

# Glen Cove Anglers



Since 1947

Garvies Point Road, Glen Cove, New York 11542

June 29, 2009

The City of Glen Cove Planning Board  
 Care of Lois Stemcowsky  
 Planning Board Secretary  
 City Hall 3<sup>rd</sup> Floor  
 9 Glen Street  
 Glen Cove, NY 11542

Dear Planning Board Members,

After reviewing the Draft Environmental Impact Statement (DEIS) and attending a meeting with representatives from RXR Glen Isle Partners, LLC and Mayor Suozzi, we would like to express the following concerns.

In the Land Development Agreement dated May 14, 2003 (LDA), and referenced in the DEIS, it states, "The Redeveloper and The Agencies shall work together, in good faith, to relocate the Angler's Club to a facility comparable with its existing location at Glen Cove Creek.

We discussed several components of the proposed relocation mostly in general terms since there are no specifics to review at this stage of the process. Among our concerns were parking for Anglers Club Members, security of the club house area and the lack of any adjacent grounds for Club events. We were more or less told that specific details and arrangements would be worked out later when specific plans were drawn. However, a major concern to us was the mention in the section of "Description of Proposed Action", (sec. 2, page II-21), of 24 new boat slips.

We have specifically stated to the redeveloper, that we currently have 36 boat slips (actually 39 with courtesy slips). The redeveloper's representative Matt Frank, stated that they used a satellite photo to arrive at the 24 number and it was not an intentional attempt to reduce the number of slips required.

We are a fishing club and water access and boat slips for our members is a priority when discussing any relocation planning. We would like to let it be known that we now have access to approximately 450 linear feet directly on the creek for boat docking purposes. At the very least we would like to maintain our current number of boat slips.

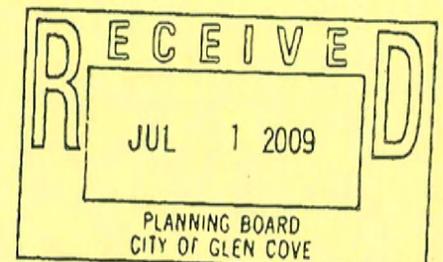
Thank you for considering these comments and for your continued support of the Glen Cove Anglers Club.

Sincerely,

*Mike Caruso*

Mike Caruso  
 Future of the Club - Chair

cc: Honorable Ralph Suozzi, Mayor of the City of Glen Cove  
 Matthew Frank, Executive Vice President Development & Design, RexCorp



**Angie Graziosi**

**From:** Michele Alexander [alexanm@hrw.org]  
**Sent:** Tuesday, July 07, 2009 10:34 AM  
**To:** Ralph Suozzi; Angie Graziosi; lpennucci@glenisle.com  
**Subject:** Harbor Development Project  
**Importance:** High

PLEASE FORWARD TO THE MAYOR AND THE PLANNING BOARD. Thank you.

Mayor Ralph Suozzi  
City Hall  
9 Glen Street  
Glen Cove, NY 11542

Chairman and Members of the Glen Cove Planning board  
City Hall  
9 Glen Street  
Glen Cove, NY 11542

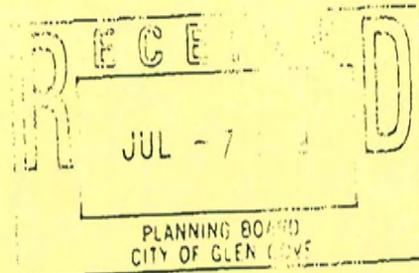
RXR Glen Isle Partners LLC  
9 Gerhard Road  
Plainview, NY 11803

Gentleman:

I am writing to express my complete dismay at the proposed Glen Cove Creek project.

As proposed, the development's density will put enormous stress on the environment, cause significant traffic issues, and put overwhelming demands on the local services including schools. I am in favor of developing and protecting the harbor by creating more viable commercial and community use in this area. But the scale of this proposal is so enormous as to be untenable. I am firmly opposed to the project as proposed.

Michele Alexander  
17 Ransom Avenue  
Sea Cliff, NY



**Angie Graziosi**

**From:** Schatz, Christina [christina.schatz@smithbarney.com]  
**Sent:** Tuesday, July 07, 2009 2:30 PM  
**To:** Angie Graziosi

Gentleman:

I am writing to express my complete dismay at the proposed Glen Cove Creek project.

As proposed, the development's density will put enormous stress on the environment, cause significant traffic issues, and put overwhelming demands on the local services, including schools. I am in favor of developing and protecting the harbor by creating more viable commercial and community use in this area. But the scale of this proposal is so enormous as to be untenable. I am firmly opposed to the project as proposed.

