

VILLAGE OF BROOKVILLE

BOARD OF TRUSTEES

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IN THE MATTER OF THE  
TAM O'SHANTER COUNTRY CLUB  
SOIL REMEDIATION

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BEFORE: DANIEL SEROTA, Mayor  
CAROLINE BAZZINI, Deputy Mayor  
ROBERT SPINA, Trustee  
JOHN BURNS, Trustee  
EDWARD CHESNIK, Trustee

DATE: March 26, 2024

TIME: 6:30 p.m.

PLACE: AHRC  
189 wheatley Road  
Brookville, New York 11548

VILLAGE ATTORNEY: JOHN CHASE, ESQ.

VILLAGE ENGINEER: PAUL STEVENS

BUILDING SUPERINTENDENT: TIMOTHY DOUGHERTY

REPORTED BY: Christa Flash, RPR

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1           MAYOR SEROTA: Good evening,  
2 neighbors and residents. Good to see we  
3 have a nice turnout here tonight.

4           I'm just going to explain how we're  
5 going to operate tonight to make things as  
6 smooth as can be. I'm going to give a brief  
7 statement, our village attorney, John Chase,  
8 is going to follow up with that, and then  
9 the attorney for the developer is here with  
10 his engineer, our village engineer is here,  
11 as well, and I'm going to ask the residents,  
12 if we can, because there's so many of us  
13 here tonight, to limit to three minutes  
14 apiece.

15           And, remember, we're here tonight  
16 for Tam O'Shanter Country Club soil  
17 remediation and what's going on with that.  
18 We have regular trustees meetings every  
19 month, so if one of the residents starts to  
20 ask about if we're going to put a sidewalk  
21 or putting up a stop sign somewhere, that is  
22 not for this meeting, and to move things  
23 along I'll use the gavel to remind  
24 everybody; otherwise, we'll be here until  
25 midnight and I don't think we want to do

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1 that.

2 So I want to thank everybody for  
3 coming, and we're all here, like I said, for  
4 the Tam O'Shanter Country Club and for the  
5 soil remediation.

6 As many of you are aware, in  
7 March 2022, two years ago, the Village of  
8 Brookville's Planning Board granted  
9 preliminary subdivision approval to permit  
10 the subdivision of this property into 29  
11 lots pursuant to the Village's Zoning and  
12 Subdivision Ordinances.

13 Twenty-seven of the lots will be  
14 improved with a single-family residential  
15 dwelling with an average lot size of five  
16 acres. One lot will contain a storm water  
17 recharge basin, and one lot will be  
18 transferred to the Village of Brookville for  
19 future municipal use.

20 The subdivision is in full  
21 compliance with the village's master plan  
22 and all of the village's zoning and  
23 subdivision regulations.

24 I noted that the subdivision  
25 includes significant conservation and scenic

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1 easements located around the entire  
2 perimeter of the property to buffer the  
3 development from adjoining residential  
4 properties and Fruitledge Road and provides  
5 for retention of as many of the existing  
6 wooded areas as possible.

7 Most importantly, with respect to  
8 tonight's meeting, the subdivision approval  
9 was made explicitly conditioned upon and  
10 subject to the developer applying for and  
11 obtaining approval of the Nassau County  
12 Health Department with respect to the  
13 remediation and cleanup of the fertilizer  
14 material, which has been identified in this  
15 soil throughout the property at varying  
16 levels with specifically arsenic.

17 Unfortunately, as I understand it,  
18 to remediate the cleanup, the impacted soil,  
19 to the satisfaction of the Nassau County  
20 Health Department, the Health Department is  
21 requiring approximately 135 (sic) cubic  
22 yards of soil to be removed and disposed of  
23 and replaced with clean topsoil in a matter  
24 that will restore the property to conditions  
25 safe for people to reside.

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1           The process of this remediation  
2 plan will have a significant negative  
3 impact, not only to the village of  
4 Brookville and the local community, but to  
5 the preservation of the conservation and  
6 scenic easement areas and wooded areas  
7 around and the open space. It has been  
8 estimated that the removal of this topsoil  
9 would involve as many as 22,000 trucks,  
10 11,000 trucks in and 11,000 trucks out, and  
11 add in another 6,000 of clean fill.

12           The developers have requested that  
13 the village consider permitting them to  
14 implement the site management plan as an  
15 alternative approach to mitigating the  
16 impacted soil. In sum and substance, this  
17 alternative plan would involve blending the  
18 soil on site with deeper clean soil to  
19 achieve concentrations of soil contaminants  
20 below the applicable standards.

21           The benefit to the village and our  
22 local community of this soil blending plan  
23 is that it does not require the export of  
24 135 (sic) cubic yards of topsoil and import  
25 of another 80,000 cubic yards of clean soil,

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1 and, according to the developers, avoiding  
2 large excavation and soil exportation and  
3 importation, which will mean less potential  
4 for migration of the contaminants from the  
5 open excavation, wind erosion, stormwater  
6 intrusion and et cetera, and this would  
7 produce a negative impact on the local  
8 community.

9 I want to emphasize that actually  
10 no, no, decisions have been made by this  
11 village with respect to the request, and no  
12 decisions are going to be made tonight to  
13 the developer's proposed alternative soil  
14 remediation.

15 In the event that the village  
16 determines that the soil management  
17 remediation plan would be in the best  
18 interest of the village and the most  
19 protective to the health, safety and welfare  
20 of its residents, I can assure you that the  
21 means, methods and techniques of this  
22 implementation of such a plan will be  
23 reviewed and approved and monitored and  
24 supervised throughout the process by the  
25 village and its engineers.

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1           The health, safety and welfare of  
2           the residents is my charge, as mayor, and  
3           also the charge of the trustees, and the  
4           village will require written sign-off from  
5           the Health Department that the property has  
6           been remediated and cleaned up to their  
7           satisfaction and conditionally safe for  
8           people to reside in.

9           I'm going to give the microphone  
10          over to Mr. Chase, our village attorney, for  
11          a brief statement.

12          MR. CHASE: Do I have to have the  
13          microphone?

14          MAYOR SEROTA: Not if you don't  
15          want it.

16          MR. CHASE: Thank you, Mr. Mayor.  
17          That was a job well done, and I think you've  
18          stolen my thunder because there's not much  
19          left to say after you've taken care of it  
20          all.

21          Maybe I can just add a few comments  
22          to it, and some of those comments are  
23          because, fortunately or unfortunately, the  
24          Board that ran this process and approved the  
25          subdivision of this property was the

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1 Planning Board and not the Board of  
2 Trustees, and because I was maybe a little  
3 more involved with the Planning Board  
4 procedures, perhaps, you know, some  
5 additional comments would be helpful.

6 Just to give a little more  
7 background and context to what the mayor has  
8 said, at the time that this proposed  
9 subdivision was before the Planning Board  
10 several years back in 21/22, at that time  
11 the village hired an environmental  
12 consultant, and pursuant to the State  
13 Environmental Quality Review Act, the  
14 Planning Board was required to take a hard  
15 look at the environmental impacts of the  
16 project, and, as a result of that study, the  
17 Planning Board did identify and acknowledge,  
18 in its negative declaration pursuant to  
19 SEQRA, that there was contamination in the  
20 soil resulting from fertilizers which  
21 results in arsenic and other metals.

22 So at the time the Planning Board  
23 approved the subdivision and issued its  
24 negative declaration pursuant to SEQRA, it  
25 was very clear that the Planning Board



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1 required that this contamination had to be  
2 remediated.

3 At that time, as the mayor said,  
4 the approval was subject to the Nassau  
5 County Department of Health signing off and  
6 approving the remediation of the  
7 contamination, and the reason for that is  
8 it's the Nassau County Department of Health  
9 which is the sole agency that has  
10 jurisdiction over the cleanup, that the  
11 village doesn't have responsibility or an  
12 obligation to perform the cleanup itself.  
13 It lies solely in the hands of the  
14 Department of Health.

15 So this problem was anticipated in  
16 our environmental review and in the decision  
17 of the Planning Board, and, accordingly, it  
18 was referred to the Department of Health for  
19 review and approval.

20 The problem that has arisen, as the  
21 mayor just alluded to, was the Department of  
22 Health has a very draconian method of  
23 remediation of contamination. The  
24 Department of Health is saying, in sum and  
25 substance and in laymen's terms, there's

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1 135,000 -- not 135 -- 135,000 cubic yards of  
2 contaminated soil, and what the Department  
3 of Health is expecting this developer to do,  
4 irregardless of the negative impacts it  
5 would have on this village, is to remove it  
6 all and replace it all, and, as the mayor  
7 said, that would result in some estimated  
8 22,000 truckloads in the village.

9 Obviously, the Mayor and the Board  
10 of Trustees is now concerned that that  
11 draconian method of cleaning up the site is  
12 going to result, not only in 22,000  
13 truckloads, but the noise, the carbon  
14 monoxide, the pollution, the destruction of  
15 the village roads and on and on and on as  
16 anybody with common sense could figure.

17 So that's where it stood until the  
18 developer came before the village with an  
19 alternative proposal to remediate the  
20 contamination, and in very laymen's terms,  
21 and Mr. Martins and consultants much  
22 brighter than I will get, hopefully, into  
23 some detail about it and answer your  
24 questions, but, in sum and substance, what  
25 they're proposing is to blend the soil on

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1 site, which means they would blend the  
2 contaminated soil for some depth with clean  
3 soil, and as a result of that blending, the  
4 resultant soil would fall below the minimum  
5 standards, and, I don't know, 60 parts from  
6 whatever. And so, as the mayor said, there  
7 has been no decision made on it, but I think  
8 we all think that at least it's a proposal  
9 that deserves some scrutiny by the village.

10 The benefits, in my opinion and the  
11 Board's opinion, is no more exportation or  
12 importation of soil, it avoids large  
13 excavations, and these large excavations,  
14 when it's windy out, you have friable  
15 arsenic in the air that could affect  
16 abutting residents. So there's a tremendous  
17 amount of benefits to consider with this  
18 alternative method of remediation  
19 contamination.

20 One of the things that I think  
21 needs to be emphasized, however, is that if  
22 it's approved, if the village decides to go  
23 forward with this alternate remediation, one  
24 of the big benefits, at least in the Board's  
25 mind, is that the village will then be in

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1 control of making sure that the remediation  
2 is done in a fashion that is most protective  
3 of the health of the residents in the  
4 village as possible. Not to cast  
5 dispersions on the Nassau County Department  
6 of Health or other agencies, I don't know  
7 what kind of consultants and what kind of  
8 protocols they're going to have to clean up  
9 this contamination.

10 By going this way, the village is  
11 going to hire its own consultants, its own  
12 environmental consultant. It has Liro as  
13 its village engineer, which has a very huge  
14 environmental department. We would probably  
15 also retain Pat Cleary, who was the  
16 consultant when this came before the  
17 Planning Board.

18 And so it seems to me, and to the  
19 Board, that this at least deserves a hard  
20 look, because if I was a neighbor or  
21 resident of this village, at least at the  
22 beginning, I would feel better knowing that  
23 the village and your elected officials and  
24 your consultants and our consultants and the  
25 people we hire are going to make sure that

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1 this is done the right way. Simply stated,  
2 better that the village is in charge of this  
3 than the Health Department.

4 However, one small glitch or one  
5 impediment is that the village is not going  
6 to be willing to, and probably would not, if  
7 they went forward with this, aggregate the  
8 jurisdiction of the Health Department. We  
9 would still require that the Health  
10 Department sign off on this cleanup as  
11 proposed by the developers, and their  
12 sign-off on the map would still be required  
13 by the village to protect the village.

14 So, I mean, that's sort of an  
15 overview of where we are. I think that the  
16 purpose of this meeting, if I may,  
17 Mr. Mayor, is we're at a juncture, before  
18 the village makes a final determination, as  
19 to whether to consider this alternative  
20 method of remediation and that it's time to  
21 hear from the residents, because at the end  
22 of the day, whether we have 22,000 trucks or  
23 we do an on-site blending, you are the  
24 people that are most affected, and I think  
25 it's important to the village and the

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1 trustees to hear any questions or concerns  
2 that you may have before we take another  
3 step.

4 I hope I wasn't too windy, Mayor,  
5 and I apologize.

6 MAYOR SEROTA: No. It's important  
7 that we get this overview.

8 Now I'm going to turn the mic over  
9 to Mr. Martins, who is the attorney for the  
10 developer, and then when Mr. Martins is  
11 finished, we will open up the floor for  
12 questions.

13 MR. MARTINS: Thank you, Mr. Mayor,  
14 Members of the Board. Pleasure to be here  
15 again. Thank you for the opportunity to  
16 present this evening.

17 As has already been stated, this is  
18 an option between A and B, A being the  
19 option that was presented to the developer  
20 through the Nassau County Department of  
21 Health, which requires, as you mentioned,  
22 Mayor, removal of topsoil throughout the --  
23 at least a majority of 135 or so acres of  
24 Tam O'Shanter.

25 There are areas where there is very

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1 little if no contamination, mostly around  
2 the driving range, but the application of  
3 fertilizer, which led to the accumulation of  
4 arsenic, mostly took place on fairways and  
5 greens.

6 I think it's important to note it's  
7 in fertilizers generically. So the reason  
8 we don't see it in farmland is because  
9 farmland is tilled, usually once or multiple  
10 times a year, and they do exactly what we're  
11 talking about doing here.

12 The DEC or at least the Department  
13 of Health's interpretation is that the land  
14 would have to be stripped of the top layer,  
15 all of that removed, and soil would have to  
16 be returned. Obviously, the impacts to the  
17 community are significant given the number  
18 of trucks that are involved, and there are  
19 concerns about that.

20 We had discussions with the  
21 Department of Health. We had concerns and  
22 discussions with the county, as well,  
23 because the impacts would not be limited to  
24 the village. Regionally there would be  
25 impacts in terms of trucks accessing the

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1 Long Island Expressway and getting to and  
2 from the site. So we wanted discussions  
3 about the broader impact of removing this  
4 much soil and whether or not there were  
5 alternatives.

6 So I want to be clear: The  
7 applicant and the developer has sought  
8 Brownfield tax credits as part of this  
9 effort. They reached out to the DEC and  
10 made an application, and they have been  
11 approved for tax credits, which will offset  
12 part of the expense, if they, in fact, have  
13 to remove the soil. That's option A.

