

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

Thursday, April 6, 2023, 5:30 and 5:45 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 Figueroa, Council Member Steele was absent, Council Member Menn, Council Member Conley-Wilson, Council Sorriento, Council President Mantello, Chair.

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 ordinance Chapter 285 of the Troy City Code

Public Forum:

- Stephen
- Keith Bacord
- Carolyn Nagy
- David Graham
- Jonathan Tingle
- Park Foley
- Phil Farnaci
- Anthony Mohen

Adjournment: The hearing adjourned at 6:00 p.m.

From: [Carmella](#)
To: [Maria.DeBonis](#)
Subject: Fwd: Public Hearing 4/6 - RECODE TROY
Date: Thursday, April 06, 2023 1:39:43 PM

Carmella R. Mantello
City Council President
City of Troy

Sent from my iPhone

Begin forwarded message:

From: Samantha Toews <ultimatechiller@gmail.com>
Date: April 6, 2023 at 1:29:12 PM EDT
To: Citycouncil@troyny.gov, Steven.Strichman@troyny.gov,
Patrick.Madden@troyny.gov, chris.nolin@troyny.gov, alaina.finan@troyny.gov,
Richard.Morrissey@troyny.gov
Subject: Public Hearing 4/6 - RECODE TROY

Troy City Council et al.,

I am writing to voice my support for Recode Troy and the proposed Downtown 1 and Downtown 2 zones created to protect the City's historic downtown by seeking to maintain its existing streetscapes, character and **scale**.

The vision for Recode Troy was shaped by a variety of stakeholders over the course of many years that agreed, this is the path forward. Voting to enact the new zoning ordinance has been anticipated for years. Therefore, immediately repealing the current zoning law should not come as a surprise to those looking to develop in Troy. Many local architects and developers have successfully designed and constructed plans with the new code in mind.

It has recently been brought to my attention that the YWCA has proposed a project to construct a new (7) story infill building. Their proposal is not compatible with the surrounding traditional, historic build-out and exceeds the code as currently written in Recode Troy. The YWCA has barely started the approval process and should not be provided a grace period to construct their project as currently proposed.

Recode Troy is a wonderful vision for the future of Troy. Please do not allow it to be compromised in its infancy.

Thank you for your time and consideration,

Samantha Toews
Owner – 182 River Street

From: [Carmella](#)
To: [Maria.DeBonis](#)
Subject: Fwd: YWCA project
Date: Thursday, April 06, 2023 12:51:14 PM

Carmella R. Mantello
City Council President
City of Troy

Sent from my iPhone

Begin forwarded message:

From: David Graham <starchief9@gmail.com>
Date: April 6, 2023 at 9:30:38 AM EDT
To: Citycouncil@troyny.gov, Steven Strichman
<Steven.Strichman@troyny.gov>, Patrick.Madden@troyny.gov,
chris.nolin@troyny.gov, alaina.finan@troyny.gov,
Richard.Morrissey@troyny.gov
Subject: YWCA project

We understand that the architect for the YWCA project is attempting to avoid the new Troy City Code at the council meeting tonight. Invalidating the Code for downtown is outrageous and legally questionable. As the YMCA project does not meet the new Code, the City Council should not consider the current proposal to move forward.

Additionally, given the building's extreme height, problematic access by the fire department, questionable assumptions on the plans, the elimination of parking with the addition of 80 to 100 additional tenants, and vociferous objections from immediate neighbors, the project should not be considered under the old code.

David Graham
Harriet Warnock-Graham
148 2nd St.
Troy

From: [Carmella](#)
To: [Maria.DeBonis](#)
Subject: Fwd: Recode Troy
Date: Thursday, April 06, 2023 12:50:52 PM

Carmella R. Mantello
City Council President
City of Troy

Sent from my iPhone

Begin forwarded message:

From: Philip Farinacci <phil.farinacci@gmail.com>
Date: April 6, 2023 at 12:10:58 PM EDT
To: Citycouncil@troyny.gov
Cc: Steven.Strichman@troyny.gov, Patrick.Madden@troyny.gov,
chris.nolin@troyny.gov, alaina.finan@troyny.gov,
Richard.Morrissey@troyny.gov
Subject: Recode Troy

Dear City Council,

I was made aware that the architect representing the development team for 21 1st Street project for the YWCA has made a last minute request to amend the the proposed Recode Troy.

