

**A-14 Comment:**

*And also, as I said earlier, how the different variances will apply to the different buildings and the different improvements.*

*(Board Member Neufeld, Public Hearing, May 6, 2021)*

**A-14 Response:**

All of the existing buildings on the Site (with the exception of the existing self-storage building) will be demolished under the FEIS Plan. Table III.A-1 documents the required variances.

**A-15 Comment:**

*I think I'm interested in the following question being addressed in the FDIS and that this is such a significant variance in an area that would really have almost, if this were to proceed, it would almost create a legislative change in the sense that the variances and the other approvals would actually do what a legislature would do. These are not adjustments, they're not tweaking, these are significant. I'd like to know whether or not there were discussion, requests, or petitions made to the trustees to change the design because the magnitude involved here, generally in my looking at this, would be, hey, this is not a variance, this is not I need a few feet or I need a small variance. This is extraordinarily significant. I'd like to know what other options in terms of accomplishing this were achieved because if you're going to say that it really fits into the community in this, well, it doesn't. It doesn't from a purely legal standpoint or we wouldn't be here.*

*(Board Member Neufeld, Public Hearing, May 6, 2021)*

**A-15 Response:**

Village Law Section 7-712-B(3) does not make a distinction or create a threshold that if a variance(s) is of a certain degree or magnitude, it should be summarily dismissed or be approved only through a legislative change. Rather, Section 7-712-B(3) requires a zoning board to apply a balancing analysis that incorporates several factors in determining whether to grant such variance(s), one of which is the substantiality of the variance. Such analysis shall be conducted herein by the ZBA.

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In fact, in considering whether a variance is substantial, the Zoning Board of Appeals shall examine the totality of the circumstances within an application. See Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883, 886, 867 N.Y.S.2d 238, 241 (3d Dep't 2008) (although variances were substantial the ZBA properly determined area variances will not have a substantial impact on the community); *see also Schaller v. New Paltz Zoning Bd. of Appeals*, 108 A.D.3d 821, 824, 968 N.Y.S.2d 702, 705 (3rd Dep't 2013) (upholding ZBA determination that an area variance was not substantial when compared to the nearby buildings).

The mere fact that a variance may be deemed "substantial," or fails to meet one of the other five factors, does not preclude application of the *overall* balancing analysis. Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dept. 2002) (determination that a request that was determined "substantial" did not excuse Zoning Board of Appeals from applying the overall balancing test).

**A-16 Comment:**

*I'm disappointed, overall, in the magnitude and I'm disappointed in the fact this was segmented because it's almost a bootstrap operation. Hopefully, if they can address these issues, and we can get that flooding report, then maybe we can include that in the FDIS and get some clearer understanding on this because one of the concerns I have is that whatever we do hear has to then be able to be utilized in terms of decision making by others. And if we're going to mitigate this, this is probably the place and the FDIS to try and do it. It doesn't remove the individual agencies from their options but I think we should try to do it that way. (Board Member Neufeld, Public Hearing, May 6, 2021)*

**A-16 Response:**

See response to comment A-1 above. As noted previously herein, the proposal currently before the ZBA is markedly different than the 2009 and 2012 proposals, both in scale and use. This comment refers to a "flooding report" that was requested by the commenter in an earlier comment D-9. Flood storage documents were provided to the Village consultant engineer for review and

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approval. In the latest memorandum, dated October 1, 2021, the Village consulting engineer stated the outstanding comments regarding the flood storage were addressed. A copy of the flood storage/volumetric calculations (drawing I-11) is included in the Appendix.

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**A-17 Comment:**

*First of all I really strongly agree with you, Robin, that you hit the nail on the head that I feel like this flies in the face of the whole maker space concept, everything we're doing with vision zero, and pedestrian traffic, and I just want to make two quick related points to that.*

*(Board Member Roberts, Public Hearing, May 6, 2021)*

**A-17 Response:**

See response to Comment A-2.

