
QUEENSBURY PLANNING BOARD MEETING

SPECIAL MEETING

NOVEMBER 13TH, 2024

INDEX

Planned Unit Development 1-2024	APEX Capital, LLC/Mountaintop Ventures, LLC	1.
Petition of Zone Change 1-2024	Tax Map No. 307.-1-29, 314.-1-3, 308.17-1-38	

THESE ARE NOT OFFICIALLY ADOPTED MINUTES AND ARE SUBJECT TO BOARD AND STAFF REVISIONS. REVISIONS WILL APPEAR ON THE FOLLOWING MONTH'S MINUTES (IF ANY) AND WILL STATE SUCH APPROVAL OF SAID MINUTES.

QUEENSBURY PLANNING BOARD MEETING
SPECIAL MEETING
NOVEMBER 13TH, 2024
7:00 P.M.

MEMBERS PRESENT

STEPHEN TRAVER, CHAIRMAN
ELLEN MC DEVITT, VICE CHAIRMAN
DAVID DEEB
BRAD MAGOWAN
WARREN LONGACKER
TOM UNCHER, ALTERNATE

MEMBERS ABSENT

BRADY STARK
FRITZ STEFANZICK

LAND USE PLANNER-LAURA MOORE

SENIOR PLANNER-STUART BAKER

STENOGRAPHER-MARIA GAGLIARDI

MR. TRAVER- Good evening, everybody. Welcome to the Town of Queensbury Planning Board meeting for Wednesday, November 13th, 2024. This is a special meeting that we have with just one item on the agenda to discuss the APEX Capital West Mountain project. I would mention that if we do have an emergency of some kind, please make note of the illuminated emergency exit signs. Those are the exits. If you have a cell phone or other electronic device, if you would either turn it off or turn the ringer off we'd appreciate that, and we do record the meeting for the minutes purposes, and also we ask that if you wish to have a conversation amongst yourselves, and there will be no public hearing for this item tonight, please go to the outer lobby to have that discussion, and with that, Laura, we can begin.

OLD BUSINESS:

PLANNED UNIT DEVELOPMENT I-2024 PETITION OF ZONE CHANGE I-2024 SEQR TYPE: TYPE I. APEX CAPITAL LLC/MOUNTAIN TOP VENTURES LLC. AGENT(S): STUDIO A LANDSCAPE ARCHITECTURE. OWNER(S): APEX CAPITAL, LLC. ZONING: RC. LOCATION: 59 WEST MOUNTAIN ROAD. APPLICANT PROPOSES A 254 ACRE PLANNED RESORT DEVELOPMENT ON MULTIPLE PARCELS WITH A TOTAL OF 365.43 ACRES. THE PARCEL CURRENTLY CONTAINS WEST MOUNTAIN, A MULTI SEASON RECREATIONAL FACILITY INCLUDING WINTER SPORTS, SUMMER CAMPS, MOUNTAIN BIKING, VARIETY OF FESTIVALS, AND FACILITY SITE EVENT RENTALS. THE PROPOSAL INCLUDES REZONING THE PARCEL FROM RECREATION COMMERCIAL ZONE TO A PLANNED RESORT DEVELOPMENT. THE PROJECT INCLUDES THE FOLLOWING MAJOR COMPONENTS "BASE AREA ALPINE VILLAGE" – MIXED USE RETAIL AND RESIDENTIAL USE, TOWN HOUSE DEVELOPMENT – 56 UNITS, "HOTEL/BANQUET/SPA COMPLEX/ATHLETIC CLUB" – 80 ROOM HOTEL AND AMENITIES, "DAY-USE LODGE AREA" – EXISTING NORTHWEST MOUNTAIN LODGE TO BE RENOVATED AND SITE AMENITIES INCLUDE AN OUTDOOR AMPHITHEATER, AND "SINGLE FAMILY HOME DEVELOPMENT" = 65 SINGLE FAMILY HOMES. PURSUANT TO ARTICLE 179-12B-050 PLANNING BOARD RECEIVED REFERRAL FROM THE TOWN BOARD AND TOWN BOARD SEEKS LEAD AGENCY, ARTICLE 179-12B-050(A)(3) PLANNING BOARD TO SET UP REVIEW FOR COMPLETENESS OVERVIEW. CROSS REFERENCE SP 65-96, SP 67-96, SP 3-97, SP 4-97, AV 92-2002, SP 22-2008, SP 34-2011, SP 61-2011, SUP 72-2012, SUP 11-2013, SUP 63-2014, SP 60-2018, SP 53-2019, SP 49-2022, SUP 3-2022. WARREN COUNTY PLANNING: N/A. LOT SIZE: 365.43 ACRES. SECTION: 179-3-060, 179-12-050.

JON LAPPER, JEFF ANTHONY, MATT STEVES & SPENCER MONTGOMERY, REP. APP., PRESENT

MRS. MOORE-Sure. So both myself and Stu prepared a set of Staff Notes. One of the things that we had discussed today between Steve and Staff is maybe how to approach tonight's meeting and we settled sort of on the intent from the Code section, and one of the things is in reference to the applicant's request to change some of the language in the actual Code section, specifically for planned resort development.

MR. TRAVER-Yes, thank you. We were discussing, I met with Staff the other day to try to think of how we could add some structure to this process. Because it is such a large project and we know we want to

get through it all in an orderly way and constructive way. So I thought as best we could, we could approach this not as this whole nebulous project, but try to identify some specific milestones for every special meeting and in looking at some of the items that we need to consider and/or the Town Board is going to be considering, one of the most significant ones is the issue of density, and your request as part of the application for the 20% slopes to be included in the density calculation. So I thought tonight, if we could specifically focus on that issue. We're not tonight, I don't believe there's any plan to make a specific recommendation to the Town Board as a result of our discussion tonight, but at some point we will be doing that, as well as having public hearings and all the rest of it, but if we could just talk about your request, the reason for it, how you justify it. We also have Stu here who's had a lot of extensive experience in looking at this project and obviously familiar with the Code and so on. So if that seems a reasonable approach to you folks, let's go ahead and get started.

MR. LAPPER-Believe me, we have a short presentation just to kind of focus everybody, and then we're here to maybe talk about density.

MR. TRAVER-We've had several presentations on the project as a whole. So I'd rather not have to go through that again if we can avoid it.

MR. LAPPER-No. It's more just in terms of the concept of the planned resort development, the PRD.

MR. TRAVER-Okay.

