

Appendix F

Comments on the DEIS

Written Comments

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LAND USE
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CULTURAL AFFAIRS
ZONING & FRANCHISES SUBCOMMITTEE

Testimony of New York City Council Member Jessica Lappin

Public Hearing Submittal to the New York City Planning Commission
Re: MSK/CUNY – ULURP Nos: C 130214 ZMM; N 130215 ZRM; C 130216 ZSM;
C 130217 ZSM; C 130218 ZSM; C 130219 PPM
July 22, 2013

As the City Council Member for the 5th District of Manhattan, I have the privilege of representing the residents who would be directly affected by the land use actions submitted by Memorial Sloan-Kettering (MSK), in collaboration with Hunter College of the City University of New York (CUNY) to construct facilities on a site located adjacent to the FDR Drive between 73rd and 74th Streets in Manhattan. The applicants plan to jointly develop MSK's new ambulatory cancer treatment facility and CUNY's new Hunter College Science and Health Professions Building.

It is not clear why the former sanitation garage at this site was ever demolished if there wasn't the funding in place to rebuild it. I certainly supported having a sanitation garage at this site and would continue to support it moving forward. But that is not the application under consideration today.

MSK and CUNY are important institutions in the field of medicine and higher education in our city. While I strongly support the great work that they do, I have reservations about locating facilities of this size in this particular location. And I am concerned about the dangers posed by an increase in traffic and the lack of open space in the project area.

Traffic Congestion

The buildings would sit side by side at the end of East 73rd and 74th Streets with access from York Avenue. The applicants are seeking a rezoning of the project site to allow high density community facility use. They plan to develop the site as a Large Scale General Development through special permits that would waive rear yard equivalents, side yard requirements and height and setback requirements. In addition, the applicants are seeking a zoning text amendment that would permit a floor area bonus of up to 20 percent.

These actions would allow the construction of two massive buildings totaling 793,332 square feet. The MSK building will rise 450 feet (equating to somewhere between 37 and 45 residential stories) and CUNY will rise 340 feet (between 28 and 34 residential stories).

According to the Draft Environmental Impact Statement (DEIS), the development would bring **an additional 8, 569 people into the area**, including patients, students, staff and visitors. An additional **1, 680 vehicles would enter and leave the area daily**, further crowding what is an already dangerously congested area.

East 73rd Street serves as a southbound entrance to the FDR Drive where traffic back ups are routine on north and south bound York Avenue as well as 73rd Street. The service entrance for the ambulatory care center would be on 73rd Street, bringing further congestion to this narrow two-way street.

East 74th Street would serve as the entrance to both the MSK and CUNY buildings. It is a narrow two-way, dead end street, with mixed use businesses and a nursery school. In addition, the Hospital for Special Surgery has received approval to build a 13 story, 207,000 square foot ambulatory care facility on this block. Although applicants emphasize the availability of valet parking at the MSK building and that vehicular traffic to the CUNY building will be minimal, this narrow side street already suffers traffic problems that will only be exacerbated by the 1,335 patients that the MSK facility will serve *each day* – many of whom will be dropped off by car or taxi, will not use the valet parking and may be visited by friends and family members who will also most likely drive or arrive by taxi.

The DEIS indicates significant adverse impacts on traffic at 11 intersections within the 400-yard radius study area. At East 79th Street and York Avenue, the impacts could not be mitigated. And two intersections, York Avenue and East 72nd Street and First Avenue and East 72nd Street, were found to be high accident locations. The recommended mitigation includes modifying signal timing, installing no standing signs and turn signals, and prohibiting turns at intersections on certain streets. These measures appear woefully inadequate.

In addition, according to the DEIS, on-street parking in the area is generally at or near full utilization during weekday daytime hours and estimates a parking shortfall of 298 spaces during the weekday midday peak period once the project is built. The DEIS indicates that this shortfall can most likely be accommodated by parking facilities outside the 1/4 mile parking study area radius. This means that drivers will be roaming up and down already congested streets looking for parking spaces and/or parking garages that have availability.

Borough President Scott Stringer recommended conditional approval of the project and as one of his conditions called upon the New York City Department of Transportation (NYCDOT) to conduct a comprehensive traffic study of York Avenue in consultation with Community District 8 (CD 8), the Borough President's Office, New York City Economic Development Corporation and local elected representatives. This study is long overdue. I and many others called for this action many years ago. The borough president could not have been more on the mark in addressing this problem and calling for the study.

Open Space and the Zoning Text Amendment

Applicants seek a zoning text amendment that would allow community facilities within C1-9 districts in CD 8 to seek a 20 percent increase in floor area by providing funding for an off-site improvement to a public park.

The proposed bonus floor area could be used only through a Large Scale General Development special permit process and would be subject to the Uniformed Land Use Review Process (ULURP). The zoning text will require the Department of Parks and Recreation (DPR) to confirm in writing to the City Planning Commission (CPC) the specific park selected, cost estimates and a statement that the improvement is fully funded. Without this requirement, CPC cannot make a determination to grant the special permit (in addition, per a condition of the borough president, applicants have indicated they have no objection to requiring DPR to specify in its letter to CPC that community input in the form of consultation or existing plan has informed the park selection). Community input is essential and I am pleased that this requirement would be part of the zoning amendment. However, although cost estimates and verification of funding are required, what constitutes an appropriate contribution remains ambiguous. This needs more clarification.

In response to the recommendation made both by Community Board 8 and Borough President Stringer, applicants have agreed to modify the text amendment such that the park improvement site would be located both within 1 mile of the project site *and* within CD 8 rather than within 1 mile *or* within CD 8. I support this modification. If the additional 20 percent floor area is to be located in CD 8, it is only fair that the park improvement be located in CD 8 as well.

A number of issues concerning the text amendment need to be fleshed out. For instance, I am concerned that there is no specified timeframe for park improvements to be completed. Without some kind of deadline, there is no way to ensure that the improvements will be made in a timely matter.

To meet their obligation under this text amendment, applicants propose to contribute funds to Phase 2B of the construction of Andrew Haswell Green Park located on the East River from East 60th to approximately East 63rd Streets. Construction of Phase 2B has been delayed because of deteriorating pilings that require extensive repair.

CB8, in its support of the special permit for bulk modifications, specifies that the designated recipient for the park improvement shall be Andrew Haswell Green Park.

I allocated most of the funding for Andrew Haswell Green, and am very proud to have played a part in establishing it. And the cost to repair the deteriorating pilings is enormous. Funding is desperately needed up and down the East River Esplanade. This is evidenced by an engineering study that the Parks Department undertook as part of the East River Esplanade Task Force. Congresswoman Carolyn Maloney and I established this task force a few years ago because of the deteriorating conditions on the

esplanade. The results of the study show that structural damage is widespread and will take approximately \$115 million to repair. We are looking for ways to secure as much funding as possible, as soon as possible, and contributions to Andrew Haswell Green Park are much needed. However, I remain concerned about the lack of open space in the immediate area surrounding the development sites and believe that more thought and deliberation should be given to creating open space that will directly benefit those living in the East 70s. It is they who will be directly impacted by the development.

Size of the Project

Solving the problems of traffic congestion and open space would be a big step forward. However, the size of the project is also troubling. The applicants are seeking a number of zoning waivers that are available through special permits and if approved would allow the applicants to waive certain rear yard, side yard, height and setback restrictions. The end result of these actions, plus the additional floor area that would be added through the text amendment, would be a massively dense, enormous building project on a 66,111 square foot lot. These buildings would have little if any “breathing space” and would completely overwhelm the area.

Next Steps

In addition to the requirement that the NYCDOT undertake a comprehensive traffic study of York Avenue, the borough president recommended conditional approval based on 4 commitments by the applicants and the applicants have agreed to them. In addition to those mentioned earlier, the applicants agree to convene a construction task force, to work with CB 8 on the location of trees, and, as was also a condition of CB 8, the applicant agrees to limit the use of the property to hospital/medical and higher education purposes.

Community Board 8 passed two resolutions in support of the project: one in support of the text amendment and the other in support of the remaining applications, with the conditions that have already been mentioned.

In the days and weeks ahead, I will be reviewing this proposed project with the applicants and other land use planners, including the city council’s land use staff and the City Planning Commission. I will also continue my ongoing dialogue with the community. We are the greatest city in the world in part because we are home to stellar institutions of higher education such as CUNY and the finest medical facilities in the world such as MSK. Our challenge is to determine how we can best meet their development needs while ensuring that we protect the health, safety, and quality of life of the people who live and work in the vicinity of these projects.

Cc: Robert R. Kulikowski, Director, Mayor’s Office of Environmental Coordination



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Statement on the Memorial Sloan Kettering / City University of New York Project
and Zoning Text Amendment
Presented to the New York City Planning Commission
July 10, 2013

CIVITAS is a non-profit organization that sponsors zoning and environmental programs on the Upper East Side and in East Harlem. We would like to comment on the Memorial Sloan Kettering (MSK)-City University of New York (CUNY) project that is under consideration. Specifically, there are two significant aspects to address: 1) the treatment of required open space and 2) the proposed zoning text amendment which requests additional floor area ratio (FAR) that is under consideration.

According to the applicant, the proposed buildings would be built to an overall FAR of 12.0, which would be 793,332 square feet of zoning floor area and with full lot coverage over the project site. Their gross floor area would total 1,092,788 square feet. This is the equivalent of a height of more than 450 feet for the MSK building and 350 feet for the CUNY building. According to the Draft Environmental Impact Statement could bring an additional 8,500 daily visitors into this congested neighborhood.

The project is located between East 73rd and 74th Streets and east of York Avenue and is currently a city owned site zoned M3-2. The applicant is seeking a zoning change to a C1-9 lot, which allows for a 10 FAR, and is requesting an additional 2 FAR through a new zoning text amendment. The zoning text amendment increase is equal to more than an additional 130,000 square feet. This is a major increase to the value of this site and will have significant impacts on the surrounding blocks. CIVITAS would like to see that huge impact reflected in the design of the project and the treatment of the open space required for the 2 FAR increase.

With respect to the project, CIVITAS would like to see open space improvements that are immediately proximate to the development site to handle its negative impacts and improvements that are commensurate with the extremely valuable FAR increase being considered. We are strongly in favor of improvements to the East River Esplanade and waterfront and are in favor of the improvements being considered for Andrew Haswell Green Park, over a half mile away. However, we also feel that additional open space needs to be created and improved on the development site, or very proximate, to accommodate the 8,500 daily visitors. This type of amenity will only add to the overall experience of employees, patients, and students of MSK and CUNY, respectively. We encourage the applicant to explore decking over the FDR Drive to create new parkland for the community. Furthermore, improvements to 74th Street should be reconsidered to accommodate the massive increase in pedestrians and automobiles.

The proposed zoning text amendment is problematic for multiple reasons and should not be approved. CIVITAS objects to the lack of information and specificity in this amendment. First, the text does not specify the amount of money that would be part of the investment. If this zoning text amendment were to be seriously considered, the amount of contribution would need to be



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defined, and would need to be commensurate with the increase of value the applicant is receiving from the increase in FAR. For an approximately million square foot project, that value is sizeable. Second, the mile wide radius from the development site is too large. Park creation and open space should be required to be located significantly less than half of a mile from rezoned properties in order to mitigate the impact to neighbors of the development. Third, in order to be considered, the zoning text amendment would need provisions to guarantee completion of the open space prior to approving the application. This would be similar to provisions in the New York City Department of City Planning's inclusionary housing program. Furthermore, any open space investment should include a long-term strategic maintenance plan.

We urge the NYC Planning Commission to consider the significant adverse impacts of the project to open space and transportation revealed in the Draft Environmental Impact Statement as well our other concerns as part of their ULURP recommendation. The neighborhood will live with the legacy of this decision for many decades.

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Submission of Albert K. Butzel, Counsel for the Residents for
Reasonable Development, to the City Planning Commission
on the Memorial Sloan-Kettering/CUNY "Large Scale" Project

Public Hearing, July 10, 2013

My name is Albert Butzel. I make this submission on behalf of Residents for Reasonable Development ("RRD") in opposition to the proposed Memorial Sloan-Kettering/City University of New York Large Scale General Development Project (the "Project") that is now before the City Planning Commission for review. The Project would be located between East 73rd and East 74th Streets adjacent to the FDR Highway (the "Project Site"),

RRD is a community organization that has come together in the face of the adverse impacts that would be inflicted on the adjoining neighborhood if the Project is approved. RRD believes that the time has come to halt the northern march of large-scale institutional facilities into the residential areas of the Upper East Side. Rightly, that march should have ended on the south side of 72nd Street, which, as a wide street, constituted a logical (and physical) barrier between the hospital complexes to the south and the residential community to the north. That did not happen when the Board of Standards and Appeals approved the northward expansion of the Hospital for Special Surgery east of York Avenue between 73rd and 74th Streets. But that ill-advised decision cannot be used to justify the massive development that is being proposed by MSK and CUNY in this case; one intrusive billboard does not justify another. And here, notwithstanding the applicants' claims, the surrounding area is primarily residential. Nothing can justify the incursion of a huge medical facility generating thousands of vehicle and pedestrian trips every day into this area.

Until recently, the Project Site had supported a garage for the sanitation trucks that serve adjoining areas. The garage was demolished with the expectation that it would be rebuilt for the same purpose. *The surrounding community had no problem with that proposal, nor does it now.* Yet the City, in a kind of bait and switch, decided belatedly not to rebuild. This is ironic given the fierce opposition that the City has faced (for example, at Spring Street) in locating new sanitation facilities and the opposition it will undoubtedly face in trying to site a replacement garage for the 74th Street facility. It also makes no sense. When a neighborhood is prepared to accept its "fair share" of facilities that other communities regard as noxious, the City should embrace that receptivity. Instead, in this case, presumably because of the dollars it will receive, the City has opted to support a largely-private development that could be located elsewhere. It is a telling measure of the City for Sale ethic that has been promoted by the current administration and implemented by this Commission. This would be a good time to bring a halt to these kinds of transactions.

Legal Issues

My principle purpose in this document is to identify the violations of law that will result if the Commission approves the Project at this point.

1. Failure to Evaluate Alternatives Prior to the ULURP Process.

When the City decided to develop the Project Site, it issued an RFP that sought to combine a sanitation garage with private development. There were no use limits on the RFP – residential as well as institutional was permitted. There were no responses to this RFP.

The City subsequently modified the RFP to focus on institutional uses, but still combined with a replacement sanitation garage. However, when the institutional responders complained that they could not include a garage in their proposals, the City eliminated this requirement, allowing health and educational uses only. MSK-CUNY was the ONLY institution to respond and was selected.

The modification of the RFP, its elimination of residential as a permitted use, and its elimination of the garage requirement all took place before there was any effort to comply with the State Environmental Quality Review Act and the City Environmental Quality Review regulations (collectively, "SEQRA") and without explanation or analysis of why residential use was rejected or the garage requirement eliminated. Moreover, as noted below, nothing in the subsequent SEQRA process addressed the potential of residential use, which was certainly a logical option given the residential fabric of the surrounding community, or evaluated a replacement garage as an option, even though that use was generally accepted in the community.

This is about as bad as it gets when it comes to complying with both spirit and letter of SEQRA. Here, where there was an admitted conflict between the expanding hospital uses moving north and the residential neighborhoods that start at 72nd Street, the importance of examining the options was paramount; and indeed, the whole thrust of SEQRA is to require the **early** examination of options and their respective impacts. No effort was made to undertake such an examination here. To the contrary, the alternatives of residential development or building a replacement garage on the site were ruled out by fiat, without explanation.

The City apparently believes that it can *define* the project it wants and thereby insulate itself from the mandates of SEQRA regarding alternatives. This might be so for private developers, but it is certainly not the case for the City, which is a governmental entity obligated to consider the overall public interest. More than that, under SEQRA and general principles of municipal law, the City cannot make an arbitrary choice of how it intends to sell property that it owns into the private market. It is bound by the mandates of the law and its responsibilities as a governmental entity. Here, by eliminating residential use or a replacement garage as options by fiat and without

regard to the overall public interest and the interests of the community surrounding the Project Site, the City has violated the law.

2. Failure to Address Alternatives within the SEQRA Process.

Having failed to analyze the residential or replacement garage options during the time it was developing and later issuing the various versions of the RFP, the City has followed suit within the SEQRA process itself. The Alternatives section of the draft environmental impact statement ("DEIS") does not mention, much less analyze, the option of residential use; nor does it identify or evaluate as an alternative using the Project Site for a replacement garage. (Indeed, the DEIS does not address any use other than a combined hospital-educational facility.) Again, it appears that the City is taking the position that having defined the uses for which it wants to sell its property, it need not consider anything else. This is wrong, for the reasons identified above. Moreover, if this interpretation of SEQRA were accepted, the mandates of the law would have little meaning. The EIS is fundamentally deficient due to its failure to evaluate a residential option and other feasible options, such as a replacement garage and mixed use.

3. The Distant Park Gambit

In order to secure additional FAR for the Project, the Applicants have drafted and proposed a text amendment to the Zoning Resolution that would allow them to purchase and additional 2 FAR (approximately 130,000 additional square feet) in return for a payment of an undisclosed amount to support improvements in Andrew Haswell Green Park, a park 12 blocks distant. Exactly what improvements the money would be used for are not identified; and given that the underlying problem at the Park appears to be rotted pilings that would require many millions of dollars to replace, it is doubtful that anything significant would be achieved in terms of opening the Park to a broader or different public. That is a legal infirmity in its own right.

But that is only one of the deficiencies of this proposal. Another is that the payment will do nothing to serve the neighborhood that is being impacted. And that neighborhood, like developers in other instances, has a major stake in this sale of additional development rights. It is the immediate neighbors, not the residents 12 blocks to the south, who will suffer the impacts of the enlargement of the Project by 130,000 square feet. They are the ones who will suffer the additional vehicle and pedestrian traffic; they are the ones who will see their limited open space further overtaxed; they are the ones who will have to live in a community inundated with hospital workers, students, teachers and the suppliers who make the facility function; they are the ones who will have to live in the shadow of the Project and have their views blocked by it. If the City is going to sell its zoning (additional development rights), it cannot legally do so without some reasonable nexus of benefit for those adversely impacted by the sale. Here, there is none. True, the Park happens to be in Community District 8, but that is simply a legal boundary. In terms of proximity, the

dollar contribution and the supposed improvements that it will finance do nothing for the residents who live around the Project Site.

And then there is the fundamental question: Can the City sell zoning to private bidders? It is unclear that there is any legislative authorization for a sale in this case. It is far from certain, moreover, that "bought" zoning, as the applicants are proposing here, can be said to be pursuant to a well-considered plan. It is also far from certain that the "sold" zoning can be said to be in the public interest, especially in a case like this where the purchase price is so low and the benefits accrue to a class that is not impacted by the development. These issues remain to be tested. If the Project is approved, RRD expects to do so.

4. Private Purpose Zoning.

It is apparent that the proposed zoning amendments have been tailored to fit the applicants' wishes and purposes. This is most evident from the proposed text amendment, which has been not only proposed by the applicants but drafted by its attorneys. It is also an outlier, having no discernible public purpose beyond serving the applicants' interests in building bigger buildings. At the same time, the proposed zoning map changes are designed specifically to accommodate the applicants' wishes. The current M3-2 zoning is outdated, but what follows it still must be in accordance with a well-considered plan. Given the residential development across 73rd Street, the residential character of York Avenue north of 72nd Street and the largely residential fabric of the broader community, the plunking down of an immense institutional facility, drawing thousands of people through the surrounding residential neighborhoods every day, does not comply with the statutory standard. What is at issue here is effectively a deal made for the benefit of the applicants. This violates the law.

5. Illegal Process


The process by which the City tailored its RFP for, and eventually selected, MSK/CUNY as the party with whom it would do business was fundamentally flawed. The original RFP was for open bids, but carried with it the requirement to accommodate a replacement sanitation garage. Subsequently, when the RFP was narrowed to health and education uses, that requirement was dropped. The result of this slight-of-hand is that residential development, which would have been far less damaging to the surrounding neighborhood than the huge institutional project and far more compatible with the existing fabric of the community, was never accorded an equal chance to bid on the Project Site. This, in turn, cheated the surrounding residents of the benefits that less impactful residential development would have brought with it. It may also have cheated the City's taxpayers, since the price a residential developer may have been willing to pay for prime real estate on the East River could well have exceeded the amounts MSK and CUNY are committed to pay. There was, in effect, here a bait-and-switch scenario that was not only inequitable, but also exposed residents of the area to significant adverse impacts. This also violated the law.

6. Shortcomings of the DEIS

I have already identified the failure of the DEIS to comply with SEQRA in its analysis of alternatives. This is far from the only flaw in the document. As usual, the principal impact that such a large project will inflict on the environment and the immediate community is its effect on Community Character. Community character is not, as the DEIS would have it, simply a matter of taking isolated categories and asserting that in none of them will there be any significant impact and therefore community character will not be adversely affected. This is laughable. You cannot add two 400 foot high towers with more than a million square feet of gross floor area and acknowledged to bring to the neighborhood thousands of staff, patients, students and visitors every day without having a significant impact on the character of the community. The East Side east of First Avenue between 62nd and 72nd Streets has seen this already, with the steady expansion of hospitals and hospital support facilities. What was once a primarily low- and mid-rise residential community with neighborhood stores and a local elementary school I sent my children to has been transformed into a vast assembly of medical institutions that has decisively changed the fabric and character and feeling of the area. The community north of 72nd Street has largely escaped this transformation. But taken together with the much smaller Hospital for Special Surgery expansion, the MSK-CUNY Project will change that – and change it for the worse. To assert as the DEIS does that there will be no impact on community character is willful blindness.

The DEIS is also deficient in its failure to address and evaluate the threat of flooding of the Project Site and the implications that has for health and safety. The Project Site is located in the highest Flood Emergency Zone identified by FEMA, yet there is not a word in the DEIS regarding the resulting environmental impacts. Since concerned agencies and the public have not been given the opportunity to comment on whatever the DEIS might present in terms of flooding, any addition to deal with the subject will require recirculation of an amended DEIS.

Other deficiencies in the DEIS and the zoning applications will be identified within the 10 day comment period following the City Planning Commission public hearing.



Albert K. Butzel

To: City Planning Commissioners
Date: July 10, 2013
Re: Testimony of Sarah Chu re: City Planning Commission, Borough of Manhattan,
Nos. 43-48 MSK/CUNY

Thank you for the opportunity to provide the feedback regarding the proposed MSK/CUNY development project. My name is Sarah Chu and I reside in the Cherokee Apartments which is located on E. 77th Street and York Avenue. For full disclosure, I am the Second Vice Chair of Community Board 8 in Manhattan and served on the Community Education Council of District 2 from 2009-2013. Today I am speaking independently and not on behalf of these organizations.

As a mother and as a neighbor, my main concern is **SAFETY** of the children and older adults that live in my neighborhood. My husband, my seven month-old daughter, and I live three blocks north of the planned development site. We moved to this neighborhood to start our family because it was it is a quiet residential area near a great public school, and John Jay Park. In fact, we learned that our home was near many great schools. From E. 69th Street to E. 78th Street between York Avenue and Second Avenue, there are nearly 4,500 students in high schools, elementary schools, preschools, and daycares.¹ Of those students, over 3,000 of these students will go to schools within three blocks of the new development. Those schools include:

- P.S. 158
1458 York Avenue
- New Middle School at P.S. 158
1458 York Avenue
- Eleanor Roosevelt High School
411 E. 76th Street
- The Town School
540 E. 76th Street
- Lycee Francais de New York
505 E. 75th Street
- The Cathedral School
319 E 74th Street
- Epiphany Community Nursery School
510 E. 74th Street
- The Church of the Epiphany Day School
1393 York Avenue
- The International Preschools
351 E. 74th Street

The majority of these schools include small children who often run ahead of their parents on their way to school and are too small to be seen from behind parked cars. Additionally, our neighborhood has dangerous intersections at E.79th Street and York Avenue, E. 72nd Street and York Avenue, as well as E. 72nd Street and First Avenue.

¹ A full list of schools in this area can be found in the book provided by the Residents for Reasonable Development.

The promise of over 1,600 additional vehicles traveling to our neighborhood daily will exacerbate the already dangerous crossings and tie up public transit.

My upstairs neighbor, Eileen, is in her 80's and has lived in my building since 1950. In the last few years, her ability to walk has diminished and I shudder to think of how she will be able to navigate these crosswalks alone. The DEIS suggests that pedestrian safety can be mitigated with pedestrian crosswalks the installation of yield signs warning drivers to watch for pedestrians, the installation of countdown timers, and repainting crosswalks. These solutions are wholly ineffective. Eileen won't be able to cross the street faster because a countdown clock is installed and bright white stripes won't prevent a car from hitting my daughter.

The conundrum here is that in order to improve traffic, mitigation approaches need to speed it up. In order to improve pedestrian safety, traffic needs to be slowed down. This negative relationship between traffic flow and pedestrian safety means that you can never have both at the same time in a neighborhood with as many small children and older adults as our community.

Additionally, the DEIS does not discuss the impact of traffic on the M31, the bus that serves as a lifeline for residents of the "Far East Side." It travels up and down York Avenue and crosstown at E. 57th Street. This bus is important to my older neighbors because many have difficulty walking from York Avenue to First Avenue, which is a particularly long block. MSK did not raise the M31 in the DEIS has no plans to improve traffic patterns for the M31 because they are using the impact of their new development to support the argument to turn York Avenue into a one-way street – preferably with a traffic study that is paid for by MSK. Turning York Avenue into a one-way street will devastate the transit options for my neighbors.

Lastly, the MSK/CUNY complex is located in a high risk flood zone. The building plans have not been revised since Hurricane Sandy nor after FEMA released its new flood zone hazard map last month. The East River flooded over the FDR and up the block during Sandy and I would like to know what plans are in place to manage the radiation and chemotherapy waste and the drugs in the pharmacy at MSK, the radioisotopes, chemicals, vectors, and the laboratory animals that will be used in research at CUNY.

Why are sacrifices being asked of me, my community, the length of York Avenue – why must we all sacrifice for the sake of one poorly designed neighbor? Wouldn't it make more sense to build a more reasonably and responsibly to limit the impact on the residents of these neighborhoods? Through its past history on the Upper East Side and its continuing insensitivity to the neighborhood, MSK will destroy as it claims to save lives. MSK has depleted the trust that my neighbors have placed in community facilities. With this project MSK is taking away all the things that make this neighborhood a place for families and older adults and gives us nothing in return.

Testimony in Support of Item

Borough of Manhattan No. 43

CD8

C 130214 ZMM

NY City Planning Commission Public Hearing
22 Rector Street, July 10, 2013

My name is Elizabeth McCracken. I've lived in Manhattan at the corner of E. 64th Street and York Avenue for 40 years.

I speak in support of the MSK/CUNY project and particularly in support of the text amendment permitting funding to complete the plans for the Andrew Haskell Green Park.

The Park has the potential to enhance the quality of life of all those who live and work in its immediate and broader neighborhood and of those who simply visit it. It is a fitting living tribute to the legacy of Andrew Haskell Green's many contributions to the history and culture of New York City.

City Planning Council Meeting on July 10, 2013 (Calendar # 43-48)

I'm Pat Mulcahy- Resident of 515E 72nd St who has lived in this neighborhood for 25 years. I'm also one of the founders of Residents for Reasonable Development because I care, I'm an IBMer , and I'm a lifeguard.

In my 20ies, I was lifeguarding the driving section of a town pool, when a young man ~~d~~rove off the high dive and hit his head on the bottom, was bleeding and stayed submerged. I ~~d~~rove off the lifeguard stand after asking my associates to call 911. As I brought him up to the side of the pool unconscious, my fellow lifeguards jumped in to assist me as the paramedics arrived on the scene. The entire community and his mother watching anxiously.

I relay this story because my neighborhood and I are watching and hoping that your vote to stop these Applications for a general large scale development will make all of you our lifeguards. These applications are analogous to the bloody submerged victim that needs saving. Everyone anxiously awaits to see if the neighborhood remains a residential neighborhood with its current M3-2 zoning in tact or allowing MSK to build a huge 40 story building. Yikes! With city owned properties, the public has the direct responsibility and control of the outcomes. The public does not want to extend the medical corridor above 72nd Street. We have thousands of neighbors who oppose these applications because they want to prevent a private institution from altering the scale and character of our neighborhood.

We will take the burden of a new sanitation garage which is in line with the current zoning and was NEVER a problem to our community. Please reconsider this option or a park that would bring such joy to our waterfront neighborhood like so many others around this great city. We are also open to a new residential building being built at this location. Our seniors, children and adults are all anxiously watching to see if our neighborhood survives. I hope you become our lifeguards.

I encourage you to read our Residents for Reasonable Development lifeguard manual so you can clearly hear the voice of our neighborhood and vote NO against this large scale development project. Thanks for listening.

RRD

RESIDENTS FOR REASONABLE DEVELOPMENT

Dear Chair Burden:

Our UES community has felt the need to form an organization called Residents for Reasonable Development (RRD) in order to oppose the MSK/CUNY Application for building a new "Large-Scale" General Development Project on E. 73rd & E. 74th Streets between York Avenue and the FDR Drive that requires many waivers, a zoning map change, special permits and a Zoning Text Amendment. RRD is made up of a Steering Committee of (14) Residents who are supporting (44) Residential buildings housing children, adults and seniors. In the short time RRD has been established we have obtained over 2,000+ signatures on petitions and the residents are prepared to use every possible means to oppose this application on the basis of the applicant's very questionable practices.

RRD's position regarding the May 8th Community 8 Board vote on this ULURP Application (C130214ZMM; C130217ZSM; C130218ZSM; C130219PPM) was an orchestrated charade by the applicant's representative acting in collusion with a few select members of the CB. With all the vote manipulation, the CB posted two split decisions The Zoning Text Amendment 23-Y, 20-N, 1-A, 2-NVC and the remainder of the application 24-Y, 17-N, 2-A, 2-NVC. The tactics employed to elicit these results are described in the accompanying materials replete with proof to support our allegations. The months of in-depth work of the CB MSK-CUNY Task Force was overlooked and unheard by the Full Board prior to recognizing two pre-arranged Substitute Motions that were made and voted on without even hearing the motions they were substituting.

RRD recommends that this project must be scaled back to a level that will not damage the scale and character of the neighborhood and the quality of life of its residents. A new facility that is commensurate with the sale price and more appropriate R8B zoning would be acceptable. Our project alternatives are provided in our RRD Book.

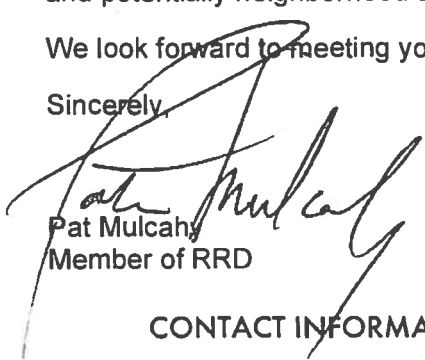
RRD included some very important and informative information in the RRD book, including: Project Alternatives, Community Board 8 Vote, Zoning Text Amendment, Community Description, Environmental Impacts, Zoning History, Tax Payer Funds, FEMA Flood Zoning and Summary & Exhibits

Exhibits include...Actual photos, Maps, Applicant's submissions, and CB Zone Mapping Studies on record.

We hope this reference material is helpful to you and that it gives you the opportunity to hear the voice of our community. Thank you for giving your attention to this important and potentially neighborhood altering matter.

We look forward to meeting you at the hearing on this matter on July 10, 2013.

Sincerely,


Pat Mulcahy
Member of RRD

OFFICE OF THE
CHAIRPERSON

JUL 9 - 2013
26574

CONTACT INFORMATION: rrdnyc@gmail.com T. 917-612-6453

Cc: Commissioner Kenneth, J. Knuckles, Esq., Vice Chair
Commissioner Angela M. Battaglia
Commissioner Rayann Besser
Commissioner Irwin G. Cantor, P.E.
Commissioner Alfred C. Cerullo, III
Commissioner Betty Y. Chen
Commissioner Michelle de la Uz
Commissioner Maria M. Del Toro
Commissioner Joseph Douek
Commissioner Richard W Eaddy
Commissioner Anna Hayes Levin
Commissioner, Orlando Marin
Executive Director, Richard Barth
Manhattan Planning Director, Edith Hsu-Chen

RRD

RESIDENTS FOR REASONABLE DEVELOPMENT

ULURP

C130214ZMM; C130217ZSM; C130218ZSM; C130219PPM

Re-Evaluation

Topics

1. Summary
2. Project Alternatives.....(Exhibit #1)
3. Community Board 8M Vote.....(Exhibits #2–#5)
4. Zoning Text Amendment.....(Exhibits #6–#10)
5. Flood Zone.....(Maps #1 & #2)
6. Community.....(Exhibits #11–#17)
7. Misused Taxpayer Funds.....(Exhibits #18–#20)
8. New Increased Population
9. Traffic.....(Photos #1–#4)
10. Parking.....(Exhibits #21–#23)
11. Neighborhood Character.....(Map #3)
12. UES Zoning History

CONTACT INFORMATION: rrdnyc@gmail.com T. 917-612-6453

Summary

- The Zoning Text Amendment must be denied.
- Never has a "give back" for a development project served a distant neighborhood other than the people who will be directly impacted by the development.
Note: ConEd barge and dock area adjacent to proposed development is now being given back to the city making it feasible to provide on-site open space and/or to "spread" building over the FDR Drive.
- The project was conceived prior to the June 2013 FEMA Flood Zone map designation and as originally presented places both a health and educational facility right in the highest flood zone and priority evacuation areas.
- The EIS is flawed and does not address the proposed surge in vehicular and foot traffic in currently one of the most congested areas in NYC.
- The MSK-CUNY double building requires too many zoning changes and is "force fit" and out of character with the surrounding residential neighborhood.

Project Alternatives

If the Applicants cannot reduce the size of the project to a level at which it does not damage the scale and character of the neighborhood and the quality of life of its residents, alternatives should be considered.

- Sotheby's Upper East Side headquarters, located at the corner of 72nd and York, is currently up for sale. As the building is 500,000 square feet, has high ceilings, is not in a **#! Flood Zone Area** as the proposed buildings are and it is located within the current hospital corridor and would therefore be in keeping with the character of the neighborhood, it should be considered as an alternative to the current site for MSK's building. (Attached: NY Times 6/19/13) **Exhibit # 1**
- Both institutions currently utilize facilities outside CD8.
- Hunter has property outside CD8 and is currently building a facility in East Harlem.
- MSK has facilities outside CD8 and outside the city and state. The Brookdale site could be considered, along with others that would be suitable to the Applicants.
- The Brookdale site should be considered for the MSK/CUNY project as it is in keeping with the neighborhood plan developed by Community Board 6 (CB6) .
- MSK's own data indicates that its growth rate from 2007 to 2011 at Regional locations (outside of NYC) for Outpatient MD Visits, Radiation Treatments and Implants far exceeds its respective Manhattan growth rates.
- **Outpatient MD Visits** increased by 36.3% from 2007 to 2011 in MSK's regional network, more than double the 17.5% increase in Outpatient MD Visits in MSK Manhattan facilities.
- **Radiation Treatments and Implants** visits have increased by 15.7% in MSK's Regional Network from 2007 to 2011, almost triple the 5.4% increase for Manhattan during the same period.

***New Information:** June 7, 2013 at an east side "Esplanade Forum" at Lenox Hill Hospital, Con Ed stated that they are giving up the "dock" and "barge" area on the south and north sides of their 74th - 75th East River property. Previously the applicant stated that the proposed project could not build over the FDR Drive because of the dock/barge impediment. This new information now makes it feasible for the applicant to re-adjust their plans.