**A-18 Comment:**

*I think the first is that from the pedestrian perspective, even if it's well lit, you're essentially creating a huge dead block right in the middle of actually where we have some really interesting new developments, so it's a dead zone, and I don't think that's what we want to come accomplish here.*

*(Board Member Roberts, Public Hearing, May 6, 2021)*

**A-18 Response:**

The FEIS Plan involves streetscape landscaping improvements along both Waverly Avenue and Fenimore Road. In the Applicant's opinion, the experience of walking along the public sidewalk will be notably enhanced compared to the existing condition. Additionally, within the Site itself, all of the existing older non-conforming buildings will be demolished and replaced with the newly configured building addition which has been reduced in scale, and broken into 5 separate segments, each of which are distinctly articulated and clad in differing façade materials to resemble independent buildings. This treatment significantly reduces the mass of the building, while restoring a human scale to the Site. As the building steps down from four to three to two stories, it incorporates a terrace, broad landscaped rain garden and lawn to integrate into the Fenimore Road

streetscape. The streetscape is proposed to be further enhanced by replacing the Murphy Brothers office building located at the Waverly Avenue/Fenimore Road intersection, with a publicly accessible vest-pocket park containing decorative seasonal landscaping and benches arrayed around a circular walkway.

**A-19 Comment:**

*I want to add those two quick points. I don't care as much about the appearance of the building because, again, I feel like for me what's paramount is it's just going completely against the grain of everything we're trying to do here as a community so.*

*(Board Member Roberts, Public Hearing, May 6, 2021)*

**A-19 Response:**

Comment noted. See response to Comment A-2.

**A-20 Comment:**

*I'm also very concerned that it definitely is a segmented project. The two buildings are going to connect exactly together. Clearly, when you built the first building, you must've had an intent you were going to come back with a second building because it seems like a simple thing to put them together that you've designed it that way.*

*(Board Member Yergin, Public Hearing, May 6, 2021)*

**A-20 Response:**

See response to comment A-1 above. As noted previously herein, the proposal currently before the ZBA is markedly different than the 2009 and 2012 proposals, both in scale and use.

**A-21 Comment:**

*Also, I'm going to add my comments that I do think that it's a large impersonable building, basically lifeless building. I don't know why we would give such huge variances for something that is just a big structure to hold things and/or that will increase the profit of the owner without giving back to the community. It's not as though we're building a theater that we don't, okay so it's a little larger, and*

*there's some new spirit, it's a new kind of industry that we're looking for, and it's something that we're going to interact with, and a lot of people are going to get jobs with. We're giving – we would be giving variances to build a massive structure to hold things and that's going to stay quiet, going to stay dark, and not employ a lot of people.*

*(Board Member Yergin, Public Hearing, May 6, 2021)*

**A-21 Response:**

The FEIS Plan reflects a complete redesign of the building, as well as its use. The new building extension would consist of 43,940 square feet of gross floor area, or a net increase of 25,361 square feet once the floor areas of the existing industrial buildings are deducted. Where the building addition presented in DEIS Plan was somewhat monolithic, the building proposed in the FEIS Plan has been completely redesigned and is now broken into 5 separate segments, each of which are distinctly articulated and clad in differing façade materials to resemble independent buildings. This treatment significantly reduces the mass of the building, while restoring a human scale to the Site. This approach would reduce the building footprint by 2,071 square feet and the gross floor area by 14,254 square feet. The F.A.R would be reduced from 2.43 to 2.11.

The height of portions of the building addition have also been reduced. The southernmost section of the building addition will be integrated with the existing self-storage building, and as such will correspond to the height of the existing building. However, moving north, the building will step down to three stories and then two stories where a terrace, broad landscaped rain garden and lawn gradually integrates the Site into the Fenimore Road streetscape. The streetscape is proposed to be further enhanced by replacing the Murphy Brothers office building located at the Waverly Avenue/Fenimore Road intersection, with a publicly accessible vest-pocket park containing decorative seasonal landscaping and benches arrayed around a circular walkway.