MR. LAPPER-Just to start with, West Mountain is an important recreational resource in the Town, and our kids learned to ski there, or we did, and this project is designed to make West Mountain successful and continue it in Queensbury for a long time, and it involves bringing in water cheaper from the Hudson River than paying for treated water to make snow, which is expensive and not necessary. So there are benefits for the project to make it financially viable, especially with the winters that we've had of late that are not what they used to be. At the same time, this is kind of a quiet part of the Town. This is on two County roads to get to Exit 18, a place that the north side of the mountain has lots of room for development, not a lot of neighbors. Because of Stu pushing us through the completeness review, we think that we've submitted enough enhancements to the long form that this is basically at the level of an EIS already with market studies, traffic studies, all the utility studies. We think that we've presented an awful lot of information, most of which we're not going to discuss tonight, but we've done a lot of work to get this point, and just the concept of the PRD, you know, in Stu's notes, which are very different than Laura's, and none of this is personal, but he's pointing out all the things where he thinks that it doesn't meet the Code, and the, you know, just to look at the section in Queensbury Code, 179-112B(10), the intent and objectives of PRD, is just exactly why we're here. The intent of a Planned Resort Article provides flexible land use and design regulations for rezoning of land, mid - to large-scale resorts may be developed in the Town. Planned Resort Developments permit establishment of appropriate areas within the Town where recreation uses may be brought together with residential and commercial uses in a compatible and unified plan of development which shall be in the interest of the general welfare of the public. This article specifically encourages innovation in resort development so that market demands for recreational activities and resort housing at all economic levels may be met by innovative design and by conservation and more efficient land in such development. So just we're asking for a lot of changes. This is a large project. This is exactly why you have a PRD. We think it's justified based upon the history of this project, the availability of this land, and the suitability of this land, and that's really where we get to the density discussion. I think that Stu views it a little bit like the Bible that you shouldn't be making changes, and it's the 20%, because that keeps coming up, and obviously we have to convince the Town Board that it's appropriate and we've had a number of meetings with the Town Board and they seem very supportive. We had a good meeting with you in May. We met with the neighbors and, you know, so far we just haven't had a lot of push back. Everyone seems supportive. Obviously we've got to get through a lot of details with you especially, and, you know, primarily, we're hoping to get to answer your questions tonight and that you're in a position where you feel comfortable scheduling a public hearing because you have to have a public hearing before you can make a recommendation. The recommendation to us on the PRD is a large scale bird's eye view. The real details are in site plan review for each of the phases where detailed engineering, we've done an awful lot of engineering to get to this point with the concept, but beyond this the details of the actual, the grade of roads, the length of roads, all of that is going to depend upon site plan once we get there of the real roll up our sleeves engineering that this just gets it in a situation where it gets us the ability to appear before you for site plan, and if we say that we're trying to do 65 houses and when we get to the site plan we can only do 55 houses, you know, we're not at that stage yet because we don't have that detailed engineering, but this gets us in a position where we can do that. So, you know, what we're asking for, you know, because it's a PRD, sort of an envelope approval, but it's not an approval. It's just a re-zoning and then we've got to go through all the detail like we would with you. Phase I is the majority of this, the base village, amphitheater, parking, a lot of the residential, and the whole concept here which gets us to Jeff's discussion next about the density is that we're taking, if we compare this to Hiland Park right behind us, the large Planned Unit Development, that's a golf course where 20% certainly makes sense to take off anything with those kinds of slopes. As we discussed, it doesn't make sense, because the nature of a ski mountain is that you can't have a ski mountain unless you have 20% slopes or greater, and what we have is a resource that is primarily open space and will stay open space because analogous to a

cluster development, the development all happens at the bottom, flat area, which we've shown now, again, because Stu pushed us appropriately for soil tests that we have 18, 20, 25 feet of sand at the bottom. So that is an area that's suitable for development and we're taking the density but we're not using the density, excuse me, we're taking density from the mountain, we're not using the mound. So the open space areas, when you're across the valley and you look at West Mountain, it's going to look primarily the same. Yes, there are some houses at the top, but they're behind the tree line. There are some houses on the side in Phases Three and Four that are ski on, ski off, but those are very low density on the side of the mountain. Most of the development, the village and the residential, all happens at the bottom where it's flat and great land. So if you can't use the density, you wouldn't be able to have a ski project anywhere unless you're Colorado and you have a million acres, but we have plenty of land here for this and it's still, at the end of the day, from afar, it's going to look just like it does in terms of open space, and we're confident that the resources in this part of Town are sufficient for the utilities and traffic. So with that, one of the issues with the 20% is Stu's been raising the USDA soils, and whether the soils are appropriate. So we have responded that those soils maps that he's pointing towards to say that maybe we can't handle the density are County wide, generic, they're not supposed to be used for individual site design, and Jeff's got that language. So what we've done instead now, because we were asked to, is to do soil tests in representative areas and we submitted that to you on a map and we've got plenty of soils, even further up the mountain than we expected. So we can't do the project if we're limited to anything under 20% slopes. But primarily all the development's going to happen on 20% slopes except for those things I mentioned on the side and the face. So with that, Jeff, if you'd like to get started about the density.

MR. ANTHONY-The premise here is that site is suitable for development and the soils are not the issue. On February 1st, of 2024 we submitted a response to the Town which basically answered the major question and the comment on ability of the land to support proposed development by the Town was a GIS analysis of the project area using visual elevation models indicates that 58.4% of the project area contains soils with slopes in excess of 25%. Well, first off, a GIS visual analysis is just what it is. It's a flyover. It's a very gross scale look at a site. It is not an individual look at a piece of property..

MR. TRAVER-So you think that percentage is not accurate?

MR. ANTHONY-Of course I believe that. Yes.

MR. TRAVER-So what percentage would you purport?

MR. ANTHONY-I don't know that question for you right now, but I'm going to read to you why I think it's not correct, and we went back to the Soil Conservation service document to enlist a customized soil service report from Warren County, specifically for this piece of property, and I took some excerpts out of it, and I have pictures that I can leave with the Board, and I'm going to read this, my whole response which was in the February 1 response which I don't think you've seen. The response reads this way. The basis for the Town Planning Department Staff comments pertaining to this topic is the United States Department of Agriculture Soil Conservation Service Soil Classification System. The USDA Soil Classification System is a regionalized inventory of soils, but does not result in the mapping of individual soils on individual parcels of land. However only separates generalized soils information based on landforms and landform segments right out of their document. As such the USDA's soils data is the best use for general land planning and preparation of resource plans, regional resource plans. The USDA SCS specifically states, and I'm going to quote this. If intensive use of smaller areas is planned, onsite investigations needed to define and locate soils. As such Staff comments **pertaining** to the suitability of soils on, and stormwater management are not based on site specific data. Their comments relate to the presence of rock outcrops, the ability of soils to be used for stormwater management, slopes and other stuff. So onsite soils tests were performed on Woods at West Mountain project site on Friday, October 26th, 2023 by Matt Huntington, P.E. The result of the soil testing confirmed that soils on the project site are suitable for development and stormwater management practices. So when you read this and you look at the data we submitted, in summary, down toward the lower part of the mountain, we've got 15, 20 feet of sand, never hit bedrock, never hit groundwater. As you go up the site, as you get up to virtually the top of the Phase III area, the same stuff. We did not hit bedrock, did not hit groundwater. Phase IV was four lots at the top of that area, and we did not do testing for the four lots, but they're very similar in character to the rest of the terrain. Phase V is at the very top of the mountain, and we did not go there to do testing because we already have a functioning, onsite septic system up there for one building, which is approved, built, functioning, is there, working. So we took the premise that if that's there and they got a permit, it tells us that there are soils there that can be used. So most of the comments that relate to the ability of the land to support development when go back to comments over the last few years relate to the ability to handle stormwater management, slopes. The slopes in the USDA are very generalized. They are just a gross look at the property. They're not to look at the exact property itself.

MR. TRAVER-Okay. Well that's something that we will need to clarify I think. Stu, what do you, what is your response to those concerns? Obviously we need to know exactly what we're dealing with.

MR. BAKER-First and foremost I don't think it's appropriate to get into a back and forth between Staff and the applicant this evening. What I'd recommend to the Board is if you have questions about the USDA,

RCS soils information that I've shared with you, I think it would be appropriate to talk with the USDA and RCS Staff who have stated they can be available to talk further about this.

MR. TRAVER-Yes, well, I think, again, because of the significance of the issue of the density, I think we need to all be in agreement with what it is that we're dealing with, right? So if that would be a recommendation then let's do that. How do we go about making arrangements to do that?

MR. BAKER-The Board simply needs to ask and Staff will make it happen.

MRS. MOORE-Are you asking for Warren County Soil and Water to have a discussion, or are you asking directly to speak with NRCS?

