

**Minutes of the  
TROY CITY COUNCIL  
PUBLIC HEARINGS**

**Wednesday, May 25, 2022, 5:30 p.m.**

The hearing was called to order at 5:35 p.m. by Council President Mantello.

**Roll Call:** The roll being called, the following answered to their names: Council Member Gulli, Council Member Ashe-McPherson, Council Member Steele, Council Member Menn, Council Member Conley-Wilson, Council Sorriento, Council President Mantello, Chair. Mayor Patrick Madden

Council Member Gulli made a motion to that the Council resolve itself into a committee of the whole for the purpose of conducting a Public Hearing.

The City Clerk read the public notice public forum regarding proposed ordinance to change the zoning from R-1 Single Family Residential Detached to P Planned Development for the parcel known as 1011 Second Ave

**Public Forum:**

Janet Null  
David Banks  
Forest Madison  
Mickey Dobbin  
Sarah Bachinger  
Jeff Anzevino  
Linda O'Malley  
Kyle Murray  
Keith Hirokawa  
Elizabeth Madison  
Kay Herald  
Eva Fisher  
Jess Bennett  
Elizabeth Moran  
James Peterson  
Rachel Carter  
Joyce Cockerham  
Kristoph DiMaria  
Chris Scully  
Amanda Wild  
Hannah  
Adam Walker

**Adjournment:** The hearing adjourned at 7:05 p.m.

**From:** [Branda Miller](#)  
**To:** [City Clerk](#); [Maria.DeBonis](#)  
**Subject:** IMPORTANT! Please submit for public record, re: Public Hearing on zoning change for 1011, 5/25/22  
**Date:** Wednesday, May 25, 2022 4:54:49 PM

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To the Troy City Council,

I write this to be submitted for the public record, re: the 5/25/22 Public Hearing on zoning change for 1011.

I speak from personal experience, as a neighbor close to 1011 in Lansingburgh, just downriver of this site. I consider this area on the Hudson to be one of the wonders of the world, right here in our beloved City of Troy! I strongly oppose this rezone. It will destroy the character of the neighborhood.

Our surrounding neighborhood is all single family: a huge apartment complex is very incongruous. The amount of traffic that will be added to an already busy road will change the character of our neighborhood and will increase noise and pollution, There will be additional stress on an already strained sewer system, as well as on emergency services.

I, as well as many other neighbors and Troy citizens, have enjoyed countless opportunities for recreation, admiring the birds and wildlife of the area! This is what attracted me to be a home-owner in Lansingburgh. This richness of our historic setting on the beautiful shores along the Hudson will be impacted forever. As an invited participant of 2018 Realize Troy Comprehensive Plan, I witnessed unanimous agreement of our waterfront's deeply intrinsic value on the quality of life in Troy. Changes in zoning to support multi-family development will result in a serious erosion of trust.

I believe it is important to note: in early 2021, the City Council asked the Planning Commission to take a look at this issue. After listening to several months of meetings and speakers who care about the health, welfare and vibrant future of Troy, who unanimously spoke against rezoning, The Planning Commission voted and sent a recommendation to City Council against the rezoning.

Why have you chosen to not take this into consideration? What is the political process and how are you listening to the voices of the citizens of Troy?

Troy City Council members, thank you for your consideration of this critically important issue for the neighbors of 1011 and the citizens of Troy. Please listen to the groundswell from the citizens of Troy, and do not support rezoning of multi-family development!

With appreciation,  
Branda Miller

803 1st Ave.  
Troy, NY 12018

On May 24, 2022, at 11:52 AM, jessica bennett  
<[jesssbennett@gmail.com](mailto:jesssbennett@gmail.com)> wrote:

Hi Branda,

I hope you are doing well! Tomorrow, Wednesday, at 5:30 at City Hall is a public hearing on the zoning change for 1011 and likely the last time the public gets to speak on this issue. If you have time, would you consider coming out and speaking? I think residents of Lansingburgh carry the most weight.

Thank you for all of your help!

-Jess

**From:** [Friends of the Mahicantuck](#)  
**To:** [citycouncil](#); [Carmella.Mantello](#); [Maria.DeBonis](#)  
**Cc:** [Patrick.Madden](#); [Friends of the Mahicantuck](#)  
**Subject:** Submission to record for May 25, 2022 public hearing pursuant to a change in zoning code for 1011 2nd Avenue  
**Date:** Wednesday, May 25, 2022 4:24:56 PM

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Dear President Carmella Mantello

Dear Members of the Troy City Council,

Please add this email and all attached documents to the record for the public hearing scheduled for May 25 related to the rezone request for 1011 2nd Avenue.

In your evaluation of the request for change in zoning code, and in addition to our earlier submitted statements, we want to make you aware of the following review standards in **§285-57 H** of the City of Troy zoning code regulations.

(1) To the extent feasible, at least 10% of the total number of dwellings within this District should be in single-family detached structures.

