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*QUEENSBURY PLANNING BOARD MEETING*

*SPECIAL MEETING*

*JANUARY 16<sup>TH</sup>, 2025*

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Planned Unit Development 1-2024	Apex Capital, LLC/Mountain Top 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  
JANUARY 16<sup>TH</sup>, 2025  
7:00 P.M.

MEMBERS PRESENT

STEPHEN TRAVER, CHAIRMAN  
ELLEN MC DEVITT, VICE CHAIRMAN  
FRITZ STEFANZICK, SECRETARY  
WARREN LONGACKER  
KIMBERLY BULLARD  
THOMAS UNCHER, ALTERNATE

MEMBERS ABSENT

BRAD MAGOWAN

LAND USE PLANNER-LAURA MOORE

SENIOR PLANNER-STUART BAKER

STENOGRAPHER-KAREN DWYRE

MR. TRAVER-Good evening, ladies and gentlemen. Welcome to the Town of Queensbury Planning Board meeting for Thursday, January 16<sup>th</sup>, 2025. This is our first meeting for the month of January and our first meeting for the Year 2025, and as such, among other things, it's what we call our organizational meeting, according to our Bylaws. Now we did have one many years serving David Deeb who decided to retire, effective December 31<sup>st</sup>, and we thank him for his many years of service, and one of the results of that is that one of our alternates, Kimberly Bullard, has been appointed by the Town Board who selects Planning Board members to serve out the remainder of David's term. So welcome, Kimberly and thank you for your service as alternate and welcome to the Planning Board. I would ask everyone, if you have a cell phone or other electronic device, if you would either turn it off or turn the ringer off. We do record the meetings and the minutes are typed up and available on line, as well as the audio, and we try to limit the number of disruptions that we have. In the event that we do have an emergency, we have the illuminated exit signs. Those are the emergency exits. So bear that in mind, and we also ask that, and we will be having a public hearing tonight, but aside from that, we do ask that if you wish to have a conversation amongst yourselves, if you wouldn't mind going out to the outer lobby area for that conversation, again, because we do record the audio of the meeting. It's important to try and keep that as clean as possible. We do have a draft resolution for a meeting in February, and I think we can wait until the end of the meeting to review that, but that's one of the things that we'll need to take a look at tonight. So our primary task tonight is to continue the completeness review. The Town Board is going to be Lead Agency on this application. So they will be conducting the environmental impact review under State Environmental Quality Review Act, or SEQR. They will also be making determination on the applicant's request for approval for a Planned Resort Development and also the zoning change that would be required to make that happen. Although we will not be doing that. We will not be taking any action on the application tonight. We will open a public hearing, although, again, bear in mind that usually the Planning Board does the environmental impact review. We will not be for this project. Although, much later on, when the application comes back to us when they are reviewed for the environmental impacts and the zoning change and the Planned Resort Development, we start getting into the nitty gritty of actually constructing elements of the project, then they will come back to us for the Site Plan Review for the specific elements they want to construct, and during all of this process, there will be many, many hearings and we appreciate the participation of the public. It's an important part of the process. So bear that in mind. So we will welcome the applicant, again, tonight. Welcome back, if you want to come to the table, and we'll do some follow up with you on some of these elements that we're reviewing and then we'll deal with public hearing.

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, REPRESENTING APPLICANT, PRESENT

MR. LAPPER-Mr. Chairman, we thought that before we the public hearing started, because we saw from some of the comment letters that, you know, it's a big project. People had questions. They didn't understand some of the elements that we should probably take 10 minutes before the public hearing and just go through the phasing plan and the uses and the proposal. For example, people were concerned about traffic on Northwest Road and we only have five townhouses on Northwest Road and everything else had a new entrance. So that kind of level of detail.

MR. TRAVER-Certainly, that's fine.

MR. LAPPER-So do you want us to start with that, or do you want to continue?

MR. TRAVER-Go ahead and do your presentation. We'll have the Board follow up with questions afterwards, and then we'll do the public hearing.

MR. LAPPER-Sure. So for the sake of the public because we've been at this for awhile, for many months with the Planning Board and the Town Board and we've refined the application with the assistance of Town Staff to address issues that came up. The project, from what people have heard, they haven't been paying attention to all the details not having been here. So the project team, I'm Jon Lapper, Land Use Attorney. Spencer Montgomery is on behalf of the ownership group, and he's the General Manager of the resort. Matt Steves from VanDusen & Steves, a Queensbury surveying company, and Jeff Anthony and Matt Huntington, Landscape Architect and Engineer respectively from Studio A Landscape Architecture in Saratoga. So Spencer and his investment group bought the Mountain a number of years ago and have been making upgrades to both the lodge and the ski center and this area of Northwest Mountain was always an underutilized part of West Mountain. All of the prior owners had looked to this, and in fact Mike Brandt had put into the deeds at Northwest Mountain that everyone should be aware that someday this will be developed. So what we're proposing, conceptually, is to use the density, leave most of the Mountain undeveloped, undisturbed except for recreation, and do the development at the base of the Mountain on the northwest side where the soils can support it, and it's a mix of, Jeff will go through the details on the plan, but alpine village with a small grocery store, restaurant, ski shop, amenities for people who would live here full time and tourists that will come to ski, a mix of apartments, condominiums, townhouses and single family, and it gets much less dense as we move up the Mountain because the bottom of the Mountain is where the soils can best support development. It utilizes Town water and this project would include bringing water line in directly. Right now they're paying to use treated water to make snow from the Town which is expensive water, and part of this is to bring in a line so that they could use river water to make snow which would be much more cost effective. Sewer treatment plant and then the effluent would go into the Hudson by pipe. A lot of questions were about stormwater, and all the stormwater from the disturbance from this project will be infiltrated on site. So no additional stormwater will leave the site as is required by State and Queensbury. So that's the project in general. I'll turn it over to Jeff to go over the Site Plan and the phasing chart, and then Spencer will make some comments about his concept.

MR. TRAVER-Sure. Okay. And for the benefit of the audience, the audio of this meeting, and shortly thereafter the transcribed minutes of the meeting will be available on line at queensbury.net. You can also go to that website, look under Planning Board and meeting materials and you can download all the plans that we're in the process of reviewing as well. Go ahead, sir.

MR. ANTHONY-Thanks, Mr. Chairman. This is the site plan or master plan for the entire resort, and as Jon mentioned, or tried to mention, this is a destination resort. There are maybe only one other destination resort in New York State in the western part of the State. A destination resort is not a day use ski area. People don't come here in the morning and then when the lifts shut down everybody leaves at night. So the traffic is patterned out over the course of the day where people arrive and leave as they wish. It's a destination place for people to stay for a weekend, a week or two weeks or whatever they want. There are going to be permanent living units here. So that's another component of the project. So an essential

