

December 9, 2025

Vice Chair Angie Master
New York City Landmarks Preservation Commission
253 Broadway
11th Floor
New York, NY 10007

**Re: Public Hearing Held on West Park Presbyterian Church – Hardship Application
Comments to the Landmarks Preservation Commission**

Dear Vice Chair Master,

The Municipal Art Society of New York (MAS) recognizes the immense financial strain that the West Park Presbyterian Church (the Church) faces. The upkeep of a complex, landmarked structure is challenging, and small faith communities across the city struggle under similar pressures. Those realities warrant better support systems and expanded preservation tools, and MAS encourages the City to explore policies that could provide greater financial assistance to mission-driven owners of landmarked structures.

However, given the precedent an approval could set, MAS recommends that the Landmarks Preservation Commission (LPC) deny the hardship application submitted by the West Park Administrative Commission (the Applicant), the governing body for the Church. As we stated in our 2022 and 2023 comments, approval of the hardship application may have citywide implications and could weaken the long-standing protections the Landmarks Law provides for hundreds of individually landmarked tax-exempt nonprofits.

Under the Landmarks Law's statutory exception for tax-exempt nonprofits, the Applicant fails to meet at least one threshold requirement. Admin. Code Section 25-309(a)(2)(c) requires a tax-exempt nonprofit to show that the landmarked property has ceased to be adequate, suitable, or appropriate for both its current mission and the purpose it served when acquired. The building remains capable of serving as a church, which defeats the statutory requirement that the property be inadequate or inappropriate for the owner's mission. This is underscored by the fact that other congregations have been able to regularly rent and use the sanctuary for worship.

The application likewise fails under the constitutional nonprofit standard articulated in *Society for Ethical Culture v. Spatt*, *Sailors' Snug Harbor v. Platt*, and *St. Bartholomew's Church v. City of New York*. Those cases require a showing that landmark designation prevents the institution from carrying out its charitable mission. The Applicant has not met that burden. The building has supported worship and community programming for decades, and nothing in the record establishes that preservation of the landmark meaningfully

interferes with the congregation's ability to fulfill its mission. Courts have consistently held that this level of continued capability defeats a nonprofit hardship claim.

In the time between the Applicant's withdrawal of its initial application and its resubmission, opportunities to stabilize the building have only expanded. For example, the passage of City of Yes for Housing Opportunity broadened the potential for the congregation to monetize transferable development rights by expanding landmark transfers. Granting hardship under these circumstances would create a precedent that rewards long-term neglect and signals that demolition is available to owners who decline to pursue alternatives.

At the same time, this case highlights the broader need for tools that help small nonprofits care for the buildings that are central to their missions and their communities, and MAS hopes it prompts a renewed conversation about how the City can better support them.

Sincerely,

A handwritten signature in black ink, appearing to read "Keri Butler". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Keri Butler

President, Municipal Art Society of New York