

January 12, 2012

TUCKAHOE PLANNING BOARD SPECIAL MEETING
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Chairperson Ann Marie Ciaramella
Commissioner Eric Fang
Commissioner Melba Caliano
Commissioner Antonio Leo
Commissioner Tim Miller
Commissioner Clare Gorman

Absent: Commissioner Sandy Reyes-Guerra
Commissioner Raymond Nerenberg

Also in Attendance:

John Cavallaro Village Attorney
Bill Williams Building Inspector
Frank Fish Village Consultant
James Pinto Village Consultant

Chairwoman Ciaramella announced the evening's agenda as follows:

181 Marbledale Rd. Site Plan

Jack Hughes attorney representing the applicant Mr. Rocco Cacciola introduced Brian Warner. Mr. Warner, Tyree Environmental Corp., Brookfield Ct., conducted the analysis of the soil and water samples at 181 Marbledale Rd.

Mr. Warner stated that he was contracted in April 2010 by Mr. Cacciola to test the ground soil and water prior to his purchasing the property. He described the methodology of the test. He first used geo probes, which are small probes with meters, which go down in to the soil and screen the soil for compounds. Samples were collected and analyzed for VOC (Volatile Organic Compounds) and SVOC (Semi Volatile Organic Compounds). These common compounds were oil, gas etc. Nine borings were taken and 5 samples were sent to the lab to be analyzed, two of which had ground water samples. Based on the tests, it was concluded that there were no compounds that exceeded the NYS regulations.

Mr. Jeffrey Shelkey, EEA, Inc., Garden City, NY, stated that he is an environmental chemist and has done work related to hazardous materials for years and has worked on the Rivervue development. He stated that he reviewed the report submitted by Mr. Warner and indicated that the findings were correct. All the concentrations were well below the DEC standings. There were no problems with the data collection or the report.

Mr. Jim Pinto, Village Consultant, asked why only 5 of the 9 borings were submitted for further testing. He also asked why Phase I was not done. Phase I would provide spill records and closure records of adjacent properties. He also stated that there was concern from area residents including letters from Sheila Clarke, Mr. Petrillo and Mr. Costa.

Mr. Warner responded to Mr. Pintos questions. The PID field tool was used at the site to screen the soil and measure the volatility. Once this tool was used, it was decided which soil samples were to be sent for further testing. As for the methodology, he explained that the property was being tested for the purpose of purchase. He was hired to test for potential problems within a budget. He tested for the most common compounds such as oil, gas and ground water samples. If the meter showed questionable levels, those samples were sent out for further testing. The results of the test showed that the levels did not exceed the NYS regulations. He noted that the letters from the residents mentioned PCB, metals and solvents. Solvents were tested. He added that there was no evidence of questionable materials. He noted that he did not do a Phase I as he was hired to test the soil and water prior to purchase. Mr. Warner stated that some of the borings went down 20ft. while others hit bedrock at 8 – 10ft. A soil boring is 5ft. long, 1.5ft. wide. The boring grabs soil from 5ft. – 10 ft.

Mr. Pinto added that a basement is planned to be constructed at 16 – 18 ft. below grade level. That land will be disturbed. A study of prior spills should be done to prove that chemicals did not migrate to this property.

Mr. Shelkey noted that Phase I is usually done as a requirement for funding from banks prior to lending. Phase II is the drilling phase. The extent of the drilling is determined by what is discovered in Phase I. Pesticides and PCBs are the only compounds missing. He stated that when the samples were chosen to be further analyzed, the sample with the highest meter reading was tested and no serious concerns were found.

Mr. Pinto added that spills of a different nature were not tested. The Board and the residents would like to be assured that the adjacent sites come up clean. A Phase I would alleviate the anxiety felt by the residents and the Board.

Mr. Williams stated that in the last 25 years, only one spill has been documented by the DEC. The NYNEX facility had a diesel fuel spill on Marbledale Rd.

Commissioner Caliano voiced her concern that the quality of the test was done for the purchase of the property and not for the development of the property. The applicant cannot say for sure that the land is clean. There are too many concerns for the residents and Board members.

