

TOWN OF WARWICK PLANNING BOARD

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PLANNING BOARD DISCUSSION AND PUBLIC HEARING

Parcel S 83 B I L 2 and L 5.1;

Old Forge Road, LLC,

Property Location: 57-61 Old Forge Road, Town of
Warwick, County of Orange, State of New York

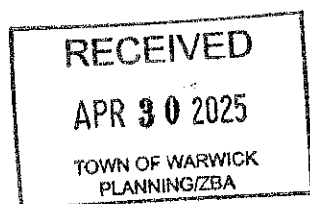
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Warwick Town Hall
132 Kings Highway
Warwick, New York

April 16, 2025
7:00 p.m.

PLANNING BOARD DISCUSSION AND PUBLIC HEARING

APPEARANCES:

CUDDY & FEDER, LLP
Attorneys for Applicant
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BY: NEIL ALEXANDER, ESQ.



CYNTHIA WHITE, R.P.R.,
Official Court Reporter

BOARD APPEARANCES:

BEN ASTORINO, Chairman
ROGER SHOWALTER, Vice Chairman
BO KENNEDY, Board Member
RICHARD PURCELL, Board Member
DENNIS MCCONNELL, Board Member
VIKKI GARBY, Board Member

CONNIE SARDO, Planning Board Secretary

ALSO PRESENT FOR THE PLANNING BOARD:

ROBERT KRAHULIK, ESQ., Planning Board Attorney
LAURA A. BARCA, P.E., Town Engineer
DANIELLE DREYER, Planning Board Analyst
MICHAEL MUSSO, HDR ENGINEERING

PRESENT FOR THE APPLICANT:

KEITH WOODRUFF, CFM, CPESC,
Engineering & Surveying Properties

- OLD FORGE ROAD, LLC -

1 THE CHAIRMAN: Old Forge Road, LLC.
2 Application for Site Plan Approval and Special Use
3 Permit for the use and interior renovations of the
4 existing 87,000 plus or minus square foot buildings
5 for an Institution of Higher Learning, a/k/a Beth
6 Medrash Meor Yitzchok (BMMY) with 200 students, 12 to
7 18 professors/administrators with overnight
8 accommodations, Use Group 84, and parking area
9 improvements situated on tax parcels Section 83,
10 taxable lot three, and of Sterling Pines Road, 57
11 through 61 Old Forge Road in the LC zone of the Town
12 of Warwick, County of Orange, State of New York.

13 UNIDENTIFIED SPEAKER: Excuse me. It's
14 really hard for us to hear back here. Are you able to
15 get closer to the mic or maybe even turn it up a
16 little.

17 UNIDENTIFIED SPEAKER: And just slow down a
18 little bit.

19 THE CHAIRMAN: Sure. Absolutely.
20 All right. So representing the Applicant.

21 MR. WOODRUFF: Keith Woodruff from
22 Engineering --

23 THE CHAIRMAN: Keith, if you want to come
24 here. I'd love to get it on the record. We have the
25 mic here also.

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1 MR. WOODRUFF: Keith Woodruff from
2 Engineering and Surveying Properties, as well as Neil
3 Alexander from Cuddy & Feder.

4 UNIDENTIFIED SPEAKER: Can't hear you.

5 THE CHAIRMAN: Try that again.

6 MR. WOODRUFF: Keith Woodruff from
7 Engineering and Surveying Properties, and Neil
8 Alexander from Cuddy & Feder.

9 THE CHAIRMAN: Thank you.

10 So we are going to comments. We're going to
11 just change this up, because our board members -- our
12 professionals -- okay, so we're going to do Applicant
13 to discuss project.

14 MR. WOODRUFF: The property is located at
15 57-61 Old Forge Road. It's a 7.01-acre piece of
16 property of two tax parcels, 83-1-2 and 83-1-5.1.

17 The properties are shown on the plans in the
18 red line.

19 The property in question was purchased from
20 NYU in 2021, for which NYU put it up on sale around
21 2018. Since 2018 until the property changed hands in
22 2021 it sat dormant with no use or occupancy.

23 The Applicant prepared an application to the
24 Board in December of 2023 for the occupancy of the
25 existing 87,000 square-foot building, for which it's a

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1 mix of a two-and-three-story type of construction,
2 brick and mortar.

3 The front building being the original
4 construction in the 1920s, the second phase of the
5 building construction was done in the 1960s, and the
6 subsequent three-story portion of the rear was
7 constructed in the 1970s.

8 NYU operated the facility as the Nelson
9 Institute of Environmental Medicine.

10 The property in question is in the LC zone.
11 It's also within the Ridgeline Overlay District and
12 the Biodiversity Conservation District.

13 The re-occupancy of the property is an
14 approved use within the Town zoning code as use number
15 84 as an Institution of Higher Learning.

16 As proposed, we are going to utilize the
17 existing parking facility, which is currently split
18 between the existing building and the lower parking
19 lot which NYU had constructed over the years of their
20 operation.

21 There currently is the existing three curb
22 cuts, two in the upper portion and one in the lower
23 portion for the lower parking lot.

24 As calculated on the plans, we had
25 anticipated a required 63 parking spaces to support

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1 the 23 teachers, 12 administrative staff, eight
2 support staff, and 20 possible visitors for which we
3 are providing 78 parking spaces, inclusive of four ADA
4 or handicapped accessible parking spaces split up in
5 two different locations.

6 The proposed improvements. There is five
7 areas of impervious expansion as shown on the plans in
8 pink, for which there is a 2.56 acres of existing
9 impervious on the 7.01-acre property. Those five
10 acres of impervious expansion will add approximately
11 2,055 square feet of impervious surfaces.

12 To offset that additional impervious, we
13 will be removing one area for which the lower part of
14 the parking lot was previously gravel of approximately
15 11,396 square feet or 0.26 acres, which is shown in
16 blue on those plans as well.

17 The total area of disturbance for the
18 development of the property will be 0.37 acres for
19 which it's under the one-acre threshold which would
20 require stormwater mitigation, treatment and design in
21 accordance with the New York State DEC.

22 And we've submitted subsequent environmental
23 studies for which the Board has reviewed, as well as
24 the Part 1 -- and the Part I, Part 2 Draft and a Part
25 3 Draft for which the Board has also reviewed.

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1 THE CHAIRMAN: Absolutely. Thank you,
2 Keith.

