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*QUEENSBURY PLANNING BOARD MEETING*

*SPECIAL MEETING*

*MARCH 12<sup>TH</sup>, 2025*

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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  
MARCH 12<sup>TH</sup>, 2025  
7:00 P.M.

MEMBERS PRESENT

STEPHEN TRAVER, CHAIRMAN  
ELLEN MC DEVITT, VICE CHAIRMAN  
BRADY STARK  
WARREN LONGACKER  
BRAD MAGOWAN  
TOM UNCHER, ALTERNATE

MEMBERS ABSENT

KIMBERLY BULLARD  
FRITZ STEFANZICK

SENIOR PLANNER-STUART BAKER

LAND USE PLANNER-LAURA MOORE

STENOGRAPHER-MARIA GAGLIARDI

MR. TRAVER-Good evening, ladies and gentlemen. Welcome to the Town of Queensbury Planning Board meeting for Wednesday, March 12<sup>th</sup>, 2025. This is our first meeting for the month of March and our seventh meeting thus far for the Year. This evening we are continuing our review in a special meeting for the Woods at West Mountain Apex Capital project. Our purposes this evening is to continue the review of the completeness of their initial proposal for our referral to the Town Board, and then the Town Board will be considering the details of that proposal and will also be doing the State Environmental Quality Review Act review under SEQR. Originally we had thought that we might be ready to do that this evening, but we are going to wait until next month to do that so we can firm up some of our documentation on our review thus far to tonight. I want to start by giving people notice of the illuminated exit signs. In a case of an emergency those are the emergency exits. So please use them. 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 for having the audio available on line to the public and we also transcribe the audio into formal meeting minutes which are approved by this Board at a later date. So we don't like to have phones ringing in the background. Also, if you wish to have a conversation amongst yourselves, other than the public hearing portion which will occur later and be announced, if you wouldn't mind going out to the outer lobby to have that conversation, we'd appreciate it. Again, so it doesn't accidentally get recorded and interfere with the actual meeting minutes. With that, Tim, you wanted to have an announcement regarding Corinth Road.

TIM MC NULTY, WARD FOUR COUNCILPERSON

MR. MC NULTY-Just that, for the fourth ward residents, I got a note from Kevin Hajos, the County DPW. Starting 1 April they're going to close Corinth Road when they work on the Clendon Brook culvert down past Van Dusen. They're intending for the detour to go along West Mountain Road to Luzerne Road and out on Pitcher this time like they did last time when they closed Luzerne Road. Unfortunately it could be four or five months, but I wanted to let all the fourth ward residents here know. If there's any problems or issues with traffic, whatever, please let me know and I'll work with the County, but it's a County project that's funded by the State. So 1 April, if you see detour signs, you'll know why. Thank you.

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, MATT HUNTINGTON & SPENCER MONTGOMERY, REPRESENTING APPLICANT, PRESENT

MR. TRAVER-Thank you, Tim. All right. I want to welcome the representatives of the applicant again this evening. Welcome back. As you know, we're all here together to continue the review process. Before I begin that process, do you have any opening statements or anything you'd like to make on the record tonight?

MR. LAPPER-I guess just one that, you know, it's been helpful to have the public hearings so we can hear what the neighbors, mostly the few people in Bedford Close, have concerns about, and it seems to be two issues really, traffic and stormwater, and just that, you know, your procedure last time to talk about process was really helpful because it seemed like a lot of people thought that this was just going to be immediately and quickly approved, and I thought that was important for them to hear how it really works. So, you know, I just want to say that those of us that are here before you every month, stormwater is the biggest issue we deal with on every project, and that's something that doesn't get approved until you're satisfied that the Town Engineer reviewing and signing off on the larger project, DEC on the SPDES signing off. So we're here to design and prove that the stormwater is not going to impact them and we're not going to get approval until everyone's satisfied. So to the extent people have concerns, they should just know that that's going to be a big part of the review when we get back to the Planning Board.

MR. TRAVER-Okay. Well thank you for that, and with regard to the public hearing, I plan on conducting it in a similar manner tonight as last night, in that it will be in two sections, the first being quick questions about the process, and then the second will be general comments. So, okay, well then I'd like to pass along to the Planning Board that one of the things we want to try to do tonight is firm up a little bit of the documentation for our review to date. We did review a lot of the questions that were submitted to us by Planning Staff that would help us as a guideline that would help us review the proposal for the project, and although we did review them, there wasn't specific responses from every Board member to every question and we would like to review them quickly tonight and I'd like a yes or no audible answer as we go through those questions, one by one, from Board members. We did review them and if you agree with that review you can say yes. If you would like to have further discussion regarding any of the questions, feel free to do so and we will take as much time as needed to review them. We will do that until we get to the point at which, at the end of the last meeting, we concluded the meeting and that is the next item which is to consider the recommendation to the Town Board on the State Environmental Quality Review Act review. So we'll do that and, in a similar pattern, we'll discuss that and we'll have a, we'll agree on a recommendation to the Town Board on SEQR review and again get an audible response from every Planning Board member, and along the way questions, comments, whatever, including from the applicant and public, will take place. Any questions on that process? Yes, sir.

MR. MAGOWAN-Mr. Chairman, thank you. Not on the process, but, you know, one of the things that Mr. Lapper brought up, and the informative, the last meeting was I thought really great and where we're coming from, and you're right, one of the major concerns is the stormwater, and I have been asked a lot of questions about the stormwater, and I have, you know, full faith in the engineering part. It's more the question of what I have is, what do we have in place if what if it doesn't work? What recourse, you know, with the surrounding area, the people? And I'm not questioning it. I just, You know, sometimes things look great on paper and all the numbers and that, and I have to go with what the engineers say, but what happens if it doesn't work?

MR. TRAVER-Most of the purpose of this whole process with regard to a number of issues, not the least of which is stormwater, is to make sure that doesn't happen. So if we plan appropriately, we test appropriately, we question appropriately, we review properly, that can't happen. The stormwater is one of the easiest ones because it's largely done by computer these days. You take measurements, you input the information into the computer, and the computer tells you what you need to do, what stormwater quantity and where it's going is, and then it's up to the applicant to design a mechanism for addressing that that complies with the industry standards and passes muster with our Town Designated Engineer. That all has to happen before anything is implemented.

MR. MAGOWAN-So I go back to my question. What if, after everything is agreed upon and there's a signoff, there's a problem? And I know the people will come in and say, you know, and I'm not trying to start something. I'm really hoping that the amount of sand and the engineering that we're going to do,

you know, I feel knowing the knowledge what's down at the bottom of the hill and how much sand it is and, you know, the big pond that we're going to use, you know, for the retention.

MR. TRAVER-Well we don't know, at this early stage, we don't know all the steps that would be taken for stormwater, but I think, you know, what you're asking is really is purely hypothetical, and the only answer I can give you is the one I started with which is it's our job to see to it that what's on paper is what works and it's not just us. There's a lot of people that will be involved. It's a lengthy process. The applicant will work very hard because it's in their best interest to be able to document and demonstrate in any number of ways that what they have proposed is something that will work.

MR. MAGOWAN-And I have faith in that process, you know, because that was kind of the question that came to me that was the what if. Because I said, you know, we, that's our job. This is what we do. I feel confident.

MR. TRAVER-Okay. Well that's good. And that's, again, a process question, and I can certainly understand. We got a lot of that at our last meeting when we talked about process. We'll do that again. We'll give people an opportunity to ask those questions again tonight, but again, you know, it's been my experience with, I mean there's never been a project exactly like this one, obviously, but it's been my experience that generally with stormwater that if it's designed properly and it's tested and approved, if it's designed the way it's approved, it works.

MR. HUNTINGTON-Excuse me, Mr. Chairman. I may be able to shed some light on that. Matt Huntington with Studio A. I might be able to shed a little light on that, because Mr. Magowan mentioned the bottom of the hill, and we do keep referring to that, and I think the public has kind of generally thought that as well, but there's a little bit more to it than that. We do have good soils on the bottom of that hill, but our stormwater approach is not, we're not just taking everything down to the bottom of the hill to infiltrate. So our preliminary calcs, what we've done thus far, and really Stormwater, I guess, 101, is we start with the site as it is. So we had the site. We have trees there. We have rough ground that's going to slow down runoff. Trees help uptake it, etc. Then we come in with proposed development that's naturally going to remove some vegetation, and some of the roughness of the ground is removed. So doing nothing, obviously that increases the skier runoff and the volume that's coming off. So our approach is to reclaim or replicate the existing conditions in much smaller areas closer to the sources of runoff as we come down the mountainside. So, ultimately, yes, there'll be a large infiltration at the bottom of the mountain, but there'll be infiltration storage and filtration happening in steps as we go down the mountainside. So it's not just a run everything down the hill and dump it into a large infiltration area down there, and I've heard some of the comments from the public. It seems that that's the general conception of the stormwater approach here. So I thought it would be beneficial for people to hear that and understand, and I do share your sentiments on the what ifs because it keeps me up at night as the design professional on these things. So we do take a very conservative approach to our stormwater modeling, especially on a project this size. We use current numbers that Cornell Cooperative has put out. There are rainfall numbers that have been updated based on the increase in frequency and duration of rain events that we had compared to what's offered in the DEC Stormwater Manual and we apply healthy factors of safety to that to mitigate that small percent of chance that we're going to have some kind of breakout or runoff. So hopefully that helped shed a little bit of light on our methodology behind this stormwater.

