

## Staff Comments:

### Woods at West Mountain Planned Resort Development

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# Staff Review of Woods @ West Mountain PRD

## Summary Comments & Recommendations

- Attorney Lapper confirmed via email on 8/28/25 that the following 10 documents constitute the current project materials submitted by the applicant for Town Board review. The dates shown are the dates of submittal.
  - 2/1/24 Proposed Planned Resort Development (PRD): Woods at West Mountain
  - 2/1/24 - The Woods at West Mountain PRD, Responses to November 14, 2023 Comments on October 23, 2023 Submittal
  - 10/21/24 - The Woods at West Mountain PRD, Responses to November 14, 2023 Comments on October 23, 2023 Submittal
  - 12/4/24 - Van Dusen & Steves Slope Analysis map
  - 6/4/25 - Conceptual Hydrologic and Hydraulic Analysis for the Woods at West Mountain PRD. Dated June 3, 2025
  - 6/4/25 – Phase I Alpine Village Parking Site Plan. Dated June 2, 2025
  - 6/4/25 - Response to Comments, West Mountain PDD, Town of Queensbury, Warren County, New York; CM Project No. 122-064. Dated 5/6/25
  - 8/26/25 – Full Environmental Assessment Form, Parts 1 (revised 4/16/25), 2 and 3.
  - 8/26/25 - Suggested Responses to the Full Environmental Assessment Form Part 2
  - 8/26/25 - Suggested Part 3 Narrative to Be Included in Part 3b
- The Planning Board record of review consists of the following 9 documents:
  - 3/26/24 minutes
  - 5-23-24 minutes
  - 11-13-24 minutes
  - 12-10-24 minutes
  - 1-16-25 minutes (public hearing)
  - 2-13-25 minutes (public hearing)
  - 3-12-25 minutes (public hearing)
  - 4-10-25 minutes (public hearing & Town Board recommendation)
  - 4-10-25 Resolution of Recommendation to the Town Board
- The LaBella Town Designated Engineer (TDE) record of review consists of 4 documents:
  - 5/21/24 Planning Board Engineering Review
  - 5/21/24 Traffic Assessment Review

- 9/21/24 Planning Board Engineering Review
- 6/16/25 Planning Board Engineering Review
- Additional Materials
  - Ch. 179, Article 12B
  - 3/4/24 Town Board Res. 94, 2024 Referring to Planning Board
  - 5/1/24 Fire Marshal's Office Review
  - 1/6/25 Warren County Planning GML 239m review
- Please note that since the submittal of the original 2-1-24 application materials, all but one submittal from the applicant were submitted in digital format only.

#### General Recommendations

- Based on recent experience going through other past PUD approval files, **staff recommends that the Town Board require the applicant to consolidate all current and revised project information into one (1) document to be submitted in both bound hard copy and digital formats for review.** This document should consolidate all project submittals and incorporate all applicant responses to staff, TDE, Planning Board and Town Board comments to date. This revised document should help make further review of the project proposal easier for staff, the Town Board and the public.
- Staff comments, Town Designated Engineer recommendations, Planning Board recommendations and noted error and omissions in the application materials are shown below in **bold text**.

## 2/1/24 Application (Woods at West Mtn\_PRD REPORT\_2-1-24.pdf)

### Project Description (PDF Page 3)

- **The description should include discussion of the proposed Hudson River raw water intake line for snowmaking.**

#### B. Base Area Narrative (PDF Page 3-4)

- **The “man made water feature” description should also include its proposed use for stormwater management and as a reservoir for snowmaking.**
- **The number of parking spaces for the Alpine Village should reflect the 284 spaces shown on the June 2025 Parking Site Plan.**

- **The number of parking spaces noted for the four 3-story apartment buildings does not match what is noted in the Draft Amendment to Zoning Ordinance (Appendix M, PDF page 240)**

#### C. Townhouse development

- **The number of parking spaces noted for the four 3-story apartment buildings does not match what is noted on the Draft Amendment to Zoning Ordinance (Appendix M, PDF page 240)**

## General PRD Requirements (PDF page 7)

#### C. Allowed Uses and Base Residential Density

- [§179-3-040\(B\)\(6\)\(b\)\[1\]](#) prescribes a maximum density in the Recreation Commercial zoning district of 2,000 square feet of principal building per 15,000 square feet of land.
- [§179-12B-020\(C\) Planned Resort Development](#) states that “Base residential density (BRD) in a PRD is that density as permitted in the original district or districts in the current Zoning Ordinance. The residential density allowed in a PRD (PRD density) shall not exceed 100% of the original base residential density except as set forth below [referring to [§179-12B-020\(C\)\(1\) & \(2\)](#), which allows bonuses for LEED and Energy Star dwelling units].”
- [§A183-26\(A\)](#) of the Subdivision Regulations prescribes the formula for calculating base residential density in a zoning district.
  - Using this formula, staff estimates that the proposed total square footage of construction (residential and commercial) **is almost twice** that allowed in the Recreation Commercial zoning district under a traditional subdivision. Note that residential development is not allowed in the Recreation Commercial zoning district but is allowed in a PRD, and that density in this district is calculated by square feet of principle building per square feet of land, as noted above.
  - The density calculation provided by the applicant (PDF Page 7) does not use this formula. **The Town Board should request that the density calculations be revised per the formula provided at [§A183-26\(A\)](#).**
  - See the staff estimate of permitted density calculations on the following page.