Christina Schatz

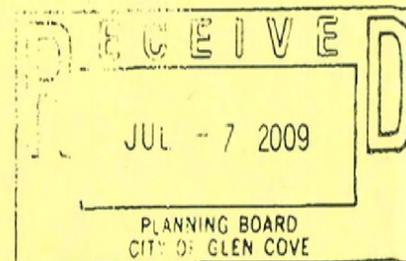
200 8<sup>th</sup> Ave

Sea Cliff, NY 11579

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Recently, the Global Wealth Management Group of Morgan Stanley & Co. Incorporated and the Smith Barney division of Citigroup Global Markets Inc. combined into Morgan Stanley Smith Barney LLC, a new investment advisor and broker/dealer registered with the Securities and Exchange Commission. The URL on this e-mail is not indicative of the sender's employer.

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Members of the Planning Board

As a Glen Cove native and resident, I am writing to speak out in support of the mixed use redevelopment of the waterfront by RXR Glen Isle Partners.

I am a college student that would love to see more shopping and entertainment opportunities within Glen Cove. People continually talk about traffic in our area, however we would have far less need to get in a car if we had enough options within our own community. The focus on a walkable mixed use neighborhood next to our current downtown is exactly the type of development that Glen Cove – and truthfully, all of Long Island – needs.

I am also considering becoming a business owner myself in town, and the amount of people and potential new shoppers would be a boon to a new business in the Downtown. My parents tell me stories about the hey day of Glen Cove's downtown, and the Glen Isle project is, in my opinion, our best chance to bring that back.

It is encouraging to see that the Planning Board is doing something for the next generation of tax payers in the city of Glen Cove. This is an exciting development coming to life for all to take advantage of. It is also very wise of the city of Glen Cove to take advantage of the current economic crisis, to ensure that we are in a position to capitalize when things turn around.

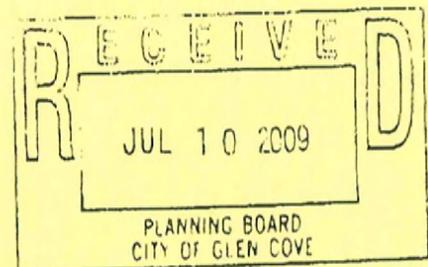
The project is something I fully support, and I can assure you that this sentiment is shared amongst many within my generation.

Sincerely,



Melissa Gaudesi

29 Wedgewood Ct.  
Glen Head, NY 11545



**Angie Graziosi**

**From:** Debra Dumas [debomas@verizon.net]  
**Sent:** Friday, July 10, 2009 4:08 PM  
**To:** lpennucci@glenisle.com; Angie Graziosi; rsuozzi@cityofglencoveny.org  
**Subject:** Proposed Glen Cove development

Mayor Ralph Suozzi

City Hall

9 Glen Street

Glen Cove, NY 11542

Chairman and Members of the Glen Cove Planning board

City Hall

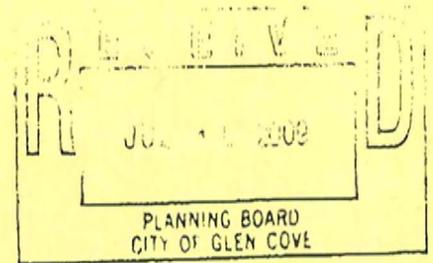
9 Glen Street

Glen Cove, NY 11542

RXR Glen Isle Partners LLC

9 Gerhard Road

Plainview, NY 11803



To all:

I am writing to express my profound opposition to the massive development currently proposed for the waterfront in Glen Cove.

I have attended two recent meetings and in my opinion you and your consultants have seriously underestimated the impact on our local traffic, ecology, views, and local services. We live on a what is basically a peninsula with Glen Cove at the tip. In the past 8 years I have already witnessed increased local traffic with Sea Cliff used more and more as a cut-through. You cannot even fill the two Avalons, which were monstrous in themselves, and now you are proposing more dense development. I believe that Glen Cove has lost sight of what makes the North Shore special and why we all chose to live here in the first place.

Furthermore:

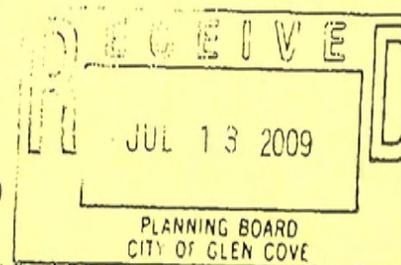
- The renderings you showed were misleading and only showed what the buildings would look like from a very specific angle for each. From other views they are still a mass of concrete.
- No ferry operator has been found and currently several ferries in the New York area are threatened with bankruptcy.
- Green building practices are being "considered" but not promised.
- The site is adjacent to Garvies Point and the impact on the wildlife there due to increased traffic and population could be significant and irreversible.
- The development will put an additional burden on our utilities and power grid.
- The development will further impact upon evacuation procedures in the event of an emergency.

Please reconsider the size and extent of this development for the sake of our quality of life and for the ecology of the region.

