Syosset Central School District
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Dr. Thomas L. Rogers
Superintendent of Schools

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

February 10, 2021

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

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

Dear Ms. Maloney:

Please accept this letter as the Syosset Central School District's (the "District") timely submission of additional comments on the Alternative Analysis Report/Remedial Action Work Plan ("RAWP") dated November 19, 2020, which was prepared by Roux Environmental Engineering and Geology, D.P.C. for Syosset Park Development, LLC ("Owner") in connection with Syosset Park Lots 251 and 252 Site located at 305 Robbins Lane, Syosset, New York (the "Site"). The District respectfully requests that the New York State Department of Environmental Conservation ("NYSDEC") carefully consider the District's additional comments on the "Responses to Comments" ("RTC") document prepared by VHB Engineering et al for the Town of Oyster Bay Planning Advisory Board on behalf of Syosset Park Development, LLC.[1] To the extent that these responses address, and thus illuminate, the developer's plans for how they intend to proceed with the RAWP, our additional comments represent recommendations that the NYSDEC should adopt to enhance the RAWP in light of these comments to ensure that the health and safety of the District's students, staff, visitors and school community are protected.

As referenced in the RAWP, two of the District's public elementary schools, South Grove Elementary School and Robbins Lane Elementary School, are located approximately 950 feet northeast and 2,200 feet northwest of the Site, respectively, and enroll 850 students and associated staff members. The proximity of the District facilities to the Site, coupled with the potential for disturbance and migration of residual contamination located thereat, raises significant concerns for the District. The site's proximity to two elementary schools and the students and staff that attend these schools should not be dismissed.

We have read the response prepared on behalf of the developer to the comments we prepared for the Town's consideration, which were also shared with the NYSDEC as part of the District's January 11, 2021 comments. That response was disappointing in two respects:

[1] A copy of the "Responses to Comments" is attached hereto at Exhibit A.

1. First, the developer, through its consultant, relied upon its own Expanded Environmental Assessment to develop the RTC response to the substance of our concerns with that assessment's initial conclusions. This is, of course, circular.
    a. For example, in response to our criticism that the EA missed an opportunity to schedule the noisiest and dustiest construction activities during school breaks or summer months, the RTC concedes that "SEQR regulations require that potential significant adverse impacts be mitigated to the maximum extent practicable." But the RTC later refers to the EA to assert "the proposed action will not result in significant adverse impacts from construction-related traffic, noise, or air quality activities" (p.6). Of course, it strains credulity to accept that a 10+ month construction project disturbing 39 acres of land, creating more than 30 acres of paved parking, and building more than 200,000 square feet of structures will not have even temporary "significant adverse impacts" on noise or air quality, especially to the properties located in close proximity to the site, including South Grove Elementary. Referencing the EA as support for its own assertion does not make the claim more credulous.
2. Second, the consultants respond to multiple concerns by suggesting their plan meets minimum safety requirements outlined by regulation. The NYSDEC has the opportunity and the obligation to issue a final decision document describing the most appropriate remedy for the specific site, recognizing special conditions at that site.

The NYSDEC should take into consideration sensitive receptors, such as an elementary school, to select a final remedy and approve a Remedial Action Work Plan. We would hope that the developers and their tenant, as the future site operator, would welcome the opportunity as responsible neighbors, to take every precaution to protect the health and safety of District students and staff and the school community.

To that end, the District proposed a number of common-sense measures that are routinely employed in remediation projects of this type and not overly cumbersome to implement. These common-sense measures could significantly increase both the actual safety of the project, should it be approved, and the public's perception that the NYSDEC is carefully safeguarding their health and safety.

I. Targeted Soil Removal to Mitigate Cyanide Contamination

The District pointed out that cyanide exceedances existed in 2 soil samples taken from the same soil boring. While the concentration barely exceeded the standard, no additional investigation was undertaken to determine whether this sample represented the sole point of contamination, or if it was adjacent to a region of much greater contamination. The fact that cyanide existed at 2 depths in this boring could illustrate the possibility that the existing cyanide concentrations above the Soil Cleanup Objective ("SCO") were mobilized from a nearby area of greater concentration and should thus be explored in order to design the most appropriate remedial strategy.

1. The District observed: "The preferred remedial alternative does not include any additional soil sampling in the vicinity of the location where cyanide concentrations in the 2015 soil sample exceeded the NYSDEC Commercial Use Soil Cleanup Objective (CSCO) to determine if a localized area of contaminated soil remains." Accordingly:
    a. Additional soil samples should be taken in the vicinity of the cyanide exceedance to determine the extent and boundaries of the contamination.
    b. Targeted soil removal should take place in this vicinity to eliminate residual cyanide contamination altogether.

2. The RTC responded: "…over 750 soil samples have been collected from the property … and additional soil sampling is not planned. Additionally, the NYSDEC, in consultation with the NYSDOH determined that due to low levels, the limited frequency in which it was detected and the proposed remedy and site development plans, cyanide is not a constituent of concern at the property."

If the RTC accurately portrays the NYSDEC's position, it would suggest that the NYSDEC is disinterested in ruling out or exploring the possibility that the sample may represent the edge of a hot spot of cyanide-impacted soil. We would hope that portrayal will prove inaccurate. The area where the elevated cyanide was found during the 2015 soil sampling investigation was a former building holding sump, and none of the other soil samples collected in 2015, included in the 750+ samples cited by VHB, are within 100 feet of the boring with the elevated cyanide levels.

We would hope the NYSDEC shares our perspective that the course of action more appropriately protective of human health would be to require the final RAWP to include additional soil testing in the immediate vicinity of the cyanide finding in order to perform targeted soil removal as appropriate, consistent with whatever the additional soil testing reveals.

II. Air Monitoring and Dust Control

The District pointed out that the earth moving operations planned for the site held the potential to create significant quantities of airborne dust and in so doing, mobilize the residual contaminants on site. In our comments we hoped to characterize the extent of these operations and noted, "Site Plans do not include any construction specifications or information related to footing depths or the volume of soils to be excavated for building construction. In addition, the Site Plan documents do not quantify the volume of soils that would be excavated or disturbed during construction."

The RCP addresses this comment by noting only that soils will not be exported off-site, but again fails to characterize the overall volume of earth-moving planned. Our consultant calculated that constructing the stormwater management system alone would result in excavation of 28,000 cubic yards of soil.

Not only could targeted soil removal we recommended make residual contaminants contained in the fugitive dust less of a concern, additional steps should also be taken to mitigate airborne risks:

1. The District recommended:
    a. Dust monitoring every 5 minutes, rather than every 15 minutes, in order to act quickly should an exceedance be detected,
    b. Monitoring stations erected along the subject property boundary; and,
    c. The engagement of an independent 3rd party empowered to stop work if the dust becomes hazardous.
2. The RTC addressed this as follows:
    a. Their community air monitoring plan (CAMP) "was prepared in accordance with the 2009 NYSDOH Generic Guidance on Community Air Monitoring Plans and conforms to the monitoring frequency requirements set forth." (p.16)
    b. "Placing monitoring stations on the school property line would potentially capture emissions from the adjacent Town DPW and Highway facility activities…" (p.16)
    c. "… there is no requirement that an independent third party be used to conduct the monitoring set forth in the CAMP." (p.16)

The generic plan is inadequate. It is not specific to the proximity of the school, the residual contamination on the site, and other proximate entities in the area, such as the Town DPW.

Young children are particularly susceptible to airborne pollutants.

> "Children are known to be more vulnerable to the adverse health effects of air pollution due to their higher minute ventilation, immature immune system, involvement in vigorous activities, the longer periods of time they spend outdoors … and the continuing development of their lungs during the early postneonatal period"[2].

The American Academy of Pediatrics issued a policy statement on air pollution in 2004 stating:

> "Children are more vulnerable to the adverse effects of air pollution than are adults. Eighty percent of alveoli are formed postnatally, and changes in the lung continue through adolescence. During the early postneonatal period, the developing lung is highly susceptible to damage after exposure to environmental toxicants" [3]

Accordingly, the school sites in the vicinity of this construction project and the children that attend them must be afforded appropriate protections, hence the District's recommendations above.

The RTC dismisses the idea of monitoring stations along the school's property boundary as they may capture a combination of airborne particulates from both the Town's operations and the Site's construction. That response simply serves to illustrate why a site-specific CAMP is needed. Conditions at the site, including the presence of existing operations at the Town DPW facility, may mean that there is reduced tolerance for additional air quality pressures that will result from new construction activity on the subject site. The NYSDEC's concern, like ours, should be the air students and staff are actually breathing, not solely parsing any pollution's origins. Adequate measures must be implemented to protect the students, staff and school community.

Generic guidance is simply inadequate for this site.

III. Noise and Construction Schedule p.19

The District is most appreciative that the developer intends to "ensure that construction manager will coordinate major construction activities with the school (emphasis added) and animal shelter to avoid interference with any potentially sensitive times" (p.21). The District is similarly appreciative of the attention given to mitigation activities:

- "Limit all heavy equipment operations to daytime hours and follow allowable town construction hours;
- "If possible, limit the amount of equipment operating near one receptor at a given time and avoid exposing any one receptor to high sound levels for an extended period";
- "Place stationary equipment, such as generators, compressors and office trailers away from receptors"; and,
- "As feasible, located (sic) construction parking or laydown areas away from receptors." (p.21)

However, the District disagrees with the conclusion that "no noise impacts have been identified, and as such no mitigation measures are warranted" (p.21).

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[2] "The effects of air pollution on the health of children". Irena Buka, FRCPC,1,2 Samuel Koranteng, MB ChB,1 and Alvaro R Osornio-Vargas, MD PhD. Paediatr Child Health. 2006 Oct; 11(8): 513–516. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2528642/

[3] https://pediatrics.aappublications.org/content/pediatrics/114/6/1699.full.pdf

The RTC references the study by Ostergaard Acoustical Associates analyzing noise impacts which is incorporated as Appendix N in the Expanded EA. This 28-page study devotes merely a page and a half to construction impacts, concluding that the 80 dBA sound of construction vehicles will be approximately 54 dBA by the time it reaches South Grove Elementary School 950 ft. away. Since this represents a change of only 1dBA above ambient noise levels, the RTC asserts this would have no appreciable effect.

