

A. INTRODUCTION

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to the substantive oral and written comments received during the public comment period for the Draft Environmental Impact Statement (DEIS) for the MSK/CUNY-Hunter project. The public hearing on the DEIS was held concurrently with the hearing on the project's Uniform Land Use Review Procedure (ULURP) draft application on July 10, 2013 at Spector Hall at the New York City Department of City Planning (DCP) located at 22 Reade Street, New York, NY 10007. The comment period for the DEIS remained open until 5:00 PM on Monday, July 22, 2013. Written comments received on the DEIS are included in **Appendix F**.

Section B identifies the organizations and individuals who provided relevant comments on the DEIS. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim.

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT**ELECTED OFFICIALS**

1. Jessica S. Lappin, Council Member—5th District, The Council of the City of New York, written testimony dated July 22, 2013 (Lappin)
2. Jennifer Gardner for Manhattan Borough President Scott Stringer, oral testimony (Stringer)

COMMUNITY BOARDS

3. Larry Parnes, co-secretary, Community Board 8 (CB8), oral testimony (Parnes)

INTERESTED INDIVIDUALS AND ORGANIZATIONS

4. Hunter Armstrong, CIVITAS, oral and written testimony dated July 10, 2013 (CIVITAS)
5. Elizabeth Ashby, representing the Historic Neighborhood Alliance and Co-Chair—Defenders of the Historic Upper East Side, oral testimony (Ashby)
6. Albert K. Butzel, Counsel for Residents for Reasonable Development (RRD) and 515 East 72nd Street, oral and written testimony dated July 10, 2013 (Butzel)

¹ This chapter is new to the FEIS.

MSK/CUNY-Hunter Project at 74th Street

7. James Cincotta, Professor, Polytechnic Institute of New York University and Marymount Manhattan College, oral testimony (Cincotta)
8. Ira Chernoff, resident 515 East 72nd Street, oral testimony (Chernoff)
9. Sarah Chu, RRD and Cherokee Apartments resident, oral and written testimony dated July 10, 2013 (Chu)
10. Jill Eisner, resident East 74th/75th Street, oral testimony (Eisner)
11. George Farrington, 340 East 64th Street, oral testimony (Farrington)
12. Sarah Woodside Gallagher, Upper Green Side/The Community, oral testimony (Gallagher)
13. Nancy Terrell Grace, RRD, oral testimony, (Grace)
14. Mina Greenstein, Yorkville community resident, oral testimony (Greenstein)
15. Edward Hartzog, local resident, oral testimony (Hartzog)
16. Hiroshi Matsui, Chairman, Chemistry Department, Hunter College, oral testimony (Matsui)
17. Elizabeth McCracken, East 64th Street and York Avenue resident, written testimony dated July 10, 2013 (McCracken)
18. Patricia Mulcahy, resident 515 East 72nd Street and co-founder, RRD, oral and written testimony dated July 9, 2013 (Mulcahy)
19. Rita Popper, resident East 91st Street, oral testimony, (Popper)
20. Gil Rogove, resident 515 East 72nd Street, oral testimony (Rogove)
21. Judith Schneider, Executive Vice President, East Sixties Neighborhood Association (ESNA), oral and written testimony dated July 10, 2013 (J. Schneider)
22. M. Barry Schneider, President, ESNA, oral and written testimony dated July 10, 2013 (M.B. Schneider)
23. Teri Slater, Co-Chair, Defenders of the Historic Upper East Side, oral testimony (Slater)
24. Lo van der Valk, President, Carnegie Hill Neighbors, oral and written testimony dated July 10, 2013 (van der Valk)

C. COMMENTS AND RESPONSES

PROJECT DESCRIPTION

- Comment 1:** The proposed zoning text amendment would allow the benefitting open space to be too far away from the proposed project and its immediate impact area. (RRD)
- The 1-mile radius from the development site in the proposed text amendment is too large. Park creation and open space should be required to be located significantly less than ½-mile from rezoned properties in order to mitigate the impact to the neighbors of the development. (CIVITAS)

Andrew Haswell Green is too far away. It would be more beneficial for the neighborhood to be impacted by the development to have the benefits of the improvements in the immediate vicinity. (Chu, Grace, Rogove, van der Valk)

The contribution would not serve the neighborhood that is being impacted. The benefits are too uncertain. (Butzel)

Response: As noted in Chapter 3, “Open Space,” of the EIS and acknowledged in testimony at the public hearing, the improvement to Andrew Haswell Green Park will serve many residents of CB8. It is part of the Esplanade that runs north and south along the East River, and it would be attractive to all members of CB8 who are using the Esplanade. There are multiple access points (pedestrian bridges) to the Esplanade including East 63rd Street, East 71st Street, and East 78th Street.

Further, the benefits are not uncertain. As stated in Chapter 3, “Open Space,” of the EIS, the plan for the development of Andrew Haswell Green Park would introduce 1.1 acres of open space that is currently not publicly accessible. CB8 developed a 197-a Plan for the Queensboro Bridge area that included the Andrew Haswell Green Park site. That Plan was adopted by the City Council in the summer of 2006. While the ramp down to the esplanade is open to the public, a 1.1 acre portion of the 1.98 acre Park has not been opened to public access due to lack of sufficient capital funding to complete necessary infrastructure repairs and replacements-in-kind. Work at Andrew Haswell Green Park would include repairs to the piers beneath the platform supporting a portion of the Park; upgrades and repairs to structures; and landscaping, paving, railings, and public access features. As explained in the July 10, 2013 oral testimony of Steve Simon of the Department of Parks and Recreation (DPR), the upgrades would introduce “a large, sloping lawn overlooking the East River that will be perfect for relaxing and enjoying the excellent views year round.” The CB8 resolution approving the DPR plan for Andrew Haswell Green Park describes the plan as “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 community.”

Comment 2: The proposed zoning text amendment should include provisions to guarantee completion of the open space prior to City approval of the application. A long-term strategic maintenance plan should also be included. (CIVITAS)

Response: The contribution is being made to DPR, a public agency. Once the contribution has been made, the applicants will have no control over the timing of the expenditures necessary to complete the improvements. The proposed text amendment takes this into account by requiring that the DPR Commissioner inform the Commission prior to the approval of the special permit that DPR has sufficient funds to complete and open the public park improvement. As with

other public parkland, long term maintenance of Andrew Haswell Green Park will be the responsibility of the City of New York.

