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WESTSIDE WAR

By **STEVE CUOZZO**

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November 22, 2004 -- WHEN Donald Trump was developing his Trump World Tower near the United Nations, he had the clout and confidence to build even while nuisance lawsuits against the project were still wending their way through the courts.

The Museum of Art & Design, which hopes to buy the vacant eyesore at 2 Columbus Circle from the city, unfortunately can't be as ruthless as Trump. Next week, its plan to turn the empty abomination into a new home for its sparkling arts and crafts collection faces a second court challenge, this time before the Appellate Division of the state Supreme Court.

As a nonprofit institution with fiduciary obligations, the museum couldn't take the sort of risk Trump did even if it already owned the site. It must instead sweat out an appeals process that might drag on long enough to kill the deal.

But it's time for the city, the museum's co-defendant, to come off the ropes and fight back in kind — perhaps by letting the plaintiffs know they face a costly countersuit if they try to file a new lawsuit should the appellate judges rule against them.

The museum plans to replace the structure's blank facade with a normal, windowed one designed by distinguished architect Brad Cloepfil; the zealots want to keep Edward Durrell Stone's marble monstrosity (originally the Huntington Hartford Gallery of Art) in its useless current form forever, and sued to block its sale.

The appellate judges might well affirm State Supreme Court Justice Walter B. Tolub's detailed and meticulously reasoned ruling earlier this year that upheld the sale — also resoundingly approved by a 9-1 vote of Manhattan elected officials and community board chairpersons, but opposed by radical preservationists.

The activists, led by the Landmarks West group, care less about winning in court than about bogging things down indefinitely, hoping the museum or the city will lose heart. If the preservationists lose, they may seek a hearing before the Court of Appeals.

But a more desperate option that can't be ruled out is a new lawsuit based on such preposterous grounds as claiming 2 Columbus Circle is a "public trust" like a park or a patch of waterfront, and so cannot be sold without the state legislature's approval.

It sounds far-fetched, but there is no underestimating the activists' ruthlessness. In seeking to sabotage the recapture of the blighted site for productive public use, they are trying to run roughshod over the city's imperfect but indispensable landmarks law and the administrative procedures set up to implement it.

The city had better wake up to what's at stake. A campaign that undermines the sale of 2 Columbus Circle — even if it succeeds by delay rather than by judicial ruling — will open the door to challenging every decision by the Landmarks Preservation Commission.

Future decisions about whether to preserve a property or not will in effect become slugfests, won by whichever side spends more on lawyers or musters the greater political muscle.

In fact, the battle over 2 Columbus Circle feeds the agenda of radical elements out to usurp the LPC's authority. City Council Member Bill Perkins, for example, recently held an "oversight" hearing on the LPC's disinclination to preserve several Harlem churches. Perkins was also the only Manhattan Borough Board member to vote against the 2 Columbus Circle sale.

The building is so obvious a lemon that the LPC declined even to "calendar" it for formal consideration. But Landmarks West sneakily avoided attacking the landmarks law or the LPC directly, and instead charged that the sale somehow violates environmental law.

It's a distinction without a difference: a ruling against the sale would lead to finding loopholes to litigate every LPC decision with which any aggrieved party, preservationist or property owner, happens to disagree.

The zealots present themselves as grass-roots activists. In fact they are well-heeled elitists, bullying a museum with no real estate aspirations beyond finding a proper venue to display its collection and expand its generous community-outreach programs.

It takes only a browse through the museum's digs on West 53rd Street, now host to an exhibition of jewelry by the great New York designer Seaman Schepps, to see that its galleries carved into an office building are not large enough even for a token display of its collection of American arts and crafts.

The new home at Columbus Circle, exactly the right size for the museum, would not only solve that problem — it would replace a forbidding hulk with a grand public amenity at the southern edge of the reborn circle, home to Time Warner Center and a magnificently landscaped park.

Those fighting to keep 2 Columbus Circle as it is don't even try to claim it's beautiful: They say it matters as an expression of Stone's rebellion against Modernism and the International Style; never mind that it was so manifestly ridiculous, it had the opposite effect of making those styles seem newly appealing.

Stone's noisiest defender, novelist Tom Wolfe, celebrates it as a "pot of paint flung in the face of the high Modernist establishment." That sounds less like a work of art than a tantrum.

We don't need to put up with tantrums by self-appointed preservationists, either — and it's time the city and its lawyers sent them a message.

E-mail: scuozzo@nypost.com

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