

REGULAR JOINT TOWN AND VILLAGE PLANNING BOARD MEETING

August 19th, 2026, at 6:30pm | 103 Main Street, Mount Morris NY

Present: Acting Chair Brianna Rawleigh; Planning Board Members Larry Woodworth, Joel Clester, Emily Goho, and Johnna Schrier; Village Code Enforcement Officer Tim Dunham; Town Supervisor Dave DiSalvo; Town Councilman Joe Rawleigh; Town Counsel Peter Sorgi; Town Code Enforcement Officer Shawn Grasby; Board Secretary Kaylee Leone; Livingston County Land Bank representative Christie Mahany; Bohler Engineering representative Matt Moyan; Community members Patrick Scully, Matt Scully; Bob Brill, Monica Brill; and Steve Winslow.

CALL TO ORDER AND REVIEW OF MINUTES

Acting Chair Brianna Rawleigh called the regular meeting of the Joint Town and Village of Mount Morris Planning Board to order at 6:50pm. Acting Chair Rawleigh apologized for the delayed start and thanked those present for their patience. The Pledge of Allegiance was recited, after which the Board members, municipal representatives, applicants, consultants, and members of the public introduced themselves.

The Board reviewed the minutes from the July 15th, 2026, Planning Board meeting. No substantive corrections were identified.

A motion to approve the submitted July 15th, 2026, Planning Board meeting minutes was introduced by Emily Goho, seconded by Joel Clester, and was voted on by members as follows:

Aye: 5 (Clester, Goho, Rawleigh, Schrier, Woodworth)
No: 0
Abstain: 0

The motion was carried unanimously.

PUBLIC HEARING - LIVINGSTON COUNTY LAND BANK PARKER ROAD MINOR SUBDIVISION

At 6:52pm, Acting Chair Rawleigh opened the public hearing on the Livingston County Land Bank minor subdivision application for the vacant 2.343-acre parcel on Parker Road in the Village of Mount Morris, Tax Map No. 106.17-1-2.1. The application proposed dividing the property into two residential parcels of approximately 1.053 acres and 1.290 acres. Acting Chair Rawleigh stated that the public hearing would remain open for at least thirty minutes and that the Board could conduct other business after receiving initial comments before returning to the matter.

Christie Mahany, appearing for the Livingston County Land Bank, explained that the Land Bank acquires vacant or underutilized properties and returns them to productive use. She stated that grant funding was available to support construction of new residential homes on the Parker Road property and that the present proposal was intended for market-rate residential housing. The subdivision application itself did not seek approval of a particular house design or other construction plan.

Steve Winslow, 53 Parker Road, stated that his property is adjacent to the subject parcel and asked for clarification regarding the Land Bank's plans. Mr. Winslow explained that he purchased his property in October 2025 in part because of the wooded and comparatively undeveloped character of the surrounding area. He stated that he had previously been interested in acquiring the subject property and asked whether the interior proposed lot might be available for purchase instead of being developed. Ms. Mahany responded that the Land Bank expected to address the corner lot first and that a future discussion could be had regarding the second parcel, although no commitment to sell it was made during the meeting.

Acting Chair Rawleigh emphasized that the matter before the Planning Board was the subdivision of one existing parcel into two parcels. Approval of the subdivision would not itself authorize a different land use, and the resulting lots would remain subject to the existing residential zoning and all applicable requirements for any future development.

Bob Brill, 55 Parker Road, stated that he was encouraged to hear that the intended use was residential but expressed concern because one of the Land Bank's broader missions involves

housing persons experiencing temporary homelessness. Mr. Brill asked whether the property could later be used for temporary, congregate, boarding, or other housing rather than ordinary residential homes. Ms. Mahany clarified that this particular property was not being advanced for temporary housing and that the Land Bank's present intent was market-rate residential housing. She stated that the Land Bank had not finalized a particular home design or sales price and that any future construction would be required to comply with the Village Code.

Mr. Brill also raised concerns regarding the physical limitations of the property, including the slope of the land, an existing power-line right-of-way, the amount of buildable area remaining after setbacks, and the location of a future driveway near the road intersection and recycling-center traffic. He further stated that properties in the area are subject to private covenants addressing matters such as buried propane tanks, fences, and detached garages, and requested that those restrictions not be overlooked. Mr. Brill and Mr. Winslow both commented on the wooded character of the neighborhood and the presence of wildlife, including deer, fox, and birds, and asked that the setting be preserved to the extent possible as future development occurs.

