

*QUEENSBURY PLANNING BOARD MEETING*

*SECOND REGULAR MEETING*

*MARCH 26<sup>TH</sup>, 2024*

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THESE ARE NOT OFFICIALLY ADOPTED MINUTES AND ARE SUBJECT TO BOARD AND STAFF REVISIONS. REVISIONS WILL APPEAR ON THE FOLLOWING MONTH'S MINUTES (IF ANY) AND WILL STATE SUCH APPROVAL OF SAID MINUTES.

QUEENSBURY PLANNING BOARD MEETING  
SECOND REGULAR MEETING  
MARCH 26<sup>TH</sup>, 2024  
7:00 P.M.

MEMBERS PRESENT

STEPHEN TRAVER, CHAIRMAN  
ELLEN MC DEVITT, VICE CHAIRMAN  
DAVID DEEB  
WARREN LONGACKER

MEMBERS ABSENT

BRAD MAGOWAN  
BRADY STARK  
FRITZ STEFANZICK

LAND USE PLANNER-~~LAURA MOORE~~

STENOGRAPHER-~~MARIA GAGLIARDI~~

MR. TRAVER-Welcome to the Town of Queensbury Planning Board meeting for Tuesday, March 26th, 2024. This is our second meeting for the month of March and our sixth meeting thus far for 2024. I apologize for starting the meeting a few minutes late. We do have a few administrative items this evening. Let's see, and before I go through that, I want to remind you, if you notice the illuminated exit signs. Those are the emergency exits in the event that we have to evacuate the building. 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 interrupt our proceedings, we would appreciate that. We also ask that, if during the meeting you wish to have a conversation amongst yourselves, if you would just go to the outer lobby for that. We do record the meeting for the minutes and if you're having a conversation the microphone can pick that up and it can be confusing later when the minutes are trying to be transcribed. With that we'll begin with Administrative Items. The first is Site Plan 69-2022 and Petition of Zone Change 5-2022, Garden World Associates.

ADMINISTRATIVE ITEMS:

**SITE PLAN 69-2022 & PETITION OF ZONE CHANGE 5-2022 GARDEN WORLD ASSOCIATES  
- REQUEST FOR A ONE YEAR EXTENSION**

MR. TRAVER-They're requesting a one year extension Laura?

MRS. MOORE-So they're requesting a one year extension. They are still working on combining the lots and then being able to start the project. So they've requested a one year extension.

MR. TRAVER-Okay. Any questions, comments, concerns regarding that request from members of the Board? Hearing none I believe we have a draft resolution.

**RESOLUTION GRANTING A ONE YEAR EXTENSION SP # 69-2022 & PETITION OF ZONE  
CHANGE 5-2022 GARDEN WORLD ASSOCIATES**

Applicant proposed a parking lot expansion on a 1.09 acre parcel with included site work for additional hard surface and permeable asphalt. The Planning Board approved this project on March 30, 2023. The applicant is requesting a one year extension, valid until March 30, 2025.

**MOTION TO APPROVE A ONE YEAR EXTENSION FOR SITE PLAN 69-2022 & PETITION OF  
ZONE CHANGE 5-2022 GARDEN WORLD ASSOCIATES.** Introduced by David Deeb who moved for  
its adoption, seconded by Warren Longacker.

Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mr. Deeb, Mrs. McDevitt, Mr. Longacker, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanzick

MR. TRAVER-The next administrative item is Subdivision Preliminary 1-2024 for David Howard.

**SUBDIVISION PRELIMINARY 1-2024 DAVID HOWARD – TABLE TO MAY 16, 2024**

MR. TRAVER-They're requesting a tabling until May 16<sup>th</sup> of this year. Laura?

MRS. MOORE-So they're still trying to evaluate the stormwater and they wanted to camera the pipes. It's a little bit off, due to our weather. So he's waiting to be able to do that and hopefully he'll be able to do that in early May.

MR. TRAVER-Okay. Understood. Any questions, concerns with that request? Okay. We have a draft resolution.

**RESOLUTION TABLING SUB # 1-2024 PRELIMINARY STAGE DAVID HOWARD**

WHEREAS, the applicant proposes a two lot subdivision of a 25.78 acre parcel. The parcel would be divided into 24.70 acres and 1.08 acres. The project is located in the MDR zone which requires 2 acres for lots without sewer and water together.

**MOTION TO TABLE SUBDIVISION PRELIMINARY 1-2024 DAVID HOWARD.** Introduced by David Deeb who moved for its adoption,

Tabled to the May 16, 2024 Planning Board meeting.

Motion seconded by Ellen McDevitt. Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mr. Longacker, Mr. Deeb, Mrs. McDevitt, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-Thank you, and next we have Site Plan 18-2023 for Hudson Headwaters Health Network.

**SITE PLAN 18-2023 HUDSON HEADWATERS HEALTH NETWORK – REQUEST FOR A ONE YEAR EXTENSION**

MR. TRAVER-They're requesting a one year extension. Laura?

MRS. MOORE-So this applicant hasn't started this particular project yet and they're actually coming in for a new project at that site. So they just wanted to preserve the right for the 2023 project before they go before the Board for the 2024 project.

MR. TRAVER-So would that be a Site Plan modification, or would the old one go away?

MRS. MOORE-Right. It'll replace it.

MR. TRAVER-Replace it. Okay. All right. Any questions, concerns with that request? We have a draft resolution, I believe.

**RESOLUTION GRANTING A ONE YEAR EXTENSION SP # 18-2023 HUDSON HEADWATERS HEALTH NETWORK**

Applicant proposed a modification to the existing 7,132 sq. ft. building in order to construct 598 sq. ft. of new entrance and stairwell area on the North and South side of the building. Applicant also proposed a full second story addition to the existing 7, 132 sq. ft. building. The project includes additional parking, updated stormwater management, landscaping and lighting.

The Planning Board approved this project on March 30, 2023.

**MOTION TO APPROVE A ONE YEAR EXTENSION FOR SITE PLAN 18-2023 HUDSON HEADWATERS HEALTH NETWORK.** Introduced by David Deeb who moved for its adoption, seconded by Ellen McDevitt.

Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mrs. McDevitt, Mr. Longacker, Mr. Deeb, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-The Administrative Item for the Apex Capital project we're going to hold on that. One of their representatives is not here yet. So we've been asked to wait on that for a little bit. So we'll move on, for now, to Old Business. The first item is Geraldine Eberlein, Site Plan 5-2023.

OLD BUSINESS:

SITE PLAN NO. 5-2023 SEQR TYPE: TYPE II. GERALDINE EBERLEIN. AGENT(S): STUDIO A. OWNER(S): SAME AS APPLICANT. ZONING: WR. LOCATION: 12 SEELYE ROAD NORTH. (REVISED) APPLICANT PROPOSES DEMOLITION OF AN EXISTING HOME AND GUEST COTTAGE TO CONSTRUCT A NEW HOME WITH A FOOTPRINT OF 2,411 SQ. FT., AN OUTDOOR KITCHEN OF 234 SQ. FT. AND A NEW FLOOR AREA OF 3,343 SQ. FT. THE PROJECT INCLUDES ASSOCIATED SITE WORK FOR NEW PERMEABLE DRIVEWAY, STORMWATER MANAGEMENT AND SHORELINE LANDSCAPING. THE PROJECT INCLUDES INSTALLATION OF A NEW SEPTIC SYSTEM ON THE ADJOINING PROPERTY. PURSUANT TO CHAPTER 179-3-040, 179-6-065, 179-6-050, SITE PLAN FOR NEW FLOOR AREA IN A CEA AND HARD SURFACING WITHIN 50 FT. OF THE SHORELINE SHALL BE SUBJECT TO PLANNING BOARD REVIEW AND APPROVAL. VARIANCE: RELIEF IS SOUGHT FOR SETBACKS, FLOOR AREA AND PERMEABILITY. THE PLANNING BOARD SHALL PROVIDE A RECOMMENDATION TO THE ZONING BOARD OF APPEALS. CROSS REFERENCE: AV 70-2007, AV 4-2023. WARREN CO. REFERRAL: FEBRUARY 2023. SITE INFORMATION: CEA, APA, LGPC. LOT SIZE: 0.31 ACRE. TAX MAP NO. 227.17-1-25, 227-17-1-24 (SEPTIC). SECTION: 179-3-040, 179-6-065, 179-6-050.

MR. TRAVER-I understand, Laura, that this is to be tabled to April 16<sup>th</sup>.

MRS. MOORE-Correct.

MR. TRAVER-Okay. Is there any additional comment regarding that tabling, or just waiting for additional information?

MRS. MOORE-In regards to this one, they're waiting for a full Board.

MR. TRAVER-Okay. All right. Questions, comments from members of the Board regarding that request? I believe we have a draft resolution. There's also a public hearing on this application. Although it's being tabled, we will open the public hearing and we will leave it open until this application returns next month.

**PUBLIC HEARING OPENED**

RESOLUTION TABLING SP # 5-2023 GERALDINE EBERLEIN

(Revised) Applicant proposes demolition of an existing home and guest cottage to construct a new home with a footprint of 2,411 sq. ft., an outdoor kitchen of 234 sq. ft. and a new floor area of 3,343 sq. ft. The project includes associated site work for new permeable driveway, stormwater management, and shoreline landscaping. The project includes installation of a new septic system on the adjoining property. Pursuant to Chapter 179-3-040, 179-6-065, 179-6-050, site plan for new floor area in a CEA and hard surfacing within 50 ft. of the shoreline shall be subject to Planning Board review and approval. Variance: Relief is sought for setbacks, floor area and permeability. The Planning Board shall provide a recommendation to the Zoning Board of Appeals.

MOTION TO TABLE SITE PLAN 5-2023 GERALDINE EBERLEIN. Introduced by David Deeb who moved for its adoption, seconded by Warren Longacker.

Tabled until the April 16, 2024 Planning Board meeting.

Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mr. Deeb, Mrs. McDevitt, Mr. Longacker, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-The next item on our agenda is AEC Solar Energy Corp. This is Site Plan 14-2024. Laura?

MRS. MOORE-Is someone here for the solar project? They're not.

MR. TRAVER-They're not. Okay. Then we will wait on that one as well. We'll move on to the next application which is Redbud Development. This is Site Plan 13-2024.