254	Project site, acres	
1.05	Federal wetlands, including pond acres (source: NWI mapper)	Estimated by Town GIS analysis based on NWI data
14.22	Rock outcrops, acres	Source: 4/16/25 SEQRA FEAF
136.75	Estimated acres with slopes $\geq 20\%$	Applicant slope analysis
-	Area to be set aside for other public use, such as parkland	
12.00	Acres to be occupied by the proposed streets or right of ways	Source: staff estimate from centerline distance of main road x 50' ROW width; does not include areas needed for stormwater management
89.98	Net acreages for density calculations	Calculated per <a href="#">§A183-26</a> of Town Code
522,604	Estimated total square feet of construction allowed under traditional Recreation Commercial subdivision	Calculated per <a href="#">§A183-26</a> of Town Code using the RC zoning district density standard at <a href="#">§179-3-040(B)(6)(b)[1]</a>
1,019,600	Estimated square feet of total construction proposed	Based on Draft Amendment to Zoning Ordinance (PDF page 240)
195%	Proposed construction square footage divided by allowed square footage in traditional Recreation Commercial subdivision	

- The PRD application includes a Petition for Change of Zone application (Attachment Q at page 271) requesting that [§A183-26\(A\)\(4\)](#) “be changed to Slopes in excess of 20% shall not subtracted for the density calculation in ski mountain planned recreation districts.” Such a change would increase the net acreage for density calculations, thus allowing for  $>1.3M$  ft<sup>2</sup> of construction on the project site.
  - Note that the subtraction of slope areas required by [§A183-26\(A\)\(4\)](#) does not inherently prohibit development on slopes, but is instead intended to reduce the total allowed density on property with slopes.
  - [The 2024 Comprehensive Plan](#) includes the following discussion regarding development on slopes:
    - “In terms of development, there are high costs associated with building on areas with steep slopes, making them undesirable for new development. Sloped areas are prone to erosion and

instability. Many places limit development on steep slopes for safety reasons or to protect the views of the slopes as a natural amenity.” (Page 43)

- Environmental Sustainability, Objective 1, Action 1.1.1 recommends adopting of LID Committee zoning code changes regarding protection of steep slopes. (Page 50) The recommended code amendment would allow no construction, grading, excavation or other disturbance activity that results in a site disturbance of slopes  $\geq 20\%$  greater than 625 square feet or 5% of the total disturbed area, whichever is greater. (Page 258 of the [2024 Comprehensive Plan Appendices](#))
- The Town Board should note that the nearby Cerrone West Mountain Road Subdivision (Alessia Drive, Subdivision 2-2009) was approved with a no-cut restriction beginning above  $\pm 460'$  elevation to protect slopes and reduce visual impact. By comparison, the 460' elevation contour for this proposed PRD is approximately just immediately uphill of the proposed condominium buildings.
- The applicant's proposed amendment to [§A183-26\(A\)\(4\)](#) would render void the base density requirement at [§179-12B-0250\(C\)](#) for this project.
- **The Town Board should consider that, if approved, this change to [§A183-26\(A\)\(4\)](#) could have unintended consequences, including:**
  - **Contradicting the LID Committee recommended zoning language regarding construction on slopes that was noted in the 2025 Comprehensive Plan.** See discussion above.
  - **Applications for any future expansion or creation of new PRDs in the Recreation Commercial zoning districts.**
  - **Requests for similar density waivers from future subdivision applications on sloped properties throughout Town.**

## PRD Considerations (PDF Page 8)

### B. Adequacy of Water Service

- **The narrative should be amended to reflect that a water district extension is required for coverage of the entire project site.**
- **A Map, Plan and Report must be submitted with this PRD application.**
- In the comments dated 5/21/24 (*2240674.21\_Woods at West Mountain\_GENERAL L1.pdf*), the Town Designated Engineer (TDE) stated **“The Applicant shall provide an intent-to-serve letter from the water provider, indicating the service provider's ability to serve the project.”**

While no letter has been requested from or written by the Water Department, Superintendent Harrington has stated that the water system does currently have capacity to serve the proposed project.

#### C. Adequacy of Sanitary Wastewater Disposal

- The final location of the proposed wastewater effluent disposal has not been determined by the applicant, requiring Town review (including SEQRA) of both proposed options.
- In the comments dated 5/21/24 (*2240674.21\_Woods at West Mountain\_GENERAL L1.pdf*), the TDE stated **“The applicant will be expected to develop a Sanitary Sewer Report summarizing anticipated demand and sizing calculations for the subsurface sanitary sewer collection system and decentralized wastewater treatment plant.”** The Town Board should require this report to be submitted with the PRD application.
- **The Town Board should inquire as to what correspondence the developer has had to date with NYSDEC and the Town of Lake Luzerne regarding the required permitting for either proposed effluent discharge location.**

#### D. Adequacy of Transportation Systems

- The TDE has noted in a 6/16/25 review letter that traffic related concerns related to their review letter of 5/21/24 have been adequately addressed and the traffic review is complete.
- **The Town Board should ask that:**
  - **This narrative be updated to reflect the most current revised transportation study details, and that**
  - **A final consolidated Traffic Report be included as Attachment I.**

#### G. Density and Building Location

- **This narrative should include discussion of the no-cut no-build area proposed in Phase V (See Phase V Plan at PDF Page 28), including conceptual details for ensuring rooftops are not visible above the ridgeline.**

#### H. Potential Impacts on Local Government Services

- Spencer Montgomery stated at the 3/12/25 Planning Board meeting: “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.”