The Board discussed the distinction between land-use approval and private covenants. Acting Chair Rawleigh reiterated that the Planning Board was considering the lot division only and that future construction or any proposal for a use not permitted by the existing zoning would be subject to the approvals required by the Village Code. The Land Bank representative likewise stated that it would be required to comply with the same zoning and development standards applicable to other property owners.

Mr. Brill pointed out that the project location described in the mailed notice and application used incorrect cross-street references. The Board, Village Code Enforcement Officer, and Land Bank representative reviewed the tax map and project mapping during the hearing. The discussion established that the tax parcel identification and the mapped parcel itself were correct, but the written location descriptions were inconsistent. The notice materials had referred to Fiddler Road, while the Environmental Assessment Form included a Parker Road/Tallman Road description that did not accurately identify the vacant parcel.

The Board confirmed that the neighboring property notice list had been generated from the correct tax parcel and mapped notice radius, rather than from the mistaken cross-street wording. Accordingly, the incorrect road description did not change the properties that received notice. The Land Bank representative corrected the project location wording on the application and Environmental Assessment Form during the meeting, initialed the corrections, and executed the updated materials in the Board's record. The tax map identification and subdivision map remained unchanged.

After the initial public comments were concluded, the Board proceeded to other agenda items while leaving the Parker Road public hearing open in order to satisfy the minimum thirty minute hearing period.

The Board returned to the Parker Road application after the public hearing had remained open for more than thirty minutes. Acting Chair Rawleigh invited any additional Board, applicant, or public comments. Mr. Brill reiterated his interest in maintaining the residential and natural character of the area, and the Land Bank representative again stated that the proposal was for residential development and that the Land Bank would be required to comply with applicable zoning requirements. No additional comments were offered.

At 7:26pm, a motion was made by Larry Woodworth and seconded by Joel Clester to close the public hearing on the Livingston County Land Bank Parker Road minor subdivision application. The motion was voted on by members as follows:

Aye: 5 (Clester, Goho, Rawleigh, Schrier, Woodworth)

No: 0

Abstain: 0

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The motion was carried unanimously.

A motion was made by Larry Woodworth and seconded by Joel Clester to classify the proposed subdivision as a Type II action for purposes of the State Environmental Quality Review Act (SEQRA). The motion was voted on by members as follows:

Aye: 5 (Clester, Goho, Rawleigh, Schrier, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

Motion by Larry Woodworth, seconded by Joel Clester, to issue a Negative Declaration based upon the Board's determination that the proposed subdivision would not result in significant adverse environmental impacts. The motion was voted on by members as follows:

Aye: 5 (Clester, Goho, Rawleigh, Schrier, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

Motion by Joel Clester, seconded by Larry Woodworth, to approve the Livingston County Land Bank Parker Road minor subdivision application as presented and corrected during the meeting. The motion was voted on by members as follows:

Aye: 5 (Clester, Goho, Rawleigh, Schrier, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

The Board advised the applicant that the signed subdivision maps would be available following completion of the required signatures and payment of the remaining application-related charges, including the final notice/postage amount.

CONTINUED PUBLIC HEARING - 8463 SCIPIO ROAD MINOR SUBDIVISION

The Board next continued its review of the minor subdivision application submitted by 73 Main Street Associates, LLC, for property at 8463 Scipio Road in the Town of Mount Morris, Tax Map No. 158.-1-34. The public hearing had was originally opened at the June 17th, 2026 Joint Planning Board meeting and remained pending because final survey and application materials had not been complete.

The Board reviewed the subdivision map and application materials. Acting Chair Rawleigh asked for clarification regarding the wastewater system shown in the mapping, and the Board noted approximately 250 feet of road frontage. The Secretary confirmed that neighboring property notices had previously been mailed and that the required public notice had been published in the Livingston County News. No additional public comments were offered at this meeting.

