



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**NEW YORK STATE SUPREME COURT UPHOLDS CITY'S PERMIT
TO MEMORIAL SLOAN-KETTERING CANCER CENTER FOR CONSTRUCTION
OF A CANCER RESEARCH LAB ON MANHATTAN'S UPPER EAST SIDE**

DECISION NOTES THAT "THE WORLD AT LARGE WILL BENEFIT FROM SLOAN-KETTERING'S RESEARCH"

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New York, April 2, 2004 – A challenge to the City's Department of Building's issuance of a building permit for the construction of a 23-story cancer medical research facility by Memorial Sloan-Kettering Cancer Center has been dismissed by Justice Michael D. Stallman. The legal challenge was brought in New York State Supreme Court by the Coalition for the Protection of Residential Zoning (a coalition of 13 neighborhood associations) and three area residents. They alleged that the building, which will replace an existing 50-year-old, seven-story research laboratory should not have been sited in a residential area under applicable zoning law. The community groups sought a revocation of the permit and an injunction which would have stopped ongoing construction at the site.

The Court found that the facility, which is across the street from Memorial Sloan-Kettering Hospital, on East 68th Street between York and First Avenues, was a "hospital related facility" and could be built "as-of-right" in this residential district. The Court found that the "mission and function of Memorial and that of the proposed laboratory are intimately intertwined." The Court also noted "that Memorial Sloan-Kettering is an international center for cancer research, and the world at large undoubtedly will also benefit from their research."

The Court also found, in denying the community's request to enjoin construction, that the area had other large-scale medical facilities, such as Rockefeller University and Cornell University Medical Center, and thus the construction of this facility would not change the existing character of the neighborhood. It rendered its decision on March 12, 2004, but the decision just became public.

New York City Law Department Administrative Law Division Chief Gabriel Taussig, and Senior Counsel Virginia Waters represented the Board of Standards and Appeals, which had upheld the Department of Building's issuance of the permit. Memorial Sloan-Kettering, who intervened in the matter, was represented by Shelly S. Friedman and Lori G. Cuisinier of Friedman and Gotbaum, LLP.

"We are very pleased that Memorial Sloan-Kettering can continue with its mission to research new cancer treatments to aid those afflicted with this terrible disease," noted Waters. "This is an important win for the City and for those seeking the care offered by research facilities like Sloan-Kettering."

"The Court's decision affirms the City's expertise and authority in issuing this permit to Memorial Sloan-Kettering," added Commissioner of Buildings Patricia J. Lancaster, FAIA (Fellow of the American Institute of Architects).

Press interested in speaking with Sloan-Kettering directly can contact: Christine Hickey, Director of

Communications, Memorial Sloan-Kettering Cancer Center, (212) 639-3627 or hickey1@mskcc.org. Memorial Sloan-Kettering Cancer Center is composed of Memorial Hospital for Cancer and Allied Diseases, the patient care arm of Sloan-Kettering, and the Sloan-Kettering Institute, the research arm of Sloan-Kettering.

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