THE NEW YORK LANDMARKS CONSERVANCY

December 9, 2025

STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY BEFORE THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION REGARDING A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH 165 WEST 86TH STREET– WEST PARK PRESBYTERIAN CHURCH, AN INDIVIDUAL LANDMARK, ON THE GROUNDS OF HARDSHIP

The New York Landmarks Conservancy opposes the application to demolish West Park Presbyterian Church, an individual landmark.

The Conservancy has a long history with this building. We've been involved with West Park since 2001, providing substantial technical assistance, and, following the 2010 landmark designation, grant funding. Our staff have inspected every part of the building. This experience informs our understanding of the church, its challenges, and its potential.

This application does not meet the statutory test for hardship. Section 25-309 of the New York City Administrative Code outlines a four-part statutory test for determining hardship for tax-exempt properties. Examining each part of the test shows that the applicant does not meet the standards related to reasonable return or use.

> (a) The owner of such improvement has entered into a bona-fide agreement to sell an estate of freehold or to grant a term of at least twenty years in such improvement parcel, which agreement is subject to or contingent upon the issuance of the certificate of appropriateness or a notice to proceed;
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> (b) The improvement parcel which includes such improvement, as existing at the time of the filing of such request, would not, if it were not exempt in whole or in part from real property taxation, be capable of earning a reasonable return;
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> (c) Such improvement has ceased to be adequate, suitable or appropriate for use for carrying out both (1) the purposes of such owner to which it is devoted and (2) those purposes to which it had been devoted when acquired unless such owner is no longer engaged in pursuing such purposes; and
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> (d) The prospective purchaser or tenant: (1) In the case of an application for a permit to demolish seeks and intends, in good faith either to demolish such improvement immediately for the purpose of constructing on the site thereof with reasonable promptness a new building or other facility; or (2) In the case of an application for a permit to make alterations or reconstruct, seeks and intends in good faith to alter or reconstruct such improvement, with reasonable promptness.

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Parts (a) and (d): The application for hardship includes a contract and the prospective purchaser has presented a plan to demolish and replace this landmark quickly.

Part (b): No, the application has not shown that the property is incapable of earning a reasonable return. The applicant has offered a scope of work, a budget, and three potential development scenarios that do not earn a 6% return. The LPC's engineering consultant presented an alternative scope of work in 2023, which would rectify Department of Buildings violations and allow removal of the sidewalk bridge, at a dramatically reduced budget. The 2025 application does not indicate that the condition of the building has substantially worsened, and the tenant Center for West Park was prepared to finance a scope of work to address the highest priority items (see below).

The new, lower budget scenarios would reduce the income required to reach a 6% return and expand potential options for leasing the space. Presenting three examples that don't achieve a 6% return does not make a definitive case that the building is incapable of earning a reasonable return.

Part (c): No, the property was built as a church. It has been used for religious services by the owner for decades and is being used by another congregation now. It is adequate, suitable, and appropriate for that purpose and for welcoming people to the building. The Center for West Park held numerous public performances over several years. The Church has undermined its own argument, as its website shows a variety of public events in the building, including a music festival, art exhibition, art symposium, several thrift sales, and a weekly open mic night. Furthermore, the application states that the current owner intends to use part of the proposed new building on the site for worship services, so they are still engaged in pursuing such a purpose.

The applicant has stated that the condition of the building and costs involved in repairing it make the Church unsuitable for its mission. The Center for West Park has offered to pay $30,000/ month in rent, in addition to paying for the restoration work described above and ongoing maintenance. The Presbytery declined the offer, an act analogous to demolition by neglect.

The Landmarks Law requires that all parts of the hardship test be met. They are not being met. Therefore, there is no hardship.

The argument that the building cannot achieve a reasonable return deserves further attention. The applicants have claimed that the costs of restoring and operating the building have made it unsuitable. They have presented three scenarios that start with a $50 + million restoration and end with a "no." Our experience, with restoration projects and with West Park, says that there are other options.

We have worked with many congregations that have undertaken long-term capital and restoration campaigns. Each is unique, and uses different and innovative combinations of

fundraising techniques, including but not limited to public and private grants, space-sharing and rentals, and appeals to all levels of donors.

We've helped historic religious properties support their missions, build community, prioritize repairs, phase construction, raise funds, obtain listing on the National Register of Historic Places which triggers opportunities for grant funding, and achieve successful outcomes. In response to the 2022 hardship application, and again this year, we asked several congregations representing three boroughs and multiple denominations to recount how this approach worked for them. Those letters are attached.

There can be a similar scenario for West Park. The Landmarks Preservation Commission's engineering consultant laid out a much less expensive revised and phased scope of work in 2023. In 2024, the Center at West Park applied to LPC for a permit to perform restoration work required to rectify DOB violations and remove the long-standing sidewalk bridge. The Center had architectural plans, an agreement with a contractor, and funds in hand to compete this essential work. The Center was founded in 2016 "by a coalition of community members to preserve and revitalize West Park as a community resource and home for arts and culture." The intent was for the Center to keep the building active and raise funds for its repair. They have done just that.

Alas, the LPC did not allow the Center, as tenants, to file the application, and the owners refused. A full construction season later, that work might have been completed, the sidewalk bridge down, the building filled with activity and fund-raising and the next phase of restoration underway. Instead, the owner wants to demolish this landmark, one of the best examples of a Romanesque Revival style religious building in the City, with a long history of worship, community, culture, and activism.

In addition to the offer from the Center, the Presbytery has not explored all available options for fund raising. The Presbytery declined to allow the Conservancy to nominate West Park for listing on the National Register of Historic Places. The church was already determined eligible for the listing based on architectural and cultural merit. The full listing typically triggers grant opportunities, including substantial New York State grant funding.

The Presbytery has not tried to transfer unused development rights, even though the prospects to do so expanded significantly when the City of Yes for Housing Opportunity rezoning was enacted in 2024. The applicant submitted an analysis of TDR options. The Conservancy retained planning and zoning expert George M. Janes to review that analysis. His report is attached.

It finds that there are 27 receiving lots for West Park's unused development rights, and cautions that the applicant's analysis: "appears to have been written to elevate real practical difficulties in transferring development rights into impossible barriers that cannot be overcome." Janes' report shows how those difficulties are often overcome and how CoYHO has unlocked new opportunities for West Park to sell unused development rights.

The Presbytery wants to sell the property to a developer for a figure estimated to be $32 million. This represents the "highest and best use" of the property, but courts have

consistently held that the owner of a landmark is not entitled to achieve the highest and best use, and that this consideration does not warrant approval by the Commission.

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. A property not achieving its highest and best use is not hardship. Not being able to complete a pristine restoration project all at once is not hardship. Allowing a building to deteriorate is not hardship; it is demolition by neglect. West Park's current state is the result of mismanagement, spurned offers of assistance, and rejected opportunities.

When the LPC designated West Park, it recognized its architectural majesty, rich cultural history, and essential place on the Upper West Side. Shrouded in sidewalk bridges, some have seen it as a liability. It is an asset. With an owner committed to a long-term plan and a new vision, it can be a success.

We urge you to reject this application.

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