

Andrias, J.P., Marlow, Ellerin, Nardelli, Sweeny, JJ.

4992 In re Landmark West!, et al.,
 Petitioners-Appellants,

-against-

Amanda M. Burden, Chair of the New York City
Planning Commission, et al.,
Respondents-Respondents.

Preservation League of New York State and
National Trust for Historic Preservation,
Amici Curiae.

Antonia Levine Bryson, New York, for appellants.

Michael A. Cardozo, Corporation Counsel, New York (Susan Choi-
Hausman of counsel), for municipal respondents.

Stroock & Stroock & Lavan LLP, New York (Charles G. Moerdler of
counsel), for Museum of Arts and Design and Holly Hotchner,
respondents.

McNamee, Lochner, Titus & Williams, P.C., Albany (William A.
Hurst of counsel), for Preservation League of New York State and
National Trust for Historic Preservation, amici curiae.

Judgment (denominated an order), Supreme Court, New York
County (Walter B. Tolub, J.), entered April 23, 2004, which
denied the petition and dismissed the proceeding brought pursuant
to CPLR article 78 to annul the determination of respondent New
York City Planning Commission approving the transfer of the
building located at 2 Columbus Circle to respondent New York City
Economic Development Corporation for subsequent sale to
respondent Museum of Arts and Design, unanimously affirmed;

without costs.

The record discloses that before issuing its negative declaration respecting the environmental impact of the proposed property transfer, the lead agency took the required "hard look" at the relevant areas of environmental concern and made a reasoned elaboration of its findings (see *Matter of Spitzer v Farrell*, 100 NY2d 186, 190 [2003]; *Akpan v Koch*, 75 NY2d 561, 570 [1990]). In performing the statutorily mandated environmental review, it was appropriate for the lead agency to seek input from agencies with relevant expertise, including the New York City Landmarks Preservation Commission (see *Matter of Soho Alliance v New York City Bd. of Stds. & Appeals*, 95 NY2d 437, 442 [2000]), which had twice declined to designate the property a landmark. The record does not support the contention that the lead agency improperly delegated its environmental review responsibilities to the Landmarks Preservation Commission, nor is there merit to the contention that the Landmarks Preservation Commission was obligated to hold a public hearing before declining to calendar a request for the property's designation as a landmark (see 63 RCNY § 1-02). Petitioner's challenge to the designation of the Deputy Mayor's Office as the lead agency was improperly raised for the

first time in reply, and we decline to reach it (see *Lumbermens Mut. Cas. Co. v Morse Shoe Co.*, 218 AD2d 624, 625-626 [1995]).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: FEBRUARY 24, 2005

CLERK