

## VICTORY FOR SOHO AND THE ARTS: FORREST MYERS' "THE WALL" RETURNS HOME

In a stunning victory for SoHo and the Arts, Forrest Myers' iconic, world-famous 1973 wall sculpture "The Wall" has returned permanently to its home in SoHo.



The artwork, at the Gateway to SoHo on the north wall of 599 Broadway at the southwest corner of Houston and Broadway, consists of the brick building wall painted deep blue with a series of 42 aluminum beams painted a contrasting turquoise. It was to become the focus of a legal battle spanning ten years, two federal court cases and countless public hearings and rallies, pitting property rights against artists' rights, aesthetics against commercialism.

In 1997 the owner of the building, ironically named the SoHo International Arts Condo, sought permission from the Landmarks Preservation Commission to remove the artwork in order to repair the stucco wall. The SoHo Alliance was quick to realize that this was an excuse to remove the artwork permanently and install a gigantic advertising sign in its place. Our members on the community board strenuously opposed it.

Indeed we were proved correct. The sculpture was removed and the stucco repaired. However, the condo then sought a permit from the Landmarks Preservation Commission to install a huge ad in place of the artwork.

The Landmarks Commission agreed with the SoHo Alliance and denied the request for the ad. The condo sued the Commission. The SoHo Alliance joined the artist as an *amicus curiae* and two Byzantine federal court cases resulted, centered on who owned the art work – the artist or the condo. In a 2005 decision that would flummox even King Solomon, the judge decided that neither party did. She claimed that a long-defunct non-profit that paid for the installation back in 1973, which was never a party to the proceedings, and whose founders were both deceased, owned it.

This silly decision could have resulted in more years of expensive litigation. In a compromise, the condo agreed to drop its request for a huge wall advertisement and settled for four smaller ads at street level and, further, to pay for the restoration and maintenance of "The Wall" in perpetuity.

Mr. Myers has a small sculpture exhibited on the moon for the past 38 years (placed there by the Apollo 12 lunar mission). It is indeed gratifying that his artwork will be finally be exhibited in SoHo.

Congratulations to the artist, his tenacious wife, the Landmarks Commission and the members of the SoHo Alliance who fought long and hard for this victory.

## DOWNTOWN MEETS UPTOWN

SoHo Alliance director, Sean Sweeney, after breakfast at Gracie Mansion with Mayor Bloomberg discussing downtown issues.



## SOHO ALLIANCE TAKES ON TRUMP

Last week the SoHo Alliance began legal proceedings at the NYC Board of Standards and Appeals (BSA) against the Department of Buildings, seeking to revoke the permit granted by Buildings to Donald Trump to construct his monster 45-story "condo hotel" on Spring and Varick Streets.

In an end run around our zoning laws, Trump filed the project as a transient hotel, which is permitted in this neighborhood, but is marketing it as a "condo hotel" - units for sale as an investment or for long-term residence. However, residential buildings are not permitted here without a zoning variance that is open to public and legislative review. It is unlikely that Trump would be granted the variance were he to follow the legal track. Arrogantly and illegally, Trump is trying to introduce a monstrous luxury residential building disguised as a Trojan horse of a transient hotel.

Although it is likely the tallest building south of 34<sup>th</sup> Street, Trump legally bought the air rights to gain the 45 stories and it was never our dream that we could stop a 45-story transient hotel from going up there. Zoning permits it.

What is not permitted is the use. A residential building this size would never have been permitted under the current zoning. If Trump gets away with his scam, other developers will follow suit. Soon, not only west SoHo, but much of the west side of Manhattan will be blighted by these abominations. Our low-rise, low-density character will be compromised. More crass glitzy commercialism will follow. Welcome to the Wild West!

To prevent this, we have retained noted zoning attorney Stuart Klein, former general counsel and inspector general of the Department of Buildings. Our legal strategy is to attack the project on three fronts: that it is a violation of Buildings policy, a violation of Buildings precedent, and a violation of the federal Securities and Exchange Commission (SEC) regulations.

Our Congressman Jerry Nadler has helped get the SEC in Washington involved and an SEC investigation is underway. Based on a 1972 SEC directive that we unearthed, these condo-hotels are considered investments to be filed with, and regulated by, the SEC. Trump has

failed to do so. Who would want to buy a home that is regulated by bureaucrats in Washington? No one! Success here will seriously take the wind out of Trump's sails.

Furthermore, if we succeed at the BSA, Trump will be forced to completely alter his marketing, investors will flee and no one would attempt to duplicate this folly. If we do not succeed at the BSA, a mayoral agency, we will appeal to the impartial NYS Supreme Court, an institution removed from parochial political and development pressures. We feel the rule of law is on our side, not Trump's.



