



**environmental**

25 Delaware Avenue, Delmar, New York 12054-1308  
Ph 518-439-8588 Fax 518-439-8592

October 30, 2012

James J. Googas  
P.O. Box 8683  
Albany, New York 12208

Re: **Wetland Assessment Report**  
**241 South Allen Street Parcels - 229,231,241,251,253,257,259 South Allen Street**  
**& 38,40,42,44,60,62,64,66,68,70 Onderdonk Avenue**  
**City of Albany, Albany County, NY**

Dear Mr. Googas:

This letter summarizes the wetland assessment of the 2± acre site referenced above. The purpose of the assessment is to determine if any state or federally regulated wetlands are present on the site.

Bagdon Environmental assessed the presence of waters of the U.S. (including wetlands) on the site, including those subject to federal jurisdiction under Section 404 of the Clean Water Act and wetlands subject to Article 24 of the New York State Environmental Conservation Law. Waters of the U.S. include wetlands, intermittent streams, natural drainage courses, lakes and ponds.

Background information was reviewed to determine the potential for wetlands on the site prior to conducting the field assessment. This included National Wetland Inventory maps, New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetland Maps, county soil surveys, topographic maps and aerial photos. The field inspection was completed on October 22, 2012 under favorable weather conditions. The potential presence of wetlands was determined using the routine level, on-site determination method. This method utilizes the three-parameter approach (hydrophytic vegetation, hydric soils, and wetland hydrology) outlined in the 1987 Corps of Engineers Wetlands Delineation Manual.

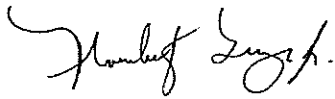
The site is located in an urban area with no visible natural or man-made drainage courses. The site is undeveloped urban land surrounded by buildings and roads. The NYSDEC Freshwater Maps, Albany County Soil Survey and National Wetland Inventory Map (see attached) do not indicate any wetlands on or near the site.

Based on the site inspection and review of information cited above, there are no state regulated wetlands (or regulated buffer) subject to Article 24 of the NYSDEC Environmental Conservation Law on the site.

A small wetland is present onsite in a topographic depression shown on the attached Wetland Assessment Map. The wetland does not appear to have any defined inlets or outlets connecting to any mapped water body or other water courses (natural or man-made). Based on these observations, it is likely that the wetland is isolated and non-jurisdictional pursuant to supreme court ruling (Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al., No. 99-1178 (January 9, 2001)).

If you have any questions regarding this analysis, please contact me. Thank you for the opportunity to assist you on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Norbert Quenzer Jr.", with a stylized, cursive script.

Norbert Quenzer Jr., Professional Wetland Scientist  
Vice President  
Senior Ecologist

Attachments:

- National Wetland Inventory Map
- NYSDEC Wetland Map
- Albany County Soil Survey Map and Description
- Wetland Assessment Map (DeLorme)



U.S. Fish and Wildlife Service

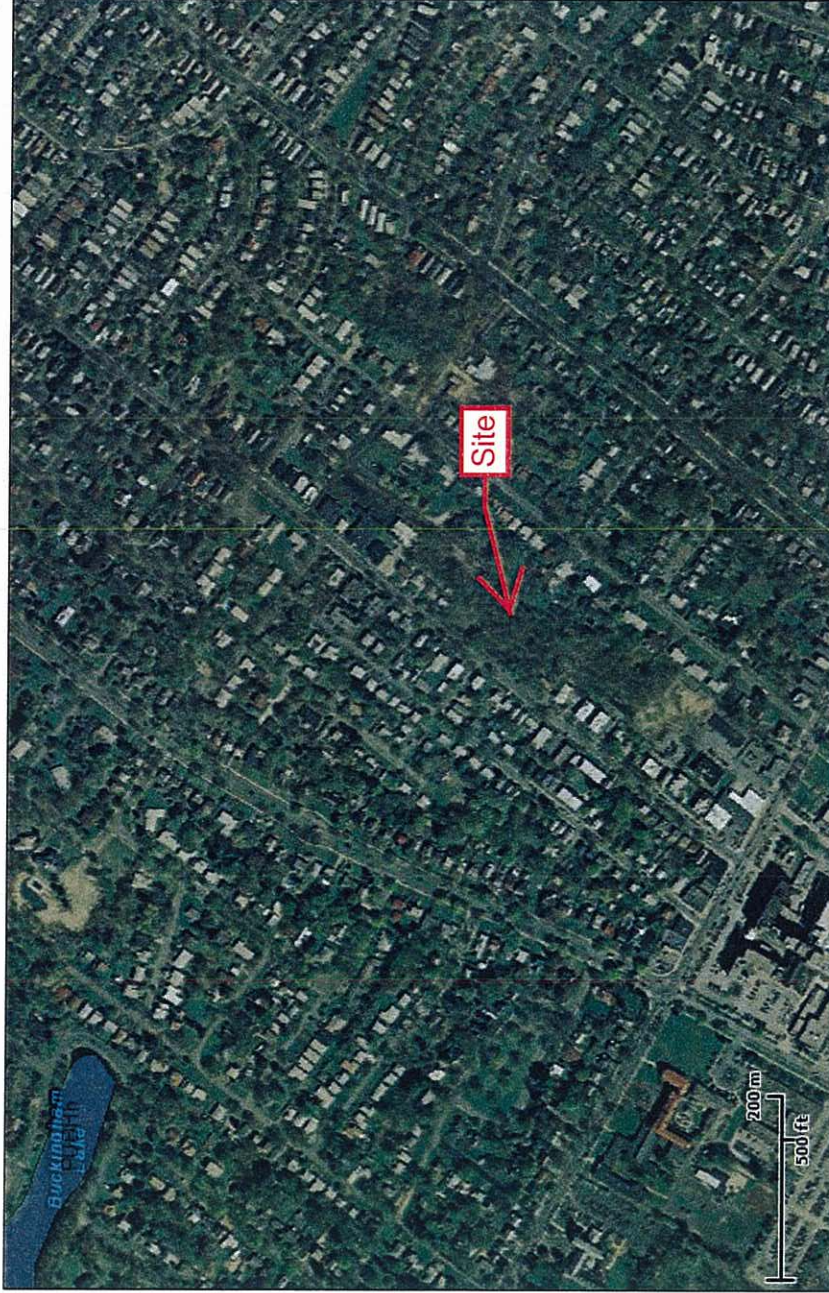
# National Wetlands Inventory

241 South Allen  
Street

Oct 29, 2012

## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

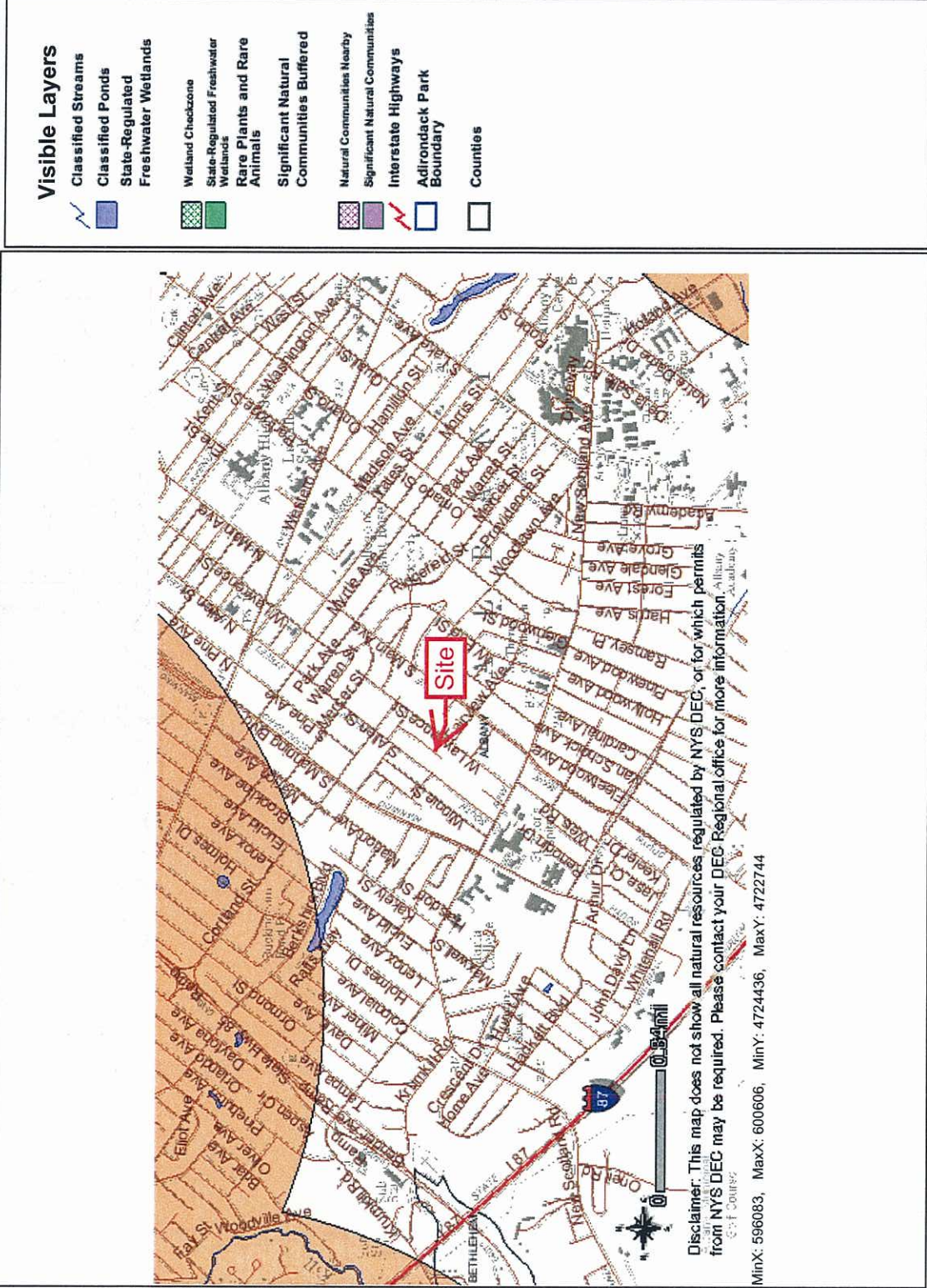
User Remarks:



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Please set your printer orientation to "Landscape".

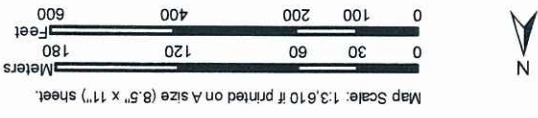
241 South Allen Street













































Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.



Soil Map—Albany County, New York  
(241 South Allen Street)



## MAP LEGEND

	Area of Interest (AOI)		Very Stony Spot
	Soils		Wet Spot
	Soil Map Units		Other
	Special Point Features		Special Line Features
	Blowout		Gully
	Borrow Pit		Short Steep Slope
	Clay Spot		Other
	Closed Depression		Political Features
	Gravel Pit		Cities
	Gravelly Spot		Water Features
	Landfill		Streams and Canals
	Lava Flow		Transportation
	Marsh or swamp		Rails
	Mine or Quarry		Interstate Highways
	Miscellaneous Water		US Routes
	Perennial Water		Major Roads
	Rock Outcrop		Local Roads
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		
	Spoil Area		
	Stony Spot		

## MAP INFORMATION

Map Scale: 1:3,610 If printed on A size (8.5" x 11") sheet.  
The soil surveys that comprise your AOI were mapped at 1:15,840.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: UTM Zone 18N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Albany County, New York  
Survey Area Data: Version 10, Dec 19, 2011

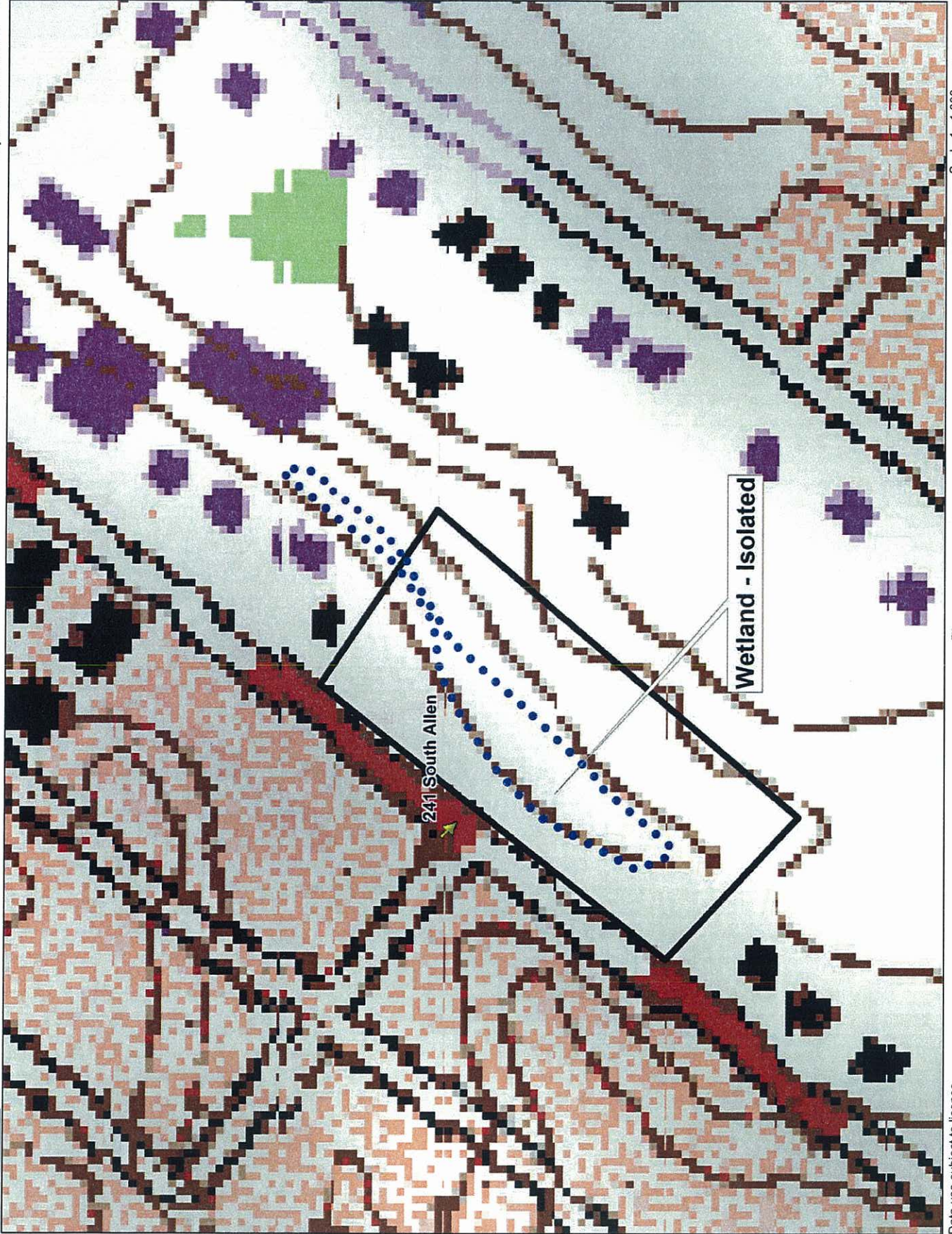
Date(s) aerial images were photographed: 7/31/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Map Unit Legend

Albany County, New York (NY001)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Uf	Udipsamments-Urban land complex	14.6	26.5%
Uh	Udorthents, clayey-Urban land complex	40.4	73.5%
Totals for Area of Interest		55.0	100.0%



Data use subject to license.

