

Appendix F-2

Response Letter to NCDHS





NELSON, POPE & VOORHIS, LLC
ENVIRONMENTAL, PLANNING, CONSULTING

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572 Walt Whitman Road
 Melville, NY 11747

TO: Carlos A. Pareja, P.E.
 Nassau County Department of Health
 Division of Environmental Health
 240 Old Country Road
 Mineola, NY 11501-4250

Date: 13-Dec-06

Re: Shire Estates @Woodbury

Job #: 03469

We are sending you:

Under separate cover
 Herewith via FEDEX
 By Messenger

For Your:

Review & Comment
 Approval
 As requested
 For your review
 Bid Submission

Quantity	Description
1	Correspondence from Carrie O'Farrell dated 12/12/06
2	Phase I Environmental Site Assessments from Freudenthal & Elkowitz Consulting Group dated August 2005
2	Phase II Environmental Site Investigation Reports from GZA GeoEnvironmental of New York dated June 2006
1	300' and 500' Radius Map
1	500' Land Use and Zoning Map

Remarks:

Dear Mr. Pareja:
 Please find the enclosed materials sent per Carrie O'Farrell's request.
 Please do not hesitate to contact me should you have any questions or need further assistance.
 Thank you.

Sincerely,

NELSON, POPE & VOORHIS, LLC

By: Ashley Marciszyn x215

cc: Elyssa Goldman, Tri (w/copy)
 Bram Weber (w/copy)
 Charles Voorhis, NP&V
 Eric Arnesan, NP&V
 File ✓



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December 12, 2006

Carlos A. Pareja, P.E.
Nassau County Department of Health
Division of Environmental Health
240 Old Country Road
Mineola, New York 11501-4250

Re: Triangle Equities
(Shire Estates @ Woodbury)
Change of Zone Application
#2006-ZM-363
NP&V No. 03469

Dear Mr. Pareja:

This letter has been provided to respond to comments issued by your department on November 13, 2006 which are related to the Change of Zone Application for the above referenced project.

Comment 1

A realty subdivision plans and applications must be submitted to the Nassau County Department of Health (Department) for the approval of the design of the water supply, and on site sewage disposal system or sewer connection, to serve each residential development of five (5) or more units or lots.

Response

The applicant will submit realty subdivision plans and all necessary applications to the Nassau County Department of Health (NCDH) for the approval of the design of the water supply and sewer connections prior to the start of construction.

Comment 2

Private Sewage Disposal System plans and applications must be submitted to the Department for the approval of the design of all individual on site sanitary sewage disposal systems that are proposed to serve apartment buildings, and institutions as well as non residential developments including restaurants, office buildings, recreational or other commercial and industrial buildings

Response

All wastewater generated by the project is proposed to be conveyed off-site by connecting to the existing sanitary sewer system for ultimate treatment and disposal in the Cedar Creek Sewage Treatment Plant. Sanitary plans and profiles, once completed, will be submitted to NCDH for review and approval.

Comment 3

Applications for the approval of all realty subdivisions and individual on site sewerage disposal systems must include a current letter of water availability from a public water supplier and a current letter of sewer connection availability from the local public sewer district. The installation of private wells as a source of drinking water, cooking, sanitary or laundry use, in an area served by a public water system, is prohibited.

Response

A letter of water availability has been submitted to the local water districts to confirm service and adequate water capacity is available to service the proposed project. Once responses are received from the districts, they will be forwarded to NCDH. All wastewater generated by the project is proposed to be conveyed off-site by connecting to the existing sanitary sewer system for ultimate treatment and disposal in the Cedar Creek Sewage Treatment Plant (STP). A letter of sewer availability has been submitted to determine if the Cedar Creek STP maintains enough capacity to receive sanitary waste from the proposed project and a response is pending. A letter of sewer availability will be provided to NCHD with the necessary applications for sewer connection.

Comment 4

The construction of realty subdivisions, and other residential and non residential developments that require Department approval may not proceed until realty subdivision or private sewage disposal system plans are approved by the Department, as well as by other county and local agencies having jurisdiction including the local building department.

Response

It is acknowledged that the construction of realty subdivisions require the review and approval of the Department, NCDPW and the Town, as well as other involved agencies prior to the start of construction. The project sponsor will submit the necessary applications and obtain approvals from the various permitting agencies prior to the start of construction.

