park which could be at risk for dust impacts depending on conditions."[83]

> "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 environmental impacts presented by the proposed development and how to prevent and manage these impacts."[84]

In the absence of a detailed CAMP, we evaluated relevant portions of the DEIS to judge the relative level of stringency of measures that appear to be protective of dust contamination. According to Walden, these measures appear halfhearted and do not augur well for the ultimate CAMP that might be proposed. For example:

> "iii. The DEIS dust modeling fails to accurately represent the anticipated conditions due to construction. The model results presented in the DEIS (Appendix P) predict the particulate matter (PM10 and PM2.5) levels during

[83] Walden Report, Ex. 3, at p.8.
[84] See Walden Report, Ex. 3, at p.8.

construction over a 24-hour period. This is not representative of the anticipated 8-hour daily construction period that would generate dust. Therefore, modeling dust levels over 24-hours "dilutes" the predicted actual impacts which would occur over 8 hours."[85]

Walden makes note of a number of features that should appear in a CAMP (summarized below):[86]

1. "CAMP air monitoring activities must be performed by an independent third-party for any and all construction involving excavation or grading…"
2. "Monitoring stations must be placed along the property line alongside the School property."
3. "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 DEIS (p. 608)."
4. "The CAMP must include a comprehensive program detailing the sequence of events and response times in the event air monitoring indicates action is needed."
5. "The CAMP must ensure there is no lapse in response that would allow contaminants to migrate off-site and put the School at risk."
6. "Water misting systems must be established during the construction period alongside the South Grove 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."
7. "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."
8. "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 School and all downwind receptors."

[85] See Walden Report, Ex. 3, at p.8.
[86] Walden Report, Ex. 3, at pp. 8-9.

9. "The Plans in DEIS Appendix O show 12-foot high perimeter walls to be installed along Miller Lane and the LIRR. A similar wall installed along the South Grove School property boundary adjacent to the Site would act as a dust barrier."

There is no impediment to recommending any of these measures and including them in the DEIS, even if a complete CAMP is not finalized. In the absence of the types of assurances a more robust CAMP would make clear, and given some of the desultory measures already referenced, the District must express concern with this aspect of the Proposed Project.

The DEIS does not include a detailed Erosion and Sediment Control Plan (E&SC Plan).

"The DEIS (Appendix B, Sheet C-600) includes a simple Erosion and Sediment Control (E&SC) Plan that would apply to Phase I construction and be the starting point for the storm water management program to be followed during the work. This E&SC Plan is presented as a drawing sheet and lacks detail."[87]

The District is not merely concerned about erosion at the Syosset Park site; rather it is alarmed about the off-site impacts that would result from erosion. "Once sediment carried in storm water runoff dries, it could become airborne and migrate off-site, posing a risk to South Grove School and other properties in close proximity to the Syosset Park Site, which include multiple private residences."[88]

Accordingly, "The E&SC Plan must be expanded as a written document specifying the required E&SC procedures to be implemented during all phases of the work." [89] Specifically, such a plan should include:

> "Regular inspections of erosion control measures would be completed by an independent third-party throughout the duration of the construction period in accordance with the E&SC Plan. The weekly E&SC inspection frequency proposed in the DEIS (p. 579) is not consistent with NYSDEC requirements. For sites greater than five (5) acres, bi-weekly inspections by a certified inspector are required.

[87] Walden Report, Ex. 3, at p.10.
[88] Walden Report, Ex. 3, at p.10.
[89] Ibid.

> Daily inspections would be more appropriate considering the magnitude of the proposed project and its proximity to the South Grove School."[90]

The ES&C is particularly important since the Developer proposes to reuse soil excavated during work to minimize the amount of soil needed to be brought on site. As stated above, the soils on site do have contaminants at levels exceeding residential standards.

> "The DEIS (p. xviii) indicates that most recent 2015 soil investigation conducted at the former Cerro Site found copper, lead and zinc in soil samples at concentrations exceeding the respective Restricted Residential Soil Cleanup Objectives (RRSCOs) set forth in NYSDEC Part 375. The BCP Remedial Work Plan to be developed for the Cerro Site must compare the available soil data to the more stringent Residential SCOs and Unrestricted Use SCOs for these contaminants (except cyanide, which has the same SCO for all three categories) given the proposed Site use."[91]

The DEIS is deficient in not specifying a soil re-use protocol, which is of particular concern since the soil is known to contain contaminants and the re-use process will undoubtedly release some of these materials.

> "b. Roux's 2015 Soil Investigation report (p. 6) states that the developer intends to reuse as much soil excavated during the work as possible to minimize the amount of soil that would be brought on or off the Site. The report references DER-10 soil reuse sampling parameters and sampling frequency. The DEIS fails to recognize that all soil related to the Site construction must comply with NYSDEC's updated Part 360 solid waste regulations. Any soil excavated on-site must be characterized and evaluated in accordance with the new NYSDEC Part 360 solid waste regulations to determine which soil (if any) can be reused on-site. Future soil analytical data would also provide additional information to evaluate impacts associated with contaminant migration in dust and storm water."[92]

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[90] See Walden Report, Ex. 3, at p.13.
[91] See Walden Report, Ex. 3, at pp.16-17.
[92] See Walden Report, Ex. 3, at p.17.

Walden's Report goes on for two more paragraphs making the same point with regards to the "fill material to be placed on top of the capped Landfill for the Great Park" and the absence of an "Excavated Materials Disposal Plan" to deal with disposal of removed soils or contaminants.[93]

Monitoring and Inspections

Walden has raised significant concerns about the structure of the monitoring and inspections that will be conducted during the course of the construction. In sum:

1. The Construction Manager must be independent, issue daily reports on any problems, and have authority to stop work at any time.
2. The DEIS does not provide for an independent inspection team to ensure the landfill cap is not breached during construction.
3. The on-site air/construction monitoring teams must be completely independent of the Developer, paid out of escrow, and given authority to shut down construction activities at any time.

In addition, Walden noted that the Project Coordinator named in the 2016 Administrative Settlement Agreement between USEPA and the Site Owner also contributed to the DEIS. Their comment follows:

> "The 2016 Administrative Settlement Agreement between USEPA and the Site Owner designates a "Respondent's approved Project Coordinator" to oversee any actions that may impact the Landfill during the redevelopment project. This Agreement designates Charles McGuckin of Roux Associates, Inc. (Roux) as the Project Coordinator for the Site Owner. Roux was on the team involved in preparing the DEIS and has also performed investigation activities at the Site on behalf of the Site Owner. [94]

Landfill Cap Integrity

Maintaining the integrity of the existing landfill cap is paramount to protecting human health in the vicinity of the Proposed Project. As mentioned earlier, the ROD required a restrictive covenant to be placed on the Landfill property which sets forth conditions on all future

[93] Ibid.
[94] See Walden Report, Ex. 3, at p.21.

owners and uses of the property to prevent the Landfill cap from being breached by wells, construction, or other activity.

Accordingly, we asked Walden to assess the potential risks to the Landfill cap based on the construction proposed. They identified the following concerns:

i. "… the DEIS does not clearly specify whether the Town or the Site Owner would be responsible for implementing the long-term monitoring program for the Landfill Site (groundwater monitoring, gas monitoring and inspections of the Landfill cap and gas venting system) and as such, the DEIS is deficient in this regard.

ii. "During any installation of drainage piping and infiltration structures at the Site and in the vicinity of the Landfill, care must be taken to ensure that the Landfill cover is not disturbed or breached.

iii. "Notably absent from the DEIS is the distance between the Landfill and the outer edge of the excavation areas closest to the Landfill. This omission has a significant impact on the potential for disturbing the wastes in the Landfill and violating the restriction on development in the area of the Landfill.

iv. "The landfill deed restrictions prohibit the construction of permanent buildings on top of Landfill cap. The DEIS indicates that the Great Park would allow the installation of temporary structures that would not jeopardize the integrity of the Landfill cover. However, the DEIS fails to provide specific details on what constitutes an acceptable temporary structure…

v. "The DEIS does not acknowledge that construction of the Great Park on top of the Landfill could be considered a permanent installation which would prevent inspection of the cap and the weight of the overlying material used to construct the Great Park would impact the integrity of the cap. As such, the DEIS is deficient in this regard."

vi. "The DEIS does not specify that a New York State Licensed landscape architect with knowledge of Long Island plant species must select all plantings for the Site. Plantings at Syosset Park must be selected carefully to ensure that the root systems do not penetrate the landfill cover…

vii. "The DEIS (p. 576-577) indicates that existing asphalt and concrete paved areas located above the Landfill cap would be demolished and recycled on-site during construction. This activity poses a significant threat to the integrity of the Landfill cap...

viii. "The Town may have placed asphalt or concrete over the Landfill cover in step with Town operations conducted since the cap was installed. The DEIS does not address the methods to be used to distinguish between the various Landfill cover types (i.e., asphalt, recycled concrete or vegetated topsoil) installed over the Landfill and to assess the current condition of the cap beyond visual observation of the surface. The DEIS does not propose additional investigation prior to construction in order to determine the current thickness of the Landfill cap and how it has changed through settlement over the years, nor does it address how vibration during construction would impact the cap. The DEIS does not provide adequate measures to prevent penetration of the cap to ensure its integrity as required by the deed restrictions and as such, the DEIS is deficient in this regard.

ix. "The DEIS (p. 629) indicates that inspections of the Landfill cap would continue, however it does not address how this would be possible once the Great Park is constructed over the Landfill cap and as such, the DEIS is deficient in this regard.

x. "The most recent USEPA Five-Year Review report (2017) for the Syosset Landfill summarizes the findings of cap inspections conducted by the Town. Some areas of the Landfill cap were determined to have cracks and water ponding which calls into question the integrity of the cover system. The DEIS does not address measures to ensure that the Landfill cap is intact before the Great Park is constructed and as such, the DEIS is deficient in this regard."[95]

As mentioned earlier, the USEPA'S Five-Year Review Reports on the results of the on-going long-term groundwater and Landfill gas monitoring programs that continue to be implemented by the Town conclude that the Landfill cap and gas venting system remain

[95] See Walden Report, Ex. 3, at p. 14-16.

protective of human health and the environment. If that conclusion is accurate, then maintaining the integrity of the mitigation measure responsible should be a high and detailed priority.

From Walden's analysis, it is unclear how the Proposed Project will evaluate the condition of the existing cap prior to construction, protect the cap during construction, and monitor future conditions of the cap once construction is complete. Thus an unacceptable level of future risk is riding on the integrity of a cap we cannot evaluate.

Noise and Vibration

The DEIS does not specify adequate detail about the noise and vibration levels anticipated during construction, nor the measures proposed to mitigate these concerns. Obviously, high levels of noise and repetitive sounds from activities like pile-driving are incompatible with a classroom environment and young children's learning. Walden identifies a number of noise mitigation features that are missing from the DEIS that could have been considered including:

- Construction schedules that minimize activities like pile-driving during school hours;
- Noise limits and an independent monitor with authority to stop work;
- 12-foot high perimeter walls or other noise mitigation barriers adjacent to the South Grove Elementary School;
- Rows of evergreen tree plantings;
- Measurements of classroom noise to ensure compliance with ANSI standards.[96]

Conclusion

Even in the most optimistic scenario, a construction project of this magnitude will have significant environmental impacts on the District, its facilities and surrounding residences. Delaying the preparation of the SWPPP, the CAMP, and the ES&C Plan until after the conclusion of the DEIS process essentially shields them from public comment and evaluation. Yet airborne dust and waterborne sediments from construction activities and erosion are the most significant pathways for any lingering contaminants or construction dust to become

[96] See Walden Report, Ex. 3, at pp.18-19. See also https://www.asha.org/public/hearing/American-National-Standard-on-Classroom-Acoustics/.

threats to the District, its students, staff and community. Accordingly, they would be one of the most important part of the DEIS for the District to evaluate, but in the DEIS' current form, those plans are either missing or unhelpfully superficial.

Our environmental consultant has used terms like "utterly inadequate" and "absolutely unacceptable" to describe the omission of complete SWPPP, CAMP, and ES&C plans. We concur.

Accordingly, Walden lists a number of steps that could be taken as mitigation measures should the Proposed Project move forward:

- Installed air quality monitoring equipment;
- Better modeling of potential dust and impact;
- More frequent monitoring of air quality;
- Independent oversight with the authority to stop work should poor environmental decisions be discovered;
- Walls and lines of trees planted as noise and dust migration buffers;
- Security fences;
- Restrictions of work hours;
- Clean diesel construction vehicles should be used;
- Truck traffic must be restricted from Robbins Lane north of the LIRR tracks;
- Etc.

As mentioned earlier, these suggestions are intended to be representative as illustrations of the types of mitigation measures not found in the DEIS. It is not intended to represent a threshold of mitigation efforts that, if adopted, will necessarily reverse the District's opposition.

Other Environmental Considerations

Traffic

It was beyond the scope of our analysis to perform detailed traffic studies and modeling. In any event, it is clear that converting an essentially vacant property into a vibrant one will increase the level of traffic in the area. Precisely quantifying that increase is not essential to arrive at the conclusion that it will negatively impact the District.

- Pedestrian traffic on Robbins Lane will be at greater risk from elevated traffic both during construction (materials, equipment, workers), and after completion (residents, shoppers, park visitors, office/retail/hotel workers, and hotel guests).
- School Bus travel times will be lengthened due to additional traffic. The District has only 2 strategies for dealing with this impediment – pick students up even earlier in the morning, or procure additional buses and shorten the lengths of existing routes. In the first scenario, price is paid by parents and students, in the latter, by the District budget. These additional costs are not accounted for in the DEIS.
- "The DEIS indicates that there would be pedestrian access to the Great Park at the end of Gordon Drive." [97] However, no mention is made of how traffic/parking seeking to use this access will be accommodated.

Walden points out that:

> "The only traffic-related measure proposed in the vicinity of Robbins Lane School is the installation of new sidewalks on both sides of Robbins Lane from Aerial Way to Jericho Turnpike (DEIS p. xi). The DEIS fails to provide for additional upgrades to enhance safety (i.e., supplement with additional traffic controls, speed humps, traffic calming, dedicated left turn lane into entrance, add a traffic signal at the entrance driveway) in order to protect students, teachers, staff and visitors to Robbins Lane School…"[98]

The DEIS should propose a series of traffic mitigation measures so that they can be opened to public comment and critique.

Security

The Proposed Project will bring a significant amount of new persons into proximity with South Grove Elementary School. During the construction period, there will be a substantial number of construction personnel. Once complete, there will not only be new residents of the District, the retail, office and hotel properties will also attract a more transient visitor

[97] Walden Report, Ex. 3, at p.23.
[98] See Walden Report, Ex. 3, at pp.19-20.

population. Moreover, the proposed Great Park will be a significant new attraction for the area and will likely host numerous year-round events.

The DEIS lacks sufficient detail to explain how visitors to the Proposed Project will be kept separate from the South Grove Elementary School, particularly in light of heightened security concerns in recent months. Walden suggests at a minimum installing a security fence during construction, but also suggests a larger 12-foot wall might be more appropriate. The DEIS should specify in greater detail the measures to be taken to protect the school from the increased visitor traffic to the Proposed Project.

Displacement of Rodents/Vectors

The Walden study indicates the likelihood that the existing overgrown vacant properties likely support a range of rodents and other "vectors."[99] The DEIS should contain information about how the displacement of these creatures will be managed so that they are not displaced into the surrounding neighborhoods housing our children, or onto the School property itself. In the absence of a plan, we can only note its omission, not comment on its sufficiency.

Other Considerations Beyond the DEIS

In addition to its comments evaluating the DEIS as written (and comments indicating what was missing from the DEIS as written), Walden identified additional environmental considerations that should be addressed given the scale of the project and its potential impacts. While these are not environmental comments on the DEIS as written, we believe they are nevertheless important issues to be considered.[100]

Displacement/Non-Displacement of Town DPW Operations

The Walden study points out the possibility that not all Town operations may depart the existing site and that consideration should be given to shielding these operations from the adjacent school.

Management of the new "Great Park"

The DEIS indicates that management responsibilities of the "Great Park" would be transferred to the Town. It is not clear whether these costs will be borne by the whole Town

[99] Walden Report, Ex. 3, at p.23.
[100] See Walden Report, Ex. 3, at pp.23-25.

or one of the park districts within the Town; what are the costs of managing a new park of this size; how security for such a park will be maintained; and how on-going monitoring activities for the landfill beneath will be accommodated and underwritten.

Fossil Fuel Impact

Walden disputes the claim that the Proposed Project will "reduce energy consumption and combustion of fossil fuels" and makes the observation that the increased activity of a large mixed-use property will be inevitably higher than that of vacant, unused land.

J. Conclusion and Summary

The Syosset Central School District and Board of Education have no formal approval role in the SEQRA process. Instead, the District is an "interested agency" as defined in 6 NYCRR 617.2(t). As an interested agency the District "has the same ability to participate in the review process as a member of the public."

Based upon the DEIS documents, our consultant reports, and analysis by administration, the following conclusions were reached:

1. **Enrollment** – The 625 multi-family residential units, will result in significant increases in student enrollment, estimated at 381 students by the District's demographer.
    a. We believe the DEIS significantly underestimates the number of school-aged children to be expected.
    b. The District's enrollment shows a trend change from 10 years of decline to a more recent period of growth. District enrollment studies for existing housing stock show this trend continuing. Accordingly, we conclude that there is no reservoir of space created by enrollment decline that could accommodate new enrollment from the Proposed Project.
2. **Facilities** – The District does not have sufficient capacity to house the number of students projected (regardless of the enrollment study used) within its existing physical plant. The DEIS significantly underestimates the size, cost, and complexity of the additional space needed for both instructional and open space (classrooms, fields, playgrounds, etc.).
    a. The DEIS underestimates the cost of facilities and suggests that enrollments could be reviewed on an ongoing basis and space created on an as needed basis. Those assertions are at odds with the 3-5 year timeline for public and regulatory approval, bidding and hiring of contractors and scheduling of seasonal construction.
    b. The District assumes the only viable approach would be to create 34,400 square feet of additional classroom, bathroom and common space at two campuses with a total cost of roughly $22 million with an annual net cost of $1.2 million.
3. **Cost** – The DEIS significantly underestimates both the unit cost to educate those additional school-aged children, and the total number of such children.

a. Based on the per pupil cost of education calculated by the NYS Education Department for both general education and special education students (trended forward for inflation), the District estimates an annual cost of $9.56 million.

b. The District also estimates non-instructional expenditures for transportation, security, etc. of approximately $1.4 million annually.

c. Including facilities costs, the District estimates a total annual cost of $12.2 million at full implementation.

4. **Revenues** – Due to the operation of the tax cap and the Developer's intention to seek tax abatements, the potential tax revenues to be generated by the Proposed Project do not appear likely to offset the additional service and facilities costs incurred by the District.

   a. The Developer estimated purported new revenues to the District of $9.5 million to $12 million annually at full build-out. However, these were based on several optimistic assumptions and were calculated without the reduction that would accompany the tax abatements the Developer intends to seek, which are unknown at this time.

   b. The District, after meeting with County officials, was unable to confirm the DEIS' purported estimated assessed value of the development when fully constructed.

   c. Although the tax cap is adjusted for the value of new development, exhausting the additional taxing authority it represents will require the District to propose (and the public to approve) annual tax levy increases well in excess of historical rates in effect since the imposition of the tax cap. The likelihood of that occurring seems remote.

   d. PILOT-based tax abatements will further reduce revenue to the District and create a revenue stream that is potentially shielded from inflationary increases and which constrains the tax cap.

5. **Environmental Concerns** – The Proposed Project will be an extremely large construction site, on 2 properties with a concerning environmental profile, immediately adjacent to an elementary school. The proximity to a school would suggest that the most elaborate and extensive of construction mitigation measures

should be proposed; the environmental history of the sites suggestions that the most protective of remediation measures should be in place.

a. The DEIS is lacking detail on some of the most critical potential pathways for soil, dust, and/or contaminants to become airborne or waterborne and travel to the adjacent school site. Although formal storm water, dust and erosion plans may not be typical of DEIS documents at this stage, given the scale of the project, the history of the site and the proximity of the school, these plans should not be left to chance or omitted from the Towns consideration of the DEIS.

b. Storm water currently drains from the Town site to a Nassau County recharge basin. The District has been informed that off-site discharge is an unusual condition between municipalities and prohibited for private entities. Yet, the DEIS anticipates extensive and continuing off-site storm water discharge for the Proposed Project. Given the scale of the impermeable aspects of the site and the irregularity of the anticipated off-site discharge, the omission of more detailed storm water management plans seems glaring.

c. The construction mitigation measures proposed by the Developer during construction appear wholly inadequate to avoid significant impact on the students and staff of the District. The magnitude of the completed Proposed Project will impose ongoing noise, security, safety and traffic burdens on the District that are difficult to quantify.

d. The DEIS contemplates a number of construction activities that increase the risk of damage or breach to the existing landfill cap, and proposes to construct a park that will obscure the ability to perform ongoing monitoring of the cap's integrity.

e. The DEIS also contemplates construction activities that will displace and reuse soils that exceed parameters for environmental contaminants, increasing the risk that those contaminants will become mobile and migrate off-site.

f. In the absence of data on residual contaminants on the site, and given the merely superficial descriptions of planned mitigation measures in the DEIS, the District cannot comment meaningfully on whether those measures are appropriate to the risks. Accordingly, we must express significant reservations about the completeness and adequacy of the DEIS.

For all of the reasons stated in the foregoing comments and as summarized here, on August 28, 2018, the Syosset Board of Education formally adopted a resolution in opposition to the Proposed Project and directed the Administration to prepare the comments contained herein.[101] The District will continue to monitor the Town's plans to initiate independent testing of the site and will comment as appropriate on any subsequent findings or developments regarding the Proposed Project and its potential impact on the District.

[101] See Board of Education Resolution in Opposition to the Proposed Project approved at the August 28, 2018 public meeting of the Board of Education.

K. Exhibits

List of Exhibits

Exhibit 1 – Letter to George Baptista, Jr. from Dr. Thomas Rogers dated June 15, 2018 Requesting Extension of Public Comment Period

Exhibit 2 – Notice issued by the Town of Oyster Bay Extending the DEIS Comment Period to August 31, 2018 dated July 18, 2018

Exhibit 3 – Report prepared by Walden Environmental Engineering for the District dated August 30, 2018

Exhibit 4 – September 2017 Ross Haber Enrollment Study and Addendum

Exhibit 5 – Updated Addendum prepared by Ross Haber dated August, 2018

Exhibit 6 – Syosset Central School District Board of Education Resolution No. 37-16

Exhibit 7 – NYS Fiscal Accountability Summary (2016-17)

Exhibit 8 - Nassau County Executive Order No. 3-2018 dated March 26, 2018

Exhibit 9 – County of Nassau Restrictive Covenants for the Former Syosset Landfill Site dated March 12, 2004

Exhibit 10 - Board of Education Resolution in Opposition to the Proposed Project dated August 28, 2018

Exhibit 1

Letter to George Baptista, Jr. from Dr. Thomas Rogers dated June 15, 2018 Requesting Extension of Public Comment Period

Syosset Central School District
P.O. Box 9029, Syosset, NY 11791 (516) 364-5605 Fax (516) 921-0087

Dr. Thomas L. Rogers
Superintendent of Schools

-via electronic transmission to GBaptista@oysterbay-ny.gov ***and first-class mail-***

June 15, 2018

George Baptista, Jr., Deputy Commissioner
Town of Oyster Bay
29 Spring Street
Oyster Bay, New York 11771

Re: Proposed Syosset Park Project
Draft Environmental Impact Statement
Request for Extension of Public Comment Period

Dear Deputy Commissioner Baptista:

This letter is sent on behalf of the Syosset Central School District (the "School District") in connection with the Draft Environmental Impact Statement ("DEIS") for the above-referenced project.

The School District has been actively engaged in its review and analysis of the DEIS in its effort to provide the Town with substantive and complete comments concerning the impact that the proposed Syosset Park Project will have on the School District. As I am sure that the Town can appreciate, due to the nature and size of the proposed project, the School District's impact analysis involves multi-layered financial, operational and environmental components. Each of these critical components requires careful review by experts in these discrete areas, many of whom are not on staff and must be engaged by the School District in accordance with required processes and procedures. Unfortunately, due to circumstances beyond the control of the School District, certain components of the School District's impact analysis cannot be completed before the July 31st deadline for the submission of public comments. Accordingly, as an interested party, the School District respectfully requests that the DEIS public comment period be extended through Friday, August 31, 2018 so that the School District is afforded with ample time to complete its impact analysis.

Thank you in advance for your thoughtful consideration of this request.

Very truly yours,

Dr. Thomas Rogers
Superintendent of Schools
Syosset Central School District

Exhibit 2

Notice issued by the Town of Oyster Bay Extending the DEIS Comment Period to August 31, 2018 dated July 18, 2018

July 18, 2018

Syosset Park DEIS Comment Period Extended to August 31st

by Town of Oyster Bay in News, News-Slider

To provide residents an extended opportunity to share their input, Oyster Bay Town Supervisor Joseph Saladino today announced that the comment period for the Syosset Park Draft Environmental Impact Study (DEIS) has been extended until August 31, 2018. The study was released earlier this year for a mixed-use development proposal located at the intersection of the Long Island Expressway service road and Robbins Lane in Syosset. In addition to the DEIS, the Town and the applicant have further agreed to provide an additional comment period for the independent environmental testing of the site.

"We heard our residents loud and clear when they called for additional independent testing to be performed at this site, and the applicant has agreed to fund the work requested by residents," said Supervisor Saladino. "The Town is forming a Citizen Advisory Committee to guide the independent testing process and all comments on the independent testing will be accepted through January 31, 2019. However, the Town will not accept a final study from the applicant until the public has been given the opportunity to fully review the testing plan and final results."

Residents who wish to review the DEIS may visit the Office of the Town Clerk in Oyster Bay, as well as at the Syosset Library and Jericho Library, or log onto www.oysterbaytown.com to view a digital copy.

Written comments will be accepted until August 31st and should be directed to George Baptista, Deputy Commissioner of the Department of Environmental Resources, 29 Spring Street, Oyster Bay, NY 11771 or via e-mail at gbaptista@oysterbay-ny.gov. Comments can also be submitted through the Town's website, www.oysterbaytown.com.

previous
Saladino: Town Partners with LI Cares to Collect School Supplies for Disadvantaged Students

next
Town Officials and Oyster Bay Lions Club Unveil New Overlook Beautification Project at Beekman Beach

Exhibit 3

Report prepared by Walden Environmental Engineering for the District dated August 30, 2018

WALDEN ENVIRONMENTAL ENGINEERING

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

August 30, 2018
SYOS0118

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

Re: Comments on Syosset Park
Draft Environmental Impact Statement

Dear Dr. Rogers:

Walden Environmental Engineering, PLLC (Walden) has completed its review of the Draft Environmental Impact Statement (DEIS, dated January 2017, revised December 2017 and accepted as complete by the Town of Oyster Bay on March 27, 2018) for the Proposed Syosset Park development. We have also reviewed available documentation related to historic operations, site investigations and remediation activities conducted at the former Cerro Wire and Conduit Company and Town of Oyster Bay Landfill properties which now comprise the proposed Syosset Park development Site. Based on the document review, Walden has prepared this summary of the existing Site conditions, significant concerns related to Syosset Park, and comments on the DEIS related to potential impacts on Syosset Central School District (District) facilities.