During review of the Environmental Assessment Form and subdivision application, Acting Chair Rawleigh identified several items that remained incomplete or required correction. Question 14 on the Environmental Assessment Form had not been answered, and Part 1, Question 21(a) required a response. The applicant information was incomplete, including missing telephone and email information, and "Scipio" was misspelled in the project location information. The Board also discussed Question 3(c) and related blank responses concerning ownership or affiliated entities. Town Code Enforcement Officer Shawn Grasby explained that the property owner has used multiple business entities. The Board discussed whether unanswered items could simply be

treated as negative responses, but determined that the applicant should complete the form rather than leave the record ambiguous.

The Board further noted that the Environmental Assessment Form had not been signed by the applicant. Acting Chair Rawleigh stated that the public hearing should remain open so that a completed and signed form could be submitted before the Board takes final action.

Motion by Joel Clester, seconded by Emily Goho, to continue the public hearing on the 8463 Scipio Road minor subdivision application to the next regular Planning Board meeting on September 16th, 2026, to allow the applicant to provide a complete and signed Environmental Assessment Form and address the outstanding application items. The motion was voted on by members as follows:

Aye: 5 (Clester, Goho, Rawleigh, Schrier, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

CONTINUED PUBLIC HEARING - ARI PRESBYTERIAN ROAD SOLAR AND BATTERY ENERGY STORAGE PROJECT

The Board continued the public hearing on the applications submitted by Bohler Engineering on behalf of Aurora Renewables for a Special Use Permit and preliminary site plan approval for the ARI Presbyterian Road Solar and Battery Energy Storage Project at 3003 Presbyterian Road in the Town of Mount Morris. The project had previously undergone coordinated SEQRA review, and the Planning Board had issued a Negative Declaration at its July meeting. Matt Moyen appeared on behalf of Bohler Engineering, and Town Counsel Peter Sorgi participated in the review of the proposed approval resolutions and conditions. The most recent site plan discussed by the Board was dated July 27th, 2026.

Acting Chair Rawleigh invited any additional public comment. No new public comments were offered. The Board then focused on the outstanding wording of the proposed Special Use Permit conditions and preliminary site plan resolution. Mr. Sorgi advised that several conditions could be clarified or removed and that, provided the Board was comfortable with the revisions discussed on the record, it could act on the Special Use Permit and preliminary site plan while the final site plan and related agreements continued to be completed.

A substantial portion of the discussion concerned the previously reviewed accommodation for the width of the project access road and the corresponding emergency-response provisions. Mr. Sorgi's presented proposed condition 36, which read as follows:

"Special use permit is contingent upon the applicant agreeing to provide funding to the town fire district in the amount of \$49,500 to be used to purchase equipment to ensure that all areas of the project site can be accessed and supported by fire and emergency services, with the aforesaid funding to be paid prior to the project being operational, and with this condition to be further memorialized by an agreement between the town fire district and the applicant".

The Board discussed whether the applicant should provide a particular vehicle or piece of equipment rather than simply provide funding. Mr. Sorgi explained that the proposed condition was intended to state the land use requirement while allowing the final equipment and financial arrangement to be set out in an agreement negotiated with the appropriate fire district entity and applicant. Mr. Sorgi stated that he would send draft language to the applicant's attorney and that the agreement could be returned for municipal review before the project becomes operational.

Acting Chair Rawleigh emphasized the importance of identifying the correct municipal entity because references in the project record to the Town, Fire Department, Fire Company, and Fire District had not always been consistent. She also questioned how a vehicle or similar piece of

equipment with a substantially shorter service life would provide long term mitigation for a project expected to operate for approximately thirty years. Her concern was not with providing assistance to emergency responders, but with making certain that the approval documentation establishes who owns, maintains, replaces, and remains responsible for the required emergency-access capability throughout the life of the project.

Town Code Enforcement Officer Shawn Grasby explained that the access accommodation arises from the fire code review process and that the fire code official has authority to approve or modify applicable access requirements. The Board and counsel also discussed the Fire District's continuing tax and fee revenues associated with the project. Mr. Sorgi noted that prior treatment of access conditions on other projects did not prevent the Town from imposing an appropriate condition on this application and that the separate agreement could address long term responsibility. Matt Moyen stated that it was willing to work through the required agreement.

