

August 06, 2025 Meeting Minutes

Date

Aug 6, 2025

Planning Board Members

Present

- ✓ Robert Bellinger (Planning Board Chair)
- ✓ Rebecca Harclerod (Deputy Planning Board Chair)
- ✓ John Ross
- ✓ Brian Molinski
- ✓ Stephen Thibeault
- ✓ Craig Dombrowski
- ✓ George Weidler
- ✓ Jon Hardy
- ✓ Jeremy Steuhl (Planning Board Secretary)
- ✓ Andrew Howard (Planning Board Attorney)
- ✓ Michelle Mormile (Town Engineer)

Absent

Participants

- Ray Bender
- Mark Fumasoli
- Bob Ihlenburg
- Jeff Hubbard
- Fire Chief Jahns
- Andrew from Kaaterskill Associates

Correspondence

- Caris Memory Care Jul 17, 2025 : Received an email that they will send a check out to the Town for the balance due on their escrow account. In same email, they said that they will not be pursuing approvals any further or proceeding to a land contract on this parcel.

Applications

Public Hearing

- None

Old Business

- None

New Business

-  **PB-149: Lot Line Adjustment (Ray & Debbie Bender)** BOARD REVIEW

Lot line adjustment application to add 0.155 acres to 138.-1-70.200 from 138.-1-38 at 598 White Birch Road.

-  **PB-152: Special Use Permit (Fumbo Realty, LLC)** BOARD REVIEW

A Special Use Permit for an ice cream stand and farmers market at 669 CR-2 Elizaville, 201.-1-32.100.

-  **PB-154: Lot Line Adjustment (Robert Ihlenburg)** BOARD REVIEW

Lot line adjustment application to add 0.802 acres to 161.00-1-63.11 from 161.00-1-63.12 at 786 Church Road.

-  **PB-156: Site Plan Approval (Robert Ihlenburg, P.L.S. for Chansong Kim)** BOARD REVIEW

A Site Plan Review for construction of a commercial greenhouse for cannabis growing at 3461 State Route 9 Hudson, 140.-1-17.200

-  **PB-161: Subdivision (Walker Family Land, LLC)** BOARD REVIEW

A Major Subdivision application to create 4 parcels of off Old Route 82. 152.-1-16.3

Minutes

- Meeting started with the Pledge of Allegiance at 19:00.
- Roll call at 19:01.
- Motion to accept minutes from Craig Dombrowski, 2nd by Stephen Thibeault.
- All in favor. Motion approved.

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-  **PB-149: Lot Line Adjustment (Ray & Debbie Bender)** BOARD REVIEW

- Ray Bender presented a Lot Line Adjustment application to add 0.155 acres to 138.-1-70.200 from 138.-1-38 at 598 White Birch Road.
- Ray Bender pointed out on the map the slight adjustment. Adding a small pie shaped piece to their parcel to bring their driveway onto their property.
- Robert Bellinger asked if any additional questions. No additional questions.
- Attorney Howard read through the SEAF part 2.
- All answers are No or Small Impact.
- Motion to accept negative declaration made by John Ross, 2nd by George Weidler. All in favor, motion approved.

PB-149 SEAF Part 2 & 3

- Motion to accept the lot line adjustment as submitted was made by Stephen Thibeault, 2nd by George Weidler.
- All in favor, motion approved.

PB-152: Special Use Permit (Fumbo Realty, LLC) BOARD REVIEW

- Mark Fumasoli of FumBo Realty presented their application for a Special Use Permit for an ice cream stand and farmers market at 669 CR-2 Elizaville, 201.-1-32.100.
- They had a special use permit. The premises has been vacated for over a year, and they received a violation notice that they need a new special use permit, since it has expired.
- Nothing has changed, like the buildings or anything, other than a new tenant running the business as Rooster's Roadside Creamery & Grill.
- Robert Bellinger would like an updated map. Mark Fumasoli said he provided 10 copies of the maps that was approved originally. A lot of the structures on the map, say "Proposed". Mark Fumasoli said they are all completed.
- Michelle Mormile made comments on the map and would like to see the map updated to reflect what is actual. Mark Fumasoli said he would update the map to state what is proposed versus existing. They have board of health approvals from when all of this work was done.
- Attorney Howard advised the applicant to update the map with existing for the board and engineer to review.
- Michelle Mormile asked about the provision for a farm stand to be in the zone. Attorney Howard stated it was approved there previously and in the code there's a provision for anything that is not listed in the code for a commercial purpose, falls under a special use.
- Michelle Mormile asked about county highway approvals for their entrance. Mark Fumasoli said he will look into it. He can't recall from the original application they submitted years ago. Michelle Mormile recommends to the board that the applicant get those documents.
- Michelle Mormile asked if they had the prior approvals from the health department on the septic system, he should provide that. Mark Fumasoli said he did and will provide.

- Robert Bellinger stated we need to set escrow in the amount of \$3000. Applicant will provide a check to the Town of Livingston for that amount.
 - Robert Bellinger asked if the board has any questions or concerns.
 - Applicant will plan to return in the September meeting.
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[PB-154: Lot Line Adjustment \(Robert Ihlenburg\)](#)

BOARD REVIEW

- Bob Ihlenburg presented a Lot line adjustment application to add 0.802 acres to 161.00-1-63.11 from 161.00-1-63.12 at 786 Church Road.
- He represents the Hammons who own the lots. They have a 50 acre and 27 acre parcel. They are building a house on the 50 acre parcel. Architect laid out septic system that is too large for the parcel it is on and needs to take some property from the neighboring property (which they own).
- Proposal before the board is to change the boundary lines, a rectangular piece of 100' x 184' where the septic system would be, which that site is approved by the DOH and small triangular piece for easier access of piping. Approximately about 3/4 of acre.
- Robert Bellinger asked if the pins are set. Bob Ihlenburg said yes and pointed on the maps where pins are.
- George Weidler asked about setbacks for where the septic will be. Bob Ihlenburg pointed out on the map the location.
- Robert Bellinger asked if any additional questions. No additional questions.
- Attorney Howard read through the SEAF part 2.
- All answers are No or Small Impact.
- Motion to accept negative declaration made by Rebecca Harclerod, 2nd by Brian Molinski. All in favor, motion approved.