- **The Town Board should ask about the status of this additional economic analysis, and request that it to be submitted for review as part of Appendix N.**

I. Potential Impacts on Environmental Resources (PDF Pages 16-17)

- The environmental resources of concern should include the [Hemlock-Northern Hardwood Forest](#) and [Pitch Pine-Scrub Oak Barrens](#) designated significant natural communities identified in FEAR response E.2.n.i. The documents linked above indicate that both communities may be home to rare species. **The Town Board may wish to have the applicant submit a [project screening request to the New York Natural Heritage Program](#) for any project site-specific information on rare or endangered species.**
- The narrative regarding wetlands should also note that NYSDEC confirmation of jurisdictional wetlands has not yet been requested, as noted in FEAR Part I response E.2.h.iv.
- Regarding the stream, ***any required NYSDEC permits will be subject to SEQRA review as part of the coordinated SEQRA review of the Woods at West Mountain PRD project. The Town Board may require the applicant to submit detailed engineering plans to NYSDEC for jurisdictional and initial permitting review based on the June 2025 Parking Site Plan.***
- The “small pond” is considered a wetland and shoreline under the Queensbury Zoning Code and is subject to the requirements to [§179-6-050](#) and [§179-8-040](#) of Town Code. In the comments dated 5/21/24 (2240674.21\_Woods at West Mountain\_GENERAL L1.pdf), the TDE stated **“The Applicant to clarify if the USACE has provided concurrence of the wetland delineation and if a jurisdictional determination has been completed. If the USACE provides correspondence, the Applicant to provide a copy to the Town.”** The Town Board should require this recommended documentation be submitted with the application.

J. Ability of Lands to Support Proposed Development

- The application did include a test pit location map at PDF Page 19. The Phase IV narrative on PDF Page 39 states “No bedrock was encountered in the soil test pits (TP #5 and #6).” A comparison of the test pit locations with the Sheet S-1: Overall PRD Plan (PDF Page 23) and the Topographic Map (PDF



page 35) shows that test pits were not done in either Phase IV or Phase V areas of the project. Phase IV begins at  $\pm 800$  foot elevation, and TP #6 is shown on the Soil Test Pit Data (Attachment R, PDF Page 276) at approximately 650 feet elevation. **The Town Board may require the applicant to provide test pits in Phase IV and Phase V.**

- **The response narrative does not address the effects of slopes on the general ability of the land to support the development property, as required by [§179-12B-030\(J\)](#).**
  - The FEAF and the December 2024 Slope Analysis by Van Dusen & Steves (*W@WM SLOPES-Model 11-21-24.pdf*) provides the following slope data for the PRD project area:

Slope	% of PRD area	Acres
0-10%	11.9%	30.2
10-15%	8.9%	22.6
15-20%	25.4%	64.4
>20%	53.8%	136.8

- The Runoff Reduction Techniques discussion in the [2024 NYSDEC Stormwater Management Design Manual](#) offer the following guidance regarding development on slopes:
  - Development sites should be located to avoid sensitive resource areas such as floodplains, steep slopes, erodible soils, wetlands, mature forests and critical habitat areas. Buildings, roadways and parking areas should be located to fit the terrain and in areas that will create the least impact. A key benefit noted for this technique states “Preserving steep slopes and building on flatter areas helps to prevent soil erosion and minimizes stormwater runoff; helps to stabilize hillsides and soils and reduces the need for cut-and-fill and grading.”(Page 5-6)
  - Development on slopes with a grade of 15% or greater should be avoided, if possible, to limit soil loss, erosion, excessive stormwater runoff and the degradation of surface water. Excessive grading should be avoided on all slopes, as should the flattening of hills and ridges. Steep slopes should be kept in an undisturbed natural condition to help stabilize hillsides and soils. On steep slopes, new development, regrading, or stripping of vegetation must be minimized. (Page 5-7)

- In the comments dated 9/12/24 (*TDE Review\_Woods at West Mountain\_L2 .pdf*), the TDE stated “The proposed roadway up the mountain will include a number of switchbacks. As shown, it appears it may be possible to build this road with a constant slope of 10 percent (the maximum allowable per Town Code). However, the plans presented to date include the layout for the road and adjacent lots, but not the associated grading. The grading required to construct such a road would be significant, especially in the vicinity of the switchback turns. This grading may result in some of the lots shown being inaccessible from the roadway without extreme retaining walls or other grading measures. **We therefore recommend that the Town require the applicant to present a conceptual grading plan for the roadway and the adjacent lots that demonstrates that the currently shown lot layout is actually feasible and constructable.**”
- [The 2024 Comprehensive Plan](#) includes the following discussion regarding development on slopes:
  - “In terms of development, there are high costs associated with building on areas with steep slopes, making them undesirable for new development. Sloped areas are prone to erosion and instability. Many places limit development on steep slopes for safety reasons or to protect the views of the slopes as a natural amenity.” (Page 43)
  - Environmental Sustainability, Objective 1, Action 1.1.1 recommends adopting of LID Committee zoning code changes regarding protection of steep slopes. (Page 50) The recommended code amendment would allow no construction, grading, excavation or other disturbance activity that results in a site disturbance of slopes  $\geq 20\%$  greater than 625 square feet or 5% of the total disturbed area, whichever is greater. (Page 258 of the [2024 Comprehensive Plan Appendices](#))

