

Cathedral status in question again

Commission ordered to take another look at landmark proposal

Rob Cullivan/Catholic Courier

ROCHESTER—Renovations slated to begin in July at Sacred Heart Cathedral may be delayed by the ruling of a state appeals court judge.

New York state Supreme Court Justice Robert J. Lunn ruled May 1 that the City of Rochester's Planning Commission must re-examine its decision not to grant landmark status to the cathedral.

Justice Lunn noted that the commission primarily had considered the landmark designation's overall impact on the city's planning program and whether the designation would have an adverse impact on the city's growth and development. However, he found that the commission did not tie these criteria to the overall purposes of landmark designation set forth in the city code, nor did it make an effort to evaluate the presence of factors to be considered in designating landmarks, including cultural and civic concerns.

The ruling came in response to a lawsuit filed by the Sacred Heart Preservation Committee, a group of parishioners and neighbors opposed to renovations at the cathedral. The committee had filed suit against the planning commission, asking for annulment of its decision to reject the landmark application. The landmark application likewise had been brought to the city by renovation opponents.

Brooklyn bishop lifts VOTF ban

BROOKLYN, N.Y. (CNS) — Bishop Thomas V. Daily of Brooklyn has lifted his ban on the use of church property for meetings of the Voice of the Faithful lay group.

Bishop Daily said he made the decision based on the recommendations of a diocesan committee, headed by Auxiliary Bishop Ignatius A. Catanello, which met with Voice of the Faithful leaders. The diocesan Presbyteral Council also recommended a relaxation of the ban.

"In lengthy sessions, marked on both sides by openness, communication and most of all the spirit of charity and a deep love for the church, they have addressed my concerns regarding the group, and have re-

"The court finds no reasoning was given as to why the preservation board's decision was, in effect, overruled by the planning commission," Justice Lunn said, criticizing the planning commission for voting last October to deny the landmark application, which had been unanimously approved by the city's seven-member preservation board.

Justice Lunn also criticized two commission members for having spoken with city Councilman Robert J. Stevenson, a member of the cathedral renovation committee, prior to voting on the proposed landmark designation. The city's board of ethics had found that it had no jurisdiction to investigate a complaint regarding commission members speaking with Stevenson. Meanwhile, Stevenson and the city's attorney Johanna Brennan maintained that the councilman did nothing wrong.

Justice Lunn agreed that nothing unethical may have occurred in Stevenson's discussions with commission members, but observed that "it is the appearance of impropriety that does concern the court."

The judge also noted that the commission had failed to separately consider designating the exterior and interior of the cathedral for landmark status, and remanded the decision to the commission, asking it to do so.

Although it was not a target of the lawsuit, the Diocese of Rochester was represented during court proceedings by attorney Edward Hourihan, who was allowed to participate because the diocese was an interest-

ported back to me the results of their constructive dialogue," said Bishop Daily.

The bishop said he initially had concerns "about the purpose of the group, and the danger that individuals with other agendas — some of them contrary to the teachings and discipline of the church — might use these well-intended members of our loyal faithful as unsuspecting vehicles for the promotion of their plans."

While pastors are now free to allow the use of parish facilities, Bishop Daily asked that they familiarize themselves with agenda items and that they or a representative attend all meetings.



AFP/CNS

Pontiff visits Spain

Young people hold up a cross as they cheer at the arrival of Pope John Paul II to the Cuatro Vientos air base in Madrid May 3. During his meeting with the youth of Spain, the pope encouraged them to dedicate themselves to the cause of Christ and to the service of humanity.

ed party. Hourihan noted that Justice Lunn criticized the commission on procedural grounds, and did not address the merits of landmark designation.

"If the planning commission has to jump through some procedural hoops to satisfy the court, then we hope that they will make that effort," Hourihan said. He added that the planning commission is likely to address possible landmark status for the cathedral June 23.

Diocesan officials maintain that renovation opponents have used the landmark designation process to achieve their actual goal — stopping the renovations for religious reasons. Indeed, Hourihan told Lunn that the opponents were bringing a religious dispute into a secular setting.

"They have chosen to fight their battle at the preservation board, the planning commission and, unfortunately, here today," he said.

Alan Knauf, attorney for the Sacred Heart Preservation Committee, welcomed Lunn's decision, noting it gives the planning commission another opportunity to designate the cathedral a landmark.

"I expect that (the commission) will grant landmark designation for the exterior and seriously consider the interior as well," Knauf said.

Father Joseph Hart, diocesan vicar general and moderator of the Pastoral Center, said the decision may lead to a delay in the renovations, which were slated to begin July 1 and be finished by Easter of 2004.

Father John Mulligan, diocesan

vicar general and pastor at Sacred Heart, said diocesan and parish officials will have to meet with the various parties involved in the renovation process to determine what steps they can take in light of the decision. "We're ready to abide by the process and move on from that point," he said.

Meanwhile, the Rochester *Democrat and Chronicle* reported May 3 that Rochester Mayor William A. Johnson Jr. had endorsed the planned renovation of Sacred Heart. The *Catholic Courier* was unable to reach Mayor Johnson for comment.

"We were very appreciative of the mayor's support," Father Mulligan said, adding "we do regard this cathedral renovation as a major vote on our part on the future of the city."

The diocese's commitment to maintaining the cathedral within the City of Rochester also was a subject of discussion in Justice Lunn's ruling. The judge found that there was no substantial evidence that the diocese would relocate the cathedral to another church if renovations were not permitted, an argument the commission had considered during its deliberations.

Although there had been "serious discussion" about moving the cathedral in the light of a potential landmark designation, which would require the diocese to seek city approval for certain exterior and interior changes, Father Mulligan said the diocese is still leaning heavily in favor of renovating Sacred Heart.

"We're not about to walk away from this," he said.

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