PLANNING BOARD MINUTES
October 20, 2026

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

Present: C. Howard Post (Chair), Carole Furman (Vice Chair), Robert Hlavaty, Kevin Brady, Gina Kiniry and Brigid Walsh (alternate)

Absent: Mike Tiano, Al Riozzi.

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

Brigid Walsh joined as a voting member in the absence of Mike Tiano and Al Riozzi.

Pledge

The draft minutes of the September 15, 2026 Planning Board meeting were reviewed. A motion was made by Hlavaty, seconded by Furman, to approve the meeting minutes as written. Board vote: Post-Aye, Furman-Aye, Hlavaty-Aye, Brady, Kiniry-Aye. Motion carried.

PUBLIC HEARINGS

1. Major Subdivision (3-Lot), Yves & Marguerite Mikol, 30 Beaverkill Road. Presented by the owners. The public hearing was held open from the September 5, 2026 meeting. Y. Mikol-proposing a 3-lot subdivision with a minor revision of the lot line proposed for Lot 3. Would like to create a larger parcel for future development of the land, adding an additional .75 acres. Showing the proposed building envelope on Lot 1 and the agricultural growing house on Lot 3. M. Mikol-we are not proposing any retail sales of the agricultural product. We will only be a wholesaler, our licenses do not allow retail and we want to make sure that is on record.

Beltrani-the extension of the driveway to Lot 3 will have to be brought up to Private Rural Road Standards as required by the zoning code.

Post-is anyone present for the public hearing? No one was present.

A motion was made by Brady, seconded by Kiniry to adopt a negative declaration under SEQR. Board vote: Post-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Walsh-Aye. Motion carried. A motion was made by Kiniry, seconded by Walsh, to close the public hearing. Board vote: Post-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Walsh-Aye. Motion carried. The public hearing was closed at 7:40 p.m.

Beltrani-we have spoken to the applicant's engineer and they have an understanding of what is required if a commercial use is proposed for Lot 3, a site plan note will be added and the proposed buildings will be removed. Once the applicant is ready to move forward with a site plan for Lot 3 the buildings will need to be engineered. The private rural road will have to be reviewed by Praetorius & Conrad, P.C. because the applicant's engineer is the Town's Engineering Firm, Brinnier & Larios, P.C. There is a 50 ROW required and a length limitation on private rural roads before pull offs and engineering is required. The applicant's engineer understands that they will have to end the private rural road at Lot 3 and then demonstrate a driveway into the parcel. The road will have to be labeled as a private rural road as required. The Board can move forward with a conditional approval with the addition of the following conditions:

- Acceptance of the proposed private rural road providing access to Lot 2 & Lot 3 to be reviewed and approved by the Town Engineer;
- Final plat to reflect the adjusted boundary for Lot 3 as presented to the Planning Board at the October 20, 2026 meeting;
- Depiction of the proposed residential improvements on Lot 1 and removal of the map note stating future development will be subject to site plan review;
- Removal of all buildings depicted on Lot 3, keeping the map note requiring future Planning Board review.

A motion was made by Kiniry, seconded by Walsh, to conditionally approve the 3-lot subdivision with the aforementioned conditions. Board vote: Post-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Walsh-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)* and Jay Ierardi *(Code Red Consultants)*.

Jay Ierardi, from Code Red Consultants was present to provide a presentation regarding their 3rd party independent review of the fire and life safety of the proposed project. They issued a peer review letter, dated October 7, 2026, to the Planning Board. This letter was shared with the applicant as well. Ierardi-we have prepared an executive summary regarding emergency response readiness. We are a nationwide consulting firm with 82 team members. We have overseen approximately 1,400 projects. We have been in the BESS business for over 12 years. I am the Senior Project Manager for this review and have coordinated with the Planning Board, NPV and the Centerville/Cedar Grove Fire Department. We prepare an independent opinion at this stage. We will assist in the review of the project as items are further advanced and building code requirements. Will identify critical path items that need to be further addressed. Do not identify anything at this time that would preclude further review by the Planning Board.

