



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**STATE SUPREME COURT UPHOLDS CITY'S LANDMARK
DESIGNATION OF DELIBERATELY ALTERED FORMER
EAST VILLAGE PUBLIC SCHOOL**

***JUDGE FINDS STRIPPING OF MOST OF THE BUILDING'S ARCHITECTURAL DETAILS FAILS TO
THWART ITS DESIGNATION AS A NEW YORK CITY LANDMARK***

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New York, Nov. 17, 2008 – A Manhattan Supreme Court judge has rejected a developer's attempt to overturn the Commission's 2006 decision to grant landmark status to the former Public School 64 in the East Village section of Manhattan.

In a ruling issued November 12, 2008, State Supreme Court Justice Shirley Werner Kornreich dismissed the developer's argument that the building was ineligible for landmark designation because he had stripped the façade of much of its decorative ornament. Judge Kornreich said the deliberate removal of these architectural details failed to undermine the elementary school's architectural significance or its historic and cultural associations, which served as the basis for the Commission's decision to landmark the building.

"This is the second time this year that a court has ruled in favor of the Commission, and against developers who tried to thwart designation by removing a building's architectural details," said LPC Chairman Robert B. Tierney, who noted the school was designed by a pioneering architect, spawned innovative teaching methods, hosted Franklin Delano Roosevelt and other prominent speakers, and later served as a center for Latin culture. "The Commission looks at a building in its totality when determining whether it should be given landmark designation. Property owners ought to think twice before removing a building's architectural details to thwart landmark designation."

"The City is pleased the Court has recognized that the former P.S. 64 is 'special' based upon its combined architectural, historical and cultural worth," said Virginia Waters, lead attorney on the case and senior counsel at the New York City Law Department.

Judge Kornreich's ruling marks the second time this year that the City has prevailed in court decisions regarding P.S. 64, which is located at 605 E. 9th Street between avenues B and C. In March, the state's highest court, the Court of Appeals, upheld the City's decision to deny the owner a building permit to construct a 19-story college dormitory at the site.

The Commission designated P.S. 64 as a New York City landmark in June 2006. Completed in 1906, the five-story, French Renaissance Revival-style building was designed by noted architect C.B.J. Snyder in shape of an H, an approach that provided ample light and air, and minimized street noise.

In addition to Ms. Waters, of the New York City Law Department's Administrative Law Division, General Counsel Mark A. Silberman of the Landmarks Preservation Commission worked on the case.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 90,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at nyc.gov or via direct link at nyc.gov/law.

The Landmarks Preservation Commission is the mayoral agency responsible for protecting and preserving New York City's architecturally, historically and culturally significant buildings and sites. Since its creation in 1965, LPC has granted landmark status to more than 25,000 buildings, including 1,208 individual landmarks, 110 interior landmarks, 10 scenic landmarks and 92 historic districts in all five boroughs.

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