

APPLICATION FOR FINANCIAL ASSISTANCE

Revised May 2020

The Town of Huntington Local Development Corporation

Chad A. Lupinacci, Chairperson

Eugene Cook, Vice Chairperson

Joan Cergol, Secretary

Mark Cuthbertson, Treasurer

Edmund J. Smyth, Director

Leah M. Jefferson, Executive Director

ljefferson@huntingonNY.gov

c/o Huntington Community Development Agency
100 Main Street, Suite 309
Huntington, New York 11743
Telephone: (631) 351-2881

**THE TOWN OF HUNTINGTON LOCAL DEVELOPMENT CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE
INSTRUCTIONS**

1. Fill in all blanks, using "none", "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the "Project" and the "Application"). If you have any questions about this Application, please call the The Town of Huntington Local Development Corporation ("THLDC") at (631) 351-2881.
2. If an estimate is given as the answer to a question, put "(est.)" after the figure or answer, which is estimated.
3. If more space is needed to answer any specific question, attach a separate sheet.
4. When completed, please return this Application by mail or facsimile to THLDC at the address or facsimile number indicated on the cover page of this Application. A signed Application may also be submitted electronically in PDF format to Leah M. Jefferson at ljefferson@huntingtonny.gov.
5. The application will not be considered until the Application fee (as described below) has been received by THLDC.
6. THLDC will not give final approval for this Application until THLDC receives a completed New York State ("NYS") Full Environmental Assessment Form concerning the Project which is the subject of this Application.
7. Please note that Article 6 of the New York Public Officers Law declares that all records in the possession of THLDC (with certain limited exceptions) are open to public inspection and copying. If an Applicant feels that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, the Applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the New York Public Officers Law.
8. The Applicant will be required to pay a THLDC Application fee and, if accepted as a project of THLDC, all administrative fees as stated below, as well as the legal fees of THLDC incurred in connection with the Project and Application.
9. A complete application consists of the following:
 - A. The Application
 - B. Attachment I – Preliminary or Existing Plans and Sketches (attached)
 - C. Attachment II – Financial Information (attached)
 - D. Attachment III – NYS Full Environmental Assessment Form (attached)
 - E. A check payable to THLDC in the amount of \$500.00 (enclosed)

Every signature page comprising part of an Application must be signed by the Applicant, or the Application will not be considered complete or accepted for consideration by THLDC.

THE TOWN OF HUNTINGTON LOCAL DEVELOPMENT CORPORATION APPLICATION

Please answer all questions by filling in the blanks. Use attachments as necessary.

I. APPLICANT INFORMATION

DATE: June 3, 2020

A. Name; Organization; Structure

Organization Name "Applicant":	Gurwin Independent Housing, Inc.			
Mailing Address:	68 Hauppauge Road			
City:	Commack	State:	NY	Zip: 11725
Phone:	631-715-2602	Fax:	631-715-2908	
Contact Person:	Stuart Almer			
Email Address:	salmer@gurwin.org			
Federal Employer Identification Number:	47-2886835			

Business Type (Check applicable status; Complete blanks as necessary):			
Sole Proprietorship:		General Partnership:	
Limited Liability Company:		Privately Held Corporation:	
Publicly Held Corporation:		Exchange Listed on:	
Not for Profit Corporation:		X	
Income taxed as:			
Subchapter S		Subchapter C:	
501(c)(3) Corporation:	X	Partnership:	

State and Year of Incorporation/Organization:	New York - 2014		
Qualified to do Business in New York:	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	N/A: <input type="checkbox"/>

B. Board Chair, CEO and CFO

Name	Title	Business Address	Phone	Email
Cary Wolf	Chairman	100 Jericho Turnpike, Ste 209, Jericho, NY 11753	516-997-9300	cwolf@bwpetroleum.com
Stuart Almer	Pres & CEO	68 Hauppauge Rd, Commack, NY 11725	631-715-2602	salmer@gurwin.org
Louis Viteritti	CFO	68 Hauppauge Rd, Commack, NY 11725	631-715-2511	lviteritti@gurwin.org

C. Applicant's Counsel

Name:	Michael Faltischek				
Firm:	Ruskin Moscou Faltischek, P.C.				
Mailing Address:	1425 RXR Plaza				
City:	Uniondale	State:	NY	Zip:	11556
Phone:	516-663-6550	Fax:			513-663-6750
E-mail:	mfaltischek@rmfpc.com				

D. Applicant's Accountant

Name:	Suzanne Breit				
Firm:	HMM CPAs, LLP				
Mailing Address:	527 Townline Road, Ste 203				
City:	Hauppauge	State:	NY	Zip:	11788
Phone:	631-265-6289	Fax:			631-265-6523
E-mail:	sbreit@horanmm.com				

E. Principal stockholders, members or partners, if any (i.e., owners of 5% or more of equity/voting rights in Applicant): Not Applicable

Name	Percentage Owned
_____	_____%
_____	_____%
_____	_____%

If any of the persons described in the response to the preceding Question, or a group of said persons, owns more than a 50% ownership interest in the Applicant, list all other entities which are related to the Applicant by virtue of such person(s) having more than a 50% ownership interest in such entities: Not Applicable

F. Organization Financial Information Attachment:

1. Copies of two most recent financial statements (audited, if available) – Not Applicable
2. Copy of most recent Annual Report - 2018 Federal 990 Enclosed
3. Copy of Strategic Plan (if any)

G. Environmental Information

1. THLDC must make a determination of environmental significance for the Project.

A completed NYS Full Environmental Assessment Form must be submitted with the completed application.

H. Additional Information

1. Is the Applicant related to any other entity or entities by reason of more than 50% common ownership? If YES, indicate name of related entity or entities and relationship:

Yes: <u>X</u>	No: _____
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2. List parent corporation, sister corporation(s) and subsidiary(ies), if any:

Gurwin Independent Housing, Inc., is related to the Gurwin Healthcare System and the Gurwin Foundation through overlapping Board members. The Gurwin Health Care System includes Gurwin Jewish Nursing & Rehabilitation Center, Gurwin Jewish - Fay J. Lindner Residences and Gurwin Home Care Agency.

Each Gurwin entity is a separate not-for-profit corporation with a separate Board of Directors.

3. Has the Applicant (or any related entity or person) been involved in, applied for or benefitted from any prior industrial development or local development financing within the County of Suffolk and/or the Town of Huntington, whether by THLDC or another issuer, or in a contiguous municipality? ("Municipality" herein means city, town or village, or, if the Project is not in an incorporated city or village, Suffolk County.) If YES, describe:

Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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Suffolk County EDC issued Bonds in the amount of \$28,000,000 for Gurwin Jewish Nursing & Rehabilitation Center in January 2014.

4. Has the Applicant (including any related entity(ies) or person(s)) within the past six months received or benefitted from, or is its contemplating to receive or benefit from within the next six months, tax-exempt financing anywhere within the United States? If YES, describe:

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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5. Will the proposed bond issue, when combined with all outstanding industrial development bond or local development corporation issues of the Applicant or any related entity, exceed the aggregate principal amount of \$40,000,000?

Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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6. Is the Applicant seeking federal tax-exempt bonds as a manufacturing facility?

Yes: _____	No: <u>X</u>
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If YES, please complete the attached Tax-Exempt Bond Manufacturing Questionnaire (Schedule A) and provide an estimate of the capital expenditures of the Applicant, and its affiliates and subsidiaries, within the Town of Huntington during the past three years:

Not Applicable.

7. Has the Applicant (including any related entity(ies) or person(s)) made a public offering or private placement of its stock within the last year? If YES, attach a copy of the Prospectus or Offering Statement used in connection with the offering or placement.

