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Seeking to Expand an Uptown Site, N.Y.U. Finds Itself in an Alley Fight

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N.Y.U.'s Institute of Fine Arts, left, at 1 East 78th Street, is next to a building where residents have rejected plans to connect to it. Credit Karsten Moran for The New York Times

"I am shocked and appalled at N.Y.U.," Aldo Bozzi shouted during a community board meeting two weeks ago. "And this is just beginning. New York is going to decay if this is going to be permitted."

For the nation's largest private university, this has become a familiar lament, but this time it comes from unfamiliar territory. Rather than the professors, radicals and bohemian celebrities in its native Greenwich Village who have assailed New York University for decades, the opponents here are a half-dozen of the wealthy and socially elite on the Upper East Side, like Mr. Bozzi, the former head of Alfa Romeo in North America. And they are not fighting over vast acres or soaring dormitories.

Their battleground is a back alley around the corner from Central Park.

Since 1958, the university has operated its Institute of Fine Arts — the graduate schools of art history, archaeology and art conservation — out of a 40,000-square-foot limestone building donated a year earlier by Doris Duke. Her father, James Duke, had built the three-story mansion in the French classical style at the corner of Fifth Avenue and 78th Street in 1912, a testament to his control of four-fifths of the nation's cigarette business.

Some 40 years later, another titan of industry, Sheldon H. Solow, donated a piece of another Beaux-Arts beauty, just next door, to N.Y.U.: Though he had dropped out of the university, Mr. Solow still had a fondness for it, especially for the Institute of Fine Arts, where he later became a drop-in student.

In addition to high-profile projects like the Solow Building at 9 West 57th Street — and high-profile lawsuits — he took on smaller ones like the 1989 condo conversion of 3 East 78th Street, a French Gothic house completed in 1899 by the celebrated C. P. H Gilbert. The ground floor condominium had long been home to a prominent plastic surgeon, but in 1999, he finally moved out, and Mr. Solow donated that space to N.Y.U.

University administrators are now ready to expand the Institute of Fine Arts into the donated space and have proposed a 10-foot-long covered passageway in the sunken alley beside the Duke building to connect it. N.Y.U. says the breezeway would be inconspicuous: Situated a dozen feet from the sidewalk, it would only rise a foot or two above street level, made from steel painted the color of the limestone buildings.

"We're historians and conservationists," said Patricia Rubin, director of the institute. "The last thing we want to do is damage these landmarks."

N.Y.U.'s neighbors at 3 East 78th Street are resolute in their response: not in their side yard.

"N.Y.U. knows this will ruin the value of the building and then they can capture the rest of it cheap, which is what they really want," said Adam Leitman Bailey, the lawyer for the condo board. "How can you take the Mona Lisa and edit it so it fits in with a Picasso?"

It might prove difficult, though not impossible, for N.Y.U. to buy up the rest of the building — the entire third floor was on the market in 2012 for nearly \$9 million — but the residents still maintain that having students in the building will damage their property values.



Inside the Institute of Fine Arts. Credit Karsten Moran for The New York Times

Institute of Fine Arts was one of its most successful and renowned programs. It was home to the architect Robert Venturi's first commission, a painstaking renovation of the Duke house that left the gilded halls largely intact. By the 1990s, the exterior was crumbling, but it has since been restored.

Photo

The institute and its roughly 160 students and 40 faculty members have generally had good relationships with their Upper East Side neighbors, certainly compared with the hospitals and prep schools that are often accused of gobbling up blocks.

"They're quiet as mice," said David Price, a photographer who has lived across the street for 35 years. "And soon they'll be like little moles running back and forth in their corridor. I cannot see what all the fuss is about."

About two years ago, the institute began negotiating with its neighbors at 3 East 78th about moving in, and Ms. Rubin said they initially seemed open to the move. Besides Mr. Bozzi, the residents include a successful Hamptons homebuilder, two top bankers and the president of Dannon.

The condo board argues that it was betrayed because the university never showed it specific plans. The first glimpse its members got was last month, along with the rest of the public, when N.Y.U. decided to move forward with getting permission from the Landmarks Preservation Commission to build the passageway. The buildings are not themselves landmarks, but they are within the Upper East Side Historic District.

N.Y.U. maintains that as the owner of the condominium unit, it is well within its right to file the plans, but the board counters that landmarks applications can only be filed by the condo president, a matter currently in dispute. "They're impostors," Mr. Bailey said.

Both sides are also arguing over whether N.Y.U. has the right to build at all. The breezeway is on the old Duke house's property, but the university must punch a hole in 3 East 78th Street to connect it with the interior space, where it hopes to build a classroom, a study center and offices for about a dozen professors. The university points to one section of the bylaws giving the owner of the commercial condo, which is N.Y.U.'s space, the right to make any alterations, inside or out, without the board's consent. Residents point to a different section forbidding any structural changes to the building without approval.

The two sides are at a stalemate. The university has temporarily suspended its application with the landmarks commission after the local community board rejected it unanimously in late May. The community's concerns were over architectural appropriateness, not N.Y.U.'s presence uptown, though there were widespread complaints about all manner of nonprofit institutions overwhelming the neighborhood.

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Many people may not even be aware that N.Y.U. has an outpost uptown, but back when the university was little more than a commuter school, the

“It’s a terrible precedent,” Teri Slater, a board member, said at the hearing. “I see this as our future, actually, because we can’t get a handle on all these institutions.”

By blocking the breezeway, the condo board said it believed it could force the university to abandon its expansion plans altogether, because without the additional entrance the new space might violate fire codes. The school remains stumped, since it sees the passageway as a way to avoid disturbing the neighbors. Otherwise, students and professors will have to use the building’s lobby.



N.Y.U. wants to extend the Institute of Fine Arts to a condominium across a narrow alley at 3 East 78th Street. Credit Karsten Moran for The New York Times

“We’re just as concerned about the safety, security and structural integrity of the building as they are,” Ms. Rubin said. “It’s our home now, too.”