

5 White Avenue
Rouses Point, NY. 12979
March 20, 1980

The Most Reverend Archbishop Torkom Manoogian, Primate
Eastern Diocese of the Armenian Apostolic Church
630 Second Avenue
New York, New York 10016

Մայրաքաղաքի Արքեպիսկոպոսին:

Բարեկամ զոհողներ: Yesterday I received this
very distressing newspaper article in the mail from
my relatives in Niagara Falls; I am enclosing a
xerox copy.

You know, even more thoroughly than I do, that
the Armenian Church has been the utmost
center of Armenian community life for well
over a thousand years; and from your point of
view, S. Sarkis is *ps* Եկե՛ք զ՚յոս:

I feel very strongly that the demolition of S. Sarkis
can be prevented. *Ինչպե՞ս*; I urge you use
to the greatest extent your official and personal
moral force to succor and sustain this beleaguered
Armenian Community while you use your astute
political skills to find among the members of the
Armenian Bar Association the right lawyers on the ground
out there in Buffalo and environs. *Եւրոպայի Եկե՛ք զ՚յոս:*

Շնորհակալությամբ
Կր ՌՈՍ

P.S. I shall always remember your moving
and memorable talk on Gomidas Vartabed
at the 1900 years of Armenian History seminar
and your beautiful and heart warming remarks in
English on the occasions of the ordination of Krikor
Haksobian, Congratulations on your 50th.
Anniversary.

Դուրս ելույ՛!

Planned razings sadden Armenians

Community says church is their link to the past

By GREGORY WILLIAMS
Special to the Gazette

For local Armenians, the prospect of their church being bulldozed to make way for a proposed mall threatens their future and past.

Many Armenians say they cherish their churches because of a history of being driven from them. Since their parents were driven from Turkey along with 1.75 million other Armenians during the genocide of 1915, they continue to resist abandoning a church for any reason, said Sema Tarpinian, a member of St. Sarkis Armenian Apostolic Church. "We've been displaced again and again during this century," she said.

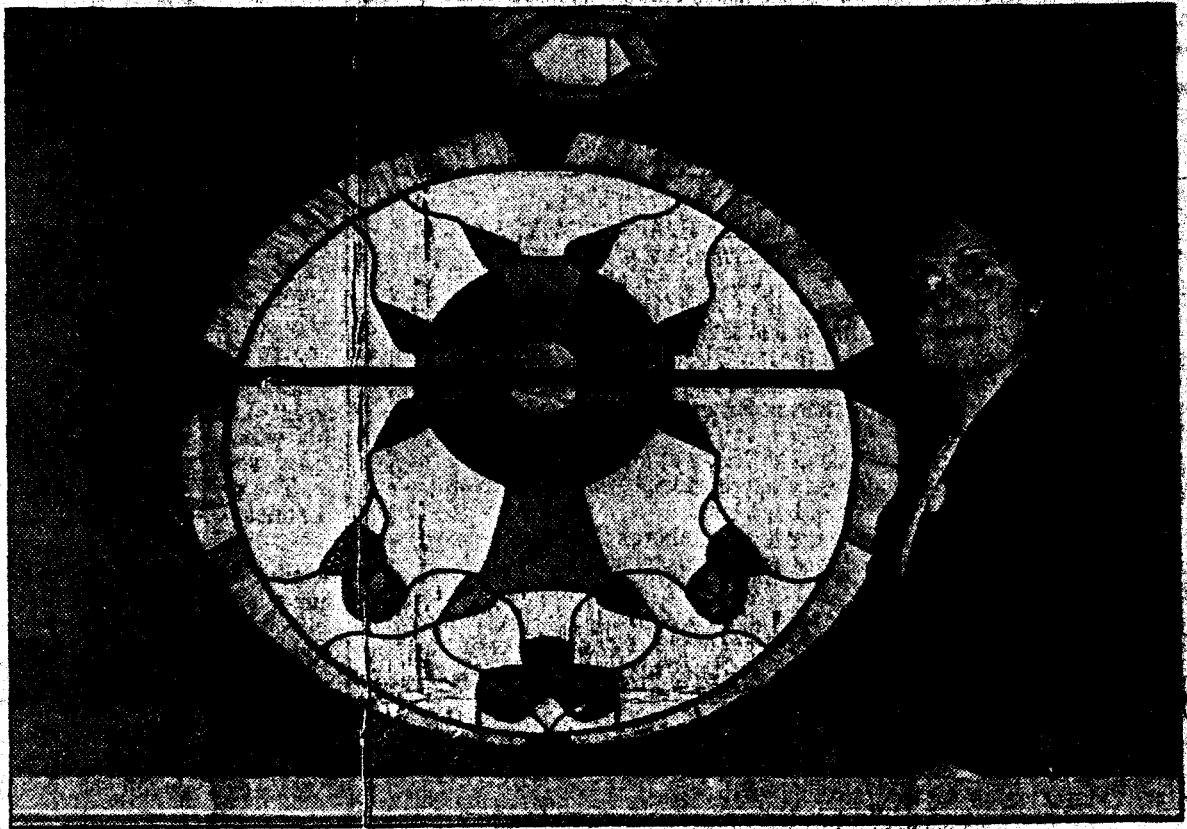
St. Sarkis, 300 Ninth St., and St. Hagop's Armenian Apostolic Church, located in the Armenian community center, 322 Ninth St., would be demolished to make room for the Benderson Development Co.'s Factory Outlet Mega Mall on the East Side. Also slated for demolition would be 326 other properties.

"My soul is crying," said Jean Adjemian, a professor of languages at Niagara County Community College. "Some people who go to this church can trace their ancestors back three or four centuries. It connects us to the past."

Members of the Armenian community say they feel linked to the church because Armenia was the first in the world to adopt Christianity as a nation in 301 A.D., and religion is a large part of Armenian identity.

