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**Testimony of LANDMARK WEST!
Certificate of Appropriateness Committee
Before the Landmarks Preservation Commission
61 West 68th Street
September 22, 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 the application to legalize a rooftop addition at 61 West 68th Street, a Renaissance Revival/Queen Anne-style rowhouse designed by Francis A. Minuth and built in 1891-92.

Illegal Work on Landmark Buildings: A growing trend

For the second time in less than five months, you're being asked to review an application for legalization of work performed without Commission permits on this small stretch of West 68th Street. On June 9, 2009, this Commission voted to deny the application for legalization at 12-14 West 68th Street, located less than 800 feet from No. 61 under consideration today. In this one small corner of the Upper West Side/Central Park West Historic District—one of the largest in all of New York City—the authority of the Landmarks Commission is being challenged as a property owner once again thumbs their nose at the Commission and his neighbors, both of which believe in the value and meaning of the Landmarks Law.

Design Critique

Property owners are stewards who, with all of our appreciation, take on the challenges of maintaining our irreplaceable architectural resources. They may not, however, operate with complete discretion and without the involvement of the Landmarks Commission and, when necessary, the input of the public. In the case of No. 61, your function of reviewing and modifying as-necessary a proposal for a rooftop addition in the Upper West Side/Central Park West Historic District was usurped. Built or not, your critique today can still address inappropriate design and require modifications.

The addition is defined on today's agenda as a "rooftop addition," but elements of its design do impact the building's rear façade. For example, the illegal addition is both full width and, essentially, full height, in that it renders full height a previously existing rear yard extension. Such a proposal would normally trigger Commission review, as it could result in the irreversible loss of historic building fabric. Was there a significant "rear cornice, corbelled brickwork on the parapet, or other distinctive roof silhouettes," as noted in the *Rules*, on this rear façade? Just a few short months ago, at the July 21st Public Meeting to discuss 43-45 West 86th Street (a complex application proposing the demolition of all but a thin skin of the existing rowhouses), a member of this Commission remarked that it has always been agency policy to preserve the topmost floor of historic rowhouses, and that for consistency's sake they ought to hold the applicant on 86th Street up to that standard. Two months later, the same standard must be protected here.

Role of the Community

All legalizations, and especially one coming on the heels of a project as egregious as 12-14 West 68th Street—the construction of an illegal fifth floor addition—send a message to the larger community: you are *not* part of the process. Landmarked buildings are resources for all of the Upper West Side, Manhattan, and New York City to benefit and learn from. Just as the Commission has the legal responsibility to review work to landmark buildings, the community has the social obligation and right to weigh in on proposed changes in historic districts. Approving the addition now as a legalization implies that the community's input is for appearances sake alone, an empty gesture.

Restoring Faith to the Law

A significant stride was made to reverse this impression at Public Meeting on June 9th, when the Commissioners wisely voted to deny the application for legalization at 12-14 West 68th Street. Maintaining this momentum is crucial; we mustn't take a step backwards now. For those looking to ignore the Landmarks Law, alter landmark-protected buildings and then come hat-in-hand asking you to "legalize" their illegal alterations, a dent has been put in the belief that the Commission would be an enabler of such flagrant circumvention of the law. Denying this application will remind those who conscientiously come before you in conformity with the Landmarks Law, subjecting themselves to your process and your judgment, that yes, the process exists for a reason.

Today's application is a classic example of why legalization should only be the very rare exception, never the rule.

Please deny this application.