MR. TRAVER-Yes, thank you for that, and I would also add, and, you know, again, for the record, the additional stormwater measures that you speak of, uphill, each of those are going to be reviewed as well. So it's a complex project and complex engineering and it's going to be a complex review, obviously.

MR. MAGOWAN-I just want to reach out and say thank you because when people hear that maybe my phone won't ring as much, because I really can't answer because I say we're not at that point yet. So thank you so much.

MR. TRAVER-Anything else that you want to add? Okay. Well maybe the best approach at this point, then, before we go back and review the discussions that we've already had on the questions provided by Staff guidance is to start with the public hearing. And what I'd like to do, for the benefit of the public, is a similar process that we did last month, and that is essentially have the public hearing in two parts. The first part being trying to answer questions that people have regarding the process, and by that I mean, how does the project go from this to potentially an approved project that's under construction with the first phase, Phase I. How does that process work? What's going to happen? What are we doing tonight? What is the Town Board going to be doing? What is the procedure going forward? Without getting into the nitty gritty of the details. Then the second part of the public hearing will just be general public questions that people have regarding the project. So we'll start with the first part, and I'll ask the table be cleared, and is there anyone in the audience that would like to address the Planning Board on process questions? Yes, sir.

PUBLIC HEARING OPEN

DWAYNE ZUHLKE

MR. ZUHLKE-Good evening. My name's Dwayne Zuhlke. I'm a Queensbury resident and I live over in Bedford Close subdivision. Some questions on the process which I'm struggling with because I don't really understand the process the way it seems to be going. And I guess one of the questions I have is in terms of what's being reviewed? The purpose that you said, review of the completeness of the submitted plan.

MR. TRAVER-Yes, let me try to explain. So because of the nature and scope of the project, what the applicant has provided the Town in this early phase is a concept proposal which is this item which is available on line. It's several hundred pages long.

MR. ZUHLKE-287.

MR. TRAVER-And it's basically an initial concept of what they think such a project would like to look like. All right. Now that's required because they're requesting, it's required for a number of reasons, but one of the basic reasons is because they're requesting that the Town Board review and approve their request that the zoning be changed for this particular area so that they can do a Planned Resort Development which is currently not a permitted application as the property is currently zoned. So what the Town Board has asked the Planning Board to do is take a look at this initial proposal, even though it's not as detailed as it will develop later on. It doesn't include every single, how they're going to handle every single potential issue, but it's not expected to because that process doesn't really begin until the Town Board begins considering the zoning change and the State Environmental Quality Review Act portion of the project. That's when all of the real detailed engineering and stormwater and traffic and all the rest of it comes about. So the question before the Planning Board is, is there enough basic, very basic information in this initial proposal that it gives the Town Board enough to begin to think about whether or not this is a reasonable request to do that zoning change.

MR. ZUHLKE-So then I'm not really sure what your purpose is, sending this to the Town Board, because it seems like you're reviewing a plan that you know is not complete, and has not had adequate details. What are you voting on?

MR. TRAVER-Again, all we're doing is we're looking at the concept plan, because the applicant is asking the Town Board to consider. They're not asking the Town Board to approve a site plan. You understand that. This is not a site plan.

MR. ZUHLKE-Yes.

MR. TRAVER-They're asking the Town Board to consider a zoning change so that this development then can be considered for a review for actual construction.

MR. ZUHLKE-So how can they consider it for a zoning change if the plan is not complete and doesn't include everything that needs to be considered? Because there are things in that plan that are not included, and we've acknowledged it, you've acknowledged it in your, the Staff Notes that you provide from last November.

MR. TRAVER-That's correct, and that's what the Town, when it gets to the Town Board, when the Town Board starts having public hearings and reviews of this project after we have sent it along to them, they will get whatever information they feel they need to consider the zoning change.

MR. ZUHLKE-And I'm not trying to be critical. I'm trying to understand the process.

MR. TRAVER-That's why we're doing this part of the public hearing.

MR. ZUHLKE-So I went through the notes, right, from the last meeting, and you're going to go through and you're going to vote on various things, the one through twelve.

MR. TRAVER-We've not voting. I just want to make sure that all the Planning Board members are on the record for the different items that we are reviewing. We're not voting on anything. Next time we will.

MR. ZUHLKE-Okay. And maybe that's what I don't understand is that I'll just pick on, Number Twelve, Impact on Critical Environmental Areas. The proposed action may be located within or adjacent to a Critical Environmental Area. Planning Board consideration the project is not located within a Critical Environmental Area. Well it is because there's a protected area. No offense to Studio A, but their engineering report didn't even include comments regarding that particular area, and I guess what I'm getting at is it reads to me as though the response in here is an area comes up or an issue comes up and the response is the applicant says there's not a problem with that. Well, that seems to me that that is not very logical. Maybe to them it's not a problem. Maybe to other people it is.

MR. TRAVER-Well, to use your example, a Critical Environmental Area is a very specific designated area in the Code, and there are no Critical Environmental Areas on the mountain where they're proposing to do

this. So there are some questions that they can answer in a very straightforward way, and/or if it's a gray area that there may or may not be, they need to provide documentation to support their answer. For example, are there historical sites perhaps there that are of archeological importance? Well they could say, well, we don't think so. They need to provide documentation that in fact the State has reviewed that site and found that, yes, in fact, there are no, or if there are, then those sites may need to be protected, or endangered species. They can say well we don't think there's anything here that's endangered. Well they need to provide documentation of that by an outside entity.

MR. ZUHLKE-Do you consider a Federally protected waterway not a Critical Environmental Area?

MR. TRAVER-Well, you're asking a question that relates to the, again, to the SEQR process which will be conducted by the Town Board.

MR. ZUHLKE-I guess my concern is that this gets so far along that it's like, well that was already approved. To Mr. Magowan's comment, what if something goes wrong? They've also asked, I'm sorry, this is a content question. I'll talk about that later.

MR. TRAVER-It's important to understand that we are not approving anything.

MR. ZUHLKE-Okay. I must have misunderstood because I thought you said you were going to go through each one of the.

MR. TRAVER-Well, admittedly it's unusual because it's an unusual application and therefore it's being handled in a somewhat unusual way, certainly as far as the Planning Board's concerned. I think when it gets to the Town Board it will be a much more familiar process because they will be asking questions about why they want to do this and how they're going to do it and so on, and then of course they have the legal process for the State Environmental Quality Review to answer all of the potential environmental impact questions and so on and so on and so on. Eventually it will come back to the Planning Board and again that will be a more traditional process when we're doing Site Plan Review, when they show us, here's what we'd like to make this building look like. Here's what color it will be. Here's how we'll handle the septic and the lighting and traffic and parking and all the rest of it. That will be a much more conventional type Planning Board review. This is unusual because the Town Board asked us to do just a preliminary screening of their concept plan to see if, do we feel that we need to get additional information from the applicant before the Town Board even takes the time to consider it.

MR. ZUHLKE-So if somebody said, maybe this is where I'm getting confused. If somebody came to the Planning Board and said, hey, I'm supposed to have a 50 foot setback and I want to make it 25, they wouldn't have already been to the Town Board and back. It would have started here and you would have.

MR. TRAVER-Well setbacks.

MR. ZUHLKE-I'm using that as an example. I'm talking about process.

MR. TRAVER-Hypothetically that might be a variance, if there were such a request that it's required to be 50 and they're asking for 25. So then that might, again, be, this would be after the Town Board hypothetically has approved the zoning change, and hypothetically they've done the environmental review. If it comes back to us and part of the Site Plan requires a variance, then we would do a recommendation to the, again, this would be a more conventional Planning Board process, in that we would look at the variance request and make a recommendation to the Zoning Board of Appeals, whether they should consider that request or if we had any concerns or comments that we wanted to make to them as they consider the request. Then it would go to the Zoning Board and they would grant or deny that variance. If it's granted, they would come back to us with the variance granted. We would continue this site review process for a hypothetical approval or denial. If it were denied, then they would have to change their design so that it didn't require that variance.

