

**Minutes of the  
TROY CITY COUNCIL  
PLANNING MEETING  
May 11, 2021  
6:00 P.M.**

Due to the COVID-19 crisis, this meeting was held remotely via videoconference.

The meeting was called to order at 6:00 p.m. by Committee Chair Cummings.

Pledge of Allegiance

**Roll Call:** The roll being called, the following answered to their names: Council Member Ashe-McPherson, Council Member Steele, and Council Member Cummings, Chair. Council Member Gulli, Council Member Zalewski, Council Member McDermott, and Council President Mantello were also present.

In attendance were Corporation Counsel Richard T. Morrissey and Commissioner of Planning & Economic Development Steven Strichman.

**Public Forum:**

The following individuals spoke regarding Resolution 35:

- Annie Jacobs
- Dominic Herald
- Grace Nichols
- James Kruegler
- Jessica Bennett
- Keith Hirokawa
- Leo Matteo Bachinger
- Rachel Carter
- John Romeo
- Jamie Easton
- Kevin Vandenburg
- Adam Schultz

The following individuals submitted written comments regarding Resolution 35, which are appended to these minutes:

- Alexander Stephen Hanse
- Carolyn and Laszlo Bardos
- D. Colin Charlestin
- Ellie Irons
- Adam & Evangeline Fisher
- The Friends of the Mahicantuck
- Hana van der Kolk
- James Kruegler

- John Raup
- Laura Rabinow
- Liz Maloney
- Mickey Dobbin
- Kristoph DiMaria
- Sarah Pezdek

Commissioner Strichman provided an update on the rezoning project.

**35. Resolution Declaring The Troy City Council “Lead Agency” For Review Under The State Environmental Quality Review Act (“SEQRA”) Of A Request To Rezone And Proposal To Develop Tax Parcel Number 70.64-1-1 (Council Member Gulli) (At The Request Of The Administration)**

Council Member Steele moved to call the question; motion passed 2 ayes, 1 no (Cummings).  
Resolution passed 2 ayes, 1 no (Cummings).

**Adjournment**

The meeting adjourned at 7:59 p.m.

A video recording of this meeting is on file at the City Clerk's office.

## Written Public Comments

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I am a resident...in the historic "Little Italy" neighborhood of South Central Troy. With the warming weather and longer days the changing of the seasons has brought us, I find myself strolling 3 blocks west most days to sit by the river, chat with neighbors and residents spending their evenings fishing and lounging with friends and loved ones, and reflect in the peace and calm as another astounding sunset ushers us into the evening.

The only problem is that, instead of being greeted by the gates of a park, or a gently wooded, ornamentally gardened landscape, I step over the crumbling asphalt of Front Street, across an acre of fractured concrete, rusting iron, piles of gravel in their final form as burial mounds for a waterfront that once bustled with industry. But that industry has moved on, leaving the boarded up buildings and concrete ramparts once alive with the off and on-loading of ships as dead, solemn monuments to a time now decades past, and a community that once relied on this waterfront buffer for employment making do around the remnants for their rest and relaxation. Troy is lucky for the few businesses that occupy the long warehouses and manufactures of old that dot Front, River, and First Streets, for a perceptive mind knows that no life will be breathed back into this area, at least, not as it existed in Troy's economically prosperous and now historically celebrated past.

In contemplation of these acres of industrial decay that are all too common in our humble city along the Hudson, I recall the last several lines of Shelley's timeless sonnet, "Ozymandias":

*Look on my Works, Ye Mighty, and despair!  
Nothing beside remains. Round the decay  
Of that colossal Wreck, boundless and bare...*

Our moments in this life seem infinite and continuous, the work we do of the utmost importance, the people who make up our families and neighborhoods and the very nature of our society across these moments, in *this* moment, permanent fixtures. And yet, they are merely moments; the sum, a current carried forth like the boundless river our city was founded on the banks of now several centuries ago.

Those banks of the mighty Hudson River all those years ago were once lined with old-growth forests of chestnut, hickory, maple, fir; teeming with animal life: bald eagles and Peregrine falcons dominating the air, the brackish water teeming with sturgeon and striped bass, the bottom carpeted by oysters and the banks by terrapin oysters, deer foraging and black bears hunting on the islands; the indigenous peoples hunting, gathering, farming, thriving on the fertile lowland soil and in the rich forests of the land surrounding what they called the *Mahicantuck*, the river that flows two ways.