Mr. Sorgi reviewed the proposed Special Use Permit conditions with the Board, summarizing the purpose of each and identifying provisions that required revision. The early conditions provided that the Special Use Permit would run with the land while the approved use remains in compliance; authorized periodic Code Enforcement inspections; established procedures for complaints and corrective action; and required a compliance inspection before operations begin. The Board did not object to those general enforcement provisions.

Condition 5 addressed project signage. The applicant confirmed that the site plan already showed required gate and emergency contact signage and that no additional advertising signage was proposed. The Board directed that Condition 5 be revised to recognize the signage shown on the approved plans and any signage required by law, rather than stating that no signage had been approved.

Conditions addressing decommissioning security, site restoration, and soil protection were reviewed in detail. For the soil-sampling requirement in Condition 8, the Board agreed that the language should rely upon the applicable New York State Department of Agriculture and Markets guidelines and that the separate phrase requiring a soil sampling program to be "acceptable to the Planning Board" should be removed. Counsel summarized the remaining decommissioning provisions as requiring financial security, timely removal of project improvements when decommissioning is triggered, stabilization and revegetation, restoration of site conditions, continued proof that required security remains in effect, and post-construction certification by an appropriate engineer.

The Board identified an inconsistency between proposed Conditions 11 and 18 concerning when the project would be considered inoperative, discontinued, or abandoned. One provision used a one year period without operation, while another referred to 180 days without electrical generation. The Board discussed whether those provisions were intended to address different circumstances, including voluntary discontinuance versus abandonment, but requested that the language be simplified and reconciled with the Town Code and the approved decommissioning plan so that the event triggering decommissioning is clear and internally consistent.

Condition 16 addressed payment-in-lieu-of-taxes (PILOT) arrangements. The Board agreed that the condition should refer to a PILOT "and/or host community agreement" to preserve flexibility in how the financial arrangement is ultimately structured. A later condition addressing substantially the same PILOT requirement was identified as redundant and was directed to be removed. Counsel noted that the applicant had already provided notice of its interest in discussing a PILOT and that the Town had responded within the applicable process. The ultimate PILOT and host/community terms would be addressed separately by the Town Board and applicant.

Condition 21 concerned maintenance and replacement of trees and landscaping. Matt Moyen stated that no conventional landscaping plan was proposed because existing topography and vegetation provide screening; however, portions of the site would be seeded and stabilized following construction and temporary laydown activity. The Board agreed that the condition could

remain if revised to apply to trees and landscaping, if any, that are depicted on the approved final site plan. The Board did not intend the condition to require installation of new landscaping that is not otherwise shown on the plans.

The Board directed that proposed Condition 23, requiring a road use agreement, be removed after discussion that the project did not involve the type of extraordinary transportation activity typically requiring such an agreement. Conditions concerning project contact information, the pre-construction meeting, and the emergency management plan were otherwise recognized as standard requirements. The Board also reviewed the Stormwater Pollution Prevention Plan (SWPPP) and related Notice of Intent requirements and acknowledged that several stormwater and agency requirements would continue to be administered through the applicable permitting process.

The Board reviewed the condition requiring outstanding engineering and consultant comments to be addressed before building permits are issued, as well as the requirement for the coordinated electric service or interconnection investigation. The applicant confirmed that the interconnection process was underway. A separate condition required continued stabilization and maintenance of ground cover after construction, which the Board retained as an ongoing site maintenance obligation.

Condition 35 required the battery energy storage system to be operated and maintained in accordance with industry best practices, with annual consideration of evolving practices. Acting Chair Rawleigh asked whether that language could be interpreted as requiring the applicant to replace installed battery technology whenever newer or more efficient technology becomes available. Mr. Moyen and counsel clarified that the condition is intended to address safe operation, inspection, and maintenance practices rather than force routine technology replacement. The Board requested that the language be revised so that any change required as a result of updated best practices is clearly distinguished from a voluntary material change or intensification of the approved system, which would require separate land use review.

The Board also discussed the timing provision requiring the applicant to obtain a building permit following approval. The working draft contained inconsistent references to six months and twelve months. Mr. Moyen stated that the applicant hoped to move into permitting as quickly as possible, potentially beginning work in the fall, but requested twelve months of flexibility in case utility or other external approvals take longer than anticipated. The Board agreed that the resolution should use a consistent twelve month period tied to final approval, with corresponding construction completion language revised for consistency.

