



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**Delores Rubin**  
Chair

**JESSE R. BODINE**  
District Manager

June 3, 2016

Hon. Meenakshi Srinivasan, Chair  
Landmarks Preservation Commission  
Municipal Building, 9th floor  
One Centre Street New York, NY 10007

**Re: 339 West 29<sup>th</sup> Street - Hopper-Gibbons House**

Dear Chair Srinivasan:

On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board No. 4 (CB4), at its regularly scheduled meeting on June 1, 2016, voted, by a vote of 41 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote, to recommend that the Landmarks Preservation Commission (LPC) decline to consider an application for a Certificate of Appropriateness for 339 West 29<sup>th</sup> Street, the Hopper-Gibbons House, until the currently-existing illegal fifth floor is removed as mandated by the Appellate Division of the Supreme Court. The LPC should not be used to cure or overturn this court decision. The building must first be returned to its condition at the time of its purchase by the current owner.

If LPC decides to consider the application, we strongly recommend its denial because the proposed enlargement is out of context with the buildings in the Lamartine Place Historic District in both scale and material, is widely visible and does not conform to setback requirements.

**Background**

The Hopper-Gibbons House was the home of the Quaker Abolitionists Abbey Hopper Gibbons and James Sloan Gibbons, was a stop on the Underground Railroad and was attacked during the draft riots of 1863. It is one of a series of four-story houses on West 29<sup>th</sup> Street designated by LPC as the Lamartine Place Historic District in 2009. In its designation report, LPC wrote, "The row houses standing since the mid-nineteenth century on West 29<sup>th</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues are remarkable for their association with several well-known abolitionist families, for their connection to the Underground Railroad, and for being among the very few documented surviving structures associated with the Civil War Draft Riots of 1863, a pivotal period in New York City history."

The current owner constructed a fifth floor addition to the building without LPC approval, working at times without required permits and in violation of stop-work-orders. In November 2010 the Department of Buildings (DOB) issued a Certificate of Correction ordering the removal of the illegally-built fifth floor addition but to date has failed to enforce its order.

For nearly ten years the fate of the building has been mired in a tangled web of determinations and orders by DOB, the Board of Standards and Appeals (BSA) and LPC, concluding in rulings by the Appellate Division of the Supreme Court confirming that a BSA determination that the illegal fifth floor enlargement must be removed was correctly made.

### **Application**

The current application is for a Certificate of Appropriateness for a newly-designed fifth floor enlargement. The proposed plan shows a design significantly different from the existing illegally-built fifth floor. The south wall is set back seven feet and is steeply sloped, but even so it is highly visible from the street in multiple directions, as well as from buildings to the south. The zinc finish on the proposed cladding is dramatically out of context with the other houses on Lamartine Row. The applicant presents this as a positive attribute in that the enlargement would be distinct from, and not compete for attention with, the historic row. CB4 and others find the juxtaposition of materials jarring and inappropriate. In addition, maintaining the original flat roof is particularly important because it provided an escape route for the Gibbons' daughters as they fled for their lives during the Draft Riots. They ran to neighboring roofs as rioters focused their violence on the house.

Shortly after purchasing the building the applicant removed the existing brick facade and replaced it with stucco. The proposed plan calls for replacing the stucco with brick veneer, restoring the cornice and installing a fire escape.

### **Conclusion and Recommendations**

The Hopper Gibbons House is an historic treasure that deserves to be protected for the benefit of future generations. It is far too important to the history of New York City to be subjected to the violence the current owner has visited on it and which the current application would make permanent.

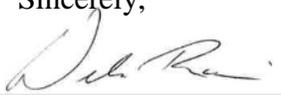
Since purchasing the property, the current owner has shown a continuing and flagrant disregard for permits, stop-work-orders and other procedures that the community has a right to depend on in order to manage orderly development. CB4 believes that the BSA determination that the illegal fifth floor enlargement must be removed, confirmed by the Supreme Court and the Court of Appeals, is definitive and should be implemented.

We therefore recommend that LPC not consider either the current application or any other application for this property until the fifth floor enlargement has been removed. Furthermore, because of the applicant's actions over the years we further recommend that the building be returned to its condition at the time he purchased it before any application be considered.

If, despite our recommendation, LPC decides to proceed with the consideration of the application, we recommend its denial because the proposed enlargement is contrary to basic landmark principles: it is out of context with the Lamartine Place buildings in both scale and material, and it is widely visible. It also does not conform to setback requirements.

We request that LPC put an end to this multi-year effort to subvert DOB, BSA and LPC practice and procedure and confirm the Hopper-Gibbons House in its proper place as an important, cherished historic landmark in its appropriate form.

Sincerely,



Delores Rubin  
MCB4 Chair



John Lee Compton, Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair  
Chelsea Land Use Committee

cc:

Hon. Brad Hoylman, State Senate  
Hon. Richard Gottfried, State Assembly  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Corey Johnson, City Council