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**FOIL request**

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**Laura Cohen** <lcohen100@gmail.com>

Thu, Jul 10, 2014 at 1:49 PM

To: Brad Glass &lt;GlassB@ci.albany.ny.us&gt;

Cc: Zachary Kaplan &lt;zkaplan@nycap.rr.com&gt;, Julie Elson &lt;jelson510@earthlink.net&gt;, Norm Gates &lt;ngates@nycap.rr.com&gt;, "brent@steelwill.com" &lt;brent@steelwill.com&gt;, Kerri McCann &lt;KerriMcCann@me.com&gt;, mark larose &lt;mlarose165@icloud.com&gt;, "diana@steelwill.com" &lt;diana@steelwill.com&gt;, Joyce and Wayne Harbinger &lt;jharbinger@hotmail.com&gt;, "Seth D. Rosenblum" &lt;seth@sethrosenblum.com&gt;, Barry Koblenz &lt;zod111@yahoo.com&gt;, Betsey O'Connor &lt;betsey.oconnor@gmail.com&gt;, Matt McCann &lt;matthew.mccann.mil@mail.mil&gt;

Thank you, Brad. I should alert you to the fact that Patrick Jordan of the Corporation Council claims, in an e-mail to Pat Fahey last month, that this mailing did take place. Pat shared this e-mail with me. In response, I let them both know that a poll of several of my nearby neighbors revealed that none of us got any letter. These were property owners on the east side of Onderdonk - a street that is 66 feet wide - including West Lawrence Street properties that back onto Onderdonk opposite the Googas property. My FOIL request to the Common Council includes a specific request to see the documents related to the mailing. Clearly something went wrong.

The question is, how can the city make this up to us? We have never been given a proper hearing about the zoning change. I'm very glad that you'll be ensuring proper procedures in the future - thank you for this - but that doesn't help us in this situation now.

Laura

Laura,

Thank you for directing me to Section 375-30 of the City Code. I will look into this matter to see why it did not occur and ensure that the proper procedures are in place moving forward to ensure that it does not happen again.

*Bradley Glass**City of Albany**Department of Development & Planning**Division of Planning, Zoning and Land Use**200 Henry Johnson Boulevard**Albany, NY 12210**Phone: (518) 445-0754**Fax: (518) 434-5294*

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**From:** Laura Cohen [mailto:lcohen100@gmail.com]**Sent:** Thursday, July 10, 2014 12:55 PM**To:** Brad Glass**Cc:** brent@steelwill.com; diana@steelwill.com; Barry Koblenz; Betsey O'Connor; Joyce and Wayne Harbinger; Julie

Elson; Kerri McCann; Laura Cohen; mark larose; Matt McCann; Norm Gates; Seth D. Rosenblum; Zachary Kaplan  
**Subject:** RE: FOIL request

Hi Brad,

Thanks for your response.

You hit the nail on the head: our comments should have been heard earlier in the process. The reason why they were not is simple: we were not notified. As for the rezoning, property owners within 200 feet of the wetland properties were supposed to be notified by mail of the 9/16/2013 Common Council meeting to vote on the rezoning, pursuant to Section 375-30 of the City Code. I have yet to identify anyone within that range, including myself, who got a letter. As for the park alienation, Pat Fahey took this to the legislature without soliciting neighborhood feedback or providing public notification. As for the sale of the land, Jim Sano never alerted us to what was happening on the Common Council until after the sale, when a few of us got suspicious of changes in the playground and started asking questions.

In short, we were left out of the process in the early stages, and are now paying the price for not knowing. This certainly is unfortunate, just as you say.

Laura

On Jul 10, 2014 12:01 PM, "Brad Glass" <[GlassB@ci.albany.ny.us](mailto:GlassB@ci.albany.ny.us)> wrote:

Hi Laura,

I haven't been able to respond very efficiently by phone due to my current workload, so I apologize for not connecting on that end. I did send the entire file for both the BZA/Planning Board cases to the City Clerk yesterday and you should receive a response to the FOIL request soon.

As far as your prior email regarding the meeting cancellations, the Planning Board did receive a presentation on the case on May 15 and solicited comment at that meeting. In terms of general site design and orientation, the Board members seemed relatively satisfied with the proposal. There were outstanding concerns relative to storm water management and the jurisdictional nature of the wetlands that precluded them from proceeding any further at that point in time, but the consensus was to promptly revisit the proposal if and when those matters were sufficiently addressed. I underscore the fact that the site is zoned to allow for the proposed uses and that the Planning Board's responsibility is primarily to evaluate issues of site design and impact mitigation. Some of the comments that we have received do not relate to site issues but general opposition of the project. Those comments, somewhat unfortunately, seem to have not been heard when the rezoning (Common Council), park alienation (NYS Legislature) and sale of the land (Common Council) were up for discussion.

*Bradley Glass*

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**From:** Laura Cohen [mailto:[lcohen100@gmail.com](mailto:lcohen100@gmail.com)]  
**Sent:** Thursday, July 10, 2014 11:32 AM  
**To:** Brad Glass  
**Subject:** FOIL request

Brad,

Recently you were kind enough to call me in response to my FOIL request to the Planning Board and ask if there were any priority documents you could give me ahead of the official release. I appreciate your offer very much.

I've tried calling you a number of times but always miss you. I guess e-mail is the next best thing.

The priority documents fall into two basic categories: 1) environmental studies, and 2) applications and forms submitted by Mr. Googas or his agents. The SEQRA Short Environmental Assessment Form is of particular interest.

Since I don't know what the Planning Board has, I don't know if this represents a limited number of documents or a large quantity. It's your call if you can send me anything.

Thanks very much for your responsiveness and your help.

Laura Cohen