



**Greenwich
Village
Society for
Historic
Preservation**

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August 25, 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: United States Postal Service's Repeated Violation of Section 106
of the National Historic Preservation Act Regarding Air Rights Sales**

Dear Executive Director Fowler and Commissioner Castro:

I write to bring to your attention the continuing failure of the United States Postal Service (USPS) to live up to its responsibilities under Section 106 of the National Historic Preservation Act, and to urge your two agencies to finally force this renegade entity to conform to the law.

As you both know, in the Spring of 2005, the Greenwich Village Society for Historic Preservation (GVSHP) discovered that USPS had sold air rights from several of its Post Office in Manhattan without subjecting the sale to the review process required by Section 106 of the National Historic Preservation Act. In the case of the Cooper Station in the East Village, a 150-year old church which was in the process of being reviewed by the State Historic Preservation Office for a determination of eligibility for listing on the State and National Register of Historic Places was demolished to make way for the development for which these air rights would be used. Additionally, the planned new 25-story tower for which the air rights would be used was to originally have been connected to the roof of the National Register-listed Cooper Station Post Office. Both are clearly impacts upon historic resources which Section 106 review is intended to study and mitigate. Similarly, at the Times Square Station in the Hell's Kitchen neighborhood of Manhattan, the sale of air rights were used to increase the bulk of a 61-story apartment tower which, when built, nearly entirely obscured views of the McGraw Hill Building, a National Historic Landmark, from the east. This again is an impact which Section 106 review was clearly intended to address (see attached letter). Air rights were also sold from the Madison Square Station in Gramercy Park and the Radio City Station, also in Hell's Kitchen, without any Section 106 review.

At the time, both SCHP and OPRHP agreed that such air rights sales should go through the Section 106 review process, but we were told that there was little the agencies could do about sales which had already taken place. After initially contending that air rights sales could not be subject to Section 106 review, USPS

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eventually grudgingly conceded that they should have been, and stated that they would be in the future.

However, because USPS continued to contend that although such sales might theoretically be subject to Section 106 they did not see how they could be meaningfully reviewed, GVSHP put forward guidelines for how we thought such review should and must be undertaken, and urged the three agencies to adopt such guidelines (see attached letter). Adoption of these proposed guidelines were then supported, in writing, by State Senator Liz Kruger, NY City Councilmember Margarita Lopez, Community Boards 2, 3, and 4 Manhattan, and the Historic Districts Council, among others (see attached letters). Much to our frustration, however, these guidelines were never adopted, in spite of GVSHP's insistence that without such written procedures in place, it remained doubtful that USPS would fulfill its Section 106 obligations.

Unfortunately, we have now discovered that USPS has, yet again, sought to sell its air rights, in this case from its Canal Street Station in Tribeca, without subjecting the sale to Section 106 review. The Canal Street Station itself is listed on the State and National Register of Historic Places and would become part of this merged development lot if the sale went through; and the NYC landmarked AT&T Building is directly behind the site upon which the air rights would be used for development, blocking public views of this historic structure. Both are clearly triggers for Section 106 review, and yet USPS has not initiated any such review (see attached article).

USPS is clearly not interested in voluntarily obeying the National Historic Preservation Act, in spite of its verbal and written assurances to the contrary. It is incumbent upon your agencies to ensure that the law is obeyed in this case, and that the landscape of Manhattan is not further transformed to the detriment of our historic resources because USPS refuses to obey the law. I urge you, in the strongest of terms, to put in place clear and strict guidelines which would ensure that meaningful Section 106 review does take place when USPS contemplates the sale of its air rights, and to take concrete and decisive action against USPS for its failure to obey the law.

Sincerely,



Andrew Berman
Executive Director

Cc: Congressman Jerrold Nadler
Congressmember Carolyn Maloney
State Senator Liz Kruger
State Senator Martin Connor
State Senator Tom Duane
City Council Speaker Christine Quinn

City Council Member Alan Gerson
City Council Member Rosie Mendez
City Councilmember Dan Garodnick
City Council Landmarks Subcommittee Chair Jessica Lappin
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
Tribeca Community Association
SoHo Alliance
St. Ann's Committee
Cooper Square Committee
Coalition to Save the East Village
Union Square Community Coalition
Stuyvesant Neighborhood Association
Hell's Kitchen Neighborhood Association
Housing Conservation Coordinators