This history of life and a land unspoiled has all but been erased, replaced with recent memories of European colonization and settlement, and the cities and industries that rose and fell in its wake, leaving us with a story of Troy exemplifying an era that left us with beautiful architecture and a richness of innovation and creation. However, this story is not the complete picture.

The forests that make up the area of 1011 2nd Avenue are the last remnants of that natural history of our city. We are a city that has been *rewarded* by historic preservation: our neighborhoods are frequently used for backdrops in period films and programs for their completeness and their residents commitment to their upkeep over one-hundred years later; weekend visitors to our Downtown Farmer's Market pouring out of Riverside Park onto streets and through neighborhoods nearly identical to the way they appeared when they were first built, admirable of the stunning diversity in architectural styles and accompanying details. Simply clear cutting this area, forcing countless species away, and depriving the neighboring residents of their peaceful view of this area while creating a man-made floodzone by removing effective, natural means of storm- and melt water abatement, for the construction of increasingly familiar and uninteresting, homogenous "five-over-one" apartment buildings would be an all-too familiar loss for this city.

I implore you to consider what will remain when those wooden structures inevitably fall out of vogue, or outlive their hurried construction and are torn down, leaving another asphalt field along the river in our city, another eraser mark in the earth for someone to tread and contemplate the past. The rowhouses of the neighborhoods around Washington Park have survived nearly 200 years now with committed investment by residents, and almost all of the Victorian manufactures of Troy have now been stabilized and rehabbed into beautiful loft apartments. **I wholeheartedly believe that, in one-hundred years time, Washington Park and it's surrounds will remain mostly unchanged. I cannot say the same for Starbuck Island, or the Vicuna lofts, or any proposed development at 1011 2nd Ave.**

The task of land appropriation and development is a monumental task, in consideration of our past, the needs of our residents and neighbors now, and what kind of legacy we will be offering up to the future. The industrial development of our riverfront necessary for the economic expansion of our city left behind in its wake scars in the form of decaying infrastructure and waste-- rotting metal, empty buildings, and barren land.

We, as New Yorkers, have learned from the mistakes of our past, and realized that the vision of a healthy society is one that marries the needs of our society with a healthy natural environment and a thoughtful approach to development. This is carried out through the State Environment Quality Review (SEQR) Act, an in-depth and total approach to development that holds all factors equal when considering what to build where, and when. Had something similar existed a century ago, I might now be strolling several blocks over to my forested, waterfront state park, and not standing among the concrete ruins, imagining for myself and my neighbors a better use of our waterfront.

**The City Council must vote no on Resolution 35 and let the Planning Commision, the panel of experts the city already tasks with how we develop or redevelop the lands of our city, complete the SEQR process.** If the Planning Commission remains the Lead Agency, they will be undertaking a process they are well-versed in to determine how development betters the city for all residents. **As elected members of the City Council, I truly hope that you share the same desire for development that is good for the members of your district directly, and all city residents.** Developing our city at the expense of our residents to enrich a few developers should run counter to your, *our* intentions, yet I find myself writing this letter.

Increasing the housing stock of our city is desirable, as it encourages new residents to move here, and serves to stabilize rents across the city as tenancies shift, and vacancies are filled up over

time. We should be encouraging investment and re-development of our housing stock that currently exists. Walk through any neighborhood in any part of Troy and you will see two-to-four story buildings dotting neighborhoods with their familiar red Xs, warning our brave firefighters that should a tragedy befall any of these buildings, they are deemed unsafe and are not to be saved. Rehabilitating the old Lindy Hardware building at 285 Second Street and the Fortress at 1 Jackson Street would exceed the proposed 240-unit development for 1011 Ave. alone while providing the same waterfront views. Rehabilitating the dozens of properties that lie vacant and decaying in South Troy alone, not to mention immediately Downtown, in North Central up to the Hill, and throughout the gridded streets of the 'Burgh would create hundreds of new units that are integrated into existing neighborhoods, encouraging familiarity and identity with your neighbors and your surroundings, rather than cloistered, sterile complexes unceremoniously plopped in parking lots that leave current resident wondering who and what exactly their neighborhood is for.

I thank you for taking the time to read this. I invite any member of the City Council to meet and walk with me through the neighborhoods they represent to reacquaint themselves with the bones of our beloved city, discuss what a prosperous, and beautiful future for *everyone* might look like, and imagine how we can fix the ruins we were left with, as opposed to creating more of them.

