

Meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on January 27, 2025.

Planning Board Members Present

- John Arnold Planning Board Chairman
- Mike Shaver Planning Board Member
- Adam Seybolt Planning Board Member
- Bradley Nelson Planning Board Member
- Carl Hourihan Planning Board Member
- Matt Abrams Planning Board Member
- Ann Purdue Planning Board Member
- Maureen Jones-Jackson Alternate Planning Board Member

Planning Board Members Absent

- Brad Toohill Planning Board Member

Others Present

- Josh Westfall Town of Moreau Building Planning & Development Coordinator
- Glen Bruening Town Counsel
- Diana Corlew-Harrison Secretary

The meeting was called to order at 7:04 pm by Chairperson Arnold

Minutes Approval: **Motion made by Mr. Shaver to approve December 2024 minutes, Mr. Seybolt seconded, Mr. Abrams and Ms. Purdue abstained, all others approved.**

Mr. Arnold congratulated Mr. Hourihan on becoming newest board member and welcomed Ms. Jones-Jackson as newest alternate board member.

Old Business:

1. SUBD3-2004 Hooper Subdivision

Applicant is seeking Preliminary Plat Review in accordance with Article IV of Chapter 124 Subdivision of Land of Moreau Tax Code. Specifically, the proposal is for a Cluster Subdivision in accordance with Article IX of Chapter 124. The proposed subdivision will result in four (4) additional (new) lots. Applicants: James and Suzanne Hooper. Owner of record: James Hooper. Tax Map ID: 64.-2-106.1 Zoning District: R5. SEQR Type: Type II. Last heard by Planning Board May 2024.

Applicant and his engineer, Dan Gosselin, spoke of the project and the desire to make subdivision and adding 4 new residences on property. Mr. Arnold stated that this would be a total of 5 lots when done though with current lot 5 keeping as a separate parcel and residence. Both applicant and engineer agreed.

Mr. Shaver asked of soil conditions, if water supply was good and if septic design was approved. Mr. Gosselin stated that the soil is silty, clay in places, shale by the road, water is good tasting- not sulfur, and septic was approved by Mr. Westfall.

Mr. Arnold asked if there was a homeowner's association? Mr. Hooper states that there will not be one but there is a maintenance agreement on the driveway. Mr. Arnold asked if Lot 5 will have a conservation easement? Mr. Hooper states that his attorney submitted two options on the plans. One is conservation agreement or a deed restriction.

Mr. Hooper and Planning Board members agreed that deed restriction was more feasible with Mr. Hoopers long term plans to use the property for his Equine business.

Mr. Arnold asked why only 4 lots when property is 33 acres and could be used for 6 lots? Mr. Hooper states that Lot 5 will be left at approximately 20 acres and other 4 lots will be subdivided with balance.

Ms. Purdue questioned the writing in the deed restriction regarding the maintenance on buildings. Mr. Hooper states that it should read all property residences and structures will be maintained. There will be no new residences on Lot 5 built and will be no subdividing in the future on any of the property. He will have his attorney clean it up to read properly as his wishes are.

Ms. Purdue asked if this met Cluster subdivision requirements regarding lot sizes. Mr. Westfall states it meets the density requirement.

Ms. Purdue asked about water/sewer connection requirement in a Cluster subdivision. She states that if in an area where its provided, that project must connect to it. Mr. Westfall states that because they have no availability to water/sewer then Board could waive the provision in the code.

Mr. Arnold and Ms. Purdue would like to see it referred to the Town Board to review the code being it is a conflict, and we should have findings presented back to Planning Board. Mr. Westfall to ask Town to review.

Mr. Arnold asked why lots 1 and 2 share driveway but lot 3 is independent, is lot 3 included in maintenance agreement? Mr. Hooper says all lots will share maintenance agreement, lot 3 can also access by back of property.

Mr. Abrams asked if DOT was supplied lot lines and driveway placement. Mr. Hooper, Mr. Gosselin, DOT and highway department were the ones who determined where the best place was for the driveway.