MR. BAKER-NRCS is what we've been talking about here.

MR. TRAVER-So maybe we could do that?

MRS. MOORE-I was going to say, our local entity may be a better entity to decipher that, I mean to be involved so they can communicate at our level.

MR. BAKER-Well, actually when I spoke with Soil and Water Conservation District about the soil survey information they recommended that we talk to and work with the USDA staff.

MR. TRAVER-Yes, I saw that in the notes, yes. I didn't know until tonight if that would actually be necessary, but it sounds as though there's some question, I guess.

MR. BAKER-Full disclosure, I'm not a soil scientist.

MR. TRAVER-I understand. My point is neither are we.

MR. BAKER-The data is there and it's used to evaluate suitability of sites for development. Details beyond that, I recommend you talk with the professional staff.

MR. TRAVER-Okay. Well, and the applicant obviously is concerned that we have the accurate information because that has a direct impact on what they can do with the site.

MR. BAKER-Of course.

MR. TRAVER-And we're certainly not soil scientists, either. So let's go to the source and get that clarified. Maybe we could do that. We'll need to make sure that the applicant can be in attendance as well so that they can obviously be part of that discussion I would suggest if we can do that. Maybe at the next, we can schedule another meeting.

MRS. MOORE-Before we can, I don't know necessarily that they would be, your questions, or have a communication with the for them to respond to versus having them in attendance. I don't quite, I don't know what I'm going to get out of having them in attendance. What questions are you asking them?

MR. TRAVER-Well as it pertains to the density and the soil conditions as referenced by both the applicant and Staff.

MR. MAGOWAN-Mr. Chairman, I'm trying to follow this and I'm a little confused, all right, and I just need some clarification there, you know, between the reading and what I know of the project. I'm sorry I missed the last meeting, but what?

MR. TRAVER-The Staff Notes speak to what Stu has represented and the responses that were submitted from the applicant in writing talk about their response, and we're discussing that in more detail tonight.

MR. MAGOWAN-Right. I understand that. I just need a clarification as they engineered their project, dug test holes and everything else, and I'm not trying to point the finger. I'm just trying to get an understanding, and, Stu, you're going after a chart that is published, I mean, I'm kind of familiar with it, but as a general. Is this what I'm picking up?

MR. BAKER-That's correct.

MR. MAGOWAN-All right. So you're going off a chart, and you've already dug holes.

MR. BAKER-Correct, except it should be noted clearly for the record that they've only done soil tests in Phases One, Two, and Three. Not on Four and Five.

MR. TRAVER-But the fundamental issue that we're trying to address tonight is the issue of density and what land can be included or excluded from the density calculation, which the soil conditions are a part of that.

MR. BAKER-Not necessarily. The density calculation is, the base residential density calculation is based on the subdivision regs Section A183-27, and the areas to be subtracted out of that, that are specific to soils, are waterbodies, including but not limited to ponds, streams, rivers, rock outcrops and slopes in excess of 20%. Now the USDA data, that's not where the GIS slope analysis came from. That came from the topographic data that's available in Statewide GIS databases. So the slope analysis that George Hilton did was not based on the USDA soils survey data at all.

MR. TRAVER-Okay. So the different elements that, well, let me go back and ask the applicant. The soil conditions we can address by asking some questions of the USDA to clarify for this piece of property. That can be done, but perhaps in the meantime there are some other aspects to the density that we can address. Slopes being one of them. We were just talking about eliminating the 20%, or including, I'm sorry, the 20%. Correct?

MR. LAPPER-Yes.

MR. TRAVER-But now are you dissatisfied with the percentage of land at the project site that has been stated as 20% for our purposes?

MR. LAPPER-Our number is slightly different, but it's more just, we're fine with that. We're just trying to say that we're not developing primarily on the 20% and that we need to use that 20% or you can't have a ski project. So it's sort of a conceptual thing for you to recommend to the Town Board. The Town Board will say if it's a ski mountain project we're going to still have open space but it's open space on a hill, versus a golf course. So we think that's conceptual and we need to get you on board that if we're going to be able to develop the bottom of West Mountain we have to take advantage of the density on the ski mountain.

MRS. MC DEVITT-But that 20%, it's not just for skiing. It's for the development of houses.

MR. LAPPER-Very few houses. Those other phases don't have many, 77% of the development is in Phase One, which is all flat, and then Phase Two is a hotel which is flat also. So the only, there are some single family going up the mountain that are on steeper slopes for the ski on, ski off, but very minor part of the project.

MRS. MC DEVITT-As you go up the mountain, though, isn't that 20%?

MR. LAPPER-When you get to the top of the mountain, it's flat again. So it's only those Phases Three and Four.

MRS. MC DEVITT-But there's quite a few houses there in Three and Four.

MR. LAPPER-There are some because a ski project you have to have some ski on, ski off, but the individual sites will be.

MRS. MC DEVITT-When you say some, how many?

MR. MONTGOMERY-Forty-six.

MRS. MC DEVITT-Yes, that's a lot to me.

MR. TRAVER-That caught my attention, too. Because I saw somewhere, or there was somewhere in the notes that there was, the 20% slopes were to be included, but there wasn't going to be development. They were only going to be there for the density calculation, but then I'm finding that there is going to be proposed development.

MR. LAPPER-That's a small percentage of this project because most of the project happens at the bottom. Spencer wants to have some ski on, ski off homes, but those won't be built on slopes. They'll be graded out flat and built into the mountain.

MR. MONTGOMERY-A good example would be like if you go down to Windam Mountain, which is embarking on a similar to us, but if you go up their mountain, they have homes that go all the way up the side of the trail, which would be almost identical to what we were trying to do here. I don't know if you can go back to the map. Yes, so once you get above the hotel, there are homes, but it's a fairly heavily wooded area. So it's not like it's an exposed, similar to how they did it. Their homes are a little more on trail edge than ours. They're a little bit more exposed as you're going up, but they're done really nicely and they go up the right hand side of the mountain, and I've been down there to look at their development, and it would be very similar to any ski in, ski out resort, whether it's Beaver Creek, whether it's Veil, whether

it's Caravaset, whether it's Stowe, whether it's, this isn't any different than any other ski in, ski out project that would be done and would be expected. Normally it's a mixed use with a building at the bottom and then ski in, ski out properties along the trailside. The road that you can see, that those houses were on, already exists. It's a dirt road. You can drive it, and as you drive it, you'll see 20 foot banks of dirt on either side. So West Mountain does have a lot of ledge, but there's no ledge from those homes all the way down to West Mountain Road. I've toured this with John Strough. I've toured it with Tim McNulty. The pond at the bottom which wasn't a real pond, it was dug to make the berm for the tubing run out. It's close to 30 feet deep. You're still in sand. It's completely dry in the summer. Now people have said you need three to four feet of sand to adequately manage the water from this project, and we've got about, a very high level of sand, even at homes I think most of the treatment for stormwater would occur there. It would not all be occurring at the bottom. The bottom could handle it, but as you drive up that road, I took the excavator, and the only reason we didn't do anything at the top is just because that's later phase down the road and I didn't have the excavator up there when the engineer came, but the soil is very deep all the way up to the homes.

MR. TRAVER-Yes, well one of my concerns, and I hesitate to call it segmentation, but, you know, part of the concern is that, you know, we'll say, well, we're just talking about the activities around the flat area at the bottom of the hill, but at the same time, if we don't look at everything, you don't have a project. I mean even though you say well we'll worry about that stuff later on, but actually we're worrying about it now because it's what you're proposing.