However, the Ostergaard study also notes that "construction activities can sometimes be higher in sound level for short periods of time". Moreover, we would note that piercing sounds like "backup beeping" tend to carry and to be both noticeable and annoying, even if they are no louder than other ambient traffic noises. Repeated beeping for days, weeks, or months on end will undoubtedly be audible on the school property and distracting to the learning environment for hundreds of students and staff members.

Again, the District is appreciative of the steps outlined above, and suggests the NYSDEC consider several additional common-sense mitigation strategies such as planting a line of evergreen trees along the school's fence line and the outer boundary of the site, developing a noise mitigation plan, and erecting temporary sound barriers during construction. In addition, the District recommends scheduling the most disruptive activities during school breaks or summer months to avoid altogether any impact on school activities.

We would ask that the NYSDEC require these additional mitigation strategies to be incorporated into the final RAWP, if approved.

IV. Groundwater Impacts

Based on the groundwater investigation data presented in the Remedial Investigation Report and summarized in the RAWP, both the NYSDEC and the Town have asserted that the subject site has not adversely impacted groundwater. The Town Environmental Quality Review (TEQR) Report states "Groundwater sample results were consistent with naturally occurring compounds for this region or background conditions and do not indicate Site-specific groundwater contamination."

The developer's preferred remedy is intended to immobilize contaminants of concern. However, given the history of the site and the possibility of other contaminants not identified during soil borings, it would be prudent to actively conduct ongoing monitoring of groundwater contamination. The District previously installed 3 monitoring wells in the aquifer to permit periodic testing on its campus. It would be prudent to the developer to do the same on its property as well and for the same reasons. Common sense dictates that this should be done and undertaken at the time of remediation and general construction, particularly as construction activities themselves could mobilize residual contaminants.

V. Project Oversight

The District expressed concern that there is no clear allocation of responsibility among the NYSDEC, the Town or other regulatory agencies, specifically insomuch as there should be a primary entity empowered to take immediate corrective action should a problem arise during construction.

The RTC identifies Kerry Maloney, Project Manager at NYSDEC as the person responsible for any project-related issues (p.12). We would kindly ask that this be confirmed in the final RAWP along with the authority needed to compel corrective actions by the NYSDEC. The District will then consider this person to be our primary contact for day-to-day operational issues requiring immediate attention.

Thank you in advance for considering the District's initial comments dated January 11, 2021 and these additional comments and recommendations prior to your issuance of the final RAWP. We believe that our suggestions and recommendations represent thoughtful, reasonable, common sense measures that would significantly improve the safety of the project, should it be approved.

Sincerely,

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

TR/rd

Exhibit A

“Response to Comments – Syosset Park Warehouse”

January 14, 2021

Prepared by:

VHB Engineering, Surveying, Landscape Architecture, and Geology, PC

Prepared for:

Town of Oyster Bay Planning Board

Prepared on behalf of:

Syosset Park Develop

Syosset Park Warehouse

Town of Oyster Bay, Syosset, NY

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January 14, 2021

INTRODUCTION

This document provides responses to comments received by the Town of Oyster Bay Planning Advisory Board (PAB) on the proposed application for development of a warehouse/delivery station building on the former Cerro Wire and Cable Company property (zoned Light Industry), located at the northeast corner of the Long Island Expressway (LIE) North Service Road and Robbins Lane, in the Town of Oyster Bay, hamlet of Syosset, New York. The application submitted to the Town includes: a full Site Plan package, Part 1 of the New York State Full Environmental Assessment Form (EAF), and a comprehensive Expanded Environmental Assessment evaluating the Project's potential impacts on subsurface conditions, transportation, noise, and air quality. Public comments were received by the Town through January 12, 2021 and provided to the Applicant for response.

For ease of review, each commentator has been assigned an individual number (e.g., C1) and each substantive comment by each commentator has been given a unique ID (e.g., C1-1). The following list contains the name of each commentator, the date of the correspondence and the commenter's individual number.

Commentator (Date)	**Code**
Rabbi Chanan Krivisky (12/30/20)	C1
Kevin McKenna (1/8/21)	C2
Rosemarie Rosenblum (1/5/21)	C3
Allan and Suzanne Sternfil (12/30/20)	C4[1]
Chris DiFilippo (1/6/21)	C5
Jeffrey Feltman (1/6/21)	C6
Thomas Rogers, Superintendent Syosset Central School District (1/6/21)	C7
Walden Report (1/6/21)	C7a
GPI Report (1/6/21)	C7b
Supplemental Comments to NYSDEC (1/11/21)	C7c
Arthur Adelman (1/7/21)	C8
Lisa Adragna (1/8/21)	C9
Mahwish Subzwari (1/8/21)	C10
Kevin McKenna (1/9/21)	C11

[1] This correspondence is in favor of construction on the site. Therefore, no response is provided in the section below.

RESPONSES TO COMMENTS

The following section includes each comment and corresponding response. Similar comments made by more than one person have been combined and paraphrased. The comments are arranged by topic, and the topics are presented alphabetically.

AIR QUALITY/GREENHOUSE GASES (GHG)

Comment AQ-1:

There will be an impact on air quality based on the sheer number of delivery vehicles generated from the site. (C5-1, C9-6, C10-6)

Response AQ-1:

With respect to air quality, Section 5.4.2 *Impact of Mobile Sources,* of the Expanded Environmental Assessment Syosset Park Warehouse, November 2020 (the "Expanded EA") provides an air quality assessment of the impacts from vehicular emissions at the proposed facility's parking lot and from trips generated by the Project. The analysis provided in the Expanded EA concludes (see page 133) that:

> *CO [carbon monoxide] and $PM_{2.5}$ [particulate matter] impacts from the parking areas are expected to be minimal. CO impacts at the local intersections were analyzed following the NYSDOT TEM [The Environmental Manual, Chapter 1.1] screening procedures and were found not significant.*

As a result, no significant air quality impacts from the proposed warehouse operations are anticipated. Therefore, no mitigation is proposed.

Comment AQ-2:

More detail is needed about the Applicant's plans to "incorporate infrastructure for future electrical vehicle charging of the delivery van fleet, which would significantly reduce vehicle emissions". Otherwise, it is difficult evaluate to what extent these plans will mitigate the additional vehicle emissions generated by the Proposed Project. (C7-5)

Response AQ-2:

With respect to energy impacts and future electrical vehicle charging, as explained in the Expanded EA (see page 14), the proposed project includes the:

> *Incorporation of infrastructure for future electrical vehicle charging of the delivery van fleet.*

Furthermore, as noted on page 15 of the Expanded EA:

> *...the Tenant has pledged to be carbon neutral by 2040...The Tenant has also pledged to make all of its shipments net zero carbon through "Shipment Zero", with 50 percent of all shipments net zero carbon by 2030.*

This information was further expounded upon by Brad Griggs, Sr. Manager, Economic Development, Amazon, at the January 6, 2021 PAB hearing, wherein he

indicated that the Tenant is in the process of evaluating the supply chain for commercial electrical vehicle manufacturing. Depending on availability, it is the Tenant's intention to distribute 10,000 electrical vehicles by the end of 2022. Given this, and the Tenant's commitment to being carbon neutral by 2040, as well as the incorporation of the "Shipment Zero" program by 2030, there would be a significant reduction in vehicle emissions associated therewith.

Comment AQ-3:

Project Documents claim that the Preferred Remedial Alternative would minimize greenhouse gas emissions and energy consumption by significantly reducing the trucks and heavy equipment required for remedial construction as compared to Site cleanup for unrestricted use. The development's net impact on energy consumption and fossil fuel combustion would be significant compared to the current vacant Site. (C7b-17)

Response AQ-3:

With respect to the assertion that "[t]he development's net impact on energy consumption and fossil fuel combustion would be significant compared to the current vacant Site," it is evident that any operational activity on a site would result in impacts that are greater than no operational activity. However, the standard set forth in the implementing regulations of the New York State Environmental Quality Review Act (SEQR) at 6 NYCRR Part 617 require that potential significant adverse impacts be mitigated to the maximum extent practicable.

THE SEQR HANDBOOK (NYSDEC, revised March 2020), which provides NYSDEC's guidance in implementing the SEQR regulations, makes numerous references to the requirement that potential significant impacts be evaluated. In fact, the *SEQR HANDBOOK* also specifically indicates that "[d]etermining whether or not any aspect of the overall action may have a **significant adverse impact** upon the environment" is one of the lead agency's primary responsibilities (*THE SEQR HANDBOOK*, page 61) (emphasis added). Page 76 of *THE SEQR HANDBOOK* also explains that:

> *A determination of significance* [which is the current step in the SEQR process for this proposed action] *is the most critical step in the SEQR process. This is the step in which the lead agency must decide whether an action is likely to have a* ***significant adverse*** *impact upon the environment.* (emphasis added)

Again, *THE SEQR HANDBOOK* makes clear that it is significant adverse impacts that require evaluation and mitigation to the maximum extent practicable. As demonstrated at pages 13-15 of the Expanded EA, the Proposed Action would not result in adverse impacts on energy consumption, through the incorporation of sustainability and energy efficient measures into the proposed project. As discussed in Section 5.4.2, pages 126 - 130 of the Expanded EA entitled *Impacts to Mobile Sources*, the proposed project would not result in adverse impacts related to fossil fuel combustion. Accordingly, no mitigation (beyond the measures already incorporated into the Proposed Action, as described on pages 13-15 of the Expanded EA) is required.

