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Advocates File Lawsuit to Compel City to Abide by State Supreme Court Ruling

Board of Standards and Appeals' (BSA) amended resolution prompts second Article 78

(July 26, 2019 | New York, NY) On Wednesday, the Municipal Art Society of New York (MAS) and the Committee for Environmentally Sound Development (CFESD) jointly filed an Article 78 petition alleging that the Board of Standards and Appeals failed to reevaluate the building permit at 200 Amsterdam Avenue in accordance with a plain reading of the Zoning Resolution, as ordered by Justice W. Franc Perry of the New York County Supreme Court.

In March 2019, the advocates secured a major legal victory when the Court determined that the BSA had acted arbitrarily and capriciously in affirming the Department of Buildings' decision to allow the building's gerrymandered lot. Justice Perry remanded the matter back to the BSA for reconsideration. However, in June, the BSA issued its amended resolution on the matter, which doubled down on the agency's prior, unreasonable interpretation of the Zoning Resolution to uphold the legality of the gerrymandered lot.

"The BSA's continued refusal to listen to reason has forced us to return to the State Supreme Court on an issue that should be a matter of common sense," said Elizabeth Goldstein, President of the Municipal Art Society of New York (MAS). "The 39-sided zoning lot at 200 Amsterdam Avenue is an affront to both the letter and the spirit of the Zoning Resolution. The Court has ordered a reconsideration of the building's permit in accordance with a plain reading of the zoning code and that's what we intend to receive."

"It is a very simple question we asked two years ago," said Olive Freud, President of the Committee for Environmentally Sound Development (CFESD). "Is the gerrymandered zoning lot illegal? While we are frustrated with the BSA's resolution, we remain resolute in our continued challenge of the agency's unreasonable interpretation of the Zoning Resolution, and will seek relief from higher courts if necessary."

MAS and CFESD are represented in the Article 78 proceeding by Emery Celli Brinckerhoff & Abady LLP, Charles Weinstock, Esq., and Rachel Mazur, Esq. An Article 78 proceeding is the main procedural vehicle by which the public can seek review of agency action in New York.

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 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.