

## **Youth, Education & Libraries Committee**

**Blanche Lawton and Eric Shuffler, Co-Chairpersons**

### **Resolution Re: The proposed Jewish Home Lifecare facility on West 97<sup>th</sup> Street.**

This resolution is premised upon the following facts:

Jewish Home Lifecare ("JHL") operates a 514 bed skilled nursing facility on West 106<sup>th</sup> Street between Amsterdam and Columbus Avenues in Community District 7 (the "Current Campus").

JHL requested and received an exclusion of the Current Campus from the 2007 rezoning of the Upper West Side, based on JHL's claimed need for relief from the new zoning to construct a replacement nursing facility on that Campus. JHL sought and received from the New York State Department of Health ("NYS DoH") a Certificate of Need for a replacement facility on the Current Campus that would include downsizing 128 beds from the existing facility and introducing an innovative "Greenhouse" model employing best practices and providing enhanced dignity and functionality for its residents. No such replacement facility was built, and JHL has indicated that it will not pursue construction on the Current Campus.

JHL has since submitted applications to the NYS DoH for a Certificate of Need, as well as other applications for approvals needed, to construct a 20-story, 275-foot-tall nursing facility that would include downsizing 100 beds from the existing facility, and would accommodate the same Greenhouse model (the "Proposed Facility") within the footprint of an existing parking lot on West 97<sup>th</sup> Street (the "Project"). That footprint is approximately one-third the area of, and has less than half the street frontage of, the Current Campus.

CB7 called for public review of the Project under the New York City Uniform Land Use Procedure, based on its findings under New York City Zoning Resolution section 22-42 in a resolution adopted on February 7, 2012, by a vote of 37-0-4-0. The City Planning Commission declined to follow CB7's resolution, and on March 26, 2012, voted not to require ULURP review of the Project.

The Proposed Facility would be some 30 feet from the entrance of PS 163, a public elementary school, and less than 60 feet from two existing residential buildings in the Park West Village campus, and in the immediate reach of among many other community facilities, residential buildings, and commercial spaces in a densely populated area. The neighborhood surrounding the Proposed Facility has a sizable population of vulnerable low- and moderate-income residents, many of whom are aging in place. Development such as that already completed at Columbus Square and that proposed in connection with the Project will negatively impact socio-economic conditions in the neighborhood and potentially displace vulnerable populations.

Soil testing conducted independently by residents of Park West Village revealed that the West 97<sup>th</sup> Street Site was contaminated with levels of lead above commonly accepted levels. The NYS DoH, based on an Environmental Assessment Statement submitted on May 22, 2013, required a full Environmental Impact Statement ("EIS") be prepared in connection with the Project, and assumed responsibility as lead agency.

CB7 provided oral testimony on September 17, 2013, and written testimony on October 4, 2013, concerning the appropriate scope of the EIS, addressing real-world impacts for which CB7 sought meaningful study and mitigation. CB7 reiterated on March 4, 2014, the concerns it identified that were either not adequately to be studied, or not to be studied at all, pursuant to the January 28, 2014 EIS scope released by the NYS DoH.

The NYS DoH released a draft EIS ("DEIS") on March 21, 2014. CB7 again provided live testimony concerning the scope and nature of the study, disclosures and proposed mitigation in the DEIS on May 8, 2014, and written testimony on May 19, 2014, each of which highlighted key concerns that either were not included in the DEIS at all, or were not adequately addressed nor mitigations appropriately conceived and disclosed.

CB7's May 19, 2014, and October 4, 2013, letters concerning the EIS process are attached, and are incorporated into this resolution by this reference. Among the concerns and issues raised in CB7's comments in connection with the EIS process and the Project itself are the impact of the construction and operation of the Proposed Facility on those who reside, attend school, work, shop or pass through the surrounding community; the effect of the Project on a host of community facilities surrounding the West 97<sup>th</sup> Street Site (including PS 163 and a half-dozen other schools, the NYPL Bloomingdale Branch library, operations of the NYPD, FDNY and City Department of Health, as well as several houses of worship); the true impact of the Project on all manner of Transportation, especially prior safety initiatives for pedestrians, the mobility-challenged, and all affected by congestion; the consistency of the Proposed Facility with the letter and spirit of zoning and other applicable regulations; and the true cost of exposure to hazardous materials embedded in the Site.

Notwithstanding that testimony and those submissions, a final EIS ("FEIS") was released and was accepted by the NYS DoH as final on November 14, 2014.

Apart from a proposed mitigation relating to replacing only the east-facing windows on PS 163 and providing window air condition units for only those classrooms, and a proposal to relocate the tower crane away from its original location in the space between the Proposed Facility and the school, the concerns highlighted in CB7's May 19, 2014, and October 4, 2013, letters were not adequately addressed nor mitigations appropriately conceived and disclosed in the FEIS.

JHL has been an important member of the Upper West Side and Manhattan Valley communities for generations, and its care for an aging population, including many who could not enjoy the dignity and proximity that JHL's facilities have afforded them is important to our neighborhoods. The concerns and issues raised relate to the choice of the West 97<sup>th</sup> Street Site, and not to JHL's worthy mission and enviable achievements. CB7 recommends that JHL seriously reconsider a new facility for the West 106<sup>th</sup> Street Current Campus.

**THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan opposes the granting of a Certificate of Need or any permit or approval necessary to allow the commencement of the Project or the construction of the Proposed Facility on the West 97<sup>th</sup> Street site.**

*Committee 7-0-0-0. Non-Committee Board Members: 2-0-0-0.*