The applicant will have to refine the emergency response plan (ERP) which is a component of training operational readiness. Draft ERP has a 100' setback for first responders-the stand off should be 106' non-flaming releases for stand off. The Fire Department has a preference of vehicle used for analysis. The staging area will be outside the fencing perimeter. Access via Knox Lock. Water supply has been identified nearby but is a private hydrant and confirmation of ownership is required. Functionality and flow appropriate for the size of the project. Easements may be required for access to water supply. Reliability of water supply. Mutual aid partners involved discussed. How will emergency responders circulate in and out of the site. Subject matter expert to be available in real time during the event of an emergency. Equipment availability of local fire department, they have commented that they need air monitoring equipment and thermal imaging. They will require calibration equipment and training. In the event of an emergency the responders will be coordinating a defensive response with extended duration monitoring. There are code minimum recommendations. It is recommended to have classroom training before the equipment is installed/arrives on site so that emergency responders are prepared prior to installation. Moving forward refresher trainings are required. If a substantial change in the equipment or site plan the ERP will require updating and additional training will be required. Future expansion areas will be captured in the ERP and trainings.

The 3rd party consultants review equipment so no technical information of specific units are viewed by the public because of the privacy of the equipment manufacturer. Wildfire exposure will be reviewed. Future deployment of additional batteries is considered. A complete review will be done including clarity on separation distances, turn around and access.

Hlavaty-can we receive copies of the presentation slides. Ierardi-yes, will provide those. Bertorelli-will attach to the minutes as well. Hlavaty-what point will you require additional analysis? Ierardi-we will provide site specific analysis of failure points. The manufacturer will have guidelines and we will coordinate with the fire department regarding site specific conditions. Correct hazard mitigation analysis for permitting is required. Hlavaty-decreasing risk of BESS events? Ierardi-it is showing up on data that is tracked within the industry. Code and standards that have been implemented are helping improve. Current best practice is using a LFP (lithium iron phosphate) battery because it is more stable. Code and standards are more strict and are working.

Walsh-minimum requirements, how often are they updated? Ierardi-NFPA standard is updated every three (3) years. It is determined at the State level if they decide to move to the updated standards and implement the amendments. Code minimum requirements are kept. Educate before the battery shows up on site with the volunteer fire department. This type of project requires a unique defensive posture. Basically letting the batteries burn out and cool surrounding structures. There is a minimum separation distance that is required.

Furman-when you commented about the Plume Analysis is that based on airborne or ground exposure? Ierardi-normal off gassing of the project. Area of concern and area where 1st responders can operate safely. How close are they able to get to the area? Air monitoring equipment is necessary for safety exposure outside of the zone. Furman-how will they cool adjacent structures? Ierardi-water, which is aimed strategically. Training is provided and important to ensure proper use. The adjacent equipment will already have been powered down once an emergency is identified.

Brady-gap analysis of equipment on hand vs. required for the emergency responders? Ierardi-we have spoken with the Chief of the district fire department and surrounding emergency responders but not an official gap analysis. Air monitoring equipment and thermal imaging were two required upgrades. Furman-only a private hydrant in the area, no public? Ierardi-no, just two privately owned.

******COPY OF THE CODE RED PRESENTATION ATTACHED******

Williamson-we will be in direct contact with Code Red to work on their recommendations, they all seem appropriate. We received the ecology memo from NPV regarding the use of taller grass, as recommended. We would prefer to use the original seed mix which can be maintained at a lower level. We have received the geology consultant proposal for their 3rd party review of the project. We request a little time to look it over before agreeing due to the additional cost it will accrue. Tuttle-the intention would be to evaluate the chemicals on site and their effects.