The New York Times

June 19, 2013

Sotheby's Considers Putting Its Headquarters Up for Sale

By GRAHAM BOWLEY

Sotheby's, the auction house that has for centuries put other people's treasures up for sale, is in the early days of exploring whether it should place one of its own on the block: its glittering glass-and-granite-fronted worldwide headquarters on the Upper East Side of Manhattan.

The company has hired two real estate firms to weigh a possible sale. One, Eastdil Secured, is seeking out buyers for the 10-story building, at York Avenue and 72nd Street; the other, Jones Lang LaSalle, will evaluate where Sotheby's could operate next were it to sell its home, which it has occupied for more than 30 years.

"We are looking at our options," said Andrew Gully, Sotheby's worldwide director of communications.

The exploration of a possible sale, which was first reported by The New York Post, includes a sale-and-lease-back option that would give the company time to consider its next move.

The 490,000-square-foot building, which takes up the entire front of the York Avenue block between 71st and 72nd streets, is in a prime neighborhood known for luxury residential towers and a corridor of hospitals.

In the city's robust real estate market, Sotheby's has already fielded unsolicited overtures, Mr. Gully said, without specifying further details. As a public company, the auction house had a duty to explore a possible sale, he said. That decision, he added, was not motivated by a thirst for capital and should not be interpreted as a signal that the heart of Manhattan's art market has shifted elsewhere.

While the building, which houses Sotheby's headquarter offices and auction space, is vast and near the Upper East Side art galleries, much of the activity in the New York art market has long since moved to other areas like Chelsea.

"This is a long-term decision that has nothing to do with short-term results or sales," Mr. Gully said.

In the first quarter of this year, Sotheby's reported a 3 percent decline in revenue from a year earlier and a net loss of \$22.3 million, after auction commission margins were squeezed. That followed a 37 percent decline in net income to \$108.3 million in 2012.

Christie's, the rival auction house, said it had no plans to move from its New York headquarters, at 20 Rockefeller Plaza, which it rents.

Built in 1925 as a cigar factory and functioning as a Kodak warehouse beginning in 1949, the York Avenue building was first occupied by Sotheby's in 1980. Around 2000 the auction house bought the building for \$11 million and completed a \$140 million expansion and renovation.

But by then, a federal investigation of a price-fixing conspiracy between Sotheby's and Christie's was under way as well as an array of related lawsuits. The affair, culminating in a trial of Sotheby's former chairman and principal owner,

Alfred Taubman, drained Sotheby's of cash, and the company sold the building in 2002 for \$175 million.

It leased it back from the buyer, the real estate RFR Holding, and in 2009 it repurchased it for \$370 million. At the time, it assumed the existing mortgage of \$235 million and paid \$135 million in cash.

Douglas Harmon of Eastdil Secured said the property was of "trophy quality." "It is a beautiful building in a very good location," he said.

He described it as "a blank canvas" that would be perfect for hospital or office use — or even for knocking down to build a new residential tower.

He suggested that Sotheby's could capture a "sell-high-buy-low moment" by selling at a peak price while taking advantage of leasing prices that are still relatively low at some developments in the city where the auction house would be welcomed as a prime tenant.

Mr. Harmon recently handled the sale of the 37-story Sony Building, on Madison Avenue at 55th Street, to a consortium for \$1.1 billion.

Contradictory Community Board Vote

Community Board 8-M is on record requesting that new buildings be smaller or lower (Attached: Statement of Needs - **Exhibit #2**), and that open space be part of a development (Attached CB 11/8/12 Resolution - **Exhibit #3**). In addition, the Task Force that was setup to evaluate the proposal and that deliberated for many months, voted two to one (12 in favor, 6 opposed, 1 abstaining) against the Zoning Text Amendment; and 11 in favor, 4 opposed, 1 not voting for cause against the remainder of the Application) against all the remaining aspects of the Application (Attached: Both Task Force Resolutions - **Exhibit #4**). Contrary to its long-standing positions and by a fairly close margin (23 in favor, 20 opposed, 1 abstaining, 2 not voting for cause against the Zoning Text Amendment and 24 in favor, 17 opposed, 2 abstaining, 2 not voting for cause against the remainder of the application), the Community Board voted in favor of the proposed zoning text amendment and the remainder of the Application.

The explanation for this contradictory vote, lies in the undertaking to fund Andrew Haswell Green Park utilizing a cleverly crafted and targeted Zoning Text Amendment. Indeed, the full board's resolutions were conditioned upon the funding for the park (Attached: Both resolutions - **Exhibit #5**). The relevant clauses follow:

BE IT FURTHER RESOLVED THAT Manhattan Community Board 8 recommends, consistent with its longstanding support for the creation of Andrew Haswell Green Park, approval of its selection as the location for a monetary contribution to a park improvement under the requested special permit, provided that CPC obtain prior to its vote a clear and unequivocal statement in writing from DPR that all necessary funding is in place for the repair of the pilings and completion of Phase 2B of Andrew Haswell Green Park and its opening to the public.

BE IT RESOLVED THAT Manhattan Community Board 8 approves the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) for a special permit for bulk modifications (C 0130216 ZSM) is **SUBJECT TO THE CONDITION** that the designated recipient for improvement of a public park pursuant to the proposed Section 74-743(a)(11) of the Zoning Resolution shall be Andrew Haswell Green Park.

Community Board 8M Fiscal Year 2013 District Needs Statement

Section II: 2.1 Land Use

II. AREAS OF PERFORMANCE 2.1 LAND USE

Nearly every portion of CB8 has experienced major development. Where tenements and small commercial properties once stood, luxury apartment buildings now soar to thirty or forty floors (10 feet per floor). After a construction lull during the early to mid 1990's, residential and commercial development exploded on the Upper East Side. Currently, construction has decreased with the recession.

Zoning changes including R8-B enacted within the past fifteen years to protect the midblock, from massive structures and R10-A governing use of the plaza bonus and towers on a base for avenues and cross-town streets have only slightly moderated development. New 30-35 story buildings on some avenues, which currently are allowed, strain the infrastructure and municipal services.

CB8 and local civic groups have urged the Department of City Planning to review the Community Facility provisions of the Zoning Resolution. CB8 is the only district where community facilities are entitled to a 5.1 FAR in the R8B mid-blocks. CB8 has proposed modifications to the Department of City Planning to change the current community facility in R8B areas from a 5.1 to a 4.0 FAR.

CB8 seeks to preserve the Upper East Side's residential character. The C1 and C2 zoning (Local Retail Use) control commercial signage in the District. CB8 seeks to maintain a careful balance to prevent new buildings from detracting from CB8's historic districts. CB8 believes that new and more effective regulations, coupled with increased enforcement, would ease this problem.

Nicholas D. Viest
Chair

Latha Thompson
District Manager



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**The City of New York
Manhattan Community Board 8**

November 08, 2012

Hon. Veronica White
Commissioner
Department of Parks and Recreation
The Arsenal
830 Fifth Avenue
New York, New York 10021

Re: Discussion about the need/desire for a CB8M position urging institutions on the Upper East Side to provide for public open space when they plan new buildings.

Dear Commissioner White:

At the Full Board meeting on Wednesday, October 17, 2012, Manhattan Community Board 8 approved the following resolution by a vote of 37 in favor, 3 opposed and 0 abstentions:

WHEREAS Manhattan's Upper East Side suffers from a severe shortage of public open space, particularly green space, compared with other districts of New York City; and

WHEREAS CB8M can help expand available public open space by encouraging institutions to include such open space in their development plans; and

WHEREAS providing public open space could enhance institutions' compatibility with the residential zoning districts in which they are permitted to exist; and

WHEREAS providing public open space would help local institutions demonstrate their concern for the community they operate in and sense of partnership with it; therefore,

BE IT RESOLVED that Community Board 8, Manhattan urges all organizations planning new facilities in the CB8M district to incorporate public open space into their plans for the project.

ZONING MAP CHANGE FROM M3-2 TO C1-9

Exhibit #4

The CUNY-MSK Task Force passed the following resolution to disapprove the Zoning map change by a vote of 11 in favor, 4 opposed, 1 abstention, and 1 no vote for cause.

WHEREAS the Applicants have requested a zoning map change from M3-2 to C1-9, and
WHEREAS the site is currently zoned for low-scale, low density, and low-traffic development, and
WHEREAS the proposal is to change the zoning to permit high-scale, high density, and high-traffic development, and
WHEREAS the character of the surrounding neighborhood features low-scale, low density, and low-traffic development, and
WHEREAS all of the side streets east of York Avenue and north of 72nd Street – with the exception of the few remaining manufacturing sites and one lot on 76th Street - have been rezoned to R8-B, and
WHEREAS this low-rise residential zoning reflects the character of the surrounding neighborhood, and
WHEREAS the site is on a narrow street, which is a cul de sac, and
WHEREAS the area is already suffering from excess traffic density, and
WHEREAS traffic will be increased and the congestion problems exacerbated when the Hospital for Special Surgery building is completed, and
WHEREAS any zoning change at this site should be to R8-B, and
WHEREAS the proposed zoning map change from M3-2 to C1-9 would cause serious damage to the character of the surrounding community and exacerbate the current traffic problems, and
WHEREAS the Applicant does not wish to utilize C1-9 zoning and seeks waivers of all its provisions, and
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends disapproval of the proposed zoning map change.

(11 In Favor)-Barbara Rudder, Molly Blayney, Elizabeth Ashby, Ed Hartzog, Marco Tamayo, Elaine Walsh, David Rosenstein, Rita Popper, Susan Evans, Teri Slater, and Peggy Price

(4 Opposed)-David Helpen, Barry Schneider, Judy Schneider, and Hedi White

(1 Abstention)-Nick Viest

(1 No Vote for Cause)-Rebecca Seawright

DISPOSITION OF PROJECT SITE

The CUNY-MSK Task Force passed the following resolution to disapprove the proposed disposition of the project site by a vote of 11 in favor, 4 opposed, 1 abstention, and 1 no vote for cause.

WHEREAS the proposal involves the disposition of public property, the disposition of public funds, and the issuance of Dormitory Authority bonds, and
WHEREAS the public has not been provided with adequate information regarding the above dispositions, and
WHEREAS the proposed development would create a large and detrimental impact on the surrounding community, and
WHEREAS the Draft Environmental Impact Statement fails to recognize and address the project's adverse impacts, and
WHEREAS this project requires thorough re-examination before any disposition of the site could responsibly be considered;
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends disapproval of the proposed disposition of the project site.

(11 In Favor)-Barbara Rudder, Molly Blayney, Elizabeth Ashby, Ed Hartzog, Marco Tamayo, Elaine Walsh, David Rosenstein, Rita Popper, Susan Evans, Teri Slater, and Peggy Price

(4 Opposed)-David Helpen, Barry Schneider, Judy Schneider, and Hedi White

(1 Abstention)-Nick Viest

(1 No Vote for Cause)-Rebecca Seawright

LARGE SCALE GENERAL DEVELOPMENT

The CUNY-MSK Task Force passed the following resolution to disapprove the proposal to develop the site as a Large Scale General Development by a vote of 11 in favor, 4 opposed, 1 abstention, and 1 no vote for cause.

WHEREAS the applicants seek to develop the site as a Large Scale General Development, and
WHEREAS the site in question has two different owners, and
WHEREAS the proposal calls for two different buildings, and
WHEREAS the proposed Large Scale General Development enables an MSK building that is even less respectful of the neighborhood's scale and character than a C1-9 building;
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends disapproval of the proposal to develop the site as a Large Scale General Development.
(11 In Favor)-Barbara Rudder, Molly Blayney, Elizabeth Ashby, Ed Hartzog, Marco Tamayo, Elaine Walsh, David Rosenstein, Rita Popper, Susan Evans, Teri Slater, and Peggy Price
(4 Opposed)-David Helpern, Barry Schneider, Judy Schneider, and Hedi White
(1 Abstention)-Nick Viest
(1 No Vote for Cause)-Rebecca Seawright

WAIVERS

The CUNY-MSK Task Force passed the following resolution to disapprove the waivers by a vote of 11 in favor, 4 opposed, 1 abstention, and 1 no vote for cause.

WHEREAS Community Board 8-M recommends disapproval of the proposal to change the site's zoning from M3-2 to C1-9, and
WHEREAS waiving the maximum floor area regulations would increase the damage to the community of this zoning change, and
WHEREAS waiving the rear yard equivalent regulations would increase the damage to the community of this zoning change, and
WHEREAS waiving the minimum side yard requirements would increase the damage to the community of this zoning change, and
WHEREAS waiving the height and setback regulations would increase the damage to the community of this zoning change, and
WHEREAS the proposed buildings would cast significant shadows over local parks, residents, and amenities;
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends disapproval of the proposed waiver of the floor area regulations, of the proposed waiver of the rear yard equivalent regulations, of the proposed waiver of the minimum required side yard regulations, and of the proposed waiver of the height and setback regulations..
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends disapproval of the proposed waiver of the floor area regulations, and
BE IT FURTHER RESOLVED that Community Board 8, Manhattan, recommends disapproval of the proposed waiver of the rear yard equivalent regulations, and
BE IT FURTHER RESOLVED that Community Board 8, Manhattan, recommends disapproval of the proposed waiver of the minimum required side yard regulations, and
BE IT FURTHER RESOLVED that Community Board 8, Manhattan, recommends disapproval of the proposed waiver of the height and setback regulations.
(11 In Favor)-Barbara Rudder, Molly Blayney, Elizabeth Ashby, Ed Hartzog, Marco Tamayo, Elaine Walsh, David Rosenstein, Rita Popper, Susan Evans, Teri Slater, and Peggy Price
(4 Opposed)-David Helpern, Barry Schneider, Judy Schneider, and Hedi White
(1 Abstention)-Nick Viest
(1 No Vote for Cause)-Rebecca Seawright

The Chair adjourned the meeting

Nicholas Viest
Chair

Latha Thompson
District Manager



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Exhibit #5

**The City of New York
Manhattan Community Board 8**

May 14, 2013

Hon. Amanda M. Burden
Chair
The Department of City Planning
22 Reade Street
New York, New York 10007

Re: CUNY-MSK ULURP Application No. C130216ZSM-Zoning Text Amendment

Dear Chair Burden:

At its Land Use meeting on Wednesday, May 8, 2013 Community Board 8M approved the following resolution by a vote of 23 in favor, 20 opposed 1abstention and 2 not voting for cause.

WHEREAS, the ULURP application of CUNY-Hunter College and Memorial Sloan-Kettering Cancer Center for development of the former Department of Sanitation Garage at East 73rd/74th Street and the FDR Drive is currently before CB 8; and,

WHEREAS, one of the actions in the ULURP application is a proposed ^{Zoning} text amendment that will provide through special permit up to an additional FAR 2 (for a maximum site development of FAR 12) and will include Incentive Zoning providing for a substantial monetary contribution to a public park improvement; and,

WHEREAS, another of the actions in the ULURP application is to approve, as provided in the proposed zoning text amendment, a special permit for a monetary contribution as stipulated in writing by the DPR that a public park improvement will provide an appropriate amenity for the surrounding area; and

WHEREAS, CB 8 has actively advocated for the opening of Andrew Haswell Green Park, which is only partially completed due to the lack of available funding for the unforeseen repair of the pilings beneath the surface of the Park; and

WHEREAS, CB 8 has long sought to expand public parkland within its boundaries and notes that the proposed zoning text amendment will provide a new opportunity for adding significant acreage by completing parkland that is currently unimproved and inaccessible to the public; and,

WHEREAS, in the summer of 2006, CB 8 strongly recommended the opening of Andrew Haswell Green Park in its 197-a Plan; and,

WHEREAS, in response to CB 8's long advocacy for the creation and opening of Andrew Haswell Green Park, and DPR submitted a plan for its design and completion to the Public Design Commission in 2010; and

WHEREAS, the Public Design Commission approved the DPR plans for the creation of Andrew Haswell Green Park as supported by CB 8; and,

WHEREAS, CB 8's elected officials have contributed over \$5 million of their own discretionary funds toward the opening of Andrew Haswell Green Park for the current Phase; and,

WHEREAS, work on Andrew Haswell Green Park Phase I was completed but the work on Phase 2B had to be indefinitely postponed once the extent of the poor conditions of the pilings beneath the Park were uncovered because there was no funding in the capital budget for their repair; and,

WHEREAS, DPR has confirmed to the City Planning Commission by letter that the original funding for the opening of Andrew Haswell Green Park is available except for the funds necessary to repair the pilings beneath the Park platform and it has further advised CPC that there are no plans to provide such funds in the foreseeable future; and,

WHEREAS, at a recent CB 8 Parks Committee Public Forum, parks advocates released a study that this community is "impoverished" in comparison to other communities in all of NYC regarding the amount of available public park space; and,

WHEREAS, alternate proposals to utilize the funding that would be generated by this application to improve other parks within CD 8 are exemplary but will not result in the increase of available public parkland, and this proposal will bring the amount of additional available public parkland to a total of 2 acres and provide a major area of passive recreation along the East River Waterfront on parkland which is presently unimproved and unavailable to the public; and,

WHEREAS, while Andrew Haswell Green Park is located in the East 60's neighborhood in which both Hunter College and MSK have resided for decades, is proximate to the new MSK ambulatory surgery building at 1133 York, which CB 8 criticized for not providing public open space, and is proximate to the other institutions in the medical corridor on York Avenue which currently do not provide the public or their populations any publicly accessible open space; and,

WHEREAS, CUNY-Hunter and MSK have designed their buildings to provide for private open space for the use of their expected populations with upper level terraces and interior spaces so as to minimize the impact on the adjoining community's existing open spaces and public sidewalks; and,

WHEREAS, the CUNY-Hunter/MSK proposal represents the only currently foreseeable opportunity to reduce CD 8's "impoverishment" and actually add to the amount public parkland within this community; and,

WHEREAS, recommending disapproval of this proposal to complete and open Phase 2B of Andrew Haswell Green Park to the public with funding offered by this application rather than

through the City's capital budget may have significant adverse consequences to CB 8 in the future competitive pursuit of limited DPR funding for our parks,

THEREFORE BE IT RESOLVED THAT Manhattan Community Board 8 recommends approval of the proposed zoning text amendment, provided:

- (1) it is modified to assure that the site of the proposed park improvement be limited to the boundaries of CD 8 and
- (2) the bonus remains available only through a special permit, requiring Community Board review, a full environmental review and full ULURP public hearings; and,

BE IT FURTHER RESOLVED THAT Manhattan Community Board 8 recommends, consistent with its longstanding support for the creation of Andrew Haswell Green Park, approval of its selection as the location for a monetary contribution to a park improvement under the requested special permit, provided that CPC obtain prior to its vote a clear and unequivocal statement in writing from DPR that all necessary funding is in place for the repair of the pilings and completion of Phase 2B of Andrew Haswell Green Park and its opening to the public.

Please advise this office of any decision made by City Planning concerning this matter.

Sincerely,

Nicholas Viest
Chair

cc: Honorable Michael Bloomberg, Mayor of the City of New York
Honorable Scott Stringer, Manhattan Borough President
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District
Honorable Micah Kellner, NYS Assembly Member, 65th Assembly District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Jessica Lappin, NYC Council Member, 5th Council District
Honorable Daniel Garodnick, NYC Council Member, 4th Council District
Shelly Friedman, Esq., Friedman and Gotbaum, LLP

Nicholas Viest
Chair

Latha Thompson
District Manager



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**The City of New York
Manhattan Community Board 8**

May 14, 2013

Hon. Amanda M. Burden
Chair
The Department of City Planning
22 Reade Street
New York, New York 10007

**Re: CUNY-MSK ULURP Application Nos. C130214ZMM; C130217ZSM; C130218 ZSM;
C130219PPM**

Dear Chair Burden:

At its Land Use meeting on Wednesday, May 8, 2013 Community Board 8M approved the following resolution by a vote of 24 in favor, 17 opposed, 2 abstentions and 2 not voting for cause.

ULURP Application with conditions

BE IT RESOLVED THAT Manhattan Community Board 8 approves the applications submitted by the Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) for a zoning map change (C 130214 ZMM), a special permit to modify sign regulations (C 130217 ZSM), and a special permit for an accessory parking garage (C 130218 ZSM); and be it further

BE IT RESOLVED THAT Manhattan Community Board 8 approves the application submitted by the Department of Citywide Administrative Services for disposition of city-owned property (C 130219 PPM) SUBJECT TO THE CONDITION that the application (C 130219 PPM) limit use of the subject property to hospital/medical and higher education purposes; and be it further

BE IT RESOLVED THAT Manhattan Community Board 8 approves the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) for a special permit for bulk modifications (C 0130216 ZSM) is SUBJECT TO THE CONDITION that the designated recipient for improvement of a public park pursuant to the proposed Section 74-743(a)(11) of the Zoning Resolution shall be Andrew Haswell Green Park

Please advise this office of any decision made by City Planning concerning this matter.

Sincerely,

Nicholas Viest
Chair

cc: Honorable Michael Bloomberg, Mayor of the City of New York
Honorable Scott Stringer, Manhattan Borough President
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District
Honorable Micah Kellner, NYS Assembly Member, 65th Assembly District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Jessica Lappin, NYC Council Member, 5th Council District
Honorable Daniel Garodnick, NYC Council Member, 4th Council District
Shelly Friedman, Esq., Friedman and Gotbaum, LLP

**Zoning Text Amendment
MSK-CUNY ULURP #C130216ZSM**

Applicant's Objective:

- To gain Community Board approval for the MSK-CUNY ULURP.

Applicant's Strategies:

- To offer the community as little as possible for as long as possible in order to turn the proposed two-building complex into a reality.
- To use any tactics, even those that are not above board, to achieve approval for the two-behemoth institutions involved in the ULURP.

Background:

- **Nov. 30, 2112** (two day after Hurricane Sandy) and **Dec. 14, 2012**, the applicant present the MSK-CUNY project to the public and the CB 8M specially formed Task Force and asked for public open space and the applicant stated that the building contain open space but it is not for the public.
- At both public sessions, the CB Task Force requested, "open space" for the community directly impacted by the construction/development of these large-scale structures, proposed for a residential neighborhood. These proposed buildings require zoning changes and numerous waivers because the land is zone (M3-2) with residential housing from mid-block to York Ave.
- **March 13, 2013**, 4-months *after* the public notice, the applicant presented the Community Board with a cleverly crafted and targeted ultimatum. If the Community Board would allow the applicant to *increase* the size of the proposed buildings by 20% thereby requiring an additional 2 FAR, assuming the applicant would get permission to re-zone a M3-2 area with 2 FAR into for a C1-9 zone with a 10 FAR and an additional 2 FAR would now increase the size of the building to 12 FAR!
- If the Community Board approved the additional 2 FAR then and only then would the applicant insert a Zoning Text Amendment that provides *"improvement to a public park within the same Community District or within a one mile radius of the proposed development."* (Attached: Zoning Text Amendment as presented to the CB on March 13, 2013 Exhibit # **6**)

- Although the name of the park does not appear in the Zoning Text Amendment, the applicant verbally named the public park as the "Andrew Haswell Green" Park (AHG). A CB member asked who designated where this newly found largess would be spent and a Community Board member shouted, "I did."

Note: The CB member, who admitted to naming the selected park, has demonstrated a "vested interest" for this particular park to the press.

- On **June 29, 2012**, a "vested interest" CB Board member gave an interview about the "Andrew Haswell Green" Park and how money was needed to complete this passive recreation area located under the 59th St. Bridge. To date a dog run and seating area were previously completed and the remaining undeveloped one-block area needs money to complete the original plan.
(Attached: DNA/Info article - **Exhibit # 7**)
- 1. Still at the **March 13, 2013** meeting, CB members spoke out and opposed the applicant's surprise offer on the grounds that 1. Could not tell the board how much money the MSK-CUNY applicant was willing to invest in the park, and 2. Explain why the committee process had been bypassed in the selection of the park. *There are park areas and the Esplanade area that are closer to the development that would have benefitted from money for repairs in the aftermath Hurricane Sandy. These other candidate parks are not passive recreation areas. These other parks serve hundreds of seniors, adults and children.*
- **April 10, 2013** the applicant's representative was still unable to answer how much money MSK-CUNY would be giving to the park and assured the board that if the additional 2 FAR were **not granted** the "Andrew Haswell" Park would not be completed. The board recommended voting against granting the additional requested 2 FAR that further increased the size of the development. That vote put the completion of the "Andrew Haswell Green" Park in jeopardy. The disapprovals of the Zoning Text Amendment was 12 Y, 6 N, 1 A. and 11 Y, 4 N, 1 A on and the remainder of the application. (See Section 3 Community Vote **Exhibit # 4**)
- **April 28, 2013** - Members of the public who attended 4/10/13 MSK-CUNY Task Force meeting witnessed the constant, blatant camaraderie between three (3) particular Community Board members and the applicant's representative to the degree that a distinguished member of the public sent a letter to Manhattan Borough President, Scott Stringer. One of The CB members mentioned in the letter was the same "vested interest" member who appeared in the June 29, 2012 DNA/Info article. (Attached: Copy of resident's letter to Manhattan Borough President - **Exhibit # 8**)

- **April 30, 2013** - The MSK-CUNY Task Force met and extensively discussed every aspect of the project that concerns the community. The Task Force voted to *disapprove* the Zoning Changes, Disposition of Project Site, Large Scale Development and Waivers. . (See Section 3 Community Board Vote **Exhibit # 4**)

Note: The "vested interest" board members voted in opposition and were aware that the Task Force votes would go to a Full Board vote on May 8, 2013.

- **Between April 30 and May 8, 2013**, the "vested interest" Community Board members distributed flyers and petitions stating "***On April 10th the Community Board Committee Voted Down Our Neighborhood Park!***" Further stating, "there is a very vocal group of Community Board members who are speaking out to stop the completion of our park." **Note:** These inflammatory flyers and petitions were not the truth. Members of the CB were not against the completion of the "Andrew Haswell Green" Park. The board was against the increased size of the development in an already **congested residential** neighborhood. Please note "vested interest" group's usage of the word "**our**" park. (Attached: Flyer and petition distributed to the public. **Exhibit # 9**)
- **May 8, 2013**, after hearing testimony from both MSK and CUNY, where a doctor spoke about the proposed development as a "same day" cancer treatment center. He stated that in the future, chemotherapy would be administered in a patient's home. That begged the question as to why a large and then again an even larger building was required.

After the public session, the meeting reverted to the CB. In an orchestrated and pre-arranged set-up the CB Chair recognized one of the "vested interest" members who proceeded to read a 17-point "substitute" motion before the motions voted on by the Task Force were read into the record and voted on. Only 19/17 members voted respectively in the Task Force. The remainder of the Full Board had no idea what the Task Force voted on and why. The "substitute" Zoning Text Amendment, was the **only** motion the full board heard and it had 17 WHEREAS clauses. 15 of the 17 clauses mentioned the park. **Not one WHEREAS mentioned the increased size of the building in exchange for the park!** With all the orchestrations the vote was "**split**" on the Zoning Text Amendment **and**, 23 Y, 20N, 1A, 2 NVC and on the remainder of the application the vote was 24 Y, 17 n, 2 A, 2 NVC. (See Attached **Exhibits # 5** in Community Board Vote section of this book.)

Conclusions:

- CB 8M has always demonstrated and lobbied in favor of every park and open space in the district. However, the "*split*" vote on the MSK-CUNY ULURP was obtained by inserting a last minute "dangling a carrot" in front of handpicked members of the board in order to achieve approval for the application. These tactics were observed by the public and reported. At no time were the community's concerns considered. Representing the community is a responsibility The Zoning Text Amendment is tarnished and should not receive approval.
- It's not the first time these questionable, pre-emptive voting tactics have been employed by the very same "vested interest" Community Board members. Several years ago, the board voted against the Historic District designation of unprotected sections of Park Avenue It was later strongly supported. The Borough President was sent a report on the irregular voting tactics the "vested interest" members employed in the 2005 approval process. The same board members on the MSK-CUNY ULURP vote used the same pre-emptive voting tactics. (Attached: Copy of the 2005 report.
Exhibit: # **10**)

Memorial Sloan Kettering / CUNY Text Amendment

D R A F T

February 28, 2013

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

74-74

General Large Scale Development

* * *

74-743

Special provisions for bulk modifications

(a) For a #large-scale general development#, the City Planning Commission may permit:

* * *

(11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District or within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

(i) An application for such bonus #floor area# shall be accompanied by:

(a) a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and

(b) a letter from the Commissioner of Parks and Recreation stating that such #public park# improvement provides an appropriate amenity

for the surrounding area and that, absent funding to be provided by the applicant such #public park# improvement is unlikely to be made in the foreseeable future.

(ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

(a) any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and

(b) a letter that shall include:

(i) cost estimates for the #public park# improvement; and

(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement.

(b) In order to grant a special permit pursuant to this Section for any #large scale general development#, the Commission shall find that:

* * *

~~(9) a declaration with regard to ownership requirements in paragraph (b) of the #large scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.~~

(9) where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:

(i) the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and

(ii) such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#.

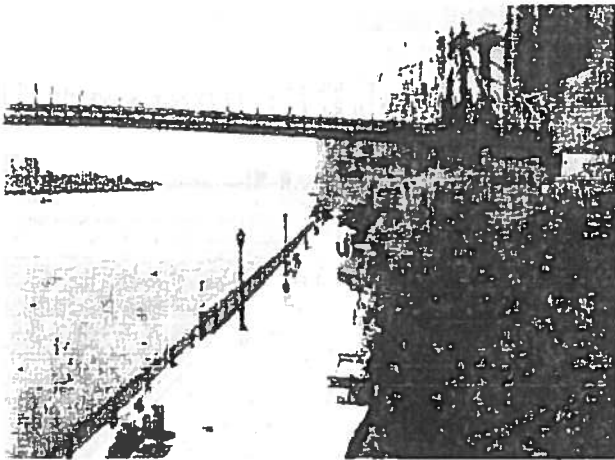
Grant of a floor area bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large scale development# unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner.

- (10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

END OF TEXT

\$15M Fix Needed to Keep Andrew H. Green Park From Falling into East River

June 29 2012 7 01am By Amy Zimmer, DNAinfo News Editor



A view of Andrew Haswell Green Park, looking south from East 63rd to East 60th Streets (DNAinfo/Amy Zimmer)

UPPER EAST SIDE — When \$5 million in city funding was raised to renovate a neglected piece of the park at East 60th Street, nobody figured that the area's moorings may have been eaten.

When the Parks Department started an engineering study for the second phase of improvements at the park last June, it found that marine borers — underwater organisms that feed on wood — had been chomping on the pilings supporting it.

Now they estimate the pilings holding up the park have another eight years before they start to crumble into the East River unless \$15 million is found for repairs.

And neighbors say there's no money for the much-needed work.

When the Parks Department last June started the necessary engineering study for the second phase it found that marine borers — underwater organisms that feed on wood — had been chomping on the pilings supporting the park.

"When the water was dirty, the pilings were good," said Judy Schneider, Queensboro Bridge Area Committee overseeing a neighborhood-based plan for the area.

"Now that it's clean, the marine borers have been having a feast destroying the pilings."

The first phase of the park's renovation, which included the addition of two dog runs, chess tables and benches along the waterfront from East 61st to 63rd streets, has been completed.

Next, the Parks Department is expected to renovate the pavilion atop a former sanitation facility — where yet another dog run has quietly taken hold underneath a giant aluminum helix sculpture from 1995.

"We are planning to renovate the top of the pavilion with grasses, groundcover, lawn, benches and game tables," a Parks Department spokeswoman wrote in an email.

"We have roughly \$2 million allocated for the pavilion work which will be moving ahead now because it will

not be affected by the pile reconstruction and related construction access in the future."

She added, "Parks decided, and the funders and community board agreed, that it was important to keep the momentum moving on this important project."

But the waterfront level renovations — which involved trucking in tons of dirt to create the grassy expanses — can't begin until other pilings are fixed.

"It's going to be a lush park with a beautiful green area," Schneider said, "but we need the money for the pilings."

She noted that if plans to open up an inaccessible chunk of the park's greenway, from East 38th to 59th streets, move ahead — pending a complicated deal with the United Nations — it may not end up linking with the rest of the esplanade if Andrew Haswell Green Park falls apart.

"They'll spend millions, and what is it going to hook into?" Schneider asked.

Park-goers were glad to hear that some renovations will take place — though dog walkers who frequent the run at the pavilion had mixed feelings that they'll lose their spot.

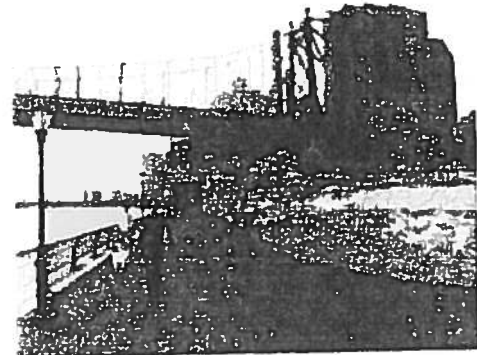
"People are always saying that this is going to be closed down for renovations," said Trent Saner, 26, a professional dog walker. "But I haven't seen anything yet. I'm fine with it as long as they bring the dog run back."

When he was informed that the dog run was not included in the plan, he said maybe he'd go to the dog run at East 50th Street.

He brings his dogs to the pavilion run instead of the official ones down below, which are lined with sand. Owners don't like their dogs to get dirty in the sand, he said.

"I'm here all the time," Saner said. "The dogs love it."

The 1.29-acre park was named after the urban planner who paved the way for Central Park's creation, as well as the American Museum of Natural History and Metropolitan Museum of Art, among other landmarks.



A rendering of what Andrew Haswell Green Park will look like after the renovation (East Sixties Neighborhood Association website)

George Alexiades, MD
Gari Smith-Alexiades
515 E. 72nd Street, Apt 18B
New York, NY 10021
(212) 396-1411
galexiades@hotmail.com
llgari@yahoo.com

April 28, 2013

Scott M. Stringer
Borough President
One Centre Street, 19th Floor
New York, NY 10007

Dear Mr. Stringer:

As you are the immediate governor over the community boards in Manhattan, my wife and I believe it is our duty as residents of Community 8 to bring a serious matter to your attention. As residents of this community for the last 5 years, and especially living on 72nd Street and York Avenue, the impending development of the Memorial Sloan Kettering/City University of New York (MSK/CUNY) complex on the FDR between 73rd and 74th Streets is of major concern to us. Because of this, we have attended and made public comments at several of Community Board 8 (CB8) and sub-committee meetings over the last 2 months. During this time, we have observed three CB8 members who we feel are not impartial enough to vote at the upcoming MSK/CUNY Task Force meeting on April 30th or the Land Use meeting on May 8th: Mr. Jonathan Horn, Mr. M. Barry Schneider and Mrs. Judith Schneider.

With respect to Jonathan Horn, we feel that his relationship with Mr. Shelly Friedman, the attorney for MSK/CUNY, creates a conflict of interest that should preclude him from voting on any project that Mr. Friedman represents. Moments before Mr. Friedman took the podium at the Land Use meeting on March 13, 2013 to discuss the proposed zoning text amendment, we observed Mr. Friedman and Mr. Horn in the rear of the room shaking hands, laughing and patting each other on the back as if they are friends, or very close acquaintances, at the very least. This banter went well beyond the typical greeting between casual acquaintances. To us, this close relationship with Mr. Friedman prevents Mr. Horn from having an impartial perspective on the project and calls his vote into serious question.