14 Option B was looking at best  
15 practices in other jurisdictions,  
16 specifically in New Jersey where they've  
17 dealt with this issue in the past, and,  
18 frankly, there are other jurisdictions right  
19 here on Long Island, mostly on the town  
20 level, where they deal with soil remediation  
21 on a site-by-site basis.

22 This site is obviously larger. It  
23 requires a little bit more attention. We  
24 haven't seen a golf course have to deal with  
25 this issue, but I assure you that every golf



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1 course out there has arsenic. It's there.  
2 And as these golf courses are taken off line  
3 and developed over time, they're going to  
4 have to deal with this issue. This just  
5 happens to be the first one that is being  
6 presented. This will serve as, I think, a  
7 model for how this is handled going forward.

8 I think there's a strong  
9 resistance, generically, to having to remove  
10 this much soil because of the impacts to the  
11 immediate community, and, obviously, to the  
12 larger community, as well. So what the  
13 developer did is went out, hired  
14 consultants, and looked at exactly the  
15 alternative.

16 Milling in place or tilling in  
17 place, there's equipment that does that. It  
18 allows for the areas to be broken up into  
19 grids, to do grids independently, to have  
20 the village have its own consultants review  
21 and oversee it, to do each piece  
22 independently, evaluate before moving on to  
23 the next piece to ensure that we are  
24 actually, one, addressing the issue, but  
25 also doing it in a way that is in keeping

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1 with the village's expectations and  
2 certainly with a minimum of impact to the  
3 surrounding properties.

4 The benefits. The first option A,  
5 removal of soil. Typically, a truck can  
6 carry about 20 or 30 yards, cubic yards, of  
7 soil. One hundred thirty-five thousand  
8 cubic yards, even if you're doing 10 trucks  
9 or 15 trucks per day and you work out that  
10 scenario, it will take, by many estimates,  
11 you know, over a year to transport and move  
12 that many truckloads, and that's if you're  
13 moving every day. And we're not doing --  
14 we're just doing math. I'm not trying to --  
15 I'm just highlighting what those impacts are  
16 because we should be very clear about it.

17 The milling or the tilling in  
18 place, at least the projections we have is  
19 that it will take about four months, in  
20 place, from the point when we're permitted  
21 to start. We expect that it will take  
22 approximately two or three weeks to mobilize  
23 on site, identifying which areas will be  
24 done in whichever sequence the village feels  
25 and your consultants feel are appropriate.

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1 We will till each area, and, frankly, in  
2 doing that, they will be tested before  
3 moving on to the next one.

4 There will be monitors set up.  
5 There will be consultants available on site,  
6 not only for the developer, but for the  
7 village, as well, borne at the expense of  
8 the developer with the idea of addressing it  
9 appropriately, and that's the goal.

10 This is not something new. It has  
11 been done in other jurisdictions. As I  
12 said, there's equipment that allows for it.  
13 It isn't -- it is heavy equipment, but it  
14 has been described to me, and certainly what  
15 I've seen in pictures and videos, although I  
16 haven't seen it live, as a large piece of  
17 equipment, almost akin to a Zamboni on ice  
18 where the tilling takes place under the  
19 machine, and so it's contained as it moves  
20 across.

21 The idea also is that as each area  
22 is done, it's reseeded and so that it  
23 doesn't become just a patch of dirt, but it  
24 is reseeded in real time so that it returns  
25 back to green as soon as possible, and it's

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1 not done all at once, but it's done in  
2 sequence so that it can be properly  
3 controlled.

4 You know, Mayor and Mr. Chase, you  
5 both made a point about the Department of  
6 Health having to sign off. Nothing changes  
7 with regard to that. As part of the  
8 preliminary subdivision approval, we do have  
9 a responsibility to get sign-off from the  
10 county in both the Department of Public  
11 Works and the Department of Health. What  
12 they require is that we bring back a report  
13 that shows that we are below the thresholds  
14 necessary for approval, and as long as we're  
15 in -- we have reports that show that our  
16 thresholds match, then they will have the  
17 ability to sign off and to move this process  
18 forward, as well.

19 So that is it. I guess if I had to  
20 go back and look at some of the concerns,  
21 the DEC would have jurisdiction under a  
22 Brownfield application. They would have  
23 oversight, as well. That impact, and I just  
24 point it out because it is a significant  
25 difference between one and the other, if

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1 we're required -- if the developer is  
2 required to remove soil on the scale that  
3 we're talking about, there will also be  
4 impacts to the trees. There will be impacts  
5 to the conservation easements that were  
6 negotiated and approved by the Planning  
7 Board with regard to the perimeter of the  
8 property and would undermine the viability  
9 of trees and the stand of trees, and there's  
10 a priority in developing this property that  
11 we keep them in place.

12 so one of the additional points,  
13 just that if we're removing a foot or  
14 two feet of topsoil, that there will be  
15 impacts to the trees that we're trying to  
16 preserve. If we are able to get to this  
17 option B, we'll be able to till around those  
18 trees, preserve the conservation areas,  
19 preserve the stands of trees, and to the  
20 extent, and we've had this discussion as  
21 part of our soil management plan, to the  
22 extent that there is a need to do it, when  
23 we get to those areas, a lot of that work  
24 can be done by hand and, therefore, obviate  
25 the impacts to the trees and to the

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1 conservation areas, which is, again, a  
2 benefit of going with that second option.

3 So we appreciate the opportunity to  
4 present, to put this on the table as an  
5 option. We have spoken to Nassau County.  
6 They have agreed that if it is the village's  
7 decision to permit this to go forward, that  
8 they have no objection. What they do want  
9 is to make sure that the land and the  
10 property is compliant with state  
11 environmental regulations, and as long as  
12 we're below the threshold and we're  
13 compliant, they do not have an issue with us  
14 moving forward with this second plan, as  
15 well.

16 And so with that, Mayor, Members of  
17 the Board, thank you for the opportunity to  
18 be here, and we'll be happy to listen.

19 I just want to point out a point.  
20 I think it's an important point just in case  
21 anyone misunderstands where we're coming  
22 from. It's going to take longer, it's going  
23 to probably be more impactful for us to move  
24 forward with the soil removal. Obviously,  
25 it's also going to be more expensive to go

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1 forward with the soil removal, but there's  
2 an offset to that with the DEC Brownfield  
3 credits.

4 And I just want to be clear that  
5 this is not -- it is an easier way, it is a  
6 faster way, and it is a less impactful way,  
7 but I want to -- for anyone to think that is  
8 something that is going to be cheaper to do  
9 one or the other, Mayor, I want to be clear,  
10 the developer is prepared to move forward  
11 with whichever one of these two options the  
12 village is more comfortable with. We prefer  
13 to do the second. It's quicker, it's going  
14 to be less impactful, and I think it's  
15 probably the better solution overall, but if  
16 it's the village's will that we move 135,000  
17 cubic yards of dirt and move that as a  
18 condition of getting this project moving,  
19 there are DEC Brownfield approvals in place  
20 which will give tax credits to the developer  
21 and offset the expense of them doing that,  
22 which they're prepared to do. They'd rather  
23 not, but I just want to be clear that that  
24 is an option.

25 Thank you.

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1                   MAYOR SEROTA: Thank you,  
2                   Mr. Martins.

3                   Before we continue, I'm being told  
4                   there's about 20-some-odd people out in the  
5                   foyer. So if we can try and come all in  
6                   here so you can hear closer, we're all a big  
7                   family here in Brookville and I want  
8                   everybody to come in.

9                   while we're doing that, I'm going  
10                  to open up the floor. I'd ask that you  
11                  raise your hand, and if you are capable to  
12                  come, state your name at the mic and address  
13                  your question.

14                  Just state your name and ask your  
15                  question.

16                  MR. GOLDBERG: My name is Perry  
17                  Goldberg. I'm on Wood Acres.

18                  I would like to know if --

19                  MAYOR SEROTA: Perry, a little  
20                  louder.

21                  MR. GOLDBERG: This thing is not  
22                  working that well.

23                  MAYOR SEROTA: There you go.

24                  MR. GOLDBERG: What I would like to  
25                  know is this machine, how many acres a day



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1 is this machine capable of doing?

2 Number two, is the soil going to be  
3 hosed down so that the dust will be  
4 contained, and are they going to be  
5 maintaining the rest of the property as  
6 they're doing it?

7 MAYOR SEROTA: Kevin Walsh or  
8 Mr. Martins, where are you to answer that  
9 question?

10 MR. GERZBERG: The answer is is  
11 that --

12 MAYOR SEROTA: Efrem, just state  
13 your name.

14 MR. GERZBERG: Efrem Gerzberg.

15 MR. GOLDBERG: And you are, sir?

16 MR. GERZBERG: A developer.

17 The answer is is that it generally  
18 works through about four acres over the  
19 course of four or five days, depending on  
20 how many times it has to go over the area.

21 A lot of -- another question was  
22 whether there will be a wetting down  
23 process. The answer is that there will  
24 always be a water truck on site. If it was  
25 weather like today, you wouldn't need it.

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1 All those things are going to be monitored  
2 and ruled by your own developer. So there  
3 will be air monitoring done. In both  
4 situations the DEC requires that, as well.

5 So in both situations, to be clear,  
6 even if we did the removal, the DEC requires  
7 a number of safeguards across the whole  
8 property.

9 AUDIENCE MEMBER: How loud is the  
10 truck?

11 MR. GERZBERG: How loud is the  
12 truck? You mean the --

13 AUDIENCE MEMBER: The machine  
14 that's tilling.

15 MR. GERZBERG: There's two  
16 different types of machines. One is just a  
17 big tractor with a special machine that goes  
18 underground and tills it like you see on a  
19 farm, not loud at all. Certainly the dump  
20 trucks are louder than those two pieces of  
21 equipment, and we would comply with the  
22 noise ordinances. It's no different than  
23 you building a home and a foundation.

24 MAYOR SEROTA: Mr. Owens, I think  
25 you had raised your hand.

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1 MR. MARTINS: Just to follow up on  
2 that point, as I mentioned, there would be a  
3 grid set up with various sections being done  
4 in a sequence. The idea would be to  
5 coordinate with the village to get that  
6 sequence from the village to, frankly, to  
7 figure out which areas to do first.

8 The immediate impacts would be as  
9 we're doing the border with the residential  
10 community. Obviously, there will be a  
11 priority of being sensitive to doing those  
12 at certain times of the year where it's  
13 going to be less impactful. We had hoped to  
14 do it, actually, late winter so that we  
15 could actually reduce the impacts. There  
16 are fewer people outdoors. But as we move  
17 away from the perimeter of the property and  
18 into the bulk of the property, those  
19 impacts, in terms of noise and the like,  
20 will be minimized because it will just be  
21 farther away.

22 MR. GERZBERG: Sorry, just one  
23 other thing on that. There will also be a  
24 roller there. So what happens is after it's  
25 done, you roll it, seed it in sections, and

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1 the rest of the property will be maintained.  
2 Eventually, it takes about three weeks for  
3 seed to germinate, and then we would mow  
4 that area when we were done, but the  
5 property would be maintained the same way it  
6 is now. It has been vacant, as you know,  
7 I'm sure, for the last couple of years. We  
8 haven't run a golf club, but it will be  
9 maintained the same way.

10 MAYOR SEROTA: Mr. Owens?

11 MR. OWENS: I have trouble  
12 standing. Is it all right if I ask the  
13 question sitting?

14 MAYOR SEROTA: Sure. Go ahead.  
15 Just speak loud for everybody.

16 MR. OWENS: Mr. Martins, I believe,  
17 represents our district?

18 MR. MONTGOMERY: You used to  
19 represent our district, right?

20 MAYOR SEROTA: Okay.

21 MR. MONTGOMERY: You used to  
22 represent our district, correct?

23 MR. OWENS: The state. You're a  
24 state assemblyman or a state senator?

25 MR. MARTINS: I am a state senator,

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1           yes, sir.

2                   MR. MONTGOMERY:   Still are?

3                   MR. OWENS:   You represent the  
4           district of Brookville?

5                   MR. MARTINS:   I still represent a  
6           senate district that includes Brookville,  
7           yes.

8                   MR. OWENS:   Right.   Okay.   So are  
9           you tonight representing Brookville or the  
10          developer?

11                   MR. MONTGOMERY:   It's a fair  
12          question.

13                   MR. MARTINS:   Thank you.

14                   Mayor, and, sir, thank you for that  
15          question.   Being a state legislator is a  
16          part-time job, and so we do have our  
17          employment.   Part of the joys of being in a  
18          state legislature is that we have what's  
19          called a citizen legislature.   People do  
20          their work during the year, and then they go  
21          up to Albany in order to represent the  
22          community.

23                   So I happen to be a lawyer.   That's  
24          how I represent -- you know, that's how I  
25          support my own family, and so my choice to

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1 run for state senate had nothing to do with  
2 the fact that I continue to be a practicing  
3 lawyer, as well, but I do appreciate your  
4 question.

5 MR. OWENS: One more question:  
6 Does the developer live in Brookville?

7 MR. MARTINS: The second question  
8 is whether the developer lives in  
9 Brookville, and the answer is, no, he does  
10 not.

11 MR. MONTGOMERY: Does he plan to  
12 live in Brookville?

13 MR. OWENS: why are you  
14 representing him? I mean, I would assume  
15 you should be representing the residents of  
16 Brookville.

17 MR. MARTINS: well, thank you for  
18 that, sir. Mayor, thank you. I assure you,  
19 Mayor, that I represent hundreds, sometimes  
20 probably over my career thousands of people.  
21 Not everyone lives in the community where  
22 they hope to build. This happens to be one  
23 of those examples, as well.

24 MR. OWENS: I just find it a  
25 conflict of interest.

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1                   MAYOR SEROTA: Mr. Goldberg?

2                   MR. GOLDBERG: Robert Goldberg, 17  
3                   Victoria Lane. I'm adjacent to the  
4                   property.

5                   I've read the various submission  
6                   documents, both to the village and the State  
7                   DEC. I had numerous conversations with the  
8                   village, the State DEC, Nassau County  
9                   Department of Health. I've had many  
10                  conversations with all of them. I've  
11                  researched arsenic contamination and the  
12                  various remediation alternatives. I'm not  
13                  an expert, but I think I'm reasonably well  
14                  informed.

15                  My understanding continues to be  
16                  that the county would require removal  
17                  replacement. It does not allow remediation  
18                  via blending or mixing, so I was surprised  
19                  today to hear otherwise.

20                  My understanding also is that the  
21                  Brownfield application has not yet been  
22                  approved, and if it was approved, we would  
23                  then have a chance to have a public hearing  
24                  on the work plan, and based on my last  
25                  conversation with the state, that has not

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1 happened.

