

**Title: Building a hotel atop a toxic waste dump in Tuckahoe, NY: Is it safe?**

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Tuckahoe, a small village of just over 6000 in Westchester County, has been faced with a dilemma over the past year-and-a-half. A developer wants to construct a new Marriott Springhill Suites hotel on top of a long-dormant property that once served as a dumping ground for all manner of hazardous wastes. Should the village promote development, putting the property to use? Or not? Many fear the construction will stir up a witch's brew of past contamination, thereby harming the community. The village planning board, not unexpectedly, has come down on the side of development. The majority of the community, and the surrounding communities of Eastchester and Bronxville, however, are decidedly fearful of stirring things up. And with good reason.

Beginning in the 1820s, several quarries in the village were once the source of world-famous Tuckahoe Marble, adorning such landmarks as the Washington Monument and St. Patrick's Cathedral. The quarries closed in the 1930s and lay dormant until they were turned into a dump by the Village of Tuckahoe in the early 1950s. Two unlined 100-foot-deep quarry holes were filled with incinerator ash, construction debris, and waste materials from local businesses and industries, a haphazard process which continued into the late 1970s. The site was covered over, leveled, and remained a dark secret for the next four decades.

In 2014, a developer—Bill Weinberg—came forward with a plan to build a five-story hotel and separate restaurant on the central section of the former quarry dump. The Village planning board, trustees, and Mayor Steve Ecklund embraced the concept of turning vacant land into a business opportunity. Moreover, the state of New York offers tax incentives through its Brownfield Cleanup Program (BCP) administered by the NY State Department of Environmental Conservation (DEC). Weinstein's project was accepted into the BCP in March 2014.

Joseph Marinello, Jr., who spent his entire adult life in a house overlooking the quarry site, could not believe that Tuckahoe would allow such a hazardous site to be disturbed. Marinello, who served for 23 years as the chairman of the village's Board of Police Commissioners, protested to the village, again and again, to no avail, until meeting the Zolottevs, owners of a martial arts studio located in a building at the edge of the site. Rachel Zolottev, who had concerns about the effects of the proposed hotel on her business, and the health of her clients, most of whom were children, was astonished to hear his accounts of the history of dumping in the quarry located next to her studio. He recounted the dumping of all manner of industrial and chemical wastes, including 55-gallon drums and tanks, and repeated fires at the site. He later wrote in a sworn statement "For approximately 27 years, I witnessed an immense amount of industrial and toxic dumping in the quarry... [including] loads of chemicals, un-sellable pharmaceuticals, ... chemical research compounds...oil... lead...dyes... and chemical preparations." As news of the project spread, others in community confirmed Marinello's assertions.

Other first-hand accounts reported the dumping of air conditioning equipment, 55-gallon drums, tanks, transformers, incinerator ash, chemical and other industrial wastes. Environmental testing at the site has shown the soils and groundwater to be contaminated with Freons, PCBs, heavy metals, both chlorinated and non-chlorinated solvents, petroleum products, pesticides, and other compounds. Moreover, gases within the soils have been found to contain many volatile compounds.

Trichloroethylene and perchloroethylene—both suspected carcinogens—were found at high levels in vapors both within the site and under neighboring buildings. Freons which are leaking from old AC and/or refrigeration equipment, are found at especially high levels at the site. The developer actually admitted at a recent public meeting that his father’s company had dumped air conditioners at the site when it was open.

### **What to do?**

In September 2015, the village Planning Board voted unanimously to move ahead with the project, as long as the developer met all the requirements imposed by the DEC. Yet the DEC has a limited and ambivalent role. While its primary role is to make sure that the site is “remediated” in a way that protects public health and the environment, the agency is also charged with promoting development of the Brownfield. So it is apt to take shortcuts, such as allowing the developer to do a limited investigation of the site, and not requiring the developer to locate buried drums.

