



Greenwich
Village
Society for
Historic
Preservation

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New York, New York 10003

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Anthony C. Wood

September 13, 2006

Mr. Arthur Strange
National Manager, Real Estate
United States Postal Service
4301 Wilson Boulevard, Suite 300
Arlington, VA 22203-1861

Re: Section 106 Review for Air Rights Sale from United States Postal Service's Cooper Station

Dear Mr. Strange:

I write to urge the United States Postal Service (USPS) to withhold its consent for an easement over its Cooper Station property at 93 Fourth Avenue, Manhattan, until and unless a Section 106 review of the sale of its air rights from this property can take place.

As you know, USPS' lack of compliance with its responsibilities under Section 106 of the National Historic Preservation Act regarding air rights sales in Manhattan has led to considerable consternation among preservation organizations and elected officials, locally here in New York City and at the statewide and national levels. Though USPS has admitted that such transactions do require such a review, in the case of Copper Station, as well as the Times Square and Madison Square Stations, USPS has claimed that such transactions have been completed and there is nothing they can do about them. However, as the National Trust for Historic Preservation recently pointed out, by virtue of its easement agreement as part of its sale of air rights from its Cooper Station Post Office, USPS retained the right to "withhold its consent" from any development utilizing those air rights which would "materially affect the appearance of any portion of the [post office] Building visible from the street ..." Easement Agreement, § 5.1(b)(i)(5) (Jan. 17, 2005). Without a doubt, this applies to this case and to the planned development.

In light of this, it is therefore clearly incumbent upon USPS to exercise this right and withhold its consent to the easement, thus halting the development (upon which construction has not yet begun) in order for Section 106 review to take place. Given the controversy which has erupted over USPS' failure to comply with its Section 106 responsibilities and its commitments regarding air rights sales, I strongly urge USPS to take this action in order to begin to correct some of these serious errors. A failure to take such a step will undoubtedly only add to the growing outrage over USPS' actions.

Sincerely,

Andrew Berman
Executive Director

Cc: John Potter, Postmaster General, USPS
Dallan Wordekemper, Federal Preservation Officer, USPS
Advisory Council on Historic Preservation
New York State Historic Preservation Office
Manhattan Borough President Scott Stringer
Congressman Jerrold Nadler
State Senator Tom Duane
City Council Speaker Christine Quinn
City Council Member Rosie Mendez
City Council Zoning Subcommittee Chair Tony Avella
Community Boards 1, 2, 3, 4, 5, and 6, Manhattan
National Trust for Historic Preservation
Preservation League of New York State
Municipal Art Society
New York Landmarks Conservancy
St. Ann's Committee
Cooper Square Committee
Coalition to Save the East Village
Union Square Community Coalition



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September 13, 2006

John Fowler, Executive Director
Advisory Council on Historic Preservation (ACHP)
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 809
Washington D.C., 20004

Bernadette Castro, Commissioner
New York State Office of Parks, Recreation, and Historic Preservation (OPRHP)
Agency Building No.1, Empire State Plaza
Albany, NY 12238

**Re: Section 106 Review for Air Rights Sale from United States Postal
Service's Cooper Station**

Dear Executive Director Fowler and Commissioner Castro:

I write to urge you to insist that the United States Postal Service (USPS) withhold its consent for an easement over its Cooper Station property at 93 Fourth Avenue, Manhattan, until and unless a Section 106 review of the sale of its air rights from this property has taken place.

As you know, USPS' refusal to comply with its responsibilities under Section 106 of the National Historic Preservation Act has led to considerable consternation among preservation organizations and elected officials, locally here in New York City and at the statewide and national levels. Though USPS has admitted that such transactions do require such a review, in the case of Copper Station, as well as the Times Square and Madison Square Stations, USPS has claimed that such transactions have been completed and there is nothing they can do about them. However, as the National Trust for Historic Preservation recently pointed out, by virtue of its easement agreement as part of its sale of air rights from its Cooper Station Post Office, USPS retained the right to "withhold its consent" from any development utilizing those air rights which would "materially affect the appearance of any portion of the [post office] Building visible from the street ..." Easement Agreement, § 5.1(b)(i)(5) (Jan. 17, 2005). This clearly applies to this case and to the planned development.

In light of this, it is therefore incumbent upon USPS to exercise this right and withhold its consent to the easement, thus halting the development (upon which construction has not yet begun) in order for Section 106 review to take place.

As you can see from the attached letter, we have urged USPS to take the above-described action. However, given USPS's ongoing avoidance of its Section 106 responsibilities, it would seem inevitable that it will require pressure or intervention from your two agencies to get them to even consider such an action, which we sincerely hope they can be convinced to undertake. A lack of such an action will undoubtedly only add to the growing outrage over USPS' willful contravention of the law with impunity.

Sincerely,

Andrew Berman
Executive Director

Cc: Reid Nelson, Advisory Council on Historic Preservation
Ruth Pierpont, New York State Historic Preservation Office
Manhattan Borough President Scott Stringer
Congressman Jerrold Nadler
State Senator Tom Duane
City Council Speaker Christine Quinn
City Council Member Rosie Mendez
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