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QUEENSBURY PLANNING BOARD MEETING

SPECIAL MEETING

DECEMBER 10TH, 2024

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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
DECEMBER 10TH, 2024
7:00 P.M.

MEMBERS PRESENT

STEPHEN TRAVER, CHAIRMAN
ELLEN MC DEVITT, VICE CHAIRMAN
FRITZ STEFANZICK, SECRETARY
WARREN LONGACKER
BRAD MAGOWAN
BRADY STARK
DAVID DEEB

LAND USE PLANNER-~~LAURA MOORE~~

SENIOR PLANNER-STUART BAKER

STENOGRAPHER-MARIA GAGLIARDI

MR. TRAVER-Good evening, ladies and gentlemen. Welcome to the Town of Queensbury Planning Board meeting for Tuesday, December 10th, 2024. This is our first meeting for the month of December and our 26th meeting for 2024. Please note the emergency exit signs illuminated in red. If we do have an emergency, those are the exits to use. If you have a cell phone or other electronic device, please turn it off or turn the ringer off because we do record the meeting for purposes of documenting the minutes, and if you wish to have a conversation amongst yourselves, if you could go out to the outer lobby for that discussion again so it doesn't interfere with the recording of the minutes. Tonight is a special meeting to follow up on the APEX Capital, LLC/Mountain Top Ventures, LLC project, and it's a special meeting. There will not be any public hearing tonight, but we will be talking about scheduling a public hearing during the meeting for next month.

OLD BUSINESS:

PLANNED UNIT DEVELOPMENT 1-2024 PETITION OF ZONE CHANGE 1-2024 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, PRESENT

MR. TRAVER- So, Laura?

MRS. MOORE-So, I apologize, there's no display at this time. So what Stu and I put together was Staff Notes. I did an overview of four of the items under the Objectives and we had discussed, at least month's meeting we discussed items one through four. You spent some time on item two in regards to the change in the Code requirement in the Code and we focused on the 20%. We can go through that again, but I understood there was a consensus to move forward with that, to include that in the recommendation to the Town Board when you got to that point. I think there was discussion at last month's meeting in

regards to the soils and how that related to slopes and you went from some of the information Stu provided. That information's included in that. I don't know, Stu, if you want to highlight some of that information?

MR. BAKER-Well, essentially, Laura and I had a meeting with NRCS, Natural Resource Conservation Services, staff, and they explained that the soil survey information that many of my comments had been based on should be used primarily by local boards such as this board to determine where further onsite investigation is needed.

MR. TRAVER-Yes, okay, and we know, we talked a little bit about test pits and so on last time. So we do know that some of that will need to come obviously. Okay. Well, good evening, gentlemen. Welcome back. So this is obviously a follow up to our discussion of this project. We made some progress, I think, of last month. It would be great if tonight we could consolidate the Board's feelings on the 20%. I think we're either there or very close to being there. So we can then begin discussion on some of the other items. The other thing that would be great if we could accomplish tonight is get the Board to agree to set the first public hearing, which right now we have a tentative date of, a draft date of January 16, and we have a resolution to that effect that we will address tonight. So with that welcome back and you probably have some discussion items that you would like to bring up.

MR. LAPPER-Sure. For the record, Jon Lapper, Spencer Montgomery, applicant, Matt Steves, and Jeff Anthony. We felt really good about the discussion last time about the 20% slope that the Board was supportive of that, that without that we wouldn't have a project. Beyond that, what Stu touched on, we've been saying for a while that the soil tests were primarily what you look at not the 40,000 foot USDA soil heavy data. We're comfortable we've done soil tests all over, in the areas that we're proposing to develop. We have put soils through this. We understand in site plan there'll be more soil tests, more specific, but for this point, for the zoning, I think we've established that the site is capable of supporting what's proposed, and we've been talking to Laura, and just in terms of meeting and reviewing the standards for the PRD we, of course, feel that this is exactly what the Planned Resort Development should be for, this type of project that's a resource for the Town, recreationally, and residential and resort village and a quiet area of the Town near the river for water and sewer, on a State road, a County road with a County road connecting to the interstate. So with that we're here to answer your questions and talk about the compatibility.

MR. TRAVER-Okay. Thank you.

MR. MAGOWAN-Jon, your mic doesn't sound like it's on.

MR. TRAVER-You know what, I rarely have to use mine, so you can use this one. All right. So let's, if we could, just for clarification, let's pick up a little bit where we left off with the 20%. I know, I believe I did a general poll of the Board members regarding how they felt about being comfortable with that recommendation to the Town Board, but I'd like to just make double sure that that's where we're at. Warren, do you feel comfortable with the 20% inclusion for purposes of density?

