

## A Grand Building Belongs to All

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There are more ways to destroy a building than with bulldozers. In the case of Grand Central Terminal, the bankrupt Penn Central Railroad is not proposing to tear the building down; the idea is to mutilate it by erecting a 59-story tower above—a subtler, but equally effective kind of landmark destruction, if subtle is a word that can be used about so monstrous a proposal.

New Yorkers have been engaged in a ten-year fight to protect the terminal—one of the city's finest Beaux Arts buildings—beginning with its formal designation as a landmark in 1967. Twice, the Landmarks Commission has refused to sanction variations of this brutal tower. To put this blockbuster on top of the terminal would not only deface the building's esthetic character and integrity; its size and position would sabotage midtown. There is no way to play can-you-top-this with this classic monument; it should be left alone.

What is at issue right now, however, is the terminal's landmark designation. New York City and the Penn Central are on round three of the railroad's attempt to vacate the designation, so that it would be free to advance this, or any other scheme, when the market

for construction is stronger. In 1972, the New York State Supreme Court ruled against the designation, an opinion that was reversed by the Appellate Division in 1975. But the railroad went to court again, and the hearings in the Court of Appeals, the state's highest court, start today. The decision will affect landmark preservation far beyond this one critical building.

By the standards established not only in New York but also in cities across the country, there is no question about the terminal's qualifications for landmark designation. In terms of architectural excellence and focal importance to the urban environment, the building's status is indisputable. The legal question revolves around economic hardship to the owner. If the Court of Appeals agrees with the lower court decision, it will rule that regulation of private property to protect landmark values is not confiscatory.

The law has been moving steadily in the direction of an equitable balance between the rights of property and recognition of environmental values. Developers and bankrupt railroads are not reliable guardians of urban quality or the community good. The courts should be.