2           Setting all that aside, as to  
3 whether blending should be approved, I've  
4 got a number of questions on it. I'll list  
5 them out. You can answer them after I'm  
6 done or at some future meeting or other  
7 communication.

8           We've already talked about the  
9 135,000 cubic yards.

10           For the blending method, what  
11 percentage of the site would be affected?  
12 It looks from the map like about 75 percent.  
13 It also looks like at least 20 percent of  
14 the borings have measurements more than two  
15 times the RUSCO, the Restricted Residential  
16 Soil Cleanup Objective, which is 16 parts.

17           What equipment would be used for  
18 blending? I've read about rotary and deep  
19 spade. Are there other methods?

20           The contamination ranges from  
21 3 inches to 24 inches given that the boring  
22 measurements, some of them are well more  
23 than two times. You're not just turning  
24 over a couple of inches of soil. So will  
25 different methods be used for different



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1 areas of the property?

2 How many pieces of machinery would  
3 you use at any one time?

4 For example, boring OS WA 22, which  
5 is right by my house, has a measurement of  
6 84 and a half at zero to three inches, note,  
7 compared to the 16 limit -- versus 16. So  
8 you would need to go down many multiples of  
9 three inches in order to blend to get to 16.

10 Also by my house, OS 63 has a  
11 measure of 35 at zero to three inches, 20 at  
12 about a foot. So you need to go down  
13 several feet to blend that.

14 OS 72 has a measure of 35 at zero  
15 to three inches.

16 OS 80 has a measure of 35 at zero  
17 to three inches.

18 And OS WA 23 has 50 at zero to  
19 three inches, 22 at 10 to 12 inches, and 13  
20 at 12 to 24 inches, meaning you need to be  
21 going down probably four, five, six feet in  
22 order to blend that. It's hard to see the  
23 equipment that's going to do that.

24 More importantly, my understanding  
25 is that proper blending requires the removal

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1 of all green vegetation before the blending  
2 begins since clump soil cannot be adequately  
3 blended. I've read this in various research  
4 reports.

5 would the removal be by stripping  
6 of the sod or by some chemical treatment,  
7 which, of course, causes other problems.

8 what percentage of the property is  
9 clay, since I've read that clay is very  
10 difficult to blend. In fact, it can't blend  
11 in because it's so clumpy, so how would that  
12 ground be dealt with?

13 How many trees would need to be  
14 removed as part of the remediation efforts?  
15 I just heard none, but, again, I do not  
16 understand since the other approach of  
17 removing the topsoil would result in trees  
18 being damaged.

19 My understanding is that the horse  
20 trail and brush also are affected, again,  
21 looking at the borings, though possibly not  
22 as much as by the fairways, which would make  
23 sense. would the trail and brush need --

24 MAYOR SEROTA: Robert, we've got to  
25 try and --

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1 MR. GOLDBERG: Would the trail and  
2 brush need to be cleared as part of the  
3 remediation? If not, why not?

4 Has there been an environmental  
5 impact study of blending, including on the  
6 wildlife in the conservation zone and  
7 surrounding brush?

8 Has there been any studies of  
9 blending verses soil removing regarding the  
10 level of airborne arsenic?

11 What's the basis for the particular  
12 airborne monitoring limits and the airborne  
13 monitoring proposal?

14 Since blending has been known to  
15 fail, and in some cases made the project  
16 site worse by spreading these contaminants,  
17 what's the remedy if the project is not  
18 completed?

19 Related under the Brownfield  
20 program -- we can dispense with all that.

21 MAYOR SEROTA: Robert --

22 MR. GOLDBERG: I'm done? Okay.  
23 Well, I will give you the rest.

24 MAYOR SEROTA: Thank you.

25 MR. GOLDBERG: I've got a lot more.

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1                   MAYOR SEROTA: Robert, thank you  
2 for your due diligence.

3                   Mr. Walsh?

4                   MR. WALSH: Kevin Walsh from VHB  
5 Engineering.

6                   Just to be clear, we're not the  
7 engineers who developed the soil management  
8 plan. They couldn't be here tonight, but we  
9 were involved in the preparation of the  
10 initial sampling and the discussions of the  
11 methodology. We've been working closely  
12 with Ceci, who is the consultant with the  
13 particular expertise in this area. I'll do  
14 my best to answer as many of those questions  
15 as I can.

16                   As far as what percent of the site  
17 is affected, I think you're correct that  
18 about 75 percent of the site is affected.  
19 Our sampling program undertook around -- I  
20 believe it was around 200-plus sampling  
21 locations, a total of almost 400 individual  
22 samples at varying depths in order to  
23 prepare a report on which this soil  
24 management plan alternative was based.

25                   As far as the level of exceedances

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1 and the depths and so on, I think I can  
2 answer that in one blanket statement. As is  
3 laid out in the soil management plan,  
4 there's a comprehensive process to this.  
5 There's bench testing at the beginning to  
6 determine what the proper ratios need to be  
7 to get to the exceedances -- not the  
8 exceedances, but the program exceedances  
9 before the tilling even starts.

10 Then there's a pilot program within  
11 each of the grids that comprise the  
12 individual phases of the work, and then  
13 there's -- then you would proceed to the  
14 actual tilling and restoration, and at the  
15 end of that process there is sampling that  
16 takes place again to ensure that those areas  
17 meet the proper levels of contamination.  
18 That can be done at different depths.  
19 That's why the pilot program takes place, to  
20 make sure that we understand, or the  
21 contractors understand, what depths the  
22 exceedances take place at so they can be  
23 tilled properly.

24 As I say, the entire process has  
25 many steps to ensure that at the end of the

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1 day, what the other consultant intends to  
2 provide is a comprehensive report that can  
3 be issued to the county and whoever else, to  
4 the village, demonstrating that they've met  
5 the requirements that we were looking to  
6 achieve.

7 As far as the removal of trees  
8 goes, I think Mr. Martins mentioned that the  
9 concentrations from the 200-plus sample  
10 locations that we've taken are more heavily  
11 in the areas of the tees and greens, very  
12 little in the way of issues, that I remember  
13 seeing on the mapping, in the areas that  
14 were left natural. Obviously, those weren't  
15 fertilized. The trails and the perimeter  
16 buffer areas were generally not fertilized.

17 So we believe, through the use of  
18 the soil remediation process, that we can  
19 protect those areas and maintain as many of  
20 those trees as possible, which would not be  
21 the case, as Mr. Martins said, if we --

22 MR. GOLDBERG: Those borings do  
23 show.

24 MR. WALSH: If we had to strip  
25 everything -- I'm sorry.

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1 MR. GOLDBERG: The borings along  
2 the perimeter that you're saying don't have  
3 contamination, of course --

4 MR. GERZBERG: Not in the  
5 conservation area.

6 MR. GOLDBERG: Is there a boring in  
7 the conservation area?

8 MR. GERZBERG: Yeah. The County  
9 had us move borings --

10 MR. GOLDBERG: Well, there's one  
11 right by my house, which is a conservation  
12 area that --

13 MAYOR SEROTA: Well, either it is  
14 or it isn't, and if there's --

15 MR. GOLDBERG: I'll stop.

16 MR. WALSH: You're welcome to  
17 review the report.

18 MR. GOLDBERG: I did.

19 MR. WALSH: The Brookville  
20 consulting engineer will review the report,  
21 and if it needs to be remediated, it will be  
22 remediated.

23 MR. CHASE: Kevin, I'm sorry to  
24 interrupt, but could I just ask a question,  
25 because, as you know and hopefully most of

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1 the residents know, when the Planning Board  
2 did approve this subdivision, it did provide  
3 for extremely substantial conservation  
4 easements as well as open areas and other  
5 things, and the question keeps coming up,  
6 and I think it would be good if you could  
7 elaborate on it, are those wooded areas,  
8 scenic easements, that are heavily vegetated  
9 and existing all around the perimeter of the  
10 property, are they going to remain or are  
11 they going to be destroyed and affected in  
12 any way? I'm not sure I'm clear on the  
13 answer to that.

14 MR. WALSH: We prepared a sampling  
15 regime that covered the entire property, as  
16 the county required us to do. It did reach,  
17 I believe, into those areas selectively so  
18 that we can ensure that those areas were  
19 either not exceeding the standards or could  
20 be dealt with, and every effort will be  
21 made, based on those sampling grids, to only  
22 treat the areas that need to be treated and  
23 preserve any of the areas that are natural.

24 Like I said, if they were natural  
25 they weren't getting fertilized, for the



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1 most part. There may have been some, you  
2 know, runoff-related-type things, but it's  
3 not likely that there would be an extensive  
4 amount of remediation required in those  
5 areas.

6 MR. CHASE: I think that is  
7 something that we're going to have to get a  
8 more elaborate answer in the future on  
9 because --

10 MR. WALSH: Well, you know, as I  
11 say --

12 MR. CHASE: -- the destruction of  
13 those areas is something that the residents  
14 have expressed as critical.

15 MR. WALSH: Well, all of that  
16 information is in the sampling report.  
17 That's part of the soil remediation plan.

18 MR. CHASE: Real quickly, Robert --  
19 thank you, Kevin. Just real quick, Robert  
20 asked about the clay.

21 MR. WALSH: Yeah. The soils here  
22 are generally pretty uniform. There's not a  
23 lot of clay or anything like that.

24 MR. GOLDBERG: There's a tremendous  
25 amount of clay.

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1 MR. WALSH: Not in the top 12 to 16  
2 inches.

3 MR. GOLDBERG: I live next door to  
4 it. My property is full of clay.

5 AUDIENCE MEMBER: Same.

6 AUDIENCE MEMBER: Same.

7 AUDIENCE MEMBER: Same.

8 MAYOR SEROTA: We've got -- listen.  
9 I treat this village as a big family. We  
10 could have disagreements, but Mr. Goldberg  
11 spoke, now Mr. Walsh is speaking. If  
12 there's discrepancies at the end of the day,  
13 we will hash it out and find if there's clay  
14 or if there's not clay, if there's sand or  
15 if there's more sand. This is to hear, back  
16 and forth, and to have a civil, a civil  
17 dialogue.

18 And I must remind everybody, I  
19 don't want people yelling at each other.  
20 This is not what Brookville is about. This  
21 is for transparency. This is for all of us  
22 to hear what solutions are out there for us.  
23 Again, no decision has been made.

24 Now, I have a resident online right  
25 now who is very well versed in this type of

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1 remediation, and his name is Mike Dove and  
2 he has lived in Brookville for 29 years, and  
3 he requested that he be allowed to address  
4 the Board.

5 I don't know if we can hear it,  
6 Winnie, or we could put it on the mic. Let  
7 Mr. Dove know that he has three minutes,  
8 then we're going to pass the baton to the  
9 rest of the people here.

10 AUDIENCE MEMBER: Excuse me, sir?  
11 Lawyer?

12 MS. CITARELLA: Okay, Mike. Can  
13 you hear?

14 MAYOR SEROTA: Do you want to put a  
15 mic next to him so people could hear?

16 MS. CITARELLA: I have a mic but I  
17 can't hear him. He said he can't hear.

18 MAYOR SEROTA: Well, then try to  
19 get him up and running. We will go to the  
20 next question.

21 MR. WALSH: Just to make one  
22 statement relative to this whole thing, as I  
23 said, this is a process. It's tested. It's  
24 piloted. It's remediated and then it's  
25 tested again, and at the end of the day

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1 whatever they have to do to remediate those  
2 particular areas and get them below the  
3 exceedances they'll do, and if there are any  
4 areas that are higher than normal, and we  
5 know there are a few hotspots, if you want  
6 to call it that, where the existing  
7 greenhouse was and things like that, those  
8 soils will be removed and either taken off  
9 site in small amounts, those will be small  
10 amounts, or they'll be capped somewhere on  
11 site where they're safe and don't come into  
12 contact with any of the residential  
13 properties. There are ways to deal with  
14 isolated areas that may be too difficult to  
15 mix, but we do believe that the vast  
16 majority of the site can be treated that  
17 way.

18 MR. CHASE: I'm sorry. The  
19 greenhouse that has some of the higher  
20 contamination, is that on the parcel to be  
21 conveyed to the village?

22 MR. WALSH: No, I don't believe so.

23 MR. CHASE: Okay. Thank you.

24 Sorry.

25 MAYOR SEROTA: Yes, sir. Just

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1 state your name so we have it for the  
2 record.

3 MR. MONTGOMERY: My name is Sean  
4 Montgomery. I'm at 2529 Cedar Swamp Road.

5 I'm not close enough to the golf  
6 course to see it, but the trucks would drive  
7 right by my house every day, right?

8 So what I'd ask people to do is if  
9 you have a calculator on your phone, can you  
10 pull it out for one second? I wanted to do  
11 something. This is an experiment, right?

12 Just a couple of things before they  
13 do that. The environmental impact studies,  
14 all of those studies, can we please have  
15 those made available on the village website?  
16 If they're not already, can we just please  
17 highlight those? Because the village  
18 website is not sufficient enough or accurate  
19 enough to give residents the relative  
20 information that they could digest before  
21 coming to this meeting, and to avoid any  
22 kind of, you know, like you said,  
23 disturbances, we can have more facts in  
24 place, right?

25 The blending and tilling of soil or

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1 the scraping of soil is still, no matter  
2 what, no matter how much water you bring in,  
3 no matter what, you're still going to eject  
4 contaminants into the air. Okay? That's a  
5 given, right?

6 Now, there's all kinds of ways to  
7 deal with it. You do a little at a time,  
8 whatever it is, but if you have to go down  
9 two feet, there is no ground tiller that  
10 goes down two feet. You would have to  
11 scrape to go down to two feet or till, till,  
12 till to go down to two feet. Okay? That's  
13 pretty obvious. Right? If anybody has a  
14 yard or a garden, if you want to go down two  
15 feet with a tiller, it's not going to go  
16 down two feet on the first shot, right?

17 You mentioned that for the  
18 perimeter, that these are exposed -- not  
19 exposed areas, but anybody who knows a golf  
20 course and anybody who knows about spreading  
21 fertilizer, just always overspread. Those  
22 areas seem to be kind of pushed to the side,  
23 but I think they deserve more critical  
24 evaluation than what's kind of been made out  
25 here. So maybe we should consider that, as

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1 well. Okay?

