

ONONDAGA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

EDPL ARTICLE 2 PUBLIC HEARING for
DISTRICT EAST PROJECT -
SHOPPINGTOWN REDEVELOPMENT

Held on: November 13, 2023

2:00 p.m. - 5:00 p.m.

Dewitt Town Court, Dewitt, New York

Mark R. McNamara, Esq., Moderator
Barclay Damon, LLP

Stenographer:

Deborah A. Cirabisi

OCIDA EDPL Hearing

ALSO PRESENT:

Daniel R. Coleman, Esq

Barclay Damon, LLP

Robert M. Petrovich, Executive Director

Onondaga County Industrial

Development Agency

Nancy Lowery, Secretary

Onondaga County Industrial

Development Agency

Participants via ZOOM

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2 MR. MCNAMARA: Good afternoon.

3 My name is Mark McNamara. I am with
4 the law firm of Barclay Damon. We are
5 counsel to the Onondaga County
6 Industrial Development Agency, and I
7 will act as the moderator of this
8 afternoon's hearing.

9 This hearing is being held by
10 the Onondaga County Industrial
11 Development Agency, which I will refer
12 to from now as the Agency, pursuant to
13 Article 2 of the Eminent Domain
14 Procedure Law, which I will refer to
15 as the EDPL, in connection with the
16 potential acquisition by negotiated
17 purchase, or eminent domain -- the
18 exercise of the Agency's power of
19 eminent domain -- of certain real
20 property and improvements within the
21 former Shoppingtown Mall located at
22 3649 Erie Boulevard East, in the Town
23 of Dewitt, New York; and more
24 particularly identified as first, the
25 former Sears' sites located at tax map

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2 lots 063.01-2.4 and 063.01-2.5,
3 totaling approximately 2.54 acres, and
4 the former Macy's site located at tax
5 map lot 063.01-02.3, totaling
6 approximately 1.67 acres. All three
7 of those parcels I will refer to as
8 the Property going forward.

9 This potential acquisition of
10 property interests in the Property is
11 for the proposed District East
12 Project, which is the subject of an
13 application to the Agency by the
14 developer, OHB Redev, LLC, which I
15 will refer to as OHB.

16 The project I will describe in a
17 few minutes.

18 The Agency's sponsorship and
19 participation in this public hearing
20 are based on its role as potential
21 condemnor and the requirement of
22 holding a public hearing pursuant to
23 EDPL Article 2 to describe the
24 proposed acquisition of the Property
25 and to inform the public and to review

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2 the public use, benefit, and purpose
3 expected to be served by the proposed
4 District East Project and the impact
5 of the Project on the environment and
6 residents of the locality in which the
7 Project will be constructed.

8 Notice of this hearing was
9 properly published, as required by
10 law, in the Syracuse Post Standard.
11 Proof of such publication will be made
12 part of the record of this hearing.
13 In addition, copies of the Notice of
14 today's public hearing were timely
15 served on each of the assessment
16 record billing owners of the property
17 and their respective legal counsel by
18 certified mail, return receipt
19 requested, pursuant to EDPL 202.
20 Copies of those letters and certified
21 mailing receipts will also be made a
22 part of the record of this hearing.

23 Anyone attending the hearing or
24 participating in the hearing by ZOOM
25 who wishes to speak should identify

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2 themselves when they do speak, their
3 address, and the organization with
4 which they are afflicted on the
5 sign-in sheet at the doorway as you
6 come into this room. I think that
7 everyone who intends to speak has done
8 so with the exception, perhaps, of the
9 people on ZOOM.

10 The owners, who subsequently may
11 wish to challenge the condemnation or
12 the determination and findings, if one
13 is issued, with respect to this
14 property and this Project must do so
15 via judicial review and may do so only
16 on the basis of issues, facts, and
17 objections raised at this public
18 hearing.

19 I will call the speakers in the
20 order in which they signed in, and
21 those participating on ZOOM will be
22 called last because they are muted
23 during this portion of the proceeding
24 while the people who are here are
25 speaking.

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2 Each speaker is limited to five
3 minutes. There are a number of people
4 -- there are a lot of people here who
5 wish to speak in addition to those on
6 ZOOM, so please keep that in mind as
7 you're making your remarks.

8 Finally, please note that
9 today's hearing is intended for the
10 Agency to take your input. It is not
11 a question and answer session, and
12 there won't be any answers provided if
13 people happen to have questions.

14 A stenographer is present to
15 take down your comments, everything
16 that is said, and to preserve those
17 comments in a record of this hearing.
18 Your comments will be part of the
19 record of this hearing; and if you
20 have any written materials that you
21 wish to submit, please give them to me
22 or the court reporter and they will be
23 marked as exhibits and made part of
24 the record of this hearing.

25 The verbal portion of the

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2 hearing will end today, but the
3 hearing will be left open until
4 November 20, 2023 at close of business
5 if anyone has anything in addition
6 they wish to submit in writing to the
7 Agency. If you do, please submit it
8 to Robert Petrovich, who is the
9 Executive Director of the Onondaga
10 County Industrial Development Agency.
11 The address is 335 Montgomery Street,
12 2nd floor, Syracuse, New York 13202.
13 Again, you have up until the close of
14 business on November 20th to make any
15 such submissions.

16 The Project -- the Project the
17 Agency is considering is an
18 application from OHB for financial
19 incentives and assistance under the
20 New York State General Municipal Law,
21 a copy of which is filed at the office
22 of the Agency, and I'll refer to that
23 as the Application, the application
24 that OHB has made, going forward.

25 That Application is requesting

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2 that the Agency undertake the Project
3 known as the District East Project,
4 which will include the proposed
5 demolition of the bulk of the existing
6 former Shoppingtown Mall and
7 improvements, which are located on 69,
8 approximately, acres at 3649 Erie
9 Boulevard East in Dewitt, New York --
10 which is the Project site, and that's
11 how I'll refer to it going forward --
12 and its redevelopment into a walkable,
13 mixed-use town center development
14 inclusive of retail, entertainment,
15 office, residential, and open space at
16 the Project site. That is what I will
17 refer to as the Project going forward.

18 The Project is anticipated to
19 include 1.96 million square feet of
20 leasable space inclusive of 912
21 dwelling units in 33 structures of up
22 to six stories in height, office,
23 grocery, retail and hospitality,
24 hotels, entertainment, including but
25 not limited to movie theatres,

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1 restaurants, bars, and bowling, and
2 mixed-use buildings across the site.
3 In addition, a street grid that will
4 incorporate primary, secondary, and
5 shared festival street, sidewalks,
6 bicycle infrastructure, pedestrian
7 scale lighting, street trees, sewers,
8 parks, and green spaces, and on-street
9 parking will be constructed. The
10 Project will also include surface
11 parking areas and will utilize the
12 existing parking garage in order to
13 provide up to 4,105 parking spaces.

14 OHB currently controls
15 approximately 64.46 acres of the
16 Project site. As part of its
17 application, OHB is requesting that in
18 furtherance of the Project and
19 pursuant the EDPL, the Agency exercise
20 its authority to acquire fee interests
21 in the following real property by
22 negotiated purchase or through its
23 power of the exercise of eminent
24 domain for the purposes of acquiring
25

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all needed rights for a unified and comprehensive commercial redevelopment of the overall Project site -- the property that we are talking about of potentially acquiring are those that I identified before, the former Macy's parcel and the two Sears parcels, which I'm referring to as the Property, and I already provided you the tax lot numbers for those.

The anticipated public use, benefit, and purpose of the Project includes but is not limited to transformation of a blighted and vacant former shopping mall into a mixed-use urban center with residential, commercial, office, and entertainment facilities, and common area amenities such as those I've described, bike paths, walking trails, and green spaces designed to encourage pedestrian activities and gathering places, expansion of educational facilities and offices to service the

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region, shopping, dining, and entertainment experiences, again, in the form of shops, restaurants, and entertainment venues, tied together with landscaped walkways to create a pedestrian-friendly urban environment, attract visitors and enhance the Finger Lakes region as a tourist destination resulting in several hundred million dollars of tourist related expenditures in the Finger Lakes region; create 950, approximately, construction jobs associated with the construction and installation of the Project, and approximately 1,500 full-time jobs, resulting in projected sales tax revenues of \$12 million dollars to the local and state governments annually with millions of dollars in additional state and federal payroll taxes, of which will advance the job opportunities, health, general prosperity, and economic welfare of

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2 the people of Onondaga County and the
3 State of New York and to improve their
4 prosperity and standard of living and
5 prevent unemployment and economic
6 deterioration.

7 With that, I will call the first
8 speaker, which is Chris McDonald.

9 The mic is there, and the reason
10 you're right in front of me is because
11 of the ZOOM and the camera.

12 MR. MCDONALD: No worries. Good
13 afternoon. My name is Chris McDonald.
14 I'm an attorney with Whiteman,
15 Osterman & Hanna. We represent
16 3649 Erie, LLC, which is the owner of
17 the former Macy's parcel and also the
18 beneficiary of certain rights under
19 the reciprocal easement agreement that
20 affects the Shoppingtown Mall, here
21 today to object to the idea of use of
22 its eminent domain powers to take
23 3649 Erie's property.

24 We've submitted a written
25 opposition, and I'll just briefly

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2 breeze through the summary of the
3 grounds for our opposition, and
4 they're three-fold.

5 First, the idea lacks the
6 statutory authority under the General
7 Municipal Law to provide assistance in
8 the form of eminent domain powers to a
9 project such as the District East
10 Project. Even if it had the statutory
11 power, it would be unlawful to
12 exercise that power here because the
13 IDA has not complied with the State
14 Environmental Quality Review Act, also
15 known as SEQRA.

16 Finally, I don't think there's
17 sufficient evidence in the record to
18 support a finding that this project
19 will serve a public rather than a
20 predominantly private purpose.

21 Just very quickly, because I
22 know we're strapped for time here, on
23 the GML issue, you know, basically the
24 IDA is a creature of statute, right?
25 And so its powers are set forth in the

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2 General Municipal Law, and if you look
3 at those powers, they do include the
4 power of eminent domain; but that
5 power can only be exercised in
6 furtherance of an IDA's corporate
7 purposes, and if you look at General
8 Municipal Law Section 858, those
9 purposes include industrial,
10 manufacturing, warehousing,
11 commercial, research, renewable
12 energy, and recreation facilities.
13 Critically missing from that list is
14 any reference to residential
15 facilities or projects. That's
16 important here because approximately
17 57% of the overall proposed Project is
18 designated to have an end-use that is
19 residential.