Warmest regards,

Alexander Hanse  
Troy, NY

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Please vote NO on Resolution 35, which, if passed, would allow for the city council to be the lead agency in a State Environmental Quality Review, regarding the proposed development of a wooded parcel of riverfront land located at 1101 2nd. Ave in Troy.

The city planning commission is best suited to be the lead agency in a SEQOR, which is required by state law and absolutely necessary to protect land, waterway, and community.

Please vote NO on Resolution 35 tomorrow evening.

Sincerely,  
Carolyn and Laszlo Bardos  
Troy, NY

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There are a number of significant reasons to vote against the development of the Mahicantuck land. Those that stand out to me are first that the community has been outspoken already against development. To vote in favor of this rezoning is to go against the wishes of the constituents you represent as well as the recommendations of the planning commission from last year. It makes me ask who exactly is this development for, how will it impact the surrounding community and what motivation is there to ignore the voices of the people who collectively have signed petitions and spoken out against rezoning.

Another stand out reason for me is the opportunity to preserve indigenous land and history. Instead of the city supporting a project to tear down this forest, I ask why the city does not encourage historical markers, an inclusive process with indigenous leaders and collaboration with the landowner so that the community can learn and benefit from the land in its natural state. And not for nothing, there are other vacant properties not only in Lansingburgh but throughout Troy that would suffice as a location for this type of development without having to destroy this natural space.

Lastly, I have major concerns about the compliance or rather lack thereof of this resolution to New York State law and what it does to the process of applications submitted by developers in Troy. The process of focusing and voting on rezoning reads as the city taking a favorable position with development despite all the prior recommendations against development which for me is rooted in using this planning committee as a loophole rather than operating with integrity. I encourage you to consider all of that to vote no to this resolution.

Sincerely,  
D. Colin Charlestin  
Troy, NY

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I am writing to express my concern around the process for re-zoning 1011 2nd Avenue, and in opposition to resolution 35 declaring City Council lead agency on the SEQRA review. To make my position clear: I have written several times prior to oppose re-zoning. I was present to hear the Planning Commission recommend against re-zoning at a recent meeting. I think their logic was sound and the City Council should accept their conclusions based on the expertise of those members.

Additionally, in terms of SEQRA review, I've learned it's been proposed that the City Council be the lead agency for the review. From what I understand, this is highly unusual. The Planning Commission is generally lead agency on SEQRA reviews, and should be in this case as well.

Thank you for your time and consideration.

Sincerely,  
Ellie Irons  
Troy, NY

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As a resident whom will be directly impacted along with my neighbors who live a quiet, peaceful life( when home)please vote no on this resolution and if further research and proper guidelines are used, the only ones whom have the experience and are in place for these exact reasons, leave it in the hands of the planning committee and continue to protect the rights of the property owners whom work hard to keep up their pride in their property and enjoy the animals, trees, sunrise and sunsets and tranquility without the noise and traffic of 246 new residents, not to mention having this project "butt-up" against our property lines and fences and walkways and driveways which have been verbal easements amongst neighbors for years( legal in New York State).... those of you whom have homes, ide ask( would you want this in your

backyard)?????Do your appointed job and do what's best for the longtime residents and not the big business men who feel money overrides the everyday taxpayer! There are much more appropriate places to put this development without taking forests, water access, Birds, small and Large animals not to mention blocking views of Gods creation of sunrises and sunsets and just life's free and simple pleasures! These homes are where we chose to Live our Lives through retirement..... leave us to enjoy what we've worked all our lives to attain.....peace and tranquility....PLEASE!

Adam & Evangeline Fisher  
Troy, NY

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We hereby submit to the record an addendum to our previous letter regarding the incomplete application attached to Resolution 35.

As you know, SEQR can only be initiated based on a complete application that provides sufficient information to **all involved agencies to meaningfully participate in the review process.**

We already pointed out that the developer failed to submit a written outreach plan required to consider the application complete, as established in CP-29. This plan is a critical safeguard for vulnerable communities and you should not act on Res. 35 to initiate SEQR until this discrepancy is rectified.

Additionally, we also want to draw your attention to the developers application regarding his plans for the tax parcel located in the Town of Schaghticoke. The developer states in his application that he plans to "construct stormwater infrastructure" on that parcel in the Town of Schaghticoke and lists the Town of Schaghticoke as involved agency for that reason.