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[www.delorme.com](http://www.delorme.com)

Scale 1 : 1,600  
1" = 133.3 ft  
Data Zoom 17-0



## Albany County, New York

### Uh—Udorthents, clayey-Urban land complex

#### Map Unit Setting

*Mean annual precipitation:* 36 to 41 inches  
*Mean annual air temperature:* 45 to 48 degrees F  
*Frost-free period:* 100 to 170 days

#### Map Unit Composition

*Udorthents, clayey, and similar soils:* 40 percent  
*Urban land:* 30 percent  
*Minor components:* 30 percent

#### Description of Udorthents, Clayey

##### Properties and qualities

*Slope:* 0 to 8 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water*  
*(Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)  
*Depth to water table:* About 6 to 18 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water capacity:* Moderate (about 8.2 inches)

##### Typical profile

*0 to 18 inches:* Silty clay  
*18 to 72 inches:* Stratified silt loam to clay

#### Description of Urban Land

##### Typical profile

*0 to 6 inches:* Variable

#### Minor Components

##### Scio

*Percent of map unit:* 10 percent

##### Hudson

*Percent of map unit:* 10 percent

##### Rhinebeck

*Percent of map unit:* 7 percent

##### Madalin

*Percent of map unit:* 3 percent

*Landform:* Depressions

## **Data Source Information**

Soil Survey Area: Albany County, New York  
Survey Area Data: Version 10, Dec 19, 2011





DEPARTMENT OF BUILDINGS & REGULATORY COMPLIANCE  
CITY OF ALBANY  
CITY HALL, ROOM 303  
24 EAGLE STREET  
ALBANY, NEW YORK 12207

GERALD D. JENNINGS  
MAYOR

JEFFERY V. JAMISON, ESQ.  
COMMISSIONER

November 1, 2013

Mr. James J. Googas  
51 Winnie Street  
Albany, NY 12208

**Re: 229, 231, 251, 253, 257 & 259 South Allen Street, Albany, NY**

Dear Mr. Googas,

I am in receipt of your inquiry relative to the permitted use of the above-referenced premises.

The premises known as 229, 231, 251, 253, 257 & 259 South Allen Street are all located in a R-3A Multi Family Low Density Residential District. Permitted uses are described in §375-67 of the City of Albany Zoning Ordinance (enclosed).

Should you have any additional questions or concerns on this or any other matter, please do not hesitate to contact my office.

Very truly yours,

JEFFERY V. JAMISON, Esq.  
Commissioner of Buildings & Regulatory Compliance

62.121.98]

- (c) Minimum lot width: 18 feet.
  - (d) Minimum lot depth: 70 feet.
  - (e) Minimum front yard: see § 375-132.
  - (f) Minimum side yard: zero feet.
  - (g) Minimum rear yard: 25 feet.
  - (h) Maximum lot coverage, including accessory buildings: 65%.
  - (i) Maximum building height: 21/2 stories or 35 feet, whichever is less.
- (2) Two-family row housing:
- (a) Minimum lot size: 1,440 square feet.
  - (b) Land area per dwelling unit: 720 square feet.
  - (c) Minimum lot width: 18 feet.
  - (d) Minimum lot depth: 80 feet.
  - (e) Minimum front yard: see § 375-132.
  - (f) Minimum side yard: zero feet.
  - (g) Minimum rear yard: 25 feet.
  - (h) Maximum building height: 21/2 stories or 35 feet, whichever is less. [Amended 3-15-1999 by Ord. No. 62.121.98]
  - (i) Maximum lot coverage, including accessory buildings: 50%.

**§ 375-67. R-3A Multifamily Low-Density Residential District.**

A. Principal permitted uses shall be as follows:

- (1) Single-family detached dwellings.
- (2) Two-family detached dwellings.
- (3) Garden apartments.
- (4) Houses of worship.

B. Accessory uses shall be as follows:

- (1) Home occupations.
- (2) Detached garages.
- (3) Storage sheds.
- (4) Swimming pools. [Added 3-15-1999 by Ord. No. 62.121.98]

C. Special permit uses shall be as follows:

- (1) Private schools.
- (2) Colleges or universities, including dormitories.
- (3) Hospitals.
- (4) Nursing homes.
- (5) Day-care centers.
- (6) Charitable or religious institutions.
- (7) Bed and breakfasts.
- (8) Community residences.
- (9) Satellite dish antennas. [Added 3-15-1999 by Ord. No. 62.121.98]
- (10) Solar collection equipment. [Added 3-15-1999 by Ord. No. 62.121.98]

D. Yard requirements shall be as follows:

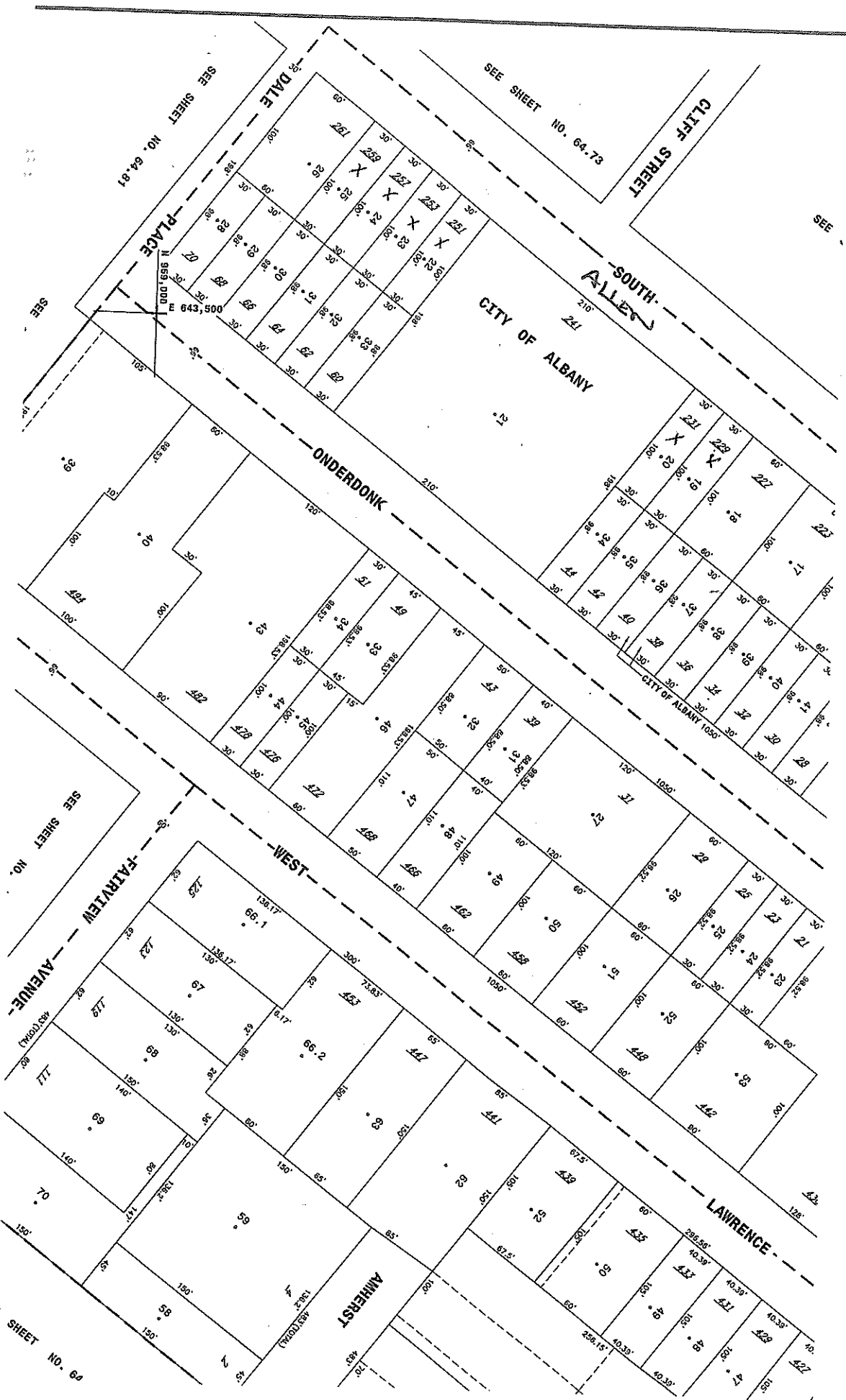
- (1) Single-family and two-family detached dwellings.
  - (a) Minimum total lot area: 4,000 square feet.
  - (b) Land area per dwelling unit: 2,000 square feet.
  - (c) Minimum lot width: 40 feet.
  - (d) Minimum lot depth: 100 feet.
  - (e) Minimum front yard: 20 feet, unless previously built on the lot line.
  - (f) Minimum side yard: four feet on one side; total of eight feet for both sides.
  - (g) Minimum rear yard: 25 feet.



- (h) Maximum building height: 2 1/2 stories or 35 feet, whichever is less.
  - (i) Maximum lot coverage, including accessory buildings: 50%.
  - (2) Garden apartments. [Amended 3-15-1999 by Ord. No. 62.121.98]
    - (a) Minimum total lot area: 12,000 square feet.
    - (b) Land area per dwelling unit: 2,000 square feet.
    - (c) Minimum lot width: 120 feet.
    - (d) Minimum lot depth: 100 feet.
    - (e) Minimum front yard: 20 feet.
    - (f) Minimum side yards: minimum of 10 feet on one side; minimum total of 40 feet on both sides.
    - (g) Minimum rear yard: 25 feet.
    - (h) Maximum building height: 2 1/2 stories or 35 feet, whichever is less.
    - (i) Maximum lot coverage, including accessory buildings: 35%.
- 

**§ 375-68. R-3B Multifamily Medium-Density Residential District.**

- A. Principal permitted uses shall be as follows:
  - (1) One- and two-family detached dwellings.
  - (2) One- and two-family row dwellings.
  - (3) Houses of worship.
  - (4) Apartment buildings.
- B. [Amended 3-15-1999 by Ord. No. 62.121.98] Accessory uses shall be as follows:
  - (1) Home occupations.
  - (2) Detached garages.
  - (3) Storage sheds.
  - (4) Swimming pools. [Added 3-15-1999 by Ord. No. 62.121.98]
- C. Special permit uses shall be as follows:





KATHY M. SHEEHAN  
MAYOR

CITY OF ALBANY  
DIVISION OF BUILDING & REGULATORY COMPLIANCE  
CITY HALL – ROOM 303  
ALBANY, NEW YORK 12207  
PHONE (518) 434-5995 FAX (518) 434-6015  
[WWW.ALBANYNY.ORG](http://WWW.ALBANYNY.ORG)

April 11, 2014

241 South Allen St. Holding, LLC./Eleftheria Properties, LLC.  
PO Box 8683  
Albany, NY 12208

RE: 241 South Allen Street  
Application Number: 68965

Dear Sir:

On **April 11, 2014**, you made an application for work at the above referenced property involving:  
**Construction of 48 garden apartments.**

This property is located in an area which is zoned **R-3A**.

This Application has been examined for compliance with the applicable provisions of the Zoning Ordinance of the City of Albany, NY.

That review has revealed that the proposed work will require

- ☐ Common Council Approval (375-186)
- ☒ Parking Lot Permit (375-174)
- ☒ Site Plan Approval (375-33)
- ☐ Special Use Permit (375-27)
- ☐ Approval by Historic Resources Commission (42-83)

Therefore, your application of 4/11/14 cannot be granted at this time until the approvals indicated above have been granted and all zoning issues are resolved.

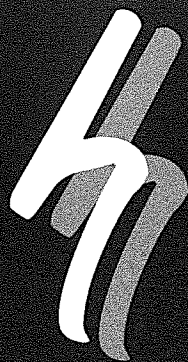
Application for the required review(s) may be made on forms available from the Office of Planning & Neighborhood Development, 200 Henry Johnson Blvd. *Applications for the required review(s) must be filed completely with the Office of Planning and Neighborhood development within thirty (30) days of the date of this letter. Upon successful approval(s) required above, a full set of construction documents prepared by a NYS licensed architect or engineer may be required to be submitted to this office prior to a Building Permit being issued.*

For the Commissioner,

Vincent DiBiase  
Deputy Chief Inspector

cc: Planning Office





**HERSHBERG  
&  
HERSHBERG**

*Consulting  
Engineers*



*Land Surveyors*



*Land Planners*

**BY COURIER**

April 30, 2014

Mr. Brad Glass, Senior Planner  
City of Albany Dept. of Development & Planning  
200 Henry Johnson Boulevard  
Albany, New York 12210

RE: Site Plan Approval  
The Eleftheria  
241 South Allen Street  
Albany, NY  
Our Project #2014-0302

FOUNDER  
Ben B. Hershberg, P.E., L.S.  
(1901-2002)

PARTNERS  
Daniel R. Hershberg, P.E., L.S.  
Abraham F. Sofer, R.A.  
Francis G. McCloskey, L.S.

Dear Brad:

We have been retained by James Googas to provide land planning and site/civil engineering services in connection with the above captioned project.

Enclosed please find the following.

1. Original of a Site Plan Application
2. Original of the Short Environmental Assessment Form
3. Six (6) copies of Site Plan and Construction Details (Complete in two sheets)
4. Six (6) prints of building elevation views.
5. Narrative Description of the project
5. A referral letter from Vincent DiBiase.
6. A digital file of application documents on a CD

We understand that James Googas will be delivering a check for fees. We request that you schedule this at the first available meeting.

If you require any additional information please feel free to contact me at your convenience.

Sincerely yours,  
**HERSHBERG & HERSHBERG**

Daniel R. Hershberg, P.E & L.S.

Enclosures

cc: James Googas  
Daniel Sanders, R.A.

DRH/dan/20130302BGSPA.doc

18 Locust Street  
Albany, New York 12203  
(518) 459-3096  
FAX (518) 459-5683  
E-Mail Address:  
hhershberg@aol.com



CITY OF ALBANY  
DIVISION OF ENGINEERING  
ONE CONNERS BOULEVARD  
ALBANY, NEW YORK 12204-2514  
T: 518.434.5670 F: 518.434.5696  
www.albanyny.org

KATHY M. SHEEHAN  
MAYOR

RANDALL J. MILANO, P.E.  
CITY ENGINEER

---

**MEMORANDUM:**

TO: Brad Glass, Planning  
FROM: Patrick McCutcheon, Engineering  
DATE: May 5, 2014  
RE: Allen Street (South)(241)  
The Eleftheria

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We have completed a review for the above referenced project and have the following comments:

1. This area may be listed as wetlands as defined by the Army Corps of Engineers. Letters from the Army Corps of Engineers and the NYS Department of Environmental Conservation will be required prior to issuance of a grading permit.
2. The existing tree line is only partially shown on C-1. The new tree line is also shown...Remove the new tree line.
3. There is an existing parking lot behind 261 South Allen Street that granted access out onto the street formally known as Dale Place. Does this address still have access (easement) out onto the proposed driveway?
4. Drawing C-3 Site Plan shows landscaping plan with utility lines. Show landscaping on a separate drawing. Show utility lines on Utility Plan C-4. Show top of frame elevations on Site Plan C-3.
5. Provide the height of fence located along Onderdonk Avenue.
6. Reexamine the rim elevations as some of the rims are as much as 2'6" higher than the finish grades.
7. Show underdrains of retaining wall on utility drawing with daylight or tie-in points.

If you have any questions regarding this matter, I can be reached at 434-2387.

cc: R. Milano, City Engineer

## Brad Glass

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**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Tuesday, May 06, 2014 6:34 PM  
**To:** Brad Glass  
**Subject:** 241 S. Allen Street  
**Attachments:** Environmental Report for S. Allen.pdf

Brad,

Attached as requested.

As mentioned the long and short of the report states the property is **non-jurisdictional**. The woman on Onderdonk made this an issue several years ago (I'm sure more recently) and Jim Sano at the time requested "*if I wouldn't mind*" getting a environmental report to make sure there were no wetlands. \$800 later he was satisfied and very appreciative. I did this even though I did not own the property at the time.

I know the woman still does not seem satisfied but it doesn't prevent her from still parking on the back of my property (which I have allowed and have said nothing to her).