20 As I'm sure Counsel knows, you
21 apply the law that when there is a
22 big, long list of things that say what
23 you're authorized to do, if you omit
24 something from that list, the
25 conclusion to be drawn is that you are

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2 not authorized to do it.

3 There's another restriction in
4 the GML that I think is applicable
5 here, and that's contained in
6 Section 862, which generally prohibits
7 the IDA from providing financial
8 assistance to projects where one-third
9 or more of the total construction cost
10 is devoted to retail sales. If you
11 look at OHB's submissions to the IDA
12 and you total up all the categories of
13 use that are going to involve the sale
14 of goods or services to users who are
15 physically visiting the site, you
16 would get to approximately 35% of the
17 total Project, thus triggering the
18 restriction from 862.

19 I think OHB is sensitive to that
20 because other submissions they have
21 made tried to shoehorn the Project
22 into exceptions to 862's restriction
23 on retail projects, known as tourism
24 destination exception and the highly
25 distressed area exception. I don't

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2 think either of those efforts really
3 work.

4 On tourism destination, you have
5 to show that the Project itself will
6 attract people to the economic
7 development region. I think the best
8 you can say of the visitor impact
9 statement they've submitted shows that
10 there is generally a tourism industry
11 in the Finger Lakes region and that
12 they can piggyback on top of that.

13 With respect to a highly
14 distressed area, they note that in
15 2002 a portion of the site was
16 designated as an Empire Zone. That
17 does meet the statutory definition of
18 highly distressed area, but if you
19 look at 862, it doesn't say a portion
20 of the Project is located in a highly
21 distressed area, it says the Project,
22 and I would submit that that means it
23 has to be the entire Project.

24 Even if you were to get past
25 that issue of a portion versus the

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1 whole thing, they still have to
2 demonstrate as a second requirement of
3 the highly distressed area exception
4 that they will preserve or increase
5 the total number of permanent private
6 sector jobs in the state. I don't
7 think there is sufficient evidence in
8 the record to support such a
9 determination. So that's the GML.

11 Very quickly on SEQRA, the
12 standard for those of us who deal with
13 SEQRA on the regular is pretty well
14 known. You have to identify the
15 relevant areas of environmental
16 concern, take a hard look at them, and
17 make a reasoned deliberation for your
18 determination. IDA issued a negative
19 declaration of significance in October
20 of this year finding that the Project
21 was unlikely to have any significant
22 adverse environmental impacts. That
23 was in error. As described by
24 Counsel, this is a massive
25 undertaking. It's 33 buildings, it's

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1.9 million square feet, it's going to have internal infrastructure including sewers, sidewalks, and streets. It just blinks at reality to think that that's not going to have some sort of environmental impact.

I would say they did at least look at some of the impacts, right? There's a traffic study in the record that concludes, for example, that there will be an increase of approximately sixteen-hundred to thirty-two-hundred trips per day depending on day and time; that's inconsistent though with the visitor impact study which says it's going to result in 4.5 million additional visitors, which translates to something like 12 thousand additional visitors a day. So while that shows that they took some look at traffic impacts, they didn't take the statutorily required hard look.

With respect to a bunch of other

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1 potential impacts that I've identified
2 in my written submission, the idea of
3 improperly deferred or segmented its
4 review of those impacts, they
5 basically acknowledge there will be
6 impacts from things like noise, storm
7 water runoff, lighting, and said,
8 well, we'll have OHB generate a
9 mitigation plan in the future to be
10 the subject of approval by somebody
11 else; and there is case law saying
12 that that kind of approach is
13 inappropriate because it defers the
14 determination to some other agency at
15 some other time and insulates it from
16 public review because it is an
17 improper segmentation.

18
19 Finally, as I said at the top, I
20 think there's insufficient evidence in
21 this record to show that this is a
22 public purpose and not just lining the
23 pockets of OHB.

24 To the extent that anyone relies
25 on blight as an alleged public

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2 purpose, I think there's insufficient
3 record evidence to support a finding
4 of blight. Basically they've relied
5 on a photo log and some press
6 clippings that use the word blight. I
7 think that's insufficient. Just
8 because the mall is vacant doesn't
9 mean it's blighted.

10 For all those reasons, I would
11 respectfully request that the IDA not
12 exercise its power of eminent domain
13 and allow my clients to keep their
14 property.

15 Thank you.

16 MR. MCNAMARA: Thank you, sir.

17 Mr. Neidl from Jones, Hacker,
18 Murphy.

19 MR. NEIDL: Yes. Good
20 afternoon. I'm Ben Neidl from the law
21 firm E. Stewart, Jones, Hacker,
22 Murphy, 200 Harborside Drive,
23 Schenectady, New York. I represent
24 Transform Saleco care/of Transform
25 Holdco, LLC, Transform Midco, and

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2 Transform SR Brands, LLC. Notice of
3 this public hearing was transmitted to
4 my client under the name Transform SR
5 Brands, LLC.

6 Before the proceeding began
7 today, I provided the -- our
8 objections are set forth in a letter
9 dated November 13, 2023. Before
10 proceedings began today, I provided
11 the original letter to the clerk [sic]
12 who has marked it as an exhibit. I
13 also handed up a copy of that letter
14 to Mr. McNamara as Chair of this
15 hearing.

16 My client is the owner of an
17 approximately 2.5 acre parcel formerly
18 occupied by the Sears store and the
19 adjoining parcel, the Sears Auto
20 Service Center.

21 We object to the proposed
22 acquisition by eminent domain for the
23 following reasons -- I'll summarize
24 them, but they are set forth more
25 fully in my letter -- first, the

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entire Project exceeds the scope of the statutory authority of the Onondaga County Industrial Development Agency. The Project consists of 1,965,037 square feet. Of that, 1,028,662 square feet are dedicated to residential housing, which is approximately 57% of the Project according the EAF Part I Narrative, Appendix A.

If one looks at General Municipal Law Section 858, which sets forth the authority of an IDA in terms of the types of projects for which it can provide financial assistance, they're conspicuously non-residential in character. Mr McDonald read some of them in his remarks. They include uses such as industrial, manufacturing, warehouse, commercial, research, renewable energy, et cetera. The only other that even abuts residential is continuing care retirement communities, and that's

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2 because that particular use, while
3 involving a residential direction,
4 also generates long-term jobs to care
5 for the residents of such facilities.

6 The doctrine of -- the
7 expression of "one thing implies the
8 exclusion of the other" is a well
9 known category of statutory
10 construction. If you approach a store
11 and the door has a sign that says it's
12 open Monday through Saturday, that
13 means it is closed on Sunday. You do
14 not have the authority, the IDA does
15 not, to provide financial assistance
16 to this Project with a 57% residential
17 component.

18 Second, lack of public use --
19 Transform Midco has been marketing its
20 property for the past several years.
21 It contracted to sell it for reuse by
22 a medical provider, which planned to
23 retain the existing building for
24 medical use. For this Project before
25 the IDA, the developer also plans to

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1 use the existing building for medical
2 use. This would constitute transfer
3 from one private owner who contracted
4 to sell the property for medical use
5 to another private owner for proposed
6 medical use. The forced transfer of
7 property for the same proposed private
8 use cannot be deemed a public use.
9

10 Thirdly, we concur with the
11 remarks that Mr. McDonald made that
12 the Agency has not complied with its
13 obligations under the State
14 Environment Quality Review Act. This
15 is again set forth in our letter.

16 We emphasize traffic impacts in
17 our letter. There are traffic
18 reports, traffic study reports, in the
19 record, however, there are unexplained
20 traffic reductions in the traffic
21 impacts. The primary authority relied
22 on in those studies is the 11th
23 edition of ITE Trip Generation, which
24 sets forth generally accepted traffic
25 rates for different uses. The reports

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2 in this record inexplicably reduce
3 those rates by 20% in the case of
4 movie theatre use and 15% in the case
5 of what they call internal capture
6 trips without any explanation of the
7 methodology that was used to arrive to
8 those modified numbers.

9 I understand the record also
10 contains proposals to mitigate traffic
11 impact, but that doesn't mean it will
12 reduce impacts to a level that will be
13 tolerable for those at or near the
14 property.

15 Again, I'll refer respectfully
16 to our full letter. In addition to
17 the original provided to the clerk
18 [sic] today, on this same date our
19 office has mailed, by certified mail,
20 a hard copy to Mr. Petrovich at the
21 Montgomery Street address in Syracuse.

22 Thank you.

23 MR. MCNAMARA: Great. We have a
24 copy of that letter too.

25 MR. NEIDL: Yes. Thank you.

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2 MR. MCNAMARA: Thanks,
3 Mr. Neidl.
4 Tom Greenwood.

5 MR. GREENWOOD: Hi. Tom
6 Greenwood from Greenwood Development,
7 Syracuse.

8 First of all, it's very sad that
9 we have to be here with all these
10 attorneys, all these developers, and
11 can't figure out a way to solve this
12 problem without using a very powerful
13 government power of eminent domain.
14 With people that are creative in terms
15 of architects and surveyors and
16 designers, it's a shame. Even with
17 the power of people like Benderson,
18 who have developed tremendous
19 properties all over the country, they
20 can't work together to try and figure
21 this out. I mean just the cost of the
22 lawyers in this room boggles my mind.

23 But with regard to the power of
24 eminent domain and the right of this
25 particular state to allow it to be

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2 used for economic development,
3 economic development is not only for
4 the purposes of what was just
5 described but also to enhance the
6 quality of life and to meet the
7 challenges and set priorities in the
8 community.

9 Well, one of the priorities I
10 see in this community and what we
11 really need, we need housing for
12 people with special needs. There's
13 housing for seniors, there's now
14 facilities for people with
15 Alzheimer's; and there's all these new
16 people coming in to this community,
17 and they're going to have people with
18 special needs. One of the biggest
19 fears of parents today is what happens
20 to your child when you're gone.