Overview of Historic Information

Cerro Wire Site

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 to the Nassau County sewer system; at this point on-site discharge ceased. Cerro operated at the Site until November 1986.

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. Numerous investigations, including collection and analysis of hundreds of soil, groundwater and air samples have been completed since 1983 to document Site conditions, assess risks posed by contamination associated with the Site, and guide remedial efforts. Contaminated soils and wastes (including cyanide, lead, and plating solutions and sludge) were removed/remediated based on the Site characterization data, a Site-specific baseline risk assessment, and NYSDEC-approved work plans. NYSDEC removed the Cerro Site from the State Superfund list in February 1994, finding that the residual levels of the contaminants of concern (primarily copper, cyanide and zinc) in soil did not pose a significant public health risk based on the Site-Specific Cleanup Standards developed during the risk assessment performed for the Site. The Site-Specific Cleanup Standards assumed future Site use consistent with the industrial zoning at that time and did not contemplate the significant change in use as proposed by the Syosset Park development. NYSDEC imposed no additional restrictions on future Site use or development when the Cerro Site was delisted. Thus, the Town's zoning requirements may be the only mechanism in place to restrict Site development.

Additional environmental investigations were performed between 1997 and 2004 related to property transfers and Site clearing, resulting in excavation of contaminated soil, removal of underground fuel tanks, asbestos abatement and building demolition. Soil sampling following these removals determined that the concentrations of the contaminants of concern [primarily copper, cyanide and zinc, plus some semi-volatile organics (SVOCs) found beneath the buildings] remaining in soil were below the Site-Specific Cleanup Standards for future industrial land use (established to support the 1994 delisting) and applicable NYSDEC guidance at that time.

The current NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) for the contaminants of concern are more stringent than the Site-Specific Cleanup Standards for future industrial land use applied when the Site was delisted by NYSDEC in 1994. Further soil and groundwater sampling were conducted in 2015-2016 on behalf of the current owner in its efforts to support Site development planning. The 2015 soil investigation found copper, cyanide and certain SVOCs at concentrations above the respective RRSCOs. The findings of the 2016 groundwater investigation were consistent with previous findings, which indicated that groundwater had not been impacted by historic use of the Cerro Site.

The Syosset Park owner/developer submitted a Brownfield Cleanup Program (BCP) application for the former Cerro Site (Lots 251 and 252) to NYSDEC and this Site was accepted into the BCP in 2016. Under the BCP, the developer is working with NYSDEC to conduct further investigation work pursuant to a NYSDEC-approved Remedial Investigation Work Plan to characterize current Site conditions. The investigation is focused on soil vapor sampling because soil vapor samples have not been collected at the former Cerro Site in the past. NYSDEC's March 2017 Fact Sheet about the draft Remedial Investigation Work Plan indicates that ten (10) soil vapor samples would be collected along the border between the former Cerro Site and the former Syosset Landfill to evaluate potential soil vapor intrusion concerns.

Based on a discussion with the NYSDEC BCP project manager, the remedial investigation soil vapor sample collection has been completed. Groundwater sampling has been delayed because attempts to collect groundwater from certain existing monitoring wells have found that the wells are dry due to decreasing water levels. Therefore, new monitoring wells will be installed and sampled. A final report is pending completion of the BCP remedial investigation. Once the report is approved by the State, the Owner will prepare a Remedial Work Plan for the Site, based on all of the environmental data collected at the Site (soil, groundwater and soil vapor). The proposed Remedial Work Plan will be reviewed by NYSDEC and made available for public review and comment. The remedial work detailed in the Remedial Work Plan (when approved by NYSDEC) will have to be completed as part of the Syosset Park development, either prior to or during construction, depending on the action.

Without a final report summarizing the results of the remedial investigation work being completed under the BCP, the DEIS is currently incomplete and does not support a complete evaluation of environmental impacts associated with the former Cerro Site. The final report should be included as a supplement to the DEIS so it can be addressed during the public comment period regarding independent environmental testing that is open through January 2019.

Syosset Landfill Site

The Syosset Landfill covers approximately 39 acres of the 53.8-acre Town of Oyster Bay DPW Site in the northern portion of what is now the Syosset Park Site. Mining activities performed at the site prior to 1933 created two areas approximately 60 and 90 feet deep; these areas were then used for waste disposal. The Landfill began accepting wastes for disposal in 1933, and there were no restrictions on disposal until circa 1967. Wastes disposed of in the Landfill reportedly included sludge and ash, as well as residential, commercial, industrial, demolition, and agricultural materials. Landfilled wastes contained hazardous substances including metals (such as arsenic, copper, zinc, cadmium, chromium and lead) and volatile organic compounds [such as 1,1-dichloroethylene (1,1-DCE), 1,1-dichloroethane (1,1-DCA), trichloroethylene (TCE) and tetrachloroethylene (PCE)].

The Landfill was closed in January 1975 due to suspected groundwater contamination. The USEPA placed the Landfill on the National Priorities List (NPL, Federal Superfund Site) in September 1983 after determining that hazardous substances in groundwater beneath the Landfill posed a threat to the local drinking water source. A remedial investigation and feasibility study were then completed to determine the nature and extent of groundwater contamination attributable to the Landfill. In 1990, USEPA issued a Record of Decision (ROD) requiring the Landfill to be capped to prevent contact with the landfilled wastes and to prevent leachate generation/migration from the Landfill. The ROD also required the Town to perform long-term groundwater and air monitoring to identify any future impacts associated with the Landfill.

The ROD also called for a supplemental groundwater investigation to evaluate potential downgradient groundwater impacts due to contaminants leaching from the Landfill. The groundwater investigation found that there were no unacceptable risks to human health or the environment due to migration of contaminants from the Landfill. Therefore, no groundwater remediation was required.

Design and construction of the Landfill cap was completed from 1994 to 1997 by the Town with USEPA oversight. According to DEIS Figure 10, the Landfill cap was configured in three (3) different ways depending on the Town's planned use of each portion of the capped area. All configurations included a 12-inch gas venting layer on top of the existing Landfill cover and waste, and a 24-inch protective barrier above the gas venting layer. The general Landfill cap specifications are listed below, with the layers described from top to bottom of the cap:

- 24-inch barrier protection layer which is made up of either:
    - Cap with Asphalt Cover - Two (2) inches of asphalt top course, five (5) inches of asphalt base course, and seventeen (17) inches of clean fill
    - Cap with Recycled Concrete Cover – Six (6) inches of recycled concrete over eighteen (18) inches of clean fill
    - Cap with Vegetation Cover - Six (6) inches of vegetated topsoil over eighteen (18) inches of clean fill
- High density polyethylene (HDPE) geomembrane (60 mil) between the protective barrier and the gas venting layer
- Twelve (12) inch sand gas venting layer
- Geosynthetic filter fabric on top of existing Landfill cover
- The top of the Landfill cap was constructed with a minimum 2.35 percent slope
- Gas riser vents extending from within the refuse material to three (3) feet above the final ground surface elevation (minimum of one gas riser vent per acre) with crushed stone backfill around gas venting risers.

In addition, the ROD required the following post-closure actions by the Town to ensure the effectiveness of the selected remedy:

- Providing long-term operation and maintenance of the Landfill cap's vegetative/asphalt covers and drainage structures, including routine inspections and repair;
- Providing long-term air and groundwater quality monitoring in accordance with the New York State closure requirements;
- Long-term monitoring and maintaining the passive gas venting system installed under a previously implemented response action, including routine inspection and repair.
- Installing an additional passive gas venting system, constructed so that it can be easily converted to an active gas system, should conversion become a necessary part of the remedy in the future;
- Maintaining the existing boundary fence around the perimeter of the Landfill property to continue to restrict access to the Landfill; and
- Placing institutional controls on the Landfill property to restrict future use of the Landfill in order to ensure the integrity of the cap.

Drainage from the top of the Landfill is collected in riprap and asphalt lined drainage ditches along the perimeter which discharge to storm drains which flow into two Nassau County recharge basins (#571 and #284) bordering the Landfill to the north and northwest. The practice of discharging on-site storm water runoff to an off-site property is prohibited under the *Nassau County Department of Public Works Drainage Requirements.*

Per the ROD, the Town placed a restrictive covenant on the Landfill property binding all future owners of the property to the following restrictions:

- Any future use of the property must not breach the integrity of the Landfill cap, cover or any other components of the containment system; disturb or disrupt the function of the Site's monitoring systems; or otherwise increase the potential hazard to human health and the environment posed by Site;
- No wells may be installed on the Landfill; and
- No permanent structure or building of any type may be built on the Landfill or in the immediate vicinity of the Landfill perimeter without prior approval of EPA and the Town.

USEPA removed the Landfill from the NPL in April 2005. Five-Year Review Reports prepared by USEPA summarize the results of the on-going long-term groundwater and Landfill gas monitoring programs that continue to be implemented by the Town. These reports indicate that the Landfill cap and gas venting system remain protective of human health and the environment.

Walden has confirmed with the NYSDEC that it is finalizing plans to perform groundwater monitoring to evaluate the potential for radiological impacts attributable to the Landfill. The results of the radiological groundwater sampling should be included as a supplement to the DEIS so the data can be addressed during the public comment period regarding independent environmental testing that is open through January 2019.

In July 2016, the Syosset Park owner entered into an Administrative Settlement Agreement and Order on Consent with USEPA, whereby USEPA will oversee the proposed site development activities to ensure that the Landfill is not impacted by the project and to maintain the integrity of the Landfill cap system. As such, USEPA must be an active participant in the DEIS review process and throughout all phases of Site development and construction.

Comments Related to Syosset Park's Potential Environmental Impacts on Syosset CSD

The scope of the Syosset Park development is massive, considering most of the 92.8-acre has been vacant and unused for 30 years and the unprecedented density of the proposed mixed-use development. The comments included herein focus on information notably absent from the DEIS and the lack of specific detail which prevent 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 School located adjacent to the Syosset Landfill site.

1. ***Significant Omissions from the DEIS***

   The DEIS omits certain plans and details which are required to adequately assess the impacts the proposed construction methods and overall development would have on the District. The DEIS presents great detail on how the Site would be developed, yet fails to provide the complete plans that are essential to control and minimize the project's environmental impacts on the District. Additional comments related to these plans are presented in the appropriate sections below.

   a. The DEIS does not contain a detailed site-specific Community Air Monitoring Plan (CAMP); the DEIS only includes the generic CAMP published by the New York State Department of Health.
      i. Preparation of a detailed site-specific CAMP cannot be delayed until construction is imminent as it directly impacts the evaluation of potential environmental 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 DEIS does not include a Storm Water Pollution Prevention Plan (SWPPP) and asserts that the SWPPP cannot be prepared until the Site development plans are finalized.
    i. The SWPPP cannot be delayed as it directly impacts the evaluation of potential environmental impacts presented by the proposed development and how to prevent and manage these impacts. In the absence of a detailed SWPPP, we cannot comment fully on this item.

c. The DEIS does not include a detailed Erosion and Sediment Control Plan (E&SC Plan).
    i. Generic statements related to erosion and sediment control are included on a single drawing sheet in an appendix to the DEIS. Given the magnitude of the proposed development, this "E&SC Plan" is utterly inadequate. In the absence of a detailed E&SC Plan, we cannot comment fully on this item.

2. Key Contaminant Migration Concerns

The major release pathways for the contaminants of concern that pose a threat to South Grove 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 Syosset Park Site.

b. Because South Grove School borders the former Syosset Landfill site, the potential for exposure to contaminants and associated risk, while certainly present, is more limited when compared to the risk if the former Cerro Site was directly adjacent to the School.

c. 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 School.

3. Dust Concerns

Environmental concerns related to dust are driven by soil disturbance during excavation and earth moving at the Cerro Site, both during the Brownfields remedial action and future development of the Site. The risks depend on the concentrations of contaminants of concern to be determined following completion of the NYSDEC-managed

Brownfields investigation and any further site remediation activities deemed necessary by NYSDEC.

a. The DEIS does not present sufficient detail on the modeling conducted to evaluate dust impacts, therefore we cannot comment fully on the results.
    i. The air modeling results establish the basis for evaluating appropriate protective measures to prevent dust from migrating to District properties. Syosset CSD has five schools within a one-mile radius of Syosset Park which could be at risk for dust impacts depending on conditions.
    ii. 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.
    iii. The DEIS dust modeling fails to accurately represent the anticipated conditions due to construction. The model results presented in the DEIS (Appendix P) predict the particulate matter (PM10 and PM2.5) levels during construction over a 24-hour period. This is not representative of the anticipated 8-hour daily construction period that would generate dust. Therefore, modeling dust levels over 24-hours "dilutes" the predicted actual impacts which would occur over 8 hours.

b. The DEIS does 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 environmental 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 and as such, the DEIS 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 property line alongside the School property. This would help account for dust that becomes airborne and travels a distance before it settles, and for particles that are transported from the Cerro Site to the DPW/Landfill area during construction and then released into the air again when work takes place on the DPW/Landfill areas. 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 DEIS (p. 608).

ii. 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.

iii. Water misting systems must be established during the construction period alongside the South Grove 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.

iv. 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.

v. 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 School and all downwind receptors.

c. As part of its ongoing capital improvement work, Syosset CSD plans to install an enclosed walkway between the annex (K-1) and main (2-5) buildings at South Grove School next summer (2019) as part of District-wide security enhancement measures. Since this structure would be completed in advance of any construction at the Syosset Park Site, it could act as a limited barrier to mitigate potential dust impacts to some extent as the students and staff will not need to travel between the buildings located at South Grove School; however, it will not serve as a barrier to prevent the dust impacts to the South Grove property, and it is not being installed as a function of the proposed development. The Plans in DEIS Appendix O show 12-foot high perimeter walls to be installed along Miller Lane and the LIRR. A similar wall installed along the South Grove School property boundary adjacent to the Site would act as a dust barrier, however its effectiveness in preventing dust impacts on South Grove School would have to be evaluated further based on modeling.

4. Storm Water Management Concerns

Mobilization of contaminants from the Syosset Park Site via storm water runoff and subsequent transport onto the South Grove School property during construction and future Site use also poses a significant risk to the District. The storm water management plans presented in the DEIS fail to prevent runoff and associated impacts on the School.

a. The DEIS fails to adequately address controls to prevent storm water and sediment runoff from the Site and within the construction zone. Once sediment carried in storm water runoff dries, it could become airborne and migrate off-site, posing a risk to South Grove School and other properties in close proximity to the Syosset Park Site, which include multiple private residences.

b. The DEIS (Appendix B, Sheet C-600) includes a simple Erosion and Sediment Control (E&SC) Plan that would apply to Phase I construction and be the starting point for the storm water management program to be followed during the work. This E&SC Plan is presented as a drawing sheet and lacks detail. The E&SC Plan must be expanded as a written document specifying the required E&SC procedures to be implemented during all phases of the work. In the absence of details, we cannot comment fully on this item and as such, the DEIS is deficient in this regard. The E&SC Plan must establish a program which includes all the requirements specified in the New York State Standards and Specifications for Erosion and Sediment Control (2016 "Blue Book").

   The E&SC Plan cannot be delayed until construction is imminent as it directly impacts the evaluation of potential environmental impacts presented by the proposed development and how to prevent and manage these impacts.

c. A comprehensive Storm Water Pollution Prevention Plan (SWPPP) has not been developed for the Site. The DEIS (p. 123) indicates the developer's assertion that it would be premature to provide a detailed SWPPP at this time because the Site development plans have not been finalized. The DEIS states that a detailed SWPPP would be prepared for each portion of the project and submitted to the Town for approval, and then to NYSDEC, with no construction until all approvals are secured.

   The SWPPP cannot be delayed as it directly impacts the evaluation of potential environmental 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 and as such, the DEIS is deficient in this regard. The SWPPP must establish a program which includes all the requirements specified by NYSDEC General Permit No. GP-0-15-002 for Storm Water Discharges from Construction Activity.

d. The SWPPP would have to be strictly enforced during the entire construction period 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. DEIS Appendix B Landscape Plans - Sheet L-502, Section D: This cross-section shows the grade from the proposed Syosset Park development sloping downward directly towards South Grove School. This plan does not include any provisions for preventing storm water runoff onto the School property. This is absolutely unacceptable. Storm water runoff from the Syosset Park Site must not flow onto the School property under any circumstances.

f. DEIS Appendix B Landscape Plans - Sheet L-503, Section 2: This cross-section shows the proposed berm with trees planted along the Syosset Park boundary with South Grove School. No measures are indicated to prevent runoff from the Site. Again, this is unacceptable. Storm water runoff from the Syosset Park Site must not flow onto the School property under any circumstances.

g. The DEIS Landscape Plans do not provide sufficient detail on construction of the athletic fields to support a complete evaluation of the drainage concerns and protection of the Landfill cap during drainage system installation, and as such the DEIS is deficient in this regard.

h. The Syosset Park 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 by Site drainage. The DEIS does not include sufficient detail on how storm water from various portions of the Site would be managed and 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.

i. The drainage plan presented in the DEIS (p. 151) would combine on-site storm water management via discharge to infiltration structures with storm water discharge to the off-site Nassau County Recharge Basins located directly west/northwest of South Grove School. The DEIS implies that the Landfill deed restrictions on-site storm water recharge through the cap justify the assumption that off-site storm water discharge to the County recharge basins would continue under the private development. The DEIS and the developer fail to acknowledge the *Nassau County Department of Public Works Drainage Requirements* which specify that all storm water must be managed on-site. Under no circumstances should off-site discharge be permitted.

j. The DEIS (p. 162 and p. 584) indicates that virtually all storm water runoff from the Site would be contained and recharged, mimicking existing conditions. The DEIS proposes to accomplish storm water management for the overall site by on-site infiltration to varying degrees (primarily at the Cerro Site and non-Landfill portion of the Town DPW site), by maintaining flows to two existing off-site County recharge basins located north of the Landfill site, and by maintaining existing discharges to the closed pipe drainage system in Miller Place for the Landfill cap areas. The Miller Place drainage system conveys storm water to an off-site County recharge basin located southwest of the project. The storm drainage systems and Miller Place drainage connections would be installed in the early stages of construction in each phase, making the drainage system available to store runoff from construction activities. The proposed project's on-site storm water management infrastructure would also include pretreatment of storm water runoff through a closed pipe system.

k. The DEIS does 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 other areas of the Syosset Park Site near South Grove School, and then be carried off-site 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. The DEIS states that drainage from the Landfill Site would continue to be discharged to the off-site recharge basins during construction, further increasing this risk.

l. The DEIS does not indicate that Nassau County has granted approval for off-site storm water discharge from Syosset Park, nor has NCDPW verified that the County drainage system and recharge basins have the capacity to handle storm water from the Site as well as other existing sources of discharge to the basin. The Site owner must be held financially responsible (by bonding) for maintenance of any Nassau County recharge basins that receive storm water from the Site. Old recharge basins get clogged by silt and need to cleaned out on a regular basis to maintain effective recharge via infiltration. An appropriate maintenance schedule must be established considering the increase in storm water volume to be discharged under the proposed development plan.

m. The DEIS does not propose to sample the off-site Nassau County recharge basin adjacent to South Grove School to evaluate existing conditions prior to construction. Drainage from the Syosset Landfill Site discharges to this recharge

basin so it is possible that contaminants of concern may have accumulated in the sediment at the bottom of the basin. The DEIS is deficient in its failure to provide for the off-site recharge basins to be sampled and cleaned out.

n. The DEIS (p.162) states that the construction contractor would be responsible for maintaining the SWPPP documents, including the E&SC plans. Regular inspections of erosion control measures would be completed by an independent third-party throughout the duration of the construction period in accordance with the E&SC Plan. The weekly E&SC inspection frequency proposed in the DEIS (p. 579) is not consistent with NYSDEC requirements. For sites greater than five (5) acres, bi-weekly inspections by a certified inspector are required. Daily inspections would be more appropriate considering the magnitude of the proposed project and its proximity to South Grove School.

o. The DEIS fails to specify that contractors would not be permitted to perform truck washing on-site in order to minimize the volume of water to be managed on-site and the potential for runoff/erosion and resultant impacts on South Grove School.

p. The DEIS does not indicate that storm water control treatment or storage facilities must not be constructed near the vicinity of South Grove School during construction.

q. The DEIS does 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 project, frequent MS4 inspections would have to be conducted by the Town and an independent third-party to track compliance with MS4 plans. The Town must use its authority to order work stoppages as warranted if MS4 violations are observed.

5. Landfill Cap Integrity Concerns

The deed restrictions in place for the Landfill prohibit disturbance of the Landfill cap and buried waste during construction or future Site use under any development scenario. Thus, any contamination associated with the Landfill is to remain contained and monitored in accordance with the long-term monitoring and reporting requirements established by USEPA. Prevention of contaminant releases from the Landfill depends on adherence to these restrictions at all times, as well as diligent oversight by USEPA and the Town of Oyster Bay.

a. The DEIS does not include complete copies of the final deed restrictions filed with respect to the Landfill. References to these deed restrictions are included on the survey maps.
   i. For the Landfill, the Land Title Survey maps in DEIS Appendix B note "Lots 243, 244, 247 and 248 are property of the former Syosset Landfill and are subject to 'Notice of Federal Consent Decree, as recorded in Liber 10124 page 736', and subject to 'Restrictive covenants for the former Syosset Landfill site', as recorded in Liber 11776 page 661."
   ii. For Cerro site (Lots 251 & 252), the survey maps note "'Declaration of restrictive covenant' Liber 7614 page 187 and Liber 9604 page 500 are not survey related."

   Without this documentation, there is insufficient information to support a complete evaluation of the land use restrictions. As lead agency, the Town must consult with USEPA to verify that establishing the Great Park for active recreation is consistent with the intent of the deed restriction(s).

b. The DEIS references the deed restrictions, property sale agreement with the Town and the 2016 Administrative Agreement with USEPA when discussing future management/monitoring of the Landfill and continued oversight by USEPA. However, the DEIS does not clearly specify whether the Town or the Site Owner would be responsible for implementing the long-term monitoring program for the Landfill Site (groundwater monitoring, gas monitoring and inspections of the Landfill cap and gas venting system) and as such, the DEIS is deficient in this regard.

c. During any installation of drainage piping and infiltration structures at the Site and in the vicinity of the Landfill, care must be taken to ensure that the Landfill cover is not disturbed or breached.

d. Notably absent from the DEIS is the distance between the Landfill and the outer edge of the excavation areas closest to the Landfill. This omission has a significant impact on the potential for disturbing the wastes in the Landfill and violating the restriction on development in the area of the Landfill. In the absence of details, we cannot comment fully on this issue and as such, the DEIS is deficient in this regard. USEPA must be involved in evaluating Site development plans with respect to impacts on the Landfill.

e. The landfill deed restrictions prohibit the construction of permanent buildings on top of Landfill cap. The DEIS indicates that the Great Park would allow the

installation of temporary structures that would not jeopardize the integrity of the Landfill cover. However, the DEIS fails to provide specific details on what constitutes an acceptable temporary structure. In the absence of such specifications, it is entirely possible that an unacceptable structure which is more like a permanent building would be installed at some point in the future and impact the Landfill cap. Such omissions are contrary to the deed restrictions on the Landfill which must be enforced by USEPA and the Town.

f. The DEIS does not acknowledge that construction of the Great Park on top of the Landfill could be considered a permanent installation which would prevent inspection of the cap and the weight of the overlying material used to construct the Great Park would impact the integrity of the cap. As such, the DEIS is deficient in this regard.

g. The DEIS does not specify that a New York State Licensed landscape architect with knowledge of Long Island plant species must select all plantings for the Site. Plantings at Syosset Park must be selected carefully to ensure that the root systems do not penetrate the landfill cover, per the deed restrictions in place for the former Syosset Landfill site.

h. The DEIS (p. 576-577) indicates that existing asphalt and concrete paved areas located above the Landfill cap would be demolished and recycled on-site during construction. This activity poses a significant threat to the integrity of the Landfill cap. The DEIS does not provide details on how the Landfill cap would be protected during surface demolition and as such, the DEIS is deficient in this regard.

i. The Town may have placed asphalt or concrete over the Landfill cover in step with Town operations conducted since the cap was installed. The DEIS does not address the methods to be used to distinguish between the various Landfill cover types (i.e., asphalt, recycled concrete or vegetated topsoil) installed over the Landfill and to assess the current condition of the cap beyond visual observation of the surface. The DEIS does not propose additional investigation prior to construction in order to determine the current thickness of the Landfill cap and how it has changed through settlement over the years, nor does it address how vibration during construction would impact the cap. The DEIS does not provide adequate measures to prevent penetration of the cap to ensure its integrity as required by the deed restrictions and as such, the DEIS is deficient in this regard.

j. The DEIS (p. 629) indicates that inspections of the Landfill cap would continue, however it does not address how this would be possible once the Great Park is constructed over the Landfill cap and as such, the DEIS is deficient in this regard.

k. The most recent USEPA Five-Year Review report (2017) for the Syosset Landfill summarizes the findings of cap inspections conducted by the Town. Some areas of the Landfill cap were determined to have cracks and water ponding which calls into question the integrity of the cover system. The DEIS does not address measures to ensure that the Landfill cap is intact before the Great Park is constructed and as such, the DEIS is deficient in this regard.

l. The 2017 USEPA Five-Year Review report for the Syosset Landfill approved reducing the frequency of required monitoring and inspections as follows: groundwater monitoring schedule changed from annually (every four quarters) to every fifth quarter and landfill cap, vent system and drainage system inspections from quarterly to semi-annual. Given the proposed Syosset Park development, at a minimum, the Landfill monitoring and inspection program should be restored to the original frequencies USEPA required for the Landfill immediately after the cap was installed to allow timely response to any impacts associated with the development and change in site use.