MR. LONGACKER-Based on the use of the site I do, yes. I don't know if it was Stu or Laura. I thought it was a good comment in here about a map, though. It would be nice to show this map maybe on the zero to five, five to ten, ten to fifteen, fifteen to twenty percent, then maybe twenty percent or greater.

MR. STEVES-I have no issue with that whatsoever. I thought I did a nice job giving you some Christmas coloring on this one. Again, to your point, you know, we have done detailed topography up to about the end of Northwest Village as you look east/west/north/south. I brought in a lot of Lidar data that we had, that we produced, and then some USGS data that we brought in. To get to that definitive detail on that, I mean, you know, that would come with site plan when we do actual physical ground topography on the entire site. I can do that at this point, but it's going to be plus or minus, you know, a few percentage points because of the fact that, as we discussed last time, I used Lidar as well, and in some areas, as the white indicates here, and I believe on your Staff Notes, we included that all as 20% or greater because it's too dense of a forest to get the good Lidar data. So that's why you have to do physical ground topography, and when we get to that point, I'd rather be able to know that I have a zoning district intact to be able to tell the client that we're going to have to do that kind of detailed topography. I could try to tweak it a little bit more with the information we have, but there's a lot of pines and stuff in that area, and contrary to popular belief that Lidar is the be all and end all for all this stuff, it is not.

MR. TRAVER-Yes. It's interesting you mention about the forest density because I've seen some data and some archeological data like in South America and so on discovering structures that were previously unknown using the Lidar which penetrated the jungle, but I can see the hardwoods in some of the forests we have it may not work as well.

MR. STEVES-Again, I won't go into too long of a discussion about it. We used to use a lot of photogrammetry and your photo cannot penetrate it, okay, and we have drones. I have Lidar drones. I have all that stuff, but the fact is that it's an extremely useful tool, if you use it as a tool in your toolbox.

MR. TRAVER-That's all it is is a tool.

MR. STEVES-If you were on a, we just did a big commercial mall down south in the Albany area, it's all parking lot, and then we went out and physically checked it afterwards and it was within two or three hundredths of a foot, but in the woods, it's a completely different story.

MR. LAPPER-I guess what Matt's not saying is that at this stage we're trying to get through the zoning. When we're back for site plan we'll be doing detailed topography and surveying on the whole first phase and the whole second phase, but to get through the planning stage that's just a lot of expense and a lot of work beyond what's already been done.

MR. STEVES-We have done detailed ground topography from West Mountain Road up to the beginning of Phase Three, detailed topography, with actual on the ground instruments, the whole nine yards, and like I stated earlier, I can do that, but it's going to be kind of broad brush approach. I did the 20%. Based upon all of the information we kind of stitched together. I can do more.

MR. MONTGOMERY-Just to be clear, that 20% is the credit we're getting for density. We're not suggesting building on the 20%. I think sometimes that gets lost in translation, like we're getting credit for the 20% slopes as far as the density, number of units, but we aren't coming in here and saying, hey, we want to build on the 20%. Twenty percent, we still, within those windows, we have to build what's acceptable during site plan. We're just getting the credit for the slopes within 20%.

MR. TRAVER-So the terracing and so on for what's proposed.

MR. MONTGOMERY-Correct. Yes, and that would be determined where we could actually build later, but most of this falls within non 20%. I mean there might be one or two units, but we're not suggesting we're building on the 20.

MR. TRAVER-Right.

MR. MONTGOMERY-We're just trying to get density credit for the 20 so that we can cluster build the resort.

MR. TRAVER-Yes, and one of the issues, I mean, we always have to sort of remind ourselves, I guess, with a project of this scope is that the level of detail that we need to some degree is not needed at the earliest stage, because we're just talking about a zoning, and should you achieve that and you get that through, then we get into the very specific building proposals and very specific site plans and that type of thing, but for now, in order to get the zoning you need, you need to get the density you want. You need to get the 20% slopes included in the calculation, which is the first thing we talked about considering and we're sort of, I think, still there. So I would go back, again, to Warren. Is it all right with you, for purposes of just considering?

MR. LONGACKER-One hundred percent. It'd would be nice to know, again, further on, you know, for the stormwater 15%, your septic field.

MR. TRAVER-Yes, all that's going to be required as it would for any construction. So, yes.

MR. STEVES-To your point, moving forward, to get into the specific site plans of each section, you will have all of that, and again, I can tell you right now, the data up through the end of Phase II and about halfway through to Phase III on your plan is detail. We will continue that to your point, absolutely.

MR. TRAVER-Okay. Good. David, how are you on the density?

MR. DEEB-Fine.

MR. TRAVER-Fritz?

