



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**IN A LEGAL FIRST, CITY LANDMARKED BUILDING IS
SAVED FROM “DEMOLITION BY NEGLIGENCE”**

***COURT ORDERS OWNERS OF “SKIDMORE HOUSE” IN MANHATTAN TO MAINTAIN THE LANDMARK & KEEP IT
IN GOOD REPAIR; RULING IS THE FIRST TIME A COURT HAS ENFORCED
THIS REQUIREMENT OF THE CITY’S LANDMARKS PRESERVATION LAW***

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New York, Dec. 22, 2004 – A lawsuit brought by the City Landmarks Preservation Commission to save the historic Samuel Tredwell Skidmore House, located at 37 E. 4th St. in Manhattan, has resulted in a victory for the City and historic preservation. New York County Supreme Court Justice Walter B. Tolub issued a decision, after trial, that the owners of the Skidmore House had failed to maintain the building to the standard of “good repair” as required by law. For the first time ever, the legal requirement of “good repair of a landmark” has been upheld in court, according to the City’s lead attorney on the case.

The Skidmore House, built in 1845, was designated a City landmark in 1970 and described as an “unusually impressive” Greek Revival residence that was characteristic of its East Village neighborhood in the mid-19th century and worthy of preservation. However, the building’s current owners neglected it to such an extent that it deteriorated and was at risk of being lost. While the owners were pursuing various proposals to develop the area surrounding the Skidmore House, they did little to maintain the landmark in spite of repeated requests by the City’s Landmarks Preservation Commission to make repairs. Finally, after a portion of the roof collapsed into the building, the Commission initiated a lawsuit to force the owners to return the building to the condition of “good repair” required by the Landmarks Preservation Law, resulting in a three-day trial in which the City presented evidence about the building’s poor condition.

In his decision, Justice Tolub described the building to be in a “dismal state of disrepair” and ordered the owners to make all the repairs required by the Commission in order to stabilize and preserve it. The Court’s order directs the owners to make the repairs currently needed and to maintain the building in the future.

The Commission resorted to litigation only after all other efforts to work with the owners failed. “We tried for years to get them to do the right thing by this building, but the owners refused,” said Robert B. Tierney, Chair of the Landmarks Preservation Commission. “After it became clear to us that they had no intention of taking care of this historically significant building, we sued. Justice Tolub’s decision sends a clear message that ‘demolition by neglect’ will not be tolerated.”

Senior Assistant Corporation Counsel Paula Van Meter of the Law Department’s Administrative Law Division represented the Landmarks Commission at trial. “This is the first time that the legal requirement of ‘good repair of a landmark’ has been fully litigated and upheld in court,” she noted. “The court’s decision is a wonderful holiday present in helping to preserve the City’s past. The decision will not only save the Skidmore House but will assist the City in its efforts to maintain other landmark properties.”

Other Law Department attorneys working on the case included Ad Law Senior Counsel Sherrill Kurland, who initiated the lawsuit; Ad Law Chief Gabriel Taussig; and former Senior Assistant Corporation Counsel Deborah Rand, now with the City's Housing Preservation & Development Commission. Landmarks' General Counsel Mark Silberman and Deputy Counsel John Weiss also worked with the Law Department on the case.

The building owners listed on the legal papers include: 10-12 Cooper Square, Inc.; Allan Goldman; and "the land & building at 37 E. 4th St." in Manhattan. The judge's decision came down on Mon., Dec. 20, 2004, and was just received by the Law Department.

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 www.nyc.gov or via direct link at www.nyc.gov/html/law/home.html.

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