With respect to the Schneiders, at the April 10th MSK/CUNY Task Force meeting, we were astonished to discover their relationship to Mr. Friedman and their significant investment in improving the Andrew Haswell Green Park (AHGP). MSK/CUNY is proposing a zoning text amendment that states in part:

"For a large-scale general development, the City Planning Commission may permit: wholly within a C1-9 District entirely within the boundaries of Community Board 8 in

Manhattan, for a predominately community facility development, a floor area bonus not to exceed 20 percent of the maximum floor area ratio...an improvement to a public park located within the same Community District or within a one mile radius of the proposed development"

At several CB8 meetings, Mr. Friedman stated that the idea of contributing to AHGP was suggested to him by an unnamed source. At the April 10th meeting, Mr. Schneider publicly revealed that he was the source, stating "I was the one" who suggested donating to AHGP. Furthermore, the Schneiders are founding members of a community group searching for funding to save and restore AHGP. Evidence of this is found in a recent article in the New York Press on the same day (April 10, 2013) (<http://nypress.com/esna-advocates-for-green-space-at-the-grassroots/>). To quote from the article:

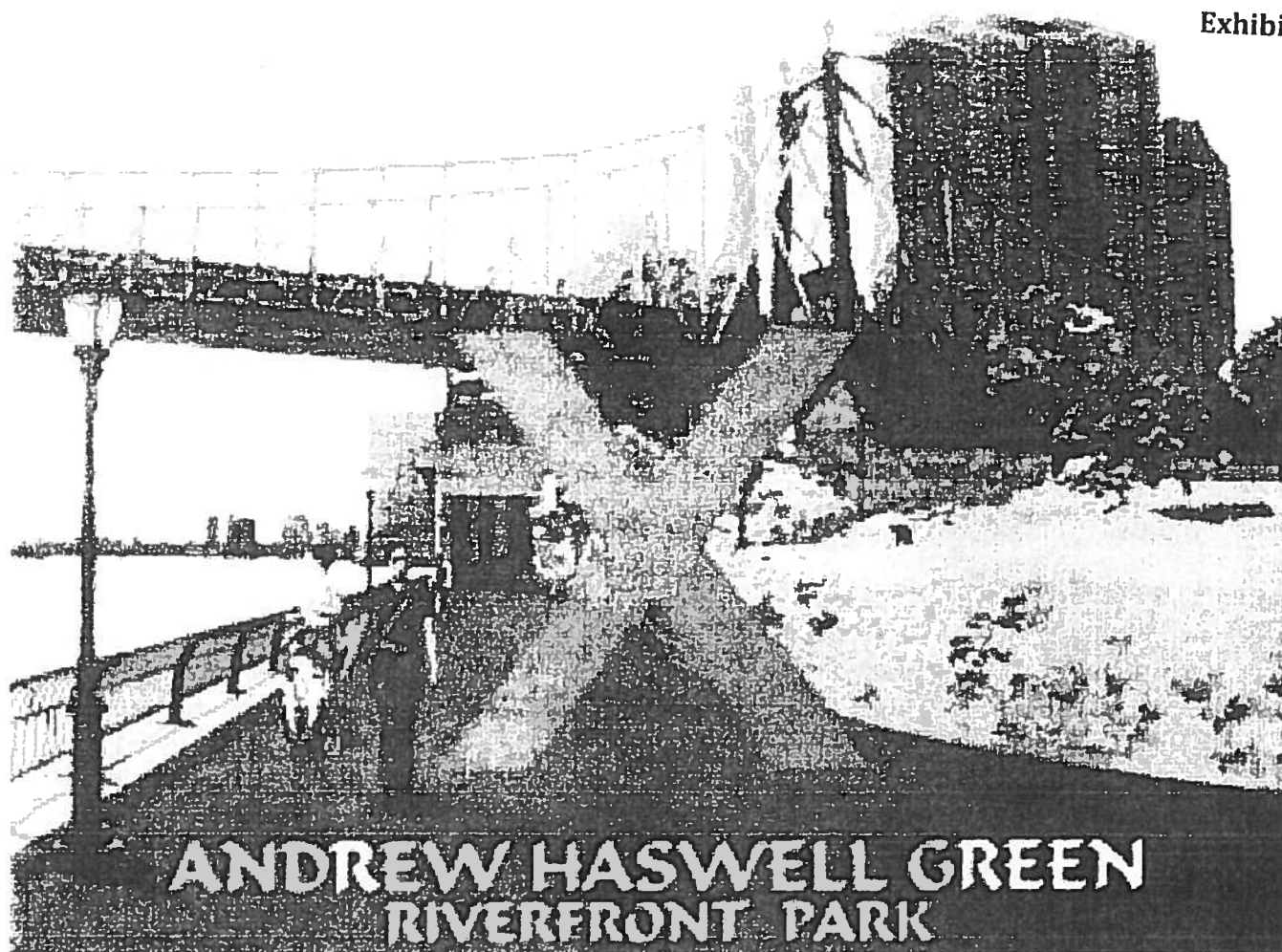
"The Schneiders, meanwhile, were so inspired they founded the East Sixties Neighborhood Association (ESNA) to continue advocacy efforts for themselves and their neighbors; that organization has held on for 22 years and counting...Memorial Sloan-Kettering has offered to donate that renovation money to the city as a form of mea culpa for a building proposal they've put in of a new outpatient cancer hospital that would go beyond zoning limits on East 73rd Street...For ESNA, which has been advocating for the Andrew Haswell Green's renovation since 2002, this funding would be a dream come true. Schneider urged all ESNA members to attend a Community Board meeting at 6:30 p.m. this Wednesday at MSK, 430 East 67th Street, to make their voices heard."

Clearly, the Schneiders are biased toward supporting the proposed zoning text amendment and are recruiting others to do the same. We have no doubt that their investment in obtaining funding for a project that is so near and dear to their hearts precludes them from making an impartial decision on the MSK/CUNY project as a whole.

It is with these observations that we respectfully request that Jonathan Horn, M. Barry Schneider and Judith Schneider be directed to recuse themselves from any vote related to the MSK/CUNY project. We are sure you would agree, impartiality is the basis of a fair and just vote and we do not believe that these three individuals are capable of impartiality. A rapid response to this matter will be necessary as the next MSK/CUNY Task Force meeting is to be held this Tuesday, April 30th. I thank you for your time and consideration and we look forward to hearing from you.

Sincerely,
George and Gari Alexiades

Cc: Nicholas D. Viest, Chairperson, CB8
Liz Kreuger, State Senator NY-028
Micah Z. Kellner, State Assemblyman
Jessica S. Lappin, City Council Member



***ON WEDNESDAY, APRIL 10 THE COMMUNITY BOARD
COMMITTEE VOTED DOWN OUR NEIGHBORHOOD PARK!***

Now it's up to you to stand up and save Andrew Haswell Green Park!

On Wednesday, May 8 the Community Board will be holding its final hearing on the future of our waterfront park. Your support at this meeting is critical because there is a very vocal group of Community Board members who are speaking out to stop the completion of our park. At issue: Will the community accept the gift of millions of dollars from CUNY/MSK to fund the building of the park or will the Community Board just say no? Let us be clear - the plan to build a new science and medical facility for Hunter College and MSK on 73/74 Street at the FDR Drive will go forward. CUNY/MSK is under no legal obligation to fund the park. Their offer is truly a generous give back to our community. And only your presence and your voice can make it happen.

When: 6:30 PM, Wednesday, May 8th

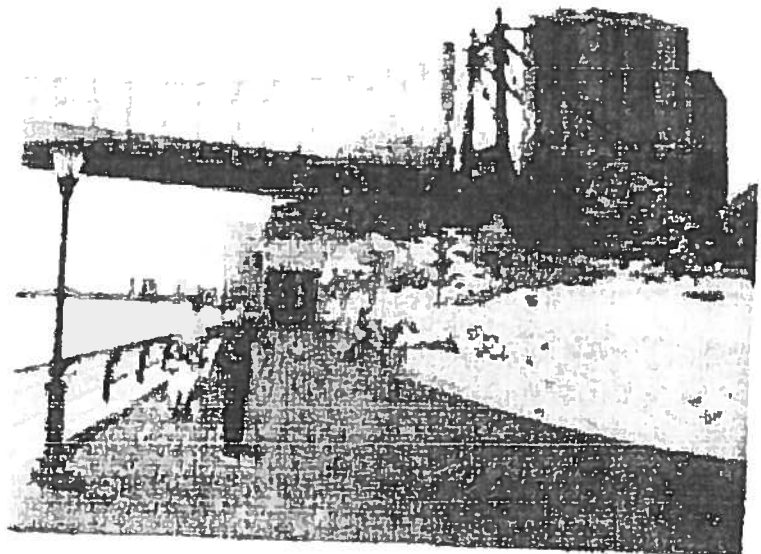
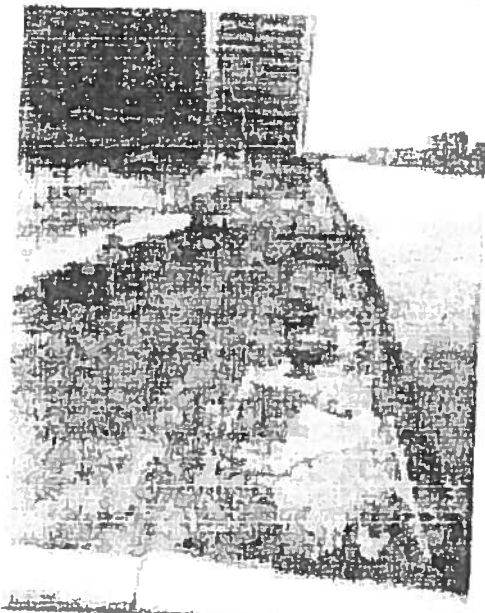
Where: MSK, 740 East 67th Street, bet. York & 1st Ave., Auditorium

What: When the Community Board chairman opens up the meeting

for comments to the public, please state your name and say:

"I support the building of Andrew Haswell Green Park!"

SUPPORT ANDREW HASWELL GREEN RIVERFRONT PARK



பெரிய

SIGNATURE

ADDRESS

PARK AVENUE HISTORIC DISTRICT EXPANSION

March 15, 2005, Community Board 8 Landmarks Committee Meeting

An application to include Park Avenue between 79th and 86th Streets was the first item on the Landmarks Committee's March 15th agenda. In a letter dated March 4, 2005, the applicant's attorney (or his representative) had been invited to the meeting, but all that was asked of him was to confirm his attendance.

Prior to the meeting, the applicant had had a flyer, outlining the proposal and its purpose and giving notice of the March 15 meeting, prepared. Copies of the flyer were made for every resident of all the buildings in this area; these were delivered to each building. The applicant thus did more than he had been required or requested to do.

At the meeting on March 15, certain committee members asserted that the Community Board had a requirement to notify the owners of all buildings in the proposed district by mail, informing those owners of the proposal. It was stated by Board Member X that that was the "process."

No such process or policy exists. No one proposing an historic district had ever been either requested or required to write to every property owner in the proposed district. It could, therefore, be said that, if anything, the Community Board has a practice of **not** requiring or requesting such a mailing.

Had a policy, process, or practice of requiring such a mailing existed, it would have been the responsibility of the board chair, when contacted by the applicant's attorney, and the district manager, when writing to the applicant's attorney, to inform him of this requirement. Neither did so nor need they have done so.

The applicant and several of the proposal's supporters attended the March 15 meeting. Their attorney and preservation consultant had also been engaged to be present. All came expecting to receive a fair hearing on their issue; instead, they were instructed to carry out an onerous and not-previously-existing requirement before returning for another hearing during the following month.

March 16 Meeting of Community Board 8

The Landmarks Committee Resolution, requiring the Applicant to carry out the mailing (Certified Mail, Return Receipt Requested) was in the Committee Report and, therefore, on the table. By prior arrangement between the Landmarks Committee Co-Chairs and Board Member X, a Landmark Committee Co-Chair called upon Board Member X first. He called the question and was quickly seconded. Therefore, there could be no discussion of this matter by the other Board Members.

Subsequent to March 16, 2005, Meeting of Community Board 8

On March 24, 2005, the District Manager wrote to the applicant's attorney, inviting him or his representative to a special Landmarks Committee Meeting on April 12, 2005, and telling him that any resolution of the Landmarks Committee would be forwarded to the Full Board at the Land Use Committee Meeting on April 13, 2005. The letter contained the following:

"In preparation for your presentation at **both** of the above referenced meetings, please provide the following materials to all Board Members:

- A description of the historic significance of all the buildings to be included in the district including a description of the nature and character of the existing district (using the designation report as a guide) and explain why the buildings in the proposed district are compatible with those characteristics.
- Documentation showing the notification of property owners within the proposed district." (emphasis in original)

Never before has the Community Board required that materials be provided to all Board Members. Never before has either condition listed above been required.

During a telephone conversation following the March 24, 2005 letter, Landmarks Committee Co-Chair A informed the Applicant's preservation consultant that she was also required to make a "Power Point" presentation. This had also never before been required.

April 12, 2005, Community Board 8 Landmarks Committee Meeting

The proposed extension to the Historic District was the only item on the agenda. After presentations and a discussion of nearly three hours, a Resolution in favor of the designation proposal was passed by a vote of nine in favor and three against. Board Member X and Board Member Y (his wife) were among those opposed. At the Co-Chairs' request, the Resolution was read a second time and a copy of the Resolution was given to the Co-Chairs so that they could prepare the Meeting's Minutes.

April 13, 2005, Community Board 8 Land Use Committee Meeting

The proposed extension to the Historic District was the first item on the agenda before the full Board. Immediately prior to the Meeting, the Co-Chairs of the Landmarks Committee told the proposer of the Resolution that there was a Substitute Motion that made several changes to the Resolution passed by the Committee. The reason given was that Landmarks Committee Co-Chair A had not heard all the clauses of the Resolution. The Resolution had been heard by Committee Members who were much farther from the

proposer than was Landmarks Committee Co-Chair A. Committee Members had not been consulted and were unaware of the Substitute Motion until the Land Use Committee Meeting. Copies of the Substitute Motion were available at the Meeting.

It had been arranged between the Landmarks Committee Co-Chairs and Board Member X that Board Member X would be the first Board Member recognized in order to propose the Substitute Motion. According to Board Member X and Board Member Y (his wife), he had written the Substitute Motion. Subsequently, Board Member X voted against his own motion, as did Board Member Y.

A Board Member arrived somewhat late during the discussion of this item. A staff-member of an elected official, who was sitting behind Board Member Y, heard her tell the arriving Board Member, that Board Member X (her husband) had made a motion but that he should vote against it, which he did.

ADDITIONAL INFORMATION

Policy of the Landmarks Preservation Commission

When a proposal to designate an Historic District or an extension to an Historic District has been calendared, the Commission writes to all property owners in the proposed district and refers the matter to the affected Community Board.

Certain Board Members' Affiliations and Connections

Landmarks Committee Co-Chair A is a Land Use attorney with regular business before the Landmarks Preservation Commission. At the April 12, 2005, Landmarks Committee Meeting, she was heard to say that she was a regular Applicant before the Landmarks Preservation Commission and her clients.....(her comment ended here). Several members of the public attending the meeting appeared to be shocked by this.

The Chairman of Community Board 8 and Landmarks Committee Co-Chair A are members of the same law firm.

Board Member X and Board Member Y are husband and wife.

NEW FEMA Flood Zone Mapping

MSK-CUNY is at risk!

Since Hurricane Sandy devastated New York City (NYC), Federal Emergency Management Agency (FEMA) has revised its Flood Hazard Boundary Maps and NYC has revised its Flood Evacuation Zones. These new maps were released in June 2013, three months after the MSK/CUNY project was certified.

MSK/CUNY is planned to be located in a **Zone 4** Hurricane Evacuation Zone. Across the street from the proposed development site, the north side of E. 74th Street is Evacuation **Zone 2**. The FDR is directly east of the proposed MSK/CUNY site and the FDR and the area east of it are Evacuation **Zone 1**. It is difficult to understand how a building in a *high-risk* flood zone would have a low evacuation priority when the areas that bound it to the north and south have such high-level evacuation designations.

The Federal Emergency Management Agency determines flood risk for the United States and creates maps to clearly show the geographic areas prone to flood. The Flood Hazard Boundary Maps were redesigned post-Sandy. **The map designates the site where the MSK portion of the double building structure will be built as flood hazard zone AE. The AE flood zone is considered high-risk and requires mandatory purchase of flood insurance.**¹

(Attached: MSK-CUNY FEMA Flood Zone maps) Exhibit #

¹ FEMA.org, *Definitions of FEMA Flood Zone Designations*, available at <https://msc.fema.gov/webapp/wcs/stores/servlet/info?storeId=10001&catalogId=10001&langId=-1&content=floodZones&title=FEMA%2520Flood%2520Zone%2520Designations> (last accessed, 6/24/2013).

Mapping

INFORMATION PLATFORM

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FEMA

Map Viewer

Flood Map Viewer

File



Navigation



Quick Zoom



Map Legend

Click "+" button to see a list of map layers th displayed
Click on a check box to add or remove a laye
Click "Refresh Map" button to update the mar

Legend

Identify

☐ Floodways

☐ Flood Hazard Zone Boundaries

☐ Flood Hazard Zones

☐ Zone A

☐ Zone AE

☐ Zone AH

☐ Zone AO

☐ Zone AR

☐ Zone AS

☐ Zone V

☐ Zone VC

☐ Zone D

☐ 0.2% Annual Chance Flood Hazard Zone

☐ Political Boundaries

☐ Corporate Limits

☐ Miscellaneous Public Land Boundaries

Map #1

Road data from 1984-2008 TeleAtlas, Rel. 05/2007
The current map contains layers that do not comply with E.F. 11 specifications

Source: FEMA Flood Hazard Map available at

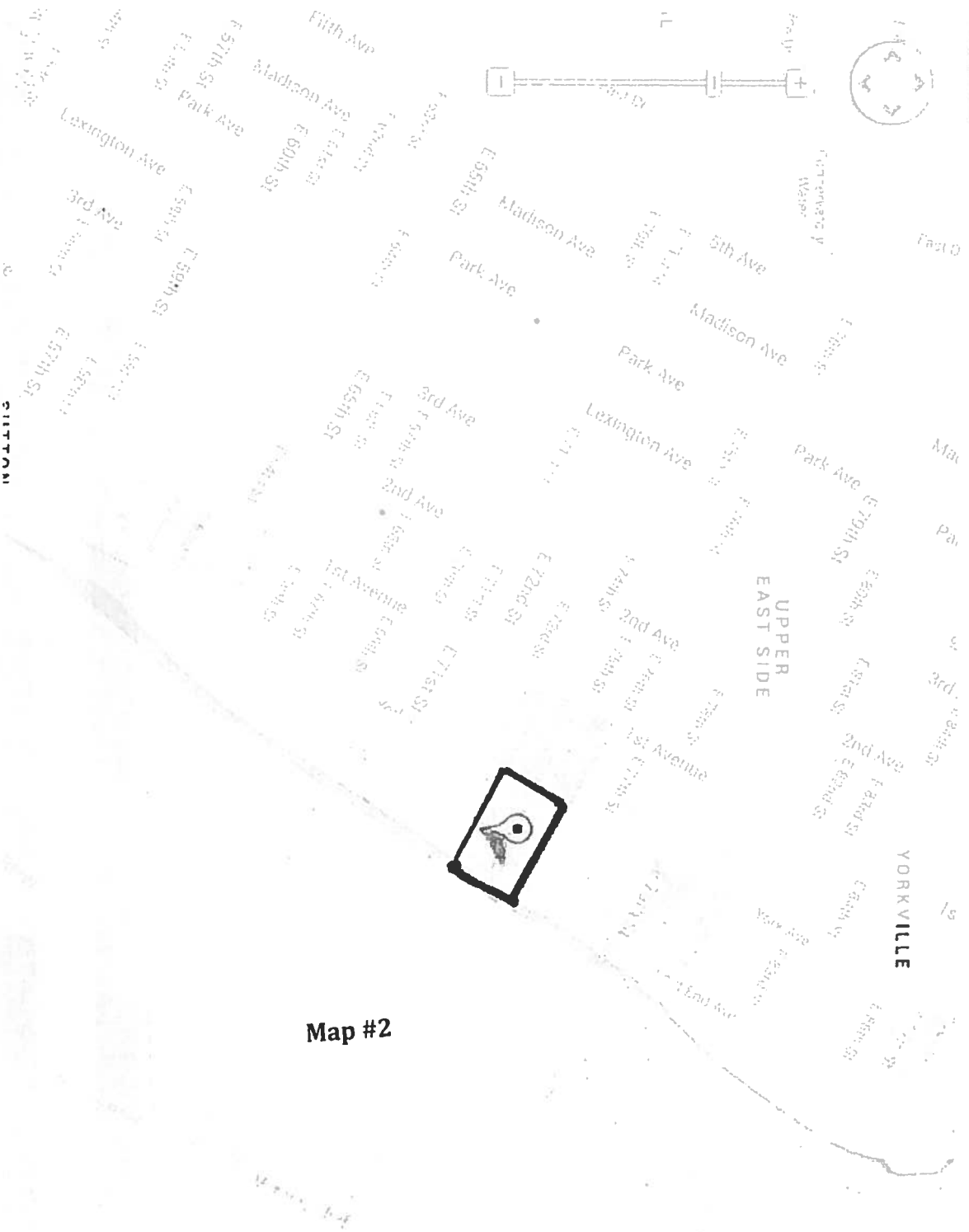
https://hazards.fema.gov/femaportal/wps/portal/!ut/p/c/04_SB8K8xLLM9MSSZPx8Bz9CPO0s3qDCvNFM_OAYGcLA2cidwMnwwADKADKR2LkmxrD5fHhDqZ18_WB4HCDI09_P1z03V195PMscwxsLABGZKE5qemlvpX5Bb0Rbikm0lduIWf9/d3/d3/L2dIOSEv11+3Q59ZQnZ3LZFMdYTY3UFNHQIBHSEXNSZfJMTAWMDA1/



NYC Evacuation Zones

Zoom to 507 E 74th St, 10021

GO



Map #2

Key

- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Zone 5
- Zone 6

Evacuation Centers

Share or embed this map
NJ & NY flood zones

Map: John J. Langford/NYC
Source: NYC Department of Emergency Management

Source: NYC Hurricane Evacuation Zones available at <http://project.wnyc.org/news/maps/hurricane/zones/hurricane/zones.html>

Community

- Residential
- Families
- Seniors
- Children
- Schools (Nursery, Public, Private, Universities)
- Healthcare Facilities
- Personnel/Patients
- Visitors

*Current Total **Daily** Pedestrian traffic without visitors - 33,836

(Attached: Community description by applicant - Pg. 4 of MSK-CUNY Proposal -
Exhibit # 11)

(Attached: Current Movement of Hospital Employees and Patients -
Exhibits # 12 thru **# 17**)

3. Description of the Surrounding Area and Project Area

Geographic Location Information

The Project Area is located within CD8 on Manhattan's Upper East Side and is identified as Block 1485, Lot 15 (524-540 East 74th Street/525 East 73rd Street) and parts of Lot 14 (523 East 73rd Street) and Lot 39 (504 East 74th Street). The Development Site consists solely of Lot 15.

Land Uses and Existing Zoning in the Surrounding Area and Proposed Project Area

Surrounding Area

The area surrounding the Project Area contains a mix of residential, light industrial, parking, commercial, and community facility uses. The most significant neighborhood feature, which defines the neighborhood, is the large percentage of land devoted to large community facility uses in relation to the total amount of developed land in the neighborhood. This percentage is among the highest in New York City. In particular, the long-term trend of medical institutional development between York and the FDR, East 72nd to the Ed Koch Queensboro Bridge has created a medical corridor that today serves as (a) a source of medical care to millions of New Yorkers, (b) a world-renowned multi-institutional center for the advancement of medical and scientific research, (c) an integrated campus for the medical training of physicians and other healthcare professionals of every category and (d) a powerful contributor to the City's and region's economy. This multi-institutional medical complex represents one of the City's most important communities of hospitals, medical schools, and research institutions containing as many as 50 buildings belonging to the Animal Medical Center, Rockefeller University, MSK, New York Presbyterian Hospital, Weil Cornell Medical College and HSS. These institutions and the healthcare professionals associated with them also occupy leased and owned space in dozens of nearby buildings to the north and west of the corridor and Project Area.⁵ The Proposed Project will extend this medical corridor north to East 74th Street. This medical corridor is zoned predominantly R10 and R9, with the exception of the Sotheby's North American headquarters (Block 1483 Lot 1), which was rezoned to C5-2 from C5-1 and R9 in 1998.

The surrounding neighborhood that is not included within the medical corridor includes manufacturing M1-4 and M3-2 districts, residential R8B, R8, R9 and R10 districts and commercial C1-5 and C5-2 districts. Immediately adjacent to the M3-2 district that includes the Project Area is an M1-4 district that encompasses the remainder of the midblock's retail business.

⁵ Although not located within this corridor of large community facilities, there are numerous institutional uses in the neighborhood that reinforce its defining institutional character. 510 East 74th Street is leased and operated by the Epiphany Community Nursery School and 74th Street Magic, a gymnastics facility for children. The Lycée Français de New York is located at 505-07 East 73rd Street and the Town School is located at 540 East 76th Street. Private medical offices and offices belonging to the medical institutions are located in nearby residential, mixed use or commercial buildings both within and beyond the corridor. River Terrace at 519 East 72nd Street, the East River Professional Building at 523 East 72nd Street, Dana Center at 510 East 73rd Street, and East River Place at 525 East 72nd Street occupy most of the block just south of the Project Area. The Belaire Building and Guest Facility at 525 East 71st Street and the Human Resources/Education Division/Occupational Health offices at 517 East 71st Street both front on East 72nd Street. The large office building at 425 East 61st Street, just west of York and adjacent to MSK's new ambulatory surgical facility now under construction at 1133 York is largely occupied by hospital offices and medical practices.

BUILDINGS ON EAST 73RD AND EAST 74TH STREETS BETW. YORK & THE FDR DRIVE

EAST 73RD STREET - 17 Public Overnight Parking Places on each side of the street

SOUTH SIDE

- 500 Apartment building at York Avenue corner with Grocer on ground floor
- Small gray Apartment Building
- Long office building for HSS, under garden of 515 E 72
- Tall commercial Building
- Short commercial building
- Parking Lot
- One East River Place Apartment Building

NORTH SIDE

- Apartment Building at York Ave.
- 5 Brownstones
- 3 small commercial buildings
- Sanitation Lot

EAST 74TH STREET - 52 Public Parking Places using alternate side of the street parking.

SOUTH SIDE

- 500 Residential Building at York Ave.
- 502 Small Garage for 504
- 504 The Shop, a Home Store
- 506 Small Office Building with 4 Hospital Offices plus 8 others
- 510 Epiphany Community Nursery School
- 512 Large Garage & Auto Repair (will be come HSS)
- Glorious Food Caterer

NORTH SIDE

- 6-Story Apartment Building at York Ave. about to be expanded to 16 stories
- Con Ed

BUILDINGS WITH 16 STREET BLOCKS (or equivalent) OF SANITATION GARAGE SITE (to Second Ave)

<u>Name</u>	<u>Address</u>	<u>Height</u>	<u>10 - Foot Residential Stories</u>	<u>Public Amenities/Notes</u>
<u>Sanitation Garage Site</u>	MSK (830 new jobs) CUNY	Proposed 453 feet Proposed 346 feet	23 medical = 45 residential 16 medical = 33 residential	None None
<u>High Rise Residential Neighbors (within 6 blocks north or south, 2 blocks west of Sanitation Garage site)</u>				
59 E 68th St.	359 E 68th St.		11	
the Kingsley Condo	400 E 70th St	406 feet	42	Set back, driveway
elaine Condo	525 E 71st St.	512 feet (156m)	50	Plaza, set back, shared space
the Diplomat	311 E 71st St. (2nd)		12	Set back, landscaped entry
the Charles Condo	1355 First Ave (72nd St)		35	
nickerbocker	308 E 72nd St.		21	set backs
e Chambord	350 E 72nd St.		22	Mid-block 2-way street, setbacks
the Fontaine	353 E 72nd St.		36	
Carol Towers (built 1963)	360 E 72nd St.		34	1/3 block, Set backs
20 E 72nd St.	420 E 72nd St.	303 feet (92.36m)	19	
ixford Condo	422 E 72nd St.		44	Set backs, gardens
15 E 72nd St. Corp	515 E 72nd St.		41	Set backs
arker 72nd	520 E 72nd St.		18	
the East River Place	525 E 72nd St.	500 feet	49	Plaza
the Edgewater	530 E 72nd St.		21	
omerset	1365 York Ave. (72-73)		38	Set backs, gardens
the Stratford	1385 York Ave (73-74)		36	Set backs, gardens
asa 74	255 E 74th St.		30	
jux 74	433 E 74th St.		7	Mid-block
the Fairmont	300 E 75th St. (2nd/3rd)		33	
aratoga Condo	330 E 75th St (1st)		40	Lg Plaza, set back
the Larimore	444 E 75th St.		20	
420 York Avenue	1420 York Ave.		7	
the Impala	404 E 76th St.		31	
anielle Court	435 E 76th St.		8	Mid-block
the John Jay House	520 E 76th St.		13	
the Promenade Condo	530 E 76th St. (FDR)	400 feet	39	Set backs, adjacent park donation
eville	300 E 77th St.		31	
the Isis	303 E 77th St		19	
the Pavilion (built 1963)	500 E 77th St. (JJ Park)		34	lot 34, 412.4 square feet, Set backs, gardens
30 E 79th St.	300 E 79th St. (2nd)		18	"considerable traffic"
ontinental Towers	301 E 79th St.		36	Pop Park next door
the Lucerne	350 E 79th St. (1st)		45	Set back, landscaping
ampton House	404 E 79th St.		31	
rcadia	408 E 79th St.		20	

Exhibit #13

Current Institution/School and Traffic Flow*

Exhibit #14

Note: Hospital daily calculations are based on 360 days and does not include visitors nor people accompanying a patient.
Schools are based on a daily basis

1. HSS

2096 Employees per day - annually 4,191
53 In-patients per day - annually 13,666
821 Out-patient visits per day - annually 295,427
109 Surgeries per day - annually 27,32

3,079 Total daily pedestrian traffic (without visitors)

2. MSK

6,000 Employees per day - annually 12,000
98 In-patients per day - annually 24,486
1,489 Out-patient visits per day - annually 535,900
Surgeries - no available information

7,587 Total daily pedestrian traffic (without visitors)

3. NYPH & Weill Cornell Medical College

10,073 Employees per day - annually 20,145
469 In-patients per day - annually 117,358
4,761 Out-patient visits per day - annually 1,713,853
192 Surgeries per day - annually 69,258

15,495 Total daily pedestrian traffic (without visitors)

4. Rockefeller University

1,868 Daily - Students/faculty - no families

1,868 Total daily pedestrian traffic (without visitors)

5. Schools

3,620 Children (faculty not available) - 8 Public Schools
1,940 Children - 4 Private Schools
247 Faculty - 4 Private Schools

5807 Total daily pedestrian traffic

33,836 Total daily pedestrian traffic (without visitors)

*Information provided by PR Depts. and School Offices

6. FDR Drive

5 Egresses (E. 61, E. 64, 71, E. 73, E. 79)
24 hours/7 days a week per annum
Traffic: TBD

SCHOOLS IN COMMUNITY DISTRICT 8, TRACTS 116, 124, 132: AREA OF MSK/CUNY DEVELOPMENT as of 2012						
Facility Name	Facility Address	Facility Type	Enrollment	Beds		
<u>Public Elementary and Secondary Schools</u>						
Ella Baker School	317 E 67	Elementary	267			
PS 158 Bayard Taylor	1458 York Ave	Elementary	725			
PS 183 Rovert L. Stevenson	419 E 66	Elementary	610			
PS 267	1458 York Ave	Middle	98			
Eleanor Roosevelt High School	411 E 76	High School	506			
Manhattan International High School	317 E 67	High School	324			
Talent Unlimited High School	317 E 67	High School	491			
Urban Academy Lab School	317 E 67	High School	157			
Vanguard High School	317 E 67	High School	443			
Total Public Schools						3,621
<u>Private/Parochial Elementary and Secondary Schools</u>						
The Cathedral School	319 E 74	Elementary	108			
The Town School	540 E 76	Elementary	407			
Lycee Francais de New York	505 E 75	K-12	1328			
Total Private/Parochial Elementary and Secondary Schools						1,843
<u>Day Care and Headstart Facilities</u>						
SCAN New York/Volunteer Parent-Aides Assoc	1794 First Ave	Group Day Care	60		Children	
Bright Horizons Children's Center	435 E 70	Group Day Care	40			
Bright Horizons Children's Center	435 E 70	Group Day Care	38			
Chabad Lobavitch of the Upper East Side	419 E 77	Group Day Care	36			
Epiphany Community Nursery School	510 E 74	Group Day Care	123			
Lycee Francais de New York	505 E 75	Group Day Care	250			
Michael Branciforte, Bonnie Branciforte, Lena Vollaro	1520 York Ave	Group Day Care	58			
St. Catherine of Sienna	420 E 69	Group Day Care	25			
The Cathedral School	319 E 74	Group Day Care	NA			
The Church of the Epiphany	1393 York Ave	Group Day Care	75			
The International Preschools	351 E 74	Group Day Care	30			
The Rockefeller University	1230 York Ave	Group Day Care	28			
The Rockefeller University	1230 York Ave	Group Day Care	66			
The Rockefeller University	1230 York Ave	Group Day Care	28			
William Woodward, Jr. Nursery School	436 E 69	Group Day Care	47			
York Avenue Preschool	1520 York Ave	Group Day Care	128			
Lenox Hill Neighborhood House	331 E 70	Head Start Center	141			
Total Day Care and Small Children						
<u>DAILY EDUCATION EXCEPT MEDICAL</u>						
						5,464

FACILITIES IN COMMUNITY DISTRICT 8, TRACTS 116, 124, 132: AREA OF M

<u>Facility Name</u>	<u>Facility Address</u>
----------------------	-------------------------

Nursing Homes, Hospitals, Hospices, and Hospital Inpatient Units (If we looked

Mary Manning Walsh Nursing Home	1339 York Ave
Hospital for Special Surgery	535 E 70
Memorial Hospital for Cancer and Allied Diseases	1275 York Ave
New York Presbyterian Hospital - Weill Cornell Center	525 E 68
Rockefeller University Hospital	1230 York Ave

Total Beds

Staff????????????? OTHER SHEET OF DOCTORS, ETC.

Ambulatory Facilities and Programs

Rogosin Kidney Center	505 E 70
Weill Cornell Imaging at NY Presbyterian	520 E 70
Weill Cornell Imaging at NY0WGC	1305 York Ave
Breast and Diagnostic ImagingCenter	320 E 66
Hospital for Special Surgery, 75th St. "Campus"	429 E 75
Hospital for Special Surgery, Extension Clinic	475 E 72
NY Hospital Cardiac Health	1153 York Ave
Osteoporosis Prevention Center	523 E 72
Prosthetics & Orthotics	510 E 73
Rehabilitation Clinic	525 E 71
River Terrace Radiology	519 E 72
Sidney Kimmel Center	353 E 68
Julia Richman High School	317 E 67

Chemical Dependency Services (Non Residential)

NY Presbyterian Hospital Methodone Treatment	503 E 70
VPD Treatment and Research Institute	503 E 70

Mental Health Services (Residential)

Gracie Square Hospital Inpatient Unit	420 E 76
NY Weill Cornell Center Inpatient Program	535 E 68

Mental Health (Non Residential)

NY Cornell Weill Center Adult Clinic	525 E 68
NY Cornell Weill Center child and Adolescent Clinic	525 E 68
NY Division-Payne Whitney PH Program	525 E 68

FACILITIES FOR SENIORS

Carter Burden Luncheon Club	351 E 74
Lenox Hill Innovative Senior Center	343 E 70

FOOD PROGRAMS FOR ADULTS AND FAMILIES

Church of the Epiphany
Jan Hus Church/Homeless Outreach and Advocacy
Program

1393 York Ave

351 E 74

Site Sale Price

The sale price for the E. 74th St. MSK-CUNY site is **far** too low for the proposed development. It would be about right for the site as currently zoned (M3-2) or if rezoned to the current side-street zoning (R8-B).

