



New York State Office of Parks, Recreation and Historic Preservation
Nelson A. Rockefeller Empire State Plaza
Agency Building 1
Albany, NY 12238

Public Comment Responsiveness Summary:

Remediation and Demolition Plan for Nissequogue River State Park and the former Kings Park Psychiatric Center June 3, 2009

On February 27, 2009, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) initiated a public comment period regarding the agency's proposed plan for an initial phase of building demolitions at Nissequogue River State Park and the former Kings Park Psychiatric Center (KPPC). The public comment period ended on April 9, 2009. OPRHP received a large number of verbal comments at two meetings held in the Kings Park community on February 27th and March 26th. In addition, the agency received approximately 60 written comments on the proposal.

This Responsiveness Summary presents the major themes of the comments received by OPRHP. The document is organized into two sections:

1. The first section summarizes the major themes voiced in comments regarding the proposed Demolition Plan and OPRHP's remediation study. This section includes an agency response to each major issue.
2. The second section summarizes other public comments received during the comment period that did not relate specifically to the proposed demolition plan and remediation study – but rather were more general comments regarding Nissequogue River State Park and/or the KPPC property. This Responsiveness Summary does not provide a response to these general comments, but rather notes them for consideration in future planning process regarding Nissequogue River State Park and the former KPPC property.

Public Comments Regarding the Proposed Demolition Plan and Remediation Study

- 1. Demolition Plan – Overview Comments.** OPRHP received a large number of comments on the question of whether the agency should proceed with a first phase of demolition of vacant structures on the former KPPC property and Nissequogue River State Park.

Comments Supporting the Project. The majority of comments regarding the overall plan strongly supported the goals of the project, namely: a) implementing an initial phase of site clean-up actions, rather than deferring any activity until

after the remediation study is completed in the summer of 2010; b) removing buildings that do not have a potential adaptive reuse; and c) reducing safety risks by demolishing and removing highly deteriorated structures. Individuals supporting the proposal typically urged the agency to move forward as quickly as possible with the demolition project.

Comments Opposing the Project. The agency received a lesser number of comments stating that no buildings on the former KPPC property should be demolished, or that further studies be conducted to evaluate adaptive reuse possibilities prior to demolition.

OPRHP Response: The majority of the public comments received by the agency voiced strong support for undertaking an initial phase of demolition of buildings that do have the potential for future adaptive reuse. OPRHP has concluded that it will advance a first phase of demolition at Nissequogue River State Park and the former KPPC property.

2. Comments on Specific Buildings Proposed for Demolition. OPRHP's proposal identified 14 specific buildings for demolition, along with associated vacant structures such as a smokestack, above ground tanks, and a salt shed. The agency also proposed to remove various segments of deteriorated asphalt & concrete roads and parking areas, and implement an experimental steam tunnel remediation project. OPRHP received the following comments specific to individual buildings included in the demolition proposal:

- The Barge and Marina Buildings. OPRHP received a number of comments that the Barge and Marina (Building #55) buildings should not be demolished, but rather should be retained for use by the community. The agency also received comment that the Marina Building has historic significance (it served as a storehouse and sleepover for boat crews landing at Kings Park) and therefore should be retained. On the other hand, some individuals supported removal of one or both buildings.
- Buckman Day Treatment Center. OPRHP received a number of comments recommending this structure (Building #23) not be demolished, and instead be retained for future conversion into a recreation center, including the reuse of the former swimming pool located inside the building. On the other hand, some comments supported the removal of this building.
- Historic Resources. The agency received comments that a number of the buildings and structures have historical significance and therefore should not be demolished. For example, one comment noted that the Town of Smithtown's Local Waterfront Revitalization Plan calls for the protection of historically significant resources on the KPPC property, and recommended that various structures (Buildings #6, 35, 36, 59, 60, existing roads, coal trestle piers) should be retained.
- Road and Asphalt Removal. Concern was voiced regarding removing portions of roads within the property that construction vehicles might need to

use now or in the future. In addition some individuals felt that certain roads could be utilized for future trail use. One individual asked whether roads can be covered and planted with grass (as an alternative to removal) and thereby be “preserved” and available if ever there was reason to uncover and rehabilitate them in the future.

- Smokestack. OPRHP received several comments that the smokestack should not be demolished, due to its historic significance and/or to retain the opportunity for a coal-fired power station to be installed at a future date. On the other hand, other individuals supported demolition of the smokestack.

