

Grand Central D-Day Near

By ROBERT R. GRATZ

Supreme Court Justice Irving Saypol will soon decide whether Grand Central Terminal will be preserved as an unencumbered landmark.

The long-awaited decision will cap a five-year legal battle over the fate of that 1913, internationally recognized landmark and it may well determine the city's future course in landmark preservation.

It is "very likely" the decision will come in the next two or three weeks, Saypol told The Post.

The lawsuit challenges the specific landmark designation of Grand Central but also presents a broad challenge to the constitutionality of the 1965 Landmark Preservation Law.

"If we can't save Grand Central, given its significance," asked one observer, "what buildings can we save as landmarks?" This decision is bound to affect landmark preservation clear across the country."

Designated in 1967

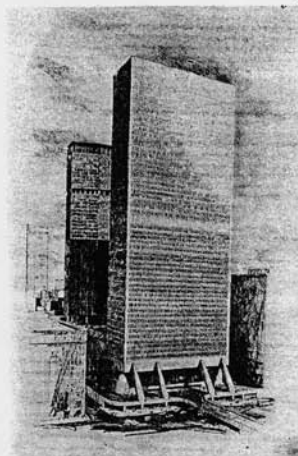
Most principals involved in the court fight refuse to comment for the record on the potential impact of the outcome before the actual decision. But they acknowledge the impact in no way can be minimized.

In August, 1967, the Landmarks Preservation Commission designated Grand Central a landmark following a public hearing.

The American Institute of Architects Guide to New York City says of the terminal: "The remarkably functional scheme of the terminal and its approaches is housed in an imposing Beaux Arts Classical structure. The main facade is a fine symmetrical composition of triumphal arches, filled in with steel and glass, surmounted by a clock and sculpture group in which Roman deities fraternize with an American eagle—cofusing symbolism perhaps, but very effective scale and composition."

But more important even than the architectural merits, preservationists pointed out in calling for the designation, "in terms of myth and legend there is nothing that embodies what New York has meant to the world more than that terminal. It summons up the spirit of the city."

In January, 1968, a British-owned corporation, U G P Properties, leased the air de-



Architect's sketch of the skyscraper proposed for the Grand Central site, designed by Marcel Breuer and Herbert Beckhard in 1968. Pan Am building is in background.

velopment rights over the terminal from the Penn Central Transportation Co. with plans to build a 55-story office tower.

In the hope of proposing a design that would be approved by the commission, the developer hired the prestigious architectural firm of Marcel Breuer. One of the more notable students of Germany's Bauhaus, Breuer is best known in this city for his design of the Whitney Museum at Madison Av. and 10th St.

But the commission rejected Breuer's various proposals, all of which included some degree of demolition or enlargement of the terminal, and the battle has been in the court ever since.

Describing the terminal as "overpowering in its timeless grandeur," the commission noted at the time that "to balance a 56-story office tower above the flamboyant Beaux - Arts facade seems nothing more than an esthetic joke. Quite simply, the tower would overwhelm the terminal by its sheer mass. The 'addition' would reduce the landmark itself to the

status of a 'curiosities.'"

The railroad and the developer brought suit to have the city's landmarks law found unconstitutional and the terminal removed from its protected landmark status.

By law, a designated landmark may not be externally altered or demolished without approval by the Landmarks Commission. The City Council recently extended the law to cover building interiors but none yet have been designated. The interior of Grand Central has frequently been mentioned as a logical site for designation.

Valuable Site

Describing the mid-Manhattan site as "one of the most valuable commercial areas in the world," UGP attorneys challenged the right of the commission to declare it a landmark and, in effect, off limits to future commercial development.

"The landmark character of the terminal is highly debatable and at best doubtful," argued the lawyers, led by the firm of Dewey, Ballantine, Bushby, Palmer & Wood.

"The esthetic quality of the south facade is obscured by its engulfment among narrow streets and high-rise buildings," they added. "It is hardly seen at all except for a short distance to the south of Park Av."

Penn Central and UGP contended further that they were entitled to compensation for what has been in effect a takeover of property that has a multi-million dollar income potential.

The Municipal Arts Society, one of the initial sponsors of the landmarks law, filed an amicus brief on behalf of the city along with a group of influential lawyers, including former Mayor Robert F. Wagner and former U.S. Attorney Whitney North Seymour Jr.

They argued that "the desecration or demolition of Grand Central Terminal will do irreparable harm to the architectural heritage of the city and deprive the people of New York of the extensive public benefits which derive from the continued presence of the terminal in its present form."

City lawyers argued further that the landmark status of the site had been fairly established by "the value of the terminal architecturally and historically, and its meaning to the city and its citizens as a part of their heritage."

In earlier court cases, the landmark law has been upheld as an appropriate extension of the state's police power. In the case of landmarks it is exercising of the police power for esthetic and cultural purposes.

Yet, all observers agree that this is the most important legal challenge yet to the landmarks law, primarily because it is the most valuable piece of real estate designated and subsequently challenged.

"This is more than regulation for esthetics," one observer noted. "If Rome passes a law preserving the Coliseum is that mere esthetics? This is the preservation of the historical, cultural and architectural heritage of the city that still survives. If Grand Central goes down, it's hard to see what other designations could be upheld in high value districts. If you can't save Grand Central, given its significance, what building can you save?"