

**Town of Ithaca Planning Committee**  
**Thursday, April 19, 2018**

**Committee Members:** Rich DePaolo, Chair; Rod Howe and Pat Leary

**Board/Staff Members Present:** Bill Goodman; Sue Ritter, Bruce Bates, Mike Smith.

**1. Persons to be heard:** None

**2. Committee announcements and concerns:** None

**3. Staff updates and reports:**

Bruce gave an update on the rental housing permit program. The Codes Dept. is getting a lot of permit applications but they anticipate a leveling off soon. Bruce has been trying to reassure homeowners, including explaining that the effective date, and 5-year expiration, does not start until a permit is actually issued. The department has not yet begun the inspection process.

Sue reported on the Rt. 96B sidewalk project. The agreement with DOT has not yet been signed, but the town has authorization to begin the design work. The engineering consultants, Erdman Anthony, have begun surveying. A kick off meeting involving staff, consultants and NYS DOT staff is anticipated for early May to discuss the project scope. The kickoff meeting for the Trumansburg Rd. pedestrian corridor study has been scheduled for early May. Sue will be attending the May 7<sup>th</sup> Hector Street sidewalk public meeting. A 500 ft. section of that sidewalk will be constructed in the town.

Committee/staff who attended the East Hill Village charrette shared their observations. While recognizing the many on-site constraints (existing leases, parking entitlements, non-Cornell land holdings) those who attended expressed a desire to see improvements in the resulting design/layout.

**4. Consider March meeting minutes:** Approved with no changes.

**5. Chain Works District/Emerson site investigation update (joint discussion with City Planning and Development Committee starting at approximately 4:30pm):**

Guests: Representing Chain Works District: Dan Noll (LaBella Associates); Paul Sylvestri (Harter Secrest & Emery LLP); James Gensel (Fagan Engineering); Vicki Taylor Brous; Bill Reed.

Representing City of Ithaca: Lisa Nicholas (Planning Dept.); Graham Kerslick (Council); Seph Murtagh (Council); Cynthia Brock (Council); Laura Lewis (Council); Donna Fleming (Council).

Other Guests: Walter Hang; Media.

- Rich DePaolo: Stated that in light of the recently released Phase II Report and DEC Fact Sheet and efforts by the city and town to consider new zoning for the site, it seemed a good time to hear from the team on the status of where things are at. He questioned the need to rush forward with new zoning given that DEC's remedial plans are not finalized and there remain questions as to what areas will be available for residential use.

- Cynthia Brock: Stated that she wanted assurances concerning the site clean up and that objectives would be met before development can proceed.

- Paul Sylvestri: Explained that much more information about the environmental conditions of the site has been generated since they last presented data to the public, which was during the draft GEIS process (2016). The plan for this meeting was to give an overview of the new information.

-Dan Noll, Engineer (LaBella Associates): Began by explaining that LaBella Associates were hired to perform Phase II testing and find and address the contamination issues before the real estate transaction between Chain Works and Emerson takes place. His presentation includes maps and descriptions of the contamination conditions on the site, including the following:

- Additional testing has been done of soil, ground water, seeps (where ground water is coming up from hillside and exposed bedrock), and soil vapor.
- Main contaminant is the volatile organic compounds (VOC's - chlorinated solvents, esp. TCE). This is present in the fire water reservoir which has leaked down the hillside and been the focus for 20+ years. Other contaminants identified through the Phase II testing include barium, heavy metals, petroleum products, cyanide, poly aromatic hydrocarbon (PAH).
- Locations of the cumulative testing sites were shown. Maps showed testing sites for pre-2013, 2013 Phase II sampling sites by Chain Works District (200 locations), and supplemental testing in 2014-2017 by Emerson as part of the phase II supplemental investigation.
- The supplemental investigation delineated the nature and extent of the contamination, aerial extent and depth. Most of the testing sites are located where the heaviest industrial activities took place. Some sites at the south end were tested and based on results they have petitioned DEC to have the south end removed from the registry.
- Well sites showing above/below exceedance levels for TCE/VOC's were presented. The highest exceedance is in and near the fire water reservoir, which is higher than anywhere on the site by orders of magnitude. This area will remain owned by Emerson and will not be proposed for future development.
- The Interim Remedial Measures (IRM) Plan, proposed by Emerson and under review by NYS DEC, were discussed. The plan involves the removal of soil to prepare the site for development. Sixteen areas of concern are proposed for mitigation this summer, involving the removal of 2-3 feet of soil (possibly deeper in some areas), with sampling/testing along the perimeter, every 30 ft., to insure that all the contaminated (above threshold standards) soil is removed. In many places the excavation depth will be going right to bedrock. Exceptions to the full soil removal include the degreaser area that due to physical limitations will instead have a clay cap installed to keep rainwater from infiltrating. The groundwater in that location will be dealt with in the future feasibility study. The other area (AOC 29) was used for propane tank storage, along with historic fill material and is intended to be a parking lot, so they will clean and grade the site and provide a cover material on top of it.