3 So what's going to happen now, I'm going to
4 let our professionals with the Town of Warwick go
5 through. We'll start with Danielle and Max and Nelson
6 Pope Voorhis. They are our planners, as I mentioned
7 earlier, to discuss the SEQR process to this project.

8 Max.

9 MR. STACH: Okay. So this application
10 started -- this version of this application started in
11 January of 2024, when the Board adopted a resolution
12 determining that this was a Type I action.

13 The Applicant had been suggesting that this
14 is actually a Type II action. Type II actions are not
15 subject to SEQR at all.

16 The Applicant had suggested that there were
17 six Type II actions that would apply to this. The
18 Board, upon further consideration, felt that this was
19 actually a Type I action and we proceeded under that
20 assumption.

21 So after declaring it a Type I action, the
22 Applicant went out and prepared the Part 1
23 Environmental Assessment Form. This is the form that
24 is available on line. And it provides the project's
25 sponsor's answers to a predetermined number of

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1 questions that all projects in New York State must
2 address.

3 That document was reviewed by this Board.
4 And after receipt of that, the Board distributed that
5 document to all involved agencies.

6 At the time it had identified the Zoning
7 Board, the New York State Department of Environmental
8 Conservation and the Orange County Department of
9 Health as other agencies that have permitting
10 authority over this action. Since then, the Zoning
11 Board has been eliminated as an agency that is
12 involved. It was originally thought that there might
13 need to be an interpretation made as to whether this
14 qualified as an institution of higher learning or as a
15 private school. That question had been resolved.

16 On September 18th of 2024, they distributed
17 that document to all those involved agencies. At the
18 request of the Applicant, that mailing was also
19 distributed to several interested agencies and
20 parties.

21 We had received comment from a number of
22 local organizations and so we have copied them on the
23 SEQR. It's an extra step.

24 So that included the Town of Tuxedo Planning
25 Board, the PIPC, the New York State Office of Parks,

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1 Recreation and Historic Preservation, the Warwick Town
2 Board, the Orange County Department of Planning,
3 Orange County Department of Public Works, the New York
4 State Education Department, the Town of Warwick
5 Police, the Tuxedo Union Free School District, the
6 Tuxedo Fire District, the Greenwood Lake EMS District,
7 the Sterling Forest Partnership, the New York-New
8 Jersey Trail Conference and the Open Space Institute.

9 After 30 days had run on this notice, we had
10 received no objections to this Board assuming lead
11 agency status.

12 Under SEQR, a State Environmental Quality
13 Review, this Board is responsible for reviewing the
14 potential environmental impacts of this project and
15 determining whether or not an EIS will be required for
16 preparation or for consideration of this project.

17 On November 20th of last year, 2024, the
18 Planning Board adopted an EAF Part 2. That is the
19 next step in SEQR. That explains what potential
20 moderate to large impacts could occur and should be
21 explored further by the Board. They identified
22 impacts to land, groundwater, plants and animals,
23 esthetic resources, historic and archaeological
24 resources, open space and recreation, transportation,
25 traffic, energy, noise, odor and light, impact on

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1 human health and consistency with community character.

2 After that the Applicant -- or the Board
3 asked the Applicant to prepare a Draft Part 3
4 document.

5 The Part 3 is necessary to look at all of
6 these potential moderate and large impacts and
7 describe the magnitude, which includes factors such as
8 severity, size and extent of the impact; importance in
9 terms of geographic scope; duration, probability of
10 occurrence; number of people affected; and any other
11 additional environmental consequences. It also talks
12 about any design elements that have been incorporated
13 into the project to address these. And, lastly, a
14 reasoning as to why or why not a significant adverse
15 environmental impact may result.

16 The threshold in New York State for
17 requiring an EIS under SEQR is that you have
18 identified at least one significant adverse
19 environmental impact that is likely to occur as a
20 result of the project.

21 So that is the course and the process that
22 the Planning Board has been conducting since last
23 summer essentially, summer of 2024.

24 The Applicant had provided a Part 3 Draft.
25 The Board had reviewed that, had discussed it at some

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1 workshops. I'm sure some of you out there have been
2 at our workshops where these have been discussed.

3 The Board asked for more information,
4 particularly with regard to threatened and endangered
5 species; potential significant natural communities or
6 habitats near to the site; the history of site
7 remediation and environmental site assessments; and
8 information on potential fiscal impacts to community
9 services.

10 So that supplemental information was
11 provided in March, just last month of this year. And
12 based on that information we revised our Draft Part 3.
13 So the Applicant provided the first draft. We then
14 went in, modified it to reflect our discussions and
15 understandings of the application and the discussions
16 held by the Planning Board.

17 Additionally, SEQOR requires that if there
18 are significant project changes that you give those
19 involved agencies an additional shot to comment on
20 those changes. While this project didn't undergo any
21 significant changes, we still felt it was important to
22 circulate that.

23 What had changed over that course was the
24 proposed site lighting. In response to concerns by
25 the Planning Board, the Applicant has subdued their

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1 lighting and are proposing a warmer color temperature
2 which is more friendly to wildlife, 2700K color
3 temperatures.

4 They have made numerous changes to their
5 environmental notes throughout the plan sets. They've
6 incorporated park benches as requested by Orange
7 County Planning. And they removed a parking space to
8 retain a significant white pine tree that was
9 identified as important on the site.

10 So based on those project changes, the Board
11 then recirculated this project to all the involved
12 agencies. No agency responded with any additional
13 concerns in response to that.

14 Many of you out there have written us.
15 Every single E-mail that has come to this Board has
16 been reviewed and compiled and looked at for potential
17 additional environmental concerns that may not have
18 been covered by the Board originally. We got some
19 today. So we are still going through those as we are
20 proceeding with this process.

21 If the Board finds that there is something
22 that they hadn't considered, SEQR requires them to
23 consider those, those issues, and include them in
24 their determination of whether or not this project is
25 going to require an EIS.

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1 So some of the overall considerations that
2 probably aren't clear to sort of the quick glance at
3 the project that I think are important to consider
4 here are that the Applicant is actually only going to
5 disturb .37 acres of the site on a temporary basis to
6 construct additional -- not even construct additional
7 parking, but to realign the parking to make it more
8 circulation friendly and safe for vehicles.

9 There is the possibility that they may need
10 to temporarily disturb some of the natural areas of
11 the site to repair or replace or supplement their
12 wastewater sewer connection.