If you need anything else please do not hesitate to contact me. Thank you again for all your time and assistance. My family and I are very excited and anxious to get started.

Jim  
441-8115



## Brad Glass

---

**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Wednesday, May 07, 2014 1:43 PM  
**To:** Brad Glass  
**Subject:** RE: 241 S. Allen Street

Brad,

George Casey is now in Watervliet and his number is 266-6361 (same e-mail). He is not the person who would provide the letter but he did direct me to the person who would, **Andy Dangler** (266-6356 [andrew.c.dangler@usace.army.mil](mailto:andrew.c.dangler@usace.army.mil) ). I informed him the City needed a letter addressing any wetlands issue and he saw no problem with it. I provided him with Bagdon Environmental's report and I am meeting him at the site tomorrow at 1:00.

Thanks again for all your assistance.

Jim  
441-8115

---

**From:** Brad Glass [mailto:GlassB@ci.albany.ny.us]  
**Sent:** Wednesday, May 07, 2014 11:08 AM  
**To:** James Googas  
**Subject:** RE: 241 S. Allen Street

Thanks, Jim.

Based upon our discussions yesterday, please reach out to the Army Corps of Engineers to confirm:

George Casey ([george.d.casey@usace.army.mil](mailto:george.d.casey@usace.army.mil))  
(518) 273-1547 – Office  
(518) 273-1520 – Fax

We will need to have a letter from Army Corps to add to the file. Make sure to provide them with the report you received from Bagdon.

*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*

## Dan Hershberg

---

**From:** Dangler, Andrew C NAN02 <Andrew.C.Dangler@usace.army.mil>  
**Sent:** Friday, May 09, 2014 4:09 PM  
**To:** mccutcheonp@ci.albany.ny.us  
**Cc:** Dan Hershberg; Norbert Quenzer; jgogas@nycap.rr.com  
**Subject:** Property Located at 241 S. Allen Street, City of Albany  
**Attachments:** Environmental Report for S. Allen.pdf

Mr. McCutcheon,

On May 8, 2014, I visited the property located at 241 South Allen Street with Mr. James Googas. The purpose of the meeting was to review the site to determine if it contained waters of the United State, including wetlands, that would be subject to the jurisdiction of my office.

Prior to conducting the site visit, I reviewed the October 30, 2012, correspondence (attached) that was prepared by Bagdon Environmental (BE). In the correspondence, BE indicated that based on their observations made during an October 22, 2012, site inspection, there is one wetland located on the property. This wetland is located within a topographic depression with no inlet or outlet. BE indicated that based on its observation, it was their opinion that the wetland is likely isolated and therefore non-jurisdictional pursuant to supreme court ruling (Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al., No. 99-1178 (January 9, 2001)).

Based on the observations I made in the field on May 8, it appears that the findings of the October 30, 2012, correspondence from BE are accurate. The wetland does appear to be isolated and is therefore likely non-jurisdictional.

Please let me know if you have any questions regarding this matter.

Thank you,

Andy

Andrew Dangler  
Biologist/Senior Project Manager  
DEPARTMENT OF THE ARMY  
US Army Corps of Engineers, ATTN: CENAN-OP-RU Upstate Regulatory Field Office  
1 Buffington Street, Bldg. 10, 3rd Floor North Watervliet, New York 12189-4000 Direct Line (518) 266-6356 FAX (518) 266-6366

In order for me to better serve you, please complete the District's Customer Service Survey located at:  
<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

131 Onderdonk Avenue  
Albany, NY 12208

May 11, 2014

Bradley Glass  
City of Albany  
Department of Development & Planning  
Division of Planning, Zoning and Land Use  
200 Henry Johnson Blvd  
Albany, NY 12210

Dear Bradley Glass:

I am writing this letter to submit comments on Case # 5-14, 912, Site Plan Approval for garden apartments on 241 South Allen Street. This new case will be discussed at the Planning Board meeting on May 15. I request that you share my comments with the Board.

My concerns focus on the possible wetland status of the property in question – most of it a watery ravine - and the potential for exacerbating existing high water table issues in the adjacent neighborhoods if the wetland is disturbed. Even if the ravine is not an official wetland, I wonder if our neighborhoods are safe from serious water table issues because the ravine functions as a water basin for the waterways in our area. I am hoping that the Board will postpone any decision on this case until there is a thorough investigation of the environmental and safety issues.

In 2005, the Army Corps of Engineers designated some of the ravine on Onderdonk Avenue lots 30, 32, 34 and 36 as a wetland. This happened after the owner of these properties was grading and filling with the intent to build without a permit. The Corps stopped the work and required the owner to install a siltation fence at the bottom of the fill to prevent erosion into the wetland.

The lots comprising 241 South Allen Street are adjacent to these Onderdonk wetland lots and are frequently filled with water. I have to wonder how tampering with the South Allen Street water may affect the adjacent wetland.

I am concerned about the role that the South Allen Street ravine may play in managing the water table in my neighborhood and in protecting the houses from serious water table issues. Based on the surface water I can see on Onderdonk Avenue, there is water that flows in and out of the ravine. Has anyone investigated whether there are also groundwater streams that rely on the ravine? For example, I have been told that there is a stream flowing under the west-facing back yards of West Lawrence Street. I am cognizant of the fact that the Army Corps does not deal with groundwater, so I hope that the Planning Board makes sure that a groundwater study takes place.



All the houses on my block have sump pumps in their basements. My house is 100 years old, and there is evidence in the construction of the basement that water table issues were a problem even in 1914. My neighbors on West Lawrence Street report similar water issues. I wonder if manipulating the ravine water might even affect structures on New Scotland Avenue that are upstream of the South Allen Street ravine.

I have asked about the existence of a SEQRA study and Army Corps consultation for this project, but have been told that neither has taken place. Am I missing something?

I realize that I am not an engineer or an expert of any kind in these matters. All I can do is raise concerns and hope that the Planning Board and others share these concerns and will agree to investigate. I've learned a thing or two from the 2005 wetland incident and I've had several conversations with experts. I know that wetland destruction can cause flooding. I believe that it is too much of a risk to proceed with the proposed garden apartment project without a thorough investigation of these risks. Many of the properties in this neighborhood are already burdened enough with water table issues.

Thank you.

Laura Cohen

Cc: Mayor Kathy M. Sheehan

## Brad Glass

---

**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Monday, May 12, 2014 1:37 PM  
**To:** Brad Glass  
**Subject:** Property Located at 241 S. Allen Street, City of Albany  
**Attachments:** Environmental Report for S. Allen.pdf

-----Original Message-----

**From:** James Googas [mailto:jgoogas@nycap.rr.com]  
**Sent:** Monday, May 12, 2014 12:52 PM  
**To:** 'Patrick Jordan'  
**Cc:** Brad Burns  
**Subject:** Property Located at 241 S. Allen Street, City of Albany

Patrick,

Hi remember me. I spoke with Brad earlier.

I am currently at the Planning Board Approval phase (meeting Thurs. 5/15). Last Tuesday the proposed project appeared in front of the Technical Review Committee and Hershberg & Hershberg made their presentation. The results were several minor issues that are being addressed. One of those "minor" issues was from Patrick McCutcheon, Engineering, he asked if we could get something in writing from the Army Corp. of Engineers (ACOE) that states the property is non-jurisdictional in regard to wetlands. We had explained to him after the meeting an environmental report was done by well respected Bagdon Environmental (attached).

I was able to get ACOE at the site on May 8 and while at the site we contacted Pat to see exactly what would be needed and he mentioned an e-mail referencing the site visit and Bagdon's report would work. Which resulted in the e-mail below. It was confirmed acceptable.

This morning Mr. Dangler contacted me and informed me he received an e-mail from Pat (below) which is self explanatory. I stopped by DGS this morning and spoke with Pat & Bill Lecuyer and both were very apologetic but said they received an e-mail from the rear property home owner complaining about the project and that she was insistent that it was "wetlands". Both Pat & Bill agreed the request for a letter was to make sure they were covered ("our hands are tied"). Unfortunately this letter will take 6 to 8 weeks to get and will say exactly what the ACOE e-mail and Bagdon Environmental has already said.

I do not want to step on Pat or Bill's toes (I realize they are just trying to cover themselves) but I have to ask "doesn't someone have to have justification in order for the City to make this request" other than the complainant "saying" there are wetlands she has no proof of any of the property is "jurisdictional". She has not shared any proof other than "saying" it. She informed City Engineering several years ago ACOE was at the site for illegal dumping and ACOE "informed" her (nothing in writing) at the time there was "non-jurisdictional wetlands" (wetlands I have learned has a very broad definition). The ironic part is Andrew Dangler, of ACOE, was the one who responded to her complaint several years ago and is the same person who came out last week. He never informed her of an issue or provided her with anything in writing that would in any way prevent development. The bottom line she has no justification.

Patrick, I honestly feel there is plenty of proof there is no jurisdictional wetlands, with Bagdon's report and ACOE recent e-mail to Engineering confirming any wetlands are non-

jurisdictional (meaning not an issue). The City I would think, has more then covered themselves. Knowing all these facts I'm asking if someone from Legal advise them of that, if at all possible.

Having spoken with Pat & Bill I would think that a legal opinion would suffice and make sure everyone is covered.

Thank you for your time and assistance. Please let me know if you need anything else.

Jim

441-8115

P.S. I will not be able to do anything on the property (clearing, etc.) until July. Also my funding will not be "locked down" until then, which can cost me 1/4% on a three million dollar loan for the project, which will add tens of thousands of dollars to the life of the mortgage.

-----Original Message-----

From: Dangler, Andrew C NAN02

Sent: Friday, May 09, 2014 4:09 PM

To: mccutcheonp@ci.albany.ny.us

Cc: Dan Hershberg (Dan@hhershberg.com); Norbert Quenzer; jgogas@nycap.rr.com

Subject: Property Located at 241 S. Allen Street, City of Albany

Mr. McCutcheon,

On May 8, 2014, I visited the property located at 241 South Allen Street with Mr. James Googas. The purpose of the meeting was to review the site to determine if it contained waters of the United State, including wetlands, that would be subject to the jurisdiction of my office.

Prior to conducting the site visit, I reviewed the October 30, 2012, correspondence (attached) that was prepared by Bagdon Environmental (BE).

In the correspondence, BE indicated that based on their observations made during an October 22, 2012, site inspection, there is one wetland located on the property. This wetland is located within a topographic depression with no inlet or outlet. BE indicated that based on its observation, it was their opinion that the wetland is likely isolated and therefore non-jurisdictional pursuant to supreme court ruling (Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al., No. 99-1178 (January 9, 2001).

Based on the observations I made in the field on May 8, it appears that the findings of the October 30, 2012, correspondence from BE are accurate. The wetland does appear to be isolated and is therefore likely non-jurisdictional.

Please let me know if you have any questions regarding this matter.

Thank you,

Andy



Andrew Dangler  
Biologist/Senior Project Manager  
DEPARTMENT OF THE ARMY  
US Army Corps of Engineers, ATTN: CENAN-OP-RU Upstate Regulatory Field Office  
1 Buffington Street, Bldg. 10, 3rd Floor North Watervliet, New York 12189-4000 Direct Line  
(518) 266-6356 FAX (518) 266-6366

In order for me to better serve you, please complete the District's Customer Service Survey located at:  
<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

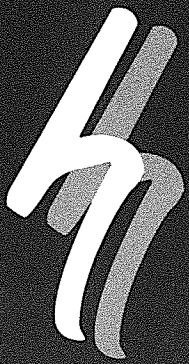
-----Original Message-----

From: Pat McCutcheon [mailto:mccutcheonp@ci.albany.ny.us]  
Sent: Monday, May 12, 2014 9:46 AM  
To: Dangler, Andrew C NAN02  
Subject: [EXTERNAL] RE: Property Located at 241 S. Allen Street, City of Albany

Thank you for your response...Would you mind terribly if you just cut and paste your e-mail on letterhead and address it to:

Patrick McCutcheon  
Engineering Division  
Department of General Services  
City of Albany  
One Richard Connors Boulevard  
Albany NY

An email copy is all that's needed.  
If you have any questions I can be reached at 434-2387.



HERSHBERG  
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*Consulting  
Engineers*



*Land Surveyors*



*Land Planners*

**BY COURIER**

May 12, 2014

Mr. Brad Glass, Senior Planner  
City of Albany Dept. of Development & Planning  
200 Henry Johnson Boulevard  
Albany, New York 12210

RE: Site Plan Application  
The Eleftheria  
241 South Allen Street  
Albany, NY  
H&H Project #2013-0302

FOUNDER

Ben B. Hershberg, P.E., L.S.  
(1901-2002)

PARTNERS

Daniel R. Hershberg, P.E., L.S.  
Abraham F. Sofer, R.A.  
Francis G. McCloskey, L.S.

Dear Brad:

In response to review memo dated May 5, 2014 from Patrick McCutcheon, Junior Engineer, we offer the following responses. Comments from the original memos are in *italics* and response is in **bold** font.

1. *This area may be listed as wetlands as defined by the Army Corps of Engineers. Letters from the Army Corps of Engineers and the NYS Department of Environmental Conservation will be required prior to issuance of a grading permit.*

**See attached e-mail from Andy Dangle together with a report from Bagdon Environmental.**

2. *The existing tree line is only partially shown on C-1. The new tree line is also shown. Remove the new tree line.*

**The drawing has been revised.**

3. *There is an existing parking lot behind 261 South Allen Street that granted access out onto the street formally known as Dale Place. Does this address still have access (easement) out onto the proposed driveway?*

**No this building has no access easement and no access will be provided,**

4. *Drawing C-3 Site Plan shows landscaping plan with utility lines. Show landscaping on a separate drawing. Show utility lines on Utility Plan C-4. Show top of frame elevations on Site Plan C-3.*

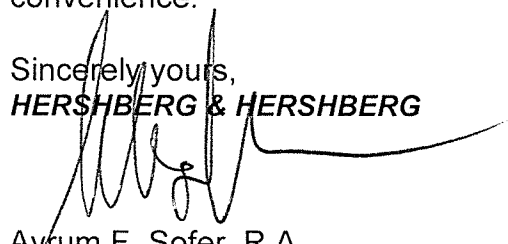
**The drawing has been revised.**

18 Locust Street  
Albany, New York 12203  
(518) 459-3096  
FAX (518) 459-5683  
E-Mail Address:  
hhershberg@aol.com

5. *Provide the height of fence located along Onderdonk Avenue.*  
**The drawing has been revised.**
6. *Reexamine the rim elevations as some of the rims are as much as 2'6" higher than the finish grades.*  
**The drawing has been revised.**
7. *Show underdrains of retaining wall on utility drawing with daylight or tie-in points. If you have any questions regarding this matter, I can be reached at 434-2387.*  
**The drawing has been revised.**

If you require any additional information please feel free to contact me at your convenience.

Sincerely yours,  
**HERSHBERG & HERSHBERG**

  
Ayrum F. Sofer, R.A.

Enclosures

cc: James Googas  
R. Milano P.E., City Engineer  
Patrick McCutcheon, Junior Engineer

DRH/dan/20130302BG01.doc

## Brad Glass

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**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Tuesday, May 13, 2014 12:44 AM  
**To:** Brad Glass; 'Patrick Jordan'; mccutcheonp@ci.albany.ny.us; milanor@ci.albany.ny.us; lecuyerb@ci.albany.ny.us; mirabiled@ci.albany.ny.us  
**Cc:** 'Dan Hershberg'; 'Danny Sanders'; Dan Herring  
**Subject:** 241 S. Allen Street - Wetlands

Gentlemen,

I spoke with several of you yesterday as to what will now be required for confirmation the property "wetland" is non-jurisdictional (layman's term for not an issue).