21 Now, there's a big gap in terms
22 of services between the 18 and
23 21-year-olds to the 55-year-olds.
24 These people, 70% of them live at
25 home. So my thought is that if the

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2 government proceeds with an eminent
3 domain power, that they mandate or at
4 a minimum require that a certain
5 portion of any of these projects be
6 dedicated to housing, very modern
7 housing, nothing like institutional
8 that was banned years ago. I'm
9 talking about housing that's being
10 built nowadays for people, you know,
11 with assisted living for adults;
12 that's what we need for special needs
13 people, people that can't necessarily
14 drive a car, people that can walk to
15 all these different places.

16 Now, this is a wonderful
17 project, and I think the concept is
18 great. I don't think it can happen
19 because I've been here long enough to
20 see these major projects -- Destiny
21 was going to have a canal through it
22 and three golf courses under glass and
23 such -- but if they do some of it, at
24 least they can make this a priority.

25 So that's my point.

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2 MR. MCNAMARA: Thank you very
3 much, Mr. Greenwood.

4 Jared Shepard.

5 MR. SHEPARD: Good afternoon.
6 My name is Jared Shepard. I'm the
7 Director of Planning and Research at
8 Center State Corporation for Economic
9 Opportunity, which is a regional
10 economic development and strategy
11 organization in Central New York.

12 I'm here to speak and be present
13 to support the action. Due to our
14 belief and understanding and findings
15 of the Project, it's of vital
16 importance to the community and the
17 economic development of the region.
18 We base this on our observations of
19 the need to address the ongoing
20 deterioration at the site, in addition
21 to that, the urgency to return the
22 property to the tax roles as well as
23 the community's need for a number of
24 the benefits that the Project provides
25 including housing and amenities. I

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2 want to emphasize that the economic
3 development and broader community
4 goals are served by this type of
5 development, and specifically this
6 one.

7 Moreover, the historical lack of
8 a buyer or other redevelopment
9 proposals that are successful at the
10 site demonstrate the ongoing
11 complexities and challenges present
12 for this Project and also the county's
13 interest in supporting and assisting
14 in this development, and because of
15 that, we support and recommend the
16 action to take the opportunity to seek
17 development at the site through the
18 proposal.

19 Thank you.

20 MR. MCNAMARA: Thank you very
21 much. Richard Kunz.

22 MR. KUNZ: Good afternoon. I'm
23 going to keep this very brief. I'm
24 here more to learn and get some of my
25 questions answered and my concerns

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1 verified, but in just a short bit that
2 I've listened today -- I've lived in
3 four or five different states, I
4 choose to live in Dewitt now. When
5 you use the term blight, I've been
6 through Detroit, I've been through
7 portions of Chicago, I've been through
8 Northern California, Southern
9 California, I know what blight is.
10 Blight is right over there on the
11 entrance to the town in which I live.
12 It's not just that area there. You
13 drive down Erie Boulevard, that's the
14 key, that's what starts it, and then
15 you look and then there's blue tarps
16 and plywood here and boarded things
17 there and empty parking lots and
18 overgrown things.

19 I drove through there two days
20 ago just to look all over to see what
21 it was in there, what it really was
22 like in the daylight. There's a
23 pothole in there big enough to drop a
24 '47 Buick in and lose it. That is
25

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2 blight. If you want to look up the
3 definition in the dictionary, drive
4 over there, drive around and look.

5 It's very unfortunate that it's
6 hard to get people to work together,
7 and I'm not a big guy for taking
8 peoples' things away from them; but if
9 you can't play nice with your toys,
10 then you gotta take them away, kids.
11 Unfortunately, as much as I dislike
12 eminent domain, it's probably very
13 well worth it.

14 Thank you very much.

15 MR. MCNAMARA: Thank you,
16 Mr. Kunz.

17 Bonnie Strunk.

18 MS. STRUNK: Good afternoon.
19 Bonnie Strunk, long time resident of
20 Dewitt. I've seen the development and
21 the degrading of Shoppingtown.

22 The issue that I'd like to
23 raise, while I think that everyone in
24 the town of Dewitt is concerned about
25 the status of the property and wants

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2 desperately something to be done about
3 that, people have concerns that
4 there's been a lack of communication
5 with the public and a lack of
6 consideration of the impact this is
7 going to have on the existing
8 neighborhood, a lack of addressing
9 environmental issues.

10 I attended the session where
11 OCIDA approved this application,
12 listened to the brief summary that was
13 presented, but the environmental
14 issues were not addressed in detail,
15 the density issue was not addressed,
16 the traffic issue was not addressed in
17 detail.

18 If there is no other way for
19 this issue to be resolved, perhaps
20 eminent domain is the appropriate
21 action to be taken. People in the
22 neighborhood would ask that you
23 consider also the impact that this
24 Project will have on the neighborhood
25 and would ask that there be greater

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2 communication with the public as to
3 what is happening in this Project and
4 in this proceeding. For example,
5 OCIDA didn't publish any of the
6 materials in support of the original
7 application until after it was
8 approved. There's a need on the part
9 of the public to be aware of what's
10 happening on a project of such
11 magnitude. It's going to change the
12 town of Dewitt permanently. The
13 public should be and needs to be
14 informed, so we would ask that the
15 issues that I raise and other people
16 are going to raise, whether it's from
17 the people who oppose this or people
18 who in general support the concept,
19 that those factors also be considered
20 in any determination.

21 Thank you.

22 MR. MCNAMARA: Thank you.

23 Peter Svoboda.

24 MR. SVOBODA: Hello. I'm a
25 resident of the town of Dewitt. I

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2 also had a store at Shoppingtown, a
3 4,000 thousand square foot space that
4 represented over 350 artisan crafters.
5 We were there for about eight years.
6 I firmly support the taking over of
7 the Shoppingtown property through
8 eminent domain.

9 It's disappointing to find out
10 -- first of all, when I saw Moonbeam,
11 the previous owner, hold the Town
12 hostage until it could negotiate the
13 possibility of making that purchase,
14 and now I consider any other stalling
15 tactics as holding the property
16 hostage.

17 There's two things that I can
18 see happening with the property. One
19 is, originally -- the Town of Dewitt,
20 as far as I know, there's no taxes
21 being paid on that property -- if it's
22 developed, the residents will receive
23 more tax levy from that.

24 The second big need I see in the
25 Town of Dewitt is a need for a

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community center. I'm talking about community development. I worked in the private sector, I've dealt with hundreds of companies, I was at Syracuse University for 20 years, and I've also dealt with economic development in the development of retail spaces and streets and such sort of things. What I'm talking about is looking forward to what the town needs for residents in coming years, Baby Boomers and subsequent audiences. What is needed is a community center located in that facility.

I've done research on this, and I can tell you that it will need a space of five to ten thousand square feet, and it will serve the coming audiences of Baby Boomers that are much different than the Silent Generation. I hopefully can present this information as time goes along, but we're talking about community

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2 development here as opposed to
3 economic development, and I think that
4 that has to take a strong place in
5 considering use of the property. It's
6 not just economic development, it's
7 community development. I think it's
8 needed within the town, and so I
9 support the idea of taking over that
10 property by eminent domain.

11 MR. MCNAMARA: Thank you, sir.

12 Mary Kuhn.

13 MS. KUHN: Good afternoon.

14 Thank you. Mary Kuhn, 108 Orvilton
15 Drive, and I'm also a county
16 legislator.

17 I am concerned about the eminent
18 domain. New York being one of only, I
19 think, three states that allows this
20 for a project such as this. I know
21 that the county took, considered
22 eminent domain for the White Pine, but
23 wound up paying people when they took
24 their property. I wish that that had
25 happened, that the county who owns the

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2 property other than those two pieces
3 or three tax properties, I wish the
4 county had paid whatever was being
5 being asked. I don't understand why
6 there wasn't more flexibility on the
7 parts of the people who own those
8 properties. I understand that there
9 was an attempt to negotiate a payment
10 to be able to buy those properties,
11 that yielded nothing.

12 Given the blight that we see and
13 given the situation Dewitt sees itself
14 in, I think eminent domain seems to be
15 the only way to go. Something has to
16 be done with this property. I think
17 the plans are wonderful. I would echo
18 Ms. Kuhn's position that part of what
19 needs to happen then, as the property
20 moves forward and if eminent domain is
21 in fact successful, that the community
22 be more involved in some of the ideas
23 that have been expressed and will be
24 expressed today such as the community
25 center, such as housing for adults

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2 with disabilities, so I am in support
3 of this but with some caveats.

4 Thank you.

5 MR. MCNAMARA: Thank you very
6 much.

7 Mike Durkin.

8 MR. DURKIN: Good afternoon.
9 I'm here as a taxpayer, lifelong
10 resident of Dewitt.

11 I remember probably ten years
12 ago when Moonbeam took over the mall
13 and we all got excited that we'd see
14 some progress. Here we are ten years
15 later talking about eminent domain,
16 which I do not take lightly, but I do
17 believe in this case we need that to
18 exercise the holdouts, if you will.

19 I'm in real estate. I've seen
20 opportunities for others to look at
21 Shoppingtown, and whether their
22 holdouts or holding people hostages,
23 the folks aren't finding resolution,
24 and I feel that the government needs
25 to come in and support the economic

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2 development. This property is
3 critical for the Onondaga County
4 growth and particularly the Town of
5 Dewitt. You may not find a property
6 like that in 100, 200 miles from here.
7 It's perfect, and the fact that we
8 were able to land a local developer
9 who lives, works, and plays here,
10 raises their children here,
11 understands the importance of smart
12 growth that's pedestrian friendly and
13 maybe will find a way to also support
14 Mr. Greenwood's request that we also
15 find inclusive opportunities for those
16 with special needs to live, work, and
17 play there as well, I think is a
18 wonderful conversation.

19 So today I'm here to make sure
20 that we are doing everything we can to
21 find a way to get Shoppingtown out of
22 blight and into the 21st century.

23 Thank you.

24 MR. MCNAMARA: Thank you,
25 Mr. Durkin.

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2 Daniel Romeo.