Beltrani-host community agreements with the Fire Department and/or the Town. Williamson-yes, with the Town. The fire department training will separate from the host agreement. Additional support for additional equipment to be provided to the fire department to ensure they have the equipment necessary.

Brady-the brand of batteries to be changed what is the correlation with more of a propensity to have issues? Williamson-we proposed Sungrove originally and now we are proposing to use the manufacturer Canadian Solar, which is the market choice and based on availability, long term manufacturing, chemistry and code requirements are the same. Beltrani-communities have allowed in-kind replacements on the reviewing side. Ierardi-NYS has a commitment of battery technology while outside of NY battery technology to be a placeholder to get the latest technology available. All the equipment information will be required for building permitting. Same listing and testing process. Performance requirement if explosion can be different between the types of technology used. Beltrani-should the Town obtain a 3rd party consultant for the permitting process to oversee. Williamson-when applying for building permits we will be 100% committed to the technology being used. NYSERDA requires the developer, KCE, to hire a 3rd party consultant to review the application. That consultant will be provided by NYSERDA. Beltrani-how will maintenance be handled when swapping out technology. Williamson-we will be

required to apply for new permits with the updated technology to be reviewed by the Building Department and provide updated training to emergency responders. Tuttle-conditions will be in the resolution to include any updates of technology and the requirements. Clarke-modifications to the technology will have to meet all the same standards.

Tuttle-there items within the Code Red emo that can be addressed by the Planning board in the Special Use Permit; emergency responder access and staging, providing a stable surface along the one side of the project, fire hydrants and water supply, training, work with fire department and applicant regarding what will be required for air monitoring, wildlife exposure, etc. Recommend to the Board that the project formally be referred to the Cedar Grove Fire Department and get a formal response. Williamson-would request a conference with the fire department, Planning Board and Code Red representatives to ensure we are all on the same page. Tuttle-the Planning Board can schedule a public hearing. UCPB referral is required but may want to wait for the hydrogeology review. A legal package should be provided to the Planning Board attorney for review and comment. Beltrani-may want to wait for UCPB referral until the site plan is updated. Tuttle-once we are able to move forward with the hydrogeology and geology specialist we will provide them with the proposed scope of work for their review of the area in case of an emergency.

A motion was made by Hlavaty, seconded by Furman, to hire a hydrogeologist and geologist specialist to review the project. Board vote: Post-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Walsh-Aye. Motion carried. Williamson-we ask the Board to give us until the end of the week to approve the additional cost to us. Post-agreed.

A motion was made by Brady, seconded by Kiniry, to set the public hearing for the next monthly Planning Board meeting on November 17, 2026. Board vote: Post-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Walsh-Aye. Motion carried. Williamson-how will the public hearing be handled? Post-we will have a sign up sheet for the public hearing and set a time limit. Beltrani-it may be best to have one public session to collect comments/questions from the public without a response period and allow the applicant time to respond for the following meeting.

Tuttle-the Town Engineer did provide a comment memo today and noted that an updated site plan and SWPPP are forthcoming and further review will be completed at that time. Beltrani-the Draft Part II was submitted to the Board and will be reviewed at the next meeting before the public hearing. This will allow the board some time to look through and ensure they are comfortable with approval of that.

A motion was made by Kiniry, seconded by Walsh, to refer to George Redder, Planning Board Attorney, for review. Board vote: Post-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Walsh-Aye. Motion carried.

2. Major Subdivision (8-Lot), Demian Repucci / The Hoes at Witt's Pond, 224 Blue Mountain Road.
Presented by the applicant's engineer, Darrin Elsom (Kaaterskill Associates). Elsom-we received preliminary plat approval and we are back before the Planning Board seeking Final Subdivision approval. We have provided documentation for almost all of the outstanding items except for UCDOH approval of one of the lots. We have been trying to contact them but they have been non responsive for weeks. We have received the Planning Board Attorney's comments and it is the applicant's intent to restrict further subdivision of any of the proposed parcels by the future owners. However, the applicant would like to allow them the ability to do so if they find they are having issues selling the parcels as they are proposed, subject to zoning. Can the Planning Board consider this? Post polled the Board and no one had an objection to this language.

