



PLANNING BOARD MINUTES September 15, 2026

C. Howard Post, Chair, opened the meeting at 7:30 p.m.

Present: C. Howard Post (Chair), Carole Furman (Vice Chair), Mike Tiano. Robert Hlavaty and Gina Kiniry.

Absent: Kevin Brady, Al Riozzi and Brigid Walsh.

Also Present: Adriana Beltrani (Town Planner, NPV).

Pledge

The draft minutes of the July 21, 2026 Planning Board meeting were reviewed. Tiano-one change in the Tiano Site plan review from Mark to Mike. A motion was made by Tiano, seconded by Kiniry, to approve the July 21, 2026 meeting minutes with the one change as indicated. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

The draft minutes of the August 18, 2026 Planning Board meeting were reviewed. A motion was made by Tiano, seconded by Kiniry, to approve as written. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

PUBLIC HEARINGS

1. Samantha & Mark Tiano, Old Stage Road. Presented by Samantha & Mark Tiano, owners. Mike Tiano recused himself from the review of this project because of his involvement in the review by the fire department of this project. Mark Tiano-we are currently here because our public hearing could not be closed at the last meeting. We have gone through the comments from NPV memo and two comments seem to be outstanding. One being the final approval/comment letter from the Glasco Fire Department regarding the concerns outlined in the letter given to us at the last Planning Board meeting. Have had a conversation with the Chief Mayone and all comments have been addressed. The second outstanding item was regarding input from the Town Engineer. We have still not received anything.

Post opened the floor for questions/comments. There were no comments from the public to be heard.

A motion was made by Post, seconded by Furman to adopt the negative declaration under SEQR. Board vote: Post-Aye, Furman-Aye, Tiano-Recuse, Hlavaty-Aye, Kiniry-Aye. Motion carried. A motion was made by Hlavaty, seconded by Kiniry, to close the public hearing since there were no additional comments from the public. Board vote: Post-Aye, Furman-Aye, Tiano-Recuse, Hlavaty-Aye, Kiniry-Aye. Motion carried.

Beltrani-implementation of the operations manual narrative can be added as a condition of the special use permit. We have confirmed that the Zoning Administrator's classification of the wellness center would be considered a "Membership sports and recreation club," and that the cottages can be considered an "Inn," and that there is nothing in the code preventing two principal uses on the same lot. The Planning Board can move forward with a decision with the aforementioned and a review of the SUP in 1-year for compliance. UCPB comments have been addressed.

A motion was made by Furman, seconded by Hlavaty, to conditionally approve the site plan and special use permit with the following conditions:

- Acceptance by Town Engineer of the grading plans and stormwater management plan;
- Acceptance by Fire Department of the final plans;
- Ulster County Department of Health Approval of the septic systems;
- The number of classes on site shall be limited to no more than 3 classes per day;
- Operations shall be conducted in a manner consistent with the approved operations narrative;
- Review by the Planning Department for compliance one (1) year, twelve (12) months from final approval.

Board vote: Post-Aye, Furman-Aye, Tiano-Recuse, Hlavaty-Aye, Kiniry-Aye. Motion carried.

2. Major Subdivision (9-Lot), Solo Holidays, LLC, Cottontail Lane / Route 212. Presented by Khattar Elmassalemah, *Praetorius & Conrad, P.C.* The applicant is back to re-open a previously adjourned public hearing in hopes that the project can move forward. The proposed 9-lot subdivision on the 77 acre parcel has not significantly changed since the board last reviewed it. The building envelope on Lot #2 was moved internally further to address comments made at the last public hearing. The Army Corps of Engineers has accepted the mitigation of the wetlands as proposed. Started the process with the Ulster County Health Department. SWPPP was submitted to the Town Engineer for review. We have received the NPV review memo. Submitted the updated FEAF as requested. NYSDOT has given the green light to submit the application. Was awaiting the USACE response for mitigation before beginning that process. We have received the comment letter from the adjacent neighbor, Mr. Pisani, and prepared a response memo.

