

QUEENSBURY PLANNING BOARD MEETING
SPECIAL MEETING
APRIL 10TH, 2025
7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

BRADY STARK

LAND USE PLANNER-LAURA MOORE

STENOGRAPHER-KAREN DWYRE

MR. TRAVER-Good evening, ladies and gentlemen. Welcome to the Town of Queensbury Planning Board meeting for Thursday, April 10th, 2025. This is our first meeting for the month of April and our tenth meeting thus far for 2025, and our sixth special meeting on the Apex Capital project thus far for the year. If we have an emergency, please make note of the red illuminated exit signs. Those are the emergency exits. If you have a cell phone or other electronic device, if you would either turn it off or turn the ringer off so as not to interfere with the recording of our meeting for minutes purposes, and, likewise, if you wish to have a conversation amongst yourselves, other than during the public hearing, if you would step into the outer corridor to have that conversation we'd appreciate it, again, so as not to interfere with the recording of the audio of the meeting for purposes of the minutes. This evening my intention is to proceed in a like manner that we've done previously which is to have an open discussion with the applicant and discussion with Board members followed by public hearing, and we'll divide the public hearing, again, as we did by having a section first on questions on the process of how this project will be reviewed and then second general questions on the application. Are there any questions from members of the Board before we begin? Okay. Then our one and only item on the agenda tonight is Apex Capital LLC, Mountain Top Ventures LLC, Planned Unit Development 1-2024 and Petition of Zone Change 1-2024.

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, MATT HUNTINGTON & SPENCER MONTGOMERY, REPRESENTING APPLICANT, PRESENT

MR. TRAVER-Laura?

MRS. MOORE-So this afternoon, the Board members received the draft resolution from Town Counsel. I was not in the office this afternoon. Stu Baker took a look at it. There was one amendment in reference to the traffic. I can let him speak to that, and other comments, but right now that's the draft resolution that was prepared based on your comments and information that was provided at our meetings, and I think that's all I can address. I don't know, Stu, did you have additional information that you wanted to discuss at this time or later?

MR. BAKER-Yes. I guess I would just like to make one comment, and that is in my review of the resolution, since we wanted to get that draft out to the Planning Board as quickly as we could, I was not able to compare that resolution with the substance of the Board's discussion and the public record presented to this Board to date. My review was based strictly on Article 12 B, making sure that all the relevant points were touched upon. My recommended amendment regarding the Town Engineer's comments was something that just jumped out at me at the time. So I ask the Board and the public to keep that in mind.

MR. TRAVER-Thank you for that, Stu, and thank you for your comments regarding the traffic study. We will incorporate that as well. In addition to that, there's one edit that we have at the very end when it comes to the SEQR discussion that we will have in the resolution as well. So, again, for the Board, I think what I'd like to do, and I'm open to discussion on this, is the resolution that we have, if you haven't had an opportunity to look at it, it basically covers the various points that we've been charged with considering prior to making a referral to the Town Board, and the resolution itself actually lists those and includes our response and then concludes with whatever elements of the recommendation are expected of us, and then if that is voted on and approved, then this then would next go to the Town Board for their consideration and review. So with that, I'll ask the applicant, do you have any additional information to present to us this evening?

MR. LAPPER-I guess what I'd suggest is if you want to hold the public hearing first and then we'll comment on anything that comes up and discuss a resolution at that point.

MR. TRAVER-Okay. All right. Since our last meeting I know we've received an updated Environmental Assessment Form from the applicant. Do Board members have any general questions before we begin a public hearing for the applicant? All right. Hearing none, then we will open the public hearing, again reminding the public our first series of questions I would like to ask to be on process questions. So I'll ask members of the audience, is there anyone that has questions regarding the process of the review of the application?

PUBLIC HEARING OPEN

MR. TRAVER-I'm not seeing any takers from that. Probably no written comments on process questions, Laura, or?

MRS. MOORE-No. I know there is a letter that the individual may read a portion of or all of this into the record. I haven't read through it to know if it has process questions in it.

MR. TRAVER-Okay. All right. Well, seeing that there are no further questions on process, I know we discussed that at some length in previous meetings over the last six months. We'll then move to general questions on the proposed project. Are there any members of the audience that have questions for the Planning Board on the project in general? I'm not seeing any. I know we have one written comment, Laura. Did you want to read that?

MRS. MOORE-Okay. I apologize, I'm looking at Mrs. Steffen. Do you want me to read this into the record, or are you going to read that into the record? I can read it? All right. So this is addressed to the Community Partners, the Town Board referred the project to the Planning Board for vetting before deciding on the zoning variances (*laws of the town*). Since the Planning Board is very familiar with the zoning codes and Town development, the Town Board likely is looking for guidance as they prepare to carry out their responsibilities as Lead Agent for SEQR. The community's perspectives heard during the Planning Board public hearings on this project and process have been helpful in trying to understand the size and scope of it. The project, as presented in concept form, will have significant environmental, town and community impacts. Therefore, I thought a more complete site plan was warranted before a decision was made to consider changing the zoning on this parcel by the Town Board. We have zoning laws for a reason. This project is a dream right now, with local and out-of-area investors. Dreams are important. But so are the dreams of current citizens who are wary of a project, which is impacting their own dreams, and the lives they have created as citizens in the Town of Queensbury. Because of a complex bureaucratic process that provides too little information to fully understand the impacts of it personally, environmentally, and economically, residents fear that the biggest investments of their adult lives, which have included their homes, their community and their quality-of-life will be dramatically and negatively impacted. Fear is a powerful motivator, which is why this process has garnered so much community input and attention. The bureaucracy of the Town of Queensbury land use, Zoning Codes, Comprehensive Plan, Town/Zoning/Planning Boards, SEQR, and the diligent work of Town Planning & Zoning staff

