



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

MICHELLE SOLOMON
Acting District Manager

February 10, 2006

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

Re: 439 West 21st Street, Chelsea Historic District

Dear Chair Tierney,

Manhattan Community Board No. 4 thanks you for the opportunity to comment on the proposed alterations to the Greek Revival rowhouse at 439 West 21st Street in the heart of the Chelsea Historic District. On January 25, 2006, the architect made a presentation of the application to the Landmarks Task Force of the Board, which failed to have a legal quorum. At its regular meeting on February 1, 2006 the full Board voted to disapprove this application as inappropriate and as against public policy by a vote of 32 in favor, 0 opposed, 2 abstaining, and 0 present but not eligible to vote.

We understand that the issue before the Commission is solely whether or not the basement windows may be replaced by doors. However, this is part of a larger landmarks application, much of which has, unfortunately, already been approved by staff, that would lead to the displacement of a rent-regulated tenant. As a matter of public policy, the Board cannot support any application that would have such an effect. The Board is also opposed to the application on grounds of historical preservation, as the pair of basement doors are unprecedented in the rest of the Historic District.

Basement Areaway Excavation

Some other areaways in the Historic District have been similarly excavated, and in relatively few cases one basement window has been replaced by a door. Most of these cases may be assumed to be grandfathered in the Historic District, since they clearly date from an earlier period, when originally single-family houses became multiple dwellings and basement apartments often received separate entrances. We know of no case, however, where both the basement windows in three-bay houses have been lengthened or replaced by doors. Although the extension downward of the windows would be only partially visible from the public way because of the retention of the existing areaway at sidewalk level between the relatively narrow excavated area and the areaway fence, the change would remove all trace of the original length and character of the windows as windows. In addition the upper part of the proposed doors would be fully visible from the sidewalk, especially when the security grills in front of them are swung open. For these reasons the proposed change to the windows is inappropriate.

R. Tierney
February 10, 2006
Page 2 of 2

Please note also that concerned neighbors believe that the new doors are meant to serve as the entrance to a travel agency that the owner intends to operate. Such a use would of course be inconsistent with the purely residential zoning of the block. We ask that the Commission make clear to the applicant that, Landmarks approval aside, there is no government approval of commercial use of this space.

Balance of Historic Preservation vs. Tenant Protection

The Board deeply regrets that the proposal for restoration of the street façade of the building has received a staff-level permit. The technical appropriateness of this portion of the proposal cannot justify the removal of a tenant's kitchen to create a new parlor-floor entrance at the head of the stoop. The Board cannot support any historic renovation proposal which would result in a tenant losing a rent regulated apartment. The Board recognizes that that issue is not formally within the jurisdiction of the Commission, which does not regulate use. However, the Board's support in protecting a rent-regulated tenancy is long standing policy. We must ask the Commission to balance the public policy objectives of tenant protection and historic preservation. Approving an historic renovation which effectively displaces a rent-regulated tenant cannot be supported by the Board.


Two tenants of the building attended the meetings of the Landmarks Task Force and the full Board and expressed their fears that approval of this application would have a direct impact on their tenant rights. They described the intention of the owner to seek possession of the apartments on the lower floors to use them as her residence. The Board urges the Commission to take no action that could be construed as support for the owner in vacating the occupied apartments.

An approval some years ago of a restoration a few doors away that would have similarly affected occupied apartments was only gradually carried out over a number of years, during which, in accordance with commitments made by the owner, the affected tenants remained in possession without harassment. Binding commitments of this type might be an appropriate solution here.

Summary

We understand that aside from the excavation of the basement areaway, the balance of the restoration - new wood windows, rustication of the brownstone base, and recreation of the historic stoop - is based on historic materials and nearby buildings, especially a largely intact member of the row at number 443. Although this part of the restoration is formally appropriate, we do not support its approval, due to the need for tenant protection. We further oppose the excavation of the basement areaway because it is inappropriate, and of unclear purpose.

Sincerely,



J. Lee Compton
Chair
Manhattan Community Board No. 4

cc: Elected Officials, Applicant, Ms Hilda Regier, Ms Eleanor Horowitz