M-OLiver ST. House LP-0560

EXCERPTS FROM THE MINUTES

of the

LANDMARKS PRESERVATION COMMISSION

of

THE CITY OF NEW YORK

ITEM NO. 50
(LP-0506)

December 27, 1966 - 1:35 p.m.

PRESENT:

GEOFFREY PLATT, Chairman

STANLEY B. TANKEL, Vice-Chairman

J. CLARENCE DAVIES

MRS. JUSTIN O. HAYNES

MRS. RODERIC B. SWENSON

Commissioners

FRANN B. GILBERT, Secretary.

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A P P E A R A N C E S :

SPENCER BYARD, ESQ.
Carter, Ledyard & Milburn, Esqs.
Appearing for Rector & Church Wardens
Trinity Church

- - -

MR. BYARD: I am Spencer Byard of Carter, Ledya & Milburn. We appear for the Rector and Church Warde of Trinity Church in the City of New York, which is the owner of the property at 2 Oliver Street, which is up for consideration for designation as a landmar

They have asked me to appear to ask the Commission to withhold the designation.

I have photographs of 2 Oliver Street in a litt memo which I would like to hand up afterwards. It is an extremely simple structure. So little effort has been made on the ornamentation of the building, nor is it evidenced in any part of its exterior aspect, that it is very hard to say what sort of architecture it typifies.

The building is used by Trinity to house the Sisters of St. Margaret's, who operate religious instruction and other social work at the Trinity

Chapel, called St. Christopher's, which is at 5860 Henry Street, and St. Augustine's Chapel down at Henry Street and Scamell Street.

The building was originally a private house. It has been somewhat remodeled and modernized to be made safe and comfortable for the Sisters who occupy it. It has a refectory and kitchen downstairs. It has the chapel and sacristy and a little study on the second floor, street level floor.

Then on the second floor is a library and bedroom and some bathrooms. The third and last top story is divided into bathrooms and bedrooms for the sisters. It is an entirely modern structure. I don't think that anyone can find any woodwork, masonry work, or anything in it which would typify or be significant in any respect to the architecture or the history of the architecture of the City.

Of course, the time allowed us is short, but we cannot find anything that relates to Oliver Street with history. It was the home and office of a Dr. Pisani for some years from about 1922 until the time when Trinity bought it in 1956, but that

association seems entirely to have terminated by the reason of the Pisani sale and also the remodeling that has happened within.

We notice that it is not on any of the lists of important structures that are up for designation. Mr. Burnham hasn't noticed it, nor has the Municipal Art Society listed it in any of the categories filed for ready reference. It is inferior we think to other structures that will be subject to the Commission's protection in the historic district in Greenwich Village, and in the Varick-Van historic district, where there are other much more beautifully built and distinguished houses which will be subject to protection.

We think that in view of the absolutely modest character, of the painfully drab character of this structure, it would not be reasonable even to conside it for designation.

For example, there is a considerable discussion of the adjoining Mariners' Temple in Mrs. Huxtable's book, but no interest is expressed whatever in the adjoining structure, 2 Oliver Street.

For these reasons and others that you will find

in a short memorandum I would like to hand up now, we earnestly request that this structure be not designated. I have ten of these memorandums, five w: this photograph and five with Xerox photograph, and I ask that the document be made part of the record as Trinity's statement in opposition to designation. Thank you.

CHAIRMAN PLATT: Thank you.

Mr. Charles Hughes.

MR. CHARLES HUGHES: I am Charles Hughes of the Municipal Art Society. The Art Society favors the designation of this house, which is indeed a very simple house but beautifully maintained, as all of Trinity parish's buildings are.

It is quite an early date, 1822. It is a simple three-story and basement brick and brownstone trimmed structure rather typical of the period.

Ordinarily, we would be somewhat opposed to spot designation of a single small house in an otherwise undistinguished area, but one of the things we feel in favor of the designation of this house is that it is directly next door to Mariners' Chapel, which, of course, is one of the most distinguished

Greek revival churches in the City, and I don't remember offhand -- but I know we have had hearings on it -- whether it has been designated or not as a landmark. I don't recall at the moment.

