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Preservation

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June 15, 2012

Hon. Robert Tierney, Chair
New York City Landmarks Preservation Commission
One Centre Street, 9th Floor
New York, NY 10007

Re: 27 East 4th Street DOB New Building Application

Dear Chair Tierney:

I write to express my concern regarding filing procedures for the proposed development at 27 East 4th Street, which had been scheduled for an LPC Certificate of Appropriateness (C of A) public hearing on Tuesday, June 19, 2012.

Though it has been known for a few months that new construction is proposed for this site, according to the Department of Buildings (DOB) website a new building permit application has not been filed as of today. It is my understanding that LPC procedure requires that a DOB application be made first so that an objection sheet can then be presented to the LPC before a hearing is even calendared. The LPC checklist provided to applicants indicates that this objection sheet is, in fact, required for public hearing items. Given this knowledge and the nature of the proposed work, I find it alarming that this procedure has not taken place for 27 East 4th Street. This is especially concerning since the project was originally calendared for a May 8, 2012 public hearing and a DOB permit should have been filed prior to that date.

As you are aware, there are good reasons why an applicant must apply to DOB first. Among these, a DOB application would have to provide documentation for the cellar structure, which in the case of 27 East 4th Street would aid in considering the impact of excavation on the neighboring Merchant's House Museum in LPC review. The DOB objections sheet should also show, in this case, that the proposed development at 27 East 4th Street requires a zoning variance in order to build what the architect's drawings propose.

It is my understanding that the timeframe for a DOB new building application takes at least one month from filing to being assigned to an examiner who then issues the objection sheet. I am concerned that this procedure has not been followed in the case of 27 East 4th Street. No public hearing should be scheduled without the proper documentation in place, and this applicant should be treated no differently than any other.

I hope the Commission will take the appropriate action and ensure that all proper documentation has been filed before a public hearing takes place for this property.

Sincerely,

Andrew Berman
Executive Director

Cc: City Councilmember Rosie Mendez
Commissioner Robert LiMandri, Department of Buildings
Margaret Gardiner, Merchant's House Museum
Frances Eberhart, Historic House Trust
Sean Sweeney, Community Board 2 Landmarks & Public Aesthetics Committee
Simeon Bankoff, Historic Districts Council
Board of 29 East 4th Street