endeavoring to communicate complicated policies and regulations in **plain** language, is often confounding to the common person and leads to distrust of the system when a person cannot reasonably understand it. This project is presented in concept form, and during the public hearings additional information has been presented. However, because it hasn't provided enough details, instead of bringing the community together on a great project, it seems to be dividing the community due to a flawed process. Community members reside here, paying for the infrastructure to sustain its development and continued development. Community development has costs, and overdevelopment without the capacity to support it has significant costs. The situation with the Glens Falls Wastewater Treatment facility serves as an example of that. Our regional problem with short-term rental impacts is another. Flawed development can divide a community and inflict unwanted and unfordable consequences to it. At this stage, all voices matter. Our collective voices can guide the developer and the Town to a better project to consider. This kind of large and impactful development may be the tipping point to municipal expansion of infrastructure needed to serve it. More specifically, this development will result in the Town of Queensbury increasing expenditure for stormwater management, wastewater management, expanding road and highway capacity, expanding DPW spending on road maintenance on steep slope development, code enforcement, and potentially transitioning from volunteer fire and emergency services to paid services, which would be a very significant cost. There would also be a county impact for law enforcement and emergency management. All these possibilities need to be considered as the Town Board contemplates this concept of planned resort development, which will allow the developer to have more housing density than under the sites' current zoning. Increased density will have negative impacts on the mountain. A very significant disturbance to that mountain needs to be fully vetted with in-depth consideration of roads, setbacks, housing, septic, stormwater, and the significant removal of vegetation that will be required for all of that infrastructure. This is the developers' project, not the towns. Going forward, the developers and their agents need to do more so our elected officials, appointed officials, and town residents, have better information from which to decide upon. In closing...The March 12th meeting ended with the Planning Board reviewing the 12 questions necessary to move forward with this process. The developer was unaware of the need for workforce housing development, which was surprising for a year-round destination resort in a tight labor market, and obviously not part of the concept. Tonight's staff notes identify this concept plan is for 427 Residential units and an 80-room hotel. Another item which I found unfortunate, was the Planning Board's unanimous affirmative response to question 8... " *does the project provide scenic vista, historic sites, and present disruption of natural drainage patterns ...?*" The significant disturbance on this mountain will forever change it. Some definitions:

A "scenic vista" refers to a beautiful or impressive view, often of natural scenery like mountains, forests, or landscapes, seen from a particular vantage point.

..i. A scenic vista is a view that is visually appealing and often considered to be of high aesthetic value.

..i. Scenic vistas can be a source of inspiration, relaxation, and enjoyment for people .

..i. Scenic vista means a picturesque, pastoral scene of rural land, or open space with little or no modern intrusions.

I wholeheartedly disagree with the Planning Board! Picture this ...coming home on 187 at night in the wintertime, with the current West Mountain site and structures, ski slopes lit, with the rest of the mountain forested and dark. Now, added to the picture, a 400+ housing unit hillside development lighted, with roads, an 80-room hotel, parking and other planned amenities. A forested mountainside is very different from a developed one. Gretchen Steffan, 73 Buckbee Road, Queensbury, NY."

MR. TRAVER-Okay. Thank you, Laura. Are there any other written comments?

MRS. MOORE-This is addressed to the Town Board as well as the Planning Board, and it was received on March 12th. This is from Robert H. Jones of 200 West Mountain Road. "Concerns:

- 1 The creation of a mini urban development located in a rural residential area adjacent to a restricted development zone established over 50 years ago by the Adirondack Park Agency.
- 2 The proposal calls for the construction of hundreds of new housing units: condos, apartments, hotels, shops, and restaurants as well as single family homes on the high mountain slopes.
- 3 What is the impact on the quality of life for current residents and the environment? Storm water runoff, sewage into the aquifer, traffic, pedestrian activities, noise, and crime. As population density increases , crime often increases, especially condo crime associated with recreational areas such as ski centers and beach and lake resorts.
- 4 What is the impact on the over \$200 million dollar of current single family residential homes in the general impact area: Hudson Point, Bedford Close, Ambershire, to mention a few.

- 5 Who is going to pay for the expanded community services: water, sewage; road redesign, bridges over Clendon Brook? Perhaps the town and country will subsidize the project with tax breaks ...called incentives that the existing residents will need to subsidize!
- 6 The proposal calls for the construction of numerous brick and mortar shops, bars, and restaurants. Currently, there are numerous empty storefronts in the "Million Dollar half mile on route 9, empty storefronts in Aviation Mall and vacant shops in Glens Falls.
- 7 I'm reminded of a slogan shared by the previous owner : "Making a mountain out of a molehill". West is not a mountain but can be an integral part of the area's recreational menu.
- 8 We do not need or want a "Mini Urban Developments Center with its related urban problems in existing single family residential areas."

