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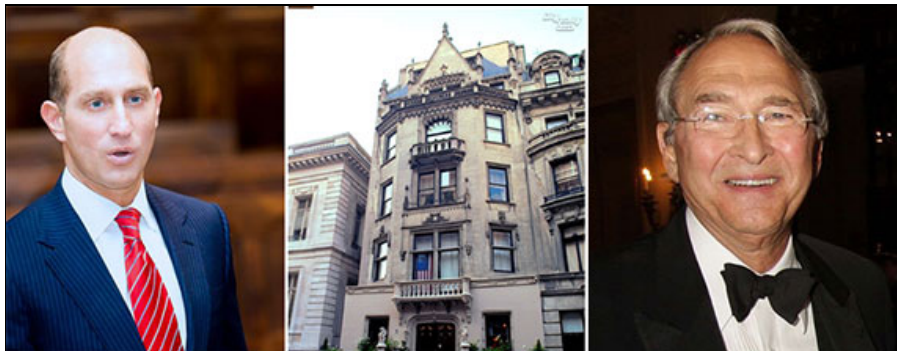
NYU expansion at Sheldon Solow-donated space suffers setback

Dispute over application to Landmarks commission derails school's plans for 3 East 78th St.

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By [Hiten Samtani](#)

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From left: Adam Leitman Bailey, 3 East 78th Street (Credit: CityRealty) and Sheldon Solow

New York University's plans to connect its Upper East Side fine arts institute with a donated space in a neighboring building appear to have been quashed by that building's condo board, which claims the university's plans require the board's consent.

The institute operates from a 40,000-square-foot-space at 1 East 78th Street. NYU hoped to gain even more room by connecting the building to a neighboring, six-story, 13-unit building at 3 East 78th Street via a 10-foot-long breezeway. Billionaire Sheldon Solow donated the ground floor commercial condominium in the building to NYU in the late 1990s. Building the breezeway would require NYU to punch a hole in the French Gothic property, designed in 1899 by renowned American architect C.P.H. Gilbert. And because the buildings are located in the Upper East Side Historic District, NYU was required to file an application with the city's Landmarks Preservation Commission to approve the plans for the breezeway, [the New York Times first reported](#).

But Adam Leitman Bailey, the lawyer for the condo board at 3 East 78th, wrote to the LPC last month, stating that the wall that NYU wants to punch a hole into is owned by the condo board, and represents a structural change to the building. That, in turn, would require the approval of the condo board president, according to the building's bylaws.

NYU maintains that the bylaws allow the owner of the commercial ground floor condominium to make alterations without the board's consent, according to the Times.

Bailey also claims that NYU falsely represented itself in the application as the owner of 3 East 78th Street, in order to secure approval of the work. "In light of NYU's knowing and deceptive submission of this unauthorized application, the Board respectfully requests that the application be rejected in all respects," he wrote to the LPC. He also requested that the commission cancel a public hearing on the plans, which was scheduled for Tuesday morning.

As part of the landmarks process, university representatives initially appeared before the area's Community Board 8 in late May and presented the plans, which were met with a hostile reception by building residents and the community.

The community board voted 41-1 to disapprove the plans. "The presentation information did not fully illustrate the proposed changes," the board stated in a letter to the LPC dated May 22. The letter notes that "the materials are not appropriate to the existing buildings" and that the construction would disturb "the original fabric" of the two buildings.

The university, [whose rapid expansion across the city](#) has generated a fair bit of controversy, wants to use the space to build additional facilities. NYU spokesperson Shonna Keogan told *TRD* that the university shared these plans with building residents over a year ago.

"The addition of the breezeway was included in large part to reduce the traffic in the main entrance in order to minimize impact to the condo residents," she said.

The Times stated that NYU temporarily suspended its application after it was rejected by the community board. But, in fact, it was the Landmarks commission that withdrew the application, until NYU and the condo board can agree about the right person to sign the application, according to

correspondence between the LPC and the condo board, reviewed by *TRD*.

Bailey told *TRD* that the commission's move was effectively a victory for the condo board. "They (NYU) should be raising their white flag," he said. "There's nothing else they can do."

But Keogan disputed this, saying that the university was "considering what our next steps should be."

"It has always been our sincere wish," she said, "to come to an amicable agreement with our long-time neighbors at 3 E. 78th Street with respect to what we believe is a reasonable proposal for the quiet, scholarly use of this space."

Tags: [adam leitman bailey](#), [nyu expansion](#), [Sheldon Solow](#)

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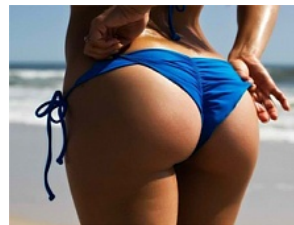
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