

# TAM O'SHANTER MARCH 26th MEETING RECAP

It was standing room only to hear the latest update on Tam



*No more seats were left as residents poured into the meeting at the AHRC to discuss the golf course property.*

It's been over five years since the 148.82 acre Tam O'Shanter golf course was sold to Titan TAM LLC/Sigme TAM LLC for a reported 15 million dollars and more than 18 months (Sept. 2022) since the previous Town Meeting was held. "A lot has happened since then," said Mayor Dan Serota, "but in many ways, not much has happened. That's why I wanted the meeting on March 26th to be a means to provide any known updates, to be completely transparent to residents with respect to the issues at hand, to recap where we left off and to give attendees a chance for their voices to be heard. To that end, we also invited Jack Martins, representing the developer as private counsel, as well as the developer, Efreem Gerszberg. It was a Standing Room Only crowd of attendees."

## **Soil Conditions Studied. Elevated Levels Of Arsenic Found.**

We all know the developers shuttered the Club and closed it as a golf course several years ago. At that time, they applied to the Planning Board for subdivision approval in accordance with our Village Code, our Village Master Plan and zoning and subdivision regulations. In March 2022, the Planning Board granted the developer preliminary approval to subdivide the property into 27 single-family residential homes with an average lot size of 5 acres. The approved subdivision also included significant conservation and scenic easements located around the entire property.

## **Preliminary Approval Required Nassau County Department of Health Approval.**

As part of the preliminary approval, the developers were required to obtain approval from the Nassau County Department of Health (NC DOH) that the contaminated soil was remediated and certified as safe. John M. Chase, our Village Attorney told attendees: "As part of the preliminary approval process, the Village hired an environmental consultant to assist the Planning Board in identifying the environmental impacts of the project, as required by the State Environmental Quality Review Act (SEQRA). The Planning Board took the requisite "hard look" at the environmental impacts of the project, and as a result of that review, the Planning Board did identify and acknowledge in its negative declaration pursuant to SEQRA that there was contamination in the soil resulting from fertilizers containing arsenic and other metals. At the time," Chase continued, "it was very clear that the Planning Board required that this contamination be remediated under the auspices of NC DOH."

Unfortunately, after more than 200 test soil borings throughout the acreage, the review by the NC DOH revealed elevated arsenic levels in the soil requiring that roughly 5 inches to 12 inches of contaminated topsoil (on average) be removed from the contaminated areas and replaced with clean topsoil."

*Continued on P5*

## Soil Remediation Issues.

To move forward, the NC DOH required that approximately 135,000 cubic yards of soil be removed, disposed of and replaced with the clean topsoil to restore the property to soil conditions required for residential housing.



To do that, over an estimated one-year period, 11,000 dump trucks would need to make round trips into and out of our Village; followed by another estimated 6,500 truckloads of clean soil.

The DOH will not allow this soil removal and replacement to be done in stages (eg, clean up during the building of houses). This soil remediation plan is the Department's only protocol for this remediation.

In September 2022, many residents attended an information Village Town Hall meeting where the majority of those in attendance felt, as your Board continues to feel, that we can not allow this type of remediation to take place within our borders. "The impact to our Village is draconian," said Mayor Serota. "Residents don't want this.

The Board doesn't want this. I don't want this. Cleaning up the site in this manner is not only going to result in thousands and thousands of trucks coming and going, but the noise, the carbon monoxide, the air pollution, the destruction of Village roads, and on and on, is totally untenable.

### Great Neck Resident Writes Op Ed Letter.

Recently, an Op Ed article ran in the Syosset-Jericho Tribune, written by Jody Kass, a Great Neck resident who helped create the NYSDEC Brownfield Cleanup Program. She feels that the residents and Board of our Village are overreacting. She feels "there are ways to mitigate the traffic and other impacts of soil removal cleanup. For example, truck traffic can be required during non peak hours" (I guess she hasn't driven Cedar Swamp 107 at 2pm)..., "that trucks can be mandated to use clean burning fuels" (they still aren't totally clean)... "that trucks can be required to cover their loads" (roadways will still be a dirt-ridden mess and destroyed by the heavy trucks). "We understand that Ms. Kass has had experience with soil remediation of this type, but she is not a resident of Brookville and therefore will not be exposed to this massive work project," said Mayor Serota.

### Alternate Option For Soil Remediation – Till In Place.

Prior to the March 26th meeting, the developer came before the Village with an alternative proposal to remediate the contamination. And that was one of the main focus points of our March 26th Town Hall meeting – Mr. Martins explained to residents that what the developer did was to research best practices in other jurisdictions that have dealt with soil remediation.

"The developer hired consultants," Martins said, "and found a method that involved milling in place or tilling in place. There's equipment that does that. It allows for the areas to be broken up into grids, to do grids independently, to have the Village have its own consultants review and oversee the work, to do each piece independently and evaluate before moving on to the next piece, to ensure that we are actually addressing the issue, and also doing it in a way that is in keeping with the Villages's expectations and certainly with minimum impact to the surrounding properties. Grass would be part of the tilling, becoming organic material. In Mr. Martin's opinion, this process would also allow trees on the property to be preserved, because the equipment could till around them." Mr. Martins represented that he had spoken to Nassau County and they had no objection. What the NC DOH wants is to make sure that the land and the property is compliant with state and environmental regulations.

John Chase, Village Attorney, spoke to this tilling methodology stating that if the Village were to consider this as an option, an application for site plan approval would have to be made to the Planning Board which would hire its own

*Continued on P9*