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February 26, 2020

**Via Electronic Mail**

Board of Zoning Appeals  
Department of Planning and Development  
City of Albany New York  
200 Henry Johnson Blvd.  
Albany, New York 12210  
E: bza@albanyny.gov

**Re: Public Hearing, February 26, 2020  
Delaware Grocery at 36 Judson Street**

Dear City of Albany Board of Zoning Appeals:

Please take notice that Cooper Erving & Savage LLP continues to represent the owner and operators of Delaware Grocery, located at 36 Judson Street, Albany, New York 12206, with regard to the Complaint of Nuisance, brought in the Matter of the Application of CHRISTOPHER SPENCER, Chief Planning Official for the city of Albany & JAHMEL ROBINSON, City of Albany Council Member for the Fifth Ward for an Order by City of Albany Board of Zoning Appeals Finding 36 Judson Street to be a Nuisance, dated December 12, 2019 (hereinafter referred to as "the Nuisance Complaint"). Please accept this letter and the referenced exhibits attached hereto as a pre-hearing submission on behalf of the owners and operators of Delaware Grocery, located at 36 Judson Street. We respectfully request that the Board of Zoning Appeals dismiss the Nuisance Complaint as insufficient on its face and unfounded in its claims that Delaware Grocery at 36 Judson Street is a general nuisance or hazard to the health, safety, welfare of uses or structures within 200 feet of 36 Judson Street.

The Nuisance Complaint alleges to be brought pursuant to Albany City Code §375-5(G)(5)(a)(i). §375-5(G)(5)(a)(i) of the City of Albany Unified Sustainable Development Ordinance (“USDO”), provides the following:

(a) Upon the following circumstances, the Board of Zoning Appeals shall hold a public hearing and make a finding with respect to **the nuisance or hazardous condition that exists** and shall determine the necessity of terminating such nuisance:

(i) A complaint registered by the Chief Planning Official signed by 50 percent of the property owners within 200 feet of a lot or building, or the Common Council member in whose ward such lot or building is situated, that **the lot or the use of the property or building is considered to be a general nuisance or hazard to the health, safety, welfare of uses or structures within 200 feet of such use or uses** ...

USDO at §375-5(G)(5)(a)(i); *Emphasis added*. With regard to the definition for general nuisance, although the USDO is relatively sparse, §375-4(J)(1)(a)(xi), which defines the operating standards for all structures, uses, and activities within the City, provides that “[a]ll structures and land uses within the City **shall be constructed, used, operated, and maintained in such a manner so as to be free of nuisances, as defined in state law**”. USDO at §375-4(J)(1)(a)(xi); *Emphasis added*.

The Nuisance Complaint alleges that 36 Judson Street is nuisance property which continues willfully to be operated as a nuisance in a manner which has a significant and unduly negative impact on the health, safety and wellbeing of its neighbors and the West Hill Neighborhood. Except for this general claim, nothing is purported in the Nuisance Complaint to define or describe exactly how Delaware Grocery at 36 Judson Street “continues willfully to be operated as a nuisance”. Without describing the nuisance itself, or in what ways the store is being operated causing it to be a nuisance, the Nuisance Complaint conclusively alleges “[t]he nuisance at 36 Judson Street has resulted in three shooting deaths in its vicinity in the last year ... along with a continuous and unbroken pattern of incidents which have seriously undermined the safety and livability of the West Hill Neighborhood”. The Nuisance Complaint then lists off a string of acts of deadly or near deadly violence, claiming that such violence has occurred at or near 36 Judson Street, and again concludes that if 36 Judson Street is not addressed, that it is only a matter of time before further intractable violence occurs. At no point does the Nuisance Complaint allege a nexus to the alleged violence at or near 36 Judson Street, and Delaware Grocery, with its owners or operators. Nor does the Nuisance Complaint explain in what manner 36 Judson Street is being used, operated, or maintained, that is causing the store to be a nuisance, as is defined by USDO §375-4(J)(1)(a)(xi).

The fact is, Delaware Grocery at 36 Judson Street is not a general nuisance. It is not operated in a way that creates or contributes to a general nuisance, and no evidence exists except for claiming that Delaware Grocery is within a general vicinity of violent acts that have occurred in the past and at one point, possibly, the individuals who were involved in such violent acts

were previously patrons of Delaware Grocery. The Nuisance Complaint would cause the Zoning Board of Appeals to believe the mere existence of Delaware Grocery at 36 Judson Street is a general nuisance because it happens to be located in an area where violent acts have occurred in the past. By this logic, the homes and buildings surrounding 36 Judson Street could also be deemed nuisance properties, as they have nothing to do with the violence either, but they happen to be located near to where such acts have allegedly occurred; the City of Albany Police Department at 165 Henry Johnson Blvd., located only two blocks from 36 Judson Street could be deemed a nuisance property due to its proximity to such allegedly intractable violence, and the operation of the Police Department that has failed to curb the alleged violence; moreover, the City of Albany as a whole could be deemed a nuisance city by this logic, as violent crime occurs within the city, thus the City of Albany must be operating in a manner that amounts to a general nuisance. Now, of course these hypothetical examples are not true, but their use as examples should highlight the circular and self-serving nature of the illogical Nuisance Complaint.

In addition to making conclusory claims that Delaware Grocery at 36 Judson is a general nuisance due to its alleged proximity to unrelated violent crimes that occur in this neighborhood, included with the Nuisance Complaint, allegedly in support of the claims, was a 238 page printout from the City of Albany Police Department for police department calls allegedly "related" to 36 Judson Street (hereinafter referred to as the "police logs") spanning from 2017 through 2019. The police logs should be all but disregarded in any manner that would somehow be viewed in a light negative to Delaware Grocery at 36 Judson Street, and should in fact be used as evidence to support the claim that Delaware Grocery does not operate in a manner that causes or contributes to a general nuisance, if any exists in the first place. The 238 page printout is duplicative, and actually restarts with a second copy of the police logs at page 120 of the PDF Police Logs file. In an effort to make sense of the random order and repetition of the police logs, attached hereto as **Exhibit "A"** is an excel spreadsheet produced by the undersigned's firm, organizing the police logs by date, caller, alleged location, alleged nature of call, and the stated resolution. See **Exhibit "A"** for a clearer picture of what the police logs actually depict.

Contained within the police logs there are 93 distinct calls or logs with dispatch, allegedly representing police activity allegedly in relation to 36 Judson Street. Though, when reviewing the logs in detail, it is clear that these police logs do not support an argument that Delaware Grocery and 36 Judson exist as a general nuisance, and/or are operated in a way in which causes or contributes to such. Of the 93 logs, 26, almost one third, represent unsolicited "property checks", where an officer apparently drove by 36 Judson Street, viewed the property, logged a property check with dispatch, and continued driving. Of the remaining 67 logs, an additional 18 deal with complaints that went unsubstantiated or were cleared immediately upon police arrival, or deal with issues that are unrelated to Delaware Grocery or the property address, such as traffic accidents at an intersection or a sick person near the store. Finally, of the remaining ~ 49 logs, approximately 25 of the logs were as a result of calls by the operators of Delaware Grocery contacting the police department and/or providing assistance to the police department with regard to issues of customers or neighborhood residents loitering outside of the store or posing a danger to other store customers and neighborhood residents. None of the police log entries speak to a nexus between Delaware Grocery and any violence in the neighborhood, or in some way highlight that the manner of operation of Delaware Grocery somehow contributes to

or causes a general nuisance. There is no allegation in the complaint that the operators of Delaware Grocery are doing something that they should not be doing.

Despite the lack of validity of the Nuisance Complaint, and failure to allege any nexus or explanation of how Delaware Grocery is operating in a way that constitutes a general nuisance, the following information and evidence in defense of Delaware Grocery and in opposition to the Nuisance Complaint is irrefutable:

- (1) The allegations contained within the Nuisance Complaint that deadly violence and other acts of extreme violence occur at or near Delaware Grocery at 36 Judson Street is inaccurate and an over-simplification of the geography of the surrounding neighborhood. Again, as noted above in the hypotheticals, the local geography of the West Hill Neighborhood, and mere proximity of Delaware Grocery to violent acts perpetrated against individuals who happened to be residents of the same area, cannot arbitrarily be blamed on Delaware Grocery at 36 Judson, an immovable location. A statement by Mustafa Nagi attesting to the inaccuracy of the allegations of the Nuisance Complaint with regard to the violence that has occurred and lack of involvement in any way by Delaware Grocery is attached hereto as **Exhibit "B"**. Significantly, all of the alleged incidents of violence occurred outside of the store- on public property.
- (2) Notwithstanding the false allegations contained within the Nuisance Complaint, the health, safety and welfare of the neighborhood surrounding Delaware Grocery at 36 Judson Street is improved and contributed to in a positive manner by Delaware Grocery. Delaware Grocery has exceptional relationships with members of the community, as well as its trade partners, and has been a necessary and valued resource serving the vital needs of the community for many years. Multiple copies of a Petition in Support of Delaware Grocery, with approximately 153 signatures of residents of the City of Albany and West Hill Neighborhood and Fifth Ward, as well as approximately 19 additional pages of signatures in general support of Delaware Grocery at 36 Judson Street are attached hereto as **Exhibit "C"**.
- (3) With regard to the allegations contained within the Nuisance Complaint pertaining to a November 18, 2019 inspection by the City of Albany Buildings Department which allegedly found multiple building code violations at 36 Judson Street, all such alleged violations were resolved within days of notice to Delaware Grocery, and the code violations were cleared by the City of Albany Buildings Department on December 23, 2019. There are no active zoning code violations for Delaware Grocer and 36 Judson Street, and historically, the property has rarely if ever been cited for code violations, always to resolve such violations within a day or two of notice. A copy of the Buildings Department Case Report highlighting the cleared status of the alleged violations is attached hereto as **Exhibit "D"**.
- (4) Delaware Grocery located at 36 Judson Street, and its owner and operators conduct business in a legal manner. There are no allegations against Delaware Grocery of penal code violations or violations of any other regulations by way of the operation of the business. On all occasions requested, Delaware Grocery and its operators have assisted