MR. LAPPER-But really that's site plan, because, again, if we say we want 40 homes and we only get 20, when we get to site plan, we're just not going to get to that detail level. This would just be a zoning thing, and you can't build anything. It's not segmentation because that'll be a site plan issue.

MR. TRAVER-But that refers to SEQR, and I hesitate to use that term, but it's the concept and the idea that, well, let's just look at this and we'll worry about this later.

MR. LAPPER-We're not going to guarantee any of those numbers until we come back to you for site plan. It won't be more than that, but it could easily be less.

MRS. MC DEVITT-Well what if it was way less? I mean would that make the whole thing all of a sudden not feasible? I mean what if we said that there were 10 houses that you could build?

MR. LAPPER-Then it would be 10 houses. I mean most of the stuff happens at the bottom. The village, townhouses, condominiums, the lodge, health center, all that is on flat area. So beyond that, we've done soil tests, as Jeff said, you know, pretty far up the mountain, and we've still got more soil than we ever expected, which is completely suitable. We know that it's flat at the top. So it's really just those single family homes and, you know, that'll happen at site plan seven years from now.

MR. SPENCER-Can I ask a question? So when you say it was dramatically less, if it was dramatically less, what would that be based on? So if you said to me, hey, listen, 46 may be carved down if your soil density doesn't come back proper, I would be very confident that we wouldn't have any issue, because I've been out there. I've dug holes. I've looked at it. So are you saying it would be carved out for some other reason?

MR. TRAVER-I think we're getting ahead of ourselves. That is a site plan issue, and this is why I wanted to try to focus on the density issue, because otherwise we're not going to make any progress on this site. We have to cut off a chunk, tear off a piece if you will, and let's deal with that, and then, you know, because some of these other things are definitely down the road, but I think it is a valid point. I think Ellen's point is that for you, in terms of your business model and your marketing analysis, and, you know, it sounds as though you've already done this, need to consider the potential impacts of changes as a result of site plan review, either because of visual impacts or who know what issues may come up, and I know some of those questions have been raised and you've attempted to address them. I understand that, but if we can let's get back to the soil, where we sort of started this evening. We have a generalized, I guess what I would call and what you're characterizing as a general report on the soils, and Staff seems to think they're generally appropriate and should be, are not inappropriate to be used for consideration of the soils conditions, but we would like to have some more site specific information. So what would we ask USDA? To take the general report that we've got in hand and compare that with what they believe to be the specific conditions at this site and give us a more specific reading?

MR. BAKER-Well, I think we would want to talk with them to clarify the questions at hand.

MR. TRAVER-Okay. So then the issue, as Laura pointed out, the issue is well what questions do we need to ask them, Number One. Number Two, is it something that needs to be an interactive discussion where the Planning Board needs to be in attendance with them, and/or the applicant? Or is it something that you can just ask them a series of questions and ask them for a report and then at our next meeting we can get some agreement on?

MR. BAKER-We could take that latter approach certainly. I mean we already have an outline of the project site, a digital outline, that the USDA staff can use for their analysis. I expect, well, I'm not quite sure what to expect because I think they can do a lot more than what Staff was able to do on the website, but we can give them that digital outline and if the applicant wants to send us their specific outline.

MR. STEVES-However, I was going to suggest and give you our exact outline of the development area with the PRD outline, but also submit the data from the test pits that you have photos in the pamphlet that we sent you.

MR. BAKER-Yes, we can certainly share that with them as well.

MR. STEVES-I think you would have share that with them. The fact of the matter is, like before, I've done this for 42 and the broad brush approach, and I do agree with the USDA analysis, and it's a broad brush approach, primarily for agricultural use, that's what it was originally designed for, and again, I'm not denying what they did. They did an absolutely phenomenal job with the tools they had, but to the point they're saying, okay, that this whole area is basically unsuitable soils to a certain extent because it's going to be rock outcrop, it's going to be shallow to bedrock, but then they do say in their report that Jeff read to you, but if you have specific development areas you should have further testing done to confirm this report because it is very broad brush, and if you look at the map that we have of the test pits.

MR. TRAVER-Yes, we all have that.

MR. STEVES-But just to your point, and I'm agreeing, but I think you definitely want to share this with them, because I've worked with them many times in the past. So you start at the very bottom, like we were talking about, and I'll just go real brief. Test Pit Number One, 120 inches light brown sand and no water bedrock encountered. And even in there, even in the soil report, it says that that area we should encounter bedrock. On their report it shows that.

MR. TRAVER-Okay, but instead of worry about the minutia of it, what the need is to get clarification about the soils.

MR. STEVES-And I agree.

MR. TRAVER-I mean that's the tool that we need. The details of soil science and so on is interesting, but we don't really need that. We just need to be able to decide, make appropriate recommendations.

MR. STEVES-And that's why I'm recommending that you definitely supply the test pit data we have, and you go up to the highest point, which is the middle of Phase Three, Test Pit Six, 96 inches yellow brown sand loam with cobbles, no bedrock or water. So again, like they said in their report, this isn't to be used. This is to be used for general planning purposes, not necessarily site specific.

MR. TRAVER-Okay. So why don't you submit your information.

MR. BAKER-We have it. We have it. I guess the only thing we would want, Matt, is, and I've got to see the format that USDA needs, is just the project site full outline.

MR. STEVES-It's all on GIS. Whatever they tell you you need you will have.

MR. BAKER-Yes, let me check on that and I will touch base with you on that.

MR. TRAVER-So we can work on that sort of in the background, if we could

MR. BAKER-Yes, absolutely.

MR. TRAVER-Get clarification on that. So we're all on the same page as far as the soil, whatever they are, we'll know what they are.

MR. STEVES-And then getting back to your point as well, while I'm talking, and then I'll pass it back. The 20%, like you were saying, the PRD boundary incorporates quite a bit of the existing ski mountain. We're developing it on the northerly edge, and the northeasterly edge, where it's more suitable for development. We're not trying to build in the middle of the ski area. If you look at your Phase I through Phase IV, and then you have a big gap, you head to Phase V, you hit the steeper part of the mountain, and as you can see Phase V is now above the top of the lifts, we are back onto the flatter area on the top.

MR. TRAVER-Right. So you need basically the ski slope area in order to get enough acreage so that you can get the numbers that you want.

MR. STEVES-And that's part of what would be, to your point, Mr. Chairman, is a PRD, recreation district. You have a ski area. So you try and utilize the suitable areas for development and the suitable areas for the

ski area and combine them into one, and that helps us with density, but we have done detailed topography up through about Phase III, and again, we will continue with the rest of it. I, as a surveyor, and professional, use the download Lidar data all the time, but then I always confirm it on the ground because it's a very useful tool, but it is no as accurate as people may think it is.

MR. TRAVER-Really? I thought it was incredibly accurate. That's what I always understood.

MR. DEEB-I was just wondering, perhaps you should, for purposes of density, and if we're going to go, get other agencies involved, perhaps you should do the soil test for Phase IV and Phase V and include that, so we have an overall picture of whether that's going to affect the density or not. If you piecemeal it, I think it might be a problem. I would rather see the whole thing done and then approach it with all of the soil tests done.

MR. STEVES-And I can tell you the soil tests all the way through will be good. We did work with Mike Brandt.

MR. DEEB-You're going to still have to do it.

MR. STEVES-On top, we did test pits up there. I don't have any issue with the soils, but like your Chairman has stated, let's get to the density issue. We have to prove that out as we come into each section of our site planning, and that's a detailed site plan issue.