[PB-154 SEAF Part 2 & 3](#)

- Motion to accept the lot line adjustment as submitted was made by John Ross, 2nd by Stephen Thibeault.
 - All in favor, motion approved.
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- Bob Ihlenburg representing Mr. Kim, presented an application for Site Plan Review for construction of a commercial greenhouse for cannabis growing at 3461 State Route 9 Hudson, 140.-1-17.200
- Mr. Kim is the current owner of the property, recently purchased from Thomas Murphy. This is the old Alvarez homestead, just north of the mobile home park. It's in a C-1 district, 10.6 acres and includes an existing house and residence. Commented on the site plan. The proposal is to build a 60' x 100' greenhouse and small office extending to the side.
- About 5 employees FTE, plus 1 employee for security. They will have 6 parkings spots, plus 2 handicap spots.
- Robert Bellinger commented about the odor for the area, since their are very close to 2 mobile home parks, plus down the road there's the Galvan hotel and horse farm.
- Jeff Hubbard, the operationation director, commented that they are going to use air scrubbers. Everything that is ejected out of the unit will be carbon scrubbed.
- Robert Bellinger asked about what they are going to do with the product after growing it. They plan to grow, dry and package onsite. Once sealed and packaged, it will be sent out to distribution. Jeff Hubbard said this will not be a dispensary.
- Robert Bellinger asked about whether there will be a separate building for sanitary use. Right now is just porta-potties, but at some point would progress to a septic.
- Michelle Mormile commented about needing a water supply. They will have portable tanks right now, but when a separate building is done, they will have onsite water supply.
- Brian Molinski asked if all operations will be in the greenhouse. Jeff Hubbard said yes.
- Robert Bellinger asked the applicant to put up a sign 4'x8', which will show the proposed project, and ultimately include the date/time of the public hearing. Applicant said they would do that.
- Craig Dombrowski asked about security fence. Yes, a 14' fence for the entire perimeter, with 2 security gates. Rebecca Harcleroad asked if there will be 24 hour security. Yes, at least one person.
- Attorney Howard said we should get carbon scrubber, lighting, location of structures, fencing, gates etc, should be on the map.
- Michelle Mormile commented about all of the porta-toilets, water tanks and other structures, should be on the site plan as well.

- Robert Bellinger asked turn around on the crop. Jeff Hubbard said they they will plan to have 3 crop harvests a year. About a 90 day cycle.
 - John Ross asked about security lighting around the perimeter. Jeff Hubbard said yes.
 - Bob Ihlenburg said he would add all of that to the map. Robert Bellinger said he wanted to get that before the next meeting in order to schedule a public hearing.
 - George Weidler asked about accessible access for emergency vehicles. Jeff Hubbard said yes and just have to make sure the gates are open to access the site. Fire Chief Jahns said he would want to have a Knox box setup or if key swipe, he would need a card.
 - Attorney Howard would like to have Fire Chief Jahns do a site visit.
 - Robert Bellinger asked them to get their project documents updated and return for the September meeting.
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• **PB-161: Subdivision (Walker Family Land, LLC)** BOARD REVIEW

Andrew from Kaaterskill Associates presented a Major Subdivision application to create 4 parcels of off Old Route 82. 152.-1-16.3

- This is just a sketch plan right now. Each lot will be from 2-4 acres. Each lot will have private and septic on each site.
- Met with the Town Highway Superintendent about proposed driveways, they walked the area of the road and he said the locations are acceptable.
- Brian Molinski asked how long the flag lot driveway is. Said about 400-500 feet.
- Robert Bellinger said the map should have a turn-around. Fire Chief Jahns suggested he look at the private road specs for the town. If they follow that, it will be fine.
- Robert Bellinger asked if these are the owners that previously subdivided? Andrew said no, it's a new buyer.
- Michelle Mormile asked if this drawing is based on a boundary survey. Not yet, it's based on an old CAD drawing. Wanted to have initial review with the Planning Board first before sending to their land surveyor.
- Attorney Howard and Robert Bellinger commented about the existing structures right on the line. Hard to tell without a real survey. Andrew said these lines are fairly accurate, but not official to surveyor performs the actual survey.

- Andrew asked if they could schedule a public hearing. Robert Bellinger said no, we need to get the survey and updated documents first.
- Robert Bellinger requested \$3000 for an escrow account.
- Andrew asked if they needed the FEAF or if the SEAF is ok. Attorney Howard & Michelle Mormile both said the SEAF is fine.
- Applicant will plan to return in September.

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- Robert Bellinger commented that the September meeting is just after the Labor Day holiday weekend. Suggested we move the regularly scheduled meeting for Sep 3, 2025 , to Sep 10, 2025 .
 - Motion to change Sep 3, 2025 meeting to Sep 10, 2025 was made by Craig Dombrowski, 2nd by Rebecca Harcleroad.
 - All in favor, motion approved.
 - There being no further business, a motion to adjourn was made by Stephen Thibeault, 2nd by Brian Molinski.
 - All present voted AYE. Motion passed.
 - Next scheduled meeting will be held Sep 10, 2025 .
 - Meeting closed at 19:47.

Respectfully submitted,

Jeremy Steuhl
Secretary Livingston Planning Board