MR. ZUHLKE-I asked that question. I apologize for taking up so much time. Maybe you've cleared this up. This normally would not go to the Town Board and then come back.

MR. TRAVER-It normally would not go to the Planning Board and then the Town Board and back. It would normally go right to the Town Board for a zoning change, probably, and then come to us because if the zoning is changed and this becomes a regular application because it would be an allowed use and a legitimate use for the property. So then it would come to us as more or less a conventional, although certainly the size and scope of the project and duration of the project is unusual, but in terms of what the Planning Board's role would be is if the zoning were already approved for a Planned Resort Development, it would come to us as a regular application.

MR. ZUHLKE-So the SEQR is not normally done before it goes to the Town Board? It's always done after?

MR. TRAVER-It would come during the Town Board review. They have requested to be Lead Agency for the SEQR review. So we certainly have an opportunity, as one of the involved entities with SEQR review, to comment, and we will do that before we make our referral to the Town Board, but we're not approving or we're not doing the SEQR review. That will be done by the Lead Agency which very often is the Planning Board but in this case is the Town Board.

MR. ZUHLKE-Okay. Thank you very much.

MR. TRAVER-You're welcome. Anyone else have process questions?

MR. MAGOWAN-Stu Baker has a question.

MR. TRAVER-Yes. Go ahead, Stu.

MR. BAKER-This might help clarify questions on the process. The process that the Planning Board is going through on this project, this Planned Resort Development, is prescribed by Article 12B in the Zoning Code. That's Chapter 179 in Town Code. And the ultimate task of the Planning Board is to issue a favorable or unfavorable report to the Town Board within 60 days upon conclusion of the public hearing. So work of the Planning Board is advisory. They're tasked with helping to inform the Town Board who will be doing the ultimate decision making on whether to approve the Planned Resort Development concept or not.

MR. MAGOWAN-Thank you.

MR. TRAVER-Thank you, Stu. Any other questions on process? Yes, sir.

TRAVIS WHITEHEAD

MR. WHITEHEAD-Travis Whitehead. I'm also from Bedford Close area. On process, it's my understanding that Resolution 94 that Stu had mentioned earlier, beyond what you just mentioned, and specifically when he had said that they're in for a recommendation on SEQR, and for that, I'd like to read that little bit in SEQR that deals with stormwater, unless you want to just say now that you understand that those answers, nothing can be answered there because there's nothing in front of you that defines what's going to be done. I mean I just heard from you.

MR. TRAVER-Yes, we're not conducting the SEQR review. That will be done by the Town Board.

MR. WHITEHEAD-Correct, but they're looking for a recommendation and they'll be leaning on that. So at this point I would say that the only recommendation that this Board can make is that the information is incomplete and that there'd be no purpose in going down that road until it is complete.

MR. TRAVER-Thank you for the advice.

MR. WHITEHEAD-Okay, and for this reason. It's stated, now I'm looking at the SEQR as suggested by the applicant, and what the answers would be, and he indicates that there are 53 acres of impervious surfaces that would be added. The question is where will the stormwater runoff be directed.

MR. TRAVER-Excuse me, you're going through the SEQR form.

MR. WHITEHEAD-Yes.

MR. TRAVER-Yes. We're not going to be reviewing that this evening. That's going to be done by the Town Board. So that's really not appropriate for discussion. Those specifics are not appropriate for discussion this evening.

MR. WHITEHEAD-Right. So we just established that you're going to make a recommendation to the Town Board on the SEQR.

MR. TRAVER-Right.

MR. WHITEHEAD-So why would it not be important for this Board to understand what's in the SEQR and what's being suggested by the applicant, particularly when you've asked some very good questions back in November and they have failed to give you any answers.

MR. TRAVER-The Town Board is Lead Agency for SEQR. That does not mean they're the only ones that have access to the information provided by the applicant for SEQR. It just means that they're the ones that are going to be conducting the formal review of the process. We're aware of the applicant's responses for SEQR, and I think when we get ready to make a recommendation to the Town Board with regard to SEQR, you will understand our position on that.

MR. WHITEHEAD-Okay. One more question. If other permits were required for this, would that, would it be something that those permits should be in place before it leaves the Planning Board, or is it going to be something the Town would take up or what?

MR. TRAVER-Well, that would be, again, assuming the zoning has changed, and this application can go through as a legitimate application for that piece of property, it would be handled like any other application in terms of any permits or resolutions, you know, whatever was required they would have to comply with. So there's nothing unusual about in that sense.

MR. WHITEHEAD-Well, the thing is many people say that it is far easier to ask for forgiveness than for permission.

MR. TRAVER-I don't think this applicant plans on doing unapproved development. So I'm pretty confident that they will apply for what they wish and they will construct what is approved.

MR. WHITEHEAD-Okay. So maybe it's inappropriate at this point in time in the meeting for me to ask about the NPDS, the National Pollutant Discharge Elimination System permit required for that Federal stream?

MR. TRAVER-Yes, that's not something that we're reviewing at this point.

MR. WHITEHEAD-But later on this evening is that something I can come up and talk about? We're talking about process now.

MR. TRAVER-In the further review, at some point in a further review of the application, any relevant permits or studies or whatever that need to be done will be brought up at that appropriate time during the review process. It won't be this evening.

MR. WHITEHEAD-Process again. Process is again what you just said, is that Planning Board reviewing that or is that after you turn this over to the Town?

MR. TRAVER-It would, you're talking about something that sounds like it would come under SEQR. So that would be a Town Board.

MR. WHITEHEAD-It seems like there's little point in these meetings. Maybe I'm here premature.

MR. TRAVER-Perhaps you're right. They are for the benefit of the Town and people that are here to hear what the project is as proposed.

MR. WHITEHEAD-Thank you.

MR. TRAVER-You're welcome. Anyone else that would like to have questions on process? Yes, sir.

PAT GERUSO

MR. GERUSO-Pat Geruso, West Mountain Road. I guess the Planned Resort, explain it to me. I've listened and listened and listened.

MR. TRAVER-What is a Planned Resort Development?

MR. GERUSO-Yes, what does it do?

MR. TRAVER-I don't want to mention Stu's name, but maybe Stu would be best qualified to give you an answer on that.

MR. BAKER-I guess the best way to address that is to read Section 179-12B 010, which is the Intent and Objectives of the Planned Resort Development portion of the Zoning Code. This is Article 12B. Begins with, "It is the intent of this planned resort development (PRD) article to provide flexible land use and design regulations for the rezoning of land so that mid- to large-scale resorts may be developed in the Town. Planned resort developments permit establishment of appropriate areas within the Town in which recreational uses may be brought together with residential and commercial uses in a compatible and unified plan of development, which shall be in the interest of the general welfare of the public. This article specifically encourages innovation in resort development so that market demands for recreational activities and resort housing at all economic levels may be met by innovative design and by the conservation and more efficient use of land in such developments. And there's further language under Intent.



MR. GERUSO-Now you get that established. It happens, blah, blah, blah. What about setbacks? What about lot sizes? These are houses on the road on a squiggly road. Right? Now when you open that up, you open that up.

MR. BAKER-That's correct, and the intent of the Planned Resort Development is for the applicant to essentially design their own zoning standards for the project, which they have.

MR. GERUSO-Because like Travis said what do you do about a permit? If you want to build a house up there, I go, I'm just going to go down and see the Building Department and say, hey, I bought Lot 12, can I build this house. Within the setbacks of front, side, back, just simple.

MR. BAKER-It would need to meet the zoning requirements established at the adoption of the Planned Resort Development.

MR. GERUSO-So it could be like R.25 or R-1, whatever, in that little spot when it's established?

MR. BAKER-Correct, and the applicant has prescribed what area requirements they want.

MR. GERUSO-Okay, but down the road now, who's going to establish it? Are you guys going to do the establishment or is the Town Board over here going to do it?

MR. BAKER-No, that would be ultimately done by the Town Board. The Town Board has final approval authority over establishing the zoning for the Planned Resort Development.

MR. GERUSO-Right now they're building, if that picture is right, you're building apartments right on a stream.

MR. TRAVER-If you want the answers to your questions, this is available for you to study.

MR. GERUSO-I know. Somebody said I could have it if I want. I appreciate it. That's just my question. I just don't, I've been listening, listening, listening trying to grasp this thing we're changing it to.

MR. TRAVER-We haven't changed it into anything yet.

MR. GERUSO-I know that, but that's not the point. I don't understand what it is. You spelled it out from there, you read it. It's very, very generalized.

MR. TRAVER-I mean, at this stage if you don't understand what they're proposing.

MR. GERUSO-I know what they're building. I'm talking about the zoning change. The zoning change. You read that, it's very, you know, it opens the door to a lot of things.

MR. TRAVER-Well, I don't believe that that's true.

MR. GERUSO-Well, I read it one way, you read it another then.

