

From: Friends of the Mahicantuck friendsofthemahicantuck@gmail.com

Subject: Workshop 02-15-2022 on 1011 "2nd Avenue Apartments

Date: February 15, 2022 at 1:55 PM

To: All Council AllCityCouncilMembers@troyny.gov, citycouncil. citycouncil@troyny.gov

Cc: Maria.DeBonis maria.debonis@troyny.gov, Steven.Strichman steven.strichman@troyny.gov, Friends of the Mahicantuck friendsofthemahicantuck@gmail.com



Dear Members of the Troy City Council,

Re: SEQR of the 2nd Avenue Apartments Project at 1011 2nd Avenue, Troy NY.

The construction of three four story apartment buildings (with approx. 50ft in height) with a total of 231 units is proposed. Pursuant to this construction, the applicant also requests a change in zoning code from R-1 Single Family Detached to P Planned Development.

However, the requested new zoning code does not support the construction proposed by the applicant, and the required variances would be substantial and excessive.

Allowable under P Planned Development	Proposed Development
80 units ^{A, C} (overall density not to exceed 8 units)	231 units (188% above permissible maximum)
40ft building height ^B	Approx. 50ft according to submitted plans

^A §285-57 D. Overall residential density. "Not to exceed eight units per acre."

^B §286-57 E. Lot characteristics by residential use, other residential: "Maximum building height: 40 feet".

^C The overall permissible density is the foundation for any subsequent provisions that might specify density for specific circumstances - the overall density as detailed in §285-57 must not be exceeded.

The applicant states he will seek a variance to accommodate. There are specific "tests" for the issuing of a variance. Two of these are a) substantiality of the variance and b) to ascertaining whether or not the need for a variance is the result of the **owner's self created difficulty**.

The table above shows that the variance would be **substantial** (188% above permissible maximum density).

Further, the need for a variance is the result of the **owner's self created difficulty**, considering that

- the owner knew about the current R-1 zoning of the property at the time of purchase,
- that the property was zoned as R-1 for a long period of time, and
- that the requested new zoning code (P Planned Development) for which a variance would be sought was requested by the applicant himself.

Variances needed would be substantial and excessive and would not meet the rules set forth in General City Law section 81-b(1)(b), Town Law section 267(1)(b), and Village Law section 7-712(1)(b).

The application is not providing information for an action that could be legally built under the new zoning code requested by the applicant.

We are concerned that the SEQR of this development and zoning code is mute, as the application is defective because the action can not be legally permitted.

The public is therefore confused about what is being reviewed under SEQR, as the application does not provide any information on a proposed action that could be reasonably built under the requested new P Planned Development zoning code.

Please add this letter to the public record.

Thank you.

The Friends of the Mahicantuck

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February 13, 2022.