Yes: _____	No: <u>X</u>
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8. List the major bank references of the Applicant, including name, address and telephone number of a bank contact:

HSBC, 534 Broad Hollow Road, Melville, NY 11747 – Bill Conlan 631-752-4342

Bank United, 623 Fifth Ave., 12th Flr., NY, NY 10022 - Danny Tommasino 212-409-1478

9. Is the Applicant (including any related entity(ies) or person(s) or any principal(s) of the Applicant) been involved in any litigation that would have a material adverse effect on the Applicant's financial condition or the financial condition of said related entity(ies) or person(s) principal(s)? If YES, attach details.

Yes: _____	No: <u>X</u>
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10. Has the Applicant (or any related entity(ies) or person(s) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected) ever been involved, as debtor, in bankruptcy, creditor rights or receivership proceedings or sought protection from creditors? If YES, attach details.

Yes: _____	No: <u>X</u>
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11. Has the Applicant (or any related entity(ies) or person(s) or any principal(s) of the Applicant or its related entity(ies)) ever been charged with or convicted of any felony or misdemeanor (other than minor traffic offenses), or have any such related entity(ies) or person(s) or principal(s) held positions or ownership interests in any firm or corporation charged or convicted of a felony or misdemeanor (other than minor traffic offenses)? If YES, attach details.

Yes: _____	No: <u>X</u>
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12. Has the Applicant (or any related entity(ies) or person(s) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected) been cited for a violation of federal, state or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or other operating practices? If YES, attach details.

Yes: _____	No: <u>X</u>
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13. Complete the following information for principals (including, in the case of corporations, officers and members of the board of directors and, in the case of limited liability company, members and managers) of the Applicant: See Attached.

Name	Title	Other Business Affiliations
_____	_____	_____
_____	_____	_____
_____	_____	_____

14. Do any of the foregoing principals hold elected or appointive public positions? If YES, attach details.

Yes: _____	No: <u>X</u>
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15. Are any of the foregoing principals employed by any federal, state or local municipality or any agency, authority, department, board, or commission thereof or any other governmental or quasi-governmental organization?

Yes: ____	No: <u>X</u>
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16. Does any one supplier or customer account for over 50% of Applicant's annual purchases or sales, respectively? If YES, attach name and contact information for supplier and/or customer, as applicable:

Yes: ____	No: <u>X</u>
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17. Describe any labor union affiliation of the Applicant and/or the Applicant's employees:

None

18. Does the Applicant (including any related entity(ies) or person(s) or any principal(s) of the Applicant or its related entities, or any other business or concern with which such entities, persons or principal(s) have been connected) have any contractual or other relationship with THLDC or the Town of Huntington? If YES, attach details.

Yes: ____	No: <u>X</u>
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19. Attach a brief history of the Applicant and its business/operations. See Attached

II. PROJECT INFORMATION

A. Describe the proposed acquisitions, construction or reconstruction, including buildings, site improvements and equipment. Also, indicate square feet by usage (e.g., office, classrooms), and type of construction. Attach a copy of preliminary plans or sketches, and/or floor plan of the existing facility.

1. General Description:

The CCRC community will include 129 independent living units, consisting of 102 one-bedroom and two-bedroom apartments in one building (Parkview) and 27 Terrace apartments in a separate, adjacent building. All residential buildings will be within close proximity of the Commons center which will include the community's numerous amenities including two different dining venues.

Each dining venue will offer three meals each day with a range of menu choices. The commons center will also feature an art studio, an indoor swimming pool, wellness, fitness and exercise areas, a salon/day spa, game room, library and multi-purpose room.

Parkview:

Parking Garage- 31,818 sf
Accessory/Storage- 6,820 sf
Assembly- 2,514 sf
Residential- 129,969 sf

Commons:

Accessory/Storage- 1,655 sf
Assembly- 7,641 sf
Business Area- 3,276 sf
Kitchen- 2,667 sf
Exercise – 1,003 sf
Library – 538 sf
Locker Room – 738 sf
Swimming Pool- 2,612 sf

Terrace:

Parking Garage- 11,730 sf
Accessory/Storage- 2,710 sf
Assembly- 917 sf
Residential- 42,087 sf

- 2. Real Property(acreage): 455,983.48 sf
- 3. Building(s):

Existing Building(s) (number of buildings and number of floors and square footage of each building):

Three Buildings:

Commons- 1-story 20,130 sf

Parkview – 4 story above grade, 1 basement level below grade – 171,121 sf

Terrace- 4 story- 57,444 sf

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- 4. Does the Project consist of an addition and/or renovations to existing buildings?
If YES, indicate nature of expansion and/or renovation.

Yes: ____	No: <u>X</u>
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5. Does the Project consist of new construction? If YES, indicate the number of buildings and square footage of each building:

Yes: <u>X</u>	No: ____
Number of Buildings 3 (See II.A.3, above)	Square Footage of Each Building

6. Builder or Contractor Name and Address:

Lecesse Construction Services, LLC
15 Circle Street, Rochester, NY 14607

7. Architect Name and Address:

Perkins Eastman
115 Fifth Avenue, New York, NY 10003

8. Describe the present use of the Project site: Vacant

B. Location of Project, including a statement of the city, town or village within which it is located. Attach a map showing location of Project:

1. Address:

30 Hauppauge Road
Commack, NY 11725
Town of Huntington

Easterly side of Commack Road (County Road #4) 723.26 feet northerly from Hauppauge Road,
Commack NY. Suffolk County Tax Map # 0400.00

2. Section: 251 Block: 01 Lot: 018.1
If exact street address is not available, please provide a survey and the most precise description available.

C. Utilities on Site:

Water: Yes No
 Gas: Yes No

Electric: Yes No
 Sanitary/Storm Sewer: Yes No

D. Current Owner of the Project (i.e., land, building, improvements and/or personal property)

E. Zoning of Project Site: Current Zoning: *R-HS* Proposed Zoning: *R-HS*

F. Are any local land use approvals required: Yes No

If Yes, describe:

1. Land Subdivision to be finalized with Town/County
 2. County Approval to tie Sanitary Sewer to into new Sewage Treatment Plant (currently under construction)
 3. Site Plan approval by Town of Huntington

G. Principal use of Project upon completion:

Continuing Care Retirement Community- Independent Housing

If other than by Applicant, by what means will the Applicant utilize the facility:

H. Bond Financing:

1. Estimated Project Costs. Give an accurate estimate of the following costs:

<u>Item</u>	<u>Cost</u>
Land Acquisition	\$ 0
Building Acquisition	\$ 0
Construction or Renovation	\$56,340,000
Site Work	\$ 8,160,000
Engineering Fees	\$
Architectural Fees	\$ 5,600,000
Applicant's Legal Fees	\$ 982,000
Financial Fees (incl. lender's legal fees)	\$ 2,051,000
Other Professional Fees	\$ 3,435,000
Furniture, Equipment & Machinery	\$ 1,572,000
Other Soft Costs (describe)Marketing	\$ 9,749,000
Other (describe) Interest	\$ 7,526,000
Working Capital and Pre-Opening	\$1,343,000
Contingency Permits Approvals Inspection	\$6,368,000

Insurance	\$2,647,000
Debt Service Reserve Fund	\$4,412,000
Total	\$ 110,185,000

2. Funds required: \$ 110,185,000 Financing term desired: 35 Years

3. Estimate value of Tax-Exempt Bonds that Applicant is requesting THLDC to issue:
Please note, eligibility is subject to a case-by-case determination.