MR. STEFANZIK-Well I wasn't able to attend the previous two meetings, but I have gone through all the detailed discussions and I agree with the 20%.

MR. TRAVER-Okay. Ellen?

MRS. MC DEVITT-Yes, I'm fine.

MR. TRAVER-Brady?

MR. STARK-I wasn't here last meeting, but I'm perfectly fine with it.

MR. TRAVER-Brad?

MR. MAGOWAN-I was good the last one and I'm still on.

MR. TRAVER-Okay. All right. So we have, we'll note, then, that the Board is on board with making a recommendation following public hearing and other information that may come up to the Town Board to include the 20% for density calculation purposes. So then let's move on to the next thing that we need to consider, and this is under the Intent and Objectives, and Stu, feel free to comment and help give us some guidance here any time you wish to. We appreciate your attending again and your expertise obviously. So under the Intent on the Criteria for Evaluation, The project may be considered to have flexible land use with year-round recreation with a focus on snow sports and so on. Does the Planning Board find the project as proposed is a flexible land use with year-round activity? And I believe that we do. Do any members of the Board disagree with that? Okay. So now in Number Two, Does the Board find the proposed modification to the zoning language to include lands at 20% slope to calculate density for the project proposed? And we just discussed that. So there was some specific language that I think were in the Staff Notes for that resolution, but that's really for the Town Board to consider should they adopt this change. So that takes care of Number Two. Number Three, the project change of zone from Recreation Commercial to Planned Resort Development. The code allows for the request for change in zone. No further comment. The project as proposed does not intend to circumvent benefits to the adjoining property owners for the change of zone and/or the activities and or development proposed, and that I think we'll get some feedback on that when it comes to public hearing I'm sure. Other questions, comments from members of the Board? One of the things that Staff has pointed out is that in order to establish, I mean one of the things if we can, it would be nice to do the resolution establishing the public hearing. So we'll get notices going out to the public that we're going to have that next month, and one of the things that we have to consider, in order to do that, is do we have sufficient information from the applicant to set that public hearing, and here is where, you know, we have to look at the various phases of the project as outlined, the first being the zoning. Now the public hearing is not narrowed, would not be narrowed specifically to only the issue of the zoning, proposed zoning amendment. It would be for the entire project for which we don't have, we couldn't possibly have all the information at this stage, but the public is free to comment on any aspect of this that they wish, but in order to schedule this first of what I assume will be a number of public hearings, and, Laura, is it my understanding that we need to, and, Stu, both of you, per your feedback, we need to feel that we have enough information at this stage to do a public hearing based on where we're at in terms of reviewing the proposal with the slopes and.

MRS. MOORE-Right, an overall, that generic level in the sense that you have enough information to move forward with, so in terms of all the information that you've received so far, the applicant has provided you a full document, provided you with updated documents. Stu has provided you with a series of pieces of information that you should be attentive to in regards to what information's available and how you might perceive the information that you're looking for. I mean you have a full document. I'm not quite sure what other additional information that you would find necessary to foresee. I think you have information that you need.

MR. TRAVER-No, I agree. I just wondered how you felt about our progress thus far. I think for the, I mean obviously as we've discussed in our previous meetings as well as earlier, as we move forward and begin to zero in on the specific development on the site, should the zoning amendment be approved, then obviously we're going to need a lot more detail, as we would for any construction or site plan as you mentioned, you know, in terms of topography, stormwater, all of that, but I think that this phase if we're really just, the first step being the zoning, recommendation to the Town Board and the Town Board acting on the request for the zoning change, should that go through and then the applicant would return and we would begin on the Phase I, Phase II as the project moves forward and the information that we would need would be related to that level of detail. Would that be your interpretation as well, Laura, and/or Stu?

MR. BAKER-Keep in mind that you're reviewing two things concurrently here. You're reviewing the application to create a Planned Resort Development, and you're also reviewing the Petition for Change of Zone.

MR. TRAVER-Right.

MR. BAKER-To amend that zoning law which the Board has reached consensus on. So it's really two zoning changes, one is creating the PRD district and the other is the recommendation to change that density language in the subdivision regs.

MR. TRAVER-Right.

MR. MAGOWAN-I have a question. How is this, we're going to put it out there, you know, there's a possibility of setting the public hearing, and I guess my question is, on the public hearing, we should be specific on what the public hearing is on, because we don't have all the information on how many houses and all this, blah, blah, blah, blah, blah.

MR. TRAVER-Right.

MR. MAGOWAN-What the public hearing is on, it's the two variances.

MR. BAKER-They're not variances.

MR. MAGOWAN-Well, whatever they are.

MR. TRAVER-Changes to the Code.

