

October 7, 2009

Hon. Robert Tierney, Commissioner  
Landmark's Preservation Commission  
1 Centre Street, 9<sup>th</sup> Fl. North  
New York, New York 10007

Re: 189 Ocean Avenue, Brooklyn, New York

Dear Commissioner Tierney:

Please accept this behalf of Tom Bernich, the owner of 189 Ocean Ave, Brooklyn New York regarding the proposed creation of a historic district designation for what has been called "Ocean on the Park Houses". For the reasons set forth below we do not believe that as an ensemble these 12 houses rise to that level of historic, aesthetic or cultural significance which should be required for the creation of a historic district. These few buildings as a group is not extraordinary in either an architectural or historic sense and therefore do not possess sufficient sense of place as would justify the historic designation.

We also strongly urge the Commission to apply a separate analysis to our particular residence. Inclusion of 189 Ocean Avenue would inflict terrible financial harm on my family. In approximately June 2007 a proposal for Historic District Designation

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for Ocean on the Park Houses was submitted to LPC [Exhibit A]. This communication advised the Commission that 185 Ocean Avenue, our neighbor to the north, was sold to a commercial developer; the LPC declined to calendar the application to designate the Ocean on the Park Historical district. See letter of Hon. Robert Tierney to Hon. Marty Markowitz dated November 1, 2007 [Exhibit B]. This Decision opened the way to the construction of an eight (8) story cantilevered building which has adversely affected the Bernich family's quality of life and eviscerated the value of his building. Landmark designation would "freeze" 189 Ocean Avenue in this degraded condition" this would be wrong, especially as the home simply does not embody the aesthetic characteristics which make landmarking appropriate.

Even were the other proposed buildings be deemed to possess the qualities which justify the exercise of the power of the Landmarks Commission, the Bernich home, as it presently stands, does not present architectural characteristics which fit within the statutory criteria for landmarking. Annexed to this letter are the extensive and detailed observations of Professor John Young, a noted expert in the field (Professor Young's curriculum vitae is annexed to his report). The Young report makes it clear that the extensive changes to our home's exterior over the years have vitiated any historical value it might once have had. It therefore is in no way comparable to the majority of the other structures in the proposed historic District in either an architectural or historic level; nor does it possess any interest on account of the historical or cultural value. (The brick

building located at 191 Ocean Ave shares similar pedestrian characteristics). Therefore, there is no objective basis to include 189 Ocean Avenue in the proposed historic District.

**I. Harm to the Residential Property Owner**

Tom Bernich, the owner of 189 Ocean Avenue is married and has a small child. The home is his single, biggest asset. Mr. Bernich is a small business owner in Brooklyn, which is located in an economic development zone in Sunset Park, and a member of the New York Industrial Retention Network. His business works very hard to promote community growth and also to keep industry and jobs in New York City. His struggle to both keep his business afloat and to defend his and his family's interests through this designation process has compelled him to divert valuable time and financial resources toward this matter. When Mr. Bernich acquired his house, like the rest of the neighborhood, it was subject to R-7-1 zoning. The allowable floor to area ratio of the plot, if not landmarked, would be 24,000.00 square feet; landmarking would reduce this to fewer than 4,000 square feet. The consequences to the value of this building would be both profound and drastic. Looming immediately next door to his family's home is a cantilevered (soon to be) eight (8) story, 22 unit structure. This development by a company called 189<sup>S</sup> Ocean Avenue Developers has compelled him to share his driveway with a six car parking lot which serves the new apartment building.

In May of 2008, 185 Ocean Avenue Developers illegally excavated ground several feet under the driveway between the building resulting in the concrete driveway cracking 4 inches in width, 100 feet in length and causing a 3-inch drop in elevation.

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Though the Department of Building issued a stop work order to 185 Ocean Avenue Developers for the excavation, both the owners of 189 Ocean Avenue and the commercial building 185 Ocean Avenue Developers were issued violations for the damage done to the driveway. If 189 Ocean Avenue is landmarked, its owner will have to apply to the Landmark Preservation Committee to approve any repairs or changes to the driveway. He should not be burdened with this time consuming and costly process. Mr. Bernich has already spent close to \$50,000 in legal fees dealing with damages to his driveway and abuse of the recorded easement by the builder. The proposed landmarking of his residence is yet another potential disaster piled on top of what he has had to deal with from the development of the adjacent building.

As noted above, in 2007 an application was submitted to the LPC to afford landmark status to thirteen homes ranging from 185 Ocean Avenue to 211 Ocean Avenue; the Commission exercised its discretion and made a finding of fact that the proposed district "... does not rise to the level of significance required for a historic district, neither based on the size of the proposed district nor its strength of a sense of place. ". See **Exhibit B**, letter of Hon. Robert Tierney to Hon. Marty Markowitz, dated November 1, 2007). This decision by the Board is clearly neither arbitrary nor irrational. As noted by Professor John Young this particular type of limestone row houses are by no means uncommon (in fact, there are two remarkably similar rows of houses right around the corner from his subject buildings, a ten building ensemble at 68-73 Woodruff Avenue and a nine building ensemble at 37-53 St. Paul's Place.) Neither ensemble of houses is

landmarked and their existence along with other buildings noted by Professor Young makes it clear that the Ocean Avenue landmarks are not unique. The additional brick buildings located at 189 and 191 Ocean Ave have far less aesthetic or architectural merit than the limestone buildings; both are quite ordinary [See Young report]

As Commissioner Tierney noted, the November 1, 2007 decision may have disappointed some, but it is a clearly defensible action of an Agency given discretion to apply §25-303 of the NYC Administrative Code. Along with many other homeowners across the City, these applicants subjectively felt their buildings were landmark worthy, but the Board recognized that not every such building or group of buildings qualify for landmark protection and declined to calendar the application for the proposed district. LPC was aware of what the developers' intentions were in 2007 when the first proposal was made but choose not to landmark. Subsequently, as stated, a commercial developer demolished 185 Ocean Avenue, and then (maximizing its own property interests) erected what will be an eight-story building with a cantilever extending extremely close to the north wall of the Bernich home. [See Young report]. As indicated above, the developer caused serious damage to the Bernich driveway (shared with 185) and attempted to violate the recorded easement by changing the character of the rear parking; extensive (and extremely expensive) litigation followed which is still going on.

However the damages to the driveway will pale in comparison to what will be inflicted on Mr. Bernich if his house is compulsorily landmarked. He will then be in a position where the livability and desirability of his residence has been drastically

diminished by a commercial developer (taking advantage of the marketplace created by R-7-1 zoning) but himself denied the opportunity of remedying this economic harm in that same marketplace. The only realistic way that Mr. Bernich can salvage the value of his building, under the circumstances he finds himself in through no fault of his own, is to change its character. On one hand the development of the property by his neighbor to the north has thrust him directly into a quagmire; a decision to landmark the building would make sure he sank.

The proposed landmarking would make it functionally impossible for Mr. Bernich to realize the true value of his property. That property, free of landmark designation, and subject to the same R-7-1 zoning fully enjoyed by virtually everyone else in the neighborhood, is worth approximately \$1.5 million dollars. If it were landmarked, its value would drop to perhaps one-third of that and possibly even less. This economic damage which inclusion in the proposed historic District would cause to this residential property owner is substantial and severe. Regarding a bank located in Queens the LPC Commissioner Hon. Robert Tierney was quoted as saying: "Owner consent is not required, but I strongly try to obtain it whenever possible," Mr. Tierney said. "It helps the process going forward. It's not a continually contentious relationship." The owner of a single-family residence should be afforded no less consideration than the businessman who owns a large commercial building. However, the most bitter aspect of this proposed action would be the inherent lack of any real conceptually and intellectually sound reason

for the designation. Were his residence to be included in the historic District, Tom Bernich would be ruined financially but for all the wrong reasons.

Since 2007 the only change to the proposed historical district was the removal through demolition of one of the residences. If anything, this reduction in size and proportional reduction in strength of place should have mitigated against the inclusion of "Ocean on the Park" on the LPC Calendar. There was, of course, a strident and focused effort by proponents of the historical district to articulate their support for the designation, but the drumbeat of political rhetoric is not one of the statutory criteria.

There was an insufficient architectural, historical or cultural basis to designate the proposed thirteen buildings in 2007; the e-mail and letter writing campaign which took place in 2008-2009 simply does not supply what was substantively lacking in 2007. The consequences of landmarking 189 Ocean Avenue will be disastrous to its residential homeowner. There is no real basis to create a historic district consisting of either the ten (10) limestone Axel Hedman homes by themselves (193-211 Ocean Avenue) or with the addition of the one-other pedestrian brick home(191 Ocean Avenue) but that is a separate issue. If these property owners feel landmarking is beneficial and the LPC agrees, then this is an issue which Mr. Bernich would not need to address further through the political or legal process so long as his building were to be excluded. However, it would be blatantly wrong to destroy the value of Mr. Bernich's quite ordinary (though valuable) property through landmarking because his home happens to exist near a few other homes which might colorably be able to be claimed to be out of the ordinary, and which was the

subject of a concentrated political campaign. That would be a perversion of the letter and spirit of the statute and constitute an administrative action which violates the Agency's own direct and clear precedent. I respectfully suggest that this would constitute an arbitrary use of the Commission's administrative prerogatives, with a capricious effect on the subject landowner. This would realistically constitute a taking without compensation. (Who is prepared to compensate Mr. Bernich for his loss of the approximately one-million dollars?) Further, this would amount to a selective modification of the zoning resolution through an action of an administrative agency which is not compliant with the letter or spirit of its own guidelines as embodied in its publically posted mission statement.

## **II. Historic/Cultural Characteristics**

There is no genuine predicate for any claim that 189 Ocean Avenue has any intrinsic historical or cultural value. The 1920 census lists Henry Hazlitt as one of six borders residing there; there is no evidence that this gentleman ever owned the property. Mr. Hazlitt was a writer who lived between 1<sup>8</sup>84 and 1993. His writings are read today but chiefly kept alive by the Ludwig von Mises Institute, a Libertarian think tank located in Auburn, Alabama. Mr. Von Miese apparently was the doyen of the Austrian School of Economics which is a root of the American Libertarian movement. While it is true that Mr. Hazlitt had a long and distinguished career as a journalist specializing in economics,



very little of whatever cultural light which he generated during his career is reflected onto 189 Ocean Ave.

All we know is that Henry Hazlitt lived at the premises sometime in 1920 [Exhibit C] He could not have lived there long before the census notation was made because the house was built in 1919 and he certainly was gone by 1924 when his passport application shows him residing on Pacific Street [Exhibit D]. Although he wrote steadily throughout his adult life Mr. Hazlitt's major works were written in the 1930's and 1940's in reaction to the expansion of government control into the marketplace (he strongly disapproved of the New Deal); however this was long after he left 189 Ocean Ave. This residence at the subject premises is not associated with any great historical event or culturally significant work. The man wrote over a span of more than seventy-five (75) years; a short sojourn at the premises early in his career by a writer who is far from a household name can by no objective standard be considered culturally or historically significant.

### **CONCLUSION**

There is no objective basis for the LPC to violate its own precedent established less than two (2) years previously. Likewise there is no colorable explanation for now landmarking the Ocean on the Park District other than as taking the line of least resistance to political pressure. At this point, rather than fight fire with fire, Mr. Bernich has chosen to present what he feels is a principled argument framed by the appropriate and standard criteria set forth in the Statute and LPC mission statement and the precedent

of this Commission. It is respectfully urged that the arguments made in this letter and by Professor Young compel an administrative finding that Mr. Bernich's building should not be part of the proposed Historic District; we also feel that the same arguments should and/or would be forceful and effective in political and legal contexts as well. We strongly believe that as to 189 Ocean Avenue, this matter should end with the building not designated for landmarking.

Sincerely,

Steven D. Cohn

SDC/II

cc: Mark Silberman, Esq.  
Megan Schmidt  
Katy Daley

**John Young Architect**  
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**251 West 89th Street**

**New York NY 10024-1739**  
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189 Ocean Avenue, Brooklyn, NY  
Opposition to Including the Property in a Historic District

7 October 2009

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### Alterations Since Original Construction

1. Construction notes on stamped architectural drawing for Alteration to House for Dr. and Mrs. Samuel Candel, 189 Ocean Avenue, Brooklyn, New York, by A. Herbert Mathes, Architect, 16 East 43rd Street, New York, N.Y., Dated 7-18-41, Rev, 7-21-41, one sheet.

2. Property alterations observed by site and neighborhood inspection and documentation review by John Young Architect, 30 September 2009.

2.1 Alterations shown on 1941 drawings confirmed, with changes noted below.

2.2 Alterations described by the Landmarks Preservation Commission designation report were confirmed, with further alterations observed as noted below in 2.3.

2.3 Alterations observed by John Young Architect.

3. Opinion Opposed to Including the Property in a Historic District

4. Commentary on impact of demolition of a building with a common or party wall with an adjoining property.

### Documentation of Property Alterations and Neighborhood Context

John Young Architect Resume, Historic Preservation Projects and Bibliography



189 Ocean Avenue, Brooklyn, NY, 30 September 2009

**1. Construction notes on stamped architectural drawing for Alteration to House for Dr. and Mrs. Samuel Candel, 189 Ocean Avenue, Brooklyn, New York, by A. Herbert Mathes, Architect, 16 East 43rd Street, New York, N.Y., Dated 7-18-41, Rev, 7-21-41, one sheet.**

1.1 Plan of 1st Floor

1.1.1 Porch: Exist. roof to be removed. Cut down brick piers, reset caps. Patch & repair brick after roof is removed.

1.1.2 Front entrance: New w. pine frame. Morgan design. Soffit light.

1.1.3 Rear extension north wall: New wood stair to 2nd floor. Cut new window. Install exhaust fan above door.

1.2 Plan of 2nd Floor

1.2.1 Porch roof: Exist. roof to be removed.

1.2.2 North wall: Exist. window removed. New wd. casement.

1.2.3 East wall: new exterior door opening and door. New stair down. Exist. windows removed. Opening cut down. (To terrace above extensions) Reset existing doors. New casement windows.

1.2.4 Extension: Build up wall to 2'-8" above roof. Terrace: Lay deck tile on mastic.

1.3 Plan of 3rd Floor

1.3.1 No exterior alterations shown.

2. Property alterations observed by site and neighborhood inspection and documentation review by John Young Architect, 30 September 2009.

2.1 Alterations shown on 1941 drawings confirmed, with changes noted below.

2.1.1 Front entrance surround (Morgan Design) removed, the door and frame replaced and soffit light replaced.

2.1.2 North wall wood casement window replaced with fixed metal sash.

2.1.3 The wood stair at rear extension replaced with a metal stair.

2.1.4 Three terrace casement doors replaced with a pair of single pane doors.

2.2 Alterations described by the Landmarks Preservation Commission designation report were confirmed, with further alterations observed as noted below in 2.3.

#### 2.2.1 North Facade Alterations

2.2.1.1 Casement window at second story rear, sill raised.

2.2.1.2 Replacement sash and panning.

2.2.1.3 Screens.

2.2.1.4 Through-wall air-conditioner at third story.

2.2.1.5 Security camera at second story.

2.2.1.6 Wires from roof attached to facade.

2.2.1.7 Water faucet and remote utility meter at basement.

#### 2.2.2 East Facade Alterations

2.2.2.1 Facade painted.

2.2.2.2 New leader.

2.2.2.3 Replacement sash.

#### 2.2.3 Garage Alterations

2.2.3.1 Doors removed.

2.2.3.2 Roll-down gates.

2.3 Alterations observed by John Young Architect.

2.3.1 All brickwork of the main structure repointed flush not the original struck and/or raked joints and the mortar texture and color are not the original.

2.3.2 Brickwork of the extension painted and patched with a variety of bricks.

2.3.3 Only one window sash remains of the original sashes, at the basement level, north. All other original sashes and frames replaced. Several operable windows replaced with glass masonry.

2.3.4 None of the original paint on painted elements remains and window sash and frames are pre-finished metal.

2.3.5 None of the original exterior doors, frames and hardware remain.

2.3.6 The front yard landscaping and ground treatment are not original.

2.3.7 The front porch floor slab and stoop are not original.

2.3.8 At the extension east wall, steps down to the basement removed, the step area filled and the basement door opening filled in.

2.3.9 The garage brick lintel replaced. Glass block installed at south wall.

2.3.10.1 An adjoining house and front yard, originally paired by design with this house and yard, demolished.

2.3.10.2 The 185 Ocean Avenue house and front yard were originally paired by design with 189 Ocean Avenue. House and yard demolished for a new 8-story building under construction. The paired garage of 185 Ocean Avenue remains, with demolition planned.

2.3.11.1 A planned 8-story structure at 185 Ocean Avenue to be built to the front building line and lot line, cantilevered over the shared driveway, will disrupt view of the north wall and partially disrupt view of the front facade, porch and yard of 189 Ocean Avenue. The new project will demolish the 185 garage existing paired with the 189 garage.

2.3.11.2 Examples of other properties where a taller structure has been built to the lot line, cantilevered over the shared driveway; this disrupts view of adjoining property similar to 189 Ocean Avenue.

2.3.12 This house is one of thousands of similar generic houses without architectural distinction in New York City which do not deserve landmarking because they do not "meet the [LPC] criteria for designation" as an individual building, nor as part of an ensemble "rise to the level of [LPC] significance required for a historic district, neither based on the size of the proposed district nor its strength of a sense of place."

2.3.13 The house is not architecturally coherent with the nearby limestone row houses and is not party to such tightly coherent ensembles located elsewhere in the neighborhood.

2.3.14 This house is one of thousands of similar generic houses without architectural distinction in New York City which do not deserve landmarking because they do not "meet the [LPC] criteria for designation" as an individual building, nor as part of an ensemble "rise to the level of [LPC] significance required for a historic district, neither based on the size of the proposed district nor its strength of a sense of place."

2.3.15 The Landmarks Preservation Commission found in 2007 that the nearby properties proposed for historic district did not "meet the criteria for designation." And did not "rise to the level of significance required for a historic district, neither based on the size of the proposed district nor its strength of a sense of place."



### **3. Opinion Opposed to Including the Property in a Historic District**

3.0 In my opinion the property at 189 Ocean Avenue does not warrant landmarking as part of a historic district for these reasons:

3.1 The extensive alterations to the original house, garage and yards.

3.2 Modifications of design, workmanship and materials inconsistent with the original.

3.3 Diminished quality of design, workmanship and construction during alterations, repairs and maintenance compared to the original.

3.4 Lack of a coherent and strong architectural adjoining ensemble for reinforcement and to compensate for loss of individual architectural merit described in 3.1 to 3.3

3.5 I respectfully disagree with the LPC designation report on the architectural and aesthetic characteristics of the building. As with a multitude of ordinary buildings in the city, the house lacks distinguished architectural merit worthy of landmarking. Its inclusion in the proposed ensemble is not substantiated by any stylistic or historical significance.

3.6 While now quite ordinary, the house once might possibly have been part of a distinctive architectural context as one of a pair of similar houses designed and constructed as a unit. That slight possibility has been lost by the demolition of the other member of the pair. The building is presently a remnant which has now lost its contextual twin, just as decades ago it lost many of its original distinctive architectural features through extensive exterior and interior alterations.

