



February 14, 2025

Mayor James Orman and the Village Board  
Village of Aurora  
c/o Ann Balloni, Clerk  
456 Main Street  
Aurora, NY 13026  
Sent via email to: villageclerk@auroranewyork.us

Dear Village Trustees,

We, the undersigned organizations—Preservation Association of Central New York (PACNY), Landmark Society of Western New York, Preservation League of New York State, and Historic Ithaca—submit this letter in support of the local landmark designation of two Skidmore, Owings, and Merrill (SOM) buildings on the Wells College campus and the designation of the Boathouse Lawn as a scenic landmark, to provide additional information regarding the benefits of such action, as well as a perspective on “takings” for the benefit and education of the elected officials and citizens of the Village of Aurora.

***Barler Music Hall and Campbell Art Buildings***

The Barler Music Hall and Campbell Art Buildings at Wells College merit local historic landmark designation due to their architectural significance and their integral role in the campus’s modernist ensemble. As you know, these buildings were designed by Walter Netsch of Skidmore, Owings & Merrill (SOM), these structures embody his pioneering Field Theory, a geometric design approach that continues to be studied and recognized in architectural literature.

According to Colin Koop, currently a partner at SOM, “Like the Library, the Art and Music buildings not only exemplify and possess special character, historic, and aesthetic interest of value for the Village of Aurora, but they are also nationally significant as expressions of architect Walter Netsch’s groundbreaking Field Theory”.<sup>1</sup>

The historic record, preserved in the SOM archives, clearly demonstrates that Netsch envisioned these buildings as an interconnected architectural cluster, harmonizing with the award-winning Long Library to create a cohesive cultural and educational hub. Their placement within the

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<sup>1</sup> Koop, Colin, “Re: Proposed Landmark Designation of Wells College Properties”, Correspondence between Koop and the Village of Aurora, January 28, 2025, 1.

wooded landscape enhances their visual and functional integration with the campus, reflecting Netsch's commitment to environmental harmony. Beyond their design pedigree, these buildings have served for over fifty years as vital spaces for creative expression, public performance, and academic enrichment, providing lasting memories for the many alumni that have passed through their doors. Recognizing them as historic landmarks will ensure their preservation and continued contribution to the cultural and architectural legacy of Aurora.

### ***Boathouse/Glen Park Lawn***

The Boathouse/Glen Park Lawn is an essential component of the Wells College and Village of Aurora landscape, meriting designation as a local scenic landmark due to its historical, cultural, and environmental significance. As part of the Aurora/Wells College National Historic District, the lawn contributes to the district's integrity by preserving the setting that defines the historic character of the campus. Glen Park was designed by Calvin Otis, who was trained by John I. Hageman in his Auburn architecture school. Otis based his design heavily on those of Andrew Jackson Downing, carefully integrating the landscape and ensuring that it complemented both the architecture and the natural surroundings.

According to the Building-Structure Inventory Form for Glen Park, "Glen Park and the surrounding landscape contribute aesthetic beauty and enhance the originality of Wells".<sup>2</sup>

Attached to this inventory form is a research paper that expounds upon this relationship:

"...there are early photographs which show Glen Park to be an extremely fine example of the coordination of house and nature. The tenets of someone like A. J. Downing held that this interplay was essential to live in total comfort and beauty...Another principle of Downing was, the house should take advantage of the views surrounding it".<sup>3</sup>

The Boathouse Lawn has long served as a vibrant space for both the college and the broader Aurora community, hosting a range of academic, recreational, and celebratory events. With nearly a century and a half of continuous use and cherished memories, this space is not merely a lawn but a Historic Designed Landscape, as explicitly recognized by preservation authorities. Designating it as a scenic landmark ensures the protection of this irreplaceable setting for future generations.

### ***Cherry Ave/Court Street Local Landmark Historic District***

The proposed Cherry Ave/Court Street Local Landmark Historic District, encompassing parts of Court Street, Sherwood Road, upper Cherry Avenue, and select homes on Orchard and Burnham

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<sup>2</sup> Zellweger, Joyce, *Glen Park, USN 01141.000004* (Albany, NY: State Historic Preservation Office), 1976, 2.