His application and project narrative **do not provide any substantive plans or descriptions** for the part of the action under review that regards this parcel and/or the stormwater infrastructure. The best indication for the applicant's plan are a vague circle labeled "Stormwater" in the concept plans.

**This is not sufficient information for the Town of Schaghticoke to meaningfully participate in the review process.** SEQR requires the receiving agency to provide the application, including adequate and meaningful information to all parts of the action under review so that all involved agencies have the needed facts to participate in the review. The application is incomplete. The receiving agency is responsible to ensure that the application is complete. Res. 35 should be withdrawn until the application is complete.

**Based on these major insufficiency in the application you should withdraw Res. 35 until a full application including written outreach plan and details on all involved activities have been submitted.**

Thank you,  
The Friends of the Mahicantuck

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Dear Anasha Cummings,  
Planning Committee (Chair)

Please find attached letter regarding tomorrow's (May 11) meeting on Res 35. In this letter, we explain:

The application on which Res. 35 is acting remains incomplete as it does not fulfil the requirements established in DEC CP-29 Section V Subsection D-1.

**The Committee and Council should not act on Res. 35 until the application is complete and a public outreach and engagement plan was submitted and approved.**

Thank you for your consideration,

The Friends of the Mahicantuck

[attachment below]

We are submitting this letter to you and to the record for the meeting on Tuesday, May 11 2021, pursuant to Res. 35.

The application on which Res. 35 is acting remains incomplete as it does not fulfil the requirements established in DEC CP-29 Section V Subsection D-1.

“Where a potential environmental justice area is identified by the preliminary screen, the applicant shall submit a written public participation plan as part of its complete application” (DEC CP-29 — Section V — D-1).

This requirement applies for this type-1 coordinated SEQR review involving the DEC for an action affecting a previously identified Potential Environmental Justice Area1, which was acknowledged by the applicant's representative on January 28, 2021, as shown in the record.

**The Committee and Council should not act on Res. 35 until the application is completed and a public outreach and engagement plan was submitted.**

## **SIGNIFICANCE.**

The applicant for a development at 1011 2nd Avenue, Kevin Vandenburg, has not followed the requirements established in DEC CP-29. He failed to submit a written outreach and engagement plan. CP-29 establishes that such a plan is needed for an application to be considered complete. The Friends of the Mahicantuck drew attention to CP 29 at Planning Commission meetings on December 29, 2020 and on January 28, 2021. At the January 28 meeting, the applicant's representative acknowledged these requirements:

“It [the CP-29 Environmental Justice safeguards] may sound scary but really what it has to do with is information ... the DEC has certain areas ... in which they want additional public notification, that is all it is. [...] They would normally post it in the newspapers and some people don't get that so that's why I think that's why they do those Environmental Justice Areas” (Jamie Easton on behalf of the applicant; January 28, 2021, see 2).

2 <https://www.youtube.com/watch?v=1s2lmabsgUA>



1 [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/rencselaerej.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/rencselaerej.pdf)

CP-29 was created to afford additional protection and participation opportunities for particularly vulnerable groups. The applicant's dismissal of safeguards to prevent harm and environmental injustices as "scary sounding" is troubling<sup>3</sup>.

The enhanced participation process is intended to allow "for disproportionately impacted residents to access the tools to address environmental concerns".

It is critical that the City of Troy holds the applicant accountable to all obligations involved in safeguarding against harm and negative impacts. Especially, as the applicant has not shown initiative to do so on his own, despite — for example — the Planning Commissioner's urging:

- In **May 2020** the applicant presented his project ideas to the public via Zoom (a recording of which is no longer publicly available on the City of Troy website). The Planning Commissioner emphasized at that meeting the importance to seek input from indigenous leaders.
- Similarly, SEQR emphasizes thorough investigation of impacts, including on cultural resources. The land at 1011 2nd Avenue contains not only archaeological, but also critical **cultural** resources for Indigenous Nations. The distinction is significant, as cultural resources impact peoples that are alive and draw on these resources **today**. This means, a proper investigation of impacts on cultural resources must include **consultation with representatives of the affected indigenous nations, instead of treating them as a matter of the past**.