Pursuant to the overall requirement for a mix of residential uses, this section fo the code specifies that at least 10% of the total number of dwellings should be in single-family detached structures. This would be at least 23.1 such single-family detached structures. However, the proposed development does not provide for ANY such structures.

(2) Building height, size and design shall be appropriate to the location within the district where proposed and shall further be appropriate to the overall development plan of the district.

As further analyzed in the submissions from Scenic Hudson, including in today's submission, the proposed development does not only exceed the maximum allowable building height for the P zoning itself; it also entirely ignores the Comprehensive Plan's provision that low rise residential areas SHALL contain low-density, ground-related and up to 3 stories. Proposed are high-density, non-ground-related and four story buildings.

Further, the predominating scale of surrounding uses is low-density, residential and ground related and are R-1 single family detached, whereas the building height, size and design are high-density, multi-story buildings consistent with the R4 Urban Neighborhood Medium-High Density zoning code.

4) Landscaped open spaces or open areas left in their natural state should be provided at a ratio of not less than 1,000 square feet of open space for every dwelling unit

The proposed development would need to provide for landscaped open space or open areas left in their natural state of 5.3 acres (or 231,000 square feet) for the 231 proposed units.

This project not meet at least three of the seven review criteria in addition to the project not adhering to the basic requirements of **§285-57**, including amongst others:

- no mix of residential uses
- exceeding the maximum allowable overall density for the district by three times
- exceeding the maximum allowable building height by approx. 25%.

Therefore, this rezone request should be denied for not adhering to the city's zoning code regulations under **§285-57**.

Thank you for your consideration.

The Friends of the Mahicantuck

[www.save1011.org](http://www.save1011.org)

**From:** [Friends of the Mahicantuck](#)  
**To:** [Maria.DeBonis](#)  
**Subject:** Fwd: Submission for Public Hearing on Zoning Request, May 25: Community Impacts/Loss in Property Value  
**Date:** Wednesday, May 25, 2022 4:06:43 PM

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Dear Maria DeBonis,

thank you for your hard work. We just realized we omitted you in this second submission. Please include this in the minutes as well.

Thank you!

FotM

Begin forwarded message:

**From:** Friends of the Mahicantuck <[friendsofthemahicantuck@gmail.com](mailto:friendsofthemahicantuck@gmail.com)>  
**Subject:** Submission for Public Hearing on Zoning Request, May 25: Community Impacts/Loss in Property Value  
**Date:** May 25, 2022 at 2:06:32 PM EDT  
**To:** "citycouncil." <[citycouncil@troyny.gov](mailto:citycouncil@troyny.gov)>, All Council <[AllCityCouncilMembers@troyny.gov](mailto:AllCityCouncilMembers@troyny.gov)>, "Carmella.Mantello" <[Carmella.Mantello@troyny.gov](mailto:Carmella.Mantello@troyny.gov)>  
**Cc:** "Patrick. Madden" <[patrick.madden@troyny.gov](mailto:patrick.madden@troyny.gov)>, Friends of the Mahicantuck <[friendsofthemahicantuck@gmail.com](mailto:friendsofthemahicantuck@gmail.com)>

Dear President Carmella Mantello

Dear Members of the Troy City Council,

Please add this email and all attached documents to the record for the public hearing scheduled for May 25 related to the rezone request for 1011 2nd Avenue.

There are several severe impacts on the community and its character related to this proposed rezone. In this letter we want to highlight two: impacts related to an out-of-proportion increase in density and impacts on the property values of the neighboring community.

### DENSITY IMPACTS ON THE NEIGHBORHOOD CHARACTER

This suburban neighborhood has an unusually rural character, which is a direct result of the woodlands currently located at 1011 2nd Avenue. This woodland is the defining feature that provides the neighborhood with its quasi-rural character in a suburban setting.

The woodlands character and setting of the residential neighborhood would be lost with this rezone pursuant to a project that would remove at least 60% of an undeveloped forest that is currently and has been for decades used informally as recreational and open space, including the use of trails on the site.

The proposed action would remove a forested woodland that is the defining feature of this suburban neighborhood with rural character and replace it with a density that is approx. 200 units higher than the current allowable use density under an R-1 zoning and approximately 150 units higher than the allowable maximum overall residential density under the proposed P Planned Development zoning.

The proposed action would change the suburban character to a medium-to-high density neighborhood and introduce three four-story buildings of 57ft or more.

Thereby, the action would lead to an increase in population and development density of at least three to five times the current population and allowed residential use density, and would introduce associated residential traffic and traffic related to the circulation of goods that are currently unmitigated by the action, in addition to the identified increase in tourism and recreational activity.

The proposed action will cause a significant population increase in the neighborhood, inherently changing the neighborhood character and resulting in a density and change in character that is inherently inconsistent with the Comprehensive Plan.