MR. TRAVER-My suggestion is to continue to follow the process, listen and learn as best you can, and I think as the project, if the project proceeds as planned, it will become more and more clear until we get right down to the specifics of what color the buildings are.

MR. GERUSO-That's just, you're petty now with Building Code.

MR. TRAVER-I'm just giving you an example.

MR. GERUSO-I understand that. That's petty and what everybody's talking about here. People have come up here talking about legitimate things, just like Mr. Magowan said. He's worried that my property floods, my house floods, who do I sue, you, the Town Board? That's just questions. That's what push comes to shove comes to. I know, we're saying it's down the road. It's down the road.

MR. TRAVER-It's not down the road. It's more than down the road. It's purely hypothetical. One of the whole purposes of this project is to make sure that doesn't happen.

MR. GERUSO-Okay.

MR. TRAVER-We'd appreciate if you could be part of that by, if you're interested in what's being proposed, if you would familiarize yourself with what they're proposing so that when you ask questions they're specific to what's being proposed and not a hypothetical.

MR. GERUSO-Okay.

MR. TRAVER-That would be helpful for you and for us.

MR. GERUSO-All right. Thank you.

MR. TRAVER-The public comment is very important in this process. Anyone else have questions on process? Yes, sir. I usually only grant once to a customer, but for you we'll make an exception.

MR. WHITEHEAD-Again, Mr. Whitehead. Thank you. Just a follow up on that last question. You said, you know, you'd like it if we could understand what they're proposing. What are they proposing? I mean that's been my question for quite a while. They say that this is not the time to do this. Tell me, it's a process question. Maybe it isn't the time to do it.

MR. TRAVER-Well, the specifics of what they're proposing are in the developmental process that will take place through a series of reviews. Right now they're at the very, very beginning of a complex and long term, 10 years they're talking about, project, and what they have submitted is the plans that they have made and made available to us thus far. So if you familiarize yourself with this document, you'll know what the starting point is. Every time we have a meeting, especially after the Planning Board does this initial review, the details will get more, and more and more specific and there will be additional public hearings, where if you're confused about what they're proposing you can ask for clarification.

MR. WHITEHEAD-Yes, I'm not confused. I looked at that 287 page thing, and what it says in there is, this is a quote, a complete HydroCAD stormwater report is required which can only be prepared once more detailed project plans are available.

MR. TRAVER-Well that's because you're talking about a SEQR review which has not been undertaken yet. That will be one of the next steps in the process. So at that point, that's when all the stormwater issues will be clarified and addressed and designed.

MR. WHITEHEAD-So what you're saying, I think what you're saying, is that this report will be completed prior to SEQR review.

MR. TRAVER-It's part of SEQR. The stormwater process, the stormwater impacts are part of the SEQR review.

MR. WHITEHEAD-The report needs to be there before you consider something. You need to understand what it is that they're asking for, proposing, before you say whether it would do harm or not do harm. Will it flood my basement or not flood my basement.

MR. TRAVER-That's correct. They need to document all the stormwater issues. That's right.

MR. WHITEHEAD-Right. So if that is not completed, then it would be improper to proceed to SEQR.

MR. TRAVER-No, because that's what SEQR is. That's the part of the SEQR process is questions are asked about stormwater. How is this going to be handled. When that question is answered to the satisfaction of the Town Board doing the SEQR review, they move on to the next issue.

MR. WHITEHEAD-Right. And you asked that in November and their response was we're going to do it later. I'd like to know is later still before the SEQR. It would seem like it would have to be.

MR. TRAVER-Later is when the Town Board, as Lead Agency, conducts the State Environmental Quality Review Act assessment under SEQR.

MR. WHITEHEAD-It seems like I'll be spending a lot of time at the Town meetings. So, thank you.

MR. MAGOWAN-Mr. Chairman, I think I understand some of the confusion and some of the questions, and they're good questions, and correct me, or shut me up if I'm wrong, but basically what we have here, you know, in this is a concept that they see. In order for this concept to move forward, we don't have the Codes and the laws, our Codes don't allow the Planning Board to go through this, so this is why the Town Board is doing it, because they're the ones that can change the things that they have to do this, but this is just a concept, and the first thing we were working on was density, and we had, the Town Board has to change the density, and that's what's coming up to the Town Board first. Once, if the Town Board agrees with the density, then they can start finalizing a design from a concept to design. Am I wrong in saying this? Is that kind of dumbing it down so people understand. So, you know, people are saying, this isn't what it is. This is just a concept of what we see of what we'd like to do, but the zones, you know, and the setbacks, that's all going to be determined through the PRD. We have the PUD's, you know, like Fowler's Square. We couldn't design that because it was a concept that we didn't have all the Codes and laws to follow by, and that's why the Town took that over. So it is very confusing and I understand why so many people are confused on the process, but until we do the first step in getting the density change, they can't

do further engineering to answer all the questions that everybody wants to know. We would feel more comfortable in doing a recommendation to the Town Board on say some of the SEQR things, but we're not doing the SEQR. If I'm wrong in stating that.

MR. TRAVER-No, you're correct. The only correction I would make is you said the first thing the Town Board is going to analyze is density. They may not decide to do that first. They may decide to do some other aspect of the project first. It's up to them, since they're Lead Agency. They can do it in whatever order they want, and I don't want people to go or not go to a particular meeting because they think density is going to be first and then they don't go to the meeting and it turns out they start with stormwater. So just to clarify they're going to decide the order in which the issues are to be processed, but you're right, and Fowler's Square might be a good example. And they provided us with a concept document in order to make a case that the Town Board should consider a zoning change. What we're doing is we're looking at that concept plan to decide whether there's enough information in there for the Town Board to begin asking more and more questions and ultimately resolve whether or not they do the zoning change and therefore the Planned Resort Development would be allowed.

MR. MAGOWAN-But this project is kind of on hold until the density changes.

MR. TRAVER-Well unless they don't require the density. I mean the project could change. I mean the density is one aspect of the project as conceived, but it's possible the project may change from what this conception document is to what the final design is in any number of ways.

MR. MAGOWAN-Like if the density doesn't change from 15 to 20, then the design will be different than if the density changes to 20, then that would also change the design. This is what makes this so complicated, and I'm not trying to stall. I'm just trying to let the people out there know how difficult this is.

MR. TRAVER-Yes, you're right with the example of density, but again, that's a hypothetical. I mean if the plans that they've submitted is based on the argument that the density is what it is, and we've already looked at that. We'll be discussing it again in a short while.

MR. MAGOWAN-Sorry if I overstepped. I like to dumb things down a little.

MR. TRAVER-All right. One more time. Is there anyone that has a process question regarding how this project is going to undergo the review process as we understand it tonight? Okay. I'm not seeing anyone. All right. So then Part B of the public hearing. Are there any folks that have just general questions about the project itself for the Planning Board? Yes, sir. Normally in a public hearing we just have an individual speaker speak once, but again, this is a, I'm trying to grant some latitude here because we're all in this together. We just want to get this reviewed.

MR. ZUHLKE-Again, my name is Dwayne Zuhlke. I'm in the Bedford Close subdivision. I just have one comment and then one quick question. I guess sometimes I get accused of being a little too obtuse. I guess my point really from my earlier question was, this seems like a waste of step, because if it's going to be done by the Town Board and all the things that are done with the SEQR are going to be done then and all the engineering questions and all those questions coming up, I don't know why it just doesn't start with them, because everybody here who's come and talked about our concerns we're just going to have to do it all over again at the Town Board. So I guess from my standpoint, for efficiencies sake, you guys are in a tough spot because you're just saying, hey, based on what they gave me, sure, why not, let the Town Board do it. Right? I mean.

MR. TRAVER-Well that's an interesting way of putting it, and for the record, I didn't consider your questions or comments earlier were obtuse. I think, I mean again you're trying to understand the process and that's what we're here, among other things, that's what we're here tonight to resolve. As far as our role, I mean I think way back when when I first saw this proposal and understood that we may be part of the very, very early part of the process, I was unsure what role, how we could contribute to that process, but I've come to realize, just from the public hearing and the questions and people wanting to understand the process, all of that is very valuable. It's valuable to this Board because we will ultimately do the very detailed site review process. It's valuable to the Town Board, many members of which are here with us tonight, to understand what the public comments are, to hear our comments as we look at this initial document. So I don't think it's a wasted step. I think it does draw the project out, but I think a project of this scope and this magnitude I think it's important to not leave any stone unturned so I think it's an important part of the process.

MR. ZUHLKE-And I think this Board is a critical part of this, because this is what you folks do. I mean you do this for all the projects that come through the Town. You look at a lot of this stuff. So your input is valuable in terms of what you've seen and what needs to be done. My question is, I also understand that there's a, and I'll just use the Town planning person. I understand that they've also requested a waiver for future changes, and for this Planned Resort Development, if I have that right. Once they get it approved,

then they don't have to come back, if they get granted that waiver, they don't have to come back for, to get approval on any changes. Do I understand that correctly?