MSK would pay approximately \$200/bsf pursuant to the deal as proposed.

	(A) Total Price (\$)	(B) bsf	(C = A/B) \$/bsf
(using \$400/bsf)			
MSK	\$150,000,000	749,357	\$200.17
Hunter	\$65,000,000	402,990	\$161.29
Total	\$215,000,000	1,152,347	\$186.58

Q1 2013 Manhattan Commercial Property Valuations

Below is the link for the Manhattan Q1 2013 Property Sales as reported by Massey Knakal.
http://www.masseyknakal.com/downloads/PSR-Manhattan_1Q13.pdf

There was one R8-B property sale reported for **\$213/bsf**.

Following are recent property costs close in terms of zoning value to MSK-CUNY:

- M2-4 \$213
- M1-5 \$236
- M1-6D \$253

The average \$/bsf for Development sites was \$307.

MISUSE OF TAXPAYER FUNDS

The MSK Proposal as Presented would Transfer \$100 - \$300 Million in Taxpayer Funds for the Benefit of MSK

bsf = buildable square foot

MSK is paying NYC approximately \$200/bsf as illustrated in the chart below.

<u>Calculation of Discount per bsf</u> <u>(using \$400/bsf)</u>	<u>(A)</u> <u>Total Price (\$)</u>	<u>(B)</u> <u>bsf</u>	<u>(C = A/B)</u> <u>\$/bsf</u>
MSK	\$150,000,000	749,357	\$200.17
Hunter	\$65,000,000	402,990	\$161.29
Total	<u>\$215,000,000</u>	<u>1,152,347</u>	<u>\$186.58</u>

Comparable Manhattan commercial prices per bsf range between \$323/bsf and \$600/bsf. Consequently, NYC is granting MSK a land discount of 38% to 67% or \$92 million to \$300 million, respectively, on its purchase of the 73rd Street site

MSK "Built-in Gain" Calculations Based on Comparative Prices/bsf

FMV price/bsf (sources below)	A	\$323.00	\$400.00	\$520.40	\$600.00
MSK bsf	B	749,357	749,357	749,357	749,357
RRD proposed sale price to MSK	C = A * B	242,042,311	299,742,800	389,965,383	449,614,200
Sales Price as Currently Proposed	D	150,000,000	150,000,000	150,000,000	150,000,000
Built-in Gain	E = C - D	<u>\$92,042,311</u>	<u>\$149,742,800</u>	<u>\$239,965,383</u>	<u>\$299,614,200</u>
Discount %	F = E / C	38.0%	50.0%	61.5%	66.6%

Address	Neighborhood	Source Date	Price/bsf	Total Price	bsf
1059 Third Avenue, at 63rd Street	UES	8/29/2012	\$600.00	\$31,500,000	52,500
888 Lexington Avenue	UES	9/1/2012	\$520.40	\$13,250,000	420,000
400 Park Avenue South (28th St)	Gramercy / Flatiron	10/14/2011	\$400		
259-267 West 45th Street	Midtown West	6/1/2013	\$400		
20 West 40th Street,	Midtown West	9/28/2011	\$400		
Avg. price/bsf for 6 months ended 6/30/12	Manhattan	9/1/2012	\$323.43		
Address	URL Link				

1059 Third Avenue, at 63rd Street
<http://therealdeal.com/blog/2012/08/29/ues-office-building-primed-for-conversion-trades-for-31-5m/>
<http://therealdeal.com/wp-content/uploads/2012/08/dirt-chart.jpg>

888 Lexington Avenue
<http://therealdeal.com/blog/2011/10/14/equity-residential-led-by-sam-zell-and-toll-brothers-near-purchase-of-400-park-avenue-south-from-a-and-r-kalimian-realty/>

400 Park Avenue South (28th St)
http://therealdeal.com/issues_articles/on-the-market-commercial-properties-recently-placed-on-the-market-2/

259-267 West 45th Street
<http://therealdeal.com/blog/2011/09/28/aby-rosen-and-michael-fuchs-rfr-holdings-markets-midtown-site/>

20 West 40th Street,
 "[C]omparable sales in the area. . . at \$500 to \$600 per buildable square foot," he said.

Avg. price/bsf for 6 months ended 6/30/12
http://therealdeal.com/issues_articles/getting-dirty/

INCREASED DAILY POPULATION

"New" Increased Area Population as a result of this project and others simultaneously under construction

3) With estimates of 8,569 new people projected to come to this neighborhood everyday, including patients, researches, doctors, nurses and teachers, plus another 6,250 additional people for the approved HSS and NYP buildings, our character of our neighborhood would change completely.

- **MSKCC**
1,335 patients per day most arriving by car/taxi.
1,620 staff, 95% daily, most arriving via
public transportation.
2,670 visitors and family arriving via all modes.

Total MSK 5,625 people per day.

- **CUNY/HUNTER**
2,349 students per day, plus students from
the main campus for lectures
547 faculty and staff
48 visitors

Total CUNY 2,944 people per day.

TOTAL MSKCC/CUNY 8,569 people per day (58% of total)

- **NEW NY Presbyterian**
1,097 staff
1,671 patients & visitors (Maternity Care Facility)
1,981 patients, staff and visitors (Ambulatory Care
Facility)

Total NYP 4,749 people per day (32% of total)

- **HSS**
STILL UNKNOWN AT THIS TIME
(conservative estimate 1,500 patients, staff,
visitors per day – 10% of total)

**TOTAL PEOPLE PER DAY 13,318 plus the estimated 1,500 HSS patients,
staff, visitors**

= 14,818 additional people per day (round up 15,000)

Traffic

The attached photos indicate current daily traffic.

- **Photo #1**: This a **current** photo of the exact proposed MSK-CUNY building site of E. 73rd St. and E. 74th St. between York Ave. and the FDR Drive.*
- MSKCC/CUNY Hunter will serve an additional 8,569 people per day. (Attached: Daily Population)
- This does **not** include additional student, staff, patient transportation vehicles...Private cars, taxis, ambulettes, Access-A-Ride, Inter-campus shuttle buses, delivery trucks, FedEx, Sanitation trucks.
- **Photo #2**: This is the intersection of E. 72nd St. and York Ave. all day, everyday, 14 hr./7 days a week.*
- **Photo #3**: This is the intersection of E. 74th St. and York Ave.*
- **Photo #4**: This shows the traffic entering the FDR Drive at 73rd St. and merging with traffic exiting toward E. 71st St.
Note: The entering and exiting traffic at E. 73rd St. use the same FDR lane.
- **Note**: These photos were **not** taken during "rush hour" as indicated by the N/S traffic flow on the FDR Drive. This is the **current** daily traffic situation **without** the **additional** traffic the proposed construction/buildings will bring to this already congested area.

Photo #1

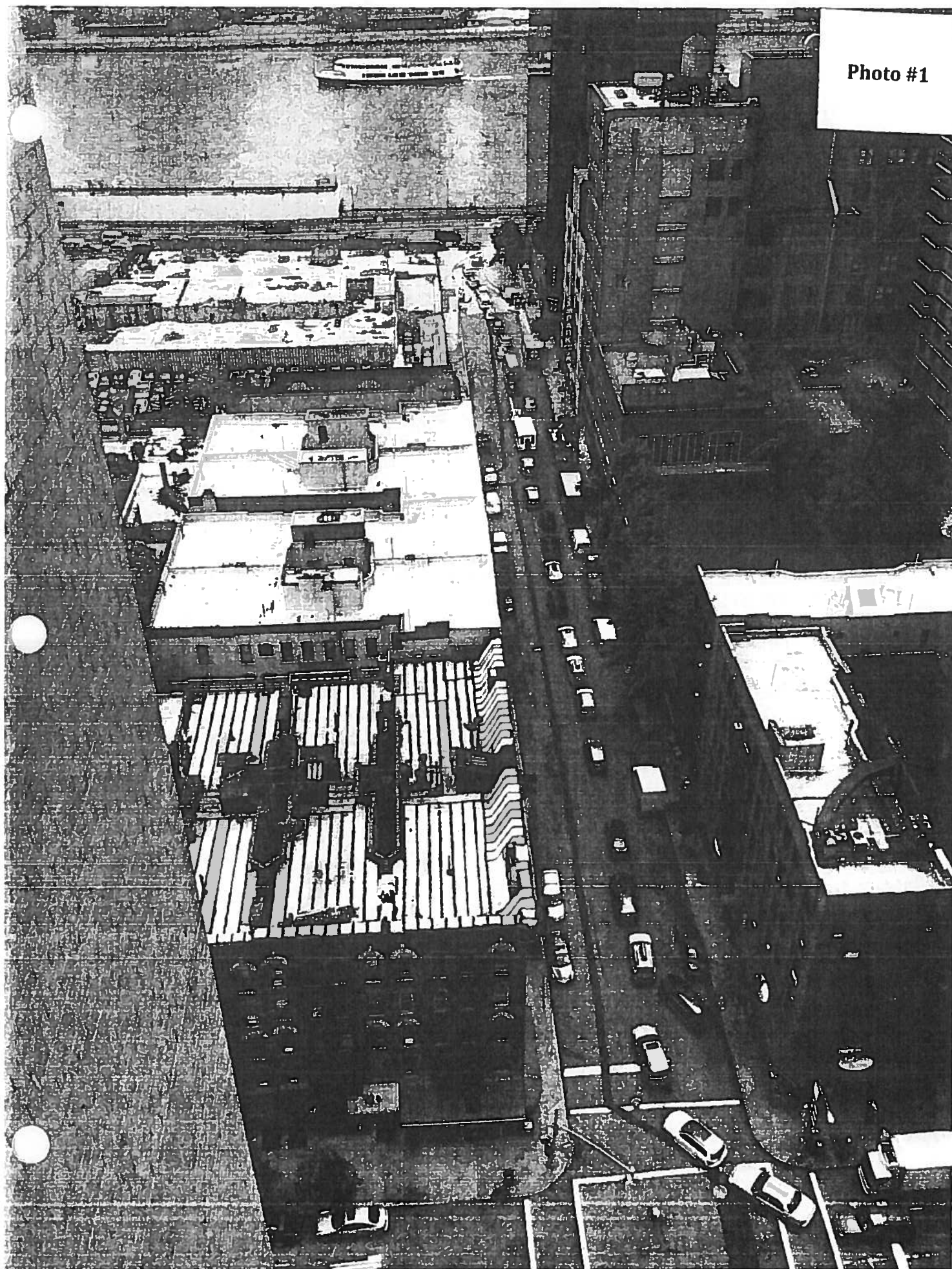


Photo #2



Photo #3



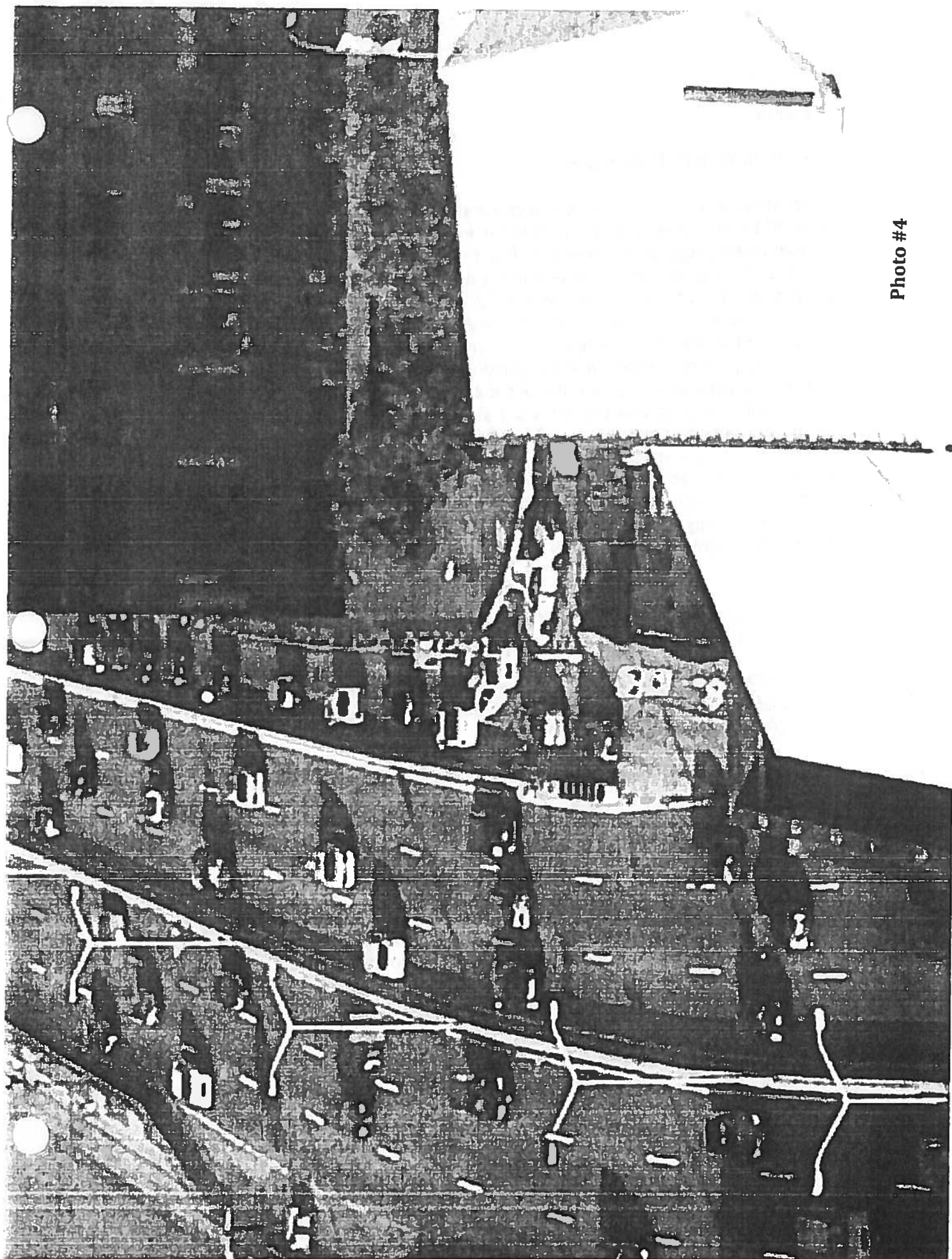


Photo #4

Parking

Pg. 16 Applicant's DEIS states...

"The proposed project would displace existing public parking spaces and include new off-street accessory parking spaces in the Build condition, anticipated future development projects (including No Build project and the proposed project) are expected to displace the surface public parking lot on the western portion of the project sits, for a total displacement of 128 parking spaces. The proposed project would include a total of up to 250 off-street accessory parking spaces. Accounting for the displacement of the public parking spaces, the addition of the accessory parking spaces, and the parking demand generated from background growth, No Build projects, and the proposed project, the Build public parking supply and utilization analysis shows that there would be a parking shortfall during the weekday midday period within the 1/4-mile off-street parking study area. It is anticipated that the excess demand could be accommodated with a slightly longer walking distance beyond the 1/4-mile radius. Furthermore, as stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Manhattan does not constitute a significant adverse parking impact, due to the magnitude of available alternative modes of transportation."

- DEIS states the MSK-CUNY project is expected to bring into E. 73rd and E. 74th an additional 1,680 cars and 5,440 pedestrians per day.
- MSK- CUNY plans 248 parking spaces for patients only. A total of 504 cars will look for a parking space/garage EVERY DAY!
(Attached: Exhibit # **21**)
- Loss of Public Parking...411 public parking spaces.
(Attached: Exhibit # **22**)
- Daily Parking...504 cars will be looking for parking.
(Attached: Exhibit # **23**)

Note: The applicant is referring to a hospital facility where there is no door-to-door Public Transportation. Patients who are ill are more likely to be unable to walk the very long city block from York Ave. to the hospital entrance located adjacent to the FDR Drive. The only way to reach the proposed facility is by private car, taxi, ambulette, Access-A-Ride, Inter-campus Shuttle or on foot.

TRAFFIC – PARKING

The Draft EIS says that MSK and CUNY can expect
1,680 cars per day
5,440 pedestrians per day

Staff: 1,620 people per day in 2 shifts (810 people per shift)
Patients/Visitors: 4,005 people per 8-hour day (500 people per hour)

MSK and CUNY-Hunter say that they will "draw a minimum of vehicular traffic to and through any local residential streets in the vicinity of the site".

MSK has planned 248 parking places for patients only. However, "30% of the patients and visitors traveling by auto would first arrive at the MSK building, with the patients getting dropped off and the accompanying visitor(s) seeking other available parking in the area."

That would be **504 cars looking for parking** every day in the area "to and through any local residential streets....."

Loss of Existing Public Parking: 128 places in lot 525-545 E 73rd St.
77 places in lot York & 68th St.
Total 333
52 places on E. 74th Street
26 places on E. 73rd Street

Total lost Parking 411 public parking places

Current Parking Lots/Garages have 470 available spaces per day for daily unreserved parking. (see chart)

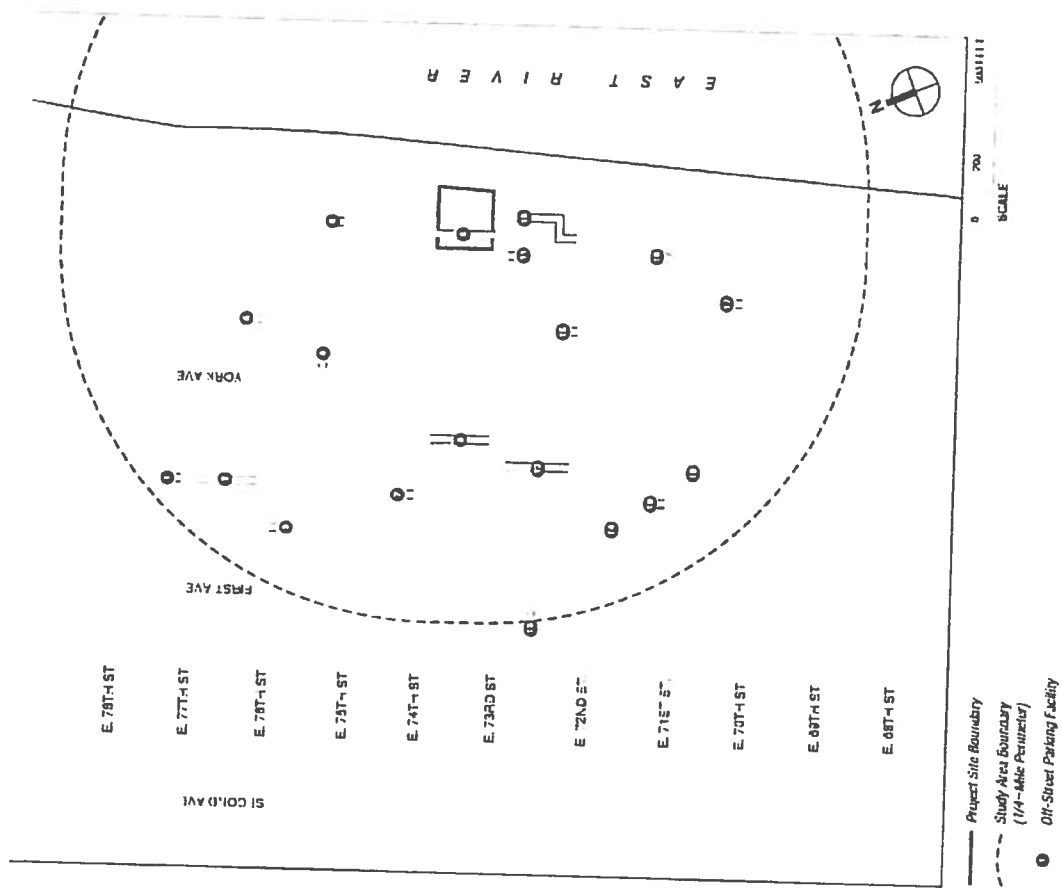
There is not enough parking for patients, staff, visitors at the new MSK/CUNY site, plus local workers who come by car. They will drive around the residential streets looking for parking. This causes safety and pollution issues, and clogs the streets.

Table 1
2012 Existing Off-Street Parking - 1/2-Mile Weekday Midday Utilization

Map No.	Facility Name & Address	License #	Capacity	Midday Utilization	Available Spaces	Utilization (%)
1	Surrey Garage Corp. - 439 E. 77th Street	138694	96	86	10	90%
2	STA Parking Corp. - 434 E. 77th Street	427101	131	105	26	80%
3	Alliance Impala Parking - 402 E. 76th Street	1286774	58	41	17	70%
4	Capital Car Park - 1420 York Avenue	1243101	28	27	1	98%
5	East 77th Realty LLC - 500 E. 77th Street	1071280	300	225	75	75%
6	Kinney Parking System - 530 E. 76th Street	1201685	23	21	2	90%
7	Suno Parking LLC - 401 E. 74th Street	1423764	61	52	9	85%
8	River York Stratford LLC - 1385 York Avenue	1070442	150	113	37	75%
9	73 Operating LLC - 525-545 E. 73rd Street	1382879	128	122	6	95%
10	Quik Park East 72 LLC - 525 E. 72nd Street	1330577	146	95	51	65%
11	Quik Park E. 73rd St. LLC - 524 E. 73rd Street	1376342	320	224	96	70%
12	E. 72nd Realty LLC - 1353, 1367 York Avenue	1070441	235	200	35	85%
13	355 E. 72nd Garage Corp. - 355 E. 72nd Street	1184091	31	31	0	100%
14	420 E. 72nd Garage Corp. - 420 E. 72nd Street	1412461	51	46	5	90%
15	E. River 72nd Garage LLC - 515 E. 72nd Street	813280	130	117	13	90%
16	72nd Street LLC - 517 E. 71st Street	1152232	80	38	12	75%
17	Helmsley Medical Tower Garage - 507 E. 70th St	831026	175	149	26	85%
18	The NY Hospital Laurence G. Payson House - 426-438 E. 71st Street	369314	174	148	26	85%
19	Independent Parking LLC - 417 E. 71st Street	897040	77	54	23	70%
TOTAL:			2,346	1,894	470	80%

Source: Survey conducted by AKRF, Inc. July 2012

Not enough
parking spaces



504 cars looking for parking

Off-Street Parking Facilities
Figure 9-30

Neighborhood Character

The site, which is on a narrow side street that is a cul de sac, is currently zoned for low-scale, low density, and low-traffic development.

All of the side streets east of York Avenue and north of East 72nd Street – with the exception of the few remaining manufacturing sites and one lot on East 76th Street - have been rezoned to R8-B.

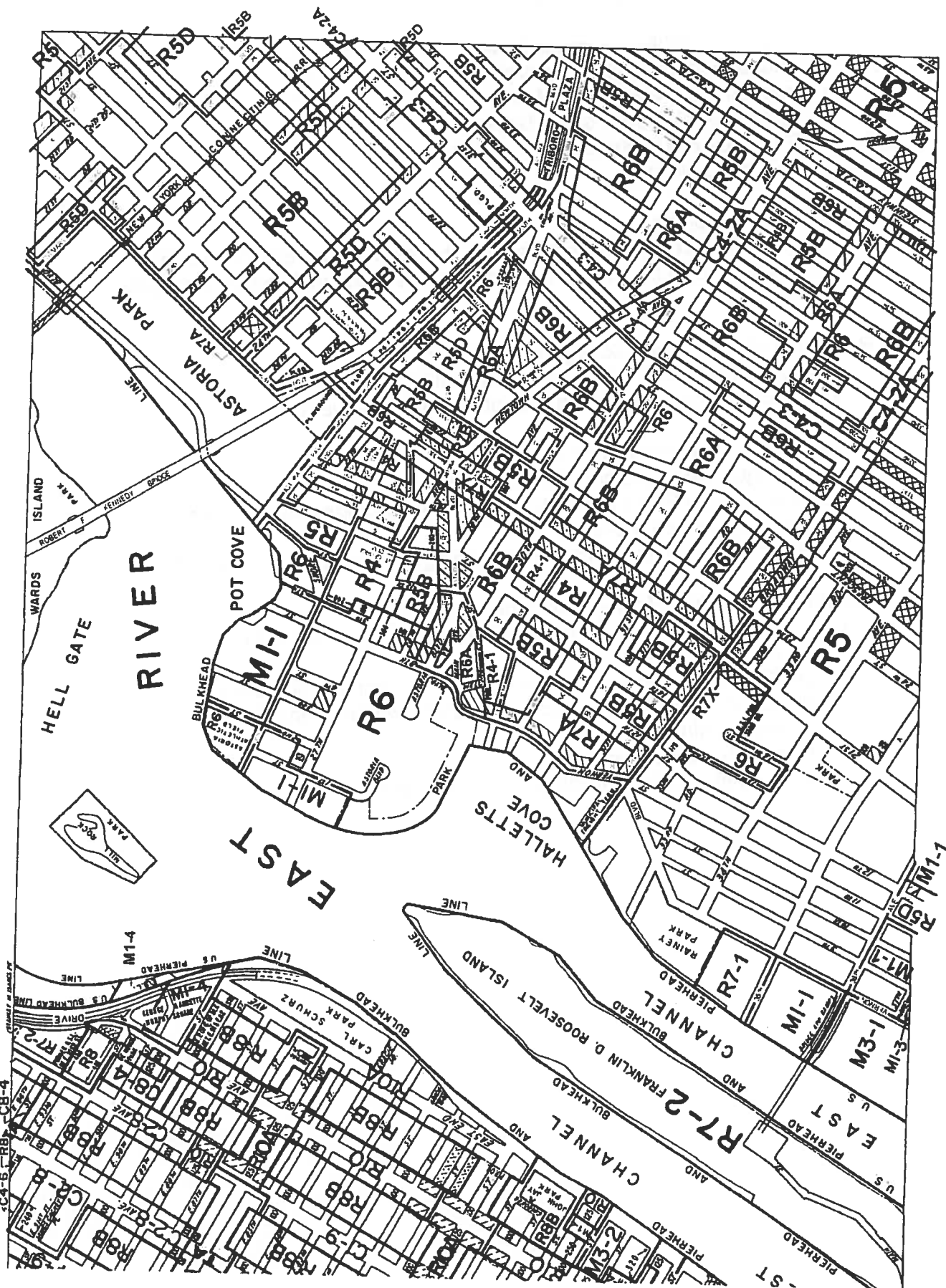
The character of the surrounding neighborhood features low-scale, low density, residential, and low-traffic development.

R8-B is the prevailing zoning on the Upper East Side side streets.

The proposal, which is to change the zoning to permit high-scale, high density, and high-traffic development, would gravely damage the scale and character of the neighborhood.

(Attached: Zoning Map 9a- **Map Exhibit #**)

on map to sketch map of proposed map change



ZONING

THE NEW YORK CITY

Major Zoning

For a list of the
or R, C or M, D
the City of New
the City of New

R - RESIDENTIAL

C - COMMERCIAL

M - MANUFACTURING

SPECIAL

The use of the
district or the
of the

AIR - AIRPORT

Effective Date

6-1-4-20

Special Requirements

For a list of the
environmental
APPENDIX C.
For a list of
restrictive use
APPENDIX D
For a list of the
designated area

Map #3

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5
NOTE: Where no dimensions for zoning districts appear on the zoning map, such dimensions are determined in Article VII, Chapter 6 (Location of Dashed Boundaries) of the Zoning Resolution

Upper East Side Zoning History

Over the years CB#8M has consistently

- supported zoning changes which
- support the preservation of the
- residential character of the Upper
- East Side by limiting the bulk and/or height of buildings.

R8-B Midblock Zoning.

- Contextual zoning which preserves the low-rise character of the mid-blocks limiting height and bulk of buildings in the mid-blocks. Changed from R8.

Reduction of the Avenue Zoning District Depth

- From 125' to 100' on the avenues east of Lexington.
- **Goal**: reducing height and bulk of buildings on avenues.

R10-A Zoning for avenues east of

- Lexington and wide crosstown streets.
- Discontinued Plaza Bonus for residential buildings and governed the use of towers on a base.
- **Goal**: limiting height and bulk of buildings on avenues and wide streets.

CB#8M R8B Midblock Zoning Text Amendment

- Seeks to return the FAR allotted to Community Facilities to 4.0 FAR from the current 5.1FAR.
- CB#8M is the only community board where community facilities are allotted more FAR in the mid-blocks than owners of non-Community Facility buildings.
- This application is pending.
- **Goal**: limiting bulk of buildings in the mid/blocks.

Comments for July 10th Hunter/CUNY-MSK City Planning Commission

Good Afternoon Chairman Burden and Commissioners,

I am speaking today as one of the representatives of ESNA—the East Sixties Neighborhood Association.

We support the Hunter/CUNY-MSK project. We think these two new buildings will be a valuable asset to the community. We believe the synergy between the college and hospital will be important to the students, as well as to the medical and research communities.

My comments will address the Zoning Text Amendment. In 2006, Community Board 8 received approval of a 197-A plan for the greater Queensboro Bridge Area. This was a vision for the L-shaped area from Tramway Park, along the bridge on 59th and 60th streets down to the waterfront, along the esplanade from 59th to 63rd streets. This would allow the residents in the southern half of Community District 8 to have green open park spaces, as the residents in the middle and upper portions of the district have in John Jay, Carl Schurz Parks.

Andrew Haswell Green Park Phase I is completed. Phase 2 is planned, designed, funded and approved by the Public Design CommissionSo what is holding it up? Parks started this phase with an engineering study and discovered they had a costly problem, as the pilings needed replacement before the park could be constructed to bear the necessary weight load. Until this text amendment was offered, there did not seem there was a viable solution for obtaining these funds, as parks has stated it is highly unlikely that funding will be available in the foreseeable future.

The dog run is well used. The rest of the waterfront level of the site is not used—it is fenced off and it is unattractive and remains the way it was when parks obtained the property from the Economic Development Corp. It needs to be completed!

As a resident of the East 60s I am proud to count among my neighbors the Hunter College community and all the other institutions that will benefit from the use of this park. Our neighborhood is bursting with children and this park is desperately needed by all the residents. It would be so wonderful to have a patch of grass to sit on.

In closing, I believe the Parks Department picked this site to be the benefit of the Zoning Text Amendment because the Community Board 8 approved the 197-a plan; it is designed; ready to be built; funded—except for the piling problem; and most importantly there was a real need in the community for Phase 2 of Andrew Haswell Green Park to be completed.

So I ask you to please give this project your support and approval.

Thank you for listening to my comments.

Judith Schneider, Executive Vice President
East Sixties Neighborhood Association

Along with my testimony, I would like to submit, for your records, copies of over 1,000 signatures in support of the Zoning Text Amendment and the funding for the Andrew Haswell Green park obtained in about 2 weeks for the Community Board 8 hearing, in May.

M. Barry Schneider

July 10, 2013

Good afternoon Madame Chairman and Commissioners,

My name is Barry Schneider and I appear before you today as the president of the East Sixties Neighborhood Association, a 22 year old neighborhood improvement organization on the upper East Side of Manhattan.

I strongly support the applications before you brought by Hunter-CUNY and MSK. Today there are no more compelling public issues than education and health care. And the new facilities planned for the former Sanitation Garage at E. 73/74 Street and York Avenue address these issues head on. Selfishly, the upper East Side will benefit from the new campus in myriad ways. Not least of which is the realization of the vision of the Andrew Haswell Green park. With the approval of the Zoning Text Amendment, this community-driven open public green space will become an oasis in the parched landscape of the southeast sixties.

Further, I applaud Borough President Scott Stringer's initiative in calling for a comprehensive, independent traffic study of York Avenue as part of his recommendation on this project. For too long the residents, shop keepers and visitors in this bustling corridor have suffered congestion, physical hazards and fetid air. A remedy must be sought. I urge the Commission to include this very sensible proposal in your approval of the Hunter-CUNY/MSK project.

Thank you.

And now, in the time remaining to me, I would like to read an encomium prepared by a colleague who cannot be with us today due to last minute scheduling conflict:

Andrew Haswell Green was a remarkable 19th century master planner, reformer, and preservationist who devoted a fifty-year public career to the betterment of our great city. He was responsible for the creation of Central Park, Riverside Park, Morningside Park, and Fort Washington Park. He established country's first formal historic preservation organization. And most importantly, he masterminded the 1898 consolidation of Greater New York -- an audacious scheme that created the five-borough city that exists today,

The little park on the East River was intended to finally give Mr. Green some of the recognition he has long lacked. I hope you will keep this in mind and endorse the CUNY/MSK proposal that will allow the park's construction to move forward.

Public Hearing Transcript

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NEW YORK CITY PLANNING COMMISSION
-----X
CALENDAR NOS. 43, 44, 45, 46, 47 and 48.
HUNTER/CUNY - MEMORIAL SLOAN-KETTERING
PUBLIC HEARING
-----X
Spector Hall
22 Reade Street
New York, New York
July 10, 2013
2:50 p.m.

BEFORE:
AMANDA M. BURDEN,
The Chair

1

2 COMMISSION MEMBERS PRESENT:

3 Amanda M. Burden, FAICP, Chair

4 Kenneth J. Knuckles, Esq., Vice Chairman

5 Angela M. Battaglia

6 Rayann Besser

7 Irwin G. Cantor, P.E.

8 Alfred C. Cerullo, III

9 Michelle R. De La Uz

10 Maria M. Del Toro

11 Joseph I. Douek

12 Anna Levin

13 Orlando Marin

14

15 Also Present:

16 Yvette V. Gruel, Calendar Officer

17 Members of the Staff

18

19 The Public

20 The Press

21 The Media

22

23

24

25

Reported by:
Kari L. Reed

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P R O C E E D I N G S

THE CALENDAR OFFICER: Borough of
Manhattan, calendar numbers 43 through 48.
Calendar number 43, C 130214 ZMM. Calendar number
44, N 130215 ZRM. Calendar number 45, C 130216
ZSM. Calendar number 46, C 130217 ZSM. Calendar
number 47, C 130218 ZSM. Calendar number 48, C
130219 PPM.

A public hearing in the matter of
applications for amendments of the zoning map and
the zoning resolution for the grant of special
permits and for the disposition of City owned
property concerning MSK-CUNY.

Notice, a public hearing is also
being held by the Office of the Deputy Mayor for
Economic Development in conjunction with the above
ULURP hearings to receive comments related to the
Draft Supplemental Environmental Impact Statement.
This hearing is being held pursuant to the State
Environmental Quality Review Act and the City
Environmental Quality Review.

THE CHAIR: All right, if everybody
could take seat and be quiet.

2 As is our custom, we'll start with
3 speakers in favor. And we will do that for 30
4 minutes and then switch to speakers in opposition.
5 And I'll call some names of the first speakers.
6 The first speaker is Art Aguilar. Then Iris
7 Weinshall, then Jennifer Raab, and then Richard
8 Beattie, and then we'll see how far we get. All
9 right.

10 MR. AGUILAR: Good afternoon, Chair
11 Burden, members of the Commission. My name is Art
12 Aguilar, from EDC's Planning Commission. I'd like
13 to first thank Art Klosker (phonetic) for giving a
14 thorough presentation on Monday and summarizing
15 the project and actions supporting this
16 Commission.

17 To provide some background, in May
18 2011, EDC at the request and on behalf of the
19 Department of Sanitation issued a request for
20 proposals for the development of 66,000 City owned
21 site. The RFP calls for proposals that utilize
22 the site for the expansion or creation of health
23 care, educational or scientific research
24 facilities to leverage the City's unparalleled
25 talent, and to fuel growth in health care research

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2 and education. In a joint development, Memorial
3 Sloan-Kettering and the City University of New
4 York were selected as the developers. Development
5 of this site will create a brand new,
6 state-of-the-art cancer treatment center, and a
7 modern teaching facility at CUNY, allowing a
8 physical proximity that promotes collaboration and
9 better enables both institutions to meet their
10 core missions. The new facilities, along with
11 applied sciences and other city tech and science
12 initiatives will capitalize on the considerable
13 growth presently occurring within the science,
14 technology and research fields in New York City,
15 and also build upon the Bloomberg administration's
16 record of creating a diversified and competitive
17 economy for the future.