Respectfully,

Debra Dumas  
4 Preston Ave.  
Sea Cliff, NY 11579

CHARLES E. VASOLL  
56 HIGH STREET  
EAST WILLISTON, NEW YORK 11596-1940



PHONE: (516) 746-7052

FAX: (516) 742-4635

July 12, 2009

Lois Stencowsky  
Planning Board  
City of Glen Cove  
9 Glen Street 3rd Floor  
Glen Cove, NY 11542

Re: Waterfront Redevelopment

Dear Ms. Stencowsky:

At a presentation at the Hempstead Harbour Club on Thursday, July 9, it was indicated that three (3) site plans were available for the entry area to the Club but only one was shown. I inquired of RXR Glen Isle Partners, LLC and was directed to Mr. Darien Monte. He graciously sent to me by e-mail, three site plan diagrams. To my dismay all three were identical except that they showed different ways in which the Club's boat moving equipment (the Con-O-Lift) could be operated. There was no difference in the development of the site.

I respectfully request the Planning Board to further review this area of the Waterfront Redevelopment. While the plan submitted enables the Club to use the Con-O-Lift to move boats, the entrance to the club, with the boat trailer parking in front of it, are potential traffic disasters. The plan also fails to make provision for expansion for use of the boat ramp, which would seem appropriate to accommodate future growth of its use, as boating becomes a more vital asset to the area.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charles E. Vasoll".

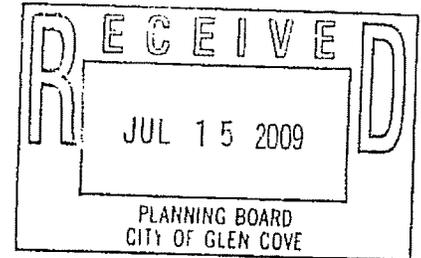
Charles E. Vasoll, Member  
Hempstead Harbour Club

THOMAS R. SUOZZI  
COUNTY EXECUTIVE



MARIA TORROELLA CARNEY, M.D., F.A.C.P.  
COMMISSIONER

NASSAU COUNTY  
DEPARTMENT OF HEALTH  
106 CHARLES LINDBERGH BLVD.  
UNIONDALE, NEW YORK 11553  
TELEPHONE: 516.227.9672  
FAX: 516.227.9613



July 13, 2009

Mr. Lois Stemcosky, Secretary  
Glen Cove Planning Board  
9 Glen Street  
Glen Cove, New York 11542

Re: RXR Glen Isle  
Mixed-Use Waterfront Development  
City of Glen Cove  
Draft Environmental Impact Statement

Dear Ms. Stemcosky:

The Nassau County Department of Health (NCDH) reviewed the above referenced Draft Environmental Impact Statement (DEIS), received on June 10, 2009, prepared to help the involved agencies consider environmental concerns in making decisions regarding the proposed RXR Glen Isle Mixed-Use Waterfront Development project located in the City of Glen Cove. This Department's review addresses realty subdivision requirements, water supply, environmental conditions, and additional issues that might affect public health.

**I. EXECUTIVE SUMMARY**

1. Section D - Required Approvals (Page I-5). The Table I-1 "*Summary of Required Approvals and Involved Agencies*" should include the Nassau County Department of Health as an agency that approves applications for realty subdivision maps to assure satisfactory arrangements for water supply, sewage disposal and the protection of public health from environmental contamination.
2. Section E - Interested and Involved Agencies (Page I-7). The Nassau County Department of Health should be listed as an Involved Agency because it has approval-granting authority.



3. Section F - Summary of Potentially Significant Impacts (Page I-11). The Table I-2 "*Summary of Potentially Significant Impacts*" Utilities category reports that DPW (Glen Cove) has indicated that there will not be sufficient well capacity to meet future maximum demand in the event that one major well is out of service. Department comments and recommendations regarding water supply and the sanitary sewage pumping station and infrastructure are included in the Section III. J. Utilities 1. Existing Conditions and 2. Potential Impacts subsections that follow.
4. Section G - Summary of Mitigation Measures (Page I-14). The Table I-3 "*Summary of Proposed Mitigation Measures*" Utilities category, which states that the proposed development would "*not have a negative impact on sanitary sewage disposal, therefore no mitigation is proposed*", is not appropriate because NCDPW personnel have advised that there is insufficient capacity in the existing pumping station or force main to handle any additional flow. Department comments and recommendations regarding water supply and the sanitary sewage pumping station and infrastructure mitigation measures are included in the Section III. J. Utilities 3. Mitigation Measures subsection that follows.
5. In Section I - Executive Summary, and Section II - Description of Proposed Action of the DEIS, restaurants are planned for this development. Please be informed, as agents for the New York State Health Department under Chapter I, Subpart 14-1 of the New York State Sanitary Code plans are required to be submitted for review and approval to the Nassau County Health Department. In addition, an operational permit must also be acquired prior to the opening of a restaurant.
6. In Section I - Executive Summary, and Section II - Description of Proposed Action of the DEIS, a luxury hotel is planned for this development. Please be informed, as agents for the New York State Health Department under Chapter I, Subpart 7-1 of the New York State Sanitary Code plans are required to be submitted to the Nassau County Health Department for evaluation. In addition, an operational permit must also be acquired prior to the opening of the hotel.