Let me first say that I have already spoken with **Norbet Quenzer**, Environmental Expert with Bagdon Environmental and **Andrew Dangler** with the Army Corp. of Engineers (ACOE) to inform them that a letter will now be needed as opposed to the report and e-mail Mr. Dangler sent on Friday 5/9 confirming the findings of non jurisdictional. When I informed them of this they were both surprised to say the least and both stressed the letter will just confirm what has already been documented, but they are now aware. I've attached Dan Hershberg's response to Brad Glass (prior to the new turn of events) which includes the report and e-mail.

As some of you may know this has been a four and a half year process to get to this point. The Common Council has unanimously voted on matters related to the property on eight separate occasions and the NYS Legislature and Governor have also approved alienation of the "pocket park". Both the Council and Law Department were provided copies of the "Wetland Report" when it was issued. Now we also have the ACOE confirming the findings in an e-mail.

A simple question I would very much liked to be asked of the complainant (Ms. Cohen) is: ***What documents/justification do you have that you feel the property has jurisdictional wetlands?*** Just by her "saying" there is? Simple question. I would very easily argue there is a tremendous amount of documented facts in the City's possession that says it is non jurisdictional. So what is her documentation and/or basis? Her motive? Good for the neighborhood?

This isn't about getting a letter from ACOE (*which I've been told can take anywhere from six to twelve weeks along with the additional cost*). It's about **FAIRNESS**. I have never met the woman before nor received an e-mail from her. She has been given my name and contact information but has never reached out to me (*I've stopped by her house several times over the years but to no avail*). She just continues to write e-mails. Please see her e-mail below sent last year, critical of the City, to Council Member Fahey & Sano in **BOLD** (Jim Sano had forwarded it to me) and my response.

**Ironically the ACOE she makes reference to in her e-mail dated 12/2/13, Mr Andrew Dangler, is the gentleman who came out and gave his assessment last week.** He said he met her several years ago on a complaint of illegal dumping on the property and informed her there was a small wetland on the property but it was non jurisdictional. Nothing in writing because it was a non issue. Giving Ms. Cohen a little of the benefit of doubt, she may not know there are a number of various types/levels of "wetlands".

If after reviewing all the facts and information provided or she provides documentation that there may be an issue and a letter is still required, so be it. The project will be delayed that much longer. All I ask for is fairness.

Thank you all for your time and consideration and I apologize for the "War & Peace" explanation.

Jim  
441-8115

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Thanks Jim, good thing you have all the paperwork, I was surprised she did not step forward sooner, but when and if she does you have it covered. Best of luck with the project. Happy holidays to your family, see you around town.

Jim Sano (retired)

Sent from my iPhone

On Dec 2, 2013, at 11:01 PM, "James Googas" <[jgoogas@nycap.rr.com](mailto:jgoogas@nycap.rr.com)> wrote:

Jim (also Cathy),

Thank you for the information.

Unfortunately Ms. Cohen is misinformed/ incorrect on several points. If you recall over a year ago Bagdon Environmental performed a detailed wetland assessment report on all 18 parcels and the long and short of their report was the area is "**non-jurisdictional**" which in layman's terms means there are **no jurisdictional wetlands present**. Her statement "*...has controlled flooding in the Pine Hills in Albany from time immemorial...*" is incorrect. This was never the case. Her accusation the "*City of Albany pulled the wool over the eyes of the Legislature*" couldn't be further from the truth about the whole process. The City Law Department reviewed and was aware of the findings of "non-jurisdictional" and as you know kept the Council informed.

Prior to any sale/lease of parkland, a municipality must get prior approval (alienation) from the State Legislature and as part of the process the NYS Parks, Recreation & Historic Preservation does their own extensive background check on the land that is asked to be alienated, which the Departments lead attorney Mr. Jeff Myers and staff did so. Only after this extensive review on the State level does the Legislature get their recommendation weather to act to either approve or not. This is exactly what happened with the property. **This entire process, from beginning to end, took over 4 years and everyone has done their due diligence. From the State, City and my family.**

Bagdon Environmental was chosen because they are considered one of the foremost environmental specialist in the Northeast whose clients are both the Public (Army Corps of Engineers, NYS Environmental Conservation, NYS Parks, Recreation and Historic Preservation, to name a few) and Private Sector. Please visit their website at [www.bagdonenvironmental.com](http://www.bagdonenvironmental.com).

Ms. Cohen made reference to me being a "developer" which also incorrect. The Googas family has lived and owned property on the S. Allen, Cliff and Winnie Street area for well over 60 years and are easily the longest resident family in the area and will continue to be for years to come. The project will only enhance the area in every way, from safety to property values. This also will not be a HUD project. It will be "independent adult" garden apartments.

In closing, I believe Ms. Cohen lives in the house (131) at the dead end of Onderdonk on the hill overlooking the property (flooding?) and it would appear over the years she has used the continuation of the Onderdonk "paper street" and the back of the recently purchased property as her personal property (ie. parking cars, storing equipment, dumping area, etc.) and from what I understand not too long ago had it listed For Sale By Owner. **I don't want to sound cynical, but could their possibly be another motive to raising objections?** This last bit of information on her property can easily be confirmed by "googling" the address.

**Cathy**, I'd be more than happy to meet with you personally at anytime to explain everything and show you the report. I'll even stop by your office if you would like. This way you will have the proper information if anyone else asks. Public hearings were held on several issues prior to the sale and no one ever objected but now she is trying to raise these non



"issues". In my opinion, that part of the process has been completed and there are no further issues. My family and I would not have purchased the property if there were.

Please feel free to contact me 441-8115, I would welcome it.

Be well.

Jim

**From:** Jim Sano [<mailto:jsano15@aol.com>]  
**Sent:** Monday, December 02, 2013 6:20 PM  
**To:** James Googas  
**Subject:** Fwd:

FYI have or care for a rebuttal??

Sent from my iPhone

Begin forwarded message:

**From:** Cathy Fahey <[cathyfahey7@yahoo.com](mailto:cathyfahey7@yahoo.com)>  
**Date:** December 2, 2013 at 4:48:09 PM EST  
**To:** Jim Sano <[jsano15@aol.com](mailto:jsano15@aol.com)>  
**Reply-To:** Cathy Fahey <[cathyfahey7@yahoo.com](mailto:cathyfahey7@yahoo.com)>

Jim,  
Pat received this letter (below) from a constituent regarding the S Allen St. property that was parkland. I assume that the "wetland" issue was resolved at some point? I will catch you tonight at the Council meeting about this.  
Thanks.

*Catherine M. Fahey  
Albany Common Council Member, 7th Ward  
32 Lawnridge Avenue  
Albany, NY 12208  
518.482.6159  
518.598.3242--cell  
[cathyfahey7@yahoo.com](mailto:cathyfahey7@yahoo.com)*

***"I learned today that the City of Albany petitioned the NYS Legislature last session to sell the municipal parkland on South Allen Street. Actually, the 17 city lots that comprise this property is a wetland under the jurisdiction of the Army Corps of Engineers. The City of Albany neglected to inform the legislature of this fact, and the legislature approved of the sale based on the parkland concept. Now a developer (James Googas) has purchased the land and intends to destroy the wetland with a large HUD housing project."***

*This is why the city sold the land - for money, not safety. This wetland has controlled flooding in Pine Hills in Albany from time immemorial. Destruction of the wetland may lead to flooding out portions of Pine Hills. Please contact the Army Corps of Engineers (266-6356) and ask Andrew Bangler to issue, or not, all applicable permits for any development on the South Allen Street Wetland in order to protect the adjacent neighborhoods. It's a shame that the City of Albany pulled the wool over the eyes of the legislature, but here is your chance to rectify this situation. Thank you very much." --Laura Cohen, 131 Onderdonk Ave.*

## Brad Glass

---

**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Friday, May 16, 2014 5:08 PM  
**To:** 'Patrick Jordan'  
**Cc:** 'John Reilly'; 'Daniel Mirabile'; milanor@ci.albany.ny.us; lecuyerw@ci.albany.ny.us; 'Patrick McCutcheon'; Brad Glass; 'Bradford Burns'; danherring47@hotmail.com; 'Dan Hershberg'  
**Subject:** RE: Planning Board Meeting- Property Located at 241 S. Allen Street, City of Albany

Patrick,

Much appreciated. I have already contacted Bagdon Environmental to begin the process. I am very confident after speaking with Bagdon and ACOE the letter requested will come back non jurisdictional.

Have a good weekend.

Jim

---

**From:** Patrick Jordan [mailto:pjordan@albanyny.gov]  
**Sent:** Friday, May 16, 2014 4:25 PM  
**To:** 'James Googas'  
**Cc:** John Reilly; Daniel Mirabile; milanor@ci.albany.ny.us; Bill Lecuyer <lecuyerw@ci.albany.ny.us> (lecuyerw@ci.albany.ny.us); Patrick McCutcheon; Bradley Glass; Bradford Burns; danherring47@hotmail.com; Dan Hershberg (Dan@hhershberg.com)  
**Subject:** RE: Planning Board Meeting- Property Located at 241 S. Allen Street, City of Albany

Jim,

Thank you for contacting me this week regarding your project on South Allen. Since first hearing from you on Monday afternoon the City has received multiple emails and calls from you and neighbors regarding this project. The City's Engineering Department however, does not make decisions based on who calls them or what a neighbor says, they base their reasoning on well-established engineering and legal guidelines. The response I received from the Engineering Department is in quotes below:

"We ask for these letters from all applicants whenever there are potential wetlands involved. The fact that there is a vocal neighbor has no influence on our request. Yesterday (5/16) I received calls from two additional residents who expressed their concerns over the wetland issues on the site.

The City currently has no conclusive documentation from anyone that there are no federal wetlands on the site. Bagdon Environmental has gone on the record saying "*it is likely the wetland is isolated and non-jurisdictional*". The Army Corp has made a similar statement using similar non-conclusive language and they will not go on the record until a full determination is made. A few years back, the same Army Corp fined Jeff Multari, local contractor, for filling this exact same wetland.

We need the Army Corp to go on the record and state it is, or it isn't a regulated wetland."

Unless and until new information is received, Corporation Counsel concurs with the above stated reasoning and decision. I have included those individuals that either you or I have spoken to this week so that everyone is on the same page. My office will continue to monitor the situation and please feel free to contact DGS or Engineering if you have any further evidence that could assist the decision making process.

Thank you for your continued patience with this process,



Patrick

---

**From:** James Googas [<mailto:jgoogas@nycap.rr.com>]

**Sent:** Friday, May 16, 2014 1:16 AM

**To:** Patrick Jordan

**Cc:** Bradley Glass

**Subject:** Planning Board Meeting- Property Located at 241 S. Allen Street, City of Albany

Patrick,

One item that I keep failing to bring up in regard to the "wetland" non issue. There are three lending companies (banks) that we have received preliminary approval from, but have yet to determine who we will be using.

If you've ever had to apply/obtain a normal mortgage for a house you know how **cumbersome/restrictive** the approval process can be. One part of the preliminary approval process for this project required verification the property is "buildable" and as part that process Bagdon Environmental's report was submitted and accepted by all three.

As mentioned previously, and recently stated by Bagdon & ACOE, any further information needed can be obtained but it would take anywhere from six to twelve weeks and would just confirm what has already been submitted, that the property is non-jurisdictional. I honestly believe the City is on very solid ground with the information already submitted and, to be quite candid, I would not want to move forward if I thought there was an issue.

Thank you.

Jim

---

**From:** James Googas [<mailto:jgoogas@nycap.rr.com>]

**Sent:** Thursday, May 15, 2014 8:40 PM

**To:** 'Patrick Jordan'

**Cc:** 'Brad Glass'

**Subject:** Planning Board Meeting- Property Located at 241 S. Allen Street, City of Albany

Patrick,

The Planning Board Meeting went well last night and obviously the "wetlands" issue was brought up by Mr. Pryor. **The long and short of the discussion was the Board were in unanimous agreement if Corporation Council provides an opinion that the submitted information is sufficient, they will accept it.**

After the meeting I saw **Dan Mirable** (who happened to be in City Hall) and **Dan Herring** they asked how the meeting went and if the "wetlands" issue came up. When I explained to them what the status was, they were in full agreement (they both personally thought the information was more than enough but they only heard about it from my e-mail).

Thanks.

Jim

441-8115

<<...>>

Patrick,

As a follow up. When I sat down with Ms. Cohen yesterday (she is the woman who writes nonstop e-mails) as part of our conversation about the project we talked about her "concern" of wetland on the property.

She admitted SHE HAS NO WRITTEN INFORMATION/PROOF/DOCUMENTATION the property has wetlands that were "jurisdictional". The only thing she mentioned was when ACOE was at the property several years ago on a complaint she heard mention of "wetlands" from the gentleman she spoke with from ACOE, Andy Dangler (who confirmed there were "no jurisdictional wetlands" on the property last week-see attached e-mail). She was unaware there were different types of "wetlands" and under the false impression "wetland" means you cannot develop/build on the property/flooding, etc. When I explained the property does have an "isolated wetland" which is non-jurisdictional and showed her Bagdon Environmental's report (attached) she was very much appreciative. No one had ever taken the time to explain anything to her. She also admitted to me she wrote the e-mail on Monday that made the City Engineers do an "about face" and request the letter from the ACOE.

Though she still had major concerns/frustration with the water build up (in her view wetlands) at the end of her street (Onderdonk & Teunis) she is extremely frustrated no one from the City has done anything about it. When I apologized for her frustration I respectfully informed her it was not my concern and my property had no effect on the issue, she fully understood. Our conversation turned out very positive. She thanked me for taking the time to speak with her and wished me luck on the project "...I'm sure you'll do a good job...".

Patrick, as mentioned in my e-mail below, I honestly feel the documentation the City currently has (report and ACOE e-mail) is more than enough confirmation the wetland on the property is isolated and non jurisdictional therefore not an issue. Both gentlemen (Mr. Dangler & Quenzer) have stated the letter requested will say exactly what has already been said in their report and e-mail. Unfortunately I would have to wait anywhere from eight to twelve weeks to get it.

We are scheduled to appear in front of the **Planning Board tonight** and would very much like this resolved by then with your legal opinion, if at all possible. **Common sense and fairness. Time is of the essence.**

Thanks again for your time and assistance.

Jim

441-8115



P.S. Brad Glass has been copied on this e-mail.

-----Original Message-----

From: James Googas [<mailto:jgoogas@nycap.rr.com>]

Sent: Tuesday, May 13, 2014 1:49 PM

To: 'Patrick Jordan'

Cc: 'Brad Burns'

Subject: RE: Property Located at 241 S. Allen Street, City of Albany

Great. Thank you.

FYI. I just met with L. Cohen (131 Onderdonk- the complainant) for over an hour. I thought it went very well. She couldn't thank me enough for meeting with her.

-----Original Message-----

From: Patrick Jordan [<mailto:pjordan@albanyny.gov>]

Sent: Tuesday, May 13, 2014 11:39 AM

To: 'James Googas'

Cc: Brad Burns

Subject: RE: Property Located at 241 S. Allen Street, City of Albany

I will look into it.

Thanks,

Pat

-----Original Message-----

From: James Googas [<mailto:jgoogas@nycap.rr.com>]

Sent: Monday, May 12, 2014 12:52 PM

To: Patrick Jordan

Cc: Brad Burns

Subject: Property Located at 241 S. Allen Street, City of Albany

Patrick,

Hi remember me. I spoke with Brad earlier.

I am currently at the Planning Board Approval phase (meeting Thurs. 5/15).

Last Tuesday the proposed project appeared in front of the Technical Review Committee and Hershberg & Hershberg made their presentation. The results were several minor issues that are being addressed. One of those "minor"

issues was from Patrick McCutcheon, Engineering, he asked if we could get something in writing from the Army Corp. of Engineers (ACOE) that states the property is non-jurisdictional in regard to wetlands. We had explained to him after the meeting an environmental report was done by well respected Bagdon Environmental (attached).

I was able to get ACOE at the site on May 8 and while at the site we contacted Pat to see exactly what would be needed and he mentioned an e-mail referencing the site visit and Bagdon's report would work. Which resulted in the e-mail below. It was confirmed acceptable.

