

**NEW YORK STATE DEPARTMENT of HEALTH
STATE ENVIRONMENTAL QUALITY REVIEW**

COMBINED
NOTICE of COMPLETION of
DRAFT ENVIRONMENTAL IMPACT STATEMENT
and
NOTICE of PUBLIC HEARING

Date: March 21, 2014

Title of Action: Jewish Home Lifecare, Manhattan
Replacement Nursing Facility Project
Approval of Construction Application
(Certificate of Need Project #121075 C)

Applicant: Jewish Home Lifecare, Manhattan
120 West 106th Street
New York, New York 10025

Lead Agency: New York State Department of Health
Corning Tower
Empire State Plaza
Albany, New York 12237

SEQR Status: Type I Action – 6 *N.Y.C.R.R.* 617.4(b)(6)(v) and
10 *N.Y.C.R.R.* Part 97.14(b)(1)(v)

Review Type: Coordinated Review

This notice is issued pursuant to the *State Environmental Quality Review Act* (“*SEQRA*”), which is codified at Article 8 of the *New York Environmental Conservation Law* (“*ECL*”), as well as the implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations* (“*N.Y.C.R.R.*”) and the *SEQRA* regulations of the New York State Department of Health (“*NYSDOH*”) at Part 97 of Title 10 of the *N.Y.C.R.R.* Collectively, these provisions of law and regulation set forth the requirements for the *State Environmental Review* (“*SEQR*”) process.

The New York State Department of Health (“*NYSDOH*”), as lead agency, has completed and accepted the Draft Environmental Impact Statement (“*DEIS*”) for the Proposed Action and Proposed Project described below. A public hearing will be held from 6:30 p.m. to 9:30 p.m. on Wednesday, May 7, 2014 and Thursday, May 8, 2014 at Public School (“*P.S.*”) 163, located at 163 West 97th Street, New York, New York 10025. The purpose of the public hearing is to allow all involved agencies and interested parties and members of the public an opportunity to comment on the *DEIS*.

Overview

The Proposed Action would consist of *NYSDOH* approval of a construction application filed pursuant to Section 2802 of the *Public Health Law* (“*PHL*”). This is a discretionary action that requires review under the *State Environmental Quality Review Act* (“*SEQRA*”). The Jewish Home Lifecare, Manhattan *Replacement Nursing Facility Project* (the “*Proposed Project*”) is being reviewed pursuant to *SEQRA*, Article 8 of the *ECL*, and its implementing regulations (6 *N.Y.C.R.R.* § 617 and 10 *N.Y.C.R.R.* Part 97.14), which are collectively referred to as *SEQR* or the *SEQR* process. The *DEIS* evaluates the potential environmental effects of the Proposed Project. As set forth in a letter from *NYSDOH* to *JHL* dated May 6, 2013, and the Final Scoping Document dated January 28, 2014, the *City Environmental Quality Review* (“*CEQR*”) *Technical Manual*¹ is generally used as a guide with respect to environmental analysis methodologies and impact criteria for evaluating the effects of the Proposed Project, unless *NYSDOH* determines otherwise.² Specific methodologies and impact significance criteria used in the technical analyses are discussed accordingly in each *DEIS* chapter. There are no other discretionary actions associated with the Proposed Project.

The Proposed Project is also being reviewed in conformance with the *New York State Historic Preservation Act of 1980* (“*SHPA*”), especially the implementing regulations of Section 14.09 of the *Parks, Recreation, and Historic Preservation Law* (“*PRHPL*”). Additionally, the Proposed Project is being reviewed in conformance with the *State Smart Growth Infrastructure Policy Act* (“*SSGPIPA*”) of 2010.

¹ The City of New York, Mayor’s Office of Environmental Coordination, *City Environmental Quality Review Technical Manual*, 2012 Edition, Revised June 5, 2013.

² Correspondence from Karen Westervelt, New York State Department of Health to Thomas Gilmartin, *JHL* dated May 6, 2013.

Description of Proposed Action and Proposed Project

NYSDOH has received a request from JHL, a member of the Jewish Home Lifecare System, for authorization to construct a replacement nursing facility (the “Proposed Project”). For purposes of *SEQR*, the Proposed Action would consist of NYSDOH's approval of a construction application filed pursuant to Section 2802 of the *Public Health Law* (“*PHL*”) that would consist of JHL’s plan to construct a new, as-of-right facility on Block 1852, Lot 5 at 125 West 97th Street in Manhattan’s Upper West Side neighborhood (the “Project Site”) in the borough of Manhattan, New York County, New York. Following the construction of the new facility, JHL would close the current location of its Manhattan Division, which is located at 120 West 106th Street.

The Proposed Project is located on the southern portion of a superblock on an approximately 0.73-acre Project Site. The superblock is bounded by West 100th Street to the north, West 97th Street to the south, Columbus Avenue to the east, and Amsterdam Avenue to the west. The Project Site is currently occupied by a surface, accessory parking lot and trash removal area serving the neighboring PWV residential complex. Both existing uses would be relocated by the PWV property owner prior to the development of the Proposed Project.