\$ 102,185,000

4. Estimate value of Taxable Bonds that Applicant is requesting THLDC to issue:
Please note, eligibility is subject to a case-by-case determination.

\$ 0

5. Have any of the above described costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this Application? If YES, describe particulars on a separate sheet.

Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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6. Are items of working capital, moving expenses, work in progress, or stock in trade included in the proposed uses of the bond proceeds (if applicable)? If YES, provide details:

Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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7. Will any of the funds to be borrowed through THLDC's issuance of bonds, if applicable, be used to repay or refinance an existing mortgage, outstanding loan or an outstanding bond issue? If YES, provide details:

12. To what purpose will the building or buildings to be acquired, constructed or renovated be used by the Applicant? (Include a description of (i) goods to be sold, (ii) products to be manufactured, assembled or processed and (iii) services to be rendered.)

_____ Senior Housing Facility, offering residential and health Care services. It will be operated under Article 46 of NY Health Law.

13. If any space in the Project is to be leased to or occupied by third parties, or is currently leased to or occupied by third parties who will remain as tenants, provide the names and contact information for each such tenant, indicate the total square footage of the Project to be leased to each tenant, and describe the proposed use by each tenant:

129 Apartments will be occupied by either single individuals or couples. To date, 82 Units have been reserved with 10% entry Fee deposits. Under the residential contract between Gurwin Independent Housing and the future occupants, meals in common dining areas, housekeeping services, facility services, utilities and health care services are provided.

14. Does the Applicant, or any related entity or person, currently hold a lease or license on the Project site? If YES, please provide details and a copy of the lease or license.

Yes: _____	No: <u>X</u>
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15. Does the Applicant, or any related entity or person, currently hold fee title to (i.e., own) the Project site?

Yes: _____	No: <u>X</u>
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The Gurwin Foundation owns the project site. The ownership of the site will be transferred to Gurwin Independent Housing Inc. prior to closing.

If YES, indicate:

Date of purchase: _____

Purchase price: \$ _____

Balance of existing mortgage, if any: \$ _____

Name of mortgage holder: _____

Special conditions (if any): _____

If NO, state name of present owner of Project site: _____

16. Does the Applicant or any related person or entity have an option or a contract to purchase the Project site, and/or any buildings on the Project site?

YES ___

NO X

The Land is being donated by the Gurwin Foundation which will occur at or before Closing of the Bond Issue

If YES, attach copy of contract or option and indicate:

(a) Date executed: _____

(b) Purchase price: \$ _____

(c) Closing date: _____

17. Is there a relationship, legally or by virtue of common control or ownership, between the Applicant (and/or its principals) and the seller of the Project (and/or its principals)? If YES, describe:

Yes: ___	No: <u>X</u>
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I. Additional Assistance (subject to case-by-case determination)

1. Does the Applicant seek a sales/use tax exemption?
Please note, eligibility is subject to a case-by-case determination.

Yes: <u>X</u>	No: _____
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If yes, please specify the value of the sales/use tax exemption. \$ _____

2. Does the Applicant seek a mortgage recording tax exemption?
Please note, eligibility is subject to a case-by-case determination.

Yes: <u>X</u>	No: _____
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J. Project Schedule

1. Has construction work on the Project begun? If YES, indicate the percentage of completion:

(a) Site clearance	YES ___	NO <u>X</u>	_____% complete
(b) Environmental Remediation	YES ___	NO <u>X</u>	_____% complete
(c) Foundation	YES ___	NO <u>X</u>	_____% complete
(d) Footings	YES ___	NO <u>X</u>	_____% complete
(e) Steel	YES ___	NO <u>X</u>	_____% complete
(f) Masonry	YES ___	NO <u>X</u>	_____% complete
(g) Interior	YES ___	NO <u>X</u>	_____% complete
(h) Other (describe below):	YES ___	NO <u>X</u>	_____% complete

If NO to all of the above categories, what is the proposed date of commencement of construction, renovation or acquisition of the Project?

Sitework 7/24/20

Building Construction 9/22/20

2. Provide an estimate of the time schedule to complete the Project, and when the first use of the Project is expected to occur (attach additional sheet if necessary):

First Use 2/28/22

Completion 7/1/22

3. At what date(s) and in what amount(s) is it estimated that funds will be required?
9/15/20

REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with THLDC as follows:

- A. Annual Report on Outstanding Bonds. The Applicant understands and agrees that, if the Project receives any Financial Assistance from THLDC, it shall be required to file, or cause to be filed, on an annual basis with the THLDC any information regarding bonds, if any, issued by THLDC for the Project that is requested by the Comptroller of the State of New York.
- B. Absence of Conflicts of Interest. The Applicant has received from THLDC a list of the members, officers and employees of THLDC. Except as hereinafter described, No member, officer or employee of THLDC has an interest, whether direct or indirect, in any transaction contemplated by this Application:

Fees. The THLDC fee schedule is as follows:

BOND FINANCING FEE SCHEDULE

(Subject to change without notice)

1% for the first \$5,000,000

0.75% for the next \$10,000,000

0.50% for the next \$10,000,000

0.20% for the next \$5,000,000

0.01% for anything more than \$30,000,000

Other Applicable Fees:

1. Application for Financial Assistance Fee: \$500.00, payable to **Town of Huntington Local Development Corporation** must accompany application. Application and check should be forwarded to: Leah M. Jefferson, Executive Director, Town of Huntington

Local Development Corporation, 100 Main Street, Suite 309, Huntington, NY 11743

2. THLDC will also collect a closing compliance fee of \$2,000 upon the closing of the bond financing, and a \$1,000 annual administrative service fee payable in advance at the closing for the first year (or part thereof) and on January 1st in each year while the bonds are outstanding. The annual administrative service shall be subject to periodic review, and may be adjusted from time-to-time at the discretion of THLDC.

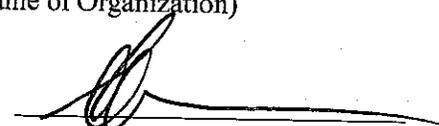
If, in connection with a Project supported by THLDC, an Applicant receives other additional financial assistance from any governmental entity other than THLDC, THLDC may at its sole discretion reduce its fees to accommodate the particular fee structure of such Project.

The Applicant understands that THLDC reserves the right to ask for additional information as it deems necessary to complete its review of your application.

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that THLDC will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

Date:

Gurwin Independent Housing, Inc.
(Name of Organization)

By: 

Name:

Title:

**Stuart B. Almer
President and
Chief Executive Officer**

IV HOLD HARMLESS AGREEMENT

Applicant hereby releases The Town of Huntington Local Development Corporation and the member(s), board of directors, officers, servants, agents and employees thereof ("THLDC") from, agrees that THLDC shall not be liable for and agrees to indemnify, defend (with counsel selected by THLDC) and hold THLDC harmless from and against, any and all liability arising from or expense incurred by THLDC in connection with (A) examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by THLDC, (B) acquisition, construction and/or installation of the Project described therein and (C) any further action taken by THLDC with respect to the Project, including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if THLDC or the Applicant are unable to reach final agreement with the respect to the Project, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to THLDC, its agents or assigns, all costs incurred by THLDC in the process of the Application, including attorneys' fees, if any.

Gurwin Independent Housing, Inc.
(Name of Organization)

By: [Signature]

Name: **Stuart B. Almer**
Title: **President and**
Date: **Chief Executive Officer**

6/3/20

State of New York)
County of Suffolk) ss.