Comment 5

All land development in the Special Groundwater Protection Areas (SGPAs) of Nassau County must comply with the requirements of Article X of the Nassau County Public Health Ordinance (NCPHO). This regulation limits the number of dwelling units to one per 40,000 square feet for residential developments, limits the daily design rate of sewage discharged per square foot of net area for non-residential developments to no more than .00375 gallons per square foot, and prohibits all discharges of industrial wastewaters, whether or not treated.

Response

Article X of the Nassau County Public Health Ordinance (NCPOH) requires that residential development within an SGPA be developed at a density not to exceed one dwelling unit per acre, unless connection to the public sewer system is realized. As noted above, all wastewater generated by the project is proposed to be conveyed off-site by connecting to the existing sanitary sewer system for ultimate treatment and disposal in the Cedar Creek Sewage Treatment Plant (STP). Sanitary plans and profiles will be submitted to the Department for review once completed. The proposed project conforms with the requirements and recommendations of the SGPA Plan and also satisfies the requirements of ECL Section 55-0117(6) with regard to the sites location in the CEA.

Comment 6

Engineering plans and specifications for the construction of new or modification of existing water mains which will serve the proposed development must be submitted, through the public water supplier, to the Department for review and approval.

Response

It is acknowledged that engineering plans and specifications will need to be prepared by the Jericho Water District and South Huntington Water District (paid for by the applicant) and will be submitted to the NCHD Bureau of Environmental Protection for review and approval immediately upon completion.

Comment 7

Evidence must be provided to the Department indicating that all water mains constructed as part of the development will be deeded to the public water supplier along with a dedicated easement as may be necessary, to assure proper operation, repair and maintenance.

Response

Legal descriptions of the water main easements will be prepared and recorded after the plans and specifications are completed by the Water Department Engineers.

Comment 8

Dead-end water mains shall not be proposed unless otherwise approved by the Department pursuant to conditions specified in Article VI of the NCPHO. All water mains should be connected to adjacent street mains or looped for improved water distribution.

Response

It is acknowledged that all water mains should be connected to adjacent street mains or otherwise looped for improved water distribution. Water main connection plans and specifications prepared for the proposed project by the Water District will comply with all applicable NCHD requirements and regulations.

Comment 9

The developer must comply with any water supply requirements for backflow prevention devices on water service lines.

Response

Engineering plans and specifications prepared for the proposed project by the Water Districts will comply with all applicable NCHD requirements and regulations with respect to backflow prevention devices.

Comment 10

Engineering plans and specifications for the construction of any new or modified public swimming pool must be submitted to the Department for review and approval.

Response

Engineering plans and specifications for the construction the proposed swimming pool will be submitted to the Department for review and approval.

Comment 11

The installation, removal, or abandonment of all toxic and hazardous materials storage tanks or areas containing fuel oil, waste oil and regulated petroleum or chemical products must be performed in accordance with the requirements of Article XI of the NCDPHO and the Article XI NCPHO Regulations.

Response

Under the development plan for the proposed project, all of the remaining buildings will be demolished and all service facilities will be removed. Removal of any storage tanks will be done in accordance with the requirements of Article XI of the NCPHO and Article XI of the NCPHO regulations. Appropriate filings will be submitted and approval will be obtained prior to the demolition of any on-site structures.

Comment 12

Any hazardous materials encountered at this site must be removed by an industrial waste transported registered with the NYSDEC and be taken to an approved hazardous waste disposal facility. The NYSDEC and NCDH must be notified upon discovery of any hazardous substances in order to determine if further investigation is necessary.

Response

Based on a review of the Phase I ESA, historical aerial photographs indicate that dumping had occurred in the south-southwestern section of the property though a filed inspection of the site did not reveal the presence of any mounding or piles. However, several other piles of non-hazardous debris consisting of tires, abandoned vehicles, manure and discarded construction debris were observed in other areas of the site. Based on the recommendations of the Phase I ESA, a Phase II ESA was conducted to determine if surface soils had been impacted by dumping. Although no exceedances of regulatory standards or cleanup objectives were noted (except for one detection of benzo(b)fluoranthene) it was recommended in the Phase II ESA that if soils in the southwestern section of the site are to be disturbed they will need to be handled in accordance with all applicable regulations. As a result, appropriate regulatory agencies will be contacted to determine what remedial actions will be required at the subject property. Should the removal of hazardous materials be required, they removed from the site and disposed of at an appropriate facility by a reputable and licensed waste transporter.

