

Frequently Asked Questions: What does Landmark Designation Mean?

My building has been designated a New York City landmark. What does this mean?

When it designated your building a landmark, the Landmarks Preservation Commission officially recognized that your building has special historical, cultural, or aesthetic value and that your building is an important part of New York City's historical and architectural heritage. To help protect the city's landmarks from inappropriate changes or destruction, the Commission must approve in advance any alteration, reconstruction, demolition, or new construction affecting the designated building.

What is a historic district?

A historic district is an area of the city that has been designated by the Landmarks Preservation Commission because it has a special character or a special historical or aesthetic interest which causes it to have a distinct "sense of place." Each historic district represents at least one period or style of architecture typical of one or more eras in the city's history. Historic districts may contain a variety of building types and styles from several different eras.

How can I find out if my building is designated?

If you do not know whether your building is an individual landmark or located within the boundaries of a historic district, you may contact the Commission's Public Information Officer at (212) 669-7817. You may also wish to consult the Guide to New York City Landmarks, published in 1998, which is available at bookstores throughout New York City or through the city store.

How large are historic districts?

Historic districts range in size from small groups of historic buildings to areas containing hundreds of properties. Hardenbergh/Rhineland Historic District is the smallest containing 7 buildings. Greenwich Village is the largest containing 2,035 buildings.

My building is located in a historic district. Do I need the Commission's approval to make changes?

Yes. Every designated structure, whether it is an individual landmark or a building in a historic district, is protected under the Landmarks Law and subject to the same review procedures. If you want to perform minor work or make alterations to your building (with the exception of the ordinary repairs and interior alterations mentioned below), you must obtain the Commission's approval before you begin the work.

Are there any types of work that do not require the Commission's approval?

Ordinary exterior repairs and maintenance, such as replacing broken window glass or removing small amounts of painted graffiti, do not require the Commission's approval. A Landmarks Commission permit for interior work is required in the following cases:

- when the work requires a permit from the Buildings Department or,
- when work on the interior affects the exterior or,
- when the interior has been designated by the Landmarks Commission as an interior landmark

The Commission's Preservation Department staff can tell you whether a permit is needed

for work you are considering.

What are some of the factors that the Landmarks Preservation Commission considers when it reviews my application?

The staff of the Commission reviews your proposal to evaluate the effect of the proposed changes on the architectural and historical character of your building and/or the historic district.

I own a 1970s building in a historic district. Why does the Landmarks Commission review changes to my building?

To preserve a historic district's special character, the Commission reviews changes to all buildings within its boundaries.

The Commission must review the proposed changes to your building to make sure that the overall design is sensitive to the scale and character of the historic district and that the alterations will not detract from the special qualities of the surrounding buildings in the district.

If you apply to the Landmarks Commission to make changes to your building, the Commission will take into account the fact that your building is a contemporary structure. You will not be asked to alter your design to make it look "old-fashioned." If you want to put in new windows, for example, you will not be asked to install multi-paned wooden windows if they did not exist in this building when it was constructed.

Can the Landmarks Commission make me restore my building to the way it looked when it was first built?

The Commission regulates proposed changes to a building. It cannot make you do work on your building. For example, if prior to designation the stoop was removed and a ground-level entrance installed, the Commission cannot make you replace the stoop. However, if your building has modern windows or doors and you want to replace them, the Commission might not approve replacing them in kind, but could require a different window, so that the windows and doors are appropriate to the style and design of the building. Similarly, if a highly visible and inappropriate rooftop addition had been added prior to designation, the Commission cannot make you remove the addition. But, if you desire to work on or change the design of the addition, the Commission would require that the work make the addition less intrusive and/or more appropriate.

As an owner of a landmarked building, what are my obligations and duties under the Landmarks Law?

In general, there are three things that you must do as an owner of landmarked property: (1) You must obtain prior approval from the Commission before you do any work on the building; (2) You must follow and abide by all permits and other conditions required by the Commission; and (3) You must maintain your building in good repair to ensure that the outside portions of the building (or designated interior spaces if there is an interior landmark) do not become deteriorated or dilapidated.