On the 3 day of June in the year 2020 before me, the undersigned, personally appeared Stuart Almer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ANGELA CICALO
Notary Public, State of New York
No. 01Ci6332635
Qualified in Suffolk County
Commission Expires November 2, 2023

Angela Cicalo
Notary Public

**RULES AND REGULATIONS
OF
THE HUNTINGTON LOCAL DEVELOPMENT CORPORATION**

The Town of Huntington Local Development Corporation ("THLDC"), in order to better secure the integrity of the projects it sponsors, declares that it is in the public interest (i) to ensure the continuity of such projects, (ii) to prevent the conversion of the use of the premises upon which a sponsored project is to be constructed or renovated and (iii) to limit and prevent unreasonable profiteering or exploitation of a project, and does hereby find, declare and determine as follows:

FIRST:

At such time as a proposed Project is reviewed, the member(s), directors and officers of THLDC must disclose any blood, marital or business relationships they or members of their families have or have had with the Applicant (or its affiliates). The Applicant represents that no member, manager, principal, officer or director of the Applicant has any such relationship with any member, director or officer of THLDC (or any member of the family of any member of THLDC).

SECOND:

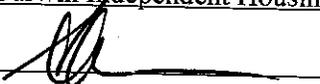
All applicants must disclose whether they have been appointed, elected or employed by New York State, any political division of New York State or any other governmental agency.

THIRD:

All proposed underwriters, credit enhancers (including banks and bond insurance companies), trustees, title companies and their respective attorneys must be satisfactory to and approved in writing by THLDC.

Understood and Agreed to:

Name of
Applicant: Gurwin Independent Housing, Inc.

By: 

Name:

Title:

**Stuart B. Almer
President and
Chief Executive Officer**

**CERTIFICATION AND AGREEMENT
WITH RESPECT TO FEES AND COSTS**

The undersigned deposes and says that: I am an authorized representative of the applicant (the "Applicant") named in the attached application for financial assistance ("Application"); I hold the office specified below my signature at the end of this Certification and Agreement; I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant; and I am familiar with the contents of said Application (including all schedules and attachments thereto), and said contents are true, correct and complete to my knowledge. Capitalized terms used but not otherwise defined in this Certification and Agreement shall have the meanings assigned to such terms in the Application.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made, or have caused to be made, concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the Town of Huntington Local Development Agency, its member(s), officers, servants, attorneys, agents and employees (collectively, the "THLDC") from, agrees that THLDC shall not be liable for and agrees to indemnify, defend (with counsel selected by THLDC) and hold THLDC harmless from and against, any and all liability, damages, causes of actions, losses, costs or expenses incurred by THLDC in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by THLDC; (B) the acquisition, construction and/or installation of the Project by THLDC; and (C) any further action taken by THLDC with respect to the Project, including, without limiting the generality of the foregoing, (i) all fees and expenses of THLDC's general counsel, bond/transactional counsel and independent tax assessor (if deemed necessary or advisable by THLDC), and (ii) all other expenses incurred by THLDC in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by THLDC, its agents, attorneys or assigns, the Applicant shall pay to THLDC, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of THLDC's general counsel and bond/transactional counsel is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, and collect the fees and expenses of such party or person incurred by THLDC (whether or not first paid by THLDC) with respect to the Application.

Upon successful conclusion of the required bond issue or other form of financing or THLDC assistance, the Applicant shall pay to THLDC an administrative fee set by THLDC (which amount is payable at closing) in accordance with the following schedule:

THLDC BOND FINANCING FEE SCHEDULE
(Subject to change without notice)

1% for the first \$5,000,000

0.75% for the next \$10,000,000

0.50% for the next \$10,000,000

0.20% for the next \$5,000,000

0.01% for anything more than \$30,000,000

A Two Thousand (\$2,000) Dollar closing compliance fee payable at closing, and a One Thousand (\$1,000) Dollar per year (or part thereof) administrative fee payable in advance at the closing for the first year (or part thereof) and on January 1st of each year for the term of the financing. The annual service fee is subject to periodic review, and may be adjusted from time-to-time at the discretion of THLDC.

If, in connection with a Project supported by THLDC, an Applicant receives other additional financial assistance from any governmental entity other than THLDC, THLDC may at its sole discretion reduce its fees to accommodate the particular fee structure of such Project.

THLDC's bond/transactional counsel's fees and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Upon the termination of the financing of the Project, Applicant agrees to pay all costs in connection with any conveyance by THLDC to the Applicant of THLDC's interest in the Project and the termination of all related Project documents, including the fees and expenses of THLDC's general counsel, bond/transactional counsel, and all applicable recording, filing or other related fees, taxes and charges.

I further acknowledge and agree on behalf of the Applicant that, in the event THLDC shall have used all of its available tax-exempt bond financing allocation from the State of New York and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, THLDC shall have no liability or responsibility as a result of the inability of THLDC to issue and deliver tax-exempt bonds for the benefit of the Applicant.


Name:
Title:

**Stuart B. Almer
President and
Chief Executive Officer**

**THE TOWN OF HUNTINGTON LOCAL DEVELOPMENT CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

SECTION H, QUESTION 19 - GURWIN INDEPENDENT HOUSING, INC.

Over two decades ago, Gurwin realized its dream of building a nursing care facility to provide the ultimate in quality care. Gurwin's Board of Directors mandated that Gurwin take a leadership role, be at the forefront of creativity and innovation, and set the standard for all nursing communities. In doing so, we have expanded from our original vision of a community nursing home and have created a full continuum of care on a 34-acre campus, including a world-class nursing and rehabilitation center with 460 beds, a renowned assisted living community with 201 assisted living apartments, outstanding home care programs and exceptional adult day health programs. Both the center and assisted living community have dedicated and secure memory/dementia care units.

We are committed to the art of caring, providing trust and comfort to those who place their loved ones in our hands. Our outstanding staff provides the highest quality care and constantly demonstrates compassion for each of our residents, hospice patients, adult day health program participants, home care patients and assisted living residents. Every staff member is imbued with a commitment to treat our residents as if they were their very own family member, and that feeling of genuine caring is part of what makes Gurwin unique.

Our clinical excellence and state-of-the-art facilities have demonstrated our reputation as the facility of choice in the New York area. Gurwin's ventilator-dependent unit is home to 28 residents with complex clinical needs, and our superior facilities make it possible for us to provide the highest quality sub-acute care. In addition, Gurwin opened an on-site 12-station dialysis center, enabling us to treat those in need of dialysis right here at Gurwin, and most recently, a 12 bed Advanced Care Unit, providing complex care that includes 24/7 patient monitoring. Gurwin also opened an Infusion Center, providing outpatient IV antibiotic therapy, further serving the community.

The Fountaingate Project Conceptual Design along with development studies began in 2014. Further market study and informal marketing efforts began to create an interested party list for the proposed Project in 2015. In 2016, the Schematic Design and the land use approval process began. In late 2016, the application for a Certificate of Authority (COA) was filed with the NY Department of Health. Approval was granted in 2017 for a Conditional COA. At that time, full design efforts resumed and marketing proceeded with obtaining 5% or 10% deposits along with signed Residency Agreements from prospective residents.

The financial markets and the State of NY require at least 60% of the units to be reserved with 10% deposits prior to financing that is anticipated by September 2020.