Our new neighbor

To add insult to injury, the City is shilling for Trump in two ways. First, for two months Buildings withheld their rejection letter from us, the letter that the BSA requires from us in order to file. We had to threaten another lawsuit to get Buildings to simply mail us a letter that was sitting on their desk all summer!

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## SOHO ALLIANCE: FIGHTING FOR YOU

Ever wonder why SoHo has not met the fate of surrounding neighborhoods like the Meat Market, Chelsea and the Lower East Side? Read on.

In the early 1990s there were only two SoHo residents out of fifty people serving on the local community board and neither belonged to the SoHo Alliance. This underrepresentation often saw the needs of our neighborhood neglected. SoHo Alliance members began to apply and soon we had a few on board.

Simultaneously, parts of SoHo were suddenly inundated by rowdy bars and noisy late-night restaurants. (Presciently, in 1976 the Alliance had a zoning law passed that restricted nightclubs, saving us from the fate of Chelsea or the Meat Market.)

In 1993, to our rescue along came the Padavan Law which severely restricts the State Liquor Authority (SLA) from issuing new liquor licenses within 500 feet of each other in order to prevent oversaturation. The Alliance was the first group in the state to employ the law successfully and that worked well, until George Pataki appointed new commissioners who ignored this law and granted one license after the other despite community board objections.

One commissioner was a former president of the beer distributors association of New York, a liquor industry insider. Another reportedly had free cases of booze from liquor distributors delivered to his home at Christmas.

Realizing the cards were stacked against us and that the only redress was the courts, the Alliance worked with various SoHo block associations to sue the SLA on numerous occasions to prevent the granting of liquor licenses when the community objected. We never lost a court case. However this cost our neighborhood well over a hundred thousand dollars in legal fees. Nevertheless, it was well worth it to preserve our quality-of-life, property values and neighborhood character.

The corruption and cronyism of the SLA caused then-Attorney General Eliot Spitzer to launch an investigation. In disgrace, the chairman and the commissioners resigned, replaced by a former police chief who had prosecuted police corruption upstate.

Also, for years we had been decrying the fact that none of the three commissioners was a city resident, someone who would understand our neighborhoods and local problems. Consequently, the political wing of the SoHo Alliance - the Downtown Independent Democrats (DID) [downtowndems.org](http://downtowndems.org) - worked with our State Senator Martin Connor to have a city resident appointed to the SLA. Commissioner Noreen Healey was named last year.

It is gratifying to know that local groups can exert such statewide influence.

But it doesn't end there.

Seeing the power of community boards to prevent oversaturation of neighborhoods by rowdy bars, in the late 1990s some ruthless members of the nightlife industry decided to pack the boards in order to thwart the legal successes that residents had gained. They found an ally in former borough-president Virginia Fields.

Seeking funds for her failed bid for mayor, Fields sold seats on the boards to campaign contributors from the nightlife and other troublesome industries. Campaign Finance Board records reveal that seats were awarded for as little as a \$100 contribution to her campaign. As a result, cronyism and corruption reigned for her eight-year tenure. Community activists not appointed by Fields were punished and the residents suffered.

Again, our political wing, the DID, kicked in. When Fields was forced out by term limits in 2005, the DID supported and worked hard to secure the election of the sole candidate who spoke of reforming the community boards, Scott Stringer. Our grassroots campaign succeeded and Scott was elected, receiving his highest margins from SoHo voters.

Stringer kept his promise. Now the community boards have been cleaned up, the deadwood replaced by intelligent, motivated and dedicated activists.

Finally, Stringer helped redress the endemic underrepresentation that SoHo had long suffered. Instead of two members, eleven of the fifty board members now reside south of Houston, many of whom are SoHo Alliance members with several holding key leadership positions. They serve to represent your interests.

If you have any need of assistance on local issues, whatever the problem, feel free to contact us.

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Secondly, Trump is not paying a dime to defend his project. The SoHo Alliance must sue the Buildings Department and the City must provide the legal defense for Trump's scheme. In other words, the NYC taxpayers are paying for Trump's legal team. Outrageous!

We have a trio of lawyers working on this. Zoning attorneys are not inexpensive. We need your help. Please be as generous as you can in our appeal for contributions to our Legal Fund. Help us fight this project, preserve our wonderful neighborhood and send a clear message to Trump and other rapacious developers that this community will not be bulldozed.

**Please send contributions to fight Trump to:**

SOHO ALLIANCE  
P.O. BOX 429  
PRINCE STREET STATION  
NEW YORK, NY 10012

or online at: [sohoalliance.org](http://sohoalliance.org), click on "join us" on the top menu.