MRS. MOORE-I apologize. So this was received back in February 18th, 2025 from Robert Jones also. So I'm not going to read it word for word because it seems like this is updated, but I will indicate that it says under Introduction of Myself, he's an active skier for 40 years, organizing of Queensbury after school program for 20 years. Finally as a former owner of a condo in a major ski area, first hand knowledge of what goes into such developments, and then he identifies the concerns that we just read. Let me just make sure that I didn't miss anything. One of the items that I don't see in the other one was impacts on roads and residents' activities. Residents, kids and adults all ride bikes, exercise dogs, along West Mtn. Road and Pitcher Roads. What happens when thousands of Ski Center guests crowd the roads. What about The Clendon Brook bridge on Pitcher Rd.? Redesign and construction? What about the narrow steep and curvy sections of Upper Luzerne Mountain Road? Reconstruction? What about new lower speed limits? He had concern about flooding on West Mountain Road, concern about noise for construction of the stage amphitheater and then relationship of adjoining lands in the APA and then impact on wildlife including the Karner Blue Butterfly Deer, turkey, etc. And that completes that.

MR. TRAVER-Okay. Thank you, Laura. With that, then, we will close the public hearing.

PUBLIC HEARING CLOSED

MR. TRAVER-And ask the applicant to return. One of the aspects of our review since we last met is we did receive your updated Environmental Impact Statement, and although we are not, obviously we are not doing the SEQR review. Nonetheless, it's important for us to look at this document, and some of us may have some questions on it. I had a couple. One was on Page Seven. There was discussion about methane being emitted. Is that just part of the septic process?

MR. HUNTINGTON-Matt Huntington with Studio A. It's not necessarily emission. It's just it will be treated as part of the air quality from the wastewater plant. I mean it's nothing that's going to require any kind of DEC registration or anything like that.

MR. TRAVER-Right. Right. Okay. And then the other, there was another question about traffic, would there be a substantial increase in traffic, and you indicated no. I think the traffic impacts, which we do have a traffic study, is somewhat separate from an increase in traffic. Is it not normal to expect an increase in traffic?

MR. LAPPER-So we're on State and County highways and what the traffic reports show is that the capacity exists to handle the additional traffic generated by this project.

MR. TRAVER-Okay. Understand, but this question wasn't about capacity. It was about is there going to be an increase in traffic, and you're saying no, and it seems to me that the answer is really, yes, that there would be an increase.

MR. LAPPER-There will be an increase in traffic, but it's not a significant increase because the road network can handle traffic.

MR. STEFANZIK-I had that same comment. I would think if you want a viable business you want to increase traffic. So I would think that there will be an increase of traffic. The reason I think it's important that we clarify that there will be an increase in traffic, the public has identified a couple of times about the traffic being re-routed through their neighborhoods and stuff like that, and I think it's important to highlight that with the increased traffic there may be more re-routing through those neighborhoods, which will be more of a concern to the public, and I think somewhere along the way that should be addressed.

MR. TRAVER-Yes, we'll look at that during site plan, you know, when they come back for the actual construction, I think.

MR. LAPPER-I guess I'd just like to take a step back and make a general comment about SEQR that, you know, we're at the point now, and some of the comments tonight and previously, and again, there've been very few comments, very few neighbor comments, for a project of this size, and everything that's been addressed is legitimate and will be and have to be addressed as part of the project, the process as you know, but we're not done. We're not done with the analysis, the impact analysis. The Town Board is going to get started as SEQR Lead Agency. For example, the Town's engineer looked at our traffic report and has asked for some more information, and that's normal, and we're confident that when we get through that we'll provide information and we'll get a signoff on traffic, but we're not there yet and you'll make the recommendation and once we get to the Town Board they roll up their sleeves and there's going to be more engineering review by the Town's consultant. So that's just where we're at.

MR. STEFANZIK-The reason I bring it up, though, is to highlight to the Town about, because I don't think the Planning Board can make a decision to re-route traffic or to put signs up throughout the neighborhood saying don't go through the neighborhood.

MR. TRAVER-Well, we have some impact on that when it comes to the Site Plan Review, especially during construction phase. We can advocate for signage and various things. I mean we'll discuss that at length when the time comes. I brought it up only because, although we're not doing SEQR, you know, it was felt that we should at least study this document because we're asked to make some recommendations regarding SEQR, and this came up so I brought it up, but I appreciate. I think we're talking to some degree about semantics here when we talk about an increase in traffic versus an increase in traffic impact, and that's part of what will be clarified during the SEQR process.

