



# TOWN OF SMITHTOWN

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DEPARTMENT OF  
ENVIRONMENT &  
WATERWAYS

RUSSELL K. BARNETT  
DIRECTOR

## SEQRA NOTICE OF COMPLETION OF DRAFT EIS AND NOTICE OF PUBLIC HEARING

DATE: October 2, 2012

**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).

A DRAFT ENVIRONMENTAL IMPACT STATEMENT HAS BEEN COMPLETED AND ACCEPTED FOR THE PROPOSED ACTIONS DESCRIBED BELOW. COMMENTS ON THE DRAFT EIS ARE REQUESTED AND WILL BE ACCEPTED BY THE CONTACT PERSON UNTIL 5:00 PM ON DECEMBER 10, 2012. A PUBLIC HEARING ON THE DRAFT EIS WILL BE HELD ON NOVEMBER 29, 2012 AT THE SMITHTOWN SENIOR CITIZEN'S CENTER, MIDDLE COUNTRY ROAD, SMITHTOWN AT 7:00 PM, TIME THEN IN EFFECT. THE PURPOSE OF THE HEARING IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE DRAFT EIS, AND PARTICULARLY ON THE ENVIRONMENTAL IMPACT ISSUES IDENTIFIED BELOW.

**PROJECT # 1:** The Society of St. Johnland Zone Change #2007-04

**APPLICANT:** The Society of St. Johnland  
**ADDRESS:** 395 Sunken Meadow Road  
Kings Park, New York 11754

**SUFFOLK COUNTY TAX MAP PARCEL #:** 0800-8-4-2

**LOCATION:** SW/c/o Sunken Meadow Road and Old Dock Road, Kings Park, Town of Smithtown, Suffolk County, New York.

**DESCRIPTION:** Petition for a change of zone from R-43 to RC for the purpose of the future construction of a Continuing Care Retirement Community of up to 199 age-restricted residential units consisting of a combination of independent living units, assisted living units and townhouse units, with other miscellaneous facilities, on a currently vacant 50 acre parcel of land containing NYS-DEC mapped freshwater wetlands and partially within the New York State Nissequogue River Wild, Scenic and Recreational Rivers System Corridor.

**SEQRA CLASSIFICATION:** Type I Action



**NOTICE OF COMPLETION OF DRAFT EIS AND PUBLIC HEARING – PAGE 2**

**PROJECT:** The Society of St. Johnland Zone Change #2007-04 / Draft CCRC Ordinance

**PROJECT # 2:** Amendments to Chapter 322 as it relates to Congregate Care Facilities and Continuing Care Retirement Community

**AGENCY:** Smithtown Town Board  
**ADDRESS:** c/o Smithtown Department of Environment and Waterways  
124 West Main Street  
Smithtown, New York 11754

**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 Section 322-99.1 (Continuing Care Retirement Community).

**SEQRA CLASSIFICATION:** Type I Action

**POTENTIAL ENVIRONMENTAL IMPACTS, PROJECT # 1:  
The Society of St. Johnland Zone Change #2007-04:**

- A. The proposal appears to have the potential to result in a significant increase in the water usage and wastewater generation potential of the subject parcel relative to development in conformance with existing zoning.
- B. The proposal has the potential to result in a substantial loss of existing open space and natural vegetation, with associated adverse impacts upon wildlife.
- C. The proposal has the potential to result in a significant increase in the amount of traffic generated relative to development in conformance with existing zoning.
- D. The proposed three-story independent living units have the potential to create adverse visual impacts upon adjacent properties and upon the Nissequogue River Wild, Scenic and Recreational Rivers System Corridor within which a portion of the subject property resides.
- E. The proposal has the potential to adversely impact the existing pond and surrounding New York State Mapped Freshwater Wetlands located on the subject property.
- F. The subject petition seeks approval for a proposal which is not currently permitted by Town Code. The precedent setting nature of this proposal must be fully explored, documented and subjected to public review.

## **NOTICE OF COMPLETION OF DRAFT EIS AND PUBLIC HEARING – PAGE 3**

**PROJECT:** The Society of St. Johnland Zone Change #2007-04 / Draft CCRC Ordinance

- G. Full documentation and public review of the potential adverse environmental impacts associated with the proposal, including those resulting from the increased occupancy of the property under the proposed scenario relative to development in conformance with existing zoning, and consideration of possible mitigating measures needs to be undertaken.
- H. Should the proposed use, which has not previously existed in the Town of Smithtown, prove not to be financially viable, the potential for secondary impacts from future uses of the site must be considered.
- I. The subject site is located adjacent to the Local Waterfront Revitalization Program (LWRP) Boundary and has been discussed by the Planning Department as a possible addition to the LWRP area. Therefore, the potential consistency of the proposal with the LWRP must be considered and subjected to review.
- J. The potential for adverse impacts to future residents of the project site resulting from the property's historic agricultural use and past development needs to be fully explored, documented and subjected to public review.
- K. The proposal has the potential to significantly increase the burden upon community and emergency services.
- L. The proposal is a Type I action pursuant to 6NYCRR 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.
- M. The proposal is inconsistent with the planned use of the parcel.
- N. Alternatives to the proposed action, including development of the subject parcel in conformance with existing or alternative zoning, preservation of the subject land as open space, etc., need to be considered, detailed and subjected to public review.

### **POTENTIAL ENVIRONMENTAL IMPACTS, PROJECT # 2:**

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

- 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.

**NOTICE OF COMPLETION OF DRAFT EIS AND PUBLIC HEARING – PAGE 4**

**PROJECT:** The Society of St. Johnland Zone Change #2007-04 / Draft CCRC Ordinance

- 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 6NYCRR 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.

**COPIES OF THE DRAFT EIS ARE AVAILABLE FOR REVIEW AT:**

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

**BY ORDER OF:** SMITHTOWN TOWN BOARD  
AS PER RESOLUTION DATED OCTOBER 2, 2012

**NOTICE OF COMPLETION OF DRAFT EIS AND PUBLIC HEARING – PAGE 5**

**PROJECT:** The Society of St. Johnland Zone Change #2007-04 / Draft CCRC Ordinance

**CC:** PATRICK R. VECCHIO, TOWN SUPERVISOR  
THOMAS J. McCARTHY, COUNCILMAN  
EDWARD R. WEHRHEIM, COUCILMAN  
ROBERT J. CREIGHTON, COUNCILMAN  
KEVIN J. MALLOY, COUNCILMAN  
FRANK DeRUBEIS, PLANNING DIRECTOR  
TED SANFORD, TOWN ENGINEER  
MITCHELL CROWLEY, DIRECTOR OF TRAFFIC SAFETY  
GLENN JORGENSEN, SUPERINTENDENT OF HIGHWAYS  
PETER JOHNSON, SOLE ASSESSOR  
JOHN BONGINO, CHIEF BUILDING OFFICIAL  
JOHN ZOLLO, TOWN ATTORNEY  
VINCENT PULEO, TOWN CLERK  
JOSEPH MARTENS, NYS-DEC COMMISSIONER  
PETER SCULLY, NYS-DEC REGION 1  
DIVISION OF REGULATORY AFFAIRS, NYS-DEC REGION 1  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
NYS OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION  
NYS LEGISLATIVE COMMISSION ON THE WATER RESOURCE NEEDS OF LI  
SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES  
SUFFOLK COUNTY PLANNING DEPARTMENT  
SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS  
SUFFOLK COUNTY WATER AUTHORITY  
UNITED STATES FISH AND WILDLIFE SERVICE  
ENVIRONMENTAL NOTICE BULLETIN  
PETITIONER