CP-29 establishes minimum requirements for the outreach plan components (see CP-29 Section V Subsection D). These include public meetings. However, as the applicant did not take initiative to facilitate any form of meaningful outreach and engagement, we encourage the Committee and Council to insist on a robust, thorough plan that ensures meaningful engagement inclusive to all involved parties, including all indigenous peoples with historical ties to the lands.

As long as a robust outreach plan is not submitted to complete the application, as per CP-29, the Committee should not act on Resolution 35 to initiate SEQR.

Thank you.

Friends of the Mahicantuck  
[www.save1011.org](http://www.save1011.org)  
[FriendsOfTheMahicantuck@gmail.com](mailto:FriendsOfTheMahicantuck@gmail.com)

<sup>3</sup> The Friends of the Mahicantuck hold that environmental injustices sound scary; however — different to the applicant's representative — to us policies to safeguard against said injustices do not sound scary.

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We are reaching out as we are concerned about the City Council's extraordinarily unusual step to declare lead agency on a SEQR review for a development project — a role that the Planning Commission has consistently taken on, and NOT the council.

Our group, as well as the public, is increasingly concerned, and asks: **WHY NOW? WHY FOR THIS PROJECT?**

We are asking you to **NOT** support Res 35 as it is currently written and **INSTEAD** pass a resolution to initiate SEQR without a declaration the City Council intends to act as lead agency. The Planning Commission should be lead agency in this review, as it was consistently for reviews of this kind in the past.

**1) The Planning Commission was consistently lead agency for this kind of review. With good reason:**

As you most likely know, the council's plans to declare itself lead agency is an extraordinarily unusual step given past precedent. In the last years, the City Council was only lead agency for reviews that involved issues such as bonding and water main issues — issues where the City Council is the principal permitting, reviewing or funding agency.

For SEQR reviews for major development projects such as the project at 1011 2nd Avenue, the **Planning Commission has consistently been the lead agency** of SEQR reviews, including development projects that require a rezoning.

This SEQR is for the entirety of the project, including site plans, building plans, etc. The rezone is a conditional (or “discretionary”) action contingent of the review of the entirety of the project. Rezoning and other permitting decisions are to be made only **AFTER** the completion of SEQR.

This means that during the — months, if not year long — review process, a vast majority of questions the lead agency will have to address will regard issues that the Planning Commission is routinely examining. The majority of questions that need to be addressed in the SEQR far exceed the responsibilities and are substantially different to the core expertise of the Council. On the other hand, the Council will still play an important role regarding questions of rezoning as an involved agency.

**2) SEQR is the most important mechanism to prevent harm to the public. Significant mistakes ALREADY JEOPARDIZED its integrity.**

We want to again emphasize the importance of this review. **This is the most important process to prevent harm against the public and negative impacts to our community, natural resources and the city overall.**  
**THIS PROCESS NEEDS TO BE TAKEN SERIOUS.**

Yet, Council Member Gulli had to withdraw the initial resolution at the last committee meeting for major mistakes in the application and for clear violations of SEQR's prohibition of “segmentation. **The EAF as part of the application was NOT EVEN SIGNED AND DATED.**

**We are also worried that the current application attached to Res. 35 is incomplete and hence an adoption of Res 35 is premature.** We will provide further details on the matter ahead of Tuesday's meeting after additional research.

This is a major flaw in what should be the simplest and most straight-forward step in this complex, long, and critical process to **PROTECT OUR PUBLIC.**

### **3) The Council taking over after the Commission's recommendation raises the impression of politically motivated intervention**

We are worried, that this unusual step gives the public the impression that the **city council is trying to take control from the planning commission** over the most important processes to prevent harm to the public and avoid negative impacts.

As this step comes after the Planning Commission already made a recommendation regarding the rezone alone, we heard from multiple members of the public that they **suspect political motivation to inform this extraordinary step.**

We do not necessarily share this impression, but we certainly share significant concerns over the integrity, consistency and thoroughness of this most important review processes.

### **4) The Planning Commission is an independent body removed from political pressures.**

At the January meeting of the Planning Commission, the planning commission made a recommendation against rezoning 1011 2nd Avenue. Did you watch said hearing?

If you did, you will see that there were multiple other projects under discussion, some with SIGNIFICANT public opposition. In all the cases the Planning Commission did make their conclusions objectively and often despite strong public pressure.

On the other hand, the members of the City Council face reelection in November. This exposes them to significant political pressure that can jeopardize the integrity of this review.

