



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!
Certificate of Appropriateness Committee
Before the Landmarks Preservation Commission
West-Park Presbyterian Church - 165-167 West 86th Street, aka, 541 Amsterdam Avenue
June 13, 2023**

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 individually landmarked 165-167 West 86th Street, aka 541 Amsterdam Avenue – West Park Presbyterian Church. A Romanesque Revival style church complex designed by Henry Franklin Kilburn and built in 1889-1890, which incorporated an existing chapel designed by Leopold Eidlitz and built in 1883-1885. Application is to demolish the building, pursuant to Section 25-309(b)(2), on the grounds of hardship.

Almost a year to the date later, we discuss this matter again, with very little change in the situation or our stance. Landmark West! urges the Landmarks Preservation Commission to stand with landmarks and reject the hardship request to demolish the individually-landmarked West Park Presbyterian Church (WPPC).

Religious properties have inherent value, representing significant periods of the city's history, from architecture to their social and cultural impact on society. This Commission recognized in 2010 that this church was "one of the best examples of a Romanesque Revival style" religious building in the city and how it served more than just its congregation, being the site of the City's first same-sex union, the cradle for God's Love, We Deliver, and the proving ground for Joe Papp's Shakespeare Festival. Today, it continues to serve diverse groups and foster the arts.

Repeated closures of places of worship, something that is all too common in this city, are contributing to a loss in our cultural landscape. We strongly believe that if this hardship case is approved it will set a dangerous precedent and seal the fate of historic religious properties with failing congregations across New York City, effectively showing them if they shirk their responsibilities as stewards and secure a shovel-ready developer, that any religious landmark is fungible. Denying the applicant's proposal will make it clear that demolition by neglect will not be permitted.

We find it necessary to restate that when a property is designated as an individual landmark, specific legal obligations arise both for the owner of the property and the members and staff of the LPC. These obligations are neither mysterious nor hidden. They are established by Chapter 3 – OF TITLE 25 OF THE NYC ADMINISTRATIVE CODE (NYCAC) - LANDMARKS PRESERVATION AND HISTORIC DISTRICTS §§ 25-301 et sec.

§ 25–311. Maintenance and repair of improvements.

- a. Every person in charge of an improvement on a landmark site or in an historic district shall keep in good repair (1) all of the exterior portions of such improvement and (2) all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair.
- b. Every person in charge of an improvement containing an interior landmark shall keep in good repair (1) all portions of such interior landmark and (2) all other portions of the improvement which, if not so maintained, may cause or tend to cause the interior landmark contained in such improvement to deteriorate, decay, or become damaged or otherwise fall into a state of disrepair.
- c. Every person in charge of a scenic landmark shall keep in good repair all portions thereof.

The LPC is tasked with the preservation, protection, and maintenance of designated properties. This is its legislative mandate.¹ The LPC, pursuant to Title 25 of NYCAC, is charged with the duty to promote and preserve the general welfare of the City ... enhance the City's educational and cultural interests and to promote and strengthen its economy, commerce, and industry through and by means of the preservation, protection, and maintenance of buildings, structures, places, districts, and areas of historic or esthetic value or interest, significant in the history, growth, and development of the City, State or the United States.

This application is asking the LPC to reconsider the grounds which they were established upon and turn a blind eye to what's right for the cultural landscape of the city in favor of development.

¹ In enacting the legislation that established the LPC the City Council declared: It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements and landscape features of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. §25-301b.

Sadly, since the day West-Park Presbyterian Church was designated, the LPC has done little if anything to encourage or force the owner to take steps to fulfill its obligations. Now, because of this failure and the flagrant refusal of the owner to fulfill its obligations, (obligations they feel absolved of by pinning on a subtenant) the Commissioners are being presented not with a request to support the owner in efforts to bring this individual landmark into good repair but rather a proposal to let the owner bury its failure in a pile of rubble.

We oppose this hardship case on multiple grounds, but we wish to comment on the main arguments presented by the applicant. Kramer Levin's letter, as part of the 357-page supplemental material, addressed to Chair Carroll cites two key points:

- (i) whether the Building, if used by a third party, could be capable of earning a reasonable return, and*
- (ii) whether the Building, if retained by the Church, would be suitable or appropriate for use for the purposes for which the Building was designed.*

A significant weakness in the applicants' argument for demolition is the unlikely possibility for the church receiving a reasonable return. Unlike developers, non-profits, especially religious charities, do not have the right to seek profit.

Secondly, the applicant proposes that the building as it stands is not appropriate for its intended use. This is clearly not true because, in addition to its many roles as a community nexus, the structure is currently serving as a sanctuary for the Lighthouse Chapel, a separate religious congregation. If the building is deemed so hazardous, why are there two congregations and an arts and theater group currently occupying the space?

The Community has proven there is still life for this building. There are many options between outright neglect of a community asset and more luxury apartments. To see this building that has been so embedded in the community be turned into market-rate luxury apartments for developer profit stands against everything this city proposes to represent in 2023.

The Landmark West C of A Committee is vehemently opposed to rewarding demolition by neglect and this application. Do not help set a precedent that will doom many of our beloved landmarks to mere dust. Instead, reaffirm that the community has rights and landmarks have

meaning, and owners have obligations to protect the landmarks under their control. Reject this application.

THANK YOU.