

[Westiders for Public Participation, Inc.](#)

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June 17, 2010

Jeffrey Rothman, Director  
Bureau of Project Management  
New York State Department of Health  
433 River Street, 6th Floor  
Troy, New York 12180-2299

Re: #062403 (Modification)  
Jewish Home and Hospital

Dear Mr. Rothman:

I am writing to you to make a Freedom of Information Law request under Section 87 of the New York State Public Officers Law.

Westiders for Public Participation, Inc., is a non-profit corporation that provides leadership and education to residents of the Upper West Side of Manhattan and other communities of New York City who want to protect their living environments from the adverse impacts of poorly considered and unreviewed development.

Westiders for Public Participation hereby requests all agency records, documents, drawings, financial statements, correspondence, and any other materials in the files of the [New York State Department of Health](#) that pertain to a Modification to the [Certificate of Need](#) application filed by Jewish Home and Hospital (#062403) to construct a residential health care facility (RHCF) on West 100th Street, New York, New York.

This request for information also includes a request for an explanation of how the original Certificate of Need application filed by Jewish Home and Hospital on December 22, 2006 for a facility at one location can be “modified” to incorporate a new construction application for an entirely different facility at an entirely different location.

The original Certificate of Need application filed under number 062403 represents a 13-story replacement RHCF located on West 106th Street. The Modification application - according to a letter to Mr. Thomas Gilmartin, Chief Administrative Officer, Jewish Home and Hospital, signed by a person identified as a “Health Program Administrator I” on February 26, 2010 - appears to represent a RHCF of at least 19 stories, which I presume would be located on West 100th Street, based upon a public statement made by Jewish Home Lifecare (Jewish Home and Hospital) on August 15, 2009.

I would like to know why an application to construct an entirely different facility at an entirely different location should not require an entirely new application for construction, entailing the

approval *de novo* of the Commissioner of Health pursuant to the provisions of [Section 2802 of the New York State Public Health Law](#).

I would also like to know why the Modification to the original application by Jewish Home and Hospital has not been posted on the Department's Certificate of Need Listserv, which is supposed to keep the public apprised of the status of all applications and modifications that have been filed with the Department and submitted to its staff for review.

The proposed construction of a residential health care facility on West 100th Street is of extreme interest and importance to persons living near this location, whose quality of life would be profoundly impacted by the construction of an RHCF on a street that is already overburdened by multiple extraordinary uses.

There is considerable, documented neighborhood opposition to the proposed construction of this new facility.

It is essential that residents of the neighborhood surrounding West 100th Street receive complete information about the plans filed by Jewish Home and Hospital, so that they may make timely responses to these plans pursuant to the pertinent provisions of the Public Health Law.

Finally, I call for the Commissioner of Health - on his own motion and pursuant to Subdivision 6 of Section 2802 of the New York State Public Health Law - to hold a public hearing at the Department's offices in New York City on the application by Jewish Home and Hospital to construct a new RHCF on West 100th Street. Such a hearing is vitally necessary to apprise the Commissioner of the many issues concerning nursing home resident care, neighborhood quality of life, environmental impact, and traffic safety that pertain to the proposed construction of this new facility.

Sincerely,

/s Paul S. Bunten

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cc: Richard F. Daines, Commissioner  
New York State Department of Health