



Reject the Hopper-Gibbons House Application

Statement on behalf of Elected Public Officials
at the Landmarks Preservation Commission
Tuesday, September 20, 2016

I am Assembly Member Richard N. Gottfried. I am speaking on behalf of the local elected officials whose districts include 339 West 29th Street, the historic Hopper-Gibbons House: Congressman Jerrold Nadler, Manhattan Borough President Gale Brewer, State Senator Brad Hoylman, and City Councilmember Corey Johnson, as well as many federal, state, and city colleagues listed below. We urge the Landmarks Preservation Commission to deny the Certificate of Appropriateness application for this historic landmark.

The Department of Buildings, the Board of Standards and Appeals, the New York State Supreme Court, and the Appellate Division, First Department have all rejected the attempt by the owner ("Owner") of the landmarked "Hopper-Gibbons House" to permanently and illegally scar this Chelsea landmark. Now, we ask that the Owner not be permitted to circumvent these rulings and determinations by exploiting confusion that the Owner has apparently attempted to create before the Commission.

The Hopper-Gibbons House is the only documented "station" on the Underground Railroad in Manhattan and was subjected to violence during the 1863 Draft Riots but survived more or less intact. During the Draft Riots, the Gibbons family escaped by running across the uniform roofline of the row houses on the western end of the block, including the roof of the landmark Hopper-Gibbons House. When the Owner illegally altered this house by building a fifth floor, he destroyed one of its most significant features – the uniform roofline.

The the illegal work already done and the proposed alternative scar this historic landmark and the historic district it is part of. This defacing is and will be plainly visible from the public thoroughfare. The building must be immediately restored.

After ten years of stop-work orders, illegal work, losses in Court and failed appeals, the Owner of this building is at, what is hopefully, his last stop: he has applied to the Landmarks Preservation Commission to retroactively approve his illegal rooftop addition and expansion of floor area on two other floors of this Greek Row House in the Lamartine Historic District.

The current application by the Owner falsely states that the rooftop and rear additions were substantially constructed prior to designation. The Owner is disingenuous. Although he began preliminary work prior to designation, the permit upon which the Owner relied to commence that work was revoked long before any substantial construction

was performed (please see photos attached to the testimony of the Friends of Hopper-Gibbons House). The revocation came about after the DOB properly determined that the permit was mistakenly issued in violation of the Multiple Dwelling Law. Thus the permit should never have been issued. When the Owner applied for reinstatement of the permit, the DOB properly rejected the application. And when the BSA sustained the DOB decision and rejected the Owner's appeal, the Owner filed a lawsuit in the New York State Supreme Court, County of New York. Again, the Owner lost. The Owner appealed, and again, the Owner lost, with the Court ruling:

The BSA's determination that, in order to work at the site, petitioner was required to obtain the approval of the LPC, was rational and was not arbitrary and capricious. At the time of the designation of the historic district, the permit previously issued to petitioner had been revoked and there was no permit in place. Thus, pursuant to [Administrative Code of City of NY § 25-305 \(b\) \(1\)](#), petitioner was required to obtain approval from the LPC before obtaining a new permit or a reinstated permit for the work, and the exception outlined in [Administrative Code § 25-321](#) was unavailable.

Notwithstanding the DOB's refusal to reinstate the permit, the BSA's rejection of the Owner's appeal, and the Owner's repeated losses in Court, the Owner nonetheless has continued to perform additional, illegal construction work on the rooftop anyway, triggering multiple complaints and Stop Work Orders, the last of which was issued in February 2010. Now, the Owner is wrongfully mis-advising this Commission that all the work he performed was legal and prior to designation, when, in fact, the lion's share of it was in violation of the DOB and BSA determinations which were subsequently upheld by the Courts.

In addition, the blueprints filed at DOB were inconsistent with those posted at the job site. For example, the owner failed to include his plans for the addition of the fifth floor. The current architectural plans do not make it clear that the fifth story addition is illegal as it was built one year after the building was landmarked. Thus, the Owner has engaged in illegal construction, defacing an historic landmark, and violating DOB determinations, BSA rulings, Court rulings and the Landmarks Law.

The Landmarks Preservation Commission must not allow the Owner to exploit illegal work that would destroy this precious landmark. This historic building must be preserved in its original form.

Mr. Mamounas has had the opportunity to apply for historic tax credits to improve his building, but instead stripped off the original brick and constructed a monstrosity atop his landmarked building.

Furthermore, the new proposal to add a bulkhead to the rooftop to allow for roof access is an insult to the history of this landmark. The proposed bulkhead and roof deck would be out of context with the other row houses along the block. The removal of the illegal fifth-floor addition is long overdue. It is unacceptable to replace this addition with a roof deck and another structure that ruins the historical character of the building.

We ask the LPC to deny this application and to order the owner to remove the illegal fifth-floor addition.

Congresswoman Carolyn Maloney
Congressman Jerrold Nadler
Congressman Charles B. Rangel

State Senator Jesse Hamilton
State Senator Brad Hoylman
State Senator Liz Krueger

Assembly Member Deborah Glick
Assembly Member Richard N. Gottfried
Assembly Member Brian Kavanagh
Assembly Member Daniel O'Donnell
Assembly Member Linda B. Rosenthal
Assembly Member Aravella Simotas
Assembly Member Keith L. Wright
Assembly Member N. Nick Perry

New York City Public Advocate Letitia James
New York City Comptroller Scott Stringer

Manhattan Borough President Gale Brewer

Council Member Margaret Chin
Council Member Robert E. Cornegy, Jr
Council Member Peter A. Koo
Council Member Corey Johnson
Council Member Mark Levine
Council Member Rosie Mendez
Council Member Ydanis Rodriguez
Council Member Debi Rose
Council Member Helen Rosenthal
Council Member Jumaane D. Williams

List in formation