6. Excavation and Soil Handling Concerns

The primary contaminants of concern are copper, cyanide and several SVOCs based on the results of recent sampling performed at the former Cerro Site as compared to the NYSDEC RRSCOs. Information on health risks posed by the contaminants of concern is available from USEPA, the Agency for Toxic Substances and Disease Registry (ATSDR), and other sources of risk-based information. Copies of health-based fact sheets for the primary contaminants of concern identified at the Cerro Site (copper and cyanide) are attached. The Town of Oyster Bay must consider current risk-based information when evaluating the proposed Syosset Park development plans and DEIS, particularly in regards to the potential impacts to a vulnerable population of school children.

a. The DEIS (p. xviii) indicates that most recent 2015 soil investigation conducted at the former Cerro Site found copper, lead and zinc in soil samples at concentrations exceeding the respective Restricted Residential Soil Cleanup Objectives (RRSCOs) set forth in NYSDEC Part 375. The BCP Remedial Work Plan to be developed for the Cerro Site must compare the available soil data to the more stringent Residential SCOs and Unrestricted Use SCOs for these

contaminants (except cyanide, which has the same SCO for all three categories) given the proposed Site use.

b. Roux's 2015 Soil Investigation report (p. 6) states that the developer intends to reuse as much soil excavated during the work as possible to minimize the amount of soil that would be brought on or off the Site. The report references DER-10 soil reuse sampling parameters and sampling frequency. The DEIS fails to recognize that all soil related to the Site construction must comply with NYSDEC's updated Part 360 solid waste regulations. Any soil excavated on-site must be characterized and evaluated in accordance with the new NYSDEC Part 360 solid waste regulations to determine which soil (if any) can be reused on-site. Future soil analytical data would also provide additional information to evaluate impacts associated with contaminant migration in dust and storm water.

c. The DEIS does not provide for a full assessment of the fill material to be placed on top of the capped Landfill for the Great Park. This fill material must be characterized in accordance with the Part 360 sampling frequency and chemical composition requirements which dictate standards for limited use and restricted use fill.

d. The DEIS does 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 re-use as on-site fill and off-site disposal.

7. General Construction Concerns

Construction impacts on South Grove School would be inevitable during the anticipated five-year build out of the Syosset Park 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 Syosset Park 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 School and throughout the District is not jeopardized.

a. The DEIS does not address establishing an adequate buffer between the construction areas adjacent to South Grove School and the School itself to minimize disturbance to the learning environment and K-5 students.

b. The DEIS does not establish a construction schedule that would not interrupt the outdoor recreation time (recess, physical education and other outdoor activities) which is vital to the students at South Grove School.

c. The DEIS proposes weekday construction from 7:00 AM to 3:00 PM, which spans the entire school day. The DEIS fails to acknowledge the possibility of scheduling construction after school hours, especially those activities which generate the most disturbance (i.e., dust, noise, vibration), while considering other community concerns.

d. The DEIS indicates that construction of the Great Park depends on when the Town of Oyster Bay vacates its existing on-site operations. The Construction Schedule presented in DEIS Appendix B does not specify the timeframe or duration of the Great Park construction activity. Given the lack of detail related to the Great Park construction schedule, we cannot comment fully on the potential impacts to the District and as such, the DEIS is deficient in this regard.

e. The DEIS does not address how the existing Landfill groundwater monitoring wells and gas vent wells would be integrated with the landscape of the Great Park while remaining accessible for long-term inspections and monitoring. The gas vent wells are currently protected by concrete dry well rings; this configuration would obviously be altered. By failing to provide details on these monitoring items, the DEIS is deficient in this regard.

8. Noise and Vibration Concerns

The DEIS does not provide sufficient detail on the noise and vibration impacts that would occur during the prolonged construction period, or the measures proposed to mitigate these impacts and as such, the DEIS is deficient in this regard.

a. The DEIS does not sufficiently detail restricting work hours at the primary means of noise mitigation.
    i. Construction that produces excessive noise and/or vibration (acceptable levels would obviously be disputed by the involved and affected parties) must not be performed during black-out days and hours. An acceptable construction calendar would have to be developed with agreement by all parties, including the District.

b. The Plans in DEIS Appendix O show 12-foot high perimeter walls to be installed along Miller Lane and the LIRR. The DEIS fails to consider a noise mitigation barrier adjacent to the School. A similar wall (like the noise walls along the LIE) installed along the South Grove School property boundary adjacent to the Site would act as a noise barrier, however its effectiveness in reducing noise impacts on the School would have to be evaluated further based on modeling.

c. 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 pile driving activities.

d. In order to help mitigate noise from the project area, tall evergreen trees must be planted prior to construction in the Great Park along the fence that abuts the School property.

e. The DEIS does not indicate that sheet pile driving would be restricted to periods when school is not in session. This would be required to reduce the impact noise generated during the pile driving activities, which has a greater impact on student learning capabilities than other elevated noise levels.

f. The DEIS fails 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.

g. The DEIS does not detail a noise monitoring program for the construction phase and as such is deficient in this regard.

9. Traffic Concerns

The Syosset Park development would result in increased traffic during construction and due to the future mixed residential/commercial Site use. The traffic controls presented in the DEIS do not adequately address the traffic impacts on the District Schools.

a. The only traffic-related measure proposed in the vicinity of Robbins Lane School is the installation of new sidewalks on both sides of Robbins Lane from Aerial Way to Jericho Turnpike (DEIS p. xi). The DEIS fails to provide for additional upgrades to enhance safety (i.e., supplement with additional traffic controls, speed

humps, traffic calming, dedicated left turn lane into entrance, add a traffic signal at the entrance driveway) in order to protect students, teachers, staff and visitors to Robbins Lane School given the increased traffic associated with Syosset Park.

b. The DEIS indicates that truck traffic along Robbins Lane would be the main route for access to the Site (materials, equipment, workers), increasing the potential for accidents during hours when students are being dropped off and picked up from Robbins Lane School.
    i. Truck traffic for construction at Syosset Park must be restricted from the north via Jericho Turnpike/Robbins Lane. All construction vehicles and material deliveries must be required to come off the LIE and access the Site via Miller Place or the south Robbins Lane entrance; such truck traffic must not be allowed to travel north of the LIRR crossing.

10. Air Quality Concerns

The proposed Syosset Park Site development would impact air quality due to construction activity and as well as vehicle use associated with the mixed residential/commercial Site use. Gas emissions from the Landfill also factor into the air quality evaluation.

a. Radon and methane monitoring must be performed during construction and over the long-term along the perimeter of the former Landfill where it runs along the boundary between Syosset Park and South Grove School to identify any radon or methane impacts due to the Syosset Park development. This monitoring would indicate if remedial measures are needed using health-based action levels established by regulatory agencies for radon and methane.

b. Vehicles for any Site construction must be clean diesel or low emissions vehicles to minimize air pollution/ozone depletion during the anticipated five-year construction period.

c. The DEIS air modeling spreadsheets included in Appendix P and discussed on DEIS p. 601 fail to provide a complete air modeling report that supports a comprehensive review of the calculations/assumptions and interpretation of the results. The DEIS model results for construction are not representative of the anticipated exposure periods (8-hour daily construction period). Modeling exposure levels over 24-hours "dilutes" the predicted actual impacts which would occur over 8 hours.

d. The DEIS indicates that asphalt recycling would be performed at the Site during construction. While the DEIS (p. 577) indicates that asphalt recycling operation would be located in a designated area "away from the school", in the absence of sufficient details, we cannot comment fully on the air quality impacts associated with this item.

e. The DEIS Appendix P Air modeling sheets mention "Phase 1 – Brownfield remediation at Cerro, remove landfill debris and spoil pile from DPW/Landfill", however, no further information is provided on what the various tasks entail. The tasks are not described in detail and there appears to be very limited information related to the Great Park construction and schedule for work. Given the lack of detail, we cannot comment fully on this item.

11. Concerns Related to Monitoring and Inspections During Construction at Syosset Park

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 DEIS (p. xiii) states, "The Applicant is proposing to hire a Construction Manager to coordinate all construction activities." The DEIS does 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.

b. The 2016 Administrative Settlement Agreement between USEPA and the Site Owner designates a "Respondent's approved Project Coordinator" to oversee any actions that may impact the Landfill during the redevelopment project. This Agreement designates Charles McGuckin of Roux Associates, Inc. (Roux) as the Project Coordinator for the Site Owner. Roux was on the team involved in preparing the DEIS and has also performed investigation activities at the Site on behalf of the Site Owner.

c. The DEIS does not indicate that an independent inspection team must be on-site at all times during construction to ensure that the Landfill cap is not breached or impacted in any way. These inspectors must supplement the team of 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.

d. 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.

e. 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.

12. Soil Vapor Intrusion Concerns

Soil vapor sampling has been performed at the Cerro Wire site per the Brownfields RIWP. There are no Federal or New York State standards for acceptable soil gas concentrations. Volatile organic contaminants in soil vapor are a concern with respect to soil vapor intrusion and impacts on indoor air quality in buildings. The BCP investigation results must be evaluated and supplemented with additional soil vapor sampling along the perimeter of the Landfill adjacent to South Grove School to adequately assess potential impacts.

a. The DEIS does not address the potential need for soil vapor barriers in new buildings at the Site.

b. If soil vapor sampling results indicate there is a risk of soil vapor intrusion at the Syosset Park Site and neighboring properties, vapor barriers must be incorporated into the Site development plans. In addition, sub-slab depressurization systems must be designed and installed to protect South Grove School and other properties as needed to prevent soil vapor intrusion and associated indoor air impacts.

13. School Security Concerns

Due to factors such as the multitude of on-site personnel that would be working on the Site every day, frequent deliveries made by various individuals that are typical for construction projects, and the increase of pedestrian traffic that the development would allow, the proximity of the Project, including the Great Park, to South Grove School presents a security risk to the District.

a. The DEIS indicates that there would be pedestrian access to the Great Park at the end of Gordon Drive. The DEIS does not provide adequate details on the barrier proposed to prevent access to South Grove School from the Great Park, so we cannot comment fully on this item.
    i. A secure barrier fence must be installed between the Site and South Grove School for security, to maintain a buffer, and to establish a visual screen from the construction site. Refer to the possibility of installing a 12-foot high wall as discussed previously.

Miscellaneous Comments on DEIS

While Walden's review has focused on potential environmental impacts on Syosset CSD facilities, as part of our review of the DEIS, we have identified a number of other issues as noted below.

1. The DEIS Appendix D Conceptual Master Plan does not clearly identify the adjacent South Grove School property; the text label is blurred and should be sharpened.

2. Available parking at South Grove School (for teachers, staff and parents) is near capacity under current enrollment and would only be exacerbated the expansion of school facilities and teachers/staff required to accommodate the projected increase in students due to the Syosset Park development plans.

3. Development at the Site would displace rodents/vectors which currently occupy the overgrown vacant portions of the Site. The DEIS does 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 Syosset CSD facilities.

4. The DPW Site is the Town's primary base for DPW and Highway operations. When the Town has to hand over the site for the Syosset Park development, where does the Town

plan to relocate the essential operations currently managed from the Site and how does it plan to maintain the level of service currently provided from this central location? How would this impact the snow removal, trash collection and other services provided by the Town which impact District operations?

5. The DEIS indicates that the Great Park would be managed by the Town. Some concerns related to the Great Park involve controlling public access, security, hours of use, etc. Does the Town have the resources to manage an additional park? Would the Town ensure that the developer offsets any Town costs related to the Great Park? How will the Town adjust Park Districts and assign costs associated with managing the Great Park to the taxpayers/residents within the Park District?

6. The density of development of Syosset Park outside the proposed 30-acre Great Park is much greater than the development allowed by zoning in other communities throughout the Town. Is the Town willing to approve the proposed zoning change, thereby setting a precedent for allowing such density in other areas of the Town?

7. The DEIS claims that the project would "reduce energy consumption and combustion of fossil fuels" (p. xii), failing to recognize the overall increase in vehicles that would result from residents, workers, shoppers, etc. that would live and visit the Site which is now vacant (aside from the Town operations) and does not consume energy and fossil fuels. While the concept of a walkable community is commendable, the development's net impact on energy consumption and fossil fuel combustion would be significant compared to current conditions.

8. Landscape Drawing L-501 in Appendix B: Section 1 shows Townhomes built above retaining walls 5 ft high and 11.5 ft high on either side of the road. It looks as if the road is in a valley. How does the plan propose to manage storm water in this area and similarly constructed parts of the development?

9. Walden has reached out to the NYSDEC and USEPA project managers for the Cerro and Syosset Landfill Sites on behalf of the District to establish a dialogue regarding concerns related to proposed development of these Sites.

10. The Town of Oyster Bay is arranging to conduct independent testing of the proposed development Site to investigate any residual contamination. This scope of this work should include samples along the perimeter of the Site in the vicinity of South Grove Elementary to confirm if a potential impact to the health and safety of the students and staff of the school, as well as to the adjacent residential properties exists. If requested, Walden would be happy to consult with Syosset Central School District to develop

recommendations for an appropriate and comprehensive scope of sampling to ensure the students and staff of the Syosset Central School District are protected.

The independent third-party testing should be conducted by independent, qualified professionals with the experience and certifications 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 developer or have any conflicts including having performed previous work at the property. The most important thing is to ensure there is no conflict of interest which could sway the investigation one way or the other.

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.
Project Manager

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

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AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (ATSDR)

HEALTH-BASED FACT SHEETS FOR COPPER AND CYANIDE

ATSDR
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

COPPER
CAS # 7440-50-8

Division of Toxicology ToxFAQs™ **September 2004**

This fact sheet answers the most frequently asked health questions (FAQs) about copper. For more information, call the ATSDR Information Center at 1-888-422-8737. This fact sheet is one in a series of summaries about hazardous substances and their health effects. It is important you understand this information because this substance may harm you. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, personal traits and habits, and whether other chemicals are present.

HIGHLIGHTS: Copper is a metal that occurs naturally in the environment, and also in plants and animals. Low levels of copper are essential for maintaining good health. High levels can cause harmful effects such as irritation of the nose, mouth and eyes, vomiting, diarrhea, stomach cramps, nausea, and even death. Copper has been found in at least 906 of the 1,647 National Priority Sites identified by the Environmental Protection Agency (EPA).

What is copper?

Copper is a metal that occurs naturally throughout the environment, in rocks, soil, water, and air. Copper is an essential element in plants and animals (including humans), which means it is necessary for us to live. Therefore, plants and animals must absorb some copper from eating, drinking, and breathing.

Copper is used to make many different kinds of products like wire, plumbing pipes, and sheet metal. U.S. pennies made before 1982 are made of copper, while those made after 1982 are only coated with copper. Copper is also combined with other metals to make brass and bronze pipes and faucets.

Copper compounds are commonly used in agriculture to treat plant diseases like mildew, for water treatment and, as preservatives for wood, leather, and fabrics.

What happens to copper when it enters the environment?

❏ Copper is released into the environment by mining, farming, and manufacturing operations and through waste water releases into rivers and lakes. Copper is also released from natural sources, like volcanoes, windblown dusts, decaying vegetation, and forest fires.

❏ Copper released into the environment usually attaches to particles made of organic matter, clay, soil, or sand.

❏ Copper does not break down in the environment. Copper compounds can break down and release free copper into the air, water, and foods.

How might I be exposed to copper?

❏ You may be exposed to copper from breathing air, drinking water, eating foods, or having skin contact with copper, particulates attached to copper, or copper-containing compounds.

❏ Drinking water may have high levels of copper if your house has copper pipes and acidic water.

❏ Lakes and rivers that have been treated with copper compounds to control algae, or that receive cooling water from power plants, can have high levels of copper. Soils can also contain high levels of copper, especially if they are near copper smelting plants.

❏ You may be exposed to copper by ingesting copper-containing fungicides, or if you live near a copper mine or where copper is processed into bronze or brass.

❏ You may be exposed to copper if you work in copper mines or if you grind metals containing copper.

How can copper affect my health?

Everyone must absorb small amounts of copper every day because copper is essential for good health. High levels of copper can be harmful. Breathing high levels of copper can cause irritation of your nose and throat. Ingesting high levels of copper can cause nausea, vomiting, and diarrhea. Very-high doses of copper can cause damage to your liver and kidneys, and can even cause death.

How likely is copper to cause cancer?

We do not know whether copper can cause cancer in humans. The EPA has determined that copper is not classifiable as to human carcinogenicity.

How can copper affect children?

Exposure to high levels of copper will result in the same type of effects in children and adults. We do not know if these effects would occur at the same dose level in children and adults. Studies in animals suggest that the young children may have more severe effects than adults, but we don't know if this would also be true in humans. There is a very small percentage of infants and children who are unusually sensitive to copper.

We do not know if copper can cause birth defects or other developmental effects in humans. Studies in animals suggest that high levels of copper may cause a decrease in fetal growth.

How can families reduce the risk of exposure to copper?

The most likely place to be exposed to copper is through drinking water, especially if your water is corrosive and you have copper pipes in your house. The best way to lower the level of copper in your drinking water is to let the water run for at least 15 seconds first thing in the morning before drinking or using it. This reduces the levels of copper in tap water dramatically.

If you work with copper, wear the necessary protective clothing and equipment, and always follow safety procedures. Shower and change your clothes before going home each day.

Is there a medical test to show whether I've been exposed to copper?

Copper is found throughout the body; in hair, nails, blood, urine, and other tissues. High levels of copper in these samples can show that you have been exposed to higher-than normal levels of copper. These tests cannot tell whether you will experience harmful effects. Tests to measure copper levels in the body are not usually available at a doctor's office because they require special equipment, but the doctor can send samples to a specialty laboratory.

Has the federal government made recommendations to protect human health?

The EPA requires that levels of copper in drinking water be less than 1.3 mg of copper per one liter of drinking water (1.3 mg/L).

The U.S. Department of Agriculture has set the recommended daily allowance for copper at 900 micrograms of copper per day (µg/day) for people older than eight years old.

The Occupational Safety and Health Administration (OSHA) requires that levels of copper in the air in workplaces not exceed 0.1 mg of copper fumes per cubic meter of air ($0.1\ mg/m^3$) and $1.0\ mg/m^3$ for copper dusts.

Reference

Agency for Toxic Substances and Disease Registry (ATSDR). 2004. Toxicological Profile for Copper. Atlanta, GA: U.S. Department of Health and Human Services, Public Health Service.

Where can I get more information? For more information, contact the Agency for Toxic Substances and Disease Registry, Division of Toxicology, 1600 Clifton Road NE, Mailstop F-32, Atlanta, GA 30333. Phone: 1-888-422-8737, FAX: 770-488-4178. ToxFAQs Internet address via WWW is http://www.atsdr.cdc.gov/toxfaq.html. ATSDR can tell you where to find occupational and environmental health clinics. Their specialists can recognize, evaluate, and treat illnesses resulting from exposure to hazardous substances. You can also contact your community or state health or environmental quality department if you have any more questions or concerns.

ATSDR
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

CYANIDE

CAS# 74-90-8, 143-33-9, 151-50-8, 592-01-8, 544-92-3, 506-61-6, 460-19-5, 506-77-4

Division of Toxicology and Environmental Medicine ToxFAQs™ **July 2006**

This fact sheet answers the most frequently asked health questions (FAQs) about cyanide. For more information, call the ATSDR Information Center at 1-888-422-8737. This fact sheet is one in a series of summaries about hazardous substances and their health effects. It is important you understand this information because this substance may harm you. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, personal traits and habits, and whether other chemicals are present.

HIGHLIGHTS: Exposure to high levels of cyanide harms the brain and heart, and may cause coma and death. Exposure to lower levels may result in breathing difficulties, heart pains, vomiting, blood changes, headaches, and enlargement of the thyroid gland. Cyanide has been found in at least 471 of the 1,662 National Priorities List sites identified by the Environmental Protection Agency (EPA).

What is cyanide?

Cyanide is usually found joined with other chemicals to form compounds. Examples of simple cyanide compounds are hydrogen cyanide, sodium cyanide and potassium cyanide. Certain bacteria, fungi, and algae can produce cyanide, and cyanide is found in a number of foods and plants. In certain plant foods, including almonds, millet sprouts, lima beans, soy, spinach, bamboo shoots, and cassava roots (which are a major source of food in tropical countries), cyanides occur naturally as part of sugars or other naturally-occurring compounds. However, the edible parts of plants that are eaten in the United States, including tapioca which is made from cassava roots, contain relatively low amounts of cyanide.

Hydrogen cyanide is a colorless gas with a faint, bitter, almond-like odor. Sodium cyanide and potassium cyanide are both white solids with a bitter, almond-like odor in damp air. Cyanide and hydrogen cyanide are used in electroplating, metallurgy, organic chemicals production, photographic developing, manufacture of plastics, fumigation of ships, and some mining processes.

What happens to cyanide when it enters the environment?

❑ Cyanide enters air, water, and soil from both natural processes and industrial activities.

❑ In air, cyanide is mainly found as gaseous hydrogen cyanide; a small amount is present as fine dust particles.

❑ The half-life (the time needed for half of the material to be removed) of hydrogen cyanide in the atmosphere is about 1–3 years.

❑ Most cyanide in surface water will form hydrogen cyanide and evaporate.

❑ Cyanide in water does not build up in the bodies of fish.

❑ Cyanides are fairly mobile in soil. Once in soil, cyanide can be removed through several processes. Some cyanide compounds in soil can form hydrogen cyanide and evaporate, whereas some cyanide compounds will be transformed into other chemical forms by microorganisms in soil. At the high concentrations, cyanide becomes toxic to soil microorganisms. Because these microorganisms can no longer change cyanide to other chemical forms, cyanide is able to passes through soil into underground water.

How might I be exposed to cyanide?

❑ Breathing air, drinking water, touching soil, or eating foods that contain cyanide.

❑ Smoking cigarettes and breathing smoke-filled air during fires are major sources of cyanide exposure.

❑ Breathing air near a hazardous waste site containing cyanide.

❑ Eating foods naturally containing cyanide compounds, such as tapioca (made from cassava roots), lima beans, and almonds. However, the portions of these plants that are eaten in the United States contain relatively low amounts of cyanide.

How can cyanide affect my health?

You are not likely to be exposed to large enough amounts of cyanide in the environment to cause adverse health effects. The severity of the harmful effects following cyanide exposure

depends in part on the form of cyanide, such as hydrogen cyanide gas or cyanide salts. Exposure to high levels of cyanide for a short time harms the brain and heart and can even cause coma and death. Workers who inhaled low levels of hydrogen cyanide over a period of years had breathing difficulties, chest pain, vomiting, blood changes, headaches, and enlargement of the thyroid gland.

Some of the first indications of cyanide poisoning are rapid, deep breathing and shortness of breath, followed by convulsions (seizures) and loss of consciousness. These symptoms can occur rapidly, depending on the amount eaten. The health effects of large amounts of cyanide are similar, whether you eat, drink, or breathe it; cyanide uptake into the body through the skin is slower than these other means of exposure. Skin contact with hydrogen cyanide or cyanide salts can irritate and produce sores.

How likely is cyanide to cause cancer?

There are no reports that cyanide can cause cancer in people or animals. EPA has determined that cyanide is not classifiable as to its human carcinogenicity.

How can cyanide affect children?

Effects reported in exposed children are like those seen in exposed adults. Children who ate large quantities of apricot pits, which naturally contain cyanide as part of complex sugars, had rapid breathing, low blood pressure, headaches, and coma, and some died. Cyanide has not been reported to directly cause birth defects in people. However, among people in the tropics who eat cassava root, children have been born with thyroid disease because of the mothers' exposure to cyanide and thiocyanate during pregnancy. Birth defects occurred in rats that ate cassava root diets, and harmful effects on the reproductive system occurred in rats and mice that drank water containing sodium cyanide.

How can families reduce the risk of exposure to cyanide?

Families can reduce their exposure to cyanide by not breathing in tobacco smoke, which is the most common source of cyanide exposure for the general population. In the event of a building fire, families should evacuate the building immediately, because smoke from burning plastics contains cyanide (and carbon monoxide). Breathing this smoke can lead to unconsciousness or death. Cyanide in smoke can arise from the combustion of certain plastics (e.g., polyacrylamines, polyacrylics, polyurethane, etc.).

Compounds that release cyanide are naturally present in plants. The amounts are usually low in the edible portion but are higher in cassava. Pits and seeds of common fruits, such as apricots, apples, and peaches, may have substantial amounts of cyanide-releasing chemicals, so people should avoid eating these pits and seeds to prevent accidental cyanide poisoning.

Is there a medical test to show whether I've been exposed to cyanide?

There are medical tests to measure blood and urine levels of cyanide; however, small amounts of cyanide are always detectable in blood and urine. Tissue levels of cyanide can be measured if cyanide poisoning is suspected, but cyanide is rapidly cleared from the body, so the tests must be done soon after the exposure. An almond-like odor in the breath may alert a physician that a person was exposed to cyanide.

Has the federal government made recommendations to protect human health?

EPA regulates the levels of cyanide that are allowable in drinking water. The highest level of cyanide allowed in drinking water is 0.2 parts cyanide per 1 million parts of water (0.2 ppm).

The Occupational Safety and Health Administration (OSHA) has set a limit for hydrogen cyanide and most cyanide salts of 10 parts cyanide per 1 million parts of air (10 ppm) in the workplace.

Reference

Agency for Toxic Substances and Disease Registry (ATSDR). 2006. Toxicological Profile for Cyanide (Update). Atlanta, GA: U.S. Department of Health and Human Services, Public Health Service.

Where can I get more information? For more information, contact the Agency for Toxic Substances and Disease Registry, Division of Toxicology and Environmental Medicine, 1600 Clifton Road NE, Mailstop F-32, Atlanta, GA 30333. Phone: 1-888-422-8737, FAX: 770-488-4178. ToxFAQs Internet address via WWW is http://www.atsdr.cdc.gov/toxfaq.html. ATSDR can tell you where to find occupational and environmental health clinics. Their specialists can recognize, evaluate, and treat illnesses resulting from exposure to hazardous substances. You can also contact your community or state health or environmental quality department if you have any more questions or concerns.

Exhibit 4

September 2017 Ross Haber Enrollment Study and Addendum

The Syosset Central School District

Enrollment Study

ROSS HABER AND ASSOCIATES, LLC

June, 2017

Introduction

The Syosset Central School District has engaged Ross Haber and Associates to provide an enrollment projection study for the entire District as well as for each of its schools. The Syosset Central School District comprises seven (7) K-5 elementary schools; two (2) 6-8 middle schools; and, one (1) 9-12 high school. The Syosset Central School District serves all of the public school students in both Syosset and Woodbury. Syosset, in the 2016-17 school year had 4,748 students in the schools. Woodbury sent 1,431 students for a total of 6,179. The rest of the student population came from several towns including parts of Jericho, Plainview, Oyster Bay, Muttontown, Oyster Bay Cove and Hicksville.[1] The overall enrollment in the District has declined from the base year of the study (2011-12) to the current school year (2016-17). However, there was a change in that trend between 2015-16 and 2016-17 when the enrollment increased by 161 students. This is largely attributable to a significant increase in kindergarten enrollment from 367 students in 2015-16 to 416 students in 2016-17. While there does not appear to be substantial new housing development in Syosset and Woodbury the sales of existing housing has been significant and appears to be the driver of this increase in enrollment.

During the course of this study it came to our attention that a very large multi-use development will be built on the border of Syosset and Plainview. This development, although it is not located within the Syosset Central School District, might potentially have some impact on the schools as it may encourage "empty nesters" who wish to sell their homes but not leave the area to consider selling sooner than they may have planned.. Country Pointe, the new development, will not send students who move into this development to the Syosset Schools, but it could lead to younger families with children replacing families with children who no longer attend the Syosset schools.