Elsom-just awaiting the final approval of the one lot from UCHD. How can the approval process move forward at this time?

Beltrani-it is at the Planning Board's discretion to waive the public hearing for final subdivision approval if they feel it is not necessary. A motion was made by Kiniry, seconded by Brady, to waive the public hearing for final subdivision approval. Board vote: Post-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Walsh-Aye. Motion carried.

The Planning Board will have to wait for receipt of the final UCHD approval before any further action is taken.

3. Major Subdivision (9-Lot), Solo Holidays, LLC, Cottontail Lane / Route 212. Presented by Khattar Elmassalemah, *Praetorius & Conrad, P.C.* Elmassalemah-the applicant has requested that the open public hearing be adjourned until the November 17, 2026 monthly meeting and wanted to attend this meeting to see what needs to be completed in hopes that SEQR can be completed and the public hearing can be closed next month.

The draft EAF Part II was received and concerned with the items that are marked moderate to large impact. The impact on land where the proposed construction will impact land with a slope of 15% or greater is where the road makes a bend. Regarding impact on plants and animals the applicant has proposed green belts to preserve habitat of wildlife. There is a lot of forested area that will remain. Impacts on groundwater, the applicant is proposing a use of 2.7 gallons per minute over the nine proposed wells and the perk test demonstrates that there is 16 gallons per minute available. We are proposing a minimum impact on archeological and historic resources, SHPO letter from 2022 indicating that there was no impact for the Terramor project which was significantly larger that what we are proposing. Traffic Impact-we plan on constructing the roadway, 5 acres at a time, based on buyers. Requiring approximately a 24-month construction period because we do not know how long it will take, will be based on sales. Mitigation area to be built first with the entrance and roadwork. Maintenance can be added to the legal documents. Stormwater is being discussed with the Town Engineer.

Beltrani-we require a Part III response to determine if a negative declaration is appropriate. We can not close the public hearing until SEQR is completed. Impacts on land with slopes of 15% or greater are moderate to large when you take into consideration area of slope disturbance, it must be quantified. Cut and fill that area. If the Board feels it should be changed to little to no impact it can be updated on the EAF Part III but that is up to the Board. Hlavaty-impacts relative to the area of the steep slopes.

Elmassalemah-regarding the bedrock concerns, there will be no hammering of bedrock. Some of the homes may not be able to have basements but that will be addressed per parcel. Beltrani-the Board has received several EAF Part I documents and the limits of disturbance have changed several times. We defer to the Town Engineer for review. The purpose of Part II is to look at the documentation that is before the Board at the time of consideration. We will need a Part III response before we can move forward with SEQR.

Elmassalemah-Woodstock Day School is not within 1,500' of the project location. The dump is located further than indicated. Beltrani-we will update to reflect that. Elmassalemah-we will work on Part III for the next meeting and re-open the public hearing as planned.

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

4. 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.

5. Site Plan / Lot Line Revision, Tom George / Kings Hwy Contractor Storage, Kings Highway. Presented by Trevor Haut, PE (Passero Associates). The applicant is looking to construct six (6) buildings to provide contractor storage facilities and a lot line revision. Access is via Kings Highway. The latest NPV memo does not request additional updates to the site plan. We have received comment back from NYSDEC that the wetlands are

not NYS jurisdictional. Significant parking is proposed for the use. Previously the applicant had proposed 145 parking spaces and now there are 151 parking spaces on the site plan. Section 245-29A(1)(b) "no use shall be allowed parking facilities that accommodate more than 20% over the amount specified in this section unless expressly allowed by the Planning Board as part of an application for site plan review. Any parking that exceeds the amount specified in this section shall be provided using pervious materials that allow stormwater to infiltrate the ground." The Planning Board can not waive this provision. Haut-we would not be able to make the parking spaces gravel or similar because with other facilities of the same it has proven to be unrealistic with the type of vehicles that come in and out of the site, being a contractor's storage/office space. We may be looking to reclassify the use as it fits better within the classification of "other industrial or heavy commercial use". With this classification we believe that the parking that we are proposing will be permitted. We propose this as each unit is providing an office space for the contractor that will be renting it. The office will include a bathroom and will be air conditioned.

