



The New York City Landmarks Preservation Commission

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May 15, 2009

Andrew Berman  
Greenwich Village Society for  
Historic Preservation  
232 East 11<sup>th</sup> Street  
New York, NY 10003

Re: 43 MacDougal Street, Charlton-King Vandam Historic District

Dear Mr. Berman:

Chair Tierney asked me to respond to your most recent letter regarding 43 MacDougal Street. As you know, the Commission began enforcement action due to the owner's failure to maintain 43 MacDougal after extensive, unsuccessful efforts to have him voluntarily make repairs. After several unsuccessful attempts by a process server to serve the owner, service was made but the owner did not appear at the Environmental Control Board hearing so a default judgment was entered and a \$5,000 fine imposed.

A second NOV was served and the owner again defaulted on February 2, 2009. He also defaulted at a third hearing, so the owner has incurred \$15,000 in LPC fines to date. A fourth violation was successfully served and the hearing date is June 1, 2009. Another \$5,000 fine will be imposed if he again defaults.

In my letter of January 12, 2009, I explained that if the owner continued to be nonresponsive, litigation would commence to compel repairs. At this time, due to the absence of any apparent effort by the owner to make repairs, and the owner's complete nonresponsiveness to multiple LPC violations and large fines, the LPC has begun the process of initiating a demolition by neglect lawsuit against the owner. Please keep in mind that it is a lengthy process to initiate a demolition by neglect lawsuit involving site visits, generation of an existing conditions report, various legal steps, and the drafting of multiple legal documents. Consequently, the Commission's Director of Enforcement will continue to issue NOV's for the failure to maintain 43 MacDougal Street every month until the owner is responsive or the suit is filed.

Yours truly,

John Weiss  
Deputy Counsel

cc: Chair Tierney