Comment 13

A Phase I Environmental Site Assessment (ESA) must be submitted to the Department for review prior to the approval of all realty subdivisions and other residential or property redevelopment projects. A Phase II and Phase III ESA must also be submitted to the Department if completed.

Response

Two (2) copies of the Phase I and Phase II ESA prepared for the subject property has been included with this response letter for NCDH review. A Phase III ESA has not been prepared for the subject property. However, should preparation of a Phase III ESA become necessary, the completed report will be forwarded to the NCDH upon completion.

Comment 14

The following information must also be submitted to the Department as part of, or in addition to, the ESA:

- a) Information that describes the past use of the property including a site map, which shows the present and former locations of buildings, and subsurface structures including underground storage tanks, drywells, leaching pools, cesspools and any floor drains connected to these structures.*
- b) The results of approved laboratory testing of soil and groundwater on the site below all drywells, leaching pools or cesspools which have received discharges of sanitary wastes, waste water, interior drainage, petroleum products or toxic or hazardous waste.*
- c) A map and a listing of the names and the addresses of all properties within 250 feet of the proposed development.*

Response

The information requested in item (a) is included in the Phase I ESA prepared for the subject property and the information requested in item (b) is included in the Phase II ESA. A map which provides a listing of the names and addresses of all properties within 400 feet of the proposed development has been included as an Attachment A to this letter.

Comment 15

Drywells, leaching pools or cesspools must be closed or permitted for use in accordance with all applicable federal, state or local regulations. The agencies regulate subsurface contaminant discharges include the USEPA, which administers the Underground Injection Control (UIC) program, the NYSDEC, which administers the State SPEDES permitting program and the NCDH, which assists both agencies in the implementation of selected program requirements.

Response

All drywells, leaching pools and/or cesspools which presently exist on the site will be decommissioned as part of the demolition activities scheduled for the existing on-site structures. The closure of these underground injection points will be conducted in accordance with all applicable federal, state and local regulation. Prior to abandonment the appropriate agencies will be notified and the proper applications submitted.

Comment 16

The NYSDEC Region I Stony Brook Office must be contacted in order to obtain and then submit a record to the Department of the location of all petroleum and chemical spills and Inactive Hazardous Waste Sites within 0.25 miles of this site, and the status of the investigation or remediation of the contamination at these locations.

Response

A database search for the subject property and surrounding area has been included in the Phase I ESA report provided with this letter. Review of the information provided does not identify the site as having any current or prior outstanding reportable spill issue associated with it. Further review of the database search identifies twenty five (25) separate mapped and 101 unmapped spill incidents within one-quarter mile of the site. However, it was concluded in the Phase I ESA that all of the reported incidents were noted to be either relatively minor or would not potentially have an adverse impact on the site.

Comment 17

All properties being considered for residential development should be surveyed for potential contamination sources (i.e. gasoline stations, automotive repair shops, dry cleaners, manufacturing facilities, etc.) at the site and adjacent to or surrounding the property. If any sources of potential contamination are suspected in proximity of the site, the property should be further investigated to determine the impact of this contamination in the soil, groundwater and soil gas beneath the site.

Response

The Phase I ESA and the Phase II investigation conducted at the subject property provide a comprehensive evaluation of the environmental condition of the subject property. Any noted conditions will be investigated and/or remediated in accordance with the recommendations and approvals from the appropriate regulatory agencies.

Comment 18

The Department will require the removal of all contamination sources on the site and may require the completion of testing to determine if any organic or inorganic chemical contaminants are present in the soil or groundwater at the site. This includes soil vapor testing to determine if there is potential for contamination of indoor air by volatile organic chemicals. The Department may also request the installation of a soil gas ventilation system to protect indoor air quality in any proposed new or modified site buildings.

Response

Please see response to Comment 17 presented above. Any asbestos containing materials, subsurface tanks or leaching facilities found during construction will be removed or properly abandoned according to NCDH and NYSDEC protocols and NYS Department of Labor Industrial Codes.

