



Ground Zero mosque opponents ask judge to overturn Landmarks Commission ruling

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Opponents of a proposed mosque near Ground Zero today asked for a judge's help in insuring it never gets built.

The American Center for Law and Justice and former firefighter Timothy Brown asked Manhattan Supreme Court Justice Paul Feinman to overturn a determination by the city Landmarks Preservation Commission that a building at 45-47 Park Place is not a landmark.

A declaration that the site is a landmark would effectively block plans to tear down the former Burlington Coat Factory building and replace it with a community cultural center that would include a mosque.

Brown's lawyers charge the commission bowed to pressure from City Hall by not declaring the site a landmark, and contended the commission hadn't given enough weight to the fact that landing gear from one of the planes used in the attack on Twin Towers landed on the building's roof.

"The building is a monument to that day because of what happened with the landing gear," said one of Brown's lawyers, Jack Lester. He said that since Brown was a first responder at the World Trade Center and had friends who died there, he should have legal standing to challenge the commission's ruling.

The lawyer for the building, **Adam Leitman Bailey**, said Brown has no connection to the building and should have no say in what his clients want to do with the site. He noted that Brown didn't save anyone at the building, no one died at the building, and no remains were found there.

Bailey also stressed that the building is two blocks from Ground Zero. "Our property is not at Ground Zero. You can't see it from Ground Zero. You can't throw a football and hit it from Ground Zero," he said.

Virginia Waters, who was representing the LPC, said it would be impractical to give people who were in some way affected by Ground Zero say over happenings at the hundreds of buildings in the vicinity of the area.

"Planes were not aimed at the Burlington Coat Factory. Century 21 is not a monument to 9/11, and neither is 45-47 Park Place," Waters said.

She also dismissed the opponents' claims that the commission didn't make up its own mind about the site, saying their accusations about pressure from the mayor's office was "a conspiracy theory made up out of whole cloth."

The judge said he expects to rule on whether the case can proceed within the next four weeks.