MR. LAPPER-Part of the SEQR process, too, and you guys know this as well as anybody, when you go through the Long Form the question is, you know, if there were significant impacts, can they be mitigated by project changes, and that's what the Town Board will be doing as we go forward. If the Town traffic engineer comes back and says, hey, you know, you need to make an improvement, one of the letters tonight talked about the Town having to spend money on improvements. This is all a private developer project. Somebody talked about the Town maintaining roads. These are all private roads. There was talk about whether the Town had to maintain the septic, and it's private septic, you know, so we did a very thorough economic analysis which showed partly the school district needs kids and we need more people here. We need more residential housing, but we did an economic, or we commissioned an economic impact statement which is part of the book which said this is a positive economic impact on the Town. So this isn't costing the Town. It's going to be paid for by the residents and the developer.

MR. TRAVER-Okay. Other questions, comments from members of the Board regarding the updated SEQR information that we got, the environmental impacts?

MR. STEFANZIK-I have one regarding stormwater. On Page Six under the Stormwater Runoff, it says off site stormwater will occur and not exceed existing pre-development conditions, and I understand that, but what we heard a lot from the public is about existing flooding that's occurring at different times throughout the year. We heard it on the letter, across West Mountain Road. We've heard from a number of public about flooding up off by the culverts from the properties, the aquifer that go through the neighborhood, and so I guess my question would be, would you guys consider as part of your analysis, because I know you do a very detailed analysis, that your stormwater analysis will see how you can improve the existing conditions on the off site?

MR. LAPPER-Fritz, most of the comments that I think we heard from the neighbors, their concerns were about stormwater.

MR. STEFANZIK-On their property which is off site, off of West Mountain.

MR. LAPPER-We're here every month, and mostly we're dealing with lake projects, and it's all about stormwater wherever we are in Queensbury. The main thing you guys are looking at is stormwater and we have stormwater engineering analysis on the Town side. All these projects are primarily about stormwater, and we know that right now we're getting anymore rain on the site than we get now, but it's going to have to be infiltrated, treated, and we can't have more leaving the site. This is going to be vetted by the Town Engineer and DEC. So to the extent that people's biggest fear is about stormwater, I look at that as that's the easiest thing because that's all science. You guys know this, and we're not going to get anywhere until the Town Engineer signs off that we've done the stormwater management plan and it's appropriate. We certainly can look into what the issues are with the neighbors, but it's not, you know, West Mountain is all sand at the bottom. It's infiltrating, you know, not that there can't be some flooding on Bedford Close, but it shouldn't be caused by West Mountain and we can't exacerbate it.

MR. STEFANZIK-And I understand that, and I appreciate what you're saying, but normally through our site plans we always go by a rule that it's not going to increase the, it's not going to get worse than the existing conditions, and what I'm asking is that we make it better than existing conditions because the public has said that over the years as West Mountain has been developed they've seen an increase in flooding.

MR. LAPPER-But it's a cause and effect thing. It may or may not be from West Mountain. I heard some story about someone in Bedford Close or near by filling in their property. Things happen.

MR. STEFANZIK-Exactly, but that's why I'm asking you to consider that in your analysis.

MR. LAPPER-That's a fair question and we'll certainly look at it, yes.

MR. STEFANZIK-So somehow can we have the records reflect that?

MR. LAPPER-We'll try and get to the bottom of what it is that they're.

MR. STEFANZIK-I think that would go a long way, because what's going to happen, if this gets approved, if the zoning gets approved, every time we come back to the Site Plan, the public is going to come back and say we're having problems in our property, and I'd like to get the agreement up front that you'll look at improving what's there now.

MR. LAPPER-Yes.

MR. STEFANZIK-Okay. Thank you.

MR. TRAVER-One aspect of this project, with regard to the existing stormwater, is to some degree, should this go through as proposed, you're going to be installing some stormwater management where there is currently none.

MR. LAPPER-Correct.

MR. TRAVER-So that may have a positive impact downstream as it should. So we shall see, but again, we're getting into SEQR territory here a little bit. All right. Other questions?

MR. STEFANZIK-I have just one last one. On the narrative, the project narrative, it says that on site treatment plant with discharge to the Hudson River. I just want to make sure I understand that. What are we discharging?

MR. LAPPER-Treated septic.

MR. STEFANZIK-Treated septic, and is that something that's done?

MR. LAPPER-Just like the Glens Falls Treatment Plant, much, much, much smaller level.

MR. STEFANZIK-That goes in the Hudson? I didn't know that.

MR. LAPPER-Tertiary tribune. Treated effluent.

MR. STEFANZIK-I just read that. I wanted to make sure I understood that.

MR. LAPPER-Yes, that's a common practice, but after it's been treated.

MR. STEFANZIK-Okay. Thanks.

MR. LAPPER-And so this is not going into the Glens Falls Treatment Plant.

MR. STEFANZIK-Okay. Thank you.

MRS. MC DEVITT-So the other option of perhaps putting the effluent, pumping it up, I'm not articulating it very well.

MR. LAPPER-You're correct.

MRS. MC DEVITT-That's still an option? I'm very uncomfortable with that.

MR. LAPPER-Well, we left that in there just as a Plan B if that was necessary, because there's plenty of good soil at the top of the Mountain that the Mountain owns, but that's not the favored method, but that's just another possibility, and that'll all be fleshed out during Site Plan.

MRS. MC DEVITT-Okay.