3 MR. ROMEO: Good afternoon.

4 Daniel Romeo from Ridgewood Drive in
5 Syracuse here representing myself.

6 I'm here to support the action
7 that is proposed. It is not the ideal
8 situation that we would like to see
9 happen. Ideally, if groups could come
10 together and come up with agreements
11 that are able to move the property
12 forward and make progress developing
13 that space, that's what we'd all like
14 to see; but without that happening and
15 the amount of time that has passed and
16 the need for that property to be
17 developed, not just for the benefit of
18 the local neighborhood but for the
19 community as a whole, I think this the
20 next step that needs to be taken in
21 order to develop that space and
22 improve the area for the residents
23 that live there as well.

24 There's a significant need in
25 our community for housing and growth,

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2 and this is an opportunity for our
3 community to benefit from that.

4 It has been too long that this
5 property has been the way that it is
6 and the burden that is put on
7 government, both cost and lack of
8 opportunity, I think we need to move
9 forward, and I support the proposal.

10 MR. MCNAMARA: Thank you,
11 Mr. Romeo.

12 Kathleen Koss.

13 MS. KOSS: Good afternoon. My
14 name is Kathleen Koss. I live at
15 10 Northridge Road in Dewitt. My
16 family and I have been there since
17 September 2, 1988.

18 I frequently go to Shoppingtown
19 for walks now because there's nobody
20 there. When we first moved to the
21 area it was vibrant, it was lovely.
22 Now it isn't.

23 The three entities that are
24 holding us back from the redevelopment
25 -- the Benderson Corporation, who owns

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2 Macy's, and whoever owns Sears and the
3 Moonbeamers -- as far as I'm
4 concerned, they're terrorists. You
5 don't negotiate with terrorists. They
6 have all been offered lots and lots of
7 money to give their properties up, and
8 they just thumb their noses at us, and
9 they won't do it.

10 In the meantime, the last time I
11 went out there, there are potholes the
12 size of sinkholes. It's very
13 dangerous to drive there. The roof is
14 caving in. If you go to the Erie
15 Boulevard side of the mall where the
16 original strip mall was in the '50s,
17 up above there's an open area that's
18 got stuffing falling out of it, and
19 you can see the squirrels use the
20 trees to jump in there and use it for
21 I have no idea what. Woodchucks live
22 in there, and I don't know who else is
23 in there, but I did notice about four
24 months ago somebody decided to take
25 big, ugly sheets of plywood with

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2 knotty pine holes in them and hammer
3 them all over the doors and windows of
4 the mall, so it really looks like a
5 slum now. Then if you circle around
6 to a different part, people have left
7 couches, there's a mattress there.
8 It's disgraceful.

9 I'm hoping that the
10 redevelopment company does come up
11 with a wonderful plan. That would be
12 great, but in the meantime, it's
13 really dangerous, and it's hideous,
14 and when people come here who consider
15 moving here, take a look at that, and
16 you won't.

17 The other point I would like to
18 make is out in M-Land where Micron is
19 going, up in the north, the Great
20 Northern Mall apparently was falling
21 apart too, but some how those people
22 are getting money to fix that up.
23 We're not. I have a feeling that the
24 people in charge of running the county
25 know that most of us East enders over

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2 here probably aren't going to vote for
3 them, so they just kind of ignore us.
4 I'm sick and tired of it, and it needs
5 to stop.

6 Eminent domain, you don't have
7 to negotiate with terrorists if you
8 use eminent domain. You just say,
9 you're out, bye, and you take it. It
10 isn't like we're throwing little old
11 ladies out on the street using eminent
12 domain. These are major corporations
13 that have gazillions and gazillions of
14 dollars. The reason Benderson doesn't
15 want to get rid of Macy's is he owns
16 half of Erie Boulevard East now, and
17 so if Shoppingtown came back in
18 whatever form it's going to come back
19 in he would be creating his own
20 competition, and he's not a fool.
21 We're all sick of it.

22 Lastly, somebody's paying the
23 taxes on that property. I live in the
24 town of Dewitt. I'm paying federal,
25 state, town, library, and school

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2 taxes, which I think used to be
3 subsidized by the successful
4 businesses that used to be at
5 Shoppingtown. It needs to be done.
6 It's going on four years. You have to
7 stop dragging your feet.

8 Also, people are leaving. We
9 have three very close family friends
10 that went to Virginia and Georgia
11 because they're just sick of it.
12 There's not excuse, and it's
13 dangerous. If someone comes and falls
14 and breaks a leg or an ankle, you're
15 going to get sued.

16 MR. MCNAMARA: Thank you very
17 much.

18 MS. KOSS: You're welcome.

19 MR. MCNAMARA: Ben Lockwood.

20 MR. LOCKWOOD: Good afternoon.

21 My name is Ben Lockwood. I'm the
22 president and CEO of Housing Visions.
23 We're a Syracuse based non-for-profit
24 affordable housing developer and
25 manager, and we are a small partner in

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2 the proposed District East
3 Development. Obviously we have an
4 interest in the development of
5 affordable rental housing.

6 I'd like to provide a little bit
7 of context to my comments here this
8 afternoon. Housing Visions was born
9 out of University United Methodist
10 Church on Near Eastside in Syracuse on
11 East Genesee Street. We were born
12 because the church was responding to
13 the decline of the neighborhood that
14 surrounded it in the Near Eastside.
15 Many properties were in poor condition
16 due to disinvestment and a lack of
17 care from owners. There didn't appear
18 to be much hope that conditions in the
19 neighborhood could change the
20 neighborhood back in the 1990s.
21 Housing Visions began with a simple
22 mission to revitalize the neighborhood
23 surrounding the church and creating a
24 replicable model.

25 Fast forward to today, Housing

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2 Visions is seeing a renaissance in our
3 Near Eastside neighborhood along East
4 Genesee Street. We're seeing the
5 development of new housing, retail,
6 commercial, and other amenities that
7 didn't seem possible in 1990, and
8 affordable housing was the spark for
9 that redevelopment.

10 I provide this narrative as we
11 all examine the possible benefits of
12 redevelopment of the Shoppingtown Mall
13 site. Many of us in this room can
14 remember the heyday of the mall in the
15 '80s and '90s. It was a hub of
16 activity on the east side of town and
17 an economic engine for commerce.

18 In literally 2000, Shoppingtown
19 suffered almost the exact ills of the
20 Near Eastside in Syracuse, lack of
21 investment and care from a series of
22 absentee owners. Macy's pulled out in
23 2015 followed by Sears in 2018, and
24 ultimately the County was left with no
25 choice but to intervene in 2020 and

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2 take ownership of the majority. We're
3 left with a dead mall that's now an
4 eyesore and an attractive nuisance for
5 vandalism and other mistreatment.

6 What was once a centerpiece and
7 major contributor to the tax base for
8 Dewitt, the school system, and the
9 county, is gone. The property is an
10 absolute liability for not only Dewitt
11 but everyone in Onondaga County.

12 But hope is not lost. The
13 County solicited an RFP in 2021 in
14 which both the owners of Sears and
15 Macy's chose not to participate.
16 Ultimately, OHB Redev was chosen as
17 the winner of the RFP. Despite the
18 best efforts of the development team,
19 we cannot move forward without a
20 resolution on these final two parcels.

21 The vision of the redevelopment
22 will inject new retail and commercial
23 development and much needed housing
24 into the east side. It will become a
25 place where people can truly live,

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2 work, and play. It will raise the
3 profile of Dewitt and increase the
4 value of surrounding properties. I
5 don't know very many businesses that
6 don't want an influx of new people and
7 new development coming to their
8 community.

9 OCIDA plays a critical and
10 important piece in clearing the logjam
11 at the site. It has the opportunity
12 to go forward with this action that
13 will ultimately benefit our community
14 and hands a gateway to the town and
15 improve the economic conditions for
16 the town, school, and county. Much
17 like the work Housing Visions
18 conducted on the Near Eastside, I
19 believe Shoppingtown is ready for its
20 renaissance.

21 Thank you.

22 MR. MCNAMARA: Thank you,
23 Mr. Lockwood.

24 Robert Hauft.

25 (No response.)

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2 MR. MCNAMARA: Mr. HaufT,
3 H-A-U-F-T. If I'm mispronouncing
4 that, I apologize. Robert HaufT.

5 (No response.)

6 AUDIENCE MEMBER: Excuse me.
7 May I interrupt for a moment? I came
8 in late. I put my name here. I just
9 want to make certain --

10 MR. MCNAMARA: Absolutely,
11 you're in line.

12 AUDIENCE MEMBER: Thank you. I
13 know I'm at the end, but where's the
14 end?

15 MR. MCNAMARA: You're at about
16 six or seven more people.

17 AUDIENCE MEMBER: Thank you very
18 much.

19 (The audience member was later
20 identified as Desiree Yagan.)

21 MR. MCNAMARA: Sure. Jimmy
22 McKeown.

23 MR. MCKEOWN: I'm Jimmy McKeown,
24 and I waive my right to speak.

25 MR. MCNAMARA: See, that's even

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2 faster.

3 Bill Brower.

4 MR. BROWER: I'll be fast as
5 well. Thank you. My name is Bill
6 Brower. I'm the special assistant to
7 President Linda LeMura at LeMoyne
8 College. She's unable to be here with
9 us today. President LeMura expresses
10 gratitude for the work, vision, and
11 transparency that have been invested
12 in the plan.

13 The property is in the college's
14 neighborhood, in our proverbial
15 backyard or front yard, and LeMoyne
16 supports the project. Redevelopment
17 will bring vitality that will help us
18 to continue to enhance and grow
19 LeMoyne. Students want to be in
20 neighborhoods that are safe, thriving,
21 and vibrant. This Project brings all
22 those things.

23 In addition to being a drain on
24 our collective resources, an empty,
25 decaying property is unattractive to

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2 perspective students and their
3 families. A redeveloped property will
4 enhance property values in the
5 neighborhood and attract more students
6 to LeMoyne via the new retail,
7 entertainment, and other amenities,
8 and the housing units, I think it's
9 over 900, will help the college
10 recruit and retain faculty and staff.

11 Thank you.

12 MR. MCNAMARA: Thank you.

13 Susan Rabin.

14 MS. RABIN: I've been a resident
15 of Dewitt since 1987. This is the
16 first time I'm attending such a
17 hearing, and I'm finding it very
18 interesting and informative. I don't
19 have anything prepared to say because
20 I honestly thought I was signing like
21 a sign-in sheet.