concept to a destination resort is that it's not a day use area where high traffic in the morning at eight o'clock or seven o'clock where everyone wants to get on the Mountain and everybody leaves at five o'clock when the lift stops. That's not the situation here. The project is designed to be built in five phases over a 10 year period or more. Phase I is basically what we call the Alpine Village. The Alpine Village is at the base of the Mountain right in here, and the Alpine Village includes a complex right here which would be centered around the open atrium. It's a three-story complex. First floor will have some limited retail, some shops, a restaurant. It would be the location of a new lodge. The new lodge will be right here, and the second and third floors will be apartments. They'll be pretty much rental apartments and there could be some for sale, but there'll be about 126 units on the second and third floors. At that point we're going to be installing a new chairlift, high speed chairlift here, which will take you to the top of the mountain, the very top of the mountain, and that will be, there'll be an extension of the ski trail from where the current Northwest Lodge is right here, and the parking area for the Northwest Lodge is right here. That's going to be eliminated, and the ski chair will be extended down to the new Lodge, and we're going to provide skiers access to get from the mountain down to the lodge and back up on a new lift. Phase I also includes a complex of four apartment buildings right there. Those apartments are on a deck of a parking deck. So there'll be some underground parking there. That will include four units. This is going to be like a concourse in the middle which will be right here which will be landscaped. It'll be hard scaped. It will give people the ability to walk into the Alpine Village to the shops and to the new lodge and everything else like that. Also included in Phase I are four condominium buildings right there. Those will be two story condominiums. These are three story apartments, and there are also three other apartment buildings, one there, one there, and one there, and those are basically townhouse type level looking apartment buildings. They're stacked. They're narrow, and they're meant for overnight accommodations, sales, rental or whatever. That's the Phase I project. The Phase I project is interesting because all of the units will have what we call a beach. The beach is over here. This beach will be relatively private for the people who live there or rent there or stay there, but there'll be a secondary beach here which is typical, outside the lodge there's a place for ski racks, a fire pit, chairs, for people to sit around and just rest after their skiing, and that's for the general public. We also have, in this Phase I project, a renovation of this basically a hole in the ground. It's going to become a water feature. It's going to be an element where we're going to have some patios backing up to it right in here and there'll be some outdoor dining related to any restaurant or other things that might be there.

MR. TRAVER-Now by water feature, you mean a pond, right?

MR. ANTHONY-It's going to be a controlled water feature, like a swimming pool almost. It's totally contained, and the parking for this is in surface parking right through here for people coming here for day and like I mentioned to you, there's underground parking for the apartments. There are parking lots for the other apartments, and there's indoor and outdoor parking for the condominiums. So all of the parking for this whole complex is taken care of, either on site or within the buildings. That's Phase I. That will be probably the very first effort that will ever get built right away. This is going to be the biggest push of the whole project. It's the key of the whole project. Phase II is going to be a townhouse complex right in here, and a boutique hotel and a banquet facility and a sports facility or health club. So that's Phase II of the project, and there are about 40 townhouses in here, or 22 duplexes, and there's 10 over here, or 10 units or five buildings. So those are part of the Phase II project, and that is what Phase II will be. As we proceed, and there's pretty level shelf right here, in this area. It rises a little bit and it flattens out, then the mountain starts to climb over here for the Phase III and IV project. Phase III and IV of the project, Phase III is through here. Phase IV is over here. Phase III and IV are single family lots, and Phase V, ultimately, some time way in the future, is 15 lots, 14 lots, I should say, at the top of the mountain, which are accessed from the Luzerne Mountain Road. That's the basic project. Now what did we do in coming up here with an application to the Town for a zone change, well we did an awful lot of studies, looking at the zoning requirements for the PRD, and looking at what needs to be put into a SEQR environmental assessment form. We've done a full traffic study for this project. CME Engineers from Albany have done a complete traffic analysis. We've done water supply studies. We've done sewage disposal treatment plant studies and things like that. We've done soils investigations. We've done soil test pits up and down the mountain. We've done all kinds of other analysis of the environmental conditions, and, you know, we did a complete backup of special studies that are attached to the booklet that we've given the Town to review for this project. So in essence it's an Environmental Impact Statement that we've almost given you. It's an environmental statement with backup reports. You have them all. You've studied them all. You've seen them all. You've been reviewing them all, and in essence we've determined at this point that from a zoning perspective this piece of property can handle this proposed amount of development.

MR. TRAVER-Okay. Well I know you're aware that in this case the Planning Board is not going to be doing the environmental review.

MR. ANTHONY-Right.

MR. TRAVER-So when you get to the Town Board, we know that there are a lot of questions and concerns. It sounds like you're well prepared to address them, but you should, again, a reminder that there's going to be concern among the citizenry about stormwater, traffic, lighting, view shed, all those kinds of things are all part of the environmental review that the Town Board will undertake beginning some time soon, and

so the public is aware, there will be a number of public hearings addressing the environmental impacts about all those issues as well when the Town Board looks at this. So, okay. So you will be, at some point, presumably, be coming back to the Planning Board when we will be able to sort of be in our ballpark, which will be for the Site Plan Review, and that will get into the nitty gritty of what you're discussing with the various buildings and the parking and we'll need to do the engineering, the details of all of that, some of which, at this level of the application, is incomplete, but of course we understand that that's something that will occur later on. So, let's see.

MR. LAPPER-I'd like to just put Spencer on for just a minute to talk about his concept of how this mountain fits in with other regional mountains, and why he wants to make the investment.

MR. TRAVER-Yes. Sure.

MR. MONTGOMERY-Good evening. Well, I guess, just, I'll try to keep this short. I got involved with the Mountain in I guess 2013. My family's worked at the Mountain since 1968. I'm the youngest of six kids. We grew up about a mile down the road. I moved back here in 2010. I had children on the racing team and thought, well, maybe I'll take a shot at doing race academy here. That was the original concept. From there I ended up talking to the guy that was operating it at the time and then eventually got a hold of the owner, Mike Brandt, family friends of ours since the 60's, and became aware that the Mountain was not going to open, and that was 2013, for a variety of reasons. I know Mike Brandt was no longer involved in the Mountain. He had moved to Wisconsin. None of the Brandt family anymore was running it, and, you know, there was a, let's just say a lapse of tax payments and mortgage payments and it was struggling financially. So rather than focus on the race part of it, which is what I thought I was going to do, I shifted gear toward the Mountain side. We put some money in, got the place open, and since that time we've been basically replacing everything that's on the hill, three new chairlifts 40,000 feet of pipeline has been replaced, power systems, 375 LED lights, replaced the old sodium halide lights. So that's been a heavy lift, and it's myself and two other gentlemen that own the Mountain now. We started out with a larger group of people, about nine of us, and they were subsequently bought out, on good terms, but just largely because the project morphed, you know, I anticipated it costing five million, and it was a factor of about four above that to cover operating losses and about 15 million in capital improvements. So fast forward to today, you know, the concept was always to try to do a ski and stay resort, and I based that on the fact that West Mountain has a 1,000 feet of vertical drop. It's got a lot of skiable acres. It's what families like to ski on when they're learning to ski, and that, you know, there's other concepts, Holiday Valley out in western New York that does very well. As far New York State's concerned, there's very few, if any, legitimate ski and stay villages where you come and unpack. The parents may go to the spa or the athletic club, go to the restaurant to do a few runs and then the kids are on the hill, you know, basically a built-in babysitter until nine or ten at night, and people enjoy that. That's one concept. The other concept was to have a year round resort that people could move to and downsize in the area and enjoy, you know, a coffee shop, restaurants, organic grocery store, club west, a really nice athletic club, hiking paths, and that's probably the most interest we've gotten in this development is locally for people wanting to downsize, and New York State just doesn't offer this, you know, everyone that comes up here, if you talk to anyone in New York City, if you talk to anyone across the east, if they want ski and stay they get off Exit 18 and go to 4 or they get off Exit 20, 149 to 4, and so there's a very strong demand for this product, family focused demand, where people can come as a destination and at the end of the day you don't have to pack up and leave or go back to a hotel. You're right on site. Once you unpack you're just there to stay. The mountain itself, I mean a couple of the things I'll just stress quick, concerns I've heard, well what about the flavor of West Mountain Americana. This isn't being built on the Mountain. The Mountain as it sits will remain the same. The southern base is really kind of where we do our afterschool program, 1600 children, racing, tubing, etc.. There's always upgrades. We did the cafeteria there, but the Mountain needs to change to survive. I've always been very candid about the financials at West Mountain. We've had many years of operating loss. We've had three recently that were decent. Last year was very challenging, and we'll spend this year trying to backfill the hole from last year, but as a standalone ski and stay enterprise, it's a very challenging operation. Obviously since I took over minimum wage went from seven dollars to sixteen dollars. Inflation, capital expenditures, the cost of doing business. I'm not complaining but I think people sometimes have a misconception that West Mountain is rolling in profitability. That's not true. It was all built around this concept, and what we wanted to do was put the resort against a heavily wooded area, fill up the northern property line, which is actually the Park border. We're not in the Park. All the development was to hug that line, come down, and the rest of it be along West Mountain Road, and this helps pay for other things. It helps pay for a pumphouse on this side of the Mountain so we can make snow simultaneously on both sides. It helps pay for a new high speed lift which most people expect now. We have good chairlifts, but we don't have high speeds. It helps pay for a lot of things, and the last thing I'll say is the concept we had was I had people approach me and say, oh, we'll buy the land and do the development. That doesn't help West Mountain because you're basically selling off one of your arms to live for the next say five years with no long term plan. So I was resistant to any of those types of plans. So I met with Peter Luizzi. He's done Starbuck Island. They reclaimed brownfields. He's incredibly conscious environmentally. The State has signed major long term contracts with him recently to run warehouses for the State. Starbuck Island used to be an oil foundry in the middle of the Hudson. They excavated four large football sized things of contaminants, made the soil good again. He's done that over and over again. So for him to come up here, the environmental challenges of this he doesn't see as