Attachment 2



Attachment 2

SCHEDULE H-5. TAX-EXEMPT BOND MANUFACTURING QUESTIONNAIRE

Item	Costs Through 1/22/20	Expected Prior to Closing
SITE/BUILDING CONSTRUCTION		
	-	870,000
DESIGN		
	2,911,042	4,249,448
INSURANCE / PERMITS / MISCELLANEOUS		
	1,155,333	1,822,664
PROJECT CONTINGENCY		
	-	190,689
DEVELOPMENT CONSULTING FEES		
	1,634,931	1,718,932
MARKETING		
	7,207,130	8,238,236
FINANCING		
	-	5,738
FINANCING - Interest		
	291,040	291,040
TOTAL	13,199,477	17,386,747

Attachment 3

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ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 46-2015, CONSIDERING ZONE CHANGE APPLICATION #2015-ZM-410, GURWIN SENIOR HOUSING, TO CHANGE THE ZONING FROM R-40 & R-20 RESIDENCE DISTRICTS TO R-HS RESIDENTIAL HEALTH SERVICES DISTRICT FOR PROPERTY LOCATED ON THE NORTH SIDE OF HAUPPAUGE ROAD AND WEST SIDE OF COMMACK ROAD, COMMACK, SCTM# 0400-251-01-017.003 & 018.

Resolution for Town Board Meeting Dated: July 12, 2016

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, GURWIN JEWISH GERIATRIC FOUNDATION, 68 Hauppauge Road, Commack, NY 11725, property owner, submitted application #2015-ZM-410 for a change of zone from R-40 & R-20 Residence Districts to R-HS Residential Health Services District for property located on the north side of Hauppauge Road and west side of Commack Road (CR 4), Commack, designated as 0400-251-01-017.003 & 018 on the Suffolk County Tax Map; and

WHEREAS, said application was forwarded to the Department of Planning and Environment by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 classified the action as Unlisted in accordance with the provisions of 6 NYCRR Part 617, SEQRA, and established itself as Lead Agency on November 5, 2015; and

WHEREAS, the Department of Planning and Environment has prepared an EAF Parts II and III which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Horizons 2020 Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and the SEQRA documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: planning@huntingtonny.gov; and

WHEREAS, by resolution dated June 8, 2016 the Planning Board recommended to the Town Board that the Town Board issue a Negative Declaration under SEQRA and approve the zone change application, subject to certain conditions as listed in the Planning Board resolution; and

WHEREAS, on July 6, 2016 the Suffolk County Planning Commission voted to approve the zone change subject to the following two modifications:

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1. Pursuant to the request of the Suffolk County Department of Public Works the access at the northeast corner of the subject property shall be relocated to align the new site driveway with Laurinda Drive; and
2. The petitioner shall contact the Suffolk County Department of Public Works to confirm the allowable use of the County stormwater recharge basin associated with CR-4 (Commack Road) for accommodation of on-site generated stormwater runoff for this proposed project;

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board, as Lead Agency, determines that the action will not have a significant effect upon the environment because the rezoning of the property and proposed site development will have no adverse environmental impacts, and further finds that the proposed action to rezone the property is consistent with the Town of Huntington Comprehensive Plan and with the Board's long term planning policies and goals, and additionally finds that any subdivision or site plan resulting therefrom may require its own determination of significance, following SEQRA assessment of the specific project's environmental consequences based upon new information and/or revisions to the conceptual plan, the Town Board hereby:

- (1) Issues a Negative Declaration based on the reasons outlined in the EAF, Parts II and III; and
- (2) Finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 8th day of December, 2015 to consider adopting Local Law Introductory No. 46-2015 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from R-40 & R-20 Residence Districts to R-HS Residential Health Services District the property designated on the Suffolk County Tax Map as 0400-251-01-017.003 & 018, and due deliberation having been had:

HEREBY APPROVES the change of zone as set forth below, except that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance with the requirements of this Resolution, the Covenants and Restrictions, and

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any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 46-2015, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. _____ - 2016
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)
SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 7 (Zoning Map) is amended as follows:

CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

* * *

§ 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington." The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

* * *

The premises located on the north side of Hauppauge Road and west side of Commack Road (CR 4), Commack, designated on the Suffolk County Tax Map as 0400-251-01-017.003 & 018, to be rezoned from R-40 & R-20 Residence Districts to R-HS Residential Health Services District, more particularly described as:

BEGINNING at a POINT on the west side of Commack Road, 723.26 feet north of the intersection with the north side of Hauppauge Road,

THENCE from said POINT OF BEGINNING South 70 degrees 51 minutes 25 seconds West, 531.96 feet,

THENCE South 13 degrees 55 minutes 53 seconds East, 294.97 feet,

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THENCE North 78 degrees 09 minutes 07 seconds East, 141.27 feet,

THENCE South 08 degrees 21 minutes 33 seconds East, 175.01 feet,

THENCE South 86 degrees 28 minutes 00 seconds West, 155.16 feet,

THENCE South 02 degrees 22 minutes 00 seconds East, 126.00 feet,

THENCE southerly along the arc of a curve bearing left with a radius of 20.00 feet and a length of 31.42 feet,

THENCE South 87 degrees 38 minutes 00 seconds West, 187.95 feet,

THENCE South 81 degrees 52 minutes 00 seconds West, 135.11 feet,

THENCE North 13 degrees 37 minutes 50 seconds West, 786.42 feet,

THENCE North 70 degrees 51 minutes 25 seconds East, 890.18 feet,

THENCE southerly along the arc of a curve bearing left with a radius of 3865.72 feet and a length of 192.23 feet,

THENCE South 14 degrees 02 minutes 55 seconds East, 84.79 feet to the POINT OF BEGINNING.

Such change of zone shall be specifically conditioned upon the filing by the property owner of the following Covenants and Restrictions, to run with the land in perpetuity. Such Covenants and Restrictions shall be in a form acceptable to the Town Attorney, and filed at the property owner's own cost and expense in the Office of the Suffolk County Clerk. Proof of such filing shall be provided by the owner to the Town Attorney, Director of Planning, and Huntington Town Clerk. All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

- (1) The project yield shall not exceed two-hundred and thirty-seven (237) senior housing units, and
- (2) The project yield shall not exceed a housing density of 1 unit per 3,000 sq. ft. of lot area unless the development is certified as a Continuing Care Retirement Community by the New York State Department of Health, and
- (3) No building shall exceed three (3) stories in height, with the exception of the three (3) proposed buildings located in the center of the site set back at least two hundred and thirty (230) feet from Hauppauge Road and Commack Road. These three (3) buildings shall not exceed four (4) stories in height, and

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project :	Gurwin Senior Housing Zone Change
Date :	05/31/2016

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)
 If "Yes", answer questions a - g. If "No", go to Section 10.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
 If "Yes", answer questions a - e. If "No", go to Section 11.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans
 The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2. and C.3.)
If "Yes", answer questions a - h. If "No", go to Section 18.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character
 The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3)
If "Yes", answer questions a - g. If "No", proceed to Part 3.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

**ENVIRONMENTAL ASSESSMENT FORM
PART III**

GURWIN SENIOR HOUSING (#2015-ZM-410) REZONING

PROJECT DESCRIPTION: The development proposal is for two-hundred and thirty-seven (237) senior housing units in six residential buildings on 10.47 acres of land, a density of 22.6 units per acre (or 1 unit per 1,924 sq. ft.). The application indicates that these would be independent living units with some services provided to residents, developed as a lifecare community in conjunction with the assisted living facility and nursing home to the west. Three (3) of the buildings would be four (4) stories in height. There would also be a two (2) story, 32,559 sq. ft. community building. The site plan shows 292 parking spaces where 356 spaces are required. Since land area is limited, all of the buildings have parking underneath them in the basement. Adjacent buildings are connected by these underground parking areas. There are 292 underground parking spaces and 79 surface spaces. The new units would be connected to a new larger sewage treatment plant on the parcel to the west, which would replace two existing treatment plants serving the Fay J. Lindner Assisted Living Facility and the Gurwin Jewish Geriatric Center.