the Albany City Police Department with investigations of criminal conduct, and further make sure to contact the Police Department should criminal activities or loitering be taking place near or at the store. The Nuisance Complaint seeks to penalize Delaware Grocery at 36 Judson by highlighting police logs that are indicative of police calls by operators of Delaware Grocery. If Delaware Grocery calls the police for assistance, the very calls can be used as evidence of being a nuisance, but if Delaware Grocery does not call the police for assistance, their failure to call would be viewed as failing to prevent the violence from occurring. It would appear that Delaware Grocery is damned if they do, and damned if they don't. A photo of Delaware Grocery's prominent "No Loitering" sign displayed next to the front door of the store is attached hereto as **Exhibit "E"**.

- (5) The owners and operators of Delaware Grocery have complied with any requests concerning the operation of the grocery store made by the City. When City officials requested the store close an hour earlier, the store owners complied. Moreover, the operators of the grocery store have consistently cooperated with the Albany City Police Department in its investigation of crimes in the West Hill neighborhood.
- (6) Notwithstanding the fact that Delaware Grocery and at 36 Judson Street is not an insurer of all illegal or tortious activity inside or outside of the premises, especially such which has no nexus or relationship to Delaware Grocery, Delaware Grocery also responsibly maintains general commercial liability insurance and property insurance.
- (7) In addition to Delaware Grocery being a valued member of the community, which is welcomed and respected by the members in the neighborhood for providing a vital grocery service to the residents, Delaware Grocery is also a respected business and valued trade partner by its trusted business vendors of the Capital District. Copies of letters in support of Delaware Grocery, executed by Delaware Grocery's trade partners: (1) Michael Richards, of Wustefeld Candy Co. Inc., headquartered in Green Island, New York; (2) Jeff LaPorte (Troy), of Harold Levinson Associates, headquartered in Farmingdale, New York; and (3) Joe Dzembo, of Dzembo's Dairy Inc., headquartered in Watervliet, New York, are attached hereto as **Exhibit "F"**.

The Nuisance Complaint on its face fails to sufficiently allege a general nuisance or describe how the property at 36 Judson Street is used, operated, or maintained in such a manner so as to be free of nuisances, as defined in state law. Despite their continued coordination with the Albany City Police Department, and consistent voluntary production of security camera footage and other helpful information, it is not the duty of Delaware Grocery at 36 Judson Street to act as community policing agents with regard to violence that occurs in the West Hill Neighborhood. Delaware Grocery, its owner, and its operators are hardworking Americans, pursuing the American Dream, the best way they know how. Now, with this Nuisance Complaint they face the risk of an unjustified and likely unconstitutional shut down of the business, through no fault of their own, and for the mere reason of their existence. The Albany City Board of Zoning Appeals should dismiss the Nuisance Complaint as insufficient on its face and unsupported in its claims that Delaware Grocery at 36 Judson Street is a general nuisance or hazard to the health, safety, welfare of uses or structures within 200 feet of 36 Judson Street.

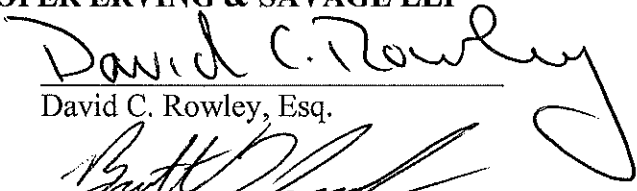
We look forward to a further opportunity to be heard tonight at tonight's hearing of the Board of Zoning Appeals at 6:00PM. Should the Board have any questions or concerns, we look forward to doing the best we can to provide additional information and responses to such.

Very Truly Yours,

Date: February 26, 2020  
Albany, New York

**COOPER ERVING & SAVAGE LLP**

By:

  
David C. Rowley, Esq.

  
Brett D. French, Esq.

*Attorneys for Delaware Grocery at*  
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Albany, New York 12207  
(518) 449-3900



DATE	ID OF CALLER	ALLEGED LOCATION	ALLEGED NATURE OF CALL	RESOLUTION
2/7/2019	Officer Zieinan	DG	Get A Compliant	Arrived 09:16:17 Cleared 09:16:17
3/6/2019	Dispatch	DG	Person Annoying- black male refusing to leave store and harassing customers	Arrived 22:41 Cleared 22:45
3/15/2019	Dispatch	DG	Group Annoying- Large group refusing to leave	Arrived 20:20 Cleared 20:22
3/15/2019	Dispatch	DG	Group Annoying- Large group in front getting ready to fight	Arrived 22:14 Cleared 22:18
3/19/2019	Detective Scalise	DG	Person Annoying- black male harassing store customers	Arrived 17:14 Cleared 17:18
3/30/2019	Last Name- Detective	DG	Group Annoying- 15-20 ppl intoxicated refusing to leave	Arrived 23:17 Cleared 23:20
4/21/2019	No Name Recorded	DG	Group Annoying- group of males selling drugs	Arrived 20:10 Cleared 20:18
5/6/2019	No Name Recorded	DG	Fight- Large Fight	Arrived 22:07 Cleared 22:09
5/11/2019	Detective Scalise	DG	Trouble w/ Customer- 10-12 ppl refusing to leave	Arrived 23:25 Cleared 23:40
1/3/2018	Officer Deluca	DG	Property Check	Arrived & Cleared 17:15
1/4/2018	Officer Deluca	DG	Property Check	Arrived & Cleared 15:59
1/11/2018	Officer Deluca	DG	Property Check	Arrived 16:49 Cleared 17:01
1/14/2018	Mohammed#518-462-0866	DG	Person Annoying- male outside refusing to leave & yelling over \$10	Arrived 06:42 Cleared 06:56
1/16/2018	No Name Rec #518-462-0866	DG	Check a Subject- white male loitering outside	Arrived 18:29 Cleared 20:54 Male Detained
2/4/2018	Abdul	DG	Get a Complaint- customer received wrong change/language barrier	Arrived 00:40 Cleared 00:42
2/15/2018	Officer Mascaro	DG	Check a Subject- no remarks recorded	Arrived 22:53 Cleared 23:11
3/1/2018	No Name Rec- #518-462-0866	DG	Check a Subject- no remarks recorded	Arrived 22:39 Cleared 23:39
3/19/2018	Officer DiCarlo	DG	Follow up on Prev. Call- no remarks recorded	Arrived 13:08 Cleared 14:56
4/5/2018	Officer Deluca	DG	Property Check	Arrived 16:41 Cleared 16:41
4/7/2018	No Name Recorded	DG	Group Annoying- group 15-20 being loud & drinking	Arrived 22:13 Cleared 22:16
4/7/2018	Abdul Nagi- #518-462-0866	DG	Person w/ Weapon- white male in front of store w/ 2x4	Arrived 22:46 Cleared 23:33
4/7/2018	Abdul Nagi- #518-462-0866	DG	Sick Person- white male in front of store w/ 2x4	Arrived 23:01 Returned 23:11
4/8/2018	Officer Deluca	DG	Property Check	Arrived & Cleared 17:26
4/12/2018	Officer Riboul	DG	Check a Subject- Female	Arrived 22:18 Cleared 22:33
4/22/2018	Officer Deluca	DG	Property Check	Arrived & Cleared 16:25
4/24/2018	No Name Recorded	DG	Group Annoying- no remarks recorded	Arrived 21:23 Cleared 21:36
5/1/2018	Officer Deluca	DG	Property Check	Arrived & Cleared 16:01
5/2/2018	No Name Rec- #518-462-0866	DG	Property Check	Arrived & Cleared 17:04
5/2/2018	No Name Rec- #518-462-0866	DG	Fight- group fighting	Call canceled by Operator
5/23/2018	Officer Riboul	DG	Person Annoying- states someone send help	Arrived 18:47 Cleared 18:57
5/29/2018	Officer Riboul	DG	Auto Accident- Property Damage	Arrived 20:41 Cleared 21:29
5/29/2018	Officer Riboul	DG	Vehicle in Violation	Arrived 18:29 Cleared 18:40
5/31/2018	USA Central- #800-422-2300	DG	Vehicle in Violation	Arrived 17:53 Cleared 18:01
6/4/2018	USA Central- #800-422-2300	DG	Burglar Alarm- rear motion detector	Cleared 03:22
6/4/2018	Officer Durkin	DG	Burglar Alarm- front door and motion	Arrived & Cleared 21:50
6/4/2018	Officer Durkin	DG	Warrant- in & secure	Arrived 19:42 Cleared 20:14
6/17/2018	Officer Deluca	DG	Property Check	Arrived & Cleared 15:20
6/23/2018	Officer Deluca	DG	Property Check	Arrived & Cleared 16:09
6/23/2018	SGT Deluca	DG	Detail	Cleared 20:01
6/26/2018	SGT Deluca	DG	Detail	Cleared 21:07
7/3/2018	Officer Deluca	DG	Property Check	Arrived & Cleared 15:26
7/10/2018	SGT Deluca	DG	Detail	Arrived & Cleared 18:34
7/26/2018	Officer Deluca	DG	Property Check	Arrived 18:27 Cleared 18:38
7/27/2018	Officer Deluca	DG	Property Check	Arrived & Cleared 16:53
8/23/2018	Eargham- #518-496-9998	DG	Trouble w/ Customer- clerk calling male inside	Arrived 18:10 Cleared 18:15
9/11/2018	Abdur- #518-462-0866	DG	Larceny just occurred- black male took beer, escaped back first st & Lexington ave	Arrived 15:26 Cleared 15:58