This request is being made simply because it will benefit his project which currently includes a 7 story building in the proposed Downtown 1 district which limits buildings to 5 stories.

Recode Troy is not something new. I have been receiving emails and updates about the process since at least 2019. I know there were many community meetings and that the project received a great deal of input from the Downtown Troy community. This new set of codes is not something that was unexpectedly sprung on SWBR or Spring City Development.

Recode Troy should be adopted as currently written with the Downtown 1 and Downtown 2 zones to protect our historic district.

Many of us have spent many years and dollars to bring our 19th century building back to life. We have worked with the City's zoning and historical codes out of respect for our city and our neighbors.

If SWBR Architects and Spring City want to build a project that does not comply with code, then they can apply for a Zoning Board Variance like the rest of us have had to do in the past as it pertained to our own projects.

Considering all the time and effort spent on Recode Troy, that is the fair path at this time.

It is not fair to make a last minute attempt to amend the code just for their own benefit.

Thank you for your consideration.

Phil Farinacci
35 1st Street

Amend the ReCode: An Opportunity to Structurally Improve Equity, Sustainability, and Resilience

The Troy City Council will soon be considering adopting a new zoning code, the laws that shape how Troy is developed in the future. The zoning code is the set of rules that developers must abide by, and the zoning code is, arguably, the strongest way the community can influence what their community looks like, feels like, and how it physically works.

The new zoning code, as proposed, is a huge step in the right direction for working people over the current code. It takes large steps to increase the ability of low-income people and people of color by lowering barriers to opening businesses that meet the needs of their communities and adding affordable housing options in wealthier parts of the city, among other things.

However, the zoning falls short of many of the laudable goals and metrics it sets for itself by retaining single-family exclusive districts and low intensity development. We believe that the council should **remove single-family exclusive districts and the lowest intensity zone** (labeled as Neighborhood I) because this type of development:

- **Limits equity and housing affordability:** single-family exclusive zoning is historically racist and classist, and was used to keep black families from moving to white neighborhoods. Allowing multi-family units alongside single-family ones can improve opportunity for affordable housing and diversity of both race and income levels in our community.
(<https://www.planning.org/blog/9228712/grappling-with-the-racist-legacy-of-zoning/>)
- **Damages environmental sustainability:** the proposed code does encourage more environmentally sustainable development in *parts* of the city (mostly concentrated near the Hudson and South of Lansingburgh), but allowing low intensity and single use development areas still causes environmental harm. Additional vehicle trips and related pollution, energy inefficient buildings, and more inflict harm on all of us, whether we live in these typically more wealthy areas or not.
(<https://gppreview.com/2019/11/05/green-houses-greenhouse-gases-exclusionary-zoning-climate-catastrophe/>)
- **Causes traffic deaths and injuries:** the code has a number of provisions to encourage the improvement of the safety of people walking, biking, or rolling. However, it does not strike at the root cause of most traffic violence: the necessity to drive for nearly every trip created by low intensity and exclusively single-family development. The more vehicles on our streets and trips taken, the more traffic deaths and injuries we see. Reducing this type of development will save lives. (<https://ajph.aphapublications.org/doi/full/10.2105/AJPH.93.9.1541>)
- **Creates fiscal imbalance and inequality:** more compact development improves the city's financial resilience by collecting more tax revenues per acre, and allowing us to build and maintain cheaper infrastructure and services per capita. By keeping single-family exclusive and low intensity zones, the more dense, typically lower-income neighborhoods will continue to subsidize the lower-density, typically wealthier areas in the city's budget, increasing the cost of living for renters and encouraging displacement.
(<https://www.strongtowns.org/journal/2020/5/14/americas-growth-ponzi-scheme-md2020>)

An additional issue is that while the proposed code encourages more mixed use development in more of the city - which increases the quality of life (convenient to grab something from the corner store) and reduces pollution (no need for a vehicle trip) - the code then undercuts this effort by including a buffer

around convenience stores so that two stores can't be across the street (or even down the block) from each other. This means that if the store closest to you doesn't have the item you need, you may end up walking quite far, which encourages people to simply drive to the store. It also has the effect of granting those store owners who may not be great neighbors something of a local monopoly - making it impossible for competition to offer an alternative.

