

**Minutes of the
TROY CITY COUNCIL
REGULAR MEETING
July 8, 2021
7:00 P.M.**

The meeting was called to order at 7:12 p.m. by Council President Mantello.

Pledge of Allegiance

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

In attendance were Mayor Patrick Madden, Deputy Mayor Monica Kurzejeski, Corporation Counsel Richard T. Morrissey, and Comptroller Andrew Piotrowski.

Council Member Zalewski made a motion to dispense with the reading of the minutes of the prior meeting and approve as posted. Motion passed 6 ayes, 0 nos.

Public Forum:

See Appendix A for items that were added to the record.

- Leo Bachinger regarding the proposed development at 1011 2nd Avenue and requested that a letter, pamphlet, and book be added to the record
- Sarah Bachinger regarding the proposed development at 1011 2nd Avenue and requested that a poster be added to the record
- Jessica Bennet regarding the proposed development at 1011 2nd Avenue and requested that a petition be added to the record
- Steven Smith regarding the proposed development at 1011 2nd Avenue
- Sheree Cammer regarding the proposed development at 1011 2nd Avenue
- Branda Miller regarding the proposed development at 1011 2nd Avenue
- Zachary Davis regarding the proposed development at 1011 2nd Avenue
- Adam Fisher regarding the proposed development at 1011 2nd Avenue
- Frank Mayben regarding the renovation of the former Haskell School
- David Banks regarding the proposed development at 1011 2nd Avenue and Ord. 45
- Molly Frieberg read a letter from Annie Jacobs regarding the proposed development at 1011 2nd Avenue
- Keith Hirokawa regarding the proposed development at 1011 2nd Avenue
- Kiani Conley-Wilson regarding Ord. 45
- Dara Silbermann regarding the proposed development at 1011 2nd Avenue and Ord. 45
- Aidan Bardos regarding the proposed development at 1011 2nd Avenue
- Laura regarding the proposed development at 1011 2nd Avenue
- James Prugler regarding the proposed development at 1011 2nd Avenue

- Jacob regarding the proposed development at 1011 2nd Avenue
- Matt Earl regarding the proposed development at 1011 2nd Avenue
- Steve Davis regarding the proposed development at 1011 2nd Avenue

45. Ordinance Amending Chapter 124 Of The Troy City Code (Council President Mantello)

Ordinance passed 4 ayes, 2 nos (Steele, Cummings), 0 abstentions.

46. Ordinance Amending The 2021 General Fund Budget (Council President Mantello) (At The Request Of The Administration)

Ordinance passed 6 ayes, 0 nos, 0 abstentions.

47. Ordinance Transferring Funds Within The 2021 Water Fund Budget (Council President Mantello) (At The Request Of The Administration)

Ordinance passed 6 ayes, 0 nos, 0 abstentions.

48. Ordinance Amending The Capital Projects Fund Budget (Council President Mantello) (At The Request Of The Administration)

Ordinance passed 6 ayes, 0 nos, 0 abstentions.

50. Ordinance Transferring Funds Within The 2021 General Fund Budget (Council President Mantello) (At The Request Of The Administration)

Ordinance passed 6 ayes, 0 nos, 0 abstentions.

51. Ordinance Amending The Special Revenue Budget To Accept A NYS Homeland Security Grant For The Purpose Of Cybersecurity (Council President Mantello) (At The Request Of The Administration)

Ordinance passed 6 ayes, 0 nos, 0 abstentions.

52. Ordinance Amending The 2021 General, Capital And Special Grants Funds Budget (Council President Mantello) (At The Request Of The Administration)

Ordinance passed 6 ayes, 0 nos, 0 abstentions.

55. Ordinance Authorizing And Directing Transfers Of City Owned Real Property To The Troy Community Land Bank Corporation (Council President Mantello) (At The Request Of The Administration)

Ordinance withdrawn by Administration.