MR. MONTGOMERY-So just to answer that real quickly. Spencer Montgomery. So initially we had looked, just to address the sewer question, we had looked using the existing Glens Falls Sewer Treatment

Plant and we were thinking of going down Luzerne Road because there is a 10 inch main that exists at the new pipe fitters union building. The problem with that is, what we encountered, was that once it goes over to Hannaford by the carwash it goes, it restricts down to an eight inch main, which is a large reduction in flow, and the City had not put means in place yet to separate stormwater from sewer water. That was supposed to have been separated years ago. So every time they get a big rain in Glens Falls, it goes and floods the sewer treatment plan with raw sewage into the Hudson. So I had spoken to some attorneys who work on this and people in this field, you know, extensively as we were working through this with the Town Board, and they said, you know, really, and I can't speak for the DEC, but they said, you know, the preferred method of treatment is you treat it yourself and the cleaned effluent would go to the Hudson because that doesn't compromise the Glens Falls Sewer Treatment Plant or put any extra stress on the municipality's capacity. And then they said, listen, we talked to HydroPower, and there's a spillway next to the Water Treatment Plant, below it that is for overflow if there was an emergency, and that spillway we're never going to develop that, and that would be an appropriate place for the effluent and then we were asked to come up with a Plan B. We didn't have a Plan B in the original plan. Going to the top of the Mountain, it sounds strange, but it's over the crest and there's, we have about 1200 acres of land up there, a lot of it is loamy soil, and it wouldn't be out of the ordinary, I mean someone said something like we were going to dump sewage on the Mountain. It's completely untrue. It would go to the top of the Mountain, not our first choice, and go down to the backside and there would be basically a large septic field that we had looked at by engineers and it's 10 times larger than what would be required. It's a wooded area and it's cleaned effluent that would be going there, not raw sewage, and so we put that in just as a failsafe so that if for some reason the other plan didn't work and we were asked to do that, and then Jon's already commented on this. With the developer that we're working with, being a road builder, and having done a lot of large scale projects, one in the middle of the Hudson River, Starbuck Island, very complex, very complex sites, you know, restoration of brownfields, restoration of heavy metals, oils, within the Hudson River successfully. Just to speak to stormwater a little bit that was brought up by Fritz, their analysis of this project is there is no stormwater issue. There's 30 feet deep of sand. They're using, you know, in many cases having to blast ledge and put in different facilities to handle that, but that's why that was put in there and then like Jon said, the roads, the plowings of the roads, the maintenance, this is a zero cost development to the Town of Queensbury. We were asked to build it that way so that it didn't tax the infrastructure for plowing, maintenance, trash, sewage. So the only thing we're getting from the Town is the water, which they have plenty of capacity for, for drinking water, and then, you know, we would buy that from the Town, obviously, to use for drinking water, but other than we aren't using any Town services. The roads are being used, obviously, to come back to the project. So, you know.

MR. TRAVER-Other questions, comments from members of the Board at this stage? Okay. So what, how I thought we should proceed, and I'm open to discussion on this, we have a draft resolution provided by Staff and Counsel. It is rather lengthy because it incorporates much of the work that we have done on this review in the six months that we've been looking at it, so it's clear for the record, I thought we would read it into the record and then at the end, before we vote, we'll have an opportunity for members of the Board to discuss it or question it or propose any changes to what's in this resolution and if we have none, then we will vote, and if we approve this resolution, then we will completed this aspect of our task and it will be forwarded to the Town Board to begin their process.

AUDIENCE MEMBER-Mr. Chairman, is there any opportunity for the public to speak?

MR. TRAVER-Excuse me. The public hearing is closed.

AUDIENCE MEMBER-Well is there any opportunity for the public to respond to any of the comments that were made?

MR. TRAVER-No, not at this point. There will be plenty when the Town Board, at the next meeting, but not at this meeting. This meeting the public hearing is closed. So are there any questions or discussion about what I'm suggesting with this motion? No? Okay. All right. Because of the length of this, the Secretary and I are going to kind of tag team this a little bit. So I will begin by reading the first part of it and then he will complete it and then we'll have discussion and vote.

RESOLUTION FORWARDING RECOMMENDATION TO TB FOR PRD #1-2024 &
PETITION OF ZONE CHANGE I-2024
APEX CAPITAL LLC/MOUNTAIN TOP VENTURES LLC
TAX MAP NO'S. 307.-1-29; 314.-1-3; 308.17-1-38 59 WEST MT. ROAD

WHEREAS, Apex Capital/Mountain Top Ventures submitted a zone change application to the Queensbury Town Clerk's office on or about February 12, 2024 to change the zoning from Residential Commercial to a Planned Resort Development (PRD) and;

WHEREAS, on March 4, 2024, the Town Board forwarded the West Mountain Development Partners, LLC's February 2024 application for a PRD entitled "Woods at West Mountain Planned Resort Development" to the Queensbury Planning Board for report and recommendation, with such report to also include recommendations regarding SEQRA review;

WHEREAS, the Planning Board acknowledges receipt on March 26, 2024 of an application submitted by Apex Capital LLC/Mountain Top Ventures LLC;

WHEREAS, the Planning Board consented to the Queensbury Town Board serving as the SEQRA Lead Agency for PRD 1-2024 for Apex Capital/Mountain Top Ventures on March 26, 2024;

