



NEW YORK STATE SENATOR

Liz Krueger

## Testimony Before the Board of Standards and Appeals Regarding the Construction Permit for Kettering Research Laboratory Building on June 17, 2003

LIZ KRUEGER July 12, 2010

I am State Senator Liz Krueger and I represent the district in which this proposed facility would be situated. While I am submitting testimony out of concern for the well-being of the community that is faced with this project, I am also greatly concerned about the negative precedent that the Board of Standards and Appeals would set if it upholds the granting of this Building Permit. Simply stated, the Department of Buildings should not have granted a permit for a research laboratory to be built in a densely residential neighborhood. The Zoning Resolution appropriately relegates research laboratories to manufacturing zoning districts, and it is therefore not surprising that this community will bring its legitimate concerns to your attention today—a wide range of concerns that all directly relate to the problem of having this facility located in a residential neighborhood. If this permit were allowed to stand, the BSA would be setting a negative precedent by defying the Zoning Resolution and obliterating the criteria used to define “hospital related” and community facilities.

Because the issuance of this permit directly undermines the integrity of the Zoning Resolution, I am compelled to speak briefly and broadly about the importance of zoning in regulating the built environment—both as a mechanism for good planning and a resource for residential neighborhoods to protect themselves from harmful or incompatible development. It is difficult to overstate the importance of zoning. It deliberately encourages the most appropriate use of land, helps maintain the character of neighborhoods, facilitates the provision of transportation, schools, and parks, lessens traffic congestion and overcrowding, contains damage from fires and other dangers, and prevents landowners from using their properties in ways that are injurious to communities. As you will hear throughout today’s testimony, each of these functions of zoning would be undermined by allowing this facility to be built in this residential neighborhood.

As the Department of Buildings correctly argued in a document dated May 21, 2001, the proposed facility is a research laboratory that is specifically listed in Use Group 17, and, therefore, must be located in a Manufacturing Zoning District and may not be located in the R8/R9 zoned site. It is both irrelevant and disingenuous to assert that the proposed building is either a “hospital related” facility or an accessory to Memorial Hospital. The Applicant’s attorneys have explicitly and repeatedly demonstrated that the laboratory will be neither owned nor operated by any hospital, nor will it provide or support any of the functions of a hospital. In addition, it would not be on the same zoning lot as a hospital and the proposal does not require the filing of a Certificate of Need with the New York State Department of Health. The

bottom line is that the proposed facility falls squarely within the definition of the Use Group 17 category, which has no provision for accessory use and as a more specific listing, it controls. A decision by the BSA which implies that this building is a hospital related facility would profoundly undermine the integrity of the zoning resolution and establish a precedent that leaves residential districts few protections.

It goes without saying that a cancer research center is a vitally important institution. Cancer is a dreaded disease that imperils us all, and Memorial Sloan Kettering has a deserved reputation as a world leader in cancer research and treatment. For good reasons, however, the Zoning Resolution mandates that research laboratories must be situated in manufacturing districts. While I have chosen to stress the broader policy implications of your decision, you will be hearing testimony from members of the community that have legitimate concerns about a research center being located on a mid-block site, in the direct vicinity of a school, park, and church. In conclusion, I join the Petitioners in asking the BSA to uphold the Zoning Resolution and revoke the permit issued by the Department of Buildings.