<sup>3</sup> Wooden, Robert, *Glen Park – Aurora, New York*, research manuscript attached to Zellweger's Building-Inventory Form (Albany, NY: State Historic Preservation Office), 1972, 5-6.

Lanes, reflects the cultural, economic, and social history of Aurora while serving as a familiar and distinct visual feature of the village. This historically cohesive neighborhood, contiguous with the National Historic District, played a vital role in housing working families who sustained the community and represents broader regional and state population movements, including Irish immigration and freedom seekers, and we urge you to approve its nomination.

### ***Benefits of Local Historic Preservation***

As a discipline, historic preservation in America has grown beyond its original purpose to save important buildings for educational purposes to become an ethical code, sponsored by government at nearly every level, and incentivized into a real estate development tool. Time and data have shown that the argument for obsolescence and demolition is faulty, and that preservation is more advantageous and financially sound than demolition and rebuilding, both environmentally and economically.

As with most local historic ordinances, Aurora's ordinance establishes a deliberative and consultative process by which change is managed. Its purpose is actually to protect its citizens against government action and bad development, not to "freeze the past in amber". This simply means that owners who propose exterior changes to designated properties must obtain a permit from the Community Preservation Panel; more extensive changes also require Planning Board permission. This collaborative process also provides mechanisms for appeals and the consideration of economic hardships. This type of ordinance has been well-established across the country in hundreds of communities of all sizes.

### ***A Perspective of "Takings"***

The Takings Clause of the Fifth Amendment, which applies to states and local governments through the Fourteenth Amendment, states: "nor shall private property be taken for public use, without just compensation." While this clause does not prohibit government actions that take private property, it imposes conditions on such actions—most notably, the requirement to provide just compensation when property is appropriated.

Beyond direct appropriation through eminent domain, the Supreme Court has recognized the concept of regulatory takings, which is particularly relevant to historic preservation laws. Over time, Circuit Court and Supreme Court rulings have refined the definition of what constitutes a taking. Courts typically assess regulatory takings by examining factors such as whether the regulation makes a property impracticable to sell, prevents a reasonable return on investment, or forecloses specific uses. The key legal test is whether the property owner has been denied all economically viable uses of their land.

Two landmark cases that define the legal framework for regulatory takings in historic preservation are *Maher v. City of New Orleans* (1975) and the seminal *Penn Central Transportation Co. v. City of New York* (1978). In these and other high-profile cases, litigation often

arises after a property owner is denied a certificate of appropriateness for proposed alterations to a designated historic property. Since state law delegates land use authority to local municipalities, legal challenges to the designation of historic properties are rare—property owners have due process rights to oppose designations before they are finalized. However, designation in the face of opposition does not constitute a regulatory taking.

Following the Penn Central decision, courts evaluate takings claims by requiring property owners to demonstrate actual economic loss resulting from restrictions on their proposed property changes. Owners must submit concrete plans and financial data to illustrate the impact—speculative claims or vague assertions of future plans are insufficient. Additionally, claims of economic harm to a large property complex, where the majority of structures are already landmarked, would be particularly difficult to substantiate.

Historic preservation laws, particularly local ordinances, introduced new regulations on private property owners during a period of significant constitutional development. Many individuals and institutions affected by these laws have challenged their application, arguing that they violate federal constitutional protections. Despite these challenges, preservation laws have largely withstood legal scrutiny and have been affirmed by the courts, allowing them to flourish within established constitutional limits.

In closing, the undersigned organizations, encourage the Village of Aurora to support the protection and care of its historic built and natural environment as it sees fit. Assertions and thinly-veiled threats of litigation should be rebuffed by proper information by the experts regarding historic preservation law.

Sincerely,

Andrew Roblee, President  
Nicole Fragnito, Executive Director  
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