10/12/2018	Abdul Nagi- #518-462-0866	DG	Group Annoying- 10 black males hanging out in front of store, need removed	Arrived 20:44 Cleared 20:47
11/7/2018	Jelal- #518-462-0866	DG	Group Annoying- 10 ppl in front of store	Arrived & Cleared 17:21
11/16/2018	Abdo Nagi- #518-462-0866	DG	Group Annoying- group inside not buying anything, need to be removed	Arrived 18:26 Cleared 18:29
11/19/2018	Abdo Nagi- #518-462-0866	DG	Group Annoying- group out front refusing to leave	Arrived 17:17 Cleared 17:19
11/30/2018	Clerk- #518-462-0866	DG	Person w/ Weapon- black male has hand gun in hoodie pocket, WB on second, 1 in custody 346 Sec St., Isiah Johnson DOB:09/15/80	Arrived 23:16 Cleared 00:01
11/30/2018	Clerk- #518-462-0866	DG	Hemorrhage & Laceration- black male has hand gun, cut customer in store on hand	Arrived 23:29 Cleared 23:42
12/3/2018	Officer DiCarlo	DG	Check a Subject- no remarks recorded	Arrived 19:10 Cleared 19:33
12/5/2018	Hang Up- #518-462-0866	DG	Trouble w/ Customer- customers trying to fight, 3 male 1 female, stole beer 1st Street	Arrived 21:21 Cleared 22:07
12/8/2018	Addy Abdul- #518-462-0866	DG	Trouble w/ Customer- black male refusing to leave	Arrived 14:22 Cleared 14:27
12/8/2018	No Name Rec- #518-462-0866	DG	No Remark Recorded	Call canceled by Operator
12/9/2018	Hang Up- #518-462-0866	DG	Group Annoying- group in front refusing to leave	Arrived 14:06 Cleared 14:07
12/10/2018	Stand R- #518-727-9883	DG	Shooting- male shot in chest, assailant unknown, seriously bleeding	Arrived 19:57 Cleared 22:57
12/10/2018	Mr. Grand- #518-727-9883	DG	Male shot in chest- location of assailant unknown, serious bleeding, Female caller 330-0173 refused name- CPR in progress	Arrived 20:00:05 Cleared 20:37:04
12/12/2018	Officer DiCarlo	DG	Other	Arrived 12:55 Cleared 13:32
12/21/2018	Officer DiCarlo	DG	Follow up on Prev. Call- no remarks recorded	Arrived 17:32 Cleared 18:11
12/21/2018	Officer DiCarlo	DG	Follow up on Prev. Call- no remarks recorded	Arrived 09:55 Cleared 10:09
7/2/2017	Sabih- #518-462-0866	DG	Robbery- unsure when larceny occurred was upstairs, money taken from register	Arrived 04:33 Cleared 05:50
7/6/2017	No Name Rec- #518-928-4395	DG	Larceny just Occurred- cigarettes were taken from back of delivery truck	Arrived 07:08 Cleared 08:12
7/7/2017	Officer Deluca	DG	Property Check	Arrived 21:58 Cleared 21:58
7/14/2017	No Name Rec.	DG	Check a Subject- large group hanging out in front	Arrived & Cleared 21:34
7/16/2017	No Name Rec- #518-462-0866	DG	Get Report- Nagi, Abdo	Arrived 08:42 Cleared 08:56
7/19/2017	Officer Wallace	DG	Check a Subject- no remarks recorded	Arrived 20:51 Cleared 20:55
7/24/2017	Officer Deluca	DG	Property Check	Arrived and Cleared 18:31
8/10/2017	Staff- #518-462-0866	DG	Group Annoying- 3 or 4 knocked down shelves, left on 2nd towards Clinton	Arrived 20:54 Cleared 21:02
8/17/2017	Clerk- #518-462-0866	DG	Trouble w/ Customer- black male causing problem in store	Arrived 16:53 Cleared 16:57
8/22/2017	Officer Deluca	DG	Property Check	Arrived & Cleared 16:35
8/23/2017	Abdul- #518-417-7346	DG	Car Blocking	Arrived & Cleared 01:16
9/12/2017	Officer Deluca	DG	Get a Complaint	Arrived 17:52 Cleared 18:24
9/30/2017	Clerk- #518-462-0866	DG	Person Annoying- black male refusing to remove belongings from store	Arrived 15:04 Cleared 15:08
10/10/2017	Officer Deluca	DG	Property Check	Arrived & Cleared 20:41
10/14/2017	No Name Rec- #518-462-0866	DG	Fight- inside the store large group outside	Arrived 19:32 Cleared 19:36
10/14/2017	Staff- #518-462-0866	DG	Trouble w/ Customer- black male inside destroying store and now out kicking car	Arrived 22:56 Cleared 23:07
10/23/2017	Sabih Murshed- #518-462-0866	DG	Trouble w/ Customer- elderly female in store possibly intoxicated	Arrived 21:21 Cleared 21:36
10/26/2017	Officer Deluca	DG	Property Check	Arrived 17:41 Cleared 17:42
11/1/2017	Officer Deluca	DG	Property Check	Arrived 17:23 Cleared 17:24
11/3/2017	Officer Deluca	DG	Property Check	Arrived & Cleared 18:21
11/7/2017	Officer Deluca	DG	Property Check	Arrived & Cleared 18:19
11/9/2017	Officer Deluca	DG	Property Check	Arrived & Cleared 15:53
11/11/2017	Officer Wallace	DG	Trouble w/ Customer	Arrived 16:00 Cleared 16:01
11/29/2017	Clerk- #518-462-0866	DG	Trouble w/ Customer- male refusing to leave	Call cancelled by dispatch
12/6/2017	Officer Deluca	DG	Property Check	Arrived & Cleared 16:42

12/14/2017	No Name Rec-#518-462-0866	DG	Trouble w/ Customer- male trying to pay for hot card w/ food stamps- refusing. Check a Subject- black male, caller is mother, male missing out of group home	Arrived 15:37	Cleared 16:01
12/17/2017	Shakina Jackson-#347-962-7604	DG	Westchester	Arrived 12:25	Cleared 12:35
12/17/2017	Officer Deluca	DG	Property Check	Arrived & Cleared 19:46	
12/19/2017	Officer Deluca	DG	Property Check	Arrived 17:18	Cleared 17:32
12/20/2017	Officer Deluca	DG	Property Check	Arrived & Cleared 16:10	
12/27/2017	Officer Deluca	DG	Property Check	Arrived 17:10	Cleared 17:11



CITY OF ALBANY  
BOARD OF ZONING APPEALS

In the Matter of the Application of CHRISTOPHER SPENCER, Chief Planning Official for the City of Albany & JAHMEL ROBINSON, City of Albany Common Council Member for the Fifth Ward for an Order by City of Albany Board of Zoning Appeals Finding 36 JUDSON STREET to be a Nuisance.

**AFFIDAVIT OF MUSTAFA NAGI IN  
OPPOSITION TO COMPLAINT OF  
NUISANCE AT 36 JUDSON STREET,  
ALBANY, NY**

Index No.: 2019-502

STATE OF NEW YORK     )  
                                      )  
COUNTY OF ALBANY     ) ss.:

**Mustafa Nagi**, being duly sworn, deposes and says:

1. I am a resident of the City of Albany, New York, and am over the age of 18 years.  
I make this Affidavit in opposition to the Complaint of Nuisance at 36 Judson Street, Albany, New York 12206, to be filed with my attorneys' letter, and presented to the Albany City Board of Zoning Appeals prior to the public hearing to be held on February 26, 2020, at 6:00PM.
2. I, along with several of my family members, manage and operate the grocery store, Delaware Grocery, located at 36 Judson Street, Albany, New York 12206, and as such, I am intimately familiar with the allegations made in the December 12, 2019, Complaint of Nuisance at 36 Judson Street, Albany, New York (hereinafter referred to as "the Nuisance Complaint"), and the surrounding circumstances of Delaware Grocery's operation and the uses of the premises and property at 36 Judson Street. The source of my information and knowledge comes from personal knowledge, communications with my co-operators and employees, and lifetime experience as a member of the West Hill Neighborhood and Fifth Ward community.
3. The allegations contained within the Nuisance Complaint are false, and are denied in their entirety.