SITE PLAN NO. 13-2024 SEQR TYPE: TYPE II. REDBUD DEVELOPMENT. AGENT(S): REDBUD DEVELOPMENT. OWNER(S): LAKE PARKWAY RETREAT, LLC. ZONING: WR. LOCATION: 226 LAKE PARKWAY. APPLICANT PROPOSES TO CONSTRUCT A 565 SQ. FT. PAVILION ADDITION TO AN EXISTING HOME AND TO ALTER TWO OF THE HOME'S DORMERS. PROJECT WORK INCLUDES IMPROVING THE SITE'S PERMEABILITY, A NEW PLANNING PLAN, UPDATED PATIO WALKWAY AREAS, RETAINING WALL, AND NEW BOULDER WALLS. THE PROJECT ALSO INCLUDES EXISTING AND NEW STORMWATER MANAGEMENT. THE SHORELINE AREA WILL BE IMPROVED WITH A PLANTINGS AND A RETAINING WALL. PURSUANT TO CHAPTERS 179-3-040, 179-6-065, 179-6-080 & 179-6-050, SITE PLAN FOR NEW FLOOR AREA IN A CEA AND HARD SURFACING WITHIN 50 FT. OF THE SHORELINE SHALL BE SUBJECT TO PLANNING BOARD REVIEW AND APPROVAL. CROSS REFERENCE: AV 72-2005, SP 53-2005, AV 16-2024. WARREN CO. REFERRAL: MARCH 2024. SITE INFORMATION: CEA, L G P C, APA. LOT SIZE: 0.62 ACRES. TAX MAP NO. 226.19-1-82. SECTION: 179-3-040, 179-6-065, 179-6-080, 179-6-050.

MR. TRAVER-They're also requesting to be tabled to the April 16<sup>th</sup> Planning Board meeting. Laura?

MRS. MOORE-Yes. They weren't able to show up to their Zoning Board meeting last week. So they're showing up to this week's Zoning Board meeting. So that pushes the Planning Board item off to April.

MR. TRAVER-Interesting. Okay. Questions regarding that request? Okay. We have a draft resolution somewhere.

#### RESOLUTION TABLING SP # 13-2024 REDBUD DEVELOPMENT

Applicant proposes to construct a 565 sq. ft. pavilion addition to an existing home and to alter two of the home's dormers. Project work includes improving the site's permeability, a new planting plan, updated patio walkway areas, retaining wall, and new boulder walls. The project also includes existing and new stormwater management. The shoreline area will be improved with plantings and a retaining wall. Pursuant to chapters 179-3-040, 179-6-065, 179-6-080 & 179-6-050, site plan for new floor area in a CEA and hard surfacing within 50 ft. of the shoreline shall be subject to Planning Board review and approval.

MOTION TO TABLE SITE PLAN 13-2024 REDBUD DEVELOPMENT. Introduced by David Deeb who moved for its adoption, seconded by Ellen McDevitt.

Tabled until the April 16, 2024 Planning Board meeting.

Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mr. Longacker, Mrs. McDevitt, Mr. Deeb, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-The next item on our agenda is Mary Sicard, which is Site Plan 78-2023, Petition of Zone Change 5-2023 and Special Use Permit 5-2023.

SITE PLAN NO. 78-2023 PETITION OF ZONE CHANGE 5-2023 SPECIAL USE PERMIT 5-2023 SEQR TYPE: TYPE I. MARY SICARD. AGENT(S): RU HOLMES ENGINEERING, PLLC. OWNER(S): SAME AS APPLICANT. ZONING: CLI. LOCATION: 340 AND 366 QUEENSBURY AVENUE. APPLICANT PROPOSES TO USE A PORTION OF AN 8.51 ACRE PARCEL TO CONTINUE USE FOR A STORAGE YARD (I.E. BOATS AND VEHICLES). THE TWO EXISTING BOAT STORAGE BUILDINGS AND RESIDENCE TO REMAIN UNCHANGED. THE PROJECT INCLUDES A PLANTING PLAN ALONG THE FRONT YARD AREA. THE PROJECT ALSO INCLUDES A ZONE CHANGE TO ADD STORAGE YARD AS AN ALLOWED USE IN THE CLI ZONE AS A SITE PLAN AND SPECIAL USE PERMIT TO INCLUDE PREPARING ITEMS FOR STORAGE. PURSUANT TO CHAPTER 179-3-040, 179-10-040, & 179-5-100, SITE PLAN AND SPECIAL USE PERMIT SHALL BE SUBJECT TO PLANNING BOARD REVIEW AND APPROVAL. THIS PROJECT IS SUBJECT TO COORDINATED SEQR REVIEW WITH THE TOWN BOARD. THE PLANNING BOARD TO ACCEPT LEAD AGENCY, CONDUCT SEQR, AND PROVIDE A RECOMMENDATION TO THE TOWN BOARD. CROSS REFERENCE: N/A. WARREN CO. REFERRAL: JANUARY 2024. SITE INFORMATION: AIRPORT AREA. LOT SIZE: 8.51 ACRES. TAX MAP NO. 297.20-1-2.1. SECTION: 179-3-040, 179-10-040, 179-5-100.

MR. TRAVER-This application is also be tabled to the April 16 Planning Board meeting. Laura?

MRS. MOORE-So we're going to table until April 25<sup>th</sup>, which is our third Planning Board meeting.

MR. TRAVER-April 25<sup>th</sup>. Okay.

MRS. MOORE-And they still need receive their approvals from the Town Board, and that is scheduled for April, there's two meetings in April for them and for the Town Board and then they'll be before the Planning Board at the third meeting.

MR. TRAVER-Okay. All right. So tabled to April 25. Any questions, concerns regarding that request? We have a draft resolution.

RESOLUTION TABLING SP # 78-2023 PETITION OF ZONE CHANGE 5-2023 & SPECIAL USE PERMIT 5-2023 MARY SICARD

Applicant proposes to use a portion of an 8.51 acre parcel to continue use for a storage yard (i.e. boats and vehicles). The two existing boat storage buildings and residence to remain unchanged. The project includes a planting plan along the front yard area. The project also includes a zone change to add storage yard as an allowed use in the CLI zone as a site plan and special use permit to include preparing items for storage. Pursuant to chapter 179-3-040, 179-10-040 & 179-5-100, site plan and special use permit shall be subject to Planning Board review and approval. This project is subject to coordinated SEQR review with the Town Board. The Planning Board to accept lead agency, conduct SEQR, and provide a recommendation to the Town Board.

MOTION TO TABLE SITE PLAN 78-2023, PETITION OF ZONE CHANGE 5-2023 & SPECIAL USE PERMIT 5-2023 MARY SICARD. Introduced by David Deeb who moved for its adoption, seconded by Warren Longacker.

Tabled until the April 25, 2024 Planning Board meeting.

Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mr. Deeb, Mrs. McDevitt, Mr. Longacker, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-All right. Thank you, and Schermerhorn Construction, we're still waiting for one of their representatives to arrive. So we'll move on to New Business and this is for Mountain Vista Properties, LLC. This is actually the Sketch Plan 2-2024.

NEW BUSINESS:

SUBDIVISION SKETCH PLAN 2-2024 SEQR TYPE: UNLISTED. MOUNTAIN VISTA PROPERTIES, LLC. AGENT(S): EDP. OWNER(S): SAME AS APPLICANT. ZONING: MDR. LOCATION: 3-21 FOOTHILLS ROAD. APPLICANT PROPOSES TO CONSTRUCT THREE 4-PLEX BUILDINGS FOR A TOTAL OF 12 UNITS. THE SITE HAS 8 EXISTING UNITS. THE PARCEL HAS A CUL-DE-SAC THAT IS TO REMAIN. THE PROJECT WOULD INCLUDE INSTALLATION OF SEPTIC AND CONNECTION TO MUNICIPAL WATER. PURSUANT TO CHAPTER 179-9-040, DISCUSSION WITH THE PLANNING BOARD MAY BE REQUESTED BY THE APPLICANT. CROSS REFERENCE: AV 15-1989, SP 64-1988. WARREN CO. REFERRAL: N/A. LOT SIZE: 5.5 ACRES. TAX MAP NO. 315.6-2-12. SECTION: 179-9-040.

CLARK WILKINSON & CHRIS RACICOT, REPRESENTING APPLICANT, PRESENT

MRS. MOORE-Is someone here for that?

AUDIENCE MEMBER-We're waiting for him.

MRS. MOORE-You're waiting for him. If you want to take a five minute recess then I can try to get a hold of the AEC solar project folks.

MR. TRAVER-Okay. All right. So we'll stand in recess for a few minutes to allow Staff to contact the applicants. Thank you, Laura.

MRS. MOORE-Mountain Vista is ready now. So unfortunately it still has the word subdivision in there, but it's not a subdivision. It's a requested discussion regarding construction of three four-plex buildings for a total of 12 units. The site has an existing 8 units. The parcel has a cul de sac that is to remain. Their project would include installation of septic and connection to municipal water. I've identified, as well as

discussed with the applicant, that there are some variances in regards to density. So right now the applicant is getting some feedback from you folks about what that design is.

MR. TRAVER-Okay. Thank you, Laura. Good evening.

MR. WILKINSON-For the record my name is Clark Wilkinson with the Environmental Design Partnership. With me tonight is Chris Racicot, who's the applicant. We're here, as Laura said, we're here tonight to discuss this project that Mr. Racicot has. We are proposing, or the existing project, as Laura said, actually was approved back in 1988 with a total of nine units, and only eight have been built. There is also a single family that was never built on that project. Also Foothill Drive has been built. The water's been in. There's a hydrant at the end and cul de sac and that road has been dedicated to the Town. Foothills Drive also accesses directly onto Corinth Road which as you guys know is a collector road. A general need for multi-family housing in the Town, I believe there's a need. I lived in this Town for a number of years, recently moved out, and I believe that this fills a need. The MDR zone that this is in is a two acre zone and it's classified as Moderate Density Residential and in my opinion two acre lots are not moderate density. That's fairly low density, but again that's only an opinion. This proposal on the board has three separate buildings of four units each, townhouse style apartments, similar to a recent project that Mr. Racicot was involved in on Newcomb Street, same style. The plan is to appear as though it's continuing the existing project of the duplexes. Because the cul de sac is constructed and is in place there's literally eight units on that whole cul de sac and the cul de sac makes it look like this whole property hasn't been fully developed yet. So we're proposing to try to fill that out. We are proposing, again, 12 units. The density of those units would be about two per acre on the average. Again there's public water. We have adequate soils to do septs. We propose to do one septic system for each of the two units. So there'd be two septic systems per building. The project also has, is surrounded by more or less developed property. To the rear, which is the east, is Hudson Point and the lots that about this area, there's a small little buffer in there that the Hudson Pointe Homeowners Association, but the lots in general are .38 to .42 acres that are around there. So a little over two per acre or a little under two per acre. I'm sorry. Then the other development to the south, which is on the bottom of this sheet, that is the Inspiration Park development. The average lot size in there is about a quarter acre lot. So again it would be, they would be four lots per acre. Again, I took under consideration the whole area owned by the Homeowners Association as well as the lots and the average density in there is roughly a half acre. When you take all that into consideration, it's a half acre lot, so in other words two lots per acre. So again the whole idea in this proposal is to try to fit within the neighborhood, to try to fit the same general density that's in the neighborhood and that's why we wanted to present to the Planning Board and get some feedback, see what you guys think. We will need an Area Variance in order to do it, but we think it's a good project and it fits a need for the Town. So at this time I'd turn it over for questions and consideration.