MR. MAGOWAN-Changes to the Code.

MR. TRAVER-So there's sort of two answers to that. The public is free to make any public comment they wish about the project as a whole, right? But one of the things that we will try and clarify, because we cannot make a recommendation to the Town Board on the zoning code request changes until we've had a public hearing, okay. So we're going to have a public hearing as part of that process, and during that public hearing we will hear a lot of things about things that are other than the 20% slopes and the level of detail that we've had to get into in order to process the request for zoning change.

MR. MAGOWAN-Well, that's what I'm saying is that we can't answer those questions because we don't know yet. So how do we, you know, not wait until we have a roomful of people, standing room only, want to know answers that we'll be here all night long saying we don't know, we don't know, we don't know. So, you know, I'm saying if we're going to put this out there and advertise it, you know, or place it in there, that it is specifically for the two changes in the code. That's all I'm saying.

MR. TRAVER-Yes, no, I understand. I understand your concern. That's a valid concern, and I think we will not say we don't know. I think what we will say is we will know, and all of those elements will be reviewed, and there will be additional public hearings.

MR. MAGOWAN-That's a nice way of putting it.

MR. TRAVER-Well, it's the reality of it. I mean it's, there are things that we do not have detail on because we're not addressing those things, but as we address these items one step at a time, starting with the necessary zoning change for this to go, essentially, anywhere, we will acquire that information that we need, that we feel that we need in order to review the application like any other.

MR. MAGOWAN-And I follow that. I'm just saying that we just don't need, really the public needs to know what this hearing is for, and to show your concerns.

MR. TRAVER-We will do our best to explain that.

MR. MAGOWAN-That's all I'm asking.

MR. TRAVER-Yes, and hopefully the public will understand the process and they appreciate, as with other projects, there'll be more than one opportunity for public hearing, maybe perhaps many depending on how this goes, because it will be divided up into different phases I'm sure.

MR. STEFANZIK-It sounds like the onus of that, the challenge of all that, is going to be on the applicant, because how are you going to present this in a high level that, you know, people can start wrapping their mind around. Getting involved with 20%, including the 20% slope as part of the density, I think a lot of people, that's just going to go right over their head. So it's going to be a challenge for you guys to figure out how to present this.

MR. TRAVER-And you have had some discussions, I think, with the neighbors. Right?

MR. MONTGOMERY-Yes. When John Strough, when we first started this he said, you know, he asked, he didn't require, but he said we would appreciate it if you would try to get out ahead of this. So we did an open house at the Mountain. We had about 300 people there. We had 17 tour guides and anyone that couldn't walk the site we provided side by side transportation. We did bagels and refreshments, that type of thing. We brought Luigi in and his engineers, and then each person was given a map, and then I color coated everything in the resort, so red for homes, condos, apartments. So then you would walk through, and obviously the buildings aren't there, but I had tape around all the different trees or stakes in the ground. So you could walk through the whole event and basically see where everything was going to land, and I think that, and then afterwards I gave about a 20 minute presentation to the 100 or so people that were still there and, you know, I don't mean to speak for other people, but I thought it was a very positive experience. We were able to address people's concerns. There was people concerned about stormwater, specifically, and they spent a lot of time with Luigi's guide, and I was told by the gentleman afterward that he was satisfied that we had looked forward far enough to do that. Obviously all the neighbors were there, I believe, as far as other people that were just curious and so we also sent out a flier. We mailed to everyone in the area that we were doing this open house and it would be an open discussion

with full tours of the site and I didn't really actually know what to expect. We did a couple of things I think. I've done a ton of posting for three to maybe more years now online. I've put the maps on. I've put the description on. I've written what each component's going to be. I mean it's an enjoyable thing to do, and, you know, we do get some negative feedback on there. I counted the, if you want to count a like or a love as a positive and an angry face as a negative, I think maybe we had, it was a tiny percentage negative, and, you know, we do have our detractors, I do, but, you know, by enlarge it's been met with, that doesn't mean it will be the next time, but we did do a full, not just open house, but a full tour of the event where everyone got a map and then we had everything marked through the whole resort.

MR. TRAVER-Well that's extremely helpful and that will be a benefit to the people potentially impacted by it. I think, from my experience, the public hearings are more about people's, what they don't know, not so much what you, the information you gave them is great, and that will help a number of people I'm sure, but there are some other people perhaps that weren't there or who have heard perhaps inaccurate information or whatever about what's going on. Those are the folks that tend to come and have a lot of questions, and we just have to be prepared to address that. I mean that's just the reality of the situation, and the same thing will happen, should the zoning amendments be made and we go into specifics, you know, one phase at a time there'll be public perhaps, maybe less because it'll be more known than, it's generally what I think the unknown is I think what people fear most, concerns about traffic and stormwater and so on. So it's going to be your job to convince them and us that you can address those concerns, and our job will basically, in the public hearing, will be to convince the public that we're doing what we can to make sure the process goes through in a reasonable and effective way. So that's our task, but, yes, the first public hearing as proposed in January should be quite interesting.