4. The Nuisance Complaint sets out to attempt to allege that Delaware Grocery at 36 Judson Street is somehow operated in a manner that causes and/or contributes to the property being a general nuisance, by arguing that within the last several years there have been several violent crimes committed near the general proximity of Delaware Grocery.

5. Furthermore, the Nuisance Complaint sets out to argue that in addition to the allegedly close general proximity of the violent crimes to Delaware Grocery, that the individuals involved in the violent crimes, whether the perpetrators or the victims, were, at one point in the past, customers of Delaware Grocery.

6. This characterization is unfair, and it is an oversimplification of the socioeconomic and geographic makeup of the West Hill Neighborhood and Fifth Ward, of which, within which, Delaware Grocery is a popular grocery store.

7. Delaware Grocery is a vital resource to the residents of the West Hill Neighborhood and Fifth Ward, and provides a grocery store services to many people who have nowhere else to turn for their grocery needs, or the ability to travel greater distances to perform their more simple grocery shopping.

8. This need, whether due to socioeconomic status, or some other reason, is met by very few other stores in the West Hill Neighborhood and Fifth Ward, which in turn causes the store to be frequented by many customers who often live within a very short walking distance or car ride.

9. At the same time, the West Hill Neighborhood and Fifth Ward unfortunately suffer from systemic problems of poverty and crime, none of which can be attributed to Delaware Grocery.

10. Delaware Grocery has all the elements of an urban grocery store, which include, but are not limited to, frequent visits by customers on a daily or even more frequent basis. Luckily we are within walking distance to many of our customers, and provide great service to our community.

11. Unfortunately, if you couple the two issues together, you get a situation where you have a neighborhood where violent crime and other activities associated with poverty occurs, in a geographic location where there is only a few public commercial places where people tend to visit outside of their own home to do their grocery shopping and other small-talk socialization.

12. The mere fact that violent crime occurs near one of the only grocery stores, which happens to be one of the only public commercial spaces in the neighborhood where people would frequent, does not make the store a general nuisance any more than it makes the City of Albany a general nuisance.

13. The Nuisance Complaint is false to claim that Ahmad Flemming, 33, was shot and killed outside of 36 Judson Street while patronizing Delaware Grocery at 36 Judson.

14. Mr. Ahmad Flemming was a resident of the West Hill Neighborhood, who shopped at Delaware Grocery. On the day Mr. Flemming was killed, hours earlier, Mr. Flemming had been shopping at Delaware Grocery. Hours after leaving Delaware Grocery, Mr. Flemming was shot and killed a block to two blocks away from the store.

15. The way the Nuisance Complaint is worded is disingenuous, as it is worded as if Mr. Flemming was shot and killed while he was walking out of the store with groceries in his hand, immediately after patronizing the store. This is not the case, and never has been the case.

16. The same set of circumstances as described above for the death of Mr. Flemming, apply to the death of Kenneth Love.

17. Mr. Kenneth Love was also a resident of the West Hill Neighborhood, who frequently shopped at Delaware Grocery. On the day Mr. Love was killed, hours earlier, Mr. Love had been shopping at Delaware Grocery. Hours after leaving Delaware Grocery, Mr. Love was shot and killed a block to two blocks away from the store.

18. The same set of circumstances as described above of Mr. Flemming and Mr. Love, apply to the death of Mr. Blount.

19. As for the Nuisance Complaint's allegations that on May 26, 2019, July 9, 2019, and August 25, 2019, shootings occurred outside of Delaware Grocery at 36 Judson Street, these allegations are also false and inaccurate.

20. Upon information and belief, there has never been a shooting that has taken place directly outside of Delaware Grocery at 36 Judson Street.

21. With regard to the Nuisance Complaint's allegations that on several occasions the Albany City Police Department were forced to break up large scale fights, again, upon information and belief, these fights and the people involved had nothing to do with Delaware Grocery, and involved members of the neighborhood. Oftentimes, Delaware Grocery operators called Albany City Police to request assistance or report the crimes occurring.

22. On each occasion when asked by the City of Albany Police Department to help assist in an investigation by producing Delaware Grocery's private security camera footage, Delaware Grocery has done so without hesitation.

23. In addition to our efforts to cooperate with the City of Albany Police Department in the past, over the last few years, on the few occasions Delaware Grocery's operators,

including myself, have witnessed a dangerous situation or a possible crime occurring, we have reached out to Albany City Police to request assistance.

24. We have called to attempt to prevent criminal conduct occurring near the vicinity of the grocery store, as well as to help prevent a crime such as a larceny or fight from occurring in the store.

25. Ultimately any and all code violations during the history of the property were resolved within a matter of days to weeks. There have never been any criminal allegations made against Delaware Grocery or the owner and operators of the store, or any other regulatory violations.

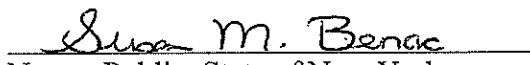
26. We have cooperated with the City of Albany on all requests in the past to attempt to alleviate any issues in the neighborhood in the past, including limiting hours of operation and closing at earlier times.

27. At Delaware Grocery, we have always thought of ourselves as community leaders and partners with the City of Albany, seeking to achieve the American Dream through hard work and providing a crucial service to our community, but now the City of Albany seeks to shut down Delaware Grocery due to its own inability to prevent crime and curb poverty in the West Hill Neighborhood.



Mustafa Nagi

Sworn to before me this 26<sup>th</sup>  
day of February, 2020

  
Notary Public, State of New York

SUSAN M. BENAC  
Notary Public, State of New York  
No. 01BE4952362  
Qualified in Schenectady County  
Commission Expires June 19, 2023





# **PETITION IN SUPPORT OF DELAWARE GROCERY**

**Located at 36 JUDSON STREET, ALBANY, NY 12206**

The purpose of this Petition is to be presented to the City of Albany, New York, Department of Planning and Development, Board of Zoning Appeals, on or before February 26, 2020, in opposition to the Complaint of Nuisance, dated December 12, 2019, filed on behalf of Cristopher Spencer, Commissioner of Planning and Community Development and Chief Planning Official for the City of Albany, and Jahmel Robinson, City of Albany Common Council Member for the Fifth Ward for the City of Albany, and in support of Delaware Grocery's continued operation by Faisal and Mustafa Nagi, as Delaware Grocery is not a nuisance property, and poses no threat or danger to the health, safety or welfare of the West Hill neighborhood or Fifth Ward, or the City of Albany at large.

By signing this petition, the signatory agrees and attests to the above stated purposes of this Petition, and affirms the following facts regarding Delaware Grocery, located at 36 Judson Street, Albany, NY 12206:

- (1) I am a resident of the City of Albany, New York, and reside in the West Hill neighborhood and/or Fifth Ward;
- (2) Delaware Grocery, located at 36 Judson Street, Albany, NY 12206, is not a general nuisance or a nuisance property, nor does Delaware Grocery pose any threat or danger to the health, safety or welfare of the West Hill neighborhood or Fifth Ward, or the City of Albany at large;
- (3) I support Delaware Grocery, and its continued operation by Faisal and Mustafa Nagi;
- (4) I oppose the Complaint of Nuisance, dated December 12, 2019, filed on behalf of Cristopher Spencer, Commissioner of Planning and Community Development and Chief Planning Official for the City of Albany, and Jahmel Robinson, City of Albany Common Council Member for the Fifth Ward for the City of Albany;
- (5) I do not believe that Delaware Grocery, or its operators, Faisal and Mustafa Nagi, cause, or have any connection or nexus to the violent and criminal activities that have allegedly taken place in or near, or in any proximity of Delaware Grocery, Judson Street, or Second Avenue;
- (6) I believe Delaware Grocery, and its operators, to be essential members of the West Hill neighborhood and Fifth Ward, as well as the City of Albany at large, as they provide essential grocery services to the area, that are essential to the families and residents of the area, and they are upstanding members of the community;
- (7) I have never witnessed Delaware Grocery to have operated in a manner that poses a threat to the health, safety and or welfare of the residents of the West Hill neighborhood or Fifth Ward.

(8) I recommend that the Complaint of Nuisance, dated December 12, 2019, be dismissed.

(9) I have read this Petition and agree with the contents hereof.