Access from Commack Road is shown as restricted to right turns in-right turns out only. A raised island would provide a physical barrier to enforce the movement restriction. There is a “suicide lane” in the center of Commack Road allowing for left turns in both directions of travel. However, the proximity of the intersection with Laurinda Drive to the south would be a concern for left turn movements since the intersections would be approximately one-hundred (100) feet apart. The Suffolk County Department of Public Works (DPW) has requested that the site entrance align with Laurinda Drive, which may permit safer left-turn entrance movements. The site plan could accommodate this change. However, the applicant prefers the current proposed access design. All turning movements would be allowed onto Hauppauge Road, and there are protected left turn movements at the intersection with Commack Road to compensate for any restrictions on Commack Road access. Improvements may be needed to Hauppauge Road as the roadway currently lacks turning lanes, shoulders, and curbing. The development is proposing to use an adjacent Suffolk County recharge basin for stormwater drainage. The basin currently serves Commack Road. There would also be landscaping and a walking path around the basin, which would be modified to make it more of an aesthetic attraction for the community. The County DPW did not comment on the recharge basin usage.

The project would need several variances from the Zoning Board of Appeals to be developed as proposed (see Planning & Zoning Issues below). The proposal does not conform to zoning area requirements, including unit density, lot coverage, height (in stories and in feet), building setbacks, and parking setbacks. These variances are a result of project design and are not a function of environmental site factors or public benefits provided. There is also an issue that a determination must be made that the use is allowed on its own lot in the R-HS zone. The zone does not permit senior housing unless it is part of a lifecare community. The project will be tied to the assisted living facility and nursing home on adjacent lots to the west, but it may be an issue if they all remain

on their own tax map lots. The proposed use may also be considered congregate care and not senior housing based upon the level of services offered, which would eliminate the issue.

COMPREHENSIVE PLAN: The Comprehensive Plan recommends that the property be zoned for low-density residential use in accordance with its existing zoning. It is acknowledged that the characteristics of arterial roads such as higher levels of traffic and noise often result in applications to change the zoning or use of residentially-zoned properties along arterial roads. Commack Road is identified as a Major Arterial, while Hauppauge Road is classified as a Major Collector. Strategy D.4.1 states that the Town should “Strictly limit non-residential uses to locations where traffic and other pressures make road frontage less desirable for residential use.” This is related to the next strategy in the Plan, D.4.2, which recommends that the Town “Maintain residential zoning along residential arterial roadways.” Changes to land use are most appropriate where there are other existing non-single family home uses in a neighborhood. This is the case in this location, where there is a wide LIPA utility corridor to the north, an assisted living facility to the west, and a golf course across the street to the south. There are only a few adjacent or nearby single-family homes. Policy G.3 recommends that the Town “Promote the diversification of housing stock to meet the changing demographics of Huntington’s population.” There is a high demand for alternative housing options in the Town, particularly in relation to the growing elderly segment of the population. Another Plan recommendation in Strategy F.2.2 is to “Manage access along arterial roadways to reduce congestion and increase safety, e.g.: consolidate/limit individual driveways and intersections, and encourage shared curb cuts, connections within and between adjacent developments/parking lots, and service drives.” The two access points comply with this strategy. However, there are no sections of the Comprehensive Plan supporting or prohibiting an increase in allowable density or elimination of dimensional standards in order to provide for senior housing options.

SURROUNDING LAND USE AND ZONING: While this neighborhood is residentially zoned, there are a large number of non-residential uses in the area, particularly along Hauppauge Road. To the south of the project is the Hamlet Golf and Country Club, a golf course with a residential community in the center. It occupies the entire south side of Hauppauge Road between Commack Road and Daly Road and is mostly zoned R-20, including the area closest to the subject property. On the north side of Hauppauge Road is a large variety of non-residential uses. To the west, in R-40 zoning, is an assisted living facility and nursing home both operated by Gurwin (the applicant), as well as two houses of worship, a community center (Suffolk Y JCC), and a school for special needs children. To the east is the Commack Public Library at the intersection with Commack Road in an R-20 zone. North of the library and east of the proposed development is a single-family house on a two (2) acre lot, and then a local office for Verizon, both zoned R-20. To the north of the property is a large utility corridor owned by LIPA. There are high-tension electric wires on towers in the corridor. The corridor is between 300-450 feet in width in this area, and on the north side of the utility corridor is a small agricultural nursery. On the east side of Commack Road there are single-family homes that front on a marginal road parallel to Commack Road. The zoning for these lots is R-7. The Huntington-Smithtown town border runs through or just behind these lots. Starting at the Hauppauge Road intersection, the town boundary runs south along Commack Road to the Long Island Expressway.

PLANNING AND ZONING ISSUES: A review of the site plan submitted with the zone change applications shows that the following variances and interpretations will be necessary to develop the site as proposed:

1. Building lot coverage of 28.37% where 25% is the maximum [§198-20.1(C) & §198-55].
2. Yield of 237 units where 207 units is the maximum density [§198-20.1(C) & §198-55].
3. Building heights of 3 & 4 stories where 2 stories is the limit [§198-20.1(C) & §198-55].
4. Building heights of 53 feet and 44 feet (or greater) where 35 feet is the limit [§198-20.1(C) & §198-55].
5. Building side yard setbacks of 20 feet where 50 feet is required [§198-20.1(C) & §198-55].
6. Parking within 50 feet of the principal frontage [§198-20.1(D)(3)].
7. Buffer strip of less than 20 feet in some locations along side and rear property lines [§198-20.1(D)(2)].
8. An interpretation that the independent living units are allowed in the R-HS zone based upon their association with the neighboring assisted living facility and nearby nursing home [§198-20.1(A)(1)].
9. Parking for 292 vehicles where 356 parking spaces are required (may only have 287 spaces as plans show insufficient handicapped spaces) [§198-47].

The R-HS Residential Health Services zone does not allow senior housing as an independent use. Senior housing is supposed to be developed in the R-RM Retirement Community zone. The applicant must be able to show that the proposed development will be operated as a congregate care community or lifecare community in accordance with the Huntington Town Code. If this is not shown, then a use variance may also be necessary. The R-HS zone allows a higher density of units than the R-RM zone because it is anticipated that the unit sizes will be smaller in R-HS, similar to the smaller rooms found in assisted living or nursing homes. The Zoning Code definition of a lifecare community requires that senior housing not comprise more than 50% of a site so that senior housing is not built out at 19.8 units per acre. The application requests a residential density of 22.6 units per acre that exceeds the density of any other all-residential development project in the Town. The Town of Huntington does not have a residential development with more than seven (7) units per acre which is not either connected to public sewers (with ocean discharge) or is 100% affordable. This would also be the first lifecare/continuing care community in the Town.

SEQRA CLASSIFICATION: The Town Board action is hereby classified as **Unlisted** pursuant to SEQRA, 6 NYCRR Part 617, since the project does not meet or exceed any of the criteria on the Type I list [§6 NYCRR 617.12]. The action has been coordinated with all identified involved agencies, including the Town's Planning Board, which has jurisdiction over the site plan approval process that is necessary to develop the property as proposed.

Should the Town Board determine the action will not be further entertained, then it may be reclassified as a Type II action per 6 NYCRR 617.5(c)(37) and no further SEQRA review shall be required.

