

**Town of Kinderhook  
Planning Board Meeting  
3211 Church Street  
Valatie, NY 12184  
February 19, 2026**

Draft

**Minutes**

The Town of Kinderhook Planning Board met on Thursday, February 19, 2026, at 7:00pm at the Town Hall. The Chairman called the meeting to order and the secretary called the roll.

**A. Roll Call**

**Present**

Jonathan Cavagnaro, Chairman  
Andy Howard, Town Attorney  
Jeff Pinkowski  
Frank Colaruotolo, Ag Member  
Michael Hill  
Joseph Wildermuth  
Patrick Prendergast, Engineer  
Nataly Jones, Secretary

**Excused**

Brittany Buchanan

**Absent**

None

**B. Correspondence**

1. Review of Minutes;
  - a. November 20, 2025; Meeting;
  - b. December 11, 2025 - Workshop;
  - c. December 18, 2025 - Meeting;
  - d. January 15, 2026 - Meeting;

With one minor correction made to the January 15th draft, Mr. Wildermuth made a motion to approve the minutes listed above. Mr. Pinkowski seconded the motion. All in favor.

**C. Public Hearings**

1. 7:03PM - Blue Spruce, 3083-3093 US Route 9, Valatie - Site Plan Review for Change of Use;

Mr. Pinkowski made a motion to open the public hearing. Mr. Colaruotolo seconded the motion. All in favor. Motion carried.

The secretary read the notice as it appeared in the newspaper of record (on file). The secretary noted no inquiries were received in response to the notices.

Ms. Gen Trigg, representing the applicant addressed the board and public. Ms. Trigg reminded the board that the application is for conversion of the existing motel units at the Blue Spruce into residential units. She references the 6 existing buildings on the two lots, two of which are already fully residential rental units. The two parcels are approximately 9 acres in total. Additionally, Ms. Trigg stated that all exteriors of the building and existing infrastructure including access to the site is intended to remain the same. Only interior renovations to the motel units are proposed.

The application was referred to County Planning, which deemed it a local decision without county wide impact but did offer recommendations for the board and applicant to consider in their review. The recommendations will be reviewed in coordination with the applicant's response (on file).

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Mr. Cavagnaro invited the public to address the board.

Ms. Audine Henry, speaking on behalf of Mrs. Moureen Henry and Mr. John Henry of 3103 US Route 9, addressed the board with two concerns. They are adjacent property owners and there is a shared access road leading from Route 9 to their property. Ms. Henry asked who would be responsible for maintenance of the shared road. There is an apartment building belonging to Blue Spruce that the residents use to access the building. The road is owned by the Mirones and Yonder Farms also uses the road to access orchards beyond the Blue Spruce property. Currently no one is taking responsibility for road maintenance. Ms. Audine stated concern about additional use of the road and the state of the infrastructure. The board reviewed the plans to locate the parcels and road in question.

Ms. Trigg stated that research did not find an existing road maintenance agreement in place. If the matter of shared access is going to be a problem, the applicant proposes to no longer use the road and existing parking and to provide parking and access to that building from the Blue Spruce parcel. Ms. Trigg stated she would have to confer with her client about their willingness to enter into a shared roadway agreement. Mr. Howard confirmed that the Henry's do have an easement to access their property, the Blue Spruce does not. Ms. Trigg requested conditional approval in order to advance to application whereby an agreement can be negotiated or the access be restricted. Ms. Audine was concerned about how to prohibit tenants from using the road as they have in the past.

Ms. Audine also expressed concern about the current mail delivery. Mail addressed to 3103 gets delivered to the Blue Spruce. It has not been an issue to date as Mrs. Henry is employed by Blue Spruce, however the situation is not ideal. It may be that it is an issue for emergency services and the USPS. The concern is that if there is a change of ownership that mail delivery as it exists now may be interrupted.

Ms. Ellen Dillis and Mrs. Cassia Mirones addressed the board. Ms. Dillis translated for Mrs. Mirones. She located her parcels and addressed the use of the road. Ms. Dillis confirmed use of the road by Yonder Farms and noted that there has never been a road maintenance agreement in place. Mr. Howard inquired whether they would be amenable to establishing an easement for the Blue Spruce access and a road maintenance agreement. Ms. Dillis said it would have to be a decision made in coordination with the other family members.

The board discussed erecting a fence along the north property line to prohibit access to the existing parking area used by the apartment building in the rear off of the access road. Ms. Trigg was of the opinion that this solution would be acceptable to her clients. The board cannot compel the parties to enter into a road maintenance agreement, however they can require the applicant to mitigate the current situation by making modification to their site so that access is not gained through the access road. Those modifications can be achieved through conditions placed on approval of the application. A discussion ensued about how to go about this process and if a time frame for completion should be considered.