MR. TRAVER-Sure. Thank you. Yes, well I mean the first thing in looking at sort of the big picture of the project is the, you know, on paper the 12 units require 24 acres. So it really is, you know, you're looking at 9.17 acres. So it is quite a significant change from the MDR Code. Since there are some of that type of housing already existing on the property I suppose that, like you say, it could be interpreted as a continuation, I guess of a similar development on that property, but I'll open it up to members of the Board for comments, questions for the applicant.

MRS. MC DEVITT-I've walked that road many times and it seems it's a small road, and density, what you're proposing, I think is quite a lot.

MR. WILKINSON-What do you mean by small? I don't understand.

MRS. MC DEVITT-The road is not long at all.

MR. WILKINSON-No, it's not.

MRS. MC DEVITT-And it's not even that wide, and it just seems like that's a lot going on in a small space.

MR. TRAVER-So hypothetically would any expansion, do you see any expansion being appropriate, maybe six units instead of twelve? This is all hypothetical.

MRS. MC DEVITT-Right. Yes, I would prefer it to be substantially less.

MR. TRAVER-Fewer number.

MRS. MC DEVITT-Yes.

MR. LONGACKER-The size of the buildings, this footprint here is probably just a schematic, but just to compare to the existing duplexes, the new ones there look almost twice the size per unit of the existing ones. Are you looking to do like a one story, two story?

MR. WILKINSON-They're two story, and the footprint of the four unit complex is about equal to what, it's actually about 200 square feet bigger than two of the duplexes would be. So it's similar in size to combining two duplexes. It's similar in size to that.

MR. LONGACKER-Okay. And a gable roof on top of that, too?

MR. WILKINSON-Yes.

MR. LONGACKER-I just drove down the road. I did not walk it. I guess I just wanted to, I don't know if that parade goes behind here, I just see that one contour information here.

MR. WILKINSON-It's pretty flat.

MR. LONGACKER-It's pretty flat?

MR. WILKINSON-Yes.

MR. LONGACKER-Okay.

MR. WILKINSON-Again on this particular one we're proposing a 100 foot no cut buffer to the rear towards Hudson Point, and a 75 foot no cut buffer towards the Inspiration Park and to the north it would be a 25 foot no cut buffer.

MR. LONGACKER-That was a question I had. You have two tree lines here. You have the one that's shaded dark green which does say the dedeed.

MR. WILKINSON-That would be dedeed. The other one is what we are currently proposing to disturb.

MR. LONGACKER-On top of that buffer. Understood.

MR. WILKINSON-Exactly.

MR. LONGACKER-Because that is pretty dense in there when I drove by the cul de sac.

MR. WILKINSON-Yes.

MR. TRAVER-David, any comment, question?

MR. DEEB-Can you go over the buffers again, Clark? Can you go over the buffers again?

MR. WILKINSON-Sure. The buffer towards Inspiration Park to the south, which is the bottom of this sheet, is 75 foot no cut. The buffer to the east, which would be towards Hudson Point, would be 100 foot, and the buffer to the north would be 25 feet.

MR. DEEB-Okay. Thanks.

MR. WILKINSON-And again that would be dedeed no cut.

MR. TRAVER-Well, Warren, what do you think about the number of units?

MR. LONGACKER-I guess I'd like to see what they kind of look like, you know, in relation. I just wouldn't want something huge there, people behind it, that's all, they'd be able to see through the trees, lighting behind the buildings, you know, lights back there, but density wise, and these are rentals?

MR. WILKINSON-Yes.

MR. LONGACKER-The current ones rentals, too, or are they townhouses?

MR. WILKINSON-The current ones are rentals as well.

MR. LONGACKER-The currents are rentals, too.

MR. DEEB-And how big are they, the duplexes?

MR. RACICOT-They're about 1,000 square feet a unit.

MR. DEEB-And how many square feet for the new one?

MR. WILKINSON-About 1200, 1100, in that range. There's a garage, too.



MR. RACICOT-The duplexes now have the garages in the middle. The new ones will have the garage underneath.

MR. DEEB-Now you're talking 2,000 square feet, to 4,000. Is that right?

MR. WILKINSON-But again, with the garages included in the unit, the actual appearance of the footprint for the same, what you're getting, is virtually the site.

MR. DEEB-I see what you're saying. You've got the garage as separate.

MR. WILKINSON-Exactly.

MR. DEEB-Because over here you incorporate it in the building, underneath.

MR. WILKINSON-Yes.

MR. LONGACKER-I'm not 100% opposed to it, but I'm not 100% for it, either, again, just depending on the layout of everything, how everything works. I'd like to see that buffer increased, too. If you're going to leave that buffer, maybe take that 100 foot no cut deeded buffer and make that 150 and make the other one 100, just to leave more of a buffer on the residential side.

MR. TRAVER-So more buffering?

MR. LONGACKER-Just a little more buffering, maybe, you know if they're going to leave that, obviously it depends on your septic, you know, what you could fit in there size wise, but if we could get more of a buffer, that would be great.

MR. WILKINSON-The required buffer between multi-family and residential is 25 feet. That's the required, and we're above that on two sides. Again, we were going for more density. That's why I wanted to increase that.

MR. DEEB-So what's the capacity of your wastewater, septic?

MR. WILKINSON-It's all sand there. So wastewater would be in ground septic and again two units per system.

MR. DEEB-How many gallons? Because you're going to have two units per each one.

MR. WILKINSON-Six bedrooms at 110, so 660 each. They're sized according to what we have for.

MR. DEEB-You've got to have them sized properly.

MR. WILKINSON-They're shown on the drawing sized properly.

MR. DEEB-You're talking six separate systems.

MR. WILKINSON-Yes.

MR. LONGACKER-Do you know the size of the water line that's going in there currently?

MR. RACICOT-The water line that's in there is currently an eight inch with a hydrant at the end of it. So there's no capacity issues with that. I talked to Chris Harrington about it this morning to make sure.

MR. TRAVER-There's adequate room for septic in addition to what's there already?

MR. WILKINSON-The septic are what's shown in red on the plan, that's the septic, drawn to size based on the preliminary perk and sizing per two units.

MR. TRAVER-Okay. Questions for us? It sounds generally, in my opinion, as though 12 units might be a bit much.

MR. WILKINSON-A bit of a stretch.

MR. TRAVER-I'm hearing marginal support for that. I think there may be general support to expand what's there, but perhaps not 12 units.

MR. DEEB-I'm on the fence with the number of units, but maybe the size of them, I'm not sure. There's just a lot of pros and cons.

MR. WILKINSON-Yes, and again with the full application we'd have to present our architecture and everything else too, as well. I mean it's going to be very similar to what we've had in the past with the Newcomb Street project. Very residential looking, not a lot of lights on that. I remember going through that a few times with lighting. We've got the downward lights over top of the garage units, and then in the back we've got sconces over top of the doors.

MR. DEEB-Okay. I don't know what else we can say.

MR. WILKINSON-I took away that you're not opposed to it, but the number is what really has to be looked at, as well as looking at the architecture, too, if I'm not mistaken.

MR. TRAVER-Yes.

MR. WILKINSON-To make sure that it's not too ostentatious.

MR. TRAVER-That's my assessment as well.

MR. DEEB-You are astute.

MR. TRAVER-All right. Thank you. If there's nothing further we'll perhaps look forward to seeing some more detail from you.

MR. DEEB-I'm sure we'll see you again.

MR. WILKINSON-Thank you.

MR. RACICOT-I appreciate it.

MR. WILKINSON-I appreciate your time.

MR. TRAVER-Do you want to do Schermerhorn first or West Mountain first? All right. Then we will next be hearing an Administrative Item. This is Planned Unit Development 1-2024 and PZ 1-2024, Apex Capital, LLC.

**ADMINISTRATIVE ITEM:**

**PUD 1-2024 & PZ 1-2024 APEX CAPITAL, LLC – ACKNOWLEDGE RECEIVED APPLICATION, CONSENT TO TB LEAD AGENCY**

JON LAPPER, JEFF ANTHONY & SPENCER MONTGOMERY, REPRESENTING APP., PRESENT

MR. TRAVER-We have a couple of resolutions to deal with. One is we have to acknowledge that we received the application, the initial application materials. Although in complete we did receive quite a packet on this project and we also need to consent to Town Board Lead Agency, which I think probably is the first thing we should do. Correct, Laura? So, let's see, we have a resolution.

MR. DEEB-I've got it.

MR. TRAVER-You have it. Okay. Well why don't we do that first.

**RESOLUTION TO CONSENT TO THE TOWN BOARD AS LEAD AGENCY APEX CAPITAL, LLC**

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 Unit Development and;

WHEREAS, the applicant submitted an application proposing a planned resort development on an existing 365.43 acre parcel that currently contains West Mountain, a multi-season recreational facility that provides winter sports, summer camps, mountain biking, a variety of festivals, and facility site rentals. 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.

NOW, THEREFORE BE IT RESOLVED:

**MOTION TO CONSENT TO THE QUEENSBURY TOWN BOARD AS THE LEAD AGENCY FOR PLANNED RESORT DEVELOPMENT 1-2024 FOR APEX CAPITAL/MOUNTAIN TOP VENTURES.** Introduced by David Deeb, who moved for its adoption.

