

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LANDMARKS, PUBLIC SITING & MARITIME USES

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April 20, 2010  
Start: 11:15 am  
Recess: 2:27 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
BRAD LANDER  
Chairperson

COUNCIL MEMBERS:  
Rosie Mendez  
Daniel J. Halloran  
Jumaane D. Williams  
Leroy G. Comrie, Jr.  
Gale A. Brewer  
Maria del Carmen Arroyo  
Bill de Blasio

## A P P E A R A N C E S (CONTINUED)

LaRay Brown  
Senior Vice President for Strategic Planning,  
Community Health and Intergovernmental Relations  
New York City Health and Hospitals Corporation

Jenny Fernandez  
Director of Intergovernmental and Community Relations  
Landmarks Preservation Commission

Mark Silberman  
Landmarks Preservation Commission

Ann Friedman  
Director  
New York Landmarks Conservancy Sacred Sites Program

Lenore Norman  
Co-Chair of the Preservation Committee  
Community Board 7

Page Cowley  
Co-Chair of the Land Use Committee  
Community Board 7 Manhattan

Olga Statz  
Secretary  
Save St. Vincent de Paul

Kate Wood  
LANDMARK WEST!

Rev. Robert Brashear  
Pastor  
West Park Presbyterian Church

Rev. Mark Hallinan  
Assistant for Social Ministries  
Society of Jesus, New York

Rabbi Jeremy Kalmanofsky  
Anshe Chesed

## A P P E A R A N C E S (CONTINUED)

Rev. K Karpen  
Pastor  
Church of St. Paul and St. Andrew

Gary Ireland

Jihoon Kim  
State Senator Eric Schneiderman

Simeon Bankoff  
Executive Director  
Historic Districts Council

Jacob Tilove  
Robert A. M. Stern

Rev. Darrell Berger

Susan Sullivan  
President  
Friends of West Park

Rev. J.N. L'Heureux, Jr.  
Executive Director  
Queens Federation of Churches

John Gingrich  
Elder  
Good Shepherd Faith Presbyterian Church

Laura Jervis  
Minister member  
New York City Presbytery

Annie Rawlings  
Associate Executive Presbyter for Social Witness  
Presbytery of New York City

Jim Nedelka  
Elder  
Presbyterian Church USA

## A P P E A R A N C E S (CONTINUED)

Michael Henry Adams  
State Senator Bill Perkins

Franny Eberhart

Thomas Vitullo Martin  
Executive Director  
Belnord Landmark Conservancy

Dr. Kenneth Kelner

Rev. Margaret Orr Thomas

Hope DeRogatis

Diego Hugo Meneses

George Todd

Peter Salwen

Philip Newell

Bruce Simon

Mosette Broderick

Tammi Colichio

Lindsey Allison  
Assembly Member Linda Rosenthal

Cristiana Pena  
Director of Community Outreach  
LANDMARK WEST!

Samantha Santiago

Rev. Alistair Drummond  
Pastor  
West End Presbyterian Church

## A P P E A R A N C E S (CONTINUED)

Miriam Shelton  
Member  
Presbytery of New York City

Holly Nedelka  
Presbyterian Elder

Valerie Campbell  
Special Counsel  
Kramer Levin Naftalis and Frankel

Father John Duffell  
Pastor  
Roman Catholic Church of the Ascension

Susan Nial  
Friends of West Park

Peggy Rosenthal

Young Joo Shin

Lisa Aiba

Marie Worozh

Barbara Michaels

Veronica DeBerardine

Eve Sinaiko

Jeff Sholeen  
President  
Metropolitan Chapter of the Victorian Society in  
America

Mark Diller  
Community Board 7

Virginia Parkhouse

## A P P E A R A N C E S (CONTINUED)

Robert Cane

Daniel Allen

Rudy Van Daele

Joyce Matz

3 CHAIRPERSON LANDER: Good morning,  
4 I'm pleased to gavel this hearing of the New York  
5 City Council Land Use's Subcommittee on Landmarks,  
6 Public Siting, and Maritime Uses to order. With  
7 the arrival of wonderful Council Member Rosie  
8 Mendez, we have a quorum and so we'll begin this  
9 morning. I'm Brad Lander, the Chair of the  
10 Subcommittee and I'm joined today by other members  
11 of the Subcommittee: Council Member Dan Halloran  
12 from Queens, Council Member Jumaane Williams from  
13 Brooklyn, and Council Member Rosie Mendez from  
14 Manhattan. We're also joined this morning by the  
15 Chairman of the Land Use Committee, Council Member  
16 Leroy Comrie from Queens and we're joined this  
17 morning also by Council Member Gale Brewer from  
18 Manhattan.

19 There were three items on the  
20 Subcommittee's agenda for today. The first of  
21 those, Dollar Savings Bank is actually being laid  
22 over and we'll hear it at a future meeting. So if  
23 you're here for Dollar Savings Bank, I apologize  
24 for your inconvenience, but we won't be hearing  
25 that one today.

That leaves two, I suspect most of

2 you are here to talk about West Park Presbyterian  
3 Church, which we will get to momentarily, but  
4 we're actually going to do the other item first  
5 because I think we can dispense with it quite  
6 quickly. And so just so folks know the plan for  
7 today is to do the public hearing and presentation  
8 of the CAMBA proposal for the J and N buildings at  
9 the Health and Hospitals Corporation site on the  
10 King County Hospital campus and to take a vote on  
11 that item. And then we'll move to West Park  
12 Presbyterian where we've got quite a few people  
13 signed up to testify. If you haven't, as was  
14 said, please do sign up. We'll do the public  
15 hearing on West Park Presbyterian today, I think  
16 it's very unlikely that we will do the vote, but  
17 we will instead listen to all the testimony that's  
18 presented and have a chance to deliberate and to  
19 vote in a timely fashion at a subsequent meeting.

20 So that's the plan for today, so  
21 let's begin with land use number 58, 20105481 HHK,  
22 CAMBA, Inc., the proposal for the disposition by  
23 the Health and Hospitals Corporation of a lease of  
24 property located on the grounds of Kings County  
25 Hospital campus in East Flatbush to CAMBA for the



2 development of low income housing for formerly  
3 homeless families and singles. And I am pleased  
4 to invite Ms. LaRay Brown from the New York City  
5 Health and Hospitals Corporation to present.

6 LARAY BROWN: Good morning, Council  
7 Members, I'm very pleased to be here. My name is  
8 LaRay Brown and I am the Senior Vice President for  
9 Strategic Planning, Community Health and  
10 Intergovernmental Relations for the New York City  
11 Health and Hospitals Corporation, or HHC. Thank  
12 you for this opportunity to give testimony in  
13 support of a long-term sublease agreement between  
14 HHC and CAMBA, Inc. As you mentioned, that  
15 project will be on the campus of Kings County  
16 Hospital Center. With me today in the audience  
17 are representatives of CAMBA, Inc. if there are  
18 any questions.

19 As you may know, CAMBA, Inc. is a  
20 Brooklyn-based social services organization that  
21 serves approximately 35,000 individuals and  
22 families every year. Their mission is to provide  
23 services which connect individuals and families  
24 with opportunities to enhance their quality of  
25 lives.

2 The proposed sublease agreement  
3 that's before you for approval would permit CAMBA,  
4 Inc. to develop two buildings containing  
5 approximately 202 units of housing and support  
6 services on the grounds of Kings County Hospital  
7 Center. The housing will be for low-income  
8 families and single adults, including formerly  
9 homeless families and individuals and CAMBA will  
10 also provide on-site case management services and  
11 programming, as well as 24-hour building security.

12 HHC will receive a one-time payment  
13 of \$2.3 million from CAMBA, Inc. CAMBA, Inc. will  
14 be responsible for all costs associated with the  
15 demolition of the unused and dilapidated J and N  
16 buildings on the Kings County campus, as well as  
17 for costs associated with the development and the  
18 ongoing operation of this housing. The terms of  
19 the sublease agreement will be for 99 years.  
20 Construction is expected to start in the fall of  
21 2010 and is anticipated to take roughly 24 months.

22 HHC conducted a public hearing on  
23 December 8th ,2009, with respect to the proposed  
24 leasing. HHC's Board of Directors approved the  
25 subleasing agreement on March 25th of 2010. Thank

2 you for your consideration and I would be happy to  
3 answer any questions that you have.

4 CHAIRPERSON LANDER: Thanks very  
5 much, Ms. Brown, for your testimony. I want to  
6 let the other members of the committee know that  
7 Council Member Mathieu Eugene, in whose district  
8 this is has let me know that he's in support of  
9 this lease. Are there any questions from members  
10 of the committee? [Pause] Okay. Thank you very  
11 much for bringing us this proposal and for  
12 presenting--

13 LARAY BROWN: Thank you.

14 CHAIRPERSON LANDER: --it in such a  
15 straightforward manner, and we wish you good luck  
16 with the project and wish CAMBA good luck with the  
17 project as well.

18 LARAY BROWN: Thank you very much,  
19 thank you for your support.

20 CHAIRPERSON LANDER: Thank you.  
21 All right, so we are going to close--there is no  
22 one else has signed up to testify on this matter,  
23 and seeing no one else presenting themselves to  
24 testify on this matter, I'm going to close the  
25 public hearing on the issue, but I think we are

2 not going to vote on it at this moment. We may  
3 come back to it later today. All right, great,  
4 thank you very much to both HHC and CAMBA.

5 We are now going to move to the  
6 other item on our agenda, consideration of the  
7 proposed landmark designation by the Landmark  
8 Preservation Committee of West Park Presbyterian  
9 Church located at 165 West 86th Street, that's  
10 Land Use number 60 and its application number is  
11 20105349. And let me just let folks know, what  
12 we're going to do is first invite the Landmarks  
13 Preservation Commission to come forward and  
14 present their testimony. And as the proposal  
15 comes to us from the LPC, after they're done,  
16 colleagues beginning with Council Member Brewer  
17 will have the opportunity to ask them some  
18 questions and we will then go into an alternating  
19 series of panels, four or five people each  
20 offering people who are both in favor and opposed  
21 to the landmark designation the opportunity to  
22 present testimony and also to answer questions  
23 from the committee.

24 So I am pleased that we're joined  
25 by Jenny Fernandez and Mark Silberman from the

2 Landmarks Preservation Commission and I'd ask you  
3 to go ahead and present your... Thank you.

4 JENNY FERNANDEZ: Thank you, Chair  
5 Lander, Members of the Committee. My name is  
6 Jenny Fernandez, Director of Intergovernmental and  
7 Community Relations for the Landmarks Preservation  
8 Commission. I am here today to testify on the  
9 Commission's designation of the West Park  
10 Presbyterian Church [Pause] West Park Presbyterian  
11 Church in Manhattan.

12 On July 14th, 2009, the Landmarks  
13 Preservation Commission held a public hearing on  
14 the proposed designation of the West Park  
15 Presbyterian Church. The hearing was duly  
16 advertised according to the provisions of law.  
17 Fifty-six witnesses spoke in favor of the  
18 designation, including Council Member Gale Brewer,  
19 Assemblymember Linda Rosenthal, and Council Member  
20 Tony Avella, as well as representatives of  
21 Manhattan Borough President Scott Stringer,  
22 Council Member Bill De Blasio, Public Advocate  
23 Betsy Gotbaum, the Historic Districts Council, the  
24 Municipal Arts Society, Manhattan Community Board  
25 7, the New York Landmarks Conservancy, Landmark

2 West!, the Victorian Society, and the Greenwich  
3 Village Society for Historic Preservation.  
4 Thirteen speakers testified in opposition to the  
5 proposed designation, including both the church's  
6 pastor and its Ecumenical Associate Minister, the  
7 Reverend Dr. Robert L. Brashear and the Reverend  
8 Dr. Katherine Kurs, respectively, as well as  
9 members of the West Park congregation and the  
10 Reverend N.J. L'Heureux of the Committee of  
11 Religious Leaders in the City of New York. In  
12 addition, the Commission received numerous  
13 letters, e-mails, and post cards in support of  
14 designation.

15 On January 12th, 2010, the  
16 Commission voted to designate the building a New  
17 York City individual landmark.

18 The West Park Presbyterian Church  
19 is considered to be one of the best examples of a  
20 Romanesque Revival style religious structure in  
21 New York City. The extraordinarily deep color of  
22 its red sandstone cladding and the church's bold  
23 forms with broad, round-arched openings and a  
24 soaring tower at the corner of West 86th Street  
25 and Amsterdam Avenue produce a monumental and

2 distinguished presence along those streets. The  
3 Park Presbyterian Church was founded in 1852 as  
4 the 84th Street Presbyterian Church and formerly  
5 occupied a wood chapel on 84th Street and West End  
6 Avenue. The church purchased the site of the  
7 present church at Tenth Avenue and West 86th  
8 Street in 1882 and commissioned the prominent  
9 architect Leopold Eidlitz to design a small brick  
10 chapel on the eastern end of the site on 86th  
11 Street in 1883. It was completed in 1885. The  
12 Upper West Side's population dramatically  
13 increased during the 1880s and the church quickly  
14 outgrew the chapel. In 1889, the congregation  
15 commissioned Henry Kilburn to design a large new  
16 church and to re-design Eidlitz's facade, creating  
17 a unified Romanesque Revival style church complex.  
18 Kilburn was the designer of many private residence  
19 in New York, including a number of the Upper West  
20 Side Central Park West Historic District.

21 The new Park Presbyterian Church  
22 was finished in 1890. The resulting building is a  
23 monumental structure which anchors an important  
24 intersection of the Upper West Side. The West  
25 Park Presbyterian Church was formed in 1911 when

2 the Park Presbyterian Church merged with West Park  
3 Presbyterian Church, which was founded in 1829 in  
4 Greenwich Village and later moved to 42nd Street.  
5 Kilburn's design remains intact, and the building  
6 retains its visual prominence on the Upper West  
7 Side.

8 The Commission urges you to affirm  
9 this designation.

10 CHAIRPERSON LANDER: We'll now  
11 entertain questions from the panel and we'll begin  
12 with Council Member Brewer, as it's in her  
13 district.

14 COUNCIL MEMBER BREWER: Thank you  
15 very much. As you know, I'm very supportive, but  
16 I'm also very fond of the people who are opposed  
17 to this, so it's a little bit of a quandary.

18 The issue I have is two questions,  
19 one, I think I know some of these answers, but was  
20 there much discussion during the landmarking in  
21 terms of not just what you described, but the fact  
22 that it is such a historic building? Number two,  
23 when you have designated similar religious  
24 institutions in the past, I think you have, but  
25 have you worked, if they are landmarked, to think



2 of reuses? Is that something that the Landmarks  
3 Preservation Commission participates in as the  
4 building stands goes forward and as we all want it  
5 to remain viable.

6 JENNY FERNANDEZ: Of course there  
7 was extensive discussion prior to the designation  
8 in the public hearing. As we stated in the  
9 testimony, there were many speakers who testified  
10 in favor and also several speakers who testified  
11 in opposition. So certainly a lively discussion  
12 was held at the commission over the designation of  
13 this building.

14 MARK SILBERMAN: Councilwoman, the  
15 commission has a long history of working closely  
16 with owners of--nonprofit owners both religious  
17 and nonreligious to address their needs and  
18 adaptive reuse where appropriate and necessary as  
19 well as expansions where appropriate and necessary  
20 consistent with the Landmarks law.

21 COUNCIL MEMBER BREWER: Okay. And  
22 I also noted that you decided to make sure that  
23 all aspects of the church were landmarked, that it  
24 wasn't one part to be landmarked and one part not.  
25 Can you just talk about why that was necessary?

2 MARK SILBERMAN: Well as you know,  
3 there were many--the congregation had a plan for  
4 development on part of the lot, there were--

5 COUNCIL MEMBER BREWER:  
6 [Interposing] I know only too well.

7 MARK SILBERMAN: Yeah, and then  
8 there were other plans from neighborhood groups  
9 that also talked about--were proposing various  
10 alterations to the building. The commission felt  
11 strongly that, given the importance of this  
12 designation and the architecture of the building,  
13 that any additions to the building or expansions  
14 to the building should take place under the  
15 guidance and the review of the Landmarks  
16 Commission under the landmarks law.

17 COUNCIL MEMBER BREWER: Okay. And  
18 that's something that you've done in the past so  
19 that it would certainly be possible to do in the  
20 future.

21 MARK SILBERMAN: Yeah, there's no  
22 doubt that demolitions of parts of individual  
23 landmarks are difficult applications, but the  
24 commission has, I think, shown quite--it's a  
25 practical body that deals with reality and I think

2 its track record with religious organizations is  
3 quite good.

4 COUNCIL MEMBER BREWER: Thank you  
5 very much. Thank you, Mr. Chair.

6 CHAIRPERSON LANDER: Are there  
7 questions from the other members of the panel? I  
8 wonder if you could just expound for me a little  
9 bit on that last question. If the applicant were  
10 to come forward to you with a proposal to the LPC  
11 that involved some significant modification or  
12 development, can you just explain a little more  
13 for me as a relatively new chair of this  
14 subcommittee the process that the LPC would use to  
15 consider it?

16 MARK SILBERMAN: Sure, the  
17 landmarks law, section 307 of the law sets forth  
18 various criteria for determining changes and  
19 review of those changes to determine whether they  
20 are appropriate to the architecture, massing, and  
21 other pertinent factors, and the commission has  
22 used those to allow additions--I mean, we  
23 routinely allow additions to buildings. We  
24 routinely allow things to be adapted to modern  
25 uses, we allow handicap access, we allow lots of

2 alterations to make things usable, we allow  
3 windows we put in where there weren't windows so  
4 that you can have light in there, legal light in  
5 there to adaptively reuse a building.

6 So until there's an actual  
7 application, it's hard to discuss what it would  
8 be. And as I said, demolition, if a proposal is  
9 to demolish a big portion or a significant portion  
10 of this site, the commission would review it, and  
11 those are difficult applications. And ultimately  
12 if the commission could not find such a change to  
13 be appropriate, there are another avenue for  
14 relief, which is the hardship review, which the  
15 commission has used in the past to address true  
16 hardship needs of nonprofits as well as profit  
17 owners.

18 CHAIRPERSON LANDER: So just on--  
19 the appropriateness review essentially comes first  
20 based on the--

21 MARK SILBERMAN: Correct.

22 CHAIRPERSON LANDER: --the  
23 landmarks law and then there is also essentially a  
24 subsidiary hardship review--

25 MARK SILBERMAN: That's correct.

3 CHAIRPERSON LANDER: --that an  
4 applicant actively seeks or that you, you know,  
5 with a--

6 MARK SILBERMAN: [Interposing] The  
7 applicant has to decide whether--it's an  
8 application, they can choose to come in under  
9 what's known as a pure appropriateness review. Or  
10 as what recently happened with St. Vincent's, you  
11 come in with a review under section 309, which is  
12 a hardship review, but that hardship review has in  
13 it built into it a precedent finding that the work  
14 is inappropriate. And if in fact, the commission  
15 decides it is appropriate, it just gets sort of  
16 transformed into an appropriateness finding, no  
17 hardship is necessary.

18 CHAIRPERSON LANDER: And the  
19 hardship review is the same regardless of whether  
20 the applicant is a not-for-profit, a for-profit,  
21 or religious institution, or do you take into the-  
22 -is there sort of a separate set of hardship  
23 finding depending on the type of--

24 [Crosstalk]

25 MARK SILBERMAN: [Interposing]  
There are separate findings for-profit versus

2 nonprofit owners, there is--all nonprofit owners,  
3 religious and nonreligious, are subject to the  
4 same nonprofit findings, hardship findings.

5 CHAIRPERSON LANDER: Thank you.

6 Any other questions?

7 [Off mic]

8 [Pause]

9 CHAIRPERSON LANDER: Council Member  
10 Halloran, followed by Council Member Williams.

11 COUNCIL MEMBER HALLORAN: Thank  
12 you, Mr. Chair. Just a question in regards to  
13 this particular landmarking. I understand from  
14 the testimony and the hearing notes that there  
15 were a significant group of people opposed to the  
16 landmarking, the majority of which are the members  
17 of the congregation there. In terms of reviewing  
18 the economic impacts that this may have on this  
19 particular building, its upkeep, and the ability  
20 of its parish to maintain it, did the Landmarks  
21 Preservation Commission sit down and review the  
22 financial history of the church over say the past  
23 decade to determine what economic impact it would  
24 have on their congregation's ability to maintain  
25 the structure?

2 MARK SILBERMAN: The congregation  
3 testified quite strongly about the economic impact  
4 of designation and the commissioners heard that  
5 testimony. I think that it's fair to say the  
6 commissioners are sensitive to the needs of  
7 congregations who are balancing lots--all  
8 nonprofits who are balancing their missions versus  
9 the need to maintain a building. But the  
10 commission is the Landmarks Preservation  
11 Commission and our first obligation is to look at  
12 the building and its worthiness for designation,  
13 and the law does contain specific provisions to  
14 deal with true economic hardship or other hardship  
15 if and when the congregation feels that it's  
16 necessary to move in that direction.

17 COUNCIL MEMBER HALLORAN: I guess  
18 I'm just a little concerned, freedom of religion  
19 is an issue that was quite prevalent in my  
20 campaign and so I'm a little sensitive to it. My  
21 concern is I've looked at the building, I mean, it  
22 is absolutely a historic building, I have no doubt  
23 of that, I am just concerned particularly when  
24 we're landmarking over the objection of the owners  
25 that there are two constitutional dimensions to

2 that. And the first, of course, is the right to  
3 one's property, which is a constitutionally  
4 protected guarantee; the second is the First  
5 Amendment, the right to keep the state out of our  
6 churches and vice versa and keep the churches out  
7 of our state. So those two particular issues seem  
8 to coalesce in this particular instance in an  
9 unusual way. And I'm just curious, again, like I  
10 said, I've seen this building, I agree, it is a  
11 absolute historic building, it is a beautiful  
12 Romanesque church, it is certainly something  
13 worthy of being designated a landmark in the  
14 theoretical sense.

15 My concern, again, to bring it back  
16 home as a constitutional scholar, a lawyer  
17 practicing in that field and somebody who's  
18 acutely aware of it on a personal level, to what  
19 extent has the commission undertaken in the past,  
20 and in particular in this case, the sort of  
21 balancing test that this throws out where you  
22 concern, not only First Amendment religious  
23 rights, but property rights which are, of course,  
24 constitutional imperatives because you have owner  
25 occupier churches who are now opposed to your



2 designation here? So is there an additional  
3 process you've gone through in reviewing this? Is  
4 this something where we're going to have an issue  
5 down the road that there is potential litigation  
6 that this will involve the city and vis-à-vis  
7 those two constitutional issues which, while I  
8 understand we have a landmarks preservation law  
9 and I am very supportive of it and there are many  
10 areas in my district which I wish, not just the  
11 inner borough got, but the outer borough got  
12 designations, but in this particular area I see it  
13 fraught with some difficulties. Have you thought  
14 about that? If so, what have you done about it,  
15 and what can you tell me to guide me to sort of  
16 say that you've addressed those constitutional  
17 issues so I can feel comfortable when I cast my  
18 vote?

19 MARK SILBERMAN: A couple of  
20 matters. First of all, with respect to owner  
21 opposition, as you know the landmarks law in New  
22 York City is quite importantly recognizes that  
23 owner opposition should not be a veto of  
24 designation and allows designation to occur over  
25 owner opposition, whether it's a nonprofit or a

2 for-profit owner. Secondly and more directly and  
3 importantly, New York courts couldn't be clearer  
4 that landmark designation does not raise  
5 constitutional issues with respect to the freedom  
6 to practice one's religion. There may be in some  
7 point an issue about how regulation of a  
8 particular religious organization may affect  
9 religious practice, but that case has not been put  
10 forward in any case in New York state.

11 And finally, with respect to this  
12 other constitutional issue, the drafters of the  
13 landmarks law, the City Council passing it  
14 recognized that the Landmarks Commission could not  
15 interfere with what goes on inside an active  
16 church and interior designations of churches was  
17 prohibited or places of worship was prohibited.

18 So the commission is, I can assure  
19 you, quite aware of these sorts of issues, we take  
20 them into account, but we feel strongly, and this  
21 position has been supported by the New York  
22 courts, that landmark designation in and of itself  
23 does not raise any constitutional issues with  
24 respect to church state relations.

25 COUNCIL MEMBER HALLORAN: I

2 appreciate your testimony. I thank the Chair for  
3 giving me the opportunity to ask the question. I  
4 would just say that I do feel the landmarking laws  
5 are necessary, I do feel that this is a very  
6 worthy church for designation, but I am very  
7 disturbed by your first, what I marked to be  
8 flippant comment with regards to it not being a  
9 constitutional issue simply because a particular  
10 court, especially in the state of New York which  
11 has followed bad decisions like the Kelo decision  
12 as a precedent, which is a Connecticut case that  
13 sucks, with regards to property owners' rights and  
14 what the state can and can't do. I don't find  
15 that to be a particularly persuasive argument and,  
16 as somebody who has witnessed this country moving  
17 further and further towards returning the  
18 Constitution to a place of preeminence in  
19 government to control government and prevent  
20 government from doing things over the objection of  
21 people, I'd just like to say, I think you should  
22 be a little more careful how you present those  
23 kinds of arguments because you will certainly lose  
24 someone like me when you make a statement like  
25 that. And while I support Council Member Brewer

2 and I understand this is her district, I would  
3 just say that that was not the kind of answer that  
4 I am happy with.

5 CHAIRPERSON LANDER: All right,  
6 Council Member, thank you. I want let the other  
7 members of the committee know that we have, I  
8 don't know, probably 60 people signed up to  
9 testify, so I do want to get through a round of  
10 questions, give everyone the opportunity to ask  
11 questions of the LPC, but then I'm hoping that we  
12 can move quickly to hear from the public.

13 We've been joined by the Chairman  
14 of the Land Use Committee, Council Member Comrie,  
15 and if you would like to go ahead.

16 COUNCIL MEMBER COMRIE: Having let  
17 the committee chairs ask their questions first,  
18 but thank you, Council Member Williams. Can you  
19 just illuminate for the public how many hardship  
20 or appropriateness procedures has the LPC granted  
21 in the last two years or 10 years? Or do you know  
22 how many you've received?