The site is located in Census Tract 401 with 4568 people living in it. The residents of the area immediately surrounding the project site call the neighborhood the Pleasantdale neighborhood, in reference to the village immediately across the municipal line of the same name. There are approximately 200 people living in this particular neighborhood, approximated via the tract data and other public data.

The construction of 231 apartment units would increase the population if occupied by only one person each by the same number — an increase of 115 Percent. For the entire census tract, this results in an overall increase of 5 Percent under the same minimum occupation.

Another measure is the increase of density, that makes similarly the scale of disruption to the neighborhood and the people living in it explicit. Approx 35 single family homes would be permissible under the current zoning. 231 apartment units result in an 188 Percent increase in density compared to what

is permissible under current zoning.

This makes further explicit the significant change in neighborhood character resulting from the proposed action.

### LOSS OF PROPERTY VALUE

This rezone and the associated development will likely lead to a significant loss in property value for the neighboring community.

It is well established that the proximity to woodlands directly and positively affects property value. Good tree cover increased property prices by about 7 percent in residential areas and 18 percent for building lots. Quality landscapes with healthy trees can increase retail spending from 9 to 12 percent. Tree-filled office properties can expect 7 percent higher rents than those without trees or quality landscaping.

(see: <https://www.brightview.com/resources/article/big-trees-make-your-property-value-grow>)

Studies found that the most important land attribute related to property values is the proximity to woodland, which raises house prices by 7%. (see [https://www.researchgate.net/publication/249015079\\_The\\_Impact\\_of\\_Forests\\_and\\_Forest\\_Management\\_on\\_Neighboring\\_Property\\_Values](https://www.researchgate.net/publication/249015079_The_Impact_of_Forests_and_Forest_Management_on_Neighboring_Property_Values))

The dominating landscape at 1011 2nd Avenue is a forest used as an informal recreational space. The rezone and proposed project would remove a substantial portion of this forest (up to 8.5 acres of woodland removal according to the developers project narrative), which would constitute a significant change in the existing natural landscape.

This would also lead to a loss of ecosystem services associated with the change in the dominating landscape, which would be a direct loss of amenities to the surrounding community that would not be compensated by the proposed amenities as part of the project.

**We ask you to not approve the request for rezone, to protect the property value of the neighboring community and preserve its unique rural character that is provided by the current woodland at 1011 2nd Avenue.**

Friends of the Mahicantuck  
[www.save1011.org](http://www.save1011.org)

May 25, 2022



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Poughkeepsie, NY 12601-3157  
Tel: 845 473 4440  
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May 25, 2022

By email: [citycouncil@troyny.gov](mailto:citycouncil@troyny.gov)  
[cityclerk@troyny.gov](mailto:cityclerk@troyny.gov)

Members of the Troy City Council  
City of Troy  
433 River Street  
Troy, NY 12180

RE: ORDINANCE AMENDING THE CITY OF TROY ZONING MAP TO CHANGE  
THE ZONING CLASSIFICATION DISTRICT OF PROPERTY KNOWN AS 1011 SECOND  
AVENUE, TAX PARCEL NUMBER 70.64-1-1, FROM "R-1" SINGLE FAMILY  
RESIDENTIAL TO "P" PLANNED DEVELOPMENT

Dear Members of the Troy City Council:

Scenic Hudson has been writing and commenting on the proposed 2<sup>nd</sup> Avenue Apartments and rezoning from R-1 to P since September 2020. At the time, *Realize Troy*, your Comprehensive Plan was freshly adopted, just two years prior. We have repeatedly pointed out all the ways that the proposed rezoning and four story, 231-unit apartment project at over 20 units per acre on a greenfield site is inconsistent with a low-rise residential land use designation and single-family residential neighborhood across 2<sup>nd</sup> Avenue. In fact, the City's own Planning Commission voted 4-1 against rezoning the parcel.

Scenic Hudson agrees with the Planning Commission's decision and remains firm in its belief that, if granted by the City Council, the rezoning from R-1 to P would not be in accordance with the recently adopted *Realize Troy* Comprehensive Plan as required by N.Y. General City Law Section 28-a (12). Therefore we urge you to vote against the proposed rezoning.

***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 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."

We bring this to your attention as a reminder that the *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 231 multi-family units. This scale of development would directly conflict with *Realize Troy's* recommendations and the community's vision for low rise and low density development at the site.

### **Rezoning Must Be in Accordance with Comprehensive Plans**

N.Y. General City Law requires that "All city land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section."<sup>1</sup> Further, according to the New York State Department of State (NYS DOS) "New York's zoning enabling statutes (the state statutes which give cities, towns and villages the power to enact local zoning laws) require that zoning laws be adopted in accordance with a comprehensive plan. The comprehensive plan should provide the backbone for the local zoning law."

### ***Realize Troy's* Vision for the Subject Parcel**

The Comprehensive Plan's Map 14 identifies the subject tax parcel as "Low Rise Residential" (see Appendix A attached to this letter). *Realize Troy* (Policy 6.2.1) expressly calls out three types of residential development: low rise, mid-rise, and high rise and Section 6.2.2 states that low rise development SHALL contain low-density, ground-related housing that is no greater than three stories in height.