Motion seconded by Ellen McDevitt. Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mr. Longacker, Mrs. McDevitt, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-And next we want to acknowledge that we did receive an initial application packet from the applicant. We have a draft resolution to that effect.

**RESOLUTION ACKNOWLEDGING RECEIPT OF APPLICATION APEX CAPITAL, LLC**

WHEREAS, the applicant proposes a Planned Resort Development of an existing 365.43 ac parcel that 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 acknowledge receipt of application.

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

NOW, THEREFORE BE IT RESOLVED:

**MOTION TO ACKNOWLEDGE RECEIPT OF APPLICATION FOR PUD 1-2024 APEX CAPITAL /MOUNTAIN TOP VENTURES.**, Introduced by David Deeb who moved for its adoption, seconded by Warren Longacker.

As per the draft resolution prepared by staff.

Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mrs. McDevitt, Mr. Deeb, Mr. Longacker, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-All right, and then we are to receive an overview of your project.

MR. LAPPER-Yes. I spoke with Laura and since you’re accepting the application we thought we’d take the opportunity to spend a few minutes and just give you the big picture of what’s going on here.

MR. TRAVER-Sure.

MR. LAPPER-So for the record, Jon Lapper with Spencer Montgomery on behalf of the applicant group, and Jeff Anthony from Studio A, landscape architect engineering. Coincidentally Jeff worked on the Hiland Park PUD some 30 years ago. This is a planned resort development. So that’s why I mentioned Hiland. It doesn’t happen all the time in Queensbury. Like a PUD, a PRD, and Spencer will get into a little bit of the detail about just how important this is for the Mountain, which is a big source for the Town. All of our kids learned to ski here. It’s a tough time to be a ski mountain, low altitude ski mountain, and climate change, but we think that this is going to put them on the map more than it is, and he’s got a powerful group of investors and planners behind him that they’ve been working for a while to put together. So we’re pretty excited about this. We’ve been working with the Town Board for about a year to get the application to where it was accepted as complete for review so we could get it to you, but in terms of the procedure, we come to you first to get a recommendation that goes to the Town Board for public hearing and a vote and there’ll be a lot of tweaking, but to vote on the zone change, and then back to you for Site Plan Review for the different phases which we’ll talk about, but you might remember we had this, over the

summer, Luizzi Brothers did a re-paving of Quaker Road which was like the best paving job I've ever seen where they did it at night and it didn't really bother us during the busy season. I thought that was pretty remarkable. So besides being a large paving contractor, they're a big community developer. They did Starbuck Island just off, in the Hudson off of Troy which has been very popular, very well received, and they're working on others in Colonie. So that's who Spencer has as his principle investor in this as a partner in this and we're excited about that because they're used to doing communities.

MR. DEEB-Can I have that name again?

MR. LAPPER-Luizzi Brothers. So the most interesting part of this Planned Resort Development is just like it sounds, to plan out the different phases of this, the different components. Jeff will go into the details, but it's all on the northwest side. So when you're looking at the Mountain it's on the right which is all pretty quiet right now, but the development area is all on the flat plain at the bottom which is 18 feet of sand. We dug test holes which is great for stormwater. We'll talk about the utilities as well, but just in terms of the location, it's a very quiet part of the Mountain and this is to turn a quiet part of the Mountain into something that's going to be a village center with some retail, some outdoor amphitheater, small, but just an exciting component, a hotel partly up the Mountain, single family, multi-family, condos, townhouses, some apartments, just to make that lively. We've done traffic analysis, economic analysis. The book is pretty thorough because we certainly got put through the paces to get to this point to make this complete and here we're just starting to talk about it. The other interesting thing is we're asking the Town Board to change the underlying zoning in one respect. There's lots of lots of acreage here, but under standard Queensbury zoning, you don't build on anything over 20%, but you don't count that towards density, and that works great with the golf course which is flat, but when you're building on a ski mountain it doesn't work at all because the whole thing is over 20%, except for the area where we're building, but that's the whole point of this that we want to be, you know, some ski on, ski off and to make it a ski resort project. So the Town Board's been very open to that. We've had a lot of discussions, but that's also part of your recommendation as this goes forward. We certainly don't think this is too dense, a dense project, but in terms of this part of Town can handle it, this Mountain can handle it, and that's what this whole process will be about, to show you how we planned it. So that's my introduction and I'm going to ask Jeff to walk you through some of the details of the uses and then Spencer will talk about the big picture.

MR. TRAVER-Thank you.

MR. ANTHONY-Like Jon said, the concept of this is a destination resort. When we say a destination resort, we don't mean a destination ski area. This is planned as a destination four season resort. So there'll be amenities for all seasons. Obviously skiing is the prime season for the use, but there'll be spring, summer, shoulder season and other and summer and winter and other activities planned here. So as a destination resort, what does that mean? Well first off there are none in New York State. I mean it might be one on Holiday Mountain towards the western part of the State, six hours away, but that's probably the closest thing New York State has to a destination resort. A destination resort is a place where a family can come, skiers can come, recreationists can come, four seasons and get to the resort, stay there, drop their keys, park their car, have everything they need for amenities, and it doesn't mean they're going to be trapped there. It means that they can go on to day trips to other ski areas, day trips to other boating opportunities, hiking opportunities, other opportunities in the area. So it's really, I hate to use the word, but it's trapping your visitor into Queensbury so they can do other things in the area, not only on this mountain, but in the area. Why are we proposing this? Well we noticed that there's a, we've noticed this for years, I've done work throughout upstate New York for 50 years. West Mountain is a day use area right now. Gore Mountain, Whiteface Mountain, is a day use area. People go there. When they go there they ski. At the end of the day they've got to get back in their car, pack up all their stuff, go back to a hotel or motel or home and then they go back there the next day. This is a convenience for attracting long-term users, short-term users, for a weekend, people for a week, people for a month or whatever, to stay in the area. So this is a destination resort that's planned. It's quite different from anything other than what you find in Vermont. What's one of the reasons why we're doing this? Well everybody knows this. New York, Connecticut, Rhode Island, New Jersey, the skiers come up by 87 and they get to Glens Falls, and what do they do? Well they make that big right hand turn and hop on that road that goes to Vermont and they go to the destination resorts in Vermont. So they go to Stratton. They go to Killington. They go to places like that where they can drop their keys, drop their family, have a great time and just be there. So this is meant to replace that. This is meant to attract those users to stay in this area. So what are we proposing here? We're proposing an alpine resort. Alpine resort, the first and key component of this resort is a base village. A base village is the most important part of this project, and that is the area right, at the lowest elevation of the Mountain right in here, and in that base village we have a complex of buildings which are these buildings right in here which center around an outdoor piazza, an outdoor space, and those buildings surround an outdoor space, and on the first floor are retail components, shops, other things like that. I'm sure Spencer's planning on putting in a great ski shop in there, to accommodate the users. There'll be a brand new base village, pardon me, a base lodge, which will be the attraction of the whole village, and then on the second and third floors will be apartments for short term rentals. So that complex right here of buildings will be what we call the Alpine Village. Attached to that Alpine Village will be a series of apartments on that area. This will be four freestanding buildings. Those freestanding buildings will be on top of a parking deck. The parking deck will have parking below level. The deck will support those

four buildings, and on that deck will be a concourse which will let people walk into the Alpine Village. So it'll all be one complex. Parking will be provided for that complex over in this area, and that will supply parking for the day users and the apartments and the Alpine Village. Now there are also three more apartment buildings planned. There are these two up there, and one over there, which also are three story tall apartment buildings, rental obviously, and they'll have outdoor parking for those. In addition to that, the base area village has four condominium buildings right in that area. Those four condominium buildings will be for sale. Obviously they would be in a rental pool if need be, and they will be owner occupied and the owner can then put them into the rental pool. They'll have indoor and outdoor parking. So that basically is the Phase I Alpine Village project. Now as amenities to that project, we have things called the beach. The beach for the rental and ownership units is right there. The beach is the area between the building and the runout of the ski area. That area has things like outdoor amenities like an outdoor swimming pool, fire pits, hot tubs, outdoor sitting areas, you know, a little bit of kiosks for people buying a drink, buying a hot dog or something like that, and that's restricted and confined to people who are renting and living in those units. We also have a beach proposed at the new base lodge. The base lodge beach will be available to anyone who's skiing. It's like at any ski area, you go out the front door toward the ski slope, you can sit at a fire pit. You can sit in the chair. You can have hot dog or something like that. You can buy a glass of wine. There'll be no swimming pool in that area and there'll be no other amenities other than amenities for skiers. That basically constitutes the Alpine Village part of the project, which is the Phase I project, which as I believe it right now we're planning, the developers are planning on building that in its entirety right away, as Phase I. Phase II starts to climb up the Mountain a little bit. Phase I, by the way, is at the very bottom of the Mountain. It's the best soils. When we did test pits there we hit 18, 20 feet of deep sands before we ever hit anything. We never hit groundwater. Stormwater practices will be fantastic in that area and that's what we're relying on for stormwater basically. Just for orientation, that's the existing Northwest Mountain Lodge. The existing Northwest Mountain Lodge will remain. It would be renovated as a continuing use as a day lodge. We think that it also is needed to supplement the existing West Mountain day lodge at the existing ski area. So people, it may take overflow traffic. There's the overflow parking lot for it right there which will accommodate visitors who might not be going to the Village but might still get on the Mountain. It'll be supplemental to the existing parking and day lodge at the West Mountain Ski area. So Phase II incorporates a cluster of duplex townhouses, an 80 or so unit room boutique hotel, a conference center/wedding reception building, and a health lodge, and that complex has duplex townhouses, oriented around this cluster, and up in this area. If you'll notice we also have taken the parking area right here out for the existing Northwest Mountain, and we've extended the ski trail all the way down to the base village to the Alpine Village. That will allow skiers to ski all the way back down to the Village without having to get off their skis or anything like that, and we've incorporated some of the duplex townhouses on either side and a cluster of them up here, and those are all ski in, ski out townhouses. People can get up in the morning, put their skis on, go skiing, go ski for a while, ski back, come back off the trails and ski right back directly into their units. That's what sells today. That's what people want today. All of the units in the base village, Alpine Village, are essentially the same thing. You can hop on a lift, ski up. You can go and ski down and you never have to go back to your car. Phase III and IV of the projects are located higher on the Mountain. This is a cluster of single family homes which basically traverse the slope. The roadway traverses the slope, and basically follows the roadway that's there now. If you went to visit the Mountain with Spencer, you'd see that you can drive up most of this Mountain up to here by normal vehicle, on a pretty rough road, it's unimproved, but you can still get there, and those are single family lots. Those single family lots will be ski in/ski out. Again, that's what sells today. People want to buy on a mountain where they can put their skis on in the morning, go ski, go ski for a while, and on the way back come back to the house and never have to get in the car. The last phase of the project is quite remote, and it's going to be the very final last phase of the project which is up at the top of the Mountain. It's accessible only from Luzerne Mountain Road, and it will be Phase V, or the end of the project. It'll be 15 single family lots. We've been cautioned by your planners and everybody not to break the skyline, the ridgeline with the ridgeline of our houses. So these houses have been carefully sited so that if this is the ridgeline, houses on this side look toward Vermont. The rooflines are below the ridgeline. The houses on this side look toward the west, toward the Adirondack Mountains. Their rooflines are below the ridgeline. So we've been careful in planning that complex, which is very far in the future, but it's the last phase of the project. Now what are we doing for utilities? Okay. Water, no-brainer, comes from the municipal water system from Queensbury. They have a big water line right down West Mountain Road which we'll tap and use for water service. Wastewater. Wastewater we're putting our own individual tertiary treatment plant on the site. It'll be located on the corner of the property. It will collect all the sewage from the site, other than from this last phase, and will treat it, move it through the project site, and move it through County Route, through the right of ways on County roads and discharge into the Hudson River. It'll all been planned. We've all been talking to the discharge point, we've been talking with the DEC and the other regulatory agencies, and that's the plan is to put the discharge into the river, fully treated, tertiary. Stormwater management, we have a stormwater management plan that we included in your booklet. It deals with complete, total compliance with the stormwater management for the entire project. I don't know what else I can say, other than there's one amenity I forgot to mention. Down at the Alpine Village we're building what we call a visual or a visual amenity. It's going to be a man-made pond at the Alpine Village which will be lined. It will be supplemented with water and it'll be used as an amenity for people sitting around and looking out at this water. It'll have fountains in it, but it will not be part of a normal, natural flow drainage system. It will be fully enclosed as a visual amenity, sort of like a swimming pool basically, and so that is an amenity that