Comment 3: The proposed text amendment, which would allow for a floor area increase of up to 20 percent in exchange for the provision of a public park improvement, is undesirable because (1) it could be replicated elsewhere in the City; (2) there is little opportunity for public input or review of the negotiations between the developer, DCP, and DPR regarding the exchange of park improvements for floor area; and (3) the benefits of the park (or possibly other types of) improvements should be located in the immediate vicinity of the proposed project. (Van Der Valk)

The open space improvements should be immediately proximate to the development site to handle negative impacts, and improvements should be commensurate with the valuable FAR increase being considered. Open space improvements should be provided on the site and along the East River Esplanade just across the FDR from the site. (CIVITAS)

Never has a “give back” for a development project served a distant neighborhood other than the people who will directly impacted by the development. (RRD)

Response: (1) The zoning text amendment could be replicated elsewhere in the City to the benefit of Community Districts lacking in open space. However, its applicability is limited to CD8 and its use in any other Community Districts is not part of this proposal and would require a text amendment subject to thorough public review through ULURP and CEQR. (2) DPR and DCP are the departments charged with park planning and general planning for the City. Further, there are public review opportunities in ULURP and CEQR. (3) The proposed actions do not depart from long-term evolution of development sites in the immediate area away from the industrial uses historically located in this area. Nearby residential buildings followed similar land use approval tracks in contributing to the Esplanade due to the existing deficiency of open space and the increased populations they would bring. For example, 515 East 72nd Street and 525 East 72nd Street made improvements to the Esplanade from 71st and 81st Streets and from 63rd to 71st Streets, respectively. Subsequent to its FEIS, 515 East 72 Street was required to improve existing space under DPR jurisdiction on the Esplanade from 103rd Street to 125th Street in accordance with plans and specifications approved by the CPC. With these examples, representing off-site improvements at distances similar to the distance between the site and Andrew Haswell Green Park, it is clear that the various aspects of the proposed actions have strong antecedents in the immediate vicinity.

Comment 4: The City is selling zoning to private bidders. The proposed zoning amendments have been tailored to fit the applicants’ wishes and purposes. (Butzel)

The ill-written text amendment will allow developers an additional 20 percent FAR. This project takes away from the individuals and gives to the corporations. (Eisner)

Response: The proposed zoning text amendment has been tailored to provide additional public parkland within CB8 to relieve its long-standing shortage of open space. It is similar to the Inclusionary Housing program pursuant to which the lower-income housing units that are used to earn the Inclusionary Housing bonus may be new or preserved units in an off-site building located within a ½-mile of the site receiving the bonus in the same or an adjacent Community District.

Comment 5: The proposed text amendment lacks information and specificity. The contribution amount should be defined, and should be commensurate with the increase of value the applicant receives from the increase in floor-area ratio. (CIVITAS)

Response: The text amendment allows both DPR to review and approve the contribution and CPC to review and approve the floor area increase. Prior to the CPC vote the DPR Commissioner will provide a letter to CPC outlining the costs of the improvements. Further, as part of the ULURP process, the City Council and the Mayor can review and approve the costs, the contribution and the floor area increase.

Comment 6: CB8 has asked that the buildings be smaller and that open space be provided on-site. (RRD)

During its application for 1133 York Avenue, MSK said that large floor plates are not required unless surgery is being performed. Why are the floor plates of the proposed MSK building so large? The project is too big. (Grace)

Response: Neither of the resolutions adopted by CB8 asked that the buildings be smaller or that the open space be provided on-site.

There are several healthcare design criteria that influence the envelope of an ambulatory care center. These criteria are developed and regulated through healthcare councils that promulgate codes and standards that health regulators require providers to follow in addition to the New York City Building Code. The design for the proposed MSK ACC will be required to follow the 2010 *Guidelines for Design and Construction of Health Facilities*, published by the Facility Guidelines Institute (FGI). The 2010 FGI Guidelines regulate the physical configuration of almost all health care facilities. Specified items include but are not limited to minimum room and corridor sizes, required vibration criteria for all clinical areas, mandatory support spaces and the number of air changes required in a given space based on the program functions of that space. Each one of these factors subject to the 2010 FGI Guidelines results in the need for larger floor plates and higher floor to floor heights than the New

York City Building Codes or the Zoning Resolution anticipate. The larger floor plates and higher floor to floor heights allow for state of the art radiology and imaging rooms (which require certain adjacencies essential for operational consistency during treatment and patient safety and space for equipment clearance, weight, and vibration requirements). Another critical factor in the bulk analysis of any healthcare facility is the mechanical equipment required for air handling necessary to provide cleaner air for patients, for fume hoods in pharmacy and clinical laboratory areas, and for air conditioning systems. Finally, the MSK ACC building was designed with groups of five or six exam rooms that will function as “clusters.” These clusters on six of the floors need to share required clinical support spaces in a configuration that maximizes efficiency of services, an overall goal that will benefit both the patient and the provider. These clusters must also be within reasonable travel distance for the clinical staff. As stated at the hearing, vertical travel distances work to the disadvantage of the patient’s safety, welfare, and treatment. The reduction of vertical travel throughout such a facility can only be achieved through maximizing the size of the facility’s floor plates so as to reduce the number of floors.

As Dr. Thompson and several of his colleagues testified at the public hearing, the MSK ACC building is designed to accommodate new modalities in cancer treatment as they evolve on other parts of the MSK campus. The building’s floor plates and floor-to-floor heights have been carefully calibrated to work well both today, in the ambulatory environment MSK is presently utilizing and perfecting, and in the future it is shaping as a pioneer in cancer care and treatment.

With regard to the design of the CUNY facility, larger floor plates are also necessary to support the academic and research programs for Hunter College. The academic program is specifically tailored to the needs of the Health Professions departments of Nursing, Physical Therapy, and Medical Lab Science. The teaching spaces for these programs are highly specialized and include: simulation spaces that prepare students to care for patients in a variety of medical environments; areas to study movement, manipulation and treatment of the human body; and laboratory settings that require specialized scientific equipment. These large teaching environments also need to be arranged with appropriate proximity to faculty offices to promote communication and access.