"It's not just a religion, it's a way of life," said Mary M. Mukhtarian, a spokesman for St. Sarkis. She said that Christianity is part of the definition of being Armenian, and that the Armenian church building is a unique and integral part of the faith. The church has to be built by the specific instructions of the spiritual leader, Mukhtarian said.

Mukhtarian said city officials are not being as sensitive to the Armenians as they are toward Holy Trinity Catholic Church, which also borders the mall site.



James Neiss / Niagara Gazette

Mary M. Mukhtarian stands in front of a stained-glass window at St. Sarkis Armenian Apostolic Church, 300 Ninth St. She says the church building, which is slated for demolition, is an integral part of the religion.

"We are simply not including Holy Trinity in the plan," said Larry Krizan, city coordinator for development services.

"The Armenian churches are included," Krizan said. The church and community center are at the "gateway to the project," he said. "In every project of this size, there will be people who will not be helped. It's a matter of geography."

Pulling up stakes won't be easy. "It's against church tradition to inhabit another building that is already built," said Maggie Abda, another spokesman for St. Sarkis. "It's very upsetting."

Others treasure the church as a reminder of their parents and grandparents who fled Armenia in 1915 and built the church more than 30 years later.

"The church has been there since 1953, 37 years," said Tarpinian, whose parents helped build the church. The thought of moving, Tarpinian said, is "very difficult for those who built the church. It was a very long struggle."

"I was old enough to remember

the church being built," said Liz Sarkissian, a parishioner. "My eldest brother used to have to leave his dinner because he was on the building committee," she said.

"It's inconceivable to say, 'Just get up and move,'" Sarkissian said. "This is a great tragedy, our parents put so much effort in it. They slaved to put aside money for the church."

St. Sarkis is the only legitimate Armenian church building in Western New York, according to Abda. "This church serves at least 1,000 people. Not only those who are born and raised here, but any Armenian coming to the area."

"We want our city to prosper. We just don't want to move," Sarkissian said.

Each Armenian Apostolic church is a replica of the cathedral in Etchmiadzin, Armenia, Adjemian said.

"It's architecturally perfect," he said.

"Ninety-nine percent of the people don't want to move," said Arsen Avdoian, chairman of St. Sarkis



James Neiss / Niagara Gazette

St. Sarkis, like all Armenian apostolic churches, is a replica of the cathedral in Etchmiadzin, Armenia.

Parish Council. "We're not belligerent," he said. "We just don't want to leave."

SHAVASP HANESIAN

Attorney at Law

631 MAIN STREET
NIAGARA FALLS, NEW YORK 14301
TELEPHONE 282-6179
AREA CODE 716

March 9, 1990

Mr. Shahan Bedrosian
8121 Valle Drive
Niagara Falls, N.Y. 14304

Re: St. Sarkis Armenian Apostolic Church
300 Ninth Street, Niagara Falls, N.Y.

Dear Shahan:

By this time you are in receipt of my letter of March 7, 1990. If another town type meeting for explanation comes up during my absence again make a request for the background data, etc. Use my letter as a guide. Insist on the data even if they maintain that it is "dated". We want whatever they used.

I didn't say so in my letter but we can rely on the access provisions of the Freedom of Information Laws. If they refuse me, or delay, that will be my next step. Use the authority of those laws when seeking your information.

Very truly yours,

Shavasp Hanesian
SHAVASP HANESIAN

SH/lah

SHAVASP HANESIAN

Attorney at Law

631 MAIN STREET
NIAGARA FALLS, NEW YORK 14301
TELEPHONE 282-6179
AREA CODE 716

March 7, 1990

William K. Clark
City Director of Community Development
City Hall
745 Main Street
Niagara Falls, N.Y. 14302-0069

Larry Krizan
City Coordinator for Development Services
City Hall
745 Main Street
Niagara Falls, N.Y. 14302-0069

Re: St. Sarkis Armenian Apostolic Church
300 Ninth Street, Niagara Falls, N.y.

Gentlemen:

This letter is to inform you that I am a parish member of St. Sarkis Armenian Apostolic Church.

I understand from newspaper articles that the City of Niagara Falls is contemplating the acquisition of 300 Ninth Street, as well as other properties, as agent for the Benderson Development Corporation. The proposed development is another shopping mall.

Please send to me all data, bulletins, brochures, pamphlet copies of laws, federal, state and local, that you may have which authorizes this acquisition. If the City is proceeding pursuant to the Eminent Domain Procedure Law please articulate the public use, benefit, or purpose by virtue of which the power of eminent domain is being exercised.

If federal or state enabling authority is involved please state the purpose of their involvement as well as the names of the agencies, the addresses, and the directors with whom contact may be made in these circumstances. Also inform me if federal or state funding has been applied for, if a commitment has been made, and whether funds have been received, stating the amount in this event. Please set forth a copy of any of these papers.

Finally, I would appreciate the number of houses of worship embraced by the project area, identifying them by name, religious denomination, and address. Please submit this data with a map of the proposed

project area, and the location of each church, temple, synagogue, mosque, or other religious house therein.

Thank you both for your cooperation.

Very truly yours,


SHAVASP HANESIAN

SH/leh

Bc: Shahan Badrosian

METROPOLITAN NEWS

Palillo seeks to rescind mega-mall commitment

Councilman wants Falls to delay action, ask state attorney general

By JOANN SCELSA
News Niagara County Bureau

NIAGARA FALLS — Councilman Jacob A. Palillo wants the Council to rescind commitments it made last month to the proposed \$111 million factory outlet shopping mall.

If the Council fails to rescind its Dec. 11 resolution, Palillo will ask it to seek an opinion from the state attorney general on the measure's legality and to put off action on the project until that question is resolved.

The Council will take up Palillo's resolutions when it meets Monday in City Hall.