Mr. Gosselin will have diagram of all lots, driveway access points, all cluster locations, include lots 4 and 5 lot sizes and setbacks on new updated survey, hopefully by next meeting.

Mr. Arnold also spoke of other conditions that needed to be met yet.

1. Change of code for water/sewer connections.
2. DOH approval.
3. Set up of Escrow.
4. Clear up deed restriction writing with attorney.
5. Limit use to agricultural.
6. Note 2 residences now on lot 5 but in future only 1 and can have other annex structures.
7. No further subdivision

Mr. Hooper said he will get information together that was requested for next meeting in February 2025.

2. **SPR3-2024 – Shangri-La Holdings Site Plan – Applicant seeks conceptual Site Plan review in accordance with Article VI Site Plan Review of Chapter 149 of Moreau Town Code for the development of a commercial greenhouse facility, storage barn, farmstand for produce and parking/event space. Applicant: Shangri-La Real Estate Holdings, LLC. Owner of Record: Same c/o Olsen Klender. Agent: CLA Site. Tax Map ID: 76.-3-83.111 & 76.-3-89.2 Zoning District (Current): C-1 SEQR Type: Unlisted. Last heard by the Planning Board September 2024.**

Applicants' attorney, Mr. Hyde Clark with Young Summer Group, Scott Miller from CLA Site spoke of project. Mr. Clark states that his clients had prior code violations which have all been corrected, there also has been a fence added to property. They are here to request review of this revised site plan for a greenhouse facility, farmstand and nursery. Mr. Clark recognized that the town had just put forth a moratorium on cannabis.

Mr. Miller presented the revised plans and states that the property is 76 acres in total. Construction will be done in five phases on the site. They will have 12 greenhouses and one barn near spier falls road, one farmstand on Old Saratoga

Road. Total site disturbance will be 13.9 acres. Phase 1 will consist of the driveway, barn and 2 greenhouses. Phase 2 will be two more greenhouses, Phase 3 will be four greenhouses, Phase 4 will be the final four greenhouses and Phase 5 will be the farmstand. No more than 5 acres disturbed at a phase per stormwater regulations. There was a SWIPP provided. They are proposing 3 storm water ponds. One at the farmstand due to elevation. The Greenhouses will have an infiltration system as well. Lighting will be security lights on buildings. Water will be from an existing well on site. Septic will also be maintained on site.

Mr. Nelson asked if you plan on growing pot now or in the future? Mr. Hyde states that the applicant will have products that are permitted by the town at the time that its proposed. If there is a cannabis law adopted by the town board that states that cannabis can be grown in the C1 district and must have X,Y,and Z constructed in the greenhouse, then yes. Mr. Nelson asked if this was going to be the sole purpose of the project or is this a little bit of a bait and switch or like hey we want to grow tomatoes but were going to slide marijuana in the back door? Mr. Clark says it could be cannabis or could be something else.

Mr. Abrams asked if this agricultural function is allowed in the commercial zone? Mr. Arnold states that vegetables and fruit for resale are permitted. Applicant stated that they would rent out the greenhouses to tenants and the town code does not dictate what can and cannot be grown in greenhouses in the C1 district. Mr. Arnold also states that a farmstand will not be added until Phase 5, isn't that just an afterthought and that's if you get to Phase 5? Mr. Arnold states that applicant needs to supply the sole use of project for C1 district first before board can approve this. Mr. Arnold asked Mr. Westfall if this use as presented was a permitted use in the C1 district. Mr. Westfall states that without the retail space, it is not permitted. Mr. Hyde states that they were never told that this was not a permitted use, and were not told by the code administrator of his decision since the applications were submitted in December. Nor has he ever been in a meeting where the code administrator was asked on the spot of his decision. Mr. Hyde feels if he had known, he would have sent in an appeal of the decision before this meeting was ever made. Mr. Arnold states that the code in place states that we do not allow any agricultural use in a commercial zone, but we do have a code that allows greenhouses with a retail space. Mr. Arnold also stated that the nursery stock definition is very clear in the code.