## Attachment A: Master Plan (PDF Page 21)

- **The applicant should revise this to reflect the June 2025 Parking Site Plan**

## Attachment B: Phasing Plan and Drawings S-1 to S-7 (PDF pages 23-28)

- **Sheet S-1: Overall PUD Plan should be revised to reflect the June 2025 Parking Site Plan**

- **Sheet S-2: Phase I Plan should be revised to reflect the June 2025 Parking Site Plan**
- **Sheet S-6: Details should be provided in the Single Family Home Development project description Phase V narrative regarding how the road segments in the “No Cut/No Build Ridge line Buffer” would be constructed without within the proposed No Cut buffer without tree removal.**

## Attachment F: Conceptual Stormwater Management Plan (PDF Pages 36-42)

- **The stormwater management plan narrative should be updated to incorporate all updated conceptual designs and TDE comments to date.**
- The updated concept plans include that the pond will have an impermeable liner. The TDE has advised staff that without infiltration, the pond will require some type of outlet. **This should be noted in FEAF response D.1.h.v.**
  - In the comments dated 5/21/24 (*2240674.21\_Woods at West Mountain\_GENERAL L1.pdf*), the TDE stated “This project will require detailed and extensive grading plans to ensure adequate drainage throughout the site. Snowmelt from West Mountain may cause significant runoff within the vicinity of proposed structures.” Recall the above referenced 9/12/24 review letter from the TDE (*TDE Review\_Woods at West Mountain\_L2 .pdf*) that **recommended that the Town require the applicant to present a conceptual grading plan for the roadway and the adjacent lots that demonstrates that the currently shown lot layout is actually feasible and constructable.”**
- The TDE has advised staff that the updated conceptual stormwater management analysis they have reviewed does not incorporate either existing or proposed snowmaking activities in the hydraulic/hydrologic analysis and that the HydroCad models appear to utilize design storms only (i.e. no additional runoff consideration given to existing or proposed snowmaking). Residents of the Bedford Close neighborhood expressed concerns at the Planning Board public hearings about both existing and proposed runoff from the mountain. **The Town Board may require that a revised conceptual stormwater management plan be submitted that addresses runoff from both existing and proposed snowmaking activities on the project area.**
- Please see the TDE letter dated 6/16/25. Notable stormwater management recommendations from the TDE letter:

- 6. Pre and post-development stormwater runoff volumes should be provided.**
- 7. A stream stability assessment is recommended to confirm the stream can handle the increased hydraulic load without have downstream impacts.**
8. The applicant claims the required runoff reduction for the project will be achieved using infiltration practices with runoff reduction capacity. Each infiltration device will have an upgradient pretreatment device to filter sediment from the runoff. We note that pretreatment devices have not been included in the conceptual stormwater report or supporting stormwater calculations, however the applicant claims to have considered them spatially. **This aspect of the design cannot be adequately reviewed until a full grading plan is prepared.** Note that in a prior letter of 9/12/2024 (*TDE Review\_Woods at West Mountain\_L2.pdf*), the **TDE recommended that the Town require the applicant to present a conceptual grading plan for the roadway and the adjacent lots that demonstrates that the currently shown lot layout is actually feasible and constructable.**
- 10. Applicants should confirm if DEC wetland Permits are necessary regarding the vehicular stream crossings.**

#### Attachment H: Post-Development Ownership and Maintenance Plan (PDF Page 52)

- **The Board may request a map with this attachment that clearly illustrates the lands to be owned and managed by the Master HOA and the subordinate HOAs.**

#### Attachment I: Traffic Report (PDF pages 54-222)

- The TDE has noted in a 6/16/25 review letter that traffic related concerns related to their review letter of 5/21/24 have been adequately address and the traffic review is complete.
- **The Town Board should ask that this attachment be updated to reflect consolidated and current revised transportation study details.**

#### Attachment J: Market and Regional Demand Report (PDF Page 223)

- The applicant references a Confidential Market Study by Revpar International. A Summary of Findings and Conclusion from this market study is provided at Section 4.A. Need and Market Demand on PDF page 9.
- **The Town Board may request additional information from this market study if it requires additional evidence of how the principal recreational use and the**

particular mix of other land uses proposed in the PRD meets market or regional tourism demands. See [§179-12B-050\(A\)\(2\)\(a\)](#).