Moving large numbers of students vertically in an academic setting puts additional pressure on elevator and stair requirements that further diminish usable floor area.

The research program requires large and uniform floor plates at the top of the building to ensure critical programmatic adjacencies and efficient distribution of mechanical systems. Higher floor-to-floor heights are required to accommodate the enhanced structure (to limit floor vibration) and to support the necessary

mechanical systems that move high volumes of air through the research environment.

Comment 7: The DEIS does not address and evaluate the threat of flooding of the project site and the implications that has for health and safety. Concerned agencies and the public have not been given the opportunity to comment on the assessment of flooding in the DEIS. An amended DEIS should be circulated with this additional assessment. (Butzel)

The project plans have not been revised to account for FEMA’s new flood zone hazard maps. (Chu, RRD)

The MSK portion of the double building structure will be built in flood hazard zone AE. The AE zone is considered high-rise and requires mandatory flood insurance. (RRD)

The project would result in a health and educational facility in the highest flood zone and priority evacuation area. (RRD)

Response: As stated on page 11-15 in Chapter 11, “Greenhouse Gas Emissions and Climate Change,” of the EIS, given the location of the site near the East River, the MSK ACC design team has taken a proactive approach to reducing the likelihood of flood damage and enabling quicker recovery after potential flooding events.

The project plans have always been calibrated to account for the latest flood zone hazard maps. The preliminary FEMA maps (released June 10, 2013) locate the project site in Zone AE 11. This translates to a base flood elevation flood of 9.35 feet (Manhattan datum). The site is protected up to a level of 13.35 feet by flood barriers at the property line. These flood barriers include below-grade walls that are designed to resist the water and are waterproofed. These walls extend above-grade to 13.35 feet. The CUNY lobby grade is at 13.35 feet and the MSK lobby is at 11.50 feet. Operable flood gates are provided at the edge of the property to extend up to 13.35 feet the entrance, loading dock, and parking areas. This is four feet above the base flood elevation, which exceeds the requirements of the New York City Building Code.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 8: The project would result in a bad land use that does not belong on this narrow, dead end street. (Ashby)

Response: Chapter 2, “Land Use, Zoning and Public Policy,” of the EIS concludes that the proposed project would not result in any significant adverse impacts on land use, zoning, or public policy. The proposed project would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public

policy in the study area. The proposed project would not create land uses or structures that would be incompatible with the underlying zoning, nor would it cause any existing structures to become non-complying. The proposed project would not result in land uses that conflict with public policies applicable to the study area.

The proposed project would result in the construction of a new ambulatory care center and a new science and health professions building, which would complement the existing and planned health- and education-related institutional uses in the study area. The proposed project would be compatible with the residential and commercial uses in the study area, many of which cater to the faculty, staff, and student populations of the institutions. While the development of the two buildings on the project site would represent a change from the No Build condition in which the site would remain largely vacant, this change would add active ground floor uses and would be consistent with (or shorter than) other existing structures in the study area. The setbacks and overhangs of the proposed buildings would contribute to creating a visually dynamic waterfront and become part of the dense surrounding development.

Comment 9: The proposed project requires too many zoning changes and is out of scale and character with the surrounding residential neighborhood. (RRD)

Response: The scale of the proposed project in comparison to buildings in the surrounding area is illustrated in the EIS in Figures 6-10 and 6-12 of Chapter 6, “Urban Design and Visual Resources.” The proposed project is not out of scale with the surrounding residential buildings. There are many tall residential buildings in the area: 515 East 72nd Street which is 38 stories tall, 525 East 72nd Street which is 50 stories tall, a building on East 75th Street which is 38 stories tall, and two buildings on York Avenue which are both 36 stories tall.

While there are residential uses in the area, there are also many industrial and auto-related uses surrounding the site. A large Con Edison station occupies most of the block north of the project site across East 74th Street, its barge fuelling facility occupies the east side of the FDR Drive. There are auto repair shops and parking garages to the west of the proposed project on the same block and along the south side of East 73rd Street.

Further, the proposed rezoning to C1-9 (R10 equivalent) permits both healthcare and educational uses to be developed as a matter of right as community facilities. The permitted uses will be consistent with the predominant zoning districts in the vicinity.

Comment 10: CB8 has asked that DCP reduce the allowable FAR for community facility buildings in R8B areas from 5.1 to 4.0 and that institutions planning new facilities be required to provide public open space. (RRD)

Response: The project site is not in a R8B zoning district.

Comment 11: The proposed text amendment would encourage taller, bulkier buildings throughout the residentially zoned neighborhoods of the Upper East Side. Community facilities are permitted as-of-right because they are considered compatible by zoning definition, which has resulted in an institutionalization of many blocks and neighborhoods of CB8. CB8 has consistently championed zoning changes which support the preservation of the residential character of the Upper East Side by limiting the height and bulk of the buildings. (Slater)

Response: The proposed text amendment can only be used in conjunction with a Large Scale General Development (LSGD). In this case, other provisions of the LSGD are being used to provide for buildings with higher lot coverage and therefore with less height than the zoning would allow. There are many taller residential buildings in the vicinity of the project site. CB8 has recently voted to approve a number of institutional buildings requiring approval from the Board of Standards and Appeals which received additional floor area beyond what zoning of their sites allows, in one case approving an FAR 13.33 for a healthcare facility.

Comment 12: The zoning text amendment would apply only to a large-scale general development in a C1-9 district in Community District 8 in Manhattan, for a predominantly community facility development. There are no LSGDs on the Upper East Side. (Ashby)

Response: While there are no other LSGDs in CD 8, there are a number of Large Scale Community Facility Developments that have similar provisions. Both large scale developments are used throughout the City of New York to provide an opportunity to develop large sites through a discretionary permit process that assures public review and comment. However, as noted, the proposed text amendment is limited to LSGDs.

