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By email: citycouncil@troyny.gov
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Members of the Troy City Council
City of Troy
433 River Street
Troy, NY 12180

RE: Resolution 55
2nd Avenue Apartments Project, 1011 2nd Avenue

Dear Members of the Troy City Council:

Dating back to September 9, 2020, Scenic Hudson has written on several occasions to both the City Council and Planning Commission to express the concern for a proposal to rezone the tax map parcel number 70.64-1-1 at 1011 2nd Avenue from R-1 to Planned Development District (P). We have also expressed the need for a Positive Declaration and a full SEQRA review, including and Draft Environmental Impact Statement (DEIS), for the above-referenced project. We write today to reiterate these requests and to urge you to vote against Resolution 55, which would authorize a Negative Declaration on the proposed rezoning and proposal for 231 apartment units at the site.

Based on our Staff review of the Applicant's Environmental Assessment Form (EAF) and other supporting documents, Scenic Hudson believes that the combination of the proposed rezoning and development would likely result in one or more adverse environmental impacts and, as a result, under the provisions of SEQRA would require a Positive Declaration. Further, we request a 90-day public scoping process so that residents and stakeholders can assist the Council in identifying impacts that should be addressed in the Environmental Impact Statement.

The Rezoning would be Inconsistent with Troy's Comprehensive Plan

Under SEQRA (6 NYCRR § 617.7(a) (1)), the standard for a Positive Declaration is whether the action "may include the potential for at least one significant adverse environmental impact." As we have indicated in past letters, the rezoning from R-1 to P and subsequent increase in density from 40 to 231 units on parcels indicated as Low Rise Residential in the recently adopted *Realize Troy* Comprehensive Plan would conflict with the Plan. Given that N.Y. General City Law Section 28-12 (a) requires that "All city land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section,"¹ the rezoning considered in Resolution 55 would violate this Section of N.Y. General City Law and should not be approved.

***Realize Troy*—based on robust public input**

Urban Strategies, Inc., the planning firm hired by the City to draft *Realize Troy*, describes the Comprehensive Plan as a three-part community planning initiative developed with a "strong focus on public consultation, both

¹ <https://codes.findlaw.com/ny/general-city-law/gct-sect-28-a.html>

in-person and using a variety of social media channels, and aimed to establish a clear vision and set of action strategies to address both the current and future needs of the City.” Urban Strategies’ website states that the Comprehensive Plan established “a clear community-based vision and action plan to guide the city’s overall development over the next 20 years” and *Realize Troy* identified “short and longer-term community needs, reinforced and confirmed a set of broadly supported community goals and created a blueprint for future government actions.”²

We bring this to your attention as a reminder that *Realize Troy* was created in the context of a robust public engagement process that resulted in an explicit statement of the City’s vision for itself, including the land use future for the subject parcel and surrounding neighborhoods. *Realize Troy* envisions the parcel as remaining in Low Rise Residential use and, in fact, identifies another nearby site as appropriate for the scope and scale of development that would be made possible by this rezoning. As a result, if granted, the requested rezoning would permit three, four-story buildings with between 230 and 250 multi-family units. This scale of development would directly conflict with *Realize Troy*’s recommendations of three story buildings and the community’s vision for low rise development at the site.

If the rezoning were to be approved, the visual context and community character of this district would no doubt be impacted as well with the change from a woodland into a high-density development area. This could lead to negative impacts on surrounding property values. In addition potentially significant negative impacts on public health are anticipated related to ecosystem service loss, increase in particulate matter related to traffic and increased density, and adverse negative health impacts related to a higher surface albedo and urban heat island effect. These impacts, including flood risks on the property and downstream properties, are anticipated to significantly increase due to climate change.

Environmental Justice Concerns

In addition, the subject parcel is located in a New York State Department of Environmental Conservation (NYSDEC)-designated “Potential Environmental Justice Area.”³ According to the NYSDEC’s website:

”Environmental Justice is the fair and meaningful treatment of all people, regardless of race, income, national origin or color, with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Environmental Justice allows for disproportionately impacted residents to access the tools to address environmental concerns across all of DEC’s operations.”⁴

²<https://www.urbanstrategies.com/project/realizetroy/#:~:text=Realize%20Troy%20is%20a%20three,a%20city%2Dwide%20comprehensive%20plan.&text=It%20will%20establish%20a%20clear,over%20the%20next%2020%20years.>

³https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHagZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area_PEJA_Communities/FeatureServer&source=sd

⁴ <https://www.dec.ny.gov/public/333.html>



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The NYSDEC’s definition of Environmental Justice includes the Indigenous Peoples who lived here before the coming of the Europeans and who still live in New York today. It is our understanding that representatives of Indigenous Peoples have expressed historic ties to the subject site, which is eligible for listing on the National

Register of Historic Places. In fact, the applicant’s Project Narrative indicates there are eight locations of archaeological artifact concentration on the site. Therefore we believe the City Council should consider potential adverse impacts on this archeologically sensitive site in this NYSDEC-designated Potential Environmental Justice Area.

Conclusion

During the development of the *Realize Troy*, undertaken with robust public involvement and adopted by the City Council just four years ago, it was not anticipated that the undeveloped, wooded parcel at 1011 2nd Avenue would be an appropriate place for intense development, in the case of the 2nd Avenue Apartments, 231 multi-family units, an increase in density of about 666% permitted in the current zoning. In fact, *Realize Troy* specifically includes this parcel in the “Low Rise Residential” land use category permitting buildings up to three stories, below the rezoning request that would permit four-story buildings.

Finally, given the well-documented archaeological sensitivity of the site, concerns raised by representatives of Indigenous peoples, and the site’s location in a Potential Environmental Justice Area, we urge the Planning Commission to take seriously comments and concerns expressed by representatives of Indigenous peoples with ties to the site.

In conclusion, Scenic Hudson believes that the proposed rezoning and clearing of land on this archaeologically sensitive site, in combination with potential impacts related to community character, habitat, and traffic impacts, warrants a hard look, which would not result should the City Council issue a Negative Declaration.

For these reasons, Scenic Hudson urges you to oppose Resolution 55 and, if development is to be considered on this site, it should be reviewed in the context of Low Rise Residential land use as proposed in *Realize Troy*, the R-1 zoning district, and be subject to a SEQRA review as required by Part 617.

Thank you for your consideration,

A handwritten signature in black ink that reads "Jeffrey Anzevino".

Jeffrey Anzevino, AICP
Director of Land Use Advocacy