Number Signature	NAME (Print)	SIGNATURE	DATE	ADDRESS
1	Zick Hadap	[Signature]	2/15/20	359 32 St
2	Jeffrey Bloomer	[Signature]	2/15/20	15 P. ...
3	Sakirah Jackson	[Signature]	2-15-20	312 Third Street
4	Clark McKinnon	[Signature]	2/15/20	421-1st Albany NY
5	Alex Cornick	[Signature]	2/15/20	18 JUDSON ST
6	LARRY PARKER	[Signature]	2/15/20	452 CLINTON AVE
7	Roderick ...	[Signature]	2/15/20	10 JUDSON ST
8	JOSEPH A. RABER	[Signature]	2-15-20	460 ORANGE ST
9	Larry Goodree	[Signature]	2-15-20	10 Judson St
10	Pearl Williams	[Signature]	2-15-20	8 Judson St.
11	DAVID CRENSHAW	[Signature]	2-15-20	437 Livingston Ave.
12	Cordell Hutton	[Signature]	2-15-20	330 First St
13	Will Collins	[Signature]	2-15-20	33 McArdle Ave
14	Roosevelt Knox	[Signature]	2-15-20	261 1st Street
15	Andrea Mazon	[Signature]	2-15-20	10 Judson Street
16	Joseph Takach	[Signature]	2-15-20	518 2nd St
17	Henry Come	[Signature]	2-15-20	268 Second St.
18	Enith Perry	[Signature]	2-15-20	58 Judson Street
19	Ke-Shawn S.	[Signature]	2-15-20	11 Gardfield
20	Heckler Talin	[Signature]	2/15/20	687 Pearl St.
21	DENNIS Edney	[Signature]	2/15/20	444 Livingston Ave.
22	ED BUNCH F	[Signature]	2/15/20	73 PEARL ST
23	CLIFTON Collins	[Signature]	2/15/20	42 N. WYKE AVE
24	Melvonne Terry	[Signature]	2/15/20	75 Judson St.
25	MALCOLM BROWN	[Signature]	2-15-20	110 First St
26	KEVIN GABBIAN	[Signature]	2-15-20	293 First St
27	GLASSIE WILB	[Signature]	2-15-20	372 First St
28	John	[Signature]	2/15/20	399 Livingston St
29	Terry	[Signature]	2-15-20	300 Green St
30	[Signature]	[Signature]	2-15-20	25 Judson St
31	GEORGE D	[Signature]	2-15-20	353 CLINTON AVE
32	Riva H.	[Signature]	2-15-20	2nd St.
33	MONAY C.	[Signature]	2-15-20	355 2nd St
34	BOYKIN	[Signature]	2-15-20	
35	Andrew L. Ward	[Signature]	2-15-20	296 3rd St
36	DENISE SMITH	[Signature]	2/15/20	292 Second St.
37	NELISSA GABRIEL	[Signature]	2/14/20	353 Third Street
38	[Signature]	[Signature]	2/14/20	50 Judson
39	Debra J. Spod	[Signature]	2/14/20	467 Orange St

Name

Date

Address

Guo Jia 95

2/15/20

321 Second St

40			2/15/20	321 Second St
41	<del>Robert Grant</del>	<del>Robert Grant</del>	2/15/20	10 McPherson Terrace
42	SEAN DAVIS	Sean Davis	2/15/20	400 CENTRAL AVE
43	Derrick Rose	D.M.	2/15/20	403 First Street
44	Kapoteha Davis	Kapoteha Davis	2/15/20	
45	Jawane Thomas	Jawane Thomas	2/14/20	348 3rd St Alb
46	Shalanda Frederick	Shalanda	2/15	375 2nd Street
47	Scott Miller	Scott Miller		
48	Albert Venard	Albert Venard	2-15-20	270 S 2nd St
49	HARRY BATTLE	Harry Battle	2-14-20	32 Judson St. 1 Fl.
50	SHARON A Taylor	Sharon A Taylor	2-15-20	339 First St Apt 10
51	Bessie Keene	Bessie Keene		13 Lex Ave
52	Yoon M. O.	Yoon M. O.	2/15/20	354 Levins Ave
53	Carol Chaney	Carol Chaney	2/15/20	308 Second ST
54	Willie Chaney	Willie Chaney	2/15/20	308 Second ST
55	Ethel Ford	Ethel Ford	2/15/20	269 Second St
56	Jason Bryant	Jason Bryant	2-15-20	329 Second St
57	Wanda Boyd	Wanda Boyd	3/15/20	200 Third ST
58	Kenia Adams	Kenia Adams	3/15/20	307 1st
59	Latisha Johnson	Latisha Johnson	3-15-20	311 First ST
60	Jayne Johnson	Jayne Johnson	2-15-20	396 Second St.
61	Michael Phum	Michael Phum	2-15-20	346 Second St
62	Eric Bryant	Eric Bryant	2-15-20	346 Second St
63	Lee B. Bridge	L.B.	2-15-20	346 Sec.
64	Leo Buoboge	L.B.	2/15/20	313 First St
65	Colawson	CL	2/15/20	176 NORTH LAKE AVE
66	Theresa Wilson	Theresa Wilson	2/15/20	305 2nd ST
67	Adly Bump	AB	2/15/20	295 Second St
68	Randy Goff	R.G.	2-15-20	384 Livingston Ave Albany
69	Ray Goff	R.G.	2/15/20	23 Judson
70	William	William	2-20-20	36 2nd St
71	Ladara Beverly	Ladara Beverly	2/15/20	22 Judson St
72	Debra Cierch	Debra Cierch	2/15/20	3rd St and Judson St
73	Brittany Peterson	Brittany Peterson	2-18-20	2nd
74	Alh'mari Wells	Alh'mari Wells	2/15/20	2nd
75	Janette Frison	Janette Frison	2/15/20	383 Orange St
76	Shamece Morris	Shamece Morris	2/15/20	2nd Street
77	Barbara Cicada	Barbara Cicada	2/15/20	315 2nd St
78	Willie Chaney	Willie Chaney	2-15-20	308-2nd ST
79	Ray Uchida	Ray Uchida	2-15-20	299 2nd St
80	SPAN RIDEOUT	SPAN RIDEOUT	2/15/20	396 2nd ST
81	Gerald Fraser	Gerald Fraser	2-15-20	22 Judson St
82	Kesemaria Thomas	Kesemaria Thomas	2-15-20	474 Livingston Ave
83	DAVID SINDT	DAVID SINDT	2/15-20	32 Judson St
84				

Name

Date

Address

85	Lector <del>Lawson</del>	Lawson	2/15/20	18 Judson Street
86	Elmer	DeLorenzo	2/15/20	45 Judson St.
87	Monica Swift	Monica Swift	2-16-2020	270 Second St
88	Alinda Williams	Alinda Williams	2-17-20	356 Second St 1st-11
89	Tammy Easter	2. Easter	2-17-18	11 Robin St.
90	Julius Ringold	2/16/20		299 2nd St
91	Pilly Thompson	2-16-20		259 2nd St
92	Aeysha Updegraff	2/16/20		297 2nd St. Apt. 2
93	Gerald R	Robert S	2/16/20	516 Clinton Ave. Apt. 2
94	Yolanda Bule	10 Judson	2/17/20	516-494-9857
95	(Jerome Johnson)	346 3rd St	2/17/20	
96	Danielle Penn	433 Livingston Ave	2/17/20	518-330-8881
97	Constance Miles	323 First St	2/16/20	518-210-7104
98	Brian McEnnam	Brian McEnnam	2/16/20	333 Second St
99	Leanne	Malay	02-16-20	345 Third St
100	My-Qua Frankin	Boyd Hoff	02/16/20	343 8th St
101	Malala Gup	Michelle Cox	2/17/20	13 Judson
102	Shawna Wilson	S. um	2/17/20	312 3rd St
103	Jose Lopez	2/17/20		317 3rd St
104	BETTY PRICE	Betty Price	2/17/20	346 2nd Street
105	Lament Joseph	2/17/20		657 Third St
106	Wanda	2/18/20		155 Third St
107	James McKee	2/18/20		270 N. Pearl St
108	Cynthia	2/18/20		246 Second St
109	Orlando	2/18/20		61 Judson
110	Jaeyla Mashe			
111	Jermell	2/18/20		345 2nd street
112	Gary Patterson	2/18/20		300 2nd St
113	Thandi Williams	2/18/20		128 2nd St
114	Don Charles	2-18-20		302-FIVE-ST
115	Valerie Reed	2-18-20		446 513 9605 424 Second St
116	David Stevens	2/18/20		376 Second St 191
117	Naren Mergel	2/18/20		25 Judson St.
118	Sind/Seon	2/18/20		390-2nd St
119	Rechika Lelet	2/18/20		45 Judson
120	Godwin	2/18/20		200 Third St
121	Jason Wilson	2/18/20		260 Third St
122	Rob McDonald	2/19/20		150 JAV
123	2-19-20	2-19-20		119 Clinton Ave.
124	Robert	2/19/20		10 Judson
125	Robert	2/19/20		15 Judson St.
126	Nirough Boose	2/19/20		395 First Street
127	Yolanda	2-19-20		DAN AVE
128	Robert	2/19/20		323 First
129	Robert	2/19/20		315 5th St

