

June 13, 2023

STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY BEFORE THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION REGARDING PROPOSED DEMOLITION OF 165-167 WEST 86th STREET, aka 541 AMSTERDAM AVENUE – WEST PARK PRESBYTERIAN CHURCH ON THE BASIS OF HARDSHIP

The New York Landmarks Conservancy is dismayed that the rich history of West Park Presbyterian now includes this application for demolition on the basis of hardship. We were supportive of the Commission's designation of this important church in 2011. The Conservancy has made numerous attempts to assist in the preservation of this building, from multiple referrals, reports, and repair grants, to drafting a National Register Nomination to facilitate state restoration funding, for which owner consent was withheld. Watching the building continue to deteriorate has been painful and frustrating.

We would like to take this opportunity to remind the Commissioners that the Landmarks Law defines hardship as a situation where designation prevents a property owner from realizing a reasonable return on a building or a situation in which an owner can no longer use the building for their purposes. But this church is currently being used for religious and community purposes. A property not achieving its highest and best use is not hardship. Not being able to do a pristine restoration project all at one time is not hardship. Consciously allowing a building to deteriorate is not hardship; it is demolition by neglect. The church's current state is the result of mismanagement, spurned offers of assistance, and rejected opportunities.

We have carefully reviewed the applicant's most recent response to the Commission's questions and found a narrative wherein perfect is the enemy of good. We find the applicant's arguments are not realistic and we disagree on many points. Most importantly, we disagree with the assertion that the building must be completely restored at one time. Large restoration projects are routinely executed in phases. We also question if all of the work mentioned in the applicant's response is necessary when much of it seems cosmetic or even excessive.

We have detailed some of our concerns below:

Question I.a. Detail efforts to sell, lease or adaptively reuse the building since 2001.

Can the applicant prove that many of these potential deals fell through solely because of the deteriorated conditions of the building? The response illustrates correlation but not necessarily causation. Can the applicant prove that other reasons, such as past leadership did not lead to the deals falling through?

I.c. Declining membership in congregation.

Again, this response seems to show correlation rather than causation. Can the applicant show that the decline in congregation was not due to internal leadership and other outside forces? A 68% drop in membership in the four years after designation could easily speak to internal leadership problems.

BBG APPRAISAL

An appraisal report that assesses the highest and best use of a site is not relevant to a hardship case. In light of how volatile the real estate market has been in the recent past, we think the appraisal should evaluate the building at a certain point in time. The Commission should specify a specific date for this.

RESPONSES FROM FAÇADE MD

a. Using the DOB scale (from FISP) of "safe, safe with repair and maintenance, and unsafe", what percentage (roughly) of the proposed work is unsafe and therefore must be performed immediately? What percentage is safe with repair and maintenance? Note that the 2001 LZA report followed these three levels of damage and had the "unsafe" work at less than 5 percent of the total.

The applicant failed to answer this question. Using the FISP scale was a reasonable request from the Commissioners; this information is necessary for the Commissioners to make an informed decision.

b. Can damaged ornament be temporarily removed, patched, or otherwise addressed for the near term (5 to 20 years) in a manner other than full stone replacement?

Composite patching and use of cast stone are They are commonplace, long-lived solutions that preservation architects rely on and LPC staff routinely approves. Additionally, while the color difference between cast stone and terra cotta is noticeable when wet, we have not seen the same difference with cast stone and sandstone.

Using real sandstone for replacement is impractical and cost prohibitive in nearly any situation in NYC. The replacement stone would likely need to be imported from Germany or China. The cost savings of patching is significant. We do not even bother to put in kind replacement of sandstone out to bid in our projects because we know patching and cast stone are so much more affordable and practical.

c. Why was no cementitious masonry repair considered for the exterior stone, when LPC regularly approves brownstone repairs – up to entire re-surfacing's – with cementitious materials? How would this affect the cost estimate?

Again, patching is a good although imperfect solution. Mixed results in the past don't mean there won't be a good result from future work. The response doesn't note the age of the past patching that has failed; it may be decades old and at the end of its useful life.

d. Why were no probes or non-destructive evaluations (NDE) performed to verify the exterior wall construction? This information would help assess restoration strategies such as

tooling delaminated material to sound material. Non-destructive testing would confirm anchor locations to ensure enough stone remains over the anchors and to verify that the anchors are not rusting and expanding (although there is no visual evidence to suggest that is occurring).

Where are the NDE reports from Facade MD and Atkinson-Noland? The Commissioners should be able to review those reports for themselves.

The difficulty in identifying the location of the stone anchors is largely due to the fact that the anchors are not causing any observable problems. If the anchors have failed, they have not led to displacement of any stone units. The probes show that the walls of the church are robustly constructed. The sandstone is noted to be 4-5" thick and the backup brick masonry is noted to be 16-21" thick. In one of the photos of the probes, the brownstone is even shown to be 8" thick. For reference, the width of a standard brick is 3 ½-3 5/8". We question if adding new anchors every 2' on center is overly circumspect. We also note that the proposed structural interventions will also add anchors through the brick wall and into the brownstone.

f. The Report identifies a lot of window work in the December 13, 2021 report outlining "exterior related repairs." The report notes generally that deterioration of some windows, but what is the basis to assume that all window work is an immediate safety hazard and has to be done now?

Our opinion is that the tower windows should be temporarily removed, crated, and restored at a later date. The other windows can remain in place and be restored in phases. This is how many houses of worship approach caring for their stained glass. More generally, not having perfectly restored stained glass windows does not contribute to a hardship situation.

h. Was a phased restoration plan (addressing the most serious deterioration first, or particular facades or architectural elements) actually considered?

Phased restoration plans are very common and quite often what is most practical for owners of historic properties. Also, having a sidewalk bridge up around the building does not constitute a hardship.

REVISED RESTORATION COSTS

We do not agree that a "change in dominant use would require the issuance of a Certificate of Occupancy, and all restoration work would have to be completed before use." While that would be a perfect scenario, all the restoration work does not need to be done at once.

The Liberty Stained Glass Conservation report recommends a significant amount of work that is for cosmetic reasons. The pricing in the report also includes alternates that while nice to have, are not absolutely necessary. The inclusion of these alternates does not result in a proportionally large increase in the total project cost of a comprehensive restoration of the church, but it is another example of a pattern in the applicant's response where a large scope of work is deemed necessary and phasing is not considered.

The applicant's response states, "The reports indicate that there is significant lateral movement of the south wall, west of the large round window, which is the area of the wall with the greatest lean." This is misleading when the tilt monitor reports show no active movement.

We have specific rebuttals to the applicant's claims in our written testimony and we hope you will take the time to read it. In summation, we feel that this report is exaggerated to prove the applicant's case, while our long history with religious institutions shows us that phased work at a lesser total cost is doable. And the building's current condition is self-imposed by the applicant. The West Park Presbyterian Church should not be granted hardship or a demolition permit.

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