18 To speak to some of the issues
19 raised by this board, we would like to clarify two
20 items. The first is regarding the disposition.
21 The existing lot will be subdivided, and MSK and
22 CUNY will each receive a deed for its respective
23 portion.

24 The second is that the RFP
25 contemplated only health care, education or

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2 scientific research facilities use. So the
3 disposition is limited to those and associated
4 uses. Such limitation would not impact future
5 goals for the redevelopment of the site.

6 I'm available for any questions,
7 a well as are representatives for MSK, CUNY, and
8 the Department of Parks and Recreation. Thank you
9 very much.

10 THE CHAIR: Just to clarify, the
11 last point you made was that the restriction on
12 disposition use was not a problem, is that what
13 you said?

14 MR. AGUILAR: Correct.

15 THE CHAIR: All right. Let me see
16 if there are any questions for you.

17 And the other one is that there are
18 two separate lots and it will be developed
19 separately, is that what you said?

20 MR. AGUILAR: Yes, two separate --

21 COMM. DOUEK: Two separate tax lots
22 or two separate -- one zoning lot?

23 MR. AGUILAR: One zoning lot.

24 COMM. DOUEK: One zoning lot.

25 MR. AGUILAR: That's right.

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THE CHAIR: Are there other

questions?

(No response)

THE CHAIR: All right, thank you for
being here.

MR. AGUILAR: Thank you.

THE CHAIR: The next speaker is Iris
Weinshall.

MS. WEINSHALL: Good afternoon. I'm
Iris Weinshall, Vice Chancellor for Facilities
Planning and Construction at the City University
of New York.

CUNY and its 24 colleges, graduate
and professional schools are a major force in
supporting a strong New York economy, and in
preparing an educated work force for today and
tomorrow. CUNY educates over 500,000 full and
part time students, and employs more than 39,000
faculty and staff. An astounding 70 percent of
CUNY graduates are graduates from the New York
City public schools. We are the backbone of a
public education system that is taking our public
school graduates and preparing them for tomorrow's
world, in fields such as health care and science.

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In 2005 CUNY's former chancellor, Matthew Goldstein, declared 2005-2015 to be the decades of the sciences at CUNY, renewing the university's commitment to creating a healthy pipeline for sciences, math, technology and engineering fields, and setting as a priority the construction of new state-of-the-art facilities for CUNY's premiere institutions. With Governor Cuomo's support and leadership, eleven new facilities, dedicated to support science education and research, has been completed or initiated in furtherance of the chancellor's pledge, and with your approval of Hunter's proposed new building at 74th Street, another major step towards its fulfillment will be achieved. This state-of-the-art space at 74th Street will allow Hunter to consolidate its related science and health professions programs, including nursing and physical therapy, and provide research labs for its core science departments. In their new home, Hunter's top faculty and science researchers will have modern classrooms, laboratories and equipment appropriate for the cutting edge, groundbreaking work that they're doing in their fields. As

1

11

2 Jennifer Raab, president of Hunter College, will
3 describe to you shortly, Hunter's nurses and
4 scientists will have the opportunity to develop
5 new collaborations and expand on its existing ones
6 with Memorial Sloan-Kettering. The project is an
7 innovative public-private collaboration between
8 two institutions that play a critical role in
9 creating jobs for the City's medical and academic
10 sector.

11 CUNY's capital projects account
12 for 14,000 jobs and a fifth of all construction in
13 New York City. Our nursing programs produce 65
14 percent of the associate level registered nurses
15 graduating annually from New York City
16 institutions. In the allied health fields, CUNY
17 graduates account for two-thirds of newly trained
18 workers in New York City in health and science
19 technology.

20 According to the New York City
21 Economic Development Corporation, the CUNY and
22 Memorial projects at East 74th will create more
23 than 3,200 construction jobs and nearly 830
24 permanent jobs. This project is about much more
25 than a new building. It's about job creation and

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2 opportunity. It's about partnership and growth.
3 This facility will allow both CUNY and Memorial
4 Sloan-Kettering to reach new heights in education,
5 research and health care. It is a magnificent
6 project that will have a lasting impact on CUNY,
7 on Memorial, and the City and the region beyond.

8 I would be pleased to answer any
9 questions.

10 THE CHAIR: Thank you, Iris. It's
11 really nice to see you. Let me see if there are
12 any questions for you. Ken Knuckles.

13 THE VICE CHAIR: Iris, how are you?

14 MS. WEINSHALL: Good, Ken, how are
15 you?

16 THE VICE CHAIR: Okay.

17 So under the proposal, the land as
18 disposed of by the City would be owned jointly by
19 CUNY and Sloan Memorial?

20 MS. WEINSHALL: Yes. Well, we'd
21 each -- we have deeds for our own parcels.

22 THE VICE CHAIR: All right. So
23 the --

24 MS. WEINSHALL: Subdivided.

25 THE VICE CHAIR: Subdivided?

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MS. WEINSHALL: Yes.

3

THE VICE CHAIR: Okay, thank you.

4

THE CHAIR: Other questions for

5

Iris? Yes, Angela.

6

COMM. BATTAGLIA: Good afternoon,

7

Iris. I just wanted to welcome you, say it's nice

8

to see you.

9

MS. WEINSHALL: Thank you.

10

COMM. BATTAGLIA: And I'm just, I'm

11

not sure if this question should be directed

12

toward you, but in your role as facilities

13

planning and construction management, one of the

14

big issues that the board was concerned with was

15

the traffic impact.

16

MS. WEINSHALL: I don't wear that

17

hat anymore.

18

(Laughter)

19

MS. WEINSHALL: No, I'm just

20

kidding. Once a transportation commissioner

21

always a transportation commissioner.

22

COMM. BATTAGLIA: I just want to

23

know if you could respond to what steps are being

24

taken --

25

MS. WEINSHALL: Well --

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COMM. BATTAGLIA: -- to mitigate.

3

It's a, as you know in your current role, past

4

role, a very, very, very heavily trafficked area.

5

MS. WEINSHALL: You're right, it is.

6

And it is a concern before this project goes in,

7

and I'm sure it will be a concern after the

8

project goes in.

9

I think the issue is more global and

10

not just restricted to this project. I think with

11

all the hospitals expanding in this corridor, I

12

don't want to kick the can down the road, but I do

13

think the City eventually will have to look at

14

this entire region and figure out what the right

15

answer is.

16

I know that from the CUNY

17

perspective, we anticipate that our students and

18

our faculty will be taking mass transit and then

19

from there walking. I know that Sloan-Kettering

20

has a different setup because of the nature of the

21

patients they're treating, and many of them have

22

to be driven to the hospital, and we are planning

23

or they are planning to have parking in their

24

building. But I honestly feel that this is a

25

broader issue, not just limited to this project.

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2 It's something that probably the next mayor should
3 look at.

4 COMM. BATTAGLIA: Thank you.

5 THE CHAIR: Other questions for Iris
6 Weinshall?

7 (No response)

8 THE CHAIR: Iris, thanks for being
9 here.

10 MS. WEINSHALL: Thank you.

11 Jennifer Raab is the next speaker.

12 MS. RAAB: Good afternoon. Thank
13 you for the opportunity. As Vice Chancellor
14 Weinshall said, I'm President Jennifer Raab of
15 Hunter College, and this is the most important
16 project facing Hunter College, and we hope that we
17 will get your approval to finally create the
18 science facilities commensurate with the
19 extraordinary scientists that work at Hunter
20 College.

21 One of our largest challenges that
22 has been in front of me in twelve years as
23 president is to find sufficient space, to find
24 state-of-the-art space, and to find space in the
25 neighborhood in which the college is located for

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2 our top notch scientists to operate. And they are
3 top notch. We are doing cutting edge research.
4 We receive more NIH funding than any school in New
5 York State without a medical school. And as you
6 will hear from my colleagues in subsequent
7 testimony, our scientists are just top flight.

8 But it's even more than that.

9 Our scientists have a diversity that is
10 unprecedented really in the country. They serve
11 as role models as women, as under-represented
12 minorities in science for our brilliant students.
13 And thus, when people are talking about the stem
14 pipeline, we are doing something about it. And we
15 have a record in this country in our
16 classification. We are number two in the number
17 of women we send to get Ph.Ds, and number nine in
18 the number of under-represented minorities we send
19 on to doctorates. So while we are creating these
20 pipelines and creating real scientists, we need to
21 have more space and not be in the antiquated 1939
22 space that we are operating in right now.

23 Similarly, our phenomenal nurses are
24 working in a 1950s facility that was built for
25 Bellevue Hospital, and we can no longer address

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2 the health crisis. And that's what nurses will
3 do. They're the people that, with expanded access
4 to health care, they will be providing the care.
5 And at every level, from the associates to the
6 bachelors to the very important and focused
7 masters and nursing practitioner programs, to our
8 new clinical doctorates, we are addressing the
9 ability to create affordable health care in this
10 country. And we educate nurses. And the
11 mortality of patients is directly linked to the
12 level of the education of their nurse. So this is
13 incredibly important work in both nursing and in
14 physical therapy. Both would be located finally
15 in state-of-the-art facilities if this new
16 building were approved with our scientists.

17 Hunter is New York. Eighty-five
18 percent of our students come from New York City,
19 the rest from the surrounding areas. And more
20 importantly, these are our citizens. We are
21 training the next leaders of New York. Our
22 students stay in the City and they give back.

23 This project, finally, will allow us
24 to really enhance these incredible collaborations
25 that Hunter as a public school has been able to

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2 build with the finest private institutions in the
3 country. With Weill Cornell, with Rockefeller,
4 and then on the same property with Memorial
5 Sloan-Kettering, one of the finest research and
6 care giving institutions in the world. We are
7 already doing serious science, chemistry and
8 cancer research at Memorial. We are already
9 working to train our nurses to meet their
10 patients' needs. And we are collaborating with
11 their lab pathologists and are close to their
12 other specialists. Working together side by side,
13 we will only do more to contribute to the health
14 care, the service and the economy of New York
15 City. We believe Hunter makes the American dream
16 come true, and we hope you will approve this
17 project and make Hunter's dreams come true.

18

Thank you.

19

THE CHAIR: It's very nice to see
20 you. Let me see if there are questions for you.

21

(No response)

22

THE CHAIR: There are not. We
23 appreciate your being here.

24

MS. RAAB: Thank you.

25

THE CHAIR: The next speaker is

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2 Richard Beattie, to be followed by Craig Thompson
3 and then Todd.

4 MR. BEATTIE: Madam Chair,
5 members of the Commission, I'm pleased to be here
6 today as the vice chairman of Memorial
7 Sloan-Kettering Cancer Center. Memorial has a
8 long history as a New York City hospital. It's
9 been here more than 129 years. It started as the
10 Cancer Hospital of New York. To show you how far
11 we have come, in those days cancer was thought to
12 be a contagious disease and people with cancer
13 would be shunned.

14 We have been on the Upper East Side
15 for more than 80 years, with a single focus on
16 cancer treatment, prevention and research. And we
17 have become with that focus one of the leading
18 cancer institutions in the world. Our benefits
19 that come from -- the benefits that come from our
20 research and our work are spread throughout the
21 world, they're not kept here in New York City.
22 They benefit anybody, anywhere in the world.

23 This new facility which we hope to
24 build is a recognition by the board that cancer
25 treatment is changing. And we have to change

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2 along with it. Cancer treatment is changing, with
3 a much more crucial element on outpatient care.
4 We hope with this joint facility which we will
5 build at Hunter that we will be able to provide
6 bone marrow treatment for the first time on an
7 outpatient basis, which is of course much better
8 for the patients. It's a significant advancement.
9 This space also would provide critical space for
10 us to continue research to continue clinical
11 analysis and tests.

12 And, finally, what is really
13 happening is that so many more people today are
14 being treated on an outpatient basis because we
15 have cancer survivors. That is the most
16 significant change, the most beneficial change
17 that has come from every advancement we've seen in
18 cancer; there are survivors today. But survivors
19 still need to be treated, and they need to be
20 treated on an outpatient basis. We will always
21 need hospital beds on the main campus, we will
22 have those. But now we need a facility to treat
23 people on an outpatient basis, which will be much
24 better for everybody.

25 Thank you, I appreciate it.

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THE CHAIR: Thanks, Dave. Let me see if there are questions for you. Yes, Rayann.

COMM. BESSER: Thank you.

MR. BEATTIE: Yes, ma'am.

COMM. BESSER: On Monday whoever it was that spoke had said that there wasn't going to be an ER facility but that an ambulance would be waiting to pick someone up in an emergency. And I just wanted to clarify that because I really wasn't clear what was meant by that.

MR. BEATTIE: I think somebody else can best answer that question. There is not an ER facility, but I'm not aware of what somebody said about an ambulance.

COMM. BESSER: Okay, thank you.

THE CHAIR: Okay, we'll find that out later. Thank you for being here.

MR. BEATTIE: Thank you.

THE CHAIR: Craig Thompson is the next speaker, to be followed by Todd and then Steve Simon.

MR. THOMPSON: Good afternoon. I'm Craig Thompson, president and CEO of the Memorial Sloan-Kettering Cancer Center. Along with my

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2 colleagues from Hunter and CUNY, I really
3 appreciate the opportunity to be addressing the
4 Commission today.

5 MSK is proud of its contribution
6 to the economic vitality of New York. With more
7 than 12,000 employees, we are one of the largest
8 employers in the city. And as Dick has just told
9 us, for the last 130 years we have been the
10 primary place that New Yorkers have turned to for
11 advice and treatment concerning cancer.

12 Since 2000, New York has experienced
13 the greatest growth of any major American City.
14 Growth has brought both opportunity and challenge
15 to the city as a whole, and to its health care
16 institutions. New York has always attracted the
17 best and brightest, and now more New Yorkers are
18 staying to be lifelong residents. New Yorkers are
19 on average older than they were a decade ago. And
20 life expectancy here in New York is two years
21 longer than in the rest of the U.S.

22 As the city's population ages, we
23 will experience a significant increase in the
24 number of patients in need of cancer care. Cancer
25 is a disease of aging. In New York City, new

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2 cancer cases are expected to grow by 20 percent
3 over the next decade as a result of the longevity
4 that we enjoy as New Yorkers.

5 So when the City issued its
6 request for a proposal to develop the 74th Street
7 site for health care and educational purposes, we
8 believed it presented an extraordinary opportunity
9 to strengthen our commitment to the citizens of
10 New York. The new MSK outpatient facility on 74th
11 Street will play a critically important role in
12 our cancer care delivery system. The proximity of
13 this location, within walking distance of our main
14 campus, will allow us to meet the growing demand
15 of cancer care without any unnecessary duplication
16 of services. The enhanced outpatient facilities
17 will allow us to bring new approaches to improving
18 cancer diagnosis and treatment. And members of
19 the New York City community will be the first to
20 benefit from those advances. The building has
21 been designed to offer hope and opportunity to
22 cancer patients under our care.

23 We also anticipate exciting
24 collaborations with CUNY. Together with Hunter
25 College, we have the opportunity to provide New

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2 York's most talented students with new career
3 training in nursing and medical technology, and at
4 the same time enhance Memorial Sloan Kettering's
5 ability to provide health care to New Yorkers most
6 in need.

7

We are fortunate to be living in
8 a time when we can bring new and more effective
9 treatments to patients. This new opportunity to
10 expand our clinical enterprise is going to touch
11 many lives.

12

Thank you.

13

THE CHAIR: Thanks very much.

14

Really nice to see you, thank you for being here.

15

Let me see if there are questions for you.

16

(No response)

17

THE CHAIR: There are not. We

18

appreciate your testimony.

19

MR. THOMPSON: Thank you.

20

THE CHAIR: The next speaker is Todd

21

Schliemann, and then Steve Simon.

22

MR. SCHLIEMANN: Thank you. My name

23

is Todd Schliemann. I'm an architect with Ennead

24

Architects. I'm representing the team of Ennead

25

Architects in Perkins Eastman.

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2 What I'd like to do, I know that
3 Eric gave a very complete description of the
4 design. Thank you, Eric, extraordinary, you've
5 learned so much in so little time. I'd love to
6 right now just take two minutes and talk about
7 some of the whys behind the design choices that
8 might be relevant to some concerns that we've
9 heard.

10 In terms of, let's talk about the
11 massing. In terms of the massing of the
12 buildings, it's about a gross square footage of
13 790,000 square feet. And we have two
14 institutions, two buildings, one architecture. So
15 the idea here was to put the MSK portion, which is
16 two-thirds of that gross square feet, out where
17 the open space is, which is the river, and then
18 step the building down so that we could preserve
19 light and air where all these low-rise buildings
20 are. So that's why the MSK building, or the CUNY
21 Hunter building is 16 stories, MSK is 23. And
22 then of course breaking down the massing into
23 these eight story elements begins to make it feel
24 less bulky, as well as covering up all the
25 mechanical equipment. And the building is made of

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2 a blondish terra cotta limestone-zinc and detailed
3 in a fairly elegant way, to identify the
4 institutional quality of it.

5 Now, down on the ground floor I
6 think there's some issues with the ground floor
7 which begin to tell the story of why we had to
8 pack it so much. 74th Street, as Eric I'm sure
9 told you, is the entrance side for both CUNY and
10 MSK, and the service side is on 73rd. Now,
11 because 73rd Street is an entrance onto the FDR,
12 it's very busy. Consequently, we didn't want
13 backing up trucks to slow traffic down. So what
14 we've done is we've taken away a large portion of
15 the ground floor space to bring trucks in, back
16 them up inside to the loading dock, and get them
17 out quickly. So a good two, well, about a third
18 or so of the ground floor of each of the buildings
19 is taken over by that maneuvering. Which in this
20 case, this is the CUNY building, basically leaves
21 what is essentially just lobby space and then core
22 space for this ground floor.

23 MSK, same thing. We have a much
24 larger loading dock here to bring the trucks in,
25 back them up, get them out.

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There is, as somebody asked the question, a holding bay for ambulances right here. Now, they are infrequently used. They're there for emergencies. There is no operating room or there's no OR in this, it's all ambulatory care.

COMM. BESSER: Thank you.

MR. SCHLIEMANN: So that is right there. And then there's a staff entrance. And so you can see the lobby right here.

Now, very quickly, CUNY's entrance is here, that's their lobby. The drop off for MSK --

(Bell rung)

MR. SCHLIEMANN: -- is a valet service operation. So that means that nobody -- we don't expect cars to be standing here. They come in, the valets take them down.

Just in terms of --

THE CHAIR: I'm just going to, just so everybody knows, I'm going to just say the time period is over.

MR. SCHLIEMANN: Okay.

THE CHAIR: But why don't you continue with what you were about to say.

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MR. SCHLIEMANN: I'll be very brief.

3

I'm sorry, architects don't get a chance to talk

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much.

5

(Laughter)

6

COMM. CANTOR: Ha, ha, ha.

7

(Laughter)

8

MR. SCHLIEMANN: One thing that we

9

did want to recognize, and Iris said it, is that

10

for CUNY/Hunter, everybody is coming on foot. And

11

we wanted to make sure that for this population of

12

pedestrians and staff and students we could get

13

them into the building and up into it because it's

14

an urban high-rise campus. So we provided a large

15

open glass area, a large lobby with gentle stairs

16

that take you up to a number of open space lounges

17

so that the students can hang out inside the

18

building, which gets them off the sidewalk.

19

Consequently, the idea of being able to manage the

20

cars in this drop off at sort of end of 74th

21

Street, which is a dead end, begins to distribute

22

the traffic, both foot and car, in a way that we

23

hope will mitigate some of those concerns.

24

THE CHAIR: Great, thanks. Ken

25

Knuckles has a question for you.

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THE VICE CHAIR: I'm not sure about the elevation of the site. Was this site impacted by Sandy, and if so, how was that impact to your constructibility issues?

MR. SCHLIEMANN: It wasn't seriously impacted by Sandy. However, previous to the new guidelines that FEMA has come out with, it sat in the hundred year flood plain. So consequently, before Sandy we designed it to put all of the mechanicals up above the first floor. Which means the transformers are up on the second and sixth floor, all pumps, everything. Nothing in the basement. We've had to build a bathtub structure for the foundation. And with the new elevations that we got, which really didn't raise the elevations that we had previously had to deal with, it was probably about a foot or so, we do have some flood gates that we have put in to protect some of the loading surface areas, predominantly down towards the river. So it's a -- we have been following their new guidelines and basically designing to their extreme conditions.

THE VICE CHAIR: Thank you.

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THE CHAIR: Other questions?

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(No response)

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THE CHAIR: Todd, thanks very much,
it's good to see you.

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Steven Simon, and then we'll
probably switch to speakers in opposition.

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MR. SIMON: Good afternoon. My name
is Steve Simon. I'm the Manhattan chief of staff
for the City Department of Parks and Recreation.
I'm speaking in support of the CUNY-MSK project's
proposed funding of Andrew Haswell Green Park for
its Zoning Text Amendment. As I'm sure you know,
Manhattan Community District 8 ranks near the very
bottom in open space per capita in the City. In
this high density area, Andrew Haswell Green Park
is the only opportunity we have to create new,
high quality open space to help address this need.
The MSK-Hunter College project will enable us to
achieve this goal, while saving a key segment of
the East River esplanade.

The original concept for this park
at the former site of the East 60th Street
heliport was envisioned by Community Board 8 in
its own 197-A plan. So we will also be satisfying

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the community's strongly expressed desire for a park at this location.

We are developing the park in phases. Phase one, which included the esplanade between 62nd and 63rd Streets, was completed in 2008. Phase two was to include the ramp from 60th Street to the upper level pavilion roof with the Alice Acog Ravidox (phonetic) sculpture, and the river level area from 61st to 62nd Streets. Our landscape architect came up with an excellent plan that takes full advantage of the site, and that will undoubtedly make it a favorite spot for the residents of the Upper East Side and other New Yorkers. If we build this park, we know they will come. It features a large, sloping lawn overlooking the East River that will be perfect for relaxing and enjoying the excellent views year round.

The Community Board resolution approving our plan says, quote, "The Department of Parks has developed a spectacular design that transcends the early vision of the planners and transforms the site into a verdant, welcoming park, a fabulous waterfront amenity for the entire

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community", end quote. Those are their words, not
ours.

The Public Design Commission has given preliminary
approval to the plan. However, a marine
inspection of the piles and concrete deck over the
river determined that they needed to be completely
replaced at a significant cost, well above the
available funding. We can only proceed with a
portion of the work, a lawn and sitting area on
the pavilion roof, which we now call phase 2A.
This work should begin early next year, to be
completed in early 2015. Until we were approached
by the applicant last year regarding possible
funding for a significant open space improvement
in CB8's area, we had not been able to secure any
additional funds for phase 2B.

The department conducted a thorough look to
confirm that Andrew Haswell Green Park is the only
major park project in the CUNY/Sloan-Kettering
vicinity that meets the proposed zoning text
amendments required, with the design, community
support, and an identifiable funding gap. The
proposed amendment would require that the Parks
Commissioner, Veronica White, provide a cost

2 estimate of the improvement prior to the planning
3 commission's vote, and we are working with EDC to
4 finalize that estimate and a detailed schedule for
5 completing the work. We anticipate that phase 2B
6 could be open to the public prior to the
7 completion the CUNY/Sloan-Kettering buildings in
8 2019.

9 The development of Andrew Haswell Green Park will
10 be significant --

11 (Bell rung)

12 MR. SIMON: -- will have a lasting impact, and
13 will truly serve the Upper East Side community and
14 the City as whole.

15 Thank you.

16 THE CHAIR: Thanks very much. Let
17 me see if there are questions for you. Yes,
18 several. Anna Levin and then Maria.

19 COMM. LEVIN: Thank you, Mr. Simon.
20 You know what I hadn't fully appreciated until I
21 went to visit the park site and the MSK site,
22 which I did all at once starting with the park, is
23 that the East River esplanade in fact connects
24 this site to the park. And when you say if we
25 build it people are going to come, they're going

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2 to come from the seventies.

3

MR. SIMON: Yes.

4

5 COMM. LEVIN: So my question to you
6 is about future plans for additional access to the
7 esplanade. I know there's one at John Jay Park,
8 which is just up a little bit.

8

MR. SIMON: Right.

9

10 COMM. LEVIN: Is the Hospital for
11 Special Surgery also providing -- are there new
12 access points to come, or do we at the moment have
13 all the access points that are in your plans?

13

14 MR. SIMON: I believe that's the
15 case, that we would have to -- there is a DDC
16 project to replace a bridge at 81st Street, which
17 is further down the road. But there's no other
18 access contemplated at this point.

18

19 COMM. LEVIN: Okay, but in fact
20 there are multiple access points --

20

MR. SIMON: Yes, there are.

21

22 COMM. LEVIN: -- from the seventies
23 that will allow people to get down into the park.

23

24 MR. SIMON: And the earlier phase
25 that we completed in 2008, there are people from
the wider community that are coming down to that

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2 area and are using the dog run and using the
3 esplanade. The esplanade is being used by people
4 from the Upper East Side all the time. Many of
5 them going all the way up to the new shopping
6 center at 163rd Street.

7 THE CHAIR: Maria.

8 COMM. DEL TORO: Hi, Steve, it's
9 good to see you.

10 MR. SIMON: Where have you been all
11 these years?

12 COMM. DEL TORO: Long time. I just
13 wanted to ask you, I know you're working on the
14 budget, right?

15 MR. SIMON: Yes.

16 COMM. DEL TORO: So, but I just
17 wanted to ask you, is the developer committed to
18 the full cost of the phase two?

19 MR. SIMON: One way or another. We
20 have a commitment that the funding for this
21 project will come out of -- that the funding for
22 the park will come out of that project.

23 COMM. DEL TORO: Okay, great.

24 THE CHAIR: Other questions for

25 Mr. Simon?

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(No response)

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THE CHAIR: Okay. We are going to
now -- thanks very much.

5

MR. SIMON: Thank you.

6

7

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THE CHAIR: We are going to switch
to speakers in opposition, and I'll call out a few
names. We'll begin with Al Butzel, and then Sarah
Chu, and then Jill Eisner, and then Mina
Greenstein.

11

12

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16

MR. BUTZEL: Thank you. My name is
Al Butzel. You're still here, and I must say
you're gluttons for punishment. I've been sitting
out there since eleven o'clock, but you've been
here since nine o'clock, so I congratulate you.

17

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I represent the opposition in
this case, the Residents for Reasonable
Development and the 515 East 72nd Condominium.
This is a gathering of residents from a number of
buildings around the site. And we oppose this
project. We oppose it because it is outsized, it
is too large. We oppose it because it is
incompatible with what we regard as the basic
residential fabric of the neighborhood. And we
oppose it because it does have significant impacts

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2 that are going to affect that neighborhood
3 character, most obviously traffic. But also, you
4 can't put in such a large building and not have it
5 change what's basically a different, lower rise
6 environment around here.

7 We think there are alternatives,
8 and we do not think they have been addressed, we
9 do not think they have been considered. They
10 include most obviously residential. But another
11 alternative would be the reestablishment of the
12 sanitation garage at this site. That's an unusual
13 situation, but it's something the community would
14 accept. That's very unusual in the City. Here is
15 the community willing to accept its fair share of
16 municipal facilities, and the City basically says
17 no and instead it's trying to impose that facility
18 on an area who doesn't want it, and somehow it
19 doesn't make sense. Given the problems that the
20 sanitation department has had to find sites, I'm
21 sure they would be thrilled to have the use of
22 this site, and I think it would be better than
23 this large proposal.

24 The failure in my mind in
25 addressing the alternatives is one of series of

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2 legal infirmities. And I have prepared a lengthy
3 document and many copies of it, you and your staff
4 can have them. And I'm not going to take the time
5 to go through them right now, they're here for
6 your consideration. There are six or seven
7 particular legal failings. The only one I would
8 just point out is this idea of selling FAR,
9 basically in my mind selling the City for
10 uncertain benefits, and in this case benefits that
11 will do nothing to mitigate the impacts to the
12 directly affected community. To the extent there
13 are benefits, they benefit a different group of
14 people.

15 So, having said that, I would say
16 while my expectations are not high as to how this
17 Commission is going to respond to our concerns, I
18 urge you to reject the applications and to begin a
19 disposition process again, because that's where --

20 (Bell rung)

21 MR. BUTZEL: -- the change can be
22 made.

23 Thank you very much.

24 THE CHAIR: Thank you. Let me see
25 if there are any questions for you from the

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2 Commission. Yes, Michelle.

3 MR. BUTZEL: Yeah, you're the
4 first person who's ever asked me a question,
5 Michelle.

6 (Laughter)

7 COMM. DE LA UZ: I'm sure.

8 MR. BUTZEL: I think Amanda once did
9 too.

10 (Laughter)

11 COMM. DE LA UZ: Thank you for being
12 here, Al, we very much appreciate that. I'm just
13 wondering maybe if you could share a little bit of
14 the history with us briefly about whether or not
15 residential uses were considered for the site
16 prior to this proposal.

17 MR. BUTZEL: I don't know the answer
18 to that. Some other people may. I am told that
19 the original RFP was much more open as to uses.
20 But it required that the sanitation garage be
21 combined with what part of the development was,
22 and that there were no responses to that RFP.
23 Then later a new RFP was put out for health
24 facilities, which may or may not have had a
25 combined garage, but if it did, that requirement

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2 was eliminated. And that's one of the errors,
3 legal infirmities that I identify in these
4 documents, it left an unlevel playing field.
5 Thanks for asking.

6

THE CHAIR: Any other questions
7 for Al Butzel?

8

(No response)

9

THE CHAIR: Okay, thanks.

10

MR. BUTZEL: I'll leave these
11 documents with you.

12

THE CHAIR: Okay.

13

The next speaker is Sarah Chu. I
14 have to speak louder into the microphone I've been
15 told. Sarah Chu, then Jill Eisner.

16

MS. CHU: Hi, Commissioners. Thank
17 you so much for spending a very long day and
18 having the patience and abrading your empty
19 stomachs to listen to us today. It's going to be
20 a long session, right?

21

My name is Sara Chu. And for full
22 disclosure, I am the second vice chair of
23 Community Board 8. I am also a former member of
24 Community Education Council of District 2, I just
25 finished up my term in 2013. But today I am not

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2 speaking on behalf of those organizations, I do
3 not speak on behalf of those organizations, I am
4 speaking for myself and as a member of the
5 Residents for Reasonable Development.

6 I live in the Cherokee. And the
7 Cherokee Apartments are a low-rise, six story
8 walk-up. And my neighbors include seniors on a
9 fixed income, young people who can only afford to
10 pack multiple roommates into an apartment as far
11 away from the subway as possible, and people like
12 me, immigrants, young families, and non-profit
13 workers. And we found a home at Cherokee on 77th
14 Street and York because it's a quiet neighborhood,
15 it's next to a wonderful public school, and we
16 have John Jay Park, where my husband and I often
17 take my young daughter.

18 One thing that we realized when we
19 moved into the Cherokee is that PS 158 isn't the
20 only school in the area. There are actually many
21 schools in the area. And that in fact between
22 69th Street to 78th Street from Second Avenue to
23 York there are nearly 4,500 students served by
24 high schools, elementary schools, day cares and
25 preschools. And a full list of the schools and

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2 their populations are in the binder that you
3 received from our group. And of that 4,500
4 number, over 3,000 of those students actually go
5 to school within a three block radius of this new
6 development. So you can see why safety is a major
7 concern of mine as a mother, as a neighbor. My
8 young children dart out into the street, they
9 can't be seen from behind parked cars. We already
10 have a traffic problem. We have hot spots at 72nd
11 and York, 72nd and First, 79th and York that will
12 only be made worse with the promise of 1,600 plus
13 additional vehicles daily that are going to be
14 visited upon our neighborhood. And it's going to
15 tie up public transit.

16 My upstairs neighbor, Eileen, is
17 one of many of the older adults that lives in my
18 neighborhood. We have a very high concentration
19 of children and older adults. And she is in her
20 eighties, and over the last few years it's become
21 very difficult for her to get around. And so the
22 mitigations that were offered in the draft EIS
23 from MSK to deal with traffic and pedestrian
24 safety were to install signs, yield signs for
25 drivers, installation of countdown timers, and

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repainting crosswalks.

(Bell rung)

MS. CHU: Unfortunately, no
countdown timer is going to make Eileen walk
faster. And to Commissioner Levin's point,
there's no way that Eileen will ever enjoy Andrew
Haswell park ten blocks away. And a new painted
crosswalk is not going to save my daughter from an
oncoming car. And that's just the plain truth and
that's just the fact.

I know my time is running low.

THE CHAIR: No, actually it went
out, it's out.

MS. CHU: But I just want to say
that my community is being asked to make
Sacrifices. The whole length of York Avenue is
being asked to make sacrifices. My impacted
community is getting nothing out of this
development. We are not receiving a park, we are
not receiving serious traffic mitigations that
will actually have an impact on the lives of the
children and the older adults in my neighborhood.
And I hope the CPC will recognize this and tame
the monstrous --

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THE CHAIR: You have to actually

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stop.

4

MS. CHU: -- MSK real estate

5

machine.

6

THE CHAIR: Let me see if there are

7

any questions for you.

8

MS. CHU: Sure.

9

THE CHAIR: Are there any questions

10

for Sarah Chu? Yes, Michelle.

11

COMM. DE LA UZ: I appreciate your

12

testimony and I understand the concerns. I'm just

13

wondering, do you have specific things, specific

14

recommendations as part of mitigating some of

15

those impacts that you could share with us either

16

now or in the future in writing?

17

MS. CHU: Sure, sure. So one of the

18

conundrums that I'm concerned about, and I share

19

this in my written testimony, is that in order to

20

make traffic flow, you want to make cars go

21

faster. And in order to make the streets safe for

22

pedestrians, you need to make cars go slower. And

23

you have a neighborhood that has a high density of

24

children and older adults. And so when you have

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that environment, there is no middle ground.

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2 Maybe there is some middle ground that's going to,
3 you know, make traffic flow a little bit, increase
4 accidents a little bit, but the point here is that
5 you have kind of a negative relationship between
6 traffic flow and pedestrian safety.

7 THE CHAIR: Any other questions
8 for Ms. Chu?

9 (No response)

10 THE CHAIR: Thank you for coming,
11 thank you for your testimony.

12 Jill Eisner is the next speaker, who
13 will be followed by Mina Greenstein and then Nancy
14 Terrell Grace.

15 MS. EISNER: Hi. My name is Jill
16 Eisner. I've been a resident of East 74th and
17 Fifth Street since 1991. A mixed neighborhood of
18 walk-ups and high-rises. That was an excellent
19 place to raise families of all economic
20 demographics. However, that future is totally in
21 jeopardy now.

22 The sanitation garage on 74th Street
23 was n excellent neighbor. There were never any
24 complaints about the trucks, the noise, the smell.
25 No complaints. We were quite surprised when it

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2 was torn down. There was no notice. And then
3 years later we were labeled garbage elitists by
4 the City government. That is totally unfair.

5

I want to speak about the
6 brilliant work of the CB 8 CUNY-MSK task force.
7 The committee had several open public meetings,
8 and after careful and extensive review, and after
9 diligent investigation over many months, the task
10 force passed the following resolution to
11 disapprove the Zoning Text Amendment by a vote of
12 12 in favor, six opposed and one abstention.