In other words, the 2 Oliver Street forms a rather nice foil or forms in a sense almost a little historic district of the two structures.

CHAIRMAN PLATT: Thank you, Mr. Hughes.

Does anyone else wish to be heard on this item on the calendar?

SECRETARY GILBERT: Commissioner Haynes moved, seconded by Vice-Chairman Tankel, that public hearing be closed on Calendar No. 50, 2 Oliver Street, House and Landmark Site.

Chairman Platt, Vice-Chairman Tankel, Commissioners Davies, Haynes and Swenson.

Motion adopted.

Hearing is closed.

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BEFORE THE LANDMARKS PRESERVATION COMMISSION

MEMORANDUM OF TRINITY CHURCH IN OPPOSITION TO THE DESIGNATION OF 2 OLIVER STREET, NEW YORK, N. Y. AS A LANDMARK PURSUANT TO LOCAL LAW NO. 46 OF THE CITY OF NEW YORK FOR THE YEAR 1965 (CHAPTER 8-A OF THE NEW YORK CITY CHARTER AND CHAPTER 8-A OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK)

Calendar No. 50; December 27, 1966
(LP-0560) 2 Oliver Street House.

The property of the Rector, Churchwardens and Vestrymen of Trinity Church in the City of New York ("Trinity Church") at 2 Oliver Street, New York, N. Y., is before this Commission for designation as a landmark under Local Law 46 of the Laws of 1965, together with its site (Lot 68, in Block 279), on the calendar of the Commission for December 27, 1966.

This memorandum is submitted in opposition to the designation of the property.

No. 2 Oliver Street, now called St. Margaret's House, was acquired by Trinity Church on January 20, 1956 from Josephine C. Pisani, to serve as the home and Convent of the Sisters of St. Margaret, a Sisterhood of Religious of the Protestant Episcopal Church. The Sisters are active in the work conducted by Trinity Church and the Trinity Church Association, in their Mission to the

lower East Side, where they serve at St. Christopher Chapel, at 46-50 Henry Street, and at St. Augustine Chapel at Henry and Scammel Streets. The property wa chosen because of its location, which is relatively c venient to these two chapels.

Promptly after acquisition, it was thorough renovated within under the supervision of the late Th M. Bell, architect, and adapted for use for Convent purposes. The floor just at and below street-level contains the Sisters' kitchen and refectory and rooms for the heating and other utilities for the operation the house. The first floor has been adapted as a Cha a Sacristy and reception room. The second floor conta a library and sitting room and one or more bed and ba rooms. The third floor contains bedrooms and baths. The alterations, while confined almost entirely to the interior, changed the former, old-fashioned, priva house sufficiently extensively to provide a comfortab safe and appropriate residence for the Sisters.

On the exterior, improvements were made in t fire escapes, due to the multiple occupancy, but it is structurally unchanged. A cross has been added over t entrance door and a plaque, noting that the building i Margaret's House, has been added alongside the dooor.

Once painted and waterproofed in a grey over-all coati the street front of the building has recently been san blasted and now shows the original brick-work and ston lintels. We attach, as Exhibit "A", a photograph of 2 Oliver Street as it stands at present. The building is shown as plain, modest and drab. There is no wood trim either in the doors or windows which is of distin tion. Indeed the building is so plain that it has no apparent relation to any style of architecture. Its original designer seems to have made no effort to give it distinction by ornament of any kind. The architect, as the Commission's calendar shows, is unknown.

Exhibit "B" is a photograph of the block fron on the east side of Oliver Street from Henry Street to East Broadway, taken from St. James Place. The block front consists of a varied,inconsistent group of buildings, beginning with the Baptist Mariners' Temple of the 1840's which this Commission designated as a landmark on February 1, 1966 under LP-0093. Then comes 2 O Street, and finally a four-story apartment house, with a restaurant on the ground floor, which is of no architectural interest. Save for the Mariners' Temple, the buildings are without quality.

