

# 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 X  
 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: 59 West Mountain Road  
Queensbury, NY 12804  
 Phone: 518-745-9892

6. Applicant's Agent: Jon Lapper, Bartlett, Pontiff, Stewart & Rhodes, P.C.  
 Address: One Washington Street, Glens Falls, NY 12801  
 Phone: 518-792-2117 (O)

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: At North West Mountain on West Mountain Road

9. Statistics and Data on Property:

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

b. Dimensions:  
 Minimum Width: N/A  
 Average Width: N/A  
 Minimum Depth: N/A  
 Average Depth: N/A

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 § A183-26 A(4) be changed as attached.  
\_\_\_\_\_  
\_\_\_\_\_

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

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

13. The following documents are submitted herewith:

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



- F. The subdivider shall not be permitted to leave any piles or mounds of dirt or other debris or materials around the tract. All surfaces shall be restored within six months of the time of the completion of the phase of the subdivision.
- G. Floodplain.
  - (1) Mapping. If any portion of the land within the subdivision is subject to inundation or flood hazard by stormwater, such fact and portion shall be clearly indicated on the preliminary and subdivision plats and a prominent note placed on each sheet of such map whereon any such portion shall be shown.
  - (2) Use. Land subject to flooding and land deemed by the Planning Board to be otherwise uninhabitable shall not be planed for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard.

## § A183-26. Density.

The maximum number of buildable lots for a conventional subdivision shall be calculated as follows:

- A. From the total area of the property to be subdivided, subtract:
  - (1) Local, state, or federally regulated wetlands.
  - (2) Water bodies, including but not limited to ponds, streams, rivers, etc.
  - (3) Rock outcrops.
  - (4) Slopes in excess of 20%, to include both natural and man-made slopes.  
**This shall not apply to ski mountain planned resort developments.**
  - (5) The area to be set aside for other public use, such as parkland.
  - (6) The area to be occupied by the proposed streets or rights-of-way.
  - (7) The area occupied by other public easements or rights-of-way across the property such as major power or telephone lines.
- B. Then divide the resulting figure (the remaining acreage) by the density allowed in the zone in which the lots will be located specified in § **179-3-040** in the Town of Queensbury Zoning Law.

## § A183-27. Layout of streets and roads.

The Town streets and roads shall include both public and private streets and roads in all sections of these regulations.

- A. Relationship to natural features.
  - (1) All streets and roads shall be logically related to existing topography, soil, vegetation and other natural features and shall be coordinated into a logical and efficient system. All roads shall be arranged so as to obtain a maximum number of building sites at or above the grade of the roads.
    - (a) Grades of roads shall conform as closely as possible to the original topography, except that in all cases the provisions concerning road grades of this article shall be observed.
    - (b) Installation of all utility distribution and service lines shall be planned at the time road layout is determined. For these purposes, areas with steep slopes, shallow soils or a water table at or near the surface and soils that are highly susceptible to erosion or slippage shall be avoided insofar as is practical.