MR. TRAVER-Right. So if we set aside, for discussion purposes, the soils, and assume that one way or another we're going to work that out, that it's either going to be okay or it's not going to be okay. If it's okay, fine. If it's not okay, then we've got another issue, but the other component, if I understand correctly, and please correct me, whoever, if I'm wrong, but the other major component to the density is the inclusion of the 20% slopes and the acreage.

MR. STEVES-Correct.

MR. TRAVER-Which enables you to have the number of buildings, the density that you want.

MR. STEVES-Correct.

MR. TRAVER-Okay. So then, and my first impression when I first looked at the project, if you're really just talking about the ski slopes, to me, personally, and I'm just speaking for myself, I didn't have much of an issue with that, because I had seen that there was not going to be development on the 20%, but now the added element that, yes there is going to be development on 20% slopes, that's kind of a different ballgame.

MRS. MC DEVITT-And in Phase III I think you said the road slopes would be even at possibly 30%.

MR. STEVES-No.

MR. BAKER-That was Staff comment. The applicant has stated that they will design the road to the 10% maximum standard.

MR. TRAVER-These are going to be like switchbacks I assume?

MR. MONTGOMERY-So do you think that where the houses are is 20%? Because a lot of that road at the bottom is flat. I mean you drive up and you just S turn back and forth, and then you do start going up, and then where the houses end, the mountain gets extremely steep. You couldn't build anyway. So I think the density inclusion is the 20% of the ski slopes so we can do our resort and have a ski resort and there is very little we would build on actual 20%, and I don't have the exact numbers but that road, if you wanted to come over I'd drive it with you. It does get steep as you go up, but the bottom section is not. I don't think it's 20%.

MR. STEVES-Anything, when you're dealing with a mountain, unless it's a perfect slope that doesn't undulate at all, you do have areas in the development area that may be approaching or slightly over the 20%. That doesn't mean you're going to build on those. That's why we have the shape of the subdivision the way we do. We leave the open areas to the south closer to the ski area that is not being developed because you have some 20% slopes, and then, like you say, you put some switchbacks in the road, the road will be designed at a maximum of 10%. The way it is right now with the actual physical topography we did, we can generate a road at 10%. So to your point, we're not going to be building a house on a slope of 20%. You kind of pick the areas that work well for the development of a house, and then you, yes, you have to kind of wiggle your way up there to get to it, but you're definitely not going to be building on 20% slopes, no.

MR. BAKER-Mr. Chairman, if I may, I'd like to draw the Board's attention to the two maps up on the screen right now. The map on the right is the Town's GIS analysis showing the areas of the project site with 20% or greater slopes, and of course the plan on the left is the overall master plan for the project. So you compare the two and it gives you a pretty clear depiction of where development is proposed and what the slopes look like.

MR. TRAVER-Right. Okay.

MR. MAGOWAN-I'm a little, trying to follow this. Stu, you're saying all that orange is 20%?

MR. BAKER-Or greater, yes.

MR. MAGOWAN-And then the other one is what they're proposing?

MR. BAKER-That's their conceptual master plan on the left.

MR. MAGOWAN-So you're going on a GIS.

MR. BAKER-Correct. The applicant did not provide slope analysis with their project information. So the Town's GIS analysis is what we have to work with.

MR. TRAVER-Stu, let me ask you, for clarification, and I'm not sure if I'm stating my question correctly.

MR. MAGOWAN-Hang on, Mr. Chairman, I'd like to finish up because I'm trying to catch up here. I'm just a little confused. Now, Matt, I've known you a long time and you've walked a lot of slopes and land, all right. Now what did you say about the GIS calculations?

MR. STEVES-Well, again, they're a broad brush, just kind of like the soils analysis. I mean, again, they're very accurate for a planning tool, okay, we understand that, and it should make you aware that you can't have somebody come in and say that we're going to propose 5,000 units on 40% slopes, and it gives you the indication to say, hey, we need to look at this really hard. So we do. So now we're doing a detailed analysis up through Phase III, and we can continue on, again, but that's where we get to that expense, once we know we have a PRD in place, then we can then prove out these areas. It's a broad brush approach.

MR. MAGOWAN-I understand. Now, Stu.

MR. BAKER-I have a clarifying question. Matt, are you saying that you did not shoot contours beyond Phase III?

MR. STEVES-I shot actual contours up to halfway between Phase IV and V.

MR. BAKER-Okay, but you have not done the slope analysis based on those contours?

MR. STEVES-I did the slope analysis for the road, to create the road.

MR. BAKER-But not for the entire project area.

MR. STEVES-Not for the entire project.

MR. BAKER-Okay. Thank you.

MR. LAPPER-But you've gone up through Phase III and not anywhere near 20%.

MR. STEVES-Correct.

MR. MAGOWAN-So my next question is that we already have a development in between, and I'm pretty sure if you look at it that whole, you know, face of that mountain is pretty much the same. How did we do?

MR. MONTGOMERY-So to answer your question, I know where you're going with this. So this is the mock. I just want to point out. So there's a Northwest village development that he's referring to that you have, you know, the various trails here. Here's your midway trail, and then you've got the mock trail and you've got the banister here. This is the last house that was built for the Northwest village. So my house is right here, and then there's a road, you drive it up through here, and the last house is this home here. So on an elevation level it would be about there, and then the mountain starts getting steeper and steeper and steeper. Then this is flat as depicted even by this. That whole area is a fairly flat area. So there may be 20%, but there are homes already on the mountain to this point. So, yes, we're going a little bit higher than the existing home that's there now, but that development was Northwest village that was put in, you know, in the 70's I believe, and when I had spoken to John Strough about it, he said the Superintendent of

Highways didn't really appreciate plowing this road, and I would argue that there's obviously a road called Glens Falls Mountain Road that we've all driven, that has the exact same profile as this mountain, that goes all the way to the top and lands right up there that nobody has trouble getting up and down, but that was sort of a moot point, somewhat in jest, because this development is zero cost to the Town of Queensbury. We're putting in the roads. We're putting in the sewer. We're maintaining the roads. We're plowing the roads. It's all being encompassed under a Homeowners Association. So unlike most developments, the Town's required to put roads in. The Town's required to put power in. The Town's required to put sewer in. The Town's required to put water. And we're not requiring any of that. We're doing all of that, and in addition to that we're maintaining all the roads.

MR. BAKER-Excuse me. That's not entirely accurate. Under our subdivision regs the developer actually puts all that in, whether it's a public or private road. The Town is not in the business of installing infrastructure or roads for private development.

MR. MAGOWAN-All right. So, Spencer, thank you. What I'm trying to get at it is, I mean I've skied that mountain for years, you know, and I can't say that my legs burn any more than any side, but that development there, I mean, there are slopes in the Northwest village that was built years ago that are probably over the 20%. I'm picturing that that orange will continue across the face of that mountain.

MR. MONTGOMERY-Yes, I would say the slopes, you know, are almost identical with that side of the mountain. The north side of the mountain, where the main base is, undulates. It goes up, and then it goes to Wholey Mackerel Flats, and then it goes to the, this side is almost a perfect plan until it gets up to where the houses end, and then it goes very steep. So the grade would be very similar to Northwest village, what we're doing, and I would argue, if anything, what we're doing is a little less of a grade. I could be wrong, but the bottom section, when I drive it, is very meandering, and then it does start to pitch up for sure, but, yes, it definitely wouldn't be any steeper than the current development that's already on the mountain.

MR. MAGOWAN-Well I guess what I'm saying is that if that orange goes all the way across, you know what I'm saying, it's not a fair depiction of saying that whole area is all 20%. There are 20% within that orange area, just like there is on the other side. That's what I'm trying to get at.

MR. LAPPER-Absolutely.