challenging, but more important to me was he said I want to partner with West Mountain. You guys put a lot of money into it. It's a community jewel. I'm not looking to carve off the development. I want to be a true partner to the Mountain. So, that being said, we will be a partner in the development, the ski area will, meaning that we'll get residual income from the ski and stay resort, not just selling ski tickets. Right now ski tickets are about 70% of our income, and this would take that number down and make us less reliant on selling lift tickets. It also increases skier visits because people coming here are signing up for a destination rather than maybe just showing up when it snows. We'd be a destination resort, and the ski lift ticket may go to five or ten percent of our income, and preserve the future of West Mountain, and that's really been my goal, having grown up on West Mountain my whole life, was to try to put something together that would make us unique. That's about it.

MR. TRAVER-Okay. Thank you. Was there someone else, Jon, that you wanted?

MR. LAPPER-I think that covers our initial presentation.

MR. TRAVER-Okay. So, again, our task before us tonight as Planning Board is to try to complete the completeness review of the material that you've submitted in preparation for referring to the Town Board, which we may be able to do next month, depending upon how much progress we make. We will not be taking any action on your application tonight, and we will not be doing the environmental review, although it sounds as though you are well aware of the fact that you will be doing that with the Town Board and public hearing and so on. So you'll need to be prepared for that. I know there's going to be concerns about parking. You've addressed many of those things in the booklet, as you've mentioned, that you distributed to all of us, and I believe, Laura, that this is on line, available for download as well?

MRS. MOORE-It is on line.

MR. TRAVER-So, again, for the audience, if you want to really get in to the details of this project, this is the Planned Resort Development, PRD. Believe it or not you can download this whole thing on the Town website and look at it. There's a number of helpful maps and charts. Bear in mind that at this stage this is a concept plan. This is not a Planning Board approval document by any stretch of the imagination. We have to go through line by line. There will be, undoubtedly, some changes to this, but this is basically a starting point. This is what we're looking at, and we're kind of going from there. So if you want to see where our starting point is, this might be very helpful for you to download. So one of the first things that we need to consider is, does the proposal as submitted meet all the general requirements under 179-12B for the Planned Resort Development. I know that, as Planning Board, we spent quite a bit of time discussing that. Do Board members have any specific questions or concerns regarding that, of the four items we're specifically looking at tonight that we want to follow up on? Number Two, does the proposal as designed be considered to be conceptually sound and that it meets a community and/or regional need and conforms to accepted design principles in the proposed functional roadway system land use configuration, open space drainage system and scale of the elements both absolutely and to one another. Now there's a caveat to that, of course, because much of the detail of all of that will not come until after the Town Board has done a SEQR review and we begin to see some more specifics on the design elements. A lot of these relate to impact statements, but I think, as I recall our previous discussion, I think that in general we do feel that this is conceptually sound to begin the consideration process by the Town Board. Do any Board members have any questions or concerns about that? Okay, and Number Three, does the Planning Board find the project to have, or to be developed to have adequate services and utilities available or proposed to be made available in the construction of the development? Well that is a bit of a partnership. There's a lot of lawyers involved in a project of this scope. I have been mentioning the Town Board a number of times. We also, of course, have the public that's going to be expressing their concerns under the SEQR component for impacts, environmental impacts, such as traffic and so on, and so this language to be made available in the construction of the development, I mean that will be, I think, when we come back to talk about Site Plan, when we get into the specifics of all of the different elements of the project. Planning Board members have additional questions, comments regarding that element? Okay, and Number Four, last but not least, will the project as proposed be developed in accordance with the Comprehensive Plan and furthers the policies, goals and/or objectives of the Comprehensive Plan. I know we spent quite a bit of time talking about that and I think that we've decided that it does, again, with the caveat that all the environmental impacts are addressed, all the concerns regarding the different impacts, potential impacts are addressed. I believe that we find that it does. So I guess at this stage I would like to open it up to members of the Planning Board for any general questions or comments on the project as we sit here tonight before I open the public hearing.

MRS. MOORE-Were there any questions on the objectives? I'd suggested looking at Objectives One through Four, and then you could continue on. There's 12 objectives in total. I didn't know if anybody had questions about the first four objectives.

MR. TRAVER-And Laura, again, if you could try to speak directly into the microphone, because we do have some folks that are having a hard time hearing what's going on. So thank you for that. Okay. Does the applicant have anything further that you want to say before we talk about the public hearing?

MR. LAPPER-No. We'll be taking notes with the public hearing.

MR. TRAVER-Okay. Good idea. We will be doing the same. So with that, we will open the public hearing. Before we do that, I would like to explain to the public that we generally, the public hearing is an opportunity for the public to address the Planning Board, not the applicant. So we will be taking public comment tonight. Bear in mind that at this stage we're not granting the applicant any approvals. We're not taking any administrative action on the applicant this evening. Potentially next month we may make a formal referral to the Town Board so that they can begin the process of undergoing the State Environmental Quality Review, which probably is going to have most of, if any concerns that you have about the project will be under SEQR, and also the Town Board will be holding one or more public hearings prior to taking action on that. Should all of that be approved and managed by the Town Board, the project would then come back to us for initially a Phase I where we start talking about the specifics of the building and how, after the environmental impacts have been addressed, how the specifics of the construction, the timeline, the materials, visual impacts, all that kind of thing will be reviewed and approved or disapproved by this Board. So, can I get a general sense, by raising hands, how many folks want to make public comment this evening? Okay. All right. We do ask, as well, that as you elect to make public comment, if you have new information to offer, that's extremely helpful, but we'd ask that if somebody has made a comment about a particular item or concern, we ask that you not repeat that item or concern. We would like to have new information, not a repetition of the same sort of questions or issues, and again a reminder that the public should not address the applicant but rather address this Board, and then after the public hearing we will address those concerns with the applicant. So with that, who would like to go first? I see. Sir, I believe you have your hand up.

