



## PLANNING BOARD MINUTES

February 17, 2026

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

Present: C. Howard Post (Chair), Carole Furman (Vice Chair), Mike Tiano, Bob Hlavaty, Al Riozzi, Gina Kiniry and Brigid Walsh (Alternate).

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

Absent: Kevin Brady

Post asked Brigid Walsh to join the Board for the meeting in Kevin Brady's absence.

The draft minutes of the January 20, 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, Riozzi-Aye, Kiniry-Aye, Walsh-Aye. Motion carried.

### PUBLIC HEARINGS

NONE

### OLD BUSINESS

**1. Site Plan Amendment, Puttin Plus Family Fun Center, 455 Washington Ave. Ext.** Presented by the owner/applicant, Jenn Rossano-Koschitzki. The public hearing was opened and closed at the January 20, 2026 Planning Board meeting. Responses to the Town Planner's review memo were submitted in writing to the Planning Board for review. All items have been addressed. Ulster County Planning Board comments were received. They require full cut off LED lighting throughout the site. Rossano-Koschitzki-we can update the existing lights as the renovations proceed and ensure that any lighting on the proposed building meets this requirement. The lights on the telephone poles can be updated once modifications are done. Beltrani-add a note to the final site plan that all lighting will be Dark Sky compliant and the existing fixtures will be updated with the required fixtures as modifications proceed. Typical lighting pictures with specifications should be added to the final site plan.

Rossano-Koschitzki-in response to the Planner's review memo, the dumpster area is enclosed with a 6' gate and privacy screening. It is emptied weekly. The porta potty is located under the pergola. We have reached out to Praetorius & Conrad, P.C. to request a stamped survey map of the property. We have not received a response to date. If we end up connecting to municipal sewer in the future we will leave that ability open in the proposed building. Submitted to SHPO but have not received a response to date.

Beltrani-note that any future plans for the site would require site plan approval. The Planning Board can not make any decision at this time as they await the decision of the Zoning Board of Appeals.

**2. Lot Line Revision, Robert Bach/Zakir Hossain, 1118 & 1238 Churchland Lane.** Presented by Kattar Elmassalemah, *Praetorius & Conrad, P.C.* The applicant previously received approval for a lot line revision from the Planning Board on September 16, 2025. The final maps were never filed with the Ulster County Clerk's office. The applicant has submitted an amendment to the lot line revision previously approved by

proposing the transfer of approximately 4.5 acres from the adjacent neighbor instead of 1.37 acres as previously proposed.

Beltrani-this is a Type II Action under SEQR and the Board can proceed. No new density is being proposed nor are there any additional building lots being created. Due to the size of the transfer in acres the Board will need to approve by supermajority. A motion was made by Kiniry, seconded by Riozzi, to waive sketch plan approval, waive the public hearing and approve the amendment lot line revision as proposed. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye, Walsh-Aye. Motion carried.

### **PRE-HEARING CONFERENCE**

**1. Site Plan/SUP, KCE NY 34 LLC/Key Capture Energy, 7 Tomsons Road.** Presented by Hyde Clarke (*Young Sommer LLC*), Kolin Loveless (*Key Capture Energy*), Paul Williamson (*Key Capture Energy*), Sam Schneider (*EDR/Environmental Engineer*). Clarke-the applicant is seeking a site plan and special use permit approvals for a battery energy storage system (BESS) on the parcel located at 7 Tomsons Road.

Loveless-Key Capture Energy (KCE) will be the owner/operator of the proposed facility. KCE was responsible for the 1st of this kind of utility in New York State. The facility proposed is 600 megawatt. KCE has offices located in Albany, NY which will oversee this project. Williamson-as the project manager will do a walk thru of the site plan. The proposed facility will occupy approximately 7 acres of the 60+/- acre lot. The project includes the construction of a 100MW/400MW battery energy storage system with associated transformer, breakers and fencing. Direct access to the parcel is via Tomsons Road. The project is located within the Industrial Zoning district and has been classified as "Electric, Gas and Sanitary Services". There are few residential homes located to the south, mostly industrial use to the east, the railroad is to the west and the north/northwest is mostly wooded area. The timeline proposed includes the permitting process throughout 2026, pre-construction phase 2027-2028, construction phase 2029 and operational 2030. We have started the due diligence with the Phase I ESA, infiltration testing, geotechnical survey, SWPPP, NYDEC Jurisdictional determination, NYS SHPO, US Wildlife consultation and NYNHP consultation. The proposed tree clearing area is 4.6 acres. The battery footprint and corridor for the power line have been provided. A full SWPPP will be developed. Schnieder-the site is ideal as it is located by the Central Hudson substation. The access road is up to the required standards to bring in the equipment. Will be able to bring in additional containers to swap out if necessary in the future. The transmission line to connect to the substation has been demonstrated. Application has been submitted to Central Hudson for connection. Propose to use the existing line along the north side of the substation. The alternative would be to create an underground path and then above ground to the northwest, this access crosses wetlands and would require tree removal and disruption. The proposed SWPPP contains an alternate access section. The current cell phone tower located by the NYS Thruway is located greater than the required 1.5xheight from the project site. Williamson-proposed to set up a meeting with the Town Planner, Town Engineer and our team to clarify items required. Beltrani-would be willing to join. Williamson-view shed analysis has been done. The area that may be visible was outlined in the submission, considering topography. The area demonstrated was within a 1-mile radius of the project site. Loveless-the modules explained, tech cost effective to balance the grid. The safety features are robust and include security and safety codes as outlined in the updated fire safety codes. Have engaged with Cedar Grove Fire Department to discuss the protocols in response to incidents. Many codes that were established in 2023 were not enforced in the facilities that the public may have seen catch fire in the past. The updated codes are created to help provide a safer environment for development of BESS and the areas surrounding the facilities. The systems today include much safer components than previous systems. The proposed system is assembled off site and placed on site. NFPA codes and standards along with UL requirements will be followed. The 2025 fire codes include additional protections for BESS. Previous BESS facilities could not pass the current stringent codes. The new facilities are built better because of engineering, updated safety codes and testing. Loveless-NYS fire code (FCNYS) requires a thorp party review, FD emergency response protocol, 15-minute response time by a human facility operator which would then have to be on-site within a specific timeframe as outlined in the FCNYS. We hosted an open house on February 5, 2026 to answer questions from the public. The literature provided at that open house was submitted for the file.

Tiano-the safety sheet submitted should note Cedar Grove Fire Department no Saugerties Fire Department. The proposed facility is without solar? Williamson-yes, the system is charging from resources through the substation to access the grid. The facility will store energy in times of low demand and disburse it back into the grid when demand is high. The facility is a 4-hour system, meaning it will discharge at full capacity, 100 MW, over four hours. Not intended to provide back-up required because of weather events. Loveless-it varies through the year based on grid conditions, this system is looking to charge and discharge within a 24 hour period. Tiano-OSHA requires training, is that for the fire department and emergency services as well? Williamson-restrictive requirement of training is provided to those in the local fire department and the surrounding fire departments. Loveless-OSHA training is for use and applications. Tiano-it is my understanding that the FD is to stay back 100' and let it burn off/out. What effects will that have on the Aquifer? Williamson-there are no fluids in the batteries, the only liquid used is what is in the a/c units. If there is a fire, lithium and iron are the only components within the batteries. No toxins are created from the batteries themselves, but may be released from the housing materials, like any other structure. Tiano-with that is the difference between this proposed facility and the one that is/was proposed at the old Coleman High School? Williamson-that project is more than 2x the size of this facility and located within a differently populated area with higher visibility. This location proposed for this project, the closest residential area is 945' away. Tiano-there was a fire district informational meeting on February 28, 2026, correct? Loveless-yes, actively working with the fire department. Tiano-will the electric be kept local? Williamson-it will be used in the same way as the current electric that is provided. Loveless-it will be shared all over NYS, where needed. This provides the least expensive way to share energy.

Walsh-you stated that the batteries and the housing do not create toxicity beyond a normal building if a fire occurs, will you be taking extra precautions with the building materials? Williamson-the batteries are not in traditional buildings, they are in containers with an exterior door, mostly made of iron and stainless steel. Insulations are required for the wiring, electric proof. Can not reduce all materials. All smoke has toxic elements. If a thermal overload even occurs, by the time the smoke reaches the perimeter of the facility concentration levels will not be a threat to human life. Walsh-what happens to the batteries when they are no longer usable? Williamson-there is a recycling industry that will separate the materials and neutralize. Valuable portions are 100% recyclable. Walsh-is there such a recycling facility in Ulster County? Williamson-would have to look into that. Walsh-what is KCE's relationship with Central Hudson? Williamson-CH provides transmission interconnection. KCE must follow Independent Systems Operators regulation requirements and have to receive approvals from ISO. Essentially Central Hudson provides the interconnection and transmission of the energy that is stored and distributed. Walsh-our fire departments are fully volunteer and do they have the resources to effectively respond in an emergency? Williamson-we have had a meet and greet with the fire department in which the parcel is located, along with additional fire department officers and emergency responders. We will tailor our response protocol to what the fire department and emergency responders resources are and provide a safety plan with training prior, during and annually thereafter. An example plan was included in the submission. There is an extensive process that will be customized for the Town of Saugerties at a later time. Walsh-private response agency involved? Williamson-not familiar with a private fire department but we do have a specialist/expert that will be accessible and will connect with emergency responders within 15 minutes of an event. They will also be required to be on-site physically within four hours. The Fire Department/Fire Chief will have the final determination on how things are managed on site.

Riozzi-how common are incidents? Williamson-lower than 0.05% of all BESS installed. Loveless-many of the incidents that the public may be aware of have happened prior to 2023 and the inclusion of more stringent regulations. Walsh-how will KCE ensure that the facility does not become one of the predated facilities with outdated equipment or operations? Will this facility be updated as codes change? Williamson-We have two facilities within NYS that were developed before 2023 code. We have had no electrical fires at them, we go through the systems with specialists regularly to upgrade safety at operation facilities. Earlier technology was being strained and we have slowed that process to help with safety. We want to operate effectively for 20+ years. Riozzi-how does this affect the cost for the consumer? Loveless-it should not change anything for delivery

supply. The cost is lower at night or on a sunny day. The system will absorb that energy and put it to use later during the day when demand is higher. KCE will sell the power at a price, which the market determines. It would provide a lower cost of power for the consumer over time. Risk of outages will be decreased.

Hlavaty-has KCE selected the make/model of the battery? What is that history? Williamson-we have filed the interconnection application using the Tesla system. Since then Canadian Solar has created a better product and we are looking into the best available to fit on the footprint of the proposed site plan. Once review for the original Tesla battery is done we can change that out to reflect the best equipment available. Loveless-Solebank 4.0 is the best available but that may change by the time of construction. Hlavaty-what is the capacity of the site? Is interconnection with ISO only? Have you sold any of your previously developed projects? Williamson-100 containers is the max capacity. Only allowed to inject or release 100MW at any time as per the interconnection agreement. Yes with ISO only. Loveless-there is always a possibility of selling but that is not the plan currently. Hlavaty-what is a Deflagration Management System (DMS)? Significant active features of the updated code. Williamson-DMS will help in venting/opening of the unit in the event of a fire to help with preventative measures of future destruction. Loveless-there are strategies with multiple options.