13 That would be approximately 5,000 square
14 feet of disturbance but that would be a temporary
15 disturbance once it was installed. That area would be
16 naturalized over time.

17 Additionally, the Applicant is proposing the
18 removal of 11,000 square feet of parking area. It is
19 likely that more natural meadow, lawn, vegetated area
20 will exist after the project is completed than was
21 there before the project was completed.

22 So the project sponsor has clarified that
23 all students -- the Applicant is proposing up to 200
24 students, and has consented to all of these
25 operational limitations being imposed as conditions of

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1 approval; map notes to be enforceable by the Town.

2 They're proposing no more than 200 adult
3 male students that will arrive on the site
4 approximately once per month and leave once per month.

5 They will only have daily arrivals by the
6 staff, the faculty, and they're estimating
7 approximately 20 visitors.

8 These are numbers that are informed. They
9 do have an existing facility in the Town of Ramapo
10 that have informed how these operations will occur.

11 No families will reside on the site. So
12 there will not be people coming to and from the site.
13 You will only have the adult students living there.

14 With regard to specific environmental
15 impacts that I identified previously, I think Mike
16 Musso, who's from HDR, will address some contamination
17 concerns. Laura is going to talk about some parking
18 concerns.

19 In terms of other impacts, it's noted that
20 the disturbance of land is actually fairly limited and
21 should be controllable through best management
22 practices.

23 The Town Engineer will be reviewing a
24 Stormwater Pollution Prevention Plan to ensure that
25 erosion and sedimentation doesn't occur.

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1 With regard to water supply, the Applicant
2 will be in fact, as many of you noted, doubling the
3 usage of water in this district.

4 They will be going currently from a 13,863
5 gallon per day usage to they'll be adding an 18,000
6 gallon per day use to that. However, this water
7 system is estimated by DEC or Sterling Lake is
8 estimated by DEC to have a safe withdrawal of a half a
9 million gallons per day. So they're permitted in that
10 water district to take half a million gallons out of
11 Sterling Lake. Even after this project they will be
12 at six percent of that.

13 With regard to the aquifer, the Applicant is
14 proposing the removal of underground storage tanks.
15 Again, Mike Musso will touch upon that.

16 Those underground storage tanks, before they
17 are removed and remediated, have the potential to
18 impact the aquifer.

19 With regard to impacts on plants and
20 animals, the Planning Board through the DEC mapper or
21 EAF mapper had identified several species: The
22 Northern Long-eared Bat, Timber Rattlesnake, Eastern
23 Small-foot Myotis; as well as two habitat types, the
24 Hemlock-Northern hardwood forest and Appalachian
25 Oak-Hickory forest.

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1 They asked the Applicant to retain a
2 ecological specialist to review that. They did
3 provide a report. That was reviewed -- peer reviewed
4 by HDR, the Town's engineering firm.

5 Additionally, we have received comments from
6 some of you, as well as from PIPC, Sterling Forest
7 Partnership, indicating additional species that should
8 be investigated.

9 We asked the Applicant to invest those
10 species, including the peregrine falcon, bald eagle,
11 short-eared owl, pied-billed -- pied-billed grebe,
12 least bittern, golden winged warbler, whippoorwill and
13 common nighthawk.

14 Those have been supplemented and have been
15 addressed in the EAF Part 3 that is available on the
16 website.

17 Additionally, the Applicant is proposing
18 certain conditions to help eliminate impacts to the
19 species and habitat in the area.

20 First, all tree clearing of trees greater
21 than five inches of caliper will occur between
22 November 1st and March 31st. But the Applicant has
23 actually looked at the areas of disturbance and
24 doesn't believe that there are actually trees over
25 five inches in those areas. But if they are, they

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1 will come down in the DEC permitted period.

2 The Applicant will be installing snake
3 fence, a Timber Rattlesnake fence, around the entire
4 site, and will be hiring and employing a Timber
5 Rattlesnake monitor, who will be on site when the
6 fence is installed during all construction, and at the
7 end when the fence is removed.

8 Additionally, as we described previously,
9 the lighting in the project had been reduced and made
10 dark-sky friendly and more animal friendly by reducing
11 the color temperature.

12 The habitat sites that were mentioned do not
13 exist on site. However, they do exist in the park and
14 not far from the site. And the Applicant has amended
15 their landscape plan to only add species of the type
16 that are appropriate for those habitats. So they have
17 matched up that.

18 With regard to esthetics and community
19 character, the Applicant is not proposing any
20 architectural changes to the facades of those
21 buildings. The facades of those buildings, the
22 Applicant is proposing to replace in kind.

23 Again, with the native landscaping, the
24 Applicant has provided documentation from the State
25 Historic Preservation Office that there will be no

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1 impact to archaeological resources or historic
2 resources as a result of this project.

3 Additionally, with regard to impact on
4 transportation, we mentioned previously the Applicant
5 will be required to bring students to and from the
6 site by bus, and they have offered that. So that will
7 be a condition of the plan.

8 And, Laura, you'll go over the traffic.
9 Miles -- sorry, Mike Musso will go over the
10 contamination potential.

11 The Applicant was asked to look at impacts
12 to emergency services. They looked at their existing
13 facility. Their existing facility -- I'm sorry, the
14 existing facility, when it was in operation, so we're
15 talking not about their facility, we're talking about
16 this facility when it was still in operation, resulted
17 in 17 calls for service from 2010 through 2018; while
18 their Monsey school facility, between 2020 and '25
19 resulted in 25 calls for emergency services.

20 Additionally, the Applicant has said that
21 they are going to hire an employee, professionals on
22 the site during daytime hours that are trained in
23 health care, fire safety and security.

24 With that, I think I probably have talked
25 enough and I will cede over to Laura to go over other

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1 issues.

2 THE CHAIRMAN: Thank you. Laura, do you
3 want to or do you want Mike to take -- Mike, why don't
4 you take your section of it and then Laura will take
5 hers.

6 MR. MUSSO: Yeah. Thank you, Mr. Chairman,
7 members of the board, members of the public. Thank
8 you for having me here tonight.

9 My name is Mike Musso. I'm a senior
10 technical adviser with HDR. I work with Laura Barca.

11 Laura brought me into this project and the
12 group I work with to look specifically at
13 environmental conditions.

14 You've heard a few of those from Max as
15 pertaining to SEQR; threatened and endangered species;
16 impacts on the aquifer, et cetera.

17 What I'm looking at on this site, first got
18 involved in 2023, is looking at recognizing
19 environmental conditions that might exist at the site
20 based on historic use. The site has been active for
21 some time.