Beltrani-there were no comments from the Engineer regarding the SWPPP to date. 30 days have lapsed since the project was referred to the UCPB so the Planning Board does have the right to proceed without them. Lighting is to be addressed as per our comment memo dated October 16, 2026. The AT&T easements still need to be addressed. The plans show a relocated easement but we may need to refer to the Planning Board attorney to see what documentation is appropriate for the Planning Board to request in order to move forward. Post-believe that the applicant should come back to the next meeting with the updated site plan and hopefully we will have comments from UCPB by that time.

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

PRE-HEARING CONFERENCE

1. Site Plan, Rene Pacheco, 2969 Route 32. Presented by the applicant's engineer Darrin Elsom, Kaaterskill Associates. Elsom-the parcel is located on the corner of Route 32 and Hommelville Road. The applicant has been operating a food truck business and there is an existing building that has been renovated on site. Currently that building has only been used for bathroom facilities for employees of the food truck. The applicant is looking to use that existing building for retail. We have received the NPV review memo and will revise as suggested. There is currently outdoor seating by the location of the food truck. The applicant is proposing non-perishable retail sales in the building. There will be no commercial kitchen in the retail space. NYSDOT has been contacted regarding the access. Understand that there may be an issue with both commercial proposals on the same site. Beltrani-I have spoken with the Code Enforcement Officer and he has determined that the food truck will be an accessory use to the retail space. Parking is a concern. Post-concerns regarding existing septic capacity. Elsom-do not know a lot about the existing septic system but I do know that the applicant proposes that the bathroom facilities will continue to be for employees only. Considering having a port-o-poty on site for patrons. Will need to speak to the applicant further. The hours of operation proposed will be 8:30am-3:30pm. Will speak to the Highway Department regarding the secondary access on Hommelville Road. This is currently being used for employee access only and will continue to be used for the same. No Ag and Markets. There has been no discontinuation of use and the property predates zoning. There are concerns with setbacks but they are pre-existing non-conformting. Beltrani-the property remains a width of 50' at setback, the applicant will need to speak to the Code Enforcement Officer regarding requirements for a corner lot. Elsom-will go back and discuss further with the applicant.

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

2. Site Plan, Michael Persico, 2769 Route 32. Presented by the applicant's architect, Michael Lockwood. The applicant is proposing to construct a 3,172 square foot retail space building on the Wynkoop House property. The applicant was previously before the Board for a site plan that involved the Wynkoop House but has withdrawn that application. They wish to proceed without including the historic building at this time. Proposing

to leave ample space around the Wynkoop House. The new construction will be a more contemporary style structure and not try to duplicate the historic look of the Wynkoop House. Dark bronze with warm grays and the landscaping has been shown on the submitted plans. We have received the NPV review memo. The sidewalk will be attached to the existing hotel sidewalk. Permeable paved parking proposed. There are rain gardens and bioretention areas shown. When do we reach out to the Historic Preservation Commission? Beltrani-you can start that process with the HPC and we can do the site plan review concurrently but you need to start that process with them. Lockwood-will do. It is my understanding that there is a water/sewer agreement in place but will not go forward until after the approvals are received. Post-that agreement may be in the hotel file. Lockwood-there is only one proposed principal use. We will survey the remaining area with the existing trees.

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

ADDITIONAL ITEMS
NONE

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

The meeting was closed at 10:06 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary

DRAFT