#### PUBLIC HEARING OPENED

DWAYNE ZUHLKE

MR. ZUHLKE-Thank you for the opportunity to speak regarding the development being proposed for West Mountain. My name Dwayne Zuhlke, and I'm a resident of Queensbury. I've lived here for 35 years. I live in the Bedford Close subdivision which is close to the Mountain. I reviewed all the documents in the packet for this development. I have several questions and concerns that I believe need to be addressed. My overall impressions after reviewing all the plan documents is that while there's a lot of studies and exhibits, the plan itself is lacking in specifics regarding many of the areas. While I'm not opposed to anyone developing their property and business, I believe they have an obligation to provide full disclosure, especially when the development has the potential to impact the local residents and the environment. There are numerous lines throughout the plan that state, citing from Page Eight, until more detailed project plans are developed. I don't know how the Planning Board can approve any variance to zoning without knowing exactly what is planned so they know what they're approving. Saying in essence that we will figure this out as we go along is not a plan. I understand that you've said this is not the plan. That's sort of a concept, but I don't know how you can make changes to a zoning without knowing specifically what you're changing. The specific questions that I have can be summarized into three areas. They're as follows; noise levels, and I didn't hear any of that discussed tonight. The plan outlines a proposed amphitheater. The purpose is stated as this facility is intended to host small outdoor music performances and other such outdoor events. There are no specifics regarding hours of operation, what the definition of small is or anything related to noise levels. In fact this is the only reference to the addition of a concert venue. As I understand the noise ordinance in the Town of Queensbury West Mountain does not fall under this ordinance because it relates to other types of facilities, and if I'm wrong I would like to know that. At present there are events during the weekends that are loud enough to be heard throughout the neighborhood. Should an amphitheater be completed and implemented without any controls, this could create a situation where the rights of the neighbors are several infringed upon without regard to hours of operation and the level of noise being produced. Considering the residents of the neighborhood can hear the grooming machines every night, a potential concert venue would present a problematic situation for the local residents. Therefore I believe this needs to not only be clarified, but controls need to be required. There are festival units listed without any detail as to what they are. They should also be clarified relative to potential noise levels. I don't believe the local residents should have to be subjected to sitting in their backyards in the evening having to listen to whatever concert's going on at the Mountain every single night. Without any controls, this is a definite possibility. The second area is traffic control and impact. An extensive study was completed relative to traffic. Unfortunately this study lacks a couple of basic things. First the study was conducted during the COVID era. During this period we're all aware that most people were homebound. As an example, my place of work was closed and everyone worked from home. This brings into question the validity of the study and should be repeated currently. Second, in terms of stopping ability along West Mountain Road, it's stated that since the speed limit is 45, distance will be adequate. Obviously it wasn't mentioned that the traffic study was done by Albany County. The professionals conducting this study and the developers have never driven on West Mountain. Locals know that no one drives 45 on West Mountain Road. Third, and most relevant to the Bedford Close neighborhood, the study did not look at the impact of cars cutting through the neighborhood using Revere Road. Looking at the traffic map shown on Page 55, it is obvious there is a shortcut through the neighborhood. Using the figures provided in the report, which I contend are massively understated, 269 new drivers in the morning and 303 in the afternoon creates potentially 569 new drivers through the

neighborhood every day. I would also question how with the approximately 800 new residents expected, there will only be 269 new drivers with this. I would suggest that a new independent study be conducted. The traffic issue is especially troublesome to the Bedford Close subdivision as a new road to the residential area is constructed at West Mountain Road and Pitcher Road. Additionally Pitcher Road is not prepared to handle the expected increase in traffic. You'll recall that several years ago an individual wanted to open a paintball facility at that same spot and the application was turned down because of the impact on traffic. That proposal was nowhere near close to the size of that being proposed now. Third there's a couple of miscellaneous items. Wastewater is projected, and I got this from that report, wastewater is projected to either be discharged into the Hudson River or pumped out onto West Mountain. That's on Page 10 or 11. That's Alternative Number Two is to pump it out onto the Mountain. This seems unacceptable. One part of the response letter that was provided earlier to somebody earlier questions were raised, relative to the housing stated the houses will not be on the ridgeline. Looking at the topographical diagram on Page 35 seems to show the houses in Phase Six will be right on the ridgeline. This needs to be clarified if that's the case and I can, looking at the diagram there where it shows the ridgeline, it runs right through the middle of that housing development. So the letter stated that residents would not be able to see houses up on the ridgeline and it looks to me as though they are exactly right up on the ridgeline. So that I think needs to be clarified or changed. I realize that's 10 years from now, but that's still not part of the plan. So in summary I'm not here to say there shouldn't be any development. What I'm saying is with the lack of specifics in the plan, or we'll deal with it later approach and potential impact to the quality of life, impact to the surrounding residential area, this project is not ready to be approved as submitted for change of zoning. Change in the zoning designation is not appropriate at this point until some of these issues are addressed and resolved. Thank you for your time. I've made a copy of my comments.

MR. TRAVER-Yes, that can be submitted to Staff, and just briefly, if I can explain briefly in response to your comments, because this may apply to some of the other folks that are going to speak as well. Most if not all the comments that you made are related to environmental impact. For example, you referred to the concert venue, and we've had applications where noise has been an issue, and typically what will happen, and we don't know what will happen in this specific case, but very often what will happen is if the applicant has to comply with hours of operation for certain activities. Mitigation. There's a number of methods that can be done for mitigation, and volume, decibel level, and so on, but that will fall under the environmental impact that the Town Board will be addressing and as will traffic. You make an argument that possibly the submitted traffic study is not valid because it occurred during COVID. If the Town Board elects that that's the case, they may say we want another study or something like that. I can tell you that Creighton Manning who conducted the study that was submitted is considered one of the better traffic study entities in the area, even though they're from Albany, they don't live on West Mountain Road, but they're very professional and very thorough. Much the same with the stormwater issue, the septic, all the details of that have to be worked out. I mean they know that's an issue and they know they have to address it, and in some cases there are a couple of different ways that it could be addressed, and they haven't yet decided on what specific one is going to be best fit this application. When that happens then there will be additional very specific information about how that is to be handled, and all of that will be subject to review with more public hearing and so on. So we are really at the very, very beginning of the process, but I appreciate your comments very much.

MR. ZUHLKE-Thank you, and I just, you know, I would just say that some of the issues that I've tried to bring up on here are not really discussed in that document at all. I mean traffic is, but the piece where they don't review, if you look at the map that's in the document, it shows the traffic pattern, and you can look right at it and you can see that, I mean, I live on the corner of Revere and North Church. So people cut through, which I understand. I get that, but.

MR. TRAVER-We've actually seen that with prior development in the Town as well, and there are mitigation measures that can be taken to discourage people from those types of, usually that's an issue of convenience, and the object of the exercise there is to make it less convenient to go through what they perceive as a cutoff as to take the alternate and there are ways to do that with signage. That's a transpiration department issue, but that can be managed.

MR. ZUHLKE-And I understand, and I will say again, when I moved in many years ago, the ski resort was there. So when, you know, when they're blowing snow and when they're grooming and things like that, I have a hard time with somebody who moves in next to an airport and then complains about the noise, right, because obviously you should have known that, but this is something different. So if they expand and put in concert venue, an amphitheater for, I mean that's probably what it would be for, that that would infringe potentially upon the neighborhood that's literally right there.

MR. TRAVER-And they'll be expected to address that. I can tell you that some of it's weather related. For example, in my own experience, and I think this is a common experience. I can be outside on one day and not hear practically anything, and another set of weather conditions I can be outside and I can hear somebody mowing their lawn a mile away. So, you know, sound is a very dynamic thing and that's subject to review as well.