This morning Mr. Dangler contacted me and informed me he received an e-mail from Pat (below) which is self explanatory. I stopped by DGS this morning and spoke with Pat & Bill Lecuyer and both were very apologetic but said they received an e-mail from the rear property home owner complaining about the project and that she was insistent that it was "wetlands". Both Pat & Bill agreed the request for a letter was to make sure they were covered ("our hands are tied"). Unfortunately this letter will take 6 to 8 weeks to get and will say exactly what the ACOE e-mail and Bagdon Environmental has already said.

I do not want to step on Pat or Bill's toes (I realize they are just trying to cover themselves) but I have to ask "doesn't someone have to have justification in order for the City to make this request" other than the complainant "saying" there are wetlands she has no proof of any of the property is "jurisdictional". She has not shared any proof other then "saying" it. She informed City Engineering several years ago ACOE was at the site for illegal dumping and ACOE "informed" her (nothing in writing) at the time there was "non-jurisdictional wetlands" (wetlands I have learned has a very broad definition). The ironic part is Andrew Dangler, of ACOE, was the one who responded to her complaint several years ago and is the same person who came out last week. He never informed her of an issue or provided her with anything in writing that would in any way prevent development. The bottom line she has no justification.

Patrick, I honestly feel there is plenty of proof there is no jurisdictional wetlands, with Bagdon's report and ACOE recent e-mail to Engineering confirming any wetlands are non-jurisdictional (meaning not an issue). The City I would think, has more then covered themselves. Knowing all these facts I'm asking if someone from Legal advise them of that, if at all possible.

Having spoken with Pat & Bill I would think that a legal opinion would suffice and make sure everyone is covered.

Thank you for your time and assistance. Please let me know if you need anything else.

Jim

441-8115

P.S. I will not be able to do anything on the property (clearing, etc.) until July. Also my funding will not be "locked down" until then, which can cost me 1/4% on a three million dollar loan for the project, which will add tens of thousands of dollars to the life of the mortgage.

-----Original Message-----

From: Dangler, Andrew C NAN02

Sent: Friday, May 09, 2014 4:09 PM

To: [mccutcheonp@ci.albany.ny.us](mailto:mccutcheonp@ci.albany.ny.us)

Cc: Dan Hershberg ([Dan@hhershberg.com](mailto:Dan@hhershberg.com)); Norbert Quenzer; [jgogas@nycap.rr.com](mailto:jgogas@nycap.rr.com)

Subject: Property Located at 241 S. Allen Street, City of Albany

Mr. McCutcheon,

On May 8, 2014, I visited the property located at 241 South Allen Street with Mr. James Googas. The purpose of the meeting was to review the site to determine if it contained waters of the United State, including wetlands, that would be subject to the jurisdiction of my office.

Prior to conducting the site visit, I reviewed the October 30, 2012, correspondence (attached) that was prepared by Bagdon Environmental (BE).

In the correspondence, BE indicated that based on their observations made during an October 22, 2012, site inspection, there is one wetland located on the property. This wetland is located within a topographic depression with no inlet or outlet. BE indicated that based on its observation, it was their opinion that the wetland is likely isolated and therefore non-jurisdictional pursuant to supreme court ruling (Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al., No.

99-1178 (January 9, 2001).

Based on the observations I made in the field on May 8, it appears that the findings of the October 30, 2012, correspondence from BE are accurate. The wetland does appear to be isolated and is therefore likely non-jurisdictional.

Please let me know if you have any questions regarding this matter.

Thank you,

Andy

Andrew Dangler

Biologist/Senior Project Manager

DEPARTMENT OF THE ARMY

US Army Corps of Engineers, ATTN: CENAN-OP-RU Upstate Regulatory Field Office

1 Buffington Street, Bldg. 10, 3rd Floor North Watervliet, New York

12189-4000 Direct Line (518) 266-6356 FAX (518) 266-6366

In order for me to better serve you, please complete the District's Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

-----Original Message-----

From: Pat McCutcheon [<mailto:mccutcheonp@ci.albany.ny.us>]

Sent: Monday, May 12, 2014 9:46 AM

To: Dangler, Andrew C NAN02

Subject: [EXTERNAL] RE: Property Located at 241 S. Allen Street, City of Albany

Thank you for your response...Would you mind terribly if you just cut and paste your e-mail on letterhead and address it to:

Patrick McCutcheon

Engineering Division

Department of General Services

City of Albany

One Richard Connors Boulevard

Albany NY

An email copy is all that's needed.

If you have any questions I can be reached at 434-2387.

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient's and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. <<...>>

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25 Delaware Avenue, Delmar, New York 12054-1308  
Ph. 518-439-8588 Fax 518-439-8592

Via U.S. Mail and Email

May 23, 2014

Andrew Dangler, Senior Project Manager  
US Army Corps of Engineers, New York District  
Regulatory Field Office  
1 Buffington Street  
Watervliet, NY 12189-4000

Re: **Request for Jurisdictional Determination**  
**241 South Allen Street**  
**City of Albany, Albany County, NY**

Dear Mr. Dangler:

The purpose of this correspondence is to request an approved jurisdictional determination of Waters of the U.S. on the above referenced site. I have attached a wetland delineation report with supporting documentation to facilitate your review.

Please contact me as soon as possible if you need any additional information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Norbert Quenzer Jr.".

Norbert Quenzer Jr.  
Vice President  
Senior Ecologist

cc: (Electronic copy of Delineation Report)

James J. Googas  
Daniel Hershberg, Hershberg & Hershberg

**Wetland Delineation Report  
Waters of the United States  
241 South Allen Street  
City of Albany, Albany County, NY**

May 2014

Prepared for:

James J. Googas  
P.O. Box 8683  
Albany, New York 12208

Contact:

(518) 441-8115

Prepared by:

Bagdon Environmental  
*A Division of Novus Engineering, P.C.*  
25 Delaware Ave.  
Delmar, New York 12054

Contact: Norbert Quenzer Jr., PWS  
(518) 439-8588  
[www.BagdonEnvironmental.com](http://www.BagdonEnvironmental.com)

**Wetland Delineation Report  
Waters of the United States  
241 South Allen Street  
City of Albany, Albany County, NY**

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## **1.0 Introduction**

This report presents the findings of a delineation of "Waters of the United States" at 241 South Allen Street located in the city of Albany, Albany County, New York. The current proposal entails the construction of two residential apartment buildings.

A site location map is included as Figure 1. The center of the 2.0± acre site is located at the following coordinates N42° 39'32.8968" ; W73°47'57.2568".

Bagdon Environmental, a division of Novus Engineering, P.C., conducted a delineation of wetlands and Waters of the U.S. on the site in May 2014. Figure 2 shows the boundaries of the 2.0± acre site and surveyed limits of waters of the U.S. on a 2011 true color aerial photograph. Wetland acreages are presented in Table 1 and are shown on Figure 2.

There are no NYS Department of Environmental Conservation (NYSDEC) mapped wetlands on or adjacent to the site, as shown in Figure 3. Similarly, there are no National Wetland Inventory (NWI) wetlands in the vicinity of the site, as displayed in Figure 4.

Bagdon Environmental assessed the presence of isolated wetlands (not subject to Section 404 jurisdiction) pursuant to the recent supreme court ruling (Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al., No. 99-1178 (January 9, 2001)). It was determined that the wetland delineated onsite appears to be isolated.

Waters of the United States were identified and delineated using the criteria established under Section 404 of the Clean Water Act. Waters of the United States, as defined in Section 404 of the Clean Water Act, include wetlands, intermittent streams, natural drainage courses, lakes and ponds. A map of the photographs and transect locations at the site is included as Figure 6. Site photographs are included as Appendix A.

## **2.0 Summary of Findings**

Based upon the delineation, wetland and other Waters of the U.S. are found on approximately 0.29± acres of the 2.0± acres investigated by Bagdon Environmental.

The site consists largely of undeveloped forested land. Along the northwestern corner of the property is a small, gently-sloping mowed lawn where a small playground (South Allen Street Playground) was once located but has since been removed. The site is bordered on all sides by residential development and roads.

Both surface and ground water exert an influence on site wetland formation. The wetland is generally topography driven, and the result of run-off into the topographic depression from surrounding development.

Soils consist of very deep, well drained and moderately well drained clayey Udorthents (Uh). Bedrock occurs from 60+ inches below surface. Slopes range from 0-8%.

The following table presents information on the acreage of wetland relevant to the site and area of investigation and refers to Figure 2:

**Table 1.**  
**Summary of Site and Wetland Acreages**

<b>WATERS OF THE U.S.</b>	
<b>Type</b>	<b>Size (ac)</b>
Forested Wetland	0.29
<b>TOTAL</b>	<b>0.29</b>
Linear Ft of Stream	0.00
Area of Investigation	2.12 acres

### **3.0 Delineation Methodology**

Wetland boundaries were delineated using the routine on-site delineation method. This method utilizes the three-parameter approach (hydrophytic vegetation, hydric soils, and wetland hydrology) outlined in the 1987 Army Corps of Engineers (ACOE) Wetlands Delineation Manual. In accordance with the 1987 ACOE manual, under normal circumstances, hydrophytic (wetland) vegetation, hydric soils, and wetland hydrology must all be present for an area to be considered wetland.

One transect was established across the site in an east-west direction between wetland and adjacent upland to help determine the wetland boundary and to provide supporting documentation. Vegetation, soils and hydrological data were collected at upland and wetland plots. Wetland determination data forms are included as Appendix B.

Vegetation was sampled using the quadrat transect sampling procedure. Dominant plant species were determined for each vegetation stratum by visually estimating aerial coverage. Dominant plant species are defined as the most abundant plant species that, cumulatively totaled, exceed 50 percent of the total dominance measured for each stratum, plus any additional species comprising 20 percent or more of the total dominance measured.

Wetland indicator categories include: obligate wetland plants (OBL) which almost always occur in wetlands (~99% probability); facultative wetland plants (FACW) which usually occur in wetlands (~67% to 99% probability), but occasionally are found in non-wetlands; facultative plants (FAC) which are equally likely to occur in wetlands or non-wetlands (~34% to 66% probability); facultative upland plants (FACU) which usually occur in non-wetlands, but may be



found in wetlands (~1% to 33% probability); and obligate upland plants (UPL) which almost always occur in upland (~99% probability). An area meets the vegetative criterion for Section 404 wetland when more than 50 percent of the dominant species in the plot are obligate wetland (OBL), facultative wetland (FACW), and/or facultative (FAC).

The USDA Natural Resource Conservation Service (NRCS) soil survey for Albany County was reviewed prior to conducting field sampling to determine if hydric soils were mapped on the site. Soils were sampled in the field to a depth of at least 10 inches using a Dutch auger. Samples were examined for hydric soil characteristics such as gleying, mottling and low-chroma matrix color (Munsell color, 1988). Numerous soil samples, in addition to those examined in the transect, were analyzed during the delineation to refine the wetland boundaries.

Field indicators of wetland hydrology were assessed during soil and vegetation sampling. Wetland hydrology indicators observed on the site included standing water; soil saturation; water stained leaves; drift deposits; wetland drainage patterns, buttressed trees; and elevated root systems.

## **4.0 Site Description**

### **4.1 Vegetation**

The dominant vegetation cover types within the study area are upland woodland and forested wetland occupying a small area. In the upland areas, common woody species found were Norway maple (*Acer platanoides*), white ash (*Fraxinus americana*), American elm (*Ulmus americana*), sugar maple (*Acer saccharum*), silver maple (*Acer saccharinum*), and honeysuckle (*Lonicera tatarica*). Woody vine species included Virginia creeper (*Parthenocissus quinquefolia*), poison ivy (*Toxicodendron radicans*), oriental bittersweet (*Celastrus orbiculatus*), and grape species (*Vitis* sp.). Common herbaceous species found in the upland were garlic mustard (*Allaria petiolata*), dandelion (*Taraxacum officinale*), Queen Anne's lace (*Daucus carota*), white avens (*Geum canadense*), and enchanter's nightshade (*Circaea lutetiana*).

Common woody species found in the wetland include black willow (*Salix nigra*), silver maple (*Acer saccharinum*), American elm (*Ulmus americana*), green ash (*Fraxinus pennsylvanica*), and silky dogwood (*Cornus amomum*). Herbaceous species included white avens (*Geum canadense*), sensitive fern (*Onoclea sensibilis*), and Melic mannagrass (*Glyceria mellicaria*).

### **4.2 Hydrology**

The project site is located in the Mid-Hudson River watershed (USGS Cataloguing Unit: 02020006). This watershed has an area of 1,531,920± acres. The entire site is located within the Mohawk River to Normanskill subwatershed (USGS Cataloguing Unit: 0202000603), which has an area of 140,062± acres.

Both surface water and ground water contribute to the wetland formation on the site, however surface inundation is the primary hydrologic input. Due to the slopes surrounding the area, it does not appear that the surface water from the site drains into any other water bodies, therefore making the wetland isolated. Wetland hydrology indicators observed on site included standing water; soil saturation; water stained leaves; drift deposits; wetland drainage patterns, buttressed trees; and elevated root systems.

#### 4.3 Soils

Natural Resources Conservation Services (NRCS) mapping shows the site containing the following soil type: Udorthents, clayey: Urban land complex (Uh).

See Figure 5 for additional detail. Official soil series descriptions as supplied by the U.S. Department of Agriculture, NRCS, follow:

- Udorthents, clayey (Uh) consists of very deep, level to gently sloping soils that are well drained and moderately well drained clayey soil materials in area of urban land. These soils are disturbed, and were originally Hudson, Rhinebeck, and Scio soils. Slopes range from 0-8%.

**TAXONOMIC CLASS:** N/A

According to the Soil Conservation Service Technical Guide *New York Hydric Soils and Soils with Potential Hydric Inclusions* (USDA-SCS, 1989), the soil in the area of investigation is not listed as hydric or as a soil with potential hydric inclusions.

#### 5.0 Conclusions

Bagdon Environmental assessed the presence of isolated wetlands (not subject to Section 404 jurisdiction) pursuant to the recent supreme court ruling (Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al., No. 99-1178 (January 9, 2001). Based upon the delineation, 0.29± acres of isolated wetland was found on the 2.0± acre area investigated.

The isolated wetland is topography driven and is the result of surrounding development. No offsite hydrological connections could be found, and therefore this isolated wetland would not be considered jurisdictional.

There are no NYSDEC regulated wetlands or NWI wetlands onsite or in the immediate vicinity.

## 6.0 References

Cowardin, Lewis M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. U. S. Department of the Interior - Fish and Wildlife Service.

Environmental Laboratory, 1987. *Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1, US Army Waterways Experiment Station, Vicksburg, Miss. 100 pp. plus Appendices.

Munsell Color, 1988. Munsell soil color charts. Munsell Color, Macbeth Division of Kollmorgen Instruments Corporation, Baltimore, Maryland.

Reed, Porter B. 1988. National List of Plant Species That Occur in Wetlands: Northeast Region (Region 1). Biological Report 88 (26.1), U.S. Fish and Wildlife Service, Washington, D.C. 111 pp.

U.S.D.A. - Natural Resources Conservation Service. Official Soil Series Descriptions (OSD). <http://soils.usda.gov/technical/classification/osd/index.html>

U.S.D.A. - Natural Resources Conservation Service. Soil Survey Geographic (SSURGO) Database for Albany County, New York (Arc Export, 2005). <http://cugir.mannlib.cornell.edu>

U.S.D.A. - Soil Conservation Service. 1989. New York Hydric Soils and Soils With Potential Hydric Inclusions, March 1989. U.S. Soil Conservation Technical Guide Section II. Syracuse, N.Y.