#### **FOR ALL THESE REASONS:**

We know that you take the integrity of the important process established in SEQRA serious. We know you understand the importance, extent and thoroughness required when it comes to preventing harm to the public and avoiding negative impacts to our communities, natural resources, and the city overall. The Public expects a **pos dec** and full scoping process for this review.

This process demands the expertise of the Planning Commission. It demands distance from the kind of daily political pressures that the City Council is much more exposed to, especially during an election year.

For all these reasons, we are reaching out to you, hoping you will weigh in in support of declaring the Planning Commission as lead agency and NOT the council.

**The council planning committee should not pass Res 35 as it is and instead amend Res 35 (striking section 1) or pass a new resolution that initiate SEQR WITHOUT declaring lead agency.**

Thank you for your consideration,  
The Friends of the Mahicantuck

I am unable to be at the council meeting this evening but would like to add my voice to the opposition to resolution 35.

City Council should absolutely not be the lead agency for the SEQR review for the development of 1011 2nd Ave in Troy. The planning commission should be the lead agency as it has been on all other developments of this type. Once a lead agency is established I join many other residents of Troy in demanding a full scoping process. This proposal for the City Council to be the lead agency on the review feels like a move to avoid the demands of hundreds of residents of Troy that 1011 2nd Ave, the last remaining woods on the river front not be developed and an important historical site

Thank you  
Hana van der Kolk  
Troy, NY

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My name is James Kruegler, I live in Troy, and I am writing to you in opposition to the requested zoning change for 1011 2nd Avenue (Tax Parcel 70.64-1-1) and in opposition to Resolution 35 declaring the City Council as "lead agency".

The City Council should NOT be "lead agency" for this review. This would be the FIRST TIME the City Council takes the lead on a development review. Since the City Council will be reelected in November, consistency in the coordination of this review process is critical to prevent harm and avoid negative impacts to the community.

INSTEAD: The Planning Commission should obviously be "lead agency". It has been the lead agency in every previous major development review of this kind. It has the resources to coordinate this review, which is likely to take months if not the better part of a year. It has the expertise to address the majority questions relevant to the review — these are questions about building impacts, site plans reviews, community appropriateness, design impacts, etc. The proper and formal procedures already in place must be followed. By not adopting Resolution 35, you would be simply asking the developer to follow the proper legal processes by submitting a formal application for his development plans, as per SEQRA. The public expects a "positive declaration" and a full scoping process, once a lead agency has been established.

The "Sacred Forest" at 1011 2nd Avenue is the city's last untouched forest along the Hudson River as well as a nationally significant (National Register eligible) indigenous heritage site with artifacts dating back to 1500-3000 B.C. The indigenous peoples maintain ties to this land that grew over 5000 years. For them, this is sacred land. It is unique for its history and cultural heritage.

This forest is unique. It is part of our history. It is an important indigenous cultural and historical heritage site. It has a rare and important ecology, with protected species. It protects the city and contributes to public health. It deserves our protection!

Thank you.

James Kruegler  
Troy, NY 12180

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My name is John Raup. I live in the town of Brunswick.

I am writing to you in opposition to the requested zoning change for 1011 2nd Avenue (Tax Parcel 70.64-1-1) and in opposition to Resolution 35 declaring the City Council as "lead agency".

**My opposition to Resolution 35 is:**

1. **The City Council should NOT be the "lead agency"** for this review.
  - This would be the **FIRST TIME** the City Council takes the lead on a development review.
  - The City Council will be reelected in November. Consistency in the coordination of this review process is critical to prevent harm and avoid negative impacts to the community!
2. **INSTEAD: The Planning Commission should be "lead agency"**
  - It has been the lead agency in every previous major development review of this kind
  - It has the resources to coordinate this review, which is likely to take months if not the better part of a year.
  - It has the expertise to address the majority questions relevant to the review — these are questions about building impacts, site plans reviews, community appropriateness, design impacts, etc.
3. **The public expects a "positive declaration" and a full scoping process**, once a lead agency was established

Respectfully submitted,

John Raup  
Troy, NY 12182

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I'm writing with respect to Resolution 35 to voice my concerns about this proposal.

First, the application appears to be incomplete per DEC CP-29 Section V Subsection D-1, which requires a public participation plan. This plan is a key part of what constitutes meaningful involvement - a cornerstone of environmental justice provisions in our laws and regulations.

