

NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

[nyc.gov/law](http://nyc.gov/law)

*For Immediate Release*

**STATE SUPREME COURT JUSTICE ORDERS REPAIRS  
TO LANDMARKED WINDERMERE APARTMENT COMPLEX  
IN WEST MIDTOWN MANHATTAN**

***RULING REQUIRES OWNERS TO RESTORE ONE OF NEW YORK CITY'S MOST  
ARCHITECTURALLY AND HISTORICALLY SIGNIFICANT RESIDENTIAL BUILDINGS***

Contact:

Kate O'Brien Ahlers, Communications Director, New York City Law Department,  
(212) 788-0400, [media@law.nyc.gov](mailto:media@law.nyc.gov)

Elisabeth (Lisi) de Bourbon, Communications Director, Landmarks Preservation Commission,  
(212) 669-7938, [edebourbon@lpc.nyc.gov](mailto:edebourbon@lpc.nyc.gov)

New York, May 9, 2008 – A Manhattan Supreme Court justice today issued a preliminary injunction ordering the owners of the Windermere apartment complex to halt the deterioration of the vacant landmark, requiring them to bring the 127-year-old building into compliance with the City's landmark regulations.

The decision by State Supreme Court Justice Karen Smith comes after the City's Landmarks Commission and Law Department filed a lawsuit in March to compel the Windermere's owners, among them Tokyo-based Toa Construction Co., Inc., to repair substantial damages to the building, which received New York City landmark status in 2005. The New York City Fire Department ordered the Windermere vacated last September due to unsafe conditions.

"This decision should make it clear to every owner of landmarked properties that the Landmarks Commission will not abide the deliberate erosion of New York City's historic fabric," said Commission Chairman Robert B. Tierney. "As one of the oldest and grandest apartment buildings ever constructed here, the Windermere is an invaluable part of the City's heritage and now will remain so for future generations."



"We are extremely pleased that Judge Smith quickly concluded that this owner is not exempt from following the Landmarks Law, which maintains the special history of the City," added Corporation Counsel Michael A. Cardozo of the New York City Law Department.

Located at 400-406 West 57th Street on the northwest corner of Ninth Avenue, the massive seven-story, Queen Anne-style building was completed in 1881 and designed by Theophilus Smith, also the architect of several tenements and rowhouses on the Upper West Side. The Landmarks Preservation Commission designated the Windermere as a New York City landmark on June 28, 2005, citing the Windermere's striking architecture, scale and distinctive history. The imposing façade features multiple brickwork patterns, projecting bays, round-arched

windows and a one-story high pediment. Initially built to house the City's growing middle class, the building later attracted single working women such as cashiers, waitresses, nurses and teachers during the early decades of the 20<sup>th</sup> century. Noteworthy tenants have included actor Steve McQueen and Quinto Magnani, who composed the Pulitzer Prize-winning opera, "The Argonauts."

In today's order, the Court directed that the City prepare a report of exactly what needs to be done to bring the building to a lawful condition. Then the defendants must expeditiously submit plans and obtain permits for the restoration work, and perform the required work after it has received the applicable permits.

New York City Councilmember Gale A. Brewer, who represents the area and who has actively worked with building residents since the 1980s, said: "I congratulate the Law Department and the Landmarks Preservation Commission for successfully making the case that a landmark must be maintained and preserved. The Windermere stands on 10th Avenue and 57th Street as the gateway to the upper West Side, and it is in tremendous disrepair. As a result of this court action, the absentee owner must restore the Windermere to a condition of good repair as required by the Landmarks Law. This beautiful building deserves to be preserved forever."

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."

The case was handled by Senior Counsel Virginia Waters of the New York City Law Department's Administrative Law Division. General Counsel Mark A. Silberman and Deputy General Counsel John Weiss of the Landmarks Preservation Commission also worked on the matter.

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](http://nyc.gov) or via direct link at [nyc.gov/law](http://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 more than 25,000 buildings in all five boroughs, including 1,187 individual landmarks, 110 interior landmarks, nine scenic landmarks and 91 historic districts. For more information about the Agency, please visit [nyc.gov/landmarks](http://nyc.gov/landmarks).

###