MR. TRAVER-Stu, do you want to take that one?

MR. BAKER-I'm going to refer to their application.

MR. ZUHLKE-You can refer to the November Staff Notes because it's very clearly outlined in there .

MR. BAKER-Right. The November Staff Notes were based on their application and actually on this document that's up on this screen right now. They're requesting waivers from Article 11 of Chapter A183. That's actually the Subdivision Regs, but they have not provided the specifics of those waivers. Article 11 of the Subdivision Regs covers all of the design elements for subdivision review, from road length to road steepness, road curves, stormwater design, you name it, it's addressed in that Article. And that's what they've requested waivers from. However, again, they have not, as I pointed out in my Staff comments, provided much of any details as far as what, if any, waivers under Article 11 of the Subdivision Regs.

MR. ZUHLKE-Nothing would be granted, right? I understand that, but that's one of the things that really, that scares me about this. If, and this is taking it way out to the extreme, if they were sitting around after this thing was right in mid process and they had that and they said, you know what would be great, since we do the scheme, but in the fall there's a lot of people hunting. Why don't we put in a rifle range.

MR. TRAVER-That would be part of the Site Plan process. I mean they would, that would be a new use.

MR. ZUHLKE-That's my question. Maybe it's a question for John.

MR. BAKER-That's actually not a section they're requesting waivers from. They're actually very specific in this document here on the screen. They're draft amendments to the Zoning Ordinance enlisting what uses would be permitted and not permitted and you won't see a shooting range in there.

MR. ZUHLKE-I know. I'm just being ridiculous for the sake of being ridiculous, but I think you know my point is yes this is great and we go through and we get it all set. Now we front ended these things and now we have to make some changes. Who do they come back to, the Town Board or the Planning Board?

MR. BAKER-They would come back to the Town Board for an amendment of the PUD agreement

MR. ZUHLKE-What if they had this waiver? Would they be exempt from having to do that? That's my question.

MRS. MOORE-It's an automatic process. If you're going to change something in the PRD/PUD, you're coming back to the Town Board to request that change. So if you're asking, if the rifle range is not listed, you need to come back.

MR. ZUHLKE-Even with the waiver?

MRS. MOORE-Even with the waiver. Yes. That's not an exception.

MR. ZUHLKE-What if they said that we, okay.

MR. BAKER-Well let's be clear. The waiver from requirements of the subdivision regs would come up for a discussion with the Planning Board at the point they're actually doing the subdivision of the property. This would be after the PRD is approved, and the Planning Board would still need to determine whether those waivers may or may not be granted.

MR. ZUHLKE-Well let me just leave you with this, then. Because the comment in the Staff Notes is, if they got this, they would essentially be able to do whatever they wanted to do. I'm telling you what's in.

MR. BAKER-And those are my notes you're referring to, and that's correct in terms of subdivision design. That is correct.

MR. ZUHLKE-Okay. So that's the sort of thing that concerns me, because.

MR. TRAVER-But again if they change that subdivision design from what was approved, that would require additional review, would it not?

MRS. MOORE-So if you look at the list of residential uses, so they listed a numerical value for each of those. So if we looked at it in the sense that some of that information is a lot. They can't change that number unless there's some modification of process that they're going through as well. So they've outlined their numerical values for those.

MR. ZUHLKE-Okay.

MRS. MOORE-So they're limited to those at this time.

MR. BAKER-But let's be clear, we do not have a conceptual subdivision design at this point.

MR. TRAVER-It's very early in the process, and I can assure you that, I mean I don't want to speak for the applicant, but I think I'm comfortable in saying that their goal is to have a design, get it approved and build that design, not get something approved and then have to go through a review process again. I mean if they decide, you know what, we thought we could do it this way, but maybe we should do it this way, they're going to get that approved. They're not going to try to do it after the fact. It doesn't make any sense.

MR. ZUHLKE-Yes, but my question is do they have to if they have a waiver? That's my question.

MR. TRAVER-They do have to, yes. If they're changing what is approved, it needs to be subject to review again.

MR. ZUHLKE-Okay. Then that's at odds with what is in those Staff Notes.

MR. BAKER-Well the point of my Staff Notes was to have the applicant provide details now, at the PRD review level, of what subdivision design standards they would be requesting waivers from. The only one they've addressed specifically thus far is the road design and providing assurance on the plans submitted that the roads would not exceed a 10% grade, which is a standard in that section of the Sub Regs, but there's other standards in there that they've suggested with this application, and by the language on this page here, that they will be requesting for that they have not detailed yet.

MR. ZUHLKE-Okay. All right. Thank you.

MR. TRAVER-Anyone for general questions? Yes, sir.

MR. WHITEHEAD-Travis Whitehead again. I tried to sneak this in earlier, in process, and now under comments I think it is a comment. Getting back to the SEQR and what was explained in that 287 page example that was provided, you know, filled out by the applicant at that time, I take issue with the following things: Where will the stormwater runoff be directed? The answer on site stormwater facilities structures and/or man-made features if included in the stormwater management plan. So seems like a management plan must be available prior to answering this question.

MR. TRAVER-That makes sense. Do you have a question?

MR. WHITEHEAD-I have a comment.

MR. TRAVER-You're reading the documentation that's been submitted. We all have access to that. Do you have a question?

MR. WHITEHEAD-Yes. The question, well, I think I need to go ahead and provide a comment prior to asking the question, and again, what I'm trying to say here is right now there are 53.2 acres that are going to become impervious, which right now are largely grassland, and so water falls on that grassland, is filtered, takes it's time, gets down to the Federally protected stream. After this development, it's going to get there much more rapidly, even if you're going to other smaller retention.

MR. TRAVER-So you're wondering if the applicant is going to be questioned about the stormwater management with that hypothetical change?

MR. WHITEHEAD-So what I'm wondering is, the applicant, two meetings ago, said that, well, when we consider stormwater, if the stormwater's already going off, we're only looking at additional stormwater, and, you know, from the standpoint of, you know, rain coming in on whether it's impervious or not, it's going to be the same amount of rain. My point is, it's very different whether it's falling on asphalt covered with road chemicals, etc. or falling on grassland and making its way to this Federally protected stream. So that was my comment. My question, other than what the purpose is today, I don't really have a question. Thank you.

MR. TRAVER-Thank you. Is there anyone else that has a question on the project?

MR. BAKER-Mr. Chairman, just to comment on the Full Environmental Assessment Form. Mr. Whitehead was referring to Part One of that EAF. Just for this Board and the public's information, the applicant has submitted revisions to this which have gone through one round of Staff comments and the

second were submitted today which are still being reviewed by Staff. So there is going to be a revised Full EAF available to the Board and to the public in the near future.

MR. TRAVER-Thank you for that clarification. All right. Well with that we'll close the public hearing. Right, Laura?

MRS. MOORE-So if you're going to close the public hearing in the sense that you're no longer going to have it open? Because once you decide to close the public hearing as a Board, you're going to.

MR. TRAVER-Start the clock.

MRS. MOORE-You're going to start your clock, that 60 days.

MR. TRAVER-Right. Yes.

MRS. MOORE-So I'm just making sure that's what you wish to do.

MR. TRAVER-Yes. I thought that we would close the public hearing and then do the follow up review of the questions that we've already looked at and then do the SEQR recommendation and then consider a resolution as we discussed asking that counsel work with Staff on a referral resolution, hypothetically, for next month.

MRS. MOORE-And just to clarify, with the closing of the public hearing, there is no provision, as there is in other public hearings, where you would be allowed to re-visit that if the applicant granted an extension. There is no provision that's identified.

MR. TRAVER-So it would be your recommendation that we leave the public hearing open then?

MRS. MOORE-That would be my thought, yes.

MR. TRAVER-Okay. Well then, Maria, cancel that. We'll leave the public hearing open for our meeting next month. Do we have a date yet, Laura, for that?

MRS. MOORE-So we have.

MR. TRAVER-We talked about April 10.

MRS. MOORE-We talked about April 10 and April 17<sup>th</sup> is also available.

MR. TRAVER-Okay. Maybe we should firm that up because we'll need to do a resolution on that as well. Correct? Can I ask members of the Board of their availability of the evening of either April 10 or April 17 next month for another special meeting to continue the review of this project?

MR. LAPPER-We request the 10<sup>th</sup> if possible.

MR. TRAVER-The 10<sup>th</sup>? Okay. So the 17<sup>th</sup> is unavailable for you?

MR. LAPPER-I'm not available on the 17<sup>th</sup>.