Executive Summary

1. The total District enrollment decreased from 6,527 students during the 2011-12 school year to 6,365 in 2016-17. This is a decrease of 162 students or approximately 2.5%. It should be noted that this trend reversed between 2015-16 and 2016-17 when there was an increase in those two years of 161 students.
2. The total enrollment in the District is projected to increase from the current 6,365 to 6,435 in 2022-22. This is an increase of 70 students or approximately 1.9%.
3. The enrollment in grades K-5 was stable during the past five years with a variance of only 6 students. It is interesting to note that this stability may be directly attributable to the larger than expected 2016-17 kindergarten enrollment.
4. The K-5 enrollment is projected to increase from the current 2,673 to 2,802 in the 2021-22 school year. This would be an increase of 129 students or approximately

[1] During the 2016-17 school year there was a combined total of 186 students from communities other than Syosset and Woodbury.

4.6%.

5. The enrollment in the middle schools decreased from 1,601 students in 2011-12 to 1,579 in 2016-17. This is a decrease of 22 students or approximately 1.5%.
6. The enrollment in the middle school is projected to continue to decrease to 1,513 in 2021-22. This is a decrease of 66 students or approximately 4.2%.
7. The high school enrollment decreased from 2,227 in 2011-12 to 2,084 in 2016-17. This is a decrease of 143 students or approximately 6.4%.
8. The high school enrollment is projected to remain stable through 2021-22 showing a marginal increase of 9 students.

There are indications that the District is beginning to show a reversal in declining enrollments. The elementary schools enrollment has already begun to show growth as indicated by the increased kindergarten enrollment in 2016-17. While one year may not represent a trend, there are indicators which may point to increased enrollment. It appears that the major driver of enrollment is increased sales in existing housing stock. Another indicator is that there is an average difference between children born in Syosset to those attending kindergarten five years later of approximately 57%. This seems to show that younger families with children are tending to move into the Syosset Central School District. As these children move through the system they will eventually increase enrollment into the upper grades.

Table 1: Selected Demographic Data[2]

Syosset							
Year	2000	2010	Diff	%Diff	2015	Diff	%Diff
Population	18,544	19,064	520	2.80%	19,157	93	0.49%
Housing Units*	6,354	6,302	**-52**	-0.82%	6,360	58	0.92%
Median Age	40.6	40.2	**-0.4**	-0.99%	42.8	2.6	6.47%
Median Income	$90,929.00	$132,435.00	$41,506.00	45.65%	$148,879.00	$16,444.00	12.42%
Mean Income	$110,263.00	$160,501.00	$50,238.00	45.56%	$183,728.00	$23,227.00	14.47%
Woodbury							
Year	2000	2010	Diff	%Diff	2015	Diff	%Diff
Population	9,010	8,907	-103	-1.14%	8,473	-434	-4.87%
Housing Units*	2,895	3,178	**283**	9.78%	3,175	-3	-0.09%
Median Age	43.8	49	**5.2**	11.87%	51.1	2.1	4.29%
Median Income	$122,643.00	$147,026.00	$24,383.00	19.88%	$158,679.00	$11,653.00	7.93%
Mean Income	$171,027.00	$191,955.00	$20,928.00	12.24%	$235,064.00	$43,109.00	22.46%
Town of Oyster Bay							
Year	2000	2010	Diff	%Diff	2015	Diff	%Diff
Population	293,925	293,214	-711	-0.24%	296,876	3,662	1.25%
Housing Units	101,076	102,849	**1,773**	1.75%	103,769	920	0.89%
Median Age	39.8	43	**3.2**	8.04%	43.7	0.7	1.63%
Median Income	$78,839.00	$104,453.00	$25,614.00	32.49%	$112,162.00	$7,709.00	7.38%
Mean Income	$102,697.00	$136,353.00	$33,656.00	32.77%	$146,462.00	$10,109.00	7.41%
Nassau County							
Year	2000	2010	Diff	%Diff	2015	Diff	%Diff
Population	1,334,544	1,339,532	4,988	0.37%	1,354,612	15,080	1.13%
Housing Units	458,151	468,346	**10,195**	2.23%	467,256	-1,090	-0.23%
Median Age	38.5	41.1	**2.6**	6.75%	41.3	0.2	0.49%
Median Income	$72,030.00	$96,613.00	$24,583.00	34.13%	$99,465.00	$2,852.00	2.95%
Mean Income	$93,100.00	$121,567.00	$28,467.00	30.58%	$129,293.00	$7,726.00	6.36%

Table 1 compares key demographic data between Syosset, Woodbury the Town of Oyster Bay and Nassau County. While Syosset and Woodbury are roughly commensurate with the Town and the County in most categories, it is far higher in terms of median and mean income. The asterisk next to housing units on the Syosset table is to indicate that approximately 96% of the housing units in Syosset and Woodbury are single family units.

Another area to note is that while the general population in Syosset remained stable between 2010 and 2015 the school enrollment did decline in that same period of time. The Woodbury population has declined at a rate higher than the Town or the County. The median age in Woodbury has increased significantly. This could accelerate the number of homes sold in Woodbury in the next few years which may potentially impact enrollment.

[2] The demographic data is shown only for Woodbury and Syosset because these are two towns/villages that send the entire public school population to the Syosset Central School District.

Methodology

This study used the cohort survival projection method. The cohort survival model tracks students as they move from grade to grade and creates a growth or decline ratio between grades. For example, in 2011-12 if there were 100 children in grade 1 and the same group, in 2012-13, had an enrollment of 110 that would show a 10% growth rate (1.10). This migration ratio would be calculated for six years of enrollment history to get a five-year average which is then the multiplier for the projections based upon the average growth per grade. To project kindergarten the standard is using births five years prior to students entering kindergarten (for example children born in 2011 will become kindergarten students in 2016). Although there are alternate methods for projecting kindergarten the birth model seems to work best for Syosset Schools.

Table 2 shows compares birth to kindergarten ratios for all of the school districts within the Town of Oyster Bay.

Table 2: Comparative Birth to Kindergarten Ratios[3]

District	Births	KG	Ratio	Births	KG	Ratio	Births	KG	Ratio	Average
	2006	2011		2009	2014		2010	2015		
Syosset	**221**	**358**	**1.62**	**241**	**393**	**1.63**	**226**	**367**	**1.62**	**1.62**
Plainview-Old Bethpage	287	330	1.15	283	361	1.28	210	293	1.40	1.28
Jericho	102	179	1.75	92	150	1.63	96	160	1.67	1.68
Hicksville	395	363	0.92	443	364	0.82	397	360	0.91	0.88
North Shore	133	168	1.26	131	169	1.29	124	186	1.50	1.35
Plainedge	191	232	1.21	231	244	1.06	191	190	0.99	1.09
Bethpage	207	207	1.00	182	197	1.08	194	206	1.06	1.05
Massapequa	447	518	1.16	431	477	1.11	450	504	1.12	1.13
Farmingdale	443	401	0.91	414	393	0.95	446	403	0.90	0.92
Amityville	364	231	0.63	348	247	0.71	362	234	0.65	0.66
Locust Valley	149	141	0.95	156	156	1.00	132	160	1.21	1.05
Seaford	184	162	0.88	168	174	1.04	145	149	1.03	0.98
Totals	260	274	1.12	260	277	1.13	248	268	1.17	1.14

This table shows birth to kindergarten ratios for three selected years (the 2011 kindergarten enrollment ratio is based upon children born in the Syosset School District in 2006; the 2014 kindergarten ratio is based upon children born in 2009; and 2015 kindergarten is based upon children born in 2010). Values greater than 1.00 indicates that some children are born outside of a community and are attending kindergarten five years later. This inward migration is usually associated with communities in which schools have excellent reputations. The chart

[3] New York State Department of Health, Vital Statistic: Births by School District

shows that on average Syosset is one of the two districts with the highest inward migration rates in the Town of Oyster Bay.

Housing Impact

According to the Planning Department of the Town of Oyster Bay[4] we found that there currently are no major developments which have been approved or have had plans submitted for Syosset or Woodbury. There is the possibility that there will be a condominium development built on the site of the Syosset Trailer Park which could impact the schools. However, at this time there is not enough information regarding the plan (i.e.-type of units, number of units, bedroom counts, etc.) to project students. Also, based upon comparable communities the student yield for condominium units is approximately .58 per unit (this factor does vary based upon number of bedrooms and is .25 higher for affordable units). However, at this time there is not enough information to project on any new residential units.

There is also concern regarding Country Pointe which is a large development on the border of Syosset but within the Plainview School District. The issue is not about children moving into the community but rather about the possibility of Syosset "empty nesters" selling their homes and moving into this development. This would then open up more homes within Syosset to younger families with children. Country Pointe is going to be a very large mixed residential development. It is going to comprise several types of units amounting to approximately 1,028 total units. The breakdown is as follows: 1-700 single level units (these will be in three story buildings, 1 unit per floor; 2-58 three bedroom townhouses units; 3-46 semi-detached houses; 4-134 Villa Units-these single attached units with full basements an attic storage space; 5-90 units for persons 62 and older.

While these unit, when built, will not yield students to the Syosset Central School District it is possible that these homes might attract empty nesters from both Syosset and Woodbury. This might create an increase in homes for sale in both communities as individuals wishing to remain in the area, but wanting to sell their homes. It is also important to note that these units are going to range in price from$ 600,000 for the suites to in excess of $ 1,150,000 for the townhouses. It is also important to note that these units will attract buyers from many North Shore Long Island communities as well as Syosset and Woodbury.

There are currently (June, 2017) 215 homes for sale in Syosset and Woodbury. In order to determine the potential impact on enrollment from sales of existing housing stock in the District we had to develop a student yield factor (i.e.-how many students can reasonably be expected from the sales of an existing home. In order to do that we divided the total number of students by the total number of existing housing units in both Syosset and Woodbury. The total number of students in the District as of 2016-17 was 6,365. The total number of housing units was 9,535 showing a yield of .67 students per household. Table 3 compares the Syosset Central School District with comparable Nassau County Districts.

[4] All permits and approvals go through the Town of Oyster Bay for Syosset and Woodbury

Table 3: Comparison of Student Yield Factors

District	Units	Students	Yield
Syosett	**9535**	**6365**	**0.67**
Roslyn	3819	3138	0.82
Jericho	4845	2999	0.62
North Shore	5097	2687	0.53
Port Washington	6299	5283	0.84
Average			0.69

Table 4 shows the total number of homes for sale by attendance zone and the projected number of student for the elementary schools, the middle schools and the high school.

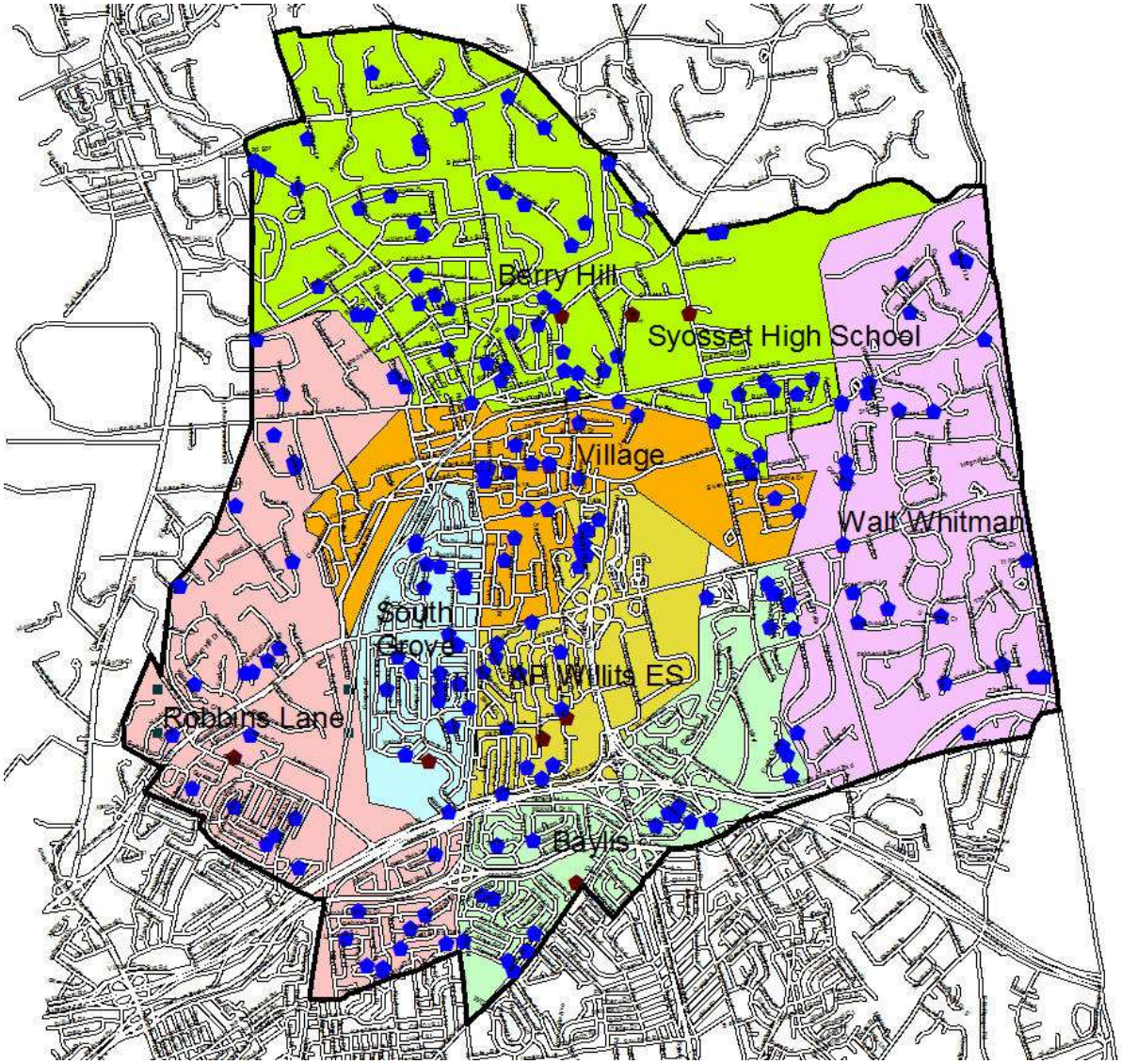
Table 4: Homes for Sale by Attendance Zone

Attendance	Homes	Students	Elem	MS	HS
Zone		0.67	0.7	0.2	0.1
AP Willets	24	16	11	3	2
Berry Hill	57	38	27	8	4
Village	20	13	9	3	1
Walt Whitman	27	18	13	4	2
South Grove	24	16	11	3	2
Baylis	30	20	14	4	2
Robbins Lane	33	22	15	4	2
Total	215	143	100	29	15

\

Typically in communities comparable to Syosset and Woodbury families tend to purchase homes with younger pre-school and/or elementary-middle school students. Therefore the greater weight is given to elementary aged students. The breakdown for the Syosset Central School District is 7:2:1 with 70% of the projected students based upon housing going to the elementary schools, 20% to the middle schools and 10% to the high schools. Based upon 215 housing sales this would add 100 students to the elementary schools; 29 students to the middle schools; and 15 students to the high school. The five-year projection, without considering the sales of existing housing stock, to be 6,435. The sales of existing housing stock may add an additional 144 students to the District bringing the five-year projection to 6,578 which is an increase above the base year of this study (2011-12) in which the enrollment was 6,527.

Map 1: Distribution of Homes for Sale by Attendance Zone



Map 1 shows the distribution of homes for sale in Syosset and Woodbury by elementary attendance zone as of June, 2017.

`To project the number of homes to be sold based upon the construction of Country Pointe is not possible. What needs to be considered is if there is an acceleration of housing sales within the Syosset District when Country Pointe is completed. Also, if there is approval for construction of a development on the trailer park property the student yields will be dependent upon the number and types of units to be constructed.

Summary

Due to what appears to be a strong housing market in the Syosset Central School District the enrollment has increased in the past two years. The kindergarten enrollment jumped to its highest level since 2005 and was significantly higher in 2016-17 than it was in 2015-16. The cohort projection model shows that this growth will continue at a slow to moderate rate during the next five years to 6,435 which would be an increase of 70 students. However, we also believe that if housing sales continue as they are this increase could see an additional 143students to bring the projected total to 6,578 students by 2021-22. In addition to this the District needs to observe the following during the next 2 to 3 years:

1. Monitor any new proposals for construction-one of which may be a development on the Trailer Park Property--the planning department states that they do inform the school district when new residential units are approved. This should be monitored.

2. As Country Pointe is built and opened housing sales should be reviewed in order to determine if there have been any spikes in these sales.

3. While the kindergarten enrollment increased significantly between 2015-16 (367 students) to 416 in 2016-17 a one year spike may not necessarily indicate a trend, however, if this continues in 2017-18 this might indicate the beginning of an upward trend in enrollment.

4. The projection for students based upon the sales of existing housing units is based upon homes currently for sale as of June, 2017. The student yield per household we are using is .67. In the year 2016, 340 homes were sold in Syosset and Woodbury and in 2015 190 in 2015. That is a total of 530 homes or an average of 265 homes. To date there are 215 homes for sale in Syosset and Woodbury. We would expect that the number of homes sold this year would be between 215 and 265. Based upon that the range of students yielded from those sales would be 143 and 177. The numbers used in this study are based upon the actual number of homes for sale as of this report (June 1, 2017).[5]

5. It was not in the scope of this study to consider facility and facility utilization. Based upon these projections the District should do a comparative analysis of available classroom and core facility space in each building in order to determine program equity, class size, location

[5] It is important to note that projecting students from sales of existing stock is speculative and based upon a number of factors which include such things as market conditions, price of homes, locations of homes relative to school attendance zones, length of time on the market. Projections from new homes are less speculative because builders can predict numbers of units and construction timelines.

of special needs programs and any other facility matter which might be impacted by enrollment. This would determine future actions by the Board of Education which might include, if needed, additions to buildings, new construction and/or redistricting.

The following pages have the tables and charts for the enrollment history and projections for the Syosset Central School District.

Tables and Charts

Chart 1: Summary of Enrollment 2000 to 2016

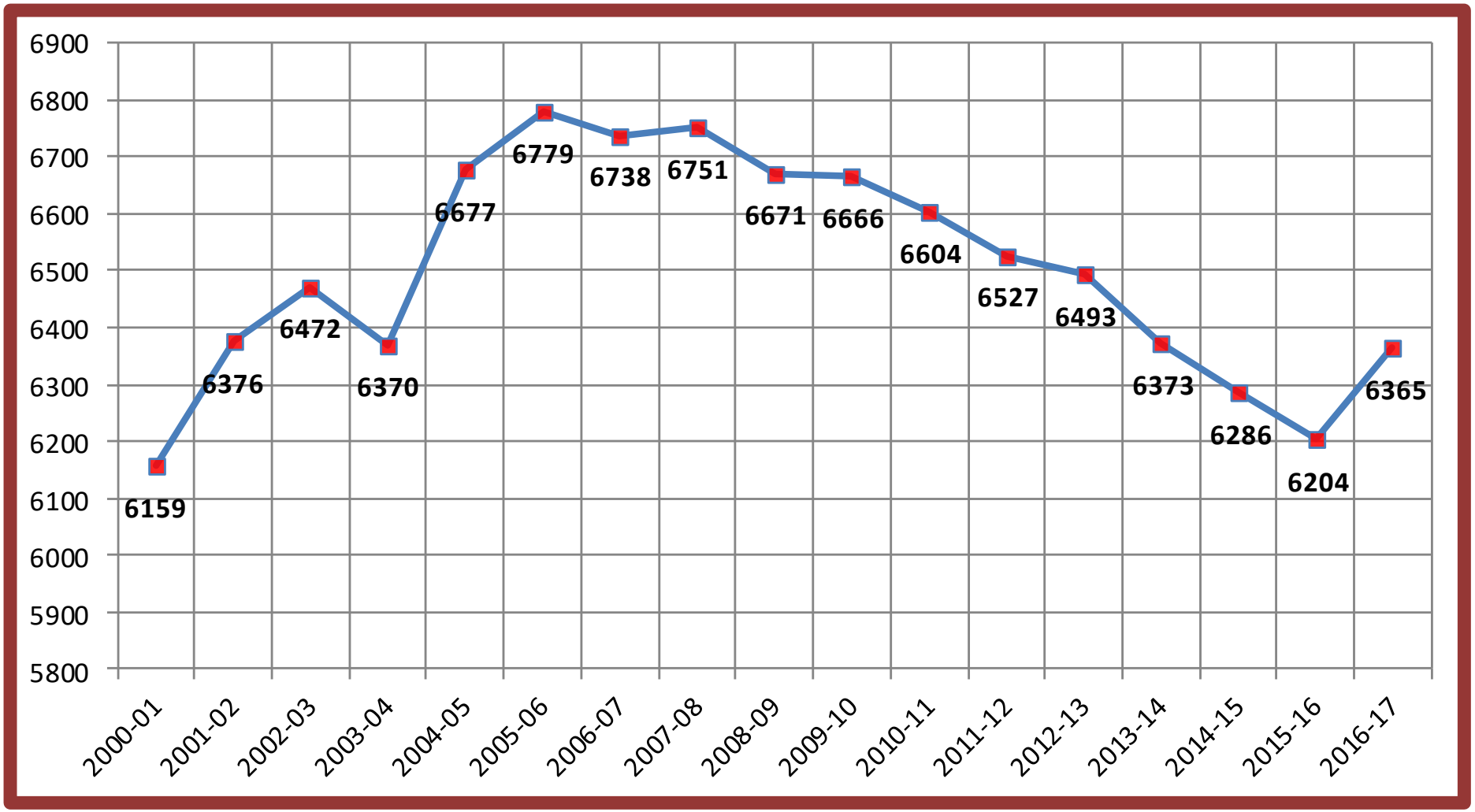


Table 4: Summary Table by District and School

Enrollment History and Projection Summary by School							
District	2011-12	2016-17	Change	% Change	2021-22	Change	% Change
			2011-2016	2011-2016		2016-2021	2016-2021
District	6,527	6,365	-162	-2.48%	6,435	70	1.10%
Baylis	409	456	47	11.49%	469	13	2.85%
Berry Hill	387	384	-3	-0.78%	377	-7	-1.82%
Robbins Lane	479	454	-25	-5.22%	457	3	0.66%
Village	391	381	-10	-2.56%	381	0	0.00%
South Grove	418	413	-5	-1.20%	420	7	1.69%
Walt Whitman	293	264	-29	-9.90%	276	12	-4.35%
Alice P. Willits	307	327	20	6.51%	332	5	1.53%
H.P. Thompson	835	870	35	4.19%	860	-10	-1.15%
South Woods	774	717	-57	-7.36%	664	-53	-7.39%
Syosset HS	2,227	2,084	-143	-6.42%	2,093	9	0.43%

Table 2 shows the historical changes in enrollment from the 2011-12 school year to the 2016-17 school year by District and by school. . It then shows the projected enrollment changes from 2016-17 through 2021-22. This table is based upon the cohort survival method. There are no major residential developments approved for construction within the District. Changes in enrollment are driven by sales of existing housing. The *potential* impact of sales of existing housing by school, is shown with each of the accompanying tables.

Table 5: District-Wide Enrollment History and Projection

Syosset UFSD Enrollment History and Projection																																					
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**Ele**	**6-8**		**9-12**	**Sec**	**Sub**	**Total**	**Sub**	**PK**	**Grand**
																												UG				**UG**	**K-12**	**UG**	**Total**		**Total**
2011-12	221	1.62	358		443		476		474		478		450		554		524		523		533		589		568		537	2679	8	1601		2227	12	6507	20	6527		6527
				1.047		1.025		1.055		1.008		1.031		1.011		1.018		1.027		0.985		1.017		0.992		1.012											
2012-13	279	1.42	396		375		454		502		478		493		455		564		538		515		542		584		575	2698	6	1557		2216	16	6471	22	6493		6493
				1.056		1.056		1.018		1.014		1.025		1.018		1.002		0.995		0.994		1.010		0.998		0.997											
2013-14	253	1.49	378		418		396		462		509		490		502		456		561		535		520		541		582	2653	9	1519		2178	14	6350	23	6373		6373
				1.103		1.048		1.051		1.022		0.992		1.029		1.030		0.991		0.982		1.002		1.000		0.998											
2014-15	241	1.63	393		417		438		416		472		505		504		517		452		551		536		520		540	2641	6	1473		2147	19	6261	25	6286		6286
				1.102		1.048		1.032		1.012		1.011		0.945		1.028		0.994		1.007		1.024		1.006		1.012		`									
2015-16	226	1.62	367		433		437		452		421		477		477		518		514		455		564		539		526	2587	7	1509		2084	17	6180	24	6204		6204
				1.071		1.058		1.078		1.075		1.067		1.044		1.147		1.031		1.002		1.018		1.005		1.000											
2016-17	245	1.70	416		393		458		471		486		449		498		547		534		515		463		567		539	2673	7	1579		2084	22	6336	29	6365		6365
		1.572		1.076		1.047		1.047		1.026		1.025		1.009		1.045		1.008		0.994		1.014		1.000		1.004											
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**K-5**	**6-8**		**9-12**	**Sec**		**Total**	**Sub**	**PK**	**Total**
																	`											**SCSE**				**UG**		**SCSE**	**Total**		
2017-18	260		409		448		411		480		483		498		453		520		551		531		522		463		569	2729	7	1524		2085	18	6338	25	6363		6363
2018-19	251		395		440		469		430		492		495		502		473		524		548		538		522		465	2721	8	1499		2073	21	6293	30	6323		6323
2019-20	268		421		425		461		491		441		504		499		525		477		521		556		538		524	2743	7	1501		2139	19	6383	26	6409		6409
2020-21	260		409		453		445		483		504		452		509		521		529		474		528		556		540	2746	7	1559		2098	19	6403	26	6429		6429
2021-22	260		409		440		474		466		496		517		456		532		525		526		481		528		558	2802	7	1513		2093	20	6408	27	6435		6435

This table does not include additional students based upon future housing sales. Based upon those sales we believe that as many as 143 additional students may impact the schools with 100 to the elementary schools, 29 to the middle schools and 15 to the high school.

