This document provides the timeline of this project and description of the issues surrounding it.

Summary:
This rowhouse development was built as one property with joint roofs, porches, driveway and garages. In 1970 or around that time it was subdivided into separate units; however, the deeds did not include any provision for shared maintenances of common areas such as porches, roofs, driveways, and garages. The maintenance of these areas can be achieved only through a cooperative effort of individual owners since the units share porch foundations, porch framing, roof lines, etc. Changes done to the one affect the next unit.

This lack of shared responsibility created the situation where some owners who do want to maintain their property can’t do it because the neighboring owner is not interested or unable to do so; or where the changes are made to individual units without adherence to the original design or consideration for the adjacent unit.

Unfortunately, due to the failing condition of 572 Park Ave porch, we had to remove it first in order to replace it. See our first permit and supporting images. However, the structural issues of the neighboring porch prohibited us from moving forward. With the guidance of Vince DiBiase, we put our project on hold to let the Building Department deal with the other properties. Later on the owners of 570 Park made repairs and alterations to their porch that don't follow the original design of the porch structure. So now we are in the same situation as we were 5 years ago where we cannot rebuild our porch to its original design unless the adjacent property corrects the situation. One would reasonably expect for the whole rowhouse to adhere to the same original design now and in the future.

Timeline:

**During 2013**: we discussed the deteriorating condition of 572 Park Ave porch and overall conditions of the rowhouse porches with Vince DiBiase in person. We also met at the property. We discussed the permit to rebuild 572 Park porch. In the meantime, we added an additional 4x4 column to 572 Park Ave porch to support the failing main column.

**4/30/2014**: Rich Nicholson and the planning department received the application for exterior porch rebuilt
5/13/2014: we received a building permit to rebuild the exterior porch, which allowed us to start the process and tear it down

End of May, 2014: removed the old porch and met with Vince DiBiase at the site to discuss the issues with 570 Park Ave porch and our options to continue the process of rebuilding our porch. The obvious option was for the City to get 570 Park Ave to make the necessary repairs. Please see “572 Park Ave Porch 2014 document”, slides 7 – 9 (rotted foundation supports, rotted framing, added concrete blocks and wood pieces to help support the porch foundations – slide 8, etc.).

During 2014: we waited for a response from the Building Department on what to do next with our porch rebuilding process.

End of March, 2015: met with Vince DiBiase to discuss refiling the permit from 5/13/2014 since it was expiring. Per Vince DiBiase suggestion, on 4/17/2015 we applied for a permit to not rebuild the porch due to the condition of the adjoining porch. The receipt for permit application 2015 is included in the paperwork.

4/21/2015: The permit not to rebuild went from Vince DiBiase to Rich Nicholson. (please see the copy of the email where we follow up on the permit – included at the end of this document)

Summer 2015: the work started on 570 Park Ave porch without a permit. We called the Building Department and the stop work order (red tag) was issued for 570 Park Ave. Later that day, the work continued (the contractor was digging on our property near our gas line), we called the Building Department again and the orange tag was issued for 570 Park Ave. The contractor who was also 570 Park Ave tenant was uninsured, never called Dig Safe and never asked for permission to be on our property. The attempts to discuss the issue of fixing the porches (in cooperation with each other) with the owner of 570 Park Ave led to nowhere.

Three feet wide, four feet deep hole dug by 570 Park Ave contractor/tenant was left open on our property. We filled up the hole and after seeing this the contractor/570 Park Ave tenant physically assaulted and harassed me (John Rodick), the result of what was the court, 5 days in jail for him and 2-year order of protection for me and my family. Shortly after this experience, we moved out from this property.

Fall 2015: Work on 570 Park Ave porch continued, resulting in the wrong placement of the shared porch foundation support and unaddressed elevation issues. Please see “Structural Issues of Park Ave Rowhouses Porches” document. Please note that we did not receive any communication about the repair of 570 Park Ave porch nor any plans or discussions on how we would replace our adjoining porch structures. The Building Department reassured us that we would be informed of any action on the porches at the Park Ave rowhouses so we could include and plan our porch rebuild.
9/18/2015: Rich Nicholson returned our permit application not to rebuild the porch to Carlo Figlomeni with the comment “For review – no action here” (this is according to the information provided by the City).