Will the Landmarks Commission make me repair my building?

There was concern when the Landmarks Law was passed that certain owners might allow their historic buildings to deteriorate to such a degree that the buildings would be in danger of losing their significant features or even of falling down.

To help prevent such "demolition by neglect," the Landmarks Law requires that designated

properties be kept in good repair. This provision is similar to the Buildings Department's requirement that all New York City buildings must be maintained in a safe condition.

If you are interested in finding out about making repairs to your designated building, the Commission's Preservation Department staff is available to give you expert technical advice.

Will landmark designation prevent all alterations and new construction?

No. Landmark designation does not "freeze" a building or an area. Alterations, demolition, and new construction continue to take place, but the Landmarks Commission must review the proposed changes and find them to be appropriate. This procedure helps ensure that the special qualities of the designated buildings are not compromised or destroyed.

In addition, new construction may occur when an owner of a vacant lot or building of no significance in a historic district wishes to construct a new building on the site. The Commission has approved such proposals when the design of the new building was found to be appropriate to the character of the historic district.

How can I find architects or contractors who have experience with historic buildings?

When selecting an architect or contractor, you should keep in mind that many professionals are not accustomed to working on historic buildings or with renovation methods that are sensitive to the historic character of old buildings. Ask professionals about their experience with landmark buildings and whether they are familiar with the Landmarks Preservation Commission application process. Request references and look at completed projects.

The Commission cannot make recommendations regarding restoration professionals. Owners of historic buildings in your neighborhood may be able to provide information about contractors they have used.

The Restoration Directory lists architects, contractors, and artisans that specialize in restoration work. It is available from the New York Landmarks Conservancy, 141 Fifth Avenue, New York, New York 10010; telephone (212) 995-5260.

I own a designated building. Should I tell the tenants in my building about the building's landmark status?

Yes. By law you are required to include specific language in all commercial leases to inform the commercial tenant that the building is protected by the Landmarks Law and that the Commission must approve all alterations in advance. If your building has residential tenants, it also would be a good idea to inform them. Remember, a building owner is ultimately responsible for the condition of his or her building. If a tenant makes illegal alterations, the tenant and the owner are responsible.

I want to sell my landmark building. Must I tell the Landmarks Commission?

No, you do not need to tell the Commission that you are selling your building. Landmark designation places no restrictions on an owner's right to sell his or her property.

If I sell my building, should I tell the new owner that the building is a landmark?

Yes. Though the Landmarks Commission registered the designation in the building's chain of title.

Are landmarks owned by not-for-profit organizations subject to the same regulations as other landmarks?

Yes. The criteria for approving permits for work on buildings owned by not-for-profit owners

are the same as the criteria for work on other buildings.

However, if a not-for-profit organization applies for a permit to demolish or alter a tax-exempt property on grounds of hardship, the law provides a different standard for establishing the hardship. The organization must prove, among other things, that the landmark building is no longer adequate or suitable for carrying out the organization's charitable purposes. If you have any questions about hardship procedures for tax-exempt properties, call the Commission at 212-669-7700.

Is being designated a New York City landmark different from being listed on the National Register?

Yes. The National Register of Historic Places is a list of buildings and sites of local, state, or national importance. This program is administered by the National Park Service through the New York State Office of Parks, Recreation, and Historic Preservation. The National Register has no connection to the Landmarks Preservation Commission, although many of New York City's individual landmarks and historic districts are also listed on the National Register.

For more information on the National Register, contact the New York State Office of Parks, Recreation, and Historic Preservation, Riverbank State Park, 679 Riverside Drive, New York, New York 10031, telephone (212) 694-3600.

How do I find out more about the effects of designation?

Members of the public are encouraged to call the Landmarks Commission to discuss questions or concerns about the effects of designation. If a building owner needs more information, a meeting at the Commission's offices can be arranged.

The staff of the Commission is experienced in working with owners to help them meet their practical needs while preserving the architectural and historic character of the city's landmarks.

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