

A Landmark Decision

The city's successful appeal of the Grand Central case comes as a welcome Christmas gift for New Yorkers. The decision that overturned a lower-court denial of landmark designation is a triumph for the city and for the propriety, integrity and constitutionality of the landmarks law and for some of the enduring values that make a city great.

Grand Central Terminal is a big building and this was a big case. Its repercussions are already being felt in other places where the problem of the preservation of a city's and a nation's heritage meet the problem of economic hardship and the rights of private property.

The significance of the Grand Central decision goes beyond the court's conclusion that both the arithmetic and the logic of Penn Central and of the developer in claiming hardship equal to a "taking" of private property were in error. The court denied the argument of many opponents of landmarks legislation that regulation of private property to protect landmark values is essentially confiscatory. There is a line, the decision averred, between a taking and regulation in the public interest. Moreover, the constitutional test of landmarks law is not whether an owner has been deprived of the most profitable use of his land.

"Urban landmarks merit recognition as an imperiled species," the opinion stated. "Grand Central Terminal still remains a splendid edifice and a major part of the heritage of New York City."

The decisions that the landmark designation of the terminal stands unchallenged, and that the New York landmarks law is a proper exercise of the police power, were welcome. But the court's conclusion that "a majority of us now feels that the time for its full implementation has arrived," is the most encouraging news of all. This is indeed a landmark decision.