MR. ZUHLKE-Thank you very much.



MR. TRAVER-Thank you. Who's next? Yes, sir.

SCOTT BRANDY

MR. BRANDY-Thank you all for your work. Thank you for your public service. I'm coming about this from three different ways. As a long term resident of Glens Falls.

MRS. MOORE-You'll need to state your name.

MR. BRANDY-My name is Scott Brandy. I come about this, and I'm here for three different reasons. First of all, I raised my family in Glens Falls, and I'm a skier, and I think Spencer made a comment, Spencer Montgomery made a comment, that we kind of take West Mountain for granted. It's always going to be there. It's always going to add to the quality of life that we enjoy in this community. Little do we know how fortunate we are. My three children all raised through the Glens Falls High School ski teams. They're first jobs were at West Mountain. We spent many nights skiing as a family, skiing with friends. It's such a jewel. It's such an asset. I lived over on Horicon and Kensington and I could see the lights from the Mountain in my backyard and I loved it at night. The sound of snow guns is a sound that I loved and embrace. So I think we need to realize that, that West Mountain, from an economic standpoint, may not be sustainable in the long term. It's very expensive to run a ski area, to make snow. They compete, no one's mentioned this, I'm sure the representatives for the project will mention it at some point, but West Mountain has to compete with Gore and the Olympic Authority which is going to get over 120 million in the Governor's budget this year once the proposed budget is out, and they've gotten over 100 million, 80 to 100 million each year for the past seven years, and they're very competitive with ticket pricing. West Mountain cannot survive as a day skiing area and I say that because I'm also the President of Ski New York, representing 52 ski areas, more than any other State in the Country. I'm also the Vice Chairman of New York State Hospitality and Tourist. I work with ESD. I work with New York State. We work with promoting New York and what they said about a regional destination resort, this could be a jewel for our community. It could be an economic engine. It could employ people. It can bring people to our community, with very little. I recognize and I'm an environmentalist at heart, that all of them do it, it just has to be done, but I think that I want people to realize, think about the quality of life that this ski area brings. The fact that these people have put 15, 20 million into it already, and the skiing is great. It's something that needs to be supported. I also have a third thing to say, that I wasn't going to bring up today. My name again is Scott Brandy, and some people in the audience might recognize me. I'm the guy who did the paintball project, and if anyone's going to bring up the paintball project, they damn will better realize that Judge Krogmann overturned that flawed NIMBY decision and we were able to move forward if I chose to. So keep that in mind before we take things from the past and represent them as truth when they're not.

MR. TRAVER-I can assure you we will only be addressing the application before us.

MR. BRANDY-I just wanted to throw that last item in.

MR. TRAVER-Thank you for your comments.

MR. BRANDY-Thank you.

MR. TRAVER-Who's next? Yes, sir.

TRAVIS WHITEHEAD

MR. WHITEHEAD-I'd actually ask to, I have several graphs here, and I ask to be able to place them up here. I would first of all like to say that I agree with the last two speakers. My name is Travis Whitehead, and I'm from Queensbury, Brookshire Trace actually, and I'd like to say that I agree with the last two speakers in that I do believe that West Mountain is an asset to all of us, but I'm still here to express some concerns that I have, in particular how it might impact the neighboring properties. So I'm going to try to use this chart or this image here as much as I can, but it's not going to be very good. You heard earlier that there's no stormwater that will leave this property. You heard Mr. Lapper say that. That's not true. All this land right now is forested. It's trees and meadows. It's now going to have all kinds of impermeable surfaces on it, roofs, roads, etc., and it all comes down to this point. We know it comes down to this point because this is a mountaintop here and it comes around here. There's an existing frost, this is West Mountain Road, by the way. Just about here there is a culvert that takes the water across West Mountain Road and into, this would be Bedford Close and over there would be the Hudson River. So this is a well-known path. I have, on your chart there you'll see that the DEC and others have plotted this, they call it a principle aquifer, which basically originates in this area, and heads in this direction through the green spaces in Bedford Close and empties eventually into the Hudson River. It was also stated that there are a lot of decisions that have to be made on how to handle this. However it seems that they're trying to get this handled, and I'm referring to Page 257 of that 284 page document. Yes, I looked at most of that 284 page document, and on Page 257 they have a suggested SEQR form filled out, and in it it states very

explicitly, when asked the question, I'll tell you what, I'm going to just start reading this at this point. If it was true that there would be no stormwater runoff flow to adjacent properties as stated in the suggested SEQR, I'd end my concerns here, but that statement is false. It is stated that on site stormwater management facilities will contain the runoff but that the water has only one place to go, and that is, as I said, through, down that aquifer and into the Hudson. This has been confirmed in that SEQR where they acknowledge there's a principle aquifer there. They also acknowledge that there is a protected stream, federal waters that originates at that point, just about exactly where I pointed out there on the right hand side, and goes right through Bedford Close. It's largely underground. It's also stated in the document that they found this because they did test pits and at about six and a half feet they hit water in two of the test pits down there near the bottom. That's the aquifer. If you're familiar with Bedford Close, we have a large ditch, basically, that goes through Bedford Close through the green spaces in Bedford Close and they also have a ditch up there on their property on the other side of the road. They don't really want to call it a stream and they ask DEC to comment on that. On the very last pages of that 284 page document you'll find the response from the DEC where they clearly state that, yes, indeed that is a protected stream and that stream follows exactly that route through the green spaces right on top of this aquifer. It's largely not wet. As I said, the aquifer, the water is underground at that point. It does come to the surface at a couple of points in Bedford Close, and what I've noticed is it runs nearly year round. In fact the only time that I saw it dry up in the last several years was this fall during the drought, but really it's not a problem at any point except in the spring, and it's a problem in the spring because of the melt from the snow on the Mountain, but one of the other things that doesn't seem to be mentioned in that 284 pages is that the amount of water that's put up there for snow making is tremendous. We have the records from the Water Department, because they get the water from the Town of Queensbury, and over the years it has gone up steadily and exceeds 100 million gallons a year, 100 million gallons a year is pumped on top of that, and that's on top of whatever natural snow. All that has to melt in the spring, and if you have an unusually warm spring, we get a large dump into Bedford Close, and Bedford Close was not designed for all that water.

MR. TRAVER-Well, Travis, one of the things I should clarify as well, that there will be, and you refer to the SEQR form that the applicant submitted with their preliminary materials, and understand that SEQR review, as conducted by the Town Board, will be extensive, and they will go through this line by line and every question answered on that SEQR is reviewed against what is proposed versus what the reality is. So doubtless there may need to be changes to how they handle stormwater or whatever, but the SEQR review is extensive and is required by law. In addition to that, any development is also subject to independent review by our Town Designated Engineer, and they cannot proceed unless they have a signoff or approval of the proposed engineering by the Town Designated Engineer. So I understand that there are a number of open questions right now about stormwater and many, many other things as well, as is almost to be expected at this stage of the project, but rest assured, you know, part of the process, a very important and perhaps a major part of what will happen in this project is addressed in the environmental impacts like stormwater. So all of these things need to be addressed. They have not been fully addressed now, nor would we necessarily expect that they would be because we don't know exactly what's going to end up being there and how the various options for handling stormwater, and there are, might be chosen, and tested and verified.

MR. WHITEHEAD-So, I understand that, and one of my concerns is that, I really have a question, and the question is, best case, everybody thinks they're doing the right thing. They put in systems they think will take care of everything. The Town approves it, and yet we still have problems, let's say in Bedford Close 10 years from now.