Post re-opened the public hearing at 7:40pm. Public Comments:

- Mark Pisani, 11 Osnas Lane-a copy of the response memo from Praetorius & Conrad, P.C. was given to Mr. Pisani. Pisani-comment has been addressed that there is no existing stormwater management pond currently on site. So no request for waiver is needed. The calculation comment remains relevant. Elmassalemah-61 acres of the site already has natural drainage and is not being rerouted. Pisani-typo comments are being addressed and there is a templating issue that is being addressed. Is the infiltration not included? Elmassalemah-not infiltrating into the ground. The SWPPP is not using infiltration. The storage area is included with the stormwater ponds. Needs to be reviewed by the Town Engineer and they will review all the calculations to ensure accuracy. IF there are errors they will be addressed at that time. We have included the Town Engineer in our response to your comment letter so they are aware of your concerns. Pisani-when will the perk test be performed? Elmassalemah-awating UCHD to witness the perk tests, as required. Pisani-it looks like there are two wet ponds and two dry ponds proposed, correct? Elmassalemah-correct, the dry pond will help to slow down flow.
- Cory Smith, 49 Raybrook Drive-do not approve of this project because of the dangers that are present from its proximity to the Super Fund site. It is located directly across Route 212. There is currently dioxane in the water across Route 212 and the people that live there have to use bottled water. Six of the last ten years have been drought conditions. The addition of 9 wells will create a serious issue. The fractured bedrock underneath does not allow for a clear understanding of how the run off flows. The parcels are considered an area of interest for NYSDEC regarding dioxane and PFOS. NYSDEC has not put out the latest report regarding where the “bloom” is and where the chemicals can seep into. John Joy Road and Artist Way residents are also on bottled water. The Town pays for their water. There are potentially contaminated areas. Adding additional wells will increase the probability of contamination further. Urge the board to wait until NYSDEC comes out with their new report before making any decision. There is no way to sink 9 new deep wells and ensure neighbors have clean and safe drinking water.

Elmassalemah-we are requesting the Board to close the public hearing at this time. We have given the public ample time to ask questions and voice their concerns. Beltrani-the Board is not ready to move forward with SEQR at this time and procedurally can not close the public hearing until they can. They will have to leave it

open until SEQR can be determined. Once closed the Board will run the risk of automatic approvals. We can adjourn until a later date if that is what the applicant wants, you can provide updates to the Board in the meantime without having to be on the agenda as a public hearing. This is an ecologically sensitive site and there are outstanding planning comments that have not been addressed. The UCPB had concerns regarding the conservation areas that are left out of the green belt. Wetlands would be protected under the greenbelt. The Building envelopes establish the limit of disturbance. If someone that purchases the lot and wants to move the building envelope it would require a site plan review. This is a Type I Action under SEQR and the Board has not completed their review as such. Need comments from the Town Engineer regarding grading. What does the USACE mitigation look like and who oversees that. NPV does have a wetland scientist on staff. Mitigation performed as provided. Elmassalemah-the project has already been submitted to the USACE and they have accepted the scope of work to be performed. Why do we need another professional to review it? Beltrani-The approval to move forward was based on lapse in response in the required timeframe and further review may be beneficial. Kiniry-is it customary for our Board to require a review of the USACE determination? Furman-has the USACE been on site? Elmassalemah-not sure if they have been on site, but the plans have been submitted and we have received a response from them. Post-if the Board does decide to have the wetland scientist review the project it will be at no additional cost to the applicant. The Board agreed that if the review is of no cost to the applicant and does not hold up the review process it should be done by the wetland specialist at NPV.

Elmassalemah-green belt is demonstrated heavily to the west between development. What are the concerns regarding the location of the green belts proposed? Beltrani-the suggestion in our memo is to follow some of the wetlands and steep slopes and incorporate them into the green belt areas to preserve them, for ecological benefit.

There was plume research done with the previous Terramor project that can be utilized for this project. The applicant should get a copy of that research and demonstrate how it is related to their project.

There is still some significant review before the board can come to a SEQR determination. The applicant can request the public hearing be adjourned again if they wish to give themselves some time to submit additional information that will help the Planning Board come to a SEQR determination. The applicant can always come to meetings in the interim to discuss the project further in hopes of moving in that direction. Once SEQR is closer to a determination the applicant can request to open the public hearing again. Elmassalemah-we would like to adjourn the public hearing until the November monthly meeting but attend the October meeting to discuss the progress of the project.

A motion was made by Hlavaty, seconded by Kiniry, to adjourn the public hearing until the November 17, 2026 monthly meeting. Board vote: Post-Aye, Furman-Aye, Tiano-Recuse, Hlavaty-Aye, Kiniry-Aye. Motion carried.

Site Plan/SUP, Baldor Specialty Foods, 3084 Route 32. Presented by the applicant's team: Jarod Lusk (Nixon Peabody LLP), Krenar Jusufi (Baldor Specialty Foods), Sam Burden (Bohler Engineering) and Joseph Keefe (Osterguard Acoustical Associates). Lusk-the acoustical report has been submitted. We have prepared changes to the site plan in reference to landscaping and structures to help with noise reduction. Data was collected for surrounding existing ambient noise. We have provided answers to the NPV review memo regarding outstanding questions.