Second, I am concerned that, as someone who's worked in environmental policy in New York State, the City Council would act as the lead agency in the SEQR process. To have a (part-time) legislative body act as a lead agency is highly unusual. It raises questions about not only oversight in a complicated and specific process that that body is largely unfamiliar with - and the lack particularly resources devoted to adequately shepard that process - but, about whether or not it has the necessary expertise and experience relevant to the process, which would more likely exist in an environmental or planning commission/department.

I urge you to at the very least table the vote on this resolution until there is a complete application to consider. Thank you for your time.

Regards, Laura  
Laura Rabinow  
Troy, NY

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I'm writing to express my concern over the proposed project to build a multi-residential building at 1011 2nd Ave. in Troy. I believe that the city needs more greenspace, which is a large draw for recreation boaters and bikers, and this site is not suited to new development.

As a lifelong resident of the city, I urge you to not continue considering any new resolutions to move this project forward.

Very truly yours,

Liz Maloney  
Troy, NY

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I am writing as a resident of Troy NY in regards to Resolution 35 at tonight's meeting.

What I have to say is simple, to make the Planning Commission the lead agency for the SEQR review at 1011 2nd Avenue and not the City Council

I don't really know what else to say, since making yourselves the lead agency would be unheard of and wildly inappropriate on so many levels. As a working archeologist I will be beyond shocked that you would vote to not make the agency in your own city government meant for this propose the lead agency at such a sensitive site. As a member of this community I would be upset that you would ignore the calls from your very constituents and experts on this matter to benefit just one developer.

All I can say is think back on what you hear tonight, and in the past and think how many have voiced their concerns about this project and if all the proper steps are being followed, and about how many have voiced their support for this project wholeheartedly, and then ask yourself, who do you represent, all the people of this city, or just one wealthy developer.

Thank you,  
Mickey Dobbin  
Troy NY

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I am writing yet again to oppose Resolution 35 considering approval of the proposed development of 1011 2nd Ave. in Lansingburgh.

The broader community of constituents, including myself, and residents with proximity to this site, have previously shared our concerns regarding this proposed development. We have brought

to your attention issues of environmental impact, indigenous land solidarity, infrastructural impact, resident ire, the city's inadherence to their own covenants, the cost to developer and taxpayers, as well as several other aspects that strongly support opposition of Resolution 35. Please reexamine this evidence in addition to recent developments that further the case for opposition.

I share in many constituents' concerns with the site review impending as part of this resolution. The City Council must reconsider positioning themselves as the lead agency to administer this SEQR. There is no precedent of the City Council ever leading a development review to my knowledge. What is your specific plan and protocol for becoming and maintaining a role as lead agent? How will you specifically inform and include the public in these proposed changes? How will you ensure that each member and the body as a whole are accountable for whatever consequences emerge from your decisions? I think the City Council is making a mistake to experiment with this leadership model with such a contentious development review.

I also capitulate that this is an election year for City Council members. It is quite likely that there will be significant turnover within the council electorate after November. Your duty and responsibility to consistency in the coordination of this review process and others within the city is paramount to their success. Please consider the likely negative impact to our community if this review becomes lost in the shuffle as several of you exit the City Council next year.

It is my observation that the Planning Commission would be best suited to serve as the lead agency for a major development review of this ilk. They have presided as lead agent over every previous major development like this to my knowledge, and they have the resources to coordinate the review beyond the election cycle. The Planning Commission's focus is a reflection of their expertise in assessing the review's complexities including various impacts and site plan reviews. I also have confidence that they will include the public in an active, transparent way that your constituents will value and residents will appreciate. Please consider continuing to empower those who have already demonstrated their ability to manage these reviews. Shifting the role of lead agency to the City Council does not appear to be the best choice.

Please oppose Resolution 35.

Thank you for your time and consideration.

In earnest,  
Kristoph DiMaria  
South Troy

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I am writing with regards to Resolution 35 on the Troy City Council Planning Committee agenda on May 11,2021.

I have been present at every meeting, since last August, revolving around the issue of 1011 2<sup>nd</sup> Ave, and the potential development that would destroy this last waterfront forest along the Hudson River in Troy, NY.

I have spoken, I have listened – and I continue to wonder .... Have you?