Name

Date

Address

130	Donna 5	D.S.	2/19/20	331 Second St
131	Willie Welch	Willie Welch	2/19/20	301 Second St
132	Patticia Johnson	Patticia Johnson	2/19/20	58 Judson St.
133	Walter Bonneau	Walter Bonneau	2/19/20	376 1st St.
134	Leon Sear	Leon Sear	2/19/20	85 - Judson St
135	Trisha Thompson	Trisha Thompson	2/19/20	50 Judson St
136	Prichard Hemingway	Prichard Hemingway	2-19-20	297 2nd St
137	Charles Thompson	Charles Thompson	2/19/20	333 Second St
138	Michael Pearson	Michael	2/19/20	345 3rd St
139	Glenn	Joseph	2/19/20	95 N. Manning Blvd
140	Kaleaf Threast	Kaleaf	2/19/20	8 Judson St
141	Jaquua	Nasey	2/19/20	8 Judson St
142	Leon Sharpe	Leon	2/19/20	427 Livingstone Ave
143	Nita Montgomery	Nita Montgomery	2/19/20	5 Wilkins Ave
144	Cedric Johnson	Cedric Johnson	12/25/19	364 Orange St
145	Jason Bryant	Jason Bryant	12-19-20	329 Second
146	Lah-Zier Johnson	Jason	2-19-20	326 Second St
147	Sarah Johnson	Vicki	2-19-20	128 River St
148	Yolanda Marshall	Yolanda Marshall	2-19-20	339 Second Street
149	Jeff Laforte	Jeff Laforte	2-20-20	PLA Sales Local Rep
150	Rita P. Green	Rita P. Green	2/21/20	348 Second St

# **PETITION IN SUPPORT OF DELAWARE GROCERY**

**Located at 36 JUDSON STREET, ALBANY, NY 12206**

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By signing this petition, the signatory agrees and attests to the above stated purposes of this Petition, and affirms the following facts regarding Delaware Grocery, located at 36 Judson Street, Albany, NY 12206:

- (1) I am a resident of the City of Albany, New York, and reside in the West Hill neighborhood and/or Fifth Ward;
- (2) Delaware Grocery, located at 36 Judson Street, Albany, NY 12206, is not a general nuisance or a nuisance property, nor does Delaware Grocery pose any threat or danger to the health, safety or welfare of the West Hill neighborhood or Fifth Ward, or the City of Albany at large;
- (3) I support Delaware Grocery, and its continued operation by Faisal and Mustafa Nagi;
- (4) I oppose the Complaint of Nuisance, dated December 12, 2019, filed on behalf of Cristopher Spencer, Commissioner of Planning and Community Development and Chief Planning Official for the City of Albany, and Jahmel Robinson, City of Albany Common Council Member for the Fifth Ward for the City of Albany;
- (5) I do not believe that Delaware Grocery, or its operators, Faisal and Mustafa Nagi, cause, or have any connection or nexus to the violent and criminal activities that have allegedly taken place in or near, or in any proximity of Delaware Grocery, Judson Street, or Second Avenue;
- (6) I believe Delaware Grocery, and its operators, to be essential members of the West Hill neighborhood and Fifth Ward, as well as the City of Albany at large, as they provide essential grocery services to the area, that are essential to the families and residents of the area, and they are upstanding members of the community;
- (7) I have never witnessed Delaware Grocery to have operated in a manner that poses a threat to the health, safety and or welfare of the residents of the West Hill neighborhood or Fifth Ward.

(8) I recommend that the Complaint of Nuisance, dated December 12, 2019, be dismissed.

(9) I have read this Petition and agree with the contents hereof.

Number Signature	NAME (Print)	SIGNATURE	DATE	ADDRESS
1	James M. Lee	[Signature]	2/22/20	805 Lee St ALB
2	Nava Shu Graham	[Signature]	2/22/20	84 Clinton St
3	Lelia Shannon	[Signature]	2/24/20	343 Second St
4	Rayquan Franklin	Rayquan Franklin	2/24/20	343 Second St Albany
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Dudasha Gause 217 Schenectady NY 12303

Shawnta McCall 54 Beverly Ave.  
12206

518-815-0686

MATTHE PADDY 518-944-6142  
M.P.

Tuking Kinggold ~~360 689~~  
DAVID Sinclair 32 Judson St  
Shamika Dickse 425 1st St.

Lashunda Walden 518 330 5271

Lashya Gallawa 518-898-3390 27 Rob.

Natasha Davis 518-331-4376 C1 Ten

~~518-855-2204~~ Reynaldo Williams 3315 NORTH ERIK BLVD, back

Bu Quan Gilling 27 Robin St Albany

DeVon Stroman 440 Livingston Ave

Shahna Conrad 72 Judson St.

Rashida Williams 348 2nd St

Jarell Hawkins 85 Lexington Ave

Bruce Capen 1111 1/2 St. 2nd fl.

Prophetess McClad 1121 Livingston Ave

Steven Mackenzie 411 Clinton

Nikki Cook 52 Judson St.

Michelle Coe 13 Judson 491 6673

JOSEPH M. COMB 404 LIVINGSTON AVE 226-59

Lee Burbridge

Frances Austin 382 Livingston

(518) 209-8130

Hapretha Poye 440 Livingston Ave

518 984 9397

Yalala Olu 486 Clinton Ave

(518) 787-7821

Javhonte Edmundson (518)-364-0721

Shirleyqua Williams 8 Judson St.

Lilly Williams (606 4th & Troy way)  
475-343-0771

~~Debrah Marshall~~ (518) 826-85  
~~Debrah Marshall~~ 335 Second St  
818-9465

Rico with 245 Third St  
S. Lewis 364-5160

Latifah Love (518) 728-2118 532nd St

Kenneth Love (518) 612-9445

Margaret Love (518) 612-9445

Shalanda Fredericks 518-375-9444 395 2nd St

Todd & Ellen 518-375-0433

Tajimere Miles

Amazany Glass 518-764-6292

John Adams 315 North Blvd

JOHN JOHNSON 375 Second Ave

Paul Payne 518-453-8452

James May 32 Judson St.

Rylee Worthy 518-330-1st N Jud

Prycees Caldwell 593 Second St 17th Ave  
12206

Cathy Rish 429.1st

Michael Meadon 381 Second St

Pearl Williams (518) 253-2284

Rahm Grant (518-727-9893 10 McPherson  
Terrace

Al Hay 309 First Street

Deborah (518) 847-3813

Jerry Slaughter 518-229-1524

Julia Colon 929-339-8551 / 388 Second

Broune - 518 649-2518 Street

April 1981 - This was the park  
Audrey Gabbidon - Second St.  
Dorven

Daleh Sorrell  
Kessence Coles - 346 Second St  
Jennifer Thompson - 346 Second St.  
Eugene Wimbish - 349 Second St  
RUSSIAN SHABAZZ 2nd Ave

Lenore Clark 299 Livingston Ave<sup>apt #</sup>  
SHABAZZ EL Faraz 338 2nd St  
Terriona Immen 518-364-7595 Second St  
LASHAMBAY McKinnon 518-591-9789 First St  
BETTY J. PRICE 346 2nd Street Floor<sup>2nd</sup> 518-505-199  
Wélonne Terry 25 Judson 2nd floor 518-176-5

Shelli  
Shirley Penn  
Renna Carter  
Joshua Kirkleson

Nick Barnes AKA Looney  
Devine D Williams 168 3rd Ave (518) 512-56

Delawana Glen  
Ray-Quan Franklin 157 Southern Blvd  
Aneisa Dugger 157 Southern Blvd.  
Anthony Temple 343 Second St  
Curtis Johnson 346 Second St  
Jayne Johnson 346 Second St  
Shadasi Larsen 1575 Town send Bronx

Jayanna Daniel 362 Sheridan  
Shirley Vaughn 1008 Broad Way

Anthony Hemilla 19 Beekman St  
TERRANCE CLARK

JOSHUA WILLIAMS  
AARON WILLIAM S.

Lycia Williams

Quiesha Dewitt

Alyonne Dewitt

Haydwayne Dewitt

Shamir, Milner

Shamir Ross

Jutje Ross

~~Shamir Ross~~

~~Shamir Ross~~

~~Shamir Ross~~

~~Shamir Ross~~

Sega Johnson

~~Shamir Ross~~

Sean Lyfey - 396 2nd St.

Liah Johnson

Yetta Gillum

Talia Mason

Mar Lee

India Chaney

William Johnson

Akiem Hood

ISALINA FENTY

~~Isalena Fenty~~

Y&Yd TOMSBA.

Kashawn Washington

Kashawn Smith

~~Kashawn Smith~~

Edwin Williams

E. Cancer

U. Wells

Kateri. S

Bahmeik Marable

Dana Kornegay

(518)417-7588

We need our St  
Judson St.