Chart 2: District-Wide Enrollment History and Projection

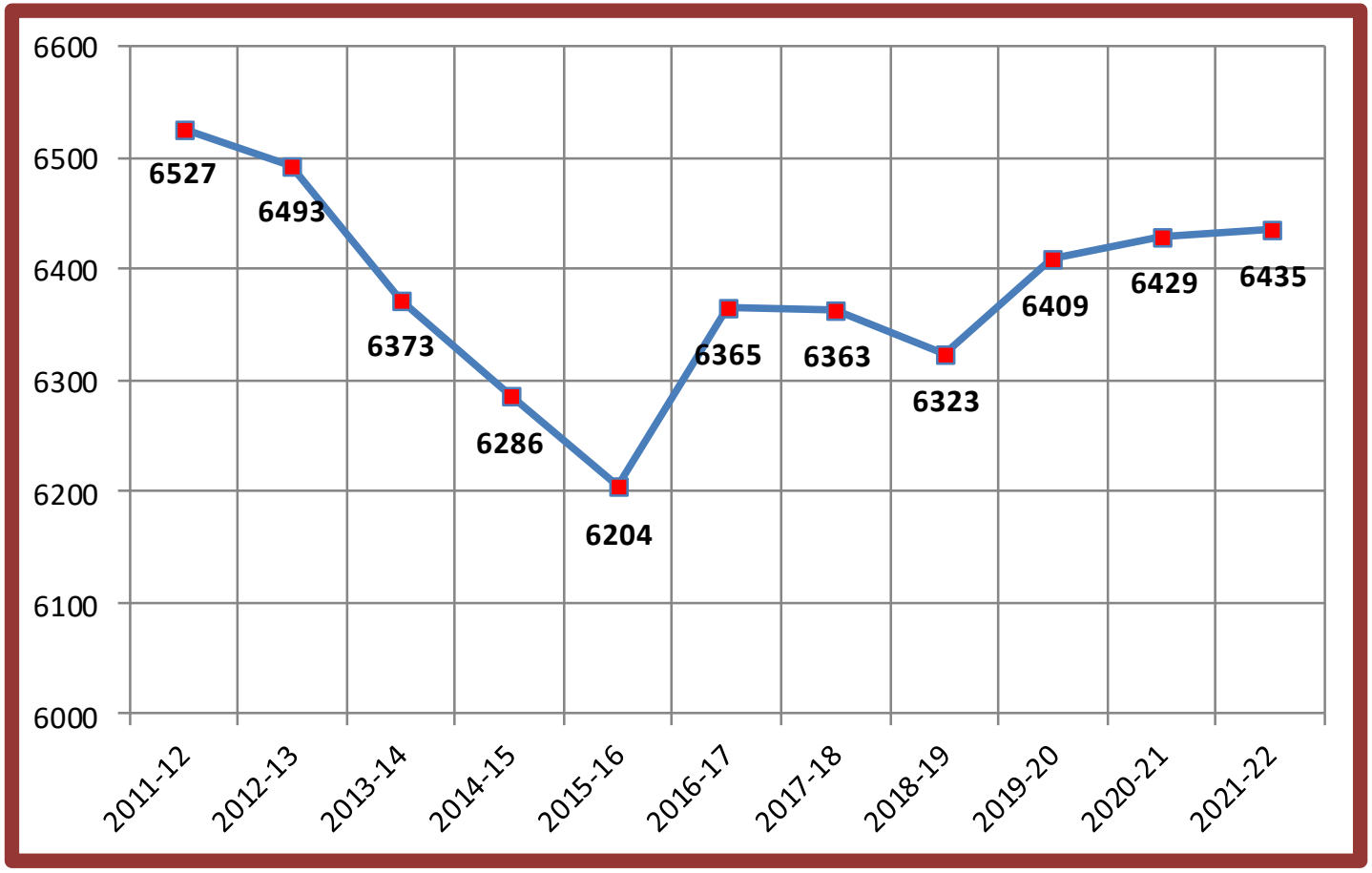
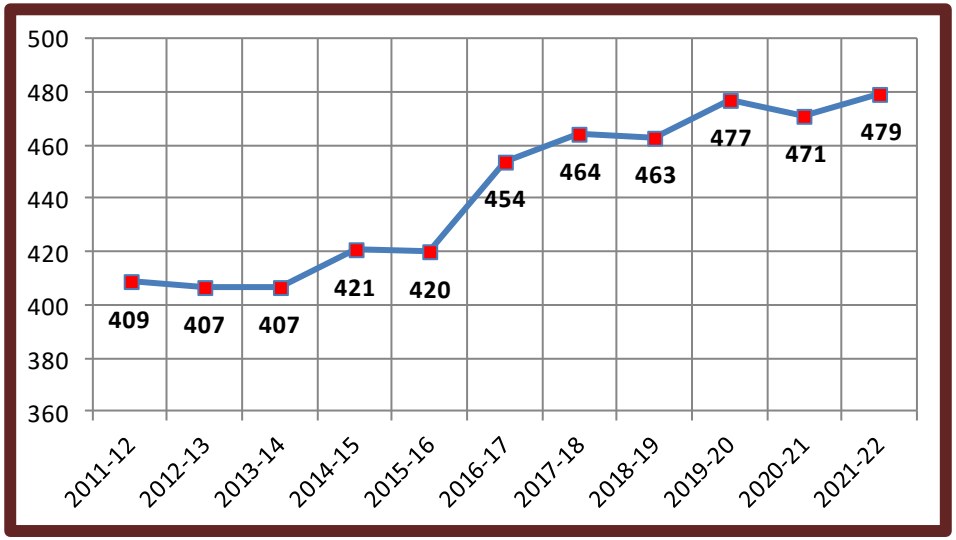


Table 6: Baylis Elementary School

Baylis										
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2011-12	62	70	69	74	65	69	409			409
2012-13	64	66	66	70	75	66	407			407
2013-14	53	66	70	66	73	79	407			407
2014-15	76	67	68	69	66	75	421	2		423
2015-16	63	79	72	68	69	69	420	2		422
2016-17	73	67	85	79	74	76	454	2		456
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2017-18	68	80	70	87	81	78	464	1		465
2018-19	66	76	84	70	82	85	463	1		464
2019-20	75	74	77	85	77	89	477	2		479
2020-21	69	79	77	81	88	77	471	2		473
2021-22	70	75	83	80	83	88	479	2		481

Chart 3: Baylis Elementary School

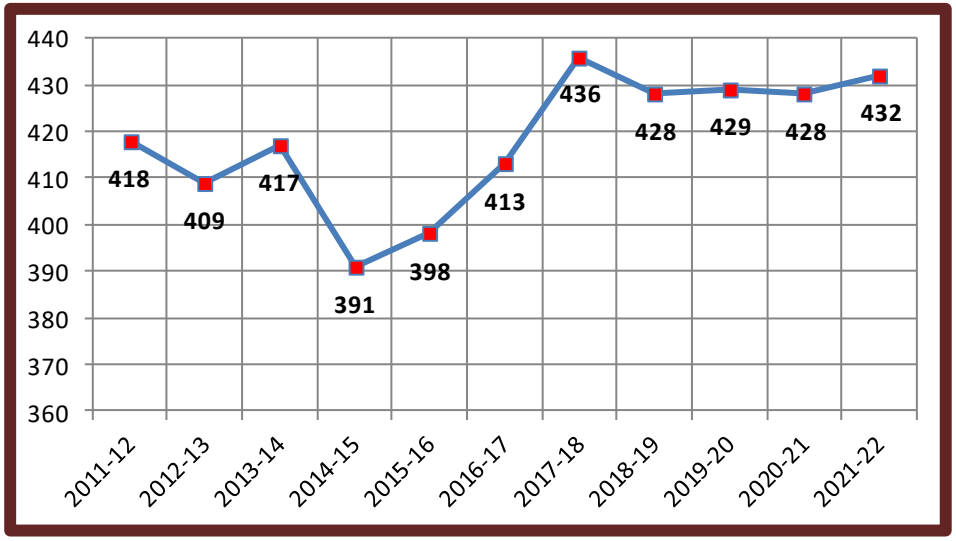


The enrollment in Baylis Elementary School has grown by 10% since 2011-12. The enrollment is projected to stabilize during the next five year. However, as of June, 2017 there are 30 homes for sale in the Baylis attendance zone which could yield as many as 14 additional students. Because these homes are for sale now we anticipate that any impact on the school will be within the next two school years.

Table 7: South Grove Elementary School

South Grove										
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2011-12	50	80	66	81	78	63	418			418
2012-13	62	51	74	68	78	76	409			409
2013-14	71	66	51	77	71	81	417			417
2014-15	55	69	66	54	79	68	391			391
2015-16	57	65	71	73	54	78	398			398
2016-17	69	65	68	76	80	55	413			413
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2017-18	65	74	67	72	78	80	436	0		436
2018-19	64	70	75	68	73	78	428	0		428
2019-20	67	69	70	78	71	74	429	0		429
2020-21	65	73	67	72	80	71	428	0		428
2021-22	66	69	70	71	76	80	432	0		432

Chart 4: South Grove Elementary School



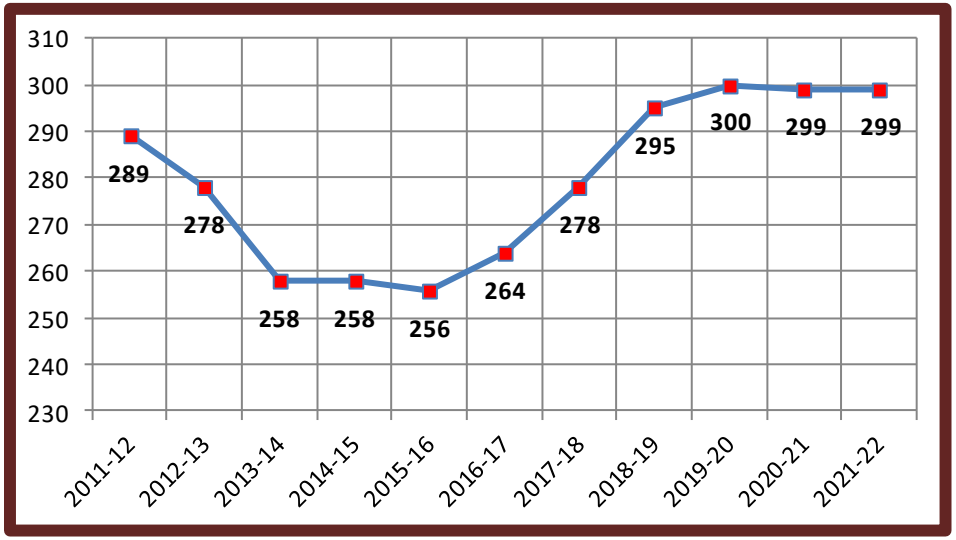
The enrollment in South Grove Elementary School declined from 2011-12 to 2014-15. The enrolment showed an increase through 2016-17 and is projected to decrease slightly. There are currently, as of June 1, 2017 24 homes for sale in the South Grove Attendance Zone which may yield as many as 11 additional students. Again, we assume that this will impact the school within the next two years.

Table 8: Walt Whitman Elementary School

Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2011-12	38	38	59	41	58	55	289	4		293
2012-13	32	38	44	61	42	61	278			278
2013-14	46	41	33	38	41	59	258			258
2014-15	46	41	33	38	41	59	258			258
2015-16	47	48	43	36	41	41	256			256
2016-17	41	49	47	46	38	43	264			264

Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2017-18	46	43	48	49	47	45	278	1		279
2018-19	46	50	48	49	48	54	295	0		295
2019-20	50	48	50	46	49	57	300	0		300
2020-21	47	53	45	50	46	58	299	0		299
2021-22	45	50	52	50	51	51	299	0		299

Chart 5: Walt Whitman Elementary School

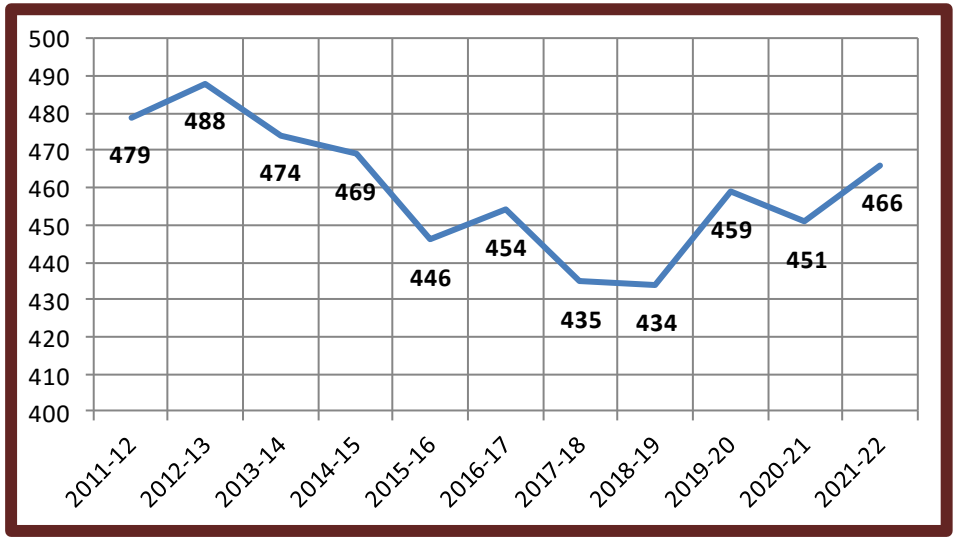


Walt Whitman decreased in enrollment between 2011-12 and 2015-16. It is projected to increase through the 2019-20 schoolyear and then level off. There are, as of June 1, 2017 27 homes for sale in the Whitman attendance zone which could yield as many as 13 additional students within the next two years.

Table 9: Robbins Lane Elementary School

Robbins Lane										
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2011-12	69	73	99	74	84	80	479			479
2012-13	70	75	73	107	77	86	488	1		489
2013-14	57	73	85	76	109	74	474	3		477
2014-15	64	59	72	89	80	105	469	3		472
2015-16	66	78	61	73	91	77	446			446
2016-17	72	64	83	66	72	97	454			454
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2017-18	68	77	67	87	67	69	435	1		436
2018-19	65	72	80	69	82	66	434	2		436
2019-20	69	70	79	84	71	86	459	2		461
2020-21	69	74	73	79	86	70	451	2		453
2021-22	69	74	80	78	80	85	466	1		467

Chart 6: Robbins Lane Elementary School

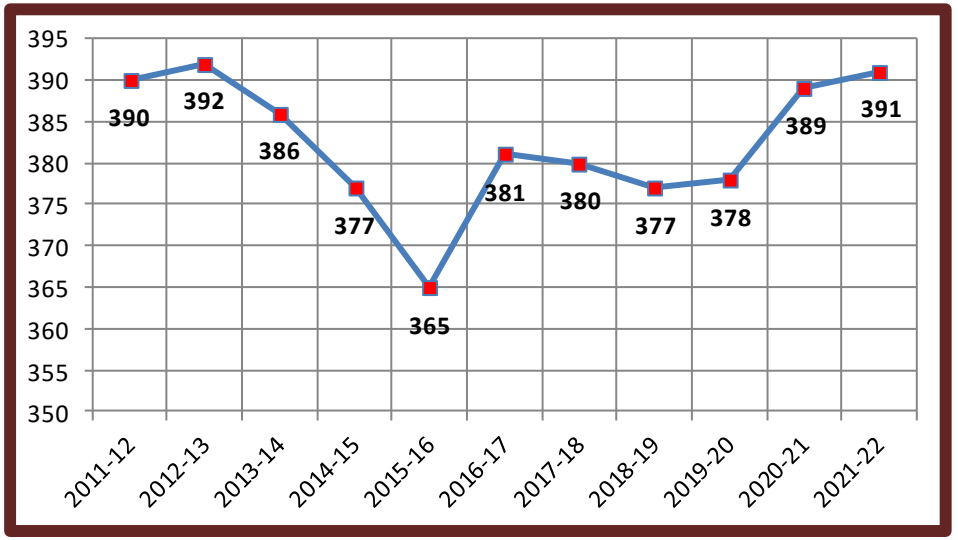


Robbins Lane Elementary School peaked at 489 students in 2012-13. The enrollment declined to 454 in 2016-17 and is projected to be 457 by the 2021-22 school year. There are currently, as of June 1, 2017 33 homes for sale in the Robbins Lane Attendance Zone. This may add as many as 15 additional students within the next two years.

Table 10: Village Elementary School

Village										
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2011-12	50	65	66	67	70	72	390	1		391
2012-13	51	55	71	72	68	75	392	1		393
2013-14	57	54	58	72	74	71	386	1		387
2014-15	50	59	61	63	72	72	377			377
2015-16	46	52	61	66	64	76	365			365
2016-17	57	53	57	68	75	71	381			381
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2017-18	54	62	57	62	71	74	380	1		381
2018-19	52	58	67	61	64	75	377	1		378
2019-20	54	56	65	72	64	67	378	1		379
2020-21	55	60	63	69	75	67	389	1		390
2021-22	54	58	64	65	71	79	391	1		392

Chart 7: Village Elementary School

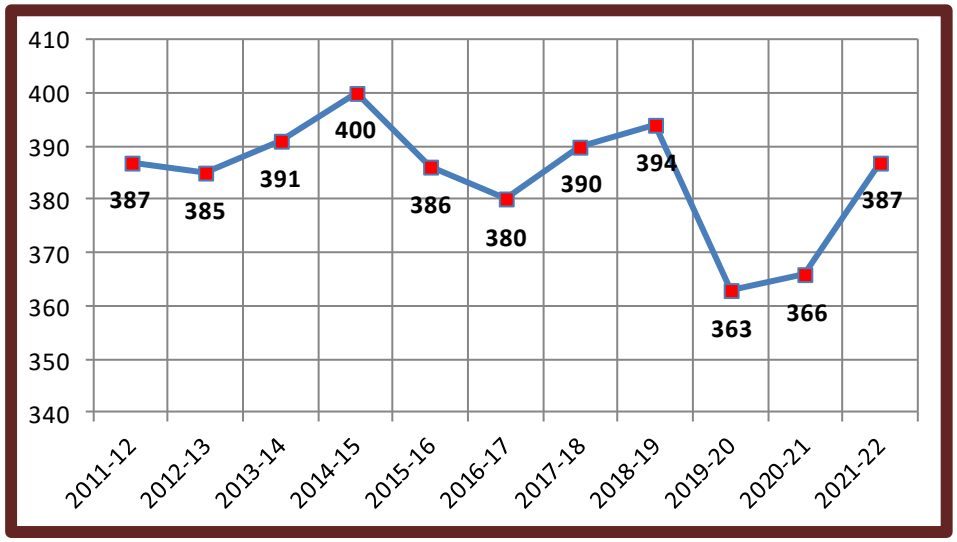


The Village Elementary School had a peak enrollment of 393 in 2012-13. This declined to 365 in 2015-16 jumped to 381 in 2016-17. The enrollment is projected to remain about the same for the next five years. There are currently 20 homes for sale in the Village Attendance which could add as many as 9 additional students within the next two years.

Table 11: Berry Hill Elementary School

Berry Hill										
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2011-12	49	62	55	78	69	74	387			387
2012-13	60	50	65	59	81	70	385			385
2013-14	56	64	55	69	61	86	391			391
2014-15	54	71	74	61	73	67	400			400
2015-16	43	58	76	74	60	75	386	2		388
2016-17	53	46	59	81	76	65	380	4		384
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2017-18	55	58	50	63	83	81	390	0		390
2018-19	54	59	57	61	82	81	394	1		395
2019-20	52	57	63	67	55	69	363	1		364
2020-21	52	57	62	68	69	58	366	2		368
2021-22	52	58	65	66	73	73	387	2		389

Chart 8: Berry Hill Elementary School

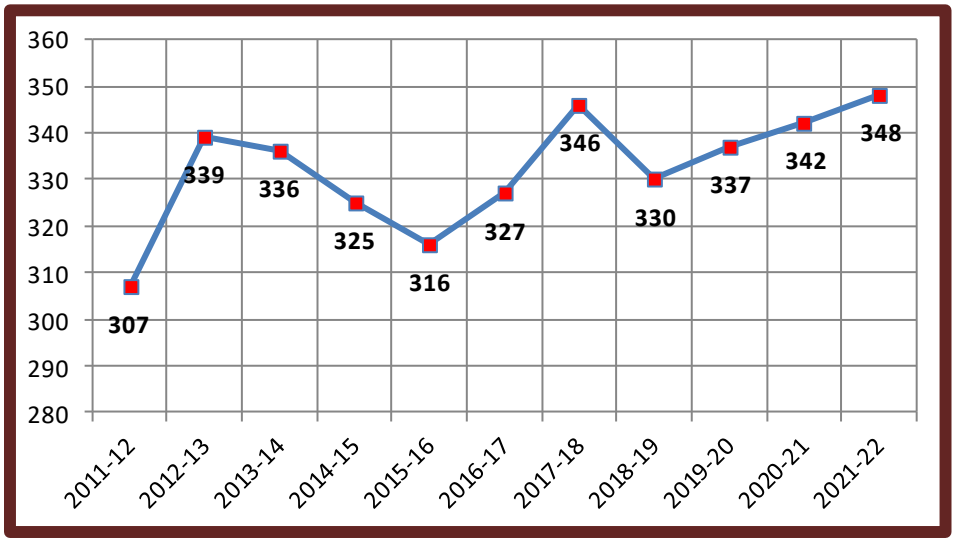


The enrollment at Berry Hill Elementary School Peaked at 400 in 2014- 15. It declined to 384 in 2016-17 and is projected to remain relatively stable through 2021-22. There are currently 57 homes for sale in the Berry Hill Attendance Zone. This may yield as many as 27 additional students in the next two years.

Table 12: Alice P. Willits Elementary School

Alice P. Willits										
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2011-12	40	55	62	59	54	37	307			307
2012-13	57	40	61	65	57	59	339	2		341
2013-14	48	61	42	61	63	61	336	3		339
2014-15	48	51	64	42	61	59	325			325
2015-16	45	53	53	62	42	61	316			316
2016-17	51	49	59	55	71	42	327			327
Year	KG	1	2	3	4	5	K-5	Sp Ed	PK	Total
2017-18	53	54	52	60	56	71	346	1		347
2018-19	48	55	58	52	61	56	330	1		331
2019-20	54	51	57	59	54	62	337	1		338
2020-21	52	57	58	64	60	51	342	1		343
2021-22	53	56	60	56	62	61	348	1		349

Chart 9: Alice P. Willits Elementary School

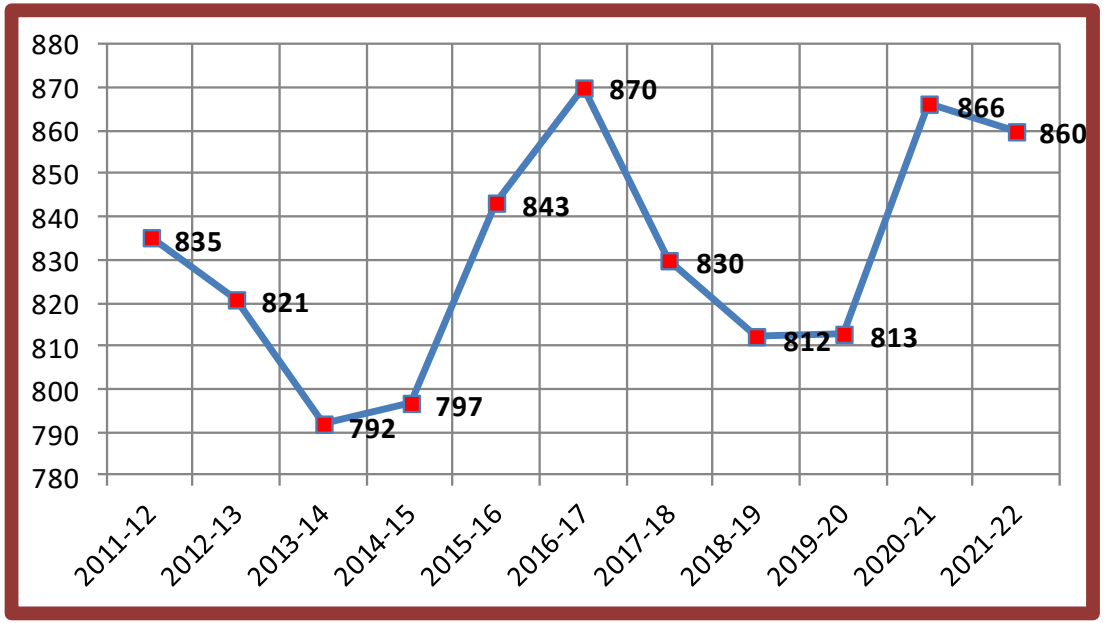


Alice P. Willits Elementary School had its lowest enrollment during the 2011-12 school year. It increased to 341 in 2012-13 and then decreased to 316 by 2015-16. The enrollment is projected to peak a 345 in 2017-18 and then stabilize with the 2021-22 enrollment at 332. There are, as of June 1, 2017, 24 homes for sale in the Willits Attendance Zone which could add as many as 11 students within the next 2 years.

Table 13: H.P. Thompson Middle School

H B Thompson MS								
Year		6	7	8	6-8	Sp Ed	PK	Total
2011-12		273	289	265	827	8		835
2012-13		239	280	292	811	10		821
2013-14		265	242	279	786	6		792
2014-15		276	272	242	790	7		797
2015-16		286	284	266	836	7		843
2016-17		265	300	298	863	7		870
Year		6	7	8	6-8	Sp Ed	PK	Total
2017-18		244	274	304	822	8		830
2018-19		275	251	277	803	9		812
2019-20		271	281	252	804	9		813
2020-21		298	275	284	857	9		866
2021-22		265	307	278	850	10		860

Chart 10: H.P. Thompson Middle School

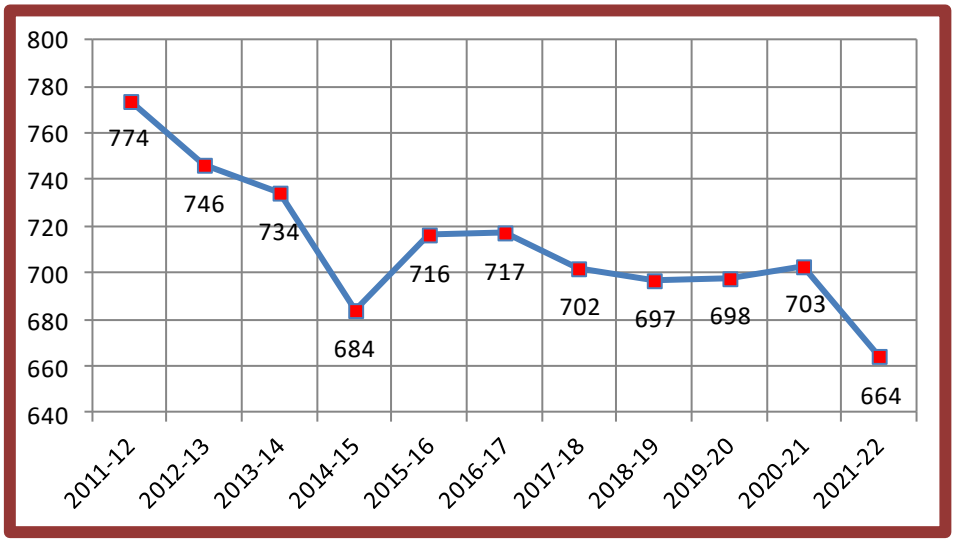


HP Thompson Middle School hit its peak enrollment in 2016-17. Although it will decline between 2017-18 and 2019-20 it will increase back to 2016-17 totals for the final two years of the projection. There are currently 97 homes for sale in the HP Thompson Attendance Zone which may yield as many as 14 additional middle school students in the next two years.

