

TOWN OF QUEENSBURY TOWN BOARD APPLICATION

PETITION FOR CHANGE OF ZONE

Petition No. (Office Use Only): \_\_\_\_\_

Applicant's Name: Apex Capital LLC and Mountain Top Ventures, LLC

Address: 59 West Mountain Road, Queensbury NY 12804  
\_\_\_\_\_

To the Applicant:

The Queensbury Planning Board will review this Petition and make recommendations to the Town Board. As part of this review, the Planning Board will consider the following questions and submit answers to the Town Board. As the applicant, you will have the option to provide answers for the Boards to consider.

1. What need is being met by the proposed change in zone or new zone?  
The Woods at West Mountain will function as a new community addition to the existing West Mountain Ski Area. It will offer an alpine village experience with amenities as well as extended stay accommodations and services. Town Board approval will be required for a zoning district change from Recreation Commercial (RC) to Planned Resort Development (PRD).
2. What existing zones, if any, can meet the stated need?  
PRD  
\_\_\_\_\_  
\_\_\_\_\_
3. How is the proposed zone compatible with adjacent zones?  
It will enhance the existing ski mountain.  
\_\_\_\_\_  
\_\_\_\_\_
4. What physical characteristics of the site are suitable to the proposed zone?  
Mountainside ski slopes accessible by guests.  
\_\_\_\_\_  
\_\_\_\_\_
5. How will the proposed zone affect public facilities?  
The proposed project would use public water supply and private wastewater treatment facilities. Sufficient capacity exists for the additional public water necessary.  
\_\_\_\_\_
6. Why is the current zone classification not appropriate for the property in question?  
The density calculation that excludes "slopes in excess of 20%" currently is not compatible for ski resort development.  
\_\_\_\_\_
7. What are the environmental impacts of the proposed change?  
The proposed site plan utilizes clustering of the most intensive use components in an area at the base of the mountain.  
\_\_\_\_\_

8. How is the proposal compatible with the relevant portions of the Comprehensive Land Use Master Plan?

Please see answer at bottom of page.

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9. How are the wider interests of the Community being served by this proposal?

Significant portions of the wooded hillside on West Mountain are proposed to be preserved by the site layout and orientation of facilities in the Woods at West Mountain PRD. The project provides outdoor recreation to the local community. The proposed project is designed to assure the economic viability of West Mountain into the future so that it can remain a major open space recreational resource that is open to the public and a vital element to the economy of the Town of Queensbury and Warren County.

**These questions are based on criteria used to review all zoning amendments.**

8. The proposed Woods at West Mountain site plan proposes the consolidation and clustering of the most intensive use components in an area at the base of the mountain on lands with gentle slopes and deep soils. As proposed development proceeds up the mountainside, the intensity and density of uses diminishes. With the exception of the single family "ski-in ski-out" homes, all such development is at the lower elevations of the mountain. "Ski-in, ski out" homesites, by their very definition are slope side and are not on the ridge top area of West Mountain which would detract from the natural ridge line. Development of the 15 lots on the Mountain Top Ventures, LLC parcel are capable of being sited so as to buffer views from off-site receptors.

## Application - Petition for Change of Zone

The applicant must submit a fee of \$250 with the original & seventeen (17) copies of all documentation requested in this application to the Town Clerk's office. [Copies are distributed as follows: Town Board (5), Town Clerk (1), Town Counsel (1), Planning Board (9), File Copy (1), and Planning Staff (1).]

Petition No. (Office Use Only): \_\_\_\_\_

Date Received by Town Clerk: \_\_\_\_\_

Date Received by Planning Office: \_\_\_\_\_

1. Application For: (check where applicable)

Amendment of Zoning Map \_\_\_\_\_  
 Amendment of Zoning Ordinance \_\_\_\_\_

2. Current Zoning: RC \_\_\_\_\_  
 Proposed Zoning: PRD \_\_\_\_\_

3. Project Location: 59 West Mountain Road, Queensbury, NY 12804 \_\_\_\_\_

4. Tax Map ID: \_\_\_\_\_

5. Applicant: Apex Capital, LLC and Mountain Top Ventures, LLC \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

6. Applicant's Agent: Jon Lapper, Bartlett, Pontiff, Stewart & Rhodes, P.C. \_\_\_\_\_  
 Address: One Washington Street, Glens Falls, NY 12801 \_\_\_\_\_  
 Phone: \_\_\_\_\_

7. Property Owner: Apex Capital LLC and Mountain Top Ventures, LLC \_\_\_\_\_  
 Address: 59 West Mountain Road, Queensbury NY 12804 \_\_\_\_\_  
 Phone: 518-745-9892 \_\_\_\_\_

8. Directions to Site: \_\_\_\_\_  
 \_\_\_\_\_

9. Statistics and Data on Property:

a. Total Area: \_\_\_\_\_ sq. ft. or 254.0 acres

b. Dimensions:  
 Minimum Width: \_\_\_\_\_  
 Average Width: \_\_\_\_\_  
 Minimum Depth: \_\_\_\_\_  
 Average Depth: \_\_\_\_\_

Physical Irregularities (describe): Site is a ski area with steep slopes.  
 \_\_\_\_\_  
 \_\_\_\_\_

- c. Existing use(s): include structures, outdoor uses, rights of way, easements, deeds and limitations to use of property:

North West Mountain Ski Area exists on the parcel with a ski lodge, ski lift, ski trails and parking lot.  
 \_\_\_\_\_

- d. Adjacent uses within 400 feet: (state direction, location, use, zone & owner):