Last month it gave the mayor authority to "undertake and continue such measures as he shall determine to be necessary and appropriate, and consistent with prior authorizations granted by the City Council, to further the development of the factory outlet mega-mall."

It authorized the mayor to remove the city from the Niagara County sales tax distribution system if necessary; to transfer to the Urban Renewal Agency

all city-owned properties on the East Side mall site along with all easements, utility lines and rights of way needed for the project, and to seek other sources of funding, such as state and federal grants.

Mayor Michael C. O'Laughlin said he thinks both of Palillo's proposals are illegal. He said the City Charter gives him the authority to negotiate contracts "subject to ratification by the Council."

Other city officials warned that Palillo's action could hurt the project.

City Administrator Mark R. Paleh said Palillo's proposals, if approved, "would be a hindrance to a major project."

"It is not our intention to pre-empt the legislative process in any way," he said. "However, the developers have now spent considerable amounts of money, and we cannot allow them to continue to spend money without a clear signal that we're interested."

Councilman Anthony J. Rendina said that if the Council is committed to economic recovery, "our role should be to be fully supportive of this developer" and not "to thwart the executive

branch's attempts to negotiate." He said that by approving Palillo's resolutions, the Council would "send a message that (the city) is very inconsistent and unbusinesslike" and that the executive and legislative branches don't work as a team.

The Council's resolution commits the city to come up with the money to complete the project if no other funding sources are found.

The developer, Benderson Niagara Associates, has arranged for \$80 million in private financing, with the rest to be obtained through public financing.

To make way for the mall, 100 single-family homes, 200 rental units and 50 businesses will have to be removed from the area bounded by Quay and Niagara streets, Portage Road and Buffalo Avenue.

Before the Council's Dec. 11 vote, Larry Krizan, coordinator of development services, said that without the Council approvals, the developer would have only a handshake agreement.

The developer had spent \$500,000 to \$1 million on the project without a

formal contract. Palillo said the Council should not have approved the mall last month. He said the Council should have asked the state attorney general for an opinion on the measure's legality before approving it.

Frank A. Noda, the Council's clerk, said at the time said that the resolution would prevent the Council from exercising checks and balances on the project in the future.

Palillo, however, disagreed. "I'm contending there is too much latitude given, and we don't have final approval on it," he said.

"The whole thing just gives (the mayor) total control to give them whatever he wants. When he comes back for final approval, he doesn't even need it because we've already given it. I'm sitting here as a rookie councilman, and I have to live with something I didn't even get a chance to vote on."

But Assistant Corporation Council William W. Zarr said that while the December action committed the city to the mall, the Council still has the last say on the terms of the final agreement.

Monday, February 5, 1990—3A

Officials argue over \$4 million mall increase

By MARY WOZNIAK
Niagara Gazette

The city needs more greenbacks to acquire and clear the land for the proposed Factory Outlet Mega Mall, and that makes Councilman Jacob A. Palillo see red.

An extra \$4 million in bond money is needed to fund the bond to acquire and clear the site, according to Mayor Michael C. O'Laughlin. This increases the amount of bond money to be raised from \$27 million to \$31 million.

Palillo said that "as a matter of courtesy," the mayor should have come to the City Council for approval before seeking the extra \$4 million.

Palillo conceded no such permission is needed, according to a resolution passed by the Council in December 1989. The resolution authorized the mayor to proceed with formal contract negotiations with Benderson Development Company of Buffalo, the mall's developer.

The mayor already has the power to negotiate under the City Charter. Palillo said the resolution amounted to prior approval of a mall contract and attempted to repeal the resolution at the last council meeting. Council Chairman Henry J. Buchalski argued the contract must come back to the council for final approval or rejection. The attempt to repeal the resolution failed.

The resolution states that if funds from state, federal or other sources "are insufficient to cover the public portion of the cost of the project, or if the public portion of the project exceeds current cost estimates," any additional funds required may be provided by the city, subject to council approval.

The bond will be funded through increased sales tax revenues the mall is expected to generate, not from city coffers, the mayor said. Since no extra funds from the mall's general fund are expected to be needed to cover the increased cost of the bond, no permission from the council is needed to raise the amount of bond money sought.

"I would think that before he would go out to seek this amount, he would at least notify the

council," Palillo said.

The mayor said Sunday that he did notify council members at Wednesday's Urban Renewal Agency meeting. "We didn't really ask approval," the mayor said. "If they (council members) wanted to voice disapproval, they could have then."

Those who think the bond funding sought is too high or too low or who recommend that the city not proceed may send him a memo, the mayor said, emphasizing that the council gets to accept or reject any final contract. "But we do keep them abreast of where we're going, so there are no surprises when it comes to the final vote."

The extra \$4 million is needed to cover the increased cost of borrowing, O'Laughlin said. "The line of credit and increased cost of bonding just came out more than what we estimated at first."

The fact that the city now needs an estimated \$4 million more in bond money to acquire and clear the site means the city must come up with a total of \$4 million more in bond money for the project than the amount originally estimated six months ago, Palillo said.

The original estimate of the total cost to acquire and clear the site was \$31 million. The city was supposed to come up with \$24 million of that figure through increased sales tax revenues, and asked the county to join in the financing plan. The other \$7 million was to come from an Urban Development Action Grant.

But the federal government awarded the city only \$4 million of the \$7 million requested. Meanwhile, the county balked, saying it would not consider joining the city's financing plan until 15 conditions were met by the mall's developer, Benderson Development Company of Buffalo, Buffalo-based.

Now the city had to come up with \$27 million on its own, unless the county changed its tune. If the city and county do not agree on a plan by March, the mayor has said he will exercise his option to pre-empt the city's share of sales tax revenues to fund the bond.