MR. MAGOWAN-Mr. Chairman, just a thought to put out there, since it might be pretty busy, is it a possibility of maybe having two, one for the public and one for the Mountain team to help answer some of the questions that.

MR. TRAVER-I'm sorry. Two what?

MR. MAGOWAN-Two setups, you know. Usually during public comment the applicant has to go sit down and listen, you know, and then they come up and answer, and there might be so many questions that they can address, you know, some of those questions while that's person's up there.

MR. TRAVER-Well, that's not the format that's used for public hearing. The public has to address the Planning Board, not the applicant.

MR. MAGOWAN-And I understand that, but since there's probably going to be so many questions that, you know, we will know in the future but not right now, I was just, like I said, my whole thing is just trying to get it to flow.

MR. TRAVER-I understand. It's going to be a challenge, perhaps a bigger challenge than I'm anticipating, but I would rather that we, and I think it's important that we follow the exact same process that we do for any other applicant, despite the size of the project or the number of people that may have comments. I think that we can, I mean we've had projects with a lot of public comment in the past and we've generally been able to handle it. So I think if we anticipate a lot of public input, the effort the put into reaching out to the neighborhood I think will help, you know, assuage some concern.

MR. MAGOWAN-I want to thank Spencer for that.

MR. TRAVER-I think, you know, there are, the Board, and I as Chairman, do have the ability to implement some special procedures, if we do it carefully, should it be necessary, but I would rather avoid that if we can. I'd rather just handle it like any other public hearing. Would you agree, Laura?

MRS. MOORE-Yes. We can always, once we start hearing what their comments are, and again, we always do the procedure, if we've heard it once, let's not repeat it.

MR. TRAVER-Yes, which I've said to people, don't repeat the same information.

MRS. MOORE-But if there's some side baring or some needling of some specific information, we can always come up with, those things are being addressed at a later time. There's a way to handle those, and I think we have a good idea of what's going to.

MR. TRAVER-I think what I do plan on doing is, just prior to opening the public hearing, is try to explain the process to the public. Let them know that at this stage we're just looking at zoning, we're not looking at specifics, and that as we do get in, should the zoning go through, and there will also be public hearing for the Town Board when they consider the zoning, and when they get through all of that and then it comes back to us and we're looking at specific Phase I and so on, we'll have a lot more specific information and also that information will be available on the Town website as other projects are, and hopefully that will

at least give a, sort of set the stage for that, but we'll see how that goes. Do you have any general feelings about the public hearing?

MR. LAPPER-We're in agreement with everything that you've said. The kind of information that we've been asked, somebody said, you know, that's going to affect the access to Northwest Road, and, you know, we explained that it won't, that that's the construction, it's not going to happen there, kind of concerned because they don't understand the details. So, you know, we'll be here ready to answer any questions, but at the same time it is the zoning and we think there's a lot of information out there already and make them feel comfortable that when we get to the site plan it'll be like a normal Planning Board process with every minute detail of every tree and shrub and stormwater and traffic and everything else, but to advertise it, it's public hearing for your recommendation to the Town Board on the re-zoning, and that's what we're here to talk about.

MR. TRAVER-Okay. All right. So for members of the Board, are you comfortable doing a resolution setting that public hearing for January? So we'll get that process started. Okay. Any other comments from Staff before we consider that?

MR. BAKER-Just keep in mind that the Board does need to make a determination that it's received all required information.

MR. TRAVER-Right.

MR. BAKER-Prior to holding the public hearing.

MR. MAGOWAN-Would you say that again, Stu?

MR. BAKER-I'm referring to Section 179-12B 050(A)3 It reads, "After referral by the Town Board and after receipt of all required information, as determined by the Planning Board, the Planning Board shall hold a public hearing in accordance with the hearing requirements of § 179-16-120 .

MR. TRAVER-And this public hearing is because the Planning Board is making a recommendation to the Town Board. So the information that we need is related to that referral to the Town Board. Correct?

MR. BAKER-That's correct. That's correct. You need to make a determination that you have all the information required. A literal reading of this language is that you need to make that determination before you hold the public hearing.

MR. MAGOWAN-So what is the determination you're looking for?

MR. BAKER- A determination that you have received all required information.

MR. LAPPER-For the re-zoning, not for the site plan.