3.7 The LPC designation report incorrectly presumes a contextual substantiation for landmarking based on its juxtaposition with other architecturally distinguished buildings but that is not supported by visual architectural evaluation and historical documentation -- which indeed supports a contrary judgment against landmarking on a contextual basis. Its location near other structures which may have sufficient intrinsic merit to justify landmarking is merely a fortuitous event, not an objective basis for inclusion in the proposed historic district.

3.8 It is important to note that in addition to its extensive alterations over the years the building has not been as well preserved in its original state as others nearby and thereby has declined to a social not an architectural contextual relationship with the neighborhood.

3.9 Impending disruption of view and appreciation of the sidewall and front yard by an adjoining new construction of design and scale will further sharply reduce the diminished architectural quality of this house and property.

#### **4. Commentary on impact of demolition of a building with a common or party wall with an adjoining property.**

4.1 An easement between adjoining properties at 189 and 191 Ocean Avenue describes the use of an abutting wall of 191 Ocean Avenue for bearing beams of 189 Ocean Avenue.

4.2 It is common in New York City for a structure to be demolished which has a party wall with an adjoining property, and the wall is located in part on both properties, by these steps:

4.2.1 Installation of temporary and permanent shoring or other structural stabilization to replace the common wall bracing provided by the demolished structure.

4.2.2 Patching holes left in the common wall by removal of beams, joists, fireplaces and other interior elements of the demolished structure which are attached to the common wall.

4.2.3 Constructing a parapet above the common wall to comply with code requirements for building roof separation at the lot line.

4.2.4 Waterproofing the exposed wall from the top of the new parapet to the bottom of the foundation of the common wall.

4.2.5 Installing a protective skin on the exposed face of the common wall for long-term durability and appearance.

4.2.6 Because about 1/2 of the common wall is located on the property of the demolished structure, an easement or other arrangement is required between the two property owners to maintain the waterproofing and skin, including access rights for inspection and repair.

4.2.7 If a new building is built on the property of the demolished structure, protection measures are needed at the existing building foundation, front and rear walls and roof to assure moisture protection between the new and existing buildings.

4.2.8 Shoring and other structural stabilization of the common wall and the entire existing building is needed during any new construction (existing building movement and structural cracking as well as soil settlement are typical hazards when constructing next to an existing building).

4.3 The abutting wall is wholly on the property of 191 Ocean Avenue, which was erected a few years before 189 Ocean Avenue. Hence the wall is not split by a property line.

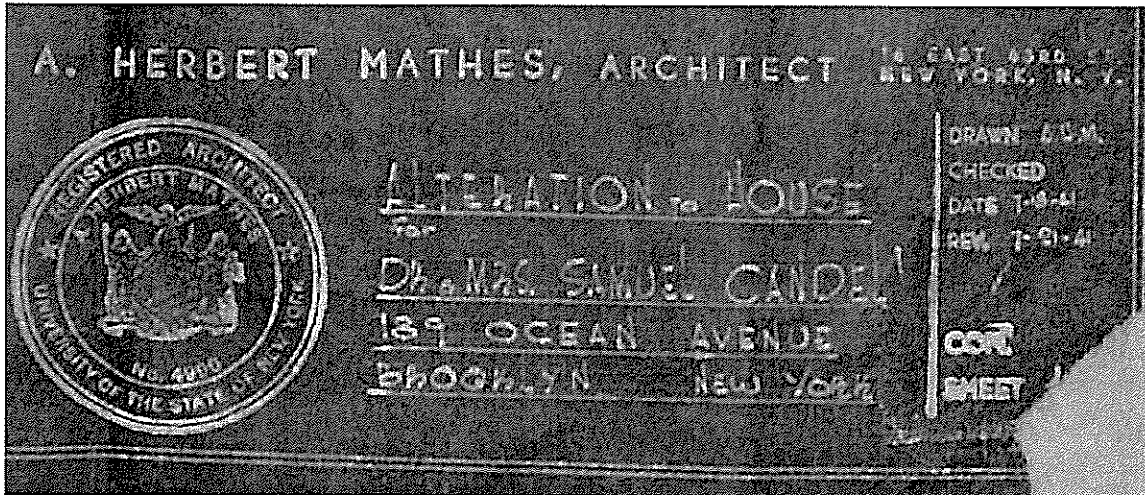
4.4 Should 189 Ocean Avenue be demolished and 191 Ocean is a designated landmark, the following measures would be required:

4.4.1 Approval of the Landmarks Preservation Commission (LPC) would be required for any work affecting 191 Ocean Avenue both for demolition and for any new construction which impacts 191 Ocean Avenue.

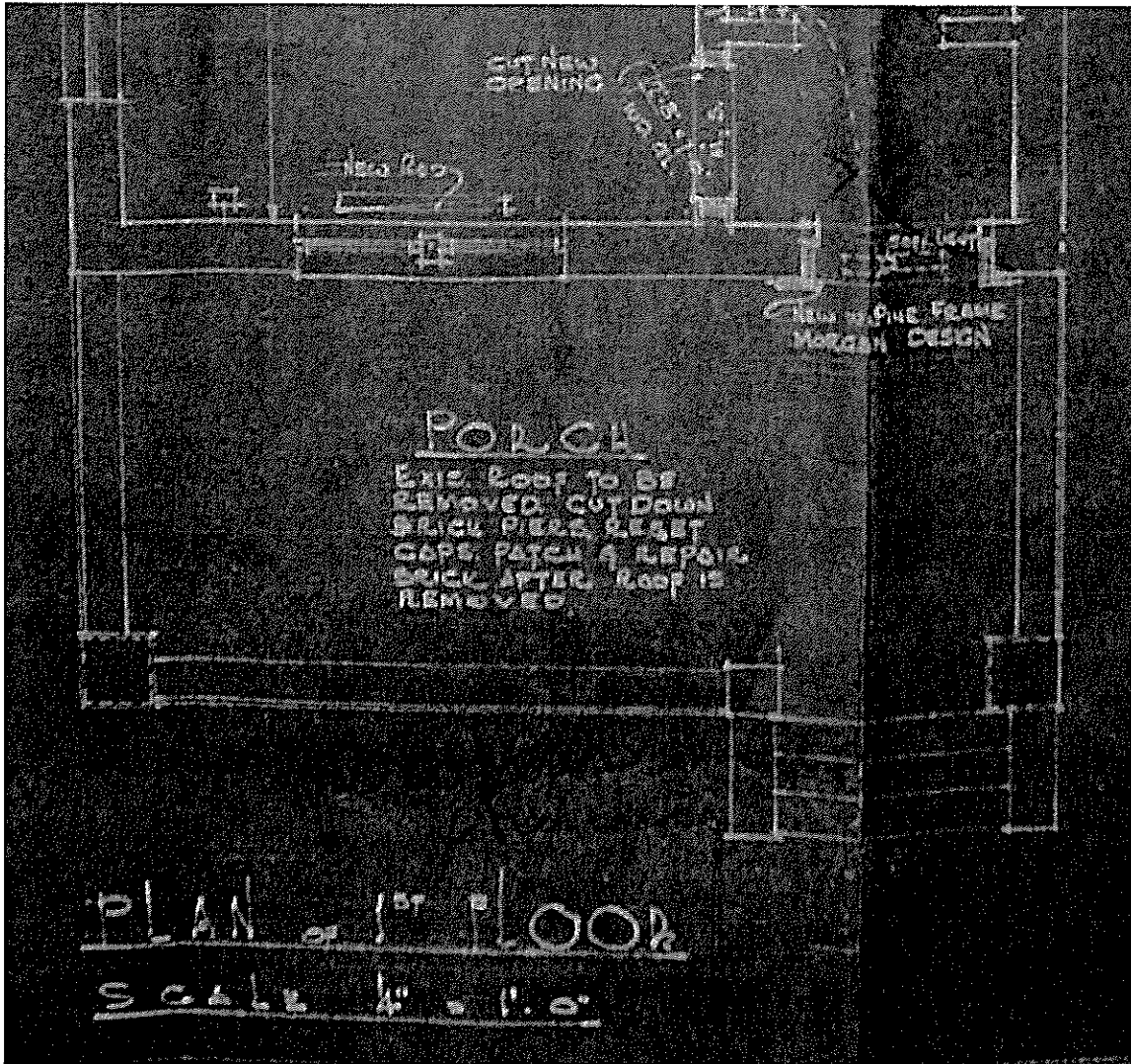
4.4.2 Measures would be required to protect the abutting wall of 191 Ocean Avenue and its foundation against settlement, moisture penetration and structural instability.

4.4.3 Patching of beam holes used by 189 Ocean Avenue, wall exterior surface treatment and any work affecting the abutting wall if left exposed after demolition would require approval of the LPC.

4.4.4 Construction methods and temporary facilities which impact 191 Ocean Avenue would require approval of the LPC.



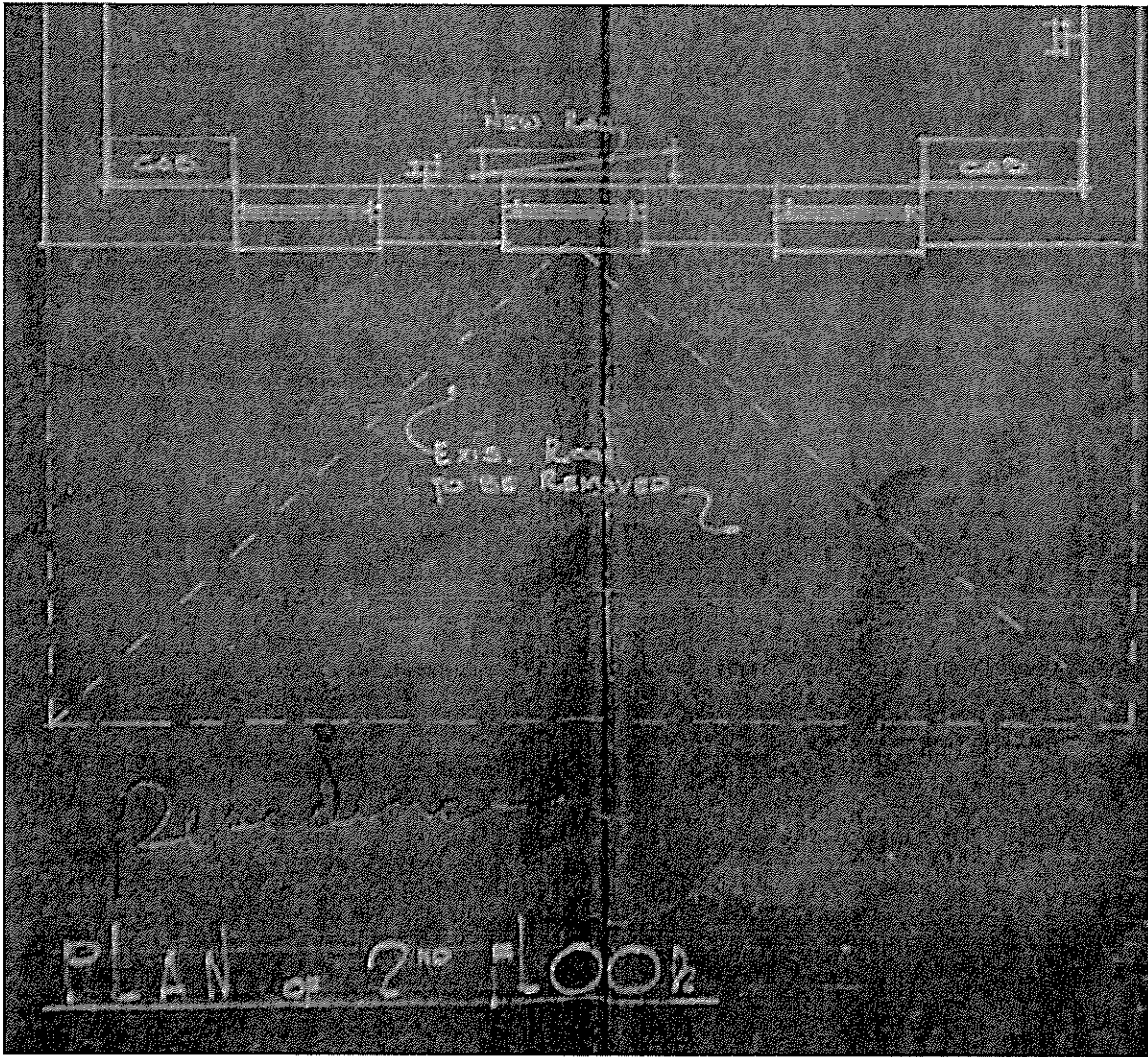
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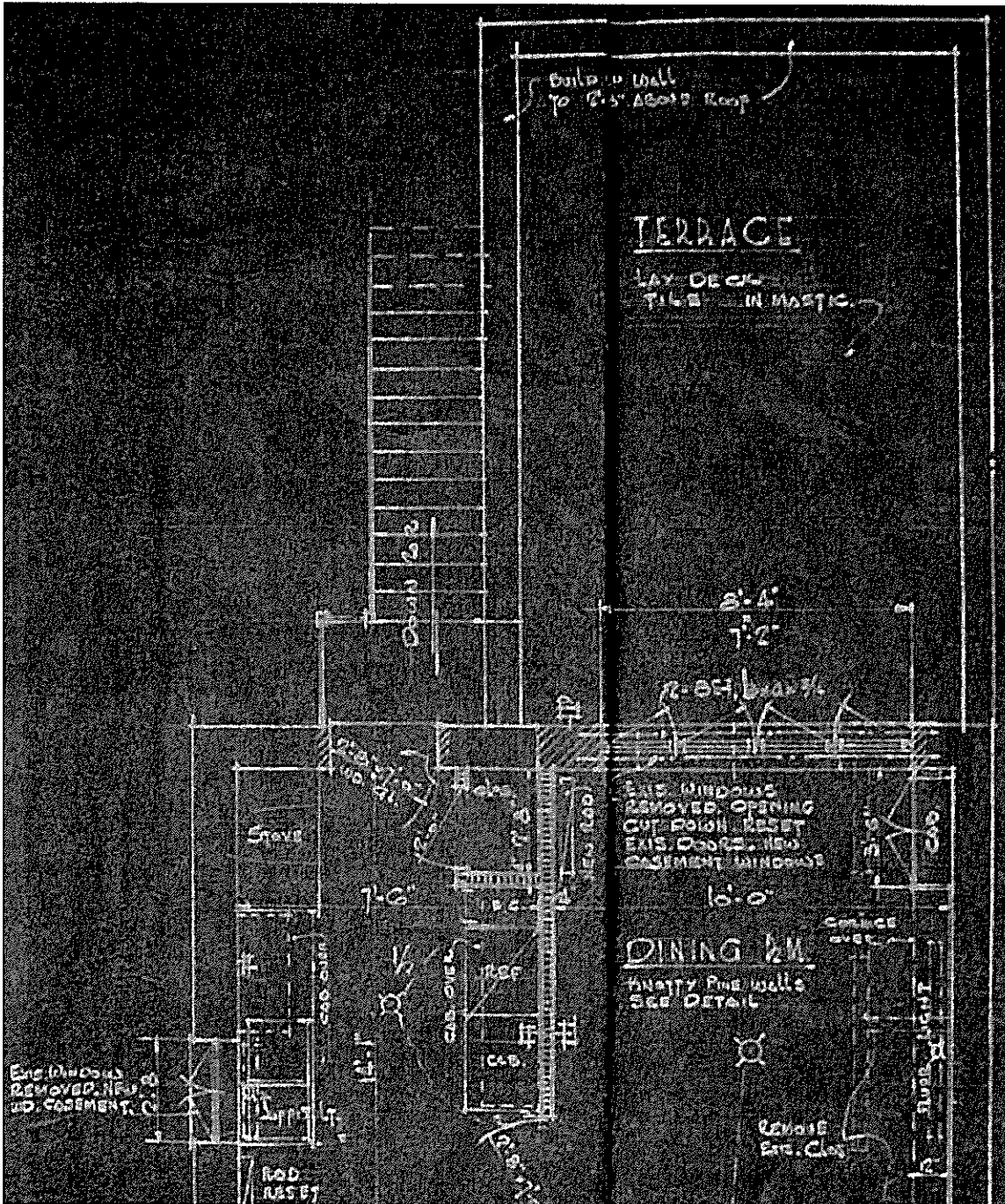
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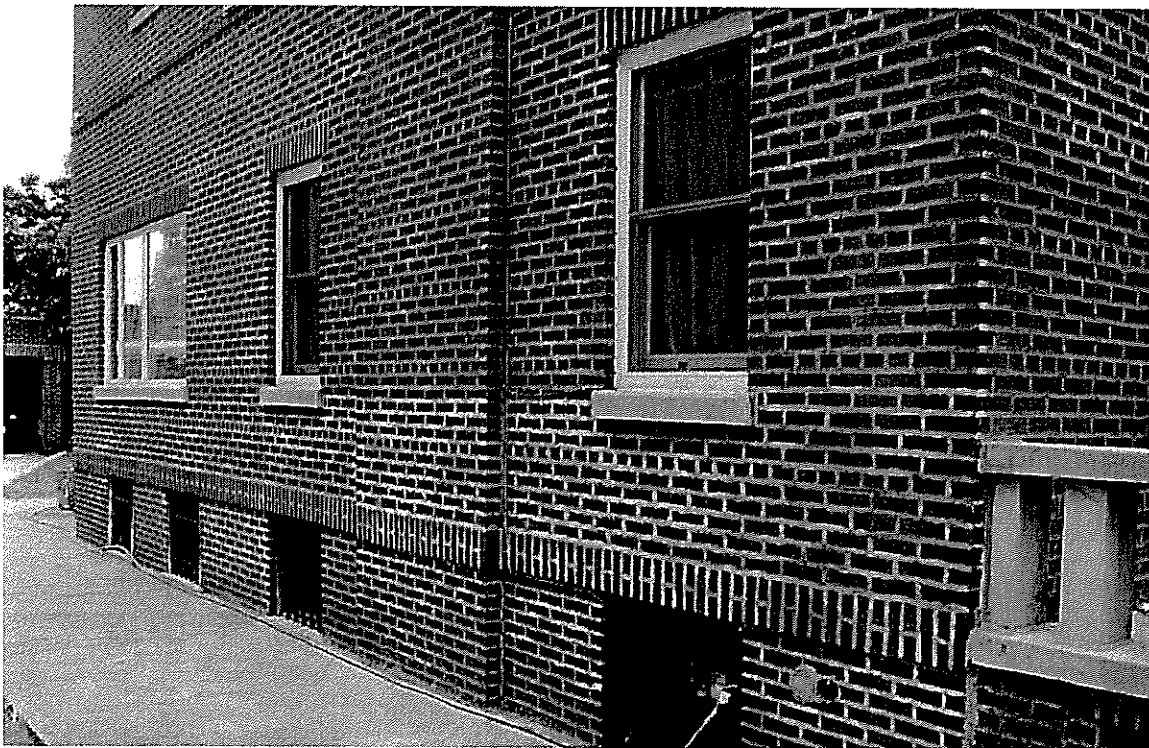


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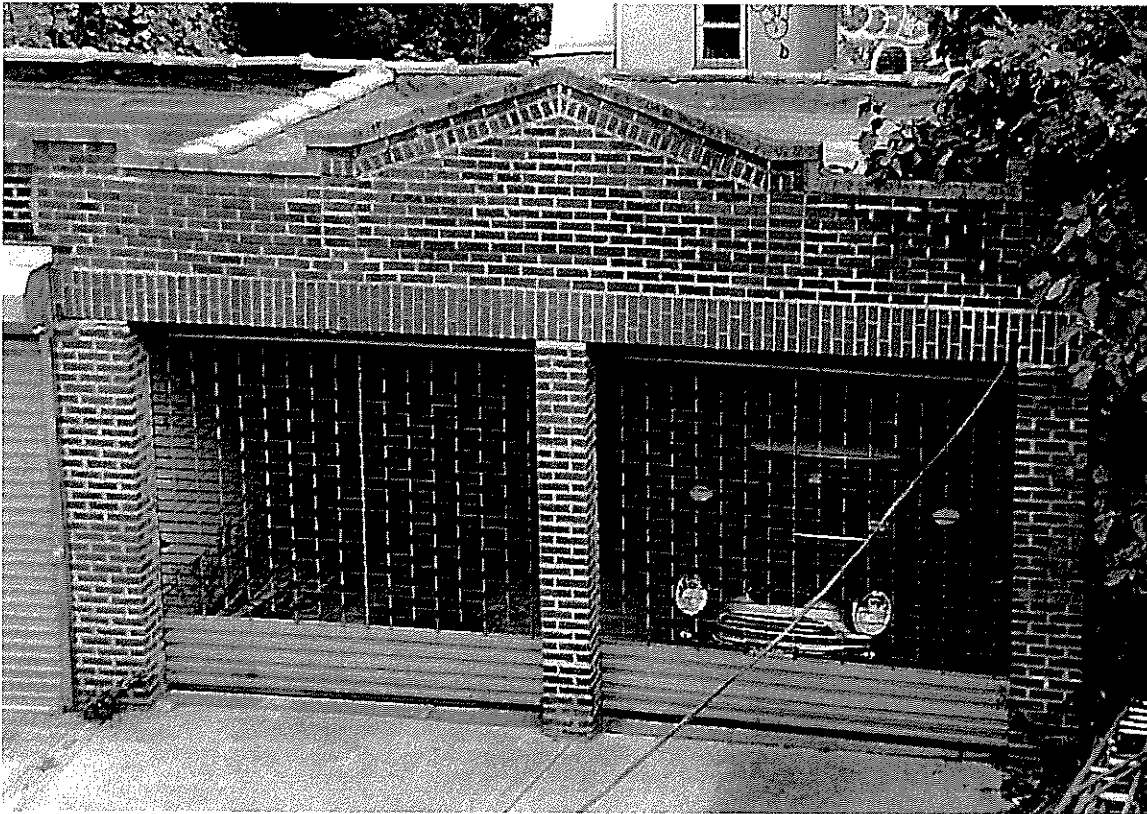




2.2.1 North Facade Alterations. Casement window at second story rear, sill raised; replacement sash and panning; screens; through-wall air-conditioner at third story; security camera at second story; wires from roof attached to facade; water faucet and remote utility meter at basement.