MR. STEVES-Brad, to your point, if you look at the banister, that last house that's in the Northwest village, and it's right here on the topo map. That same contour comes all the way across 2/3rds of the way up Phase III. So to Spencer's point, it kind of flattens out a little bit more on the north side, hence why we're putting the development on there.

MR. TRAVER-So basically what you're saying with regards to the slope map, the orange color there, is that, yes, generally that's reflecting the 20% slope, but if you zoomed in close enough, you'd find level spots where it would be possible to build where it wouldn't be 20%.

MR. STEVES-Correct.

MR. TRAVER-But that's looking, so we're trying to look for an elephant with a microscope, basically.

MR. STEVES-That is correct.

MR. LAPPER-But also we're past Phase I, Phase II, and halfway into Phase III before you even get to the GIS map where we've got the steep slopes. There's a lot of flat for most of our development.

MR. STEVES-And again, we understand that, and to everybody's point, that orange basically comes into Phase III. So we have prove the rest of it out. Yes, just like Brad and other people have said, Northwest village, you're kind of similar to that but you're about 500 feet farther to the west before you hit that same elevation.

MR. TRAVER-Right. Okay. All right. So we're waiting on the detailed soils information. How do Board members feel about the idea of including the 20% slopes for the ski area in the density calculation?

MR. BAKER-Well as the Board considers that question, I'd just like to refer you to one section in Article 12B, and that's 12B-030(C), I'm sorry, 12B020(C) where it states the residential density allowed in a PRD shall not exceed 100% of the original base density except as set forth below, and the exceptions set forth below deal with energy design standards for proposed buildings.

MRS. MC DEVITT-I'm sorry, say that last part again. It involves what did you say?

MR. BAKER-The energy efficiency of buildings proposed. Again, this is Section 179-12B 020(C).

MR. MAGOWAN-The energy efficiency?

MR. BAKER-Correct. Which is really irrelevant to your discussion right now. What is relevant is that the Code for Planned Resort Developments states that the residential density allowed in a PRD shall not exceed 100% of the original base residential density.

MR. LAPPER-All right. So we've got to stop right there. Because Stu's making a case for why this shouldn't get approved. I don't know why he's doing that as a Town employee, but that's what he's doing.

MR. BAKER-I'm not making a case either way. I'm pointing out areas of discussion.

MR. LAPPER-As part of this project we've asked, before we do the PRD, we've asked for the Town to change that rule. This was done for golf courses. If you look at what it says for recreational and resort, it talks about golf courses. It never talks about a ski mountain. So we're allowed to do it for a ski mountain because it meets the definition of recreational, but nobody ever contemplated, when this was read, that there would be a ski mountain. So if you're doing a ski mountain, we're asking the Town Board to change the 20% for ski mountains and the Town Board seems like they're comfortable with that, and we're asking you to recommend it, but that's because it's a mountain, and, yes, I think he's right that we have to change it before we do the PRD. That's why we put that in as a petition.

MR. TRAVER-He's just reflecting what the current status is.

MR. STEVES-I fully understand, but to your point, it's on a ski area. Even with his GIS map there it shows that we're up into Phase III before we even worry about the 20% slopes.

MR. TRAVER-Well, except that we have to worry about them for the density.

MR. STEVES-That's what I'm getting at. Even with Brad's point, if you've been up to Northwest village and you know that you don't have a house sitting on the side of a cliff held by support beams. It is possible, but we then have to get to that point where we prove each section.

MRS. MC DEVITT-Yes, and I remember reading something about terraced design in this. I think that disrupts the whole look of the mountain, and I know this is getting into site plan stuff, but it's also about slopes and density I think, and that's what concerns me.

MR. STEVES-Oversimplified, I'm sorry. If you start at 100 feet in elevation, and you want to go to 1,000, you have to maintain 10% grade. If you can't maintain the 10% grade for the road, it's impossible, you can't do it, but if you can put in some switchbacks like we've done that meet all the minimum requirements for center line radiuses by the design standards of the Town and the design standards of DOT and everything else, that's when we're talking about terrace. You build a road so it's at 10% grade. You put houses, you put houses, you put houses, but you're also leaving these areas in between with a lot of trees and stuff on them. When you say terraced, I'm not saying we're going to cut in terraces. It's a terraced development because you're going to go above a hill. Just like you would anywhere else.

MR. LAPPER-Switchbacks.

MR. TRAVER-Well, and those would all be subject to site plan review in any case.

MR. LAPPER-Trees for screening.

MR. STEVES-I don't want anyone to think we're going to go in and cut 60 feet out of a mountain so we can put in a flat spot. That's not going to happen.

MR. TRAVER-Right. Okay. So again, one of the difficulties with a project like this is that we're at this conceptual phase where we're talking about getting the density exemption of the 20% slopes, but at the same time we're talking about site plan for something that's up on a hill, but then we have to get back to the density because you're not going to have any proposals for houses on a hill unless we can get the density approved here, and that's why I wanted to try to get to that, if we could concentrate on that tonight, rather than get into all the building specs and all the rest, because that's all going to come with site plan review, assuming you're allowed, if the Town Board approves the inclusion of the 20%, and that's approved, nothing's been built until you have a site plan, right?

MR. MONTGOMERY-Until you tell us we can.

MR. STEVES-And that's exactly our point and your point. You take Phase I and you say, okay, build everything in Phase I and Phase II, which is definitively not. You still need to have some area of the 20% slopes to accommodate that.

MR. TRAVER-Right. Exactly. So that gets us, again, back to where we started the meeting, where we're trying to look at the issue of the density.

MR. STEVES-And I agree with you, and what I'm getting at is that density number we're looking at is we're asking for and using the 20% is to build the entire project that we have to prove works.

MR. TRAVER-Right, but also by, if the, hypothetically if the 20% were allowed to be included in the density calculation for your project, that doesn't build anything. That just allows the project to move on to the next phase.

MR. LAPPER-To zoning.

MR. STEVES-To your point, it's 300, whatever it may be, and then we know we can build 200 houses on the lower end, and we're hoping to build 100 as well, then we still have to come back and prove. So the density amount we're asking for, again, I've done this a million times in other municipalities in other lots in Queensbury, and we have the density now for 25, and then we get to the minutia of it, we get it all detailed, we come back now we get your Town Engineer review, we have the Town Board review it, and guess what, we can only get 18, but if we found out we could get 30, then we've got to come back to you for another density change.

MR. TRAVER-Right. So if the 20%, the inclusion of the 20% is not approved, then what kind of a project do you have?

MR. LAPPER-Then we go home.

MR. TRAVER-Then you have nothing. Okay.

MR. MAGOWAN-I don't mean to keep interjecting here. Stu, this 20% is in a Code that Queensbury drew up how long ago?

MR. BAKER-I don't know the date of that section of the Subdivision Code.

MR. MAGOWAN-All right. Well, it must be a while, and just to use it in a comparison, you know, when we did the Main Street corridor, even though it's flat, all right, Queensbury's, you know, when the group put it together, they said this is what we want down Main Street, all right. We want it residential over buildings, you know, we tried so many different things, and once we got through all the approval, all right, we found out that, geez, a lot of stores and that didn't want residential over the top of what we wanted. So then they came in and we had to make some changes. So I guess basically in simple terms so I understand it and maybe some other people in the future, if it's brought up again, but when these codes were drawn up, they were drawn up not specifically for this particular, I mean it wasn't even thought of putting something up the side of a mountain.

MR. TRAVER-That's why we're having this discussion.

MR. MAGOWAN-All right.

MR. STEVES-Or at the base of the mountain, to your point, where you could cluster the areas that are suitable for development, to your point.

MR. TRAVER-Right.

