



Robert P. Astorino
County Executive

Department of Planning

Edward Burroughs, AICP
Commissioner

May 7, 2014

Mr. Louis Larizza
Lazz Development
8 Hilltop Drive
Port Chester, New York 10573

Subject: 150 North Street/Theodore Fremd Property

Dear Mr. Larizza:

As you continue your due diligence related to the potential development of the property at 150 North Street/Theodore Fremd (the "County Site") for the development of affordable senior housing, the County provides the following information from the records of the Departments of Planning and Health:

1. A review of historic aerial photography maintained by the County shows that there has been no development on this site (with the exception of a small shed) since at least 1925, the earliest year for which aerial photography exists. The appropriate sections of the aerial photography covering the 150 North Street/Theodore Fremd site are attached for the years 1925, 1940, 1947, 1960, 1976, 1986, 2000, 2009 and 2013.
2. The County purchased this site in 1977 as the outcome of litigation regarding a drainage issue.
3. New York State Department of Environmental Conservation (NYS DEC) opened Spill # 8900699, titled Banahan Brothers Gas Station a/k/a Banahans Texaco (North Street and Theodore Fremd Avenue), on April 22, 1989 because of an underground storage tank test failure.
4. NYS DEC opened Spill # 9303102, titled Fremd Spill Site (County Site), in June 1993, after lab results from soil borings in 1992 and 1993 showed elevated concentrations of Benzene, Toluene and Xylene (BTX) in the soil, and BTX and Total Petroleum Hydrocarbons (TPH) in groundwater samples. Ground water monitoring wells were installed and sampling began. Between June and November 1995 a High Vacuum Extraction System consisting of air sparging wells and a soil vapor extraction lateral was installed and five micro-sampling wells were installed. The High Vacuum Extraction System was retrofitted in February 1997

to install an air stripper. Monitoring wells were also recommended at this time at two gas stations in the vicinity (Banahans Texaco gas station and Spano's Gulf station a/k/a Valero gas station).

5. A letter from NYS DEC was sent on December 4, 2008 to Rye City Mayor Otis indicating that petroleum clean-up at the County Site was essentially complete, that the on-site High Vacuum Extraction System was no longer required and had been turned off and could be removed as needed to make room for development, that two of the three nearby gas stations (including Banahans Texaco) have had their underground storage tanks excavated and in doing so contaminated soils were properly disposed of off-site, and that the Banahan Texaco gas station spill work (from a spill that occurred prior to 1990) was overseen by NYS DEC staff and all contaminated soil was excavated and removed. However, remedial efforts to address a small pocket of old gasoline (residual) at Banahan Texaco were on-going. The letter clearly indicates NYS DEC's knowledge that the proposed use of the site would be for affordable housing options and that they "have taken more aggressive steps to accelerate the clean up."
6. The NYS DEC Spill Incidents Database indicates that Spill # 9303102 (County site) was closed on August 19, 2009. NYS DEC announced the successful environmental cleanup of the Theodore Fremd Site making it available as a site for redevelopment. NYS DEC spill cleanup Closure Report dated August 19, 2009 indicates that the NYS funded petroleum clean-up at the North Street/T. Fremd Ave. site (County Site) is essentially complete, that contaminant concentrations in the groundwater on-site have been reduced to non-detect and have remained so for several years, and that the petroleum release that caused Spill # 9303102 to be generated has been remediated to the extent feasible on-site and should be considered to have no impact on the redevelopment of the North Street/T. Fremd Avenue site.
7. Recent soil sampling performed at the Valero gas station during excavation of four underground storage tanks in January 2014 showed significant soil contamination on the Valero site at the fence line between the Valero site and the County Site. Following review of the results of this soil sampling by Kevin Hale, Senior Engineering Geologist with the NYS DEC, Mr. Hale verbally indicated to Carlos Torres of the Westchester County Department of Health (WC DOH) on March 13, 2014 that the NYS DEC may consider other measures to address possible migration of contamination onto the County Site. However, Mr. Hale also verbally indicated to Mr. Torres that they have not changed their position on the development of the County Site.
8. The County departments of Health, Planning and Environmental Facilities participated in a meeting with you and staff from the City of Rye on February 19, 2014 at which time the WC DOH was asked to identify any design considerations that must be implemented to protect the health of the residents, who would live in the affordable housing to be constructed, from potential exposure to contaminants in the groundwater. Open parking is planned under the buildings as the best use of that space and the WC DOH indicated that open parking under the buildings would minimize the risk of exposure to contaminants from the groundwater

alleviating potential public health concerns. Additionally the WC DOH indicated that the enclosed space for each elevator pit/shaft will need a sub-slab depressurization system or impervious liner under the slab with openings in the shaft system to ventilate the shaft, or a liner with an air gap in the walls. The elevator pit/shaft may need special engineering controls to prevent shallow groundwater from getting into the pit/shaft and potentially impacting indoor air quality.

9. Mike Hughes, Section Chief – Bureau of Toxic Substance Assessment with the New York State Department of Health (NYS DOH) verbally confirmed to Carlos Torres of the WC DOH on February 20, 2014 that the development potential of the County Site for affordable senior housing units remains unchanged, provided the design considerations discussed above are implemented.
10. Groundwater testing of the County Site by the NYS DEC on February 2, 2010 and the WC DOH on August 29, 2013 and March 25, 2014 has shown detectable contaminant concentrations in the groundwater on-site. However, a comparison of the results of groundwater sampling from 2008 through 2014 at the County Site shows relatively little change overall. It appears that the levels of contamination fluctuate with the groundwater levels.
11. In response to the City of Rye's request for you to perform soil sampling at the County Site, this acknowledges that WC DOH witnessed the sampling on April 10, 2014. Four random locations for sampling were chosen, two of which were at approximate locations of proposed buildings. Sampling results were reviewed by Carlos Torres of the WC DOH on April 23, 2014, Kevin Hale of the NYS DEC on May 1, 2014, and Maureen Schuck, Region Chief of the NYS DOH on April 30, 2014. Sampling results show contaminants present at levels not requiring soil cleanup. Contaminants present can likely be attributed to surface water runoff on to the County Site and to contact with groundwater. It is the WC DOH's understanding that a minimum of three feet of fill is planned to be placed over the County Site for grading purposes. This depth is sufficient to protect against any possible exposure to soil contaminants. Mr. Hale and Ms. Schuck verbally indicated to Natasha Court of the WC DOH on May 1, 2014 and April 30, 2014 respectively, that the County Site remains good for its intended use.
12. Dan Bendell, Environmental Engineer with the NYS DEC indicated to Carlos Torres of the WC DOH via email on May 6, 2014 that all accessible contaminated soil has been removed from the Valero site and therefore the Valero site no longer contains a source of contamination.

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If you have any additional questions, please let us know.

Sincerely,



Norma V. Drummond
Deputy Commissioner
Department of Planning

NVD/PK/slf



Paul Kutzy, PE
Assistant Commissioner, Bureau of Env. Quality
Department of Health

cc: Kevin Plunkett, Deputy County Executive
Mary Mahon, Director of Real Estate
Edward Buroughs, Commissioner of Planning
Dr. Sherlita Amler, Commissioner of Health