Comment AQ-4:

The School District finds that there are missing plans and studies with respect to air quality that do not substantiate the claim of air quality impacts being minor or not significant and has provided a list of mitigation measures to be implemented to minimize air quality impacts during construction and operation, including vehicles must be clean diesel or low/zero emissions vehicles to minimize air pollution/ozone depletion during the construction period. (C7a-20)

Response AQ-4:

The assertion that there are missing plans and studies to support the conclusion that air quality impacts will be minor is not substantiated by the comprehensive Expanded EA submitted to the Town. In fact, as explained in the Expanded EA on page 126:

> *Impacts of the localized mobile sources are usually assessed under the project-level Transportation Conformity process that governs air quality planning for transportation projects. The acceptable air quality analysis procedures for transportation projects in the State of New York were established by the New York State Department of Transportation (NYSDOT) in the Environmental Procedures Manual (TEM). TEM provides comprehensive guidance for addressing transportation projects' air quality issues for NYSDOT-sponsored projects as well as for projects that are not sponsored by NYSDOT.*

Accordingly, given that the analyses provided on pages 126-130 of the Expanded EA were conducted in accordance with the industry-standard methodology for conducting air quality impact analyses, as promulgated by NYSDOT, the conclusion that the proposed action will not result in significant adverse impacts from mobile sources is sound and properly substantiated.

Comment AQ-5:

There is a lack of an air modelling report that supports a comprehensive review of air quality impacts during construction and site operation. (C7-24)

Response AQ-5:

New York State agencies (e.g., NYSDOT, New York State Department of Environmental Conservation [NYSDEC], New York State Department of Health [NYSDOH]) through their regulations and policies determine which projects have a potential for air quality impacts and which do not. There are screening procedures and thresholds set by these agencies that help determine the significance of the potential for air quality impacts. The Expanded EA addressed these procedures specifically regarding mobile source impacts on page 126 and construction impacts on pages 132-133. The results of the analysis in the Expanded EA found no potential for adverse air quality impacts and no need for more detailed air quality analysis.

Comment AQ-6:

The documents indicate that the Applicant proposes to reduce GHG emissions by reusing existing pavement for recycled concrete aggregate and reclaimed asphalt pavement for use as base and paving material during construction. The documents lack detail on the reclamation/recycling methods that would be performed on-Site. In the absence of sufficient details, we cannot comment fully on the air quality and other potential impacts on District school facilities associated with this item. (C7-25)

Response AQ-6:

As the site is currently vacant with limited quantiles of existing asphalt and concrete, no reclamation/recycling will occur on site. However, to the maximum extent feasible, the use of recycled materials during construction activity will occur such as recycled concrete aggregate and reclaimed asphalt pavement reducing the overall impact of the proposed project.

Comment AQ-7:

In the interest of reducing GHG emissions and the heat retention of the parking area, consideration should be given to incorporating as many large, shade generating tree species as possible to the landscaping plans, as well as green infrastructure such as bioswales, vegetative cover, etc. (C7-21)

Response AQ-7: As indicated in Section 1.2, Project Description (page 12):

> *[P]roposed landscaping meets the Town's requirement for shade trees, wherein one shade tree is required per six parking spaces – 152 shade trees are required and 152 are provided for the 907 standard (office/employee) parking spaces*

This section of the Expanded EA also discusses the comprehensive landscaping plan that is proposed to be installed on the site, which would assist with GHG emissions.

Providing shading in parking areas per the Town requirements will reduce warming of parked vehicles in the summer, and thus will reduce the use of fossil fuels required to cool them down when they are started. In addition, trees and ground cover will contribute to heat absorption and to cooling of the parking areas during the summer months.

The use of green infrastructure as a sustainability measure is discussed in the Project Description on page 14 of the Expanded EA, which indicates that the Project would incorporate:

> *Green infrastructure, including vegetated drainage reserve areas to minimize impervious surfaces associated with stormwater management.*

ALTERNATIVES

Comment AL-1:

A solar/wind park should be considered on the former Cerro site instead of an Amazon warehouse. The land could house acres of solar panels which could help create energy and make us more "green". (C3-1, C9-7, C10-7)

Response AL-1:

The proposed action is fully compliant with the prevailing Light Industry zoning of the subject property – the proposed use is permitted as-of-right, and the development does not require any variances. Moreover, neither the applicant nor the proposed Tenant is a solar or wind developer, and such an alternative is not feasible for either to pursue. There are no requirements in the SEQR regulations for an applicant to consider or evaluate uses that are not feasible and/or do not meet their development objectives.

With respect to energy, as explained at page 14 of the Expanded EA, that proposed project includes:

> *Provisions for future on-site power generation through the incorporation of additional structural support for future installation of photovoltaic* [solar] *panels.*

Section 5.4.4 (page 131-132) of the Expanded EA additionally notes that:

> *The Project is planning for future on-site power generation through the incorporation of additional structural support for the installation of photovoltaic panels, which will significantly reduce GHG emissions for the project.*

CONSTRUCTION

Comment CO-1:

The District must be informed regarding planned construction activities. The School District recommends that the construction activities with the most potential to generate noise, dust or traffic be confined to school breaks and summer months when school is not in session. (C7-9)

Response CO-1:

As explained in the response to Comment AQ-3, the SEQR regulations require that potential significant adverse impacts be mitigated to the maximum extent practicable. As documented in the Traffic Impact Study (TIS) under *Construction Impacts* (pages 112 and 113), Section 1.2 (page 11), Section 4.6 (Noise) of the Expanded EA (pages 111 and 112), and Section 5.5 (Air Quality) of the Expanded EA (pages 132 and 133), the proposed action will not result in significant adverse impacts from construction-related traffic, noise or air quality activities.

Moreover, the proposed action already incorporates, into its design, mitigation measures to ensure that significant impacts will not result.

For example,

- Work zone plans will be developed for the roadways fronting the subject property, namely along Miller Place and Robbins Lane. Work zone plans will consider impacts to and make accommodations for all road users including vehicular, bicycle, and pedestrian traffic (TIS, page 113)
- Parking and storage of all construction worker vehicles and construction equipment will be maintained on site. No parking of vehicles or equipment will occur on the surrounding roadways. (Expanded EA, page 11)
- Stationary equipment, such as generators, compressors, and office trailers will be placed away from receptors. (Expanded EA, page 112)
- A Community Air Monitoring Plan (CAMP) program will be implemented during construction activities that will include soil disturbance (Expanded EA, page 132)
- Temporary graveled entrance/exit to the construction site will be constructed and wheel-washing stations installed at the entrance/exit to the site to prevent carry-out of soil and other debris (Expanded EA, page 132)

Comment CO-2:

A dust control plan needs to be developed. The RAWP includes a generic discussion of basic dust suppression methods. This discussion is limited to controlling dust using water to wet areas of soil disturbance and sweeping roadways/sidewalks adjacent to construction exits. (C7-17)

Response CO-2:

The monitoring and control of dust will be performed in accordance with the Dust Control Plan set forth in §5.4.8 of the RAWP (available at https://www.dec.ny.gov/data/DecDocs/C130002/), and the Project-Specific Community Air Monitoring Program, which was prepared in strict conformance with the NYSDOH's 2009 Generic Community Air Monitoring Plan guidance document. Additional dust mitigation measures that will be employed during site construction are described in Section 5.5 (pages 132 and 133) of the EEA, including providing for vegetative cover, mulch, spray-on adhesive, calcium chloride application for all not active exposed areas, and using water sprinkling to reduce dust. Moreover, the Stormwater Pollution Prevention Plan (SWPPP) included in Appendix F (page 20) of the Expanded EA provides a discussion of dust control, noting that

> *[o]n dry and windy days when dust generation is a concern or when construction activities have the potential to produce dust, a water truck will traverse the site and spray water as necessary to prevent dust from forming. Vegetative cover will also be implemented for disturbed areas that are not subject to traffic.*

Comment CO-3

Appropriate and adequate construction practices must be utilized to protect the landfill cap and maintain its integrity (C7a-9)

Response CO-3:

The proposed action includes only the 39±-acre privately-owned, former Cerro Wire property. The 53.8 acres comprising the Town-owned Department of Public Works (DPW) Site/former Syosset Landfill are not part of the current application. No construction activity associated with the application will occur on or near the landfill cap, which is on the Town-owned property.

Comment CO-4:

There is not an adequate buffer between construction areas closest to the South Grove Elementary School and the school itself. (C7a-10)

Response CO-4:

South Grove Elementary School is separated from the subject property by approximately 950 feet. Situated between the Subject Property and the referenced school is the Town's former landfill as well as the active Town DPW operations and the animal shelter. This distance, combined with the interceding operations, will minimize the potential for the school to be impacted by construction activities. Moreover, as explained in response to Comment C-1, the proposed action already incorporates measures, by design, that minimize the potential for significant adverse construction-related impacts.

Comment CO-5:

Project documents lack a construction schedule developed to prevent interruption to outdoor recreation time (recess, PE, etc.) and minimize impacts to school events outside of regular school hours (C7a-11, C9-2, C10-2)

Response CO-5:

The Expanded EA, at pages 10 and 11, indicates that

> *Construction is expected to occur over a 10-month period, including clearing of existing vegetation, the rough grading work required to accommodate construction activities, and the construction of the proposed warehouse, roadways, drainage, utilities and other infrastructure. According to Section 156-4 of the Town Code, construction activities are permitted to occur between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday.*

Additionally, Page 10 of the Expanded EA provides an anticipated sequence of construction.

As explained in responses to Comments AQ-3 and C-1, the Expanded EA documents that the proposed action will not result in significant adverse construction-related impacts. Accordingly, there is no basis for limiting construction hours beyond those required by the Town of Oyster Bay Code in Section 156-4, as noted above. This is also discussed in Section 4.3 (*Noise – Regulatory Framework*) and Section 4.6 (*Noise - Construction*) on pages 95 and 111 of the Expanded EA, respectively.

