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## **Advocacy Groups File Article 78 Proceeding against the City of New York**

### *Board of Standards and Appeals and Department of Buildings Challenged over 200 Amsterdam Avenue*

(October 12, 2018 | New York, NY) The Municipal Art Society of New York (MAS) and the Committee for Environmentally Sound Development (CFESD) jointly filed an Article 78 petition with the New York County Supreme Court alleging that the gerrymandered zoning lot at 200 Amsterdam Avenue is in violation of the New York City Zoning Resolution. An Article 78 proceeding is the main procedural vehicle by which the public can seek review of agency action in New York.

The advocacy groups are requesting that the Court nullify the Board of Standards and Appeals' (BSA) [July 2018 Decision](#), in which the agency affirmed the Department of Buildings' (DOB) permit for 200 Amsterdam Avenue.

When the challenge came before the BSA through the CFESD's appeal, the agency determined in their Resolution that the gerrymandered zoning lot was an "unsubdivided tract of land," and sidestepped the issue of partial tax lots. The new filings by MAS and CFESD now allege that BSA acted arbitrarily and capriciously in that decision. Furthermore, they reassert that the zoning lot at 200 Amsterdam is indeed an assemblage of partial tax lots in flagrant violation of the Zoning Resolution.

"In its July decision, BSA once again sided with private interests over the public good, declining to even respond to the gerrymandering issue raised by our partners at CFESD," said **Elizabeth Goldstein, President of the Municipal Art Society of New York (MAS)**. "The zoning lot at 200 Amsterdam is an affront to both the letter and spirit of the Zoning Resolution, and defies common sense. By refusing to revoke this illegal permit, BSA and DOB risk setting a dangerous precedent that will affect neighborhoods across the city."

"All we are asking for is that the citizens and neighbors who live on the Upper West Side receive fair treatment as enshrined in the law. The creative manipulation of loopholes in the Zoning Resolution has to stop being enabled by the Department of Buildings and the Board of Standards and Appeals. The lobbying of city agencies by developers is how the clear language of the zoning text is surreptitiously bent and molded to the benefit of the few, at the direct expense of the many," said **Olive Freud, President of the Committee for Environmentally Sound Development (CFESD)**.

MAS and CFESD are represented in the Article 78 proceeding by Emery Celli Brinckerhoff & Abady LLP and Charles Weinstock, Esq.

### **About the Municipal Art Society of New York**

For 125 years, the Municipal Art Society of New York (MAS) has worked to educate and inspire New Yorkers to engage in the betterment of our city. As a non-profit advocacy organization, MAS mobilizes diverse allies to focus on issues that affect our city from sidewalk to skyline. Through three core campaign areas, MAS protects New York's legacy spaces, encourages thoughtful planning and urban design, and fosters inclusive neighborhoods across the five boroughs. For more information, visit [www.mas.org](http://www.mas.org)

### **About the Committee for Environmentally Sound Development**

Committee for Environmentally Sound Development (CFESD) is a non-profit, all-volunteer organization founded in 1989. CFESD is dedicated to raising awareness and promoting initiatives to preserve the quality of life on the Upper West Side. CFESD advocates for meaningful changes in city code and policy to make sure we consider about the everyday lives of New Yorkers in the grand plans for our city. Over the years, CFESD has been involved in cases throughout New York City, but its primary focus has always been the Upper West Side. In 2013, CFESD sued Lincoln Center to restore Damrosch Park, a 2.4-acre park in Lincoln Center whose trees had been cut down to make way for a private Fashion Week event. CFESD also successfully filed suit against the developers of Riverside South, a development along the Hudson River from 59th to 72nd Street, to require them to link Riverside Boulevard, the new street created by the development, to Riverside Drive at 72nd Street, to avoid congestion.