23 MARK SILBERMAN: The Landmarks  
24 Commission has reviewed approximately 17, or  
25 depending on how you count various ones, between

2 17 and 19 hardship applications since its founding  
3 in 1965.

4 COUNCIL MEMBER COMRIE: Seventeen  
5 since 1965.

6 MARK SILBERMAN: Yeah, and it's  
7 granted the vast majority of those. [Pause] And  
8 that's both profit and nonprofit.

9 COUNCIL MEMBER COMRIE: When you  
10 say vast majority, 10 or more or--

11 MARK SILBERMAN: [Interposing] Yes,  
12 10.

13 COUNCIL MEMBER COMRIE: And can you  
14 tell us what the reasons were for the approval or  
15 rejection?

16 MARK SILBERMAN: Well in some cases  
17 they were for-profit owners who demonstrated that  
18 the properties were not capable of earning a  
19 reasonable return. In other cases, with respect  
20 to nonprofit owners, they involved the  
21 recommendation by the commission that landmark  
22 designation affected the ability to continue to  
23 use the charitable--the property for its  
24 charitable purposes, and in some cases allowed  
25 demolition--

2 [Crosstalk]

3 COUNCIL MEMBER COMRIE:

4 [Interposing] I'm sorry, there's a lot of  
5 conversation going on which shouldn't--I'm not  
6 really hearing you, you're talking lower than I am  
7 and that's difficult to hear, so I would ask the  
8 room to be quiet and if you could talk a little  
9 louder.

10 MARK SILBERMAN: Sure, I'm sorry.

11 So the commission has approved a number of  
12 hardship proceedings for nonprofit owners after  
13 the commission recognized the landmark designation  
14 would make it physically or financially impossible  
15 to carry out the charitable purposes in those  
16 properties subject to landmark designation.

17 COUNCIL MEMBER COMRIE: So landma--

18 MARK SILBERMAN: I can provide  
19 those hardship proceedings to you, if you would  
20 like.

21 COUNCIL MEMBER COMRIE: So the  
22 Landmarks Commission is the sole arbiter of a  
23 nonprofits appropriateness to maintain their  
24 fiscal viability, is that what you're saying?

25 MARK SILBERMAN: The landmarks law

2 has standards in it and there's also a judicial  
3 standard that was created to address various  
4 situations, but the standard is that the  
5 commission does review whether landmark  
6 designation and--well not landmark designation,  
7 application of the landmarks law would make it  
8 physically or financially difficult or impossible  
9 to carry out the charitable purposes, that's the  
10 standard.

11 COUNCIL MEMBER COMRIE: And if  
12 there is no visible activity at a location, how is  
13 that then determined? Because my understanding is  
14 that this church is not functioning in any way,  
15 shape, or form at the moment so how does the  
16 commission and come up with a use or determination  
17 of the ability of the church to develop a  
18 functioning edifice?

19 MARK SILBERMAN: Well as I said  
20 before you were here, Council Member, the  
21 commission would consider first an application to  
22 modify the building in a way that would address  
23 the congregation's concerns, and if it was  
24 determined that it could not approve such a  
25 modification on appropriateness grounds, it would

2 look at the impact that denying such an  
3 application would have on its ability to continue  
4 to carry out its charitable purpose on the  
5 property.

6 COUNCIL MEMBER COMRIE: But this  
7 application was approved for the entire building,  
8 correct?

9 MARK SILBERMAN: Correct.

10 COUNCIL MEMBER COMRIE: Is there a  
11 possibility that Landmarks can modify its approval  
12 to allow some other usage of the property after  
13 the designation?

14 MARK SILBERMAN: Well if the  
15 applicant comes forward with a development plan  
16 that involves alterations to the building, the  
17 commission would review that.

18 COUNCIL MEMBER COMRIE: And can  
19 that be done as a part of this process before the  
20 vote of this committee?

21 MARK SILBERMAN: Not that I'm aware  
22 of.

23 COUNCIL MEMBER COMRIE: Okay. Just  
24 wanted to put that in the public, thank you, Mr.  
25 Chair.



3 CHAIRPERSON LANDER: And I would  
4 like to take you up on your offer and ask you to  
5 present us the information that you discussed on  
6 hardship.

7 MARK SILBERMAN: Yes, I can present  
8 you with a sort of a spreadsheet that explains the  
9 various hardship proceedings and the outcomes.

10 CHAIRPERSON LANDER: That will be  
11 great, thank you very much. Yes, so Council  
12 Member Mendez, followed by Council Member  
13 Williams.

14 COUNCIL MEMBER MENDEZ: Thank you,  
15 Mr. Chair. To either member of the panel, I've  
16 sat on this committee now for a whole legislative  
17 term and I recall some landmarking despite owner  
18 objections. Can you tell me at least in the last  
19 legislative term how many landmarkings have we  
20 done of buildings where there have been owner  
21 objections and how many were religious  
22 institutions and how many were not?

23 MARK SILBERMAN: I think we'd have  
24 to provide you that information, I don't know it  
25 right now.

COUNCIL MEMBER MENDEZ: But it's

2 extensive enough that you don't know it off the  
3 top of your head as well, right?

4 MARK SILBERMAN: I don't want to  
5 characterize its extensiveness or not, but we can  
6 provide you the actual data.

7 COUNCIL MEMBER MENDEZ: If you can  
8 provide that to us, I'd appreciate it, thank you.

9 COUNCIL MEMBER WILLIAMS: Yeah,  
10 first, thank you for the testimony. I do know  
11 that an owner's opposition is not an automatic  
12 veto, but I do think it's something that should be  
13 taken very, very seriously. And sometimes  
14 actually since I've been on the committee I feel  
15 like the system is not set up in a way that an  
16 owner's opposition is taken very, very seriously.  
17 I don't know how to correct that, but it does  
18 definitely concerned me. But my question was just  
19 in terms of a compromise, which I also don't feel  
20 like there's much room for that when it comes to  
21 the landmark designation, but I know that there  
22 was a--it was put out there that perhaps we can  
23 landmark the sanctuary and not the parish hall.  
24 Can you explain to me why that wasn't taken as a  
25 serious consideration?

2 MARK SILBERMAN: I think that the  
3 commissioners felt that this building is of a  
4 piece. The last proposal that was out there to  
5 develop part of the property, it was not a clean  
6 and simple alteration of the building, it involved  
7 cantilevering the building over part of the  
8 sanctuary in parts of the building, so it's  
9 complicated. And I think the commissioners felt  
10 that that sorts of alterations and decisions about  
11 how best to do it should happen under the rubric  
12 of the landmarks law and their review.

13 COUNCIL MEMBER WILLIAMS: And I'm  
14 not exactly sure what you were saying. But okay,  
15 so let me ask how do you take into account an  
16 owner's opposition or do you? Is the landmark  
17 just--doesn't matter if the owner says yes or no,  
18 there's just everything else goes into decision-  
19 making?

20 MARK SILBERMAN: The commissioners  
21 spend, or the commission I should say, staff in  
22 particular, spends a lot of time working with all  
23 owners to try to address their concerns about  
24 landmark designation and those meetings and those  
25 discussions can be quite extensive and lengthy and

2 take months if not years in some cases. So the  
3 commission works very hard to try to address  
4 concerns on a practical level. That said, I think  
5 the New York City Landmarks Law recognizes that if  
6 owner consent was a prerequisite, there would be  
7 many, many very worthy, very significant and  
8 important buildings in this city that could not be  
9 designated, but are designated now because owner  
10 opposition is not--or owner consent is not  
11 required. So I what I can say is that there are,  
12 and I think that members of the preservation  
13 community might echo this, there are extensive  
14 meetings and attempts to try to work with owners  
15 and alleviate concerns.

16 COUNCIL MEMBER WILLIAMS: I have no  
17 more questions. I just, again, reiterating, I'm  
18 concerned that it's not taken seriously, and two,  
19 it doesn't even seem from ones I've seen that  
20 there's the ability to compromise once the  
21 commission has decided that it should be  
22 landmarked.

23 CHAIRPERSON LANDER: Council Member  
24 Brewer, you had an additional question or comment?

25 COUNCIL MEMBER BREWER: No, I just

3 want to answer that last good question that  
4 Council Member Williams said. I mean since 2003,  
5 I have been working with the friends, the people  
6 interested in landmarking and also I have 40 pages  
7 here of meetings that I've had with different  
8 parties, certainly with a person I have great  
9 respect for, Reverend Brashear and people from the  
10 congregation. And this is a church that not only  
11 in my opinion has historical from a building  
12 perspective, but as I'm sure that Reverend  
13 Brashear and others will tell you, it has a long  
14 history in terms of civil rights. And it's a  
15 church that I've been in and out of personally  
16 since Reverend Davison, which is a good 25 years  
17 ago, and it has a community feeling to it not just  
18 a building that I deem landmarkable. So it has  
19 many, many personal, historic, and also civil  
20 rights feelings to this building.

21 But since 2003 we have been trying  
22 to find a way financially, making sure that the  
23 building stays up. There was a proposal that was  
24 put forward by the Richmond developers to build a  
25 building in the back, to do a cantilever, it was a  
cantilever over the building and much to the--

2 because I had been to 100 meetings to figure out  
3 what to do about the church, I was more supportive  
4 than other elected officials and certainly than  
5 the landmarking commission, between recession and  
6 other issues that I don't know the story behind,  
7 that proposal is no longer viable.

8 I will tell you that one of the  
9 issues we are concerned about, because it is a  
10 vacant building now, is to be sure that there is a  
11 reuse. And I can tell you, because people call us  
12 all the time, there are many reuses that are  
13 possible. You'll hear perhaps from ministers and  
14 reverends and rabbis who partner with other  
15 churches or other synagogues, you will hear  
16 individuals who partner with other religious  
17 institutions, in fact, the other Presbyterian  
18 churches in the neighborhood do just that.

19 And I want to make it clear to my  
20 colleagues that this issue between mission and  
21 structure, which is what the, I think the  
22 controversy is all about, I think both can be  
23 achieved in the reuse. It is achievable, there  
24 are other examples of that in our neighborhood and  
25 across the city. So what we're saying is we want

2 to keep the building, we want to keep the mission,  
3 and I actually believe, totally believe that that  
4 is possible in this particular instance. Thank  
5 you very much.

6 [Pause]

7 CHAIRPERSON LANDER: ...me. Thanks  
8 very much. That concludes this panel and I want  
9 to thank the Landmarks Preservation Commission for  
10 presenting their testimony.

11 We're going to take a quick  
12 procedural break now that we have a quorum again  
13 to vote on the prior matter. So let me just ask  
14 for patience, and if my Council Members could  
15 quickly refocus their attention to Land Use number  
16 81, 20105481 HHK, the HHC proposal to lease the  
17 buildings to CAMBA, and we're going to take a vote  
18 on that matter. The chair recommends a vote of  
19 aye and asks the Clerk to call the roll.

20 CHRISTIAN HYLTON: Christian  
21 Hylton, Counsel to the Committee. Chair Lander.

22 CHAIRPERSON LANDER: Aye.

23 CHRISTIAN HYLTON: Council Member  
24 Mendez.

25 COUNCIL MEMBER MENDEZ: Aye.

2 CHRISTIAN HYLTON: Council Member  
3 Williams.

4 COUNCIL MEMBER WILLIAMS: Aye.

5 CHRISTIAN HYLTON: Council Member  
6 Halloran.

7 COUNCIL MEMBER HALLORAN: Aye, aye.

8 CHRISTIAN HYLTON: By a vote of  
9 four in the affirmative, none in the negative, no  
10 abstentions, LU 81 is approved and referred to the  
11 full Land Use Committee.

12 CHAIRPERSON LANDER: Thanks very  
13 much. We're now going to turn to public testimony  
14 on this item and I want to start off by saying we  
15 have a lot of people of good conscience in the  
16 room testifying on strongly held points of view on  
17 both sides and I'd ask that we use this  
18 opportunity to really be respectful listeners, to  
19 let people present their testimony. We have quite  
20 a few, I think probably in excess of 60, so I'm  
21 going to ask that we give everyone two minutes to  
22 testify, I know sometimes there are three and I  
23 apologize, but we're going to hear from a lot of  
24 people. There is an opportunity to ask questions  
25 so if you have something that you want to let us



2 know that we could ask about, that would be fine.  
3 This is going to go much more smoothly if I don't  
4 have to bang the gavel as often, so let's do our  
5 best to provide a respectful place for listening.  
6 This is a situation where people really are  
7 speaking from their hearts on both sides of the  
8 matter and we have a democratic responsibility to  
9 listen and I would ask you all to join us in  
10 helping in that matter.

11 COUNCIL MEMBER HALLORAN: Mr.  
12 Chair, I was remiss this morning when we started.  
13 I was going to ask the Chair for a moment of  
14 silence to mourn the passing of Dorothy Height, a  
15 civil rights activist who died today at the age of  
16 98. She was responsible for much of the good work  
17 that went on in the South in order to bring civil  
18 rights to the forefront and she passed away today  
19 at 98, and she's one of the pioneers and I think a  
20 moment of silence would be appropriate.

21 CHAIRPERSON LANDER: Thank you, I  
22 agree, let's observe a moment of silence.

23 [Pause]

24 COUNCIL MEMBER HALLORAN: Thank  
25 you, Mr. Chair.

2 CHAIRPERSON LANDER: Thanks very  
3 much. And in that spirit, let's move forward to  
4 our panels. We will alternate a panel in favor of  
5 designation and a panel in opposition to  
6 designation, each of them in general will have  
7 five folks on it to testify, two minutes each, and  
8 after the panels present, then there'll be an  
9 opportunity to ask questions. So the first panel,  
10 and I'll begin calling people so you'll know that  
11 you'll be on the next panel, the first panel in  
12 favor will be Lenore Norman from Community Board  
13 7, Page Cowley, Ann Friedman, Olga Statz, and Kate  
14 Wood.

15 And they'll be followed by the  
16 first panel in opposition which will be Rev.  
17 Robert Brashear, Rev. Mark Hallinan, Jeremy  
18 Kalmanofsky, Rev. K Karpen, and Gary Ireland. And  
19 I apologize in advance for all the name  
20 mispronunciations.

21 [Long Pause]

22 CHAIRPERSON LANDER: Thank you.

23 MALE VOICE: Thank you.

24 [Pause]

25 CHAIRPERSON LANDER: All right,

2 thank you, and when you're ready you can begin,  
3 and you can just go in the order that you're  
4 seated. Please make sure your microphone is on  
5 and begin by introducing yourself.

6 ANN FRIEDMAN: Sure, good morning,  
7 Chair Lander and Members of City Council, I am Ann  
8 Friedman, Director of the New York Landmarks  
9 Conservancy Sacred Sites Program. The Conservancy  
10 strongly supports the designation of West Park  
11 Presbyterian Church as a New York City landmark.  
12 I'm not going to read my testimony about the  
13 architectural significance of the building, you've  
14 all been there, you've all seen it, the building  
15 speaks for itself.

16 West Park Presbyterian Church is  
17 not only architecturally distinguished, but much  
18 loved by its community for the religious,  
19 cultural, recreational, and educational services  
20 that were provided there for over a century and  
21 particularly within the last 30 years. It is also  
22 clear that the congregation faces many challenges  
23 including the financial burdens caused by years of  
24 deferred maintenance. Designation will be a first  
25 step but not a solution to the problems facing

2 this building. As the building continues to  
3 deteriorate and is now for sale, significant  
4 outside funding and neighborhood support will be  
5 necessary for its preservation. Since 2001, the  
6 Conservancy has worked with the congregation, the  
7 presbytery, the church's neighbors, elected  
8 officials, affordable housing advocates, and a  
9 series of consulting architects and developers to  
10 generate a solution which would meet the financial  
11 needs of the congregation and preserve this  
12 important structure. We will continue to work  
13 with these constituents and any new owner to  
14 develop solutions for West Park now that this  
15 important step is being taken.

16 Landmarking need not freeze this  
17 building in time. There are many examples of  
18 landmark religious properties that have been  
19 adapted for use by different congregations or even  
20 different uses after designation. Throughout our  
21 years of involvement with West Park, we have been  
22 open to redevelopment plans, air right sales, or  
23 the sale of the building to a new congregation.  
24 In working with hundreds of landmarked religious  
25 properties across the city we have seen these

2 approaches work.

3 We have also provided direct  
4 assistance. Our Sacred Sites Program has granted  
5 over \$2.6 million to nearly 200 New York City  
6 landmark religious properties and our historic  
7 properties fund has made over \$5.1 million in low  
8 interest loans for restoration of these landmark  
9 religious properties.

10 The New York City landmarks law  
11 applies to religious properties as well as secular  
12 properties. This was upheld in the pivotal case  
13 of St. Bartholomew's church versus the City of New  
14 York where the U.S. Court of Appeals ruled that  
15 landmark regulation of historic religious  
16 properties per se does not unconstitutionally  
17 burden the free exercise of religion.

18 We look forward to having West Park  
19 Presbyterian join the impressive group of  
20 religious properties that receive the protection  
21 of the landmarks law. I thank you for this  
22 opportunity to present the Conservancy's views.

23 CHAIRPERSON LANDER: Thanks very  
24 much. I just want to welcome our guests, I think  
25 students or interns who are in the back, thanks

2 for joining us and taking the time to observe our  
3 New York City democracy in action.

4 LENORE NORMAN: Is that off or on?

5 CHAIRPERSON LANDER: And we didn't  
6 have the clock started on that last one, but we  
7 will be doing it now and asking you to keep  
8 yourself to the two-minute time.

9 LENORE NORMAN: Mr. Chair, Members  
10 of the Subcommittee, I'm Lenore Norman and I thank  
11 you. I'm the co-chair of the Preservation  
12 Committee for Community Board 7, and I thank you  
13 for the opportunity to address you.

14 Community Board voted to have this  
15 church designated as an individual landmark by a  
16 significant majority after numerous community  
17 hearings where all points of view were heard. I'm  
18 not going to repeat all the details of the  
19 church's architectural significance, there are  
20 many here who can do that better than I.

21 I want to reiterate that this  
22 church is more than bricks and mortar, it is part  
23 of the soul of the community. It has stood at the  
24 corner of West 86th Street and Amsterdam Avenue  
25 for many years and has played an important role,

2 not only for its religious functions, but for its  
3 community minded programs that have been a part of  
4 the church from its beginnings. It represents the  
5 Upper West Side's long-standing tradition of  
6 liberal and cultural activism.

7 Try to imagine what our city would  
8 look like if all or just many of our religious  
9 institutions were demolished, I think it would be  
10 intolerable. Religious institutions often serve  
11 as anchors of our neighborhoods, they add texture  
12 and character and make our city special.

13 We do not want to consign this  
14 building to obsolescence or demolition by neglect.  
15 We are committed to putting this church to good  
16 use, either as a religious institution or as an  
17 amalgam of uses or any other permitted use. I  
18 understand that there were several inquiries about  
19 the building. It seems to me that in our  
20 collective wisdom, we can save this building. The  
21 Community Board pledges to work closely with all  
22 the stakeholders having the interests of this  
23 building in mind. Nobody wants another banal  
24 high-rise constructed on this site.

25 And finally, the Landmarks

2 Preservation Commission provides a hardship  
3 procedure for designated buildings that cannot  
4 meet their financial obligations.

5 In closing, I want to thank this  
6 Committee, the Landmarks Preservation Commission,  
7 and especially Council Member Gale Brewer for  
8 getting us to this point and to remind you of our  
9 complete support for this action. Thank you.

10 Now I also have a statement from  
11 Gene Norman who was a previous, a former Landmarks  
12 Commission, may I just give you--

13 CHAIRPERSON LANDER: [Interposing]  
14 Let me ask that you give that to us in writing--

15 LENORE NORMAN: I have.

16 CHAIRPERSON LANDER: --and it'll be  
17 entered for the record.

18 LENORE NORMAN: Oh.

19 CHAIRPERSON LANDER: Thank you very  
20 much.

21 LENORE NORMAN: Thank you.

22 PAGE COWLEY: Is that on? Yes. My  
23 name is Page Cowley, I'm a conservation architect,  
24 a resident of the Upper West Side, and co-chair of  
25 the Land Use Committee for CB7 Manhattan. I speak



2 to you today about my first-hand knowledge of West  
3 Park Presbyterian Church, my experience with the  
4 Pastor, Rev. Brashear, members of the congregation  
5 which started several years ago, and here are some  
6 of my thoughts and observations on the condition  
7 of the historic fabric.

8 In 2003, I was invited by the  
9 Friends of West Park to work with several  
10 specialists whose goal was to explore a  
11 preservation option and seek potential partners  
12 who would share the existing building, thereby  
13 reducing the burden of repairs and maintenance of  
14 the historic structure. Recognizing that churches  
15 have the same problems of restoration and  
16 rehabilitation as other significant aging  
17 buildings, the Friends of West Park organized  
18 experts as a friends group, a community-led  
19 initiative that takes on part of the  
20 responsibility to raise money, retain experts to  
21 advise, and assist with a variety of property  
22 management and maintenance priorities. Then, as  
23 now, there is a pressing need to explore other  
24 options to the demolition and high-rise  
25 residential building that might take the place of

2 this beautiful church.

3                   The Friends of West Park is a  
4 remarkable group, I can't go into that now 'cause  
5 I realize I've only got 47 seconds left, but at  
6 that time, Rev. Brashear was very receptive to  
7 alternate proposals and included the Friends of  
8 West Park in conversations and meetings to learn  
9 about the condition of the building. Council  
10 Member Gale Brewer, always remarkable in her ways  
11 of bringing people together, organized numerous  
12 meetings.

13                   Our office prepared scaled base  
14 floor plans, elevations of the existing buildings,  
15 we mapped the condition of the exterior, we  
16 provide schematic drawings indicating the  
17 realistic scenarios for sharing the building with  
18 other cultural, education, and religious  
19 institutions, all to show that the building was  
20 worth saving and possible reuse for the  
21 congregation.

22                   We worked with notable engineers,  
23 Robert Silman, Frank Sciame, materials  
24 conservators, the late Martin Weaver, Peter  
25 Samton.

2 I'll close. I just want to state  
3 that seven years ago, landmarking this outstanding  
4 building was not even a possibility, and now that  
5 we have this day, it is with great joy to save  
6 this for the neighborhood.

7 After 127 years, West Park remains  
8 structurally sound. Yes, there are defects but  
9 they can be repaired. There's every possibility  
10 for rehabilitating this building or adapting the  
11 interior spaces. It is certainly not a candidate  
12 for demolition. This building meets all the  
13 criteria--socially, culturally, architecturally--

14 CHAIRPERSON LANDER: Ma'am--

15 PAGE COWLEY: --and for the urban  
16 design. Thank you for your consideration.

17 CHAIRPERSON LANDER: Thank you.  
18 Thank you. I know for everyone that two minutes  
19 is not a lot of time, but as you can see, there is  
20 a lot of people that would like to testify, so if  
21 you'll please limit your remarks to that amount of  
22 time, we will appreciate it.

23 OLGA STATZ: Good morning, Chair  
24 Lander and Members of the Committee. My name is  
25 Olga Statz and I'm a lawyer here in the city and

2 secretary of the board of Save St. Vincent de  
3 Paul, a Catholic church in Chelsea that's also  
4 threatened with closure.

5 I am here to support the City  
6 Council's approval of landmark status for West  
7 Park Presbyterian Church. It is a powerful and  
8 imposing presence on West 86th Street, one of  
9 Manhattan's main thoroughfares. The deep earth-  
10 red church adorned with arches, multiple pointed  
11 roofs, and a tower stands serenely amid the flat-  
12 roofed, rectangular, putty-colored buildings that  
13 surround and tower above it. Thus, not only is  
14 the building itself impressive, its situation  
15 makes it all the more striking. One can hardly  
16 imagine a more incongruous but felicitous  
17 juxtaposition, and as such, West Park is a perfect  
18 symbol for the role houses of worship play in the  
19 towns and cities in which they are built.

20 Societies all over the world have  
21 always brought the best of themselves, the  
22 greatest artists and architects and the most  
23 astounding technology, to the building of their  
24 houses of worship. The massive stones dragged for  
25 miles from far away quarries, the intricate

2 carvings, the ceilings, the windows, the jeweled  
3 accoutrements, the many hundreds of years it took  
4 to build the structures, and the many hundreds  
5 more it took to rebuild after fires and calamities  
6 still strike us today as astounding. Chartres,  
7 Notre Dame de Paris, St. Peter's Basilica, the  
8 Speyer Cathedral, the Blue Mosque, and the Spanish  
9 Synagogue in Prague still stand as a testament to  
10 this.

11                   However, this concentration of  
12 beauty and demonstration of prowess are not only  
13 European and Middle Eastern phenomenon, it is one  
14 we encounter right here in New York City as  
15 exemplified by West Park and many others. It  
16 seems as though the first thing any group did when  
17 it wanted to assert itself in New York was to pour  
18 its substance into a house of worship and thereby  
19 give physical expression to its deepest held  
20 aspirations. In New York, one cannot walk for  
21 more than a few blocks without encountering  
22 synagogues and churches and Quaker meeting houses.  
23 These houses are a visible sign of a community's  
24 identity, presence, and strength. Their fantastic  
25 shapes and meticulous ornamentation stand in stark

2 contrast to the often utilitarian and sometimes  
3 poor residential and business structures that  
4 surround them.

5 CHAIRPERSON LANDER: Thanks, if I  
6 could ask you just to conclude.

7 OLGA STATZ: Yes, I'm concluding.  
8 Magnificent buildings have a value that extends  
9 way beyond that which they have to the persons or  
10 entities that own them. They have a value to the  
11 wider community in the city of New York--

12 CHAIRPERSON LANDER: [Interposing]  
13 Thank you very much, ma'am.

14 OLGA STATZ: Thank you.

15 KATE WOOD: Good afternoon, I'm  
16 Kate Wood, I'm from LANDMARK WEST! which is a 25-  
17 year-old community-based organization representing  
18 thousands of New Yorkers on the Upper West Side.