we're going to create right there. It will be basically in place or in the location of what Mike Brandt tried to dig a pond there a long time ago, failed. It dries up every summer. That's gone. That will be a refined and re-built amenity for the project. So that's what the project is. We have enough parking on the site to accommodate all cars in all different areas. Obviously the major parking lot here is for the Village. We have parking underground for the apartments. We have surface parking for the other apartments. We have parking for the condos either on grade or within the buildings. Each townhouse gets two parking spots in the garage, two parking spots on the site. Each single family home gets their two parking spots and so, you know, parking is totally accommodated on site. We don't anticipate any off flow of parking, and as Mr. Lapper said we've done a traffic study, physical impact analysis, breakdown of all kinds of environmental analysis on this. It's all in your booklets and hopefully you will be bored to death reading it all. That's my part. I'll turn it over to Spencer.

MR. DEEB-Is there going to be a restaurant in the Alpine Village? Are you going to build a new restaurant up there?

MR. MONTGOMERY-Yes, the Village itself will be, so as if you were to go to Veil Village or you were to go over to Stratton, like Jeff mentioned. The concept is to have a ski and stay resort with a self-contained village that may have a smoothie bar, you know, coffee shop, a restaurant, salon, Peter's put salons in some of his other developments and basically, you know, I'll speak a little bit about the interest in that self-contained unit with walking paths. There may be an exercise loop like you see out in Boulder, Colorado or I used to live, there'll be a loop within, you'll have a pull up bar and different things you can do. Now we kind of, it's really two-fold. There's going to be people coming to the area that would I would say qualify as tourists and there would also be, it would be a locals kind of watering hole where people could come, you know, by bicycle hopefully someday. There's been a little talk about a bike path system down West Mountain Road. I've discussed it a little. There may be some impediments to that, but where the people could come, have coffee in the morning, go for a hike, and so it has two-fold, and a lot of interest that I've gotten in the community are people looking to downsize that, you know, are in single family homes which are in short supply in Queensbury and where they can buy a townhome or a condominium, downsize, stay in the area, but have a self, a village with maybe a small organic grocery store, an athletic club with steam room facilities and whirlpool facilities like you would find at some of the higher end resorts. Maybe that could be incorporated into our season passes. You could upgrade to have an athletic club membership. So that's sort of the local take on it, and then just, you know, sheer economics for West Mountain. You could talk to Mike Brandt. I think he would tell you the same thing I've told you. I mean he tried a water slide. He tried soft ice cream. He tried a driving range. They did some logging across the top of the Mountain. It's a struggle running a ski business, especially with some of the large, local competition we have in pretty close proximity, about 45 miles north, or 45 minutes north. So when I got involved in West Mountain, I mean I grew up on West Mountain. My family all worked there, but I never envisioned the Mountain being like a standalone ski area. So if you look at ski and stay, which people love, and you do not have it in New York State. Like Jeff said, Holiday Valley, which is six hours north, gets some flow from Canada. They get some flow from Pennsylvania. It's one of the most profitable ski areas in the State. They do have some on mountain amenities, but it's not a true ski village like if you went over to Stratton and you were there to ski village or Veil village or you went out to Copper Mountain, and people really enjoy that because you can get out of your car, unpack, you know, it's basically a built-in babysitter until nine o'clock at night until we turn the lights off. The kids are skiing. We have a thousand vertical mile long trail. So it's enough vertical for serious skiers to enjoy it, especially with the new proposed high speed chairlift, you know, it takes your lift ride to about four minutes, versus about ten, and you can ski your legs off on a thousand vertical. We also have a large race program now with about 140 kids in it, and a lot of those families were starting, you know, since hiring Thomas Vaughn, we have one of the most competitive, maybe one of the top ranked fifths programs in the east coast now, competing with Burke, competing with Holderness, competing with Proctor, competing with the Stratton Mountain School, the \$65,000 a year academies and we're a fraction of that cost. A lot of those families that are starting to come to our race team are used to be able to buy a place or rent a place on site. So there would be some demand from that as well, plus the race team, we hosted 51 races. Those are normally two to four day events. The fifth events are always four day. Some of the USSA at the masters, high schools are usually just one day, but that creates a lot of natural demand for a house. Then just sheer economics. This year will be a loss for West Mountain of about, operating loss of around a half a million dollars, just due to the weather. It's been a grind. The first six, seven seasons of West Mountain, you know, the money it went all one direction, which was either paying off old debt, upgrading the three chairlifts, putting in 300 new snow guns, 40,000 feet of pipeline, new maintenance building, four new snow cats, new cafeteria, all the with end goal of doing this development, and that's the pitch that I gave to the financial backers who have stepped in and done this, and there's been a lot of support, obviously, from the community and people who've worked on the projects. So that sort of goes hand in hand, but it really is a necessity to ensure the future of West Mountain, and I don't think it's just going to like help West Mountain limp along. I think, you know, we've talked to some, you know, Peter uses a major PR firm, Bicker PR in Albany, and their feeling is that it will change not just the dynamic of skiing in Queensbury, but it'll change the dynamic of skiing in New York State because there is no ski and stay. So if you talk to Stewart Winchester who does Storm Team Journal, it's a very big publication, big following, I've had a lot of talks with him, he said without exception, he lives in New York City, if someone says to him where do I go ski and stay, 100% of the time he says Vermont, and like Jeff was saying, we are on Exit 18 on the way to Hudson Falls to grab

Route 4 or we grab them at Exit 20 before the get on 149, and we don't have to siphon off all of Vermont's business, but I mean if you look at skier visits at Okemo of another 700,000, versus our 100,000, and you look at Killington where about 1.2 million, and then you look at Pico and Bromley and Stratton, the amount of flow that's heading that direction on Route 4 is just enormous, and we did a plot of where our visitors come from and where everybody else's visitors, not everybody. I used Killington, Okemo and Stratton, and you can see their dots all over the east coast, Connecticut, New Jersey, and you see West Mountain's dots, primarily in the Capital District. I think there'll be a lot of flow from the Capital District, people just coming up for two or three days to have the ski and stay experience. I think they'll utilize it, but our reach is pretty limited because we're not viewed as a destination resort. So our lift tickets right now are kind of our bread and butter. They account for about 60% of our revenue after you factor in ski lessons and food that we sell obviously and rentals and that type of thing, and there's only so much you can do with lift tickets. I mean we have a major competitor right now right up the road, and it's a struggle. If you were just going to make your living selling lift tickets, I don't think anybody would do this, and, you know, you have years like this year come along and knock you out, but, you know, furthermore, that takes probably the lift ticket portion of West Mountain's revenue to about 5%. I don't have exact numbers, but this is a true partnership with Peter Luizzi. This isn't a developer coming in here and saying, hey, I'm going to carve off your right arm. I'll give you whatever kind of money for your right arm and then, you know, you've got one arm the rest of your life and it doesn't go to supporting the ski area. So I was uninterested in doing any of those type of deals. Peter's offer was to do a true partnership with the ski area so that the residual income from the resort, from property management, the lodge, rentals, all that type of stuff, the Mountain will be, in almost all cases, a 50% partner. So then skiing just becomes an amenity at that point, and then there's other things that can be done, and like I've often said there will be people that want to ski at Gore, that want 3,000 vertical, and we may run tourist buses up there.

MR. DEEB-That's my next question. You're going to compete with Vermont, and they've been around for a while. There's pretty big ski areas over there. You think you can compete with them?

MR. MONTGOMERY-Well, I do, because let's look at the average family coming up from Long Island or New York City or Brooklyn, most of those people are not, you know, extreme skiers looking for 3,000 vertical. Those people want a good sized mountain, you know, we're a 365 acre mountain. We've got about 130 acres of skiable terrain, but, you know, we're a learning mountain, and if you're coming up with a family, it's a perfect scenario, and, you know, you can go to the spa, you can go to the steam room, you can go work out, you can ski, and your kids, you know, we're open from eight in the morning until nine at night, we've got a, you know, you've got a 13 hour babysitter, and I don't think most of those people are looking to ski 3,000 vertical.

MR. DEEB-I think it's a great concept myself.

