

October 21, 2024

Town of Queensbury
Planning Department
Town Hall, Bay Road
Queensbury, NY 12804

ATTN: Mr. Stuart Baker, Senior Planner

Re: Responses to 10/9/2024 Comments, Apex Capital LLC / Mountain Top Ventures LLC, Proposed Woods at West Mountain PRD

Dear Mr. Baker,

We are in receipt of your “New or revised comments shown in highlighted text” dated 10/9/2024 pertaining to The Woods at West Mountain Planned Resort Development. Following are response to each of the comments that are highlight in yellow for your consideration.

Responses to comments are as follows:

Section 179-12B-010(B)

(3)(b) Outstanding natural topography

Staff Comment: The proposed 3 story homes in Phases III – IV typically range from 30-45 feet in height, dependent upon building design. Further analysis of the potential visual impact of construction on slopes and the ridgeline may be required as part of the SEQRA process. The applicant noted in responses to staff comments received on 2/1/24 that “The applicant understands that further visual impact analysis of the proposed project may be required by the Town Planning Board during the SEQR process related to construction proximate to the ridgeline.” The Planning Board may consider the visual impact of development on slope and ridge-adjacent properties as part of its recommendations to the Town Board regarding the SEQRA review of the Petition for Change of Zone and Planned Resort Development applications. See Town Board Res. 94.2024 and Question 9 of the SEQRA FEA, Part 2.

Response: The proposed homes in Phase III and IV are not on the ridgeline of West Mountain. Phase III and IV are on the east facing slope of West Mountain along the Ski trails. Applicants comment that “... further visual impact analysis of the proposed project may be required by the Town Planning Board during the SEQR process related to construction proximate to the ridgeline,” was in reference to Phase V of the project.

Applicant in the 2/15/24 response to comments presented detailed site plans illustrating that no ridgeline vegetation would be removed and that the proposed house locations were sited so that the roofs of the houses would be below the ridgeline of West Mountain. These house sites face east and west and are topographically lower than the ridgeline so as to avoid any “silhouetting” of structures above the tree line/ridgeline.

Applicant understands that visual impact is a concern. As such, as Phase III, IV and V are proposed, such visual impact analysis may be required by the Planning Board during Site Plan Review. At that time, detailed layout and grading plans will be available as well as building designs to allow for such an analysis to be adequately performed.

(3)(d) Geologic features

Staff Comment: The application did include a test pit location map at Page 48. The Phase IV narrative on Page 39 states “No bedrock was encountered in the soil test pits (TP #5 and #6).” A comparison of the test pit locations with the Sheet S-1: Overall PRD Plan (Page 23) shows that test pits were not done in either Phase IV or Phase V areas of the project. Phase IV begins at +800 foot elevation, and the TP #6 is shown on the Soil Test Pit Data (Attachment R, PDF Page at approximately 650 feet elevation).

Response: TP #5 and #6 did not encounter any bedrock nor groundwater. TP #5 is at the lower extremity of Phase III and TP #6 in mid-way up the mountain in Phase III. No tests pits were performed in Phase IV which only includes four buildings lots.

The applicant indicated that an on-site septic system currently exists at a location in Phase V of the project. Sufficient suitable soils were present to allow for that system to be designed, engineered, permitted and built, which is currently functioning.

Applicant performed sufficient soil test pits to justify that the majority of Phase III and IV areas have sufficient soils to accommodate development. The applicant also understands that as each project phase commences Site Plan Review at the Planning Board that additional soil testing will be required at specific locations for stormwater management practices, once site specific locations are proposed as well as in locations for OSWTS’s in Phase V.

(5)(b) Additional comprehensive plan goals and recommendations that should be considered include

Staff Comment: §A183-26(A) of Town Code prescribes the formula for calculating base residential density in a zoning district. Using this formula, staff estimates that the proposed total square footage of construction is over 3.6 times greater than that allowed in the Recreation Commercial zoning district under a traditional subdivision. The PRD application includes a Petition for Change of Zone application (Attachment Q at page 271) requesting that §A183-26(A)(4) “be changed to Slopes in excess of 20% shall not subtracted for the density calculation in ski mountain planned recreation districts.” See the density calculations below.