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**A-22 Comment:**

*I would not be inclined to give such large variances for – with so little in return for the village. And, yes, I do think that we'd be setting a precedence and I could*

*blocks and blocks of self-storage areas in the area and that would just be a sad thing for our village.*

*(Board Member Yergin, Public Hearing, May 6, 2021)*

**A-22 Response:**

See response to Comment A-12. The FEIS Plan reflects a complete redesign of the building, as well as its use. The new building extension would consist of 43,940 square feet of gross floor area, or a net increase of 25,361 square feet once the floor areas of the existing industrial buildings are deducted. Where the building addition presented in DEIS Plan was somewhat monolithic, the building proposed in the FEIS Plan has been completely redesigned and is now broken into 5 separate segments, each of which are distinctly articulated and clad in differing façade materials to resemble independent buildings. This treatment significantly reduces the mass of the building, while restoring a human scale to the Site.

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**A-23 Comment:**

*You know, I agree with just about everybody single comment that was made tonight. I share all those concerns. I see it as concerns localized to this specific project but then also the concerns as mentioned by probably all of you of just the domino effect that this project goes through and then what's next. It creates a precedent that would be difficult to control. There's the unknown about this project but there's also the unknown of the consequences of other projects down the road because we have approved a project of this enormous.*

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(Board Member Heaney, Public Hearing, May 6, 2021)

**A-23 Response:**

“Precedent” is not an environmental factor to be considered when making a determination of significance. Speculation of unrelated projects that may be proposed at a future date is not a relevant consideration in the review of this FEIS.

Further, zoning boards may consider new applications and new information when reviewing applications before them, and so long as the board provides a rational explanation for reaching a different result, the Court will not overturn the decision. Hurley v. Zoning Bd. of Appeals of Village of Amityville, 69 A.D.3d 940, 893 N.Y.S.2d 277 (2d Dep't 2010).

Please see response to comment A-1 above. As noted previously herein, the Project currently before the ZBA is markedly different than the 2009 and 2012 proposals, both in scale and use.

[See also response A-12.](#)

**A-24 Comment:**

*I have one final comment that I forgot to make which is the segmentation but since it's been mentioned. To me, there's no question that this was segmentation and be given that they originally came to the board with the full project, which was this entire project, then they withdrew that full project, and came back with essentially half the project, and now are coming because we want the -- the board voted to do what required an environmental impact statement and the applicant at that point withdrew the full variance and came back with half the variance and now it's coming back for the half that it didn't get the first time. So, I do think that was segmentation that -- I do think it was segmentation.*  
(Chairwomen Kramer, Public Hearing, May 6, 2021)

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**A-24 Response:**

See response to comment A-1 above. As noted previously herein, the proposal currently before the ZBA is markedly different than the 2009 and 2012 proposals, both in scale and use.

**A-25 Comment:**

*5. The DEIS states that the proposed project is seeking the following area variances:*

- 1. Building Coverage: 25,834 square feet is proposed where a maximum of 22,078 is permitted (3,756 SF variance)*
- 2. FAR: 2.43 is proposed where a maximum of 1 is permitted (1.43 FAR variance)*
- 3. Gross floor area: 107,087 square feet is proposed where a maximum of 44,146 square feet is permitted (62,932 square foot variance)*
- 4. Building height: 4 stories is proposed where a maximum of 3 stories is permitted (1 story variance)*
- 5. Front yard (Fenimore): 30 inches are provided where 10 feet is required (7-foot 8-inch variance)*
- 6. Off-street parking: 25 spaces are provided where 137 spaces are required (112 space variance)*
- 7. Off-street loading: 4 spaces provided where 8 spaces are required (4 space variance).*

*(AKRF Memorandum, April 30, 2021)*

**A-25 Response:**

Table III.A-1 presents the variances required for the FEIS Plan.

Table III.A-1 FEIS Plan Zoning Compliance				
Zoning Criteria	Required/ Permitted	Existing	Proposed	Variance Required
Minimum Lot Area (SqFt)	10,000	44,156	44,156	--
Minimum Lot Width	50	134	134	--
Building Coverage				
Area (SqFt)	22,078	20,081	23,096	1,018
Percentage	50%	45%	52%	2%
Floor Area Ratio (FAR)	1.0	1.34	2.11	1.11