**BAGDON Environmental**  
 25 Delaware Avenue  
 Delmar, New York 12054  
 (518) 439-8588

0 500 1,000 2,000 Feet

**Figure 1. Site Location**

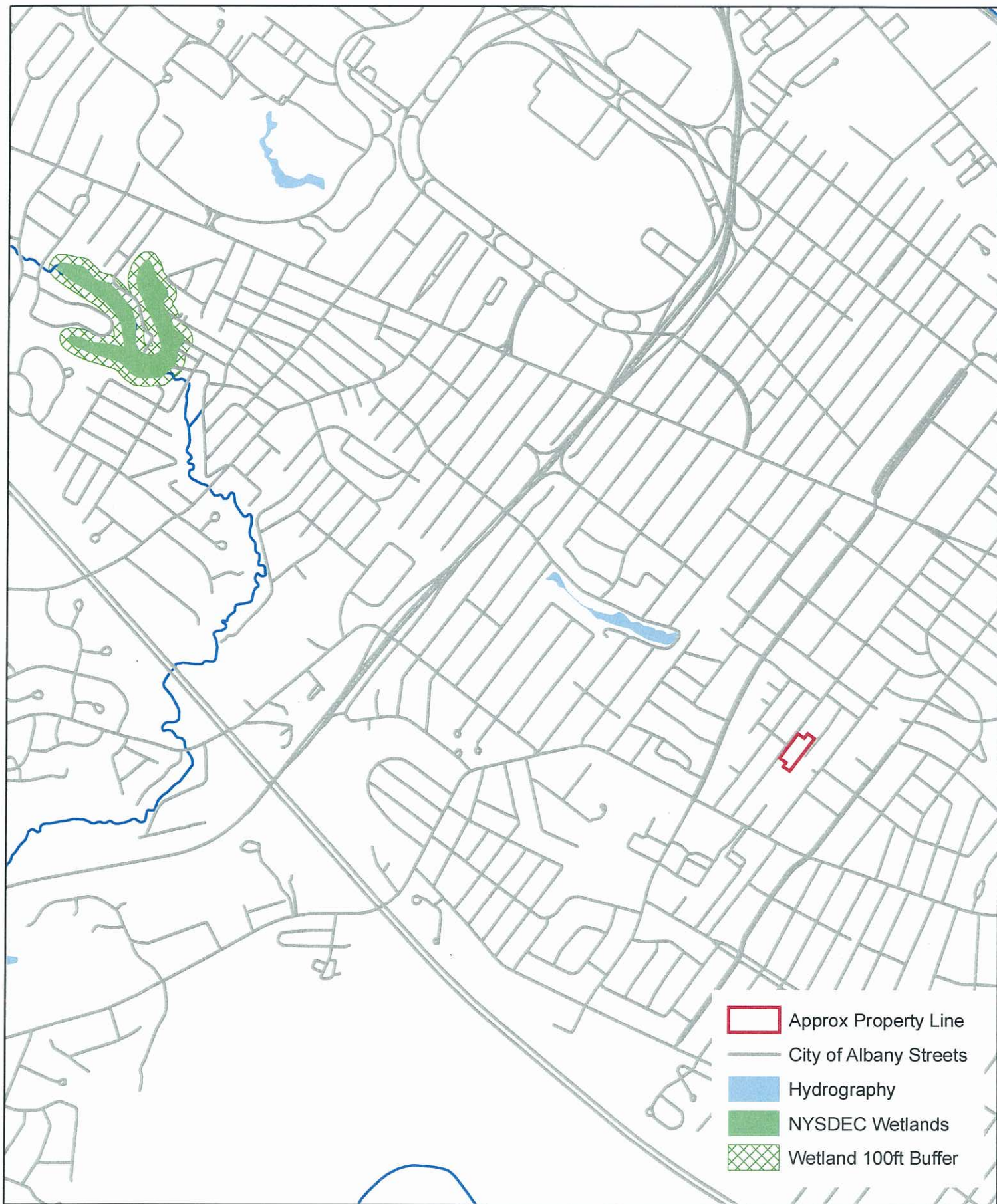
241 South Allen Street  
 City of Albany, Albany County NY











**BAGDON Environmental**  
 25 Delaware Avenue  
 Delmar, New York 12054  
 (518) 439-8588

0 625 1,250 2,500 Feet

A horizontal scale bar with markings at 0, 625, 1,250, and 2,500 feet.

**Figure 3. NYS DEC Wetlands**  
 241 South Allen Street  
 City of Albany, Albany County NY







**BAGDON Environmental**  
25 Delaware Avenue  
Delmar, New York 12054  
(518) 439-8588

0 250 500 1,000 Feet

**Figure 4. National Wetland Inventory**  
241 South Allen Street  
City of Albany, Albany County NY  
2011 6-inch Color Aerial Imagery











**BAGDON Environmental**  
 25 Delaware Avenue  
 Delmar, New York 12054  
 (518) 439-8588

0 25 50 100 Feet

**Figure 6. Transect Plot and Photo Locations**  
 241 South Allen Street  
 City of Albany, Albany County NY  
 2011 6-inch color aerial imagery

N



**Appendix A**  
**Site Photographs**

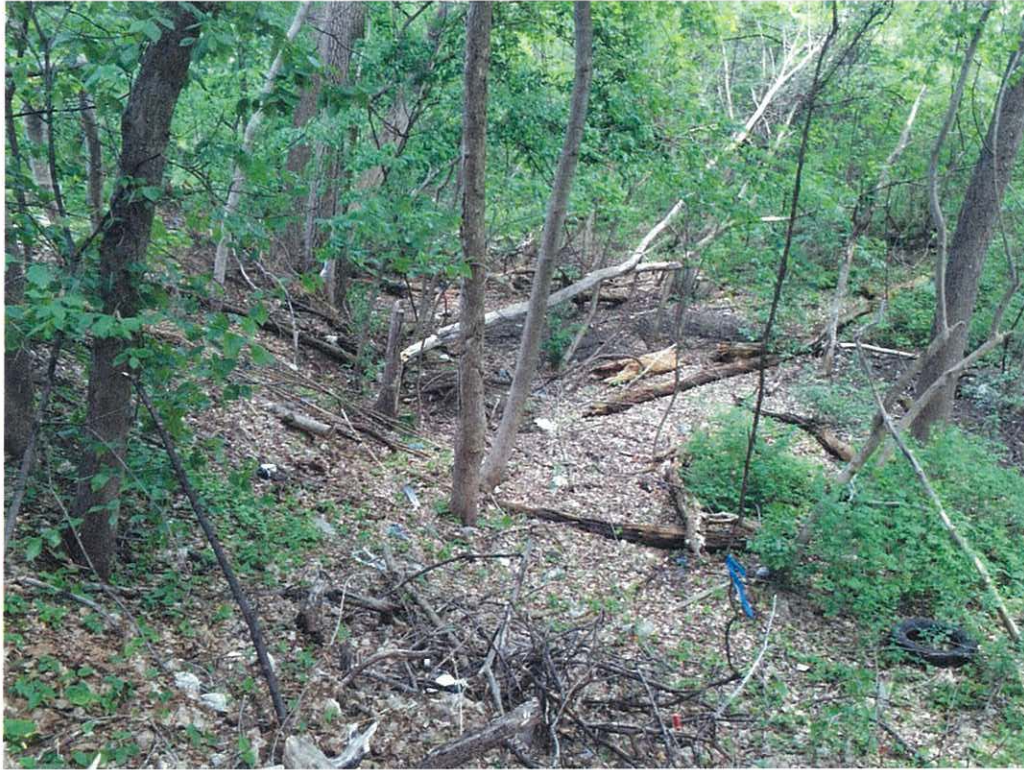


Photo 01 (May 19, 2014)

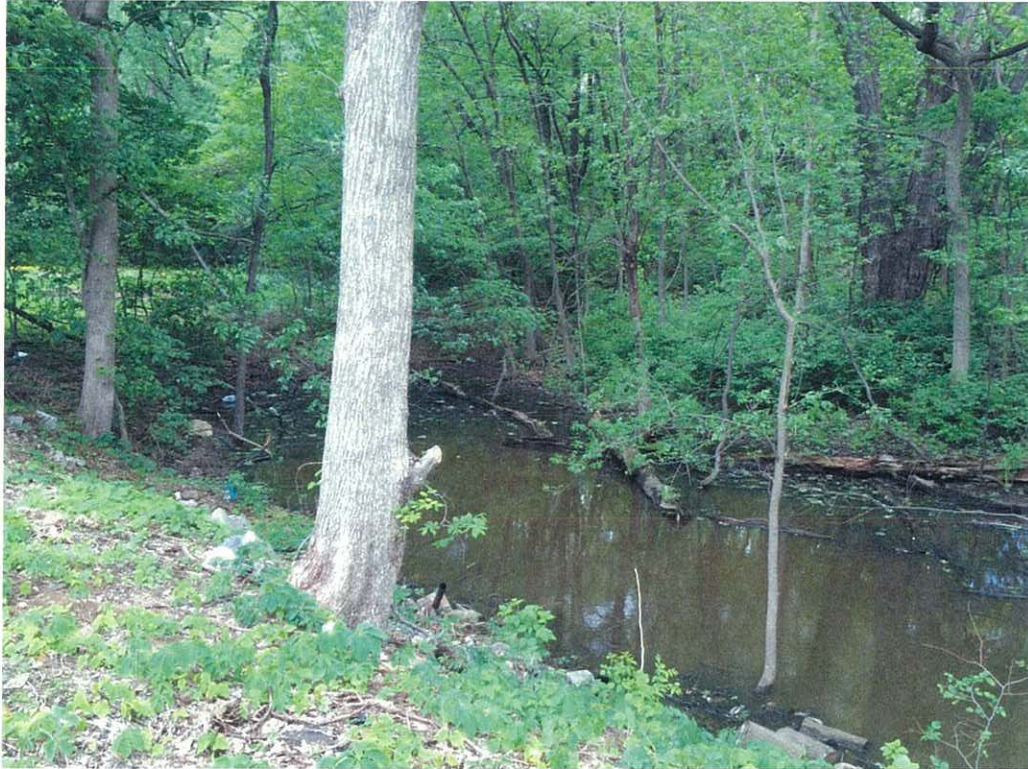


Photo 02 (May 19, 2014)





**Photo 03 (May 19, 2014)**



**Photo 04 (May 19, 2014)**





Photo 05 (May 19, 2014)

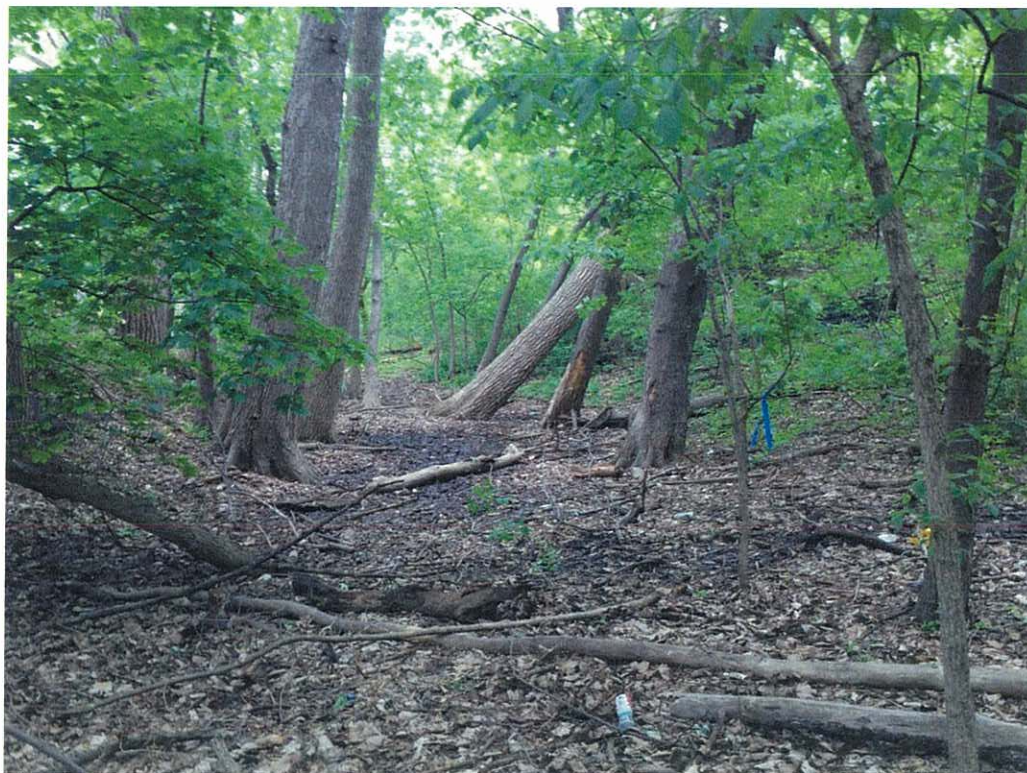


Photo 06 (May 19, 2014)

**Appendix B**  
**Wetland Determination Data Forms**

# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: 241 South Allen Street City/County: Albany, Albany County Sampling Date: May 19, 2013  
 Applicant/Owner: James Googas State: NY Sampling Point: T1U1  
 Investigator(s): Norbert Quenzer, Meredith Ellis Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave  
 Slope (%): 0-8% Lat: 42°39'33.0120" N Long: 73°47'58.5816"W Datum: WGS 84  
 Soil Map Unit Name: Udorthents, clayey: Urban land complex (Uh) NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present?	Yes _____ No <u>X</u>	
Wetland Hydrology Present?	Yes _____ No <u>X</u>	
If yes, optional Wetland Site ID: _____		
Remarks: (Explain alternative procedures here or in a separate report.) Some hydrophytic vegetation present, no wetland hydrology or soils present.		

## HYDROLOGY

<b>Wetland Hydrology Indicators:</b> <b>Primary Indicators (minimum of one is required; check all that apply)</b> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present? Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes _____ No <u>X</u>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

**VEGETATION – Use scientific names of plants.**

Sampling Point: T1U1

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status															
1. <u>Acer platanoides</u>		x	UPL	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A)  Total Number of Dominant Species Across All Strata: <u>6</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33%</u> (A/B)														
2. <u>Fraxinus americana</u>			FACU															
3. <u>Ulmus americana</u>			FACW															
4. _____																		
5. _____																		
6. _____																		
7. _____																		
_____ = Total Cover				<b>Prevalence Index worksheet:</b> <table style="width: 100%;"> <tr> <th style="width: 50%;">Total % Cover of:</th> <th style="width: 50%;">Multiply by:</th> </tr> <tr> <td>OBL species _____</td> <td>x 1 = _____</td> </tr> <tr> <td>FACW species _____</td> <td>x 2 = _____</td> </tr> <tr> <td>FAC species _____</td> <td>x 3 = _____</td> </tr> <tr> <td>FACU species _____</td> <td>x 4 = _____</td> </tr> <tr> <td>UPL species _____</td> <td>x 5 = _____</td> </tr> <tr> <td>Column Totals: _____ (A)</td> <td>_____ (B)</td> </tr> </table> Prevalence Index = B/A = _____	Total % Cover of:	Multiply by:	OBL species _____	x 1 = _____	FACW species _____	x 2 = _____	FAC species _____	x 3 = _____	FACU species _____	x 4 = _____	UPL species _____	x 5 = _____	Column Totals: _____ (A)	_____ (B)
Total % Cover of:	Multiply by:																	
OBL species _____	x 1 = _____																	
FACW species _____	x 2 = _____																	
FAC species _____	x 3 = _____																	
FACU species _____	x 4 = _____																	
UPL species _____	x 5 = _____																	
Column Totals: _____ (A)	_____ (B)																	
_____ = Total Cover																		
<b>Sapling/Shrub Stratum (Plot size: _____)</b>																		
1. <u>Acer platanoides</u>		x	UPL															
2. <u>Acer saccharum</u>		x	FACU															
3. _____																		
4. _____																		
5. _____																		
6. _____																		
7. _____																		
_____ = Total Cover																		
<b>Herb Stratum (Plot size: _____)</b>																		
1. <u>Allaria petiolata</u>		x	FACU	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.														
2. <u>Taraxacum officinale</u>			FACU															
3. <u>Daucus carota</u>			UPL															
4. _____																		
5. _____																		
6. _____																		
7. _____																		
8. _____																		
9. _____																		
10. _____																		
11. _____																		
12. _____																		
_____ = Total Cover																		
<b>Woody Vine Stratum (Plot size: _____)</b>																		
1. <u>Parthenocissus quinquefolia</u>		x	FACU	<b>Definitions of Vegetation Strata:</b>  <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.														
2. <u>Toxicodendron radicans</u>		x	FAC															
3. _____																		
4. _____																		
_____ = Total Cover																		
<b>Hydrophytic Vegetation Present?</b> Yes _____ No <sup>x</sup> _____																		
Remarks: (Include photo numbers here or on a separate sheet.)  <u>Ulmus americana</u> present, however no wetland hydrology or soils present. Area has mostly FACU and UPL species.																		