Response: The staff estimate that “the proposed total square footage of construction is over 3.6 times greater than that allowed in the Recreation Commercial zoning district” deducts the area in the proposed PRD with slopes over 20% in arriving at that calculation.

As stated, the proposed PRD includes a request to modify the Town Code prescribed formula by allowing such acreage to be included in the calculation in order to arrive at the proposed maximum allowable density.

Including the land area with slopes over 20% in the calculation results in an allowable maximum density of 1,316,000 square feet of total construction.

$(226.73 \text{ ac} \times 43,560 \div 15,000 \times 2,000 \text{ SF} = 1,316,000 \text{ SF})$

As such, the proposed estimated total square foot of construction of 1,019,600 square feet is less than what would be allowed with approval of the requested modification. The above 226.73 acres deducted 1.05 acres federal wetlands, 14.22 acres of estimated rock outcrops and 12 acres occupied by road for a total site area of 254.00 acres in the PRD.

Use of the lands over 20% in slope is used to derive maximum density only and does not prescribe that any development will be on slopes over 20%. A ski area PRD is unique in that it must be on lands steep enough for ski trail development (usually over 20%). For the proposed Woods at West Mountain, the majority of proposed building density is in the Phase I and II areas which are on gentle slopes. Here, the base village and townhouse development are proposed. Phase III, IV and V include a total of 65 single family residential structures. At an estimated 3,500 SF / residence, there is a total of 227,500 square feet of construction, or 22.3% of the total proposed construction in the PRD. The remaining 77.7% is in Phases I and II, or at the base of the mountain, where the densest construction is proposed on the most suitable lands.

(7) There shall be adequate water supply and sewage disposal facilities, and drainage facilities shall be designed to maintain predevelopment off-site runoff

Staff Comment: The applicant has not provided test pit data for Phase V. A review of the applicant's June 2023 Soils Diagram and the USDA NRCS soil suitability and limitations by soil types suggests that many of the proposed lots in Phase V may have very limited suitability for on-site septic field use.

Response: Applicants 2/15/24 response specifically provided reasons why the USDA SCS soils information is not accurate and in sufficient site specific detail to be used in the analysis of individual project development proposals.

As previously stated, one on-site wastewater treatment system currently exists in the Phase V area. Adequate soils were encountered, and a fully engineered and approved system was built. On-site soils data and on-site experience in the development of this system is suitable proof that adequate soils exist in the Phase V area for proposed construction.

(8) (b) Whether the project provides scenic vistas, historic sites, and prevents disruption of natural drainage patterns

Staff Comment: Aside from identifying the existing stream on the project site, the application did not include any depiction or plan of other existing natural drainage patterns on the site.

Response: The project area in the PRD is a homogeneous mountain side with relatively constant slopes with "sheet drainage" or overland flows of stormwater. The only stream

and/or drainage way of any significance on the site is the stream as noted on the drawings.

(9) The project utilizes landscaping and building design to present a sense of community, of integrated color schemes, architectural styles and layout

Staff Comment: No conceptual landscaping design has been submitted to date. The application provides a limited written description of architectural styles with no discussion of color schemes. The Planning Board may request a) sample conceptual landscaping designs and b) sample conceptual architectural designs by project phase to aid in evaluating whether this objective is satisfied as per §1789-12B-010(B)(9).

Response: Comment noted. Applicant proposes building an architecturally coordinated project with a “Mountain” architecture theme. Visual examples were presented to the Town Board for similar projects. Additionally, all landscaping is proposed to include plant materials indigenous to the area.

At this time, no actual building designs have been developed. Similarly, at the scale of approximately 1”=200 feet, no actual landscape, or planting plans, are possible, or practical to prepare.

Actual detailed building designs as well as detailed planting plans will be prepared for each project phase as Site Plan Review proceeds with the Planning Board.

(10) The recreational aspect and associated facilities of the proposed PRD shall be the dominant land use in the PRD, with an appropriate ratio of residential uses and other mixed commercial uses that is appropriate and sustainable for its location, Town needs and market considerations. The actual ratio of mixed uses shall be specified by the applicant as part of the PRD application and approved by the Town Board as part of the approval process

Staff Comment: The actual ratio of mixed uses is not provided in the application. Staff has developed the tables below based on the available information in the Draft Amendment to Zoning Ordinance on page 240 of the application:

	Estimated Proposed Building Area		% of Total Dwelling Units	% of Total Residential Square Footage
Commercial Uses	138,800 ft ²	Apartments	59.0%	41.6%
Residential Uses**	848,800 ft ²	Condos	15.0%	16.6%
Total	1,019,600 ft ²	Duplex	10.8%	17.3%
Residential to Commercial Ratio	6.35	Single Family Residential**	15.2%	24.5%

Response: Comment noted.