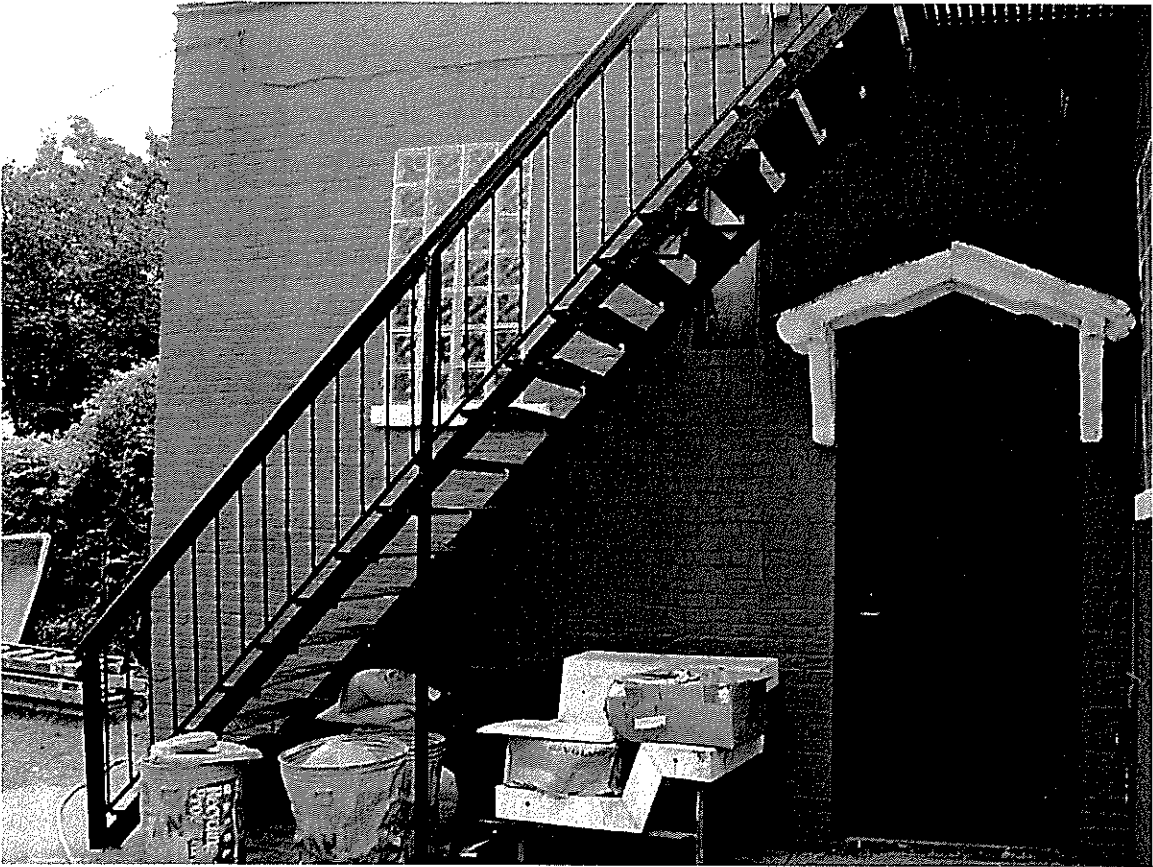
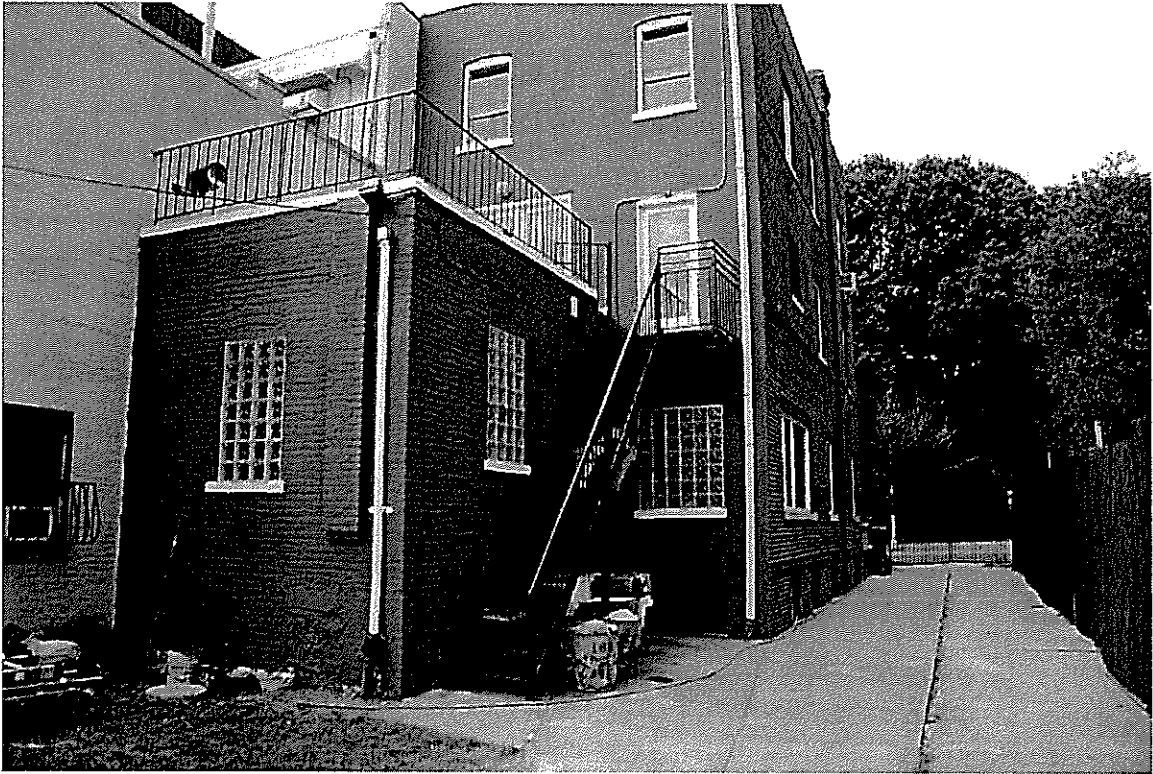
2.2.2 East Facade Alterations. Facade painted; new leader; replacement sash.



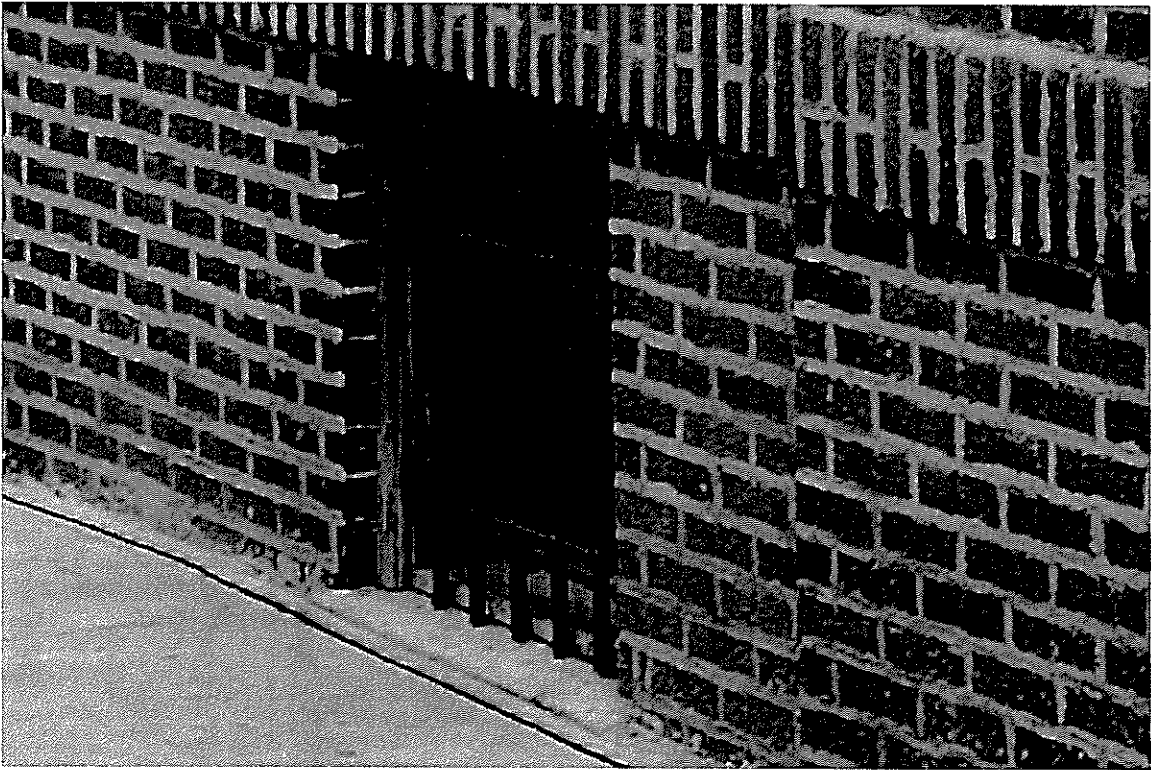
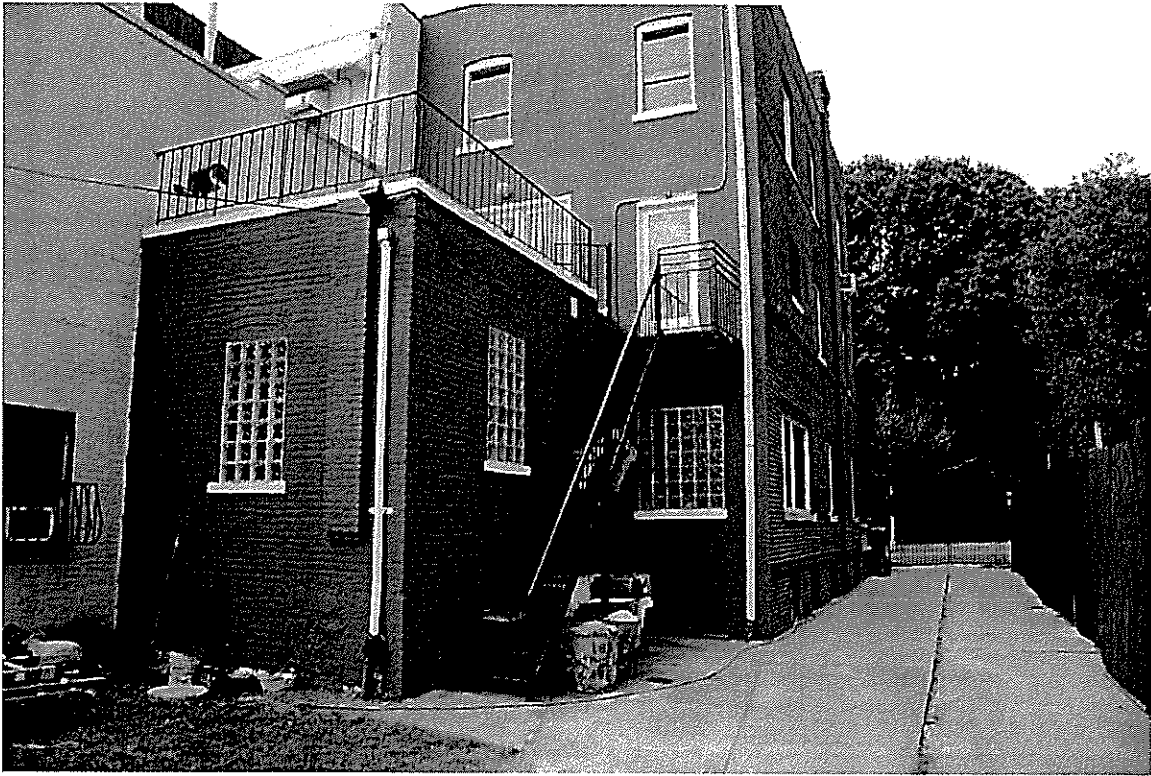
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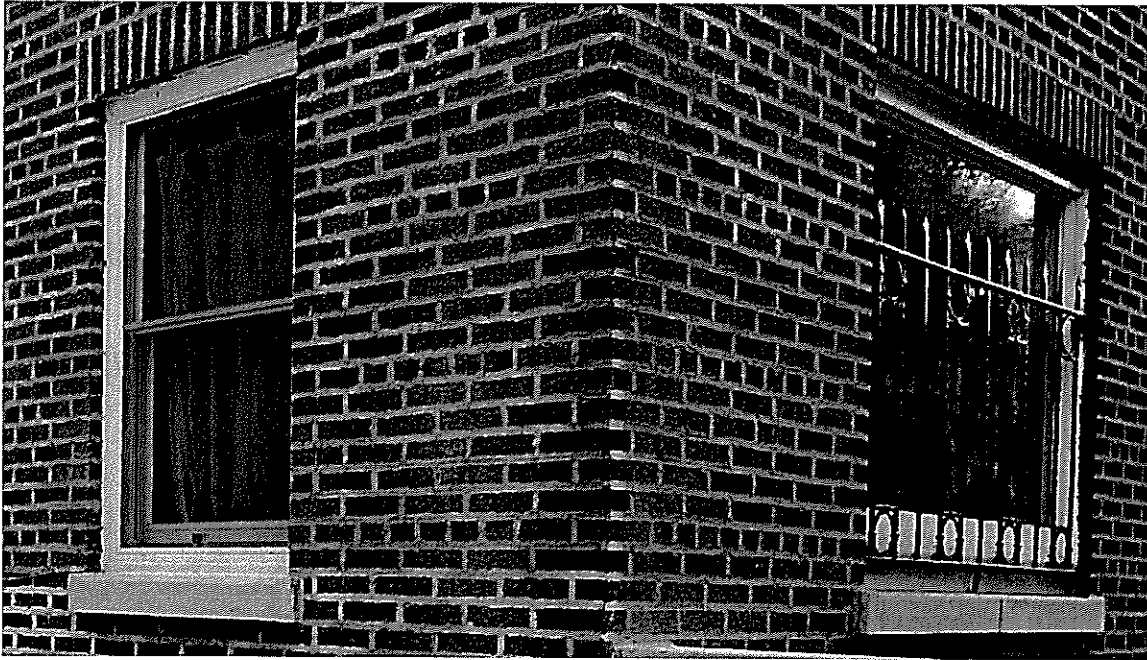
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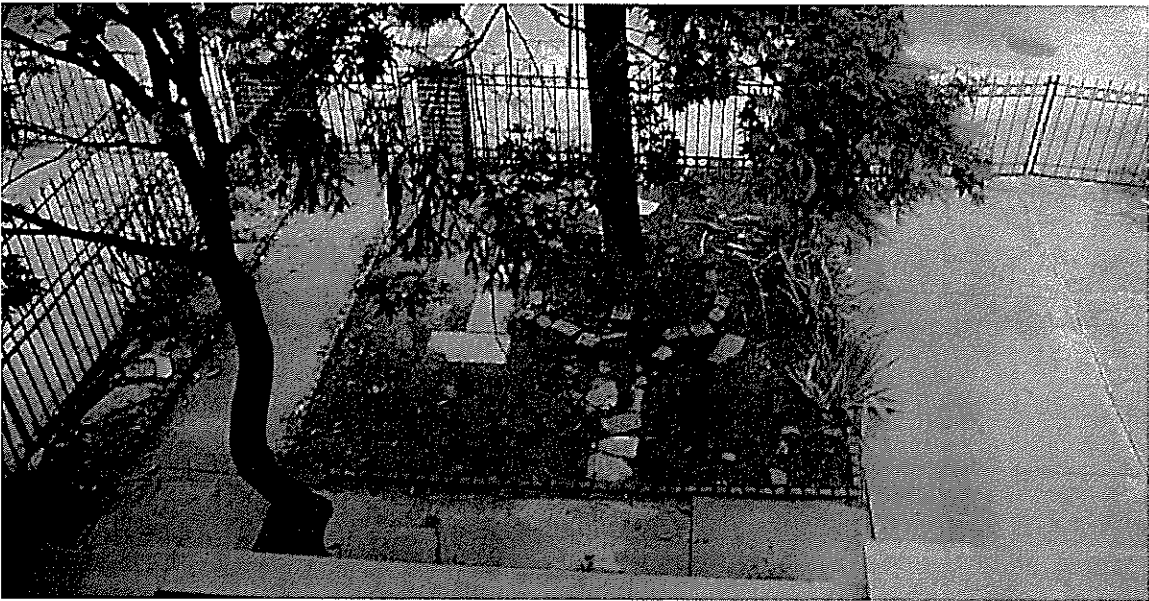