19 For many of us in this room today,  
20 the opportunity to speak before you in strong  
21 support of the landmark designation of West Park  
22 Presbyterian Church is a thrilling milestone in 20  
23 years of hard work to preserve this important part  
24 of New York's cultural, historical, and  
25 architectural heritage. And I use the word

3 milestone, not culmination or conclusion, because  
4 we all recognize that landmark designation is not  
5 the end, but instead the beginning of a new  
6 chapter in the life of West Park, a chapter that  
7 promises more solutions than obstacles, more  
8 collaboration than conflict.

9 Landmark designation today will  
10 provide a forum for open dialogue about the future  
11 of this building tomorrow. Our community is eager  
12 to participate fully in this discussion and to  
13 support the adaptive reuse of West Park into a  
14 vibrant, productive, and sustainable asset for the  
15 Upper West Side and, indeed, for the entire city  
16 of New York.

17 I want to thank all of you for  
18 taking the time to meet with representatives of  
19 the coalition to preserve West Park. I would  
20 especially like to thank Council Member Gale  
21 Brewer for her strong support and leadership.

22 Our coalition to preserve West Park  
23 includes all of our local elected officials,  
24 Manhattan Community Board 7, leaders from the  
25 civic, architectural, preservation, and religious  
communities, as well as thousands of residents

2 throughout the five boroughs represented here  
3 today. Over 1,000 of these New Yorkers signed on  
4 to petitions and letters supporting the  
5 preservation of West Park in order to assure that  
6 their voices were heard and I've got a record of  
7 that petition that I'll submit for the record.

8 Now the final decision for the  
9 future of this site is in the hands of the New  
10 York City Council. West Park is one of New York's  
11 most valuable assets. We look forward to working  
12 constructively to achieve the goals for the future  
13 of this site.

14 And in closing, I just want to  
15 thank you again for your time and urge you to  
16 uphold this landmark designation and preserve this  
17 building whole. Thank you very much.

18 CHAIRPERSON LANDER: Thanks very  
19 much. I know Council Member Brewer has a question  
20 for the panel.

21 COUNCIL MEMBER BREWER: I have two  
22 quick questions, both for Ann Friedman and Page  
23 Cowley. There have been, as you know, there has  
24 been a major water leak in the building and I know  
25 that Page is quite familiar with the interior.



2 Would that situation present any kind of a problem  
3 for a reuse adaption? I know that you have  
4 experience working on similar buildings in other  
5 parts of the city.

6 PAGE COWLEY: Thank you. My visits  
7 to the building were prior to the water damage,  
8 but as with any adaptive reuse, there has to be  
9 some removal of the historic fabric. This might  
10 be an opportunity to remove certain accretions  
11 that have taken place over the time that would  
12 have been removed in the course of regular  
13 rehabilitation operations, so I do not see that as  
14 an impediment to moving forward with adapting or  
15 restoring the building.

16 COUNCIL MEMBER BREWER: And Ann  
17 Friedman, can you just be a little bit more  
18 specific about some of the other uses that you  
19 have seen in your years at Landmarks Conservancy?

20 ANN FRIEDMAN: We've seen shared  
21 use, we've seen cultural reuse, we've seen  
22 synagogues in the Bronx repurposed as museums,  
23 we've seen a lot of housing adaptive use of  
24 landmarked religious properties particularly in  
25 Brooklyn, we've seen school reuse, also

2 particularly in Brooklyn. So there a huge variety  
3 of reuses exist right within New York City for  
4 historic religious properties.

5 COUNCIL MEMBER BREWER: Thank you.

6 CHAIRPERSON LANDER: Any other  
7 questions? Council Member Comrie.

8 COUNCIL MEMBER COMRIE: Do you have  
9 an estimate on what the cost would be for making  
10 that building a sound edifice, anybody on the  
11 panel?

12 PAGE COWLEY: I can offer some  
13 estimates that were done for different uses, it  
14 will vary of course by the extent of alteration to  
15 the interior, but we were thinking at the time  
16 that basic alteration, stabilization of the worst  
17 areas on the facade, making the building  
18 handicapped accessible, and doing basic code  
19 compliance would be somewhere between 3 and \$5  
20 million.

21 COUNCIL MEMBER COMRIE: And that  
22 was based on your assessment that was done when?

23 PAGE COWLEY: Between 2003 and  
24 2006, it was a rolling series of exercises, but  
25 those were targeted as the key areas.

2 COUNCIL MEMBER COMRIE: So there  
3 hasn't been an assessment done of the condition of  
4 the building for four to five years then.

5 PAGE COWLEY: I wouldn't have  
6 thought that it would have changed that much  
7 because the building has been empty now for, I  
8 understand, for about two years, with escalation,  
9 we're in a funny period right now with the  
10 construction industry depressed, so I would  
11 suspect that there would be very little percentage  
12 increase or escalation as a result of that and so  
13 I would say that those would be reliable target  
14 numbers to work from.

15 COUNCIL MEMBER COMRIE: And just to  
16 the other lady on the panel from--what's the  
17 maximum amount that you've given or to develop a  
18 building or to just put a building into usable  
19 condition for a group that doesn't have the  
20 wherewithal to develop it?

21 ANN FRIEDMAN: The Conservancy has  
22 done up to \$200,000 in grant and no interest loan  
23 programs, that was a limited duration program in  
24 Harlem. My current maximum grant is \$70,000 and  
25 our typical low interest loan is about \$300,000.

3 Other sources of funding in New  
4 York City have come from City Council capital  
5 grants, from New York State restoration grant  
6 funding in years when the state budget was  
7 healthy.

8 COUNCIL MEMBER COMRIE:

9 [Interposing] Has there ever been to your  
10 knowledge anyone that has given 5 to \$11 million  
11 to do a rehabilitation of a historical site in New  
12 York state?

13 ANN FRIEDMAN: There certainly has  
14 been that amount spent on landmark religious  
15 properties in New York City--

16 COUNCIL MEMBER COMRIE:

17 [Interposing] No, no, I'm not talking about  
18 through government, I'm talking about the state's  
19 broke, it's 9 billion or \$40 billion in debt,  
20 there's no money coming from the state.

21 ANN FRIEDMAN: [Interposing] It's  
22 going to take a combination of private/public and  
23 nonprofit--

24 COUNCIL MEMBER COMRIE:

25 [Interposing] Has there been in your--

ANN FRIEDMAN: --contribution to

2 make this work.

3 COUNCIL MEMBER COMRIE: --  
4 experience anyone non-governmental entity that's  
5 given three--I'll just 3 to \$5 million to a group  
6 to do a restoration? Just I'll use a lower number  
7 'cause 11 million is the high number from four  
8 years ago, so has there been any group in your  
9 knowledge, nongovernmental entity, that has given  
10 that much money for reuse of a building?

11 ANN FRIEDMAN: Yes.

12 COUNCIL MEMBER COMRIE: And you can  
13 get to the committee what those groups are or is  
14 that just a guess off the top of your head?

15 ANN FRIEDMAN: I can provide  
16 examples of reuse where sources of funding came  
17 from private/public partnerships.

18 COUNCIL MEMBER COMRIE: Through  
19 your entity's involvement or just through the--

20 ANN FRIEDMAN: [Interposing]  
21 Conservancy would be one contributor, but not the  
22 sole--generally we're not the sole funder of these  
23 projects, there are other--St. Andrews is  
24 receiving an award for restoration tomorrow night,  
25 raised over the course of eight years over \$1

2 million, it's a small congregation, they've done a  
3 major incredible restoration of their slate roof.  
4 And that was a combination of state, city,  
5 Conservancy, UNAs [phonetic], church raised  
6 \$350,000 themselves, low-interest loan from the  
7 Conservancy, and diocese loans and grants.

8 COUNCIL MEMBER COMRIE: One  
9 million.

10 ANN FRIEDMAN: A little bit over a  
11 million, that's for a church--

12 COUNCIL MEMBER COMRIE:  
13 [Interposing] And the estimate--

14 ANN FRIEDMAN: --without--

15 COUNCIL MEMBER COMRIE: --the low  
16 estimate here is--

17 ANN FRIEDMAN: --an institutional  
18 partner.

19 COUNCIL MEMBER COMRIE: --3 to 5  
20 million, the high estimate is 11 million plus.

21 ANN FRIEDMAN: But 3 to \$5 million  
22 estimate assumed a partner, that it was the church  
23 and also another user or users of the building--

24 COUNCIL MEMBER COMRIE:  
25 [Interposing] But regardless of the--

2 ANN FRIEDMAN: --who were  
3 investing.

4 COUNCIL MEMBER COMRIE: --  
5 partnership, the costs due to rehab is still the  
6 cost.

7 ANN FRIEDMAN: Right, but if there  
8 were a school for instance that were coming in to  
9 use the building, the school would be contributing  
10 substantial portion of those funds because they  
11 would be a partner in the reuse of the building.

12 COUNCIL MEMBER COMRIE: Okay. But  
13 just back to my original question, your high end  
14 is 300,000 that you've given from your entity to a  
15 group, correct?

16 ANN FRIEDMAN: Total accumulative  
17 all in, probably about a half a million dollars.

18 COUNCIL MEMBER COMRIE: Half a  
19 million, just went up 200,000 from the earlier  
20 statement.

21 ANN FRIEDMAN: Three hundred  
22 thousand dollar--

23 [Crosstalk]

24 COUNCIL MEMBER COMRIE: I just want  
25 you to know I'm listening to you. Thank you, Mr.

2 Chair. Thank you.

3 CHAIRPERSON LANDER: Thank you.

4 We've been joined the New York City Public  
5 Advocate, Bill de Blasio. We'll finish questions  
6 for this panel and then offer him the opportunity  
7 to make some remarks. Council Member Halloran.

8 COUNCIL MEMBER HALLORAN: Just a  
9 question with regards to the handicapped  
10 improvements that you spoke of. I'm not familiar  
11 with the interior, are there ADA compliance issues  
12 now and are there specific things that would be  
13 required in order to gain funding from, for  
14 example, one of these grooves that would require  
15 it to be tethered to certain ADA compliant  
16 requirements in order to get the money?

17 PAGE COWLEY: You've asked a  
18 complicated question. The first thing is that  
19 most historic buildings have limitations for ADA  
20 access--

21 COUNCIL MEMBER HALLORAN: Sure.

22 PAGE COWLEY: --churches tend to be  
23 better off because once you're inside the space,  
24 their aisles purposely built to get you around the  
25 building. The church is built above the sidewalk



2 level so once your--you have to navigate to get  
3 into or up the steps into the building.

4 CHAIRPERSON LANDER: Let me ask--

5 SERGEANT-AT-ARMS: Keep it down.

6 PAGE COWLEY: The other issue is  
7 that the church did install an elevator to help  
8 once you get to the level certainly at the [off  
9 mic], the oldest portion of the building there is  
10 an elevator that gives you access to what were  
11 then used when I saw the building, the offices.  
12 But there would be an incentive, most of the ADA  
13 is voluntary particularly when you're dealing with  
14 large numbers of people, it's not only the old or  
15 the, infirm but people with strollers and ways of  
16 getting people in and out of the building. But  
17 there is ample opportunity where you could insert  
18 and install--the Landmark Commission works very  
19 carefully with historic buildings to make sure  
20 that access is not an issue regarding landmarking  
21 there would be ways that you could sensitively  
22 introduce ramps or lifts to the building, so I  
23 think that's possible.

24 COUNCIL MEMBER HALLORAN: Well  
25 thank you, Mr. Chair.

3 CHAIRPERSON LANDER: I have one  
4 question for you. As you know, Council Member  
5 Brewer mentioned the Richmond development proposal  
6 that was on the table, obviously that's not on the  
7 table today, but it's the kind of proposal that  
8 might well come back in front of the Landmarks  
9 Preservation Commission at some future point if  
10 there's designation. And I wonder if any of you  
11 would be willing to speak to how you would view  
12 such a proposal and what sort of testimony you  
13 might give at the LPC in response to mixed  
14 preservation and development proposal if the  
15 church or future owner were to present it.

16 [Pause]

17 KATE WOOD: Thank you for that  
18 question. It's not an easy question to answer in  
19 the abstract. I think that that's the whole point  
20 of the landmarks preservation process is that any  
21 proposals like that would be publicly reviewed and  
22 that there would be the opportunity for input from  
23 lots of different perspectives.

24 I can tell you that the community,  
25 as I think that you've heard today, has an open  
mind about the future of this building, that we

2 understand that landmark designation does not  
3 freeze a building in time and that some degree of  
4 change, depending on what it looks like, can be  
5 accommodated. I can also tell you that many of us  
6 do not accept the idea that every low rise  
7 landmark needs to have a tower on top of it in  
8 order to be economically viable. And I think that  
9 that is the energy that has been going into this  
10 is to explore ways that this building can  
11 accommodate a significant program and this  
12 building does have room for a lot of program in  
13 it. And so those are all conversations that we  
14 look forward to having as a public.

15 CHAIRPERSON LANDER: Thank you.  
16 Council Member Williams.

17 [Off mic]

18 [Pause]

19 CHAIRPERSON LANDER: Well the  
20 Council Member points out--I mean, so it sounds  
21 like the Richmond proposal itself--I mean I guess  
22 one question [off mic] just ask there since that  
23 was presented, did any of you take a position on  
24 the Richmond plan?

25 [Off mic]

2 ANN FRIEDMAN: It was never  
3 publicly presented--

4 CHAIRPERSON LANDER: Correct.

5 ANN FRIEDMAN: --we did meet with  
6 the church and with the Richmond group and they  
7 were very responsive to suggestions about setbacks  
8 and façade materials at the time. The Conservancy  
9 has been on the record supporting appropriate  
10 redevelopment of adjacent property, understanding  
11 the financial costs and needs of religious  
12 properties, historic religious properties with big  
13 deferred maintenance burdens. We have supported  
14 substantial development at religious properties  
15 that has been reviewed before the Landmarks  
16 Commission.

17 LENORE NORMAN: May I?

18 ANN FRIEDMAN: Sure.

19 CHAIRPERSON LANDER: Please.

20 LENORE NORMAN: I just wanted to  
21 say that we never heard a proposal before the  
22 community board, we heard bits and pieces and  
23 things like that--

24 CHAIRPERSON LANDER: Understood.

25 LENORE NORMAN: --but nothing that

2 was a complete proposal, and we certainly would be  
3 open-minded about helping the church move forward.

4 PAGE COWLEY: If I could also add  
5 that my office was studying different use groups  
6 to go in schools--a synagogue, music school were  
7 three that we looked at the specific area. I  
8 think it's a question of you putting a gallon into  
9 a pint pot, there comes a point where it  
10 overwhelms the original structure and character  
11 defining features of a building, but we had always  
12 intended that there would need to be some  
13 adaptation of portions of it, maybe it's an  
14 addition on the flatter roofs or underneath the  
15 roof that would give the opportunity for income.  
16 The last thing anybody wanted to do, and my  
17 practice strives in trying to make landmarks  
18 useful, was to stop any use of the building. The  
19 beauty was at the time I was involved, the  
20 building was still occupied and that was the best  
21 thing that we wanted to do was to keep them in  
22 there.

23 CHAIRPERSON LANDER: Thank you.  
24 Council Member Williams, and then that'll conclude  
25 this panel.

2 COUNCIL MEMBER WILLIAMS: Just a  
3 direct question as proponents of the landmark,  
4 just listening to what was going on with Council  
5 Member, the Chairperson about--Comrie--how much it  
6 may cost. So just assuming that it could cost 5  
7 million or 11 million and assuming also because  
8 there are problems and the DOB may come in and  
9 they may have to work with them to make  
10 corrections and because they're a religious  
11 institution, congregation not that large and  
12 they're a nonprofit, are there any suggestions of  
13 where they might be able to get these funds to fix  
14 the issues or to do something with the building?

15 ANN FRIEDMAN: I think we have to  
16 take the long view here. I was just reminded of  
17 the example of the Eldridge Street project, now  
18 the Eldridge Street Museum, where the  
19 congregation, tiny congregation is still in place--  
20 -

21 COUNCIL MEMBER WILLIAMS:  
22 [Interposing] Just one second, my question was,  
23 are there any ideas now of where they would get  
24 that money.

25 ANN FRIEDMAN: Well I'm saying that

2 there's a concrete example where we can look to  
3 the Eldridge Street example. It was a 30-year  
4 process, there were grants, there were initial  
5 stabilization of the building, there was then  
6 additional funds raised, private funds raised, to  
7 date \$20 million from a combination of private and  
8 public donations and it can be done, it's been  
9 done--

10 COUNCIL MEMBER WILLIAMS:

11 [Interposing] Sounds like there isn't, I think the  
12 answer to my question is no, not right now, we  
13 have to think about it?

14 ANN FRIEDMAN: No.

15 PAGE COWLEY: If I can offer, as an  
16 architect, rarely do I have a client with a  
17 cultural institution or landmark that can fund it  
18 all at one go. The issues are usually to  
19 prioritize and deal what is a life safety issue or  
20 any hazard to the public and those can be met by  
21 incremental grants usually from the Landmarks  
22 Commission itself has a small fund of money and  
23 you find that one grant begets another and you  
24 gradually take on a project that's prioritized and  
25 phased over time.

2 I think the misconception about  
3 this project, everybody's looking at \$5 million  
4 that has to be spent on the first day. The thing  
5 to do is to prioritize and work with the  
6 congregation to get this work done by matching  
7 grants in public and private partnerships. And I  
8 think the money, if you look seriously and  
9 realistically, most of the buildings I would say  
10 in New York City that are cultural institutions  
11 are repaired in this way--small grants anywhere  
12 from 5 to \$25,000 to deal with the worst-case  
13 scenarios. And eventually the money comes forward  
14 'cause you can bring tenants and other funding  
15 opportunities later on.

16 [Off mic]

17 CHAIRPERSON LANDER: Let me thank  
18 this panel for your time and for your concern and  
19 your passion for the community. That'll conclude  
20 the first panel, and let me offer the Public  
21 Advocate the opportunity to express his point of  
22 view.

23 PUBLIC ADVOCATE DE BLASIO: Thank  
24 you very much, Mr. Chairman. Just very briefly, I  
25 want to first of all commend Council Member Brewer



2 for all the work she's done, and obviously from  
3 her statement you can see it is painstaking work  
4 that was done to try and find a way to preserve  
5 and deal with the difficult economic reality of  
6 the site.

7 But the bottom line is I want to  
8 express my strong support for landmarking this  
9 church. I think it's a precious site for the  
10 neighborhood and for the city. I think this is an  
11 issue we're going to be grappling with more and  
12 more over the years of how to protect these sacred  
13 sites and I think it's going to take the kind of  
14 creative case-by-case solution that Council Member  
15 Brewer had helped to put together. But from my  
16 point of view, this is very important signal to  
17 the city that we're serious about that endeavor.  
18 So I've been supporting this landmarking for a  
19 while now and I hope the committee will vote in  
20 favor of it today. Thank you.

21 CHAIRPERSON LANDER: Thank you, Mr.  
22 Public Advocate. We will now proceed to the first  
23 panel in a position to designation which I had  
24 called earlier: Reverend Robert Brashear,  
25 Reverend Mark Hallinan, Jeremy Kalmanofsky,

2 Reverend K Karpen, and Gary Ireland. Thanks very  
3 much for coming up to testify. Let's begin with  
4 Reverend Brashear and I just want to say that  
5 obviously at a moment when we have two very  
6 different points of view on things, we've heard  
7 some very nice remarks about the congregation and  
8 its history in general and I want to thank you for  
9 that and for joining us today. [Pause] The  
10 subsequent panel in favor, just so you know and  
11 will be prepared, will be Simeon Bankoff, Susan  
12 Sullivan, Jihoon Kim, Darrell Berger, and Jacob  
13 Tilove.

14 Reverend Brashear, when you're  
15 ready.

16 [Off mic]

17 CHAIRPERSON LANDER: Please push  
18 your button. Thank you.

19 REVEREND ROBERT BRASHEAR: I'm the  
20 Reverend Dr. Robert L. Brashear, the Pastor of the  
21 West Park Presbyterian Church and I want to  
22 reiterate that the issue before us is not  
23 aesthetics. There's no argument about the fact  
24 that it's a beautiful and historic building, no  
25 one knows that better than we do. This is where

2 we have had children baptized, raised, confirmed,  
3 this is where married, this is where we've buried  
4 people that we love, it's where we've celebrated  
5 our victories, mourn our defeats, and it's  
6 difficult for us to hear anyone say that they love  
7 this building more than we do. No one loves this  
8 building more than we do.

9           The second point I would like to  
10 make is that the people who came before us created  
11 it, not as an end in itself, but as a means to an  
12 end. The end of mission. A mission that opened  
13 the gates for lesbian, gay, bisexual, and  
14 transgender people, that brought millions of  
15 people to march against nuclear disarmament, that  
16 was the birthplace of God's Love We Deliver, the  
17 interfaith assembly on housing and homelessness,  
18 West Side Federation on senior and supportive  
19 housing, and at the end of 9/11 a hub church to  
20 serve people whose needs fell between the cracks.

21           As the inheritors of the people who  
22 came before us, it is our duty to see that this  
23 building continues to be used towards the end of  
24 mission. Whenever we hear words like reuse and  
25 new owners and new use, what we hear, what we hear

2 is de facto confiscation. The question here is  
3 mission, who has the right to determine the  
4 mission of our church? When we hear all these  
5 creative ideas, they essentially have the effect  
6 of pushing us out of the way of determining the  
7 mission and use of the building that we inherited.

8 The landmarks process was not put  
9 into place to force the congregation to give up  
10 its life so that a building might be preserved.  
11 I'm asking you to turn down the forced landmarking  
12 and to work together to find a way that this  
13 property might be continuing to be used for the  
14 purpose in which it was created--and that is the  
15 service that this congregation has given to this  
16 community for so many decades. That is our dream  
17 and that is our vision. Thank you.

18 [Applause]

19 CHAIRPERSON LANDER: Please, I  
20 appreciate that everyone feels strongly on this  
21 matter, but I'm going to ask that you refrain from  
22 applause or from outbursts. We'll hear from both  
23 sides, we'll ask questions. So thank you,  
24 Reverend.

25 REVEREND MARK HALLINAN: I'm

2 Reverend Mark Hallinan, the New York Province  
3 Society of Jesus, the Jesuits in New York.

4           When the general public and its  
5 appointed and elected representatives look at a  
6 house of worship, they do so primarily from an  
7 aesthetic point of view. Is this structure a  
8 notable representation of a significant architect?  
9 Is this structure beautiful to behold, that is, is  
10 it noble in simplicity or awe-inspiring in its  
11 ornamentation and design? The public looks at a  
12 house of worship as something contributing to or  
13 detracting from the cityscape in which it is  
14 located. Houses of worship, however, are not  
15 simply buildings to be assessed for their  
16 architectural significance or their singular  
17 beauty. They are places in which communities of  
18 believers express their faith and we need the  
19 freedom to tailor our structures so that they  
20 allow us to express our faith as we feel we are  
21 called to do so.

22           When public officials force the  
23 landmarking of houses of worship, they are  
24 treading on sacred ground and doing so without  
25 either sufficient knowledge of, or sensitivity to,

2 how the structures which house our places of  
3 worship must reflect continuing changes in  
4 theology and corresponding changes in liturgical  
5 practice. Our structures must also reflect  
6 changes in how communities of faith see their  
7 relationship to the community in which they are  
8 located. In one historical epoch, a house of  
9 worship might be seen as a fortress of faith, a  
10 place of refuge to preserve one from temptation  
11 from the world, and in a different epoch that same  
12 house of worship can be seen as the base in which  
13 believers are sent forth on mission in service to  
14 those who are in need and to seek change in  
15 society that will make our society more just. As  
16 theology and liturgy changes, structures need to  
17 adapt to new understandings of how we are called  
18 to give expression in communal prayer to our  
19 faith. As our understanding of the role of the  
20 community of faith in relation to the world  
21 changes, adaptations in our structures may well be  
22 needed in order to accommodate that change in  
23 understanding.

24 Public aesthetic sensibilities are  
25 being allowed to determine how our community

2 worships, how it exercises its ministry, and even  
3 possibly where it can welcome it into its  
4 community. This is not ground on which public  
5 authorities ought to tread.

6 CHAIRPERSON LANDER: Thank you.  
7 Rabbi?

8 RABBI JEREMY KALMANOVSKY: I'm  
9 Jeremy Kalmanofsky, I'm the Rabbi of, first of  
10 all, a neighboring congregation, congregation  
11 Ansche Chesed, a 180-year-old community occupying  
12 an 84-year-old building on West End Avenue. I  
13 also come representing the New York Board of  
14 Rabbis. And we in the New York Board of Rabbis  
15 support West Park Presbyterian and the New York  
16 Presbyterian arguing that their priority must be  
17 their religious mission, as Reverend Brashear  
18 said. As such, we oppose the Landmark  
19 Preservation Commission designation.

20 They are understandably  
21 enthusiastic about our venerable and beautiful  
22 church building, but the designation is ultimately  
23 misplaced in that it prioritizes a building over  
24 the health of the religious community. Our own  
25 Jewish tradition encodes this very idea in the

2 ancient rabbinic rule that synagogues can't be  
3 sold for other purposes except to purchase a  
4 Torah, to purchase the scroll which is the essence  
5 of the mission. The building must be in service  
6 of the mission and not the other way.

7 All of you, including our esteemed  
8 Council Member Gale Brewer, know how essential  
9 religious communities are to New York civil  
10 society. Communities like West Park Presbyterian  
11 nurture the soul of an often-cold city, but the  
12 reality is that many religious communities have  
13 inherited buildings constructed in very different  
14 times and under very different conditions that  
15 pose impossible financial challenges.

16 So I urge the Council to consider  
17 the very grim prospect that by landmarking  
18 buildings against the wishes of the churches and  
19 synagogues that occupy them will lead to a city  
20 filled with former houses of worship commemorated  
21 by a plaque instead of living on through worship  
22 and study and acts of care in society.

23 [Pause]

24 REV. K KARPEN: I'm on. I'm  
25 Reverend K Karpen, I'm the pastor of the Church of



2 St. Paul and St. Andrew, a congregation in a  
3 building that was landmarked 30 years ago against  
4 the wishes of the congregation up on 86th and West  
5 End Avenue. I am speaking to share our strong  
6 opposition to the West Park designation.