OPEN SPACE

Comment 13: Not providing new on-site open space sets a bad precedent for future developers. (Popper)

Response: While it cannot be counted in the quantified open space analysis in the EIS based on the guidelines of the *CEQR Technical Manual* because it is not open to the general public, the two buildings have been designed to provide open space for the use of the two institutions' populations as described in Chapter 3, "Open Space," of the EIS. These outdoor spaces as well as interior spaces would be attractive and readily accessible to the employee and student populations generated by the proposed project. An outdoor terrace space of approximately 6,600 square feet (sf) would wrap the north and east faces of both the MSK

ACC and the north face of the CUNY-Hunter Building at the second floor, providing outdoor passive recreation space for CUNY-Hunter faculty, staff, and students as well as MSK staff. The terrace would feature a mix of planters and seating areas; space would also be provided in separated outdoor “rooms” to allow for small group gatherings or casual educational sessions. The CUNY-Hunter Building would have an additional 6,900 sf of interior lobby/lounge space as well as 800 sf of open space in front of its entrance. Faculty, staff, and students from both buildings would also have access to a café and dining area located on the second floor of the CUNY-Hunter Building. In addition, the MSK ACC would provide approximately 10,000 sf of outdoor terrace space on the sixth floor intended for use by patients and visitors.

These exterior and interior gathering spaces would likely diminish the burden placed by new employees or students on public open space resources. Employees or students taking short breaks are more likely to use the more convenient on-site resources than travel to one of the public spaces in the study area, none of which are immediately accessible.

Comment 14: The text amendment would allow for the funding of Andrew Haswell Green Park Phase 2. (McCracken, J. Schneider, M.B. Schneider)

Response: Comment noted.

Comment 15: The exact improvements to Andrew Haswell Green Park that the undisclosed contribution amount would be used for are not identified. It is doubtful that anything significant would be achieved. (Butzel)

Response: As described in Chapter 3, “Open Space,” of the EIS, MSK would make a substantial contribution to DPR for Phase 2B of the park improvement plan for Andrew Haswell Green Park, a 1.98-acre parcel owned by the City and under the jurisdiction of DPR. Andrew Haswell Green Park is located roughly between East 59th Street and East 63rd Street along the East River Esplanade and is outside the study area (see Figure 3-3).

Previously controlled by the New York City Department of Transportation (NYCDOT) and used as a heliport, DPR took control of the parcel in 2007 and began the process of developing it into a public park. CB8 developed a 197-a Plan for the Queensboro Bridge area that included the Andrew Haswell Green Park site. That Plan was adopted by the City Council in the summer of 2006. While the ramp down to the esplanade is open to the public, a 1.1 acre portion of the 1.98 acre Park has not been opened to public access due to lack of sufficient capital funding to complete necessary infrastructure repairs and replacements-in-kind. The funding would be used by DPR for such repairs, replacements-in-kind, and improvements. Based on currently available information, including the very detailed Phase 2B plans for Andrew Haswell

Green Park issued in 2010, work would include repairs to the piers beneath the platform supporting a portion of the Park; upgrades and repairs to structures; landscaping, paving, railings, and public access features. As previously planned, this work would allow DPR to open to the public the previously unavailable 1.1 acre portion of Andrew Haswell Green Park.

Comment 16: The project should be 20 percent open space similar to what is being planned for the Cornell project on Roosevelt Island. This is the standard. (Hartzog)

Response: While the Special Southern Roosevelt Island District text referenced requires at least 20 percent of the lot area of the development parcel to be publicly accessible, the Cornell NYC Tech site is much larger at 12.5 acres than the MSK/CUNY site which is only 66,111 sf. Developing such guidelines for a large site is a reasonable goal, but it is an unrealistic constraint for a site that is so much smaller.

Comment 17: The Con Edison barge and dock area on the East River by the project site is now being given back to the city making it feasible to provide on-site open space and/or spread the building over the FDR Drive. (RRD)

Response: No plans to give the Con Edison barge and dock area back to the City have been announced. However, as stated in the Chapter 2, “Land Use, Zoning and Public Policy,” of the FEIS:

In addition, since publication of the DEIS, it was announced that two parcels along the waterfront and located north and south of the Con Edison oil receiving facility will be improved by Con Edison and opened for public access. These improvements will expand the paved walkway along the FDR Drive, introduce a new walkway along the East River, install a new handrail along the sea wall, and add lawn areas, trees, and benches, totaling approximately 9,392 sf (0.22 acres) of new publicly accessible passive open space in the study area. This improvement is expected to be complete by 2019, the analysis year for the proposed project. While it will not be under the jurisdiction or control of DPR, DPR will be responsible for its maintenance and operation.

While there is a footbridge over the FDR Drive that connects the Esplanade to the sidewalk on the north side of East 71st Street and another footbridge on the south side of East 78th Street, it would not be possible to create another bridge at the project site. In addition to site conditions and the programs of the proposed project, access to the East River Esplanade would not be possible because there would not be space for an Americans with Disabilities Act (ADA)-compliant ramp on the Esplanade.

HAZARDOUS MATERIALS

Comment 18: What plans are in place to manage radiation and chemotherapy waste, pharmaceutical drugs, and radio isotopes, chemicals, vectors, and laboratory animals in the event of a flood? (Chu)

Response: As stated in the EIS, the project architects have taken a proactive approach in planning the buildings to avoid potential flooding issues. Further, both institutions have developed emergency plans for their facilities.