MR. TRAVER-Jon, we wouldn't be able to do it without you.

MR. LAPPER-Thank you.

MR. TRAVER-So how about the 10<sup>th</sup>? Can we do the 10<sup>th</sup>? Okay. All right. So then we'll, let's see, we don't have a draft resolution, but, Laura, can we make a resolution?

#### RESOLUTION APPROVING SPECIAL MEETING DATE

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

Available possible dates have been confirmed with the Activity Center;

A meeting for Thursday, April 10, 2025 is requested to be added to the calendar;

**MOTION TO APPROVE AN APRIL 10, 2025 PLANNING BOARD MEETING DATE (FOR WEST MOUNTAIN PROJECT).** Introduced by Stephen Traver who moved for its adoption, seconded by Ellen McDevitt.

Duly adopted this 12<sup>th</sup> day of March 2025 by the following vote:

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

NOES: NONE

ABSENT: Mrs. Bullard, Mr. Stefanick

MR. TRAVER-All right. So we're on for April.

MR. LAPPER-If I could just make two quick comments in response to the public.

MR. TRAVER-Sure.

MR. LAPPER-The first, I think there was just confusion that there are environmentally sensitive areas that we have to address, but we're not in a Critical Environmental Area, which is a designated area, and we're not adjacent to one. So that's why the answer was yes. In terms of the process and what you're doing now, as you all understand, you have a list of criteria that Laura has gone through, and you've gone through most of it. That criteria of whether or not we meet the standards for a PRD is what you're recommendation is to the Town. So this is an important part of it because you're looking at the planning part of it to say do we meet the standards for a PRD. On our side, we can't do the detailed project design until we get to the PRD. We don't know where the streets are going to be, how many houses there are going to be, how many apartments, how many condos. So we can't do a full stormwater plan at this point because we don't know until we get through zoning what it's going to look like.

MR. TRAVER-Right.

MR. LAPPER-But what we have done is we've done soil tests so we know that we can handle the infiltration and know what we have to do to treat it and the language that was quoted about the volume and what can leave the site, that can't exceed what leaves the site pre-development and also the treatment, that it has to be treated before leaving the site. So those are all of the State and Town requirements for stormwater. So we're not shirking anything. It's just that at this point in the process we can't do a full HydroCAD because we don't know how many, you know, how much is going to be impervious and where it's going to be, but that's what we're going to get. We're asking for the zoning which allows us to go into the next level of design.

MR. TRAVER-Yes. Understood, but thank you for that clarification.

MR. LAPPER-Thank you.

MR. TRAVER-Okay. So, Laura, I think our next, and, Stu, you had your hand up. Go ahead.

MR. BAKER-Yes. I just had a comment of clarification for the public. The 60 day clock that was being referred to regarding the public hearing, once the public hearing is closed, the Zoning Code actually prescribes that the Planning Board then has 60 days from the closing of the public hearing to issue a favorable or unfavorable report on the PRD to the Town Board.. So that's what the 60 day clock was referring to.

MR. TRAVER-Thank you, Stu. All right. So, Laura, we're going to go back through the Objectives, I think is what we discussed. Right?

MRS. MOORE-Yes.

MR. TRAVER-And although we have responded I believe to all of them, what I will do is go through the Objectives one by one and we'll ask each Planning Board member to vocalize a yes or no if they agree with our original.

MRS. MOORE-Or any other comment.

MR. TRAVER-Right. Or if there are any other questions or comments. So do all the Board members understand what we're going to go through? And it's important that you respond yes or no or I have additional comments for each of these. So that we get that clarification for the record. So thank you for that in advance. So I will begin. The first Objective is, Does the project provide public recreational facilities appropriate for the Town and the region and integrate a choice in the types of housing, transient accommodations, eating and drinking establishments and/or affiliated commercial retail and service uses available to potential residents and the public? So the response that we previously had looked at is that the applicant has indicated that there are a mixed grouping of 126, 72, and 54 apartments, 64 condos, 54 duplex and 64 family residential. So our response was yes to this question. So I'll ask the Board, starting with Warren.

MR. LONGACKER-I have yes written down.

MR. TRAVER-Okay.

MR. UNCHER-Yes.

MR. TRAVER-Yes. All right. I'm a yes. Ellen?

MRS. MC DEVITT-My concern is in terms of workforce housing component, with people who are lifties and they are seasonally. Is there going to be an affordable place for them to live on site?

MR. TRAVER-Yes. Okay. So that was a concern that was discussed previously is the applicant open to considering having some housing available for workers?

MR. MONTGOMERY-Yes. I mean we, if it's something that is needed. We have, like right now, for instance, we have 20 year round employees and we go to about 325 in the winter. There would be a lot of additional jobs with this development, obviously. We need people managing the hotel, people managing the units. I mean it would be in our interest to having housing for people if there was a shortage. I guess my only caveat would be is if the community has plenty of apartments, plenty of places available, it seems to be right now this hasn't come up. We wouldn't build units that would go unused for instance. So if the demand was there.

MR. TRAVER-It would be based on need.

MR. MONTGOMERY-Yes, based on need. Like I've never encountered an employee claiming they couldn't find affordable housing in the area. In the 12 years I've been running the place I haven't heard. If the increase, say we go from 325 employees to 1,000, would be realistic. I've been told this will probably create 2,000 jobs, and I don't have the exact numbers on that, and if there was a shortage of housing in the area, which you do see in resort towns, and that's never been a problem with us because if you look at Veil and the struggles they have with employee housing, it's because they are a resort town and the cost of real estate there is just insane. Where we're a very unique ski area in that we're an urban ski area, which there's very few of. Like we're set literally in an urban area surrounded by South Glens Falls, Hudson Falls, you know, all the areas, and we have not had that issue. If you're asking me if we would consider it, for sure. I mean it would be in our interest. I mean if we couldn't get enough employees because they didn't have housing.

MR. TRAVER-I mean that's all we're asking at this point.

MR. MONTGOMERY-Yes. And I don't think it's an issue, just to give you a little feedback, I haven't encountered that. As the employees go up, would they be living within the resort? Probably not. Most of the employees at Veil don't live within the resort, but they're a mountain town. So there's not a lot of affordable housing that we have here. There's a lot of apartments.

MR. TRAVER-Okay. Does that answer your question?

MRS. MC DEVITT-Yes.

MR. TRAVER-So are you a yes?

MRS. MC DEVITT-Yes.

MR. STARK-Yes.

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. All right. So Number Two, "Does the project provide usable open space and integrated recreational opportunities that will be a benefit to residents of the Town and the tourism industry of the region? And the applicant, their response, the applicant has indicated that the existing recreational opportunities will remain -skiing, mountain biking, ropes course, tubing, hiking. New recreational facilities include outdoor amphitheater, outdoor/indoor swimming, health/spa facilities and an athletic club. And again, at this preliminary stage, this has been their response, but all of that would have to be detailed and further through the planning process, but initially when we looked at this we felt that the answer to Question Two, again, was yes. So I'll go to Warren again.

MR. LONGACKER-Okay. I have yes for tourism and then I have question mark for to the region.

MR. TRAVER-Do you want additional information?



MR. LONGACKER-Yes, I guess my question, the reason I have a question mark here, is I guess it's the question in general, because the question says Does it provide a benefit to the residents of the Town in tourism. Sure it provides a benefit to tourism. It provides a benefit to the Town, people that use those facilities, but will there be something for maybe somebody to go for a hike, not pay to play in a way?

MR. MONTGOMERY-Yes. No, my concept would be this would be a community watering hole where it would be open to the public. It's not a private club. There would be a coffee shop, restaurants, like I said, small organic grocery store, probably some sort of salon, a self-sustained building that would be open to the community that I thought that people would sort of flock to this area and enjoy seeing their neighbors there, being able to use it, use the health club, get a membership there if that's what they want. There'd be hiking trails on the mountain. We'd like to do an e-bike mountain loop around the top, maybe some equestrian activity up there, and it's really, you know, yes, we are looking for people to come to the area from out of the area, but it's really, to be successful it's got to be used by the locals. So we're trying to design it in that capacity where we would have hiking paths, and hopefully enhance maybe along West Mountain Road, bike path, so that people could come from all the surrounding, you know, Bedford Close and all the different areas, and there'd be one bike path on West Mountain Road that they could come and enjoy in the summer. So we're starting to do some studies now that I'll present to the Town Board just about the economic impact of West Mountain to the area, now, if West Mountain wasn't here, what that would look like, and then if, and as the resort develops, what that will look like. So it will provide some more comprehensive economic impact, which, you know, as of today, really if you compare us to other mountains, and these aren't ski and stay. If you look at Magic and you look at Cranmore and some other ones, only 20% of our business come from outside of the 60 mile radius. Most mountains have 60 to 70% of their visits. So we're not reaching any of that, and if you plot like our visitors, it's condensed into the Capital District. So for West Mountain to survive as a day trip area is not possible. We're already tapped out with what we can do locally. We have to bring outside in as well, but we also need to sustain our local patrons and population. So we design it for both ways. If I could reach 60 to 70% of our patronage from outside of the area, because sometimes they're more affluent areas. They're also areas that people are coming on vacation, and that would only be a skip board destination resort where, you know, some of these mountains get 50, 60, 70% of their visits from outside of the 60 mile radius. Because right now we're only, you know, of our skier visits during COVID, it was the busiest mountains ever, not even close, and we did extremely well because people couldn't go to Vermont. People couldn't go to New Hampshire. They couldn't go to Maine, and that gave me a glimpse into the future is if I could bring people here from outside the area that were looking for a destination resort, and, you know, we did 120,000 skier visits. The mountain did extremely well. We had nice profits that year. That's a healthy number for us. People talk about the traffic studies during COVID they weren't relevant.

