



June 25, 2005

Don L. Klima  
Director, Office of Federal Agency Programs  
Advisory Council on Historic Preservation (ACHP)  
1100 Pennsylvania Avenue NW, Suite 809  
Washington, D.C. 20004  
via fax: (202) 606-8647

**Re: Lack of Section 106 Review for sale of development rights by U.S. Postal Service  
from Cooper and Times Square Stations in Manhattan, New York**

Dear Mr. Klima:

I write regarding two urgent situations in which the United States Postal Service (USPS) failed to consider or review the impact upon historic properties resulting from the sale of development rights from its post offices in Manhattan. The sales will facilitate and expand private development on adjacent lots which will clearly impact historic properties, including the destruction of some historic properties and the diminution of the ability of the public to view and enjoy others. I believe that in doing so USPS ignored its obligations under Section 106 of the National Historic Preservation Act to review the impact of its undertakings upon historic properties. As the developments have begun but not yet reached their full and final form, I strongly urge ACHP to review the situation as quickly as possible to possibly prevent further negative impact.

**Cooper Station, 93 Fourth Avenue, New York, NY 10003, Manhattan**

In this case, the United States Postal Service has sold all of its considerable development rights from the plot of land upon which the Cooper Station is located to developers Hudson Companies, for development of an adjacent lot at 110-126 East 12<sup>th</sup> Street. Hudson Companies has announced their intention to use the full development rights purchased from the post office site to add to those on their adjoining property on East 12<sup>th</sup> Street to build an approximately 25-story tower on the site, the largest allowable under New York City zoning for the site. The potential impacts upon historic properties include:

- The Cooper Station itself is listed on the State and National Register of Historic places. Due to the size of the planned new development and the restrictions of the small and irregularly-shaped lot upon which it is located, the developer has stated his intention to seek use of the post office roof as partial satisfaction of the open space requirements for such developments mandated by the New York City zoning resolution. This will require the new 25-story development be contiguous to and have access to the post office roof.
- The adjacent plot of land upon which the development will rise was the site of St. Ann's Roman Catholic Church, a structure built in 1847 and 1870 which at various times in its illustrious history housed Protestant, Jewish, and Catholic congregations. It also served as the permanent seat, or Cathedral, of the Armenian Catholic Church in North America. The church over the years claimed many prominent parishioners and trustees, including Alfred E. Smith, the four-term New York Governor and first Catholic major party candidate for President, and Peter Maurin, co-founder of the Catholic Worker Movement (see attached letter of 2.9.05 for further information).

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While the church had not yet been listed on the State and National Register, a preliminary review by the New York State Historic Preservation Office earlier this year determined that it would be eligible. Hudson Companies, the developers of the new property, in discussions with community groups including the Greenwich Village Society for Historic Preservation, expressed an interest in maintaining as much of the historic church on the property as possible as part of their not yet fully determined development plans. However, due to the size of the new development resulting in part from the development rights purchased from the neighboring post office, it was determined that preservation of anything other than the front façade and tower of the church would be impossible, given the need to use the space occupied by the church complex for the large new development. Thus in recent weeks about 80% of the church, including the neighboring rectory, was demolished. The church's original front façade and tower do currently remain. However, here again the size of the development and the requirements of the New York City zoning code regarding provision of "open space" seem likely to be incompatible with the continued preservation of the church tower and façade and, according to the developer, the demolition of these last remaining vestiges of the church (which also comprise the entirety of the original 1847 portions of the church) are likely to be demolished as well.

According to the United States Postal Service, no review of impact upon historic resources potentially resulting from the sale of the Cooper Station's development rights, as required by Section 106, were done, based upon USPS's contention that such actions do not require such a review under the terms of the National Historic Preservation Act (see attached e-mail of June 20, 2005, from Dallon C. Wordekemper, Historic Preservation Officer, United States Postal Service).

#### **Times Square Station, 340 West 42<sup>nd</sup> Street, New York, NY 10036, Manhattan**

In this case, the United States Postal Service has sold all of its development rights from this station to a developer of an adjacent plot of land to the west of the post office on the same block at 350 West 42<sup>nd</sup> Street. The sale of development rights results in the approximate doubling of the size of the allowable development on this adjacent property.

Directly to the east of the Times Square Post Office is the McGraw Hill Building. Designed in 1930 by Raymond Hood, the structure is a designated New York City landmark, is listed on the State and National Register of Historic Places, and is also a designated National Historic Landmark. The post office itself separates the McGraw Hill Building from the new development by only a few yards. Since its construction in 1930, the McGraw Hill Building, thought by many to be the first skyscraper in the Modern or International style, has stood open and viewable on all sides, its metallic green glass and steel frame visible for miles in several directions.

However, with the construction of the new development at 350 West 42<sup>nd</sup> Street utilizing the development rights from the post office, the McGraw Hill building will be completely obscured from public view from the west. The new tower is to be sixty stories tall, thus rising more than 100 feet higher than the McGraw Hill Building, and will be just a few yards directly west of the landmark building, separated only by the Times Square Post Office which they both adjoin. Given that the development rights acquired from the neighboring post office have nearly doubled the size of the new development, without those rights the new development would have to be considerably shorter and/or narrower, thus maintaining a greater degree of public view of the McGraw Hill Building.

Construction on the new building at 350 West 42<sup>nd</sup> Street is currently in process. The concrete frame has reached approximately 2/3 the height of the McGraw Hill Building, and continues apace. As in the case of the Cooper Station, no review of impact upon historic resources potentially resulting from the sale of the Times Square Station's development rights, as required by Section 106, were done by the United States Postal Service, based upon USPS's contention that such actions do not require such a review under the terms of the National Historic Preservation Act (see attached e-mail of June 20, 2005, from Dallon C. Wordekemper, Historic Preservation Officer, United States Postal Service).

While the Times Square Station project is found in an area outside of that covered by the Greenwich Village Society for Historic Preservation, as a residential neighbor of the development I am personally quite distressed by the impact the new project will have, as are many who live in the largely residential neighborhood to the west of the building. Additionally, this further example of the United States Postal Service seemingly ignoring the requirements of Section 106 of the National Historic Preservation Act appears to establish a broader pattern that is of concern to anyone advocating for historic preservation in New York, or throughout the country.

Given that there are several other post offices possessing unused development rights located in Greenwich Village and the East Village, as well as throughout Manhattan, the Greenwich Village Society for Historic Preservation believes it is critical not only that these two cases be reviewed immediately, but that the United States Postal Service be given clear and appropriate direction concerning its general obligations to review the impact of their actions upon historic resources, as per the provisions of Section 106 of the National Historic Preservation Act.

I appreciate your attention to this urgent matter. Please let me know if I can provide any further information, and I look forward to hearing back from you as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Berman", followed by a horizontal line extending to the right.

Andrew Berman  
Executive Director

Cc: Martha Catlin, ACHP  
John Boanfide, NYS Office of Parks, Recreation, and Historic Preservation