## Attachment K: Confirmation with the Town Comprehensive Plan (PDF pages 225-226)

- While the Planning Board did address consistency with the 2024 Comprehensive Plan in their review, the applicant has not in the applications materials submitted to date. This section refers to the now outdated 2007 Comprehensive Plan.
- **The Town Board should ask the applicant to update this section to address compatibility of the PRD with the recently adopted 2024 Comprehensive Plan.**

## Attachment M: Draft Amendment to Zoning Ordinance (PDF Page 240)

**Staff recommends that this table be renamed to *West Mountain PRD Zoning Requirements* to clearly indicate that these standards will only apply to the West Mountain project.**

- A note at the top of the page states “Section [179-12B-020](#) (Base Residential Density in a PRD) and [Article XI of Chapter A183](#) of Town Code (Subdivision of Land - Phasing) do not apply to the Proposed Woods at West Mountain PRD. See “Notes” for additional requirements or clarifications.” [links added]
  - [§179-12B-010A\(2\) \(Planned Resort Development – Intent and Objectives\)](#) explains the PRDs are for customizing use and dimensional specifications elsewhere in Chapter 179 (Zoning). The applicant cannot exempt itself – through this PRD application - from the requirements of either Article 12B (Planned Resort Development) or the requirements of the Subdivision Regulations. **This note should be removed.** Requested changes to those code sections can be appropriately addressed through a Petition for Change of Zone.
- Permitted Uses
  - Festival Area: The June 2, 2025 Parking Site Plan no longer shows the Festival Area/Units depicted on the February 1, 2024 Master and Phase I Plans. **The “Festival Area” table row should be removed from the Draft Amendment to Zoning Ordinance.**
- Density: Max # of Allowed Units:
  - Single Family: This figure should be 64 units, unless the Lone Oak Cabin/Race Team Start House is to be converted to a single family residence. **The Town Board should ask for clarification.**

- Townhouse: The table lists 46 units (23 duplex buildings), but both the February 2024 Master and Phase Plans depict 56 units/28 duplex buildings.  
**Either the Master and Phase Plans should be amended or the zoning table corrected to show accurate figures.**
- Allowable Lot Size (Min and Max): Minimum and maximum permitted lots sizes are proposed only for the single family, townhouse, condominium and free standing apartment uses.
- Minimum Setbacks: Minimum front, side and rear setbacks are proposed for only single family and townhouse structures.
- Minimum % Permeability: The project is proposing that only single family and townhouse lots would have permeability requirements.
- Maximum Allowed Building Cover %:
  - This term is not currently used in the Zoning Code, and should be defined
  - All structures as listed in the table would be allowed 100% lot coverage, with the exception of single family and townhouse structures
  - **The minimum % Permeability and Maximum Allowed Building Cover figures for single family and townhouse should be amended so that they total 100% for each use.**
- Maximum Building Height: **All figures in the table should be provided in feet.**
- Allocated Parking: The total proposed allocated parking in this table is more than the figure provided in the SEQRA FEAF at D.2.j.iii. A review of the parking proposed in the Draft Amendment to Zoning Ordinance, the project narrative and the revised Phase I parking plan indicate that ±1,179 parking spaces are proposed. **These figures should all be consistent with each other.**
- Maximum Sq Feet Allowable Space
  - The Day Use Ski Lodge is listed as proposing an expansion from the existing 1,938 ft<sup>2</sup> (Source: Assessing records) to up to 10,000 ft<sup>2</sup>. In correspondence dated 10/21/24, the applicant noted that the Day Use Ski Lodge is not proposed to be expanded and will remain at 1,938 ft<sup>2</sup>. **The table should be amended to reflect this.**
- Footnotes:
  - <sup>1</sup> States that “No minimum road frontage requirement is proposed for any land use type.”
    - This appears to refer to [§179-4-050B – Frontage on public or private streets](#): “Where private roads are proposed or where multiple principal buildings are proposed for one lot, such as, but not limited to, mixed-use developments, apartments or an office park, the minimum frontage on a public road for such use shall be the width of the right-of-way for a public collector street. Such development shall

provide actual physical access to and from each principal building to be built upon the property, for the purpose of ingress and egress to each principal building by emergency vehicles, such as fire trucks and ambulances.”

- Attachment No. 2 in the SEQRA FEAF lists the estimated total number of lots proposed, noting that the Alpine Village Lot (including apartment shops and ski lodge) will be a distinct lot. While no conceptual subdivision plans have been submitted, it appears that the Alpine Village lot would be the only lot in the PRD that would comply with the public road frontage requirements.
- **In lieu of a footnote, the applicant should add a Minimum Road Frontage (feet) column to the table to clearly illustrate which uses will and will not have such a frontage requirement in the PRD.**
- The Town Board should note [§179-4-050](#) requires frontage on a public street for single use lots, meaning that development of many of the lots proposed in the project (especially duplexed and single family homes) will require variances.
- <sup>2</sup> states that “No shoreline setback requirement is proposed for any land use type.” **In lieu of a footnote, the applicant should add a Shoreline setback (feet) column to the table to clearly illustrate that all proposed uses will have no shoreline setback requirement.**

## Attachment N: Fiscal Impact Analysis (PDF pages 242-250)

- Spencer Montgomery stated at the 3/12/25 Planning Board meeting: “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.”
- **The Town Board should ask about the status of this additional economic analysis, and request that it be submitted for review as part of this attachment.**

## Attachment O: Full Environmental Assessment Form ([21071\\_FEAF all 3 parts\\_Revised 4.16.2025.pdf](#))

General Notes:

This revision of the EAF was received on 8/26/25 and was not previously reviewed by either staff or the Planning Board. The last EAF version reviewed by the Planning Board was dated 3/11/25. The Planning Board resolution of recommendation was made on 4/10/25.