The property at 2 Oliver Street escaped in
in any recorded history or famous ownership, so far
can be found. An examination of the records in the
Register's Office shows that it was conveyed, probab
in the 1830's, to the Baptist Church and thereafter,
1860's, to a person called Rich . A partition in 1
awarded it to Solomon Rich, and in the 1920's it was
veyed, by what seem to be descendants of Solomon Rich
Dr. Pisani and his wife. It was Dr. Pisani's home ar
office for many years thereafter until his death and
sale to Trinity in 1956. Though it is understood tha
Dr. Pisani had a large general practice in the neighb
hood, for which he was much beloved, none of these as
ciations clings to the house. His family was ready a
willing to part with it. It has been extensively re-
modelled.

The operations at 2 Oliver Street as a Conve
have attracted no public attention to the house. The
of the building is not related to the adjoining Templ
as to take reflected significance from its neighbor.
are other, better quality houses on the west side of
Street which have not been put up for designation.

2 Oliver Street does not appear on any of t
published lists of historic or architecturally signif
structures within the City, whose protection as landm

has been urged by the Municipal Art Society. It is not mentioned in Mr. Burnham's New York Landmarks, which has provided material on many structures which have beer considered and designated by the Commission.

The Baptist Mariners' Temple has had due recog nition for its architectural interest but it is notewort that, while the Temple is carefully described in Classic New York by Mrs. Huxtable (New York, N. Y., Doubleday & Company, Inc., 1964) at pages 81-82, there is no mention whatever of the adjoining building at 2 Oliver Street.

The Commission has taken many other structures of the same antiquity and of far greater interest and quality under its protection. These include the Seabury Treadwell House on East Fourth Street (Calendar No. LP-0006), 131 Charles Street (Calendar No. LP-0212), and the early 1840 Houses at 26-30 Jones Street (Calendar No. LP-0208/10). The distinguished houses, on Charlton and Vandam Streets, which are of a comparable era are protected by their inclusion in the Charlton-King-Vandam historic district (Calendar No. LP-0224).

The prospective designation of the distinguishe houses, of the early nineteenth century on Washington Square and elsewhere in Greenwich Village, by the

establishment of an historic district or districts in Greenwich Village, will protect another significant group of such houses. With these structures subject to protection, the addition of the modest house at 2 Olive Street is wholly unnecessary.

It is probably needless, at this near-to-final hearing of the Commission's first series, to analyze Section 205-1.0 of the Administrative Code, where landmarks are defined. Suffice it to say, that a structure which is to qualify as a landmark and as having special character or aesthetic interest and importance and special value as a part of the heritage and cultural aspects of the City, must qualify outstandingly in external attractiveness, or represent some epoch in American architecture, or have a demonstrable association with events in the history of the City of which the people are sufficiently conscious to make it a part of their heritage. This modest, largely hidden, building, without ornamental features of any kind, could not possibly qualify in the categories indicated above.

Where there are literally dozens of structures of greater individual character subject to protection in the Historic Districts discussed above and where a

structure is so devoid of interest as 2 Oliver Street, it would be a violation of the standard of reasonablene which is a fundamental limitation on the Commission's powers under subdivision 25-a of Section 20 of the General City Law to designate and control it. Its preservation intact and in place cannot be of any publi concern.

The Landmarks Preservation Law was designed to have 'teeth' and the consequences of designation are serious. Even minor alterations entail the delay and expense of a submission to this body under Section 207-9.0 of the Administrative Code, as added by the Local Law. The exterior of the building must be well maintained, subject to severe penalties for lapses under Section 207-10.0. Major changes, which are permitted only pursuant to certificates of appropriateness, require a public hearing and submission of Trinity's and the Sisters' decision as to what to do with the building, to the hazards of a public hearing under Section 207-6.0 of the Local Law. The machinery for obtaining a certificate of appropriateness or notice to proceed with radical alterations or demolition will be slow, even if all the procedures are followed with

maximum speed and pressure under Section 207-8.0. Should Trinity desire to alter and should the Commissio disagree as to the issue of a certificate, Trinity's sole remedy will be the review of that decision in the courts, under the severe handicaps which the presumption as to administrative actions impose on a party contesti them. Should 2 Oliver Street be sold and should a new owner desire permission to demolish, all the procedures of Section 207-8.0 must be followed. Even though these may be accomplished, as the Commission suggests, within a year, the fact that they <u>are</u> imposed on the purchaser and that they might result in condemnation of a protecti interest which, at the end may frustrate the purchaser's whole plan, will undoubtedly affect the purchase price.