Comment CO-6:

A secure barrier fence must be installed between the Site and South Grove Elementary School for security, to maintain a buffer, and to establish a visual screen from the construction site. (C7a-13)

Response CO-6:

The existing chain link fence separating the site and the Town DPW Yard will be maintained and repaired as noted on the Site Plans. The site is separated from South Grove Elementary School by a buffer of over 900 feet including the Town DPW Yard and the Landfill. Available survey of records also reflects a chain link fence between the school property and the Town property.

Comment CO-7:

The project documents do not provide any details on proposed rodent/vector control. (C7a-14, C9-4, C10-4)

Response CO-7:

The Applicant shall comply with Town of Oyster Bay Town Code Section 182-8.D. regarding rodent/vector control, which states

> *[g]rounds, buildings and structures shall be maintained free of insects, vermin, rodents and any other harborage or infestation.*

Comment CO-8:

Project documents failed to include how much soil will be removed during building construction. Project documents indicate the building will be slab on grade construction, however, the Site Plans do not include any construction specifications or information related to footing depths of the volume of soils to be excavated for building construction. The Project Documents lack the detail required to quantify how much additional soil would be disturbed during Site grading. (C7a-7, C7a-8)

Response CO-8:

The project was specifically designed to eliminate the need to export soil during construction activity and will result in a net import of approximately 25,000 cubic yards of clean material, as indicated in Section 1.2 (page 11) of the Expanded EA which states:

> *It is expected that no soil material will be removed from the site during construction of the proposed improvements. However, the amount of soils import is estimated at approximately 25,000 CY...*

Comment CO-9:

The Project Documents do not provide detail on the proposed excavation procedures that would be used at the property where widespread residual soil contamination remains. An excavated materials disposal plan must be developed to detail characterization and appropriate handling of excavated soils (based on recent

NYSDEC Part 360 solid waste regulations), including reuse as on-Site fill and off-site disposal. (C7a-21)

Response CO-9:

See response to Comment EC-7.

Comment CO-10:

The 10-month construction period assumes that the preferred remedy in the non-final RAWP is approved. Notwithstanding, the Applicant does not reference or account for the student population located 900 feet from the proposed construction site and how its activities during construction may negatively impact the educational operations of the District and educational opportunities of the students it serves. We respectfully request that the Planning Advisory Board address this omission and the District's concerns to ensure that the educational instruction of our elementary-aged students is not disrupted in any manner. (C7-26, C9-2, C10-2)

Response CO-10:

As explained in responses to comments AQ-3, CO-1, CO-2 EC-12 (which also addresses Comments EC 13 – EC 15), the Expanded EA documents that the proposed action will not result in significant adverse impacts to school district facilities.

Comment CO-11:

A construction manager (CM) is not identified. No procedure is presented describing how a qualified, independent CM would be selected, and by whom. 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. No information is provided on the content of the Construction Management Plan and the stakeholders that will decide on the content of this plan. The responsibilities for compliance with the plan and consequences for non-conformance are not assigned. (C7a-21, C7a-22)

Response CO-11:

A selected construction manager will be required to comply with the requirements set forth in the RAWP.

Comment CO-12: The Project Documents do not acknowledge that anyone involved in monitoring or inspecting the work must be an independent third-party to avoid potential conflicts of interest. (C7a-23)

Response CO-12:

The New York State Brownfield Cleanup Program does not impose such a 'independent third-party" requirement. Instead, the law and the corresponding regulations impose a variety of requirements aimed at ensuring the integrity of work performed pursuant to the Program. The primary mechanism is a certification

requirement, whereby the Remedial Engineer must certify, amongst other things, that the work, including monitoring performed pursuant to the CAMP, was implemented in accordance with the terms of the approved RAWP, and that all remedial activities were observed by qualified environmental professionals under the Remedial Engineer's supervision. That certification is made under penalty of perjury, and any false statements are subject to criminal prosecution.

ENVIRONMENTAL/SUBSURFACE CONDITIONS

Comment EC-1:

The site is next to a school and large residential community and there are risks and dangers from the toxic and contaminated land. If anyone in our local community of getting sick, this project must be stopped. (C1-1, C5-1)

Response EC-1:

As described in the RAWP (available at the following address: https://www.dec.ny.gov/data/DecDocs/C130002/), risk mitigation to the surrounding community during remedy implementation will be achieved through strict adherence to the applicable NYSDEC and NYSDOH requirements.

Comment EC-2:

Why was the original Cerro Wire company, who sold the property to Sy Associates, removed from any surviving remediation plans? (C5-2)

Response EC-2:

The RAWP (available at the following address: https://www.dec.ny.gov/data/DecDocs/C130002/) contains multiple references to the Cerro Wire and Cable Company. Please see pages viii, 3, 6 and 11 of the RAWP.

Comment EC-3:

Since the RAWP is not technically in its final form, nor formally approved by the DEC, it is arguably subject to change in terms of the proposed remedy and/or the construction/remediation period. In the event that it is significantly modified, the Site Plan documents may require further modification. As a result, we respectfully submit that the District cannot comprehensively address the full potential impact on the District and its school community until the RAWP is finalized and a Site Plan in conformance with the finalized RAWP is issued. Not one of the presenters who testified, including the Deputy Commissioner of Environmental Resources, told the Board that the DEC still is receiving public comments regarding the Type of Remedy that will be required. It is astonishing they would hold this hearing prior to the DEC Decision. (C7-1, C7-3, C2-1, C11-1)

Response EC-3:

On November 25, 2020, NYSDEC issued a Fact Sheet wherein it stated "[T]he public is invited to comment on a proposed remedy being reviewed by the New York State Department of Environmental Conservation (DEC), in consultation with the New York

State Department of Health . . ." Pursuant to the terms of the New York State Brownfield Cleanup Program, the Fact Sheet was provided to parties identified on the Site Contact List developed for the property, which includes the Town and the School District. The NYSDEC recently announced that is has extended the public comment period to February 10, 2021, and that a virtual public meeting will be held on January 27, 2021. Therefore, the School District has been provided with an opportunity to perform a comprehensive evaluation of the draft RAWP and the Site Plan and to provide comments.

Comment EC-4:

There is no clear allocation of responsibility among the NYSDEC, the Town, and any other regulatory agencies having authority over any aspect of the Project. Having multiple agencies involved, without assigning a primary entity to have overall responsibility for the entire Project may lead to confusion at some point during construction, and will leave the District without clarity about which agency to contact so immediate corrective action is taken by that agency should Site-related impacts occur at District school facilities at any point during construction and long-term operation. A clear delineation of defined roles and responsibilities of the respective agencies and entities is warranted at this time. (C7-8)

Response EC-4:

With regard to the environmental assessment being conducted pursuant to SEQR, the Town was designated lead agency. With regard to the Brownfield Cleanup project, the NYSDEC and the NYSDOH are the responsible agencies. The NYSDEC Fact Sheets dated March 2017, June 2020, and November 2020, provided the contact information for the staff at NYSDEC and NYSDOH who should be contacted in the event of comments or questions. For project-related questions, the public should contact:

Kerry Maloney, Project Manager
NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233
(518) 402-9622
kerry.maloney@dec.ny.gov

For project-related health questions, the public should contact:

Arunesh Ghosh
NYSDOH
Corning Tower Room 1787
Albany, NY 12237
(518) 402-7860
beei@health.ny.gov

Comment EC-5:

Site Plan documents and the RAWP lack detail on the institutional and engineering controls that will be required and enforced by the Town and NYSDEC to prevent potential future impacts. (C7-14, C7-15)

Response EC-5:

Detailed information regarding the proposed Engineering Control and Institutional Controls for the property are set forth in Sections 6 and 7 of the RAWP (available at https://www.dec.ny.gov/data/DecDocs/C130002/).

As described in Section 6 of the RAWP, the proposed engineering control will consist of a Site Cover System to prevent exposure to and direct contact with underlying soils. The Site Cover System will consist primarily of hardscape including building slabs and/or concrete pavers and asphalt paving and, in the limited areas in which landscaping is proposed, the Site Cover System will consist of 1-foot thick clean soil cover that meets the NYSDEC's strict analytical requirements. The RAWP included a diagram that showed the detail for the different cover types as well as the location of the proposed covers. The RAWP also explained that maintenance of the Site Cover System will be performed in accordance with the Site Management Plan that will be required for the property and went on to provide additional detail about the Site Management Plan in Section 7.

In Section 7, the RAWP provided a detailed explanation of the multiple Institutional Controls that are proposed for the property, starting with the Environmental Easement and Site Management Plan. As explained in the RAWP, pursuant to the NYS Environmental Conservation Law, an Environmental Easement will have to be recorded by the site owner against the property before the NYSDEC will issue a Certificate of Completion or sign-off. The RAWP lists the various requirements that will be imposed by the Environmental Easement, including:

- Restricting the future use of the property so it cannot be used for residential purposes;
- Requiring the site owner to submit periodic review reports to the NYSDEC that certify, under penalty of perjury, that the Engineering Controls and Institutional Controls remain unchanged and that nothing has occurred that impairs the ability of the controls to protect human health and the environment;
- Requiring compliance with the Site Management Plan;
- Providing that not only the Site Owner but all future site owners must comply with the Environmental Easement and Site Management Plan;
- Prohibiting the use of groundwater underlying the property without treatment rendering it safe for the intended purpose;
- Prohibiting farming and the use of vegetable gardens, with the exception of raised planters; and

- Prohibiting all future activities that would disturb the underlying soil unless those activities are conducted in accordance with the Site Management Plan.

In Section 7.2, the RAWP provided a similar level of detail regarding the elements of the Site Management Plan that will be required for the property, including:

- A section that identifies and describes the Engineering Control and Institutional Controls employed at the property;
- Provisions to the inspection of the Controls;
- Provisions for the certification of the Controls;
- Procedures for periodic notification to NYSDEC; and
- An excavation plan that details the procedures that will be followed if soil disturbance is required, for example, in connection with utility line installation.