50. Bond Resolution Of The City Of Troy, New York Authorizing The Issuance Of An Additional \$12,898,111 Serial Bonds To Finance A Capital Project Described In The Combined Sewer Overflow Long Term Control Plan (Council President Mantello) (At The Request Of The Administration)

Resolution passed 6 ayes, 0 nos, 0 abstentions.

52. Resolution Authorizing And Ratifying The Memorandum Of Agreement By And Between The City Of Troy And The Troy Uniformed Firefighters Association, Local 86, IAFF, AFL-CIO (Council President Mantello) (At The Request Of The Administration)
Resolution passed 5 ayes, 0 nos, 1 abstention (McDermott).

55. Resolution Authorizing The Mayor To Enter Into Three Master Services Agreements For Consultant Structural Engineering Services To Be Procured Pursuant To Task Orders (Council President Mantello) (At The Request Of The Administration)
Resolution passed 6 ayes, 0 nos, 0 abstentions.

Adjournment

The meeting adjourned at 9:36 p.m.

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

Appendix A: Items Added To Record

Leo Bachinger added:

- 1) a letter (see pages 5-11);
 - 2) a pamphlet version of the United Nations Declaration on the Rights of Indigenous Peoples, available online at https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf;
 - 3) a book: Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History Of The United States* (Beacon Press, 2014).
-

Sarah Bachinger added:

- 1) a poster which reads:

CONSENT TO HAVE THE TROY CITY COUNCIL ACT AS LEAD AGENCY

_____ has reviewed the Long Environmental Assessment Form and other information supplied by the applicant in connection with the proposal for the Rezoning of Tax Parcel S/B/L #70.64-1-1, on Second Avenue, in the Lansingburgh section of the City of Troy, New York, from R-1 Single Family Residential Detached to P Planned Development, and agrees that the Troy City Council may act as the Lead Agency for the coordinated environmental review of this Type I action under SEQRA.

Signature of Authorized Representative of the above Agency/Board/Government

Print Name

Title

Jessica Bennet added:

- 1) a photocopy of a petition (see pages 12-14)

**Anthropocene Alliance
Clean Air Coalition of Greater Ravena Coeymans
Cultivated Arts Cooperative, 2nd Street Farm
Extinction Rebellion
Friends of the Mahicantuck
Guilderland Coalition for Responsible Growth
Hudson River Sloop Clearwater
Media Alliance
PTM Foundation
Ramapough Lenape Indian Nation
Redrum M.C.
Riverkeeper
Save the Pinebush
Scenic Hudson
Schaghticoke First Nations
Sierra Club Mohawk Hudson Chapter
TAP, Inc. (Troy Architecture Program)
The Bioreserve
The White Feather Foundation
Troy Bike Rescue
Troy Democratic Socialists of America
Waterfall Unity Alliance**

Thursday, July 8, 2021

By Email:

City of Troy
c/o City Council
433 River Street
Troy, NY 12180

Re: Letter of intent for the Troy City Council to act as "Lead Agency" For Proposed Zoning Change and SEQRA Review Parcel # S/B/L 70.64-1-1 and #S/B/L 70.56-1-6 Second Avenue, Troy, New York and Positive Declaration determination

Dear Council President Carmella Mantello,

We write regarding the State Environmental Quality Review Act ("SEQRA") review of the application submitted by Kevin Vanderburgh, a Type 1 action subject to coordinated review, to construct 3 (three) multi-family apartment buildings with 220-240 residential units on an existing undeveloped lot within the R-1 Residential zone. The fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an Environmental Impact Statement ("EIS").

We specifically write with two requests: (1) that the City of Troy Planning Commission assume SEQRA lead agency status; and (2) that the lead agency issue a positive declaration and conduct a 90 day public comment period on the Draft Scope for the EIS and to hold a public scoping meeting to allow for greater participation.