WHEREAS, the Planning Board scheduled a public hearing and expanded the public hearing notification area from within 500 ft of the property to within 1000 ft on December 10, 2024,

WHEREAS the public hearing began on January 16, 2025, was continued on February 13, 2025, March 12, 2025 and April 10, 2025 and concluded April 10, 2025;

WHEREAS, as required by General Municipal Law Section 239-m the site plan application was referred to the Warren County Planning Department on December 31, 2024 for its recommendation and received an No County Impact (NCI) report dated January 16, 2025;

WHEREAS, the applicant proposes a 254 acre PRD 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. The project includes the following major components: (a) "Base Area Alpine Village" –mixed use retail and residential use, (b) Town House Development- 56 units, (c) "Hotel/Banquet/Spa Complex/Athletic Club" – 80 room hotel and amenities, (d) "Day- Use Lodge Area"- existing Northwest Mountain Lodge to be renovated and site amenities include an outdoor amphitheater, and (e) "Single Family Home Development -65 single family homes lots (64 new and one existing).

NOW, THEREFORE BE IT RESOLVED:

Pursuant to applicable sections of Town of Queensbury Zoning Code [Article 12 B and Chapter 179], the Planning Board is providing findings and recommendation based on the requirements as stated in the Zoning Code; and

Upon review of the Criteria for Evaluation as outlined in Section 179-12B-050(A)(5) of the Zoning Code, the Planning Board finds;

A. INTENT

A.1 Flexibility: The project may be considered to have flexible land use with year-round recreation with a focus on snow sports and a variety of land use types including but not limited to retail, single family homes, condominiums, apartments, restaurant, hotel. The applicant has discussed in both the application and in presentations that market demands for recreational use are for access to year-round activities. The PRD would be an active four-season recreation destination resort.

A2 Use and Dimensional Specification: If the Town Board approves the proposed amendment to Section A183-26(A)(4) as requested in the applicant's Petition for Change of Zone, slopes identified in the subdivision regulations as being 20% or greater would not be included in the overall density calculation due to the nature of a Skiing (snow sports) PRD as the area is noted for steep slopes specific to recreation.

The project details that development other than the recreational development associated with those slopes would be developed outside of the 20% slope area. On 1/16/2025, the Planning Board consented to include slopes of 20% or greater in the PRD zoning language change. Section 183 -26(A)(4) of the Town Code would be changed to "Slopes in excess of 20% shall not be subtracted for the density calculation in a Ski mountain Planned Resort District".

A3. Applicable Zone: The project change of zone from Recreation Commercial to Planned Resort Development (PRD). The Code allows for the request for a change to PRD in this zone.

A4. Benefits to residents or occupants of adjoining properties: The project as proposed does not intend to circumvent benefits to the residents or occupants of adjoining property owners for the change of zone and/or the activities and or development proposed.

B. OBJECTIVES

Objective B. (1) 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?

Planning Board Response:

The Planning Board would suggest the Town Board request a workforce housing component as the applicant has indicated if it is warranted it will be included. The project has indicated there is a mixed grouping of 126 apartments on the 2nd & 3rd floors, 126 stand alone apartments, 64 condominiums, 46 duplex and 65 proposed single family homes; (427 residential units & 80 hotel units).

Objective B. (2) 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?

Planning Board Response:

The Planning Board recognizes the existing recreational opportunities would remain -skiing/snowboarding, mountain biking, aerial adventures ropes course, tubing, hiking. New recreational facilities would include outdoor amphitheater, outdoor/indoor swimming, health/spa facilities and an athletic club to be added.

The Planning Board notes the amphitheater details would need to be provided during site plan/special use permit review and would include but not be limited to information about size of venue space, timing, event types, noise control, parking for visitors, employees and the like.

Objective B. (3) Does the project provide for the preservation of trees, outstanding natural topographic, environmentally sensitive areas and geologic features and the prevention of soil erosion?

Planning Board Response:

The Planning Board notes during site plan review verification information on grading for each housing type would be necessary, with direction to the applicant requiring a balance of steep slopes to remain for site stability and scenic nature of area.

The project plans indicate the development would be integrated into the landscape preserving topographic, woodland, scenic and other natural resources. In addition, the Planning Board notes during site plan/special use permit review specific disturbance area notations for cross section of slopes for road areas and buildings to be developed in each phase would be part of the review.

Objective B. (4) 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?

Planning Board Response:

The majority of the adjacent land is the existing West Mountain recreation facility which would be consistent with the PRD. The Planning Board notes site plan review would require information on buffers and additional test pits for specific developmental areas.

The land immediate surrounding the West Mountain existing development and proposed development to the east and south is single family home developments from 1974 through 2021. Properties to the north and west are sparsely developed residential.

Site access is from West Mountain and Corinth Road where properties along West Mountain are primarily residential, then from Corinth Road properties vary from residential, multiple industrial uses, retail, food service and lodging to the Northway. The applicant has indicated utilizing Northwest Road for access to proposed duplexes and adding a curb cut at the north portion of the property to align with Pitcher Road. The Planning Board suggest the Town Board should request supporting public transit for guests and employees to be incorporated with the design such as bus stops and pedestrian access to bus stop areas.