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 development plan submitted in association with this rezoning request proposes 231 multi-family units in three, four-story buildings, a density of nearly 650% above permitted levels. Therefore, the proposed density and four-story building heights are inconsistent with *Realize Troy's* Low Rise Residential land use recommendation of *ground-related buildings three stories or fewer and low density development* (emphasis added).<sup>2</sup>

Scenic Hudson believes that it would be unreasonable to consider a density of 21 units per acre (as would be permitted by this proposed rezoning and the development is intended to accommodate) as "low density," particularly in a neighborhood of single family homes. Therefore, Scenic Hudson believes that the proposed rezoning from Single Family Residential to Planned would not be in accordance with

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<sup>1</sup> N.Y. General City Law Section 28-a( 12); <https://www.nysenate.gov/legislation/laws/GCT/28-A>

<sup>2</sup> *Realize Troy*, Part B: Goals, Objectives & Policies; page 62

the Comprehensive Plan's designation of Low Rise Residential and would therefore be inconsistent with N.Y. General City Law Section 28-a(12), as well as NYSDOS guidance.

### **The Deficient Negative Declaration**

The City's Negative Declaration goes through great length to rationalize this rezoning and the proposed development. The Negative Declaration acknowledges moderate impacts on aesthetic resources, archaeological resources and community character and moderate to large impacts on nesting/breeding/foraging or overwintering habitat for the predominant species that use the site. But these impacts, it says, can be managed by the project's design. That conclusion, we believe, should have been determined via the hard look—and with public participation and an alternatives analysis—as required under SEQRA

However, in its attempt to circumvent SEQRA's required hard look, the Negative Declaration picked and chose ways that the development could support the Comprehensive Plan—it provides sidewalks, waterfront access, and new housing stock—but ignored the obvious and explicitly stated policy recommendations for this specific site, low rise and low density, and rationalized for a 650% increase in density. Simply put, the Negative Declaration conveniently ignored *Realize Troy's* express statement that low rise residential areas SHALL contain low-density, ground-related and up to 3 stories.

### **Conclusion**

During the development of the *Realize Troy*, undertaken with robust public involvement and adopted by the City Council, it was not anticipated that the undeveloped, wooded parcel at 1011 2nd Avenue would be an appropriate place for anything other than low rise, low density development and especially not development at the scope of 21 units per acre. In this case the proposed rezoning would allow an end run around the Planning Commission's recommendation, the Comprehensive Plan, and existing zoning to facilitate 231 multi-family units—a 650% increase in allowable density. In fact, *Realize Troy* specifically includes this parcel in the “Low Rise Residential” use category for development with low density, ground related buildings no greater than three stories and identifies the parcel immediately to the south for more intensive development appropriate in a Planned zoning district.

Further, voting to approve this rezoning would set a dangerous precedent for future zoning requests in low rise residential neighborhoods. Is the City Council suggesting that rezonings to 20 or more units/acre would be appropriate in other low density residential neighborhoods throughout the City? We believe think City residents in these low-density designated neighborhoods would be shocked if this rezoning would set such a precedent.

In light of the above Scenic Hudson urges the City Council to vote against the proposed rezoning of Tax Parcel Number 70.64-1-1 on 2nd Avenue from R-1 (Single Family Development) to P (Planned

Development). Such a rezoning would be inconsistent with specific provisions of the Comprehensive Plan and would violate by N.Y. General City Law Section 28-a (12).

Thank you.

