



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

**CITY'S LAW DEPARTMENT AND LANDMARKS COMMISSION
ANNOUNCE LAWSUIT TO SAVE HISTORIC LANDMARKED
APARTMENT BUILDING – THE WINDERMERE – LOCATED
AT GATEWAY TO MANHATTAN'S UPPER WEST SIDE**

***DAILY FINES OF \$5,000 SOUGHT FOR REPAIR
OF ONE OF CITY'S OLDEST APARTMENT BUILDINGS
TO ENSURE PUBLIC SAFETY AND PROTECT THE CITY'S ARCHITECTURAL HISTORY***

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New York, March 20, 2008 – New York City Corporation Counsel Michael A. Cardozo and Landmarks Preservation Commission (LPC) Chairman Robert B. Tierney announced today that the City has filed suit in New York County Supreme Court that seeks to compel the owners of The Windermere, a designated New York City landmark, to repair the vacant seven-story complex at the northwest corner of 57th Street and Ninth Avenue. Concerned with safety, the New York City Fire Department ordered the last remaining tenants of the 127-year-old apartment building out last September after finding dangerous conditions there. The City is seeking fines of \$5,000 a day until the owners repair the Windermere, making the building both safe for the public and protected at the same time.

"This suit will send a message to owners of landmarked buildings that they must keep them in a state of good repair. Not only will this preserve important city treasures, it will have the critical added benefit of protecting the safety of New Yorkers as well," noted Robert B. Tierney, Chairman of the Landmarks Preservation Commission. "Buildings like The Windermere contribute to New York City's architectural heritage and must be preserved for future generations."

"The owners of this storied apartment building have flatly refused to care for it and instead allowed deteriorate," said Corporation Counsel Michael A. Cardozo of the New York City Law Department. "Fortunately, the City has one of the most powerful municipal landmarks laws in the country, and this situation demands that we use it to the fullest extent."

The Landmarks Preservation Commission granted landmark status to the Windermere on June 28, 2005. The Queen Anne-style structure is a unified group of three buildings that was completed in 1881 and designed by Theophilus Smith, also the architect of several tenements and rowhouses on the Upper West Side.

It's one of the oldest remaining large apartment houses in the City, and was built to accommodate the growing middle class in the last decade of the 19th century. It became popular among single, self-supporting women such as cashiers, waitresses, nurses and teachers, and also was popular with those

working in the arts. Some of its noteworthy tenants over the years have included actor Steve McQueen and Quinto Magnani, who composed the Pulitzer Prize-winning opera, "The Argonauts."

New York City Councilmember Gale A. Brewer, who represents the area and who has actively worked with building residents since the 1980s, noted: "I was present at the Windermere years ago when – under a previous owner – tenants were harassed out of their building. I was delighted that the Landmarks Preservation Commission (LPC) landmarked the building, and I congratulate the City for filing suit against the current owner for not maintaining it.

"It is necessary to maintain any building, but particularly one with a rich history that is now a landmark," she added.

The case is being handled by Senior Counsel Virginia Waters of the New York City Law Department's Administrative Law Division. "The City has made every effort to work with The Windermere's owners, Toa Construction," noted Waters. "We felt we had no other choice but to bring this legal action to save this important New York City landmark." General Counsel Mark A. Silberman and Deputy General Counsel John Weiss of the Landmarks Commission are also working on the case.

City laws require that owners of landmarked buildings keep them in a state of good repair to prevent architectural integrity from being compromised and to prevent intentional "demolition by neglect." In the Windermere's case, the City found that the walls, floors and roof are collapsing, and causing an alarming situation.

In a related matter, the City's Department of Housing Preservation and Development (HPD) has also been involved in litigation commenced by tenants of the building in Housing Court seeking to compel the owner to correct violations issued by HPD, the Department of Buildings and FDNY. The trial has been completed; the Court's decision will follow post-trial submissions. However, because of the emergency situation, HPD recently filed post-trial motions for contempt and for an emergency order directing the owners to secure the building which are due to be heard in housing court later this month.

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 has an active caseload of 90,000 matters and transactions in 17 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 690 attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. For more information, please visit nyc.gov/law.

The New York City Landmarks Preservation Commission is the largest municipal preservation agency in the United States. Since its creation in 1965, the Commission has designated some 25,000 buildings in all five boroughs, including 1,189 individual landmarks, 110 interior landmarks, nine scenic landmarks and 91 historic districts. For more information about the Agency, please visit nyc.gov/landmarks.

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