

REGULAR JOINT TOWN AND VILLAGE PLANNING BOARD MEETING MINUTES

July 16th, 2025, at 6:30pm | 103 Main Street, Mount Morris NY

Present: Chairman Jim Patrick; Vice Chairwoman Brianna Rawleigh; Board Members Joel Clester, Phil Race, and Larry Woodworth; Secretary Kaylee Leone; Town Supervisor David DiSalvo; Town Councilman and Planning Liaison Joe Rawleigh; Town Code Enforcement Officer Shawn Grasby; Town Engineer Sherman Gittens, MRB Group; Town Attorney Matt Liponis, Hodgson Russ; Associate Steve Fantuzzo, Nixon Peabody; RF Engineers Bill Johnson and Steven Ciccarelli; Aerospace Engineer Ken Cowley

Others Present: Mayor Kelly Bacon and community member Gretchen Saunders

CALL TO ORDER AND REVIEW OF MINUTES

The regular joint meeting of the Town and Village of Mount Morris Planning Board was called to order at 6:31 pm by Chairman Jim Patrick. Following brief greetings among members and attendees, roll was taken and introductions were made. Chairman Patrick welcomed those present and asked each participant to state their name and role for the record.

Chairman Patrick noted that the Planning Board had a full quorum and emphasized the importance of the public hearing and technical reviews scheduled for this session.

The Board reviewed the draft minutes from the June 18th, 2025, regular Planning Board meeting. Chairman Patrick asked for any corrections or clarifications, to which none were offered.

A motion to approve the June 18th, 2025, regular Planning Board meeting minutes as written was introduced by Phil Race and seconded by Joel Clester, and was voted on by members as follows:

Aye: 5 (Clester, Patrick, Race, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion carried unanimously.

CONTINUED PUBLIC HEARING – VERIZON SITE PLAN AND SPECIAL USE PERMIT

Chairman Patrick noted that the public hearing on the Verizon Wireless Site Plan Review and Special Use Permit applications has remained open. He stated that the application has been under consideration for several months, with technical submissions and reviews continuing since the May 2025 filing.

ENGINEERING AND SEQR REVIEW

Engineer Sherman Gittens (MRB Group) reported that a new comment letter had been provided to the Town on July 15th, 2025. Mr. Gittens highlighted that while many issues had been addressed by the applicant, outstanding items remain, including the request for a waiver of screening requirements and the adequacy of the proposed access road. Mr. Gittens emphasized that the Board must also determine whether there is sufficient information to complete the State Environmental Quality Review (SEQR) process. Attorney Matt Liponis explained that although the project qualifies as an unlisted action, the Board prudently elected to complete a full Environmental Assessment Form (EAF). He recommended the Board prepare a Negative Declaration (Neg Dec) only after finalizing parts two and three of the long-form SEQR, which would include a reasoned elaboration of findings on potential environmental impacts such as wildlife, wetlands, and stormwater management.

RADIO FREQUENCY ENGINEERING REVIEW

Radio Frequency (RF) Engineers Bill Johnson and Steven Ciccarelli presented a detailed summary of their technical review of Verizon's application. Mr. Johnson explained that under federal law and case precedent (Sprint vs. Willoth), the applicant must demonstrate three things: first, the existence of a significant coverage gap; second, that the proposed facility would effectively close that gap; and third, that the design represents the "minimum intrusional" option available to the community. Mr. Ciccarelli reviewed propagation studies comparing antenna heights at 155 feet and 140 feet. He concluded that the 140-foot antenna centerline proposed by Verizon would adequately meet coverage and capacity needs without requiring a taller structure. Mr. Ciccarelli further confirmed that FAA inquiries indicated no requirement for tower lighting, though a formal federal airspace determination is still pending. He also noted the FCC requires a demonstration that the public will not be exposed to unsafe electromagnetic fields, and Verizon had submitted the necessary documentation. Both RF engineers recommended

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approval, noting that the applicant had addressed all concerns from their May 2025 report in their July 8th, 2025 submission.

ACCESS ROAD DISCUSSION

Considerable discussion was held regarding the proposed 12-foot gravel access road. The Livingston County Planning Board had issued comments suggesting the access road was too wide; however, clarification revealed the County had misunderstood an easement width for the physical roadbed. The actual road is proposed at 12 feet, with a 30-foot easement for underground utilities. Town Code Enforcement Officer Shawn Grasby advised that the New York State Building Code generally requires a 20-foot access road for fire safety, but cell tower facilities are exempt from certain provisions. Mr. Gittens confirmed that a formal waiver would be required. Following comments and questions presented by Vice Chair Brianna Rawleigh, Attorney Liponis agreed that while the Board has discretion to approve the narrower road, it would be prudent to obtain written confirmation from local fire and EMS agencies to ensure emergency access is adequate. Board members expressed concern about potential incidents requiring fire or EMS access, particularly given the rural site conditions. The applicant agreed to coordinate directly with the local fire department and EMS and provide letters for the record.

AGENCY REVIEW AND ENVIRONMENTAL FINDINGS

Attorney Liponis confirmed that General Municipal Law §239 referrals were properly made to the Livingston County Planning Board, whose comments were advisory due to lack of quorum. He also noted that SHPO and NEPA reviews indicated no adverse impacts to historic or cultural resources. The U.S. Army Corps of Engineers issued a Nationwide Permit B regarding wetlands, and coordination with NYSDEC confirmed that tree clearing must be limited to November 1 through March 31 to avoid impacts to protected bat species. These restrictions will likely become conditions of approval.

PUBLIC COMMENT

Chairman Patrick opened the floor for public comment. No members of the public wished to speak.

BOARD DISCUSSION

Following extensive review, the Board determined that the public hearing should remain open to allow final agency correspondence, fire/EMS responses, and completion of the SEQR record. The Board concurred that the application could not yet proceed to final determination or approval, but that necessary groundwork was in place for a Negative Declaration and potential conditional approval at a future meeting.

OTHER BUSINESS

Mayor Kelly Bacon reported that Tim Dunham had been hired as the new full-time Code Enforcement Officer for the Village, beginning July 21ST, 2025. Mr. Dunham is fully certified but will be required to sit for the civil service examination. He brings decades of construction and technical experience to the position and will be mentored during his transition.

Town Code Enforcement Officer Shawn Grasby updated the Board on solar development. He noted that a new application may soon be submitted for a parcel situated on both Town and Village land at the end of Erie Street, but nothing official had been received. He also explained that grid limitations discovered in the region may delay solar projects for several years, though National Grid has announced a four-year, \$100 million upgrade at the Perry substation to improve capacity.

Board Member Larry Woodworth raised concerns regarding a Trumbull Street property where a garage had been converted into a residential apartment without approval. He reminded the Board that such use had previously been prohibited. Discussion followed regarding potential enforcement steps. Mayor Bacon noted that Code Enforcement Officer Sean Sullivan had previously been notified but follow-up was unclear. It was agreed that the new Code Enforcement Officer would be tasked with reviewing the situation and

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ensuring compliance. Questions were also raised about a demolition permit issued at another site, with some uncertainty regarding who issued it and whether additional site plan review may be required.

ADJOURNMENT

A With no further business, Vice Chair Brianna Rawleigh moved to adjourn the meeting, seconded by Larry Woodworth. The motion was voted on by members as follows:

Aye: 5 (Clester, Patrick, Race, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion carried unanimously, and the meeting adjourned at 7:19 p.m. The next regular meeting of the Joint Town and Village Planning Board is scheduled for August 20th, 2025, at 6:30 pm.

Respectfully submitted,

Kaylee R. Leone
Planning Board Secretary