7 I have three reasons, I'll be  
8 brief. We at St. Paul and St. Andrew have found  
9 landmarking to be a real obstacle to our ability  
10 to do our religious and charitable work and we  
11 feel like we have a lot of work that we're trying  
12 to do. We've had to channel through the years a  
13 lot of resources to try to preserve a building  
14 that was never intended to last as long as it has.  
15 It's the third building in the congregation, the  
16 other two buildings lasted 35 and 36 years, now  
17 we're working on 110 and counting with a roof that  
18 leaks and a façade that really needs some more  
19 care than it's getting.

20 Second reason, we have found that  
21 there's no real remedy, for us anyway, to the  
22 hardship created by the landmarking of our  
23 building. We have tried legal and administrative  
24 remedies, we have gone through the courts, all the  
25 way through the New York Court of Appeals and the

2 U.S. Supreme Court, we have tried to work out a  
3 hardship process with the Landmarks Preservation  
4 Commission and all returned to square one.

5 The third reason is that we feel  
6 that the city shouldn't force the landmarking of  
7 religious buildings unless and until there is some  
8 way the City finds to help support the  
9 preservation of these buildings in a direct way,  
10 working around the First Amendment concerns that  
11 of course are raised. For example, seven years  
12 ago, the City Council very generously granted us  
13 some funds to help preserve and renovate our food  
14 pantry, we are still waiting seven years later for  
15 those funds despite all the work of our wonderful  
16 Gale Brewer, our Council Member. We're still  
17 waiting, why? Of course, for these very reasons  
18 of separation of church and state and we're being  
19 required to turn the building into a condominium  
20 of two units, one the church and one everything  
21 else and etc., etc. Thank you.

22 CHAIRPERSON LANDER: Thank you.

23 GARY IRELAND: I'm Gary Ireland,  
24 I'm unaffiliated with any church, I'm speaking in  
25 support of West Park and against the landmarking

2 and specifically in support of the United States  
3 Constitution.

4 This honorable committee will have  
5 no more important decision this year than in the  
6 preserving of religious freedom. The First  
7 Amendment of the United States Constitution. I  
8 urge the overturning of the decision to landmark  
9 this specific building designating West Park  
10 Presbyterian Church a landmark.

11 While there are probably no one  
12 here present that does not appreciate the beauty  
13 of West Park, there are more important  
14 considerations and that is United States  
15 Constitution. And I hold here the United States  
16 Constitution, I welcome you to read it. There's  
17 no more important preservation than the  
18 constitutional freedom of religion, and that is  
19 why I'm here. And I believe the friends that I  
20 sit with today will speak in support of such  
21 religious freedoms, there is no doubt.

22 Moreover, all of the people that  
23 have spoken before us in the last group, none of  
24 them have come forward with a viable option to  
25 preserve this church other than to essentially

2 oust the congregation that sits there now. That's  
3 obscene. We need to preserve this congregation  
4 over the preservation of bricks and mortar and  
5 they provided a viable option in building a small  
6 structure behind the church over the  
7 administration building. I suggest that Gale  
8 Brewer and her friends work with the church side-  
9 by-side in creating viable options that will be  
10 satisfactory to the community and both  
11 satisfactory to the church and preserve the church  
12 community in that same structure. Right now  
13 they've been ousted from their own community  
14 church because they couldn't make the necessary  
15 changes to pay for the renovations.

16 CHAIRPERSON LANDER: Thank you very  
17 much.

18 GARY IRELAND: Thank you.

19 CHAIRPERSON LANDER: Council Member  
20 Brewer was showing me her copy of the Constitution  
21 and Council Member Mendez has hers on her iPod  
22 and--

23 GARY IRELAND: [Interposing] It's  
24 all well to have it, you need to read it.

25 CHAIRPERSON LANDER: Excuse me,

2 thank you. So I'm going to ask Council Member  
3 Williams to ask the first question of this panel.

4 COUNCIL MEMBER WILLIAMS: Thank you  
5 very much for that testimony. One thing with the-  
6 -I know everyone keeps bringing up the  
7 Constitution, from my understanding, there's been  
8 a lot of cases that have tested that and the  
9 courts have ruled that it is not unconstitutional.  
10 So maybe we should just switch to arguments and  
11 say maybe those cases were wrong, but I think that  
12 they have been tested so we should probably switch  
13 the argument a little bit.

14 But I'm very interested in hearing  
15 from the Reverend of St. Paul and St. Marks--I'm  
16 sorry I forgot your name--thank you for coming.  
17 My first question was have you applied for a  
18 hardship from the commission?

19 REVEREND K KARPEN: Yeah, I am  
20 Reverend Karpen, and it's--

21 COUNCIL MEMBER WILLIAMS: Thank  
22 you.

23 REVEREND K KARPEN: --St. Paul and  
24 St. Andrew. I forget my name too sometimes. In  
25 the early 90s, after not getting very far through

2 the courts, sat down with the Landmarks  
3 Preservation Commission and its staff to try to  
4 figure out some sort of hardship proceeding that  
5 would be timely and affordable. We had some  
6 different proposals back and forth, we--

7 COUNCIL MEMBER WILLIAMS:

8 [Interposing] I'm sorry, what were you trying to  
9 do?

10 REVEREND K KARPEN: We were trying  
11 to structure a hardship proceeding that would  
12 allow us to work through it for less than--well  
13 they estimated it would cost between a quarter  
14 million and half a million dollars to go through  
15 the hardship process. We were trying together to  
16 figure out a way that a church that is broke,  
17 which we were--

18 COUNCIL MEMBER WILLIAMS:

19 [Interposing] So one second, I just want to start  
20 from the beginning.

21 REVEREND K KARPEN: Yes.

22 COUNCIL MEMBER WILLIAMS: What were  
23 you applying for the money for to do?

24 REVEREND K KARPEN: Oh, we wanted  
25 to figure out a way to use part of the building

2 for something other--well we wanted to rebuild on  
3 part of the building and preserve the sanctuary.

4 COUNCIL MEMBER WILLIAMS: So this  
5 was to change the structure--

6 [Crosstalk]

7 REVEREND K KARPEN: [Interposing]  
8 To change part of the structure on the building.

9 COUNCIL MEMBER WILLIAMS: What were  
10 you trying to do?

11 REVEREND K KARPEN: We were trying  
12 to build an interfaith center on one part of the  
13 building to the east of our building and go up a  
14 number of floors, and then we wanted to then  
15 preserve--ironically, it was more difficult to do  
16 that than to just figure out how to knock the  
17 whole thing down and put up a new building. It  
18 involved the back-and-forth between various city  
19 agencies that was going to be very burdensome and  
20 very expensive.

21 COUNCIL MEMBER WILLIAMS: How much  
22 was the estimated cost to do what you wanted to  
23 do?

24 REVEREND K KARPEN: The estimated  
25 cost that we had the preliminary cost which we

2 would've raised through the different partners  
3 was--well we had very preliminary thing, it was  
4 several million dollars, probably up to \$8 million  
5 by the time we were done.

6 COUNCIL MEMBER WILLIAMS: And the  
7 commission told you it would be how much just to  
8 apply for the hardship?

9 REVEREND K KARPEN: The low end was  
10 a quarter million dollars at the time, this was 20  
11 years ago.

12 COUNCIL MEMBER WILLIAMS: Were  
13 there any repairs that you may have had to--that  
14 you were supposed to make that hardship was caused  
15 because it was landmarked?

16 REVEREND K KARPEN: Well of course  
17 there's constant repairs that need to be done,  
18 alterations. We were able to work with the  
19 commission to provide handicapped access to the  
20 building, this was several years ago, we raised  
21 the funds through the state and our congregation  
22 and other folks to provide handicapped access to  
23 the building, this was a big thing. And we worked  
24 with the commission on that, although it was not  
25 an easy process, it was hard.



2 COUNCIL MEMBER WILLIAMS: Were  
3 there any specific repairs that need to be made  
4 that you were unable to do because there was a  
5 landmark?

6 REVEREND K KARPEN: Oh, needed  
7 repairs that we were unable to do?

8 COUNCIL MEMBER WILLIAMS: Yes,  
9 unable to raise the money to do--

10 [crosstalk]

11 COUNCIL MEMBER WILLIAMS: --the  
12 landmark.

13 REVEREND K KARPEN: Well  
14 legitimately, because a landmark needs to be  
15 repaired in specified ways, it makes the cost of  
16 any repair to the exterior of the building more  
17 expensive because of necessary architects, you  
18 know, you can't just slap some paint on something  
19 or slap some new cheap roof tile on there, things  
20 have to be done in a certain way.

21 COUNCIL MEMBER WILLIAMS: I  
22 understand, I'm just wondering if that extra cost,  
23 were you able to do the repairs still or you were  
24 unable to do the repair?

25 REVEREND K KARPEN: So far we have

2 kept up on repairs that we and others felt were  
3 necessary to preserve life and limb, but we have  
4 an overall estimate on preserving the building--on  
5 renovating and preserving the building of about 20  
6 to \$30 million which we haven't been able to even  
7 think about yet.

8 COUNCIL MEMBER WILLIAMS: Have you  
9 applied for hardship for some of the other repairs  
10 that were needed?

11 REVEREND K KARPEN: Well the  
12 hardship proceeding is in order to alter or  
13 demolish the building and particularly if we had  
14 wanted to demolish the building we would then need  
15 to go to the Landmarks Preservation Commission and  
16 say this building is a burden to us financially  
17 and otherwise it's getting in the way of our  
18 mission and, therefore, it's created such a  
19 hardship that we need you to ameliorate the  
20 situation by allowing the demolition or the  
21 partial demolition of the building.

22 COUNCIL MEMBER WILLIAMS: Thank  
23 you.

24 REVEREND K KARPEN: Okay. Thanks.

25 CHAIRPERSON LANDER: Council Member

2 Brewer.

3 COUNCIL MEMBER BREWER: I certainly  
4 agreed with Reverend Karpen that landmarks  
5 buildings, particularly nonprofits and religious  
6 institutions, should have more access to funds,  
7 and I'm so sorry that OMB is giving you such a  
8 hard time on the nonprofit aspect. But I have to  
9 say what you've done is beyond admirable, even  
10 more challenging of course than Eldridge Street,  
11 and you continue to do it and the whole  
12 neighborhood appreciates it more than I could even  
13 say here.

14 REVEREND K KARPEN: Thank you.

15 COUNCIL MEMBER BREWER: So my  
16 question for Reverend Brashear is, it does seem to  
17 me despite all the hardships that Reverend Karpen  
18 goes through, which you know only too well, that  
19 that is the kind of model that we would like for  
20 West Park, where you get to retain the mission of  
21 the church, which is one that we all, all, all  
22 support and at the same time the community raise  
23 the funds and make sure that you're there and then  
24 we think of a use sharing which some ministers  
25 think shouldn't be taking place, but I think it

2 does make sense if it is a partner with whom you  
3 want to work. Would that not be the kind of  
4 mission and edifice that you would think would be  
5 possible? Obviously, I don't believe it's going  
6 to happen, I'm going to be honest with you, unless  
7 landmarking takes place 'cause really I have  
8 tried, I have tried. So I would like to know with  
9 or without landmarking, is that the kind of  
10 mission and structure that you would like to see  
11 the model that Reverend Karpen has offered?

12 REV. ROBERT BRASHEAR: After the  
13 designation took place last January, I stated  
14 publicly and openly that I would work with anyone  
15 to find a creative model and answer that speaks to  
16 the kind of things that Council Member Brewer has  
17 referred. I made myself available to even those  
18 who have been in opposition to me and I have to  
19 say that between then and this day I have not had  
20 anyone approach me to say let's sit down and come  
21 up with a new creative solution for this. That's  
22 the reality.

23 Certainly if a way can be found to  
24 preserve a congregation, to have a mission that  
25 moves forward that is consonant with the history

2 that I have talked about and that it enables us to  
3 continue to define our mission in the way that we  
4 see it and not have it imposed upon us, yes,  
5 that's a discussion that we're open to having. We  
6 have to be realistic about the cost, we have to be  
7 realistic about how that happens, but I have never  
8 said that I'm not interested in that conversation,  
9 I'm waiting for it. And I believe it can take  
10 place without having to go through the process of  
11 landmark designation.

12 COUNCIL MEMBER BREWER: Oh, all  
13 right, thank you. I know that I assume also that--  
14 -I mean I know you're open to all this and I  
15 assume the presbytery would be also, is that  
16 something that you would agree would also be part  
17 of the discussion and it would also agree with  
18 what you just analyzed?

19 REV. ROBERT BRASHEAR: At the end  
20 of the day, the congregation makes the decision as  
21 to what happens. The presbytery only has to weigh  
22 in on that if it involves the sale, if it involves  
23 some other kind of thing. But a solution that the  
24 congregation comes up with does not have to do  
25 with the transfer of property is left to the

2 congregation itself.

3 COUNCIL MEMBER BREWER: Thank you  
4 very much.

5 CHAIRPERSON LANDER: Thank you.  
6 Council Member Comrie.

7 COUNCIL MEMBER COMRIE: I'm sorry,  
8 Reverend, can you illuminate a little more as to  
9 that answer? You said that it's up to your  
10 individual congregation what happens to your  
11 particular building but your presbytery, it has  
12 nothing to do on the use of the building?

13 REV. ROBERT BRASHEAR: No, that's  
14 not correct, let me try and explain how the  
15 Presbyterian system works. We hold our property  
16 in trust for the greater Presbyterian Church. If  
17 for example my congregation decided it wanted to  
18 leave the Presbyterian denomination and become  
19 another denomination, we would not be able to  
20 remain in that building 'cause--

21 COUNCIL MEMBER COMRIE: Right.

22 REV. ROBERT BRASHEAR: --the  
23 building was built by Presbyterians for  
24 Presbyterian use.

25 COUNCIL MEMBER COMRIE: Right.

2 REV. ROBERT BRASHEAR: The point I  
3 was trying to make was that if a solution involves  
4 a sale or transfer of property or property rights,  
5 it has to be approved by the greater body, namely  
6 the presbytery. If it's a solution that does not  
7 require the transfer of property rights or the  
8 sale, it rests with the congregation itself.

9 COUNCIL MEMBER COMRIE: Okay. Do  
10 you have an active congregation at that--that is,  
11 I know you're not meeting at the church now, but  
12 do you have an active congregation that would like  
13 to meet at the church? Have you gotten any  
14 support from the community that has offered to be  
15 members of the congregation or supporters of the  
16 congregation or any of the above?

17 REV. ROBERT BRASHEAR: You've asked  
18 about three or four questions there, let me see if  
19 I can quickly answer them. We have an active  
20 congregation. The reason that we had to leave the  
21 building was because there was construction that  
22 was scheduled to begin within a couple of months,  
23 a permit had been granted to begin that. And  
24 that's why we left, because we anticipated work  
25 beginning that would have made possible not only

2 the complete restoration of our sanctuary  
3 including the 1880s skylights and the complete  
4 restoration of all the stained glass, but would  
5 have created a new building that also would have  
6 included affordable housing, that's why it had to  
7 be done within a certain amount of time.

8 But an objection was raised to that  
9 and that process stopped, it took over a year and  
10 a half to get back through the Department of  
11 Buildings to show the documents, the presbytery  
12 approval that it actually had been turned in  
13 within 48 hours. We were jammed up for a year and  
14 a half. Okay, that was why we left.

15 We have a group of people that has  
16 been extremely stressed by this process, but the  
17 dream envisioned of being able to carry out a  
18 mission in ministry in that location has always  
19 been present. Have people come forward and said  
20 let us join you? No, we've not really been in  
21 position to have the kind of activities that would  
22 encourage that either, but we've never had people  
23 come forward saying we'd like to join you and  
24 here's what we'd like to do.

25 COUNCIL MEMBER COMRIE: And has



2 there been any help from the presbyteriat as to  
3 bringing other members or developing other  
4 programming for the church?

5 REV. ROBERT BRASHEAR: Presbyteries  
6 played the role of creating an advisory committee  
7 to walk with us and to work with us, it is  
8 certainly not in a position to grant financial  
9 aid. Presbytery has the same kind of financial  
10 problems as government and other nonprofits, but  
11 they have a committee that has walked with us.

12 COUNCIL MEMBER COMRIE: But your  
13 congregation--so you said that it took you a year  
14 and a half and you get jammed up, you had a plan  
15 to renovate the entire exterior and interior of  
16 the church? How much--

17 REV. ROBERT BRASHEAR: Yes.

18 COUNCIL MEMBER COMRIE: --was that  
19 plan, do you know what the estimate for that cost  
20 would have been?

21 REV. ROBERT BRASHEAR: Well you're  
22 looking at different pieces of it, but I think the  
23 estimate to do everything is in the neighborhood  
24 of \$15 million. Now you need to--

25 COUNCIL MEMBER COMRIE: Fifteen?

2 I'm sorry.

3 REV. ROBERT BRASHEAR: Yeah, you  
4 know, you have to back up from there and ask what  
5 all was going into that. In terms of the building  
6 itself, probably it can run--it could be five to  
7 six external and probably something similar on the  
8 inside. Yeah.

9 COUNCIL MEMBER COMRIE: Okay. And  
10 you're saying that the reason that the project  
11 didn't go forward was that you had a project in  
12 hand, was that to include the tower that was--

13 REV. ROBERT BRASHEAR: Yes, yes.

14 COUNCIL MEMBER COMRIE: --going to  
15 be built on [off mic]?

16 REV. ROBERT BRASHEAR: Yes.

17 COUNCIL MEMBER COMRIE: So when you  
18 were saying you were being held up, was it being  
19 held up because of the tower or someone filed a  
20 complaint or can you explain--

21 [Crosstalk]

22 REV. ROBERT BRASHEAR:

23 [Interposing] Actually, the complaint that was  
24 filed said that the project had not been  
25 appropriately approved and we had the answer from

2 presbytery, the papers from presbytery back to the  
3 DOB within 48 hours, within 48 hours. It then  
4 took 18 months to get back to the place where the  
5 stop work order could be lifted. There were  
6 various reasons, there were cranes that fell,  
7 there were papers that were lost, there was staff  
8 that was replaced. But when we have provided an  
9 answer within 48 hours, it took 18 months to get  
10 back to the place where the project could begin.  
11 By that point the pressure to landmark had begun,  
12 and in the light of a potential landmark  
13 situation, the developer that was working with us  
14 chose to end the project.

15 COUNCIL MEMBER COMRIE: And he felt  
16 that the reason to end it was because of having to  
17 work with Landmarks to hold on--having to work  
18 with Landmarks was his major reason for pulling  
19 out of the project or were there other reasons for  
20 him to pull out of the project? Or was he just  
21 frustrated at this point? Why didn't he continue  
22 after the 18 months?

23 REV. ROBERT BRASHEAR: The letter  
24 that was sent to us, I'm not going to speak to  
25 everything that may or may not have been in

2 anyone's mind, but the letter that was sent to us  
3 spoke specifically of the potential cost of  
4 fighting the landmark struggle. In light of what  
5 he had already invested, the fact that it looked  
6 like it would cost a quarter of a million dollars  
7 to work through the process with the landmarks  
8 people was money that he was not willing to spend  
9 at that time.

10 COUNCIL MEMBER COMRIE: Okay. And  
11 your bottom line is that you would like to see the  
12 church maintained in that property as a edifice  
13 now with the ability to gain the financial  
14 wherewithal so that you could do everything  
15 necessary to continue the building in perpetuity,  
16 correct?

17 REV. ROBERT BRASHEAR: I believe  
18 that the best possible use of that space is for a  
19 Presbyterian and reformed witness at the corner of  
20 86 and Amsterdam to carry on the tradition that we  
21 have lived out these 125 years.

22 COUNCIL MEMBER COMRIE: Thank you,  
23 thank you very much.

24 CHAIRPERSON LANDER: Thank you.  
25 Council Member Halloran.

2 COUNCIL MEMBER HALLORAN: Let me  
3 just start where Chair Comrie left off. In the  
4 letter you received from your partner, your  
5 potential partner, they indicated specifically  
6 that the landmarks process would be cost  
7 prohibitive for them to become involved and  
8 continuing. When you had first started out the  
9 project, was there any indication prior to this  
10 snafu with the Department of Buildings in the 18  
11 month intervening period, was there any indication  
12 that people were moving towards landmarking when  
13 the project began?

14 [Pause]

15 REV. ROBERT BRASHEAR: I'm not sure  
16 I can say it's true when the project began. I  
17 mean, there were a series of public events, some  
18 sponsored by the Community Board at which the  
19 project was presented in pretty significant detail  
20 in which questions were raised, in which arguments  
21 were raised, in which objections were raised. But  
22 in terms of a specific threat of landmarking, no.

23 Unfortunately, the specific  
24 pressure to landmark that resulted in the  
25 calendaring came about when we had suffered this

2 very serious water damage and in the process of  
3 taking out the water damaged material, leaflets  
4 and flyers were sent around the neighborhood  
5 saying that we were demolishing the church against  
6 the law, which generated hundreds and hundreds and  
7 hundreds of e-mails saying stop them from doing  
8 this, and it was shortly thereafter that it was  
9 calendared for landmarking.

10 COUNCIL MEMBER HALLORAN: This with  
11 regard to the project which was originally  
12 underway, what was the scope of that project and  
13 how would it have affected the façade of the  
14 building and the footprint of it and the  
15 facilities?

16 REV. ROBERT BRASHEAR: Eighty-five  
17 percent of the visible exterior including the  
18 tower and the roof would have been preserved as  
19 is, so what you'd see was very much what you would  
20 see. The clearly controversial part of it was the  
21 tower that would have replaced the Church House  
22 building, the tower would have been approximately  
23 the same height as the building caddy corner  
24 across the street, about 20 to 21 stories more or  
25 less, and would have been built to look exactly

2 like the prewar buildings beside it. The most  
3 controversial part of that, apart from blocked  
4 views in some regard, also was the cantilevering.  
5 That's my understanding of what was controversial  
6 in that case.

7 COUNCIL MEMBER HALLORAN: And at  
8 the completion of the project, the facility that  
9 you guys would have occupied, the building façade  
10 itself, the structure and the areas of worship,  
11 they would've all been intact, they would have  
12 been renovated, and they would have been fully  
13 functional and able to return your parish to its  
14 congregants at the completion of the construction  
15 phase.

16 REV. ROBERT BRASHEAR: Absolutely,  
17 we expected to be back there a year ago May. As I  
18 said, the roof, all the stained glass win--there  
19 was a plan to take out and remove every stained  
20 glass window and have it repaired and restored and  
21 brought back. As I said, we wanted to reinstall  
22 the 1880s skylights that had provided so much  
23 natural light. Everything you see on the  
24 sanctuary part of the building would be exactly as  
25 it is today and brought up to date on the inside.

2 COUNCIL MEMBER HALLORAN: I  
3 appreciate your candor and I'm glad to see you  
4 have a Jesuit sitting next to you, as Regian  
5 [phonetic] and Fordhamite, I certainly can  
6 appreciate having the sort of the pope with you in  
7 your fight. Thank you very much.

8 [Pause]

9 [Off mic]

10 CHAIRPERSON LANDER: Thank you very  
11 much for all the time that you spent and your  
12 patient answers to our questions. The next panel  
13 in support of designation will be Simeon Bankoff,  
14 Susan Sullivan, Jihoon Kim, Reverend Darrell  
15 Berger, and Jacob Tilove.

16 And they will be followed by a  
17 panel in opposition, including Reverend N.J.  
18 L'Heureux, excuse me, Laura Jervis, John Gingrich,  
19 Jim Nedelka, and Annie Rawlings.

20 [Off mic]

21 [Long Pause]

22 CHAIRPERSON LANDER: Thank you.  
23 Thanks, you can go ahead and just go in the order  
24 that you're sitting.

25 JIHOON KIM: Thank you. Good



2 morning, my name is--good afternoon actually, my  
3 name is Jihoon Kim, I'm representing state  
4 Senator--I'm representing the office of State  
5 Senator Eric Schneiderman. Thank you to the  
6 Subcommittee, as well as Council Members Brewer  
7 and Leroy Comrie for hearing my testimony on  
8 behalf of the Senator.

9           So the Senator strongly supported  
10 the designation of the West Park Presbyterian  
11 Church and now urges the members of this  
12 Subcommittee to support the preservation of this  
13 Upper West Side treasure. For those of you who  
14 have had the opportunity to visit the church, I'm  
15 sure that you would agree that the Richardsonian  
16 Romanesque style architecture is not only rare,  
17 but must be preserved.

18           I have lived on the Upper West Side  
19 for the majority of my life and can tell you that  
20 the preservation of sacred sites like West Park is  
21 essential because of the vital role these  
22 buildings play in sustaining the character and  
23 livability of our city. I pledge to work with my  
24 colleagues in government, members of the religious  
25 community, and residents of the Upper West Side to

2 ensure that the West Park Presbyterian Church is  
3 restored to its original beauty.

4 Thank you for giving me the  
5 opportunity to express my support for the historic  
6 designation of the West Park Presbyterian Church.

7 CHAIRPERSON LANDER: Thank you.

8 SIMEON BANKOFF: Good afternoon,  
9 Council Members, I'm Simeon Bankoff, Executive  
10 Director of the Historic Districts Council. Thank  
11 you so much for this opportunity to speak before  
12 you.

13 The Historic Districts Council is a  
14 citywide advocate for New York's historic  
15 neighborhoods. We work with community groups in  
16 all five boroughs, over 500 neighborhood-based  
17 community groups who are interested in protecting  
18 and preserving their historic neighborhoods.

19 I would like to start by saying I  
20 am not a member of the West Park congregation, I'm  
21 not even an Upper West Sider, but the fact is that  
22 this building is incredibly important to one who  
23 travels the city. It's important to the entire  
24 neighborhood, it's important beyond the  
25 neighborhood in the sense of when you see it, when

2 you're in that area, it is a landmark in that it  
3 marks the land, you understand where you are, you  
4 are placed within time just by its physical  
5 presence. Then once you actually know something  
6 of it, when you understand what it means to that  
7 community and this is been an extraordinary  
8 experience for me watching this community band  
9 together to work incredibly to try to preserve  
10 this building and preserve the use of this  
11 building, I'm literally blown away.