In regard to MSK, outpatient care at this facility would require the use of various types of hazardous materials, as well as generation of certain wastes. In regular operations some hazardous pharmaceuticals and hazardous chemicals would be kept in secure basement storage areas in sealed and labeled containers. Regulated medical waste would be stored in leak and puncture proof plastic containers, and items contaminated by radiopharmaceuticals would be held in a staging room until they have decayed to a non-radioactive baseline. In order to operate this facility responsibly, MSK has developed a plan to avoid the uncontrolled release of hazards into the environment as a result of weather-related flooding. At least 72 hours in advance of the forecasted arrival of a tropical storm or hurricane, the facility's Hospital Incident Command System (HICS) would be activated at Level 1 and the Incident Commander would ask for a Situational Assessment of risks and begin to consider predetermined avoidance activities to protect against physical and environmental damages. The Safety Officer would prepare for activation of this impact avoidance plan. At 48 hours before the forecasted arrival of the storm, the HICS Logistics Section Chief would make arrangements with the contracted vendor to pick up all accumulated regulated medical and "chemo" wastes from the facility within 24 hours. At 24 hours before the forecasted storm arrival, the HICS Logistics Chief would order the safe transfer of all hazardous wastes in basement storage rooms to a secure mechanical equipment room (MER) which is at an elevation of over 44 feet above street level. Prior to relocation of the wastes, spill pallets and temporary berms will be established in the MER in order to protect floor drains from accepting accidental leaks from any of these materials. Locations for safe waste storage would be established by the Safety Officer in order to assure proper chemical segregation and protect from radiation exposure. These wastes would remain in the MER until the confirmed passing of the storm. It is expected that new hazardous waste generation during the storm will be greatly reduced due to few patients being treated and/or patient appointment cancellations. Hazardous wastes generated on patient care floors would remain in these locations until the storm ends. The Logistics Chief would order the inspection of the basement level storage rooms and await confirmation that no water damage has occurred that would compromise the safe relocation of wastes back to this location. Upon confirmation that the sub-basement is safe, the

Logistics Chief would order the safe return of hazardous wastes to their normal storage areas.

It is noted that emergency power generation equipment is located at an upper level of the building well above any possible flood levels so the required power to secure the facility would remain consistently available throughout the storm and its aftermath.

All chemicals (pharmaceuticals, radioactive materials, substances controlled by the United States Drug Enforcement Agency [DEA], etc.) are managed by the Environmental Health and Safety (EHS) office, according to Hunter's Institutional Chemical Hygiene and Radiation Safety Plan. All chemical waste is disposed according to regulatory mandates. Chemicals, including radioactive and DEA-controlled substances, would be stored in water-resistant containers on shelving that is above the project's Design Flood Elevation (which exceeds the requirements of the New York City Building Code for this building type and location) with water-reactive chemicals occupying the top shelves thus minimizing the potential of water damage. In the event of a catastrophic flood, Hunter's emergency waste management vendor would manage the waste and its disposal.

Hunter's Institutional Biosafety Committee oversees all work that involves vectors and infectious agents, and it dictates the level of bio-security for laboratories that work with these agents. All biochemical laboratories where these agents are handled and stored would occupy the upper floors of the building, thus eliminating the risk of flooding of these areas. If a catastrophic flood prevents proper care of infectious vectors or infectious agents, the EHS would initiate their destruction in accordance with the guidelines for each agent. Should this happen, Hunter would use its emergency waste management vendor to manage the waste and its disposal.

The Animal Facility would occupy an upper floor in the building, well above any flood level. In the case of a catastrophic flood affecting the building's lower floors, employees of the Animal Facility are required to report to work in order to take care of the animals. If a catastrophic flood prevents proper care of any animals (loss of systems such as heating, ventilation, cooling, or the provision of potable water), the animals would be humanely culled according to methods consistent with the American Veterinary Medical Association Guidelines on euthanasia.

Emergency generators, associated pumping equipment and fuel storage have been designed to maintain operation in a flood condition. Emergency generator fuel fill is accessible at the highest elevation of the site, well above the project's Design Flood Elevation.

TRANSPORTATION

Comment 19: A comprehensive traffic study in consultation with the community board, the Borough President's office, and other local elected representatives should be performed to achieve solutions to traffic issues relating to existing and future development along the York Avenue corridor. (Stringer)

Borough President Scott Stringer recommended conditional approval of the project and as one of his conditions called upon NYCDOT to conduct a comprehensive traffic study of York Avenue in consultation with CB8, the Borough President's Office, EDC, and local elected representatives. This study is long overdue. I and many others called for this action many years ago. (Lappin)

Borough President Scott Stringer's recommendation for a comprehensive, independent traffic study of York Avenue is a good idea. (M.B. Schneider)

Response: Comment noted.

Comment 20: According to the DEIS, the development would bring an additional 8,569 people into the area, including patients, staff, and visitors. An additional 1,680 vehicles would enter and leave the area daily, further crowding what is an already dangerously congested area. (Lappin)

Safety is a major concern. The project would result in over 1,600 vehicles per day, exacerbating already dangerous crossings particularly at the intersections of East 72nd Street and York and First Avenues, and East 79th Street and York Avenue, and delaying public transit. The additional 8,500 people and 1,680 vehicles per day must result in impacts. The installation of pedestrian signage, countdown timers, and repainting of crosswalks will not improve pedestrian safety. (Chu, Popper, Rogove)

Existing institutions (Hospital for Special Surgery, Memorial Sloan Kettering, New York Presbyterian Hospital and Weill Cornell Medical College, and Rockefeller University) and 8 public schools generate 33,386 pedestrians per day, excluding visitors. Together with the new HSS and NYPH buildings, the proposed project would bring 15,000 new people to the neighborhood every day, not including additional students, staff, patient transportation vehicles, private cars, taxis, ambulettes, Access-a-Ride vans, intercampus shuttle buses, or delivery, FedEx, or sanitation trucks. The DEIS does not assess the proposed surge in vehicular and foot traffic in one of the most congested areas in NYC. (RRD)

Response: The *CEQR Technical Manual* notes that high accident locations are defined as those with 48 total crashes or 5 or more vehicular-bicycle/pedestrian accidents within a 12-month period. As noted on pages 9-42 to 9-45 of the EIS, the intersections of East 72nd Street at York Avenue and First Avenue are classified

as high-accident locations. (The intersection of East 79th Street and York Avenue is not a high-accident location). The analysis concluded that since the predicted impacts at these intersections could be fully mitigated with standard traffic engineering measures, the proposed project is not anticipated to exacerbate any of the current causes of pedestrian-related accidents. Nonetheless, as noted on pages 9-44 to 9-45 of the EIS, additional safety measures, such as the installation of countdown timers on pedestrian crosswalks, installation of pedestrian safety signs warning turning vehicles to yield to pedestrians in the crosswalk, and restriping faded crosswalks, can be implemented to improve pedestrian safety at these two intersections.

As described on pages 9-32 and 9-36 of the EIS, the proposed project would not result in any significant adverse impacts to public transit.

