

BRODY D. SMITH, ESQ.
smithb@bsk.com
P: 315.218.8225
F: 315.218.8100

January 8, 2025

VIA ELECTRONIC MAIL

Village of Aurora
Community Preservation Panel
456 Main Street
Aurora, New York 13026

Re: *Proposed Landmark Designation of Wells College Properties*

Dear Panel Members:

We represent Wells College in connection with the proposal by the Village of Aurora Community Preservation Panel (the "Panel") to designate the Barler and Campbell buildings and the boathouse lawn between the Teresa Hickey House and Thomas House as village landmarks. Wells College opposes the proposal to designate these properties as village landmarks as inconsistent with the criteria set forth in Section 7.05 of the Village of Aurora Zoning Law (the "Zoning Law").

Background

Prior to the conclusion of the 2024 academic year, Wells College announced its closure and that no further students would attend classes at Wells College following the end of the 2024 academic year. Since that announcement, the Village of Aurora (the "Village") has repeatedly attempted to obstruct the College's efforts to wind down. Given the timing of the Panel's village landmark recommendation, it is clear that the purpose of the recommendation is to further stymie the College's efforts by interfering with the sale of College property.

Considerations for Designation

Prior to designating the properties as individual landmarks, pursuant to Section 7.05 of the Village's Zoning Law, the Panel must find that each of the properties:

- (1) Qualifies for inclusion on the New York State or National Registers of Historic Places;
- (2) Exemplifies or possesses special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Village of Aurora;
- (3) Is identified with persons or events significant in local, state, or national history;

- (4) Embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or builder;
- (5) Represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and familiar visual feature of the community; or
- (6) Has yielded or may be likely to yield information important in prehistory or history.

First, the properties do not qualify for inclusion on the New York State or National Registers of Historic Places. Properties that have achieved significance within the past 50 years are generally considered ineligible for the State and National Registers. The Barler and Campbell buildings, which opened in 1974, are 50 years old. Therefore, in order to qualify for inclusion on the State and National Registers, the buildings must be of “exceptional importance.” The Barler and Campbell buildings fall short of that high bar.

Second, the Barler and Campbell buildings do not exemplify or possess special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Village. These buildings only possess local interest to the extent that they are part of the Wells College campus. However, the history of Wells College is already well preserved by the buildings that are listed on the State and National Registers. As shown in the images on the following page, the Barler and Campbell buildings are unremarkable brick institutional buildings possessing little aesthetic value.

Third, the buildings are not identified with persons or events significant in local, state, or national history. The mere fact that they were designed by architect Walter Netsch does not cause these buildings to be nationally significant. Indeed, there is even less reason to believe that Mr. Netsch’s design has any state or local significance. Mr. Netsch was a Chicago-based architect with no local connections.

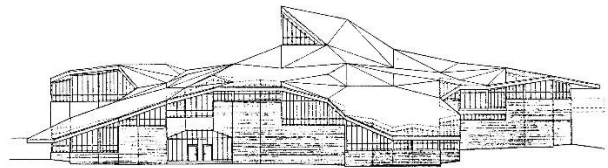
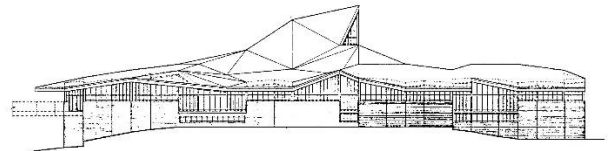
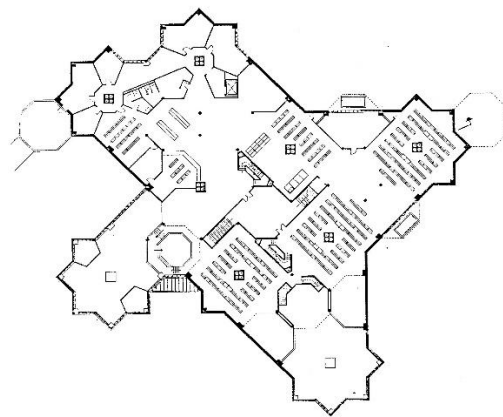
Fourth, while these buildings were designed by architect Walter Netsch, they do not embody the distinguishing characteristics of a type, period or method of construction or design style and are not representative of his work. As the December 3, 2024 Roberts letter notes, the Barler and Campbell buildings were designed to harmonize with the design of Long Library. While the Barler and Campbell buildings include some architectural nods to the Field Theory style, they do not embody the style.