MR. TRAVER-That's a hypothetical.

MR. WHITEHEAD-That's a hypothetical, and my question is, you know, there's millions of dollars of real estate in there that will be affected, and my question is who is responsible for those decisions? Would that be the Planning Board, the Town Board, APEX? Who would be responsible?

MR. TRAVER-Yes. All of the above, and in addition to that, you have the SEQR review process, which as I mentioned which would be at the Town Board level.

MR. WHITEHEAD-Normally that happens here.

MR. TRAVER-It often happens at the Planning Board. It's a matter of the determination of Lead Agency. In this particular case it was determined that the Town Board would be the most appropriate Lead Agency to conduct the SEQR review because of the zoning issue and potential changes to Town Code. That is the appropriate body. It frequently is the Planning Board. In this case, it will be coming back to us, of course, for Site Plan Review, and there will be engineering comments from the Town at that stage, and we will be managing that as well, but the big picture and the environmental impact studies, all of the things, traffic and stormwater and noise and so on will be addressed in that SEQR review process as required by State law.

MR. WHITEHEAD-So one of the concerns I have there, I don't know of anybody on the Town Board who's really qualified to be asking these questions, and I think maybe the people here are better suited to be asking questions that, you know, that are more engineer related. You have people on here like Brad Magowan who's not here tonight.

MR. TRAVER-Well, I appreciate your opinion on that, but again I can tell you that there are very specific guidelines under SEQR regulations that have been studied by Town Board members as to how to go about a SEQR review. There are training sessions that are offered fairly frequently and attended by Town Board members. So believe me they have been trained in the process and so to speak this is not their first rodeo. So rest assured they will know what they are doing.

MR. WHITEHEAD-I've watched it and I have a different opinion than you.

MR. TRAVER-And you're entitled to your opinion.

MR. WHITEHEAD-Okay. Thank you. So at any rate, those are my concerns, and I hope they're addressed. You've said that we should not address the applicant and so I will not, but I hope that you will ask the good questions that need to be asked, and I just want to end where I started, and that is what they're saying on their suggested SEQR is that, you know, the site's wording is, it says where will the stormwater runoff be, and they said it'll be on on-site stormwater management facility structures and/or manmade features if included in the stormwater management plan, and then the question is, will stormwater runoff flow to adjacent properties. It's a yes or no question and they said no. That just simply cannot be the case. It doesn't evaporate. It's 100 million gallons of water just in snow making.

MR. TRAVER-Well, thank you for your comment, and the applicant will have plenty of opportunity to address that and also there will be a number of public hearings as plans continue to develop and are posted on line for people to look at. There'll be additional opportunities for yourself, as you monitor the progress on these and other issues to make public comment later in the process.

MR. WHITEHEAD-Thank you.

MR. TRAVER-Thank you. Who's next? Yes, sir.

RICH HALL

MR. HALL-Good evening, everybody. This is Rich Hall. Thank you for your time tonight. The reason why I'm talking to you tonight is about the development. I live over on Alessia Drive. I live over on West Mountain Estates which is over by the Water Department. A development that was built in 2007 and it was drafted by VanDusen and Steves. My concern is the fact that this whole development that I live in has a no cut line, that 450 feet in elevation throughout the entire back side of the property. I own 40 acres there. I have three acres that I have my home on and the rest I can't touch. So as I look at this map here, this is my concern. If I'm not allowed, or our whole entire development wasn't allowed to go over 450 feet in elevation, which was designed by your Town of Queensbury, and the reason why it was done back then was we didn't want an eyesore on the Mountain, on the base, because Batease and Inglee had cut these huge sores up there on the side of the Mountain. So I live in that development. The 450 foot is actually below the Lodge on that map. That doesn't even go up the Mountain. This development, Phase V, is another 700 feet above 450 feet of elevation. So that is my concern.

MR. TRAVER-I understand, and you're talking largely about visual impact? That is, again, that's an environmental impact concern that comes under the SEQR law. So that will be reviewed. It's also a common practice to have no cut limits for projects. We haven't really established that for this project yet, and some of the Phases that are higher up on the Mountain are some years away, and they will be individually reviewed, both for environmental impacts and also for Site Plan Review, and that's where you'll typically see issues like no cut boundaries and that type of thing which are typically documented on the site plans and evaluated for compliance during the construction phase. So we don't know right now what those will be. Right now a lot of those will depend on the environmental, what's proposed or what the SEQR result is and how that might affect the change. All I can really tell you at this really early stage is that, you know, we understand that that's an important part of the environmental impact is the visual impact and we will be looking at that very carefully.

MR. HALL-Thank you for your time.

MR. TRAVER-Thank you. Who else would like to address the Planning Board this evening from the public? Okay. I'm not seeing anymore takers. Laura, you said you had some written comments you wanted to read into the record.

MRS. MOORE-Yes, I do.

MR. TRAVER-So why don't we do that.

MRS. MOORE-Okay. This says, "Hello, my family and I are longtime residents of Queensbury, and specifically the West Mountain community. I learned to ski on West Mountain, and my kids are doing the same. I love our Town and our community, and I want to see it thrive. As a neighboring property owner, I cannot support this proposed re-zoning project. The impact that this change would have on our community would be devastating. West Mountain is a "family ski mountain". It is not a resort destination. The owners are already claiming that they are operating in the red, and the addition of 174 housing units, a hotel, and a mixed-use village are not going to change that. The ski mountain infrastructure can barely support the number of cars and people today. Our climate is changing, and tourists are going further north to spend their money for winter activities. The elevation and number of ski trails on our mountain draws in local crowds, and those will disappear if the mountain is taken over by resort patrons, if the tourists even come at all. The proposed housing units will likely be purchased by non-Warren County residents. They will turn into rentals and will be filled with people that just visit here and do not have a true connection with or care for our local community. The construction and development will have a negative impact on our surrounding homes values. Who wants to live next to a "resort"? Additionally the thousands of wildlife creatures will be displaced, and likely killed off when they flee the noise onto busy roadways. After reading through the zoning guidelines, I have made a few notes based solely on the guidelines and my knowledge of how this proposal would not fit within those. I appreciate your time in taking these into consideration when voting on this matter. Sincerely, Elizabeth and James Hyatt Cormus Rd." And they've identified a list of items from this Code section. I'm not going to read through those.

MR. TRAVER-And there was at least one other. Correct?

MRS. MOORE-There's a few.

MR. TRAVER-Okay.