22 MR. MCNAMARA: You're not forced
23 to speak.

24 MS. RABIN: I debated. I just
25 wanted to come up and say that, you

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1 know, I am definitely in favor of this
2 action despite some of the negative
3 connotations of the term eminent
4 domain, because I think blight is in
5 the eyes of the beholder. Every time
6 I drive past the Shoppingtown Mall
7 sight, I see blight. It's frankly
8 embarrassing when we have family and
9 friends from out of town visiting and
10 we are driving around showing them
11 around, and they say, what happened
12 there? Then we give the history of
13 what happened there, and it's sad, and
14 it's embarrassing.

16 We're fortunate that we have
17 family that moved back here, our
18 daughter and her young family, and I
19 think in order to keep attracting kids
20 to come back, which I know a lot did,
21 we have to make it desirable and
22 improve and give everyone something,
23 whether it's entertainment, housing,
24 commercial space, retail space,
25 walking, parks, we need it all in

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2 Dewitt. It doesn't really have a town
3 center. Some people say Wegmans is
4 the town center in Dewitt where you go
5 to meet people. I think this new
6 plan, the schematics of which whenever
7 we see we get excited and think this
8 is great, and I think there's a
9 definite need, and you have our
10 support.

11 Thank you.

12 MR. MCNAMARA: Thank you very
13 much.

14 I'll get the pronunciation right
15 this time, Barry Rabin. Did you wish
16 to speak, Mr. Rabin?

17 MR. RABIN: Sure. My name is
18 Barry Rabin. You listened to my
19 lovely wife. We're both residents
20 since 1987. I also am an amateur at
21 this type of presentation, but I've
22 listened to what I've heard for the
23 last several minutes, and I find that
24 several things are apparent, number
25 one, I consider myself a news person.

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2 I pay very close attention to online,
3 I pay attention to whatever is made
4 available to me, and I gotta tell you,
5 this meeting, I found it by chance. I
6 just happened to surf the internet,
7 syracuse.com. I saw it was 2:00 in
8 the afternoon on a Monday, and I said,
9 wow. I mean, for a meeting that is
10 relatively important, it should have
11 been in the evening or at a time and
12 place that more people would have the
13 opportunity to attend.

14 Having said that, also I wasn't
15 aware that it was on ZOOM, and I think
16 today with COVID and so forth a lot of
17 meetings are on ZOOM, but I don't
18 think the syracuse.com article
19 mentioned that opportunity, but I'm
20 glad I'm here because face-to-face has
21 value and you get to see different
22 people.

23 With regard to defining this
24 like blight and so forth and so on, I
25 mean, attorneys, I understand this is

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2 what they do, they have to flush out
3 definitions and so forth and so on,
4 but we all feel that the community has
5 gone downhill tremendously since the
6 last 15 years or so. It's been well
7 described by other speakers what's
8 going on at the mall right now. I
9 think the plans I've seen are very
10 encouraging. It's just to see all the
11 ideas that are being proposed and
12 certainly any and all of them are
13 going to help the community develop
14 and prosper.

15 Just finally, I wish that the
16 attorneys for the representative of
17 Macy's and Sears would negotiate in
18 good faith. I'd like to think that
19 Onondaga County is doing the same
20 thing, that a resolution has not yet
21 been achieved because we're just
22 talking about dollars here, and all
23 these problems just come down to how
24 much money is it going to take to
25 solve the problem. Eminent domain is

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2 not the optimal answer. I agree with
3 that, but unfortunately, it sounds
4 like we're at the end of a trail or
5 getting very close to it, so I have to
6 support that assuming that I know as
7 much as I can know that negotiations
8 have failed to date.

9 With that, I will let other
10 speakers pick it up. Thank you very
11 much for the opportunity of speaking.

12 MR. MCNAMARA: Thank you.

13 Deputy Supervisor Kerry Mannion.

14 MS. MANNION: Good afternoon.

15 Kerry Mannion, 217 Haddonfield Drive,
16 Dewitt, New York. I've lived at that
17 address for a little over 30 years,
18 and 30 years ago Shoppingtown Mall was
19 a vibrant, exciting place. I've been
20 on the Town Board now for just about
21 16 years, so we're going back to 2008.

22 If you look at the history of
23 what's happened over there, even in
24 2008 when Macerich owned the mall I
25 was in constant contact with Macerich

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2 -- out-of-town owners, publicly traded
3 company -- they didn't really care
4 about Shoppingtown. As a matter of
5 fact, they ended up giving the
6 mortgage back to the bondholders. The
7 bondholders had it for two more years.
8 They didn't care about Shoppingtown,
9 and it continued to decay. They
10 flipped it to the bond fund and the
11 bond fund flipped it in 2014 to
12 Moonbeam, who we thought were going to
13 positively redevelop the mall. We
14 found out in about 12 months that they
15 did not know what they were doing and
16 did nothing. Fortunately, after about
17 six years of their ownership where the
18 mall just continued to decline the
19 County did help and step in -- we
20 thank the County for that -- to
21 purchase the mall from Moonbeam.

22 I can tell you the County then
23 put out a RFP -- and OHB Development
24 Group, I've been in communications
25 with them for about two years -- since

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2 they put it under contract they have
3 done more work in two years than the
4 previous ownership probably dating
5 back to 20 years prior.

6 It's not that we haven't been
7 patient. Sears closed about five
8 years ago, nothing has happened.
9 Benderson stepped in I think about
10 seven years ago and bought the Macy's
11 and has done absolutely nothing, so
12 it's not like we're just pulling the
13 rug out from these guys. They've had
14 time to redevelop the Project, and I'm
15 in full support of the eminent domain
16 process.

17 I know negotiations have been
18 ongoing with both parties to no avail,
19 so at this point, again, is there a
20 public purpose? Certainly there's a
21 public purpose. Again, I've been on
22 the Board for 16 years, and I would
23 say every day somebody asks me, what's
24 going on at Shoppingtown? Every day.
25 We just had an election, and there's

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2 all kinds of issues that go on, but
3 the most common question to me is,
4 what's happening with Shoppingtown?
5 We've been very patient. I thank
6 OCIDA for stepping in to use the
7 eminent domain process. I thank the
8 County for being supportive.

9 At this point, again, it's time
10 to move on and get that property
11 redeveloped so all of us can enjoy the
12 public space that it will give all the
13 residents.

14 Thank you.

15 MR. MCNAMARA: Thank you.

16 Supervisor Ed Michalenko.

17 MR. MICHALENKO: Thank you very
18 much. For a litany of reasons that I
19 won't go through here today and intend
20 to provide in writing, I support this
21 action. As the Supervisor of Dewitt
22 and lifelong resident of Dewitt,
23 again, thank you and appreciate this
24 move. It's time has come.

25 Thank you.

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2 MR. MCNAMARA: Thank you very
3 much.

4 Matt Jones.

5 MR. JONES: I'm here on behalf
6 Assemblywoman Pam Hunter. I live in
7 Clay, and I have no voice in this, but
8 the assemblywoman, of course, lives in
9 the district. This is her statement
10 for the record.

11 "I have long supported the
12 redevelopment of Shoppingtown Mall and
13 to District East, and this public
14 hearing is a necessary step toward in
15 breaking ground on this ambitious
16 Project. To initiate everything that
17 has been planned the final two
18 properties on the site must be
19 transferred to developers.

20 It would be most beneficial for
21 the greater community if this transfer
22 were to occur independently and
23 expeditiously, but if an agreement
24 cannot be reached, I support OCIDA
25 using its authority to facilitate a

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2 transfer at fair market value.

3 With the vital housing supply
4 and economic opportunities District
5 East is expected to create, we must
6 explore options available to us to
7 keep this Project on a reasonable
8 timeline."

9 Again, that's from Assemblywoman
10 Pamela Hunter.

11 MR. MCNAMARA: Thank you very
12 much.

13 Ma'am, I think you're next.

14 MS. YAGAN: Me? Okay. I
15 obviously missed the beginning, and
16 I'm appearing on behalf of myself.

17 MR. MCNAMARA: Can you just
18 state your name and address?

19 MS. YAGAN: Yes, of course. My
20 name is Desiree Yagan. I live at
21 1162 West Belden in Syracuse,
22 New York, and I'm appearing on behalf
23 of myself and the taxpayers of
24 Onondaga County, which are incurring,
25 at this point, \$15 million dollars and

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2 counting for Shoppingtown Mall because
3 it has not yet consummated -- whatever
4 the language is -- the OHB has not
5 taken deed of Shoppingtown Mall, so
6 the taxpayers, as long as we're
7 counting, \$15 million dollars and
8 counting is where we're at.

9 MR. MCNAMARA: Thank you.

10 MS. YAGAN: Okay. So is that
11 the (pointing) --

12 MR. MCNAMARA: That's the one.
13 I think the court reporter can hear
14 you.

15 MS. YAGAN: Okay. I just want
16 to make sure the audience can hear me
17 too.

18 MR. MCNAMARA: That's the mic
19 that everyone can hear.

20 MS. YAGAN: Thank you. That's
21 very important. I actually got that
22 from OCIDA earlier. I forgot her name
23 at the moment.

24 Okay. So the issue, first of
25 all, this is a very important hearing,

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2 public hearing, pursuant to Article 2
3 of the Section 201 of the Eminent
4 Domain Procedural Law, correct?

5 MR. MCNAMARA: Correct.

6 MS. YAGAN: Since I missed the
7 beginning of the presentation, I
8 understand that all citizens have 30
9 -- I'm sorry -- is it ten days to
10 provide a written statement to OCIDA?

11 MR. MCNAMARA: Part of opening
12 the proceeding was that we're here to
13 take your comments, not really answer
14 questions, but the proceeding will be
15 left open until the close of business
16 on November 20th; so after today's
17 hearing, you can submit any written
18 materials you wish to be made part of
19 the record to -- I'll repeat it after
20 this hearing -- to Robert Petrovich,
21 Executive Director, at the Agency.