Motion by Joel Clester, seconded by Larry Woodworth, to close the public hearing on the ARI Presbyterian Road Solar and Battery Energy Storage Project. The motion was voted on by members as follows:

Aye: 5 (Clester, Goho, Rawleigh, Schrier, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

The Board then considered the Special Use Permit resolution with the revisions discussed on the record, including the signage, soil-sampling, PILOT/host-community, landscaping, abandonment/decommissioning, redundant condition, best practices, and fire access provisions described above.

Motion by Emily Goho, seconded by Johnna Schrier, to approve the Special Use Permit for the ARI Presbyterian Road Solar and Battery Energy Storage Project, subject to incorporation of the revisions and clarifications discussed by the Board during the meeting. A roll call vote was taken as follows:

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Clester: Aye
Goho: Aye
Rawleigh: Aye
Schrier: Aye
Woodworth: Aye

The motion was carried unanimously.

The Board next reviewed the proposed preliminary site plan resolution. Counsel explained that site plan approval principally requires the applicant to construct the project in accordance with the approved plan and that conditions unrelated to the actual project should not remain in the resolution. The Board first directed that Condition 1 be edited so that the building permit deadline consistently states twelve months and that the conflicting parenthetical reference be removed.

The Board retained the provisions requiring engineering and consultant comments to be resolved, the Special Use Permit to be in place before final plan signatures, outstanding consultant fees to be paid, and the applicable joint-application requirements to be satisfied. The Board directed that Conditions 6 through 11 be removed. The discussion identified Condition 6 as a Department of Transportation approval requirement that was not applicable to the project; Condition 7 as a restatement of outside agency seasonal tree cutting restrictions that would be enforced by the responsible agency rather than through the site plan resolution; Condition 8 as an unnecessary separate signage prohibition because the signage shown on the plans would be approved with the plan; Conditions 9 and 10 as provisions carried over from a different type of project; and Condition 11 as unnecessary to this site plan approval.

Motion by Larry Woodworth, seconded by Johnna Schrier, to approve the preliminary site plan for the ARI Presbyterian Road Solar and Battery Energy Storage Project with the revisions discussed on the record. A roll-call vote was taken as follows:

Clester: Aye
Goho: Aye
Rawleigh: Aye
Schrier: Aye
Woodworth: Aye

The motion was carried unanimously.

Mr. Moyen advised that the applicant anticipated returning for final site plan review in approximately October or November 2026, after the remaining civil and construction details were completed. The Board and counsel discussed the next procedural steps for the decommissioning agreement, fire access agreement, and PILOT and/or host community agreement.

Town Counsel Sorgi advised that the Special Use Permit conditions would be revised following the meeting to incorporate the terminology, deletions, and other modifications discussed and agreed upon by the Board. Counsel stated that the revised approval documents would be prepared and circulated as appropriate for review and execution.

Counsel further advised that the decommissioning plan had already been submitted for review. With respect to the fire-access condition, Counsel stated that the requirement would be memorialized in a separate agreement between the appropriate fire district and the applicant. He indicated that he would prepare and circulate draft language for that agreement to the applicant's counsel for review. Counsel also noted that broader financial-agreement discussions, including matters related to a PILOT and/or host community agreement, would continue separately with the applicant's counsel.

Mr. Moyen indicated that the final site plan would return to the Planning Board for review when the remaining materials were ready.

Village Code Enforcement Officer Tim Dunham presented a matter concerning a proposed convenience store business at 66 Main Street in the Village of Mount Morris. Mr. Dunham advised that the proposed operator intended to sell convenience items and tobacco products and might later add prepared sandwiches or similar food service. He stated that limited interior work had already occurred, including installation of flooring, painting, lighting, and related improvements. Mr. Dunham indicated that he had referred the matter to the Planning Board primarily because of concerns regarding parking, loading, and delivery-truck access along Main Street.

During the Board's review, questions arose as to the specific land use approval being requested and the Village Code provision requiring Planning Board action. The Board asked Mr. Dunham to identify what relief a Special Use Permit would provide and why the application had been referred for Special Use Permit review. The discussion did not identify a specific dimensional, use, or other zoning standard from which Special Use Permit relief was being sought.