MR. MONTGOMERY-Just the whole experience of the resort, I think, we've been told, it's anticipated that this would sell out, potentially, before it was built, because there's that type of demand for, and we've got a pretty good location, right off 87, too, you don't have to take any backroads.

MR. DEEB-Just to go back to the site itself, are the condos and the individual residences going to have garages?

MR. MONTGOMERY-Yes, they will have garages.

MR. DEEB-And then you'll have parking on top of that for people that are coming in.

MR. LAPPER-The apartments will have parking underneath.

MR. DEEB-Underneath, but you'll also have parking, people are going to come and want to use the resort, and people locally, they're going to probably drive before they, at this point. Do you have enough parking for them when they come in?

MR. LAPPER-Yes

MR. ANTHONY-Yes, we have other on-site parking, surface parking, at the very entrance to the project off of West Mountain Road we have a 300 to 400 car parking lot for the Alpine Village. All of the housing has its own self-contained parking. The day lodge, which we're maintaining, which is the existing Northwest Mountain Lodge, has its own parking lot and parking lot and area there which has probably 140 or 50 spaces there, too, for that, which are reserved for parking at the day lodge for people who may want to come and just not park at West Mountain but avoid that traffic and come in using Northwest. So we've accommodated for parking for not only the housing, which all the housing has adequate parking for all the housing, but we've also accommodated for the day use traffic which may happen, occur and want to come here and enjoy some of the amenities. So we believe that there's enough parking. Yes, we've thought about that heavily.

MR. DEEB-One more question, this is a tough year for you, but I knew it had to be a tough year. I hope this last snowfall helped you a little bit. Did you open up?

MR. MONTGOMERY-Yes, we're open. We'll be open through this weekend and probably be open the weekend of the 6<sup>th</sup> and 7<sup>th</sup>, but we stayed open, luckily. We didn't have to call people back. We grounded out.

MR. DEEB-There's a real possibility that we're going to have more winters like this, and how will that affect this development?

MR. MONTGOMERY-I have a pretty good answer for that, and I had to give this same answer to Peter Luizzi. Obviously if you're going to have a resort that focuses on skiing and he always likes to have a theme to his resorts, and he's doing that in Niskayuna resort, Malta, and he did the Starbuck Island, and he said this is the first time he didn't have to come up with a theme, I mean, the theme is skiing and the area. So let's say the snow making windows continue to get smaller, right, and we don't get to 24 hour period. So right now I get 3,000 gallons a minute from the Town of Queensbury, and we have about 200 mounted guns, about 100 sticks and 100 fans. The problem that I have is that I still have enough windows to get the entire Mountain open, it's just in a year like this they're much narrower. So if you go to a Wachusett, outside of Boston, which is kind of a model we're following, they just have a lot more water capacity. So let's say that I can run approximately 20% of my guns wide open when it's bitter cold, and we want 5, 10, 15 degrees for snowmaking. I can run about 20% of my guns with 3,000 gallons in it. I still use the exact same amount of water to make snow on the Mountain, whether I start and it takes me four months, or whether I do it in three weeks. So the amount of water, which is about 110 million gallons, is static. I need to get it up the hill quicker. So I met with Tim McNulty and John Strough and Chris Harrington at the Mountain and I had gone down and met with Chris and spent a couple of hours with him, and this was about two years ago, and I just said, listen, you know, I appreciate everything the Town does for the water. I mean we wouldn't be in business without them. Is there any way that I can increase my capacity, and what we spoke about was having a separate water main to the Hudson. So John came over and where I'm going with this is if I had 9,000 gallons a minute, even in a year like this, I would have the Mountain fully open, maybe not every trail, but all of our primary trails open by Christmas week because instead of 3,000 gallons a minute I'm going up the hill with 9,000, and I don't need treated and you don't want treated because, you know, you want a little particulate in the water. That's what the snowflakes form around. It's very clean. So what we came up with, and it was great, was two solutions. One was more money than the other. One is to put our own brown line into the Hudson, and what we would do is we would grab the 24 inch Town line as it comes up out of the Hudson. I mean that's more water than the Town could ever use. That's the main 24. We would tap into it before it went to the filtering plant, and we would put in our own pump house and run our own, let's say, 14 inch main to West Mountain. So I'm no longer putting any tax on the Town filtering systems. The reason I can't draw more than 3,000 gallons a minute is because in the winter it slows down the flow rate through the filters. Everything just moves slower, and that's all they can give me while holding back enough, if there was an emergency, you know, so there's a cushion above what I draw. If I'm drawing straight from the Hudson, then there's no issue, and I could do 10,000 gallons a minute, and I have the guns in place on the Mountain and I have all the pipeline in place. I'd have to add pumps. So that's one solution. The second solution, which is not as good, but more cost effective, is the pond that's shown there isn't a real pond. It was dug to make the berm for the tubing hill over at the other side of the Mountain, and there's no inlet to it or outlet to it. It does fill up with water in the winter, not to the brim, and then it leaches out in the summer. You could walk across the bottom of it. It's probably about 30 feet deep. Lining that creates an amenity for the resort, but it also gives me a storage reserve for snowmaking, and we're the only mountain that I'm aware of that doesn't have a storage reserve. We have the old pond that Mike put in, but that's filled in with sediment over 50 years. So it's, you know, it's about six feet deep. It used to be 17. So I could dredge that, but the most I'd get out of that is about two million gallons, which is about what we use in one day. The other pond would hold, you know, roughly 12 to 15 million gallons. So I'd have about a seven day supply. So I could take and air drop the Town water into that pond and it would shut off automatically if it came up to the top, obviously, but then when it got really cold at night I could pull from that capacity to make snow. Not a seven day supply, but it's recharging itself. Mike Brandt built a, you know, a water reclamation system across the Mountain with water bars. It all goes to the other side now in a stream that runs behind my house that he has a gate on. He used to shut the gate and run the water. So that pond would, that's a short-term solution and it may be a good solution because we could have a pump house on that side and when it went down very cold I could go up the hill with six to nine thousand gallons a minute. The perfect solution is to have my own water main, but that's, you know, three million dollars. I am talking maybe the State would help us do something like that. They've given grants to other small ski areas and this really falls under sort of a tourism umbrella and it also falls under an infrastructure umbrella, and, you know, I think Chris Harrington, I don't want to speak for people who aren't here, but John Strough and Chris and Tim I felt we had a really productive meeting and it killed two birds with one stone. It solves my problem and it gets me off the Town filters. Because we had to shut down the water this winter for the first time in the history of West Mountain because of those massive floods that hit. So all the particulate in the Hudson got so high that, you know, Chris, not intentionally, he had to turn us off for a period of a couple of days because the water was so dirty they couldn't treat it. Now that's never happened before, maybe a



bad example, but I mean things are happening now that didn't used to happen. So the pond would solve the short-term dilemma for me to be able to make snow on both sides of the Mountain at the same time.

MR. DEEB-But the pipe would be the best solution.

MR. MONTGOMERY-The pipe just solves it.

MR. DEEB-If you could get into that, that would be great.

MR. MONTGOMERY-Yes.

MR. DEEB-Are you going to go over on the Luzerne side of the Mountain?

MR. MONTGOMERY-We don't have any plans to.

MR. LAPPER-Nothing's been proposed at this point.

MR. MONTGOMERY-When Mike was doing the top it was all in Luzerne.

MR. DEEB-Yes, that's what I remember.

MR. MONTGOMERY-Maybe the next guy or someone's kids down the line can take that up. No, it's not in Luzerne. It's all within the Town of Queensbury.

MR. DEEB-I think it's a good project, and I think being one of only two in the State would be a real advantage and it would really make this area shine to have something like that around here. So I think it's a great project.

MR. MONTGOMERY-Thank you.

MR. TRAVER-All right. Well we're off to the races I guess.

MR. LAPPER-Thank you.

MR. TRAVER-So we have, Staff has laid out a preliminary schedule for us to go about analyzing and preparing to review all the elements of this project. It is pretty involved, as you know, I mean you guys came up with the idea. So there are a lot of elements, but we take them one at a time, away we go.

MR. LAPPER-We've got the right Planning Board with detail, because you guys are used to this. So it's just going to take a little longer because it's a big one. So thank you.

MR. TRAVER-Yes, thank you. Thank you very much for your presentation.

MR. DEEB-Thank you guys, take care.

MR. TRAVER-Well, let's see. We have, under Old Business we still have Schermerhorn Construction, LLC, Site Plan 61-2023 and Freshwater Wetlands Permit 11-2023.

**OLD BUSINESS:**

**SITE PLAN NO. 61-2023 FRESHWATER WETLANDS 11-2023 SEQR TYPE: UNLISTED. SCHERMERHORN CONSTRUCTION, LLC. AGENT(S): EDP. OWNER(S): HOLDINGS, L.P. SCHERMERHORN RESIDENTIAL. ZONING: O. LOCATION: 575 BAY ROAD. APPLICANT PROPOSES TO CONSTRUCT A 41,201 SQ. FT. FOOTPRINT BUILDING FOR 76 UNITS. AN EXISTING 3,200 SQ. FT. BUILDING WILL REMAIN AS A MAINTENANCE BUILDING. THE PROJECT INCLUDES SITE WORK FOR STORMWATER, LANDSCAPING, LIGHTING AND PARKING. PROJECT WORK ALSO INCLUDES DEMOLITION OF SOME EXISTING OUTBUILDINGS WITH OTHER OUTBUILDINGS AND EXISTING HOUSE TO REMAIN UNCHANGED. THE PROJECT HAS WORK WITHIN 100 FT. OF WETLANDS AND IS SUBJECT TO A COORDINATED REVIEW WITH THE TOWN BOARD FOR THE EXTENSION OF THE SEWER DISTRICT. PURSUANT TO CHAPTER 179-3-040, 179-5-100 AND CHAPTER 94, SITE PLAN FOR A MULTIFAMILY BUILDING IN THE OFFICE ZONE AND WORK WITHIN 100 FT. OF WETLANDS SHALL BE SUBJECT TO PLANNING BOARD REVIEW AND APPROVAL. PLANNING BOARD MAY ACCEPT LEAD AGENCY, CONDUCT ENVIRONMENTAL REVIEWS AND PROVIDE RECOMMENDATION. CROSS REFERENCE: N/A. WARREN CO. REFERRAL: SEPTEMBER 2023. SITE INFORMATION: WETLANDS. LOT SIZE: 14.99 ACRES/1.3 ACRES. TAX MAP NO. 296.7-1-2, 296.7-1-3. SECTION: 179-3-040, 179-5-100, CHAPTER 94.**

JON LAPPER & BRANDON FERGUSON, REPRESENTING APPLICANT, PRESENT

MR. TRAVER-Laura?