MR. MAGOWAN-Well that's what I'm trying to get to.

MR. LAPPER-If we want to have an exciting mountain project, this is what it's going to take.

MRS. MC DEVITT-I guess I know you've done marketing and everything, but I look at the elevation of that mountain, and I don't mean to be unkind, but I just don't see where you're going to peel people off, I remember that term being used, peel people off from going to Vermont or wherever else. I honestly just don't see.

MR. LAPPER-There's summer recreation. There's ski school. Let Spencer talk about that.

MR. MONTGOMERY-With all due respect, that's not accurate. If you look at the most profitable ski area in New York at 700 vertical feet that's Holiday Valley, and we're at 1,000 vertical feet.

MRS. MC DEVITT-But there's not other places as proximal to that as there are here.

MR. MONTGOMERY-The market that we're appealing to is the family market looking to come for the ski and stay visit. Most of those people are not professional skiers. Most people don't want 3,000 vertical. They're not skiing black diamonds. They're kids are up on a mountain until 9 o'clock at night under lights. Parents are at the spa. They're at the athletic club. They're at the restaurant. They're at the coffee shop

and the kids are skiing, and if you look, I hear the same argument with, oh, you can't have a race team on West Mountain. That's only 1,000 vertical, and then when you talk to Thomas Vonn, who's our head coach, Lyndsey Vonn's ex-coach and Olympian, and that's just a misnomer, and he says all the European mountains that all the Olympians come out of are the size of West Mountain. West Mountain's trail average is 1.2 to 1.5 miles long. It's a plenty sufficient mountain to grab that family market coming up out of Brooklyn, coming up out of Long Island, coming up out of Connecticut. Those people are looking for a ski and stay experience which doesn't exist in New York State.

MR. TRAVER-Yes, and we're not approving their business plan.

MRS. MC DEVITT-No, I know, but to me it has implications for all of the housing, too.

MR. MONTGOMERY-Well the ski in, ski out, look at Windam, for instance.

MR. TRAVER-That's way own the road.

MR. MONTGOMERY-Look at Bristol's 1200 vertical. Windam's more vertical than us. They're building down there. There's houses that go all the up the mountain, just like ours, but they don't have the break that we have for the ultra steep section. The houses continue all the way to the top of the mountain.

MR. TRAVER-But on the other hand that's not being proposed today.

MR. MONTGOMERY-A traditional ski resort, it's supposed to look like that. You stand at the bottom of the ski center, you see these beautiful homes going up, whether it's Beaver Creek or Vail, and to say that this won't support the average family, I'm just, you know, with all due respect, that's not true. People that come up from New York City, from Connecticut, from New Jersey, are not looking to ski Whiteface.

MR. TRAVER-Well you have to hope it's not true. I understand that. I don't want to get into the business aspect of this.

MR. DEEB-We're not here to judge the business plan. We're here to do the planning, and that's it. Nothing else. We don't judge. If they get approved for this project, and it falls on its face, Spencer's going to know.

MR. TRAVER-Right. He's going to say, well, it didn't happen, but that's not for us.

MR. MAGOWAN-So Spencer, what you're saying reminds me, you know, because I've been skiing since I was a kid, you know, I've skied some of the big mountains. I've been out west and that, but, you know, two family mountains that I pull off in other States is like Okemo. It's more an intermediate mountain where I find it more enjoyable now. It's a lot easier on my legs, but another one in New Hampshire is like Loon Mountain. I remember getting pulled over for skiing too fast there, and they said it's a family mountain. So I understand the concept, and I don't have a problem with the business plan, you know, but we are here for the density, and that's where my concern is, and, you know, so how do we nail down that density so Stu in Queensbury and we both can see what you want to achieve?

MR. LAPPER-What we've asked for, Brad, is that for ski mountain PRD's the 20% would not count. It wouldn't be subtracted. That's how we address it.

MR. TRAVER-So would we feel okay with allowing the 20% slopes to be included for the acreage allowed to be calculated for density? That's basically, right now that's excluded. Because most of this is steep slopes, they're not able to get the density they need for this project.

MR. MAGOWAN-So we have changed other codes.

MR. TRAVER-We haven't. The Town Board has.

MR. MAGOWAN-Well the Town Board. So we're asking the Town if they can do that. All right.

MR. TRAVER-No, no. The applicant is asking. We're not asking.

MR. MAGOWAN-The applicant is asking the Town Board.

MR. LAPPER-We're asking you to recommend it.

MR. MAGOWAN-I personally, you know, after listening today and seeing and being a skier, and, you know, I don't know about you. We're both motorcyclists, I love windy mountain roads, you know.

MR. TRAVER-My dad was on the Adirondack Mountain Authority. So I grew up skiing from the time I was a little boy.

MR. MAGOWAN-But I mean, you know, in Vermont we rented an Air BNB, you know, family weekend, and I was just amazed, just driving up, and it was literally up, and the houses were placed, you know, so I see what you're trying to achieve and how you're going to do it. We're not relying on sticks and sky cables to hold up one end of the house.

MR. TRAVER-How do you feel about the 20%?

MR. MAGOWAN-I don't have a problem with the 20%, changing that wording, because I believe when the wording was created, this vision was not in the Comprehensive Plan.

MR. TRAVER-How do you feel, Tom?

MR. UNCHER-I think there may be a question before I answer that. Is there anymore, you know, the drawing on the right is a bit broad brush. Is there anymore data that you have that reflects, you know, a little bit more accurately where the 20% grades are?

MR. STEVES-Yes. I can provide that.

MR. TRAVER-And that's a good point, Tom, because one of the things that we can do tonight, or later, is ask for some additional information if we feel we need that. So you're looking for more detailed, rather than just the GIS, 30,000 foot?

MR. UNCHER-Yes, and I think it's important. Right? Because it really is what we're discussing here, and I think you guys want to, should want to present that information.

MR. STEVES-Yes, we're all coming back to the same point. The density we're asking for, say we're asking for 500 units or 1,000 units, and we have to use 20% to get there. That doesn't mean we're going to be able to build that. We have to prove it.

MR. LAPPER-But Tom's asking where the line's going to be when you're showing the detail.

MR. STEVES-Well when we get the detail it'll be, it won't, you see how you have like brown spots and that, it'll have more of those in there. Yes, you've got to kind of weave around that, yes.

MR. UNCHER-I just think if we get to see that.

MR. LAPPER-So the next time before Matt will submit that.

MR. TRAVER-Okay.

MR. BAKER-Actually if you could submit it beforehand and then we can distribute around to the Board and make it available to the public for review as well.

MR. TRAVER-Yes, as soon as you can get that information to us, that would good for us to have.

MR. MONTGOMERY-So I understand the math better, I think that's a good idea, but I think the question that's on the table right now is, are we allowed to use slopes greater than 20% per density, not whether they're on a hill, not where we're going to build, but does that concept work? So this concept for is are we going to allow a ski resort in Queensbury. Ski resorts are built on a mountain. So it's more of a concept. So I think there should be a more detailed map that's helpful, but that doesn't really seem relevant to the concept question, which is.

MR. TRAVER-We're not making a recommendation tonight. So I would ask conceptually, Tom, are you okay with allowing for this purpose to include the 20% slopes?

MR. UNCHER-Yes. It's a ski mountain, just the nature of the business, and I've skied plenty of mountains that have had developments on them, and I just don't know how you could possibly get around that to accomplish what they're trying to do.

MR. TRAVER-That's their issue. Ellen, how do you feel?

MRS. MC DEVITT-I'm really on the fence because I mean we, in the past how many years have we seen problems because places are built on slopes.