Given the social, environmental, health, and fiscal cost of single-family exclusive and low intensity development, it is incumbent on the council to remove this kind of zoning from Troy's zoning code. The cost of inaction - and half measures - are real and born by the most vulnerable of us. We, the undersigned, call for the Troy City Council to **remove the exclusionary and harmful single-family exclusive use districts and the lowest density zones**, as well as **the convenience store buffer** from the proposed code.

Stephen Maples
Mark Speedy
Renee Rhodes
Chel Miller
Anthony Olivares
Peyton Whitney
Dan Phiffer
Dylan Rees
Dara S.
David Banks
Line Kristine Henriksen
Ethan Warren
Rafael varela
Xan Plymale
Kristoph DiMaria
Caroline Nagy
Jack Letourneau
Rindle Glick
Rhea Drysdale
Daniel Graham
Marie H.
Zachary Guthrie

From: [Marie Heffernan](#)
To: [Maria.DeBonis](#)
Subject: amend the recode
Date: Wednesday, April 05, 2023 8:41:09 PM

Dear Ms. Maria Debonis,

I am writing to ask for the Troy City Council to remove the exclusionary and harmful single-family exclusive use districts and the lowest density zones, as well as the convenience store buffer from the proposed zoning code, for the following reasons:

Limits equity and housing affordability: single-family exclusive zoning is historically racist and classist, and was used to keep black families from moving to white neighborhoods. Allowing multi-family units alongside single-family ones can improve opportunity for affordable housing and diversity of both race and income levels in our community .
(<https://www.planning.org/blog/9228712/grappling-with-the-racist-legacy-of-zoning/>)

Damages environmental sustainability: the proposed code does encourage more environmentally sustainable development in parts of the city (mostly concentrated near the Hudson and South of Lansingburgh), but allowing low intensity and single use development areas still causes environmental harm. Additional vehicle trips and related pollution, energy inefficient buildings, and more inflict harm on all of us, whether we live in these typically more wealthy areas or not. (<https://gppreview.com/2019/11/05/green-houses-greenhouse-gases-exclusionary-zoning-climate-catastrophe/>)

Causes traffic deaths and injuries: the code has a number of provisions to encourage the improvement of the safety of people walking, biking, or rolling. However, it does not strike at the root cause of most traffic violence: the necessity to drive for nearly every trip created by low intensity and exclusively single-family development. The more vehicles on our streets and trips taken, the more traffic deaths and injuries we see. Reducing this type of development will save lives. (<https://ajph.aphapublications.org/doi/full/10.2105/AJPH.93.9.1541>)

Creates fiscal imbalance and inequality: more compact development improves the city's financial resilience by collecting more tax revenues per acre, and allowing us to build and maintain cheaper infrastructure and services per capita. By keeping single-family exclusive and low intensity zones, the more dense, typically lower-income neighborhoods will continue to subsidize the lower-density, typically wealthier areas in the city's budget, increasing the cost of living for renters and encouraging displacement.
(<https://www.strongtowns.org/journal/2020/5/14/americas-growth-ponzi-scheme-md2020>)

An additional issue is that while the proposed code encourages more mixed use development in more of the city - which increases the quality of life (convenient to grab something from the corner store) and reduces pollution (no need for a vehicle trip) - the code then undercuts this effort by including a buffer around convenience stores so that two stores can't be across the street (or even down the block) from each other. This means that if the store closest to you doesn't have the item you need, you may end up walking quite far, which encourages people to simply drive to the store. It also has the effect of granting those store owners who may not be great neighbors something of a local monopoly - making it impossible for competition to offer an alternative.