Post opened the floor for public comments at 8:32 p.m.:

- Christina Bellarosa, 1606 Old Kings Highway-we have attended two public hearing meetings and reviewed the file. We would like to thank the Planning Board and recognize your efforts. We are concerned with preserving the integrity of the historic nature of our property. Concerned with the noise of the truck back up alarms. Who will monitor and what happens if they do not follow the site plan requirements. Litigation is not beneficial for either side. The CPC comment memo that was received in

the applicant's file seems to be more personal than professional. The zoning is not correct within that memo.

There were no additional comments from the public. Beltrani-there were a number of reports submitted which we have provided supplemental comments. A SEQR decision is needed. The applicant has clarified several of our comments. Requested clarification regarding the comparison against ambient noise and what the decibel increase would be. They meet the 70 dba at property line requirement within the special use requirement regulations. We have to look at the impact of noise on the surrounding community. Lusk-we have engaged Osterguard to perform a noise study. They put noise reading mechanisms in several locations. The outcome was that they do meet the 70 dba requirement and even exceed that at the adjacent property owner's property line where it is 50 dba. Keefe-the lease boundary is shown to demonstrate where the project will be confined to. The ambient sound measurements were taken on the utility pole next to 1606, location #2. Location #1 was located the same distance from Route 32 as the existing house (1606 Old Kings Highway) and measurements were taken between the proposed operating hours of 3am-6am. The measurements were taken on August 6, 2026. The highest levels for the proposed use at the residence would be 51 dba, never more. The cars and trucks from the road measured between 65dba to 75dba, which is considerably louder transient noise than what is proposed from the Baldor operation. Location #2 was not as loud. Beltrani-is there a dba difference table? Keefe-the noise for steady noise can be characterized with a table but the always changing noises seem to bottom out at 45 dba for existing. The proposed noise is below the criteria and not elevating more.

Bellarosa-understand the study but worried more about the hours the noise of the backing up of trucks and the additional noise of the use proposed, those are critical sleeping hours for my family. Keefe-there are terrain elevation contours that exist between the site and the adjacent house. The applicant is proposing noise reduction options as well. Several scenarios were measured: driving of a box truck on site, idling of refrigeration trucks and idling of regular trucks. The proposed sound at the property line will be 56 dba at the property line and 51 dba at the location of the existing home on the adjacent property. We reviewed multiple other scenarios like the noise created from a trailer coupled and decoupled, air brake release and pallet jacks. They are all demonstrated in the charts (which were provided for the file and displayed at the meeting). If a truck passing by on Route 32 creates 79 dba and the Baldor site creates 53 dba you are still going to hear the 79 dba over the 53 dba. There are two types of back up alarms. Tonal is the beeping that we mostly hear and broadband which is characterized as being quieter because of the pitch and actual noise it creates, more of a shhh-shhh" or "pscht-pscht noise (static noise). Post-tonal is much louder than broadband. I am around delivery trucks often and have heard both. Jusfi-broadband vs tonal-data has been studied and it indicates that tonal is louder and the applicant will go with broadband if the Board requires it. We have proactively contacted a trucking company to start that conversation. We want to be good neighbors. Furman-sound walls will be installed? Keefe-they are fences that will run parallel to Route 32-similar to a vinyl fence. A 6' fence with acoustical blankets combined with elevation changes between the adjacent property are proposed as well.

Post-what is the height of the headlights on the trucks? Jusufi-we can look that up. Post-just looked it up and they are 54", which will be shielded by the proposed fences. Tiano-there is a section between the adjacent parcel and this site that is wooded, correct? That will help with sound as well, correct? Keefe-we did the proposed noise measurements without the trees to be conservative. The property line is a low point the fence will go to the edge of the driveway. Hlavaty-is there a way to do a post construction noise survey? Burden-if there is, we can do that. Keefe-it is not practical because it will still show the outside noise that is not created by Baldor, which is existing, and not allow for an accurate measurement of change. Lusk-we have proposed up to 5 tractor trailers for daily deliveries but will only be 1 to 2 to start. All the measurements provided within the sound study have been at worst case scenarios. We are proposing a temporary use of the property. We will be providing additional landscaping, noise mitigation and the dock has been located further away from the neighboring home. We are requesting a 3-year Special Use Permit at this time. If we find that proposed use is working we will be looking

for a more permanent location, hopefully within Saugerties. Post-how often do trucks decouple? Burden-they will arrive onsite, decouple and leave. No trailers will remain onsite.