Kiniry-has the public had the same concerns throughout areas where you currently have other BESS facilities? Williamson-there has been an evolution with an increase in public attention that was not there at the time of installation. Now there have been events, like the 2024 California event, which have created attention and fear. Creating a negative outlook which in turn demanded the industry to improve the systems. Loveless-each community has specific questions/concerns that need to be addressed.

Furman-what happens with the excess kilowatts? Are they bought and sold? Williamson-not necessarily considered buying and selling. The wholesale market determines the prices. Market systems give market signals. Loveless-NYISO regulates from the grid. Furman-wouldn't it make sense for Central Hudson to own their own BESS? Loveless-that would not allow deregulation which creates a market place to bid and create the least cost. Williamson-transmission owners are allowed to own energy storage but only for distribution reducing the cost. Provide frequency regulations. Flexibility to provide all.

Walsh-regulations required? Loveless-regulations within the way the system operates, rules of NYISO need to be followed. Williamson-capacity qualification. NYISO makes sure there is electricity 24/7 and 365 days a year.

Kiniry-what is the benefit to have this facility located in Saugerties? Williamson-regional reliability will help with disruption within the region. Can provide reliability during those events when electricity is at max demand. Helps to prevent black/brown outs in the region. Financial benefit to the community in tax revenues for the Town.

Beltrani-the Board has asked some great questions. This is a new use for the Town and this Board. There have been ongoing meetings with the Town Board and the Planning Board liaison to discuss the repercussions. Will continue to meet with the Building Department and attorney to prepare the Town for approvals and beyond for this particular use. NYSERDA has provided some information along with the updated NYS Fire Code. There is a procedure and process that have to be followed and the Board is well aware of what is required. The applicant definitely can set up a meeting to include the Town Engineer, Town Attorney, NPV and possibly one or two Planning Board members. Question for the application; why are there two options to interconnect to Central Hudson? Williamson-KCE would prefer the Central Hudson intercrossing as long as it does not create disruption to CH and give the approval that it does not put their equipment at risk. The alternate road use is proposed if CH does not allow it. The alternate method demonstrates a path with least environmental impacts. We have included what would be the most impactful option in the SEQR documents to ensure all possible outcomes have been assessed. The area within the wetlands would require hand cutting machines and the laying down of matting for equipment to eliminate as much disturbance as possible. Beltrani-what is the timeline for a response from CH? Williamson-not sure.

Beltrani-this is an Unlisted Action under SEQR. The NOI has been updated to include the Village of Saugerties as an involved agency. Part 1 of the FEAF has been submitted. The Planning Board will be considering Part II once the 30-day response timeframe for the NOI has lapsed and the Board is able to assume Lead Agency. FEAF is at least 10 pages long. It will be sent to the Planning Board members for review and comment. The Planning Board would complete and approve Part II and the applicant would then be required to complete Part III FEAF to provide comment and mitigation for any areas of concern indicated on Part II. BESS and interconnection to the power grid should be described. This use creates unique environmental impacts, made more significant with similar projects proposed within the area. The Board can classify this action under SEQR and distribute the NOI at this time. The NPV ecology team can look at this project and provide an assessment. The Board agreed that was appropriate.

A motion was made by Hlavaty, seconded by Tiano, to declare this an Unlisted Action under SEQR and distribute the NOI to all involved agencies. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye, Walsh-Aye. Motion carried.

**2. Lot Line Revision, Drew & Sophie Wolff/Ethan Ryman, 256 & 290 Lauren Tice Road.** The applicant had informed the Board prior to the meeting that no one was able to be present. The Board is able to proceed without representation. Beltrani-the applicant proposes to convey 0.920 acres from SBL #9.3-7-13.110 (Ryman) to SBL #9.3-7-12 (Wolff) and 0.006 acres from SBL #9.3-7-12 (Wolff) to SBL #9.3-7-13.110 (Ryman), decreasing SBL #9.3-7-13.110 (Ryman) from 60.291 acres to 59.377 while increasing SBL #9.3-7-12 (Wolff) from 2.409 acres to 3.323 acres. No impact to infrastructure and no additional building area is being created. The Board can proceed as normal.

