

NEW YORK STATE DEPARTMENT of HEALTH
STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

NOTICE of COMPLETION of
FINAL ENVIRONMENTAL IMPACT STATEMENT

Date: November 14, 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 *SEQR* lead agency, has accepted a Final Environmental Impact Statement (“FEIS”) for the Proposed Action and Proposed Project described below. The *FEIS* evaluates the potential environmental effects of the Jewish Home Lifecare, Manhattan (“JHL”) *Replacement Nursing Facility Project* (the “Proposed Project”). The Proposed Project was reviewed pursuant to *SEQR* and its implementing regulations as described above. 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 was generally used as a guide with respect to environmental analysis methodologies and impact criteria for evaluating the effects of the Proposed Project, unless determined otherwise.² Specific methodologies and impact significance criteria used in the technical analyses are discussed accordingly in each FEIS chapter. A public hearing on the Draft Environmental Impact Statement (“DEIS”) was held on May 7, 2014 and May 8, 2014, and written comments on the DEIS were requested and were received by the lead agency until May 19, 2014. The FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

The Proposed Project was also 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 was reviewed in conformance with the *State Smart Growth Infrastructure Policy Act (“SSGPIPA”)* of 2010.

Description of Proposed Action and Proposed Project

Proposed Action. The Proposed Action would consist of NYSDOH approval of a construction application filed pursuant to Section 2802 of the *Public Health Law (“PHL”)* consisting of JHL’s plan to rebuild its Manhattan Division, which is currently located at 120 West 106th Street in the borough of Manhattan, New York County, New York, at a new location at 125 West 97th Street (the “Project Site”) in Manhattan’s Upper West Side neighborhood. JHL’s plan consists of the construction of a new, 414-bed, skilled nursing facility in a single, newly-constructed building on the Project Site, replacing JHL’s existing 514-bed nursing facility that is located in several older buildings. This would represent a reduction in the NYSDOH-certified bed complement of 100 beds. This is a discretionary action that requires review under *SEQRA*. There are no other discretionary actions associated with the Proposed Project.

Proposed Project. The Proposed Project would involve the construction of a new, as-of-right, Leadership in Energy & Environmental Design (“LEED”)-certified, 414-bed, nursing facility on Block 1852, Lot 5 at 125 West 97th Street in Manhattan’s Upper West Side

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.

neighborhood (the “Project Site”). 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.

More specifically, the Proposed Project would replace the approximately 31,804-square-foot (“sf”), former 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.³ 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, semicircular driveway for patient drop off and pick up, including ambulette and taxi access, utilizing the existing shared Park West Drive along the eastern end of the Project Site for access to and 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 Park West Village (“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 nursing care facility would provide for an innovative model of long-term care called The Green House[®] model. The Green House model is based on the creation of a small home environment that allows enhanced interaction between residents and more focused attention and care between residents and staff. The model also allows for greater independence. The model is based on small “homes” consisting of a maximum of 12 elders and staff members organized so that each individual home functions independently with a self-managed work team, providing the full range of personal care and clinical services of a nursing home. The Proposed Project would include a total of 414 beds, with 264 long-term-care beds located on the 9th floor

³ Prior to the completion of the FEIS, a replacement parking lot was completed in the Park West Village (“PWV”) complex north of the Project Site, and users of the former surface parking lot at the Project Site have received substitute parking at the replacement lot or elsewhere within PWV. The dumpsters in the trash removal area located on the currently vacant Project Site would be relocated behind the 792 and 784 Columbus Avenue PWV buildings prior to the construction of the Proposed Project.

through the 19th floor. Each floor would contain two “Green House” homes with 12 beds each, 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 1 cellar level and 1 mechanical story, and would include an approximately 1,950-gsf rooftop garden for JHL residents and their visitors, as well as the ground-floor level landscaped area described above. The proposed building would be up to approximately 275 feet in height.

The Proposed Project would employ approximately 625 full-time-equivalent (“FTE”) employees at the proposed facility. Construction of the Proposed Project is expected to begin in late 2014/early 2015 and would last approximately 30 months. It is expected that construction would be completed in a single phase, by mid-2018, and that occupants would move into the new facility over the course of approximately 4 to 10 months.

Location of Proposed Project

The Proposed Site is located at 125 West 97th Street in the borough of Manhattan, New York County, New York (Block 1852, Lot 5). The approximately 0.73±-acre Project Site is located on the southern portion of a superblock 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, which was formerly occupied by an 88-space, surface accessory parking lot, is currently vacant except for a trash removal area that serves the neighboring PWV residential complex.

Potential Environmental Impacts

The *FEIS* 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. The *FEIS* identified three areas that resulted in significant adverse impacts to the environment: transportation, construction traffic and noise.