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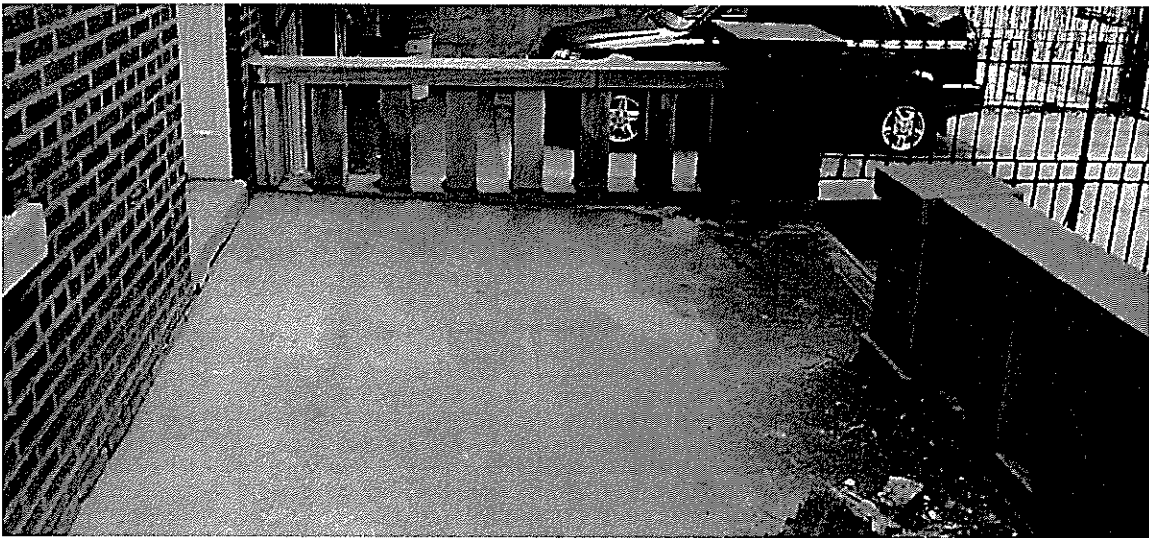


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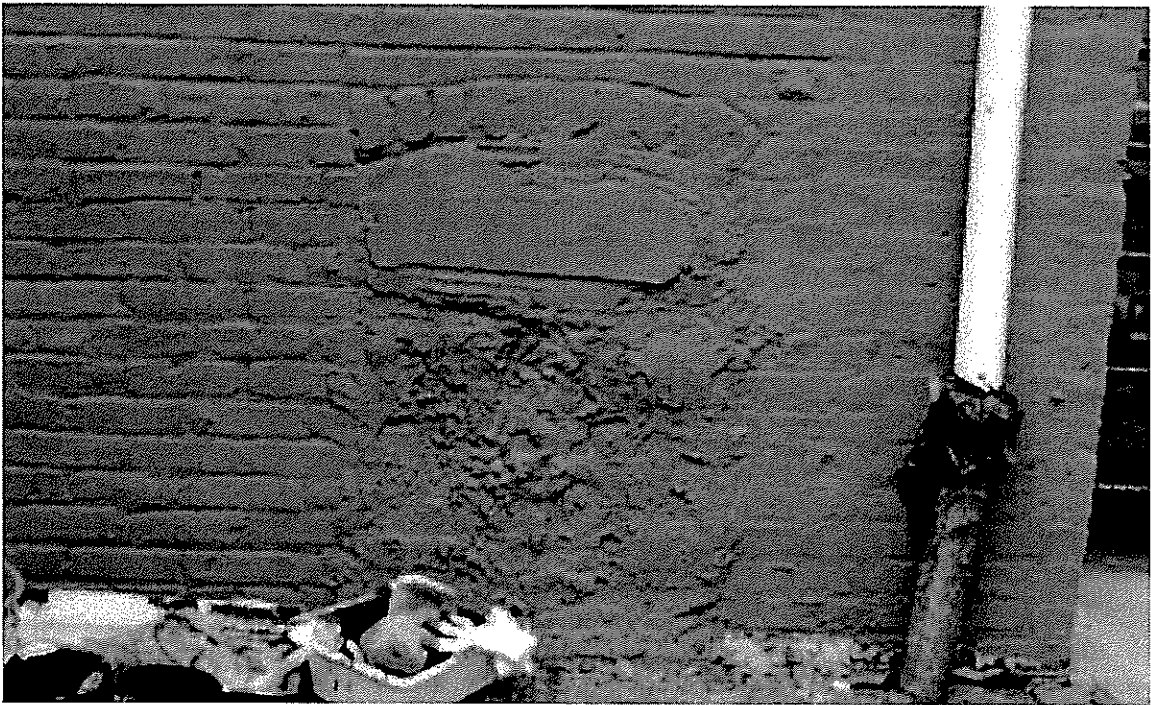




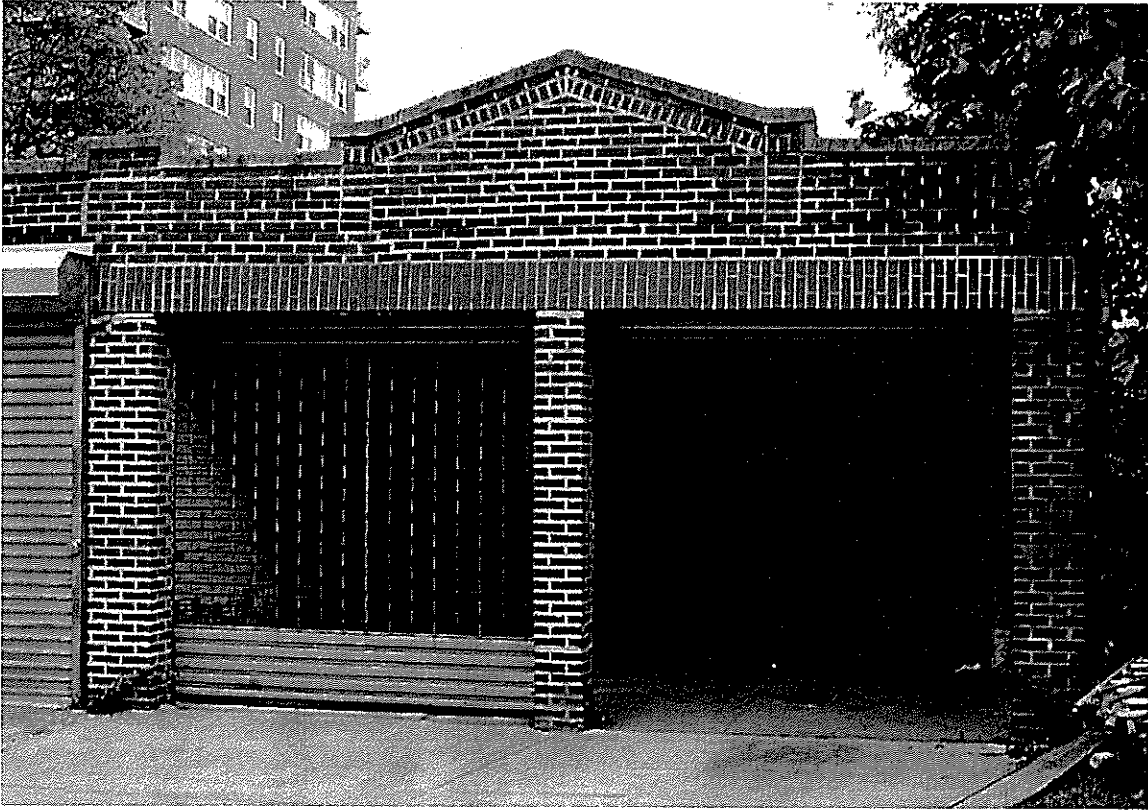
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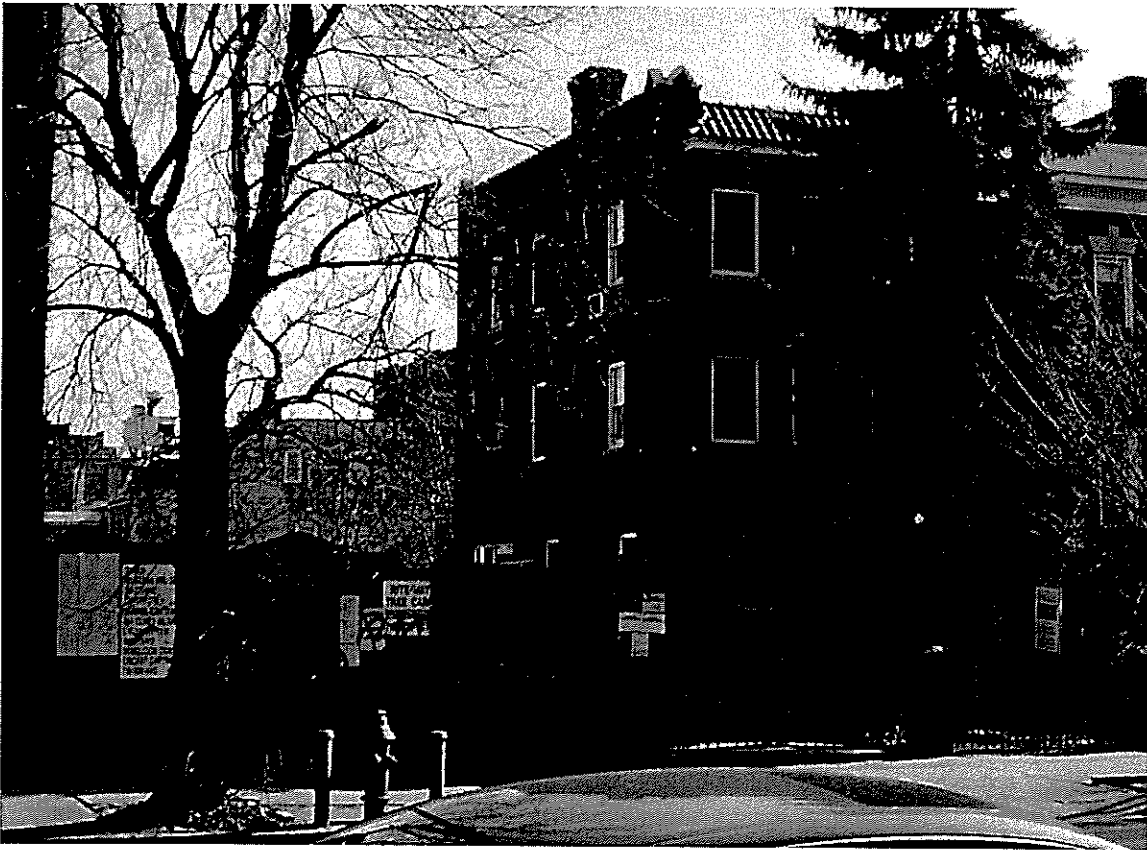
2.3.9 The garage brick lintel replaced. Glass block installed at the south wall.



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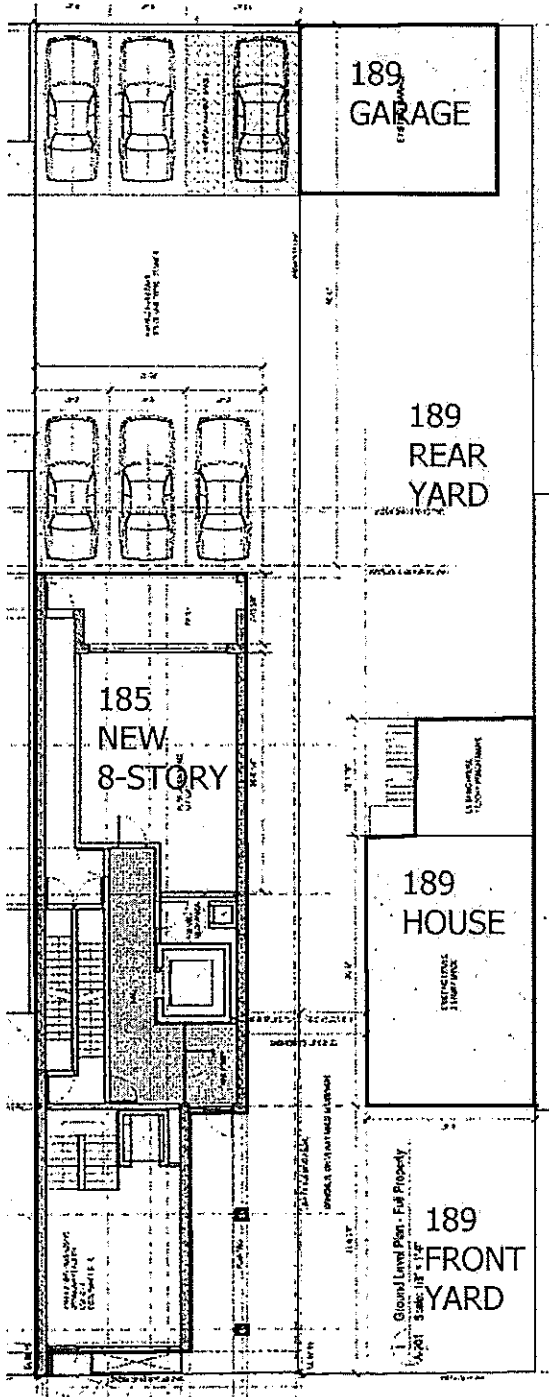


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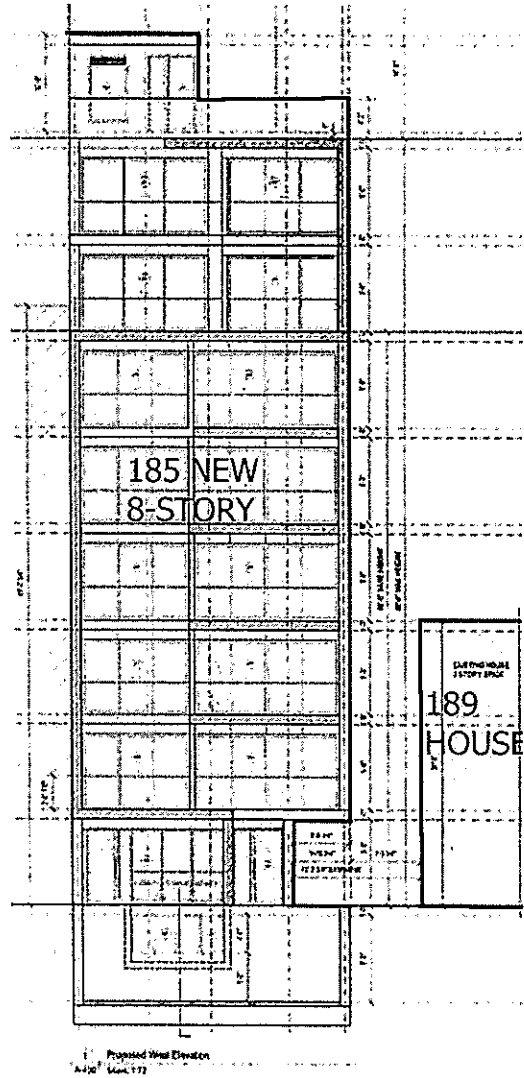


2.3.10.1 An adjoining house and front yard, originally paired by design with this house and yard, demolished.



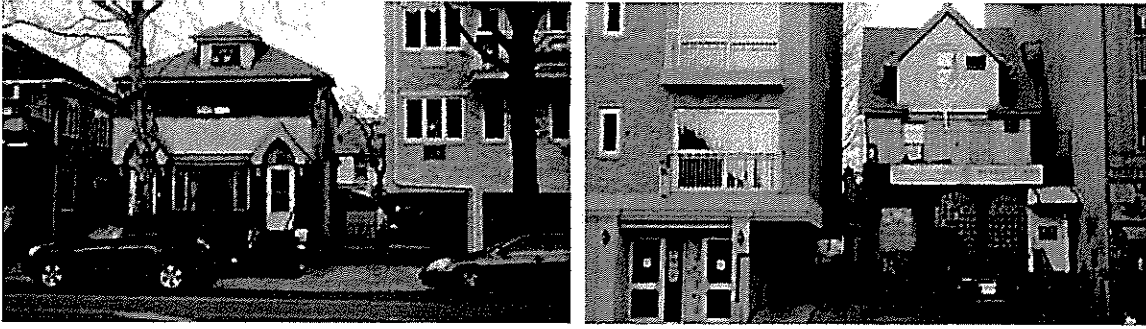


185-189 SITE PLAN



185-189 SECTION

2.3.11.1 A planned 8-story structure at 185 Ocean Avenue to be built to the front building line and lot line, cantilevered over the shared driveway, will disrupt view of the north wall and partially disrupt view of the front facade, porch and yard of 189 Ocean Avenue. The new project will demolish the 185 garage existing paired with the 189 garage.



2.3.11.2 Examples of other properties where a taller structure has been built to the lot line, cantilevered over the shared driveway; this disrupts view of adjoining properties similar the impending adverse impact on 189 Ocean Avenue.





Nearby Parkside Court, Brooklyn



Nearby Chester Court, Brooklyn

2.3.12 This house is one of thousands of similar generic houses without architectural distinction in New York City which do not deserve landmarking because they do not "meet the [LPC] criteria for designation" as an individual building, nor as part of an ensemble "rise to the level of [LPC] significance required for a historic district, neither based on the size of the proposed district nor its strength of a sense of place."



2.3.13 The house is not architecturally coherent with the nearby limestone row houses and is not party to such tightly coherent ensembles located elsewhere in the neighborhood.

**John Young Architect**  
Tel: 212-873-8700

**251 West 89th Street**

**New York NY 10024-1739**  
Fax: 212-787-6102

191 Ocean Avenue, Brooklyn, NY  
Opposition to Including the Property in a Historic District

7 October 2009

## **Contents**

### Alterations Since Original Construction

1. Alterations described by the Landmarks Preservation Commission designation report were confirmed, with further alterations observed as noted in Section 2.
2. Property alterations observed by site and neighborhood inspection and documentation review by John Young Architect, 6 October 2009.
3. Opinion Opposed to Including the Property in a Historic District

### Documentation of Property Alterations and Neighborhood Context



191 Ocean Avenue, Brooklyn, NY, 6 October 2009

**1. Alterations described by the Landmarks Preservation Commission designation report were confirmed, with further alterations observed as noted in Section 2.**

1.1. West (front) Facade Alterations. In 1936 the architectural firm of S. Millman and Son converted the original first story one-car garage into a waiting room for a doctor's office. Wood-and-glass French doors on garage removed and triple window, stone course and bulkhead at first story installed c. 1936; metal replacement sash and panning; retractable metal awning across first story; metal window grilles at first story altered to accommodate an air conditioner; sign for doctor's office; remote utility meter attached to basement wall.

1.2 East (rear) Facade Alterations (partially visible). In 1936 a one-story addition was erected in the rear adjoining the original two-story ell. Facade and ell painted; window opening at third floor converted to door; replacement sash and panning; metal awnings at third story; window at second story altered and replaced with glass block; retractable awning on second story of bay; metal chimney stacks, spotlight and leader on ell.

1.3 Shed Alterations (partially visible). Concrete-paved areaway used as a parking pad; non-historic metal fence and double gates with center post; gooseneck pipe.

## **2. Property alterations observed by site and neighborhood inspection and documentation review by John Young Architect, 6 October 2009.**

2.1 Alterations described by the Landmarks Preservation Commission designation report were confirmed, with further alterations observed as noted below in 2.2.