Ms. Trigg addressed and reviewed the County Planning recommendations and applicant's responses (on file):

1. Access: The CCPB suggests that the applicant contact New York State Department of Transportation (NYSDOT) regarding any improvements that may be necessary as a result of this change in use. The proposed development is comprised of two parcels

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(#23.-1-36, #23.-1-37), each with frontage on US Route 9. However, under the current configuration the properties are accessed from five (5) separate driveways off of US Route 9, and from four (4) parcels: #23.-1-36, #23.-1-37 #23.-1-29.120, and #23.-1-29.200.

RESPONSE: No expansion of any building footprint or increase in site access points is proposed, and the existing access and circulation patterns will remain unchanged. Therefore, no DOT coordination is required.

2. Apartment Access Drive: It is suggested that the applicant provide information on the access to the (2) story apartment building, located on parcel #23.-1-37, the north side, rear, from the existing crushed stone driveway located on adjacent parcels to the north (#23.-1-29.120 and #23.-1-29.200). This may include information on the terms of any access and/or maintenance agreement, as this is the primary vehicular access for this structure.

RESPONSE: The crushed stone driveway across the southern boundary line of Lot #23.-1-29.120 serves as the primary access to Lot ##23.-1-29.200. While it is used to access the 2-story apartment building on the north, rear portion of Lot #23.-1-37, even if this access was terminated it would not change the need for an access point to Route 9. Moreover, other means of interior site access exist if needed.

3. Traffic: It is suggested that the applicant provide information on the projected change in traffic patterns resulting from the conversion to a multi-family residential use.

RESPONSE: The proposed conversion from a motel use to a multi-family residential use is expected to result in trip generations that are comparable under the existing conditions. Motel operations typically generate higher peak traffic associated with guest turnover, short-term stays, service vehicles, and irregular arrival and departure times throughout the day and evening. By contrast, multi-family residential use produces more predictable daily traffic patterns, with peak movements generally limited to morning and evening commuting periods. Given that no expansion of building footprint or increase in site access points is proposed, existing access and circulation patterns will remain unchanged. The applicant therefore anticipates that the project will have minimal traffic impact and that overall conditions will be comparable under existing and proposed conditions.

4. Parking: It is suggested that the applicant identify the location of the proposed (48) parking spaces, and provide a definition of the term "banked".

RESPONSE: The location of the banked parking is clearly shown on the site plan in front of the 2-story motel building located on Lot #23.-1-37. This area is already blacktopped and will be striped as needed for reserved (a/k/a "banked") parking.

5. Visitor Parking: It is suggested that visitor parking be included on the plan.

RESPONSE: With 56 existing parking spaces available, generally, one parking space per unit will be assigned. Due to the arrangement of the buildings across the site, the

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intent is to allow for flexibility and visitor parking may vary. However, there is an area for visitor parking shown in front of the 2-story motel building located on Lot #23.-1- 37, closest to Route 9, in the banked parking area that will be striped as needed.

6. Housing: The CCPB notes that the need for affordable housing and additional housing options has been identified throughout Columbia County.

RESPONSE: Noted. The Project supports the need for affordable housing and additional housing options by providing an additional 20 long-term occupancy residential units in the County.

7. Housing units: It is suggested that the applicant provide information on the site plan regarding the proposed total number and type of apartments for each existing structure.

RESPONSE: The plans have been revised to include a new Note No. 4 that identifies the existing units. Any units in the motel buildings identified as “rooms” will be converted to studio apartments. Therefore, the total number of units remains unchanged at 52 total residential units.

8. Water Supply and Wastewater Treatment: The CCPB suggests that the applicant provide documentation that the existing on-lot wastewater treatment systems are adequate, and that the water supply (existing wells) has adequate capacity for the proposed change in use from lodging to multi-family residential including laundry facilities. This may include review by the Columbia County Department of Health.

RESPONSE: As discussed at the last Planning Board meeting, the wastewater treatment systems and on-site wells will be upgraded to extend their useful life and efficiency; however, there is no expansion or need for additional wells given the change of use is comparable to and in some instances less intense than transient motel visitors. The water is and will continue to be tested by the County DOH.

9. Water and Sewer Lines: The CCPB suggests that more detailed plans, information, and layout be provided on the water supply system and wastewater treatment system, including the proposed distribution to the apartments, and common buildings. Also, identify any storage tanks, and/or pump system that may be necessary and delineate the locations on the site plan.

RESPONSE: The site has adequate water and wastewater systems in place that will be upgraded as needed to extend their useful life and efficiency. No significant changes are proposed to the existing systems that would change the locations of any related infrastructure (e.g., wells, WWTS, and septic covers) that are already shown on the plans.

10. Soils: The CCPB notes that the parcels contain Prime Farmland Soils.

RESPONSE: Noted. No soil disturbance or expansion of existing buildings or infrastructure is proposed as part of the conversion project.