2 The last thing I wanted to bring up  
3 to your attention was that there's a whole  
4 thing about tax breaks for doing this.  
5 Right? I don't know about that. Right? We  
6 can all object to that if they're going to  
7 file a motion for a tax break for these  
8 Brownfield taxes, right, which the DEC  
9 points out.

10 The last thing I'll say before I  
11 ask you to use your calculators, there's  
12 three schools in the vicinity: New High, you  
13 have Jericho High, Jericho Middle School, a  
14 church, synagogues, you've got all this  
15 stuff. Right? You've got the people who  
16 are going to be more impacted because  
17 they're right next to the site than other  
18 people because they're going to be driving  
19 right by their houses. Right?

20 Now, the other thing is that -- you  
21 got your calculators? Okay. Let's do the  
22 following math: An average truck will  
23 expel -- a diesel truck of 60,000 pounds  
24 will expel 1.57 kilograms per mile. If we  
25 say there's three miles between the

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1 Expressway and Tam O'Shanter, back and  
2 forth, about six miles. Multiply 1.5 by 6.  
3 You got that calculation? 22,000  
4 truckloads, guys? Plus 6,000 bringing new  
5 soil. That's 28,000 truckloads. Multiply  
6 that by 28,000. What do you get?

7 MAYOR SEROTA: Too many.

8 MR. MONTGOMERY: You get 1.4  
9 billion kilograms of CO<sub>2</sub>.

10 Okay. Next thing. 60,000 pounds  
11 is the average weight of a truck, a 20-yard  
12 truck. It's more if it's laden, it's less  
13 if it's unladen. We'll take 60,000 pounds  
14 as the average. Right?

15 MAYOR SEROTA: We've got to try and  
16 wrap it up.

17 MR. MONTGOMERY: Okay. Last  
18 calculation.

19 Sixty thousand pounds times 28,000  
20 is 1.3 billion pounds of trucking on the  
21 roads.

22 Now, last thing: They said that  
23 the site at 9/11 was clean when they were  
24 doing stuff. I'm not comparing this to  
25 9/11. They always said, oh, the area is a



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1 safe area, the area is safe, the area is  
2 safe, but it wasn't safe. My uncle died in  
3 9/11 related injuries. He was a fireman for  
4 40 years.

5 So there is going to be shit in the  
6 air. Excuse my language. There's going to  
7 be stuff in the air. That's the bottom  
8 line. If you have children -- I have two  
9 children. One is a diabetic and one has  
10 autism. They're going to be affected by the  
11 environment. I do not want them affected by  
12 the environment anymore.

13 MAYOR SEROTA: Thank you.

14 I think we got that connection now,  
15 Winnie.

16 MS. CITARELLA: Okay. Go ahead,  
17 Mike. Introduce yourself.

18 MR. DOVE: Can I be heard?

19 MS. CITARELLA: Yes. Yes. Go  
20 ahead.

21 MR. DOVE: So Mayor Serota reached  
22 out to me as a neighbor and a friend.  
23 Obviously a concerned resident of  
24 Brookville, I live very close to the site,  
25 and the insight you wanted from me, I'm

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1 probably the only person in the room who has  
2 faced a similar situation.

3 Many of you may know I built a  
4 development called Country Point of  
5 Plainview off exit 48. It was 150-acre  
6 site, and I encountered a much, much smaller  
7 scale of the same situation.

8 I don't know what was said at the  
9 meeting. So far I can't hear anything, but  
10 having gone through it I'm going to take you  
11 through how the Nassau County Health  
12 Department looks at dirt and basically asks  
13 you to test the dirt, and they have three  
14 levels of dirt. They have nonrestricted,  
15 restricted and exceeds restricted.

16 Every county in the state has a  
17 different formula for dealing with how you  
18 deal with dirt that has some of these  
19 contaminants in it. I had a small amount of  
20 dirt on that site that fell into the same  
21 category as what we're talking about at Tam  
22 o'Shanter. It exceeds restricted.

23 So I did, at the time, what was  
24 asked. I hired these trucks. We put the  
25 dirt on the trucks, drove the trucks to New

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1 Jersey. New Jersey took the dirt and then  
2 diluted the dirt, because most of the dirt  
3 that has these contaminants in it is at the  
4 top, you know, right under the grass, and  
5 most of that dirt is topsoil. So what they  
6 were doing in New Jersey with my dirt is  
7 they were actually just mixing it with other  
8 dirt and then reselling it as topsoil.

9 So with the standards that Nassau  
10 County has, which, by the way, there are 62  
11 counties in the State of New York, Nassau  
12 County has the most onerous standards. And  
13 what they were requiring then, which is what  
14 has always been required up until now when  
15 they had come up with a plan, was just put  
16 it on the truck and take it away. I didn't  
17 have the option. It seemed a little silly  
18 to me to be trucking this dirt across two  
19 bridges into New Jersey.

20 Had my land been located a mile to  
21 the east in Suffolk County, the solution  
22 that is really on the table tonight would  
23 work in Suffolk County. Suffolk County's  
24 Health Department looks at the same dirt and  
25 says, basically, mix it, encapsulate it, put

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1 it back in the ground, and at the lowest  
2 standards -- we use the term "dilution is  
3 the solution" -- you'll be just fine. So  
4 the concept that -- I was surprised to hear  
5 that Nassau County had actually come around  
6 to accepting a standard that obviously makes  
7 more sense.

8 You know, I can also tell you these  
9 contaminants are measured in parts per  
10 million. You know, they're everywhere.  
11 They're probably in people's front lawns,  
12 things like that, but this was a common  
13 sense answer, and I will say that I've never  
14 met the developers, I don't have any  
15 interest in it, but it didn't seem like a  
16 very good idea to put this quantity of soil  
17 and create so much ancillary pollution and  
18 disruption to our village, which is why I  
19 was happy to share my experience that I had  
20 gone through in Nassau County.

21 So with that, I'll finish saying  
22 what I have to say, and if anybody has any  
23 questions, just relay them to me and I'm  
24 happy to discuss them.

25 MAYOR SEROTA: Thank you, Mike.

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1 Thank you very much.

2 Next question. Whoever is going to  
3 come to the podium.

4 MR. ROSENBLUM: Gilbert Rosenblum,  
5 3 Quaker Ridge Drive.

6 I just had a question. I'm not  
7 clear it was explained. Long Island depends  
8 on its water supply. As we all know, we've  
9 had problems in the Jericho district.

10 When you dig up and you're taking  
11 toxic metals or metal alloy compounds and  
12 actually take them from a higher surface and  
13 mechanically mixing it so that it goes lower  
14 in the ground, has anybody looked at how --  
15 does it potentially cause any problems with  
16 this getting absorbed into our water supply,  
17 not only for Brookville but for the whole  
18 Nassau County?

19 MAYOR SEROTA: Very, very good  
20 question.

21 Mr. Walsh?

22 MR. WALSH: Yeah, a couple of  
23 things. First of all, our groundwater here  
24 is anywhere from 120 to 200-plus-feet deep,  
25 so there's really no impact whatsoever on

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1 ground water.

2 And the other thing to remember  
3 about these compounds is that they bind to  
4 the soil. They don't, generally, leach  
5 through the soil, which is why you find them  
6 only in the top 12 to 16 inches, for the  
7 most part. So these things don't travel  
8 well. They bind to the soil. And, as I  
9 say, groundwater is over 120 feet deep in  
10 this area.

11 MR. ROSENBLUM: Can I just follow  
12 up?

13 MAYOR SEROTA: Sure.

14 MR. ROSENBLUM: So all contaminants  
15 start out in the ground and slowly move down  
16 over a period of years, tens of years or  
17 hundreds of years. It's not put directly  
18 into the water supply. So the question is,  
19 and I understand what you're saying, but  
20 there are other contaminants, I'm sure, in  
21 the soil also.

22 So you're saying mechanically  
23 dropping things 10 feet below doesn't, over  
24 a period of time, make it more likely --

25 MR. WALSH: That's correct. That's

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1 what I'm saying.

2 MR. MONTGOMERY: But our current  
3 water supply has a lot of contaminants in it  
4 from other activities already and, actually,  
5 probably from Tam O'Shanter when it was  
6 prior to being a golf course, when it was  
7 actually a farm, and most of the farmland on  
8 Long Island has actually contributed to the  
9 pollution in the groundwater, and Jericho,  
10 in particular, which is all our water  
11 supply, if you look at the most recent  
12 reports, have had to build an extremely  
13 expensive additional filtration plant to  
14 address some of the issues that have shown  
15 up in the water.

16 MAYOR SEROTA: Mr. Ranieri, I know  
17 you had a question?

18 MR. RANIERI: Yeah, a couple of  
19 things. One is --

20 MAYOR SEROTA: You've got to state  
21 your name. Sorry about that. She needs it  
22 for the record.

23 MR. RANIERI: Vito Ranieri, 4  
24 Glenby Lane.

25 You're going to need -- you

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1 probably are going to truck off -- you're  
2 going to truck off soil. You're going to  
3 truck off some of that grass. You're  
4 probably going to bring soil back in because  
5 I don't think you're going to be tilling  
6 everything and just maintaining grass. So  
7 that's all part of what this plan should be.

8 I got a question for the village  
9 engineers and stuff. Have you guys seen the  
10 environmental soil plans, the management  
11 plans, all of that? Has a means of method  
12 been shared with you? Have you looked at  
13 all of that and how they're going to go  
14 through all their processes?

15 So that's important to all of us,  
16 because, you know, the devil is in the  
17 details on how you do it. Right? We talk a  
18 lot about, you know, trees, we're going to  
19 do all this kind of good stuff, but the  
20 devil is in the details on how this gets  
21 done. That's how people are going to be  
22 affected.

23 So, again, I don't know if you've  
24 shared that information, if you had it. It  
25 should be. It should be reviewed by the



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1 village engineer so on and so forth.

2 water runoff when they're tilling,  
3 when they're spraying the water, what's  
4 happening there? Where is it going? How is  
5 that being contained? The details.

6 MAYOR SEROTA: Thank you for the  
7 question.

8 Mr. Stevens, do you want to address  
9 it or Mr. Walsh?

10 MR. STEVENS: Paul Stevens, Village  
11 Engineer.

12 we've been briefed on the things  
13 that you're all hearing tonight, but at this  
14 point we have not reviewed the detailed soil  
15 management plan.

16 MR. WALSH: I'll just add to that  
17 that there was a detailed soil management  
18 plan that Paul referred to. It covers  
19 everything from the site management plan,  
20 the soil mitigation program, the mitigation  
21 implementation, including all the  
22 objectives, the engineering controls that  
23 would be in place during the process, the  
24 institutional controls that come afterwards  
25 in terms of post-testing, and the final

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1 engineering reports that are due to the  
2 village, not just at the end of the process,  
3 but at the completion of each phase before  
4 we move on to the next phase.

5 So, like I said, it's a process.  
6 That process is heavily detailed in the  
7 report that was submitted, and we expect the  
8 village and their consultants will be  
9 overseeing that entire process.

10 MAYOR SEROTA: Mr. Ranieri, do you  
11 agree with what the developer has or --

12 MR. RANIERI: In my opinion, he  
13 should be sharing that detail now so that we  
14 can make a judgment.

15 MAYOR SEROTA: Again, we're not  
16 making any decision tonight but --

17 MR. RANIERI: I mean prior to any  
18 sort of judgment. Our engineer hasn't seen  
19 it, from what I heard.

20 MR. MARTINS: To be clear, Mayor,  
21 this report has been shared. Whether they  
22 reviewed it or didn't review by village  
23 engineers and who has reviewed it, but it  
24 has been submitted. Certainly, we didn't  
25 come in here tonight without having

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1 presented a report to the village and ask  
2 them to consider it.

3 MAYOR SEROTA: Mr. Lester?

4 MR. LESTER: Darrell Lester, 7  
5 Quaker Ridge.

6 I have two very simple basic  
7 questions. One to the contractor, have you  
8 ever done this kind of remediation before?  
9 And the second question is, has this kind of  
10 remediation ever been done in New York State  
11 before, 250 acres? I hope we're not the  
12 first test case.

13 MR. WALSH: To answer the second  
14 question first, as Mr. Martins alluded to  
15 earlier, this hasn't been undertaken in New  
16 York because this situation hasn't taken  
17 place in New York yet. We're now at the  
18 point where a lot of these legacy golf  
19 courses are going to be turning over for  
20 development. The DEC and the county has not  
21 dealt with this situation before, which is  
22 why they were so reluctant to move on this  
23 thing.

24 But the point is this is done  
25 regularly in other places, especially in New

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1 Jersey where they deal with a lot of large  
2 tracks of land, farms, golf courses, things  
3 of that sort, which is exactly why the  
4 developer brought in a consultant from New  
5 Jersey with very specific experience, having  
6 done this many, many times in New Jersey  
7 successfully. So the fact that it hasn't  
8 been done here doesn't mean it isn't done  
9 successfully elsewhere on a regular basis.

10 MR. LESTER: Can we just get a list  
11 of golf courses in New Jersey where this was  
12 done?

13 MAYOR SEROTA: Mr. Walsh, I don't  
14 know if you heard. Jack?

15 MR. MARTINS: I heard. I heard.

16 Just to piggyback on the comments  
17 that Mr. Dove made, although not golf  
18 courses certainly on this size, but soil  
19 management plans and site management plans  
20 are not uncommon right here on Long Island,  
21 in Suffolk County, as part of site approvals  
22 for development.

23 This is a larger scale. Certainly  
24 the idea of remediating before we move  
25 forward with the project is not new. Here

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1 in Nassau County it is new on this scale  
2 because Nassau County is unique in requiring  
3 the Department of Health to sign off on a  
4 preliminary subdivision plot, and that's why  
5 we're here.

6 MR. LESTER: I just have one  
7 comment.

8 MAYOR SEROTA: Darrell, this is  
9 your third question, but being that I like  
10 you, you can go ahead.

11 MR. LESTER: If you're counting on  
12 New Jersey, that's where you're going to  
13 take all of our soil, and you're going to  
14 count on New Jersey's regulations? I would  
15 suggest you deal with us.

16 MAYOR SEROTA: Sir?

17 MR. GREENE: Hi. Marc Greene, 19  
18 Farmstead Lane.

19 Just two simple questions: Is  
20 there any requirement to do something on the  
21 property by the village or is it the  
22 developer who has a buyer beware situation?

23 Furthermore, on the interstate  
24 transport of contaminated soil, is it more  
25 effective in Yaphank to deliver the

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1 contaminated soil where like all of Long  
2 Island's construction and Manhattan's goes?