2.1.1 West (front) Facade Alterations. In 1936 the architectural firm of S. Millman and Son converted the original first story one-car garage into a waiting room for a doctor's office. Wood-and-glass French doors on garage removed and triple window, stone course and bulkhead at first story installed c. 1936; metal replacement sash and panning; retractable metal awning across first story; metal window grilles at first story altered to accommodate an air conditioner; sign for doctor's office; remote utility meter attached to basement wall.

2.1.2 East (rear) Facade Alterations (partially visible). In 1936 a one-story addition was erected in the rear adjoining the original two-story ell. Facade and ell painted; window opening at third floor converted to door; replacement sash and panning; metal awnings at third story; window at second story altered and replaced with glass block; retractable awning on second story of bay; metal chimney stacks, spotlight and leader on ell.

2.1.3 Shed Alterations (partially visible). Concrete-paved areaway used as a parking pad; non-historic metal fence and double gates with center post; gooseneck pipe.

2.2 Additional alterations observed by John Young, 6 October 2009.

### 2.2.1 West (front) Alterations

2.2.1.1 Automobile parking relocated from the original interior garage to the front yard, and contrary to the original design poses environmental, fire, health and safety hazards to the property and adjoining properties.

2.2.1.2 Entrance and windows reportedly added c. 1936 at front first story are not compatible with the original design of the building.

2.2.1.3 None of the original paint on painted elements remains and window sash and frames are pre-finished metal.

2.2.1.4 Operable metal awning and security grilles at front first story are not compatible with the original design of the building.

2.2.1.5 Demolition of the original front yard treatment and full paving of the front yard is not compatible with the original front yard landscaping and ground treatment.

2.2.2 East (rear) Alterations. Lot line window at first floor north is not original and poses hazard to the adjoining property. Air-conditioner and security grille encroach on adjoining property. None of the original paint on painted elements remains and window sash and frames are pre-finished metal.

2.2.3 Rear Yard Shed. Un-fire-protected wood shed and untrimmed vegetation around it in the rear yard pose fire hazard and if toxic materials are stored in the shed, an environmental hazard for the property and adjoining properties.

### 2.3 Architectural Quality

2.3.1 The house is not architecturally coherent with the nearby limestone row houses and is not party to such tightly coherent ensembles located elsewhere in the neighborhood.

2.3.2 This house is one of thousands of similar generic, undistinguished-architecture houses in New York City which do not deserve landmarking because they do not "meet the [LPC] criteria for designation" as an individual building, nor as part of an ensemble "rise to the level of [LPC] significance required for a historic district, neither based on the size of the proposed district nor its strength of a sense of place."

2.3.3 The Landmarks Preservation Commission found in 2007 that the nearby properties proposed for historic district did not "meet the criteria for designation." And did not "rise to the level of significance required for a historic district, neither based on the size of the proposed district nor its strength of a sense of place."

### **3. Opinion Opposed to Including the Property in a Historic District**

3.0 In my opinion the property at 191 Ocean Avenue does not warrant landmarking as part of a historic district for these reasons:

3.1 The extensive alterations to the original house and yards.

3.2 Modifications of design, workmanship and materials inconsistent with the original.

3.3 Diminished quality of design, workmanship and construction during alterations, repairs and maintenance compared to the original.

3.4 Lack of a coherent and strong architectural adjoining ensemble for reinforcement and to compensate for loss of individual architectural merit described in 3.1 to 3.3

3.5 I respectfully disagree with the LPC designation report on the architectural and aesthetic characteristics of the building. As with a multitude of ordinary buildings in the city, the house lacks distinguished architectural merit worthy of landmarking. Its inclusion in the proposed ensemble is not substantiated by any stylistic or historical significance.

3.7 The LPC designation report incorrectly presumes a contextual substantiation for landmarking based on its juxtaposition with other architecturally distinguished buildings but that is not supported by visual architectural evaluation and historical documentation -- which indeed supports a contrary judgment against landmarking on a contextual basis. Its location near other structures which may have sufficient intrinsic merit to justify landmarking is merely a fortuitous event, not an objective basis for inclusion in the proposed historic district.

3.8 It is important to note that in addition to its extensive alterations over the years the building has not been as well preserved in its original state as others nearby and thereby has declined to a social not an architectural contextual relationship with the neighborhood.





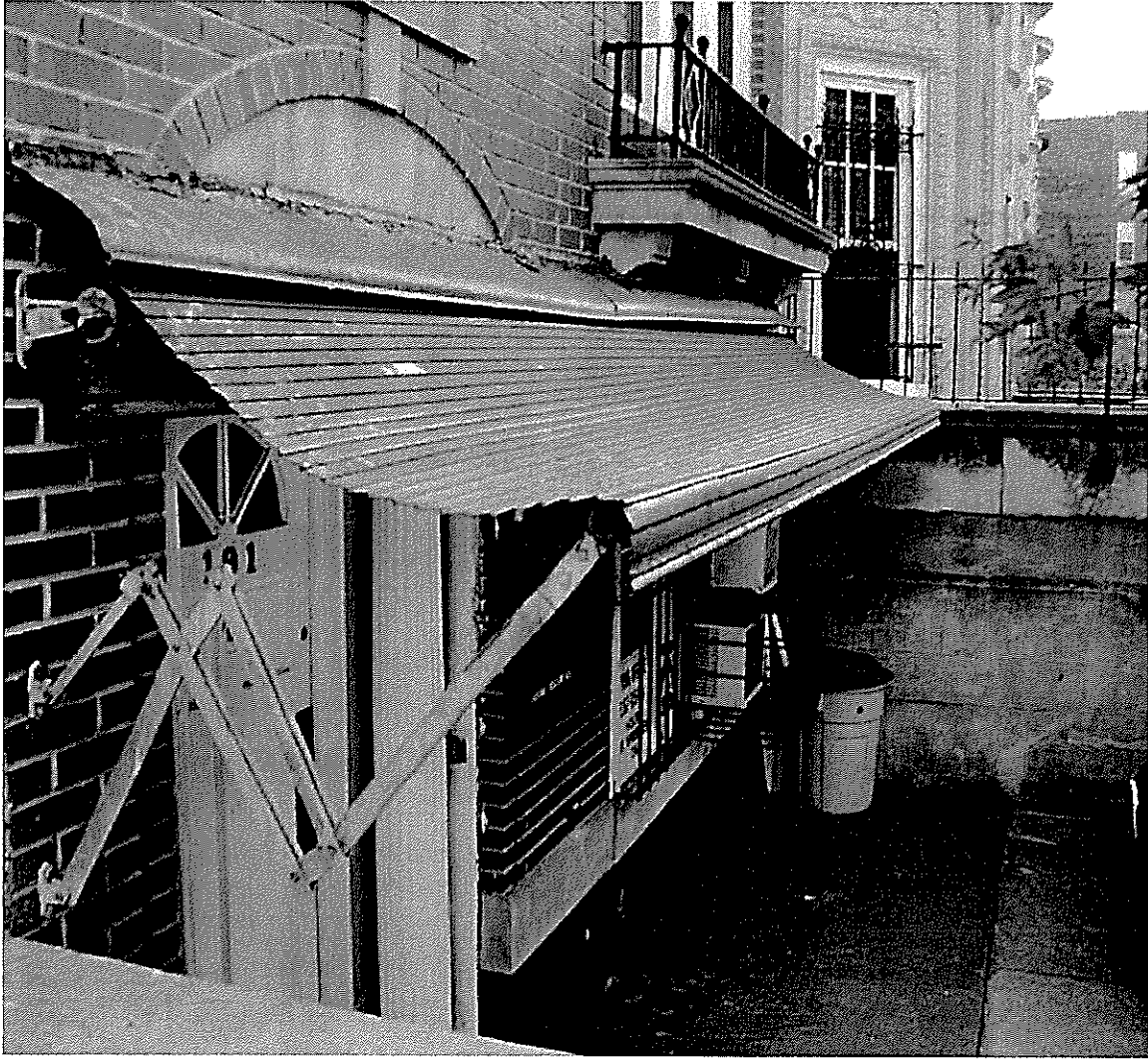
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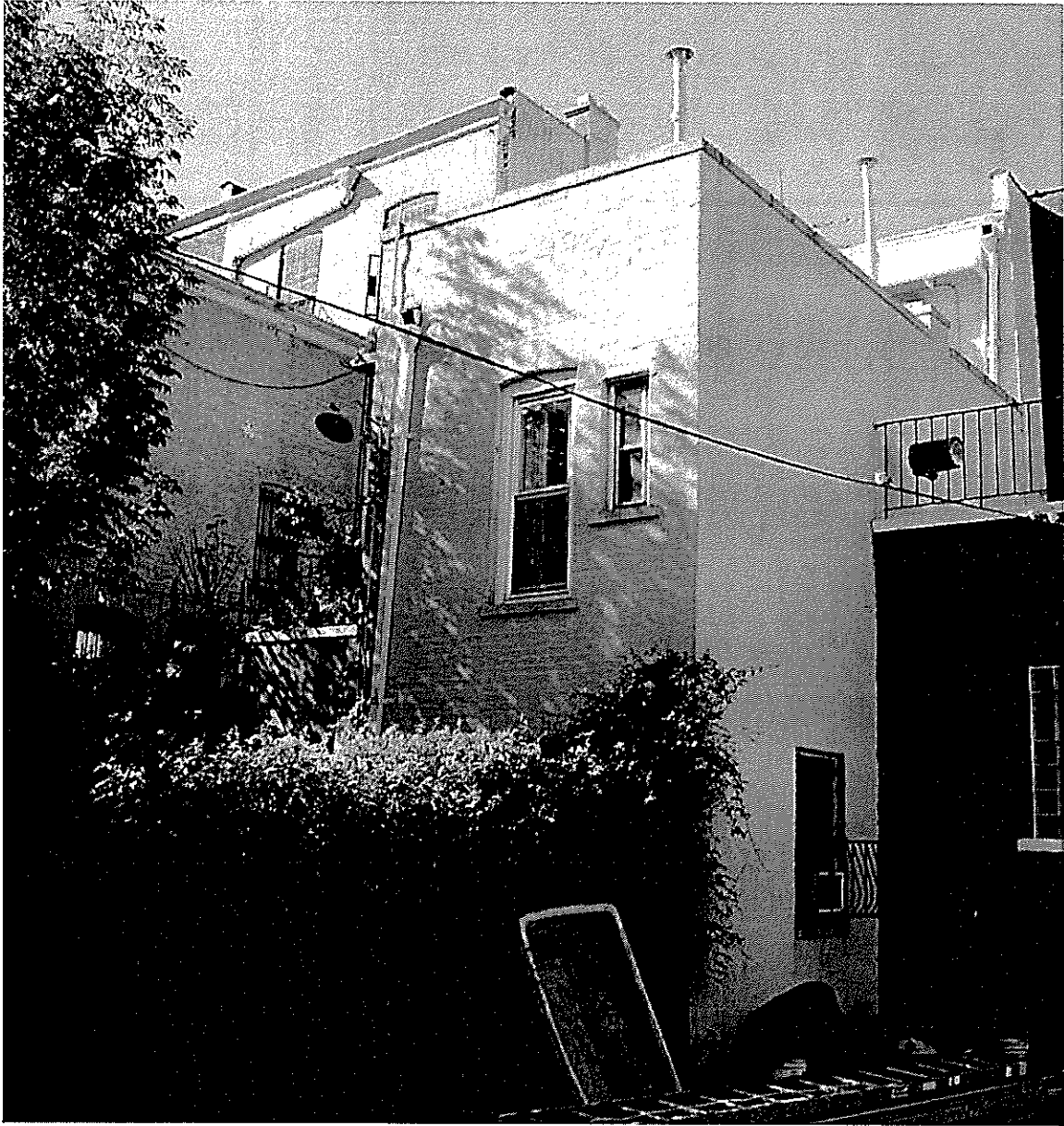
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2.1.2 East (rear) Facade Alterations (Continued)

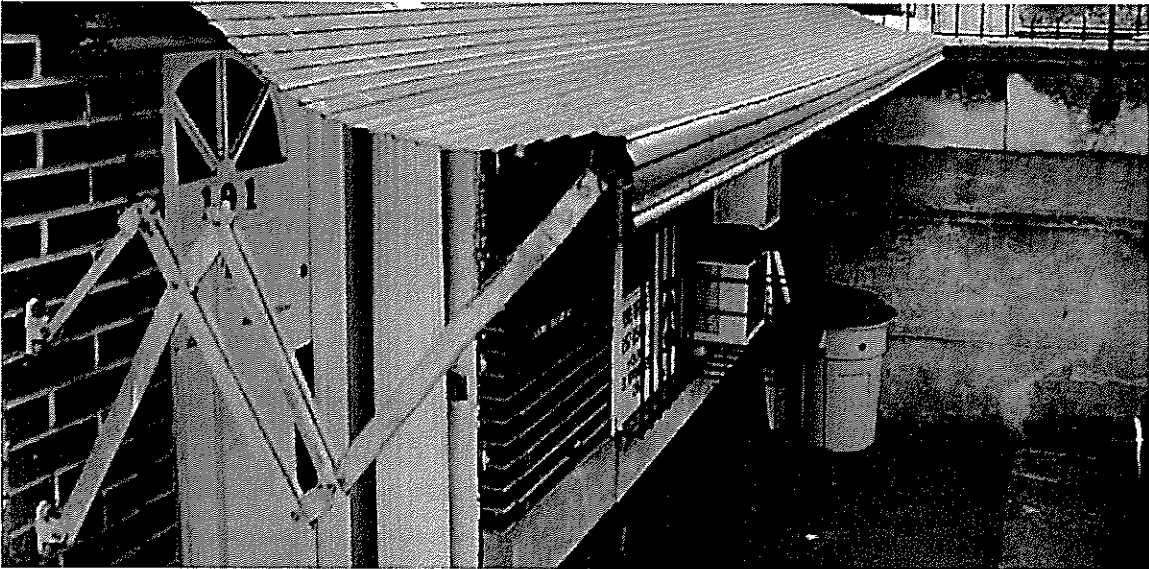


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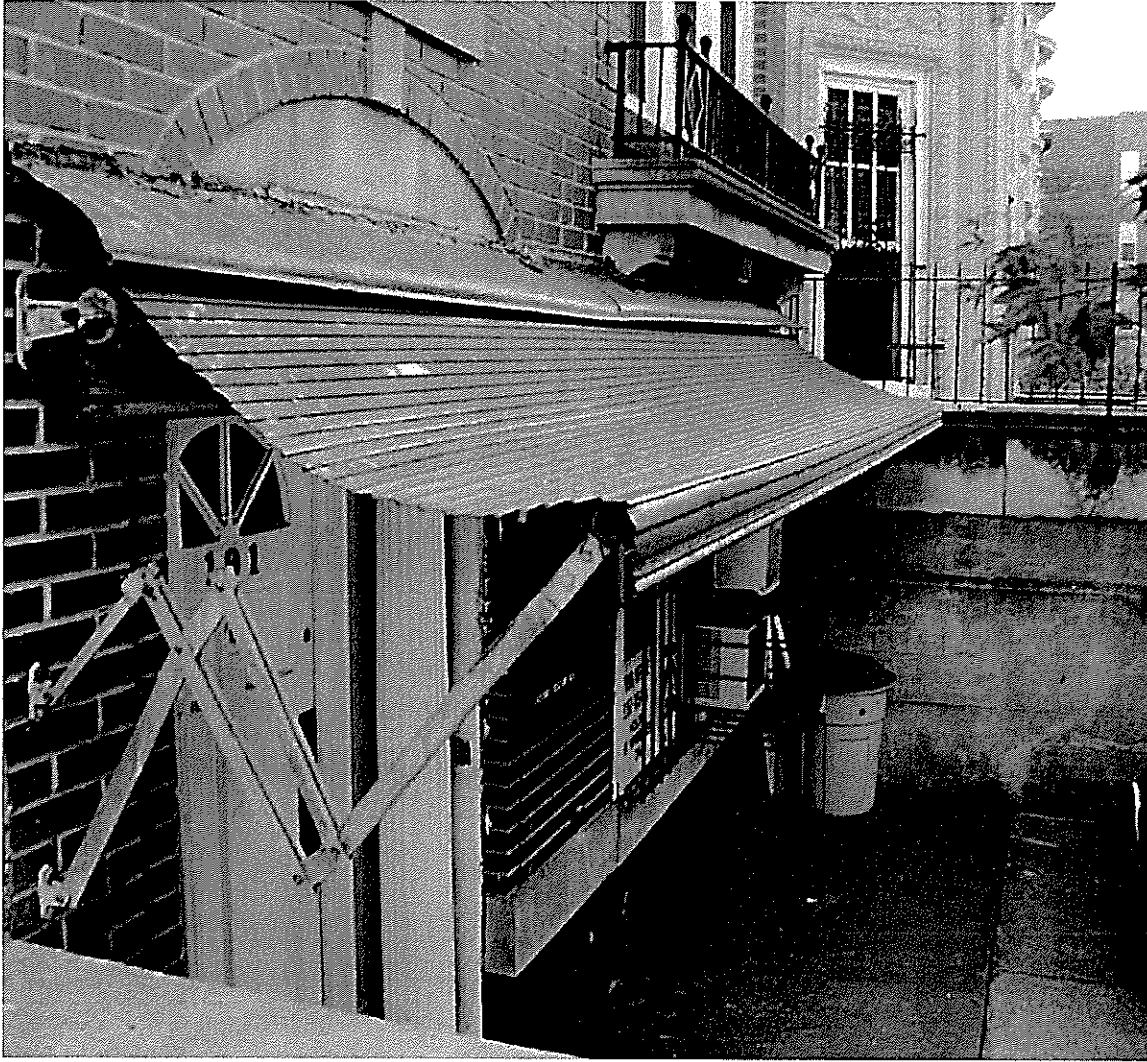
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2.2.1.3 None of the original paint on painted elements remains and window sash and frames are pre-finished metal.



2.2.1.3 (Continued) None of the original paint on painted elements remains and window sash and frames are pre-finished metal.



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2.2.1.5 Demolition of the original front yard treatment and full paving of the front yard is not compatible with the original front yard landscaping and ground treatment.



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Nearby Parkside Court, Brooklyn



Nearby Chester Court, Brooklyn

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The New York City Landmarks Preservation Commission

1 Centre Street, 9th Floor North New York NY 10007 TEL: 212-669-7888 FAX: 212-669-7955  
www.nyc.gov/landmarks



Robert B. Tierney  
Chair

November 1, 2007

Borough President Marty Markowitz  
209 Joralemon Street  
Brooklyn, NY 11201

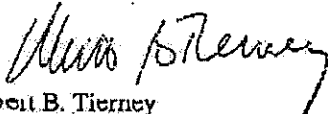
Re: Ocean Avenue Historic District, Brooklyn

Dear Borough President Markowitz:

In response to the information you submitted concerning the properties referenced above, please be advised that the properties do not appear to meet the criteria for designation and will not be recommended for further consideration as a New York City Historic District. This decision is based on an initial assessment of the properties indicating that that the area does not rise to the level of significance required for a historic district, neither based on the size of the proposed district nor its strength of a sense of place.

We want to thank you, however, for your interest in historic preservation and for the obvious effort taken to put together the information contained in the Request for Evaluation. We appreciate the amount of research that was done, and found the information you provided to be very useful. Although we know this is not the response you wished to receive, we sincerely appreciate your interest in the work of the Landmarks Preservation Commission and support for historic preservation.