13

"Whereas the City University of New
14 York and Memorial Sloan-Kettering Cancer Center
15 are planning to erect very large buildings in a
16 heavily residential area on the east end block
17 bounded by Warwick Avenue, the FDR Drive, 73rd and
18 74th Streets; and

19

"Whereas, Community Board 8
20 Manhattan, through its CUNY-MSK task force, has
21 repeatedly urged CUNY-MSK officials to provide
22 ample public open space on or near this planned
23 building project to accommodate the needs of the
24 local community affected by CUNY-MSK's large,
25 intrusive project; and

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"Whereas, instead of ceding to the Community Board's requests for public open space at or near the CUNY-MSK project, CUNY-MSK has inexplicably proposed a Zoning Text Amendment that will allow it to provide money for further development of Andrew Haswell Green Park, which is a sizable distance from the planned CUNY-MSK project, and

"Whereas, the proposed Zoning Text Amendment itself sets up a dangerous precedent because it would allow all developers to have as-of-right the ability to increase their floor area ratio by twenty percent above the amount allowed by current zoning provisions as long as they abide by the terms of this ill-defined text amendment; and

"Whereas, this proposed financial allocation via the parks department to Andrew Haswell Green Park violates procedures of CB 8 and sets a precarious precedent by circumventing Community Board CUNY-MSK task force and its parks committee, two committees that should have been consulted before CUNY-MSK project developers selected a site for funding public open space, and

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"Whereas, CB 8 has already passed a resolution calling for new construction projects in its district to include public open space as part of the project's design.

"Therefore, be it resolved that Community Board 8 Manhattan opposes the proposed text amendment included as part of the CUNY-MSK project, and

"Be it further resolved that Community Board 8 Manhattan reiterates its strong desire to have the CUNY-MSK project include public open space at/or adjacent to the proposed construction project."

And let me just say as a personal comment. I just sat outside since 9:30. Every -- all these cases, Hallets --

(Bell rung)

MS. EISNER: -- Point, Willets Point and this one are all the same. It's about taking away from the individuals and giving to the corporations.

Thank you very much for your time.

THE CHAIR: Let me see if there are questions for you. I'm sorry, Ken.

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THE VICE CHAIR: Ms. Eisner, are you categorically opposed to the proposed use here, or is it a question of insufficient mitigation in terms of park amenities or other things that might --

MS. EISNER: To me it's the size. I mean the one thing that hasn't been discussed yet is that you -- I've been in an ambulance twice on York Avenue, and have sat in there and not moved, going to another hospital I won't mention here, and couldn't get through. And it's scary. And I hear about every day the fire trucks can't get through. That's now. Now they're going to bring in 15,000 -- because we're not discussing HSS, which has a project on this block as well -- 15,000 more people. There is no room. These are dead end streets. I don't understand how the City expects the people to move. It is a great hospital. How are they going to get there, how are the people going to get their care? There is no way to move now. We have taken away all the buses. They don't even go there, 15 doesn't even stop at 72nd Street anymore. It only stops at 168th Street. So they can't get there by the

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2 public transportation. And we can wait for a
3 31 -- they canceled the 30, they canceled the 98,
4 they canceled the 90 -- for half an hour. They
5 canceled the bus, it doesn't come. So I don't
6 understand how the City imagines on this dead end
7 lot to get more people. And no one is explaining
8 it to us at all. As I said, I live across the
9 street.

10 THE VICE CHAIR: Thank you.

11 MS. EISNER: Thank you.

12 THE CHAIR: Any other questions for
13 Ms. Eisner?

14 (No response)

15 THE CHAIR: Thank you for your
16 testimony.

17 Mina Greenstein or Greenstein. And
18 then Nancy Terrell Grace.

19 MS. GREENSTEIN: Good afternoon. My
20 name is Mina Greenstein, and I've been a resident
21 of the Yorkville community for over 50 years. I
22 want to read to you the following resolutions
23 which were passed at the CUNY-MSK task force
24 meeting but were never read into the record or
25 reviewed by Community Board 8, full board, prior

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2 to their vote on the resolution on May 8th.

3

4 "First, large scale general
5 development. The CUNY-MSK task force passed the
6 following resolution to disapprove the proposal to
7 develop the site as a large scale development by a
8 vote of eleven in favor, four opposed, one
9 abstention, and one no vote for cause.

9

10 "Whereas, the applicant seeks to
11 develop the site as a large scale general
12 development, and

12

13 "Whereas, the site in question has
14 two different owners, and

14

15 "Whereas, the proposal calls for two
16 different buildings, and

16

17 "Whereas, the proposed large scale
18 general development enables an MSK building, that
19 is even less respectful of the neighborhood scale
20 and character than a C1-9 building;

20

21 "Therefore, let it be resolved that
22 Community Board 8 Manhattan recommends the
23 disapproval of the proposal to develop the site as
24 a large scale general development.

24

25 "Waivers. The CUNY-MSK task force
passed the following resolution to disapprove the

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2 waivers by a vote of eleven in favor, four
3 opposed, one abstention and one no vote for cause.

4 "Whereas, Community Board 8
5 Manhattan recommendations disapproval of the
6 proposal to change the side zoning from an M3-2 to
7 C1-9; and

8 "Whereas, waiving the maximum floor
9 area regulations would include -- increase damage
10 to the community of this zoning change; and

11 "Whereas, waiving the rear yard
12 equivalent regulation would increase damage to the
13 community of this voting change; and

14 "Whereas, waiving the amendment side
15 yard requirements would increase the damage to the
16 community of the voting change; and

17 "Whereas waiving the height and
18 setback regulations would increase damage to the
19 community of the zoning change; and

20 "Whereas, the proposed buildings
21 would cast significant shadows over local parks,
22 residents and amenities;

23 "Therefore, be it resolved that
24 Community Board 8 Manhattan recommends disapproval
25 of the proposed waiver of the floor area

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2 regulations, of the proposed waiver of the rear
3 yard equivalent regulations, of the proposed
4 waiver of the minimum required side yard
5 regulations, and the proposed waiver of the height
6 and setback regulations."

7

And before I end, I would just
8 like to say that the MSK-CUNY project between 73rd
9 and 74th Street is a classic example of a fat lady
10 squeezing into a too tight girdle. This area has
11 been cited by the City experts to be among the
12 most densely populated and least public space
13 available in the City. One critic called it an
14 urban slum. For blocks between 73rd and 74th
15 Street, on York Avenue only, contain four schools,
16 two nursery schools, a church, a library, a post
17 office, in addition to small businesses --

18

(Bell rung)

19

MS. GREENSTEIN: -- and thousands of
20 residents of all ages and economic strata. All
21 will become effectively displaced persons.

22

The so-called medical corridor is no
23 yellow brick road to Oz leading us to a better
24 life.

25

THE CHAIR: Can you finish?

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MS. GREENSTEIN: It will become yet another sterile medical corridor that will hasten the end of a viable Yorkville community.

Thank you.

THE CHAIR: Don't go away, there might be questions for you. Michelle.

COMM. DE LA UZ: I thank you for being here.

MS. GREENSTEIN: Yeah.

COMM. DE LA UZ: And I thank you for your passion on behalf of your community.

MS. GREENSTEIN: Right.

COMM. DE LA UZ: I'm just wondering, do you have background about why that resolution ultimately didn't get to the full board?

MS. GREENSTEIN: Because it was -- when the full board met, it was just not given. The resolution that they passed was given. This was never read. I haven't got a clue. But it was just never read. And all of a sudden -- that's why I'm reading, I read it today, because we want it in the record that the task force recommended not to approve the waiver. And so that was my private attempt to resolve a dispute, such as it

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2 is.

3

Thank you.

4

THE CHAIR: Okay, thanks very much.

5

Next is Nancy Terrell Grace, and

6

then Ina Chartoff, I don't know, I can't read it

7

but Ina Chartoff, and then Teri Slater.

8

Hi.

9

MS. GRACE: Hi, good afternoon. My

10

name is Terrell Grace, even though my formal first

11

name is Nancy. I've lived on East 76th Street for

12

24 years. I'm an MSK cancer survivor. I received

13

five months of chemotherapy in a regular

14

windowless office, not a twenty-foot ceilinged

15

room with a river view. Both my sisters also

16

worked at MSK. And I'm glad to be here, might I

17

say.

18

Our neighborhood's current daily

19

population of residents, seniors of all income

20

levels, children attending 29 schools and day care

21

centers and people using the hospital south of

22

72nd street is approximately 50,000 people.

23

Thirty-three thousand walk to and from their

24

activities.

25

This hearing is not about cancer or

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2 about nursing education -- both my sisters are
3 nurses, by the way -- or funding for a park that's
4 twelve blocks from the site, which is way too far
5 to help any of us who are impacted. I vehemently
6 oppose the MSK-CUNY project because it will
7 destroy the neighborhood north of 72nd Street.
8 The buildings are unnecessarily tall and bulky
9 curb to curb for over half the city block. When
10 MSK applied for their 1133 York Avenue building,
11 they admitted that they didn't need large floor
12 plates except unless they were doing surgery.
13 This project has no surgery in it. They said so
14 in their ULURP. Therefore, we don't understand
15 why they need such a giant building. The bulk is
16 huge. And why do they need it to go twenty feet
17 on every single floor.

18 These huge buildings will bring
19 over 8,500 new people, these two alone will bring
20 8,500 new people every day into the 73-74th Street
21 block, a 17 percent increase over the current
22 total population. If you can't -- you simply
23 can't have 8,500 new people come into one block
24 and have no impact on the neighborhood, it's
25 impossible.

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2 MSK proudly claims that their
3 patients and staff come from all over the world.
4 Yet, they claim that most of these people will
5 come to MSK by foot or mass transit. Really?
6 Understandable for CUNY, but not for MSK.

7 When patients like me, when I was in
8 treatment -- let's see, where is my other page --
9 and I had no hair. We were -- I was fatigued,
10 weak and vulnerable to infection due to my
11 compromised immune system. I was strongly
12 discouraged from using mass transit, and I was too
13 weak to walk. Even so, in this area, as has been
14 said before, the mass transit systems are totally
15 inadequate, especially to absorb all these new
16 people.

17 MSK estimate that their hospital
18 will add 1,680 cars to the block, yet they plan
19 for only the parking --

20 (Bell rung)

21 MS. GRACE: -- of 248 cars. There's
22 simply not enough parking within that three block
23 area. The cars will run round and round and round
24 looking for parking, they pollute all the air and
25 they will create hugely unsafe pedestrian

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2 conditions.

3 THE CHAIR: Can you conclude your
4 remarks?

5 MS. GRACE: I will.

6 My family has actually spent over a
7 half an hour trying to get off the FDR Drive at
8 71st Street, so I'm sure some of you might
9 sympathize with that problem too.

10 This project is ill-conceived, it's
11 too big, it's not the -- it's a great project, not
12 for this location. Please, save our neighborhood,
13 no 8,500 people, no 1,680 cars. Please, we just
14 can't sustain it. It will be neighborhood
15 destruction.

16 Thank you.

17 THE CHAIR: Thank you. Let me see
18 if there questions for you.

19 (No response)

20 There are not. Okay.

21 MS. GRACE: Thank you.

22 THE CHAIR: Thanks.

23 The next speaker is, if I can
24 translate here, Ina --

25 THE VICE CHAIR: Chernoff.

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THE CHAIR: Chernoff.

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MR. CHERNOFF: Hi.

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THE CHAIR: Okay, great. And then
Teri Slater.

6

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MR. CHERNOFF: Thank you very much.
My name is Ira Chernoff. And I actually trained
at HSS many years ago. And I just in the last few
years moved back into an apartment there.

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And my concern is that these
buildings are huge buildings. I mean you're
talking about 350 feet and 450 feet. And I'm not
sure I can get to my apartment because of these,
the traffic that's going to occur. You have HSS
on that that's just building a building there, and
that's thirteen stories, and now you're going to
put in MSK, and you're also going to put in Hunter
College. So you're going to get an awful lot of
traffic. And most of it's going to be vehicle
traffic because there's no public transportation
to this area. So where are the people -- where --
how are the cars -- I'm on the FDR Drive, how am I
going to get home. It's just putting so many
people into such a small area. And I think it's
going to be a detriment to the residential area

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2 that we are trying to have there.

3

4 I also wanted to say that these
5 buildings -- this area is not zoned for this.
6 It's zoned for a much smaller. It's like six
7 times the zoning that we are putting into this
8 area. So these are zoned for, I think 60 foot
9 buildings, and you're going 450 feet. So that's
10 another concern.

11

12 The noise. You're going to have
13 ambulances. HSS is an ambulatory surgery center,
14 so they have to have ambulances there. And
15 besides the 8,500 people that are going to be
16 coming every day, you're going to have HSS, which
17 is an ambulatory surgery center, which has three
18 OR floors of people that are going to be having
19 surgeries, so it's going to be come and go, ten
20 surgeries a day each OR. So you're talking about
21 a lot more patients coming into the area besides
22 the MSK-CUNY project.

23

24 I just think it's going to
25 negatively impact the area. And I don't know if
26 you'd want to live there. If you go there during
27 midday, it's crazy. There's a lot of traffic, and
28 now you're adding so much more to this area. It's

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2 the traffic burden and the people walking on the
3 streets, it's just horrendous.

4 That's all I have to say. Thank
5 you.

6 THE CHAIR: One second. Let's
7 see if there are any questions.

8 (No response)

9 THE CHAIR: There are not. Thank
10 you so much.

11 MR. CHERNOFF: Thank you.

12 THE CHAIR: Teri Slater. And then
13 Elizabeth Ashby.

14 MS. SLATER: Good afternoon. I'm
15 Teri Slater, co-chair of the Defenders of The
16 Historic Upper East Side. Defenders is a
17 preservation advocacy group founded in 2003 and
18 dedicated to preserving and protecting the Upper
19 East Side's historic character.

20 We are testifying in opposition to
21 the application, which would permit the
22 construction of the Memorial Sloan-Kettering
23 Cancer Center ambulatory care center, over 400
24 feet in height, and the CUNY Hunter College
25 Science and Health Professions building, over 300

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2 feet in height. In addition, we oppose the
3 proposed disposition of City property, zoning
4 changes, special permit waivers, and Zoning Text
5 Amendment, which would make these bulky, oversized
6 and obtrusive buildings possible.

7

The proposed Zoning Text
8 Amendment, which would permit a floor area bonus
9 of up to twenty percent for predominantly
10 community facility developments within C1-9 areas
11 in Community Board 8, in exchange for providing a
12 public park improvement within the same community
13 district, thus encouraging taller, bulkier
14 buildings throughout the residentially zoned
15 neighborhoods of the Upper East Side. Community
16 facilities are permitted as-of-right because they
17 are considered compatible by zoning definition,
18 which has resulted in an institutionalization of
19 many blocks and neighborhoods of Community Board
20 8. Encouraging taller and bulkier buildings flies
21 in the face of the Upper East Side zoning history.
22 Community Board 8 has consistently championed
23 zoning changes which support the preservation of
24 the residential character of the upper East Side
25 by limiting the height and bulk of buildings.

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All of the following zoning changes have received overwhelming public support. Some of us worked on each of the following.

R8, the mid-block zoning. Contextural zoning enacted in the eighties, which preserves the low-rise character of the mid-blocks, limiting the height and bulk of buildings in the mid-blocks. Changed from R8.

Reduction of the avenue zoning district depths in the eighties, from 125 feet to 100 feet on the avenues east of Lexington, resulted in a reduction of the height and bulk of buildings on the avenues.

I can remember walking with Lori Bores, Community Board 8 chair, helping her carry a ladder from block to block. Lori, in a large straw hat, would climb the ladder and photograph each side street, documenting the existing zoning district depth of 125 feet to be able to make the case for the reduced zoning district depth in a wonderful pamphlet, "A Walk On The East Side", produced by our community board.

R10A zoning for the avenues east of Lexington at wide cross town streets.

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(Bell rung)

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MS. SLATER: Discontinued plaza

bonus for residential buildings and govern the use
of towers on a base. This resulted in the
limiting of the height and bulk of buildings on
the avenues and wide streets.

I will not read the --

THE CHAIR: Yes, if you could

just --

MS. SLATER: -- mid-block Zoning

Text Amendment that is still pending here in the
Department of City Planning, which you introduced
in 2006.

THE CHAIR: Can you just conclude

your remarks, please?

MS. SLATER: I will finish up.

Where does planning come in. What
should the role of the City Planning Commission be
when it is confronted by an MSK-CUNY project.

THE CHAIR: So your time actually is

up, sorry.

MS. SLATER: Yeah.

THE CHAIR: Let me see if there are
questions for you. And you can also leave your

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2 testimony and we'll be sure to read it.

3

(No response)

4

THE CHAIR: There are no questions,
5 but we appreciate you coming.

6

MS. SLATER: Thank you.

7

THE CHAIR: Thanks so much.

8

Elizabeth Ashby. And then -- here
9 she is -- and then we will switch to speakers in
10 favor.

11

MS. ASHBY: Good afternoon,
12 Commissioners. I'm the other co-chair of the
13 Defenders of the Historic Upper East Side. And
14 I'm also speaking for the Historic Neighborhood
15 Enhancement Alliance. And although I'm completely
16 unaffected by this, it's because I had worked for
17 years at, ever since I landed here, to try to
18 protect the neighborhood character, the livability
19 of the City.

20

And so we ask you not to permit this
21 large scale development in this particular site.
22 This is not speaking anything against this
23 proposal itself, it just doesn't belong here, it
24 obviously doesn't belong here. And I think to put
25 a gargantuan development on a narrow street that

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2 is also a dead end makes absolutely no zoning
3 sense.

4 You have been rezoning since the
5 eighties when RAP came in. You have been rezoning
6 the side streets all over the Upper East Side,
7 particularly, as we are discussing here, north of
8 72nd Street and east of York. Every single one
9 that has been rezoned from manufacturing or
10 whatever, has been rezoned to RAB with the
11 exception of one entire zoning lot. And so if the
12 site needs rezoning, why don't you do it through
13 the appropriate zoning district, not something
14 that suits a particular applicant.

15 And we are astonished at the whole
16 application process here. First you get an RFP
17 for a use that's not legal on the site because
18 it's M3-2. Then you get a request for a zoning
19 map change from M3-2 to C1-9 that the applicant
20 wants absolutely nothing to do with. He wants to
21 waive all of its provisions. He wants to waive
22 the height. He wants to waive the setbacks. He
23 wants to waive the lot coverage. He wants to
24 waive the rear yard requirements. He wants to
25 waive the side yard requirements, the bulk. He

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2 even wants to waive the signage and the parking
3 requirements. There's nothing left of what he
4 requests.

5 And then we end up with a Zoning
6 Text Amendment that applies only to a large scale
7 general development in a C1-9 district in
8 community district eight Manhattan, and for a
9 predominantly community facility development. And
10 by the way, there are no large scale general
11 developments on the Upper East Side.

12 This isn't zoning. This isn't a
13 zoning text. What it is is a well crafted, well
14 targeted -- let me see what I can call it --

15 (Laughter)

16 AUDIENCE MEMBER: Don't hold back.

17 (Laughter)

18 MS. ASHBY: Illegal I think is what
19 I would call it.

20 (Bell rung)

21 MS. ASHBY: And this is bad land use
22 policy. The reason the Parks Department can't
23 find another site that complies with it, that's
24 the point. That's why it was designed like this.
25 You can't mitigate the damage that they will

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2 cause. And so we ask that you turn down this
3 project and ask them to develop it elsewhere.

4 THE CHAIR: Okay, thanks very
5 much. Are there any questions for Ms. Ashby?

6 (No response)

7 THE CHAIR: Okay. Thank you for
8 coming.

9 We are switching now to speakers in
10 favor. And we'll start with Shelly Friedman. To
11 be followed by Anne Locke, and then Jose Baselga,
12 and then Paul Sabbatini.

13 MR. FRIEDMAN: Thank you, Madam
14 Chair. Shelly Friedman of Friedman & Gotbaum.
15 We're land use counsel on the application.

16 There were -- I want to address two
17 things stated here prior to the -- they will get
18 in the way of my going through all the actions
19 here, but I think they need to be said. I'll be
20 happy to just summarily come back to answer any
21 questions you may have.

22 Community Board 8 supports this
23 application by a -- its resolution is in your
24 package. The full board supports it. As someone
25 who has attended all those meetings, along with

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2 many other people in this room, I believe they
3 supported it because we made an adequate
4 demonstration of why open space in this site
5 cannot be provided, and because I think we made an
6 adequate presentation of the fact that 1.1 acres
7 of new parkland that is currently inaccessible to
8 the public -- you'll forgive the expression --
9 does not grow on trees. And we are providing that
10 in this application, and that is a public benefit
11 to Community Board 8. There are members of the
12 board here who are rep -- who will be speaking and
13 who are authorized to speak for the board. I urge
14 you to listen to their testimony as well.

15 Also not in your packages, I
16 received an email from Rhonda Wist. I just want
17 to for the record state that this is testimony
18 from the Municipal Arts Society, which supports
19 the application. I don't think that made it into
20 your record, I want to make sure that was entered
21 into the record.

22 These actions are primarily
23 devised -- there's nothing really new in any of
24 these actions, and neither are the combinations
25 new. These are standard zoning tools which have

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2 been used effectively by this Commission to
3 support other institutions in their efforts to
4 promote their missions and to grow in New York
5 City. I want to just briefly review five actions
6 that you have. I think that Eric made a terrific
7 and very thorough presentation to you, so I'm
8 going to kind of whip through them but I'm happy
9 to go back over them and go over any questions for
10 you.

11 First is of course the
12 disposition action from EDC. I think that action
13 speaks for itself. There's little the applicant
14 can do to discuss that. There are other people
15 here from EDC who can respond to any questions you
16 have regarding that.

17 With regard to the text amendment,
18 the use of C1-9 is something that in this
19 particular area the Commission has turned to in
20 the past. In 2005 you rezoned the corner of 61,
21 61st and York from a manufacturing district to a
22 C1-9. That at the time was for a residential
23 development, there was no institutional
24 involvement.

25 You also used the commercial

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2 rezoning nearby with regard to the Sotheby's site
3 in the mid-1980s, another former manufacturing
4 site that was rezoned to a C5. So there is ample
5 precedent for the use of C1-9 in commercial
6 districts in this area.

7 With this remapping -- with this
8 map amendment, you will be continuing the trend of
9 reducing the manufacturing sites that --
10 manufacturing, zoning districts that remain in
11 this particular part of Lenox Hill. This is,
12 aside from the Con Ed plant --

13 (Bell rung)

14 MR. FRIEDMAN: -- this is probably
15 the largest of those sites. And after this there
16 will be but a handful of manufacturing sites left.
17 Thus, this is just a continuation of a trend.

18 I should stop, Madam Chair.

19 (Laughter)

20 THE CHAIR: Let me see if there are
21 questions for you. Angela.

22 COMM. BATTAGLIA: It's not a
23 question but a comment. I just want to remind
24 you, you cite the community board as being
25 overwhelmingly in support of it. It really was a

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2 close vote. I just want to say that on the
3 record. It was a close vote. There were --
4 largely there were a number of people objecting to
5 it. That's not to say I'm against it. But just
6 to give you that sense. And I think that their
7 biggest issue was traffic, and I think remains
8 one. So I think we should all recognize that.
9 Just a comment.

10 THE CHAIR: Other questions for
11 Shelly? We'll just go right down the line.
12 Rayann and then Irwin.

13 COMM. BESSER: Thank you.

14 It says here that they are planning
15 to provide housing for research animals at the
16 facility. And I was just wondering what type of
17 research were they planning to conduct?

18 MR. FRIEDMAN: There are those
19 from -- that would be primarily at Hunter, where
20 they are doing significant research. There will
21 be professionals from Hunter following me, and I
22 would respectfully like to let them respond to
23 that question.

24 COMM. BESSER: Thank you.

25 THE CHAIR: Irwin.

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COMM. CANTOR: Shelly, thanks for coming. I noticed in the literature that was given to us today by the Residents for Reasonable Development, they had an article regarding the New York Times -- or from the New York Times regarding Sotheby's is looking to sell out. Would you happen to know the size of the facility on 53rd Street and Sloan-Kettering?

MR. FRIEDMAN: 53rd and Third Avenue --

(Inaudible)

MR. FRIEDMAN: -- the facility there, the number of -- by square footage you mean?

COMM. CANTOR: Yes.

AUDIENCE MEMBER: A little over 200,000 square feet.

MR. FRIEDMAN: Oh, a little over 200,000 square feet.

COMM. CANTOR: Sotheby's is 490,000 square feet from what I'm reading. While you're asking for 750 here today. Has there been any thought -- here goes the flights of fancy -- has there been any thought of the hospital using this

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2 as an outpatient -- approaching these people,
3 discussing it, in terms of using this as an
4 outpatient facility, CUNY stay where they want to
5 stay, and the leftover parcel becomes part?

6

MR. FRIEDMAN: What I do know of
7 the Sotheby's situation, there's an offering
8 memorandum that has been put out by a real estate
9 broker. I haven't seen the article that you're
10 referring to. What I'm happy to do is to review
11 it, review it with my client, and submit something
12 for the record in response.

13

COMM. CANTOR: Okay.

14

THE CHAIR: Michelle.

15

COMM. DE LA UZ: I guess following
16 up on a similar flight of fancy, I'm just
17 wondering perhaps -- I don't know if you're the
18 right person to ask -- were less bulky, less tall
19 buildings considered that could achieve many of
20 the same operational goals to your knowledge?

21

MR. FRIEDMAN: The package of
22 waivers that we're looking for is a very
23 consistent package for institutional expansions,
24 whether they're a Board of Standards of Appeals or
25 whether they're here. They primarily consist of

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2 yard waivers and street haul waivers and height
3 and setback waivers. And whether that's in the
4 form of a variance or in the form of a special
5 permit in front of this agency, they all deal with
6 the same building typology issues for
7 institutional buildings. The first being that
8 there needs to be an ample ground floor. The
9 zoning itself permits a 23 feet -- up to 23 feet,
10 full coverage for a community facility. Obviously
11 there's a policy embedded in that that makes it
12 clear that these kinds of institutions need
13 significant ground floor space and significant
14 footprint at the ground floor. Both will
15 accommodate their loading facilities, in this case
16 at 73rd Street, but more importantly, the
17 entrances to a university or hospital building are
18 more like a train station entrance. There are
19 people coming and going throughout the day at
20 various times for various purposes. These people
21 have to distribute themselves within the building.
22 And as a result, both of these buildings have at
23 the ground level a significant amount of internal
24 space simply given to internal distribution, as
25 any hospital that you might think of does, or any

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2 major university building does. These sites,
3 these buildings' designs have been designed to
4 receive a high volume of people and to process
5 them for distribution throughout the building and
6 for their departure from the building in a
7 rational sense. So this is a building typology
8 issue, it's not simply this particular design.

9

In addition --

10

THE CHAIR: I think Commissioner De
11 La Uz was also saying why do these two
12 institutions need that footprint above, all the
13 way up. And so this is an opportunity to talk
14 about the needs of the institutions and why so
15 much square footage is important to them.

16

MR. FRIEDMAN: Well, for a
17 hospital -- thank you. For a hospital and
18 ambulatory facility purposes, best practices will
19 always seek out the largest possible floor. And
20 that's for delivery purposes and that's because --
21 while I'm not an architect, but I've sat in enough
22 of these meetings to tell you that vertical
23 transportation is not the friend of sound
24 practices for hospital design or ambulatory
25 facility design. You want to have as many of your

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2 services available to the broadest number people
3 at the same elevation. So you build -- so
4 typically these buildings, these included, are
5 seeking that large floor plate.

6

7 The same thing can be said for
8 educational purposes. Vertical transportation,
9 students coming, going up and down buildings all
10 day, is simply not the way that most best
11 practices would support architectural development.
12 In these -- this hospital and this school are
13 simply following that best practice in
14 architectural design. These are not specific to
15 the institutions, but they are very specific to
16 health care and education.

16

THE CHAIR: Irwin.

17

18 COMM. CANTOR: Shelly, I don't
19 understand something. You're responding to bulk,
20 you haven't responded to height. I remember the
21 last time around when MSK came in for a new
22 building, they were asking for a generous height,
23 which they found a way to reduce. Now, as I
24 understand the complication, MSK is using this not
25 as a hospital facility but as an outpatient
facility. And going back to 53rd Street, with

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2 which I'm unhappily familiar, they don't have
3 twenty feet, and they function. I do not
4 understand with respect to that building, proposed
5 building on 73rd-74th, why they need a twenty foot
6 floor-to-floor. And since it has been raised by
7 the community and one of my colleagues, I would
8 ask again, why do they need twenty foot
9 floor-to-floor, not bulk, height.

10

 MR. FRIEDMAN: The height is
11 related primarily to the equipment needs and the
12 technology needs that are now going to be driving
13 most of this ambulatory care. There will be a --
14 we can call up an Ennead architect after, after
15 me, who can take you through the programming of
16 that building and show you why that that's the
17 case. But the heights have been carefully planned
18 around the technology needs that the hospital --
19 that Memorial Sloan-Kettering will be required --

20

 With regard to Hunter. Hunter's
21 research labs follow the same pattern of the MSK
22 labs. They need the same kind of generous
23 floor-to-floor heights in order to be effective
24 plans.

25

 COMM. CANTOR: I did not question

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2 you on Hunter, because the use is different.

3

MR. FRIEDMAN: Right.

4

5 COMM. CANTOR: But I am questioning
6 again, and I will question Perkins Eastman as
7 well, as to why they need twenty feet
8 floor-to-floor.

8

THE CHAIR: N-a-n.

9

COMM. CANTOR: I'm sorry?

10

THE CHAIR: N-a-n.

11

12 MR. FRIEDMAN: Well, Commissioner
13 Cantor is technically correct because Perkins
14 Eastman is doing the interior layout, the interior
15 layout is for --

15

(Laughter)

16

17 THE CHAIR: Okay, other questions
18 for Shelly?

18

(No response)

19

THE CHAIR: Okay. Thanks, Shelly.

20

MR. FRIEDMAN: Thank you very much.

21

22 THE CHAIR: Anne Locke is the next
23 speaker, to be followed by Jose Baselga. And I'll
24 speak into the -- okay, Ms. Locke.

24

MS. LOCKE: Thank you, Madam Chair.

25

I'm Anne Locke. I'm with the consulting firm of

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2 AKRF. And we prepared the EIS for this project.
3 So I don't have a prepared speech, I won't take
4 your time, I will answer as many questions as I
5 can on my feet right here.

6 THE CHAIR: Okay, fine. Let me
7 see if there are any right now. Yes, Ken.

8 THE VICE CHAIR: So is it your study
9 that is the basis of the assertion, earlier
10 assertion that there will be 8,500 cars per day
11 coming in?

12 MS. LOCKE: I --

13 THE VICE CHAIR: People, I'm sorry,
14 people.

15 COMM. DE LA UZ: Sixteen hundred
16 cars.

17 MS. LOCKE: That number is the total
18 number of vehicle trips, yes, that's true. It's
19 the total number of vehicle trips. They do not
20 all arrive at the same time. They do not all come
21 to the site, because some of them go to parking
22 garages. They come throughout the day. It just
23 doesn't happen all in one place at one time. And
24 I believe that --

25 THE VICE CHAIR: I would hope not.

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MS. LOCKE: Yeah, we hope not, I hope not too. But I believe that's been the assertion. That just doesn't happen that way, as you know.

THE CHAIR: Other questions? Yes, Anna.

MS. LOCKE: Yes.

COMM. LEVIN: We have heard quite a bit of testimony about the capacity of bus service in the area and that certain bus lines have been canceled. When you did the transit analysis, were you working with the same set of information or were you counting on buses running that may not be running anymore?

MS. LOCKE: Everything that was -- everything -- we were up to date. I don't know that there's anything that's changed since we completed the draft.

COMM. LEVIN: When did you do the transit analysis, how long ago?

MS. LOCKE: The draft was certified in March.

COMM. LEVIN: Okay, but the transit one that you did was --

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MS. LOCKE: Was earlier.

3

COMM. LEVIN: Within the year?

4

MS. LOCKE: Yeah. Yes.

5

COMM. LEVIN: Thank you.

6

7 much. Thanks.

8

9

Jose Baselga, and then Paul
Sabbatini.

10

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DR. BASELGA: Thank you very much.
Good afternoon. I am Jose Baselga,
physician-in-chief of Memorial Sloan-Kettering
Cancer Center.

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The 74th Street facility represents
a unique opportunity to treat a growing population
of cancer patients, while at the same time
studying and developing new and more effective
treatments. Now, MSK treats more patients with
cancer than any other hospital in the Tri-State
area. We have more than a hundred thousand
patients in our care every year. And the majority
of them -- that's an important point -- the
majority of them are from the New York City
metropolitan area. So it really is the local
hospital in the number of patients that we treat

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from our area.

Our world class education programs ensure that we are also passing on our critical expertise to future physicians, nurses and scientists who will continue to fight cancer both here and around the world. We plan to use our portion of the 74th Street site to provide leading edge treatment for patients with catalogical cancers, such as leukemia and lymphoma, head and neck cancer, and thoracic cancers, as well as to provide radiation therapy and to conduct early and novel clinical trials among several other programs.

Now, many of the cancers that I have just mentioned are on the rise. And they require new facilities to accommodate advances in the treatment and technology in keeping with the explosion of genomic information about cancer.

I have no doubt that our ability to cure more patients and to improve the quality of their lives goes hand in hand with the development of this new facility in a city that is renowned for its health care excellence.

Thank you.

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THE CHAIR: Thanks. Let me see if
there are questions.

4

(No response)

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6

THE CHAIR: There are not. We
appreciate your testimony.

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8

Paul Sabbatini and then Sergio
Giralt.

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13

DR. SABBATINI: Thank you for the
opportunity to address the Commission today. My
name is Paul Sabbatini, and I'm the deputy
physician-in-chief of clinical research at
Sloan-Kettering.

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As part of our commitment for
providing cancer care, we have an extensive
program of clinical research. In fact, we have
over a thousand clinical trials that our patients
can participate in. And clinical trials are the
way that patients get access to innovative
treatments.

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Clinical research provides the road
map to better cancer care. And I'm proud to say
that my colleagues at MSK have caused the approval
of more FDA approved drugs than any other cancer
center in the United States. Two quick examples.

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2 One is since 2005 there have been
3 seven drugs approved by the FDA for the treatment
4 of advanced kidney cancer, and MSK physicians led
5 the development of and participated in five of
6 those. Another more recent example comes from Jed
7 Walchuck and my immunology colleagues at Memorial,
8 which you may have seen, where they had the notion
9 that using the immune system and activating it
10 globally, we might be able to use the immune
11 system much the way it fights infection and may be
12 able to treat cancers. And so by combining two
13 targets, which essentially take the brakes off the
14 immune system, they were able to show remarkable
15 regressions in patients with melanoma, which, as
16 you know, is a very frightening cancer. And this
17 is bound to lead to a worldwide trial led by MSK.

18 What we do know over time is that
19 cancer is more than one disease. So, for example,
20 if you take one patient with breast cancer and
21 then take another patient with breast cancer, it
22 may look the same under the microscope, it may
23 look the same on the CT scan, but if you do
24 genomic analysis or if you look at genetic targets
25 or if you look at certain pathways, they may

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2 differ among those cancers, and they often do.

3 And so this whole notion of personalized medicine

4 or precision medicine is important. And what it

5 means for us is that we have to have more clinical

6 trials for the same number of patients. We may

7 have to have in fact thousands of clinical trials

8 to treat patients for certain diseases.

9 So our clinical trials program

10 will have to change. Rather than doing very large

11 clinical trials for a patient, for example, with

12 breast cancer or prostate cancer, we will need

13 multiple trials for smaller numbers of patients.

14 And so the proposed ambulatory building at 74th

15 Street is a way for us to support this very unique

16 approach and really to achieve our goal, and that

17 is to provide the best cancer care for patients in

18 New York City and New York state, and really in

19 the world as we translate that research outside of

20 New York

21 Thank you.

22 THE CHAIR: Thank you so much.

23 Are there questions for

24 Dr. Sabbatini? Angela.

25 COMM. BATTAGLIA: Do you feel, I

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2 imagine you do, that the new facility to enable
3 you to do this research -- and there's no doubt in
4 my mind that Sloan is the premier -- has to be in
5 this close proximity to your main campus?