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9 a.m. to 1 a.m. Monday through Friday
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City Editor is Gary Housey

Niagara Gazette

Editorial Dept
Today 7A

Wednesday, February 22, 1990

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East Side properties to be appraised

Process focuses on 327 buildings to be razed for proposed mall

By MARY WOZNIAK
Niagara Gazette

Appraisers will take to the streets early next month to take stock of properties that must be razed to make way for the proposed Factory Outlet Mega Mall, a city development official said Tuesday.

Letters will be sent within the next two weeks to residents of the area informing them that the appraisers will be in their neighborhood by the first or second week in March," said William K. Clark, city director of community development.

Clark announced Jan. 31 that the GAR Associates of Amherst was awarded a \$194,000 contract to appraise 327 properties that must be cleared before the mall can be built. Appraisers from the firm will be at the regular monthly update meeting for residents who will be displaced by the mall, at 6:30 p.m. Thursday at St. Trinity School, 1419 Falls St.

It will be combined with a meeting of the East Side Neighborhood Advisory Committee for all who are interested in an update on the

Benderson Development Co.'s proposed mall. Clark, Mayor Michael C. O'Laughlin and Larry Krizan, city coordinator of development services, will also be available along with the appraisers to answer questions.

The two Armenian churches in the path of the proposed mall have already had an update from city development officials. The demolition of St. Sarkis Armenian Apostolic Church at 300 Ninth St. and St. Hagop's Armenian Apostolic Church, located in the neighboring Armenian Community Center at 325 Ninth St., will mean Western New York's Armenian congregations will be left without a church. The next-closest Armenian church is in Rochester.

"Basically, they're at the front entrance to the project," said Clark. "Long range, what we see happening is the churches will eventually be appraised and acquired and the churches will be relocated, hopefully within the city of Niagara Falls.

"Obviously, they're not happy about it," Clark said of the congregations.

Mary M. Mukhtarian, a spokesman for the

St. Sarkis Parish Council, said Larry Krizan met with the council within the last two weeks. "I believe he was very appropriately trying to take the appropriate steps to rectify the initial insensitivity of not having consulted the Armenian church regarding this situation," he said.

"We don't feel that we should be moving. He felt that is basically a foregone conclusion." It is not just a matter of taking the church and moving it from one location to another, but like moving to a brand new neighborhood," he said. "Armenian churches don't move for just going and fitting into somebody else's already-built building."

Arsen Avdoian, chairman of the St. Sarkis Parish Council, said "We don't know what to do. We don't want to go. That's the consensus." He said that Krizan suggested putting a memorial, such as a flower garden, indicating that the spot had once been the site of St. Sarkis church.

GAR Associates will be setting up a toll-free telephone number "so people can get a hold of them any time, basically," he said.

The Amherst firm will be doing first-round appraisals, Clark said. If the property owners and the city do not come to a voluntary sale agreement, the city can invoke eminent domain to take over the property and a second appraisal will be called for. "We're figuring about 100 appraisals will be contested," Clark said. The city is moving toward hiring Girasole Associates of Amherst to do the follow-up appraisals.

John E. Girasole, president and owner of Girasole Associates, had sent a letter earlier this month to city officials protesting that there was enough appraisal work at the site to split among three other local firms besides Girasole. Avdoian's firm cannot bid on property appraisals for the city until 1991.

"We felt Girasole was better qualified to do the project with GAR," Clark said. "It was a combination of qualifications, price and ability to complete the project in a tight time frame."

GAR has a 90-day contract to complete the first appraisals, he said.

Planned razings sadden Armenians

Community says church is their link to the past

By GREGORY WILLIAMS
Special to the Gazette

For local Armenians, the prospect of their church being bulldozed to make way for a proposed mall threatens their future and past.

Many Armenians say they cherish their churches because of a history of being driven from them. Since their parents were driven from Turkey along with 1.75 million other Armenians during the genocide of 1915, they continue to resist abandoning a church for any reason, said Sema Tarpinian, a member of St. Sarkis Armenian Apostolic Church. "We've been displaced again and again during this century," she said.

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James Neils / Niagara Gaz

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"The Armenian churches are included," Krizan said. The church and community center are at the "gateway to the project," he said. "In every project of this size, there will be people who will not be helped. It's a matter of geography."

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Others treasure the church as a reminder of their parents and grandparents who fled Armenia in 1915 and built the church more than 30 years later.

"The church has been there since 1953, 32 years," said Tarpinian, whose parents helped build the church. The thought of moving, Tarpinian said, is "very difficult for those who built the church. It was a very long struggle."

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the church being built," said Liz Sarkisian, a parishioner. "My eldest brother used to have to leave his dinner because he was on the building committee," she said.

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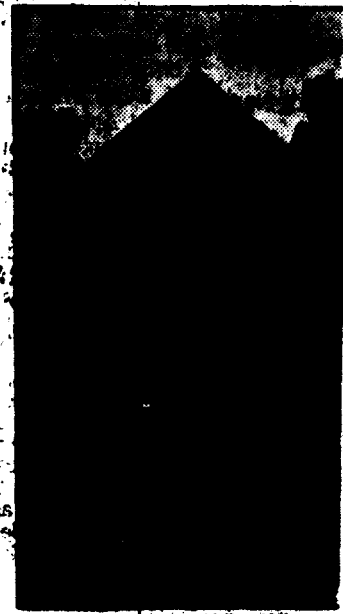
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James Neils / Niagara Gazette
St. Sarkis, like all Armenian apostolic churches, is a replica of the cathedral Echmiadzin, Armenia.

From our readers

Let's spare St. Sarkis

June 3/16/90

Why should St. Sarkis Armenian Apostolic Church be demolished? Why can't it be incorporated into the proposed mega mall? We've been to cities where such an idea has been done very effectively.

In Quebec, in the center of the city there is a mall with such a plan. The entrance to the church is off one of the corridors of the Mall. This does not detract from the mall or the church. In Toronto, at Eaton Center, one of the exits opens up to a small garden and a very old church. I think this idea is a good compromise.