A motion was made by Tiano, seconded by Furman, to declare this a Type II Action under SEQR, waive sketch plan approval, waive a public hearing and approve the LLR. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye, Walsh-Aye. Motion carried.

**3. Site Plan, DIYDS, LLC, 1776 Route 212.** Presented by Khattar Elmassalemah, *Preatrious & Conrad, P.C.* The applicant is proposing the existing structures, once the Tea Haus building, for a cannabis growing facility. The two existing buildings will be used for indoor growing/greenhouse. The applicant is proposing two phases. Phase 1 would be to use the existing structures only. There would be 3-5 employees. No public sale point. Traffic would consist of delivery vans, no large vehicles. Propose to operate between the hours of 7am - 7pm. No alterations to the exterior of the buildings planned. Septic was modified by a past owner and is adequate to handle the proposed use. The current septic system was engineered by Peak Engineering in 2011. Re-use the existing sign. Beltrani-need to ensure that the well can facilitate the capacity required for this use. Elmassalemah-the current well can provide 101 gallons per day and the water will be recycled within the facility.

Beltrani-originally when the applicant came in for a workshop this use was categorized as "Horticultural Specialty" which is permitted in the district with site plan review and approval. However, upon looking at the Town's Zoning code deeper, cannabis is only mentioned under the definition of "Indoor Agriculture" which is only allowed within the Industrial zoning district, which this is not. NYS has passed The Marijuana Regulation and Taxation Act (MRTA) which allows local communities to regulate retail or consumption but they can not be more restrictive. The Planning Board should refer the applicant to the Zoning Board of Appeals for an interpretation of the definitions of "Horticultural Specialty" and "Indoor Agriculture" to see how this would be classified and balance those definitions with NYS MRTA.

A motion was made by Furman, seconded by Hlavaty, to refer the applicant to the ZBA for an interpretation. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye, Walsh-Aye. Motion carried.

Beltrani-the applicant to demonstrate safety and security, with extra detail. A fence is shown will the property be gated? Elmasseleh-mah-the entire site will not be gated. Walsh-what will be the extra energy required for the grow lights required? What about the lighting impact on Route 212? Elmasseleh-mah-the applicant will be using LED lighting and efficient equipment. The facility already has 3-phase electricity which will allow them to upgrade and connect. Using a water reclamation system. Several energy rebates offered by Central Hudson are being utilized in order to reduce the energy impact of the use. Lighting is contained and aimed at the plants only, nothing can be viewed from the road. Looking at using tinting on the windows or another form to shield the lighting overflow if there is any.

The Board can not proceed without the decision regarding the ZBA interpretation.

**4. Site Plan/SUP, Esopus Ridge LLC/Nexamp Solar, Tomsons Road.** Presented by Ryan McCune, Nexamp and Brian Riley, Engineer. The applicant is proposing a community solar facility on the 45-acre parcel located off Tomsons Road. The facility will provide local distribution. Currently Nexamp has 108 operating projects in NYS, one of the largest markets operating since 2016. KMP Realty LLC is the owner of the parcel, which is located within the Industrial zoning district and this use is permissible with site plan review and special use permit approval. There are nine (9) parcels located within the I district that are eligible for this project, 7 do not face the best direction, feeder exchange is restricted. With zoning regulations and general economic restrictions this parcel was the most viable option. A 5.5MW solar facility is proposed which consists of a fixed tilt system facing South. The proposed development will be approximately 52% of the total lot coverage. Riley-the SWPPP design has been developed in accordance with NYSDEC requirements. Quality treatment and runoff reduction proposed. Fire retention filtration system. Grading around the access roadway. There are constraints on the parcel, notably the slope at the start of the access roadway. The grade at the start of the panel matches topography. McCune-interconnection directly east of Central Hudson substation. A crossing agreement will be established with CH. Have started the conversation with KCE NY about working together regarding the SWPPP as both projects are proposed within close proximity of each other. Compliant with setback requirements and screening requirements. Maintaining the existing natural screening around the property. A jurisdictional determination has been requested and a response received. The required 100' buffer has been shown as required by NYSDEC. An Army Corps of Engineer request has been submitted regarding the southern area to determine if they are Federal Wetlands. Clarification has not been received yet. Contact the US Fish and Wildlife Services. SHPO has responded with no effect. Already confirmed with the FAA there are no concerns/hazards. Habitat was done with a robust interpretation. There is the presence of the habitat suitable for the Northern Long Eared Bat, which will mitigate if necessary. There is also the possibility of the Red-headed Woodpecker to the west of the NYS Thruway but there is a buffer of 870' which will remain natural vegetation.