Sincerely,

  
Robert B. Tierney

2.3.14 The Landmarks Preservation Commission found in 2007 that the nearby properties proposed for historic district did not "meet the criteria for designation." And did not "rise to the level of significance required for a historic district, neither based on the size of the proposed district nor its strength of a sense of place."



*News from...*

# SENATOR THOMAS K. DUANE

29<sup>th</sup> SENATORIAL DISTRICT • NEW YORK STATE SENATE



**TESTIMONY BY NEW YORK STATE SENATOR THOMAS K. DUANE**  
**BEFORE THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION**  
**REGARDING THE PROPOSED DESIGNATION OF THE LAMARTINE PLACE**  
**HISTORIC DISTRICT**

**January 26, 2010**

My name is Thomas K. Duane and I represent New York State's 29<sup>th</sup> Senate District, in which the proposed Lamartine Place Historic District is located. Thank you for the opportunity to submit testimony to the New York City Council Subcommittee on Landmarks, Public Siting & Maritime Uses regarding this designation.

The row houses included within the proposed Lamartine Place Historic District (333 to 355 West 29<sup>th</sup> Street) in Chelsea are historically significant and architecturally meritorious. Dating back to the late 1840s and early 1850s, when they were developed by the Reverend Dr. Cyrus Mason and William Torrey, the houses sit on what was known until the end of the 19<sup>th</sup> Century as "Lamartine Place." They were built in the Greek Revival style with Renaissance Revival elements and in the Renaissance Revival style with neo-Grec elements. Although some of these houses have undergone significant alteration from their original condition over the last 160 years, as a group, they are notable for their period details, brick and brownstone facades, and their front gardens as well. Even with later additions, the buildings compose one of the few remaining examples of mid-19<sup>th</sup> Century architecture in the city.

Beyond its architectural merits, Lamartine Place is particularly significant for its role in the history of our City and nation. The Hopper Gibbons Family, including famed abolitionist Abigail Hopper Gibbons and her husband James Sloan Gibbons, was a prominent abolitionist and social reformist family that lived at Lamartine Place, briefly residing at 337 West 29<sup>th</sup> Street before making a permanent move to 339 West 29<sup>th</sup> Street. The building was well-known among opponents of slavery, and the family hosted a number of leading abolitionists there, including Isaac Tatem Hopper, Horace Greeley, John Brown, and Joseph Choate. In 2008, Ms. Fern Luskin, historian and Lamartine Place resident, uncovered personal correspondence of Joseph Choate confirming that the building was a Station in the Underground Railroad. The fact that evidence confirms 339 West 29<sup>th</sup> Street's place in history added tremendously to the case for the establishment of the Lamartine Place Historic District. Preserved and documented Underground Railroad Stations are a rarity in New York City, and federal legislation recognizes the need to preserve these incredibly important reminders of our nation's history.

Lamartine Place has further significance in New York City history as a focal point in the Civil

War Draft Riots of 1863. During the Riots, a number of the block's buildings were attacked due to the owners' supposed or real abolitionist ties. Attacks occurred against the home of the Hopper Gibbons Family, 339 West 29<sup>th</sup> Street, and their neighbors Mr. Wilson and Samuel Sinclair, who lived at 343 and 353 West 29<sup>th</sup> Street, respectively. Members of the Hopper Gibbons family were forced to flee for their lives, running along the contiguous rooftops of the block's buildings to reach and escape through the Herrman Family residence at 355 West 29<sup>th</sup> Street. It is exceptional that the buildings survived the Civil War Draft Riots largely intact, since many targets of the angry mobs were burned to the ground. We should seize this opportunity to ensure their continued preservation.

Clearly there is a strong case for the designation of the Lamartine Place historic district. Architecturally, these handsome Greek Revival and Renaissance Revival row houses date from the 1840's, a period from which there are few remnants left in the City. Culturally, they are rooted in the abolitionist movement and the safe passage of fugitive slaves on the Underground Railroad, and they are a testament to the Chelsea community's deep history of social and political activism and progressivism.

For these reasons, I urge the City Council to look favorably upon the designation of the proposed Lamartine Place Historic District. Thank you for your consideration of my thoughts on this matter.

**THE NEW YORK  
LANDMARKS  
CONSERVANCY**

January 26, 2010

**STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY BEFORE THE  
LANDMARKS SUBCOMMITTEE OF THE N.Y.C. CITY COUNCIL REGARDING THE  
PROPOSED DESIGNATION OF LAMARTINE PLACE, MANHATTAN, AS A HISTORIC  
DISTRICT**

Good day Chair Lander and members of the City Council. I am Andrea Goldwyn, speaking on behalf of the New York Landmarks Conservancy.

The Conservancy is pleased to support designation of the Lamartine Place historic district. At first view, this appears to be a pleasant group of buildings, with an attractive mix of styles and details typical of the 19<sup>th</sup> century. Upon further review of course, the events of the past that took place on this block create a most vivid sense of place.

Due to its inherently secretive nature, the history of the Underground Railroad has been difficult to document. In this case, the documentation is clear. Not only did these buildings serve as a pivotal location in abolitionist history, but as a site of the Civil War Draft Riots. These buildings, slightly changed in their decoration, but with the same structures, in the same location, remind us of the brave history of their occupants and visitors.

And, like so many other buildings in the City, this block has faced severe development pressures, leading to the halted alterations at No. 339. With designation, Lamartine Place will receive the protection of the Landmarks Law and review and guidance of any future proposed changes to the historic fabric. We applaud the actions of concerned neighbors who energized the cause of designating this block, the Landmarks Commission for moving with speed to bring forth this designation, and the Council for taking it up today in your first hearing of the term.

Thank you for the opportunity to express the Conservancy's views.



HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11<sup>th</sup> Street New York NY 10003  
tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

January 26, 2010

Statement of the Historic Districts Council  
Regarding the Designation of the Lamartine Place Historic District

The Historic Districts Council is the advocate for New York City's designated historic districts and neighborhoods meriting preservation.

The row houses along Lamartine Place are a handsome group, the type that comes to mind when one thinks of 19<sup>th</sup> century New York City. Beyond their charming facades though is an important, rather unexpected history. As you have heard, they were homes of well-known abolitionists, stops along the Underground Railroad, and were attacked by mobs during the New York City Civil War Draft Riots. As a center for Abolitionist activities, New York City played an important role in our country's campaign to end slavery. Unfortunately, that role is not very well-known, but hopefully this designation will serve to expand people's knowledge of New York's anti-slavery activities beyond Henry Ward Beecher and "Pinky".

In light of the fact that these buildings are within the Moynihan/Penn Station Redevelopment Project area of potential effect, the importance of safeguarding these houses that safeguarded so many others is heightened. The continuing situation with the half-completed alterations to 329 West 29<sup>th</sup> Street are a visible example of what can – and will – happen to this row with landmark protection. HDC strongly supports the designation of Lamartine Place as a New York City historic district and hopes its designation will not only protect these buildings but also garner interest in their extraordinary story.

January 25, 2010

Re: agenda item "T2010-0039 Lamartine Place historic district. (20105198HKM/N100130HKM), Land Use Application no. 20105198 HKM (N 100130 HKM)"

Dear Hon. Members of the New York City Council Subcommittee on Landmarks, Public Sites and Maritime Uses:

The reasons it is vitally important that we preserve this block, are both architectural and historical. The antebellum brick and brownstone row houses on this lovely tree-lined avenue, built by Mason and Torrey between 1846 and 1847, are architecturally distinctive for their uniformly low scale and their beautiful, horizontally aligned cornices. The fact that they are set back and fronted by gated gardens with spacious backyards in the rear and that they are located opposite what is virtually a park, makes this block a special place within the congested, skyscraper-filled confines of Manhattan.

The historic significance of these homes is even more important, because of the major role they played during the Draft Riots of 1863 and the considerable contributions made by their former occupants to New York City life. Foremost among these residents were the noted Quaker abolitionists, James Sloan Gibbons, and his wife, Abigail Hopper Gibbons. The Gibbonses lived at no. 339, and earlier, at no. 337. No. 339 is one of the few documented Underground Railroad Stations for runaway slaves in Manhattan. This is irrefutably proven by a letter written by Joseph H. Choate who recounted how: "the house of Mrs. Gibbons was a great resort of abolitionists and extreme antislavery people from all parts of the land, as it was one of the stations of the underground railroad by which fugitive slaves found their way from the South to Canada. I have dined with that family in company with William Lloyd Garrison, and sitting at the table with us was a jet-black negro who was on his way to freedom."

Important opponents of slavery who stayed in or visited their residences on 29th Street include Abby's father, Isaac Tatem Hopper, the Underground Railroad activist; Horace Greeley, who often lodged there; and John Brown (who, while spending the evening there in 1859, confided in Abby his plans for the raid on Harper's Ferry). Greeley's relative, Samuel Sinclair, one of the most highly regarded newspaper publishers of his generation, lived at no. 353. Abby's sister, Rachel, one of the founding members of the Women's Prison Association and the Hopper Home, lived at no. 335.

The Gibbons' home was not only a safe house for runaway slaves, but it is a monument to Emancipation Proclamation, because in retaliation for their celebration of that event, their front yard and door were tarred. Some months later, during the Draft Riots of 1863, the mob specifically targeted their home for destruction because of their opposition to slavery and their close friendship with Horace Greeley. James Gibbons, his daughters, and Choate escaped the mob only by walking over the roofs of the neighboring houses. They were then saved by Henry Hermann who gave them access to Hebrew Orphanage, in itself historic, at (no. 1), saying "We feel it a privilege to help people who are in so much trouble."



YAHOO!  
MAIL Classic

**Re: 29th St. (Lamartine Place) Council mtg Tues**

Friday, January 22, 2010 3:44 PM

**From:** "Graham Hodges" <ghodges@colgate.edu>

**To:** "Fern Luskin" <luskin12@verizon.net>

Hi, I entirely support the effort to preserve the Hopper-Gibbons home, a documented Underground Railroad depot. As a scholar of the Underground Railroad and author of the newly-published book, *David Ruggles, A Radical Black Abolitionist and the Underground Railroad in New York City* (University of North Carolina Press, 2010), I recognize the importance of this site. Isaac Hopper worked closely with Ruggles in helping hundreds of self-emancipated slaves gain freedom in the northern states and Canada. Hopper was a preeminent figure in the Underground Railroad from the 1790s until his death in 1851. Preserving his home will be a significant step in the presentation of New York City's important part in the Underground Railroad. Sincerely, Graham Russell Gao Hodges

On Fri, Jan 22, 2010 at 3:35 PM, Fern Luskin <luskin12@verizon.net> wrote:

Hi Folks,

The big moment is here. The NYC Council is holding its hearing on Tuesday, January 26th, at 11:00 a.m. as to whether or not to landmark Lamartine Place as an historic district. It is vitally important that those of you who feel passionately about preserving this slice of NYC history, particularly the Hopper Gibbons home, a documented Underground Railroad Station site, be there to give your public testimony. Even if you can't make it, you can email me a few sentences and I'll read them to the committee on your behalf.

The hearing will take place at The New York City Council Chambers. This is the address and directions as to how to get there:

Council Chambers - City Hall. City Hall is located in City Hall Park. ([map](#)) You can enter the plaza from either the west side of the park at Broadway and Murray Street or the east side at Park Row. You must go through security before entering City Hall so please allow for extra time and bring photo identification.

By Subway:

#4, #5, #6 trains to City Hall/Brooklyn Bridge

#2, #3 trains to Park Place

W, R trains to City Hall

C, A trains to Chambers Street

By Bus:

M15 to City Hall/Park Row

Driving Directions to City Hall:

From the East Side: take the FDR Drive to the Manhattan Civic Center Exit

From the West Side: take the West Side Highway to Chambers Street Exit

Please note: No Parking is available at City Hall.

We look forward to seeing you there.

Thanks and regards,

Fern

Julie



**Hopper-Gibbons Home**

Monday, January 12, 2009 8:35 PM

**From:** "CWestmoreland@nurfc.org" <CWestmoreland@nurfc.org>  
**To:** luskin12@verizon.net  
**Cc:** CDavis@nurfc.org, CShires@nurfc.org, DMurphy@nurfc.org

Carl B. Westmoreland  
Senior Historian  
National Underground Railroad Freedom Center  
(513) 919.4782  
50 East Freedom Way  
Cincinnati, Ohio 45202  
cwestmoreland@nurfc.org

Dr. Luskin,

Due to weather and budget driven travel restrictions, it is doubtful that I will be able to appear before the New York City Landmarks Commission at its hearing 1/13/09 in New York City. I am requesting that you present this email which represents my personal and professional assessment of the historic and cultural value of the Hopper-Gibbons Home at 339 W. 29th Street in New York City.

The Hopper-Gibbons Home was not only inhabited by Abby Hopper-Gibbons, who was a publicly acknowledged abolitionist as well as being a women's rights advocate in the mid 19th century, but her family's open support of human rights for people of African descent generated hostility from New York City's Irish community resulting in an effort to destroy the home by fire during the Draft Riots of 1863. Historians James McPherson, Eric Foner and Barnet Schecter have agreed that the Emancipation Proclamation signed by Abraham Lincoln and which became effective January 1, 1863, became the volcanic action that caused New York City to explode in a conflagration of racial violence and death. New York City's Irish community felt it had been unduly exposed to high casualty rates in the battles in which they had participated in 1862 and legislation that authorized compulsory military service during the Civil War, along with the opportunity for those who could secure a draft exemption by paying \$300.00 to someone to serve in their stead, lit the fuse that set New York City afire for several days. I'm sure the Board members of the Landmarks Commission are aware that during the violence that followed in the first few days of July 1863 race, class, fire and death almost brought New York City to its knees and what we now know as America with it.

Conservative Democratic voices in New York City, in Cincinnati, Ohio, and in Philadelphia encouraged America's Irish population to serve as a street army that would reinforce the notion of states' rights and local control when it came to issues of race. The Hopper-Gibbons Home was viewed as much of a threat as the New York Colored Orphanage Home which was burned to the ground by the marauding Irish mobs. Miraculously the Hopper-Gibbons Home still stands as a monument and memorial to the dozens of people of African descent who were lynched, murdered and brutalized. The building serves as a physical reminder of the spirit of a White upper-class family that chose to stand with despised people of African descent, a family that lost most of its possessions, but refused to surrender to violence and mob control.

As a Trustee Emeritus of the National Trust for Historic Preservation, and a preservationist who has been involved in the restoration of more than 2000 historic structures across America in urban neighborhoods, and as the Senior Historian for the National Underground Railroad Freedom Center, I am respectfully requesting that the New York City Landmarks Commission impose all the legal restraints that would protect and preserve the Hopper-Gibbons Home in a manner consistent with its historic architectural design.

In closing, we would encourage the preservation community in New York City to engage in constructive activity

that would ultimately result in the Hopper-Gibbons Home being used as a teaching facility if at some point the building becomes available. If this issue is the subject of further hearings, I would gladly personally appear before a body for which I have nothing but the highest regard.

Respectfully,

Carl B. Westmoreland

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## **Testimony of Laurence Frommer re: the proposed Lamartine Place Historic District**

Speaker Quinn and Members of the City Council, as a member of the Friends of Lamartine Place and the Hopper Gibbons Underground Railroad Site, I thank you for the opportunity to testify today on behalf of this most worthy cause. I am elated at our good fortune that you are considering not just 339 West 29<sup>th</sup> Street but also a row of houses of which it is a part.

The north side West 29<sup>th</sup> street from Eighth to Ninth Avenue was at one time known as "Lamartine Place", and it is significant that the row being considered today is situated there. This block of houses was developed in 1847 by Cyrus Mason, in partnership with William Torrey. Mason and Torrey were involved in the construction of Clement Clarke Moore's 1845 row house development, London Terrace, on the site of the present apartment complex of that name, 23<sup>d</sup> to 24<sup>th</sup> Street between Ninth and 10<sup>th</sup> Avenue. On 29<sup>th</sup> Street we still see Moore's influence, with several row houses still preserving the front "yard: setback characteristic of Moores' blocks to the south near the Episcopal seminary.

A few addresses stand out on the row you are considering. Most importantly of course, we have No 339 which was home to the Quaker family and leading abolitionists, that included Abigail Hopper Gibbons, Her husband James Sloan Gibbons, and Isaac T Hopper, the father of Mrs. Gibbons and himself a leading light of the Underground Railroad. In fact No. 339 is verifiable as a frequent stop on the Underground Railroad and is worthy of landmarking for this reason alone.

The whole block served as the escape route for the Gibbons family when an angry mob attacked their home during the draft riots at the outset of the Civil War, as the family fled across rooftops from one end of the block to the other .

Additionally No 355 was home to a Mister Herrman who aided the Gibbons family in their escape. No. 353 was home to Samuel Sinclair, a relative to Horace Greeley and publisher of the New York Tribune, where Greeley was editor. Mr. Sinclair was attacked by the mob during the draft riots, as they thought that he was Greeley. No. 335 was home to Abigail Hopper Gibbon's sister Rachel and her husband Samuel Brown. Rachel was a founder of the Woman's Prison Association, whose building on Second Avenue was also approved by The NYC Landmarks Commission for land-marking.

All in all, this makes for an illustrious row, and I thank you for considering it today for designation as a new historic district for New York City.

Laurence Frommer  
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THE COUNCIL  
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CITY HALL  
NEW YORK, N.Y. 10007

[http://www.nycouncil.info/html/calendar/calendar\\_new.cfm](http://www.nycouncil.info/html/calendar/calendar_new.cfm)

Friday, January 22, 2010

Dear Council Members:

Please be advised of the following scheduled committee meetings:

**Tuesday, January 26, 2010**

Subcommittee on Zoning & Franchises ..... 9:30 a.m.

See Land Use Calendar Available Thursday, January 21, 2010, in Room 5 City Hall

Council Chambers – City Hall

Mark Weprin, Chairperson

Subcommittee on Landmarks, Public Siting & Maritime Uses ..... 11:00 a.m.

See Land Use Calendar Available Thursday, January 21, 2010, in Room 5 City Hall

Council Chambers – City Hall

Brad Lander, Chairperson

Subcommittee on Planning, Dispositions & Concessions ..... 1:00 p.m.

See Land Use Calendar Available Thursday, January 21, 2010, in Room 5 City Hall

Council Chambers – City Hall

Stephen Levin, Chairperson

**Wednesday, January 27, 2010**

Committee on Land Use ..... 10:00 a.m.

All items reported out of the subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Council Chambers – City Hall

Leroy Comrie, Chairperson

★ **Addition**

Committee on Education ..... 1:00 p.m.

**Organizational Meeting**

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor

Robert Jackson, Chairperson

**Thursday, January 28, 2010**

★ **Addition**

Committee on Public Safety ..... 10:00 a.m.

**Preconsidered Int \_\_\_\_** - By Council Members Arroyo, Vallone and Recchia - **A Local Law** to amend the administrative code of the city of New York, in relation to criminal street gang initiation activity.

Council Chambers – City Hall

Peter Vallone, Chairperson

**JANUARY 26, 2010 TESTIMONY BEFORE THE CITY COUNCIL IN FAVOR OF APPROVAL OF THE PROPOSED DESIGNATION OF THE LAMARTINE PLACE HISTORIC DISTRICT.**

Good morning My name is Robert F. Kelly, I am a member of the Board of Save Chelsea, an organization of approximately 600 members who are committed to preserving the best of Chelsea and resisting the excess development that would inevitably destroy the qualities that have made our neighborhood one of the most livable in the city. I am speaking today in favor of the Council approving the Landmark Preservation Commission's designation of the Lamartine Place Historic District.