Mr. Devin Klender, associate of project and son of the owner of record, got up to clarify the definition of their intent in case of any misunderstanding. He said their intent was to have tenants growing plants starts with roots attached such as starch vegetables and tomatoes that people could purchase to grow in their own gardens. Mr. Arnold asked then your intent was to grow bedding plants, which is what plant starts are called as you described. Mr. Klender states that the farmhouse could be moved to Phase 1 to accommodate the resale factor then to meet the C1 code.

Ms. Purdue asked what the purpose of the barn is now. Applicant states it would be used for an office, farm equipment storage and such.

Mr. Nelson asked what code violations were before? Applicant states outside growing. Mr. Nelson asked if there were any violations with the State of NY? The tenants at this time are in remediation and the violation was cultivating cannabis without a permit/license. Mr. Nelson asked who their tenants are/were? Applicant would not identify by name, only stated they were from Salem, NY. Mr. Nelson said its news to me and this board that you had any prior tenants from any prior visits that any of us made or any presentations that were made. Mr. Nelson states that you were just telling us a bunch of lies this whole time. Board was under the impression that you, the applicant, were the tenants, but I guess that was another lie.

Mr. Arnold asked about the wet ponds from Mr. Miller. Mr. Miller states that they will have a stormwater pond that would permeate the ground.

Mr. Shaver asked how much daily water usage would be. Mr. Klender states 200 gallons per greenhouse. Mr. Abrams asked if any of the retention ponds would be used for irrigation systems or not. Mr. Klender has some ideas on how to reuse the water, but nothing has not finalized any permanently. Mr. Arnold states that for a size greenhouse you are proposing will never use only 200 gallons of water a day or if so, you would have a lot of dead plants.

Mr. Arnold asked how you are treating the water coming out of the greenhouses? Mr. Klender plans to use sand filter, reverse osmosis, or other options.

Mr. Arnold states that we have a determination by our Zoning Administrator, board has collected information as part of the process, but he feels that the phasing of project needs updating, applicants seem to be “developing” a business plan as they go and should refer to the codes and/or Josh as to what is permitted in the C1 district.

Mr. Hyde states that he would like a determination letter so that he can appeal to the Zoning Board. Mr. Arnold states that applicant should look at the C1 zoning and build your plan from that. Mr. Westfall will send a letter to attorney.

Mr. Arnold states that the proposal we have in front of us now is a greenhouse operation with a possible farmstand in the future with borderline agricultural use and you might want to have bedding plants there, unknown tenants and not have any responsibility as to what they maybe growing. Seems to me that you are asking for another Town code enforcer to come yet again, impose a fine and us as a board don't want to happen again.

Mr. Hourihan asked if project would move forward if the moratorium were to cease in the Town? Applicant states yes.

Mr. Arnold states that he feels we have concluded this meeting for tonight until we get a letter of determination, and a plan comes back in front of this board for review that follows the codes in C1 district.

Ms. Purdue asked if there were any updates on the Zoning updates from previous meetings. Mr. Westfall is going to set up a meeting including Ms. Purdue and Town to further review and discuss updates. She also asked if Cannabis moratorium task force was done or are they still working on things. Mr. Westfall states he thinks task force is complete.

Mr. Arnold asked on the zoning code also, as to why restaurants are in the M2 zone when they are not allowed. Mr. Westfall states that Mr. Arnold comments will be addressed during the zoning meetings to come.

Ms. Purdue feels the Planning Board is a useful resource and could have been helpful in changing the Zoning Codes prior and should be utilized in the future discussions.

Motion made by Mr. Shaver to adjourn the meeting, seconded by Mr. Seybolt, all approved.

Meeting adjourned at 8:30 PM. Mention of executive session was made but none to place.

Signed by Diana Corlew-Harrison 2/3/25.