Beltrani-NPV has provided the DRAFT Part II SEAF and the applicant has provided responses to all moderate impact and rational for a negative declaration. The proposed use is similar to other businesses located along Route 32. No site grading is proposed. Lighting meets requirements. Requesting a 3-year temporary Special Use Permit. The traffic operations report provided. Sound study provided and the proposed use will not exceed 51 dba at the property line closest to the existing home. Screening and fencing is proposed. A motion was made by Hlavaty, Seconded by Kiniry, to adopt a Negative Declaration under SEQR. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

Since there were no further comments from the public a motion was made by Furman, second by Tiano, to close the public hearing. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried. The public hearing was closed at 9:06 pm.

A motion was made by Tiano, seconded by Kiniry, to conditionally approve the Site Plan and 3-year temporary Special Use Permit with the following conditions:

- Map note that the contractor and property owner are responsible for the replacement of dead or dying plantings for the life of the special use permit;
- Submission of a dust management plan, deemed acceptable by the Town Planner;
- Revision of the Lighting Plan per Town Planner memorandum dated September 11, 2026;
- Submission of NYSDOT permits as may be required;
- No more than five (5) tractor trailers (WB-67 or similar) and 25 box trucks (SU-40) are permitted to use the site at maximum operations;
- The use of broadband backup alarms shall be required for all commercial vehicles on site;
- Installation of a warning sign along Route 32 southbound prior to operations;
- Review of the SUP in one-year for compliance.

Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

4. Major Subdivision (3-Lot), Yves & Marguerite Mikol, 30 Beaverkill Road. Presented by the owners. Y. Mikol-proposing a 3-lot subdivision, no changes since the last meeting. The engineer is working on the updated subdivision map for the driveway.

Post opened the public hearing at 9:12 pm. No one from the public had any questions or concerns regarding this application. Post-we will need the private rural road demonstrated before we can move forward. Y. Mikol-the wetlands have been delineated. Beltrani-the subdivision map will have to show the development potential. It is required for the Planning Board to ensure that they are approving a buildable lot. You will have to demonstrate where the building, septic and wells will go for each parcel, located within a building envelope. The Planning Board should hold the public hearing open until that information is received.

A motion was made by Tiano, seconded by Hlavaty, to hold the public hearing open until the next monthly meeting on October 20, 2026. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

5. Minor Subdivision (2-Lot) & Lot Line Revision, James & Sue Boice / John Boice, 598 Kings Highway / 103 Clint Finger Lane. Presented by James Boice. The applicant is proposing to subdivide 2-acres off with an existing house. Also proposing a lot line revision with brother to create better access to the farm's barn. Even exchange of land was proposed.

Post opened the public hearing at 9:24pm. No one from the public had any comments or concerns regarding this application. A motion was made by Hlavaty, seconded by Furman, to close the public hearing. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried. The public hearing was closed at 9:26 pm.

A motion was made by Hlavaty, seconded by Kiniry, to approve the minor subdivision and lot line revision as proposed. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

OLD BUSINESS

1. Site Plan/SUP, KCE NY 34 LLC/Key Capture Energy, 7 Tomsons Road. Presented by Paul Williamson (*Key Capture Energy*). Also present was Hyde Clarke (*Young Sommer LLC*) Williamson-we have received the two memos and Draft Part II EAF from NPV. We are requesting the opportunity to review and respond prior to moving forward.

Tiano-we were offered a visit to the Buffalo site but that site is $\frac{1}{2}$ the size of the proposed facility. It was very clean but I contacted the Stillwater BESS site and they stated that they were not closed. Williamson-I did not say it was closed but that it was closed to public tours at this time because it is undergoing upgrades. That is a corporate decision not mine personally. It is the first facility ever installed in NY and is vastly different from what is proposed because technology has evolved. Tiano-will the proposed facility here be an AI facility? Williamson-the proposed use of this facility will be to help NYSO deal with rapid changes in frequency not to support AI. Tiano-why did I have to give a copy of my license to tour the facility in Buffalo? How would that work for first responders? Williamson-safety requirement to know who is onsite at any given time. The facility needs to run through certain protocols and is regulated by the Federal regulatory Commission. If there was an emergency the fire department would be able to enter to do their job. If you have additional concerns I would take them in writing so that I can respond accordingly.