22 Before I get into my summary, just to give
23 you a little bit of a background, myself and the group
24 I work with, we've done numerous types of property
25 assessments.

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1 You are going to hear some acronyms from me
2 tonight maybe and I apologize for that. But a Phase I
3 or Phase II ESA, Environmental Assessment, is
4 something that's paramount to a property transfer
5 process. We've done a lot of those and in this case
6 we reviewed the work that was done by others over
7 time.

8 Our group does a lot of investigation. We
9 go out boots on the ground. We collect soil or air or
10 water samples as need be. We look at exposures to
11 human health in the environment. We manage and
12 interpret data, compare it to appropriate standards
13 and levels and criteria.

14 And we also do a lot of remediation or
15 clean-up when it comes to it, and also managing sites
16 over the long term.

17 Most of our work I want to note at HDR in
18 our group is not for private developers. Most of our
19 work that we do is for governmental entities. Might
20 be in the Brownfields Program of repurposing sites for
21 EPA or the New York State DEC. Could be working for a
22 county.

23 I worked not only in Warwick but for a
24 number of New York State municipalities on similar
25 types of issues.

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1 Like I said, I got involved at the site and
2 started looking at documentation from 2023. I
3 personally have been to the site a couple of times
4 with the Planning Board members for site walks. I
5 have interfaced with the Applicant representatives,
6 requesting information, reviewing it, and summarizing
7 and digesting it for the Board.

8 So a couple of the key things we looked at
9 at the time of the property transfer from New York
10 University, there was a robust document put together
11 called a Phase I ESA.

12 So this is something that's not just thrown
13 together. It's done by a process that could stand up
14 to scrutiny by lending institutions, by financial and
15 also by prospective purchasers of the property. It's
16 meant to be transparent. It's meant to disclose
17 environmental conditions that exist. It's done by
18 environmental professionals.

19 In this case, NYU hired a company called
20 TRC, a national company that I'm familiar with. They
21 not only do site visits and inspections as part of
22 that report, there's also an independent environmental
23 database.

24 And if you really want to fall asleep at
25 night, you look through one of these reports, because

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1 it's about a thousand pages of output that will look
2 not only at the subject property but one, three and
3 five-mile radius of anything that might be happening.

4 And it flags anything that might light up on
5 the state's DEC database or the U.S. EPA's database.
6 All that was included. There was also historic maps
7 and aerial photos that were looked at.

8 HDR looked at all of this independently when
9 it came in. Do want to indicate, though, this is
10 based on the process that's established. So we're
11 used to looking at those types of reports. We're used
12 to digesting what's found.

13 The key things from that report that I took
14 away is that there were no identified recognized
15 environmental conditions, RECs.

16 There were historic recognized environmental
17 conditions in the form of petroleum bulk storage,
18 building materials that exist in an old building like
19 this. You are going to have things like lead-based
20 paint. You are going to have asbestos that needs to
21 be fully remediated. Again, that's all inside the
22 building.

23 The underground and above-ground storage
24 tanks is something we inquired about. Those of course
25 are outside the buildings. We did look and follow up

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1 independently with the New York State DEC on that.

2 So a record that was identified, there were
3 rather large -- as you might suspect -- heating oil
4 tanks, fuel tanks. Much bigger than the ones we have
5 at home, certainly, that could be five-hundred gallons
6 or less. These were 20,000 and 10,000 gallon sizes.

7 Five underground storage tanks at the time
8 of the property transfer were identified. Three had
9 already been closed or removed. There were three
10 above-ground storage tanks. So if you drive by the
11 site you might see them. However, two have been
12 closed and removed.

13 We wanted to look back a little bit more at
14 this. We looked through what's called a petroleum
15 bulk storage registry that the UST has. And one thing
16 that struck me is that all the documentation really
17 easily checked out. That's not always the case when
18 we get involved in these sites.

19 And I think it's important just to note, you
20 know, working for institutions like we do, school
21 districts or universities, New York University is
22 extremely risk-adverse. They're very sensitive.

23 If they're divesting a property, especially
24 with some of the past uses, they want to be very
25 diligent on what they leave behind and what they don't

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1 leave behind.

2 So they've actually removed those tanks.
3 The spill numbers were closed out with the DEC. We
4 confirmed that independently.

5 I also note that they did some abatement on
6 their own; not uncommon during a property transaction,
7 but they hired reputable asbestos, lead and mold firms
8 to come in and at least do pretty clean sweep of the
9 building. They got rid of their storage of chemicals,
10 things that would run the boilers, some of the
11 chemical uses that they've had at the site, et cetera.

12 And then the Applicant kind of got involved
13 of course as the site was sitting vacant and the
14 property transaction was happening.

15 There were a couple of tanks that weren't
16 closed out in that 2017 report. However, the
17 Applicant submitted a UST closure report. Everything
18 checks out on our books with those petroleum storage
19 tanks above ground and underground.

20 We've also looked at the closure report. It
21 included soil and groundwater testing, so nothing lit
22 up in our mind as far as current use or future
23 potential use of the site in terms of any detectable
24 levels that we found.

25 So going here I was also brought in or going

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1 on from this point I was also brought in to look at
2 the site plan. We made suggestions for notes that
3 have to run on the site plan environmental notes.

4 Some of those relate to what Max talked
5 about with SEQOR with rattlesnake monitoring, et
6 cetera, tree protection. But we added a series of ten
7 to 15 notes that very much prescribe the applicable
8 rules and regulations; the agencies like the DEC, like
9 the Department of Labor that manages and administers
10 asbestos abatement for anything in the future that
11 needs to be done.

12 We reference building materials that might
13 remain, whether they're waste chemicals or old mercury
14 switches in electrical equipment or fuse boxes. This
15 is typical of an old building.

16 Importantly, in speaking with the Planning
17 Board, there is a protocol in place for any
18 environmental work regarding notifications to the
19 agency, but as importantly, scheduling with the
20 building department here. Those notes are now on the
21 site plan and need to run with that.

22 There will be submittals. For example,
23 after any additional asbestos abatement is taken care
24 of, that report has to be submitted within a time
25 frame to the Town of Warwick for review.

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1 In speaking to the Planning Board Chair, HDR
2 is available of course to review all this, but as
3 importantly will be available also to have real boots
4 on the ground, to do our own documentation on behalf
5 of the Board.

6 So that's kind of an overview of the topics
7 that we're looking at.

8 I think the takeaways are that the
9 registration historically of tanks and practices that
10 need to be registered with the state agencies were
11 done.

12 There's been a large amount of abatement,
13 tank removal, soil sampling and point sampling testing
14 done by NYU before divesting the site, but also by the
15 Applicant representatives here. And everything
16 appears to cross-check on our end, at least as this
17 information goes.

18 And then moving forward, we feel that the
19 notes that have been added to the site plan are
20 robust. We feel they make sense. And we feel that
21 they're diligent in terms of any kind of reporting of
22 conditions or just reporting when stages work are
23 completed as the Applicant would move on should this
24 application be approved.

25 So that's all I have.

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1 THE CHAIRMAN: Thank you, Mike.

2 MS. BARCA: Good evening. My name is Laura
3 Barca. I represent HDR Engineering for the Planning
4 Board with the Town of Warwick.

5 Relating to stormwater, Max touched upon it.
6 There are five different locations of five minor
7 disturbances. The total sum of those disturbances
8 will be 0.37 acres. That is all that is proposed to
9 be disturbed.

10 And, again, the reason for that is to kind
11 of square off the parking lot areas and to make
12 them -- to make them safer to provide better
13 circulation throughout the area. The SWPPP is --

14 UNIDENTIFIED SPEAKER: Please put on your
15 mic.

16 MS. BARCA: Sorry.

17 UNIDENTIFIED SPEAKER: Much better.

18 MS. BARCA: Okay. Sorry about that.

19 So there's five different areas in the --
20 that will be disturbed. They're all related to
21 parking area disturbances. The total area of those
22 disturbances will be 0.37 acres.

23 And the reason for those disturbances is to
24 square off the corners where the ground, you know,
25 where the vegetation has come into those areas and to

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1 make those areas safer for circulation of the traffic.

2 The stormwater itself, because the total
3 area of disturbance is 0.37 acres, the SWPPP itself is
4 limited to erosion and sediment control. And HDR is
5 reviewing that on the site plans as well.

6 And, again, as Max stated earlier, that the
7 change in impervious surfaces is actually a net
8 decrease of 0.21 acres for the sole reason of a -- one
9 of the lower parking areas is being removed and
10 allowed to return to nature, to its natural condition.

11 The water and the sewer. The water and
12 sewer demand is on an average daily basis of
13 approximately 18,000 gallons per day.

14 The Town -- the Applicant received and
15 submitted to the Town what they call water -- a water
16 willness to serve letter and a sewer willness to serve
17 letter, and from the entity that operates these
18 facilities.

19 And what that means is -- it doesn't -- it's
20 not a carte blanche, you can, you know, turn on the
21 faucets and starts tomorrow. It still requires Orange
22 County Health Department review and approval for any
23 improvements that are in there.

24 And in both of these cases the operator of
25 the two facilities is requiring the Applicant to

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1 assist with upgrades to those facilities that the Town
2 is -- will be monitoring.

3 Again, all that will be done under the
4 review and approval of Orange County Health
5 Department, DEC, if it's applicable. But the Town
6 will be involved in knowing what's going on all the
7 time in that situation.

8 As far as the traffic, we, the Planning
9 Board requested that a complete traffic report be
10 conducted. Creighton Manning Engineering prepared a
11 traffic report and a trip-generation assessment report
12 that was received by the Planning Board and reviewed
13 specifically by traffic engineers with my company.

14 The average combined vehicles per day on
15 that road currently is 172 vehicles per day. It's
16 anticipated that the two -- it's -- well, it's
17 anticipated that the 200 proposed students will be
18 shuttled to the site, but that's actually -- they'll
19 be a note on the plan that the students when they come
20 once a month, they will be bused there.

21 Any of the teachers, the administrative
22 staff, the support staff, they -- in the traffic
23 study -- they will be coming on, you know, a
24 day-to-day basis. But the students themselves will
25 be -- and it's estimated that there will be four

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1 50-passenger buses.

2 So part of what my company has done in our
3 overall site plan review is looking at -- is making
4 sure that these buses can, you know, arrive on site
5 safely, that they have the turning radius to get in,
6 to get out of the parking areas to be able to deliver
7 the students safely. All right.

8 THE CHAIRMAN: Thank you, Laura. Thank you,
9 Mike.

10 Mr. Krahulik is our attorney. He will speak
11 to the legal issues.

12 MR. KRAHULIK: All right. I guess it's my
13 job to explain whether or not this use is permitted in
14 this zoning district and why. I'll try not to get too
15 technical.

16 The property is located in the LC zoning
17 district. LC stands for land conservation.

18 Under Use Group 84 in the Town code
19 Institutions of Higher Learning are permitted in the
20 LC District.

21 Prior examples of similar applications can
22 be examined. There was an application by Kings
23 College to build a college campus on the former
24 International Nickel property. Touro University also
25 proposed a college campus on that same site.

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1 Ultimately, it was developed by what we now know as
2 the Watchtower Organization. All three of those
3 applications contemplated some form of residential
4 housing as a part of the institution of higher
5 learning.

6 There are some limitations, however. The
7 code requires a minimum of five acres of land in order
8 to get approval for an institution of higher learning.
9 Plus, one additional acre for each 100 students.

10 The Applicant has just over seven acres.
11 Using the formula, the maximum number of students is
12 200. There's been some concern about future growth
13 and expansion of this use. Based on this formula, 200
14 would be the maximum in perpetuity.

15 People have also asked about the opportunity
16 to buy more land and expand elsewhere. The parcel is
17 completely surrounded by Sterling Forest parkland.
18 There are no land acquisition opportunities that would
19 allow them to grow and increase the number of students
20 on this particular campus.

21 No variances are required by the Applicant
22 in order to obtain approval.

23 The Applicant did seek a variance to
24 increase the amount of impervious space to improve
25 parking and traffic circulation. That variance

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1 application was denied. But that's not necessary for
2 the Applicant to obtain approval.

3 There will be no children residing on the
4 property. There will be no impact on the Tuxedo
5 School District.

6 Emergency services will be provided by the
7 Greenwood Lake Fire Department and by the Tuxedo Fire
8 Department pursuant to an interagency agreement
9 between those two organizations.

10 There's been concern about the number of --

11 THE CHAIRMAN: Excuse me. Excuse me. Let
12 him finish.

13 MR. KRAHULIK: -- about the number of
14 residents residing on the property. Again, they will
15 be all adults. There will be no children. There will
16 be no impact on the school district.

17 Other examples of this can be seen at
18 Watchtower, where again there are adult residential
19 facilities, no impact on the school district. As well
20 as the Town of Tuxedo approved residential housing in
21 the form of International Paper Facility, again no
22 impact on the school district.

23 We have received further comment over the
24 last few days. I want to assure everybody that they
25 will all be reviewed, they will all be addressed.

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1 Some of the comments received, they are just
2 factually incorrect. For example, we received an
3 important letter from the Palisades Interstate Park
4 Commission. The letter suggests that the property is
5 located in the Sterling Forest Bird Conservation area.
6 That's not true. It's not located in that
7 conservation area.

8 So we will do our best to examine all the
9 issues raised. We will review all the issues to see
10 whether or not they are credible and important, and
11 before the Board votes everything will be considered.

12 THE CHAIRMAN: Thank you, Bob.

13 At this time we're going to open it up to
14 the public. We do have a sign-up sheet, which I have
15 here.

16 I would just, please, you've been a great
17 group this evening. I know this was long but I think
18 it was very important to explain everything from our
19 professionals on this end.

20 So please, if I call your name, please come
21 up.

22 UNIDENTIFIED SPEAKER: Your mic.

23 THE CHAIRMAN: I'm sorry. I'm usually loud
24 enough that everybody can hear me. Just ask Connie.
25 I'm sorry about.

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1 What I'm saying is I'll start with the list.
2 Come up here, you'll have three minutes. Connie will
3 time it. And if it runs over, please bear with us
4 because there's a lot of people here. Everybody
5 deserves a chance to speak. So that's why we're going
6 to do that.

7 I'll swing the mic towards you. Address the
8 Board.

9 If you agree with somebody, that's great.
10 Keep it to yourself. Again, I want to reiterate, we
11 want to get everything on the record. That's what you
12 are here for.

13 So with that being said, so Meryl Levy,
14 number one.

15 Going to keep this mic right out here for
16 you.

17 Thank you. Just state your name.

18 MS. MERYL LEVY: Meryl Levy.

19 My house is the second house across the
20 street from the school.

21 UNIDENTIFIED SPEAKER: Can you turn the mic
22 on?

23 THE CHAIRMAN: I think you're good. I
24 really do.

25 MS. MERYL LEVY: My house is the second

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1 house across the street from the school. We bought
2 for peace and tranquility. I opened my own law
3 practice and work out of my home.

4 The construction will disturb my ability to
5 work in my home and our peace. The construction will
6 cause dangerous particulates to be released into the
7 air from that which we know to be there: Asbestos,
8 black mold and lead paint.

9 Who is responsible for the oversight of the
10 construction? We are an area with very few resources.
11 What will be the days and hours of construction?

12 The construction is forcing me to list my
13 dream home in a bad market. Is there planning for the
14 construction? What is the plan? Where are the
15 dumpsters during and after construction and after they
16 move in?

17 We saw a bear go late at night from our
18 development across Old Forge and into that property
19 just the other week.

20 How many animals will be attracted to the
21 smells of the kitchen and the refuse? What does that
22 do to us in terms of the animals?

23 What is the plan for pickup and drop-off
24 days? How does that affect us on buses, cars, taxis
25 and the narrow width of Old Forge Road? I will feel

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1 unsafe driving it with buses.

2 Will there be police enforcement of traffic,
3 construction and other laws?

4 Based upon the record before you, the
5 information made available to you, and the assessment
6 you have already made in Part 2 of the EAF, this Board
7 must either issue a positive declaration of
8 significance and require a full EIS or deny the
9 proposal.

10 To do otherwise would be arbitrary and
11 capricious, putting this Board at risk of an Article
12 78 claim.

13 Thank you.

14 THE CHAIRMAN: Excuse me. Excuse me. That
15 is just what I didn't want to happen because it screws
16 with the minutes. If you want everybody's -- what
17 they say on record, please don't do that. That is
18 what we're here for. That is what all you waited for,
19 to speak.

20 So I can't stress it enough. We want to get
21 everybody's word, last word on the minutes. Doing
22 that does not work.

23 Thank you.

24 Mr. Howard.

25 MR. GEOFFREY HOWARD: Hi. My name is Geoff

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1 Howard.

2 THE CHAIRMAN: Address the board, Geoff.

3 MR. GEOFFREY HOWARD: Sorry.

4 THE CHAIRMAN: We're the ones that need to
5 hear from the public. Not out there.

6 MR. GEOFFREY HOWARD: My name is Geoff
7 Howard and I've lived in Warwick a long time.

8 And one of the things that's clear to me is
9 that Warwick has managed to develop and at the same
10 time to retain its rural character and its special
11 qualities that make Warwick Warwick.

12 And you all, and your predecessors, had a
13 strong role in making that happen so thank you.

14 In 2011 the correctional facility closed.
15 Big question of what would happen. It worked out very
16 well. As I think everyone knows, Warwick Woodlands;
17 recreation, beauty, jobs and taxes.

18 Kutz Camp closed several years ago. Another
19 major change. Another very positive outcome. Again,
20 I assume you all had some role in that.

21 Now the NYU Research Lab has changed and
22 there's another possibility, a major change being
23 proposed of a 200-residential school, plus faculty,
24 that will, as I say, produce major changes.

25 You have done a good job of identifying that

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1 by classifying it as a Type 1, and by identifying in
2 your EAF Part 2 21 moderate to large impacts. So,
3 again, I think that's great.

4 The question right now is what happens with
5 a SEQR review? And my firm request or my firm hope is
6 that you will follow what you did with the Type 1,
7 follow what you did with the EAF Part 2 and request a
8 SEQR review of this entire process.

9 It is a major change. It is in a state park
10 and there will be impacts.

11 There will be a lot of questions and you
12 want the answers to those, we want the answers to
13 those, and I think that's what SEQR will do.

14 So thank you.

15 THE CHAIRMAN: Thank you.

16 Rebecca Quackenbush.

17 MS. REBECCA QUACKENBUSH: I have some
18 goodies for you. I want to share. Here.

19 THE CHAIRMAN: Thank you.

20 MS. REBECCA QUACKENBUSH: Tell me when to
21 start.

22 THE CHAIRMAN: Right now.

23 MS. REBECCA QUACKENBUSH: Can you all hear
24 me at the back? Okay.

25 I'm here today to respectfully urge this

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1 board to issue --

2 UNIDENTIFIED SPEAKER: Who are you?

3 MS. REBECCA QUACKENBUSH: -- a

4 positive declaration.