Chapter 9, "Transportation," includes traffic and pedestrian analyses for peak hour conditions, during which background and project-generated trips are the highest. In addition, the analyses are based on existing conditions, which account for existing levels of vehicle and pedestrian activity, and include estimates of vehicle and pedestrian trips for known development projects in the study area that would be complete by the project's Build year.

Comment 21: The DEIS does not discuss the impact of traffic on the M31 bus. (Chu)

Response: A detailed assessment of several key York Avenue intersections was included in the traffic analysis, which accounts for all vehicles traveling along York Avenue, including the M31 bus (see Chapter 9, "Transportation"). Where impacts were identified, mitigation measures were recommended and determined by NYCDOT to be feasible to mitigate the impacts (see Chapter 17, "Mitigation"). The only exceptions are the impacts identified at York Avenue and East 79th Street.

Comment 22: East 73rd Street serves as a southbound entrance to the FDR Drive where traffic backups are routine on north- and southbound York Avenue as well as East 73rd Street. The service entrance for the ambulatory care center would be on 73rd Street, bringing further congestion to this narrow two-way street. (Lappin)

Response: As presented in Chapter 17, "Mitigation," of the EIS, the proposed traffic mitigation measures (including left-turn prohibitions, parking prohibition, and signal timing changes) would fully mitigate the significant traffic impacts at the intersection of York Avenue and East 73rd Street so that it would operate at service levels similar to the future conditions without the proposed project. In addition, as noted above in Comment 19, the Manhattan Borough President has recommended that NYCDOT, in coordination with the local community and elected officials, conduct a comprehensive traffic study of York Avenue. This

MSK/CUNY-Hunter Project at 74th Street

study could potentially identify additional improvement measures to relieve the congestion on East 73rd Street.

The service entrances for the MSK ACC and CUNY-Hunter Building loading docks located on East 73rd Street would facilitate head-in and head-out operations for delivery trucks; therefore, minimizing potential conflicts with the traffic along East 73rd Street.

Comment 23: MSK is using the impact of their new development to support the argument to turn York Avenue into a one-way street. Turning York Avenue into a one-way street will devastate transit options in the neighborhood. (Chu)

Response: The applicants have not recommended nor requested that York Avenue be converted into a one-way street.

Comment 24: East 74th Street, a narrow two-way, dead end street with mixed use businesses and a nursery school, would serve as the entrance to both the MSK ACC and CUNY-Hunter buildings. This narrow side street already suffers traffic problems that will 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. (Lappin)

Traffic from the proposed project will exacerbate already congested streets, particularly these dead end streets. (Chernoff, Eisner, Rogove)

Can we break through the Jersey barrier at the end of 74th Street and reserve an easement to widen the lane coming off the FDR at East 74th Street. (Hartzog)

Response: As described on page 9-6 of the EIS, travel modes for the patients and visitors were provided by MSK based on transportation surveys conducted at their existing facilities. And the projected travel profile for patients and visitors were reviewed with MSK to arrive at consensus on their reasonableness and to ensure their consistency with MSK's current practice and expectations for the new ACC facility. As part of the proposed project, a set-back circulation area would be constructed in front of the MSK building to manage pick-up/drop-off and garage access/egress activities. As shown on Figure 1-4, the CUNY-Hunter Building, which would generate primarily pedestrian trips, would have a set-back pedestrian circulation area in front of the East 74th Street lobby.

As presented in Chapter 17, "Mitigation," of the EIS, the proposed traffic mitigation measures (including parking prohibition and signal timing changes) would fully mitigate the significant traffic impacts at the intersection of York Avenue and East 74th Street. Any potential improvements on the FDR Drive, as suggested in the comment, are subject to additional studies of their feasibility, benefit, and impacts, and are outside of the scope of this EIS.

Comment 25: On-street parking in the area is generally at or near full utilization during weekday daytime hours and the DEIS 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 ¼-mile parking study area radius. Drivers will be roaming up and down already congested streets looking for parking spaces and/or parking garages that have availability. (Lappin)

Patients who are ill are more likely to be unable to walk from York Avenue to MSK's entrance located adjacent to the FDR Drive. The only way to reach the proposed facility is by private car, taxi, ambulette, Access-a-Ride, intercampus shuttle, or on foot. The project would result in a loss of 411 public parking spaces, and would result in a demand for 504 cars looking for a parking space daily, and the project would provide only 248 spaces. There is not enough parking for patients, staff, or visitors on the project site, and local workers would also need parking. Vehicles will drive around the residential streets looking for parking, causing safety and pollution issues and clogging the streets (RRD)

With the proposed project 8,500 people per day would travel to the block. Why would they walk or take transit? Patients are discouraged from taking transit, some are too weak to walk. The proposed project would not provide enough parking, and vehicles circling for parking would affect traffic and air quality. (Grace)

Response: As described on page 9-48 of the EIS, the proposed project would displace the current 128 space public parking lot on the project site and would replace it with a 248 space off-street accessory parking facility for MSK patients and visitors. For a conservative analysis, only the 166 spaces permitted as-of-right was assumed for the parking analysis. The proposed project would generate a maximum parking demand of approximately 635 spaces (page 9-49 of the EIS), some of which would be accommodated by the on-site accessory garage and the remaining would seek public parking in the study area. By not providing more parking on-site, the projected site-generated traffic would be dispersed and not concentrate at the project site or along East 74th Street.

NEIGHBORHOOD CHARACTER

Comment 26: The proposed project would allow a private institution to alter the scale and character of the existing residential neighborhood. A new sanitation garage that would comply with existing zoning or a park should be considered for the site. (Mulcahy)

Community character is not, as the DEIS would have it, simply a matter of taking isolated categories and asserting that in none of them there will be a significant impact and therefore, community character will not be adversely

affected. The size and uses of this project would transform the community north of 72nd Street from a primarily low-and mid-rise residential community with neighborhood stores and a local elementary school into a vast assembly of medical institutions, resulting in an impact to community character. Significant impacts from project traffic would affect neighborhood character. (Butzel)

The area is zoned for much smaller buildings. The vehicle and pedestrian traffic and noise from the project will negatively impact the area. (Chernoff)

Response: As shown in Response to Comment 9, above, the neighborhood has a large number of industrial uses including a Con Edison station and a number of the nearby residential buildings are as tall or taller than the proposed buildings. Further, Chapter 14, “Neighborhood Character,” of the EIS was prepared in conformance with the guidelines of the *CEQR Technical Manual*. The history of this neighborhood has been one of transition from industrial roots to a mixed use neighborhood of medical institutions and residential development. The majority of the residential buildings in the neighborhood were constructed during or after the development of the medical corridor which the project site borders.