MR. TRAVER-Excuse me. I appreciate what you're saying but I think you might be getting a little bit into the weeds here. For purposes of our going through these questions tonight.

MR. MONTGOMERY-Yes. That's the busiest we've ever been here at COVID when we did the traffic studies.

MR. TRAVER-Good to know. Does that answer your question, Warren?

MR. LONGACKER-I just wanted to make sure it wasn't made just to exclude like the locals.

MR. MONTGOMERY-No. It's not a private club at all.

MR. TRAVER-So does that bring you to a yes?

MR. LONGACKER-That's still a yes. I have yes with a question mark.

MR. TRAVER-All right. Tom?

MR. UNCHER-Yes.

MR. TRAVER-I'm a yes. Ellen?

MRS. MC DEVITT-Yes.

MR. TRAVER-Brady?

MR. STARK-Yes.

MR. TRAVER-Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-All right. Number Three. Does the project provide for the preservation of trees, outstanding natural topographic, environmentally sensitive areas and geologic features and the prevention of soil erosion? And note that, we also noted that the Board is going to request during site plan Special Use Permit, disturbance area notations, cross section of slopes for road areas and buildings development. So obviously we're going to need a lot more detail on that. but when we looked at this previously we answered yes. So again I'll start with Warren.

MR. LONGACKER-I've written provide that it needs a site plan.

MR. TRAVER-Yes, we won't even get to this really until it gets to Site Plan. Tom?

MR. UNCHER-Yes.

MR. TRAVER-All right. I'm a yes. Ellen?

MRS. MC DEVITT-Yes, with scrutiny to Site Plan.

MR. TRAVER-Yes. Brady?

MR. STARK-Yes, I agree. Yes.

MR. TRAVER-And Mr. Magowan.

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. Number Four, Does the project provide for a creative use of land and related physical development which allows an orderly transition of land from adjacent uses and surrounding area? So the response is, the majority of the adjacent land is the existing West Mountain recreation facility in turn this would be consistent with a PRD. The Planning Board notes verification during site plan review for additional test pits for specific developmental areas, and we were okay with that. We answered yes for that question. Warren?

MR. LONGACKER-Yes as long as the buffers are provided.

MR. TRAVER-Right. Yes. That would be the case with most of these I think. Tom?

MR. UNCHER-Yes.

MR. TRAVER-Okay. I'm a yes. Ellen?

MRS. MC DEVITT-The same as Warren just articulated. Yes.

MR. TRAVER-Okay. Brady?

MR. STARK-Yes.

MR. TRAVER-Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. Number Five, Does the project provide a development pattern in harmony with the objectives of the Comprehensive Plan and consistent with the purposes and objectives of the underlying zoning district or districts? And by underlying zoning district or districts, that's, again, and a provision in the change in zoning to allow a PRD, and in that event we answered yes. Warren?

MR. LONGACKER-Okay. There's like four or five little things underneath here.

MR. TRAVER-Yes, there are.

MR. LONGACKER-I'm going to go over each one of those, then. All right. Number One is recreational spaces and features for all ages and abilities, and I say yes. Number Two, it says Isolate protect and encourage expansion of the recreation industry. Yes. Number Three, strategically positioning Queensbury as a premier destination for recreation. Yes. Four is Indirect promote biodiversity while providing residents with essential outlets for outdoor recreation. I said no. Well then there's Number One again, and this one, sorry, I didn't highlight it right. The housing, actually right here I said, Ellen, I appreciate your question from before because I think that helps me out, for the housing and the workforce housing. Then the two right down here. It says, encourage opportunities for home ownership, to which I write yes, but then I put no again until Ellen just asked the question about workforce housing, and three was action 3.1 the last question of higher density. Yes, it does that, and Recommendation of stronger protection of

slopes and streams and shorelines. I said yes with final Site Plan design. So the one I said no again I apologize was just the biodiversity because I don't see.

MR. TRAVER-Yes, and that's an environmental impact issue that I think will be resolved by the, as the Town Board continues their review. So with that being said, are you a yes?

MR. LONGACKER-Overall yes, with the exception of the one.

MR. TRAVER-Tom?

MR. UNCHER-Yes.

MR. TRAVER-I'm a yes. Ellen?

MRS. MC DEVITT-Overall yes with my concerns are exactly the same as Warren's.

MR. TRAVER-Okay. That's noted. Brady?

MR. STARK-Yes.

MR. TRAVER-And Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. Let's see. Does the project provide a more desirable environment than would be possible through the strict application of other articles of this chapter? So proposing the change of zone from Recreation Commercial to Planned Resort Development allows for residential use where the existing zoning, does not allow for residential uses. We were in agreement with that. Warren?

MR. LONGACKER-Yes.

MR. TRAVER-And Tom?

MR. UNCHER-Yes.

MR. TRAVER-I'm a yes. Ellen?

MRS. MC DEVITT-Yes.

MR. TRAVER-Brady?

MR. STARK-Yes.

MR. TRAVER-Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. Let's see. Number Seven, Does the project provide an adequate water supply and sewage disposal facilities, and drainage facilities shall be designed to maintain predevelopment off-site runoff? Well, again, this is all related to SEQR. However, we know that in order for this PRD to be considered under SEQR review all of that needs to be documented. So I think we felt, if I recall right, we felt comfortable at the time that with the final plans that this project would be a yes on that. They would be required to do so. Warren?

MR. LONGACKER-Yes.

MR. TRAVER-Okay. Tom?

MR. UNCHER-Yes.

MR. TRAVER-I'm a yes. Ellen?

MRS. MC DEVITT-Yes. I do have concerns about this alternative method of consideration for exposing the sewage to pump the treated effluent to the top of the mountain to an in-ground absorption field.

MR. TRAVER-Well, again, that would have to be detailed and reviewed for approval.

MRS. MC DEVITT-Right. I'm just wanting to say where my concern is, but I'll have to say yes.

MR. TRAVER-Okay. A lot of these relate to the fact that this is a concept plan and we don't have all the details of this yet. So that's part of the difficulty that we face as well as the applicant. Brady?

MR. STARK-Yes.

MR. TRAVER-And Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. Number Eight. Does the project provide (provide) scenic vistas, historic sites, and prevent disruption of natural drainage patterns. And the answer provided is, in the initial phase, the applicant has indicated that land use projects proposed are designed to be in harmony with the natural environmental characteristics including- topography, scenic and other natural resources. The applicant has indicated there are no historic sites on the property nor will natural drainage patterns be disrupted. Again, part of that relates to SEQR under stormwater, but we felt since that's a requirement we looked at this last time we were a yes on Number Eight. Warren?

MR. LONGACKER-Yes, but must be shown on final plans.

MR. TRAVER-Yes. Tom?

MR. UNCHER-Yes.

MR. TRAVER-I'm a yes. Ellen?

MRS. MC DEVITT-I'll say yes, but I do have some reservations about the density going up the side of the mountain.

MR. TRAVER-Okay. Which would be subject to review later on. Okay, and Brady?

MR. STARK-Yes.

MR. TRAVER-And Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. Let's see Number Nine. Does the project utilize landscaping and building design to present a sense of community, of integrated color schemes, architectural styles and layout. And the applicant has indicated the project will coordinate visual character between site landscape and building architecture - "alpine village ski resort community" We said yes to that as their intent, and we also knew that this would be subject to review as well. So we were a yes on Number Nine. Warren?

MR. LONGACKER-Yes.

MR. TRAVER-Tom?

MR. UNCHER-Yes.

MR. TRAVER-And I'm a yes. Ellen?

MRS. MC DEVITT-Yes.

MR. TRAVER-Brady?

MR. STARK-Yes.