## II. DESCRIPTION OF PROPOSED ACTION

1. DEIS Section II. C. Project Description and Site Design, page 15. West Side the fourth sentence reads, "*The blocks are composed with multi-story elements on the eastern and western wings on top of podiums which enclose each structure's supporting parking with residential units.*" The parking of vehicles beneath the structures meets the definition of an attached garage. Section 14A of Article VII of the Nassau County Public Health Ordinance requires that "the new construction of every dwelling and multiple dwelling in Nassau County in which there is a fuel-fired appliance or attached garage... shall be equipped with carbon monoxide alarms..." [emphasis added]. In addition, the developer should check with the City of Glen Cove Building Department for carbon monoxide alarm requirements in residential buildings with attached garages.

### **III. EXISTING CONDITIONS. ANTICIPATED IMPACTS AND MITIGATION**

#### **III.B. Surface and Subsurface Environmental Conditions**

NCDH reviewed Section III.B. of the DEIS titled, "*Surface and Subsurface Environmental Conditions*" and the "*Environmental Condition Report (ECR), May 22, 2009*", included in the Appendix of the DEIS summarizing the environmental conditions of the Glen Isle properties. Comments have been provided in the Appendix F1 Environmental Conditions Report section of this document to address environmental issues within the proposed development as well as adjacent properties.

#### **C. Water Resources**

1. Section C 1(a) - Water Resources Existing Conditions. Hydrogeologic Conditions (Page III.C-1) The report advises that groundwater contamination exists within the project site; and that groundwater at the Li Tungsten , Captains Cove, Anglers Club, Gladsky, Sewage Pumping Station and Doxey parcels is contaminated by volatile organic compounds and dissolved metals. The adjacent Mattiace and Crown Dykman properties are also sources of ground water contamination that are affecting the down gradient properties including Li Tungsten, Captain's Cove, Doxey, the Pumping Station, Angler's Club and Gladsky.

The nature area, extent and depth of groundwater contamination on and near the proposed Glen Isle development must be identified, further investigated and remediated as may be necessary in accordance with all federal, state and local regulations. Upon completion of all corrective actions, the property owner(s) should identify any residual soil, groundwater and soil vapor contamination at the site for Department of Health evaluation so as to determine if potential risk to human health are posed by the proposed site residential and commercial development, and determine if mitigation measures must be included as part of the development plans.

2. Section C 2(h) - Public Water and Sewer (Page III.C-39). The report states that at full completion, the proposed development would increase water demand by approximately 662,000 gallons per day (GPD) and average daily sewage demand by 507,000 GPD over the City's existing levels. The report refers to more detailed discussions in Section III.J Utilities; and states that the proposed development would not negatively affect sanitary wastewater disposal.

The statement that the City has begun to study improving its water infrastructure to accommodate the increased water demand from its desired future growth and various proposed developments in the City, including the proposed project does not provide assurance that the City of Glen Cove will be able to provide an adequate supply of potable water to meet the increased water demand needs of this project. Absent this assurance, the City of Glen Cove should not issue a letter of Water Availability that the Department of Health requires before approving a realty subdivision development.

Also, the statement that the proposed development would not negatively impact sanitary disposal, is not consistent with the statement made in subsection J. Utilities, 1. Existing Conditions b) Sanitary Disposal Services on page III.J-3 that there is insufficient capacity in the existing pumping station or force main to handle any additional flows

3. Section C 3 - Mitigation Measures (Page III.C-40). The report states (Pages III.C-41 to 47) that all redeveloped properties and the Proposed Action would be connected to or serviced by the Glen Cove Wastewater Treatment Plant. The report however does not confirm that Nassau County has agreed to permit the connection of the proposed development to the Wastewater Treatment Plant.

### III. J. Utilities

1. Section J. 1(a). Existing Conditions. Water Services (Page III.J-1). The DEIS reports that: the City can deliver 9.0 million gallons of water per day (MGD), the average water demand is 5.1 MGD, the peak demand is 7.5 MGD, the peak hour demand is 9.6 MGD, and the current fire flow requirements are 5.0 MGD (for a maximum daily demand plus fire flow of 12.5 MGD). The DEIS also points out that if the industrial uses that have recently closed were reactivated, the City would not be able to meet its water demand in the event of the loss of one well pump.

The "Recommended Standards for Water Works", which is used as the basis for water supply plan approvals in New York State requires that the total developed source capacity shall equal or exceed the design maximum day demand with the largest producing well out of service. Based on this requirement, the City of Glen Cove capacity would be reduced by the 2.0 MGD capacity of one of the largest producing wells to 7.0 MGD. This would create a maximum day demand deficit of 0.5 MGD (7.5-7.0 MGD). This deficit would increase by the 0.66 MGD to 1.16 MGD as a result of the completion of the proposed development.