Lead Agency

The community is concerned that the Troy Planning Commission, and not the City Council, should act as Lead Agency under 6 NYCRR Part 617 (SEQR) in connection with the action outlined by the applicant:

The Applicant is proposing to construct 3 (three) multi-family apartment buildings with 220-240 residential units on an existing undeveloped lot within the R-1 Residential zone and HD Pleasantdale (Hamlet). The proposed project consists of two tax parcels, one in the City of Troy sized at 10±AC (SBL 70.64-1-1), and one within the Town of Schaghticoke at 1± AC (SBL 70.56-1-6). The applicant proposes to rezone the property to Planned Development (zone P) to construct 3 (three) multi-family buildings, associated parking, stormwater management, site amenities and utilities. Parking will be accommodated via above and below-grade parking facilities.

The Planning Commission is better suited to serve as lead agency, having more experience coordinating lengthy SEQR processes. In addition, as the lead agency must remain impartial, the Troy Council would not be in a position to advocate or respond to their constituents' view points.

The Lead Agency Must Issue a Positive Declaration

Whichever agency ultimately assumes the lead agency role for the SEQRA review of this project, it must issue a positive declaration because it undoubtedly "may include the potential for at least one significant adverse environmental impact", the standard for requiring an Environmental Impact Statement under 6 NYCRR § 617.7(a)(1). All of the potential impacts below relate directly to the factors set forth in 6 NYCRR § 617.7(1)

that are considered indicators of significant adverse impacts on the environment. This list is not intended to be exhaustive, but highlights some of the significant issues.

§ 617.7 (c) (1) (iv) “The creation of a material conflict with a community's current plans or goals as officially approved or adopted”

If granted by the City, the rezoning from R-1 to P would conflict with the recently adopted Realize Troy Comprehensive Plan (2018), as required by N.Y. General City Law Section 28-a(12), a plan that was passed unanimously on May 3, 2018 and supported by many of the current council members.

§ 617.7 (c) (1) (v): “The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character”

The EPA cultural resource survey associated with the 2002 Record of Decision relating to the Hudson River remediation also emphasizes the historical-cultural and archeological significance of this site. This report also states the high likelihood of unrecovered extensive archeological resources on this site.

§ 617.7 (c) (1) (ix) “The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action”

Realize Troy Comprehensive Plan (2018) identifies the subject tax parcel as “Low Rise Residential”. The parcel is currently zoned R-1 (Single Family Residential— Detached), which permits up to 3.6 dwelling units per acre. Currently, the R-1 zoning would permit up to 36 single family homes on the site. The concept plan submitted in association with this rezoning request proposes approximately 240 multi-family units in three, four-story buildings, a density of 666% above permitted levels and with four-story building heights inconsistent with Low Rise Residential uses.

§ 617.7 (c) (1) (ii): “The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources”

The applicant's proposal would replace a significant area of riparian forest with high-density multi-family units and associated impervious surfaces. The Hudson River is

arguably Troy's most important watercourse, and much of the project site is in the Hudson River's 100-year floodplain.

§ 617.7 (c) (1) (i): "A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems"

The proposed change would lead to a substantial increase in the number of people that could be housed on the property. The increase in allowable population density would lead to a proportionate increase in traffic density, adversely affecting noise levels, air quality, and stormwater contaminant concentrations. The increased population would be expected to lead to a proportionate increase in solid waste production. The total mass of contaminants released to the Hudson River would similarly increase during combined sewer overflow events, and associated decrease in surface water quality.

§ 617.7 (c) (1) (vii) "The creation of a hazard to human health"

Air quality will be negatively impacted, both directly and indirectly. The increased traffic associated with the development will diametrically impact the air quality of this neighborhood. Additionally, the loss of trees and natural space will further exacerbate air quality loss. As a R1 zone, the rezoning will significantly increase noise levels due to increased population density, increased traffic and the loss of green space as natural noise shield; this will significantly disrupt the character, but also the health of the otherwise characteristically quiet neighborhood.