It could be worked out to everyone's satisfaction. It's painful to watch the destruction of all the old buildings that contribute to the character of a city like Niagara Falls. I would like to know why every nook and cranny in our city is considered tourist territory. Why can't there be some consideration for us, the people of Niagara Falls who have lived here and paid taxes for most of our lives?

The demolition of St. Sarkis Church would be a disgrace. The mall developers would not only be destroying a precious relic, they would be destroying an important part of the Armenian people's history in this area.

—Marie D. Proctor
Niagara Falls

From our readers

Niagara Gazette 3/27/90

Church gets more support

How clearly Marie Proe and Jean Ferraro have resolved a simple solution in keeping our Armenian church, St. Sarkis, on Ninth Street.

Now let us take this moment to ask each of you out there who have, and belong to a vibrant and strong parish, this question:

What if the church that you were baptized in, confirmed in, went to school at, were married in and your family members were buried from was suddenly snatched away from your well-planned world?

As proud Armenians, our church is not only held together with brick, straw and mortar but also sealed with strong bands of loving and caring people who represent their house of God, just as you do. Our parents were the bricklayers.

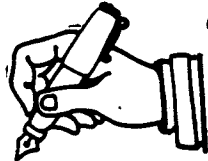
Our forefathers instilled in us the value of our church and the existence of keeping our faith alive through our caravan of people and our Armenian heritage. All this may sadly end if the wrong decision is made by city officials.

We do not feel the destruction of our church will enhance the progress of the city. This monumental church will radiate what it stands for, the representation of both ethnic and religious tradition, which we have kept alive here in the United States and Canada. We hope and pray the Armenian lobby will be instrumental toward the correct decision which will be made in the near future.

A standing ovation to those people who voiced their opinions in this devastating nightmare.

—Albert and Sylvia Choolokian
Niagara Falls

From our readers



Niagara
Gazette
4/2/90

St. Hagop's a parking lot?

I'm writing about St. Hagop's Armenian Church.

We hear comments about a church being torn down. It is a fact that two Armenian churches exist in Niagara Falls, N.Y., one of which is St. Hagop's Armenian Apostolic Church and Community Center, 322 Ninth St.

This year we are commemorating the 75th anniversary of the 1915 genocide, when Turks, trying to demolish an entire nation, massacred a million and a half Armenians. After that, Armenians scattered all over the world, many to the United States seeking the freedom that America offered. In this day and age, the 20th Century, when our country is helping other nations solve their problems, there exists a problem here in Niagara Falls. Again, our people are being morally and mentally devastated.

Many people were married and many children were baptized in this church, including my own. So tell me, what do I tell my children when they ask: "Mom, where were we baptized?" Do I tell them they were baptized where there now stands a parking lot?

—Anna (last name withheld) Warner
Niagara Falls

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City Editor is Gary Housey

**Niagara
Gazette**

Tuesday, April 1, 1980

Editorial
Today

7-8A

Palillo tries to 'kill the mega mall'

Council denies resolution; meeting set today with county officials

By MARY WOZNAK
Niagara Gazette

The City Council Monday kayoed a move by Councilman Jacob A. Palillo that the city's chief development official termed an attempt to "kill the mega mall."

Larry Krizan, city coordinator of development services, said it was "somewhat depressing" to see the resolution on the agenda calling for the city to acquire and put up for bid the nearly 100 acres that have been designated as the site of the proposed Factory Outlet Mega Mall.

The resolution failed 5-1, with Palillo casting the sole yes vote. Council Chairman Henry J. Buchalski was out of town for the meeting. Councilman Anthony F. Quaranto acted as chairman in his absence.

Mayor Michael C. O'Laughlin told the council the resolution would interfere with the right of the mayor and executive branch of government to negotiate contracts.

In the meantime, he said a meeting would be held this morning with county Legislature leaders to discuss the city's plan to acquire and clear the site of the proposed mall. That plan would utilize increased sales tax revenues the mall is expected to generate.

Krizan said the meeting would be attended by members of the Industrial Development Agency and County Legislature Chairman Lee Simonson, R-Lewiston. Councilman Guy "Tom" Sottile said that the city must be "convincing enough" to make the county leaders realize that something good for Niagara Falls will also be good for the county.

The council passed a resolution sponsored by

Councilman Barbara A. Geracki to amend the city sign and billboard ordinance to allow billboards in commercial districts. The move calls for requests to be made through the Department of Planning and Inspections for City Council approval of any sign, canopy or awning which would encroach on a public right-of-way. Department Director Samuel M. Ferraro opposed the move.

The council sent a request to the mayor to hold a meeting, to be conducted by Ferraro, for business owners and others to review the sign ordinance and make recommendations for possible changes.

The council also adopted a resolution banning skateboards from city streets. Police officers will be directed to confiscate the skateboards of those found to be in violation. Skateboards may be returned after a hearing

and payment of a \$35 fine.

The council did not discuss whether skateboards should be banned from sidewalks or areas such as E. Dent Lacey Plaza. But a resolution was passed asking the mayor to decide which city parking lots might be used as skateboard parks. DeFranco Park and the South Avenue parking lot were suggested.

The council also requested that the mayor and city administrator permit the New York State Compensation Board to continue to use Council Chambers in City Hall for workers compensation hearings, until another suitable site in the city can be found. City Administrator Mark R. Palesh had asked the Compensation Board to move the hearings because of the extra burden they place on parking at the City Hall lot. Palesh was ill and did not attend the session.

Architect ^{Niagara Gazette 4/4/90} is hired for mega mall

By MARY WOZNIAK
Niagara Gazette

The same firm that designed the Walden Galleria mall in Cheektowaga has been chosen by the Benderson Development Co. for its proposed Factory Outlet Mega Mall.