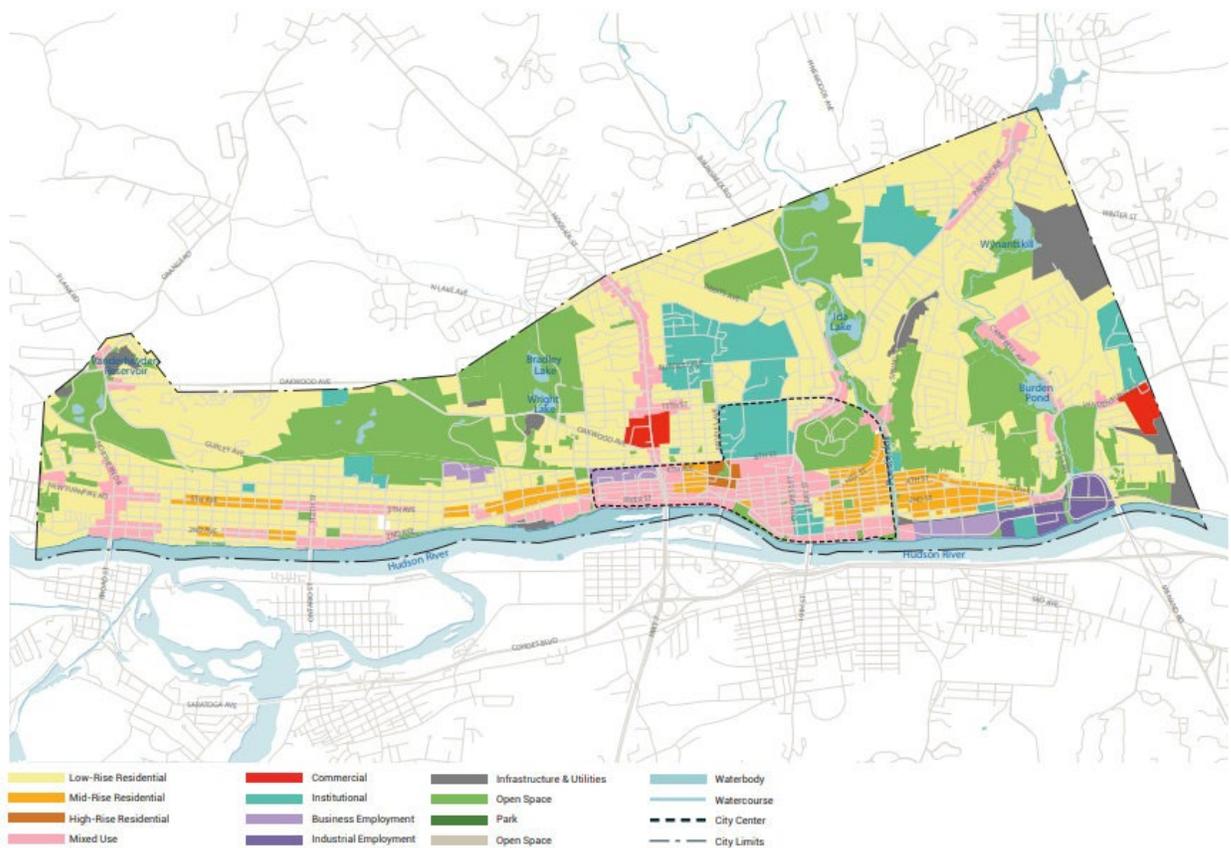
Sincerely,



Jeffrey Anzevino, AICP  
 Director of Land Use Advocacy

### Appendix A

Map 14 - Land Use



**From:** [Friends of the Mahicantuck](#)  
**To:** [Carmella.Mantello](#); [Maria.DeBonis](#); [All City Council Members](#); [citycouncil](#)  
**Cc:** [Friends of the Mahicantuck](#); [Patrick.Madden](#)  
**Subject:** Submission to the record for Public Hearing on Zoning Change Request, May 25, 2022  
**Date:** Wednesday, May 25, 2022 1:47:50 PM

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Dear President Carmella Mantello  
Dear Members of the Troy City Council,

Please add this letter to the public record of the Troy City Council zoning change hearing on May 25 2022.

In this letter, we provide important reasons for why it would be inappropriate to approve the request for change in zoning code from R1 to P Planned Development pursuant to a development of 231 apartment units in three four-story buildings, boat docks and other facilities.

In this letter, we point to the following reasons why this rezone request should not be approved:

- **The Planning Commission recommended against the change in zoning code from R1 to P Planned Development.**
- **The applicant did not request the correct zoning code for the proposed project:**  
The proposed project is not supported by the P Planned Development zoning, while the R4 Urban Neighborhood Residential does support this zoning.
- **The rezone would create the unnecessary need for variances pursuant to a self-created hardship.** The variances may not be issues, as they would carry the potential that they be pursuant to a self-created hardship, would be excessive, there is no undue economic hardship associated with the current zoning.
- **P Planned Development zoning would be inconsistent with the 2018 Realize Troy Comprehensive Plan.**

**Based on the above:** This rezone should not be granted and we ask the City Council to **not approve this rezone request** and instead, at a minimum, insist the applicant identify a zoning code that supports the proposed project and submit an application for a change said to such a zoning code, for example R4 Urban Neighborhood Development.

1. **Planning Commission Recommendation**

Contrary to the Planning Commissioner's memo to the City Council, in January 2021, the Troy Planning Commission – the city's expert panel on zoning and planning matters – **explicitly recommended AGAINST the rezoning.**

Specifically, on January 21, 2022, Sarah Wengart made a motion:

“that the planning commission recommend to the city council that no zoning change be considered.”

This motion was approved with 4 “yes” and 1 “no”.

In addition, Barbara Higby, who voted “no” on this motion, made the following statement prior to her vote:

“The one thing we would have to look out for tho, as it proceeds, that we don't just jump to the maximum allowed under the zoning, that is always a worry. With the single family it is that it would go to the whole maximum, with the Planned Development I am just hoping that it can be something other than maximum.”

Yet, the proposed project does not only “jump to the maximum allowed” under P Planned Development, it exceeds the allowable density by three times and the building height by 25% (see below).

