

## New building will block P.S. 42 classroom window

BY ALBERT ARISTEAU

The lawyer for parents of children at P.S. 42 on the Lower East Side has gone to court to halt construction of an adjacent seven-story building that would block one of the windows of a fifth-floor classroom in the school.

The lawyer, Barry Mallin, filed the suit in State Supreme Court on Fri., Sept. 12 against the developers of the residential condo at 48 Orchard St. adjacent to the Benjamin Altman School at 71 Hester St.

The suit is based on the rights of children to an education environment that affords light and air — a right that is paramount to the needs of this particular devel-

oper," Mallin said.

But Barry Strauss, a development partner in the residential project, said the fifth-floor classroom window is on a lot line and he is building his project as-of-right.

"There isn't supposed to be a window on a lot line," he said. Strauss added that school advocates have refused his offer to cover the window and build a skylight in the ceiling of the classroom instead.

However, Victor Papa, an organizer of the Committee to Save the Benjamin Altman School, said it was unacceptable to alter the features of the landmarked school built around the turn of the 20th century. Papa and members of the committee have

asked Strauss to reconfigure his project by moving a planned setback from the rear to the front on Orchard St., thereby leaving the lot-line window in tact.

"We want our windows," said Papa. "The rights of children, many of them immigrants, to a classroom with light and air takes precedence over real estate rights." Papa said that over the past year, work has been going on at the construction site, but that there had been no protective shed and that the sidewalk was unpaved until recently after Education Department officials paid a visit to the school.

Strauss, however, said reconfiguring the apartment building would cost \$1 million. "It's not a reasonable suggestion," he said.

He added that the fifth-floor classroom has a window on the Hester St. side that would not be covered by the residential project. He also said the construction site complies with all city regulations.

School advocates including City Councilmember Alan Gerson and P.S. 42 principal Rosa O'Day Casaleo have met with Strauss to plead for changes that would save the imperiled window. But the developer said on Tuesday that he plans to complete the building as planned.

Parents are also concerned about the effects of noise and dust from the construction project and the possibility of falling construction materials.