



**TESTIMONY REGARDING CERTIFICATE OF APPROPRIATENESS
FOR DEMOLITION OF THE FAÇADE
OF MARBLE COLLEGIATE CHURCH
112 SECOND AVENUE
November 22, 2022**

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VILLAGEPRESERVATION.ORG

Good morning Commissioners, and thank you for the opportunity to testify. I am Andrew Berman, speaking on behalf of Village Preservation.

We strongly support Middle Collegiate Church rebuilding at this location, and want to aid those efforts in whatever way we can. At our Annual Meeting this year, we presented the church with an award to honor and call attention to their efforts to recover from the tragic fire of December, 2020 and to begin anew at their historic Second Avenue location.

We recognize the exceptionally challenging and complicated circumstances involved, and believe there is an appropriate path forward which would allow the church to do what it needs, while maintaining the integrity of the landmarks law and avoiding premature and irreversible decisions about demolition or set precedents with damaging potential implications elsewhere. For that reason, we do not support the application before the Commission today, and urge the Commission not to.

The application contends that the historic landmarked church facade is too fire damaged to be reused, and prevents any sort of work on the site. If a sound independent evaluation came to this conclusion, that might warrant approval of the application. However, not only has no such independent evaluation been made, we understand the evaluation commissioned by the Commission did not corroborate this finding.

If there were a danger to the public or an inability to maintain this facade safely, the Department of Buildings would make such an evaluation and order the structure down, as we have all too often seen them do. They have not done so in this case, and we understand that no one believes that the facade currently poses a danger.

Finally, we recognize that maintaining the facade presents certain challenges for the church, its limited resources, and its need to fulfill its mission. That's why there is a hardship provision, which would allow the church to demonstrate that maintaining the facade is incompatible with fulfillment of its mission. That is not what this application is. In fact, as we understand it, the LPC would need to turn this application down in order to allow the church to pursue that hardship application, and demonstrate why taking the facade down is necessary to fulfill its mission. That process, and its requirements and format, would be the appropriate forum to debate that case.

I will say that we struggled mightily with our evaluation of this application. The church is exactly the kind of institution we wish to support and see flourish in our neighborhoods. However, we don't think we, or the LPC, can pick and choose who has to follow the law and who doesn't, or whose word to believe as an article of faith, even with the best of intentions, and whose not to. The system takes into account all the issues at play here: the application's claims could be independently corroborated, the immediate need to remove the facade could be decided as a safety matter by DOB, and the church could demonstrate that maintaining the facade is incompatible with the fulfillment of their mission through a hardship case. These are reasonable bars to meet for such a consequential decision with far-reaching implications. We do not believe that bar has been met with this application.

No matter the outcome, we sincerely hope the church can rebuild at this site. However, we neither believe that disapproving this application at this time would prevent that, nor that approving it at this time would ensure it, as there is no rebuilding plan currently. We know this is a difficult decision, but we urge the Commission to make one which still leaves many avenues open for the church, while upholding the integrity of the landmarks law.