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11. Columbia County Agricultural District #10: This project is located within 500 feet of tax parcels which appear to contain actively farmed land within a certified agricultural district. Pursuant to §305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval, that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries, within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

RESPONSE: An Agricultural Data Statement has been prepared and submitted as part of the application. All adjacent landowners were notified of the application as part of the public hearing notice.

12. Parcel #23.-1-36: The CCPB suggest that the applicant provide information on any proposed use for the vacant portion of this parcel.

RESPONSE: At this time, the vacant portion of the parcel will remain as is.

13. Barn: It is suggested that the applicant provide information on any existing and/or proposed use of the existing barn. This structure is situated on a common property line between parcel #23.-1-36 and, parcel #23.-1-37.

RESPONSE: The barn building contains three apartments, as further described in Note No. 4.

The board provided comments and opinions on a number of topics including but not limited to existing ingress and egress, existing parking and proposed 'banked' parking, water and waste water systems. It was also addressed that an agricultural disclosure be added to the residential lease agreements. Additional discussion ensued. There were some concerns about the size of the proposed studio apartments and density. Ms. Trigg stated that under the multiple residence law, the minimum of one living room apartment is 132 square feet. Laundry facilities were discussed. It was thought that that issue would fall under the purview of the building inspector and the DOH. Conditions of approval were also discussed. The location and length of a proposed required fence along the northern property line was reviewed.

Mr. Hill made a motion to close the public hearing. Mr. Colaruotolo seconded the motion. All in favor.

The State Environmental Quality Review (SEQR) was reviewed by the Attorney:  
Part II: Impact Assessment of the EAF (Short Environmental Assessment Form).

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? *Proposed answer is no or small impact. Does not require any variances.*
2. Will the proposed action result in a change in the use or intensity of use of land? *Proposed answer is no or small impact.*
3. Will the proposed action impair the character or quality of the existing community? *Proposed answer is no or small impact.*
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical

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Environmental Area (CEA)? *Proposed answer is no.*

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? *Proposed answer is no or small impact.*

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? *Proposed answer is no or small impact. Improvements will be made in accordance with NYS Building Code.*

7. Will the proposed action impact existing:

a. public / private water supplies? *Proposed answer is no or small impact.*

b. public / private wastewater treatment? *Proposed answer is no or small impact.*

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? *Proposed answer is no or small impact.*

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? *Proposed answer is no or small impact.*

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? *Proposed answer is no or small impact.*

11. Will the proposed action create a hazard to environmental resources or human health? *Proposed answer is no or small impact.*

If the board was in agreement with the proposed answers, they could entertain a motion to issue a negative declaration on the environmental impact of the proposed action under SEQR.

Mr. Wildermuth made a motion to issue a negative declaration of the environmental impact under SEQR. Mr. Pinkowski seconded the motion. All in favor. Motion carried.

Mr. Howard reviewed the proposed conditions of approval:

1. Site plans depict fencing along northern boundary to prevent access from Casia Mirones' real property to the satisfaction of the Town Engineer;
2. Site plans depict access to rear 2-story apartment building to the satisfaction of the Town Engineer;
3. 'Banked' parking depicted on the site plan to be paved and implemented as needed upon a finding in the future from the Town Code Enforcement Officer that residents are parking on the grass or that the existing parking is otherwise deemed inadequate.

Mr. Colaruotolo made a motion to issue conditional approval of the application with the listed conditions. Mr. Hill seconded the motion. All in favor. Motion carried.

#### **D. Old Business**

1. Blue Spruce, 3083-3093 US Route 9, Valatie - Site Plan Review for Change of Use;

Application reviewed during the public hearing. Conditional approval was issued.

2. Chris McCarly, 112 Parker Hall Road, Niverville - Site Plan Review for Multi-Family;

No one was in attendance to represent this application and no updates were provided.

3. Backyard Outfitters Enterprises LLC, US Route 9 and Herrick Road, Tax Parcel ID: 22.-1-81 - Site Plan Review;

There was no one in attendance to represent this application. The board reviewed the specifics of the application and a revised site plan. The board deemed the application substantially complete.

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Mr. Wildermuth made a motion to refer the application to County Planning and schedule a public hearing on Thursday, March 19, 2025, at 7:03. Mr. Pinkowski seconded the motion. All in favor. Motion carried.

**E. New Business**

1. None;

**F. ZBA Opinions**

1. None;

**G. Liaisons**

1. Village Planning Boards - Mr. Wildermuth reported that Colloruso & Son submitted the lowest bid to repave Albany Avenue at \$2, 475,00.
2. Town Board - Nothing new to report.

**H. Other**

1. Public Comment

Mr. Pinkowski made a motion to adjourn the meeting. Mr. Wildermuth seconded the motion. All in favor. Motion carried; meeting adjourned at 8:19pm.

Respectfully submitted,

Nataly D. Jones, Secretary