December 2016: we received a letter from the City of Albany saying that 572 Park Ave porch was not in compliance with the City Code.

December 2016: met with Robert Magee, Director of the Building Department and discussed with him that we had a permit application that was filed in 2015.

12/23/2016: Robert Magee emailed us back saying that application that we filed in April of 2015 was denied on 6/11/14 (please see the attached email). Please note the denial date doesn’t fit the timeline. We immediately asked for a copy of the denial letter, which would have allowed us to go to BZA and have our due process. We still have not received any paperwork regarding our permit application from 2015.

1/20/2017: our lawyer sent a letter to Mr. MaGee asking for a copy of the letter denying our permit from 2015. In that letter our lawyer also addressed the reasons why we are unable to rebuild the porch due to alterations done to 570 Park Ave porch and that we need City’s help with this process. Note: we never received a response to this letter. The copy of the letter sent by our attorney is attached dated January 20, 2017.

4/19/2017: we received a violation for not having a permit to tear down 572 Park Ave porch. This violation was dismissed shortly thereafter after meeting with the City Lawyer since the permit was filed back in 2014.

3/7/2018: we received a violation that said we must obtain a building permit for our temporary steps that were temporary and now became permanent.

4/26/2018: in response to the violation from 3/7/2018, we met with the City Attorney and we all agreed to refile the permit filed in 2015 (the one that we never received a response to).

6/22/2018: we refiled the permit from 2015 not to rebuild the porch. We have not received anything on this application thus far.
7/5/2018: we received a notice to go to court. The paperwork claimed that we did not comply with the agreement to apply for a permit to have our porch rebuilt. This paperwork was filed Robert Magee, who became the new City lawyer.

At the end of July: we (our attorney) met with City lawyer MaGee and upon his recommendation filed another permit to replace the porch at 572 Park Ave with steps and a landing. We filed the permit as discussed.

8/6/2018: we received a denial letter from the Planning Department
Attachment 1: Emails regarding the permit application not to rebuild the porch:

----- Forwarded Message ----- 
From: Vincent Dibiase <vdibiase@albanyny.gov>
To: "jlrodick@yahoo.com" <jlrodick@yahoo.com>
Sent: Friday, June 5, 2015, 8:56:52 AM EDT
Subject: Re: Park Ave Row-houses, Albany, NY

The building permit application is still under review with planning. As far as the rest of the porches on that block I have two building inspectors Ron and Adam performing inspections today and will follow up with Notices to the owners.

Sent from my iPhone

On Jun 2, 2015, at 8:21 PM, John Rodick <jlrodick@yahoo.com> wrote:

Dear Mr. DiBiase and Mr. Nicholson,

We are following up on our message and phone calls in regards to the Park Ave Row Houses. The issues are as follows:

1. The status of our building permit filed over 6 weeks ago, which includes not to re-build our porch because of the structural issues of 570 Park Ave; re-side the back of our house; and put a fence up.

2. The structural and safety of the rest of the porches in the row-house and other code violations.

3. Quality of life issues at 570 Park Ave that directly affect us: animal harborages, garbage, tarps, and overall unsightliness and unsanitary condition of 570 Park Ave.

Could you please let us know what is the status of these issues are? We feel somewhat frustrated since we live with these problems and unsightliness every day for the past several years. We hope you understand and can work with us to improve this neighborhood.

Thank you.

John and Alena Rodick
Owners of 572 Park Ave, Albany, NY

On Tuesday, May 12, 2015 6:48 AM, John Rodick <jlrodick@yahoo.com> wrote:

Dear Mr. DiBiase,
I went to 200 Henry Johnson Blvd to follow up on the building permit for the porch yesterday. As you may remember, I filed a building permit to remove the porch without rebuilding it due to structural and safety issues of the attached porches in the Park Ave row-house.

I spoke with Richard Nicholson yesterday. Mr. Nicholson reviewed the file with pictures I submitted with the permit application and agreed that something needs to be done with the other porches; however, he did not give me any indication of how long this process will take.

Could you please let us know how we can move this process along as it appears that nothing has been done with the permit at this time?