North: LC-10A - Lois Udall 307.-1-45; RT- James Newbury 307.-2-41; LC-10A - Thomas Washburn 307.-1-46.1; SPLIT - Multiple Zones- Arthur Irrevocable Trust 307.-1-31; South: MDR - Andrew C. Frenyea 315.-1-1.15; West: RC - Mountain Top Ventures, LLC 314.-1-3  
 \_\_\_\_\_

- e. State, County or Town property within 500 feet:

West Mountain Road  
 \_\_\_\_\_  
 \_\_\_\_\_

10. A Map/Survey of the property to be rezoned must be submitted with the application; items A through H must be included on the plan and addressed in the submission

- A. Map of property at a scale of 1 inch = 40 feet or less with scale, north arrow and topography.
- B. Boundaries of property with dimensions in feet, including zoning boundary.
- C. Identification of wetlands, watercourses or waterbodies on site.
- D. Location of any current structures on site, their exterior dimensions, use and setbacks.
- E. Location of any proposed easements and driveways.
- F. Location of existing public or private water and sewer facilities.
- G. Location of existing and proposed parking and loading facilities.
- H. Identification of uses (i.e. residential, commercial, industrial) on property within 500 feet.

11. If Petition is for an amendment to Zoning Ordinance, cite the section(s) to be changed, and wording to be substituted:

The Applicant requests that § 179-12B-020 C. be changed as attached.  
 \_\_\_\_\_  
 \_\_\_\_\_

12. In support of this petition, the following statement is made:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

13. The following documents are submitted herewith:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- (4) Whether the project provides for a creative use of land and related physical development which allows an orderly transition of land from adjacent uses and surrounding area.
- (5) Whether the project provides a development pattern in harmony with the objectives of the Comprehensive Plan and consistent with the purposes and objectives of the underlying zoning district or districts.
- (6) Whether the project provides a more desirable environment than would be possible through the strict application of other articles of this chapter.
- (7) There shall be adequate water supply and sewage disposal facilities, and drainage facilities shall be designed to maintain predevelopment off-site runoff.
- (8) Whether the project provides scenic vistas, historic sites, and prevents disruption of natural drainage patterns.
- (9) The project utilizes landscaping and building design to present a sense of community, of integrated color schemes, architectural styles and layout.
- (10) The recreational aspect and associated facilities of the proposed PRD shall be the dominant land use in the PRD, with an appropriate ratio of residential uses and other mixed commercial uses that is appropriate and sustainable for its location, Town needs and market considerations. The actual ratio of mixed uses shall be specified by the applicant as part of the PRD application and approved by the Town Board as part of the approval process.
- (11) Underground on-site utilities are required, including telephone, electric, cable, water distribution laterals and sewer collection laterals.
- (12) All lighting shall be arranged so as to prevent direct glare or hazardous interference from the lighting for the proposed development to adjoining streets or properties.

**§ 179-12B-020. General requirements.**

- A. **Ownership.** The tract of land for a project may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners. All common areas and amenities shall be owned and operated by an appropriate legal entity that will exist in perpetuity. The conveyance of individual parcels within a PRD may be acceptable, provided provision is made for continuity of restrictions and controls in the form of deed covenants, restrictions and easements. The post-development ownership and maintenance plan shall be part of the application and approval process. Said post-development plan shall include a mechanism that will provide unified control and authority over the operations of the development so that there is one entity or individual that is responsible for enforcing the terms and conditions of the PRD approval for all tenants, homeowners, business owners and other users of the PRD.
- B. **Minimum area.** The minimum area for a PRD shall be 100 contiguous acres of land. The Town Board may consider projects of lesser acreage where the applicant can demonstrate

that the characteristics of his holdings meet the purposes and objectives of this article.

- C. Allowed uses and base residential density. Any type of nonresidential and residential use may be permitted within an area designated as a PRD, subject to the provisions of this article and the conditions of approval of the PRD, provided that the recreational use is the predominant use with at least 50% of all the land area devoted to uses for recreation and provided that the nonresidential uses are appropriate for a resort-type community and function. ~~Base residential density (BRD) in a PRD is that density as permitted in the original district or districts in the current Zoning Ordinance. The residential density allowed in a PRD (PRD density) shall not exceed 100% of the original base residential density except as set forth below.~~ The overall residential intensity of the project cannot exceed the amount of available development potential of the individual APA Land Use Intensity Zone if the proposed PRD is located within the Adirondack Park.
- ~~(1) For the inclusion of one LEED-certified dwelling unit under the United States Green Building Council's LEED (Leadership in Energy and Environmental Design) program, one dwelling unit may be added as a density bonus. The bonus unit must also be LEED-certified. The level of LEED certification does not matter.~~
  - ~~(2) For the inclusion of three dwelling units certified as energy efficient under the federal government's ENERGY STAR program, one dwelling may be added as a density bonus. The bonus unit must also be certified as energy efficient under the federal government's ENERGY STAR program. This density bonus shall not exceed 10% of the base residential density.~~

#### **§ 179-12B-030. Considerations.**

In determining whether a planned unit development should be allowed, particularly as regards the intensity of land use, the Town Board shall consider the following factors:

- A. The need and market demand for the proposed project in the proposed location.
- B. The availability and adequacy of water service.
- C. The availability and adequacy of sanitary waste disposal facilities.
- D. The availability and adequacy of transportation systems, including the impact on the road network.
- E. The pedestrian circulation and open space in relation to structures, throughout the proposed development, and as part of an adjoining or future connecting Townwide open and linear pathway system, if applicable.
- F. The character of the area in which the PRD is being proposed, including the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighboring area in general.
- G. The density and location of buildings and their relation to the open space and recreational areas of the site.
- H. Potential impacts on local government services.