Comment EC-6:

The preferred remedial alternative does not include any additional soil sampling in the vicinity of the location where cyanide concentrations in the 2015 soil sample exceeded the NYSDEC Commercial Use Soil Cleanup Objective (CSCO) to determine if a localized area of contaminated soil remains, in which case the remedy should include targeted soil removal based on the additional data. (C7-7)

Response EC-6:

As explained in Section 2.2.4 *Remedial Investigation Report* (pages 38 and 39) of the Expanded EA, as of this date, over 750 soil samples have been collected from the property and submitted for laboratory analysis, and additional soil sampling is not planned. Additionally, the NYSDEC, in consultation with the NYSDOH, determined that, due to low levels, the limited frequency in which it was detected, and the proposed remedy and site development plans, cyanide is not a constituent of concern at the property.

Comment EC-7:

The project documents (RAWP and Site Plan) do not include a comprehensive, stand-alone Site-specific Soil/Materials Management Plan. The Soil/Materials Management Plan discussed in Section 5.4 of the RAWP fails to recognize that any soil excavated on-site must be characterized and evaluated in accordance with the NYSDEC Part 360 solid waste regulations prior to disposal to determine which soil (if any) can be reused on-site. (C7-16, C7a-6)

Response EC-7:

Section 5.4 of the RAWP (available at the following address: https://www.dec.ny.gov/data/DecDocs/C130002/) and the corresponding 9 subsections constitute the soil/materials management plan for the property. As explained in Section 5.4.2, the removal and off-site disposal of soils from the property is not planned. The RAWP goes on to explain, in detail, that in the unlikely

event off-site soil disposal becomes necessary, it will be performed in accordance with the measures set forth in Section 5.4.7.1.

Comment EC-8:

The RAWP fails to evaluate any alternatives that offer a hybrid approach whereby targeted areas of soils exceeding the NYSDEC Part 375-6.8 (b) Commercial Use Soil Cleanup Objectives (CSCOs) for Site contaminants would be excavated and removed from the Site before a cover system is installed over the Site. (C7a-1)

Response EC-8:

The remedial alternative analysis provided in the RAWP (available at the following address: https://www.dec.ny.gov/data/DecDocs/C130002/) conforms with what is required by NYSDEC regulations and guidance.

Comment EC-9:

The toxic soil investigations identified three constituents of concern in soil (copper, cyanide and zinc). The threat to humans and wildlife is evident. The same toxic environment has survived for over 100 years. Did the attempts in 1986 when the decommissioning program began think it adequately made the area safe? (C5-3)

Response EC-9:

As shown on Figure 6 (page 23) and documented in Section 2.1.2 (pages 24 – 30), Section 2.1.3 (pages 30 – 32), and Section 2.2.2 (pages 35-37) of the Expanded EA, multiple subsurface investigations and cleanup activities were conducted at the property since 1986 and the NYSDEC, in consultation with the NYSDOH, determined twice since then, including as recently as June 2020, that the property does not pose a significant threat to human health or the environment.

Comment EC-10:

Is there evidence that toxins identified on the site have not entered the aquifer? (C5-4)

Response EC-10:

Multiple groundwater investigations were undertaken at the Subject Property, as documented in Section 2.1.2 (pages 26-28), Section 2.1.3 (pages 32 and 33) and Section 2.2.2 (page 37) of the Expanded EA. Based upon data collected during these multiple groundwater investigations conducted at the property, the NYSDEC, in consultation with the NYSDOH, determined that the "groundwater sample results are consistent with naturally occurring compounds for this region or background conditions and do not indicate site-specific groundwater contamination" (page 37 of the Expanded EA).

Comment EC-11:

A Remedial Engineer has not been identified, although the document indicates that the Remedial Engineer will oversee, document and inspect installation of the site cover system. (C7-20, C7a-24)

Response EC-11:

The Remedial Engineer was identified in Sections 4.2.1.3 and 8.1 of the RAWP as Charles McGuckin, who is a registered New York State Professional Engineer.

Comment EC-12:

A site-specific CAMP must be prepared and cannot be delayed. CAMP air monitoring activities must be performed by an independent third-party for any and all construction involving excavation or grading, anywhere on the Site. Monitoring stations must be placed along the edge of the construction zone at the Site and on the property line alongside the School property. The independent third-party air monitor must have the authority to immediately shut down the job and implement additional dust control measures as appropriate based on five-minute average concentrations, not 15-minute average concentrations as stated in the generic CAMP included in the RAWP. Recording dust concentrations every 5 minutes instead of every 15 minutes outlined in the generic CAMP to allow corrective actions to be taken immediately to reduce dust levels should they begin to spike, affording more protection to District schools, in particular South Grove Elementary School. (C7-10, C7a-19)

Response EC-12:

A Project-Specific Community Air Monitoring Plan or CAMP was prepared and included as Appendix C to the RAWP (available at the following address: https://www.dec.ny.gov/data/DecDocs/C130002/). The CAMP was prepared in accordance with the 2009 NYSDOH Generic Guidance on Community Air Monitoring Plans and conforms to the monitoring frequency requirements set forth in that guidance. Placing monitoring stations on the school property line would potentially capture emissions from the adjacent Town DPW and Highway facility activities and, thus, would not be representative of emissions generated from soil disturbance activities at the Subject Property. Further, there is no requirement that an independent third party be used to conduct the monitoring set forth in the CAMP.

Comment EC-13:

Operating an additional CAMP air monitoring station on the Town DPW property (with the Town's permission) directly adjacent to the South Grove Elementary School fenceline would provide real-time data to ensure that dust concentrations at the School remain at acceptable levels, as the School is the nearest sensitive receptor to the construction zone. Installation of dust control measures such as a water misting system along the South Grove Elementary School fenceline should be considered to provide maximum protection during construction to prevent dust impacts at the school. (C7-11, C7-12)

Response EC-13:

See response to Comment EC-12.

Comment EC-14:

There is a need to develop air modeling to estimate construction-related fugitive dust migration, particularly to the School District and the five schools located within a one-mile radius of the project site, and therefore evaluate the adequacy of proposed mitigation measures. (C7-18)

Response EC-14:

See responses to Comment CO-2 and EC-12.

Comment EC-15:

Any proposed construction holds the potential to mobilize the site's historical and residual contaminants in the form of airborne dust or waterborne erosion. In many instances, the mitigation measures proposed by the Applicant appear to be inadequate, incomplete and/or deficient, with significant elements of the safety plan either generic in nature, or missing altogether. Based upon the foregoing, there does not appear to be sufficient assurances that the District and its educational operations will not be impacted. (C7-2)

Response EC-15:

See responses to Comment CO-2 and EC-12.

Comment EC-16:

This area has a long history of being a superfund site as well as being an area where lots of undocumented and illegal dumping of chemicals, etc. went on. (C9-1, C10-1)

Response EC-16:

Unlike the neighboring Town landfill, the Cerro Wire property was never a federal USEPA Superfund site. It was listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites, but the NYSDEC and NYSDEC removed it from that Registry in 1993, almost three decades ago.

As documented in Section 2.1 (pages 23-33) and Section 2.2.2 (pages 35-37) of the Expanded EA, over more than three decades many subsurface investigations and cleanup activities have been conducted at the property and, the NYSDEC, in consultation with the NYSDOH, have twice determined, including as recently as June 2020, that the property does not pose a significant threat to human health or the environment.

Comment EC-17:

The Syosset Central School District submitted comments to the NYSDEC, dated 1/11/21 that supplement its original comment submission to the PAB (1/6/21), regarding the Alternative Analysis Report/Remedial Action Work Plan ("AAR/RAWP") for the Brownfield Cleanup Program (BCP) for the Subject Property. (C7c-1)

Response EC-17:

The comments are acknowledged and that, as they relate to the public comment period established by the NYSDEC for the BCP AAR/RAWP, they are properly addressed by the NYSDEC as part of its detailed technical review of that Work Plan.

FACILITY OPERATIONS

Comment FO-1:

The lack of any guarantee on the hours of operation of the proposed warehouse facility. In the case of this unique warehouse project, even slight modification to the hours of operation provided has the potential to adversely impact the District, its operations and school community. At this time, there is insufficient analysis and data to ensure the District's educational operations will not be impacted. (C7-4)

Response FO-1:

As explained in responses to Comments AQ-3, CO-1, and TR-6 the Expanded EA, which evaluated impacts to subsurface conditions, transportation, noise and air quality, determined that the proposed action would not result in significant adverse impacts to the environment, this includes District operations.

Moreover, correspondence has been submitted to the Town confirming the operations, as follows:

> *In connection with the revised Environmental Assessment, heretofore submitted, and dated November 20, 2020, my clients have advised me that all representations therein are valid and true and that the operator intends to operate the site in accordance with said representations.*

In addition, the District's traffic consultant, Greenman-Pedersen, Inc (GPI), in its letter report to Dr. Thomas Rogers, Superintendent of the Syosset Central School District, dated January 6, 2021, which was submitted to the Town PAB along with the School District's comments, states, in pertinent part:

> *... if the proposed trip generation analysis is assumed to be reasonably accurate, GPI anticipates that the existing school buses/vans that are assigned along Robbins Lane, for pick-up/drop-off activities during a typical weekday school operation, may not see any significant changes in their daily operations while commuting to/from the school. Similarly, the parents driving children to the schools (South Grove Elementary and Robbins Lane Elementary) are not expected to see any significant changes to their current traffic commute during school hours.*
>
> *Based upon the anticipated schedule of site operations, whereby the site generates little activity during arrival and dismissal hours the district should not experience adverse impacts to its transportation operations.*

Accordingly, there is no basis for the assertions that implementation of the proposed action would result in significant adverse impacts to School District operations.

Comment FO-2:

In order to maintain Site control and the environmental protection afforded by limiting certain activities at the Site, the Town must require deed restrictions to be placed on the property as appropriate to ensure that such activities [vehicle fueling and washing] do not occur in the future and impact the District. (C7a-25)

Response FO-2:

The Proposed Action does not include proposed vehicle fueling or washing on site. Also, given that the nearest school is located over 900 feet from the Subject Property and there are significant active operations between the Subject Property and the nearest school (including the Town DPW site), even if such operations occurred, they would not result in significant adverse impacts to the District.

