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Court Orders 200 Amsterdam Tower to Remove Floors

Building permit for tower with gerrymandered zoning lot declared invalid

(February 15, 2020 | New York, NY) On Thursday, New York County Supreme Court Justice W. Franc Perry issued a decision striking down the legitimacy of the gerrymandered zoning lot at 200 Amsterdam Avenue. The case, an Article 78 proceeding brought by the Committee for Environmentally Sound Development (CFESD) and the Municipal Art Society of New York (MAS) against the New York City Board of Standards and Appeals (BSA), argued that the 39-sided lot that gave rise to the tower is in violation of zoning and should never have been approved.

The developer, Amsterdam Avenue Redevelopment Associates, chose to continue to build in the face of this ongoing legal challenge. The building topped out at 668 feet in August 2019. Justice Perry has now ordered the BSA to compel the developer to remove enough floors to bring the building into compliance with the Zoning Resolution.

“We are very gratified that after a long fight, the gerrymandered zoning lot at 200 Amsterdam has been declared illegal. This groundbreaking decision averts a dangerous precedent that would have ultimately affected every corner of the city,” said **Elizabeth Goldstein, President of the Municipal Art Society of New York (MAS)**. “The directive to partially demolish the building is appropriate given the willingness of the developer to ignore every sign that their project was inappropriately scaled for the neighborhood and based on a radical and wildly inaccurate interpretation of the Zoning Resolution.”

“We hope this decision will be a signal to the development industry that the days of flouting the zoning code in search of greater heights and bigger profits is over,” said **Olive Freud, President of the Committee for Environmentally Sound Development (CFESD)**. “Any New Yorker walking past 200 Amsterdam today can tell this building is grossly out of scale with the neighborhood. The BSA and Department of Buildings failed to hold this project accountable, leaving us no choice but to go to court.”

Case Background

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 plaintiffs filed suit again to compel the BSA to abide by Justice Perry’s original decision.

MAS and CFESD were 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

The Municipal Art Society of New York (MAS) lifts up the voices of the people in the debates that shape New York's built environment and leads the way toward a more livable city from sidewalk to skyline. MAS envisions a future in which all New Yorkers share in the richness of city life—where growth is balanced, character endures, and a resilient future is secured. Over more than 125 years of history, our advocacy efforts have led to the creation of the New York City Planning Commission, Public Design Commission, Landmarks Preservation Commission, and the Tribute in Light; the preservation of Grand Central Terminal, the lights of Times Square, and the Garment District; the conservation of more than 50 works of public art; and the founding of such civic organizations as the Public Art Fund, the New York Landmarks Conservancy, P.S. 1, the Historic Districts Council, the Park Avenue Armory Conservancy, and the Waterfront Alliance. 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.