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## Judge OKs Lollipop sale

PETER MOORE

state Supreme Court ruled Thursday that the lollipop Building — one of the oddest-looking structures in city — isn't sweet enough to avoid being melted into something more mainstream.

Boxy, made of marble and nearly windowless, the 10-story building at 2 Columbus Circle was cleared by Judge Walter Tolub for sale from the city to the Museum of Arts and Sciences, which hopes to renovate and refurbish the building. A  
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ervationist group, Landmark West! to have the sale blocked, insisting the building, tauntingly named for lollipop-shaped columns near its base, is an integral part of Columbus Circle.

The building was constructed in the 1960s when millionaire supermarket magnate, Huntington Hartford, commissioned it from the architect, Edward Dineen Stone, to house his private art collection. However, the gallery was abandoned a mere five years later.

Owners since then have included the University of North Carolina, the New York City Convention and Visitor's Bureau and Gulf & Western Industries, now Viacom.

The building has been vacant since 1998. A lawyer for the city, Michael Burger, said he was unaware exactly how the city came into possession of the building.

Ironically, the structure stands in the shadows of one of the city's newest structures — the Time Warner Center.

But in 1996, the Landmarks Preservation Commission decided not to advance an application for the building to obtain landmark status.

Tolub stated in his ruling that the building "is not worthy of preservation in its present form."

But Landmark West!'s attorney, Antonia Bryson, said the fight wasn't necessarily over, leaving the option open for the group to appeal.

"We're considering all our legal options," Bryson said. "We haven't (decided) what to do yet."

Lawyers for both sides said the sale still must be approved by the Manhattan Borough Board and be reviewed in a session of the Economic Development Corporation. The Borough Board is expected to review the project next month.

Burger, assistant corporate counsel in the city's environmental law division, said he was pleased with the verdict.

"The judge affirmed all of our points, declared the environmental review was adequate and the reliance on the Landmarks Preservation Commission was reasonable," Burger said. "The city gets to move ahead with a project that we think is important for the cultural redevelopment of Columbus Circle and an important cultural project for the city."

Landmark West!'s case was bac

by renowned author, Tom Wolfe, who wrote "Bonfire of the Vanities," among other bestsellers. In October, Wolfe wrote a two-part op-ed in the New York Times, supporting the building's preservation.

"The student of architecture might wish to go over to Columbus Circle and take a look at the virtuosity of this extraordinary interplay of positive and negative space before it is destroyed," Wolfe wrote. Wolfe did not return an e-mail seeking comment.

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