MITIGATION

Comment M-1:

At their (Amazon's) cost they should revitalize the area with beautiful trees, landscaping and infrastructure. (C1-3)

Response M-1:

As shown on Figure 4, page 9 of the Expanded EA, the Subject Property includes a beautification area at the corner of Robbins Lane and Miller Place, which would not be used in conjunction with the operation of the structure or leased to the Tenant. This area is proposed to be landscaped and maintained by the Owner of the Subject Property, as shown on the Planting Plans in Appendix D of this Expanded EA.

Also, as described in Section 1.2, pages 12 and 13 of the Expanded EA and shown on the Planting Plans included in Appendix D of the Expanded EA, the proposed project includes landscaped buffers along Robbins Lane, minimum of 20 feet in width, and Miller Place, minimum of 12 feet in width, which incorporate a variety of proposed plantings including spring flowering trees, flowering shrubs, and perennials to provide both variety and color interest across the street frontage.

NOISE

Comment N-1:

The District is concerned that the Site Plan documents do not provide sufficient detail on the noise and vibration impacts that would occur during the site construction period, or the measures proposed to mitigate the impact to South Grove Elementary School (C7-26)

Response N-1:

With respect to the Project's potential to result in construction noise impacts to the South Grove Elementary School during the construction period, the NYSDEC Guidelines for Assessing and Mitigation Noise Impacts provides guidance for analyzing and minimizing acoustical impacts applicable to the State Environmental Quality Review Act (SEQR) review. These guidelines require a comparison of average ambient sound levels to site-generated sound levels to determine the extent of potential impacts, if any. As discussed in detail on page 95 of the Expanded EA, The NYSDEC states that an increase in ambient sound level by 0-to-3 decibels (dB) should have no appreciable effect on receptors and an increase of 3-to-6 dB is tolerable but may have potential for an adverse noise impact only in cases where the most noise sensitive of receptors are present. Increases of more than 6 dB require closer scrutiny, while increases of 10 dB deserve consideration of avoidance and mitigation measures in most cases.

To determine the potential for noise impacts at sensitive receptors in areas surrounding the Project, the Applicant commissioned Ostergaard Acoustical Associates (OAA) to conduct a detailed noise evaluation. The full report entitled "Evaluation of Site Sound Emissions, Proposed Warehouse/Delivery Station, Oyster Bay, New York" was summarized in the Expanded EA and included in its entirety as an Appendix (Appendix N).

As it relates to the potential for noise impacts from Project construction on the South Grove Elementary School, OAA's noise evaluation determined that, due to the distance of the school from the site (950 ft) construction equipment, such as bulldozers, front end loaders, and dump trucks, would result in construction sound levels of 54 dB(A) at the elementary school. Moreover, when combined with maximum hourly ambient sound levels, site-noise generated during construction is anticipated to only increase sound levels at the school by 1 dBA, which NYSDEC guidelines state, would have no appreciable effect.

As construction noise impacts are not anticipated to be significant, no mitigations are warranted. Nonetheless, the following construction noise control strategies have been identified in the Expanded EA for implementation to the extent feasible:

- Limit all heavy equipment operations to daytime hours and follow allowable town construction hours
- If possible, limit the amount of equipment operating near one receptor at a given time and avoid exposing any one receptor to high sound levels for an extended period
- Place stationary equipment, such as generators, compressors and office trailers away from receptors
- As feasible, located construction parking or laydown areas away from receptors

- **Ensure that construction manager will coordinate major construction activities with the school (emphasis added)** and animal shelter to avoid interference with any potentially sensitive times

In addition, no vibration concerns are expected as there is almost 1,500 feet between the school and the proposed building. Based on OAA's experience vibration issues associated with construction activities are not expected at similar distances, with the exception being pile driving projects in urban environments when receptors are in proximity to, or structurally connected to, the source of vibration, which is not the case in this instance. Typical earth moving equipment will produce no more vibration or sound than the existing public works equipment which is closer to the school.

Comment N-2:

Noise mitigation actions such as development of acceptable construction, planting a row of tall evergreen trees along the school fence line, development of a noise mitigation plan, noise limits and an independent contractor with authority to stop work, measurement of classroom noise to ensure compliance with ANSI standards, temporary sound barriers during construction, develop a construction calendar and plan to notify the District when construction activities and schedules could adversely affect students and staff, noise monitoring during construction should be considered to reduce noise levels and minimize disturbance to educational activities. (C7-15, C7-23)

Response N-2:

With respect to the need for noise mitigation measures to reduce noise levels and minimize disturbance to educational facilities, no noise impacts have been identified, and as such no mitigation measures are warranted. Nonetheless, the following construction noise control strategies were identified on page 112 of the Expanded EA for implementation to the extent feasible:

- Limit all heavy equipment operations to daytime hours and follow allowable town construction hours
- If possible, limit the amount of equipment operating near one receptor at a given time and avoid exposing any one receptor to high sound levels for an extended period
- Place stationary equipment, such as generators, compressors and office trailers away from receptors
- As feasible, located construction parking or laydown areas away from receptors
- **Ensure that construction manager will coordinate major construction activities with the school (emphasis added)** and animal shelter to avoid interference with any potentially sensitive times

As discussed on page 111 of the Expanded EA, construction equipment can typically produce maximum sound levels of approximately 80 dB(A) at 50 feet. This is validated in Section 9.0 of the Federal Highway Administration's Construction Noise Handbook. The school is located approximately 950 feet from the Project thus sound levels at the school from the use of construction equipment would be 54 dB(A). Note that construction sound is intermittent and not continuous. While ambient sound was not measured at the school, it was measured at the intersection of Walnut Drive and Colony Lane, which is proximate to the school, but more remote from busy roadways providing a more conservative existing ambient sound measurement. Daytime sound survey results demonstrate that noise (car passbys etc.) from other intrusive sources was 55 dB(A) with maximum sound levels of 65 dB(A). Hence, construction noise is expected to blend in with other sound currently present in the area and is not anticipated to have an adverse acoustical impact on the school.

Despite this conclusion, the applicant commits to coordinate major construction activities with the school, adhere to all town noise ordinances, and address any noise issue should it arise.

Comment N-3:

Noise measurements inside classrooms must be periodically scheduled during the construction phase to ensure compliance with the American National Standard Institute (ANSI) standards (C7a-12)

Response N-3:

No significant adverse acoustical impact from construction noise was identified. Although ANSI S12.60 primarily deals with steady noise inside and inbound on classrooms, given the expected sound levels, temporary construction operations are not expected to have an impact on compliance with ANSI S12.60.

Comment N-4:

Project documents do not detail a noise monitoring program for the construction phase. (C7-19)

Response N-4:

Analyses in the 11-13-2020 acoustical report (Appendix N of the Expanded EA), as well as more detailed analyses, as described in Response N 1, conclude that no significant adverse acoustical impacts are anticipated and that the mitigation and monitoring measures are sufficient for this project. Any unforeseen construction noise issues, should they arise, will be addressed by the Construction Manager.

Comment N-5:

Noise created by construction is a huge concern and will be a huge distraction to children trying to learn in class. It will undoubtedly be a disruption to students in our area who are learning from home as well. Beeping sounds, trucks, and construction

will interfere significantly while children are trying to pay attention to their teachers on google meets, which is hard enough already. (C9-3, C10-3)

Response N-5:

Neighboring residential communities to the west and southeast were surveyed in a similar manner to that north of the site, where the school is located. These receptors are slightly closer to the site than the school, but there are walls or structures that significantly block line-of-site in these directions. In addition, ambient results were significantly higher to the west and southeast given their distance to Robbins Lane and the Long Island Expressway. Maximum sound levels measured above 70 dB(A) and intrusive sound exceeded 60 dB(A), both 5 dB higher than documented near the school. As a result, construction noise in these directions will still be lower in level than the prevailing daytime ambient due to existing traffic. This concludes that on-site construction noise will have no negative impact on the surrounding residential areas.

PROCESS

Comment P-1:

This meeting violated the open meetings law with no public participation allowed. The Town of Oyster Bay should not spend taxpayers' funds defending approvals which were not fully transparent and open to public scrutiny. (C2-2, C8-1)

Response P-1:

With respect to the Open Meetings Law, the PAB complied with the requirements thereof, and the suggestion that the public was not allowed to participate in the January 6, 2021 PAB meeting is misguided.

Due to the impacts of the COVID-19 Pandemic, New York State Governor Andrew Cuomo issued Executive Order Number 202.1, suspending the in-person requirement provision of the Open Meetings Law. Specifically, Executive Order Number 202.1 allows public entities to meet remotely by conference call or similar services, provided that the public can view or listen to such proceeding, and that such meetings are recorded and later transcribed. The suspension of the in-person meeting requirement has been extended multiple times since the start of the pandemic (see Executive Orders 202.14, 202.28, 202.38, 202.48, 202.55, 202.60, 202.67, 202.72, and 202.79) and was most recently extended on December 30, 2020 through January 29, 2021.

Furthermore, the New York Committee on Open Government has opined on the interplay of the Open Meetings Law with the Executive Orders. The Committee has stated "if a public body can possibly anticipate that any persons who may wish to attend a meeting governed by the provisions of the Open Meetings Law cannot be safely physically accommodated in the proposed meeting location pursuant to legal and regulatory restrictions, that public body is **required** (emphasis added) to simulcast to the public, by either video or audio means, the proceedings of the

meeting as they are occurring so that all members of the public who wish to 'attend' may do so."

