

**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**

Kanerahtiio 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 Spellan  
Commissioner Roddy Yagan, P.E.  
Executive Secretary Aaron Vera