

Suit Seeks Preservation Of Historic E. 82d St. Block

By ROBERTA B. GRATZ

An East Side community group has filed suit against the Landmarks Preservation Commission to force a public hearing on whether the East 82d Street block between Fifth and Madison Aves. should be declared a historic district.

The legal action follows almost three years of intense community pressure — supported by an impressive array of public officials, including Sen. Javits and Rep. Edward Koch — to obtain landmark status for the block that has been dubbed “an entranceway to the Metropolitan Museum.”

“We never got the historic district hearing for which we applied long ago,” says Mrs. Mortimer Levitt, a resident of the block and president of the Neighborhood Assn. to Preserve Fifth Avenue Houses, “and we’ve never been given an explanation why.”

Landmarks enthusiasts and community residents have been seeking designation for the block for an assortment of reasons, primarily because it reflects the kind of high quality turn-of-the-century architecture that is rapidly vanishing from the New York landscape. They further argue that the overall character should be saved as an “urban amenity” important to the larger neighborhood.

“These buildings individually may not be meritorious of separate landmark designations but they work in combination to form a streetscape unparalleled in the city,” says Kent Barwick, director of the Municipal Art Society, that has long been in the forefront of landmarks preservation.

The commission held a hearing in July 1973, under the leadership of its former chairman, Harmon H. Goldstone, to consider designation for some but not all of the individual properties on East 82d Street along with three Fifth Avenue mansions.

Then, in February 1974, under the leadership of chairman Beverly Moss Spatt, who had just been appointed to replace Goldstone, the commission voted not to designate any of the 82d Street buildings. They did, however, designate the McKim, Mead and White-designed apartment house at 998 Fifth Av. and the Duke mansion at the corner of 82d St. and Fifth Av.

This is what the community had feared would happen if the area was not considered as a total district. And representatives argue today that the commission did nothing to preserve the area; since demolition is still planned for two undesignated structures, District designation would mean

that no building within the area could be demolished or externally altered without approval by the Landmarks Commission.

It was the scheduled demolition of three Fifth Avenue townhouses and 2 E. 82d St. — to make way for a 24-story luxury apartment house — that first spurred the preservation effort almost three years ago.

The corner building parcel wraps around but does not include the elaborate, Mansard-roofed Duke mansion at 1009 Fifth Av. Community efforts were too late to prevent demolition of two Fifth Avenue townhouses south of the Duke mansions. But two other townhouses — one on Fifth Avenue and the one on 82d Street — are still standing but remain scheduled for eventual demolition.

Concern now focuses on 2 E. 82d St., which would be protected by district status. In its report turning down designation of this Beaux Arts structure, the commission acknowledged that “we are faced with a difficult situation” because of the high architectural quality of the area.

The case is due to come up in Supreme Court on April 2 when a judge will decide on a motion filed Feb. 24 whether there is to be a hearing.