

From: Michael Kalin

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To: Jordan Carleo-Evangelist [Albany Times Union]

Subject: Albany neighbors disapprove of South Allen Street apartment plans

A shabby piece of journalism -- errors/distortions enumerated. There's more to reporting than quoting city hall functionaries.

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Albany neighbors disapprove of South Allen Street apartment plans

Neighbors of apartment plan worried about water

By Jordan Carleo-Evangelist

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The Planning Board could sign off as soon as Thursday on a 48-unit apartment complex on South Allen Street proposed by the former head of the city's buildings department.

But some neighbors of the site near St. Peter's Hospital are mounting a late bid to stop it, saying they were never properly notified of the property's rezoning last year and citing concerns about the project's impact on wetlands and groundwater that already seeps into their basements.

1) Proven per FOIL response -- "no such records exist."

Owner James Googas, who ran the city's buildings department for five years under Mayor Jerry Jennings until 2001, has already won several approvals for the 2.2 wooded acres he bought from the city in November, including one last week from the Board of Zoning Appeals allowing him to build higher than normal.

The city sold 17 lots it considered non-buildable individually and part of a paper street to Googas for \$100,000.

2) Non-buildable because they constituted a park. The sale price was illegal -- the alienation statute required a transfer at fair market value. A FOIL request filed 9/24/14 for documents relative to the alienation & sale of this land received a response 3/27/15 (six months later). Included was an appraisal from 2010 specifying a value of \$330,000. At the time of sale (10/2013) the assessed valuation was \$342,800.

The estimated \$5 million development at 241 S. Allen St. entails two three-story buildings containing 24 apartments each.

Googas, who was raised nearby and still lives in the area, said he plans to market them as upscale apartments for empty-nesters, among others.

3) The alienation statute also required "independent senior garden apartments."

The project, named The Eleftheria after Googas' mother, has been several years in the making and has required more approvals than most, in part because the plan required land occupied by a small park on South Allen.

4) What is small about a two acre park in an urban setting? Do you know the difference between a park and a playground? Sano often disparaged the park as underused, but never spent a moment on the lone bench watching children playing on the four swings or solitary tire.

Selling that land — a process known as alienation — required Common Council approval and a special act of the state Legislature.

5) This was achieved by a bait and switch tactic with Sano acting as pitch man, Corporate Counsel Jordan pulling the shady legal strings: a) failure to incorporate restrictive covenant in the deed reflecting the requirements of the alienation statute; and b) selling the property for \$100,000, nearly a quarter million dollars below fair market value.

Still, some neighbors say they were blindsided by the proposal in part because they never received notification as required by law leading up to the Common Council's 11-0 vote to rezone the property last October.

6) See #1 -- no records exist because no notices were sent.

City code requires notification of all landowners within 200 feet of the property to be rezoned.

Laura Cohen, who by her count lives 66 feet from the rear of the site on Onderdonk Avenue, said she never received that letter — and has yet to find a neighbor who did.

7) Her location has nothing to do with "her count." It is a matter of fact easily confirmed by reference to the tax map. I reside at 510 W. Lawrence Street, also 66 feet from the 241 S. Allen Street parcel. Believe me, I counted nothing to reach this conclusion.

"I've spoken to many people who live near that property and not a single person has said that they got that letter," said Cohen, who wrote Mayor Kathy Sheehan last week asking her to intervene to block any city approvals of the project.

8) Again -- see #1 -- no notices were sent.

Matthew Peter, Sheehan's chief of staff, noted that rezoning happened under the previous administration and said the mayor has called a meeting of the involved city departments for Thursday afternoon to examine the record in the case.

"We're going to make sure all the rules and procedures were followed," Peter said, "...and see what next steps we have to take, if any."

9) A lot of hot air -- were you actually counting on him to do something in the event (since proven) that Jordan failed to send the required legal notices?

Cohen is also raising alarms about the project's impact on what she describes as the area's delicate water table, which already requires some neighbors to have at least one sump pump in their basement.

On July 3, however, the Army Corps of Engineers wrote the city saying any wetlands on the property do not fall under its jurisdiction. And on Tuesday, the city's water commissioner, William Simcoe, signed off on Googas' plan to handle storm water on the site.

Cohen's concern is that no one is examining the issue of ground water.

"That's what everybody's really scared about," she said.

Former Councilman James Sano, who represented the area until this year, said neighbors and the New Scotland Woodlawn Neighborhood Association have been aware of development plans for the site for several years.

10) Sano & Googas made a misleading presentation to a New Scotland Woodlawn Neighborhood Association meeting, which they attended informally, describing veterans/senior housing development plans that were unlikely to come to fruition. This unscheduled sham did not appear in the NA newsletter announcing the meeting, and attendance was very light. I was present when Sano (10/2012) outlined the same hazy plans to the president of the association (my wife) in the same sneaky way in our living room, failing to mention he had already pushed through a Common Council ordinance to close Dale Place (9/20/2012) and helped launch an earlier effort to obtain the necessary alienation statute. This last employed the same bait and switch tactic of promising senior garden apartments, explicit in the language of the statute, and building something that has no relish of public service in it. Sano otherwise made no effort to either talk to the people who used the playground, declaring them non-existent, or reaching out to residents who do not attend the NA meetings for the purpose of witnessing unscheduled presentations, in a word everybody.

"There were so many different avenues for information that I can't believe that people could say that they were out of the loop," Sano said. Cohen counters that she was under the impression the project had died.

11) A single unscheduled phony presentation to a tiny NA meeting and a legal notice published in the T-U count as "many different avenues for information?" The latter is an archaism which is why notices must be sent to residents and why Sano's furtiveness

and failure to publicize the true plan exposes his role in the scheme to enrich a political insider at the expense of the entire neighborhood.

Googas, who owns property directly across street, said no one has a greater stake than he does.

"There's (no property) that this project affects more than what I own. And I have a vested interest in that whole neighborhood," he said, noting his long family ties to the area. "I don't want any flooding on that site whatsoever. I'm not going to turn around and sell this thing in five years."

12) This vested interest goes by name of rapine – the profit motive in action. Our neighborhood lost the only greenspace it will ever have for a pittance to a city hall crony for the sake of unauthorized construction.

Conclusion -- count stands at twelve. It's hard to believe such a short article can contain so much that is wrong. My corrections are all documented and available for viewing if you can stand the concept.