Town Code Enforcement Officer Shawn Grasby explained that the appropriate review process must first be determined from the Village Code by identifying whether the proposed use is permitted as of right, permitted subject to a Special Use Permit, or subject to site plan review through the zoning permit process. Mr. Grasby clarified that a Special Use Permit is not a general mechanism for referring a permitted business use to the Planning Board solely because of concerns regarding parking or deliveries.

The Board then reviewed the applicable B-2 Central Business District provisions and noted that food stores and tobacco shops are listed as permitted uses within the district. The Board also discussed the B-2 parking provisions, and Board Secretary Kaylee Leone noted that the district contains an exception from the otherwise applicable off-street parking requirements. Members questioned how parking concerns could serve as the basis for requiring a Special Use Permit for this property when comparable Main Street businesses operate under the same district standards.

The discussion further identified that the referral materials did not include a tax map identification number, which the Board requested for its records. The Board also discussed whether the proposed business could be affected by the Village's existing moratorium applicable to certain tobacco-related businesses and whether any prior compliance history associated with the operator required review. No factual determination concerning those issues was made by the Planning Board. The Board indicated that those threshold determinations should first be addressed by Code Enforcement Officer Dunham under the applicable zoning, moratorium, and enforcement provisions before the matter is referred to the Planning Board for a specific land-use approval.

Secretary Leone explained that site plan review could potentially be required if a change in use, zoning permit, or other provision of the Village Code independently triggers Planning Board review. The Board concluded that based upon the information presented, the referral did not identify a Special Use Permit requirement, applicable code section, or other land-use approval that placed the matter within the Planning Board's authority to review or act. The Board discussed that, without an identified statutory or code-based basis for Planning Board jurisdiction, there was no defined application or form of relief for the Board to evaluate and no applicable approval standard upon which the Board could properly grant, condition, or deny the request.

Accordingly, the Planning Board took no action on the 66 Main Street matter. No motion was made, and no Special Use Permit, site plan approval, or other land-use approval was granted or denied. The matter was left for further administrative review by Code Officer Dunham and clarification as to the applicable Village Code requirements and the proper review process before any future referral to the Planning Board.

PRELIMINARY REVIEW - 1887 GUILLE ROAD

The Board conducted a cursory review of subdivision materials concerning property located at 1887 Guile Road in the Town of Mount Morris. The application and accompanying materials were presented at the meeting and had not been submitted within the advance submission period set

forth in Town of Mount Morris Code Chapter A51, § A51-3A(2)(e). The Board therefore treated the matter as an informal preliminary discussion rather than a formal application for action at that meeting.

The application identifies O’Connell Organization Farms, Inc. as the applicant and describes an approximately 3.85-acre portion of the property containing an existing single-family residence, with the surrounding lands identified as agricultural. The stated intent is to convey the residence with a portion of the surrounding acreage while retaining the remaining land. The application indicates that the proposed subdivision would not change the current use of either the conveyed or retained property and is not anticipated to increase residents, employees, shoppers, or traffic. The accompanying mapping depicts the existing residence, Guile Road frontage, and the proposed subdivision area.

The matter remained pending for submission of required subdivision map or plat showing the proposed lot configuration and retained lands and Environmental Assessment Form (EAF).

OTHER BUSINESS

The Board requested that future draft resolutions and technical materials identify the full name of an agency, document, or technical term before relying solely on an acronym, so that the record is easier for Board members and the public to follow. No additional Town, Village, or Planning Board business was raised.

ADJOURNMENT

With no further business to discuss, a motion to adjourn was introduced by Larry Woodworth and seconded by Joel Clester, and was voted on by members as follows:

Aye: 5 (Clester, Goho, Rawleigh, Schrier, Woodworth)
No: 0
Abstain: 0

The motion was carried unanimously, and the meeting adjourned at 8:35pm.

The next regular meeting of the Joint Town and Village of Mount Morris Planning Board was scheduled for Wednesday, September 16th, 2026, at 6:30pm at the Mount Morris Town Hall.

Respectfully submitted,
Kaylee R. Leone
Secretary- Joint Town and Village of Mount Morris Planning Board