Nysein Tolbert  
Aisha Snow  
Bashawn Tolbert  
Jaquan Tolbert  
Cassandra Kettings  
~~Don~~ Donald Adams

Yolanda Burke  
Dorrick Blue  
Aniya Hosendaw  
Anajah Hosenda

Laheem Johnson

Shaliva Johnson

Sabrina Marie

Bhauntell Gaddy

Naguan Reid

Shorn Ricks

Brian McLean

Bess Ann Keene

Jaequan Hughes

125 2nd St

Ann Hubbard 776 5837

Mary Berkley 462 3962

Acid M/S 439-3422

Jamy Parker 845/380-3469-452 Clinton Ave

Lawrence Berry 518-729-2656 394 Livingston Ave

Andrea Marzon 10 Judson

Lonje Cooks - 646 901 8955

Tiyshere McGuff 518 818-7401

Clark L. McKinnon 421 St Albany 12206

J. Randall

J. Williams Quanning

Ded Hughes

Marcy Doyle

Ching 429 Livingston Ave 2001 11

Lance Whitbeck 323 2nd St 1F (518) 977-8898

Sakineh Jackson 312 Third St

Nashiera Scott 222 Fourth Ave

Yasmine Jackson Downtown Park

Terrill Miller 200 Green St



Ashley Gusscott 27 Judson St 518-229-3975

Leon Smith 252 2nd St 518-364-3020

Demeris Smith 264 Colonie St 518-417-97

Princess Roberts 264 Colonie St 941-592-085

Emith King 58 Judson Street 518-577-7111

Michelle Cheermond 439 3rd St. (518) 210-3693

Jermaine Willingham 255 Northern A

Pedro Torres 276 Livingston Ave (518) 390-4008

Nicole Green 345 1st Street

A. Maul 518) 25-6-25-47

Roosevelt Kinned

you are a great store

R

83 Tenbroeck

Greg Smith

Dorothy Owens 518-986-5857

Damon Simmons 347 513-4324 581 Livingston

Shanna Rose 347-951-7929

Keisha Wright 518-221-2343

Shamar Brown 518-623-1503

Jessie Scott 518-275-0509

Joseph Takach 518 334-7018

Alfreda Williams (239) 645-7796

Kevin Gabbidon 925 1st

Jaeson DeOne 359 1st

Lesia Boyd 290 3rd St

Jason B. 355 3rd St

Thomas Price 346 2nd St

Chunls Hays (287) 1st Albany

Janequa Bell 424 Second St Albany 518 928-5852

Nicholas Apple 47 S Main St Albany 12-75

Tiffany Goss 42 S Main St 518 928-3910

Zesus 21st X 249 5th St Albany

Brian James - 82 on 2nd St

Tom Jansley

Shaneka Lamin 509 Yates Street

Kevin Lamy 509 Yates  
Joseph Saintfort  
Joshua B.

Eggy-Willis 315 Sun 1st

Ricardo Reyes 7 Manning sq.  
KAYONNA ALBON 2BC 2ND ST Albany NY  
Ry Ricardo 1st St Albany, NY

Julia Galtton 445 Livingston Ave.  
Robert M. Pinkley SGT. - Retired

Jayanna Martin 312 3RD 518-331-8477

Snake Klam 389 11th St

DASHAW Hines 301-7693808

DARRELL BAKER 518 542-8950

Brianna King 510 Clinton Ave (518) 330-6288

JODI PALMERO 518 299 2296

Joson Wilson 518 299 2296

Risha Marable 45 Judson St

Latricia Keene 45 Judson St

Kadayaisha Marriott 45 Judson

Beriah Starks 22 bleacher

Neville Watson Challenging me

at 518-231-4593 EARL

Karem Stevenson 4 Judson

X Johnny Williams R. Freedom

Clay Green 527 2nd

Tiffany Monson 518-88-9662

Stephen Mascher	368 Second St
Mike Billy	328 First Street
Ob Colley	St Judson St
Quetta Rouse	22 Judson St Albany NY
Shelia Rouse	24 Judson St Albany NY
Gerald Faser	22 Judson Albany
Michael McGugns	400 Orange
Marlee Slater	235 Orange St
Jimmie Merritt	456 Livingston Ave
Lee Bierbridge	313 First St
William Heitzig	316 First St
Ricardo Pladden	346 Orange St
Ajanara Butts	425 Livingston Ave
Hadeem Young	92 Ontario St
Lareya Young	92 Ontario St
Yashere'e Dobbs	417 State Street
Tahmeem Al-Qatil	353 Second St.
Essence Brewington	
Alex McCrae	437 Livingston
Dafahad'a Russell	88 Ontario
Shayanne Kinneard	96 Alexander St.
Katish Johnson (518 248-2923)	371 First St
Katrina Harrison	5 Bleeker terr
Robert Harrison	371 First St
Damick DeGroat	322 Robinson St
Kashawn Brewington	88 Ontario
Jamil Az-Zahir	221 1st St.
Toski Fekemaw	170 Lark Drive
Pastor Eric Bullen	185 Livingston Ave
Artis, Tameko	160 Colonie Street
Orlich C.	295 Clinton Av

Tomison Gray

Tatin

Annika Ward 181 Main St

John Spencer 450 second st

Michael Brown 110 First St

Ed Louie 159 First St Albany N.Y.

Lamar Wallace 511 Lark Dr

Derrick Moore 403 First Street

Simone Bauknight 10 Judson St

Corey Brown 263 second st

Lateek Williams 356 Orange St

Keyona Bostic Elk Street

Christine-lee Peertamsingh

Leeanna Maley

Dylon Peertamsingh

Stanley Kingston

Deon Charles

Mark Herrera

345 Hard Street

Grand George

Vanessa Caceres 394 2nd Livingston Ave

Bernice Caceres 395 2nd St

Adrian DANN 518-833-3732

Shari Jarver 518-530-8048 511 First St

Wesley Lowe 518-209-3929 24 Bogard Albany 122

S.B. & E.P.

Danielle B Lark Street

Tatiana Gonzalez

Shylisa Ford 123 Livingston Ave.

P. Ne'cole Williams First St 12200

Mahegan Gadson Clinton Ave.

Jade Ray Clinton Ave

Darrell Green 265 North Main Blvd

Jacob Whitbeck - (838) 200-0995

Lateefa Whitbeck (518) 776-4426

Jeanette Frison - (518) 805-5306

Lynda Whitbeck - (518) - 764-6625

Camera Whitbeck (518) 776-4426

Michael Dye (518) 512-6143

~~Harry Campbell~~ Jimmy Rogers - 358 Second St 2nd Fl & Ju

Samuila Lopez 518 542 5336

Kayleisha Lopez 518 229-0638

Mike Larry 518-229-0342

Jawane Thomas 518-506-4816

Monica Swift 518-3300559

Edward Bunch 518 414 8880

Anawele Thomas (518) 542-3353

Michael Richards (518) 877-8670

Rhonda Smith

Rizpah Harris 518-776-5415

Jermel Outley 518-801-6666

GEORGE DELAUGHTER 518-816-4685

Nyree Sheldon 518-952-5101

Sherry Francis 518 952-5101

~~Willie~~ 518-776-5377

Janice Jannuy 518 224 542

REX JACKSON 347 894 7000

JACKSON 11 elberon place

Melissa Oates 353 Cdonie Street

Darriphson 404 C. WINSTON AVE

Dar. & Johnson

Michael Wilmer (518) 330-2829

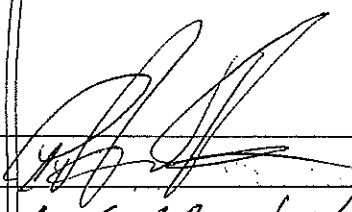
Kemeth Williams 518 366 8746

Chevis W. Terry (518) 278-6661

Stephie Terry (518) 977-3543

Pearl Douglas (518) 410-4787

Chris Dyer (518) 410 4786

  
Willie Weyen LEAVE THEM ALONE

Lanette Tolliver

~~Lequita Moore~~

Edgar Ray Regier

~~Paul Ray~~

~~Anthony Miranda~~

Drizzy

Tae B

Kyari ~~Mon~~

Leon. Skerwin

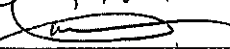
Rosalio Mendillo

Armando Guevara

Sacora Harrison

Alice Green

SHANNITA TAYLOR

~~V. ~~

Justin Kilduff

Monae Washington

Daniel Griffin

Angel Stewart 463 Livingston Ave Apt 2A

Keyiana T. CURTIS

Bellum ACUSTIA

Kang A. Guevara (Refugee Welcome Corp)

Sylvester CALDWELL

Chise Springs SR 379 Clinton Ave

Timothy Springs 379 Clinton Ave

ZYAIR FORT

Adrian Chod

Ashley Logan ~~1145~~ 809 Myrtle Ave

Lynette Hughes Bay NY

Sabrina Walters 350 1st Street

Perry Daniels 302 First Street  
 Sisie Johnson 215 Northern Blvd  
 Jannet McCall 50 Judson St  
 Damon Burton 314 First St Albany N.Y.  
 Willie Mae Turner 263 Northern Blvd  
 Aisha - Hakeem 67 N Lake Ave Albany NY  
 Michael Williams 345 Second St Albany NY 12206  
 LORNE JOHNSON SR. 632 Livingston Ave Albany, N.Y. 1220  
 MARY CANNARDO 275 Livingston Albany NY 1220  
 Molly Busby 372 Second St  
 Vanessa Thman 28 Bradford St.  
 William Harts 63 Myron Ave (Tray) 12218  
 Malcolm Terry 25 Judson St Albany NY 1220  
 Queen Williams 347-369-2790  
 Carlos Rivera 924-339-8503  
 CRAIG JONES 518-505-1810  
 Margitta Beaulieu Albany Centre Street  
 Jasmine Scott Centre Street  
 Ronai Miller 845-392-8655  
 Jessiah T 518-961-5796  
 Krystal Rivera 518 253 6532  
 Richard Hampton  
 Alina Rivera  
 Shanika Zelaya 518  
 Louissaint Alston  
 Theem Allah Wilmer  
 Deyja Cassel II  
 Amanda Johnson 518-506-7064  
 Patricia Isom (518)-8332699  
 David Ramseur 1318 390-34-85  
 Hale Gray 518 337 9502  
 Brian Jenkins  
 Ivory Lewis 518 209 6676

Henry, K 231 Clinton Ave Albany 12205

Henry Little 518-564-1001, 28 Beverly Ave  
Milita Maye 518 816 4515.