Transportation – Traffic Flow and Operating Conditions. The intersections of West 97th Street with Columbus Avenue and Amsterdam Avenue would experience significant adverse traffic impacts as a result of the Proposed Project during the weekday a.m., weekday midday, and weekday p.m. peak hours. The impacts would be fully mitigated through the implementation of various measures such as revised signal timings, as described below:

- The West 97th Street and Amsterdam Avenue intersection would experience a significant impact in the westbound through/right-turn-lane group during all 3 peak hours analyzed. The significant adverse impacts would be fully mitigated through the implementation of a reallocation of 1.0 second of green time from the northbound phase to the westbound phase during the a.m., midday, and p.m. peak hours.
- The West 97th Street and Columbus Avenue intersection would experience a significant impact in the westbound left-turn-lane group during all 3 peak hours and the westbound through/left-turn-lane group during the weekday a.m. peak hour. The significant adverse impacts would be fully mitigated through the implementation of a reallocation of 2.0 seconds of green time from the southbound phase to the westbound phase during the a.m. and midday peak hours, respectively, and a reallocation of 1.0 second of green time from the southbound phase to the westbound phase during the p.m. peak hour.

The proposed mitigation measures would require approval from divisions of the New York City Department of Transportation (“NYCDOT”) and would be conducted in coordination with NYCDOT as development proceeds.

Transportation – Vehicular and Pedestrian Safety Assessments. The intersection of West 97th Street and Columbus Avenue is classified as a high-pedestrian/bicycle-crash location due mainly to the number of pedestrian accidents that occurred when pedestrians were crossing with the signal. The Proposed Project would increase the level of vehicular activity at this intersection. NYCDOT has already implemented a range of significant pedestrian and bicycle safety improvements on Columbus Avenue, including at this intersection. Building on the improvements implemented by NYCDOT, additional safety improvements are proposed for this intersection including extending the Leading Pedestrian Interval (“LPI”) crossing Columbus Avenue from 7.0 to 9.0 seconds and installing “Turning Vehicles Yield to Pedestrians” signage on the southbound approach (at the northwest corner) and the westbound approach (at the southeast corner).

Construction Traffic. During the peak-construction period in 2016, a significant adverse traffic impact was identified at the West 97th Street and Amsterdam Avenue intersection during the weekday p.m. peak hour. Subject to review and approval by the relevant agencies, including NYCDOT, the significant adverse impact would be fully mitigated through the implementation of a reallocation of 2.0 seconds of green time from the northbound phase to the westbound phase.

Construction Noise. Construction of the Proposed Project would result in significant adverse impacts with respect to noise. Specifically, significant adverse noise impacts would occur at nearby residences and at P.S. 163 as a result of the Proposed Project.

Construction Noise Impacts at Nearby Residences. Elevated noise levels would occur for 2 or more years directly outside 6 of the 48 receptor locations analyzed in the *FEIS*. Affected locations include residential areas adjacent to the Proposed Project. While the affected buildings have double-glazed windows and air-conditioning and, consequently, would be expected to experience interior $L_{10(1)}$ values less than 45 dBA (the *CEQR Technical Manual* acceptable interior noise level criteria) at most times, there may be some limited time periods during construction activities that may result in interior noise levels that would be above the 45 dBA $L_{10(1)}$ noise level recommended by the *CEQR Technical Manual* for these uses. Two buildings (i.e., 784 Columbus Avenue and 122 West 97th Street) have outdoor balconies, which would not experience the same attenuation provided by the windows and alternate means of ventilation that exists at the interior of the buildings. During the loudest periods of construction, noise level increases at these balconies would range from 13.9 to 18.8 dBA, with absolute noise levels up to 87.7 dBA. Consequently, balconies on various floors may experience significant adverse noise impacts during portions of the construction period, and there would be no feasible or practicable way to mitigate the construction noise impacts.

Construction Noise Impacts at P.S. 163. The results of the construction analyses indicate that the immediately adjacent P.S. 163 would experience noise levels that exceed *CEQR Technical Manual* noise level impact criteria during some of the construction activities, for a period of no more than 9 consecutive months (3 months of excavation and foundation work and 6 months of superstructure) and no more than 14 total months (3 months of excavation and foundation work, 6 months of superstructure, exterior façade construction with interior fit-out activities, and 3 months of interior fit-out activities with site work). Cumulative noise levels at the school during the loudest periods of construction would be expected to range from the low to high 70s dBA. A number of measures to minimize the construction-period noise impacts, including providing acoustical interior windows for classrooms on the eastern façade of P.S. 163 facing the Project Site and window air conditioning units for all classrooms along the eastern façade of P.S. 163 that currently do not have functioning window air conditioning units, would be implemented. With these measures in place, the school's interior noise levels would be below 45 dBA (the threshold considered acceptable according to *CEQR Technical Manual* criteria) during construction, except for the loudest times within the 9-month window of the most intense construction activity, during which interior noise levels at P.S. 163 could reach a maximum of the low 50s dBA.

Availability and Distribution of the FEIS:

All persons receiving a copy of this *Notice of Completion of Final Environmental Impact Statement* have also received a copy of the FEIS. These documents may be viewed on NYSDOH's website at:
[http://www.health.ny.gov/facilities/cons/environmental_quality_review/jewish_home_lifecare/.](http://www.health.ny.gov/facilities/cons/environmental_quality_review/jewish_home_lifecare/)

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