The firm, Dal Pos Architect of Syracuse, has built 30 to 50 malls, said Randy Benderson. He and other Benderson officials attended a reception to show support for the mega mall, held Tuesday at the Best Western Red Jacket Inn by the Niagara Falls Area Chamber of Commerce.

Dal Pos was chosen in part because of its experience with two-level malls, said Rex Burgher, vice president of development for Benderson. The firm's design increases the area of the mega mall from 1.2 million square feet to 1.4 million square feet, Benderson said. "We interviewed about 10 architects. We were the most impressed with this group," he said.

The businessmen and businesswomen at the meeting seemed impressed with the efforts of the Bendersons. About 400 were at the meeting, according to Larry Krizan, city coordinator of development services.

Christopher H. Brown, chairman of the chamber of commerce board of directors, told the throng it was time to accentuate the positive. "I'm tired of always hearing the nay-sayers," he said. Brown later said the event was necessary to show that support for the mall was still strong, not because it was slipping.

Republican Councilmen Jacob A. Paillo and Barbara A. Geracitano, who have both cautioned against supporting the mall, were absent.

Councilman Anthony F. Quaranto likened the coming of the Bendersons to Niagara Falls to the coming of the Magi to Bethlehem. Councilman Anthony J. Bendina held up a sign that read "I support the mega mall," and the crowd in repeating it aloud thrice.

Meanwhile, Mayor Michael G. Chiaramonte said he senses that his meeting Tuesday with county legislative leaders and IDA members may have opened the door a crack toward acceptance of his mall funding proposal.

Mall

MALL continued on page 7A

Continued from page 1A

He wants the county to join the city in a plan to fund acquiring and clearing the mall site with the increased sales tax revenues the mall is expected to generate. The parties will meet again within a month, he said.

Burgher said that Benderson has

spent more than \$200,000 on architectural designs, marketing and advertising for the proposed mall. The budget will be about \$1 million annually "just to market the city and the mall," he said. "This project is a fallacy. This project is no different. This is not David Copperfield disappearing over the falls," Burgher told the audience. "This is real. It's also time to get serious about it."

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D'iceo

Niagara Gazette 4/5/90
**St. Sarkis'
is no box**

Here are some words in favor of St. Sarkis.

Sure, knock down St. Sarkis Armenian Apostolic Church to make room for the proposed factory-outlet mall. Tearing down St. Sarkis and slapping an asphalt parking lot in its place would definitely enhance the maze of cement boxes, some call modern buildings, in our downtown area. Why would our city want to keep a building like St. Sarkis Church around to detract from the architectural beauty of the cement boxes that already adorn our downtown area? Furthermore, one city official stated that St. Sarkis Church isn't as historically prominent as one other church. I agree, and if the city hurries up and demolishes it, yes, it never will be.

In all honesty, the only buildings downtown that are architecturally attractive and add some highlight to that area of town are the churches, Cataract Restaurant, Norstar Bank and Niagara Gazette.

If the city's planners can't figure out a way to work St. Sarkis Church and the little greenery around it into their mall project plans, which by the way I am in favor of, it will say a great deal about their lack of skill, lack of imagination and lack of discerning what is quaintly attractive to the tourist's eyes and to the people in our community.

—Joel M. Malinverni
Niagara Falls

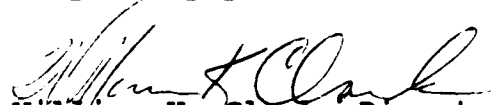
specifically to obtain relocation benefits will not be eligible for assistance. To receive full benefits, owners must have been in occupancy for at least 180 days and tenants must have been in occupancy for at least 90 days. No one should be required to move until they have received official notification from this office.

The following items are attached for your information.

1. A schedule of the dates when the appraiser would like to meet with you.
2. A list of documents or information that you can provide to help the appraiser establish the value of your property.
3. An informational brochure that describes the acquisition process.

This letter is merely an expression of interest and does not bind the agency to buy your property nor does this letter establish any eligibility for relocation payments or assistance. No one should be required to vacate at this time

Very truly yours,


William K. Clark, Director
Community Development

Niagara Falls Urban Renewal Agency

CITY HALL - 745 MAIN STREET
NIAGARA FALLS, NEW YORK 14302

(716) 286-4377
FAX (716) 286-4318

March 5, 1990

Dear Property Owner:

As you may know, the City has been working with the Benderson Development Corp. for the past year to develop a factory outlet mall in the East Falls Neighborhood. The City's participation in this project includes the acquisition and clearance of the required land.

Once all of the necessary financial and legal arrangements have been made to guarantee that the project will be built, the Urban Renewal Agency will be prepared to make you an offer for the property that you own in the project area. If we cannot agree in advance upon a price for your property, the Agency intends to use its eminent domain powers to acquire the property for the public good. Eminent Domain may be used for this project because it will remove blighted conditions in the area and will result in the development of job opportunities. You will be afforded all of the benefits and protection of the New York State Eminent Domain Procedure Law.

At this time we would like to begin this process by requesting your cooperation in scheduling an appraisal of your property. You are encouraged to accompany the appraiser through your property, so that you may point out any features or improvements that will affect the appraised value. Please inform your tenants that the appraiser will require access to their apartments on the dates listed on the attached schedule. This schedule only applies to single family through three family properties. All other property owners will be contacted directly by the appraiser.

Before we make a purchase offer, the appraisal will be reviewed for accuracy and appropriateness by the City's Review Appraiser. A second appraisal will only be conducted if we can not agree on a purchase price and are forced to go to court to acquire your property through Eminent Domain

We do not expect to begin making any purchase offers until sometime in June or July. An informational brochure is enclosed to answer some of the questions you may have about this procedure. You may also call this office at (716) 286-4482 if you have additional questions.