Compliance of PRD Concept Plans with Chapter A183 – Subdivision of Land

Staff Comment: The number of proposed dwelling units in Phases I, II, & III of the PRD exceeds the maximum number of dwelling units per phase requirements of §A183-42

Response: If required, a waiver or exception in the PRD legislation will be requested to allow for the number of residential units in Phase I, II, and III to exceed the maximum number of dwelling units per phase requirement.

Information Still Needed

Project Narrative

Staff Comment: Attachment M: Draft Amendment to the Zoning Ordinance lists the use “Ski Lodge” with a proposed maximum square footage of 16,000 SF (3 story). This proposed zoning indicates that the Existing Day Lodge could also be expanded to that size. The Draft Amendment to the Zoning Ordinance should be amended to clarify the applicant’s intent to not increase the size of the Day Lodge.

Response: The proposed maximum square footage of 16,000SF (3 story) applies to the new ski lodge in the Alpine Village only. The existing “Day-use Ski Lodge” is listed in “Accessory Uses” in the Table and is totally different and separate from the proposed new ski lodge in the Alpine Villages.

Staff Comment: Clarification on the number of single family homes proposed.

- The project narrative (PDF Page 4), traffic report (PDF Page 56) and the Draft amendment to Zoning Ordinance (PDF Page 240) all state that 65 single family homes will be built.
- 2/1/24 correspondence to staff stated that “The Lower Oaks Cabin Race Team Staff House will be the only use proposed on Lot 51” in Phase V. This reduces the total proposed single family homes to 64.

Response: Comment noted. Applicant Agrees.

Staff Comment: Will the entirety of both proposed access ways from Cormus Road and Luzerne Road be improved to the Town standards prescribed by §A183-27 of Town Code?

Response: Yes. The entirety of both proposed access ways from Cormus Road and Luzerne Road will be improved in the future to Town Standards when the Phase V project is to be developed.

Staff Comment: Clarification of whether ski trail AOA will extend on to three single family lots in Phase III, as currently shown on Sheets S-1 through S-4 (PDF pages 23-26) and Sheet SS-7 (PDF Page 51). If ski trail A.O.A. is to be relocated so as not to extend on to single family home lots, phase plans must show accordingly and figures related to land disturbance in the application should be adjusted accordingly.

Response: Ski trails for the three single family lots in Phase III will not extend onto the three lots. The lot lines will be adjusted so as to be adjacent to the ski trail in order to provide for ski-in and ski-out access to these lots.

Soil Map

Staff Comment: Required for project evaluation as per §179-12-030(J)

- Test pit log and location data for Phases I, II and III is provided at PDF Pages 17-19 and Attachment R (PDF Page 276).

Response: Comment noted.

Full Environmental Assessment Form, Part 1

Staff Comment: D.1.h.vi.: The response should note that the pond is proposed to become ‘a man-made feature’ with.....”

Response: Comment noted. The response in the EAF Part 1 will be amended.

The pond is proposed to be “a man-made feature” with artificial liner, fountains/aerators for visual aesthetics as well as water quality maintenance and surrounded with paved patio/plaza areas for outdoor dining and seating. It is integral with the hardscape development proposed in the Phase I Alpine Village area.

Conceptual Stormwater Plan

Staff Comment: Materials submitted give an inconsistent presentation of whether the pond/“water feature” will be used as part of the stormwater management plan.

- Phase 1 – Base Area Alpine Village narrative (PDF Page 38), 5th paragraph states “The water feature may or may not, be incorporated into the Stormwater Management Plan. As located, it is down gradient from the proposed new ski trail extension from the existing Northwest Mountain Day Lodge to the new ski lodge in the Base Area Alpine Village. As such, stormwater flowing downgradient from this trail could be routed around to the artificial water feature and then conveyed directly to the parking lot infiltrators following pre-treatment. A final decision to incorporate or not to incorporate the “Man-Made Water Feature” into the Stormwater Management Plan will be made during Site Plan Review when detailed engineering plans will be prepared.”