Comment 19

A rodent survey and demolition permit must be obtained from the Department's Office of Community Sanitation prior to the demolition of the site.

Response

All necessary permits permitting required for demolition of the existing on-site structures as well as future development will be obtained prior to the initiation of site activities. This would include the above referenced rodent survey and demolition permit.

Comment 20

A New York State Department of Labor (NYS DOL) 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.

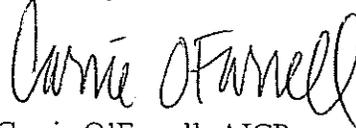
Response

Prior to demolition of any of the on-site buildings, a complete asbestos survey of the existing on-site buildings will be conducted by a licensed NYSDOL inspector to determine if any ACBM is present which would require removal. Should any of these materials be encountered or noted to be present then they will be handled in accordance with all NYSDOL and USEPA regulations.

Should you have any questions related to our response to comments or require any additional information please contact either Chic Voorhis or myself at the number provided below.

Very truly yours,

NELSON, POPE & VOORHIS



Carrie O'Farrell, AICP
Partner/Division Manager

Enclosures

cc: Elysa Goldman, Triangle Equities (w/copy)
Bram Weber, Weber Law Group (w/copy)
Chic Voorhis, NP&V
Eric Arnesen, NP&V
File ✓

Attachment A

Radius Maps

Jericho Turnpike and Plainview Road
Rezone
N&P Job #03469
August 4, 2006

SECTION 188 BLOCK 1

- 109 Cold Spring Harbor Club, Inc.
Po Box 246
Cold Spring Harbour, NY 11724
- Occupant
W. Gate Drive
Cold Spring Harbour, NY 11724
- 110 Frank Papale
1 Club Court
Huntington, NY 11743
- 111 Evelyn Yates
5 Promenade Drive
Huntington, NY 11743
- 112 Anthony Gatty
3 Promenade Drive
Huntington, NY 11743
- 113 Mario Marchetti
1 Promenade Drive
Huntington, NY 11743
- 114 Terrence Walsh
5 West Gate Drive
Huntington, NY 11743
- 115 Brian Markee
3 West Gate Drive
Huntington, NY 11743
- 116 James Brennan
1 West Gate Drive

Huntington, NY 11743

- 117 Scimone LLC
c/o Thomas Scimone
900 4th Street
West Babylon, NY 11704
- Occupant
Scimone LLC
1202 Jericho Turnpike
Huntington, NY 11743
- 118 Gregory Apostle
2 Promenade Drive
Huntington, NY 11743
- 119 Elaine Picone
4 Promenade Drive
Huntington, NY 11743
- 120 Sander Shady
6 Promenade Drive
Huntington, NY 11743
- 121 Pattabiramin Thruvengadam
8 Promenade Drive
Huntington, NY 11743
- 122 Robert Hamilton
9 Promenade Drive
Huntington, NY 11743
- 123 Jean Buglione
2 Club Court
Huntington, NY 11743
- 124 Peter Sluka
4 Club Court
Huntington, NY 11743

- 2.1 Seth Hart
42 Plainview Road
Woodbury, NY 11797
- Occupant
Jericho Turnpike
Huntington, NY 11743
- 2.2 Robert Jones
40 Plainview Road
Woodbury, NY 11797
- 3 Harvey Fixman
80 Plainview Road
Woodbury, NY 11797
- 4 George Macchia
92 Plainview Road
Woodbury, NY 11797
- 5 Donna Greenspan
96 Plainview Road
Woodbury, NY 11797
- 6,7 Doris Gentile
90 Warner Lane
Syosset, NY 11791
- Occupant
Doris Gentile
Plainview Road
Woodbury, NY 11797
- 8 Neil Mishkin
100 Plainview Road
Woodbury, NY 11797
- 29 Mark Shapiro
33 Artisan Avenue
Huntington, NY 11743
- 30 Bruce Moreno