MRS. MOORE-This is "To Whom It May Concern: My name is Katie Agresta. My husband John Agresta and our family reside at 19 Triphammer Rd., Queensbury. We have concerns about the rezoning for the development project at West Mountain. We are concerned about the environmental impact of rezoning an area that has historically been undeveloped virgin land and with that rezoning changing the character of the community that we and others bought into. Our home backs up to Pitcher Road. The speed limit is 30 mph. People already do zoom up and down there at 50 mph. There are also many school bus stops along that road. Increased traffic along there will certainly produce increased noise as well as many safety dangers for local neighbors who regularly use that specific road to walk with their families, walk their animals, run, cycle through, etc. We applaud the effort of the Montgomery's to try to create a way to keep West Mountain Ski a viable place for people to gather. However, we are concerned at the size and impact of this project on our local neighborhood and environment. Thank you for your time and consideration of our concerns. Sincerely, The Agresta Family" "My wife and I are residents of Bedford Close and are strongly opposed to Apex Capital's request to change zoning to a Resort Development. While a native of Warren County I spent years managing resorts in Arizona. I have managed everything from your basic motel to some of the finest resorts in the world in Scottsdale AZ. When I moved back to NY in 2009 with my wife we chose to live in Queensbury, and while we have lived in several houses in Queensbury, we always lived West of I-87 as it is residential, quiet, scenic and peaceful, it is the exact opposite of Queensbury east of the 87 in most aspects. One thing I think many people might not take into account with building a hotel is the negative elements hotels bring, and I assure you the negative elements happen in low end motels, and they are just as common in your highest end resorts. Prostitution, drug sales, human trafficking. I have witnessed all of it at every hotel I ever worked in. It is not something I wish to witness in my backyard in a residential part of Queensbury. The other negative items I envision are infrastructure. Will Queensbury be widening the roads to handle increased traffic? Will Warren County be hiring more police officers, EMT's? The only thing I would support Apex Capital doing is building town homes, and or homes. I don't feel anything commercial should be approved. I agreed to live net to a winter ski center, not a resort that will ruin not only my quiet enjoyment of my property, but also the scenic beauty of this side of Queensbury. Andrew Genovese" "Good Evening, Our family would like to have our concerns and questions on record for the project listed in the subject of this email. If this project were to be approved: 1. We are concerned that the area is being 'rezoned' from a recreation commercial zone to planned resort development. There is a reason for the initial zoning, why is that being changed? A great deal of time was put into the 'green areas'. The current houses that are on the mountain are surrounded by trees and incorporated within the ski center and do not impact the mountain itself. Time was put into preserving the view of the mountain and from the mountain. Nothing has changed, why is it okay to change the zoning now? 2. What is the plan for water flow on this mountain? Our water system is spring fed and we are concerned that the development will impact the natural flow and feed to these water sources. How is it impacting the natural water flow on the mountain? 3. Along the same lines as question 1, how will this development address individual sewage, gray water, roof, cellar, foundation and storm drainage, lawn chemicals and the flow on the mountain? 4. There would be a change in the traffic flow and parking needs. During big summer events at the mountain, parking is a concern and people end up on both sides of the road all the way down to the first house beyond Pitcher Road on West Mountain Road. This happens yearly. If this project is approved, how will this be prevented? How will the increase

in traffic to and from the venue be addressed? 5. The endangered Blue Karner Butterfly would be impacted by the change in zoning which would lead to increase in traffic, noise and overall population change. 6. Along the same lines of Question 5, the mountain area is a place with a lot of wildlife and nature. We have a population of deer and bear in the area. How is that being considered? 7. In general with the size of the proposed project, we are concerned with noise pollution, increased population and potential crime in the area, privacy, traffic and the overall impact to nature on the mountain. Our family has been on West Mountain Road since the 1700's and have of course adapted to many changes in the area. We are concerned with the magnitude and potential impact of the project that is being proposed for the area. Thank you for time with our concerns. Kim Gray Gray Family 279 West Mountain Road Queensbury, NY 12804" "Good Afternoon, I would like to make a comment/statement to go on record for the project listed in the subject of this email. This project if approved, will directly affect our quality of life, our peace and our tranquility that we have built for many years living at the base of the mountain. I am concerned how it will also affect the many species of wildlife where their habitat will be destroyed and changed forever. Just a Few of our concerns that will affect our quality of life are: 1. Increase in noise pollution (amphitheater) and population. 2. Increase in traffic. There are already deer that get hit by cars multiple times each year, right in front of our house. As well as confuse our driveway with Northwest Road. 3. Reduction in air quality. 4. Increase in crime is a concern with more tourism and higher population. 5. Decrease in the amount of wildlife that we are accustomed to seeing and hearing on a daily basis. 6. No longer having the privacy in our yard as we do today. We are accustomed to seeing deer feeding in the field to the right of our home, watch the same ducks return year after year to the pond not far from our house, we listen to the bullfrogs at night and enjoy the stars and the peace and quiet of living in the country. This project, if approved, would take all of this away from us as well as many of our neighbors who enjoy the same country living atmosphere. Thank you, Tom and Jodi Cottone 181 West Mountain Rd. Queensbury, NY 12804" This is a question in regards to Section 179-12B30. The availability and adequacy of transportation systems including the impact on the road network. "I'd like to voice a concern regarding traffic on West Mountain Road and Pitcher. Over the summer, traffic from the Luzerne culvert project was re-routed to Pitcher and West. The increased traffic amount made pedestrian and cyclist traffic unsafe and it significantly altered the ability to use these roads without a vehicle. The addition of speed signs and flags did not alter the amount of speeding that occurred. If re-zoning does occur, what will the impact be for not only vehicular traffic, but also pedestrians and cyclists? What other impacts would there be for bus transportation for the schools and what other transportation systems are being considered for this project? Have considerations been made to the impact of the road network?" And that is Brie Ritchie. "As much as I want West Mountain Ski area to thrive and stay in business, I am opposed to the rezoning of West Mountain Ski area from Recreational Commercial Zone to Planned Resort Development. I followed the rubric of Article 179 in the Town of Queensbury Zoning Code. A. **Demand/Need for the project.** In an era of inconsistent snow fall punctuated by rain, I question the public's desire to buy into a resort of this kind. Gore Mountain has much better snow and much larger terrain has many unfilled condos. The hotel in North Creek struggles to stay open and recently sold again. B. **Water.** I question the ability of the resort to provide an adequate water supply to all the buildings they propose, especially higher on the mountain. Will this threaten the well systems in our neighborhood? C. **Sewage.** I am skeptical of the sewage treatment plan outlined at the last meeting. How will you get the waste across the road to the Hudson? With the increased ferocity of rain storm, how will storm runoff be handled? D. **Traffic:** This project will significantly increase traffic congestion on West Mountain Road and adjoining side roads to the detriment of walkers, runners, cyclists and motorists. Several hundred more cars will be using the road at any given time. E. **Pedestrian Traffic:** Increased traffic is likely to have negative impact on pedestrians. F. **Detrimental effects on the neighborhoods:** This resort will change the character of the quiet, suburban neighborhoods that surround it. Construction noise and habitat destruction, followed by more traffic and noise and light pollution will reduce the quality of life of Queensbury residents. Will the condos become AirBNBs? How will that effect the neighborhood? G. As above. H. Unknown. I. **Destruction of habitat:** This project will further reduce open space in our Town and encroach on special habitats including the nesting area of the Eastern, whip-poor-will and the home of the Karner Blue Butterfly. The whip-poor-will is a ground nesting bird that was once common in New York State and now listed as a bird of "special concern" by the NYS Department of Environmental Conservation. The birds nest in the field near the Triple Chair and can be heard from May to mid September. The project as outlined would wipe out their nesting grounds. The Karner Blue Butterfly lives with the lupine in front of the triple chair. It is an endangered species in NYS and on the federal level. An Environmental Impact Assessment is critical before you decide on the change in zoning. J. Unknown Suzanne Blood 9 Woodridge Road Queensbury, NY 12804" "Dear Queensbury Planning Board Members: My husband and I live at 43 Northwest Road, across the road from the Northwest Lodge, and have lived here for almost 28 years. We bought this house in part because of the proximity to the triple-chairlift, and also because of the setting – very peaceful, natural surroundings. So I'm going to say right up front that I don't want things to change, and that's my primary objection to the plans to develop the land across the road from us. I totally understand that the Montgomery's have the right to develop the land and expand the ski center, and I accept that. I truly believe that they want West Mountain to thrive, and I do too. However, in my opinion: 1. The scale is too big for the footprint, particularly the number of housing units. The density being proposed, for each and all phases, seems excessive, and would totally change the character of the neighborhood. 2. Given the uncertainty of the weather and particularly in light of the warming climate, I think it would be wiser to invest in developing/expanding warm-weather activities, not snow-related activities. To me that makes a lot more sense. Thank you for your time, and for taking

my opinion into consideration. Sincerely, Lisa Coutu” She adds that her and her husband have been season pass holders for many of our 27 years here. And that completes those.

