

## At BSA, Friends of Hopper-Gibbons Appeal for Standards

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The future of Manhattan's only documented Underground Railroad Station was discussed on November 20 — when legal representatives, neighborhood residents, students, teachers and historians pleaded their case to the Board of Standards and Appeals (BSA). At stake was the aesthetic and structural integrity of a mid-19th century row house whose recent construction, some say, was done outside of proper legal channels.

Conflict concerning the building first arose in 2006 — when the owner, Tony Mamounas, acquired a permit to build a fifth floor. Opponents maintain the permit was obtained through improper channels, and that construction disrupts the historical significance of the building.

Located at 339 West 29th Street, the Hopper-Gibbons house was inhabited by noted Quaker abolitionists James Sloan Gibbons and Abby Hopper Gibbons — who used the home to host meetings and shelter slaves seeking freedom in Canada.

Led by Friends of Hopper-Gibbons (FOHG) co-chairs Fern Luskin and Julie Finch, a broad coalition of preservationists pleaded their case to the BSA — asserting that the Department of Buildings (DOB) didn't have the legal authority to issue it. They demand that construction cease, and any further action be reviewed by the Landmarks Preservation Commission (LPC).

Assemblymember Richard Gottfried — who testified first on behalf of State Senator Tom Duane, City Council Speaker Christine Quinn and Borough President Scott Stringer — noted that, "Section 310 of the Multiple Dwelling Law (MDL) gives the Board of Standards and Appeals, not the Buildings Department, the authority to waive the requirements of the MDL. It requires that a waiver be based on practical difficulties or unnecessary hardships caused by compliance with the law. The application has failed to meet these thresholds."

Gottfried also cited six violations (including two stop work orders and two revoked permits) and floor plans with incorrect and misleading measurements.

The building owner's lawyer, Marvin Mitzner, pointed out that his client's actions were not done in malice and said the LPC could have followed up years before they obtained the permit.

"They could have landmarked it well in advance," said Mitzner. "Had [the DOB] acted accordingly and not given us the permit, relying on decades of standard practice, we would have been through this process long in advance." He went on to say that his client was not guilty of all these actions.

"He acted in good faith. He obtained a permit. Buildings granted him that permit, as they have done countless times, based on the authority they were conscious of. The owner only responded to it."

Corey Johnson, chair of Community Board 4, questioned the use of a law when it is not enforced. "Without the Landmarks Preservation Commission's protection and review," he said, "any owner would be able to exercise free reign to build any addition that they wanted, as long as they follow current building and zoning codes, no matter how out-of-context with the historically designated area."

The building's historical significance was the primary concern of the next two speakers. Carl Westmoreland, a senior historian representing the National Underground Freedom Center, traveled from the museum's location in Cincinnati, Ohio to speak on behalf of preservation. "It's important to put this building in a larger context," he said, his voice booming. "This house is a tangible representation of what went on in Lower Manhattan during the antebellum era. It is a teaching method. If we restore the building, with its historical character intact, people can look at what was and what continues to be."

Diana Moreno, a member of the Bronx Lab High School Cycling Group, solidified the notion of historical sites as teaching tools, as she described her trip with classmates on a 250-mile bike ride along the Underground Railroad in Ohio and

Kentucky. "Visiting such landmarks is beneficial for the past and future, so every individual has an opportunity to learn about and appreciate its history."

In their presentation, Luskin and Finch touched on Hopper-Gibbons' significant cultural influence — with Finch putting forth a December 22, 2010 letter from the DOB. Addressed to Mamounas, it read, "The permit contains significant errors and cannot be deemed validly issued due to the failure to comply with several provisions of the MDL...You are hereby ordered to obtain all necessary approvals and permits to restore the building to the condition that existed before any work began."

Residents from the row of buildings comprising the Lamartine Place Historic District (333-355 West 29th Street) presented grievances. Kathy Claymen, 25-year resident of West 29th Street and president of her block association, made the case for deconstruction of the fifth floor on aesthetic grounds — pointing out how the presence of Penn South Playground, located across the street, affords a clear sight line several blocks long. "So you can see this beautiful row of houses practically from 26th Street," she noted. "That means that anyone walking from East to West gets a view of this stretch and they know that it's special. It stands out visually." Recalling how the Hopper-Gibbons family fled the house during the Civil War Draft Riots of 1863 (by jumping from roof to neighboring roof), she argued that the fifth floor addition is disruptive to both historic and visual continuity.

A legal representative of the owner of 341 West 29th Street approached the stand next, with safety concerns. He said his client had encountered issues from the neighboring construction, and that squatters had broken in, defecated, urinated and slept in the building. He also said the temporary structure of scaffolding goes above the building next door. "The chimney makes it a serious fire hazard from blowback," he said.

Opponents of the fifth floor pointed out that restoring the building to its original state would require additional work. Attorney Lester believes the proposed deconstruction would not be disruptive. "I think the neighbors would be happy if the fifth floor was removed," he said, "and whatever impact that would have, they'd endorse, because it would be better for the future."

As for the future of Hopper-Gibbons, Lester notes that another meeting is scheduled for January 15 — when the BSA gets one step closer to a decision.

"They probably still have open questions," speculated Lester, "and that's why they want to have another hearing."

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