MRS. MOORE-So this project was before the Zoning Board in regards to a height variance. The Town Board granted the sewer district extension recently. So it's back to the Planning Board for Site Plan Review.

MR. TRAVER-Okay. Thank you. Good evening. Welcome back.

MR. LAPPER-For the record, again, Jon Lapper with Brandon Ferguson from Environmental Design Partnership. Brandon and I were both in Lake George with Rich and I left early to make it. As Laura said we've been working on this for a bit. This required a sewer district extension. Rich had actually put in a line just south of this, but this requires a sewer district extension. So we had to come to you for SEQR first and then go to the Town Board for that, and then it turned out, because of the cut and fill, because of how we measure the height in Queensbury from the, you know, the worst of the pre-existing or the post-construction, we can't really get a flat building that holds 76 apartments, but the Zoning Board was happy with that. So we're here for Site Plan Review, and Laura's notes were pretty thorough.

MR. TRAVER-Yes, and we have quite a number of times looked at this I think over the life of the planning for this project. I'm not really sure how much more there is left for us to look at.

MR. FERGUSON-I'll note that we did get Town Engineering signoff on this.

MR. TRAVER-Well, questions, comments from members of the Board?

MR. LONGACKER-I just had one. Remember I asked last time, too. Did you have a gate at the road going out towards the back, so it's not like a cut through road? Back in there. I know there's a couple of existing buildings back there.

MR. FERGUSON-The agricultural buildings on the site, they're going to maintain those, use them for storage and stuff. Are you talking about just the road that continues out?

MR. LONGACKER-Yes, I was just wondering for the public not to go through there. That's not the intention, correct?

MR. FERGUSON-No, no. That's definitely not the intention.

MR. LAPPER-That's off site.

MR. FERGUSON-Yes, that goes off site.

MR. LONGACKER-Okay. So it doesn't cut all the way through then. Okay.

MR. FERGUSON-I don't see any reason not to put up a gate on a portion of that driveway. There's no intention of people driving through there.

MR. LAPPER-Yes, we don't have any rights to.

MR. FERGUSON-Yes.

MR. LONGACKER-Understood.

MR. TRAVER-If you do put in a gate, you'll need to put in a lock that the fire, emergency services can access. They have a term for that.

MRS. MOORE-Knox box.

MR. FERGUSON-Knox box.

MR. TRAVER-Thank you. Knox box, yes. So bear that in mind. Any other questions? I know we've looked at this quite a bit over the months. There is a public hearing on this application as well. Is there anyone in the audience that wanted to comment on this? Yes, sir.

**PUBLIC HEARING OPENED**

HARRISON FREER

MR. FREER-Hi, my name's Harrison Freer. It's my understanding that the access to this will be on Walker. Is that, will the people be coming down Walker at all?

MR. LAPPER-This is on Bay Road.

MR. FREER-Okay. Because the street lights are the topic that I keep getting beat up on. We should try to figure out how to make sure that there's a good street light where they are coming on to Bay. I don't know if you guys do that or not, but it's a complaint that I get all the time. So I just wanted to bring it up, that it may be something that you guys can think about with Site Plan Review. Thank you.

MR. TRAVER-Thank you. Is there anyone else that wants to address the Planning Board on this application? I'm not seeing anyone in the audience. Are there written comments, Laura?

MRS. MOORE-There are no written comments, but I did note that the Board could request additional information about a recreational plan and I did mention lighting fixtures.

MRS. MC DEVITT-There is one comment.

MR. TRAVER-Yes, sir. I'm sorry, I didn't see you raise your hand.

MIKE DIER

MR. DIER-My name's Mike Dier, and I live on Browns Path and I've said this a couple of times. You can't control what they do with the property, but I don't want to see it and I don't want to hear it. So the idea for me is the lighting. I just hope the lighting goes down, doesn't go out. This is different than the project that is south of us that Schermerhorn has south of Browns Path. The parking's inside of the building, or on the outside, so the lighting is on the inside. My concern here is the road that goes all the way around and all the lighting that would be involved in that. So I would just hope there would be some consideration for that light disturbing the local area.

MR. TRAVER-Yes, it is required to be downcast and there is a limit on the number of foot candles for a project for the lighting.

MR. DIER-Okay.

MR. DEEB-So there is control.

MR. DIER-Okay. Just so I can give you my opinion on that.

MR. TRAVER-Thank you very much.

MR. DIER-Thank you.

MR. TRAVER-Is there anyone else that wants to comment to the Planning Board on this application? You said there were no written comments, Laura?

MRS. MOORE-There are no written comments.

MR. TRAVER-Do you have any response to the question about the lighting at the intersection?

MRS. MOORE-It's the first I've heard of that.

MR. TRAVER-Yes, I didn't see any, I don't believe there's any specifically on the plan. Is there any concern about sight distance at night?

MR. FERGUSON-No. I guess, are we talking about a light pole down there just to illuminate it? We're not talking about traffic lighting, right?

MR. TRAVER-Not a traffic light. Just to, I think to identify that as drivers are going down the road. It sort of signifies that there's an intersection coming up.

MR. FERGUSON-Yes, we do have a light that's near the intersection on our property. There is going to be a light fixture there to illuminate pulling on and off there. Yes.

MR. TRAVER-I haven't looked at the lighting plan in a while.

MR. FERGUSON-Yes, right off of Bay, outside right of way on our property we have the first light.

MR. TRAVER-All right. Is there anything else from members of the Board?

MR. DEEB-What was the other thing, Laura? You had one other thing?

MRS. MOORE-They had recreational. All the recreational, they had some walking paths and some amenities interior. I didn't know if the Board was looking for some additional or if this satisfies the recreational component, as multi-family dwellings are required to have some recreational plan in place.

MR. TRAVER-I think we talked about that at a prior meeting.

MRS. MOORE-Okay.

MR. TRAVER-Do you want to review that again real quickly?

MR. FERGUSON-We have a community walking path kind of to make it a little bit, to make it so you can kind of walk a loop. We're maintaining some of the, there's some apple trees and stuff, we're maintaining those. We'll have the walking path, and then he does have a community rec area, so kind of an area that could be decided on in the future, but for right now it would be kind of an area where people can get together.

MR. LAPPER-All the big projects have that, like Willowbrook.

MR. TRAVER-And those features are indicated on one of the pages of the plan.

MR. FERGUSON-Yes, it's on the site plan. We indicate the recreation area.

MR. DEEB-Where's the pickle ball court?

MR. TRAVER-That will be a site plan modification down the road probably. Okay. Anything else from the Board? From Staff? All right. I guess we have a draft resolution, then.

MS. GAGLIARDI-Excuse me, Mr. Chairman, you need to close your public hearing.

MR. TRAVER-Thank you. So we'll go ahead and close the public hearing on this application and consider the resolution.

#### **PUBLIC HEARING CLOSED**

#### **RESOLUTION APPROVING SP # 61-2023 FWW 11-2023 SCHERMERHORN CONSTRUCTION, LLC**

Applicant proposes to construct a 41,201 sq. ft. footprint building for 76 units. An existing 3,200 sq. ft. building will remain as a maintenance building. The project includes site work for stormwater, landscaping, lighting and parking. Project work also includes demolition of some existing outbuildings with other outbuildings to remain unchanged. The project has work within 100 ft. of wetlands and is subject to a coordinated review with the Town Board for the extension of the sewer district. Pursuant to chapter 179-3-040, 179-5-100 and Chapter 94, site plan for a multifamily building in the Office zone and work within 100 ft. of wetlands shall be subject to Planning Board review and approval. Planning Board may accept lead agency, conduct environmental reviews and provide recommendation.

Pursuant to relevant sections of the Town of Queensbury Zoning Code-Chapter 179-9-080, the Planning Board has determined that this proposal satisfies the requirements as stated in the Zoning Code;

As required by General Municipal Law Section 239-m the site plan application was referred to the Warren County Planning Department for its recommendation;

The Planning Board has reviewed the potential environmental impacts of the project, pursuant to the State Environmental Quality Review Act (SEQRA) and adopted a SEQRA Negative Declaration – Determination of Non-Significance;

The Planning Board opened a public hearing on the Site plan application on 10/24/2023 and continued the public hearing to 3/26/2024 when it was closed,

The Planning Board has reviewed the application materials submitted by the applicant and all comments made at the public hearing and submitted in writing through and including 3/26/2024;

The Planning Board determines that the application complies with the review considerations and standards set forth in Article 9 of the Zoning Ordinance for Site Plan approval,

**MOTION TO APPROVE SITE PLAN 61-2023 & FRESHWATER WETLANDS 11-2023 SCHERMERHORN CONSTRUCTION;** Introduced by David Deeb who moved for its adoption.

According to the draft resolution prepared by Staff with the following:

- 1) Waivers requested granted – no waivers were requested;
- 2) The approval is valid for one (1) year from the date of approval. Applicant is responsible for requesting an extension of approval before the one year expiration date of 3/26/2025;
- 3) Adherence to the items outlined in the follow-up letter sent with this resolution.
  - a) The limits of clearing will constitute a no-cut buffer zone, orange construction fencing shall be installed around these areas and field verified by Community Development staff;
  - b) If applicable, the Sanitary Sewer connection plan must be submitted to the Wastewater Department for its review, approval, permitting and inspection;
  - c) If curb cuts are being added or changed a driveway permit is required. A building permit will not be issued until the approved driveway permit has been provided to the Planning Office;
  - d) If application was referred to engineering then Engineering sign-off required prior to signature of Zoning Administrator of the approved plans;
  - e) Final approved plans should have dimensions and setbacks noted on the site plan/survey, floor plans and elevation for the existing rooms and proposed rooms in the building and site improvements;-
  - f) If required, the applicant must submit a copy of the following to the Town:
    - a. The project NOI (Notice of Intent) for coverage under the current "NYSDEC SPDES General Permit from Construction Activity" prior to the start of any site work.
    - b. The project NOT (Notice of Termination) upon completion of the project;
    - c. The applicant must maintain on their project site, for review by staff:
      - i. The approved final plans that have been stamped by the Town Zoning Administrator. These plans must include the project SWPPP (Storm Water Pollution Prevention Plan) when such a plan was prepared and approved;
      - ii. The project NOI and proof of coverage under the current NYSDEC SPDES General Permit, or an individual SPDES permit issued for the project if required.
  - g) Final approved plans, in compliance with the Site Plan, must be submitted to the Community Development Department before any further review by the Zoning Administrator or Building and Codes personnel;
  - h) The applicant must meet with Staff after approval and prior to issuance of Building Permit and/or the beginning of any site work;
  - i) Subsequent issuance of further permits, including building permits is dependent on compliance with this and all other conditions of this resolution;
  - j) As-built plans to certify that the site plan is developed according to the approved plans to be provided prior to issuance of the certificate of occupancy.
  - k) This resolution is to be placed in its entirety on the final plans

Motion seconded by Warren Longacker. Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mrs. McDevitt, Mr. Deeb, Mr. Longacker, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-You are all set.