Have you really listened to the voices of your community? Have you really listened to the expert testimony from attorney's, environmental advocates and scholars from esteemed organizations such as Scenic Hudson and Riverkeeper? Have you listened to the voices of the Indigenous leaders expressing concern for further erasure of their history and identity, and this sacred native land? Have you listened to the neighbors next door, and across the street from this land whose lives are most affected by YOUR decisions? Have you even listened to your own Planning Commission, who voted AGAINST rezoning for this project? To my understanding, you were not even present at their vote, only to now call their thorough and well-reasoned decision into doubt as hasty, or one that is giving in to public pressure.

The only thing I have witnessed from the majority of this council, throughout this project, is your willingness to bend the rules to suit the developer. Since this project was first brought to the table it has been met with overwhelming local and region wide opposition. YOUR community has spoken up loudly against it, yet their pleas for preservation of this land by denying the rezoning, for following the rules, for being thorough, accurate and transparent with this process has fallen on deaf ears. Which begs me to ask the question - Who do you serve?

Watching this process unfold through these meetings, especially paying attention to comments from the Planning Commissioner and Council Member Gulli - have shown a clear pattern of politization within the Council and favoritism towards Mr. Vandenburg and of this development proposal. Skirting around and finding loopholes in the Troy Comprehensive Plan, as the Commissioner insinuated at the April 27 meeting, to suit Mr. Vandenburg not only goes against the whole purpose of the Comprehensive Plan – which the Commissioner's responsible to actively advance; and not to interpret to enable development – and sets precedent for other developers to come into your city and exploit the processes and due diligence development projects such as this require.

We have heard you talk about the development as something you have made your decisions about already. We have heard you talk about SEQR as a hurdle to be passed and/or work around. As lead agency, how can we believe you will act as a neutral party that conducts a proper review, if you already say you have made up your mind?

If you are declared lead agency in the SEQR process – how, at this point, can the community trust you to remain neutral as you are required to do? How can the community trust you to not continue to bend the rules — not in ill faith, but by the nature of the complexity of the process and in light of the misleading guidance you have received so far? How can the community trust you to be thorough, accurate and working with the community in mind, for the community, when so many mistakes have already arisen - simply just in Mr. Vandenburg's application — and have been close to being passed by the Council, by the frivolity of some of the city's officers ? How can your community trust you when you have already determined in September 2020 to not having the expertise required for the complex, specific questions that arise for a project of this scope? By your own words, this is why the initial review was deferred to the Planning Commission for their recommendation? These are important questions you should be asking yourself – especially as some of you come up for re-election, and some of you may be transitioning out of your current positions. Your decision today, not only makes a difference in this moment – but for the future of Troy. Again – I ask ..... who do you serve?



I also beg to ask ... How can the City of Troy and its citizens trust the developer, Kevin Vandenburg? Throughout this process he has been deaf to and defiant of the voices of his neighbors, and of the community he touts that he was born, raised, lives and works in. He has made no effort to reach out to his community in compromise, no efforts to reach out to the indigenous leaders — despite the commissioner's urging already in May 2020 — of the land he is about to exploit and destroy and continues to proceed selfishly forth with dollar signs in his eyes. How can the city and community trust him to do the necessary studies required to ensure the safety and well-being of the community as a whole for his project? How can we trust him to stick with his development plan when he has done everything thus far to avoid the proper process? How can the city and community trust him when he claims the financial benefits to the city when it's public knowledge that he has had a history of owing taxes on his properties for years — and only conveniently paid them when his wife was running for office on the county level? How can the community and city trust him, if the rezone request goes through, not to sell it off to another developer with even worse plans who might will try and take advantage of tax credits and pilot programs? Again — I ask you ... ultimately, who do you serve?

Listening to your constituency — especially when it tells you the same message for over a year, alongside indigenous leaders, lawyers, law professors, and experts from organizations such as Riverkeeper and Scenic Hudson — is not a weakness or giving in.... it's the definition of democracy. This is a decision about the future of the community, and the natural resources that it relies on. You must listen to us.

You are in the position to make a decision that will not only affect the present community of Troy, but that of future generations of citizens. I beg you to listen to your community, to the experts, the indigenous leaders and your own Planning Commission. I beg you to understand the weight of the responsibility that will be on your shoulders if you are declared lead agency during the SEQR process. I beg you to really think about the lives that you will be affecting by actively being a part of destroying this land. Even if this land is destroyed by yet another cheap, cookie cutter, characterless apartment complex — the stain on the city and your legacy will most certainly live on.

Thank You.  
Sarah Pezdek  
Round Lake, NY