## 2.

### **P Planned Development Is the Wrong Zoning Code for the Proposed Project**

Planning Commissioner Strichman, in his memo to the city council (April 9, 2021) summarizing the Planning Commission's recommendation against the change in zoning code, wrote:

“Commissioner Higbee liked the idea of concentrated development. She stated it is better than single family development but cautioned that we don't just jump to the maximum density. She thinks it should be forwarded to Council to consider and was the lone vote in support of making a favorable recommendation.”

However, the proposed project, to which this change in zoning code is pursuant of, does not only “jump to the maximum density” - it far exceeds it.

As the introduced zoning code ordinance as well as the notice to this hearing explain, this zoning code change is pursuant to a project that proposes 231 apartment units. The “Expanded Environmental Assessment Report”, cited in the ordinance's conditions as key

reference, further details approx. 50 feet high buildings, underground parking garages, a boat dock, and other facilities.

**§285-57 D.** of the Troy Zoning Code sets the overall residential density as "not to exceed eight units per acre." The project site is 10 acres, and the maximum allowable density therefore must therefore not exceed 80 units. **§285-57 E (3) (f)** specifies the maximum building height as 40feet. **§285-57 A.** requires a mix of residential uses for P Planned Development districts, yet only one residential use is proposed.

NOTE: Higher allowable density in §285-57 E (3) must still adhere to overall allowable maximum density in §285-57 D

It is to note that **§285-57 D** is preceding subsequent sections for specific residential uses and sets the overall density for a Planned Development district to 8 units/acre. Whereas §285-57 E (3) has provisions for "other residential uses", including the proposed uses for this project, the overall maximum allowable density under §285-57D still applies. This relates to the philosophy of the P Planned Development district to provide for a mix of residential uses, where one part of a district may provide high-density residential uses whereas other areas of the district offer low-density residential uses. Thereby, all section §285-57 E (3) provides for is to allow for higher densities (21.5 units/acre) on individual parts of a P Planned District pursuant to the cited "mix of residential uses" -- as long as the overall maximum density is not exceeded as specified in §285-57 D.

This constitutes a need for substantial variances, as also cited by the applicant in his application material

By contrast, the project would be supported without the need for variances by the **R4 Urban Neighborhood Residential zoning**, which provides for the allowable uses, needed density and proposed building height. See the table below for an overview.

It shall be noted that, however, the R4 Urban Neighborhood zoning has the same inconsistencies as described below, as well as additional, with the Comprehensive Plan. This should not be construed as an argument in favor of the P Planned Development code - rather it makes explicit the true scale of the proposed development and the scale of the required zoning changes pursuant to it.

All the P zoning does is to mask the true scale of changes.

Allowable under P Planned Development <sup>c</sup>	Proposed Development	R4 Urban Neighborhood Residential Mid-High Density <sup>d</sup>
<u>Uses</u>  Mixed residential uses	<u>Uses</u>  Only one residential use	<u>Uses</u>  Single or mixed use

<u>Density</u> 80 units <sup>A, B</sup> (overall density not to exceed 8 units/acre)	<u>Density</u> 231 units	<u>Density</u> 400 units (40 units/acre)
<u>Building Height</u> 40 feet maximum building height <sup>D</sup>	<u>Building Height</u> Approx. 50 feet	<u>Building Height</u> 40 - 60 feet

<sup>A</sup> §285-57 D. Overall residential density. "Not to exceed eight units per acre."; <sup>B</sup> 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. <sup>C</sup> §285-57. <sup>D</sup> §285-55.

**3.**

**Rezone would create an unnecessary need for variances pursuant to a self-created hardship**

As described above, the proposed new zoning code of P Planned Development would not allow for the construction of the proposed development, while other zoning codes are readily available that would do so.

As such, this change in zoning code would create the unnecessary need for variances and therefore the need for variance would be the result of the application for an inappropriate zoning code.

Therefore the city should protect the integrity of its zoning code and insist on an application that identifies an appropriate zoning code. **This request for zoning code should therefore be denied.**

In addition, considering the above, the variances would be pursuant to a self-created hardship, are excessive, and do not address an undue economic hardship that is the consequence of the zoning code. In fact, the applicant has proposed an alternative proposal that is compliant with the current zoning code of R-1 and that the applicant described as economically viable. This carries the explicit potential that variance may not be approved pursuant to this project.

**Therefore we ask the council to not approve the change in zoning code.**

**4.**

**Comprehensive Plan Inconsistencies**

The project is inconsistent with the 2018 Realize Troy Comprehensive plan. A more detailed analysis provided by Scenic Hudson was submitted to the council on May 5th and is part of the record. Key findings of Scenic Hudson's analysis are summarized and quoted below.