-Walter Hang: Stated that he felt that interim remedial measures were unacceptable for Ithaca. All the pollution should be identified completely and cleaned up. He referred to the situation with Ithaca Gun and how DEC had reported that site clean, yet massive lead contamination was recently reported there. He stated that we should take advantage of having a responsible party with resources to clean it up.

-Cynthia Brock: Expressed concern that not all the sources of contamination have been identified. In some of the buildings they've found petroleum products 2 feet into the walls of the building and leaking out. In one historic well there is 7 feet of LNAPL in the well itself, while a well 20 ft. away was found to have negligible evidence of petroleum products. Concerned about not adequately locating all of the

contamination sources, and addressing them and then keeping the buildings in-place, potentially exposing individuals to levels of contamination that may go on for decades. She expressed apprehension with the re-development of the site because of the many unknowns.

-Paul Sylvestri: IRM measures are going to be the remediation techniques to make the site safe for redevelopment. The groundwater treatment will be analyzed under the feasibility study. Getting rid of the soil gets rid of the contamination source. Long term, getting rid of the source, will lead to acceptable groundwater standards.

-Paul Sylvestri: Explained the remedial process.

Feasibility Study and Record of Decision: The remedial investigation is complete and the next step is the feasibility study performed by Emerson (required by law under the consent order) which will investigate how the various impacts to the site are going to get remediated. By law, Emerson would only have to meet industrial standards for the cleanup, but they have entered into an agreement with CWD requiring them to clean the site to "restricted residential" standards. Eighty percent of the site will be cleaned up to the restricted residential standard with the remaining remediated to commercial and a very small portion to an industrial standard.

The feasibility study examines alternatives for how the site gets remediated for the various medium (soil vapor, groundwater, etc) they will not examine soils in any detail since that will have been addressed during the IRM phase. Upon completion of the feasibility study, Emerson will propose remediation techniques. NYS DEC reviews and decides on whether to accept the recommendations or come up with their own. That forms the draft Record of Decision (ROD) that will be released to public for comment along with the feasibility study. Multiple types of remedies are anticipated for the different contaminants and medium. A remedy can include just monitoring, as well as treatment. After the public comment period DEC will make a final decision, called the ROD amendment. IRM is already under consideration by NYSDEC and a Fact Sheet is expected very soon for public review and comment. September (or fall 2018) is the likely release of the Feasibility Study and amended ROD, which will include a 30-day comment period.

Boundary area modification: They are submitting a request to release the southern area from the registry. The only remaining issue is related to the former NCR plant (now South Hill Business Campus) sewer line and the potential for soil vapor intrusion. As part of the petition request, a condition of development would be that any buildings proposed within 80' of either side of sewer line have a soil vapor intrusion protection plan approved by DEC. This could be similar to a radon mitigation system. Through the remaining northern part of the site it would not be handled as an environmental easement, but the remedy would be similar.

Site Management Plan: This is a plan that will remain in perpetuity and deals with the long-term maintenance, testing, and remediation of the site, with ongoing reporting and notification requirements.

James Gensel: The Final Generic EIS for CWD is still under review, with revisions being prepared. Appendix E contains all documents to date on the contamination and remedial investigation. The IRM is included in the appendix. The work that Emerson is doing now is on a parallel path and not included with the F/DGEIS.

-Cynthia Brock: Expressed concern about the “rice paddy area” that is proposed to be cleaned only to industrial standards and is near the trail and will have stormwater runoff passing through.

-James Gensel: Replied that this area is in a steep sloped area and is not proposed to be part of the trail/recreation area.

-Dan Noll: Added that the rice paddy area is slated for the interim remedial measures, with soil excavation and backfill. The cleanup for Benzo(a)pyrene (BaP), the contaminant of concern at this site, is the same whether it is intended for residential or industrial.

**6. Discuss application for Purchase of Development Rights Program and consider recommendation to the Town Board:**

Mike Smith provided information and background on the application from Marie and Joseph Mallon for the purchase of development rights program. The land is a 51-acre parcel located on Bostwick Road, near the municipal boundary with the Town of Enfield. The current farming operation is the growing of conifer trees for residential landscaping on approximately 17 acres, with 5.5 currently in inactive field crops and 26 acres woodland. Historical aerials indicate that much of this land was used for farming in the past, with the exception of a steep sloped gorge area on the property. Soils on the property are classified as of “Statewide importance”. The property is in the Town’s Agricultural Zone and Tompkins County Agriculture District. A large Unique Natural Area (UNA) crosses the property.

It is standard practice for the Town to pay for the appraisal. NE Appraisal Services estimate is \$3,750. Property is assessed for \$240,000 house/land. The house was built in the late 1800’s. Conservation easements convey with parcel and in the future the land could also/instead support different crops if not trees. The committee discussed the proposal.

Committee: Recommendation to Town Board that an appraisal be done. Motion passes.

**7. Discuss next meeting date and upcoming agenda items:**

Next meeting is Thursday, May 17<sup>th</sup> starting at 4:00 pm.