

Town of Queensbury Planning Board
RESOLUTION –FORWARDING RECOMMENDATION OF
APPLICATION PLANNED RESORT DEVELOPMENT 1-2024, PETITION
OF ZONE CHANGE 1-2024 APEX CAPITAL/MOUNTAIN TOP
VENTURES.

Tax Map ID: 307.-1-29; 314.-1-3; 308.17-1-38 /

Address: 59 West Mountain Road / Zoning: RC

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 December10, 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 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 footcandles 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:

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

NOES: NONE

ABSENT: Mr. Stark