6 DR. SABBATINI: Proximity is very
7 important. I think we all, you know, we know
8 about virtual communications and virtual meetings,
9 but there is something to be said I think about
10 putting colleagues together and having colleagues
11 pass each other. There's a critical mass of just
12 having people together. And so I think it's very
13 important that we keep this as close as possible
14 to the main campus.

15 COMM. BATTAGLIA: Thank you.

16 THE CHAIR: Any other questions?

17 (No response)

18 THE CHAIR: Thank you so much for
19 your testimony.

20 DR. SABBATINI: Thank you.

21 THE CHAIR: The next speaker is
22 Sergio Giralt and then Kevin Browne, and then Gail
23 McCain.

24 DR. GIRALT: Thank you very much,
25 Madam Chair, thank you very much, Commissioners,

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2 for taking the time to listen to our application
3 this afternoon.

4 I'm Sergio Giralt. I'm the chief
5 of the adult bone marrow transplant unit at
6 Memorial Sloan-Kettering. I want to stress to you
7 how important this facility is for the bone marrow
8 transplantation care in New York City. Among the
9 most important treatment advances that we
10 anticipate is the ability to be able to perform
11 this life-saving bone marrow as an outpatient
12 basis.

13 Fifty years ago, bone marrow
14 transplantation was only available to very young
15 patients. These patients would have to spend
16 anywhere between four to six weeks in isolation
17 units. Thanks to decades of scientific
18 advancements, we now have superior technologies.
19 We will be able to use a greater number of stem
20 cell sources that have allowed us to now
21 transplant patients who heretofore had no donors
22 available within their family. The use of growth
23 factors has allowed us to now be able to collect a
24 number large of stem cells that allow for rapid
25 recovery. Patients can now recover after 14 days

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2 instead of the traditional 30 days. The use of
3 reduced intensity regimens have now allowed us to
4 do bone marrow transplantations in patients up to
5 the age of 80. We now can do transplants much
6 easier. So the numbers of bone marrow transplants
7 that are being performed in the United States
8 today have actually gone from less than a thousand
9 to now more than 50,000 a year.

10 Although the majority of patients
11 continue to be treated in the traditional
12 inpatient hospital setting, more and more programs
13 across the country and across the world have
14 recognized that outpatient transplant programs are
15 a better way to deliver transplant care. It
16 provides less disruption for patients and their
17 families. It provides less exposure to norovirus
18 infections -- those are the super bacterias that
19 are sometimes here in the hospital -- to these
20 patients who we know have weakened immune systems.
21 By being able to develop this outpatient program,
22 patients can now spend more and more time with
23 their families in a hotel or a home-like
24 environment. This allows for a greater and more
25 rapid healing.

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At MSK, our current space constrains our ability to perform outpatient transplants. In the best, we will be able to only perform 40 outpatient transplants a year. We hope that with this new facility we will be able to perform more than 150 outpatient transplants, and actually start a homebound stem cell transplantation program, which we know will be transformational.

This new facility will provide the floor space we need in one location, to be able to expand our outpatient bone marrow transplant facility. This specialized facility is designed to support the advancement of cancer care, which is critically needed in New York. Moreover, the fact that we will be sharing this facility with Hunter College will provide us the necessary trained nurses to be able to develop the best transplant care anywhere for citizens of New York.

Thank you very much for your attention.

THE CHAIR: Thank you very much. Let me see if there are any questions for you.

(No response)

THE CHAIR: No. Really, it's very

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exciting.

DR. GIRALT: Thank you very much.

THE CHAIR: Okay. One more speaker
actually, Kevin Browne.

MR. BROWNE: Good afternoon. My
name is Kevin Browne. I am a registered nurse.
I'm the director of critical care and pediatric
nursing services at Memorial Sloan-Kettering.

Speaking on behalf of more than
2,000 registered professional nurses who work at
Memorial Sloan-Kettering, we see firsthand the
need for expanded facilities close to the main
hospital. Our patients are often in treatment for
months, if not years. Our clinics are crowded.
Patients are often waiting to see their doctors,
their nurses, to have a diagnostic test, or to
undergo a procedure. New facilities are needed to
care for the patients of today, while bringing in
treatments into the clinic for the patients of
tomorrow. In addition, the new complex will
provide significant benefit in the training of
generations of nurses. Patients with cancer have
unique needs, and oncology nurses require a
specialized level of expertise in order to care

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2 for them appropriately.

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4 We are engaged in active
5 discussions with our colleagues at Hunter about
6 creative ways to foster collaborations that will
7 range from nursing education and training for
8 Hunter's nursing students, and continuing
9 education for our own nursing staff to joint
10 research initiatives. We are also exploring with
11 Hunter how they may be able to help us to work to
12 help our nurses obtain advanced degrees and pursue
13 teaching opportunities. Ultimately, these
14 initiatives and others to come are being
15 undertaken with the same goal, a goal in which
16 this new complex will play a vital role to improve
17 the lives of cancer patients being treated in New
18 York City and beyond, in the near term and decades
19 to come.

19

 Many thanks for your time.

20

 THE CHAIR: Thank you for your
21 testimony. Are there any questions?

22

 (No response)

23

 THE CHAIR: We really appreciate it.

24

 Gail McCain. And then we are going
25 to switch to speakers in opposition.

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MR. BRAZIL: So obviously I'm not

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Gail.

4

(Laughter)

5

MR. BRAZIL: I'd like to request

6

that -- Gail and I are both from Hunter College,

7

I'd like to request that we switch our positions.

8

I have a flight I have to go to.

9

THE CHAIR: You can't actually do

10

that, but if you give her testimony -- does she

11

have testimony she wants us to read or she -- she

12

doesn't want --

13

MR. BRAZIL: She's here.

14

COMM. DE LA UZ: They just want to

15

swap.

16

THE CHAIR: They want to swap. And

17

what's your name?

18

MR. BRAZIL: Derek Brazil.

19

THE CHAIR: So, but you're not

20

signed up?

21

MR. BRAZIL: Yes, I am.

22

THE CHAIR: Oh, you are signed up.

23

You have to come in your order. That's okay. In

24

any case we did -- if we swapped all day then it

25

would be very complicated.

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MR. BRAZIL: Okay. Thank you for --

THE CHAIR: Okay. But hand in your
testimony.

COMM. LEVIN: Yeah, hand in your
testimony.

THE CHAIR: Hand in your testimony
and we'll read it.

MS. MCCAIN: Good afternoon. My
name is Gail McCain. And I'm proud to tell you
that I am the dean of Hunter Bellevue School of
Nursing. I am proud because of our excellent
students and excellent programs. We just accepted
our cohort of fall 2013 students. We selected 160
students out of almost 700 applications. So they
are the top of the class. Our students reflect
the diversity of New York City, and over 90
percent of them stay to practice nursing after
graduation. So Hunter College is a local solution
to the national nursing shortage.

We also have a dedicated expert
faculty and wonderfully supportive staff. So that
is what makes the school; the students, the
faculty and staff.

Is the physical facility important?

2 It absolutely is because it allows us to do what
3 we do to the best of our abilities. We're
4 currently in a building that was built in the
5 1950s. It is not functional anymore. Our
6 telephones cannot take messages. We don't have
7 technology to support reliable video conferencing.
8 And our classrooms are so traditional that the
9 desks are affixed to the floor. And it doesn't
10 allow us any flexibility to use the teaching
11 methodologies that we must to prepare health care
12 professionals today. So a new facility would
13 really provide us with state-of-the-art
14 mechanicals, technologies, and learning
15 environments conducive to the needs of today's
16 students.

17 Thank you for hearing my
18 testimony.

19 THE CHAIR: Thank you very much for
20 coming. Let me see if there are any questions for
21 you. Yes, Rayann.

22 COMM. BESSER: Thank you. It's the
23 same question I had before, but I'm directing it
24 to you. But apparently it says here that there
25 will be a facility for housing research animals.

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2 So I just would like to know what type of animal
3 research you are planning to conduct.

4 MS. McCAIN: Well, nursing
5 faculty are not using -- there are nurse
6 scientists who do research with animals, but not
7 on our faculty. So that would not pertain to us.
8 It would be the other scientists.

9 COMM. BESSER: Okay. Thank you.

10 THE CHAIR: Thank you very much for
11 being here.

12 MS. McCAIN: You're welcome.

13 THE CHAIR: We're now going to
14 switch to speakers in opposition again. We'll
15 begin with Sylvia Hack, then Ed Hartzog, Patricia
16 Mulcahy, and Sara Woodside Gallagher. Ms. Hack.
17 And after Ms. Hack I said Ed Hartzog.

18 AUDIENCE MEMBER: I don't think
19 she's here.

20 MR. HARTZOG: Okay. Obviously I'm
21 not Ms. Hack.

22 THE CHAIR: Then why don't you
23 start. You're Mr. Hartzog?

24 MR. HARTZOG: Yes. My name is
25 Edward Hartzog. Thank you all for this

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2 opportunity. By way of background, I'd like to
3 tell you that before moving to New York I spent
4 seven years in Washington working on Capitol Hill
5 in the House Interior Committee, so I'm very
6 familiar with the tough burden and task you have
7 before you in terms of balancing land use in the
8 city. I also have an MPA from Maxwell and an
9 environmental economic policy, a law degree. I
10 practiced in the city, I am an expert in
11 administrative law. And I am also a member of
12 Community Board 8. I am a member of the
13 environment and sanitation committee. I have been
14 a member of the 1133 York Avenue Task Force on
15 Community Board 8. I was a full participant as a
16 member of the task force on CUNY-MSK.

17 And I do not come before you
18 today in any of those capacities. But simply as a
19 way of background. I come to you today as a
20 parent of a five-year-old son who goes to nursery
21 school or did go to nursery school on this
22 affected block. And I come to you as a resident
23 who lives two blocks away.

24 And I will tell you, first and
25 foremost, the procedure, it's shameful what it has

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2 been heretofore before arriving in front of you
3 today. But I do not want to relitigate the
4 administrative procedure here. What do I want to
5 do is expose the elephant in the room that no one
6 seems to want to talk about.

7 We are talking about, in your
8 force to deal with, a billion dollars for a
9 Rockefeller Center sized project on this block.
10 Those are the numbers. That is the reality. As
11 the Commissioners have pointed out. We are
12 talking about over a million square feet of gross
13 square footage. We are talking about a giveaway
14 of a parcel of land by the city that will cost the
15 taxpayers at least by some estimates \$300 million.
16 And I say estimating, because I will tell you that
17 we asked, I asked, beginning in October, through
18 every task force meeting, every land use meeting,
19 every full board meeting, again and again and
20 again, and I implore you to ask, how much is that
21 doggie in the window. No one could tell us or
22 would tell us how much this project will cost.
23 Because, as you all know, this project will be
24 financed by the Dormitory Authority of the State
25 of New York, and that these entities will receive

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2 a benefit from the cost of financing for that.

3 And that will cost the taxpayers of this City and
4 the state, if we decide, if the policymakers
5 decide to do that, upwards of almost a half a
6 billion dollars.

7 And I will revisit three issues
8 that I raised with Mr. Kulikowski back in December
9 after we brought MSK and then CUNY back for a
10 second scoping meeting after the Sandy meeting on
11 the first. Which is three things. One, the
12 financing; two, traffic; and three, open space.
13 As to financing, you have already heard my pitch.
14 I will leave it at that.

15 Second as to traffic. I wrote to
16 Mr. Kulikowski, it's in the record, you will have
17 it, my letter from December 14th of 2012. At that
18 time I raised the issue with him, can we on that
19 block do something about the terminus at the end
20 of 74th Street, because right now that is a dead
21 end. And I will tell you from my personal
22 experience, having done pick up with a half a
23 dozen SUVs on that block, it's gridlock just on
24 that block with six SUVs. There's a Con Ed plant
25 there, and, as you all know, there will be the

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2 Hospital for Special Surgery going up on the same
3 block. There is also a residential building going
4 up on that very corner that is not coming before
5 you because it is an of-right building and it
6 doesn't need any kind of approval.

7 So we asked Mr. Kulikowski, I did
8 specifically, can we deal with the issue of
9 exiting and getting onto the FDR. You are all
10 probably aware that 73rd, 71st Street corridor is
11 inexplicable. You get on at 73rd and you get off
12 at 71st. It is absolute, complete gridlock out
13 there every day.

14 I asked, to Commissioner Cantor's
15 question about do we offer alternatives, yes, I
16 asked about an alternative. Can we break through
17 the Jersey barrier at the end of 74th Street, can
18 we reserve an easement, since this is City
19 property, can we reserve an easement to widen the
20 lane coming off the FDR at 74th Street. When Mr.
21 Kulikowski came back and the team came back in
22 March, I asked specifically if these issues were
23 addressed. They were not considered. I simply
24 offer that to you.

25 Finally, as to open space. I will

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2 tell you in my letter of December 14th, as of
3 December 14th the idea of open space was not
4 broached. Many on this community board, I'm from
5 the community board, have been saying for many
6 developers that we are, as the parks commissioner
7 noted, we are last in the city on open green
8 space. So when we are putting up large projects,
9 what we ask in return is 20 percent. Twenty
10 percent.

11 (Bell rung)

12 MR. HARTZOG: That's it. So we are
13 asking for a balance to begin with.

14 Procedure was not followed. This
15 text amendment was added afterwards to try to pass
16 the resolution, I would say. And all I'm asking
17 you, again -- I'll finish up here -- is again, it
18 is about balance. Because if you look at the
19 esplanade, if you look at that last great piece of
20 Manhattan, this island is a concrete jungle, and
21 when you fill in this last hole on the East Side,
22 you will be bricking up the last view to the
23 river. And that is not hyperbole, that is a fact.
24 This is the last entrance.

25 THE CHAIR: Thanks. Let me see if

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2 there are questions for you. Yes, Angela.

3 COMM. BATTAGLIA: So you believe
4 breaking that barrier at the end of your street,
5 East 74th, will make a difference and will
6 mitigate traffic, and if it mitigates it on East
7 74th Street, what does it do on East 71st Street.
8 I mean you offered it, I'm just curious.

9 MR. HARTZOG: Listen, Commissioner,
10 I'm with you. I don't think there's a magic
11 bullet out there. I only offered it up because
12 there is no offer back to us. And I will tell you
13 that the EIS -- this is the other thing that I
14 think a lot of people in the community have a
15 problem with. And if you read the EIS, which I
16 know you all do -- and I gave you my background to
17 let you know I'm familiar with these EIS's --
18 MSK-CUNY came back to us for mitigation. Their
19 idea of mitigating was one second on the green
20 cycle at 73rd Street. One second. It's in there,
21 you'll see it, one second. We'll add one second
22 to the green cycle and that will solve all our
23 problems. And I don't think that's necessarily
24 the case.

25 So yeah, breaking through the

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2 barrier, I don't know. I was offering anything.
3 Because when you look at the EIS for Cornell Tech
4 on Roosevelt Island, which we are using as a
5 blueprint for the 20 percent that you all approved
6 for green space out there on that 12 acre parcel,
7 you'll notice in that EIS for those people in
8 Queens, they offered up 30 seconds on the cycle.
9 We get one, they get 30. I'm not saying they
10 should get less. I'm just saying that a little
11 effort in terms of how to mitigate would have been
12 appreciated.

13 I don't know what the answer is.
14 But certainly bringing, as they readily admit, a
15 high volume of people with no mitigation in terms
16 of the egress of the on ramp to the FDR I don't
17 think is tenable.

18 THE CHAIR: Irwin.

19 COMM. CANTOR: So if I hear you
20 correctly, you're not opposed to the facility in
21 terms of its need. You are concerned about the
22 impact on the community.

23 MR. HARTZOG: Yes.

24 COMM. CANTOR: Putting aside the
25 business of financing, which the Dormitory

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2 Authority I'm sure will be putting out bonds, that
3 should not be an issue as far as I'm concerned.
4 But your argument is that no one has met with your
5 group, no one has attempted to respond to any of
6 the questions as to mitigation, they've just gone
7 on their merry old way?

8 MR. HARTZOG: Indeed. And it's
9 not that -- and again, this is not a false choice,
10 as many would like to frame it as a choice. And
11 frequently on the community board -- again, not
12 speaking in an official capacity but as someone
13 who was there -- frequently applicants will come
14 to us and present us with a false choice. They'll
15 say well, if you're against this, then you're for
16 cancer and you're against parks. Or you're -- or
17 with respect to the Ruppert development, they'll
18 say well, you're against schools, but -- you know,
19 as opposed to shoe-horning in a 36 story building
20 between four large buildings. It's a false
21 choice.

22 I'm not against curing cancer.
23 We're not against hospitals. But some of the
24 issues that you have raised as to bulk, putting in
25 Rockefeller Center on this block, with no other

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2 infrastructure changes for traffic or any kind of
3 flow for people does not seem -- again, there's no
4 balance here. I'm not opposed to hospitals. I
5 don't think anybody, any reasonable development is
6 against hospitals or against education. For
7 goodness sakes no, no one is against that. We are
8 looking for the planning. Because one of the
9 things that's troublesome, and that many people in
10 the community have expressed to me and to others
11 is this. How in the world, how in the world could
12 you have allowed Hospital for Special Surgery to
13 have their building at the end of that block
14 without any kind of traffic mitigation. And we
15 say well, because all we heard when we get in
16 front of us is well, we're just a little tiny
17 building and we're on the block, and goodness
18 gracious, it's a little block and nothing really
19 going on. And we say well, is anything coming
20 down the pipeline. I don't know of anything. And
21 then two months later, we have a large scale
22 development project on that same block. But, you
23 know, the horse is already out of the barn on
24 Hospital for Special Surgery.

25

So again, it's not about

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2 hospitals, it's not about education. It's about
3 trying to find some balance in our development in
4 this neighborhood. Because again, I think, you
5 know, we heard from representatives that tell us
6 that, you know, we're living in a medical
7 corridor. Well, I'll tell you when I moved to
8 64th Street and when I moved to 75th Street, I
9 didn't move there to raise my family in a medical
10 corridor. I moved there because it's the Upper
11 East Side, it's a great neighborhood, a lot of
12 families. And it's a community, and it is a
13 neighborhood. And yes, hospitals tend to be
14 there. My son was born, for goodness sakes,
15 sorry, no disrespect to MSK, my son was born at
16 Weill Cornell. But I will tell you, living on
17 89th Street, and going down to visit my wife, you
18 know, when I could get off for a couple of hours,
19 driving my car down York Avenue, I felt a little
20 bit like Andy Granatelli at La Mans, because you
21 have to weave your way and know the lights on York
22 Avenue, otherwise you'll never get down there, or
23 it will take you a long time.

24 And so what we're saying is that
25 this is not NIMBY, this is not hyperbole. This is

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2 reality. Come out there, come out there with me
3 any morning on 73rd Street, and you'll hear people
4 say it takes them a half hour to go around the
5 block. And they are not lying to you.

6

So it's not about hospitals.

7 It's about finding some balance here. As you
8 said, we were not convinced, I was not convinced,
9 that these floor plates -- you know, I heard the
10 same argument at 62nd Street. We heard the
11 representative from MSK mention it as to they've
12 change the manufacturing to C1-9. Yes, there was,
13 for residential. One of the reasons that we had
14 trouble back then was that MSK wanted to go for
15 the lot blocks. And there was no, again, no
16 budgeting, no compromise. And that's what we were
17 looking for I think. That's what I had problems
18 with.

19

THE CHAIR: Any other questions?

20

(No response)

21

22 THE CHAIR: We thank you for your
testimony and for being here.

23

MR. HARTZOG: Thank you.

24

25 THE CHAIR: Patricia Mulcahy. And
then Sarah Woodside Gallagher.

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MS. MULCAHY: Good afternoon. I'm

Pat Mulcahy, resident of 515 East 72nd Street.

This is practically in my backyard basically. Can

you hear me? So -- and I have lived in the

neighborhood for 25 years, so I know every inch of

it. I'm one of the founders for Residents for

Reasonable Development, because I care. I have a

book with me. And I'm an IMBer, and I'm also a

lifeguard.

And so I want to start today with a

story about when I was in my twenties, I was

lifeguarding the diving section of the town pool

when a, you know, man dove off the high dive, hit

his head on the bottom, and was a bleeding,

submerged victim. I dove off the lifeguard stand,

after asking my associates to call 911. As I

brought him up to the side of the pool

unconscious, my fellow lifeguards jumped in to

assist me as the paramedics arrived on the scene.

The entire community and his mother was watching

anxiously.

I relay this story because my

neighborhood and I are watching and hoping that

your vote to stop the applications for a very

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2 large, general large scale development, will make
3 you all our lifeguards. We need help. And I am
4 speaking on behalf of the whole community and the
5 Residents for Reasonable Development when I say
6 that. These applications are analogous to the
7 bloody submerged victim that needed saving that
8 day. Everyone anxiously awaits to see if the
9 neighborhood remains a residential neighborhood
10 with its current M3-2 zoning intact, or, allowing
11 MSK and CUNY to build a huge 40 story building. I
12 have nothing against cancer, nothing against
13 hospitals. This is just not the right place.
14 This is a residential neighborhood. Yikes. It's
15 huge what they're asking for.

16 With City owned properties, the
17 public has the direct responsibility and control
18 of the outcomes. The public does not want to
19 extend the medical corridor beyond or north of
20 72nd Street. It's residential. We have thousands
21 of neighborhood who oppose these applications
22 because they want to prevent private institutions
23 from altering the scale and the character of a
24 neighborhood.

25 We will take on the burden of a new

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2 sanitation garage and with maybe a park on the
3 roof overlooking the waterfront. We'll take that
4 on, we're reasonable people. That garage, and I
5 watched it for many years, I lived in the
6 neighborhood, as I said, 25, was never a problem
7 to the community. So please reconsider this
8 option of a sanitation garage on this space to
9 keep the current zoning. Or, we would love to
10 have a park that we all could enjoy in our
11 neighborhood. So that would be another thing that
12 we would be reasonably acceptable to. And then
13 we're also open to another residential building
14 being built on the site as well.

15 (Bell rung)

16 MS. MULCAHY: So I would just end
17 off by encouraging you to read our book that we
18 spent a lot of time putting together, the whole
19 team. And I also would end off by just asking you
20 to vote no on these applications.

21 Thank you.

22 THE CHAIR: Thank you. Thanks very
23 much. Are there any questions?

24 (No response)

25 THE CHAIR: Okay. Sarah Woodside

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Gallagher, and then Rita Popper, Alison Chase,
Hunter Armstrong and Gill Rogove.

MS. GALLAGHER: Hi. I'm Sarah
Gallagher. Thank you all for today. I'm going to
kind of fast forward to the resolutions that were
voted on by Community Board 8, their task force,
that were never allowed to be read into the record
or voted upon by the full board. And so let me --
okay.

And by the way, when they were voted
on by the task force, there were eleven who
disapproved of this proposal, four were in favor,
and one abstention. So there was a substantial
majority who voted to disapprove.

(Reading:) Whereas, the applicants
have requested a zoning map change from M3-2 to
C1-9; and

Whereas, the site is currently zoned
for a low scale, low density, low traffic
development; and

Whereas, the proposal to change the
zoning to permit high scale, high density, high
traffic development; and

Whereas, the character of the

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surrounding neighborhood features low scale, low density and low traffic development; and

Whereas, all the side streets east of York Avenue and north of 72nd Street, with the exception of the few remaining manufacturing sites and one lot on 76th Street, have been rezoned to R-8B; and

Whereas, this low-rise residential zoning reflects the character of the surrounding neighborhood; and

Whereas, the site is on a narrow street which is a cul-de-sac; and

Whereas, the area is already suffering from excess traffic density; and

Whereas, traffic will be and the congestion problems exacerbated when the Hospital for Special Surgery building is completed; and

Whereas, any zoning change at this site should be R-8B; and,

Whereas, the proposed zoning map change from M3-2 to C1-9 could cause serious damage to the character of the surrounding community, exacerbated by the current traffic problems; and

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Whereas, the applicant does not wish to utilize C1-9 zoning and seeks waivers of all its provisions; and

Therefore, be it resolved that the Community Board 8 Manhattan recommends disapproval of the proposal zoning map change.

And the second resolution, Disposition of the Project Site.

Whereas, the proposal involves the disposition of public property, the disposition of public funds, and the issuance of Dormitory Authority bonds; and

Whereas, the public has not been provided with adequate information regarding the above dispositions; and

Whereas, the proposed development would create a large and detrimental impact on the surrounding community; and

Whereas, the Draft Environmental Impact Statement fails to recognize and address the project's adverse impacts; and

Whereas, this project requires thorough examination before any disposition of the site can be responsibly reconsidered;

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Therefore, be it resolved that
Community Board 8 Manhattan recommends disapproval
of the proposed disposition of the project site.

And, as I say, this was never
allowed to come to a vote in front of the full
board, nor was it ever read into the record.

Thank you.

THE CHAIR: Thank you. Thank you
for being here.

Questions. Maria.

COMM. DEL TORO: Thank you for your
testimony. What is the relationship between the
task force and Community Board 8?

MS. GALLAGHER: This is, as I
understand it, a special committee that is drawn
together -- I think there are probably people from
the community board who can answer this better
than myself -- but that specifically is a smaller
group within the board that is drawn together to
examine specific issues. I think there is -- and
I think there are many of these committees that
address special issues.

Would I be correct on that?

AUDIENCE MEMBER: It's true.

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COMM. DEL TORO: I just wanted to
know whether this is a community board task force.

MS. GALLAGHER: It is, it is indeed.
It was the task force on this particular project.

COMM. DEL TORO: Established by the
community board to look at this project?

MS. GALLAGHER: Yes.

COMM. DEL TORO: Thank you.

MS. GALLAGHER: You're welcome.

THE CHAIR: Yes, Joe.

COMM. DOUEK: So why wasn't this
read into the record?

MS. GALLAGHER: I do not know. That
is one of the mysteries. I was at the meeting and
somehow or other it did not happen. And to the
dismay of --

COMM. DOUEK: Any idea why, how?

MS. GALLAGHER: -- the individual --
I don't really feel that I'm the one to comment on
that. I think there are those who are better
versed. I was sitting in the audience. I was
aware that there was a great deal of
dissension going on about this, a great deal of
unhappiness. And, as I say, it was a close vote,

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2 so there were a lot of roiling going on at the
3 time.

4 THE CHAIR: Any other questions?

5 (No response)

6 THE CHAIR: All right, thank you for
7 being here.

8 MS. GALLAGHER: Thank you.

9 THE CHAIR: Thank you for your
10 testimony.

11 Rita Popper, and then Alison Chase.

12 MS. POPPER: Good afternoon. My
13 name is Rita Popper. I'm a community board
14 member, but I'm not here to speak for the board.
15 I live at East 91st Street. I'm an active member
16 of the community, and as a community board member
17 I appear before you today.

18 What you heard at the review session
19 was somewhat but not entirely truthful. I'm here
20 to correct the record.

21 Regarding the traffic, you saw
22 street photos of East 73rd and East 74th Street
23 and the FDR Drive. There was no traffic. It's
24 the busiest area in the Upper East Side. Were the
25 cars deleted and photoshopped, or photographed on

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2 a Sunday in August at eight o'clock in the
3 morning? Are we telling the residents that what
4 they see every day is something that they're not
5 seeing?

6 These two buildings will serve an
7 additional 8,500 people and 1,680 cars on a daily
8 basis. How could this increase have no impact on
9 the neighborhood?

10 On the services. The applicant's
11 statistics and photos are like Cinderella's
12 stepsisters trying to get their feet into the
13 glass slipper. It's a forced fit.

14 Four months after the application
15 process, the Zoning Text Amendment was inserted
16 that would complete a one block acre of a passive
17 recreation area 11 blocks south in return for
18 allowing MSK to build an additional 20 percent
19 larger building, increasing the edifice 130,000
20 square feet. There are 43,560 square feet in an
21 acre. That's the equivalent of an additional
22 three acres on top of an already oversized
23 building in a residential area. Not providing
24 on-site new open space sets a bad precedent for
25 future developers.

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The community board voting on this application was compromised and compounded by the fact that a very lengthy public session caused the meeting to run four hours and forty-five minutes. That's nothing new to you, but we start at 6:30.

The Zoning Text Amendment was approved 23 yes, 20 no, one abstention, two not voting for cause. The vote to approve the remainder of the application was taken together, 24 yes, 17 no, two not voting for cause. Some board members thought they were voting for a park. Board members were so hungry and tired, that they would have voted for a building that manufactured poison gas --

(Laughter)

MS. POPPER: -- to get home. Under the adverse voting conditions, no time for debate, the board was split --

(Bell rung)

MS. GALLAGHER: -- on the Zoning Text Amendment, and not very far apart on the application.

I'm just going to read one.

MSK needs the building space for

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2 daily chemotherapy. Those of us who know chemo,
3 know it's given in a comfortable chair with an IV
4 drip for a few hours. And MSK doctors stated
5 chemotherapy treatments soon will be administered
6 to patients at home. A bulkier building for chemo
7 is not needed.

8 Thank you.

9 THE CHAIR: Thank you. Other
10 questions?

11 (No response)

12 THE CHAIR: Thank you for coming,
13 thank you for your testimony.

14 Alison Chase, and then Hunter
15 Armstrong.

16 Is Alison Chase here?

17 AUDIENCE MEMBER: She had to leave.

18 THE CHAIR: Okay, then Hunter
19 Armstrong.

20 MR. ARMSTRONG: My name is Hunter
21 Armstrong. I'm the executive director of CIVITAS.
22 Thank you for the opportunity to speak today.
23 CIVITAS is a nonprofit organization that works on
24 the Upper East Side and East Harlem to sponsor
25 zoning and environmental programs in both

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communities.

I am speaking in opposition to the Zoning Text Amendment, and also will build on previous statements that have been made so as not to reiterate points that have already been discussed.

Just to emphasize, the Zoning Text Amendment increase is equal to more than 130,000 additional square feet. This is a major increase to the value of the site, and will have significant impacts on the surrounding blocks in terms of its impact, which certainly has been discussed in great deal. CIVITAS would like to see that huge impact reflected in the design of the project, and the treatment of the open space require a two FAR increase.

With respect to the project, CIVITAS would to see open space improvements that are immediately proximate to the development site to handle those negative impacts, and also improvements that are commensurate with the extremely valuable FAR increase being considered.

We are in favor of improvements to the East River Esplanade and waterfront. And are

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2 also in favor of improvements being considered for
3 Andrew Haswell Green Park, over a half mile away.
4 However, we also feel that additional open space
5 needs to be created and improved on the
6 development site or very proximate, to accommodate
7 those 8,500 daily visitors. This type of amenity
8 will only add to the overall experience of
9 employees, patients and students of MSK and the
10 community respectively.

11 The proposed Zoning Text
12 Amendment is problematic for multiple reasons, and
13 should not be approved. CIVITAS objects to the
14 lack of information and the lack of specificity in
15 this amendment.

16 First, the text does not specify the
17 amount of money that would be part of the
18 investment. If this Zoning Text Amendment were to
19 be seriously considered, the amount of
20 contribution would need to be defined and would
21 need to be commensurate with the increase of value
22 the application is receiving from the increase in
23 FAR. For an approximately million square foot
24 project, that value is sizable.

25 Second, the mile-wide radius from

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2 the development site is too large. Park creation
3 and open space should be required to be located
4 significantly less than half a mile from rezoned
5 properties in order to mitigate those impacts to
6 neighbors of the development.

7

Third, in order to be considered,
8 the Zoning Text Amendment would need provisions to
9 guarantee completion of the open space prior to
10 approving the application. This would be similar
11 to provisions in the New York City Planning
12 Department's inclusionary housing program.

13 Furthermore, any open space investment should
14 include a long-term strategic maintenance plan.

15

We urge the New York City Planning
16 Commission to consider those adverse impacts of
17 the project to open space and transportation as
18 revealed in the draft EIS, as well as our other
19 concerns as part of their ULURP recommendation.
20 The neighborhood will live with the legacy of this
21 decision for many decades.

22

I'll also just close with pointing
23 out something that Shelly stated earlier, just
24 comparing the entrance to this facility to a train
25 station. I think with 8,500 visitors on a dead

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2 end block, there are some similarities with that
3 increase in density. Grand Central is, you know,
4 to use one example of a train station, is by its
5 nature centrally located. This is at a dead end.
6 So I --

7 (Bell rung)

8 MR. ARMSTRONG: -- think that is an
9 interesting observation to make.

10 So thank you very much, and I'll be
11 leaving my statement for the record.

12 THE CHAIR: Thank you so much.

13 Thank you for coming.

14 Are there any questions for
15 Mr. Hunter? Irwin, yes.

16 COMM. CANTOR: Sir, has CIVITAS
17 undertaken any -- has CIVITAS undertaken any
18 studies of the area in order to come up with more
19 proximity for open space?

20 MR. ARMSTRONG: Specifically with
21 respect to this project our most comparable study
22 is the work that we've been doing with the East
23 River Esplanade. And our recommendations for
24 improvements to the East River Esplanade, which of
25 course is just across the FDR from this site, and

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2 is of course used by many people in the community.
3 So our recommendations would be for those open
4 space improvements immediately proximate, not only
5 on-site of the development site, but also to the
6 East River Esplanade just across the FDR.

7 COMM. CANTOR: But there is going
8 to be improvements on the esplanade, are there
9 not?

10 MR. ARMSTRONG: Over a half mile
11 down.

12 COMM. CANTOR: Only the one down at
13 the testing facility?

14 MR. ARMSTRONG: Correct.

15 COMM. CANTOR: My question to you,
16 though, is, is there land available to do what you
17 are suggesting be done?

18 MR. ARMSTRONG: On the esplanade,
19 yes.

20 COMM. CANTOR: On the esplanade.

21 MR. ARMSTRONG: And possibly
22 incorporated into the development of this project
23 we are talking about today.

24 COMM. CANTOR: But would that give
25 the community equivalent area?

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MR. ARMSTRONG: I'm sorry?

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COMM. CANTOR: The work on the park
12 blocks or 11 blocks away, is it possible to
create space within the close environment that
would serve the community beyond the service
provided at the esplanade?

COMM. DE LA UZ: I think create an
improvement.

MR. ARMSTRONG: Create on-site.

THE CHAIR: Maybe you can send us
some specifics about what you think --

MR. ARMSTRONG: Sure.

THE CHAIR: Are improvements nearby,
because I think we're in short supply.

MR. ARMSTRONG: Okay, I'd be happy
to.

THE CHAIR: Thanks very much.

Gail Rogove. Gail Rogove, and then
Lo van der Valk.

MR. ROGOVE: Thank you very much. I
won't subject you to a filibuster.

I am a resident of 515 East 72nd
Street.

THE CALENDAR CLERK: Name?

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MR. ROGOVE: Excuse me? Oh, Gil Rogove.

MSK and CUNY are trying to make a light manufacturing zoned area, which has been approved by the city for many years, into a -- they're increasing it from six stories to 45 stories. Even though it says 23, but it's 20 foot per story. That is a massive building, in fact, a million square feet. And that's massive not only for that area but any area. Especially when they have other alternatives on the west side, which was zoned for those things.

More important than that, they seem to have bought this property at a very special price, which we all have to suffer for as taxpayers. They paid \$167 million less than the city valued it, not by the actual real estate value. That's wonderful for the taxpayer of New York, that's who subsidized it, like us.

But more important than all of that, they're trying to buy us off with a park of 1.1 acre, which is approximately half a mile away. If you walk, it's more like a mile away. Not one resident from my area will use it, for two

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2 reasons. Besides being too far, there will be
3 total gridlock. So what are the benefits of this
4 park? I don't know, but I'll tell you what the
5 problem with the park is.

