

May 25, 2022

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

### **Rezonings 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 (NYSDOS) "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 Arzinger

Jeffrey Anzevino, AICP  
Director of Land Use Advocacy

## Appendix A

## Map 14 - Land Use

