



STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Date: May 9, 2022

Lead Agency: Dormitory Authority of the State of New York
515 Broadway
Albany, New York 12207-2964

Applicant: Memorial Sloan Kettering Cancer Center
1275 York Avenue
New York, New York 10065
(New York County)

This notice is issued pursuant to the *State Environmental Quality Review Act* (“SEQRA”), codified at Article 8 of the New York Environmental Conservation Law (“ECL”), and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations* (“N.Y.C.R.R.”), which collectively contain the requirements for the *State Environmental Quality Review* (“SEQR”) process.

Dormitory Authority of the State of New York (“DASNY”), as lead agency, has determined that the Proposed Action described below would not have a significant adverse effect on the environment and a Draft Environmental Impact Statement (“DEIS”) will not be prepared.

Title of Action: Memorial Sloan Kettering Cancer Center
Acquisition of Three Properties (2022 Financing Project)
(Other Independent Institutions Program)

SEQR Status: Unlisted Action – 6 N.Y.C.R.R. 617.2(al)

Review Type: Coordinated Review

Description of Proposed Action and Proposed Project

The Dormitory Authority of the State of New York (“DASNY”) has received a funding request from Memorial Sloan Kettering Cancer Center (“MSKCC”) for its *Acquisition of Three Properties (2022 Financing Project)* (“Proposed Project”). For purposes of SEQRA, the Proposed Action would involve DASNY’s authorization of the issuance of tax-exempt and/or taxable, fixed and/or variable rate bonds to be sold at one or more time, through a negotiated offering, a competitive basis, and/or a private placement, pursuant to DASNY’s Other Independent Institutions Program. The Proposed Project would consist of the following components:

Acquisition of Three Properties. MSKCC's acquiring, improving, and equipping three properties in Manhattan, New York County, in whole or in part, as follows:

321 East 61st Street (Joy Building). Acquiring, improving, and equipping of the approximately 100,000-gross-square-foot subject property for continued use as an academic office building. MSKCC has leased the building since December 2019.

885 Third Avenue (Lipstick Building). Acquiring, improving, and equipping of approximately 308,000 rentable square feet within the subject property for use as academic and corporate office space.

430 Main Street (Roosevelt Island). Acquiring, improving, and equipping 104 residential units (approximately 68,616 rentable square feet) in the subject property for use as employee housing. Occupancy is expected in 2024.

Renovation and Equipment Purchases. Renovation activities and the purchase of equipment at other MSKCC facilities in Manhattan, New York County, as follows:

Memorial Hospital for Cancer and Allied Diseases (1275 York Avenue). Installation of turnstiles in the lobby to enhance security; relocation of a security desk; renovation of additional space; purchase of replacement radiology equipment; and renovation of existing space to accommodate new equipment.

David H. Koch Center for Cancer Care (530 East 74th Street). Interior fit-out of an ambulatory operating room suite and the renovation of existing space to accommodate additional operating room capacity.

Rockefeller Outpatient Pavilion (160 East 53rd Street). Renovation of existing space to relocate clinical services and equipment.

Mortimer B. Zuckerman Research Center (417 East 68th Street). Purchase and installation of equipment.

Rockefeller Research Laboratories (430 East 67th Street). Purchase and installation of equipment.

Location of Proposed Project

The Project Sites are located at 321 East 61st Street; 885 Third Avenue; 430 Main Street; 1275 York Avenue; 530 East 74th Street; 160 East 53rd Street; 417 East 68th Street; and 430 East 67th Street, Manhattan, New York County, New York.

Description of the Institution

Memorial Sloan-Kettering Cancer Center (the “Center Corporation”) is part of a group of corporations that make up the oldest and largest privately-operated not-for-profit cancer center in the world. The other corporations in the group include Memorial Hospital for Cancer and Allied Diseases (the “Hospital”), Sloan-Kettering Institute for Cancer Research, S.K.I. Realty, Inc., MSK Insurance US, Inc., the Louis V. Gerstner Jr. Graduate School of Biomedical Sciences and MSK Insurance, Ltd., collectively (the “Related Corporations”) and, collectively with the Center Corporation. The Hospital, a 514-bed licensed specialty hospital traces its roots to the New York Cancer Hospital, founded in 1884 as the nation’s first cancer hospital. The Hospital is the premier institution for setting the standard of care for cancer patients and countless discoveries in clinical research have occurred here that have led to standard-setting innovations in all areas of cancer diagnosis and treatment.

Reasons Supporting This Determination

Overview. DASNY completed this environmental review in accordance with the procedures set forth in the *SEQRA*, codified at Article 8 of the New York *Environmental Conservation Law* (“*ECL*”), and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations* (“*N.Y.C.R.R.*”), which collectively contain the requirements for the *SEQR* process. The Proposed Project was reviewed following the procedures of the *State Environmental Quality Review* (“*SEQR*”). The *New York City Environmental Quality Review* (“*CEQR*”) *Technical Manual* (December 2021 Edition, as revised) was used as a guide with respect to environmental analysis methodologies and criteria for evaluating the Proposed Project’s potential effects on the environment.