12 The purpose of the City Council in  
13 this role is to discuss the meritoriousness of the  
14 building and discuss the meritoriousness of the  
15 Landmarks Commission's actions. This building is  
16 meritorious for preservation in terms of its  
17 architectural merit, its social merit, its  
18 historical merit. I think this is not even an  
19 issue here. Previously, when this Council has  
20 acted to overturn or not affirm landmark, it has  
21 been against the notion of meritoriousness, that's  
22 not what I'm hearing here now.

23 I'm hearing discussions of  
24 hardship, there is actually a hardship process and  
25 in fact this Council has created a special

2 hardship process that applies specifically to  
3 historic properties in that should the Landmarks  
4 Commission not grant a hardship, there is a  
5 hardship appeals tribunal that this Council put  
6 into place in the charter revision.

7 With that, I'm going to leave  
8 because we have a long day. I will say, however,  
9 just in response to Council Member Comrie's  
10 earlier question, there was--

11 CHAIRPERSON LANDER: [Interposing]  
12 Simeon, let's let him ask it and we'll--

13 [Crosstalk]

14 SIMEON BANKOFF: Oh, sure.

15 CHAIRPERSON LANDER: --chance to  
16 ask it in follow up, so thank you.

17 [Off mic]

18 JACOB TILOVE: Thanks. My name is  
19 Jacob Tilove, I'm speaking today on behalf of  
20 Robert A. M. Stern, an architect Dean of Yale  
21 School of Architecture and author of a five-part  
22 series of books documenting the architectural  
23 history of New York City. Mr. Stern could not  
24 attend but feels very strongly about this issue  
25 and asked that I read the following statement.

2 Dear Council Members, I strongly  
3 urge you to resist the efforts of those seeking to  
4 overturn the recent decision to landmark the West  
5 Park Presbyterian Church. Make no mistake, the  
6 church complex including both Leopold Eidlitz's  
7 midblock chapel and Henry Kilburn's main sanctuary  
8 and tower anchoring the corner are landmarks of  
9 the highest order, a fact that must remain  
10 paramount when reviewing any attempt to reverse  
11 the LPC's ruling, a judgment not lightly  
12 considered.

13 The pair by important and prolific  
14 practitioners whose work has unfortunately often  
15 met the wrecker's ball, including the relatively  
16 recent loss of Kilburn's Colonial Club on West  
17 72nd Street and Broadway where my architectural  
18 practice was once housed, work remarkably well  
19 together. These are distinguished and robust  
20 works of architecture that well represent their  
21 time, icons of the late 19th century that we can  
22 ill afford to lose. They're also beautiful and  
23 urbanistically adroit, giving identity to an  
24 important corner site.

25 Unfortunately, the church complex

2 has been allowed to somewhat deteriorate, perhaps  
3 in deliberate anticipation of its full or partial  
4 demolition, but it can certainly be restored to  
5 its original glory aided by an active community  
6 dedicated to a beloved landmark. Thank you.

7 CHAIRPERSON LANDER: Thank you.

8 REV. DARRELL BERGER: Okay. I'm  
9 Reverend Darrell Berger, from 1989 to '99 I was  
10 minister of the Fourth Universalist Society, which  
11 is about 10 blocks away from West Park, and is  
12 landmarked as part of the 76th Street Historic  
13 District.

14 If the ministers and rabbis who  
15 think it's hard being a minister in a landmarked  
16 building if it's a 100 years old, they should try  
17 being a minister in a 100-year-old building that  
18 isn't landmarked, which I did in both  
19 Massachusetts and I'm doing now in Orange. And I  
20 guarantee it's a lot easier when you have the  
21 cooperation and the community around you cares  
22 about your building than when they don't.

23 When a church or any religious  
24 organization wraps brick-and-mortar around its  
25 mission, it gives up its autonomy, not of its

2 mission but of those bricks and mortar. There's  
3 all sorts of ways that religious organizations  
4 cooperate with government in their community--they  
5 do things according to code, they may not pay  
6 taxes but they issue W-2s and 1099s to their  
7 employees--and they have to live in community,  
8 there's nothing that's stopping any congregation  
9 from moving from that community and taking their  
10 mission with them. But if they want to stay where  
11 they are, with those bricks and mortars, they owe  
12 something to the community that has to live with  
13 those bricks and mortars. It's a matter of living  
14 not just with mission, but with community.

15 I have a lot of sympathy for  
16 Reverend Brashear, he was minister there when I  
17 was there, I know he's an excellent minister, he  
18 has excellent values in terms of social justice  
19 and I can only imagine the agony this has caused  
20 him and his congregation for many years now. But  
21 I also was there when St. Paul's and St. Andrews  
22 was fighting landmarking tooth and nail and I  
23 guarantee if they had won, that church wouldn't be  
24 standing there today.

25 So no matter how hard it is for the

2 ministry and that congregation to work with  
3 landmarking, at least they're there and they have  
4 a mission. It's hard doing urban ministry no  
5 matter who you are, and no matter what your  
6 situation is.

7 The strange thing about it is  
8 landmarking actually makes it easier, but they  
9 won't know that until they've experienced it.

10 CHAIRPERSON LANDER: So I called  
11 Susan Sullivan as the--thank you, sir--I called  
12 Susan Sullivan, I'm afraid we don't allow people  
13 to defer their time or swap in, so Ms. Sullivan if  
14 you'd like to present your testimony. We're doing  
15 our best to manage all the folks that we have  
16 here, but we.. Thank you.

17 [Off mic]

18 SUSAN SULLIVAN: Council Members,  
19 good afternoon, I'm Susan Sullivan, President of  
20 the Friends of West Park, a neighborhood coalition  
21 that's fought for eight years to preserve this  
22 building. Others have spoken eloquently about the  
23 historic merit of the building, I'm speaking about  
24 this church as representing the spirit of the  
25 community.



3 This bricks and mortar is a beacon  
4 for our community which we want to breathe life  
5 back into. How do we do this? We're not  
6 Pollyannas, we know we need to work with the  
7 presbytery. As far back as 2003 our organization  
8 presented a business plan that would bring a  
9 community partner into the fold to defray the cost  
10 of maintenance. The business plan was never  
11 accepted because the goal of the presbytery has  
12 been focused on maximizing profit through  
13 development. The drive for maximizing profit is  
14 at the expense of our community.

15 To that point, our community should  
16 not be ignored. We are committed to bring this  
17 building back to the height of its vibrancy.  
18 We've had six ready, willing, and able  
19 institutions actively interested in joining as a  
20 partner. We had a music school, a synagogue, a  
21 private day school, I can go on, they never had a  
22 seat at the table, none of these institutions were  
23 given serious consideration.

24 Instead, for the past 2 1/2 years  
25 this has been an empty abandoned building with a  
dwindling congregation and there is no reason for

2 West Park to be an empty shell. Give us a place  
3 at the table and we will bring West Park back to  
4 life. Friends of West Park have been excluded  
5 from this process regardless of what anyone at  
6 this little dais has said.

7 Perhaps the mission of this  
8 building, West Park Presbyterian, is to stand  
9 there at the corner of 86th and Amsterdam with a  
10 new owner in an adaptive reuse purpose who will  
11 once again respect the place of this building in  
12 our community. West Park enriches our lives every  
13 day as we walk past its doors, so please, we can  
14 make this happen, give us a chance. Thank you  
15 very much.

16 CHAIRPERSON LANDER: Thank you,  
17 let's--please, thank you. Are there questions  
18 from the panelists?

19 COUNCIL MEMBER COMRIE: All right,  
20 Simeon, what is it you were going to say?

21 SIMEON BANKOFF: Thank you, Council  
22 Member. I was just answering your question of  
23 earlier, in addition to what Ms. Friedman from the  
24 Landmarks Conservancy talked about, churches that  
25 had raised and religious institutions had raised

2 money, there's also St. Bridgette's on the Lower  
3 East Side that's not landmarked that did get a  
4 gift of \$20 million that preserved it.

5 CHAIRPERSON LANDER: Council Member  
6 Brewer.

7 COUNCIL MEMBER COMRIE: Okay. I  
8 mean that has nothing to do with this case, so are  
9 you inferring that there's some--

10 SIMEON BANKOFF: [Interposing] I  
11 was--

12 COUNCIL MEMBER COMRIE: -are you  
13 inferring that there's someone that you know that  
14 has \$20 million that they want to drop on West  
15 Park? You can let that be known now, Reverend  
16 Brashear would be very happy I would think.

17 SIMEON BANKOFF: Somehow, Council  
18 Member, you seem convinced that I know these  
19 people, but again, it was just in answer to your  
20 earlier questions of have churches actually  
21 managed to raise money and the answer is yes, and  
22 they've raised money outside of just through  
23 public monies, they've raised private monies.

24 COUNCIL MEMBER COMRIE: Okay. Well  
25 just to--I'm going to have to leave in a few, but

2 my general concern is an ability to maintain a  
3 building so it's not abandoned. My general  
4 concern is that whatever we do as a city we try to  
5 do in a collaborative way with a high level of  
6 communication and respect for all sides. My  
7 concern is that as we do things in this city  
8 that's done in a uniform and fair way. As Chair  
9 of the Landmarks Committee--as Chair of the Land  
10 Use Committee, I have to convey to my members what  
11 has to be done in this process in a way that is  
12 clear and concise along with the terms of land  
13 use. To bring in conjecture, to bring in  
14 guesswork would not be according to the rules of  
15 this committee.

16 But the issue with preservation is  
17 a unique issue, the issue of ability of a property  
18 to maintain itself, the ability of an owner of a  
19 property to have property rights that are  
20 sacrosanct to the Constitution in this country  
21 creates a unique set of circumstances. The issue  
22 of an ability of a community to want to see its  
23 community preserved and in a historical fashion is  
24 clearly a consideration. But at the end of the  
25 day we have to do this I think in a manner and in

2 a spirit that's cooperative and productive and I  
3 would hope that we can get back to a cooperative  
4 and productive solution at the end of this process  
5 and every process going forward, especially under  
6 my tenure and working with my Subcommittee chairs  
7 to make sure that this city, city of New York that  
8 likes to argue and likes to banter and likes to  
9 fight can get to an opinion that where everybody  
10 can be comfortable, not necessarily happy, but  
11 everybody can be comfortable.

12 Thank you. Thank you, Mr. Chair.

13 CHAIRPERSON LANDER: Council Member  
14 Brewer.

15 COUNCIL MEMBER BREWER: Thank you  
16 very much. For Reverend Berger, my question is  
17 the following, first of all, thank you for being  
18 here and I'm certainly quite familiar with what  
19 Reverend McNatt does now at Universalist Unitarian  
20 and she does a great job, it's not easy, but she's  
21 comfortable with the landmarking and was able to  
22 figure out a way, it may not be the way that West  
23 Park is able to function, but it's certainly an  
24 opportunity. And I share most importantly your  
25 appreciation for the hard work and values of

2 Reverend Brashear and Reverend Karpen.

3 My question is what was the amount  
4 that had to be raised to keep Unitarian  
5 Universalist originally some capital dollars, how  
6 did you go about it? The reason I say this is  
7 because I really do believe that if this landmark  
8 exists at West Park Presbyterian we could raise  
9 the \$20 million, I have to say it would go quite  
10 quickly. I know this community like the back of  
11 my hand and I know that that money would appear in  
12 the increments that are necessary. So how did it  
13 work at Unitarian Universalist?

14 REV. DARRELL BERGER: Well the  
15 Universalist congregation owns clear title to its  
16 property, so we're the guy, so the original amount  
17 that was raised was about a half a million dollars  
18 for immediate renovation and deferred maintenance.  
19 But then we also--

20 COUNCIL MEMBER BREWER:  
21 [Interposing] This church, why don't you just say  
22 where the church is? I know--

23 REV. DARRELL BERGER: [Interposing]  
24 Seventy-sixth Street and Central Park West, right  
25 next to the New York Historical Society. The

2 other thing is we were able to share part of our  
3 space that did not encroach on our religious space  
4 at all with a school for learning disabled kids  
5 which really helped month-to-month with our  
6 budget. After their 15-year lease was up they  
7 moved because both the church and the school had  
8 gotten big enough that they had to go to different  
9 areas.

10 I will say and I say this to  
11 everyone present here, I have real sympathy for  
12 the congregation and the ministry of Park West  
13 because I feel they're squeezed between the  
14 presbytery and the community, and it's very  
15 difficult because the presbytery and the church  
16 hierarchies act as an absentee landlord in our  
17 communities. And until this is landmarked and you  
18 can really, frankly, force the presbytery to deal  
19 in good faith with the community, nothing's going  
20 to happen for the renovation of this church  
21 whether its landmarked or not.

22 CHAIRPERSON LANDER: Again, please  
23 refrain from--

24 [Crosstalk]

25 SERGEANT-AT-ARMS: --please.

2 CHAIRPERSON LANDER: --outbursts,  
3 thank you.

4 COUNCIL MEMBER BREWER: Thank you  
5 very much, Mr. Chair.

6 CHAIRPERSON LANDER: Thanks,  
7 Council Member. Thanks very much to this panel  
8 for your time. The next panel is in opposition:  
9 Reverend L'Heureux, Laura Jervis, John Gingrich,  
10 Jim Nedelka, and Annie Rawlings.

11 And it will be followed by the next  
12 panel in support: Michael Henry Adams, Franny  
13 Eberhart, Thomas Vitullo Martin, Dr. Kenneth  
14 Kelner, and Margaret Orr Thomas.

15 [Pause]

16 Thanks very much and you can begin  
17 when you're ready.

18 REVEREND N.J. L'HEUREUX: Good  
19 afternoon, I'm the Reverend N.J. L'Heureux, Jr.,  
20 I'm Executive Director of the Queens Federation of  
21 Churches, which is the Ecumenical Council in  
22 Queens, but it's also been my privilege back in  
23 the early eighties to chair the Interfaith  
24 Commission to study the landmarking of religious  
25 property, and for the past 10 years to be



2 moderator for the Committee on Religious Liberty  
3 of the National Council of Churches. I've  
4 submitted my prepared statement, I'm going to  
5 highlight just a few points of it.

6 In the study that was done back in  
7 the early eighties, the Interfaith Commission met  
8 with members of the Landmarks Preservation  
9 Commission, its chair, its executive director,  
10 etc., and studied for 14 months both the law and  
11 its application in New York City. What we found  
12 was that generally, not just with respect to  
13 religious property, we found that the law was used  
14 as a convenient means to abuse civil and property  
15 rights of owners because it gave the ability to  
16 affect an illegal spot zoning on a particular site  
17 for zoning reasons, development reasons, that  
18 would not have been possible under the zoning  
19 ordinance, despite the fact that the landmarks law  
20 expressly prohibits this type of use. We also  
21 found that it ensnared the religious property of  
22 the city disproportionately 42 times more often  
23 than all other privately owned property in the  
24 city.

25 When applied to a church, a

2 synagogue, or other place of worship, the  
3 landmarks law functionally takes the  
4 responsibility for the mission of the program from  
5 the trustees and puts it in the hands of  
6 government. This violates the fundamental  
7 principle of religious liberty in that the  
8 government has to leave churches, synagogues alone  
9 to determine their ministry and mission.

10 The courts have dealt with this and  
11 it's been a mixed bag, but Congress dealt with it  
12 in 1993 and again in 2000 with two acts, testimony  
13 of the New York City landmarks experience being  
14 central to both of them. The Religious Land Use  
15 Institutionalized Persons Act affirms that  
16 government has to prove that there is a compelling  
17 state interest, health or safety, and no less  
18 restrictive means to achieve it in order to  
19 interfere with the free exercise of religion.  
20 Later I'd be glad to respond to questions.

21 CHAIRPERSON LANDER: Thank you.

22 [Pause]

23 JOHN GINGRICH: I'm John Gingrich,  
24 I'm a Elder at Good Shepherd Faith Presbyterian  
25 Church and I'm reading a statement that was going

2 to be read to you by Reverend Diane Lacey, some of  
3 you know as Reverend Diane Lacey Winley from the  
4 Health and Hospital Corporation [off mic] as my  
5 pastor on 66th Street.

6 This is from Reverend Donald  
7 Shriver, the President Emeritus of Union  
8 Theological Seminary from '75 to '91. A famous  
9 theologian spoke for Christians when he said the  
10 church exists in mission as fire exists in  
11 burning. He could have spoken for all active  
12 religious congregations. We like beautiful  
13 buildings, but we build them for the sake of  
14 service to God, to each other, and to people  
15 outside our walls. Our buildings are a means to  
16 the end of full service, they are not ends in  
17 themselves. When we renovate or expand our  
18 buildings, we do so to enhance the spiritual life  
19 of our congregations and also to enhance our  
20 service to our communities. If churches,  
21 synagogues, and mosques were to disappear from the  
22 life of New York City, think of how many hungry,  
23 homeless, hurt, and needy people would lack the  
24 services which religious organizations now  
25 provide. They do so largely for free. They serve

2 human need without expecting the needy to become  
3 converts to their faith, they save taxpayer money,  
4 they also save lives. Landmarking can cramp the  
5 ability of a congregation to pursue such mission  
6 and ministry, and this is to value aesthetics over  
7 ethics. It is to risk idolatry of things. It is  
8 to say that buildings take priority over their  
9 service to people inside and outside the walls.  
10 It can be a violation of the great American  
11 principle of the separation of organized religion  
12 and organized government. In short, landmarking  
13 that restricts the mission and ministry of a  
14 congregation is an assault on the ethics inherent  
15 in a faith, it is to substitute the means of  
16 religion for its end. That concludes the  
17 statement of Reverend Shriver.

18 I would only say that on my own in  
19 the last five seconds I want to thank the  
20 Community Board for helping us with ecumenicism  
21 and also I'm sorry we have not been as worthy  
22 opponents for landmarks West, we'll do better.

23 LAURA JERVIS: My name is Laura  
24 Jervis, I'm a minister member of New York City  
25 Presbytery and have been associated with West Park

2 Church in various capacities since 1975.

3 I'm going to go off script. First  
4 I want to say in all of the years of all of the  
5 meetings and hearings we've had on the landmarking  
6 of West Park Church, this is the first time when  
7 there have been significant questions and push  
8 back to what we have always felt was the  
9 predetermined decision to landmark West Park  
10 church, so I thank the members of the City Council  
11 for your thoughtful questions.

12 I just have several points. Over  
13 the course of these many years, the session and  
14 trustees of West Park Church have spent thousands  
15 of dollars in repairing the church for emergency  
16 reasons and to keep the church safe for our  
17 neighbors. In fact, the church could be  
18 criticized for spending down the endowment on  
19 bricks and mortar, rather than on mission. There  
20 was a compromise which was put forth to the  
21 community, as you have heard, to keep the  
22 sanctuary building and to build a building on the  
23 current site of the parish house. It was  
24 abandoned by the developer because of the threat  
25 of landmarking and the cost of a hardship case.

2 I would ask your Subcommittee to  
3 talk with the Landmarks Commission about the price  
4 of entering a hardship case. It is between, as  
5 Reverend Karpen said, a quarter of a million and  
6 half a million dollars to assemble the documents  
7 necessary to present a hardship before the  
8 Landmarks Commission.

9 The landmarking of West Park Church  
10 will result in the taking by a government agency  
11 of a house of worship. It will clearly interfere  
12 with the free exercise of religion on the corner  
13 of 86th Street and Amsterdam Avenue, it will  
14 interfere with the right of West Park Church to  
15 determine under what circumstances it worships and  
16 exercises its mission and ministries, and it will  
17 interfere with how it uses the resources and  
18 assets it's been given.

19 And I hope you'll ask me a question  
20 about what I see is the difference between  
21 landmarking houses of worship and landmarking  
22 nonprofit organizations.

23 CHAIRPERSON LANDER: Thank you.

24 ANNIE RAWLINGS: Good afternoon, my  
25 name is Annie Rawlings and I am the Associate

2 Executive Presbyter for Social Witness for the  
3 Presbytery of New York City. I work on the  
4 mission side of things, not the building side of  
5 things.

6 We define mission as those acts of-  
7 -in this context, as both those acts of caregiving  
8 and justice making. For example, many of our  
9 churches are involved in working with immigrants:  
10 They provide ESL classes, we support legal clinics  
11 for immigrants at low cost or no cost. And then  
12 on the other side we are involved in justice  
13 making. I am co-chair of the New York State  
14 Interfaith Network for Immigration Reform, a broad  
15 coalition of faith groups working for passage of  
16 just and humane comprehensive immigration reform.

17 I am here principally today to just  
18 hand in some--submit statements from people who  
19 could not be here, and these include three  
20 statements from the leadership of the Interfaith  
21 Center of New York from its founder, the Very  
22 Reverend James Parks Morton, who's the former Dean  
23 of the Cathedral of St. John the Divine; from its  
24 Executive Director, the Reverend Chloe Breyer and  
25 from its Program Director, Dr. Matt Weiner. I

2 also have statements from Lisa Sharon Harper, the  
3 Executive Director of New York Faith and Justice,  
4 a primarily evangelical coalition, and from Mark  
5 Greenberg, Executive Director of the Interfaith  
6 Assembly on Homelessness in Housing and from  
7 Derrick Boykin, Associate Minister at Walker  
8 Memorial Baptist Church in the Bronx.

9 Very quickly, from Lisa's  
10 statement, anyone who works within the faith  
11 community knows that the old buildings many  
12 congregations have inherited pose great problems.  
13 The work of the church across the country is being  
14 negatively impacted by these burdens of old and  
15 outdated churches. Worship structures need to be  
16 re-imagined, not frozen in place for all time.

17 Thank you very much.

18 CHAIRPERSON LANDER: Thank you.

19 JIM NEDELKA: Good afternoon, my  
20 name is Jim Nedelka, I'm an Elder in the  
21 Presbyterian Church USA. I'm a member of West  
22 Park Presbyterian Church and I, for the last seven  
23 years or so, have been Chairman of the Building  
24 Committee at the church.

25 When I was a kid, one of the things



2 I learned was you took your two hands and you  
3 went, this is the church, this is the steeple, you  
4 opened the doors and you see all the people. I  
5 want to talk about the people of West Park.

6 A multicultural group, young and  
7 old, we have births, we have deaths, we have  
8 people in a circle praying, we have people having  
9 confirmation and smiling, we've had people on our  
10 front stoop that are homeless because part of our  
11 mission is to serve people for the last 125 years  
12 in both Burberry and burlap, okay?

13 Unfortunately, the people who have  
14 occupied the church steps have aggravated the  
15 neighborhood. Gale Brewer knows this specifically  
16 because last fall she and a group of her friends  
17 asked us to put gates up to keep people from  
18 sleeping in the doorways. And same thing with  
19 friends, the people who have been calling you  
20 friends really have not been friends to us, nor  
21 have they been friends to you because they form  
22 themselves as a group, Friends of West Park,  
23 didn't tell us about it, they didn't come to us  
24 and said we want to help you, they composed  
25 themselves and imposed themselves.

2                   And so the question becomes self  
3                   determination of us as a religious institution for  
4                   our own fate. Sure, we could close the doors and  
5                   the church wouldn't go away, just like City Hall  
6                   could fall down, but we as an institution and a  
7                   congregation would survive and you as an  
8                   institution and a congregation would survive, your  
9                   building would be gone, but you wouldn't be gone,  
10                  but it's a lot easier to work inside your building  
11                  than in your parking lot.

12                  And so we're saying is give us a  
13                  chance to decide what we want to do with our  
14                  building and not leave it a molding mass of  
15                  melting red sandstone on the corner. Thank you.

16                  CHAIRPERSON LANDER: Thanks very  
17                  much. Are there--

18                  COUNCIL MEMBER BREWER: Yes.

19                  CHAIRPERSON LANDER: --questions  
20                  from my colleagues? Council Member Brewer.

21                  COUNCIL MEMBER BREWER: Well you  
22                  know this is the issue that we're at hand which is  
23                  the mission versus the building, but I, as  
24                  somebody, when the Department of Homeless Services  
25                  said to churches and synagogues and mosques, we're

2 not going to have faith-based shelters anymore, as  
3 you know, I jumped in and said that's wrong and  
4 with other colleagues and the support of churches  
5 and synagogues, that program was reinstated  
6 because it is absolutely necessary for those who  
7 are homeless to be part of the faith-based  
8 community and vice versa and certainly many of the  
9 religious institutions here are part of that. So  
10 I am all for the mission, I can't say it enough  
11 times.

12                   However, I don't understand why  
13 Reverend Berger who spoke here earlier isn't taken  
14 more seriously, because even some of the people  
15 who have submitted statements like St. John are  
16 part of a landmarked situation and they have  
17 managed, despite the challenges that that faces,  
18 to readapt. Obviously, St. John went through a  
19 long challenge, the building is built, the  
20 cathedral remains, I think I've been there a  
21 thousand times in that cathedral.

22                   So the issue is when landmarking  
23 takes place, then everybody's on the same page for  
24 the mission, for the structure, and we happen to  
25 be fortunate on the West Side, I promise you we

2 can raise \$20 million. So my question is why are  
3 we not on the same page as Reverend Berger  
4 suggests?

5 JIM NEDELKA: Because Reverend  
6 Brewer--excuse me, because Council Member Brewer,  
7 the object of landmarking has come from outside  
8 within, not inside and without. If we as a  
9 congregation had come to you and the City Council  
10 and said we have a lovely building, it's in great  
11 shape, we want to landmark it for in perpetuity,  
12 we would have done that.

13 Our building, as you can well aware  
14 see, is falling down and the red sandstone, as  
15 anybody with a brownstone knows, drips and has  
16 been dripping for 10 years. People have come up  
17 and asked why is there a scaffolding around the  
18 building. Well pieces of the façade keep falling  
19 down, it's 125 years old. And what I'm trying to  
20 get at is that if we had come to you and said yes,  
21 we want to landmark our building, we wouldn't be  
22 sitting here today. But what we as a congregation  
23 have objected is the fact that a secular  
24 organization has come and has imposed a secular  
25 desire upon a house of worship.