Regardless of the permit process, there are still no changes with the safety/structural issues of the rest of the porches and unsightliness of 570 Park Ave porch with garbage, blue tarp hanging all over it, and animal harborage around the property.

Thank you,

John Rodick
518-461-7539

--------------------------------------------
On Mon, 3/30/15, Vincent Dibiase <vdibiase@albanyny.gov> wrote:

Subject: RE: Fw: Park Ave Row-houses, Albany, NY
To: "John Rodick" <jlrodick@yahoo.com>
Date: Monday, March 30, 2015, 5:05 PM

Have received we will be re-inspecting the street this week..

-----Original Message-----
From: John Rodick [mailto:jlrodick@yahoo.com]
Sent: Monday, March 30, 2015 3:24 PM
To: Vincent Dibiase
Subject: Re: Fw: Park Ave Row-houses, Albany, NY

Dear Mr. DiBiase,

Could you please confirm that you received our email and two attachments? We just want to make sure we sent it to the right email.

Thanks.

John
and Alena Rodick

--------------------------------------------
On Thu, 3/26/15, John Rodick <jlrodick@yahoo.com> wrote:
Subject: Fw: Park Ave Row-houses, Albany, NY
To: "vdibiase@albanyny.gov"
<vdibiase@albanyny.gov>
Date: Thursday, March 26, 2015, 6:08 PM

Dear Mr. DiBiase,

I just realized that I sent the email to your old address, so I am forwarding it to your current email.

Thanks.

John

Sent from Yahoo Mail on Android

From: "John Rodick" <lrodiick@yahoo.com>
Date: Tue, Mar 24, 2015 at 8:39 pm
Subject: Park Ave Row-houses, Albany, NY

Dear Mr. DiBiase,

Thank you for taking your time to look into the problem with the row-houses on Park Ave, Albany. I am attaching two documents (PDFs) with pictures and annotations to this email. One of them is showing the condition of the porches in this row-house. I shared these pictures with you last June. Since then, the porches have deteriorated even more.

Second document shows the poor and unsightly condition of 570 Park Ave property – the one that affects us the most on a daily basis.

We bought our house 5 years ago and we have been dealing with the landlord of 570 Park Ave for all these years in hope of cleaning up the problems that affect our quality of life here. At times, the landlord and its tenant have been cited by your office and DGS for the issues but nothing has changed and is actually getting worse. We would like to continue making improvements to our property and our neighborhood; however, at this point we are not sure how.
We would greatly appreciate any help, advice and input from your office.

Thank you.

John and Alena Rodick
Owners of 572 Park Ave, Albany, 12208
518-461-7539
John,

I’ve had a chance to talk to the relevant parties about this. To address your points, we’ll push the compliance date back to February 6. By that time we’ll need either a new application for a permit to demolish or rebuild the porch. It appears that the 6/11/14 permit was denied by Planning. I’m attaching the information you’ve asked for regarding the porch at 570 Park Ave.

If you have any questions, please don’t hesitate to ask. Enjoy your holidays in the meantime.

Robert Magee, Director

City of Albany

Department of Buildings & Regulatory Compliance

(518) 434-5995 • (518) 434-6015 Fax

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From: John Rodick [mailto:jlrodick@yahoo.com]
Sent: Friday, December 16, 2016 10:08 AM
To: Robert Magee
Subject: 572 Park Ave Porches Follow-up

Hello Robert,

I would like to thank you again for taking the time to meet with me to discuss our property at 572 Park Ave., Albany, NY 12208. Attached is the PowerPoint presentation with pictures of the porches that I showed during our meeting.
I would also like to follow up on the 3 items:

1. In regards to the letter from the City of Albany Department of Buildings & Regulatory Compliance, dated December 7, 2016, could we please receive something in writing postponing the compliance date ordered on this letter.

2. We would like to hear back on the status of the permit we filed around 6/11/2014, and

3. We would like to see architect/engineer’s report for 570 Park Ave porch so we have something to show to my engineer/architect.

My wife and I look forward to working with your office to finally resolve the issues with the rowhouse porches.

Thanks and have a wonderful holiday season!

John and Alena Rodick

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