22 MS. YAGAN: Right. I spoke to
23 his secretary, Jane -- I forget.

24 MR. MCNAMARA: It's okay.

25 MS. YAGAN: Okay. So very good,

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2 but, again, the written statements are
3 taken in account before determination
4 are made, the comments of the
5 residents and citizens are taken in
6 account before determination of
7 eminent domain is made, that includes
8 the written statements provided within
9 ten days of the public hearing,
10 correct?

11 MR. MCNAMARA: No, within the
12 time period between now and
13 November 20th, one week. On
14 November 20th the hearing closes, so
15 any written materials that you or
16 anyone else has should be submitted to
17 the Agency prior to the close of
18 business on November 20th.

19 MS. YAGAN: Okay. Thank you.
20 Again, I just --

21 MR. MCNAMARA: And that will be
22 made part of the record.

23 MS. YAGAN: Okay. And, of
24 course, the determination is based on
25 the record and what the facts of the

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2 procedure eminent domain is enacted or
3 proceeded, right [sic]?

4 MR. MCNAMARA: Again, I'm not
5 here to answer questions. The record
6 with respect to this proceeding and
7 anything you say, anything anyone else
8 has said is being made part of the
9 record and any written materials that
10 anyone submits will also be part of
11 the record, all of which will be
12 considered by the Agency.

13 MS. YAGAN: Okay. I'm very
14 careful on the facts because this is a
15 very important hearing.

16 In fact, those very words were
17 made by Judge Carlota Bohm on
18 December 14, 2020. That was the
19 hearing -- and I'm certain that
20 everyone present is aware that the
21 public hearing -- I'm sorry -- the
22 hearing on the confirmation sale and
23 settlement agreement of Shoppingtown
24 Mall occurred on December 14, 2020,
25 and I will tell that Judge Bohm stated

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2 this is a very important hearing, Kay
3 Kaylee (phonetic), you have to do
4 something. Why is that relevant now?
5 Because they're talking about Desiree
6 Yagan. That was asserted abruptly on
7 December 11th. I was entered on the
8 docket at 5:15 on Friday,
9 December 11, 2020, and that's pursuant
10 to my call. That's on my YouTube
11 channel, and this is relevant to
12 what's going on.

13 In regard to eminent domain, I
14 will tell you, this here -- this is
15 what you call a document dump. This
16 occurred to me. I made a FOIL request
17 on July 28, 2023 to Ryan McMahon,
18 Onondaga County Executive; to Robert
19 Durr, Onondaga County Attorney, and my
20 FOIL request was for preparation for
21 proceeding with the Shoppingtown Mall.

22 It was -- I requested the RFP,
23 Request for Proposal, by Ryan McMahon.
24 I requested all proposals received by
25 Ryan McMahon, I requested the

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2 \$8 million dollar contract, which we
3 all saw on the press conference on
4 July 21, 2020, announcement by Ryan
5 McMahon and OHB owner, Ryan Benz, the
6 \$8 million dollar contract signed that
7 morning. Well, I requested that, and
8 the salary paid by Robert F. Julian,
9 attorney hired to represent what,
10 Onondaga County? Represent Onondaga
11 County in the tax litigation in state
12 supreme court before Judge Paris.

13 Now, I have the right to make
14 the statement, and I am getting to the
15 point. The point can't be overstated.
16 I have here, 88 days later after my
17 FOIL request, I was provided on
18 Thursday a -- that was email. I
19 picked this up a half hour before I
20 came here. Okay? This is the
21 documents, this is the full response
22 from the Department of Law 88 days
23 later, and what it is the proposals,
24 which, by the way, there were three,
25 three proposals. I imagine no one is

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2 aware because no one bothers,
3 certainly the media didn't even bother
4 to request the --

5 MR. MCNAMARA: Let me just
6 interrupt you. Before you get into
7 those proposals, and I recognize you
8 certainly have a right to be heard --

9 MS. YAGAN: Thank you.

10 MR. MCNAMARA: -- But the other
11 thing you missed at the beginning of
12 the meeting is everyone gets five
13 minutes, so let me suggest this
14 because this is a good breaking point,
15 if you could sit down and we'll hear
16 the rest of the from ZOOM and anybody
17 else that wants to speak, and then
18 after that you can resume.

19 MS. YAGAN: Okay. And I
20 appreciate that. Thank you very much.
21 If I could just have two minutes and
22 then we do that, that would be great.

23 MR. MCNAMARA: Go ahead. You
24 have two minutes. You're on the
25 clock.

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2 MS. YAGAN: Okay. I can deal
3 with that. I've dealt with Judge
4 Carlota Bohm in Western District of
5 Pennsylvania in a bankruptcy case of
6 which I filed an \$11 million dollar
7 proof of claim.

8 Okay. First of all, this is a
9 request for -- this is a proposal by,
10 for \$20 million dollars cash
11 settlement proposal. A real one, a
12 legitimate one. No one knows about
13 this. I will say to you that no one
14 can make -- the public cannot make --
15 the residents of Dewitt and Onondaga
16 County cannot make intelligent
17 comments -- informed comments, I'm
18 sorry -- without the information, and
19 that's what I'm speaking about is that
20 the request for proposals, and by the
21 way, I requested the \$8 million dollar
22 contract between Ryan McMahon -- I'm
23 sorry, between Ryan Benz -- with
24 Onondaga County, I didn't get that. I
25 didn't get that, so that's the problem

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2 is [sic].

3 I will finish here, and then I
4 will come back, but I will say to you,
5 my name is Desiree Yagan, and Onondaga
6 County does not lawfully own
7 Shoppingtown Mall. What I mean by
8 that, Shoppingtown Mall, they know it
9 was a sale, a settlement agreement was
10 procured by fraud, bankruptcy fraud,
11 perjury by CEO Sean Pryor (phonetic),
12 testified that Desiree Yagan, that's
13 me, was a slip-and-fall. No, I was
14 hit on the property on
15 November 30, 2017, and my legs were
16 broken. I was not a slip-and-fall.
17 Right there, end of story. Ryan
18 McMahon, John Donnelly, who was Joan
19 Mahoney's chief of staff, I sent a
20 ten-page fax to all the attorneys and
21 Thomas Cerio and Kirk Burkley, chief
22 attorney for Shoppingtown Mall, and
23 Mr. -- the attorney for -- anyway, um.

24 MR. MCNAMARA: That's a great
25 place to break off. I will bring you

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2 back. Let's see if there's anyone on
3 ZOOM.

4 MS. YAGAN: Very good. I know
5 you do want their information. Thank
6 you.

7 MR. MCNAMARA: Have a seat, and
8 I'll call you back.

9 MS. YAGAN: Very good. Thank
10 you very much.

11 MR. MCNAMARA: All right. There
12 are several more people who signed up
13 to speak, and I apologize for taking
14 Ms. Yagan out of turn because I see
15 there are a couple of people before
16 her.

17 Glenn Davies or Eileen Davies.
18 I apologize, I can't read your
19 handwriting.

20 (No response).

21 MR. MCNAMARA: Davia Thomas.

22 MR. THOMAS: David Thomas.

23 MR. MCNAMARA: I apologize.

24 MR. THOMAS: That's fine, my
25 handwriting such that it is.

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2 MR. MCNAMARA: I apologize.

3 MR. THOMAS: I'm a Dewitt
4 resident. I'm in favor of the
5 Project, but not in favor of the
6 process, that is using eminent domain
7 to secure property. I would totally
8 encourage what I gather are two
9 intransigent parties on both sides to
10 come to an agreement on what the
11 property is worth, spend the money to
12 do it, and move on with it; as opposed
13 to what is going to be a much
14 lengthier process, and what I think it
15 will be a legal process in New York
16 state and two other states in the
17 nation. It's not right because we're
18 talking about getting money from a
19 hold co and a developer. It's okay
20 with a lot of people. To my mind, the
21 small business person and the
22 homeowner who is in a similar
23 situation will suffer from the same
24 law as the organizations will suffer
25 that kind of laws.

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2 The property is indeed in need.
3 Blighted, as people have said, but the
4 current owner is Onondaga County.
5 They're owners of that blighted
6 property now, or a good 90-some-odd
7 percent of it.

8 I would encourage the owners --
9 various owners, various parties -- to
10 settle in the market place and not use
11 the cudgel of eminent domain.

12 Thank you.

13 MR. MCNAMARA: Thank you.

14 Susan O'Donnell.

15 MS. O'DONNELL: My name is Susan
16 O'Donnell. I live on Wexford Road,
17 directly behind Shoppingtown Mall.
18 I've known Shoppingtown since I was
19 six years old, sent up by myself to
20 get groceries, as we all were in the
21 neighborhood.

22 We had a good neighbor with
23 Egan. Egan would call up my mom and
24 say, we changed the lights in the
25 parking lot, we want to make sure

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2 they're not shining into your house or
3 anything, give us a call. Then we got
4 Wilmorite. That's when it all went
5 downhill. The Town gave Wilmorite
6 anything they wanted, and they even
7 well, good example, in July of 1990 at
8 a hearing -- it was the old Eastern
9 mile producers building, I remember --
10 they kept us till last hoping we would
11 go. At about 10:30 we finally go to
12 speak -- and the Centro buses had
13 gotten so bad on the back hill because
14 Wilmorite had built the ring road,
15 although the Centro buses weren't
16 running there, although we could read
17 their number from the backyard, but
18 according to Centro they were not
19 there -- so we asked for some fencing
20 for Route 481 because the garbage
21 always came through. Egan always took
22 care of the back hill. They always
23 mowed it. Now I've got big old weed
24 trees that are now starting to die,
25 and I'm waiting for them to damage my

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2 fence. I don't know whether it's
3 going to be the County I'm dealing
4 with for damages or who. Since there
5 was no care for the garbage, we
6 thought that was the only solution was
7 to get a fence like that. We were
8 promised a fence that night. At
9 7:30 a.m. the next morning I got a
10 call from the zoning board lawyer
11 saying how fast can you get up there,
12 they're about to screw you over. We
13 ended up with a friendly fence, and it
14 was the Town and Wilmorite together
15 that did it, so my level of trust is
16 very low; and the fact that this
17 meeting is what it is, we used to get
18 -- if you were directly involved, you
19 got something in the mail or dropped
20 in your door. You were informed about
21 it. I don't see anyone I know. They
22 probably don't even know that our
23 neighborhood is called Wood Acres.