The brownstone houses that make up this district constitute one of the northern-most arrays of antebellum townhouses in Chelsea. Built in 1847, and still retaining a uniform line of cornices and lovely gated front gardens, this row is of a piece with the best of the Chelsea Historic District to its south. And in fact, William Torrey, one of the builders responsible for Lamartine Place, had also been instrumental in Clement Clark Moore's building of London Terrace just two years before. The fact that one of the central buildings, 339 W. 29<sup>th</sup>, is Manhattan's only documented safe-houses on the Underground Railroad make this important as 'living history' as well as for its contribution to the architectural record of the city.

Save Chelsea strongly encourages the Council to approve the Landmarks Preservation Commission's designation of the Lamartine Place Historic District.

Thank you.



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

Hon. Robert G. Tierney  
Chair  
Landmarks Preservation Commission  
Municipal Building, ninth floor  
One Centre Street  
New York, NY 10007

**Re: Potential Lamartine Place Historic District**

Dear Chair Tierney:

Manhattan Community Board 4 is writing to express its support for the designation of the row houses in the western portion of the north side of West 29<sup>th</sup> Street between Eighth and Ninth Avenues, known in the 19<sup>th</sup> Century as Lamartine Place, as a New York City Historic District. This row deserves protection for both its historical importance and its architectural character.

The board has long been interested in preserving the character of this area. In the Chelsea 197-a Plan we successfully proposed a substantial downzoning of this block and 30<sup>th</sup> Street to the north with the goal of preserving their character and uses. As we stated at the time, "29<sup>th</sup> Street offers an extraordinary rowhouse block-face to its south and provides the only reminder of the original context of the landmarked Church of the Holy Apostles on Ninth Avenue a little to the south." At that time most of the row houses on the block had not yet lost their historic character, but since then alterations or replacements of many of the houses east of the former French Hospital, now the French Apartments, have made it clear that zoning alone cannot ensure preservation of historic character here.

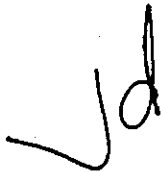
Until recently the grouping west of the French Apartments had largely maintained its character of intact row houses dating from the mid-nineteenth century, set back behind planted front yards and largely historic iron fences; but recently the start of inappropriate alterations to a member of the group, No. 339, has threatened not only this very significant house but also the setting of the historic events in which it had a major place. The research of a neighbor, Fern Luskin, has revealed this building as the home of the well-known abolitionists Abigail Hopper Gibbons, a pioneer in the nursing of Civil War soldiers, and her husband James Sloan Gibbons, author of the influential Civil War poem, "We are coming, Father Abraham." It is also that rarity, a convincingly documented station on the Underground Railroad. It was a specific target of the Draft Rioters of 1863 looking for Horace Greeley, who often stayed here, and one of the first New York City

policemen to lose his life in the line of duty was fatally wounded defending the house. We have already urged designation of this very significant building.

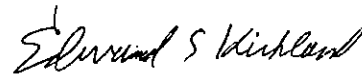
The importance of this house and the historical facts that houses nearby were owned by family members and connections of its residents, that women in the family were sheltered in these houses during the attacks on No. 339, and that the men in the building escaped over the flat roofs of the row show that is not only No. 339 that deserves preservation on historic grounds but also its neighbors. The extraordinary sense of place that still survives here provides an invaluable setting for the events that make No. 339 a witness to an important period in New York history.

Clearly the heart of the row as called out by the State Historic Preservation Office in its draft of a "Potential Lamartine Place Historic District," Nos. 333-357, forms the essential part of the setting of the significant events in the houses of the row. While including in this designation the remaining houses at the west end of the row, handsome but more altered and somewhat different in character, and the restored row houses on 30th Street that back on them should be explored, the surviving row on 29<sup>th</sup> Street should be designated without undue delay in order to preserve a grouping that forms at the same time a handsome row of a type that is becoming an endangered species in New York City and the setting of important events in the history of our city and country.

Sincerely,



Jean-Daniel Noland  
Chair, Manhattan Community Board 4



Edward Kirkland  
Chair, Landmarks Task Force

Cc: Local Electeds  
Municipal Art Society  
Historic Districts Council  
New York Landmarks Conservancy

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE  
THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING  
AND MARITIME USES ON THE DESIGNATION OF THE B.F. GOODRICH  
COMPANY BUILDING IN MANHATTAN.**

**January 26, 2010**

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the B.F. Goodrich Company Building in Manhattan.

On August 11, 2009, the Landmarks Preservation Commission held a hearing on the proposed designation of the B. F. Goodrich Company Buildings and the proposed designation of the related Landmark site (Item No. 1). The hearing had been duly advertised in accordance with provisions of law. Six people testified in favor of designating 1780 Broadway and 225 West 57th Street, including representatives of the Historic Districts Council, the New York Landmarks Conservancy, the Municipal Art Society, and the Modern Architecture Working Group. Three representatives of the owner, as well as a representative of the American Institute of Architects New York Chapter, spoke in support of designating 1780 Broadway but opposed the designation of 225 West 57th Street. A representative of the Real Estate Board of New York spoke against designating both properties. The Commission also received a letter that supported the designation of 1780 Broadway and opposed the designation of 225 West 57th Street from City Council Members Melinda Katz, Daniel R. Garodnick, Jessica Lappin and Christine C. Quinn, as well as letters in support of designating both structures from Community Board 5 Manhattan, New York State Assemblymember Richard N. Gottfried, the Fine Arts Federation of New York, the Landmarks Preservation Council of Illinois, the Howard Van Doren Shaw Society, and several scholars. On November 10, 2009, the Commission voted to designate the building a New York City individual landmark.

1780 Broadway was constructed in 1909 as the New York headquarters of the B. F. Goodrich Company, a leading American manufacturer of automobile tires and other rubber products. Since the late 1880s the company had operated a Manhattan office and this project coincided with the company's reincorporation in New York State.

Located in the section of midtown Manhattan that was known as "Automobile Row" during the first decades of the 20th century, Goodrich's neighbors included the A. T. Demarest and Peerless Motor Companies, as well as the United States Rubber Company. Chicago architect Howard Van Doren Shaw was responsible for the building's distinctive design and it is one of two extant works by him in New York City. Like many of the two hundred works Shaw built during his career, mostly in the Midwest, it reflects his life-long interest in blending modern and traditional architectural features.



Clad with mostly red brick and limestone, the 12-story facade is distinguished by abstract, stylized ornament that suggests the influence of Elizabethan and Jacobean sources, the English Arts and Crafts movement, and the Vienna Secession. Goodrich occupied 1780 Broadway for about eighteen years. A tire showroom was located on the ground floor and other floors contained offices and repair facilities. In addition, some space was leased to related firms in the booming automobile industry. Following the sale of the building in 1928, the number of automobile-related tenants began to decline. Although the ground floor was substantially altered by the early 1950s, the upper stories retain most of their original materials and ornament.

The Commission urges you to affirm the designation.



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MAJORITY STEERING

CHAIR

MANHATTAN DELEGATION

RICHARD N. GOTTFRIED  
75TH ASSEMBLY DISTRICT

CHAIR  
COMMITTEE ON HEALTH

## “Lamartine Place” Historic District

Assembly Member Richard N. Gottfried

Testimony before the New York City Council

Subcommittee on Landmarks, Public Siting, and Maritime Uses

250 Broadway, 14<sup>th</sup> Floor

Tuesday, January 26, 2010

My name is Richard N. Gottfried. I represent the 75th Assembly District in Manhattan, which includes Chelsea, Hell’s Kitchen, Midtown, part of the Upper West Side, and Murray Hill. The district includes the proposed Lamartine Place Historic District.

I support the designation of the eleven buildings comprising the proposed Lamartine Place Historic District, 333-353 West 29th Street. The buildings comprising the proposed Historic District, originally constructed in the Greek Revival style, were all constructed between 1846 and 1847 and unfortunately have undergone some alterations. Nevertheless, the uniformly low scale residences remain architecturally distinctive for their brick and brownstone façades, original wooden doors, and large backyards, which characterize this block. Additionally, they are located in an area of great transition and are at risk of being demolished or substantially altered by development.

The proposed area is also worthy of designation for its historical value. The row houses in the proposed District are remarkable for their association with several well-know abolitionist families and because they survived the 1863 Civil War Draft Riots, a pivotal period in New York City history, when rioters destroyed a large number of private and government owned properties. The Hopper Gibbons House was specifically targeted during the Draft Riots because of the owners’ opposition to slavery and their close friendship with other abolitionists.

Additionally, the Hopper Gibbons House, 339 West 29th Street, was a site of a “station” of the Underground Railroad for runaway slaves fleeing to Canada. The Hopper Gibbons House is named after Abby Hopper Gibbons who, while living in the house, participated in the abolitionist movement and used her basement as a station in the Underground Railroad. She was also a prison reformer and the daughter of the abolitionist Isaac Hopper. The Hopper Gibbons House survived the week of mayhem when rioters targeted the house specifically because of its role in freeing slaves. Additionally, another home of the Hopper Gibbons family, 337 West 29th Street, has remained virtually unchanged since it was built in 1847. This home is also a part of the proposed District.

In light of the historic and architectural significance of the buildings on this block, particularly that of the Hopper Gibbons House, the overwhelming concern from the community, its elected officials, and historic preservation organizations, I ask that the Council support the designation of the Lamartine Place Historic District and the Hopper Gibbons House.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE  
THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING  
AND MARITIME USES ON THE DESIGNATION OF THE E. HAYWARD AND  
AMELIA PARSONS FERRY HOUSE IN MANHATTAN.**

**January 26, 2010**

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the E. Hayward and Amelia Parsons Ferry in Manhattan.

On March 24, 2009, the Landmarks Preservation Commission held a public hearing on the proposed designation as a Landmark of the E. Hayward and Amelia Parsons Ferry House and the proposed designation of the related Landmark Site. The hearing had been duly advertised in accordance with the provisions of the law. A total of nine witnesses, including representatives of City Council member Daniel Garodnick, Manhattan Borough President Scott Stringer, the Municipal Art Society, the Historic Districts Council, the Society for the Architecture of the City, three members of the West-54-55 Street Block Association and the president of the 45 West 54 Corporation testified in support of the proposed designation. In addition the commission has received letters in support of this designation from State Senator Liz Krueger, the Metropolitan Chapter of the Victorian Society in America, and several members of the West 54th and 55th Street Block Association. There were no speakers or letters in opposition to the designation. Prior to the hearing, on June 12, 2008, Manhattan Community Board Five voted to request the designation of this building. On November 10, 2009, the Commission voted to designate the building a New York City individual landmark.

Remodeled in 1907-08 by the noted architect Harry Allan Jacobs for investment banker Isaac Seligman and long occupied by banker E. Hayward Ferry and his wife Amelia Parsons Ferry, this highly intact former townhouse is an exceptionally fine example of the restrained Neo- French Classic variant of the Beaux Arts style and forms part of "Bankers Row," a group of five residences built for bankers on West 56th Street, between Fifth and Sixth Avenues. Originally constructed in 1871 by the well-known New York architects D. & J. Jardine, this house was occupied from 1880 to 1907 by the family of George Spencer Hart, a leading wholesaler of dairy products and president of three streetcar lines, who also served as the director of several banks. In 1907-08, Jacobs extended the house at the front and rear and relocated the entrance to the ground story in response to the then current fashion for American basement plans.

E. Hayward Ferry was a prominent businessman, who served as first vice president of Hanover Bank from 1910 to 1929. He and his wife occupied this house from 1908 to 1935. In 1935, it became the headquarters of the distinguished publishing firm of Albert & Charles Boni. It was here that Albert Boni founded the Readex Corporation and began his first experiments with microform technology. After the Boni firm left the building in 1945, it served various uses. From May 1959 to early 1964, it was the salon, workshop, and home of the noted fashion designer Arnold Scaasi. In 1965, it became the headquarters of the Martin Foundation, a charitable trust established by textile magnate Lester Martin, and was dedicated to Eleanor Roosevelt. In addition to the offices of the Martin Foundation, the building housed the Eleanor Roosevelt Memorial Foundation and Eleanor Roosevelt Memorial Cancer Fund as well as other non-profit cultural organizations such as the newly established American Film Institute (c.1967-72). In 1972 the building was conveyed to the Commission on Independent Colleges and Universities. It subsequently served as the offices of an importing firm and in 1988 became the New York City headquarters and studios of the Spanish Broadcasting System. In an area today characterized by tall office buildings, this five-story townhouse forms part of a unique small-scale streetscape that was once typical of the neighborhood and is now rare in Midtown.

The Commission urges you to affirm the designation.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES ON THE DESIGNATION OF LAMARTINE PLACE HISTORIC DISTRICT IN MANHATTAN.**

**January 26, 2010**

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the Lamartine Place Historic District in Manhattan.

On January 13, 2009 the Landmarks Preservation Commission held a public hearing on the proposed designation of the Lamartine Place Historic District. The hearing was duly advertised according to the provisions of Law. There were 23 speakers in favor of designation including representatives of Council Speaker Christine Quinn, Borough President Scott Stringer, Assemblyman Richard Gottfried, and numerous individuals and representatives of civic organizations. There were no speakers in opposition. The Commission also received a statement of support from State Senator Thomas Duane and numerous petitions and letters in support of designation. On October 13, 2009, the Commission voted to designate Lamartine Place a New York City historic district.

The Lamartine Place Historic District, on the north side of West 29<sup>th</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues is an intact group of twelve buildings that have a strong link to an important and dramatic period of the city's history and also have a close association with several important individuals who had a significant impact on 19<sup>th</sup> century New York. Constructed in the mid 19<sup>th</sup> century, these buildings were part of a block-long row created by developers William Torrey and Cyrus Mason. As part of the development they also built a small park on the south side of the street, making the row quite desirable and attracting a number of influential New Yorkers. Among the most prominent were Abby and James Sloan Gibbons. Important abolitionists in the period before the Civil War, their house was used as a meeting place for influential people in the movement and as a documented stop on the Underground Railroad, where they helped escaping slaves get to Canada. The house was attacked and burned during the Draft Riots of 1863. Their house at No. 339 West 29<sup>th</sup> Street is one of the very few extant sites to be associated with the pivotal events of those days. While this building was the prime target of the rioters on this block, other houses in the row played an important role in these events. Abby Gibbons's sister and her family lived at No. 335 Lamartine Place and members of the Hopper family took refuge there during the attack. Two of Abby and John Gibbons' daughters escaped the fire and mob by climbing over neighboring roofs to a waiting carriage on Ninth Avenue, descending through the house at No. 355. Although the houses in the row have experienced alterations over time, this small group of houses continues to exist as the city changes around them.

Chelsea remained primarily rural until the middle of the 19<sup>th</sup> century and even after development the character varied widely from block to block. The Gibbons family was perhaps attracted to this area because of the variety of people who lived in the neighborhood. While some streets (such as Lamartine Place) were developed with substantial rowhouses geared toward upwardly striving middle-class families, a block to the west, near the Hudson River, there were factories and tenements for their workers. To the east of Lamartine Place was a small community of free African-Americans who had settled there during the first half of the 19<sup>th</sup> century. After the Civil War, the area west and north of 23<sup>rd</sup> Street and Fifth Avenue evolved into an entertainment district, with restaurants, theaters and early nickelodeons. It seems to have attracted bohemians, artists and free-thinkers, and a small French expatriate community developed in the area during the early 20<sup>th</sup> century.

During much of the 20<sup>th</sup> century, Chelsea became less desirable. With the construction of Pennsylvania Station just to the north, residential units were taken over by less affluent residents. The dilapidated houses south of Lamartine Place were demolished in the early 1960s and replaced by the towers of Penn South, overshadowing the small houses on West 29<sup>th</sup> Street. In spite of these changes, this district has remained an enclave in the changing city and has survived as a rare extant physical reminder of a dramatic and unfortunate chapter in the city's history.

The Commission urges you to affirm the designation.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE  
THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING  
AND MARITIME USES ON THE DESIGNATION OF 147 EIGHTH AVENUE  
HOUSE IN MANHATTAN.**

**January 26, 2010**

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of 147 Eighth Avenue House in Manhattan.

On June 23, 2009, the Landmarks Preservation Commission held a public hearing on the proposed designation of the 147 Eighth Avenue House. The hearing was duly advertised according to provisions of law. Three witnesses spoke in favor of designation, including representatives of the Historic Districts Council, the Society for the Architecture of the City, and Community Board 4. On November 17, 2009, the Commission voted to designate the building a New York City individual landmark.

No. 147 Eighth Avenue is one of a pair of highly intact 3 1/2 story Federal style houses constructed 1827 to 1828. It is a rare survivor from the earliest period of development in the area that is now part of Chelsea. No. 147 Eighth Avenue has continuously housed both residential tenants and businesses, reflecting the evolving commercial character of Eighth Avenue. The building was constructed 1828 for Stephen Weeks, who owned the property for a short time. He continued to conduct business at this location, well into the 1840s. Over the course of the centuries, the original storefront configuration of the ground floor has had several alterations; however, this row house, like its neighbor at 145 Eighth Avenue, is intact above its storefront and exhibits the attributes of the Federal style houses of the era. This row house has a steeply pitched roof, with double dormer windows. The building shares a party wall and central chimney with its neighbor, and a façade clad in Flemish bond brickwork. The windows on the second and third floors have flat stone lintels and sills. No. 147 Eighth Avenue and the neighboring 145 Eighth Avenue are among the rare extant significantly intact Federal style houses with a commercial ground floor that have survived north of 14th Street.

The Commission urges you to affirm the designation.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE  
THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING  
AND MARITIME USES ON THE DESIGNATION OF 145 EIGHTH AVENUE  
HOUSE IN MANHATTAN.**

**January 26, 2010**

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of 145 Eighth Avenue House in Manhattan.

On June 23, 2009, the Landmarks Preservation Commission held a public hearing on the proposed designation of the 145 Eighth Avenue House. The hearing was duly advertised according to provisions of law. The two co-owners of the building opposed the designation. Three witnesses spoke in favor of designation, including representatives of the Historic Districts Council, the Society for the Architecture of the City, and Community Board 4. On November 17, 2009, the Commission voted to designate the building a New York City individual landmark.

The modest rowhouse at 145 Eighth Avenue is one of a pair of highly intact 3 1/2 story Federal style houses constructed 1827 for owner Aaron Dexter, a dry goods merchant, who retained ownership of the property until 1846. At the time of its completion 145 Eighth Avenue was situated between Greenwich Village and Chelsea. No. 145 Eighth Avenue has continuously housed both residential tenants and businesses, reflecting the evolving commercial character of Eighth Avenue. Over the course of centuries, the original storefront configuration of the ground floor has had several alterations, most notably the historic 1940 arcaded shop front. This row house, in concert with its neighbor at 147 Eighth Avenue, is intact above its storefront and exhibits all of the attributes of Federal style houses of the era. The building has a steeply pitched roof with double dormer windows, shares a party wall and central chimney with its neighbor, and a façade clad in Flemish bond brickwork. The windows on the second and third floors have flat stone lintels and sills. No. 145, together with 147 Eighth Avenue is among the rare extant significantly intact Federal style houses with a commercial ground floor that have survived north of 14th Street.