When we acquire your property, any occupants will be eligible for relocation benefits. A representative of this office will contact each and every occupant to explain relocation benefits and assistance. Owners or tenants who move into the project area

specifically to obtain relocation benefits will not be eligible for assistance. To receive full benefits, owners must have been in occupancy for at least 180 days and tenants must have been in occupancy for at least 90 days. No one should be required to move until they have received official notification from this office.

The following items are attached for your information.

1. A schedule of the dates when the appraiser would like to meet with you.
2. A list of documents or information that you can provide to help the appraiser establish the value of your property.
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Very truly yours,


William K. Clark, Director
Community Development

U. S. Department of Housing
and Urban Development
Office of Community Planning
and Development

WHEN A PUBLIC AGENCY ACQUIRES YOUR PROPERTY

Introduction

This booklet describes many of the important features of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). It also gives general information about public acquisition of real estate (real property) that should be useful to you.

Most real property acquisitions by a public agency for a Federal or federally assisted project are covered by the Uniform Act. If you are notified that your property will be acquired for such a project, it is important that you learn your rights under this important law.

This booklet may not answer all of your questions. If you have more questions about the acquisition of your property, contact the Agency responsible for the project. (Check the back of this booklet for the name of the person to contact at the Agency.) Ask your questions before you sell your property. Afterwards, it may be too late.

Who Made The Decision To Buy My Property.

The decision to acquire a property for a public project usually involves many persons and many determinations. The final determination to proceed with the project is made only after a thorough review which may include public hearings to obtain the views of interested citizens.

If you have any question about the project or the selection of your property for acquisition, you should ask a representative of the Agency which is responsible for the project.

How Will The Agency Determine How Much To Offer Me For My Property

Before making you an offer, the Agency will obtain at least one appraisal of your property by a competent real property appraiser who is familiar with local property values. The appraiser will inspect your property and state his professional opinion of its current fair market value in an appraisal report. After the appraiser has completed his work, a review appraiser will check the work to assure that the estimate is fair and the work conforms with professional appraisal standards.

SOME GENERAL QUESTIONS

What Right Has Any Public Agency To Acquire My Property?

The Federal Government and every State Government have certain powers which are necessary for them to operate effectively. For example, they have the power to levy taxes and the power to maintain order. Another government power is the power to acquire private property for public purposes. This is known as the power of eminent domain.

The rights of each of us are protected, however, by the Fifth and Fourteenth Amendments of the U. S. Constitution and by State constitutions and eminent domain laws which guarantee that if a public agency takes private property it must pay "Just Compensation" to the owner.

Furthermore, if the acquisition is covered by the Uniform Act, the owner has additional protections, some of which are explained in this booklet.

The Agency must offer you "just compensation" for your property. This amount cannot be less than the appraised fair market value of the property. "Just compensation" for your property does not take into account your relocation needs. If you are eligible for relocation assistance, it will be additional.

What Is Fair Market Value

Fair Market value is sometimes defined as that amount of money which would probably be paid for a property in a sale between a willing seller, who does not have to sell, and a willing buyer, who does not have to buy. In some areas, a different term or definition may be used.

The fair market value of a property is generally considered to be "just compensation". Fair Market value does not take into account intangible elements such as sentimental value, good will, business profits or any special value that your property may have for you or for the Agency.

How Does An Appraiser Determine the Fair Market Value of My Property?

Each parcel of real property is different and therefore no single formula can be devised to appraise all properties. Among the factors an appraiser typically considers in estimating the value of real property are:

- * How it compares with similar properties in the area that have been sold recently
- * How much it would cost to reproduce the buildings and other structures, less any depreciation
- * How much rental income it could produce.

To help you in presenting your case in a condemnation proceeding, you may wish to employ an attorney and an appraiser. However, in most cases the costs of these professional services and other costs which an owner incurs in presenting his or her case to the court must be paid by the owner.

What Can I Do If I Am Not Satisfied With The Court's Determination?

If you are not satisfied with the court judgment, you may file an appeal with the appropriate appellate court for the area in which your property is located. If you are considering an appeal, you should check on the applicable time limit for filing the appeal and consult with your attorney on whether you have a basis for the appeal. The Agency may also file an appeal if it believes the amount of the judgement is too high.

Will I Have To Pay Any Settlement Costs?

You will be responsible for the payment of the balance on any mortgage on your property. Also, if your ownership is not clear, you may have to pay the cost of clearing it. But the Agency is responsible for all reasonable and necessary costs for:

- * Typical legal and other services required to complete the sale, recording fees, revenue stamps, transfer taxes and any similar expenses which are incidental to transferring ownership to the Agency.
- * Penalty costs and other charges related to prepayment of any recorded mortgage on the property that was entered into in good faith
- * Real Property taxes covering the period beginning on the date the Agency acquires your property.

Whenever possible, the Agency will make arrangements to pay these costs directly. If you must incur any of these expenses yourself, you will be repaid--usually at the time of settlement. If you later discover other costs for which you should be repaid, you should request repayment from the Agency immediately. The Agency will assist you in filing a claim. Finally, if you believe that you were not properly repaid, you may appeal the decision to the Agency.

May I Keep Any Of The Buildings Or Other Improvements On My Property?

Very often, many or all of the improvements on the property are not required by the Agency. This might include such items as a fireplace mantel, your favorite shrubbery, or even an entire house. If you wish to keep any improvements, please let the Agency know as soon as possible.

If you do arrange to keep any improvement, the Agency will deduct only its salvage value from the purchase price

you would otherwise receive. (The salvage value of an item is its probable selling price if offered for sale on the condition that the buyer will remove it at his or her own expense.) Of course, if you arrange to keep any real property improvement, you will not be eligible to receive a relocation payment for the cost of moving it to a new location.

Can The Agency Take Only A Part Of My Property?