OPRHP Response: Agency staff conducted a second review of each building for which public comments were received recommending that the specific building or structure not be removed. Through the follow-up review, OPRHP has reached the following conclusions:

- *The Barge and Marina Buildings. OPRHP hired a private engineering firm (Cashin Associates) to conduct structural reviews of these two buildings (the assessments were completed in 2006 and updated in January, 2009). The reviews concluded that both buildings have experienced significant deterioration. The Barge building is just that – a former barge that was run aground in its current location in 1962. It has no foundation other than its original wood hull, which is submerged in 3-4 feet of water at each high tide and has rotted to the point that it cannot be repaired. Moreover, both buildings have significant safety, building code, and Americans with Disabilities Accessibility (ADA) violations that would need to be addressed in order for public uses to be allowed. For example, the Marina Building is located within a flood hazard area but does not comply with NYS Building Code for floodproofing. Rehabilitating the Marina Building would trigger the requirement to meet current flood hazard code requirements, which would be prohibitively expensive. Similarly, neither building has required fire detection and control systems, and some of their basic utility systems are non-functional. The agency has concluded that the high cost of correcting deterioration, safety, and building code issues that would be required prior to public use of these buildings cannot be justified. If a public building is deemed necessary in this area of the park at some future date, it would be more cost-effective to build a brand new structure. Staff from the agency’s Historic Preservation Field Services Bureau have evaluated the Marina Building (#55) and determined that extensive exterior and interior changes have negated the structure’s historical significance. For these reasons, OPRHP has determined that these two buildings will be demolished.*
- *Buckman Day Treatment Center (#23). The agency has completed a second review of this structure, which has reconfirmed our conclusion that it should be demolished. The building has been vacant and unheated for more than a decade, and there is significant interior damage and deterioration. The indoor pool does not meet modern code and the utilities, piping, and filtration system would need to be completed replaced. In the event that a decision is*

made at some future date to create a recreation center and/or in-door swimming pool on the property, it would be more cost-effective to build a brand new structure (new construction would be less expensive than the cost of rehabilitating the existing building for public use).

- *Historical Resources. OPRHP agrees that certain buildings proposed for demolition (including Buildings #6, 35, 36, 60, 122, 123) were historically important in terms of their architecture and contribution to the overall historical significance of the former KPPC. However, the agency's engineering and historic preservation technical staff have concluded that these buildings have deteriorated to the point where future adaptive reuse is not a feasible option. Leaving the buildings in place is not appropriate as there is no way to secure them from unauthorized entry, meaning they present ongoing safety hazards. The buildings will be photographed and documented prior to removal; however due to their advanced deterioration the agency has determined that it is appropriate to include them in the demolition project.*
- *Road & Asphalt Removal. The agency will carefully review segments of interior roads and parking areas that are selected for demolition to make sure that: a) removal is limited to those areas that do not have any future potential use for construction, administration, or trail use (or are deteriorated to the point that they would need to be reconstructed in any event); and b) no roads that are contributing elements to the historical significance of the former KPPC property will be removed.*
- *Smokestack. The agency does not believe that re-commissioning the former power plant is a viable or appropriate activity. Although the agency's engineers believe the smokestack is currently stable and presents no public safety concern, OPRHP believes it is prudent to avoid any potential future hazard by removing it now. Therefore the smokestack will be retained in the demolition plan.*

In summary, after careful review of comments received regarding specific buildings, OPRHP has determined to proceed with the demolition plan as originally conceived.

- 3. Public Safety During Demolition.** The agency received a number of comments and questions regarding procedures that will be used to assure public safety during the building demolition process. Many of the comments focused on the need to prevent release of asbestos to air, land, or water during the demolition process.

OPRHP Response: New York State has developed comprehensive standards for protecting public safety during building demolition, including detailed state regulations governing the removal and handling of asbestos containing materials. OPRHP will actively monitor the actions of its building demolition contractor to assure rigorous compliance with all relevant health and safety standards and regulatory requirements. The project budget includes significant funds for on-site monitoring – during and after the demolition process – to confirm that no

asbestos is released to the environment or surrounding property. Procedures will also be required to minimize negative impacts to natural resources and the environment – for example to prevent erosion and sedimentation of fresh and marine waters due to demolition activities.

- 4. Cost Estimates.** Several comments were submitted asking for clarification of the projected costs of the remediation study and demolition plan.

OPRHP Response: The remediation study and demolition plan are separate, distinct projects: a) the remediation study, which will cost approximately \$3.6 million, will evaluate the cost of remediating 46 buildings on the 365 acres of the former KPPC property that were transferred to OPRHP in 2006, along with cost estimates for addressing associated environmental concerns such as five miles of underground steam tunnels, the closed ash landfill, and C&D material that was buried at various locations on the property in the past; b) the demolition project will remove 14 buildings plus associated infrastructure that are located on both the 365 acres plus 153 acres transferred to OPRHP in 2000. The agency has developed a rough cost estimate for the demolition project of \$14 million, which includes the cost of drawing up the plans and specifications for demolition work. This figure is simply an estimate – the actual cost of demolition will be determined through the state’s normal competitive procurement process.

- 5. Demolition Contractor.** How will the company selected to perform the demolition project be selected?

OPRHP Response: The agency is in the process of amending its existing engineering contract with Dvirka and Bartilucci Consulting Engineers (D&B), to direct the contractor to prepare detailed plans and specifications for the demolition project. D&B is responsible for analysis, planning, and engineering work – a separate private company will be hired to do the actual demolition. Once the plans are ready, OPRHP will advertise the demolition contract through the state’s normal competitive bidding process for construction projects. This process includes listing in the New York State Contract Reporter, which is widely monitored by private companies interested in demolition projects in New York. Private demolition firms will submit closed bids. OPRHP will award the contract to the lowest-cost bidder that demonstrates it is qualified to undertake the project, including compliance with all health and safety requirements..