Table 14: South Woods Middle School

South Woods MS								
Year		6	7	8	6-8	Sp Ed	PK	Total
2011-12		281	235	258	774			774
2012-13		216	284	246	746			746
2013-14		237	214	282	733	1		734
2014-15		228	245	210	683	1		684
2015-16		234	234	248	716			716
2016-17		233	247	236	716	1		717
Year		6	7	8	6-8	Sp Ed	PK	Total
2017-18		213	239	250	702	0		702
2018-19		238	217	241	696	1		697
2019-20		236	242	219	697	1		698
2020-21		217	241	244	702	1		703
2021-22		199	221	243	663	1		664

Chart 11: South Woods Middle School



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The enrollment in South Woods Middle School has declined. Although it did increase for 2015-16 and 2017 it does appear that will hold steady but then decline in the out year of the projection. There are a total of 118 homes for sale in the South Woods Middle School Attendance zone which could add as many as 15 additional students to the school within the next two years.

Chart 15: Comparison Between H.P. Thompson and South Woods Middle Schools

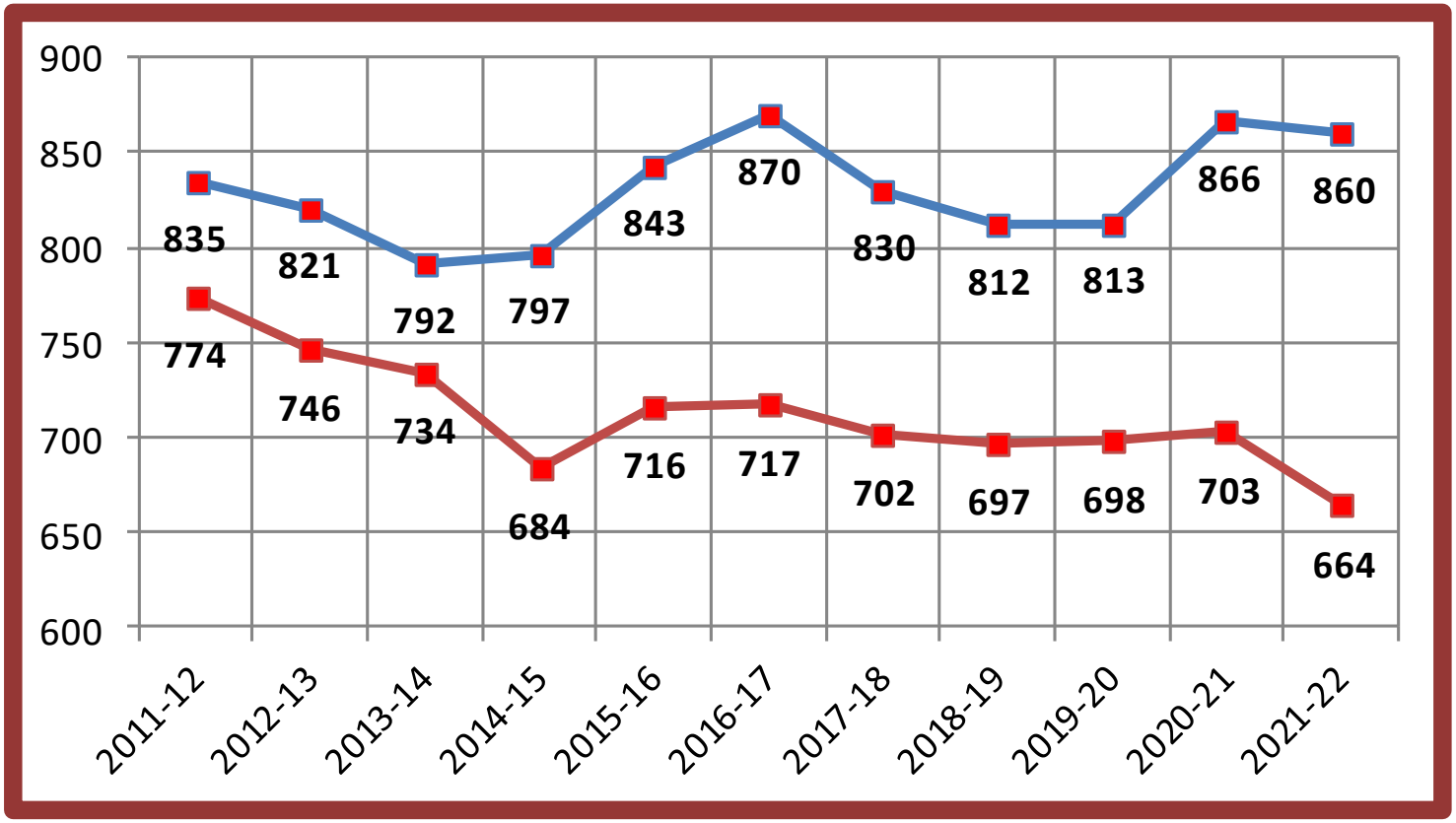
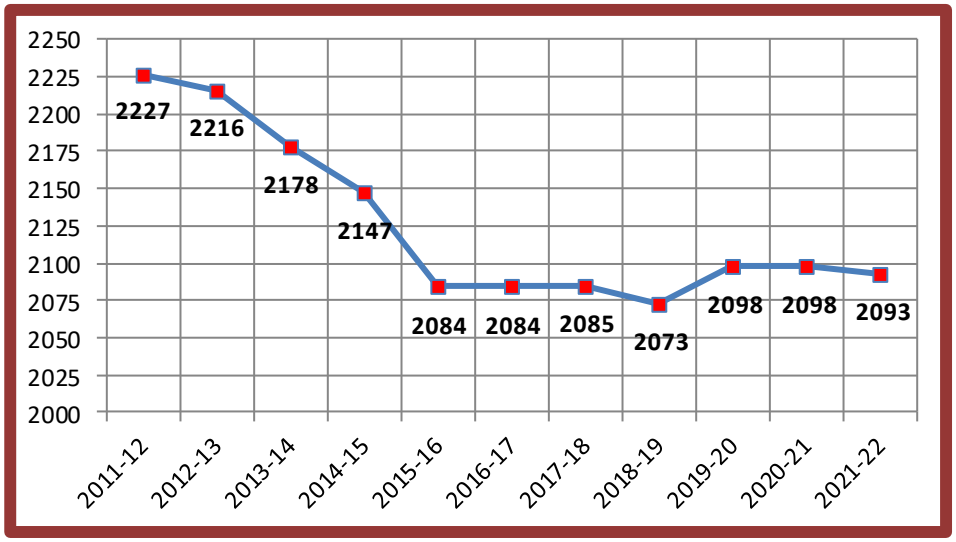


Chart 12 compares the history and projection between Thompson (blue line) and South Woods (red line).

Table 16: Syosset High School

Syosset High School					
Year	9	10	11	12	Total
2011-12	533	589	568	537	2227
2012-13	515	542	584	575	2216
2013-14	535	520	541	582	2178
2014-15	551	536	520	540	2147
2015-16	455	564	539	526	2084
2016-17	515	463	567	539	2084
Year	5	6	7	8	6-8
2017-18	531	522	463	569	2085
2018-19	548	538	522	465	2073
2019-20	474	528	556	540	2098
2020-21	474	528	556	540	2098
2021-22	526	481	528	558	2093

Chart 13: Syosset High School



Syosset Public Schools
Addendum to Demographic Report
September, 2017

The Syosset Central School District engaged Ross Haber and Associates to provide them with an enrollment projection study. The study was completed during the Spring of 2017. The report indicated that the enrollment would remain level through the projected period. At the time of the writing of the enrollment report, although there were indications of new housing developments to be built in Syosset, we were not able to obtain any specific information regarding these units. Recently we were provided information regarding these developments and were asked to write an addendum to the Spring, 2017 study.

From the information provided to us we learned that there is an approved plan for the construction of a mixed retail and residential development. This development will comprise 625 residential units of various types (condos, townhomes, cottages, apartments) and will have 60 affordable units and 565 market rate units. It is expected that these homes will be completed within the next five years.

According to the data that we received it has been estimated that the total number of students expected from these 625 is 243. These numbers are based upon a series of multipliers applied to each of the types of units. We do not know where these multipliers came from but in our methodology we do not use such specific and targeted multipliers. We have found that many demographers, especially those who work for developers use the Rutgers Study. For many years that was considered the "gold standard" for projecting students from different types of units. The Rutgers study is now more than 12 years old and we stopped using it four years ago when we found it to under estimate student yields.

We develop new multipliers every two to three years by doing an analysis of construction in various communities and developing generic multipliers for different types of units. We then apply those multipliers to each development and then use an average calculation to distribute those students over various size units (1 bedroom, 2 bedroom, etc.). We have found that this method yields a more accurate student yield.

Based upon our findings it is our opinion that when completed these developments will add approximately 355 students to the Syosset Schools (assuming no age restricted units). This is 112 more students than indicated in the documentation we received. Of these 315 will come from market rate housing and 40 from affordable units. Table 1 shows the totals from the market rate units.

Syosset Public Schools
Addendum to Demographic Report
September, 2017

Table 1: Student Yields Market Rate Housing

Market Rate						
			0.2	0.54	0.95	
			1 BR	2 BR	3 BR	Students
	Other Village	Condos	32	176		
Units	184	Students	21	58		79
	107					
	Park Condos					
Units	160	Condos		150		
	93	Students		51		51
	Town Homes					
Units	116			61	55	
	67			34	60	94
	Cottages					
Units	105			27	78	
	61			33	58	91
Total MR	565			Tot Stds		315

The generic or average yield factor used for market rate units (multi-family) is .58. We then spread the students over bedrooms using .2 for 1 bedroom; .54 for 2 bedroom; and, .95 for 3 bedroom). The names used in this table and in table 2 were taken from the document that we received.

Table 2 on the next page shows the total number of units and students based upon affordable housing units.

Table2 Student Yields Affordable Housing Units

Affordable						
			0.2	0.75	1.15	
			1 BR	2 BR	3 BR	Students
	Cinema Liners	Apts	5	15		
Units	20	Students	3	11		14
	15					
	Other Village	Condos				
Units	40	Students	3	23		26
	30					
Total Aff	60			Total Stds		40

Syosset Public Schools
Addendum to Demographic Report
September, 2017

The generic or average yield factor we use for affordable units is .75. We then spread those units over bedroom counts using .2 for 1 bedroom; .75 for two bedroom; and, 1.15 for 3 bedroom. We also spread the projections over the school or schools to be impacted. Table 3 shows the estimated impact on the schools.

Table 3: Potential School Impact

K-5	6-9	9-12	Total
0.7	0.2	0.1	
249	71	35	355

In our experience individuals tend not to move with older children, especially in high school or higher middle school. We estimate approximately 70% of the students from new developments will be lower grade students, about 20% to the middle grades and 10% to the high school.

The enrollment study indicated that the enrollment is projected, based solely upon historical enrollment only, to be level for the next five years.

Exhibit 5

Updated Addendum prepared by Ross Haber dated August, 2018

Syosset Central Schools

Enrollment Projection Update

Ross Haber and Associates

August, 2018

Enrollment Projection Update

This document updates the enrollment projection study which was completed for the Syosset Central School District during the 2016-17 school year. This study is based upon several important changes in the baseline data:

1. The inclusion of the actual 2017-18 student enrollment for the District and for each of the schools.
2. Corrections the historical data based upon the BEDS Day reports between the 2012-13 and 2016-17 school years. There were minor discrepancies between the District data and what was available on the State Education Department website. For this update we are using the latest District provided data.
3. This update will re-examine the impact of new housing construction based upon more recent information.

In order to provide a more broad based analysis of the District's enrollment this study will examine the following data points:

1. A projection based upon both a three year and five-year enrollment history.
2. An analysis of enrollment changes between the BEDS Day report and the final enrollment for each of the school years included in the historical data.
3. The correlation between recent home sales in Syosset and the enrollment in the school District.

While study will provide projections both on three year and five year enrollment histories it is our opinion that given the enrollment trends that the three year projection provides a more accurate view of what is happening in the Syosset Schools.

Methodology

The basis of the study is the cohort survival method. This method tracks students as they move from grade to grade and tracks the percentage of change between each grade. For example, if there are 100 students in grade 1, and if this group increases to 110 when they are in grade 2 that is a migration ratio of 1.10 (10%). This then is averaged for five years to develop an average migration ratio between grades. This average is then applied to the current year's enrollment to project future enrollment for each grade.

Kindergarten enrollment may be based upon livebirths attributed to a community or as an alternative use of a moving average. In Syosset the method this study employed was the moving average. There were two rationales for choosing this method. The first is that the ratio between livebirths and kindergarten enrollment (relatively low live births to larger kindergarten classes) indicated that the majority of residents who move into Syosset already having pre-school or school aged children. The second reason is that there was a very large increase in kindergarten enrollment between 2015-16 and 2016-17 (49 children). The kindergarten enrollment in 2017-18 was 406 indicating the beginning of a trend in increased kindergarten enrollment. On that basis the study used a two year average for kindergarten and then averaged that enrollment over

the following five years. The study is projecting an average of 413 kindergarten students between 2018-19 and 2022-23.

The cohort survival method does not include potential enrollment based upon future approved residential construction. In order make that projection a student yield factor is developed based upon the type of development(s) planned for a school district. This will be explained in the housing section of this study.

Impact of Housing Units (Approved and Existing)

There are a number of new housing units to be built which could impact the Syosset Schools. This section of the study will estimate the student yields from each type of unit (apartment, condominium, single family home or townhouse). Student yields from Syosset Park were based upon comparable units in Syosset (Eagle Rock Apartments) and those in comparable North Shore communities.[1] Yield from single family homes are based upon the average yields from single family homes in comparable communities (see table 2). The potential number of students from sales of existing homes was based upon an analysis of home sales in Syosset between September, 2016 and April, 2018 and the total number of units currently for sale in Syosset.[2] The projected students were then added to the cohort survival table and distributed proportionally of the five year projection (estimates based upon estimated time between permit an certificates of occupancy.[3]

Table 1: Projected Housing Developments[4]

Unit Type	Total Number of Units	Number of Bedrooms by Unit Type			Size Range (SF)	Stories
		1	2	3		
Village Condominiums	244					
Cinema Liners - Affordable Units	20	5	15	0	25% - 750 SF/75% 1,000 SF	2 stories over 1 service/office level
Other Village Condos	224					
Affordable Units		16	24	0	100% - 750 – 950 SF	4 stories over 1 parking level
Market-Rate Units		32	152	0	20% - 750 – 1,000 SF 80% - 1,100 – 1,850 SF	
Park Condos	119	0	119	0	1,250 – 1,875 SF	3 stories over 1 parking level
Small Townhomes	45	0	41	4	1,700 – 1,900 SF	3 stories
Large Townhomes	66	0	39	27	2,300 – 2,900 SF	3 stories
Townhomes over Retail	46	0	22	24	1,200 – 2,500 SF	2 stories over 1 retail level
Cottages	105	0	27	78	2,000 – 2,600 SF	2 – 3 stories
TOTAL	**625**	**53**	**439**	**133**		

[1] Syosset Park is proposed and estimates created are for this property.
[2] Long Island Multi Listing Services
[3] Estimate by US Census
[4] Table from VHB Study

Table 1 shows the potential number of residential housing units which will be built in Syosset. In order to assess the impact on the schools we need to develop yield parameters for each type of unit and for the bedroom count per unit. The total number of units to be built is, according to table 4 is 625. Not all of these units will yield children. Based upon our past experience we are estimating student yields from units that are likely to impact the schools.[5]

Table 2: Comparable Unit Yields (Single Family Housing)

DIstrict	Units	Students	Yield
Syosett	**9535**	**6365**	**0.67**
Roslyn	3819	3138	0.82
Jericho	4845	2999	0.62
North Shore	5097	2687	0.53
Port Washington	6299	5283	0.84
Average			0.69

Table 2 shows the typical average student yield from single family housing units. We do not believe that bedroom counts in single family units provide an accurate means of estimating students from new units. Therefore, we will use the average from the North Shore Communities shown in table 5. In table 4 the cottages appear to be unattached single family houses. There are 105 of these units proposed. We believe that the total number of students from these units will be between 68 and 70 students.

For estimates on Townhouses and Condos we use the following (based upon our experience with comparable units in comparable communities: 1 Bedroom=0.09 per unit; 2 bedroom =0.58 per unit; 3 Bedroom=1.05 per unit. We add .15 per unit for affordable units.

In reviewing Table 4 we do not believe all of the units will yield students. The following tables are our estimate of school aged children coming from each unit type.

[5] We do not use the Rutgers Study to estimate student yields. In our opinion, and that of the author David Listokin, the study, written in 2006 based upon data gathered between 2004 and 2006 is out of date. Our experience with the Rutgers Study is that it greatly underestimates student yields.

Table 3: Potential SCA Yields from Townhouses and Condos[6]

		0.09	0.58	1.05			0.09	0.75	1.15	
	Market Rate					**Affordable**				
Unit Name	Units	1 BR	2 BR	3 Br	Total SCA	Units	1 BR	2 BR	3 BR	Total SCA
Village Condominiums										
Cinema Liners						20	5	15		
SCA							***1***	***12***		***13***
Other Village Condos	184	32	152			40	16	24		
SCA		***3***	***88***		***91***		***2***	***18***		***20***
Park Condos	119		119							
SCA			***69***		***69***					
Small Townhouses			41	4						
SCA	***45***		***24***	***4***	***28***					
Large Townhouses	66		39	27						
SCA			***23***	***28***	***51***					
Townhouse over Retail	46		22	24						
SCA			***13***	***25***	***38***					
Total SCA					***277***					**33**

Table 4: Potential Yield from Single Family Homes (Cottages)

		0.67	0.67	
Unit Name	Units	2 BR	3 BR	Total SCA
Cottages	105	27	78	
SCA		***18***	***53***	***71***

The total number of school aged children we are projecting from the new residential housing units is 381. Our experience tells us that this distribution is usually approximately 70% to the elementary schools, 20% to the middle schools, and 1% to the high school.

a. Elementary School = 267

b. Middle School = 76

c. High School = 38

[6] SCA=School Aged Children

Recently Sold Homes and Homes for Sale

Between September, 2016 and April, 2018 approximately 520 homes were sold in Syosset.[7] In that same time period the District enrollment grew by 134 students. This indicates that there is a correlation between sales of existing homes and school enrollment. However, making a direct correlation is difficult because although there is growth from sales of existing homes there is also the issue of a number of sold homes also having school aged children who live in those sold homes and will be leaving the District.

There are currently 101 homes listed for sale in Syosset. Based upon the current student yields these homes may yield as many as 67 school aged children, however this is a soft number in that we do not know how many school aged children may reside in these homes[8].

Recommendations

The Projections show that the Syosset Schools will experience growth during the next five years. Projections on both the three year and five year enrollment histories indicate this growth. The projections based upon a three year enrollment history show significantly larger growth than the five year history. Add to this the fact the a brisk housing market will, on balance, impact enrollment (as it has in the past) and that the new construction may also impact the school enrollment significantly. Therefore, the District should consider:

1. A facility utilization study to determine the ability to accommodate this growth based upon available classroom space, core facilities and average class size.

2. An analysis of the current attendance zones to identify where capacity issues exist in the District in terms of current and future enrollment.

[7] Data Source: Zillow.Com
[8] Data Source: Long Island Multiple Listing Services

District-Wide Enrollment Projections

Table 4: District-Wide Enrollment History and Projection (3 Year Enrollment History)

Syosset UFSD Enrollment History and Projection (BEDS-3 year average)																																				
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**Ele**	**6-8**		**9-12**	**Sec**	**Sub**	**Total**	**Total**
																													UG				**UG**	**K-12**	**UG**	
2012-13	221	1.79	396		375		454		502		478		493		455		564		538		515		542		584		575	2698	6	1557		2216	16	6471	22	6493
				1.056		1.056		1.018		1.014		1.025		1.018		1.002		0.995		0.994		1.010		0.998		0.997										
2013-14	279	1.35	378		418		396		462		509		490		502		456		561		535		520		541		582	2653	9	1519		2178	14	6350	23	6373
				1.103		1.048		1.051		1.022		0.992		1.029		1.030		0.991		0.982		1.002		1.000		0.998										
2014-15	253	1.55	393		417		438		416		472		505		504		517		452		551		536		520		540	2641	6	1473		2147	19	6261	25	6286
				1.102		1.048		1.032		1.012		1.011		1.030		1.028		0.994		1.007		1.024		1.006		1.012										
2015-16	241	1.52	367		433		437		452		421		477		520		518		514		455		564		539		526	2587	7	1552		2084	17	6223	24	6247
				1.071		1.058		1.078		1.075		1.067		1.044		1.052		1.031		1.002		1.018		1.005		1.000		`								
2016-17	226	1.84	416		393		458		471		486		449		498		547		534		515		463		567		539	2673	7	1579		2084	22	6336	29	6365
				1.089		1.066		1.061		1.047		1.045		1.080		1.066		1.020		1.028		1.004		0.996		0.998										
2017-18	245	1.67	409		453		419		486		493		508		485		531		558		549		517		461		566	2768	7	1574		2093	21	6435	28	6463
		1.586		1.087		1.057		1.057		1.045		1.041		1.051		1.049		1.015		1.012		1.015		1.002		1.003										
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**K-5**	**6-8**		**9-12**	**Sec**		**Total**	**Sub**
																		`										**SCSE**				**UG**		**UG**	**Total**
2018-19	260		413		445		479		443		508		513		534		509		539		565		557		518		462	2801	7	1582		2102	19	6485	26	6511
2019-20	251		413		449		470		506		463		529		539		560		517		545		573		558		520	2830	9	1616		2196	22	6642	31	6673
2020-21	258		413		449		475		497		529		482		556		565		568		523		553		574		560	2845	7	1689		2210	20	6744	27	6771
2021-22	214		413		449		475		502		519		551		507		583		573		575		531		554		576	2909	7	1663		2236	21	6808	28	6836
2022-23	246		412		449		475		502		525		540		579		532		592		580		584		532		556	2903	7	1703		2252	21	6858	28	6886

Table 5: District-Wide Enrollment History and Projection (5 Year Enrollment History)

Syosset UFSD Enrollment History and Projection (BEDS-5 year average)																																		
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**Ele**	**6-8**	**9-12**	**Sec**	**Sub**	**Total**	**Total**
																												UG			**UG**	**K-12**	**UG**	
2012-13	221	1.79	396		375		454		502		478		493		455		564		538		515		542		584		575	2698	6	1557	2216	16	6471	22	6493
				1.056		1.056		1.018		1.014		1.025		1.018		1.002		0.995		0.994		1.010		0.998		0.997								
2013-14	279	1.35	378		418		396		462		509		490		502		456		561		535		520		541		582	2653	9	1519	2178	14	6350	23	6373
				1.103		1.048		1.051		1.022		0.992		1.029		1.030		0.991		0.982		1.002		1.000		0.998								
2014-15	253	1.55	393		417		438		416		472		505		504		517		452		551		536		520		540	2641	6	1473	2147	19	6261	25	6286
				1.102		1.048		1.032		1.012		1.011		1.030		1.028		0.994		1.007		1.024		1.006		1.012								
2015-16	241	1.52	367		433		437		452		421		477		520		518		514		455		564		539		526	2587	7	1552	2084	17	6223	24	6247
				1.071		1.058		1.078		1.075		1.067		1.044		1.052		1.031		1.002		1.018		1.005		1.000		`						
2016-17	226	1.84	416		393		458		471		486		449		498		547		534		515		463		567		539	2673	7	1579	2084	22	6336	29	6365
				1.089		1.066		1.061		1.047		1.045		1.080		1.066		1.020		1.028		1.004		0.996		0.998								
2017-18	245	1.67	409		453		419		486		493		508		485		531		558		549		517		461		566	2768	7	1574	2093	21	6435	28	6463
		1.586		1.084		1.055		1.048		1.034		1.028		1.040		1.036		1.006		1.003		1.012		1.001		1.001								
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**K-5**	**6-8**	**9-12**	**Sec**		**Total**	**Sub**
																		`										**SCSE**			**UG**		**SCSE**	**Total**
2018-19	260		413		443		478		439		503		507		528		502		534		560		556		518		461	2783	7	1564	2095	19	6442	26	6468
2019-20	251		413		448		467		501		454		517		527		547		505		536		567		557		519	2800	9	1579	2179	22	6558	31	6589
2020-21	258		413		448		473		489		518		467		538		546		550		507		542		568		558	2808	7	1634	2175	20	6617	27	6644
2021-22	214		413		448		473		496		506		533		486		557		549		552		513		543		569	2869	7	1592	2177	21	6638	28	6666
2022-23	246		412		448		473		496		513		520		554		503		560		551		559		514		544	2862	7	1617	2168	21	6647	28	6675

Table 6: District-Wide Enrollment History and Projection with Housing Development (3 Year History)

Syosset UFSD Enrollment History and Projection (BEDS-3 year average)																																				
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**Ele**	**6-8**		**9-12**	**Sec**	**Sub**	**Total**	**Total**
																													UG				**UG**	**K-12**	**UG**	
2012-13	221	1.79	396		375		454		502		478		493		455		564		538		515		542		584		575	2698	6	1557		2216	16	6471	22	6493
				1.056		1.056		1.018		1.014		1.025		1.018		1.002		0.995		0.994		1.010		0.998		0.997										
2013-14	279	1.35	378		418		396		462		509		490		502		456		561		535		520		541		582	2653	9	1519		2178	14	6350	23	6373
				1.103		1.048		1.051		1.022		0.992		1.029		1.030		0.991		0.982		1.002		1.000		0.998										
2014-15	253	1.55	393		417		438		416		472		505		504		517		452		551		536		520		540	2641	6	1473		2147	19	6261	25	6286
				1.102		1.048		1.032		1.012		1.011		1.030		1.028		0.994		1.007		1.024		1.006		1.012										
2015-16	241	1.52	367		433		437		452		421		477		520		518		514		455		564		539		526	2587	7	1552		2084	17	6223	24	6247
				1.071		1.058		1.078		1.075		1.067		1.044		1.052		1.031		1.002		1.018		1.005		1.000		`								
2016-17	226	1.84	416		393		458		471		486		449		498		547		534		515		463		567		539	2673	7	1579		2084	22	6336	29	6365
				1.089		1.066		1.061		1.047		1.045		1.080		1.066		1.020		1.028		1.004		0.996		0.998										
2017-18	245	1.67	409		453		419		486		493		508		485		531		558		549		517		461		566	2768	7	1574		2093	21	6435	28	6463
		1.586		1.087		1.057		1.057		1.045		1.041		1.051		1.049		1.015		1.012		1.015		1.002		1.003										
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**K-5**	**6-8**		**9-12**	**Sec**		**Total**	**Sub**
																		`										**SCSE**				**UG**		**UG**	**Total**
2018-19	260		423		445		479		443		508		513		534		509		539		565		557		518		462	2811	7	1582		2102	19	6495	26	6521
2019-20	251		426		465		475		511		468		529		539		563		520		548		576		558		520	2874	9	1622		2202	22	6698	31	6729
2020-21	258		429		473		502		512		544		497		564		570		576		526		556		577		560	2957	7	1710		2219	20	6886	27	6913
2021-22	214		431		476		510		541		545		576		532		598		579		583		534		557		579	3079	7	1709		2253	21	7041	28	7069
2022-23	246		434		476		503		539		565		567		605		558		607		586		592		535		559	3084	7	1770		2272	21	7126	28	7154

This table shows the District enrollment history (3 year) with the new housing added. Over time the new residential housing may add as many as 381 students. It is not expected that all of them will enter the school within the next five years. This projection, estimates, that along with normal organic changes in enrollment the total number of students District-wide will increase by approximately 268 students by 2022-23.