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Maximum Gross Floor Area	44,156	59,081	84,432	40,276
Impervious Surface Coverage				
Area (SqFt)	N/A	41,653	40,383	--
Percentage	N/A	94.3%	91.5	--
Maximum Building Height				
Stories	3	4	4	1 story
Feet	45'	45'	45'	
Minimum Yard Requirements				
Front (Waverly)	Note 1	0'	0'	--
Front (Fenimore)	10'	0.4'	10'	--
Rear (Southeast)	None	2'	2'	--
Rear (Southwest)	None	3'	3'	--
Off-Street Parking	137	52	26	111
Off-Street Loading	8	0	3	5

**A-26 Comment:**

*The ZBA is considering the site as a whole, and it is not clear from the chapter what aspects of the proposed variances are associated with the existing self-storage facility, existing buildings on the corner, and the proposed self-storage facility. A zoning analysis that breaks-out each of the three parts as well as the whole should be provided in the FEIS.*

*(AKRF Memorandum, April 30, 2021)*

**A-26 Response:**

The FEIS Plan no longer involves the preservation of the existing older, non-conforming buildings. See response to Comment A-25.

**A-27 Comment:**

*It is unclear from the DEIS whether the requested front yard variance is for the existing building at the corner of the proposed self-storage facility. The proposed self-storage facility is shown as being 7 feet 8 inches from the lot line, but this is the variance requested in the Tables II-1 and IV.A-4. However, if 7-feet 8-inches is proposed, and 10 feet is required, then the requested variance should be for 2-feet 4-inches.*

*(AKRF Memorandum, April 30, 2021)*

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**A-27 Response:**

The FEIS Plan no longer preserves the existing building referenced in this comment. The building will be demolished, so the variance is no longer required.

**A-28 Comment:**

*The FEIS should address the proposed setbacks from Fenimore Road in relation to the requested area variance. As noted above, clarity on the extent of the variance sought should be provided.  
(AKRF Memorandum, April 30, 2021)*

**A-28 Response:**

See response to Comment A-27.

**A-29 Comment:**

*The DEIS states the building will be a “net-zero” building in order to address Section D-3g of the Scoping Document. Supporting information should be provided to demonstrate what the Net-Zero building will include, and how these features will avoid or reduce the impacts of climate change and rising sea levels.  
(Kellard Sessions Memorandum, February 4, 2021).*

**A-29 Response:**

The Applicant has demonstrated a long-standing commitment to Green Building. The existing Mamaroneck Self Storage facility was built as the first state-of-the-art, first-of-its-kind “green” self-storage facility in Westchester County. Energy efficiency was a priority. The Applicant enrolled the project in NYSDERDA’s New Construction Program (NCP), which required compliance with rigorous energy-efficiency and sustainability standards set by the program. The Applicant partnered with high performance building consultants Steven Winter Associates to develop the project to incorporate sustainable features and realize energy cost savings from their investment. Notable energy conservation measures incorporated into the existing building include:

- High-efficiency HVAC equipment including Variable Frequency Flow (VRF) heat pumps for heating and cooling, a 65% Efficient Energy Recovery Ventilation system (ERV) for mechanical ventilation;
- High-efficiency interior and exterior LED lighting on motion sensors;
- All water-saving devices;
- 8.5Kw solar shingle array on the SE & SW sides of the building;
- The building envelope is comprised of 4" rigid insulation, 4" close cell spray foam with 8" close-cell spray foam in the ceiling.

Energy savings were 52% over the baseline standard building code with over \$30,000 annual electric-cost savings. The existing Mamaroneck Self Storage energy bills currently run from \$1,400 - \$1,800 monthly (similar to the cost of the average 6,000 square foot residential home).

The Mamaroneck Self Storage project was the recipient of three prestigious awards for its energy-efficient construction:

- HBRA-CT HOBI Award: Best Green Commercial Project;
- Best of BOMA Westchester County Signature Award;
- Westchester County Earth Day Award.