Mr. Warner noted that one could always do more testing. He did a thorough investigation based on current site usage with visual and meter study. He added that 9 borings was very thorough and within the budget. He would not have changed the manner in which he conducted the test. No impact levels warranted a deeper study. The soil and ground water was tested. He sent the results to Mr. Cacciola, not the DEC because the levels did not exceed the DEC regulations.

Mr. Pinto added that if a Phase I were conducted, data would be collected from all the government agencies, EPA, DEC, Fire Dept., Health Dept., Building Dept. to find if any adjacent properties had reported spills. If spills were reported, this site should be tested for those elements to see if it is clean.

Commissioner Gorman asked if the agencies would have on record the items Ms. Clarke mentioned in her letter, such as the dumping etc.

Mr. Pinto noted that if it warranted testing, it would be recorded and documented. Local articles and local concerns are hearsay, which will not be in the database.

Commissioner Leo asked why boring #8 was only 2ft. deep.

Mr. Warner stated that the boring hit bedrock at 7 ft. and the sample was collected at 2 ft.

Commissioner Gorman asked if the driveway where the cisterns would be placed was tested.

Mr. Warner stated that he tested the soil at the end of the driveway where most runoff pools.

Commissioner Caliano asked about the radius of each boring and if there was a possibility, that test could have missed something.

Mr. Warner said yes, something could have been missed. The ground water carries elements from one area to another. When the ground water is clean, that is a good sign. There was no evidence of non-nature elements. The samples were uniform, which suggests that there was no dumping of rubble, or filled with concrete, bricks etc. There was some trace of wood chips in the elevated section of the property. The soil seems to have been there all along, no sign of new soil.

Mr. Fish announced that the applicant has agreed to conduct a Phase I search. It is a cost to the applicant he is willing to spend so that it will answer Mr. Pinto's questions and alleviate the concerns of the public.

Commissioner Miller asked if there is anything to do beyond the Phase I and Phase II.

Mr. Pinto noted that some rock may have to be removed to do more borings. There are still questions regarding the drainage system that needs to be addressed by the architect.

Mr. Shelkey noted that a Phase I is done by radius maps approximately a one mile radius from the site. Any spills, leakage or cleanups would be found. The report will be approximately 200 pages if there are issues. Data collected from all agencies will be included. The agencies will be EPA, DEC, Fire Dept., Building Dept., and Health Dept. Phase I may conclude that no additional testing is required.

Mr. Abillama, architect for the applicant, described the drainage system. He added that he would submit the drainage plans in full to the building department for review.

Chairwoman Ciaramella noted that the applicant's plans were incomplete; the Board will re-open the public hearing. In addition, there was new information presented tonight, and the Board has decided to allow community input.

Mr. Hughes voiced his opposition to the re-opening of the public hearing as it was closed back in October.

John Cavallaro, Village Attorney, added that the SEQR has not been completed within the 60 day time period.

Chairwoman Ciaramella motioned to re-open the public hearing, seconded by Commissioner Caliano and carried unanimously by the Board.

Public Comments

Sheila Clarke stated that many members of the community did not attend tonight's meeting as they assumed the public hearing was closed. The history of the dumping at the quarry is not documented. A landscaping business, Take Pride Landscaping was at this site, which is probably why wood chips were found at the site. There may be some records at the county level, but she noted that she witnessed the burying of oil tanks. She claims the records have been forged to state that the oil tanks were empty. Lead and Freon were dumped at this site. She stated that she had no objection to a building on this site; her concern was the disruption of the site.

Mr. Hughes stated that oil tanks dumped at this site is an unfounded allegation. There is no evidence of that on this site. There is evidence that the landscaping business dumped illegally in Yonkers.

Chairwoman Ciaramella noted that the letters from Sheila Clarke, Mr. Petrillo and Mr. Costa would all be attached to the minutes. The public hearing will remain open. All residents may come and speak or send correspondence regarding this application. This applicant will return to the February meeting.

Chairwoman Ciaramella motioned to keep the public hearing open was seconded by Commissioner Leo and upon roll call, the vote was carried 6 – 0.

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