- 6. Rodent Control.** Several comments were received voicing concern that the demolition of various buildings could result in rats and other rodents moving into the neighboring community.

OPRHP Response: As part of drawing up the plans and specifications for the project, OPRHP will instruct its contractor to evaluate available practices that can be implemented to mitigate rodent concerns related to building demolition activities.

- 7. Timing of Building Demolition.** The agency received a number of comments that it should move forward with the first phase of demolition as quickly as possible.

OPRHP Response: The agency is committed to advancing the demolition project as expeditiously as possible. However, a number of steps are required in this project, meaning it will be more than a year before actual demolition can commence.

- 8. Regulatory Compliance.** How does the State Environmental Quality Review Act (SEQRA) apply to the demolition proposal?

OPRHP Response: The agency is in the process of completing an Environmental Assessment Form (EAF) reviewing the project. This EAF will address how issues and concerns identified within this responsiveness survey will be addressed within the final design plans for the demolition project. At this time, the agency anticipates that the EAF will serve as a basis for the issuance of a SEQRA determination of no significant adverse impact associated with the initial demolition project. Such a determination indicates that a formal Environmental Impact Statement will not need to be prepared. It is anticipated that the EAF will be completed by June 30.

- 9. Alternative Approach – Sealing and Stabilizing Structures.** OPRHP received comments that, as an alternative to demolition, the agency should invest funds to stabilize deteriorating buildings and seal building entrances, windows, and tunnels to prevent public access.

OPRHP Response: The agency has concluded that this is not an appropriate alternative to advancing the proposed first phase of building demolition. OPRHP (as well as OMH) continues to invest significant staff time and funding to reduce unauthorized entrance into vacant KPPC buildings, including fencing off buildings, installing door locks, welding doors shut, and sealing doors, windows, and tunnel entrances using wood, cinder block, concrete, and metal materials. Our experience has been that, while these efforts have reduced unauthorized entrance, these barriers are regularly destroyed and breached. Given the very large number and size of buildings, there is no practical way to completely seal access points to buildings and tunnels.

- 10. Ongoing Public Communication.** How will the public be kept informed as the demolition plan goes forward, as well as other issues regarding Nissequogue River State Park and the KPPC property?

OPRHP Response: The agency will continue to keep the public informed through a variety of mechanisms, including press releases and meetings with local elected officials and representatives of local civic and community groups. Additional

public meetings will be held on an as-needed basis prior to any major decisions regarding the state park and KPPC property.

**Public Comments on General Issues Regarding
Nissequogue River State Park and the KPPC Property**

During the public comment period, OPRHP received a number of comments addressing issues not directly relevant to the proposed demolition plan and remediation study. These issues are noted below for consideration in future planning processes regarding Nissequogue River State Park and the former KPPC property.

- 11. Clean-Up Responsibility.** The agency received a number of comments stating that, because New York State built and operated the KPPC for more than a century, the state should be responsible for the costs of cleaning up the property and remediating all environmental concerns.
- 12. State Parkland Status.** The agency received a large number of comments urging OPRHP to commit that the entire KPPC property will be permanently designated and managed as State Parkland.
- 13. Economic Development.** The agency received one written comment that a portion of the property should be transferred for mixed-use private economic development rather than retained as parkland.
- 14. Future Park Development and Uses.** Members of the public submitted a variety of specific suggestions for appropriate park uses and park redevelopment of the former KPPC property, and called for increased state funding to remediate and redevelop the property for public park purposes. Comments were also received that the state should do more to stabilize and restore historic buildings on the property, including investments to prevent further building deterioration.
- 15. Master Planning.** OPRHP received many comments recommending that the agency institute a master planning process to guide future development of the state park and KPPC property.
- 16. York Hall.** The agency received a number of comments that York Hall, a currently vacant structure that served as a theater and assembly hall for KPPC patients and employees as well as the larger Kings Park community, should be restored to active use.
- 17. Site Security.** A number of comments requested that New York State and/or OPRHP increase the number of police and security staff assigned to the former KPPC property. Suggestions were also made that security cameras should be installed throughout the property.

- 18. KPPC History.** Several comments were received that New York State and OPRHP should be respectful of the long history of the KPPC property – acknowledging its central place in the economic and cultural history of Kings Park, and that a large number of people have a direct connection to the hospital property through their experiences as former patients or employees. There is a great deal of history to be interpreted for visitors to the property.
- 19. KPPC Health Issues.** Comments were voiced that New York State should investigate possible health impacts to former KPPC patients and employees.
- 20. Wildlife Issues.** Comments were received that efforts should be made to conserve wildlife species on the state park and KPPC property, including deer, wild turkey, turtles, raptors, and various nesting bird species.
- 21. Traffic Concerns.** Comments were submitted regarding the current management of roads that traverse the state park and KPPC property, and their impact on local traffic issues in the vicinity of the property. The need for a traffic study was recommended as part of future park planning efforts.
- 22. Cemeteries.** Several individuals recommended additional research to determine if there are additional cemeteries or burial areas on the KPPC property.