Sampling Point: T1U1

Sampling Point: T1U1

Northcentral and Northeast Region – Interim Version



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: 241 South Allen Street City/County: Albany, Albany County Sampling Date: May 19, 2013  
 Applicant/Owner: James Googas State: NY Sampling Point: T1W1  
 Investigator(s): Norbert Quenzer, Meredith Ellis Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave  
 Slope (%): 0-8% Lat: 42°39'32.7780"N Long: 73°47'58.2576"W Datum: WGS 84  
 Soil Map Unit Name: Udorthents, clayey: Urban land complex (Uh) NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____ If yes, optional Wetland Site ID: _____
Hydric Soil Present?	Yes <u>X</u> No _____	
Wetland Hydrology Present?	Yes <u>X</u> No _____	
Remarks: (Explain alternative procedures here or in a separate report.)		

## HYDROLOGY

<b>Wetland Hydrology Indicators:</b> <b>Primary Indicators (minimum of one is required; check all that apply)</b> <input checked="" type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> Water-Stained Leaves (B9) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input checked="" type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input checked="" type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes <u>X</u> No _____ Depth (inches): <u>1-3 "</u> Water Table Present? Yes <u>X</u> No _____ Depth (inches): <u>at surface</u> Saturation Present? Yes <u>X</u> No _____ Depth (inches): <u>at surface</u> (includes capillary fringe)		Wetland Hydrology Present? Yes <u>X</u> No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		
Buttressed trees and elevated root systems		

**VEGETATION – Use scientific names of plants.**

Sampling Point: T1W1

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status		
1. <u>Salix nigra</u>			OBL	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>7</u> (A)  Total Number of Dominant Species Across All Strata: <u>7</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)	
2. <u>Acer saccharinum</u>		x	FACW		
3. <u>Ulmus americana</u>		x	FACW		
4. <u>Fraxius pennsylvanica</u>		x	FACW		
5. _____				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____	
6. _____					
7. _____					
_____ = Total Cover					
<b>Sapling/Shrub Stratum (Plot size: _____)</b>					
1. <u>Acer saccharinum</u>		x	FACW	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
2. <u>Ulmus americana</u>		x	FACW		
3. <u>Fraxinus pennsylvanica</u>		x	FACW		
4. <u>Cornus amomum</u>			FACW		
5. _____				<b>Definitions of Vegetation Strata:</b>  <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.	
6. _____					
7. _____					
_____ = Total Cover					
<b>Herb Stratum (Plot size: _____)</b>					
1. <u>Geum canadense</u>		x	FAC	<b>Hydrophytic Vegetation Present?</b> Yes <u>x</u> No _____	
2. <u>Onoclea sensibilis</u>			FACW		
3. <u>Glyceria melicaria</u>			OBL		
4. _____					
5. _____				<b>Woody Vine Stratum (Plot size: _____)</b>	
6. _____					
7. _____					
8. _____					
9. _____				<b>Woody Vine Stratum (Plot size: _____)</b>	
10. _____					
11. _____					
12. _____					
_____ = Total Cover				<b>Woody Vine Stratum (Plot size: _____)</b>	
1. <u>Parthenocissus quinquefolia</u>			FACU		
2. <u>Vitis sp.</u>					
3. _____					
4. _____				_____ = Total Cover	
Remarks: (Include photo numbers here or on a separate sheet.) <div style="border: 1px solid black; height: 100px; width: 100%; margin-top: 5px;"></div>					

Sampling Point: 11W1

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

[illegible]

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators:

- |   |  |
|---|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Depleted Matrix (F3)                            |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Redox Dark Surface (F6)                         |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Redox Depressions (F8)                          |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             |  |
| <input type="checkbox"/> Sandy Redox (S5)                     |  |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  |

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10) (LRR K, L, **MLRA 149B**)  
☐ Coast Prairie Redox (A16) (LRR K, L, R)  
☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  
☐ Dark Surface (S7) (LRR K, L)  
☐ Polyvalue Below Surface (S8) (LRR K, L)  
☐ Thin Dark Surface (S9) (LRR K, L)  
☐ Iron-Manganese Masses (F12) (LRR K, L, R)  
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)  
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)  
☐ Red Parent Material (TF2)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes ☒ No ☐

Remarks:

# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: 241 South Allen Street City/County: Albany, Albany County Sampling Date: May 19, 2013  
 Applicant/Owner: James Googas State: NY Sampling Point: T1U2  
 Investigator(s): Norbert Quenzer, Meredith Ellis Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave  
 Slope (%): 0-8% Lat: 42°39'57.2378"N Long: 73°47'57.4224"W Datum: WGS 84  
 Soil Map Unit Name: Udorthents, clayey: Urban land complex (Uh) NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <u>X</u>	

Remarks: (Explain alternative procedures here or in a separate report.)  
 Some hydrophytic vegetation present, no wetland hydrology or soils present.

## HYDROLOGY

<b>Wetland Hydrology Indicators:</b> <b>Primary Indicators (minimum of one is required; check all that apply)</b> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present? Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes _____ No <u>X</u>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

Sampling Point: T1U2

Tree Stratum (Plot size: _____)		Absolute % Cover	Dominant Species?	Indicator Status
1.	Fraxinus pennsylvanica			FACW
2.	Acer saccharinum			FACW
3.	_____			
4.	_____			
5.	_____			
6.	_____			
7.	_____			
		_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)				
1.	Ulmus americana			FACW
2.	Fraxinus pennsylvanica			FACW
3.	Lonicera tatarica		x	FACU
4.	_____			
5.	_____			
6.	_____			
7.	_____			
		_____ = Total Cover		
Herb Stratum (Plot size: _____)				
1.	Geum canadense		x	FAC
2.	Dryopteris intermedia			FAC
3.	Circaea lutetiana		x	FACU
4.	_____			
5.	_____			
6.	_____			
7.	_____			
8.	_____			
9.	_____			
10.	_____			
11.	_____			
12.	_____			
		_____ = Total Cover		
Woody Vine Stratum (Plot size: _____)				
1.	Parthenocissus quinquefolia			FACU
2.	Vitis sp.			
3.	Celastrus orbiculatus			UPL
4.	_____			
		_____ = Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**

☐ Rapid Test for Hydrophytic Vegetation

☐ Dominance Test is >50%

☐ Prevalence Index is ≤3.0<sup>1</sup>

☐ Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No x

Remarks: (Include photo numbers here or on a separate sheet.)

Some hydrophytic vegetation is present, however there is no wetland hydrology or soils. This area is a gentle slop leading to a wetland.



## SOIL

Sampling Point: T1U2

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

[illegible]

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators:

- |   |  |
|---|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Depleted Matrix (F3)                            |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Redox Dark Surface (F6)                         |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Redox Depressions (F8)                          |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             |  |
| <input type="checkbox"/> Sandy Redox (S5)                     |  |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  |

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10) (LRR K, L, **MLRA 149B**)
- ☐ Coast Prairie Redox (A16) (LRR K, L, R)
- ☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- ☐ Dark Surface (S7) (LRR K, L)
- ☐ Polyvalue Below Surface (S8) (LRR K, L)
- ☐ Thin Dark Surface (S9) (LRR K, L)
- ☐ Iron-Manganese Masses (F12) (LRR K, L, R)
- ☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No <sup>X</sup>

Remarks:

## Brad Glass

---

**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Friday, June 06, 2014 2:01 PM  
**To:** Brad Glass; 'Dan Hershberg'  
**Subject:** RE: Ladder Truck Turnaround at S Allen property

Brad,

Turn around for a ladder truck is not needed, as per code.

Jim

P.S. **Dan Sherman** is very familiar with that portion of the code.

---

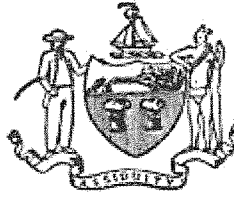
**From:** Brad Glass [mailto:GlassB@ci.albany.ny.us]  
**Sent:** Friday, June 06, 2014 12:31 PM  
**To:** James Googas; Dan Hershberg  
**Subject:** Ladder Truck Turnaround at S Allen property

Jim/Dan,

I am just remembering that Joe Toomey from AFD has asked about the ability to turn around a ladder truck in the rear parking area at the South Allen Street possible. Can you let us know if this is possible as planned and if not, can it be made possible?

Thanks,

*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*



CITY OF ALBANY  
DEPARTMENT OF WATER & WATER SUPPLY  
10 NORTH ENTERPRISE DRIVE  
ALBANY, NEW YORK 12204  
TELEPHONE (518) 434-5300  
FAX (518) 434-5332

KATHY M. SHEEHAN  
MAYOR

JOSEPH E. COFFEY, JR., P.E.  
COMMISSIONER

June 19, 2014

Bradley Glass  
City of Albany, Department of Development & Planning  
200 Henry Johnson Boulevard  
Albany, NY 12210

Re: 241 South Allen Street  
Technical Review – Stormwater Management Report

Dear Mr. Glass:

Our review comments are as follows:

The report states that currently all stormwater which falls on this site is retained in a bowl in the base of the slope. "Interim Regulations for the Issuance of Building Permits within the Beaver Creek Sewer District, Klarsfeld Sanitary Sewer District and the Krum Kill Sanitary Sewer District" states that the allowable peak outflow from any site at full development shall be limited to the peak outflow from that area in its undeveloped state. There is currently no outflow from this area, and therefore there should be no outflow at full development. The proposed system with a peak outflow of 1.85 CFS would have an adverse affect on the Beaver Creek combined sewer system. The design should be modified so that stormwater is collected and stored during storm events, and discharged at a low rate after storm events.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Simcoe".

William D. Simcoe, P.E.  
Deputy Commissioner

cc: Commissioner

## Brad Glass

---

**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Tuesday, June 10, 2014 7:45 AM  
**To:** Brad Glass  
**Subject:** ZBA Meeting

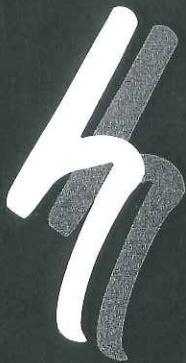
Brad,

FYI.

I was speaking with a neighbor last night and he informed me he received a notice from the City about the ZBA Public hearing Wednesday to consider a request "*...to allow for the construction of two (2), 24 –unit garden apartment structures...*", he is very supportive of the project, but I had to explain to him it was actually for only a 48<sup>th</sup> unit (due to the square footage) and that 47 units are allowed under the Zoning Ordinance requirements. After reading it myself I could understand his confusion. I'm sure others may have had that impression.

Just wanted to make you aware. See you on Wednesday.

Jim  
441-8115



**HERSHBERG  
&  
HERSHBERG**

*Consulting  
Engineers*

*Land Surveyors*

*Land Planners*

**BY COURIER**

FOUNDER  
Ben B. Hershberg, P.E., L.S.  
(1901-2002)

PARTNERS  
Daniel R. Hershberg, P.E., L.S.  
Abraham F. Sofer, R.A.  
Francis G. McCloskey, L.S.

June 11, 2014

William D. Simcoe, P.E., Deputy Commissioner  
Department of Water and Water Supply  
10 North Enterprise Drive  
Albany, New York 12204

Dear Mr. Simcoe:

**Re: SWMR  
241 South Allen Street  
City of Albany,  
Albany County, New York  
H&H File # 2013-0302**

Enclosed please find a Storm Water Management Report for the above captioned site. Due to the nature of the site which under existing conditions retains stormwater internal to the site, we have modified the treatment under *Interim Regulations for the issuance of building permits within the Beaver Creek Sewer District, Klarsfeld Sanitary Sewer District and the Krum Kill Sanitary Sewer District*. Please review this plan and let us know if this is acceptable.

I also include a set of plans which are being submitted to continue the municipal review.

If you have any questions, please contact me at your convenience.

Sincerely Yours,  
**HERSHBERG & HERSHBERG  
CONSULTING ENGINEERS & LAND SURVEYORS**

Daniel R. Hershberg, P.E. & L.S.

Enclosures

Cc: Commissioner Joseph E. Coffey, Jr., P.E. (by courier)  
Brad Glass (by US Mail)  
James Googas (by US Mail)

DRH/dan/20130302WSSWM01.doc

18 Locust Street  
Albany, New York 12203  
(518) 459-3096  
FAX (518) 459-5683  
E-Mail Address:  
hhershberg@aol.com

## Brad Glass

---

**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Thursday, June 12, 2014 12:19 AM  
**To:** Brad Glass  
**Subject:** ZBA Meeting

Brad,

When do you think the Board will be making a decision on the two variance request?

I know the neighbors biggest concerns were the potential flooding and wetlands (even though most who spoke amazingly lived on Onderdonk and West Lawrence) but as you know both of these "issues" are being addressed through the **Planning Board**. After the meeting I had a very nice conversation with several of the neighbors (who actually live on S. Allen) and invited them to attend next week's Planning Board meeting.

I really didn't hear anyone ask or have a concern of the requested height variance or the 48<sup>th</sup> unit, which I'm sure the Board will strictly focus on. As mentioned, the main concern of the few neighbors who spoke are being addressed through the Planning Board process and I'm very confident each will be addressed in a satisfactory manner.

Thanks again for all your time and assistance. Hopefully the ZBA will make a positive decision in the very near future.

Jim



## Brad Glass

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**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Wednesday, June 18, 2014 6:00 PM  
**To:** Brad Glass  
**Subject:** RE: Planning Board Conditional Approval for 241 S. Allen Street

Brad,

As long as you are confident the Board will act on it on July 7<sup>th</sup> I'm O.K. withdrawing from tomorrow's agenda. ACOE has advised me the letter should get to me the first week of July at the latest.

Please let me know. This shouldn't affect the ZBA decision on 25<sup>th</sup>?

Jim

---

**From:** Brad Glass [mailto:GlassB@ci.albany.ny.us]  
**Sent:** Wednesday, June 18, 2014 4:39 PM  
**To:** James Googas  
**Subject:** RE: Planning Board Conditional Approval for 241 S. Allen Street

Jim,

The Board does need to make a SEQRA determination that will require consideration of the following:

*Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?*

*Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?*

I don't know that the Board can authoritatively answer these questions or issue a negative declaration with a determination still outstanding on the wetlands issue. As much as I am sympathetic to your situation, it would be irresponsible for me to advise them to that effect.

Are you amenable to removing the item from tomorrow night's agenda and scheduling it for another date subsequent to the receipt of the Army Corps sign-off? We should be able to do something prior to the next meeting on July 17. Specifically, the Board has a workshop on July 7 where they could potentially act on it.

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:** James Googas [mailto:jgoogas@nycap.rr.com]  
**Sent:** Wednesday, June 18, 2014 12:46 AM

**To:** Brad Glass

**Subject:** Planning Board Conditional Approval for 241 S. Allen Street

Brad,

At this Thursday's Planning Board meeting I'd like to respectfully request the Board grant a "**conditional approval**" for the project. The "condition" would obviously be based on obtaining all required permits and most importantly the letter from ACOE stating the property is non-jurisdictional (*which we should be receiving in the very near future*).