SEQRA RECOMMENDATION: The proposed R-HS Residential Health Services zoning and the construction of independent senior housing units as part of a lifecare/continuing care community at this location is not found objectionable pursuant to the environmental analysis completed for the SEQRA review. However, the proposed unit density and building height has resulted in the identification of several moderate to large environmental impacts on Part II of the EAF which were subjected to further explanation and discussion in this Part III. Although the proposal exceeds the density requirement by approximately fifteen (15) percent and increases the number of stories, the project site design includes a setback of at least two-hundred and thirty (230) feet for the four (4) story buildings from the surrounding roadways to the east and south. In addition, the existing Gurwin facilities to the west range from 3 to 4 stories making the proposed project compatible from a visual perspective with these adjoining uses. These factors along with the expansive LIPA easement to the north and the related institutional uses to the west mitigate the potential land use impacts. Further, the elimination of two (2) aging existing STPs serving the existing Gurwin facilities and their replacement with a new state of the art plant minimizes groundwater concerns relative to the SGPA. For these reasons it is recommended that the project receive a *negative declaration.*

The Planning Board also has the option of recommending that the application not be considered at all by the Town Board. If the application is not considered and a public hearing is not scheduled, then the action would be classified as Type II requiring no further review.

This assessment considers possible implementation of the proposed rezoning and the future site plan as best as can be anticipated at this time by review of potential impacts explored in the applicant's Environmental Assessment Form (EAF), Part I, prepared by Nelson, Pope & Voorhis, LLC, the letter and additional documents submitted by the applicant and received by the Department of Planning and Environment on May 17, 2016, and the conceptual site plan included with the application.

IMPACT ON LAND:

1. Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.

*Yes. Due to the intensity of development the entire property will be disturbed. Almost all of the land surface area will be covered by buildings, pavement, or formal landscaping. Large quantities of soil will be removed to construct the underground parking garages. The current site is mostly flat grassland undergoing natural succession. The property was farmed into the 1980's, so there was continuous land disturbance when it was used for agriculture. The only mature trees are on the edges of the property and around the house in the northeast corner of the site, adjacent to Commack Road. The land impacts of this project would be similar to the impacts of any new development on this property. Land disturbance may also be required to mitigate levels of arsenic in the soil that exceed County guidelines.

IMPACT ON GROUNDWATER:

4. The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

*Yes. The Oak Brush Plains Special Groundwater Protection Area (SGPA) lies across the street on the south side of Hauppauge Road. The Long Island Comprehensive SGPA Plan identified that an observation well installed by the Suffolk County Department of Health Services (SCDHS) in this area found high concentrations of nitrates in groundwater. The cause of these high concentrations was believed to be the neighboring institutional and residential uses. It is understood that the subject property is not in the SGPA, however is close proximity and the fact that groundwater flows toward the SGPA from this area means that it is relevant for SEQRA purposes. The proposed project would eliminate two (2) aging STPs currently servicing the existing Fay J. Linder Assisted Living Facility and Gurwin Jewish Geriatric Center and replace them with an upgraded state of the art plant that will also provide service to the proposed senior living project. While this level of intense development is contrary to the recommendations of the SGPA Plan, which called for significant decreases in development density in the SGPAs, the proposal is in line with the Suffolk County Department of Health Services' (SCDHS) policy to reduce the number of STPs in the County. Further, since the proposal eliminates two aging STPs from the property replacing them with a new state of the art plant it will decrease the operational challenges presented by keeping two older facilities in operation and facilitate compliance with SCDHS discharge standards into the groundwater.

The property lies approximately 1.5 miles away from both the Hauppauge Sewer District and the Southwest Sewer District (at the Heartland development site). The sewage treatment plants for both districts were recently updated to provide additional capacity. An option to connect to public sewers could be investigated. This could be done in conjunction with the Manors at Commack senior housing application to the west along Hauppauge Road, the existing Gurwin facilities, and possible other sites such as the former Forest Labs site on Commack Road. Offering a potential sewer connection to multiple sites would lower the connection costs for each user.

Soil testing on the property found that the only contaminant of concern in the soil is arsenic. Arsenic is frequently found on old farm sites because it does not leach into the ground, and is therefore not a significant concern for groundwater quality.

IMPACT ON AESTHETIC RESOURCES:

9. The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

*Yes. The proposed development is a quasi-residential, quasi-institutional use that does not greatly differ from other land uses on the north side of Hauppauge Road, which is occupied almost entirely by various institutional uses. The nursing home, assisted living facility, and Suffolk Y JCC are in singular buildings with large footprints, while the library, churches, and Verizon building are smaller but still larger than most single-family homes. However, the one aspect of this proposed project that may stand out is its height. The R-HS Residential-Health Services zone allows buildings to be up to

two stories in height. The developer has proposed several four-story buildings, which exceed the height limits in any residential zone, and for almost all areas of the Town of Huntington outside of the Melville Employment Center. However it is important to note that the adjacent assisted living facility is a three (3) story building and a significant portion of the nursing home is four (4) stories. Although the proposed project would have a different aesthetic impact relative to other residential projects, they are clearly compatible from a height perspective with other buildings in the Gurwin complex. In addition, the four story buildings have been placed towards the interior of the site approximately two-hundred and thirty (230) feet from surrounding roads to make them less visible. Further the extensive LIPA easement to the north and the institutional uses to the west offer significant buffers to existing residential neighborhoods. Building height is a frequent topic mentioned by the public when discussing community character. Introducing a greater height in this location could become an action that sets a precedent for other similar development projects, so it is important that any decision to move forward justifies the exception in terms of the special site circumstances associated with the subject proposal related to visual impacts. The previously discussed setbacks from public roads, buffers and the heights of the related institutional uses to the west clearly justify the request for taller buildings.

The major benefit of the project to the community and Town will be the addition of senior/congregate housing within the context of a lifecare community. This will greatly contribute to meeting growing demand for senior housing and related lifecare facilities. Although the application slightly exceeds the maximum permitted building lot coverage for the R-HS zone, the project contains a proposal to transform an existing County recharge basin on site to a water feature with walking trails. There is ample open space on site to meet the needs of the future residents.

IMPACT ON OPEN SPACE AND RECREATION:

11. The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

*Yes. The property appears on the Town's Open Space Index as parcel #SE-10. This open space parcel covers all of the vacant or underutilized property in the LIPA transmission corridor and south to Hauppauge Road. As a flat property, mostly cleared, and adjacent to other community uses, this property has the potential for active recreational use. No attempt to acquire the property for parkland is known. The prior agricultural use of the property left residues of arsenic in the soil, so any active parkland use would require ground disturbance for soil cleanup or mitigation.

IMPACT ON CRITICAL ENVIRONMENTAL AREAS:

12. The proposed action may be located within or adjacent to a critical environmental area (CEA).

*Yes. The Oak Brush Plains SGPA across the street to the south is listed as a Critical Environmental Area (CEA). As identified in the Impact on Groundwater section above, this would be an area where zoning and planning policies should support minimalizing any impacts to groundwater that are a result of land use. The elimination of two aging STPs from this area and their replacement with a new state of the art facility would minimize the threat to groundwater.