The applicant's Suggested Responses to the FEAF Part 2 (*21071\_Suggested Responses to FEAF Part 2 - 07.17.2025.doc*) suggest that additional reviews and permits by other SEQRA involved agencies will be conducted after Town Board approval of the PRD. Examples of NYSDEC environmental permits mentioned include:

- Individual Stormwater Permit for grading, drainage, stormwater management, erosion and sediment control
- Alteration of the stream channel
- Tertiary wastewater management system, including effluent outfall to either the Hudson River or to lands in Lake Luzerne

**The Town Board should required additional documentation from other involved agencies regarding the status of their reviews.**

Note that the applicant's suggested responses to the FEAF Parts 2 & 3 will not be reviewed by staff until Part 1 is complete and accurate.

Page 1

- A. Description of Proposes Action refers to Attachment No. 1., which lists the following approvals required:
  - Town Board approval:
    - Petition for Change of Zone from Recreation Commercial to Planned Resort Development along with code amendments
  - NYS DEC approval
    - Hudson River "raw water" line for snowmaking
    - Hudson River sanity sewer effluent discharge line
  - Town of Lake Luzerne approval for sanity sewer effluent discharge, if that option is selected.
- A review of the Government Approvals listed on Page 2 of the FEAF notes the following total approvals identified by the applicant:
  - Town Board approval:
    - Petition for Change of Zone from Recreation Commercial to Planned Resort Development along with code amendments
    - Water District Extension (approval of Map, Plan & Report)
  - Town Planning Board:
    - PRD Advisory opinion issued on 4/10/25



- Town Zoning Board of Adjustment
  - Variances from [§179-6-050](#) (Shoreline Regulations) and [§179-8-040](#) (Shoreline Buffers)
- Queensbury Water Department
  - Water District Extension
- Town of Lake Luzerne Planning Board
  - Site Plan approval for Phase 5 access Road
  - sanity sewer effluent discharge, if that option is selected.
- Warren County Planning Department:
  - GML 239-m review issued on 1/16/25
- Warren County Dept. of Public Works
  - Curb cut permits
  - ROW easements for sewage effluent line and “raw water” line for snowmaking
- NYS DEC
  - Stormwater Pollution Prevention Plan
  - Hudson River “raw water” line for snowmaking. Note that system layout details have not been submitted for review.
  - Hudson River sanity sewer effluent discharge line
- NYS Dept. of Health:
  - Subdivision approval
- Missing::
  - Queensbury Planning Board
    - Subdivision approval
    - Site Plan review approval
  - NYS Department of Labor
    - Approval for installation of the proposed new high speed detachable chairlift.
  - NYS DEC Permit:
    - Wetlands and/or stream approvals: In FEAF response E.2.h.iv. (Page 11), the applicant notes that a jurisdictional inquiry regarding NYSDEC regulated wetlands has not yet been submitted.
    - The application narrative discussion at PDF pages 16-17 of the February 2024 submittal (*Woods at West Mtn\_PRD REPORT\_2-1-24.pdf*) acknowledges that a DEC permit may be required for any proposed stream alterations.
- **Both the Project Description and Table B: Government Approvals should note all approvals necessary for the project.**

- **Table B, general note:** Applications dates (actual or projected) must be provided for all approvals noted.
- **B.a. & B.d.:** The water district extension approval should be listed under b.: Town Board approval required. A complete Map, Plan and Report must be submitted with the application.
- **B.i.i.** The response should be “yes.” The Hudson River – to be used for the proposed snowmaking raw water intake and effluent discharge – is a NYS Designated Inland Waterway.

#### Page 3

- **D.1.b.c.:** This figure must match the figures provided in E.1.b. on Page 9.
- **D.1.c.:** The total number of housing units proposed should be 437, as noted on the Master Plan on page 21 of the February 2024 submittal.
- **D.1.d.i.:** The response here should be “mixed,” referring to Attachment No. 2.
- **D.1.iii.:** The number of lots proposed and Attachment No. 2 should also include all lots to be owned by the HOAs, as described in the Post-Development Ownership and Maintenance Plan on page 53 of the February 2024 submittal. The Town Board may request a conceptual subdivision plan to clearly illustrate the lots to be created.

#### Page 4

- **D.1.f.:** The total of all dwelling units at completion of all phases calculates to 426, which differs from both the response at D.1.c. (427) and the total number of units as shown on the Master Plan on page 21 of the February 2024 submittal (437).
- **D.1.h.i.:** The response here should also note the use of the pond in stormwater management (as noted in D.2.b.i) and as a storage reserve for snowmaking (as stated at the 3/26/24 Planning Board meeting).
- **D.1.h.iv.:** Estimated volume and surface area figures should be provided.
- **D.1.h.v.:** Since the pond is proposed to have an impervious liner, the Town Engineer has advised that an outlet will be required. That should be noted here and in conceptual stormwater plan documents.
- **D.2.b.i.:** Should also note the proposed encroachment on the stream for the Phase I parking.