5 Rebecca Quackenbush.

6 To issue a positive declaration under SEQR
7 for the proposed project that presents a moderate to
8 large impact on the ecological integrity of Sterling
9 Forest, particularly on its federally and state-listed
10 sensitive species of which you have noted here
11 tonight.

12 These are not fringe organisms. These are
13 keystone indicators of a healthy, functioning
14 ecosystem. And all three are known to inhabit or
15 depend on habitats directly adjacent to and
16 potentially within the project site.

17 The Northern Long-eared bat is currently
18 listed as endangered under the Federal Endangered
19 Species Act due to white-nose syndrome.

20 And Sterling Forest is a known roosting and
21 foraging habitat. This species is extraordinarily
22 sensitive to forest fragmentation and human
23 disturbance, exactly what this project entails through
24 site clearing, lighting and noise.

25 The Eastern Small-footed Myotis, one of New

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1 York's rarest bats requires rocky outcrops and forest
2 edges for summer roosting, habitats that would be
3 irreparably disturbed by construction and increased
4 human activity.

5 And let us not forget the Timber
6 Rattlesnake, a threatened species in New York, which
7 depends on undisturbed forest corridors for denning
8 and migration.

9 Development along Iron Forge Road, a known
10 corridor, would fragment this critical habitat and
11 elevate risk of mortality from increased traffic and
12 human contact.

13 Notably, the Applicant has pointed to the
14 threatened and endangered species investigation by ERS
15 Consultants dated June 26, 2023, as evidence that
16 there's no cause for concern.

17 That report submitted as Exhibit L, stated
18 that none of the threatened or endangered species were
19 found on site at the time of their visit. But let's
20 be clear, the absence of evidence is not evidence of
21 absence, especially when even the report itself
22 acknowledges that the site contains conducive habitat
23 for these species.

24 It is simply flawed logic and poor science
25 to suggest that a species failure to appear on one

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1 particular day for one particular consultant means
2 that they don't inhabit or traverse that area.

3 The Applicant also complains that a positive
4 declaration and thus a full EIS is unnecessary. But
5 that assertion is inconsistent with SEQR regulations.

6 According to the SEQR Full Environmental
7 Assessment Form, Part 2, any project that may result
8 in the reduction or degradation of habitat for listed
9 species constitutes a moderate to large impact. That
10 threshold has been met and exceeded in this case.

11 To waive a full Environmental Impact
12 Statement here would be an error with lasting
13 ecological consequences and a potential violation of
14 SEQR's intent.

15 I urge the Board to take the cautious,
16 responsible route. Deny the application or issue a
17 positive declaration. Require a full EIS and give
18 these species and the public the thorough
19 environmental review this region deserves.

20 Thank you.

21 THE CHAIRMAN: Thank you.

22 Again, again, I don't know how many times I
23 have to say it, we want to get it on the record. You
24 fold your arms. If we don't get it on the record, it
25 doesn't count. We want it on the record. That's what

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1 you are here for; correct? I said it four times.

2 Please. Respect everybody that's here.

3 Roger Friedman.

4 UNIDENTIFIED SPEAKER: Quiet, please.

5 THE CHAIRMAN: Thank you.

6 MR. ROGER FRIEDMAN: My name is Roger

7 Friedman and I live in the Town of Warwick.

8 And I'll be referencing Section 17 of the

9 Full EAF Part 2, or Part 3.

10 Sometimes people ask me where I live.

11 UNIDENTIFIED SPEAKER: Lean into the mic.

12 MR. ROGER FRIEDMAN: Sometimes people ask me

13 where I live. And after 30 years, I actually don't

14 know what to tell them because I live in Warwick but

15 my mailing address is Tuxedo. I vote in Greenwood

16 Lake but my library is seven miles in the other

17 direction. I pay Tuxedo school taxes and Warwick

18 property taxes.

19 So where do I live? Well, the reality is

20 that I live in Sterling Forest. There's a total of

21 about 30 occupied residences around the southern shore

22 of Sterling Lake. They form a distinct and integral

23 settlement. And I estimate the total population of

24 all these homes at about 45.

25 The nearest inhabited buildings beyond are

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1 more than three miles away in any direction through
2 dense forest. In fact, our settlement once had a
3 name. It was called Lakeville until about 1920 or
4 something. And on MapQuest it still says Lakeville if
5 you look it up.

6 So the Full EAF Part 2, Section 17,
7 paragraph B, prepared by Nelson Pope Voorhis asserts
8 that the proposed action will not increase the
9 population of any town or city by more than five
10 percent.

11 Now, this statement can only be accepted if
12 the Board ignores the real facts of the locality,
13 Lakeville, Sterling Forest, and signs on to a
14 technicality that the population of the Town of
15 Warwick will be largely unchanged.

16 Sterling Forest, as a community of homes, is
17 a real place, whether or not it's a separate political
18 entity.

19 The proposed action for this dormitory for
20 200 men will increase the population of the community
21 of Sterling Forest by a lot more than five percent.
22 Count all the residents in all the homes around the
23 southern shore, the addition of 200 men will increase
24 the population by more than 400 percent.

25 Consider merely the 23 residences uphill of

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1 the Lautenberg Visitor Center and that percentage
2 nearly doubles.

3 So I reject as a cynical technicality that
4 no impact on EAF Part 2, section 17, paragraph B.

5 Any reasonable person would recognize that
6 the measure of a city or town does not apply to this
7 locality, and that the entire Town of Warwick -- am I
8 at 30 seconds? The entire Town of Warwick is a poor
9 criterion for measuring the population of our
10 community against, and it is against the intent of
11 SEQR.

12 So these sorts of inconsistencies would be
13 teased out in a full EIS enacted through a positive
14 declaration.

15 THE CHAIRMAN: Thank you, sir.

16 MR. ROGER FRIEDMAN: Thank you.

17 THE CHAIRMAN: John Gebhards. John
18 Gebhards.

19 MR. JOHN GEBHARDS: Honorable Chair and
20 Board members, my name is John Gebhards. I've been a
21 resident of Orange County for some 43 years.

22 And in late 1900 -- 1990s, I was hired by a
23 consortium from the Nature Conservancy, Open Space
24 Institute and Scenic Hudson to be the Executive
25 Director of Sterling Forest Resources which became

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1 Sterling Forest Partnership.