IMPACT ON TRANSPORTATION:

13. The proposed action may result in a change to existing transportation systems.

*Yes. The proposed project would result in 237 new housing units on the property which would generate some traffic flow, along with the employees that would provide services to the residents. The type of housing being provided would likely generate fewer automotive trips than typical residential development because the consumer market for lifecare communities is mostly comprised of retired seniors. The traffic study submitted for the application did not show any changes in Level of Service due to the proposed development. However, personal automobiles are being accommodated in the parking garages, and the expected age and medical status of residents raises more of a concern with traffic safety than traffic capacity. Hauppauge Road is a narrow road that carries a lot of through traffic. There is only one lane in each direction, and no turning lanes or shoulders adjacent to the project site. The north side of the road has an asphalt curb, and on the south side of the road there is no curb and the utility poles are close to the pavement. There are concrete sidewalks on the north side of the road to the west and east of the property. Vehicles turning left or right into the property would block through traffic flow. This presents the chance for rear-end collisions. Pedestrians walking along Hauppauge Road have to walk very close to the street. Bicyclists only have about a foot of shoulder width between the travel lane and curb. The road is in need of widening and improvements to meet current Town standards without the proposed development. Some improvements were supposed to have been made by the Holiday Organization during the development of The Hamlet at Commack, but they sued the Town to avoid making improvements to existing roads. Proper shoulders, sidewalks, and turning lanes at entrance driveways should be considered to accommodate additional development. Sidewalks may be beneficial to the employees of the several facilities along Hauppauge Road. Suffolk County Bus Route 41 travels on Commack Road, and this bus line connects to all three branches of the LIRR and several shopping districts.

There is also a proposed right-in, right-out only access driveway onto Commack Road. This movement restriction is common on major roads to prevent more dangerous left turn movements, and should remain in this case. Left turns are better handled by the signalized intersection of Commack Road and Hauppauge Road. The driveway shown on the current plans is just north of the intersection of Commack Road with Laurinda Drive. Converting the central "suicide" lane to allow left turns to enter the site may invite conflicts with vehicles turning left onto Laurinda Drive. A better alignment alternative, which has been requested by the Suffolk County Department of Public Works (SCDPW), is to align the new site driveway with Laurinda Drive. The only concern with this action is that it would make it easier to consider allowing left turns to enter the site. The high speed of oncoming traffic in two lanes would make it undesirable to allow that movement to enter a senior community. The applicant's representatives have expressed a desire to leave current alignment preventing left-hand turns.

IMPACT ON ENERGY:

14. The proposed action may cause an increase in the use of any form of energy.

*Yes. The new development will result in increased energy usage, however, there is not expected to

be any impact on energy supply.

IMPACT ON NOISE, ODOR, AND LIGHT:

15. The proposed action may result in an increase in noise, odors, or outdoor lighting.

*Yes. The site is currently vacant, so any use is going to increase noise, odors, and lighting impacts. These impacts will be greatest during construction, typical of any construction project, and only temporary, although the EAF Part I indicates that this “temporary” impact could last two years. The site would not be expected to generate large amounts of noise once occupied. Odor could be a concern with the modified water feature/recharge basin if not properly maintained, but it would be expected that the issue would be handled during the engineering design work for the modified basin. Odor could also be a concern with the sewage treatment plant if not designed and maintained properly. Both of these issues must be addressed by Suffolk County agencies. There is expected to be outdoor lighting for safety purposes around the new buildings, but the underground parking may help to minimize light pollution. No significant noise, odor, or lighting impacts are expected from the housing development.

IMPACT ON HUMAN HEALTH:

16. The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

*Yes. The property was farmed throughout most of the past century. It is likely that various agricultural chemicals were used to improve farm production, and that those chemicals were the likely source of the levels of arsenic found in the soil. Although it is unlikely that future residents would have much contact with the soil, the property will be significantly disturbed by construction. This is also an issue as there are sensitive receptors on adjacent properties, including the residents of the nursing home and assisted living facilities and visitors to the library. The property will require a Soil Management Plan (SMP) to be approved by the Town before it can be redeveloped. Great care needs to be taken during soil disturbance and site construction to minimize wind and water erosion so that potential contaminants are not moved off-site or are not placed in locations more accessible to future residents and the public. It should be noted that arsenic is a health concern when ingested. Its existence in the ground is not by itself a health issue. Minimizing physical human contact is the mitigation/cleanup goal.

CONSISTENCY WITH COMMUNITY PLANS:

17. The proposed action is not consistent with adopted land use plans.

*Yes. As identified in the Comprehensive Plan and Surrounding Land Use and Zoning sections, the subject property may be a good location for alternative uses that mix well with residential uses as allowed by zoning. However, the specific nature of this proposal raises some concerns with respect to the Comprehensive Plan, Zoning Code, and the Long Island SGPA Plan. The proposal for greater density and height than allowed by zoning is a significant issue that could set a precedent for other zone change applications in the Town. However, in this particular case it can be demonstrated that

the project site has unique locational parameters and specific site design attributes that justify the increased development intensity. The Comprehensive Plan recommends that rezoning and higher density developments provide community benefits to the Town to justify the increased development. The need for the Town to address housing and health care issues related to an aging population by incorporating lifecare communities into our community land use mix is certainly a major community benefit to justify the proposal.

Although this project area may be appropriate for alternative uses such as the two houses of worship located on Hauppauge Road, new uses that increase wastewater flow would run contrary to the SGPA Plan. While not in an SGPA, the Town needs to remain cognizant of the purpose behind establishing SGPA areas, and should not be acting in opposition to their purpose. Lifecare communities, congregate care and assisted living facilities, and nursing homes are land uses with potentially significant land use impacts, and that is why the Zoning Code was changed to make them subject to Town Board review. However it is clearly significant that the proposed project would eliminate two (2) aging STPs currently servicing the existing Fay J. Linder Assisted Living Facility and Gurwin Jewish Geriatric Center and replace them with an upgraded state of the art plant that will also provide service to the proposed senior living project. While this level of intense development is contrary to the recommendations of the SGPA Plan, which called for significant decreases in development density in the SGPAs, the proposal is in line with the Suffolk County Department Health Services' policy to reduce the number of STPs in the County. Since the proposal eliminates two aging STPs from the property replacing them with a new state of the art plant it will decrease the operational challenges presented by keeping two older facilities in operation and facilitate compliance with SCDHS discharge standards into the groundwater. These factors result in a project consistent with the Comprehensive Plan and would not conflict with Town-adopted land use plans.

CONSISTENCY WITH COMMUNITY CHARACTER:

18. The proposed project is inconsistent with the existing community character.

*Yes. While the independent senior dwelling units may match the assisted living units and nursing home to the west in height, the scale of development must still be addressed with respect to this proposal. Four-story buildings are generally not allowed in the Town of Huntington outside of the Melville Employment Center (MEC). Residential building height has been identified as an issue during the debate about Avalon at Huntington Station and at the MEC Plan meetings, and community character is the top reason that some residents state as their objection to taller buildings. However it is important to note that there were not any objections to building height voiced by residents at the Town Board Zone Change public hearing for this proposal.

Under the appropriate circumstances varying building height may provide a beneficial impact to both the community at large by addressing the housing needs of specific populations. In this particular case the buildings will be incorporated within an institutional setting, with the four-story buildings located at the center of the development, well buffered from any pattern of existing single family residential use. In fact, the four-story buildings will be located approximately two-hundred and thirty (230) feet from the two (2) roadways that border the site to the south and east. North of the proposed project site lies a LIPA easement which provides at least a three-hundred (300) to four-

hundred and fifty (450) foot buffer to the nearest single-family residential neighborhood. To the west lie the other institutional uses associated with the Gurwin operations. Furthermore, the development will be a major factor contributing to the Town's first lifecare community. Lifecare communities are essential components of a Town's housing mix necessary to meet the residential and health concerns of a growing senior demographic. Flexible design approaches from a site plan perspective may be required in order for such developments to remain economically viable and accessible to the Town residents. In this particular case, the locational setting and site design allow additional density and height without significantly impacting community character.

Department of Planning and Environment

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