#### Page 5

- **D.2.b.**

- *i.* The response here should also note the use of the pond as a storage reserve for snowmaking (as stated at the 3/26/24 Planning Board meeting).
- Responses are required on items *ii.* through *v.*
- **D.2.c.:** Response should also reflect the proposed use of Hudson River water for snowmaking. Attach additional sheets as necessary.

Page 6

- **D.2.d.v.:** Response should also address alternative effluent disposal on the west side of the mountain.
- **D.2.e.i:** The figure for impervious area should be the same as that provided in E.1.b.
- **D.2.e.iii.:** As noted in the 6/16/25 engineering review letter from LaBella Associates, the conceptual post-development “runoff volumes have not been provided...”

Page 7

- **D.2.h.i. and ii.:** Responses should be provided
- **D.2.j.iii:**
  - The response of 760 parking spaces proposed is incorrect. A review of the project description (PDF Pages 3-4), the Draft Amendment to Zoning Ordinance (PDF page 240 of Woods at West Mtn\_PRD REPORT\_2-1-24.pdf) and the revised Parking Site Plan (20171\_Parking\_Site\_Plan\_converted.pdf) shows that the actual number of proposed parking spaces is  $\pm 1,195$ .
  - The Town Board may ask that (a) the number of existing parking spaces for the Northwest Lodge and (b) calculations for proposed parking by Phase based on the Draft Amendment to Zoning Ordinance be provided to support the responses given.
  - **D.2.j.viii.:** The response here contradicts Page 13 of the February 2024 submittal, which states that “There are no proposed pedestrian connectors that will allow access to adjacent off-site uses or pedestrian circulation systems since none exist or are practical to propose.”

Page 8

- **D.2.n.i.:** The response does not acknowledge any trail lighting proposed for the new ski trails noted in Attachment No. 1 – Project Narrative.
- **D.2.n.ii.:** The response should acknowledge that the applicant stated at the 11-13-24 and 12-10-24 Planning Board meetings that terracing of the existing topography would be required during construction on slopes.

- **D.2.r.i. through iii.: Response are required.**

Page 9

- **E.1.b.:**
  - **The figures provided must match those at D.1.b.**
  - **The wetland figures response should be based on the figures provided in E.2.h.iv., which identifies 0.6 acres of existing wetlands.**

Page 11

- **E.2.h.iv.: Confirmation of the location of any NYS regulated wetlands on the project site must be confirmed by NYSDEC.**

Page 12

- **E.2.n.i.: The [Hemlock-Northern Hardwood Forest](#) and [Pitch Pine-Scrub Oak Barrens](#) designated significant natural communities may be habitats for rare species, as noted in the above linked documents. The Town Board may wish to have the applicant submit [a project screening request to the New York Natural Heritage Program](#) for any project site-specific information on rare or endangered species.**
- **E.2.m.: Public comment 1/16/25 PB Meeting: “This project will ....encroach on special habitats including the nesting area of the Eastern, whip-poor-will and the home of the Karner Blue Butterfly. The whip-poor-will is a ground nesting bird that was once common in New York State and now listed as a bird of “special concern” by the NYS Department of Environmental Conservation. The birds nest in the field near the Triple Chair and can be heard from May to mid September. The project as outlined would wipe out their nesting grounds. The Karner Blue Butterfly lives with the lupine in front of the triple chair. It is an endangered species in NYS and on the federal level.”**
- **From the [NYSDEC SEQRA Workbook](#): “A field inventory to identify species may be needed if no information is obtainable from the data sites recommended in the [\[NYSDEC SEQRA Workbook\]](#) or literature. **Field surveys may also be needed when the project site or project is very large and may have opportunities for different species habitats, or if a taking of a species is proposed. A field inventory could identify the habitat types that occur on the site and that may be adequate to identify the predominant wildlife species that may be present.”****

- E.2.e. through g.: A review of the [NYS Cultural Resource Information System](#) shows that SHPO Consultation Project Number: 22PR06256 was created for this PRD project site. **The Town Board should require that the applicant submit all correspondence from the NYS Historic Preservation Office regarding their consultation review to support the responses provided.**

### Attachment P: Correspondence

- **All correspondence related to the responses in FEAF Part 1 should be included in this attachment.**

### Attachment Q: Draft Petition for Change of Zone

- **Page 3, Item 9.b: Responses are required**

### Attachment R: Soil Test Pit Data

- A comparison of the test pit locations with the Sheet S-1: Overall PRD Plan (PDF Page 23) and the Topographic Map (PDF page 35) shows that test pits were not done in either Phase IV or Phase V areas of the project. Phase IV begins at ±800 foot elevation, and TP #6 is shown on the Soil Test Pit Data (Attachment R, PDF Page 276) at approximately 650 feet elevation. **The Town Board may require the applicant provide test pits in Phase IV and Phase V.**

### Other Recommended Attachments

- **The Town Board should require the applicant to provide a conceptual raw water intake and distribution system layout, similar to the wastewater treatment system layout in Attachment G.**

## Planning Board Resolution of 4/10/25 [Resolution Recommendation to TB for PUD 1-2024 Apex Capital Mtn Top Ventures\_4 10 25.pdf]

Recommendations for additional information:

- **§179-12B-010(B)(1)**: “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.”
- **§179-12B-010(B)(4)**: “The Planning Board suggests 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.”
- **SEQRA Review**: “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.”