MR. TRAVER-Okay. Thank you, Laura. We will then wrap up the public hearing for tonight, but we will in general keep the public hearing open for further meetings. So I know much of the public comment was regarding environmental impacts or potential environmental impacts, which I know at this very preliminary stage you certainly understand you’re beginning to address them and they will be addressed in detail when you do the SEQR review with the Town Board, but were there any other comments that you wanted to respond to?

MR. LAPPER-In general we completely agree with what you just said, Steve. This is all going to be specified as we go forward, as the process requires, and we’ve always known that. I think that there’s a lot of detail just to get through the zoning, but that doesn’t give us any right to build. We have to go through the whole process with the Planning Board, detailed engineering, but I think we would like to just comment the stormwater since we have our engineer here.

MR. TRAVER-Sure.

MR. HUNTINGTON-Yes, certainly. Matt Huntington with Studio A. The comments are kind of broad with stormwater because as we’ve all discussed it’s a complex system that evolves as the project evolves, and at this stage of it we have done enough feasibility analysis to understand what can and cannot work there. Have we developed it down to the exact elevation, exact practices? No, that’s almost an infinite combination depending on the development, but just to clarify what was said about stormwater leaving the property. The stormwater 101, generally by State and local codes, is you take the site as it exists now, run hydraulic and hydrologic analysis on it and you figure out what your runoff is, volumes, flows leaving it, and then you analyze the site, again, at post-construction conditions, and you’re not allowed to have any greater volume or flow of runoff leaving the site than you currently have. So, yes, stormwater does leave almost every site. A lot of it gets infiltrated into the site. Part of our feasibility study on this is we performed various test pits up and down the mountain, and there are certain areas of great soils that are excellent for stormwater infiltration. There are, like I said, almost an infinite amount of practices that can be employed here to bring these post-construction stormwater numbers down to a pre-development condition, and as we progress we’ll start to refine these practices.

MR. TRAVER-And I know in our previous discussions we’ve talked about the fact that there will doubtless be additional test pits and studies that will need to be done as this project moves forward. So, okay, anything else?

MR. HUNTINGTON-I mean the Town review process, as we go through, as we come back before the Planning Board and as you know the Town Engineer review process is quite lengthy and very involved. So there will not be a point where something is constructed here that did not go through this process where it’s just, oh, we set the stormwater report, and all of a sudden it’s blowing onto Bedford Close or adjacent neighborhoods like that. So that will certainly be detailed.

MR. TRAVER-Okay. Thank you for that. Anything else? No? Okay. Any follow-up questions or comments from members of the Board?

MR. STEFANZIK-Just a question on the stormwater, to your point. When you do all your refinement and your analysis, you know, to come to the Planning Board, will it include all five phases right from the get go or does it go incrementally, you’re going to do the detailed stormwater analysis for Phase I, and then later on you’re doing it for Phase II? What’s the approach there?

MR. HUNTINGTON-Well, that’s to be developed, but the initial approach certainly would be at a very minimum we would look at the project holistically because naturally you can’t design Phase I and then shoot yourself in the foot with Phase II, III, IV.

MR. TRAVER-And we have to avoid segmentation under SEQR.

MR. HUNTINGTON-Exactly. So it would be a holistic stormwater study, whether that’s built or not now. Let’s say we do the whole thing and we’re coming in for Phase I and maybe some of the minor, you know, the detailed, detailed elevations, etc., those may be refined and Phase I and relatively general for the other phases, but the whole site needs to be looked at in a holistic fashion, just to make sure everything will work.

MR. TRAVER-Anything else from the Board? So, Laura, we should think about scheduling an extra meeting for next month, another Special Meeting for the applicant, and it sounds as though, at that meeting, we may be able to review where we stand and potentially do a, the goal would be to do a referral to the Town Board.

MRS. MOORE-Yes, if you consider all the objectives, and at the moment you've only gone through four of them, I think we should flesh the remaining of them out for your next meeting, and potentially have that information ready. I don't know if Stu wants to offer anything, but I think there's a potential.

MR. BAKER-Just to remind the Board that under Article 12B, you have, you've got 60 days, once the public hearing is closed, to submit a report to the Town Board with your recommendation.

MR. TRAVER-Okay. We are going to leave the public hearing open. I think that's in the interest of everybody involved, but, yes, thank you for that reminder about, the clock starts when we close the public hearing. So we'll bear that in mind. So with that I think we have a draft of a proposed date that, I don't want to mention Laura's name, but I suspect she looked at the calendar and tried to pick a date for us that would work.

MRS. MOORE-I did try.

MR. STEFANZIK-February 13<sup>th</sup>.

MRS. MOORE-February 13<sup>th</sup>, yes.

MR. TRAVER-February 13<sup>th</sup>. So do members of the Planning Board have a problem meeting on?

MRS. MC DEVITT-I do.

MR. TRAVER-You're going to be away?

MRS. MC DEVITT-Yes.

MR. TRAVER-Anyone else have an issue? The earlier week, is there just a week that you're going to be gone?

MRS. MC DEVITT-Yes, I'm gone from the 9<sup>th</sup> through the 14<sup>th</sup>, the 8<sup>th</sup> through the 14<sup>th</sup>.

MR. TRAVER-Okay. Laura's looking at her calendar.

MRS. MOORE-So it's not a matter of whether, there were, when we checked this room, this room is being used. So that's why February 13<sup>th</sup> was pretty much the beginning of the month, that was the only date that was available.

MR. TRAVER-And the only other option would be the next day, February 14<sup>th</sup>, but I don't want to have to spend that night in the garage. So I'd just as soon go ahead and have the meeting on the 13<sup>th</sup> if we could. If everybody else is available, we have a draft resolution setting up another Special Meeting for the applicant on February 13. Does anyone else have any issues with that date? Okay.

#### RESOLUTION APPROVING SPECIAL MEETING DATE

It has been proposed to add a Planning Board meeting for the month of February 2025;

Available possible dates have been confirmed with the Activity Center;

A meeting for Thursday, February 13, 2025 is requested to be added to the calendar;

**MOTION TO APPROVE A FEBRUARY 13, 2025 PLANNING BOARD MEETING DATE.** Introduced by Fritz Stefanick who moved for its adoption, seconded by Kimberly Bullard.

Duly adopted this 16<sup>th</sup> day of January 2025 by the following vote:

AYES: Mr. Longacker, Mrs. McDevitt, Mrs. Bullard, Mr. Stark, Mr. Uncher, Mr. Stefanick, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan

MR. TRAVER-All right. Is there any further business before the Board this evening? I'm thinking not, then we'll entertain a motion to adjourn.

**MOTION TO ADJOURN THE QUEENSBURY PLANNING BOARD MEETING OF JANUARY 16<sup>TH</sup>, 2025,** Introduced by Ellen McDevitt who moved for its adoption, seconded by Fritz Stefanick:

Duly adopted this 16<sup>th</sup> day of January, 2025, by the following vote:

(Queensbury Planning Board 01/16/2025)

AYES: Mr. Longacker, Mrs. Bullard, Mr. Stefanzick, Mrs. Bullard, Mr. Uncher, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan

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

On motion meeting was adjourned.

RESPECTFULLY SUBMITTED,

Stephen Traver, Chairman