6 The first thing you have is the
7 total gridlock from the East River all the way up
8 to Park Avenue, back to the 59th Street Bridge, up
9 to 86th Street, and York Avenue we won't even
10 discuss of course, and every street going west to
11 east going towards this project, because there's
12 no access, there's no public transport. There's
13 nothing. Just very narrow streets where only cars
14 can really go.

15 And they say they are getting 1,700
16 cars. Let's say they were telling most of the
17 truth. And with the other buildings there let's
18 say there's 3,000 cars coming in there. There's
19 no parking spaces anywhere in the area. Anyone
20 who goes there will see there's not one space for
21 any car.

22 But, as I said, they're trying to
23 buy us off with this, in quotes, park rich. It's
24 really of no value because it's not going to go up
25 anyway, the City doesn't even have money for it,

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2 which I just heard. So maybe it won't go up,
3 maybe it will.

4 But my main concern is when we
5 have total gridlock. We have, conservatively,
6 4,500 schoolchildren and maybe 10,000 total
7 children walking that street. And you know when
8 there's gridlock and the cars are trying to get
9 around back and forth, they're not going to see
10 the children. The nannies are wonderful, the
11 mothers are wonderful, but usually a nanny has one
12 child here and one behind, the one behind she
13 doesn't even see. So the children are the ones
14 who are most at risk from all of this.

15 The other part of the problem is on
16 73rd and 74th Street they're bringing in 50 foot
17 or 56 foot trailers to bring supplies to the
18 building. I understand they're supposed to be
19 going underneath it and back up to the bay. But
20 getting out is something else, because you have to
21 go to York Avenue and make a left or a right. You
22 can't go straight because it's blocked off. York
23 Avenue, if there's one car double-parked, will
24 take that tractor-trailer normally 20 minutes,
25 with a double-parked car, never, will never be

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2 able to get out. Causing more gridlock backed up
3 we have no idea. The picture I saw with two cars
4 on York Avenue is a joke. I would say
5 conservatively, if you do -- one tractor-trailer
6 will take them 20 minutes to get out of there
7 normally, because York Avenue is very small, you
8 have to go, back up, go, back up. So what does
9 that do to traffic all over.

10 (Bell rung)

11 MR. ROGOVE: Nothing too good.

12 Stop.

13 The last two things I'd like to say
14 in general is that --

15 THE CHAIR: One sentence, that's it.

16 MR. ROGOVE: One sentence.

17 The other problem is that with all
18 this backup and all this traffic, gridlock, police
19 cars, ambulances, fire trucks, any first
20 responders cannot, cannot get to the areas where
21 they want. It will cause a lot of unnecessary
22 injury or worse injuries, or even deaths, which is
23 that's a given.

24 THE CHAIR: Thank you. Let me

25 ask --

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MR. ROGOVE: Any questions?

THE CHAIR: -- if there are any questions.

(No response)

THE CHAIR: No, there are not, but we thank you for coming.

Lo van der Valk.

MR. VAN DER VALK: Madam Chair, Commissioners, my name is Lo van der Valk. I'm president of Carnegie Hill Neighbors. Carnegie Hill Neighbors is a civic, not-for-profit membership organization founded in 1970 -- I'm reading a statement that I submitted to you in copies -- to help foster the preservation of our historic architectural environment, and improve the quality of life in our community, which encompasses generally the area between 86th and 96th Street from Fifth to Third Avenue. In representing Carnegie Hill Neighbors, I would like to address exclusively the text amendment issue and point out that we are taking no position on the specific merits of the MSK-CUNY application. While our area will not be directly impacted by either the proposed development or the proposed

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2 park improvement, we feel that as part of the
3 Community Board 8 district, we should respectfully
4 voice our objections regarding this text
5 amendment.

6

The text amendment would allow
7 for the 20 percent bonus in the floor area
8 increase in exchange for the provision of the
9 public park improvement. We feel that there are
10 at least three areas of concern that make this
11 amendment undesirable.

12

First, this provision has the real
13 potential of providing a vehicle that can be
14 replicated by other areas -- in other areas of the
15 city where general large scale developments are
16 contemplated. Thus, while limited in this
17 proposal to developments within a C1-9 district in
18 Community Board 8 of Manhattan, this amendment
19 could be replicated for other nearly similar
20 zoning districts and/or in other Community Board
21 districts city-wide, including our own community
22 in Carnegie Hill, which borders a large medical
23 center.

24

Second, we note that there is a lack
25 of specificity and openness to the public

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2 regarding the determination and magnitude of the
3 monetary value of the exchange being made. While
4 cost estimates of the improvements will ultimately
5 be provided, it is not clear to what degree they
6 reflect true market value, or to what degree they
7 are commensurate with the market value of the
8 bonus square footage granted in exchange.

9 Also, it appears that the
10 exchange will be negotiated and determined almost
11 exclusively between the lead developer and two
12 City agencies, the Parks Department and City
13 Planning, and apparently without any great deal of
14 opportunity for public input and review.

15 Finally, we note that the
16 benefiting park improvement site can be far
17 removed from the development itself. As stated in
18 the amendment, the park improvement site can be
19 located up to a distance of one mile radius from
20 the contemplated development. It is not difficult
21 to understand that general large scale
22 developments can bring with them adverse impacts
23 to the immediate vicinity in the form of less
24 light and air, and more noise, congestion and
25 traffic, even though it may be difficult to

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2 establish such adverse impacts in terms of the
3 legal thresholds that would qualify for an
4 unacceptable finding in an environmental impact
5 study.

6

(Bell rung)

7

8 MR. VAN DER VALK: Two more
sentences.

9

10 In our view, it would be far a more
11 beneficial trade-off for the neighborhoods
12 impacted by the development to have the benefits
13 of the "park improvement" or, possibly other types
14 of improvements, to accrue to the immediate
15 vicinity. For these reasons, we respectfully ask
16 that the proposed amendment be denied or modified
in a way that would meet the objections.

17

Thank you so much.

18

19 THE CHAIR: Thanks. Let me see if
anyone has a question for you.

20

THE CHAIR: Thanks so much.

21

MR. VAN DER VALK: Thank you.

22

23 THE CHAIR: We are now going to
switch back to speakers in favor, and we'll begin,
24 I'll read a few names. Hiroshi Matsui, Derek
25 Brazil, James Cincotta, and George Farrington.

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2

Is Hiroshi Matsui here? Then Derek

3

Brazil.

4

Hi.

5

MR. MATSUI: Hi. My name is Hiroshi

6

Matsui. I'm a professor and I am the chair of the

7

department of chemistry at Hunter College. So I'm

8

also the volunteer member of the National Academy

9

of Engineering. So, and on a regular basis I

10

teach chemistry class for a hundred students at

11

Hunter, which is one of teaching commissions. And

12

they constantly ask for research experience in the

13

real lab, but we don't have enough space to

14

accommodate many students. So certainly moving

15

into the new science center will help in that. I

16

just want to quickly explain that why the center

17

in science is important in New York City.

18

So I just came back from the meeting

19

called the Global Challenge Summit in London, and

20

one hundred people was gathered from the entire

21

world to discuss about the future of the human

22

being. And the humans' future doesn't look very

23

bright.

24

(Laughter)

25

MR. MATSUI: So we have a main issue

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2 in water and food, and also energy. And we just
3 cannot sustain the human population increase at
4 this moment. So we need a real breakthrough in
5 the science. So we need to have the, you know,
6 the bright and future scientists so that we can
7 resolve this so we can keep the civilization.

8 Actually, science is not only the
9 issue. And under this discussion what we found is
10 that the -- actually the critical point is also
11 important too. For example, let's say we invented
12 very recently a water purification system that we
13 need to import to some countries in Africa. But
14 if they don't have the right infrastructure or
15 economy and politics, then they can't really apply
16 it. So what the recommendation is is that the
17 scientists have more integrity than with the
18 politics and also the economy. And also we need
19 to understand all these aspects so that we can
20 transfer into developing quickly.

21 So in that sense we discussed what's
22 a nice place to study and experiment in such a
23 correlation like science, economy, and politics,
24 and also maybe art, which is actually important
25 for the public as a science too. And there's only

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2 a couple of spots in the world that can apply to
3 such an integrity location, and New York City is
4 one of them. So we think that having a center in
5 New York City is not just a science development
6 and also a physical science too, but also it could
7 become the model to integrity. Not just the
8 science, but economy and the politics so that we
9 can really attack the global problems. So we hope
10 that the center can be really the ground so that
11 we can really discuss about future things.

12

Thank you.

13

THE CHAIR: Thank you, thanks very
14 much.

15

Any questions? Yes, Rayann has a
16 question.

17

(Laughter)

18

COMM. BESSER: Madam Chair, I
19 apologize for sounding like a broken record, but
20 I'd just like to know, as far as the facility for
21 housing research animals, what type of animal
22 research do you plan to conduct?

23

MR. MATSUI: So I'm from the
24 chemistry department.

25

(Laughter)

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MR. MATSUI: I'm sorry.

COMM. BESSER: Could someone pass
the question along for me?

THE CHAIR: I'm not going to ask you
why you're so interested.

MR. MATSUI: So we will provide the
answer.

(Laughter)

MR. CINCOTTA: Hello. I'm James
Cincotta. So I think there was someone scheduled
before me, but he left.

THE CHAIR: So James, yeah.

MR. CINCOTTA: Yes, hi. Thank you
for having me.

My profession, I am a professor at
NYU and Marymount Manhattan College, which is not
far from the site. Also, I'm an entrepreneur.
One of my businesses has -- is rather well-known
in New York City, Fishs Eddy. But I'm not here as
a teacher or as a businessperson, I'm here as a
resident. I live at 64th and Second, and I
represent 150 apartments, as I am the board
president.

And we overwhelmingly supported by

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2 petition this application, because we feel that
3 it's important to the continued vibrancy of our
4 neighborhood, and we are very concerned with
5 maintaining a very strong national competitive
6 edge, a strong international competitive edge, and
7 we feel that this application has three components
8 in doing so, which is a medical corridor, that
9 should be unsurpassed, continuing to support our
10 educational institutions, which are unsurpassed,
11 but also this park, this particular park is key
12 for those of us who use all the parks in the City
13 and who are interested in the development of a
14 greenway all around Manhattan. So whether this
15 park is at the end of the neighborhood or not,
16 whether it's in the seventies or it's in the
17 sixties, it is a key link to establishing this
18 greenway all around Manhattan. And we can't be
19 short-sighted.

20 Now, are there pros and cons to
21 everything, yes. Are there challenges, yes. But
22 this application shouldn't be turned down because
23 we can't meet the challenges that are going to
24 exist, even if it were true, because something
25 else is going to replace it and the same

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2 challenges would exist. It should be passed. And
3 we should address the challenges more
4 productively. And finally, because New York City
5 has to be protected. And I teach business. I see
6 it. I see the people coming out of this city,
7 students coming out of this city, and we've got to
8 stay competitive.

9 Thank you.

10 THE CHAIR: Thank you very much.
11 Let me see if there are questions. Yes, Anna
12 Levin has a question for you.

13 COMM. LEVIN: Yes. Could I just ask
14 where do you live? You're representing your
15 building or your neighborhood?

16 MR. CINCOTTA: Yes. I'm
17 president -- I'm president of my co-op, which is
18 150 apartments at 64th and Second.

19 COMM. LEVIN: 64th and Second?

20 MR. CINCOTTA: Yes.

21 COMM. LEVIN: Okay. And well, so
22 that's a thankless task.

23 (Laughter)

24 MR. CINCOTTA: Yes, as I've been
25 here all day. But I'm happy to be.

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COMM. LEVIN: You can consider also it's community board service, but that would be like double jeopardy. Then you've been here all day, you've heard lots of testimony about adverse traffic conditions in that area and the York Avenue corridor. Do you have a different take on them than what we have been told?

MR. CINCOTTA: I just know I've also lived with the adverse traffic conditions of the Second Avenue subway. And it's all around us. So to say that this particular location in the City is so much worse off than so many other areas, it's unfair. It's an unfair burden for us to save or to answer this one call. We've got a larger call in traffic all over the City. I'd like to see us address it in public transportation. I'd like to see better bus service in the seventies as well as the sixties. I think we could have a whole discussion of what's happened with re-routing buses and canceling lines.

THE CHAIR: Thank you very much.

The next speaker is George Farrington, to be followed by Phil Corridini and Liz McCracken.

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MR. FARRINGTON: Hi. Thanks for the opportunity to speak. I am vice president of a 300 unit condominium at 64th Street and First Avenue.

We strongly support the Hunter/CUNY-Memorial Sloan-Kettering project, and in particular the Zoning Text Amendment that will provide funding for much needed repairs on the Andrew Haswell Green Park at the waterfront near our condominium. We think it's an important addition to the open spaces that make our neighborhood a good place to live. And again, I want to express strong support for the project.

I would like to limit my remarks and so I will stop.

THE CHAIR: That is incredibly gracious of you.

(Laughter)

THE CHAIR: Thank you for coming.
Phil Corridini.

AUDIENCE MEMBER: He had to leave.

THE CHAIR: Okay, that's fine.
Liz McCracken.

AUDIENCE MEMBER: She had to leave.

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THE CHAIR: Judy Schneider. I'll
just read a few more names. Jonathan Horn and
David Gillespie.

MS. SCHNEIDER: Good afternoon,
Commissioners. I am speaking today as one of the
representatives of ESNA, the East Sixties
Neighborhood Association.

We support the Hunter CUNY-MSK
project. We think these two new buildings will be
a valuable asset to the community. We believe the
synergy between the college and the hospital will
be important to the students as well as to the
medical and research communities. My comments
will address the Zoning Text Amendment.

In 2006, Community Board 8 received
approval of a 197-A plan for the greater
Queensboro Bridge area. This was a vision for the
L-shaped area from Tramway Park, along the bridge
on 59 and 60th Streets down to the waterfront,
along the esplanade from 59th to 63rd Streets.
This would allow the residents in the southern
half of Community District 8 to have green open
park spaces, as the residents in the middle and
upper portions of the district have in John Jay

1

2 and Carl Schurz Parks.

3

4 Andrew Haswell Green Park phase
5 one is completed. Phase two is planned, designed,
6 funded and approved by the Public Design
7 Commission. So what is holding this up? Parks
8 started this phase with an engineering study and
9 discovered they had a costly problem, as the
10 pilings needed replacement before the park could
11 be constructed that bear the necessary weight
12 load. Until this text amendment was offered,
13 there did not seem there was a viable solution for
14 obtaining these funds, as Parks has stated it is
15 highly unlikely that funding will be available in
16 the foreseeable future.

16

17 The dog run is well-used. The rest
18 of the waterfront level of the site is not used.
19 It's fenced off and it's unattractive and remains
20 the way it was when Parks obtained the property
21 from the Economic Development Corp. Many years
22 ago. It needs to be completed.

22

23 As a resident of the east sixties, I
24 am proud to count among my neighbors the Hunter
25 College community and all the other institutions
that will benefit from the use of this park. Our

25

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2 neighborhood is bursting with children and this
3 park is desperately needed by all the residents.
4 It would be so wonderful to have a patch of grass
5 to sit on.

6 In closing, I believe the Parks
7 Department picked this site to be the benefit of
8 the Zoning Text Amendment because Community Board
9 8 approved the 197-a plan. It is designed, ready
10 to be built, funded, except for the piling
11 problem, and, most importantly, there was a real
12 need in the community for phase two of Andrew
13 Haswell Green Park to be completed. So I ask you
14 all to please give this project your support and
15 approval.

16 Thank you. Along with my testimony,
17 I would like to submit for your records copies of
18 over a thousand signatures in support of the
19 Zoning Text Amendment and the funding for Andrew
20 Haswell Green Park. This was obtained in about
21 two weeks for the community board hearing in May.
22 Thank you.

23 THE CHAIR: Thank you very much.

24 Jonathan Horn.

25 AUDIENCE MEMBER: He had to leave.

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(Laughter)

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THE CHAIR: David Gillespie.

4

(No response)

5

THE CHAIR: Larry Parnes.

6

THE VICE CHAIR: Is he here? I

7

don't see him.

8

MR. PARNES: Hi. I'm Larry Parnes.

9

I'm co-secretary of Community Board 8. I've been

10

here since 12:30, and I'm disappointed, I have not

11

seen Jackie Harris give out any chocolates.

12

(Laughter)

13

MR. PARNES: So I don't think it's

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necessary nor that the Commission needs it to

15

reiterate and repeat the Community Board's

16

recommendation. But the vote in favor of the

17

zoning text change was 23 in favor, 20 opposed and

18

two not voting for cause. And the vote in favor

19

of the other actions was 24 in favor, 17 opposed,

20

two abstentions and two not voting for cause.

21

I would add that there were some

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statements about not having read the committee --

23

task force committee's resolution into the record.

24

I should point out that the minutes and the

25

resolution were included in the Community Board's

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2 package, which they -- which all members received
3 prior to the meeting, so it was available. And
4 the chair of the committee -- the chair of the
5 community board noted that the committee had
6 adopted negative recommendations.

7

(Laughter)

8

THE CHAIR: So everything is clear.

9

COMM. CANTOR: Madam Chair.

10

THE CHAIR: Yes, Irwin.

11

12 COMM. CANTOR: Sir. You should have
brought chocolate.

13

14 Larry, I have a question. The three
15 prior speakers, all are in the low sixties in
16 terms of 61st, 64th Street, and relatively close
17 to the existing park, which needs some upgrading.
18 And I could understand why from their perspective
19 this is a good deal because the park in the
20 immediate area is being upgraded. But who's
21 paying for it? The people who are in the impacted
22 area. Who have come to us and said effectively we
are getting nothing. Whatcha got to say, friend?

23

(Laughter)

24

25 MR. PARNES: I can only, you know,
refer you to the community board's resolution,

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which explains why the community board voted in favor of the application, you know, the application.

COMM. CANTOR: Okay.

MR. PARNES: It was pointed out, and it's in the resolution, that this park was part of the 197-a plan that the community board supported.

THE CHAIR: Question? Angela.

COMM. BATTAGLIA: I'm good. It's good to see you, Larry.

(Laughter)

COMM. DE LA UZ: Larry, I don't want to beat a dead horse, but I mean I just want to say, so the task force, the MSK-CUNY task force was a Community Board 8 task force, and despite the recommendations of the task force the community board decided in a very close vote to support this proposal.

MR. PARNES: That's correct.

COMM. DE LA UZ: Okay. I got that, just checking.

THE CHAIR: Larry, thanks for coming, nice to see you.

The next speaker is Barry Schneider,

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2 and then Jennifer Gardner and then Ashley Dennis.

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MR. SCHNEIDER: Good early

evening. I'd like to present Andrew Haswell's

Green Park. We have been talking about it all

afternoon, but I don't know if anyone has actually

seen the rendering prepared by the Department of

Parks and Recreation.

Good afternoon, Madam chairman,

Commissioners. My name is Barry Schneider, and I

appear here today before you as the president of

the East Sixties Neighborhood Association, a 22

year old neighborhood improvement organization on

the Upper East Side of Manhattan. We have over

650 individual members, 55 buildings,

institutions, retail stores, professionals. We're

a widely ranging institution -- individual --

group, thank you. I sometimes forget what we call

ourselves.

But very briefly, I strongly support

the application brought before you from both CUNY

and MSK. Today there are no more compelling

public issues than education and health care, and

these facilities planned will issue (sic) them

dead on. The new facility planned for the

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2 Department of Sanitation garage at 73rd and Third,
3 it's -- honestly, that's selfish of me because
4 while I support this one hundred percent, the
5 Upper East Side will benefit from the new campus
6 in myriad ways. We are talking about the global
7 impact of cancer research and the research that's
8 going to be done by the new Hunter school. But
9 selfishly, the Upper East Side is going to be the
10 benefit (sic). And we are one community. We are
11 a community from 59th to 96th, from Fifth Avenue
12 to the river. We're not a little enclave. We are
13 one community that's speaking about the community
14 district from 96 to 56th or 59th, we are all one.
15 And when the board votes to take an action on an
16 application before us, we vote as a unit, as a
17 community. We don't vote -- we should not vote
18 for and for the most part we do not vote for our
19 own parochial interests.

20 One of the ways that this will
21 benefit, that this application approval will
22 benefit us is that with the realization of the
23 vision of the Andrew Haswell Green Park, with the
24 approval of the Zoning Text Amendment, the
25 community driven open space, green space will

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2 become an oasis in the parched landscape of the
3 southeast sixties.

4 Further, I applaud Borough
5 President Scott Stringer's initiative in calling
6 for a comprehensive independent traffic study of
7 York Avenue as part of his recommendation on this
8 project. For too long the residents, shopkeepers,
9 visitors in this bustling community have suffered
10 vehicular and pedestrian congestion, physical
11 hazards and fetid air. A remedy must be sought.
12 I urge the commission to include this very
13 sensible proposal in your approval of the Hunter
14 CUNY application.

15 While I still have a few minutes, a
16 few moments, I'd like to --

17 (Bell rung)

18 (Laughter)

19 MR. SCHNEIDER: Talk about timing.
20 Just one quick word about Andrew Haswell Green
21 Park, but I'm here to support the honor of this
22 genius of the late 19th Century by having this
23 park completed.

24 Thank you very much.

25 THE CHAIR: Thank very much.

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MR. SCHNEIDER: Anything else?

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THE CHAIR: No.

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MR. SCHNEIDER: Good.

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THE CHAIR: Jennifer Gardner and
then Ashley Dennis.

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MS. GARDNER: Hi. Thank you for the
opportunity to address you all today. I am
Jennifer Gardner, an urban planner for the
Manhattan Borough President's office, and I
apologize in advance for maximizing my three
minutes, and hopefully it will appear less.

So I'd like to start just by noting
that from our perspective health care and
education are critically important for New York
City's overall competitiveness. These are two of
the city's fastest growing sectors, adding over
35,000 jobs to the local economy last year, to
give something really concrete to the sort of
broader points that we have heard today.

So in recommending his conditional
approval of this project, the borough president is
supporting the mission of MSK and CUNY to link
education, innovative research and cutting edge
patient care as well as job creation for New

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2 Yorkers. The borough president's recommendation
3 notes that for the last couple decades, New York
4 City has established essentially a policy of
5 encouraging hospital and institutional expansion
6 along York Avenue. And while this policy has had
7 this economic benefit for the city as a whole, the
8 lack of comprehensive analysis of the cumulative
9 impacts on the neighborhood is a concern.

10 Over time, large scale
11 development has limited opportunities for open
12 space. The applicants we feel creatively
13 addressed this problem through the proposed
14 off-site park improvement bonus that would
15 complete what is essentially a gateway to the East
16 River Esplanade on the Upper East Side. But in no
17 case, and I think we've heard enough times today
18 already, that these impacts are -- of this kind of
19 ad hoc approach to York Avenue's development is
20 more serious with regard to traffic. So again,
21 others have read a lot of examples, specifics, but
22 generally the environmental analysis identified
23 significant adverse impacts on traffic and
24 pedestrian safety at numerous intersections along
25 York Avenue, and at one critical location no

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2 standard measures can solve the problem. This is
3 an outcome not only of the traffic impacts
4 introduced by this project, though, but of the
5 cumulative impacts --

6 (Inaudible)

7 MS. GARDNER: -- on these decisions.
8 So we felt that the failure to plan for the
9 traffic impacts on York Avenue is really a failure
10 to perform long-term planning for the problem that
11 we collectively as a city continue to exacerbate
12 over decades.

13 The lack of foresight on this issue
14 means that DOT is not addressing these concerns,
15 while other agencies continue to advance economic
16 goals for the area. And we felt that now is
17 really the time to address these ongoing traffic
18 issues, and to do so in a way that goes beyond
19 that 400 foot CEQR radius to create a real plan
20 for existing problems and for future development
21 along the corridor.

22 So we urge the Commission and the
23 City Council to condition any approval of new
24 density along York Avenue on DOT's execution of a
25 comprehensive traffic study in consultation with

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2 the community board, with our office, with partner
3 agencies and other local elected representatives.
4 We felt this was one of the only ways to really
5 achieve solutions to the problems that have been
6 addressed numerous times today. We felt that
7 really no institutional project is without impact,
8 but we rely on these institutions for jobs and for
9 critical services, and in each case a balance
10 between development and residential community
11 needs must be found. And the need for balance is
12 particularly great for projects that require the
13 disposition of city-owned property.

14 And with that, you know, I can
15 answer any questions that may exist about our
16 other recommendations or agreements that we have
17 reached with the applicant. But, as I said, I
18 would conclude.

19 Thank you.

20 THE CHAIR: Thank you for coming and
21 speaking on behalf of the borough president, we
22 really appreciate it.

23 Ashley Dennis.

24 AUDIENCE MEMBER: She had to leave.

25 THE CHAIR: Okay. Christina DeRose.

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2 And then Chi Chan and Lisa Lau and Pamela Basch.

3 MS. DeROSE: Good afternoon. My
4 name is Christina DeRose, and I'm from the
5 Economic Development Corporation. I'm just
6 speaking to -- I just wanted to clarify a question
7 that one of the commissioners had earlier about
8 previous uses on the site. As you know, this site
9 was zoned M3 and it was used as a heavy industrial
10 site up until 2008 by the Department of Sanitation
11 for a sanitation garage. EDC issued its first and
12 only RFP for this site in 2011. So up until then
13 it was industrial uses. And EDC limited the RFP
14 to institutional, educational and scientific uses.

15 THE CHAIR: Okay. Anything else or
16 you just wanted to clarify?

17 MS. DeROSE: I just wanted to
18 clarify that for the record.

19 THE CHAIR: Okay. I'm sorry, your
20 name is, again? Christina DeRose.

21 MS. DeROSE: Christina DeRose.

22 THE CHAIR: Any other questions for
23 EDC at this moment, for Ms. DeRose? Yes, Anna.

24 COMM. LEVIN: Just to clarify, I
25 believe we heard earlier, quite a bit earlier,

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from one of the speakers in opposition that there
had a prior attempt to --

MS. DeROSE: Yeah. I'm not
familiar --

COMM. LEVIN: -- develop residential
on the site. Is that part of --

MS. DeROSE: That was --

COMM. LEVIN: -- EDC's collective
history?

MS. DeROSE: No, not that I am aware
of. This site was a -- when EDC issued the RFP it
was for a scientific site.

COMM. LEVIN: And so this was the
only use that was considered?

MS. DeROSE: Yes.

THE CHAIR: Thanks very much. Yes,
sure, Michelle.

COMM. DE LA UZ: So is there any
contamination currently on the site that needs to
be remediated as part of this redevelopment?

MS. DeROSE: Yes. There is an open
spill that's part of the DEC site review.

THE CHAIR: Any other questions for
EDC?

1

2

(No response)

3

THE CHAIR: Thanks very much.

4

Ashley Dennis left. Chi Chan and

5

then Lisa Lau.

6

MR. CHAN: Hi. Chi Chan from AKRF.

7

I'm the lead traffic engineer on the EIS. And

8

based on what I heard earlier, I'm guessing that

9

you might have some questions, I'm going to answer

10

them. But just let me state that all the analysis

11

we prepared for the EIS were conducted in

12

accordance with the *CEQR Technical Manual*, and

13

very close coordination with DOT and New York City

14

Transit.

15

THE CHAIR: Okay. Any questions for

16

AKRF? Yes.

17

THE VICE CHAIR: Sir, did you hear

18

the earlier testimony from a prior speaker about

19

questioning when the pictures of the FDR might

20

have been taken, can you speak to that?

21

MR. CHAN: Well, I'm actually not

22

aware of the pictures that was stated before,

23

because in the transportation chapter we didn't

24

provide any pictures showing the traffic

25

conditions. So it might have been the picture in

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2 the project description showing the area, but it's
3 kind of used for a different context than traffic.

4 THE CHAIR: Okay. Irwin.

5 MR. CHAN: Yes, sir.

6 COMM. CANTOR: Another speaker --
7 I'd like your thoughts on this -- another speaker
8 made the point that there was supposed to be a
9 mitigation by a change in cycle of one second of a
10 light. Do you have any comment on that?

11 MR. CHAN: Well, we worked with DOT
12 to determine -- develop various types of
13 mitigation measures that they would find feasible.
14 And I think the comment was made for 73rd Street,
15 and there were proposals to shift some signal
16 timing. And in addition to that, we had suggested
17 to prohibit the left turn at that intersection as
18 well, which DOT had agreed to the -- agreed that
19 that's feasible to do. And as a result we were
20 able to mitigate the impact that was created by
21 the project.

22 COMM. CANTOR: So you're saying it's
23 a combination of less --

24 MR. CHAN: It's a combination.

25 COMM. CANTOR: -- and the turning?

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MR. CHAN: Correct. And I think
it's more than one second too.

COMM. CANTOR: That's what I was
trying to learn. Thank you.

MR. CHAN: Yup.

THE CHAIR: Any other questions for
AKRF?

(No response)

THE CHAIR: And I don't see your
colleague, Lisa Lau. Did she have different --

MR. CHAN: She actually was here to
answer questions too, but she had to leave.

THE CHAIR: Okay, so thank you to
her too. Okay, thanks very much.

Pamela Basch and then Lusheena
Warner.

MS. BASCH: Hi. My name is Pamela
Basch, and I'm an architect with Perkins Eastman.
And I'd like to address some of the questions that
were raised earlier, or some of the statements
that were made.

None of the clinical floors in the
MSK project are 20 feet tall. The floors that
contain imaging equipment are done on 18 foot

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2 floor-to-floor. They're typical clinics on a 16
3 foot floor-to-floor. And the CUNY labs are on a
4 16 or an 18 foot floor-to-floor. So that 20 foot
5 floor-to-floor probably came from someone seeing a
6 total number and just dividing it. The mechanical
7 spaces are taller.

8 Shelly has asked me to explain a
9 little bit about why we still need such big floor
10 plates in reference to 53rd Street. By the time
11 this building opens, 53rd Street will be a 20 year
12 old facility. The clinic codes that affect
13 medical architecture and health care and how much
14 air we have to supply to these rooms, they're not
15 operating rooms, ordinary patient exam rooms, have
16 gone up tremendously. So it's things like that
17 that are making floor-to-floor higher than we
18 would have done even ten years ago. The
19 ability -- the building for the future, the
20 ability to put in state-of-the-art imaging
21 equipment and the ability to change that and not
22 have to rebuild the building is also driving it.

23 The floor plate issue, a lot of
24 imaging equipment requires very large rooms. And
25 it's not only the room that the patient sits in,

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2 it's the room that requires all the computer
3 equipment next to it to run it. So it's -- if we
4 could do these buildings in a more traditional
5 zoning envelope, we would. But it really doesn't
6 work for the medical needs of these programs, so.

7 THE CHAIR: Irwin, you wanted
8 to --

9 COMM. CANTOR: Yeah. Unless I am
10 misreading, your drawing of ZO8 -- is this yours?

11 MR. CHAN: Yeah. I take
12 responsibility.

13 (Laughter)

14 COMM. CANTOR: It doesn't show
15 floor-to-floor, but what it does show, unless I'm
16 misreading it, between the ninth floor and the
17 18th floor you have a dimension of 190 something
18 feet, which divides out to 21 and a half feet per
19 floor.

20 MS. BASCH: From the -- give me
21 the --

22 COMM. CANTOR: From the ninth floor
23 to the --

24 MS. BASCH: Twentieth?

25 COMM. CANTOR: No. I'm talking only

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2 about MSK. I'm not talking about Hunter.

3 MS. BASCH: Yeah, but the
4 tallest -- what's the highest floor in that stack?

5 COMM. CANTOR: It looks like it's
6 the 18th floor. Am I incorrect?

7 MR. CHAN: It should be -- it would
8 be the 19th floor. The 19th floor is the
9 mechanical floor.

10 COMM. CANTOR: Nineteen is
11 mechanical, right, okay.

12 MR. CHAN: I do -- I can look later
13 at those numbers.

14 COMM. CANTOR: There's a dimension
15 over here -- there's a dimension over here of --

16 THE CHAIR: Irwin, what point are
17 you trying to get to?

18 COMM. CANTOR: The point I'm trying
19 to get to is I don't understand the potential
20 discrepancy, 18 feet versus 21 feet.

21 THE CHAIR: So why don't you let
22 them get back to you.

23 MS. BASCH: We will get back to you,
24 absolutely.

25 COMM. CANTOR: Fine.

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THE CHAIR: Any other questions for
Ms. Basch?

(No response)

THE CHAIR: Thank very much, we
appreciate it.

Lusheena Warner.

MS. WARNER: Hi there. I'm Lusheena
Warner, and I'll be reading testimony on behalf of
Derek Brazil, an associate biology professor at
Hunter College.

(Reading:) The department of
biological sciences has both a research and
teaching mission, which dovetails to strengthen
the department as a whole. We have 25 full-time
faculty members, researching a variety of topics
ranging from neurodegenerative diseases to cancer
to microbiology to immunology. As a testimony
(sic) to the strength of our research programs,
our department holds over \$36 million in federal
and state grant funding. Along with our research,
our department also trained 470 undergraduate
majors, as well as 110 master students, Ph.D.
students, and postdoctoral researchers. Our
research is integral to our teaching.

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2 Science is a constantly changing
3 field, and for us to be able to teach it properly,
4 we need to be actively involved in it. In
5 addition, by including scientists in our research
6 programs, we improve their educational experience
7 by allowing them to put into practice the
8 theoretical knowledge -- I'm sorry -- the
9 theoretical knowledge they gain in classes. Our
10 department feels that this is so important that we
11 guarantee a research opportunity for any of our
12 majors who want one.

13 This of course has a huge impact on
14 providing trained professionals to the New York
15 City work force. A large percentage of our majors
16 eventually attend medical or dental school. In
17 both cases, admissions commissions expect
18 applicants to have had some experiential training.
19 Our student research opportunities are in part why
20 Hunter students get accepted to medical schools at
21 a much higher rate than the national average.

22 In addition to our undergraduates,
23 we train master students who become integral
24 members of the local biotechnology and
25 pharmaceutical industry. Some students are coming

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2 straight from their undergraduate education
3 looking to learn skills that will make them more
4 desirable to employers. Others are already in the
5 work force but want to update their education in
6 order to advance at their companies. In both
7 cases, the research they can perform at our
8 department gives them hands-on experiences that
9 can directly translate to their jobs in industry.

10 Finally, the research training
11 that our Ph.D. students and postdoctoral
12 researchers receive allows them to become
13 educators, both at local, secondary and university
14 institutions, principal investigators at local
15 biotechnology and pharmaceutical companies, as
16 well as consultants for law firms and businesses.
17 Thus, the research and training that we do at
18 Hunter has a direct benefit for New York City by
19 providing well-trained individuals for a variety
20 of jobs in the local work force.

21 In order to continue and expand upon
22 this, we need a new science building. Our current
23 facilities were not originally designed for
24 research. Most of the labs have been retrofitted
25 from classroom space. Thus, there is an

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inefficient use of space. In addition, the electrical systems have a difficult time handling the greater power demands of modern scientific equipment. There is also very little space to expand, making it difficult to recruit new faculty members and meet the needs of our growing student population.

The proposed building is designed specifically for research. It will be a modern facility that will be able to support new scientific equipment, more faculty members and more students.

(Bell rung)

MS. WARNER: Thus it will allow us to bring in even more grant money to the university, as well as better trained, even larger number of students for entry into all levels of the New York City work force.

Thank you.

THE CHAIR: That was very nice testimony, thank you for reading that. Rayann.

(Laughter)

COMM. BESSER: I think I finally got it.

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COUNTY OF ORANGE)

I, KARI L. REED, a Registered
Professional Reporter (Stenotype) and Notary
Public with and for the State of New York, do
hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

I further certify that I am not
related, by blood or marriage, to any of the
parties in this matter and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this ___ day of July, 2013.

KARI L. REED, RPR

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