Field Theory architecture is based upon the aesthetic ordering of mathematical proportion and characterized by the combination of orthogonal (right angle patterns) and diagonal (angular patterns) most often defined by the rotated square. Long Library utilizes a pack

of three and pack of four combinations of rotated squares to allow for location of library book stacks in both linear and radial patterns. This embodiment of the Field Theory—the fusion of programmatic needs of use and aesthetic combination of mathematical patterns—is what makes Long Library architecturally significant. By contrast, the Barler and Campbell buildings, shown below, are unremarkable institutional structures designed to bear some similarity to the aesthetic style of Long Library.



The images of the Campbell and Barler buildings, when compared to the images of Long Library below, show the significant difference in architectural significance of the Campbell and Barler buildings versus the Long Library. The Field Theory style is already preserved in the Long Library. Designating the Campbell and Barler buildings as landmarks would offer little benefit when the Long Library—a better example of Netsch's style—is already a designated village landmark. The Campbell and Barler buildings should not be designated as landmarks simply because they are near another village landmark. Because the Campbell and Barler buildings individually lack architectural significance, they do not satisfy the Village's criteria for landmark designation.



Fifth, the Campbell and Barler buildings do not represent an established and familiar visual feature of the community by virtue of their unique location or singular physical characteristic. Their location on the Wells College campus is not unique. The simple fact that these buildings are part of the Wells College campus does not in and of itself make these buildings worthy of landmark designation. Likewise, as previously noted, the physical characteristics of these buildings, are intended to harmonize with the style of the Long Library and, thus, are not unique.

Sixth, the Campbell and Barler buildings have not yielded information important in prehistory or history, nor are they likely to yield such information. The buildings are not significant in the history of either the Village or of Wells College.

Lastly, to the extent that the Panel is considering designation of the boathouse lawn between the Teresa Hickey House and Thomas House as a scenic landmark, we note that Section 7.05 of the Zoning Law requires that recommendations for designation of a scenic landmark “be accompanied by such historical and architectural information as is required by the Panel to make an informed recommendation concerning the application.” Neither the Roberts Letter nor the PACNY letter include any information regarding the boathouse lawn. On the record, there is no basis to conclude that the boathouse lawn has any historic or architectural significance. The boathouse lawn is simply one of many places in the Village where Village residents can access Cayuga Lake. It is the Lake, not the boathouse lawn, that has historic significance to the Village. The boathouse lawn does not embody any unique design or architectural characteristics. Simply put, it is just a lawn. Because the application for scenic landmark designation lacks sufficient information regarding the historic or architectural characteristics of the boathouse lawn, the Panel should decline to designate the boathouse lawn as a scenic landmark.

Taking

Wells College is in the process of winding down its operations and selling the College’s properties. It is well known that the College would oppose the designation of these properties as individual and scenic landmarks. Designation of these properties as landmarks could result in the College’s loss of its reasonable investment backed expectations for the properties. Specifically, designating the properties as village landmarks would create a serious financial hardship to Wells College as it would interfere with the sale of the properties to a ready, willing and able buyer for a financially reasonable amount because such designation would prevent the properties from being economically developed by anyone. As a result, designation of the properties as village landmarks would amount to an unconstitutional taking of the properties.

Conclusion

Designation of the properties as individual or scenic landmarks would be arbitrary and capricious. The properties do not satisfy the Village’s criteria for either individual or scenic landmarks. Accordingly, we respectfully submit that the Panel vote against designation of the Barler and Campbell buildings and the boathouse lawn between the Teresa Hickey House and Thomas House as village landmarks.

Village of Aurora
Community Preservation Panel
January 8, 2025
Page 6

Sincerely,

BOND, SCHOENECK & KING, PLLC



Brody D. Smith

BDS/ntk