



Greenwich
Village
Society for
Historic
Preservation

*Founded in 1980, the
Society fights to protect
the architectural heritage
and cultural history
of the Village.*

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John E. Potter
Postmaster General
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Arthur E. Strange
National Manager, Real Estate
United States Postal Service
4301 Wilson Boulevard, Suite 300
Arlington, VA 22203-1861

**Re: Sale of Development Rights at Cooper, Times Square, and other
stations, and Section 106 Review**

Dear Messrs. Potter and Strange,

This responds to letters of August 12 and July 20 to Don Klima of the Advisory Council on Historic Preservation.

It is a positive step forward that USPS has acknowledged that it does have Section 106 review obligations when contemplating the sale of its development rights, as the Greenwich Village Society for Historic Preservation has contended. It is also a positive development that USPS has specifically acknowledged that it also has ongoing Section 106 review obligations regarding the sale of its air rights at Cooper Station, and that an opportunity to undertake such a review is presented by its review of the purchaser's plans for physical connection of a new development to the roof of the Cooper Station building. I hereby request that the Greenwich Village Society for Historic Preservation be given consulting party status for the Section 106 review, and urge that you consider other entities and organizations representing neighbors of the site and the surrounding community for consulting party status as well, such as Community Board #3, Manhattan.

As Section 106 review commences I urge that USPS condition physical connection to the roof of the Cooper Station Post Office by the neighboring development upon the maximal avoidance or mitigation of any negative impacts upon historic resources by the development. I would also strongly urge that if possible, an eye be kept toward impact avoidance and mitigation issues which would have been examined and addressed had Section 106 review taken place before the sale of development rights as they should have, and how if at all any of those issues can be addressed now (for instance regarding the preservation of St. Ann's Church – a significant and structurally sound portion of which has not yet been demolished and remains on the development site – which a Section 106 review would have likely found eligible for listing on the State and National Register). I would also strongly urge a review of the visual impact of the height, overall bulk, and design of the new building, which incorporates the USPS development rights, upon the National Register-listed Copper Station Post Office.

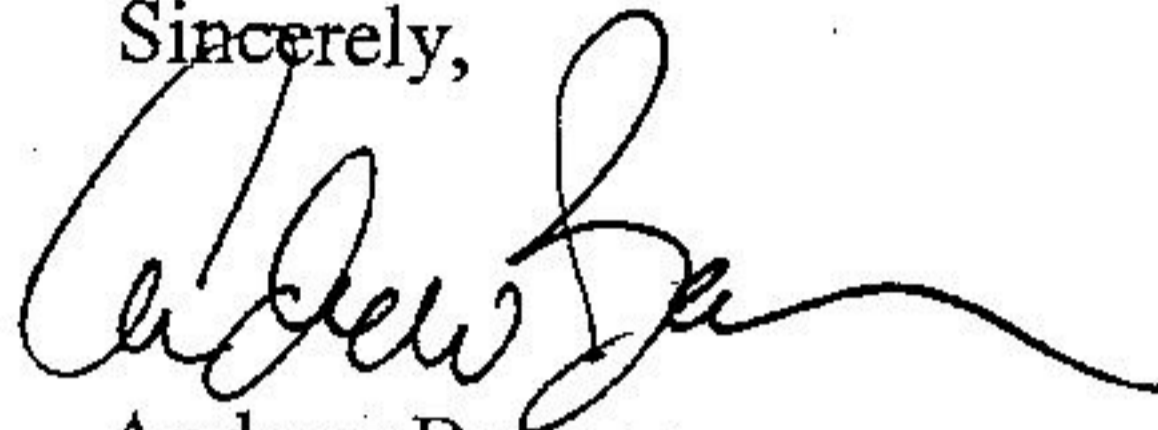
It is very unfortunate that USPS's acknowledgement of its Section 106 responsibilities came so late in the process for the Times Square Station sale of development rights that the development there is nearly complete. Nevertheless, we would urge USPS to consult with other local affected parties to see if there are ways that perhaps USPS could positively impact nearby historic resources to counterbalance the unmitigated negative impacts created by its sale of development rights to the neighboring development. In this case I would also strongly urge consultation with groups representing the surrounding community, including Community Board #4, Manhattan.

In spite of USPS's admission of Section 106 review obligations for the sale of its development rights, it is also critical that the issue of how and when USPS undertakes such reviews in the future be resolved right away. This is especially true given that at least two other projects are currently underway in Manhattan involving the sale of development rights from USPS properties, at the Madison Square and Canal Street Stations (which are National Register-listed properties), and additional future sales seem likely. The Greenwich Village Society for Historic Preservation would strongly recommend the following procedures be implemented in relation to Section 106 review of sale of USPS development rights:

- Section 106 review take place *before* development rights are sold, and all potential buyers of USPS development rights be made aware in advance that any sale will have to go through such a review, and that sale will be contingent upon agreement to satisfy the review's findings and recommendations regarding mitigation or avoidance of impact upon historic resources.
- Potential buyers of USPS development rights be required to disclose exactly how the development rights will be used, and the sale of development rights be made contingent upon an agreement to use those development rights only as reviewed in the Section 106 review process.
- Use of development rights in such a way as to diminish the stature or public view of a National Register-listed or eligible property – whether owned by USPS or privately owned on a nearby lot – should be considered a negative impact to be avoided or mitigated.
- Use of development rights in such a way that would contribute to or increase the degree of destruction of a National Register-listed or eligible property should be considered a negative impact to be avoided or mitigated.
- All sales of USPS development rights should include guarantees that the development rights which have been “sold” and utilized on another site cannot be used again by USPS at some point in the future, in whole or in part, on the USPS site by virtue of USPS's immunity from local zoning regulations.

We hope that USPS will commence Section 106 review of the Cooper Station project and of any other projects underway as soon as possible, and consult with affected local parties regarding the review. We also hope that USPS will implement procedures regarding Section 106 review for the sale of development rights in the future that reflect at least the above-listed recommendations, and that USPS solicit and consider feedback from a variety of sources regarding structuring its future Section 106 reviews for development rights sales in New York City. We look forward to working with you on this issue and hearing back from you about your plans.

Sincerely,



Andrew Berman
Executive Director

Cc: Congressman Jerrold Nadler
Congressmember Carolyn Maloney
State Senator Thomas K. Duane
State Senator Liz Kruger
State Senator Martin Connor
State Assemblymember Deborah Glick
State Assemblymember Richard Gottfried
State Assemblymember Steve Sanders
State Assemblymember Scott Stringer
New York City Council Member Christine Quinn
New York City Councilmember Margarita Lopez
New York City Councilmember Alan Gerson
Advisory Council on Historic Preservation
New York State Historic Preservation Office
National Trust for Historic Preservation
New York State Preservation League
Municipal Art Society
New York Landmarks Conservancy
Historic Districts Council
Community Boards 1-4 and 6, Manhattan
Hell's Kitchen Neighborhood Association
Manhattan Plaza Tenants Association
Stuyvesant Park Neighborhood Association
Board, 111 4th Avenue
St. Ann's Committee
New York Times