

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NIAGARA

DAVISON ROAD PROPERTIES, LLC

Petitioner,

Affidavit

Index No. _____

vs.

THE CITY OF LOCKPORT, THE CITY OF LOCKPORT
COMMON COUNCIL, MAYOR JOHN LOMBARDI III,
DR. JOHN D. CRAIG, ANITA MULLANE, MARK S.
DEVINE, KATHRYN FOGLE, MARGARET LUPO,
KEVIN M. KIRCHBERGER,

Respondents.

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
TOWN OF AMHERST)

COREY J. HOGAN, being duly sworn, deposes and says:

1. I am an individual who resides in the State of New York, County of Erie, Town of Clarence, and am the President of Petitioner Davison Road Properties, LLC.
2. This affidavit is submitted in support of the Verified Petition pursuant to CPLR Article 78, challenging the actions taken by the City of Lockport Common Council and all Respondents.
3. In adopting a modified zoning plan, Respondents unlawfully reclassified properties in the Davison Road and Professional Parkway area.
4. Over the past two decades, Davidson Road Properties LLC has invested millions of dollars and hundreds of hours of time in the strategic implementation, acquisition, maintenance, and redevelopment planning of these properties. These investments were made in reliance on Lockport’s long-standing public planning processes and policies that endorsed mixed-use redevelopment as a way to revitalize underutilized corridors.

5. Davison Road Properties, LLC owns approximately 38,000 square feet of commercial space across eight buildings in the affected area. These buildings were once assessed at over \$3 million, but after litigation in 2021, the assessment was judicially reduced to \$848,000. (See **Exhibit A**, Order and Judgment).
6. The City of Lockport's February 25, 2025 draft zoning map (**Exhibit B**) designated these parcels as 'Mixed-Use Neighborhood' (MU-N), which permits residential reuse, including up to four residential units per structure. However, in a closed-door session with no public hearing or notice, the City reclassified these 60 parcels into a newly created 'Mixed Office' (MO) zone, which uniquely prohibits all residential use, even by special permit.
7. The effect of this reclassification is financially devastating on Petitioner. These buildings already suffer from severe vacancy. A letter from Recckio Real Estate dated March 25, 2024 (**Exhibit C**), confirms that 8 out of 19 buildings were entirely vacant, and the rest had approximately 50% vacancy.
8. Despite aggressive marketing efforts spanning three years, several anchor buildings—including 57 Davison Court and 770 Davison Road—have remained unleased.
9. There is no realistic commercial demand for these buildings. With remote technology, people working from home, and current trends, this vacancy rate mirrors a regional collapse of demand for office space, with vacancy rates across Western New York exceeding 16%.
10. In stark contrast, there is an urgent need for high-quality housing in Lockport and Niagara County, as evidenced by escalating sale prices and shrinking inventory. (See **Exhibit D**, Environmental Map, showing no infrastructure limitations in the area.)
11. This is not the first time that the City of Lockport has taken actions later found to be improper. The earlier court-ordered reduction in assessment values was a direct rebuke of

Lockport's failure to adhere to sound appraisal and zoning standards. The present rezoning—likewise unsupported by any comprehensive rationale—repeats the same pattern.

12. Respondents' rezoning decision will reduce the tax base long-term. If allowed to proceed under the original MU-N classification, these 60 parcels could yield approximately \$50 million in assessed value and over \$1.6 million in annual tax revenue. Under the current MO designation, assessment and tax contributions will remain suppressed, and vacancy and decay will worsen.

13. Davison Road Properties LLC stands to suffer not only direct financial harm but reputational damage as a business that made good-faith efforts to support the revitalization of Lockport.

14. Davison Road Properties LLC's investments were made transparently and in line with Lockport's published goals. The City's abrupt reversal sabotages years of work, planning, and financial commitment.

15. The proposal to convert these buildings into residential units is rooted in sound planning. These buildings are structurally sound, already serviced by infrastructure, and ideally located to support walkable, mixed-use development. Renderings submitted with **Exhibit E** show modern, market-rate units that would bring life and economic activity back to this corridor.

16. The planned units are not subsidized housing. They will feature upscale interiors, energy-efficient design, and rents in the \$1,500–\$3,000 range—attractive to professionals, seniors, and families. This is precisely the demographic that Lockport seeks to attract, according to its own Comprehensive Plan.

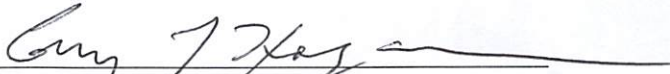
17. The Council's process was deeply flawed. After four years of committee meetings, surveys, and expert engagement, the City's planning professionals recommended the MU-N designation.

The Council reversed course within one week—without hearings or findings—to impose a designation affecting only these 60 parcels. (See **Exhibit F**). This conduct violates the principles of procedural due process and sound municipal governance.


18. The March 2025 rezoning must be annulled. It violates General City Law § 28-a, undermines public trust, contradicts the City’s own planning record, and inflicts real and immediate harm to Davidson Road Properties LLC.

WHEREFORE, I respectfully request that this Court grant the relief requested in the Verified Petition, including vacatur of the zoning change and reinstatement of the MU-N designation for the subject parcels, together with such other and further relief as the Court deems just and proper.

DATED: May 21, 2025


Corey J. Hogan, President
Davidson Road Properties, LLC

Sworn to before me this 22 day
of May, 2025.


Notary Public

Steven M. Cohen
Notary Public – State of New York
Qualified in Erie County
My Commission expires March 6, 2027