The work of the Sisters of St. Margaret on Henry Street continues to prosper, but if more suitable quarters are deemed necessary for them, 2 Oliver Street will have to be altered or sold. The most advantageous sale would be one coupled with the adjoining property to the north for the development of a building on East Broadway and St. James Place, taking advantage of the width of these streets. This will entail demolition. The price payable by a purchaser for such a purpose will

surely be diminished as a result of designation. It would not be realistic to hope that the best value of the site could be obtained from someone desiring to purchase 2 Oliver Street to keep it as it is.

Trinity Church believes that a designation of 2 Oliver Street as a landmark would not only be a quite unreasonable use of the powers of the Commissior as applied to this modest undistinguished building, ar that the consequences of designation of the property w infringe Trinity's rights and take its property withou due process or compensation, in violation of the prote tions afforded it by the Constitution of the state and of the United States.

It is earnestly requested that designation o 2 Oliver Street, Manhattan, be withheld.

Respectfully submitted,

THE RECTOR, CHURCHWARDENS AND
VESTRYMEN OF TRINITY CHURCH
IN THE CITY OF NEW YORK

By Carter Ledyard & Milburn

December 27, 1966

EXHIBIT "A"

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EXOTIC CHINESE FOOD
OLIVER
ONE WAY
ONE WAY
DEL ROSSO
DO NOT
ENTER

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LP0560

The Rector, Church Wardens & Vestrymen of
Trinity Church
74 Trinity Place
New York, New York 10006

known as the 2 Oliver Street House,

Manhattan
Lot 68, Block 279.

342003

Retain this half of the form and present it to the person at the speaker's table when you come forward to address the Commission.

LANDMARKS PRESERVATION COMMISSION

BUILDING 2 Oliver Street, Manhattan L.P. NO. LP0560

CALENDAR NO. 50

FOR DESIGNATION AS A LANDMARK _____ AGAINST DESIGNATION AS A LANDMARK ✓

NAME Spencer BYARD, Carter Ledyard & Milburn

ADDRESS 2 Wall Street New York N.Y. 10005

I REPRESENT Rector, Churchwardens + Vestrymen of Trinity Church (Continued)

ADDRESS 74 Trinity Place New York N.Y.

Retain this half of the form and present it to the person at the speaker's table when you come forward to address the Commission.

LANDMARKS PRESERVATION COMMISSION

BUILDING 2 Oliver St. House L.P. NO. 0560

CALENDAR NO. 50

FOR DESIGNATION AS A LANDMARK ✓ AGAINST DESIGNATION AS A LANDMARK

NAME Charles E. Hughes

ADDRESS 33 E 61 St.

I REPRESENT Mun Art Soc.

ADDRESS 115 E 40 St

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"LEDYARD" NEW YORK

February 3, 1967

Mr. Frank B. Gilbert
Landmarks Preservation Commission
of the City of New York
305 Broadway
New York, New York 10007

Re: Trinity - General - Landmarks
Trinity Building at 2 Oliver Street
Calendar No. 50, December 27, 1966
LP-0560

My dear Mr. Gilbert:

I am grateful for the minutes of the hearing held before the Commission on December 27, 1966, which we received on January 30, 1967.

In accord with our understanding, we have prepared and enclose a short memorandum on Trinity Church's behalf, referring to the material produced at the hearing in favor of designation.

I enclose thirteen copies, which I think is your standard requirement.

Sincerely yours,

Spencer Byard

sb/fg
enclosures