Supplemental information submitted on June 4, 2025

## Conceptual Hydrologic and Hydraulic Analysis, dated June 3, 2025 (2025.06.03 - Conceptual Hydrologic and Hydraulic Analysis.pdf)

- Page 1: “Stormwater Management Practices were conceptually designed for each of the aforementioned development components, with the understanding that individual Stormwater Management Plans will be prepared to treat runoff generated from the house structures for each **of the 15 single-family lots.**” [emphasis added]  
This appears to reference Phase V development as presented in the February 2024

submittal. However, the applicant has stated that only 14 lots in Phase V will be developed.

- **The Town Board should seek clarification from the applicant as to whether or not the Lone Oak Cabin will be converted to a single family home.**
- Page 3: The Description of Proposed Development
  - Does not list any proposed Phase V development. While this updated analysis states that the Phase V lots will be subject to individual stormwater management plans, there is no discussion of how stormwater for the Phase V roads will be addressed. **The Town Board should request a revised stormwater management plan to address Phase V roads stormwater management.**
  - **States that “Two-foot bridges are also proposed over the stream to provide access from a parking lot to one of the apartment buildings.” Three foot bridges are shown on the Parking Site Plan.**
- Page 4:
  - Table 1: Site Coverage
    - **The calculated totals of existing/proposed impervious plus pervious acreage do not match.**
    - **The total calculated site acreage of +329.94 acres exceeds the PRD project size of 254 acres as stated in the February 2024 submittal.**
  - Construction phasing:
    - **The applicant has not provided to date the acreage of each phase of the project.**

## Zoning Variances

[§179-12B-010\(A\)\(2\)](#) and [§179-12B-050\(A\)\(2\)\(f\)](#) of the Zoning Code enable and prescribe that applicants requesting approval of a Planned Resort Development shall present custom area and use standards for a proposed project.

In the SEQRA FEAF Part I, the applicant states at Table B.b. that variances from [§179-6-050](#) (Shoreline Regulations) and [§179-8-040](#) (Shoreline Buffers) will be required from the Zoning Board of Appeals.

A preliminary review of the June 2025 Parking Site Plan ([20171\\_Parking\\_Site\\_Plan\\_converted.pdf](#)) shows that variances from the following Zoning Code sections would be required for the proposed design:

- [§179-6-050\(B\)\(1\)\(a\)](#)
- [§ 179-6-050\(B\)\(1\)\(b\)](#)
- [§179-6-050\(D\)\(2\)\(e\)\[2\]](#)
- [§179-6-050\(D\)\(2\)\(f\)\[1\]](#) does not allow stream crossings or stream bed disturbances for buildings, hardscaping or parking areas as proposed in Phase 1 of the project.
- [§179-6-050D\(2\)\(f\)\[4\]](#) states that “the number of crossings shall be limited to one per site per stream.”
  - 6 stream crossings are proposed:
    - 1 culvert under the private main road and a driveway to apartment parking.
    - 3 crossings to access an 18 unit apartment building.
    - 2 crossings in driveways in the main parking lot.
- [§179-8-040\(B\)\(1\)\(b\)](#) prescribes a minimum shoreline buffer of an effective 35 feet horizontal width measurement from the shoreline of DEC classified streams and all regulated wetlands. The revised Parking Site Plan does not appear to comply with the buffer requirements, showing both hardscaping and two apartment buildings within the required shoreline buffer area.

It is unclear why the applicant would present a PRD proposal that fails to include custom area requirements applicable to all elements of the proposed project, necessitating future variance applications.

**The Town Board should require the applicant to present custom zoning area standards that address all aspects of shoreline regulations and buffers applicable to their proposed conceptual project design.**

The Town Board should also note [§179-4-050](#) requires frontage on a public street for single use lots, meaning that development of many of the individual lots proposed in the project (especially for duplexes and single family homes on the private roads) would require variances. **The Town Board should discuss this with the applicant, as this may create an unnecessary burden on the futures purchasers/developers of these lots.**

## Waivers and Exemptions from the Subdivision Regulations (Chapter A183)

- A note at the top of the Draft Amendment to Zoning Ordinance (PDF Page 240 of the February 2024 submittal) states that “[Article XI of Chapter A183 of Town Code \(Subdivision of Land\)](#) do not apply to the Proposed Woods at West Mountain PRD.”



**The Town Board could consider amending Chapter A183 upon the applicant petitioning the Town Board or the applicant may request waivers from the Planning Board at subdivision review.**

- In February 2024 correspondence with staff, the applicant stated their intention to request Planning Board waivers from the following requirements of Chapter A183 of Town Code:
  - [§A183-27\(K\)](#) Street entrances to subdivision
  - [§A183-50 Waivers](#). Granting such a waiver which would effectively allow all elements of the project design to vary from any and all of the requirements of the subdivision regulations. See [Chapter A183, Article IX: Design Standards](#).

**The Town Board should request the applicant to provide a detailed list of all waivers from Chapter A183 that are to be requested along with any proposed alternative design standards. The Board could then consider whether these waivers and alternative design standards are consistent with the [Intent and objectives of Article 12B](#) and [the stated policies of the subdivision regulations](#).**