MR. TRAVER-Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. Number Ten. Does the project provide recreational aspect and associated facilities of the proposed PRD shall be the dominant land use in the PRD, with an appropriate ratio of residential uses and other mixed commercial uses that is appropriate and sustainable for its location, Town needs and market considerations. The actual ratio of mixed uses shall be specified by the applicant as part of the PRD application and approved by the Town Board as part of the approval process. Well, since that's the case, we acknowledge that, yes, they would do that since it is required and would be subject to review by the Town Board. Warren?

MR. LONGACKER-Yes.

MR. TRAVER-Tom?

MR. UNCHER-Yes.

MR. TRAVER-I'm a yes. Ellen?

MRS. MC DEVITT-So you're saying that they will be doing more market exploration?

MR. TRAVER-Well they do market analysis as part of their business plan.

MRS. MC DEVITT-Right.

MR. TRAVER-As part of the proposal. So we rely on them to do that, but it does need to be sustainable, and that's part of the, the Town Board will be reviewing that.

MRS. MC DEVITT-That's my consideration is yes, if those needs are really more substantially demonstrated.

MR. TRAVER-Yes. I think the applicant is quite concerned that they, would be quite worried that they would not be demonstrated because they'd be spending a lot of money on something that wouldn't be successful. But with that understood, are you a yes?

MRS. MC DEVITT-Yes.

MR. TRAVER-Brady?

MR. STARK-Yes.

MR. TRAVER-And Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. Let's see we're down to Number Eleven. Does the project provide underground on-site utilities are required, including telephone, electric, cable, water distribution laterals and sewer collection laterals? And the applicant has indicated all on-site utilities will be underground. Some of the details, again, on this are going to be moving forward as we look through the Site Plan Review and SEQR process, but we indicated a yes on this as well. Warren?

MR. LONGACKER-I couldn't have said it better. Yes.

MR. TRAVER-Tom?

MR. UNCHER-Yes.

MR. TRAVER-I'm a yes. Ellen?

MRS. MC DEVITT-Yes.

MR. TRAVER-And Brady?

MR. STARK-Yes.

MR. TRAVER-And Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-Okay. Let's see. Number Twelve is the last of the initial questions. Does the project provide that all lighting shall be arranged so as to prevent direct glare or hazardous interference from the lighting for the proposed development to adjoining streets or properties. And the applicant has indicated light fixtures to be dark sky compliant on buildings and areas related to the buildings. During site plan those fixtures are to be identified with footcandle averages for areas of development. The recreational trails including but not limited to ski trails, are to be lit with LED with the existing to remain and additional similar lighting to be added to provide adequate lighting for skiing and other outside recreation. And again, we were a yes on that, especially knowing that we would be looking at details at a later point. Warren?

MR. LONGACKER-Exactly what I said, and I said yes, but I'd like to see the final footcandles.

MR. TRAVER-Yes, absolutely. Tom?

MR. UNCHER-Yes.

MR. TRAVER-Okay. I'm a yes. Ellen?

MRS. MC DEVITT-Just what other outside recreation would you be wanting to be lit up? Because to provide adequate lighting for skiing and other outside recreation.

MR. MONTGOMERY-Let's say there'd be a skating pond. Outside of skiing, there's not much that could be lit. It's more likely to be a daytime activity. I suppose there'd be cross country ski trails at the top of the mountain that might have lighting on them. They do that, but, yes, nothing that would be any more.

MR. TRAVER-And additional lighting, for the Board's and the public's edification, that would be subject to part of the Site Plan Review as well, if you were to request that. So we would be taking a look at that if that were proposed. I don't believe it is proposed at the moment. I believe all that's proposed is the existing.

MRS. MC DEVITT-Okay.

MR. TRAVER-Brady?

MR. STARK-Yes.

MR. TRAVER-And Mr. Magowan?

MR. MAGOWAN-Yes.

MR. TRAVER-All right. So, Laura, that concludes the review. Did you have any comments or follow-up that you wanted us to do on those 12 questions?

MRS. MOORE-No, that was very beneficial.

MR. TRAVER-Okay. So then the next thing is the recommendation for the State Environmental Quality Review Act to the Town Board, and we'll have an open discussion with Board members on this. It's my feeling, and I'll just start the discussion. It's my sense that because of the size of the project, the scope of the project, the duration of the project having a 10 year, from concept to completion time, we talked about a 10 year period of time, and the nature of the property, the concerns about, for example, the stormwater and all the rest of it, I think that this is a situation where an environmental impact statement would be appropriate, which would mean the Town Board would issue a positive SEQR declaration. That's my feeling and that's what I'm suggesting that the Board recommend to the Town Board, but I'd like to open it up for discussion. Stu?

MR. BAKER-Mr. Chairman, as I mentioned, the applicant has submitted revisions to the EAF that are still under review by Staff. I'd like to suggest that perhaps the Planning Board hold off on the recommendation until you've seen the revised, final revised EAF.

MR. TRAVER-Okay. Would that be available by April 10<sup>th</sup>? Before April 10<sup>th</sup>?

MR. BAKER-Yes.

MR. TRAVER-All right. Well then why don't we hold on the SEQR discussion and referral until we've had that further information from Staff, and would that be available on line, assuming that StoredTech completes their revisions as they suspect by March 20. We would want that information to be available to the public as well. Would that be possible?

MR. BAKER-We would put that on-line, yes. Actually StoredTech doesn't manage the Town web pages. So we would get those on-line as well.

MR. TRAVER-Well somebody is doing the, when we see the reports that it's going to the cloud or something and the website are down, or some parts of the website are down until March 20? That's not StoredTech doing that?

MR. BAKER-I'm not aware of that.

MRS. MOORE-Yes, so there's another entity, along with StoredTech, working on that. Our software, LaserFiche is being upgraded from the desktop base to a cloud base.

MR. TRAVER-Okay. Well I guess my general question is will the updated SEQR information be available to the public prior to our next meeting on April 10<sup>th</sup>?

MRS. MOORE-Yes.

MR. BAKER-Yes.

MR. TRAVER-Okay. Thank you. All right well with that, I think we have gone through the agenda, at least that I had in mind for tonight. Since we're waiting on SEQR for updated information. Then that means that at our next meeting on April 10<sup>th</sup>, so the public is aware, we'll take additional questions again on process and general questions, and we will also be, having had an opportunity to review the very latest information that the applicant has provided with answers for the SEQR review process, we will again be discussing a recommendation on SEQR to the Town Board and I think at that point we will be ready to make a referral to the Town Board, and to that end, we have a draft resolution this evening, because what we would like to do, I'd like to ask the Board if they agree with this, we would like to suggest that the Planning Board issue a resolution asking that the Staff work with Town Counsel to develop a recommendation for the Planned Resort Development from this Board to the Town Board, and have that ready for next meeting, have counsel work on that as well as Staff so we can get a draft of that in advance. Does that seem like an appropriate step? So we have a draft resolution. Mrs. Secretary, would you like to read that?

RESOLUTION THAT TOWN COUNSEL & TOWN STAFF DEVELOP A DRAFT RECOMMENDATION

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 associated parcels from Recreation Commercial Zone to a Planned Resort Development.

WHEREAS, the Town of Queensbury Planning Board would like to request that Staff and Town Counsel draft a recommendation resolution to the Town Board considering the Planning Board discussion of the Planned Resort Development objectives and SEQR;

MOTION TO REQUEST FOR STAFF & TOWN COUNSEL TO PREPARE TOWN BOARD RECOMMENDATION FOR PLANNED RESORT DEVELOPMENT 1-2024 & PETITION OF ZONE CHANGE 1-2024 APEX CAPITAL LLC/MOUNTAIN TOP VENTURES LLC. Introduced by Ellen McDevitt who moved for its adoption.

Motion seconded by Tom Uncher. Duly adopted this 12<sup>th</sup> day of March 2025 by the following vote:

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

NOES: NONE

ABSENT: Mrs. Bullard, Mr. Stefanick

MR. LAPPER-Thanks, everybody. We really appreciate getting a vote on the 10<sup>th</sup> so that we can move on to the Town Board.

MR. TRAVER-Yes. Okay. Laura, do you have anything else for us?

MRS. MOORE-I do not have anything else.

MR. TRAVER-All right. Well with that we'll entertain a motion to adjourn.

MOTION TO ADJOURN THE QUEENSBURY PLANNING BOARD MEETING OF MARCH 12<sup>TH</sup>, 2025, Introduced by Brady Stark who moved for its adoption, seconded by Warren Longacker:

Duly adopted this 12<sup>th</sup> day of March, 2025, by the following vote:

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

NOES: NONE

ABSENT: Mrs. Bullard, Mr. Stefanick

MR. TRAVER-We stand adjourned. Thank you, everybody. See you next week.

(Queensbury Planning Board 03/12/2025)

On motion meeting was adjourned.

RESPECTFULLY SUBMITTED,

Stephen Traver, Chairman