The City of Glen Cove has a reported supply well capacity of 9.0 MGD, and Department records indicate a storage tank capacity of 4.25 MGD for a total 24 hour capacity of 13.25 MGD. The City would be able to meet the current maximum day plus fire flow demand of 12.5 MGD and additional 0.66 MGD development demand, but would have an approximate 2.0 MGD deficit if the City lost the use of one of its largest capacity wells during a peak day plus fire demand event.

The City should prepare an engineering report and adopt a plan, as may be needed, to eliminate the projected maximum day, and potential maximum day demand plus fire flow deficits by the installation of a new supply well before the proposed development is completed.

2. Section J 1 (b). Sanitary Disposal Service (Page III.J-2). The report states that NCDPW personnel have advised there is insufficient capacity in the existing pumping station or force main to handle any additional flow; and that the City of Glen Cove's engineering consultant has advised that Nassau County has begun a study of all of the existing pumping stations and infrastructure within the City to ascertain their conditions and determine the improvements needed to these facilities. This study should be completed and improvements implemented as necessary to assure that the proposed development will have adequate sanitary sewer service available
3. Section J 2 (a). Potential Impacts. Water Services (Page III.J-3). The report indicates that the projected increase in water consumption would not be expected to have a significant adverse impact on water services, assuming that the City proceeds with its current plans to expand water pumping capacity. This statement is not consistent with information provided on page III.J-2 that the City has only begun to study improving its water infrastructure. Also no information has been presented that the City has a current plan to expand water pumping capacity. Finally, absent an engineering report that documents a proposal for the elimination of the maximum day demand deficit, and potential 1.25 MGD maximum day plus fire flow demand deficit with the largest producing well out of service, the proposed 0.66 MGD additional development demand must be considered to pose a significant adverse water supply impact.

Section J 2 (b). Sanitary Disposal Services. As previously commented under subsection 1. b) above, the report advises that NCDPW personnel indicate that there is insufficient capacity in the existing pumping station or force main to handle any additional sewage. NCDPW should complete the study of infrastructure needs, and implement necessary improvements to assure that the proposed development will have adequate sanitary service before a letter of sewer availability is issued by NCDPW.

4. Section J 3. Mitigation Measures (Page III.J-6). The conclusion that the proposed development would not impact sanitary disposal is not correct because the report indicates that NCDPW personnel have advised that there is no capacity in the existing pumping station or force main to handle any additional sewage flow. Therefore, if these sewage conveying facilities are deficient then sewage will not be properly conveyed to the plant for sewage treatment and disposal.

In addition, although the report indicates that the City has begun to study improvement of its water supply infrastructure to accommodate increased water demand, the proposed action, would increase the maximum day demands or potential maximum day plus fire demand water supply deficits with the largest pumping supply well out of service, and should therefore be considered to pose an adverse environmental impact to the City of Glen Cove water supply system until such time as an additional supply well is constructed.

#### **IV. CUMULATIVE IMPACTS**

1. Section C. Water Use (Page IV-13). The report indicates that the City Director of Public Works has advised that with the proposed increase demand resulting from the proposed Glen Isle project and the various other proposed developments in the City that there will not be sufficient well capacity to meet future maximum demand in the event that one major well is out of service. The water usage for the additional 780 residential units and 50,000 square feet of office space is approximated to be 415,800 GPD for a total increase in water demand resulting from the Glen Isle project and additional developments to almost 1.1 MGD. The resulting increased maximum day demand deficits and potential maximum day plus fire demand deficits provide further basis for the City to complete an engineering study of water resources needs. This report should be submitted to the Department of Health for review and approval to provide justification for the installation of a new supply well, prior to the issuance of a certification of water availability for the proposed development by the City of Glen Cove.
2. Section E. Sewage Discharge (Page IV-14). The report identifies an additional projected sewage flow of 378,000 GPD from an additional 780 residential units and office space for a total increase in the average daily sanitary flow to approximately 885,000 GPD. The additional flow, when added to the existing 3.8 MGD processed by the City's treatment plant is reported to be below the treatment plant's rated capacity. In view of the information provided by the NCDPW personnel that there is insufficient capacity in the existing pumping station to handle any additional flow, the reported NCDPW study of specific improvements that are needed to facilitate the conveyance of sewage from the proposed development should be completed and funded before an agreement is extended to provide sewer service for the proposed development.