MR. TRAVER-Well that's something we would have to review very carefully when they come in with a specific proposal.

MRS. MC DEVITT-I know.

MR. TRAVER-Right now they're not proposing to build anything. They're asking for the density calculation, and then anything they propose to build we would then take a hard look at and we'd have very detailed engineering and everything else.

MRS. MC DEVITT-So, back to your question. If you come back with a map outlining more specifically where those 20% slopes are, couldn't it possibly illuminate that, yes, a lot of that slope is right where you want to build the houses, or, no, it's not as much slope?

MR. LAPPER-We'll have grading, too, as part of the site plan.

MR. STEVES-Right. To your point, too, and I agree. You look at the map where at the red is now, and if you look at the proposal on the left hand side, that red is where Spencer showed you, the Northwest build, is not, is about 2/3rds of the way up Phase III, okay. We're into Phase III already, and to your point, Mr. Chairman, we have to prove that. So I can do some slope analysis from the data we have, but as you can see where 85% of the density for this project is down in the area that is not included in the 20% slopes.

MR. TRAVER-That's right.

MR. STEVES-So to your point, we either have the ability to not exclude 20% slopes to get it, or the project doesn't work at all.

MR. TRAVER-Right.

MR. STEVES-We still have to prove the rest of it, to your point. Just because you say yes we'll include 20% and not take away anything over 20%, doesn't mean we're going to build 500 homes on the side of the mountain where it can't be built.

MR. TRAVER-Right. Exactly.

MR. MAGOWAN-And also, Ellen, to help you, like in that place we stayed up on the mountain, all right, you actually walked in and it was really like, it had a set of four and five sets of steps. It was actually built into the mountain, at the level of the mountain, and you wouldn't even know by driving past, you know, it kind of blended in. It was very unique. So I can see what they're trying to say. So that's why I don't have a problem using it as a density, and it gives us a footprint for what you're going to be able to do with that land.

MR. TRAVER-How do you feel, David, about the 20%?

MR. DEEB-Well, I think clarification here is we can make the recommendation to the Town Board to allow 20%, but ultimately it's the Town Board that's going to make the decision. Not us.

MR. TRAVER-Exactly.

MR. DEEB-So I don't have a problem sending it to the Town Board. You've already communicated with the Town Board. You said you've got, you haven't got a full Town Board yet, but you said you've communicated with them.

MR. LAPPER-We've had a whole bunch of meetings with them and they were supportive of the project, but now it's at your level to make a recommendation, procedurally, before they can consider it formally.

MR. DEEB-So, again, I don't have a problem with it at all because ultimately it's not our decision. We can make the recommendation.

MR. LAPPER-But the Chairman's asking you if you think it's a good idea.

MR. DEEB-I'm okay with sending a recommendation to them.

MR. TRAVER-Warren, how do you feel?

MR. LONGACKER-Tom said it great, really. I mean, don't even look at the plans. Don't look at anything on there, and if you want to do a ski resort, you're going to have to go over the 20%.

MR. DEEB-You can't go anywhere unless that's done.

MR. LAPPER-Right.

MR. DEEB-So we don't want to put the cart ahead of the horse. Let's go one step at a time.

MR. TRAVER-Right.

MR. STEVES-And we'll be back here for every phase.

MR. DEEB-We've got a lot more meetings.

MR. TRAVER-All right. So we're going to get some more specific slope data, right? Before out next, in our next meeting.

MR. LONGACKER-Rock outcropping, too. There was some discussion.

MR. LAPPER-Let's talk about that for a second. The rock outcropping is mostly on the actual ski mountain, ski slopes, because to make that steep you go down to the rock, Stu gives the number of 12.4 acres and we just accept that, that that comes off. We're not asking for the rocks. We're fine. We don't need that.

MR. BAKER-And just to be clear, that's not my figure. That's a figure that the application team provided back in June of last year I believe.

MR. LAPPER-That was USDA.

MR. TRAVER-Right. So we're going to get, in any case, we're going to get some additional topographic data that will be much more fine tuned than the broad brush GIS approach.

MR. STEVES-To your point, and, yes, I'll do that, with the data we have now. It's not going to be the final data because I can't ask the applicant to spend money until they have a project that they know they can do.

MR. TRAVER-Just give us what you have and hopefully it will help.

MR. LAPPER-It might be better than what he gave you.

MR. TRAVER-Okay, and then the second item is going to be some clarification from USDA. Stu, can you help sort of quarterback that, get that information for us?

MR. BAKER-Yes.

MR. TRAVER-And you're going to provide the information to.

MR. MONTGOMERY-We already have.

MR. BAKER-We have it, yes.

MR. TRAVER-You have it. That's right. You said that, and then third item that we were going to talk about was potential for public hearing, Laura, or we're not ready for that?

MRS. MOORE-Well, we can start with just determining whether we want another meeting in December of moving the remaining meetings starting up in January. We can potentially discuss another meeting. I have a potential date. We'd have to make sure it works for everyone.

MR. TRAVER-I think if we can, I mean, in order to get this done, I think if we can have another meeting next month, another special meeting, with this on the agenda, hopefully we have this updated information by then. Hopefully we can get a little closer to making a recommendation to the Board, to the Town Board. Would that be a reasonable goal for the next, if we met in December to make a?

MR. LAPPER-You are required to hold a public hearing before you make a recommendation.

MR. TRAVER-Could we do that in December and at the end of the meeting with the public hearing possibly make a recommendation?

MRS. MOORE-Possibly.

MR. TRAVER-So we would have, for our December meeting, we would have the first public hearing potentially?

MRS. MOORE-Potentially.

MR. TRAVER-Okay, and you can get back to us whether or not that, and if that can't happen maybe we can do January or something, but let's at least try to meet, if we can, let's at least try to meet so we keep chipping away at this.

MR. LAPPER-We'd really appreciate it. That would be great.

MR. TRAVER-Okay. How do Board members feel about that? Should we keep on trucking? We've got to keep the chips flying, right? Okay. All right, and, Laura, you'll come up with some proposed meeting dates.

MRS. MOORE-Yes.

MR. TRAVER-So are we clear on what everybody's doing?

MR. LAPPER-Yes. We really appreciate this discussion tonight. Thank you.

MR. MONTGOMERY-Thank you.

MR. STEVES-Thank you very much.

MR. TRAVER-Well, thank you, gentlemen. I appreciate your continued input on this project and thanks, especially to you, Stu, for coming out tonight. It sure is handy to have your expertise here to help us interpret some of this information and hopefully it will continue as we go on.

MR. MAGOWAN-I hope we're not going to lose you there, Stu. You'll be at the meeting.

MR. BAKER-I'll be there.

MR. TRAVER-All right. So I'll ask Laura and Stu, is there anything further that we need to do tonight?

MRS. MOORE-No.

MR. TRAVER-Okay. Board members comfortable with wrapping up tonight's meeting and re-adjourn next month? All right. Then we'll entertain a motion to adjourn.

MOTION TO ADJOURN THE QUEENSBURY PLANNING BOARD MEETING OF NOVEMBER 13TH, 2024, Introduced by Brad Magowan who moved for its adoption, seconded by Ellen McDevitt:

Duly adopted this 13th day of November, 2024, by the following vote:

AYES: Mr. Deeb, Mrs. McDevitt, Mr. Longacker, Mr. Uncher, Mr. Magowan, Mr. Traver

NOES: NONE

ABSENT: Mr. Stark, Mr. Stefanzick

MR. TRAVER-We stand adjourned. Thank you, everybody.

On motion meeting was adjourned.

RESPECTFULLY SUBMITTED,

Stephen Traver, Chairman