

Young / Sommer LLC

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December 19, 2024

VIA EMAIL AND FEDERAL EXPRESS

Town of Moreau
Planning Board
351 Reynolds Road
Moreau, New York 12828

**RE: Shangri-La Real Estate Holdings, LLC – Spier Falls Road
Proposed Commercial Greenhouses and Farmstand**

Members of the Planning Board:

Young/Sommer LLC has been retained by Shangri-La Real Estate Holdings, LLC¹ (hereinafter referred to as the “Applicant”). The Applicant submitted an application to the Town of Moreau Planning Board on October 7, 2024 for the phased development of twelve (12) commercial greenhouses, barn, and facility staging area with ingress and egress from Spier Falls Road, in addition to a later phased commercial farmstand and associated gravel parking lot with ingress/egress from Old Saratoga Road.

Pursuant to the Town of Moreau Schedule of Regulations for the C-1 Zoning District (Attachment 9 of the Town Zoning Law), “commercial greenhouse and nursery” is a permitted principal use in the C-1 zoning district. After review of the text of the Town’s Zoning Law, it is clear that the term “commercial greenhouse” is not defined, nor is commercial greenhouse further regulated in the zoning code. The Town Zoning Law does define “commercial use” as “any use involving the sale or rental or distribution of goods, services, or commodities, either retail or wholesale.” The Applicant’s proposed greenhouses are designed to be leased to commercial tenants. Any products that are grown in the greenhouses will ultimately be sold or distributed either at retail or wholesale. Importantly, the Town’s Zoning Law does not regulate the type of plant or vegetation grown in the commercial greenhouse, nor does the Town Zoning Law require that the commercial greenhouse produce goods for retail or wholesale on the property or even in the Town.

It is my understanding that after an initial presentation with the Planning Board, the Application was left off the November Planning Board agenda due to an open code violation. On November 27, 2024, the Applicant received an email from Joshua Westfall confirming that the property had been re-inspected

¹ Shangri-La Real Estate Holdings, LLC owns the commercial property involved with this Planning Board application. The LLC does not have a cannabis license, but does reserve the right to lease one or more of the greenhouses to a cannabis licensee in the future, as currently permitted under the Town of Moreau Zoning Law. The greenhouses that are proposed are closed loop greenhouses having their own independent air-conditioning and heating systems, along with infiltration. As proposed to be designed, there will be no odor emitted from the greenhouses, no matter what the product that is ultimately grown.

and found to no longer be in violation as of November 17, 2024. The Applicant was concurrently issued a fence permit on November 27. The Applicant had been prepared to continue its application at the December Planning Board meeting, however, learned that the town considered the application pulled from the agenda pending further request or materials prior to the Planning Board submission deadline. As opposed to further contesting the matter, the Applicant utilized the additional time to further develop its plans and we are hereby submitting an updated site plan, full SWPPP, full environmental assessment form, copy of the deed, site plan application materials, as well as further details on the HVAC and greenhouse design and programming.

The Planning Board has a duty to apply the Town of Moreau Zoning Law as it currently exists. The Planning Board does not have the authority to interpret the zoning code. The Applicant is aware that the Town Board is currently considering comprehensive zoning law amendments, however, those amendments are still in draft form and do not apply to the current Application. Now that the code violation has been corrected, we respectfully request that the Town Planning Board continue to process this Application under the current Town Zoning Law requirements.

Thank you for your time and consideration, and we look forward to continuing the review of this Application at the January 20, 2024 Planning Board meeting.

Very truly yours,

YOUNG/SOMMER LLC

A handwritten signature in blue ink, appearing to read "E. Hyde Clarke", enclosed within a blue circular scribble.

E. Hyde Clarke, Esq.

cc: Josh Westfall, Building, Planning and Development Coordinator (via email)
Devin Klender, Shangri-La Real Estate Holdings, LLC (via email)
Peter Loyola, RLA, ASLA, CLA SITE (via email)