Public Scoping, 90-day Public Comment Period and Potential Environmental Justice Area

We expect that the lead agency will recognize these impacts in order to issue a Positive Declaration, and also that the lead agency will provide 90 days for the public to review and provide written comments on the draft scope as well as to provide for public input through the use of meetings, exchanges of written material or other means in order to allow for greater participation. Further, as the project is located within a Potential Environmental Justice Area (PEJA), the applicant will be required to prepare and submit for review and approval an Enhanced Public Participation Plan as described in NYSDEC Commissioner Policy 29 (CP-29). It is the intent of the Commissioner's Policy to provide Troy's environmental justice communities with sufficient time, tools and the opportunity to place their concerns and comments on record. This will ensure that no potentially significant adverse impacts are left out of the DEIS and all environmental concerns are adequately addressed as required by SEQRA.

As this project has already elicited strong reactions from the community, a transparent and inclusive SEQR process is an opportunity to address important concerns in a comprehensive manner.

Thank you.

Harriet Festing, Co-Founder and Executive Director
Anthropocene Alliance

Christine Primomo, Co-Founder
Clean Air Coalition of Greater Ravena Coeymans

Dara Silbermann, Founder and Farmer
Cultivated Arts Cooperative, 2nd Street Farm

Rachel Frascella, Internal Coordinator
Extinction Rebellion

Jessica Bennet, Communications
Sarah Bachinger, Community Engagement
Leo Bachinger, Policy and Legislative Affairs
Friends of the Mahicantuck

Steve Wickham, Steering Committee Chairperson
Guilderland Coalition for Responsible Growth

Manna Jo Greene, Environmental Director
Hudson River Sloop Clearwater

Branda Miller, Co-Founder and Arts and Education Coordinator
Media Alliance

Henry Ramsey, PTM Management
PTM Foundation

Steven Smith, Advisor
Ramapough Lenape Indian Nation

Members of the Indigenous based Motorcycle Club
Redrum M.C.

Rebecca Martin, Director of Community Partnerships
Riverkeeper

Grace Nichols, Volunteer (solidarity contact)
Save the Pinebush

Jeffrey Anzevino, AICP, Director of Land Use Advocacy
Scenic Hudson

Sachem HawkStorm, Hereditary Chief
Schaghticoke First Nations

Monica Gray, Chair
Sierra Club Mohawk Hudson Chapter

Barb Nelson, AIA, Executive Director
Daniel Morrissey, Sustainable Designer and Resilience Manager
TAP, Inc. (Troy Architecture Program)

Dennis O'Leary, Founder and Director
Zachary Davies, Ecologist
Carrie Soltis, Board Member
Matt Kent, Stewardship and Education Coordinator
The Bioreserve

Julian Lennon, Founder and Chief Visionary Officer
The White Feather Foundation

Hana van der Kolk, Board Member, Volunteer
Troy Bike Rescue

Britney Gil, Co-Chair
Troy Democratic Socialists of America

Kanerahtii Jock, Mohawk Vision Keeper
Bethany Yarrow, Co-Founder and Director
Waterfall Unity Alliance

CC:
Mayor Patrick Madden

Planning Commissioner Steven Strichman
Commissioner Sara Wengert, AIA
Commissioner Barbara Higbee
Commissioner Anthony Mohen
Commissioner Suzanne Spellen
Commissioner Roddy Yagan, P.E.
Executive Secretary Aaron Vera

**Protest Petition
Property Owners Adjacent to 1011 2nd Avenue**

Property owners

We, owners of properties directly adjacent to the project site of the "2nd Avenue Project" proposed for 1011 2nd Avenue (Tax Parcels), register per signature to this petition our opposition to the proposed project, to any development of the site, and to a change in zoning code from R1 (residential, single family, detached) to P (planned development).