2 My charge was to develop a grass-roots
3 movement to foster the protection of the forested land
4 then known as Sterling Forest, owned by Sterling
5 Forest, LLC.

6 The Sterling Forest Partnership was proud to
7 be part of the purchase of 15,000 acres which was the
8 beginning of the Sterling Forest Park.

9 One of the stated reasons for creating the
10 Sterling Forest Park was quote to protect and conserve
11 the various unique ecosystems that exist there, end of
12 quote.

13 Sterling Forest Partnership has strived to
14 protect the environments of the park from intrusive
15 development over the years, which include projects
16 such as the casino, the dinosaur park, Sterling Forest
17 and clean-up of the mulch pile.

18 My concern with the current proposed
19 resident college is with the minimally defined
20 response to its potential impact on the plants and
21 animal life in this fragile ecosystem. That could
22 happen if there's no Environmental Impact Statement to
23 identify and reduce this minimum to -- impact to a
24 minimum.

25 The current project proposal has failed to

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1 inventory the spring that emerges on the property,
2 that flows presumably into Sterling Lake, a drinking
3 water supply.

4 There is also a seasonal stream that runs
5 through the property at the southeast corner. It is
6 not represented on the maps but it is clearly there in
7 plain sight. That stream likely empties into Ringwood
8 Creek, ultimately into New Jersey's Wanaque Reservoir,
9 which is drinking water.

10 For this reason, and for other inadequacies
11 too numerous to list, I respect that the Board issue a
12 positive determination so that SEQR, the procedure for
13 a full EIS with public hearing, can proceed. Either
14 that or the project should be denied on grounds of
15 unresolved environmental concerns.

16 Thank you for the opportunity. I have
17 pictures of the spring and the creek that I referred
18 to. And a copy of my --

19 THE CHAIRMAN: Thank you, sir. We can have
20 this?

21 MR. JOHN GEBHARDS: Yes.

22 THE CHAIRMAN: Thank you, sir.

23 Heather Bullard. Heather.

24 MS. HEATHER BULLARD: Thank you.

25 I am reading for -- my name is Heather

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1 Bullard. I'm a resident of Sterling Lake. And I'm
2 actually reading a letter from a neighbor who could
3 not be here today because he had a chemo treatment.

4 He was -- his name is Steve Ostrega, and he
5 was the retired Deputy Commissioner of New York City
6 Department of Environmental Protection, and Executive
7 Director of the New York City Water Board, and had
8 this position for 35 years.

9 Steve wrote to the Planning Board and copied
10 elected representatives in New York and New Jersey who
11 have a responsibility to safeguard the nearly
12 80 million Federal New York and New Jersey investments
13 made since 1998 to secure the 22,000 acres of land and
14 establish the Sterling Forest State Park for the
15 critical environment; purposes of watershed
16 protection; protection of 27 rare and endangered
17 wildlife specifiers; and further and secure the safety
18 of a strategically located north/south migratory route
19 for birds.

20 The strategic objective of the rationale in
21 establishing the park was and still needs to be to
22 preserve the land in an open space in an undeveloped
23 state, and that is what it's in and today so remains,
24 and thereby ensure that the many streams and
25 headwaters from this watershed that serves more than

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1 two million New Jersey residents and tens of thousands
2 of Orange and Rockland counties' residents remains a
3 reliable and sustainable safe drinking water supply.

4 In equal importance, that the park's
5 environs and existing low-impact community, less than
6 40-single-family homes and cottages, the narrow park
7 entrance roadway not be compromised and create land
8 and area use that would change the entire character of
9 the park and existing community.

10 The proposed development of a full-time
11 residential campus at the site of the -- sorry, at the
12 site, um, would have typically less than 30 staff,
13 will increase the area's full-time residents
14 population by more than 400 percent, increase limited
15 potable water demand by more than 60,000 gallons per
16 day and produce wastewater and considerable solid
17 waste that will impact the flow into streams and feed
18 into the Ramapo River water supply system.

19 Further, emergency services, police and
20 ambulance services, already distant from this
21 community, within 45 minutes of good weather, would be
22 further taxed and endanger the health and well-being
23 of the existing community members.

24 The entire college construction development
25 project needs to be extremely careful and be

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1 critically reviewed.

2 It is absolutely critical that the New York
3 State SEQR process be followed and a full
4 Environmental Impact Review Study be performed.

5 80 million dollars of the taxpayer funds
6 expended on achieving this beautiful park exist in
7 reality, a safe land buffer zone achieving critical
8 environmental protection and stabilization of the
9 park's area.

10 BOARD MEMBER MCCONNELL: Time.

11 MS. HEATHER BULLARD: Thank you.

12 THE CHAIRMAN: Thank you so much. And I
13 will open it up at the end.

14 MS. HEATHER BULLARD: I also -- sorry.

15 THE CHAIRMAN: If you have something to
16 submit, submit it.

17 MS. HEATHER BULLARD: I have something else
18 to submit. It's a petition by all the residents on
19 Sterling Lake who are petitioning against this.

20 THE CHAIRMAN: So this would all be in the
21 record. Thank you.

22 MS. HEATHER BULLARD: Thank you.

23 THE CHAIRMAN: Our next speaker, Kiki
24 Nelson.

25 MS. KIKI NELSON: Hello.

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1 THE CHAIRMAN: Hi.

2 MS. KIKI NELSON: So I'm going to have to
3 wing this because I actually forget the item I wrote
4 for so long.

5 THE CHAIRMAN: No, speak from your heart.
6 That's all. You're here talking to the Board.

7 MS. KIKI NELSON: Oh, all right. So my name
8 is Kiki Nelson. I live in Sterling Forest. I've
9 lived there for 30 years, which is -- predates the
10 formation of the park.

11 During those 30 years, I spent 25 years
12 commuting into New York City, where I was the director
13 of -- what's the terminology here? Director of
14 Research Laboratory Operations for all the research
15 labs of NYU Medical Center, including Sterling Forest.
16 So I have a lot of firsthand knowledge about that
17 place.

18 I don't know where to begin, but I'm going
19 to try to in three minutes try to tell you that the
20 base -- the main type of research that they did there
21 was -- had to do with inhalation of contaminants.

22 They are the gold standard for the
23 information we have following the attacks on 9-11.
24 And this information resonates down 25 years later to
25 the first responders to today.