24 The thought of, I don't know,
25 what is it, a thousand people moving

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2 up behind me? It was fine when it was
3 a shopping center. They went home at
4 night. It just seems like they got so
5 many things planned for this area up
6 there, which really isn't that big.

7 It's almost like ludicrous Bob
8 Congel, pie in the sky, you know, the
9 back end. At least we don't have an
10 ice rink listed for it and a library,
11 which you would never check with, you
12 know -- that was all on him. You have
13 to check with the library system,
14 which he never got that message, but
15 it is -- and I didn't think I was
16 going have to have to go to this rodeo
17 again in my lifetime, but it's like
18 the third damn time, and I just do not
19 feel good about it.

20 Also, I saw some of the
21 preliminary plans in the newspaper.
22 Why is everything built by the same
23 architects, the same contractors with
24 the same dull architecture? We have
25 nothing interesting in Central

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2 New York. Jack Robertson, who was an
3 architect for the 9/11 monument
4 outside, I asked him one time -- he
5 used to live on Wexford Road -- I
6 asked him, why is architecture here so
7 dull? He said, because nobody asks
8 for anything better. I think it's
9 about time we asked for something a
10 little more interesting.

11 To be continued.

12 MR. MCNAMARA: Thank you,
13 Ms. O'Donnell.

14 Is there anybody else in-person
15 here in the room that wanted to speak
16 before we move it to ZOOM?

17 (No response.)

18 MR. MCNAMARA: My understanding
19 is no one -- I'm sorry?

20 AUDIENCE MEMBER: Will the
21 minutes of this hearing be posted
22 anywhere online?

23 MR. MCNAMARA: No. They will be
24 available, physically available --
25 I'll get to that in a minute -- but

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2 they'll be physically available and
3 you can get a copy of it, if you wish,
4 at the Agency's office. I'll explain
5 that in a second.

6 I stand corrected. They will be
7 posted on the OCIDA website once we
8 get the transcript and all the
9 exhibits, the entire document
10 together.

11 So for those on ZOOM, it's our
12 understanding that no one wishes to
13 speak who is monitoring the hearing on
14 ZOOM.

15 With that, Ms. Yagan, did you
16 want to finish your remarks?

17 MS. YAGAN: Yes, I would.

18 MR. MCNAMARA: Again, there's a
19 limitation in terms of time, but go
20 ahead.

21 MS. YAGAN: Thank you. I will
22 be providing this --

23 MR. MCNAMARA: First of all, for
24 purposes of the record, Desiree Yagan
25 is again resuming her remarks.

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2 MS. YAGAN: Thank you very much.
3 Thank you.

4 This here is the United States
5 Bankruptcy Court, which I will provide
6 a copy in the next few days with my
7 full statement. It's the United
8 States Bankruptcy Court, Western
9 District of Pennsylvania, certified
10 7/21/2023. It's of the hearing with
11 Desiree Yagan, 5/12/2021. There were
12 a number of hearings with me
13 involving -- regarding the filing a
14 late claim.

15 (Indiscernible talking in the
16 audience.)

17 MR. MCNAMARA: Excuse me. The
18 hearing is still going on, so if you
19 could all be a little more quiet.
20 Thank you.

21 Go ahead, Ms. Yagan.

22 MS. YAGAN: Thank you.

23 The issue is the filing of a
24 late claim in the United States
25 Bankruptcy Court, Western District of

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2 Pennsylvania. The case number is
3 19-23178; and the importance and
4 relevancy to this eminent domain
5 hearing can't be overstated because
6 if, in fact -- and I do understand, I
7 just did a quick review -- I just
8 discovered the hearing on
9 November 6, 2021. That was the first
10 time I found anything about this
11 hearing. Okay? And, the issue
12 regarding eminent domain, it requires
13 that it comply with the Constitution,
14 of course, the New York law, and that
15 includes that fact that the, um,
16 condemn/or -- am I correct on the
17 term?

18 MR. MCNAMARA: Con/dem/nor.

19 MS. YAGAN: Con/dem/nor -- thank
20 you -- that they actually lawfully own
21 the property. I assert they do not.

22 MR. MCNAMARA: I'm sorry, you're
23 talking about the condemnee.

24 MS. YAGAN: Condemnee?

25 MR. MCNAMARA: The condemnor,

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2 the potential condemnor is the Agency.
3 You're talking about the property
4 owner.

5 MS. YAGAN: OCIDA? Which one
6 are you referring to?

7 MR. MCNAMARA: OCIDA is the
8 Agency, which is the potential
9 condemnor, and you're referring to the
10 condemnee, the property owner?

11 MS. YAGAN: No, I'm referring to
12 OCIDA.

13 MR. MCNAMARA: All right. Then
14 I stand corrected.

15 MS. YAGAN: The issue is that
16 if, in fact, they do not own the
17 properties, which I'm asserting they
18 do not -- they own it, but it's not
19 lawfully -- the property -- the sale
20 and settlement agreement was procured,
21 as I stated earlier, by bankruptcy
22 fraud, perjury by CEO Sean Pryor
23 (phonetic) in a petition that was
24 filed, that false declaration, false
25 (indiscernible) citing one creditor,

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2 this one, the major creditor, in fact,
3 because what it involves is the
4 \$11 million dollar proof of claim that
5 I didn't file until after the
6 confirmation hearing on December 14th
7 because I know now it was never
8 served; but the issue is this,
9 CEO Sean Pryor (phonetic) testified,
10 which I didn't get, didn't know until
11 I obtained the 341 Creditors meeting
12 audiotape recorded on CD through US
13 Trustee Joseph Sisca. He's the
14 Region 3 US Trustee, okay, for the US
15 Department of Justice -- I obtained,
16 after a phone call and an email
17 correspondence, he provided me a
18 digital tape recording of the 341
19 Creditors meeting. That's when I
20 heard him -- I was even surprised I
21 was cited in there because they
22 refused to take my statement from the
23 hospital. They told me they didn't
24 know anything about it, that's
25 Shoppingtown Mall. When I called to

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2 tell them they have to preserve the
3 videotape of the surveillance
4 videotape of the parking lot because
5 it's evidence of a vehicular assault
6 on November 30, 2017, they told me
7 they knew nothing about, and I said,
8 well, I'm telling you right now, and
9 they refused to take my statement, and
10 then thereafter repeated calls and
11 correspondence hand-delivered to
12 management to the attention of Steve
13 Maskin (phonetic) and Michelle Pryor
14 (phonetic) many months later, that
15 they all denied any knowledge of it,
16 but the tape stated my name, and
17 apparently I was listed as a creditor.

18 When he was asked, Sean Pryor
19 (phonetic), what about Desiree Yagan,
20 he stated, slip and fall. My legs
21 were broken on the property. I was a
22 victim of vehicular assault. The
23 police accident report, 17-559381,
24 filed by Town of Dewitt Police
25 Department, filed by -- it was written

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2 by Officer Kevin Skibinski, and signed
3 off 25 days later by Sergeant Andrew
4 Fusco 25 days later; and that report
5 stated that the woman saw me but she
6 did not, paraphrase -- not paraphrase
7 -- but in summary, she saw me, she
8 pulled out of a parking space at less
9 than five miles an hour, saw the
10 pedestrian standing in front of her,
11 stopped her vehicle and met eyes with
12 the pedestrian, then the pedestrian
13 fell to the ground. The package that
14 she was carrying went over the hood.
15 All physically impossible, outrageous,
16 and false, but that's what the officer
17 wrote. My legs were broken on the
18 property, and when he arrived, I told
19 him to send your sergeant to the ER,
20 take my statement. I said, she hit me
21 deliberately, preserve the videotape
22 of the parking lot, send your sergeant
23 to the ER. I didn't know my legs were
24 broken at the time. I just knew it
25 was excruciating. No one came to the

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2 ER. No once came to the hospital. I
3 was a week at Upstate Hospital. I
4 repeat, a week, and then another week
5 to ten days bedridden because my legs
6 were broken, torn ligaments. So I was
7 a week at Upstate Hospital and then
8 five months at (indiscernible).

9 The issue is this, Shoppingtown
10 Mall refused to take my statement.
11 When I called them, they said they
12 knew nothing about it. I talked to
13 security, and they said that we don't
14 know nothing about it. I said, well,
15 you know it now, you must take my
16 statement. They said -- I said, you
17 have to preserve the videotape of the
18 parking lot. He said, we can't. I
19 said, what do you mean you can't? He
20 said because it hasn't been working.
21 I said, what do you mean it hasn't
22 been working? He said, it hasn't been
23 working; and so, I immediately knew
24 that something -- he wouldn't give his
25 full name, all this runaround by them

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2 for weeks -- so then I said to him, I
3 said, well, I'll call in about a year,
4 exaggerating, because people are more
5 comfortable when they're a) they're a
6 hostile witness --

7 MR. MCNAMARA: Can I interrupt
8 you with a question, Ms. Yagan?

9 You said you were going to
10 submit a written statement.

11 MS. YAGAN: Yes, I am.

12 MR. MCNAMARA: Is this all in
13 your written statement? Because there
14 is a time limit.

15 MS. YAGAN: Okay. I will finish
16 here. Thank you very much. I do
17 appreciate that.

18 The point is this, is that the
19 Dewitt police -- by the way, Dewitt
20 Police Officer -- I appeared here on
21 August 2nd for the public hearing on
22 rezoning for mixed-use of Shoppingtown
23 Mall. Okay? I appeared here, I did
24 speak and address with Everett
25 Milinko, who admitted, he said, I've

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seen many emails from you. I said, no, the email today I'm talking about. He did admit, so therefore, that's a big deal because I've sent many emails regarding the vehicular assault and the false petition filed in the bankruptcy court. All the attorneys are fully -- George -- anyway, all the attorneys are fully aware of it, including Thomas Cerio, and I will say to you that's why he's not longer here. On December 14th, the day of the settlement sale and settlement agreement, David Herculoft was here. They had an executive session for potential litigation. I will say to you that the potential litigation was Desiree Yagan. Who then was not, did not continue as attorney? Thomas Cerio. Thomas Cerio represented the plaintiff against who? Officer Kevin Skibinski in 2010. They settled in 2012. The very attorney who then later becomes Town of Dewitt [sic].