"First and foremost, citing general housing and public access goals of Troy's Comprehensive Plan (Section 5.16, pages 33-34), the Report asserts on page that the proposed apartment project is consistent with the Plan, even checking a box on page 2 of the Environmental Assessment Form indicating that the Plan makes no specific recommendations for this site. This is not accurate, and, in fact, in Realize Troy, Map 14, the site is recommended for Low Rise Residential (see map page 6), a land use diametrically opposed to proposed high density, four story apartments on a site surrounded by single family homes. Therefore, the proposal described in the Expanded Environmental Assessment Report is inconsistent with Realize Troy, adopted less than four years ago in May 2018." (p. 1).

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Inconsistency with Goal 2 - Promote Healthy, Safe and Green Neighborhoods

In its justification of the negative declaration, issued on May 5, 2022, the council as the lead agency points to the Comprehensive Plan recommending for the Lansingburgh neighborhood "strategic reinvestments in this neighborhood". However, it fails to identify that the comprehensive plan delineates strategic areas for redevelopment for this purpose, with one being immediately to the south of the project site at 1011 2nd Avenue. Realize Troy did NOT propose higher density for the project site, and "in fact [...] the site is identified as low rise residential" (p. 2). The rezone of a parcel for development out of character with the surrounding single family neighborhood would, according to Scenic Hudson, "not be considered strategic, but rather opportunistic", and the proposed density and scale of the project "would not respect or reinforce the neighborhood character or pattern as required by goal 6.2." (p. 2).

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Inconsistent with Goal 5 - Invest in Sustainable Infrastructure and Sustainable Development

In addition there are significant inconsistencies with goal 5, as provided by Scenic Hudson's analysis. Scenic Hudson finds that the proposed action is inconsistent with Goal 5, as "it does not protect a key watercourse and would develop a large forested area along its shore with high density multi-family units" (compare Realize Troy, page 58). In addition, portions of the project site impacted by the action are identified in the 2017 Rensselaer County Conservation Plan as "High Priority Ecological Areas" (see <https://www.renstrust.org/images/projects/ConservationPlanFinal/Troy-Priorities.pdf>), further underscoring the inconsistency of the action with Goal 5.

According to the Realize Troy Comprehensive Plan, areas within the Hudson River's 100

year floodplain “are to be protected from major development” and “rezoning an R-1 parcel to accommodate up to a 541% increase in development would not protect this important watercourse, particularly when one considers this is a forested site” (Scenic Hudson, letter, p. 2). This need to protect large portions of the site from major development is further recognized by the City of Troy and this need for protection is proposed in the current “Recode-Troy” Zoning Code update to be implemented with the creation of a “Resilient Waterfront and Flood Risk Overlay”, of which the vast majority of the project site would fall under (cp. P. 165 at <https://www.renstrust.org/images/projects/ConservationPlanFinal/Troy-Priorities.pdf>).

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#### Inconsistent with Goal 6 - Support Compact Growth

The lead agency in its determination of significance, as issued by vote on May 5, 2022, makes reference to Goal 6 citing the goal “to support compact growth” and makes reference to the goal of providing access to the Hudson River waterfront. However, the council fails to consider the recommendations for protecting the Hudson River as its most important waterway, as discussed above regarding Goal 5.

Further, there are inconsistencies with Goal 6.2. “Specifically states that ‘development in stable neighborhoods will respect and reinforce the existing neighborhood character and pattern of development’ and that Goal 6.2.2. specifically addresses “Low Rise Residential Areas and limits development to ‘low density’, ‘ground-related’, ‘and three stories’. In this application four story buildings are proposed in a neighborhood of single-family homes. (Scenic Hudson letter, p. 3).

**These are but some of the major inconsistencies with the comprehensive plan that are prohibitive to this rezoning request..**

#### **SUMMARY AND CONCLUSION**

This rezone should not be approved by the council, in order to preserve the integrity of the zoning code and to ensure consistency with the 2018 Realize Troy Comprehensive Plan. Instead, the council should insist on the applicant identifying a zoning code that supports the proposed development and that is consistent with the zoning code, or, if this is not possible, has to disallow the development all together.

Thank you for your consideration,

The Friends of the Mahicantuck  
[www.save1011.org](http://www.save1011.org)

May 25, 2022



Hello City Council. Below are my remarks for the public comment period for tonight's meeting on 1011 2nd Ave.

Dear Council,

I urge you to reject the proposed zoning change at 1011 2nd Ave from R-1 Single Family to P-Planned Development. This change is being proposed despite little to no public support from Troy residents. Meanwhile, the proposed change is inconsistent with the 2019 Comprehensive plan and the current Zoning Plan. Although the Troy city government has taken some good steps forward with its Zoning Plan, the plan is meaningless if developers in Troy are not actually bound to the rules it contains.

I urge the council to stay within the existing Comprehensive Plan and Zoning plan and reject the proposed zoning change. Doing this means standing up for Troy residents and a set of rules that will ensure the sustainable and equitable development of Troy. Failing to do so means putting the needs to developers over the needs of Troy residents.