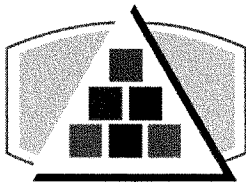
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All the best,

Marie Kathleen Heffernan

Designer | Writer | Artist

<https://linktr.ee/mariekathleen>



**Gilchrist
Tingley, P.C.**
ATTORNEYS AT LAW

Jonathon B. Tingley
jtingley@gilchristtingley.com
(518) 238-3759 ext. 203

April 6, 2023

VIA EMAIL – citycouncil@troyny.gov

City of Troy City Council
433 River Street
Troy, New York 12180

Re: Proposed Chapter 285: Zoning, Land Use, and Development Ordinance

Dear City Council:

We represent Russell Brooks, who owns and resides at 37 First Street in the City of Troy. We respectfully submit this letter on his behalf for consideration and inclusion in the public hearing record for the proposed adoption of new Chapter 285: Zoning, Land Use and Development Ordinance (hereinafter, the "Proposed New Zoning Code").

The Proposed New Zoning Code (February 22, 2023) should be enacted in its current form, and it should be made effective immediately in accordance with its current terms.

The current version of the Proposed New Zoning Code represents the culmination of nearly 4 years of a tremendous amount of work and valuable input from City officials, City staff, City volunteers, City residents, committees, and professional consultants. The inclusion of the Downtown I Development Intensity Zone, a proposed zone in which my client resides, is a product of that effort, and appropriately recognizes and seeks to preserve the unique character of the City of Troy's traditional, historic downtown neighborhood.

Calls to remove the Downtown I and Downtown II Development Intensity Zones that are currently proposed, in favor of just one Downtown Core Development Intensity Zone in their place, represents a giant step backwards in the lengthy process to Recode Troy. A single Downtown Core Development Intensity Zone was previously proposed a year ago, but has been appropriately discarded in favor of recognizing and protecting the unique, traditional historic downtown neighborhood encompassed by the currently proposed Downtown I Development Intensity Zone, and along with it, the historic architectural scale and character there. We urge the City Council to retain and adopt the currently proposed Downtown I Development Intensity Zone and its lot development standards.

Additionally, the City Council should adopt the Proposed New Zoning Code now, and so as to not undermine its intent, the terms of the Proposed New Zoning Code should apply immediately. There has been some suggestion that the City should provide what amounts to a "grace period" to allow un-reviewed and unapproved projects to move forward without compliance with the Proposed New Zoning Code. That suggestion should be rejected.

The current zoning ordinance is from the 1980s and has had only piece-meal amendments over the past 40 years. The City's Comprehensive Plan was adopted in 2018. The currently Proposed New Zoning Code would, at long last, give effect to that Comprehensive Plan. Permitting yet-to-be reviewed or approved projects to continue to move forward without adhering to the Proposed New Zoning Code ignores the substantial and lengthy effort to Recode Troy and to develop and implement a meaningful Comprehensive Plan. Granting this special benefit to developers to build projects without compliance with the Proposed New Zoning Code poses the substantial risk of irreparably undermining the City's zoning efforts by permitting insertion of incompatible developments into neighborhoods that the City seeks to preserve and protect.

Allowing developers to continue pursuing the review and approval of projects that are not compliant with a newly adopted zoning ordinance, in our experience, is directly contrary to standard practice. Oftentimes, municipalities that are developing zoning amendments actually impose moratoria to prevent developers from rushing into an application process to try to "beat" the proposed new zoning, rather than inviting them to do so.

The rights of developers and property owners are already adequately protected under the Proposed New Zoning Code, as currently drafted. Under the City's Proposed New Zoning Code, new structures may be built on a nonconforming lot that legally existed prior to the effective date of the Proposed New Zoning Code; buildings or structures for which a Building Permit has already been lawfully issued may be completed; and nonconforming uses that are lawfully in existence would be allowed to continue. These measures properly balance the rights of developers and property owners against the legitimate interests of the City in preserving, protecting and enhancing land use in the City of Troy.

Accordingly, on behalf of our client, we respectfully urge the City Council to enact the Proposed New Zoning Code (February 22, 2023) in its current form, and to ensure that it is made effective immediately in accordance with its current terms.

Very truly yours,

GILCHRIST TINGLEY, P.C.

By: 
Jonathon B. Tingley

City of Troy City Council

April 6, 2023

Page 3

cc: Russell Brooks (*via email*)
Steven Strichman, Commission of Planning and Economic Development (*via email*)
Richard T. Morrissey, Esq., Corporation Counsel (*via email*)