#### **Appendix F1. Environmental Condition Report**

NCDH reviewed Section III.B. of the DEIS titled, "*Surface and Subsurface Environmental Conditions*" and the "*Environmental Condition Report (ECR), May 22, 2009*", included in the appendix of the DEIS summarizing the environmental conditions of the Glen Isle properties. The following comments have been prepared to address environmental issues in the ECR at the proposed development, as well as adjacent properties:

#### **ECR SECTION 2.1 LI TUNGSTEN PARCEL A**

1. ECR Section 2.1.4. The EPA Site-Wide Cleanup Levels (SWCL) used in the Li Tungsten (LT) investigation for arsenic of 24 mg/Kg was selected for a commercial use of the property (Explanation of Significant Differences (ESD) Li Tungsten Superfund Site Glen Cove, New York, May 2005). Furthermore, the ESD document states that Parcel A requires further evaluation concerning its being used for residential development, due to the presence of organic contaminants in the soil and in the shallow groundwater. The NYSDEC also has the authority over the site and will be involved in the redevelopment

process (ECR Section 2.1.3 sixth paragraph). Please be advised that the restricted residential limit for Arsenic in 6NYCRR Part 375 is 16 mg/Kg. Please contact the NYSDEC to clarify which limit will be used to determine the extent of the site remediation.

2. ECR Section 2.1.4, fourth paragraph, informs that a USEPA requirement, documented in the 1999 ROD, is for groundwater quality monitoring for a period of 5 years. The report should include the procedures that will be implemented if groundwater contamination, exceeding groundwater standards or limits, is detected beneath the property. The report should include the procedures that will be implemented should contamination levels gradually increase with each succeeding round of groundwater sampling? Please explain which agency will be responsible for the review of groundwater monitoring results.
3. The NYSDEC DER-10 Section 3.2 (d), General sampling considerations prescribes, for the purposes of field characterizations or remedial investigations composite sampling should not be conducted ... ECR Section 2.1.4.1.1. Li Tungsten – Parcel A the penultimate sentence of the first paragraph reads, *“These endpoint samples were composites from five locations”*. The NYSDEC should be contacted for site characterization and remedial investigation information.
4. ECR Section 2.1.4.1.1. The fifth sentence of the last paragraph reads *“As a result, the possibility of VOC vapor intrusion into buildings constructed on the Li Tungsten Site cannot be ruled out until these groundwater plumes are defined by a future groundwater monitoring program.”*, whereas, Section 2.1.3 last paragraph **second bullet**, states, *“Soil gas evaluation for VOCs and Radon. The purpose of the soil gas evaluation would be to determine whether the presence of VOC or Radon in subsurface soil might have the potential to adversely affect indoor air quality in building structures;”*. It appears that the USEPA will require the restriction (**second bullet**) and will be binding on parties who acquire the real property in the future. According to the USEPA restriction, the soil vapor investigation study is binding and will be conducted irrespective of the presence or absence of a VOC contaminated plume beneath the property. This should be clarified.

#### ECR 2.1.4.1.2 LI TUNGSTEN PARCEL B

1. It should be clarified whether the confirmatory endpoint sampling conducted at this parcel was discrete or composite. See item 3 above for reference purposes. Also, it is not clear whether the PCB soil concentration at depths greater than 2 feet below ground surface is less than 10 mg/Kg.
2. Page 9 of section 2.1.4.1.2, first paragraph line 15 reads, *“No information regarding the source and quality of the clean fill exists.”* The NYSDEC should be contacted for site characterization requirements.

3. Page 9 of section 2.1.4.1.2, first paragraph, third to the last sentence reads, "*However, a statistical analysis determined that SWCLs were met*". This Department should be provided with a copy of the statistical analysis for information purposes.

#### ECR 2.1.4.1.3 LI TUNGSTEN LOWER PARCEL C

1. The report should indicate if the NYSDEC is in agreement that composite sampling of endpoints are permitted at this site although the NYSDEC DER-10 Section 3.2 (d), General sampling considerations prescribes, for the purposes of field characterizations or remedial investigations composite sampling should not be conducted.
2. This Department recommends a soil vapor investigation at this parcel. In addition, VOC impacted groundwater plumes do not have to necessarily mirror vapor contamination plumes and experience has shown that even cross gradient groundwater plumes can potentially contaminate soil vapors beneath foundations not situated above that groundwater plume. The New York State Department of Health (NYSDOH) "*Guidance for Evaluating Soil Vapor Intrusion in the State of New York*" should be referenced (A copy of this Guidance may be obtained from the NYSDOH website) for acceptable soil vapor study procedures.
3. The fourth paragraph second sentence reads, "*Since the NYSDEC Groundwater Quality Standard of 3 pCi/L for Radium was exceeded in several samples with concentrations approaching 11 pCi/L.*" The NCDH recommends the investigation of the potential for the migration of Radon gas from the groundwater into the indoor air of the proposed structures. Please contact the USEPA for guidance for Radon Mitigation in buildings.