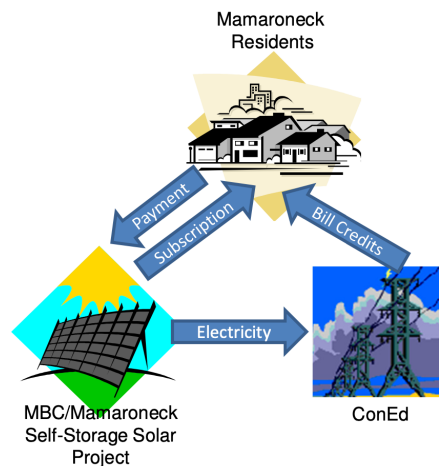
As construction was completed on the existing facility, the Applicant was awarded a NYSERDA Community Microgrid Project grant to investigate how a Community Microgrid system could be incorporated into future expansion plans in order to provide necessary affordable energy to the surrounding neighborhood in the event of natural or man-made disaster.

The FEIS Plan will incorporate the same energy-efficient measures as the existing building. It is the goal of the Applicant to operate a net-zero facility. A net zero building is one that has zero net energy consumption, producing as much energy as it uses in a year. In some months it may generate excess electricity through distributed renewables; at other times it may require electricity from the grid. On balance, it is self-supporting. As an all-electric "net-zero" building, the building itself will effectively have no carbon footprint. This is perhaps the most definitive

measure the Applicant can take to minimize the overall impact on climate change, including sea level rise and flooding.

Additionally, the Applicant is proposing a Community Solar System, pursuant to NYSEERDA's Community Solar Program, consisting of the installation of roof-mounted photovoltaic solar arrays. The Applicant will partner with a NYSEERDA approved Community Solar Developer to oversee the engineering, permitting, installation and operation of the Community Solar System. The Community Solar System program is designed to provide clean energy to local residents. The Applicant will install roof mounted photovoltaic solar arrays on the new building addition.

These solar arrays are connected to the existing ConEd electrical grid via a separate service connection on the Site adjacent to the existing electric meter. Electricity produced from the solar panels is sent directly into the ConEd grid. The Applicant then offers subscriptions to Mamaroneck residents for a portion of that electricity, resulting in reductions in their ConEd bills. This system democratizes solar, and affords everyone access to clean energy, even those who cannot install a solar system on their own property.



Mamaroneck Self Storage is currently enrolled in the Green Building Partnership's Green Building Certification Program, which measures the sustainability of a business's daily operation. Mamaroneck Self Storage strives to be a model of sustainability for Westchester County, in both the construction of the building as well as the operation of the business.

**A-30 Comment:**

***What are the variances that have been previously granted?  
(Chairman Neufeld, November 16, 2021 Work Session)***

**A-30 Response:**

**1. Building Coverage:**

- 52% proposed where 50% maximum is permitted (2% in excess)
- 23,171sf proposed where 22,078sf maximum is permitted (1,093sf in excess)

**2. GFA/FAR:**

- GFA: 84,812sf proposed where 44,156sf maximum is permitted (25,731sf in excess)
- FAR: 1.92 proposed where 1.92 maximum is permitted (0.92 in excess)

**3. Stories:**

- 4 stories proposed where 3 stories maximum are permitted (1 story in excess)

**4. Off-Street Parking:**

- 26 spaces proposed where 137 spaces minimum are required (111 spaces deficient)

**5. Off-Street Loading:**

- 3 spaces proposed where 8 spaces minimum are required (5 spaces deficient)

**A-31 Comment:**

***Segmentation is clear.  
(Chairman Neufeld, November 16, 2021 Work Session)***

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**A-31 Response:**

Please see Response A-1. As noted by the ZBA's Attorney during the November 16<sup>th</sup> work session, any issues related to segmentation are cured by the EIS process<sup>6</sup>.

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**A-32 Comment:**

*The growth-inducing aspects of this raises concerns over what precedent we are setting and what impact it will have on the neighborhood.  
(Chairman Neufeld, November 16, 2021 Work Session)*

**A-32 Response:**

Please see Response A-12. "Precedent" is not an environmental factor to be considered when making a determination of significance. Speculation of unrelated projects that may be proposed at a future date is not a relevant consideration in the review of this FEIS.

