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Passion on Both Sides Of Landmark-Status Bill

By **ROBIN POGREBIN**

A proposed bill that would require public hearings on landmark status for significantly more buildings in the city drew emphatic support and opposition yesterday at a City Council subcommittee hearing.

A supporter of the bill, Robert J. Kornfeld Jr., an architect who serves on the board of the Historic Districts Council, argued that the measure was "desperately needed to bring checks and balances into the landmarking process.

"The fate of designations is often decided behind closed doors long before a public hearing."

The bill, proposed by City Councilman Bill Perkins, would require the city's Landmarks Preservation Commission to hold a hearing on any site listed or determined to be eligible for listing on the state register of historic places. The City Council could also direct the commission to schedule a hearing on a building within 60 days by majority vote.

Among those opposing the bill was Sherida E. Paulsen, a former chairwoman of the landmarks commission and now co-chairwoman of the historic buildings committee of the American Institute of Architects' New York chapter, who said "the real issue" was "clarity of communication between a city agency and the citizens of New York."

The bill was introduced largely in response to controversy over 2 Columbus Circle, a 1965 building designed by Edward Durell Stone that is currently being reconstructed as the Museum of Arts and Design despite vociferous protests from preservation advocates. The Landmarks Preservation Commission decided in 1996 not to hold a hearing on the building and has declined to reconsider the issue.

Some of those who testified at yesterday's hearing -- before the City Council Subcommittee on Landmarks, Public Siting and Maritime Uses, the Committee on Land Use and the rest of the Council -- invoked the building in their arguments. "The Landmarks Preservation Commission has failed in their mission, this administration has failed us," said Olive Freud, vice president of the Committee for Environmentally Sound Development, an advocacy group on the West Side of Manhattan. "I hope the City Council with this bill can do something to save this jewel in a civil and appropriate manner."

But Simcha Felder, the councilman who ran the hearing, warned witnesses to restrict their comments to the proposed legislation. "This is not about 2 Columbus Circle, this is not about St. John the Divine," he said, referring to the historic cathedral in Morningside Heights, whose landmark status was overturned by the City Council in November 2003. "This is about a wonderful bill."

The bill's sponsor, Councilman Perkins, emphasized that its purpose was to make the Landmarks Preservation Commission more accessible, and that it does not require the commission to grant landmark status to any building. "We are interested in some transparency, in some accountability, in giving the public a better understanding of how the process works," he said, "to shed light on how we do business in the city, particularly in terms of landmarking."

Speaking for the landmarks commission, Mark A. Silberman, its general counsel, argued that the bill "may run afoul" of the City Charter's limitation on the Council's power. He also said the legislation was inconsistent, appearing "to require a public hearing only for individual landmarks, not historic districts, interior landmarks or scenic landmarks."

Mr. Silberman said the requirement that a hearing be held within 60 days of a City Council directive had "the potential to significantly disrupt the commission's ability to set priorities and meet its goals."

He added: "The independence of the commission is a bedrock principle established in 1965. It should not be compromised."

Others also questioned the wisdom of requiring the landmarks commission to be guided by decisions of the New York State Historic Preservation Office. Roger Lang, the director of community programs and services for the New York Landmarks Conservancy, said the bill was "unworkable" because it "confuses the standards for listing in the state and federal registers, which are vastly different than the standards cited in the city's landmarks law."

Amanda Hiller, a lawyer for the Municipal Art Society, also testified that the bill "could seriously interfere with the commission's ability to set priorities."

She said, "The commission could be directed to hear countless buildings, thus diverting the commission's resources from its other functions."

Michael Slattery, senior vice president for research for the Real Estate Board of New York, said the legislation "would be a waste of Council time."

Preservationists are also troubled by a recent City Council decision to revoke landmark status granted to the 1969 Jamaica Savings Bank in Queens. Some have voiced fears that a similar fate could befall the Austin, Nichols & Co. Warehouse, a 1915 building in Williamsburg, Brooklyn, designed by Cass Gilbert, which comes before the Council for a vote on Nov. 22.

Some neighborhood activists said the City Council's recent action on the Jamaica Savings Bank showed the need for the proposed legislation.

"If the City Council has the power to overturn landmark designations, in all fairness it should have the power to require the Landmarks Preservation Commission to consider landmark designations chosen by the Council for a public hearing," said Jack Taylor of the Stuyvesant Park Neighborhood Association. "Landmarking should be a two-way street."