Accordingly, the January 6, 2021 Town of Oyster Bay PAB meeting fully complied with the Open Meetings Law and the provisions set forth in the Governor's Executive Orders. The Public Notice set forth the meeting date and time and that it would be held remotely with the proceedings being streamed "***via live stream at www.oysterbaytown.com, and that such meeting will be recorded and later transcribed...***" (emphasis added). The Public Notice further provided the public with a link to access the site plans, lead agency coordination letter, expanded Environmental Assessment Form and the DER's draft TEQR report. Finally, the Public Notice informed the public that it may submit comments, within certain timeframes, before and after the hearing.

STORMWATER

Comment SW-1:

The Project documents do not include sufficient detail on how stormwater from various portions of the Site would be managed. In addition, the Project Documents does not provide specifications for the drainage infrastructure to be installed to meet the Nassau County Department of Public Works Drainage Requirements for on-Site storm water management. The Site Plans lack details on how the volume of stormwater will be managed on-Site in accordance with the NCDPW requirements. The on-site drainage system has been designed based on a 5-inch rainfall rather than the 8-inch rain event specified in the Nassau County Department of Public Works Drainage Requirements. No evidence of a waiver from Nassau County has been encountered in the files reviewed. (C7-15, C7a-26, C5-4)

Response SW-1:

All stormwater runoff from the proposed application will be captured and recharged to groundwater. No stormwater runoff will be discharged to surrounding properties or roadways. The proposed stormwater management facilities provide volumetric storage for the runoff from a rainfall event in excess of 6 inches between proposed drainage reserve areas and subsurface infiltration systems. However, percolation rates measured at the locations of stormwater infiltration allow the stormwater management system to recharge the runoff from the 100-year storm without discharging to surrounding properties or roadways as documented in the Stormwater Pollution Prevention Plan. Nassau County Department of Public Works approval is currently pending but there are no remaining comments pertaining to the proposed stormwater management.

Comment SW-2:

Project documents do not adequately address the potential for contaminants of concern at the former Cerro site to migrate in air as dust, settle on the ground surface in the vicinity of the Site near South Grove Elementary School, and then be carried by storm water runoff onto the School property and by drainage into the

Nassau County recharge basin adjacent to the School. These conditions would serve to concentrate the contaminants of concern and represent a significant risk to the School. (C7a-3)

Response SW-2:

See responses to comments CO-2 and EC-1.

Comment SW-3:

Project documents do not adequately detail the extent of project oversight that would be required under the Town's Municipal Separate Storm Sewer System (MS4) program. (C7a-5)

Response SW-3:

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared and submitted to the MS4 (Town of Oyster Bay) for review and approval and then subsequently submitted to the NYSDEC prior to commencement of construction activity. The SWPPP has been prepared in accordance with Town requirements specified under Section 204 of the Town of Oyster Bay Town Code, as noted on page 11 of the Expanded EA. A copy of the SWPPP is included in Appendix F of the Expanded EA and discussed in Section 1.2 (pages 11 and 12 of the Expanded EA), which in pertinent part states:

> *The SWPPP contains a discussion of existing site conditions, the construction schedule and sequence, a spill prevention plan and response procedures, required erosion and sedimentation controls, inspections maintenance and documentation and project stormwater management practices (see Appendix F). The erosion and sedimentation control plans and program (see Appendix D) incorporate best management practices (BMPs) specified by the NYSDEC and complies with the SPDES General Permit for Storm Water Discharges from Construction Activities.*

As specified in the SWPPP (Appendix F of the Expanded EA), in accordance with the SPDES General Permit GP-0-20-001, the contractor is required to have erosion control measures installed prior to commencement of construction activity and inspections of those erosion control measures will be completed twice a week by a qualified inspector. This is also noted on page 11 in Section 1.2 of the Expanded EA, which states: "two inspections per week are required during site disturbance/construction activity."

Comment SW-4:

The stormwater management system will have to be properly inspected and maintained to prevent sediment buildup and ensure effective stormwater does not run into other properties or roadways. (C5-4)

Response SW-4:

As specified in the SWPPP (Appendix F of the Expanded EA), in accordance with the SPDES General Permit GP-0-20-001, the contractor is required to have erosion control measures installed prior to commencement of construction activity and

inspections of those erosion control measures will be completed twice a week by a qualified inspector. This is also noted on page 11 in Section 1.2 of the Expanded EA, which states: "two inspections per week are required during site disturbance/construction activity." In addition, the SWPPP documents include an Operations and Maintenance Plan addressing ongoing inspection and maintenance that is to be implemented by the Owner following construction.

Comment SW-5:

The SWPPP is incomplete and the following must be completed prior to submission to the NYSDEC: signed certification forms from contractors and subcontractors; signed Notice of Intent; signed MS4 SWPPP acceptance form; final approved site plans including the Erosion Control Plan; and phasing or construction schedule (C7a-27).

Response SW-5:

All such documents and forms are noted in the SWPPP, which is included in Appendix F of the Expanded EA. All such required documents, forms and signatures will be in place and filed with the appropriate agencies prior to commencement of construction.

Comment SW-6:

Additional protective measures such as retaining a third-party certified inspector to ensure all components of the SWPPP and E&SC Plan are being completed should be considered to prevent runoff and subsequent dust generation once erosion-laden runoff dries. Also, daily inspections of E&SC should be conducted daily during the construction period considering the magnitude of the proposed project and proximity to the South Grove Elementary School (C7-13, C7b-4)

Response SW-6:

As specified in the SWPPP (Appendix F of the Expanded EA), in accordance with the SPDES General Permit GP-0-20-001, the contractor is required to have erosion control measures installed prior to commencement of construction activity and inspections of those erosion control measures will be completed twice a week by a qualified inspector. This is also noted on page 11 in Section 1.2 of the Expanded EA, which states: "two inspections per week are required during site disturbance/construction activity."

In addition, permit requirements require that a trained contractor shall "inspect the erosion and sediment control practices and pollution prevention measures implemented within the active work area daily to ensure that they are being maintained in effective operating conditions at all times".

See response to Comment CO-2.

TAX IMPACT

Comment T-1:

I am vehemently opposed to providing any type of tax subsidy for the project. This project needs to generate revenue to the community, with the vast majority of that being from property taxes based on the value of the developed property. Providing tax subsidies for the project will likely negate any significant benefit to the community. (C6-2)

Response T-1:

The property has been blighted for decades and has been taxed at a relatively low level as vacant land. The proposed development will create a new additional tax base which will produce net new revenues for the School District, Town and County tax base and residents therein. The proposed development will not result in any additional school-age children and will not create significant incremental expenses to the other taxing jurisdictions. This is in stark contrast to prior proposals for the site.

However, the projected high construction costs, due to the environmental history and large size of the site, present significant financial challenges to redevelopment. The request to the Nassau Industrial Development Agency is not for a tax reduction, but rather to allow a phasing in of the new tax revenues that will be created by the project over a 15-year period. This is necessary to make the project financially feasible and, in turn, justify and incentivize this very significant investment by the company.

Comment T-2:

The Applicant's EEA states that the proposed warehouse "will also create additional revenue for the Syosset School District, without any incremental cost to same." This statement is inaccurate and a misrepresentation of the financial impact to the District in terms of real property taxes and potential payments-in-lieu-of-taxes ("PILOTs") that are being sought in connection with the Proposed Project. This statement and ensuing section of the EEA completely ignores the application and operation of the tax levy limit that the District must adhere to under Education Law §2023-A. Any potential escalation factor applied to the PILOT will inure solely to the benefit of Class 4 property owners and not to the benefit of the District or Class 1 residential property owners. Moreover, the documents presented by the Applicant do not appear to include the estimated assessed value of the development when fully constructed. This information would need to be provided and evaluated before drawing conclusions regarding the financial impact to the school community. (C7-6)

Response T-2:

The proposed development will create additional revenue for the residents/taxpayers of the Syosset School District, without any incremental cost to same. The proposed development will not create any additional school-age children as it is commercial in nature. This is in stark contrast to prior proposals for the site.

Even though this additional revenue will not increase the School District ability to increase its levy on taxpayers, the additional revenue will have the impact of lessening the burden on the district taxpayers by contributing new net revenues available to meet the district's tax levy. The projected assessed value of the fully constructed development plan is projected to be $255,000, a significant increase over the existing land only assessed value.

TRAFFIC

Comment TR -1:

A comprehensive traffic study needs to be completed prior to construction to account for changes in traffic patterns in the area to ensure local roads can handle additional increase in traffic and to provide for mitigation. (C1-2, C5-5)

Response TR-1:

The potential for traffic impacts due to the proposed project was evaluated in the Traffic Impact Study (TIS), contained in Appendix M of the Expanded EA, which was also summarized in the body of the Expanded EA in Section 3 (pages 45 – 92). The TIS included a comprehensive evaluation of potential traffic impacts to area roadways and was reviewed by the Town's Department of Environmental Resources, the Town's Professional Traffic Engineering Consultant, the Nassau County Department of Public Works and the New York State Department of Transportation with all issues related to impacts and the need for mitigation resolved.

With respect to this issue, as noted on Page 120 of the TIS, the study concluded in pertinent part:

> *Based on the detailed evaluation of the operations of the proposed project summarized herein, the project will not result in any significant negative impacts on the surrounding roadway network and would not have a deleterious effect on the operation of the roadways within the study area.*

As such, the roadway improvements proposed in support of the project are limited to improvements related to the site frontages and in support of the proposed access plan.

Comment TR-2:

All traffic access (especially vans and trucks) should be via the service road, not on Robbins Lane. (C1-2, C6-1)

Response TR-2:

The issue of site access was evaluated in the TIS, contained in Appendix M of the Expanded EA, which was also summarized in Section 3 of the Expanded EA (pages 45-92). Site access was specifically discussed in Section 3.4.2 (pages 82 and 83) of the Expanded EA. With respect to this issue, Page 4 of the TIS concluded in pertinent part:

The site has been designed specifically to accommodate the proposed operations that will occur. This includes the separation of differing vehicle types and flows at entry and exit points and on the site while ensuring that traffic conditions on the adjacent street system are not impacted by vehicles entering or exiting the site.