MR. MAGOWAN-Not for the re-zoning.

MR. TRAVER-For the recommendation.

MR. BAKER-For the recommendation on the PRD.

MR. TRAVER-Okay, and I believe that we have discussed that and agreed that we have that information. Correct? Do any Board members feel that we do not?

MR. STEFANZIK-My understanding is part of that we were going to go through these four items here as part of the objectives.

MRS. MOORE-So you can start those objectives. It's just really very preliminary, but setting that public hearing and making that decision that you have the information.

MR. TRAVER-Yes, so we have been discussing, amongst ourselves and with the applicant, the referral to the Town Board on the PRD and including the 20% for density calculation, and my understanding is that we have Board consensus that we are in agreement with that, and that we have, on the one hand, we've had the information that we've had a lengthy discussion regarding those two items for that referral, and we acknowledge, as does the applicant, that we're going to need a great deal more detailed information as the project progresses, but at this stage and for this public hearing, in order to take public comment on the referral to the Town Board for our recommendation on the PRD and the inclusion of the 20% in the density calculation, it is my understanding that the Board feels, that the Board is in agreement that we have sufficient information for that. Does anyone, are there any members of the Board that disagree? Okay. Then we have a draft resolution.

RESOLUTION TO SET A PUBLIC HEARING DATE FOR APEX CAPITAL, LLC/MOUNTAIN TOP

WHEREAS, the 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.

MOTION TO SCHEDULE A PUBLIC HEARING ON JANUARY 16, 2025 FOR PLANNED RESORT DEVELOPMENT 1-2024 & PETITION OF ZONE CHANGE 1-2024 APEX CAPITAL LLC/MOUNTAIN TOP VENTURES LLC.

Introduced by Fritz Stefanick who moved for its adoption, seconded by Brad Magowan.

Duly adopted this 10th day of December 2024 by the following vote:

AYES: Mr. Deeb, Mrs. McDevitt, Mr. Longacker, Mr. Stark, Mr. Magowan, Mr. Stefanick, Mr. Traver

NOES: NONE

MR. TRAVER-All right. So we have our public hearing.

MR. LAPPER-Thank you.

MR. TRAVER-For January 16. And, Laura, as far as the Town is concerned, for preparation for public hearing, I know there's a mailing that goes out to folks within 500 feet of the project. Would there be any change or expansion of the scope of that mailing based on the relatively sparse population of that area, the area that possibly could be impacted, or is that something that's possible? Or do we request that?

MRS. MOORE-It's possible, but I think that would be resolution wise to do that, and I don't know what, I don't know where you stop the boundary. So we have 500 foot as a common boundary.

MR. TRAVER-So could we, hypothetically, could we make a resolution to expand that to say a 1,000 feet or so?

MRS. MOORE-I don't see why you couldn't.

MR. DEEB-What's you're reasoning for that, Steve?

MRS. MOORE-Yes.

MR. TRAVER-My reasoning is that I think if we limit the notifications to within 500 feet of the resort as it currently exists, I think it's going to have a very limited number of notifications.

MR. DEEB-It's the number that's required by law.

MR. TRAVER-That's true. It's what's required.

MR. DEEB-So I don't see why we have to change that.

MR. STARK-It's going to cut out a lot of, significant portion, of neighborhoods like Bedford Close and Hudson Point if we don't do what Steve is saying. I didn't measure it.

MR. STEFANICK-I think it has to be more than 1,000 feet. I mean 1,000 feet is still very sparse.

MR. TRAVER-But it's double the normal area, and there's no requirement that we do it. It's just that my feeling was that it might be helpful, in the long run. Now there's certainly going to be information in the public, as there already is, to some degree, that this project is being considered.

MR. STEFANICK-Let's start with this. How did you notify the 300 something people you mentioned about?

MR. MONTGOMERY-We did a mass mailing. I don't remember exactly how it was, but it definitely wasn't based on 500 feet. I don't believe it was all of Queensbury, but it was.

MR. STEVES-No, it was at least a quarter mile, wasn't it?

MR. MONTGOMERY-Yes, I don't remember how they did it. It was done through the Post Office, and, you know, I think it was pretty sufficient.

MR. DEEB-Did you hit all of your neighbors within 500 feet?

MR. MONTGOMERY-We went beyond that border, just because, I certainly did 500, yes.

MR. DEEB-Maybe that's a blueprint we could follow.

MR. MONTGOMERY-From my perspective, I mean, obviously, the impact of people that live adjacent to it I think would be obviously something that we would do is scope it out further than that. I don't know if that is helpful. The scope that we used last time was okay, as far as we had pretty good turn out.

MR. DEEB-I just believe we should do what's required.