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**A-33 Comment:**

*Have the new proposed uses to the Project (woodworking shop, incubator use) been reviewed to ensure they are permitted uses in this zoning district? What are the parking requirements for the woodworking shop and incubator use?  
(Board Member Yergin, November 16, 2021 Work Session)*

**A-33 Response:**

The woodworking shop will be operated by Murphy Brothers Contracting commercially and will not offer classes. Woodworking is a permitted use within the M-1 Manufacturing Zoning District, pursuant to Zoning Code Section 342-32(A)(1)(a), which permits "manufacturing, assembling, converting, altering, finishing, cleaning or other process... of products and materials." The proposed community office "incubator" space is also a permitted use in the M-1 Zoning District, which principally permits business and professional offices. Zoning Code Section 342-32(A)(1)(e).

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<sup>6</sup> Village ZBA Attorney Charles Gottlieb, comments during November 16, 2021 work session, see LMCTV recording starting at 36:03.

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While the Applicant would like to incorporate a teaching aspect into the woodworking shop to offer classes in the skilled trade industry, a “school” is not currently a permitted accessory or special permit use in the M-1 Zoning District. In the event that the MAKER Zone is adopted, and the Zoning Code is amended to accommodate such uses in the M-1 Zoning District, the Applicant would consider modifying the woodworking use to accommodate trade classes. Any future modification to the project or proposed uses on site would be subject to the requisite Village review and approval.

Pursuant to Zoning Code Section 342-56, manufacturing uses requires 1 parking space for every 750 square feet of gross floor area, but not less than 1 space for every 2 employees. Office uses require 1 parking space for every 250 square feet of gross floor area. Zoning Code Section 342-56.

**A-34 Comment:**

*Table I-3 - FAR is not consistent throughout the document.  
(Board Member Yergin, November 16, 2021 Work Session)*

**A-34 Response:**

The existing FAR is 1.34 and the proposed FAR is 2.11.

**A-35 Comment:**

*What will prevent the Applicant from changing the uses in the spaces once they get approvals?  
(Board Member Yergin, November 16, 2021 Work Session)*

**A-35 Response:**

Similar to any other project or application and changes of use for existing structures anywhere in the Village, other than one and two-family dwellings, the Applicant would be required to obtain amended site plan (or other additional) approval for any change of use or intensity of any existing uses. Zoning Code Section 342-75 requires site development plan approval by the Planning Board in all districts for “any change of use or intensity in use other than ... one- or two-

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family dwelling[s] that will affect the characteristics of the site or increase the requirements under this [Zoning] Code in terms of parking, loading, circulation, drainage, utilities, landscaping, or outdoor lighting.”

Additionally, building permits are required for any construction, alteration, demolition or improvement work of any building or structure. Village of Mamaroneck Building Code Section 126-4(A). When any such work is proposed, the Building Inspector will evaluate the work proposed in the application for compliance with applicable codes and standards, including the Zoning Code, and will evaluate the proposed use of the space with the occupancy classification of the building.

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**A-36 Comment:**

*Concerns about proposed mass of the building and doubling the FAR from what's allowed. What are the benefits of this? To avoid the segmentation issue, we need to look at this from scratch.*

*(Board Member Yergin, November 16, 2021 Work Session)*

**A-36 Response:**

The expansion of the self-storage facility would replace the existing older deteriorating non-conforming structures currently located on the Site with a new use that supports the Village's revitalization efforts by providing storage space for the new transit-oriented uses being developed in the area, such as The Mason. The building addition, presented as the FEIS Plan has been completely redesigned and is now broken into 5 separate segments, each of which are distinctly articulated and clad in differing facade materials to resemble independent buildings. This treatment significantly reduces the mass of the building, while restoring a human scale to the Site. This approach would reduce the building footprint by 2,071 square feet and the gross floor area by 14,254 square feet. The F.A.R would be reduced from 2.43 to 2.11.

The height of portions of the building addition has also been reduced. The southernmost section of the building addition will be integrated with the existing self-storage building, and as such will correspond to the height of the existing



building. However, moving north, the building will step down to three stories and then two stories where a terrace, broad landscaped rain garden and lawn gradually integrates the Site into the Fenimore Road streetscape. The streetscape is proposed to be further enhanced by replacing the Murphy Brothers office building located at the Waverly Avenue/Fenimore Road intersection, with a publicly accessible vest-pocket park containing decorative seasonal landscaping and benches arrayed around a circular walkway. It is the Applicant's opinion that this redesign should alleviate concerns about the mass of the building and increased FAR.

