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Court Rules in Favor of Advocacy Groups in Lawsuit over 200 Amsterdam Avenue

Board of Standards and Appeals Ordered to Revisit Building Permit for the Controversial Tower

(March 14, 2019 | New York, NY) The Municipal Art Society of New York (MAS), and the Committee for Environmentally Sound Development (CFESD) applaud the decision by the New York County Supreme Court that remanded the building permit for 200 Amsterdam Avenue back to the Board of Standards and Appeals (BSA) for review.

In September 2018, the BSA issued a Resolution affirming the Department of Buildings' (DOB) permit for 200 Amsterdam Avenue despite its gerrymandered zoning lot. In response, CFESD, joined by MAS, filed an Article 78 lawsuit, requesting that the Court nullify the BSA decision.

On March 14, 2019, Justice W. Franc Perry ruled in favor of the advocacy groups, vacating and annulling the prior BSA ruling as unreasonable and inconsistent with the plain reading of the Zoning Resolution. The Court also rejected the argument of the developer, Amsterdam Avenue Redevelopment Associates LLC, that simply because DOB had issued the permit in the first place, it was therefore entitled to complete the building. "Vested rights," the Court wrote, "cannot be acquired by relying on an invalid permit."

"The flagrant abuse of zoning demonstrated by the 200 Amsterdam project compelled MAS and our partners at CFESD to intervene and prevent this dangerous precedent from being set," said **Elizabeth Goldstein, President of the Municipal Art Society of New York (MAS)**. "We applaud Justice Perry's decision striking down the Board of Standards and Appeals' erroneous decision. This gerrymandered zoning lot is an affront to the letter and spirit of the Zoning Resolution and should never have been granted a building permit."

"The Board of Standards and Appeals had somehow determined that the zoning lot here—a 39-sided "Frankenstein" lot, stitched together from bits and pieces of various tax lots—was "unsubdivided," allowing the 668-foot-tall tower to go forward at the expense of the Upper West Side community. This decision strikes a blow at developers' creative manipulation of loopholes in the Zoning Resolution and is a win for all New York City neighborhoods," said **Olive Freud, President of the Committee for Environmentally Sound Development (CFESD)**.

MAS and CFESD were represented in the Article 78 proceeding by Richard Emery, Katherine Rosenfeld and Ashok Chandran of Emery Celli Brinckerhoff & Abady LLP and Charles Weinstock, Esq.

About the Municipal Art Society of New York

For more than 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

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.