



# TOWN OF SMITHTOWN

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DEPARTMENT OF  
ENVIRONMENT &  
WATERWAYS

RUSSELL K. BARNETT  
DIRECTOR

## SEQRA

### POSITIVE DECLARATION DETERMINATION OF SIGNIFICANCE

DATE: FEBRUARY 28, 2008

**LEAD AGENCY:** SMITHTOWN TOWN BOARD  
**ADDRESS:** C/O SMITHTOWN DEPARTMENT OF ENVIRONMENT & WATERWAYS  
124 WEST MAIN STREET  
SMITHTOWN, NEW YORK 11787

THIS NOTICE IS ISSUED PURSUANT TO 6 N.Y.C.R.R. PART 617, THE IMPLEMENTING REGULATIONS PERTAINING TO ARTICLE 8 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW (STATE ENVIRONMENTAL QUALITY REVIEW ACT).

THE LEAD AGENCY HAS DETERMINED THAT THE PROPOSED ACTION DESCRIBED BELOW MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT WILL BE REQUIRED.

**PROJECT:** Amendments to Chapter 322 as it relates to Congregate Care Facilities and Continuing Care Retirement Community

**APPLICANT:** Smithtown Town Board  
**ADDRESS:** c/o Smithtown Department of Environment and Waterways  
124 West Main Street  
Smithtown, NY 11787

**SUFFOLK COUNTY TAX MAP PARCEL #:** N/A

**LOCATION:** N/A

**DESCRIPTION:** Town Board's own motion to amend Chapter 322 of the Code of the Town of Smithtown so as to eliminate the Congregate Care Facility use and all associated references and to add §322-99.1 (Continuing Care Retirement Community).

**SEQRA CLASSIFICATION:** Type I Action



## SEQRA POSITIVE DECLARATION – PAGE 2

**PROJECT:** Amendments to Chapter 322 as it relates to Congregate Care Facilities and Continuing Care Retirement Community

### REASONS SUPPORTING THIS DETERMINATION:

- A. The proposed amendments have the potential to result in a significant increase in water usage and wastewater generation upon parcels which could potentially be developed under the proposed Continuing Care Retirement Community use.
- B. The proposed amendments have the potential to result in a substantial loss of existing open space and natural vegetation, with associated adverse impacts upon wildlife, upon parcels which could potentially be developed under the proposed Continuing Care Retirement Community use.
- C. The proposed amendments have the potential to result in a significant increase in the amount of traffic generated upon, and in the area of, parcels which could potentially be developed under the proposed Continuing Care Retirement Community use.
- D. The precedent setting nature of amending the Smithtown Town Code in order to create a new allowable land use category must be fully explored, documented and subjected to public review.
- E. Full documentation and public review of the potential adverse environmental impacts resulting from the proposed amendments, and consideration of possible mitigating measures, needs to be undertaken and subjected to public review.
- F. The financial viability of the subject use associated with the proposed amendments, which has not previously existed in the Town of Smithtown, must be fully explored, documented and subjected to public review.
- G. The proposed amendments have the potential to result in a significantly increased burden upon community and emergency services.
- H. The proposal is a Type I action pursuant to NYCRR Part 617.4(b)(2) and therefore defined by said regulations as more likely to require the preparation of an Environmental Impact Statement than Unlisted actions. The environmental impact parameters of water usage, wastewater generation, traffic generation, nitrogen loading, solid waste generation, and energy usage need to be fully documented and subjected to public review.
- I. Alternatives to the proposed action need to be considered, detailed and subjected to public review.

**SEQRA POSITIVE DECLARATION – PAGE 3**

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**FOR FURTHER INFORMATION CONTACT:**

MR. RUSSELL K. BARNETT, DIRECTOR  
ENVIRONMENT AND WATERWAYS  
124 WEST MAIN STREET  
SMITHTOWN, NEW YORK 11787  
PHONE: (631) 360-7514

**BY ORDER OF:** SMITHTOWN TOWN BOARD  
AS PER RESOLUTION DATED FEBRUARY 28, 2008

CC: PATRICK R. VECCHIO, TOWN SUPERVISOR  
FRANK DeRUBEIS, PLANNING DIRECTOR  
VINCENT PULEO, TOWN CLERK  
SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES  
SUFFOLK COUNTY PLANNING DEPARTMENT  
SUFFOLK COUNTY WATER AUTHORITY  
DIVISION OF REGULATORY AFFAIRS, NYS-DEC - REGION I  
APPLICANT