Aside from providing a much-needed expanded self-storage facility designed to meet market demand, the Proposed Action will improve the appearance of the Site and provide a stable tax ratable, that will require virtually no municipal services.

Refer to Response A-1 regarding segmentation.

**A-37 Comment:**

*Clarify that the Applicant is adding to the building, but the ZBA is reviewing the impacts of the existing building and proposed addition to cure segmentation. (Board Member Kramer, November 16, 2021 Work Session)*

**A-36 Response:**

The EIS addresses the potential impacts of the "whole action" as defined in §617.3 (g) of the SEQRA regulations.

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### **III. B - NATURAL RESOURCES**

**B-1 Comment:**

*The DEIS refers to NYSDEC General Permit GP-0-15-002. However, this general permit has expired and the FEIS should cite the current version, GP-0-20-001. (AKRF Memorandum, April 30, 2021)*

**B-1 Response:**

Comment noted. The current NYSDEC General Permit, GP-0-20-001 is applicable.

### III. C - HAZARDOUS MATERIALS & PUBLIC HEALTH

**C-1 Comment:**

*Then I also had some questions about the borings. Now when we get to the borings, the soil borings that were taken, and I realize I understand that there was a total of nine borings that were done, and yet we only have information about six of them. I don't know what happened to boring No. 2, No. 4 and No. 8 (Board Member Yergin, Public Hearing, April 1, 2021)*

**C-1 Response:**

Soil samples were collected in accordance with the Phase II ESA Work Plan. No soil samples were collected from Borings 2, 4 and 9 based on field screening, visual observations by the on-site geologist. The samples analyzed were biased to areas of concern or based on field screening and observations. It is typical to install more borings than samples analyzed. The samples collected provide a detailed and proper cross-section of the site conditions with respect to potential contaminants.

**C-2 Comment:**

*So those of you how are reading the document, you can see there's quite a lot of talk about there's tables with what was found in the other borings holes in the soil, and you can see that there were nine and we never hear about three of them. So I wonder why we're not hearing what were the results or were those -- were the results of those borings analyzed? (Board Member Yergin, Public Hearing, April 1, 2021)*

**C-2 Response:**

No soil samples were sent to the laboratory for analysis from these three locations. See response C-1.

**C-3 Comment:**

*I do know that there were two tanks that broke with hazardous materials in the past. I wondered where they were located on the lot and if that was anywhere*

*close to where these boring samples that we don't know anything about were located.*

*(Board Member Yergin, Public Hearing, April 1, 2021)*

**C-3 Response:**

The former tank locations and the close out paperwork related thereto were included in the Phase I ESA conducted at the Site. The test borings were biased to the two former tank locations and appropriate soil samples were collected and analyzed for VOCs and SVOCs related to former petroleum bulk storage at the Site.

**C-4 Comment:**

*Another concern I've had, I've always had and brought up earlier on this when I was on the board when this was part of tech [sic] the second time as well as the first is the concern about testing. Testing meaning for contaminants in the water, et cetera, which flow. Concerned because, A, I know that the DEC had assigned an engineer to be in charge of the area because there was several sites, and I had the names at the time of the individuals because this was in an area where the applicant acknowledges that there has been some concerns with funded – sites that were funded for correction and removal of contamination. But I was concerned with the fact that the applicant never had a test made, according to what they had said, although when they built the building, there were never any soil tests. And to be very frank with everybody, that sort of concerns me as a blind eye approach because you're gonna put that money into a building, as they have done, it's there, it's – I heard it is full and operational, you think they would have done those tests, and I'm concerned as to why they weren't.*

*(Board Member Neufeld, Public Hearing, April 1, 2021)*

**C-4 Response:**

The intent of this comment is unclear. It is assumed that it is a reference to a Brownfield(s) site in the area. The Project Site is not in the NYSDEC BCP. Samples of soil and groundwater were collected and analyzed for constituents of concern based on the historic use of the Site and the findings of the Phase I ESA.

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