Yes. But if the purchase of only a part of your property reduces the value of the remaining part(s), you will be paid for the loss in value. Also, if any remaining part would have little or no utility or value to you, the Agency will offer to buy that remaining part from you.

Occasionally, a public project will increase the value of a remaining part which is not acquired by the Agency. Under some eminent domain laws, when this occurs, the amount of the increase in value is deducted from the Purchase price the owner would otherwise receive.

Will I Have To Pay Rent To The Agency After My Property Is Acquired?

If you remain on the property after acquisition, you may be required to pay a fair rent to the Agency. Such rent will not exceed that charged for the use of similar properties in similar areas.

How Soon Must I Move?

If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for your property (e.g. your occupancy would present a health or safety emergency), you will not be required to move without at least 90 days advance written notice.

If you reach a voluntary agreement to sell your property, you will not be required to move before you receive the agreed purchase price. If the property is acquired by condemnation, you cannot be required to move before the estimated fair market value of the property has been deposited with the court so that you can withdraw your share.

If you are being displaced from a dwelling unit, you will not be required to move before a comparable replacement home is available to you.

Will I Receive Relocation Assistance?

Title II (Uniform Relocation Assistance) of the Uniform Act requires that certain relocation payments and other assistance be provided to families, individuals, businesses, farms, and nonprofit organizations when they are displaced or their personal property must be moved as a result of an activity which is subject to the Uniform Act.

Dear Property Owner:

In order to complete the appraisal of your property, GAR Associates, Inc. will require the following information, if available:

Single Family Home Owners

- Survey Map
- Recent improvements (itemized list and receipts)
- Tenants name and copy of lease (if property is rented)
- Copy of closing statement (if the property was purchased over the last 5 years.)

Multi-family Properties

- Survey map
- Rent roll (name of individual tenants, copy of leases)
- Income and expense history (itemized operating expenses and income)
- Recent improvements to property (itemized list with receipts)
- Copy of closing statement (if purchased over the last 5 years)

Commercial/Industrial Properties

- Survey map
- Rent roll (name of tenants, size of space rented), copy of lease(s)
- Income and expense history (itemized list with receipts)
- Copy of closing statements (if purchased over the last 5 years)

For questions call:

Residential (1, 2 & 3 Family Properties) - Jim Bird or Rob Puntillo

Multi-family Properties (4+ Units) - John Ferraro

Commercial/Industrial - Scott Allen

General Questions - Carolyn Attea

Toll Free Number - 1-800-836-0382

**NIAGARA FALLS PROJECT - MEGA MALL
SCHEDULE FOR APPRAISALS FOR SINGLE FAMILY TO 3 FAMILY HOUSES**

DATE: TUESDAY MARCH 13, 1990

TIME	HOUSE NUMBERS	STREET
8:00 - 11:30 AM	149, 151, 165, 167	13TH STREET
	117, 119, 120, 121, 122, 124	12TH STREET
1:30 - 6:00 PM	123, 125, 126, 127, 128	12TH STREET
	129, 130, 131, 133	12TH STREET

DATE: SATURDAY MARCH 17, 1990

TIME	HOUSE NUMBERS	STREET
9:00 - 12:30 AM	309, 323, 325, 327, 343, 353, 355, 357, 359, 361	MEMORIAL PKWY MEMORIAL PKWY
2:00 - 6:00 PM	237, 239 1018, 1022, 1032 1005, 1107, 1111	MEMORIAL PKWY ANGELO COURT NIAGARA STREET

DATE: WEDNESDAY MARCH 14, 1990

TIME	HOUSE NUMBERS	STREET
8:00 - 11:30 AM	224, 225, 226, 231, 232, 238 240, 241, 247, 248, 250	15TH STREET 15TH STREET
12:30 - 5:00 PM	251, 254, 256, 259 228, 239, 243, 244, 245, 248	15TH STREET 14TH STREET

DATE: TUESDAY MARCH 20, 1990

TIME	HOUSE NUMBERS	STREET
8:00 - 11:30 AM	324, 324, 330, 332, 334, 335, 336, 337, 341, 345, 347	10TH STREET 10TH STREET
1:30 - 6:00 PM	338, 348, 354, 357, 358, 361 915, 925	10TH STREET NIAGARA STREET

DATE: THURSDAY MARCH 15, 1990

TIME	HOUSE NUMBERS	STREET
8:00 - 11:30 AM	1420, 1428 1404, 1410, 1411, 1412, 1415, 1422, 1427, 1431	FALLS STREET ROBINSON COURT ROBINSON COURT
1:30 - 6:00 PM	346, 348, 360, 366 349, 316, 338, 350, 358, 366	PORTAGE ROAD 14TH STREET

DATE: WEDNESDAY MARCH 21, 1990

TIME	HOUSE NUMBERS	STREET
8:00 - 11:30 AM	908, 910, 912 301, 303, 305, 305 1/2, 307 1/2, 309 1/2, 323, 327	FALLS STREET 9TH STREET 9TH STREET
12:30 - 5:00 PM	328, 331, 335, 336, 339, 340, 343, 344, 347, 351	9TH STREET 9TH STREET

DATE: FRIDAY MARCH 16, 1990

TIME	HOUSE NUMBERS	STREET
8:00 - 11:30 AM	313, 342, 346, 350, 356, 358, 360, 364 1317, 1319, 1325, 1405	13TH STREET 13TH STREET NIAGARA STREET
1:30 - 6:00 PM	319, 339, 340, 341, 343, 346, 348, 350, 354, 355, 358, 360	12TH STREET 12TH STREET 12TH STREET

DATE: THURSDAY MARCH 22, 1990

TIME	HOUSE NUMBERS	STREET
8:00 - 11:30 AM	352, 355, 364, 371, 372	9TH STREET

If your address is not listed, please contact Norma Lombardi at 286-4482.

Times and dates are approximate. Appraisers will make attempts to accommodate listed properties.