#### ECR SECTION 2.1.4.1.4 LI TUNGSTEN UPPER PARCEL C

1. The report should indicate if the NYSDEC is in agreement that composite sampling of endpoints are permitted at this site although the NYSDEC DER-10 Section 3.2 (d), General sampling considerations prescribes, for the purposes of field characterizations or remedial investigations composite sampling should not be conducted.
2. Page 12, first paragraph, fifth sentence reads, "*Arsenic and lead were detected at concentrations exceeding SWCLs in endpoint samples collected in the vicinity of a storm drain system and electrical utility.*" Structures that are used for the subsurface emplacement of fluids meet the definition of a structure that is subject to the Federal UIC requirements, and this includes drains or earthen bottoms within the positive, negative, communication manhole, water meter pits, water trough pits, rectifier pits, conduit pits. Furthermore, we recommend an investigation of all storm water dry wells at all parcels related to the development, the investigation should be conducted in accordance with USEPA UIC requirements. Please contact USEPA Region 2 for UIC program regulatory requirements.

3. This Department recommends a soil vapor investigation at this parcel because of the proximity of Mattiace and Crown Dykman groundwater contamination plumes. In addition, VOC impacted groundwater plumes do not have to necessarily mirror vapor contamination plumes and experience has shown that even cross gradient groundwater plumes can potentially contaminate soil vapors beneath foundations not situated above that groundwater plume. Please reference the New York State Department of Health (NYSDOH) "*Guidance for Evaluating Soil Vapor Intrusion in the State of New York*" should be used as a reference (A copy of this Guidance may be obtained from the NYSDOH website) for acceptable soil vapor study procedures.

#### ECR SECTION 2.1.4.1.5 LI TUNGSTEN PARCEL C PRIME

1. This parcel has been deemed as an area that does not require remedial investigations by the USEPA. Because of the parcel's proximity to Mattiace which is a documented source of groundwater contamination, the Department recommends a soil vapor investigation at this parcel. Please be advised that VOC impacted groundwater plumes do not have to necessarily mirror vapor contamination plumes and experience has shown that even cross gradient groundwater plumes can potentially contaminate soil vapors beneath foundations not situated above that groundwater plume. Please reference the New York State Department of Health (NYSDOH) "*Guidance for Evaluating Soil Vapor Intrusion in the State of New York*" (A copy of this Guidance may be obtained from the NYSDOH website) for acceptable soil vapor study procedures.
2. This Department concurs with the contents of the last paragraph of section 2.1.4.5 disclosing that the groundwater sampling event, two wells in parcel C and one well in parcel A, did not include analysis of VOCs and SVOCs and that additional permanent monitoring wells should be installed inside the other parcels to determine the presence of contaminants in the groundwater.

#### ECR SECTION 2.2 CAPTAIN'S COVE

1. ECR Section 2.2.4.1 NYSDEC Investigation and Remedial Activities, page 18 last paragraph the penultimate sentence reads, "*A review of the data indicated that all of the 78 stockpiles exceeded TAGM RSCOs for metals (copper and zinc) and as many 76 stockpiles exceeded the SVOC objectives.*" Based on the aforementioned, the Department recommends that the developer contact the NYSDEC to determine whether the approved stockpiles for reuse meet the criteria for soil covers and backfill for residential development.
2. ECR Section 2.2.4.1, Page 20, second paragraph last sentence informs that it is possible that radioactive material is present in deeper reused dredge spoils since the spoils were placed prior to EPA remedial action. The NYSDEC and/or the USEPA should be contacted for guidance regarding the remediation of subsurface radioactive contamination at this location.

3. ECR Section 2.2.4.2. The EPA SWCL used at the Captain's Cove site investigation for Arsenic of 24 mg/Kg was selected for a commercial use of the property (Explanation of Significant Differences (ESD) Li Tungsten Superfund Site Glen Cove, New York, May 2005). The restricted residential limit for Arsenic in 6NYCRR Part 375 is 16 mg/Kg. Please contact the NYSDEC to clarify which limit will be used to determine the extent of the site remediation.
4. ECR Section 2.2.4.3. This Department concurs with the second paragraph on Page 22 that reads, "*However, the borings and test pits conducted as part of the RI and GI-FVP indicated that evidence of landfill type wastes are present in this area and further investigation /remediation may be warranted.*" Please contact the NYSDEC for remediation requirements for the location on the Captain's Cove site.
5. ECR Section 2.2.4.4. This Department recommends a soil vapor intrusion study for the Captain's Cove site since the groundwater beneath this property might be impacted by radon and semi-volatiles from on site sources and volatile organics from upgradient sources (Mattiace). The soil vapor study should be conducted in accordance with the New York State Department of Health (NYSDOH) "*Guidance for Evaluating Soil Vapor Intrusion in the State of New York*" (A copy of this Guidance may be obtained from the NYSDOH website). Please contact the New York State Department of Health for guidance in the preparation of soil vapor intrusion work plans and protocols.