MR. LAPPER-Thanks, everybody.

MR. FERGUSON-Thank you.

MR. TRAVER-The next item on our agenda, also under Old Business, is AEC Solar Energy Corp. This is Site Plan 14-2024.

**SITE PLAN NO.14-2024 SEQR TYPE: TYPE II. AEC SOLAR ENERGY CORP. AGENT(S): AEC SOLAR ENERGY CORP. OWNER(S): HUDSON ORIGINS, LLC. ZONING: WR. LOCATION: 119 BIG BAY ROAD. APPLICANT PROPOSES TO INSTALL 1,118 SQ. FT. GROUND MOUNTED SOLA ARRAY OF 20.8KW DC. THE EXISTING HOME AND DETACHED GARAGE TO REMAIN UNCHANGED. THE PANELS ARE TO BE INSTALLED ON A RACK SYSTEM AND CONNECT TO THE HOUSE VIA TRENCH. PURSUANT TO CHAPTER 179-3-040 & 179-5-140, SITE PLAN FOR GROUND MOUNTED SOLAR ARRAY SHALL BE SUBJECT TO PLANNING BOARD REVIEW AND APPROVAL. CROSS REFERENCE: AV 17-2024. WARREN CO. REFERRAL: MARCH 2024. SITE INFORMATION: HUDSON RIVER. LOT SIZE: 5.00 ACRES. TAX MAP NO. 316.13-1-1. SECTION: 179-3-040,179-5-140.**

LEE EVANS, REPRESENTING APPLICANT, PRESENT

MR. TRAVER-Laura?

MRS. MOORE-So this application is to install a ground mounted solar system approximately 1,118 square feet, and the applicant did receive variances at the Zoning Board for having the solar mounted project in the front yard as well as the setback distance to a property line.

MR. TRAVER-Okay. Thank you. Good evening.

MR. EVANS-Hi. I'm Lee Evans with AEC Solar, and I want to apologize to the Board. The gentleman, my colleague, got sick today and I was put in at the last minute. I got here as fast as I could.

MR. TRAVER-Did you come up from Albany?

MR. EVANS-Yes.

MR. TRAVER-Wow. Well at least we don't have terrible weather tonight.

MR. EVANS-Thank goodness.

MR. TRAVER-I did see, and understand that you weren't here when we last reviewed this proposal, but I did see that the material did include an update as requested, the decommissioning plan for that.

MR. EVANS-Yes.

MR. TRAVER-So that's very good. We appreciate that.

MR. EVANS-That's correct.

MR. TRAVER-You did receive your variance. We did review the location and had some discussion with the applicant previously. It seemed like a good compromise in terms of the visibility of the array and also its performance versus shadowing and so on. So are there any initial questions from members of the Board? There is a public hearing, but since we don't have any public, I guess I'll ask Laura if we have any written comments.

#### **PUBLIC HEARING OPENED**

MRS. MOORE-There's no written comments.

MR. TRAVER-No written comments? Okay. Then we will both open and close the public hearing on this application, and does the Board feel comfortable moving forward? Okay. We have a draft resolution.

MR. DEEB-Yes, we do.

MRS. MOORE-You have two resolutions. You have a SEQR resolution, as well as a Site Plan resolution.

#### **RESOLUTION GRANTING A NEGATIVE SEQR DEC. SP # 14-2024 AEC SOLAR ENERGY CORP.**

The applicant proposes to install 1,118 sq. ft. ground mounted solar array of 20.8kw dc. The existing home and detached garage to remain unchanged. The panels are to be installed on a rack system and connect to the house via trench. Pursuant to chapter 179-3-040 & 179-5-140, site plan for ground mounted solar array shall be subject to Planning Board review and approval.

The proposed action considered by this Board is Unlisted in the Department of Environmental Conservation Regulations implementing the State Environmental Quality Review Act and the regulations of the Town of Queensbury;

No Federal or other agencies are involved;

Part 1 of the Short EAF has been completed by the applicant;

Upon review of the information recorded on this EAF, it is the conclusion of the Town of Queensbury Planning Board as lead agency that this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

#### **MOTION TO GRANT A NEGATIVE DECLARATION FOR SITE PLAN 14-2024 AEC SOLAR ENERGY CORP.** Introduced by David Deeb who moved for its adoption.

As per the resolution prepared by staff.

1. Part II of the Short EAF has been reviewed and completed by the Planning Board.
2. Part III of the Short EAF is not necessary because the Planning Board did not identify potentially moderate to large impacts.

Motion seconded by Warren Longacker. Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mr. Deeb, Mrs. McDevitt, Mr. Longacker, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-And then next we have the Site Plan resolution.

RESOLUTION APPROVING SP # 14-2024 AEC SOLAR ENERGY CORP.

Applicant proposes to install 1,118 sq. ft. ground mounted solar array of 20.8kw dc. The existing home and detached garage to remain unchanged. The panels are to be installed on a rack system and connect to the house via trench. Pursuant to chapter 179-3-040 & 179-5-140, site plan for ground mounted solar array shall be subject to Planning Board review and approval.

Pursuant to relevant sections of the Town of Queensbury Zoning Code-Chapter 179-9-080, the Planning Board has determined that this proposal satisfies the requirements as stated in the Zoning Code;

As required by General Municipal Law Section 239-m the site plan application was referred to the Warren County Planning Department for its recommendation;

The Planning Board has reviewed the potential environmental impacts of the project, pursuant to the State Environmental Quality Review Act (SEQRA) and adopted a SEQRA Negative Declaration – Determination of Non-Significance;

The Planning Board made a recommendation to the Zoning Board of Appeals on 3/19/2024; the ZBA approved the variance requests on 3/20/2024;

The Planning Board opened a public hearing on the Site plan application on 3/26/2024 and continued the public hearing to 3/26/2024 when it was closed,

The Planning Board has reviewed the application materials submitted by the applicant and all comments made at the public hearing and submitted in writing through and including 3/26/2024;

The Planning Board determines that the application complies with the review considerations and standards set forth in Article 9 of the Zoning Ordinance for Site Plan approval,

**MOTION TO APPROVE SITE PLAN 14-2024 AEC SOLAR ENERGY CORP.** Introduced by David Deeb who moved for its adoption;

Per the draft provided by staff conditioned upon the following conditions:

- 1) Waivers request granted: include items g. site lighting, h. signage, j. stormwater, k. topography, l. landscaping, n traffic, o. commercial alterations/ construction details, p floor plans, q. soil logs, r. construction/demolition disposal s. snow removal;
- 2) The approval is valid for one (1) year from the date of approval. Applicant is responsible for requesting an extension of approval before the one year expiration date of 3/26/2025;
- 3) Adherence to the items outlined in the follow-up letter sent with this resolution.
  - a) If application was referred to engineering, then engineering sign-off required prior to signature of Zoning Administrator of the approved plans;
  - b) Final approved plans should have dimensions and setbacks noted on the site plan/survey, floor plans and elevation for the existing rooms and proposed rooms in the building and site improvements,
  - c) Final approved plans, in compliance with the Site Plan, must be submitted to the Community Development Department before any further review by the Zoning Administrator or Building and Codes personnel;
  - d) The applicant must meet with Staff after approval and prior to issuance of Building Permit and/or the beginning of any site work;
  - e) Subsequent issuance of further permits, including building permits is dependent on compliance with this and all other conditions of this resolution;
  - f) As-built plans to certify that the site plan is developed according to the approved plans to be provided prior to issuance of the certificate of occupancy;

g) Resolution to be placed on final plans in its entirety and legible.

Motion seconded by Warren Longacker. Duly adopted this 26<sup>th</sup> day of March 2024 by the following vote:

AYES: Mr. Longacker, Mrs. McDevitt, Mr. Deeb, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick

MR. TRAVER-You are all set.

MR. EVANS-Thank you very much. What is the next step? Is this the final approval?

MRS. MOORE-So the Planning Board members have packets of your information. You'll get a notice, or someone will get a notice, most likely via e-mail, that you'll need to submit final plans. Since there were no changes, we might be able to work with you and take the plans that they have and use them. If not, then what typically happens is that you, the applicant, would submit those three sets of final plans with the resolution attached to them, but either you or the other individual can communicate with me, once you receive that letter, if you have other questions.

MR. EVANS-Very good, and about how long will that take?

MRS. MOORE-Probably within the next 24 hours, 48 hours.

MR. EVANS-That's pretty quick.

MR. DEEB-So you'll want to take these with you. We'll give you these back.

MR. EVANS-Okay. Very good.

MR. TRAVER-The most important thing is keep in contact with Laura. She will guide you through the rest of the process.

MR. EVANS-Very good. Thank you.

MR. TRAVER-Thank you. Is there any other business before the Planning Board this evening? Anything, Laura, from Staff?

MRS. MOORE-I didn't have anything, no.

MR. TRAVER-All right. Then we'll entertain a motion to adjourn.

**MOTION TO ADJOURN THE QUEENSBURY PLANNING BOARD MEETING OF MARCH 26<sup>TH</sup>, 2024**, Introduced by David Deeb who moved for its adoption, seconded by Warren Longacker:

Duly adopted this 26<sup>th</sup> day of March, by the following vote:

AYES: Mr. Deeb, Mr. Longacker, Mrs. McDevitt, Mr. Traver

NOES: NONE

ABSENT: Mr. Magowan, Mr. Stark, Mr. Stefanick.

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

On motion meeting was adjourned.

Stephen Traver, Chairman