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Group Seeks Removal of Landmarks Chairman

 By [ROBIN POGREBIN](#)

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A preservation group filed a court petition yesterday accusing Robert B. Tierney, chairman of the city's Landmarks Preservation Commission, of colluding with the buyer of a building at Columbus Circle to prevent the structure from winning landmark status, and seeking his removal.

The legal plea reached State Supreme Court just one day after the Museum of Arts and Design signed a contract to buy 2 Columbus Circle from the city. The petition asks that Mr. Tierney be barred from any further decision-making on whether a commission hearing is held on the 1965 building's eligibility for protection as a landmark.

The action was brought by Landmark West, a community group on the Upper West Side that joined other preservationist groups in their decade-long effort to seek a commission hearing on 2 Columbus Circle, designed by Edward Durell Stone and known for its "lollipop" motif.

Accusing the museum of entering a conspiracy' to block a hearing, Landmark West is seeking an

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impartial consideration of the issue by the commission. It argues that Mr. Tierney personally favored the museum's plan to renovate the building, thereby thwarting a hearing.

The petition also faults Mayor Michael R. Bloomberg for publicly lauding the proposed redesign of the building at the news conference at which it was unveiled in 2003. The petition argues that his action posed a conflict of interest because he was a member of the museum's board.

As proof that Mr. Tierney lacked objectivity, the petition attaches examples of his frequent e-mail exchanges with Laurie Beckelman, the director of the museum's new building program and a former landmarks commission chairman.

In a message dated May 2, 2003, that accompanied a letter from someone expressing opposition to the plan for 2 Columbus Circle, Mr. Tierney asks Ms. Beckelman, "Laurie, Do you want to see some, all or any of these letters?" Ms. Beckelman responds: "I would really appreciate seeing all of them, if it is not too much trouble. Thanks, Laurie."

On May 9, 2003, the day after Community Board 5 voted on the sale of the building, Ms. Beckelman writes: "We got the vote 18-8, but I see trouble ahead. Thanks for all of your support, Laurie." Mr. Tierney replies: "Let me know how I can help on the trouble ahead. Bob."

The petition by Landmark West states that "ex parte communications between an interested party and the presiding officer of the Landmarks Preservation were in direct violation" of the New York City Charter and Administrative Code. It demands that Ms. Beckelman and other museum officials "cease and desist from any direct or indirect ex parte communication" with Mr. Tierney or other commission members.

The group obtained the e-mail through the Freedom of Information Act, said Kate Wood, executive director of

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Landmark West.

Reached by telephone yesterday, Mr. Tierney said he was unaware of the petition. "I don't know anything about this," he said. "I can't say anything to you about it." Ms. Beckelman also declined to comment because she had not seen the petition.

Construction is to begin at 2 Columbus Circle this fall on a new Museum of Arts and Design designed by Brad Cloepfil of Allied Works Architecture, in collaboration with Gary Edward Handel & Associates. In addition to interior renovations, the design would eliminate the marble surface and porthole windows.

This is only the latest legal action taken by Landmark West. In March, with property owners in the Parc Vendome condominiums near Columbus Circle, it sought to block the building's sale on the ground that it was conducted without due process.

In its petition, Landmark West seeks compensatory damages of "not less than \$130,000" and punitive damages of \$1 million, to be used to support landmark activities.

Originally designed in the 1960's to house the modern art collection of the businessman Huntington Hartford, the building was acquired by the city in 1975 and later housed its Cultural Affairs Department. It has been vacant since 1998.

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