3 MR. GERZBERG: So this soil, it  
4 could stay on Long Island.

5 MR. GREENE: No, no. You were  
6 talking about taking it to New Jersey.

7 MR. GERZBERG: No, I'm saying other  
8 projects.

9 MR. GREENE: That's what you said.

10 MR. GERZBERG: No, that guy said  
11 it.

12 MR. GREENE: Further, if you don't  
13 mind, when it's remediated, is there a  
14 standard for the entire site or is it grid  
15 specific, and will you clear those grids as  
16 such where you can develop part without the  
17 other, you know, in a two-hand fashion. I'm  
18 cleaning over here, I'm building over there.  
19 Obviously, you have the easements and the  
20 approvals for your building plan, but you  
21 haven't considered this loophole.

22 So I'm just curious. Like, also,  
23 you know, the environmental impact of the  
24 first proposal was such that homes were  
25 going to be built, and they were going to

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1 have a certain amount of construction. Now  
2 you're going to go to sites that were  
3 remediated and use that contaminated soil  
4 that meets the standard but has been pushed  
5 lower, that is now leachable into the water  
6 table, and I'm sort of, like, too many  
7 questions for me.

8 Thank you.

9 MR. MARTINS: So two points, I  
10 think. One, Mayor, is whether this is a  
11 buyer beware situation. No, it's not.  
12 There is a path forward. There are two  
13 options that are before us, before the  
14 village. The developer has certain choices  
15 that they have to make going with one or the  
16 other. Each one has drawbacks. We believe  
17 that the second option is better. It's  
18 better for the developer, it's better for  
19 the village, it's better for the community,  
20 but the alternative isn't, I want to be  
21 clear, nothing. The alternative is option  
22 A.

23 And so, you know, we can sit here  
24 and talk about how there are going to be  
25 impacts. We're talking about how to

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1 minimize the impacts, because it wasn't  
2 our -- it certainly was not the developer's  
3 choice to have to be faced with removing  
4 this much dirt from this property. This was  
5 something that was developed outside of this  
6 process by somebody else, in this case it  
7 was the county, and we've come with an  
8 alternative that the county is willing to  
9 accept as an alternative for the village's  
10 consideration.

11 So I just want to be clear that  
12 there is no advantage one way or the other.  
13 The property is going to be developed. One  
14 takes longer. The other one takes less  
15 time. We're hopeful we can do this in  
16 collaboration with the village, with the  
17 village's consultants, and do it  
18 sequentially.

19 The second question is also  
20 important because this is not a situation  
21 where we can do certain areas of the site  
22 and not do other areas of the site. Before  
23 the county is a preliminary site plan  
24 approval, which is the entire site. We  
25 don't get to go to the county and say



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1 approve part of this plan but not the other  
2 part of the plan.

3 The county will evaluate the entire  
4 plan holistically. There will be testing  
5 that needs to be done. The testing that we  
6 discussed would be done in phases or, as I  
7 said, in a grid, because we want to make  
8 sure that we're doing it properly each step  
9 of the way and that we're confirming that  
10 each site is properly tested.

11 But when all of this is put  
12 together, it has to go to the county as a  
13 whole, and they will not approve a partial  
14 site approval. It will either be the entire  
15 site or they won't approve the entire site,  
16 which means we're going to have to actually  
17 get the entire site remediated before we can  
18 get permission to go forward.

19 MAYOR SEROTA: Thank you for  
20 clarifying.

21 Mr. Eisenberg, you have a question?

22 MR. EISENBERG: Thank you. My name  
23 is Mark Eisenberg, and I'm an  
24 environmentalist. I'm part of the North  
25 Shore Land Alliance, the Audubon, the

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1 Roosevelt, the Planting Fields, and I can go  
2 on and on. I just want for you to know  
3 where I'm coming from. I see a lot of  
4 people here I know.

5 One of the questions I have, and it  
6 goes to trust, one of the first meetings I  
7 went to was about building these condos, and  
8 my question is why didn't we discuss this  
9 problem with the arsenic in the beginning  
10 since it was in the preliminary report from,  
11 I guess, the village? So it seemed like it  
12 was a surprise. It came back to me, like, a  
13 year later, all of a sudden, you know, the  
14 arsenic.

15 The other question I have is how  
16 many trucks of new dirt will have to be  
17 trucked in?

18 Let's see what else I have here.

19 Are you getting any conservation  
20 easements? You mentioned conservation. Is  
21 it a conservation easement, and if you're  
22 not getting a conservation easement, why  
23 not?

24 Maybe I got here late. Are we  
25 talking about now building the 20-plus

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1 homes?

2 MAYOR SEROTA: You got here late.

3 MR. EISENBERG: Okay. So it's the  
4 20-plus homes?

5 MAYOR SEROTA: Twenty-seven.

6 MR. EISENBERG: Twenty-seven homes.  
7 Okay.

8 MAYOR SEROTA: And there are  
9 conservation easements.

10 MR. EISENBERG: Okay.

11 MAYOR SEROTA: Which the Planning  
12 Board worked on very hard.

13 MR. EISENBERG: Okay. That's  
14 great.

15 You know, my understanding of the  
16 groundwater, the environmental groups have  
17 certain areas that they know where the water  
18 goes down, and they have -- I've seen the  
19 maps, and I don't think this is one of them,  
20 because the North Shore Land Alliance likes  
21 to buy land where it will preserve the  
22 water, and also the waterfront center is  
23 involved in that, et cetera.

24 So I look at this as it's either  
25 going to be they have the right, and I don't

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1 think you can stop them unless you can keep  
2 on filing lawsuits, that they can just go,  
3 bring in all those trucks, or this option B,  
4 which I'm not thrilled about either, but,  
5 you know, it seems like it's better than the  
6 other one.

7 Thank you.

8 MAYOR SEROTA: Mr. Chase is going  
9 to answer the question about the arsenic.

10 MR. CHASE: Where did he go?

11 Good evening, Mark. How are you?

12 There was no surprise here. When  
13 this was before the Planning Board, and I'm  
14 going to just take the liberty to not read  
15 all of it but part of it, but our  
16 environmental analysis that was approved by  
17 the Planning Board way back when provided:

18 Based on the laboratory and  
19 analytical data, elements such as arsenic  
20 and mercury that are used in or in  
21 pesticides were detected in concentrations  
22 exceeding their respective, and they use the  
23 agencies, in the surface soils throughout  
24 the golf course to a maximum depth of four  
25 feet below grade surface.

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1           And I'm not going to read the whole  
2 mitigation, but what the SEQRA determined,  
3 what the determination provided was that it  
4 had to be mitigated, that the time would be  
5 contemplated it would be mitigated under the  
6 jurisdiction of the Department of Health,  
7 but, again, it says:

8           Given the confirmed presence of  
9 metals and pesticides, these soils exceeding  
10 the higher mandatory threshold are  
11 anticipated to require offsite soil disposal  
12 since the site is proposed to be subdivided,  
13 so on and so forth.

14           So, Mark, with all due respect,  
15 this is not some surprise that the village  
16 wasn't aware of.

17           MR. EISENBERG: Can I ask one more  
18 question with that?

19           So it just -- then it seemed like  
20 it was a surprise, like they came back, the  
21 developers, it seemed like, oh, all of a  
22 sudden there was arsenic. I knew the town  
23 knew about it.

24           And the other thing is when the  
25 arsenic is just staying there, it seems

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1 like -- I'm ignorant on this -- it seems  
2 like it's not so harmful. So if it's  
3 buried, like, two feet down, is it harmful?

4 MR. MARTINS: The arsenic is on the  
5 surface, just below the surface of whatever  
6 vegetation is there. So for residential  
7 purposes -- for recreational purposes, if it  
8 were still to remain a golf course, leaving  
9 it there would probably be the norm. As  
10 with every other golf course, anyone who  
11 visits today, if you went there today and  
12 took samples of their greens, their  
13 fairways, you're going to find very much the  
14 same issue that you have here.

15 Being that it is a golf course, it  
16 was expected, as part of phase one, that  
17 this would be something that came up. It  
18 wasn't until there was a phase two where we  
19 actually did borings where we determined the  
20 extent of it and where it was, and the  
21 county requested that we take the additional  
22 step of not remediating it but removing it,  
23 and so that's where it became an issue.

24 So it was not -- we were aware that  
25 since it was a golf course, you know, as

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1 part of our submittals to the village, it  
2 was there. The extent of it didn't happen  
3 until phase two of the environmental review,  
4 which only happened after we had gone  
5 through our planning review. So that's why  
6 we're here.

7 MAYOR SEROTA: Sir?

8 MR. RICHTER: Good evening. Jason  
9 Richter, 51 Fruitledge Road. I appreciate,  
10 being your neighbors, we're deeply concerned  
11 about the situation.

12 Everything we're talking about, the  
13 impact of the soil, I don't think I've heard  
14 anything today that actually addresses  
15 whether that will be mitigated from the air.

16 And I'm also in the commercial real  
17 estate business. I understand this was an  
18 as-of-right purchase, you have the zoning,  
19 and I'm an advocate, but as a father I'm  
20 very concerned about what this ultimately  
21 may mean for our family.

22 So I didn't hear an answer to that  
23 question, as to whether it is going to  
24 impact anything if it is undisturbed. So if  
25 we left it as a golf course -- I understand

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1 that most golf courses do have arsenic in  
2 the soil, but if it is to stay and remain,  
3 is it going to be harmful? That's first and  
4 foremost.

5 And then, secondarily, ingress and  
6 egress of these trucks, where had you  
7 determined, and I apologize if I missed some  
8 of the previous meetings, but is it off of  
9 107, which I think makes no sense at all?  
10 Is it going to be off of Fruitledge, which,  
11 obviously, would impact the quiet enjoyment  
12 of myself and my neighbors?

13 And then -- that's all. Thank you.

14 MR. CHASE: Yes. Just very  
15 quickly, with respect to the ingress and  
16 egress, right now the construction curb cut  
17 on Fruitledge is just opposite -- is it  
18 Tappentown? So that would be the entrance  
19 to the property of the construction  
20 vehicles. So I anticipate the vehicles  
21 would go out, they take a left-hand turn and  
22 go to 107. I understand -- I think that's  
23 about 500 feet.

24 The Planning Board also considered  
25 putting cameras there so that all the



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1 ingress and egress will be monitored to make  
2 sure that it doesn't get into the interior  
3 village roads.

4 so it would be opposite Tappentown  
5 out to 107 and back.

6 MAYOR SEROTA: Dr. Ragno, I think  
7 you wanted to ask a question?

8 MR. RICHTER: You didn't address  
9 the golf course. Can it stay and remain as  
10 a golf course?

11 MR. WALSH: The proposal is for 27  
12 single-family homes. The golf course does  
13 not operate anymore. If it were to stay a  
14 golf course, as you said, we wouldn't be  
15 doing any of this. As we view the case with  
16 any other golf course or any other farm,  
17 soccer fields, any --

18 MAYOR SEROTA: I think what Mr.  
19 Richter is asking is if it stayed a golf  
20 course, which isn't an option, would it be  
21 hazardous to the environment?

22 MR. WALSH: No, because it's bound  
23 in the soil.

24 MAYOR SEROTA: Does that clarify  
25 it?

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1 Dr. Ragno?

2 MR. RAGNO: Phil Ragno, 4  
3 Tappentown Lane.

4 I guess I have a three-part  
5 question. I don't think Mr. Goldberg's  
6 question was ever answered. What do we do  
7 with the grass? Is that something that's  
8 going to be killed chemically or is it going  
9 to be removed? If it's removed, that's just  
10 going to expose the arsenic. That's the  
11 first thing.

12 If the soil is remediated, when  
13 that happens, when you start digging sewage  
14 systems, putting in roads, how are you going  
15 to just, you know, reintroduce that arsenic  
16 into the environment?

17 And, lastly, an ethical question,  
18 when these 27 homeowners come in, are you  
19 going to, you know, inform them that their  
20 home is being built on something that had an  
21 environmental concern?

22 MR. WALSH: Once the remediation is  
23 complete and the ratios of heavy metals,  
24 pesticides, what have you, to the rest of  
25 the soil are within the limits, there's no

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1 need to identify anything else. Any digging  
2 you do in there is happening within soils  
3 that meet the limitations, that don't exceed  
4 them. So it's a nonissue once the  
5 remediation is complete.

6 TRUSTEE CHESNIK: The grass.

7 MR. WALSH: No. The grass -- my  
8 understanding from the experts is that the  
9 grass will be tilled with the rest of the  
10 soil. It will become organic material. It  
11 will get replanted. It becomes topsoil  
12 again. We've been told that it's an  
13 integral part of the tilling.

14 AUDIENCE MEMBER: Are you going to  
15 mix the grass?

16 AUDIENCE MEMBER: The main issue is  
17 the quality of air.

18 MS. GUTLEBER: Hi. My name is Fran  
19 Gutleber at 87 Fruitledge.

20 I understand the developer's right  
21 to build, it's very obvious, but I don't  
22 understand the right and putting our health  
23 at risk. I think they are two separate  
24 things, and I think that has to be very  
25 strongly considered.

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1           Is the air being tested? Is the  
2 air, as all this goes on, we're talking  
3 about testing the soil, is the air being  
4 tested? Is it a time of year where people  
5 are walking around and are outdoors? I  
6 mean, we are breathing this air, and I think  
7 it's a big concern to our safety in this  
8 community.

9           MAYOR SEROTA: Mr. Walsh?

10          Thank you for your question.

11          MR. WALSH: Yeah. Again, in the  
12 report that was submitted, the detailed  
13 report, there is a community air monitoring  
14 plan. The air quality will be monitored  
15 continuously throughout the process. The  
16 machines, themselves, shroud the operation,  
17 so the dust is not kicking up directly into  
18 the air. Plus there's dust control measures  
19 that take place throughout, and, again, it  
20 will be monitored and it will be overseen by  
21 the village's consulting engineer, and we're  
22 confident that dust will not be a problem.

23          MAYOR SEROTA: Mr. Yablans, do you  
24 have a question?

25          MR. YABLANS: I did not, but I

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1 think I will take you up on that.

2 MAYOR SEROTA: Come up to the  
3 podium. I thought you raised your hand.  
4 Careful what you do with your hands.

5 MR. YABLANS: Hi, Seth Yablans. I  
6 live at 2315 Cedar Swamp Road, which is off  
7 Hemlock, so I abut the golf course.  
8 Obviously, I have similar concerns to many  
9 in this room.

