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An Echoing 'Yes' To Grand Central

By ROBERTA B. GRATZ

Two months ago, when oral arguments were being made before the Appellate Division in the six-year legal battle over Grand Central Terminal's landmark status, lawyers representing Connecticut and New Jersey sat in the courtroom listening.

They, along with officials everywhere, had been closely watching the Grand Central case for a clear signal as to how vigorously municipalities and states can preserve their architectural heritage.

Yesterday, that signal came through resoundingly in support of preservation. The Appellate Division not only reinstated the landmark designation of Grand Central Terminal, but noted in its decision that landmarks, in general, "merit recognition as an imperiled species alongside the ocelot and the snow leopard."

'Undiminished Threat'

The decision went beyond city lines to note that the "threat" to landmarks across the country "continues undiminished" and that "if this trend is not reversed the nation at its bicentennial in 1976 will mourn the loss of an essential part of architectural and cultural heritage rather than celebrate the visible evidence of its past."

This was just the message preservationists had been hoping for: the message that our cultural, man-made environment was just as worthy of future preservation efforts as the natural environment has been in the past decade.

The legal battle over the 1913 Beaux Arts terminal became "more than just a fight to save a building which was important architecturally and as a symbol of this city's heritage," noted T. Merrill Prentice Jr., president of the Municipal Art Society, which spearheaded the legal battle and organized the nationwide Committee to Save Grand Central Station.

"It became a symbol of what could be done with preservation around the country. If we couldn't save Grand Central, nothing could be saved," Prentice added.

What the decision indicates, says Beverly Moss Spatt, chairman of the city Landmarks Preservation Commission, is that "public officials are increasingly aware that if our landmarks are endlessly disposable, our society will not survive because the integrity of our heritage can't survive without them."

3-2 Decision

In a 3-2 decision, the court reversed a State Supreme Court ruling which had termed the designation a "taking of property for public use without just compensation."

The 11-page majority opinion acknowledged that the terminal's owner, Penn Central Transportation Co., had shown an economic "hardship but not confiscation"

and that such hardship is in keeping with "the proper exercise of the city's police power."

Although the case is expected to go to the Court of Appeals — the state's highest court — supporters of the terminal's landmark status say that yesterday's decision for the first time gives landmark designations the same legal standing that the courts have already given to zoning regulations.

In zoning cases, the courts have upheld the principle that an owner is not entitled by right to the "maximum" profit potential of the property. In effect, government may restrict that property for the public good as long as the owner may achieve a reasonable — rather than maximum — return on that property.

No Demolishing Right

The court yesterday in effect denied Penn Central the right to demolish any part of the building's exterior, which was designated a landmark by the commission in 1967.

The city had appealed a decision last January by Supreme Court Justice Irving H. Saypol removing the landmark designation from the terminal.

Saypol did not deny the constitutionality of the landmarks law in general, but said it was wrong to apply the law to Grand Central because of the hardship placed on the owner.

The railroad wants to build a 59-story office building above the terminal, a move rejected by the commission in 1969. A designated landmark may not be altered without commission approval and the panel found that a new skyscraper would destroy the architecturally distinctive structure.

Dissenting Opinion

A dissenting opinion supporting the Saypol decision, holding that it was wrong for the terminal to be preserved "for the benefit of all" with the "bill for this presented solely to Penn Central."

W. Bernard Richland, the city's corporation counsel, noted yesterday that the decision "was just what we wanted. It puts our landmarks law on a very solid foundation. And it gives the commission enough leeway to protect what is left of our limited heritage."

The decision noted: "In recent years, as we have become painfully aware, 'the frontier' has been disappearing and our natural resources are rapidly being depleted, there has been an increasing national growth of interest in preserving irreplaceable buildings and sites which have historical and aesthetic or cultural significance."

Presiding Justice Harold A. Stevens was joined in the majority opinion by Justice Theodore R. Kupferman and Francis T. Murphy. The dissenters were Arthur Markewich and Vincent A. Lupiano.