#### ECR SECTION 2.3 ANGLER'S CLUB SITE

1. ECR Section 2.3.5. This Department concurs with the last sentence in second paragraph of this section that reads, "*A radiological survey is recommended due to the site's proximity to Li Tungsten and Captain's Cove and the Creek.*" In addition, please contact the NYSDEC for additional remedial investigations and/or site remediation based on the Phase II site investigation conducted in 2000.

#### ECR SECTION 2.4 GLADSKY SITE

1. ECR Section 2.4.5. Please include the Department on your mailing list of all pertinent documentation, including remedial investigation reports and documentation from other regulatory agencies.

#### ECR SECTION 2.5 CITY OF GLEN COVE PUMPING STATION

1. Section 2.5.5. We concur with the recommendation of radiological survey due to the site's proximity to Li Tungsten and Captain's Cove. Please contact the NYSDEC for additional remedial investigations and/or site remediations that might be required.

ECR SECTION 2.6 DOXEY SITE

1. The NYSDEC should be contacted for additional remedial investigations and/or site remediations that might be required since metals and SVOC contamination was detected above their respective NYSDEC RSCOs.

ECR SECTION 2.7 GATEWAY PROPERTIES

1. The Nassau County Department of Health should be placed on your mailing list to receive copies of all reports and documents related to the proposed Phase II activities at this parcel.

ECR SECTIONS 3.1 AND 3.2 MATTIACE AND CROWN DYKMAN

1. This Department recommends the installation of a sub slab depressurization system beneath all of the proposed building at the Glen Isle development due to their proximity to the Mattiace Federal Superfund Site and the Crown Dykman New York State Superfund Site. The two aforementioned sites have contributed to the contamination of the groundwater in the glacial aquifer and the direction of groundwater is towards the Creek and the Glen Isle properties that border the Creek. The subsurface source of contaminated vapors (e.g., contaminated soil or groundwater) does not need to be directly beneath a structure to contaminate the vapor beneath a building's foundation. Department experience (Nassau County) has shown that vapor contamination plumes do not necessarily mirror groundwater contamination plumes. Factors that affect soil vapors include the subsurface conditions beneath a site, such as dry coarse-grained soils, underground conduits with highly permeable bedding materials relative to native materials can facilitate subsurface vapor migration. Areas where the subsurface soils are protected (paved) from rain fall tend to be drier than open grassy areas and therefore are more conducive to vapor migration.

ECR SECTION 3.3 KONICA MINOLTA

1. This site is a New York State Superfund Site (Class 2 inactive hazardous waste site) and due to elevated levels of VOCs in the groundwater, the potential for soil vapor intrusion because of this contamination is possible. Please refer to item 26 for more information regarding soil vapor contamination.

ECR SECTION 3.4 SLANTFIN

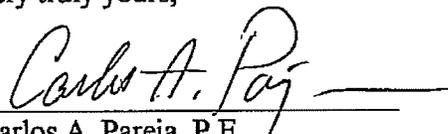
1. The Department recommends a groundwater investigation to confirm the existence of groundwater contamination emanating from the site because the historical use information (Industrial) indicates the likelihood of a recognized environmental condition in connection with the property. The site should be investigated for floor drains inside the building and confirmation of the discharge point. Also, dry wells associated with the property should be investigated, the dry wells and floor drains are considered underground injection control (UIC) sources and are subject to Federal UIC requirements.

Other Issues

1. A certification of rodent free inspection for demolition must be obtained from the NCDH Office of Community Sanitation. A copy of the certification must be given to the local building department in order to obtain a demolition permit.
2. A New York State Department of Labor (NYSDOL) licensed inspector must survey any existing buildings or structures for the presence of Asbestos Containing Building Material (ACBM) prior to demolition. If ACBM's are identified, they must be handled in accordance with NYSDOL and USEPA regulations.
3. The DEIS should address the availability and the capacity of shelters in case of an emergency because of the extent of the development. The Emergency evacuation plans should be discussed with the Nassau County Office of Emergency Management and addressed in the DEIS.
4. Tabulated in Appendix M of the DEIS indicates that 5 swimming pools will be located on this property. Please be informed, as agents for the New York State Health Department under Chapter I, Subpart 6-1 of the New York State Sanitary Code, plans are required to be submitted for review and approval to the Nassau County Health Department. In addition, an operational permit must also be acquired prior to the opening of the swimming pools.
5. Please be informed that if a beach is planned for bathing use then a Permit to Operate must be acquired from the Nassau County Health Department and must operate in accordance with Chapter I, Subpart 6-2 of the New York State Sanitary Code.

Please contact me at 516-227-9672 should you desire any further information.

Very truly yours,



Carlos A. Pareja, P.E.  
Bureau of Environmental Engineering

cc. Nassau County Department of Health  
Attn: Susan King, Director, Division of Environmental Health

New York State Department of Health – Troy, New York  
Attn: Don Miles

New York State Department of Environmental Conservation  
Attn: Joseph A. Yavonditte, P.E. Chief Remedial Section B, Remedial Bureau A