The Town Designated Engineer provided review of the traffic assessment in a letter of 5/21/2024 and road design in a letter of 9/12/2024. The TDE has noted discrepancies in both the trip generation and Level of Service (LOS) data provided in the application. The TDE further noted that (1) using the revised minor trip generation data is not expected to significantly affect the conclusions of the traffic analysis, and (2) that volume changes are not expected to significantly affect the conclusions of the traffic LOS analysis results. In regard to the road design for the project the TDE has indicated further review is anticipated.

Objective B. (5) 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 (179-3-040(8)(6) Recreation Commercial)?

Planning Board Response:

Recreation: The currently adopted Comprehensive Plan mentions the following as related to recreation. 1) Page 5 Indirectly Preface Recreation and Culture Strategy—recreational spaces and features for all ages and abilities. 2) Page 34 – Recreation Commercial district is intended to isolate, protect and encourage expansion of the recreation industry. 3) Page 48 indirect Objective 4 strategically positioning Queensbury as a premier destination for recreation....” 4) Page 67 indirect promote biodiversity while providing residents with essential outlets for outdoor recreation....”

Housing: The currently adopted Comprehensive Plan mentions the following as related to housing. 1) Page 12 indirectly 2019 Housing Strategy –This would involve making zoning changes that allow for a wider range of residential development.... And also encourages workforce housing 2) Page 58 indirectly Objective 3 encourage opportunities for home ownership... 3) Action 3.1 allow projects to have higher unit densities....4) Page 50 recommends stronger protection of slopes and streams/shorelines.

The applicant has indicated the project is consistent with the intent of the August 6, 2007 Comprehensive Plan, as stated on page 225 of the applicant’s document.

Recreation Commercial District Zoning: The PRD would be considered consistent with the purpose and objective of the RC District as the Recreation Commercial District is intended to isolate, protect and encourage expansion of the recreation industry. The PRD plans show the large-scale uses and the plan over five phases defining uses, intensities and the like.

Objective B. (6) Does the project provide a more desirable environment than would be possible through the strict application of other articles of this chapter?

Planning Board Response:

Proposing the change of zone from Recreation Commercial to PRD allows for residential use where the existing zoning does not allow for residential uses.

Objective B. (7) Does the project provide an adequate water supply and sewage disposal facilities, and drainage facilities shall be designed to maintain predevelopment off-site runoff?

Planning Board Response:

Water supply- The project site is partially within the Queensbury Water District and is anticipated to extend the District. The actual design has not been finalized and

would be updated to meet the fire flow requirements and any other requirements required by the Town of Queensbury Water Department. (page 9 of applicant's submission)

Sewage- The applicant has indicated the project wastewater plan includes construction of a subsurface sanitary sewer collection system and a wastewater treatment plant at the northeast corner of the proposed development as well as the southeast corner of the project area. (page 10-12 of applicant's submission). The applicant also identified an alternative for the project's sewer treatment system. The alternative method under consideration for disposing of sewage is to pump the treated effluent to the top of the mountain to an in-ground absorption field in the Town of Lake Luzerne. (page 11)

Stormwater- The project plans provide a conceptual stormwater management plan for the entire project Phases I-V. The types of infrastructure for stormwater management include but are not limited to green infrastructure, such as swales, rip rap, traditional structures, drain inlets, catch basins and the like. The applicant points out that during site plan review the stormwater management would be refined specific to the project work such as-single family homes, all multi family home projects, and commercial/retail, recreation project work (page 36-43 of applicant's submission). In addition, the applicant will attempt to improve upon existing off site stormwater runoff.

The Planning Board notes that the Town Designated Engineer provided a review letter of 5/21/2024 and provided comments on the stormwater conceptual design and anticipates further review for the detailed components;

Objective B. (8) Does the project provide scenic vistas, historic sites, and prevent disruption of natural drainage patterns.

Planning Board Response:

The project plans indicate the 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. (page 5 of applicant's submission)

Objective B. (9) Does the project utilize landscaping and building design to present a sense of community, of integrated color schemes, architectural styles and layout.

Planning Board Response:

The applicant has indicated the project will coordinate visual character between site landscape and building architecture – “alpine village ski resort community” (page 6 of applicants’ submission)

Objective B. (10) 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.

Planning Board Response: The predominant recreational use is downhill skiing. In addition, the project would promote a four-season recreation destination resort. The applicant has explained existing amenities would remain such as tubing course, ropes course, zip line and mountain biking. The addition of an outdoor amphitheater would be subject to site plan review. The Ratio information is as follows:

Total Land Area in the PRD	254.0 acres/100%
Total Land Area in the PRD dedicated to skiing trails, outdoor swimming pools and hot tubs (patios), outdoor amphitheater, indoor recreation (spa/swimming pool building), multi-use open space recreation (outdoor festivals and gathering), outdoor dining, and related support parking (i.e., at the day lodge)	197.67 acres/77.8%
Total Land Area in the PRD dedicated to residential, commercial/retail and support services	56.33 acres/22.22%

Objective B. (11) Does the project provide underground on-site utilities are required, including telephone, electric, cable, water distribution laterals and sewer collection laterals?