## GOING POSTAL!

When the Prince Street post office was displaced by the Apple store and moved into smaller cramped quarters around the corner on Greene, the community suffered.

Long lines resulted, glass partitions depersonalized service, and the attitude of the USPS was exemplified when the new front windows facing Greene Street were made bulletproof. It was never explained whether it was to protect pedestrians from being shot at or angry customers shooting in.

Anyway, that station is always crowded and tempers flare. The Alliance can do nothing about that. But we do offer a little-known alternative.

For USPS customers in upper SoHo, we encourage you to use the underutilized post office on Varick and King Streets. It is open longer hours, rarely crowded, has more pick-ups, is spacious with high ceilings, and is light and airy with shorter lines. Furthermore, there are no partitions, which results in much friendlier interactions between customers and staff, who always seem to be very helpful and in good humor. Give it a try.

## A FRIEND IN NEED

Our friends at the SoHo Partnership, the charity that finds jobs, training and social services for the recovering homeless while providing street cleaning and other free services for our community, will be losing their lease for their current basement workspace on December 31. It is critical for them and for SoHo that they find a new space.

Can you think of an appropriate home for them in the SoHo, TriBeCa, Bowery, or NoHo area? They need a minimum of 2,000 sf, preferably a basement with freight access that will accommodate classrooms, barrel and supply storage, and a bathroom. They are very flexible about price and length of lease. Please help this wonderful organization that has made such a measurable difference and has palpably improved our quality of life for the past 15 years. Please contact Susan Needles at 212-274-0550 x 25 or at [sneedles@ace4homeless.org](mailto:sneedles@ace4homeless.org).

## SOHO LIBRARY FINALLY OPENS

After waiting ten years, the efforts of the SoHo Alliance and its co-founder and former councilmember, Kathryn Freed, have paid off with the opening of the Mulberry Street Library. The library is located on Jersey Street, the little alley south of the Puck Building between Mulberry and Lafayette Streets. Kathryn used her political clout to secure the requisite funding and many of you remember the rallies we staged to get this basic of services into our community.

There seem to be more families living here now and the library meets their need with a special children's section, as well as a bank of computers and a room that we can use for community meetings.

## LANDMARKING & LOCAL ELECTEDS AT OUR ANNUAL MEETING

SoHo would not be what it is today were it not for Margot Gayle. Ms. Gayle, the doyenne of cast-iron architecture, was the person most responsible for getting the Cast-Iron Historic District designated in 1973. But the west side of West Broadway and parts of southeast SoHo near Howard Street were not included, resulting in the destruction of beautiful historic buildings replaced by several plug-ugly structures. More of these hideous buildings could be built unless we complete the landmarking process.

At 99 years of age, Ms. Gayle is still fighting to expand the historic district to its originally proposed boundaries. The group she founded, the Victorian Society in America, is lobbying the Landmarks Commission to finish the job they began in 1973. They have asked the SoHo Alliance to help with the effort. For more details, visit [metrosvsa.org](http://metrosvsa.org).

Consequently, at our annual meeting we shall honor Ms. Gayle and urge you to meet this amazing nonagenarian. There will be a brief presentation and petitions to the mayor seeking the landmark designation that Margot has so long sought.

Additionally, the Greenwich Village Society for Historic Preservation, along with the SoHo Alliance and other local groups, is currently waging an intensive campaign to landmark the area to the west of West Broadway, the old South Village, roughly encompassing Thompson, Sullivan and MacDougal Streets from Broome to West 4<sup>th</sup> Streets. Representatives from GVSHP will attend our annual meeting to make a brief presentation and solicit your support. For further information, visit their website at [gvshp.org](http://gvshp.org)

We have invited our local elected officials. If you want to meet your city and state representatives face to face to ask questions, complain about an issue, or - heaven forbid - commend them on their efforts, now is your opportunity. Attend our annual meeting.

Finally, do you wish to serve on the SoHo Alliance Steering Committee? We are all unpaid volunteers but the rewards you derive are immeasurable. Try it. You'll like it. Check it out at our grand annual meeting, or e-mail us at [info@sohoalliance.org](mailto:info@sohoalliance.org).

WHEN: Tuesday, November 27<sup>th</sup>, 6:30-9:00 pm  
WHERE: St. Anthony's Church basement auditorium  
Sullivan Street, just south of Houston

The Alliance is pleased to work with Friends of Petrosino Square, the tiny park at the convergence of Lafayette, Centre, Kenmare and Spring Streets. Just recently Friends of Petrosino secured a million dollar grant to improve this bit of green in SoHo. All of SoHo thanks you.