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MEMORANDUM

DT: February 5, 2010

TO: Hon. Brad Lander, Chair Landmarks, Public Settings, Maritime Uses Committee
Councilperson Maria Del Carmen Arroyo
Councilperson Peter Koo
Councilperson Rosie Mendez
Councilperson Annabel Palma
Councilperson James Sanders, Jr.
Councilperson Jumaane D. Williams

RE: 189 Ocean Avenue, Brooklyn, New York

FR: Steven D. Cohn, Esq., Goldberg & Cohn, LLP
Elliott S. Martin, Esq., of Counsel

The picture of the proposed historic district on the cover of the LPC's Designation Report is worth at least 1,000 words: On the right is a portion of the ensemble of ten (10) beautiful century old Renaissance Revival limestone row houses designed by Axel Hedman, many of whose other creations have been landmarked throughout Brooklyn. These buildings have been preserved as built in 1909. On the far left is 189 Ocean Avenue (the Bernich home), a plain brick building designed by a man named Eric Holmgrom; if the Council sustains the Landmarks decision, this would be the first example of this work to be landmarked. Certainly, subsequent owners of 189 did not think all that much of Mr. Holmgrom's design because in and subsequent to 1941 the building was extensively altered inside and out.

Had the building been preserved as constructed (along with a related structure formerly standing next door) it might just possibly been more than merely pedestrian. However, at this point this home has no special architectural merit. John Young, a professor at Columbia University was asked to provide an expert opinion on whether or not 189 Ocean Avenue should not be designated a landmark. He stated:

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

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

The demolition of 185 Ocean Avenue – the other member of the “pair” referred to – not only removed the last vestige of any basis to landmark 189 Ocean Avenue, it put the Bernich family in a terrible financial fix. The developer of 189 has caused serious damage to the Bernich home and lessened its value. Having it now “frozen” in this degraded state through landmarking would be disastrous to the Bernich family. It should be noted that the demolition of 185 was allowed to occur because in November 2007 the LPC declined a request to even calendar the application for Ocean on the Park when the Commission took the position that the entire proposed district lacked a sufficient sense of place. Less than two (2) years later, without any explanation, the LPC reversed its quite recent precedent by voting to designate. Regardless of the possible merits of LPC’s evolving position regarding the row of ten (10) limestone houses there is no substantive merit to its decision to include 189 in the District.

In this case, LPC’s exercise of its statutory power does not conform with its mission to preserve buildings of extraordinary historic, aesthetic or cultural significance. 189 fits within none of these categories; its inclusion in the proposed district hurts the Bernich family without advancing any common good. There is no basis for this building to be given landmark status and this Committee is respectfully requested to exercise its discretion and deny LPC’s application to do so.

If the Committee requires anything further, we will be happy to provide it.

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 2/8/10

(PLEASE PRINT)

Name: Jenny Fernandez

Address: 1 Centre Street NY 9th floor

I represent: Landmarks Preservation Commission

Address: S/A/A

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Appearance Card

[]

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 in favor in opposition

Date: _____

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Name: Mark Silberman

Address: _____

I represent: Landmarks Preservation Commission

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Fern Bernich
Address: 189 Ocean Ave

I represent: _____
Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Thomas Bernich
Address: 189 Ocean Ave

I represent: _____
Address: _____

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