Walsh-what will be done if the wetlands along the NYS Thruway are jurisdictional? McCune-there are permits that we can apply for with NYSDEC and US Army Corps. Will look at viability if that is the case. Furman-there are steep slopes, how tall are they? What happens when the snow slides off the solar panel, can they be higher so that the snow does not block the panel itself once it slides down? McCune-the panels will be set east to west and put as close to the ridge to meet the slope requirements. Not installing on any slopes greater than 15%. Follow the ridge and contours of the land. Consistent heights. The area is bedrock. There is a 3' ledge. The panels will not exceed 15' in height. The higher the panel structure the more expensive because of the cost of steel. Limiting to the height necessary to be successful. Furman-fence regulations? McCune-yes, we are proposing the 6" gap at the bottom of the fence for small animal crossings. Tiano-will this facility be seen from Winston Farms? McCune-brings up a good point, where would the Board like a viewshed analysis performed? We are proposing a 4 season rendering of 6-8 locations. This will take some time to provide but would like to get the list of locations. Walsh-definitely from Thruway. McCune-NYS DOT requires us to provide glare receptor studies and visual rendering 6' and 10' in height along the NYS Thruway. Will provide some views from that area. Beltrani-as long as the Board agrees areas of interest would be Augusta Savage Road, Peoples Road Overpass, Extra Space Storage on Route 32, NYSDOT ROW, Holiday Inn Express (Wynkoop House), end of Saugerties Manor Road closest to the site and Synder's Farm (Intersection of Route 212 & Old Route 212). The board was

in agreement with these locations. Tiano-what is the decommissioning, remove the structures and plant grass, can the applicant replant trees as many are being removed? McCune-that is not the intent of the landowner but can be discussed. Anticipate they would like to keep it clear as it is located within the Industrial zoning district. Beltrani-visual impact should include line of sight diagrams. This is a Type I Action under SEQR due to the extent of land disturbance. If the Board agrees we will get the NPV ecologist involved, the Board agreed. The applicant is requesting a PILOT. Comments on the EAF will need to be updated prior to circulation of NOI.

A motion was made by Kiniry, seconded by Hlavaty, to declare this a Type I Action under SEQR and circulation the NOI as written once the updated EAF is received from the applicant. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye, Walsh-Aye. Motion carried.

### **ADDITIONAL ITEMS**

**1. Major Subdivision, Solo Holidays, LLC, Route 212 & Cottontail Lane.** The applicant requested an adjournment of the open public hearing until the April 21, 2026 monthly Planning Board meeting to prepare additional documents. A motion was made by Tiano, seconded by Riozzi, to approve the adjournment as requested. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye, Walsh-Aye. Motion carried.

### **ADJOURNMENT**

Since there was no further business to discuss, a motion was made by Hlavaty, seconded by Walsh, to adjourn the meeting. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye, Walsh-Aye. Motion carried. The meeting was closed at 10:02 pm.

Respectfully Submitted by,

Becky Bertorelli  
Planning Board Secretary