10 with all due respect, I call your  
11 bluff that option one is a viable thing that  
12 they will actually invest in. This is  
13 simple math. Real estate is very expensive  
14 now to develop. Financing costs, as we all  
15 know, are through the roof. So I think we  
16 really need to have a more honest  
17 perspective from you folks.

18 The second option brings me  
19 tremendous pause, as I think it does the  
20 people in this room. I certainly leave it  
21 to the good hands of the village to  
22 determine that.

23 But my question, ultimately, is if  
24 they don't ultimately do option one, does  
25 option two need to be approved or is it just

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1 something that we are being told?

2 MR. CHASE: No. If option one  
3 doesn't occur, that doesn't convey to the  
4 village any obligation to approve number  
5 two, nor is there any obligation, as we sit  
6 here tonight, to approve option number two.

7 MR. YABLANS: So I'm clear, if  
8 option two is not approved, they're only  
9 option is to remove the soil.

10 MR. CHASE: I don't want to speak  
11 for the developer, and he can certainly  
12 clarify, but my understanding is that they  
13 will have to follow the Nassau County  
14 protocols --

15 MR. YABLANS: Noted. Thank you.

16 MR. CHASE: -- which is the 22,000  
17 truckloads.

18 MAYOR SEROTA: In the back. I  
19 apologize. I don't know everyone's name,  
20 but so far I was doing pretty well, so  
21 forgive me.

22 MS. DIAZ: My name is Carmen Diaz.  
23 I'm from 7 Tappentown Lane, and I will be,  
24 well, all of us will be deeply affected by  
25 this.

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1           One question that I have is, it  
2           might be too late, but is it too late to go  
3           back to the original proposal to build  
4           high-end townhouses in the noncontaminated  
5           area of the golf course, and leave the golf  
6           course as is and leave the beautiful  
7           property as it is right now?

8           MAYOR SEROTA: Thank you for the  
9           question. That did come up. I don't  
10          know --

11          MS. DIAZ: Maybe I got here too  
12          late.

13          MAYOR SEROTA: No, no. This is the  
14          first time it has really come up tonight.

15          when we had our hearing here, or  
16          meeting a year-and-a-half ago, the option of  
17          carriage homes or townhomes did come up.  
18          There's 22 acres, which is the driving  
19          range, which is not contaminated at all, and  
20          the developer presented -- I don't know what  
21          the number was -- 40-some-odd townhomes or  
22          carriage homes, and the rest of the 130  
23          acres would be left open space, untouched,  
24          no trucks, no anything, but the -- in  
25          perpetuity, and it was residents here who

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1 got up and objected to that.

2 MS. DIAZ: Yes. I was at the  
3 meeting.

4 MAYOR SEROTA: They did. And the  
5 developer, I don't want to speak for them,  
6 but they heard that, and I think they went  
7 in another direction. I don't want to  
8 misspeak for the developer.

9 MS. DIAZ: But it is too late? My  
10 question is is it too late? Because I think  
11 as human beings we need to come to an  
12 agreement as to our favor and also for their  
13 business, as well. I don't think we should  
14 be selfish. I think we should do what's  
15 good for everyone.

16 MAYOR SEROTA: That's a very good  
17 point.

18 Mr. Martins, if you want to address  
19 that?

20 MR. MARTINS: Mayor, if the village  
21 would like us to reconsider that proposal,  
22 certainly I'll be happy to have that  
23 discussion with the developer, but I can't  
24 really speak to that tonight.

25 MAYOR SEROTA: I'm going to make a



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1 remark, which I shouldn't, but I want to  
2 just get the temperature of the room. You  
3 know, I'm not a full-time politician. I'm a  
4 mayor who has been elected three times, and  
5 I enjoy what I'm doing, and all of my  
6 trustees, we've sat with this, and the  
7 Planning Board, all of our people in the  
8 village are volunteers, and we've been all  
9 wracking our brains out meeting after  
10 meeting, phone call after phone call.

11 So I've lived here 29 years. I  
12 raised my three children here. My oldest  
13 son got married recently. God willing,  
14 they're going to have a grandchild soon. I  
15 want to be here for the rest of my life, and  
16 I don't want to have these issues that we're  
17 all talking about.

18 I want to take an impromptu poll.  
19 My village attorney is going to get very  
20 angry with me. I want to feel the  
21 temperature of this room about proposal A,  
22 how people feel about it, you can moan, and  
23 proposal B, just to get a feel of what our  
24 residents --

25 AUDIENCE MEMBER: What about C? Do

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1 something else or do nothing.

2 MAYOR SEROTA: That's not an  
3 option.

4 MR. OWENS: We have a C. We have  
5 another option we'd like to bring up. Can  
6 we bring it up?

7 MAYOR SEROTA: We just brought it  
8 up, but -- ma'am, something has to be built  
9 there. You just can't leave it in  
10 perpetuity, because this is the United  
11 States of America. It's not Vladimir  
12 Putin's Russia. They have the right to  
13 build on the property, and, if they want,  
14 and I hate to say it, and they force it down  
15 our throat, which is plan A, and we go to  
16 court, I've been told that we will spend a  
17 lot of village money and eventually lose.  
18 That's the option. We just can't do  
19 nothing. That's not neither here nor there.

20 AUDIENCE MEMBER: You have a code.  
21 You have building codes.

22 MAYOR SEROTA: This has nothing to  
23 do with the Building Code. It has been  
24 zoned. It has been zoned five acres --

25 MR. OWENS: There's another option.

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1                   MAYOR SEROTA: All right,  
2                   Mr. Owens, go on.

3                   MR. OWENS: Let me lead up to the  
4                   option.

5                   MAYOR SEROTA: Quickly, because I  
6                   have a lot of residents who --

7                   MR. OWENS: There is no guarantee  
8                   that plan A or plan B will work without a  
9                   problem. The arsenic will spread to the  
10                  areas of the residents.

11                  And I would like to remind the  
12                  residents, would they buy a house in  
13                  Bethpage near the old Grumman airport which  
14                  has been infected? No.

15                  So option C to me is why doesn't  
16                  the town buy the golf course?

17                  MAYOR SEROTA: Mr. Owens, I've  
18                  spoken to you about this.

19                  MR. OWENS: And turn it into a park  
20                  for the community.

21                  MAYOR SEROTA: Mr. Owens, I've  
22                  spoken to you about this. You should come  
23                  to the village office. I've spoken to you  
24                  in person. Mr. Spina, our trustee and  
25                  officer of Emergency Management, has spoken

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1 to you about this.

2 MR. OWENS: Well, they didn't give  
3 me an answer.

4 MAYOR SEROTA: We did. The village  
5 has a \$5 million budget. The developer  
6 wants \$30 million for the property. We are  
7 bonded --

8 MR. OWENS: There is a way to buy  
9 it.

10 MAYOR SEROTA: Mr. Owens, if you  
11 want to become mayor, then run for  
12 re-election. We explained it to you. We  
13 explained it. You can't waste our time. We  
14 do not have the funds. We can't get a bond  
15 for it.

16 MR. OWENS: There is a way. I make  
17 a motion that you give me six months to come  
18 up with a plan for buying the golf course.

19 MAYOR SEROTA: Anybody else have  
20 anything to say?

21 MR. MONTGOMERY: Yeah. I'd second  
22 that.

23 MAYOR SEROTA: Mr. Eisenberg, you  
24 spoke.

25 Is there anyone else who has not

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1 spoken? Give everybody a chance.

2 Ma'am in the front?

3 MR. EISENBERG: It's just one thing  
4 before you vote.

5 MAYOR SEROTA: We're not voting on  
6 this tonight. There's nothing to vote on.

7 MR. OWENS: Is that a rule? We're  
8 not going to vote on the motion?

9 MAYOR SEROTA: This is an  
10 informational meeting. There's no decisions  
11 being made here. We're being transparent.  
12 That's why I called this meeting to order,  
13 with our trustees, to let our family here in  
14 the village know what's going on so there's  
15 no surprises.

16 Ma'am, state your name.

17 MS. JOHAR: Randeep Johar, 15  
18 Quaker Ridge Drive.

19 I just have another question. I  
20 know it's kind of late in the game, and I'm  
21 glad somebody else brought up the option C.  
22 I'm wondering if there's an option D.  
23 Option D -- and I agree. You know, I think  
24 we have to create a win-win. The developer  
25 has a right to develop. We don't want to

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1 incur any lawsuits. We wouldn't want to  
2 spend -- it's really a beautiful area, our  
3 village, and keep everything the way it  
4 looks. Right?

5 So the option D is we have a  
6 two-acre subdivision. What's been approved  
7 is a lot averaging three to ten acres. What  
8 if we just do two acres and, you know, or  
9 so, and you minimally impact the site. You  
10 take the 22 acres that are clear and free,  
11 and that's part of what's in play, and you  
12 limit the area of disturbance, and I don't  
13 know if it's too late in the game to  
14 consider that.

15 I know that the code is really a  
16 five acre, and I know there was some sort of  
17 a compromise that was done along the way,  
18 but, you know, as a win-win, this is not a  
19 condo option. It would parallel, you know,  
20 what we all live on, and, you know, the  
21 code, it would be less than the three or  
22 maybe close to three.

23 I don't know if everybody here --  
24 you know, if our residents would be happy  
25 with that. So this way the developer gets

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1 to develop, they have a right to develop,  
2 and I'm sure they'll make, you know, they'll  
3 be beautiful homes, and you limit the amount  
4 of arsenic that's really being mitigated,  
5 and, you know, and then when you till,  
6 that's a solution that, you know, needs to  
7 be managed and monitored, you know, and we  
8 would make sure that all the residents are  
9 protected.

10 I'm just wondering, you know, if  
11 the developer would consider the option D.  
12 Thank you.

13 MAYOR SEROTA: Thank you for your  
14 question.

15 Sir?

16 MR. CATACOSINOS: Thank you. I'm  
17 James Catacosinos. I live on Versailles  
18 Court. I've been there for 20 years.

19 I live right off Brookville Road,  
20 and I think anybody in this room that drives  
21 Brookville Road would think that option one  
22 is not a viable option at all. It's -- for  
23 having those trucks, even going to 107, you  
24 know, the time of the day, you just sit in  
25 traffic, and you're going to add all these

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1 dump trucks on there? It's just going to  
2 make -- it's just -- our quiet life is going  
3 to really be reduced because I'll never make  
4 a train in Hicksville sitting behind a dump  
5 truck. I think that's just a tough way to  
6 go.

7 The other question I have for the  
8 Board is during the -- when they're doing  
9 the golf course, the village is going to be  
10 monitoring it. Is there a budget for the  
11 village to do that? You're going to have to  
12 have people on site doing that, and if  
13 there's a budget for it, where is it coming  
14 from?

15 MR. CHASE: That will all be paid  
16 for by the --

17 MR. CATACOSINOS: -- by the  
18 developer? They will pay for all the  
19 village costs for --

20 MR. CHASE: Yes. In fact, just for  
21 informational purposes, all the costs that  
22 the village has incurred so far for the past  
23 two or three years has all been reimbursed  
24 and paid for by the developer, including my  
25 exorbitant fees.



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1 MR. CATACOSINOS: Thank you very  
2 much.

3 MAYOR SEROTA: We have another  
4 question. Sir, in the black?

5 MR. ACKERMAN: I'm George Ackerman,  
6 4 Victorian Lane. Two questions, one for  
7 the developer, one for the room.

8 Is the developer really looking to  
9 sell the property for \$30 million and,  
10 Brookville, could we form a group of  
11 investors?

12 MR. MARTINS: Mayor, I must say I  
13 didn't catch the question other than is the  
14 developer really willing to sell the  
15 property for \$30 million.

16 MAYOR SEROTA: That was the  
17 question.

18 MR. MARTINS: I think the developer  
19 would always be willing to sell the property  
20 for value. Whether it's \$30 million, more  
21 or less, depends on the negotiation, but the  
22 property, like any other property, is always  
23 for sale. It's just a question of reaching  
24 a price.

25 MAYOR SEROTA: Sir in the back,

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1 just state your name.

2 MR. EVANS: Jonathan Evans, 156  
3 wheatley Road.

4 MAYOR SEROTA: I'm sorry.

5 MR. EVANS: Would you like me to  
6 repeat my name?

7 MAYOR SEROTA: No. No. No. My  
8 trustee just said something to me.

9 MR. EVANS: This is a problem of  
10 the developer's making, and we're being  
11 asked to help him solve it. You've agreed  
12 to preliminary approval for development  
13 provided --

14 MAYOR SEROTA: Our Planning Board  
15 has, yes. It's a separate Board.

16 MR. EVANS: And you, generally.

17 I would hope that a means of  
18 remediating the land will be found which  
19 does not disrupt the life of the residents  
20 nor imperil their health, but I don't think  
21 it's fair to suggest that what is required  
22 by Nassau County is draconian. It's what  
23 they deemed to be necessary to make the  
24 property remediated. So I would encourage  
25 you to get Nassau County to agree to an

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1 alternative means of remediation before we  
2 go any farther.

3 MR. MARTINS: Mr. Evans, thank you  
4 for that. We did. We met with Nassau  
5 County. We had these discussions with them  
6 as an alternative. The county had similar  
7 concerns with what I'm hearing in the room  
8 as far as the impacts to the community, not  
9 just the immediate Brookville community, but  
10 the larger community with this many trucks  
11 being -- you know, being -- using county  
12 roads and impacting a wider community.

13 So we went back to the county and  
14 had that discussion. This proposal is  
15 directly as a result of those discussions  
16 with the county, and it's an alternative.  
17 And so -- look. Either -- if this is, in  
18 fact, which I don't agree, if it is, in  
19 fact, a problem of the developer's making,  
20 it's the reality that the developer finds  
21 himself in with the property that used to be  
22 a golf course and has arsenic on it.

23 There are different ways of being  
24 able to address that. One of those ways is  
25 plan A, one of those ways is plan B. Both

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1 have been discussed with the county, and so  
2 we thought to come here and have a  
3 discussion as to whether or not there was a  
4 preference, certainly, I think that's the  
5 purpose of the meeting, not to force one  
6 side or the other, but those are the two  
7 options, A and B, both of which have been  
8 vetted by the county.

9 MR. EVANS: To be clear, Nassau  
10 County vetted your proposal for melding the  
11 soil and agreed to it or did they say go  
12 ahead, we'll test the land after and see if  
13 it meets our requirements?

