



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!
Certificate of Appropriateness Committee
Before the Landmarks Preservation Commission
40 West 106th Street
February 27, 2024**

LANDMARK WEST! is a not-for-profit community organization committed to the preservation of the architectural heritage of the Upper West Side.

The Certificate of Appropriateness Committee wishes to comment on 40 West 106th Street, a Queen Anne style rowhouse designed by C. P. H. Gilbert and built in 1886-87, from within the Manhattan Avenue Historic District. The application is to legalize the installation of a rear deck and stair without LPC permit(s).

The LANDMARK WEST! Certificate of Appropriateness Committee vehemently opposes legalizations of work installed without LPC permits. When property owners ignore the Landmarks Law and building code and make changes without the Commission's guidance and consent, all too frequently, the results are, at best, unremarkable and at worst, destructive. In either case, the practice of legalizing alterations after the fact, in essence, penalizes property owners who often go to great lengths to comply with landmarks regulations by rewarding those who flout the law.

Our Committee believes there is no part of this application that is appropriate for a landmark building. The assembly, which doesn't even have DOB pre-filing, includes an illegally installed balcony deck and metal stairs were first brought to our attention by neighbors, whose vigilance led to a stop work order being placed on this building. The half-installed construction is out of scale for a 16.3'-wide landmark: the amenity patio is unnecessary for egress, and the stair extends too far into the rear yard.

We lament the constant encroachment upon the doughnut in our neighborhood; however, this is one of the most egregious examples we've seen. A unique feature of this small Historic District is the doughnut that functions as a sort of open courtyard. This stair threatens the integrity of this feature, one which neighbors constantly advocate to preserve.

Our Committee believes there is no aspect of this application that should be approved, and we implore the Commission to reject it and wonder if a fine should be imposed. Thank you.