Latrecia Miles 518-818-7573

Mena Little (518) 541 3876

670 North  
Pearl

ORREL EVANS 1-929-304-2245

Alphonso Beverly 216-420 3258

Who brings drugs & guns to the hood  
904-444

Michael Hinkson 254 Third St Albany

Mustafa Johnson

518-3609127 354 011st

Karique Lopez

Jeff Grossman

JAAC

518-929-9694

518-432-446

Justin

Smith

Jermell

Williams

518 432-3346

Marcus Paige

518-4321-7321

Lector Lawson

18 Judson St Albany New York 518

Winfield Nicholson

332 E 10th Pl (518) 888841

(518) 542-9395

George Hughes

60 Judson St

518 488-3266

Juan Chiles

Zhaine Fletcher

Turner

(518) 300-6535

Dominique Williams

Draymond Rawlins

Thomas

Herbert Rawlins

Terrill Abner

Berald Russell

Casha Darling

Gregory Smith

Ken Anderson

David Stevens

Leon RMB

Valerie Tubbs 518-818-9757



Danny Rich

ATM Rab

413-214-3185

Sarah Kucha

Melissa Ford

518-596-7122

TOMOS FORROS

Mohamed

Rayleen Cooper

Rayshawn Franklin

Shakira McBee

Shani Reddick

Lance Mitchell

~~Alvin Hood~~

Alvin Hood

Amosjee glass

2918 50th St

Rafael Hernandez

610 Clinton Ave

Apt 1 Alb. New York

LINDA THROTON ALBANY NY

Jeffrey Butler Albany NY

Alvin McQuinn Clinton Co Albany NY

Shanice Hamilton

193 Livingston Ave

230 Green St. Apt. 2d

Khari A. Hillman 37 Tyler Drive Terrace

Nathalia Green  
(518) 360-8885

1st st Albany NY

- JIHAD HENDERSON

518-912-9251

Contractor - states, it's a  
Respectfully Business owner  
And willing to support his  
idea of Sedess. Please call  
for future details.

Angela R Coleman  
(518) 334-1050

Amont Joseph 518-418-9307

657 Third St A

Jason Howell  
Grobin st

Robert Bish  
Edith White 5 pine st Albany NY  
Daniel McDuff

Anthony Temple  
343 Second St Albany NY.

Dennis L. Edney  
444 Livingston Ave  
Alb. NY 12201

Debra Williams  
404 Livingston Ave  
Alb, Ny 12206

Eileen Johnson  
50 Twiller St (House)  
Albany NY 12209

Dharmira McGregor  
382 Livingston Ave Apt. 1  
Albany NY 12208

Donte Bruce  
330 1st 12208  
Albany,

Yolanda Wally  
572 3rd St  
Albany Ny 12206

Alfred Hemingway  
270 N. Pearl St.  
Albany Ny 12207

Shenrich Carter  
260 Peradridge  
Albany NY 12208

Jeannette Reid-Flowers  
442 Elk St.  
Albany NY 12206

Lisa Reid  
442 Elk St  
Albany New York 12206

MAVIN A. Mooneff  
86 Woodland Ave  
Albany, NY  
12208

Bird Jones  
74 Frederick St  
N. Adams MA, 01244

Pat Mooneff  
86 Woodland Ave  
Albany NY  
12208

Lisab Clark  
19 Lexington Ave  
Albany N.Y. 12206

Michael McCreary  
318 First St.  
Albany N.Y.

Tinisha Johnson  
511 First St  
Albany n.y. 12206  
Jay-melba Hays

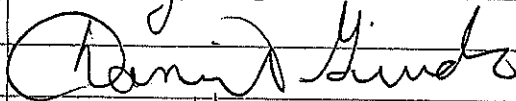
339 Second Street Fl. 2  
Yolanda Marshall  
339 Second Street Fl. 2

Allen Zuckery  
244 Clifton Ave  
Albany N.Y.  
Winston Marshall

DEVON King  
296 Sheridan AVE  
ALB. N.Y. 12210

Nickie Brown  
671 Adams St Albany NY 12208

DANIEL GUIDO  
349 Second St  
ALBANY, NY.



Dorrell Knuts  
Kandaga Bill PS

ERICA VANCE

Louis ~~Waller~~ 1990 ~~Waller~~

~~Washington~~  
Washington

Ronda NUNES  
44 FIRST ST  
ALBANY NY 12210

Helen Battley  
400 Central Ave 23H  
12206

Michael Mitchell  
26 N. Swan Albany, New York

Vincent Harris  
63 Alexander St

Marcina Deen  
113 Lark St  
L. Tucker

Colleen Hatten  
326 Second St Apt 2



# CODE CASE DETAILED REPORT CODE19-33078 FOR <CENTER>CITY OF ALBANY<BR>

Case Type: Code Enforcement	Project:	Opened Date: 11/15/2019
Status: Closed	District: Albany	Closed Date: 12/23/2019
Assigned To: Joshua Gold	Description: 36 Judson St. -- nuisance property	

Parcel: 65.55-6-32	Main	Address: 36 Judson St Albany, NY	Main	
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Owner  
Abdo M Nagi  
36 Judson St Albany, Ny 12206

Violation Code: NYS PMC 304.13	Violation Status: In Compliance	Citation Issue Date: 11/18/2019
Code Description: Window, Skylight and Door Frames		Compliance Date: 12/23/2019
Corrective Action: Side boarded up window needs to be replaced with a new window.		Resolved Date: 12/23/2019
Make sure to obtain all necessary permits.		

Violation Code: NYS PMC 304.5	Violation Status: In Compliance	Citation Issue Date: 11/18/2019
Code Description: Foundation Walls		Compliance Date: 12/23/2019
Corrective Action: Side foundation needs to be properly repaired.		Resolved Date: 12/23/2019

Violation Code: NYS PMC 302.7	Violation Status: In Compliance	Citation Issue Date: 11/18/2019
Code Description: Ext Property Areas, Accessory Structures		Compliance Date: 12/23/2019
Corrective Action: Fence on the side of the property needs to be properly repaired and replaced.		Resolved Date: 12/23/2019
Make sure to obtain all necessary permits.		

Violation Code: NYS PMC 605.1	Violation Status: In Compliance	Citation Issue Date: 11/18/2019
Code Description: Electrical Equipment, Installation		Compliance Date: 12/23/2019
Corrective Action: Open electrical boxes on the side of the building need to be properly secured.		Resolved Date: 12/23/2019

Violation Code: NYS PMC 308.1	Violation Status: In Compliance	Citation Issue Date: 11/18/2019
Code Description: Accumulation of Rubbish & Garbage		Compliance Date: 12/23/2019
Corrective Action: Pallets in the rear of the property need to be removed and cleaned up.		Resolved Date: 12/23/2019

Inspection Number	Inspection Type	Inspection Status	Inspection Date
INSP19-036755	Code Site Inspection	In Violation	11/18/2019 5:31 am
Inspector: Joshua Gold			
Checklist Comments:			

INSP19-036827	Code Site Inspection	In Compliance	12/23/2019 12:52 pm
Inspector: Ryan Rusiecki			
Checklist Comments:			









# **WUSTEFELD**

## **CANDY CO., INC.**

111 Paine Street • Green Island, NY 12183

518-272-5600

FAX 518-272-5690

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Mon, Feb 17, 2020

To whom it may concern ;

Hello, my name is Michael Richards, I am a salesman from Wustefeld Candy Company. We have been doing business with Abdo Nagi of Delaware Grocery located at 36 Judson street in Albany NY, since August 21 1995.

Delaware Grocery has always been an excellent Customer to our Wustefeld family. We deliver to them twice a week and they have always paid in the agreed upon terms without fail every time month after month year after year. Abdo the owner and his employees are nothing short of a pleasure to do business with. If you find you have comments or questions please do not hesitate to call me or speak to anyone at our Wustefeld family at 518 272-5600.

Sincerely,

Michael Richards  
  
Wustefeld Candy Co.

Jeff LaPorte  
29 Plank rd  
Troy NY. 12182

Regards to ;  
Deleware Grocery  
36 Judson st Albany

To who it may concern,

I have done business with the owners of Deleware grocery for approximately 25 years now. They have always been honest, decent, and good people. They have always paid their bills, owing me \$5,000 TO \$6,000 at a time. They have a nice neat clean store. The people in the neighborhood respect them, and never hassle me. This neighborhood was a lot worse years ago. They provide a needed service to the community, and have no impact on any events that occur in it.

Sincerely, Jeff LaPorte

A handwritten signature in black ink, appearing to read 'Jeff LaPorte', with a long horizontal flourish extending to the right.

# Dzembo's Dairy

To Homer it may concern

Delaware Grocery been a customer  
of mine for over 20 years and  
service with Milk, Butter Eggs  
cheese Dressing ice and other  
Dairy products. Also we never  
had problems with him and I  
Don't know ~~why~~ that people want to  
close his store the problem is  
outside of the store.

Thanks  
Joe Dzembo