MRS. MC DEVITT-I don't know. I think it's a big project. It's requiring a zoning change from one thing to another and I think that there could be impact, there certainly could be impact on people beyond 500 feet.

MR. TRAVER-And just for the Board to consider. I know I'm the one that brought up this business about maybe expanding on the 500 feet, but also have to remember that there will be multiple public hearings and also that there will be a significant public hearing in front of the Town Board when they actually discuss whatever recommendation they pass. So there's certainly not going to be, I don't think there's going to be a limit on public opportunity for participation in public hearing, but I was just speculating that should we consider trying to do something more expansive because of the nature of the neighborhood.

MR. STEFANZIK-When the Town Board does their public hearing, do they notify people beyond 500 feet?

MR. TRAVER-I assume it's the same, isn't it, Laura, for the Town Board?

MRS. MOORE-So theirs is a change of zone. So I don't know if it goes directly to neighbors. It does not. It only gets publicized.

MR. BAKER-There's a different prescription for the public, those requirements for changes of zoning and zoning districts.

MR. TRAVER-Would you generally describe it as more expansive than limiting it to 500 feet?

MR. BAKER-Well, I would want to review it right now.

MR. TRAVER-Okay.

MRS. MOORE-While he's looking at it, so at 500 feet you're going just across, and I'm looking at an interactive mapper, you're going just across West Mountain. If you do 1,000 feet, you go a little bit further and you capture a little bit of Founder's Way, if you do 1,000, and a little bit of Honey Hollow.

MR. TRAVER-And of course there's going to be word of mouth and everything, too.

MR. DEEB-People are going to know about this no matter what happens. This is a big project.

MRS. MOORE-You could also, as part of your recommendation, is suggest to the Town Board that they do a different type of notice as well.

MR. TRAVER-That's a good point. Yes.

MR. DEEB-I just don't think it's needed, to tell you the truth.

MR. BAKER-Yes, for changes of zone the notice to adjacent property owners reads, "Where a proposed amendment would result in the re-zoning of two to thirty parcels, written notice of the proposed amendments shall be mailed to the owners of such parcels and to the owners of all parcels immediately adjacent to such parcels.

MR. TRAVER-Okay. All right. Interesting Thank you.

MR. BAKER-As opposed to the 500 foot radius.

MR. TRAVER-Right.

MR. MAGOWAN-Mr. Chairman, I being in a public sector, a lot of people approach me and ask questions, but I think it would be in our best interest, on this size of project and magnitude that really is a great thing for the Town of Queensbury, you know, but I think we should expand it to the point where really that whole particular area.

MR. TRAVER-Well, I think that we should limit, if we modify the standard procedure of the 500 feet, I think we could limit it to let's say 1,000square feet. I think there's going to be plenty of word of mouth.

MR. MAGOWAN-That's true.

MR. TRAVER-Information from the media.

MR. MAGOWAN-And I agree with that. And I'm not trying to cut you off, but I've heard that and I understand that. I've been sitting here for a long time and there's so many people that come in and say, well, I didn't know about this. I didn't get notified and they were just on the other side of that 500 foot mark. So I don't think it would hurt if we go to 1,000 feet, and at least we could say, look, we've modified, and then that way the word of mouth would be able to spread a little bit easier.

MR. TRAVER-My thought as well. Brady, what do you think?

MR. STARK-Yes, I mean, I don't have a problem.

MR. TRAVER-Ellen?

MRS. MC DEVITT-I agree.

MR. TRAVER-Fritz, what do you think?

MR. STEFANZIK-I mean 1,000 feet's fine. To your point, though, there's going to be so many other public meetings. Yes, 1,000 feet sounds fine.

MR. TRAVER-Okay, and, David, what do you think?

MR. DEEB-I don't think it's needed. I think it's putting more work on Staff. This is going to be so big that you're going to fill this room anyway, and I'm sure you'll get people from outside the 500 feet anyway.

MR. TRAVER-Okay. Warren, what do you think?

MR. LONGACKER-I don't mind going further, but I see that sign across the room, Maximum Occupancy 300 people. I think, again, even word of mouth, you said 300 people showed up to yours.

MR. MONTGOMERY-Yes, between 250 and 300.

MR. LONGACKER-And that's probably will no tables.

MR. TRAVER-I'm sure we're going to have a big crowd. We'll just have to deal with that.

MRS. MOORE-So we have had opportunities where we've held public hearings in different locations. We did that with Great Escape.