2 COUNCIL MEMBER BREWER: Okay. Well  
3 we're not going to agree, that's [off mic], but  
4 I'm just saying--

5 JIM NEDELKA: [Interposing] But  
6 that's the reason why we're here.

7 COUNCIL MEMBER BREWER: All right,  
8 but I'm just saying is that there is a solution  
9 here because, as was the situation with Eldridge  
10 and is a situation with other congregations, there  
11 are possibilities of achieving the mission, which  
12 I feel as strongly about as you do, and achieving  
13 the landmark, that is not an impossibility.

14 [Pause]

15 JIM NEDELKA: If I might something  
16 on that? The issue really is who decides, whose  
17 mission and ministry is it? The First Amendment  
18 of the Constitution in granting free exercise of  
19 religion, the very first freedom of our nation,  
20 has also said the government shall not establish a  
21 religion, and that means essentially that  
22 government needs to keep its hands off of  
23 religious ministry. Government is not competent  
24 to decide what is the ministry, the mission of a  
25 church and the landmarks process here says that

2 government in effect will restrict the parameters  
3 in which mission operates in order to accomplish  
4 this keeping the building as a museum piece. And  
5 that's precisely what Congress, both in '93 with  
6 the Religious Freedom Restoration Act and in the  
7 year 2000 with our [off mic] the Religious Land  
8 Use Act said is inappropriate--

9 COUNCIL MEMBER BREWER: Okay.

10 JIM NEDELKA: --and the experience  
11 of New York City landmarking in the eighties, in  
12 the seventies was prime testimony in both cases  
13 and that's what caused Congress to act unanimously  
14 or virtually unanimously in both cases.

15 COUNCIL MEMBER BREWER: Okay. I  
16 just I believe that the community, who may or may  
17 not be worshipers at a particular religious  
18 institution also have some say, and we differ  
19 there. And I do think that all missions and all  
20 agendas and all desires can be accomplished, and  
21 so we differ. Thank you very much.

22 CHAIRPERSON LANDER: Council Member  
23 Comrie.

24 COUNCIL MEMBER COMRIE: I will ask  
25 the young lady, what is the difference between--

2 LAURA JERVIS: Thank you, thank  
3 you.

4 COUNCIL MEMBER COMRIE: --the  
5 landmarking of a nonprofit and a church and how  
6 you can obtain the finances to maintain it in the  
7 vis-à-vis of the third time that Council Member  
8 Brewer was saying she has \$20 million so...?

9 LAURA JERVIS: Council Member, in  
10 my day job, I'm the Executive Director of a not-  
11 for-profit organization that has developed 22  
12 buildings in the Bronx and in Manhattan. Whenever  
13 one of our buildings is up for landmarking, we  
14 never resist the landmarking. The reason is  
15 because those buildings were built with public  
16 dollars and with government partnership. That is  
17 not the case with houses of worship. And that I  
18 think is a concept that can be drilled down and I  
19 hope that the Subcommittee will think about that  
20 and will work with some of us who see that  
21 distinction very clearly.

22 COUNCIL MEMBER COMRIE: And as you  
23 know, we can no longer give money to houses of  
24 worship and--

25 LAURA JERVIS: Correct.

2 COUNCIL MEMBER COMRIE: --it was an  
3 issue that I'm in contention with because we have,  
4 as was said earlier, a project that Council Member  
5 Brewer was trying to help with a food pantry  
6 that's taken over seven years because the City has  
7 been inalcitrant and rigid about trying to make a  
8 clear distinction about what that money should be  
9 used for.

10 So we don't--and just to the  
11 general audience, we can no longer give money to  
12 rehab a church because that's not part of what the  
13 OMB is allowing us to do and which I think is a  
14 dire mistake and will come back to haunt us and we  
15 need to work on changing that language.

16 So I just want to be clear that we  
17 don't have that 20 million that Gale keeps  
18 alluding to would not be any City Council money,  
19 it would definitely be money that she would raise  
20 through the help of her community. Thank you, Mr.  
21 Chair.

22 COUNCIL MEMBER BREWER: Just so you  
23 know, the money is coming from OMB to do the food  
24 pantry, sir, just so you know.

25 [Off mic]



2 MALE VOICE: --Christmas.

3 CHAIRPERSON LANDER: I also just  
4 want to flag so that folks who are not here  
5 usually at our Subcommittee understand that our  
6 typical situation is actually considering  
7 individual homeowners, who certainly the City has  
8 not put any money into and that the challenge that  
9 I think we face on a regular basis of how we  
10 preserve the treasure that is New York City's deep  
11 and rich history in relationship to a wide range  
12 of owners is a complex one.

13 And I mean I want to thank  
14 everybody here today because I think you're  
15 hearing the debate and the richness of the detail  
16 and I don't think it's as simple as have we put  
17 public money in or not, or what is easily the  
18 mission of the owner or not. So I mean I think  
19 that what we do is we try to listen as carefully  
20 as we can and weigh the landmarks law. So I want  
21 to thank this panel for the time and for your  
22 presentation and for the thoughtful answers to  
23 questions and call the next panel.

24 This panel is in favor of  
25 designation: Michael Henry Adams, Franny

2 Eberhart, Thomas Vitullo Martin, Dr. Kenneth  
3 Kelner, and Margaret Orr Thomas.

4 And they will be followed by Hope  
5 DeRogatis, Diego Hugo Meneses, Peter Salwen,  
6 George Todd, and Philip Newell.

7 [Pause]

8 [Off mic]

9 CHAIRPERSON LANDER: Okay. Thank  
10 you, okay, okay.

11 [Off mic]

12 CHAIRPERSON LANDER: I'll put you  
13 on the next panel in opposition, Ms. Thomas.

14 [Pause] All right, so we'll have four on this  
15 panel and I'll put you first on the next one.

16 [Pause]

17 Go ahead, you can begin.

18 MICHAEL HENRY ADAMS: Good  
19 afternoon, Council Members, my name is Michael  
20 Henry Adams and I'm here representing State  
21 Senator Bill Perkins, who once had the privilege  
22 of serving in this body and serving on this  
23 committee.

24 In his district, the 30th State  
25 Senatorial district, there are many houses of

2 worship which have been replaced by condominiums,  
3 some of them condominiums which are half empty and  
4 on the other hand that terrible, dire statistic of  
5 all of these incredible churches destroyed to  
6 build condominiums, some of which are half vacant  
7 is countered by another reality in our community  
8 of houses of worship which have gone out and done  
9 this thing which Mr. Comrie seems to think is  
10 difficult to do and raised millions of dollars  
11 with the help of elected officials and private  
12 foundations to restore their incredible houses of  
13 worship. The efforts of Seventh-day Adventist  
14 Church on Lenox Avenue, the Mount Morris Park  
15 Presbyterian Church, these churches would not be  
16 able to be restored had they not been landmarked.  
17 And this is really what's at issue here, what  
18 would our city be like without landmarking? Where  
19 are the legions of vacant, crumbling landmarked  
20 churches which have been not able to fulfill their  
21 mission because of the onerous imposition of  
22 landmarking?

23 And conversely, if landmarking is  
24 such a burden for churches which pay no taxes,  
25 then what about private homeowners who do pay

2 taxes, who work hard to preserve their buildings,  
3 who are able to maintain their mission of taking  
4 care of their families, of taking care of their  
5 communities, and still are landmarked? This is a  
6 false issue.

7 The landmarks law is on trial here,  
8 it's been upheld by the Supreme Court three times,  
9 and it should be upheld by the City Council of the  
10 City of New York. Thank you.

11 CHAIRPERSON LANDER: Thank you.

12 FRANNY EBERHART: Next.

13 CHAIRPERSON LANDER: Go ahead.

14 FRANNY EBERHART: Thank you. My  
15 name is Franny Eberhart, I am a parishioner at the  
16 Church of the Holy Trinity and I speak for myself,  
17 not for the church, but I speak with experience  
18 dating back to 1971 in helping to care for this  
19 landmark building, and I can speak to some of what  
20 Council Member Brewer was raising about how do we  
21 do this.

22 In my experience, taking care of a  
23 building like ours is tough, not because it's a  
24 landmark, but because it's old and prosecuting our  
25 mission in the building is not because--it is

2 difficult, not because it's a landmark, but  
3 because nonprofit missions caring for the poor and  
4 the hungry and children and the elderly is  
5 difficult in our society period.

6 And I agree with Council Member  
7 Comrie, I'm sorry he's not here to hear me say  
8 that, that we do need to give support on both  
9 levels.

10 In our case, the buildings make our  
11 mission possible. We have done a tremendous  
12 amount of work on it so that we can have 365 day  
13 shelter in the basement every single night of the  
14 year, so we can have our soup kitchen on Saturday,  
15 so we can have our rehearsal groups bring culture  
16 to our neighborhood on the 1st Avenue and 88th  
17 Street in Yorkville. We absolutely do not feel a  
18 conflict between building and mission, we think  
19 they serve each other.

20 In the years that I was first  
21 getting involved in the church, we raised about  
22 \$900,000, and I'm talking about the 1980s--so what  
23 does that translate into these dollars, I don't  
24 know, but quite a lot--to try to work on the  
25 essential systems of the building so that we could

2 keep the doors open for our faith community and  
3 for our mission. No one's telling us what to do,  
4 we're a landmark, we're doing what we believe we  
5 need to do as Christians. That money, almost half  
6 of that money was private money, that came from  
7 foundations.

8 Since then, there have been a bunch  
9 of other programs, including the Landmarks  
10 Conservancy's program that you heard about. The  
11 state has grants of, I believe, up to \$350,000.  
12 And again, addressing Mr. Comrie's concerns, they  
13 have worked out the way that state money can go to  
14 religious buildings.

15 So there are solutions and there  
16 are places like mine that make it work. Thank  
17 you.

18 CHAIRPERSON LANDER: Thank you.

19 THOMAS VITULLO MARTIN: Hi, I'm  
20 Thomas Vitullo Martin, I was one of the founders  
21 of Friends of West Park and its co-chair for seven  
22 years. I am also the Executive Director of the  
23 Belnord Landmark Conservancy, which was across the  
24 street from the church, the building. The  
25 Belnord's a landmark building and I've been

2 Executive Director there for 30 years.

3 I really don't want to speak to the  
4 merits of the church's landmarking, because I  
5 think that case is well established. I do want to  
6 inform the Committee of some of the background of  
7 the community's involvement with this and we'll  
8 start this way.

9 In 2003, Reverend Brashear signed  
10 an alteration permit for West Park before the  
11 buildings department that outlined the complete  
12 demolition of the building. That permit was found  
13 to be defective, a stop work order was put on it.  
14 The community rallied around to --the first time  
15 the community heard of this and actually the first  
16 time many members of the church had heard of this.  
17 The community rallied around the building to help  
18 it, that's why Friends of West Park, with a very  
19 deliberately chosen name, was formed.

20 Friends of West Park put together  
21 pledges of more than \$4 million for the  
22 preservation of the church. The church denies  
23 this from time to time, but the fact is, the two  
24 neighboring buildings took votes of their co-op  
25 shareholders on the matter and made the pledge and

2 two developers, one Extell, which is Gary Barnett,  
3 and the other Jack Rudin, who lives on the street,  
4 each pledged \$500,000 with Rudin making the pledge  
5 in my presence to Mr. Brashear, or to Reverend  
6 Brashear and to the leaders of the New York  
7 Presbytery at a meeting.

8 So there is a background to this  
9 part of it. We brought together partners from the  
10 community who would be willing to share the  
11 rebuilding of the church--I can see your--okay.  
12 We brought together three partners, the church  
13 found reason not to go with any of them, but I  
14 think the bottom line of this is that the  
15 community has made extraordinary efforts to work  
16 with the church. At this point, if the Council  
17 votes against this landmarking, the church will be  
18 torn down.

19 CHAIRPERSON LANDER: Thank you.

20 DR. KENNETH KELNER: Mr. Chairman,  
21 my name is Dr. Ken Kelner, I'm a physician, I live  
22 on West 86th Street.

23 I feel bad that most of the  
24 committee is gone, so I hope that the message that  
25 we're giving you will be told by you to them.



2                   One of the most important things  
3           that I want to say is a little known and lost fact  
4           which took place when the head of Richmond  
5           properties, the developer for this now widely  
6           discussed project which fell apart, met and spoke  
7           in front of the housing committee of the Community  
8           Board 7 in 2007 and he said in response to a  
9           question that he could not guarantee that the  
10          entire structure would collapse if a piece of the  
11          building, meaning the Eidlitz building, the site  
12          where development was being contemplated, that if  
13          that part was removed that the whole thing might  
14          collapse. And so I think that that is something  
15          that people don't really want to pay attention to.  
16          To alter this building in such a substantial way  
17          would probably cause or at least possibly cause  
18          the building to collapse.

19                   Another point that I want to bring  
20          up is the church itself commissioned a report by  
21          professor Marvin Weaver, who was--and he's no  
22          longer alive--the Director of Preservation for  
23          Columbia University School of Architecture.  
24          Professor Weaver said that the oldest part of this  
25          building, the part that was at one point scheduled

2 for development, was actually built in 1853. If  
3 that is true, and there is some debate about it,  
4 that would make this building the oldest building  
5 on the Upper West Side.

6 We are in a historic building right  
7 here, City Hall. What if City Hall had been  
8 allowed to fall into disrepair? Would we now  
9 knock down part of it in order to save the rest of  
10 it? Or would we realize that this is a historic  
11 landmarked site that needs to be preserved? I  
12 have one last thing.

13 CHAIRPERSON LANDER: Thank you, I'm  
14 sorry, but we've got to still have many, many  
15 people signed up to testify, so I really thank you  
16 for your time, I promise you that we're listening  
17 and we'll convey to our colleagues. So thank you  
18 very much for your time, I appreciate it.

19 The next panel is in opposition,  
20 I'm going to switch it slightly because I had  
21 already called Margaret Orr Thomas, but had  
22 mistakenly identified her as in favor. Margaret  
23 Orr Thomas, Hope DeRogatis, Diego Hugo Meneses,  
24 Peter Salwen, and George Todd, oh, and I called  
25 Philip Newell, so I will do six on this panel.

2 The following panel in favor will  
3 be Lindsey Allison, Ken Kelner, Mosette Broderick,  
4 Cristiana Pena, and Bruce Simon.

5 [Pause]

6 Oh, okay, oh, all right, so we  
7 don't have to have to Ken Kelner go [off mic].

8 Okay. Go ahead when you're ready.

9 [Pause] Push your button there, thank you.

10 REV. MARGARET ORR THOMAS: I'm the  
11 Reverend Margaret Orr Thomas and I am here to read  
12 into the record of this hearing the action of the  
13 Presbytery of New York City.

14 The Presbytery is the regional  
15 ecclesiastical body of the Presbyterian Church USA  
16 in the five boroughs of this city made up of 97  
17 congregations. The Presbytery has a government  
18 body made up of peers. Half of us ministers and  
19 half Elders, folks that are often called laity.  
20 We are a connectional church, not a hierarchical  
21 church and we are not absentee.

22 Reading then from the minutes of  
23 the January 26, 2010, meeting of the Presbytery of  
24 New York City: Whereas, the designation of the  
25 church building as a New York City landmark

2 imposes a substantial burden on the ability of  
3 members of West Park to exercise their religion,  
4 irreparably impairs the free exercise rights of  
5 West Park and its congregants under the First  
6 Amendment and the West Park congregation's ability  
7 to return to worship and work in historic home and  
8 causes catastrophic economic loss and damage to  
9 West Park and the New York City Presbytery;

10           Whereas, this action by the LPC  
11 discriminates against West Park and treats the  
12 church on less than equal terms than other  
13 persons, religious entities or non-religious  
14 entities under like or similar circumstances; and

15           Whereas, the LPC has failed to  
16 address whatever concerns it may have with  
17 alternative course of action that would have a  
18 lesser effect on the First Amendment rights, both  
19 free speech and free exercise of religion of West  
20 Park, as well as its rights under the Religious  
21 Land Use and Institutionalized Persons Act and  
22 under state law.

23           Therefore, we the Presbytery of New  
24 York City condemn this action by the Landmarks  
25 Preservation Commission that forces landmark

2 status upon the West Park Presbyterian Church  
3 building against the will of the congregation.  
4 Thank you very much.

5 CHAIRPERSON LANDER: Thank you.

6 HOPE DEROGATIS: Good afternoon, my  
7 name is Hope DeRogatis, I joined West Park Church  
8 in 1981 when my son was a year old and he grew up  
9 in this loving and diverse congregation.

10 The purpose of West Park is to  
11 worship and glorify God and to respond to God's  
12 love by caring for all people. For Presbyterians,  
13 the church is the people who have been called to  
14 serve others as Christ did. In the building is a  
15 location for worship and, like our lives, the  
16 building is a resource for serving God.

17 West Park has always had an open  
18 door on 86th Street. Anyone was welcome to bring  
19 their concerns to Philip or Ermias or one of our  
20 pastors and they would be welcomed and heard and  
21 hopefully not as alone anymore. Realities would  
22 be discussed, plans would be made, and  
23 relationships had begun. It is this life and  
24 community that landmarking will end.

25 On behalf of our congregation, I

2 ask that each member of this committee recognize  
3 that a vote to landmark our building impedes our  
4 efforts to be faithful to God's call, our freedom  
5 to practice our faith, our right and  
6 responsibility to use our building to fulfill our  
7 mission, and also our ability to continue as a  
8 congregation.

9 Laura Jervis mentioned that her 22  
10 buildings that she has built came out of her  
11 ministry to serve the elderly at West Park Church.  
12 I would also like to mention that along with being  
13 the first mainstream Protestant church in the  
14 United States to welcome GLBT people to full  
15 ordination in the church, we also began an  
16 organization called Point of Encounter, which has  
17 been working with immigrants and non-immigrants in  
18 our neighborhood and has taken for five years  
19 people from this community, from other cities and  
20 from our congregation to work in Brazil with  
21 projects serving children that are developed by  
22 people in Brazil and we would like to continue our  
23 work. Thank you.

24 CHAIRPERSON LANDER: Thank you.

25 DIEGO HUGO MENESES: Good morning,

2 my name is Diego Hugo Meneses, this meeting  
3 represent the reality to those who assume that the  
4 historical and worldwide struggle for the  
5 fundamental religious and human right is dead,  
6 that there is no longer [off mic] and that all  
7 human principles and value in favor of the  
8 oppressed people no longer exist. As Christians,  
9 we are conscious that we will always have poor  
10 people among us and we as West Park Church are  
11 accomplishing the mission of feeding the poor.

12 Because of this, we are being  
13 persecuted and humiliated. Worldwide the church  
14 has had financial problems and lack of resources.  
15 Especially those that have been alongside with the  
16 poor. But we also know that if we were the  
17 American International Group and we declare  
18 ourselves in bankruptcy, the political power  
19 always will come running to us to our rescue and  
20 bailout.

21 Understandably, we do not serve the  
22 large corporations, we serve God, the community,  
23 and the poor. We are a minority church from [off  
24 mic] buildings and impassioned political leaders  
25 bothered by the existence of homeless persons in

2 our church. As we are the ones that [off mic].  
3 And only because some of the wealthy neighborhoods  
4 feel threatened by the [off mic] they are trying  
5 to impose confiscation of our church by using you,  
6 the body of the City Council. What a difference  
7 would it make if the energy used against West  
8 Park, it is used to the eradication of poverty.

9 This form of subversive  
10 confiscation abusing the prominent and honorable  
11 [off mic] of landmarking should be denied and  
12 condemned about all because especially in this  
13 case the percent of [off mic] indignation and  
14 humiliation against our small, humble, and  
15 peaceful congregation be the glory to God. Thank  
16 you.

17 CHAIRPERSON LANDER: Thank you.

18 GEORGE TODD: Can you hear me?

19 Yes.

20 [Crosstalk]

21 GEORGE TODD: I'm George Todd, I  
22 had been Executive Presbyter for New York City  
23 Presbytery and it's a hundred or so congregations  
24 in the five boroughs. Now Presbytery Executive  
25 Emeritus and I'm thanking you for letting us speak



2 this morning.

3 To reiterate what's been said about  
4 religious buildings, housing congregations for the  
5 worship of God to meet the demands of faith for  
6 exhibiting love and serving human need and in  
7 working for the causes of justice. And we've  
8 heard a list of a lot of the ways this church has  
9 been involved in doing that especially from you  
10 this morning.

11 I wanted to skip things that have  
12 already been said by mentioning--

13 CHAIRPERSON LANDER: Thank you.

14 GEORGE TODD: --that about four  
15 years ago I had occasion to ask a prominent [off  
16 mic] real estate and philanthropist in New York to  
17 consult with us about four different buildings,  
18 and I'm not saying his name because I didn't ask  
19 him if I could quote him, but I think you may  
20 guess who it is. But anyway, he looked at these  
21 four buildings, and it included West Park Church.  
22 Well I should say he was the one who played a  
23 major role in what happened in the landmarking on  
24 Eldridge Street. And that church, that synagogue  
25 ended up with the congregation ceding its

2 ownership of that property to a foundation, an NGO  
3 that has made that into this splendid resource for  
4 theater and cultural events in New York City. As  
5 part of the deal, the congregation got a small  
6 space over in part of the building for their  
7 continuing worship. And I don't think that's a  
8 very good example for what we're talking about  
9 here today.

10                   Anyway, he looked at these four  
11 buildings and gave us good advice [off mic] he  
12 said, you don't need to worry about landmarking  
13 for this building, the West Park Church, and he  
14 said no, no, no, this building is not  
15 aesthetically or architecturally a building that  
16 calls for that kind of landmarking. One of the  
17 churches he thought was and maybe it will be one  
18 day.

19                   But I thought that it was  
20 interesting in relation to the testimony we've had  
21 here that this person who helped found the  
22 landmarking commission and for the first years of  
23 the commission was chair of the commission made  
24 that testimony about this building.

25                   I'll take [off mic] blow the--

2 CHAIRPERSON LANDER: Thank you.

3 GEORGE TODD: --whistle when I'm  
4 done, am I done? Okay.

5 CHAIRPERSON LANDER: Thanks very  
6 much, yes, I'm sorry, luckily Christian is back  
7 and helped us, we got the clock fixed but we were  
8 down for a little while. So thank you, thank you  
9 for your testimony. I'm sorry, there's one more  
10 member of the panel.

11 PHILIP NEWELL: Yeah, Philip  
12 Newell.

13 PETER SALWEN: Hi, I'm--

14 CHAIRPERSON LANDER: Oh, two more  
15 members of the panel, I'm sorry, go ahead. Go  
16 ahead.

17 PETER SALWEN: I'm Peter Salwen,  
18 I'm an enthusiastic New York City  
19 preservationists, a big booster of LANDMARK WEST!  
20 and I consider the West Park Church an  
21 architectural treasure. I'm also the author of  
22 Upper West Side Story: A History and Guide and in  
23 that book I applauded the designation of Upper  
24 West Side landmarks and even declared that I would  
25 like to see every brick and stone preserved as it

2 is.

3 But with West Park, we're looking  
4 at a building that is literally dissolving in the  
5 rain. Thirty years ago, the façade bore a clearly  
6 legible inscription: not by might, nor by power,  
7 but by my spirit saith the lord of hosts. It's  
8 now totally weathered away, along with hundreds of  
9 other carved details that gave the building its  
10 character and beauty. It's a building that  
11 urgently needs repair, and I believe that the  
12 Richmond proposal offered remarkably sound and  
13 sensitive solution. It would have protected and  
14 preserved the best part of the building, and it  
15 would've supported a church organization that's a  
16 vital part of our community. I find it hard to  
17 imagine a better outcome than that.

18 If ever a case could be made for  
19 flexibility, I believe this is it. By all means,  
20 designate the sanctuary and the bell tower,  
21 they're a gem, but permit demolition and  
22 redevelopment of the smaller, relatively  
23 undistinguished portion of the building. Thanks  
24 to the odd and repetitive configuration of the  
25 1894 design, from across the street it really

2 looks like you're looking at two separate  
3 buildings side-by-side.

4 I think that this presents almost a  
5 unique opportunity for a real win-win outcome,  
6 that would have been I believe a thoroughly  
7 satisfactory solution for everybody.

8 [Off mic]

9 [Pause]

10 PHILIP NEWELL: Mr. Chairman, I am  
11 Philip Newell, I was interim pastor of West Park  
12 Presbyterian Church 10 years ago. The first week  
13 I assumed the presiding over searching for a new  
14 pastor who turned out to be Reverend Brashear, a  
15 woman walked in off the street with a large chunk  
16 of red sandstone and said this almost fell on me,  
17 that was 10 years ago. This building, this  
18 building begs, begs for redevelopment.

19 All cultural and religious  
20 institutions are fragile and need to be tended.  
21 Many mainline so called Protestant and Roman  
22 Catholic denominations are downsizing in cities,  
23 are downsizing their buildings, are downsizing  
24 their real estate. Every congregation, especially  
25 in our tradition, should be left alone without

2 bureaucratic imposition of handicaps to the  
3 fulfillment of their changing mission. All  
4 institutions need to be flushed, they need to be  
5 re-examined, they need to be brought up to the  
6 contemporary calls and response to the community  
7 needs. This is an outstanding example, the  
8 congregation needs to be left alone without  
9 bureaucratic imposition of handicaps.

10 The fulfillment of the mission of  
11 the church may result in a very different  
12 configuration, but where are the landmark churches  
13 that are falling apart? At 86th and Amsterdam.

14 CHAIRPERSON LANDER: You have a  
15 question, Council Member?

16 COUNCIL MEMBER BREWER: Very  
17 quickly. For the folks from the Presbytery, I  
18 think if this building is landmarked and if the  
19 local congregation wants to continue and if the  
20 community is willing to put whatever it costs into  
21 it, would that be permissible?

22 REV. MARGARET ORR THOMAS: I don't  
23 think it's possible to make a statement on that in  
24 advance, it would depend on the particulars of the  
25 circumstances, but I think we would have serious

2 questions about the right of the Presbytery to,  
3 and other congregation, to maintain the full  
4 integrity of there being a church and the question  
5 would arise certainly as to how the additional  
6 money might help with that, and if it did, might  
7 well be received.