I had the opportunity to speak with **Dan Mirabile** and **Bill Simcoe** and both do not seem to have an issue with a "conditional approval" knowing their respective office are already very familiar with the project along with having to approve the final engineering for the project. Bill specifically mentioned "... it is the Planning Boards call...". By granting the conditional, approval once the ACOE letter is received, it will allow me to begin the project in earnest and not delay it a the full month until the Planning Board meets in late July.

The Army Corp has already stated the property is non jurisdictional but the letter unfortunately will not be received by this week.

As always I thank you for your time, assistance and consideration.

Jim

RECEIVED

JUN 23 2014

131 Onderdonk Avenue  
Albany, NY 12208

June 20, 2014

ALBANY COMMUNITY  
DEVELOPMENT AGENCY

Custodian of Records  
City of Albany  
Department of Development and Planning  
200 Henry Johnson Blvd  
Albany, NY 12210

Dear Custodian of Records,

Under the New York Freedom of Information Law, N.Y. Pub. Off. Law sec. 84 et seq., I am requesting an opportunity to obtain or inspect copies of public records held by the Department of Development and Planning that relate to the proposed apartment development on 241 South Allen Street by 241 South Allen Street Holdings LLC, Case #5-14, 912. These records include, but are not limited to, all public minutes, reports, studies, correspondence, notes, discussions, applications, etc. relevant to the developer and his agents and the Department of Development and Planning and the Planning Board members, as well as intra-agency records.

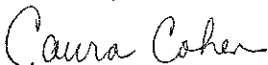
If any of these records are available in digital format, I would be pleased to receive them via e-mail at [Lcohen100@gmail.com](mailto:Lcohen100@gmail.com). If some of the requested records cannot be e-mailed to me, please inform me of the cost of reproducing the remainder of the records requested, or inform me about how I can inspect them. You may reach me at 482-0874, or by e-mail.

The New York Freedom of Information Law requires a response time of five business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or when I can inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,



Laura Cohen  
131 Onderdonk Avenue, Albany NY 12208  
518-482-0874  
[Lcohen100@gmail.com](mailto:Lcohen100@gmail.com)

## Brad Glass

---

**From:** Charles Touhey [clt@touheyassociates.com]  
**Sent:** Monday, July 07, 2014 10:01 AM  
**To:** Brad Glass  
**Subject:** RE: allen st apts

**Categories:** Reply

Just received impressive opposition flyer. Arguments are persuasive for a pause to deal with them. as a neighbor,(509 west Lawrence) I support tabling this tonight.

---

**From:** Charles Touhey  
**Sent:** Wednesday, July 02, 2014 9:28 AM  
**To:** 'Brad Glass'  
**Subject:** RE: allen st apts

But doesn't the developer or the city need to find an equivalent parcel elsewhere as a "trade"?

---

**From:** Brad Glass [mailto:GlassB@ci.albany.ny.us]  
**Sent:** Tuesday, July 01, 2014 11:31 AM  
**To:** Charles Touhey  
**Subject:** RE: allen st apts

Charles,

The park lands were alienated by the Common Council. See attached documents.

*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*

---

**From:** Charles Touhey [mailto:clt@touheyassociates.com]  
**Sent:** Tuesday, July 01, 2014 10:26 AM  
**To:** Brad Glass  
**Subject:** allen st apts

How were they able to get the park that is in their footprint?

**From:** Dan Hershberg [Dan@hhershberg.com]  
**Sent:** Wednesday, July 02, 2014 1:50 PM  
**To:** Brad Glass  
**Cc:** 'William Simcoe'; Jim Googas  
**Subject:** RE: 241 South Allen

Brad:

Bill is correct. We have an agreement in principle of removing stormwater upstream from our connection point using storage from catch basins (we have selected Winnie Street & Cliff Street). Bill requested that we attempt to employ Green Infrastructure for that and we are undertaking soil infiltration tests to determine whether any ground water infiltration method can be utilized. We won't have a final design by 7/7.

Any questions, please call.

**Daniel R. Hershberg**, PE & LS  
**HERSHBERG & HERSHBERG**  
**CONSULTING ENGINEERS & LAND SURVEYORS**  
18 Locust Street  
Albany, NY 12203-2908  
Phone: (518) 459-3096  
Fax: (518) 459-5683

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***PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL***

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**From:** Brad Glass [mailto:GlassB@ci.albany.ny.us]  
**Sent:** Wednesday, July 02, 2014 1:44 PM  
**To:** Dan Hershberg  
**Subject:** RE: 241 South Allen

Dan,

Bill indicated that the issue had not been resolved (as of yesterday afternoon). Please reach out to him.

Thanks,

Brad

---

**From:** Dan Hershberg [mailto:Dan@hhershberg.com]  
**Sent:** Monday, June 30, 2014 4:23 PM  
**To:** Brad Glass  
**Cc:** 'William Simcoe'; Jim Googas  
**Subject:** RE: 241 South Allen

Brad:

I already contacted Bill Simcoe and proposed to provide some off site storage to make up for the small amounts added to the system.

We are undertaking infiltration tests at a chosen location to see whether green infrastructure methods are doable.

**Daniel R. Hershberg**, PE & LS

**HERSHBERG & HERSHBERG  
CONSULTING ENGINEERS & LAND SURVEYORS**

18 Locust Street  
Albany, NY 12203-2908  
(518) 459-3096  
Fax (518) 459-5683

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

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**From:** Brad Glass [GlassB@ci.albany.ny.us]  
**Sent:** Monday, June 30, 2014 3:49 PM  
**To:** Dan Hershberg  
**Subject:** FW: 241 South Allen

Dan,

Please see the attached memorandum from the Department of Water & Water Supply.

*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*

---

**From:** William Simcoe [<mailto:wsimcoe@albanyny.gov>]  
**Sent:** Thursday, June 19, 2014 11:39 AM  
**To:** Brad Glass  
**Cc:** Joe Coffey  
**Subject:** 241 South Allen



Brad,

Attached is a letter with our comments.

William D. Simcoe, P.E., Deputy Commissioner  
Department of Water & Water Supply  
10 North Enterprise Drive  
City of Albany, NY 12204  
518-434-5300

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**DEPARTMENT OF THE ARMY**  
US Army Corps of Engineers, ATTN: CENAN-OP-RU  
Upstate Regulatory Field Office  
1 Buffington St., Building 10, 3<sup>rd</sup> Fl. North  
Watervliet, New York 12189-4000

JUL 03 2014

Upstate New York Section

SUBJECT: Permit Application Number NAN-2014-00571  
by Googas, James  
City of Albany, Albany County, New York

Mr. James Googas  
P.O. Box 8683  
Albany, New York 12208

Dear Mr. Googas:

On May 27, 2014, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for a 2.12 acre site, currently owned by James Googas. This request was made by Bagdon Environmental, as consultant for James Googas. The site is located in the Hudson River watershed, along South Allen Street, in the City of Albany, Albany County, New York.

The submittal received by this office on May 27, 2014, included a proposed delineation of the extent of waters of the United States within the project boundary. A site inspection was conducted by representatives of this office on May 8, 2014, in which it was determined that the Corps concurred with the delineation conducted by Bagdon Environmental and subsequently documented in the report dated May 23, 2014.

Based on the material submitted, including the drawing entitled, "Figure 2. Wetland Delineation, 241 South Allen Street", prepared by Bagdon Environmental, dated May 23, 2014, and the observations of the representative of this office during the site inspection, it has been determined that based on the U.S. Supreme Court decision (Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178, January 9, 2001), the one wetland shown on the above referenced drawing does not meet the current criteria of waters of the United States under Section 404 of the Clean Water Act. This wetland is identified as Wetland 1, and consists of a total of 0.29 acres within the subject property. The Court ruled that isolated, intrastate waters can no longer be considered waters of the United States, based solely upon their use by migratory birds.

This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination was documented using the Approved Jurisdictional Determination Form, promulgated by the Corps of Engineers in June 2007. A copy of that document is enclosed with this letter, and will be posted on the New York District website at:

<http://www.nan.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations.aspx>

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a combined Notification of Appeal Process (NAP) and Request For Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Michael G. Vissichelli, Administrative Appeals Review Officer  
North Atlantic Division, U.S. Army Engineer Division  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, New York 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by AUG 30 2014. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.


It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

If any questions should arise concerning this matter, please contact Andrew Dangler, of my staff, at (518) 266-6356.

Sincerely,



for Amy L. Gitchell

Chief, Upstate New York Section

Enclosures

cc: N. Baker - NYSDEC Region 4, Schenectady  
City of Albany  
N. Quenzer - Bagdon Environmental

## Brad Glass

---

**From:** cdhooge@nycap.rr.com  
**Sent:** Sunday, July 06, 2014 3:13 PM  
**To:** Brad Glass  
**Subject:** Opposing Development South Allen St

**Categories:** Reply

Bradley Glass,

My name is Carol Dhooge. I own 39 Onderdonk and 43 Onderdonk. I also own 466 W Lawrence St. All 3 properties are on the backside of the S Allen St Playground. I pay approximately \$6000.00 in property/school taxes a year. I have been a resident of W Lawrence St since 1999. Prior to that I owned a home on Delaware Ave in Albany.

This email is to let you know I am opposed to the plan for the construction of two- 24 unit apartment building with an 84 parking space on S Allen St.

Why was the playground sold without telling the neighborhood. As a tax payer I should have been notified. The playground was not 'unused'. As I can see the playground from my back yard, I can attest to the fact it was used on a daily basis by neighborhood children. Everyday I could hear the squeals of happy children and their parents as they swung on the swing sets and had picnics on the picnic table. My children used that playground and now my grandchild who is old enough this year to enjoy it cannot. That playground was a staple of the neighborhood and should not have been sold privately.

I can also attest to the fact it is a wetland in the ravine. The water flows from the side of my property then across Onderdonk to the ravine. Where will the water go if there is buildings there? We will be at risk for flooding. The wetland and greenery will be gone.

The traffic on New Scotland between Main St and Manning Blvd is stop and go throughout most of the day now. The construction and addition of 48 apartments will tie up traffic even worse. This neighborhood is too small and the streets too small to have so many new residents.

My street and on Onderdonk is peaceful and quiet. The new apartments and addition of so many people will be more noise.

All of this said, my property is at risk for diminished value. Such a big complex will bring down the value of my home and my properties. I do not want 2 24 unit apartments and 84 space parking in my backyard. I hope the officials of Albany will hear the neighborhood protests and not approve this Case #5-14, 912.

Thank you  
Carol Dhooge  
466 W Lawrence St  
Albany, NY 12208



## Brad Glass

---

**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Sunday, July 06, 2014 9:39 PM  
**To:** Brad Glass  
**Cc:** 'William Simcoe'; 'Dan Hershberg'; dsanders@sandersarchitects.com; mirabiled@ci.albany.ny.us  
**Subject:** Planning Board/Zoning Board- 241 S. Allen Street

Brad,

I respectfully request the Planning Board move forward with the approval process at this week's meeting.

The **Army Corp of Engineers**, by letter dated July 3, reconfirmed their original determination the property is non jurisdictional concurring with **Bagdon Environmental** detailed report of May 23.

Also **Dan Hershberg** has been in contact and working with **Bill Simcoe** in regard to any potential drainage concern/issues and I have contracted with **Dente Engineering**, one of the foremost soil engineering firms in the Northeast, to begin off and on site infiltration testing (along with Green Infrastructure) as requested by Bill, which will start later this week.

As you are aware any approvals granted by either the **Planning Board** and **Zoning Board of Appeals** are always conditional until such time all required permits are applied for and approved by the respective City agency, be it Engineering, Water and/or Buildings.

The Boards consideration on the approvals during this week's meetings would be greatly appreciated.

Thank you.

Jim  
518-441-8115

Attached please find ACOE jurisdictional determination; Bagdon Environmental request/report of May 23; May 9 e-mail approval from ACOE along with supporting preliminary report from Bagdon dated 10/30/12 (which was requested from the Common Council and Law Department prior to my purchase of the property).

## Brad Glass

---

**From:** Jonathan Gray [edmund1234@aol.com]  
**Sent:** Sunday, July 06, 2014 3:18 PM  
**To:** Brad Glass  
**Subject:** proposed apartment complex

**Categories:** Reply

Sir:

I have been a resident of 10 Cliff Street in Albany, for the past thirty years. Cliff St runs perpendicular to the proposed construction site at 241 South Allen Street.

I am absolutely opposed to the construction of these apartments.

Jonathan E. Gray  
518-894-9987

## Brad Glass

---

**From:** Gail MacIntosh [nana.macintosh@gmail.com]  
**Sent:** Monday, July 07, 2014 4:11 PM  
**To:** Brad Glass  
**Subject:** Case #5-4, 912

**Categories:** Reply

Pleasde NO, NO, NO! We are AGAINST this 24 unit apt. Structures and 84 space parking at 241 South Allen St. This is a mail road for emergency vehicles to get to St. Peter's Hospital! I can't afford to have a possible basement flooding, lived in neighborhood 50 yrs. Very upset that park was closed. Children, grandchildren, and great grandchildren enjoyed this small park.

David L. & Gail Gray MacIntosh  
8 Cliff St,  
Albany, NY 12208

## Brad Glass

---

**From:** James Googas [jgoogas@nycap.rr.com]  
**Sent:** Tuesday, July 08, 2014 12:56 PM  
**To:** Brad Glass  
**Subject:** 241 S. Allen Street- Alienation

<<...>>

Brad,

Attached as discussed is the a copy of the NYS Assembly, Senate and Governor's approval on the alienation of the "pocket park" at 241 S. Allen Street. The Bill sponsors were **Assemblywoman Fahy** and **Senator Breslin**.

FYI.

The State required the City provide a "substitute property" for the "pocket park". Although the "park" was only 90'x100' the City provided a "substitute property" for the entire 2.2 acres ( the community gardens parcels across from the North Albany YMCA off N. Pearl Street was provided).

Also as mentioned all ordinances in regard to the property were passed unanimously over a period of two years and approved prior to me purchasing the property.

Finally, in regard to the drainage, Dan Hershberg and Bill Simcoe have agreed on a preliminary concept for offsite if/when needed for the "100 year" flood and soil testing should be completed within the next week and final calculations will soon be done. **Drainage off/onsite will not be a problem.**

Looking forward to a ZBA approval at the tomorrow's meeting and Planning Board meeting on the 17<sup>th</sup>.

If anything else is needed, please do not hesitate to contact me.

Thank you again for everything.

Jim

441-8115

## Brad Glass

---

**From:** jgoogas [jgoogas@nycap.rr.com]  
**Sent:** Tuesday, July 08, 2014 2:42 PM  
**To:** Brad Glass  
**Subject:** Fwd: Scan from a Xerox WorkCentre  
**Attachments:** img-708141239-0001.pdf

Brad,

I've attached a synopsis of the ACOE approval. The full report is on their website.

I've highlighted several key "notes" that directly addresses the jurisdictional determination without going through the whole report.

If you need me to attend the meeting last minute just let me know.

Thanks again.

Jim

441-8115

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Googas, James J (OGS)"  
**Date:** 07/08/2014 2:32 PM (GMT-05:00)  
**To:** jgoogas@nycap.rr.com  
**Subject:** Scan from a Xerox WorkCentre



APPROVED JURISDICTIONAL DETERMINATION FORM  
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): JUL 03 2014

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: New York District, Googas, James, NAN-2014-00571

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Albany City: Albany  
Center coordinates of site (lat/long in degree decimal format): Lat. 42.39° N, Long. -73.4757° E  
Universal Transverse Mercator:

Name of nearest waterbody: Unnamed

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Hudson River

Name of watershed or Hydrologic Unit Code (HUC): 02020006

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): May 8, 2014

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Wetland A is 0.29 acre in size and appears to be an isolated wetland area. Refer to Section III. F of this form for further information.

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.