Comment 27: This is a quiet neighborhood. (Chu)

Response: Chapter 12, “Noise,” in the EIS states that at all receptor sites surrounding the project site—FDR Drive between 73rd and 74th Streets, 73rd and 74th Streets between York Avenue and the FDR Drive—vehicular traffic from FDR Drive was the dominant noise source. Noise from the immediately adjacent streets was also audible on 73rd Street and 74th Street. Measured levels are moderate to high and reflect the level of vehicular activity on the adjacent streets. In terms of the CEQR criteria, the existing noise levels at the FDR Drive site would be in the “clearly unacceptable” category, existing noise levels on 73rd and 74th Street would be in the “marginally acceptable” category.

Comment 28: The Sanitation Garage was an excellent neighbor. (Eisner)

Response: Comment noted.

Comment 29: The 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. (Butzel, Grace, Greenstein, RRD)

Response: See Responses to Comments 9 and 26. Further, mitigation measures for traffic impacts have been proposed and accepted by NYCDOT for all but one location. The project would also provide a major public park improvement to Andrew Haswell Green Park on the Esplanade but outside the open space study area via the proposed text amendment.

ALTERNATIVES

Comment 30: The Alternatives analysis presented in the DEIS does not analyze a residential use or sanitation garage. It only analyzes a combined hospital-educational facility. (Butzel)

A new Sanitation garage with a park on the roof overlooking the waterfront or a residential building should be developed on the site. (Mulcahy)

Response: The State Environmental Quality Review Act (SEQRA) and CEQR do not require that Alternatives analyses consider uses which do not fulfill the goals of the project. The purpose and need for the proposed project is described in the EIS in Chapter 1, "Project Description." As the RFP indicated, the City preferred that the DSNY garage be co-located with the institutional facility but allowed for a relocation scenario in which the garage would be located in Manhattan as close to CD6 and CD8 as possible. SEQRA does not require the City to invite responses that provide for all possible alternative uses for a site when issuing an RFP for a site.

It is also noted that DSNY has held a Scoping Meeting for the DEIS for its proposed garage at the East 25th Street site on May 24, 2013.

Comment 31: Alternative sites, including the Sotheby's site at the corner of East 72nd Street and York Avenue, the Brookdale site on East 25th Street, and regional sites outside Manhattan, should be considered for the proposed project. (RRD)

The project should be developed elsewhere. (Ashby)

Response: Sotheby's building is unsuitable due to the extensive reconstruction that would be required to accommodate the programs and the mechanical needs for the outpatient use of MSK. For example, the floor-to-floor heights are too shallow to accommodate the requirements for the medical treatment facilities. At approximately 505,040 gross square feet (gsf), and built to its maximum permitted zoning floor area, the existing Sotheby's building would not begin to meet the program needs that would be housed in the proposed buildings that total approximately 1.1 million gsf. Further, the ground level could not accommodate the valet parking operations needed for cancer patients and the internal truck maneuvering and the loading docks that are provided in the proposed buildings.

The Brookdale site, similar to the former Cabrini Hospital site recently rejected by MSK is too far removed from the main MSK campus. While MSK is providing regional treatment facilities, the focus of the proposed ACC is to collaborate with existing programs and research on its main campus. However, the proposed facility is planned to treat New York City patients.

MITIGATION

Comment 32: The DEIS identified significant adverse impacts on traffic at 11 intersections within the study area. At East 79th Street and York Avenue, the impacts could not be mitigated. Also, East 72nd Street at York and First Avenues were found to be high accident locations; the recommended mitigation, which includes modifying signal timing, installing no standing signs and turn signals, and prohibiting turns at intersections on certain streets, appear woefully inadequate. (Lappin)

The one-second change in signal timing proposed in the DEIS as mitigation at East 73rd Street would not solve the traffic problem. (Hartzog)

Response: The proposed mitigation measures have been vetted and approved by NYCDOT as appropriate in mitigating the predicted significant adverse traffic impacts from the proposed project. Specifically, at the intersection of York Avenue and East 73rd Street, contrary to the commenter's assertion, the approved mitigation measures include signal timing changes of various durations during different peak periods, prohibiting northbound left-turns during daytime hours, and eliminating parking at the intersection's southbound approach. Between the Draft and Final EIS, additional measures were explored at the York Avenue and East 79th Street intersection. However, none were found to be feasible. Therefore, this impact would remain unmitigated.

With regard to high accident locations, see Response to Comment 20.

Comment 33: As open space mitigation, the applicant should explore decking over the FDR Drive to create new parkland for the community. Improvements to East 74th Street should be reconsidered to accommodate the increase in pedestrians and automobiles. (CIVITAS)

Response: Decking over the FDR Drive for open space is beyond the scope of the proposed project.

The EIS Transportation analysis did not show a pedestrian impact. Mitigation was provided for the traffic impact identified at East 74th Street and York Avenue. Further, both buildings have been designed to accommodate the arrivals and departures of their users. The CUNY-Hunter Building has been designed to provide an ample entrance area both on the interior and exterior for pedestrian access. The MSK ACC entrance accommodates patients arriving by automobile with ample space for valet parking pick-up and auto return. Thus, the necessary improvements on East 74th Street have been provided in the design.