8 GEORGE TODD: Yes, I think that  
9 that certainly may be thinkable, but I'd like to  
10 point out that it's been six years and more since  
11 that sandstone started to come down and the  
12 scaffolding had to be about 10 years, Phillip  
13 says, and the congregation has struggled for that  
14 whole 10 years and especially over the last six  
15 years to figure out how to do exactly what you're  
16 saying, and had reached a solution to that before  
17 the issue of landmarking came up. And the  
18 solution that was worked out with a developer was  
19 to raze the back part of the building and to build  
20 another building there, which incidentally was  
21 pictured in magazines, architects drawings, as a  
22 wonderful example of beautiful architecture.

23 COUNCIL MEMBER BREWER:  
24 [Interposing] I'm familiar with that, I just, I  
25 know that and I was more supportive and others of

2 that--

3 GEORGE TODD: Yeah.

4 COUNCIL MEMBER BREWER: --but that  
5 is no longer on the table, so I--

6 GEORGE TODD: [Interposing] Yeah,  
7 it's not on the table because of the threat that  
8 the building being landmarked, which caused the  
9 developer then to say I don't want to get mixed up  
10 with landmarking and the whole thing fell apart--

11 COUNCIL MEMBER BREWER: Okay.

12 GEORGE TODD: --at that point.

13 COUNCIL MEMBER BREWER: All right,  
14 thank you very much.

15 CHAIRPERSON LANDER: Thanks very  
16 much to the panel for your time. Council Member  
17 Brewer, your--

18 MALE VOICE: Can I take a--

19 CHAIRPERSON LANDER: --Upper West  
20 Siders are living up to their reputation for  
21 intelligence and passion and have actually been  
22 bringing up, I think, consistently on both sides,  
23 new and compelling points. That said, let me let  
24 everyone know we have more than 30 people still  
25 signed up to testify, so to the extent that you



2 are saying something that you believe has been  
3 well said by one of your neighbors before, if you-  
4 -we'll continue to give everyone two minutes, but  
5 if it's possible for people to voluntarily shorten  
6 their testimony and present us with written  
7 testimony, we will get to everyone who's on the  
8 list, we would appreciate it.

9 So the next panel is Lindsey  
10 Allison, Mosette Broderick, Cristiana Pena, Bruce  
11 Simon, and Tammi Colichio. Let me count, I'm  
12 sorry.

13 [Pause]

14 Go ahead as soon as you're  
15 situated, thank you.

16 [Pause]

17 Go ahead.

18 BRUCE SIMON: Good afternoon and  
19 thank you very much for this opportunity. My name  
20 is Bruce Simon, I'm a West Sider, have been for 50  
21 years, 20 blocks south of the church.

22 With all that has been said, I  
23 think it's important to note that you do not write  
24 on a clean slate. We have heard a good deal of  
25 passion, we've heard a great deal of fervor from a

2 variety of religious leaders who in effect are  
3 asking you to reverse or to ignore the New York  
4 Landmarks Law and the fact that the law and its  
5 application to religious institutions has been  
6 approved by the highest courts of the State of New  
7 York and by the Supreme Court of the United  
8 States.

9                   With all due respect to the  
10 integrity of this panel, I suggest to you that it  
11 is not your role to re-examine whether or not the  
12 public policy of the state and city of New York,  
13 as expressed in city legislation and in state  
14 legislation and approved by the courts, should be  
15 modified in the way that the religious leaders  
16 would ask you to modify it. They are clearly  
17 unhappy, they've been unhappy for 45 years with  
18 the fact that there is a broader public policy  
19 expressed by the law of the state and the police  
20 power of the state that the protection of  
21 landmarks, whether they be secular, whether they  
22 be religious is in the public interest of the  
23 people as a whole of the city and state of New  
24 York.

25                   When I say you do not write upon a

2 clean slate, the government has established in  
3 furtherance of that public policy an independent  
4 expert administrative agency which makes  
5 determinations as to whether or not buildings  
6 deserve landmark status. That agency, the  
7 Landmarks Preservation Commission, voted  
8 unanimously that it did. The City Planning  
9 Commission, given a review function, voted  
10 unanimously that it did. That is the record  
11 before you, there is nothing that has been said  
12 this morning, this afternoon that contradicts that  
13 basic public policy or the expert action of the  
14 agencies determined by the law to rule upon them.  
15 Thank you.

16 CHAIRPERSON LANDER: Thank you.  
17 And I know it's been a while, but you've done very  
18 well so far respecting each other and listening to  
19 each other, so let's keep it up.

20 MOSETTE BRODERICK: Hello, my name  
21 is Mosette Broderick, I am the Director of the  
22 Urban Design Program at New York University in New  
23 York, and I've just begun a new program in London,  
24 which will start this fall, which will be an M.A.  
25 Program and just what we're talking about today,

2 adaptive reuse of existing buildings so that they  
3 can be made profitable in our day and age.

4 As you know, we've had a tough time  
5 coming to realize this in the United States, but  
6 tearing down a building is one of the major  
7 reasons why there's a big carbon footprint over  
8 our heads. Tearing down buildings and building  
9 new ones is intensely damaging to the environment.  
10 Isn't it better to modify the buildings with some  
11 perhaps new construction around them, but modify  
12 the buildings and adaptively reuse them so that  
13 they're a vibrant part and a moneymaking part of  
14 the community as it now stands.

15 By seeing what's done in other  
16 countries where they've been dealing with this  
17 issue for decades, we'll be able to have a trained  
18 corps of people who can go in, look at West Park,  
19 and figure out a way to make it viable for the  
20 21st century.

21 There's been absolutely no question  
22 raised here about the landmark status of this  
23 building. Every single architectural historian in  
24 New York City has spoken out and has sent a  
25 representative or a letter in favor of this

2 designation. As Mr. Simon says, this is a  
3 landmark decision, the Landmark Commission as it  
4 exists now has made very little new landmarks in  
5 the last 16 years. The fact they actually got  
6 pressured into doing this shows how important this  
7 building is. There's no question about its  
8 landmark status and worrying about a hardship is  
9 something that should be done after it's confirmed  
10 as a landmark.

11 The last thing I want to say is  
12 simply that an economic project for--or an  
13 economic proposal for making West Park work is  
14 difficult and it's hard, it's hard to get the  
15 people to cooperate to do it. It's much easier to  
16 say knock it down and do a 22-story building  
17 that'll make money, that'll keep the money for a  
18 period of time. It's harder to raise it in dribs  
19 and drabs, but maybe in this era we don't even  
20 have people who are likely to want to come to a  
21 new large tower built on the site. We've got a  
22 surplus of apartments, let's see if we can't make  
23 a solution work. Thank you.

24 TAMMI COLICHIO: Good afternoon, my  
25 name is Tammi Colichio, and I'm an Upper West Side

2 resident and I'm here to say that I wholeheartedly  
3 support the designation of West Park Presbyterian  
4 Church as a New York City landmark for the very  
5 reasons that the other supporters here today have  
6 stated. Thank you.

7 LINDSEY ALLISON: My name is  
8 Lindsey Allison, I work for Assembly Member Linda  
9 Rosenthal, who is in Albany at the moment and  
10 couldn't be here to give this testimony, but I  
11 will be giving it in her place and I'll be making  
12 it a little bit shorter, but the full written  
13 testimony has been submitted to the committee.  
14 And it's been a pleasure listening to everyone  
15 over the last few hours, just to lend our support.

16 Good morning, I'm Assembly Member  
17 Linda Rosenthal and I represent the Upper West  
18 Side of Manhattan and parts of Clinton/Hell's  
19 Kitchen. I'd like to thank Chairman Lander and  
20 the Subcommittee on Landmarks and Public Siting  
21 for the opportunity to offer testimony on LU 60,  
22 the consideration of landmark designation of West  
23 Park Presbyterian.

24 As one of Manhattan's most  
25 historically and architecturally distinguished

2 buildings in one of the most beautiful religious  
3 structures on the Upper West Side, the Landmarks  
4 Preservation Commission approved designation on  
5 January 12th after nearly a year of consideration,  
6 City Planning Commission also approved the  
7 application on March 10th, and similarly Community  
8 Board 7 approved the application on November 7th,  
9 with 24 votes in favor.

10 Andrew Dolkart, the eminent  
11 historian, has pointed out that the bold massing  
12 of this Romanesque revival style building, the  
13 soaring tower anchoring the corner of Amsterdam  
14 Avenue and West 86th Street, and the extraordinary  
15 deep red sandstone cladding combined to create a  
16 building of singular power. And unfortunately,  
17 the church has been closed for some time now and  
18 is currently in a state of disrepair. The size of  
19 the congregation has significantly decreased and  
20 is now comprised of a few dozen people.

21 Due to the instability of the West  
22 Park structure, the congregation now worships at a  
23 church on 86th and West End. The church is in  
24 need of millions of dollars in renovations to  
25 maintain the structure, an estimated 2.8 million

2 for façade repairs and 8 million for comprehensive  
3 restoration. However, a diminishing congregation  
4 and overwhelming financial burdens have led the  
5 church to pursue other means of gaining the  
6 financial resources necessary for restoration.

7 I've been involved in this issue  
8 for some years now. During this time I've heard  
9 from a broad swath of my constituents, as well as  
10 Community Board 7 and thousands of letters  
11 requesting landmarking. While I am loathe to  
12 interfere with the wishes of the church  
13 congregation and impose the government's wishes  
14 upon them, I do feel inaction up to this point has  
15 led to the current decline of the building.

16 I strongly urge the committee to  
17 vote in favor of the designation and I appreciate  
18 your consideration of my testimony.

19 CRISTIANA PENA: Good afternoon, my  
20 name is Cristiana Pena, I'm here today wearing  
21 several hats. Personally, as the Director of  
22 Community Outreach for LANDMARK WEST!, as a  
23 graduate of the Columbia University historic  
24 preservation masters program, and as a resident of  
25 the borough of churches, Brooklyn, which seems



2 appropriate today, and personally, I strongly  
3 support the designation of West Park Presbyterian  
4 Church.

5                   But I'm also privileged to present  
6 to you today for the record the statements of nine  
7 others who are unable to be here themselves today,  
8 but who very strongly and passionately support the  
9 designation of this church. I'd like just to read  
10 their names for the record, please. Gene Norman,  
11 former Landmarks Preservation Commission chair and  
12 resident of the Bronx; the Reverend Dr. Thomas  
13 Pike, a former New York City Landmark's  
14 Commissioner and former rector of Calvary St.  
15 George's Episcopal Church in Manhattan; the  
16 Preservation League of New York State, Barry  
17 Bergdol, the Philip Johnson Chief Curator of  
18 Architecture and Design at MoMA and professor of  
19 architectural history at Columbia University; the  
20 Reverend Steven Garmie, former vicar of Calvary  
21 Church on Park Avenue in Manhattan; Andrew Scott  
22 Dolkart, Director of the Historic Preservation  
23 program at Columbia University and the James  
24 Marston Fitch professor; Herbert R. Broderick,  
25 associate professor of Art History at Lehman

2 College; the Women's City Club of New York; and  
3 finally, David Dunlop. Thank you very much.

4 CHAIRPERSON LANDER: Thank you.

5 And I'll just let the record reflect we have those  
6 written statements here being entered for the  
7 record, so--

8 CRISTIANA PENA: Thank you.

9 CHAIRPERSON LANDER: --thank you  
10 very much for your time.

11 All right, the next panel is  
12 Samantha Santiago, Margaret Scott, Jim Wadsworth,  
13 Rev. Alistair Drummond, and Miriam Shelton, and I  
14 recognize some people may have left, so I may add  
15 a few more if we don't wind up--

16 [Off mic]

17 [Pause]

18 CHAIRPERSON LANDER: Okay. So  
19 we'll Barbara Michaels to the panel. [Pause] Oh  
20 wait, I thought--are you Ms. Michaels?

21 [Off mic]

22 CHAIRPERSON LANDER: I have you and  
23 you're in favor, so why don't you wait for the  
24 next panel, I apologize. Let's go ahead with  
25 these and then we'll go from there. So thank you.

2 Please begin and go ahead and introduce yourself  
3 for the record, thank you.

4 SAMANTHA SANTIAGO: Hi, my name is  
5 Samantha Santiago. I've been a member of the  
6 church now for all 21 years of my life and I plan  
7 on continuing to be so.

8 West Park has been my home, it has  
9 been a very strong influence on the woman that I  
10 am today, and it's very real when we tell you that  
11 to landmark our church against our will, will  
12 remove us from that church. It is a foundation,  
13 it's part of our roots, and more than just mission  
14 and being who we are in a society that lets us be  
15 who we want to be. And it's a shame that they  
16 would force us to do something that we don't want.  
17 And that's it.

18 CHAIRPERSON LANDER: Thank you.

19 REV. ALISTAIR DRUMMOND: I'm  
20 Alistair Drummond, Rev. Alistair Drummond, Pastor  
21 of West End Presbyterian Church, which is 19  
22 blocks further up on 105th Street on the same  
23 Avenue as West Park Church.

24 Chairperson and Members of the  
25 Council, thanks for the opportunity to speak to

2 you and present a word of testimony.

3 I believe that it's a  
4 mischaracterization of the debate here to say that  
5 it's a debate between mission versus buildings.  
6 And there's several other characterizations that  
7 have been off the mark in the testimony this  
8 afternoon. It's not mission versus buildings as  
9 Council Member Brewer has suggested, it's mission  
10 versus mission. And in the whole effort to  
11 landmark, we have to understand that that's a  
12 mission, it's a mission statement about the  
13 buildings that congregations are occupying.

14 There are lots of faith communities  
15 represented here in the course of our gathering  
16 today and from many different denominations,  
17 denominational entities represented because the  
18 religious community across the board recognizes  
19 there's something really critical happening in  
20 this particular case--first time in 20 years that  
21 a church has been designated or proposed to be  
22 designated against the wishes of the congregation.

23 There are legal precedents in  
24 recent years on the upper courts of the country  
25 that could look at this very differently if the

2 matter went through the courts to the Supreme  
3 Court level, and there are all sorts of  
4 possibilities of legal challenge. But for now, I  
5 think it's important to say that, yes, some  
6 congregations do want to work with their buildings  
7 as they are and then there is no conflict between  
8 mission and mission, but when there's, as in this  
9 case, the mission of the congregation is clearly  
10 not to retain the whole entire structure in the  
11 form that it's in. It's a mission against mission  
12 debate and it should be the congregation that can  
13 determine its own mission and how it should be  
14 furthered.

15 CHAIRPERSON LANDER: Thank you.

16 MIRIAM SHELTON: I'm Miriam  
17 Shelton, I'm a member at large of the Presbytery  
18 of New York City. My contact with West Park has  
19 largely been through a research project that I did  
20 as a student at the city university. And I have  
21 basically three comments to make that are relevant  
22 to this issue.

23 One is that the mission of West  
24 Park is a particularly unique mission. Even  
25 though it's a very small congregation, it has

2 carved out for itself, a multicultural approach to  
3 mission and a particular attitude toward working  
4 with the homeless that is I would say almost  
5 unequaled in the city. So that if this church has  
6 to be closed down because it can't afford to  
7 support the building, as has been said, these  
8 programs will not be reproduced anywhere else,  
9 they do not exist, it's a particular mission.  
10 It's not just one more church of the Presbyterian  
11 group.

12 The other thing I want to say is  
13 the visual issue. I live, not in the immediate  
14 neighborhood, but about 20 blocks north of the  
15 church and the church happens to lie on a rather  
16 bleak square box street. If you look at 86  
17 without West Park, it would indeed look like a  
18 little Lego street. This means that the, I think  
19 one of the big motivating forces is the  
20 disproportionate role that has been given to  
21 buildings that--churches or other religious  
22 buildings in upholding the beauty and the  
23 aesthetic and the historic tradition, etc., all  
24 the motivations for landmarking. And this is  
25 disproportionately falls on this. I talk to slow

2 to make my third point, so I'll let it go.

3 CHAIRPERSON LANDER: Thank you very  
4 much. I'm going to invite Holly Nedelka if she's  
5 still here to join the panel, Reverends Bagnwolo  
6 and Father Duffell or Dufel have had to leave, so  
7 this will be the...

8 HOLLY NEDELKA: Oh, excuse me.

9 [Pause] Thank you very much for this opportunity.  
10 My name is Holly Nedelka, I'm a Presbyterian  
11 Elder, and as I understand it, this is our public  
12 opportunity to voice our statements, not that this  
13 is a done deal, that it's already been decided by  
14 the Council Members or anyone else that it will be  
15 landmarked, but that it's open to public  
16 discourse, conversation, and debate. And also  
17 that it's my right to have these two minutes to  
18 speak, so within that, I would ask us all to pray.

19 Let us pray. Thank you Jesus for  
20 bringing us here today and the Holy Spirit for  
21 guiding us as a group of people concerned about  
22 the church, about its life, about its building.  
23 Give us new inspiration and new hope to go  
24 forward. Amen.

25 Now whether that made you feel

2 comfortable or uncomfortable, I don't know, I only  
3 know it's my freedom of speech that allows me to  
4 do that, doesn't it? I would also like to say, it  
5 seems to me that we're all in agreement here that  
6 we want to save this church--both the building and  
7 the people, we just need to find a way that will  
8 work for everyone. Not for one group or another,  
9 not about the money or lack of money or the  
10 recession or not the recession. Previously, an  
11 architect talked about how we did have a plan and  
12 if you look at the pictures, when you get an  
13 opportunity, you will see that we kept it looking  
14 exactly the same, look at it, this is the project,  
15 this is not the past, this was our future. It's  
16 exactly the same.

17 People somehow have been taught to  
18 think or been led to believe that we were going to  
19 raze the building itself, tear it down completely,  
20 and put up some kind of a high-rise, we're not, we  
21 never did want to do that. What we wanted to do  
22 was build something that would work for everybody  
23 and can allow us to continue the mission and the  
24 work that we do as Presbyterians.

25 Now, again, I would like to call



2 your attention to the fact that we have these  
3 freedoms. Why? Because we're in the United  
4 States of America. Why? Because this system of  
5 government is set up based on, guess what, the  
6 Presbyterian Church's system. And guess what  
7 else, freedom of speech, freedom to dissent,  
8 freedom to have conversation, and freedom to make  
9 choices. Let's make a choice against landmarking  
10 so that we have an opportunity to work together,  
11 and I would also ask that if you have a plan,  
12 Councilman Brewer, I would like to see it that has  
13 \$2 million or \$10 million. I would like to see  
14 it, I have never seen any such plan from either  
15 you or the Friends of West Park or any other group  
16 from that neighborhood and community. Thank you.

17 CHAIRPERSON LANDER: Thanks very  
18 much. I'm going to call up the last two opponents  
19 of the project that have registered to testify.  
20 Father Duffell and Valerie Campbell, and after  
21 that we'll turn to the remaining stack of  
22 supporters.

23 MALE VOICE: Mr. Chairman, Reverend  
24 Bagnwolo had to leave. Today is Tuesday, as you  
25 know, and Ray is the pastor of Jan Has

2 Presbyterian Church on East 74th. On Tuesdays  
3 they feed over 100 homeless people at a sit down  
4 dinner for the homeless and he had to leave to  
5 prepare that with his staff, so he has asked me to  
6 speak on his behalf.

7 Again, my name is--

8 CHAIRPERSON LANDER: [Interposing]  
9 I'm sorry, we'll be glad to have his testimony,  
10 but we don't allow individuals to read for others.

11 MALE VOICE: All right, thank you  
12 very much.

13 CHAIRPERSON LANDER: I thank you, I  
14 apologize.

15 VALERIE CAMPBELL: Good afternoon,  
16 my name is Valerie Campbell and I am special  
17 counsel with Kramer, Levin, Naftalis, and Frankel.  
18 We're land use counsel to the West Park  
19 Presbyterian Church.

20 With all due respect, we submit  
21 that the church's designation as a New York City  
22 individual landmark will not result in the  
23 preservation of the building but will actually  
24 hasten its decline. History has shown us that the  
25 designation of a severely deteriorated building

2 when there are no available resources for  
3 restoration and repair can lead to unintended  
4 results. Indeed, the calendaring of the church  
5 building last year caused their development  
6 partner to withdraw from the scheme that would  
7 have preserved the main church sanctuary, the bell  
8 tower, and the roof line, as well as provided the  
9 resources needed for the restoration of a majority  
10 of the church building.

11 The church building suffers from  
12 structural and mechanical system deficiencies,  
13 water damage, and serious deterioration of its  
14 masonry facade and stained glass windows. These  
15 physical conditions have made it impossible for  
16 the 100-member congregation to continue to worship  
17 in its historic home and have already severely  
18 impaired its ability to fulfill its religious  
19 mission.

20 In the present state of the  
21 building, scaffolding has been erected to protect  
22 pedestrians from unstable masonry, the roof is in  
23 urgent need of total replacement, and the  
24 congregation has devoted scarce resources just to  
25 keep the building free of mold. Even without

2 designation, the financial burden of simply  
3 maintaining the building in its current state  
4 threatens the continued existence of this historic  
5 congregation. It has been estimated that it will  
6 cost in excess of \$11 million just to restore the  
7 building's crumbling masonry facade. There are  
8 simply no funds available for this work.

9 Moreover, all of the condition assessments stress  
10 the need for immediate repairs and stabilizations.

11 Designation has already halted the  
12 church's efforts to generate a development scheme  
13 that would allow it to make the repairs required  
14 in order for it to return to its place of worship.

15 CHAIRPERSON LANDER: Ma'am, can I  
16 ask you to conclude?

17 VALERIE CAMPBELL: Sure. I did  
18 want to speak to, you know, I think we've talked  
19 about how the church has been working, first with  
20 the Friends of West Park, then with the developer.  
21 There has been a suggestion that they can find a  
22 solution under the appropriateness standard of the  
23 New York City Landmark Law. I would suggest that  
24 neither the Friends' solution or the Richmond  
25 solution would have been found or could be found

2 appropriate by the Landmarks Commission because  
3 they involved demolition of a portion of the  
4 church. And I don't think the hardship  
5 application really helps the church, it's  
6 extraordinarily expensive, time consuming, and  
7 it's almost always litigated. So we feel that  
8 designation has ensured that the immediate future  
9 of the building will be that of continuing  
10 deterioration and it has unnecessarily complicated  
11 the congregation's search for a solution. Thank  
12 you.

13 CHAIRPERSON LANDER: Thank you.

14 FATHER JOHN DUFFELL: I'm Father  
15 John--oh, I guess I have to press the button. I'm  
16 Father John Duffell, I'm the pastor of the Roman  
17 Catholic Church of the Ascension on West 107  
18 Street in Manhattan.

19 I am delighted to be here to hear  
20 Gale Brewer becoming a Republican more and more  
21 with the passage of every moment, it's just  
22 shocking.

23 The question here, I think is  
24 whether or not the government has a right to tell  
25 a congregation what it can do and can't do in

2 terms of its ministry, and you're saying--if you  
3 landmark this building, you're saying that its  
4 whole purpose is just to maintain the building  
5 from then on. There's nothing else that can be  
6 done.

7 I was impressed by the Universalist  
8 minister's statement, although I see that building  
9 more as a country club now, I mean, that's where  
10 you go for dinners at night, right in the  
11 sanctuary really. It's not really a place of  
12 worship anymore, at least as I can see, and I'm  
13 not too sure about whatever other ministries might  
14 go on there.

15 I was struck by the woman from Holy  
16 Trinity. Holy Trinity, it's an estate on 88th  
17 Street and 1st Avenue, there's room to do all  
18 sorts of things there.

19 This particular congregation, you  
20 know demographics change. On the west side of  
21 Manhattan, there are seven Presbyterian churches  
22 between 72nd Street and 116th Street, but the  
23 Presbyterians--and large numbers of Presbyterians  
24 left and there are smaller congregations and all  
25 of them with specific ministries and they want to

2 maintain their churches in particular ways. And  
3 this is an effort really to stop them from doing  
4 that.

5 My skepticism comes out, I think,  
6 it's still much more people want to maintain their  
7 views and that's why they opposed the Richmond  
8 project. They really kind of just were self-  
9 concerned, at least that's how it appears to me  
10 sometimes. The Friends of West Park were much  
11 more self-interested, I believe.

12 There was a project or a proposal  
13 that would have done a great deal to enhance the  
14 building, enhance the ministries, and also provide  
15 housing for people that perhaps were of less  
16 economic background as the people there. That's  
17 what has happened, it's an unfortunate.

18 I think a solution would be, Gale  
19 says that she can produce 20 million. All right,  
20 don't do anything until Gale gives \$20 million to  
21 Reverend Brashear and he can put it in the bank,  
22 and when he can put that money in the bank, not  
23 pledges, I mean, I've heard about 400 million or  
24 40 million, I've heard that line, that number  
25 bounces up and down all the time. Not a penny--

2 Bob, has any money come your way?

3 [Crosstalk]

4 CHAIRPERSON LANDER: --Father, I'm  
5 sorry.

6 FATHER JOHN DUFFELL: Okay. I  
7 know, but it would be nice for us to really  
8 respect the right of religious congregation and  
9 respect the rights of religion. We want  
10 separation of church and state. All of a sudden  
11 people on the West Side, God help us, are praying  
12 that the state can get involved with religion.

13 CHAIRPERSON LANDER: Thank you very  
14 much for your time.

15 FATHER JOHN DUFFELL: You're  
16 welcome.

17 CHAIRPERSON LANDER: We have 26  
18 people--

19 FATHER JOHN DUFFELL: [Interposing]  
20 Gale wants to answer me.

21 CHAIRPERSON LANDER: --still--

22 COUNCIL MEMBER BREWER: I do  
23 'cause--

24 CHAIRPERSON LANDER: I'm sorry,  
25 Council Member Brewer, as we call her from--



2 COUNCIL MEMBER BREWER: --I love--

3 CHAIRPERSON LANDER: --this side of  
4 the dais has been recognized.

5 COUNCIL MEMBER BREWER: --Father  
6 Duffell and he's a Republican if I'm a Republican.  
7 My question is this really--

8 FATHER JOHN DUFFELL: [Interposing]  
9 They'll take you, but not me.

10 COUNCIL MEMBER BREWER: Well I want  
11 you to know that you should go on Sunday, Reverend  
12 McNatt has an active congregation on 76 and  
13 Central Park West at the church 'cause I've been  
14 there many times.