The Commission urges you to affirm the designation.





CITY OF NEW YORK  
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**JEAN-DANIEL NOLAND**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

July 24, 2008

Hon. Robert B Tierney  
Chair  
Landmarks Preservation Commission  
Municipal Building, Ninth floor  
One Center Street  
New York, NY 10007

**Re: 145 and 147 Eighth Avenue**

Dear Chair Tierney,

Manhattan Community Board has been informed that the two Federal houses at 145 and 147 Eighth Avenue are being evaluated by the Landmarks Preservation Commission for consideration for designation as individual New York City landmarks. The Board wishes to reconfirm the support for designation of this striking pair of houses on the west side of Eighth Avenue that it has expressed before on at least one occasion.

The houses at 145 and 147 Eighth are a remarkable pair of Federal houses that are fully intact above their ground floors, which now consist of mirror-image designs of storefronts with doors to the upper floors. The intact brickwork, of the Flemish bond typical of the style, the fine second floor windows, the double dormers on the steeply pitched roof, and the rare central chimney on the line of the party wall and serving the two houses form an extraordinary survivor from the earliest period of development in Chelsea. The state of preservation of the upper part of the buildings is excellent, much better than that of some Federal houses that have recently been designated, even if the original ground floor has been lost.

We need not remind you of the importance both intrinsic and symbolic of Federal houses to New York City, which was the first capital of the federal republic established under the Constitution. Many of these houses have been defaced or utterly lost, and the pace of these losses has been considerably increased by recent development pressures. These pressures have been so strong in Chelsea that even under the protective zoning established under the Chelsea 197-a Plan, similar if less intact Federal buildings on Eighth Avenue near Nos. 145 and 147 have been demolished to provide sites for buildings only slightly larger than those they replaced. These losses have already diminished the character of this "Main Street of Chelsea", and the loss of this fine largely intact pair would be disastrous for the character of the Avenue and the community.

We urge you to take prompt action to calendar and designate these important and valuable buildings.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jd', with a long horizontal stroke extending to the left.

Jean-Daniel Noland  
Chair  
Manhattan Community Board 4

TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES ON THE DESIGNATION OF 327 WESTERVELT AVENUE, THE VANDERZEE-HARPER HOUSE ON STATEN ISLAND.

January 26, 2010

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of 327 Westervelt Avenue, the Vanderzee-Harper House on Staten Island.

On August 11, 2009, the Landmarks Preservation Commission held a public hearing on the proposed designation as a Landmark of the Vanderzee-Harper House. The hearing had been duly advertised in accordance with the provision of law. Eleven people spoke in favor of designation, including Councilmember Kenneth Mitchell, one of the building's owners, and representatives of the Historic Districts Council, the Four Borough Neighborhood Preservation Alliance, the Northshore Waterfront Conservancy of Staten Island, and the Preservation League of Staten Island. In addition, the Commission received one letter in support of designation. There were no speakers in opposition to the designation. On November 17, 2009, the Commission voted to designate the building a New York City individual landmark.

The Vanderzee-Harper House is a fine surviving example of a Queen Anne style residence with Shingle style details, built c.1887 in Staten Island's affluent "Fort Hill" section. The house features many details characteristic of the Queen Anne and Shingle styles, including a prominent three-story tower; bay window projections; bracketed, cantilevered gable projections; turned woodwork and a curved roofline at the porch; textured shingle and clapboard siding; a variety of window types and shapes, including multi-light upper sash and stained-glass windows; and a tall, decorative masonry chimney.

The house was constructed c.1887 for Margaret A. Shields (later Vanderzee) who had recently purchased the property from Charles A. Herpich. A Manhattan furrier and prominent Staten Island resident, Herpich had substantial real estate holdings in the area, including his large home nearby at the corner of Westervelt and Hendricks avenues. Having purchased the property in 1887, Margaret A. Vanderzee retained ownership until 1920, although she and her husband had relocated to Philadelphia by 1895. After occupancy by several renters, the family of Thomas Harper owned the home for over

twenty-five years, and many of its historic decorative features remain intact.

The Commission urges you to affirm the designation.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES ON THE DESIGNATION OF EDITH ANDREWS LOGAN RESIDENCE IN MANHATTAN.**

**January 26, 2010**

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the Edith Andrews Logan Residence in Manhattan.

On March 24, 2009, the Landmarks Preservation Commission held a public hearing on the proposed designation of the Edith Andrews Logan Residence and the proposed designation of the related Landmark Site. The hearing had been duly advertised in accordance with the provisions of the law. Several people spoke in favor of designation, including representatives of the West 54-55 Street Block Association, Councilmember Dan Garodnick, Manhattan Borough President Scott Stringer, the Historic Districts Council, the Municipal Art Society, the Society for the Architecture of the City, and the Metropolitan Chapter of the Victorian Society in America; additionally, Manhattan Community Board 5 submitted a statement of support. On October 6, 2009, the Commission voted to designate the building a New York City individual landmark.

The Edith Andrews Logan residence was originally designed and constructed in 1870 by the prolific architect-builder John G. Prague as part of a row of four story- and-basement, single-family brownstone row houses. Towards the end of the 19<sup>th</sup> century, the area around Fifth Avenue below Central Park developed as Manhattan's most prestigious residential enclave, due in part to the Vanderbilt family's growing presence on the avenue. In 1903, the row house at 17 West 56<sup>th</sup> Street was purchased by Edith Andrews Logan, a native of Youngstown, Ohio and the wealthy widow of horse breeder and military commander John Alexander Logan, Jr. Mrs. Logan commissioned architect Augustus N. Allen to transform her row house into an elegant neo-Federal style town house, in keeping with the high profile of the neighborhood. In renovating 17 West 56<sup>th</sup> Street, Allen, who by this time had designed several major alterations to town houses on the Upper East Side, moved the entrance to the center of the ground story and converted the full fourth story into a half-story peaked roof with dormers. The updated façade—and the resulting changes to the interior layout—represented the new “American Basement” type of row house design that was becoming popular among New York City's architects, developers, and well-to-do clientele in the 1890s and early 1900s. The symmetrical composition of the town house at 17 West 56<sup>th</sup> Street is enlivened by the use of Flemish bond brickwork and a variety of classically inspired motifs, including fluted columns at the ground story; iron balconettes; incised limestone lintel courses; splayed keystone lintels; and a denticulated cornice beneath a row of pedimented dormers.

From 1914 to 1931 the town house was used by the St. Anthony Association as a club and school. Like many town houses in the West 50s, the first two stories of the building were converted to commercial use in the 1930s, first housing the fashionable "Royal Box" restaurant and later an exclusive beauty salon. The building currently houses the New York showroom for Takara Belmont, a Japanese manufacturer of furnishings and equipment for beauty salons, spas and barbershops.

The Commission urges you to affirm the designation.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE  
THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING  
AND MARITIME USES ON THE DESIGNATION OF THE E. HAYWARD AND  
AMELIA PARSONS FERRY HOUSE IN MANHATTAN.**

**January 26, 2010**

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the E. Hayward and Amelia Parsons Ferry in Manhattan.

On March 24, 2009, the Landmarks Preservation Commission held a public hearing on the proposed designation as a Landmark of the E. Hayward and Amelia Parsons Ferry House and the proposed designation of the related Landmark Site. The hearing had been duly advertised in accordance with the provisions of the law. A total of nine witnesses, including representatives of City Council member Daniel Garodnick, Manhattan Borough President Scott Stringer, the Municipal Art Society, the Historic Districts Council, the Society for the Architecture of the City, three members of the West-54-55 Street Block Association and the president of the 45 West 54 Corporation testified in support of the proposed designation. In addition the commission has received letters in support of this designation from State Senator Liz Krueger, the Metropolitan Chapter of the Victorian Society in America, and several members of the West 54th and 55th Street Block Association. There were no speakers or letters in opposition to the designation. Prior to the hearing, on June 12, 2008, Manhattan Community Board Five voted to request the designation of this building. On November 10, 2009, the Commission voted to designate the building a New York City individual landmark.

Remodeled in 1907-08 by the noted architect Harry Allan Jacobs for investment banker Isaac Seligman and long occupied by banker E. Hayward Ferry and his wife Amelia Parsons Ferry, this highly intact former townhouse is an exceptionally fine example of the restrained Neo- French Classic variant of the Beaux Arts style and forms part of "Bankers Row," a group of five residences built for bankers on West 56th Street, between Fifth and Sixth Avenues. Originally constructed in 1871 by the well-known New York architects D. & J. Jardine, this house was occupied from 1880 to 1907 by the family of George Spencer Hart, a leading wholesaler of dairy products and president of three streetcar lines, who also served as the director of several banks. In 1907-08, Jacobs extended the house at the front and rear and relocated the entrance to the ground story in response to the then current fashion for American basement plans.

E. Hayward Ferry was a prominent businessman, who served as first vice president of Hanover Bank from 1910 to 1929. He and his wife occupied this house from 1908 to 1935. In 1935, it became the headquarters of the distinguished publishing firm of Albert & Charles Boni. It was here that Albert Boni founded the Readex Corporation and began his first experiments with microform technology. After the Boni firm left the building in 1945, it served various uses. From May 1959 to early 1964, it was the salon, workshop, and home of the noted fashion designer Arnold Scaasi. In 1965, it became the headquarters of the Martin Foundation, a charitable trust established by textile magnate Lester Martin, and was dedicated to Eleanor Roosevelt. In addition to the offices of the Martin Foundation, the building housed the Eleanor Roosevelt Memorial Foundation and Eleanor Roosevelt Memorial Cancer Fund as well as other non-profit cultural organizations such as the newly established American Film Institute (c.1967-72). In 1972 the building was conveyed to the Commission on Independent Colleges and Universities. It subsequently served as the offices of an importing firm and in 1988 became the New York City headquarters and studios of the Spanish Broadcasting System. In an area today characterized by tall office buildings, this five-story townhouse forms part of a unique small-scale streetscape that was once typical of the neighborhood and is now rare in Midtown.

The Commission urges you to affirm the designation.



**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES ON THE DESIGNATION OF THE ASCHENBROEDEL VEREIN BUILDING (LATER GESANGVEREIN SCHILLERBUND now LA MAMA EXPERIMENTAL THEATRE CLUB) IN MANHATTAN.**

**January 26, 2010**

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the Aschenbroedel Verein Building (later Gesangverein Schillerbund/ now La Mama Experimental Theatre Club in Manhattan.

On March 24, 2009, the Landmarks Preservation Commission held a public hearing on the proposed designation as a Landmark of the Aschenbroedel Verein (later Gesangverein Schillerbund/ now La Mama Experimental Theatre Club) Building. The hearing had been duly advertised in accordance with the provisions of law. Four people spoke in favor of designation, including representatives of the Municipal Art Society of New York, Greenwich Village Society for Historic Preservation, and Historic Districts Council. In addition, the Commission received a communication in support of designation from the Metropolitan Chapter of the Victorian Society in America. On November 17, 2009, the Commission voted to designate the building a New York City individual landmark.

The four-story, red brick-clad *Aschenbroedel Verein* Building, in today's East Village neighborhood of Manhattan, was constructed in 1873 to the design of German-born architect August H. Blankenstein for this German-American professional orchestral musicians' social and benevolent association. Founded informally in 1860, it had grown large enough by 1866 for the society to purchase this site and eventually construct the purpose-built structure. The *Aschenbroedel Verein* became one of the leading German organizations in *Kleindeutschland* on the Lower East Side. It counted as members many of the most important musicians in the city, at a time when German-Americans dominated the orchestral scene. These included conductors Carl Bergmann, Theodore Thomas and Walter Damrosch, and the musicians of the New York Philharmonic and Theodore Thomas Orchestras. After the *Aschenbroedel Verein* moved to Yorkville in 1892, this building was subsequently owned for four years by the *Gesangverein Schillerbund*, one of the city's leading and oldest German singing societies. The design of the main facade, altered at this time with the addition of cast-iron ornament by German-born architects [Frederick William] Kurtzer & [Richard O.L.] Rohl, combines elements of the German Renaissance Revival and neo-Grec styles with folk motifs (including hearts), and features a variety of pedimented lintels, quoins, *fraktur*-like incising, three composers' busts over the second-story windows, and a prominent cornice with a large broken pediment.

After 1895, the building housed a variety of disparate uses, including a series of public meeting and dance halls, the Newsboys' Athletic Club, a laundry, and a meatpacking plant. Since 1969, it has been the home of the renowned La Mama Experimental Theatre Club, established in 1961 by Ellen Stewart, and today considered the oldest and most influential off-Off-Broadway theater in New York City. The building remains one of the significant reminders of 19<sup>th</sup>-century German-American cultural contributions to New York City, as well as the continuing vitality of off-Off-Broadway theater in the East Village.

The Commission urges you to affirm the designation.

TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE THE CITY COUNCIL  
SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES ON THE  
DESIGNATION OF THE PARAMOUNT HOTEL IN MANHATTAN.

January 26, 2010

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the Paramount Hotel in Manhattan.

On June 23, 2009, the Landmarks Preservation Commission held a public hearing on the proposed designation as a Landmark of the Paramount Hotel. The hearing had been duly advertised in accordance with the provisions of law. There were two speakers in favor of designation including a representative of the owner. There were no speakers in opposition. On November 17, 2009, the Commission voted to designate the building a New York City individual landmark.

The Paramount Hotel was constructed in 1927-28 as part of an extensive building and expansion drive in the Times Square theater district during that period. One of a very few hotels designed by noted theater architect Thomas Lamb, this building's design reflects the theatrical nature of the neighborhood. New York in the 1920s was a popular tourist destination and this hotel was one of several built in the area that was intended to appeal to visitors coming to New York for its extensive night life. This hotel provided over 600 rooms, restaurants, lounges and a well-known nightclub in the basement. Thomas Lamb designed a large number of theaters in the area, particularly movie houses, giving them a variety of decorative treatments that suggested the fantastical interiors and variety of entertainments provided inside. Lamb was a classically-trained architect, able to use a wide-ranging architectural vocabulary geared toward the specific conditions of the building. At the Paramount Hotel he employed flamboyant French Renaissance details, often over-scaled to create a dramatic presence on this smaller, bustling side street. He concentrated his ornament on the lowest levels, visible to passers-by on the street, and on the roofline, visible from a distance or from the windows of nearby buildings. The building displays a double-height arcade along the street, with each arch filled by glass windows allowing a view into the hotel's activities. The two floors above this are highly embellished by terra-cotta moldings, keystones, volutes and swags, adding a sophisticated note to the streetscape. Toward the top, the building steps back gradually to an imposing central pavilion. The tall mansarded and hipped, copper-covered roof,

with its ornate dormers, over-scaled urns and projecting pediments is highly visible from a distance, and stands out from its more reserved neighbors. Throughout the changes to the Times Square neighborhood over the last century, the Paramount Hotel has continued to add its sophisticated presence on this busy commercial street. After years of neglect, the renovation of the hotel in the early 1990s contributed to the renewed popularity of this area as a popular tourist destination.

The Commission urges you to affirm the designation.

**TESTIMONY OF THE LANDMARKS PRESERVATION COMMISSION BEFORE  
THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING  
AND MARITIME USES ON THE DESIGNATION OF THE OCEAN ON THE PARK  
HISTORIC DISTRICT IN BROOKLYN**

**January 26, 2010**

Good morning Council Members. My name is Jenny Fernández, Director of Intergovernmental and Community Relations for the Landmarks Preservation Commission. I am here today to testify on the Commission's designation of the Ocean on the Park Historic District in Brooklyn.

On March 24, 2009, the Landmarks Preservation Commission held a public hearing on the proposed designation of the Ocean on the Park Historic District. The hearing was duly advertised in accordance with the provisions of law. Twenty people spoke in favor of designation, including representatives of Brooklyn Borough President Marty Markowitz, City Councilmember Darlene Mealy, State Senator Eric Adams, Historic Districts Council, the Municipal Art Society, the Society for the Architecture of the City, the New York Landmarks Conservancy, the Prospect Lefferts Gardens Neighborhood Association, the Crown Heights North Association, the Prospect Park Alliance and the Lefferts Manor Association. The representative of Councilmember Mathieu Eugene spoke in support of the historic district but requested that the Commission consider excluding No. 189 Ocean Avenue. The current and former owners of No. 189 Ocean Avenue and one other person spoke in opposition to the proposed inclusion of No. 189 Ocean Avenue in the historic district. The owner of No. 211 Ocean Avenue spoke in opposition to the designation of the historic district. One person spoke on the financial and tax advantages of designation but did not directly address the proposed designation. In addition, the Commission received correspondence from State Assemblymember Karim Camara, City Councilmembers Letitia James and Tony Avella, Congresswoman Yvette Clarke, former City Councilmember Una Clarke, Community Board 9, the Metropolitan Chapter of the Victorian Society in America, and several residents and citizens, all in support of designation.

On October 27, 2009, during the public meeting to consider designation of the proposed historic district, the public hearing was reopened to allow the owner of No. 189 Ocean Avenue to reiterate her reasons for objecting to the inclusion of her house in the historic district. On that day, the Commission voted to designate Ocean on the Park a New York City historic district.

The Ocean on the Park Historic District comprises a group of twelve row houses built between 1909 and 1918 on Ocean Avenue, between Lincoln Road and Parkside Avenue, in Flatbush overlooking Prospect Park.

In 1905, Charles G. Reynolds, a prominent Brooklyn developer purchased a large parcel on Ocean Avenue across from Prospect Park that had once belonged to Jeremiah Vanderbilt, a descendant of Jan Aertsen Vanderbilt progenitor of the Vanderbilt family in America, and which had most likely had been part of the 1661 land patent granted to the family by Peter Stuyvesant. After supplementing this parcel with the purchase of a gore in 1909, Reynolds hired Axel S. Hedman, a prolific designer of row houses in Brooklyn, to design a row of fourteen houses. Construction was halted c. 1910 after completion of only ten houses. Nos. 193 to 211 Ocean Avenue are fine examples of the Renaissance Revival style with limestone facades featuring angular or rounded bays, terraces with balustrades or parapets above raised basements, subdued classical ornament and deep galvanized-iron cornices. Taking advantage of the 150-foot deep lots, Hedman set the row back thirty feet providing unusually deep front yards that he interconnected by a common walkway and bordered by a low wall adjoining the sidewalk.

In 1915, Philip A. Faribault, a civil engineer, purchased one of the remaining lots from Reynolds and designed his own residence in the Federal Revival style. The brick house at No. 191 Ocean Avenue has stone sills and lintels, a simple cornice and segmental-arched entrance surround with Ionic columns in antis characteristic of the style. In recognition of the growing popularity of the automobile among the middle-class, a garage (since converted into a medical office) was incorporated into the first story of the house. No. 189 Ocean Avenue was designed for Charles G. Reynolds in 1917 by Eric O. Holmgren, another prominent Brooklyn architect, and completed the following year. The Arts and Crafts style house, while altered, retains its simple form, subtle brick detailing and a bracketed metal cornice surmounted by a hipped roof with pantiles.

The Ocean on the Park Historic District, with its uniform 30-foot setback and low-scale, reflecting an earlier period in the urbanization of Flatbush, forms a distinctive enclave on a block otherwise densely occupied by apartment houses.

The Commission urges you to affirm the designation.