

THE ST. PAUL'S SENTINEL

Honoring and preserving our community's heritage

A publication of the Committee to Save St. Paul's, September 6, 2006

"ST. PAUL'S IS AN HISTORICAL TREASURE ON PAR WITH MOUNT RUSHMORE, AND IT DEFINES THE TOWN AS UNIQUELY GARDEN CITY." ...RESIDENT JOHN BOYLE



RESIDENTS WANT TO KNOW

During recent meetings and conversations about St. Paul's, several questions and misunderstandings have come to light. Here is a sampling of what we are hearing. What's on your mind? If you have a question for the Committee to Save St. Paul's, email us at info@savestpauls.org.

Q. If St. Paul's is designated as an historic landmark, how could it be razed?

A. The St. Paul's School building is listed on the National Register of Historic Places, but that designation by itself does not prohibit demolition or the major alteration of its structure. If it were to be declared a landmark, on the other hand, demolition would be next to impossible and major alterations would be subject to rigid oversight and regulation. The Committee to Save St. Paul's is focused on preventing demolition or drastic changes that would simply leave up the façade. The fact that St. Paul's has National Register status and appeared on the New York State Preservation League's 2003 "Seven to Save" list indicates the importance it commands as an historic edifice. Unfortunately, some people, perhaps including a few Village Trustees, do not regard these designations highly.

Q. What other designations, if any, does St. Paul's have?

A. The St. Paul's complex, consisting of 48 acres, the historic building and ancillary buildings and fields, is currently protected by both the "public trust" doctrine and a "parkland" designation. Neither can be swept under the table in order to make "a sale".

Thanks to the Kenny lawsuit, filed in December 1997, the original intent of the Village purchase of the heritage property "for the community" was upheld by the courts. In March 2001, Justice Burke of the Nassau County Supreme Court issued a lengthy memorandum decision upholding the plaintiff's claim that the entire St. Paul's property was, indeed, held in "public trust." In the Court's opinion, the Village's planned lease of the Main Building and its surrounding acreage to CareMatrix would be an illegal diversion of public trust property "to a possession or use exclusively private."

The Supreme Court's "public trust" ruling was affirmed by a unanimous decision of the Appellate Division. It emphasized: "It has long been the rule that a municipality, without specific legislative sanction, may not permit property acquired or held by it for public use to be wholly or partly diverted to a possession or use exclusively private..." In addition to the "public trust" ruling, the Village trustees voted nearly a year-and-a-half ago, under Mayor Barbara Miller, to designate the entire 48 acres as "parkland."

Taken together, the two designations legally prohibit the current Board of Trustees from selling or leasing the Historic Main Building to a private commercial developer. Unless the Village was to obtain special state legislation in Albany, any sale or lease would be illegal. In other words, the only way to override the "public trust" and "parkland" designations would be for the state legislature to enact a "home rule" law that would permit the Village to sell or lease the building to a developer. Under New York State "park alienation" guidelines, such a sale ordinarily will not be permitted unless the local government receives replacement parkland, or a payment, in return, equal to the fair market value of the property (\$20 million in a recent independent appraisal). The Village, to date, has not even begun the lengthy process of trying to obtain state park department approval for a proposed sale. In addition, our senior state legislator, Senator Kemp Hannon, has resisted pressure to promote such private development and is hesitant, without a clear mandate from the community, to even make a proposal that could lead to a sale. Senator Hannon personally reads all his correspondence and emails...you can make a difference by writing to the Senator at 224 Seventh Street, Garden City, NY 11530, or emailing him at Hannon@senate.state.ny.us to make known your feelings that the St. Paul's property should be preserved for public use and should not be sold to a developer.

Q. Why was the Committee to Save St. Paul's created?

A. Following the Kenny lawsuit, several of the principals continued to monitor the Village's progress in establishing a public use for the building. Despite a demonstration that the community would greatly benefit from a public facility, it became apparent that each of the public uses that were proposed failed to hold a majority attention among the boards of trustees. This failure to create a viable public use for the building led to the creation of the Committee to Save St. Paul's, a grassroots organization that is growing among residents who don't want to see their heritage abandoned...many supporters recall the decade long "hole in the ground" that was their beloved Garden City Hotel (circa 1901). The Committee feels that the Village and its current consultant have begun a course to divest itself of the St. Paul's historic building, which indeed was purchased with the community in mind. Unfortunately over these dozen years, the Village trustees have never agreed to engage in a discussion with the Committee to Save St. Paul's.

Q. Who will make the final decision?

A. Contrary to what many people may believe, the eight Village trustees will not have the final say. You, Village residents, together with our state representatives, can determine the future of our "Village Treasure." However, the decision on the St. Paul's property would only come to a community vote if it required residents to be assessed tax dollars...as in the earlier vote when the community had to decide if it wanted to float bonds to assume the debt for the purchase of the St. Paul's property.

The Village Trustees have said that they intend to designate a developer following the receipt and review of responses to its recent Request for Proposal for development of St. Paul's. Regardless of whether they go ahead with such a designation at this time, the ultimate decision is in the hands of our state representatives and Village residents, who will together determine the future of the Historic Main Building.

Concerned residents can help improve the odds by participating in our local government. The real strength in our Village Covenant lies in our POAs, most particularly, in the nominating committees that each POA will soon form. The residents who volunteer for this task are given the responsibility to nominate people who express the views of their section of the Village as representatives for various offices. Most often—although there have been challenges—the people who receive those nominations are summarily elected in the general Village election, because attendance at these elections is minimal, unless a challenge exists in any section of town.

Please look for previous issues of *The St. Paul's Sentinel* on our website "News" page.

The Committee to Save St. Paul's

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Donations accepted to "St. Paul's Conservancy Corp." All donations are tax deductible.