



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

November 8, 2007

Hon. Robert G. Tierney
Chair
Landmarks Preservation Commission
2 Center Street, 9th floor
New York, NY 10007

Re: 339 West 29th Street

Dear Chair Tierney:

Manhattan Community Board No. 4 continues to be deeply concerned about the current situation at the documented Underground Railroad site at 339 West 29th Street. We know that this concern is shared by many people, especially in the Chelsea community, and by many civic organizations and elected officials. Documented sites, as you know, are very rare, and the construction now underway will severely diminish the historic integrity of this one. Underground Railroad sites have been recognized by Federal law as being of major historic and cultural importance, but you are surely aware that these laws are toothless and that nothing can be done under them to preserve sites except with the consent of the property owner.

We are in serious danger of losing 339 West 29th Street. The building that survived the attacks of the Draft Rioters may be made unrecognizable by misguided development. We believe that the Landmarks Preservation Commission is the only body that can save this building, and that it can and must act now.

We are aware that the Commission almost never intervenes to calendar for a designation hearing a location on which work is taking place under valid Buildings Department permits, but whether such work is underway now is highly doubtful. The recent history of work on this site shown on the Buildings Information System is tangled and cluttered with violations and stop work orders. At the time of writing this letter, a stop work order is in effect, having been issued on October 19, 2007, for work contrary to plans in the application.

A major issue is the height of the structure. The Sliver Law and the zoning of R8B both restrict height at the street wall to 60 feet, and the recent interpretation of the Sliver Law issued by the Board of Standards and Appeals makes it clear that no part of the building except permitted obstructions can exceed the 60-foot height above the curb line set by the adjacent narrow street. Drawings from Buildings Department files made available to the Board by Ms. Fern Luskin

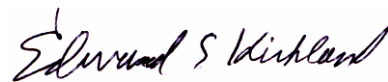
show inconsistent height measurements in the front and back and make it seem impossible that the full upper story shown in these plans can legally be added to the existing structure. It seems unlikely that the plans that have been submitted to the Buildings Department correspond to reality, and apparently not even the plans that have been submitted are being followed. The Board has made several attempts to contact the owner to discuss the issues, but so far we have not been able to get beyond the architect of record, Mr. John Hulme.

It appears that a history of evasion exists in this case. A window of opportunity has been opened. It may be shut at any time. We urge the Commission to act now, before it is too late to save what remains of this precious resource.

Sincerely,



Jean-Daniel Noland
Chair, Manhattan Community Board 4



Edward Kirkland
Chair, Landmarks Task Force

Cc: Mr. John Hulme, R.A.
Electeds
Ms. Patricia Lancaster, Commissioner of Buildings
Municipal Art Society
New-York Historical Society
Historic Districts Council
New York Landmarks Conservancy
Ms. Fern Luskin

Enclosures: Previous correspondence