Table 7: District-Wide Enrollment History and Projection with Housing Development (5 Year History)

Syosset UFSD Enrollment History and Projection (BEDS-5 year average)																																			
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**Ele**	**6-8**		**9-12**	**Sec**	**Sub**	**Total**	**Total**
																												UG				**UG**	**K-12**	**UG**	
2012-13	221	1.79	396		375		454		502		478		493		455		564		538		515		542		584		575	2698	6	1557		2216	16	6471	22	6493
				1.056		1.056		1.018		1.014		1.025		1.018		1.002		0.995		0.994		1.010		0.998		0.997									
2013-14	279	1.35	378		418		396		462		509		490		502		456		561		535		520		541		582	2653	9	1519		2178	14	6350	23	6373
				1.103		1.048		1.051		1.022		0.992		1.029		1.030		0.991		0.982		1.002		1.000		0.998									
2014-15	253	1.55	393		417		438		416		472		505		504		517		452		551		536		520		540	2641	6	1473		2147	19	6261	25	6286
				1.102		1.048		1.032		1.012		1.011		1.030		1.028		0.994		1.007		1.024		1.006		1.012									
2015-16	241	1.52	367		433		437		452		421		477		520		518		514		455		564		539		526	2587	7	1552		2084	17	6223	24	6247
				1.071		1.058		1.078		1.075		1.067		1.044		1.052		1.031		1.002		1.018		1.005		1.000		`							
2016-17	226	1.84	416		393		458		471		486		449		498		547		534		515		463		567		539	2673	7	1579		2084	22	6336	29	6365
				1.089		1.066		1.061		1.047		1.045		1.080		1.066		1.020		1.028		1.004		0.996		0.998									
2017-18	245	1.67	409		453		419		486		493		508		485		531		558		549		517		461		566	2768	7	1574		2093	21	6435	28	6463
		1.586		1.084		1.055		1.048		1.034		1.028		1.040		1.036		1.006		1.003		1.012		1.001		1.001									
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**K-5**	**6-8**		**9-12**	**Sec**		**Total**	**Sub**
																		`										**SCSE**				**UG**		**UG**	**Total**
2018-19	260		423		443		478		439		503		507		528		502		534		560		556		518		461	2793	7	1564		2095	19	6452	26	6478
2019-20	251		426		464		472		506		459		517		527		550		508		539		570		557		519	2844	9	1585		2185	22	6614	31	6645
2020-21	258		429		472		500		505		533		482		546		551		558		510		545		571		558	2921	7	1655		2184	20	6760	27	6787
2021-22	214		431		475		508		534		532		558		511		572		554		560		516		546		572	3038	7	1637		2194	21	6869	28	6897
2022-23	246		432		475		501		532		552		547		580		529		575		556		567		517		547	3039	7	1684		2187	21	6910	28	6938

This table shows the District enrollment history (5 year) with the new housing added. Over time the new residential housing may add as many as 381 students. It is not expected that all of them will enter the school within the next five years. This projection, estimates, that along with normal organic changes in enrollment the total number of students District-wide will increase by approximately243 students by 2022-23.

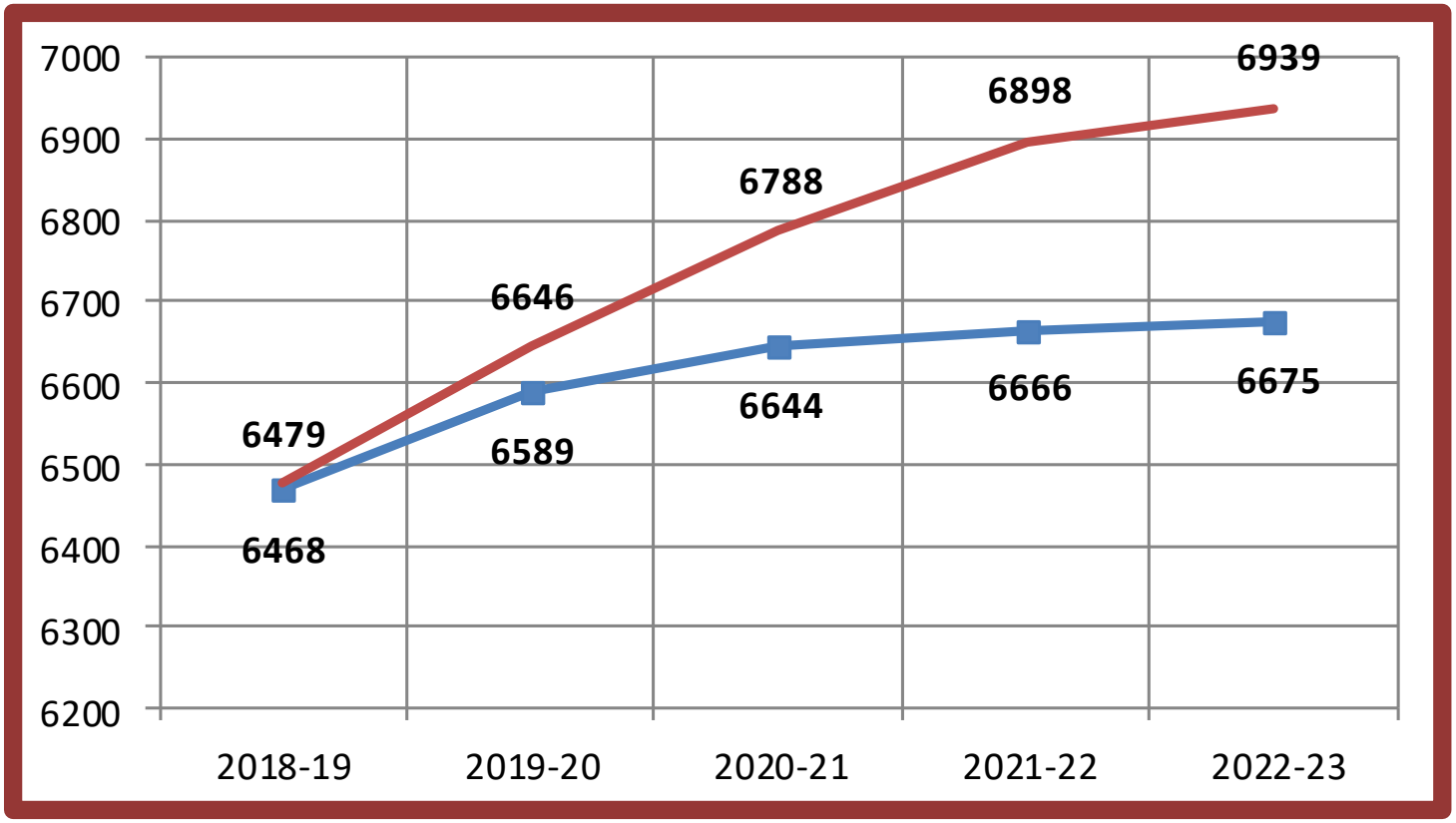
Table 8: District-Wide Enrollment History and Projection (End of Year Data)

Syosset UFSD Enrollment History and Projection (EOY-3 year average)																																				
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**Ele**	**6-8**		**9-12**	**Sec**	**Sub**	**Total**	**Total**
																												UG				**UG**	**K-12**	**UG**	
2012-13	221	1.81	399		380		461		505		482		495		456		564		541		516		538		577		574	2722	7	1561		2205	13	6488	20	6508
				1.053		1.058		0.998		1.012		1.023		1.038		0.996		0.991		0.987		1.012		0.994		1.005									
2013-14	279	1.38	386		420		402		460		511		493		514		454		559		534		522		535		580	2672	8	1527		2171	16	6370	24	6394
				1.085		1.050		1.030		1.022		1.002		1.034		1.002		0.996		0.993		1.011		0.998		1.004									
2014-15	253	1.59	402		419		441		414		470		512		510		515		452		555		540		521		537	2658	9	1477		2153	17	6288	26	6314
				1.095		1.060		1.050		1.034		1.021		1.029		1.014		0.992		1.004		1.011		0.996		1.017									
2015-16	241	1.54	371		440		444		463		428		480		527		517		511		454		561		538		530	2626	8	1555		2083	18	6264	26	6290
				1.084		1.064		1.061		1.050		1.086		1.067		1.053		1.035		1.006		1.020		1.012		0.996		`							
2016-17	226	1.88	426		402		468		471		486		465		512		555		535		514		463		568		536	2718	5	1602		2081	23	6401	28	6429
				1.082		1.082		0.989		1.089		1.056		1.049		1.037		1.020		1.028		1.008		0.998		0.993									
2017-18	245	1.68	411		461		435		463		513		513		488		531		566		550		518		462		564	2796	8	1585		2094	19	6475	27	6502
		1.614		1.087		1.069		1.033		1.058		1.054		1.048		1.035		1.016		1.013		1.013		1.002		1.002									
Year	**Births**		**K**		**1**		**2**		**3**		**4**		**5**		**6**		**7**		**8**		**9**		**10**		**11**		**12**	**K-5**	**K-5**	**6-8**		**9-12**	**Sec**		**Total**	**Sub**
																		`										**SCSE**				**UG**		**UG**	**Total**
2018-19	260		419		447		493		449		490		541		538		505		539		573		557		519		463	2839	8	1582		2112	19	6533	27	6560
2019-20	251		419		455		478		509		475		516		567		557		513		546		580		558		520	2852	9	1637		2204	22	6693	32	6725
2020-21	258		419		455		486		494		539		501		541		587		566		520		553		581		559	2894	8	1694		2213	20	6801	28	6829
2021-22	214		419		455		486		502		523		568		525		560		596		573		527		554		582	2953	8	1681		2236	21	6870	29	6899
2022-23	246		417		455		486		502		531		551		595		543		569		604		580		528		555	2942	8	1707		2267	20	6916	28	6944

`

This table is based upon end of the year enrollment. **IT SHOULD NOT BE USED FOR PROJECTION PURPOSES. THIS TABLE (EITHER BASED UPON THREE YEAR OR FIVE YEAR HISTORY GREATLY INFLATES THE PROJECTIONS. THIS IS FOR INFORMATION ONLY.**

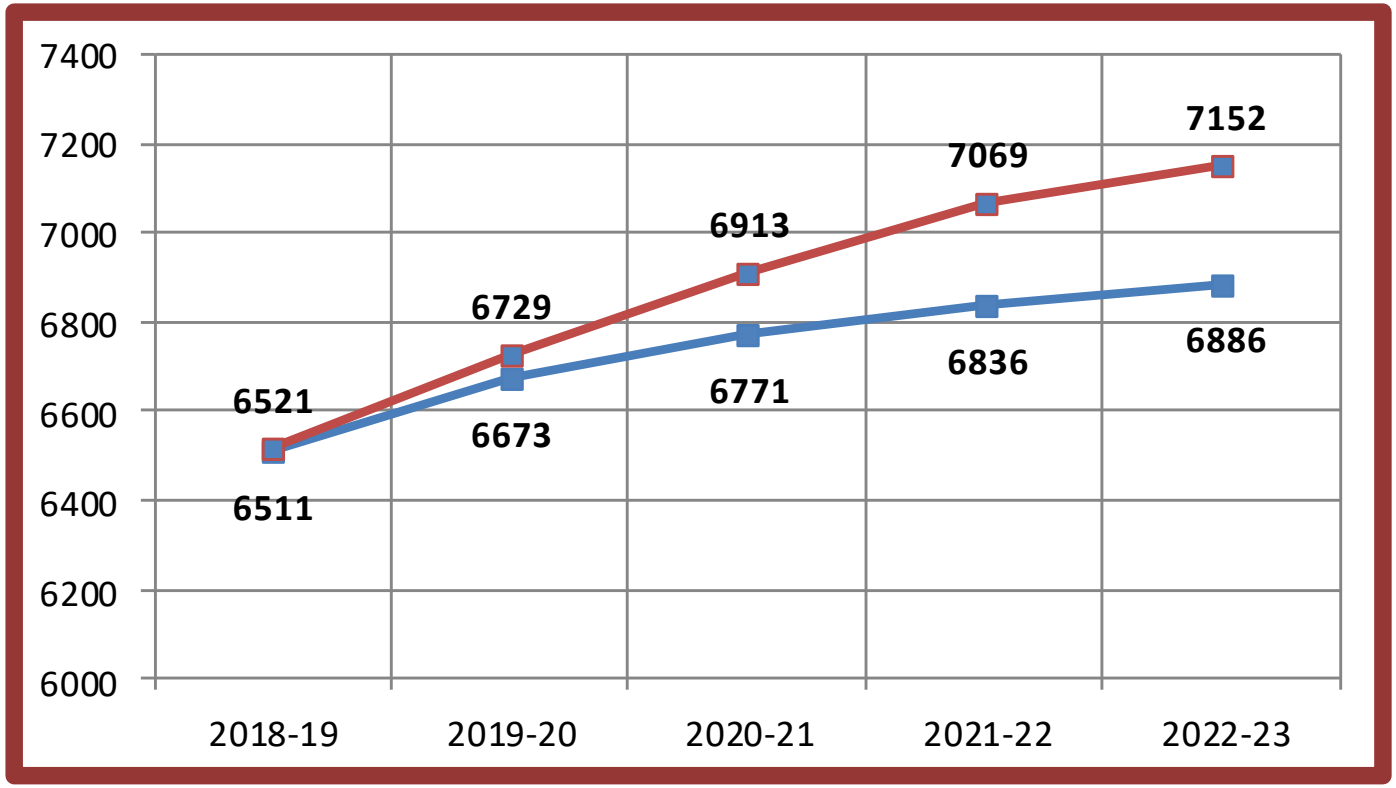
Chart 1: Comparison between Projection with and Without New Housing Developments (5 Year History)



Red Line = projection with housing

Blue Line = projection without housing

Chart 2: Comparison between Projection with and Without New Housing Developments (3 Year History)



Red Line = projection with housing

Blue Line = projection without housing

School Projection Tables
Three Year Enrollment History

Table 9: Baylis Elementary School (3 Year History)

Baylis (Bed-3 year av)																
Year	KG		1		2		3		4		5	K-5	UG	Total	EOY	Diff
2012-13	64		66		66		70		75		66	407		407	413	6
		1.03		1.06		1.00		1.04		1.05						
2013-14	53		66		70		66		73		79	407		407	407	0
		1.26		1.03		0.99		1.00		1.03						
2014-15	76		67		68		69		66		75	421	2	423	425	2
		1.04		1.07		1.00		1.00		1.05						
2015-16	63		79		72		68		69		69	420	2	422	429	7
		1.06		1.08		1.10		1.09		1.10						
2016-17	73		67		85		79		74		76	454	2	456	463	7
		1.04		1.04		1.05		0.96		1.08						
2017-18	59		76		70		89		76		80	450		450	456	6
		1.05		1.06		1.05		1.02		1.08						
Year	KG		1		2		3		4		5	K-5	UG	Total		
2018-19	66		62		81		74		91		82	456	1	457		
2019-20	66		69		66		85		75		98	459	1	460		
2020-21	66		69		73		69		87		81	445	2	447		
2021-22	66		69		73		77		70		94	449	2	451		
2022-23	65		69		73		77		79		76	439	2	441		

Table 12 provides the enrollment history and projection for Baylis. This table shows the BED enrollment for each year (Total Column), the End of Year Enrollment and the Difference. Baylis had average BEDS to EOY increase of 5 students

Table 20: South Grove Elementary School (3 Year History)

South Grove (BEDS-3 year av)																
Year	KG		1		2		3		4		5	K-5	UG	Total	EOY	Diff
2012-13	62		51		74		68		78		76	409		409	405	-4
		1.06		1.00		1.04		1.04		1.04						
2013-14	71		66		51		77		71		81	417		417	418	1
		0.97		1.00		1.06		1.03		0.96						
2014-15	55		69		66		54		79		68	391		391	400	9
		1.18		1.03		1.11		1.00		0.99						
2015-16	57		65		71		73		54		78	398		398	408	10
		1.14		1.05		1.07		1.10		1.02						
2016-17	69		65		68		76		80		55	413		413	418	5
S		1.04		1.15		1.15		1.04		1.05						
2017-18	68		72		75		78		79		84	456		456	459	3
		1.12		1.08		1.11		1.05		1.02						
Year	KG		1		2		3		4		5	K-5	UG	Total		
2018-19	69		76		78		83		82		81	469	0	469		
2019-20	69		77		82		87		87		84	486	0	486		
2020-21	69		77		83		91		91		89	500	0	500		
2021-22	69		77		83		92		96		93	510	0	510		
2021-22	69		77		83		92		97		98	516	0	516		

South Grove had an average BEDS Day to End of Year increase of 4 students per year.

Table 11: Walt Whitman Elementary School (3 Year History)

Walt Whitman (BEDS-3 year av)																
Year	KG		1		2		3		4		5	K-5	UG	Total	EOY	Diff
2012-13	32		38		44		61		42		61	278		278	279	1
		1.06		0.92		0.93		0.95		0.90						
2013-14	36		34		35		41		58		38	242		242	248	6
		1.14		0.97		1.09		1.00		1.02						
2014-15	46		41		33		38		41		59	258		258	261	3
		1.04		1.05		1.09		1.08		1.00						
2015-16	47		48		43		36		41		41	256		256	256	0
		1.04		0.98		1.07		1.06		1.05						
2016-17	41		49		47		46		38		43	264		264	270	6
		1.05		1.10		0.96		1.02		1.05						
2017-18	50		43		54		45		47		40	279	2	281	281	0
		1.04		1.04		1.04		1.05		1.03						
Year	KG		1		2		3		4		5	K-5	UG	Total		
2018-19	46		52		45		56		47		48	294	0	294		
2019-20	46		48		54		47		59		48	302	0	302		
2020-21	46		48		50		56		49		61	310	0	310		
2021-22	46		48		50		52		59		50	305	0	305		
2021-22	47		48		50		52		55		61	313	0	313		

Walt Whitman had an average BEDS Day to End of Year increase of 3 students per year.

Table 12: Robbins Lane Elementary School (3 Year History)

Robbins Lane (BEDS-3 year av)																
Year	KG		1		2		3		4		5	K-5	UG	Total	EOY	Diff
2012-13	70		75		73		107		77		86	488	1	489	498	9
		1.04		1.13		1.04		1.02		0.96						
2013-14	57		73		85		76		109		74	474	3	477	480	3
		1.04		0.99		1.05		1.05		0.96						
2014-15	64		59		72		89		80		105	469	3	472	480	8
		1.22		1.03		1.01		1.02		0.96						
2015-16	66		78		61		73		91		77	446		446	443	-3
		0.97		1.06		1.08		0.99		1.07						
2016-17	72		64		83		66		72		97	454		454	464	10
		1.08		1.06		1.10		1.12		1.07						
2017-18	70		78		68		91		74		77	458		458	467	9
		1.09		1.05		1.06		1.04		1.03						
Year	KG		1		2		3		4		5	K-5	UG	Total		
2018-19	71		76		82		72		95		76	472	1	473		
2019-20	71		77		80		87		75		98	488	1	489		
2020-21	71		77		81		85		90		77	481	1	482		
2021-22	71		77		81		86		88		93	496	1	497		
2021-22	71		77		81		86		89		91	495	1	496		

Robbins Lane had an average BEDS Day to End of Year increase of 6 students per year.

Table 13: Village Elementary School (3 Year History)

Village (Beds-3 year av)																
Year	KG		1		2		3		4		5	K-5	UG	Total	EOY	Diff
2012-13	51		55		71		72		68		75	392	1	393	394	1
		1.06		1.05		1.01		1.03		1.04						
2013-14	57		54		58		72		74		71	386	1	387	390	3
		1.04		1.13		1.09		1.00		0.97						
2014-15	50		59		61		63		72		72	377		377	377	0
		1.04		1.03		1.08		1.02		1.06						
2015-16	46		52		61		66		64		76	365		365	377	12
		1.15		1.10		1.11		1.14		1.11						
2016-17	57		53		57		68		75		71	381		381	386	5
		1.23		1.09		1.05		1.09		1.07						
2017-18	57		70		58		60		74		80	399		399	407	8
											`					
		1.14		1.07		1.08		1.08		1.08						
Year	KG		1		2		3		4		5	K-5	UG	Total		
2018-19	57		65		75		63		65		80	405	0	405		
2019-20	57		65		70		81		68		70	411	0	411		
2020-21	57		65		70		76		87		73	428	0	428		
2021-22	57		65		70		76		82		94	444	0	444		
2021-22	57		65		70		76		82		89	439	0	439		

Village Elementary School had an average BEDS Day to End of Year increase of 5 students per year.

Table 14: Berry Hill Elementary School (3 Year History)

Berry Hill (Beds-3 year av)																
Year	KG		1		2		3		4		5	K-5	UG	Total	EOY	Diff
2012-13	60		50		65		59		81		70	385	0	385	394	9
		1.07		1.10		1.06		1.03		1.06						
2013-14	56		64		55		69		61		86	391		391	401	10
		1.27		1.16		1.11		1.06		1.10						
2014-15	54		71		74		61		73		67	400		400	402	2
		1.07		1.07		1.00		0.98		1.03						
2015-16	43		58		76		74		60		75	386	2	388	395	7
		1.07		1.02		1.07		1.03		1.08						
2016-17	53		46		59		81		76		65	380	4	384	395	11
		1.15		1.09		1.08		1.06		1.00						
2017-18	53		61		50		64		86		76	390	4	390	394	4
		1.10		1.06		1.05		1.02		1.04						
Year	KG		1		2		3		4		5	K-5	UG	Total		
2018-19	53		58		65		53		65		89	383	1	384		
2019-20	53		58		61		68		54		68	362	2	364		
2020-21	53		58		61		64		69		56	361	3	364		
2021-22	53		58		61		64		65		72	373	3	376		
2021-22	53		58		61		64		65		68	369	3	372		

Berry Hill Elementary School had an average BEDS Day to End of Year increase of 7 students per year.

Table 15: Alice P. Willets Elementary School

Alice P. Willits (Beds-3 year av)																	
Year	KG		1		2		3		4		5	K-5	UG	PK	Total	EOY	Diff
2012-13	57		40		61		65		57		59	339	2		341	342	1
		1.07		1.05		1.00		0.82		1.07							
2013-14	48		61		42		61		53		61	326	3		329	335	6
		1.06		1.05		1.00		1.00		1.11							
2014-15	48		51		64		42		61		59	325			325	319	-6
		1.10		1.04		0.97		1.00		1.00							
2015-16	45		53		53		62		42		61	316			316	322	6
		1.09		1.11		1.04		1.15		1.00							
2016-17	51		49		59		55		71		42	327			327	327	0
		1.04		0.90		1.00		1.04		1.00							
2017-18	52		53		44		59		57		71	336			336	330	-6
		1.08		1.02		1.00		1.06		1.00							
Year	KG		1		2		3		4		5	K-5	UG	PK	Total		
2018-19	49		56		54		44		63		57	323	1		324		
2019-20	49		53		57		54		47		63	323	1		324		
2020-21	49		53		54		57		57		47	317	0		317		
2021-22	50		53		54		54		60		57	328	0		328		
2021-22	50		54		54		54		57		60	329	0		329		

Alice P. Willits Elementary School averaged "0" changes from BEDS to EOY, however, there were several years where there was some gain or loss of students from BEDS to EOY.

Table 16: H B Thompson Middle School

H B Thompson MS (Beds-3 year av)										
Year	6		7		8	6-8	UG	Total	EOY	Diff
2012-13	239		280		292	811	10	821	823	2
		1.01		1.00						
2013-14	265		242		279	786	6	792	798	6
		1.03		1.00						
2014-15	276		272		242	790	7	797	800	3
		1.03		0.98						
2015-16	286		284		266	836	7	843	842	-1
		1.05		1.05						
2016-17	265		300		298	863	7	870	884	14
		1.08		1.01						
2017-18	258		286		303	847	5	852	865	13
		1.05		1.01						
Year	6		7		8	6-8	UG	Total		
2018-19	270		274		304	848	7	855		
2019-20	272		284		277	833	8	841		
2020-21	271		281		252	804	8	812		
2021-22	268		275		284	827	8	835		
2021-22	269		281		278	828	9	837		

H B Thompson Middle School had an average growth of 7 students from BEDS to EOY

Table17: South Woods Middle School

South Woods MS (Beds-3 year av)											
Year	6		7		8	6-8	UG	PK	Total	EOY	Diff
2012-13	216		284		246	746			746	748	2
		0.99		0.99							
2013-14	237		214		282	733	1		734	736	2
		1.03		0.98							
2014-15	228		245		210	683	1		684	685	1
		1.03		1.01							
2015-16	234		234		248	716			716	720	4
		1.06		1.01							
2016-17	233		247		236	716	1		717	725	8
		1.05		1.03							
2017-18	227		245		255	727	1		728	726	-2
		1.05		1.02							
Year	6		7		8	6-8	UG	PK	Total		
2018-19	232		239		250	721	1		722		
2019-20	232		243.6		243.78	719	1		720		
2020-21	233		242		248.472	723	1		724		
2021-22	233		244.65		246.84	724	1		725		
2021-22	233		244.65		249.543	727	1		728		

South Woods Middle School had an average growth of 7 students from BEDS to EOY.

Table 18: Syosset High School

Syosset HS (Beds-3 year av)												
Year	9		10		11		12	9-12	UG	Total	EOY	Diff
2012-13	515		542		584		575	2,216	8	2,224	2,212	-12
		1.01		1.00		1.00						
2013-14	535		520		541		582	2,178	9	2,187	2,181	-6
		1.00		1.00		1.00						
2014-15	551		536		520		540	2,147	12	2,159	2,165	6
		1.02		1.01		1.01						
2015-16	455		564		539		526	2,084	13	2,097	2,098	1
		1.02		1.01		1.00						
2016-17	515		463		567		539	2,084	15	2,099	2,097	-2
		1.00		1.00		1.00						
2017-18	549		517		461		566	2,093	16	2,109	2,109	0
		1.01		1.01		1.00						
Year	9		10		11		12	9-12	UG	Total		
2018-19	521		554		522		461	2,058	11	2,069		
2019-20	520		526		560		522	2,128	15	2,143		
2020-21	514		525		531		560	2,130	16	2,146		
2021-22	526		519		530		531	2,106	17	2,123		
2021-22	528		531		524		530	2,113	18	2,131		

Syosset High School had an average growth of 7 students from BEDS to EOY.

