

Uphold Grand Central as a Landmark

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The Appellate Division today upheld the designation of Grand Central Terminal as an official landmark. The court reversed a lower court ruling which termed the designation a "taking of property for public use without just compensation."

In their 3-2 decision, the judges affirmed the constitutionality of the city's 1965 Landmarks Preservation Law and its specific application to the 1913 Beaux Art terminal.

The 11-page majority opinion noted that "Grand Cen-

tral is unquestionably one of New York City's best known buildings and along with the Empire State Building and the Statue of Liberty, the image of its facade symbolizes New York City for millions of visitors and residents."

In effect, the court denied the terminal's owner, the Penn Central Transportation Co., the right to demolish any part of the building's exterior, which was designated a landmark by the city's Landmarks Preservation Commission in 1967.

The city had appealed a decision last January by

Supreme Court Justice Irving H. Saypol removing the landmarks designation from the terminal.

The Saypol decision did not deny the constitutionality of the landmark law in general, but said it was wrong to apply the law to Grand Central because of the economic hardship placed on the property owners, Penn Central Transportation Co.

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 approv-

al, and the panel found that the skyscraper would in effect destroy the architecturally distinctive structure.

The six-year old case has national implications; since states and municipalities are expected to use it as a guideline for how vigorously they run their landmarks preservation programs.

Today's 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 ir-

replacable buildings and sites which have historical and aesthetic or cultural significance."

That kind of language appealed to preservationists and city officials—an endorsement of the more aggressive preservation policies that have been developing in recent years.

Presiding Justice Harold A. Stevens was joined today by Justices Theodore R. Kupperman and Francis T. Murphy. The dissenters were Arthur Markewich and Vincent A. Lupiano.

The case is expected to be appealed to the Court of Appeals—the state's highest.