Response: Comment noted. At this time detailed stormwater management engineering is not practical nor feasible. A complete Hydro-CAD stormwater report is required which can only be prepared once more detailed project plans are available.

As such, applicant has identified that an option exists to either incorporate stormwater run off into the “man-made water feature” or route such water around the water feature and into subsurface infiltrators in the Alpine Village.

Staff Comment: Full EAF, Page 4 of 13 (PDF page 255):

- D.1.h.i.: The response states that the purpose of the impoundment included “potential inclusion of water feature into SWM Plan which will required outfall weir.”
- D.1.h.ii. The response notes the proposed use of the pond for stormwater management

Response: Comment noted. See previous response to comment.

Staff Comment: Attachment F: Conceptual Stormwater Management Plan Phases I-V (PDF Page 41) shows stormwater directed into a forebay at the “water feature,” with an “optional route to by-pass stormwater around ‘man-made water feature.’”

Response: Comment noted. See previous response to comment.

Draft Amendment to Zoning Ordinance

Staff Comment: The Day Use Ski Lodge proposed Maximum SF Feet Allowable Space is 10,000ft². This suggested expansion from the existing 1,938ft² (Source: Assessing Records) is not clearly explained in the project narrative, and appears to contradict the applicant’s correspondence to staff of 2/1/24 that stated “the existing day lodge is to remain.”

Response: The existing Day Use Ski Lodge is not proposed to be expanded. It will be renovated and include exterior facade improvements to match the character of the new building construction in the PRD.

The Draft Amendment to Zoning Ordinance will be revised to indicate that the proposed maximum square feet of allowable space in the Day Lodge will not exceed that which currently exists (1,938 SF).

Additional information that may aid in Planning Board review and public understanding of the proposed Planned Resort Development

Staff Comment: Consistent information between Page 8 and Sheet S-1 on Page 23 regarding the amount of land area to be dedicated to recreation.

Response: The table on page 8 correctly states the total amount of land area to be dedicated to recreation and other development. Sheet S-1 will be updated to reflect these statistics.

Staff Comment: The applicant’s calculation of the ratio of mixed uses proposed for Planning Board evaluation of the objective of §17-12B-010(B)(10)

Response: At this time the applicant agrees with staff calculation previously provided above. However, as the project proceeds, this calculation may be modified as more detailed plans are developed.

Staff Comment: A complete list of anticipated waiver requests from Chapter A 183 for subdivision applications, including road design standards.

Response: At this time, the following waivers and/or code revisions are anticipated to be requested from Chapter A 183 for the project:

- A 183-26(A) – Formula for calculating base density. Relief of eliminating lands over 20% in grade is proposed as a zoning amendment,
- A 183-42 – Maximum number of dwelling units per phase, and
- A 183-27(1)(4) – Dead-end streets longer than 1,000 LF. Turn-outs are proposed to not exceed 1,000 LF road lengths.

As site plan review proceeds and the layout and project are designed in more detail, additional waivers may be requested.

Staff Comment: Soil test pit data for Phases IV & IV.

Response: Please refer to previous Responses to Soils Data Comments in this document.

Staff Comment: The Planning Board may request that the applicant to present a conceptual grading plan for the roadway and the adjacent lots that demonstrates that the currently shown lot layout is actually feasible and constructable, as recommended in the Town's consulting engineer's letter of 9/12 24.

Response: As previously stated, until more detailed project plans are developed for Site Plan Review which are at a more accurate scale, such as 1"=40' or 1"=50' and not at a scale of 1"=200' for the Zoning Amendment, it is not possible to develop meaningful grading plans for the project.

As each Phase of the project progresses to Site Plan Review, such detailed grading plans will be prepared. These plans will accurately depict the actual project layout and develop site specific adjustments and refinements to the roadway and proposed development layout.

Staff Comment: The Planning Board may request a) sample conceptual landscaping designs and b) sample conceptual architectural designs by project phase to aid in evaluating whether the objective in §179-12B-010(B)(9) is satisfied.

Response: As previously stated, such plans will be presented to the Planning Board during Site Plan Review for each Project Phase.