14 MR. MARTINS: No. The county said  
15 specifically if you bring us -- because we  
16 went through the entire plan with them, and  
17 they said if you bring us a soil remediation  
18 result that shows below threshold --

19 MR. EVANS: So they didn't bless  
20 your approach, they just said if it works  
21 we'll approve it.

22 MR. MARTINS: Well, sir, I would  
23 tell you it's -- we can parse words here all  
24 you want.

25 MR. EVANS: You're a lawyer, I'm

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1 not.

2 MR. MARTINS: You're actually very  
3 good at it. But the issue here is not to  
4 parse the words. They said we are not going  
5 to tell you how to do it. We explained how  
6 we would like to do it. We reviewed it in  
7 detail with their, you know, the remediation  
8 unit in the Department of Health, and we got  
9 to a point where they said if you can do  
10 that, and if the village is okay with you  
11 doing it that way, we will have no objection  
12 if the results are that you come in with a  
13 threshold below what is required.

14 MR. EVANS: We'll test the land and  
15 if it meets our requirements --

16 MR. MARTINS: And to that end,  
17 they're not testing it. We're testing it,  
18 the village is testing it, and there are  
19 going to be reports that are going to be  
20 submitted to --

21 MR. EVANS: They're really not.

22 MR. MARTINS: They're going to get  
23 results, and, frankly, we're going to get to  
24 a result that allows for this to be  
25 presented to the county. That's the end

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1 result.

2 MR. EVANS: The second question I  
3 have, are we committed or is the village  
4 committed to going ahead with the  
5 development if the remediation is deemed to  
6 be successful by Nassau County, or does the  
7 village again review the proposal and make  
8 an independent decision?

9 MAYOR SEROTA: Well, right now this  
10 is -- for all of our edification, we haven't  
11 decided on anything and that's why we had  
12 this hearing, and I will let our esteemed  
13 village attorney answer that question  
14 because I'm not an attorney.

15 MR. CHASE: Sir, I'm very, very  
16 sorry. Could you just ask that again  
17 quickly? I just want to be sure I  
18 understand.

19 MR. EVANS: Is the preliminary  
20 approval grandfathered?

21 MR. CHASE: The preliminary  
22 approval is --

23 DEPUTY MAYOR BAZZINI: He's asking  
24 if we get it remediated with the till in  
25 place, do they then get to go ahead or can

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1 we say we're still thinking about it.

2 MR. CHASE: What we approved --  
3 what the Planning Board approved in 2022 is  
4 we identified the contamination and we  
5 deferred to the Nassau County Department of  
6 Health, okay, and I've been through many,  
7 many of these. The local municipalities  
8 don't have the jurisdiction for cleanups.  
9 The cleanups are always referred to the  
10 Nassau County Department of Health, and to  
11 answer your question, if it was referred and  
12 they signed off, the preliminary approval is  
13 valid and would have to be honored by the  
14 Board, by the Planning Board.

15 MR. EVANS: So the only issue now  
16 is whether the Board agrees to the method of  
17 remediation and the results are within the  
18 expectation of Nassau County.

19 MR. CHASE: As a very general  
20 proposition, that's correctly stated. I can  
21 only tell you that, and it's not the purpose  
22 of the meeting tonight, but how that goes,  
23 there's a lot of issues, a lot of legal  
24 issues, a lot of negotiations, a lot of  
25 things that are going to have to be put in

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1 place to the satisfaction of the village,  
2 and if they're not, it probably won't go  
3 forward, but I don't want to oversimplify  
4 it, in other words.

5 MR. EVANS: Thank you.

6 MAYOR SEROTA: This lady hasn't  
7 spoken yet.

8 MS. SERRA: Joan Serra, Glenby  
9 Lane.

10 So I'm just curious. This lady  
11 here had an idea, and it would take away all  
12 the remediation of the soil if I get what  
13 she's saying. There is a section of land  
14 that is pure and clean that they had  
15 suggested building townhouses on, and I  
16 believe this lady had a great idea that what  
17 if that land was built on and the rest of  
18 the golf course was not touched and we  
19 didn't have arsenic and all that, and  
20 instead of five-acre zoning we change the  
21 zoning to two acres, and that would mean,  
22 what, 10 or 12 houses built in the clean  
23 area, and then there would be no  
24 remediation, and instead of townhouses there  
25 would be two-acre homes. Am I wrong? Is



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1 that what she had proposed?

2 MS. JOHAR: I would just like to  
3 clarify, ma'am, if I may? I just did basic  
4 math. There's 54 acres. If you have two  
5 acres, that's 27 lots. They're allowed to  
6 build 27 homes. Right?

7 MS. SERRO: Well, they were going  
8 to build them on five acres, I thought.

9 MS. JOHAR: So if they're two  
10 acres, 27 lots, 54 acres. Let's take 10  
11 percent off of that, 50 acres. You take  
12 148, you minus 60, you add that 22, you have  
13 110 that you're not touching. So you're  
14 only touching, like, 148 minus 110. So 148  
15 minus 110 is 25 percent of the land.

16 So your scope of work, the area of  
17 disturbance is really limited whether you  
18 pull it all out or you till, whatever  
19 everybody agrees on. I think it's -- I  
20 don't know. I think we're just trying to --  
21 we're trying to just create a win-win here  
22 for everybody, the developer, the village,  
23 the residents, especially those of us who  
24 live really close, and I'm one of those  
25 people. I live right on Quaker.

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1 MS. SERRO: What is the amount of  
2 land that is pure that is not contaminated?

3 MS. JOHAR: Twenty-two acres.

4 MAYOR SEROTA: From what we were  
5 told, it's roughly 22 acres that is not --  
6 that was the old driving range.

7 MS. SERRO: So that is not a  
8 possibility, to change the zoning to two  
9 acres than five acres and not have to  
10 remediate the whole golf course?

11 MAYOR SEROTA: These items were all  
12 discussed. That's what you're calling,  
13 Joan, spot zoning, and that's illegal. That  
14 means that the village would have to change  
15 it's zoning code to prefer the developer and  
16 not to prefer anybody else, and case law  
17 says that is not legal. We cannot do that.

18 MS. SERRO: I'm on two acres so --

19 MAYOR SEROTA: But this is zoned  
20 five acres from zoning since 1988.

21 MS. SERRO: You can't rezone it?

22 MAYOR SEROTA: No. It's called  
23 spot zoning and --

24 MS. SERRO: Even if it's for the  
25 safety and the health of the whole

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1 community?

2 MAYOR SEROTA: It's illegal.

3 MS. SERRO: Who says we can't?

4 MAYOR SEROTA: This Board and all  
5 the other Boards have been wracking our  
6 brains out, and all these things came  
7 because we're not thinking about this by  
8 going these are the only options and there's  
9 nothing else. There were a myriad of  
10 different things, and every one of them was  
11 debated and debated and debated. It was  
12 boiled down to these two options,  
13 fortunately or unfortunately, and that's  
14 where we are, and that's why I said in the  
15 beginning this is what our meeting is about.

16 Now, the option came up before and  
17 residents were in this room and they all  
18 booed it and said no to the townhomes, it  
19 will ruin the character of the village, we  
20 don't want it, we don't want it, we don't  
21 want it, and some of you were here.

22 MS. SERRO: That was for the  
23 townhomes.

24 MAYOR SEROTA: The carriage home,  
25 townhome, whatever you want to call it.

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1 MS. SERRO: Did we have to rezone  
2 for townhomes?

3 MAYOR SEROTA: You would have to.

4 MS. SERRO: So why can you rezone  
5 for townhomes but you can't rezone for  
6 two-acre plots and leave the dirt alone?  
7 why can we rezone for townhomes --

8 MR. CHASE: When we had the meeting  
9 that the mayor referred to a year-and-a-half  
10 ago, this exact question came up, the exact  
11 suggestion came up. Basically what you're  
12 saying is cut the baby in half. Build  
13 condos and then you only have to remediate  
14 half the property.

15 It came up. It was discussed, with  
16 all due respect to my favorite Planning  
17 Board member, but this is not an issue that  
18 didn't come up. It did come up and it was  
19 discussed, and I was at that meeting, and at  
20 that meeting I think it was crystal clear  
21 that the vast majority of the people in the  
22 room that night, with all the alternatives,  
23 preferred five-acre zoning.

24 MS. SERRO: But maybe they'd have  
25 to rethink it now that we have this

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1 information about the arsenic in the land.  
2 why can't we rethink it?

3 MR. CHASE: Again, we didn't know  
4 the extent of the arsenic and --

5 MS. SERRO: Now we know better.  
6 why can't we rethink it with the new  
7 knowledge?

8 MR. CHASE: May I finish?

9 Again, we did know about the  
10 arsenic. I read it right from the Planning  
11 Board's environmental report. It's not a  
12 surprise. I think that no matter what you  
13 do and how you do this, in my opinion,  
14 there's going to be a cleanup here of some  
15 sort.

16 MS. SERRO: I thought there were 22  
17 acres that were pristine and didn't need  
18 cleaning.

19 MR. CHASE: Okay. I thought we  
20 were talking about the present plan, but,  
21 yeah.

22 MS. SERRO: why can't we go back,  
23 now that we have all this knowledge, and  
24 people are not happy about cleaning up and  
25 the arsenic, why can't we revisit that idea?

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1           MAYOR SEROTA: Joan, your argument  
2 is very logical and you're not getting any  
3 pushback on us. The developer said before,  
4 the attorney, that they would consider it.  
5 We would need to consider it also, but it's  
6 something that everybody here that night --  
7 there's still people in the room now shaking  
8 their head. They don't want condos.

9           MS. SERRO: Not condos, two-acre  
10 plots with private homes.

11           AUDIENCE MEMBER: It's not gonna  
12 happen.

13           MS. SERRO: It was going to be  
14 rezoned for townhouses. Why can't you  
15 rezone it for two-acre homes? So instead of  
16 rezoning for townhomes, rebuild with two  
17 acres. If it was good enough for townhomes,  
18 why isn't it good enough for two-acre  
19 private homes and leave the soil alone?

20           MAYOR SEROTA: I'm not going to  
21 speak to that. Joan, the 22 acres isn't  
22 enough to build 27 homes.

23           MS. SERRO: No. They'll build ten  
24 homes, and look at the money they're going  
25 to save on not transporting tons of dirt and

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1 making them the most hated people around.  
2 Let them build mega mansions on two-acre  
3 plots of pristine soil, and look at the  
4 money you're saving.

5 MAYOR SEROTA: Joan, we hear what  
6 you're saying, and that's something we will  
7 discuss further.

8 Anybody else who hasn't spoken?  
9 Have you spoken?

10 Anybody else? And then we're going  
11 to start to try and wrap it up because we've  
12 been here two-and-a-half hours.

13 MR. GOLDBERG: Perry Goldberg.

14 I was involved when we did the  
15 upgrading of the properties to five acres at  
16 that point. If you start going now and  
17 downzoning again with condos and two acres,  
18 you're going to destroy everything that was  
19 planned and the future of this village.

20 The two issues that we have at this  
21 point is twofold: Number one, the soil, but  
22 what about the air quality? You're going to  
23 have these diesel trucks come in and out.  
24 Who is going to control the diesel fumes  
25 that are coming out of this? This has to

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1 enter into the equation, as well as the  
2 arsenic. Air pollution and ground, which  
3 one do you want? You're going to lose  
4 either way.

5 MAYOR SEROTA: One hundred percent.

6 All right. Mr. Eisenberg, and this  
7 is going to be our last question.

8 MR. EISENBERG: I would feel very  
9 comfortable if the town, the village, could  
10 monitor that arsenic for us. You know, for  
11 them, I may not believe them or Nassau  
12 County. If you monitor it and it's above  
13 the levels, you could shut it down.

14 MR. CHASE: This just goes to show  
15 that you did come to meetings late. This  
16 was all discussed.

17 MR. EISENBERG: Okay. So you would  
18 monitor the air.

19 MR. CHASE: This would all be done,  
20 if it's done, and that's a big if, it would  
21 all be done under the auspices of the  
22 Planning Board, the village's consultants,  
23 the village's engineer, the village's  
24 environmentalist.

25 MAYOR SEROTA: We've got one more



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1 in the back, and that will be our last  
2 question.

3 MR. HENIN: Kirk Henin, Evans  
4 Drive.

5 Just to clarify, when you were  
6 talking before, you were talking about  
7 22,000 trucks? Is that the number?

8 MAYOR SEROTA: What we were told is  
9 11,000 empty trucks in and 11,000 full  
10 trucks out, and then another couple of  
11 thousand --

12 MR. HENIN: About how many trucks a  
13 day?

14 MAYOR SEROTA: I just know how  
15 many -- the grand total, which is --

16 MR. HENIN: Is there a limit to how  
17 many a day? Could it be 100 trucks a day  
18 or --

19 MR. WALSH: I mean, there's a  
20 practical limit to it as far as how much  
21 equipment is put on the site, how quickly  
22 they can load trucks, how quickly the trucks  
23 can get in and out and how many trucks you  
24 have available. So it's impossible to say  
25 that until there's a contractor on --

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1 MR. HENIN: Is there a range, a  
2 minimum and a maximum?

3 MR. WALSH: I don't because I don't  
4 control the equipment. It depends on how  
5 much equipment the contractor devotes to the  
6 project.

7 MR. HENIN: Nobody here has looked  
8 into that?

9 MR. GERZBERG: I mean, I've moved  
10 800 trucks a day to parts of New Jersey and  
11 100 trucks a day.

12 MR. HENIN: Some days you move 800  
13 trucks?

14 MR. GERZBERG: Some days I can move  
15 800 trucks and some days not, depending who  
16 is available. It will be random.

17 MR. HENIN: You're talking about 22  
18 days?

19 MR. GERZBERG: I'm not going to  
20 bring 800 trucks through Long Island.

21 MR. HENIN: Are you talking about  
22 ten trucks a day?

23 MR. MARTINS: Mayor, let me just  
24 try and answer the question.

25 MAYOR SEROTA: Sure. Sure.

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1           Mr. Martins is going to try to  
2           answer that. It's a good question.

3           MR. MARTINS: It is a good  
4           question, and whatever is going to be done  
5           will be done under oversight. There are  
6           sites where you can have 100 or 800 trucks,  
7           and it may be perfectly okay. This is not  
8           one of those sites. And so there has to be  
9           a sensitivity to the community in terms of  
10          the number of trucks that can be assembled,  
11          the amount of work that can be done in any  
12          given day, and how much you can actually  
13          mobilize. Traditionally, if you're looking  
14          at 10 trucks a day, you know, it could be in  
15          that range of 10 trucks a day.