The Proposed Project was also reviewed in conformance with the *New York State Historic Preservation Act of 1980* (“*SHPA*”), especially the implementing regulations of Section 14.09 of the *Parks, Recreation and Historic Preservation Law* (“*PRHPL*”), as well as with the requirements of the Memorandum of Understanding (“*MOU*”), dated March 18, 1998, between DASNY and the New York State Office of Parks, Recreation and Historic Preservation (“*OPRHP*”).

Additionally, the Proposed Project was analyzed for consistency with the State of New York *Smart Growth Public Infrastructure Policy Act* (“*SGPIPA*”), Article 6 of the New York *ECL*, for a variety of policy areas related to land use and sustainable development. The *Smart Growth Impact Statement Assessment Form* (“*SGISAF*”) is included with this determination.

Representatives of DASNY reviewed *Short Environmental Assessment Forms – Part 1* (“*SEAF –Part 1*”), dated April 7, 2022 (attached) for the three property acquisitions, and determined that the Proposed Project constitutes an Unlisted Action pursuant to 6 *N.Y.C.R.R.* 617.2(al) of the

SEQR implementing regulations. On April 8, 2022, DASNY circulated a lead agency request letter, including the SEAFs – Part 1 as well as a *Distribution List of Involved Agencies and Interested Parties* to whom the lead agency letter was sent. There being no objection to DASNY assuming SEQR lead agency status, a coordinated review among the involved agencies was initiated.

DASNY representatives discussed the Proposed Project’s environmental effects with representatives of MSKCC, as well as representatives of the involved agencies. DASNY subsequently completed an evaluation of the magnitude and importance of project impacts, as detailed in the *SEAF – Parts 2 and 3* (see attached). **Based on the above, and the additional information set forth below, DASNY as lead agency has analyzed the relevant areas of environmental concern and determined that the Proposed Project would not have a significant adverse effect on the environment.**

General Findings. The purpose of the Proposed Project is to acquire, improve, and equip modern medical, research, and residential facilities for patients, visitors and employees of MSKCC.

SEQR. DASNY’s overall SEQR classification for the various elements of the proposed financing is Unlisted. The renovations and equipment purchases are Type II actions under SEQR as specifically designated by 6 N.Y.C.R.R. § 617.5(c)(2) and 617.5(c)(31), respectively. Type II actions “have been determined not to have significant impact on the environment or are otherwise precluded from environmental review under *Environmental Conservation Law*, article 8.”¹ Therefore, no further SEQR determination or procedure is required for any component of the Proposed Project identified as Type II. It is the determination of DASNY that these components of the Proposed Project would not cumulatively result in significant adverse environmental impacts.

Hence, the environmental review which follows focuses on the *Acquisition of Three Properties*, referred to hereafter as the “Proposed Project.”

New York State Smart Growth Public Infrastructure Policy Act. DASNY’s Smart Growth Advisory Committee reviewed the *SGISAF* that was prepared in accordance with the *SGPIPA* and found that, to the extent practicable, the Proposed Project would be consistent with and would be generally supportive of the smart growth criteria established by the legislation. The compatibility of the Proposed Project with the criteria of the *SGPIPA*, Article 6 of the *ECL*, is detailed in the attached *SGISAF*. In general, the Proposed Project would comply with the relevant State and local public policy initiatives that guide development within the project area.

Potential Impacts. DASNY, as lead agency, has inventoried all potential resources that could be affected by the Proposed Project or action, and assessed the magnitude, duration, likelihood, scale, and context of the Proposed Project and determined that no impact, or a small impact, may occur to the following resources: Land Use, Zoning and Public Policy, Socioeconomics,

¹ 6 N.Y.C.R.R. § 617.5(a).

Community Facilities, Open Space and Recreational Facilities, Cultural Resources, Architectural Design and Visual Resources, Neighborhood Character, Natural Resources, Hazardous Materials, Infrastructure, Solid Waste and Sanitation Services, Use and Conservation of Energy, Transportation, Air Quality, Noise, and Construction (see *SEAF – Parts 2 and 3*). No potential negative long-term or cumulative impacts or significant adverse environmental impacts were identified in connection with the Proposed Project.

Summary. DASNY has reviewed the Proposed Project using criteria provided in Part 617.7 of *SEQRA* and has determined that:

- (i) there will be no substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; no substantial increase in solid waste production; and no substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will be no removal or destruction of large quantities of vegetation or fauna; no substantial interference with the movement of any resident or migratory fish or wildlife species; no impacts on a significant habitat area; no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) there will be no impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;
- (iv) there will be no creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) there will be no impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) there will be no major change in the use of either the quantity or type of energy;
- (vii) there will be no creation of a hazard to human health;
- (viii) there will be no substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will be no encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) there will be no creation of a material demand for other actions that would result in one of the above consequences;
- (xi) there will be no changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;
- (xii) there will not be two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision; and
- (xiii) there will be no other significant adverse environmental impacts.

Based on the above, and the additional information contained herein, DASNY, as lead agency, analyzed the relevant areas of environmental concern and determined that the Proposed Project would not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.

For Further Information:

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