Since then, more and more information has come out about the severity of contamination at the site. Consultants hired by village residents, including co-author D. Hughes, decried the inadequate testing performed to date, noting that no samples were collected from the lower parts of the waste-filled quarry holes, and that no effort was made to see if contaminated groundwater was moving off-site. Locals became increasingly wary of claims by both the state DEC and the village elected officials not to worry. Community meetings about the project were attended by hundreds of residents demanding that the project be subject to greater scrutiny. Before each meeting, residents marched up and down the sidewalk carrying signs reading Our Air = Our Lives. Over 2,700 signatures were gathered on a petition calling on the Village to perform a comprehensive Environmental Impact Statement before proceeding with the project.



Things came to a head on October 19<sup>th</sup>, 2016 when the Village Planning Board, took up final consideration of the project. Despite ample evidence to the contrary, the board's Chair moved for a Negative Declaration, which claimed that there would be no significant environmental or health impacts from the hotel project. Adding insult to injury, the board refused to allow further public comment before the vote. Over 200 distraught community members reacted with tears, and jeers. As Planning Board member Clare Gorman read the Negative Declaration, the crowd began to sing "God Bless America," in desperation to be heard. The vote proceeded despite the overwhelming public outcry against the project. The five-member board was split: three in favor, two against. The project was approved, barely.

### Residents move to sue

The site, in its current state, already poses a threat to local residents due to contaminated vapors which seep out of the soils. Indeed, this is what led the Department of Health to declare that "this site represents a significant threat to human health" in October 2015. Recent off-site tests show high levels of carcinogenic solvents in soil gas near the site. If the project moves forward as planned, vapors and dust from the site will be released as contaminated "hot-spots" are dug up, soils are compacted, and over 200 pilings are installed to support the hotel and restaurant. The imminent threat of toxic exposure, combined with the complete disregard of the community's opposition, has left many feeling deeply angered, so much so that a number of residents have moved to sue the Village and the DEC under Article 78 of the state's Environmental Conservation Law. It is expected the lawsuit will be heard in court later this spring.

In the meantime, the hotel project is proceeding at an alarmingly rapid pace. Additional testing of contamination in soil, soil vapors, and groundwater was completed in December 2016, but the data is yet to be finalized and reviewed. As of this writing, a week before soil removal is scheduled to begin, the developer's contractors have yet to release critical details regarding the construction techniques needed to prepare the site for construction. The site is essentially a pair of giant, leaky bathtubs filled with a jumble of industrial wastes and incinerator ash—too soft and unstable to support even a parking lot!

It has come to light that the developer's construction contractor has little to no expertise working with contaminated waste sites. Many details about the contents of the dump, including the specific locations of buried drums or material that could be dangerous to the construction workers and public if exposed, remain unknown. Environmental experts agree that contaminated vapors and dust will be released into the air during the aggressive construction activities threatening the health of everyone nearby, but especially children who attend the martial arts studio, and who attend a school located 700 feet from the site.

The remaining portions of the former quarry dump, to the north and south, are not part of the BCP site, and thus are not a part of the planned remediation. As a result of pressure from the local community, the DEC proposed these adjacent sites for inclusion in its Inactive Hazardous Waste Site, or "state Superfund" program. These portions of the dump—known as the "P" site--have yet to be tested. DEC claims there is no reason to test the P site before building a five-story hotel and restaurant on the center of the quarry dump, illustrating how DEC's role is biased in favor of development.

### Summary

This misguided hotel project is a perfect storm of loopholes, disregarded regulations, and simple

greed. The Brownfield Program is ill-equipped to address a deep waste disposal site, with a wide variety of contaminants, sitting in the middle of a state Superfund site The Village of Tuckahoe has ignored its responsibilities to protect its citizens.

Refusing to accept the risks of these careless decisions, a group of concerned citizens and professionals has organized as the Marbledale Road Environmental Coalition. It is challenging the actions of these negligent parties by assisting the Article 78 proceeding against the Tuckahoe Village Planning Board, the Village Building Inspector, NYSDOH, the NYSDEC, and Bilwin Development Associates. A reversal of their arbitrary and careless decisions can lead to a proper environmental review and cleanup. This would be a great victory for both the community and our environment.

For more information about the Coalition's efforts, visit [www.MarbledaleRoad.com](http://www.MarbledaleRoad.com) or e-mail [OurAirOurLives@gmail.com](mailto:OurAirOurLives@gmail.com).