15 [Crosstalk]

16 FATHER JOHN DUFFELL: [Interposing]  
17 I'm really occupied on Sunday mornings, but I do  
18 go there, I have had--

19 COUNCIL MEMBER BREWER: I--

20 [Crosstalk]

21 FATHER JOHN DUFFELL: --a great  
22 prime rib.

23 COUNCIL MEMBER BREWER: --I know,  
24 but we've done both, but I'm just saying that she  
25 has an active congregation there. I just want to

2 ask one question. The \$20 million, and I really  
3 want to be very clear on this, comes about when  
4 the entire community is working together and the  
5 only way they're going to do that, Father, is if  
6 it is landmarked. And I do believe that when it  
7 is landmarked we will be able to work together so-  
8 -

9 FATHER JOHN DUFFELL: [Interposing]  
10 You'll landmark it and walk right away from it.

11 COUNCIL MEMBER BREWER: I don't--

12 FATHER JOHN DUFFELL: No, Gale, not  
13 you personally, but all, there's--

14 COUNCIL MEMBER BREWER: --I don't  
15 agree with you on that.

16 FATHER JOHN DUFFELL: --a lot of  
17 talk, but no action.

18 COUNCIL MEMBER BREWER: I know my  
19 community and I don't believe that. So I just  
20 want to say that's where the money comes.

21 FATHER JOHN DUFFELL: Okay.

22 COUNCIL MEMBER BREWER: Thank you,  
23 and I adore you.

24 CHAIRPERSON LANDER: Thank you very  
25 much. So we have 26 remaining people who have

2 signed up to testify in favor of the project. We  
3 will sit here and listen to all of you if you  
4 choose to testify. If your goal was to be  
5 registered as in favor for the purposes of the  
6 numbers that we keep, every one of you will be  
7 registered in favor and you don't need to come  
8 read your testimony to have that happen, you can  
9 leave it and we'll count the numbers. So I'm  
10 going to go ahead and read, but if you choose to  
11 say thank you and pass, you'll be duly noted as  
12 being in favor. And if you do choose to testify,  
13 if you can, present it as briefly as you can if  
14 you're not raising a new point.

15 So let me call the next panel.  
16 Susan Nial, Young Joo Shin, Lisa Aiba, and Marie  
17 Worrans, Worasd, Worazh, and Peggy Rosenthal.

18 [Pause]

19 SERGEANT-AT-ARMS: No question,  
20 that's done.

21 [Pause]

22 [Off mic]

23 CHAIRPERSON LANDER: We'll try to  
24 get you on the next panel. So if we begin with  
25 this panel, we'll have a lot better chance of

2 doing it, ma'am, I apologize. Let's begin this  
3 panel--

4 [Off mic]

5 CHAIRPERSON LANDER: --and I'll  
6 ask--we've already called it so...

7 [Pause]

8 [Off mic]

9 CHAIRPERSON LANDER: We'll get you  
10 on the next panel if you can just sit down there  
11 for a minute, thank you. Go ahead.

12 SUSAN NIAL: Okay. Okay. I just  
13 had a few points that I wanted to make. My name  
14 is Susan Nial, and I'm here as a member of the  
15 board of Friends of West Park, but I'm also here  
16 as just an Upper West Sider.

17 There's been a lot of talk about  
18 mission and religious freedom etc. in the  
19 opposition presentations and I think it's  
20 unfortunate that there seems to be a  
21 misunderstanding of landmarking. Landmarking does  
22 not tell people how to worship, it does not tell  
23 people how to exercise their religious freedoms,  
24 rather what it does is exercise a police power in  
25 an evenhanded way and so there is no

2 constitutional infirmity. Even the statutes that  
3 have been discussed were enacted to in fact stop  
4 discrimination in large part against small, shall  
5 I say, discriminated against congregations of  
6 unusual or unaccepted religions and that was  
7 mostly the testimony before Congress. So we are  
8 not talking about a situation where someone's  
9 worship and exercise rights are going to be  
10 interfered with.

11 Second of all, I think that  
12 unfortunately, there has been a misunderstanding  
13 with the parishioners that somehow people do not  
14 want them in the neighborhood, that is, in fact,  
15 not the case. Friends of West Park wants to work  
16 with the parishioners, with the church to keep it  
17 in situ and by landmarking it, you give Friends of  
18 West Park and the entire community a seat at the  
19 table, something we have not had up until now.

20 And so I beg you, I urge you to  
21 confirm this landmarking decision by the LPC so  
22 that we can have a substantive and active seat at  
23 the table. Thank you.

24 PEGGY ROSENTHAL: My name is Peggy  
25 Rosenthal, I've lived on 86th Street since 1976,

2 I've lived next door to the church since 1986. I  
3 know that you don't need me to tell me what your  
4 job is, so I'm not going to go there. You do not  
5 need me to discuss the impact on the neighborhood,  
6 you already know that.

7 What I don't know is what facts you  
8 have before you, I am not the person to deliver  
9 them, but I would urge you to get these facts. A,  
10 the number of congregants over the last 30 years  
11 of West Park Presbyterian Church, the endowment  
12 over the last 30 years of West Park Presbyterian  
13 Church, the so-called mission that they have  
14 performed over the last 30 years. To my personal  
15 knowledge, the only intelligent financial decision  
16 they have ever made is to buy the apartment that  
17 Reverend Davison was living in at 151 West 86th  
18 Street when that building went co-op. The only  
19 hope that this church has of surviving is to allow  
20 and to work with the community that totally  
21 supports them in both building and in mission.

22 What I have observed personally is  
23 that there is a gap the size of the Atlantic Ocean  
24 between the stated mission and the actual mission.  
25 I would very much like to help them perform their

2 actual mission. Thank you.

3 YOUNG JOO SHIN: My name is Young  
4 Joo Shin, I am a member of the first Baptist  
5 Church of 79th Broadway and also I am Associates  
6 in the Harlem School of the Arts for 25 years.  
7 And today I came to hear, I heard them, all of us  
8 saying I'm the owner, owner. I think an owner is  
9 only one God, he's the owner, we are stewardship,  
10 we take care of that. Especially West Park  
11 Presbyterian Church, that is planned by the God  
12 from the beginning. So we inherited that  
13 building, we take care of that, we are not  
14 transfer the other properties to some purpose,  
15 economic reason, there is nothing belonging to  
16 connection with that.

17 I'm sure that that church must be  
18 make landmark and the worshipper coming worships,  
19 all the worshipers serving to the community. Do  
20 not destroy it, do not landmark [off mic] move our  
21 forefather have given us.

22 Also, we believe in God, we also  
23 believe people [off mic] people call it principle  
24 also. So there is no ownership, ownership is only  
25 one God, we are the stewardship, we take care of.

2 My simple heart is that we make landmark the  
3 church and we make a whole benefit to the  
4 spiritually and physically. We can not bring all  
5 of the world's problem bring into West Park  
6 Presbyterian Church. God given us a special way  
7 that purpose. We can use that purpose, more  
8 purpose, we have to use that way. That's why I  
9 share with [off mic] my testimony. Thank you so  
10 much.

11 LISA AIBA: Good afternoon, my  
12 name's Lisa Aiba, I am a community--I live in the  
13 Upper West Side, in fact, I live at the Belnord,  
14 which is a landmarked building, which sits  
15 directly across from the church. I am here in  
16 support of landmarking this church.

17 And I have to say that the comment  
18 that was made previously about the church looking  
19 like a Lego type of accoutrement on the corner is  
20 as far as one could get if you live in that  
21 neighborhood. It really does send a special  
22 message for us who live in it, as does as the  
23 Belnord. And with raising three children in this  
24 neighborhood, I feel particularly blessed that we  
25 have such buildings for our children still to look



2 at versus the very, I should say, bland tall  
3 condominiums that tend to be going up in these  
4 days.

5 It's a part of our history and I  
6 know for one as a parent and as a community  
7 member, it would be a sad day to see that building  
8 razed no matter what part. Thank you.

9 MARIE WOROZH: My name is Marie  
10 Worozh, and I've lived in the building very near  
11 the church for 50 years. I must say that the  
12 church is a landmark of the West Side. When you  
13 look up 86 Street, it would be nothing without  
14 this open space, this sudden sunny airy, blue area  
15 and this magnificent architectural historic site  
16 that greets your eyes.

17 When I came this morning in front  
18 of the City Hall it struck me that how wonderful,  
19 here we are looking at this magnificent building  
20 that is part of the history of New York, how  
21 delightful that it's still here. I have the same  
22 feeling about the church on the corner of 86 and  
23 Amsterdam. And what a pity it would be to see any  
24 of it destroyed when the architect who did the  
25 church was a famous architect, he wasn't just an

2 unknown, and he was also the architect who was so  
3 important that he did the state assembly building  
4 of the New York State building in Albany.

5 CHAIRPERSON LANDER: Thank you very  
6 much for your testimony and your time and your  
7 patience. We've been joined by Council Member  
8 Maria del Carmen Arroyo from the Bronx, welcome.  
9 Thank you very much to the panel.

10 And Council Member, would you like  
11 to cast a vote on LU 81, the J and K buildings in  
12 CAMBA?

13 COUNCIL MEMBER ARROYO: Yes.

14 CHRISTIAN HYLTON: Council Member  
15 Arroyo.

16 COUNCIL MEMBER ARROYO: Aye.

17 CHRISTIAN HYLTON: Vote stands five  
18 in the affirmative, none in the negative, no  
19 abstentions.

20 CHAIRPERSON LANDER: Thank you very  
21 much. I just want to affirm, hopefully this is  
22 right and if it's not, please speak to the  
23 Sergeant-at-Arms that the following people will be  
24 registered in favor, but are not going to speak:  
25 M. Katherine Williston, Laura Ludwig, Madeline

2 Polayes, and Batya Lewton. If I'm not correct,  
3 please speak to the Sergeant, but if I am, thank  
4 you.

5 And the next panel will be Barbara  
6 Michaels, Veronica DeBerardine, Howard Zar, Eve  
7 Sinaiko, and Elizabeth Manus. [Pause] You can go  
8 ahead and begin and just begin by stating your  
9 name for the record, thank you.

10 BARBARA MICHAELS: I need my--

11 [Off mic]

12 BARBARA MICHAELS: Yes, I will. My  
13 name is Barbara Michaels, I'm a historian of art  
14 and architecture, but I appear today as much or  
15 perhaps more as a life long Upper West Sider.  
16 Last summer, I traveled four hours, interrupting  
17 my vacation, to tell the Landmarks Preservation  
18 Commission how passionately I believe that the  
19 West Park Presbyterian Church deserves to be  
20 declared a landmark, to be saved and preserved in  
21 its entirety. I'm appalled at the thought that  
22 this building might be truncated, removing any  
23 part of it would be tantamount to vandalism.

24 I grew up around the corner from  
25 the church at 150 West 87th Street, I have been

2 admiring the church for more than 65 years. If  
3 you saw the church in the sunlight as I did the  
4 other day, you too would marvel at the building's  
5 beautiful form and the way that its terra-cotta  
6 tones break up the grayness of its surroundings.  
7 This church is a landmark in every sense of the  
8 word. It is a distinctive and distinguished  
9 building that plays a starring role in our  
10 community. It would be a stand out in any  
11 community.

12 I urge you to endorse the wise  
13 landmarking of West Park Presbyterian Church. And  
14 thank you.

15 CHAIRPERSON LANDER: Thank you.

16 VERONICA DEBERARDINE: My name is  
17 Veronica DeBerardine, thank you for the  
18 opportunity to speak.

19 The West Park Presbyterian Church  
20 is not part of the fabric of my faith, but it is  
21 part of the fabric of my life. I have been an  
22 Upper West Sider for 20 years and have lived in  
23 three different apartments, all within a five  
24 block radius of the church. I pushed my  
25 daughter's strollers through its doors for her

2 toddler gym program. My daughter also informs my  
3 support of landmarking this building because my  
4 daughter goes to--both of my children go to faith-  
5 based schools. My daughter goes to a faith-based  
6 school in two landmark former mansions here in New  
7 York City. She learns in a building that did not  
8 have computers and smart boards and biology labs,  
9 but it does now, and she worships in a room that  
10 was formerly a dining room, but is now a chapel.

11 So I think the community can work  
12 together with the protection of landmarks to serve  
13 the mission of the church and to also serve the  
14 community so that this beautiful building will be  
15 here for our children to enjoy as well. Thank  
16 you.

17 EVE SINAIKO: My name is Eve  
18 Sinaiko, I'm a 35-year resident of the Upper West  
19 Side. I'd like to thank the committee for your  
20 stamina. This is the end of a very long period in  
21 which we've all put a lot of work in.

22 I have no ties to the church, I'm a  
23 private citizen, but I'm here to say, in part in  
24 response to one of the previous testimonies that I  
25 for one will work very hard, I will volunteer my

2 time in fundraising. I think I speak for a lot of  
3 people in the community that if the building is  
4 landmarked we will not abandon the congregation to  
5 deal with it on their own. I have no connection  
6 to Friends of West Park or those other movements.

7 I hope that in your concern for the  
8 rights of the owner, you won't forget the voice of  
9 the community which has a hard time being heard,  
10 but we're losing our important and beautiful  
11 buildings, both by demolition and also by  
12 incremental destruction, and once these buildings  
13 are gone, they're gone forever. Without  
14 landmarking, the community loses its voice.

15 If the Church of St. Paul and St.  
16 Andrew in West End had not been landmarked, they'd  
17 have torn it down and built a commercial  
18 development there. Instead, they stayed in their  
19 home.

20 So I see landmarking as a wonderful  
21 collaborative process and not a threat, and I ask  
22 you please not to reverse the landmark status of  
23 West Park. Thank you.

24 CHAIRPERSON LANDER: Thank you very  
25 much for your testimony. We'll next call Virginia

2 Parkhouse, Robert Cane, Jeff Sholeen, Laura Radon,  
3 and Mark Diller. And followed by, or if several  
4 of them don't come, Ed Torres and Calla Wright.

5 [Pause] We're getting close.

6 [Off mic]

7 CHAIRPERSON LANDER: No, in favor,  
8 everyone left is in favor.

9 [Pause]

10 CHAIRPERSON LANDER: Yes, I called  
11 Robert Cane. Go ahead, you can begin.

12 JEFF SHOLEEN: Should I start?  
13 Okay.

14 CHAIRPERSON LANDER: Yes, please.

15 JEFF SHOLEEN: Good afternoon,  
16 Council Members, I'm Jeff Sholeen, President of  
17 the Metropolitan Chapter of the Victorian Society  
18 in America. Founded in New York City in 1966, the  
19 Victorian Society in America is dedicated to  
20 fostering the appreciation and preservation of our  
21 19th-century heritage as well as that of the early  
22 20th century--1837 to 1917. The Metropolitan  
23 Chapter, oldest of numerous chapters now  
24 flourishing throughout the country, is an  
25 independent organization affiliated with the

2 national society.

3 We urge the City Council to confirm  
4 landmarking of West Park Presbyterian Church as  
5 designated by the Landmarks Preservation  
6 Commission, approved by the Department of City  
7 Planning, and supported by Council Member Gale  
8 Brewer, Community Board 7, and countless  
9 neighborhood residents.

10 West Park Church is one of New  
11 York's most interesting and significant historic  
12 churches, a fine example of the Richardsonian  
13 Romanesque mode, West Park Presbyterian Church is  
14 a commanding red sandstone-walled complex with a  
15 strong rockface stones laid up in a random pattern  
16 and having deep joints. The church's tall  
17 monumental tower with its long lancet windows,  
18 corner turrels [phonetic], and high shingled roof  
19 grandly climaxes the complex. Although  
20 Manhattan's Upper West Side has several  
21 historically and architecturally significant  
22 churches, West Park Presbyterian Church is  
23 distinctly different in appearance and design. To  
24 quote the American Institute of Architects Guide,  
25 it is, "one of West Side's loveliest landmarks".



2 It needs to be protected and should  
3 not be destroyed or subject to inappropriate  
4 abortions. We urge the City Council to confirm  
5 landmark designation of this extraordinary and  
6 important church. Thank you for your  
7 consideration.

8 MARK DILLER: Good afternoon, my  
9 name is Mark Diller, I'm a member of Community  
10 Board 7 and I'm on its Preservation Committee, but  
11 perhaps more relevant today, I'm also a worshiper  
12 in an Upper West Side church that's also going  
13 through the landmark process and who holds its  
14 property in trust for a diocese.

15 I asked to speak today because the  
16 First Amendment's been discussed quite a bit and  
17 my public school education taught me that the  
18 First Amendment has two prongs: I believe it  
19 reads that Congress shall make no law respecting  
20 the establishment of religion or the free exercise  
21 thereof. The free exercise clause is the portion  
22 of the First Amendment we've heard a lot about  
23 today, but the establishment clause also plays a  
24 role here. The principal argument that we have  
25 heard today is that the mission of the church, the

3 free exercise of the pursuit of those beliefs,  
4 requires that landmarking not take place. In  
5 effect, they're asking for a content-based or  
6 mission-based exemption to the landmark laws--that  
7 gets awfully close to the establishment clause  
8 prohibition against favoring religious  
9 institutions.

10 What's more, the arguments  
11 concerning mission form another dangerous  
12 precedent in that the--what is a mission? The  
13 mission is translating a set of faith believes  
14 into action in a community. As St. Francis of  
15 Assisi once said, preach the gospel every day,  
16 when necessary, use words. What we're working  
17 with here is an argument that says that the  
18 mission in service to a community should be exempt  
19 from that community's laws and mores. The balance  
20 that's struck between the free exercise clause and  
21 the establishment clause is reflected in this law.  
22 For example, you cannot landmark the interior of a  
23 church, only its exterior. This shows a careful  
24 balance that's been approved by the courts and  
25 should not be overturned for a religious or any  
other purpose. The balance is already there, the

2 building is worthy of designation. And my time is  
3 up. Thank you.

4 VIRGINIA PARKHOUSE: Hello, my name  
5 is Virginia Parkhouse, I'm here individually. I  
6 live in the East Side of Manhattan, and I'm still  
7 in favor of landmarking this beautiful church,  
8 please do so.

9 CHAIRPERSON LANDER: Thank you,  
10 thank you for your brevity.

11 ROBERT CANE: Good afternoon, I'm  
12 Robert Cane, I am an Upper West Side resident and  
13 an architect whose office is several blocks from  
14 the church. And I feel privileged to come to you  
15 today as an architect. I'll make my remarks as  
16 brief as possible because there have been many  
17 eloquent speakers before me who have covered the  
18 ground I had intended to.

19 I come to you as an architect, but  
20 not to diminish the sense of religious mission  
21 which has been eloquently expressed by earlier  
22 speakers nor the equally eloquent pleas you have  
23 heard for creative compromise. This is a building  
24 which is not just for architects and historians.  
25 Anyone who has taken more than a casual look can't

2 fail to be impressed by this powerful, yet  
3 graceful structure. It's beautiful red sandstone  
4 has been shared, shaped, into roughhewn blocks  
5 contrasting with smoothly carved stone details,  
6 such as multiple thin columns and round arches.

7 As you've heard, it was designed by  
8 two architects and built in a five-year span. The  
9 two structures are knit together seamlessly and  
10 appears a balanced, beautiful formal composition.

11 The church marks a pivotal moment  
12 in the history of American architecture when the  
13 French medieval Romanesque style began to supplant  
14 earlier revival styles. These later went on to  
15 influence the work of Louis Sullivan and then  
16 indirectly Frank Lloyd Wright.

17 I'll just conclude by citing words  
18 of two eminent architectural historians whose  
19 names have been mentioned before, Andrew Dolkart,  
20 Director of Columbia's Preservation program. I  
21 thank you for your time. And thank you.

22 CHAIRPERSON LANDER: You can name  
23 the second if you'd like, go ahead.

24 ROBERT CANE: Barry Bergdol, the  
25 Chairman of the Design Department at MoMA.

3 CHAIRPERSON LANDER: Thank you, we  
4 can show some small bits of flexibility--

5 ROBERT CANE: Thank you very much.

6 CHAIRPERSON LANDER: --here so... I  
7 assume that Ed Torres and Calla Wright had to  
8 leave, and so I'm down to the final five. Harry  
9 Kendall, Daniel Allen, Francois--

10 FEMALE VOICE: Francois--

11 [Pause]

12 CHAIRPERSON LANDER: Okay. Joyce  
13 Matz, and Rudy Van Daele. If any of you are here,  
14 please come join our final panel.

15 [Pause]

16 [Off mic]

17 RUDY VAN DAELE: I'll go last.

18 CHAIRPERSON LANDER: Take your  
19 time, please. Yes, no [off mic].

20 [Pause]

21 JOYCE MATZ: All right.

22 [Off mic]

23 SERGEANT-AT-ARMS: Press the  
24 button, sir.

25 DANIEL ALLEN: Thank you. Thanks  
for waiting so long in this hearing. I'm Dan

2 Allen, I'm a preservation architect practicing in  
3 New York City, I'm going to be very, very brief.  
4 I bring you greetings from St. Andrews Church in  
5 Harlem, where we've just completed an over \$1  
6 million slate roof partially funded by public  
7 money. I want to say that it is not easy to  
8 restore complex historic masonry churches, but it  
9 is worth it. Because something is hard, doesn't  
10 mean we shouldn't undertake to do it.

11 I was specifically tasked to talk  
12 about the stone, a lot of people have talked about  
13 how wonderful the stone is, I'm just going to read  
14 one very brief quote, it comes from the Guide to  
15 Building Stones in Boston and Vicinity from the  
16 turn of the 20th century, so we've known about  
17 this for 100 years, it is by the great geologist  
18 Crosby and Loughlin and I won't read the whole  
19 thing, but here's it in brief. In comparison with  
20 Portland stone, the grain is finer and more even,  
21 the color is redder, the color distinction holds  
22 especially for the East Long Meadow quarry. In  
23 fact, this stone more properly red than brown, is  
24 the brightest and handsomest sandstone which has  
25 been extensively quarried in New England. This

2 brightest and handsomest of materials helps make  
3 West Park Church the visual delight that it is.  
4 This church should be designated, honored, and  
5 restored. Thank you.

6 JOYCE MATZ: You can go, it's all  
7 right. Thank you.

8 RUDY VAN DAELE: Hello, my name is  
9 Rudy Van Daele, and I've been living on West 86th  
10 Street since 1984, I've been an active member of  
11 the community, and became a member of the church  
12 in 1996. When I became a member of the church I  
13 worked with Reverend Brashear to create missions  
14 for our community.

15 One of the missions was a Sunday  
16 school program that offered free athletic programs  
17 to the kids of the church and the kids of the  
18 community, a sliding scale tuition program during  
19 the week, and a benefit performance that filled  
20 the sanctuary every year. Part of this mission  
21 was to extend the congregation by welcoming the  
22 community into the church.

23 In 2002 I became a member of the  
24 building committee, and we were faced with a very  
25 basic decision at that point--a total demolition

2 of the church or a preservation option. In 2003,  
3 many members of the church found out that there  
4 was a demolition permit. That made us feel  
5 awkward because we were uninformed and some people  
6 felt that was an indication that there was not a  
7 real effort to make a preservation option and we  
8 started to lose many members of the congregation.

9 In 2005 there was a vote for a  
10 preservation option. Prior to taking the vote,  
11 the session of the church recommended a complete  
12 demolition of the church. I point that out  
13 because at that point if that vote passed, we  
14 wouldn't be here, the church wouldn't exist  
15 anymore. The vote was to save the church, that  
16 vote was taken with 35 members at that point.

17 I bring you this information  
18 because it became a difficult process for me,  
19 there was a lot of information that was not  
20 available to me, I was trying to make decisions  
21 without all of the information and I worked very  
22 hard to try to get that. I also, being a long  
23 time member of the community, I had a lot of  
24 people asking me questions that I couldn't answer.  
25 So I became an advocate for landmarking because I



2 wanted a public forum, an open, transparent  
3 process so that all these things could be brought  
4 out in public and discussed.

5 And I would also very much--the  
6 mission of the church is resolution, I would like  
7 very, very much for the church to get together  
8 with the community, resolve these issues, start  
9 talking with people, not about people, and I think  
10 we might be able to do something. Thank you.

11 CHAIRPERSON LANDER: Thank you.

12 JOYCE MATZ: I'm Joyce Matz, and I,  
13 for many years, was chair of the landmarks  
14 committee of Community Board 5 for about 15 years.  
15 I'm also on the board of a number of preservation  
16 organizations. And I really made an effort to  
17 come today because this is such a great church  
18 that we really don't have to talk about it  
19 anymore. It's a unique, wonderful, magnificent  
20 edifice.

21 But I wanted you to know that I was  
22 among the leaders of the fight to save the  
23 Universalist Church, you heard from Reverend  
24 Berger today, and also of St. Bartholomew's  
25 church. The head of St. Bartholomew's church said

2 there was no way that they could raise money to  
3 save this church. Well they were able to save  
4 both St. Bart's and the Universalist Church, and  
5 the designation of St. Bartholomew's was upheld by  
6 the federal courts. So there's no question that  
7 you can designate a church quite legally. The  
8 Universalist Church now is a healthy organization.

9 Every church can raise money to  
10 restore itself, certainly with the help of the  
11 community and communities want to help. We helped  
12 the Universalist Church and we helped St. Bart's.  
13 So I think that they can be saved, we want to save  
14 them, they're the oldest, most beautiful buildings  
15 in our city and really should be protected. Thank  
16 you.

17 CHAIRPERSON LANDER: Thank you very  
18 much for your testimony. I want to thank a few  
19 people, first, I want to thank everyone who is  
20 here for coming and taking the time to express  
21 your passion, this was, while obviously there's  
22 strong opinions on both sides, something that I  
23 learned a lot from, and so thank you.

24 I want to thank the staff,  
25 Christian, and all the staff of the committee for

2 your time and energy on this, and the remaining  
3 staff of the council who have helped us make it  
4 through this long period of time.

5 The public hearing is closed and we  
6 will vote on this matter at our next meeting and  
7 we're adjourned. Thank you very much. Oh, and  
8 Council Member Brewer, I didn't thank you.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Tammy Wittman

Date April 30, 2010