Sincerely,  
Dylan Rees  
2119 15th Street, Troy NY

**From:** [Amelia Allen](#)  
**To:** [citycouncil](#); [Maria.DeBonis](#)  
**Subject:** "NO" On the Proposed Zoning Change  
**Date:** Wednesday, May 25, 2022 9:53:26 AM

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Good morning,

I truly hope this is being read by an actual person prior to this evening's meeting. I have a genuine concern with this proposed zoning change to North Lansingburgh.

Not only is this change inconsistent with the 2018 comprehensive plan, but it also doesn't align with the city's own zoning code and prospective changes in the new ReCode Troy Plan. Additionally, this land sits in a flood zone, which Troy's own climate change analysis projected.

Further, having lived in this community for 10 years, working in Lansingburgh middle and high school, the ARC of Rensselaer County, volunteering with community organizations like Capital Roots and Unity House, and having worked in Probation as well, specifically on the Juvenile Justice Council, I cannot fathom how you expect this to go well.

Honestly, what is it you're hoping to get out of one more lackluster "luxury" building? Especially, in Northern Lansingburgh where crime, poverty, physical and mental health issues, lack of affordable SAFE housing, and little access to nutritional foods are rampant? You think people paying upwards of \$1,400/month want to drive through an area that local news crews constantly call dangerous with headlines like, "another shooting in Troy today."

Conversely, what sort of resources will you have for these new residents' children? What room do you think Lansingburgh schools have? They're already at the brink! They are already lacking adequate staffing, adequate funding, and adequate education. I could go on, but I'm already getting too upset considering another horrible condo/luxury apartment monstrosity is being proposed for an area sacred to people we've already taken so much from. I say that as someone who's family has lived here since 1623. I am steeped in American history and I have to say something.

We CANNOT take more away from people we've taken everything else from. Nor can we take this from the animals and fauna that exist on that land that ONLY HELPS US live our lives! I can't understand the motivation behind this. In no way will this be beneficial to our community, our environment, or our moral obligations.

With genuine sincerity and hope that you will reconsider,  
Amelia Allen

**From:** [Christian Grigoraskos](#)  
**To:** [citycouncil](#)  
**Cc:** [Maria.DeBonis](#)  
**Subject:** Letter in opposition of zoning variance for 1011 2nd Ave.  
**Date:** Wednesday, May 25, 2022 9:39:23 AM

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Hello,

I live at 488 2nd avenue, 2 miles from the proposed site at 1011, and I would prefer that the neighborhood and riparian forest remain intact from development.

Most significant to the request for a variance to change the zoning to a PDD is that I sat for the last 2 years on the zoning re-wrote advisory committee and granting this type of variance completely goes against ALL of the conversations we have had about the way the City wants to handle zoning issues going forward.

Furthermore, there is so much vocal opposition to this development by neighbors and other citizens that granting the variance would blatantly undermine our democratic process and be an absolute failure on the part of our elected officials to listen to the voice of it's constituents.

I absolutely cannot support the granting of this variance or any development of an intact riparian ecosystem when there are so many more opportunities for infill development AND we are in the era of climate disruption which means that moving forward with this project is suicidal for future generations.

I hope you can listen to WE THE PEOPLE and do the right thing.

Sincerely,  
Christian Grigoraskos  
488 2nd Ave

In order for the city to hold to

**From:** [Mark Solazzo](#)  
**To:** [All City Council Members](#)  
**Cc:** [Maria.DeBonis](#)  
**Subject:** Determination of Significance for 1011 2nd Avenue  
**Date:** Tuesday, May 24, 2022 1:46:47 PM

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To whom it may concern,

It has been brought to my attention of the absolute egregious decision of the Troy City Council to rezone natural and sacred land for awful apartment developments. Not only  
Is this an absolute abomination to destroy natural lands for hideous and unnecessary developments. It's an absolute moral incompetency to even consider it. Not pulling punches here it's purely a matter of low intelligence and greed on the city councils end to make a decision like this. The facts are clear cut and the impacts this would have on the environment alone are enough to keep any sensible human being from making this choice. At a time when the world is rapidly raising in global temperature furthering the path toward imminent destruction, the city council is thinking of adding to this. Do you even think? Or is it the dollar signs you guys see from the development companies ? It seems like both. You are elected officials that are supposed to represent the COMMUNITY not the COMPANIES that unmorally and corruptly line your pockets.

Get a backbone, grow a spine, acquire a conscious. Whatever it takes to protect these natural and sacred lands. A decision that will actually make good in the world instead of the disaster that the apartment/gross housing developments would bring.

Sent from my iPhone

To whom it may concern:

I am writing to express disapproval towards the proposed zoning change from R-1 single family to P-planned development in Troy along the Hudson.

Not only would this construction further congest our roads and social community, but it would continue to erode our beautiful, upstate environment.

I love walking along the already limited wild parts of the Hudson. Our city does not need more noise, trash, and air pollution concentrated near an already endangered natural historic feature.

Please preserve our indigenous land and culture.

Sincerely SINCERELY,  
Anna Martin