

LEGAL STRATEGIES FOR FIGHTING DEVELOPERS
OR CITY HALL TO PREVENT DEMOLITION OR INAPPROPRIATE
ALTERATION OF LANDMARK QUALITY STRUCTURES

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I Investigation

- a. Title Report (\$300-400) from commercial title company or personal investigation at Hall of Records.
- b. ACRIS On-Line City Register (www.nyc.gov/html/dof/html/jump/acris.shtml).
- c. D.O.B. Building Information System (a 810-bisweb.nyc.gov/bisweb/bsqpm01.jsp) and personal visit to D.O.B., 280 Broadway.
- d. CURBED.com.
- e. Freedom of Information Law (Public Officers Law, Article 6) request to public agency. *See*, Matter of Tuck-It-Away Assoc. L.P. v. Empire State Development Corp. 54 A.D. 3d 154 (1st Dep't 2008).
- f. Columbia University Graduate School of Architecture, Planning and Presentation Avery Hall Library.
- g. Engage services of historic building expert to investigate building background.

II. Legal Action or Proceeding

- a. CPLR Article 78 Proceeding (Statute of Limitations and Mootness). *See*, Matter of Save the Pine Bush Inc v. City of Albany, 70 N.Y. 2d 193 (1987); Matter of Citineighbors Coalition of Historic Carnegie Hill v. New York City Landmarks Preservation Commission, 7 N.Y. 3d 727 (2004).
- b. Action for Declaratory Judgment and Injunctive Relief. *See*, Matter of Save the Pine Bush Inc v. City of Albany, *supra*.
- c. Taxpayer action (General Municipal Law § 51). *See*, Landmark West! v. City of New York, 9 Misc 3d 563 (Sup. Ct., N.Y. Co., 2005).
- d. Public Trust. *See*, Landmark West! v. City of New York, *supra*.
- e. Standing. *See*, Landmark West! v. Burden, 3 Misc 3d 1102A (Sup. Ct., N.Y. Co. 2004), *aff'd*, 15 A.D. 3d 308 (1st Dep't 2005).
- f. State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law, Article 8; 9 NYCRR § 617.1, *et seq.*

- g. City Environmental Quality Review (“CEQR”), Rules of the City of New York, Title 62, § 5-01, *et seq.*, § 197-c of Chapter 8 of the New York City Charter. *See, Landmark West! v. Burden, supra.*
- h. Uniform Land Use Review Procedure, Title 43, Chapter 6, and Title 62, Chapter 5, of the New York City Charter. *See, Landmark West! v. Burden, supra.*
- i. Open Meetings Law (Public Officers Law, Article 7).
- j. Other Restrictions:
 - 1. Restrictive covenants (*see, Normandy Owners Corp. v. Aquarius International Realty Associates*, Sup. Ct., N.Y. Co., Index No. 104320/97).
 - 2. Other deed restrictions. *See, 328 Owners Corp. v. 330 West 86 Oaks Corp.*, 8 NY 3d 372 (2007).
 - 3. Landmark District.