Beltrani-Code Red will be providing a review memo and will attend the October 20, 2026 monthly meeting to discuss. Still awaiting revised comments from the Town Engineer regarding the SWPPP. The applicant should engage with the Planning Board attorney regarding a decommissioning plan. Clarke-would like to move forward with legal instruments. Beltrani-the applicant has submitted a large amount of information. The Board will have to decide when opening a public hearing may be appropriate. The sound study has been received. Regarding Aquifer contamination the Board may want a 3rd party review. NYSERDA is offering an event on October 8, 2026 in New Paltz regarding this subject. Board members should consider attending.

No further action can be taken by the Planning Board at this time.

2. Site Plan/SUP, Black Walnut Farm, 1032 Kings Highway. No one was present. No action can be taken by the Planning Board at this time.

PRE-HEARING CONFERENCE

1. Lot Line Revision, Darren Starr, Jr. & Amanda Prusa / Nicholas Youngblood & Olivia Andrews, 38 Meadow Lane / 3 Old Route 9W. Presented by Bruce Utter, Praetorius & Conrad, P.C. The applicant is proposing to transfer 1.2 acres from Youngblood/Andrews to the existing 2.3 acre parcel owned by Starr/Prusa.

Beltrani-straightforward but does require a supermajority because the size of land being transferred is greater than the required lot size in the zoning district.

A motion was made by Tiano, seconded by Hlavaty, to approve the lot line revision as proposed. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

2. Site Plan, NYS Solar Farm, Inc. / Stephen Shafer, 8 Mynderse Street. Presented by Jessica McGovern, NYS Solar Farm, Inc. McGovern-we are a local solar company proposing to install a ground mounted solar array for a parcel owner and their personal use. We are before the Planning Board because the parcel is located within the Waterfront Overlay District and a site plan is required. The array will have one battery back-up with Tesla powerwall. The site is located 282' from the wetlands. There will be 33 panels providing 11.5 kw. They will stand 8' tall. Beltrani-the Board's main concerns with this project is the visibility and impact on the waterfront of the Hudson River. McGovern-there are existing trees located between the project site and the river. Hlavaty-they look to be facing due south and not towards the river.

Beltrani-it is not known if a referral is required to the UCPB, we will review that.

A motion was made by Furman, seconded by Kiniry, to approve the site plan with the condition that if the project needs UCPB referral that they satisfy and required modifications UCPB has before signatures can be done. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

3. Site Plan, Tom George / Kings Highway Contactor Storage, Kings Highway. Presented by Brian Whitmor, development team. Also present was Pat Mitchell, Passero Associates. Whitmor-proposing six 12,000 square foot buildings for contractor storage with 14' x 1' overhead doors. Each unit will be 30' x 50' with a single person office and bathroom. The proposed clientele will be local contractors like plumbers and electricians. No automotive services will be allowed. There are no floor drains in the garage space. Each unit will come with 3 parking spaces. Kiniry-will there be outside storage? Whitmor-no. Furman-municipal water/sewer? Whitmor-yes.

Mitchell-went through the comment memo. A County curb cut is required and will proceed with that. Beltrani-there looks to be an AT&T easement that runs through the site, understand that the applicant would like to abandon that and we will require legal documentation for that. Mitchell-we have started that conversation with AT&T and will get it released from the deed. Beltrani-that will need to be captured in the new deed. Will require confirmation from AT&T that the easement is being abandoned. Will require truck maneuvering plans, garbage recepticals/dumpster locations, look at Aquifer Overlay protections, show impervious coverage and there are three spots proposed, one seems larger. Whitmor-there are two 3' spaces and one 12' space in front of the overhead door. Beltrani-wetland jurisdiction: is it NYSDEC or Army Corps? Mt Marion FD is aware of the proposed use. This would be an Unlisted Action under SEQR.

A motion was made by Hlavaty, seconded by Furman, to declare this an Unlisted Action, refer to the Town Engineer and circulate the NOI. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

4. Lot Line Revision, Gregory Dieteman / Thomas & Patricia Conrad, 143 & 171 Manorkill Road. Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant is requesting to dissolve the parcel in the middle and add acreage to each adjacent parcel. Beltrani-this is a simple lot line revision, Type II Action. No comments on our end.

A motion was made by Furman, seconded by Tiano, to declare this a Type II Action and approve the lot line revision as proposed. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

ADDITIONAL ITEMS

NONE

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Hlavaty, seconded by Kiniry, to adjourn the meeting. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Kiniry-Aye. Motion carried.

The meeting was closed at 10:17 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary