

New Roles, Challenges For Landmarks Panel

By ROBERTA B. GRATZ and PETER FREIBERG

A decade after the city was empowered to protect its architectural heritage, landmarks preservation is at a turning point.

During this period, the issue has grown in public importance and political appeal, creating a new set of problems more complex than ever anticipated.

On the one hand there are serious legal challenges that are threatening the very foundation of the law—the need to save architecturally significant buildings and districts.

Asked to Branch Out

On the other hand, the Landmarks Commission, after years of bare recognition, now finds itself fighting to affirm its preeminence in the field and is establishing cooperative working relationships with other agencies, especially the City Planning Commission.

And while seeking to meet these new challenges, the Landmarks Commission finds itself being asked to



BEVERLY MOSS SPATT
A new concept.

branch out and focus on preserving distinctive neighborhoods considered of less than landmark quality.

A number of neighborhoods like Manhattan's Upper West Side and Brooklyn's Fort Greene are clamoring for designation as a means to maintain the char-

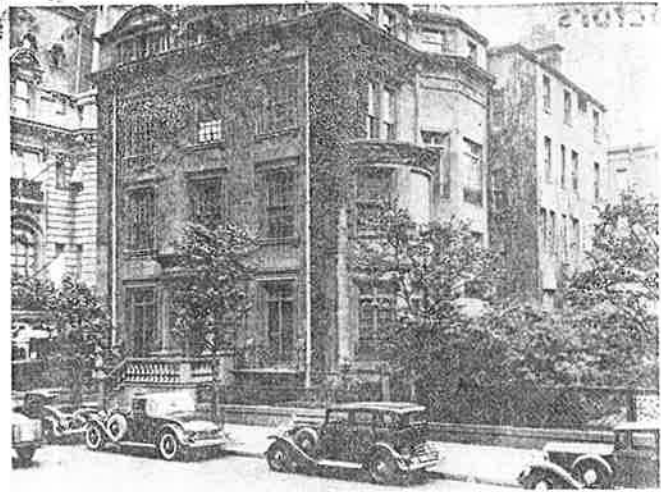
acter of their communities. "The commission until now has been concerned with preservation of architectural gems," says Landmarks Commission Chairwoman Beverly Moss Spatt. "With my being a planner, the commission is moving into what is probably its true role—landmarks preservation in terms not only of architectural uniqueness, but in terms of its relationship to communities and to the city as a whole.

"What I'm saying is," she adds, "landmarks preservation is an important part of the future development of the city."

New Complications

But City Planning Commission Chairman John Zuccotti—with whom Mrs. Spatt has sparred occasionally in the past year—sees the immediate future as "a very difficult time" for the Landmarks Commission.

He says two court cases—one involving the J. P. Morgan House at Madison Avenue and 37th Street, the other involving Grand Central Ter-



The J.P. Morgan House at Madison Av. and 37th St. as it looked in 1933. It was the subject of a legal battle over its designation. Post Photo

minal—have created new and complicated problems.

"While she's forging ahead with new ground," Zuccotti says, "the legal basis is being challenged in an aggressive way. Her job is going to become more and more difficult. To her credit, she's trying to expand the concept but it's not going to be easy."

Mrs. Spatt was appointed commission chairwoman a year ago by Mayor Beame. In the mid-1960s she had gained a reputation as an outspoken dissenter on the City Planning Commission.

It was clear from the start that she intended to bring more forceful leadership to the commission, which in the past had been criticized for excessive timidity in the face of strong real estate and political pressures.

At the same time, the Planning Commission under Zuccotti's aggressive direction was coming to recognize landmarks preservation as an integral part of neighborhood planning and a politically attractive issue.

The Planning Commission, with far more power and a broader jurisdiction, has always had a legal role in having to approve landmark designations before their final approval by the Board of Estimate. And Mrs. Spatt's predecessor, Harmon Goldstone, sought to involve the planning agency in areas where he felt unable—because of staff and money limitations—or unwilling to move.

"There was a period of confusion in the beginning," says Zuccotti, referring to the start of Mrs. Spatt's tenure. "Harmon asked us to get involved, to try to design zoning tools for preserving important areas that are less than landmark quality.

"When Beverly came in there was some degree of feeling perhaps that we [the Planning Commission] were moving into an area that was their primary concern. As far as I'm concerned, that period of confusion is over. Beverly will have the lead and we will work with her and cooperate with her."

Nevertheless, sources in both agencies indicate that this "confusion" and resulting tension has not entirely

been resolved and that the potential for future conflict exists.

In the past year Zuccotti and Mrs. Spatt have differed over such issues as the Planning Commission's mini-plan for Little Italy, on which Landmarks was not consulted even though the now vacant Police Headquarters, a Renaissance Revival building, is located there; the 1975-1976 landmarks budget that the Planning Commission sharply reduced and only restored after considerable protest from Mrs. Spatt; and, perhaps most sensitive, the working relationship and lines of communication between the agencies.

"The Landmarks Commission had never asserted itself. It has never been thought of as a peer agency," says Mrs. Spatt. "We will be now," she adds.

Now both agency heads insist they recognize their interdependency and need to cooperatively confront legal and other challenges that will make or break the future of landmark preservation.

Last summer, the State Court of Appeals overruled the designation of the Morgan House, which is owned by the Lutheran Church. Economic Burden Too Great

The court ruled that it was too much of an economic burden for a non-profit institution to be forced to maintain a landmark without the compensation that is afforded a private owner. Non-profit owners are already tax-exempt.

The decision has implications for the scores of landmarks—and those not yet designated—that are owned by churches, schools and other non-profit institutions.

The Grand Central case, expected to be decided by State Supreme Court Judge

Irving Saypol this week, involves Penn Central's plans to build an office tower above the terminal. The suit seeks to declare the landmarks law unconstitutional, creating fear among city officials and preservation leaders that—whatever the decision—the case will open the door to further erosion of the law.

"The performance of the courts has been disappointing," says Zuccotti. "It's easier to take the courts to preserve tidal wetlands than an historical and architectural site of importance to the city."

The possibilities for bolstering the preservation law being discussed in official and unofficial circles include:

• New laws—possibly including state legislation—that would strengthen the legal foundation of preservation.

• Economic incentives that would make landmark ownership, maintenance and recycling for alternative use more attractive—specifically various forms of tax abatement.

• Expansion of the air rights transfer which allows sale of development rights above a landmark to another site. The transfer is currently limited to adjacent parcels—drastically restricting the use of this zoning tool.

Still to be resolved is which agency should do what with areas such as Ft. Greene, containing pockets of buildings that possess architectural, historic or social significance but whose distinction is not as obvious.

This is perhaps the clearest example of the overlap of responsibilities of the two commissions, and the necessity of cooperation to achieve the goal of neighborhood preservation that both agency chiefs proclaim as their goal.

The City Record Upping Price

The City Record, the city's 103-year-old official journal, is doubling in price today, from 25 cents to 50 cents per copy.

The paper, which publishes some 2500 issues daily except Sundays and legal holidays, carries such items as the list of reg-

istered voters, all advertising required of the city, notices of all public auctions and notices of bidding for city contracts.

Most copies are sold to contractors who do business with the city. The rest are sold to city agencies and the public.