School Projection Tables
Five Year Enrollment History

Table19: Baylis Elementary School (5 Year History)

Baylis (Bed-5 year av)														
Year	KG		1		2		3		4		5	K-5	UG	Total
2012-13	64		66		66		70		75		66	407		407
		1.03		1.06		1.00		1.04		1.05				
2013-14	53		66		70		66		73		79	407		407
		1.26		1.03		0.99		1.00		1.03				
2014-15	76		67		68		69		66		75	421	2	423
		1.04		1.07		1.00		1.00		1.05				
2015-16	63		79		72		68		69		69	420	2	422
		1.06		1.08		1.10		1.09		1.10				
2016-17	73		67		85		79		74		76	454	2	456
		1.04		1.04		1.05		0.96		1.08				
2017-18	59		76		70		89		76		80	450		450
		1.09		1.06		1.03		1.02		1.06				
Year	KG		1		2		3		4		5	K-5	UG	Total
2018-19	66		64		81		72		91		81	455	1	456
2019-20	66		72		68		83		73		96	458	1	459
2020-21	66		72		76		70		85		77	446	2	448
2021-22	66		72		76		78		71		90	453	2	455
2022-23	65		72		76		78		80		75	446	2	448

Table 20: South Grove Elementary School (5 Year History)

South Grove (BEDS-5 year av)														
Year	KG		1		2		3		4		5	K-5	UG	Total
2012-13	62		51		74		68		78		76	409		409
		1.06		1.00		1.04		1.04		1.04				
2013-14	71		66		51		77		71		81	417		417
		0.97		1.00		1.06		1.03		0.96				
2014-15	55		69		66		54		79		68	391		391
		1.18		1.03		1.11		1.00		0.99				
2015-16	57		65		71		73		54		78	398		398
		1.14		1.05		1.07		1.10		1.02				
2016-17	69		65		68		76		80		55	413		413
		1.04		1.15		1.15		1.04		1.05				
2017-18	68		72		75		78		79		84	456		456
		1.08		1.05		1.09		1.04		1.01				
Year	KG		1		2		3		4		5	K-5	UG	Total
2018-19	69		73		76		82		81		80	461	0	461
2019-20	69		75		77		83		85		82	471	0	471
2020-21	69		75		79		84		86		86	479	0	479
2021-22	69		75		79		86		87		87	483	0	483
2021-22	69		75		79		86		89		88	486	0	486

Table 21: Walt Whitman Elementary School (5 Year History)

Walt Whitman (BEDS-5 year av)														
Year	KG		1		2		3		4		5	K-5	UG	Total
2012-13	32		38		44		61		42		61	278		278
		1.06		0.92		0.93		0.95		0.90				
2013-14	36		34		35		41		58		38	242		242
		1.14		0.97		1.09		1.00		1.02				
2014-15	46		41		33		38		41		59	258		258
		1.04		1.05		1.09		1.08		1.00				
2015-16	47		48		43		36		41		41	256		256
		1.04		0.98		1.07		1.06		1.05				
2016-17	41		49		47		46		38		43	264		264
		1.05		1.10		0.96		1.02		1.05				
2017-18	50		43		54		45		47		40	279	2	281
		1.07		1.00		1.03		1.02		1.00				
Year	KG		1		2		3		4		5	K-5	UG	Total
2018-19	46		54		43		56		46		47	292	0	292
2019-20	46		49		54		44		57		46	296	0	296
2020-21	46		49		49		56		45		57	302	0	302
2021-22	46		49		49		50		57		45	296	0	296
2021-22	47		49		49		50		51		57	303	0	303

Table 22: Robbins Lane Elementary School (5 Year History)

Robbins Lane (BEDS-5 year av)														
Year	KG		1		2		3		4		5	K-5	UG	Total
2012-13	70		75		73		107		77		86	488	1	489
		1.04		1.13		1.04		1.02		0.96				
2013-14	57		73		85		76		109		74	474	3	477
		1.04		0.99		1.05		1.05		0.96				
2014-15	64		59		72		89		80		105	469	3	472
		1.22		1.03		1.01		1.02		0.96				
2015-16	66		78		61		73		91		77	446		446
		0.97		1.06		1.08		0.99		1.07				
2016-17	72		64		83		66		72		97	454		454
		1.08		1.06		1.10		1.12		1.07				
2017-18	70		78		68		91		74		77	458		458
		1.07		1.05		1.06		1.04		1.00				
Year	KG		1		2		3		4		5	K-5	UG	Total
2018-19	71		75		82		72		95		74	469	1	470
2019-20	71		76		79		87		75		95	483	1	484
2020-21	71		76		80		84		90		75	476	1	477
2021-22	71		76		80		85		87		90	489	1	490
2021-22	71		76		80		85		88		87	487	1	488

Table 23: Village Elementary School (5 Year History)

Village (BEDS-5 year av)														
Year	KG		1		2		3		4		5	K-5	UG	Total
2012-13	51		55		71		72		68		75	392	1	393
		1.06		1.05		1.01		1.03		1.04				
2013-14	57		54		58		72		74		71	386	1	387
		1.04		1.13		1.09		1.00		0.97				
2014-15	50		59		61		63		72		72	377		377
		1.04		1.03		1.08		1.02		1.06				
2015-16	46		52		61		66		64		76	365		365
		1.15		1.10		1.11		1.14		1.11				
2016-17	57		53		57		68		75		71	381		381
		1.23		1.09		1.05		1.09		1.07				
2017-18	57		70		58		60		74		80	399		399
											`			
		1.10		1.08		1.07		1.06		1.05				
Year	KG		1		2		3		4		5	K-5	UG	Total
2018-19	57		63		76		62		64		78	400	0	400
2019-20	57		63		68		81		66		67	402	0	402
2020-21	57		63		68		73		86		69	416	0	416
2021-22	57		63		68		73		77		90	428	0	428
2021-22	57		63		68		73		77		81	419	0	419

Table 24: Berry Hill Elementary School (5 Year History)

Berry Hill (BEDS-5 year av)														
Year	KG		1		2		3		4		5	K-5	UG	Total
2012-13	60		50		65		59		81		70	385	0	385
		1.07		1.10		1.06		1.03		1.06				
2013-14	56		64		55		69		61		86	391		391
		1.27		1.16		1.11		1.06		1.10				
2014-15	54		71		74		61		73		67	400		400
		1.07		1.07		1.00		0.98		1.03				
2015-16	43		58		76		74		60		75	386	2	388
		1.07		1.02		1.07		1.03		1.08				
2016-17	53		46		59		81		76		65	380	4	384
		1.15		1.09		1.08		1.06		1.00				
2017-18	53		61		50		64		86		76	390	4	394
		1.13		1.09		1.06		1.03		1.05				
Year	KG		1		2		3		4		5	K-5	UG	Total
2018-19	53		60		66		53		66		90	388	1	389
2019-20	53		60		65		70		55		69	372	2	374
2020-21	53		60		65		69		72		58	377	3	380
2021-22	53		60		65		69		71		76	394	3	397
2021-22	53		60		65		69		71		75	393	3	396

Table 25: Alice P. Willets Elementary School (5 Year History)

Alice P. Willits (BEDS-5 year av)														
Year	KG		1		2		3		4		5	K-5	UG	Total
2012-13	57		40		61		65		57		59	339	2	341
		1.07		1.05		1.00		0.82		1.07				
2013-14	48		61		42		61		53		61	326	3	329
		1.06		1.05		1.00		1.00		1.11				
2014-15	48		51		64		42		61		59	325		325
		1.10		1.04		0.97		1.00		1.00				
2015-16	45		53		53		62		42		61	316		316
		1.09		1.11		1.04		1.15		1.00				
2016-17	51		49		59		55		71		42	327		327
		1.04		0.90		1.00		1.04		1.00				
2017-18	52		53		44		59		57		71	336		336
		1.07		1.03		1.00		1.00		1.04				
Year	KG		1		2		3		4		5	K-5	UG	Total
2018-19	48.8		56		55		44		59		59	322	1	323
2019-20	48.96		52		58		55		44		61	319	1	320
2020-21	49.152		52		54		58		55		46	314	0	314
2021-22	49.9824		53		54		54		58		57	326	0	326
2021-22	49.77888		53		55		54		54		60	326	0	326

Table 26: H B Thompson Middle School (5 Year History)

H B Thompson MS (BEDS-5 year av)								
Year	6		7		8	6-8	UG	Total
2012-13	239		280		292	811	10	821
		1.01		1				
2013-14	265		242		279	786	6	792
		1.03		1				
2014-15	276		272		242	790	7	797
		1.03		0.98				
2015-16	286		284		266	836	7	843
		1.05		1.05				
2016-17	265		300		298	863	7	870
		1.08		1.01				
2017-18	258		286		303	847	5	852
		1.04		1.01				
Year	6		7		8	6-8	UG	Total
2018-19	283		267		250	800	7	807
2019-20	245		256		250	751	8	759
2020-21	250		256		257	763	8	771
2021-22	226		261		257	744	8	752
2021-22	269		279		278	826	9	835

Table 27: South Woods Elementary School

South Woods MS (BEDS-5 year av)								
	6		7		8	6-8	UG	Total
2012-13	216		284		246	746		746
		0.99		0.99				
2013-14	237		214		282	733	1	734
		1.03		0.98				
2014-15	228		245		210	683	1	684
		1.03		1.01				
2015-16	234		234		248	716		716
		1.06		1.01				
2016-17	233		247		236	716	1	717
		1.05		1.03				
2017-18	227		245		255	727	1	728
		1.03		1.00				
Year	6		7		8	6-8	UG	Total
2018-19	232		239		250	721	1	722
2019-20	232		239		239	710	1	711
2020-21	233		242		239	714	1	715
2021-22	233		240		242	715	1	716
2021-22	233		240		240	713	1	714

Exhibit 6

Syosset Central School District Board of Education Resolution No. 37-16

Syosset Central School District
Syosset, New York

Meeting No.37 NEW BUSINESS (b-4) May 21, 1990

RESOLUTION NO. 37-16

RESOLVED, that the Superintendent is directed to organize all grade levels with the following maximum limits on class size until any further directions to the contrary by the Board of Education.

K-3	25 students
4-5	27 students
6-12	30 students

and be it further

RESOLVED, that in the K-5 setting, if the class enrollment exceeds the maximum number of students prior to October 15, the classes will be regrouped into an additional section if it is deemed in the best interest of the students, and be it further

RESOLVED, that after October 15, the classes will not be regrouped unless recommended by the Superintendent and approved by the Board of Education, or assistance may be provided, and be it further

RESOLVED, that the above shall also apply in the mainstreaming of special education students which would result in the class size going beyond the maximum.

MOVED BY: John Cullen

SECONDED BY: Marilyn Gottlieb

OPPOSED: Mr. Rubin

MOTION CARRIED: (7-1)

Exhibit 7

NYS Fiscal Accountability Summary (2016-17)

FISCAL ACCOUNTABILITY SUMMARY (2016 - 17)

INFORMATION ABOUT EXPENDITURE RATIOS (2015 - 16)

(Data are lagged a year.)

Commissioner's Regulations require that certain expenditure ratios for general-education and special-education students be reported and compared with ratios for similar districts and all public schools. The required ratios for this district are reported below.

The numbers used to compute the statistics on this page were collected on the State Aid Form A, the State Aid Form F, the School District Annual Financial Report (ST-3), and from the Student Information Repository System (SIRS).

THIS SCHOOL DISTRICT

GENERAL EDUCATION	SPECIAL EDUCATION
INSTRUCTIONAL EXPENDITURES	**INSTRUCTIONAL EXPENDITURES**
$121,425,647	$44,259,353
PUPILS	**PUPILS**
6,259	715
EXPENDITURES PER PUPIL	**EXPENDITURES PER PUPIL**
$19,400	$61,901

SIMILAR DISTRICT GROUP
LOW NEED/RESOURCE CAPACITY

GENERAL EDUCATION	SPECIAL EDUCATION

INSTRUCTIONAL EXPENDITURES	INSTRUCTIONAL EXPENDITURES
$5,462,665,953	$2,069,725,028
PUPILS	**PUPILS**
372,709	52,036
EXPENDITURES PER PUPIL	**EXPENDITURES PER PUPIL**
$14,657	$39,775

ALL SCHOOL DISTRICTS

GENERAL EDUCATION	SPECIAL EDUCATION
INSTRUCTIONAL EXPENDITURES	**INSTRUCTIONAL EXPENDITURES**
$33,423,609,457	$14,485,942,729
PUPILS	**PUPILS**
2,649,519	460,996
EXPENDITURES PER PUPIL	**EXPENDITURES PER PUPIL**
$12,615	$31,423

Instructional Expenditures for General Education are K-12 expenditures for classroom instruction (excluding Special Education) plus a proration of building level administrative and instructional support expenditures. These expenditures include amounts for instruction of students with disabilities in a general-education setting. District expenditures, such as transportation, debt service and district-wide administration are not included.

The pupil count for General Education is K-12 average daily membership plus K-12 pupils for whom the district pays tuition to another school district. This number represents all pupils, including those classified as having disabilities and those not classified, excluding only students with disabilities placed out of district. Pupils resident in the district but attending a charter school are included. For districts in which a county jail is located, this number includes incarcerated youth to whom the district must provide an education program.

Instructional Expenditures for Special Education are K-12 expenditures for students with disabilities (including summer special education expenditures) plus a proration of building-level administrative and instructional support expenditures. District expenditures, such as transportation, debt service and district-wide administration are not included.

The pupil count for Special Education is a count of K-12 students with disabilities for the school year plus students for whom the district receives tuition from another district plus students for whom the district pays tuition to another district. Students attending the State schools at Rome and Batavia, private placements and out-of-state placements are included.

Instructional Expenditures Per Pupil is the simple arithmetic ratio of Instructional Expenditures to Pupils. The total cost of instruction for students with disabilities may include both general- and special-education expenditures. Special-education services provided in the general-education classroom may benefit students not classified as having disabilities.

TOTAL EXPENDITURES PER PUPIL

THIS SCHOOL DISTRICT	SIMILAR DISTRICT GROUP	NY STATE
$32,962	$26,819	$23,361

Total Expenditures Per Pupil is the simple arithmetic ratio of Total Expenditures to Pupils. Total Expenditures include district expenditures for classroom instruction, as well as expenditures for transportation, debt service, community service and district-wide administration that are not included in the Instructional Expenditure values for General Education and Special Education. As such, the sum of General Education and Special Education Instructional Expenditures does not equal the Total Expenditures.

INFORMATION ABOUT STUDENTS WITH DISABILITIES (2016 - 17)

Commissioner's Regulations require reporting students with disabilities by the percent of time they are in general education classrooms and the classification rate of students with disabilities. These data are to be compared with percentages for similar districts and all public schools. The required percentages for this district are reported below.

STUDENT PLACEMENT (PERCENT OF TIME INSIDE REGULAR CLASSROOM)

THIS SCHOOL DISTRICT

80% OR MORE	437	61.2%
40% - 79%	160	22.4%
LESS THAN 40%	54	7.6%
SEPARATE SETTINGS	32	4.5%
OTHER SETTINGS	31	4.3%

SIMILAR DISTRICT GROUP

LOW NEED/RESOURCE CAPACITY

80% OR MORE	61.6%
40% - 79%	18.3%
LESS THAN 40%	11.3%
SEPARATE SETTINGS	5.1%
OTHER SETTINGS	3.7%

NY STATE

80% OR MORE	58.4%
40% - 79%	11.9%
LESS THAN 40%	19.6%
SEPARATE SETTINGS	5.9%
OTHER SETTINGS	4.5%

The source data for the statistics in this table were reported through the Student Information Repository System (SIRS) and verified in Verification Report 5. The counts are numbers of students reported in the least restrictive environment categories for school-age programs (ages 6-21) on BEDS Day, which is the first Wednesday of the reporting year. The percentages represent the amount of time students with disabilities are in general-education classrooms, regardless of the amount and cost of special-education services they receive. Rounding of percentage values may cause them to sum to a number slightly different from 100%.

SCHOOL-AGE STUDENTS WITH DISABILITIES CLASSIFICATION RATE

THIS SCHOOL DISTRICT	SIMILAR DISTRICT GROUP	NY STATE
10.4%	12.4%	14.9%

This rate is a ratio of the count of school-age students with disabilities (ages 4-21) to the total enrollment of all school-age students in the school district, including students who are parentally placed in nonpublic schools located in the school district. The numerator includes all school-age students for whom a district has Committee on Special Education (CSE) responsibility to ensure the provision of special-education services. The denominator includes all school-age students who reside in the district. In the case of parentally placed students in nonpublic schools, it includes the number of students who attend the nonpublic schools located in the school district. Source data are drawn from the SIRS and from the Basic Education Data System (BEDS).

Similar District Groups are identified according to the Need-to-Resource-Capacity Index. More information is available on our NRC capacity categories page.

Exhibit 8

Nassau County Executive Order No. 3-2018 Dated March 26, 2018

EXECUTIVE ORDER NO. 3-2018

RELATING TO LEVEL OF ASSESSMENT

LAURA CURRAN, County Executive of the County of Nassau, pursuant to powers vested in me by the Nassau County Charter, the Nassau County Administrative Code and the laws of the State of New York, to ensure the continuing statutory protection of taxpayers from unreasonable increases in assessed valuations, hereby exercises that authority and declares as follows:

WHEREAS, the prior administration ordered an assessment freeze beginning in 2011 that has resulted in property market valuations maintained by the Department of Assessment that in many cases are grossly understated, and

WHEREAS, the assessment freeze has created significant inequities and unfairly shifted tax burdens to taxpayers not taking advantage of the grievance system previously established for challenging assessments; and

WHEREAS, these distorted market valuations have also been a major contributor to the County's liability for property tax refunds by weakening the County's defense to claims of unequal assessment, and

WHEREAS, it is necessary for the County to complete its ongoing systematic review reassessment to end the freeze by producing updated and current market values on the next tentative roll in January 2019 to address these problems, and

WHEREAS, it is equally necessary to ensure that such reassessment does not in any way negatively impact the statutory protections from unreasonable assessment increases provided to taxpayers, and

WHEREAS, Section 1805 of the Real Property Tax Law provides that the County Assessor may not increase a class one (residential) assessment in any one year by more than six percent and by more than twenty percent in any five-year period, and

WHEREAS, Section 1805 further provides protections for other properties such that any assessment increases must be phased in over a 5-year period, and

WHEREAS, Section 305 of the Real Property Tax Law, in conjunction with Article 18 thereof, the requires the County to maintain a uniform level of assessment in each property class, and

WHEREAS, the current levels of assessment are .25% for class one and 1% for classes two, three and four; and

WHEREAS, it is the policy of the County in connection with the reassessment to maintain the current uniform levels of assessment in each property class to continue the taxpayer protections contained in Section 1805; *now, therefore,*

IT IS HEREBY ORDERED that the County Assessor (or Acting County Assessor, as the case may be) shall in connection with the reassessment implement the County's policy of maintaining the current uniform levels of assessment (.25% for class one and 1% for classes two, three and four) on the tentative roll to be published in January 2019, so as to continue taxpayer protections contained in Section 1805 of the Real Property Tax Law, and

IT IS HEREBY FURTHER ORDERED, that all departments and agencies of Nassau County are hereby directed to take whatever steps are necessary to implement such policy.

Dated: March 26, 2018

Laura Curran

LAURA CURRAN
COUNTY EXECUTIVE
COUNTY OF NASSAU

Exhibit 9

County of Nassau Restrictive Covenants for the Former Syosset Landfill Site dated March 12, 2004

R & R

D03

TOWN OF OYSTER BAY
DEPARTMENT OF PUBLIC WORKS
SYOSSET, NY 11791-5699

County of Nassau

AS of DATE-MARCH 12, 2004

Restrictive Covenants
For the
Former Syosset Landfill Site

The Town of Oyster Bay is the owner of certain property in the Town of Oyster Bay known as the Former Syosset Landfill Site, situated on Section 15, Block H, Lots 243, 244, 247 and a portion of Lot 248 of the Nassau County Land and Tax Map.

The Town of Oyster Bay has signed a Consent Decree in a Civil Action case known as the United States of America, Plaintiff v. the Town of Oyster Bay, Defendant. The Consent Decree was filed in the United States District Court on February 20, 1991, under Civil Action No. CV-90-4183, a copy of which was filed in the Nassau County Clerk's Office on March 22, 1991.

The above-referenced Consent Decree required that each deed, title or other instrument of conveyance for property on which the Landfill, or any part of it, is located contain a notice stating the property is subject to a Consent Decree and shall reference the recorded location of the Consent Decree and any restrictions applicable to the property under the Consent Decree.

The Town of Oyster Bay implemented a remedial action at the former landfill site in accordance with the requirements of the Consent Decree and the United States Environmental Protection Agency's Record of Decision. In part, this remediation consisted of the construction of a site-wide cap over the landfill material and the installation of gas venting wells and groundwater monitoring wells.

The restrictions and covenants contained in this instrument are to run with the land and shall be binding upon each and every parcel and each and every conveyance in the future.

The following restrictions are placed upon all of the properties previously listed owned by the Town of Oyster Bay:

1. Hazardous substances have been buried on the properties previously listed and the use of these properties is restricted as to their future use as set forth in these covenants.
2. Any future use of the property must not breach the integrity of the landfill cap, cover or any other components of the containment system; disturb or disrupt the function of the site's monitoring systems; or otherwise increase the potential hazard to human health and the environment posed by the remediated site.
3. No wells may be installed on the properties previously listed.
4. No permanent structure or building of any type may be built on these properties within the foot print of the landfill or in the immediate vicinity of the landfill perimeter without the prior approval of the United States Environmental Protection Agency and the Town of Oyster Bay, respectively.

If any future owners of the properties set forth above, their heirs or assigns shall violate any of the covenants in this instrument, it shall be lawful for any other person owning real property in the restricted area of the Town of Oyster Bay, County of Nassau or the United States Environmental Protection Agency to prosecute any proceedings at law or in equity against the person or persons violating any of the covenants to either prevent them from so-doing or to recover damages for the violation, or both.

IN WITNESS WHEREOF, this document has been duly signed and sealed by the Town of Oyster Bay Supervisor.

JOHN VENDITTO, Supervisor
Town of Oyster Bay

STATE OF NEW YORK
COUNTY OF NASSAU) ss.:

On this 5TH day of FEBRUARY 2004 before me, the undersigned a Notary Public in and for said State, personally appeared John Venditto, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on this instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument:

Angela L Ricciardi Notary Public,

County of NASSAU State of NEW YORK

ANGELA L. RICCIARDI
Notary Public, State of New York
30-4877617
Qualified in Nassau County
Commission Expires November 17, 2006

LEGIBILITY POOR
FOR MICROFILMING

Exhibit 10

Board of Education Resolution in Opposition to the Proposed Project dated August 28, 2018

Meeting No. 3 NEW BUSINESS (b-1) August 28, 2018

Resolution No. 3-1 OPPOSITION TO PROPOSED PROJECT

WHEREAS, Syosset Park Development, LLC and the Oyster Bay Realty, LLC are proposing to develop a mixed-use residential and commercial development located at the northeasterly corner of the Long Island Expressway North Service Road and Robbins Lane, Syosset, in the Town of Oyster Bay, County of Nassau, known as Syosset Park (the "Proposed Project");

WHEREAS, the Proposed Project is located within the boundaries of the Syosset Central School District (the "District");

WHEREAS, the developers of the Proposed Project submitted a Draft Environmental Impact Statement ("DEIS") to the Lead Agency, the Town of Oyster Bay, pursuant to the State Environmental Quality Review Act ("SEQRA");

WHEREAS, the Town of Oyster Bay accepted the DEIS as "satisfactory with respect to its scope, content and adequacy for the proposes of the Town Environmental Quality Review Law and the New York State Environmental Conservation Law and its applicable regulations" at its public meeting on March 27, 2018, which began the public comment period for the DEIS;

WHEREAS, pursuant to 6 NYCRR 617.2(t) an interested agency is "an agency that lacks the jurisdiction to fund, approve or directly undertake an action but wishes to participate in the review process because of its specific expertise or concern about the proposed action... [and] has the same ability to participate in the review process as a member of the public";

WHEREAS, the District is an interested agency under SEQRA as defined at 6 NYCRR 617.2(t);

WHEREAS, at its public meeting on May 7, 2018, the Board of Education expressed its opposition to the Proposed Project and directed the Superintendent of Schools to prepare comments in opposition to the Proposed Project;

Meeting No. 3 NEW BUSINESS (b-1) August 28, 2018

Resolution No. 3-1 OPPOSITION TO PROPOSED PROJECT (CONTINUED)

WHEREAS, public comments on the DEIS are due to the Town of Oyster Bay by Friday, August 31, 2018;

WHEREAS, the Town of Oyster Bay has "announced plans to move forward with independent environmental and health testing of the former Syosset Landfill site, Department of Public Works site and former site of Cerro Wire Manufacturing in Syosset" and extended public comments on the independent testing until January 31, 2019;

WHEREAS, the District, its representatives and consultants have undertaken an analysis of the Proposed Project as described in the DEIS and its impact on the District;

WHEREAS, based upon its review of the analysis, the Board of Education believes that it is in the best interest of the District, as an interested and impacted agency/entity, to submit public comments to the Town of Oyster Bay opposing the Proposed Project as identified in the DEIS as a result of the significant negative impact that the Proposed Project will have on the District, its operations, finances, infrastructure, and its community.

NOW THEREFORE BE IT RESOLVED, that the Board of Education of the Syosset Central School District hereby affirms the Board of Education's opposition to the Proposed Project based upon the significant negative impact that the Proposed Project will have on the District;

BE IT FURTHER RESOLVED, that the Board of Education hereby directs that the Superintendent of Schools submit comments in opposition to the Proposed Project on behalf of the Board of Education and the District to the Town of Oyster Bay, as Lead Agency, in connection with the District Administration's, its representatives' and consultants' collective review and analysis of the DEIS for the Proposed Project;

Meeting No. 3 NEW BUSINESS (b-1) August 28, 2018

Resolution No. 3-1 OPPOSITION TO PROPOSED PROJECT (CONTINUED)

BE IT FURTHER RESOLVED, that the District's comments in opposition to the Proposed Project, shall be submitted to the Town of Oyster Bay by the close of the DEIS public comment period on Friday, August 31, 2018, and shall include, but not be limited to, the District's analysis and review of the DEIS concerning: (1) enrollment projections; (2) impact on District facilities; (3) operating costs to the District; (4) revenue projections; and, (5) environmental and construction impacts; and,

BE IT FURTHER RESOLVED that the Board of Education hereby reserves its right to submit additional comments to the Town of Oyster Bay respecting the independent testing of the site by the end of the public comment period for independent testing on January 31, 2019, and to further provide additional comments to any supplemental submissions concerning the DEIS and the Proposed Project.

MOVED BY: Mr. Ulrich SECONDED BY: Dr. Cohen
MOTION CARRIED: (8-0)