31 Artisan Avenue
Huntington, NY 11743

31 Francis Paccione
29 Artisan Avenue
Huntington, NY 11743

32 Shmuel Shoshani
27 Artisan Avenue
Huntington, NY 11743

33 Joel Macher
25 Artisan Avenue
Huntington, NY 11743

34 Dominick Spinello
23 Artisan Avenue
Huntington, NY 11743

35 Emily Presta
21 Artisan Avenue
Huntington, NY 11743

SECTION 226 BLOCK 2

9 Marie Annette Carter
11 Vaninna Place
Huntington, NY 11743

10 Diane Maiwald
284 Oakwood Avenue
Huntington Station, NY 11746

Occupant
12 Vaninna Place
Huntington, NY 11743

22 Todd Whiton
32 Artisan Avenue
Huntington, NY 11743

SECTION 226 BLOCK 5

- 1 Michael Kerr
19 East Artisan Avenue
Huntington, NY 11743
- 2 Justin McCareins
17 East Artisan Avenue
Huntington, NY 11743
- 3 Paul Peykar
15 East Artisan Avenue
Huntington, NY 11743
- 4 Louis Thelusmond
11 East Artisan Avenue
Huntington, NY 11743
- 5 Francis Garthaffner
9 East Artisan Avenue
Huntington, NY 11743
- 6 Moses Weindling
7 East Artisan Avenue
Huntington, NY 11743
- 27 Gerald Schultz
1 Links Court
Huntington, NY 11743
- 28 Edward Bowers
18 East Artisan Avenue
Huntington, NY 11743

- 29 Robert Orecchia

20 East Artisan Avenue
Huntington, NY 11743

30 Errol Salm
22 East Artisan Avenue
Huntington, NY 11743

32 State of New York State Office Building
Veterans Highway
Hauppauge, NY 11788

Jericho Turnpike and Plainview Road
Rezone
N&P Job No.03469
Nassau Portion

SECTION 14 BLOCK 18

1 Marc & Nancy Berger
 1 Stafford Avenue
 Woodbury, NY 11797

SECTION 14 Block 19

- 1 County of Nassau
 1 West Street
 Mineola, NY 11501
- 2 Kang Jung Ki & Soon Al
 2 Stafford Avenue
 Woodbury, NY 11797
- 3 Edward & Carol Komperda
 4 Stafford Avenue
 Woodbury, NY 11797
- 36 Altred Votypka
 8595 Jericho Avenue
 Woodbury, NY 11797
- 37 Alfred Votypka
 511 Broadway
 Hicksville, NY 11801

SECTION 14 BLOCK B

- 218 James & Mary Anne Brennan
 1 Westgate Drive
 Huntington, NY 11743
- 219 Brian Markee
 3 West Gate Drive
 Huntington, NY 11743
- 223 James & Mary Anne Brennan
 1 Westgate Drive

Huntington, NY 11743

SECTION 13 BLOCK 59

- 40 Seymour & A Seiden
51 Orchard Court
Woodbury, NY 11797
- 41 Perry & Linda Raphan
91 Plainview Road
Woodbury, NY 11797
- 42 Salvatore & Gloria Dalessandro
75 Plainview Road
Woodbury, NY 11797
- 43 Arnold & Jane Greenberg
65 Plainview Road
Woodbury, NY 11797
- 44 Geoffrey & Nancy Machover
53 Orchard Court
Woodbury, NY 11797
- 45 Stanley & Nina Hausen
55 Orchard Court
Woodbury, NY 11797
- 52 Salvatore & Gloria Dalessandro
75 Plainview Road
Woodbury, NY 11797

SECTION 13 BLOCK 79

- 28 Joseph Anderson
60 Orchard Court
Woodbury, NY 11797
- 29 Ross & Iana Bederman
62 Orchard Court
Woodbury, NY 11797
- 30 County of Nassau
1 West Street
Mineola, NY 11501

42 Woodbury Country Club Inc.
884 Jericho Turnpike
Woodbury, NY 11797

SECTION 13 BLOCK D

110 Harry & FM Fixman
80 Plainview Road
Woodbury, NY 11797

131 Sidney & Donna Greenspan
96 Plainview Road
Woodbury, NY 11797

134 Virginia Mishkin
100 Plainview Road
Woodbury, NY 11797

136 Lisa Bomse
92 Plainview Road
Woodbury, NY 11797

137, 138 Doris Gentile
90 Warner Lane
Syosset, NY 11791

143 Robert & Theresa Jones
40 Plainview Road
Woodbury, NY 11797

144 O.Carl & Belinda Wiseman
42 Plainview Road
Woodbury, NY 11797