

MEMORANDUM

TO: Betsy Merritt, NTHP
Marilyn Fenellosa, NTHP
Daniel Mackay, PLNYS

FR: Rick Lord, OPRHP

DA: December 10, 2001

RE: **SEQRA**
---Raze Vanderipe Building, Main Street
---Gut/Rehab Aurora Inn, Main Street
V/Aurora, Cayuga County
01PR1013

I understand that the Aurora Coalition has asked each of you to assist in its appeal of previous findings for the Aurora Inn project. While the State Historic Preservation Office (SHPO) was more involved before the litigation began, I wanted you to know how strongly we feel about the case's merits and their statewide significance. I've written 20 letters to the Planning Board Chair and members, the Community Preservation Panel (CPP) and the Department of State; I've discussed the project with former Mayor and current Assemblyman Gary Finch, Deputy Commissioners from the Department of State and the Code Enforcement Official. I also traveled to Aurora to inspect the Inn (access was denied even though the Planning Chair had invited me) and to speak at the Planning Board's meeting, where for the first time in memory public comment was prohibited.

To put my findings into perspective, I can tell you that after 18 years as a technical reviewer---12 years doing state/federal compliance reviews statewide, and 6 doing all reviews (compliance, tax credits, ADA and variances) for New York's western 24 counties---I cannot think of a more insensitive proposal, a more significant and threatened resource, a more critical issue, or a more committed group of intervenors.

Aurora is an exceptional District encompassing nearly the entire downtown and Wells College campus. (This comprehensive approach to listing is all the more significant when you consider that the listing occurred in 1980, when most consisted of individual structures.)

The issues surrounding the case could not be more basic---or more important---to preservation. The case involves issues of ***standing*** (the ability of the League to file an *amicus* brief) and the ***proper implementation of the State Environmental Quality Review Act***, or SEQRA. Because virtually every local, county and state agency undertaking in New York State is subject to SEQRA review, a failure to challenge the Village of Aurora's extremely flawed process will have widespread and long-lasting negative impacts on historic preservation and our collective ability to protect significant resources. (The fact that this is flawed is confirmed in at least two letters from the Department of Environmental Conservation---DEC--- which administers the SEQRA law and promulgates its regulations.)

The Aurora Village-Wells College Historic District is among the most threatened resources in New York State. Pleasant Rowland, the Rowland Foundation, or Wells College control more than a dozen non-campus buildings in the District, and it was acknowledged in public hearings that the Aurora Inn project is the first of many related undertakings. Rowland has more than \$700 million dollars to spend on these projects and any challenges made to them, a critical point to remember given the 12 Village buildings and her plan to relocate at least two masonry buildings on the Wells College campus to create a quad and formal axis that never existed historically.

The players have also made it clear that achieving their goal justifies almost any means. The architects told the Planning Board that the SHPO's lack of comment meant, "no effect, no concerns," when in fact their request for our comments was on hold pending the receipt of additional information we'd asked them to provide. The College also told the Village that razing one historic building and gutting another was necessary to meet the New York State Building Code, then applied to the Department of State for Building Code variances because it was a preservation project!

I understand from the Aurora Coalition that the Trust became involved in a similar case in Minnesota by posting bond for tapped out intervenors (and that you actually got the bond back!). I don't know the specifics of that situation, but also can't imagine a case with more ramifications than Aurora: a premier early historic district with a high degree of integrity, a wealthy sponsor with a controlling interest in more than 12 buildings, a Village government comprised largely of College staff that either don't understand or are not interested in meeting SEQRA or the Village's own zoning regulations. Given all that, we should be thankful that we have a group as committed as the Aurora Coalition--we often don't--and we should support them to the extent that we can.

Because it is difficult for the SHPO to participate in legal action, we have traditionally seen our role as identifying the issues, educating the community, and documenting that consultation in writing to facilitate challenges such as this. We, in concert with Ralph Manna of the DEC, have done that fairly well in Aurora. You each have missions, mandates or capabilities very different from ours, and if you can assist the Aurora Coalition in this appeal I encourage you in the strongest terms to do so: the issues of standing and appropriate SEQRA reviews are so basic to what we all do that allowing this decision to stand could only have a severe and negative impact on historic preservation and community character initiatives statewide.

I hope that you'll consider assisting the Aurora Coalition, and that you'll telephone me at 518/237-8643, ext. 3276 if I can help in any way.

cc: Tanya Werbizky, Preservation League, Ithaca