Further, Page 64 of the TIS indicates:

With respect to area residential neighborhoods, the only delivery vehicles that will utilize the roadways within them are the limited number that will be making deliveries within the neighborhoods. The proposed site access plan is such that it will deter any use of residential streets by site traffic. With the exception of the northerly tractor trailer entrance (which can only be accessed from the south) the site design provides no entry for any vehicles from Robbins Lane. All entering vehicles will access the site via driveways on Miller Place. Only tractor trailers and half of the delivery vehicles will exit to Miller Place, with all tractor trailers and the vast majority of delivery vehicles heading south. All personal vehicles will arrive and depart via the driveways on Miller Place. As Miller Place is one-way westbound, vehicles destined to the site must utilize South Oyster Bay Road or the Long Island Expressway directly to access the site. This access arrangement works counter to the potential use of any neighborhood streets, including the East Birchwood community west of Robbins Lane for use by "cut-through" traffic. Furthermore, the drivers of the delivery fleet are under the control of the site operator and will be prohibited from these neighborhoods unless performing deliveries there. Also, the use of these neighborhood streets will not be attractive to any "cut-through" activity. The main roadways which will be used are not congested at the times of departure or return of the delivery vans and the use of secondary roadways with lower speeds, numerous STOP controlled intersections and circuitous routes will not generate time savings regardless.

Comment TR-3:

Traffic estimates are inadequate/inaccurate for the following reasons: (1) baseline traffic data presented in the TIS, which are not current and which could not be gathered due to the pandemic; (2) trip generation estimates provided by the Applicant, which are not verifiable and can be altered by consumer demand; and lastly, (3) by a schedule of site operations, which the site operator can modify in its own discretion and at any time for any reason, and which could adversely affect the School District, its operations and the School community (C7-22)

Response TR-3:

The TIS (Appendix M of the Expanded EA) was reviewed by the Town's Department of Environmental Resources, the Town's Professional Traffic Engineering Consultant, the Nassau County Department of Public Works and the New York State Department of Transportation. The baseline traffic data used in the TIS was obtained prior to the onset of the pandemic as presented on pages 28 and 29 of the TIS and pages 49 and 51 of Section 3 of the Expanded EA, wherein the TIS stated in pertinent part:

Due to the current Covid-19 pandemic and its effect on traffic volumes, collection of typical traffic data for the purposes of analyses was not possible. However, VHB had previously collected traffic data at the study locations in 2014 and 2016 for the purpose of preparing a Traffic Impact Study for a development previously proposed for this site.

The above noted reviewing agencies as well as the Professional Traffic Engineering Consultant have accepted the use of these counts and subsequent adjustments as appropriate.

With regard to the trip generation estimates and schedule of site operations, in a letter dated December 9, 2020 from the Applicant's Counsel, the operator attests to operating the site as represented in the submitted reports and documents. Specifically, the letter reads:

In connection with the revised Environmental Assessment, heretofore submitted, and dated November 20, 2020, my clients have advised me that all representations therein are valid and true and that the operator intends to operate the site in accordance with said representations.

Comment TR-4: Additional traffic monitoring should occur for a set time period once the project is fully operational in order to identify the actual impacts of the project. The monitoring of traffic activity generated by the site driveways should be accompanied by updated traffic volume counts. It is requested that the Applicant provide written assurances to the District that its future schedules will not conflict with school busing hours. These measures would help to ensure that the District's operations are not negatively impacted in the future. (C7b-1)

Response TR-4:

The TIS (Appendix M of the Expanded EA) and the summary thereof (Section 3 of the Expanded EA), includes a comprehensive evaluation of potential traffic impacts to area roadways and was reviewed by the Town's Department of Environmental Resources, the Town's Professional Traffic Engineering Consultant, the Nassau County Department of Public Works and the New York State Department of Transportation with all issues related to impacts and the need for mitigation resolved.

With regard to the schedule of site operations and the potential for conflict with school busing hours, in a letter dated December 9, 2020 from the applicants Counsel, the operator attests to operating the site as represented in the submitted reports and documents. Specifically, the letter reads:

In connection with the revised Environmental Assessment, heretofore submitted, and dated November 20, 2020, my clients have advised me that all representations therein are valid and true and that the operator intends to operate the site in accordance with said representations.

Comment TR-5:

Robbins Lane is already in horrible disrepair. It should be at the very least repaved and revamped at the cost of Amazon. (C1-2)

Response TR-5:

Robbins Lane is a local roadway under the jurisdiction of the Town of Oyster Bay. The current condition of the roadway surface is not related to the proposed project.

Comment TR-6:

The School District's concerns related to traffic could not have been addressed in the EEA by the Applicant, as the proposed project differs in size, scope and operation. It is the District's position that the Applicant has failed to consider or address the operations of the District and has not provided any assurances that the same will not occur in the future if the Proposed Project is approved. (C7-27, C7-28)

Response TR-6:

The potential for traffic impacts due to the proposed project was evaluated in the TIS in Appendix M of the Expanded EA, which is also summarized in in Section 3 of the Expanded EA (pages 45-92. As noted on Page 120 of the TIS, the study concluded in pertinent part:

> *Based on the detailed evaluation of the operations of the proposed project summarized herein, the project will not result in any significant negative impacts on the surrounding roadway network and would not have a deleterious effect on the operation of the roadways within the study area.*

As detailed in the TIS, the proposed site operation peaks later in the morning and in the evening, outside of the school's arrival and dismissal periods. Little traffic will be generated by the site during the typical commuter peak periods and times of school arrival and departure. As no significant impacts were found in the TIS during the peak periods of operation of the site, no significant impacts will occur during the school arrival and departure periods which could potentially have an effect on school operations.

In addition, the district engaged a professional traffic engineering consultant, GPI who performed a review of the TIS for the district. As noted in response to Comment FO-1, above, in GPI's January 6, 2021 letter to Dr. Thomas Rogers, Superintendent of Schools, indicates in summary on page 9 of the letter:

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

not expected to see any significant changes to their current traffic commute during school hours.

Comment TR-7:

It is likely that the proposed Tenant's delivery vehicles will traverse Robbins Lane. The Robbins Lane Elementary School is located on Robbins Lane a short distance from the Proposed Project and a school speed zone is located near the school where students arrive and depart both through busing services and walking. Should the Proposed Project move forward, the Applicant should ensure that its delivery service providers are made aware of the location of the Robbins Lane Elementary School, school zone speed limits and that they are alert to the student walkers in the vicinity and perhaps consider expansion of its policies to address the same. (C7-29)

Response TR-7:

As presented in the Trip Distribution and Assignment section of the TIS (Appendix M of the Expanded EA) on pages 56 and 57 and further presented on Figure 21, Trip Distribution Delivery Vans, only a small percentage of delivery vans (10%) will utilize Robbins Lane north of the site and only in the delivery of packages local to the area and will occur during time periods outside of school arrival and departure periods. The vast majority of the delivery vans will be destined for the Long Island Expressway with others on major roadways like Broadway (NY 106/107). Nonetheless, Amazon will ensure that its delivery drivers are aware of school activity, vehicular and pedestrian, and compliance with all regulations, school speed zones included.

Comment TR-8:

In light of the uniqueness of operations at the site that cannot easily be verified, it is recommended that conditions for approval be considered so that subsequent to full operations, the traffic can be monitored and compared to the traffic study predictions. In this manner, changes to the operating schedule or other mitigation can be considered to alleviate unanticipated impacts. (C7b-2)

Response TR-8:

With respect to this issue, the TIS (Appendix M of the Expanded EA) includes a Comparable Site operations section on Pages 54 through 56 which summarizes traffic observations at an operating Amazon site in Shirley, NY. With respect to this issue, as noted on Page 56 of the TIS, the study concluded in pertinent part:

The activity recorded at the Shirley facility confirms that location is operating with peak traffic activity occurring outside of the traditional commuter peak periods as is proposed at the Syosset site and with traffic volumes significantly lower than projected in the Shirley Traffic Study. As the site recently commenced operations, this reflects that it has not yet reached anticipated levels. These traffic volumes characteristics confirm that the Shirley facility, identified to be the site which operates most closely to that proposed at Syosset on Long Island, is operating such

that peak traffic generation occurs in what are off-peak periods for area roadway traffic, which will minimize the potential for traffic impacts.

In addition, in a letter dated December 9, 2020 from the applicants Counsel, the operator attests to operating the site as represented in the submitted reports and documents. Specifically, the letter reads:

In connection with the revised Environmental Assessment, heretofore submitted, and dated November 20, 2020, my clients have advised me that all representations therein are valid and true and that the operator intends to operate the site in accordance with said representations.

Comment TR-9:

The future use of the current Amazon activity on Underhill Boulevard should be addressed. (C7b-3)

Response TR-9:

At the PAB hearing of January 6, 2021, Brad Griggs, Sr. Manager, Economic Development, Amazon indicated that the use of the site on Underhill Boulevard is not associated with the proposed use of the Subject Property. The delivery vans at the Underhill Boulevard site will not be utilized at the Subject Property and all delivery vans to be used at this site will be contained on this site.

Comment TR-10:

The amount of traffic (the Warehouse) will create in an already crowded area will be unbearable. Those trucks are not small and they will stop up traffic around the service road of the LIE and make travel in and around Syosset Groves very difficult. (C9-5, C10-5)

Response TR-10:

The TIS (Appendix M of the Expanded EA), which is summarize in Section 3 of the Expanded EA, includes a comprehensive evaluation of potential traffic impacts to area roadways and was reviewed by the Town's Department of Environmental Resources, the Town's Professional Traffic Engineering Consultant, the Nassau County Department of Public Works and the New York State Department of Transportation with all issues related to impacts and the need for mitigation resolved.

With respect to this issue, as noted on Page 120 of the TIS, the study concluded in pertinent part:

Based on the detailed evaluation of the operations of the proposed project summarized herein, the project will not result in any significant negative impacts on the surrounding roadway network and would not have a deleterious effect on the operation of the roadways within the study area.