Planning Board Response:

The applicant has indicated all on-site utilities would be underground. (page 6 of applicant’s submission)

Objective B. (12) 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.

Planning Board Response:

The applicant has indicated light fixtures to be dark sky compliant on buildings and areas related to the buildings. During site plan review those fixtures would be

identified with footcandle averages for areas of development (page 6 of applicant's submission)

The recreational trails, including but not limited to ski trails, would 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. (page 6 of applicant's submission)

FURTHER RESOLVED THE PLANNING BOARD FINDS

AS IDENTIFIED SECTION 179-12B-050 A (5) THE RECOMMENDATION INCLUDES:

(a) That the proposal meets the intent and objectives of Planned Resort Development, as expressed in this Article.

(b) The proposal meet all the general requirements in this Article

(c) The proposal as designed is considered to be conceptually sound in that it meets a community and/or regional need and it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and to one another.

(d) The Planning Board finds 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.

(e) The project as proposed would be developed in accordance with the Comprehensive Plan and furthers the policies, goals and/or objectives of the Comprehensive Plan,

In addition, Whereas the Town Board referral requested the Planning Board recommendation in reference to State Environmental Quality Review Act (SEQRA) review finds upon review of the materials and discussion of the project due to the size of the project, the scope of the project, the duration of the project predicted at 10 years from concept to completion time, and the nature of the property, concerns about stormwater and traffic having been expressed, it would be beneficial and appropriate to consider preparation of an Environmental Impact Statement for review of the project.

MOTION TO MAKE A FAVORABLE RECOMMENDATION ON BEHALF OF THE PLANNING BOARD TO THE TOWN BOARD FOR PLANNED RESORT DEVELOPMENT 1-2024 AND PETITION OF ZONE CHANGE 1-2024 Introduced by Fritz Stefanick who moved for its adoption,

Motion was seconded by Kimberly Bullard. Duly adopted this 10th day of April, 2026, by the following vote:

MR. TRAVER-Okay. Now we can have discussion on this.

MR. UNCHER-I think I see a typo here that we probably ought to correct, if I'm reading it right. On Page Three, A2, Use and Dimensional Specs, If the Town Board approves the proposed amendment as requested in the applicant's Petition for Change of Zone, slopes identified as 20% or greater. So this is on Page Three, A2, Use and Dimensional Specs, If the Town approves the proposed amendment to Section, as requested, the applicant's Petition for Change of Zone, slopes identified in the subdivision regulations as being 20% or greater would not be included. I think that should be "would be" included in the overall density.

MR. TRAVER-No, actually there was a request that we consider that the 20% slopes not be included for density calculation purposes because of the nature of the PRD as proposed, and we discussed that at some length at one of our meetings, I apologize, I don't know which meeting it was, and we agreed that that was appropriate. So it might look like a typo, but it actually isn't.

MR. MONTGOMERY-Okay.

MR. TRAVER-Other questions, comments?

MRS. MC DEVITT-I mean I'm struggling with this. I think that as neighbors living through all of this for 10 years it's going to be difficult. I also, though, understand the predicament that the Mountain is in in terms of viability. The reason I'm saying this is because I think Site Plan Review will be very, very important in terms of density and all kinds of other things in terms of the retail development and all of the other development that goes on, on the face of that Mountain. So I'm just saying that as a sentiment about my conflicts from both sides about this whole thing.

MR. TRAVER-Yes, I agree. I mean certainly this part of our review is probably the easiest part of the project. When we get down to the nitty gritty and we're doing the analysis of it and site plan piecemeal, obviously we'll, and the applicant is certainly aware of that. So all of that is understood. Other questions, comments?

MRS. MOORE-I just had, at the top, the beginning of the resolution there's additional tax map numbers that need to be included.

MR. TRAVER-Okay.

MRS. MOORE-And they would be 314.-1-3 and then the third parcel is 308.17-1-38. I apologize for not catching that.

MR. TRAVER-So we need not read the entire resolution again. We can do a second as amended. Okay. Other discussion? Karen, can you give us a vote, please.

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

NOES: NONE

ABSENT: Mr. Stark

MR. TRAVER-You're off to the Town Board.

MR. LAPPER-We appreciate the time that you've given us. We know that once we get through the Town Board, we're going to have to roll up our sleeves and get into all the details with this Board and we're looking forward to doing that.

MR. TRAVER-We will look forward to it as well.

MR. HUNTINGTON-Thank you.

(Queensbury Planning Board 04/10/2025)

MR. MONTGOMERY-Thank you.

MR. TRAVER-So, Laura, I don't believe we have any other business before the Board tonight? With that, I guess I'll entertain a motion to adjourn.

MOTION TO ADJOURN THE QUEENSBURY PLANNING BOARD MEETING OF APRIL 10TH, 2025, Introduced by Brad Magowan who moved for its adoption, seconded by Fritz Stefanzick:

Duly adopted this 10th day of April, 2025, by the following vote:

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

NOES: NONE

ABSENT: Mr. Stark

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

On motion meeting was adjourned.

RESPECTFULLY SUBMITTED,

Stephen Traver, Chairman