Name	Address	Row No.	Signed (date)
Bennett, Jessica	1009 2nd Ave		Jessica Bennett 6/27/21
Leblanc, Sandra J	1004 2nd Ave		
Nederoscik, John C Sr.	1006 2nd Ave		John C. Nederoscik
Hewitt, Theresa M	1010 2nd Ave		Lisa Pasnak
Kiley, James	1012 2nd Ave		James Kiley
Badger, Dori Lynn	1014 2nd Ave		Dori Badger
Yerke, Dorlores	1018 2nd Ave		
Dziamba, Nicholas	1020 2nd Ave		Hannah Heisler
Dziamba, Nicholas J	1024 2nd Ave		Elliot Byer
	1026 2nd Ave		
Vroman, Francis	1032 2nd Ave		Francis Vroman
Lepage, Raymond Joseph	1048 2nd Ave		Raymond J. Lepage
Cleare, Ronald R	1054 2nd Ave		Ronald R. Cleare
Gorman, Virginia	1058 2nd Ave		Chris Gorman
Leduc, Michele	1060 2nd Ave		Michele Leduc
Cassimo, Peter J	1062 2nd Ave		
Stark, Sarah L	1074 2nd Ave		
Masse, Francis G	1076 2nd Ave		
Laurenzo, Vincent J	1 Cedar Avenue		
Fisher, Adam L	9 Cedar Avenue		Adam L Fisher
Carter Joann	416 Lansing Ave		
Cottrell, Philip E	412 Lansing Ave		
Vermilyea, Robert L	327 Hudson Avenue		
Becker, Mary C	325 Hudson Avenue		
Matthews, Christopher J	334 Hudson Ave		

Protest Petition
Property Owners Adjacent to 1011 2nd Avenue

property owners
+ residents

We, owners of properties directly adjacent to the project site of the "2nd Avenue Project" proposed for 1011 2nd Avenue (Tax Parcels ...), register per signature to this petition our opposition to the proposed project, to any development of the site, and to a change in zoning code from R1 (residential, single family, detached) to P (planned development).

Name	Address	Signature	Date
¹ Jessica Bennett	1009 2nd Ave.	Jessica Bennett	6-27-21
² John Nedorosik	1006 2nd Ave	[Signature]	6-27-21
³ Robin Nedorosik	1006 Second Ave	Robin Nedorosik	6-29-21
⁴ Jim Kiley	1012 2nd Ave	[Signature]	6/29/21
⁵ Lisa Pashak	1010 2nd Ave	Lisa Pashak	7/2/21
⁶ Ellen Byer	1024 2nd Ave	[Signature]	7/2/21
⁷ Hannah Heisler	1020 2nd Ave	[Signature]	7/2/21
⁸ Barbara Stajny	1048 2nd Ave.	Barbara Stajny	7/6/21
⁹ Raymond D'Alto	1048 2nd Ave	Raymond D'Alto	7/6/21
¹⁰ Seretta Cleare	1054 2nd Ave	[Signature]	7/6/21
¹¹ Michele DeBue	1060-2nd Ave	Michele DeBue	7/6/21
¹² Joseph Long	1060 2nd Ave	Joseph Long	7/6/21
¹³ Chris Gorman	1058 2nd Ave	Chris Gorman	7/6/21
¹⁴ Francis Vroman	1032 2nd Ave	Francis Vroman	7/6/21

Protest Petition
Property Owners Adjacent to 1011 2nd Avenue

We, owners of properties directly adjacent to the project site of the "2nd Avenue Project" proposed for 1011 2nd Avenue (Tax Parcels), register per signature to this petition our opposition to the proposed project, to any development of the site, and to a change in zoning code from R1 (residential, single family, detached) to P (planned development).

15	Doni Badger	1014 2nd Ave Troy NY 12182	Doni Badger	
16	Evangeline Fisher	9 Cedar Ave Troy, N.Y. 12182	Evangeline Fisher	
17	ADAM L. FISHER	9 Cedar Ave Troy NY 12182	Adam L. Fisher	
18	CATHERINE F. HERMAN	1 CEDAR AVE TROY 12182	Catherine F. Herman	
19				
20				
21				
22				
23				
24				
25				