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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.

Forget the details. Why focus on the volume of the design, and its relation to the existing building and its neighbors? Why argue for appropriate window configurations and demand high quality materials? Why scrutinize the individual components of an application such as this when what's really at issue here is the *illegality* of this fifth floor addition.

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 integrity of the Landmarks Law is again being challenged. This illegal addition is an inappropriate intrusion; it undercuts the public faith in the legitimate public review process for work to landmark buildings; it implies that historic district designation lacks value and meaning.

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. Property owners are stewards who, with all of our thanks, take on the challenges of maintaining these irreplaceable treasures. They may not, however, operate with complete discretion and without the involvement of the Landmarks Commission.

The community has *a right and an obligation* to weigh in on proposed changes in historic districts. In the case of No. 61, the community's opportunity to have meaningful input into what is or is not appropriate for a rooftop addition in the Upper West Side/Central Park West Historic District was usurped. Approving the addition now as a legalization implies that the community's input is for appearances sake alone, an empty gesture.

Over, please

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.