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**Testimony before the Landmarks Preservation Commission
Re: West Park Presbyterian Church Hardship Application**

I testify in support of preserving West Park Presbyterian Church, located at 165 West 86 Street, New York, NY 10024. The building owner has not demonstrated a financial hardship as required by Section 25-309(2) of the New York City Landmarks Law, and the application must be denied.

Hardship applications are appropriate only in the rare situation in which the landmark has sustained such massive damage that it simply cannot function for its intended use. Here, although in need of repairs, the church continues to function and serve the community. The applicant is seeking to demolish this last-of-its-kind church, not by reason of economic hardship, but rather as an economic opportunity.

The principal basis for the Presbytery's economic hardship application is that the cost of repairing the landmark is so high that the church, however it is used, could never generate a financial return. However, WJE, a nationally recognized engineering firm, and Slocum, a licensed cost estimator, have conducted independent assessments of the church and concluded that the costs of repair are a fraction of what has been represented by the applicant.

WJE, which conducted assessments of both the structural integrity of the church and the condition of its façade, confirmed that the building is in far better shape than has been represented by the applicant. WJE's estimate has been separately and independently corroborated by architect Paige Crowley. The church's insurance carrier has surveyed the church every year and repeatedly issued policies providing coverage – another independent confirmation that the building is structurally sound. By contrast, no independent third party has verified or otherwise corroborated the applicant's assessments.

There is no reason why WJE's opinions should be given less weight than those of the applicant's design team. Quite the contrary, the architect for The Center at West Park is the only design professional who has conducted an up-close visual inspection of the façade using a boom lift. To permit the applicant to have free rein without affording the Center's eminent design professionals to be heard is to deprive the Commissioners of critical information that they need to render a proper and just decision in accordance with Landmarks Law.

If the Commission is to determine that the church is in as poor of shape as the applicant has represented, the hardship should be deemed self-created. The Presbytery cannot obtain permission to demolish the church because it has not been maintained and repaired when it is the Presbytery that failed to maintain and repair it.

For your information, in September 2022, the applicant (or a representative acting on behalf of the applicant) interfered with WJE's boom-lift inspection by arranging for the Department of Transportation (DOT) to revoke the boom-lift operator's permit just as the engineer was about to begin the examination. I had to call DOT for the reinstatement of the permit, and the assessment confirmed that the façade was in much better condition than represented by the applicant.

During a separate site inspection on May 10, 2023, LPC staff facilitated a dialogue between the applicant's design team and three newly appointed Commissioners who were touring the church for the first time. The Center's architect and engineer were at first not permitted to speak. I intervened, asking for equal time for the Center's architect to make a presentation, and permission was granted so that the Commissioners could hear all results of the inspections.

The applicant also argues that the building has ceased to be adequate, suitable or appropriate for carrying out its intended purposes. As you are aware, the church is currently rented and sublet to an assortment of arts and religious organizations that fully utilize its facilities. The sanctuary of the church has been sublet to religious organizations that, for years, have conducted services and other religious rituals on a weekly basis. This is in addition to the readings, musical performances, classes, and other cultural activities that are conducted at the church, not only weekly, but often daily. To suggest that the church is neither adequate, suitable nor appropriate is a complete misapprehension of the law.

Hardship further requires that demolition of a structure commence immediately or promptly. This is not possible in the case of West Park Presbyterian Church for two reasons. First, because the church is owned by a religious corporation, any sale of the property must be approved by the court. The Center's attorneys have searched the docket and have not found any filing by the applicant to obtain judicial approval of the sale. Second, the Center is a tenant with a lease that runs through December 31, 2028. The lease requires the purchaser of the property to take the land subject to the Center's lease and right of occupancy. The Center has the right to remain onsite in the church for another five years. Therefore, the applicant cannot expect to demolish the church "immediately" or replace it with "reasonable promptness" as required by the statute.

On April 7, 2023, Mayor Eric Adams, joined by LPC Chair Sarah Carroll and former DOB Acting Commissioner Kazimir Vilenchik, announced the Vulnerable Historic Buildings Action Plan to "preserve the city's most vulnerable historic buildings." An accompanying LPC press release stated: "While the risk of demolition or deconstruction of landmark designated buildings is very low, LPC and DOB worked together to analyze threats to these buildings and reviewed their policies and protocols to strengthen protections."

Mayor Adams said at the time: "New York City is home to some of our nation's richest history and protecting our most fragile landmark buildings is a crucial way to ensure those stories continue to be told. I am proud of our administration's ability to drill down, locate the gaps in the preservation process, and create a plan to fix it. This action plan will undoubtedly help save the incredible historic buildings that decorate our city."

I commend and thank Mayor Adams, Chair Carroll, and former Acting Commissioner Vilenchik for their commitment to protect vulnerable landmarks—especially West Park Presbyterian Church. The applicant’s hardship application must be denied.