

CITY OF ALBANY  
BOARD OF ZONING APPEALS

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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.

**COMPLAINT OF NUISANCE  
AT 36 JUDSON STREET,  
ALBANY, NY**

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

CHRISTOPHER 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 as and for a complaint  
pursuant to Albany City Code §375-5(G)(5)(a)(i) that 36 Judson Street is a nuisance property  
state and allege as follows:

1. It is our conclusion, based on consideration of City of Albany records and neighborhood complaints, that 36 Judson Street is a 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.
2. The nuisance at 36 Judson Street has resulted in three shooting deaths in its vicinity in the last year, most recently on December 7, 2019, along with a continuous and unbroken pattern of incidents which have seriously undermined the safety and livability of the West Hill Neighborhood over the course of several years.
3. 36 Judson Street is located in the City of Albany's Fifth Ward and City of Albany Common Council Member Jahmel Robinson is the Council Member for that ward.

4. 36 Judson Street is a mixed-use building which is home to a convenience store called Delaware Grocery.
5. Delaware Grocery is a small convenience store which sells a small amount of household items, alcohol, cigarettes and assorted snacks.
6. There appear to be residential apartments located in the upper floors at 36 Judson Street, though it is unclear at this time whether those units are occupied.
7. 36 Judson Street is situated at the corner of Judson and Second Streets in a densely populated section of the West Hill Neighborhood.
8. Within 350 feet of 36 Judson Street are roughly 135 occupied, multi-unit residential townhouses.
9. Over the past year, incidents in the vicinity of 36 Judson Street involving patrons of Delaware Grocery have grown increasingly violent despite the City of Albany Police Department's best efforts to control and calm the situation there.
10. These efforts have included increasing police patrols, installing cameras, increasing lighting, and generally increasing presence and visibility at the corner of Judson and Second Streets, all to address the growing nuisance at 36 Judson Street and Delaware Grocery.
11. Notwithstanding this, the situation at 36 Judson Street has only grown worse.
12. Early in the morning on December 7, 2019, Ahmad Fleming, 33, was shot and killed outside of 36 Judson Street while patronizing Delaware Grocery at 36 Judson Street.
13. This was the third shooting death in a year that involved patrons of Delaware Grocery in the vicinity of 36 Judson Street.

14. On October 14, 2019 at about ten in the evening, Kenneth Love, 20, was shot and killed outside of 36 Judson Street while patronizing Delaware Grocery.
15. Just over one year ago, at 7:50PM on December 10, 2018, Dalon Blunt, 28, was shot and killed outside of 36 Judson Street while patronizing Delaware Grocery.
16. A teenager was also shot in the leg as part of the December 10, 2018 incident resulting in the death of Mr. Blunt, but thankfully the teenager survived.
17. In addition to these three shooting deaths, numerous instances of near-deadly violence have occurred at 36 Judson Street in the recent past.
18. Another shooting occurred outside of 36 Judson Street on August 25, 2019, though it appears that luckily on this occasion no one was hurt.
19. On July 9, 2019, two more individuals were shot, one in the ankle and the other in the shoulder, outside of 36 Judson Street and Delaware Grocery.
20. Early in the morning on May 26, 2019, a young woman was shot while outside of 36 Judson Street while loitering among and with a group of customers patronizing Delaware Grocery.
21. The Albany City Police Department was forced to break up large scale fights involving customers of Delaware Grocery outside of 36 Judson Street on October 14, 2017, April 7, 2018, May 2, 2018, March 15, 2019, and May 5, 2019.
22. On August 10, 2017, October 14, 2017, April 7, 2018, April 24, 2018, October 12, 2018, November 7, 2018, November 16, 2018, November 19, 2018, December 9, 2018, March 15, 2019, March 30, 2019, and April 21, 2019 Albany Police Officers had to respond to disperse large groups of Delaware Grocery patrons who were acting aggressively among themselves or to passersby.

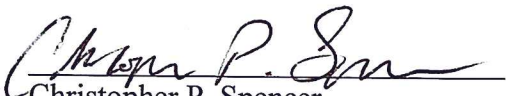


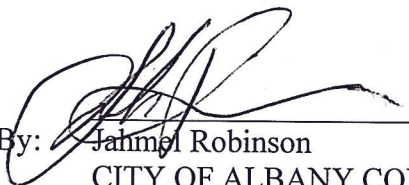
23. On November 30, 2018, Albany City Police were called to 36 Judson Street to treat a customer of Delaware Grocery with a severe laceration to his hand which appeared to have been incurred during the course of a fight there.
24. A November 18, 2019 inspection by the City of Albany Buildings Department found numerous building code violations at 36 Judson Street, including boarded up windows, flammable rubbish accumulation, unsecured electrical boxes, and a crumbling foundation.
25. What is described above is likely only a portion of the troubling incidents which have continued to crystallize around Delaware Grocery and 36 Judson Street as neighbors have expressed unwillingness to report crimes they witness in the vicinity of 36 Judson Street for fear of retaliation by Patrons of Delaware Grocery.
26. Over the past year 36 Judson Street and Delaware Grocery has become a hub of intractable violence and it is only a matter of time before this unacceptable trend results in further death and injury.
27. It is critical that 36 Judson Street is addressed as quickly as possible to prevent further bloodshed there and to remove this crippling nuisance to the West Hill Neighborhood.

**WHEREFORE**, we respectfully request that the City of Albany Board of Zoning Appeals schedule a public hearing pursuant to Albany City Code 375-5(G)(5) for the purpose of determining whether 36 Judson Street is a nuisance property and, upon a finding that it is in fact a nuisance and after the owner is provided a reasonable time within which to terminate the nuisance, an order terminating the use of the building for two years.

Dated: December 12, 2019  
Albany, New York

Respectfully submitted,

By:   
Christopher P. Spencer  
COMMISSIONER OF PLANNING  
& COMMUNITY DEVELOPMENT  
CITY OF ALBANY

By:   
Jahmel Robinson  
CITY OF ALBANY COMMON COUNCIL  
MEMBER FOR THE FIFTH WARD