COMMENTS NOT DIRECTLY RELATED TO THE DEIS ---PROCESS

Comment 34: The City modified the Request for Proposals (RFP) for the project site to allow health and educational uses only, without effort to comply with SEQRA and without evaluating residential or sanitation garage uses. This is a violation of the law. (Butzel)

Response: In May of 2011 EDC on behalf of DSNY issued an RFP for the sale and development of what is now the site of the proposed project. This initial and only RFP issued for the site sought to leverage the site's location to further amplify New York City's ability to fuel growth in health care, research, and education. The terms of the RFP limited eligible responses to the expansion or creation of a health care, education, or scientific research facility. As the RFP indicated, the City preferred that the DSNY garage be co-located with the institutional facility. However, the RFP also allowed for a relocation scenario in which the garage would be located in Manhattan as close to CD6 and CD8 as possible. No proposals were received that would have co-located the DSNY garage and the institutional facility. SEQRA does not require the City to invite responses that provide for all possible alternative uses for a site when issuing an RFP for a site.

Identification of project goals—in this case leveraging the site's location to further New York City's ability to fuel growth in health care, research and education—does not require review under SEQRA. Residential uses would not be consistent with the goals of the project, and analysis of uses that would not be consistent with the goals of the project is not required. Moreover, the lack of responses co-locating a sanitation and institutional facility rendered environmental analysis of a co-located Sanitation and institutional facility unnecessary.

Comment 35: 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. (Lappin)

Response: DSNY had operated a garage at this location for 50 years, and the facility was obsolete in 2008 when demolition was begun to make way for a new garage. However, due to budget constraints, there were no capital funds for the DSNY garage, and the start of construction was delayed indefinitely. As a result the City sought ways to finance this important investment with limited impact on the City's capital budget. The RFP, which allowed a relocation scenario, was a financing structure that would provide for the much-needed DSNY garage to be built at little expense to the taxpayers while also providing for the expansion of quality jobs and permanent employment opportunities.

Comment 36: The May 8 Community Board 8 vote on the ULURP application was a charade. The work of the MSK-CUNY Task Force was ignored and the Task Force Resolution was never read to the full Board. The Community Board voted for the zoning text amendment and the other portions of the ULURP application after the Task Force wrote a resolution opposing them. (Mulcahy, RRD).

The resolution passed at the Task Force meeting was never read into the record or reviewed by the CB8 full board prior to the vote on May 8th. (Eisner, Gallagher, Greenstein)

Response: As noted in the testimony of Larry Parnes (CB8 co-secretary) during the July 10, 2013 DEIS hearing (see **Appendix F**), the Task Force recommendations were included in the materials distributed to the Community Board members prior to the Land Use Committee meeting on May 8, 2013. Further, prior to the Board's May 8 vote, the CB8 Chair noted that the Task Force had adopted negative recommendations. Therefore, the Community Board members had received the Task Force recommendations in advance of the meeting, and the Chair had reiterated that they were negative. Nonetheless, the resolutions that were adopted were introduced as substitute motions and duly approved.

Comment 37: The applicants offered the community as little as possible as long as possible to gain approval of the proposed project. Finally on March 13, 2013 the applicants told CB8 that they would put forward a text amendment to provide for the improvement of an open space within the Community District within one mile of the project site in exchange for a 2 FAR increase on the project site. The open space, although not named in the text amendment, was indicated to be Andrew Haswell Green.(RRD)

Response: While the identification of the specific open space to be improved may not have been determined until later, the Draft Scope of Work for the proposed project issued on October 2, 2012, stated that one of the proposed actions would be a text amendment that would establish a new special permit that would allow up to an additional FAR 2 for support of off-site public improvements.

Comment 38: When the park improvement was announced CB8 members asked (1) how much money would be given to the park and (2) why money wasn't given to closer park areas with active recreational space (including the Esplanade) that were damaged by Sandy. (RRD)

Response: (1) Prior to the CPC vote the DPR Commissioner will provide a letter outlining the costs of the improvements to be funded by the proposed project. (2) The EIS states that other parks and public open spaces in the study area were considered, but were not found to be feasible. There are no large unused City-owned properties in the study area. The Upper East Side and CD8 are considered highly desirable places to live, and unutilized or underutilized sites (other than

the project site) are not owned by the City. At 1.1 acres, the area of Andrew Haswell Green Park to be improved and made accessible to the public represents a considerable benefit.

John Jay Park to the north of the project site is well-maintained, well-programmed and fully open to the public. At 3.31 acres it is the largest open space within the study area and has active and passive recreational facilities, including two swimming pools, basketball courts, a recently improved playground and benches. It is described by DPR as “a park well cared for by its neighbors” and “an active and vital center of the Upper East Side Community.”

Improvements to Andrew Haswell Green Park therefore would be more beneficial. Even with the recently announced improvements to the north and south of the Con Edison oil receiving facility the East River Esplanade across the FDR Drive from the project site is a narrow tract that leaves no space for an ADA-compliant pedestrian bridge to touch down. Improvement to Andrew Haswell Green Park would allow 1.1 acres of the currently inaccessible open space to be opened to the public, and would amount to a substantial contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging.

Comment 39: We are astonished at the whole application process. First, the RFP was issued for a use that’s not legal on the site because it is zoned M3-2. Then a zoning map change from M3-2 to C1-9 is requested, and the applicant wants nothing to do with. The applicant wants to waive all its provisions, height, setbacks, lot coverage, rear yard requirements, side yard requirements, bulk, signage, and parking requirements. (Ashby)

Response: The RFP instructed respondents to identify the land use actions, including a rezoning and any zoning special permits or authorizations that would be necessary to facilitate their proposed projects. It also stated on page 11: “It is anticipated that the developer would require and seek a rezoning for the Site which would allow for the development of the Project.”

The use regulations on the site as currently zoning for manufacturing preclude education or healthcare uses. There are few, if any, residential or commercial districts to which the site could be rezoned that would allow as a matter of right the large floor plates that these institutions’ programs require.

Comment 40: MSK did not pay enough for the site. (RDD, Rogove)

The project would result in a giveaway of a parcel of land by the City that will cost the taxpayers at least by some estimates \$300 million. No one could or would disclose how much this project would cost. This project will be financed by the Dormitory Authority of the State of New York, and MSK and CUNY-Hunter will receive a benefit from the cost of financing for that. That will cost

MSK/CUNY-Hunter Project at 74th Street

the taxpayers of this City and State upwards of almost a half billion dollars.
(Hartzog)

Response: Comment noted.

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