MR. TRAVER-Yes. So, I think, I mean, that's a, you know, part of the public hearing, a lot of it is sort of my problem dealing with the public hearing, but that's what I get the big bucks for

MR. MONTGOMERY-We did the mailing, when we did ours, I think it was basically half of Queensbury, and then I obviously publicized it on Facebook and we said there's going to be refreshments and free drinks and bagels and blah, blah, blah. So we got a good turnout.

MR. TRAVER-My feeling is that there will be plenty of word of mouth, I mean the whole Town probably will know about it and perhaps beyond, but I think it would behoove us to, if only symbolically, indicate that we want to try to be as inclusive as we can with this. So if Board members are okay with it, I would like to propose a resolution that the public notification be expanded from 500 to 1,000 feet for this public hearing.

MR. MAGOWAN-So moved.

MR. TRAVER-Our Secretary has to make a resolution.

MR. STEFANZIK-Okay.

RESOLUTION TO EXPAND THE PUBLIC NOTIFICATION FOR JAN. 16, 2025 PUBLIC HEARING

Whereas a public hearing has been set for this project for January 16, 2025;

And where a request has been made to increase the notification distance of neighboring properties from 500 feet to 1,000 feet for Planned Resort Development 1-2024 & Petition of Zone Change 1-2024;

MOTION TO APPROVE THE EXPANSION OF THE PUBLIC NOTIFICATION FROM 500 FT TO 1,000 FT FOR PLANNED RESORT DEVELOPMENT 1-2024 & PETITION OF ZONE CHANGE 1-2024 APEX CAPITAL/MOUNTAIN TOP VENTURES, LLC. Introduced by Fritz Stefanzick, who moved for its adoption; seconded by Ellen McDevitt.

Duly adopted this 17th day of December 2024 by the following vote:

AYES: Mrs. McDevitt, Mr. Longacker, Mr. Stark, Mr. Magowan, Mr. Stefanzick, Mr. Traver

NOES: Mr. Deeb

MR. TRAVER-All right. So we are on. January 16th.

MR. LAPPER-Thank you.

MR. MONTGOMERY-Thank you.

MR. TRAVER-So in the meantime, I know that we talked, and obviously we made the motion so we have sufficient information for the public hearing and making a recommendation to the Town Board, but any additional information that you anticipate that we would want to expediate the review of the project, please feel free to submit that, because that will only be to our benefit. Okay. Do we have any other business before the Board this evening?

MR. MAGOWAN-Mr. Chairman, I don't mean to be dropping this, but I'm having kind of sleepless nights over a situation and we have talked about it before and I would like to see if the Board would be interested in having a discussion on this O'Reilly truck thing that we passed where we stated, where it was stated seven times in the minutes during our presentation that there would be box trucks only coming from South Glens Falls. Now we have, what we have now is we have a tractor trailer backing in daily off of Route 9 and there's been close calls. I believe I heard of one little fender bender, but a lot of close calls, a lot of stopping traffic, and I have reached out to the Board and I have reached out to our Zoning Administrator, basically to be told that we made the mistake, or actually at first it was I, and I had to remind him that I'm one of seven, you know.

MRS. MOORE-So, again, I'm going to interrupt you. I think the Board is well aware of that situation. We have been apprised of it more than once.

MR. MAGOWAN-Laura, nothing's happening and I have reached out to the Supervisor.

MRS. MOORE-Right, and the process has been explained.

MR. MAGOWAN-I'm asking to have a discussion because I have reached out to Town officials and I have gotten nothing back.

MRS. MOORE-That's not true.

MR. DEEB-We can't do anything. What can we do?

MR. TRAVER-That has nothing to do with the Planning Board at this stage. So that is, at best, an enforcement issue, and you have addressed your concerns to the Town. It's now in the hands of the Town or whatever. We have dealt with that project and we have no authority to go in and make any changes. We've done what we can do.

MR. MAGOWAN-That's basically the same thing I've gotten from our officials up above.

MR. TRAVER-I can't speak for them. If there's nothing further before the Board this evening, I'll entertain a motion to adjourn.

MR. MAGOWAN-So moved.

MOTION TO ADJOURN THE QUEENSBURY PLANNING BOARD MEETING OF DECEMBER 10TH, 2024, Introduced by Brad Magowan who moved for its adoption, seconded by Ellen McDevitt.

(Queensbury Planning Board 12/10/2024)

Duly adopted this 10th day of December, 2024, by the following vote:

AYES: Mr. Deeb, Mrs. McDevitt, Mr. Longacker, Mr. Stark, Mr. Magowan, Mr. Stefanzick, Mr. Traver

NOES: NONE

MR. TRAVER-We stand adjourned. Thank you, everybody. We'll see you next Tuesday for our next meeting.

On motion meeting was adjourned.

RESPECTFULLY SUBMITTED,

Stephen Traver, Chairman