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2 Kevin Skibinski used to work for the
3 Town of Camillus. He left there in 20
4 -- well, I don't know. They settled
5 in 2012, Town of Camillus Police
6 Department; but Thomas Cerio was the
7 attorney for the plaintiff,
8 Christopher Togni, T-O-G-N-I, 2010,
9 they settled in 2012. He is allowed
10 to resign, and then at some point --
11 well, actually I found out -- 2014,
12 hired here.

13 A week after I appeared before
14 the hearing, October 2, 2023 at the
15 rezoning for mixed-used, he hits and
16 kills a pedestrian. I've already had
17 numerous conversations with the
18 Special Investigations Unit, a
19 Mr. Joel Cordone, the detective in
20 regards to it. You can't trust
21 anything, including the autopsy, but
22 any records, anything regarding Kevin
23 Skibinski, because of the exposure and
24 liability for Town of Dewitt involving
25 Desiree Yagan.

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2 And I will finish here, and
3 thank you for your -- and I will tell
4 you, I would have a prepared statement
5 and everything, but the day after I
6 made my FOIL request for the Requests
7 for Proposals, all the proposals
8 received by Ryan McMahon for
9 Shoppingtown Mall and the OHB
10 \$8 million dollar contract, the only
11 thing I -- the day after my computer
12 is hacked and fatally damaged. That's
13 no coincidence. I'm still without a
14 computer, and I've been trying to deal
15 with that. I've had two computers
16 sent by Amazon, one defective, the
17 second the wrong one and had a serious
18 defect, and so I've been dealing with
19 that.

20 I appreciate your time. Again,
21 I will finish here, and I am
22 finishing. It's fitting by the way,
23 all the attorneys -- and I'm including
24 -- this here is a follow up to the
25 appeal, FOIL request, \$8 million

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2 dollar contract, Shoppingtown
3 proposals, non-collusion affidavits.
4 By the way, New York Financial Law
5 requires a non-collusion affidavit. I
6 didn't get that either, required by
7 New York Finance Law. Robert F.
8 Julian salary, 60-day delay, apparent
9 effort to conceal. They told me it
10 takes 60 days, and that was Susan
11 Stanczyk, who is the chief of staff to
12 Ryan McMahon. She sends me on
13 August 11, 2023 a letter after
14 repeated calls, no acknowledgement,
15 five-day acknowledgement, that due to
16 backup -- paraphrase -- it's going to
17 take 60 days, we'll give you an
18 update. I said, no, it takes you five
19 minutes. It should be on the website.
20 It's a matter of public concern, and
21 it has to do the Shoppingtown, so
22 really --

23 MR. MCNAMARA: Thank you. I
24 really appreciate your statement, and
25 it's my understanding you're going to

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2 submit something else.

3 MS. YAGAN: I'm going to submit
4 records, evidence, and a full
5 statement. I appreciate it very much.

6 MR. MCNAMARA: A copy of this
7 hearing, including all written
8 material submitted, will be available
9 for public inspection without cause
10 during normal hours of operation at
11 the offices of the Agency on
12 Montgomery Street, 2nd floor there in
13 Syracuse. It will also be online.
14 That will be put together after
15 November 20th, so whatever it is that
16 you want to submit in writing in
17 addition to your comments today will
18 be included as part of that record.

19 MS. YAGAN: And to be clear, I
20 have to what date? Because I --

21 MR. MCNAMARA: November 20th,
22 which is one week from today at close
23 of business, at the close of business,
24 so figure 4:00.

25 MS. YAGAN: To OCIDA?

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2 MR. MCNAMARA: Yes, to Robert
3 Petrovich, the Executive Director of
4 the Onondaga County Industrial Agency
5 at the address, which is 335
6 Montgomery Street, 2nd floor.

7 MS. YAGAN: I can email or hand
8 deliver it?

9 MR. MCNAMARA: You can hand
10 deliver it, you can send it in
11 writing, you can email it, but the
12 thing with email, if we don't get it
13 -- you think you sent it, particularly
14 because you say you're having computer
15 problems --

16 MS. YAGAN: It's hacking, yes.

17 MR. MCNAMARA: -- you think you
18 emailed it and we didn't get it, it
19 won't be in the record.

20 MS. YAGAN: I will hand deliver
21 it to make certain or -- hand deliver
22 is the best way because it will be too
23 expensive the other way.

24 Thank you very much.

25 MR. MCNAMARA: Thank you, ma'am.

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2 This hearing will remain open
3 and we'll still take testimony until
4 5:00 because that's what we Noticed,
5 but there is no one else here, I
6 assume, who is interested -- sir,
7 you're not interested in speaking or
8 you are?

9 AUDIENCE MEMBER: I'm waiting
10 for you to terminate -- you're holding
11 it to until 5:00 unless everyone
12 leaves?

13 MR. MCNAMARA: Well, we
14 published it as running from 2:00 to
15 5:00. If we close now because there's
16 no one here and someone shows up at
17 4:00, then they didn't get to speak;
18 so the court reporter, myself, and my
19 associate intend to stay here until
20 5:00, approximately 5:00, and be in
21 the car at 5:01.

22 AUDIENCE MEMBER: What would
23 happen at 5:00 and there were still
24 people to speak?

25 MR. MCNAMARA: Normally we could

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2 cut it off, but it's a common sense
3 thing. If there's people still
4 speaking, we would get their testimony
5 -- not testimony -- their hearing
6 statements.

7 AUDIENCE MEMBER: I wanted to
8 get the information. You're
9 monitoring the meetings, so.

10 MR. MCNAMARA: Well, the other
11 part of it is the Notice was 2:00 to
12 5:00, and if they show up after 5:00,
13 the hearing really, technically, the
14 oral part would be over.

15 AUDIENCE MEMBER: That's the
16 first time I heard anything about
17 specifying the hours. It just says
18 starting time 2:00 and specified where
19 it was.

20 MR. MCNAMARA: Got it. Thank
21 you.

22 AUDIENCE MEMBER: So that's why
23 I asked.

24 MR. MCNAMARA: You're welcome to
25 sit with us until 5:00.

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2 AUDIENCE MEMBER: I don't think
3 I feel comfortable that someone wheels
4 around at 4:30 and finds the doors
5 closed, right?

6 MR. MCNAMARA: Right. That's
7 why we're staying. Thank you.

8 (At this time, there are no
9 other members of the public present in
10 the hearing room.)

11 (Time noted: 3:41 p.m.)

12 (Wait time: 1 hour, 19 minutes)

13 MR. MCNAMARA: It is 5:00 p.m.,
14 and the oral portion of this hearing
15 is done. There have been no
16 additional individuals who have either
17 appeared in person to make a statement
18 since the last statement and no one on
19 ZOOM who has indicated any interest in
20 making a statement, so we are now
21 done.

22 Finally, in the event that
23 anyone is still listening on ZOOM, if
24 anyone has anything they'd like to
25 submit in writing to the Agency,

OCIDA EDPL Hearing

again, as previously stated, you have
until the close of business on
November 20th, and any materials
should be submitted to the Onondaga
County Industrial Development Agency,
care of Robert Petrovich, Executive
Director, at the Agency's offices in
Syracuse.

Thank you.

(Time noted: 5:01 p.m.)

1 OCIDA EDPL Hearing

2 Speakers (in order):

3 Christopher McDonald, Esq.
Whiteman, Osterman & Hanna, LLP

4 Benjamin F. Neidl, Esq., of Counsel
5 E. Stewart Jones, Hacker, Murphy, LLP
6 Tony Greenwood
Greenwood Development Corp.

7 Jared Shepard, CEO
8 Center State
9 Richard Kunz, resident
10 Bonnie Strunk, resident
11 Peter Svoboda
Pinnacle Int'l CNY Artists

12 Mary Kuhn, County Legislator/resident

13 Mike Durkin, resident

14 Daniel Romeo, resident

15 Kathleen Koss, resident

16 Ben Lockwood, President/CEO
17 Housing Visions
18 Bill Brower, LeMoyne College

19 Susan Rabin, resident
20 Barry Rabin, resident
21 Kerry Mannion, Deputy Supervisor
Town of Dewitt

22 Matt Jones for Assemblywoman Pam Hunter

23 Desiree Yagan, resident

24 David Thomas, resident

25 Susan O'Donnell, resident

1 OCIDA EDPL Hearing
2 Speakers (continued):
3 Desiree Yagan (second appearance)
4

5 EXHIBITS:

6 Exhibit 1 Affidavit of Publication
7
8 Exhibit 2 EDPL 202 Letters to Property Owners
9 w/certified mail receipts
10 Exhibit 3 Sign-in Sheet for 11/13/23 EDPL
11 Article 2 Public Hearing
12
13 Exhibit 4 Letter Submission of Christopher
14 McDonald, Esq., dated 11/13/23
15 Exhibit 5 Letter Submission of Benjamin Neidl,
16 Esq., dated 11/13/23
17
18 Exhibit 6 E-mail Comment Submission of
19 Kathleen T. Koss, dated 11/13/23
20 Exhibit 7 Supplemental Letter Submission of
21 Patrick L. Seely, Esq., dated
22 11/17/23
23 Exhibit 8 Supplemental Letter Submission of
24 Christopher M. McDonald, Esq., dated
25 11/17/23
26 Exhibit 9 Comment Submission of Michael Lazar
27 and Peter Webber
28
29 Exhibit 10 First E-mail Comment Submission of
30 Desiree Yagan, dated 11/20/23
31 Exhibit 11 Second E-mail Comment Submission of
32 Desiree Yagan, dated 11/20/23, with
33 attachments
34 *Attachment: To OCIDA Robert
35 Petrovich, Exec. Director,
36 Nov. 20, 2023
37 *Attachment: To US Trustee Sisca
38 (Region 3)

CERTIFICATE

STATE OF NEW YORK)

ss.

COUNTY OF ONONDAGA)

I, Deborah A. Cirabisi, a
Shorthand Reporter and Notary Public
within and for the State of New York, do
hereby certify:

That the foregoing transcript is
a true record of the proceedings.

I further certify that I am not
related to any of the parties to this
action by blood or marriage and that I am
in no way interested in the outcome of
this matter.



Deborah A. Cirabisi

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