



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!  
Certificate of Appropriateness Committee  
Before the Landmarks Preservation Commission  
161 West 78<sup>th</sup> Street  
January 20, 2009**

LANDMARK WEST! is a not-for-profit community organization committed to the preservation of the architectural heritage of the Upper West Side.

The Certificate of Appropriateness Committee wishes to comment on this application to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Bulk, Pursuant to Section 74-711 of the Zoning Resolution.

Owning and residing in a landmarked building such as this Renaissance Revival-style rowhouse, designed by Thom & Wilson and built in 1890, is nothing short of a responsibility. As a resident, the applicant is the most immediate steward of this historical resource. Regular assessment of the building's conditions and historically sensitive restorative work, in accordance with the Landmarks Law, are to be expected.

This application is before you today as a direct result of a recent ruling by the Board of Standards and Appeals (BSA) relating to rooftop additions and the application of the "Sliver Law." A new, more stringent standard has been set and the applicant now seeks to renegotiate approval of their desired rooftop addition. Our Committee believes that this application contradicts the spirit of the 74-711 provision of the Zoning Resolution and must not be approved. Restoring Number 161 to its original condition and bringing this row one step closer to its original cohesiveness is a reward in itself. Incentivizing this restoration work with a bulk modification variance is excessive and inappropriate.

We understand the knotty situation in which the applicant now finds themselves. The multiplicity of city agencies who at one point have or will influence this project – the LPC, the Department of Buildings, the BSA, the City Planning Commission – has elevated a proposed rooftop addition (approved at staff level in July of 2007) to a more complicated bulk modification. However, it can not be stated emphatically enough that the 74-711 provision is *not* the solution; it should not be used as a mechanism for repackaging the penthouse as a bulk modification and coupling the addition with the façade restoration.

It is important to note that the restorative work included in the continuing maintenance program, and intended to fulfill the "preservation purpose" component of the 74-711, was part of an earlier approved staff-level permit. That same work is now being re-positioned as significant enough to ultimately merit the requested bulk variance from the City Planning Commission. We ardently disagree.

Finally, the Commission must consider what this new BSA ruling means for the fate of our landmarks. All Commission staff must now be aware that this new BSA ruling sets a more stringent precedent when reviewing applications which increase the height of a building.