16          MR. HENIN: So it would be three  
17          years at 10 trucks a day.

18          MR. MARTINS: If you're thinking  
19          about it, I think we're probably looking at  
20          about six or 7,000 trucks, given the cubic  
21          yards that we're talking about. Those are  
22          trucks. So the truck trips, we'll double  
23          that, so we're probably close to 14,000  
24          trucks, but those trucks are not happening  
25          on one day. So you take double, half it, so

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1 probably about 10 trucks per day, my guess.

2 MAYOR SEROTA: The last two  
3 questions.

4 MR. HENIN: I got another one.

5 MAYOR SEROTA: Oh, all right.

6 MR. HENIN: Is there any type of  
7 containment within the area where they're  
8 building up, like a tent enclosure or  
9 something to contain the air quality when  
10 the trucks are being filled up?

11 MR. MARTINS: There will be  
12 monitors placed --

13 MR. HENIN: Not monitors, I'm  
14 talking about procedures.

15 MR. MARTINS: There will not be  
16 tents put up over 150 acres of the property.

17 MR. HENIN: Is that because it's  
18 not required or because -- is that something  
19 that can be required?

20 MR. MARTINS: I just don't --  
21 Mayor, I'm not familiar with tenting on a  
22 scale of this. We can always do what is  
23 necessary.

24 Let me just take a quick step back,  
25 because I think there may be some -- maybe

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1 it's late in the evening and maybe it's late  
2 in our meeting. I would stress this:  
3 Anyone who puts down fertilizer in your  
4 yard, you know what you have in your yard,  
5 front yard, backyard, if you've applied  
6 fertilizer over the years, you have arsenic.  
7 You're going to have it there. Are you  
8 going to have it at levels where they would  
9 have it for golf courses? No, you're  
10 probably not, but depending on the amount of  
11 fertilizers you put down over time, you're  
12 going to have arsenic there. The parts per  
13 million are -- 18 parts per million is the  
14 threshold. Eighteen parts per million is  
15 the threshold. I'm not going to say it's  
16 small or it's large.

17 MR. HENIN: You're trying to  
18 minimize --

19 MR. MARTINS: I'm not minimizing  
20 anything. I'm just stating facts. The  
21 engineers have stated, and it's a fact, that  
22 it aggregates the soil, which means that it  
23 adheres to the soil, which means it's not  
24 common to become airborne. So I just want  
25 to be clear in terms of --

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1 MR. MONTGOMERY: But we're not  
2 digging up our lawns. We're digging up a  
3 golf course.

4 MR. MARTINS: I want to be clear as  
5 to what it is we're talking about. And so  
6 for purposes of perspective, if we're going  
7 to talk about air quality, there will be  
8 monitors placed, and if there are  
9 remediations that are necessary --

10 MR. HENIN: You're repeating what  
11 you said before.

12 MR. MARTINS: If there are items  
13 that are necessary for us to implement, we  
14 will. If not, frankly, you know, there are  
15 other options here, but, you know, we've  
16 tried very hard not to cut each other off  
17 tonight, and I'd appreciate if we not cut  
18 each other off as we go forward, but I'll  
19 take a step back.

20 MR. HENIN: I'm sorry. I'm limited  
21 to three minutes, and you're just repeating  
22 what you said before.

23 So my question was whether there  
24 would be the ability to enforce things like  
25 that to make sure that the air quality is --

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1           MAYOR SEROTA: I believe with  
2           option B it would be in complete control of  
3           the village. We would be in control of that  
4           with our own environmental people, our own  
5           monitors and our own equipment, which is  
6           being paid for by the developer, not the  
7           taxpayers of Brookville.

8           MR. HENIN: What about plan A? We  
9           would have no control or say?

10          MR. CHASE: There's another  
11          gentleman in the back.

12          There's, you know, a lot of detail  
13          in this before any plan goes forward, and  
14          I'm going to give you a vague answer and  
15          hope I get away with it.

16          If this goes to plan A, as we're  
17          calling it, yes, the village has rights and  
18          remedies to take action to see that the  
19          impacts of those 22,000 trucks is mitigated  
20          by the developer. I know I'm being vague,  
21          but I can catch you outside if you want,  
22          but, you know --

23          MR. HENIN: So just as an  
24          opinion -- can I give an opinion or is this  
25          just questions?

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1 MR. CHASE: Go ahead.

2 MR. HENIN: The builder, with all  
3 due respect, comes in here, buys this  
4 property, is taking a risk, just like  
5 anybody else is. Sometimes they hope they  
6 will get things done. It sounds like the  
7 risk that he took may have been way above  
8 and the cost way above what he was  
9 expecting, and the solution that they had,  
10 trying to raise the funds to buy this  
11 property back, may be a more viable solution  
12 for the builder after what he's going to  
13 have to go through to mitigate the  
14 pollution, the air pollution and all the  
15 other dirt. It may make more sense to  
16 relook at it.

17 MAYOR SEROTA: Kirk, I'm going to  
18 form a committee, and you'll be the chairman  
19 to raise those funds.

20 Mr. Cohen?

21 MR. COHEN: Jon Cohen, 23 Farmstead  
22 Lane.

23 Obviously, option A, to me, sounds  
24 like a pretty farfetched plan because of the  
25 environmental impact it's going to have.



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1           Alternative B, what is the expected  
2           timeframe to do a four-acre grid? How many  
3           grids can you do at once?

4           MR. WALSH: The phases that were  
5           laid out, I think there were eight or nine  
6           of them, are each about four or five acres.  
7           I don't have a per-phase timeline because it  
8           depends on what each site depicts and  
9           whether they need to test it again and all  
10          that kind of stuff, but I can tell you that  
11          the consultant involved in this estimated  
12          three to five months for the entire  
13          property. So you could break that down any  
14          way you want, but three to five months for  
15          the entire operation.

16          MR. COHEN: Three to five months.  
17          And the other way, forget about cost --

18          MR. WALSH: One to two years.

19          MR. COHEN: It's going to take a  
20          year or two, which, to me, is going to have  
21          a hell of a lot bigger environmental impact  
22          on the community than the arsenic in the  
23          ground that's on every golf course around  
24          Long Island and your homes. So I think  
25          we're here just to talk about alternative

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1 one or two. It's a no-brainer.

2 As to whether or not you're able to  
3 make a deal with the developer, I can't  
4 understand how you couldn't or shouldn't be  
5 able to, but having been what they've been  
6 through for the past two, three years --

7 MAYOR SEROTA: Four and a half.

8 MR. COHEN: Four and a half years?  
9 Unfortunately, I don't know if you'd be  
10 successful, but I think you can always have  
11 this conversation even after you vote on --  
12 I think you have to vote on one or two and  
13 they're going to proceed.

14 MAYOR SEROTA: Before I pick the  
15 last two, Mr. Chase, do you want to make a  
16 quick comment?

17 MR. CHASE: Yeah. It may be  
18 helpful to some of those residents that  
19 think there's a plan C, and I hope there is  
20 a plan C, and C is buy the golf course. But  
21 in any event, I did contact the Land  
22 Alliance. I did speak to Lisa Ott, who is  
23 the executive director of the Land Alliance,  
24 and I've worked with her a lot in other  
25 municipalities. I asked her if there was

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1 any feasibility or possibility that the Land  
2 Alliance might get involved to purchase the  
3 property. She said she would love to be  
4 able to do that. Her mission at the Land  
5 Alliance is always to preserve open space,  
6 but she made it very clear to me they don't  
7 have any available funding to be able to get  
8 involved with this project.

9 However, this goes to what some of  
10 you are talking about, she did say that, you  
11 know, if the community and the residents  
12 wanted to try to put together some plan to  
13 purchase the property, that she would be  
14 happy to assist you in any way she could to  
15 raise funds and to help the community in  
16 that regard. So I thought it would be  
17 helpful for you to know.

18 MAYOR SEROTA: The last -- all  
19 right. We've got two questions, three  
20 questions.

21 AUDIENCE MEMBER: I live on  
22 Tappentown and Fruitledge, and besides  
23 everything else, I'm curious what did they  
24 actually pay for the property?

25 MAYOR SEROTA: I don't know what

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1 they paid for it.

2 AUDIENCE MEMBER: We were wondering  
3 how they managed to buy that many acres for  
4 that amount of money.

5 MAYOR SEROTA: I don't know what  
6 the purchase price was.

7 AUDIENCE MEMBER: She saw \$15  
8 million online, she said.

9 MAYOR SEROTA: Mr. Spector, one  
10 more question and then we're wrapping it up,  
11 folks.

12 MR. SPECTOR: Scott Spector, 15  
13 Ormond Park Road.

14 If option B is a fail, it  
15 automatically rotates to option A if you  
16 want to be able to develop the land? And  
17 that's just a yes-or-no question, for the  
18 record.

19 MR. WALSH: If there's no way to  
20 remediate through the tilling, then that  
21 would be the only option available.

22 MR. SPECTOR: That's going to be  
23 tested? That's going to be reviewed by you,  
24 by the entire team over here, and if it  
25 doesn't meet the plan guidelines, that

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1 automatically triggers option A?

2 MR. WALSH: Well, there's nothing  
3 automatic.

4 MR. SPECTOR: Okay. If you want to  
5 develop the land, it automatically triggers  
6 A.

7 MR. WALSH: But it could be spotty  
8 areas or it could be the whole thing.

9 MR. SPECTOR: It feels like we have  
10 to touch the whole lot, is what it sounds  
11 like, to a certain level.

12 MR. WALSH: Well, no. If you till  
13 the property and you get compliance in 100  
14 acres and you don't get compliance in 20  
15 acres, then you're not going to remove the  
16 100 acres, you're going to remove the 20  
17 acres.

18 MR. SPECTOR: Okay. This smells  
19 like compromise. If that happens during  
20 the -- just hear me out. I heard you out.  
21 During that process, if something is  
22 infected, the town will most likely demand  
23 and you'll want to be able to do everything  
24 that's possible to mitigate airborne,  
25 groundborne, whatever you can get out there,

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1 and this town will do the right thing.

2 But if B fails in 30 acres, you  
3 have to take that out with 6,000 trucks.  
4 Whatever that is, there needs to be a plan  
5 that the town is fully aware of, in my  
6 opinion, and that process and that timing,  
7 again, in my opinion only, is to separate  
8 those trucks. Maybe they're not 20 a day,  
9 maybe they're five a day. I don't know what  
10 that number is. That's not my job. I just  
11 design buildings.

12 So that, I think, is what  
13 ultimately is going to get worked out if our  
14 developer wants to most likely be able to  
15 develop this land in a timeframe that's not  
16 10, 20 years from now. Just a statement,  
17 not necessarily a question.

18 MAYOR SEROTA: Sir -- I'm sorry.  
19 Mr. Spector, are you done?

20 MR. SPECTOR: I'm done.

21 MAYOR SEROTA: Sir? And that's the  
22 last question.

23 MR. PALILLO: My name is Frank  
24 Palillo. My wife and I live at 16 Glenby  
25 Lane for 22 years now.

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1 I'd like to thank the town. I  
2 appreciate you calling this meeting,  
3 bringing us in.

4 MAYOR SEROTA: Thank you.

5 MR. PALILLO: But I am deeply  
6 concerned with your position or your  
7 thoughts on the project and the 60-plus  
8 people who are here listening tonight. It  
9 doesn't seem as though anybody is in favor  
10 of any of these options.

11 So may I ask has the village set up  
12 freedom of information email so that I and  
13 my neighbors can look at what's going on  
14 that got us to this point? Is there an  
15 email set up? And can we? I would like to  
16 review it.

17 MAYOR SEROTA: Sure. I believe  
18 we're going to put this, at some point, on  
19 the website, but all that information is in  
20 the village and it's available to any  
21 resident who wants to come in. I don't  
22 know --

23 MR. PALILLO: Can I ask that you  
24 set up an email for us?

25 MAYOR SEROTA: Sure. I don't know

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1 what it entails.

2 MR. CHASE: I think we could come  
3 up with the key documentation. We can't put  
4 the whole thing on the website.

5 MR. PALILLO: Why? If this affects  
6 my quality of life to the extent that it  
7 looks like it's going to, why can't we put  
8 the entire thing on the website?

9 MR. CHASE: Again, but we can  
10 certainly put all the studies and phase one  
11 and phase two and all the stuff about the  
12 environmental impact.

13 MR. PALILLO: I would renew my  
14 request that it's everything, four years.

15 MAYOR SEROTA: We will consider it.

16 All right. I said no more  
17 questions. This is the last.

18 MR. MONTGOMERY: I'm sorry. I'm  
19 sorry.

20 MAYOR SEROTA: You have one more  
21 and that's it.

22 MR. MONTGOMERY: I know I mentioned  
23 the website, right? No, no. This is --

24 MAYOR SEROTA: I said we're going  
25 to put it on the website. You spoke all



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1 night, sir. Come on. Let's be fair.

2 MS. DASH: Barbara Dash from 5  
3 Paddock Court.

4 I moved to Brookville twelve years  
5 ago from Sands Point. The village of Sands  
6 Point bought the IBM Country Club. It was  
7 an Aster property -- the Asters property  
8 many years ago, and they floated a bond.  
9 They bought the golf course with the  
10 original mansion on the property and floated  
11 a bond for the village residents.

12 Everybody had their taxes raised  
13 about \$800 a year, and they became members  
14 of this club. And so you could pay more, if  
15 you wanted a golf membership, or you could  
16 just have a dining room membership, or they  
17 had tennis and a pool and you could just  
18 have a tennis membership, and so that's how  
19 it came to be. And it's called the Village  
20 Club of Sands Point, and it has been  
21 operating for quite a while, and they have  
22 weddings there in the original mansion, and  
23 it's a lovely property, and it now belongs  
24 to the village of Sands Point, and it  
25 operates, not at a deficit, but at a very

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1 nice profit.

2 MAYOR SEROTA: That's something we  
3 will also consider. We will consider that,  
4 as well, with all the other things we  
5 discussed.

6 I want to thank everybody for  
7 coming here and taking the time out, and  
8 everybody get home, be safe and be well.

9  
10 \* C E R T I F I C A T I O N \*

11  
12 The foregoing is certified to be a  
13 true and accurate transcript of my original  
14 stenographic notes for the above-mentioned  
15 proceedings.

16 

17 -----  
18 Christa Flash, Court Reporter

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