The Proposed Project would result in the construction of a LEED-certified replacement facility with 100 fewer beds than the current location. Upon completion of the Proposed Project, the total NYSDOH-certified bed complement at JHL would be reduced from 514 beds to 414 beds. More specifically, the Proposed Project would replace the existing, approximately 31,804-square-foot (“sf”), 88-space, surface accessory parking lot on the Project Site with a new, 20-story (plus cellar floor), approximately 376,000-gross-square-foot (“gsf”) building. Users of the existing surface parking lot would receive substitute nearby parking within the Park West Village (“PWV”) complex, on a surface lot. The proposed building would have three access areas: (1) a public pedestrian entrance on West 97th Street with access to the reception, main lobby, and resident and family areas, for residents, visitors, staff, and the general public; (2) a public vehicular entrance on the north side of the building to the same areas via a covered, semi-circular driveway for patient drop off and pick up, including ambulette and taxi access, utilizing the existing driveway along the eastern end of the Project Site for access from West 97th Street; and (3) loading and service access on West 97th Street. The ground-floor level would include an approximately 8,700-gsf landscaped area along the west side of the Project Site, of which about 1,850 gsf would be covered by the building above. This area would be accessible for JHL residents, visitors, and employees, as well as PWV residents, who would access it using a keycard.

The Proposed Project would also comply with the street tree planting requirements of the *Zoning Resolution of the City of New York* (“*Zoning Resolution*”) for the zoning lot, and would also replace trees removed from the Project Site during construction. As part of the Builders Pavement Plan (“BPP”) and Forestry Application, as currently contemplated, approximately 3 existing street trees would be removed and 5 would be protected along the West 97th Street frontage of the Project Site. Approximately 18 trees would be planted along the boundary of the

zoning lot, including along West 97th and West 100th Streets, and Columbus Avenue, and additional trees would be planted off site at the direction of the New York City Department of Parks and Recreation (“NYCDPR”). The size and species of the proposed replacement trees would be determined by NYCDPR. Trees that are currently located on the Project Site would be removed during the construction of the Proposed Project, and new trees would be planted within the PWV property.

The Proposed Project would include a total of 414 beds, with 264 long-term-care beds located on the 9th floor through the 19th floor. Each floor would house 24 beds that include two “Green House” homes, complete with living and dining areas, a kitchen, private bedrooms and bathrooms with showers, and staff support areas. Another 150 post-acute (short-term rehabilitation) beds would be located on the 4th floor through the 8th floor, along with community dining and decentralized therapy and activity space. The remaining floors would contain shared common areas, administrative offices, and service and support areas. The building would have one cellar level and one mechanical story, and would include an approximately 1,950-gsf rooftop garden for JHL residents and their visitors. The proposed building would be approximately 275 feet in height.

The Proposed Project would employ approximately 625 full-time-equivalent (“FTE”) employees at the proposed facility. The new facility would decertify 100 beds from the current complement of 514 beds, for a new total reduced bed count of 414.

The PWV property owner would relocate the Project Site’s surface parking to another location within the PWV complex, on a surface lot. The configuration of Park West Drive, the north-south access road within the PWV complex, may be modified as part of the PWV property owner’s planning for the complex, but will continue to function as a discontinuous two-way access road for PWV parkers. These potential changes, if implemented, would occur independently of the Proposed Project.

The proposed JHL facility would make use of the shared Park West Drive to access a private loop roadway allowing for pick-up and drop-off activity. The actual pick ups and drop offs would occur on the private loop roadway separate from Park West Drive. Pick-up and drop-off activities are not anticipated to affect traffic along Park West Drive.

Construction of the Proposed Project is expected to begin in 2014 and would last approximately 30 months. It is expected that construction would be completed in a single phase, and that occupants would move into the new facility over the course of approximately 4 to 10 months. For the purposes of this assessment, a 2018 analysis, or Build, year is assumed.

Other Approvals

A New York City Planning Commission (“CPC”) certification pursuant to Section 22-42, “Certification of Certain Community Facility Uses,” of the *Zoning Resolution* was approved on

March 26, 2012. Section 22-42 of the *Zoning Resolution* requires that, prior to any development, enlargement, extension or change in use involving a nursing home or health-related facility in a residence district, the CPC must certify to the New York City Department of Buildings (“NYCDOB”) that none of the findings set forth in Section 22-42 of the *Zoning Resolution* exist in the Community District within which such use is to be located. If any of the findings are found to exist, a special permit pursuant to Section 74-90 of the *Zoning Resolution* is required for the development, extension or enlargement or change of use. The findings that would trigger a special permit are:

1. That the ratio between the number of existing and approved beds for nursing homes compared to the population of the Community District is relatively high compared to other Community Districts.
2. There is a scarcity of land for general community purposes within the Community District.
3. The incidence of nursing home construction in the past three years warrants review.

The CPC determined that none of these findings exist in Community District 7 and issued the certification.

A foundation permit was obtained from NYCDOB.³

Potential Environmental Impacts

The DEIS evaluated the Proposed Project for potential environmental impacts including land use, zoning, public policy, shadows, historic and cultural resources, hazardous materials, water and sewer infrastructure, transportation, air quality, greenhouse gas emissions, noise, public health, neighborhood character, construction impacts, and alternatives to the Proposed Project.

Public Hearing

A public hearing will be held from 6:30 p.m. to 9:30 p.m. on Wednesday, May 7, 2014 and Thursday, May 8, 2014 at P.S. 163, located at 163 West 97th Street, New York, New York 10025.

The purpose of the public hearing will be to allow all involved agencies, interested parties and members of the public an opportunity to comment on the DEIS. A copy of the DEIS is included with this notice. Additional copies of the DEIS can be obtained via a written request to the contact person or at the public hearing.

³ NYCDOB Permit Number 120797888-01-EQ-FN, issued October 23, 2013.

The Notice of Completion of the DEIS, the Notice of Public Hearing, and the DEIS may be viewed on NYSDOH's website at:
http://www.health.ny.gov/facilities/cons/environmental_quality_review/jewish_home_lifecare/.

Written comments on the DEIS may be sent to the contact person and will be accepted for a period of ten calendar days following the close of the Public Hearing.

Lead Agency Contact:

Contact: Mr. Charles P. Abel
Director
Division of Health Facility Planning

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